



CENTRAL CONTRA COSTA SANITARY DISTRICT

5019 IMHOFF PLACE, MARTINEZ, CA 94553-4392

August 28, 2024

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KATIE YOUNG
Secretary of the District

SUBJECT: 1125 North Gate Rd., Walnut Creek
APN: 138-180-002, Central San Response
Subdivide lot into 19 single family residential lots

Dear Mr. Louie:

According to Central Contra Costa Sanitary District (Central San) records, the project site is within Central San's service area.

Development Information: (Based on the information provided)

- **Existing Use:** Single family residence
- **Planned Project Description:** Requesting approval of a vesting tentative map to subdivide into 19 single family residential lots.

Site-Specific Development Conditions:

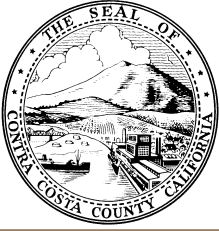
- A mainline sewer extension is required for this project. The point of connection to Central San's sewer system has not been determined at this time. A pre-application meeting is required and can be requested by emailing permits@centralsan.org.
- The proposed facility would not be expected to produce an unmanageable added capacity demand on the wastewater system.

General Development Conditions:

- Per Central San District Code, each lot / parcel will need its own connection to Central San's public sewer main, and Central San permit(s) will be required for the sewer lateral work.
- The applicant should promptly submit full-size improvement plans for Central San Permit staff to review and pay all appropriate fees prior to receiving a building permit. For more information, the applicant should contact the Central San Permit Section at (925) 229-7371.

Sincerely,

Michelle Peon Del Valle
Engineering Assistant



**CONTRA COSTA COUNTY
DEPARTMENT OF CONSERVATION & DEVELOPMENT**

30 Muir Road

Martinez, CA 94553

Telephone: (925) 655-2709 **Fax:** (925) 655-2750

TO: Everett Louie, Project Planner
FROM: Samantha Harris, Transportation Planning Section
DATE: August 28, 2024
SUBJECT: 1125 North Gate Road (CDSD24-09696)

The Transportation Planning Section has reviewed the subject project. Comments are below; in summary, the comments pertain to an evaluation of the project's "vehicle miles traveled" and transportation operations ("level of service") impacts, active transportation facilities, electric vehicle charging infrastructure, and transportation demand management. Please let me know if you have any questions.

Background

The project is subject to the following policies:

Vehicle Miles Traveled (VMT): On June 23, 2020, in compliance with SB 743 (2013), the Board of Supervisors adopted Transportation Analysis Guidelines (TAG)¹, which defines the County's approach to analyzing VMT impacts from certain projects. As a result of SB 743, VMT is the metric used to define transportation impacts in a CEQA review.

Level of Service (LOS): The County and the Contra Costa Transportation Authority (CCTA) require an LOS analysis in order to comply with the Growth Management Program. CCTA maintains the Technical Procedures Manual², which defines the approach to analyzing LOS impacts from certain projects. While LOS is no longer considered an impact under CEQA, SB 743 does allow local jurisdictions to maintain LOS-based policies and standards.

Contra Costa Complete Streets Policy³: In July 2016, the County adopted the Complete Streets Policy, which ensures that the needs of travelers of all ages and abilities, in a wide variety of travel modes, are considered in all planning, programming, design, construction, operations, and maintenance activities.

Comments

1. The project will not require a VMT analysis, based on the following:

¹ County Transportation Analysis Guidelines (TAG): [link](#)

² CCTA Technical Procedures: [link](#)

³ Complete Streets Policy:

2016: Complete Streets Resolution [link](#), CS Policy Final Draft [link](#)

Project Characteristics

Number of Residential Units: 18 net new units

VMT Screening Criteria

Projects of 20 residential units or less

2. The project will not require an LOS review, based on the following:

Estimated Trip Generation

Peak-Hour Trips (based on ITE Category: “Single-Family Detached Housing” land use (Code 210)): 12/17 AM/PM Net New Peak Hour Trips

Threshold for Review

From CCTA’s Technical Procedures:

1.6 Traffic Impact Analysis: The analysis should be conducted for projects that exceed a trip generation threshold of 100 net new peak hour vehicle trips.

3. In accordance with the Contra Costa Complete Streets Policy, staff recommends that pedestrian infrastructure be installed on both sides of the proposed private road.
4. In accordance with the County’s electric vehicle (EV) Ordinance⁴, the project will be required to include EV charging infrastructure in each residential unit. According to Appendix A (“Electric Vehicle Charging Chart”) in the TAG, “for each dwelling unit, a listed raceway to accommodate a dedicated 208/240-volt branch circuit” is required to be installed in each single-family residential unit.
5. As a residential development that includes more than 13 units, the project is subject to the County’s Transportation Demand Management (TDM) Ordinance⁵. Information on complying with the TDM Ordinance can be found in the residential project sections of the County TDM Ordinance Guide⁶.

cc: John Cunningham, DCD
Jamar Stamps, DCD
Maureen Toms, DCD
Raquel De La Torre, DCD
Jerry Fahy, PWD
Jeff Valeros, PWD
Joe Smithonic, PWD
Monish Sen, PWD

⁴ See Section 420.14 “Electric vehicle (EV) charging for new construction”: [link](#)

⁵ County TDM Ordinance: [link](#)

⁶ County TDM Ordinance Guide: [link](#)



DARWIN MYERS ASSOCIATES

ENVIRONMENTAL RESEARCH ■ ENGINEERING GEOLOGY

August 30, 2024

Everett Louie, Project Planner
Contra Costa County
Department of Conservation & Development
Community Development Division
30 Muir Road
Martinez, California 94553

Subject: **Geologic Peer Review / CDS24-09696**
1125 North Gate Road / APN 138-180-002
Andy Byde / Calibr Ventures (appli. & owner)
Walnut Creek Area, Contra Costa County
DMA Project 3021.24

Dear Everett,

Based on your authorization, we have reviewed the application materials submitted for the captioned project. This letter is organized to first outline the purpose and scope of our review, followed by our understanding of the project, background information on the geologic and seismic setting of the site including its location within the Alquist-Priolo Earthquake Fault Zone (EFZ) and the Seismic Hazard Zone (SHZ) for earthquake induced liquefaction. We then present our evaluation and recommendations.

Approach

The objective of our review was to provide a professional opinion on the adequacy of the available published background materials for the processing of a request for approval of a Vesting Tentative Subdivision Map (VTM) of a 9.98 /ac. parcel for 19-lot residential subdivision. The VTM was prepared by the project civil engineers, dk Engineering.¹ The application was accompanied by a geotechnical report prepared by Engeo, Inc.,² and architectural drawings (i.e., floor plans, exterior elevations and roof plans) prepared by WHA³ and a Preliminary Stormwater Control Plan prepared by dk Engineering.⁴ The scope of our review included review of (a) pertinent published geologic reports and maps, including Seismic Hazard Zone and Earthquake Fault Zone maps issued by the California Geological Survey, (b) Soil Survey of Contra Costa County, (c) Safety Element geologic hazard maps and related policies, (d) North Gate Specific Plan, and (e) geologic analysis of a stereo pair of vertical angle aerial photographs using a mirror stereoscope equipped with 3x and 8x binoculars. With this background we (f) reviewed the geotechnical report prepared by Engeo, Inc, (g) evaluated the data gathered and (h) prepared the peer review letter presented herein.

¹ dk Engineering, 2024, *Calibr Ventures, 1125 North Gate Road, Vesting Tentative Map, Contra Costa County, CA. (12 Sheets)*, dk Job #23-164-10 (plans dated July 26, 2024; date stamped received by DCD on August 6, 2024). 1095

² Engeo, Inc., 2015, *Geotechnical Update Report, 1125, North Gate Road, Walnut Creek, California*, Engeo Job #12014.000.000 (report dated October 20, 2015; revised November 11, 2015).

³ WHA, 2024, *Architectural Floor Plan, Roof Plan & Elevations for 1125 N. Gate Rd., Walnut Creek, CA 94598 (5 Sheets)*, dated February 5, 2024).

⁴ dk Engineering, 2024, *Preliminary Stormwater Control Plan for 1125 North Gate Road* (10 pgs. + Attachments) dk Job #23-164-10 (report dated July 2024).

Purpose

The purpose of our review is to provide a professional opinion on the adequacy of (i) published geologic and soils reports, in combination with (ii) site-specific engineering geologic / geotechnical exploration reports for the limited purposes of deeming the application complete. Prior to deeming the application complete, the County requires sufficient data on site conditions to allow: (i) delineation the potential geologic hazards based on adequate subsurface data, and (ii) the data must be sufficient to serve as the primary basis for preparation of the "Geology and Soils" chapter of the CEQA document. Appendix G of the CEQA Guidelines issued by the State of California identifies the potential geologic and seismic hazards that must be evaluated by the CEQA document (see Table 1 for a list of the potential hazards that must be addressed by the CEQA document). Ultimately, approval of projects in areas of a high potential for surface fault rupture (e.g., within the EFZ) and/or high liquefaction potential (e.g. within the SHZ) for are contingent on:

- Geotechnical engineering studies which define and delineate potentially hazardous conditions,
- Recommend means of mitigation of any adverse conditions that were confirmed to be present on the project site (e.g. liquefaction potential, expansive and/or corrosive soils, and
- Documentation of proper implementation of the mitigation measures throughout the construction period.

Table 1
Appendix G of State CEQA Guidelines

7. GEOLOGY AND SOILS – Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	☐	☐	☐	☐
ii) Strong seismic ground shaking?	☐	☐	☐	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☐
iv) Landslides?	☐	☐	☐	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☐	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☐
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☐

Understanding of Project

The application is a request to subdivide a legally established 9.98 ac. parcel into 19 single family residential lots. Immediate access to each of the proposed lots would be via a proposed private road that would connect to North Gate Road. Access to the subdivision would be controlled by a gate. At the terminus of the private road a cul-de-sac with a 90 ft. diameter is proposed. In summary the internal road is to be constructed to be compliant with the requirements of the standards of the County and those of the Contra Costa County Fire Protection District. Other proposed subdivision improvements include C.3 bio-retention basins. Runoff collected by these drainage facilities are to convey runoff outfall to an existing 30-in. diameter which outfalls to Walker Creek. All on-site bio-retention basins would be landscaped. Water and sanitary sewer lines currently extend onto the project site, and the existing pipelines are adequate site to serve the 19 lots. The North Gate Specific Plan requires a 50 ft. structure setback from the top of the Walker Creek bank. The conceptual site plan for the project indicates a proposed 71 ft. building setback from the top-of-bank dwellings are the site have been designed to attain a 71 ft. creek structure setback.

The applicant is requesting a density bonus, in accordance with Government Code Section 65915 of State Law and Section 922-2.404 of the County Subdivision Ordinance. The granting of a density bonus requires the following:

- At least 5% of the housing units are restricted to very low-income residents.
- At least 10% of the housing units are restricted to lower income residents.
- At least 10% of the housing units are in a for-sale development are restricted to moderate income residents.

Background

1. Active Faults

Figure 1 indicates that the project site is bisected by the western boundary of the Alquist-Priolo *Earthquake Fault Zone* (EFZ) delineated by the California Geological Survey (CGS). That zone encompasses recently active traces and potentially active traces of the Concord fault (which is delineated using a grid pattern). Additionally, Figure 1 indicates that the entire project site is within the official Seismic Hazard Zone (SHZ) map that indicates that the entire project site is located within an area deemed to be potentially at-risk of earthquake induced liquefaction (which is represented with a yellow, ocher color). Note that Figure 1 also shows areas considered to be potentially at-risk of earthquake triggered landslide displacement (represented by a rose-colored shading). Finally, Figure 1 shows bedrock fault traces mapped by the United States Geological Survey (USGS; represented with solid green lines).⁵ These are faults that have not been classified by their activity status.

According to the CGS, recently active and potentially active fault traces may be present anywhere in the EFZ. The precise location of the fault requires detailed site-specific exploration and mapping by the project geologists. The CGS does not delineate an EFZ unless there is clear evidence that surface fault rupture has occurred during Holocene time (i.e., during the last 11,700 yrs.+/-). The Alquist-Priolo (A-P) Earthquake Fault Zoning Mapping Act requires comprehensive fault investigations for “projects” within an EFZ. As defined by the State Law all major and minor subdivision applications require a rigorous fault hazard investigation. The State Law also requires disclosure to prospective buyers of what is known and unknown about the fault hazards when parcels are bought and sold.

⁵ Graymer, R., D.L. Jones & E.E. Brabb, 1994. *Preliminary Geologic Map Emphasizing Bedrock Formations in Contra Costa County, California*. U.S. Geological Survey Open File Report 94-622.

2. Bedrock Geology

In 1994 the USGS issued a color, digitized bedrock geology map of Contra Costa County. This map, which is based on the compilation of previous published mapping, indicates the site is located within the floor of an upland valley bottom area that is identified as Quaternary deposits, undifferentiated. Hillside areas are located approximately ¼ mile east and south of the project site. Both of these hillside areas are within the outcrop belt of the marine sedimentary rocks of the Great Valley Sequence (Cretaceous age). They are generally considered to be a flysch of mudstone and shale containing minor interbedded sandstone. Much of the bedrock and overlying soil mantle are significantly expansive. The channel of Walker Creek passes tangent to the northern property corner.

3. Quaternary Geology

The most recent map of Quaternary deposits is mapping of the USGS.⁶ According to this map the project site and vicinity are located within an area that is underlain by alluvial fan and fluvial deposits of inferred Pleistocene age (Qpaf). The legend of the USGS map indicates these deposits tend to have a well-developed soil profile, commonly poorly sorted, and locally the weathering profile is characterized by a reddish-brown coloration. Other Quaternary deposits mapped by the USGS in the general vicinity include stream channel deposits of Holocene age (Qhsc); alluvial fan and fluvial deposits of Holocene age (Qhaf); and undifferentiated continental gravels (QTu) of Plio-Pleistocene age. Table 2 presents a brief description of these deposits.

Table 2
Quaternary Deposits Occurring the North Gate Area

Qhsc Stream Channel Deposits (Holocene age). Poorly to well-sorted sand, silt, silty sand, or sandy gravel with minor cobbles. Many stream channels are presently lined with concrete or rip rap. Qhaf Alluvial fan and fluvial deposits (Holocene age). Brown to tan, medium dense to dense, gravely sand or sandy gravel that generally grades upward to sand or silty clay. Qpaf Alluvial fans and fluvial deposits (Pleistocene age). Brown, dense gravel and clayey sand or clayey gravel that fines upward to sandy clay. These deposits display various sorting and are located along most stream channels. They are distinguished from younger alluvial fan and fluvial deposits by higher topographic position, greater degree of dissection and stronger soil profile. They are less permeable than Holocene deposits. QTu Undifferentiated continental gravels (Plio-Pleistocene age). Semi-consolidated to unconsolidated poorly sorted gravel, sand, silt and clay distributed in isolated patches. These deposits are unrelated to modern drainages and appear to represent an ancestral drainage emanating from the north face of Mt. Diablo, flowing northwesterly down the Clayton Valley, finally entering Carquinez Strait just west of the Concord Naval Weapons Station. Thickness varies but most outcrop areas exceed 50 meters. These deposits probably represent the late Cenozoic uplift of the Coast Range.
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4. Soil Survey

According to the Soil Survey of Contra Costa County,⁷ the soil series mapped on the site is the Zamora silty clay loam (ZaA, 0-5% slopes). This soil series consists of well drained soils that formed in alluvium from sedimentary rocks. These soils are on alluvial fans and low terraces and are rated *moderately expansive* and

⁶ Helley, E.J. and R. Graymer, 1997. *Quaternary Geology of Contra Costa County and Surrounding Parts of Alameda, Marin, Sonoma, Solano, Sacramento and San Joaquin Counties derived from a Digital Data Base*. USGS Open File Rept 97-98.

⁷ Welch, L.E. et. al., 1977, *Soil Survey of Contra Costa County, California*, USDA Soil Conservation Service.

highly corrosive. Expansive soils expand when water is added and shrink when they dry out. This continuous change in soils volume causes homes and other structures to move unevenly and crack. It should also be recognized that corrosive soils tend to damage concrete and/or uncoated steel that is in contact with the ground. Testing is needed to confirm foundation conditions; design-level geotechnical reports routinely provide specific criteria and standards to mitigate such adverse soil conditions.

5. Seismicity

The San Francisco Bay Region is considered one of the most seismically active regions of the United States. Consequently, it can be assumed that the proposed improvements will be subject to one or more major earthquakes during their useful life. Earthquake intensities vary depending on numerous factors, including (i) earthquake magnitude, (ii) distance of the site from the causative fault, (iii) geology of the site. The USGS has stated that there is a 72 percent chance of at least one magnitude 6.7 or greater earthquake striking the Bay Region between 2014 and 2043.⁸

The Safety Element includes a figure titled “Seismic Ground Response” (General Plan, page 10-13). This map classifies the site as *moderately low damage susceptibility*. The risk of structural damage from earthquake ground shaking is controlled by building and grading regulations. The California Building Code (CBC) mandates use of seismic design parameters for all structures requiring building permits (including a single-family residence, retaining walls over 3 ft. in height and most types of accessory structures). Those parameters consider both foundation conditions, proximity of active faults, and their associated ground shaking characteristics. Design-level geotechnical reports must include CBC seismic design parameters. Those parameters are used by the structural engineer in the design of civil engineering structures. Compliance with building and grading regulations, in combination with conservative design and quality construction can be expected to keep risks within generally accepted limits.

Seismic Hazard Zone Map

1. State Law

The provisions of the Seismic Hazard Mapping Act can be found in the California Public Resources Code, Chapter 7.8, Sections 2690-2699.6. This law is similar in many respects to the Alquist-Priolo Earthquake Fault Zone Mapping Act, which has been implemented by the County for nearly 50-years. However, the official Seismic Hazard Zone (SHZ) maps issued by the California Geological Survey (CGS) identify areas that are at-risk of earthquake triggered landslides and earthquake triggered liquefaction. The procedure for issuance of official SHZ maps is to distribute preliminary review copies of the SHZ maps and invite local jurisdictions, public agencies, and property owner/ general public to provide comment, particularly technical data. The CGS professional staff reviews the comments/ technical data provided. Based on input provided on the preliminary map(s), the CGS may modify the Preliminary Map. Finally, a public hearing is held before the State Mining and Geology Board with a recommendation from the CGS that the map(s) be approved. When SHZ maps are accepted as adequate by the Mining and Geology Board, they are distributed to local jurisdictions and public agencies. Nearly all land development projects that are located within areas at-risk of earthquake-triggered landslide displacement or liquefaction (or both) and which will eventually lead to construction of structures for human occupancy (including all major and minor subdivisions), require comprehensive geological/ geotechnical investigation. .

⁸ Aagaard, Blair, Boatwright, Garcia, Harris, Michael, Schwartz, and DeLeo, 2016, *Earthquake Outlook for the San Francisco Bay Region, 2014-2043*, USGS Fact Sheet 2016-3020, revised August 2016, ver. 1.1)

2. Standards and Criteria

Accompanying each SHZ map is a Seismic Hazard Zone Report.⁹ Those reports explain the approach used by the CGS staff in their analysis and it presents technical data on a) geology, b) groundwater, c) geologic probabilistic seismic hazard analysis model and its application to liquefaction and landslide hazard assessment d) results of materials testing, d) ground motion assessment, e) lists key references and f) explains the associated zoning techniques.

As shown in Figure 1, the project site is within an *Earthquake-Induced Liquefaction Zone*. In making its determination the CGS considers the engineering properties of the various Quaternary deposits known to occur in the subsurface, available information on the elevation of the water table, and local seismic conditions. In this case, the Quaternary deposits inferred to occur in the North Gate Road area include both *old and young Quaternary deposits* (see pgs. 7 & 8 of SHZ Report 130).

- Plate 1.1 of SHZ report 130 shows the location of geotechnical borings used by the CGS; the CGS approach to Ground Motion Assessment is presented in Section 2 of SHZ Report 130. methodology used by the CGS to characterize the seismicity of the North Gate Road area and other portion of the Clayton Quadrangle evaluate the liquefaction hazard the CGS characterizes the seismicity. Section 3 of the report summarizes the analyses and criteria used to delineate liquefaction hazard zones.
- Plate 2.2 of SHZ report 130 indicates that the Project Site is within an area rated as having a Probabilistic PGA of 0.43 - 0.44g's (i.e., 10% risk of exceedance in 50 years). For lands rated at-risk of liquefaction, there is a potential for permanent lateral and vertical ground displacements such that mitigation as defined in Public Resource Code Section 2693c is required. Disclaimer #8 on the SHZ map acknowledges that some sites within the designated hazard areas some existing land development projects may have already been mitigated to standards of the local jurisdiction (i.e., the CGS has not performed exhaustive studies of previous geotechnical and engineering geologic reports).
- The SHZ Mapping Act adopted SHZ map requires rigorous evaluation of liquefaction potential for projects that are deemed to be at risk of liquefaction. Guidelines for the evaluation of liquefaction are presented in CGS Special Publication 117A.¹⁰
- To ensure that the investigations consultant-prepared investigation and resulting report comply standards of the CGS, state law requires that all reports be subject to peer review by a California licensed geologist or geotechnical engineer acting in behalf of the local jurisdiction. A copy of each consultant-prepared report, along with evidence of peer review, must be forwarded to the CGS within 30 days of completion of the peer review.

Relationship of SHZ Maps to CEQA

Regarding the relationship of SHZ's to the CEQA process, the State of California CEQA Guidelines indicate the following:

Nothing in these guidelines is intended to negate, supersede or duplicate any requirement of the SHZ. At the discretion of the lead agency, some or all of the investigations required by the Seismic Hazard Mapping Act may occur either before, concurrent with or after the CEQA process.

The Guidelines go on to indicate that if the investigation does not precede CEQA, it may be desirable for

⁹ California Geological Survey, 2021, *Seismic Hazard Zone Report for the Clayton 7.5-Minute Quadrangles, Contra Costa County, California*, SHZ Report 130.

¹⁰ California Geological Survey, 2008, *Guidelines for Evaluating and Mitigating Seismic Hazards in California*, CGS Special Publications 117A.

the CEQA document to describe the full range of mitigation measures that may be required to stabilize the land development project. However, if all or part of the investigation is performed prior to completion of the CEQA process, it may be possible to narrow the discussion of mitigation alternatives to only those that would provide reasonable protection of the public safety given site-specific knowledge of field conditions.

Northgate Specific Plan

1. Purpose

California state law authorizes a jurisdiction to adopt specific plans regarding any area covered by the jurisdiction's General Plan to provide additional detail to the implementation of the general plan itself. The North Gate Specific Plan was adopted by the Board of Supervisor on June 25, 1991. For the last 30+ years this specific plan has provided guidance and detail on the means of protecting of the North Gate area, which is situated at a transition area between agricultural preserves/ open space land (to the east and south) from low-density suburban housing (located to the north and west). As a transition area, the public and local property owners were concerned about how future development will proceed in the area. The Land Use Goal of the Specific Plan sought to maintain and enhance the existing semi-rural character of the North Gate Specific Plan area. To implement this Land Use Goal, the Specific Plan included eight (8) policies. Policy #8 reads as follow:

- ***Prohibit development within any required creek or seismic setback area.*** On page 19 of the North Gate Specific Plan, under the header *Development Regulations*, are a series of implementing measures. The Development Regulation pertinent to the Earthquake Fault Zone reads as follows:
 - a. ***Seismic Setback: Any development within the Alquist Priolo seismic study area will be required to submit a geologic report. No habitable structures are permitted to be located within the seismic setback fault zone (i.e., the restricted building area delineated by the project geologist) as recommended in the geologic report. The land within the seismic setback area can be calculated as net lot area, provided the remaining lot area has sufficient space for new construction, assessor structures, and all applicable setback and lot coverage requirements.***

Safety Element

The following discussion is intended to summarize and highlight geologic-related policies and implementation of those policies by the Department of Conservation and Development. Fault and fault displacement policies are presented in Table 3, and Liquefaction Policies are presented in Table 4. These policies are aimed at the protection of human life and reducing the potential for serious injuries from fault rupture and liquefaction induced ground failure.

Previous Site Investigations

In 2006 Jensen-Van Lienden Associates (J-VL) issued a geotechnical report for the project site.¹¹ The J-VL report was followed a year later by a fault hazard investigation.¹² Eight years later, Engco (2015) was retained to provide an updated geotechnical investigation of the project site.

¹¹ Jensen-Van Lienden Associates, 2006, *Geotechnical Study, Proposed 8-Lot Subdivision, 1125 North Gate Road, Contra Costa County, CA*, J-VL Job #S240AA (dated December 29, 2006).

¹² Joyce Associates, 2007, *Fault Hazard Investigation, Proposed Subdivision, 1125 North Gate Road Walnut Creek, California*, JA Job #268.01 (dated December 12, 2007).

Table 3
Safety Element Fault / Fault Displacement Policies

Policy 10-11. Classify as active those faults which have ruptured the ground surface during Holocene time, roughly the last 10,000 years. Classify as potentially active faults which displace Quaternary (Pleistocene) geologic units, those formed during approximately the last 2 to 3 million years.

Policy 10-12. Prohibit construction of structures for human occupancy and structures whose loss would affect the public safety or the provision of needed services, over the trace of an active fault.

Policy 10-13. In areas where active or inactive earthquake faults have been identified, the location and/ or design of any proposed building, facilities, or other development shall be modified to mitigate possible danger from fault rupture or creep.

Policy 10-14. Preparation of a geologic report shall be required as a prerequisite before authorization of public capital expenditures or private development projects in areas of known or suspected faulting.

Table 4
Safety Element Liquefaction Policies

Policy 10-18. This General Plan shall discourage urban or suburban development in areas susceptible to high liquefaction dangers and where appropriate subject to the policies of 10-20 below, unless satisfactory mitigation measures can be provided, while recognizing that there are low intensity uses such as water-related recreation and agricultural uses that are appropriate in such areas.

Policy 10-19. To the extent practicable, the construction of critical facilities, structures involving high occupancies, and public facilities shall not be sited in areas identified as having a high liquefaction potential, or in areas underlain by deposits classified as having a high liquefaction potential.

Policy 10-20. Any structures permitted in areas of high liquefaction damage shall be sited, designed and constructed to minimize dangers from damage due to earthquake-induced liquefaction.

Policy 10-21. Approvals to allow the construction of public and private development projects in areas of high liquefaction potential shall be contingent on geologic and engineering studies which define and delineate potentially hazardous geologic and/or soils conditions, recommend means of mitigating these adverse conditions, and on proper implementation of the mitigation measures.

1. Joyce Associates Investigation

- Purpose The purpose was to evaluate the potential rupture hazards to future dwellings posed by the Concord fault. According to JA, the southeastern portion of the property is within the outcrop belt of the Panoche Formation (Kp), including the building sites on proposed Lots #1 and 6-8. The remainder of the property is mapped as Older Alluvium (Qoa). JA logged an exploratory trench whose purpose was to evaluate fault hazards to the proposed building Lot #8 building site; the segment of the access road in the EFZ was not trenched.
- Scope JA's investigation included a) review of published mapping, including the CGS Fault Evaluation Report #231 (Wills and Hart, 1992); b) review of previous consultant's investigations in the vicinity (11 previous fault hazard investigations are cited by JA), c) examination of seven sets of aerial photographs flown during the period 1952 to 2004; c) surface reconnaissance of the site and surrounding properties; and d) logging of an exploratory trench to shadow the westernmost portion of the EFZ as it relates to Lot #8 (JA's trench was 4 to 6 ft. deep and exposed three layers: A-horizon consisting of a reddish brown silty clay, underlain by ABt-horizon, described as weathered, reddish brown silty clay containing transported clay and carbonate pockets. These two soil horizons were underlain by claystone interpreted by JA as the Panoche Formation. Laminae within the claystone indicate bedding strike of N 5-10° W, with dips to the west at 7 to 38°. No prominent shear zones or areas of seepage were observed; the weathering profile showed no evidence of offset or truncation).
- Conclusion JA concludes the risk of fault rupture on the site is very low; no setbacks warranted.

2. Engeo Investigation

The geotechnical update report provided updated geotechnical recommendations, based on the previous subsurface data gathered by J-VL Associates. The scope of the Engeo report was only intended to review and update J-VL's recommendations. Additionally, the project has evolved from an 8-lot residential subdivision in 2015 to the currently proposed 19 lot subdivision. Finally, the Engeo's 2015 report includes the following in their statement of "Limitations and Uniformity of Conditions" on page 17:

The conclusions and recommendations contained in this report are solely professional opinions and are valid for a period of no more than 2 years from the date of report issuance (i.e. report issuance occurred on November 11, 2015).

DMA Evaluation and Recommendations

The project requires an updated design level geotechnical report. Furthermore, since the Engeo report was issued in 2015, the CGS has included the CSD24-09696 Project Site (as well as other valley floor areas in the North Gate Road area) in the Seismic Hazard Zone for liquefaction induced ground failure. It is also pertinent to note that the CGS is in the process of updating the Earthquake Fault Zone (EFZ) Map. We do not know when the updated SFZ map will be issued. Potentially the revised EFZ map could result in changes to the width, orientation and boundaries of the Concord fault EFZ map in the North Gate Road area.

The Joyce Associates report provides considerable data on fault hazards, and boreholes logged by Jensen-Van Lienden Associates provides considerable data on foundation conditions/ engineering properties of soils on the project site that are pertinent to assessment of the liquefaction hazard. That existing subsurface data remains pertinent. However, the project site is in two hazard zones delineated by the CGS. It is our opinion that a comprehensive review/ updating of the *Preliminary Geotechnical / Geologic Hazards* assessment provided by previous consultants is warranted. In our opinion the scope of the update report should include sufficient new subsurface data, laboratory testing and engineering analysis to provide a basis for confirming (or modifying) the geologic hazards assessment of previous consultants. The resulting report should be subject to peer review, as required by the State Law. Finally, because the existing data includes borehole logs and the log of an exploratory trench, we recommend that the geotechnical update report be made a condition of approval. The CEQA document can be prepared relying on the existing data/ reports.

Purpose and Limitations

The purpose of our review was to provide a professional opinion on the adequacy of the geotechnical and geologic data for the processing of the application and for issuance of building permits. Specifically, we provide technical advice to assist the Community Development Division with discretionary permit decisions. Our services have been limited to interpretation of 1973 aerial photographs and review of the referenced reports and maps. Our opinions and conclusions are made in accordance with generally accepted principles and practices of the engineering geology profession. We trust this letter provides the evaluation and comments that you requested. Please call if you have any questions.

Sincerely,
DARWIN MYERS ASSOCIATES



Darwin Myers, CEG 946

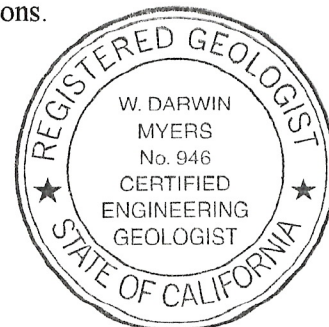
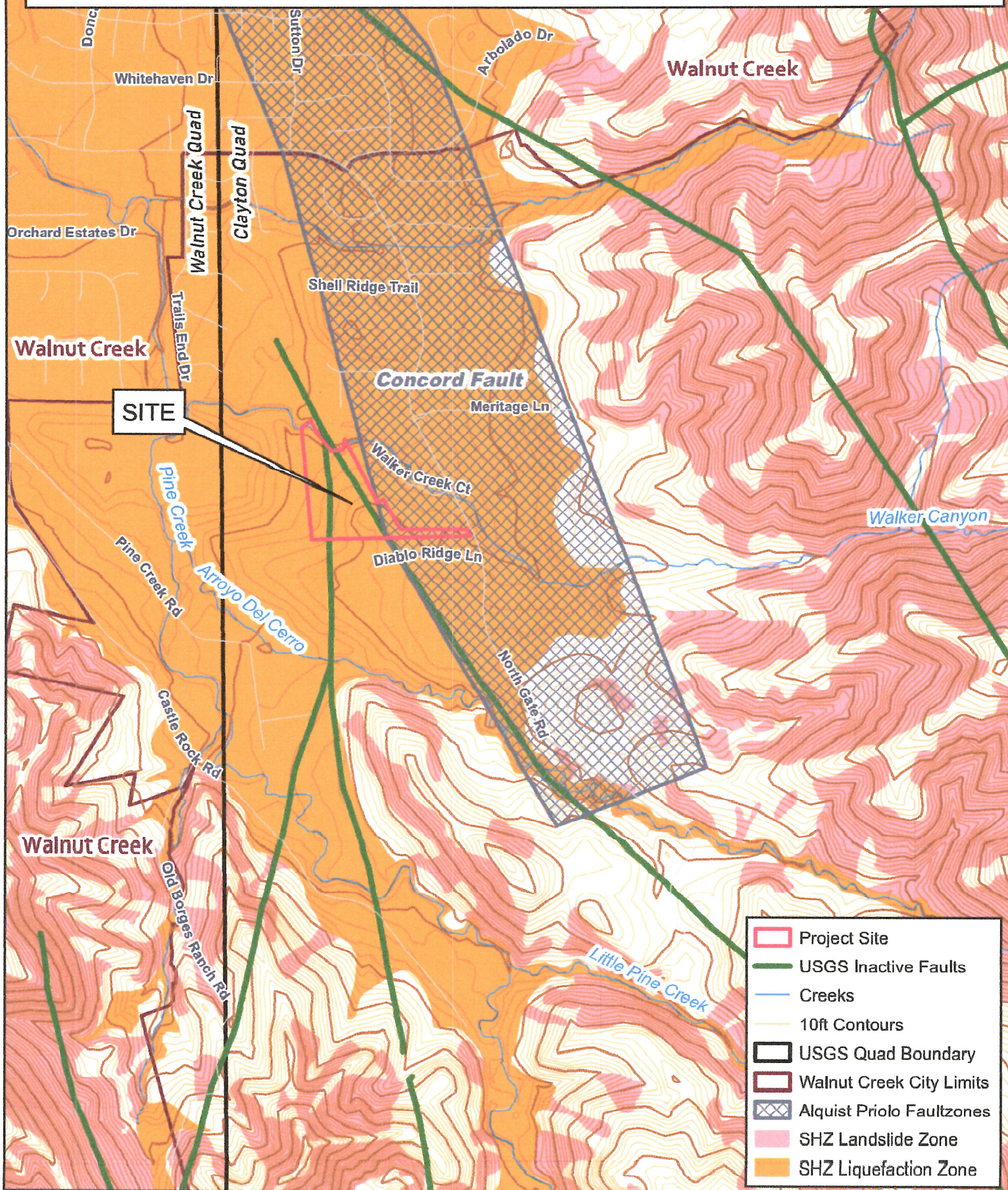


Figure 2: CDSD24-09696 Seismic Hazard & Alquist Priolo Zone Map



0 375 750 1,500 Feet

Map Created 5/29/2024
by Contra Costa County Department of
Conservation and Development, GIS Group
30 Muir Road, Martinez, CA 94553
37:59:41.761N 122:07:03.756W

This map was created by the Contra Costa County Department of Conservation and Development with data from the Contra Costa County GIS Program. Some base data, primarily City Limits, is derived from the CA State Board of Equalization's tax rate areas. While obligated to use this data the County assumes no responsibility for its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and accept the County of Contra Costa disclaimer of liability for geographic information.



Source: CGS Walnut Creek and Clayton SHZ Maps 2021 & 2024
and CGS. 2007. Special Publication 42



March 21, 2025

Everett Louie, Project Planner
Contra Costa County
Department of Conservation & Development
Community Development Division
30 Muir Road
Martinez, California 94553

Subject: Geologic Peer Review / CDS24-09696 / 2nd Ltr
1125 North Gate Road / APN 138-180-002
Andy Byde / Calibr Ventures (applicant & owner)
Walnut Creek Area, Contra Costa County
DMA Project 3011.25

Dear Everett,

In response to our previous peer review letter, the project proponent has submitted additional geologic and geotechnical reports. Therefore, the purpose of our review is to provide the opinion of an engineering geologist on the adequacy of the reports prepared by Engeo, Inc.^{1 2} for the full processing of the application, including preparation of the CEQA document. The evaluation and recommendations presented herein supersede those presented in our August 30, 2024, peer review.³

Understanding of Project

The application is a request to subdivide a legally established 9.98 ac. parcel into 19 single family residential lots. Immediate access to each of the proposed lots would be via a proposed private road that would connect to North Gate Road. Access to the subdivision would be controlled by a gate. At the terminus of the private road a cul-de-sac with a 90 ft. diameter is proposed. In summary the internal road is to be constructed to be compliant with the standards of the Contra Costa County Ordinance Code and those of the Contra Costa County Fire Protection District. Other proposed subdivision improvements include C.3 bio-retention basins. Runoff collected by these drainage facilities are to convey runoff outfall to an existing 30-in. diameter which outfalls to Walker Creek. All on-site bio-retention basins would be landscaped. Water and sanitary sewer lines currently extend onto the project site, and the existing pipelines are adequate to serve the 19 lots. The North Gate Specific Plan requires a 50 ft. structure setback from the top of the Walker Creek bank. The conceptual site plan for the project indicates a proposed 71 ft. building setback from the top-of-bank.

The applicant is requesting a density bonus, in accordance with Government Code Section 65915 of State Law and pertinent provisions of the County Subdivision Ordinance. The granting of a density bonus requires the following:

¹ Engeo, Inc. 2024, *Fault Hazard Investigation Report, 1124 North Gate Road, Walnut Creek California*, Engeo Job #12014.001.001 (report dated November 15, 2024).

² Engeo, Inc., 2024, *Geotechnical Update Report, 1125, North Gate Road, Contra Costa County, California*, Engeo Job #12014.001.001 (report dated November 26, 2024).

³ Darwin Myers Associates, 2024, *Geologic Peer Review / CDS24-09696, 1125 North Gate Road / APN 138-180-002, Andy Byde / Calibr Ventures (appli. & owner), Walnut Creek Area, Contra Costa County*, DMA Project 3021.24

- At least 5% of the housing units are restricted to very low-income residents.
- At least 10% of the housing units are restricted to lower income residents.
- At least 10% of the housing units in a for-sale development are restricted to moderate income residents.

We previously provided background information on the geologic and seismic setting of project site. It will not be repeated here. However, we have included Figure 2 from that peer review. The base map for this exhibit is a topographic map of the project site and vicinity at a scale of 1 in.= 1,000 ft. and with 10 ft. contour interval. The base map also shows (i) the boundary of the Walnut Creek Quadrangle with the Clayton Quadrangle, (ii) corporate limits of the City of Walnut Creek, and (iii) faults mapped by the U.S. Geological Survey (USGS).⁴ These USGS faults are represented by a solid green line and are not classified by activity status. The boundary of the project site is outlined using red lines. Note that two green-line faults are shown crossing the project. One of these faults as a generally north-south trend and the other trends N30°W. These faults converge near the northern boundary of the project site. On this base map, the following hazard areas have been delineated by the California Geological Survey (CGS):

- **Earthquake Fault Zone.** The Concord Fault's *Earthquake Fault Zone* (EFZ) is represented by a grid pattern. Lands that are within the EFZ are deemed to be at risk of surface fault rupture. According to the CGS, recently active and potentially active traces of the fault map be present anywhere in the EFZ. Within this zone a broad variety of land development projects are required to submit engineering geologic reports directed to the hazard of surface fault rupture. State Law exempt the construction of a single-family, wood-frame residence of less than 3 stories and to be exempt from the fault hazard investigation requirements, the parcel must have been established prior to issuance of the EFZ map. However, virtually all land development projects that result in the construction of structures intended for human occupancy are subject to rigorous fault hazard investigation requirements of State Law. The application being processed by Contra Costa County (i.e., CDS24-09696) is a project that falls under that authority of the State Law.

The provisions of State law require compliance with guidelines for such reports issued by the CGS. All fault hazard investigative reports are subject to peer review by a California licensed geologist. The precise location of the fault requires detailed, site-specific exploration and mapping by the project geologist. The CGS does not delineate an EFZ unless there is clear evidence that surface fault rupture has occurred during Holocene time (i.e., during the last 11,000 years).

- **Seismic Hazard Zone.** The CGS has issued a *Seismic Hazard Zone* map of the project site and vicinity. The hazard map identifies areas deemed to be at-risk of earthquake-induced liquefaction as well as areas considered to be at-risk of earthquake-induced landslide displacement and other forms of ground failure. As shown in Figure 2, lands deemed to be potentially subject to liquefaction are shaded a yellow-ocher color and the area deemed to be potentially subject to earthquake triggered landsliding and ground failure are shaded a muted, reddish pink color. Table 1 provides an overview of the State Law, its relationship to CEQA, and its scope.

Table 1
Seismic Hazard Zone Mapping Act

Legal Framework. The provisions of the Seismic Hazard Mapping Act can be found in the California Public Resources Code, Chapter 7.8, Sections 2690-2699.6. This law is similar in many respects to the Alquist-Priolo Earthquake Fault Zone Mapping Act, which has been implemented by DCD for the past 50 years. However, the
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⁴ Graymer, R., D.L. Jones & E.E. Brabb, 1994. *Preliminary Geologic Map Emphasizing Bedrock Formations in Contra Costa County, California*. U.S. Geological Survey Open File Report 94-622.

official Seismic Hazard Zone (SHZ) maps issued by the CGS identify areas that are at risk of earthquake triggered landslides and earthquake triggered liquefaction. The official SHZ map of the Woodward Island 7.5-Minute Quadrangle was issued by the California Geological Survey (CGS) on January 11, 2018. The project site as well as all of Discovery Bay is within an area that is potentially subject to earthquake induced liquefaction.

Relationship to CEQA. Regarding relationship of SHZ's to the CEQA process, the State of California CEQA Guidelines state that *nothing in these guidelines is intended to negate, supersede or duplicate any requirements of CEQA. At the discretion of the lead agency, some or all of the investigations required by the Seismic Hazard Mapping Act may occur either before, concurrent with, or after the CEQA process.* The Guidelines go on to indicate that if the investigation does not precede CEQA, it may be desirable for the CEQA document to describe the full range of mitigation measures that may be required to stabilize the land development project. However, if all or part of the investigation is performed prior to completion of the CEQA process, it may be possible to narrow the discussion of mitigation alternatives to only those that would provide reasonable protection of the public safety given site-specific knowledge of field conditions. In this case the report of Engeo, Inc. provides an evaluation of liquefaction potential, which is intended to satisfy the requirements of the Seismic Hazard Mapping Act.

Scope of the Seismic Hazard Mapping Act. The SHZ Mapping Act requires investigations for a broad range of land development applications, including issuance planning-related approvals that would lead to future development of structures for human occupancy. Clearly, CDSD24-09696) is a "project" that fall under the authority of state law. Note that the issuance of building permits for remodels/ expansions of existing non-single family residential buildings, where the proposed improvement would increase the estimated value of the structure by 50% (or more) would also fall under the authority of the state law. For the purposes of the law, the State Mining and Geology Board has determined that an occupancy factor of 2,000 person hours per year (or more) constitutes human occupancy. This human occupancy standard applies to any structure that is even partially within the SHZ. For projects that fall under the authority of the SHZ Mapping Act, the required investigations must be prepared by a certified engineering geologist and/or geotechnical engineer registered in the State of California. A copy of each consultant prepared report, along with evidence of peer review by the local jurisdiction, must be forwarded to the CGS within 30 days of County approval of the report. Exemptions from the SHZ Mapping Act are narrowly defined and limited chiefly to the construction of a single-family residence on a legally established parcel that was created prior to the issuance of the SHZ map, and the proposed dwelling must not exceed 2½ stories.

North Gate Specific Plan

California state law authorizes a jurisdiction to adopt specific plans regarding any area covered by the jurisdiction's General Plan to provide additional detail to the implementation of the general plan itself. The North Gate Specific Plan was adopted by the Board of Supervisor on June 25, 1991. For the last 30+ years this specific plan has provided guidance and detail on the means of protecting the North Gate area, which is situated at a transition area between agricultural preserves/ open space land (to the east and south) from low-density suburban housing (located to the north and west). As a transition area, the public and local property owners were concerned about how future development will proceed in the area. The Land Use Goal of the Specific Plan sought to maintain and enhance the existing semi-rural character of the North Gate Specific Plan area. To implement this Land Use Goal, the Specific Plan included eight (8) policies. Policy #8 reads as follows:

Prohibit development within any required creek or seismic setback area. On page 19, the North Gate Specific Plan, under the header *Development Regulations*, presents a series of implementing measures. The Development Regulation pertinent to the Earthquake Fault Zone reads as follows: *Any development within the Alquist Priolo seismic study area will be required to submit a geologic report. No habitable structures are permitted to be located within the seismic setback fault zone (i.e., the restricted building area delineated by the project geologist) as recommended in the geologic report. The land within the seismic setback area can be calculated as net lot area, provided the remaining lot area has sufficient space for new construction, accessory structures, and all applicable setback and lot coverage requirements*

2045 County General Plan

Operative County General Plan policies pertaining to liquefaction are presented in Table 2. Note that Policy HS-P11.1 has the following components: (i) define and delineate the hazardous geologic conditions, (ii) geotechnical report to recommend means of mitigating the adverse conditions that were confirmed to be present on the project site, and (iii) identify the means to assure that the geotechnical recommendations are properly interpreted and implemented by the developer and contractor. Policy HS-P11.4 indicates that the reports are subject to technical review by the County Peer Review Geologist for compliance with the requirements of the EFZ & SHZ Mapping Act report guidelines, and with County policies and other regulations administered by the Department of Conservation & Development.

Table 2
Health & Safety Element Geologic Hazard Policies

HS-P11.1

For projects in Alquist -Priolo Earthquake Fault Zones or Seismic Hazard Zones (areas considered at-risk of earthquake triggered liquefaction or landslide displacement) delineated by the California Geological Survey, as well as any other areas of steep slopes or areas of suspected ground failure known to the County, require submittal of appropriately detailed engineering geologic or geotechnical investigations. The reports must be compliant with State Guidelines and include:

- a) A map showing the outline of any geologic or potentially hazardous soil conditions and areas subject to inundation.
- b) Recommended means of mitigation of any adverse condition representing a hazard to improvements.
- c) Recommendations to assure proper implementation of mitigation measures during construction.

HS-P11.2

Prohibit construction of buildings intended for human occupancy in areas where seismic and other geologic hazards (e.g. landslides, liquefaction and fault lines) cannot be adequately mitigated.

HS-P11.3

Discourage construction of critical facilities and buildings intended for human occupancy in Alquist-Priolo Fault Zones and encourage earthquake retrofitting where such development already exists. If there is no feasible alternative to siting critical facilities and buildings intended for human occupancy in the Fault Zones, buildings must be sited, designed and constructed to withstand the anticipated seismic stresses.

HS-P11.4

Refer geotechnical and engineering geologic reports to the County Peer Review Geologist for evaluation of their adequacy, as required by State Law for projects in State-designated hazard zones. Reports deemed inadequate will require further engineering analysis and revision until the findings/ opinions of the Peer Review Geologist have been addressed to the County's satisfaction.

HS-P11.5

Discourage development on slopes exceeding 15 percent and prohibit development on slopes of 26 percent or greater to avoid slope instability, unnecessary grading and extensive land disturbance, and facilitate long-term control of erosion and sedimentation. Exceptions may be considered for infrastructure projects and development on existing legal lots where no other feasible building sites exist.

HS-P11.6

Require projects to form a Geologic Hazard Abatement District (GHAD) or join an existing GHAD whenever necessary to adequately mitigate anticipated or residual geologic hazards.

HS-P11.7

Do not accept public road dedications or allow construction of private roads on unstable hillsides or in landslide hazard areas unless potential hazards have been mitigated to the County's satisfaction. All private roads constructed in such areas must be fully compliant with private road standards adopted by the County and fire protection district with jurisdiction.

Source: Contra County 2045 General Plan – Health and Safety Element, pages 9-52 & -53

County Expectations

The County requires sufficient data on site geologic/ seismic conditions to allow: (i) delineation the potential geologic hazards based on adequate subsurface data, and (ii) the data must be sufficient to serve as the primary basis for preparation of the "Geology and Soils" chapter of the CEQA document. Appendix G of the CEQA Guidelines issued by the State of California identifies the potential geologic and seismic hazards that must be evaluated by the CEQA document (see Table 3). Ultimately, approval of a project located within an area identified by the CGS of having a high potential for surface fault rupture and/or earthquake-induced liquefaction is contingent on a) geologic/ geotechnical studies which define and delineate potentially hazardous conditions and whose investigation is compliant with standards for projects located in an EFZ and/or SHZ; b) the required report must recommend means of mitigation of any adverse conditions that were confirmed to be present on the project site (e.g. landslide hazards, but also including expansive and/or corrosive soils, ponding of water, etc.), and c) consultation by the project geotechnical engineer with the client and contractor in ensure the intent of the geo-recommendations are correctly interpreted, followed by geotechnical monitoring throughout the construction period to verify (and document) all geo-recommendations were correctly interpreted and implemented by the contractor.

Table 3
Appendix G of State CEQA Guidelines

7. GEOLOGY AND SOILS – Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	☐	☐	☐	☐
ii) Strong seismic ground shaking?	☐	☐	☐	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	☐	☐
iv) Landslides?	☐	☐	☐	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	☐	☐	☐	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☐
f) Directly or indirectly destroy a unique paleontological resource or site of a unique geologic feature?	☐	☐	☐	☐

Engeo Report Update

Engeo has provided a comprehensive update to their previous geotechnical reports issued for a residential development of project site i.e., reports were issued in October 2015; and revised November 2015.⁵

1. Purpose and Scope

The purpose of the update is to provide updated recommendations for the design and construction of the current planned residential development. The scope of the update report includes a) review of available reports and geologic maps of the study area, b) review previously performed subsurface exploration and laboratory testing of soil samples retrieved from borings, c) performed additional subsurface exploration and laboratory program focused on liquefaction hazard characterization, d) foundation design types and seismic design criteria that is in accordance with the 2022 California Build Code and ASCE 7-16 recommendations, and e) preparation of a report presenting Engeo's updated conclusions and recommendations for the proposed development.

2. Report Organization

The report is organized into four major sections titled introduction, findings, conclusions and earthwork recommendations.

- A. Introduction. This section of the report provides an overview of the geotechnical-related aspects of the proposed development. They include the grading required to create building pads (plans indicated cuts up to 20 ft. deep and fills that range up to 18 ft. in thickness), construction of 19 single-family residences, construction of paved internal access road and driveways, installation of utilities and other infrastructure improvements, construction of retaining walls (up to 5½ ft. in height) and bioretention facilities / underground storm water storage vaults, and landscaping.
- B. Findings. This section of the report identifies the investigative tasks, and references maps and Appendices as appropriate. The scope of the investigative work presented in this section of the Engeo report provides a section on (i) Site History (which included geologic analysis of aerial photographs, review of a historic geotechnical investigation of the project site performed by another consulting firm and previous work by Engeo, Inc.), (ii) field exploration performed in 2024 (logging of 3 borings that ranged from 11½ to 41½ ft. below the ground surface), (iii) comprehensive review of the published geologic mapping of the site and vicinity, along with characterization on the findings of the previous investigative work of Jensen-Van Lienden Associates, followed by description of the seismicity of the project site and vicinity, (iv) Engeo then describes their assessment of surface and subsurface conditions of the project site (see discussion on pg. 8 of their report). Briefly summarized, Engeo and JVL borings encountered Panoche Formation bedrock at depths that ranged up to 40 ft. below the existing surface; locally the Panoche Formation bedrock is exposed at the ground surface. The overlying Quaternary deposits consisted of interbedded sandy clay, lean clay, with sand that was reddish brown and poorly sorted sand. The STP blow counts recorded in the field indicates the clays are stiff to very stiff. The sands and gravels are indicted to be medium dense and dry to moist, and the lean clay with sand is reddish brown, moist and very stiff. These deposits are interpreted as Pleistocene alluvial fan and fluvial deposits. Laboratory testing performed by Engeo indicate that the on-site clayey soils have a moderate to very high expansion potential; conversely, expansion potential

⁵ Engeo, Inc., 2015, *Geotechnical Report Update, 1125 North Gate Road, Walnut Creek, California* (report dated October 20, 2015; Revised November 11, 2025 (Engeo Job #12014.001.000 & 12014.001.001, respectively).

testing of a siltstone was found to be non-expansive, and to conclude that some bedrock materials have a low expansion potential. On pg. 7 Engeo report summarizes available borehole data on the prevailing ground water conditions at the time of their field investigation (November 2024). The report states the borings of Engeo and Jensen-Van Lienden failed to encounter groundwater. The Seismic Hazard Zone Report for the Clayton Quadrangle states that the historical data indicates high groundwater depths of 10 to 30 ft. below ground surface. In their liquefaction analysis, Engeo assumed groundwater depths of 10 ft. below the ground surface (an assumption that can be considered to be conservative on the side of safety). On pg. 7 of the Engeo report lists the ASTM laboratory tests performed on samples retrieved from borings. The results of laboratory testing can be found in Appendix A and Appendix B of the Engeo report.

C. Conclusions. The primary conclusion of the Engeo report is that the site is suitable for the planned development, provided the recommendations of Engeo are incorporated into the project design and implementation during construction. The primary geotechnical considerations for the site include the following:

- Disturbed near surface soil and presence of undocumented fill
- Expansive Soil
- Seismic Hazards (ground rupture, ground shaking, liquefaction, lateral spreading failure, and retreat of the top-of-bank)
- Corrosivity of soils
- Slope creep

Table 4 presents an overview of these potential hazards. It is intended to highlight and summarize (not supersede) Engeo's assessment of these potential hazards

Table 4
Engeo Assessment of Potential Hazards

Potential Hazard	Recommended Mitigation	Detailed Recommendation
Disturbed Soil & Fill <i>Previous land uses have disturbed soil & fill placement.</i>	<i>Due to the risk of settlement, in the upper 24-inches of the surface soils, over-excavation of these soils and placement of engineered fill.</i>	<i>Detailed recommendations are presented in Section 4.0, which commences on pg. 12 of the report</i>
Expansive Soil <i>Laboratory testing confirmed that soil on the site ranges from moderately to very highly expansive.</i>	<i>Use of post-tensioned mat foundations, in combination with on-going moisture conditioning from pad grading to concrete pouring.</i>	<i>Detailed recommendations are presented in Section 5.0, which commences on pg. 18 of the report.</i>
Surface Fault Rupture <i>The eastern portion of the site is within the EFZ that encompasses recently active traces of the Concord fault.</i>	<i>The investigation performed by Engeo along with a previous investigation of the project site found no evidence of fault rupture on the project site.</i>	<i>The risk of surface fault rupture is rated low by Engeo, and no further evaluation of this potential hazard is recommended by the project geotechnic & engineering geologic consultant.</i>

Ground Shaking <i>The project site is located in a seismically active area where strong/ violent ground shaking can be anticipated during the useful life of improvements</i>	<i>All structures be designed to be designed using sound engineering judgement and compliant with the current Calif. Building Code. (CBC).</i>	<i>Engeo provides the 2022 Seismic Design Parameters on pg.19; Spectral Response parameters are presented in Table 5.3-1 (see pg. 20).</i>
Liquefaction <i>The project site is located in the SHZ for earthquake induced liquefaction.</i>	<i>Engeo evaluated the liquefaction potential of soils penetrated by their borings. Details of the analysis are presented on pg. 9 of the report. Soil penetrated in borings were cohesive. Specific clayey sand layers were evaluated following CGS Guidelines.</i>	<i>The analysis utilized a PGA_m Value of 1.182g based on 2022 CBC with an earthquake mag. 6.7 for a 2% chance of exceedance in a 50-yr period and groundwater depth of 10 ft. Analysis yielded settlement estimate of up to $\frac{3}{4}$ inch and differential settlement of $\frac{1}{2}$ in. This settlement can be accommodated by the PT mat foundation system that is recommended in Section 5.0.</i>
Lateral Spreading Failure <i>The northernmost portion of the site abuts the top of the intrenched channel of Walker Creek. Engeo evaluated the liquefaction potential of two clayey sandstone layers that were at depths of 10 and 28 ft. below the ground surface.</i>	<i>Engeo analyzed this issue and discussed this potential hazard on pg. 10 of their report, noting that the layer at 10 ft. depth previously analyzed could potentially be sufficiently near the flowline elevation of the creek to trigger slope failure, if liquefaction did occur.</i>	<i>Recommendations to mitigate this potential lateral spreading hazard are presented in Section 4.0 of the Engeo report.</i>
Slope Stability <i>There are no mapped landslides in the immediate site vicinity, and the project site is not located within an SHZ for earthquake induced landslides.</i>	<i>Engeo analyzes this potential hazard on pg. 10 of their report. The only potential hazard is creek bank stability/ retreat of the top-of-bank.</i>	<i>The County requires a 40 ft. setback from the top-of-bank No exceptions to this standard are proposed by the applicant. Engeo considers the required 40 ft. setback to be adequate mitigation.</i>
Soil Corrosion <i>Testing of the sulfate concentration of native soil on the site was performed by Engeo, using ASTM test method C1580 (see Discussion on pg. 11 of the Engeo report).</i>	<i>Engeo indicates that the preliminary data gathered indicates sulfate ion concentrations were below detection limits of the test. This method is aimed at determining if there is a potential for weakening of concrete by corrosive soil.</i>	<i>Engeo recommends additional corrosion potential testing and analysis by a Corrosion Engineer. (This should be incorporated into a COA to be satisfied prior to recording the final Subdivision Map.) Also, Engeo recommends using Type 2 cement in concrete for foundations & slabs-on-grade.</i>
Soil Creep <i>slow, progressive downslope movement of expansive soils.</i>	<i>Remedial grading measures</i>	<i>Measures to be provided with review of final grading plans</i>

3. Geotechnical Recommendations

Commencing on pg. 12 of the report, Engeo provides design level recommendations for the proposed residential project, noting that those recommendations are based on grading plans prepared by the project civil engineers (dk Engineering, Conceptual Site Plan, dated June 13, 2024). Final corrective grading plans should be provided to Engeo for review prior to commencement of work on the site. The purpose of the review is to ensure consistency of those plans with the intent of the geotechnical recommendations. Engeo also states that they should be notified at least 3 days prior to commencement of site grading to allow time to coordinate their schedule with the grading contractor.

Detailed recommendations are provided for earthwork, which include detailed standards, criteria, and specifications. Those detailed recommendations will not be recited here other than to indicate they address details of keyway design, removal of existing fill, removal of compressible material, construction of debris flow catchment structures and with access to be provided for equipment to access those improvements for future long-term maintenance, along with guidelines for the height and gradient of engineered slopes. Other recommendations address the design of subdrains, along with pad grading recommendations (surficial pad treatment, cut-fill transition lots and cut pads, and differential fill thickness pads), followed by recommendations that address fill compaction, erosion control, surface drainage control, bioretention facilities, and landscape areas.

Following the Earthwork Recommendations, Engeo provides (i) foundation design parameters for the recommended foundation system (Post-tensioned Mat Foundation, pg. 18), (ii) measures intended to control subgrade moisture transmission upward through the slab-on-grade (pg. 19) (iii) seismic design parameters which include spectral response acceleration parameters that are based on the Risk-Targeted Maximum Considered Earthquake (MCE_R) spectral response acceleration parameters, in accordance with Chapter 12 of ASCE 7-16 (pgs. 19-20), (iv) exterior flatwork recommendations (pg. 20), (v) retaining wall design details, including active earth pressures, wall footings, required drainage structures and wall backfill (pgs. 21-22), (vi) construction monitoring (pg. 23). These detailed design-level recommendations are followed by a *Limitations and Uniformity of Conditions* statement. There are several significant components to this statement, which include the following:

- If there are changes in the planned improvements, as project geotechnical engineers, Engeo needs to be provided with the opportunity to comment on the changes and modify its design-level recommendations.
- The developer has a duty to transmit geotechnical data/ recommendation to his consulting team.
- The recommendations are solely professional opinions and are valid for a period of 2 years (i.e., until November 2026). Beyond that date, Engeo must be given the opportunity to review project plans and update its recommendations, if warranted.
- During development, actual field conditions or other considerations can be expected to necessitate clarifications, adjustments, modifications or other changes to recommendations that respond to exposed conditions. It is for this reason that geotechnical observation and testing services are critical to the success of the project.

DMA Evaluation

1. Geotechnical Recommendations

The primary conclusion of the project geotechnical engineer is that the project is feasible provided their recommendations are incorporated into the design and construction of the project. The primary hazards identified by Engeo are (i) disturbed near-surface soil and undocumented fill, (ii) expansive soils, (iii)

seismic hazards (these potential hazards are evaluated by Engeo on pgs. 7 through 11 of the report.) The potential hazards evaluated include ground rupture, earthquake ground shaking, liquefaction and lateral spreading, slope stability, soil corrosivity and soil creep. The 2024 Engeo report provides a comprehensive evaluation of these potential hazards, and it provides recommendations to mitigate the potential hazards that were confirmed to be present on the project site. Additionally, Engeo's recommendations address demolition, site clearing and stripping (pg. 12) which includes removal of vegetation. With respect to trees, the report recommends removal of tree roots down to a depth of 3 ft. below existing graded, as well as removal of organically contaminated soil. If actual depths of removal extend below the planned finished grade, the depression shall be backfilled with suitable material that is compacted in compliance with recommendations presented in Section 4.6 of the Engeo report.

The project geotechnical engineers have recommended that they be retained to review improvement plans and provide observation and testing services during construction. Implementation of this future work is critical to the success of the project. Consequently, we strongly support those future geotechnical services. Our focus has been on evaluation of the geologic hazards (i.e., risk of surface fault rupture and liquefaction). We shall not comment on Engeo's detailed recommendations, other than to indicate (i) they are generally consistent with the standard of practice; (ii) are comprehensive; and (iii) with full implementation by contractors are expected to result in long-term satisfactory performance.

2. Geologic Hazards

As Figure 2 of our peer review letter indicates, a relatively small portion of the project site is located within the EFZ that encompasses recently active and potentially active traces of the Concord fault. Additionally, the entire site is within the SHZ zone that identifies lands that are potentially at risk of liquefaction-related damage. Clearly, the application for approval of a Major Subdivision on the project site is subject to the provisions of both the Alquist-Priolo Earthquake Fault Zoning Act,⁶ and the Seismic Hazard Zone Mapping Act.⁷

A. Surface Fault Rupture

In 2008 we reviewed a fault hazard investigation report prepared by Joyce Associates.⁸ That report was for a substantially less dense residential project. The Joyce Associates investigation, which included exploratory trenching, was reviewed and found to be consistent with standards the fault hazard investigation. That previous application for a land development project on the current project site was ultimately withdrawn. It has been nearly 20 years since that report was prepared by Joyce Associates. Consequently, we requested that Engeo provide an update to the fault hazard investigation to supplement the geologic hazards analysis presented in the Engeo's Geotechnical Update Report (2024). In response to our request, Engeo submitted report titled "Fault Hazard Evaluation Report."⁹

Engeo notes that the portion of the project site that is within the EFZ includes the proposed access road that links the internal streets in the proposed land development project with North Gate Road is in the EFZ. Additionally, the rear yard areas of proposed Lots 17, 18 and 19, along with the easternmost portion of Lot 16 are in the SHZ (and according to the CGS lands anywhere within the SHZ are potentially at-risk of surface fault rupture.

⁶ California Public Resources Code, Division 2, Chapter 7.5, Commencing with Section 2621.

⁷ California Public Resources Code, Chapter 7.8, Sections 2690-2699.6.

⁸ Joyce Associates, 2007, *Fault Hazard Investigation, Proposed Subdivision, 1125 Northgate Road, Walnut Creek, California, December 12, 2007, Joyce Job #268.01. (report dated December 12, 2007).*

⁹ Engeo, Inc., 2024, *Fault Hazard Evaluation Report, 1125 North Gate Fault Hazard Assessment, 1125 North Gate Road, Walnut Creek, California, Engeo Job #12014.001.001 (dated November 15, 2024).*

The scope of the Engeo's fault hazard investigation included (i) review of available geologic maps, aerial photographs, plans and literature relevant to the project site, (ii) review of previous fault evaluation reports performed for sites in the immediate vicinity of the project site, (iii) delineation of approximate fault locations on a plan that was based on the consultant-prepared reports in the site vicinity, and (iv) delineation of approximate fault locations based on reconnaissance data and on nearby previous fault investigation reports.

The Engeo investigation included analysis of stereo pairs of historic aerial photographs flown in 1939, 1946, 1958, 1965 and 1981. Additionally, Engeo's geologist reviewed existing fault hazard investigation reports for project sites located within 2,000 ft. of the CDSD24-09696 project site. Figure 6 in the Engeo report identifies the location of these previous investigations and the location of exploration trenches. Note that two suspected traces are shown crossing the proposed access road that links the proposed development with North Gate Road, but no traces are inferred to cross the project site. Engeo's field reconnaissance observed no evidence of (i) fault creep distress to the access road, (ii) no evidence of fault related geomorphology on the project site. The report concludes by stating that the risk of surface fault rupture is rated low; the Concord fault is inferred to pass approximately 1,000 ft. northeast of the project site. The findings of this engineering geologic update report is consistent with the findings of the 2007 report issued by Joyce Associates. In our opinion further evaluation of the hazard posed by surface fault rupture is not warranted.

B. Liquefaction

The evaluation of liquefaction potential by Engeo is consistent with the provisions of the SHZ mapping Act. The evaluation of liquefaction potential is presented on pg. 9 of the Update Report. The narrative explains the approach and methodology that was followed, and the borehole logs provide the details of observed features and conditions. Moreover, Engeo also used the previous on-site borings of Jensen- Van Lienden in combination with Engeo's borings. The alluvial deposits on the site are well indurated and cohesive. Engeo utilized the screening criteria of Bray and Sancio (2006) to assess the liquefaction potential of low plasticity, fine-grained soil layers. Engeo also employed the methods of Youd and Idriss (2001), Seed et. al. (2003), and Idriss & Boulanger (2008) to evaluate the liquefaction susceptibility of the Quaternary layers penetrated by the borings. Specifically, Engeo assessed the potential for the generally fine-grained Quaternary deposits penetrated by on-site borings to experience liquefaction and cyclic softening, using correlations developed by Boulanger and Idriss (2008).¹⁰ The results of their analysis, including justification for the method of analysis and the peak ground acceleration are presented on pgs. 9-10. The analysis yields an estimated total settlement of up to ¾ inch; and up to ½ inch of differential settlement over a horizontal distance of 30 ft. be considered in the design. Engeo concludes that if this amount of settlement were to occur, be accommodated by the post-tensioned (PT) mat foundations recommended in Section 5.0 of the Engeo Update Report.

C. Lateral Spreading Failure

Engeo provides an explanation of this mode of failure, which is typically due to liquefaction. Historic data indicates that non-liquefiable soils overlying a liquefied bed can experience substantial lateral displacement, down even very gradual slopes. Engeo indicates that when there is a free face in the project area is at the face of the entrenched Walker Creek channel that on the project site the creek bank is approximately 15 ft. high and the most shallow potentially liquefaction-susceptible layer is an estimated 10½ ft. below grade (i.e. a medium dense clayey sand bed that having an estimated thickness of 1½ ft.) is inferred to daylight in the lower portion of the creek bed. In the event of liquefaction, Engeo indicates a moderate potential for a

¹⁰ Boulanger, R.W. and Idriss, I.M., 2008, *Soil Liquefaction During Earthquake*, Engineering Monograph, EERI, California, USA, 266.

lateral spreading failure that would involve the soils within the portion of the project site that is adjacent to the Walker Creek channel. To mitigate this potential hazard, Engco recommends that a keyway be installed that would be designed to eliminate this potential hazard (see recommendations provided by Engco in Section 4.0 of the Update Report.

D. Slope Stability

There are no known landslides deposits on the project site, and the project site is not located within an official Seismic Hazard (SHZ) for earthquake induced-landslide displacement. However, the bank of Walker Creek lies in the vicinity of the project site. Engco states on pg. 10 of their report that the civil engineers for the project estimate that County will require a 40 ft. wide structure setback from the top-of-bank. Engco recommends that once final grading plans are available, Engco requests they be authorized by their client to conduct a slope stability analysis to verify the adequacy of the structure setback. Engco notes that any potentially significant impact can be mitigated by use of drained keyways and benched fills and/or increasing the structure setback from the from the top-of-bank. We strongly support this recommendation.

E. Corrosion Potential

On pg. 11 of the Update Report Engco presents the results of preliminary corrosion potential testing of the sulfate ion concentration at full saturation indicate that the concentration fell below the detection limits of ASTM method C1580. The test indicates that the soils are not corrosive to concrete that is in contact with the ground. Nevertheless, for the building foundations and building slabs-on-grade, Engco provides recommendations for use Type II cement; a minimum compressive strength for concrete of 3,000 psi; and a maximum water-cement ratio of 0.50. If further evaluation of the corrosivity of on-site soils is required, Engco recommends their client retain a civil engineer specializing in evaluation and mitigation of corrosion potential.

F. Soil Creep

Engco provides a definition of soil creep, which involved the slow, progressive displacement of that occurs when seasonal moisture changes and/or landscape irrigation. The severity of this hazard is a function of the soil physical characteristics, height and gradient of the downhill slope, depth of the wetting and drying cycles and proximity of improvements to slopes. Engco concludes this discussion by indicating that any improvements planned on or near the tops of downhill slopes should consider soil creep. In such situations, corrective grading would be advisable to mitigate this hazard.

DMA Recommendations

1. General

In our opinion the reports of Engco are compliant with the standards of the Seismic Hazard Mapping Act and with the provisions of the Alquist-Priolo Earthquake Fault Zoning Act. Engco's geotechnical recommendations are comprehensive. Regarding Engco's fault hazard reconnaissance investigation, we were seeking an update of the 2007 fault hazard investigation of Joyce Associates (JA). In 2008 we reviewed and approved the JA's 2007 investigation. The scope of that investigation included exploratory trenching of the portion of a previously proposed residential project that was within the Concord Fault EFZ. Currently the California Geological Survey is in the process of making a comprehensive review of the Concord Fault EFZ, and it was our recommendation that Engco provide a similar review of the portion of the EFZ located in the vicinity of the site. We were satisfied with the scope of the Engco investigation. In our opinion, no further evaluation of the hazard posed by surface fault rupture and by liquefaction is warranted. In our opinion, the project can be considered complete with respect to Geologic issues.

2. Corrective Grading Plan.

The Geotechnical Update Report includes a bibliography of key references, five stereo pairs of historic aerial photographs, flowing during the 42-year period 1939 through 1981: eight (8) figures; and four (4) Appendices (labeled Appendix A through D). Note that Engeo's use of Typical Sections in Figures 6 through 8 provide design details that are inherent in Engeo's design recommendation, including dimensions of keyways, along with showing subdrain design details and specification, as well as measures proposed to mitigate potential hazards associated with cut/ fill transition pads and cut lot details. It is not possible to show the location for such features at present because Engeo must await preparation of final grading plans. We recommend the following Condition of Approval:

GEO-1 Prior to requesting a grading permit the project proponent shall submit a **Corrective Grading Plan** That plan translates design-level grading recommendations to map(s) which will clearly display on Grading Plans for Calibr Ventures project where each of the geotechnical recommendations will be operative (e.g., identify the locations where keyways are required and their associated subdrains). This map will be helpful to all parties, including the developer's grading contractor, County grading inspector, CDD's files.

3. Observation and Testing Services

GEO-2 The project geotechnical report recommends plan review by the geotechnical engineer prior to issuance of construction permits and monitoring services during construction. These services are essential to the success of the project. They allow the geotechnical engineer to (i) ensure geotechnical recommendations for the project are properly interpreted and implemented by contractors, (ii) allow the geotechnical engineer to view exposed conditions during construction to ensure that field conditions match those that were the basis of the design recommendations in the approved report, and (iii) provide the opportunity for field modifications of geotechnical recommendations (with BID approval), based on exposed conditions. The monitoring shall commence during clearing, and extend through grading, placement of engineered fill, installation of underground utility improvements and drainage facilities, and include foundation related work. A *hard hold* shall be placed on the "final" building inspection, pending submittal of a report from the project geotechnical engineer that documents their observation and testing services throughout the construction period, including monitoring and testing of backfilling required for utility and drainage facilities.

Purpose and Limitations

The purpose of our review was to provide a professional opinion on the adequacy of the geotechnical and geologic data for the processing of the application. Specifically, we provide technical advice to assist the Community Development Division with discretionary permit decisions. Our services have been limited to interpretation of 1973 aerial photographs and review of the referenced reports and maps. Our opinions and conclusions are made in accordance with generally accepted principles and practices of the engineering geology profession. Please call if you have any questions.

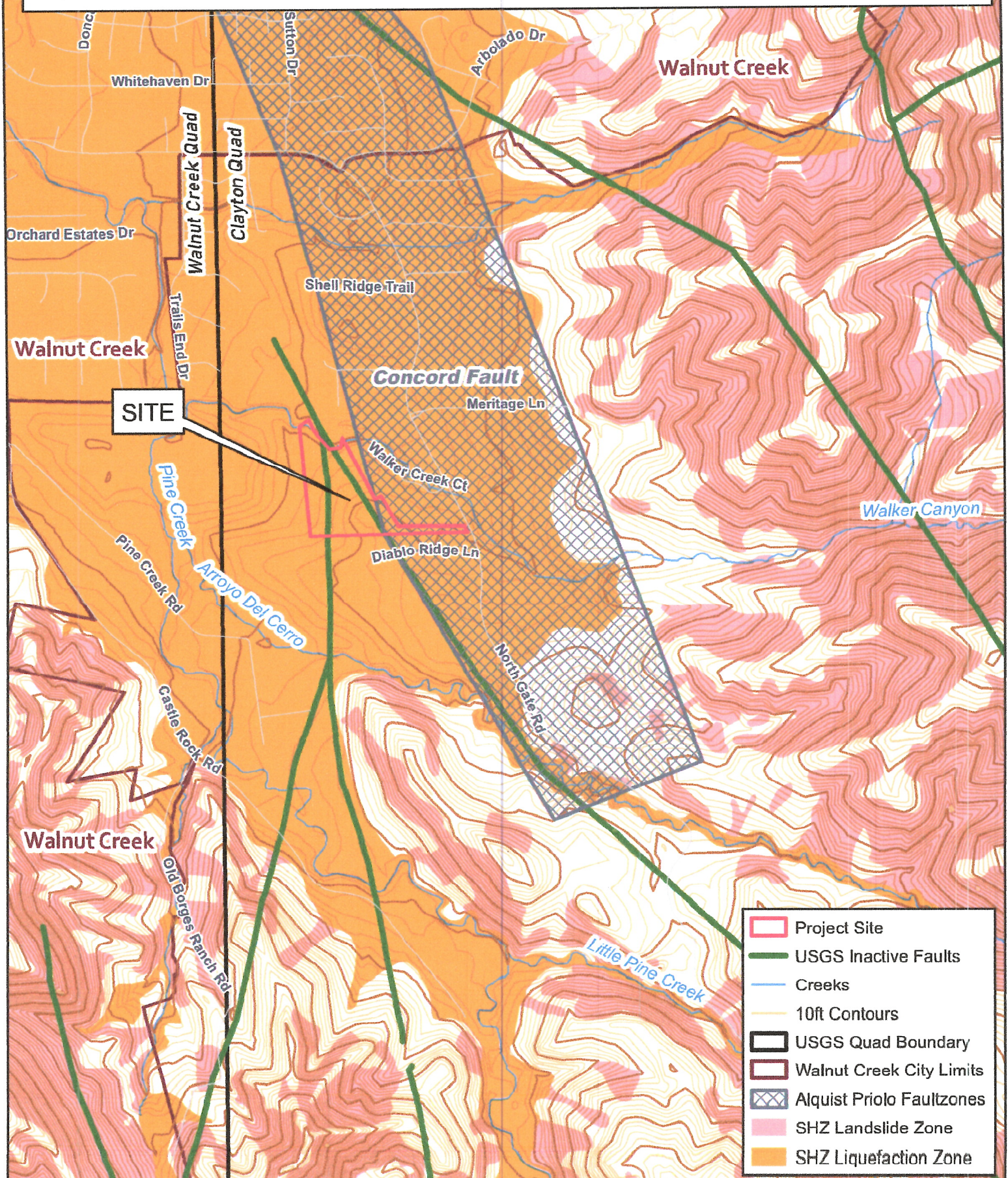
Sincerely,
DARWIN MYERS ASSOCIATES



Darwin Myers, CEG 946
Principal



Figure 2: CDSD24-09696 Seismic Hazard & Alquist Priolo Zone Map



0 375 750 1,500 Feet

Map Created 5/28/2024
by Contra Costa County Department of
Conservation and Development, GIS Group
30 Muir Road, Martinez, CA 94553
37.29°N 122.07°W

Source: CGS Walnut Creek and Clayton SHZ Maps 2021 & 2024
and CGS, 2007. Special Publication 42

This map was created by the Contra Costa County Department of Conservation and Development with data from the Contra Costa County GIS Program. Some base data, primarily City Limits, is derived from the CA State Board of Equalization's tax rate areas. While obligated to use this data the County assumes no responsibility for its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and accept the County of Contra Costa disclaimer of liability for geographic information.





9/3/2024

CONTRA COSTA COUNTY

Attn: EVERETT LOUIE

30 MUIR RD

MARTINEZ, CA94553

RE: CDSD2409696
1125 NORTH GATE RD
APN: 138 800 002
Service Request #: SR0023339

Dear EVERETT LOUIE :

Contra Costa Environmental Health (CCEH) has received a request for agency comment regarding the above referenced project. See below for our comments grouped by environmental health program:

- If an onsite water supply well is used for this project, it must meet current standards, including construction, yield, water quality, and setbacks. A hydrogeological study may be required to ensure adequate water supply.
- A permit from CCEH is required for any well or soil boring prior to commencing drilling activities, including those associated with water supply, environmental investigation and cleanup, or geotechnical investigation.
- Any abandoned wells (water, environmental, or geotechnical) and septic tanks must be destroyed under permit from CCEH. If the existence of such wells or septic tanks are known in advance or discovered during construction or other activities, these must be clearly marked, kept secure, and destroyed pursuant to CCEH requirements.
- If this project is not served by sanitary sewer and an onsite wastewater disposal system (septic system) is needed for this project, a permit from CCEH is required prior to installation. The new septic system, including disposal field replacement area must comply with current standards. Holding tanks for sewage disposal are prohibited unless these are owned and maintained by a public entity.
- For proposed subdivisions/minor subdivisions served by onsite wastewater disposal systems (septic systems). It must be demonstrated that each lot can accommodate a septic system meeting current standards, including disposal field replacement area.
- For proposed subdivisions/minor subdivisions served by onsite private water wells. It must be demonstrated that each lot has a water supply well meeting current standards, including construction,

yield, water quality, and setbacks. A hydrogeological study may be required to ensure adequate water supply.

- If the project will require a small public water system, these systems must operate under permit from CCEH. The water supply (e.g. well) must meet current standards, including construction, yield, water quality, and setbacks. A hydrogeological study may be required to ensure adequate water supply.
- If the proposed lot line adjustment involves properties served by an onsite wastewater disposal system (septic system). The new lot configurations must accommodate the septic system(s), including the disposal field replacement area(s), without conflicting with current standards(e.g., setbacks to property lines).
- If the proposed lot line adjustment involves properties served by an onsite water well. The new lot configurations must not conflict with current standards(e.g., setbacks to property lines).
- Horse boarding facilities are subject to the requirements of the Contra Costa County Cleanwater Program, including routine inspections. The applicant can contact CCEH for details.
- It is recommended that the project be served by public sewer and public water wherever possible.

These comments do not limit an applicant's obligation to comply with all applicable laws and regulations. If the proposed project is subject to regulation by CCEH, the project tenant must apply for all applicable health permits. Should you have any questions, please do not hesitate to contact Environmental Health at (925) 608-5500 or CoCoEH@cchealth.org.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kristian Lucas", with a stylized, flowing script.

Kristian Lucas, REHS
Director of Environmental Health



CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT

4005 PORT CHICAGO HWY, STE 250, CONCORD, CA 94520 • (925) 941-3300 • CCCFPD.ORG

August 30, 2024

Mr. Everett Louie
Contra Costa County
Community Development Division

Subject: Major Subdivision of 19 single family residential lots
1125 North Gate Rd, Walnut Creek (APN 138180002)
Project # CDSD24-09696
CCCFPD Project No.: P-2024-002902

Dear Mr. Everett Louie:

We have reviewed the vesting tentative map application to establish a major subdivision of 19 single family lots at the subject location. The following is required for Fire District approval in accordance with the 2022 California Fire Code (CFC), the 2022 California Building Code (CBC), the 2022 California Residential Code (CRC), and Local and County Ordinances and adopted standards:

1. Access as shown on plans appears to comply with Fire District requirements. Confirm:

Provide emergency apparatus access roadways with all-weather (paved) driving surfaces of not less than 20-feet unobstructed width, and not less than 13 feet 6 inches of vertical clearance, to within 150 feet of travel distance to all portions of the exterior walls of every building. Access shall have a minimum outside turning radius of 45 feet, and must be capable of supporting the imposed fire apparatus loading of 37 tons. Access roadways shall not exceed 20% grade. Grades exceeding 16% shall be constructed of grooved concrete per the attached Fire District standard. (503) CFC
2. Access roadways of **less than 28-feet** unobstructed width shall have signs posted or curbs painted red with the words: **NO PARKING – FIRE LANE** clearly marked. (22500.1) CVC, (503.3) CFC

Access roadways of **28 feet or greater, but less than 36-feet** unobstructed width shall have **NO PARKING – FIRE LANE** signs posted, allowing for parking on one side only or curbs painted red with the words **NO PARKING – FIRE LANE** clearly marked. (22500.1) CVC, (503.3) CFC
3. Turnaround as shown on plans appears to comply with Fire District requirements. See *CCCFPD Ordinance 2022-34 for approved design*.
4. The developer shall provide an adequate and reliable water supply for fire protection as set forth in the California Fire Code. (507.1) CFC
5. The developer shall provide an adequate and reliable water supply for fire protection with a minimum fire flow of 750 GPM. Required flow must be delivered from not more than 1 hydrant flowing for a duration of 60 minutes while maintaining 20-pounds residual pressure in the main. (507.1), (B105) CFC

6. The developer shall provide 3 hydrants of the East Bay type in compliance with Chapter 5 and Appendix B and C of the California Fire Code. The proposed locations are acceptable to the Fire District. (C103.1) CFC
7. A land development permit is required for access and water supply review and approval prior to submitting building construction plans.

The developer shall submit scaled site improvement plans indicating:

All existing or proposed hydrant locations,
Fire apparatus access to include slope and road surface
Elevations of building,
Size of building and type of construction,
Gates, fences, retaining walls, bio-retention basins, any obstructions to access.

This is a separate submittal from the building construction plans. These plans shall be approved prior to submitting building plans for review. (501.3) CFC

8. ***Emergency apparatus access roadways and hydrants shall be installed, in service, and inspected by the Fire District prior to construction or combustible storage on site.*** (501.4) CFC

Note: A temporary aggregate base or asphalt grindings roadway is not considered an all-weather surface for emergency apparatus access. The first lift of asphalt concrete paving shall be installed as the minimum roadway material and must be engineered to support the designated gross vehicle weight of 37 tons.

9. The homes as proposed shall be protected with an approved automatic fire sprinkler system complying with the 2022 edition of NFPA 13D or Section R313.3 of the 2022 California Residential Code. Submit to this office for review and approval prior to installation. (903.2) CFC, (R313.3) CRC, Contra Costa County General Plan / Contra Costa County Ordinance 2022-34.
10. Flammable or combustible liquid storage tanks shall ***not*** be located on the site without obtaining approval and necessary permits from the Fire District. (3401.4) CFC
11. The owner shall cut down and remove all weeds, grass, vines, or other growth that is capable of being ignited and endangering property. (304.1.2) CFC
12. Where existing access to open land or space, or to fire trail systems maintained for public or private use is obstructed by new development of any kind, the developer shall provide an alternate means of access into the area that is sufficient to allow access for fire personnel and apparatus. These access roadways shall be a minimum of 16 feet in width to accommodate Fire District equipment. ***Access locations will be determined by this office upon submittal of complete improvement plans.*** Contra Costa County Ordinance 2022-34.
13. The owner or the owner's authorized agent shall be responsible for the development, implementation and maintenance of a written plan in compliance with NFPA 241, establishing a fire prevention program at the project site applicable throughout all phases of the construction. The plan shall be made available for review by the fire code official upon request. (Ch.33) CFC

The fire prevention program superintendent shall develop and maintain an approved prefire plan in cooperation with the fire chief. The fire chief and fire code official shall be notified of changes affecting the utilization of information contained in such prefire plans. (Ch.33) CFC

All plan submittals shall be submitted to the through the Fire District public portal (<https://confire.vision33cloud.com/citizenportal/app/landing>) for review and approval ***prior*** to construction of the building or installation of the systems to ensure compliance with minimum requirements related to fire and life safety. Plan review and inspection fees shall be submitted at the time of plan review submittal. (105.4.1) CFC, (901.2) CFC, (107) CBC

TO SCHEDULE A FIRE DISTRICT INSPECTION OF THE ACCESS AND HYDRANT INSTALLATION PRIOR TO CONSTRUCTION OR THE STORAGE OF COMBUSTIBLE MATERIAL ON THE JOB SITE, CONTACT THE FIRE DISTRICT (MINIMUM 2 WORKING DAYS IN ADVANCE) AT 925-941-3300 EXT 3902 OR SCHEDULE THROUGH THE FIRE DISTRICT PUBLIC PORTAL UNDER THE CORRECT PERMIT NUMBER.

<https://confire.vision33cloud.com/citizenportal/app/landing>

Our preliminary review comments shall not be construed to encompass the complete project. Additional plans and specifications may be required after further review.

If you have any questions regarding this matter, please contact this office at (925) 941-3300.

Sincerely,



Michael Cameron
Fire Inspector

File: 1125 NORTHGATE RD-PLN-P-2024-002902

Everett Louie

From: Michelle Cordis <michelle.cordis@pw.cccounty.us>
Sent: Tuesday, September 3, 2024 3:50 PM
To: Everett Louie
Subject: RE: Anne Nounou shared "Agency Comment packet_CDSD24-09696" with you

Hi Everett,

We received the Agency Comment Request for SD24-09696 dated August 15, 2024 via County Public Works Department, Engineering Services Division on September 3, 2024. The application is for approval of a Vesting Tentative Map to subdivide into 19 single family residential lots at 1125 North Gate Rd, APN 138-180-002.

- The proposed project is located in Drainage Area 85, an unformed drainage area. Therefore, there are no drainage fees due at this time.
- The location of the proposed development is adjacent to the Milton F. Kubicek Detention Basin for Pine Creek, which is owned by the Flood Control District. Any work or access on Flood Control District right-of-way will require a Flood Control encroachment permit. No grading or new fence posts will be allowed on Flood Control District property. No grading on Flood Control District property is currently shown on the plans. The plans do not indicate any new fence.
- It is understood that the natural slope of the land drains some of the development towards Flood Control District property. At the improvement plan stage, details are needed to show how the storm drainage from lots 1-9 will mimic sheet flow and are not concentrating flows. The Flood Control District would like to be included in review of the improvement plans.
- These comments are in addition to those already provided by the County Public Works Department, Engineering Services Division.

We appreciate the opportunity to comment on Subdivision 9696 and welcome continued coordination. If you should have any questions, please contact me by phone at (925) 313-2381 or by email.

Thank you,



Michelle C. Cordis | Senior Civil Engineer

Contra Costa County Flood Control & Water Conservation District
255 Glacier Drive, Martinez, CA 94553
(925) 313-2381 | michelle.cordis@pw.cccounty.us | ccccounty.us/floodcontrol

From: Kellen O'Connor <Kellen.O'Connor@pw.cccounty.us>
Sent: Tuesday, September 3, 2024 10:38 AM
To: Michelle Cordis <michelle.cordis@pw.cccounty.us>
Cc: Flood Control <fldcontr@pw.cccounty.us>; Larry Gossett <Larry.Gossett@pw.cccounty.us>
Subject: FW: Anne Nounou shared "Agency Comment packet_CDSD24-09696" with you

Hi Michelle,

We've been asked (agency comment request from DCD) to provide comments on a subdivision (for 18 residential lots) in the Northgate area. It's right next to the Pine Creek Basin. Part of the existing lot and therefor part of the currently planned development sheet flows into the area of the basin.

To: Everett Louie, Planner
From: Melanie Erickson, Planner
Date: September 3, 2024
Subject: **County File #CDSD24-09696 – 1125 North Gate Rd, Walnut Creek**

The following is Housing Programs' response to an Agency Comment Request dated August 15, 2024, for the Major Subdivision proposed under County File #CDSD24-09696 located in unincorporated Walnut Creek, California, APN# 138-180-002.

Summary of Project

North Gate Rd. is a 19-unit single family residential project on a developed parcel in unincorporated Walnut Creek. The applicant seeks a subdivision plan to subdivide and develop the existing parcel into 19 parcels. A request for double density bonus is associated with this development.

Inclusionary Housing Ordinance

A residential development of five or more for-sale units is subject to the County's Inclusionary Housing Ordinance. Pursuant to Section 822-4.402(b) of the Ordinance, at least 15% of the units shall be developed and sold as inclusionary units under the terms and conditions of Section 822-4.410(b). At least 20% of the inclusionary units shall be sold at an affordable sales price to lower income households, and the remaining inclusionary units shall be sold at an affordable sales price to moderate-income households. As an alternative to providing some or all the inclusionary units required by the County Ordinance, an in-lieu fee may be paid.

A Density Bonus request associated with this proposal will allow the developer to request waivers and concessions in return for constructing affordable units. The developer is requesting a concession to utilize the gross acreage for determining the base density for the site. The concession request needs to be reviewed and approved by the current planning project planner for housing staff to determine the inclusionary unit requirement and allowed density bonus.

An Inclusionary Housing Plan was not included as part of the agency comment packet for review as required. A copy of the Inclusionary Housing Plan Checklist is attached for your use and submittal. Pursuant to Section 822-4.414(d) of the Ordinance, an application for discretionary approval of the residential development will not be deemed complete for processing until after the Inclusionary Housing Plan has been preliminarily approved.

Density Bonus Request submitted August 15, 2024

A residential development that is subject to the Inclusionary Housing Ordinance is eligible to request a Density Bonus. As described in the applicant's Project Description, the applicant proposes the development is eligible for a 50% density bonus by providing 15% of the pre-

Density Bonus in the common interest development to be sold as affordable to very low -income households.

The applicant is also requesting an additional density bonus as allowed effective January 1, 2024 under AB 1287. Under AB 1287 an applicant must propose to construct sufficient very-low, low-income or moderate-income units to achieve a 50% base density bonus. If the applicant provides the required minimum base bonus the applicant can commit to construct additional very-low income or moderate-income units to receive an additional density bonus. The additional bonus is calculated based on a percentage of the project's base density.

A signed Density Bonus checklist was not submitted with the applicant package. A Density Bonus checklist has been attached for your use and submittal.

At this time housing staff cannot confirm the density bonus and additional density bonus without confirmation of the base density.

Per sections 65915 (e) (1) and 65915 (d) (1) of the Density Bonus law an applicant who provides the affordable density bonus units is entitled to unlimited waiver/reductions to development standards and a number of incentives.

The applicant is requesting two waivers/reductions and 3 incentives/concessions for this proposal. Two waivers and one concession are for Contra Costa County Ordinance Code 822.-4.412 subsections (a), (b), and (c) of the Inclusionary Housing Ordinance.

Waiver Request

1. County Ordinance Code 822-4.412 (a) requires inclusionary units must be dispersed throughout the residential development and have access to all on-site amenities that are available to market rate units.

2. County Ordinance Code 822-4.412 (c) requires that the average number of bedrooms for all inclusionary units must be equivalent to the average number of bedrooms for market rate units within the same residential development.

Floor plans were only provided for the affordable units in the submittal package. To evaluate the applicant's request housing staff needs floor plans of the proposed market rate units.

Incentive / Concession Request

1. County Ordinance Code 822-4.412 (b) requires the construction quality and exterior design of the inclusionary units must be comparable to the market rate units.

The packet only contained elevation plans for the affordable units proposed. To evaluate the applicant's request, housing staff needs elevation plans of the proposed market rate unit.

Staff Comments

As mentioned, housing staff require the following items to evaluate the proposed project:

- Completed Inclusionary Housing Plan
- Completed Density Bonus Checklist
- Floor and elevation plans of all units proposed

Please note, that staff is also reviewing the project for consistency and finds the project, as proposed, inconsistent with the County's Inclusionary Housing Ordinance. An inconsistency letter shall be provided at a later date.

Attachments: Inclusionary Housing checklist
Density Bonus checklist

Applicant _____
Subdivision Name _____
Subdivision # _____
County File # _____

Property Owner _____
Site Address _____
APN(s) _____
Date Submitted _____

Contra Costa County Department of Conservation and Development Inclusionary Housing Plan

There are five different ways of complying with the Inclusionary Ordinance: on-site, off-site, land conveyance, in lieu fees, and other. The Inclusionary Housing Plan is required to identify which option the applicant is proposing to fulfill the inclusionary housing requirement. Complete the checklist and attach a narrative for the proposed option.

For more information on the Inclusionary Housing Ordinance (including links to the ordinance and the in-lieu fee calculator), please go to the County Ordinances for Affordable Housing webpage found here:
<https://www.contracosta.ca.gov/8544/County-Ordinances-for-Affordable-Housing>

Section A – On-Site

The inclusionary housing plan must include the following:

- ☐ A project description including the number of market-rate units, the number of inclusionary units proposed, and the basis of the calculation;
- ☐ A site plan indicating the location of the inclusionary units in relationship to the market rate units. (Drawings to show a minimum of unit mix, location, size, and number of bedrooms);
- ☐ The targeted income levels;
- ☐ A phasing plan, if needed, indicating the timely development of the inclusionary units as the residential development is constructed and occupied.

*Attach a narrative of the proposed compliance option.

Section B - Off-Site

The inclusionary housing plan must include the following:

- ☐ A project description including the number of on-site market-rate units and off-site inclusionary units proposed and the basis of the calculation;
- ☐ The targeted income levels;
- ☐ A vicinity map indicating where the proposed off-site development is in relationship to the proposed on-site development;
- ☐ Parcel numbers, acreage, zoning, general plan designation, phase one environmental report for the proposed off-site development;
- ☐ A phasing plan, if needed, indicating the timely development of the inclusionary units as the residential development is completed;
- ☐ Indicate whether the off-site development is new construction or acquisition/rehabilitation.

*Attach a narrative of the proposed compliance option.

Section C - Land Conveyance

Applicant _____
Subdivision Name _____
Subdivision # _____
County File # _____

Property Owner _____
Site Address _____
APN(s) _____
Date Submitted _____

The inclusionary housing plan must include the following:

- ☐ A project description including the number of on-site market-rate units and off-site inclusionary units proposed and the basis of the calculation;
- ☐ The targeted income levels;
- ☐ Parcel numbers, acreage, zoning, general plan designation, phase one environmental report for the proposed off-site development.
- ☐ Proposed recipient of land conveyance.
- ☐ A vicinity map indicating where the proposed off-site development is in relationship to the proposed on-site development.

*Attach a narrative of the proposed compliance option.

Section D – In-Lieu Fee

- ☐ Payment of an in-lieu fee is proposed to satisfy this requirement. The fees shall be pursuant to the fee schedule adopted by the Board of Supervisors.

Note: Only applicable for projects with 5 to 125 units of rental or for-sale housing.

*Attach a narrative of the proposed compliance option.

Section E - Other

- ☐ If an alternative compliance method is proposed, information sufficient to allow the County to determine that the alternative would provide equivalent or greater benefit than would result from providing those inclusionary units on site.

*Attach a narrative of the proposed compliance option.

Applicant _____
Subdivision Name _____
Subdivision # _____
County File # _____

Property Owner _____
Site Address _____
APN(s) _____
Date Submitted _____

Inclusionary Housing Agreement Requirements

An inclusionary housing agreement (IHA) is required for all proposals with an on-site, off-site, land conveyance, or other compliance proposal. Prior to the issuance of a demolition permit, grading permit, building permit, or recordation of a subdivision map for the development, whichever occurs first, the applicant/owner must execute an IHA, and it shall be recorded. The preparation and approval of an IHA will be a minimum three-month process or may be longer due to the complexities of the project and scheduling before the Board of Supervisors for approval of the IHA prior to the Department of Conservation and Development's (DCD) signature on behalf of the County and subsequent recordation. The IHA is not considered to be executed until all parties have signed and the document is recorded.

To initiate the preparation of an IHA on the normal timeline, the applicant must file a COA Compliance Review Application after the final entitlement approval (discuss earlier options with Housing staff early in the process), accompanied by the following information:

- Preliminary Title Report
- Written Narrative to include:
 - List all owners of the property.
 - If the owners are entities, please provide the names and titles of the two managers of the LLC who have the authority to sign the agreement on behalf of the entity. If the owner is an LLC or multiple LLCs that were not consistent with owners listed on the entitlement application, proof of ownership and a copy of the Articles of Incorporation for each entity are required.
 - Developer's mailing address. This must be a local contact and address for notices required by the IHA.
 - Identify the lender who has been or will provide financing for the development and the recorded deed of trust that has been recorded, including the referenced document number of the recorded deed of trust.
- Exhibit A Legal Description.
- Inclusionary Housing Plan Maps that are legible, in black and white, and scaled to 8 1/2" x 11" sheets that comply with document recording requirements.
- Detailed timeline for the project including constructing the units, including phasing of the development, marketing the units, reviewing applications for qualified households, and sale of inclusionary for-sale units or occupancy of inclusionary rental units.
- Any other information that may be required for staff to prepare the IHA.

Applicant _____
Subdivision Name _____
Subdivision # _____
County File # _____

Property Owner _____
Site Address _____
APN(s) _____
Date Submitted _____

Inclusionary Housing Construction and Occupancy

For all projects where inclusionary housing will be built for sale or rental, the applicant must submit documentation and other information to DCD for review and approval along with the filing of a condition of approval compliance review application and fees at least 90 days prior to construction completion and the request for a final building inspection and occupancy of the building. The following documents and information required for review and approval include, but are not limited to the following:

- Marketing Plan
- Marketing Materials, including translated Marketing Materials
- Proof of Publication of the advertising of the Inclusionary Units to all publications listed in the Marketing Plan
- Certification Statement listing all organizations and groups that were distributed marketing materials for the inclusionary units
- Tenant Selection Plan or Homeowner Selection Plan, whichever is applicable to the project
- Tenant Rent Roll (pre-certified households for DCD review)

The expectation is for the developer to market the units in the project prior to construction completion, select qualified tenants or qualified homeowners for inclusionary units prior to construction completion, and submit a list of the qualified households to DCD for review prior to final inspection/final occupancy.

A copy of the prequalified households for for-sale units will be submitted to DCD for review and approval and the file record. The prequalification approval by DCD will include the applicant's submittal of income documentation and income certification forms for review. The prequalification approval will be valid for six months. The income must be recertified by DCD at least 30 days prior to sale.

For inclusionary rental units, a copy of the tenant rent roll must be submitted for review and approval by DCD and kept in the file record. The tenant rent roll should include information including, but not limited to, the tenant's name, income, unit number, unit affordability level, household size, tenant rents, utility costs, and gross rents. The owner/property manager may be instructed to upload this information to a secure database as indicated by DCD for review and approval.

Annual monitoring reports will be required from the property manager and a sample of the inclusionary units will be selected by DCD for periodic review of tenant income documentation, certification, and unit occupancy qualification. The annual monitoring reports must be submitted with a condition of approval compliance review application and fees.

Applicant _____
Subdivision Name _____
Subdivision # _____
County File # _____

Property Owner _____
Site Address _____
APN(s) _____
Date Submitted _____

Inclusionary Housing Maximum Sales Price Calculation

The maximum affordable sales price will be calculated by DCD, no more than once annually for a project's inclusionary units. The calculation of the maximum affordable sales price will be according to the ordinance, conditions of approval, and agreement.

The following is a list of non-mortgage costs that will be included in the calculation of the maximum sales price for the inclusionary units. The developer will provide DCD staff with the following information for staff review and use accompanied by a written request for DCD to calculate the maximum purchase price for the respective inclusionary units for the project at the respective affordability levels and unit size.

Non-Mortgage Costs	Housing Costs in Dollars
HOA Dues (annual)	
Property Insurance (estimated annual for fire and casualty covering replacement value of property improvements)	
Utility Allowance (monthly)	
Solar Lease (annual cost)	
Property Taxes and Assessments	
CFD (annual)	
Mello Roos Tax (annual)	
Property maintenance and repairs (annual)	
Space rent, if the housing unit is on rented land	
Other Costs (annual, including third-party)	

Applicant & Property Owner Verification:

I/We verify that all the information stated and submitted is complete and accurate to the best of my/our knowledge, and should it be found that any of the information is incorrect, incomplete, or inconsistent with the requirements of the ordinance that it may result in increased processing time and/or costs.

Applicant Signature: _____ Name: _____ Date: _____

Owner Signature: _____ Name: _____ Date: _____

Applicant _____
Subdivision Name _____
Subdivision # _____
County File # _____

Property Owner _____
Site Address _____
APN(s) _____
Date Submitted _____

Housing Element Sites Inventory Findings

The Housing Element Sites Inventory's no net loss rule is a separate requirement of the State of California and is distinct from the County's Inclusionary Housing Ordinance Requirements. Government Code Section 65863 requires the county to ensure that its housing element sites inventory can accommodate its share of the regional housing need throughout the planning period. The law prohibits the county from reducing, requiring, or permitting the reduction of the residential density to a lower residential density on sites listed in the inventory. It also prohibits the county from permitting or causing the inventory of sites identified in the housing element to be insufficient to meet its remaining unmet share of the regional housing need for lower and moderate-income households.

Housing developments that are located on a parcel(s) identified in the County's Housing Element sites inventory will require written findings for the proposal if the housing development includes fewer units by income category or fewer units by density from that which is identified in the sites inventory. Compliance with the no net loss rule is required prior to a recommendation for approval or entitlement decision. Compliance with the law may include the requirement for the applicant/developer to assist in identifying an alternative site to be rezoned and/or added to the sites inventory to account for any net loss in the County's share of the regional housing needs due to the proposed housing development.

To determine if your parcel(s) is listed in the County's Housing Element sites inventory, please contact the DCD Application and Permits Center staff and they can verify whether the property is listed in the County's Housing Element sites inventory.

*To assist the project planner in preparing the required findings for a parcel or parcels identified in the housing element sites inventory, you may attach a narrative and explanation of the project's compliance with the no net loss requirement. (optional)

Applicant & Property Owner Verification:

I/We acknowledge that I/we have completely read this form and understand all the information stated herein. I/We verify that all the information stated and submitted is complete and accurate to the best of my/our knowledge, and should it be found that any of the information is incorrect, incomplete, or inconsistent with the requirements of the ordinance that it may result in increased processing time and/or costs.

Applicant Signature: _____ Name: _____ Date: _____

Owner Signature: _____ Name: _____ Date: _____

Applicant _____
Project Name _____
Subdivision # _____
County File # _____

Property Owner _____
Site Address _____
APN _____
Date Submitted _____

Contra Costa County
Department of Conservation and Development
Density Bonus Proposal

DENSITY BONUS SUBMITTAL REQUIREMENTS

Requests for Density Bonuses are reviewed and processed for approval or denial by the Community Development and the Housing and Community Improvement Divisions. Density Bonus requests are processed pursuant to Section 65915 et seq. of the California Government Code and Title 8, Division 822, Chapter 822-2 of the Contra Costa County Ordinance Code. Density Bonus proposals are intended to provide incentives and/or concessions for housing developments for the production of housing for very low-income, lower-income, moderate-income, or senior households; to facilitate the development of affordable housing; to implement the goals, objectives, and policies of the County General Plan's Housing Element.

The Density Bonus request will be reviewed and processed concurrently with the complete submittal of a development application, which may include but is not limited to applications, for subdivisions, planned unit developments, development plans, land use permits, rezones, and/or general plan amendments.

1. **DENSITY BONUS PROPOSAL.** The proposal must include:
 - a. A full description of the proposed project.
 - b. The type of housing development proposed as required by the State's Density Bonus law (rental, for-sale, low-income, senior housing, foster youth, common interest development, student housing, etc.).
 - c. Maximum base unit calculation for the site.
 - d. The percentage of density bonus requested.
 - e. The total number of units and the affordability level (based on percentage of area median income) of all units in the project.
 - f. The number of incentives/concessions for the project, including the referenced Government Code Section that supports the number requested for the project.
 - g. The requested incentive/concession.
 - h. A list of requested waivers or reductions of development standards.
 - i. The number of existing residential units on site. Are the existing units rental units?
 - j. Are there any deed restrictions on the parcel that restricts the ownership or rental of the property/unit to persons below the area median income?
 - k. The number of buildings proposed in the project.
 - l. The unit types, numbers, and distribution (i.e. studio, 1 bedroom, 3 bedroom, etc.).
 - m. Whether the project will be phased and the approximate timeline for development.
 - n. Location of the affordable units and what phase they will be developed.
2. **VICINITY/LOCATION MAP.**
3. **SITE PLAN.** Site plan should be legibly drawn to scale, and include the following:

Applicant _____
Project Name _____
Subdivision # _____
County File # _____

Property Owner _____
Site Address _____
APN _____
Date Submitted _____

- a. Square footage and acreage of parcel(s)
 - b. Property lines and dimensions
 - c. Street right-of-way
 - d. Existing easements
 - e. Existing/proposed on-site buildings and any buildings within 100 feet of property
 - f. Driveway and parking layout
 - g. Existing and proposed trees and landscaping
 - h. Location of the proposed affordable units
 - i. Zoning
 - j. General Plan
 - k. Gross acreage
 - l. Net acreage
4. FINANCIAL ANALYSIS REPORT. The financial analysis report for the project should indicate that the proposed Density Bonus and concessions and/or incentives are necessary to provide the proposed affordable units. (Optional)
5. ADDITIONAL INFORMATION.
 - a. Any pertinent information that is relevant for staff's review and processing of the request.
 - b. Is the proposed development located on property that includes or included affordable units that have been subject to a recorded covenant, ordinance, or law restricting rents or sales prices?
 - c. Is the proposed development located on property where dwelling units have been vacated or demolished in the five-year period preceding the submittal of the application proposal for development?
 - d. Are any existing housing units on the site proposed to be demolished? If so, are the units currently occupied, when were they last occupied, and what is the current/last known rent and bedroom size?"
6. ATTACH COMPLETED INCLUSIONARY HOUSING ORDINANCE HOUSING PLAN. This Housing Plan is required for projects of five or more residential units to demonstrate compliance with the County's Inclusionary Housing Ordinance. See Chapter 822-4 of the County Ordinance Code for the standards and requirements for applicability and compliance.

Applicant _____
Project Name _____
Subdivision # _____
County File # _____

Property Owner _____
Site Address _____
APN _____
Date Submitted _____

Density Bonus Agreement Requirements

A density bonus agreement is typically combined with an inclusionary housing agreement (Agreement) for compliance with both the density bonus ordinance/density bonus state law and inclusionary housing ordinance deed restriction requirements.

Prior to the issuance of a demolition permit, grading permit, building permit, or recordation of a subdivision map for the development, whichever occurs first, the applicant/owner must execute an Agreement, and it shall be recorded. The preparation and approval of an Agreement will be a minimum three-month process or may be longer due to the complexities of the project and scheduling before the Board of Supervisors for approval of the Agreement prior to the Department of Conservation and Development's signature on behalf of the County and subsequent recordation. The Agreement is not considered to be executed until all parties have signed and the document is recorded.

To initiate the preparation of an Agreement on the normal timeline, the applicant must file a COA Compliance Review Application after the final entitlement approval (discuss earlier options with Housing staff early in the process), accompanied by the following information:

- Preliminary Title Report
- Written Narrative to include:
 - List all owners of the property.
 - If the owners are entities, please provide the names and titles of the two managers of the LLC who have the authority to sign the agreement on behalf of the entity. If the owner is an LLC, or multiple LLCs that were not consistent with owners listed on the entitlement application, proof of ownership and a copy of the Articles of Incorporation for each entity are required.
 - Developer's mailing address. This must be a local contact and address for notices required by the IHA.
 - Identify the lender who has been or will provide financing for the development and the recorded deed of trust that has been recorded, including the referenced document number of the recorded deed of trust.
- Exhibit A Legal Description
- Density Bonus Plan Maps that are legible, in black and white, and scaled to 8 ½" x 11" sheets that comply with document recording requirements
- Detailed timeline for the project including constructing the units, including phasing of the development, marketing the units, reviewing applications for qualified households, and sale of density bonus for-sale units or occupancy of density bonus rental units.
- Any other information that may be required for staff to prepare the Agreement.

Applicant _____
Project Name _____
Subdivision # _____
County File # _____

Property Owner _____
Site Address _____
APN _____
Date Submitted _____

Density Bonus Units Construction and Occupancy

For all projects where density bonus housing will be built for sale or rental, the applicant must submit documentation and other information to DCD for review and approval along with the filing of a condition of approval compliance review application and fees at least 90 days prior to construction completion and the request for a final building inspection and occupancy of the building. The following documents and information required for review and approval include, but are not limited to the following:

- Marketing Plan
- Marketing Materials, including translated Marketing Materials
- Proof of Publication of the advertising of the Density Bonus Units to all publications listed in the Marketing Plan
- Certification Statement listing all organizations and groups that were distributed marketing materials for the density bonus units
- Tenant Selection Plan or Homeowner Selection Plan, whichever is applicable to the project
- Tenant Rent Roll (pre-certified households for DCD review)

The expectation is for the developer to market the units in the project prior to construction completion, select qualified tenants or qualified homeowners for density bonus units prior to construction completion, and submit a list of the qualified households to DCD for review prior to final inspection/final occupancy.

A copy of the prequalified households for for-sale units will be submitted to DCD for review and approval and the file record. The prequalification approval by DCD will include the applicant's submittal of income documentation and income certification forms for review. The prequalification approval will be valid for six months. The income must be recertified by DCD at least 30 days prior to sale.

For density bonus rental units, a copy of the tenant rent roll must be submitted for review and approval by DCD and kept in the file record. The tenant rent roll should include information including, but not limited to, the tenant's name, income, unit number, unit affordability level, household size, tenant rents, utility costs, and gross rents. The owner/property manager may be instructed to upload this information to a secure database as indicated by DCD for review and approval.

Annual monitoring reports will be required from the property manager and a sample of the density bonus units will be selected by DCD for periodic review of tenant income documentation, certification, and unit occupancy qualification. The annual monitoring reports must be submitted with a condition of approval compliance review application and fees.

Applicant _____
 Project Name _____
 Subdivision # _____
 County File # _____

Property Owner _____
 Site Address _____
 APN _____
 Date Submitted _____

Density Bonus Housing Maximum Sales Price Calculation

The maximum affordable sales price will be calculated by DCD, no more than once annually for a project's density bonus units. A density bonus unit may also be an inclusionary housing unit. In this case, the most restrictive requirements would apply to the unit. The calculation of the maximum affordable sales price will be according to the ordinance, state law, conditions of approval, and agreement.

The following is a list of non-mortgage costs that will be included in the calculation of the maximum sales price for the density bonus units. The developer will provide DCD staff with the following information for staff review and use accompanied by a written request for DCD to calculate the maximum purchase price for the respective density bonus units for the project at the respective affordability levels and unit size.

Non-Mortgage Costs	Housing Costs in Dollars
HOA Dues (annual)	
Property Insurance (estimated annual for fire and casualty covering replacement value of property improvements)	
Utility Allowance (monthly)	
Solar Lease (annual cost)	
Property Taxes and Assessments	
CFD (annual)	
Mello Roos Tax (annual)	
Property maintenance and repairs (annual)	
Space rent, if the housing unit is on rented land	
Other Costs (annual, including third-party)	

Applicant & Property Owner Verification:

I/We verify that all the information stated and submitted is complete and accurate to the best of my/our knowledge, and should it be found that any of the information is incorrect, incomplete, or inconsistent with the requirements of the ordinance that it may result in increased processing time and/or costs.

Applicant Signature: _____ Name: _____ Date: _____

Owner Signature: _____ Name: _____ Date: _____

Applicant _____
Project Name _____
Subdivision # _____
County File # _____

Property Owner _____
Site Address _____
APN _____
Date Submitted _____

Housing Element Sites Inventory Findings

The Housing Element Sites Inventory's no net loss rule is a separate requirement of the State of California and is distinct from the State's Density Bonus Code or the County's Density Bonus Ordinance Requirements. Government Code Section 65863 requires the county to ensure that its housing element sites inventory can accommodate its share of the regional housing need throughout the planning period. The law prohibits the county from reducing, requiring, or permitting the reduction of the residential density to a lower residential density on sites listed in the inventory. It also prohibits the county from permitting or causing the inventory of sites identified in the housing element to be insufficient to meet its remaining unmet share of the regional housing need for lower and moderate-income households.

Housing developments that are located on a parcel(s) identified in the County's Housing Element sites inventory will require written findings for the proposal if the housing development includes fewer units by income category or fewer units by density from that which is identified in the sites inventory. Compliance with the no net loss rule is required prior to a recommendation for approval or entitlement decision. Compliance with the law may include the requirement for the applicant/developer to assist in identifying an alternative site to be rezoned and/or added to the sites inventory to account for any net loss in the county's share of the regional housing needs due to the proposed housing development.

To determine if your parcel(s) is listed in the County's Housing Element sites inventory, please contact the DCD Application and Permits Center staff and they can verify whether the property is listed in the County's Housing Element sites inventory.

* To assist the project planner in preparing the required findings for a parcel or parcels identified in the housing element sites inventory, you may attach a narrative and explanation of the project's compliance with the no net loss requirement. (optional)

Applicant & Property Owner Verification:

I/We certify that all statements made on this form or any accompanying attachment or exhibit are true and complete to the best of my knowledge. Should it be found that any of the information is incorrect, incomplete, or inconsistent with the requirements of the County Ordinance or State law that it may result in denial of the request and increased processing time and/or costs. I/We understand that any false statements may result in denial of the requested permit, revocation of any issued permit, or penalties. I/We further certify that permission has been granted by the property owner to conduct the proposed development applied for herein.

Applicant Signature: _____ Name: _____ Date: _____

Owner Signature: _____ Name: _____ Date: _____

CALIFORNIA
HISTORICAL
RESOURCES
INFORMATION
SYSTEM



ALAMEDA
COLUSA
CONTRA COSTA
DEL NORTE

HUMBOLDT
LAKE
MARIN
MENDOCINO
MONTEREY
NAPA
SAN BENITO

SAN FRANCISCO
SAN MATEO
SANTA CLARA
SANTA CRUZ
SOLANO
SONOMA
YOLO

Northwest Information Center
Sonoma State University
1400 Valley House Drive, Suite 210
Rohnert Park, California 94928-3609
Tel: 707.588.8455
nwic@sonoma.edu
<https://nwic.sonoma.edu>

September 3, 2024

File No.: 24-0293

Everett Louie, Project Planner
Contra Costa County
Department of Conservation and Development
Community Development Division
30 Muir Road
Martinez, CA 94553-4601

re: CDS24-09696 / APN 138-180-002 at 1125 North Gate Road / Andy Bye

Dear Everett Louie,

Records at this office were reviewed to determine if this project could adversely affect cultural resources.

Please note that use of the term cultural resources includes both archaeological sites and historical buildings and/or structures. The review for possible historic-era building/structures, however, was limited to references currently in our office and should not be considered comprehensive.

Project Description:

Request approval of a Vesting Tentative Map to subdivide into 19 single family residential lots under Density Bonus Law.

Previous Studies:

XX Study #31534 (Pastron 2006), covering approximately 100% of the proposed project area, identified no cultural resources (see recommendation below).

Archaeological and Native American Resources Recommendations:

XX The proposed project area has the possibility of containing unrecorded archaeological sites. Due to the passage of time since Study #31534 (Pastron 2006), and the changes in archaeological theory and method since that time, we recommend a qualified archaeologist conduct further archival and field study as warranted to identify any unrecorded archaeological resources.

XX We recommend the lead agency contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values. For a complete listing of tribes in the vicinity of the project, please contact the Native American Heritage Commission at 916/373-3710.

 The proposed project area has a low possibility of containing unrecorded archaeological site(s). Therefore, no further study for archaeological resources is recommended.

Built Environment Recommendations:

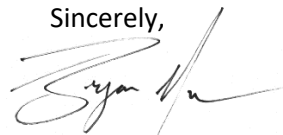
XX Since the Office of Historic Preservation has determined that any building or structure 45 years or older may be of historical value, if the project area contains such properties, it is recommended that prior to commencement of project activities, a qualified professional familiar with the architecture and history of Contra Costa County conduct a formal CEQA evaluation.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the California Historical Resources Information System (CHRIS) Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

For your reference, a list of qualified professionals in California that meet the Secretary of the Interior's Standards can be found at <http://www.chrisinfo.org>. If archaeological resources are encountered during the project, work in the immediate vicinity of the finds should be halted until a qualified archaeologist has evaluated the situation. If you have any questions please give us a call (707) 588-8455.

Sincerely,

A handwritten signature in black ink, appearing to read "Bryan Much", with a stylized flourish extending from the end.

Bryan Much
Coordinator

Board of Directors

Jim Felton
President

Giselle Jurkanin
Secretary

Burt Bassler
Treasurer

Keith Alley
Steve Balling
John Gallagher
Liz Harvey Roberts
Claudia Hein
Scott Hein
Maga Kisriev
Shirley Langlois
Bob Marx
Doug Matthew
Amara Morrison
Phil O'Loane
Robert Phelps
Malcolm Sproul
Jeff Stone
Achilleus Tiu
Directors

Staff Directors

Edward Sortwell Clement Jr.
Executive Director

Seth Adams
Land Conservation Director

Sean Burke
Land Programs Director

Monica E. Oei
*Finance & Administration
Director*

Karen Ferriere
Development Director

Founders

Arthur Bonwell
Mary L. Bowerman

Proud Member of

Land Trust Alliance
California Council of Land Trusts
Together Bay Area



October 11th, 2024

Everett Louie, Planner
Contra Costa County
Department of Conservation and Development
30 Muir Rd.
Martinez, CA, 94553

Save Mount Diablo Comment Letter Calibr Ventures Gateway/Champion Project – County File #CDSD24-09696

Dear Mr. Louie,

Save Mount Diablo (SMD) is a nationally accredited land trust founded in 1971 with a mission to preserve Mount Diablo's peaks, surrounding foothills, watersheds, and its sustaining Diablo Range. We accomplish this through land conservation and management strategies designed to protect the mountain's natural beauty, biological diversity, and historic and agricultural heritage; enhance our area's quality of life; and provide educational and recreational opportunities consistent with protection of natural resources.

We acquire land, or interests in land, for conservation purposes and often for addition to parks on and around Mount Diablo. We are involved in land use planning, policy and advocacy which might affect protected lands. We build trails, restore habitat, and are conduct environmental education. In 1971, there was just one park on Mount Diablo totaling 6,778 acres; today there are almost 50 parks and preserves around Mount Diablo totaling 120,000 acres. We include more than 11,000 donors and supporters.

SMD staff and leadership have toured the site of the proposed Gateway/Champion project (Project) with Calibr Ventures staff. The Project site is adjacent to two protected open space parcels to the south and west and is bounded by Walker Creek on its north side.

It is important to buffer the open space and creek from the impacts of the project. An adequate buffer with a dedication mechanism, such as a conservation easement, to mitigate the impacts of the Project on the open space and creek is extremely important. We have also communicated the importance of a planting plan to screen the Project from the open space that reflects the natural oak savanna/woodland habitat of the surrounding area. The Project proponent indicated that such a planting plan was established as part of the previous project proposed for this site and that it is being carried over to this one. Mitigation for the impacts to listed species likely present in the area, such as California red-legged frog and California tiger salamander, is also important.

Thank you for the opportunity to provide comments.

Regards,

Juan Pablo Galván Martínez
Senior Land Use Manager



AGENCY COMMENT REQUEST

Date 8/15/24

We request your comments regarding the attached application currently under review.

DISTRIBUTION

INTERNAL

☒ Building Inspection ☒ Grading Inspection
☒ Advance Planning ☒ Housing Programs
☒ Trans. Planning Telecom Planner
ALUC Staff HCP/NCCP Staff
APC PW Staff ☒ County Geologist

HEALTH SERVICES DEPARTMENT

☒ Environmental Health Hazardous Materials

PUBLIC WORKS DEPARTMENT

☒ Engineering Services (1 Full-size + 3 email Contacts)
☒ Traffic
Flood Control (Full-size) Special Districts

LOCAL

☒ Fire District CONTRA COSTA COUNTY

San Ramon Valley – (email) rwendel@srvfire.ca.gov
☒ Consolidated – (email) fire@cccfd.org
East CCC – (email) brodriguez@cccfd.org

☒ Sanitary District CENTRAL SANITARY

☒ Water District CONTRA COSTA WATER

☒ City of WALNUT CREEK

☒ School District(s) Mt Diablo Unified School District

☒ LAFCO

Reclamation District # _____
East Bay Regional Park District
Diablo/Discovery Bay/Crockett CSD
MAC/TAC _____
Improvement/Community Association

☒ CC Mosquito & Vector Control Dist (email)

OTHERS/NON-LOCAL

☒ CHRIS (email only: nwic@sonoma.edu)
CA Fish and Wildlife, Region 3 – Bay Delta
Native American Tribes

ADDITIONAL RECIPIENTS

District 4, Solid Waste, Save Mount Diablo

Please submit your comments to:

Project Planner Everett Louie
Phone # 925-655-2873
E-mail everett.louie@dcd.cccounty.us
County File # CDSD24-09696
Prior to Sept. 3, 2024

We have found the following special programs apply to this application:

☒ Active Fault Zone (Alquist-Priolo)
Flood Hazard Area, Panel # _____
60-dBA Noise Control
CA EPA Hazardous Waste Site

☒ High or Very High FHSZ

AGENCIES: Please indicate the applicable code section for any recommendation required by law or ordinance. Please send copies of your response to the Applicant and Owner.

Comments: None ☒ Below Attached

It appears the primary access road meets min. standards for solid waste (garbage - recycling - organics) collection vehicles with turn-around.

All properties shall provide adequate storage for all three waste stream carts (including low income units).

Developer shall provide access to gated driveway to solid waste collection hauler.

Developer should reach out to the current solid waste collection provider for dimensions of carts and proper storage. - Republic Services:
<https://www.republicservices.com/municipality/rec>

Print Name David Brockbank
David Brockbank 08/29/2024
Signature DATE
Agency phone # 925-655-2911



Contra Costa County
Public Works
Department

Warren Lai, Director
Deputy Directors
Stephen Kowalewski, Chief
Allison Knapp
Sara Price
Carrie Ricci
Joe Yee

Memo

July 28, 2026

TO: Everett Louie, Planner, Department of Conservation and Development
FROM: Larry Theis, Engineering Services Division – Consultant Engineer 
SUBJECT: **SUBDIVISION SD24-9696**
STAFF REPORT & RECOMMENDED CONDITIONS OF APPROVAL
(Andy Byde/North Gate Road/Walnut Creek/APN 138-180-002)
FILE: **SD24-9696**

We have reviewed the revised vesting tentative map for subdivision SD24-9696 received by your office on **July 15, 2026**, and submit the following comments:

Background

The applicant requests approval of a vesting tentative map to subdivide the project site into 19 single family residential lots under Density Bonus Law.

The project site is a flag lot adjacent to North Gate Road within unincorporated Walnut Creek and is zoned R-40. The project site is bounded to the north by Walker Canyon Creek, to the west by Flood Control District parcels encumbering the Pine Creek Detention Basin (Kubichek Basin), and to the east by other R-40 zoned parcels.

Traffic and Circulation

The project site is to front and gain access from County-maintained North Gate Road. North Gate Road at this location is 22 feet wide within a 55-foot right-of-way and is planned to be widened to a 40-foot roadway within a 60-foot right-of-way. It will be required that the applicant dedicate 5 feet of right-of-way along its frontage (30 feet from centerline of right of way) to achieve the ultimate right-of-way planned for North Gate Road.

No frontage improvements currently exist at the entrance to the project site along North Gate Road. The project's entire frontage will be encumbered by the private road serving the subdivision.

The Applicant proposes to pave the private road serving the proposed subdivision lots and installing sidewalk for pedestrian access. This private road is to be gated near Lot 16, so the "double-density" bonus units will be outside the gate.

Drainage

Division 914 of the County Ordinance Code requires that all storm waters 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 the Boundary & Topography sheet of the site plan, most runoff near the dirt driveway drains east towards North Gate Road, while the rest of the site drains northwest towards the adjacent Flood Control District parcels. Following the construction proposed on this site plan, the runoff from the development will mostly flow north into an existing 12" storm drain line on an adjacent parcel which drains into the Walker Canyon channel. While this is a "short-cut" to the same receiving waters as the pre-project drainage pattern, the adequacy of the existing facilities must still be verified, especially in consideration of the additional impervious surface area being created.

While detailed stormwater runoff mitigation calculations have been included in the submittal, they are only relevant to peak flowrates, not overall runoff volume. Due to the proximity to the Kubicek Basin, additional input from the Flood Control District has been requested to review the final hydrology and hydraulic calculations and design such that the onflow into the Kubicek Basin from the project site will mimic existing conditions and not concentrate stormwater runoff.

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. The proposed project will exceed the threshold of 5,000 square feet of impervious area, triggering the requirement for a SWCP. A preliminary SWCP was submitted with this application packet, and it is to the satisfaction of Public Works.

Floodplain Management

The property does not lie within the Special Flood Hazard Area (100-year flood boundary) as designated on the Federal Emergency Management Agency 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 Community Facilities District (CFD) 2010-1 formed for the 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. These fees shall be paid prior to building permit certificate of occupancy.

Drainage Area Fee and Creek Mitigation

The property is located within the unformed Drainage Area 85. There is currently no fee ordinance adopted by the Board of Supervisors for this area.

LT:ss
G:\engsvc\Land Dev\SD\SD 9696\SD24-9696 Staff Report & COAs.docx
Cc: J. LaRocque, Engineering Services
A. Vazquez, Engineering Services
Andy Byde, *applicant*
Calibr Ventures
115 Jennifer Court
Alamo, CA 94507.

**PUBLIC WORKS RECOMMENDED
CONDITIONS OF APPROVAL FOR SUBDIVISION SD24-9696**

COMPLY WITH THE FOLLOWING CONDITIONS OF APPROVAL PRIOR TO FILING OF THE FINAL MAP.

General Requirements:

- In accordance with Section 92-2.006 of the Ordinance Code, this subdivision shall conform to all applicable provisions of the Subdivision Ordinance (Title 9). Any exceptions therefrom must be specifically listed in this conditional approval statement. The drainage, road and utility improvements outlined below require the review and approval of the Public Works Department and are based on the vesting tentative map received by the Department of Conservation and Development, Community Development Division, dated **July 10, 2026**.
- 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 conditions of approval below are subject to the review and approval of the Public Works Department.

Roadway Improvements (North Gate Road Frontage):

- Applicant shall construct a street type connection with 20-foot radii curb returns in lieu of a standard driveway depression at the North Gate Road intersection.
- Applicant shall construct curb returns, five-foot wide sidewalk with pedestrian curb ramp on the north side of the private road connection to North Gate Road, necessary longitudinal and transverse drainage, pavement widening and transitions along the frontage of North Gate Road. Applicant shall construct face of curb approximately 10 feet from the widened right-of-way line.
- Pavement striping at the intersection with North Gate Road shall curve as much as practical to be perpendicular to North Gate Road.

Access to Adjoining Property:

Proof of Access

- Applicant shall provide proof to the Public Works Department of the acquisition of all necessary rights of way, rights of entry, permits and/or easements for the construction of off-site, temporary or permanent, public and private road and drainage improvements.

Encroachment Permit

- Applicant shall obtain an encroachment permit from the Public Works Department for construction of roadways, utilities or other improvements within the right-of-way of North Gate Road.

Intersection Design/Sight Distance:

- Applicant shall provide adequate sight distance at the intersection of the new private road and North Gate Road for a design speed of 35 miles per hour. The applicant shall trim vegetation, as necessary, to provide sight distance at this intersection. Any new landscaping, signs, fencing, retaining walls, or other obstructions proposed at the intersection shall be setback to ensure that the sight lines are clear.

Private Roads:

- Applicant shall construct the on-site roadways and the internal road network (serving the residential development) to current County private road standards, subject to the review of the Fire District. Although the proposed on-site roadways are to remain private, the pavement structural section shall conform to County public road standards.
- The on-site roadway system shall match the easement and pavement widths shown on the referenced vesting tentative map. A five-foot sidewalk shall be included along one side of the road as shown.
- Applicant shall construct a paved turnaround at the end of the proposed private road and at the entry gate as shown on the vesting tentative map.

Road Dedications:

- Property owner(s) shall convey to the County, by Offer of Dedication, five feet of additional right-of-way along the frontage of North Gate Road to provide a total of thirty feet of road right of way from the centerline of the existing right of way.

Countywide Street Light Financing:

- Prior to Final map approval, the applicant shall establish a funding mechanism to cover the ongoing financial impact the Project will have on the ongoing maintenance and operations of public streetlighting. Compliance with this requirement shall be to the satisfaction of the Public Works Director and may be met through the formation of a new Community Facilities District or annexation into the existing Community Facilities District (CFD) 2010-1 formed for Countywide Street Light Financing. Annexation into a streetlight service area does not include the transfer of ownership and maintenance of street lighting on private roads. All costs associated with meeting this condition of approval shall be borne by the applicant.

Bicycle - Pedestrian Facilities:Pedestrian Access

- 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.

Parking:

- Parking shall be prohibited on one side of on-site roadways where the curb-to-curb width is less than 36 feet and on both sides of on-site roadways where the curb-to-curb width is less than 28 feet. "No Parking" signs shall be installed along these portions of the roads subject to the review and approval of the Public Works Department.

Utilities/Undergrounding:

- Applicant shall underground all new utility connections to the proposed homes within the subdivision. Applicant shall connect to the existing joint poles along North Gate Road and underground the utilities along the private road leading to the proposed homes. All existing overhead utility lines and joint poles (south of the property boundary) that become redundant and no longer serve the existing residence at 1125 North Gate Road shall be removed. Applicant shall provide joint trench composite plans for the underground electrical, gas, telephone, cable television and communication conduits and cables including the size, location and details of all trenches, locations of building utility service stubs and meters and placements or arrangements of junction structures as a part of the Improvement Plan submittals for the project. The composite drawings and/or utility improvement plans shall be signed by a licensed civil engineer.

Construction:

- Prior to the start of construction-related activities, the applicant shall prepare a Traffic Control Plan (TCP), including a haul route, for the review and approval of the Public Works Department.
- Applicant shall provide a pavement analysis for those roads along the proposed haul route or any alternate route(s) that are proposed to be utilized by the hauling operation. This study shall analyze the existing pavement conditions and determine what impact the hauling operation will have over the life of the project. The study shall provide recommendations to mitigate identified impacts.
- Prior to the commencement of any work on the project site, the Applicant shall survey the pavement condition on North Gate Road between the proposed private road intersection north to the County Limits with City of Walnut Creek near Arbolado Drive. The survey shall be approved by the Public Works Department and include photos/videos of the roadways. Applicant shall complete any remedial work prior to initiation of use; or provide a bonded agreement assuring completion of the remedial work.

Maintenance of Facilities:

- The maintenance obligation of all common and open space areas, private roadways, any private streetlights, public and private landscaped areas, perimeter walls/fences, and on-site drainage facilities shall be included in the covenants, conditions, and restrictions (CC&Rs). The language shall be submitted for the review and approval of the Zoning Administrator and Public Works Department at least 60 days prior to the filing of the Final Map.

Drainage Improvements:

Collect and Convey

- Applicant shall collect and convey all stormwater entering and/or originating on this property, without diversion and within an adequate storm drainage system, to *an adequate* natural watercourse having definable bed and banks, or to an existing adequate public storm drainage system which conveys the stormwater to *an adequate* natural watercourse, in accordance with Division 914 of the Ordinance Code.
- Discharge of concentrated storm water runoff to the Kubichek Basin will not be allowed. Proposed drainage improvements along with supporting design documents shall be subject to review and approval of the Contra Costa County Flood Control and Water Conservation District to verify inflow to their detention basin will substantially simulate existing conditions.

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.
- A private storm drain easement, conforming to the width specified in Section 914-14.004 of the County Ordinance Code, shall be dedicated over the proposed storm drain line traversing the site.

Creek Banks and Creek Structure Setbacks:

- Property owner shall relinquish "development rights" over that portion of the site that is within the structure setback area of Walker Canyon Creek. The structure setback area shall be determined by using the criteria outlined in Chapter 914-14, "Rights of Way and Setbacks," of the Subdivision Ordinance. "Development rights" shall be conveyed to the County by grant deed via a separate instrument.

Hold Harmless

- The property owner shall be aware that the creek banks on the site are potentially unstable. The property owner shall execute a recordable agreement with the County which states that the developer and the property owner and the future property owner(s) will hold harmless Contra Costa County and the Contra Costa County Flood Control and Water Conservation District in the event of damage to the on-site and off-site improvements as a result of creek-bank failure or erosion.

National Pollutant Discharge Elimination System (NPDES):

- The applicant shall 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 basins) 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.
- 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.
- Distribute public information items regarding the Clean Water Program and lot specific IMPs to buyers.
- Other alternatives comparable to the above as approved by Public Works.

Stormwater Management and Discharge Control Ordinance:

- The applicant shall submit a final Storm Water Control Plan (SWCP) and a Stormwater Control Operation and Maintenance Plan (O+M Plan) to the Public Works Department, which shall be reviewed for compliance with the County's National Pollutant Discharge Elimination System (NPDES) Permit and shall be deemed consistent with the County's Stormwater Management and Discharge Control Ordinance (§1014) prior to filing a Final Map/. All time and materials costs for review and preparation of the SWCP and the O+M Plan shall be borne by the applicant.
- Improvement plans shall be reviewed to verify consistency with the final SWCP and compliance with Provision C.3 of the County's NPDES Permit and the County's Stormwater Management and Discharge Control Ordinance (§1014).
- Stormwater management facilities shall be subject to inspection by the Public Works Department; all time and materials costs for inspection of stormwater management facilities shall be borne by the applicant.
- Prior to filing of the Final Map, the property owner(s) shall enter into a Stormwater Management Facility Operation and Maintenance Agreement with Contra Costa County, in which the property owner(s) shall accept responsibility for and related to the operation and maintenance of the stormwater facilities, and grant access to relevant public agencies for inspection of stormwater management facilities.
- Prior to the filing of the Final Map, the property owner(s) shall establish a funding mechanism to cover the ongoing financial impact of the development will have for ongoing maintenance and operations of the stormwater treatment facility. Compliance with this requirement shall be to the satisfaction of the Public Works Director and may be met through the formation of a new Community Facilities District or annexation of the subject property into existing Community Facilities District (CFD) No. 2007-1 (Stormwater Management Facilities), which funds responsibilities of Contra Costa County under its NPDES Permit to oversee the ongoing operation and maintenance of stormwater facilities

by property owners. All costs associated with meeting this condition of approval shall be borne by the applicant.

- Any proposed water quality features that are designed to retain water for longer than 72 hours shall be subject to the review of the Contra Costa Mosquito & Vector Control District.
- All treatment BMP/IMPs constructed within each phase of the proposed development shall be designed and sized to treat, at a minimum, stormwater generated from each phase constructed.

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 building permit certificate of occupancy.
- This project may be subject to the requirements of the Department of Fish and Wildlife. It is the applicant's responsibility to notify the Department of Fish and Wildlife of any proposed construction within this development that may affect any fish and wildlife resources, per the Fish and Wildlife Code.
- This project may be subject to the requirements of the Army Corps of Engineers. It is the applicant's responsibility to notify the appropriate district of the Corps of Engineers to determine if a permit is required, and if it can be obtained.