

FINDINGS AND CONDITIONS OF APPROVAL FOR COUNTY FILE #LP18-2020, GREGORY BRAVERMAN (APPLICANT) AND HANNAM HOMES, INC. (OWNER) AS APPROVED BY THE COUNTY PLANNING COMMISSION ON MAY 22, 2019.

FINDINGS

A. Growth Management Performance Standards

1. **Traffic:** Implementation Measure 4-c of the Growth Management Element of the General Plan requires a traffic impact analysis if a project will generate more than 100 AM or PM peak hour trips. Since the clients of the social rehabilitation facility are not allowed to have personal vehicles, it is reasonable to assume that the project will not generate more than 100 peak hour trips, and in all likelihood will be less. Therefore, a traffic impact analysis was not required. The facility will have four staff members during the day and two during night hours. The existing parking area will be sufficient to accommodate all vehicles expected to be at the facility. As such, the project will not adversely affect traffic levels in the area.
2. **Water:** The subject property currently obtains water service from the East Bay Municipal Utility District (EBMUD). The institution of a social rehabilitation facility at the site of a previous elder care facility will not incrementally increase the use of water at the site or substantially increase the demand for water service at the property. Any change to water service at the project site will be reviewed and approved by EBMUD.
3. **Sanitary Sewer:** The subject property currently receives sanitary sewer service from the Central Contra Costa Sanitary District (CCSD). The proposed change is not expected to produce an unmanageable added capacity demand on the wastewater system, nor interfere with existing facilities. However, comments from CCSD state that the existing sanitary sewer lateral is not large enough to meet CCSD's requirements for commercial properties. In addition, capital improvement fees are required for added wastewater capacity demand. Prior to submitting a building permit application, the applicant is responsible for submitting plans to the Sanitary District and receiving its stamped approval.
4. **Fire Protection:** The project site is in the service area of the Contra Costa County Fire Protection District. . The applicant is required to obtain building permits for any necessary ADA upgrades or improvements needed for the facility. The Fire

District will inspect the facility prior to occupancy to confirm that the facility meets the required fire protection elements for its occupancy type. Prior to submitting a building permit application, the applicant is responsible for submitting plans to the Fire District and receiving its stamped approval.

5. **Public Protection:** The proposed project will not require any increase in public protection services. The proposed facility will not create new housing, provide previously unavailable services, nor will it provide substantial amounts of new business opportunities within the County that would result in a significant population increase. Therefore, the project will not impact the County's ability to maintain the standard of having 155 square feet of Sherriff's facility per 1,000 members of the population.
6. **Parks and Recreation:** The project will not create any housing units, and therefore, will not increase the demand for parks or recreational facilities.
7. **Flood Control and Drainage:** The project site is not located within a flood-prone area as determined by FEMA, the Federal Emergency Management Agency. The proposed project will utilize the existing facilities from the former residential elderly care facility and is not proposing any new structures. Therefore, the project will not create a hazard associated with any existing flood hazard condition.

B. **Land Use Permit Findings**

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

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

Project Finding: The proposed social rehabilitation facility will be licensed and regulated by the California Department of Social Services. The short-term crisis residential treatment program proposed by the applicant will be certified and reviewed annually by the Department of Health Care services. Standards for licensing and certification include medical requirements, treatment/rehabilitation plans and documentation, admission and discharge criteria, physical environment requirements, staff qualifications and duties, and administrative policies and procedures. The State conducts unannounced annual inspections to ensure

compliance with State requirements. Additional inspections may be conducted for case management purposes. The applicant will be required to maintain its State license and certificate at all times, and to report to the County any citations or notices of violations issued by the State.

Clients admitted to the proposed facility must have a primary diagnosis of mental illness that can be expected to improve significantly through a residential psychiatric rehabilitation program. Under the applicant's admission criteria required by the State for licensing and certification, the facility will not admit clients actively using alcohol or other illicit drugs or clients with a primary diagnosis of substance abuse disorder. Additionally, client's must be medically cleared by the referring medical unit and must not have a fragile or unstable medical condition that requires intensive nursing intervention or medical evaluation or management.

Additional conditions imposed to ensure that the project will not present health and safety risks to the public include 24-hour video surveillance, onsite security staff, fencing improvements, no unaccompanied clients when leaving the facility property, and a neighbor complaint policy intended to foster open communication between neighbors and the facility operator and timely resolutions to any complaints. The project is also conditioned to obtain approval from the water and sanitary utilities, and the fire department, prior to the issuance of any building permit or operation of the facility, whichever occurs first.

As conditioned, the proposed social rehabilitation facility will not be detrimental to the health, safety, and general welfare of the County.

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

Project Finding: Allowing the establishment of a social rehabilitation facility within the former elderly care facility will not require any additional development or expansion of the existing buildings. The project is conditioned to comply with all the requirements of the regulatory and utility agencies prior to operation of the facility. Accordingly, the propose project will not adversely affect the orderly development in the County or the community.

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

Project Finding: The proposed social rehabilitation facility is similar in use and intensity to the former residential elderly care facility operated at the site. The proposed facility operating within existing buildings already equipped to serve its proposed function will have no negative effects on property values. The proposed project will not adversely affect the preservation of property values and the protection of the tax base within the County.

4. *The proposed project shall not adversely affect the policy and goals as set by the General Plan.*

Project Finding: The General Plan allows small residential care facilities as a secondary use in the Single-Family Residential, Low Density (SL) district. This facility will replace an existing residential elderly care facility on the same parcel. Therefore, the establishment of a social rehabilitation facility will not adversely affect the policy and goals as set by the general plan, as the site already supports a similar use. Approval of this facility will be consistent with and promote the Contra Costa County Housing Element, Goal #4, which calls for an increase the supply of appropriate and supportive housing for special needs populations.

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

Project Finding: The establishment of a social rehabilitation facility is not anticipated to create a crime or nuisance problem within the Walnut Creek area. Clients will be under the supervision of qualified staff members as required by State law. Clients will be accompanied by staff members whenever clients leave the facility property. Pursuant to its State license and certification, this facility is not authorized to admit clients with a primary diagnosis of substance use disorder or clients that have a fragile or unstable medical condition that requires intensive nursing intervention or medical evaluation or management. Conditions related to ongoing monitoring, maintenance of State licenses, reporting requirements, and a neighbor complaint policy will ensure that the facility is operated in a safe manner within the community. The proposed project will not create a nuisance or enforcement problem within the neighborhood or community.

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

Project Finding: The establishment of a social rehabilitation facility within the existing buildings of a residential elderly care facility will not encourage marginal development within the community. Some internal construction and remodeling will be required, such as the removal of the unpermitted kitchen in the small office building. However, establishment of the proposed facility does not require any additional development or expansion to the buildings. Thus, the proposed project will not encourage marginal development within the neighborhood.

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

Project Finding: The existing residential elderly care facility at this site is already equipped with the bedrooms required to house the proposed number of clients for the proposed facility and is therefore ideal for the proposed use. No additional development or expansion of the existing buildings will be required to accommodate the proposed social rehabilitation facility. In addition, the existing seven parking spaces will accommodate the required parking for the proposed facility. Finally, the proposed short-term crisis residential program operated by the proposed facility is intended to assist clients in the acquisition, testing, and/or refinement of community living and interpersonal skill in a residential environment. The existing facilities located in the surrounding residential community furthers the proposed social rehabilitation facility's treatment goals.

CONDITIONS OF APPROVAL FOR COUNTY FILE #LP18-2020

Land Use Permit Approval

1. A Land Use Permit is APPROVED to modify County File #LP01-2045 for the conversion of an existing elderly care facility to a social rehabilitation facility for up to 12 adult clients over 18 years of age. Clients that are 60 years of age or older must be ambulatory. After 6 consecutive months of facility operation, the applicant may request that the facility be allowed to treat up to 16 clients. If the applicant submits a request, DCD will provide written notice of the request to all owners of real property within 300 feet of the facility. The notice shall state the last day to

request a public hearing on the request. If no request for a public hearing is received by DCD by the last day stated in the notice, the Zoning Administrator may, without public hearing, approve or deny the applicant's request. If a request for a public hearing is received by DCD by the last day stated in the notice, DCD will schedule and notice a public hearing on the request for consideration by the Zoning Administrator.

This approval is based on the following documents received by the Department of Conservation and Development, Community Development Division (CDD):

- Application and materials received on July 5, 2018
- Program description received July 24, 2018
- Revised plans received August 10, 2018
- Program and Service Description received April 16, 2019
- Admission Policy received April 16, 2019

Any deviation from the approved plans or any expansion beyond the limits of this land use permit shall require the review and approval of the CDD and may require approval of a new Land Use Permit.

2. The applicant shall provide a quarterly report to DCD on January 15th, April 15th, July 15th, and October 15th during each year the facility is operated. The applicant shall submit the first quarterly report within 90 days after the facility has commenced operating. The quarterly report will include any incidents involving the operation of the facility, any complaints submitted by any member of the community, and the steps the facility operator took to address the incidents and complaints. With the first quarterly report, the applicant shall submit a time and material fee deposit of \$500 for DCD staff's on-going review of project condition compliance, including the monitoring of quarterly reports submitted by the applicant. After 5 consecutive years of facility operation, the applicant may request a land use permit amendment to eliminate the on-going compliance review.
3. The applicant shall install closed circuit cameras at all exits of the facility with video screen monitoring and ensure monitoring by 24-hour security staff.
4. The applicant shall not provide out-patient services at this facility.
5. The applicant shall ensure that a facility staff member accompanies any admitted

facility client that leaves the facility property.

Application Costs

6. The Land Use Permit application was subject to an initial deposit of \$2,700.00 that was paid with the application submittal, plus time and material costs if the application review expenses exceed the initial deposit. Any additional fee due must be paid prior to submittal of a building permit, or 60 days of the effective date of this permit, whichever occurs first. The fees include costs through permit issuance and final file preparation. Pursuant to Contra Costa County Board of Supervisors Resolution Number 2013/340, where a fee payment is over 60 days past due, the application shall be charged interest at a rate of ten percent (10%) from the date of approval. The applicant may obtain current costs by contacting the project planner. A bill will be mailed to the applicant shortly after permit issuance

Signage:

7. Any proposed signage shall be reviewed and approved by DCD prior to sign construction or placement.

Licenses

8. Prior to operation of the facility, the applicant shall provide to DCD copies of all federal, state, and county permits, licenses, and certificates required to operate a social rehabilitation facility and short-term crisis residential treatment program. The applicant shall maintain as current and valid all such permits, license, and certificates while the facility is in operation. The applicant shall submit to DCD annually any annual renewals of such permits, license, and certificates. The applicant shall report to DCD any citation or notice of violation issued in connection with such permits, license, and certificates within 48 hours of the issuance of the citation or notice of violation.
9. The applicant shall disclose all public documents related to reportable incidents or State licensing review, including the annual State license review, upon request by any member of the community.

Neighbor Complaint Policy

10. Prior to operation of the facility, the applicant shall submit to DCD a neighbor complaint policy that shall provide a procedure for immediate response to incidents and complaints and includes, at a minimum, the following:
- a. The applicant, facility operator, or person designated by the applicant or facility operator is notified of the incident.
 - b. The applicant, facility operator, or person designated by the applicant or facility operator personally investigates the matter.
 - c. The person making the complaint or reporting the incident receives a written response of action taken or a reason why no action needs to be taken.
 - d. In order to assure the opportunity for complaints to be made directly to the applicant, facility operator, or person designated by the applicant or facility operator, and to provide the opportunity for applicant, facility operator, or person designated by the applicant or facility operator to meet residents and learn of problems in the neighborhood, the policy shall establish a fixed time on a weekly basis when the applicant, facility operator, or person designated by the applicant or facility operator will be present.
 - e. Documentation of all complaints received, and any response or action taken by the applicant, facility operator, or person designated by the applicant or facility operator to address a complaint, shall be included in the quarterly reports provided to DCD.

Parking

11. The applicant shall provide 9 total off-street parking spaces with at least one accessible parking space.
12. Prior to commencement of operation, the applicant shall submit to the Community Development Director a parking policy that requires on-site parking by facility staff and discourages off-site parking by guests.

Exterior lighting

13. Prior to installing any exterior lighting, the applicant shall submit an exterior lighting plan for review and approval of DCD to ensure glare does not create an impact on adjoining residential properties.

Fencing

14. The applicant shall repair and maintain the existing fencing at the facility to be compatible with the surrounding community. Prior to the operation of the facility, the applicant shall provide to DCD evidence that the fencing has been adequately repaired.

Construction Restrictions

15. All construction activity shall comply with the following restrictions. These restrictions shall be included on the construction drawings:
 - a. Prior to the operation of the facility, the applicant is required to obtain a building permit for the removal of the unpermitted kitchen located in the office building. The applicant must obtain approvals from the Fire District, Sanitary District, and Environmental Health Division (if applicable), prior to submittal of the building permit application.
 - b. The applicant shall comply with all Contra Costa County Fire District requirements, including the installation of internal fire suppression systems.
 - c. The applicant shall make a good faith effort to minimize project-related disruptions to adjacent properties, and to uses on the site. This shall be communicated to all project-related contractors.
 - d. The applicant shall require their contractors and subcontractors to fit all internal combustion engines with mufflers which are in good condition and shall locate stationary noise-generating equipment such as air compressors as far away from existing residences as possible.
 - e. The site shall be maintained in an orderly fashion. Following the cessation of construction activity, all construction debris shall be removed from the site.
 - f. Large trucks and heavy equipment shall be subject to the same restrictions that are imposed on construction activities, except that the hours are limited to 9:00 AM to 4:00 PM.
 - g. All construction activities shall be limited to the hours of 8:00 AM to 5:00 PM, Monday through Friday, and are prohibited on state and federal holidays on

the calendar dates that these holidays are observed by the state or federal government as listed below:

New Year's Day (State and Federal)
Birthday of Martin Luther King, Jr. (State and Federal)
Washington's Birthday (Federal)
Lincoln's Birthday (State)
President's Day (State and Federal)
Cesar Chavez Day (State)
Memorial Day (State and Federal)
Independence Day (State and Federal)
Labor Day (State and Federal)
Columbus Day (State and Federal)
Veterans Day (State and Federal)
Thanksgiving Day (State and Federal)
Day after Thanksgiving (State)
Christmas Day (State and Federal)

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

Federal Holidays:
<http://www.opm.gov/fedhol>

California Holidays
http://www.edd.ca.gov/payroll_taxes/State_Holidays.htm

ADVISORY NOTES

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

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

Pursuant to California Government Code Section 66000, et seq., the applicant has the opportunity to protest fees, dedications, reservations or exactions required as

part of this project approval. To be valid, a protest must be in writing pursuant to Government Code Section 66020 and must be delivered to the Community Development Division within a 90-day period that begins on the date that this project is approved. If the 90th day falls on a day that the Community Development Division is closed, then the protest must be submitted by the end of the next business day.

B. Additional requirements may be imposed by the following agencies:

- Department of Conservation and Development, Building Inspection Division
- Health Services Department, Environmental Health Division
- Contra Costa County Fire Protection District
- Central Contra Costa Sanitary District
- East Bay Municipal Utility District
- California Department of Health Care Services

The Applicant is strongly encouraged to review these agencies' requirements prior to continuing with the project.