AGENDA

PUBLIC COMMENT PERIOD
(The public may speak on any item within the jurisdiction of the Zoning Administrator not listed on this agenda. Approximately 15 minutes is allocated for the Public Comment Period, and each speaker will be allowed approximately 3 minutes.)

HEARINGS:

1. Lakes Apartments Minor Subdivision (PL19054 – PM) – Application for a tentative parcel map for a two lot subdivision on a 3.49 acre site at 1818 Laguna Street. The General Plan designation is High Density Residential; Zoning classification is RH (Residential High Density); APN 126-151-033. CEQA: Categorically exempt under CEQA Guidelines Section 15315 “Minor Land Divisions”.  Project Planner: Ryan Lenhardt @ (925) 671-3162

ADJOURNMENT

Next Regularly Scheduled Zoning Administrator Meeting: May 22, 2019

In accordance with the Americans with Disabilities Act and California Law, it is the policy of the City of Concord to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the ADA Coordinator at (925) 671-3021, at least five (5) days in advance of the hearing. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

Correspondence and writings received within 72 hours of the scheduled Zoning Administrator meeting that constitute a public record under the Public Records Act concerning any matter on the agenda is available for inspection during normal business hours at the Permit Center located at 1950 Parkside Drive, Concord. For additional information contact the Planning Division at (925) 671-3152.

APPEALS

Decisions of the Zoning Administrator may be appealed to the Planning Commission. Appeals and the required filing fee must be filed with the City Clerk within ten (10) days of the decision.

If you challenge any of the foregoing described actions in court, an appeal first of said actions to the Zoning Administrator, Planning Commission, and/or City Council (as applicable) in the manner and within the time period established in Development Code Chapter 18.510 (Appeals and Calls for Review) is required, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Administrator and/or Planning Commission (as applicable) at, or prior to, said public hearing.
SUBJECT: Lakes Apartments Minor Subdivision (PL19054 - PM)

Recommendation: Adopt Zoning Order No. 19-03ZA approving Lakes Apartments Minor Subdivision.

I. Introduction

A. Application Request

Application for a Tentative Parcel Map for a two-lot subdivision on a 3.49-acre site.

B. Location

The site is located at 1818 Laguna Street; APN 126-151-033.

C. Applicant

Luk and Associates
Attn: Jackie Luk
738 Alfred Nobel Drive
Hercules CA 94547
(510) 724-3388

Owner

The Lakes Property Owner L.L.C.
Attn: Jerry Wise
12100 Olympic Boulevard, #350
Los Angeles CA 90064
(310) 770-4047
II. Background

In 1968, the Planning Commission approved a Use Permit for a 72-unit apartment complex at the site. Following approval by the Planning Commission, the parcel was developed and operates as the “Lakes Apartments” complex.

On March 8, 2019, an application for a Tentative Parcel Map was submitted by Jackie Luk of Luk and Associates, on behalf of Jerry Wise of The Lakes Property Owner L.L.C. (“Owner”), to subdivide the 3.49-acre site into two lots for financing purposes. No physical improvements are proposed as part of the subdivision.

On April 2, 2019, the Development Advisory Committee (DAC) conducted a completeness review of the project. The application was deemed complete on April 4, 2019.

A neighborhood meeting was not conducted as the project proposes a subdivision for financing purposes and does not include any new improvements such as paving, landscaping, or new apartment units that could impact neighbors.

III. General Information

A. General Plan

The General Plan designation is High Density Residential.

B. Zoning

The project is zoned RH (Residential High Density).

C. CEQA Status

Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, and pursuant to Section 15315 “Minor Land Divisions,” the project is classified as a Class 15 Categorical Exemption, because the project consists of a subdivision of four or fewer parcels; is in conformance with the General Plan and zoning; no variances or exceptions are required; all services and access are available; the parcel was not part of a larger subdivision less than two years ago; and does not have an average slope greater than 20 percent; therefore, no further environmental review is required.

D. Site Description

The project site is a 3.49-acre (approx. 152,000 square feet) rectangular parcel that spans the north third of a manmade lake (Keller Lake). A second lake (Ellis Lake Park) is located to the north of the site, the Concord Police Department and the Concord BART Station to the east, and a mix of single and multi-family residential developments to the south and west.

The west half of the Lakes Apartments consists of 42 units in six apartment buildings as well as accessory structures, all of which are accessed via two driveways off Laguna Street. The
east half of the development consists of 30 units in seven apartment buildings accessed via one
driveway along Laguna Street. The site is relatively flat with a gradual slope across each site
with drainage directed toward the lake. Both sites are developed with carports, landscaping, a
pool, and a gazebo. Mature trees are located along the perimeter of the property and frontage
improvements include curb, gutter, and sidewalk. The project functions as one site with
shared access to amenities for all residents.

There are two easements that encumber the property. One easement is granted to the City of
Concord for the construction and maintenance of side slopes on a strip of land 15 feet wide
abutting Laguna Street across the northerly and northeasterly portions of the site. The second
is a 10 foot wide easement for maintaining a pipe culvert to transmit and transport surface
drainage to the lake located at the southeast corner of Parcel 2. Neither easement is proposed
to be modified as part of the proposed subdivision.

E. Surrounding Land Use

Table 1: Surrounding Land Uses

<table>
<thead>
<tr>
<th>North</th>
<th>General Plan Designation</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-family, Open space</td>
<td>High Density Residential, Parks and Recreation, Downtown Mixed Use</td>
<td>RH, Parks and Recreation, Downtown Mixed Use</td>
</tr>
<tr>
<td>South</td>
<td>Low Density Residential, High Density Residential</td>
<td>RS-6, RH</td>
</tr>
<tr>
<td>East, West</td>
<td>High Density Residential</td>
<td>RH</td>
</tr>
</tbody>
</table>

IV. Detailed Project Description

The project proposes to subdivide a 3.49-acre site into two parcels for financing purposes as follows:

Table 2: Proposed Parcels

<table>
<thead>
<tr>
<th>Parcel</th>
<th>Gross Lot Area</th>
<th>Net Lot Area*</th>
<th>Lot Width</th>
<th>Lot Depth</th>
<th>Units (Density)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>75,895 square feet</td>
<td>50,694 square feet</td>
<td>450 - 505 feet</td>
<td>153 - 216 feet</td>
<td>42 (36.2 du/ac)</td>
</tr>
<tr>
<td>2</td>
<td>76,088 square feet</td>
<td>35,434 square feet</td>
<td>181 - 290 feet</td>
<td>216 - 330 feet</td>
<td>30 (37 du/ac)</td>
</tr>
</tbody>
</table>

*Does not include open space such as the lake (Table 18.15.020).

The proposed subdivision would divide the existing rectangular parcel into two new parcels with a
new property line perpendicular to Laguna Street. Parcel 1 will be located to the west of Parcel 2,
both parcels will span the north third of the lake, and continue to front Laguna Street. No physical
improvements are proposed as part of the subdivision.
V. Analysis

A. General Plan

The site’s General Plan designation of High Density Residential is intended for residential development at densities ranging from a minimum of 33 units per net acre to a maximum of 100 units per net acre. This density range accommodates attached homes, two- to four-plexes, and apartment buildings. This designation is intended for areas in and adjacent to central Concord and near BART stations, where higher densities may be appropriate.

The property’s current density of 36.4 dwelling units per net acre conforms to the General Plan’s minimum density. The proposed subdivision will result in a density of 36.2 units per net acre (Parcel 1) and 37 units per net acre (Parcel 2), which also conforms to the General Plan’s minimum density range.

B. Development Regulations

As indicated in Table 3 below, the proposed lots and existing development on each lot conform to the RH development standards, with the exception of the required on-site parking for each of the proposed parcels.

<table>
<thead>
<tr>
<th>RH Standards</th>
<th>Required/Permitted</th>
<th>Parcel 1</th>
<th>Parcel 2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density (du/net ac.)</td>
<td>33 – 100</td>
<td>36.2</td>
<td>37</td>
</tr>
<tr>
<td>Lot Area (min.)</td>
<td>5,000 square feet</td>
<td>50,694 square feet</td>
<td>35,434 square feet</td>
</tr>
<tr>
<td>Lot Width (min.)</td>
<td>50 feet</td>
<td>450 - 505 feet</td>
<td>181 - 290 feet</td>
</tr>
<tr>
<td>Lot Depth (min.)</td>
<td>100 feet</td>
<td>153 - 216 feet</td>
<td>216 - 330 feet</td>
</tr>
<tr>
<td>Lot Coverage</td>
<td>75%</td>
<td>23.4%</td>
<td>23.7%</td>
</tr>
<tr>
<td>Setbacks (min.)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>0 feet</td>
<td>15 feet</td>
<td>15 feet</td>
</tr>
<tr>
<td>Sides</td>
<td>5 feet</td>
<td>100+ feet</td>
<td>10+ and 100+ feet</td>
</tr>
<tr>
<td>Rear</td>
<td>6 feet</td>
<td>15+ feet</td>
<td>12 feet</td>
</tr>
</tbody>
</table>

**Parking**

<table>
<thead>
<tr>
<th>Parking</th>
<th>Required</th>
<th>Proposed</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>One bedroom units (1.5/unit)</td>
<td>41</td>
<td>22*</td>
<td>23</td>
<td>18*</td>
</tr>
<tr>
<td>Two bedroom units (2/unit)</td>
<td>30</td>
<td>20*</td>
<td>30</td>
<td>14*</td>
</tr>
<tr>
<td>Guest (1/each 3 units)</td>
<td>14</td>
<td>14</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Covered (1/unit)</td>
<td>42</td>
<td>42</td>
<td>30</td>
<td>30</td>
</tr>
</tbody>
</table>

*Existing, legal non-conforming uses/structures are allowed to continue as long as the degree of nonconformity does not increase (Section 18.530.030).
Both of the proposed lots meet the minimum required parcel size, setbacks, and lot coverage based on RH (Residential High Density) zoning. However, each newly proposed parcel would be deficient in the required number of parking stalls pursuant to the code requirements.

The project was approved in 1968 in conformance with the adopted ordinances and parking requirements at the time and is considered legal non-conforming with respect to its parking. The number of parking spaces is allowed to continue as long as the degree of non-conformity does not increase and the scope of the project is not expanded in a manner that would trigger the need for additional parking such as the addition of residential units. Therefore, the project complies with the development standards.

C. Tentative Parcel Map

Pursuant to Municipal Code Section 17.10.080(b), the Zoning Administrator may approve a tentative parcel map after making the following findings.

1. *The proposed map is consistent with the general plan, any applicable specific plan, any policy or guideline implementing the general plan, the Development Code, and all other applicable provisions of the Municipal Code.*

The proposed lots conform to the density allowed under the General Plan’s High Density Residential designation, are consistent with General Plan and Development Code policies related to residential development, and the applicable provisions of the Municipal Code. The existing parking is considered legal non-conforming and may remain because the subdivision does not increase the degree of nonconformity and the existing parking ratios for each parcel will remain unchanged.

2. *The site is physically suitable for the proposed type and density of development.*

The site was approved for a 72-unit multi-family project in 1968. The site is developed and has been operating as an apartment complex since that time. Both parcels comply with the development standards related to density, lot size, lot dimensions, lot coverage, setbacks, and building height. No physical improvements are proposed as part of the subdivision.

3. *The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.*

The site is developed and does not contain any known sensitive species or habitats, including within the manmade lake. Moreover, no physical improvements or modifications to existing conditions are proposed that would impact species or habitats.

4. *The design of the subdivision or the type of improvements will not cause serious public health problems.*
No physical improvements are proposed as part of the subdivision; therefore, there will not be serious public health problems.

5. *The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.*

This is a private subdivision with no public access through or use of the property. The existing easements as described earlier in the report will not be changed or modified and will continue to remain on each respective parcel.

VI. **Public Contact**

Notification was mailed to all owners and occupants of property within three-hundred (300) feet of the subject parcel, and has been published in the East Bay Times, as required by the Concord Municipal Code. This item has also been posted at the Civic Center and at the subject site at least 10 days prior to the public hearing.

VII. **Summary and Recommendations**

Staff finds the project to be consistent with the General Plan, the Subdivision Ordinance, and the Development Code. Staff recommends the Zoning Administrator open the public hearing, consider the staff report and presentation by the applicant, the public testimony, and close the hearing upon completion of public testimony. Staff further recommends the Zoning Administrator adopt ZA Order No. 19-03ZA with conditions of approval, approving the Lakes Apartments Minor Subdivision.

Prepared by:  
G. Ryan Lenhardt  
Senior Planner  
(925) 671-3162  
ryan.lenhardt@cityofconcord.org

Exhibits:

A - Zoning Administrator Order No. 19-03ZA and Draft Conditions (Attachment A)
B - Applicant’s written statement date stamp received March 8, 2019
C - Tentative Parcel Map date stamp received March 8, 2019
ZA ORDER NO. 19-03ZA

OFFICE OF THE ZONING ADMINISTRATOR
CITY OF CONCORD
APPROVING A MINOR SUBDIVISION (PL19054 - PM)
Applicant: Jackie Luk/Luk and Associates
Owner: Jerry Wise/The Lakes Property Owner L.L.C.
Project Name: Lakes Apartments Minor Subdivision

WHEREAS, on March 8, 2019, Jackie Luk (“Applicant”) submitted an application for a Tentative Parcel Map for a two-lot subdivision on a 3.49-acre site at 1818 Laguna Street, APN 126-151-033; and

WHEREAS, on April 4, 2019, the application was deemed complete; and

WHEREAS, the Zoning Administrator, after giving all public notices required by State law and the Concord Municipal Code, held a duly noticed public hearing on May 8, 2019, on the proposed parcel map; and

WHEREAS, at such public hearing, the Zoning Administrator considered all oral and written information, testimony, and comments received during the public review process, including information received at the public hearing, the oral report from City staff, and the written report from City staff dated May 8, 2019, application materials, and exhibits presented; and

NOW, THEREFORE, BE IT RESOLVED that the Zoning Administrator does hereby approve the Lakes Apartments Minor Subdivision (PL19054 - PM) Tentative Parcel Map subject to the attached Conditions of Approval referenced in Attachment A, based on the following findings.

RECITALS
The recitals above are true and correct and incorporated herein by reference. The recitals constitute findings in this matter, and together with the Project Information, serve as an adequate and appropriate evidentiary basis for the findings and actions set forth in this Order.

CEQA
Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970 (and as amended); the project is classified as Categorically Exempt pursuant to Section 15315 “Minor Land Divisions”, and therefore, no further environmental review is required.
General Plan

1) **High Density Residential.** The project’s density of 36.4 and 37 units per net acre for Parcels 1 and 2 respectively is within the density of 33 - 100 dwelling units per net acre allowed by the High Density Residential designation.

2) **Require new development in residential areas to preserve and enhance positive neighborhood characteristics. (Policy LU-1.1.2).** The project is consistent with this policy because both parcels meet the minimum size required by zoning, preserving the existing pattern of homes along Laguna Street.

Tentative Parcel Map

3) **The proposed map is consistent with the general plan, policies and guidelines implementing the general plan, the Development Code, and all other applicable provisions of the Municipal Code.** The project falls within the density allowed under the General Plan’s High Density Residential designation, is consistent with General Plan and Development Code policies related to residential development, and the applicable provisions of the Municipal Code. The existing parking is considered legal non-conforming and may remain because the subdivision does not increase the degree of nonconformity and the existing parking ratios for each parcel will remain unchanged.

4) **The site is physically suitable for the proposed type and density of development.** Both parcels comply with the development standards related to lot size, lot coverage, setbacks, and building height;

5) **The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.** The site is a developed infill parcel and no new improvements are proposed that would impact known sensitive species or habitats;

6) **The design of the subdivision or the type of improvements will not cause serious public health problems.** No physical improvements are proposed as part of the subdivision therefore, no serious public health problems will occur; and

7) **The design of the subdivision or the type of improvements will not conflict with**
easements, acquired by the public at large, for access through or use of property within the proposed subdivision. This is a private subdivision with no public access through or use of the property. The existing easements as described earlier in the report will not be changed or modified and will continue to remain in perpetuity with each respective parcel.

Based on the above findings, on Wednesday, May 8, 2019, the Zoning Administrator approves said application subject to the attached Conditions of Approval, referenced as Attachment “A”.

Michael P. Cass  
Zoning Administrator

Attachment: A – Draft Conditions of Approval
DRAFT

CONDITIONS OF APPROVAL

LAKES APARTMENTS MINOR SUBDIVISION

PL19054 - PM
1818 Laguna Street
APN 126-151-033

PERMIT DESCRIPTION

1. These Conditions of Approval apply to and constitute the approval of a Tentative Parcel Map consisting of two (2) individual parcels on a 3.49-acre site.

<table>
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</table>

2. The following Exhibits, date stamped received by the City of Concord, on March 8, 2019, are approved and shall be incorporated as Conditions of Approval.

<table>
<thead>
<tr>
<th>Plan</th>
<th>Date Prepared</th>
<th>Prepared by</th>
<th>Sheet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tentative Parcel Map</td>
<td>2/15/19</td>
<td>Luk and Associates</td>
<td>Sheet 1</td>
</tr>
</tbody>
</table>

GENERAL CONDITIONS

3. Where a plan or further information is required, it is subject to review and approval by the applicable City Department/Division, as noted at the end of each Condition. The Division listed first shall be the primary contact for implementation of that Condition. (PLNG, BLDG, ENGR)

4. The project shall comply with all applicable Federal and State laws and Concord Municipal Code (CMC) requirements. (PLNG, BLDG, ENGR)

5. Two annotated copies of the Conditions of Approval specifying how each applicable condition has been satisfied, shall be submitted at the time of submittal of the Parcel Map for recordation. (PLNG, ENGR)

SUBDIVISIONS/SITE DEVELOPMENT PLANS

6. The Parcel Map shall be prepared by a qualified Civil Engineer or Licensed Land Surveyor and shall be subject to review and approval by Engineering Services. (ENGR)
CONSTRUCTION PLAN REVIEW/PRE-PERMIT REQUIREMENTS

7. Submit electronic copy of Preliminary Title Report, prepared within three months prior to plan submittal. (ENGR)

AGREEMENTS, FEES, BONDS

8. All fees noted below are the fees currently in effect as of July 1, 2018 per the Resolution of Fees and Charges. The fees and charges are reviewed annually as part of the budget public hearing process. Fee adjustments are based on a number of factors and vary depending on the type of fee:

Service-based fees are adjusted annually based on the San Francisco-San Jose-Oakland Area Consumer Price Index;

Improvement based fees (also called impact fees) are adjusted annually based on Engineering News Record Construction Cost Index (San Francisco Bay Area); and the

Parkland Fee is adjusted per Section 19.15 of the Concord Municipal Code.

The fees become effective as of the date set forth in Exhibit A of Resolution No. 78-6042, Fees and Charges for Various Municipal Services, as most recently amended and approved by the City Council. Persons interested in how a particular fee is calculated should contact the City Department administering the fee or the Finance Department. (ENGR)

9. Pay a Document Imaging fee to reimburse the City for implementation of the Document Imaging and File Retention programs, prior to recordation of Parcel Map. (PLNG)

10. Parcel Map Application:

a. Pay the Parcel Map review fee at the time of submittal of Parcel Map documents to Engineering Services for review. Current fee is estimated to be $4,384.

b. Pay the Parcel Map filing fee prior to scheduling the Subdivision Agreement for consideration by the City Council. The current fee is $2,740.

c. Pay the Improvement Plan review fee if applicable, at the time of submittal of Improvement Plans and supporting documents to Engineering Services for review. The current fee is based on construction cost valuation.

d. Pay the Construction Inspection fee if applicable, prior to issuance of the Construction Permits. The current fee is based on construction cost valuation.

e. Pay new parcel fee of $344 per parcel prior to the approval of the Parcel Map. (ENGR)

OTHER/MISCELLANEOUS

11. The applicant shall defend (with counsel approved by City), indemnify and hold harmless the City, any agency or instrumentality thereof, and its/their respective agents, officers, officials, volunteers, and employees from and against any and all administrative and/or legal claims, actions or proceedings to attack, set aside, void, or annul approval of the project, including without limitation, any related application, permit, certification, condition, environmental
determination, other approval, compliance or failure to comply with applicable laws and regulations, and/or processing methods (“Challenge”), with the exception of a Challenge arising out of the City’s sole negligence or willful misconduct. The City shall have the right to pre-approve any material decision involved in defending any such Challenge, including settlement, and may (but is not obligated to) participate in the defense of any Challenge. If applicant does not promptly defend any Challenge, City may (but is not obligated to) defend such Challenge as City, in its sole discretion, determines appropriate, all at applicant’s sole cost and expense. The applicant shall bear any and all losses, damages, injuries, liabilities, costs, and expenses (including, without limitation, staff time and in-house attorney's fees on a fully-loaded basis, attorney’s fees for outside legal counsel, expert witness fees, court costs, and other litigation expenses) arising out of or related to any Challenge (“Costs”), whether incurred by Developer, City, or awarded to any third party, and shall pay to the City upon demand any Costs incurred by the City. No modification of the project, any application, permit, certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the applicant’s indemnity obligation. Pursuant to Government Code Section 66474.9, the applicant’s indemnification obligation with respect to any claim, action or proceeding to attack, set aside, void, or annul an approval of City concerning a subdivision (tentative, parcel, or final map application or approval) shall be limited to actions brought within the time period provided for in Government Code Section 66499.37, unless such time period is extended for any reason. The City shall promptly notify applicant of any Challenge, and shall cooperate fully in the defense. (CA)

12. The permit and approval shall expire in two years from the date on which they became effective unless construction permits are obtained and work has begun. All permits approved concurrently with a Tentative Map shall be valid for the life of the map. The effective date of the permit and approval is May 21, 2019. (PLNG)

13. A request for a time extension from the expiration date of May 21, 2021 can be considered if an application with required fee is filed at least 10 days before the original expiration date, otherwise a new application is required. A public hearing will be required for all extension applications, except those involving only Design Review. Extensions are not automatically approved. Changes in conditions, City policies, surrounding neighborhood, and other factors permitted to be considered under the law, may require, or permit denial. (PLNG)
March 8, 2019

Dear City of Concord Staff,

I am requesting a two-lot minor subdivision of the Lakes Apartments. We aren’t looking to build or upzone anything, we are just looking to do a paper lot split for financing purposes.

Sincerely,

Jerry Wise
Brad Management
12100 West Olympic Boulevard, Suite 350
Los Angeles CA 90064