



CONTRA COSTA COUNTY

AGENDA

Contra Costa County Zoning Administrator

Wednesday, January 22, 2025

1:30 PM

30 Muir Road, Martinez

Zoom: <https://cccounty-us.zoom.us/j/83831039285>. | Call in: (888) 278-0254 Access code: 198675

The Zoning Administrator meeting will be accessible in-person, via telephone, and via live-streaming to all members of the public. Zoning Administrator meetings can be viewed live online at: http://contra-costa.granicus.com/ViewPublisher.php?view_id=13.

Persons who wish to address the Zoning Administrator during public comment or with respect to an item on the agenda may comment in person or may call in during the meeting by dialing (888) 278-0254, followed by the access code 198675##. A caller should indicate they wish to speak on an agenda item, by pushing "#2" on their phone. Access via Zoom is also available using the following link <https://cccounty-us.zoom.us/j/83831039285>. Those participating via Zoom should indicate they wish to speak on an agenda item by using the "raise your hand" feature in the Zoom app. Public comments may also be submitted before the meeting by email at planninghearing@dcd.cccounty.us or by voicemail at (925) 655-2860.

Commenters will generally be limited to three (3) minutes each. Comments submitted by email or voicemail will be included in the record of the meeting but will not be read or played aloud during the meeting. The Zoning Administrator may reduce the amount of time allotted per commenter at the beginning of each item or public comment period depending on the number of commenters and the business of the day. The Zoning Administrator may alter the order of agenda items at the meeting. Your patience is appreciated.

The Community Development Division of the Department of Conservation and Development will provide reasonable accommodations to those persons needing translation services and for persons with disabilities who wish to participate in Zoning Administrator meetings. Please contact Hiliana Li at least 48 hours before the meeting at (925) 655-2860.

1. PUBLIC COMMENTS
2. LAND USE PERMIT: PUBLIC HEARING

- 2a. NATHAN WATKINS (Applicant) – CARNELIAN HOLDINGS LLC (Owner), County File #CDLP23-02046: The applicant requests approval of a Land Use Permit to allow a residential care facility for the elderly for up to 18 people. The project also includes the construction of a two-story, approximately 2,665-square-foot addition to the existing residential care facility and is proposing six total parking spaces. The project includes a variance to the off-street parking driveway aisle width of 16'-5" (where 25' is the required for two-way travel). The project includes approximately 67.6 cubic yards of cut and approximately 33.8 cubic yards of fill for site improvements. The project is located at 2374 Warren Road, in the Unincorporated Walnut Creek area of Contra Costa County. (Zoning: R-10 Single-Family Residential District) (Assessor's Parcel Number: 184-120-071) EL [25-179](#)

Attachments: [A. CDLP23-02046 Findings and COA](#)
[B. CDLP23-02046 Maps](#)
[C. CDLP23-02046 Agency Comments](#)
[D. CDLP23-02046 Plans](#)
[E. CDLP23-02046 Applicant response to comments](#)
[F. CDLP23-02046 Community Meeting Notes](#)

3. ANNUAL COMPLIANCE REVIEW: PUBLIC HEARING

- 3a. SHAPELL INDUSTRIES (Applicant and Owner), County File #SA24-0006: This is a public hearing on the Thirtieth Annual Compliance Report for project year 2024, dated November 21, 2024, prepared and submitted by Shapell Industries to summarize its compliance with the (Agreements to Settle Litigation Relating to the Dougherty Valley General Plan Amendment, Specific Plan, and Environmental Impact Report), dated May 11, 1994, by and between Contra Costa County, the City of San Ramon, the Town of Danville, and Windemere BLC, LLC and Shapell Industries, Inc. relative to the development known as Dougherty Valley Specific Plan. AV [25-180](#)

- 3b. DEVELOPMENT AGREEMENT ANNUAL REVIEW – SHAPELL INDUSTRIES (Applicant and Owner), County File #AR24-0117: This is a public hearing on the Project Year 2024. Annual Review of the Shapell Industries Development Agreement dated April 8, 1996, by and between the County of Contra Costa and Shapell Industries relative to the Gale Ranch Development Agreement (Phases II-IV). The subject property consists of 973 acres located on both sides of Dougherty Road, east of the Country Club at Gale Ranch Project boundary and west of Alamo Creek, in the Dougherty Valley, San Ramon area. (P-1) (ZA:W-19, V-19) (CT 3551) (Parcel #206-040-002,-003,-004; 206-240-003,-010; 217-060-025; 206-080-010). AV [25-181](#)

Attachments: [Attachment 1 - RESOLUTION 2-2025 - DA-2024](#)
[Attachment 2 - 2024 Annual Compliance Report](#)

The next meeting of the Contra Costa County Zoning Administrator will be held on Monday, February 3, 2025.



CONTRA COSTA COUNTY

1025 ESCOBAR STREET
MARTINEZ, CA 94553

Staff Report

File #: 25-179

Agenda Date: 1/22/2025

Agenda #: 2a.

Project Title:	Carnelian Residential Care Facility for the Elderly
County File(s):	CDLP23-02046
Applicant Owner:	Nathan Watkins Carnelian Holdings LLC
Zoning/General Plan:	Zoning: Single-Family Residential District (R-10) General Plan: Single-Family Residential (SH)
Site Address/Location :	2374 Warren Road, Walnut Creek, CA APN: 184-120-071
California Environmental Quality Act (CEQA) Status:	Categorical Exemption, CEQA Guidelines Section 15301(e)(2) - additions to existing structures that do not exceed 10,000 square feet.
Project Planner:	Everett Louie, Planner II (925) 655-2873
Staff Recommendation:	Approve (See Section II for Full Recommendation)

I. PROJECT SUMMARY

The applicant requests approval of a Land Use Permit to allow a residential care facility for the elderly for up to 18 persons. The project also includes the construction of a two-story, approximately 2,665-square-foot addition to the existing residential care facility and is proposing six parking spaces. The project includes a variance to the off-street parking driveway aisle width of 16'-5" (where 25' is the required for two-way travel). The project includes approximately 67.6 cubic yards of cut and approximately 33.8 cubic yards of fill for site improvements.

II. RECOMMENDATION

The Department of Conservation and Development, Community Development Division (CDD) Staff recommends that the Zoning Administrator:

- A. OPEN the public hearing on the Land Use Permit to establish a residential care facility for the elderly, RECEIVE testimony, and CLOSE the public hearing.
- B. APPROVE Land Use Permit CDLP23-02046 to establish a residential care facility for the elderly, based on the attached findings and Conditions of Approval.
- C. DETERMINE that the proposed project is categorically exempt from CEQA under Section

15301(e)(1) of the CEQA Guidelines.

- D. DIRECT Staff to file a Notice of Exemption with the County Clerk.

III. GENERAL INFORMATION

1. **General Plan**: The subject property is designated Single-Family Residential High-Density (SH).
2. **Zoning**: The subject property is located within the Single-Family Residential (R-10) zoning district.
3. **California Environmental Quality Act (CEQA) Compliance**: The project is categorically exempt pursuant to CEQA Guidelines Section 15301(e)(2), which identifies the construction of an addition of 10,000 or less as being exempt from CEQA and that the project is in an area where all public services and facilities are available and is in an area that is not environmentally sensitive. The proposed project is to build an addition of approximately 2,665-square feet to expand an existing residential care facility for the elderly. The project is located in an area where all the public services and facilities are available including water, sanitation and fire protection services and is not located in an area that is environmentally sensitive. The site has been established with a residential care facility and is in a developed area of Walnut Creek. The environment is already pre-disturbed and thus, not considered sensitive. Therefore, construction of an approximately 2,342-square-foot addition is consistent with CEQA Guidelines Section 15301(e)(1).
4. **Lot Creation**: The subject property is 0.29 acres and is Parcel B of Minor Subdivision MS73-225 which was recorded on February 11, 1974.
5. **Previous Applications** :
 - 1) **County File 225-73**: This application was a Minor Subdivision application to divide a 1.2-acre parcel into two parcels. This was approved by the Board of Adjustment on November 21, 1973.
 - 2) **County File 2155-75**: This application was a Land Use Permit to establish a resident care home for six elderly people. This was approved by the Board of Adjustment on November 13, 1975.

IV. BACKGROUND

The project was first submitted as County File #CDLP23-02045 on October 2, 2023. The project was scheduled for a public hearing before the Zoning Administrator on May 20, 2024. On May 20, 2024, hearing,

the Zoning Administrator opened the public hearing to receive testimony from the applicant and neighbors. During the hearing, the Zoning Administrator continued the item as an open public hearing to the June 17, 2024, Zoning Administrator meeting in order to further consider the project. At the June 17, 2024, hearing, the Zoning Administrator opened the public hearing for this project and public comments were received primarily in opposition to the project. The Zoning Administrator continued the project to the July 1, 2024 hearing as an open public hearing and advised the applicant/property owner to contact the neighbors to discuss the project. At the July 1, 2024 hearing, the Zoning Administrator continued the public hearing indefinitely at the request of the applicant in order to allow the applicant and the neighbors to discuss the project and for the applicant to make changes to the project to address neighborhood concerns.

At the request of the Zoning Administrator, the applicant invited the neighborhood to discuss the project on October 1, 2024. (See attached Community Meeting Notes). During this meeting, the applicant and neighbors discussed the topics of concern and any changes/revisions that will be made to address these concerns. During the meeting, the applicant proposed new revisions to address neighbor concerns. A further discussion on the changes can be found in the section title "Revisions to address concerns," under Staff Analysis below.

V. SITE/AREA DESCRIPTION

The subject site is a 0.29-acre lot with the address of 2374 Warren Road in the unincorporated Walnut Creek area of Contra Costa County. The parcel is located within a transitional residential neighborhood in between Boulevard Way to the north and Olympic Boulevard to the south. Highway 24 is approximately 1,500 feet to the north and Highway 680 is approximately 2,000 feet to the east. The property fronts Warren Road to the south. Currently, the property contains a 2,072 square foot building currently being used as a six-person residential care facility for the elderly. The site currently has various landscaping and two accessory structures for residents' recreational use.

To the immediate west are two parcels (184-120-077 and 184-120-073) that are owned and operated by the applicant as residential care facilities for the elderly. To the immediate east and south is single-family residential development. Immediately north is a large condominium complex. Farther out north and west from the project site, the uses become transitional which include apartment complexes, churches and religious institutions, and small park and shop/commercial establishments. Within a 2,100-foot radius are three other residential care homes not owned by the applicant including Senior Care Choices at 1280 Boulevard Way, Gines Residential Care Homes at 2236 Whyte Park Ave and Bethel Care Home Inc at 36 Cottage Lane. Parcels to the east, south and west are zoned R-10 while parcels north are M-29 and R-B zoned. The subject parcel is approximately 1,270 feet south of the Highway 24 and Interstate 680 interchange.

VI. PROJECT DESCRIPTION

The applicant requests approval of a Land Use Permit to allow a residential care facility for the elderly for up to 18 persons. The project consists of the following aspects:

- Construction of a two-story, approximately 2,665-square-foot addition to the existing residential care facility.

- Establishment of six (6) parking spaces. Three off-street parking will be compact parking spaces, two will be accessible and one will be standard.
- 67.6 cubic yards of cut and 33.8 cubic yards of fill.
- The new two-story, approximately 2,665-square-foot addition will consist of an elevator and staircase and the following rooms:

Floor 1:

- Bedroom 7, 9 - 144 SF with private bathroom
- Bedroom 8 - 156 SF with private bathroom
- Bedroom 10, 11 - 145 SF with private bathroom

- One (1) walk in shower (57 SF)
- One (1) lounge room (450 SF)
- One (1) elevator machine room (49 SF)
- One (1) Janitor Closet (26 SF)
- One (1) lobby (89 SF)
- One (1) laundry room with medicine storage room (101 SF)
- One (1) corridor connecting all rooms (705 SF)

Floor 2:

- Bedroom 12 - 168 SF with private bathroom
- Bedroom 13 - 164 SF with private bathroom
- Bedroom 14 - 165 SF with private bathroom
- Bedroom 15 - 138 SF with private bathroom
- Bedroom 16, 17 - 137 SF with private bathroom
- Bedroom 18 - 153 SF with private bathroom
- One (1) walk in shower (61SF)
- One (1) Family Room (248 SF)
- One (1) corridor connecting all rooms (358 SF)

The applicant would increase the current bed count from six (6) beds to eighteen (18) beds. The California Licensed Residential Care Facility would provide care for the elderly including assistance with daily living. The operation will provide a 24-hour nonmedical care and supervisory care to elderly clients who need assistance. The operation will include two (2) full-time caretaker staff in the morning and one (1) full-time caretaker staff at night. Additionally, there shall be an Administrator Staff Person present at the facility Monday through Friday between the hours of 9:00 AM and 8:00 PM. Visitation hours will be daily from 8:00AM through 7:00 PM. Deliveries for the operation include food deliveries twice a week on Monday and Thursday and medical supplies on Tuesday or Wednesday. Residents will not be allowed to have their private vehicles on site. Transportation services will be provided by the facility at the request of the resident. Additionally, all meals will be catered daily, limiting the use of cooking and food preparation to only authorized individuals only.

VII. AGENCY COMMENTS

1. Contra Costa County Advanced Planning: Advanced Planning sent an email dated November 16, 2023, stating that they had no comments and that the project is consistent with the General Plan.
2. Contra Costa County Transportation Planning Section: Transportation Planning Section sent an email on January 5, 2024, stating that they had no comments.
3. Contra Costa County Housing Programs: In a memo dated October 25, 2023, Housing Programs stated that the project is exempt pursuant to Section 822-4.408(a)(4) of the County Ordinance because it is a community care facility.
4. East Bay Municipal District: In a memo dated October 30, 2023, the water district is requesting that the project sponsor contact EBMUD's New Business Office.
5. Contra Costa County Public Works-Engineering Services Division: In a memo dated February 20, 2024, Public Works provided their recommended conditions of approval that address roadway improvements, street light financing, utilities, drainage, stormwater management and the pollutant discharge.
6. Comments were solicited from the following agencies, however as of the date of this Staff Report, no comments were received from: Contra Costa County Building Inspection Division, Contra Costa County Environmental Health, Contra Costa County Public Works Department - Traffic, Contra Costa County Fire Protection District, Central Sanitary District, City of Walnut Creek, Saranap Community Association, Contra Costa Mosquito & Vector Control District.

VIII. STAFF ANALYSIS

1. **General Plan Consistency:** The proposed elderly residential care facility will be replacing an existing elderly care facility within a Single-Family Residential High-Density (SH) land use designation. In the General Plan, primary and secondary land uses permitted in the SH are the same as the SL which include residential care facilities. Therefore, the General Plan stipulates that small residential care facilities is a permitted use in the SH land use designation, however, the General Plan does not define the number of beds that constitute a small residential facility. However, the R-10 residential zoning district - which is consistent with the SH land use designation specifically allows for residential facilities where 7 or more persons reside with a land use permit. See County Ordinance Code, Section 84-8.404, referring to Sections 84-4.404(1) (convalescent homes). The proposed facility consisting of eighteen beds is not considered inordinately large for the site, as evidenced by the previous residential elderly care facility permitted at the site and the lack of complaints or code enforcement cases for this facility. Moreover, the use of a residential care facility has long been established for this area and the proposed project will not deviate from that use.

The project is subject to goals/policies of the Land Use Element of the General Plan.

- Policy 3-8 - Infilling of already developed areas shall be encouraged.

Staff Response: The site as mentioned previously, is established as a residential care facility in a developed area of Walnut Creek. The project will further develop the site, making use of the entire parcel in an infill development where existing utilities are in place.

- Policy 3-21 - The predominantly single-family character of substantially-developed portions of the county shall be retained.

Staff Response: The site is located in the SH General Plan. This general plan designation states that residential care facilities are compatible with single-family neighborhoods in terms of design and character. Moreover, the project would not impact the single-family character of the neighborhood because the use is considered a residential use per Government Code 65583.

- Policy 3-23 - A diversity of living options shall be permitted while ensuring community compatibility and quality residential development.

Staff Response: The project will provide housing for individuals who need specialized care. A residential care facility provides additional living options for aging individuals while still retaining the residential neighborhood qualities.

The project is also subject to the Housing Element of the General Plan.

- Short Term Goal 4 - Increase the supply of appropriate and supportive housing for special

needs populations.

Staff Response: The site has been maintained as an elderly care facility since 1975. The project will increase the number of beds and services in the facility so that more elderly individuals who need care can receive it within the Community. The project will increase the supply of housing opportunities for elderly individuals.

- Goal HE-3 - Increase the supply of appropriate and supportive housing for special-needs populations.

Staff Response: This goal is very similar to the short term goal 4. As mentioned above, the project will increase the number of beds and services in the facility so that more elderly individuals who need care can receive it within the Community. The project will increase the supply of housing opportunities for elderly individuals.

- Policy HE-P3.4 - Encourage housing programs that provide wrap-around social and supportive services for residents in need of services.

Staff Response: The project is a housing development that will provide supportive services to elderly residents in the immediate neighborhood.

- Policy HE-P7.3 - Enhance the opportunity for seniors, persons with disabilities, large households, single parents, persons with HIV/AIDS, persons with mental illness, and farmworkers to have access to housing.

Staff Response: The project is a residential care facility for the elderly that will provide enhanced housing opportunities for seniors who need care.

2. Consistency with Zoning: The subject property is located within the Single-Family Residential Zoning District (R-10). The R-10 allows for residential care facilities for the elderly as a permitted use for six or fewer patients, and with the review and approval of a Land Use Permit for seven or more patients (County Code Section 84-4.404(1)-Convalescent homes. Therefore, the applicant is applying for a land use permit to establish a Residential Care Facility for the Elderly for up to 18 persons. A residential care facility for the elderly falls under convalescent home use and therefore, the project is allowed use with a land use permit. Moreover, the proposed addition will meet the R-10 development standards as follows:

R-10 Standards	Proposed Project
Building Height - 2.5 stories or 35' in height	25' from exterior view 27'-6" feet height at the elevator shaft* (deepest portion)
Yard Side - 20' aggregate, 10' min	First Floor - 22' aggregate, 10'-5 1/2"min * at closest side yard and 12'-3 1/2" side yard towards the south. Second Floor - 26' aggregate, 14'-5 1/2"min*
Yard Front - 20'	41' front
Yard Rear - 15'	15' rear
Parking - 1 Spc / 3 beds 18 beds = 6 Spc	6 Parking Spc

*This represents a revision to the project to address neighborhood concerns. See section #6 revisions to address concerns for more detailed analysis.

The proposed project, which is a residential care facility for the elderly is considered a residential use by the State of California and thus, is considered compatible within the R-10 zoning district which allows residential uses and uses ancillary to them. Moreover, a Residential Care Facility is an allowed use with approval of a Land Use Permit. Finally, the project meets the R-10 zoning development guidelines in regard to height, setbacks and parking spaces provided. Therefore, the project does not conflict with the R-10 Zoning District and is an appropriate use for this site.

3. Off-Street Parking: Contra Costa County's Off-Street Parking Ordinance (Chapter 82-16) requires one space per every three beds, which would equal to six (6) parking spaces required for this 18-bedroom facility. As stated in the Zoning section of this Staff Report, the project will provide six parking spaces, three of which will be compact, two will be accessible and one will be standard size. Therefore, the project will provide enough spaces to comply with the Off-Street Parking Ordinance. The subject property has established the off-street parking spaces within the front hardscape area since the establishment of the residential care facility in 1975. Historical use of the property shows that the front area has always been used for parking and access to the property. The project would enhance the existing off-street parking area with new striping and by complying with the off-street parking ordinance requirements of landscaping between parking areas. The project is proposing a landscape area adjacent to the parking area that is bordered by a curb at least six inches high and six inches wide. The landscaping area is designed to meet the requirements of the off-street parking ordinance. Lastly, per the Off-Street Parking Ordinance, the project will be required to provide two long-term bicycle parking spaces and two short-term bicycle parking spaces (Health Care/Hospitals Use). The applicant is required to submit a revised site plan indicating the location of the required bicycle parking spaces during the condition of approval phase.

4. Variance: There is a variance request to design the layout of the parking spaces pursuant to the Off-Street Parking Ordinance as described above. The applicant is requesting an approximately 16'-5" driveway aisle width (where 25' is required for two-way travel). The findings to grant the variance request can be found in the Findings and Conditions of Approval Section of this Staff

Report.

5. Appropriateness of Use: The residential care facility for the elderly was first established under County File 2155-75 which was approved by the Board of Adjustment on November 13, 1975. This permit allowed for a resident care home for six elderly people. The site has been used for a residential care facility for over 40 years and the proposed project will continue that use. As stated in the Staff Report, the project is consistent with the SH General Plan Land Use Designation and the R-10 Zoning District including the development standards. Moreover, the project is in an area that has established residential care facilities. Within a 2,100-foot radius are three other residential care homes not owned by the applicant including Senior Care Choices at 1280 Boulevard Way, Gines Residential Care Homes at 2236 Whyte Park Ave and Bethel Care Home Inc at 36 Cottage Lane.

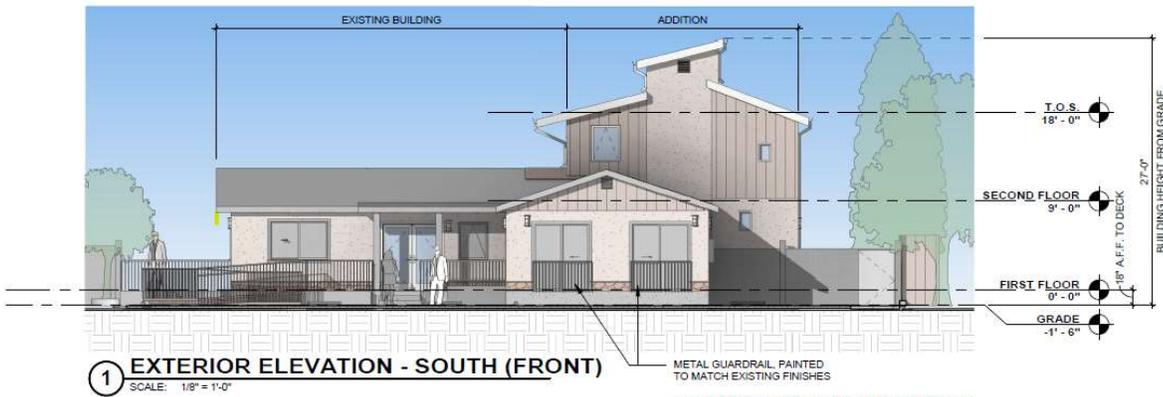
6. Revisions To Address Concerns: As mentioned in the background section of this Staff Report, the applicant and interested neighbors had a meeting on October 1, 2024, to discuss redesigning the project to meet as many concerns as possible. The meeting minutes are provided as an attachment to this Staff Report titled "Community Meeting Notes". At the meeting, the applicant and owner group discussed potential design changes and presented these changes to the neighborhood. Below is a brief summary of the changes including the proposed revision and how they will address neighborhood concerns.
 - Reduced the number of people from 20 (originally) to 18.
 - Overall height decreased at the elevator shaft from 29'-6" to 27'-6" and a decreased building height as viewed from looking at the building from the outside 27' to 25'.
 - Increased the side yard of the first story from the neighbors to the east from 10' to 10'-5 ½" at the northern most portion of the project and increased the side yard of the southern most portion of the project from 10' to 12'-3 ½".
 - Increased the side yard of the second story from the neighbors to the east from 10' to 14'-5 ½".
 - The location of elevator was moved towards the rear of the project, is lowered by approximately 2' and the elevator shaft roof is flush with the proposed building roofline to reduce visual impacts and to create a cohesive roofline.
 - Changed the exterior finishes to board & batten to match existing residential homes along Warren Road to create a more residential feel to the building.
 - Added more windows to break up exterior massing and mimic a typical two-story residential structure.
 - Added dormers and a decorative awning to break up massing and to resemble a more traditional two story home.
 - Added additional landscaping along the eastern property line to include new cypress trees which will reduce the visual impact on properties to the east. Staff has included condition of approval #16 which requires the applicant to plant and maintain the cypress trees.
 - Provided a shadow study which evaluated the potential impact to sun on adjacent neighbors.

The shadow study which evaluated the project at the worst case scenario (dusk), showed that the new second story building addition will not cast a shadow onto the solar panels of adjacent neighbors. Staff has also included a condition of approval #11 that sets a maximum building height for any future additions to the project.

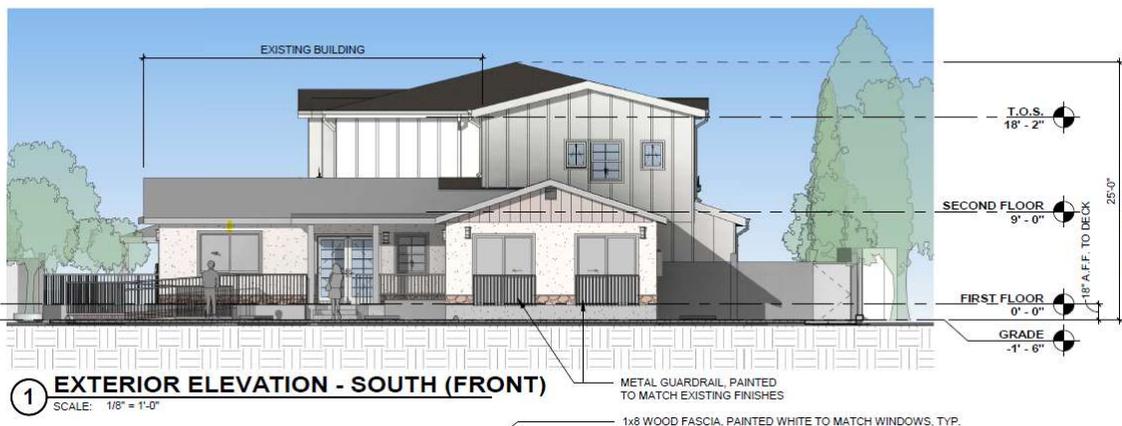
- Staff has included condition of approval #18 which limits delivery vehicles to specific hours to prevent traffic during peak hours of travel.

The photos below show the before and after and highlight some of the major revisions listed above to address the neighbors' requests. For ease of comparison, staff has included the before and after photos to show how the applicant has designed the project to look like a residential unit versus a commercial care facility. This includes utilizing similar exterior materials and creating a more cohesive roofline. Lastly, the photo simulation shown in photo 3 shows the decrease in roof line elevation of the second story shortening and moving the elevator shaft to the rear. This revision removes that bulky tower like structure from the front and softens the front elevation.

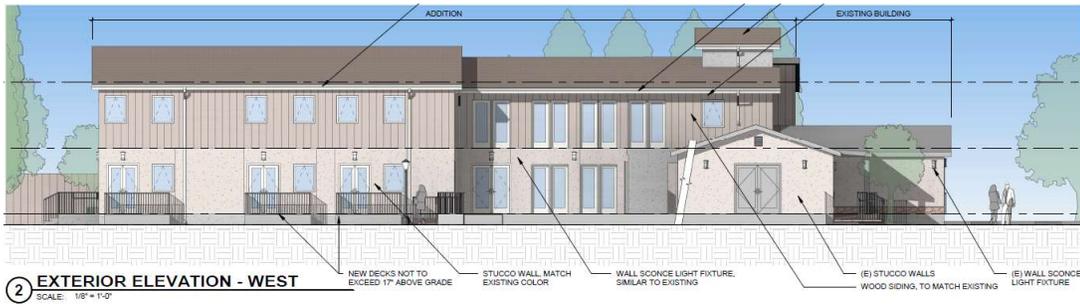
BEFORE



AFTER



BEFORE



AFTER



BEFORE



AFTER



7. **Traffic and Circulation:** The subject parcel has frontage along and gain access from the publicly maintained Warren Road. Warren Road at this location is a 30-foot roadway within a 50-foot right-of-way and is proposed to become a 40-foot roadway within a 60-foot right-of-way. Frontage improvements have already been completed on this project's side of the street. Existing frontage improvements along Warren Road include a 5-foot sidewalk, curb, and gutter broken by a single 26-foot-wide driveway. No additional frontage improvements are required as part of this project. No roadway widening or right-of-way dedication are required as part of this project.

The existing pavement along the front of the property provides vehicle access to that of the assisted living facility to the west and will continue to do so following this project. Seven on-site parking spaces are currently proposed by this project in front of the buildings.

The applicant should provide exhibits showing ingress and egress movements from Warren Road to and from the newly designated parking spaces. These exhibits shall demonstrate that exiting vehicles from the proposed development can do so in a forward direction.

8. **Drainage:** Division 914 of the County Ordinance Code requires that all storm water entering and/or originating on this property to be collected and conveyed, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having a definable bed and banks or to an existing adequate public storm drainage system which conveys the storm water to an adequate natural watercourse.

According to County elevation data, runoff from the project site drains south towards Warren Road. No proposed drainage facilities are shown on the site plan. Water flows west along the gutter until it reaches a 15-inch RCP that drains south into Las Trampas Creek. The applicant will need to demonstrate how the proposed development satisfies the County's collect and convey requirements.

9. **Stormwater Management and Discharge Control:** A Stormwater Control Plan (SWCP) is required for applications that will create and/or redevelop impervious surface area exceeding 5,000

square feet in compliance with the County's Stormwater Management and Discharge Control Ordinance (§1014) and the County's Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit. This project proposes to construct approximately 2,400 square feet of impervious surface within the second residence, which is below the threshold requiring submittal of a SWCP.

10. Floodplain Management: The project does not lie within the Special Flood Hazard Area (100 year flood boundary) as designated on the Federal Emergency Management Agency's Flood Insurance Rate Map.
11. Lighting District Annexation: The subject property is not annexed into the lighting district. The property owner will be required, as a condition of approval, to annex into the County Facilities District 2010-1 formed for Countywide Street Light Financing.
12. Area of Benefit Fee: The applicant will need to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Central County Area of Benefit, as adopted by the Board of Supervisors. The fees shall be paid prior to issuing of building permits.
13. Drainage Area Fee: The property is located within unformed Drainage Area 121. There is currently no fee ordinance adopted by the Board of Supervisors for this area.

IX. CONCLUSION

The proposed project to allow a residential care facility for the elderly for up to 18 persons and the construction of a two-story, approximately 2,665-square-foot addition is compatible with the existing use of the parcel, the surrounding area, the General Plan and the Zoning Ordinance. The applicant has revised the project to address many of the concerns the neighborhood had in regards to compatibility. Therefore, Staff recommends that the Zoning Administrator approve County File #CDLP23-02046, based on the attached Findings and Subject to the attached Conditions of Approval.

ATTACHMENTS

Attachment A - Findings and Conditions

Attachment B - Maps

Attachment C - Agency Comments

Attachment D - Project Plans including Shady Study

Attachment E - Applicant Response To Community

Attachment F - Community Meeting Notes

**FINDINGS AND CONDITIONS OF APPROVAL – COUNTY FILE# CDLP23-02046,
NATHAN WATKINS (APPLICANT) & CARNELIAN HOLDINGS LLC (OWNER)**

FINDINGS

A. GROWTH MANAGEMENT PERFORMANCE STANDARDS

1. **Traffic:** Policy 4-c under the Growth Management Program (GMP) requires a traffic impact analysis be conducted for any project that is estimated to generate 100 or more AM or PM peak-hour trips. Since the residents of the care facility are not allowed to have personal vehicles, it is reasonable to assume that the project will not generate more than 100 peak hour trips, and in all likelihood will be much less. Additionally, the Contra Costa County Transportation Planning Section reviewed the project and had no comments or concerns. Therefore, a traffic impact analysis was not required. The facility will have two staff members during the day and one during night hours. The project provides sufficient parking to accommodate all vehicles expected to be at the facility. As such, the project will not adversely affect traffic levels in the area.
2. **Water:** The GMP requires new development to demonstrate that adequate water quantity and quality can be provided. The subject property currently obtains water service from the East Bay Municipal Utility District (EBMUD). While the project will increase the amount of individuals at the site, the increase is not substantial enough that demand for water will exceed capacity. Moreover, the project was reviewed by EBMUD and will be required to be reviewed and approved by EBMUD for any change to water service.
3. **Sanitary Sewer:** The subject property currently receives sanitary sewer service from the Central Contra Costa Sanitary District (CCSD). The proposed change is not expected to produce an unmanageable added capacity demand on the wastewater system, nor interfere with existing facilities. During the building permit process, the applicant is responsible for submitting plans to the Sanitary District and receiving its stamped approval.
4. **Fire Protection:** The subject property is in the service area of the Contra Costa County Fire Protection District. The site is zoned urban unzoned and is not within a high or very high fire zone. The applicant is required to obtain building permits for any necessary ADA upgrades or improvements needed for the facility. The Fire District will inspect the facility prior to occupancy to confirm that the facility meets the required fire protection elements for its occupancy type. Prior to submitting a building permit application, the

applicant is responsible for submitting plans to the Fire District and receiving its stamped approval.

5. **Public Protection:** The project will not require any increase in public protection services. The proposed facility will not create a substantial increase in new housing, provide previously unavailable services, nor will it provide substantial amounts of new business opportunities within the County that would result in a significant population increase. Typically, residents who will move into the elderly facility already live within the area. Moreover, the facility will be staffed with authorized workers who will ensure that the residential care facility is operated in the manner that is required. Therefore, the project will not impact the County's ability to maintain the standard of having 155 square feet of Sherriff's facility per 1,000 members of the population.
6. **Parks and Recreation:** The project is to create a residential care facility for the elderly. The project does not create any permanent new housing units as the individuals who will use the elderly care facility will generally come from the surrounding neighborhood. Therefore, will not increase the demand for parks or recreational facilities.
7. **Flood Control and Drainage:** The project site is not located within a flood-prone area as determined by FEMA, the Federal Emergency Management Agency. The project was reviewed by the County Public Works department who had no concerns with flood control. Per the conditions of approval, the applicant will be required to comply with Division 914 of the County Ordinance Code that requires the project to comply with the collect and convey requirements.

B. LAND USE PERMIT FINDINGS

The following are required findings for the approval of a land use permit.

1. **Required Finding:** *The proposed project shall not be detrimental to the health, safety and general welfare of the county.*

Project Finding: The proposed Residential Care Facility for the Elderly will be licensed and regulated by the California Department of Social Services. Currently, the parcel has an active license from the Department of Social Services to operate a residential care facility for the elderly for up to six residents. The project will increase that total to 18 total residents. All residential care facilities are regulated

by the State of California and will be required to maintain licensing with the State. The project will be required to comply with State regulations. Moreover, the project will have to comply with all building code and fire code regulations in respect to the construction of the building and emergency access.

The project will provide a resource for elderly persons in the community that require assisted living opportunities. Moreover, the site has already been operating as a residential care facility for the elderly. The use will remain the same and is properly regulated by the State. The project is also conditioned to obtain approval from the water and sanitary utilities, fire department and The Public Works Department prior to the issuance of any building permit or operation of the facility, whichever occurs first.

Staff has included conditions of approval that address parking, traffic and screening to allow the project to be better integrated into an area of Walnut Creek that is transiting from single-family residential to mixed use residential. The residential care facility for the elderly will not be detrimental to the health, safety, and general welfare of the County.

2. ***Required Finding: The proposed project shall not adversely affect the orderly development within the County or the community.***

Project Finding: The project seeks to increase the overall number of elderly served from six to eighteen persons. The existing facility has been established since 1975 for six residents. The project to allow 18 residents is conditioned to comply with all the requirements of the regulatory and utility agencies prior to operation of the facility. Because the use was established and has been operating for five decades, the project will not adversely affect the orderly development within this area. Moreover, the project was reviewed by outside agencies who provided comments and conditions of approval that directly relate to the orderly development of the project.

3. ***Required Finding: The proposed project shall not adversely affect the preservation of property values and the protection of the tax base within the county.***

Project Finding: As stated in the Staff Report, the project is consistent with the General Plan, consistent with area policies and consistent with the Zoning District. As stated, the site was previously approved for a residential care facility for the elderly in 1975. The project will continue the established use while increasing the

number of persons served. The expansion of the use will allow more elderly persons who need care to obtain the necessary services required. Additionally, the project will increase the tax revenue of Contra Costa County as the applicant will be required to obtain and maintain a business license in order to operate. Additionally, the project will create new job opportunities for persons in the healthcare field in this area, further enhancing the tax base within the County. Therefore, the project will improve the value of the property and will limit adverse impacts to other properties within the County to ensure that the tax base within the County is protected.

4. ***Required Finding: The proposed project shall not adversely affect the policies and goals as set by the General Plan.***

Project Finding: The subject property is located within the Single-Family Residential High-Density (SH) General Plan Land Use Designation. The SH designation allows for small residential care facilities. The project will increase the number of persons at an existing residential care facility. Therefore, the establishment of an 18-person residential care facility for the elderly will not adversely affect the policy and goals as set by the general plan, as the site already supports a similar use. Moreover, as stated in the Staff Report, there are many General Plan goals and polices that call for an increase in the supply of appropriate housing for persons who need additional care. Therefore, the project is consistent with the General Plan.

5. ***Required Finding: The proposed project shall not create a nuisance and/or enforcement problem within the neighborhood or community.***

Project Finding: The establishment of a 18-person residential care facility for the elderly is not anticipated to create a crime or nuisance problem within the Walnut Creek area. Patrons of the facility will be under the supervisor of qualified staff members as required by State law. Residents will be accompanied by staff members or family members whenever residents leave the facility property. Moreover, the facility has been operating since 1975 and there have been no code enforcement violations related to the operation of the existing residential care facility. Moreover, the project includes conditions of approval that the applicant will have to abide by. Therefore, the proposed project will not create a nuisance or enforcement problem within the neighborhood or community.

6. ***Required Finding: The proposed project shall not encourage marginal development within the neighborhood.***

Project Finding: The project will comply with the current California Building Code. The project is unique with respect to the improvements, which are strictly related residential care facility uses only. The project will not directly lead to any changes in development within the surrounding community as the project will not substantially increase traffic, water use, sewer use or omit hazardous materials. The use is consistent with the zoning and general plan regulations. Residential Care Facilities can be found in residential neighborhoods. Moreover, the project is residential in nature. Therefore, the potential for the project encouraging marginal development within the neighborhood is negligible.

7. **Required Finding:** *That special conditions or unique characteristics of the subject property and its location or surroundings are established.*

Project Finding: The project area is a residential neighborhood in close proximity to Highway 680 to the east and Highway 4 to the north. The parcel is in an area of Walnut Creek that is transitioning from single-family residential to the south to multifamily and commercial/retail business to the north. The project will fit this transition area as it is residential in nature but also provides services to the surrounding community. The subject property has been used continuously as a residential care facility since 1975. The project as proposed is consistent with the General Plan and Zoning Code of the area. The project has enough parking spaces and provides a much-needed service to elderly people in the immediate vicinity. Finally, the project is a State licensed facility, therefore, the project will be required to obtain the necessary license from the State and comply with all requirements pertaining to the operation of a residential care facility.

C. VARIANCE PERMIT FINDINGS

1. **Required Finding:** *That any variance authorized shall not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and the respective land use district in which the subject property is located.*

Project Finding: The project is to allow the construction of an approximately 2,665-square-foot residential addition to accommodate 12 additional bedrooms for the elderly. The project also includes the reconfiguration of the existing parking spaces at the frontage of the parcel to create six parking spaces to serve the project. In the approved land use permit (County File #2155-75), the current parking and driveway area was established. This parking area has been

maintained and has been used as access and parking for the site since the original approval. The project will not change the location of the parking area hardscape and instead, will enhance it. Currently, the site has no striped or designated parking spaces and requires any parked car to have a reduced driveway aisle width due to the current configuration of the parking area. The project would continue to use the approved parking area and redesign the existing parking area to accommodate the six proposed spaces and will not expand the parking area as there is no space in the front. In order to accommodate the parking improvements within the existing parking area, the project will have a 16'-5" driveway aisle width, which does not meet the 25-foot requirement. The applicant's parking proposal has greatly improved the parking situation by creating a safer parking area resulting from the proposed use of the property for a residential care facility for the elderly. Thus, the variance request does not constitute a special privilege.

2. ***Required Finding: That because of special circumstances applicable to the subject property because of its size, shape, topography, location or surroundings, the strict application of the respective zoning regulations is found to deprive the subject property of rights enjoyed by other properties in the vicinity and within the identical land use district.***

Project Finding: The variance request is to allow an approximately 16'-5" driveway aisle width. As mentioned above, the parcel was approved for a six person residential care facility under County File #2155-75. This permit approved the location of the existing driveway/parking area which is located along the frontage of Warren Road (south end of the parcel). The property is generally rectangular, and the existing building is located at the front of the property and expands out for the width of the property. The addition will be located at the rear of the property and would cover the entire northeast portion of the property. The existing parking area is established but is not striped nor provides adequate parking location. The project will add six designated parking spaces that are striped and provide accessible parking. Approval of the variance requests will provide individuals who come to the site with an improved on-site parking design that is more functional and safer for use. Due to the location of the existing development on-site, the strict application would deprive the subject property of having a dedicated parking area, which is a right enjoyed by other properties.

3. ***Required Finding: That any variance authorized shall substantially meet the intent and purpose of the respective land use district in which the subject property is located.***

Project Finding: The parking area has been established in its current location for five decades. To establish the residential care facility use, adequate parking spaces for staff, visitors and other individuals to use shall be provided on the property. The applicant is repurposing the existing driveway and parking area to provide for off-street parking in a safe manner. Approval of the variances would be necessary to allow the project to overcome the parking constraints found at the subject property and would at the same time, allow the project to meet the intent and purpose of the R-10 Zoning District.

CONDITIONS OF APPROVAL FOR COUNTY FILE #CDLP23-02046

Project Approval

1. The Land Use Permit to allow a residential care facility for the elderly for up to 18 persons is APPROVED, as generally shown in the application materials received by the Department of Conservation and Development, Community Development Division (CDD), based on the following documents, and subject to the conditions below:
 - Application and materials received on October 2, 2023.
 - Revised plans and application materials received on October 11, 2024.
2. Approval is granted to allow the following variance that meet the requirements of Section 26-2.2006 of the County Ordinance Code:
 - 16'-5" driveway aisle width for two-way travel (where 25' is the required minimum)

Application Costs

3. The Land Use Permit application is subject to an initial application deposit of \$5,500.00 which was paid with the application submittal, plus time, and material costs if the application review expenses exceed 100% of the initial deposit. Any additional fee due must be paid prior to an application for a grading or building permit, or 60 days of the effective date of this permit, whichever occurs first. The fees include costs through permit issuance and final file preparation. Pursuant to Contra Costa County Board of Supervisors Resolution Number 2019/553, where a fee payment is over 60 days past due, the Department of Conservation and Development may seek a court judgement against the applicant and will charge interest at a rate of ten percent (10%) from the

date of judgement. The applicant may obtain current costs by contacting the project planner. If you owe additional fees, a bill will be sent to you shortly after permit issuance in the event that additional fees are due.

General

4. Any deviation from, or expansion beyond the limits of this permit may necessitate the filing and approval of a request for modification of the Land Use Permit approval.
5. Residents of the facility are prohibited from storing personal vehicles on the property.
6. Visitation hours shall be restricted to 8:00 A.M through 7:00 P.M daily.
7. Any signage for the project shall be submitted for review and approval by CDD. Any signage for the project shall comply with the Contra Costa County Sign Ordinance.
8. A maximum of eighteen (18) residents shall be allowed to reside in the residential care facility for the elderly with this permit.
9. No out-patient services shall be provided at this facility.
10. No amplified speakers shall be permitted outside the enclosed building. Outdoor music shall be allowed during daytime as long as it does not cause a nuisance to the neighbors.
11. The maximum height of the residential care facility building shall be 27'-6" at any roofline. This is to ensure that the project will not cast shadows onto neighboring properties.

Off-Street Parking

12. The residential care facility shall have a minimum of six (6) off-street parking spaces provided at all times.
13. **Prior to CDD stamp of approval of plans for the issuance of a building or grading permit, whichever occurs first**, the applicant shall submit an updated site plan showing the location of the two required long-term bicycle parking and two required short-term bicycle parking for the site.

Exterior Lighting

14. **Prior to CDD stamp of approval of plans for the issuance of a building or grading permit, whichever occurs first**, the applicant shall submit an exterior lighting plan for review and approval of CDD to ensure glare does not create an impact on adjoining residential properties.
15. Exterior lighting shall be turned off from sunrise to sundown and during the daytime hours.

Landscaping

16. **Prior to requesting a final building inspection**, the applicant shall provide CDD photos showing that ample cypress trees are planted along the eastern property line and that the cypress trees will provide ample screening along the eastern property line. The cypress trees are to be maintained throughout the operation of this use. Should any required cypress trees die, a replacement shall be replanted.
17. The final landscaping plan shall comply with the County Model Water Efficient Landscape Ordinance.

Delivery Vehicles

18. Any non-medical or essential delivery vehicle that is owned or operated by the facility shall not deliver to the residential care facility between 7:00-9:00 AM and 4:00-6:00 PM Monday through Friday, to provide relief from traffic congestion on Warren Road.

Licenses

19. **Prior to operation of the facility**, the applicant shall provide CDD copies of all federal, state, and county permits, licenses, and certificates required to operate a residential care facility for the elderly. The applicant shall maintain as current and valid all such permits, license, and certificates while the facility is in operation. The applicant shall submit to CDD annually any annual renewals of such permits, license, and certificates. The applicant shall report to CDD any citation or notice of violation issued in connection with such permits, license, and certificates within 48 hours of the issuance of the citation or notice of violation.
20. **Prior to operation of the facility for eighteen (18) residents**, the property owner/applicant shall apply for and obtain a Property use Verification (PUV) from the Department of Conservation and Development, (if one is not currently on file) prior to

applying for any business license associated with this approval. A copy of this permit shall accompany the PUV application.

Construction Period Restrictions and Requirements

All construction activity shall comply with the following restrictions.

21. A publicly visible sign shall be posted on the property with the telephone number and person to contact regarding construction-related complaints. This person shall respond and take corrective action within 24 hours. The CDD phone number shall also be visible to ensure compliance with applicable regulations.
22. The applicant shall make a good faith effort to minimize project-related disruptions to adjacent properties, and to uses on the site. This shall be communicated to all project-related contractors.
23. The applicant shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors as far away from existing residences as possible.
24. Construction equipment and materials shall be stored onsite.
25. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
26. Large trucks and heavy equipment shall be subject to the same restrictions that are imposed on construction activities, except that the hours are limited to 9:00 AM to 4:00 PM.
27. A good faith effort shall be made to avoid interference with existing neighborhood traffic flows.
28. Unless specifically approved otherwise via prior authorization from the Zoning Administrator, all construction activities shall be limited to the hours of 8:00 A.M. to 5:00 P.M., Monday through Friday, and are prohibited on State and Federal holidays on the calendar dates that these holidays are observed by the State or Federal government as listed below:

New Year's Day (State and Federal)

Birthday of Martin Luther King, Jr. (State and Federal)

Washington’s Birthday (Federal)
Lincoln’s Birthday (State)
President’s Day (State)
Cesar Chavez Day (State)
Memorial Day (State and Federal)
Juneteenth National Independence Holiday (Federal)
Independence Day (State and Federal)
Labor Day (State and Federal)
Columbus Day (Federal)
Veterans Day (State and Federal)
Thanksgiving Day (State and Federal)
Day after Thanksgiving (State)
Christmas Day (State and Federal)

For specific details on the actual day the State and Federal holidays occur, please visit the following websites:

Federal Holidays: [Federal Holidays \(opm.gov\)](https://www.opm.gov)

California Holidays: <http://www.ftb.ca.gov/aboutftb/holidays.shtml>

PUBLIC WORKS CONDITIONS OF APPROVAL FOR PERMIT CDLP23-02046

Applicant shall comply with the requirements of Title 8, Title 9 and Title 10 of the Ordinance Code. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the site plan submitted to the Department of Conservation and Development on October 2, 2023 and subsequent submittals through January 23, 2024.

COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO ISSUANCE OF A BUILDING PERMIT AND/OR PRIOR TO INITIATION OF THE USE PROPOSED UNDER THIS PERMIT.

General Requirements:

29. For Public Works review for compliance relative to this Land Use Permit, a Compliance Review Fee deposit shall be submitted directly to the Public Works Department in accordance with the County’s adopted Fee Schedule for such services. This fee is separate from similar fees required by the Department of Conservation

and Development and is a deposit to offset staff costs relative to review and processing of these conditions of approval and other Public Works related services ancillary to the issuance of building permits and completion of this project.

30. The Applicant shall submit improvement plans prepared by a registered civil engineer to the Public Works Department and pay appropriate fees in accordance with the County Ordinance and these conditions of approval. The below conditions of approval are subject to the review and approval of the Public Works Department.

31. Improvement plans prepared by a registered civil engineer shall be submitted, if necessary, to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all improvements required by the Ordinance Code for the conditions of approval of this subdivision. Any necessary traffic signing and striping shall be included in the improvement plans for review by the Transportation Engineering Division of the Public Works Department.

Roadway Improvements (Warren Road):

32. Any cracked and displaced curb, gutter, and sidewalk shall be removed and replaced along the project frontage of Warren Road. Concrete shall be saw cut prior to removal. Existing lines and grade shall be maintained. New curb and gutter shall be doveled into existing improvements.

33. The Applicant shall obtain an encroachment permit from the Public Works Department, if necessary, for construction of driveways or other improvements within the right-of-way of Warren Road.

34. Curb ramps and driveways shall be designed and constructed in accordance with current County standards. A detectable warning surface (e.g. truncated domes) shall be installed on all curb ramps. Adequate right-of-way shall be dedicated at the curb returns to accommodate the returns and curb ramps; accommodate a minimum 4-foot landing on top of any curb ramp proposed.

35. The Applicant shall design all public and private pedestrian facilities for accessibility in accordance with Title 24 and the Americans with Disabilities Act. This shall include all sidewalks, paths, driveway depressions, and curb ramps.

Countywide Street Light Financing:

36. The Property owner(s) shall annex to the Community Facilities District (CFD) 2010-1 formed for Countywide Street Light Financing. Annexation into a street light service

area does not include the transfer of ownership and maintenance of street lighting on private roads.

Utilities/Undergrounding:

37. The Applicant shall underground all new and existing utility distribution facilities, including those along the frontage of Warren Road.

Drainage Improvements:

38. The Applicant shall collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage facility, to a natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to a natural watercourse, in accordance with Division 914 of the Ordinance Code. Applicant shall verify the adequacy at any downstream drainage facility accepting stormwater from this project prior to discharging runoff. If the downstream system(s) is inadequate to handle the existing and project condition for the required design storm event, applicant shall construct improvements to make the system adequate. Applicant shall obtain access rights to make any necessary improvements to off-site facilities.

39. The nearest public drainage facility is a storm drain line located on Warren Road. The Applicant shall verify its adequacy prior to discharging runoff.

Miscellaneous Drainage Requirements:

40. The Applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Department design standards.

41. The Applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.

Stormwater Management and Discharge Control Ordinance:

42. Based on the proposed new and/or redeveloped impervious surface area totaling less than 5,000 square feet, this project does not require submittal of a final Stormwater Control Plan. Applicant shall incorporate stormwater quality elements to the Maximum Extent Practicable (MEP), in accordance with all other provisions of the County Stormwater Management and Discharge Control Ordinance. This must include efforts to limit new impervious surface area, limit directly connected

impervious areas, provide for self-retaining areas and include other Best Management Practices to the MEP.

National Pollutant Discharge Elimination System (NPDES)

43. The applicant shall be required to comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards San Francisco Bay - Region II.

Compliance shall include developing long-term best management practices (BMPs) for the reduction or elimination of stormwater pollutants. The project design shall incorporate wherever feasible, the following long-term BMPs in accordance with the Contra Costa Clean Water Program for the site's stormwater drainage.

- Minimize the amount of directly connected impervious surface area.
- Install approved full trash capture devices on all catch basins (excluding catch basins within bioretention area) as reviewed and approved by Public Works Department. Trash capture devices shall meet the requirements of the County's NPDES Permit.
- Place advisory warnings on all catch basins and storm drains using current storm drain markers.
- Offer pavers for household driveways and/or walkways as an option to buyers.
- Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Other alternatives comparable to the above as approved by the Public Works Department.

ADVISORY NOTES

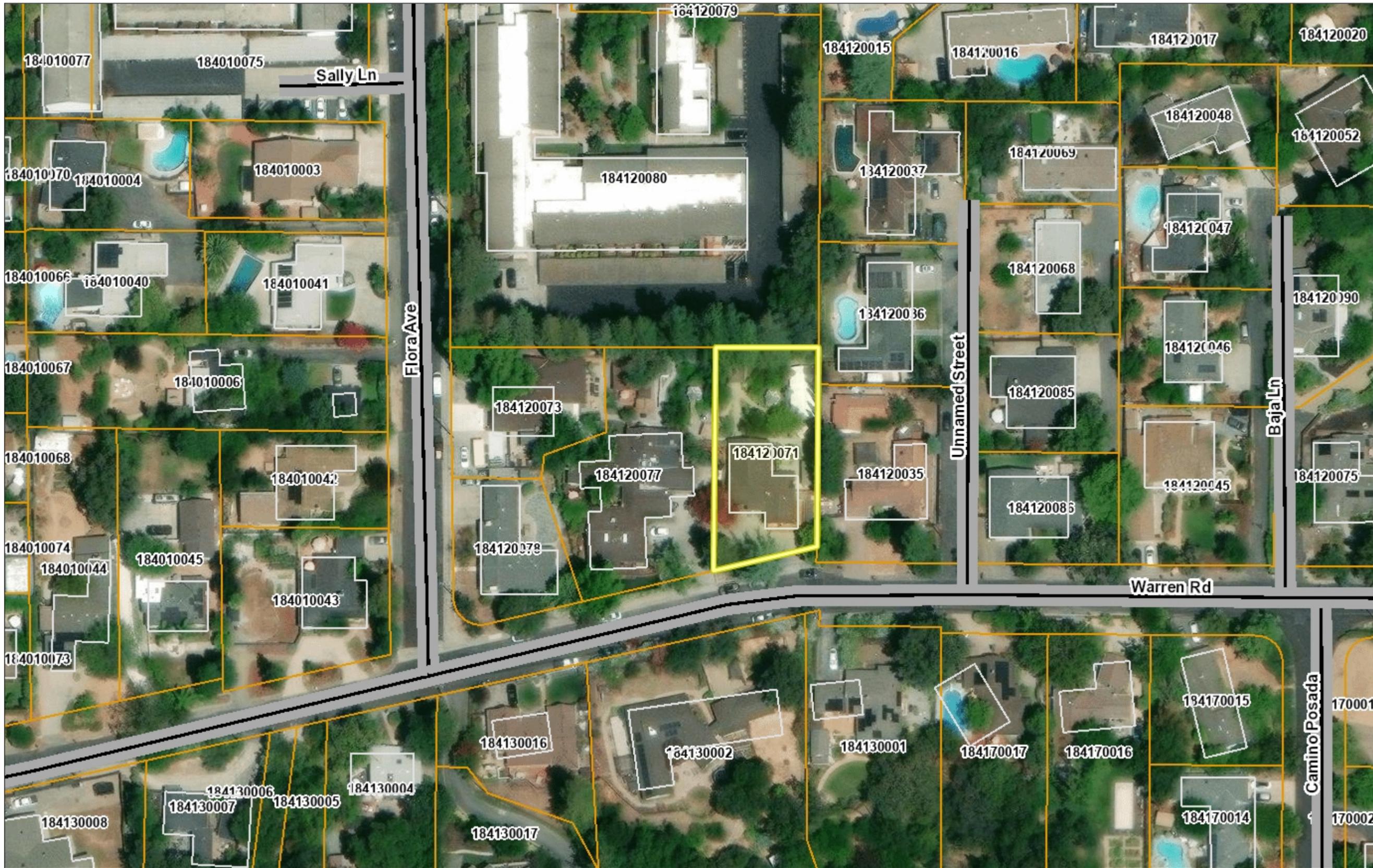
ADVISORY NOTES ARE NOT CONDITIONS OF APPROVAL; THEY ARE PROVIDED TO ALERT THE APPLICANT TO ADDITIONAL ORDINANCES, STATUTES, AND LEGAL REQUIREMENTS OF THE COUNTY AND OTHER PUBLIC AGENCIES THAT MAY BE APPLICABLE TO THIS PROJECT.

- A. NOTICE OF OPPORTUNITY TO PROTEST FEES, ASSESSMENTS, DEDICATIONS, RESERVATIONS OR OTHER EXACTIONS PERTAINING TO THE APPROVAL OF THIS

PERMIT.

Pursuant to California Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations or exactions required as part of this project approval. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and must be delivered to the Community Development Division within a 90-day period that begins on the date that this project is approved. If the 90th day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.

- B. Additional requirements may be imposed by the following agencies and departments; the applicant is strongly encouraged to review these agencies' requirements prior to continuing with the project:
- Health Services, Environmental Health Division
 - Central Contra Costa Sanitary District.
 - Contra Costa County Fire Protection District
 - East Bay Municipal Utility District
 - Contra Costa County Public Works Department Engineering Services Division
- C. Applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Central County Area of Benefit as adopted by the Board of Supervisors. Payment is required prior to issuance of a building permit.
- E. It is unlawful to engage in business in the unincorporated area of the County without first procuring a business license from the Tax Collector following CDD approval of this application.



Legend

- City Limits
- Streets
- Building Footprints
- Assessment Parcels
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes
CDLP23-02046

1: 1,128



5 - 29 L.S.M. 24 8-12-64 MS. 212-64 RANCHO CANADA DEL HAMBRE

6 - 65 P.M. 1 & 2 MS. 38-77 PD. 245-77 A - FLORALAND TRACT M.B. 10 - 241

7 - 126 P.M. 9 1-27-87 MS. 52-85 B - BLADE PLACE UNIT NO. 1 M.B. 43 - 17

C - 1985 ROLL - TRACT 5775 M.B. 287-20 "FLORA EAST" CONDO.

1 - 17 P.M. 11 6/11/71 MS. 105-70

2 - 38 L.S.M. 22 11-17-65 MS. 225-65

3 - 1974 32 P.M. 24 2-11-74 MS. 225-73 PD. 801-73

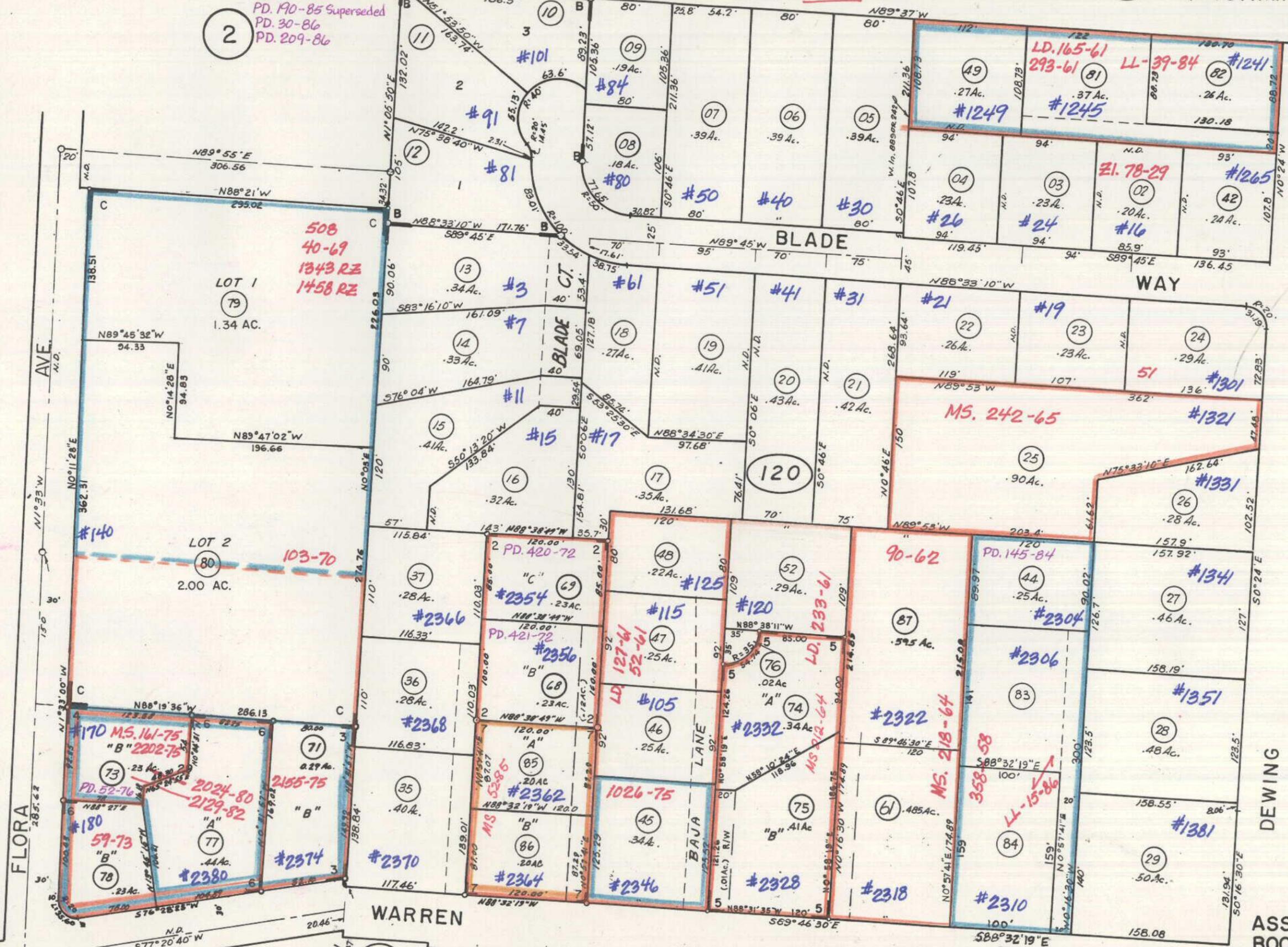
4 - 46 P.M. 10 & 11 6-28-76 MS. 161-75

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MS. 52-85
PD. 190-85 Superseded
PD. 30-86
PD. 209-86

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1"=100'

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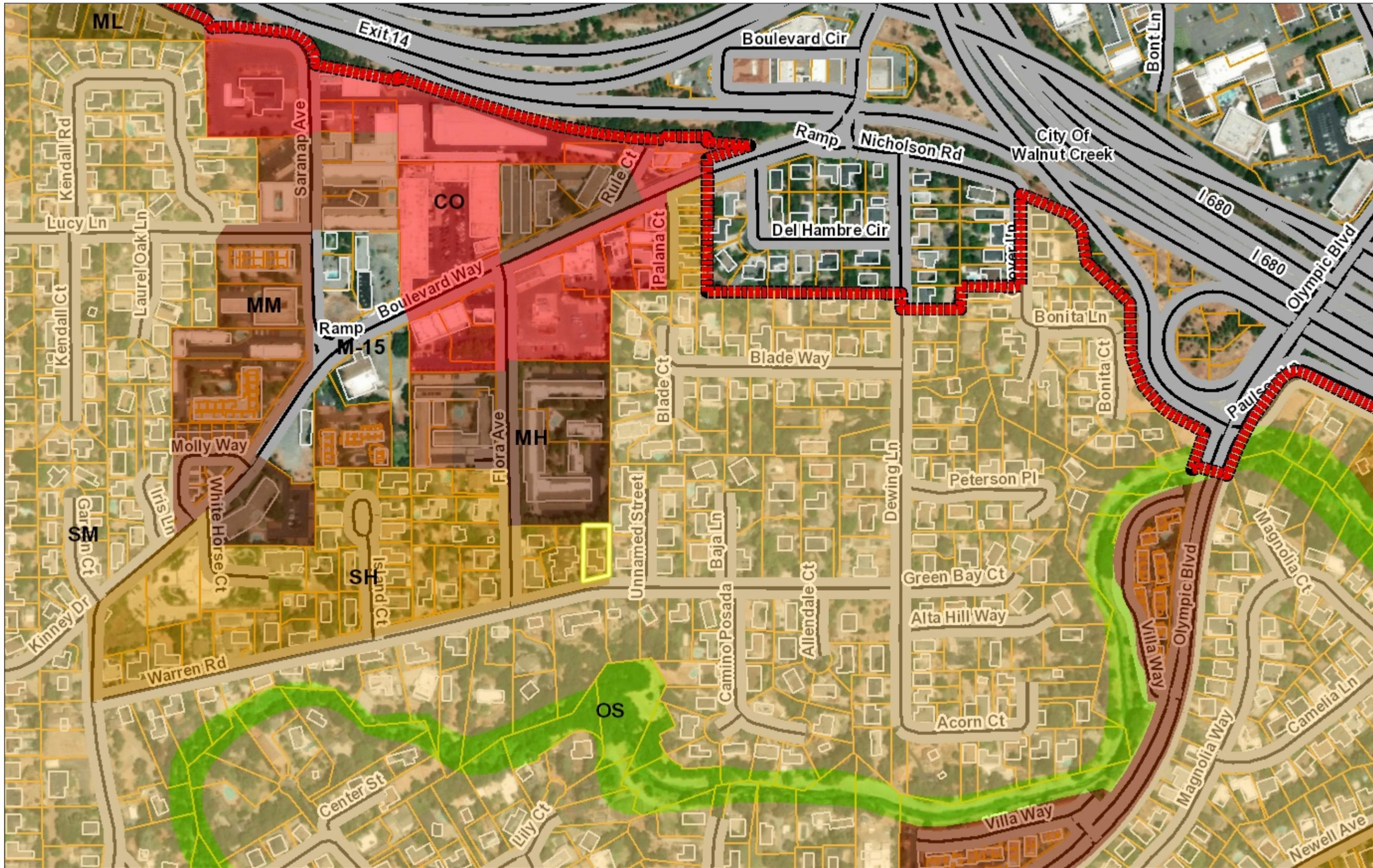
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13

17

7-15-87
ASSESSOR'S MAP
BOOK 184 PAGE 12
CONTRA COSTA COUNTY, CAL 34
FM. 49-21, 22 1-30-64

General Plan: Single-Family Residential, High Density (SH)



Legend

- City Limits
- General Plan**
- SV (Single Family Residential - Ver
- SL (Single Family Residential - Low
- SM (Single Family Residential - Me
- SH (Single Family Residential - Hig
- ML (Multiple Family Residential - Lc
- MM (Multiple Family Residential - M
- MH (Multiple Family Residential - H
- MV (Multiple Family Residential - Vi
- MS (Multiple Family Residential - Vi
- CC (Congregate Care/Senior Housi
- MO (Mobile Home)
- M-1 (Parker Avenue Mixed Use)
- M-2 (Downtown/Waterfront Rodeo I
- M-3 (Pleasant Hill BART Mixed Use
- M-4 (Willow Pass Road Mixed Use)
- M-5 (Willow Pass Road Commercia
- M-6 (Bay Point Residential Mixed U
- M-7 (Pittsburg/Bay Point BART Star
- M-8 (Dougherty Valley Village Cent
- M-9 (Montalvin Manor Mixed Use)
- M-10 (Willow Pass Business Park M
- M-11 (Appian Way Mixed Use)
- M-12 (Triangle Area Mixed Use)
- M-13 (San Pablo Dam Road Mixed
- M-14 (Heritage Mixed Use)
- CO (Commercial)
- OF (Office)
- BP (Business Park)
- LI (Light Industry)
- HI (Heavy Industry)
- AL, OIBA (Agricultural Lands & Off
- CR (Commercial Recreation)
- ACO (Airport Commercial)
- LF (Landfill)
- PS (Public/Semi-Public)
- PR (Parks and Recreation)
- OS (Open Space)

1: 4,514



0.1 0 0.07 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

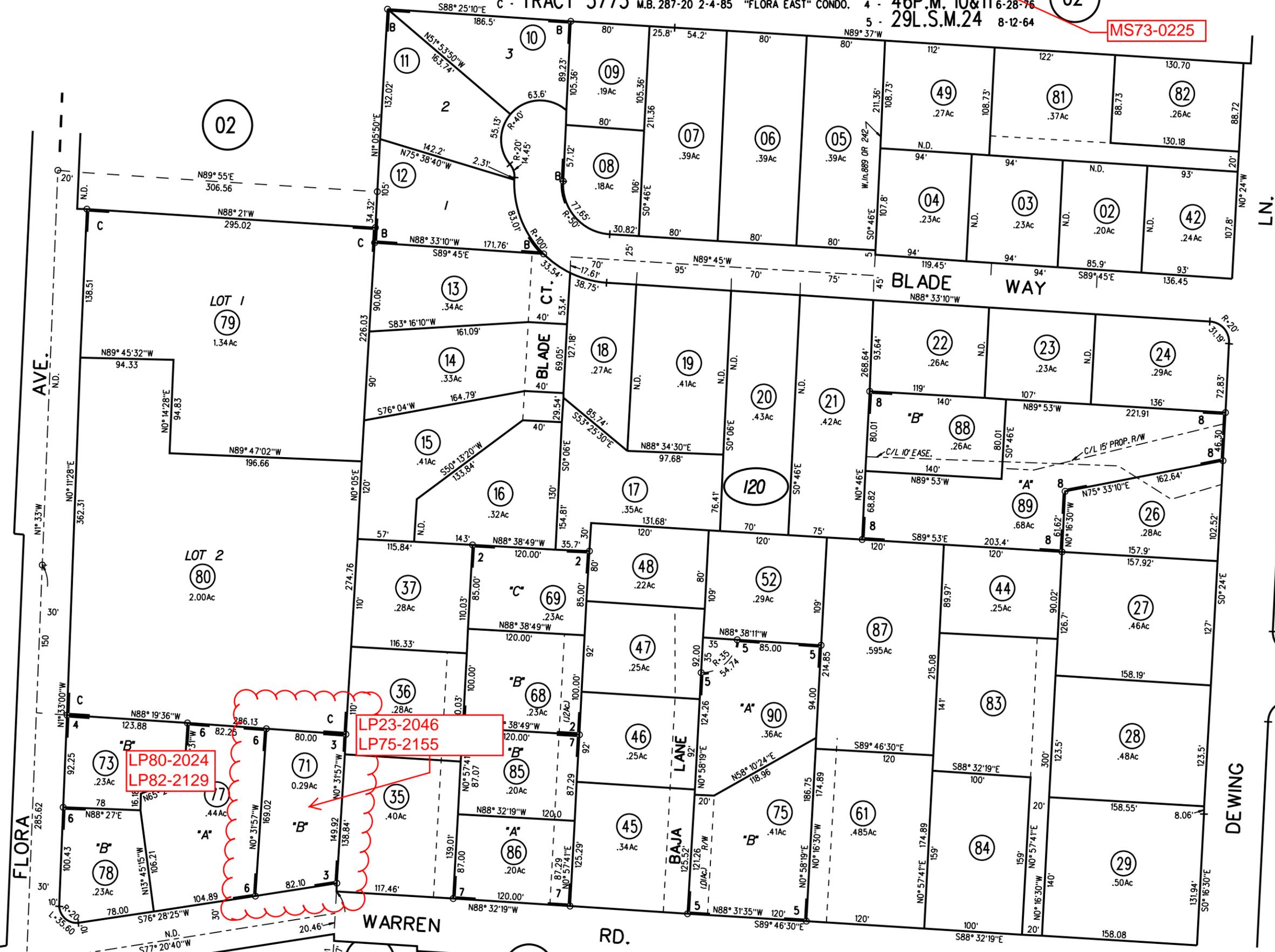
Notes

CDLP23-02046

RANCHO CANADA DEL HAMBRE
 A - FLORALAND TRACT M.B. 10-241
 B - BLADE PLACE UNIT NO. 1 M.B. 43-17
 C - TRACT 5775 M.B. 287-20 2-4-85 "FLORA EAST" CONDO.

- 1 - 17 P.M. 11 6-11-71
- 2 - 38L.S.M.22 11-17-65
- 3 - 32P.M. 24 2-11-74
- 4 - 46P.M. 10&11 6-28-76
- 5 - 29L.S.M.24 8-12-64
- 6 - 65P.M.1 & 2 4-17-78
- 7 - 126PM9 1-27-87
- 8 - 39LSM27 1-19-66

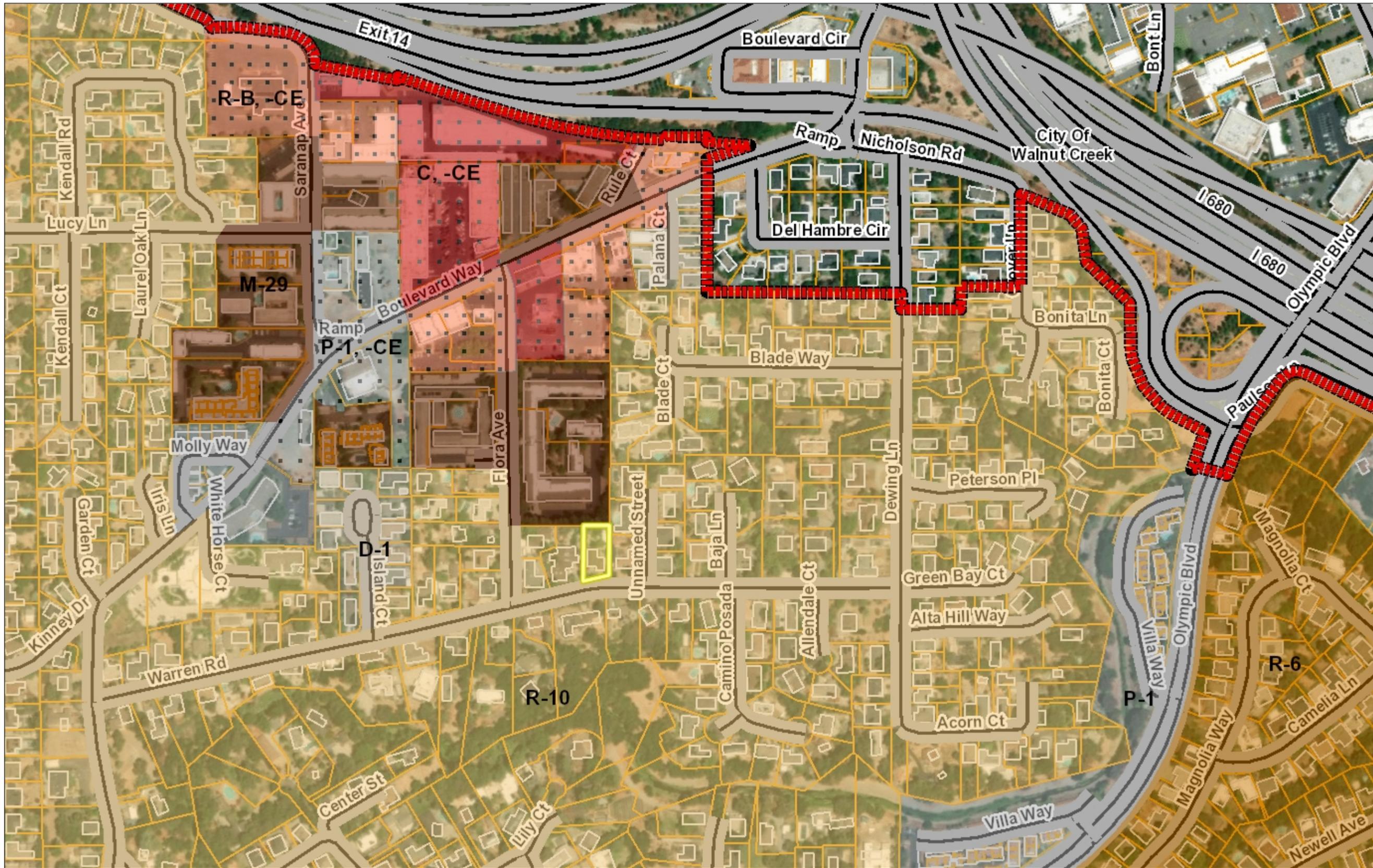
MS73-0225



NOTE: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION DELINEATED HEREON. ASSESSOR'S PARCELS MAY NOT COMPLY WITH LOCAL LOT SPLIT OR BUILDING SITE ORDINANCES.

1"=100'

Zoning: Single-Family Residential (R-10)



Legend

- City Limits
- Zoning**
- R-6 (Single Family Residential)
- R-6, -FH -UE (Flood Hazard and A
- R-6 -SD-1 (Slope Density Hillside I
- R-6 -TOV -K (Tree Obstruction anc
- R-6, -UE (Urban Farm Animal Excl
- R-6 -X (Railroad Corridor Combinir
- R-7 (Single Family Residential)
- R-7 -X (Railroad Corridor Combinir
- R-10 (Single Family Residential)
- R-10, -UE (Urban Farm Animal Exc
- R-12 (Single Family Residential)
- R-15 (Single Family Residential)
- R-20 (Single Family Residential)
- R-20, -UE (Urban Farm Animal Exc
- R-40 (Single Family Residential)
- R-40, -FH -UE (Flood Hazard and A
- R-40, -UE (Urban Farm Animal Exc
- R-65 (Single Family Residential)
- R-100 (Single Family Residential)
- D-1 (Two Family Residential)
- D-1 -T (Transitional Combining Dist
- D-1, -UE (Urban Farm Animal Excl
- M-12 (Multiple Family Residential)
- M-12 -FH (Flood Hazard Combining
- M-17 (Multiple Family Residential)
- M-29 (Multiple Family Residential)
- F-R (Forestry Recreational)
- F-R -FH (Flood Hazard Combining I
- F-1 (Water Recreational)
- F-1 -FH (Flood Hazard Combining I
- A-2 (General Agriculture)
- A-2, -BS (Boat Storage Combining I
- A-2, -BS -SG (Boat Storage and So
- A-2 -FH (Flood Hazard Combining I
- A-2, -FH -SG (Flood Hazard and Sc
- A-2 -SD-1 (Slope Density Hillside D
- A-2, -SG (Solar Energy Generation

1:4,514



0.1 0 0.07 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

CDLP23-02046

Everett Louie

From: Will Nelson
Sent: Thursday, November 16, 2023 2:58 PM
To: Everett Louie
Cc: Daniel Barrios
Subject: LP23-2046 Advance Planning Comments

Hi Everett,

I realize it's past the comment deadline, but wanted you to know that Advance Planning has no comments on this project; it is consistent with the General Plan.

Thanks
Will



William R. Nelson
Principal Planner
Contra Costa County
Department of Conservation and Development
30 Muir Road, Martinez, CA 94553
Phone (925) 655-2898
Web www.contracosta.ca.gov

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Learn more and get involved at envisioncontracosta2040.org.**



This message was sent from a public e-mail system and may be subject to disclosure under the California Public Records Act.



REVIEW OF AGENCY PLANNING APPLICATION

THIS IS NOT A PROPOSAL TO PROVIDE WATER SERVICES										
The technical data supplied herein is based on preliminary information, is subject to revision and is to be used for planning purpose ONLY										
DATE: 10/30/2023	EBMUD MAP(S): 1545B510	EBMUD FILE:S-11499								
AGENCY: Department of Conservation and Development Attn: Everett Louie 30 Muir Road MARTINEZ, CA 94553	AGENCY FILE: CDLP23-02046	FILE TYPE: Development Plan								
APPLICANT: Nathan Watkins 101 Lucas Valley Road, Suite 150 San Rafael, CA 94903		OWNER: Carnelian Holdings LLC 2380 Warren Road Walnut Creek, CA 94595-1247								
DEVELOPMENT DATA										
ADDRESS/LOCATION: 2374 Warren Road City:WALNUT CREEK Zip Code: 94595										
ZONING:R-10 PREVIOUS LAND USE:										
DESCRIPTION: 2-story addition to an existing assisted living care facility which includes 14 new units		TOTAL ACREAGE:0.29 ac.								
TYPE OF DEVELOPMENT: <div style="text-align: right; margin-right: 100px;">Multi Family Residential:14 Units</div>										
WATER SERVICES DATA										
PROPERTY: in EBMUD	ELEVATION RANGES OF STREETS: 216-218	ELEVATION RANGE OF PROPERTY TO BE DEVELOPED: 217-221								
All of development may be served from existing main(s) Location of Main(s):Warren Road										
None from main extension(s) Location of Existing Main(s):										
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">PRESSURE ZONE</th> <th>SERVICE ELEVATION RANGE</th> </tr> </thead> <tbody> <tr> <td>H1A</td> <td>50-250</td> </tr> </tbody> </table>	PRESSURE ZONE	SERVICE ELEVATION RANGE	H1A	50-250	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 25%;">PRESSURE ZONE</th> <th>SERVICE ELEVATION RANGE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>		PRESSURE ZONE	SERVICE ELEVATION RANGE		
PRESSURE ZONE	SERVICE ELEVATION RANGE									
H1A	50-250									
PRESSURE ZONE	SERVICE ELEVATION RANGE									
COMMENTS										
<p>When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine the costs and conditions of providing water service to the development. Engineering and installation of water mains and meters requires substantial lead time, which should be provided for in the project sponsor's development schedule. No water meters are allowed to be located in driveways. The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense. Due to EBMUD's limited water supply, all customers should plan for shortages in time of drought.</p> <p>AAL</p>										
CHARGES & OTHER REQUIREMENTS FOR SERVICE: Contact the EBMUD New Business Office at (510)287-1008.										
<hr style="width: 30%; margin: 0 auto;"/> Chien Wang,Associate Civil Engineer; DATE WATER SERVICE PLANNING SECTION										

October 25, 2023

**2374 Warren Road
Walnut Creek, CA
County File #CDLP23-02046**

Dear Everett,

This memo is in response to an Agency Comment Request received on October 17, 2023, for a Land Use Permit application to allow a 2-story, 2,342 square foot addition to an existing assisted living care facility “Carnelian Assisted Living” to add 14 new bedrooms under County file #CDLP23-02046, APN: 184-120-071. Our response is based on the presumption that the project is an expansion of an existing assisted living facility in operation on the property or located on adjacent or nearby properties. We presume the proposal does not include any independent dwelling units with separate cooking and bathroom accommodations and the entire proposed project is defined as a community care facility pursuant to the California Health and Safety Code Section 1502, which we have attached for your reference.

Inclusionary Housing Ordinance

This project is exempt pursuant to Section 822-4.408 (a)(4) of the County Ordinance Code if it is a community care facility as defined in Health and Safety Code Section 1502.

If the project includes other types of dwelling units that are not described under the definition of a community care facility, then the County’s Inclusionary Housing Ordinance would apply, and further review of the project is necessary.

Please feel free to contact me with any questions or comments.

Sincerely,

Cathy Remick, Planner
Contra Costa County
Department of Conservation & Development
Housing & Community Improvement Division



Memo

February 20, 2024

TO: Everett Louie, Planner, Department of Conservation and Development
FROM: Kellen O'Connor, Associate Civil Engineer, Engineering Services Division
SUBJECT: **LAND USE PERMIT LP23-2046**
STAFF REPORT & RECOMMENDED CONDITIONS OF APPROVAL
(Carnelian Holdings, LLC/Warren Road/Walnut Creek/APN 184-120-071)
FILE: **LP23-2046**

We have reviewed the application for **Land Use Permit LP23-2046** received by your office on **October 2, 2023** and subsequent submittals including a revised frontage plan received January 9, 2024. The attached recommended conditions of approval, based on the site plan, include road and drainage requirements. The applicant shall comply with the Ordinance Code requirements as they pertain to this development. The following issues should be carefully considered with this project:

Background

The applicant requests approval of a Land Use Permit application to allow a 2-story, 2,342 square-foot addition to an existing assisted living care facility (occupancy type R-2.1) "Carnelian Assisted Living" to add 14 new bedrooms.

The project site is located in the unincorporated Walnut Creek area with R-10 zoning. West of the site are the existing assisted living care facilities that this project will contribute to, south of the site is Warren Road, and residential parcels surround its other sides.

Traffic and Circulation

The subject parcel has frontage along and gain access from the publicly maintained Warren Road. Warren Road at this location is a 30-foot roadway within a 50-foot right-of-way and is proposed to become a 40-foot roadway within a 60-foot right-of-way. Frontage improvements have already been completed on this project's side of the street. Existing frontage improvements along Warren Road include a 5-foot sidewalk, curb, and gutter broken by a single 26-foot-wide driveway. No additional frontage improvements are required as part of this project. No roadway widening or right-of-way dedication are required as part of this project.

The existing pavement along the front of the property provides vehicle access to that of the assisted living facility to the west and will continue to do so following this project. Seven on-site parking spaces are currently proposed by this project in front of the buildings.

The applicant should provide exhibits showing ingress and egress movements from Warren Road to and from the newly designated parking spaces. These exhibits shall demonstrate that exiting vehicles from the proposed development can do so in a forward direction.

Drainage

Division 914 of the County Ordinance Code requires that all storm water entering and/or originating on this property to be collected and conveyed, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having a definable bed and banks or to an existing adequate public storm drainage system which conveys the storm water to an adequate natural watercourse.

According to County elevation data, runoff from the project site drains south towards Warren Road. No proposed drainage facilities are shown on the site plan. Water flows west along the gutter until it reaches a 15-inch RCP that drains south into Las Trampas Creek. The applicant will need to demonstrate how the proposed development satisfies the County's collect and convey requirements.

Stormwater Management and Discharge Control

A Stormwater Control Plan (SWCP) is required for applications that will create and/or redevelop impervious surface area exceeding 5,000 square feet in compliance with the County's Stormwater Management and Discharge Control Ordinance (§1014) and the County's Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit. This project proposes to construct approximately 2,400 square feet of impervious surface within the second residence, which is below the threshold requiring submittal of a SWCP.

Floodplain Management

The project does not lie within the Special Flood Hazard Area (100-year flood boundary) as designated on the Federal Emergency Management Agency's Flood Insurance Rate Map.

Lighting District Annexation

The subject property is not annexed into the lighting district. The property owner will be required, as a condition of approval, to annex into the County Facilities District 2010-1 formed for Countywide Street Light Financing.

Area of Benefit Fee

The applicant will need to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Central County Area of Benefit, as adopted by the Board of Supervisors. The fees shall be paid prior to issuing of building permits.

Drainage Area Fee

The property is located within unformed Drainage Area 121. There is currently no fee ordinance adopted by the Board of Supervisors for this area.

Should you have any questions, please contact me at (925) 313-2278 or koconnor@pw.cccounty.us.

KO:xx
G:\engsvc\Land Dev\LP\LP 23-2046\30-Day Comments LP23-2046.docx

c: J. LaRocque, Engineering Services
L. Gossett, Engineering Services
K. O'Connor, Engineering Services
Carnelian Holdings, LLC, *owner*
2380 Warren Road
Walnut Creek, CA 94595
Nathan Watkins, *applicant*
101 Luas Valley Road, Suite 150
San Rafael, CA 94903

**PUBLIC WORKS RECOMMENDED
CONDITIONS OF APPROVAL FOR PERMIT LP23-2046**

Applicant shall comply with the requirements of Title 8, Title 9 and Title 10 of the Ordinance Code. Any exceptions must be stipulated in these Conditions of Approval. Conditions of Approval are based on the site plan submitted to the Department of Conservation and Development on October 2, 2023 and subsequent submittals through January 23, 2024.

COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO ISSUANCE OF A BUILDING PERMIT AND/OR PRIOR TO INITIATION OF THE USE PROPOSED UNDER THIS PERMIT.

General Requirements:

- For Public Works review for compliance relative to this Land Use Permit, a Compliance Review Fee deposit shall be submitted directly to the Public Works Department in accordance with the County's adopted Fee Schedule for such services. This fee is separate from similar fees required by the Department of Conservation and Development and is a deposit to offset staff costs relative to review and processing of these conditions of approval and other Public Works related services ancillary to the issuance of building permits and completion of this project.
- Applicant shall submit improvement plans prepared by a registered civil engineer to the Public Works Department and pay appropriate fees in accordance with the County Ordinance and these conditions of approval. The below conditions of approval are subject to the review and approval of the Public Works Department.
- Improvement plans prepared by a registered civil engineer shall be submitted, if necessary, to the Public Works Department, Engineering Services Division, along with review and inspection fees, and security for all improvements required by the Ordinance Code for the conditions of approval of this subdivision. Any necessary traffic signing and striping shall be included in the improvement plans for review by the Transportation Engineering Division of the Public Works Department.

Roadway Improvements (Warren Road):

- Any cracked and displaced curb, gutter, and sidewalk shall be removed and replaced along the project frontage of Warren Road. Concrete shall be saw cut prior to removal. Existing lines and grade shall be maintained. New curb and gutter shall be doveled into existing improvements.
- Applicant shall obtain an **encroachment permit** from the Public Works Department, if necessary, for construction of driveways or other improvements within the right-of-way of Warren Road.

- Curb ramps and driveways shall be designed and constructed in accordance with current County standards. A detectable warning surface (e.g. truncated domes) shall be installed on all curb ramps. Adequate right-of-way shall be dedicated at the curb returns to accommodate the returns and curb ramps; accommodate a minimum 4-foot landing on top of any curb ramp proposed.
- Applicant shall design all public and private pedestrian facilities for accessibility in accordance with Title 24 and the Americans with Disabilities Act. This shall include all sidewalks, paths, driveway depressions, and curb ramps.

Countywide Street Light Financing:

- Property owner(s) shall annex to the Community Facilities District (CFD) 2010-1 formed for Countywide Street Light Financing. Annexation into a street light service area does not include the transfer of ownership and maintenance of street lighting on private roads.

Utilities/Undergrounding:

- Applicant shall underground all new and existing utility distribution facilities, including those along the frontage of Warren Road.

Drainage Improvements:

- Applicant shall collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage facility, to a natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to a natural watercourse, in accordance with Division 914 of the Ordinance Code. Applicant shall verify the adequacy at any downstream drainage facility accepting stormwater from this project prior to discharging runoff. If the downstream system(s) is inadequate to handle the existing and project condition for the required design storm event, applicant shall construct improvements to make the system adequate. Applicant shall obtain access rights to make any necessary improvements to off-site facilities.
- The nearest public drainage facility is a storm drain line located on Warren Road. Applicant shall verify its adequacy prior to discharging runoff.

Miscellaneous Drainage Requirements:

- Applicant shall design and construct all storm drainage facilities in compliance with the Ordinance Code and Public Works Department design standards.
- Applicant shall prevent storm drainage from draining across the sidewalk(s) and driveway(s) in a concentrated manner.

Stormwater Management and Discharge Control Ordinance:

- Based on the proposed new and/or redeveloped impervious surface area totaling less than 5,000 square feet, this project does not require submittal of a final Stormwater Control Plan. Applicant shall incorporate stormwater quality elements to the Maximum Extent Practicable (MEP), in accordance with all other provisions of the County Stormwater Management and Discharge Control Ordinance. This must include efforts to limit new impervious surface area, limit directly connected impervious areas, provide for self-retaining areas and include other Best Management Practices to the MEP.

National Pollutant Discharge Elimination System (NPDES):

- The applicant shall be required to comply with all rules, regulations and procedures of the National Pollutant Discharge Elimination System (NPDES) for municipal, construction and industrial activities as promulgated by the California State Water Resources Control Board, or any of its Regional Water Quality Control Boards San Francisco Bay - Region II.

Compliance shall include developing long-term best management practices (BMPs) for the reduction or elimination of stormwater pollutants. The project design shall incorporate wherever feasible, the following long-term BMPs in accordance with the Contra Costa Clean Water Program for the site's stormwater drainage.

- Minimize the amount of directly connected impervious surface area.
- Install approved full trash capture devices on all catch basins (excluding catch basins within bioretention area) as reviewed and approved by Public Works Department. Trash capture devices shall meet the requirements of the County's NPDES Permit.
- Place advisory warnings on all catch basins and storm drains using current storm drain markers.
- Offer pavers for household driveways and/or walkways as an option to buyers.
- Construct concrete driveway weakened plane joints at angles to assist in directing run-off to landscaped/pervious areas prior to entering the street curb and gutter.
- Other alternatives comparable to the above as approved by the Public Works Department.

ADVISORY NOTES

- Applicant will be required to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Central County Area of Benefit as adopted by the Board of Supervisors. Payment is required prior to issuance of a building permit.

Everett Louie

From: Robert Sarmiento
Sent: Friday, January 5, 2024 8:17 AM
To: Everett Louie
Subject: Carnelian Assisted Living Facility Expansion (LP23-02046)

Good morning, Everett,

The Transportation Planning Section has reviewed the subject project and has no comments.

Feel free to reach out to me if you have any questions.

Robert Sarmiento

Contra Costa County
Department of Conservation and Development
Transportation Planning Section
(925) 655-2918
Robert.Sarmiento@dcd.cccounty.us

**What should Contra Costa County be and look like in 20 years?
Check out [EnvisionContraCosta2040.org](https://www.contracosta2040.org) and let us know!**

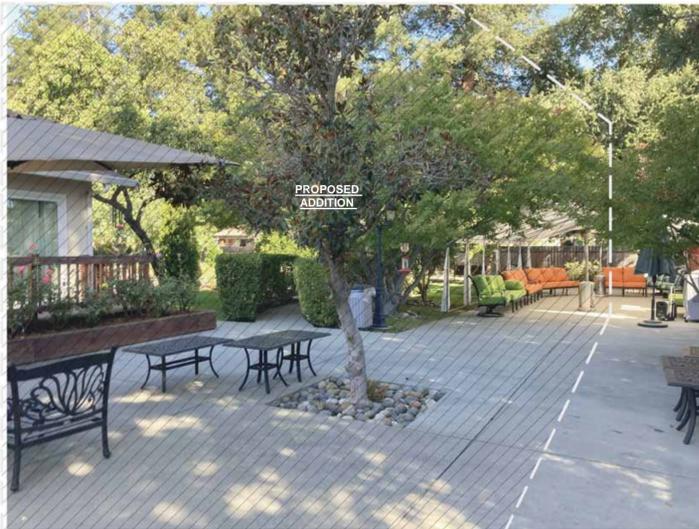




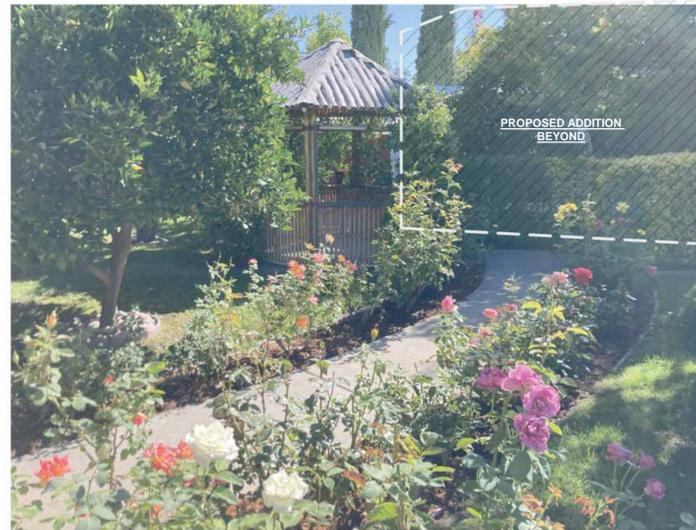
1 PHOTO 1 - FRONT VIEW ALONG WARREN RD
SCALE: NTS



2 PHOTO 2 - FRONT VIEW FACING EAST
SCALE: NTS



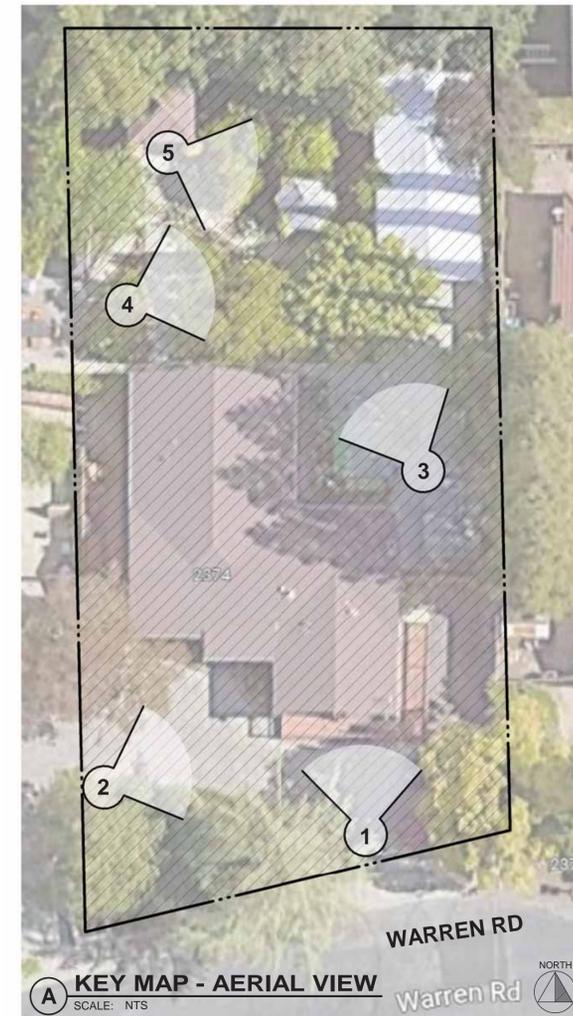
3 PHOTO 3 - REAR VIEW FACING NORTHWEST
SCALE: NTS



4 PHOTO 4 - REAR VIEW FACING EAST NORTHEAST
SCALE: NTS



5 PHOTO 5 - REAR VIEW FACING EAST SOUTHEAST
SCALE: NTS



A KEY MAP - AERIAL VIEW
SCALE: NTS

101 LUCAS VALLEY RD, SUITE 150
SAN RAFAEL, CA 94903
T: 415.597.8800 F: 925.558.4814



THE CARNELIAN ASSITED LIVING FACILITY EXPANSION

APN # 184-120-071

PROJECT ADDRESS
2374 WARREN RD
WALNUT CREECK, CA 94595

MANAGED BY: HGCI
B-GENERAL BUILDING
CONTRACTOR
LIC. # 720437

STAMP

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REVISIONS/SUBMITTALS

DATE	DESCRIPTION
10/11/2024	LAND USE PERMIT

DATE	10/11/2024
SCALE	AS NOTED
PROJECT ID	23004
DRAWN BY	NW
CHECKED BY	JH

EXISTING SITE PHOTOS

SHEET TITLE

SHEET NO.

A0.1

101 LUCAS VALLEY RD, SUITE 150
 SAN RAFAEL, CA 94903
 T: 415.597.8800 F: 925.558.4814

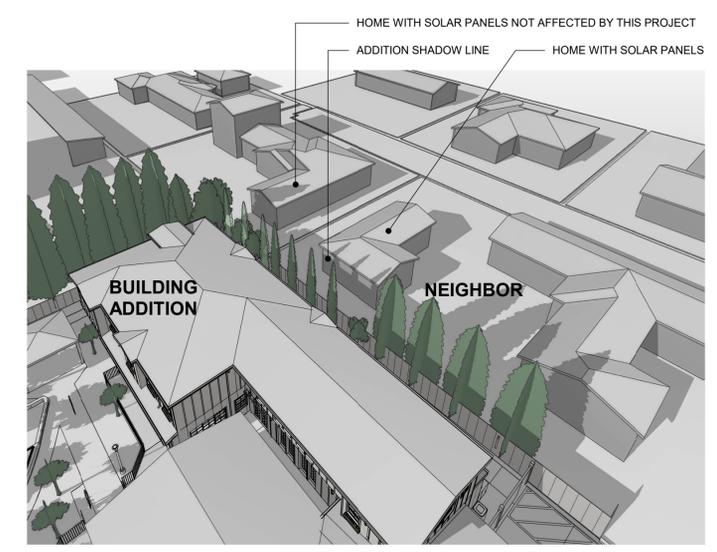


THE CARNELIAN ASSITED LIVING FACILITY EXPANSION

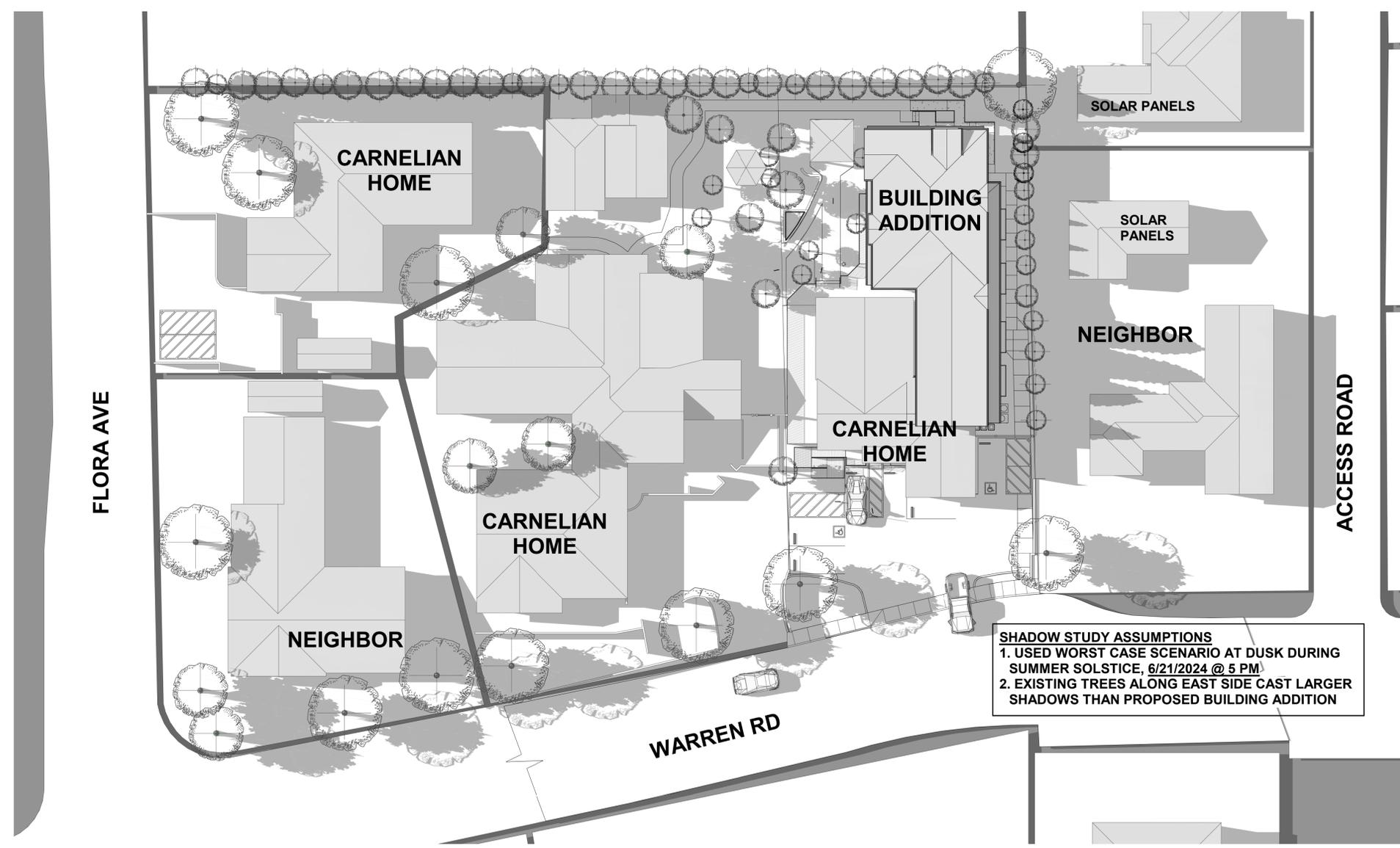
APN # 184-120-071

PROJECT ADDRESS
 2374 WARREN RD
 WALNUT CREECK, CA 94595

MANAGED BY: HGCI
 B-GENERAL BUILDING CONTRACTOR
 LIC. # 720437

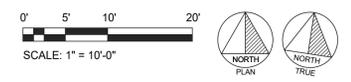


2 SHADOW STUDY - 3D PERSPECTIVE
 SCALE:



1 SHADOW STUDY - SITE PLAN
 SCALE:

SHADOW STUDY ASSUMPTIONS
 1. USED WORST CASE SCENARIO AT DUSK DURING SUMMER SOLSTICE, 6/21/2024 @ 5 PM
 2. EXISTING TREES ALONG EAST SIDE CAST LARGER SHADOWS THAN PROPOSED BUILDING ADDITION



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DATE	DESCRIPTION
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PROJECT ID	23004
DRAWN BY	NW
CHECKED BY	JH

SHADOW STUDY

SHEET TITLE

A0.2

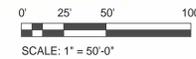
SHEET NO.

Context Map



1 CONTEXT MAP

SCALE: 1" = 50'-0" AERIAL IMAGE FROM GOOGLE EARTH



101 LUCAS VALLEY RD, SUITE 150
SAN RAFAEL, CA 94903
T: 415.597.8800 F: 925.558.4814



THE CARNELIAN ASSITED LIVING FACILITY EXPANSION

APN # 184-120-071

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2374 WARREN RD
WALNUT CREECK, CA 94595

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DATE	DESCRIPTION
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DATE	10/11/2024
SCALE	AS NOTED
PROJECT ID	23004
DRAWN BY	NW
CHECKED BY	JH

CONTEXT MAP

SHEET TITLE

SHEET NO.

A1.0

101 LUCAS VALLEY RD, SUITE 150
SAN RAFAEL, CA 94903
T: 415.597.8800 F: 925.558.4814



THE CARNELIAN ASSITED LIVING FACILITY EXPANSION

APN # 184-120-071

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WALNUT CREEK, CA 94595

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REVISIONS/SUBMITTALS

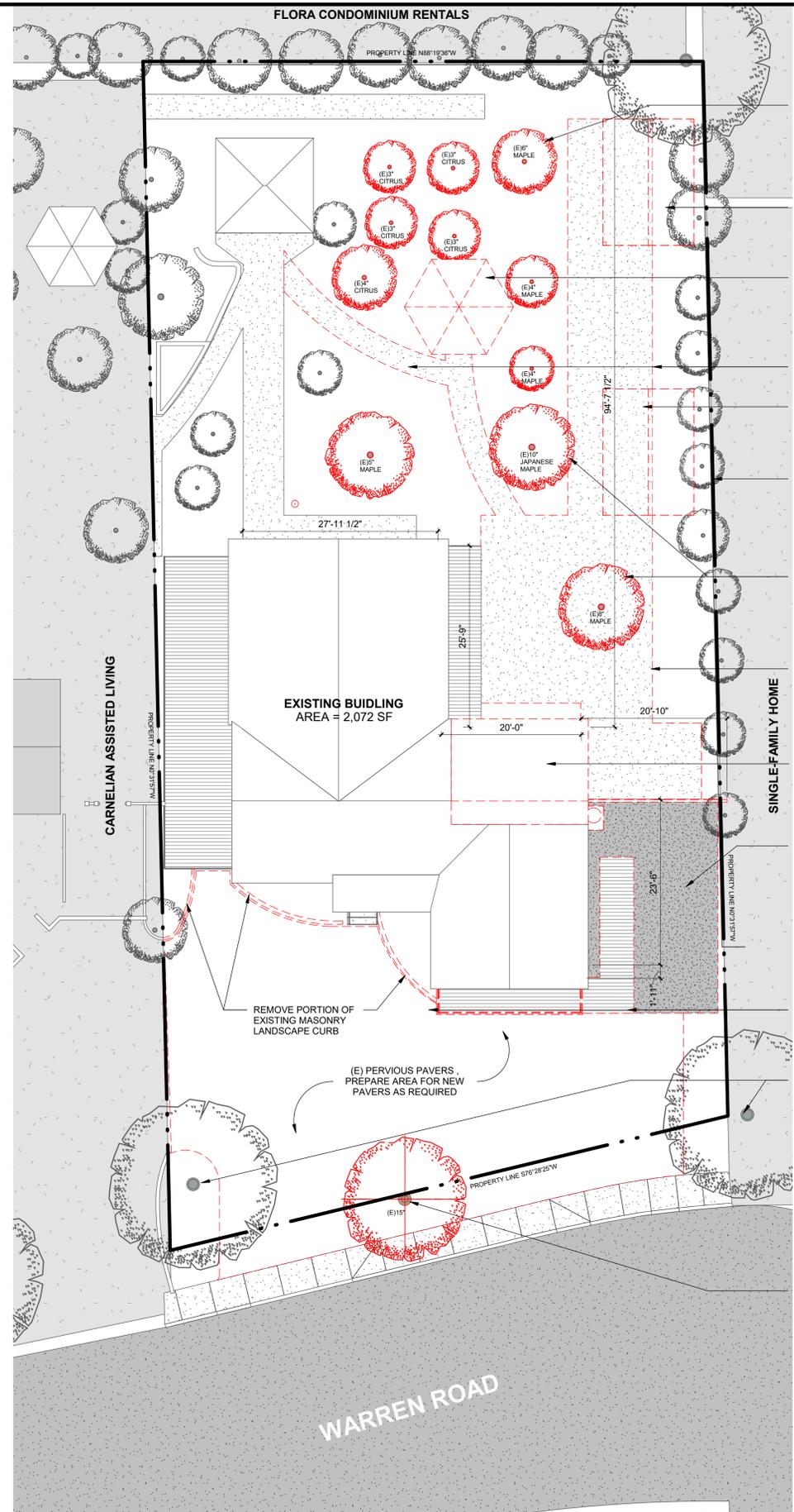
DATE	DESCRIPTION
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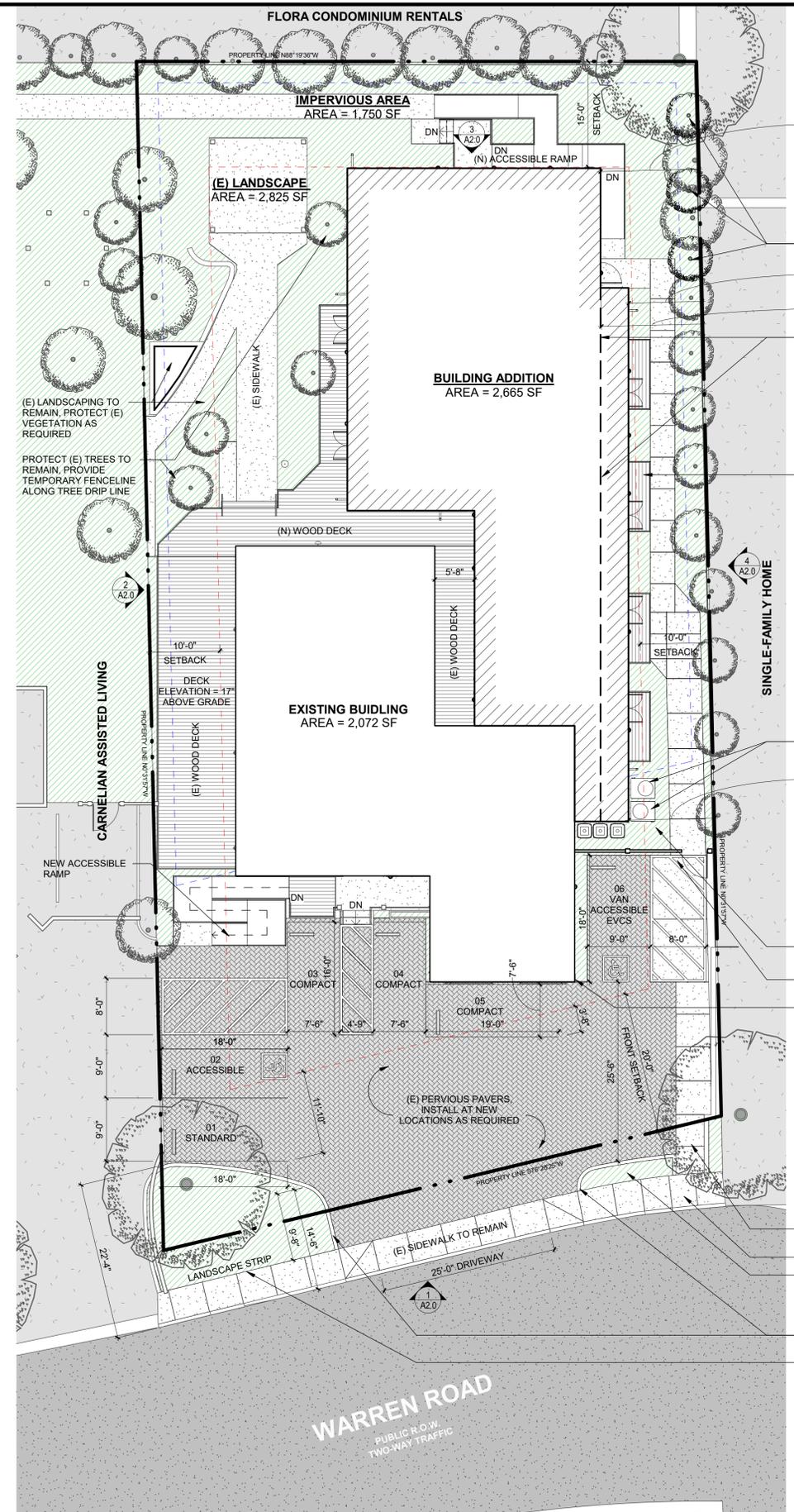
SITE PLAN + TREE REMOVAL + TREE PROTECTION PLAN

SHEET TITLE

SHEET NO.



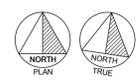
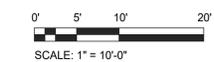
2 EXISTING SITE PLAN + REMOVALS
SCALE: 1" = 10'-0"



1 SITE PLAN
SCALE: 1" = 10'-0"

PARKING PROVIDED

PARKING TYPE	QTY.
ACCESSIBLE PARKING	1
ACCESSIBLE VAN PARKING + EVCS	1
COMPACT PARKING	3
STANDARD PARKING	1
TOTAL SHOWN	6



A1.1

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THE CARNELIAN ASSITED LIVING FACILITY EXPANSION

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 WALNUT CREEK, CA 94595

MANAGED BY: HGCI
 B-GENERAL BUILDING CONTRACTOR
 LIC. # 720437

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DATE	DESCRIPTION
10/11/2024	LAND USE PERMIT

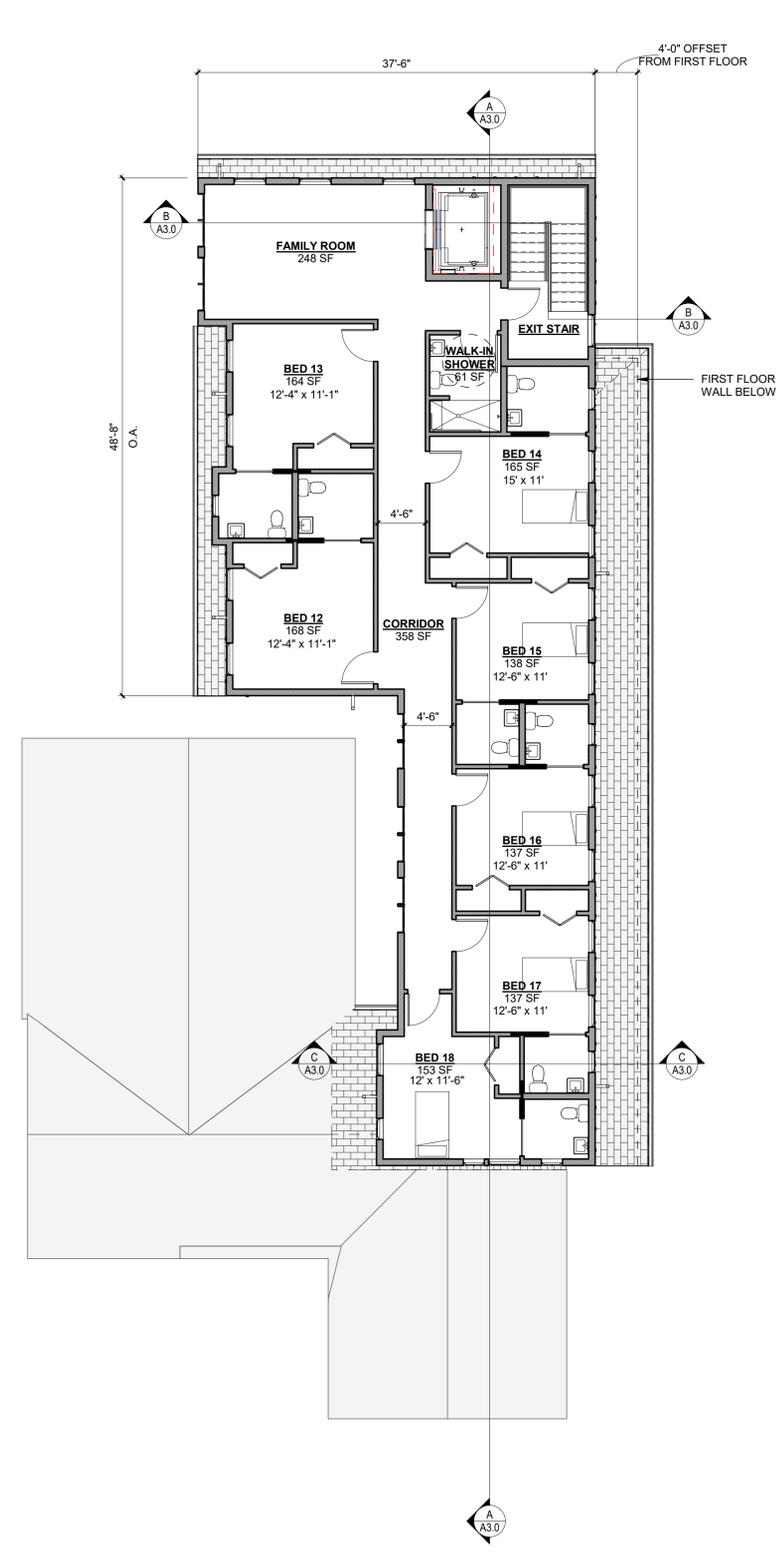
DATE	10/11/2024
SCALE	AS NOTED
PROJECT ID	23004
DRAWN BY	NW
CHECKED BY	JH

FIRST FLOOR PLAN + SECOND FLOOR PLAN

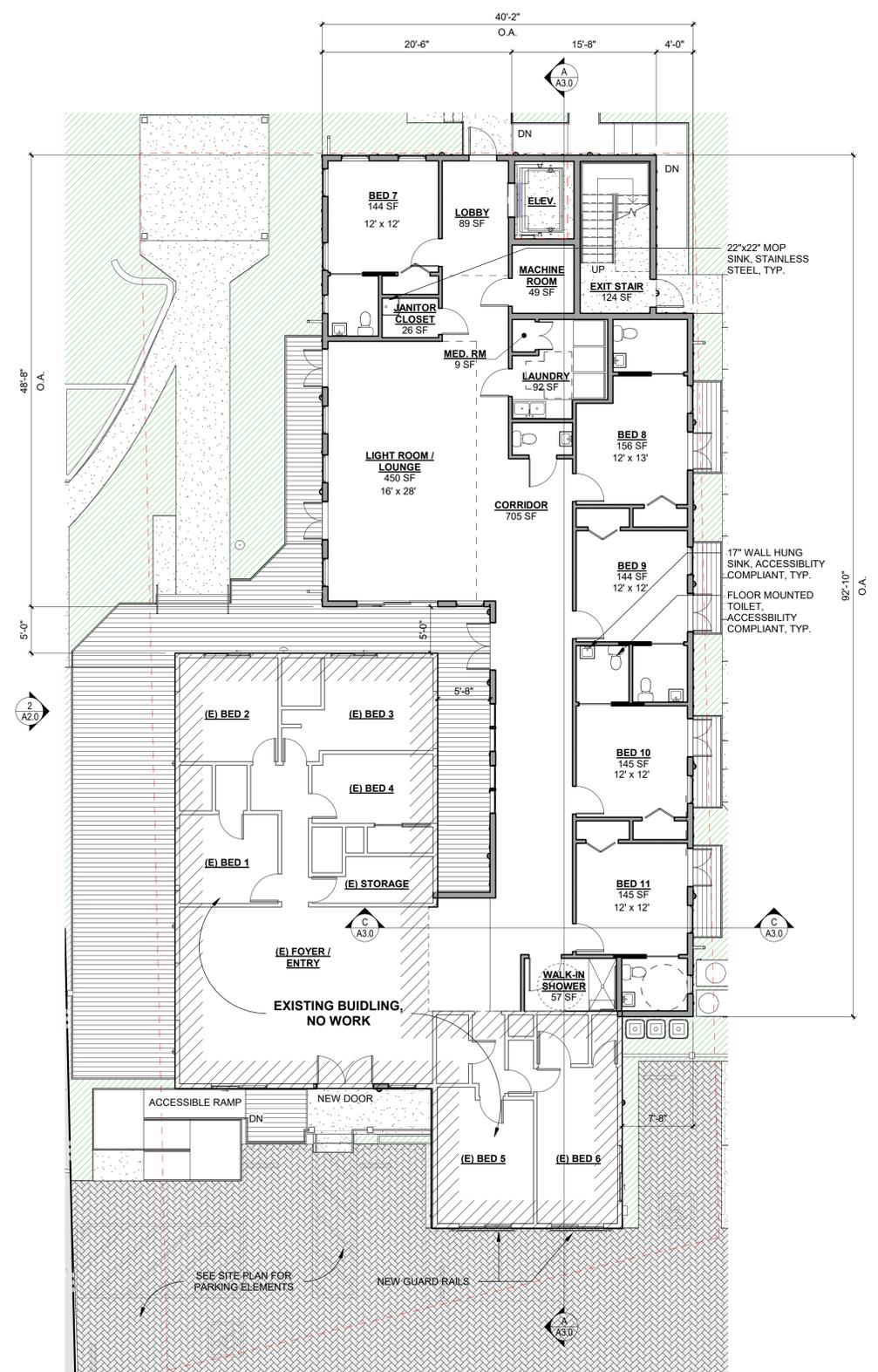
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SHEET NO.

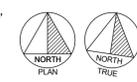
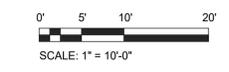
A1.2



2 SECOND FLOOR
 SCALE: 1/8" = 1'-0"



1 FIRST FLOOR
 SCALE: 1/8" = 1'-0"



101 LUCAS VALLEY RD, SUITE 150
 SAN RAFAEL, CA 94903
 T: 415.597.8800 F: 925.558.4814



THE CARNELIAN ASSITED LIVING FACILITY EXPANSION

APN # 184-120-071

PROJECT ADDRESS
 2374 WARREN RD
 WALNUT CREEK, CA 94595

MANAGED BY: HGCI
 B-GENERAL BUILDING CONTRACTOR
 LIC. # 720437

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EXTERIOR BUILDING ELEVATIONS

SHEET TITLE

SHEET NO.

A2.0



1 EXTERIOR ELEVATION - SOUTH (FRONT)
 SCALE: 1/8" = 1'-0"

- METAL GUARDRAIL, PAINTED TO MATCH EXISTING FINISHES
- 1x8 WOOD FASCIA, PAINTED WHITE TO MATCH WINDOWS, TYP.
- ASPHALT ROOF SHINGLES, SIMILAR TO EXISTING, TYP.
- VINYL OPERABLE WINDOWS, WHITE, TYP.



2 EXTERIOR ELEVATION - WEST
 SCALE: 1/8" = 1'-0"

- 5x5 ROOF GUTTER, AND RAIN LEADER, WHITE TO MATCH WINDOWS, TYP.
- NEW DECKS NOT TO EXCEED 17" ABOVE GRADE
- WOOD SIDING, BATTEN BOARD, PAINTED WHITE
- WALL SCONCE LIGHT FIXTURE, SIMILAR TO EXISTING
- (E) STUCCO WALLS
- WOOD SIDING, BATTEN BOARD, PAINTED WHITE
- (E) WALL SCONCE LIGHT FIXTURE

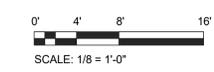


3 EXTERIOR ELEVATION - NORTH
 SCALE: 1/8" = 1'-0"



4 EXTERIOR ELEVATION - EAST
 SCALE: 1/8" = 1'-0"

- MECHANICAL EQUIPMENT
- ITALIAN CYPRESS, TREE SCREEN TOWARD EAST NEIGHBOR



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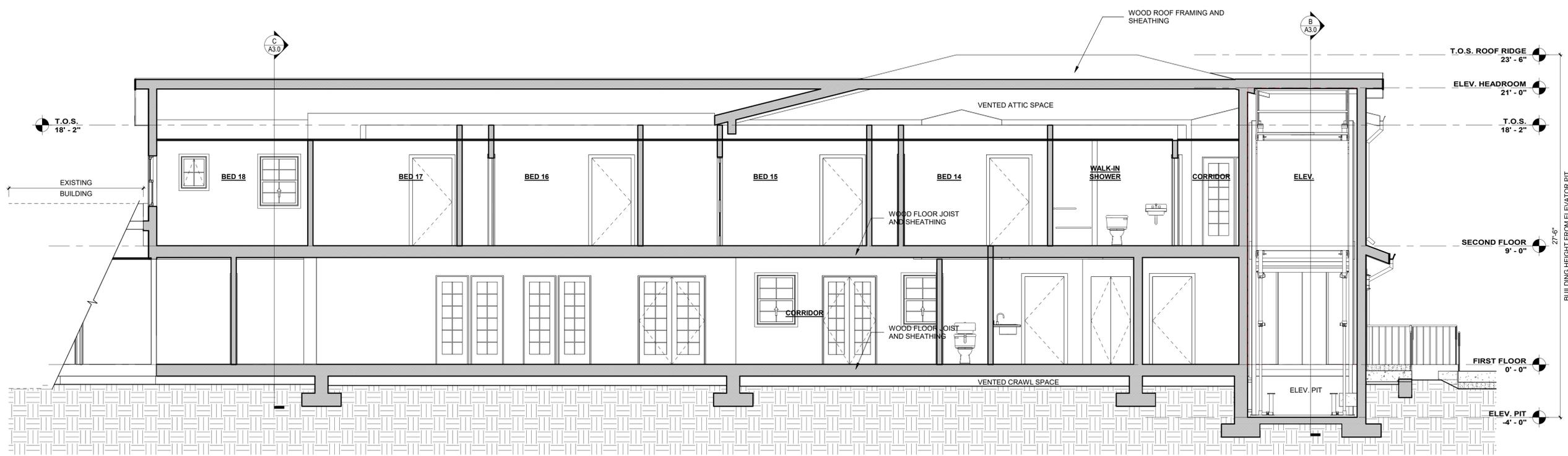


THE CARNELIAN ASSITED LIVING FACILITY EXPANSION

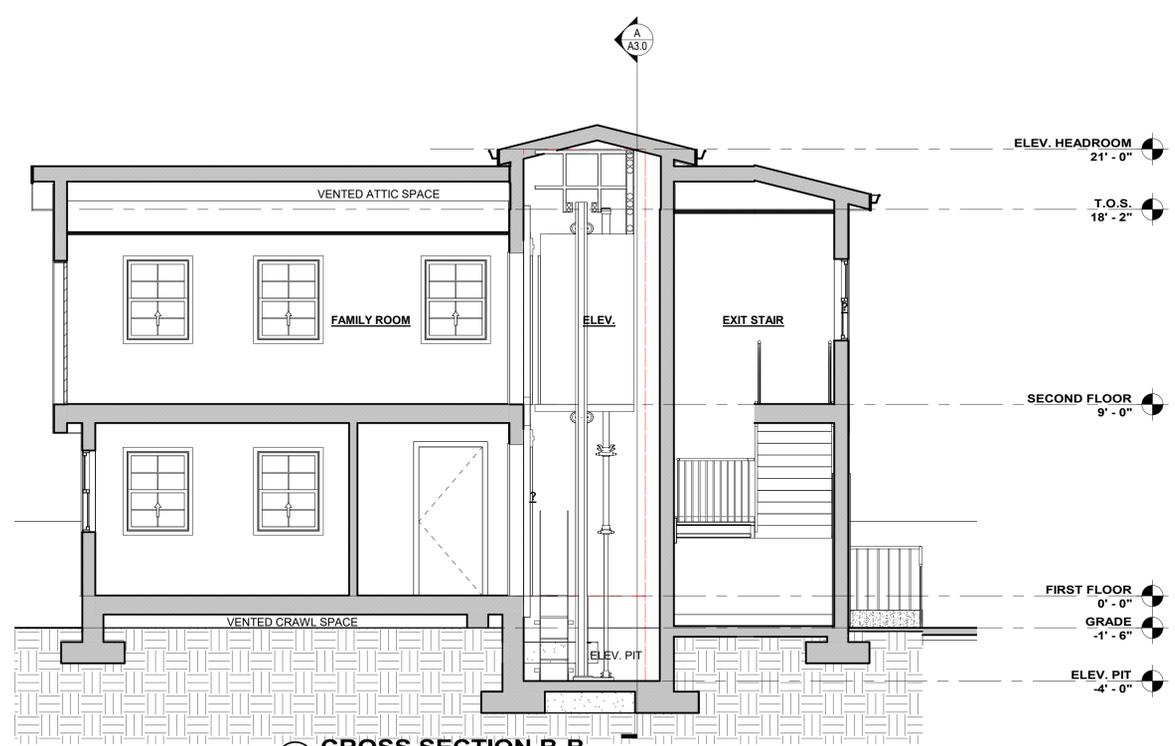
APN # 184-120-071

PROJECT ADDRESS
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 WALNUT CREEK, CA 94595

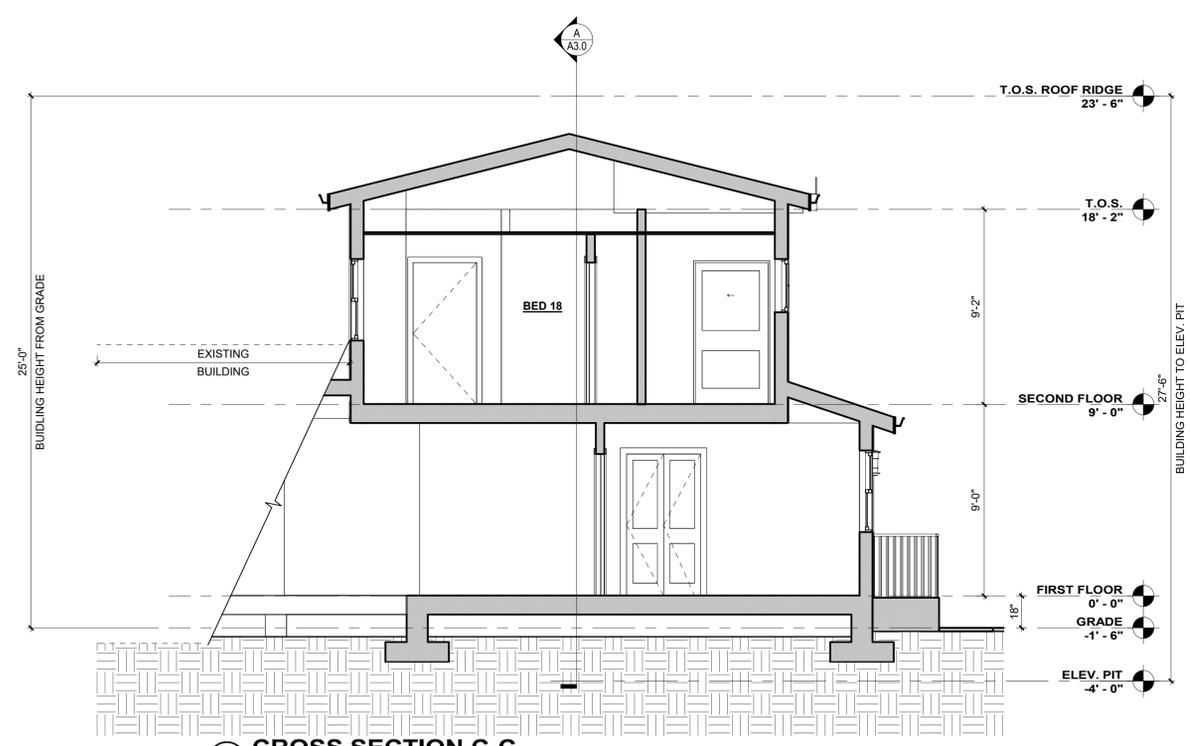
MANAGED BY: HGCI
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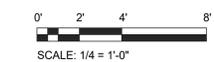
A BUILDING SECTION A-A
 SCALE: 1/4" = 1'-0"



B CROSS SECTION B-B
 SCALE: 1/4" = 1'-0"



C CROSS SECTION C-C
 SCALE: 1/4" = 1'-0"



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CHECKED BY	JH

BUILDING SECTIONS

SHEET TITLE

SHEET NO.

A3.0

101 LUCAS VALLEY RD, SUITE 150
 SAN RAFAEL, CA 94903
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**THE CARNELIAN ASSITED
 LIVING FACILITY EXPANSION**

APN # 184-120-071

PROJECT ADDRESS
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**AERIAL VIEWS - EXISTING
 REMOVALS + NEW**

SHEET TITLE

SHEET NO.

A9.0



1 AERIAL VIEW - REMOVALS
 SCALE:



2 AERIAL VIEW - NEW
 SCALE:

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THE CARNELIAN ASSITED LIVING FACILITY EXPANSION

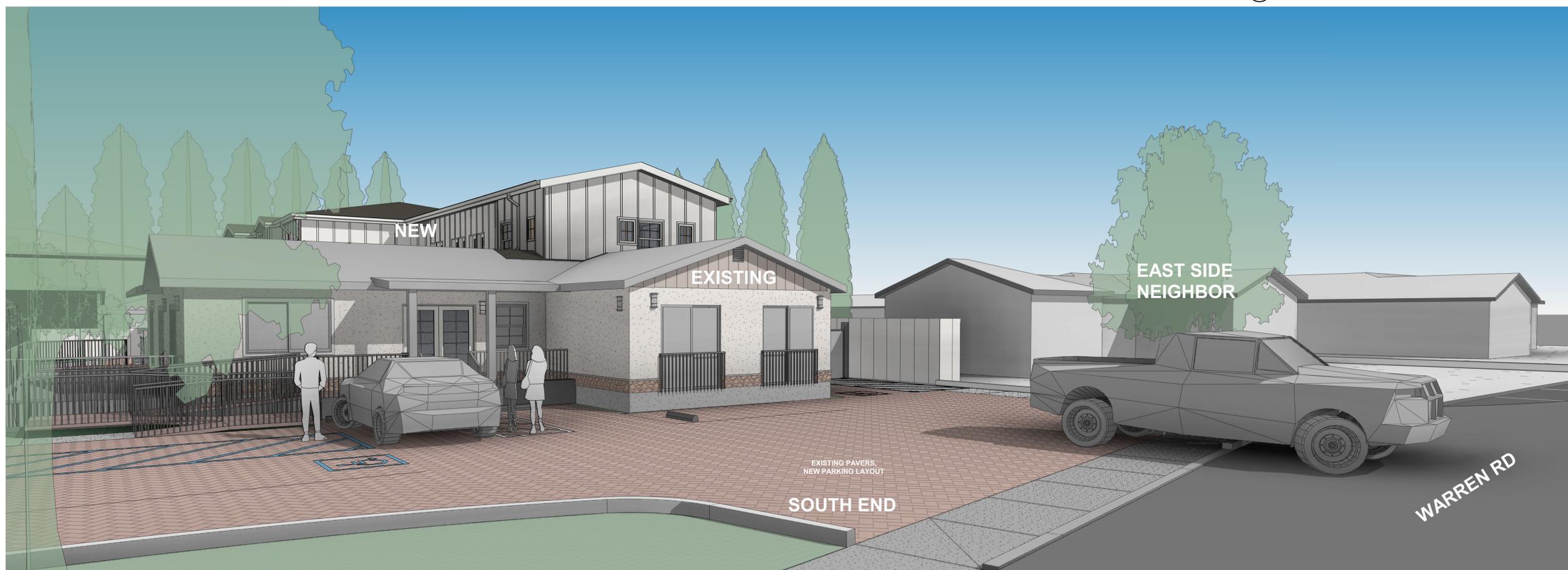
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1 STREET VIEW - FRONT APPROACH
 SCALE:



2 STREET VIEW - FRONT
 SCALE:

STAMP

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PERSPECTIVE VIEWS - FRONT

SHEET TITLE

SHEET NO.

A9.1

101 LUCAS VALLEY RD, SUITE 150
 SAN RAFAEL, CA 94903
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THE CARNELIAN ASSITED LIVING FACILITY EXPANSION

APN # 184-120-071

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 WALNUT CREECK, CA 94595

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PERSPECTIVE VIEWS - REAR

SHEET TITLE

SHEET NO.

A9.2



101 LUCAS VALLEY RD, SUITE 150
 SAN RAFAEL, CA 94903
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**THE CARNELIAN ASSITED
 LIVING FACILITY EXPANSION**

APN # 184-120-071

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 WALNUT CREECK, CA 94595

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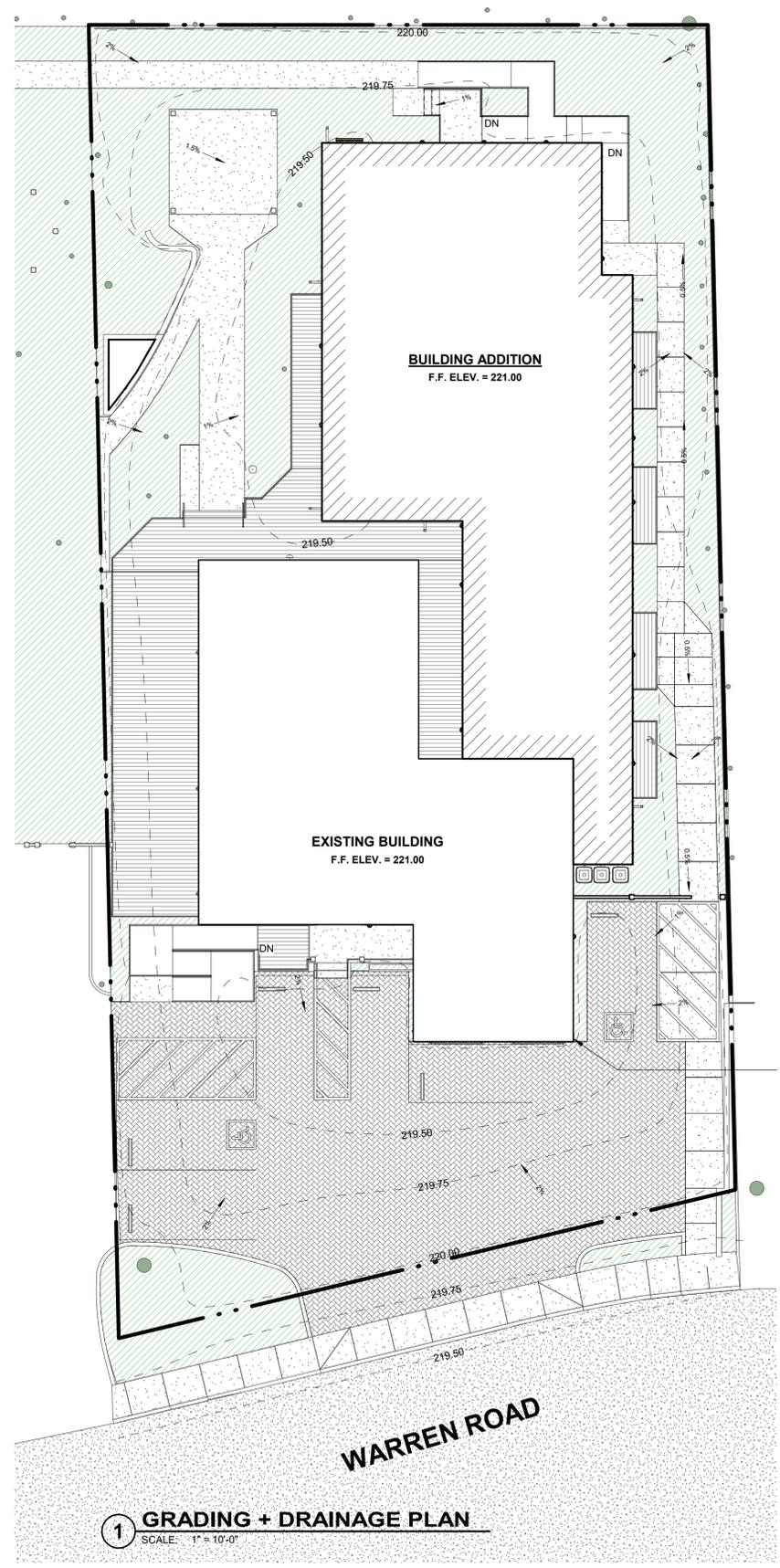
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**CONCEPTUAL GRADING +
 DRAINAGE PLAN**

SHEET TITLE

SHEET NO.

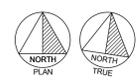
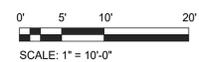
C1.0



LEGEND

SITE CUT =	67.6 CY, NATIVE SOIL
SITE FILL =	33.8 CY, SELECT FILL

- NOTES:**
- EXISTING UTILITIES SHOWN ON PLAN ARE FOR GENERAL INFORMATION ONLY AND DOES NOT CONSTITUTE AN ACTUAL UTILITIES SURVEY. ALL UTILITIES SHALL BE SURVEYED AND MARKED ON THE GROUND PRIOR TO CONSTRUCTION.
 - ALL EXISTING UNDERGROUND UTILITIES SHALL BE PROTECTED IN PLACE DURING CONSTRUCTION.
 - ALL STORM DRAIN INLETS SHALL BE LABELED PER THE COUNTY STANDARD OR APPROVED EQUAL.



1 GRADING + DRAINAGE PLAN
 SCALE: 1" = 10'-0"

101 LUCAS VALLEY RD, SUITE 150
 SAN RAFAEL, CA 94903
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THE CARNELIAN ASSITED LIVING FACILITY EXPANSION

APN # 184-120-071

PROJECT ADDRESS
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 WALNUT CREECK, CA 94595

MANAGED BY: HGCI
 B-GENERAL BUILDING CONTRACTOR
 LIC. # 720437

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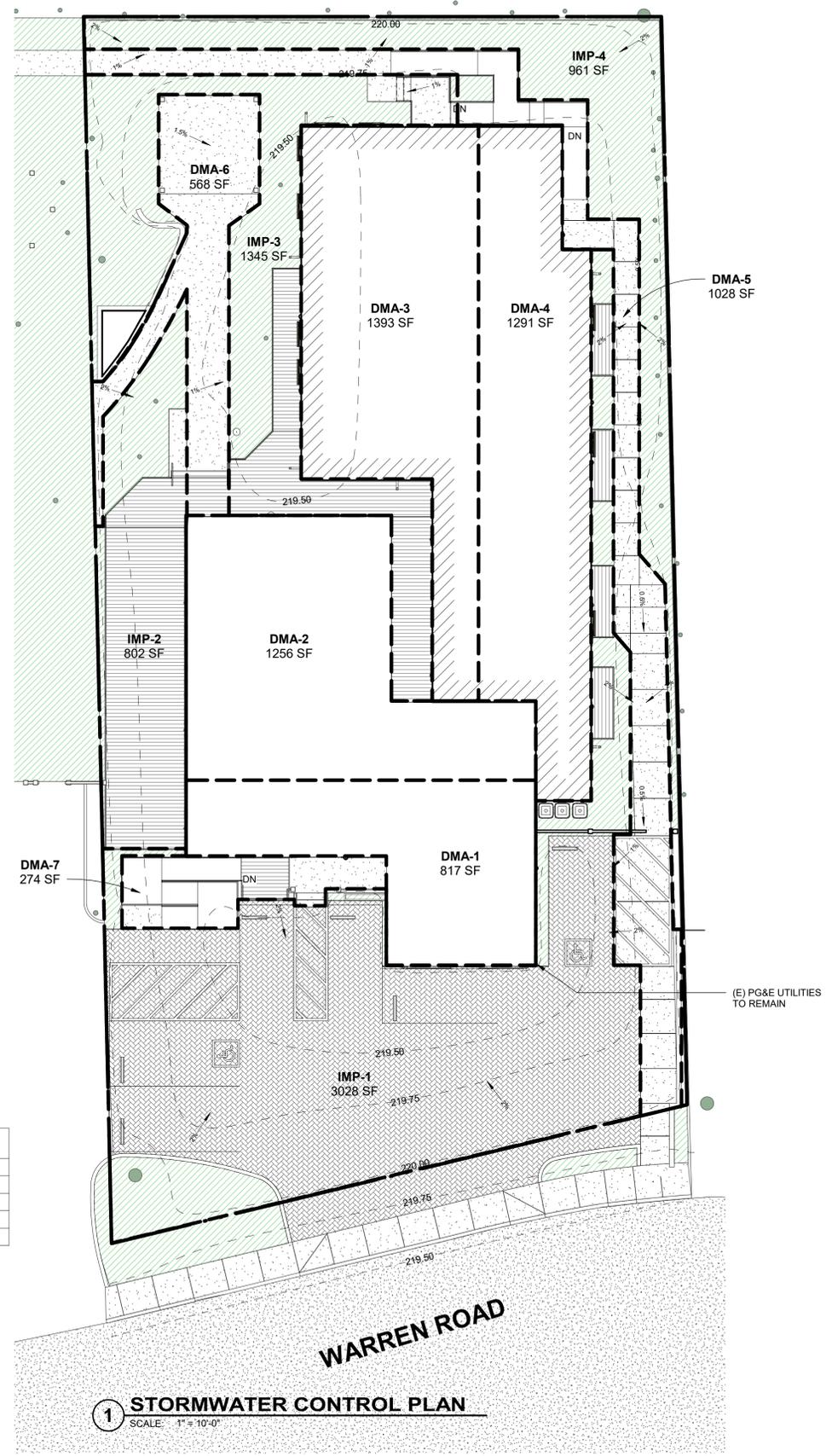
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CHECKED BY	JH

STORMWATER CONTROL PLAN

SHEET TITLE

SHEET NO.

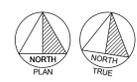
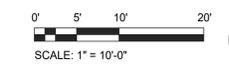
C1.1



DMA SCHEDULE					IMP SCHEDULE		
DMA	AREA	SURFACE	CN POST	DRAINS TO BMP	DMA	AREA	SURFACE
DMA-1	817 SF	ROOF	98	IMP-1	IMP-1	3,028 SF	VEGETATED BUFFER AREA
DMA-2	1,256 SF	ROOF	98	IMP-2	IMP-2	802 SF	VEGETATED BUFFER AREA
DMA-3	1,393 SF	ROOF	98	IMP-3	IMP-3	1,345 SF	VEGETATED BUFFER AREA
DMA-4	1,291 SF	ROOF	98	IMP-4	IMP-4	961 SF	VEGETATED BUFFER AREA
DMA-5	1,028 SF	CONCRETE	98	TOTAL	TOTAL	6,136 SF	
DMA-6	568 SF	CONCRETE	98				
DMA-7	274 SF	CONCRETE	98				
TOTAL	6,625 SF						

LEGEND

DMA-1	DRAINAGE MANAGEMENT AREA - DENOTES IMPERVIOUS SURFACES
IMP-1	INTEGRATED MANAGEMENT PRACTICE



1 STORMWATER CONTROL PLAN
 SCALE: 1" = 10'-0"

THE CARNELIAN ASSITED LIVING FACILITY EXPANSION

APN # 184-120-071

PROJECT ADDRESS
2374 WARREN RD
WALNUT CREEK, CA 94595

MANAGED BY: HGCI
B-GENERAL BUILDING
CONTRACTOR
LIC. # 720437

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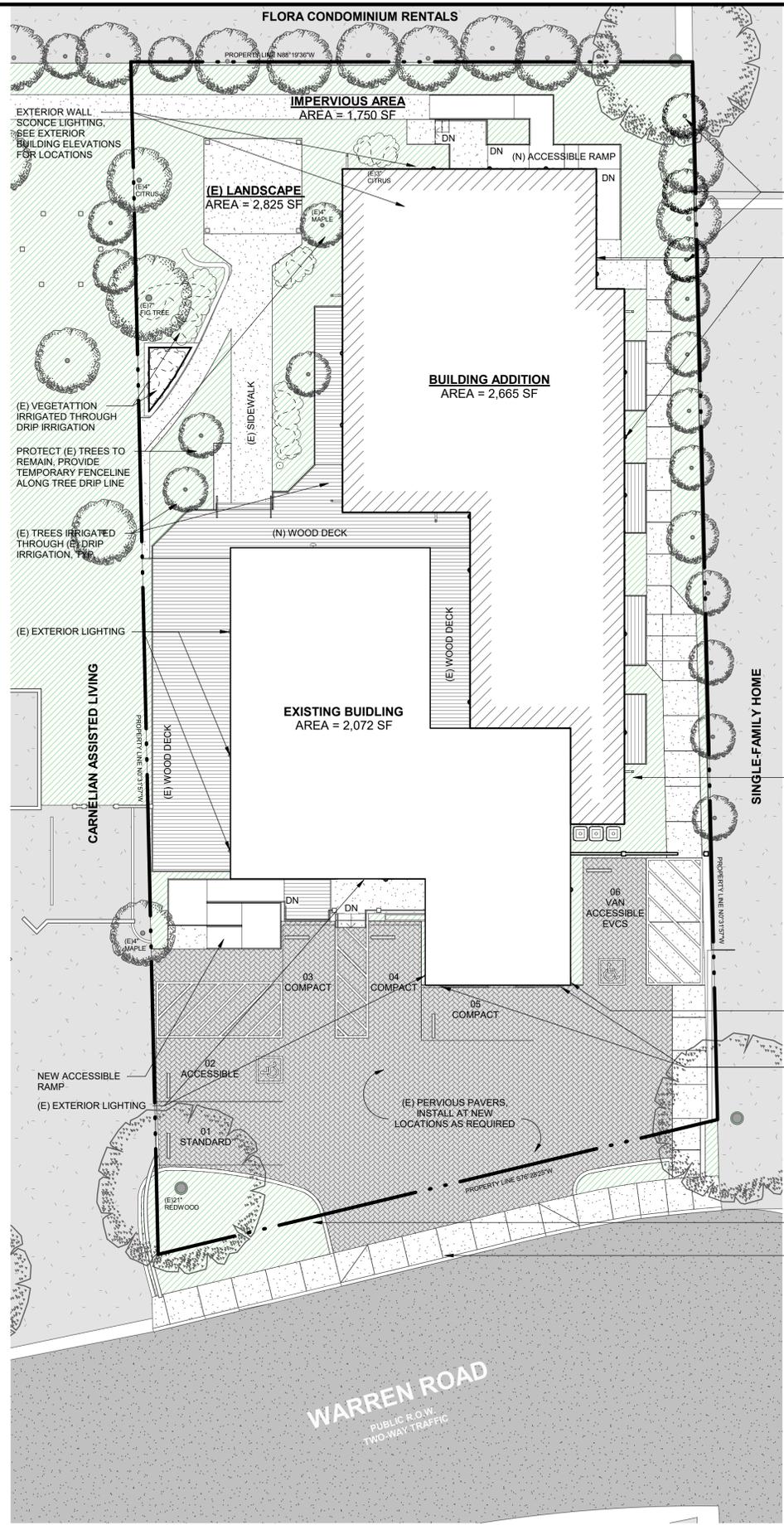
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CHECKED BY	JH

LANDSCAPE + IRRIGATION PLAN

SHEET TITLE

SHEET NO.



NEW CYPRESS TREES
(3 LOCATIONS)

EXTERIOR WALL SCONCE LIGHTING. SEE EXTERIOR BUILDING ELEVATIONS FOR LOCATIONS

ROOF RAIN LEADER LINE, TYP.

(E) PG&E UTILITIES TO REMAIN

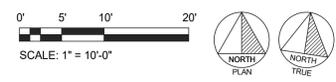
(E) EXTERIOR LIGHTING

(E) LANDSCAPE AREAS SHOWN IN DIAGONAL LINES, TYP.

(E) SIDEWALK ALONG R.O.W.

LEGEND

- (E) LANDSCAPING + VEGETATED AND PERMEABLE AREAS
- PERMEABLE PAVERS
- CONCRETE SIDEWALK - IMPERMEABLE SURFACE
- (E) TREES TO REMAIN - SEE NOTES IN PLANS FOR TYPE AND DIAMETER
- SMALL GROUND COVER: EMERALD CARPET/HIDCOTE
- DRIP IRRIGATION AREAS



TREE & SHRUB SLOPE PLANTING DETAIL

TREE & SHRUB ROCK SLOPE PLANTING DETAIL

TREE & SHRUB PLANTING DETAIL

WEED CONTROL FABRIC DETAIL

NOTES:

- 4" diameter perforated pipe shall be positioned so that it is a minimum of 1" from finish grade of planting pit, and wire mesh deformed such that it lies outside of the wire mesh foliage protector.
- Foliage protector shall be a minimum of 4' high and 18" clear from top of plant.
- All plants shall be as shown on project plans, or as specified by the Public Works Department.
- Minimum spacing between trees shall be 10', all ways. Minimum spacing between shrubs shall be 5', all ways. All plants shall be 1-Gallon size unless otherwise specified on construction plans. Plant selection (mature size) shall be appropriate for the space available.
- Install root protectors when shown on project plans, when specified in project special provisions, or as directed by the Public Works Department. Root protector shall be fabricated from 1" hexagonal pattern, 20-gauge galvanized wire mesh having a diameter that will provide a minimum clearance of 6" between the root ball and all sides of the basket. Basket shall extend 3" above finished grade.

COUNTY OF CONTRA COSTA PUBLIC WORKS DEPARTMENT
STANDARD PLAN
MITIGATION LANDSCAPING DETAILS

SCALE: NO SCALE DATE: 3/14
DRAWN BY: H. HERRERA, CONTRA COSTA PLAN NO. CH10
CHECKED BY: W. HOLMESWORTH

1 LANDSCAPE + IRRIGATION PLAN

SCALE: 1" = 10'-0"



HUSTON GENERAL CONTRACTING, INC.
 101 Lucas Valley Rd, Suite 150
 San Rafael CA 94903
 T: (415) 509-0304
 E: info@hgci.com
 www.hgci.com

RECEIVED on 10/11/2024 **CDLP23-02046**
 By Contra Costa County
 Department of Conservation and Development

4 October 2024
CDLP23-02046
 Contra Costa County
 Department of Conservation and Development
 30 Muir Road
 Martinez, CA 94553

Re: Land Use Application updates
 2374 Warren Rd
 Walnut Creek, CA 94595

To Everett:

The following adjustments were made to the Land Use permit application based on the neighborhood comments and suggestions by the county during the previous hearing(s). These are not an all-inclusive list but address the most relevant topics based on feedback from the neighboring community.

Summary and location of adjustments

1. Moved the entire 2nd floor addition 4 feet West to increase the setback to 14' 5 ½" at the Northeast end
2. Refer to sheet **A1.1** Adjusted impervious area to 1,750 SF
 - a. Refer to sheet **A1.1** detail **1**
3. Move the elevator from the front of the property to the back
 - a. Refer to sheet **A1.2** detail **1**
4. Reduced the elevator height by ~2.5ft
 - a. Refer to sheet **A3.0** detail **A**
5. Made the elevator shaft roof flush with the building roofline
 - a. Refer to sheet **A2.0** detail **3**
6. Reduced the entire building height by ~1.5ft
 - a. Refer to sheet **A2.0** detail **1**
7. Created a natural visibility screen of trees between the addition and the East neighbors
 - a. Refer to sheet **A2.0** detail **4**
8. Reduced the ground floor 'Light Room/ Lounge' to 450 sf
 - a. Refer to sheet **A1.2** detail **1**
9. Reduced walk-in shower sizes at the ground floor to 57 sf
 - a. Refer to sheet **A1.2** detail **1**
10. Added a narrow landscape buffer between the parking and public ROW
 - a. Refer to sheet **A1.1** detail **1**
11. Adjusted impervious area to 1,750 SF
 - a. Refer to sheet **A1.1** detail **1**
12. Adjusted landscape area to 2,825 SF
 - a. Refer to sheet **A1.1** detail **1**
13. Building footprint to 2,665 SF which had to become larger due to the neighbor requested compromised redesign of the project
 - a. Refer to sheet **A 1.1** detail **1** for building footprint update
14. Added the shadow study at 5pm impact to neighboring property
 - a. Refer to sheet **A0.2** detail **1**

Prepared by:
Nathan Watkins
 Project Manager/Architect

Date: **4 October 2024**



HUSTON GENERAL CONTRACTING, INC.
 101 Lucas Valley Rd, Suite 150
 San Rafael CA 94903
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 E: info@hgci.com
 www.hgci.com

4 October 2024

CDLP23-02046

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

Re: Neighbor Meeting Minutes
 2374 Warren Rd
 Walnut Creek, CA 94595

RECEIVED on 10/11/2024 **CDLP23-02046**
 By Contra Costa County
 Department of Conservation and Development

To Zoning Administrator:

The Owner group and HGCI (Applicant) reached out to the neighbors to meet at 2374 Warren Rd to discuss neighbor concerns from previous hearings and the redesigned project on **October 1, 2024, from 5-6pm**. The owners discussed the neighboring comments previously brought up from the previous hearings at the County Hearings and had open dialogue with the neighbors (some which addressed the previous hearings and new neighbors not previously at the hearings).

The following meeting minutes elaborate in detail what was discussed:

Meeting Minutes Start

1. Introductions by Ben Dunphy
2. Speech by Katherine Dunphy:
 - a. speech illustrating the significance of Carnelian Assisted Living for the aging community and how the residents benefit from the passion of care by the owner group and their staff.
3. Start of Neighbor Concern Topics of Discussion:
 - a. Concern of added traffic due to project addition
 - i. Operational adjustments were made to maintain staff and visitor parking exclusively onsite.
 - b. Concern of Events adding congestion/blocking driveways
 - i. Operation adjustment for events was taken off-site with shuttle service which was implemented on 7/4/2024 event successfully.
 - c. Concern of a 2-story addition in lieu of a 1-story addition
 - i. 1-story addition was considered and evaluated over a period of 2 weeks by HGCI and the Carnelian team. The 1-story generated additional 8 beds, consumed one-thirds of the existing garden space and does not come close to meet the demands for more housing (including a waitlist for more residents)
 - ii. The maximum beds the Carnelian team can accommodate is 18 beds to alleviate the current housing demand and needs (the owners and staff would like to add more but it will burden the owners and their staff beyond their resources available at this time).
 - iii. The 1-story consumed the garden and eliminated space used specifically for activities of residents with dementia.
 - iv. Attempt to develop at the other two sites (Flora Ave, and adjacent lot) had maxed out lot coverages, which would displace more residents and burden the housing market at the onset of construction.
 - v. Newest redesign mitigates disturbance to current residents, limits displacement, and is the maximum number of beds that will help alleviate some of the housing demand
 - d. Changes applied to previous design (original submittal) in consideration of changes.



- i. Elevator was moved to the back of the property away from Warren Rd and closest to the apartment complex to reduce the massing effect.
 - ii. Elevator shaft height was reduced by +/- two (2) feet (from original submittal)
 - iii. Overall building height was lowered also by +/- two (2) feet (from original submittal)
 - iv. Reviewed neighborhood finishes and revised exterior building envelope to a board & batten design creating a more residential feel to the building.
 - v. Added more windows to break up the exterior building envelope.
 - vi. Added dormers to the building and architectural elements (wood elements and trellis)
 - vii. Added a decorative awning facing adjacent neighbors to the East to break up the massing of the 2-story addition.
 - viii. Added plantings and vegetation to the envelope to reduce the impact of the building's hard surfaces.
 - e. Concerns in the event of an emergency (egress concerns along collector streets):
 - i. Carnelian Assisted Living has an Emergency Plan that is in place for evacuations in cases of emergency which is required for residential care facilities. In October 2019 amidst a wildfire nearby, the Carnelian team reached out to the fire department as part of their protocol prior to any evacuation orders. The management reached out to the fire department to coordinate an evacuation plan if needed. Luckily the fire did not spread close enough to warrant an evacuation and the emergency plan was abandoned as there was no existential threat.
- 4. Specific Q&A was started which repeated most of the information discussed in the points above.
 - Q: How much square footage did the 1-story addition take up compared to the 2-story addition?
 - A: 1-story option took up +/- 3,500 SF and the 2-story addition takes up +/- 2,500 SF
 - Q: What is the variance being requested?
 - A: New/current design does not request a variance for the driveway width.
 - Q: Will trees be removed?
 - A: There is a tree that is leaning that is going to be removed, an arborist was consulted, and they explained the tree is potentially dangerous as it can fall/break and harm someone
 - Q: Will Warren Road be narrower due to this project?
 - A: No narrowing of Warren Rd will result from this project.
 - Q: Is there a traffic study?
 - A: The Staff report did not request a traffic study; the assumption is this project does not meet the metrics requiring a traffic study.
 - Q: How long will the construction last?
 - A: It is anticipated to last roughly 12-18 months.
- 5. Some neighborhood support was garnered from the meeting and support letters have been collected showing community support for this application (letters were not collected at this meeting, but we will provide them as soon as we can).
- 6. A sign in sheet was also collected for the community who attended the meeting.

Prepared by:



Nathan Watkins
 Project Manager/Architect

4 October 2024

Date



CONTRA COSTA COUNTY

1025 ESCOBAR STREET
MARTINEZ, CA 94553

Staff Report

File #: 25-180

Agenda Date: 1/22/2025

Agenda #: 3a.

Project Title:	Settlement Agreement Annual Compliance Review Gale Ranch Development- Shapell Homes
County File(s):	SA24-0006
Applicant/Owner:	<u>Shapell Homes</u>
Zoning/General Plan:	Zoning: Planned Unit Development (P-1). General Plan: Single-Family Residential, High-Density (SH), Single-Family Residential, Medium Density (SM), Multi-Family Residential, Low-Density (ML), and Multi-Family Residential, High-Density (MH), etc.
Site Address/Location:	The subject property consists of 973 acres located on both sides of Dougherty Road, east of the Country Club at Gale Ranch Project boundary and west of Alamo Creek, in the Dougherty Valley, San Ramon, area. (P-1) (ZA:W-19, V-19) (CT 3551) (Parcel #206-040-002,-003,-004; 206-240-003,-010; 217-060-025; 206-080-010).
California Environmental Quality Act (CEQA) Status:	An Environmental Impact Report (EIR) was prepared in 1992; a Supplemental EIR was prepared in 1996; and an Addendum was prepared for the phases III and IV of the Project in 2003 and 2005 respectively.
Project Planner:	Adrian Veliz, Senior Planner (925) 655-2879 adrian.veliz@dcd.cccounty.us
Staff Recommendation:	Approve (See Section II for full recommendation)

I. BACKGROUND AND PROCEDURES:

The Agreement to Settle Litigation Relating to the Dougherty Valley General Plan Amendment, Specific Plan and Environmental Impact Report, dated May 11, 1994 (herein referred to as the Settlement Agreement) requires Shapell Industries Partners to submit an annual compliance report by October 15 of each year. Appendix G of this Settlement Agreement specifies the annual reporting and review requirements, as follows:

- a) the owner submits a report;
- b) County staff evaluates the report and
- c) Submits the evaluation and the report to the Dougherty Valley Oversight Committee for consideration and recommendation
- d) The Zoning Administrator then considers the report and this recommendation at a noticed public

hearing prior to January 30 of the following year.

II. RECOMMENDATION: Staff recommends the Zoning Administrator accept the attached Gale Ranch Annual Compliance Report to be in compliance with the above captioned Settlement Agreement and to adopt the findings included in the Resolution No. 1-2025.

III. STAFF REVIEW:

Staff has evaluated the Annual Compliance Report for the 2024 project year, as submitted by Shapell, in compliance with the annual reporting and review requirements of the Dougherty Valley Settlement Agreement, Appendix G.

IV. SPECIFIC COMPLIANCE ISSUES:

A. Childcare:

Coyote Creek Elementary School, Gale I:

Shapell has provided the San Ramon School District a childcare center for 125 children at the Coyote Creek Elementary School. This facility has been in operation since August of 2002.

Canyon Creek Presbyterian Church, Gale I:

This childcare facility has been in operation since January of 2007 (Little Bridges) The current capacity is 206 children, consisting of 57 school age children, 125-pre-schoolers, and 24 infants (maximum capacity).

Cornerstone Apartment Complex, Gale II:

This facility opened in August of 2005 with a childcare facility onsite operated by the YMCA and capable of accommodating 74 children in various programs.

Quail Run Elementary School, Gale III:

Quail Run Elementary School opened in August of 2006. The childcare facility on this school is sized to accommodate up to 192 children in pre-school and after school programs.

Approved Childcare for Gale IV:

On November 21, 2011, the County Zoning Administrator approved a Final Development Plan Modification to allow the construction of a daycare/pre-school (located immediately south of Ivyleaf Springs Road across from Golden Bay Avenue, in Phase IV) to accommodate up to 132 spaces.

The facility includes an ±8,274 sq. ft. one-story building, 5,618 sq. ft. of landscaping, 13,566 sq. ft. of play area, 19,344 sq. ft. of paved off-street parking area (± 35 parking stalls), plus related facility signage. The facility is built and in operation.

CHILD CARE IN GALE RANCH						
Facility Name	Location	Opening	Infant	Pre-School	School Age	Total
Coyote Creek Elementary	Gale I	8/02	0	0	125	125
Canyon Creek Presbyterian Church	Gale I	1/07	24	125	57	206
Cornerstone Apartments (YMCA)	Gale II	9/05	0	74	0	74
Quail Run Elementary School	Gale III	8/06	0	0	179	179
Gale IV Child Care	Gale IV	1/13	20	112	0	132
		Total	24-44	311	361	729

B. School Facilities

The Coyote Creek Elementary School in Gale Ranch, Phase I was completed on August 17, 2002.

The Gale Ranch, Phase III, Quail Run Elementary School, has been open since August of 2006.

In November of 2006, the County approved the Middle School Relocation from Phase II to Phase III. Construction of the Middle School is complete and school opened in Fall of 2008.

C. Park Acreages:

<u>Construction Complete</u>		
	<u>Park Name</u>	<u>Acreage</u>
Gale I	Coyote Crossing Park	11.76
	East Park	0.82
	Windy Hills Park	1.19
	Coyote Creek School Park	3.68
	Windy Hills Park Addition	0.18
	Gale I Total	17.63
	Gale II	Hidden Crest Park (PA 0003)
Monarch Park (PA 0008)		6.34
Creekside Park (PA 0010)		5.97
Valley View Park (PA 0009)		10.02
« Bark and Ride » (PA 0040)		6.10
Gale II Total		30.50

Gale III	Quail Run Elementary	6.40	COMPLETE
	Gale Ranch Middle School	6.20	COMPLETE
	Overlook Park (PA 0019)	0.10	COMPLETE
	Mosaic Community Park (PA1.74 0021)		COMPLETE
	Hummingbird Playground (PA 0041)	0.4	COMPLETE
	Gale III Total	14.44	COMPLETE
Gale IV	Rancho San Ramon Community Park Phase I	23.27	COMPLETE
	Total Complete	90.7	
<u>Future Construction</u>			
	<u>Park Name</u>	<u>Acreage</u>	<u>First Completion</u>
	Mosaic Linear Park	2.10	Complete
	Critter Crossroad Park (PA 0018)	8.44	2025
	Gale III Total	10.54	
Gale IV	Ranch San Ramon Community Park Phase II	7.83	2026
	Bella Vista School Park	2.61	Complete
	Linear Park (Pod 6)	1.21	Complete
	Gale IV Total	11.65	

D. Corporation Yard:

Construction for the Corporation Yard "Service Center" Construction started in August of 2008 and the building was complete in winter of 2008. The facility was turned over to the City of San Ramon in Spring of 2009.

E. Staging Area for Open Space:

The Specific Plan requires a staging area within the Gale Ranch, Phase IV. A staging area is proposed (trail/parking) for Gale IV. The staging area is anticipated to be built in conjunction with the 30-acre Rancho San Ramon Community Park. Phase I of the Community Park (23.27-acre) was completed in Fall 2014, and the Phase II (remainder 7.83-acre) is anticipated to be finished in 2025.

F. Flood Control Facilities:

All major flood control facilities have been constructed and operational for Phases of Gale Ranch.

G. Bark and Ride Facility:

In March of 2007, the County Zoning Administrator approved a Final Development Plan Amendment to allow the previously contemplated 100-space park-and-ride facility to be replaced with a ±54 space parking lot and two small dog parks. The site is a 6.2-acre strip of land within the existing PG& E easement. The Bark and Ride facility is complete.

H. Senior Center:

The 2003 approved Village Center Neighborhood Plan identifies a 10,000 square foot senior center. As part of the Gale IV application, the developer was conditioned to apply for a subsequent final development plan for their portion of the Village Center, which will include the Senior Center. This facility is required to be built upon the completion of the 8,607 units. The 10,000 square foot senior center, now the "Annex or Recreation Center," originally planned adjacent to the Community Center is being moved to a site in the ± 31-acre Rancho San Ramon Community Park near the San Ramon Service Center. This relocation has been implemented as agreed by the City of San Ramon. Construction of the Annex started in Spring of 2013 and it was completed in 2014.

V. DVOC REVIEW:

After reviewing the Annual Compliance Report and taking testimony at the annual Dougherty Valley Oversight Committee (DVOC) meeting held on December 2, 2024 meeting, DVOC members accepted the Gale Ranch Annual Compliance Report as adequate.

Attachments: Resolution 1-2025
2024 Annual Compliance Report



CONTRA COSTA COUNTY

1025 ESCOBAR STREET
MARTINEZ, CA 94553

Staff Report

File #: 25-181

Agenda Date: 1/22/2025

Agenda #: 3b.

Project Title:	Development Agreement Annual Compliance Review Gale Ranch Development- Shapell Homes
County File(s):	AR24-0117
Applicant/Owner:	<u>Shapell Homes</u>
Zoning/General Plan:	Zoning: Planned Unit Development (P-1). General Plan: Single-Family Residential, High-Density (SH), Single-Family Residential, Medium Density (SM), Multi-Family Residential, Low-Density (ML), and Multi-Family Residential, High-Density (MH), etc.
Site Address/Location :	The subject property consists of 973 acres located on both sides of Dougherty Road, east of the Country Club at Gale Ranch Project boundary and west of Alamo Creek, in the Dougherty Valley, San Ramon, area. (P-1) (ZA:W-19, V-19) (CT 3551) (Parcel #206-040-002,-003,-004; 206-240-003,-010; 217-060-025; 206-080-010).
California Environmental Quality Act (CEQA) Status:	An Environmental Impact Report (EIR) was prepared in 1992; a Supplemental EIR was prepared in 1996; and an Addendum was prepared for the phases III and IV of the Project in 2003 and 2005 respectively.
Project Planner:	Adrian Veliz, Senior Planner (925) 655-2879
Staff Recommendation:	Approve (See Section V for full recommendation)

BACKGROUND AND PROCEDURES:

A Development Agreement (“Agreement”) by and between Contra Costa County

and Shapell Industries (“Developers”) for the above referenced project was entered on April 8, 1996, pursuant to Contra Costa County Ordinance No. 94-79 and recorded on January 17, 1995. The Agreement is now due for the Thirtieth “annual review”, as required by the Agreement and State Law. Under the County’s Procedures and Requirements for Consideration of Development Agreements (Board Resolution No. 85/412). The Annual Review is to be performed by the Zoning Administrator in a public hearing after receiving a Staff Report from the Department of Conservation and Development. The Zoning Administrator at the public hearing shall adopt the staff report, with or without modifications at the discretion of the Zoning Administrator. If the Zoning Administrator finds and determines the Developer has not complied with the terms of this Agreement, the Zoning Administrator shall deliver a Default Notice pursuant to Section 8.1 (a) of the Development Agreement.

STAFF REVIEW:

Staff has reviewed Section 2 of the November 21, 2024, annual compliance report submitted to demonstrate the Developer’s good faith compliance with the terms of the Development Agreement.

DVOC REVIEW:

DVOC members reviewed the annual Compliance Reports on December 2, 2024. DVOC members accepted

the staff findings as recommended.

FINDINGS:

Based on the foregoing review, staff makes the following findings:

- A. Annual Compliance Report: The Annual Compliance report demonstrates the Developer's good faith compliance with the terms of the Development Agreement. Staff has no evidence indicating that any statement contained in the Annual Compliance Report is either inaccurate or an indication of non-compliance. Based upon its review, staff has determined that these statements are true.
- B. Terms of Agreement: With respect to Section 3 of the Agreement, "Obligations of Developer and County", and excepting 3.1 (e), staff has reviewed both the Annual Compliance Report and all applicable files that all of the Developer's actions during 2024 demonstrate the Developer's good faith in compliance with the terms of the Agreement for that project year.
- C. No Contradictory Evidence: Since effective date of the Agreement, no evidence has been found or presented which supports a finding that the Developer has not been in good faith compliance with the terms of the Agreement.

RECOMMENDATIONS

Staff recommends the Zoning Administrator adopt the foregoing findings and propose no modifications or termination of Agreement, Accept the Annual Compliance report to be in compliance with the above captioned Development Agreement, and adopt the attached Resolution 2-2025.

Attachments: Resolution No. 2-2025

2024 Annual Compliance Report

RESOLUTION NO. 2-2025

RESOLUTION OF ZONING ADMINISTRATOR OF CONTRA COSTA COUNTY REGARDING THIRTIETH ANNUAL REVIEW OF DEVELOPMENT AGREEMENT FOR THE SHAPELL INDUSTRIES “GALE RANCH” DEVELOPMENT FINDING GOOD FAITH COMPLIANCE THEREWITH

The Zoning Administrator of Contra Costa County finds that:

A. On April 8, 1996, pursuant to County Ordinance No. 94-79, the County entered into a Development Agreement (“Agreement”) with Shapell Industries, (“Developer”) relative to the development known as Gale Ranch.

B. Pursuant to the County’s Procedures and Requirements for the Consideration of Development Agreement (Board of Supervisors Resolution No. 85/412) and Agreement, the Agreement is to be reviewed by the Zoning Administrator each year beginning in October of 1996, to inquire into the good faith compliance of Developer with the terms of the Agreement (the “Annual Review”).

C. For the purposes of the Thirtieth Annual Review covering the 2024 Project Year, the Department of Conservation and Development has filed a staff report relative to all development that has occurred under the Agreement since the effective date of the Agreement and other matters regarding Developer’s good faith compliance with the Agreement.

D. The Zoning Administrator has reviewed and considered all evidence in the record, including the staff report and the Annual Compliance Report from the Developer, dated November 21, 2024 (attached to the staff report), submitted to demonstrate the Developer’s good faith compliance with the terms of the Agreement (“Compliance Letter”). 1. Based upon the Zoning Administrator’s review and consideration of the staff report and Annual Compliance Report attached thereto, the Zoning Administrator hereby incorporates by this reference and adopts as his own findings, the findings set forth in the attached staff report. The Zoning Administrator finds that the Developer, since the effective date of the Agreement, has at all times been in good faith compliance with the terms of the Agreement.

2. Based upon the Zoning Administrator’s review and consideration

NOW, THEREFORE, THE ZONING ADMINISTRATOR HEREBY RESOLVES, FINDS, CERTIFIES AND ORDERS AS FOLLOWS:

of the staff report and Annual Compliance Report, the Zoning Administrator finds and orders that the Agreement shall not be terminated or modified and shall continue in full force and effect.

Adopted on _____, 2025

Jennifer R. Cruz
Deputy Zoning Administrator
Contra Costa County

GALE RANCH

COMPLIANCE REPORTS

Prepared By:

**Shapell Homes
(Toll Brothers, Inc.)
6800 Koll Center Parkway, Ste 320
Pleasanton, CA 94566
925-249-6032**

November 21, 2024

November 21, 2024

Adrian Veliz
Senior Planner
Department of Conservation and Development
30 Muir Rd.
Martinez, CA 94553

Re: **2024 Gale Ranch Annual Compliance Reports**

Dear Mr. Veliz:

Please find enclosed the 2023 Compliance Report required for the Gale Ranch project. This report has been developed in accordance with recommendations implemented in the 2000 through 2023 Annual Compliance Reports, as well as from comments received from the County and City of San Ramon. Should you have any questions or comments, please feel free to call me at your earliest convenience at 925-249-6032.

Sincerely,

Steven Savage
Toll Bros., Inc

CC: Alli Sweeney
Dave Suico

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SETTLEMENT AGREEMENT ANNUAL COMPLIANCE REPORT

A. REQUIREMENTS

The *Agreement to Settle Litigation relating to the Dougherty Valley General Plan Amendment, Specific Plan and Environmental Impact Report* (the “Agreement”) was entered into on May 11, 1994. One provision of the Agreement (Exhibit G, Section IV.A.) requires the preparation of an annual compliance report.

Exhibit G, The Dougherty Valley Compliance Monitoring Program, Section IV. A. reads as follows:

IV. PREPARATION AND CONSIDERATION OF ANNUAL COMPLIANCE REPORTS

“A. Preparation of Annual Compliance Reports. Acting through its planning and public works staffs, the County will prepare an annual compliance report (an “Annual Compliance Report”) based on (I) the information produced by the Tracking System and (ii) development “status reports” prepared by the Developers and submitted to County staff on or before October 15 of each year. The status reports will outline construction activities that have occurred during the previous year, work underway and anticipated efforts for the following three years. The status reports will also include all significant activity related to public and private infrastructure, and all significant residential and commercial construction activity.

An Annual Compliance Report will be submitted by County Staff to the DVOC on or before November 15 of each year during build out and will describe and evaluate, among other things:

- **The Project’s compliance with the Performance Standards, and the causes of any identified noncompliance.**
- **Progress made by the County, San Ramon, Danville, the Developers and others in addressing any “Intermediate Steps” identified in Schedule 1 to this Exhibit G and the probable need for additional consultations during the following three years.**
- **The extent to which Third Parties are acting consistently with the assumptions and standards established under the Settlement Agreement and efforts to secure the cooperation of those other parties.”**

B. SPECIFIC PROVISIONS OF THE COMPLIANCE REPORT

1. Gale Ranch Phase 1

A. Construction Activities (from October 2023 through September 2024)

(For reference to Phase I - See the map entitled “The Communities at Gale Ranch (Gale Ranch Phase 1) Site Exhibit” in the Supporting Documents section).

- To date, 100% or 1216 residential building permits have been issued and all units complete and sold in Phase I. See Table A for a summary of building permits for Phase 1.

Table A								
Gale Ranch Ph. 1 – Final Map and Building Permit Status								
Community Identification	Lot Size	Subdivision	# Of Homes	Final Map	Building Permits	Tract Accept. (Street)	Tract Accept. (Lndscp)	% w/ Building Permit
Fairway Bridge	7,500	7796	42	X	42	X	X	100%
Fairway Bridge	7,500	7980	25	X	25	X	X	100%
Fairway Bridge	7,500	8027*	51	X	51	X	X	100%
Fairway Bridge	7,500	8131	59	X	59	X	X	100%
Fairway Bridge	7,500	8255	37	X	37	X	X	100%
Fairway Bridge	7,500	8348	2	X	2	X	X	100%
Crest Bridge	4,500	7979	79	X	79	X	X	100%
Crest Bridge	4,500	8132*	81	X	81	X	X	100%
Crest Bridge	4,500	8254	125	X	125	X	X	100%
Glen Bridge	4,800	7981	45	X	45	X	X	100%
Glen Bridge	4,800	8135	82	X	82	X	X	100%
Glen Bridge	4,800	8256	97	X	97	X	X	100%
Cedar Bridge	TH	8105	144	X	144	X	X	100%
Summit Bridge	10,000	8133	22	X	22	X	X	100%
The Pointe	10,000	8134	69	X	69	X	X	100%
Falcon Bridge	Apt.	8189	256	X	256	X	X	100%
Total			1216	Total	1216	X	X	100%
* Tract 8027 has 7 Crest Bridge homes								
* Tract 8132 has 6 Fairway Bridge homes								

- All parks in Gale Ranch 1 have been completed – see Table L.

B. Anticipated efforts for the next three years (2023 to fall 2027)

- There is no further work by Shapell Homes as it relates to Gale I. The City of San Ramon has taken over all maintenance of improvements.

Table B	
Gale Ranch Phase 1 – Street/Landscape Improvement Status	
Item	Subdivisions
Street Improvements Complete	7796, 7979, 7980, 7981, 8027, 8105, 8131, 8132, 8133, 8134, 8135, 8189, 8254, 8255, 8256, 8348
Landscape Improvements Complete	7796, 7979, 7980, 7981, 8027, 8105, 8131, 8132, 8133, 8135, 8189, 8254, 8255, 8256, 8348, 8134

2. Gale Ranch Phase II

A. Construction Activities (from October 2023 through September 2024)

(For reference to Phase II - See Map entitled “The Communities at Gale Ranch (Gale Ranch Phase 2) Site Exhibit” in the Supporting Documents section).

- Home construction is complete in all neighborhoods. No In-tract civil improvements (pad grading, storm drain, water, sanitary sewer, and street construction) occurred in these subdivisions. (See Tables C and D for Gale II Neighborhood information)
- To date, 1947 building permits, or 100% of all permits for Gale II have been obtained. See Table C for a detailed summary of Final Map and Building Permit status in Gale II.

Neighborhood	Community Identification	Subdivision	# Of Homes	Final Map	Building Permits	% w/ Building Permit
1	Monarch	7984	191	10/28/2002	191	100%
2a	Gallery	8563	73	4/2/2003	73	100%
2b	Gallery	8688	33	6/1/2004	33	100%
3-a	Avanti	8689	57	8/16/12	57	100%
3-b	Avanti Heights	9245	99	7/29/13	99	100%
4	Gallery	8690	43	6/15/04	43	100%
5-a	Belvedere	8699	57	12/20/04	57	100%
5-b	Solare	8699	108	12/20/04	108	100%
6	Veranda	8681	130	4/14/05	130	100%
7	Terravista	8682	78	4/14/05	78	100%
8	Coronado	8564	147	4/2/2003	147	100%
9	Villapaseo	8631	84	4/24/2003	84	100%
10	Renaissance	8632	105	11/14/2003	105	100%
11	Cornerstone	8683	266	3/3/2004	266	100%
12	Wisteria	8684	157	2/23/05	157	100%
13-a	Rose Glen	8700	10	11/22/05	10	100%
13-b	Astoria	8700	63	11/22/05	63	100%
14	Rose Garden/Villapaseo	8685	114	4/2/2004	114	100%
15	Rose Garden/Villapaseo	8686	69	8/10/2004	69	100%
0	Old Middle School/Athena	9134	63	7/29/13	63	100%
Totals			1947		1947	100%

B. Work Underway (fall 2023 to fall 2024)

- Table D provides details for the build-out of remaining improvements for Gale Ranch Phase II.
- All Building permits have been obtained and all construction of production homes is complete.

Table D				
Development Schedule for Gale Ranch Phase II by Neighborhood				
Neighborhood	Start In-tract Imprvmnts	Final Map Recordation	Complete In-tract Improvments	Start In-tract Housing
1	Started Summer 2002	October 28, 2002	Complete	Started Fall 2002
2A	Started Summer 2002	April 2, 2003	Complete	Started Spring 2003
2B	Started Summer 2003	June 1, 2004	Complete	Started Summer 2004
3-a	Started Spring 2012	8/16/12	Complete	Started
3-b	June 2013	June 29, 2013	Complete	Started April 2014
4	Started Spring 2004	June 15, 2004	Complete	Started Fall 2004
5	Started Spring 2004	December 20, 2004	Complete	Started Spring 2005
6	Started Spring 2004	April 14, 2005	Complete	Started Spring 2005
7	Started Fall 2004	April 14, 2005	Complete	Started Summer 2005
8	Started Summer 2002	April 2, 2003	Complete	Started Winter 2002
9	Started Winter 2002	April 24, 2003	Complete	Started Winter 2002
10	Started Summer 2003	November 14, 2003	Complete	Started Fall 2003
11	Started Fall 2003	March 3, 2004	Complete	Started Spring 2004
12	Started Fall 2004	February 23, 2005	Complete	Started Winter 2004
13	Started Summer 2005	November 22, 2005	Complete	Started June 2007
14	Started Fall 2003	April 2, 2004	Complete	Started Spring 2004
15	Started Spring 2004	August 3, 2004	Complete	Started Winter 2004
Old Middle School Site	June 2013	August 2013	Complete	Completed

(For more information, see map entitled “Gale Ranch Trail Exhibit” in the Supplemental Documents section.

C. Anticipated efforts for the next three years (Year 2024 through Year 2027)

- For a summary of key activities in Phase II, see Table E.

Table E

GALE RANCH PHASE 2 PROJECTION (Proposed)

	Year 1 10/23 – 9/24	Year 2 10/24 - 9/25	Year 3 10/25– 9/26
<u>Grading</u>			
Mass grading		Complete	
Finish grade		Complete	
<u>Public Improvements</u>			
North Monarch Road Extension		Complete	
Stoneleaf Road Extension		Complete	
Dougherty Road to Bollinger Road		Complete	
Bollinger Canyon Road (north side)		Complete	
Bollinger Canyon Road (south side)		Complete	
<u>Utility Extension</u>			
Sanitary Sewer		Complete	
Potable Water		Complete	
Reclaimed Water		Complete	
<u>Schools</u>			
Coyote Creek Elementary		Complete	
Gale Ranch Middle School		Complete	
<u>Childcare</u>			
Coyote Creek Elementary		Complete	
Canyon Creek Presbyterian Church		Complete	
Cornerstone Apartments		Complete	
<u>Parks/Recreation (See Table L)</u>			
“Bark and Ride” Park(PA 0040)		Complete	
<u>Trails/Open Space/Flood Control</u>			
DA 0014/0027/0030		Complete	
Wedgewood Trail		Complete	
<u>Commercial</u>			
Plaza at Gale Ranch		Complete	
<u>Community Facilities</u>			
Dougherty Sta./Police		See Windemere - Complete	
Library		See Windemere - Complete	
Service Center		See Ph. 4	
Fire Station		See Windemere - Complete	
Satellite P.O.		See Ph. 4	
Senior Center (Amador Rancho Ctr.)		See Ph. 4	

3. Gale Ranch Phase III

A. Construction Activities (from October 2023 through September 2024)

(For reference to Phase III - See the map entitled “Gale Ranch Phase III” in the Supporting Documents section).

- Creek improvements consisting of DA 0030, DA 0031 & DA 0020 are anticipated to begin the turnover of ownership to the GHAD and maintenance by the City of San Ramon in Winter 2024. California Regional Water Quality Control Board was signed off.

Table F Gale Ranch Phase III - Final Map and Building Permit Status					
Tract	Community Identification	# Of Homes	Final Map Recorded	Building Permits	% w/ Building Permit
8914	Belvedere	29	4/14/05	29	100%
8306	Abbington	63	8/1/06	63	100%
“	SFD/Belmaison	64	8/1/06	64	100%
“	SFD/Athena	80	8/1/06	80	100%
“	SFD/Florentine	64	8/1/06	64	100%
8952	Abbington(3 units per building)	60	3/20/09	60	100%
“	SFD/Tessara	77	3/20/09	77	100%
9165	SFD/Iriana	121	9/29/10	121	100%
8969	SFD/Fiorella	111	8/24/11	111	100%
“	Row Townhomes/Canterra	136	8/24/11	136	100%
MSC09-0010	APT/Valencia(186 units) *		5/7/11		100%
	Building 1	48		1	100%
	Building 2	48		1	100%
	Building 3	48		1	100%
	Building 4	21		1	100%
	Building 5	21		1	100%
8970	SFD/Florentine	56	1/22/10	56	100%
	SFD/Athena	81	1/22/10	81	100%
8971	SFD/Andora	88	9/23/13	88	100%
MSC6-0028	Seville Apartments	165	5/21/08	165	100%
9326	Cordova	35	12-23-16	35	100%
	Totals *	1405		1235	100%

- * Valencia building permits were issued per building and not per unit

B. Anticipated efforts for the next three years (Year 2024 through Year 2027)

- For a summary of key activities in Phase III, please table G.
- Rose Glen Park revised concept plan went before Park Commission and was approved. City has approved renaming park to Critter Crossroad Park and construction started summer 2021. Work anticipated to be complete Winter 2025.

Table G			
Gale Ranch Phase 3 Projection (Proposed)			
	Year 1	Year 2	Year 3
	(10/24 – 9/25)	(10/25 – 9/26)	(10/26 – 9/27)
<u>Grading</u>			
Mass grading		Complete	
Finish grade		Complete	
<u>Public Improvements</u>			
Stoneleaf Road		Complete	
Ivyleaf Springs Road		Complete	
South Monarch Road		Complete	
Golden Bay Road		Complete	
Main Branch Road		Complete	
<u>Utility Extension</u>			
Sanitary Sewer		Complete	
Potable Water		Complete	
Reclaimed Water		Complete	
<u>Schools/Childcare</u>			
Gale Ranch Middle School		Complete	
Quail Run Elementary School		Complete	
<u>Parks/Recreation (See Table L)</u>			
Quail Run Elementary School Park		Complete	
Linear Park		Complete	
Critter Crossroad Park (PA 0018)	X	X	
<u>Trails/Open Space/Flood Control</u>			
Basswood Trail/Trail (#8)		Complete	
<u>Community Facilities</u>			
Dougherty Sta./Police		See Windemere - Complete	
Library		See Windemere – Complete	
Service Center (Corp Yard)		See Ph. 4	
Fire Station		See Windemere - Complete	
Satellite P.O.		See Ph. 4	
Senior Center (Amador Rancho Ctr)		See Ph. 4	

4. Gale Ranch Phase IV

A. Construction Activities (from October 2023 through September 2024)

(For reference to Phase IV - See the map entitled “Subdivision 8856 - Phase 4” in the Supporting Documents section)

B. Anticipated efforts for the next three years (Year 2024 through Year 2027)

- For a summary of key activities in Phase IV, please see Table H.
- Complete the transfer of open space property to the GHAD.
- Complete Rancho Park Phase 2 end of 2025. Plans are awaiting final approval.
- Landscaping on slope adjacent to Dougherty Rd. and tracts 9299 and 9300 to be accepted summer 2024.

Table H		Gale Ranch Phase IV - Final		Map and Building	Permit Status	
Tract	Community Identification	# Of Homes	Final Map Recorded	Building Permits	% w/ Building Permit	
Pod 6						
9303	Amarante	23	5/14	23	100%	
9325	Amarante	82	8/14	82	100%	
9302	Posante	121	7-14-15	121	100%	
9247	Romana	82	12-22-14	82	100%	
9326	Cordova	11	10-2015	11	100%	
	Total:	319				
Pod 3						
9341	Romana/Cordova	94	10/8/15	94	100%	
9297	Cordova	57	2/18/16	57	100%	
9298	Romana	86	12/22/14	86	100%	
	Total:	237				
9301	Pod 5 – Alita & Carmella	153	9-06-16	153	100%	
	Village Center Commercial	448		264	59%	
	Total:	601				
	Pod 4					
9299	Lexington I	50	11/17	50	100%	
9300	Lexington II	54	8/18	54	100%	
	Totals	104				
	Total	1261		1077	85%	

Table I

GALE RANCH PHASE 4 PROJECTION (Proposed)

	Year 1 (10/24 – 9/25)	Year 2 (10/25 – 9/26)	Year 3 (10/26 – 9/27)
<u>Grade</u>			
Mass grading			Complete
Finish grade			Complete
<u>Public Improvements</u>			
Dougherty Road - RA 1168			Complete
Dougherty Road - RA 1208			Complete
Dougherty Road - RA 1210			Complete
Dougherty Road - RA 1211			Complete
Dougherty Road - RA 1249			Complete
<u>Utility Extension</u>			
Sanitary Sewer			Complete
Potable Water			Complete
Reclaimed Water			Complete
<u>Childcare</u>			
Gale IV Childcare		Complete	
<u>Parks/Recreation (See Table L)</u>			
Community Park (future) Dougherty Valley Elementary Park			Complete
Community Park Phase 2	X	X	
<u>Trails/Open Space/Flood Control</u>			
Dougherty Valley Ridge Trail (#11)			Complete
Coyote Canyon Trail (#12)			Complete
Quail Run Trail (#15)			Complete
Jack Rabbit Ridge Trail (#4)			Complete
<u>Commercial</u>			
			Complete
<u>Community Facilities</u>			
Dougherty Sta./Police			See Windemere - Complete
Library			See Windemere – Complete
Service Center (Corp. Yard)			Complete
Fire Station			See Windemere - Complete
Satellite P.O.			Beyond 3-year projection
Senior Center (Amador Rancho Ctr.)			Complete

5. Childcare Facilities

- Shapell Homes has submitted a comprehensive Childcare Mitigation Program to Contra Costa County. The County reviewed the submittal and confirmed on 06/18/07 the program elements were appropriate and fully mitigated Gale Ranch Childcare impact if implemented as proposed.
- The Childcare Facility at Coyote Creek Elementary School operates to accommodate 125 children in each session. They are operating at full capacity.
- The Quail Run Elementary School Childcare Facility operates to a capacity of approximately 192 children.
- The Cornerstone Apartment complex continues to house a childcare facility operated by the YMCA. Capacity of approximately 74 children.
- The Canyon Creek Presbyterian Church Childcare facility (“Little Bridges Pre-School”) is in full operation since 2006.
- The Goddard School, a day care provider was opened in January 2013. The school can accommodate 132 students 6 weeks to 6 years of age.

All childcare mitigation impacts have been completed and satisfied. Further implementation is not required.

For the current childcare summary, please see Table I.

Child Care in Gale Ranch						
	Location	Opening	Infant	Pre-school	School Aged	Total
Coyote Creek Elementary School	Gale I	8/02	0	0	125	125
Canyon Creek Presbyterian Church	Gale I	2006	24	125	57	206
Cornerstone Apartments	Gale II	9/05	0	74		74
Quail Run Elementary School	Gale III	8/06	0	0	179	192
Gale IV Child care (Goddards)	Gale IV	TBD	20	112		132
		Total	24-44	311	361	729

6. Open Space Management

- The development plan for Gale Ranch contains over 1,000 acres of open space. Most open space is planned for dedication to the Geologic Hazard Abatement District 1990-01, (“GHAD”). Planned ownership, funding sources for mitigation activities in open space and responsible managing and maintaining entities are listed in Table J below.
- Shapell has completed the dedication of open space in Gale Ranch Phase I and portions of Gale II through 2013. Dedication of the remaining open space in Gale II, Gale III and Gale IV is ongoing. Open space parcels will not be dedicated until improvements adjacent to or near open space are complete. The endowment to maintain mitigation features listed under the title “Funding” in Table J is a phased contribution per the Resource Agency Permits for Gale Ranch, which is being provided by Shapell.

Facility	Ownership		Property Maintenance	
	Entity	Funding	Entity	
1. Public Streets	San Ramon	Property Tax / CSA Tax	San Ramon	
2. Private Streets	HOA	HOA	HOA	
3. Open Space				
A. Grassland	GHAD	CSA Tax / GHAD Assmnt	GHAD w/ Preserve Manager	
B. Slopes	GHAD	GHAD Assessment	GHAD	
C. West/Main Branch Corridor	GHAD	CSA Tax / GHAD Assmnt	GHAD/City (CSA) / Prsrve Mngr	
D. Trails	GHAD	CSA Tax	City (CSA)	
4. Mitigation Features				
A. Backwater Channels	GHAD	Endowment	Preserve Manager / GHAD / city	
B. Seasonal Wetlands	GHAD	Endowment	Preserve Manager / GHAD / city	
C. Seeps	GHAD	Endowment	Preserve Manager / GHAD / city	
D. Ephemeral Channels	GHAD	Endowment	Preserve Manager / GHAD / city	
E. Created Tributaries	GHAD	Endowment	Preserve Manager / GHAD / city	
5. Wet Ponds	San Ramon	NPDES Tax	City of San Ramon	
6. Fire Control				
A. Grassland	GHAD	CSA Tax	San Ramon (with Fire District)	
B. Fuel Transition Zone	GHAD	HOA Assessment	HOA (with Fire District)	
7. Landscape				
A. Public ROW	San Ramon	CSA /Property Tax	City of San Ramon	
B. Parks	San Ramon	CSA /Property Tax	City of San Ramon	
C. Riparian Corridor	GHAD	CSA	City of San Ramon	
D. Fuel Transition	GHAD	HOA Assessment	HOA w/ Fire District	
8. Detention Basin	San Ramon	CSA Tax	City of San Ramon	
9. "Structures" Creek Corridors	GHAD	CSA Tax	San Ramon w/ Prsrve Mngr)	
NPDES - Nat'l Pollutant Discharge Elimin. System		HOA – Home Owners Association		
GHAD - Geologic Hazard Abatement District		CSA - County Service Area		

7. Affordable Housing

- Shapell Industries is in compliance with the Dougherty Valley Affordable Housing Program (See Table K below).

Gale Ranch Phase I

- Gale Ranch Phase I contains 256 units of moderate-income apartment homes. In accordance with the amended DVAHP and the Contra Costa County Regulatory Agreement that applies to the Falcon Bridge project, these units are available to families in the moderate-income category for a period of 20 years. Additionally, there are 12 moderate-income families that have qualified for home purchase on an income basis. The total moderate-income unit count is 268 units, or 22% of Phase I. It should be noted that all of the 268 moderate-income units provided to date have received no government subsidized financing.

Gale Ranch Phase II

- Neighborhood 10, or Renaissance, construction is complete. Renaissance provides 105 for-sale moderate affordable housing units, and the lottery for all the homes occurred in March of 2004. These homes were sold at a price consistent with the affordable criteria for the year in which they are delivered to the market place. No form of government subsidized financing has been used to create this neighborhood.
- Neighborhood 11, or Cornerstone, is a 266-unit rental community with 164 units available in the very low and low-income categories. Cornerstone also contains approximately 102 moderate-income apartments. This complex was completed in 2005 and is fully occupied. No form of government subsidized financing has been utilized.
- Neighborhood 12, or Wisteria, is a 157-unit complex in which 19 units have been sold as affordable housing to buyers in the moderate-income category.

Table L				
Affordable Housing Planned in Gale Ranch Phases I - IV				
	Type	Low/Very Low	Moderate	Total
Phase I				
Falcon Bridge	Rental	0	256	256
SFD Homes	For-sale	0	12	12
Phase II				
Renaissance	For-sale	0	105	105
Cornerstone	Rental	164	102	266
Wisteria	For-sale	0	19	19
Phase III				
Seville Apartments	Rental	165	0	165
Valencia Apartments	Rental	80	106	186
Phase IV				
Phase IV Apartments	Rental	101	347	449
Total		510	947	1,457

Gale Ranch Phase III

- The Final Development Plan and Vesting Tentative Map for Phase III were approved by the County Planning Commission on October 28, 2003. Phase III contains two apartment neighborhoods (Seville and Valencia) that contains 165 very low and low income rental units. Site improvements (Seville) were complete and units are being leased. An additional 186 affordable apartment units (Valencia) are complete and 98% occupied. Units relocated from Phase 4 consist of 101 low/very low and 347 moderate-income units. The 2012 compliance report reflects this change.

Gale Ranch Phase IV

- The Final Development Plan and Vesting Tentative Map for Gale Ranch Phase IV were approved in January 2005. Phase IV contains 347 moderate-income rental apartments and 101 low/very low rental apartments. As part of a revision to Phase IV Final Development modification plan approval by the County Zoning Administrator in February of 2012 the remaining 449 affordable units will be constructed as senior age restricted apartments.
- More affordable housing information may be found in the Gale Ranch Affordable Housing Compliance Report submitted to the Department of Conservation and Development October 1, 2014.

- Shapell Properties has pulled Building Permits for the first 264 units of Senior housing, completed construction and have been occupied. Shapell completed site improvements in public right of way (Bollinger) and to future apt. pad 2020. Remaining 185 units are being discussed by the City of San Ramon, County and Shapell Properties.

8. Developed Parkland

- Gale Ranch Phase I. Construction of all parks in Phase I are complete and the parks are operational. Coyote Crossing Park, East Park, Windy Hills Park and Windy Hills addition provide 21.56 acres of constructed park.
- Gale Ranch Phase II. Construction of the Hidden Crest Park (PA 0003) and Valley view Park (PA 0009) are complete. Monarch Park (i.e. neighborhood 2B Park) PA 0008 is complete and was accepted August 14, 2007 by the City of San Ramon. Creekside Park (i.e. neighborhood 11 park) PA 0010 is complete and was accepted August 14, 2007. Bark and Ride is complete and was accepted on March 8, 2011. This brings the total of completed park acreage for Phase II 30.50 acres, and the cumulative total for Gale I and Gale II to 52.06 acres (see Table L).
- Gale Ranch Phase III. Construction of Gale Ranch Middle School Park and Quail Run Elementary, Mosaic Park and Overlook Park totaling 14.44 acres is complete. This brings the cumulative for Gale I, Gale II and Gale III to 66.50 acres (see Table L). Mosaic Linear Park Phase 1 was completed and turned over for maintenance & Phase 2 completed and working with DR Horton and City for acceptance in winter 2019. Critter Crossroad Park (previously Rose Glenn Park) revised concept plan went before City Park Commission and was approved. Construction started summer 2021 and will be complete Winter 2025.
- Gale Ranch Phase IV. Construction of Phase I of Rancho San Ramon Park totaling 23.27 acres was completed and placed into warranty in October 2014. Park Commission approved concept plan for Ph 2 and started summer 2024 and will be complete end of year 2025.

Table M	PARK COMPLETION STATUS
	<u>Construction Complete</u>

	<u>Park Name</u>	<u>Acreage</u>	<u>Completion Date</u>
Gale I	Coyote Crossing Park	11.76	COMPLETE
	East Park	0.82	COMPLETE
	Windy Hills Park	1.19	COMPLETE
	Coyote Creek School Park	3.68	COMPLETE
	Windy Hills Park Addition	0.18	COMPLETE
	Gale I Total	17.63	COMPLETE
Gale II	Hidden Crest Park (PA 0003)	2.07	COMPLETE
	Monarch Park (PA 0008)	6.34	COMPLETE
	Creekside Park (PA 0010)	5.97	COMPLETE
	Valley View Park (PA 0009)	10.02	COMPLETE
	« Bark and Ride » (PA 0040)	6.10	COMPLETE
	Gale II Total	30.50	COMPLETE
Gale III	Quail Run Elementary	6.40	COMPLETE
	Gale Ranch Middle School	6.20	COMPLETE
	Overlook Park (PA 0019)	0.10	COMPLETE
	Mosaic Community Park (PA 0021)	1.74	COMPLETE
	Hummingbird Playground (PA 0041)	0.4	COMPLETE
	Gale III Total	14.44	COMPLETE
Gale IV	Rancho San Ramon Community Park Phase I	23.27	COMPLETE
	Total Complete	90.7	
<u>Future Construction</u>			
	<u>Park Name</u>	<u>Acreage</u>	<u>Completion Date</u>
	Mosaic Linear Park	2.10	Complete
	Critter Crossroad Park (PA 0018)	8.44	2025
	Gale III Total	10.54	
Gale IV	Ranch San Ramon Community Park Phase II	7.83	2026
	Bella Vista School Park	2.61	Complete
	Linear Park (Pod 6)	1.21	Complete
	Gale IV Total	11.65	
Future Construction acreages are taken from the Gale 2, 3 and 4 FDP, VTM dated August 30, 2013			

GALE RANCH DEVELOPMENT AGREEMENT COMPLIANCE REPORT

The Development Agreement Between County of Contra Costa and Shapell Industries, Inc. Relating to the Development Commonly Known as the Gale Ranch, effective April 8, 1996, states in Section 3 the mutual obligations of the developer and county.

(This Development Agreement encompasses the area known as Gale Ranch Phases 2 through 4 – excluding Gale Ranch Phase 1 – “The Bridges at Gale Ranch”)

A. REQUIREMENTS

(Development Agreement)

Section 3. Obligations of Developer and County.

3.1 Obligations of Developer Generally. “The Parties acknowledge and agree that County’s agreement to perform and abide by the covenants and obligations of County set forth herein is material consideration for Developer’s agreement to perform and abide by the covenants and obligations of Developer set forth herein.”

3.2 Obligations of County Generally. “The Parties acknowledge and agree that Developer’s agreement to perform and abide by the covenants and obligations of Developer set forth herein is material consideration for County’s agreement to perform and abide by the covenants and obligations of County set forth herein.”

SPECIFIC REQUIREMENTS AND DEVELOPER RESPONSE

1.A. Development Agreement:

Section 3.3 (a) Compliance with Settlement Agreements.

“The terms and provisions of this Agreement are intended to be consistent with, and shall not be deemed to modify, abrogate or limit compliance with or the implementation or enforcement of, the terms and provisions of any of the Settlement Agreements. In the event of any conflict between the terms and provisions of this Agreement and any Settlement Agreement, the terms and provisions of such Settlement Agreement shall prevail to the extent of such conflict. If and to the extent any obligation of any party under any of the Settlement Agreements is terminated for any reason, including without limitation any obligation under Section 3.3(j) (relating to the Interstate 680/24 Interchange), Section 3.3 (h) (relating to the payment of traffic fees to the City of Pleasanton), and Section 3.3 (e) (relating to the design program for the Village Center), then such obligation shall not be required to be satisfied hereunder.”

1.B. Developer Response (Year 2023):

- To the best of our knowledge, Shapell Industries of Northern California is in compliance with all settlement agreements affecting Dougherty Valley.

2.A. Development Agreement:

Section 3.3 (b) Preliminary Development Plan.

“Except as otherwise specifically agreed by County, Developer shall comply with all conditions of approval to the Preliminary Development Plan.”

2.B. Developer Response (Year 2023):

- Shapell is in compliance with all conditions of approval attached to the PDP (County File No. R2922993)

3.A. Development Agreement:

Section 3.3 (c) Affordable Housing.

“Developer shall, in connection with its development of the Gale Ranch, implement the terms and provisions of the Dougherty Valley Affordable Housing Program, updated and adopted by the Board in 2002, pursuant to Board Order, (the “Affordable Housing

Program”), which requires that a minimum of twenty-five percent (25%) of all dwelling units be developed as affordable to very low, low and moderate income households.”

3.B. Developer Response (Year 2023):

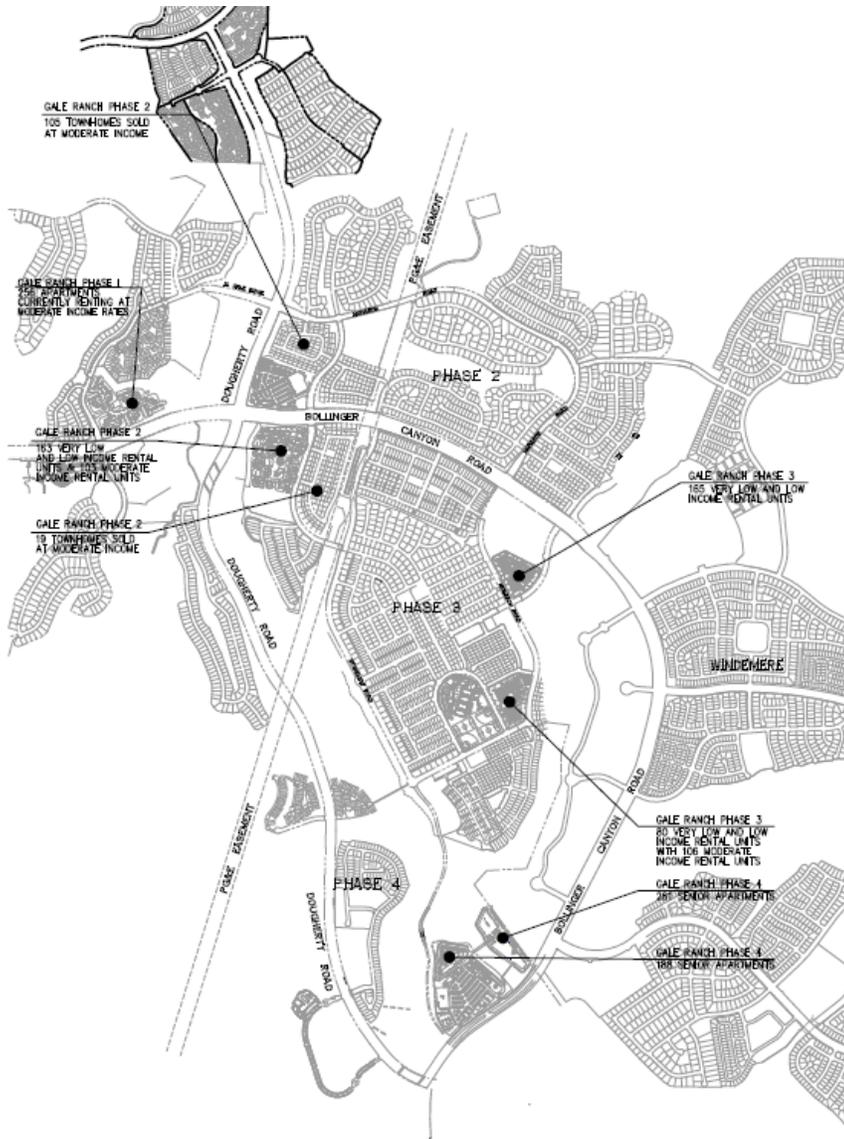
- Shapell Industries is in compliance with the Dougherty Valley Affordable Housing Program.

Gale Ranch Phase I

- Gale Ranch Phase I contains 256 units of moderate-income apartment homes. In accordance with the amended DVAHP and the Contra Costa County Regulatory Agreement that applies to the Falcon Bridge project, these units are available to families in the moderate-income category for a period of 20 years. Additionally, there are 12 moderate-income families that have qualified for home purchase on an income basis. The total moderate-income unit count is 268 units, or 22% of Phase I. It should be noted that all of the 268 moderate-income units provided to date have received no government subsidized financing.

Gale Ranch Phase II

- Neighborhood 10, or Renaissance, construction is complete. Renaissance provides 105 for-sale moderate affordable housing units, and the lottery for all the homes occurred in March of 2004. These homes were sold at a price consistent with the affordable criteria for the year in which they are delivered to the market place. No form of government subsidized financing has been used to create this neighborhood.
- Neighborhood 11, or Cornerstone, is a 266-unit rental community with 164 units available in the very low and low-income categories. Cornerstone also contains approximately 102 moderate-income apartments. This complex was completed in 2005 and is fully occupied. No form of government subsidized financing has been utilized.
- Neighborhood 12, or Wisteria, is a 157-unit complex in which 19 units have been sold as affordable housing to buyers in the moderate-income category.
- Two homes were sold to home buyers in Phase II that qualified as moderate affordable.



**TABLE K
AFFORDABLE HOUSING PLANNED IN GALE RANCH PHASES I-IV**

	TYPE	LOW/VERY LOW	MODERATE	TOTAL
PHASE I:				
FALCON BRIDGE	RENTAL	0	256	256
SFD HOMES	FOR SALE	0	12	12
PHASE II:				
SFD HOMES	FOR SALE	0	2	2
RENAISSANCE	FOR SALE	0	105	105
CORNERSTONE	RENTAL	164	102	266
WISTERIA	FOR SALE	0	19	19
PHASE III:				
SEVILLE	RENTAL	165	0	165
VALENCIA	RENTAL	80	106	186
PHASE IV:				
APARTMENTS	RENTAL	102	347	449
	TOTAL:	511	949	1,500



**GALE RANCH AFFORDABLE HOUSING LOCATIONS
SAN RAMON, CONTRA COSTA COUNTY, CALIFORNIA
REVISED OCTOBER 28, 2014**

RJA
RUGGERI-JENSEN-AZAR
ENGINEERS • PLANNERS • ARCHITECTS
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PHONE (916) 830-8800 FAX (916) 830-8808

Job No. 991084

Gale Ranch Phase III

- The original Final Development Plan and Vesting Tentative Map for Phase III was approved by the County Planning Commission on October 28, 2003. This original Phase III approval contained an apartment neighborhood with a minimum of 165 very low and low income rental units and 220 moderate income rentals. However, due to a request by the school district the Gale Ranch Middle School was moved on to a portion of this apartment site. Consequently this site could no longer accommodate 385 apartments as a result of the middle school move the remaining land could only accommodate 165 units. In 2007 construction started on the 165 unit project of very low and low income apartment units. These units were ready for occupancy in October 2008. In 2008 a revised FDP was approved by the County that resulted in moving 186 apartment units from Phase IV back to Phase III. The 186 unit project known as Valencia and has been under construction throughout 2011 and first occupancies will occur the last week of September. Project completion is anticipated in December when all units will be available for rent.

Gale Ranch Phase IV

- The Final Development Plan and Vesting Tentative Map for Gale Ranch Phase IV was approved in January 2005. Phase IV will contain 347 moderate-income rental apartments and 101 low/very low rental apartments. Construction is planned to occur sometime between 2014 and 2016.
- The original Final Development Plan and Vesting Tentative Map for Gale Ranch Phase IV were approved in January 2005. This original Phase 4 approval contained 233 moderate-income rental apartments and 186 low/very low rental apartments. However, due to a request by the school district to move the Gale Ranch Middle School to a portion of a Phase 3 apartment site some 215 apartments were moved into Phase IV. In 2008 a new FDP and VTM was filed and approved with the county revising portions of Phase 2, 3 and 4. As a result of this new FDP 186 affordable apartments were moved from Phase 4 back into Phase 3 on to a site just east of Quail Run Elementary School. Construction on these units will start in 2012. These units will be available for occupancy in 2014.
- In February of 2012 the Contra Costa County Zoning Administrator approved yet another revised Final Development Plan modification. This revised FDP called for the remaining 448 affordable units to be built as “age restricted Senior Apartments”. The first 264 senior affordable apartments started construction in 2016 and are now occupied.

4.A. Development Agreement:

Section 3.3 (d) Designation of Preferred Water Provider.

“In consequence of the court-sanctioned EBMUD Settlement Agreement, Policy U-1 of the Specific Plan which identifies alternative water suppliers shall be interpreted and applied to the Gale Ranch development as follows: The Dublin San Ramon Services District (“DSRSD”) is the preferred water provider for the Gale Ranch Site (except for one or two school sites as provided in the EBMUD Settlement Agreement.) EBMUD is an alternative water provider, but only pursuant to the terms and conditions set forth in the EBMUD Settlement Agreement. Staff will support and diligently process an amendment which will incorporate such language into the Specific Plan.”

4.B. Developer Response (Year 2023):

- The 1996 General Plan Amendment and Specific Plan Amendment (Windemere Phase I/Gale Ranch Phase 2) revised the Specific Plan to designate the Dublin San Ramon Service District as the preferred water provider for the balance of Dougherty Valley.
- Page 9-2 of the Dougherty Valley Specific Plan, November 1996 states: “The Dublin San Ramon Services District (DSRSD) is to be the preferred provider of potable water for Dougherty Valley under this Specific Plan.”

5.A. Development Agreement:

Section 3.3 (e) Design Program for Dougherty Valley Village Center.

“Paragraphs 2, 3(a) and 3(b) of the NGO Settlement Agreement require certain actions to be taken with respect to the design of Gale Ranch, including participation in the development of a design program for the “Village Center” of the Dougherty Valley and provision of approximately forty (40) acres of additional open space (provided that such reconfiguration is physically feasible and permitted by law). Any obligation of Developer or County under such provisions of the NGO Settlement Agreement shall be satisfied in connection with any tentative map covering the area of the Gale Ranch Site affected by such obligation, which tentative map will be approved together with any necessary general plan amendment, specific plan amendment or rezoning.”

5.B. Developer Response (Year 2023):

- A Master Plan for the Village Center was submitted by Shapell and Windemere with the 1996 Specific Plan amendment. A Condition of Approval attached to the 1996 entitlements requires a revision to the Master Plan prior to the issuance of the first building permit in the Village Center.
- The County Planning Commission reviewed and approved the Village Center design proposed by Windemere, Shapell and the County in December 2003. Construction is complete on the community center, police substation and library. The buildings for Phase 1 of the campus of the Contra Costa Community College District were completed in 2006. In 2009 the Service Center was accepted and occupied by the City of San Ramon.

6.A. Development Agreement:

Section 3.3 (f) Coordination of On-Site Improvements.

“County shall require that access or right-of-way for those certain roadway improvements described on Exhibit B, attached hereto and incorporated herein by reference, as roadway segments W-1 and W-2, offered for dedication as and at the times provided in the conditions to the PDP; provided, however, that if the Windemere project generates the need for access or right-of-way for roadway segments W-1 and/or W-2, prior to the time such access or right-of-way is required for the Gale Ranch, then County shall ensure that the provision of such access or right-of-way is subject to the following: In order to accommodate Windemere’s development schedule, Windemere may elect to assume responsibility for constructing, without reimbursement from Shapell, roadway segments W-1 and/or W-2 in which case Shapell shall dedicate or offer to dedicate, as required by County, the necessary access or right of way to County upon satisfaction of the following conditions: (a) Shapell will have reasonably reviewed and approved Bollinger Canyon Road’s horizontal and vertical alignment, grading and improvement plans; (b) Windemere shall have provided to Shapell improvement agreements deemed acceptable by County and executed by all parties, together with completion and payment bonds so that the improvements shall be duly completed and no liens shall remain on Shapell’s property; and (c) Windemere shall have procured a policy of Comprehensive General Liability Insurance in an amount and from an insurance company reasonably satisfactory to County naming Shapell as an additional insured. Shapell shall have the right but not the obligation reasonably to designate the source of cut/fill dirt (from the Gale Ranch Site) which shall be used to the extent needed for roadway segments W-1 and/or W-2.”

6.B. Developer Response (Year 2023):

- Shapell and Windemere have coordinated the extension of Bollinger Canyon Road at the southern limit of the project and the extension of Bollinger Canyon Road from existing Dougherty Road to the Windemere boundary. Both sections of Bollinger Canyon Road are complete.

7.A. Development Agreement:

Section 3.3 (g) Danville/San Ramon/County Traffic Mitigation

“(1) Certain traffic improvements within the County, San Ramon and Danville are or may be required to accommodate development under the Specific Plan (the “Project Traffic Improvements”). The Project Traffic Improvements include (i) the on-site traffic improvements described in the Specific Plan as the “Internal Circulation System” (the “On-Site Traffic Improvements”), (ii) the off-site traffic improvements described on Exhibit C-1, attached hereto and incorporated herein by reference (the “Initial Project Traffic Improvements”) and (iii) certain additional off-site traffic improvements described on Exhibit C-2, attached hereto and incorporated herein by reference (the “Additional Project Traffic Improvements”). The Initial Project Traffic Improvements and the Additional Project Traffic Improvements are sometimes referred to collectively below as the “Off-Site Traffic Improvements.”

(2) Subject to the provisions of 3.3(g), Developer shall be responsible for the construction of the On-Site Traffic Improvements made necessary by the Gale Ranch.

(3) Developer shall pay to County a per-unit traffic impact fee (the “Traffic Impact Fee”) in the amount necessary, but no more than the amount necessary, to fund Developer’s fair share of the cost of construction of the Off-Site Traffic Improvements; provided however, that Windemere shall have responsibility for constructing roadway segments S-1 and S-2 as shown on Exhibit B to this Agreement. In calculating Developer’s and Windemere’s respective obligations for the construction and/or funding of the Off-Site Traffic Improvements, the costs of S-1, S-2 and W-3 shall be deducted from the aggregate total cost of the Off-Site Traffic Improvements and not considered in making such calculations. The amount of the Traffic Impact Fee shall be determined as set forth in subsection (4) below, and shall apply to residential units developed on the Gale Ranch Site. The Traffic Impact Fee applicable to a residential unit shall be paid when the building permit for such unit is issued. The County will retain responsibility for the issuance of building permits and collecting the fees notwithstanding the municipal annexation of any portion of the Gale Ranch.

(4) The amount of the Traffic Impact Fee shall be determined within six (6) months following County’s approval of this Agreement, but no later than the date upon which the County first approves a tentative subdivision map showing individual residential lots for any portion of the Dougherty Valley (other than for the Country Club Site), in the following manner: County, Developer, Windemere and, as required by the San Ramon Settlement Agreement, representatives of Danville and San Ramon, shall meet and confer in good faith to determine (i) the estimated reasonable cost of the Off-Site Traffic Improvements and (ii) the respective proportions of such cost that fairly should be borne by Shapell and Windemere, (taking into account, among other things, development planned for the Country Club Site and the fees being paid by Shapell with respect thereto) and other projects or parties, if any, contribution to the need for such improvements and to whom the Traffic Impact Fee will apply. In making such determinations, and establishing the amount of the Traffic Impact Fee, it shall be recognized that (a) Developer’s pro rata

contribution to the traffic improvements described on Exhibit C-3, attached hereto and incorporated herein by reference, shall be no more than is specified in, and shall be paid as described in, Exhibit C-3; and (b) Developer and Windemere shall, taken together, be responsible for the entire cost of the Initial Project Traffic Improvements as set forth in the San Ramon Settlement Agreement (although each shall be responsible only for its fair share of the cost of such improvements). The costs and proportions so determined and agreed upon by County and Developer shall be reflected, as appropriate, in the Traffic Impact Fee. The amount of the Traffic Impact Fee shall be adjusted annually in accordance with the construction cost index published in the Engineering News Record.

(5) County shall enter into such agreements with San Ramon and Danville as may be necessary or appropriate to establish a joint exercise of powers agreement (“JEPA”), or some other program or mechanism, to provide for (i) the collection of traffic impact fees from development projects in San Ramon, Danville and Contra Costa County and within the boundary of the JEPA or other program or mechanism that will contribute to the need for the Additional Project Traffic Improvements, which fees shall be in amounts consistent with the determinations made under Subsection (4) above, (ii) the establishment of an account of accounts (the “Local TIF Account”) to hold Traffic Impact Fees collected from Developer and Windemere, and traffic impact fees collected from the developers of other projects that will contribute to the need for the Additional Project Traffic Improvements (collectively, the “Local TIF Funds”), and (iii) the transfer to San Ramon, Danville and County of Local TIF Funds attributable to the Off-Site Traffic Improvements to be developed within those jurisdictions (the “Local TIF Program”).

(6) The timing of when an Off-Site Traffic Improvement is needed is determined by Measure C and by any conditions of approval for subsequent subdivision maps. If the Local TIF Program has not received sufficient developer fees to fund an improvement when it is needed, then Developer will fund the difference, or construct the improvement, to ensure the improvement is built on time. In such case, Developer shall enter into a reimbursement agreement with County to credit or reimburse Developer the eligible construction costs that were advanced to build the project. Any credit so provided shall be applied in full against the Traffic Impact Fee for each residential unit that receives a building permit following completion of the Off-Site Traffic Improvement by Developer (rather than pro rata against the Traffic Impact Fee for all remaining residential units in the Project) until such time as the full credit has been provided.

(7) County shall reimburse Developer, that portion of the costs to be incurred by Developer in connection with the funding or construction of the On-Site Traffic Improvements and the Off-Site Traffic Improvements that represents the extent to which such traffic improvements will serve traffic generated by projects that are developed pursuant to general plan amendments approved *on or after the Effective Date*.

(8) To the extent that any Project Traffic Improvement funded or constructed by Developer is included on a project list under any Measure C Action Plan or CMP Deficiency Plan, and provided such transportation improvement has sufficient priority

under such Action Plan or Deficiency Plan, Developer shall receive a credit against, or reimbursement from, any regional traffic fee imposed upon Developer under Sections 3.3 (g)(11) and 3.3(j) of this Agreement.

(9) Some portion of the Traffic Impact Fee may be allocated to and collected from commercial development (on a per-square-foot basis) to occur as part of Gale Ranch, provided, however, that the total amount of Traffic Impact Fee to be collected from residential development to occur as part of Gale Ranch (as determined above) shall be reduced by the amount of funds to be so collected from commercial development.

(10) County shall make its final determination of compliance with the standards of the Growth Management Element of the General Plan relating to traffic in conjunction with the review and approval of tentative subdivision maps.

(11) County shall not impose on Developer any fee or other obligation with respect to roads or traffic impacts other than as set forth in this Agreement, Section 4.4 of the San Ramon Settlement Agreement (relating to assurance of compliance with traffic service objectives), Paragraph 1 of the Walnut Creek Settlement Agreement or Paragraph 1 of the Pleasanton Settlement Agreement (relating to Developer's payment of fees to Pleasanton). Notwithstanding the foregoing, nothing in this Agreement shall prevent the County from (i) applying to the Gale Ranch to any tentative maps any sub regional traffic impact fee required by Measure C (1988) and adopted and applied consistently and on a uniform basis throughout the Tri-Valley sub region by each of the seven jurisdictions that are now signatories to the Tri-Valley Transportation Council joint powers authority which is adopted prior to the vesting date of any tentative map (provided, however, that County shall provide to Developer a credit against any such fee for traffic improvements constructed and/or funded by Developer under this Agreement or the Settlement Agreement) or (ii) imposing on the Gale Ranch reasonable requirements for the funding or construction of additional minor traffic improvements made necessary by Gale Ranch and identified through CEQA review of individual tentative map applications for Gale Ranch, or (iii) imposing on the Gale Ranch a sub regional traffic fee developed by the JEPA identified in Section 3.3(g)(5) to satisfy Measure C requirements and for the sole purpose of funding a fair share contribution of the Alcosta ramp realignment project at I-680 and the auxiliary lanes project on I-680 between Bollinger Canyon Road and Diablo Road."

7.B. Developer Response (Year 2023):

- Shapell Industries has satisfied this obligation by initiating and participating in the formation of the South Contra Costa (“SCC”) Area of Benefit Fee. All traffic mitigation and roadway improvements cited in the Development Agreement were included in this comprehensive sub-regional fee program. A Joint Exercise of Powers Authority (“JEPA”) formed by the County, the Town of Danville and the City of San Ramon administers the SCC fee program. Shapell pays the SCC fee of \$9,306.00 at the time of building permit issuance. This fee reflects cost of living adjustments to date.

8.A. Development Agreement:

Section 3.3 (h) Pleasanton Traffic Mitigation.

“Separate and apart from the Traffic Impact fee, Developer shall pay to County \$150 for each residential unit developed on the Gale Ranch Site pursuant to the Project Approvals (“Pleasanton Traffic Fees”). The Pleasanton Traffic Fees will be collected by County upon its issuance of the building permit for each such unit and delivered to Pleasanton for the mitigation of traffic impacts on roadways located in its jurisdiction. If for any reason San Ramon assumes the responsibility for issuing building permits for the Project (although the parties anticipate that County will retain responsibility for the issuance of building permits notwithstanding the municipal annexation of any portion of the Gale Ranch), San Ramon shall collect and deliver the Pleasanton Traffic Fees as set forth above. As provided in Paragraph 5(b) of the Pleasanton Settlement Agreement, Developer’s obligations pursuant to this Section 3.3(h) and Paragraph 1 of the Pleasanton Settlement Agreement shall cease in the event that Pleasanton files any legal action challenging any use or approval or any modification to any use or approval relating to Dougherty Valley.”

8.B. Developer Response (Year 2023):

- The Pleasanton Traffic Mitigation Fee of \$150.00 per unit is paid to the County at the issuance of each building permit in Gale Ranch Phase II.

9.A. Development Agreement:

Section 3.3 (i) Dublin Traffic Mitigation.

“County and Developer shall work with the City of Dublin to establish a mutually acceptable fee to account for the cost of mitigating the traffic-related impacts of the Project on roadways located in the City of Dublin net of the cost of mitigating the traffic-related impacts of development projected to occur within the City of Dublin (including, without limitation, the East Dublin project) on the On-Site and Off-Site Traffic Improvements, if any. If County, Developer and the City of Dublin are unable to arrive at a mutually acceptable fee within six (6) months following the Effective Date, then County and Developer may themselves determine the amount of such fee, provided, however, that such six-month period shall be extended for a period of time equal to the period of any undue delay caused by Developer or County in establishing the amount of such fee. Any fee imposed on the Project pursuant to this Section 3.3(i) shall be approved by the Board of Supervisors and, except as otherwise agreed by County and Developer, remain fixed throughout the term of this Agreement; provided, however, that such fee may be subject to escalation in accordance with the “Construction Cost Index” published in Engineering News Record. Such fee, if any, shall be paid upon the issuance of the building permit for each residential unit in the Project and delivered to Dublin for the mitigation of traffic impacts on roadways in its jurisdiction. If for any reason San Ramon assumes the responsibility for issuing building permits for the Project (although the parties anticipate that County will retain responsibility for the issuance of building permits notwithstanding the municipal annexation of any portion of the Gale Ranch), San Ramon shall collect and deliver the fees to Dublin as set forth above. If any regional traffic fee is established and required to be paid by Developer under Section 3.3(g)(11) of this agreement and such regional traffic fee provides funding for those improvements in Dublin included in calculating the amount of the traffic fee to be paid to Dublin as set forth in this Section 3.3(i), then with respect to any residential unit upon which such regional traffic fee is imposed, Developer shall be relieved of its obligation to pay such portion of the fee described in this Section 3.3(i) that is attributable to those improvements in Dublin that are funded by such regional fee.”

9.B. Development Response (Year 2023):

- In June, 2000 the County Board of Supervisors approved a per dwelling unit fee to mitigate impacts of Dougherty Valley Development on the City of Dublin. Shapell paid the “Dublin Fee” of \$3,332.00. Also, Phase 1 of Gale Ranch paid a smaller “placeholder” fee of \$245.00 with each building permit.

10.A. Development Agreement:

Section 3.3 (j) Walnut Creek Traffic Mitigation.

“Notwithstanding any other provision contained herein, all future tentative subdivision maps covering the Gale Ranch Site shall be subject to all standards and requirements adopted by the County pursuant to Measure C (1988), including but not limited to the Tri-Valley Action Plan or fees adopted thereunder, and all standards and requirements adopted pursuant to Title 7, Division 1, Chapter 2.5 of the Government Code (Section 65080 et seq.), including but not limited to all congestion management plans and deficiency plans adopted thereunder, provided that (a) such standards and requirements are designed to mitigate congestion on the Interstate 680/Highway 24 interchange or streets within Walnut Creek, (b) are applied to all other major residential projects within the member jurisdictions of SWAT, TRANSPAC, and TRANSPLAN, and (c) are imposed by the County or City only to the extent of the project’s impacts on the interchange or streets within Walnut Creek. Neither the foregoing provision nor any other provision of this Agreement (other than the subsection of this Agreement relating to Traffic-Based reductions in permitted development (Section 4.1) shall limit the authority of the County to apply the standards and requirements described above adopted pursuant to Measure C (1988), including but not limited to any Action plan or fees.”

10.B. Developer Response (Year 2023):

- Shapell pays the current SCC Regional Fee of \$1,877.00 at the time of building permit issuance. Of this total, \$942.00 is contributed to the “Walnut Creek Traffic Fee”.

11.A. Development Agreement:

Section 3.3 (k) Dougherty Road Improvements.

“County shall not require, as a condition to any Planning Action or Subsequent Approval or in any other manner, that Developer construct or cause to be constructed a realigned Dougherty Road, as shown in the Specific Plan and Preliminary Development Plan, prior to 10 years from the effective date of this Agreement. Prior to County imposing any requirement involving a realigned Dougherty Road, County may require, as a condition to a Subsequent Approval, that Developer improve existing Dougherty Road in a manner acceptable to County.”

11.B. Developer Response (Year 2023):

- In early 2005 Shapell opened RA 1157 to public traffic. This roadway connects Bollinger Canyon Road at the southern portion of the project to Stoneleaf Road in Gale Ranch Phase III. This roadway is in the approximate location of the former Dougherty Road and provides an alternative to Bollinger Canyon Road through Windemere to motorists who may want an alternative north-south connection through the Dougherty Valley.

12.A. Development Agreement:

Section 3.3 (l) Mitigation Monitoring

“Developer shall fund development and operation of a system (the “Permit Tracking System”) to monitor compliance with the requirements of the San Ramon Settlement Agreement regarding the provision of certain capital facilities, compliance with mitigation measures in the Dougherty Valley EIR, and compliance with project conditions, through the payment of a fee not to exceed \$100 per residential unit developed on the Gale Ranch Site, payable at recordation of the final map encompassing such unit. Developer shall, at the time services are performed, pay the County staff costs of carrying out the County’s Mitigation Monitoring Program, as adopted by the Board on the First Approval Date, and as it may be amended for the purposes of compliance with CEQA, which are attributable to development of the Gale Ranch Site, on a time and materials basis, and shall pay the reasonable costs of consultants as necessary to implement the Mitigation Monitoring Program.”

12.B. Developer Response (Year 2023):

- Shapell pays \$100 per residential unit fee with issuance of each residential building permit.
- Shapell pays the reasonable costs of staff and consultants to implement the Mitigation Monitoring Program.

13.A. Development Agreement:

Section 3.3 (m) Establishment of County Service Area.

“(1) County and Developer shall cooperate in (I) the formation, as soon as reasonably practicable but in any event prior to filing of the first final subdivision map in the Dougherty Valley, of a County Service Area or other financing entity to receive certain funds and provide certain services, including the operation and maintenance of facilities and infrastructure, as described in Section 3.3 of the San Ramon Settlement Agreement and (ii) the establishment, as soon as reasonably practicable but in any event prior to filing of the first final subdivision map in the Dougherty Valley, of a mechanism and adequate to fund the provision of such services as described in Section 3.3 of the San Ramon Settlement Agreement.

(2) As described in Section 3.4 of the San Ramon Settlement Agreement, to ensure that the Community Center, Senior Center, Library, Corporation Yard and Police Substation described in the Specific Plan will be constructed on a timely basis and made available to Dougherty Valley residents at the appropriate time, County shall (except to the extent some other method for the financing or provision of such facilities is requested or established by Developer or Windemere, as appropriate) assess against residential units to be developed in the Dougherty Valley a fee, special tax or assessment in an amount sufficient to fund Developer’s and Windemere’s obligation to contribute to the cost of such facilities (the “Facilities Fee”). Funds so collected will be held in a separate account and made available to Developer and Windemere, as appropriate, for the construction of such facilities. The precise form, timing, and amount of such fee, tax, or assessment shall be in accordance with the terms and provisions of Exhibit D attached hereto.”

13.B. Developer Response (Year 2023):

- The Dougherty Valley County Service Area (CSA M-29) was approved by Contra Costa LAFCO in March 1996. The CSA M-29 is perpetually funded through a tax election held in February 1998. The County automatically adds the CSA tax to each individual parcel in Dougherty Valley shortly after the building permit is issued.
- The only on-going activity required by Shapell is to participate with the County and City of San Ramon to prepare an annual CSA budget and review reimbursement invoices. To date, the County has reimbursed the City for expenditures completing FY08-09. A permanent reimbursement agreement was negotiated and executed by the City of San Ramon, Town of Danville, and Contra Costa County in 2005. All reimbursements are up to date.

**COUNTRY CLUB AT GALE RANCH “THE BRIDGES AT GALE RANCH”
DEVELOPMENT AGREEMENT**

The Development Agreement Between County of Contra Costa and Shapell Industries, Inc. Relating to the Development Commonly Known as Country Club at Gale Ranch, effective January 11, 1995 states in Section 8.2 the requirement that the Developer provide an annual report demonstrating the “good-faith compliance” with the terms of the agreement. The specific obligation of the Developer and County are described in Section 3 of the Agreement.

A. REQUIREMENTS

1.A. Development Agreement:

Section 3.1 Obligations of Developer and County.

Section 3.1. (a) Generally:

The Parties acknowledge and agree that County’s agreement to perform and abide by the covenants and obligations of County set forth herein is material consideration for Developer’s agreement to perform and abide by the covenants and obligations of Developer set forth herein.”

Section 3.1. (b) Conditions to Current Approvals:

“Except as otherwise specifically agreed to by County, Developer shall comply with all conditions to the Current Approvals.”

1.B. Developer Response (Year 2023):

- To the best of our knowledge, Shapell Industries has complied with all original or revised conditions of approvals attached to “The Country Club at Gale Ranch” Project, (“The Bridges at Gale Ranch”).

2.A. Development Agreement:

Section 3.1. (c) Capital Facilities Fee.

“Certain facilities are identified in the Settlement Agreement as being necessary to serve development in the Dougherty Valley. These facilities include a fire station or stations, police or sheriff’s substation, a community center, a senior center, a library and a corporation yard (each, individually, a “Capital Facility” and collectively the “Capital Facilities”). Developer shall pay a fee of \$1,000 per residential unit developed on the County Club at Gale Ranch Site, payable to County at building permit issuance, for the purpose of funding construction of the Capital Facilities (“the “Capital Facilities Fee”). The Capital facilities Fees so collected shall be held by County in a separate account and made available to developer, with interest paid at the rate received by County on its investments, for the construction of the Capital Facilities. The Capital Facilities Fee shall be adjusted annually in accordance with the construction cost index for the San Francisco Bay Area 91994+100) published in the Engineering News Record. This Section 3.1 (c) constitutes compliance with section 3.4 of the Settlement Agreement with regard to County Club at Gale Ranch. Developer’s compliance with this Section 3.1 (c) shall constitute compliance with Condition 122 of the Project Conditions. Developer shall have no obligation relating to Country Club at Gale Ranch and the construction of the Capital Facilities other than as described in this Section 3.1 (c).”

2.B. Developer Response (Year 2023):

- The Capital Facilities Fee, currently designated as the “Community Facilities Fee” is paid at issuance of every residential building permit. The current fee amount is \$2,734.45.

3.A. Development Agreement:

Section 3.1. (d) Parks Fee.

“Developer shall improve and dedicate 9.9 acres of parkland as shown on the Vesting Tentative Map and as modified by the Project Conditions. In addition, beginning with the 545th residential unit developed on the County Club at Gale Ranch Site, Developer shall pay to County a fee of \$5,446 per unit (The “Parks Fee”), payable at building permit issuance. The Parks Fees paid by Developer shall be kept by County in a separate account. The Parks Fee shall be adjusted annually in accordance with the construction cost index for the San Francisco Bay Area (1994=100) published in the Engineering News Record. If Developer dedicates 12.2 acres of parkland in addition to the 9.9 acres described immediately above (such 12.2 acres constituting the “Additional Parkland”), improved in a manner comparable to the parkland developed on the County Club at Gale Ranch Site, Developer shall receive a refund, with interest paid at the rate received by County on its investments, of all Parks Fees paid. If Developer so improves and dedicates a portion of the Additional Parkland, Developer shall receive a refund, with interest paid at the rate received by County on its investments, of the Parks Fees paid, proportional to the number of acres so improved and dedicated. Any Parks Fees to which Developer is not entitled to a refund within seven years of first payment of a Parks Fee may be spent by County (or, in the event that the County Club at Gale Ranch Site has been annexed to San Ramon, San Ramon) for the purpose of providing parkland to serve County Club at Gale Ranch. Developer’s compliance with the section 3.1 (d) shall constitute compliance with Condition 51 of the Project Conditions and the applicable provision of the Settlement Agreement regarding the dedication and improvement of parkland. Developer shall have no obligation relating to Country Club at Gale Ranch and the provision of parkland other than as described in this Section 3.1 (d).”

3.B. Developer Response (Year 2023):

- Gale Ranch Phase I. Construction of all parks in Phase I are complete and the parks are operational. Coyote Crossing Park, East Park, Windy Hills Park, Coyote Creek School and Windy Hills addition provide 21.56 acres total of constructed park.
- Gale Ranch Phase II. Construction of the Hidden Crest, Monarch, Valley View, Bark and Ride and Creekside Park parks are complete and accepted. This brings the total of completed park acreage for Phase II to 30.50 acres.
- Gale Ranch Phase III. Construction of Gale Ranch Middle School Park and Quail Run Elementary, Mosaic Park and Overlook Park totaling 14.40 acres is complete. This brings the cumulative for Gale I, Gale II and Gale III to 66.50 acres (see Table L). Rose Glen Park revised concept plan went before Park Commission and was approved. City has approved renaming park to Critter Crossroad Park and construction started summer 2021. Work anticipated to be complete December 2024.

Table M

PARK COMPLETION STATUS

<u>Construction Complete</u>			
	<u>Park Name</u>	<u>Acreage</u>	<u>Completion Date</u>
Gale I	Coyote Crossing Park	11.76	COMPLETE
	East Park	0.82	COMPLETE
	Windy Hills Park	1.19	COMPLETE
	Coyote Creek School Park	3.68	COMPLETE
	Windy Hills Park Addition	0.18	COMPLETE
	Gale I Total	17.63	COMPLETE
Gale II	Hidden Crest Park (PA 0003)	2.07	COMPLETE
	Monarch Park (PA 0008)	6.34	COMPLETE
	Creekside Park (PA 0010)	5.97	COMPLETE
	Valley View Park (PA 0009)	10.02	COMPLETE
	« Bark and Ride » (PA 0040)	6.10	COMPLETE
	Gale II Total	30.50	COMPLETE
Gale III	Quail Run Elementary	6.40	COMPLETE
	Gale Ranch Middle School	6.20	COMPLETE
	Overlook Park (PA 0019)	0.10	COMPLETE
	Mosaic Community Park (PA 0021)	1.74	COMPLETE
	Hummingbird Playground (PA 0041)	0.4	COMPLETE
	Gale III Total	14.44	COMPLETE
Gale IV	Rancho San Ramon Community Park Phase I	23.27	COMPLETE
	Total Complete	90.7	
<u>Future Construction</u>			
	<u>Park Name</u>	<u>Acreage</u>	<u>First Completion</u>
	Mosaic Linear Park	2.10	Complete
	Crittter Crossroad Park (PA 0018)	8.44	2025
	Gale III Total	10.54	
Gale IV	Ranch San Ramon Community Park Phase II	7.83	2026
	Bella Vista School Park	2.61	Complete
	Linear Park (Pod 6)	1.21	Complete
	Gale IV Total	11.65	
Future Construction acreages are taken from the Gale 2, 3 and 4 FDP, VTM dated August 30, 2013			

4.A. Development Agreement:

Section 3.1. (e) Affordable Housing.

“Developer shall, in connection with its development of Country Club at Gale Ranch, implement the terms and provisions of the Affordable Housing Program updated and adopted by the Board on March 24, 1994, as such Affordable Housing Program notwithstanding any County regulations to the contrary, may be amended from time to time, by mutual agreement of the Parties, regarding its application to the County Club at Gale Ranch Site (the “Affordable Housing Program”).”

4.B. Developer Response (Year 2023):

- To the best of our knowledge, Shapell is in conformance with the terms and provisions of the Affordable Housing Program. See the DVAHP Compliance Report for additional information

.5.A. Development Agreement:

Section 3.1. (f) Traffic Impact Mitigation.

“Developer’s obligations regarding traffic impact mitigation shall be limited to those established by the Project Conditions and County shall impose no additional traffic impact fee or mitigation of any kind. Developer’s compliance with the Project Conditions relating to traffic impact mitigation constitutes compliance with the requirements of the Settlement Agreement regarding traffic impact mitigation for the County Club at Gale Ranch. All funds paid by Developer to County for traffic impact mitigation pursuant to the Project Conditions may be spent by County only for the specific purposes for which collected.”

5.B. Developer Response (Year 2023):

- The Conditions of Approval for The County Club at Gale Ranch (“The Bridges at Gale Ranch”) specify the amount and allocation of the traffic fees collected. All fees are paid at issuance of individual building permits. The current fee amount, adjusted for inflation, is \$9,341.00 per single-family dwelling unit.

6.A. Development Agreement:

Section 3.1 (g) County Regional Enhancement Contribution.

“Developer shall pay to County a contribution of \$1,000 per residential unit (the “County Regional Enhancement Contribution”), payable at building permit issuance, which, regardless of any annexation and notwithstanding any other provision of this Agreement, County, and not any annexing city, shall receive and spend for one or any number of the following purposes and in those locations determined by the Board: transit improvements, other transportation improvements, assistance with the provision of affordable housing, and economic development activities. The County Regional Enhancement Contribution shall be adjusted annually in accordance with the construction cost index for the San Francisco Bay Area (1994=100) published in the Engineering News Record.”

6.B. Developer Response (Year 2023):

- The County Regional Enhancement Contribution is collected at the issuance of each residential building permit for The Bridges. The current fee, adjusted for inflation is \$1,877.00 per unit. Project is complete all building permits have been issued. Fee is no longer applicable.

7.A. Development Agreement:

Section 3.1 (h) Compliance Monitoring.

“Developer shall fund development and operation of a system (the “Permit Tracking System”) to monitor compliance with (I) the requirements of the Settlement Agreement regarding the provision of certain capital facilities, (ii) the mitigation measures in the County Club at Gale Ranch EIR, and (iii) the other Project Conditions, through the payment of a fee not to exceed \$100 per residential unit developed on the County Club at Gale Ranch Site, payable at recordation of the final map encompassing such unit (the “Permit Tracking System Fee”). Developer shall, at the time services are performed, pay the County staff costs of the County’s Mitigation Monitoring Program for Country Club at Gale Ranch as adopted by the board on December 20, 1994, and as it may hereafter be amended for the purposes of compliance with CEQA (the “Mitigation Monitoring Program”), on a time and materials basis and shall pay the reasonable costs of consultants as necessary to implement the Mitigation Monitoring Program.”

7.B. Developer Response (Year 2023):

- Shapell pays the \$100 per residential unit fee with issuance of each residential building permit.

8.A. Development Agreement:

Section 3.1 (I) County Service Area.

“As more fully described in Section 3.2. (b) Of this Agreement, Developer shall cooperate in establishment of a County Service Area or other financing entity necessary for the provision of services and operation and maintenance described in Section 3.2(b).”

8.B. Developer Response (Year 2023):

- County Service Area (CSA M-29) for the Dougherty Valley was formed by LAFCO in March 1996. CSA M-29 was funded by a tax election in February 1998. The pouring of a foundation triggers the addition of the CSA tax to each individual parcel

9.A. Development Agreement:

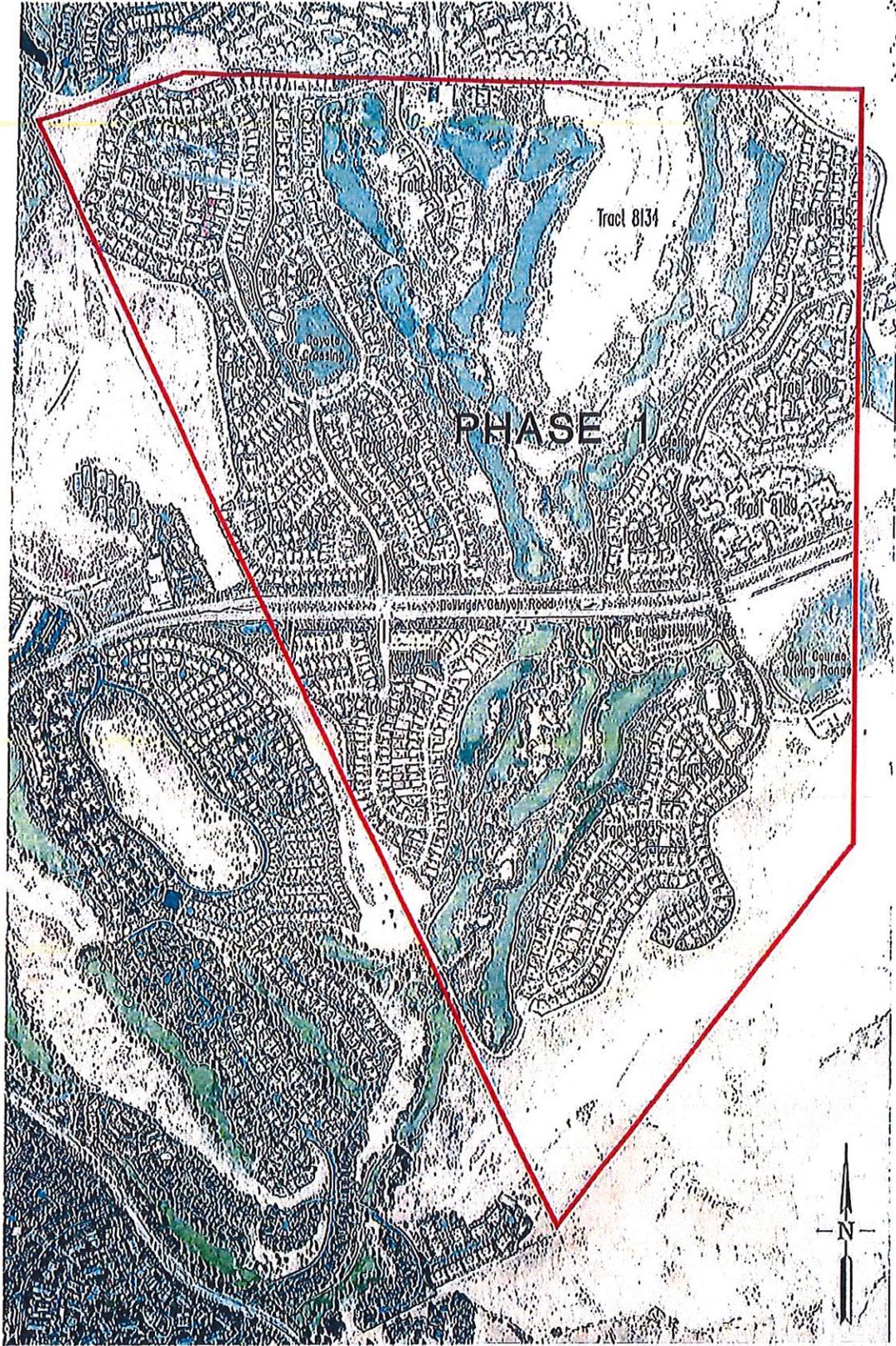
Section 3.1 (j) Construction of Improvements.

“Developer shall have the option of construction, rather than funding construction of, any of the public improvements related to Country Club at Gale Ranch including, but not limited to, all of the parkland described in Section 3.1 (d) of this Agreement, those portions of the Capital Facilities that have been established as Developer’s responsibility to provide, and the traffic impact mitigation improvements described in Section 3.1 (f) of this Agreement. Subject to the provisions of Sections 3.1 (c) and 3.1 (d) of this Agreement, if Developer has paid a fee or otherwise provided County with funds to finance construction of any such public improvement and Developer subsequently constructs such public improvement, County shall refund to the Developer, with interest paid at the rate received by County on its investments, the fees and other funds paid by County that are associated with the public.”

9. B. Developer Response (Year 2023):

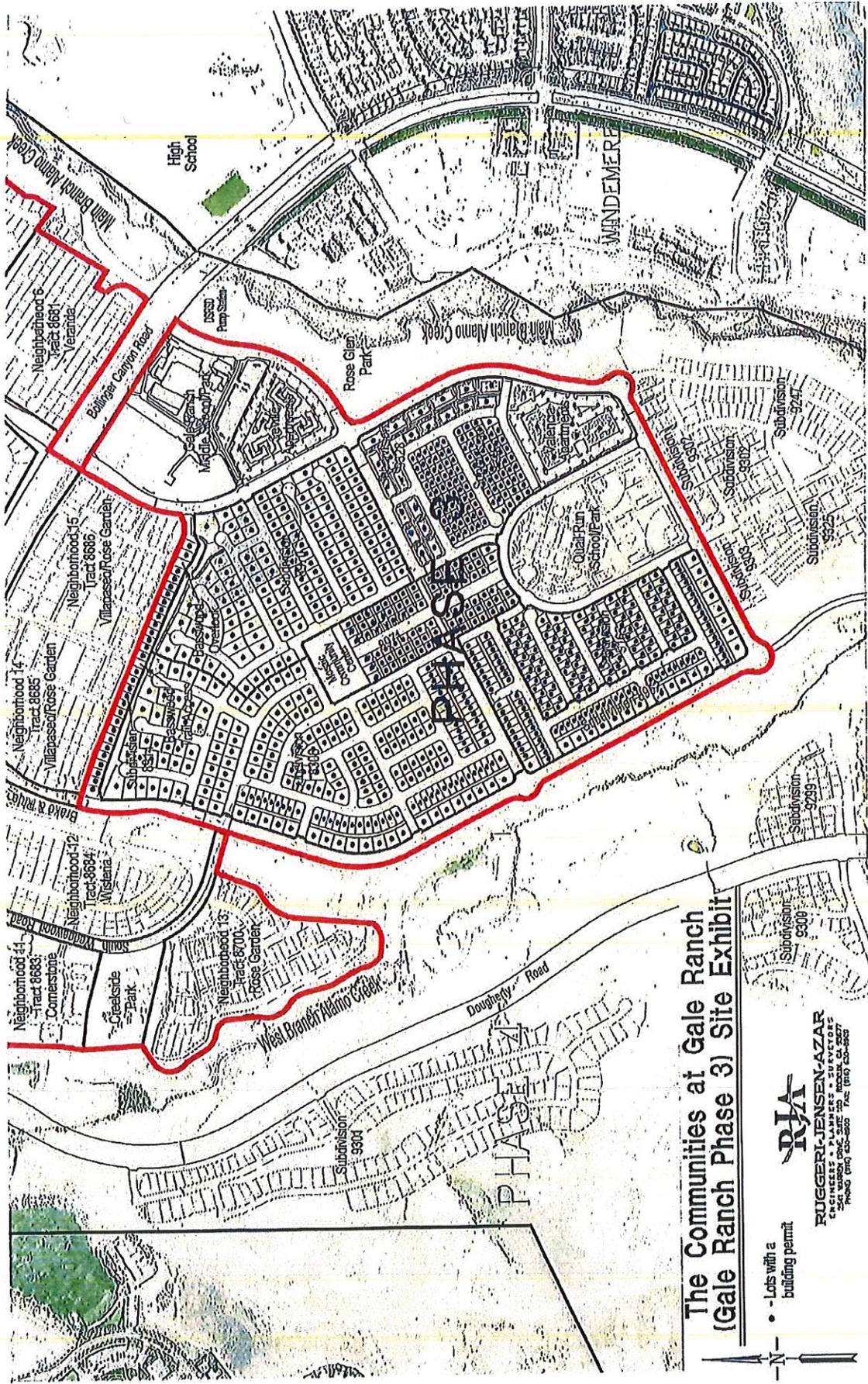
- Shapell has constructed, or will construct all the public improvements, including public park land in the Project.

SUPPORTING DOCUMENTS



Lots with a building permit = 100% **The Communities at Gale Ranch
(Gale Ranch Phase 1) Site Exhibit**

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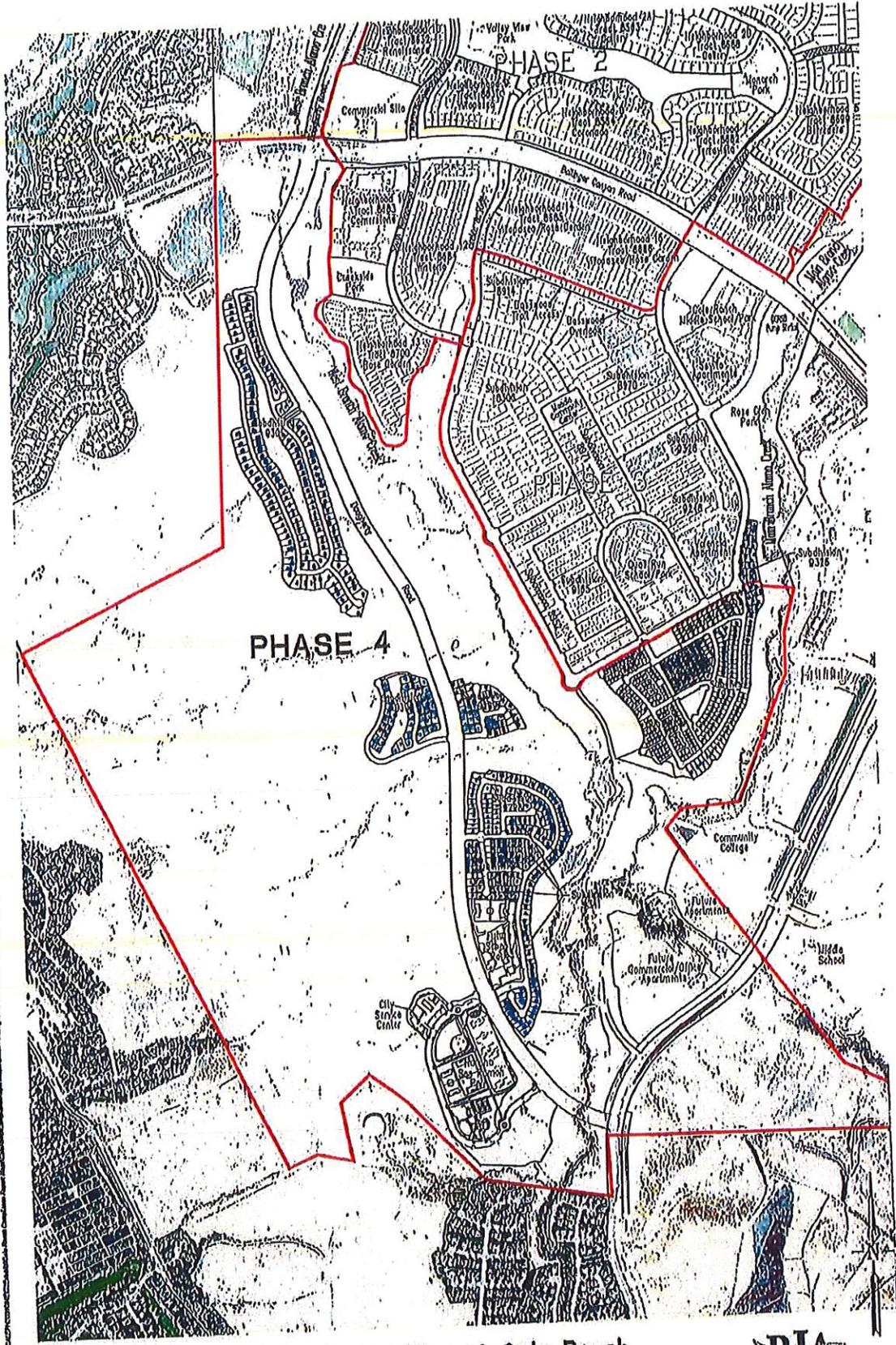


**The Communities at Gale Ranch
(Gale Ranch Phase 3) Site Exhibit**

- Lots with a building permit



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● - Lots with a building permit

**The Communities at Gale Ranch
(Gale Ranch Phase 4) Site Exhibit**

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