

Attachment A

Staff Report



Department of Conservation and Development

County Board of Supervisors

Tuesday, November 29, 2022

STAFF REPORT

Project Title:	Spieker Senior Continuing Care Retirement Community Project
County File(s):	#CDGP20-00001, #CDRZ20-03225, #CDMS20-00007, #CDLP20-02038, #CDDP20-03018
Applicant	Loewke Planning Associates
Owner:	Diablo Glen WC CCRC LLC
Zoning:	General Agricultural (A-2)
General Plan:	Single-Family Residential, Medium Density (SM)
Site Address/Location:	850 Seven Hills Ranch Road, Walnut Creek (APNs: 172-150-012 and 172-080-007)
California Environmental Quality Act (CEQA) Status:	A Final Environmental Impact Report has been prepared and was distributed on 10/11/2022. The EIR identified potentially significant environmental impacts, for which feasible mitigation measures have been incorporated into the project to reduce the impacts to less than significant levels.
Project Planner:	Sean Tully, Principal Planner (925) 655-2878 / sean.tully@dcd.cccounty.us Will Nelson, Principal Planner (925) 655-2898 / will.nelson@dcd.cccounty.us

I. BACKGROUND

This hearing is to consider approving the Spieker Senior Continuing Care Retirement Community Project, a 354-unit continuing care retirement community in the unincorporated Walnut Creek area, and to consider certifying the project environmental impact report under the California Environmental Quality Act. The Project includes a General Plan Amendment (CDGP20-00001), Rezoning (CDRZ20-03255), Minor Subdivision (CDMS20-00007), Preliminary and Final Development Plan (CDDP20-03018), Land Use Permit (CDLP20-03038),

and a community benefits agreement. After a hearing on October 26, 2022 to consider the Project, the County Planning Commission recommended that the Board of Supervisors not certify the EIR and not approve the Project. Since that time, the applicant has prepared additional materials and agreed to several Project revisions to address concerns raised by the Commission and the public, as described below and reflected in the proposed conditions of approval. Staff recommends that the Board of Supervisors certify the Project EIR and approve the Project.

II. PROJECT DESCRIPTION

The proposed project includes the following discretionary reviews by the County:

- A. General Plan Amendment: Amendment to the Land Use Map of the Land Use Element to change the existing Single-Family Residential, Medium Density (SM) designation of the site to a Congregate Care/Senior Housing (CC) designation.
- B. Rezoning: Rezoning of the project site from the existing General Agricultural (A-2) District to a project-specific Planned Unit (P-1) District.
- C. Tentative Map: A Tentative Parcel Map to reconfigure the two existing parcels that comprise the site from approximately 13 and 17 acres in area to 25 and 5 acres in area with refined legal descriptions
- D. Development Plan: Preliminary and Final Development Plan to allow the demolition of an existing ranch house and outbuildings, and the construction of a self-contained, State-licensed continuing care retirement community (CCRC) and other improvements consisting of the following primary elements:
 - o 354 independent living units split between 302 apartment style units housed in a large apartment building, and 52 individual units housed within 30 single-story buildings.
 - o An 85,000 square foot health care center containing 100 care units, including 33 skilled nursing units and 23 memory care units, for residents requiring daily assistance or daily medical attention.
 - o Amenities including a swimming pool, tennis and bocce courts, dog parks, gardening center, walking trails, gym, auditorium, restaurants, bar, theatre, library, and clubhouse.
 - o Approximately 594 parking onsite spaces, including 300 spaces within the apartment style building garage, 110 spaces along the internal access roads, 104 spaces in single-story building garages and driveways, and 80 spaces in

the health center surface parking area.

- A 20,000 square foot maintenance building.
 - Approximately 375,000 cubic yards of earth moving activities resulting in a net export of approximately 75,000 cubic yards of soil from the site.
 - Access and circulation improvements consisting of an extension of Kinross Drive and a realignment of the portions of Seven Hills Ranch Road within the site boundaries to serve as internal access roads to all project components.
- E. Tree Permit: Tree permit to allow the removal of up to 353 trees.

III. ENVIRONMENT AND SITE DESCRIPTION

- A. Environment: The project site is located in an unincorporated pocket of Walnut Creek, in central Contra Costa County. The property is primarily surrounded by urban land uses on all sides such as single-family residential developments, Seven Hills School, and Heather Farm Park. A concrete-lined portion of Walnut Creek runs along the entirety of the project site's western boundary, and both the Iron Horse Regional Trail and the Contra Costa Canal Trail are located within 500 feet of the property. Major roadways such as Ygnacio Valley Road and Treat Boulevard are within one half-mile, and Interstate 680 is located approximately one half-mile west of the project site.
- B. Site Description: The subject property is a 30.6-acre site comprised of two parcels located along Seven Hills Ranch Road. The project site is characterized by rolling topography that ranges from 100 to 190 feet in elevation. The majority of the site is undeveloped, aside from an existing ranch house and outbuildings located in the southern portion of the site. The property is lightly wooded with mature trees, most of which can be found along the site boundaries and adjacent to the existing ranch house. There are seasonal wetlands and perennial drainage resources that traverse the site in an east-west direction in the central region of the site.

IV. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Department of Conservation and Development, Community Development Division (CDD) determined that an EIR was required for the project and distributed a Notice of Preparation (NOP) on July 23, 2021. The Draft EIR (DEIR) was released for public review on March 11, 2022, and was available for public review through May 10, 2022.

The Responses to Comments/Final EIR and attached appendices (collectively, FEIR) was published and distributed on October 11, 2022. The EIR (which consists of the DEIR and attached appendices and the FEIR) identifies potentially significant environmental impacts that would occur if the project is implemented, and recommends feasible mitigation measures that would reduce those impacts to less than significant levels. All mitigations are included within the Mitigation Monitoring and Reporting Program, which describes the timing and responsibility for monitoring compliance with all mitigation measures. All mitigation measures are included in the recommended conditions of approval.

V. SUMMARY OF ENVIRONMENTAL IMPACTS

A. The EIR identifies environmental impacts that would occur if the Project were approved and implemented. Potentially significant impacts that can be mitigated to less than significant levels were identified in the EIR in the following areas: Aesthetics; Air Quality; Biological Resources; Cultural Resources; Geology and Soils; Hazards and Hazardous Materials; Hydrology and Water Quality; Noise; and Tribal resources.

1. Aesthetics: Operation of the Project would introduce new sources of light to the area by way of the new independent living units and the healthcare buildings on the project site. This potentially significant impact can be mitigated to a less than significant level.
2. Air Quality: Construction of the project has the potential for generating significant levels of average daily ROD and NO_x emissions; generating fugitive dust in the form of PM10 and PM2.5; introducing new sources of TACs; and increasing cancer risks. These potentially significant impacts can be mitigated to a less than significant level.
3. Biological Resources: Construction of the Project has the potential to directly impact and possibly result in the take of protected wildlife species, impacting riparian woodland habitat, and temporary and permanent loss of wetland habitat. These potentially significant impacts can be mitigated to a less than significant level.
4. Cultural Resources: Construction of the Project has the potential for impacting undiscovered archaeological resources and impacting buried human remains. This potentially significant impact can be mitigated to a less than significant level.
5. Geology and Soils: Construction of the Project has the potential for exposing people or structures to significant ground shaking, liquefaction, landslides, and expansive soils; and impacting undiscovered paleontological resources. These potentially significant impacts can be mitigated to a less than significant level.
6. Hazards and Hazardous Materials: Construction of the Project has the potential to expose construction workers and nearby residents to asbestos-containing material,

lead-based paint, and polychlorinated biphenyls. These potentially significant impacts can be mitigated to a less than significant level.

7. Hydrology and Water Quality: Construction of the Project has the potential to impact stormwater drainage systems. This potentially significant impact can be mitigated to a less than significant level.
8. Noise: Construction and operation of the Project has the potential to generate temporary but significant noise levels; permanent noise levels which exceed noise and land use compatibility thresholds; and significant vibration impacts. These potentially significant impact can be mitigated to a less than significant level.
9. Tribal Resources: Construction of the Project has the potential to impact buried tribal cultural resources. This potentially significant impact can be mitigated to a less than significant level.
10. Utilities and Service Systems: Construction of the associated water and sanitary sewer line extensions, stormwater drainage tie-ins, and electricity tie-ins have the potential for resulting in adverse environmental effects. This potentially significant impact can be mitigated to a less than significant level.

The attached CEQA Findings summarize the environmental determinations about the Project's significant impacts before and after mitigation and summarizes the Project's individual and cumulative impacts. All mitigation measures will be implemented through the project conditions of approval.

- B. Public Comment: Multiple pieces of correspondence (letters and emails) were received during the public comment period for the DEIR. The County also received public comments prior to the application being deemed complete and throughout the application review process. In accordance with the California Environmental Quality Act, the County responded to those comments that raised significant environmental issues and that were received during the public comment period for the DEIR, and those comments are included and responded to in the Final EIR. All other comments have likewise been reviewed and are included in the Project record of proceedings. Attached to this report are public comments related to the Project received after the County Planning Commission hearing.

VI. STAFF ANALYSIS AND DISCUSSION

A. General Plan

Land Use Type: The project site is currently located within a Single-Family Residential, Medium Density (SM) land use designation. As part of the Project, the applicant seeks

approval of a General Plan Amendment to change the 30-acre site to a Congregate Care/Senior Housing (CC) designation. Senior citizen congregate care housing is the sole use explicitly listed as being allowed in the designation. However, unique criteria with respect to the allowance of ancillary uses can be included when the designation is adopted for the site. The Project proposes the establishment of a self-contained, State-licensed CCRC with independent living unit and health center elements. This land use type is substantially consistent with the allowed land use.

Density: Unlike the majority of the land use designations that fall within the same land use category, the CC designation does not include a density range or maximum density that would need to be maintained at the site. Therefore, there is no risk for the Project's independent living unit count conflicting with the General Plan.

Property Size: Unlike the majority of the land use designations that fall within the same land use category, the CC designation does not include a property size range that would need to be implemented at the site. Therefore, there is no potential for the proposed parcel reconfiguration, as shown on the tentative parcel map, conflicting with the General Plan.

Specific Area Policy: The Land Use Element of the County General Plan provides policies for specific geographic areas of the unincorporated County. These specific area policies focus on providing additional policies that pertain to the unique characteristics and needs of each identified area. Pursuant to Figure 3-2 of the County General Plan, the Project is not located within any of the identified specific policy areas.

Growth Management: The General Plan's Growth Management Element establishes policies for traffic levels, performance standards for fire, police, parks, sanitary services, water services, and flood control to ensure that public facilities consistent with the adopted standards are provided. Although largely undeveloped, the project site is located within an urbanized area of the County and is immediately surrounded by well-established developments. In addition, the site has been historically located within an urban land use designation, and has been anticipated for development in long-range planning analysis by the County and other responsible agencies. As a result of the urban surroundings and the historical land use designation for the site, much of the public facilities necessary to support the Project already exist and are of a capacity that can accommodate the demand that will be created by the project.

More specifically, fire and police protection services have already been established in the area at a level that can accommodate the project. Although infrastructure connections to the site will be required, public water and sanitary sewer services have already been established in the surrounding area, and can accommodate the proposed facility's connection and demand. With respect to parks, Heather Farm Park is located immediately east of the site and additional outdoor recreational areas will be included

as part of the Project. Lastly, the portion of Walnut Creek adjacent to the western property boundary of the site has already been channelized, which reduces the potential for flood hazards at the site.

As summarized above, the Project's location within an urbanized area of the County combined with the historical urban land use designation creates a circumstance wherein compliance with the policies and goals of the Growth Management Element are clear. A more in-depth discussion of the project's consistency with the Growth Management Element is available in the Growth Management Element Consistency section of the Project Findings for this staff report.

Jobs / Housing Balance: The General Plan states development applications for commercial, light industrial, and office development of more than 10,000 square feet or generating 25 or more jobs must address the impact of that development upon the subregional jobs/housing balance. The proposed Project includes the construction of a self-contained CCRC with 354 independent living units and a health center in the Walnut Creek area of unincorporated Contra Costa County. The Central County Region had an estimated 60,000 households and 81,000 jobs in 2015 per the Association of Bay Area Government (ABAG) Plan Bay Area 2050. To meet the jobs/housing goals provided by ABAG, the Central County area is anticipated to add an additional 29,000 households and lose 7,000 jobs by 2040. The proposed Project contributes to the anticipated jobs/housing development in the Central County subregion by providing living accommodations for approximately 354 additional households. With respect to jobs, the project will not contribute to the anticipated job loss. However, the anticipated full-time equivalent of 225 jobs that will be created by the project constitutes less than a one percent increase in the subregion's estimated 2015 job total. Therefore, the project will not result in a significant adverse effect on the desired jobs trend.

B. Zoning

Land Use: The project is located entirely within a General Agricultural (A-2) zoning district, which primarily allows for agricultural uses, agriculturally related commercial uses, and some less-intense low density residential uses. However, the existing A-2 zoning district is inconsistent with the underlying SM designation, and thus the proposed General Plan amendment and rezoning would cure the existing inconsistency between the subject site's zoning and General Plan designation.

The applicant proposes to rezone the entire project site to a project-specific Planned Unit (P-1) zoning district. As shown in Table 3-5 of the General Plan's Land Use Element, P-1 projects may be approved in any land use designation, but the P-1 district is the only zoning district determined to be consistent with the proposed CC designation. If approved, the new P-1 district would allow for flexibility of applicable development standards necessary to accommodate the proposed unique land use, provided that

substantial consistency with the General Plan and intent of the County Ordinance Code is maintained.

The project site is surrounded by residential-, open space-, and planned unit-zoned properties of both the unincorporated County and City of Walnut Creek. The majority of these properties have been developed with single- and multiple-family residences, and associated ancillary structures and land uses. However, additional land uses such as Seven Hills School, Heather Farm Park, and Diablo Hills Golf Course are also within the surrounding area. Rezoning the project site to a P-1 district will establish a district that is consistent with a CCRC use, but also allow the facility to be designed and constructed in a manner that is compatible with surrounding uses on both an aesthetic and operational level. The accommodations provided via the proposed independent living units will expand on the types of living units available in the neighboring subdivisions along Cherry Lane, Walnut Boulevard, and Marchbanks Drive. In addition, the proposed health center will provide medical services to residents both in and outside the CCRC facility, as space permits. This element of the proposed facility enhances the breadth of medical services currently provided by John Muir Hospital, which is located approximately one half-mile southeast of the project site.

- C. Facility Operation and Regulation: As proposed, the facility will be categorized and operated as a self-contained, State-licensed continuing care retirement community. Residents of the facility will not own any interest in or lease any of the independent units, nor will they own land or interest in the facility as a whole. Instead, residents will enter into a continuing care contract with the operator of the facility. This contract consists of a promise by the facility operator to provide a range of services for a particular period of time, in exchange for payment. In the case of the proposed facility, residents will pay an entrance fee that is based on the size and location of the unit they choose, and a subsequent monthly fee is paid to cover day-to-day living and medical expenses. Three contract types will be available to residents and will offer differing levels of prepaid care, monthly payments, and direct expense for the resident.

The proposed facility will be licensed through the California Department of Social Services (CDSS), which is responsible for approving, monitoring, and regulating the facility. Responsibilities of the CDSS include evaluating provider applications to determine financial feasibility of proposed communities, ensuring specific disclosures are included in offered continuing care contracts, and ongoing monitoring of performance and financial conditions for the provider's ability to fulfill contractual obligations. Once a provider is issued a Certificate of Authority to enter into continuing care contracts, they are required to submit annual audited financial statements and reserve reports to the CDSS. In the event a provider is not in satisfactory financial condition, the CDSS has the authority to take corrective measures, including the levying of fines and seeking a court appointed administrator to take over operation of the facility. In addition to obtaining the Certificate of Authority mentioned above, the facility

operator will also be required to obtain a residential care facility for the elderly (RCFE) license, and a Skilled Nursing Facility License issued by the California Department of Public Health.

- D. Independent Living Units: The facility will consist of 354 independent living units, split between 52 units housed in 30 single-story buildings and 302 units housed in a large apartment-style building.

The single-story units will range in size from approximately 1,430 to 2,720 square feet and consist of two- and three-bedroom floor plans. Each unit will include a private driveway and one-car garage.

The remaining independent living units will consist of an apartment configuration within a large building. These units will be available in one-, two-, and three-bedroom floorplans, and will range in size between 835 and 1,580 square feet in area. Parking for the apartment-style units will be accommodated in a 300-space parking garage located on the first floor of the building and via surface parking along the access road surrounding the building.

- E. Health Center: The facility will also include an 85,000 square foot health center building that will be constructed in the northeastern region of the project site. This building will house 100 care units, including 33 skilled nursing units and 23 memory care units that will be available to both residents of the facility and the general public (space permitting). Health care services would be available to facility residents on a priority basis, and to non-residents as space permits.
- F. Alcohol Sales: As part of the project, the applicant is requesting approval to allow the sale of alcoholic beverages for on-site consumption within the clubhouse area of the apartment-style building. Alcoholic beverages will be available to residents of the facility and their guests, but not to the general public.
- G. Access: The primary access to the facility would be provided at the southern region of the site via an extension of Kinross Drive. Both construction and operational traffic will utilize this access. This roadway extension would be constructed within an existing 50-foot right-of-way previously dedicated to the City of Walnut Creek. If granted by the City, the proposed Kinross Drive extension would likely require that the project sponsor also obtain a permit from the City and enter into a perpetual maintenance agreement with the City for privately funded maintenance of the improvements.

A formal emergency vehicle access (EVA) and gate meeting fire district standards will be provided at the northern boundary of the site at North San Carlos Drive. Although not required, a secondary EVA and gate will also be provided at the southern boundary of the site where Seven Hills Ranch Road meets the site boundary.

- H. Applicability of Housing-Based Fees and Zoning Regulations: If approved, the proposed facility will be an institutional use that is licensed and regulated by the State Department of Social Services. Those living at the facility will never own or lease property at the facility because the living units are strictly an amenity provided as part of the care contract between future patients and the facility operator. As they are only available as part of the State-regulated care contract and not offered as a standalone element, County staff has determined that the independent living units are an amenity of the institutional use and not residential units under the County Zoning Ordinance. Based on this determination, the independent living units of the project would not be subject to fees and other provisions of the County Ordinance that are solely applicable to residential land uses, such as the County's Affordable Housing (Division 822) and Park Dedications (Division 920) ordinances.

Nevertheless, the applicant has agreed to establish and implement a financial assistance program whereby the facility operator would establish an annuity in an initial amount of \$2,000,000 for the purpose of providing ongoing subsidies to lower-income households that would not otherwise have the financial means to live in the facility. Condition of Approval No. 35 provides for the annuity to assist lower-income households and a target occupancy rate of 10% of the independent living units. The program would prioritize Very-Low- and Lower-Income Households.

The applicant has also agreed to enter into a community benefits agreement with the County to enhance the public benefits provided to the community, in addition to those benefits derived directly from the Project. Specifically, the applicant has agreed to make community benefit payments totaling \$3,000,000 over ten years for, at the County's sole discretion, establishing or maintaining parks or trails; maintaining or beautifying roadways, rights-of-way, or open space; or establishing, maintaining, or beautifying other community improvements. Staff recommends that the County coordinate with the City of Walnut Creek in the allocation and expenditure of funds received pursuant to the proposed community benefits agreement.

- I. Regional Housing Needs Allocation (RHNA): In 1969 the State of California adopted the Housing Element and Regional Housing Needs Allocation (RHNA) which, in part, mandates that California cities, towns, and counties plan for the housing need of residents regardless of their income. Under this mandate the California Department of Housing and Community Development (HCD) determines the number of new homes that need to be built in each city, town, or County and how affordable those residential units need to be. As mentioned in Subsection-E above, the County has determined that the proposed facility does not consist of a residential land use under the County Zoning Ordinance. However, RHNA is managed by the HCD, whose criteria for defining a housing unit is different than that used for development projects at the County level. The HCD utilizes the census definition of a housing unit, which is as follows:

“a house, an apartment, a group of rooms, or a single room occupied or intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants do not live and eat with other persons in the structure and which have direct access from the outside of the building or through a common hall.”

Based on this definition, the independent living units of the proposed facility qualify as units for the purposes of RHNA housing needs. Therefore, should the proposed project be approved, the County may count the facility’s 354 independent living units towards the County’s RHNA. However, while the facility’s independent living units may meet the definition of a housing unit for RHNA purposes, it is prudent to assume that they will only qualify as moderate or market rate units because, even with the addition of the financial assistance program, there is no regulation of pricing for specific units, which is the County’s typical approach for assuring affordability.

- J. Bicycle/Pedestrian Trail Connections: As proposed, the Project will include internal pedestrian trails allowing access to the various outdoor recreational areas planned in the facility. However, there is no proposed direct connection to off-site bicycle or pedestrian trails located within the Walnut Creek city limits. The City of Walnut Creek has advised that the Transportation Element of their General Plan anticipates a bicycle trail following the existing alignment of Seven Hills Ranch Road to connect to Heather Farm Park. Furthermore, City staff has requested that the project provide pedestrian and bicycle connections around the perimeter of the site and with the nearby Iron Horse and Contra Costa Canal trails.

Because the subject property is located within the unincorporated County, the Project is not subject to the policies and goals of the Walnut Creek General Plan or 2011 Bicycle Plan. The project is a closed-campus CCRC, which cannot accommodate access by the public in order to protect the safety and security of its elderly tenants. In addition, the topography of the site adjoining the City of Walnut Creek boundary is quite steep.

Nevertheless, following close review and consultation between the applicant and staff, the applicant has agreed to convey to the County an irrevocable offer of dedication in fee of an approximately 2.4-acre area along the westerly site boundary adjacent to the Walnut Creek Channel. If accepted by the County, the dedicated land would be used for public purposes, including flood control, drainage, restoration, open space, and/or public trails, though no project is contemplated at this time.

Additionally, staff has recommended that the Project be conditioned to require that the applicant submit a Transportation and Parking Demand Management (TDM) Program for review and approval, which will evaluate and identify trip reduction strategies consisting of onsite and offsite pedestrian and bicycle improvements that are in

accordance with the Walnut Creek 2011 Bicycle Plan.

- K. Traffic and Circulation: Access to the site is currently gained from Seven Hills Ranch Road, a public road at its terminus with Walnut Boulevard that transitions to a privately maintained road east of Walnut Boulevard as it approaches the property via a 12-foot non-exclusive right of way.

The applicant proposes to provide primary access to the project via an extension of Kinross Drive, located along the southeasterly site boundary. Kinross Drive is a two-lane collector street located within the Walnut Creek city limits. The extension of Kinross Drive would be constructed within a 50-foot right-of-way that was previously dedicated to the City. The extension from Kinross Drive would lead to a gated internal access road that would provide access to all project components. Per the tentative parcel map, the proposed extension of Kinross Drive will transition as it approaches the subject site from two-lanes to three-lanes, two lanes for ingress and one lane for egress.

In conjunction with the preparation of the Draft Environmental Impact Report (DEIR), a Transportation Assessment was prepared by Fehr & Peers and peer reviewed by the County's consulting traffic engineer, Hexagon (EIR Appendix P). This study concluded the Project would result in minor increases in delay at the four study intersections, but the levels of service are expected to remain unchanged with the addition of project related traffic.

An internal 26-foot-wide roadway system is proposed throughout the Project to provide access to the living units, health center, and other amenities. The internal road network includes street type connections with minimum 20-foot radius curb returns. The applicant provided turning movements for both fire trucks and solid waste collection vehicles. The information shows these trucks and other service vehicles will be able to maneuver comfortably through the development. Cul-de-sac cross sections were also provided. As shown, the curb-to-curb diameter is 80 feet. The applicant proposes a mountable curb to satisfy Fire District requirements.

The applicant will be responsible for verifying the process of terminating or re-aligning the non-exclusive easement, and whether neighbors and pedestrians have rights along the easement.

Emergency vehicle access (EVA) would be provided via a gated, fire district compliant entrance extending from the health care center to North San Carlos Drive at the north end of the project site. The project would also improve North San Carlos Drive from the proposed EVA gate to the Heather Farm Dog Park to meet fire district standards. A supplemental gated EVA would also be provided from the internal access road to the extension of Seven Hills Ranch Road at the southwest end of the site. No project vehicular traffic would utilize either EVA for operational purposes. Except for work to

improve the EVAs and utilities running through them, and for initial access through Seven Hills Ranch Road to construct the connection to Kinross Drive, the EVAs will not be used for access by construction vehicles.

For pedestrian access, on-site pedestrian facilities would be installed throughout the project site. The EVA access points located on the north and south ends of the project site would be equipped with gates allowing pedestrian and bicycle access. If requested, residents and employees could be provided with keycards allowing for access via these gates.

Drainage

- L. Division 914 of the County Ordinance Code requires that all storm water entering and/or originating on this property 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.

A Preliminary Hydrology and Water Quality Report was included as Appendix K of the DEIR, and has been peer reviewed by the County's EIR consultant and the County Public Works Department. The report includes a plan incorporating on-site detention measures along with a detailed analysis of pre and post project conditions that indicates post-project flows will be less than pre-project flows. Riparian corridor enhancements are also to be incorporated into the overall drainage infrastructure proposed with this project.

Strict oversight and compliance with County Ordinance Code requirements will mitigate potential adverse drainage impacts resulting from this project. Given that portions of the project will drain into City of Walnut Creek stormwater facilities, those portions of the project will be subject to compliance with the City of Walnut Creek's Minimum Drainage Design Standards, and will require approval by the County, the City, Contra Costa Water District (CCWD) and the U.S. Bureau of Reclamation (USBOR).

Creek Setback & Wetlands Protection

- M. A portion of the project site has been identified as a wetland and is subject to protected oversight by State and Federal agencies. This wetland area was the result of fill placed by the flood control district in conjunction with permits from the US Army Corps of Engineers at the time of construction of the Walnut Creek channel project approximately 50 years ago. This area has no definable bed and bank to channelize the minor amount of residual stormwater runoff that collects there, so it does not function as what is defined under County Code as a natural watercourse or "creek". Nonetheless, it does provide valuable riparian habitat and measures to enhance it are being incorporated into the project.

In accordance with the "Wetlands" subsection of the Conservation Element of the County General Plan, and Section 914-4.002 "Protection of Natural Watercourses" of the County Ordinance Code, development rights encumbering the identified wetlands and any additional setbacks as may be required by State or Federal regulatory agencies will be deeded to the County.

Stormwater Management and Discharge Control

- N. A Stormwater Control Plan (SWCP) is required for applications that will create and/or redevelop impervious surface area exceeding 10,000 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 Project proposes approximately 17 acres of impervious surface which is above the threshold for requiring submittal of a SWCP. The applicant has included a SWCP, which has been peer reviewed by the Public Works staff and the County's EIR consultant and deemed as preliminarily complete.

Provision C.10, Trash Load Reduction, of the County's NPDES Permit requires control of trash in local waterways. To prevent or remove trash loads from municipal storm drain systems, trash capture devices shall be installed in catch basins (excludes those located within a bioretention/stormwater treatment facility). Devices must meet the County's NPDES Permit and approved by Public Works Department. Location must be approved by the Public Works Department.

Construction

- O. Due to the planned off-haul of material and the construction related traffic in general, staging areas and haul routes need to be identified. Traffic control and other restrictions also need to be coordinated with all affected agencies. The applicant and their contractors are responsible to clean up any spills or debris, and repair pavement or other fixed works damaged during construction activities associated with this project.

Floodplain Management

- P. 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.

Countywide Street Light Financing

- Q. The subject property is not annexed into the County 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.

Sub-regional Park Maintenance Financing

- R. The subject property is not annexed into the County Park Maintenance District. The property owner will be required, as a condition of approval, to request and pay all associated costs relative to annexation to County of Contra Costa Community Facilities District No. 2022-1 (Contra Costa Centre Area – Park Maintenance).

Area of Benefit Fee

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

Drainage Area Fee and Creek Mitigation

- T. A majority of the project site is located within unformed Drainage Area 44 and 65. There is currently no fee ordinance adopted by Board of Supervisors for this area.

A small portion of the site lies within formed Drainage Area 8. The applicant will be required to comply with the drainage fee requirements for Drainage Area 8 as adopted by the Board of Super-visors. This fee shall be paid prior to filing of a parcel map or prior to building permit issuance, whichever occurs first.

VII. COUNTY PLANNING COMMISSION DECISION

On October 26, 2022, the County Planning Commission held a public hearing to consider the Project. Following the public hearing, the Commission recommended that the Board of Supervisors not certify the EIR and not approve the project. The Commission cited (A) insufficient public benefit to support approving the requested General Plan amendment. The Commission also recommended additional analysis of the following issues: (B) traffic impacts specific to the CCRC use; (C) Project impacts when compared against the alternative single-family residential development scenario; (D) the necessity of a left-turn lane from Marchbanks Drive on to Kinross Drive; (E) the necessity of additional offsite roadway improvements at the gated EVAs and possible EVA reconfiguration; and (F) impacts to existing emergency evacuation routes for Seven Hills School. Lastly, in response to the volume of public comments on the matter, the Commission also recommended that the applicant: (G) continue to meet with the adjacent Seven Hills School, and (H) provide additional section drawings to illustrate the Project’s aesthetic impacts. Below are brief staff responses to the issues raised by the Commission, and the details of any actions taken or project revisions made since the Commission hearing.

- A. *CPC: There is insufficient public benefit to support approving the requested General Plan amendment. For example, the Project would not provide the community with additional affordable housing and would not pay park dedication fees, as would an alternative residential project on this site under the current General Plan land use designation.*

Staff Response: Staff recommends that the proposed Project and requested General Plan amendment would be in the public interest. The proposed Project would create 354 independent living units for seniors, plus an 100-unit health care center to provide necessary care to resident seniors and the community. The existing medium density single-family land use designation would allow for the development of up to 166 single-family residences. The current designation has applied to the site for more than 30 years, and dates to a time when the need for new housing, particularly senior housing, was less acute. The proposed Project and General Plan amendments represent a 216% increase in living units on the project site, and would provide needed housing and services to an underserved, and growing, portion of the County's population.

Additionally, since the Planning Commission hearing on the Project, the applicant has agreed to establish and implement a financial assistance program to assist lower-income households that would not otherwise have the financial means to live in the facility (COA #35), and to make community benefit payments to the County in the amount of \$3,000,000, for parks and other community benefit purposes (COA #36), as described above.

- B. *CPC: Traffic and parking analysis should be more specific to a CCRC use, rather than formulas utilized for assisted care facilities.*

Staff Response: As mentioned in the October 1, 2021 memorandum of Fehr & Peers included in Appendix P (Page 93) of the DEIR, Land Use Code 255 (Continuing Care Retirement Community) of the Institute of Transportation Engineers (ITE) Trip Generation Manual 10th Edition, was used in the trip generation and parking analysis for the project. The memorandum lists the ITE manual's definition of a CCRC land use, and confirms that it "precisely fits" the nature of the proposed facility. As such, staff and the County's EIR consultant determined that Land Use Code 255 was the most appropriate for use in the project's trip generation and parking analysis. Furthermore, it was determined that disaggregating the individual components of the facility for individual trip generation and parking calculations would not be appropriate and would lead to a less accurate characterization of the project's trip generation and parking demand.

- C. *CPC: Additional comparison of the impacts from the proposed project versus those of the "Existing General Plan Development Alternative" (single-family residences)*

should be provided, particularly in the areas of grading, pollution, traffic trips, fees paid, and patronage of surrounding businesses. Also, an analysis of whether blasting would be needed to complete site grading to address bedrock conditions should be conducted.

Staff Response: The EIR assumed that grading necessary for the “Existing General Plan Development Alternative” would be similar to that needed for the proposed project because of the site topography. Since the grading process is the most intensive construction process and largest construction air pollutant emitter, air quality impacts were assumed to be similar between the two alternatives due to the need to provide adequate ingress/egress to the site and site circulation per current roadway design standards.

Table 7.4-1 of the DEIR provides a comparison of the Daily Trips, Daily Vehicle Miles Traveled (VMT), and VMT per service population, and shows that the “Existing General Plan Development Alternative” would result in an increase in each of the three measurements.

Depending on the type of land use, different development projects result in different demands for public services and facilities, and are therefore subject to different fees at numerous stages of the development process including, but not limited to, land use permitting, construction plan review, and responsible agency permitting. Attempting to provide this analysis for the “Existing General Plan Development Alternative” would be speculative as the applicable fees would vary due to several unknown factors including development footprint, residence sizes, construction materials, and overall structural design. Nevertheless, as discussed in the EIR, a medium density single-family housing development would have substantially greater demands for use of public facilities and services, and would be subject to County impact fees accordingly. As mentioned throughout this report, CEQA only requires that alternatives analysis include enough information to allow a meaningful evaluation and comparison with the proposed project. Providing an analysis of the applicable fees for this alternative would go significantly beyond that threshold and would have no bearing on the potential environmental impacts of the project.

The 3/24/20 Geotechnical Investigation Report (Baez, DEIR Appendix G), explains on pages 3-4 and on Plate 2 that 10 test pits were excavated at depths of up to 17 feet. The materials encountered were analyzed, laboratory tested, and categorized as artificial fill, colluvium, alluvium, and bedrock. The bedrock was found to consist of “well cemented, fine to coarse grained sandstone with variable amounts of silt and gravel” with localized “minor sandy claystone beds” (localized in TP-8). The report documents these bedrock soils as being “moderately fractured” with compressive strengths of up to roughly 3,000 psi, allowing them to be excavated without blasting. The equipment expected to be utilized for excavation of these materials will include

conventional scrapers, excavators, graders, and dozers. DEIR Appendix O (Illingworth & Rodkin, Environmental Noise Assessment, 11/21/21) has taken the inclusion of this equipment into account using the FHWA's Roadway Construction Noise Model (RCNM), and conservatively assumes that all of this equipment would be operating simultaneously and at full power during a grading phase lasting for up to a year. The impacts identified were all limited to a less than significant level with prescribed mitigation.

- D. *CPC: The necessity of a left-turn lane from Marchbanks Drive on to Kinross Drive to accommodate traffic into the site should be analyzed in further detail.*

Staff Response: The maximum number of vehicles that the project would add to the all-way stop controlled intersection at Kinross/Marchbanks Drive would result in less than a one-second delay (see DEIR Appendix P Intersection #4, Tables 6 & 7). While not a CEQA issue, it has also been documented in the Traffic Analysis that the intersection would continue to operate at a well-above acceptable LOS A under both existing plus Project and cumulative plus Project conditions. Therefore, no separate left-turn lane is warranted or required.

- E. *CPC: The need for expanded offsite roadway improvements at the gated EVAs should be analyzed (e.g., improvement up to 200 feet beyond EVA gate). Also, the gated EVA configurations should be reevaluated for ease of access.*

Staff Response: The design adequacy of the project's gated EVA's falls under the purview of the Contra Costa County Fire Protection District (CCCYPD). CCCYPD has reviewed the Project plans. Neither the CCCYPD nor the project consultants have identified additional offsite roadway improvements necessary to accommodate the proposed gated EVAs. It has been further confirmed in the Final EIR that all needed improvements to the emergency access routes may be accommodated within the footprint of the existing disturbed roadway section, thereby avoiding any additional offsite impacts.

The proposed project design shows that the driveway extending west past the Health Care Center and connecting to the extension of North San Carlos will be grooved concrete where needed with a maximum rise of 20 feet over run of 120 lineal feet, for a maximum slope of 16.7% (or less than the CCCYPD standard of 20%). This plan was reviewed and approved by CCCYPD, as confirmed in its October 21, 2020 letter to staff.

- F. *CPC: Potential impacts of the project on existing emergency evacuation routes for The Seven Hills School should be evaluated.*

Staff Response: Design adequacy of the project's gated EVA fall under the purview of the CCCFPD. They have had an opportunity to review the proposed project and have provided minimum width (20-feet), height (13 feet 6 inches), and turning radius (45 feet) dimensions that must be met for the designated project EVA. CCCFPD staff has advised that the proposed EVA at Seven Hills Ranch Road is not required by code if the North San Carlos EVA is compliant. Therefore, these standards will apply to the proposed EVA at North San Carlos Drive, and CCCFPD's confirmation of the project's compliance with these standards must be provided before the facility can initiate operation.

In addition, the project has a secondary gated access to Seven Hills Ranch Road. In the event of an emergency affecting use of North San Carlos Drive, the school would be able to utilize the principal project access to Kinross Drive (an evacuation route which is currently unavailable). As noted above, the project would not utilize North San Carlos Drive for either construction or operational traffic. Therefore, the project would substantially improve emergency access by: (1) Making improvements to the school's current access route which does not now meet fire district standards; and (2) Providing a second full fire district compliant emergency access to serve the school.

- G. CPC: *The applicant should meet with representatives of Seven Hills School for further discussion to address the School's concerns regarding building and retaining wall setbacks, light access, and green belt areas between land uses.*

Staff Response: The applicant has advised County staff that they have reached out to the firm representing Seven Hills School in an effort to resume negotiation efforts, and to present the concept of an enhanced buffer between the school buildings and the proposed adjoining one-story villa units. It is staff's understanding that, at the time this staff report was completed, the School has not responded to the applicant's outreach efforts.

Nevertheless, the applicant has agreed to reconfigure the location of one villa (Unit #51 as shown on landscape plans) in order to provide additional buffer area and sunlight access for one of the Seven Hills School classroom buildings. To do so, the subject villa will be relocated to the location of the community garden and be structurally connected to Unit #52, to create a two-unit villa building at that location. The community garden will be relocated to the former location of Unit #51, adjacent to the property line boundary with the School. This reconfiguration is detailed on Sheet L-3 and Sheet L-13 of the "Revised Villa Configuration & Sections Exhibit" in Attachment L.

The applicant has also prepared and agreed to minor revisions to the development plans that would: (1) eliminate all retaining walls in excess of 5 feet in height along

the property line boundary with the school, and (2) provide additional landscape improvements to facilitate a more complete and compatible separation between the villas and the school buildings. The revised plans include detailed cross-sections with notation of elevation levels and all proposed improvements.

- H. *CPC: Additional section drawings should be provided to better illustrate the proposed retaining wall setbacks at the protected riparian area.*

Staff Response: The stepped, maximum 6-foot high retaining walls located on either side of the central perennial drainage and riparian area are detailed in the project's Landscape and Civil Engineering drawings. Separate section details have not been provided due to the position of these walls well outside of the designated jurisdictional wetlands and riparian zone shown on the plans. The distance between these walls varies from 100 feet to well over 300 feet. The walls serve the purpose of reducing the footprint of grading to protect wetland habitat and preserve valley oak trees along this corridor. It should be noted that the project has been conditioned (COA #94) to require that the property owner relinquish development rights over the buffer area that will be required around the central drainage and wetland area. The prohibition of structural improvements within this area will ensure that the proposed retaining walls will be a safe distance from the sensitive riparian habitat.

VIII. CITY OF WALNUT CREEK COMMENT LETTERS (10/26/22 & 11/15/22)

On October 26, 2022, prior to the County Planning Commission hearing on the Project, the City of Walnut Creek provided comments on the Project and Final EIR. On November 15, 2022, the City provided additional comments on Project and the Final EIR. Both letters, as well as the City's May 10, 2022, comment letter on the DEIR may be found in Attachment N. Although CEQA does not provide for a public comment period for a Final EIR, the City of Walnut Creek is a responsible agency and thus County staff is providing responses to matters raised in the letter. Below is a summary of City's comments, followed by brief staff responses.

- A. *Comment: Additional visual simulations, beyond those provided in the EIR, should be provided for further evaluation of potential aesthetic impacts. More specifically, City staff requests simulations viewing the project site from adjacent private properties within the Walnut Creek city limits.*

Staff Response: As mentioned in Master Response 5 of the FEIR, the three visual simulations provided in the EIR represent existing publicly available views of the project site as seen from Kinross Drive, Heather Farm Park, and Cherry Lane. In compliance with CEQA Guidelines, these simulations are most representative of public viewpoints, and not of viewpoints from individual private properties.

Despite the adequacy and accuracy of the provided the visual simulations to address the environmental impact issues under CEQA, at the specific request of the City of Walnut Creek, the applicant commissioned a set of five supplemental professional visual simulations based on photographs taken from the three private streets adjoining the easterly site boundary within the Heather Farm Townhouse development, at the intersection of Kinross Drive and Marchbanks Drive, and along the extension of North San Carlos Drive further to the east of the project boundary. The supplemental photo simulations are provided in Attachment K.

- B. *Comment: The proposed onsite stormwater detention basin and associated 15-inch drainage pipe within North San Carlos Drive is not the City-preferred design. Alternate solutions previously discussed with the applicant should be explored. If alternate solutions are infeasible, then the proposed design will require a perpetual maintenance agreement with the City, CCWD, and USBOR.*

Staff Response: The County Public Works Department has conducted a review of the submitted drainage plan and has determined the design to be compliant with applicable County standards. There is no requirement for an applicant to provide alternate drainage designs for County consideration if a compliant design has already been submitted. Based on the review by Public Works staff and the hydrology and water quality analysis in the EIR, County staff has determined the proposed drainage design and plans are appropriate for the Project. Alternate drainage design plans were not provided to the County and were not considered for use in the project. Thus conditioning the project to require analysis of the alternates is not warranted.

As reflected in the Final EIR, the applicant has agreed to the City's request that the proposed storm drain line to be constructed within the extension of North San Carlos Drive be perpetually maintained at the expense of the project. The applicant has also advised County staff that they have met in the field with City engineering staff and CCWD staff, and are open to considering other drainage designs as part of the more detailed improvement plan engineering. Condition of Approval No. 90 references that storm drain infrastructure that traverses or directly discharges to facilities within the City of Walnut Creek will be subject to compliance with the City of Walnut Creek's Minimum Drainage Design Standards, and that permits, plan review, and inspections shall be coordinated with the City. Any revisions to proposed drainage design is subject to review and approval by the County (COA#91), and may also require additional CEQA review if the potential for additional environmental impacts is identified.

- C. *Comment: The current drainage design does not demonstrate that it can detain waters leaving the site in a manner that ensures peak post-development flow does not exceed the pre-development conditions because the project is altering the*

drainage pattern.

Staff Response: The County Public Works Department has reviewed the submitted drainage design and associated hydrology reports for compliance with the County ordinance and other applicable drainage standards. The Public Works Department has provided preliminary approval of the design as the design is consistent with applicable code and staff's analysis shows that post-development flows will not exceed that of the existing site condition. Furthermore, Public Works staff is confident that the project site is of a size wherein minor expansions to the size of proposed detention basins can be made, if at all necessary, to ensure that all stormwater originating on the property is collected and treated before leaving the site in compliance with County and City standards..

- D. *Comment: Response #2.7 in the FEIR does not answer the questions raised in the City's prior comments in the DEIR.*

Staff Response: No exceptions to County drainage standards have been requested by the applicant, nor are any proposed. The County requires that all stormwater runoff entering and originating on the property be collected and conveyed without diversion to adequate downstream receiving waters. During the final design phase of the project, the fine details of the drainage infrastructure improvements will be reviewed for compliance with these requirements. In addition, conditions of approval have been included requiring offsite improvements within the City to be reviewed and approved by the City as part of the improvement plan engineering phase, and prior to construction.

- E. *Comment: The City requests that pedestrian and bicycle connections around the perimeter of the site be provided to facilitate future connectivity to Heather Farm Park from the Iron Horse Trail and other locations.*

Staff Response: The applicant has agreed to convey to the County an irrevocable offer of dedication in fee of an approximately 2.4-acre area along the westerly site boundary adjacent to the Walnut Creek Channel. If accepted by the County, the dedicated land would be used for public purposes, including flood control, drainage, restoration, open space, and/or public trails, though no project is contemplated at this time. Staff has included a new recommended condition of approval (COA #71) regarding the dedication, and Attachment P depicts the area to be offered by the applicant for dedication.

- F. *Comment: The Project Alternatives section of the EIR does not fully analyze the potential impacts of the "Roadway Redesign Alternative" versus the "New Development Alternative".*

Staff Response: CEQA requires that “the EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project.” CEQA does not require that the impacts of a particular alternative be compared specifically against the impacts of other alternatives.

Section 7.4.2.2 of the DEIR provides that when compared to the proposed project, the Existing General Plan Development Alternative would result in daily trips increase of 477 trips, Daily VMT increase of 7,394 miles, and a VMT per service population increase of 28.6 miles. The DEIR goes on to state that the Existing General Plan Development Alternative would result in same or similar less than significant impacts (after mitigations) in the remaining impact areas.

The revised version of Section 7.4.2.3 of the EIR clearly indicates that the Roadway Redesign Alternative could reduce impacts to riparian woodland and wetland habitat on one portion of the site; but that this alternative would potentially result in increased impacts to jurisdictional drainage and riparian habitat in the southwest region of the site, increased impacts to tree habitat along Seven Hills Ranch Road, and impacts from increased drainage demand. The discussion continues on to mention that this alternative would result in the same or similar less than significant impacts (after mitigations) related to air quality, cultural resources, geology and soils, hazards and hazardous materials, noise, and tribal cultural resources.

The EIR is consistent with the CEQA Guidelines requirement of including sufficient information to allow a meaningful evaluation and comparison of each alternative with the proposed project.

- G. *Comment: Response #2.13 in the FEIR does not address impacts to Walnut Creek residents from construction traffic.*

Staff Response: Site grading and preparation is the phase of project construction that has the most potential for creating construction traffic that will impact Walnut Creek residents. This is as a result of large earth moving equipment operating at the site and trucks removing the anticipated 75,000 cubic yards of soil and rock from the site. However, while the maximum total combined construction period for this project is four years, all site grading and site preparation activities will be completed within the first nine to twelve months of construction. Therefore, after the initial twelve months of construction, the vertical construction phase will begin and construction traffic both on- and off-site will be significantly reduced, and construction noise will be substantially reduced. Following completion of grading operations, construction of the independent living units would be completed in the next 22 months (DEIR page 24), and the Health Care Center could take up to 18 additional months thereafter. Based on this, the construction traffic impacts on Walnut Creek residents will be significantly less than that anticipated by City staff.

Nevertheless, staff has supplemented the originally proposed COA's related to construction impacts with additional detailed provisions that: a) further define the necessary components of the required Traffic Control Plan, b) clarify how pavement conditions on access routes will be monitored and restored as necessary, and c) require consultation with the City (COA #102-105).

- H. *Comment: The City requests that County Park Impact Fees be imposed on the independent living units, or that the project be conditioned to address impacts to the City's park facilities that such fees would otherwise be expected to address.*

Staff Response: As detailed above, County staff has determined that the independent living units are an amenity of the institutional use and not residential units under the County Zoning Ordinance. Based on this determination, the independent living units of the project would not be subject to fees under the Park Dedications (Division 920) ordinance.

In addition, the Project includes extensive onsite park and recreation amenities built for use by elderly residents and their guests including an aquatic center, multiple dog parks, bocce courts, tennis/pickleball courts, a gardening center and walking trails. The applicant has further offered land dedication in fee of an approximately 2.4-acre area along the westerly site boundary adjacent to the Walnut Creek Channel. If accepted by the County, the dedicated land would be used for public purposes, including flood control, drainage, restoration, open space, and/or public trails, though no project is contemplated at this time.

Further, the applicant has agreed to make community benefit payments totaling \$3,000,000, which may be used to establish or maintain parks or trails, at the County's sole discretion. The benefits would be specific to the local community, including areas within the unincorporated Contra Costa County and the City of Walnut Creek near the Project. Staff recommends that the County coordinate with the City of Walnut Creek in the allocation and expenditure of the community benefit payments funds received from the applicant.

- I. *Comment: Roadway improvements, including protected left-turn signal phasing, are needed at the Ygnacio Valley Rd./Marchbanks Dr.-Tampico and Ygnacio Valley Rd./Marchbanks Dr.-La Casa Via intersections.*

Staff Response: City has characterized Ygnacio Valley Road as a "High Injury corridor", and therefore suggested consideration of protected left-turn phasing at Ygnacio at Marchbanks-Tampico and Ygnacio at Kinross-LaCasa (Study Intersections 1 and 2). This issue of project traffic safety impacts is addressed in DEIR Appendix P (Fehr & Peers, 7/21/21) on pages 18-21 (and in Tables 10 through 14), where it is explained that: (a) no fatal or severe collisions were reported for

either intersection; and (b) these intersections have actual collision frequencies which are far less than predicted using the modeling referenced by the City. The report concludes that these intersections are relatively safe compared to similar facilities nationwide. In particular, Table 13 shows that the actual per year collisions (none of which were fatal or serious) at both intersections were each less than one-third the level predicted for County arterial roadways using the modeling referenced in the City's letter. As shown in DEIR Appendix P, Table 7, the Level of Service at these signalized intersections will not decline with the project, and will continue to operate at Level C. Therefore, implementation of the project does not warrant any additional improvements or modifications to these intersections.

- J. *Comment: Improvements within N. San Carlos cannot all be accommodated within the ROW and will result in impacts to trees, habitat, and wetlands. Plans are also needed to show that the EVA alignment along N. San Carlos meets the required 20-foot minimum width and 45-foot minimum outside radius.*

Staff Response: Sheet C5.0 of the submitted civil plans indicates that all proposed sanitary sewer, water, and storm drain improvements can be accommodated within the existing paved portions of the North San Carlos Drive right-of-way adjacent to existing underground utilities. There are existing mature trees adjacent to the paved roadway, which have not been proposed for removal or alteration as part of the project. The comment mentions impacts to habitat and wetlands, which appears to be in relation to alternate drainage designs previously discussed with the applicant. As mentioned above in this report, the applicant has not submitted plans for the County's consideration of an alternate drainage design, and those alternatives are not being considered as part of this project approval.

IX. CONCLUSION

Staff recommends that the Board of Supervisors certify the environmental impact report prepared for the Project and approve the Spieker Senior Continuing Care Retirement Community Project. The proposed congregate care/senior housing (CC) general plan land use designation is in the public interest as California is in the midst of a housing crisis and redesignation to CC allows for development of 354 independent living units for seniors, a 216% increase over the base single family medium density land use designation. The proposed project is generally well-suited for the site and the inclusion of health care services and community amenities in the project design will be convenient for future residents and help this proposed new development be compatible with surrounding neighborhoods. In addition, the proposed project and conditions of approval have been refined to include supplemental public benefits and additional protections for neighbors and all required findings can be made.