



A Joint Planning Effort between the
City of Walnut Creek and Contra Costa County

Adopted by the Board of Supervisors

June 25, 1991

Adopted by the City of Walnut Creek

September 10, 1991

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I. INTRODUCTION

Location and Description of the Specific Plan Area

The North Gate area consists of approximately 507 acres and lies within the jurisdictions of the City of Walnut Creek and Contra Costa County. The North Gate area is accessed from Ygnacio Valley Road, which is a major arterial extending from Interstate 680. Figure 1 is a vicinity map of the North Gate Specific Plan area and some of the surrounding open space and agricultural lands.

The Specific Plan area extends from the intersection of North Gate Road and Castle Rock Road south to the public park lands and then east to the City of Walnut Creek's sphere of influence boundary. The City of Walnut Creek lies west of the Specific Plan area.

The Specific Plan area is one which is semi-rural in character and includes low density development, public park lands and commercial and private equestrian facilities. Other land uses include open grazing areas, kennels and animal grooming uses, public lands currently utilized for flood control purposes and vacant land on sloped hillsides.

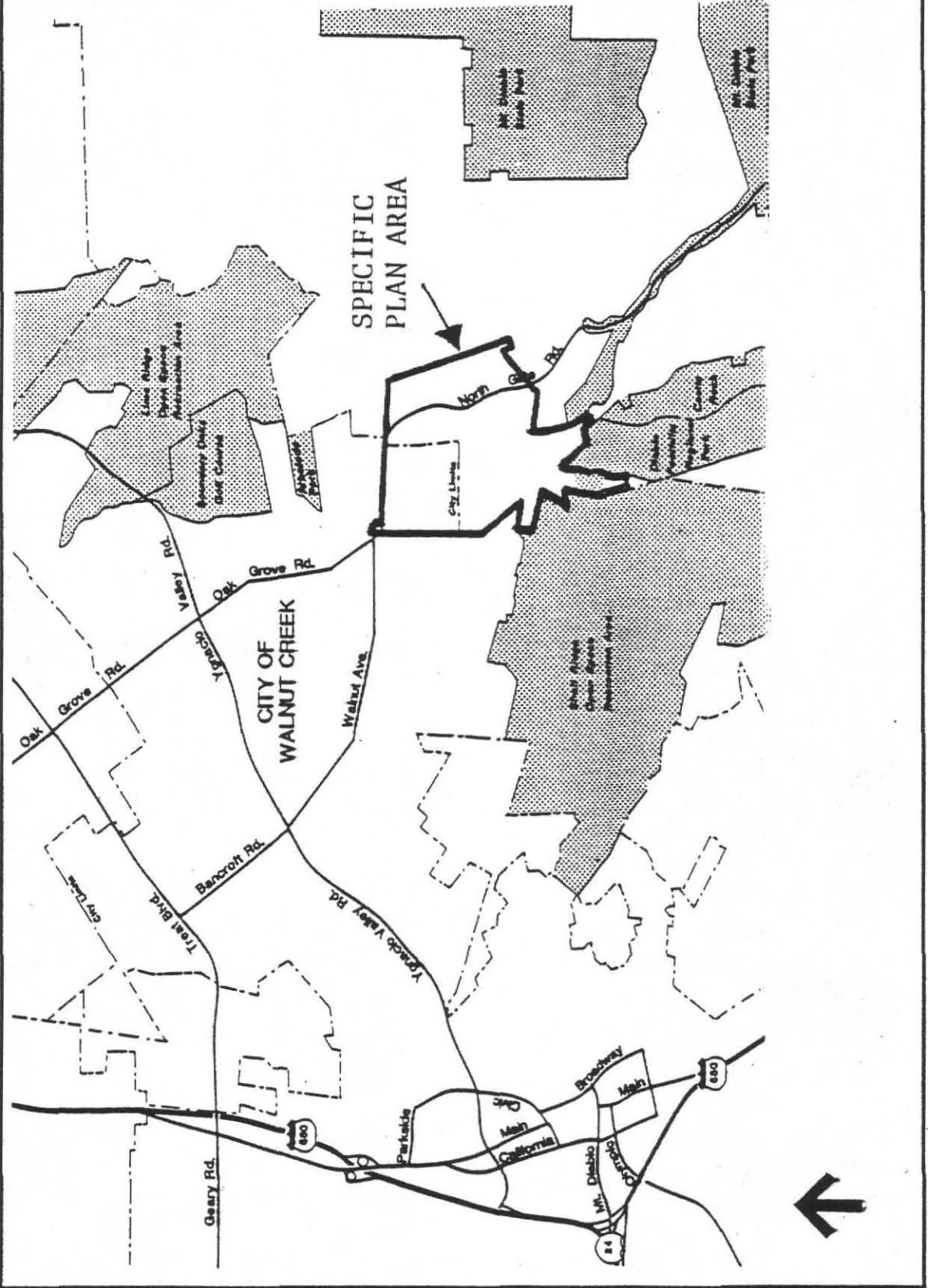
The northwest portion of the Specific Plan area, which is within the City's boundaries, is developed with single family residential homes on 12,000 and 20,000 square foot lots.

The land in the County includes an 88-unit clustered planned residential development, with provisions for the boarding of 44 horses on-site. Other homes in the County include ranch-style homes, typically one story in height, many without formal landscaped yards and newer, suburban-style residences which feature large structures on one acre lots with landscaped yards. These newer homes may also feature pools, paved recreation areas such as tennis and basketball courts and heights up to two stories, 35 feet.

Mount Diablo State Park, Diablo Foothills Regional Park, and the Lime Ridge and Shell Ridge Open Space areas comprise some of the land uses surrounding the North Gate area. These parks and open space areas are in close proximity to North Gate and contribute to the physical setting of the area. Approximately 2,000 acres located directly east of the Specific Plan area are designated for agricultural and open space uses and are currently under Williamson Act contract. Although the Specific Plan does not include this agricultural area, it is the County's and City's intent that these lands continue as agricultural, open space or park uses.

NORTH GATE SPECIFIC PLAN - FIGURE 1

Vicinity Map of the North Gate Specific Plan Area



Purpose of Specific Plan for the North Gate Area

California state law authorizes a jurisdiction to adopt specific plans regarding any area covered by the jurisdiction's general plan to provide additional detail to the implementation of the general plan itself. Because a jurisdiction is authorized to adopt a general plan for any land outside of its boundaries which bears some relation to its planning, it is also authorized to participate in the preparation of a specific plan regarding any of the areas covered by the general plan. It is for this reason that the City and the County are preparing and adopting a Specific Plan for the North Gate area.

The Specific Plan is the result of a joint planning effort between the City of Walnut Creek and Contra Costa County. The basis for preparing this plan stems from a Memorandum of Understanding (MOU) between these two jurisdictions. In the MOU, the City and County agreed to prepare a Specific Plan which has led to the creation of new policies and regulations for the preservation and future development of the North Gate area.

The North Gate Specific Plan will provide additional guidance and detail on the protection of the North Gate area. North Gate is presently a transition area between the agricultural preserve/open space land and very low density single family development and, therefore, constitutes a semi-rural character. Because the North Gate area is located between the edge of suburbanized development and regional open spaces, and because modern water and sewer services are now available to the North Gate property owners, city and county officials, the general public and local property owners are concerned about how future development will proceed in the area. The preparation, adoption and implementation of this Specific Plan will help guide this future development.

II. GOALS & POLICIES FOR THE NORTH GATE AREA

Both the City of Walnut Creek and the County General Plans contain numerous goals and policies which apply to development projects throughout their respective jurisdictions. The application of these policies will continue to apply to the Specific Plan area. The following goals and policies provide added detail for the Specific Plan area.

Land Use

Goal: Maintain and enhance the existing semi-rural character of the North Gate Specific Plan area as a transition from the suburban residential development to the north and west, to the agricultural and open space lands to the south and east.

Policies:

1. Restrict new projects to residential, equestrian and recreational facilities as the appropriate and primary use of the property.
2. Protect supplemental agricultural related uses from the encroachment of non-agricultural activities or development by use of land use regulations and permit procedures.
3. Ensure that the new development is compatible with existing residential, agricultural and recreational uses through sensitive design, the use of adequate buffers and innovative site planning techniques.
4. Protect equestrian uses and facilities from the encroachment of non-equestrian activities or development, where feasible.
5. Protect environmentally sensitive lands.
6. Limit densities on hillside properties with slopes between 15 and 26%.
7. Require larger minimum lot sizes on land that directly abuts public open space or agricultural preserve areas.
8. Prohibit development within any required creek or seismic set back areas.

North Gate Specific Plan

9. Allow only small, non-commercial, agriculturally-related structures on slopes 26% or greater, subject to the provisions found in the section on Development Regulations - Hillside Properties.
10. Maintain the feeling of "openness" in the area by encouraging large lot development, or the dedication of public or private open space through the planned development process.

Recreation

Goal: Provide a range of recreational opportunities to serve area residents.

Policies:

1. Provide for the development of a new multi-use staging area for recreational trail users and possibly an equestrian center on the County surplus property adjacent to the kiosk at the entrance to Mount Diablo State Park.
2. Provide an equestrian trail connection from the new staging area to the existing East Bay Regional Park District trail system through the Pine Creek Detention Basin.
3. Develop new trails along North Gate Road for equestrians, pedestrians and cyclists.
4. Encourage, to the extent feasible, continued operation of the equestrian facilities, riding academies, horse stables, and private ownership of horses in the area.
5. Maintain the Pine Creek Detention Basin as a passive recreation area.

Open Space and Conservation

Goal: Encourage the acquisition of additional public open space within the Specific Plan Area.

Policies:

1. Work towards the preservation of the County's surplus property as public open space while limiting recreational activities such as a multi-use staging area for recreation trail users and possibly an equestrian center.
2. Support the City of Walnut Creek in its efforts to purchase additional open space near the entrance to the Shell Ridge Open Space Recreation Area.

North Gate Specific Plan

3. Consider appropriate conditions of approval for P-1, Planned Development subdivision proposals which could require that some land within the project site be dedicated for public open space, particularly if the project site is located adjacent to existing public open space land.

Goal: Protect natural features such as heritage quality trees, creeks, knolls, ridgelines and rock outcroppings.

Policies:

1. Preserve to the extent feasible, creeks and riparian vegetation in the area. Enhance creeks and riparian corridors by revegetating creeks with native riparian vegetation from local seed stock.
2. Ensure that any new parcel created along a creek or a stream is large enough to accommodate an adequate buildable area on the portion of the lot remaining beyond the creek setback boundary.
3. Preserve healthy trees and maintain significant tree masses consistent with the requirements of the Walnut Creek Tree Preservation Ordinance.

Goal: Protect public open space and agricultural preserve land from the encroachment of residential uses and facilities.

Policies:

1. Require larger residential lots and increased rear or side yard setbacks on properties that abut public open space or agricultural preserve areas.
2. Discourage public or private improvements within the North Gate area which could induce growth on open space lands located outside the Specific Plan area.

Community Design

Goal: Preserve the semi-rural character of the Specific Plan area.

Policies:

1. Adopt design standards to regulate new residential development to ensure compatibility with existing homes in the area.

North Gate Specific Plan

2. Require landscaping plans for all new residential development. Encourage the use of drought-resistant plant material and discourage large areas of lawn which require frequent watering.
3. Encourage the grouping of structures on the flatter portions of a parcel.
4. Require that the homes in new residential development along North Gate and Castle Rock Roads face the roads.
5. Adopt standards for fencing to ensure that no solid board fences or walls are placed in front yards, or obstruct views at higher elevations.
6. Require buffers, such as landscaping or increased setbacks, between residential, equestrian or agricultural uses to minimize potential conflicts between these uses, except as noted in Section IV.
7. Require that proposals for new development and additions to existing structures be reviewed by a member of the County staff and a member of the City staff to assure consistency with the Specific Plan.

Goal: Preserve the historic and aesthetic resources located in the Specific Plan area.

Policies:

1. Protect the James T. Walker house which has been identified in the Walnut Creek General Plan as having historic significance.
2. Protect and maintain the North Gate Road Improvement Association Reservoir located along the eastern boundary of the Specific Plan area as a visual amenity.

Scenic Views and Road Design

Goal: Views of ridgelines and Mt. Diablo from scenic routes shall be conserved, enhanced and protected, by regulating development along both Castle Rock Road and North Gate Road in a manner which maintains their semi-rural qualities.

Policies:

1. Provide a landscaping easement within the public right-of-way along North Gate Road.

North Gate Specific Plan

2. Prohibit the installation of any solid board fences along North Gate and Castle Rock Roads. Require open rail fencing within the front yard setback on all properties fronting these roadways.
3. Require larger front yard setbacks for new structures along North Gate and Castle Rock Roads to minimize obstructing views and to reduce impacts of traffic noise.
4. Require that all homes fronting North Gate and Castle Rock Roads be single story, no higher than 20 feet.
5. Acknowledge that the existing trees along Castle Rock Road significantly contribute to the visual quality of that road and that all efforts shall be made to preserve them.

Public Services and Facilities

Goal: To ensure an adequate level of public service to the area.

Policies:

1. Require all new residential development to be connected to public sewers and the public water supply.
2. Prohibit concrete sidewalks, and limit street lighting and the use of curbs and gutters to the minimum necessary for public safety.
3. Improve North Gate Road to a 60 foot wide right-of-way and Castle Rock Road to a minimum 40 foot wide right-of-way.
4. Protect the North Gate Improvement Association Reservoir as an important private water source.

III. LAND USE REGULATIONS

Land Use

North Gate should remain an area which is primarily semi-rural, and which supports residential, equestrian and recreational activities. Larger lots should be encouraged to preserve the natural features and to allow residential and equestrian uses to exist in the same general area.

New development should be compatible with the existing environment, in terms of form, scale and architecture. New homes should be one or two stories, no higher than 25 feet. The structures should be sited carefully, so as not to encroach on existing non-residential or open space activities.

Development on slopes greater than 15% should be limited to minimize the visual impact of new construction. Development is permitted on slopes greater than 15%, but less than 26%. Lots may be no smaller than 65,000 square feet. Development can be transferred from these slopes to a flatter portion of the site. To encourage this "transfer of development," density for the sloped areas can be calculated at one dwelling unit/40,000 net square feet. Structures that are grouped on the flatter portions of the site must be on lots no smaller than 30,000 net square feet.

Residential and commercial development on slopes 26% or greater, is prohibited. However, small, non-commercial, agricultural-related structures are permitted subject to the findings in the section on Development Regulations - Hillside Properties. Soil stability and the potential for erosion and landslides is a major concern. These lands are in the most visible locations of the project area and any development would interfere with views of Mount Diablo, adjoining regional parks and open space areas. The density that could have been achieved on these higher slopes is transferable to other portions of the lot at a density of 0.1 dwelling unit per acre. Development rights must be deed restricted to the County or City as a condition of approval for any development proposals on slopes 26% or greater.

To minimize impacts between development and agricultural preserve or open space land, lots directly abutting these properties should be larger than minimum permitted in the Specific Plan. For planned developments, buffered areas should be provided. This will allow larger rear yard or side yard setbacks to provide a greater distance between structures and the open space properties.

Larger lots should also be created where there are streams or creeks on the property. The calculation of net lot area may include the land within the creek setback. However, the minimum area for home and accessory building areas shall be 30,000 square feet.

North Gate Specific Plan

Large lots may also be required when a geologic report indicates the presence of an earthquake fault and specifies a distance requirement for the seismic zone. The land in the seismic zone can be calculated in net lot area, but no habitable structures can be constructed in this area.

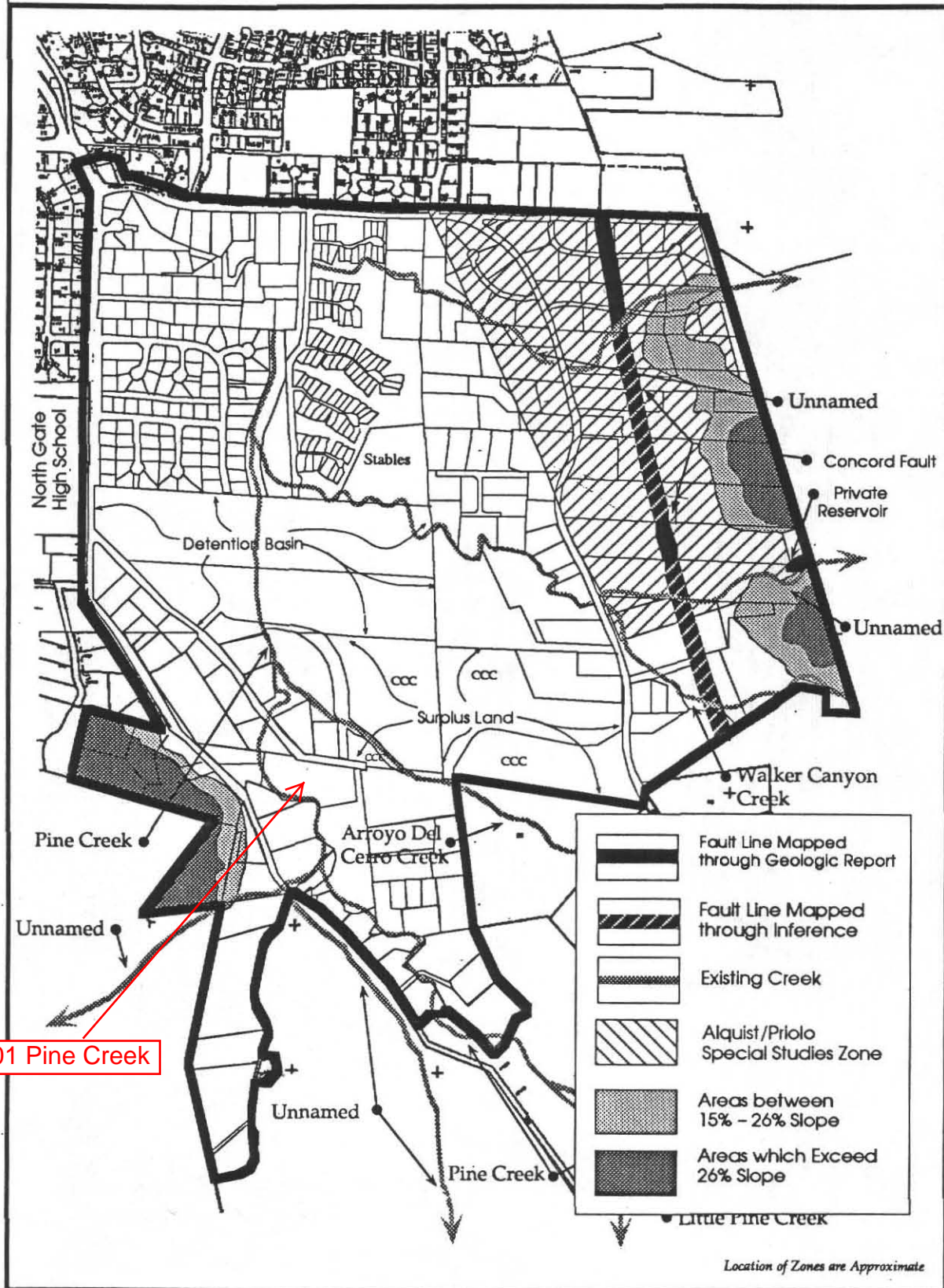
Environmentally sensitive areas, creeks, streams, seismic zones and slopes greater than 15%, are identified in Figure 2.

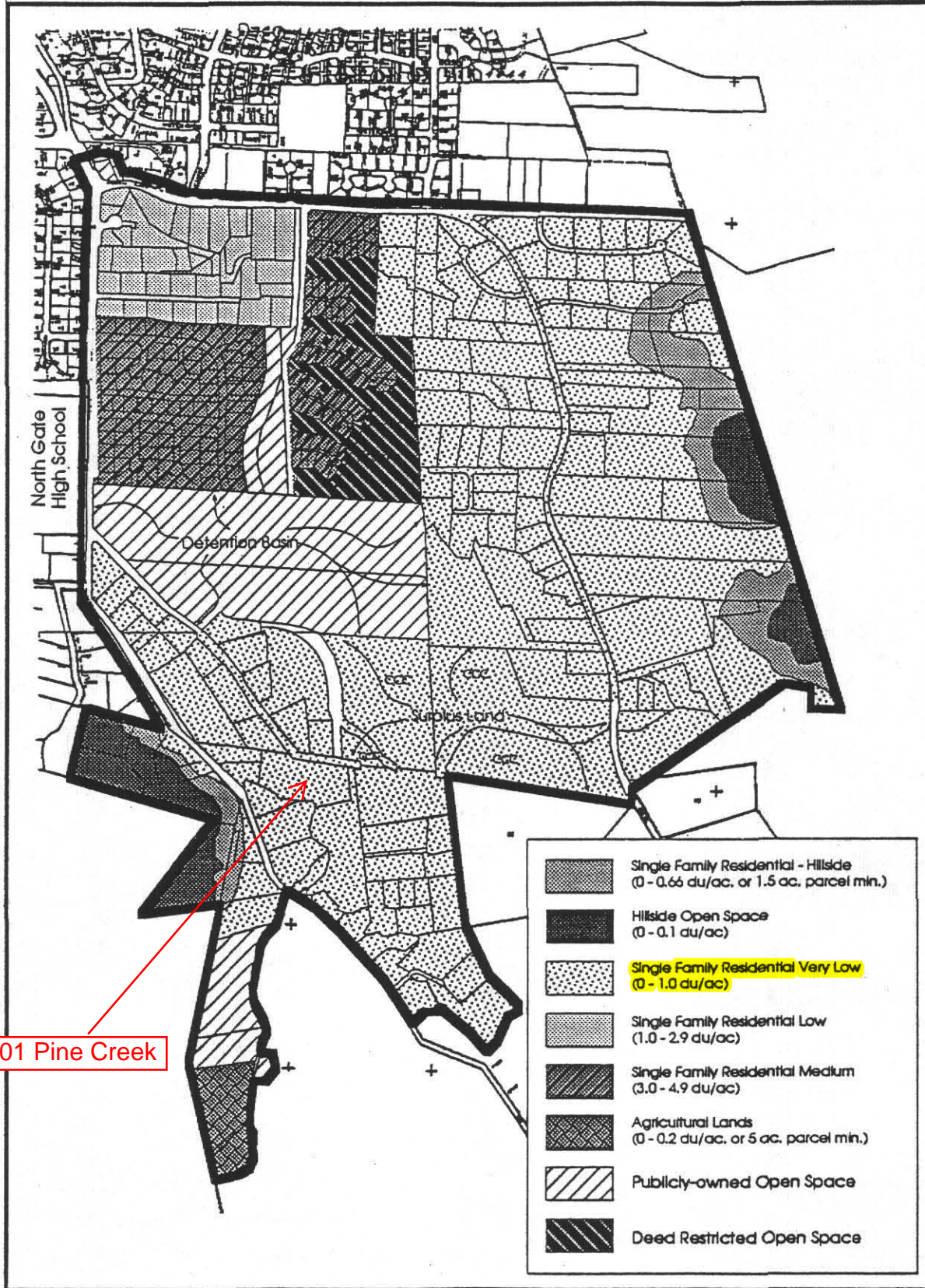
Permitted land uses should encourage the continuance of equestrian and agricultural activities, for as long as the property owners desire, and should protect the surrounding open space and agricultural preserve land. Equestrian uses should remain under an agricultural zoning designation, A-2, General Agriculture, which requires a minimum lot size of five acres. Equestrian uses and facilities could be designated in a P-1, Planned Development, provided that no more than 2 horses are kept for every 40,000 square feet of lot area. No exceptions should be made to allow larger scale equestrian facilities, or more horses than are permitted in R-40, Single Family Residential zones.

This plan adopts some standards from the City of Walnut Creek. All new construction will have to comply with the City's 25 foot height limit, and any requests to remove trees will be subject to the provisions of the City's Tree Preservation Ordinance. New development and additions to existing structures will be reviewed by a member of the County staff and a member of the City staff to assure consistency with the Specific Plan.

NORTH GATE SPECIFIC PLAN – FIGURE 2

Environmentally Sensitive Areas in North Gate





North Gate Specific Plan

Proposed Land Uses
North Gate Specific Plan

	<u>Acres</u>
Single Family Residential Medium Density (3-4.9 du/net ac)	73
Single Family Residential Low Density (1-2.9 du/net ac)	26
Single Family Residential Very Low Density (0-0.9 du/net ac)	293
Single Family Residential Very Low Density-Hillside (0-0.67 du/net ac)	22
Hillside Open Space (0.1 du/net ac)	27
Agricultural Lands	6
Public Open Space	<u>60</u>
TOTAL ACRES	507

Land Use Categories

Figure 3 shows the land uses in the Specific Plan area. A description of these categories is listed below.

Single Family Residential, Medium - This designation is assigned to the land in the northwestern corner of the Specific Plan area. Located within the City of Walnut Creek, most of this area has been developed with single-family suburban-type homes with few vacant lots remaining for infill housing. The County's clustered residential/equestrian project was developed under this designation. The minimum lot size within this area is 12,000 square feet.

Single Family Residential, Low - This designation is assigned to the rest of the land in the northwestern corner of the Specific Plan area within the City's jurisdiction. This area has also been developed with single family suburban-type homes with few vacant lots remaining for infill housing. The minimum lot size in this section is 20,000 square feet.

Single Family Residential, Very Low - This land use designation is assigned to those properties in the Specific Plan area under private ownership with slopes less than 15%. The minimum lot size is 40,000 square feet except with a planned development in which case the minimum lot size can be reduced to 30,000 square feet.

Single Family Residential, Very Low-Hillside - Assigned to land with slopes greater than 15%. Minimum lot size for new development is 65,000 square feet.

Hillside Open Space - Assigned to land with slopes 26% or greater. Development is permitted on these properties at a density of one dwelling unit per ten acres. Density the equivalent of 0.1 dwelling unit per acre can be transferred to other portions of the project site in a Planned Development.

Agricultural Lands - This property adjacent to the Diablo Foothills Regional Park is designated "Agricultural Lands" on the County's General Plan. The City of Walnut Creek is currently negotiating the purchase of this property for public open space.

Public Open Space - This designation has been assigned to the Pine Creek Detention Basin, the City's park land along Trails End Drive, and the City's recent acquisitions to Shell Ridge Open Space at the south end of the Specific Plan area off Castle Rock Road. While the detention basin will function primarily as a flood control facility, it will also be used as a park for passive recreational activities.

Zoning

Unincorporated property can be rezoned and subdivided consistent with the Specific Plan land use category at a density within the designated land use range. The ultimate density of the site will be determined after natural features such as slopes, creeks, earthquake faults, significant trees, and other factors are considered in the site plan.

Single-family residential zoning designations consistent with the Specific Plan are R-40 (40,000 square feet), R-65 (65,000 square feet), R-100 (100,000 square feet) and P-1, Planned Development.

A-2, General Agriculture, the current zoning for most of the properties, is recommended for those parcels whose owners wish to maintain long-term equestrian and agricultural uses. The five acre minimum lot size under this zoning standard allows more space for these activities.

P-1, Planned Development, would provide the greatest flexibility for property owners in the area with large parcels. This zoning designation is recommended for those property owners who wish to transfer densities or development from steeper sloped areas, or other environmentally sensitive lands. Minimum lot sizes would be 30,000 square feet. This will permit the property owners flexibility with design and siting of structures, and will allow the County or the City to set specific development standards and use regulations for the development.

Property owners with properties not constrained by environmentally sensitive features who wish to develop under the P-1, Planned Development, zoning designation may do so under certain conditions. In exchange for consideration of lots as small as 30,000 square feet, developers would have to provide other amenities such as open space, common areas for equestrian facilities, or other recreational facilities, or common areas for gardens, for example. Owners of six or more acres, presently zoned A-2 (General Agriculture) can apply for R-40 zoning on one or more acres while still retaining the A-2 (General Agriculture) zoning on the remaining parcel provided it is at least five acres. Alternatively, the entire site can be zoned to a P-1 (Planned Unit Development) zoning designation.

Although minimum lot sizes under the P-1, Planned Development, zoning designation could be as small as 30,000 square feet, overall density on the parcel would not exceed the maximum permitted under the Specific Plan land use category.

Property in the City of Walnut Creek shall be processed under the requirements of the single family residential zoning designation currently assigned to the parcel.

Use permit applications for property in the City or County should be required to comply with the uses specified in this Plan. Additionally, all development applications in the unincorporated

North Gate Specific Plan

areas shall receive the review and approval of the Zoning Administrator, for conformance with the Specific Plan, prior to the issuance of building permits.

Allowable Land Uses within the Specific Plan Area

Land uses within the Specific Plan area will be limited to residential, agricultural, equestrian, recreational, and open space uses.

Any interpretation of these land uses will be made by either the City or County Planning Commission, depending on the location of the project, after consultation with both jurisdictions.

City of Walnut Creek

Land Uses within the City of Walnut Creek's boundaries, existing at the time of adoption of this Specific Plan, shall allow only those permitted in the R-12 and R-20 Single-Family Residential zoning districts. Should the City annex any of the County land within the Specific Plan boundaries, land uses on those properties shall comply with the provisions of this Specific Plan.

Contra Costa County

Land uses in Contra Costa County, the unincorporated part of the Specific Plan area, shall be restricted to the uses allowed in R-40, R-65, R-100, P-1 or A-2, except where those uses conflict with the provisions stated below.

Permitted Land Uses

The land uses which are permitted as a matter of right are:

- Single family dwellings, accessory structures, and auxiliary uses.
- Large family day care homes.
- Public operated parks and recreation facilities.
- Private greenhouses, gardens and orchards.
- The raising of poultry, rabbits, and other animals where such animals are primarily for the use of residents of the premises upon which such animals are kept and not for resale or distribution.

Consider w/ D.3

THE BOARD OF SUPERVISORS OF THE COUNTY OF CONTRA COSTA

Adopted this Order on Tuesday, May 9, 2000, by the following vote:

AYES: SUPERVISORS GIOIA, UILKEMA, DeSAULNIER, GANCIAMILLA and GERBER

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

RESOLUTION NO. 2000/ 254

SUBJECT: In the Matter of the First Amendment)
To The North Gate Specific Plan)
General Plan Amendment (Merlot Nursery))
County File SP# 96-0007)

The Board of Supervisors of Contra Costa County RESOLVES that:

There is filed with this Board and its Clerk a copy of Resolution No.19 -1998 adopted by the County Planning Commission which recommends approval of the First Amendment to the North Gate Specific Plan (County File SP#96-0007).

On Tuesday, May 9, 2000 the Board held a public hearing on said First Amendment discussed by the County Planning Commission, Resolution No. 19-1998. Notice of said hearing was duly given in the manner required by law. The Board at a hearing, called for testimony of all persons interested in this matter.

On Tuesday, May 9, 1999, the Board APPROVED the First Amendment to the North Gate Specific Plan, and directed text changes to the Specific Plan as described in the attachment labeled as Exhibit "A".

Contact: P. Roche, CDD-APD (335-1242)
cc: Community Development Department
CAO
County Counsel
City of Walnut Creek

PR
northgatespamend.res

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

Attested: May 9, 2000
Phil Batchelor, Clerk of the Board
of Supervisors and County Administrator

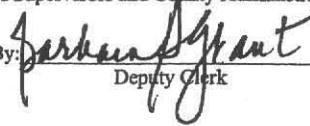
By: 
Deputy Clerk

EXHIBIT A

**PROPOSED FIRST AMENDMENT
NORTH GATE SPECIFIC PLAN
(SP#96-007)**

The following changes are to be incorporated into the text of the North Gate Specific Plan under the amendment:

1. *CONDITIONALLY PERMITTED LAND USES*, Page 17, North Gate Specific Plan

Add "Small-Scale Commercial Nurseries " to the bulleted list of permitted uses in the North Gate Specific Plan area with approval of the County Zoning Administrator subject to certain conditions.

2. *PROHIBITED USES*, Page 17, North Gate Specific Plan

Delete "Commercial Nurseries" from the bulleted list of prohibited uses in the North Gate Specific Plan Area.

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- The keeping of livestock, per the underlying zoning designation.
- Publicly owned buildings and structures.

Conditionally Permitted Uses

The following uses are permitted with approval of the County Zoning Administrator subject to certain conditions:

- Home Occupations.
- Commercial Greenhouses.
- Second Family Dwelling Units.
- Child Care Centers.
- Horse riding academies, horse riding instruction and commercial stables.
- Kennels.

Prohibited Uses

While the following uses may be conditionally permitted in the County's single-family residential or agricultural zoning districts, they are not considered appropriate uses in the Specific Plan area.

- Second Family Units greater than 1000 square feet in size.
- Medical and dental offices.
- Churches and religious institutions.
- Private schools.
- Commercial nurseries.
- Commercial radio-television receiving and transmitting facilities.
- Hospitals, eleemosynary and philanthropic institutions and convalescent homes.

Development Regulations

Home Designs: New home designs shall blend in with the semi-rural character of the area. Buildings on hillsides should complement the topography of the site. Exterior building materials of wood, wood shingles, and brick are preferred and exterior colors should be in earth tone colors. Bright colors should be avoided.

Non-Residential Structures: Agricultural and equestrian structures must comply with the development standards of the A-2, General Agriculture, zoning district.

Placement of Structures: In an effort to enhance the visual character of the area, all new homes built adjacent to North Gate and Castle Rock Roads must face these roadways. Homes shall be single story, no higher than 20 feet, with required front yard setbacks of 40 feet from the edge of right-of-way, where possible. Minimum lot sizes for these homes shall be 40,000 square feet.

Hillside Properties: No structures are permitted on slopes 26% or greater. However, small agricultural-related structures may be built on lands with slopes greater than 26% by filing a Request for Exception from the requirements established by this plan. The County Community Development Director may approve the Request if the following findings can be made:

- 1) Any new structure shall be non-commercial in nature.
- 2) Structures shall not be more than 10 feet in height.
- 3) Any development application shall avoid significant grading and conform with the existing topography of the site.
- 4) Landscaping may be required to soften the visual impact of any new structure.

Limited development is permitted on slopes between 15% and 26% with a larger minimum lot size. This density may also be transferred to a flatter portion of the site.

Height: The height limit for all new residential structures shall be two stories, no higher than 25 feet. New homes fronting North Gate and Castle Rock Roads shall be one-story, no higher than 20 feet. Non-residential structures shall comply with height limits specified in the assigned zoning districts.

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Front Yard Fencing: New fencing shall not be more than three feet in height at the front property boundary, and/or within the front yard setback. Fencing shall be an open-rail design, as shown in Figure 4.

Fences higher than three feet may be permitted upon approval from the County Community Development Director by filing a Request for Exception if the following findings can be made:

- 1) The fence is needed to enclose livestock, including horses (not dogs, cats or other domestic animals), and
- 2) The fence shall comply with the required open rail design, with wire meshing between the rails, if desired.

Rear/Side Yard Fencing: Solid board fencing and walls along side and rear property boundaries are to be discouraged. To minimize the visual impacts of perimeter lot fencing, fencing on slopes greater than 15% shall be open wire or open rail. Fencing along property boundaries between the agricultural preserve land is permitted to be barbed wire to keep grazing animals from wandering into residential areas.

Landscaping: New landscaping shall emphasize drought resistant, native plant material.

Seismic Setback: Any development within the Alquist-Priolo seismic study area will be required to submit a geologic report. No habitable structures are permitted to be located within the seismic setback fault zone as recommended in the geologic report. The land within the seismic setback area can be calculated as net lot area, provided that the remaining lot area has sufficient space for new construction, accessory structures, and all applicable setback and lot coverage requirements.

Creek Setbacks: For purposes of this Specific Plan, Natural Watercourses are identified on Figure 5 and are defined under Section 914-4.002 (Protection of Natural Watercourses) of the County Ordinance Code. **New structures shall provide at least a 50 foot minimum setback.** Applications for residential development shall be required to provide, as part of the application submittal, a creek preservation and enhancement plan, which outlines the methods of protecting and enhancing this resource. This plan shall include, at a minimum, re-vegetation of the creeks with native riparian vegetation from local seed stock.

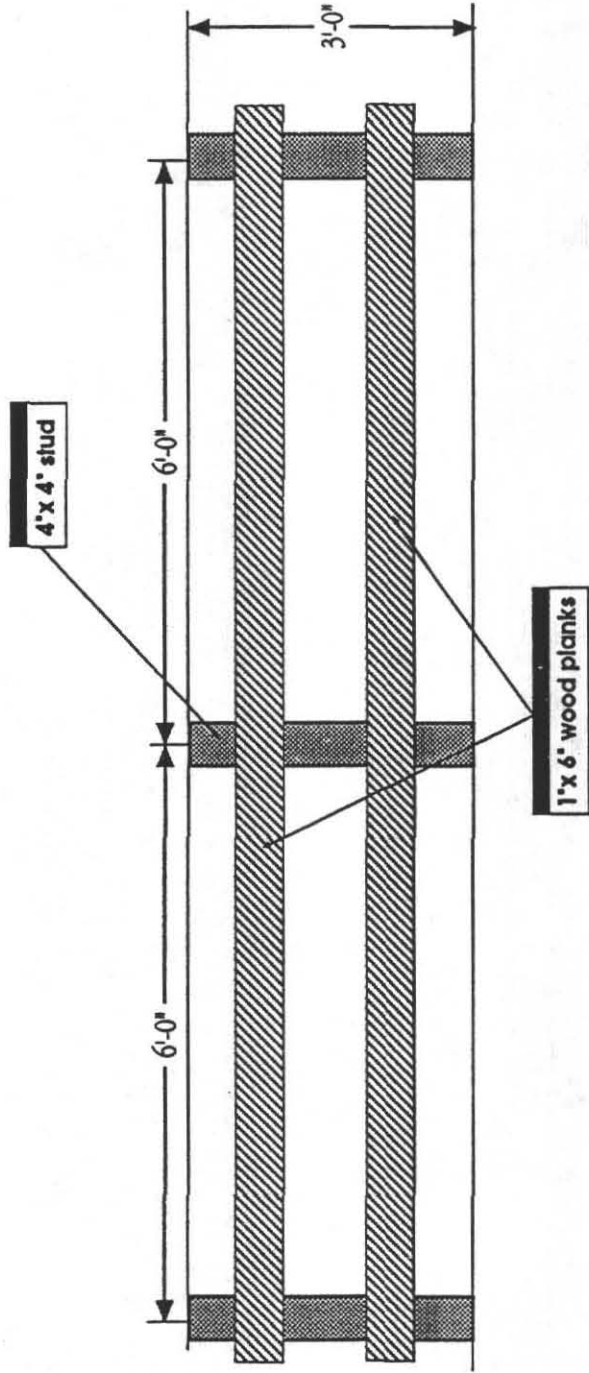
Under conventional zoning, the creek setback may be counted towards new lot size. However, with a planned unit development, the area of a new parcel beyond the creek setback shall not be less than 30,000 square feet.

Tree Preservation: Any proposals for the removal of trees, or for construction or grading near significant trees, will be consistent with the provisions of the City of Walnut Creek's Tree Preservation Ordinance.

Protection of Property Rights: To protect the rights of property owners with agricultural or equestrian facilities, new home buyers should be notified that these activities exist in the area, and that there are certain impacts, that some people may find objectionable, associated with these activities. New

NORTH GATE SPECIFIC PLAN - FIGURE 4

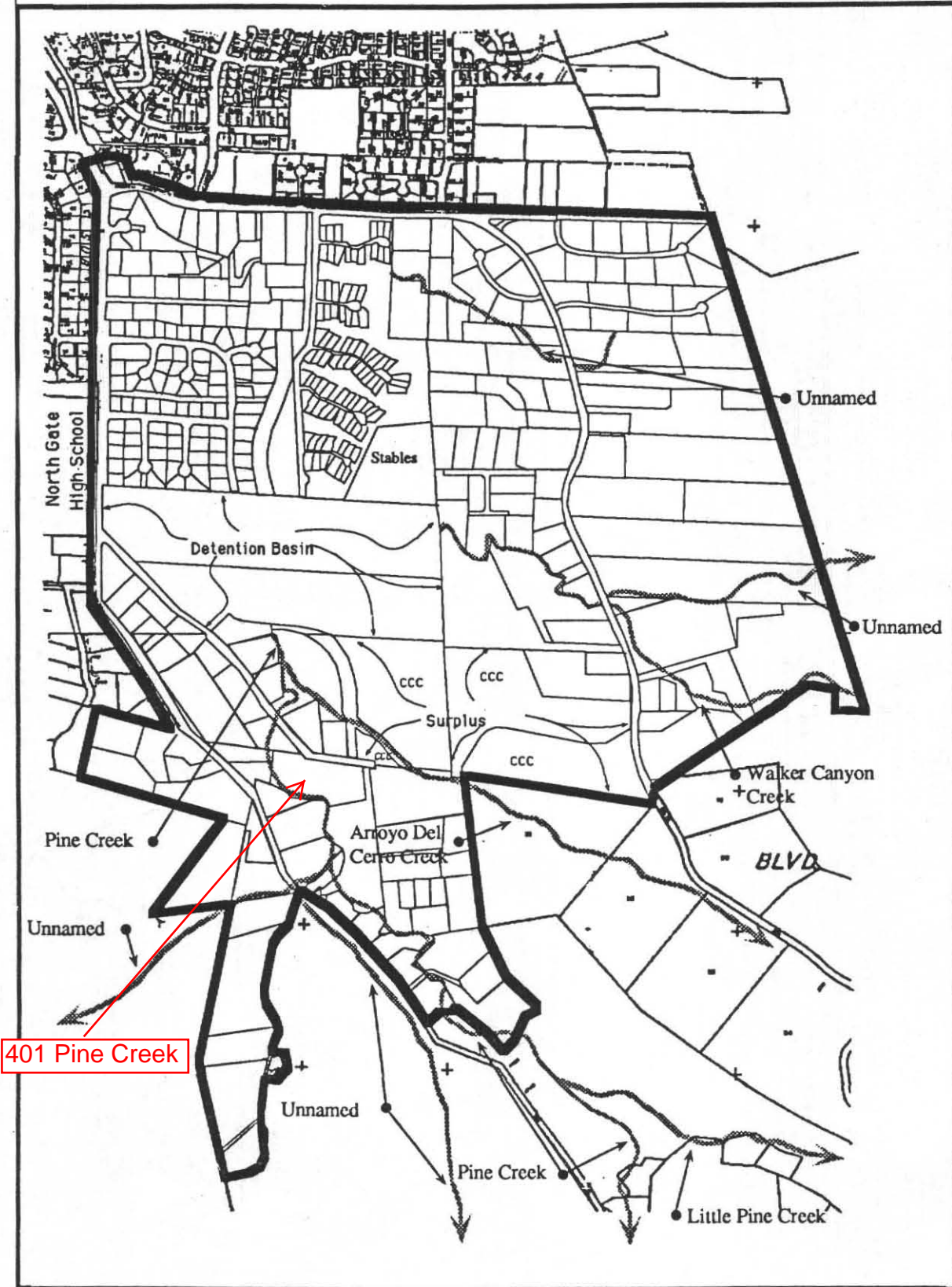
Typical Open Fence Section



Scale: 0.5" = 1'

NORTH GATE SPECIFIC PLAN – FIGURE 5

Natural Watercourses In North Gate



North Gate Specific Plan

homeowners will acknowledge the right of adjacent property owners to continue those uses by signing a document to this effect which will be recorded along with the deed.

Protection of Agricultural and Open Space Lands: To protect the agricultural preserve and open space lands, new lots created adjacent to these areas shall be larger than 40,000 square feet. Dwellings shall be set back from the adjoining property boundary at least 60 feet.

Protection of Equestrian/Agricultural Uses and Facilities: Buffers are required between residential, equestrian or agricultural development. The rear or side yard setback adjacent to these facilities should exceed the required distance specified in the R-40 zone. Distances between barns and riding arenas should be taken into consideration when siting structures.

Grading: Grading should be minimized in the Specific Plan area, particularly on hillsides and along natural creeks.

Public Utilities: All utilities must be placed underground. New residential development shall be connected to public sewers and the public water supply. All new residential development shall also provide on-site storm drainage, and shall pay a fee for off-site drainage improvements, if required.

Remodeling and Additions to Existing Structures: To the extent feasible, permits for remodeling shall be in conformity with the goals and objectives of this plan pertaining to the heights of new structures and setbacks. The County Permit Assistance Counter staff shall review all remodeling permits for conformity with the intent of this plan.

Traffic and Circulation

North Gate Road Improvements: North Gate Road should be improved to a right-of-way width of 60 feet. This width will accommodate two 12 foot travel lanes, bicycle lanes, pedestrian paths, equestrian trails, and a landscaping strip (see Figure 6). Applicants who develop properties along North Gate Road will be required to dedicate land for this right-of-way and construct all the improvements, or pay an in-lieu fee equal to the estimated cost of the improvements, as a condition of project approval.

Castle Rock Road Improvements: The right-of-way width for Castle Rock Road will be a minimum of 40 feet. This width will accommodate two 12 foot wide travel lanes and two four foot wide bike lanes. The adequacy of the right-of-way will be reviewed on a project-by-project basis. The County may require a right-of-way width up to a maximum of 60 feet for the protection of significant trees and creeks (see Figure 7).

City and County Public Works and Community Development staff shall coordinate reviews of any future proposals which may affect the Castle Rock Road right-of-way or improvements to that road. Applicants who develop properties along Castle Rock Road will be required to dedicate land for this right-of-way and construct all improvements as a condition of project approval.

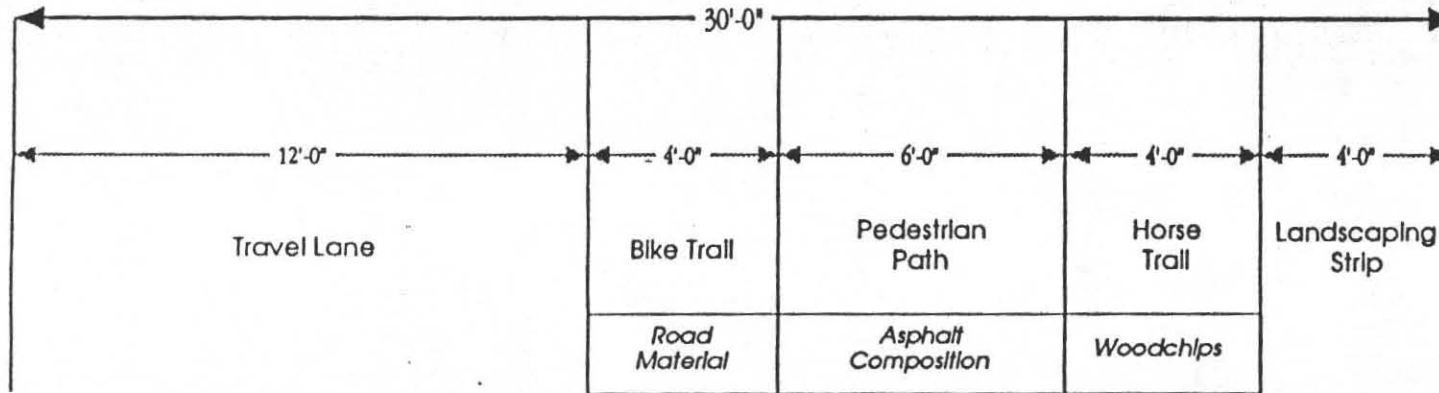
Recreational Trails (see Figure 8)

Pedestrian Paths: Pedestrian paths along North Gate and Castle Rock Roads shall be constructed with the same materials as the travel lane. No concrete sidewalks shall be installed along North Gate and Castle Rock Roads.

Bicycle: New bicycle trails are proposed along North Gate and Castle Rock Roads and through the Pine Creek Detention Basin.

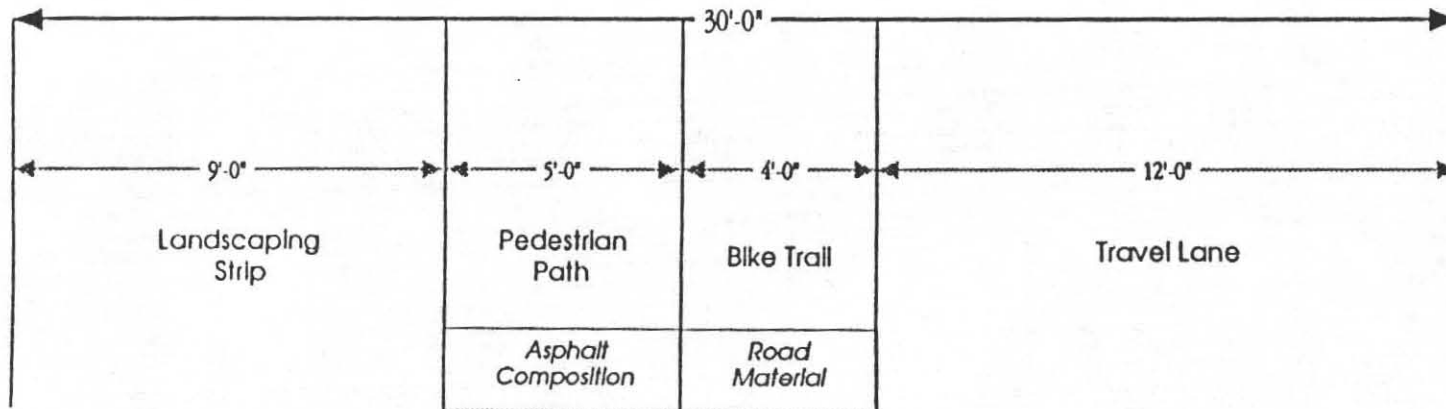
Equestrian: New equestrian trails are proposed along North Gate Road to connect to existing trails along the northern Specific Plan boundary and Mount Diablo State Park. A trail is also proposed through the County's surplus land, and the Pine Creek Detention Basin connecting to the trail along Castle Rock Road.

Proposed Street Half-section: North Gate Road - east side



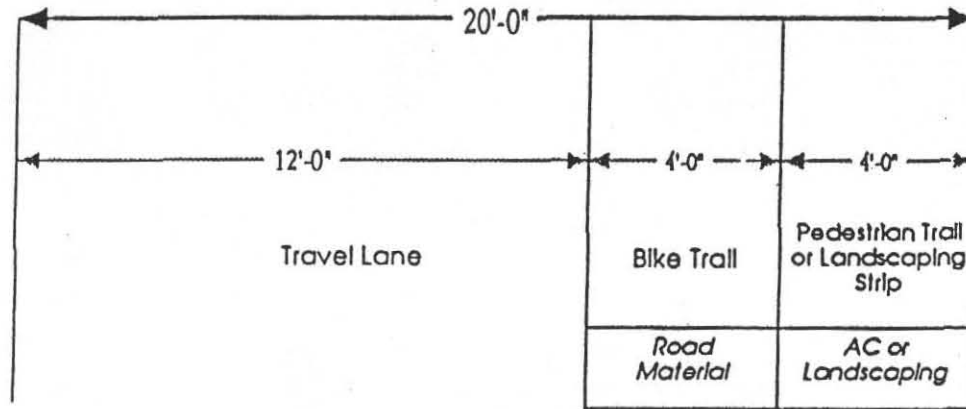
* Full Street Right of Way is 60 Feet.

Proposed Street Half-section: North Gate Road - west side



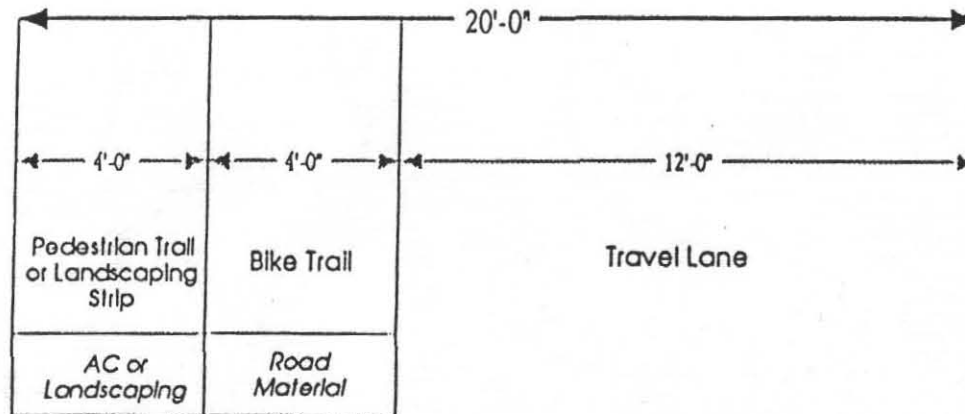
Scale: 0.25" = 1'

Proposed Street Half-section: Castle Rock Road – east side



* Full Street Right of Way is 40 Feet.

Proposed Street Half-section: Castle Rock Road – west side

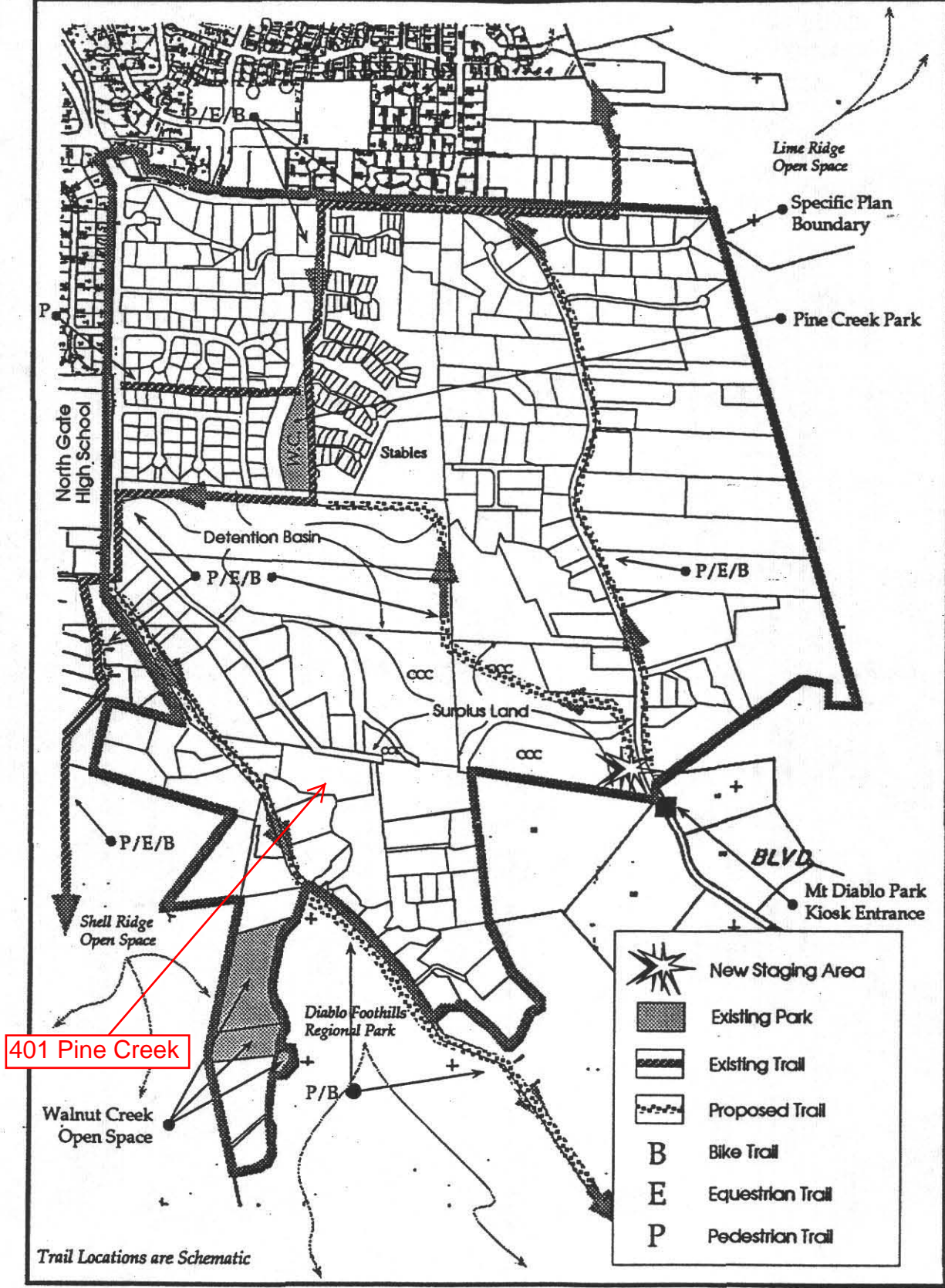


* Full Street Right of Way is 40 Feet.

Scale: 0.25" = 1'

NORTH GATE SPECIFIC PLAN – FIGURE 8

Planned Recreation Facilities and Trails



Property Owned by the County

County Flood Control and Water Conservation District Surplus Property:

The Flood Control District is required by law to recover the costs of purchasing this land. The Flood Control District intends not to offer this land for sale for at least two years from the date of adoption of this Specific Plan. However, because of the need to provide flood control projects in this and other parts of the County, the Flood Control District may need to sell the site to generate needed capital to fund the construction of these projects.

With this in mind, the preferred use for this property is for public open space. To that end, public agencies including the City, the County, East Bay Regional Park District (EBRPD) or others, are encouraged to aggressively pursue the purchase of this property for public open space. Potential funding sources include, but are not limited to, County park dedication funds, Walnut Creek open space monies, or EBRPD bond Measure AA funds.

If it is not possible to acquire the entire site for public open space, then priority should be given to purchasing a 200 foot wide agricultural buffer along the southern boundary of the site. This buffer will provide protection between the agricultural preserve lands located just south of the site and outside the Specific Plan boundary and any new residential development which may occur on the remainder of the site to the north.

If, however, at the end of two years, acquisition of the site, for public open space, is not being pursued, then the property may be sold and subdivided according to the following conditions:

- 1) A development application may be submitted for up to 34 single-family lots which includes approximately 25 percent of open space. Residential lots may be as small as 30,000 square feet to provide open space, which is described below.
- 2) The open space areas will be used for a multipurpose staging area with approximately 40 parking spaces; a new equestrian trail would be constructed and connect with the existing trail, which traverses the Pine Creek Detention Basin; and for the protection of the existing creek and riparian habitat located in the southwest corner of the site. The precise location and alignment of these public open space amenities will be determined during

North Gate Specific Plan

development of a site plan and the environmental review process, and shall be agreed to by City and County staff prior to approval of any development application.

Pine Creek Detention Basin: The primary purpose of the detention basin is flood control. Passive recreational activities are permitted in this area, as well as the construction of a new equestrian trail.

Parcel at the Northwest Corner of Specific Plan Area: This parcel is owned by the County Flood Control District. It is proposed that a landscaping plan be developed and implemented by the County.

Historic Preservation

James T. Walker House: The James T. Walker house, located on North Gate Road, has been identified as having historic significance. All efforts shall be made to preserve this structure and the surrounding grounds. Any proposed additions or alterations should be reviewed by the Contra Costa County Historical Society or the Walnut Creek Historical Preservation Society.

North Gate Improvement Association Reservoir: This reservoir, which is located on the eastern boundary of the Specific Plan area, has been identified as being an important private water source. The reservoir is also a valuable visual amenity and, for these reasons, should be protected and maintained.

IV. PLAN IMPLEMENTATION

Plan implementation will focus on review of development applications and the fulfillment of plan goals and policies through conditions of development approvals.

Nonconforming Land Uses, Lot Sizes or Structures

Some land uses, lot sizes or structures which presently exist in the planning area may be inconsistent with the requirements proposed in the Specific Plan. These are considered legal, nonconforming uses and the City or the County will permit these uses to continue. If a property owner has a legal nonconforming use or structure and wishes to expand or change that use or structure, the owner must apply for a conditional use permit or variance from either the City or the County, depending upon where the property is located. This will permit the continuation or expansion of the use subject to some conditions and a finding that such expansion or structural alteration is necessary to protect a property right and will not impair the character of the area.

If a legal, nonconforming building is destroyed and if the cost of the reconstruction is less than 50% (fifty percent) of the total building value after reconstruction, the destroyed building may be reconstructed as it previously existed.

All illegal, nonconforming land uses and structures will be abated by the City or the County. An illegal nonconforming use is one that was never lawfully established under either County or City regulations and operates in violation of either building or zoning regulations since its establishment.

Lot sizes may also be nonconforming if the lot does not contain the area, width and frontage required by the designated zoning district. Provided such lot was not created in violation of any previous zoning ordinance, the lot size is recognized as a legal, nonconforming lot regardless of size. Any lot may be developed for any use permitted in that zone even though such lot does not contain the area, width or frontage as required. Applicants who wish to develop and cannot meet the requirements of the Specific Plan may apply for a variance.

Abatement of a nonconforming use or structure by the City or County is also permissible where the use constitutes a public nuisance.

For purposes of clarity, the City of Walnut Creek will have jurisdiction within the City limits and Contra Costa County will have jurisdiction beyond the city limits.

Exceptions to Requirements

The Specific Plan sets forth requirements which allow for future development in the area. To minimize impacts between residential and non-residential uses, conditions such as open space and landscaped buffers, rear and side yard setbacks, setbacks from environmentally sensitive areas, maximum building height or lot coverage will be required to develop properties within the Specific Plan.

In certain situations, a property owner may not be able to develop the property consistent with all the land use regulations in this Plan. While no exceptions or variances shall be granted to create lots smaller than the minimum specified in the Specific Plan land use categories, exceptions to some of the development requirements may be granted to the property owner or developer subject to certain findings.

The applicant shall demonstrate undue hardship as a result of the application of the regulations and the City or County shall be required to make the following finding: due to the circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the regulations contained in the North Gate Area Specific Plan deprives the property of privileges enjoyed by other properties in the vicinity and zone in which the subject property is located. The City and County shall have the authority to impose any other conditions which the jurisdiction deems appropriate to minimize the impact of the development as proposed.

Joint Review of Planned Development Applications

All applications for subdivisions and land use permits within the Specific Plan area shall be referred by the agency which receives the application to the other jurisdiction's planning staff for review and comment. All review comments shall be considered by the approving agency. Any interpretation of the types of land uses and whether these uses are permitted as a matter of right, conditionally permitted or prohibited shall be made by either the City's or the County's Planning Commission, depending upon the location of the project, after consultation with the other jurisdiction. In the event that the recommendations of one jurisdiction conflicts with the recommendations of the other jurisdiction, all reasonable efforts shall be made to resolve the outstanding issues. The Joint City/County Planning Committee, comprised of two Walnut Creek City Councilmembers, and two County Board of Supervisors, shall be consulted for a final recommendation.

Because the adopted Specific Plan seeks to reconcile any conflicts between the two jurisdictions' planning documents and objectives, the possibility of disagreement over applications should be minimal.

North Gate Specific Plan

General and Specific Plan Amendments

Both General and Specific Plans may be amended once adopted. The Specific Plan attempts to clearly define how development will occur in the planning area. Once adopted, it is the intent of both the City and the County that the Specific Plan objectives be maintained.

If a General Plan Amendment to the Land Use Element is proposed within the planning area or within the adjacent agricultural preserve lands by either jurisdiction, it shall not be approved without an opportunity for the other jurisdiction to review, comment and issue a recommendation to the legislative body of the jurisdiction with authority to approve this proposed General Plan Amendment. Once either General Plan is amended, however, the Specific Plan must be amended in order to remain consistent with the County and City General Plans as required by state law. The Specific Plan may be amended as often as deemed necessary by the City and the County.

Affects of Proposed Projects

California law requires that no tentative subdivision map be approved and that no zoning ordinance amendments be adopted unless they are consistent with an adopted specific plan. All proposed subdivisions and other planning entitlements shall be reviewed for consistency with the North Gate Specific Plan policy and design guidelines.

Subdivision approval prior to the adoption of this Plan is generally exempt from the Plan policies for purposes of recording a final map or parcel map. However, subsequent structural and grading proposals are subject to review for compliance with the design provisions of this Specific Plan.

Multipurpose Staging Area

As noted in the Specific Plan, a multipurpose staging area is proposed on a portion of the County's surplus land that is located along North Gate Road. It is the recommendation of this Specific Plan that a committee be formed consisting of representatives from the follow agencies: the City of Walnut Creek, Contra Costa County, the East Bay Regional Park District and the California Department of Parks and Recreation. This committee will be assigned the task of studying the concept of the multipurpose staging area including design guidelines, construction and maintenance responsibilities and costs.

North Gate Specific Plan

Mutual Jurisdictional Adoption of Pertinent Ordinances

In order to implement the Specific Plan, it is anticipated that the City will adopt the provisions of the County's Creek Preservation Ordinance. In addition, the County will adopt the provisions of the City of Walnut Creek's Tree Preservation Ordinance. It is understood that the adoption of these provisions shall only apply to the North Gate Specific Plan area.

Conformity with Measure C

Every development proposal shall be reviewed for its compliance with Measure C, to ensure that Measure C standards are not exceeded by additional traffic generated by a proposal.

Development Fees

Property owners or developers who wish to develop their property shall be required to pay all development-associated fees, including traffic mitigation fees, Mt. Diablo Unified School District fees, and area-wide benefit fees.