

# **Attachment B**

## **CEQA and Project Findings**

**FINDINGS FOR COUNTY FILES #CDGP20-00001, #CDRZ20-03255, #CDMS20-00007, #CDDP20-03018, and #CDLP20-02038 (SPIEKER SENIOR CONTINUING CARE RETIREMENT COMMUNITY)**

**CEQA FINDINGS**

I. In General: CEQA Requirements

- A. The County is the lead agency for the Spieker Senior Continuing Care Retirement Community Project ("Project") for purposes of environmental review. Having received, reviewed, and considered the Project's EIR and other relevant information in the administrative record of proceedings, the County Board of Supervisors ("Board") hereby finds and adopts the following findings in compliance with the California Environmental Quality Act (Cal. Gov't Code § 21000 *et seq.*), the CEQA Guidelines (Cal. Code Pub. Res. § 15000 *et seq.*), and sections of the County Ordinance pertaining to CEQA (collectively, "CEQA").
- B. Pursuant to Public Resources Code section 21081 and CEQA Guidelines section 15091, no public agency shall approve or carry out a project for which an environmental impact report ("EIR") has been certified, that identifies one or more significant effects on the environment that would occur if the project is approved or carried out, unless the public agency makes one or more findings for each of those significant impacts that is also accompanied by a brief explanation of the rationale for each finding. The possible findings, which must be supported by substantial evidence in the record, are as follows:
- 1) Changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effects on the environment;
  - 2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency;
  - 3) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report;

For those impacts that cannot be mitigated below a level of significance, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects of the project.

II. Procedural Recitals

- A. Based on the nature and scope of the Project accompanied by substantial evidence, the County determined that the Project may have a significant effect on the environment. Therefore, an environmental impact report ("EIR") was prepared, noticed, published,

circulated, reviewed, and completed in full compliance with the California Environmental Quality Act (“CEQA”), as follows:

- 1) A Notice of Preparation (“NOP”) of an EIR for review and comment by responsible and trustee agencies and other interested agencies, organizations, and individuals was circulated by the County from July 23, 2021, through August 23, 2021.
- 2) A scoping session was held on August 16, 2021, at which interested agencies, organizations, and individuals had an opportunity to submit oral and written comments pertaining to environmental concerns related to the project and the proposed scope of environmental review.
- 3) Pursuant to Public Resources Code sections 21161 and 21092, and CEQA Guidelines sections 15085 and 15087(b), on March 11, 2022, a Notice of Completion (“NOC”)/Notice of Availability (“NOA”) document and copies of the Draft EIR (“DEIR”) were distributed to the State of California Governor’s Office of Planning and Research State Clearinghouse, those public agencies that have jurisdiction by law with respect to the Project or that exercise authority over resources that may be affected by the Project, and to other interested agencies, organizations and individuals as required by applicable law. The NOC/NOA document was also mailed to all owners or property located within 300 feet of the project site, occupants of property adjacent to the Project Site, to others who requested notice, and the NOC/NOA was published in the East Bay Times newspaper pursuant to applicable noticing requirements. The NOC/NOA document stated that the County had completed the DEIR and that electronic copies of the DEIR (including all appendices) were available for viewing and download at: <http://www.contracosta.ca.gov/SpiekerSenior> and that hard copies were available at the Department of Conservation and Development, 30 Muir Road, Martinez, CA 94553. These documents were also available in hard copy at the Walnut Creek Library, Office of County Supervisor Karen Mitchoff, and Office of County Supervisor Candace Andersen.
- 4) The County received and evaluated numerous comments from interested public agencies, organizations, and individuals who reviewed the DEIR. The County has responded to all comments on the DEIR, all of which are reflected in the FEIR (as that term is defined below).
- 5) The FEIR was prepared and published on October 11, 2022, and consisted of an edited list of revisions to the DEIR and responses to comments on the DEIR. In accordance with applicable CEQA requirements, the responses to comments address all comments on environmental issues received during the public review and comment period for the DEIR.
- 6) For purposes of these Findings, the Project EIR consists of the DEIR, the FEIR, and all appendices attached to the DEIR and FEIR, and the remaining relevant portions of the

administrative record for this matter. The Board finds that the Project EIR was prepared, published, circulated, reviewed, and considered in accordance with the applicable requirements of CEQA, and constitutes an accurate, adequate, objective, and complete EIR. This Board has exercised its independent judgment and analysis in evaluating the Project EIR. In exercising this judgment, this Board has reviewed and considered the Project EIR and other relevant information in the administrative record, including, without limitation, public testimony.

### III. Impacts, Mitigation Measures, and MMRP

- A. The Project EIR concludes that implementation of the Project could result in potentially significant and adverse environmental impacts. Therefore, the County has made findings with respect to these impacts pursuant to CEQA Guidelines section 15091. The findings summarize the environmental determinations about the Project's significant impacts before and after mitigation and summarize the Project's individual and cumulative impacts.
- B. This Board adopts, and incorporates as enforceable, conditions of approval of the Project, the mitigation measures set forth in the Mitigation Monitoring and Reporting Program ("MMRP") (see attachment), which has been prepared in accordance with CEQA Guidelines section 15097. This Board adopts this MMRP as it pertains to the Project, and finds that the mitigation measures set forth in the MMRP will reduce or avoid the potentially significant impacts of the Project to the extent feasible for the reasons described in the Project EIR. In the event a mitigation measure recommended in the Project EIR has inadvertently been omitted from the MMRP, this Board hereby adopts such mitigation measure as stated in the Project EIR and incorporates said mitigation measure in these Findings by reference.
- C. The mitigation measures as set forth in the MMRP are being made enforceable as conditions of approval. Accordingly, changes or alterations have been required in or incorporated into, the Project that avoid or substantially lessen the significant environmental effects identified in the Project EIR.

### IV. Project Alternatives

- A. Background: In accordance with CEQA Guidelines Section 15126.6, the Project EIR contains a comparative impact assessment of alternatives to the Project. The primary purpose of this analysis is to provide decision makers, interested agencies, organizations, and individuals, with information about a reasonable range of potentially feasible Project alternatives, which could avoid or reduce any of the Project's significant adverse environmental effects.
- B. Summary of Reasonable Range of Alternatives and Basis for Rejection: For the reasons documented in the Project EIR and summarized below, this Board hereby rejects each of

the alternatives and approves the Project, based on the specific legal, economic, and other considerations that make each of the below-identified alternatives infeasible.

### 1) Project Objectives

- Approval of all licensing for the Continuing Care Retirement Community (CCRC) from the State of California Department of Social Services to provide lifetime occupancy and support services for project residents.
- Combine independent living, assisted living, and nursing services as a complete and sustainable living arrangement for lifetime occupancy by community residents.
- Provide progressive care services for CCRC residents from independent living units with associated amenities and dining options to assisted living, skilled nursing, and memory support.
- Create a high-quality CCRC living environment with a wide range of quality amenities and services for persons aged 60 years and over, with a sufficient number of independent living units to support those amenities and services.
- Design, build, and operate a high-quality CCRC on an infill site, to be compatible with the surrounding community, and consistent with State standards.
- Contribute to greater livability for senior citizens by incorporating the following design and planning principles: safety and security, recreation and cultural activities, walkability/accessibility, onsite management and care, and transportation, including shuttle service to local restaurants, shopping, and health services.
- Offer a retirement community option not currently provided in Contra Costa County, which includes a comprehensive program and campus to allow potential residents and family members to plan for retirement.
- Provide an onsite health care center licensed to provide assisted living, skilled nursing services, and memory support to residents of the CCRC, and to nonresidents as space permits.

### 2) Summary of Alternatives Evaluated

- No Project Alternative: Under this alternative, the Project would not be constructed, and the project site would remain in its current condition, with the existing building reoccupied. There also would be no enhancement of the perennial drainage and wetland areas in the central portion of the project site.
- Existing General Plan Development Alternative: Under this alternative, the subject property is redeveloped in a manner that is consistent with the existing Single-Family Residential, Medium Density (SM) General Plan designation. Under this designation a residential density between 3.0 and 4.9 single-family dwelling units per acre would be allowed. With consideration of an additional 15 percent density as provided for under the County's Affordable Housing Ordinance, approximately 166 single-family residential units could be constructed at the site. Based on this

anticipated unit count, an estimated 482 residents would be housed in the development.

- Roadway Redesign Project: Under this alternative, the Project's extension of Kinross Drive at the southern boundary would be removed and the main entrance to the project site would be relocated to Seven Hills Ranch Road. Currently Seven Hills Ranch Road between Walnut Boulevard and the project site is approximately 17-foot wide with no markings or sidewalks, and thus would need to be widened to a 50-foot right-of-way to accommodate the required 33-foot curb-to-curb roadway and 6-foot sidewalks. To accomplish this the project sponsor would need to procure portions of the adjacent private land on either side of Seven Hills Ranch Road. All other aspects of the proposed project would remain the same, including the land use totals, location of internal access roads, and the location and design of proposed buildings.
- 3) Alternatives Rejected from Further Consideration: In addition to the alternatives described above, one additional alternative was initially considered, but rejected from further consideration for the reasons summarized below.
- Location Alternative: The CEQA Guidelines encourage consideration of an alternative site where significant effects of the project may be avoided or substantially lessened. Only alternate locations that would avoid or substantially lessen impacts, and meet most of the project objectives need to be considered. For the Project, it is assumed that a location alternative would need to be: 1) approximately 30 acres in size; 2) located in central Contra Costa County; 3) located on an infill site; served by available infrastructure and adjacent commercial amenities; and 4) immediately available. There are multiple sites in Contra Costa County that are similar in size and that would qualify as infill sites. However, location alternatives were rejected because the potentially suitable sites would not reduce the construction noise impacts related to the Project's size, duration of construction, and proximity of nearby sensitive receptors. Additionally, the construction-related criteria air pollutant impacts would also not be lessened because construction would also occur on these sites in a similar manner. Lastly, these sites are not controlled by the applicant.

## **PROJECT FINDINGS**

### V. General Plan Consistency

#### A. Overall General Plan Consistency

The County General Plan consists of nine separate elements, all of which may play a role in determining a project's consistency with the overall document. Project characteristics such as location, duration, and type all play a role in which elements, policies, goals, and

implementation measures are applicable in aiding County staff and the public analyze a project's consistency with the overall document.

The project consists of constructing a continuing care retirement community (CCRC) on a largely undeveloped site in an urban area of Central Contra Costa County. Because this is a development project, the Land Use Element and Growth Management Elements play a primary role in determining consistency. With the underutilized condition of the property and its substantially developed surroundings, the Transportation and Circulation, and Conservation Elements are also closely analyzed. Lastly, the anticipated 4-year construction duration combined with the proximity of sensitive land uses such as a school and residential developments warrants in-depth analysis of the General Plan's Noise Element. Despite the importance and applicability of policies and goals within the elements mentioned above, each of the nine General Plan Elements were considered during staff's review of the project. Consistency with policies and goals of the Land Use and Growth Management elements are summarized below, but a more detailed discussion of the project's consistency with the applicable policies and goals of each General Plan Element is provided in the Regulatory Framework and Impact Discussion sections of the DEIR, and also within the text of Master Resonse-1 of the FEIR.

B. Land Use Element Consistency

1) The project will implement and promote the following Land Use Element goals.

- i. To coordinate land use with circulation, development of other infrastructure facilities, and protection of agriculture and open space, and to allow growth and the maintenance of the county's quality of life. In such an environment, all residential, commercial, industrial, recreational, and agricultural activities may take place in safety, harmony, and to mutual advantage. (3-A)
- ii. To provide opportunities for increasing the participation of Contra Costa County in the economic and cultural growth of the region, and to contribute to, as well as benefit from, the continued growth in importance of the Bay Region and the State of California. (3-B)
- iii. To encourage aesthetically and functionally compatible development, which reinforces the physical character and desired images of the county. (3-C)
- iv. To provide for a range and distribution of land uses that serve all social and economic segments of the county and its subregions. (3-D)
- v. To permit urban development only in locations of the county within identified outer boundaries of urban development where public service delivery systems that meet applicable performance standards are provided or committed. (3-F)

- vi. To coordinate effectively the land use policies of the County General Plan with those plans adopted by the cities and special service districts. (3-I)
  - vii. To encourage a development pattern that promotes the individuality and unique character of each community in the county. (3-J)
  - viii. As feasible, areas experiencing rapid urban growth shall be developed so as to provide a balance of new residential and employment opportunities. (3-3)
  - ix. New development within unincorporated areas of the county may be approved, providing growth management standards and criteria are met or can be assured of being met prior to issuance of building permits in accordance with the Growth Management Program. (3-5)
  - x. Development of all urban uses shall be coordinated with provision of essential community services or facilities including, but not limited to, roads, law enforcement and fire protection services, schools, parks, sanitary facilities, water, and flood control. (3-6)
  - xi. Infilling of already developed areas shall be encouraged. Proposals that would prematurely extend development into areas lacking requisite services, facilities, and infrastructure shall be opposed. In accommodating new development, preference shall generally be given to vacant or underused sites within urbanized areas, which have necessary utilities installed with available remaining capacity, before undeveloped suburban lands are utilized. (3-8)
  - xii. Flexibility in the design of projects shall be encouraged in order to enhance scenic qualities and provide for a varied development pattern. (3-18)
  - xiii. Existing residential neighborhoods shall be protected from incompatible land uses and traffic levels exceeding adopted service standards. (3-27)
- 2) The facility will be located within a Congregate Care/Senior Housing (CC) General Plan land use designation, which is the only designation that allows for such a use. Unlike the other land use designations categorized as residential in the Land Use element, the CC designation does not include standards for development characteristics such as unit density, population density, building height, or lot size. Instead, each CC land use designation is adopted with criteria that is unique to and based upon the individual project site. Since the project site is currently within an SM designation and will be designated as CC under the current modification to the General Plan Land Use Map, there is no potential for the project conflicting with pre-existing development standards established under a previously adopted CC designation.



### C. Growth Management Element Consistency

The purpose of the Growth Management Element is to establish policies and standards for traffic levels of service and performance standards for fire, police, parks, sanitary facilities, water, and flood control to ensure generally that public facilities consistent with adopted standards are provided.

- 1) Traffic: The Project is located within an urban area of the County with existing paved roadways and traffic control measures such as traffic signals, street signs, and roadway markings. With construction of the Kinross Drive extension, adequate access to and from the site will be available via public collector and arterial roadways such as Marchbanks Drive and Ygnacio Valley Road. As discussed in more detail in the project EIR, six roadway intersections in the area of the project site were analyzed and it was found that none of the studied intersections' performance would drop a Level of Service grade or experience an additional delay greater than five seconds.
- 2) Water: The County must determine if capacity exists within the existing water system to support the project. The County's determination on this matter is largely based on information made available from consultation with the responsible water agency, the applicant, and other sources. Available data indicates that the Contra Costa Water District (CCWD) would have approximately 700 acre-feet of excess water for the year three multiple-dry year scenario, and up to approximately 69,300 acre-feet of excess water for the average year scenario, both through 2035. The project's total water demand was estimated at approximately 128 acre-feet per year. Therefore, the additional water demand created by the project could be accommodated by CCWD.
- 3) Sanitary Sewer: The County must determine if capacity exists within the existing sanitary sewer system to support the project. The County's determination on this matter is largely based on information made available from consultation with the responsible sewer agency, the applicant, and other sources. The Central Contra Costa Sanitary District (CCCSD) provides wastewater services to the project site. CCCSD's treatment plant currently has a treatment capacity of 54 million gallons per day, and currently treats an average of approximately 34 million gallons of wastewater per day. The Project has been anticipated at generating a net increase in wastewater treatment demand of approximately 97,486 gallons per day, which is only 0.5 percent of the treatment plant's available capacity of 20 million gallons per day.
- 4) Fire: The Growth Management Element requires that a fire station be located within 1.5 miles of all developments in urban areas. The Project is consistent with this standard as Contra Costa County Fire Protection District Fire Station No. 1 is located approximately 1.5 miles southwest of the site at 1330 Civic Drive. Furthermore, the Contra Costa County Fire Protection District has had an opportunity to review the project and there has been no indication that additional or expanded fire station facilities would be necessary to support the Project.

- 5) Police: The Growth Management Element requires that the standard of having 155 square feet of Sheriff station area and support facilities per 1,000 members of the population, be maintained in the unincorporated County. It is anticipated that the CCRC will accommodate approximately 560 residents, which is well below the 1,000-person threshold. Therefore, no expansion of the Valley Station would be required to maintain consistency with the station area standard. Furthermore, the County Sheriff was provided an opportunity to review the Project and there has been no indication that additional or expanded Sheriff station facilities would be necessary to accommodate the Project.
  
- 6) Parks: The Growth Management Element requires that the standard of having 3 acres of neighborhood parks per 1,000 members of the population, be maintained in the unincorporated County. It is anticipated that the CCRC facility will accommodate approximately 560 residents, which would require that approximately 1.6 acres of neighborhood parks be provided to serve the increased demand created by the Project. The applicant is not proposing new park facilities as part of the Project, but 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. These areas account for approximately 2.9 acres of designated outdoor recreational area for the residents of the facility, which exceed the 1.6 acres required for consistency with the Growth Management Element standard. The applicant has further offered to the County a 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.

D. General Plan Map Amendment

- 1) Required Finding: *Is adoption of the proposed General Plan amendment consistent with the provisions of the County's Urban Limit Line as outlined in Measure L-2006?*

Project Finding: Adoption of the proposed General Plan amendment (GPA) is consistent with the provisions of the Urban Limit Line (ULL). No change to the ULL would occur and the Project does not require extension of urban services beyond the ULL. The subject site is located inside the ULL, and therefore may be developed with "urban" and "non-urban" uses, as defined in the 2005-2020 Contra Costa County General Plan. The proposed land use designation, Congregate Care (CC), is urban.

- 2) Required Finding: *Would adoption of the proposed General Plan amendment result in a violation of the County's 65/35 Land Preservation Standard?*

Project Finding: Adoption of the proposed GPA will not result in a violation of the 65/35 Land Preservation Standard (the "65/35 Standard"), established through voter adoption of Measure C-1990 and reaffirmed through adoption of Measure L-2006. Under the 65/35 Standard, no more than 35 percent of the land in the county may be developed with urban uses and at least 65 percent of the land must be preserved for non-urban uses such as agriculture, open space, parks, wetlands, etc. The existing land use designation for the subject site, Single-Family Residential Medium Density (SM), is an urban land use designation. No non-urban land use designations are present on-site. The proposed CC land use designation is also an urban designation. Therefore, the percentage of land with urban and non-urban designations will not change as a result of the GPA.

- 3) *Required Finding: Is adoption of the proposed General Plan amendment compliant with the provisions of Measure J-2004, the Contra Costa Growth Management Program, and related Contra Costa Transportation Authority resolutions?*

Project Finding: The Project complies with the objectives and requirements of Measure J-2004, the Contra Costa Growth Management Program (GMP), and related Contra Costa Transportation Authority (CCTA) resolutions. The CCTA GMP Implementation Guide (2021) sets forth procedures for local agency consultation and evaluation of impacts related to proposed GPAs. The Spieker Senior Continuing Care Retirement Community Project would generate fewer than 100 a.m. or p.m. peak hour trips and would not impact a Route of Regional Significance. The project is therefore exempt from the GMP GPA Review Process. Regardless, the DEIR was referred to TRANSPAC, the Regional Transportation Planning Committee for Central Contra Costa County, for review and comment. No comments were submitted.

- 4) *Required Finding: Would adoption of the proposed General Plan amendment cause the General Plan to become internally inconsistent, in violation of Government Code Section 65300.5?*

Project Finding: Adoption of the proposed GPA will not cause the General Plan to become internally inconsistent. The General Plan comprises an integrated, internally consistent, and compatible statement of policy governing land use in the unincorporated areas of the county. The existing SM land use designation allows for single-family residential development across the subject site. The proposed CC designation allows for more intense development over the same area. Changing the land use designation from SM to CC does not affect or conflict with the policies applicable to the site, nor does it otherwise amend the General Plan.

- 5) *Required Finding: Would adoption of the proposed General Plan Amendment be in the public interest, as required under Government Code Section 65358(a)?*

Project Finding: Adoption of the proposed GPA is in the public interest. The existing SM land use designation allows for development of approximately 112 single-family homes, and possibly up to 166 homes with a density bonus consideration. The SM designation was applied to the subject site over 30 years ago, when demand for new housing, particularly senior housing, was less acute. California is in the midst of a housing crisis and redesignation of the site to CC allows for development of 354 independent living units for seniors (a 216 percent increase over the base SM density), plus 100 assisted living units, including 33 skilled nursing beds and 23 memory care units. The additional housing and associate services provided by the proposed Project are in the public interest.

Additionally, the applicant has agreed to provide additional public benefits beyond those benefits derived directly from the Project. 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. The subsidies will assist lower-income households with a program 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 whereby the applicant will 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.

- 6) *Required Finding: Would adoption of the proposed General Plan Amendment result in an exceedance of the annual limit on amendments specified under Government Code Section 65358(b)?*

Project Finding: The mandatory elements of the General Plan may be amended up to four times each calendar year. The proposed GPA affects the Land Use Element, a mandatory element, and is the fourth amendment to that element for 2022.

## VI. Rezoning Findings

- A. *Required Finding: The change proposed will substantially comply with the General Plan*

Project Finding: The project-specific P-1 zoning district will allow for the construction of a self-contained CCRC consisting of 354 independent living units for residents, a 100-unit

health center, maintenance building, and associated indoor and outdoor amenities. The facility will be located within a Congregate Care-Senior Housing (CC) land use designation, which is very restrictive in that it only allows for the establishment of senior housing land uses. Additionally, the associated project-specific P-1 district and project conditions of approval identify and restrict the ancillary uses and amenities allowed as part of the facility (e.g., clubhouse, swimming pool, alcohol sales, tennis courts) to ensure continued consistency with the General Plan.

- B. *Required Finding: The uses authorized or proposed in the land use district are compatible within the district, and to uses authorized in adjacent districts.*

Project Finding: All of the uses authorized within the district are compatible with others in the district because they are all interdependent in the overall goal of providing long-term care to seniors. The primary elements of the facility are very codependent in that the seniors entering into a care contract with the facility operator rely on living accommodations nearby the health center. Having living accommodations and health care services in close proximity to each other improves ease and convenience in obtaining care when needed. The maintenance building provides facilities for laundry, trash collection, HVAC control, and overall site maintenance services that are vital for the successful daily operation of the facility.

The project is also compatible with the single-and multi-family residential uses in the adjacent County and city zoning districts. The independent living units of the facility will function similarly to the residences on adjacent properties by providing living accommodations for County residents. Additionally, the health center will provide long-term medical care to residents in the area, similarly to how medical services are provided to the surrounding community by the nearby John Muir Medical Center.

- C. *Required Finding: Community need has been demonstrated for the use proposed, but this does not require demonstration of future financial success.*

Project Finding: The Housing Element of the County General Plan indicates that approximately 13.9 percent of the total population in unincorporated Contra Costa County is comprised of seniors (persons 65 years and older). Furthermore, nationwide population trends indicate that as the baby boom generation ages, the demand for specialized developments such as assisted living or active adult communities will grow. These development types are designed and typically better suited to address some of the primary concerns of senior households such as limited income, physical disabilities/limitations, and limited income. As proposed, the facility will consist of a health care facility and independent living units all in one development, which creates a convenient circumstance for residents wherein health care services are readily available in proximity to their place of residence. Furthermore, facility residents sign a care contract with the facility operator, which allows seniors the option of securing long-term health care at a pre-determined or more predictable cost.

## VII. Planned Unit (P-1) District Findings

- A. *Required Finding: The applicant intends to start construction within two and one-half years from effective date of zoning change and plan approval.*

Project Finding: Representatives of the project sponsor have conveyed an intent to start construction as quickly as feasible, and within two years of the effective date of the entitlement approvals. However, the anticipated construction date is subject to obtaining all necessary approvals from the City of Walnut Creek and other responsible agencies.

- B. *Required Finding: The proposed planned unit development is consistent with the County General Plan.*

This development project has been through an in-depth review process that involved the review and participation of various County departments and divisions that coordinate with the Department of Conservation and Development to implement the General Plan. Advance planning staff of the CDD provided assistance in reviewing the proposed development to ensure that the project is consistent with long-range goals and policies detailed in the Land Use and Growth Management Elements. A more in-depth discussion of the project's consistency with the General Plan is provided in the General Plan Consistency portion of these findings and also within the impact discussions of the DEIR and Master Response-1 section of the FEIR.

- C. *Required Finding: In the case of residential development, it will constitute a residential environment of sustained desirability and stability and will be in harmony with the character of the surrounding neighborhood and community.*

Project Finding: The project does not include a residential element.

- D. *Required Finding: In the case of the commercial development, it is needed at the proposed location to provide adequate commercial facilities of the type proposed, and that traffic congestion will not likely be created by the proposed center, or will be obviated by presently projected improvements and by demonstrable provisions in the plan for proper entrances and exits, and by internal provisions for traffic and parking, and that the development will be an attractive and efficient center which will fit harmoniously into and will have no adverse effects upon the adjacent or surrounding development.*

Project Finding: There is a growing senior population in Central Contra Costa County, which mostly comprised of homeowners living in single-family homes. As this population ages, the demand for downsized housing or specialized housing has resulted in an increased demand for specialized services and accommodations for those senior households. More specifically, there is an increased need for health care on a long-term basis and that is at a more predictable cost.

The facility will consist of an internal circulation system comprised of internal roads, sidewalks, and pedestrian trails providing access to all primary elements and amenities of the development. Both on- and off-street parking will be provided for residents and their guests, and shuttle services will be available to limited off-site locations.

- E. *Required Finding: In the case of proposed industrial development, it is fully in conformity with the applicable performance standards, and will constitute an efficient and well-organized development, with adequate provisions for railroad and/or truck access service and necessary storage, and that such development will have no adverse effect upon adjacent or surrounding development.*

Project Finding: The project does not include an industrial element.

- F. *Required Finding: The development of a harmonious, integrated plan justifies exceptions from the normal application of this code.*

Project Finding: Pursuant to the Land Use Element of the County General Plan, the CC land use designation is the only designation in which a CCRC use is allowed. Furthermore, Table 3-5 ("Consistency Between the General Plan and Zoning Ordinance") identifies the P-1 district as the only zoning district that is consistent with the CC designation. The Project EIR provides detailed discussion of the site's steep slopes and existing sensitive biological resources that limit development areas at the site and that require the use of multiple strategic design and engineering techniques such as tiered retaining walls and bridge crossings. When the existing site challenges are considered in conjunction with the quantity and quality of buildings, infrastructure, and amenities necessary to operate a high-quality CCRC, it is clear that flexibility from the normal application of the zoning code is required.

#### VIII. Tentative Map Findings

- A. *Required Finding: The advisory agency shall not approve a tentative map unless it shall find that the proposed subdivision, together with the provisions for its design and improvement is consistent with the applicable general and specific plans required by law.*

Project Finding: The Project's tentative map application has been reviewed along with all other submitted plans for compliance with applicable regulations in effect on the date the application was deemed complete. The development shown on the tentative map, as a whole, is consistent with the General Plan as explained in further detail in the project EIR and the General Plan Consistency section of these findings. There is no specific plan that covers the Project Site.

- B. *Required Finding: The advisory agency shall make findings as required concerning the fulfillment of construction requirements*

Project Finding: All structures within the facility will be subject to building codes in effect at the time the permits are issued. Compliance with and implementation of these building codes will be enforced via building plan check and field inspections administered by staff of the County Building Inspection Division. The tentative map has been conditioned to require the undergrounding of all new and existing utility distributions within the 30-acre Development area. Lastly, the project has been conditioned in a manner that requires the Applicant to complete most of the construction requirements (i.e. roadway improvements, drainage improvements, utility extensions) prior to issuance of building permits.

IX. Land Use Permit Findings (Alcohol Sales)

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

Project Finding: The applicant proposes to sell alcohol as one of the services provided at the clubhouse located within the large apartment-style building. The manner in which the alcoholic beverages are stored, served, and sold will be monitored and managed by agencies such as the Contra Costa Health Services Department, which significantly reduces the potential for health hazards. In addition, the facility operator will be required to obtain and maintain a license from the California Department of Alcoholic Beverage Control, who administer and enforce compliance with the provisions of the Alcoholic Beverage Control Act. As conditioned, the sale of alcohol within the clubhouse will be administered in compliance with the standards of the local and State agencies listed above, which would in turn ensure that the proposed activity will not be detrimental to the health, safety, and general welfare of the County.

- B. *Required Finding: The proposed project shall not adversely affect the orderly development of property in the County*

Project Finding: Granting a land use permit to allow alcohol sales at the facility will only impact the manner in which the subject facility is operated. Alcohol sales will only be available in the clubhouse area of the subject property, and only to the residents and their guests. The granting of this land use permit does not allow alcohol sales on any other parcel within the County, and does not impact the manner in which any other existing alcohol sales activities in the County is administered. Based on the above, there is no evidence in the record indicating that the allowance of alcohol sales at the site will adversely affect the orderly development of property at the site.



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

Project Finding: The alcohol sales element of the CCRC facility will be secondary in nature and is not necessary for the daily operation of the facility. All alcohol sales will be administered in-doors and will be undetectable from outside both the apartment-style building and facility as a whole. Additionally, access to the clubhouse will be limited to residents of the facility and their guests, and not available to the general public at any time. Because the sale of alcohol makes up such a small portion of the services provided at the site and will be undetectable from outside the facility, there is little to no potential for the sale of alcohol to adversely affect the preservation of property values and the protection of the tax base within the County.

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

Project Finding: By granting this land use permit, the County will allow the sale of alcohol within the clubhouse as an ancillary activity of the CCRC facility. The subject property will be located within a P-1 zoning district and CC General Plan Land Use designation, which are both project-oriented and relatively flexible with respect to the uses that are allowed on properties within their boundaries. The primary activities taking place at the facility will be associated with providing regular assistance and medical care for seniors, which are consistent with applicable policies and goals of the General Plan as discussed in the EIR. Alcohol sales will be a minor element of the use that will be subject to compliance with regulations of both Contra Costa County and the State Department of Alcoholic Beverage Control. The combination of being only a minor element of the overall land use, being available only to residents of the facility and their guests, and applicability of State and County regulations will ensure that any alcohol sales activities taking place at the facility will not adversely affect the policy and goals as set by the General plan.

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

Project Finding: Alcohol sales will only be permitted to take place in the clubhouse area of the apartment-style building and will be essentially undetectable from adjacent properties. Alcohol will only be available for consumption onsite in the clubhouse area, and only to residents of the facility and their guests. Furthermore, residency within the facility is limited to seniors, and thus it can be reasonable assumed that the potential for nuisance issues related to alcohol consumption are further reduced when compared to that of an establishment that allows the sale of alcohol to patrons of all ages.

F. Required Finding: *The proposed project shall not encourage marginal development*

Project Finding: Allowing alcohol sales at the facility will provide an added amenity and source of recreation for residents of the facility and their guests. The sale of alcohol at the facility will not be available to the general public, and thus there is a very limited population that will be served. The allowance of alcohol sales for onsite consumption in itself will not create a significant increase in employment, development, or business opportunities within the County beyond that which is being created by the CCRC facility as a whole.

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

Project Finding: Although the project site is predominantly surrounded by residential properties, the alcohol sales will take place in the clubhouse area of the facility and will be inaccessible and undetectable to the general public. Additionally, the facility operator will be subject to permitting requirements and restrictions administered by the State Department of Alcohol Beverage Control. This added level of state licensing and guidelines will ensure that alcohol sales taking place at the site are administered in a manner that is compatible with and that does not adversely impact the general welfare of the surrounding neighborhood.

X. Alcoholic Beverage Sales Commercial Activity Findings

A. Required Finding: *A finding of "public convenience and necessity" (Business and Professions Code Section 23958.4(b)(2)), if the activity will be located in an area that has been determined by the state of California Department of Alcoholic Beverage Control to have an undue concentration of licenses as defined in Business and Professions Code Section 23958.4(a). On September 1, 2022, the California Department of Alcoholic Beverage Control determined that the activity would be located in an area with an undue concentration of licenses. Therefore, a finding of public convenience and necessity is required for this project.*

Project Finding: There are various restaurants and other eating establishments in the vicinity of the project site where residents of the facility could potentially enjoy an alcoholic beverage with a meal or simply as part of a social outing. However, the residents of the CCRC will be seniors aged 60 and up, some of whom will likely have mobility and/or transportation limitations that make it more difficult to visit establishments outside the facility that also have permitted alcohol sales. By allowing alcohol sales within the facility, residents have easy access to this amenity in close proximity to where they live. Additionally, the service will be provided by employees of the facility who have a better understanding of the unique demands and needs of this unique population.

- B. *Required Finding: The alcohol beverage sales commercial activity will not aggravate existing problems in the neighborhood created by the sale of alcohol such as loitering, public drunkenness, alcoholic beverage sales to minors, noise, and littering.*

Project Finding: The subject property is located within a predominantly residential community in unincorporated Walnut Creek, which significantly limits the potential for existing nuisance issues related to existing alcohol sales. Alcoholic beverages are available at The Greenery Restaurant and Sports bar, which is located approximately 0.3 miles south of the project site at the Diablo Hills Golf Course. However, the Greenery's location within an existing residential neighborhood and the fact that it is secondary in nature to the golf course land use, greatly reduces the potential for nuisance issues typically associated with establishments where the primary service is the sale of alcohol.

Alcoholic beverages sold at the CCRC facility will only be available to facility residents and their guests, which greatly reduces the potential for sales to minors. Additionally, alcohol sales will only be available in the clubhouse area of the facility, which is not accessible to the general public. This location within a gated facility reduces the potential for loitering, public drunkenness, littering, and noise impacts to surrounding properties. Lastly, all alcohol sales at the facility will be subject to permitting by the State Department of Alcoholic Beverage Control, which has long-established guidelines designed to reduce the potential for the nuisance concerns that are the subject of this discussion.

#### XI. Tree Permit Findings

- A. Reasonable development of the property would require removal and/or work within the dripline of code-protected trees, and this development could not be reasonably accommodated on another area of the lot.
- B. Where the arborist or forester report has been required, the Deputy Director for the Community Development Division is satisfied that the issuance of a permit will not negatively affect the sustainability of the resource.