REGULAR MEETING OF THE
CITY OF CONCORD
PLANNING COMMISSION

Wednesday, July 3, 2019
6:30 p.m. – City Council Chamber
1950 Parkside Drive, Concord

Planning Commission Members:
Ray Barbour, Chair
John Mercurio, Vice Chair
Jason Laub, Commissioner
Craig Mizutani, Commissioner
Mark Weinmann, Commissioner

REGULAR MEETING
6:30 p.m. – City Council Chamber

I. ROLL CALL

II. PLEDGE TO THE FLAG

III. PUBLIC COMMENT PERIOD

IV. ADDITIONS / CONTINUANCES / WITHDRAWALS

V. CONSENT CALENDAR

1. 5/1/19 Meeting Minutes

2. Argent Concord Extension (PL19081 – UPA, MP, DR) – Application for a two-year extension of the approval for Argent Use Permit Amendment, Minor Use Permit, and Design Review for a 181-unit apartment seven-story multi-family rental residential project on a 1.53 acre site. The General Plan designation is Downtown Mixed Use; Zoning classification is DMX (Downtown Mixed Use); APN 126-082-008. The original entitlement (PL16333- UP, MP, DR) was approved by the Planning Commission on December 15, 2016, and amended by the Planning Commission on June 7, 2017 (PL17115- UPA, MP, DR). CEQA: No further environmental review is required under Public Resources Code Section 21166 and CEQA Guidelines Section 15162 as there are no substantial changes proposed to the project, new circumstances or new information which would trigger further environmental review. Project Planner: Lorna Villa @ (925) 671-3176
VI. PUBLIC HEARINGS

1. Avesta Assisted Living Facility (PL19036 – UP, VA, DR, RT) – Application for a Use Permit, Variance, Design Review, and Tree Removal for the construction of a 150,000 square foot residential facility for seniors, consisting of approximately 150 units (with proposed 117 assisted living and 33 memory care units) on a 1.1-acre site at 1335-1385 Galindo Street. The General Plan designation is Downtown Mixed Use; Zoning classification is DMX (Downtown Mixed Use); APNs 126-133-009, 013, and 126-164-052. CEQA: Pursuant to CEQA Guidelines Section 15332, the proposed project qualifies for an exemption as an Infill Development Project under CEQA. Furthermore, there is substantial evidence that the exceptions to categorical exemptions outlined in CEQA Guidelines Section 15300.2 do not apply to the proposed project, and therefore the proposed project is exempt from further CEQA analysis. Project Planner: Ryan Lenhardt @ (925) 671-3162

VII. COMMISSION CONSIDERATION

VIII. STAFF REPORTS / ANNOUNCEMENTS

IX. COMMISSION REPORTS / ANNOUNCEMENTS

X. FUTURE PUBLIC HEARING ITEMS

XI. ADJOURNMENT

NOTICE TO PUBLIC

ADA ACCOMMODATION

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.

APPEALS

Decisions of the Planning Commission on use permits, variances, major subdivisions, appeals taken from decisions of the Zoning Administrator or staff interpretations of the Zoning Code may be appealed to the City Council. 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.

APPLICANT’S SUBMITTAL OF INFORMATION

Submittal of information by a project applicant subsequent to the distribution of the agenda packet but prior to the public hearing may result in a continuance of the subject agenda item to the next regularly scheduled Planning Commission meeting, if the Commission determines that such late submittal compromises its ability to fully consider and evaluate the project at the time of the public hearing.
CONSENT CALENDAR

Adoption of the Consent Calendar may be made by one motion of the Planning Commission, provided that any Commissioner, individual, or organization may request removal of an item from the Consent Calendar for separate consideration. If a request for removal of an item from the Consent Calendar has been received, the Chair may defer action on the particular item and place the same on the regular agenda for consideration in any order s/he deems appropriate.

CORRESPONDENCE

Correspondence and writings received within 72 hours of the scheduled Planning Commission 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.

HEARINGS

Persons who wish to speak on hearings listed on the agenda will be heard when the hearing is opened, except on hearing items previously heard and closed to public comment. Each public speaker should limit their comments to three (3) minutes or less. The Chair may grant additional time. The project applicant normally shall be the first person to make a presentation when a hearing is opened for public comment. The project applicant’s presentation should not exceed ten (10) minutes unless the Chair grants permission for a longer presentation. After the public has commented, the item is closed to further public comment and brought to the Planning Commission level for discussion and action. Further comment from the audience will not be received unless requested by the Commission. No public hearing or hearing shall commence after 11:00 p.m. unless this rule is waived by majority vote of the Commission.

MEETING RECORDS

Planning Commission meetings are available for viewing on the City’s website, www.cityofconcord.org and at the Concord Public Library. Copies of DVDs of the Planning Commission Meeting are available for purchase. Contact the Planning Division at (925) 671-3152 for further information.

NOTICE TO THE HEARING IMPAIRED

The Council Chamber is equipped with Easy Listener Sound Amplifier units for use by the hearing impaired. The units operate in conjunction with the Chamber's sound system. You may request the Easy Listener Phonic Ear Personal Sound Amplifier from the staff for personal use during Commission meetings.

ROUTINE AGENDA ITEMS AND CONTINUED ITEMS

All routine and continued items will be considered by the Planning Commission at the beginning of the meeting. There will not be separate discussions of these items unless a request is made prior to the time the Planning Commission considers the motions.

SPEAKER’S CARD

Members of the audience who wish to address the Planning Commission should complete a speaker's card available in the lobby or at the front bench. Submit the completed card to staff before the item is called, preferably before the meeting begins.

TELEVISED MEETINGS

All Planning Commission meetings are broadcast live on Astound Broadband channel 29 and Comcast channel 28. The meeting is replayed on the Thursday following the meeting at 8:00 a.m., 2:00 p.m. and 8:00 p.m. Replays are also broadcast on Fridays and Saturdays. Please check the City website, http://www.cityofconcord.org/about/citynews/tvlistings.pdf or check the channels for broadcast times.

NEXT REGULARLY-SCHEDULED PLANNING COMMISSION MEETINGS:

July 17, 2019
August 7, 2019
A regular meeting of the Planning Commission, City of Concord, was called to order by Chair Barbour at 6:30 P.M., May 1, 2019, in the City Council Chamber.

I. ROLL CALL

COMMISSIONERS PRESENT: Chair Ray Barbour
Vice Chair John Mercurio
Commissioner Jason Laub
Commissioner Craig Mizutani
Commissioner Mark Weinmann

STAFF PRESENT: Mindy Gentry, Planning Manager/Secretary to the Planning Commission
Margaret Kotzehue, Senior Assistant City Attorney
Frank Abejo, Principal Planner

II. PLEDGE TO THE FLAG
Commissioner Mizutani led the pledge.

III. PUBLIC COMMENT PERIOD
No public comment was heard.

IV. ADDITIONS / CONTINUANCES / WITHDRAWALS
There were none.

V. CONSENT CALENDAR

APPROVAL OF MINUTES

No public comment was heard.

Motion was made by Commissioner Weinmann and seconded by Commissioner Laub to approve the meeting minutes of April 17, 2019. The motion was passed by the following vote:

AYES: Weinmann, Laub, Barbour, Mercurio, Mizutani
NOES: None
ABSTAIN: None
ABSENT: None
VI. **PUBLIC HEARINGS**

**Development Code Amendment (PL19074 – MC)** – Public hearing for the purposes of making a recommendation to the City Council regarding City-initiated amendments to Concord Municipal Code Section 18.20.020 (Use Classifications) to amend the use classifications for “Medical clinic facility;” “Medical and dental offices;” and “Social service facilities, community organization;” and to amend the associated land use tables for these use classifications in all zoning districts, as contained in the Concord Municipal Code. CEQA: Pursuant to the provisions of CEQA, the project is classified as Categorically Exempt pursuant to CEQA Guidelines Section 15061(B)(3); or in the alternative, not considered a “project” under CEQA Guidelines Section 15378, and no further environmental review is required. **Project Planner: Frank Abejo @ (925) 671-3128**

Frank Abejo, Principal Planner, gave a presentation and answered questions from the Planning Commission regarding the reasoning the social service use is not allowed in the North Todos Santos District but is allowed in the Downtown Pedestrian District and Downtown Mixed Use District, why cannabis is not excluded as a social service use, examples of what a social service use actually is, licensing of a Medical Services Facility, and how the definitions for the land use classifications were developed.

There was no public comment.

Motion was made by Commissioner Laub and seconded by Commissioner Weinmann to adopt Resolution 10-09 PC, recommending City Council adoption of an ordinance, with an amendment to exclude cannabis uses from Social Service Facility land use category, approving a Development Code Amendment consistent with the revisions identified in Exhibits A through H of said resolution. The motion was passed by the following vote:

- **AYES:** Laub, Weinmann, Barbour, Mercurio, Mizutani
- **NOES:** None
- **ABSTAIN:** None
- **ABSENT:** None

VII. **COMMISSION CONSIDERATIONS**

There were none.

VIII. **STAFF REPORTS / ANNOUNCEMENTS**

There were none.

IX. **COMMISSION REPORTS / ANNOUNCEMENTS**

There were none.
X.  **FUTURE PUBLIC HEARING ITEMS**

Planning Manager Mindy Gentry announced the May 15th meeting will be cancelled and the June 5th meeting currently has one item scheduled.

XI.  **ADJOURNMENT**

Commissioner Laub moved to adjourn at 7:05 P.M. Commissioner Mizutani seconded the motion. Motion to adjourn was passed by unanimous vote of the Commissioners present.

APPROVED:

Mindy Gentry  
Planning Manager / Secretary to the Planning Commission

Transcribed by Grant Spilman,  
Administrative Coordinator
DATE: July 3, 2019

SUBJECT: Argent Concord Use Permit Amendment Extension (PL19081 - UPA, MP, DR)

Recommendation: 1) Adopt Resolution No. 19-11PC, approving a two-year extension of the approval for Argent Use Permit Amendment, Minor Use Permit, and Design Review (PL17115- UPA, MP, DR).

CEQA: No further environmental review is required under Public Resources Code Section 21166 and CEQA Guidelines Section 15162 as there are no substantial changes proposed to the project, new circumstances or new information which would trigger further environmental review.

I. Introduction

A. Application Request

Application for a two-year extension of the approval for Argent Use Permit Amendment, Minor Use Permit, and Design Review for a 181-unit apartment seven-story multi-family rental residential project on a 1.53 acre site. The original entitlement (PL16333- UP, MP, DR) was approved by the Planning Commission on December 15, 2016, and amended by the Planning Commission on June 7, 2017 (PL17115- UPA, MP, DR).

B. Location

The project site is located at 2400 Willow Pass Road; APNs 126-082-008.
C. Applicant/Owner

Blue Mountain Construction Services Inc.
Gordon Stankowski
707 Aldridge Road
Vacaville, CA 95688

II. Background

On December 15, 2016, the Planning Commission adopted Resolution No. 16-33PC approving a Use Permit, Minor Use Permit, and Design Review for a 181-unit apartment project with one below grade and two levels of podium style parking.

On June 7, 2017, the Planning Commission adopted Resolution 17-14PC approving a Use Permit Amendment to increase the number of affordable housing units in the development and to remove the subterranean parking. The approval is valid through June 20, 2019.

A request for an extension of the permit was submitted to the Planning Division on May 09, 2019. A two-year extension of the approval can be requested pursuant to Section 18.505.020 of the Concord Municipal Code (CMC).

Industrial Foundry Corporation, parent company of Blue Mountain Construction Services, Inc., is the current property owner. The project is under feasibility studies and additional time is required to develop an economically viable project. The applicant indicates the biggest challenges are the rising cost of construction and the local rent structure.

On May 9, 2019, Blue Mountain Construction Services Inc., filed an application to extend the approval of the Use Permit Amendment, Minor Use Permit, and Design Review for two years (see Exhibit B). If granted, the extension will keep the approval and permits valid through July 14, 2021. The extension would allow Blue Mountain Construction Services to continue feasibility studies to develop an economically viable project.

III. Discussion

The Development Code allows an applicant to request an extension of a permit if the application is timely filed before the expiration of the permit. The burden of proof is on the permittee to establish with substantial evidence that the permittee has proceeded in good faith and has exercised due diligence in complying with the conditions in a timely manner. If the permittee has met this burden of proof, the Planning Commission may grant a time extension for up to a total of 24 months, if the Planning Commission finds that 1) the requested extension is consistent with the general plan and any applicable specific plan; 2) the findings required in the original approval remain valid; and 3) there are adequate provisions for public services and utilities to ensure the extension would not endanger, jeopardize or constitute a hazard to public health, safety or general welfare or be injurious to the property or improvements in the area. CDC Section 18.505.020(B)(3).
Staff supports the extension to allow additional time for the developer to continue their feasibility studies and evaluate various construction scenarios. Blue Mountain is proceeding in good faith and has recently demolished the existing Blockbuster building. Blue Mountain has met with staff several times to review conditions of approval and potential internal building modifications. They have also communicated their intention to submit an extension of the Use Permit Amendment before the filing date, their submittal of a written extension request and payment of the applicable filing fee, and their ultimate plan to construct the apartment project. As such, Blue Mountain Construction Services Inc. has substantially complied with the extension request requirements. The extension also meets the following required findings under Development Code Section 18.505.020(B)(3):

1. The requested extension is consistent with the general plan and any applicable specific plan, and the overall project remains consistent with those plans as they exist at the time the extension request is being considered. There are no changes to the approved project and as such it remains consistent with the Concord 2030 General Plan, which consistency was analyzed in the December 15, 2016, and June 7, 2017 Planning Commission staff reports (attached as Exhibit D).

2. The findings under Resolution No. 17-14PC approving the project remain valid (see Exhibit A, Attachment B).

3. As analyzed in the December 15, 2016, and June 7, 2017, Planning Commission staff reports (attached as Exhibits C and D), there are adequate provisions for public services and utilities (e.g., access, drainage, fire protection, sewers, water, etc.) to ensure that the requested extension would not endanger, jeopardize, or otherwise constitute a hazard to the public health, safety, or general welfare, or be injurious to the property or improvements in the vicinity and applicable zoning district.

IV. CEQA

The City prepared an Initial Study under the California Environmental Quality Act (CEQA), when the project was initially submitted in March of 2016. At that time the Planning Commission determined that no further environmental review was necessary under CEQA Guideline Section 15183 as the project is consistent with the development density established by the existing zoning, community plan, or general plan policies for which a previous EIR (in 2007) for the General Plan, a SEIR (in 2012) for the new Development Code and Zoning Map, and Addendum (2014) to the 2012 SEIR in connection to the Downtown Specific Plan had been certified.

At the December 15, 2016 meeting the Planning Commission adopted the Initial Study’s finding in Resolution No 16-33 and determined that the Argent project did not require any additional environmental review.

On June 7, 2017, the Planning Commission adopted Resolution 17-14PC and determined that the amended project is consistent with the community plan, general plan or zoning of the City for which environmental review was previously certified and that there are no project-specific significant effect which are peculiar to the project or its site; accordingly no further environmental review under CEQA Guidelines Section 15183 is required.
Since no changes are proposed to the project, other than an extension of time for the permit duration, no further review is required and the adopted Initial Study remains in connection with the project.

V. Public Contact

Notification was mailed to all owners and occupants of property within three-hundred (300) feet of the subject parcel at least 10 days prior to the public hearing, 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.

VI. Summary and Recommendations

Adopt Resolution No. 19-11PC, approving a two-year extension of the approval for Argent Use Permit Amendment, Minor Use Permit, and Design Review (PL19081 - UPA, MP, DR), subject to the Second Amended Conditions of Approval.

VII. Motions

Project Approval

I (Comm. ______) hereby move that the Planning Commission adopt Resolution No. 19-11PC, approving a two-year extension of the approval for Argent Use Permit Amendment, Minor Use Permit, and Design Review (PL19081 – UPA, MP, DR), subject to the Second Amended Conditions of Approval set forth in Attachment A to Resolution 19-11PC. (Seconded by Comm. ______.)

Prepared by: Lorna Villa
Associate Planner
(925) 671-3176
lorna.villa@cityofconcord.org

Reviewed by: Frank Abejo
Principal Planner
(925) 671-3128
Frank.abejo@cityofconcord.org

Exhibits:
A - Resolution No. 19-11PC with Second Amended Conditions of Approval (Attachment A) and Resolution No. 17-14PC (Attachment B) and Resolution 16-33PC (Attachment C)
B - Applicant’s letter requesting an extension date stamp received May 9, 2019
C - Planning Commission staff report dated December 15, 2016 (without exhibits)
D - Planning Commission staff report dated June 7, 2017 (without exhibits)
BEFORE THE PLANNING COMMISSION
OF THE CITY OF CONCORD,
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

A RESOLUTION APPROVING A TWO-YEAR
EXTENSION OF THE APPROVAL FOR ARGENT
USE PERMIT AMENDMENT, MINOR USE
PERMIT, AND DESIGN REVIEW (PL19081 - UPA,
MP, DR), LOCATED AT 2400 WILLOW PASS
ROAD, APN 126-082-008

WHEREAS, on December 15, 2016, the Planning Commission adopted Resolution No. 16-33PC approving a Use Permit, Minor Use Permit and Design Review Permit for the Argent project, located at 2400 Willow Pass Road, Assessor Parcel Number (APN) 126-082-008 (PL1633-UP, MP, DR); and

WHEREAS, on June 7, 2017, the Planning Commission adopted Resolution 17-14PC approving an amendment to the Argent project permits in order to increase the number of affordable housing units and to remove the subterranean parking (PL17115-UPA, MP, DR), subject to Amended Conditions of Approval; and

WHEREAS, the approval and amended permits are valid until June 20, 2019 unless building permits are obtained and construction begun, or an extension of the permit is granted as may be allowed by Section 18.505.020 of the Concord Municipal Code; and

WHEREAS, on May 9, 2019, Blue Mountain Construction Services Inc., requested a two-year extension of Argent project permits to July 14, 2021; and

WHEREAS, for purposes of the California Environmental Quality Act of 1970, Public Resources Code § 21000, et seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively, “CEQA”), the proposed permit extension is not a project within the meaning of Public Resources Code Section 21166 and Section 15162 of the State CEQA Guidelines as there are no substantial changes proposed to the project, new circumstances or new information which require major revisions to the previous environmental review under CEQA Guidelines Section 15183 that was previously considered for the project; and
WHEREAS, the Planning Commission, after giving all public notices required by State law and the Concord Municipal Code, held a duly noticed public hearing on July 3, 2019 on the proposed extension; and

WHEREAS, at such public hearing, the Planning Commission 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 July 3, 2019, application materials, and exhibits presented (“Project Information”); and

WHEREAS, after consideration of all pertinent plans, documents and testimony, the Planning Commission declared their intent to approve the extension, subject to the Second Amended Conditions of Approval which have been updated to reflect the extension and are contained herein as Attachment A (“Second Amended Condition of Approval”).

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

CEQA
2. For purposes of CEQA, the proposed permit extension is not a project within the meaning of Public Resources Code Section 21166 and Section 15162 of the State CEQA Guidelines as there are no substantial changes proposed to the project, new circumstances or new information which require major revisions to the previous environmental review under CEQA Guidelines Section 15183 that was previously considered for the project.

Extension Findings
3. The Planning Commission determines that an extension is necessary to allow additional time to develop an economically viable project, and that the permittee has proceeded in
good faith and has exercised due diligence as demonstrated by demolishing the existing vacant building located on the project site, their ongoing communication with staff regarding their plan to submit an application for an extension before the filing date, their submittal of a written extension request and payment of the applicable filing fee, and their ultimate plan to construct the apartment complex.

4. The Planning Commission further makes the following findings required under Concord Development Code Section 18.505.020(B)(3):

a. The requested extension is consistent with the general plan and any applicable specific plan, and the overall project remains consistent with those plans as they exist at the time the extension request is being considered. There are no changes to the approved project and as such it remains consistent with the Concord 2030 General Plan, which consistency was analyzed in the June 7, 2017 Planning Commission staff report including attachments thereto (incorporated by reference).

b. The findings under Resolution No. 16-33PC and 17-14PC approving the project remain valid and are hereby incorporated by reference.

c. As analyzed in the December 15, 2016 and June 7, 2017 Planning Commission staff reports including attachments thereto, there are adequate provisions for public services and utilities (e.g., access, drainage, fire protection, sewers, water, etc.) to ensure that the requested extension would not endanger, jeopardize, or otherwise constitute a hazard to the public health, safety, or general welfare, or be injurious to the property or improvements in the vicinity and applicable zoning district.

Extension Approval

5. The Planning Commission hereby approves the extension of Argent Use Permit Amendment, Minor Use Permit, and Design Review (PL19081 - UPA, MP, DR) through July 14, 2021, subject to the Amended Conditions of Approval (Attachment 1).

Effective Date

In accordance with City of Concord Municipal Code Section 18.500.080, approvals or other
decisions of the Planning Commission shall become effective on the 11th calendar following the date
the decision is rendered, if no appeal is filed.

PASSED AND ADOPTED this 3rd day of July, 2019, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

__________________________
Mindy Gentry
Secretary to the Planning Commission

Attachment:
A – Draft Second Amended Conditions of Approval
ATTACHMENT A

DRAFT
SECOND AMENDED CONDITIONS OF APPROVAL
ARGENT CONCORD
PL19081 – UPA, MP, DR
2400 Willow Pass Road
APN: 126-082-008

PERMIT DESCRIPTION

1. These Conditions apply to and constitute the approval of a Use Permit Amendment (PL 17115 – UPA) for: Argent Concord, a 181 unit multi-family residential rental development with 182 parking stalls on two levels of podium style parking, and associated landscaping located at 2400 Willow Pass Road.

2. All previous Conditions of Approval (COA) from December 15, 2016 remain intact and are incorporated herein as if set forth in full, except where deleted or noted below, and apply to and constitute the approval of a Use Permit, Minor Use Permit and Design Review (PL 16333 – UP, MP, DR) for: Argent Concord, a 181 unit multi-family residential rental development with two levels of podium style parking, and associated landscaping located at 2400 Willow Pass Road.

3. The following Exhibits, date stamped received by the City of Concord, on May 22, 2017, are approved and shall be incorporated as Conditions of Approval.

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<th>Date Prepared</th>
<th>Prepared by</th>
<th>Sheet</th>
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</table>
GENERAL CONDITIONS

4. The Conditions are the responsibility of the applicant and all contractors. Compliance shall occur as specified in the Conditions or at one of the following project milestones:
   a) With the submittal of Grading, Improvement, Landscape, or Building Plans.
   b) Prior to issuance of Encroachment, Grading, or Building Permits, whichever comes first.
   c) Prior to construction.
   d) On-going during construction.
   e) Prior to occupancy approval.

If timing for compliance is not specified, it shall be determined by the Divisions listed after the Condition. *(PLNG, BLDG, ENGR)*

5. 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)*

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

7. Minor modifications that are found to be in substantial conformance with the approved plans such as colors, plant materials, or minor lot line adjustments, may be approved administratively. Major modifications shall be approved by the applicable decision making body. *(PLNG, ENGR)*

8. The Conditions of Approval shall be listed on a plan sheet that is included in the construction plan set (Grading, Utility, Landscape and Building Plans). *(PLNG, ENGR)*

9. Two annotated copies of the Conditions of Approval specifying how each applicable condition has been satisfied, shall be submitted as follows:
   a) At the time Grading, Utility, Landscape, and/or Building Plans are submitted for plan check, whichever comes first.
   b) Prior to occupancy approval. *(PLNG, ENGR)*

10. Submit three signed copies, one notarized, of the City’s “Property Maintenance Agreement”, to ensure on-going repair, replacement and maintenance of all exterior improvements including buildings, parking areas, private roads, walkways, landscaping, irrigation, signs, fences, walls, and other improvements, prior to issuance of Grading or Building permits, whichever comes first. *(PLNG)*
11. The project site and area surrounding the site shall be **fenced and** maintained in a weed and litter free condition for the period prior to construction. *(BLDG, PLNG)*

12. For projects that abut residential uses, the perimeter fence/wall shall be installed within two weeks from completion of site demolition or grading work in the area of the fence/wall. If the fence at an abutting residential property is planned for removal, or if an existing residential property does not have a fence, the replacement perimeter fence/wall shall be completed within two weeks from removal of the original fence, unless otherwise approved by the Planning Division. *(PLNG, ENGR)*

**DENSITY BONUS**

13. The maximum density allowed for the property is increased 18% pursuant to Section 18.105.040 “Transit Overly District”, to a maximum of 181 units, as described in the approved December 15, 2016 Conditions of Approval.

**DEVELOPMENT REGULATION**

14. The project is a full block development and shall meet the development regulations in the December 15, 2016 COA, except as deleted and inserted below:

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<th>Standards</th>
<th>Required/Allowed</th>
<th>Proposed</th>
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<td>minimum/maximum</td>
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<tr>
<td>Long Term</td>
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<td>136</td>
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</table>

15. Building Height for the first floor shall be a minimum of 11 feet.

**STATE DENSITY BONUS LAW**

16. As a concession permitted by Government Code Section 65915(p)(2), the parking standards under Table 18.185.060(F) shall be modified for qualifying affordable housing developments that are within .5 miles of BART and shall apply a .5 parking ratio per bedroom, inclusive of handicapped and guest parking. Access to the Concord BART station shall remain unobstructed by natural or constructed impediments.

17. In order to qualify for this concession, the project shall provide 11 percent of the 181 rental units (20 units or “affordable units”) for “very low affordable households”, as that term is defined in Section 18.20.030 (a household whose combined annual income does not exceed the qualifying limit of 50 percent of area median income, adjusted for household size or pursuant to Health and Safety Code Section 50105), and as permitted under Government Code Section 65915 (p)(2). The maximum affordable rent that can be charged per affordable unit as monthly rent (including utility costs based on utility allowances determined annually by the Contra Costa Housing Authority) shall not exceed the amount of rent for a Very Low Income household as defined pursuant to California Health and Safety Code Section 50053, as such statute exists on the Effective Date of the Affordable Housing Agreement referred to below, which is the product of thirty percent (30%) times fifty percent (50%) of the Area Median Income adjusted for family size appropriate for the unit.

18. Three originals of an Affordable Housing Agreement and appropriate deed restriction for 11% or 20 “Very Low Income” units shall also be executed and recorded with the County Recorder’s Office (Section 18.185.070) prior to the issuance of any building permits for the project. The Affordable Housing Agreement shall include, but is not limited to, the following:
a) The total number of units approved for the development, including the number of affordable housing units;
b) The location, unit sizes (in square feet) and number of bedrooms of the affordable housing units;
c) A description of the household income groups to be accommodated by the project and a calculation of the affordable rent prices;
d) The party responsible for certifying annual rental rates, and the process that will be used for certification;
e) A schedule for the completion and occupancy of the affordable housing units;
f) The duration of affordability (55 years) for the affordable housing units, including provisions for resale and deed restrictions on targeted housing units that are binding on property upon sale or transfer;
g) Provisions covering the expiration of the agreement, including notice prior to conversion to market-rate units and a right of first refusal for the city and/or the distribution of accrued equity for for-sale units;
h) A description of the remedies for breach of the agreement by either party;
i) The rules and procedures for qualifying tenants, establishing affordable rental rates, filling vacancies, and maintaining target units for qualified tenants;
j) Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with the City’s Affordable Housing Ordinance;
k) Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying affordable units, and which identifies the bedroom size and monthly rent of each affordable unit; and
l) A requirement to apply the same rental terms and conditions to the tenants of affordable units as are applied to other tenants, except as required to comply with the City’s Affordable Housing Ordinance or with other applicable government subsidy programs.
m) A provision which indicates that discrimination against persons receiving housing assistance is also prohibited.
n) The City shall use Contra Costa County income limits in Title 25, Section 6932 of the California Code of Regulations.
o) If the Affordable Housing Agreement is not executed and recorded as described above, planning staff shall proceed with permit revocation proceedings, pursuant to Development Code Section 18.540.070 (Revocation of permits).

19. Pursuant to 18.185.040 (F) “Design Standards,” the affordable units constructed shall meet the following:

a) Affordable units shall be dispersed throughout the residential project and have access to all on-site amenities available to market rate units.
b) The construction quality and exterior design of the affordable units shall be comparable to the market rate units.
c) The average number of bedrooms for all affordable units will be equivalent to the average number of bedrooms for market rate units within the same residential project.
d) All affordable units must be constructed and occupied prior to or concurrently with the market rate units within the same residential project.

20. As approved in the December 15, 2016 Conditions of Approval, a waiver of the City’s Parking Design Standards (Section 18.160.090 (C)(1), as it applies to parking spaces that abut columns located in the podium style parking garage, is granted.

ARCHITECTURAL

21. The project shall meet the Design Review approval pursuant to Development Code Chapter 18.415, as approved on December 15, 2016. (*PLNG*)

LANDSCAPING

22. As previously approved on December 15, 2016, submit Final Landscape Plans prepared by a Landscape Architect, registered by the State of California, for review and approval with the Grading, Improvement, or Building Plans, whichever comes first. (*PLNG*)

TREE PRESERVATION

23. The project shall comply with all previously approved Conditions of Approval, dated December 15, 2016.

LIGHTING

24. The project shall comply with all previously approved Conditions of Approval, dated December 15, 2016. (*PLNG*)

SIGNAGE

25. The project shall comply with all previously approved Conditions of Approval, dated December 15, 2016. (*PLNG*)

PARKING

26. Pursuant to Section parking ratios available under Govt. Code Section 65915(p)(2), a 0.5 parking ratio per bedroom, inclusive of handicapped and guest parking, is applied since 11 percent very low income units are provided through an executed and recorded Affordable Housing Agreement.
A total of 182 parking spaces are proposed comprised of 142 resident parking spaces and 40 guest parking spaces. The applicant proposes 145 standard sized stalls with 9’ x 19’
dimensions, 22 compact sized stalls with 8’ x 16’, and 8 ADA compliant stalls. A total of 8 motorcycle stalls are proposed on parking level 1 and 2. (PLNG, TRANS)

27. The project shall comply with all previously approved Conditions of Approval, dated December 15, 2016 and as listed below. (PLNG, ENGR, TRANP)

28. The project shall be consistent with the Transportation Demand Management program dated November 21, 2016 which provides 6 dedicated car share spaces, taxi or other taxi-related services (such as “Uber” or “Lyft”) pick up areas, on-site bicycle parking that meets the requirement of the Bike & Ped Plan, and on site management program for monitoring the number of parking spaces allotted to each unit. (PLNG, TRANS)

29. Short Term and Long Term Bicycle Parking is meeting the City adopted Bicycle, Pedestrian & Safe Routes to Transit Plan. Short-term bicycle parking spaces shall be total of 19 spaces. Long term bicycle parking spaces shall be 136 spaces. The location of bicycle parking facilities shall be shown on the Civil Site, Landscape, and Building plans as approved by the Planning and Transportation Divisions, prior to issuance of a Grading or Building permit, whichever comes first. (PLNG, ENGR, TRANS)

30. Curbs on all four streets fronting (East St., Concord Blvd., Port Chicago Hwy., and Willow Pass Rd.) the project site shall be painted red to prohibit on-street parking. (PLNG, ENGR)

31. All parking spaces shall be striped; full-size spaces shall be 9 ft. by 19 ft.; compact spaces shall be 8 ft. by 16 ft. Wheel stops shall be provided, except when parking spaces abut a concrete curb for a landscaped planter, then a two foot overhang is allowed. (PLNG, ENGR) CMC

32. Compact stalls shall be clearly identified. (PLNG, ENGR) CMC

33. Parking shall comply with CMC Chapter 18.160.090 “Parking, Loading, and Access”, including motorcycle and bicycle parking spaces, drive aisle and parking space dimensions, turning radii, back-out dimensions, driveway clearances, landscape median dimensions, and other relevant information. (ENGR, PLNG) CMC

34. Any vehicle that identifies a business by way of signage that is painted on or applied to the vehicle shall be parked in a delivery or storage area at the rear of the building or in an area screened from view from adjacent public right-of-way. (PLNG)

35. Handicapped parking stalls shall comply with the latest edition of the California Building Code in effect at the time of the permit application. (BLDG)
STREET IMPROVEMENTS

36. The project shall comply with all previously approved Conditions of Approval, dated December 15, 2016 and as listed below. (ENGR)

37. Right of way relinquishment will be required along the project frontage prior to issuance of the site development permits or building permit, whichever comes first. (ENGR)

38. Construct improvements along the frontage on Willow Pass Rd., Port Chicago Hwy., Concord Blvd. and East Street including but not limited to: driveway removal; pavement replacement; One foot wide measured perpendicular from lip of gutter; pavement widening; concrete valley gutter; wheel chair ramps; construction of concrete curb, gutter and sidewalk; ADA compliant concrete driveway approach; storm drainage system; conforms to existing improvements; and repair/replacement of deficient frontage improvements as determined by the City Engineer / City inspector, prior to occupancy approval or Acceptance of Improvements. (ENGR)

39. Install slurry seal on Willow Pass Rd., Port Chicago Hwy., Concord Blvd. and East Street, from lip of gutter beyond trenching and up to the lane line, after completion of utility undergrounding and frontage improvements, prior to the Acceptance of Improvements. (ENGR)

40. Any trenching for underground utilities shall comply with the modified City Standard Detail S-17 for pavement repair and possible slurry placement. (ENGR)

41. Construct all public facilities in accordance with the current Americans with Disabilities Act (ADA), including driveways and curb ramps. (ENGR)

42. Show construction details for all pedestrian paths and trails on the Improvement Plans and Final Landscape Plans. Trail crossings of streets shall have curb cuts, ramps, signs, and pavement markings as approved by Engineering Services (and East Bay Regional Park District if required). (ENGR, PARKS)

NOISE

43. The project shall comply with all previously approved Conditions of Approval, dated December 15, 2016. (PLNG, BLDG, ENGR)
CONSTRUCTION ACTIVITIES

44. The project shall comply with all previously approved Conditions of Approval, dated December 15, 2016. (PLNG, BLDG, ENGR)

CONSTRUCTION PLAN REVIEW/PRE-PERMIT REQUIREMENTS

45. The project shall comply with all previously approved Conditions of Approval, dated December 15, 2016. (PLNG, BLDG, ENGR)

SITE DEVELOPMENT PLANS

46. The project shall comply with all previously approved Conditions of Approval, dated December 15, 2016. (PLNG, BLDG, ENGR)

GRADING/EROSION CONTROL/GEOLoGIC

47. The project shall comply with all previously approved Conditions of Approval, dated December 15, 2016. (ENGR)

UTILITIES

48. The project shall comply with all previously approved Conditions of Approval, dated December 15, 2016, including but not limited to the replacement of all existing street lights with City approved street light fixtures (minimum 7) along project frontage on East Street, Concord Boulevard, Port Chicago Highway and Willow Pass Road. (PLNG, BLDG, ENGR)

DRAINAGE/STORMWATER C.3 REQUIREMENTS

49. The project shall comply with all previously approved Conditions of Approval, dated December 15, 2016. (PLNG, BLDG, ENGR)
SOLID WASTE/RECYCLING

50. The project shall comply with all previously approved Conditions of Approval, dated December 15, 2016, including but not limited to Condition #125 that designates the trash pickup/drop off area to the driveway bay adjacent and parallel to Concord Blvd. The trash pickup shall not exceed more than three times a week and shall be performed during off-peak hours, at the approval of the City. At no time shall trash bins be left on the sidewalk. The trash bins shall not be placed or extended into the street (Concord Blvd.) at any time. The trash bins shall be secured and protected from public access and free of litter and pollution. The property management will be responsible for the care and maintenance of the sidewalk, driveway bay and surrounding area. Repair of any damage to the sidewalk or driveway bay caused by moving trash bins or resident/tenant move shall be under the Owner’s Duty to Maintain Improvements as specified under the Property Maintenance Agreement (PLNG, BLDG, ENGR, PW, CCCSD)

AGreements, fees, bonds

51. The project shall comply with all previously approved Conditions of Approval, dated December 15, 2016. (ENGR)

OTHER/MISCELLANEOUS

52. Contact local postal authorities to get their requirements for mail facilities for the project. The design and location of mail receptacles shall be reviewed and approved by the Planning Division and shown on the Utility, Landscape, and Building Plans, prior to issuance of Grading or Building Permits, whichever comes first. Mail facilities shall be installed prior to occupancy approval. (PLNG)

53. Contact the Geographic Information Systems (GIS) Technician, in the Information Technology Department, (925) 671-3051, for addressing requirements, and coordinate with the Contra Costa County Fire Protection District for their approval, prior to issuance of a Building Permit. (PLNG)

54. Comply with the requirements of the Contra Costa County Health Department for the abandonment of existing septic tanks or wells. (ENGR) CMC

55. Comply with the requirements of the Contra Costa County Fire Protection District. Submit complete sets of plans and specifications to the Fire District for review and approval at:
Contra Costa County Fire Protection District
2010 Geary Road
Pleasant Hill CA 94523

Plan review fees are assessed at that time. The City is not responsible for the collection of fees or enforcement of requirements imposed by the Fire District. (CCCFPD)

56. 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)

57. Pursuant to Resolution No. 19-11PC, the Planning Commission granted applicant’s request to for a 2-year permit time extension to JULY 14, 2021. All permits approved concurrently with a Tentative Map shall be valid for the life of the map. (PLNG)
BEFORE THE PLANNING COMMISSION
OF THE CITY OF CONCORD,
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

A RESOLUTION APPROVING ARGENT
CONCORD USE PERMIT AMENDMENT,
(PL17-115) Resolution No. 17-14 PC

WHEREAS, the City of Concord adopted the 2030 Concord Urban Area General Plan on
October 2, 2007; and

WHEREAS, the City of Concord adopted the Housing Element Update 2014-2022 on January
6, 2015; and

WHEREAS, the City of Concord concurrently certified the Final Environmental Impact
Report for the 2030 Concord Urban Area General Plan on October 2, 2007; and

WHEREAS, the City of Concord adopted Chapter 122 of the Concord Municipal Code
("Development Code") on July 24, 2012; and

WHEREAS, the City of Concord concurrently certified the Supplemental Environmental
Impact Report to the 2030 Concord General Plan EIR for the Concord Development Code Project on
July 24, 2012 ("SEIR"); and

WHEREAS, on June 24, 2014, the City adopted the Downtown Concord Specific Plan, which
articulated a vision for the downtown area and the policies and goals to implement this vision; and

WHEREAS, on June 25, 2014, the City Council approved the Addendum to the Final
Supplemental Environmental Impact Report (SEIR) to the 2030 Concord General Plan EIR for the
Concord Development Code Project, and adopted the Downtown Concord Specific Plan General Plan
Amendment as Volume IV of the Concord 2030 General Plan; and

WHEREAS, on September 13, 2016, in building on the community’s vision as set forth in the
Downtown Specific Plan, the City Council adopted the Downtown Corridors Plan, which focuses on
revitalizing the City’s downtown area by enhancing three critical corridors that connect residents and
visitors to transit, retail, and employment opportunities; and

WHEREAS, on August 12, 2016 developer David Jones, representing Argent, LLC,
submitted an application for a Use Permit, Minor Use Permit and Design Review, to construct/allow a
181-unit multi-family residential rental apartment project at 2400 Willow Pass Road, APN 126-082-008 (“Project”); and,

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA)
of 1970, as amended, an Initial Study was prepared for the project which concluded that the Project is
consistent with the community plan, general plan or zoning for the City for which environmental
review was previously certified, and that there are no project-specific significant effects which are
peculiar to the project or its site; accordingly no further environmental review under CEQA
Guidelines Section 15183 is required;

WHEREAS, on December 15, 2016, the Planning Commission, after giving all public notices
required by state law and the Concord Municipal Code, held a duly noticed public hearing on
December 15, 2016 on the Project; and

WHEREAS, the Planning Commission considered testimony and information received at the
public hearing and the oral and written reports form City staff dated December 15, 2016, as well as
other documents contained in the record of proceedings relating to the proposed project, which are
maintained in the offices of the City of Concord Planning Division (“Project Information”); and,

WHEREAS, on December 15, 2016, the Planning Commission approved Resolution No. 16-
33, with Conditions of Approval, approving an application for a Use Permit, Minor Use Permit and
Design Review to construct/allow a 181-unit multi-family residential apartment project at 2400
Willow Pass Road, APN 126-082-008, and is hereby referenced as Attachment A; and

WHEREAS, on December 25, 2016, an appeal period of 10 days expired, and no appeal was
filed, and the prior approval on December 15, 2016 is valid for a period of two years,
WHEREAS, on May 19, 2017, developer David Jones, representing Argent LLC., submitted an application for a Use Permit Amendment, pursuant to the Development Code Section 18.505.030 to amend the project to add eleven percent (11%) affordable housing at a Very Low Income level in order to apply for a 0.5 space per bedroom parking ratio under Government Code Section 65915(p)(2), and to eliminate the subterranean parking level in the design of the project, ("Amended Project"); and

WHEREAS, on May 22, 2017 the application was deemed complete for processing; and

WHEREAS, the Planning Commission, after giving all public notices required by state law and the Concord Municipal Code, held a duly noticed public hearing on June 7, 2017 on the Amended Project; and

WHEREAS, the Planning Commission considered testimony and information received at the public hearing and the oral and written reports from City staff dated June 7, 2017, as well as other documents contained in the record of proceedings relating to the proposed project, including the Project Information considered at the December 15, 2016 Planning Commission hearing, which are maintained at the offices of the City of Concord Planning Division (collectively referred to as "Amended Project Information"); and

WHEREAS, on June 7, 2017, the Planning Commission, after consideration of all pertinent plans, documents and testimony and Amended Project Information, declared their intent to approve the subject proposal subject to the Amended Conditions of Approval contained herein as Attachment B.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS: that the Planning Commission does hereby approve the Argent Concord (PL17115 – UPA) Use Permit Amendment subject to the Amended Conditions of Approval (Attachment B) and further makes the following findings:

///
RECITALS

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

CEQA

2. Pursuant to the provisions of the California Environmental Quality Act of 1970 (CEQA), as amended, the project is consistent with the community plan, general plan or zoning of the City for which environmental review was previously certified and that there are no project-specific significant effects which are peculiar to the project or its site; accordingly no further environmental review under CEQA Guidelines Section 15183 is required.

Density Bonus Concession

3. The applicant is providing 11% of the units, or 20 units, as affordable to Very Low Income households. As a result of providing affordable units, the applicant may request a concession from the City of a development standard under Development Code Section 18.185.050(F) and state law.

4. The applicant has requested a waiver or modification of the City’s parking ratio standard concerning the number of parking stalls required for the development. Pursuant to Government Code Section 65915 (p)(2), if a development includes the maximum percentage of very low income units provided for in paragraph (2) of subdivision (f) of Section 65915, and is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, and there is unobstructed access to the major transit stop from the development, then, upon the request of the developer, a city shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, that exceeds 0.5 spaces per bedroom.

5. The project is located within one-half mile of the Concord BART station and there is unobstructed access to the BART station from the Amended Project as a potential resident is able to access the Concord BART station without encountering natural or constructed impediments.

6. As part of the Amended Conditions of Approval (Attachment B), applicant will
execute and record an Affordable Housing Agreement and deed restriction, in conformance with state law and Development Code Section 18.185.070.

Use Permit Amendment

7. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of the development code and the Concord Municipal Code.

8. The proposed use is consistent with the general plan and any applicable specific plan, including the City’s Housing Element Update 2014-2022 by providing a multi-family residential development project on a parcel identified in the Housing Element land inventory to be redeveloped, and by providing very low income housing to the City.

9. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.

10. The site is physically suitable for the type, density, and intensity of the proposed use, including access, utilities, and the absence of physical constraints.

11. Granting the permit would not be detrimental to the public health, safety, or welfare of the persons residing or working in the subject neighborhood or materially detrimental or injurious to property or improvements in the vicinity and zoning district where the property is located.

This resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this 7th day of June, 2017, by the following vote:

AYES: Commissioners Mercurio, Weinmann, Aliano, Barbour, Laub

NOES: None

ABSTAIN: None

ABSENT: None

Laura Simpson, MCP
Secretary to the Planning Commission

Attachments:
A - Resolution No. 16-33, with Conditions of Approval
B - Amended Conditions of Approval
cc: Robert Ovadia, City Engineer
    Robert Woods, Building Division
    Captain Robert Marshall, Contra Costa County Fire Protection District
AMENDED CONDITIONS OF APPROVAL
ARGENT CONCORD
APPLICATION NUMBER: PL17115 – UPA
2400 Willow Pass Road
APN: 126-082-008

PERMIT DESCRIPTION

1. These Conditions apply to and constitute the approval of a Use Permit Amendment (PL 17115-UPA) for: Argent Concord, a 181 unit multi-family residential rental development with 182 parking stalls on two levels of podium style parking, and associated landscaping located at 2400 Willow Pass Road.

2. All previous Conditions of Approval (COA) from December 15, 2016 remain intact and are incorporated herein as if set forth in full, except where deleted or noted below, and apply to and constitute the approval of a Use Permit, Minor Use Permit and Design Review (PL 16333 – UP, MP, DR) for: Argent Concord, a 181 unit multi-family residential rental development with two levels of podium style parking, and associated landscaping located at 2400 Willow Pass Road.

3. The following Exhibits, date stamped received by the City of Concord, on May 22, 2017, are approved and shall be incorporated as Conditions of Approval.

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<th>Prepared by</th>
<th>Sheet</th>
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<td>05/18/2017</td>
<td>KTGY Group, Inc.</td>
<td>A4.1</td>
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</table>

GENERAL CONDITIONS

4. The Conditions are the responsibility of the applicant and all contractors. Compliance shall occur as specified in the Conditions or at one of the following project milestones:
   a) With the submittal of Grading, Improvement, Landscape, or Building Plans.
   b) Prior to issuance of Encroachment, Grading, or Building Permits, whichever comes first.
   c) Prior to construction.
   d) On-going during construction.
   e) Prior to occupancy approval.

If timing for compliance is not specified, it shall be determined by the Divisions listed after the Condition. (PLNG, BLDG, ENGR)
5. 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)*

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

7. Minor modifications that are found to be in substantial conformance with the approved plans such as colors, plant materials, or minor lot line adjustments, may be approved administratively. Major modifications shall be approved by the applicable decision making body. *(PLNG, ENGR)*

8. The Conditions of Approval shall be listed on a plan sheet that is included in the construction plan set (Grading, Utility, Landscape and Building Plans). *(PLNG, ENGR)*

9. Two annotated copies of the Conditions of Approval specifying how each applicable condition has been satisfied, shall be submitted as follows:
   
a) At the time Grading, Utility, Landscape, and/or Building Plans are submitted for plan check, whichever comes first.
   
b) Prior to occupancy approval. *(PLNG, ENGR)*

10. Submit three signed copies, one notarized, of the City’s “Property Maintenance Agreement”, to ensure on-going repair, replacement and maintenance of all exterior improvements including buildings, parking areas, private roads, walkways, landscaping, irrigation, signs, fences, walls, and other improvements, prior to issuance of Grading or Building permits, whichever comes first. *(PLNG)*

11. The project site and area surrounding the site shall be fenced and maintained in a weed and litter free condition for the period prior to construction. *(BLDG, PLNG)*

12. For projects that abut residential uses, the perimeter fence/wall shall be installed within two weeks from completion of site demolition or grading work in the area of the fence/wall. If the fence at an abutting residential property is planned for removal, or if an existing residential property does not have a fence, the replacement perimeter fence/wall shall be completed within two weeks from removal of the original fence, unless otherwise approved by the Planning Division. *(PLNG, ENGR)*

**DENSITY BONUS**

13. The maximum density allowed for the property is increased 18% pursuant to Section 18.105.040 “Transit Overly District”, to a maximum of 181 units, as described in the approved December 15, 2016 Conditions of Approval.
DEVELOPMENT REGULATION

14. The project is a full block development and shall meet the development regulations in the December 15, 2016 COA, except as deleted and inserted below:

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<th>Standards</th>
<th>Required/Allowed</th>
<th>Proposed</th>
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<td>minimum/maximum</td>
<td>51 – 153 units</td>
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<tr>
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<td>Long Term</td>
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15. Building Height for the first floor shall be a minimum of 11 feet.

STATE DENSITY BONUS LAW

16. As a concession permitted by Government Code Section 65915(p)(2), the parking standards under Table 18.185.060(F) shall be modified for qualifying affordable housing developments that are within .5 miles of BART and shall apply a .5 parking ratio per
bedroom, inclusive of handicapped and guest parking. Access to the Concord BART station shall remain unobstructed by natural or constructed impediments.

17. In order to qualify for this concession, the project shall provide 11 percent of the 181 rental units (20 units or “affordable units”) for “very low affordable households”, as that term is defined in Section 18.20.030 (a household whose combined annual income does not exceed the qualifying limit of 50 percent of area median income, adjusted for household size or pursuant to Health and Safety Code Section 50105), and as permitted under Government Code Section 65915 (p)(2). The maximum affordable rent that can be charged per affordable unit as monthly rent (including utility costs based on utility allowances determined annually by the Contra Costa Housing Authority) shall not exceed the amount of rent for a Very Low Income household as defined pursuant to California Health and Safety Code Section 50053, as such statute exists on the Effective Date of the Affordable Housing Agreement referred to below, which is the product of thirty percent (30%) times fifty percent (50%) of the Area Median Income adjusted for family size appropriate for the unit.

18. Three originals of an Affordable Housing Agreement and appropriate deed restriction for 11% or 20 “Very Low Income” units shall also be executed and recorded with the County Recorder's Office (Section 18.185.070) prior to the issuance of any building permits for the project. The Affordable Housing Agreement shall include, but is not limited to, the following:

a) The total number of units approved for the development, including the number of affordable housing units;
b) The location, unit sizes (in square feet) and number of bedrooms of the affordable housing units;
c) A description of the household income groups to be accommodated by the project and a calculation of the affordable rent prices;
d) The party responsible for certifying annual rental rates, and the process that will be used for certification;
e) A schedule for the completion and occupancy of the affordable housing units;
f) The duration of affordability (55 years) for the affordable housing units, including provisions for resale and deed restrictions on targeted housing units that are binding on property upon sale or transfer;
g) Provisions covering the expiration of the agreement, including notice prior to conversion to market-rate units and a right of first refusal for the city and/or the distribution of accrued equity for for-sale units;
h) A description of the remedies for breach of the agreement by either party;
i) The rules and procedures for qualifying tenants, establishing affordable rental rates, filling vacancies, and maintaining target units for qualified tenants;
j) Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with the City’s Affordable Housing Ordinance;
k) Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying affordable units, and which identifies the bedroom size and monthly rent of each affordable unit; and
l) A requirement to apply the same rental terms and conditions to the tenants of affordable units as are applied to other tenants, except as required to comply with the City’s Affordable Housing Ordinance or with other applicable government subsidy programs.
m) A provision which indicates that discrimination against persons receiving housing assistance is also prohibited.
n) The City shall use Contra Costa County income limits in Title 25, Section 6932 of the California Code of Regulations.
o) If the Affordable Housing Agreement is not executed and recorded as described above, planning staff shall proceed with permit revocation proceedings, pursuant to Development Code Section 18.540.070 (Revocation of permits).

19. Pursuant to 18.185.040 (F) “Design Standards,” the affordable units constructed shall meet the following:

a) Affordable units shall be dispersed throughout the residential project and have access to all on-site amenities available to market rate units.
b) The construction quality and exterior design of the affordable units shall be comparable to the market rate units.
c) The average number of bedrooms for all affordable units will be equivalent to the average number of bedrooms for market rate units within the same residential project.
d) All affordable units must be constructed and occupied prior to or concurrently with the market rate units within the same residential project.

20. As approved in the December 15, 2016 Conditions of Approval, a waiver of the City’s Parking Design Standards (Section 18.160.090 (C)(1), as it applies to parking spaces that abut columns located in the podium style parking garage, is granted.

ARCHITECTURAL

21. The project shall meet the Design Review approval pursuant to Development Code Chapter 18.415, as approved on December 15, 2016. (PLNG)

LANDSCAPING

22. As previously approved on December 15, 2016, submit Final Landscape Plans prepared by a Landscape Architect, registered by the State of California, for review and approval with the Grading, Improvement, or Building Plans, whichever comes first. (PLNG)

TREE PRESERVATION

23. The project shall comply with all previously approved Conditions of Approval, dated December 15, 2016.
LIGHTING

24. The project shall comply with all previously approved Conditions of Approval, dated December 15, 2016. *(PLNG)*

SIGNAGE

25. The project shall comply with all previously approved Conditions of Approval, dated December 15, 2016. *(PLNG)*

PARKING

26. **Pursuant to Section** parking ratios available under Govt. Code Section 65915(p)(2), a 0.5 parking ratio per bedroom, inclusive of handicapped and guest parking, is applied since 11 percent very low income units are provided through an executed and recorded Affordable Housing Agreement.

A total of 182 parking spaces are proposed comprised of 142 resident parking spaces and 40 guest parking spaces. The applicant proposes 145 standard sized stalls with 9’ x 19’ dimensions, 22 compact sized stalls with 8’ x 16’, and 8 ADA compliant stalls. A total of 8 motorcycle stalls are proposed on parking level 1 and 2. *(PLNG, TRANS)*

27. The project shall comply with all previously approved Conditions of Approval, dated December 15, 2016 and as listed below. *(PLNG, ENGR, TRANP)*

28. The project shall be consistent with the Transportation Demand Management program dated November 21, 2016 which provides 6 dedicated car share spaces, taxi or other taxi-related services (such as “Uber” or “Lyft”) pick up areas, on-site bicycle parking that meets the requirement of the Bike & Ped Plan, and on site management program for monitoring the number of parking spaces allotted to each unit. *(PLNG, TRANS)*

29. **Short Term and Long Term Bicycle Parking** is meeting the City adopted Bicycle, Pedestrian & Safe Routes to Transit Plan. Short-term bicycle parking spaces shall be total of 19 spaces. Long term bicycle parking spaces shall be 136 spaces. The location of bicycle parking facilities shall be shown on the Civil Site, Landscape, and Building plans as approved by the Planning and Transportation Divisions, prior to issuance of a Grading or Building permit, whichever comes first. *(PLNG, ENGR, TRANS)*

30. Curbs on all four streets fronting (East St., Concord Blvd., Port Chicago Hwy., and Willow Pass Rd.) the project site shall be painted red to prohibit on-street parking. *(PLNG, ENGR)*

31. All parking spaces shall be striped; full-size spaces shall be 9 ft. by 19 ft.; compact spaces shall be 8 ft. by 16 ft. Wheel stops shall be provided, except when parking spaces abut a concrete curb for a landscaped planter, then a two foot overhang is allowed. *(PLNG, ENGR) CMC*

32. Compact stalls shall be clearly identified. *(PLNG, ENGR) CMC*
33. Parking shall comply with CMC Chapter 18.160.090 “Parking, Loading, and Access”, including motorcycle and bicycle parking spaces, drive aisle and parking space dimensions, turning radii, back-out dimensions, driveway clearances, landscape median dimensions, and other relevant information. (ENGR, PLNG) CMC

34. Any vehicle that identifies a business by way of signage that is painted on or applied to the vehicle shall be parked in a delivery or storage area at the rear of the building or in an area screened from view from adjacent public right-of-way. (PLNG)

35. Handicapped parking stalls shall comply with the latest edition of the California Building Code in effect at the time of the permit application. (BLDG)

STREET IMPROVEMENTS

36. The project shall comply with all previously approved Conditions of Approval, dated December 15, 2016 and as listed below. (ENGR)

37. Right of way relinquishment will be required along the project frontage prior to issuance of the site development permits or building permit, whichever comes first. (ENGR)

38. Construct improvements along the frontage on Willow Pass Rd., Port Chicago Hwy., Concord Blvd. and East Street including but not limited to: driveway removal; pavement replacement One foot wide measured perpendicular from lip of gutter; pavement widening; concrete valley gutter; wheel chair ramps; construction of concrete curb, gutter and sidewalk; ADA compliant concrete driveway approach; storm drainage system; conforms to existing improvements; and repair/replacement of deficient frontage improvements as determined by the City Engineer / City inspector, prior to occupancy approval or Acceptance of Improvements. (ENGR)

39. Install slurry seal on Willow Pass Rd., Port Chicago Hwy., Concord Blvd. and East Street, from lip of gutter beyond trenching and up to the lane line, after completion of utility undergrounding and frontage improvements, prior to the Acceptance of Improvements. (ENGR)

40. Any trenching for underground utilities shall comply with the modified City Standard Detail S-17 for pavement repair and possible slurry placement. (ENGR)

41. Construct all public facilities in accordance with the current Americans with Disabilities Act (ADA), including driveways and curb ramps. (ENGR)

42. Show construction details for all pedestrian paths and trails on the Improvement Plans and Final Landscape Plans. Trail crossings of streets shall have curb cuts, ramps, signs, and pavement markings as approved by Engineering Services (and East Bay Regional Park District if required). (ENGR, PARKS)
NOISE

43. The project shall comply with all previously approved Conditions of Approval, dated December 15, 2016. *(PLNG, BLDG, ENGR)*

CONSTRUCTION ACTIVITIES

44. The project shall comply with all previously approved Conditions of Approval, dated December 15, 2016. *(PLNG, BLDG, ENGR)*

CONSTRUCTION PLAN REVIEW/PRE-PERMIT REQUIREMENTS

45. The project shall comply with all previously approved Conditions of Approval, dated December 15, 2016. *(PLNG, BLDG, ENGR)*

SITE DEVELOPMENT PLANS

46. The project shall comply with all previously approved Conditions of Approval, dated December 15, 2016. *(PLNG, BLDG, ENGR)*

GRADING/EROSION CONTROL/GEOLOGIC

47. The project shall comply with all previously approved Conditions of Approval, dated December 15, 2016. *(ENGR)*

UTILITIES

48. The project shall comply with all previously approved Conditions of Approval, dated December 15, 2016, including but not limited to the replacement of all existing street lights with City approved street light fixtures (minimum 7) along project frontage on East Street, Concord Boulevard, Port Chicago Highway and Willow Pass Road. *(PLNG, BLDG, ENGR)*

DRAINAGE/STORMWATER C.3 REQUIREMENTS

49. The project shall comply with all previously approved Conditions of Approval, dated December 15, 2016. *(PLNG, BLDG, ENGR)*

SOLID WASTE/RECYCLING

50. The project shall comply with all previously approved Conditions of Approval, dated December 15, 2016, including but not limited to Condition #125 that designates the trash pickup/drop off area to the driveway bay adjacent and parallel to Concord Blvd. The trash pickup shall not exceed more than three times a week and shall be performed during off-peak hours, at the approval of the City. At no time shall trash bins be left on the sidewalk. The trash bins shall not be placed or extended into the street (Concord Blvd.) at any time. The trash bins shall be secured and protected from public access and free of litter and pollution. The property management will
be responsible for the care and maintenance of the sidewalk, driveway bay and surrounding area. Repair of any damage to the sidewalk or driveway bay caused by moving trash bins or resident/tenant move shall be under the Owner’s Duty to Maintain Improvements as specified under the Property Maintenance Agreement (PLNG, BLDG, ENGR, PW, CCCSD)

AGREEMENTS, FEES, BONDS

51. The project shall comply with all previously approved Conditions of Approval, dated December 15, 2016. (ENGR)

OTHER/MISCELLANEOUS

52. Contact local postal authorities to get their requirements for mail facilities for the project. The design and location of mail receptacles shall be reviewed and approved by the Planning Division and shown on the Utility, Landscape, and Building Plans, prior to issuance of Grading or Building Permits, whichever comes first. Mail facilities shall be installed prior to occupancy approval. (PLNG)

53. Contact the Geographic Information Systems (GIS) Technician, in the Information Technology Department, (925) 671-3051, for addressing requirements, and coordinate with the Contra Costa County Fire Protection District for their approval, prior to issuance of a Building Permit. (PLNG)

54. Comply with the requirements of the Contra Costa County Health Department for the abandonment of existing septic tanks or wells. (ENGR) CMC

55. Comply with the requirements of the Contra Costa County Fire Protection District. Submit complete sets of plans and specifications to the Fire District for review and approval at:

Contra Costa County Fire Protection District
2010 Geary Road
Pleasant Hill CA 94523

Plan review fees are assessed at that time. The City is not responsible for the collection of fees or enforcement of requirements imposed by the Fire District. (CCCFPD)

56. 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)*

57. The permit and approval shall expire in (two) year(s) 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 **JUNE 20, 2017. (PLNG)**

58. A request for a time extension from the expiration date of **JUNE 20, 2019** 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)*
CONDITIONS OF APPROVAL
ARGENT CONCORD
APPLICATION NUMBER: PL16333 – UP, MP, DR
2400 Willow Pass Road
APN: 126-082-008

PERMIT DESCRIPTION

1. These Conditions apply to and constitute the approval of a Use Permit, Minor Use Permit and Design Review (PL 16333 – UP, MP, DR) for: Argent Concord, a 181 unit multi-family residential rental development with one below grade and two levels of podium style parking, and associated landscaping located at 2400 Willow Pass Road.

Exterior building materials and colors shall be in substantial conformance with the approved plans as follows:

<table>
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<tr>
<th>Approved Materials</th>
<th>Manufacturer (or similar)</th>
<th>Sample Number</th>
<th>Color</th>
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<td>Cementitious Panel</td>
<td>James Hardie Panel (or similar)</td>
<td>Sherwin Williams SW-7008</td>
<td>Alabaster (painted to match)</td>
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<td>Red Brick</td>
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<td>Metal Awnings, Railing &amp; Balcony Deck</td>
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2. The following Exhibits, date stamped received by the City of Concord, on November 10, 2016, are approved and shall be incorporated as Conditions of Approval.

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<th>Plan</th>
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**GENERAL CONDITIONS**

3. The Conditions are the responsibility of the applicant and all contractors. Compliance shall occur as specified in the Conditions or at one of the following project milestones:
   a) With the submittal of Grading, Improvement, Landscape, or Building Plans.
   b) Prior to issuance of Encroachment, Grading, or Building Permits, whichever comes first.
   c) Prior to construction.
   d) On-going during construction.
   e) Prior to occupancy approval.

If timing for compliance is not specified, it shall be determined by the Divisions listed after the Condition. *(PLNG, BLDG, ENGR)*

4. 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)*

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

6. Minor modifications that are found to be in substantial conformance with the approved plans such as colors, plant materials, or minor lot line adjustments, may be approved administratively. Major modifications shall be approved by the applicable decision making body. *(PLNG, ENGR)*
7. The Conditions of Approval shall be listed on a plan sheet that is included in the construction plan set (Grading, Utility, Landscape and Building Plans). *(PLNG, ENGR)*

8. Two annotated copies of the Conditions of Approval specifying how each applicable condition has been satisfied, shall be submitted as follows:

   a) At the time Grading, Utility, Landscape, and/or Building Plans are submitted for plan check, whichever comes first.
   b) Prior to occupancy approval. *(PLNG, ENGR)*

9. Submit three signed copies, one notarized, of the City’s “Property Maintenance Agreement”, to ensure on-going repair, replacement and maintenance of all exterior improvements including buildings, parking areas, private roads, walkways, landscaping, irrigation, signs, fences, walls, and other improvements, prior to issuance of Grading or Building permits, whichever comes first. *(PLNG)*

10. The project site and area surrounding the site shall be fenced and maintained in a weed and litter free condition for the period prior to construction. *(BLDG, PLNG)*

11. For projects that abut residential uses, the perimeter fence/wall shall be installed within two weeks from completion of site demolition or grading work in the area of the fence/wall. If the fence at an abutting residential property is planned for removal, or if an existing residential property does not have a fence, the replacement perimeter fence/wall shall be completed within two weeks from removal of the original fence, unless otherwise approved by the Planning Division. *(PLNG, ENGR)*

**DENSITY BONUS**

12. The maximum density allowed for the property is increased 18% pursuant to Section 18.105.040 “Transit Overlay District”, to a maximum of 181 units, and includes a minimum of at least three elements listed in the Transit Overlay District as follows.

   a. The project provides a continuity of building façades along the street with no interruptions in the progression of building and uses except for pedestrian access. Pedestrian entries are incorporated into the façade as well as at the townhome units. Vehicle entry is designed into the project as part of the design language.

   b. Pedestrian friendly street level building design amenities with highly articulated façades with a variety of high quality materials and architectural detailing, visibility into buildings. The façade is well articulated with vertical bays, projecting balconies, and articulation of architectural elements. The ground floor townhome units have a pedestrian-oriented scale and proportion.

   c. Pedestrian amenities including wide sidewalks, weather protection through building design, landscaping, or public art, or other pedestrian amenities. Landscape buffer along the street edge as well as foundation plantings are introduced along all four street edges. On Willow Pass Road and Port Chicago Highway, art panels are designed into the building walls.
DEVELOPMENT REGULATION

13. The project is a full block development and shall meet the following development regulations:

<table>
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<tr>
<th>Standards</th>
<th>Required/Allowed</th>
<th>Proposed</th>
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<tr>
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<td>Lot Width (feet) minimum</td>
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<td>Building Height – First floor minimum (feet, floor to floor height)</td>
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<td>Open Space/Unit (square feet) minimum</td>
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<td>Setbacks (feet) required minimum</td>
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<tr>
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</table>

14. Building Height for the first floor shall be a minimum of 11 feet.

PARKING DESIGN STANDARDS CONCESSION

15. As a concession permitted by Section 18.185.050(F) “Development Incentives and Concessions” and Government Code Section 65915, a waiver of the City’s Parking Design Standards (Section 18.160.090 (C)(1)), as it applies to parking spaces that abut columns located in the podium style parking garage, is granted.
16. In order to qualify for this concession, the project shall provide 5 percent of the 181 rental units (9 units or “inclusionary units”) for “very low affordable households”, as that term is defined in Section 18.20.030 (a household whose combined annual income does not exceed the qualifying limit of 50 percent of area median income, adjusted for household size or pursuant to Health and Safety Code Section 50105), and as permitted under 18.185.050 (E) (b) “Density Bonus Program” and Government Code Section 65915.

17. Three originals of an Affordable Housing Agreement and deed restriction for 5% or 9 “Very Low Income” units shall also be executed and recorded with the County Recorder's Office (Section 18.185.070). The Affordable Housing Agreement shall include, but is not limited to, the following:

a) The total number of units approved for the development, including the number of affordable housing units;
b) The location, unit sizes (in square feet) and number of bedrooms of the affordable housing units;
c) A description of the household income groups to be accommodated by the project and a calculation of the affordable rent prices;
d) The party responsible for certifying annual rental rates, and the process that will be used for certification;
e) A schedule for the completion and occupancy of the affordable housing units;
f) The duration of affordability (55 years) for the affordable housing units, including provisions for resale and deed restrictions on targeted housing units that are binding on property upon sale or transfer;
g) Provisions covering the expiration of the agreement, including notice prior to conversion to market-rate units and a right of first refusal for the city and/or the distribution of accrued equity for for-sale units;
h) A description of the remedies for breach of the agreement by either party;
i) The rules and procedures for qualifying tenants, establishing affordable rental rates, filling vacancies, and maintaining target units for qualified tenants;
j) Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with the City’s Affordable Housing Ordinance;
k) Provisions requiring owners to submit an annual report to the City, which includes the name, address, and income of each person occupying affordable units, and which identifies the bedroom size and monthly rent of each affordable unit; and
l) A requirement to apply the same rental terms and conditions to the tenants of affordable units as are applied to other tenants, except as required to comply with the City’s Affordable Housing Ordinance or with other applicable government subsidy programs.
m) A provision which indicates that discrimination against persons receiving housing assistance is also prohibited.
n) The City shall use Contra Costa county income limits in Title 25, Section 6932 of the California Code of Regulations.

18. Pursuant to 18.185.040 (F) “Design Standards,” the inclusionary units constructed shall meet the following:
(a) Inclusionary units shall be dispersed throughout the residential project and have access to
all on-site amenities available to market rate units.
(b) The construction quality and exterior design of inclusionary shall be comparable to the
market rate units.
(c) The average number of bedrooms for all inclusionary units will be equivalent to the
average number of bedrooms for market rate units within the same residential project.
(d) All inclusionary units must be constructed and occupied prior to or concurrently with the
market rate units within the same residential project.

ARCHITECTURAL

19. The project shall meet the Design Review approval pursuant to Development Code Chapter
18.415.

20. The project shall provide the necessary number, location and specifications of decorative
street light standards in accordance with the Downtown Corridors Plan adopted on September
13, 2016. (See Condition #102- below).

21. Rooftop equipment (HVAC, meters, refrigeration equipment, plumbing lines, ductwork and
transformers), shall not extend above the building parapet and shall be screened from view on all
sides with materials architecturally compatible with the main structure. Screening details shall
be shown on the Building Plans and submitted for review and approval by the Planning Division,
prior to the issuance of Building Permits and installed prior to occupancy approval. (PLNG)

22. Hardboard siding shall be installed per manufacturer’s standards, true and plumb, with no two
butt joints lined up one above the other, and butt joints secured in clips designed for this purpose.
Any siding that does not meet this requirement shall be replaced. (PLNG)

23. Vents, gutters, downspouts, flashing, electrical conduits, etc., shall be painted to match the color
of the adjacent surface, unless otherwise approved by the Planning Division. (PLNG)

LANDSCAPING

24. Submit Final Landscape Plans prepared by a Landscape Architect, registered by the State of
California, for review and approval with the Grading, Improvement, or Building Plans,
whichever comes first. The Plan shall be drawn on or consistent with the Grading, Improvement,
Utility, and Stormwater Plans prepared by the Civil Engineer, with the following information:

(a) A legend that lists all plant species (Latin and common name), including size, quantities,
spacing, and ultimate height and width.

(b) Specifications and details for planting, including staking of trees and planting in bio-
retention or other stormwater treatment areas. Plants for bio-retention facilities should be
compatible with temporarily flooded conditions.

(c) Utility and Grading information on the base map, screened back.

(d) Existing Heritage trees to be saved and identification of all replacement trees.

(e) Trees (minimum size 24-inch box size) and shrubs (minimum 5-gallon container size;
accent or sub-shrubs may be 1-gallon container size).
f) Root control barriers for parking lot trees, street trees, and trees within three feet of any paved area or curb.
g) Six-inch vertical concrete curbs around landscaped areas.
h) A soils and plant laboratory analysis with recommendations for fertilization and mulching to be incorporated into the planting specifications.
i) A Layout/Hardscape Plan showing the location and details of all non-plant improvements, with dimensions and call outs, showing finished grades, hardscape/paving treatment, planter details, arbors, trellises, fences, walls, trash enclosures, and other features.
j) Details for street trees in accordance with City Standard Plan S-38, "Street Tree Planting Detail". (PLNG, ENGR)

25. Irrigation Plans shall be submitted with the Final Landscape Plans in compliance with the requirements of CMC Chapter 18.170 “Water Efficient Landscaping”. All Irrigation Plans shall include the following standards:

a) All landscaped areas shall have a fully automatic irrigation system.
b) High water pressure areas shall have pressure regulation devices on the irrigation system.
c) Valves and circuits shall be separated based on water use.
d) Trees shall be watered with drip or bubbler irrigation systems with circuits on their own control valve.
e) Drip and bubbler systems shall not discharge water in excess of 1.5 gallons per minute per device.
f) Sprinkler heads shall have matched precipitation rates within each control valve circuit.
g) Serviceable check valves shall be required where elevation differential may cause low head drainage.
h) Sprinkler head spacing shall be designed for head-to-head coverage or closer due to high wind conditions.
i) Design sprinkler head orientation and throw for minimum runoff and for minimum overspray onto non-irrigated areas.
j) Be equipped with a controller capable of dual or multiple programming. Controllers shall have multiple-cycle start capacity and a flexible calendar program. Water shall be timed between the hours of 3:00 a.m. and 10:00 a.m. unless a “water smart” ET based controller which adjusts controller programs based upon the current evapo-transpiration rate is used.
k) Provide a rain shut off device if the controller is not an ET based controller.
l) Sprinkler heads used on slopes exceeding 15 percent shall have a precipitation rate that does not exceed 0.85 inches per hour.
m) Sprinkler heads used on slopes exceeding 10 percent and located within 10 feet of any hardscape shall have a precipitation rate that does not exceed 0.85 inches per hour. (PLNG)

26. The Landscape Plans shall include a water usage program with the following:

a) Estimated annual water use (in gallons) and the area (in square feet) to be irrigated.
b) Precipitation rate(s) for each valve circuit.
c) Monthly irrigation schedule for each type of irrigation head showing the plant establishment period and the first year thereafter. (PLNG) CMC
27. All landscaping shall be installed prior to occupancy approval. Contact the Planning Division at least two weeks prior to occupancy, to request a site inspection of all exterior improvements including buildings, driveways, parking lots, landscaping, irrigation, signs, lighting, walls, fences, and trash enclosures. *(PLNG)*

28. Prior to occupancy approval, the licensed Landscape Architect shall:
   a) Conduct a final field observation and an open trench examination of the irrigation system.
   b) Provide written certification that:
      i) The landscaping and irrigation system were installed in conformance with the approved Landscape and Irrigation Plans.
      ii) The landscaping has been installed in accordance with the CCWD Water Conservation Guidelines or the Model Water Efficient Landscape Ordinance.
      iii) An irrigation audit was performed and deficiencies were listed which will be corrected within 30 days.
      iv) There will be a minimum 60-day maintenance period for all landscape improvements.
   c) Provide a signed letter of compliance with the final construction documents stating that the Landscape Architect has met all State and City requirements. *(PLNG)*

29. Arrange for an irrigation water audit with the Contra Costa Water District during the 60-day maintenance period. The results of the audit shall be used to adjust the irrigation schedule. The schedule shall include a more water intensive plant establishment period during the first 12 months following installation, as well as a long-term irrigation schedule. The Landscape architect shall provide written verification to the Planning division of audit completion, adjustments to the schedule, and the long term schedule following plant establishment. *(PLNG)* *(CMC)*

30. Any vegetation damaged or destroyed by construction activities shall be replaced with like or comparable plant materials, and if damage occurs off-site, the replacement plants shall be approved by the property owner and the Planning Division, prior to occupancy approval. *(PLNG)*

31. The establishment of plant materials shall be guaranteed for a period of two years after subdivision acceptance or occupancy approval. A cash or equivalent guarantee shall be posted in an amount equal to 10% of the value of the improvements, which will be released upon final inspection and acceptance of landscape improvements by a registered Landscape Architect at the end of the two-year period. *(PLNG)*

32. Any embankment to be retained that is over 48 inches in height shall be "benched" so that no individual retaining wall exceeds a height of 48 inches tall from finished grade, and each bench has a minimum depth of 24 inches. *(PLNG)*

33. All retaining walls shall be designed and constructed to visually blend into the adjacent slopes using geo-grid retaining wall systems or similar products. The style, materials, and colors for all
walls shall be approved by the Planning Division prior to the issuance of Grading or Building permits, whichever comes first. *(PLNG)*

**TREE PRESERVATION**

34. All existing trees within the project boundaries shall be in compliance with those identified in the Arborist Report prepared by Patrick W. Morgan Certified Arborist #WE-10493A received August 12, 2016, which have been specifically designated for removal on the approved Landscape or Tree Removal plan. *(PLNG)*

35. Demolition, Grading, Utility, Landscape, and Building plans shall show all Heritage trees to be preserved, with accurate trunk location, drip line, and existing grade. The plans shall show the location and type of protective fencing, and the location of on-site construction materials storage. The protective fencing shall be installed and inspected prior to the issuance of any Demolition, Grading, or Building Permit. *(PLNG, ENGR, BLDG, PARKS)*

36. The Arborist shall conduct site inspections during grading and construction, and may require additional measures to protect the trees to be preserved, including stopping construction activities, if necessary. *(PLNG, PARKS)*

37. Comply with the Tree Preservation Guidelines contained in the Arborist Report. One year after occupancy, a Certified Arborist, retained by the applicant at their expense, shall evaluate tree health, vigor and acclamation to the new environment. The Arborist shall identify any tree(s) that is found to be in poor condition due to the impact of construction. The Arborist shall identify measures to restore the tree’s health. If the tree can’t be restored, replacement trees shall be required at a ratio and size consistent with the value of the damaged tree, but no less than a minimum ratio of three to one 36-inch box trees or as otherwise determined by the City. *(PARKS, PLNG)*

**LIGHTING**

38. Show all exterior lighting including: building fixtures, walkway lighting, parking lot lighting, and street lights on the Site, Utility, Landscape, and Building plans, prior to the issuance of any permits. The height and style of fixtures shall be shown. Energy-saving fixtures shall be used and noted on the plans. *(PLNG, ENGR, BLDG)*

39. All exterior building and parking lot lighting shall provide illumination for safety and shall be installed in a manner that is glare shielded and directed away from adjacent properties and right-of-ways. *(PLNG)*

40. Submit a Photometric plan for review and approval, showing the location of all light sources, streetlight spacing, intensity of luminance, and uniformity ratio, in accordance with the City’s specifications, with the Improvement, Utility, or Building Plans, whichever comes first. The photometric analysis shall be reviewed by Transportation Division for the determination of streetlight spacing and adequacy of lighting level both inside covered and open parking lots. *(ENGR, TRANS, BLDG, PD)*
SIGNAGE

41. All signage shall comply with CMC Chapter 18.180 “Signs”. *(PLNG) CMC*

42. Signs with exposed raceways shall not be permitted. *(PLNG)*

43. Signs shall be flush-mounted or near to flush as is practical to the building façade. *(PLNG)*

44. Internally illuminated signs shall have an opaque background, with only individual letters or logos illuminated. *(PLNG)*

45. Pennants, banners, streamers, or flags in connection with special promotions and business openings shall be permitted for a period not to exceed 30 days. The same, different, or similar pennants, banners, streamers, and flags shall not be permitted within 150 calendar days after such removal. No pennants, banners, streamers, balloons, inflatable devices, flags, or any other advertising devices shall be mounted on or above any roof or mansard, or otherwise extend above a parapet wall or ridge of a structure. *(PLNG) CMC*

46. Paper or printed window signs shall be limited to no more than 10 percent of the window area of any street frontage or more than 50 percent of any single window pane. *(PLNG) CMC*

47. Construction plans showing details for installation, dimensions, font, logos, materials and colors, including a sample of all materials and colors shall submitted for review and approval prior to the issuance of a Sign Permit. *(PLNG)*

48. One sign denoting the architect, engineer, or contractor associated with the project may be permitted on site. The maximum sign area shall be 12 sq. ft. within single family districts and 40 sq. ft. for other districts, of which 32 sq. ft. may be for the general contractor. These signs shall be removed upon occupancy approval. *(PLNG) CMC*

PARKING

49. Pursuant to Section 18.160.050(G), the parking requirement has been reduced by 25%. A total of 263 parking spaces are proposed comprised of 202 resident parking spaces and 61 guest parking spaces. The applicant proposes 234 standard sized stalls with 9’ x 19’ dimensions, 29 compact sized stalls with 8’ x 16’, and 8 ADA compliant stalls. A total of 8 motorcycle stalls are proposed on parking level 1. *(PLNG, TRANS)*

50. The project shall be consistent with the Transportation Demand Management program dated November 21, 2016 which provides 6 dedicated car share spaces, taxi or other taxi-related services (such as “Uber” or “Lyft”) pick up areas, on-site bicycle parking that meets the requirement of the Bike & Ped Plan, and on site management program for monitoring the number of parking spaces allotted to each unit. *(PLNG, TRANS)*

51. Short Term and Long Term Bicycle Parking is meeting the City adopted Bicycle, Pedestrian & Safe Routes to Transit Plan. Short-term bicycle parking spaces shall be total
of 19 spaces. Long term bicycle parking spaces shall be 136 spaces. The location of bicycle parking facilities shall be shown on the Civil Site, Landscape, and Building plans as approved by the Planning and Transportation Divisions, prior to issuance of a Grading or Building permit, whichever comes first. *(PLNG, ENGR, TRANS)*

52. Curbs on all four streets fronting (East St., Concord Blvd., Port Chicago Hwy., and Willow Pass Rd.) the project site shall be painted red to prohibit on-street parking. *(PLNG, ENGR)*

53. All parking spaces shall be striped; full-size spaces shall be 9 ft. by 19 ft; compact spaces shall be 8 ft. by 16 ft. Wheel stops shall be provided, except when parking spaces abut a concrete curb for a landscaped planter, then a two foot overhang is allowed. *(PLNG, ENGR) CMC*

54. Compact stalls shall be clearly identified. *(PLNG, ENGR) CMC*

55. Parking shall comply with CMC Chapter 18.160.090 “Parking, Loading, and Access”, including motorcycle and bicycle parking spaces, drive aisle and parking space dimensions, turning radii, back-out dimensions, driveway clearances, landscape median dimensions, and other relevant information. *(ENGR, PLNG) CMC*

56. Any vehicle that identifies a business by way of signage that is painted on or applied to the vehicle shall be parked in a delivery or storage area at the rear of the building or in an area screened from view from adjacent public right-of-way. *(PLNG)*

57. Handicapped parking stalls shall comply with the latest edition of the California Building Code in effect at the time of the permit application. *(BLDG)*

**STREET IMPROVEMENTS**

58. Right of way relinquishment will be required along the project frontage prior to issuance of the site development permits or building permit, whichever comes first. *(ENGR)*

59. Construct improvements along the frontage on Willow Pass Rd., Port Chicago Hwy., Concord Blvd. and East Street including but not limited to: driveway removal; pavement replacement One foot wide measured perpendicular from lip of gutter; pavement widening; concrete valley gutter; wheel chair ramps; construction of concrete curb, gutter and sidewalk; ADA compliant concrete driveway approach; storm drainage system; conforms to existing improvements; and repair/replacement of deficient frontage improvements as determined by the City Engineer / City inspector, prior to occupancy approval or Acceptance of Improvements. *(ENGR)*

60. Install slurry seal on Willow Pass Rd., Port Chicago Hwy., Concord Blvd. and East Street, from lip of gutter beyond trenching and up to the lane line, after completion of utility undergrounding and frontage improvements, prior to the Acceptance of Improvements. *(ENGR)*

61. Any trenching for underground utilities shall comply with the modified City Standard Detail S-17 for pavement repair and possible slurry placement. *(ENGR)*
62. Construct all public facilities in accordance with the current Americans with Disabilities Act (ADA), including driveways and curb ramps. (*ENGR*)

63. Show construction details for all pedestrian paths and trails on the Improvement Plans and Final Landscape Plans. Trail crossings of streets shall have curb cuts, ramps, signs, and pavement markings as approved by Engineering Services (and East Bay Regional Park District if required). (*ENGR, PARKS*)

**NOISE**

64. A site-specific Noise study shall be prepared prior to issuance of a Building Permit to identify measures to meet the following criteria identified in the General Plan Noise Element:

   a) Indoor noise levels not to exceed 45 dBA CNEL.

65. An Acoustical Engineer shall review the Building Plans and develop specific Sound Transmission Class (STC) rating requirements to ensure interior noise levels meet the City standard. The Building Official shall verify that Sound Transmission Class (STC) ratings for residential windows and sound-rated wall construction comply with the interior noise limits, prior to the issuance of Building Permits. (*PLNG, BLDG*)

66. Site preparation and construction activities shall be limited to the days and hours as set forth below:

   **Monday through Friday** 7:30 a.m. to 6:00 p.m.

   Construction on Saturdays may be allowed only upon prior approval by the Building, Engineering, and Planning Divisions. No changes to these construction hours shall be allowed without the prior written consent of the City. A contact person shall be available during all construction activities in the evening and on weekends to respond to complaints and take actions necessary to reduce noise. (*BLDG, ENGR, PLNG*)

**CONSTRUCTION ACTIVITIES**

67. Contact Engineering Services to arrange for a Pre-Construction Meeting prior to issuance of Grading or Building Permits, whichever comes first. (*ENGR*)

68. Implement a dust and construction noise control plan. Submit the plan to Engineering Services for review and approval prior to issuance of the Grading Permit. (*ENGR*)

69. Construction equipment shall not be serviced at the site at any time. During construction no deliveries shall be made to the site and no delivery vehicles (including gasoline tanker trucks) shall enter the site between 6:00 p.m. and 7:30 a.m. on weekdays, and between 5:00 p.m. and 8:00 a.m. on weekends and federal holidays. Delivery vehicles shall have their engines turned off during unloading. (*BLDG, ENGR, PLNG*)
70. Employ the quietest construction equipment available, to muffle noise from construction equipment and keep all mufflers in good working order in accordance with State law. *(BLDG, ENGR, PLNG)*

71. Implement the following measures during construction:

   a) Gather all construction debris on a regular basis and place them in a dumpster or other container that is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution.
   
   b) Remove all dirt, gravel, rubbish, refuse, and green waste from the street pavement, and storm drains adjoining the project site. During wet weather, avoid driving vehicles off paved areas.
   
   c) Broom sweep the public street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping.
   
   d) Install filter materials (e.g., sandbags and filter fabric) at the storm drain inlet nearest the downstream side of the site in order to preclude any debris or dirt from flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and to prevent street flooding. Dispose of filter particles in an approved trash receptacle.
   
   e) Create a contained and covered area on the site for the storage of bags, cement, paints, flammable, oils, fertilizers, pesticides, or any other materials used on the site that have the potential for being discharged to the storm drain system by being windblown or in the event of a material spill.
   
   f) Never clean items such as machinery, tools, and brushes or rinse containers in a street, gutter, or storm drain.
   
   g) Ensure that concrete, gunite, plaster, or similar supply trucks do not discharge wash water into street gutters or drains. *(ENGR, BLDG)*

72. No equipment shall be started or staging area be established on the streets or the site before or after the specified hours of construction. *(ENGR, BLDG)*

73. Ensure that no debris or construction scrap material is placed on any adjoining lot, open space area, or street, and that any such material stored on an adjoining site shall be completely removed and the site cleaned, prior to occupancy approval. *(ENGR, BLDG)*

74. At no time shall campers, trailers, motor homes, or any other vehicle be used as living or sleeping quarters on the construction site unless authorized for site security. *(ENGR, BLDG)*

75. There shall be no parking of construction equipment or construction worker’s vehicles on residential streets or adjacent streets at any time; all vehicles shall be maintained on-site. *(ENGR, BLDG)*

76. Portable toilets used during construction shall be kept as far as possible from adjacent properties and shall be emptied on a regular basis as necessary to prevent odor. *(ENGR, BLDG)*
77. Identify truck routes for the import or export of cut/fill material and/or construction debris for review and approval by the City Engineer prior to the issuance of permits. Repair any damage to City streets (private and public) caused by activity associated with this project. (*ENGR*)

78. In the event of the encounter of subsurface materials suspected to be of an archaeological or paleontological nature, all grading and/or excavation shall cease, the find shall be left untouched, and the City Planning Division shall be immediately notified. The County Coroner and the Native American Heritage Commission shall also be notified and the procedures required in CEQA §15064.5 shall be followed. This requirement shall be noted on the Grading and Building Plans, prior to issuance of permits. (*PLNG, ENGR, BLDG*)

79. In the above event, retain a qualified professional archaeologist certified by the Register of Professional Archaeologists or paleontologist with a degree(s) in paleontology or geology, to evaluate and make recommendations as to disposition, mitigation and/or salvage. The recommendation shall be implemented before work may proceed. The applicant shall be responsible for all costs associated with the professional investigation and implementation. (*PLNG, ENGR, BLDG*)

**CONSTRUCTION PLAN REVIEW/PRE-PERMIT REQUIREMENTS**

80. Submit electronic copy of soils report and Preliminary Title Report, prepared within three months prior to plan submittal. (*ENGR*)

81. The proposed buildings are within the 100-year Floodplain Zone (X). At a minimum, comply with the City of Concord Municipal Code requirements in establishing building finished floor elevations. The Grading Plan shall be referenced to the same elevation datum as the FEMA map, and shall show the finished floor elevations of the proposed buildings, 100-year Base Flood Elevations (BFE), and building setback line per CMC. (*ENGR) CMC*

82. The Improvement Plans shall show frontage improvements including but not limited to: drainage improvements, curb, gutter and sidewalk per City Standard Detail S-10, and driveway construction per City Standard Detail S-14 and repair/replacement of deficient frontage improvements as determined by the City Engineer. Any unusable existing driveway shall be replaced with standard curb, gutter, and sidewalk per S-10 above. Any trenching for utility installation shall comply with the modified City Standard Detail S-17 for pavement repair and possible slurry placement. (*ENGR*)

83. The Improvement Plans shall show plan and profile of all proposed street, drainage and sewer improvements and details for curb, gutter, sidewalk, and driveway construction. (*ENGR*)

84. Design improvements in accordance with the City Standard Plans S-34 and S-36 for sight distance, sidewalk, back up, fencing, geometrics at intersection and corner setback requirements, prior to the Acceptance of Improvements. Plans shall be subject to review and approval by Engineering Services. (*ENGR*)

85. Obtain an Encroachment Permit from the City prior to performing any work within the public right-of-way or public easements. (*ENGR) CMC
SITE DEVELOPMENT PLANS

86. Submit Grading, Erosion Control, Improvement, Stormwater Pollution Prevention Plans (SWPPP), and Stormwater Control Plans prepared by a Registered Civil Engineer to Engineering Services for review and approval prior to issuance of an Encroachment Permit, Grading or Building Permit. (ENGR)

87. If building occupancy occurs in phases, all physical improvements shall be in place prior to occupancy per an approved phasing plan. No individual unit/building shall be occupied until the adjoining area is made safe, accessible, provided with all reasonable services and amenities, and completely separated from any remaining construction-related activity. (BLDG, PLNG, ENGR)

GRADING/EROSION CONTROL/GEOLOGIC

88. Submit a geologic investigation to demonstrate that proposed buildings will not be constructed across active faults. A licensed geologist must prepare an evaluation and written report. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back from the fault (generally 50 feet). (ENGR)

89. Submit a Geotechnical Report with the Grading Plans and Building Plans, pursuant to CMC Chapter 16.10 that addresses and provides recommendations for grading, drainage, walls, building foundations, and pavement structural sections. (ENGR)

90. All grading shall require a Grading and Drainage Plan prepared by a registered Civil Engineer, a Soils Report prepared by a registered Geotechnical Engineer and receipt of a Grading Permit approved by the City Engineer. The Grading Plans and Soils Report shall require review by the City’s Geotechnical consultant with all costs to be borne by the applicant. (ENGR)

91. Contour grading techniques shall be employed throughout the project to achieve a more natural appearance, even where this will increase the amount of grading. Tops of cuts or toes of fills adjacent to existing public rights-of-way or easements shall be set back two feet minimum from said rights-of-way and easements. All cut-and-fill slopes in excess of five feet in height shall be rounded both horizontally and vertically. (ENGR)

92. Grading on adjacent properties shall require written approval from the affected property owners. (ENGR)

93. On-site finish grading work shall require drainage to be directed away from all building foundations at a minimum slope of 2 percent and a maximum slope of 20 percent toward approved drainage facilities or swales. Non-paved drainage swales shall have a minimum slope of 1 percent. (ENGR)

94. The project Civil Engineer shall inspect the finished grading and certify that it conforms to the compaction and elevations shown on the Grading Plan and Soils Report. (ENGR) CMC
95. At all times seasonally appropriate erosion control measures shall be implemented per plans approved by the City Engineer for all grading work at all times. Wet season measures shall be in place October through April at a minimum and when rain is otherwise predicted. At the time of approval of the Improvement and/or Grading Plans, an approved Erosion Control Plan prepared by a registered Civil Engineer shall be filed with the City Engineer. *(ENGR)*

96. All graded slopes and stockpiles of loose soil shall be hydromulched/hydroseeded by October of any given year. During grading work between October and April, if rain is forecast, stop all grading work two days before the rain forecast and implement BMPs to insure that the site is protected from erosion. *(ENGR)*

97. Submit Grading, Erosion Control, Improvement, Waste Discharger Identification (WDID) number, verifying submittal of Stormwater Pollution Prevention Plan (SWPPP), and Stormwater Control Plans to Engineering Services for review and approval prior to the issuance of Grading, Encroachment, and Building Permits. Where applicable, evidence of compliance with the State General Construction Permit shall be provided. *(ENGR) CMC*

98. Comply with the applicable provisions of the Grading Ordinance and the Storm Water Management and Discharge Control Ordinance. *(ENGR) CMC*

**UTILITIES**

99. New electrical transformers shall be placed underground or screened from view. *(PLNG, ENGR)*

100. No above ground utility facilities/structures shall be located between the face of curb and back of sidewalk in the public right-of-way. *(ENGR)*

101. **Replace all existing street lights with City approved street light fixtures (minimum 7) along project frontages on East St., Concord Blvd., Port Chicago Hwy., and Willow Pass Rd.** Submit streetlight plans in accordance with the City Standard Specifications showing pole type, luminaries type, conductor and wiring schedule, connection points, lamp wattage and pull box locations, at the time of submittal of improvement plans. Streetlights shall be completely installed and operational prior to occupancy approval. *(ENGR)*

102. All new utilities shall be constructed underground prior occupancy approval. *(ENGR)*

103. Undergrounding of all existing overhead utilities along project frontage is required including aerial street crossings shall be required pursuant to CMC Section 13.10.130. All new utilities shall be constructed underground prior to issuance of occupancy approval. *(ENGR)*

104. Comply with the City of Concord sewer design flow criteria and sewer construction requirements of the Central Contra Costa Sanitary District. *(ENGR)*

105. Submit to Engineering Services sanitary sewer calculations with the Improvement Plans stamped and signed by a Registered Civil Engineer for review. *(ENGR)*
106. New sewer lateral is required for this project with the sewer clean out at the property line. The sewer line shall be constructed per Central Contra Costa Sanitary District standards and specifications. (ENGR)

107. Submit to Engineering Services a sewer fixture count and square footage of the existing buildings for possible fee credit purposes, prior to demolition. (ENGR)

108. Coordinate all facility adjustments, relocations, or additions to utility services with the appropriate utility companies. (ENGR)

109. Utility areas, electrical and gas meters shall be architecturally screened from view. (PLNG)

110. The location of all outdoor, above-ground and/or at-grade pad mounted transformers, utility equipment, electrical and gas meters, vaults, irrigation control boxes, back flow prevention devices, and the like shall remain outside the sight visibility triangle per City of Concord development code section 18.150.170 and shall be subject to approval by Planning and Engineering Services prior to the issuance of the Grading or Building Permit, whichever comes first. All such equipment shall be screened from view either architecturally or with landscaping and painted forest green or other approved color as approved by the Planning Division. Any changes to the approved Utility Plans, including location or screening details shall be reviewed and approved by the Planning Division. (PLNG, ENGR)

111. Provide cable companies a set of approved site diagrams in electronic format showing the joint trench layout for dry utilities for cable service to be provided to the site. (ENGR)

112. Connect all buildings to the sanitary sewer collection facilities of the City, and pay all current sewer connection and service fees prior to occupancy approval. (ENGR) CM defense

113. Submit proof acceptable to Engineering Services that all work within the existing (new) private waterline easement(s) are reviewed and approved by the easement owner of record. (ENGR)

DRAINAGE/STORMWATER C.3 REQUIREMENTS

114. Submit a Stormwater Control Plan (SWCP) prepared in accordance with the current Contra Costa Clean Water Program Stormwater C.3 Guidebook for review and approval by Engineering Services prior to issuance of any permit. The SWCP shall be prepared and certified by a Civil Engineer, registered in the State of California, demonstrating an understanding of the design of treatment measures for water quality and groundwater protection principles applicable to the project site. (ENGR)

115. Prior to issuance of permits for building, site improvements, or landscaping, applicant shall submit a permit application consistent with the applicant’s approved Stormwater Control Plan (SWCP), and include drawings and specifications necessary for construction of site design features, measures to limit directly connected impervious area, pervious pavements, self-retaining areas, treatment BMP’s, permanent source control BMP’s, and other features that control stormwater flow and potential stormwater pollutants. The Contra Costa Clean Water Program permit application shall include a completed “Construction Plan C.3 Checklist” as
described in the Stormwater C.3 Guidebook, and a detailed draft Stormwater BMP Operation and Maintenance Plan consistent with the general O&M plan included in the applicant’s approved Stormwater Control Plan. Guidelines for the preparation of Stormwater BMP Operation and Maintenance Plans are in Appendix F of the Stormwater C.3 Guidebook. (ENGR)

116. Construct stormwater treatment measures per the approved SWCP prior to occupancy approval. (ENGR)

117. Submit a final Stormwater BMP Operation and Maintenance Plan (O&M Plan) in accordance with City of Concord Guidelines, for review and approval by Engineering Services, prior to site development permit issuance. This O&M Plan shall incorporate City comments on the draft O&M Plan and any revisions resulting from changes made during construction. The implementation of the O&M Plan shall be the responsibility of the property owner or the HOA where one exists. (ENGR)

118. Execute O&M agreements identified in the SWCP which pertain to the transfer of ownership, right-of-entry for inspection or abatement, and long-term maintenance of stormwater treatment or hydrograph modification BMPs, prior to occupancy approval. (ENGR)

119. Prevent site drainage from draining across sidewalks and driveways in a concentrated manner. (ENGR)

Collect and convey all stormwater entering and/or originating from the site to an adequate downstream drainage facility. Submit hydrologic and hydraulic calculations for a 10-year storm with the Improvement Plans to Engineering Services for review and approval.

Install City of Concord “No Dumping, Drains to Creek” curb marker (English and Spanish version) on all catch basins. (ENGR)

120. Submit a Construction Best Management Practice (BMP) Program for review and approval by the Engineering Development Services Department prior to issuance of a Building and/or Grading Permit. The general contractor and all subcontractors and suppliers of materials and equipment shall implement these BMPs. Construction site cleanup and control of construction debris shall also be addressed in this program. Failure to comply with the approved construction BMP may result in the issuance of correction notices, citations, or a project stop work order. (ENGR)

121. Sweep or vacuum the parking lot(s) and adjacent streets a minimum of once a month and prevent the accumulation of litter and debris on the site. Corners and hard to reach areas shall be swept manually. If sidewalks and/or the parking lot are pressure washed, debris must be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged into the storm drain. If any cleaning agent or degreaser is used, wash water shall be collected and discharged to the sanitary sewer, subject to the approval of the Central Contra Costa Sanitary District. (ENGR)

122. Ensure that the area surrounding the project such as the streets stay free and clear of construction debris such as silt, dirt, dust, and tracked mud coming in from or in any way related to project
construction. Areas that are exposed for extended periods shall be watered regularly to reduce wind erosion. Paved areas and access roads shall be swept on a regular basis. All trucks shall be covered. (ENGR)

123. Clean all on-site stormdrain facilities a minimum of twice a year, once immediately prior to October 15 and once in January. Additional cleaning may be required if found necessary by the City Engineer/Director of Building Inspection. (ENGR, BLDG)

SOLID WASTE/RECYCLING

124. The trash pickup/drop off area is designated to the driveway bay adjacent and parallel to Concord Blvd. The trash pickup shall not exceed more than three times a week and shall be performed during off-peak hours, at the approval of the City. At no time shall trash bins be left on the sidewalk. The trash bins shall not be placed or extended into the street (Concord Blvd.) at any time. The trash bins shall be secured and protected from public access and free of litter and pollution. The property management will be responsible for the care and maintenance of the sidewalk, driveway bay and surrounding area. Repair of any damage to the sidewalk or driveway bay caused by moving trash bins or resident/tenant move shall be under the Owner’s Duty to Maintain Improvements as specified under the Property Maintenance Agreement.

125. Comply with CMC Chapter 8.20, Solid Waste, Article III, Construction and Demolition (C&D) Waste Recycling, Sections 8.20.330 through 8.20.450, as applicable. (BLDG)

126. Design and implement City approved Source Reduction/Recycling Plan and demonstrate that interior and exterior refuse enclosures have been sufficiently designed and located for the storage and pick up of recyclable materials in accordance with CMC Section 8.20.260, Source reduction/recycling plans required, prior to issuance of a Building Permit. (PW)

127. Trash bins and refuse shall be stored within approved trash enclosure and the doors shall be closed at all times except when the bins are being emptied. (CE)

128. Comply with the provisions of the CMC, Central Contra Costa Sanitary District and the disposal service regarding enclosure design, access requirements, and the number of required individual refuse receptacles based upon waste pickup schedules. Trash enclosures shall incorporate the following features:

   a) A concrete pad to prevent damage to asphalt paving.
   b) A roof and area drain, designed to prevent rainwater from penetrating the interior of the enclosure and preclude trash from being blown outside of the bins.
   c) The area drain shall connect to a sanitary sewer to prevent contaminated water from entering the storm drain system.
   d) If any cleaning agent or degreaser is used, wash water must be collected and discharged to the sanitary sewer, subject to the approval of the Central Contra Costa Sanitary District. (CCCSD, ENGR)
129. Trash enclosures shall incorporate the same architectural treatment, and use the same exterior materials and colors as the main building and shall comply with the Community Design Guidelines, including the following:

a) A roof.
b) Masonry, steel or heavy timber walls.
c) An interior, poured-in-place curb to prevent damage to the screen walls.
d) Doors with external hinges to prevent damage from the receptacle.
e) Doors of solid metal or with a metal frame with self-closing latch.
f) The height of the enclosure walls and doors shall be the same height or higher than the bins within the enclosure. *(PLNG)*

**AGREEMENTS, FEES, BONDS**

130. All fees noted below are the fees currently in effect as of July 11, 2016 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 78-95 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)*

131. Provide a *(\$15,000 or other)* cash deposit to the Planning Division to cover Condition Compliance and Mitigation Monitoring costs, at the time of submittal of plans and documents to Engineering Services or the Building Division for plan check. Planning staff’s time will be charged to this deposit for work performed to implement the Conditions of Approval, from the time of project approval to occupancy approval. Mitigation Monitoring costs will be charged at cost over the life of the project mitigation requirements. The deposit will be placed in a refundable account and any unused funds will be returned upon completion. If the initial deposit is insufficient to cover actual costs, an additional deposit will be required. *(PLNG)*

132. Pay a Document Imaging fee to reimburse the City for implementation of the Document Imaging and File Retention programs, prior to issuance of Grading or Building Permits. *(PLNG)*

133. Enter into a Maintenance Agreement acceptable to the City prior to the occupancy permit, agreeing to provide for proper maintenance of the driveway bay, sidewalk and ADA path of
travel surrounding the project, storm drain outside of the public right of way, street lights and other privately maintained improvements pursuant to CMC Section 17.35.190 "Streets". (ENGR)

134. All improvement agreements required in connection with said plans shall be submitted to and approved by the City and other agencies having jurisdiction over said project prior to approval or issuance of the Building, Encroachment or Grading Permit, whichever comes first. (ENGR)

135. All required faithful performance bonds and labor materials bonds in a penal amount equal to 100 percent of the approved estimates of construction costs of improvements shall be submitted to and approved by the City and other agencies having jurisdiction prior to approval of the Final Map or issuance of the Building or Grading Permit, whichever comes first. (ENGR)

136. Encroachment Permit Application:
   a) Pay the Filing Fee at the time of submittal of permit application, improvement plans and supporting documents to City Engineering Services for review. The current fee is $66.00.
   b) Provide a restoration security before issuance of the Encroachment Permit. The security shall be in an amount sufficient to restore existing public improvements to a serviceable condition should development improvement activity cause damage. The amount of the security shall be determined by, and be in a form acceptable to the City Engineer.
   c) Provide a $10,000 cash deposit to cover Condition Compliance/Mitigation Monitoring costs at the time of submittal of plans and documents to Engineering Services for review. The deposit will be placed in a refundable account. Condition Compliance/Mitigation Monitoring costs will be charged to this deposit over the life of the project permit and mitigation requirements. Any unused funds will be returned at project completion. If the initial deposit is insufficient to cover actual costs, an additional deposit in an amount determined by the City Engineer will be required. (ENGR)

137. Grading Permit Application:
   a) Pay Grading Permit Fees at submittal of a Grading Permit application. The current fee is determined based on cubic yardage of cut and fill combined, or at the hourly rate of $238 if the hourly rate is used.
   b) Provide a $10,000 cash deposit for Erosion Control prior to issuance of Grading Permit. The deposit will be placed in a refundable account. Any unused funds will be returned at project completion. If the initial deposit is insufficient to cover actual costs, an additional deposit in an amount determined by the City Engineer will be required.
   c) Pay Stockpile and Erosion Control Monitoring fee prior to issuance of Grading Permit. The stockpile and erosion control monitoring fee is currently $38 per calendar day and is collected for the life of the Grading Permit activity. (ENGR)

138. Improvement Plans:
   a) Pay the Improvement Plan review fee at the time of submittal of Improvement Plans and supporting documents to Engineering Services for review. All plan review fees include
one initial submission and two revisions. Any additional plan review required will be charged at an hourly rate of $238.00 and will require an adequate deposit to a trust account prior to commencement. Pay the Construction Inspection fee prior to issuance of the Construction Permits or scheduling the Subdivision Agreement for consideration by the City. The current fee is based on 9% of the estimated cost of constructing the required improvements to support the subdivision.

b) Pay the Drainage Acreage Fee prior to issuance of the building permit. The current fee is $2,709 per acre. (Drainage Area 23/24).

c) Pay the current fee for Parkland prior to issuance of the building permit. The current fee is $9,914 per living unit for high Density Designation.

d) Provide a $1,000.00 deposit for archiving permanent records prior to approval of the Final Map. Actual fees will be charged following completion of work.

e) Provide a $10,000 deposit for specialty inspections prior to approval of the Final Map.

f) Pay the applicable fees for review of the stormwater control plan, Operation and Maintenance agreement and Bio-Retention inspection. 

(ENGR)

g) Submit application and fees for the right of way relinquishment prior to site development permit.

139. Sewer Connection Permit:

a) Pay the current Sanitary Sewer connection fee and sewer service fee. The sewer fees shall be paid prior to occupancy permit.

140. Traffic Mitigation Fee:
Pay Offsite Street Improvement Program (OSIP) fee less possible fee credit. The OSIP fee shall be the fee in effect at the time of approval of the building permit. The current OSIP Fee is $2,624 per dwelling unit for multi-family structures and shall be paid prior to issuance of the building permit. (ENGR)

OTHER/MISCELLANEOUS

141. Contact local postal authorities to get their requirements for mail facilities for the project. The design and location of mail receptacles shall be reviewed and approved by the Planning Division and shown on the Utility, Landscape, and Building Plans, prior to issuance of Grading or Building Permits, whichever comes first. Mail facilities shall be installed prior to occupancy approval. (PLNG)

142. Contact the Geographic Information Systems (GIS) Technician, in the Information Technology Department, (925) 671-3051, for addressing requirements, and coordinate with the Contra Costa County Fire Protection District for their approval, prior to issuance of a Building Permit. (PLNG)

143. Comply with the requirements of the Contra Costa County Health Department for the abandonment of existing septic tanks or wells. (ENGR) CMC
144. Comply with the requirements of the Contra Costa County Fire Protection District. Submit complete sets of plans and specifications to the Fire District for review and approval at:

Contra Costa County Fire Protection District  
2010 Geary Road  
Pleasant Hill CA 94523

Plan review fees are assessed at that time. The City is not responsible for the collection of fees or enforcement of requirements imposed by the Fire District. *(CCCFPD)*

145. 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)*

146. The permit and approval shall expire in *(two)* year(s) 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 December 30, 2016. *(PLNG)*
147. A request for a time extension from the expiration date of December 30, 2018 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)
Date: May 9, 2019

Attention: City of Concord, Planning Commission

Regarding: Concord Argent Use Permit, Minor Use Permit and Design Review Extension (PL 16333, UP, MP, DR) and 17115 – UPA.

Property: APN 126-082-008

Dear Members of the Planning Commission,

Industrial Foundry Corporation, parent company Blue Mountain Communities, Inc., the current property owner, is requesting a “no change” two (2) year extension for approved entitlements on the above referenced Concord Argent project.

As the city is aware, we have been actively working to construct the project in a manner that provides some returns to our owners. The project has been consistently under feasibility studies since approval and requires more time to develop an economically viable project.

The biggest challenges with the property, as you know, are the rising costs of construction and the local rent structure. We have and continue to act in good faith reviewing our options and evaluating various construction scenarios. In the meantime, we have begun demolition of the “Blockbuster” building and will have the site clean and level in a matter of days.

Again, we respectfully request a two (2) year extension to the existing approved entitlements.

Sincerely,

Gordon Stankowski, Developer Agent
Director of General Contracting
Blue Mountain Construction Services, Inc.

cc: Frank Abejo, Principal Planner
    Lorna Villa, Associate Planner
    Steve Brown, CEO Blue Mountain

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SUBJECT: Argent Concord (PL16333 – UP, MP, DR)

Recommendation: Adopt Resolution #16-33 PC, determining that no further environmental review is required pursuant to Section 15183 of the California Environmental Quality Act, and approving the Argent Concord Use Permit, Minor Use Permit, and Design Review (PL16333 – UP, MP, DR).

I. Introduction

A. Application Request

Application for a Use Permit, Minor Use Permit, and Design Review for a 181-unit apartment seven-story multi-family rental residential project with one below grade and two levels of podium style parking on a 1.53 acre site.

Pursuant to the Initial Study prepared for purposes of California Environmental Quality Act (CEQA) (included as Attachment G), the proposed project is consistent with a community plan, general plan or zoning and there are no project-specific significant effects which are peculiar to the project or its site; accordingly, no further environmental review is required under CEQA Guideline Section 15183.

A Use Permit is required pursuant to the Development Code, Table 18.45.020, for a multi-family project in the DMX zoning district.

A Use Permit is required pursuant to the Development Code, 18.160.050 (G) for adjustments to parking, where a 25% reduction in parking is requested.

A Minor Use Permit is required pursuant to 18.105.040, Development Standards, to approve an increase in density.

A Design and Site review is required pursuant to 18.415, to approve a design and site review.

B. Location

The project is located at 2400 Willow Pass Road, APN: 126-082-008.
C. Applicant & Owner

David Jones
Argent Concord, LLC
121 7th Avenue
Santa Cruz, CA 95062
(650)318-8411

II. Background

On March 30, 2016, the applicant, David Jones, and the project architect, KTGY appeared at a joint meeting of the Early California Architectural Review Committee (ECAR) & Design Review Board (DRB) for preliminary review of the 2400 Willow Pass Road new multi-family residential development. In general there was support for the modern design, and ECAR and DRB recommended further developing the four-sided architecture.

On May 12, 2016, the DRB conducted a Conceptual Design Review of the preliminary application. The applicant further developed the design based on comments from the March 30th joint ECAR and DRB meeting. The DRB provided the applicant with comments regarding the site design, architecture, and landscaping. Overall the DRB was supportive and requested more details be developed for key elevations.

On August 12, 2016, the applicant filed a formal application for a Use Permit, Minor Use Permit and Design Review. The application was reviewed by the Development Advisory Committee (DAC) on August 23, 2016 and deemed incomplete by staff on September 9, 2016.
On September 22, 2016, the applicant, and project architect, appeared before the DRB for a preliminary review of the formal application. The DRB acknowledged continued support for the project and requested further refinement of some areas on the project.

On September 27, 2016, a neighborhood meeting was conducted. Postcards were mailed to surrounding properties within 300 feet of the subject property. No public was in attendance.

On October 5, 2016, the Planning Commission (PC) conducted a study session on the project and provided direction to staff and the applicant to address the inconsistencies between the proposal and the Development Code requirements. The PC made recommendations regarding setbacks, number of parking spaces, parking space standards, the loading and unloading area, incorporating new decorative light standards required by the Downtown Corridors Plan, and incorporating short-term and long-term bicycle parking standards required by the Bicycle, Pedestrian & Safe Routes to Transit Plan (Bike & Ped Plan).

On November 10, 2016, the applicant submitted revised drawings for DAC review. The DAC met on November 15, 2016, and on November 29, 2016 staff deemed the project complete.

On December 8, 2016, the applicant appeared before the DRB for final design review approval. Staff will provide an update to the Planning Commission regarding the outcome of the meeting.

III. General Information

A. General Plan

The General Plan designation is Downtown Mixed-Use.

B. Zoning

The site is zoned DMX (Downtown Mixed Use)

C. Environmental Review

Pursuant to Section 15183 of the CEQA Guidelines, projects which are consistent with the development density established by the existing zoning, community plan, or general plan policies for which an Environmental Impact Report (EIR) was previously certified shall not require additional environmental review, except where there are project-specific effects which are peculiar to the project or its site.

In this instance, the City had previously approved the Concord 2030 Urban Area General Plan and the Downtown Specific Plan, which in turn provided the goals and policies that convey the City’s long-term vision and guide for development in the downtown area, where the Argent project is located. In approving these plans, the City had previously certified the General Plan Environmental Impact Report (EIR) in 2007, the Supplemental EIR (SEIR), which was prepared in 2012 in order to assess the impacts of the City’s new Development Code and Zoning Map, and in 2014, the City certified an Addendum to the 2012 SEIR to
update the SEIR in connection with the implementation of the City’s Downtown Specific Plan.

To assist the City in its analysis as to whether further environmental review was necessary for the Argent project pursuant to Section 15183, the City (as the lead agency) requested that an Initial Study (IS) be prepared by Analytical Environmental Services (AES), a copy of which is included as Attachment G. The IS evaluated Section 15183 of the CEQA Guidelines impacts as a checklist (Appendix M to the CEQA guidelines) to determine the peculiar impacts of the project which were not analyzed or discussed in previous EIRs on the following resource areas: aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and circulation, utilities and service systems, and mandatory findings of significance.

After an analysis of the General Plan EIR, SEIR and Addendum to the SEIR, the Initial Study determined that the proposed project is consistent with the existing zoning, Specific Plan and General Plan policies and determined that no additional environmental review is required as the impacts of the proposed project, as any environmental effects:

1. Are not peculiar to the project or the parcel on which the project would be located;
2. Were analyzed as significant effects in a prior EIR on the zoning action, general plan, and specific plan, with which the project is consistent where applicable;
3. Are not potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan and specific plan; and,
4. Are not previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

Moreover, the Initial Study also determined that the impacts of the proposed project would be further reduced by the imposition of uniformly applied development policies or standards. Accordingly, the implementation of the proposed project complies with Section 15183 of the CEQA Guidelines and no further environmental review for this project is required.

D. Site Description

The 1.53 acre site is one parcel with four street frontages; Willow Pass Road, East Street, Port Chicago Highway and Concord Boulevard. The property is relatively flat and slopes down toward the northwest. Currently on the site is a single story 18,080 sq. ft. former Blockbuster video building and associated parking on north, west and south sides of the building. Vegetation is limited to street trees and some onsite landscaping.
The project site is located at 2400 Willow Pass Road, approximately two blocks from Todos Santos Plaza, and a quarter mile from the Concord BART station. Approximately 160 feet to the east of the project site, BART’s Pittsburg/Bay Point line runs northeast to southwest.

E. Surrounding Land Use

The following table outlines the existing land use, General Plan Designation, and zoning district for the adjacent parcels:

<table>
<thead>
<tr>
<th></th>
<th>Existing Land Use</th>
<th>General Plan Designation</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Vacant Parcel</td>
<td>Downtown Mixed-Use</td>
<td>DMX</td>
</tr>
<tr>
<td>South</td>
<td>Concord Tire Center</td>
<td>Downtown Mixed-Use</td>
<td>DMX</td>
</tr>
<tr>
<td>East</td>
<td>Safeway Grocery Store</td>
<td>Commercial Mixed-Use</td>
<td>CMX</td>
</tr>
<tr>
<td>West</td>
<td>Best Little Donut House In Town and Bay Area Carbide</td>
<td>Downtown Mixed-Use</td>
<td>DMX</td>
</tr>
</tbody>
</table>

IV. Detailed Project Description

A. Site Planning/Circulation/Parking

The seven-story, 181-unit rental residential building is proposed with a zero lot line, where the project occupies the entire site with moderate setbacks on all four sides for sidewalks, landscaping, and bio-retention areas. The building is oriented towards East Street and maintains continuity towards the Concord BART station to the south through the East Street elevation. One below grade and two levels of podium style parking are proposed. Access to the parking garage is off Port Chicago Highway. A night gate is proposed at the entry ramp. A loading / unloading area for trash and resident move-in is proposed off Concord Boulevard. Two resident entries are proposed, one off Willow Pass Road and the second off Concord Blvd. A leasing office is located on the corner of Willow Pass Road and East Street. Six townhome units are proposed along East Street, each with their own individual entrance.

Port Chicago Highway serves as a one-way street north bound. The parking garage ingress and egress is off Port Chicago Highway with a left-in/left-out. The entry is designed for two-way circulation with a 24 ft. driveway and a four ft. center median. Guest parking and secure bicycle parking is located on the first level parking with a secured night gate access. The garage will be gated at night and accessible by residents via call box. Guests will have to be “buzzed in” by residents after hours. Willow Pass Road is a two way street, and no driveways or entrances are proposed. Concord Blvd. is a one-way street west bound with a 14 ft. wide by 55 ft. long loading / unloading area for trash pick-up and move-in. The loading / unloading area is located within the City right-of-way, parallel and adjacent to Concord Blvd.

A total of 263 parking spaces are proposed comprised of 202 resident parking spaces and 61 guest parking spaces. The applicant proposes 234 standard sized stalls with 9' x 19' dimensions, 29 compact sized stalls with 8' x 16', and 8 ADA compliant stalls. A total of 155
bicycle parking stalls are proposed on the first floor in a bike / work room. A total of 8 motorcycle stalls are proposed on parking level 1. The 263 parking spaces represent a 25% reduction of the total number of required parking spaces. The applicant requested the maximum reduction allowable within the Transit-Oriented Development zoning district, as supported by a parking demand study, prepared by Omni-Means, Ltd. included as Attachment F.

The project plan indicates two buildings; Building A is an L-shaped plan located on the corner of Willow Pass Road and Port Chicago Highway, Building B is a trapezoid shaped plan located primarily on Concord Blvd. The two buildings are connected by an open courtyard at the third level and pedestrian bridges above the third level. The two buildings are a double loaded corridor, with units facing either the streets or the internal courtyard. Each building has an elevator and access stairs for vertical circulation to the first floor lobby, parking, bike room / work area, mail boxes, storage and pet area.

B. Architecture

The proposed seven story multi-family residential project is designed as contemporary architecture with a reflection of Early California style. The overall architecture is a unified approach with two buildings on the site, connected with a similar design language. The main elevation is on East Street with six townhome units carrying a brick façade and creating a pedestrian connection at the base. A four sided architecture is proposed for Building A and B. Building A has projecting balconies, articulated bays, balanced proportions, defined corner element, wide overhangs at the roof and art elements at the base. Building B is a similar language to A, with a 90 degree roof parapet and articulated vertical residential bays. An open courtyard on the third floor opens toward Todos Santos Plaza. Residential amenities include a bike / work area, to store and repair bikes, and a pet area, to wash and groom pets, on the first floor, an open courtyard, outdoor pool, and unspecified two-story amenity space on the third floor.

The 181-units are studios, one bedrooms, two bedrooms, and town home-style units with a two and three bedroom plan. The square footages range from 646 square feet for a one bedroom unit, to 1,750 sq. ft. for a three bedroom townhome. The unit layouts vary with a total of seven options for all the units. Each unit offers a minimum 60 sq. ft. balcony. Detailed floor plans, square footages and unit counts are provided below:

<table>
<thead>
<tr>
<th>Plan Number</th>
<th>Sq. Ft.</th>
<th>Total Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>646</td>
<td>20</td>
</tr>
<tr>
<td>1 Bedroom</td>
<td>717</td>
<td>104</td>
</tr>
<tr>
<td>2 Bedroom</td>
<td>1,053</td>
<td>51</td>
</tr>
<tr>
<td>2 Bedroom Townhome</td>
<td>1,535</td>
<td>5</td>
</tr>
<tr>
<td>3 Bedroom Townhome plus Den</td>
<td>1,750</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>159,732</td>
<td>181</td>
</tr>
</tbody>
</table>
C. Landscaping

Streetscape Design
The site plan is a zero lot line building. The street level plan, as shown on Sheet L1.0, is designed with street trees, landscape buffers, and foundation landscaping on all four streets. The street and perimeter trees plantings are spaced in a consistent manner along the street and building edges. The plantings at the foundation and along the building edge are drought tolerant and native to Northern California. The plantings have been designed for sun and shade conditions. The planting design includes grasses and ground cover and will provide year round interest. The irrigation system for the plants is designed pursuant to the California Water Efficient Landscape Ordinance (“WELO”). The plants are designed in hydrozone groupings. Trees will have separate bubblers for irrigation. On Willow Pass Road, a raised platform adjacent to the main lobby and leasing area is proposed. The platform has raised planters with decorative drought tolerant plants. The platform is designed with movable tables and chairs. The platform at the ground level is designed with skateboard deterrent seat walls. The loading / unloading area along Concord Blvd. is screened from view with street trees and ten foot width foundation plantings. On East Street each townhome unit patio area is designed with foundation plantings. The plants at the street level are chosen to withstand street conditions including high traffic and debris collection. Along East Street three types of plants will be used in the stormwater planter. Along Willow Pass Road and Concord Blvd. at the ground level two different kinds of permeable paver pattern is designed to break up the long sidewalk areas. Staff recommends the East Street sidewalk area incorporate a paver pattern to replicate what is proposed on Willow Pass Road and Concord Blvd.

Podium Level Design
The podium level plan, opens towards Todos Santos Plaza. As shown on Sheet L2.0, the plan has a pool, seating areas, bocce ball, shade structures, cooking areas with grills and sinks, movable chairs and tables. The podium level plan is broken into passive and active areas to allow various activity levels for residents. The various areas have sun areas as well as shade areas with trellises and umbrellas. Raised concrete planters with a variety of trees and drought tolerant plantings are proposed. The plant palette incorporated fragrance and year round color and interest through flowering trees, shrubs, succulents, grasses and perennials. The podium flooring is designed with wood decking, porcelain tile and concrete pavers to distinguish various activity areas. Residents will also be able to access the amenity space off the third level.

D. Signs
The proposed signage is preliminary in nature and is intended as a placeholder. The applicant will be conditionally required to submit a final sign package, subject to review and approval, which complies with Development Code, Chapter 18.180.
E. Development Regulations

The project meets standards for lot area, lot coverage, setbacks, and building area of DMX zoning (unless otherwise noted), and all applicable requirements under the Development Code, Article IV, Development Standards.

<table>
<thead>
<tr>
<th>Standards</th>
<th>Required/Allowed</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Density (du/ net acre) minimum/maximum</td>
<td>33 – 100 du/ net acre</td>
<td>118.3(^1)</td>
</tr>
<tr>
<td></td>
<td>52 – 157 units</td>
<td>181 units</td>
</tr>
<tr>
<td>Floor Area Ratio (FAR) minimum</td>
<td>1.00</td>
<td>&gt;1.00</td>
</tr>
<tr>
<td>Floor Area Ratio (FAR) maximum</td>
<td>6.0</td>
<td>4.5</td>
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<tr>
<td>Lot Area (square feet) minimum</td>
<td>10,000</td>
<td>66,646.8</td>
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<tr>
<td>Lot Width (feet) minimum</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Interior Lot</td>
<td>100</td>
<td>-</td>
</tr>
<tr>
<td>Corner Lot</td>
<td>110</td>
<td>188.9&quot;</td>
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<tr>
<td>Lot Depth (feet) minimum</td>
<td>100</td>
<td>246.1&quot;</td>
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<tr>
<td>Building Height (feet)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Minimum</td>
<td>30</td>
<td>&gt;30</td>
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<tr>
<td>Maximum</td>
<td>200</td>
<td>78.9&quot;</td>
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<tr>
<td>Building Height – First floor minimum (feet, floor to floor height)</td>
<td>15</td>
<td>11(^2)</td>
</tr>
<tr>
<td>Setbacks (feet) required minimum</td>
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<td></td>
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<tr>
<td>Front</td>
<td>10</td>
<td>2-10(^2)</td>
</tr>
<tr>
<td>Interior Side</td>
<td>0</td>
<td>-</td>
</tr>
<tr>
<td>Corner Side</td>
<td>10</td>
<td>-</td>
</tr>
<tr>
<td>Rear</td>
<td>0</td>
<td>4-11</td>
</tr>
<tr>
<td>Open Space/Unit (square feet) minimum</td>
<td>175</td>
<td>213</td>
</tr>
<tr>
<td>Parking Spaces</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vehicle</td>
<td>350</td>
<td>263(^3)</td>
</tr>
<tr>
<td>Motorcycle</td>
<td>7</td>
<td>8</td>
</tr>
<tr>
<td>Bicycle</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Short Term</td>
<td>14</td>
<td>19(^4)</td>
</tr>
<tr>
<td>Long Term</td>
<td>43</td>
<td>136(^4)</td>
</tr>
</tbody>
</table>

V. Discussion and Analysis
A. General Plan Consistency

The General Plan land use designation for the property is Downtown Mixed-Use, which promotes high density and intensity mix of residential, commercial and office

\(^1\) See discussion titled "Density Bonus"
\(^2\) See discussion titled "Development Regulations"
\(^3\) See discussion titled "Adjustments to Parking Requirements"
\(^4\) See discussion titled "Bicycle Parking"
development in Central Concord. It allows for a mix of uses that balances jobs and housing opportunities, including offices, commercial development, hotels, public/quasi-public, and residential uses. The project provides residential uses and is thus consistent with the intent of the Downtown Mixed-Use designation to establish housing opportunities in the Downtown. The project is in substantial compliance with the goals, objectives, and policies of the Concord General Plan, including “supporting higher density and mixed-use development in Downtown and near transit centers and corridors” as outlined in General Plan Principle LU-1.3.3.

The project reinforces and capitalizes on neighborhood strengths and benefits the neighborhood identity and scale by proposing building designs and materials that are consistent with the neighborhood and architecture that mitigates the mass of the building with setbacks, building relief and careful use of landscaping to blend with the surrounding neighborhood as outlined in General Plan Policy LU-1.1.1.

Additionally, the project is consistent with General Plan policies that encourage pedestrian-oriented urban design by incorporating building elements such as ground floor patios, human-scale landscaping at the street level, and outdoor seating and building entries at the street level (Policy LU-4.2.3).

B. Density Bonus

The DMX District generally permits a density between 33 and 100 units per net acre. Therefore, on the subject 1.53 acre parcel, a minimum density of 52 and a maximum density of 157 units is generally permitted. The applicant proposes to construct 181 units on a 1.53 acre parcel.

However, this project is located within one-half mile of the perimeter of the Concord BART station and is located in a Transit Station Overlay District; accordingly, the maximum density may be increased up to a maximum of 25 percent for residential projects in the Transit Station Overlay District (See Development Code Section 18.105.040). The increase in density shall only be granted as a Minor Use Permit if the project includes a minimum of at least three of the elements listed in the Transit Station Overlay District. The applicant has incorporated the following three elements into the project design.

a) Continuity of building façades along the street with no interruptions in the progression of building and uses except for pedestrian access.

The building encompasses an entire development block with a continuous façade on all four elevations. Pedestrian entries are incorporated into the façade as well as at the townhome units. Vehicle entry is designed into the project as part of the design language. The building architecture is a cohesive language with no interruptions.

b) Pedestrian friendly street level building design amenities such as highly articulated façades with a variety of high quality materials and architectural


detailing, visibility into buildings, awnings, paseos, or arcades, and signage oriented and scaled to the pedestrian, located directly behind the sidewalk.

The contemporary architecture incorporates modern high quality materials on all four sides of the building. The building is oriented toward the East Street where there is the most pedestrian and vehicular exposure. The façade is well articulated with vertical bays, projecting balconies, and articulation of architectural elements. The ground floor townhome units have a pedestrian-oriented scale and proportion. The residential units above the podium level face the interior courtyard and the street. The residential units are articulated with balconies, rhythmically placed window openings, and variation in roof height.

c) Pedestrian amenities including wide sidewalks, weather protection through building design, landscaping, fountains, public seating or other street furniture, public art, additional lighting or other pedestrian amenities.

Sidewalks on the property vary between 2 to 10 feet; however, when combined with the public sidewalk area, the combined pedestrian sidewalk width area increases to a maximum of 15 feet.

Landscape buffer along the street edge as well as foundation plantings are introduced along all four street edges. On Willow Pass Road and Port Chicago Highway, art panels are designed into the building walls.

For the reasons stated above, the project includes a minimum of at least three of the elements listed in the Transit Station Overlay District and therefore qualifies for a density bonus of 118.3 units per net acre.

C. Downtown Specific Plan

The City adopted its Downtown Specific Plan (“DTSP”) on June 24, 2014. The Specific Plan establishes a long range vision that reflects the aspirations of the community, and outlines steps to achieve this vision. The DTSP provides a vision for how the Downtown will integrate housing, jobs, retail, and transportation linkages including pedestrian, disability access, and vehicular traffic with transit hubs. The purpose of the Specific Plan is to set forth policies focused on what is achievable to implement in the Downtown over the next 20 to 30 years and set forth actions to be undertaken by the City.

The project site is identified as an “area of interest” residential site “M”. One of the objectives of the DTSP is to promote high quality infill development that successfully integrates new development with existing development. The project is consistent with this objective as it utilizes an underdeveloped infill site within the Downtown.

The project is consistent with policies that encourage a variety of living opportunities through a range of housing types and prices. The project as proposed includes six unit types at different rental rates as well as nine affordable units at very low. The project
proposes high density development within a 10-minute walk of transit and BART that is consistent with the strategy to increase the amount of residential units in Downtown. The project is consistent with the DTSP.

D. Zoning Consistency

The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of the Development Code and the Concord Municipal Code (CMC). The proposed use is classified as multi-family, which is a conditionally permitted use in the DMX (Downtown Mixed Use) Zoning District. The project meets the standards for lot area, floor area ratio, setbacks, and building height of DMX zoning, satisfying applicable requirements under Development Code, Division IV, General Development Standards, and complies with all other applicable provisions of the Development Code and Concord Municipal Code as described below.

E. Development Regulations

Setbacks

The Development Code requires minimum setbacks for individual interior and corner lots in the DMX district. The building has four primary streets and is proposed as a full development block on one parcel. The building fronts Concord Boulevard. The majority of the building maintains a 10 foot setback, except at the townhome entrance and patio area. The building at the townhome projects eight feet into the setback. As currently stated in the Development Code a “full block development” where all four sides of a site is not addressed. The lot shape is trapezoidal, with the narrowest portion facing Concord Blvd. This attributes to the unique character of the lot in terms of measuring the appropriate setbacks from the property line.

In the DMX zone, the Development Code calls for 10 foot setbacks for the front and corner sides of parcels and zero foot setbacks for the rear and interior sides. However, (similar to the interpretation provided in the neighboring Concord Village project), because the project is a full block development and an irregularly-shaped lot, the Development Code also provides that the Planning Division shall determine setbacks on a case-by-case basis, (Section 18.150.140 (C)(7)). Moreover, the DTSP states that all new development on primary streets should build to zero lot line with exceptions for any usable, publicly-accessible, at grade open space such as small plaza, pocket park, or a pedestrian alley. The applicant proposes a full development block development on an irregular-shaped lot in the downtown area where zero lot lines are encouraged. The applicant is proposing to landscape around the perimeter of the site with street edge plantings and perimeter plantings which will help soften the pedestrian edges. The DTSP also provides guidelines that “encourage porches, patios and stoops in the building setback zone” and that “building setbacks should be landscaped to ensure privacy in case of residential ground floor use.” At the October 5th, Study Session, the PC indicated their support of the interpretation.

Given the unique character of the lot, which is surrounded on all sides by roadways and by its unique trapezoidal shape, staff believes the proposed setbacks are appropriate as proposed.
Staff feels the proposed front yard setback meets the intent of the design goals of the DTSP by providing an attractive landscaped buffer between the street and the building façade. On Concord Boulevard, the perceived setback from the face of curb will be a minimum of 17 feet within which are a landscaped strip, sidewalk, and private landscaping adjacent to the building. On the three remaining streets, the setback will measure at least 10 feet or more in depth.

Building Height

The DMX development standards require a minimum first floor height of 15 feet. The intent of the regulation is to account for ground floor retail uses. Tall ceiling heights at the ground floor correlate with proper retail space function and allowing for a usable retail space. The project as proposed is all residential. The townhome units along East Street provide pedestrian connectivity through a ground floor base that comprises the equivalent of two stories with a well-articulated design. Additionally, the applicant proposes a 22 foot tall leasing area on the corner of Willow Pass Road and East Street. The building design meets the intent of creating an activated first floor at this location.

Density

The allowable density for the site is 100 d.u./acre; however, the TOD zoning district allows a 25% increase over the maximum density, if the following three findings are made: 1) the project provides continuity of building façade along the street with no interruptions in the progression of the building and uses except for pedestrian and vehicular access because the building encompasses an entire block with a continuous façade along all four elevations, and pedestrian and vehicular entries are incorporated into the façade of the building; 2) the project provides pedestrian-friendly street level building design amenities including: contemporary architecture and high quality materials on all four sides of the building, well-articulated bays and architectural elements, with pedestrian scale and proportion. The residential units face the street and the courtyards. The ground level units engage at the street level through patios and landscaping; and 3) the project contributes to pedestrian amenities by providing wide sidewalks, landscape buffers along the street, landscape at the building foundation and art panels designed into the building facade.

In this case, 157 units are permitted in the DMX district and the applicant is seeking an increased density of an additional 24 units, which would be an increase of 15%.

In addition to the increased density allowed in the TOD district, the applicant is also requesting a density bonus concession for providing 5% (9) of the units affordabile to “Very Low Income” households, available under the City’s Density Bonus Program, discussed in greater detail below. The balance of the units will be rented at market rates.

F. Adjustments to Parking Requirements

Without any parking adjustments applied, Table 18.160.040 requires that applicant provide 350 parking spaces for the 181 units. According to Section 18.160.050 (G), required parking
spaces may be reduced by up to 25 percent if the applicant can demonstrate that due to special circumstances, such as the nature of the use, proximity to transi, transportation characteristics of the use, or implementation of a transportation demand management program, there will be a reduced demand for parking at the site. In this case, a reduction of 25 percent would amount to 263 parking spaces.

1. The parking demand study, as directed by the city, substantiates the need for less parking (e.g., documentation of customer frequency, information on parking standards required for the proposed use by other cities, etc.) than required in Table 18.160.040. The City conducted an independent parking demand study by Omni-Means Ltd., consulting. The City requested similar type of projects, high density residential within close proximity to BART to be included in the parking study. In addition, as recommended by the Planning Commission at the October 5th Study Session, the study also includes a project within Concord in the analysis. The Parking Demand Study surveyed two properties in Oakland (both at Jack London Square) and one in downtown Concord (Park Central). Parking surveys of each property were also conducted. The study also looked at published Institute of Transportation Engineers (ITE) rates and other reference materials from the Planning Center in Oakland.

As indicated in the parking demand study (Attachment F), the Omni-Means consultant found that the two Oakland locations had surveyed parking rates of 1.08 and 1.22 vehicles/unit, and noted that the Planning Center of Oakland had found parking demand rates of 1.45 and 1.73 at these same locations. The study also found that the Concord location (Park Central) had a surveyed rate of 1.44 vehicles/unit. The study also noted that published rates by the Institute of Transportation Engineers (ITE) for multi-unit apartments and condominiums have average rates of 1.20-1.38 vehicles/unit.

In summary, the study found a wide range of parking rates (from less than 1 vehicle/unit to almost 2 vehicles/unit) associated with multi-family developments. In comparing the proposed project to the surveyed properties, the consultants found that the Concord property was more similar to the Argent property in that it is a similar residential apartment style project close to BART, and found a rate of 1.44 vehicles per unit. Here, the Argent Concord project proposes a rate of 1.45 after the 25% reduction is applied, which substantiates the need for less parking than required in Table 18.160.040.

2. The applicant has demonstrated that the project could provide additional parking if long-term parking demand requires additional parking; and

The Downtown Specific Plan, in the Todos Santos District, identifies the project site as a desired infill opportunity. The DTSP as an urban strategy encourages higher density residential on underutilized and vacant sites that are located in the downtown. The DTSP envisions higher development densities will accommodate more residents in the Downtown Concord, support additional retail and economic activity, sustain and/or increase BART ridership, increase public safety and create an overall more vibrant quality of life. The project site is close to many amenities such as transit, grocery store, post office and parks. The project is designed as a Transit Supportive project with many Transportation Demand Management strategies, such as six dedicated car share spaces,
Uber and Lyft pick up areas, on-site bicycle parking that meets the requirement of the Bike & Ped Plan, and on site management program for monitoring the number of parking spaces allotted to each unit.

3. Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the on-street parking in the surrounding area. The project is designed with Transportation Demand Management strategies; 6 dedicated car share spaces, Uber and Lyft pick-up areas, on-site bicycle parking that meets the requirement of the Bike & Ped Plan, and on site management program for monitoring the number of parking spaces allotted to each unit.

The project does not propose on street parking. The curb will be conditioned to not allow on-street parking.

G. Design Review

Pursuant to Development Code Chapter 18.415, findings are required for approval of the Design Review application. Staff analysis on how the project meets those findings is provided below with a comprehensive list included in the draft resolution attached as Exhibit A to this report.

1) The project is consistent with the General Plan.

The project is consistent with the General Plan as explained in Section V-A above.

2) The project meets the following criteria in Section 18.415.080.

(a) The building design and landscaping supports public safety and security by allowing for surveillance of the street by people inside buildings and elsewhere on the site.

The residential units face outward toward the public street as will the podium space at the third level. Lobby spaces and townhome units have direct connections to the street creating a level of informal surveillance. The main lobby space is adjacent to a raised platform and provides safety and security. The parking garage will be secured with a night gate. The gate will be open during the day to prevent traffic back up on Port Chicago Highway. After hours entrance for guests and visitors is through keypad/call box system.

(b) The design is compatible with the historical or visual character of any area recognized by the City as having such character.

Downtown properties, especially those areas within walking distance of the Todos Santos Plaza are the heart of the City. A number of historical structures are identified in the downtown. The DTSP objective is to reflect early California architecture in the design of new buildings. The project introduces a high level of care and detail at the base of the building through the brick detailing of the townhomes and the wide
overhanging eave details at the roof. The podium level courtyard opens up and faces east towards Todos Santos Plaza, creating a vertical connection.

Since November 16, 2015, the ECAR Committee initiated Todos Santos Design Guidelines for new construction and renovation projects in the Inner and Outer Core of the downtown. On November 16, 2016, the ECAR Committee recommended approval of the final draft Todos Santos Design Guidelines. At 30%, 60%, and final review, the TSDG have been reviewed and supported by the Design Review Board. The TSDG will be presented to Planning Commission on December 15, 2016 with a recommendation for adoption anticipated before the City Council in early 2017. The project as designed meets the criteria in the Todos Santos Design Guidelines.

In parallel to the development of the Design Guidelines, on March 30, 2016, the ECAR reviewed the project as part of an early review and supported the proposed building design.

(c) The project design preserves major view and vistas along major streets and open spaces and trails and enhances them by providing project amenities.

The main project façade is along East Street, and provides pedestrian continuity through the two level brick townhome design. Art panels are incorporated into the building façade along Willow Pass Road and Port Chicago Highway, and provide interest along the major roadways. A third floor podium level courtyard faces west towards Todos Santos Plaza, and provides a visual and vertical connection.

(d) The proposed lighting and fixtures are designed to complement on-site buildings, are of an appropriate scale for the development, and provide adequate light for safety and security while minimizing glare.

Exterior lighting will be residential in type and character to minimize glare and improve nighttime visibility and safety for pedestrians and vehicles.

(e) All mechanical, electrical, and utility equipment is located, screened, or incorporated into the design of the buildings so as not to be visible from off-site, and screening devices are consistent with the exterior colors and materials of the buildings.

The draft conditions require final details of mechanical, electrical, and utility equipment to be shown on building permit plans to ensure they are located behind roof parapets or screened so as not to be visible from off-site.

(f) The overall design of the project, including its scale, massing, site plan, exterior design, and landscaping, enhances the appearance and features of the project site and surrounding natural and built environment.

The overall design is in keeping with the Final draft Todos Santos Design Guidelines recommended for approval on November 16, 2016 by ECAR. The overall design is
articulated on all four façades, has high quality materials, and includes a strong first floor base design. Drought tolerant landscaping is at the building foundation along with street landscape buffer zones.

The DRB reviewed the project on December 8, 2016. Staff will provide the PC an update on the DRB recommendation.

H. Parking Design Standards Concession

As discussed above, because the project qualifies for a density bonus as a project in the TOD district, the density bonus incentive provided under the City’s Density Bonus Program would not be applied in this project as these development incentives are separate and not cumulative [Section 18.050(C)]. However, as the applicant will designate 5% or 9 units of the project at a “Very Low Income,” under the Density Bonus Program and Government Code Section 65915, the applicant may seek concessions from the City’s development standards (Section 18.185.050(F)).

In order to qualify for this concession, as a condition of approval, applicant will execute an affordable housing agreement and deed restriction that specifies the 9 units designated as “Very Low Income.” The recorded agreements will also specify that these inclusionary units shall be dispersed throughout the residential project, the construction quality of the exterior design shall be comparable to market rate units, and the average number of bedrooms must be equivalent to the average number of market rate units within the same residential project.

As a concession, the applicant seeks relief from the City’s Parking Design Standards in order to create the most efficient garage layout. Pursuant to 18.160.090 (C) (1), “Parking Design Standards,” a parking space abutting a wall, fence, column or other obstruction shall be increased two feet in width on each obstructed side. The proposed podium style parking is spaced to provide a column span of 30 feet. The current parking design standard would impact the re-design of the podium style parking garage and result in deficient number of spaces.

The applicant indicates that if relief from this standard is not granted, applicant would need to construct more parking further underground in order to provide the necessary parking, which in turn would render the project economically infeasible because of the substantial additional cost involved. As demonstrated by the project’s architect at the October 5, 2016 Study Session, staff believes that modification of the parking design standard will not adversely affect the width of the parking spaces. At the meeting, the applicant shared photos of several recently constructed podium style garages and provided diagrams of parking spaces with columns adjacent to the space. The case studies demonstrated that the placement of columns next to parking spaces were reasonable, safe and practical.

The City shall provide a waiver or modification of development or zoning standards that are necessary to make the housing development economically feasible [Section 18.185.050 (F)] or if the established standard(s) would physically preclude the construction of a density bonus project [Section 18.185.050 (I)].
The City may only deny an applicant’s request to waive or modify the City’s development standards if any of the following circumstances apply:

- The application for density bonus does not conform to the requirements of the City’s Density Bonus Program or the Government Code;
- The applicant fails to demonstrate that the City’s development standards physically preclude the utilization of a density bonus on a specific site;
- The waiver or reduction would have an adverse impact on any real property that is listed in the California Register of Historical Resources; and
- The waiver or reduction would be contrary to state or federal law.

The applicant is designating 5% or 9 units of the project as affordable units in the “Very Low Income” range and as a condition of approval, an affordable housing agreement and deed restriction will be recorded against the property to ensure that the affordable units are kept at this rate. Accordingly, the project meets the City’s Density Bonus Program.

And, if relief from the parking design standards are not met, the applicant has demonstrated that they will not be able to meet the parking demand without making the project economically unfeasible. Moreover, the waiver of the subject parking design standard will not have an adverse impact on any real property that is listed on the California Register of Historical Resources, nor would it be contrary to any state or federal law. Accordingly, staff recommends that relief from the parking design standards be granted to the applicant as a concession under the Density Bonus Program.

I. Loading / Unloading Area

Off-street loading area requirements, loading and service areas shall take place on the site and not within the public rights-of-way. However, the Planning Commission may also waive part or all of these requirements if it is “determined that the requirements are either unattainable or unnecessary.” (Section 18.160.150 (A)).

At the October 5th Study Session, the PC directed the applicant to work with staff on a resolution and to evaluate the location with Concord Disposal. Concord Disposal reviewed the dimensions, location, and access and recommended that trucks maintain a certain distance from the building. As currently designed, the loading / unloading area has been widened to 14 ft. by 55 ft. in length and is located within the public right-of-way, adjacent and parallel to Concord Blvd.

Staff supports the proposed location for loading/unloading, given the four-sided street configuration and a full block development. Accordingly, the project will be conditioned to limit the number of days, times, transportation to and from the trash room to the curb, management, and penalties for non-compliance.
J. Downtown Corridors Plan

The Downtown Corridors Plan was adopted September 13, 2016. The Plan provides direction to City staff members charged with improvements to the public right-of-way. While the focus is on the three study corridors located in the downtown, many of the guidelines could readily be applied to other nearby streets.

Decorative Light Standards

The Downtown Corridors Plan was recently adopted by City Council on September 13, 2016. The guidelines express a cohesive vision. They provide direction to City staff members charged with improvements to the public right-of-way. While the focus is on the three study corridors, many of the guidelines could readily be applied to other streets. The guidelines propose new street light standards for pedestrian and street lighting. The new street lights would provide a coherent, cohesive entry to Todos Santos Plaza.

At the October 5, 2016 Planning Commission Study Session, staff discussed new decorative street light standards applicable to new developments as part of improvements within the right-of-way. The Planning Commission was in support of the improvement. Further, the decorative light standard would be an improvement along the major corridors in Concord. The decorative light standard would tie the new development with the Early California theme and provide continuity in the urban fabric. Staff is requesting that as part of improvements to the overall project including those within the right-of-way, decorative light standards be required as a condition of approval. The number and placement of decorative lights would be based on a photometric plan provided by the applicant during permit review.

K. Bicycle Parking

The City adopted the Bicycle, Pedestrian & Safe Routes to Transit Plan (Bike & Ped Plan) on September 27, 2016. The Bike & Ped Plan, updates the recommended requirements for short term and long term bicycle parking. Under Table 5-3, based on the multi-family land use, 0.10 spaces per unit are recommended for short-term bicycle parking and 0.75 spaces per unit are recommended for long-term bicycle parking. The development provides 19 short-term bicycle parking and 136 long-term bicycle parking, therefore meeting the standards of the Bike & Ped plan. The current development code requires 18 short-term bicycle parking and 43 long-term bicycle parking. The increase in the number of long-term bicycle parking is part of the TDM strategy.

L. BART

The project is adjacent to a portion of BART’s elevated tracks. Staff solicited input from BART regarding the project design from the early review of the project. BART stated that there are no underground facilities at the location, only an aerial structure. No further review is required by BART.

The project provides sound attenuating measures to minimize noise from the adjacent BART tracks. This will include internal sound insulation, wall and window designs
limiting sound transmission. Landscaping and building profiles are designed to reduce sound reflection.

M. **Signage**

As a Condition of Approval, a full signage package is required to be submitted separately and meet the current regulations of the Development Code. Currently, only conceptual signage is indicated on perspective drawings.

VI. **Fiscal Impact**

The proposed would have a negligible fiscal impact on the City.

VII. **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 Contra Costa 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. Notification posters were placed at the site at least 10 days prior to the public hearing.

VIII. **Summary and Recommendations**

Staff is in support of the Argent Concord multi-family residential apartment project. ECAR, DRB and the Planning Commission provided valuable input on the projects land use, development regulations, resulting in minimizing any potential negative impacts. Furthermore, staff believes that the overall desired effect of the development is supported by the General Plan, the Downtown Specific Plan and the final draft Todos Santos Design Guidelines.

Staff recommends the Planning Commission consider staff’s report, allow the applicant to make a presentation and answer any questions from the Planning Commission, take public testimony, and close the public hearing upon completion of public testimony. Following the public testimony, staff recommends that the Planning Commission deliberate regarding the identified policy and/or project issues.
IX. Motion

I, (Comm. _______), hereby move that the Planning Commission adopt Resolution 16-33PC approving Argent Concord, PL16333, subject to the Conditions of Approval set forth in Attachment A to Resolution 16-33 PC. (Seconded by Comm. ________.)

Prepared by:  
Afshan Hamid, AICP  
Senior Planner  

Reviewed by:  
Laura Simpson, AICP  
Planning Manager

Exhibits:  
A - PC Resolution, Conditions of Approval (Attachment A)  
B - Applicant’s Statement and Project Description dated August 12, 2016  
C - Applicant’s Request for Parking Reduction dated November 21, 2016  
D - Applicant’s Request for Affordable Housing Agreement dated November 28, 2016  
E - DRB Minutes dated September 22, 2016  
F - Parking Study: Prepared by Omni Means, Ltd. dated November 18, 2016  
G - CEQA documents, Initial Study prepared by AES dated November 2016  
H - Applicant’s Plans and Drawings date stamp received November 10, 2016
SUBJECT: Argent Concord (PL17-115 – UPA)

Recommendation: Adopt Resolution # 17-14 PC, determining that no further environmental review is required pursuant to Section 15183 of the California Environmental Quality Act, and approving the Argent Concord Use Permit Amendment, (PL17-115 – UPA).

I. Introduction

A. Application Request

On December 15, 2016, the Planning Commission approved Argent Concord’s request for a Use Permit, Minor Use Permit and Design Review approval for a 181-unit residential rental development to be constructed at 2400 Willow Pass Road (Resolution No. 16-33, PL16333-UP, MP, DR). A copy of the December 15, 2016 staff report and Resolution No. 16-33 are attached as Exhibit D and incorporated into this report.

Argent Concord now brings forward an application for a Use Permit Amendment under Development Code Section 18.505.030 (Changes to an approved project) in order to 1) increase the number of affordable housing units at the development from 5% to 11% at Very Low Income, which in turn would provide applicant with a reduction of the parking rate through the state’s Density Bonus law (Government Code Section 65915); and, 2) to amend the design of the project caused by the removal of the subterranean parking level from the development plans. Through the Use Permit Amendment, the Conditions of Approval previously approved by the Planning Commission would also be amended as those conditions relate to applicant’s Use Permit Amendment application.

All other previous waivers, concessions, adjustments and entitlements granted on December 15, 2016 are still valid and would remain as is, including but not limited to the approval of the increase in density, approval of setbacks, a parking design standard concession, implementation of the Transportation Demand Management (TDM) strategies, and off-street loading requirements.

B. Location

The project is located at 2400 Willow Pass Road, APN: 126-082-008.
C. Applicant & Owner
David Jones
Argent Concord, LLC
121 7th Avenue
Santa Cruz, CA 95062
(650)318-8411

II. Background

On December 15, 2016, the applicant received approval for a Use Permit from the Planning Commission to allow a 181-unit apartment seven-story multi-family rental residential project with one level below grade and two levels of podium style parking, with a total of 263 parking stalls at 2400 Willow Pass Road. The approvals included a Minor Use Permit to provide an increase in density from 153 units to 181 units through Section 18.105.040 of the Concord Development Code (CDC), and a Use Permit which provided for a 25% reduction in the number of required parking spaces, under Section18.160.050(G), to reduce the required parking spaces from 308 to 263. In addition, the developer was also granted a concession from the parking design standards by providing 9 units at Very Low Income under the Density Bonus Program through Government Code Section 65915. The Planning Commission also waived the requirement for loading and service areas, through Section 18.160.150 (A).

Subsequently, the developer determined that the Argent Concord project as originally proposed and approved, with mainly the subterranean level parking, was not financially feasible to construct. The developer redesigned the project to remove the subterranean level parking, which in turn reduced the number of parking stalls.
Accordingly, on May 19, 2017, the applicant, David Jones, submitted an application for a Use Permit Amendment (UPA) under the State Density Bonus Law, or Government Code Section 65915(p)(2), to increase the number of affordable units to 11%, at a very low income (VLI) affordability level. (Exhibit B). Given the project’s proximity to BART, under state law, the applicant is permitted to take advantage of a reduced parking rate of .5 spaces per bedroom by providing the 11% VLI units. As a result of the state mandated reduction of the parking ratio, the applicant has modified the design of the project to eliminate the subterranean parking level at the site, which also triggers an amendment to the Use Permit.

Under State Density Bonus Law, the City does not have discretion to deny the request for concessions if the affordable units are provided and the state requirements are met. Under the provisions of the State Density Bonus Law, this project could provide as few as 120 parking spaces for the proposed total 239 bedrooms. Here, the project is actually proposing to provide 182 parking spaces which is slightly more than 1 parking space per unit and above the minimum 0.5 per bedroom allowed by State Law. The parking will now be provided entirely on two levels of the above-grade podium. The above grade architectural design and landscape will remain the same as originally approved in December 15, 2016.

Although the Planning Commission’s review and discretion of approval is limited under state law, because the requested modification of the parking ratio and project design would necessarily modify and change the Use Permit approved by the Planning Commission on December 15, 2016, staff has brought the Use Permit Amendment application and Amended Conditions of Approval for Planning Commission review and approval.

III. General Information

A. General Plan

The General Plan designation is Downtown Mixed-Use.

B. Zoning

The site is zoned DMX (Downtown Mixed Use)

C. Environmental Review

The City had previously conducted an Initial Study under the California Environmental Quality Act (CEQA), as referenced in the staff report dated December 15, 2016. At that time the Planning Commission determined that no further environmental review was necessary under CEQA Guideline Section 15183 as the project is consistent with the development density established by the existing zoning, community plan, or general plan policies for which a previous EIR (in 2007) for the General Plan, a SEIR (in 2012) for the new Development Code and Zoning Map, and Addendum (2014) to the 2012 SEIR in connection to the Downtown Specific Plan had been certified.
After conducting an analysis of the General Plan EIR, SEIR and Addendum, at the December 15, 2016 meeting, the Planning Commission adopted the Initial Study’s findings in Resolution No. 16-33 and determined that the Argent project did not require any additional environmental review as any environmental effects:

1. Are not peculiar to the project or parcel on which the project would be located;
2. Were analyzed as significant effects in a prior EIR on the zoning action, general plan, and specific plan, with which the project is consistent where applicable;
3. Are not potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan and specific plan; and
4. Are not previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

The Initial Study also determined that the impacts of the Argent project would be further reduced by the imposition of uniformly applied development policies or standards.

In consideration of the changes to the Project contemplated by the Use Permit Amendment, there continue to be no project-specific significant effects which are peculiar to the project or its site. For instance, the trip generation rate evaluated in the Initial Study would not be affected by an increase in the rate of affordable housing at the development. Moreover, the removal of the subterranean parking from the project’s design would also eliminate potential impacts of the project to the environment.

Accordingly, the implementation of the proposed project as amended complies with Section 15183 of the CEQA Guidelines and no further environmental review for this project is required.

D. Site Description

The 1.53 acre site is one parcel with four street frontages; Willow Pass Road, East Street, Port Chicago Highway and Concord Boulevard. The property is relatively flat and slopes down toward the northwest. Currently on the site is a single story 18,080 sq. ft. former Blockbuster video building and associated parking on north, west and south sides of the building. Vegetation is limited to street trees and some onsite landscaping.

The project site is located at 2400 Willow Pass Road, approximately two blocks from Todos Santos Plaza, and a quarter mile from the Concord BART station. Approximately 160 feet to the east of the project site, BART’s Pittsburg/Bay Point line runs northeast to southwest.
IV. Detailed Project Description

A. Site Planning/Circulation/Parking

Access and circulation to the site remains as previously described in the December 15, 2016 staff report.

On December 15, 2016, the Planning Commission approved a total of 263 parking spaces with 202 resident parking spaces and 61 guest parking spaces. The 263 parking spaces represent a 25% reduction of the total number of required parking spaces. The applicant requested the maximum reduction allowable within the Transit-Oriented Development zoning district, as supported by a parking demand study, prepared by Omni-Means, Ltd. referenced as Attachment F in the December 15, 2016 staff report.

As set forth in greater detail below in Section C below, the applicant is now proposing a total of 182 parking stalls, where 120 are required through the State Density Bonus Law. The reduction in parking is described in the chart below, and the discussion of State Density Bonus Law is discussed in greater detail below.

<table>
<thead>
<tr>
<th>Type of Stalls</th>
<th>12/15/2016 APPROVED</th>
<th>06/07/2017 PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resident parking</td>
<td>202</td>
<td>142</td>
</tr>
<tr>
<td>Guest parking</td>
<td>61</td>
<td>40</td>
</tr>
<tr>
<td>Total parking spaces</td>
<td>263</td>
<td>182</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Type of Stalls</th>
<th>12/15/2016 APPROVED</th>
<th>06/07/2017 PROPOSED</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard size stalls</td>
<td>234</td>
<td>145</td>
</tr>
<tr>
<td>Compact Size stalls</td>
<td>29</td>
<td>22</td>
</tr>
<tr>
<td>ADA compliant stalls</td>
<td>8</td>
<td>8</td>
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<tr>
<td>Tandem Stalls</td>
<td></td>
<td>7</td>
</tr>
<tr>
<td>Motorcycle stalls</td>
<td>8</td>
<td>8</td>
</tr>
<tr>
<td>Bicycle stalls</td>
<td>155</td>
<td>155</td>
</tr>
</tbody>
</table>

B. Architecture

The proposed seven story multi-family residential project is designed as contemporary architecture with a reflection of Early California style. The overall architecture and elevations remain unchanged from the December 15, 2016 PC approval.
The 181-units are studios, one bedrooms, two bedrooms, and town home-style units with a two and three bedroom plan. The square footages range from 646 square feet for a one bedroom unit, to 1,750 sq. ft. for a three bedroom townhome. The unit layouts vary with a total of seven options for all the units. Each unit offers a minimum 60 sq. ft. balcony. Detailed unit type, square footages, unit counts, and number of VLI units are provided below:

<table>
<thead>
<tr>
<th>Plan Number</th>
<th>Sq. Ft.</th>
<th>Total Units</th>
<th>Total Bedrooms</th>
<th>VLI Units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studio</td>
<td>646 avg.</td>
<td>20</td>
<td>20</td>
<td>3</td>
</tr>
<tr>
<td>1 Bedroom</td>
<td>717 avg.</td>
<td>104</td>
<td>104</td>
<td>11</td>
</tr>
<tr>
<td>2 Bedroom</td>
<td>1,053 avg.</td>
<td>51</td>
<td>102</td>
<td>6</td>
</tr>
<tr>
<td>2 Bedroom Townhome</td>
<td>1,535</td>
<td>5</td>
<td>10</td>
<td>-</td>
</tr>
<tr>
<td>3 Bedroom Townhome plus Den</td>
<td>1,750</td>
<td>1</td>
<td>3</td>
<td>-</td>
</tr>
<tr>
<td>Total</td>
<td>159,732 S.F.</td>
<td>181 Units</td>
<td>239 Bedrooms</td>
<td>20 VLI Units</td>
</tr>
</tbody>
</table>

C. Development Regulations

As determined at the December 15 meeting, the project meets standards for lot area, lot coverage, setbacks, and building area of DMX zoning (unless otherwise noted), and all applicable requirements under the Development Code, Article IV, Development Standards.

V. Discussion and Analysis

A. Changes to An Approved Project

Pursuant to Development Code Section 18.505.303(C), any major changes to a project shall be considered by the review authority for the original permit.

In this case, staff has determined that even though the Planning Commission may have little discretion in considering the proposed changes to the parking ratios due to applicant’s proposal to increase the percentage of affordable units, because the proposed changes involve a “feature of the project that was specifically addressed in or was a basis for conditions of approval for the project or that was a specific consideration by the design review board or the review authority in the original approval,” the proposed changes are deemed to be major and subject to Planning Commission review.

B. General Plan Consistency

The General Plan land use designation for the property is Downtown Mixed-Use, which promotes high density and intensity mix of residential, commercial and office development in Central Concord. The amended project continues to provide residential uses
and is thus consistent with the intent of the Downtown Mixed-Use designation to establish housing opportunities in the Downtown. The amended project is in substantial compliance with the goals, objectives, and policies of the Concord General Plan, including “supporting higher density and mixed-use development in Downtown and near transit centers and corridors” as outlined in General Plan Principle LU-1.3.3.

The amended project reinforces and capitalizes on neighborhood strengths and benefits the neighborhood identity and scale by proposing building designs and materials that are consistent with the neighborhood and architecture that mitigates the mass of the building with setbacks, building relief and careful use of landscaping to blend with the surrounding neighborhood as outlined in General Plan Policy LU-1.1.1.

Additionally, the amended project is consistent with General Plan policies that encourage pedestrian-oriented urban design by incorporating building elements such as ground floor patios, human-scale landscaping at the street level, and outdoor seating and building entries at the street level (Policy LU-4.2.3).

C. City of Concord Housing Element

On January 6, 2015, the City Council adopted the City's Housing Element Update 2014-2022. The Housing Element is one of the seven required elements of the General Plan and is the primary document that local jurisdictions in California use to plan for current and future housing needs. State Housing Element law, enacted in 1969, mandates that each local government in California create a Housing Element to adequately plan to meet the existing and projected needs of all segments of the population. The Housing Element must be consistent with all other elements of the General Plan and is updated on a regular basis. The law acknowledges that, in order for the private market to adequately address housing needs and demand, local governments must adopt plans and regulatory systems that support housing development. As a result, the successful growth of a community rests largely upon the implementation of local general plans, and in particular the Housing Element. The proposed project is in substantial compliance with the Housing Element by providing rental housing with affordable units.

The amended project reinforces and supports the development of multifamily residential development projects on parcels identified in the Housing Element land inventory as Downtown Mixed Use (DMX) and Commercial Mixed Use (CMX) zoning districts as outlined in Program H-1.1.3 by redeveloping a property in the DMX zoning district.

The amended project supports and promotes the development and conservation of housing that is affordable to extremely-low, very-low- and moderate-income households as outlined in Policy H-1.5, by providing 11% units at very-low.

The site is identified as 3.27 in the Sub-area map 3, and accordingly the 2010 estimated yield for the property is 102, whereas the amended project is providing 181 units.

///
D. Density Increase for Transit Overlay District

The applicant received a Minor Use Permit (MUP) on December 15, 2016 for an increase in density to allow an increase of number of units from 153 to 181. The DMX District generally permits a density between 33 and 100 units per net acre. Therefore, on the subject 1.53 acre parcel, a minimum density of 52 and a maximum density of 157 units are generally permitted. The applicant proposes to construct 181 units on a 1.53 acre parcel, therefore providing 118.3 du/NET acres.

Since, this project is located within one-half mile of the perimeter of the Concord BART station and is located in a Transit Station Overlay District; accordingly, the maximum density may be increased up to a maximum of 25 percent for residential projects in the Transit Station Overlay District (See Development Code Section 18.105.040). On December 15, 2016, the Planning Commission supported the maximum density increase of 25%.

E. Parking Ratio Concession (State Density Bonus Law)

Pursuant to the state’s Density Bonus Law (Government Code Section 65915), when an applicant seeks a density bonus for a housing development through the allowance of affordable housing, the City is required to comply with the specific incentives and concessions available under state law, regardless of the standards otherwise imposed by City ordinance.

Government Code Section 65915(p)(2) provides that if a development provides the maximum percentage of Very Low Income units specified in the statute (or 11%) and is located within one-half mile of a major transit stop, with unobstructed access from the development to the major transit stop, then “upon request of the developer, a city shall not impose a vehicular parking ratio, inclusive of handicapped and guest parking, which exceeds 0.5 spaces per bedroom.”

A “major transit stop,” has been defined to include an existing rail transit station, which would include the Concord BART station. Also, a development is deemed to have “unobstructed access” to a major transit stop if a resident is able to access the major transit stop without encountering “natural or constructed impediments.” Here, the project is located within a half of a mile from the Concord BART station and there are no natural or constructed impediments to access by a resident of the proposed development.

With the proposed amendment, the applicant, as a condition of approval, will execute an affordable housing agreement and deed restriction that specifies that 20 units (11% of project units) to be designated as “Very Low Income.” These recorded agreements will also specify that these affordable units shall be dispersed throughout the residential project, the construction quality of the exterior design shall be comparable to market rate units, and the average number of bedrooms must be equivalent to the average number of market rate units within the same residential project. The agreement will require the units to remain affordable for a period of 55 years. A copy of the proposed Affordable Housing Agreement is included as Exhibit C.
As noted in the Affordable Housing Agreement, “Very Low Income” households are defined as persons and families whose incomes do not exceed the qualifying limits, which are calculated to be those households earning fifty percent (50%) or less of Area Median Income, adjusted for family size appropriate for the unit. The maximum affordable monthly rent (including utility costs based on utility allowances determined annually by the Contra Costa Housing Authority) is currently calculated to be the product of thirty percent (30%) times fifty percent (50%) of the Area Median Income adjusted for family size appropriate for the unit.

Therefore, once applicant has complied with the state Density Bonus statute, the City cannot, as a matter of law, require a parking ratio that exceeds 0.5 spaces per bedroom. In this case, a minimum of 120 parking spaces are required for the 239 proposed bedrooms. With the modified parking levels design, the applicant proposes 182 parking spaces, which is calculated to be a ratio of 0.76 spaces per bedroom.

Previously, on December 15, 2016, under State Density Bonus law, the applicant sought relief from the City’s Parking Design Standards in order to create the most efficient garage layout. Pursuant to 18.160.090 (C) (1), “Parking Design Standards,” a parking space abutting a wall, fence, column or other obstruction shall be increased two feet in width on each obstructed side. The applicant sought relief from this design standard on the grounds that the proposed design standards made the project economically unfeasible and the Planning Commission approved this concession at the December 15 meeting. As the applicant is still providing affordable housing at the project (thus triggering the concession under the Density Bonus law) and the podium parking design and columns remain in place as originally designed, the ability to request the concession remains and this provision of the original Use Permit still remains in effect.

VI. Fiscal Impact

The proposed would have a negligible fiscal impact on the City.

VII. 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 Contra Costa 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. Notification posters were placed at the site at least 10 days prior to the public hearing.

VIII. Summary and Recommendations

Due to applicant’s proposal to increase the affordable housing units to 11% at Very Low Income, staff is in support of the Argent Concord multi-family residential apartment project’s request for a Use Permit Amendment.

Staff recommends the Planning Commission consider staff’s report, allow the applicant to make a presentation and answer any questions from the Planning Commission, take public testimony, and
close the public hearing upon completion of public testimony. Following the public testimony, staff recommends that the Planning Commission find the project consistent with State Density Bonus Law, and approve the Amendment to the Use Permit, including 11% of the units affordable to Very Low Income, with a 182 parking spaces.

IX. Motion

I, (Comm. _______), hereby move that the Planning Commission adopt Resolution 17-14PC approving Argent Concord, PL17-115, subject to the Amended Conditions of Approval set forth in Attachment A to Resolution 17-14 PC. (Seconded by Comm. ________.)

Prepared by: ____________________________
Afshan Hamid, AICP
Senior Planner

Reviewed by: ____________________________
Laura Simpson, AICP
Planning Manager

Exhibits:
A - PC Resolution, Amended Conditions of Approval (Attachment A)
B - Applicant’s Request for Parking Reduction dated May 19, 2017
C - Proposed Affordable Housing Agreement
D - PC Staff Report and Resolution No. 17-33, dated December 15, 2016
E - Applicant’s Plans and Drawings date stamp received May 22, 2017
AGENDA ITEM NO. 1

REPORT TO PLANNING COMMISSION

DATE: July 3, 2019

SUBJECT: Avesta Assisted Living Facility (PL19036 - UP, DR, RT)


CEQA: Pursuant to CEQA Guidelines Section 15332 (Infill Development Projects), the proposed project qualifies for an exemption as an Infill Development under CEQA. Furthermore, there is substantial evidence that the exceptions to categorical exemptions outlined in CEQA Guidelines Section 15300.2 do not apply to the proposed project and therefore the proposed project is exempt from further CEQA analysis.

I. Introduction

A. Application Request

Application for a Use Permit, Design Review, and Tree Removal for a 150,000 square foot building consisting of 150 senior assisted living units, which are anticipated to contain a mix of 117 assisted living and 33 memory care units on a 1.1-acre site.

B. Location

The project site is located at 1335-1385 Galindo Street; Assessor Parcel Numbers (APNs) 126-133-009, 126-133-013, and 126-164-052.
II. **Background**

On February 9, 2018, Mohammad Javanbakht, on behalf of Avesta Development Group, LLC, submitted a Preliminary Application and Conceptual Design and Site Review for an 114,000 square foot assisted living facility at 1335-1385 Galindo Street.

On February 27, 2018, the Development Advisory Committee (DAC) reviewed the project and commented the application may require the preparation of technical studies or revisions to the plans, a transitional setback is required between properties, and bicycle parking and a loading area are required.

On April 12, 2018, the Design Review Board (DRB) conducted a conceptual review of the project. The project’s Mediterranean-style design was complementary to and even compared to Renaissance Square’s (1825 Galindo Street) interpretation of Italianate Revival architecture because of its incorporation of certain architectural design features reflective of that architecture style (Exhibit C). The Board provided comments regarding the roof forms, architectural detailing, and landscaping of the proposed design. One Board member also suggested that the applicant consider an alternative building design and the Board as a whole was amenable to that suggestion.

On April 25, 2018, staff conducted a neighborhood meeting with the applicant. No one from the public attended.
On January 17, 2019, the applicant submitted revised drawings replacing the original design concept considered by the DRB on April 12, 2018 with a contemporary building design for the purpose of a discussion with the DRB prior to submitting a formal development application (Exhibit D).

On February 5, 2019, the City Council conducted a joint study session with the Planning Commission and DRB on proposed revisions to the adopted Todos Santos Design Guidelines (TSDG). While a number of topics were discussed, the Council was unanimous in its determination that buildings should reflect Spanish and Spanish-inspired design in both the Todos Santos area and the surrounding downtown area.

On February 13, 2019, the applicant submitted a formal application for a Use Permit, Design Review, and Tree Removal for the project.

On February 25, 2019, staff conducted a second neighborhood meeting with the applicant. A resident from the neighborhood attended the meeting and had questions about the timing of construction and the anticipated rental rates.

On February 26, 2019, the DAC conducted a completeness review of the project. City departments and responsible agencies provided comments regarding the need for environmental review, a parking study, an arborist report, application requirements, and additional information regarding the C.3 plan and the trash enclosure.

On March 14, 2019, the DRB recommended approval of the project with the contemporary–style architecture, subject to conditions, following revisions to the project’s design to address architectural detailing and clarifying the location of the proposed landscaping. However, based on the feedback provided by the City Council at the February 5, 2019 joint study session regarding the Council’s preference for Spanish and Spanish-inspired building designs, the applicant now wishes to submit the original design concept that was presented to the DRB on April 12, 2018.

On June 11, 2019, Fehr & Peers prepared a parking demand analysis and site plan review to estimate the required parking for the project and to provide site design recommendations with regard to vehicular, pedestrian, and bicycle access and circulation.

On June 12, 2019, Analytical Environmental Services (AES) prepared a technical memorandum in support of California Environmental Quality Act (CEQA) Section 15332 (In-Fill Development Projects) and to determine whether prehistoric cultural resources or burials would be impacted by project construction.

On June 13, 2019, the application was deemed complete for processing.

### III. General Information

#### A. General Plan

The General Plan designation is Downtown Mixed Use.
B. Zoning

The site is zoned DMX (Downtown Mixed Use), Transit Station Overlay District.

C. CEQA Status

The City (as the lead agency) requested AES to prepare documentation (Exemption Applicability Memorandum attached as Exhibit E) to support an infill exemption in accordance with CEQA Guidelines Section 15332 (In-Fill Development Projects) and to determine whether further environmental review was necessary for the project.

Article 19 of the California Environmental Quality Act (CEQA) Guidelines contains, as required by Section 21084 of the Public Resources Code (PRC), a compiled list of classes of projects that have been determined not to have a significant effect on the environment. Accordingly, these classes of projects are to be categorically exempt from CEQA requirements, unless one of the exceptions listed in PRC Section 15300.2 are met.

Under a Class 32 Exemption (Section 15332 of Article 19 of the CEQA Guidelines), a project must be characterized as an infill development project and must comply with the conditions outlined below. As more fully explained in the attached Exemption Applicability Memorandum (Exhibit E), staff’s recommended findings are listed in italics below:

a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;

The Proposed Project is consistent with the applicable Concord General Plan policies, Downtown Specific Plan policies, and zoning designations and applicable development regulations. The Proposed Project is a high-density/intensity development with diverse unit types and accessible transportation and is thus consistent with the Downtown Specific Plan. The City classifies the Proposed Project as a Residential Facility for Seniors, Assisted Living use, which is conditionally permitted within the DMX Zoning District.

b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;

The project is located within the city limits of the City of Concord and is located on a site that is 1.1 acres in size.

c) The project site has no value as habitat for endangered, rare or threatened species;

The list of regionally occurring special-status species was analyzed to determine those with the potential to occur on the Project Site. The analysis determined that the Project Site does not have the potential to support any endangered, rare, or threatened wildlife or plant species.
d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and

The Proposed Project is not expected to generate more than 100 peak hour vehicle trips; therefore, a detailed traffic impact analysis on the surrounding roadway network is not warranted, nor would the Proposed Project result in a significant impact related to trip generation. All noise emanating from the site will comply with the noise standards of the general plan safety and noise element, with the exception of construction activities that will be limited in duration and restricted to weekday, daytime hours. The development of the Proposed Project would not result in emissions exceeding the applicable significance thresholds for Climate Action Plans and associated precursors during the construction or operational phase of the Proposed Project. Impacts related to stormwater would be minimized through the implementation of a Storm Water Pollution Prevention Plan to obtain coverage under the State’s Construction General Permit in accordance with the National Pollutant Discharge Elimination System.

e) The site can be adequately served by all required utilities and public services.

Given the urban, infill nature of the Project Site, existing utility infrastructure is in place nearby and would be extended to the site. Municipal services would be supplied to the Facility, and the Project Site is already within all applicable service areas. Furthermore, the General Plan EIR and 2012 Supplement determined that impacts would be less than significant with the implementation of the General Plan policies, which require adequate public services for new development.

Even if meeting the conditions above, a proposed project would not qualify for the exemption if any of the following exceptions outlined in Section 15300.2 of the CEQA guidelines apply:

a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies;

b) Cumulative Impact. Exemptions are inapplicable when the cumulative impact of successive projects of the same type in the same place over time is significant;

c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances;

d) Scenic Highways. A categorical exemption shall not be used for a project that may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR;
e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code; and

f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Here, as more fully demonstrated by Exhibit E, none of the above exceptions to the exemptions apply based on the following: as 1) the proposed exemption is not under Classes 3, 4, 5, 6 or 11 of the CEQA Guidelines; 2) there is no cumulative impact of successive projects of the same type in the same place; 3) there are no unusual circumstances that would create a reasonable possibility that the activity will have a significant effect on the environment; 4) there are no scenic highways or corridors that could be damaged by the project; 5) the project site is not located on any Cortese list; and 6) there are no historical resources were observed or affected by the project.

Accordingly, the project’s Exemption Applicability Memorandum (Exhibit E) provides substantial evidence that the project qualifies for an exemption under CEQA Guidelines Section 15332 (Class 32) and the analysis provides substantial evidence that the exceptions to categorical exemptions do not apply to the proposed project; therefore, the proposed project is exempt from further CEQA review.

D. Site Description

The subject site consists of three vacant parcels located on the west side of Galindo Street, south of Laguna Street, and is located in a neighborhood that includes commercial, retail, and residential uses. The site is relatively flat with a gentle slope to the southwest (rear) corner of the site. The property is partially paved with concrete and asphalt as part of the former mortuary use. Mature landscaping, including trees and shrubs, is located in the center and on the perimeter of the site. Access is provided by two curb cuts along Galindo Street with the site being served by gas, water, sewer, and storm drain utilities.

Existing utilities that will serve the site are located in Galindo Street and will be extended by lateral connections to the building and parking lot. The covered trash enclosure will be connected to the sanitary sewer system as it will contain food waste.

<table>
<thead>
<tr>
<th>Lot Size and Dimensions</th>
<th>47,599 square feet, 212 feet x 252 feet (approximately for three combined parcels).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Improvements</td>
<td>The site is vacant with remnant paving and landscaping from a previous development and use.</td>
</tr>
<tr>
<td>Topography</td>
<td>The parcels sit slightly below the street frontage and slope gently downhill toward the southwest corner of the site.</td>
</tr>
<tr>
<td>Existing Vegetation</td>
<td>Street trees are located along the frontage. Remnant trees and shrubs are located onsite as part of a previous use.</td>
</tr>
</tbody>
</table>
E. Surrounding Land Use

The area north of the site is zoned DMX and is developed with two commercial buildings, one building is vacant and the other is occupied with a doggie daycare business, as well as associated surface parking lots. Land to the west of the site is zoned Residential, High Density (RH) and is developed with the Amador Heights Apartments. Areas to the south are zoned DMX and RH and include Lakeside Apartments and Dan’s Glass. The area east of the site across Galindo Street is zoned DMX and is the location of the Concord Police Department.

Table 2: Surrounding Land Uses

<table>
<thead>
<tr>
<th>Land Use</th>
<th>General Plan Designation</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Commercial</td>
<td>Downtown Mixed Use</td>
</tr>
<tr>
<td>South</td>
<td>High density residential, commercial</td>
<td>High Density Residential, Downtown Mixed Use</td>
</tr>
<tr>
<td>East</td>
<td>Public/Quasi-Public</td>
<td>Downtown Mixed Use</td>
</tr>
<tr>
<td>West</td>
<td>High density residential</td>
<td>High Density Residential</td>
</tr>
</tbody>
</table>

F. Project Description

Avesta Development Group LLC proposes to construct a seven-story building for an assisted living and memory care facility. The project includes 150 units to serve 117 “assisted living” and 33 “memory care” residents coupled with associated amenities and site improvements such as parking, stormwater facilities, and landscaping.

Assisted Living Units

The units are designed to allow maximum independence for aging, active senior residents seeking social and mental stimulation. The 117 units designed for assisted living are located on the second floor as well as the fourth through seventh floors of the building. The units provide seniors with an option to live in a home-like environment while having access to various activities and programs.

Each unit would include areas for living, eating, and sleeping, plus a kitchenette and at least one bathroom. A range of studio, one bedroom, and two bedroom units are proposed in the building. The market rate units would be constructed of high quality fixtures and finishes.

A menu of services would be offered as part of the monthly rent such as meals, housekeeping, laundry, shuttle service and private transportation, social and recreational activities, and observation of the resident for changes in condition. Residents are offered personal care services such as assistance with dressing, bathing, grooming, toileting, and medication management on an as-needed basis, with high priority placed on independence and dignity.

Various indoor and outdoor amenities are proposed for assisted living residents. The common amenity areas may include but are not limited to outdoor terraces with barbeques and seating, dining room, café/bistro, concierge, spa and salon, massage room, fitness area, theater, library,
doctor’s office, nurse’s stations, medication rooms, several lounge and living rooms, and activity rooms. The project includes various back of house areas such as offices for employees, employee breakroom, commercial kitchen, laundry, housekeeping, package room, and several other areas used to serve the residents.

**Memory Care Units**

The memory care units would be individual private or shared residences that house seniors who have been diagnosed with Alzheimer’s or other forms of memory impairment. Each unit would include areas for living, eating, and sleeping, at least one bathroom, and may or may not include a kitchen (without cooking facilities). The entire third floor would be dedicated to the 33 memory care units, accommodating 40 beds/residents. Memory care residents would be offered meals, housekeeping, laundry, transportation, social, and recreational activities as part of their monthly rent and assistance with services such as dressing, bathing, grooming, toileting and medication management as needed. Memory care residents would also receive specialized personal care provided by trained staff members and tailored to individuals with memory impairments.

Similar to the assisted living floors, the memory care floor includes various amenity spaces such as a country kitchen, living room and lounge space, dining room, activity room, nurse’s station, medication room, and an outdoor terrace.

**G. Site Plan/Circulation/Parking**

The 1.1-acre site consists of three contiguous parcels and is located at the southwest intersection of Galindo Street and Laguna Street. Two rectangular buildings are oriented perpendicular to Galindo Street with vehicle access provided by a right-in/right-out only driveway and porte-cochere located between the two proposed buildings. The two buildings are adjoined from the second floor to the seventh floor, while the building spans above a portion of the driveway near the street and a parking garage. Sixty-four parking spaces are proposed with 29 spaces (including 12 parking lift spaces) within a parking garage, 35 spaces at-grade adjacent to and at the rear of the building, and one loading space for deliveries adjacent to the trash enclosure at the rear of the site. Landscaping is incorporated along the perimeter of the site and a generator, trash enclosure, and loading area are all located at the northwest corner of the property. A hammerhead is located at the rear of the property to accommodate emergency vehicles such as fire and ambulance services.

**H. Architecture**

The seven-story building proposes a Mediterranean-style architecture, which is in agreement with the preferred architecture style the Council agreed upon at its joint meeting on February 5, 2019 with the Design Review Board and Planning Commission. The building is organized with two wings separated by a centralized porte-cochere. The two wings are joined at the second floor by a bridge that terminates at the second-story lounge. The pedestrian entrance, adjacent to the drive aisle, occurs at the base of the tallest portion of the building, and is articulated with a large canopy and tile surround. Residential amenities activate both the
ground floor and top floor of the building. The ground floor to the south of the main entrance contains vegetated green screens in the openings to provide texture and conceal the parking garage, including the proposed parking lifts.

The façade is defined with a base, middle and top. The building base includes a colored cement plaster finish at the pedestrian level. Juliet balconies with metal railings, cornice ledges, arched forms, bay windows, and gable and hip roof forms provide additional detail to the central façade. The top of the building is defined with tile roofs.

The cement plaster walls vary in height and include a hierarchy of window sizes organized in deep-set bays. Various cornice depths create shadow and texture at the top of the building and emphasize various building planes.

Exterior building materials include concrete roof tiles, cement plaster finish and trim, and metal balcony railings. Exterior colors include white and muted tones of brown and tan.

I. Landscaping/Lighting

The landscape design reinforces the early California architectural style and utilizes plant materials that are drought tolerant and native in species. Landscaping is located not only at the ground level, but is also included as part of the building’s podium courtyards and roof terraces. A number of specimen-sized Arbutus, Blueberry, and Zelkova trees are proposed along the perimeter of the site and near the lobby entrance in the parking lot. A combination of shrubs and groundcovers are proposed around the trees such as Gardenia, Coral Bells, Cape Rush, and Berkeley Sedge, and Bower Vine and Boston Ivy is proposed to screen the parking garage along Galindo Street and soften the perimeter walls. Bio-swales, located in small “pockets” adjacent to the building and parking areas, are planted with native grasses.

The site design will alter the existing drainage pattern by increasing the amount of impervious surface. Decorative paving is proposed, including tan-colored pavers in a herringbone pattern at the front of the site, a running bond pattern (uniform lines running horizontally and vertically) at the rear of the site, and natural gray scored concrete in the center of the site. In addition to enhancing the appearance of the site, the pavers are designed to be permeable, allowing water to percolate through to the soil. The permeable paving, bioretention, and integrated management practices are used to control stormwater, which would be collected onsite and treated via flow-thru planters according to applicable agency requirements and regulations.

New six-foot and eight-foot split-face masonry walls are proposed along the north, south, and west property lines while six-foot tubular steel fencing and gates are proposed at the northeast and southeast corners of the building for security and emergency egress (see Sheet 13 of Exhibit D). A condition of approval is proposed that requires the applicant to present the final materials and colors to the Design Review Board.

Parking lot light standards, wall lights, canopy lights, and decorative light fixtures are proposed throughout the site and on the building facades and will be residential in scale and
character. The final fixture design will be selected consistent with the approved building architecture.

J. Tree Removal

On February 5, 2019, a Certified Arborist conducted a tree survey of the project site as required under Development Code Section 18.310.040. A variety of trees and ornamental vegetation are located throughout the site and along the property lines.

Fourteen trees were inventoried in the arborist report measuring between 3” and 29” in diameter at breast height (DBH). Of the 14 trees, four trees (26” American Elm, 29” Valley Oak, 24” Canary Island Palm, and a 25” Elm) proposed for removal meet the City’s standard protected tree criteria.1 The protected trees are proposed for removal (along with the other non-protected trees) due to poor health, poor soil conditions, and conflicts with utility wires. The landscape plan includes replacement planting of 19, 24”-box Arbutus, Blueberry, and Zelkova trees at a 4.8:1 ratio (approximately five replacement trees for each protected tree removed).

K. Development Regulations

For the purpose of this analysis, the project was evaluated as primarily a commercial use due to the characteristics of its operation. The use will have a presence of employees and the provision of services provided are typically not associated with a residential use. The project was also evaluated as one comprehensive site because the parcels will be required to be merged, as a condition of approval, prior to issuance of a building permit.

As noted below and in the following “Discussion” section, the project meets DMX zoning standards for lot area, lot coverage, setbacks, and building area, as well as all applicable requirements under the Development Code, Article IV, Development Standards.

Table 3: DMX Development Standards

<table>
<thead>
<tr>
<th>Standards</th>
<th>Required/Allowed</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floor Area Ratio (FAR) Minimum/maximum</td>
<td>1.0/6.0</td>
<td>3.2</td>
</tr>
<tr>
<td>Lot Area (square feet) minimum</td>
<td>10,000</td>
<td>47,599</td>
</tr>
<tr>
<td>Lot Width (feet) minimum</td>
<td>100</td>
<td>213</td>
</tr>
<tr>
<td>Lot Depth (feet) minimum</td>
<td>100</td>
<td>272</td>
</tr>
<tr>
<td>Building Height (feet)</td>
<td>30 – 200</td>
<td>94</td>
</tr>
<tr>
<td>Building Height – First floor minimum (feet, floor to floor height)</td>
<td>15</td>
<td>15 ½</td>
</tr>
</tbody>
</table>

1Per Development Code 18.310.020(A)(1) and (2), a Protected Tree includes any of the following listed native trees with a diameter of 12 inches or more as measured 54 inches above the ground (e.g., diameter at breast height) or a multi-stemmed native tree on the list below where the sum of all stem diameters is 12 inches or more as measured 54 inches above the ground: Valley oak (Quercus lobata), Blue oak (Q. douglasii), Coast live oak (Q. agrifolia), California bay (Umbellularia californica), California buckeye (Aesculus californica), California sycamore (Platanus racemosa), and other trees with a diameter of 24 inches or more as measured 54 inches above the ground.
<table>
<thead>
<tr>
<th>Standards</th>
<th>Required/Allowed</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Landscape Coverage (percentage)</td>
<td>20</td>
<td>20.3</td>
</tr>
<tr>
<td>Setbacks (feet) required minimum</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>10</td>
<td>10</td>
</tr>
<tr>
<td>Interior Side</td>
<td>0</td>
<td>10</td>
</tr>
<tr>
<td>Rear</td>
<td>0</td>
<td>7 and 72</td>
</tr>
<tr>
<td>Parking Spaces (Vehicle)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>No Specified Standard</td>
<td>64(^1)</td>
<td>64</td>
</tr>
<tr>
<td>Motorcycle</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Bicycle</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Short term</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>Long term</td>
<td>6</td>
<td>8</td>
</tr>
</tbody>
</table>

\(^1\)Recommended in parking study prepared by Fehr & Peers dated June 11, 2019

IV. **Discussion**

A. **General Plan Consistency**

The site’s General Plan land use designation of Downtown Mixed Use is intended for a high density and intensity mix of residential, commercial and office development in Central Concord. It allows for a mix of uses that balances jobs and housing opportunities, including offices, commercial development, hotels, public/quasi-public, and residential uses. The project provides a residential use but functions as and has characteristics of a commercial use and is thus consistent with the intent of the Downtown Mixed Use designation to establish job and housing opportunities near the Downtown.

- The project is in substantial compliance with the goals, objectives, and policies of the Concord General Plan, including supporting land use decisions that reinforce and capitalize on neighborhood strengths and benefit neighborhood identity and scale (Policy LU-1.1.1). The building design and materials are consistent with the neighborhood. The building architecture, relief, and setbacks along with the careful use of landscaping mitigate the mass of the building.

- The Todos Santos Design Guidelines were considered while designing the building, which is consistent with General Plan Policy LU-1.1.2 that requires new development in residential areas to preserve and enhance positive neighborhood characteristics.

- Policy LU-1.1.4 states that projects shall protect residential uses from the impacts of more intensive land uses through good site planning and/or appropriate mitigation and operational measures. The project does this by locating the bulk of development at the front of the site, away from the adjacent apartments, providing perimeter masonry walls and landscaping, and locating the access driveway in the center of the site away from the property line.
• The project is consistent with LU-1.1.11 that allows residential care and group homes in a manner consistent with State law, while ensuring that the scale, operation, location and other characteristics of these facilities does not adversely affect the character and quality of neighborhoods. Accordingly, the outdoor terraces are facing the street away from abutting residential uses.

• The project is consistent with LU-1.3.1 that encourages “a variety of housing types on infill development sites.” The Proposed Project is consistent with this policy by adding to the diversity of housing types by incorporating assisted living and memory care units into the district within a design that efficiently utilizes the infill nature of the Project Site by developing it at a higher density/intensity. In addition, it is anticipated that there will be a range of studio, one bedroom, and two bedroom units provided in the Facility.

• The project is consistent with LU-1.3.3 that encourages “higher density and mixed use development in Downtown and near transit centers and corridors.” The Proposed Project is consistent with this policy given its location and since it includes a high density/intensity development with a FAR (3.2), which is between the minimum and maximum allowed density (1.0 - 6.0) within the DMX zoning district.

• The project is consistent with LU-4.2.3 that encourages “pedestrian-oriented urban design.” The Proposed Project is consistent with this policy since it includes various indoor and outdoor amenities to serve the assisted living and memory care residents. The common amenity areas may include but are not limited to several outdoor terraces and outdoor barbeque and seating areas. The Project Site is located in close proximity to downtown Concord’s amenities, such as parks, shops and restaurants, which makes it a walkable location that is convenient for both the residents as well as visitors and employees. The Proposed Project would be designed to facilitate the creation of a community with a welcoming atmosphere, providing various opportunities for nearby neighbors, friends and family and the Proposed Project’s residents to gather, socialize and interact with each other. The Facility would be prominently sited along Galindo Street with ground floor uses that enhance and activate the pedestrian environment. The reception lobby, lounge, and main dining area extend out to a ground floor terrace along the project frontage on Galindo Street to provide an opportunity for both indoor and outdoor activities to occur along the street frontage.

• The project is also consistent with Policy LU-9.2.3 that encourages site planning techniques that minimize the amount of impervious paving, promote pedestrian safety, and reduce urban runoff in commercial centers. A large portion of the driveway is designed with pervious paving for water infiltration and there are large pedestrian areas at the front of the building that are visually distinct from surrounding vehicle parking and circulation areas due to the use of special colored paving. For these reasons and others, staff asserts the project is consistent with policies contained in the General Plan.
B. Downtown Specific Plan

The City adopted its Downtown Specific Plan on June 24, 2014. The Specific Plan provides a vision for how the Downtown will integrate housing, jobs, retail, and transportation linkages including pedestrian, disability access, and vehicular traffic with transit hubs, with a focus on pedestrian access. The purpose of the Specific Plan is to set forth policies focused on what is achievable in the Downtown over the next 20 to 30 years with identified implementation measures to be undertaken by the City.

The project is consistent with policies that encourage a variety of living opportunities through a range of housing types and prices. The proposed project includes units for both assisted living and memory care residents at different rental rates. The project proposes a residential care facility for the elderly high intensity use within a five-minute walk of transit and BART that is consistent with the strategy to increase the amount of residential units in Downtown. For these reasons, the project is consistent with the Downtown Specific Plan.

C. Zoning Consistency

The proposed use is classified as “Residential Facilities for Seniors, Assisted Living,” which is a conditionally permitted use in the DMX zoning district. As conditioned, the proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of the Development Code and the Concord Municipal Code (CMC). The project meets the standards for lot area, floor area ratio, setbacks, and building height of DMX zoning, satisfies applicable requirements under Development Code, Division IV, General Development Standards, and complies with all other applicable provisions of the Development Code and Concord Municipal Code as noted in Table 3 and described below.

D. Site Plan/Circulation/Parking

On June 11, 2019, Fehr & Peers prepared a site access and circulation evaluation of the project including a parking study based on three comparable sites (see subsection titled, “Parking” on page 14 of the report), which are discussed in further detail below. The following discussion is a summary of the report’s findings and recommendations, where applicable.

Vehicular Access and Circulation

Access to the site is proposed via a new driveway on Galindo Street that leads to a garage with parking lifts and at-grade parking. The driveway will operate acceptably during peak hours based on the analysis in Fehr & Peers’ memorandum (Exhibit F).

It was assumed, some vehicle trips to and from the site will be made with transportation network companies such as Uber or Lyft. Independent residents may also leave the facility for doctor’s appointments and to run errands. It is unclear from the site plan if a designated passenger loading area has been identified.
Following review of the proposed project, site, and surrounding conditions, Fehr & Peers concluded circulation will function appropriately for the project, but determined certain design details should be confirmed and provided the following recommendations:

- Identify a passenger loading area(s). Consider designating a parking space within the parking lot, preferably close to the primary building access door, for passenger loading.

The applicant has indicated a passenger loading area can be incorporated into the site plan. Condition of Approval #10 requires including the location of the passenger loading area on the plans prior to the issuance of the first permit.

**Pedestrian Access and Circulation**

Pedestrian access to the project is from Galindo Street via an existing public sidewalk and proposed walkways onsite that circulate through the parking lot. Fehr & Peers recommends designating the row of parking stalls along the west property line, for employee parking; therefore, providing guests and residents of the facility closer access to the entrance(s).

The applicant proposes to assign employee parking to the garage to reduce the potential for injury while operating the vehicle lifts. Staff supports this approach and notes there are parking spaces adjacent to the building entrance and along the west property line within close proximity to a second pedestrian entry to the building that will be convenient for residents and guests.

**Bicycle Access and Circulation**

There are no bike lanes provided on Galindo Street in the project vicinity. Fehr & Peers noted that bicyclists traveling along Galindo Street ride on the sidewalk with pedestrians. To facilitate and encourage bicycling by employees and visitors, the site should provide secure and convenient bicycle storage. Fehr & Peers recommends the following:

- Bicycle storage would be optimally located adjacent to the northwest corner of the garage, to avoid blocking access to the stairwell at the southwest corner of the garage, and to keep the space adjacent to the parking circulation aisle clear for vehicles exiting the parking spaces closest to this area.

The applicant has agreed to this recommendation and identified an area in the parking garage for bicycle parking (see reference on Sheet 11).

**Transit Access and Circulation**

The project is located approximately 0.2 miles, a five-minute walk, from the Concord BART Station. This close proximity will encourage the use of BART by employees, visitors, and residents. Further, the project will include on-demand shuttle service for residents who wish
to use BART but cannot easily walk to the station, to run errands to the grocery store, and to attend doctor appointments.

There are no existing bus stops along the project’s frontage, but there is a bus stop approximately 300 feet away on Oak Street. This stop is serviced by routes 14, 16, 19, 20, 91X, 314, and 320 that take passengers to destinations such as Monument Boulevard, AMTRAK, BART, and DVC.

County Connection requested the City’s Transportation Manager determine if there is a suitable location for an ADA accessible bus stop on Galindo Street. After considering the request, the City determined there is not enough room to accommodate a new bus stop along the project frontage without significantly affecting the site plan and building footprint. Therefore, the project does not propose a bus stop.

Emergency Vehicle Access

The project will add minimal vehicle traffic to the roadway system and is not expected to result in inadequate emergency access. The site plan includes a fire truck turnaround that allows emergency vehicles to circulate in and out of the site.

Parking

The City does not have a parking standard for senior residential facilities. Required parking for senior residential facilities is evaluated and determined on a case-by-case basis through a parking study and survey of comparable sites. Fehr & Peers and staff developed a list of three sites (Aegis Pleasant Hill, Atria Walnut Creek, and Oakmont Concord) for comparison based on several factors. The factors included type of living options (assisted living and memory care, e.g., no or minimal independent-living component); similar surrounding land use density; feasibility of accurately capturing total parking demand, including spillover demand on adjacent streets; and proximity to BART. The first three factors were determined to be more relevant than proximity to BART because none of the surveyed sites were located as close to BART as the proposed project.

Parking demand counts were conducted on a Monday, Tuesday, and Saturday in the spring of 2019. Based on a daylong survey at Aegis Pleasant Hill on Tuesday, March 12 (10:00 a.m. – 5:00 p.m.), it was determined that parking demand peaks in the afternoon between 1:00 p.m. and 4:00 p.m. The subsequent counts at Aegis and the other two facilities therefore focused on this timeframe. The estimated parking demand rates are based on occupied beds, not total beds, for all three survey sites.

Aegis Pleasant Hill (Assisted Living/Memory Care – 90 beds)

Aegis of Pleasant Hill is located at 1660 Oak Park Boulevard in a residential neighborhood, about 500 feet east of the EBMUD Trail. Aegis provides up to 90 beds, 70 of which were occupied during the survey, and 32 parking spaces, a ratio of 0.45 spaces per occupied bed. The results of the parking demand survey, when observed by Fehr & Peers, demonstrated
parking counts that occasionally exceeded the striped parking supply. The highest observed parking demand corresponds to a peak parking demand ratio of 0.63 spaces per occupied bed.

*Atria Walnut Creek* (Assisted Living/Memory Care – 200 beds)

Atria Walnut Creek is located at 1400 Montego in a mixed-use neighborhood consisting of several assisted living facilities, office buildings and adjacent residential streets. Atria provides up to 200 beds, 151 of which were occupied during the survey, and 59 parking spaces, a ratio of 0.39 spaces per occupied bed. The peak parking demand observed at Atria was 56 spaces, a parking demand ratio of 0.37 spaces per occupied bed.

*Oakmont Concord* (Assisted Living/Memory Care – 121 beds)

Oakmont Concord is located at 1401 Civic Court, on a street with office buildings and adjacent to the Six Flags/Hurricane Harbor recreational site. Oakmont provides up to 121 beds, 83 of which were occupied during the survey, and 30 parking spaces, a parking ratio of 0.36 spaces per occupied bed. The peak parking demand observed at Oakmont was 35 spaces, a parking demand ratio of 0.42 spaces per occupied bed.

The observed parking demands, including the peak parking demand ratios range from 0.37 to 0.63; the average demand rate being 0.47 spaces per bed.

**Parking Study**

The parking study for the project was based on a reasonably conservative estimate of the occupied beds on an ongoing basis. Prevailing assisted living facility occupancy data shows that Contra Costa County facilities range from 90 to 92 percent occupancy levels. Therefore, it was determined that the parking requirement can reasonably be based on the project’s bed count with half of the potential double-occupancy units occupied by two residents. These assumptions result in a 156-bed operating facility (150 beds + 0.5 X 11 extra beds). This corresponds to a 97 percent occupancy of the maximum bed count. At an average peak parking demand rate for all three facilities of 0.47 spaces per bed, this results in a parking requirement of 73 spaces.

Fehr & Peers recommends a 25 percent reduction for day-shift staff parking, as allowed by the Development Code for non-residential projects located within the Transit Station Overlay District (i.e., the areas within a half-mile of the Concord BART station), and because of the site’s proximity to the many bus routes located near the site. The applicant has provided the maximum number of employees on the day shift to be 36. If all 36 day-shift staff drove alone, this would result in an employee demand of 36 spaces and the application of a 25 percent reduction would decrease the demand by nine spaces. Therefore, the recommended parking supply for the project is 64 spaces (73 – 9).

The Avesta project proposes the recommended parking supply of 64 parking spaces, including 12 parking lift spaces. This plan meets the projected parking requirement estimated by Fehr & Peer as described above.
Standard Parking

According to Section 18.160.090, the required dimensions for 90-degree parking stalls are nine feet wide by 19 feet deep for standard spaces, and eight feet wide by 16 feet deep for compact spaces. Fehr & Peers confirmed the parking layout is generally acceptable, but design details should be confirmed. The memorandum recommends the following:

- Consider designating the garage spaces near the east wall of the parking garage for employee parking, since these spaces will be more difficult to exit due to the adjacent wall.

As noted earlier, the applicant proposes to assign employee parking to the garage to minimize the conflict between residents and employees and use of the parking lifts.

Accessible Parking

In accordance with the Americans with Disabilities Act (ADA) of 2010, the project site meets accessible parking requirements. A parking facility with 64 spaces as shown on the site plan has a requirement of two standard and one van accessible parking space. The ADA (Code 502.2) states that standard accessible stalls need to be a minimum of eight feet wide, and van-accessible stalls need to be a minimum of 11 feet wide, or a minimum of eight feet wide with an eight-foot wide access aisle. Access aisles shall be served by an adjacent access route that is a minimum of three feet wide. The one dimensioned ADA parking space on the site plan meets these minimum requirements, and the other two appear to be the same size.

The parking demand assessment indicates that the proposed project will not result in a parking deficit. The use of parking lift spaces used by employees in addition to at-grade parking for use by residents and guests is adequate to serve the project. In addition, the applicant agrees to the bulleted recommendations as conditions of approval and will revise the site plan accordingly should the project be approved.

E. Use Permit

The use will be a Residential Facility for Seniors, Assisted Living, which is conditionally permitted in the DMX district. A use permit may be approved, with or without conditions of approval, based on all of the following findings, which are italicized below.

1. The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of the development code and the Concord Municipal Code.

   The proposed residential facility for seniors is a conditionally permitted use in the DMX district. The project complies with the development standards related to floor area ratio, building height, parking, setbacks, and other municipal code requirements as described in this report.
2. The proposed use is consistent with the general plan and any applicable specific plan.

   The proposed use is consistent with Concord 2030 General Plan and the Downtown Specific Plan, see Section IV above titled, “Discussion” and “General Plan Consistency” for the analysis and determination.

3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.

   The Mediterranean-style building design is consistent with other projects such as Renaissance and Park Center Apartments that are adjacent to the site and similar in scale, design, and operation as residential facilities. The Project is consistent with policies that encourage a variety of living opportunities through a range of housing types in the Downtown adjacent to transit.

4. The site is physically suitable for the type, density, and intensity of the proposed use, including access, utilities, and the absence of physical constraints.

   The infill site was previously developed and used as a mortuary business for 60 years. The site is zoned for a variety of commercial, office, and residential uses. The project complies with the developments standards outlined in the DMX district and as noted in this report. Vehicle access to the site is from Galindo Street via a right-in/right-out only driveway, a hammerhead at the rear of the site for emergency vehicles such as fire and ambulance services, and pedestrian access from an existing public sidewalk along the project frontage. Existing utilities along Galindo Street are available to serve the project. The site is generally flat with a gradual slope at the rear of the property and the site is absent of any physical constraints.

5. Granting the permit would not be detrimental to the public health, safety, or welfare of the persons residing or working in the subject neighborhood or materially detrimental or injurious to property or improvements in the vicinity and zoning district where the property is located.

   Granting a permit will not be detrimental to the public health, safety, or welfare because the project complies with the policies of the General Plan, the Downtown Specific Plan, the development standards in the Development Code, is exempt from further environmental review, and is conditioned to address any potential impacts associated with the operation the Facility and construction of the related improvements.

F. Design Review

On February 5, 2019, the City Council conducted a joint study session with the Planning Commission and the Design Review Board on revisions to the Todos Santos Design Guidelines to strengthen the guidelines and provide more clarity regarding the applicability of “Early California” architecture as it relates to remodeling existing buildings and new construction in and around the Downtown. At the meeting, consensus was reached that
development in and around the Downtown should reflect Spanish and Spanish-influenced
design.

As discussed above, the Design Review Board considered two building designs submitted by
the applicant. In April 2018, the Board reviewed and expressed support of the conceptual
plans for a Mediterranean-style building reminiscent of the Renaissance Square’s
interpretation of Italianate Revival architecture with Juliet balconies with metal railings,
cornice ledges, arched forms, bay windows, and gable and hip roof forms (Exhibit C).

Later, in March 2019, the Board also reviewed and approved a contemporary building design
that reflects minimal elements of early California architectural character, such as arched
windows and entries (Exhibit D, Sheets 27-35).

The Board was complimentary of both designs and asked the applicant to study the site plan to
provide additional parking, to include outdoor terraces, and to clarify the materials, colors, and
location of the landscaping to the contemporary design.

Both the original Mediterranean-style design and the contemporary design are presented for
the Commission’s consideration. Due to the chronology of events surrounding the project’s
design and the lack of clarity on the applicability of the Spanish and Spanish-inspired design,
two designs were submitted by the applicant for review. However, following the February 5,
2019 joint meeting, the direction was made expressly clear by the City Council for the
preferences of the Spanish and Spanish-inspired architecture for areas in the core downtown
and surrounding downtown areas; therefore, staff recommends approval of the Mediterranean-
style design. This design is consistent with the Council’s direction that endeavor to create a
cohesive design reflecting the historic architecture and design themes of Concord. Condition
of Approval #21 requires the applicant to present the final Mediterranean-style building design
to the Design Review Board because the design was not fully developed at the time of its
review in April of 2018. The DRB would be required to review the final building elevations,
materials, and lighting and landscaping elements prior to the issuance of a building permit.

Pursuant to Development Code Chapter 18.415, findings are required for approval of the
Design Review application. Staff analysis on how the project meets those findings (italicized
below) is provided below with a comprehensive list included in the draft resolution attached as
Exhibit A to this report.

1) The project is consistent with the General Plan.

   The project is consistent with the General Plan as explained in Section IV-A above.

2) The project meets the following criteria in Section 18.415.080.

   a) The building design and landscaping supports public safety and security by allowing
      for surveillance of the street by people inside buildings and elsewhere on the site.

      The building will face outward toward the public realm, as will the shared terraces,
thus allowing for surveillance of the street within the building and shared open spaces. The employees of the facility will monitor access into and out of the building via the lobby and residents will access their units with a key or with the assistance of staff. Walkways along the north and south property lines will be gated for emergency egress from the building.

The landscaping will be appropriately sized to not create a visual barrier preventing surveillance of the street and elsewhere on the site.

b) The design is compatible with the historical or visual character of any area recognized by the City as having such character.

Central Concord is the historic, economic, and cultural heart of the City. It encompasses a rich history visible in a number of historic buildings and sites in the area such as Todos Santos Plaza. Accordingly, the land use objectives of the Downtown Specific Plan encourage reflecting early California architecture in the design of new buildings.

Two building designs were developed for the site. One is a Mediterranean-style design including Juliet balconies with metal railings, cornice ledges, arched forms, bay windows, and gable and hip roof forms and the other, a contemporary building design with elements of the early California architectural character with features such as arched windows and entries. The DRB reviewed both designs and responded positively to each, finding them reflective of the City’s Council’s vision in their design, massing, materials, and colors.

c) The project design preserves major view and vistas along major streets and open spaces and trails and enhances them by providing project amenities.

The site and surrounding area is flat and has no topographically significant features, such as valleys, hillsides, and ridgelines that provide scenic views or vistas. The site is not near any open space or trail.

d) The proposed lighting and fixtures are designed to complement on-site buildings, are of an appropriate scale for the development, and provide adequate light for safety and security while minimizing glare.

Exterior lighting will be residential in character to minimize glare and improve nighttime visibility and safety for pedestrians and vehicles. Key elevations will use accent lighting to wash the building façade and parking lot light standards will be residential in scale with glare shielding to prevent light spillover onto abutting properties.

e) All mechanical, electrical, and utility equipment is located, screened, or incorporated into the design of the buildings so as not to be visible from off-site, and screening devices are consistent with the exterior colors and materials of the buildings.
The project conditions require final details of mechanical, electrical, and utility equipment to be reviewed by the Design Review Board and to be shown on building permit plans to ensure they are located behind fencing or screened so as not to be visible from off-site locations.

f) The overall design of the project, including its scale, massing, site plan, exterior design, and landscaping, enhances the appearance and features of the project site and surrounding natural and built environment.

Refinements to both building designs, the Mediterranean-style and the contemporary design, were incorporated to ensure the project fits with the surrounding built environment, including its scale, massing, and location on the site. These changes, which were recommended by the DRB, include the use of four-sided design to reduce mass and the use of quality building materials to create visual interest.

3) The design is consistent with the Downtown Specific Plan.

Both the Mediterranean-style and contemporary building designs provide appropriate massing, including stepping back the top floors of the building, creating variation within the facades, and creating strong visual building plane breaks. Both designs incorporate high quality architecture, which is required of properties that are a gateway into the City and the Downtown. Both building designs are cohesive, with entries and ground floor uses that are accessible to pedestrians and transit users, which makes them consistent with the design guidelines in the Downtown Specific Plan.

G. Cultural Resources

AES discovered a prehistoric burial site was documented south of the project site in the mid-1950s while completing background research to identify potential cultural resources that could be impacted by the project. Due to the sparse record, hand-drawn map, and lack of overall information about the burial site, AES could not rule out that elements of the identified site may be located within the project footprint. Section 15300.2 of the CEQA Guidelines outlines exceptions to utilizing categorical exemptions, which include projects that would result in substantial adverse changes to cultural resources. As a result, AES had to determine whether prehistoric cultural resources or burials would be impacted by the project.

On April 25, 2019, AES completed a trenching program within the project site. The trenching focused largely on the development footprint and did not exceed six feet below the ground surface, which is the depth limit of construction impacts. AES also tested other portions of the property up to a depth of two feet below the ground surface to ensure that no ancillary development would impact elements of the previously recovered cultural resources. AES randomly screened soils from the trenches to look for artifacts that could indicate deposits related to the previously found cultural resources. All trenching was then backfilled.
AES retained the services of a Native American monitor from Wilton Rancheria to observe the trenching program and provide a summary report. All trenching activity was also monitored by AES Senior Archaeologist Charlane Gross, M.A., RPA. Ms. Gross is an expert in the identification of fragmentary human remains as well as prehistoric artifacts and features and is qualified to determine whether trenching had uncovered elements of previously recovered cultural resources near the project site.

Each trench was numbered, located using GPS technology, photographed, and drawn in profile. AES’ technical memorandum summarized the methods and results used, with an assessment of finds and summarized the implications of the CEQA process for the project. AES also updated the State of California Department of Parks and Recreation Site Record forms and submitted them to the Northwest Information Center.

One test trench uncovered a hearth, a prehistoric feature, which was located below the depth of construction impacts. AES determined the project would not cause a substantial adverse change in the significance of the resource because of the relative elevations of the finished grade of the site, the proposed depth of construction, and the depth of the hearth and therefore will not require mitigation and the technical memorandum in support of CEQA exemption 15332 (Exemption Class 32) for a proposed infill project is appropriate.

Although no significant impacts to cultural resources would result from the project, Wilton Rancheria recommends the following conditions be implemented pursuant to Assembly Bill 52 (tribal consultation).

- Implement a pre-construction worker training program by having a qualified professional archaeologist address all on-site construction personnel regarding the presence/potential of cultural resources and ensure that a contact tree is posted.
- If resources and/or human remains are uncovered during construction, halt all work within 50 feet of the find.
- Retain the services of a trained and experienced Native American monitor or qualified professional archaeologist to observe all ground-disturbing activities.
- Prior to construction, develop a treatment and burial plan to reduce delays during construction and provide guidance on investigation procedures.

Staff has included these recommendations as conditions of approval, which the applicant has agreed to.

H. Tree Removal

Planning Commission approval of a Tree Removal permit is required because the applicant proposes to remove four protected trees from the site. The findings required for approving a
Tree Removal permit are listed below followed by a discussion on how the project meets each finding.

1) The tree removal is consistent with the provisions of Development Code Chapter 18.310, Tree Preservation and Protection, and will not be detrimental to the public health, safety or welfare.

The removal of trees would be coordinated through a tree permit reviewed by the City to ensure that proper procedures are followed and would therefore not be detrimental to the public health, safety, or welfare.

2) The tree removal is consistent with the appropriate criteria in Sections 18.310.070(A) and (B).

Sections 18.310.070(A) and (B) list criteria to consider in evaluating a Tree Removal permit, including tree health, physical conditions unique to the site, and project alternatives to allow for tree preservation. An analysis of the proposed tree removal against these criteria is provided below.

(1) The extent of proposed building or development activity that does not require the removal of protected trees, relative to the extent of proposed building or development activity that requires such removal.

In addition to the poor health of the protected trees, the arborist’s report notes that the location of the buildings, paving, and other improvements makes it infeasible to preserve the trees.

(2) Design features of the project in comparison with other existing or approved projects in Concord that have (or had) protected trees on their sites.

The proposed building footprint, paving for circulation and loading areas, along with other design features such as bioretention areas are similar to existing and approved commercial projects in Concord that required the removal of protected trees. In this case, all of the protected trees identified for removal are in poor health and are located in areas where new development is proposed.

(3) Factors that are unique to the site, such as topographic constraints, lot configuration and physical limitations.

The project requires the assembly of three parcels, resulting in an atypical, “L-shaped” parcel with a gradual slope at the rear of the site, which makes it unique from other properties in the area. In addition, the site upgrades require the removal of the protected trees because they conflict with the location of buildings, a driveway, and other landscape improvements. Due to the lot configuration, it is infeasible to relocate the buildings elsewhere onsite without creating other conflicts with the development standards such as transitional setbacks from abutting residential properties.
(4) The number of healthy, protected trees that the site will support, with and without the proposed development.

_The four protected trees planned for removal have health or structural issues and are not viable candidates for preservation, as outlined in the arborist’s report. The trees proposed for removal are being replaced at a 4.8:1 ratio._

The review authority shall condition any tree permit for the removal of protected trees with replacement trees, at a minimum ratio of three replacement trees for every one that is removed. The number and size of the replacement trees shall be determined based on the age, condition, and species, and loss of canopy cover for each tree removed.

The Board recommended approval of the proposed landscaping and tree replacement. The Board also confirmed 24”-box size trees are the preferred tree size for the Proposed Project, in lieu of 36”-box trees, due to the smaller size of the available planting areas and the potential of the larger trees to overcrowd the site. The arborist confirmed the landscape plan provides a minimum replacement planting ratio of 3:1, which is consistent with the Development Code.

I. **Signage**

A full signage package will be submitted during the construction documentation phase of the project. The DRB is required to review the sign program prior to the issuance of permits and installation of any signage.

V. **Fiscal Impact**

The proposed would have a negligible fiscal impact on the City.

VI. **Public Contact**

Notification was mailed to all owners and occupants of property within three-hundred (300) feet of the subject parcel at least 10 days prior to the public hearing, and has been published in the East Bay Times, as required by State law and 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**

The proposed project will result in developing a vacant and underutilized parcel that is well designed and will be consistent with the City’s General Plan and the vision of the Downtown Specific Plan. With input from staff, the DRB, and responsible agencies, the site plan and project design respond to the adjacent land uses, development pattern, and minimize potential negative impacts. The building design results in an aesthetically pleasing development in terms of architecture and streetscape presence. No significant impacts are anticipated with the development of the project.
Staff recommends the Planning Commission consider staff’s report, allow the applicant to make a presentation and answer any questions from the Planning Commission, take public testimony, and close the public hearing upon completion of public testimony. Following the public testimony, staff recommends that the Planning Commission deliberate regarding the identified policy and/or project issues.

VIII. **Motion**

**Project Approval**

I (Comm. ______) hereby move that the Planning Commission adopt Resolution No. 19-10PC, approving the Avesta Assisted Living Facility Use Permit, Design Review, and Tree Removal (PL19036 - UP, DR, RT), subject to the Conditions of Approval set forth in Attachment A. (Seconded by Comm. _______.)

Prepared by: G. Ryan Lenhardt  
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Reviewed by: Mindy Gentry  
Planning Manager  
(925) 671-3369  
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Exhibits:

A - Resolution No. 19-10PC, approving the Avesta Assisted Living Facility Use Permit, Design Review, and Tree Removal (PL19036 - UP, DR, RT)

B - Written statement date stamp received May 29, 2018

C - Mediterranean-style building architecture date stamp received February 9, 2018

D - Contemporary-style building architecture (project plans) date stamp received June 7, 2019

E - Exemption Applicability Memorandum prepared by AES dated June 2019*

F - Technical memorandum (Parking Study and Site Plan Review) prepared by Fehr & Peers dated June 11, 2019*

G - Arborist report prepared by ArborWorks dated March 22, 2019*

*Commission only, a hard copy may be viewed at the Planning office located at:

**Address:** 1950 Parkside Drive, Concord CA 94519, Mon-Fri, 8a – 4p, excluding holidays

**Or at the following website:** http://www.cityofconcord.org/page.asp?pid=a06
WHEREAS, on February 13, 2019, Mohammad Javanbakht, on behalf of the Applicant, Avesta Development Group LLC, submitted an application to allow for the development of an approximately 150,000 square foot building, consisting of a total of approximately 150 units for seniors (which are anticipated to contain a mix of 117 assisted living units and 33 memory care units) on an approximately 1.1-net acre site at 1335-1385 Galindo Street (APNs 126-133-009, 126-133-013, and 126-164-052) (“Project”); and

WHEREAS, in order to develop the Project, the Applicant has requested approval of a Use Permit, Design Review, and Tree Removal Permit (PM19036); and

WHEREAS, on April 12, 2018, the Design Review Board (DRB) conducted a conceptual review and preliminary approval of the project’s Mediterranean-style design, but also recommended consideration of a more contemporary design; and

WHEREAS, on January 17, 2019, the Applicant submitted revised drawings to the DRB, reflecting a more contemporary design; and

WHEREAS, on February 5, 2019, the City Council conducted joint study session with the Planning Commission and DRB on proposed revisions to the Todos Santos Design Guidelines. As part of that session, the City Council indicated their preference for Spanish and Spanish-inspired building design in the core downtown and surrounding downtown areas; and

WHEREAS, on March 14, 2019, the DRB recommended approval of the January 17, 2019 submitted design; and
WHEREAS, due to the preference expressed by the City Council at the February 5, 2019 joint study session for Spanish and Spanish-inspired building designs in the downtown, the Applicant has re-submitted the April 12, 2018 Mediterranean-style design for approval by the Planning Commission; and

WHEREAS, on June 11, 2019, Fehr & Peers, a consulting firm retained by the City, prepared a parking demand analysis and site plan review to estimate the required parking for the Project and to provide site design recommendations with regard to vehicular, pedestrian, and bicycle access and circulation; and

WHEREAS, on June 13, 2019 the application was deemed complete for processing; and

WHEREAS, on June 28, 2019, AES, a consulting firm retained by the City, completed a technical memorandum documenting the applicability of California Environmental Quality Act (CEQA) exemption 15332 (Exemption Class 32) (Exemption Applicability Memorandum), attached to this Resolution as Attachment B; and

WHEREAS, pursuant to the provisions of CEQA of 1970, as amended, and pursuant to CEQA Guidelines Section 15332 “In-Fill Development Projects,” as explained more fully in the Exemption Applicability Memorandum and herein, the Project qualifies for a categorical exemption as it satisfies all of the conditions set forth in CEQA Guidelines section 15332 and none of the exceptions to this exemption under CEQA Guidelines section 15300.2 apply. Therefore, no further environmental review is required; and

WHEREAS, the Planning Commission, after giving all public notices required by applicable provisions of State law and the Concord Municipal Code, held a duly noticed public hearing on July 3, 2019, on the subject proposal; and

WHEREAS, the Planning Commission considered testimony and information received at the public hearing and the oral and written reports from City staff dated July 3, 2019, as well as other documents, materials and information contained in the record of proceedings relating to the proposed
WHEREAS, on July 3, 2019, the Planning Commission, after consideration of all pertinent plans, documents and testimony and other Project Information, declared their intent to approve the subject proposal subject to the Conditions of Approval contained herein as Attachment A.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS: that the Planning Commission does hereby approve the Avesta Assisted Living Facility (PL19036 - UP, DR, RT) Use Permit, Design Review, and Tree Removal subject to the Conditions of Approval (Attachment A) and further makes the following findings:

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

CEQA
2. Pursuant to the provisions of CEQA of 1970, as amended, and pursuant to Section 15332 “In-Fill Development Projects,” the Project qualifies for a categorical exemption as it satisfies all of the conditions set forth in CEQA Guidelines section 15332 and none of the exceptions to this exemption under CEQA Guidelines section 15300.2 apply. As detailed more fully in the Exemption Applicability Memorandum, the Project is: 1) consistent with the applicable City General Plan designation and all applicable General Plan policies as well as applicable zoning designation and regulations; 2) occurs within city limits on a project site no more than five acres substantially surrounded by urban uses; 3) the project has no value as habitat for endangered, rare or threatened species; 4) there will be no significant effects relating to traffic, noise, air quality or water quality; and 5) the site can be adequately served by all required utilities and public services.

3. Pursuant to the provisions of CEQA of 1970, as amended, and pursuant to Section
15300.2 “Exceptions,” as more more fully explained in the attached Exemption Applicability Memorandum, there are no exceptions that would apply to the Project to defeat the City’s reliance on the Class 32 Infill Exemption. Specifically, none of the following exceptions apply:

a. **Location.** Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may, if it is located in a particularly sensitive environment, have significant impacts. However, the Project does not qualify for an exemption under Classes 3, 4, 5, 6, or 11; therefore, the exception under CEQA Guidelines §15300.2(a) does not apply to the Project.

b. **Cumulative Impact.** There would not be any cumulative impact of successive projects of the same type in the same place over time if the Project were developed; accordingly, this exception does not apply.

c. **Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. Here, there are no unusual circumstances to either the proposed Project design or site as the Project is being located on an already developed site and the proposed use being consistent with the surrounding urbanized uses, the Project’s circumstances are typical of other infill projects covered by the Class 32 Infill Exemption, and thus there is no evidence of unusual circumstances; accordingly, the exception under CEQA Guidelines §15300.2(c) does not apply to the Project.

d. **Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. The project site is a previously developed infill site in an urbanized area of the City. There are no officially designated State Scenic Highways in the Downtown Planning Area, and there are no other scenic resources in the project vicinity that could be damaged by the Project. Additionally, the project
site is not within the North Todos Santos historic district. Accordingly, there would be no damage to
scenic resources within a State Scenic Highway, scenic view corridor, or historic district, and thus, no
significant impacts in this regard. Therefore, the exception under CEQA Guidelines §15300.2(d) does not apply to the Project.

e. **Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site that is included on any list compiled pursuant to Section 65962.5 of the Government Code. The Project would not be located on a site included on any list compiled pursuant to Section 65962.5, and therefore the exception under CEQA Guidelines §15300.2(e) does not apply to the Project.

f. **Historical Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. Impacts to the built environment and archaeological resources were analyzed on a programmatic level in the General Plan EIR and 2012 Supplement, which concluded that the primary impact that could occur would be disturbance of cultural resources during development of property consistent with the buildout envisioned under the General Plan. Projects implemented under the General Plan would require supplemental environmental analysis prior to implementation to determine project-specific impacts. In order to comply with the findings of the General Plan EIR, AES conducted a cultural resources survey of the project site (attached as Appendix C to the Exemption Applicability Memorandum). As detailed therein, a background record search was performed and additional research was also conducted. A backhoe trenching program on the project site was implemented, with AES and a Native American monitor from Wilton Rancheria in attendance. As documented further in Appendix C to the Exemption Applicability Memorandum, no historic resources were observed, and therefore a finding of No Historical Resources Affected is made, and no additional review is required for any potential impacts to historic resources. In addition, the Project would be required to implement standard conditions of approval to ensure that all impacts associated with any
previously unknown historic resources that may be discovered during Project construction remain less than significant. Accordingly, the exception under CEQA Guidelines §15300.2(f) does not apply to the Project.

4. Therefore there is substantial evidence that the Project qualifies for an exemption under CEQA Guidelines Section 15332 (Class 32) and the analysis provides substantial evidence that the exceptions to categorical exemptions do not apply to the Project, and therefore the Project is exempt from further CEQA review.

General Plan

5. Downtown Mixed Use. The proposed use is classified as “Residential Facilities for Seniors, Assisted Living,” which is a conditionally permitted use in the DMX zoning district. The project meets the standards for lot area, floor area ratio, setbacks, and building height of DMX zoning, satisfies applicable requirements under Development Code, Division IV, General Development Standards, and complies with all other applicable provisions of the Development Code and Concord Municipal Code.

6. The Project provides both commercial and residential uses that is consistent with the intent of the Downtown Mixed Use designation to establish high density and intensity mix of residential, commercial and office development in Central Concord.

7. The project is in substantial compliance with the goals, objectives, and policies of the Concord General Plan, including supporting land use decisions that reinforce and capitalize on neighborhood strengths and benefit neighborhood identity and scale (Policy LU-1.1.1). The building design and materials are consistent with the neighborhood. The building architecture, relief, and setbacks along with the careful use of landscaping mitigate the mass of the building.

8. The Todos Santos Design Guidelines were considered while designing the building, which is consistent with General Plan Policy LU-1.1.2 that requires new development in residential areas to preserve and enhance positive neighborhood characteristics.
9. Policy LU-1.1.4 states that projects shall protect residential uses from the impacts of more intensive land uses through good site planning and/or appropriate mitigation and operational measures. The project does this by locating the bulk of development at the front of the site, away from the adjacent apartments, providing perimeter masonry walls and landscaping, and locating the access driveway in the center of the site away from the property line.

10. The project is consistent with LU-1.1.11 that allows residential care and group homes in a manner consistent with State law, while ensuring that the scale, operation, location and other characteristics of these facilities does not adversely affect the character and quality of neighborhoods. Accordingly, the outdoor terraces are facing the street away from abutting residential uses.

11. The project is consistent with LU-1.3.1 that encourages “a variety of housing types on infill development sites.” The Proposed Project is consistent with this policy by adding to the diversity of housing types by incorporating assisted living and memory care units into the district within a design that efficiently utilizes the infill nature of the Project Site by developing it at a higher density/intensity. In addition, it is anticipated that there will be a range of studio, one bedroom, and two bedroom units provided in the Facility.

12. The project is consistent with LU-1.3.3 that encourages “higher density and mixed use development in Downtown and near transit centers and corridors.” The Proposed Project is consistent with this policy given its location and since it includes a high density/intensity development with a F.A.R. (3.2), which is between the minimum and maximum allowed density (1.0 - 6.0) within the DMX zoning district.

13. The project is consistent with LU-4.2.3 that encourages “pedestrian-oriented urban design.” The Proposed Project is consistent with this policy since it includes various indoor and outdoor amenities to serve the assisted living and memory care residents. The common amenity areas may include but are not limited to several outdoor terraces and outdoor barbeque and seating areas. The Project Site is located in close proximity to downtown Concord’s amenities, such as parks, shops
and restaurants, which makes it a walkable location that is convenient for both the residents as well as
visitors and employees. The Proposed Project would be designed to facilitate the creation of a
community with a welcoming atmosphere, providing various opportunities for nearby neighbors,
friends and family and the Proposed Project’s residents to gather, socialize and interact with each
other. The Facility would be prominently sited along Galindo Street with ground floor uses that
enhance and activate the pedestrian environment. The reception lobby, lounge, and main dining area
extend out to a ground floor terrace along the project frontage on Galindo Street to provide an
opportunity for both indoor and outdoor activities to occur along the street frontage.

14. The project is also consistent with Policy LU-9.2.3 that encourages site planning
   techniques that minimize the amount of impervious paving, promote pedestrian safety, and reduce
   urban runoff in commercial centers. A large portion of the driveway is designed with pervious paving
   for water infiltration and there are large pedestrian areas at the front of the building that are visually
distinct from surrounding vehicle parking and circulation areas due to the use of special colored
paving. For these reasons and others, staff asserts the project is consistent with policies contained in
the General Plan.

15. **Downtown Specific Plan.** The project is consistent with policies that encourage a
   variety of living opportunities through a range of housing types and prices. The proposed project
   includes units for both assisted living and memory care residents at different rental rates. The project
   proposes a residential care facility for the elderly high intensity use within a five-minute walk of
   transit and BART that is consistent with the strategy to increase the amount of residential units in
   Downtown. For these reasons and others, the project is consistent with the Downtown Specific Plan.

   **Development Code**

16. As documented in the Project application materials, the Project meets all applicable
   standards for lot area, lot coverage, setbacks, and building height of DMX zoning, and all applicable
   requirements under Development Code, Article IV, Development Standards.
Use Permit

17. For the reasons set forth herein and as documented in the Project Information, the proposed use is allowed within the applicable zoning district with approval of a use permit and complies with all other applicable provisions of the Development Code and the Concord Municipal Code.

18. The proposed residential facility for seniors is a conditionally permitted use in the DMX district. The project complies with the development standards related to floor area ratio, building height, parking, setbacks, and other municipal code requirements.

   a) Parking. Fehr and Peers conducted a parking study for the Project and recommended a parking supply of 64 spaces for the Project, which has been supplied with an onsite parking lot, garage and the use of 12 parking lift spaces.

19. As more fully described above, the proposed use is consistent with Concord 2030 General Plan and the Downtown Specific Plan.

20. The Mediterranean-style building design is consistent with other projects such as Renaissance Square and Park Central Apartments that are adjacent to the site and similar in scale, design, and operation as residential facilities. The Project is consistent with policies that encourage a variety of living opportunities through a range of housing types in the Downtown adjacent to transit.

21. The infill site was previously developed and used as a mortuary business for 60 years. The site is zoned for a variety of commercial, office, and residential uses. The project complies with the developments standards outlined in the DMX district and as noted in this report. Vehicle access to the site is from Galindo Street via a right-in/right-out only driveway, a hammerhead at the rear of the site for emergency vehicles such as fire and ambulance services, and pedestrian access from an existing public sidewalk along the project frontage. Existing utilities along Galindo Street are available to serve the project. The site is generally flat with a gradual slope at the rear of the property and the site is absent of any physical constraints.
22. Granting a permit will not be detrimental to the public health, safety, or welfare because the project complies with the policies of the General Plan, the Downtown Specific Plan, the development standards in the Development Code, is exempt from further environmental review, and is conditioned to address any potential impacts associated with the operation the Facility and construction of the related improvements.

**Design Review**

23. The Project is consistent with the General Plan and Downtown Specific Plan as addressed in the findings above.

24. The Project meets the following criteria in Section 18.415.080 (Design Criteria) of the City’s Development Code:

   (a) The building design and landscaping supports public safety and security by allowing for surveillance of the street by people inside buildings and elsewhere on the site. The facility will face outward toward the public realm, as will the shared terraces thus allowing for surveillance of the street within the facility and shared open spaces. Facility staff will monitor access into and out of the facility via the lobby and residents will access their units with a key or with the assistance of staff. Walkways along the north and south property lines will be gated for emergency egress from the facility.

   (b) The design is compatible with the historical or visual character of any area recognized by the City as having such character. The Mediterranean-style design submitted by the Applicant is reminiscent of Renaissance Square’s interpretation of traditional Italianate Revival architecture and the other design reflects a contemporary expression of the early California architectural character outlined in the Todos Santos Design Guidelines. The DRB reviewed the conceptual design and responded positively, finding it responsive to the vision of the City Council and the Design Guidelines in the design, massing, materials, and colors.

   (c) The Project design preserves major views and vistas along major streets and
open spaces and trails and enhances them by providing project amenities. The site and surrounding area is flat and has no topographically significant features, such as valleys, hillsides, and ridgelines that provide scenic views or vistas. The site is not near any open space or trail; therefore, the Project’s design would not impede any major views or vistas.

(d) The proposed lighting and fixtures are designed to complement on-site buildings, are of an appropriate scale for the development, and provide adequate light for safety and security while minimizing glare. As noted above, the Project has both commercial and residential uses. In terms of the proposed land use, it is primarily commercial in nature (as a senior community care facility). However, being cognizant of adjacent residential uses and the desire to foster compatibility therewith, the Project will employ exterior lighting that will be residential in character to minimize glare and improve nighttime visibility and safety for pedestrians and vehicles. For similar reasons, key elevations will use accent lighting to wash the building façade and parking lot light standards that also will be residential in scale with glare shielding to prevent light spillover onto abutting properties, while still providing sufficient lighting for security purposes.

(e) All mechanical, electrical, and utility equipment is located, screened, or incorporated into the design of the buildings so as not to be visible from off-site, and screening devices are consistent with the exterior colors and materials of the buildings. The Project conditions require final details of mechanical, electrical, and utility equipment to be reviewed by the DRB in order to provide a recommendation to staff, and to be shown on building permit plans to ensure they are located behind fencing or screened, as feasible, so as not to be visible from off-site locations.

(f) The overall design of the project, including its scale, massing, site plan, exterior design, and landscaping, enhances the appearance and features of the project site and surrounding natural and built environment. Refinements to the building design were incorporated to ensure the Project fits with the surrounding built environment, including its scale, massing, and location on the site. These changes, consistent with the recommendations of the DRB, include the use
of four-sided design to reduce mass and the use of quality building materials to create visual interest.

(g) The project design is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community. The Project includes, among other things, the following design features to enhance the functionality of the living units and the attractiveness and comfort of the general community: landscaping that provides screening and shade; stormwater facilities to reduce and treat runoff; and site improvements that improve circulation, parking, drainage, and lighting for the area.

(h) The architectural details, colors, materials, and landscaping are internally consistent, fully integrated with one another, and used in a manner that is visually consistent with the proposed architectural design. The Project meets this criteria because building materials and colors will be used that are similar to properties in the Downtown, and a unifying landscape palette will be used for the entire development to ensure consistency and integration.

(i) The project is compatible with neighboring development in a similar Zoning District by avoiding large differences in building scale and character and provides a harmonious transition between the proposed project and surrounding development. The Project meets this criteria because it is similar in scale to other nearby multi-family projects, commercial and office buildings in the Downtown; the building provides relief along the building facades; a landscape buffer is provided along the perimeter of the Project; and adequate setbacks are provided similar to other development in the neighborhood.

(j) The project creates an attractive and visually interesting built environment with a variety of building styles and designs, well-articulated structures that present varied building facades, rooflines, and building heights within a unifying context. The Project meets this criteria because it creates an attractive and visually interesting built environment featuring different architectural styles with various design elements including varied roof forms; decorative elements such as a private dining patio at the street level, outdoor terraces, and a mix of building materials that
create interesting textures and a quality look to the buildings. Similarities in the design elements, materials, and colors between the units create a unifying context for the Project.

(k) The landscaping is compatible with and enhances the architectural character of the buildings and site features, and blends with the surrounding landscape. Landscape elements complement the buildings and rooflines through color, texture, density, and form. Landscaping is in scale with on-site and off-site buildings, and plantings have been selected and located to avoid conflicts with views, lighting, infrastructure, utilities, and signage. The DRB has reviewed the landscape plan and determined that it is compatible with the building architecture. The landscape plan’s final design will return to the DRB for further review and recommendation to ensure the landscaping complements the living units, with final approval to occur at an administrative level by City staff.

(l) Stormwater treatment areas have been integrated into the landscape design. In accordance with applicable laws and regulations regarding handling and treatment of stormwater, the Project includes permeable pavers, bioretention, and integrated management practices used to control stormwater.

(m) New construction does not need to match existing surrounding development or buildings; however, the design shall complement or enhance existing development. The Project meets this criteria because it will improve and enhance an underutilized site with a new senior community care facility designed in an architectural style that references an updated interpretation of the early California style and complements the neighborhood’s design vernacular.

25. The project is consistent with all applicable Design Guidelines adopted by the City Council that are in effect at the time of approval. The Project is consistent with applicable provisions of the Concord Community Design Guidelines because:

(a) The exterior building colors and materials consist of earth tone colors, plaster siding, decorative forms, landscaping, and other materials that are compatible with the neighborhood;
(b) Living units are sited and designed with a functional relationship to the site and street, and in compliance with setbacks to provide accessible outdoor terraces;

(c) The Project provides emergency access as required by Contra Costa County Fire Protection District;

(d) Building lighting design is compatible with the architecture and will be operated at levels consistent with lighting in the area;

(e) Site lighting will comply with applicable City photometric standards to ensure lighting levels are kept to the minimum necessary for public safety;

(f) Perimeter fencing will be constructed of durable high quality masonry and metal materials;

(g) Exteriors are landscaped to provide a continuity of the landscape palette and concept along all four sides of the Project; and

(h) Required off-street parking pursuant to recommendations contained in an independent parking analysis will be provided.

26. The interrelationship between the orientation, location, and elevations of buildings and structures and site improvements are mutually compatible and aesthetically harmonious. The living units provide a consistent pattern oriented towards the street and are thus aesthetically harmonious with each other and the streetscape. The living units will be accessed by a driveway along Galindo Street leading through a central motor court to a parking garage and surface level parking for employees, residents, and guests.

27. The orientation, location, and elevation of the building and site improvements are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood. As described further herein, the Project will be harmonious with the pattern of similar commercial and multi-family buildings in the Downtown and will use architectural styles that are aesthetically compatible with other buildings in the neighborhood.
28. Landscaping, irrigation systems, walls and fences, or features to conceal outdoor
activities, utility enclosures, and trash facilities meet current requirements or provide a significant
upgrade and improvement to the site and the appearance of the neighborhood. New landscaping,
walls, and fencing designed to meet current requirements will result in a significant improvement to
existing site conditions and a visual upgrade to the neighborhood in general.

29. Parking, pedestrian access, and traffic circulation are adequate or improved
for all modes of circulation. The Project meets this finding because it will construct improvements
that enhance parking, pedestrian safety, bicycle parking, and improved access to the Downtown for
the neighborhood.

Tree Removal

30. The tree removal proposed as part of the Project is consistent with the applicable
provisions of Chapter 18.310, Tree Preservation and Protection, and will not be detrimental to the
public health, safety or welfare. The removal of trees will be coordinated in accordance with the
approved the tree permit to ensure that proper procedures are followed and will therefore not be
detrimental to the public health, safety, or welfare.

31. The tree removal is consistent with the appropriate criteria in Section 18.310.070(A)
and (B). The Project meets this finding because no feasible alternatives exist to preserve the on-site
trees while still allowing for Project development; tree relocation is not feasible due to the poor health
of the trees; and the location of the existing trees on-site creates conflicts with the proposed site
improvements including the building footprint, paving for circulation and loading areas, along with
other design features such as bioretention areas. However, street trees will be maintained, consistent
with the goals of the Tree Preservation and Protection Ordinance.

This resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED this 3rd day of July, 2019, by the following vote:
AYES:

NOES:

ABSTAIN:

ABSENT:

__________________________
Mindy Gentry
Secretary to the Planning Commission

Attachment: A – Draft Conditions of Approval
ATTACHMENT A

DRAFT

CONDITIONS OF APPROVAL

AVESTA ASSISTED LIVING FACILITY

PL19036 - UP, DR, RT

1335-1385 Galindo Street

APN’s 126-133-009, 126-133-013, and 126-461-052

PERMIT DESCRIPTION

1. These Conditions of Approval apply to and constitute the approval of the Avesta Assisted Living Facility Use Permit (PL19036 - UP) for an approximately 150,000 square foot building consisting of approximately 150 units, with a mix of assisted living and memory care units on an approximately 1.1-gross acre site with the following development standards:

<table>
<thead>
<tr>
<th>Standards</th>
<th>Approved (max.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floor Area Ratio (FAR)</td>
<td>3.2</td>
</tr>
<tr>
<td>Lot Area (square feet) minimum</td>
<td>47,599</td>
</tr>
<tr>
<td>Lot Width (feet) minimum</td>
<td>213</td>
</tr>
<tr>
<td>Lot Depth (feet) minimum</td>
<td>272</td>
</tr>
<tr>
<td>Building Height (feet)</td>
<td>94</td>
</tr>
<tr>
<td>Building Height – First floor minimum (feet, floor to floor height)</td>
<td>15 ½</td>
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<tr>
<td>Landscape Coverage (percentage)</td>
<td>20.3</td>
</tr>
<tr>
<td>Setbacks (feet) required minimum</td>
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</tr>
<tr>
<td>Front</td>
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</tr>
<tr>
<td>Interior Side</td>
<td>10</td>
</tr>
<tr>
<td>Rear</td>
<td>7 and 72</td>
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<tr>
<td>Parking Spaces (Vehicle)</td>
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<tr>
<td>No Standard</td>
<td>64</td>
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<tr>
<td>Motorcycle</td>
<td>2</td>
</tr>
<tr>
<td>Bicycle</td>
<td></td>
</tr>
<tr>
<td>Short term</td>
<td>4</td>
</tr>
</tbody>
</table>
2. These Conditions apply to and constitute approval of Design Review (PL19036 - DR) for an approximately 150,000 square foot building consisting of approximately 150 units, with a mix of assisted living and memory care units on an approximately 1.1-gross acre site.

Exterior building materials and colors shall be in substantial conformance with the approved plans date stamped received by the City of Concord, on June 7, 2019 as follows:

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<thead>
<tr>
<th>Materials</th>
<th>Manufacturer</th>
<th>Color Name</th>
<th>Number</th>
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</thead>
<tbody>
<tr>
<td>Stucco (Portland cement plaster) exterior finish</td>
<td>Omega</td>
<td>See Paint (Below)</td>
<td>Sand float 20/30 Finish</td>
</tr>
<tr>
<td>Paint 1</td>
<td>Sherwin Williams</td>
<td>Shoji White</td>
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</tr>
<tr>
<td>Paint 2</td>
<td>Sherwin Williams</td>
<td>Kilim Beige</td>
<td>SW6106</td>
</tr>
<tr>
<td>Paint 3</td>
<td>Sherwin Williams</td>
<td>Llama Wool</td>
<td>SW9089</td>
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<tr>
<td>Paint 4</td>
<td>Sherwin Williams</td>
<td>Caraibe</td>
<td>SW9090</td>
</tr>
<tr>
<td>Paint 5</td>
<td>Sherwin Williams</td>
<td>Dark Clove</td>
<td>SW9183</td>
</tr>
<tr>
<td>Paint 6</td>
<td>Sherwin Williams</td>
<td>Black Magic</td>
<td>SW6991</td>
</tr>
<tr>
<td>Vinyl window</td>
<td>Milgard</td>
<td>Bronze</td>
<td>TBD</td>
</tr>
<tr>
<td>Glass panel door</td>
<td>Milgard</td>
<td>Bronze</td>
<td>TBD</td>
</tr>
<tr>
<td>Brick veneer</td>
<td>Interstate Brick</td>
<td>Smokey Mountain</td>
<td>L-4</td>
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<tr>
<td>Louver panel</td>
<td>PTAC</td>
<td>Match Adjacent Trim</td>
<td>TBD</td>
</tr>
<tr>
<td>Simulated heavy timber wood</td>
<td>Rustic Series by Woodtone</td>
<td>Aspen Ridge</td>
<td>#219</td>
</tr>
<tr>
<td>Decorative metal guard rail</td>
<td>Aluminum</td>
<td>Anodized Dark Bronze</td>
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</tr>
<tr>
<td>Decorative metal grille/fence</td>
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<td>Flat metal siding panel</td>
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<td>Metal box canopy</td>
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<td>Anodized Brite Copper</td>
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<tr>
<td>Metal awning</td>
<td>Aluminum</td>
<td>Anodized Brite Copper</td>
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<td>Decorative tile</td>
<td>Bedrosians</td>
<td>Remy Soffia</td>
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<tr>
<td>Green screen</td>
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<td>Decorative exterior light fixture</td>
<td>Final style dependent on building design selected</td>
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<tr>
<td>Concrete Tile Roofing</td>
<td>Eagle Lightweight Concrete Tile</td>
<td>Tucson Blend</td>
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</tr>
</tbody>
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3. These Conditions apply to and constitute the approval of Tree Removal (PL19036 - RT) to remove three protected trees for an approximately 150,000 square foot building consisting of approximately 150 units with a mix of assisted living and memory care units on an approximately 1.1-gross acre site.

4. The following Exhibits, date stamped received by the City of Concord, on June 7, 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>Cover + Sheet Index</td>
<td>6/6/19</td>
<td>LPAS</td>
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<td>Site Plan</td>
<td>6/6/19</td>
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<td>Tree Removal Plan</td>
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<td>C2.2</td>
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<td>6/6/19</td>
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<td>Stormwater Control Plan</td>
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<td>Utility Plan</td>
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<td>Rendering – Galindo Street</td>
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<td>Building Elevations – N, S, E, W</td>
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<td>Window Detail Exhibit</td>
<td>6/6/19</td>
<td>LPAS</td>
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PROJECT-SPECIFIC CONDITIONS

5. Implement a pre-construction worker training program by having a qualified professional archaeologist address all on-site construction personnel regarding the potential for previously unknown cultural resources, and ensure that a contact tree, identifying personnel with telephone numbers, is posted in the construction trailer or with the construction foreman in the case that discoveries are made. The program will underscore the requirement for confidentiality and culturally-appropriate treatment of any kind of previously unknown Native American resources that may be discovered during Project construction. (PLNG)

6. If previously unknown resources are uncovered during construction, halt all work within 50 feet of the find and notify appropriate personnel on the contact tree. Retain a qualified professional archaeologist to assess the find for CRHR eligibility. (PLNG)

7. If previously unknown human remains are uncovered during construction, halt all work within 50 feet of the find and notify appropriate personnel on the contact tree as well as the Contra Costa County Coroner; adhere to the provisions of Section 15064.5 (e)(1) of the CEQA Guidelines and Public Resources Code Section 7050.5. (PLNG)

8. Retain the services of a trained and experienced Native American monitor or qualified professional archaeologist to observe all ground-disturbing activities within the building footprint or beyond the footprint where utility trenching will disturb non-fill soils. (PLNG)

9. Prior to construction, develop a treatment and burial plan that can be implemented in the event that previously unknown tribal cultural resources are discovered, which will reduce delays during construction and provide guidance on investigation procedures. The treatment and burial plan would detail specific investigation methods, specifically identify approved studies (e.g. Carbon-14 dating) to be performed, and specify methods for the ultimate disposition of recovered artifacts (e.g., return to the tribe, reburial, storage at an accredited repository) if any such previously unknown cultural resources are discovered during construction. (PLNG)

10. The applicant shall identify passenger loading area(s) in accordance with applicable Code requirements and consider designating a parking space within the parking lot, preferably close to the primary building access door, for passenger loading. (PLNG, TRANS)
11. The applicant shall provide bicycle storage in sufficient supply to satisfy applicable Code requirements, which if feasible, would be optimally located adjacent to the northwest corner of the garage, to avoid blocking access to the stairwell at the southwest corner of the garage, and to keep the space adjacent to the parking circulation aisle clear for vehicles exiting the parking spaces closest to this area. (*PLNG, TRANS*)

GENERAL CONDITIONS

12. Building permit plans shall be peer-reviewed by a licensed architect, at the applicant’s expense, for consistency with the approved architectural plans and all applicable requirements of the Concord Municipal Code. (*PLNG*)

13. The Conditions set forth in this Attachment A are the responsibility of the applicant and all Project contractors. Compliance shall occur as specified in the Conditions or at one of the following Project milestones, as appropriate depending on the nature of the Condition(s) at issue:
   (a) With the submittal of Grading, Improvement, Landscape, or Building Plans.
   (b) Prior to issuance of Encroachment, Grading, or Building Permits.
   (c) Prior to Construction.
   (d) Ongoing during Construction.
   (e) Prior to occupancy approval.

   If timing for compliance is not specified, it shall be determined by the Division(s) listed after the Condition. (*PLNG, BLDG, ENGR*)

14. Where a plan or further information is required pursuant to the Condition at issue, 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*)

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

16. Minor modifications that are found to be in substantial conformance with the approved plans such as colors, plant materials, or minor lot line adjustments, may be approved administratively. Major modifications shall be approved by the applicable decision making body as may be required by the applicable provisions of the CMC. (*PLNG, ENGR*)

17. The Conditions of Approval shall be listed on a plan sheet that is included in the construction plan set (Grading, Utility, Landscape, and Building Plans). (*PLNG, ENGR*)

18. Two annotated copies of the Conditions of Approval specifying how each applicable Condition has been satisfied, shall be submitted as follows:
   (a) At the time Grading, Utility, Landscape, and/or Building Plans are submitted for plan check, whichever comes first.
19. The project site and area surrounding the site shall be fenced and maintained in a weed and litter free condition for the period after demolition of existing hardscape and prior to construction. *(BDLG, PLNG)*

20. Existing fencing shall remain around the site during construction or an alternative perimeter fence provided as approved by the City staff administratively. *(PLNG)*

**ARCHITECTURAL**

21. Should the Planning Commission approve the Mediterranean-style design included as Exhibit C to staff’s report date stamp received February 9, 2018, all four elevations including a roof plan shall return to the DRB as a staff report item for review and a recommendation on the final design details (as specified in Condition 25 below) to staff for consideration and approval administratively prior to the issuance of a building permit. *(PLNG)*

22. The plans shall reflect the use of similar window types at the corners of the building (e.g., double hung next to double hung). *(DRB, PLNG)*

23. Specify the use of “cool turf” on the roof terraces on the landscape plan. *(DRB, PLNG)*

24. Consider installing traffic calming methods at the driveway that draws attention to pedestrian activity. *(DRB, PLNG)*

25. The following items shall return to the DRB as a staff report item for review and recommendation to staff for consideration and approval administratively prior to the issuance of a building permit: a) wall reveal details; b) location of rooftop equipment and screening details; c) elevations of the trash enclosure and generator enclosure; d) options for accent colors (e.g., railings, balconies, etc.); and e) a design for public art, which consist of the proposed green wall. *(DRB, PLNG)*

26. All mechanical, electrical, and utility equipment shall be located, screened, or incorporated into the design of the building so as not to be visible to the extent feasible from off-site uses. Vents, gutters, downspouts, flashing, electrical conduits, etc., shall be painted to match the color of the adjacent surface, unless otherwise approved by the Planning Division. *(PLNG)*

**LANDSCAPING**

27. The applicant shall submit Final Landscape Plans prepared by a licensed Landscape Architect, registered by the State of California, for review and approval with the Building Plans prior to the issuance of the Building Permit. The Plan shall be drawn on or consistent with the Site Plan prepared by the Civil Engineer, with the following information:

(a) A legend that lists all plant species (Latin and common name), including size, quantities, spacing, and ultimate height and width.
(b) Specifications and details for planting, including staking of trees and planting in bioswales or other stormwater treatment areas.
(c) Utility information on the base map, screened back.
(d) Any existing street trees to be saved and identification of all replacement trees, consistent with the applicant’s civil plan and preliminary landscape plans submitted as part of the Project application materials.
(e) Trees (minimum size 24-inch box) and shrubs (minimum 5-gallon; accent or subshrubs may be 1-gallon).
(f) Six-inch vertical concrete curbs around landscaped areas. (PLNG, ENGR)

28. Irrigation Plans shall include a drip irrigation system and be submitted with the Final Landscape Plans in compliance with the applicable requirements of Section 18.70 of the Concord Development Code and with the applicable requirements of Governor’s Executive Order Number B-29-15 adopted on April 1, 2015. (PLNG)

29. All landscaping shall be installed prior to final occupancy approval. Contact the Planning Division at least two weeks prior to final occupancy, to request a site inspection of all exterior improvements including the building, driveways, parking lots, landscaping, irrigation, lighting, and walls. (PLNG)

30. Any vegetation damaged or destroyed on adjacent properties during construction shall be replaced with like or comparable plant materials, and if damage occurs off-site, the replacement plants shall be like or comparable plant materials, or approved by the Planning Division, prior to occupancy approval. Provided, however, that application of this condition to the Project shall be subject to the adjacent property owner(s)’ approval of the applicant performing such replacement work. (PLNG)

31. Submit a fence/wall plan showing the location, design, height, and construction details, for all fencing and walls consistent with, and as a part of, the Grading, Improvement, Landscape, and Building Plans, whichever comes first, and provide a timetable for installation. (PLNG, ENGR)

32. Fences and walls shall be a maximum height of three feet in required front yards and sight visibility triangles, and a maximum height of six feet on side and rear property lines except where otherwise approved. (PLNG) CMC

**TREE PRESERVATION**

33. The removal of four on-site protected American Elm, Valley Oak, Canary Island Palm, and Elm trees, shall be mitigated by planting 19 replacement trees on-site. The trees shall be 24”-box Arbutus, Blueberry, and Zelkova trees or similar species. The trees shall be planted along the perimeter of the site as shown on the landscape plans prior to the issuance of the certificate of occupancy. (PLNG)
34. The applicant shall adhere to applicable provisions of Chapter 18.310 of the Development Code titled, “Tree Preservation and Protection,” which regulates the protection, preservation, maintenance, removal, and replacement of trees associated with proposals for construction and development. *(PLNG)*

**LIGHTING**

35. Show all exterior lighting including: building fixtures, walkway lighting, parking lot lighting, and street lights on the applicable Site, Utility, Landscape, and Building Plans, prior to the issuance of any permits. The height and style of fixtures shall be shown. Energy-saving fixtures consistent with applicable Code requirements shall be used and noted on the plans. *(PLNG, ENGR, BLDG)*

36. All exterior building and parking lot lighting shall provide illumination for safety and shall be installed in a manner that is glare shielded and directed away from adjacent properties and right-of-ways. *(PLNG)*

37. Submit a Photometric Plan for review and approval, showing the location of all light sources, streetlight spacing, intensity of luminance, and uniformity ratio, in accordance with the City’s specifications, with the Improvement, Utility, or Building Plans, whichever comes first. The photometric analysis shall be reviewed by Engineering Services for the determination of streetlight spacing. *(ENGR, TRANS, BLDG, PD)*

**SIGNAGE**

38. All signage shall comply with applicable provisions of the City of Concord Sign Ordinance. *(PLNG) CMC*

**PARKING**

39. The Project shall be consistent with the recommendations contained in the Fehr & Peers technical memorandum titled, “Parking Study and Site Plan Review for the Avesta Assisted Living Facility” dated June 11, 2019, which addresses pick-up areas, on-site bicycle parking, and employee parking. *(PLNG, TRANS)*

40. All parking spaces shall be striped; full-size spaces shall be 9 feet by 19 feet; compact spaces shall be 8 feet by 16 feet. Wheel stops shall be provided, except when parking spaces abut a concrete curb for a landscaped planter, then a two-foot overhang is allowed. *(PLNG, ENGR) CMC*

41. A maximum of 25 percent of the required parking spaces may be compact. Compact stalls shall be clearly identified. *(PLNG, ENGR) CMC*

42. Parking shall comply with applicable provisions of CMC Chapter 18.160 “Parking, Loading, and Access” including motorcycle and bicycle parking spaces, drive aisle and parking space
dimensions, turning radii, back-out dimensions, driveway clearances, landscape median
dimensions, and other relevant information. \textit{(ENGR, PLNG) CMC}

43. Accessible parking spaces shall comply with applicable provisions of Chapters 11A “Housing
Accessibility” and 11B “Accessibility to Public Buildings, Public Accommodations,
Commercial Buildings and Public Housing” of Title 24 of the California Code of Regulations,
and shall be located on the shortest possible accessible route to an accessible building.
\textit{(BLDG)}

**STREET IMPROVEMENTS**

44. Construct improvements along the Project frontage on Galindo Street including but not limited
to: driveway removal; pavement replacement in the immediate area of any pavement that is
damaged as a result of Project construction and/or where there is trenching for utility tie-ins
and replacement of existing driveways occurs; construction of concrete curb, gutter and
sidewalk; construction of landscaping strip between curb and sidewalk; ADA compliant
concrete driveway approach; and storm drainage system. \textit{(ENGR)}

45. Any trenching for underground utilities shall comply with the modified City Standard Detail
S-17 for pavement repair and possible slurry placement. \textit{(ENGR)}

46. Prohibit parking on Galindo Street. Paint curb face with red and install “No Parking” signs
where parking is prohibited, prior to Acceptance of Improvements or the first occupancy,
whichever comes first. \textit{(ENGR)}

47. Construct all public facilities in accordance with the current Americans with Disabilities Act
(ADA), including driveways and curb ramps. \textit{(ENGR)}

**NOISE**

48. Noise producing site preparation and construction activities shall be limited to the days and
hours as set forth below:

\textbf{Monday through Saturday 7:00 a.m. to 7:00 p.m.}

Construction on Saturdays may be allowed only upon prior approval by the Building,
Engineering, and Planning Divisions. No changes to these construction hours shall be allowed
without the prior written consent of the City. A contact person shall be available during all
construction activities in the evening and on weekends to respond to complaints and take
actions necessary to reduce noise. \textit{(BLDG, ENGR, PLNG)}
CONSTRUCTION ACTIVITIES

49. Contact Engineering Services to arrange for a Pre-Construction Meeting prior to issuance of Grading or Building Permits, whichever comes first. *(ENGR)*

50. Implement a dust and construction noise control plan consistent with typical, industry standard construction dust and construction noise reduction measures. Submit the plan to Engineering Services for review and approval prior to issuance of the Grading Permit. *(ENGR)*

51. Employ industry-standard mufflers on construction equipment and keep all mufflers in good working order in accordance with applicable provisions of State law. *(BLDG, ENGR, PLNG)*

52. Implement the following measures during construction:
   (a) Gather all construction debris on a regular basis and place them in a dumpster or other container that is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution.
   (b) Remove all dirt, gravel, rubbish, refuse, and green waste from the street pavement, and storm drains adjoining the project site. During wet weather, avoid driving vehicles off paved areas.
   (c) Broom sweep the public street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping.
   (d) Install filter materials (e.g., sandbags and filter fabric) at the storm drain inlet nearest the downstream side of the site in order to preclude any debris or dirt from flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and to prevent street flooding. Dispose of filter particles in an approved trash receptacle.
   (e) Create a contained and covered area on the site for the storage of bags, cement, paints, flammable, oils, fertilizers, pesticides, or any other materials used on the site that have the potential for being discharged to the storm drain system by being windblown or in the event of a material spill.
   (f) Never clean items such as machinery, tools, and brushes or rinse containers in a street, gutter, or storm drain.
   (g) Ensure that concrete, gunite, plaster, or similar supply trucks do not discharge wash water into street gutters or drains. *(ENGR, BLDG)*

53. No equipment shall be started or staging area be established on the streets or the site before or after the specified hours of construction unless otherwise approved by City staff in accordance with applicable Code requirements. *(ENGR, BLDG)*

54. Ensure that no debris or construction scrap material is placed on any adjoining lot, open space area, or street, and that any such material stored on an adjoining site shall be completely removed and the site cleaned, prior to occupancy approval. *(ENGR, BLDG)*
55. At no time shall campers, trailers, motor homes, or any other vehicle be used as living or sleeping quarters on the construction site unless authorized for site security. \(\text{(ENGR, BLDG)}\)

56. There shall be no parking of construction equipment or construction worker’s vehicles on residential streets nor adjacent streets at any time without the prior written approval of the City. \(\text{(ENGR, BLDG)}\)

57. Portable toilets used during construction shall be kept as far as possible from adjacent properties, public view, and shall be emptied on a regular basis as necessary to prevent odor. \(\text{(ENGR, BLDG)}\)

58. Identify truck routes for the import or export of cut/fill material and/or construction debris for review and approval by the City Engineer prior to the issuance of permits. Repair any damage to City streets (private and public) caused by activity associated with this project. \(\text{(ENGR)}\)

CONSTRUCTION PLAN REVIEW/PRE-PERMIT REQUIREMENTS

59. The applicant shall process a lot merger for the parcels prior to the issuance of the Building Permit in accordance with applicable laws and regulations. \(\text{(ENGR)}\)

60. Submit electronic copy of Preliminary Title Report, prepared within three months prior to plan submittal. \(\text{(ENGR)}\)

61. The proposed building is within the 100-year Floodplain Zone X. At a minimum, comply with the applicable City of Concord Municipal Code requirements in establishing building finished floor elevations. The Grading Plan shall be referenced to the same elevation datum as the FEMA map, and shall show the finished floor elevations of the proposed buildings, 100-year Base Flood Elevations (BFE), and building setback line per CMC. \(\text{(ENGR, CMC)}\)

62. The Improvement Plans shall show frontage improvements including but not limited to: utility improvements, curb, gutter and sidewalk per City Standard Detail S-10, landscaping strip, and driveway construction per City Standard Detail S-14. All existing driveways shall be replaced with standard curb, gutter, and sidewalk per S-10 above. Any trenching for utility installation shall comply with the modified City Standard Detail S-17 for pavement repair and possible slurry placement. \(\text{(ENGR)}\)

63. The Improvement Plans shall show plan and profile of all proposed street, drainage and sewer improvements and details for curb, gutter, sidewalk, and driveway construction. \(\text{(ENGR)}\)

64. Design improvements in accordance with the City Standard Plans S-36 for sight distance, sidewalk, back up, fencing, geometrics at intersection and corner setback requirements, prior to the Acceptance of Improvements. Plans shall be subject to review and approval by Engineering Services. \(\text{(ENGR)}\)
65. Obtain an Encroachment Permit from the City prior to performing any work within the public right-of-way or public easements. *(ENGR) CMC*

**SITE DEVELOPMENT PLANS**

66. The preliminary Civil Plan received by the Planning Division is not approved for construction. Submit Grading, Erosion Control, Improvement, and Stormwater Control Plans prepared by a Registered Civil Engineer to Engineering Services for review and approval prior to issuance of an Encroachment Permit and Grading Permit. *(ENGR)*

67. The civil plans shall be prepared by a qualified Civil Engineer and shall be subject to review and approval by Engineering Services. *(ENGR)*

**GRADING/EROSION CONTROL/GEOLOGIC**

68. Submit a Geotechnical Report with the Grading Plans and Building Plans, pursuant to CMC Chapter 16.10 that addresses and provides recommendations for grading, drainage, walls, building foundations, and pavement structural sections. *(ENGR)*

69. All grading shall require a Grading and Drainage Plan prepared by a registered Civil Engineer, a Soils Report prepared by a registered Geotechnical Engineer and receipt of a Grading Permit approved by the City Engineer. The Grading Plans and Soils Report shall require review by the City’s Geotechnical consultant with all costs to be borne by the applicant. *(ENGR)*

70. Contour grading techniques shall be employed throughout the project to achieve a more natural appearance, even where this will increase the amount of grading. Tops of cuts or toes of fills adjacent to existing public rights-of-way or easements shall be set back two feet minimum from said rights-of-way and easements unless explicitly approved prior to construction. All cut-and-fill slopes in excess of five feet in height shall be rounded both horizontally and vertically. *(ENGR)*

71. Any work on adjacent properties shall require written approval from the affected property owners. *(ENGR)*

72. On-site finish grading work shall require drainage to be directed away from all building foundations at a minimum slope of 2 percent and a maximum slope of 20 percent toward approved drainage facilities or swales. Non-paved drainage swales shall have a minimum slope of 1 percent. *(ENGR)*

73. The project engineer shall inspect the finished grading and certify that it conforms to the compaction and elevations shown on the Grading Plan and Soils Report. *(ENGR) CMC*

74. At all times appropriate erosion control measures shall be implemented per plans approved by the City Engineer for all grading work at all times. Wet season measures shall be in place October through April and shall adhere to the applicable stormwater requirements set forth in
the City of Concord municipal code and Contra Costa County Clean Water Program with appropriate BMPs in place to insure that the project site is protected from erosion and run-on/run-off. At the time of approval of the Improvement and/or Grading Plans, an approved Erosion Control Plan prepared by a registered Civil Engineer shall be filed with the City Engineer. (ENGR)

75. All graded slopes and stockpiles of loose soil shall be hydromulched/hydroseeded by October of any given year. During grading work between October and April, if rain is forecast, stop all grading work two days before the rain forecast and implement BMPs to insure that the site is protected from erosion. (ENGR)

76. Submit Grading Plans, Erosion Control Plans, Improvement Plans, State Waste Discharger Identification (WDID) number and Stormwater Control Plans to Engineering Services for review and approval prior to the issuance of Grading, Encroachment, and Building Permits. Where applicable, evidence of compliance with the State General Construction Permit shall be provided. (ENGR) CMC

77. Comply with the applicable provisions of the Grading Ordinance and the Storm Water Management and Discharge Control Ordinance. (ENGR) CMC

UTILITIES

78. All new utilities shall be constructed underground prior to occupancy approval. (ENGR)

79. Comply with the City of Concord sewer design flow criteria and sewer construction requirements of the Central Contra Costa Sanitary District. (ENGR)

80. Submit to Engineering Services sanitary sewer calculations with the Improvement Plans stamped and signed by a Registered Civil Engineer for review. (ENGR)

81. Submit to Engineering Services a sewer fixture count and square footage of the existing buildings for possible fee credit purposes, prior to demolition. (ENGR)

82. Coordinate all facility adjustments, relocations, or additions to utility services with the appropriate utility companies. (ENGR)

83. Utility areas, electrical and gas meters shall be architecturally screened from view to the extent feasible. (PLNG)

84. The location of all outdoor, above-ground and/or at-grade pad mounted transformers, utility equipment, electrical and gas meters, vaults, irrigation control boxes, back flow prevention devices, and the like shall be subject to approval by Planning and Engineering Services prior to the issuance of the Grading or Building Permit, whichever comes first. All such equipment shall be screened from view to the extent feasible, either architecturally or with landscaping and painted forest green or other approved color as approved by the Planning Division. Any
changes to the approved Utility Plans, including location or screening details shall be reviewed and approved by the Planning Division. *(PLNG, ENGR)*

85. Provide cable companies a set of approved site diagrams in electronic format showing the joint trench layout for dry utilities for cable service to be provided to the site by the cable companies. *(ENGR)*

86. Connect the building to the sanitary sewer collection facilities of the City, and pay all current applicable sewer connection and service fees prior to occupancy approval, which shall be calculated with the project being a commercial use for the ground floor and residential use for all other floors above. *(ENGR) CMC*

87. Submit proof acceptable to Engineering Services that all work within the existing (new) private waterline easement(s) are reviewed and approved by the easement owner of record. *(ENGR)*

**DRAINAGE/STORMWATER C.3 REQUIREMENTS**

88. Submit a Stormwater Control Plan (SWCP) prepared in accordance with the current Contra Costa Clean Water Program Stormwater C.3 Guidebook for review and approval by Engineering Services prior to issuance of any permit. The SWCP shall be prepared and certified by a Civil Engineer, registered in the State of California, demonstrating an understanding of the design of treatment measures for water quality and groundwater protection principles applicable to the project site. *(ENGR)*

89. Prior to issuance of permits for building, site improvements, or landscaping, the applicant shall submit a permit application consistent with the applicant’s approved Stormwater Control Plan (SWCP), and include drawings and specifications necessary for construction of site design features, measures to limit directly connected impervious area, pervious pavements, self-retaining areas, treatment BMP’s, permanent source control BMP’s, and other features that control stormwater flow and potential stormwater pollutants. The Contra Costa Clean Water Program permit application shall include a completed “Construction Plan C.3 Checklist” as described in the Stormwater C.3 Guidebook, and a detailed draft Stormwater BMP Operation and Maintenance Plan consistent with the general O&M plan included in the applicant’s approved Stormwater Control Plan. Guidelines for the preparation of Stormwater BMP Operation and Maintenance Plans are in Appendix F of the Stormwater C.3 Guidebook. *(ENGR)*

90. Construct all required stormwater treatment measures per the approved SWCP prior to occupancy approval. *(ENGR)*

91. Submit a final Stormwater BMP Operation and Maintenance Plan (O&M Plan) in accordance with City of Concord Guidelines, for review and approval by Engineering Services, prior to occupancy approval. This O&M Plan shall incorporate City comments on the draft O&M Plan and any revisions resulting from changes made during construction. The implementation of
92. If applicable, execute any agreements identified in the SWCP which pertain to the transfer of ownership, right-of-entry for inspection or abatement, and/or long-term maintenance of stormwater treatment or hydrograph modification BMPs, prior to occupancy approval. (ENGR)

93. Prevent site drainage from draining across sidewalks and driveways in a concentrated manner. (ENGR)

94. Provide recorded easement documents if the site is draining into the adjacent property, prior to site development submittal to the Engineering Division. (ENGR)

95. Collect and convey all stormwater entering and/or originating from the site to an adequate downstream drainage facility. Submit hydrologic and hydraulic calculations for a 10-year storm with the Improvement Plans to Engineering Services for review and approval prior to grading permit issuance.

96. Install City of Concord “No Dumping, Drains to Creek” curb marker (English and Spanish version) on all catch basins. (ENGR)

97. Submit a Construction Best Management Practice (BMP) Program for review and approval by the Engineering Development Services Department prior to issuance of a Building and/or Grading Permit. The general contractor and all subcontractors and suppliers of materials and equipment shall implement these BMPs. Construction site cleanup and control of construction debris shall also be addressed in this program. Failure to comply with the approved construction BMPs may result in the issuance of correction notices, citations, or a project stop work order. (ENGR)

98. Sweep or vacuum the parking lot(s) a minimum of once a month and prevent the accumulation of litter and debris on the site. Corners and hard to reach areas shall be swept manually. If sidewalks and/or the parking lot are pressure washed, debris must be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged into the storm drain. If any cleaning agent or degreaser is used, wash water shall be collected and discharged to the sanitary sewer, subject to the approval of the Central Contra Costa Sanitary District. (ENGR)

99. Ensure that the area surrounding the Project such as the streets stay free and clear of construction debris such as silt, dirt, dust, and tracked mud coming in from or in any way related to project construction. Areas that are exposed for extended periods shall be watered regularly to reduce wind erosion. Paved areas and access roads shall be swept on a regular basis. Loads being hauled by all trucks shall be covered. (ENGR)
100. Clean all on-site stormdrain facilities a minimum of twice a year, once immediately prior to October 15 and once in January. Additional cleaning may be required if found necessary by the City Engineer/Director of Building Inspection. *(ENG, BLDG)*

SOLID WASTE/RECYCLING

101. Comply with applicable provisions of CMC Chapter 8.20, Solid Waste, Article III, Construction and Demolition (C&D) Waste Recycling, Sections 8.20.330 through 8.20.450, as applicable. *(BLDG)*

102. Design and implement City approved Source Reduction/Recycling Plan and demonstrate that interior and exterior refuse enclosures have been sufficiently designed and located for the storage and pick up of recyclable materials in accordance with CMC Section 8.20.260, Source reduction/recycling plans required, prior to issuance of a Building Permit. *(PW)*

103. Trash bins and refuse shall be stored within approved trash enclosure and the doors shall be closed at all times except when the bins are being emptied. *(CE)*

104. Comply with the applicable provisions of the CMC, Central Contra Costa Sanitary District and the disposal service regarding enclosure design, access requirements, and the number of required individual refuse receptacles based upon waste pickup schedules. Trash enclosures shall incorporate the following features:

   (a) A concrete pad to prevent damage to asphalt paving.
   (b) A roof and sanitary sewer cleanout, designed to prevent rainwater from penetrating the interior of the enclosure and preclude trash from being blown outside of the bins unless enclosed within a building.
   (c) The cleanout shall connect to a sanitary sewer to prevent contaminated water from entering the storm drain system.
   (d) If any cleaning agent or degreaser is used, wash water must be collected and discharged to the sanitary sewer, subject to the approval of the Central Contra Costa Sanitary District. *(CCCSD, ENGR)*

105. Trash enclosures shall incorporate the same architectural treatment, and use the same exterior materials and colors as the main building and shall comply with the applicable Community Design Guidelines, including the following:

   (a) A roof or trellis unless enclosed within a building.
   (b) Masonry, steel or heavy timber walls.
   (c) An interior, poured-in-place curb to prevent damage to the screen walls.
   (d) Doors with external hinges to prevent damage from the receptacle.
   (e) Doors of solid metal or with a metal frame with self-closing latch.
   (f) The height of the enclosure walls and door shall be the same height or higher than the bins within the enclosure. *(PLNG)*
AGREEMENTS, FEES, BONDS

106. The applicant shall pay all applicable Impact Fees in accordance with the City’s adopted fee schedule. For purposes of determining applicable Impact Fees and the calculation of the amount due, unless otherwise expressly set forth below with respect to particular Impact Fees, the Project shall be treated as a commercial use, which is consistent with the level of impact expected therefrom (i.e., senior community care facility as opposed to a traditional residential use).

107. Pay Child Care Program Fee equal to 0.5 percent of the hard construction cost of the Project at the time of issuance of the Certificates of Occupancy. (BLDG, PLNG)

108. All fees noted below are the fees currently in effect as of May 22, 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 78-95 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)

109. Provide a **$3,000** cash deposit to the Planning Division to cover Condition Compliance costs, at the time of submittal of plans and documents to Engineering Services or the Building Division for plan check. Planning staff’s time will be charged to this deposit for work performed to implement the Conditions of Approval, from the time of project approval to occupancy approval. The deposit will be placed in a refundable account and any unused funds will be returned upon completion. If the initial deposit is insufficient to cover actual costs, an additional deposit will be required. (PLNG)

110. Pay a Document Imaging fee to reimburse the City for implementation of the Document Imaging and File Retention programs, prior to issuance of Grading or Building Permits. (PLNG)

111. All improvement agreements required in connection with said plans shall be submitted to and approved by the City and other agencies having jurisdiction over said project prior to approval of the Building or Grading Permit, whichever comes first. (ENGR)
112. All required faithful performance bonds and labor materials bonds in an amount equal to 100 percent (100%) of the approved estimates of construction costs of public improvements shall be submitted to and approved by the City and other agencies having jurisdiction (if any) prior to approval of the Building or Grading Permit, whichever comes first. *(ENGR)*

113. Encroachment Permit Application:
   a) Pay the Filing Fee at the time of submittal of permit application, improvement plans and supporting documents to City Engineering Services for review.
   b) Provide a restoration security before issuance of the Encroachment Permit. The security shall be in an amount sufficient to restore existing public improvements to a serviceable condition should development improvement activity cause damage. The amount of the security shall be determined by, and be in a form acceptable to the City Engineer.
   c) Provide a $5,000 cash deposit to cover Condition Compliance costs at the time of submittal of plans and documents to Engineering Services for review. The deposit will be placed in a refundable account. Condition Compliance costs will be charged to this deposit over the life of the project permit and mitigation requirements. Any unused funds will be returned at project completion. If the initial deposit is insufficient to cover actual costs, an additional deposit in an amount determined by the City Engineer will be required. *(ENGR)*

114. Site Development Permit Application:
   a) Pay Grading Fees at submittal of a Permit application. The current fee is determined based on cubic yardage of cut and fill combined.
   b) Provide a $10,000 cash deposit for Erosion Control prior to issuance of Grading Permit. The deposit will be placed in a refundable account. Any unused funds will be returned at project completion. If the initial deposit is insufficient to cover actual costs, an additional deposit in an amount determined by the City Engineer will be required.
   c) Pay Stockpile and Erosion Control Monitoring fee prior to issuance of Grading Permit. The stockpile and erosion control monitoring fee is currently $41.00 per calendar day and is collected for the life of the Grading Permit activity.
   d) Pay the Improvement Plan review fee at the time of submittal of Improvement Plans and supporting documents to Engineering Services for review. The fee includes initial submission and two revisions and is estimated based on the construction cost estimate.
   e) Pay the applicable Construction Inspection fee prior to issuance of the Construction Permits. The current fee is based on the estimated cost of constructing the required improvements.
   f) Pay the Drainage Acreage Fee prior to issuance of the Construction Permits. The current fee is $2,709/acre. *(Drainage Area 23/24). (ENGR)*

115. Sewer Connection Permit:
Pay Sanitary Sewer connection fee prior to building occupancy permit less possible fee credits.

116. **Traffic Mitigation Fee:**

Pay Offsite Street Improvement Program (OSIP) fee less possible fee credits if applicable. The OSIP fee shall be the fee in effect at the time of approval of the building permit. *(ENG)*

**OTHER/MISCELLANEOUS**

117. Contact local postal authorities to get their requirements for mail facilities for the project. The design and location of mail receptacles shall be reviewed and approved by the Planning Division and shown on the Utility, Landscape, and Building Plans, prior to issuance of Grading or Building Permits, whichever comes first. Mail facilities shall be installed prior to occupancy approval. *(PLNG)*

118. Contact the Geographic Information Systems (GIS) Technician, in the Information Technology Department, (925) 671-3051, for addressing requirements, and coordinate with the Contra Costa County Fire Protection District for their approval, prior to issuance of a Building Permit. *(PLNG)*

119. Comply with the applicable requirements of the Contra Costa County Health Department for the abandonment of existing septic tanks or wells. *(ENG)* CMC

120. Comply with the applicable requirements of the Contra Costa County Fire Protection District. Submit complete sets of plans and specifications to the Fire District for review and approval at:

Contra Costa County Fire Protection District
4005 Port Chicago Hwy, Ste. 250
Concord CA 94520

Plan review fees are assessed at that time. The City is not responsible for the collection of fees or enforcement of requirements imposed by the Fire District. *(CCCFPD)*

121. 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 third party 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 after meeting and conferring with the City, the applicant elects not to defend the
Challenge, the City has the right, but not the obligation, in its sole discretion to (i) proceed to defend against the Challenge at its sole cost and expense and shall take the lead role defending such Challenge and may, in its sole discretion, elect to be represented by the legal counsel of its choice. In the alternative, if the applicant and the City both elect not to defend against the Challenge, then the applicant shall remain obligated to indemnify and hold the City harmless from and against any damages, attorneys’ fees or cost awards that are actually awarded. 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 expenses 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 the applicant, 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)

122. The conditional use permit, design review, and tree removal permit shall expire in 12 months from the date on which they became effective unless construction permits are obtained and work has begun. The effective date of the permit and approval is July 16, 2019. (PLNG)

123. A request for a time extension from the expiration date of July 16, 2020 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)
Description of the Proposed Project at 1385 Galindo Street

Concord, California

Avesta Development Group LLC proposes to construct a seven-story project (the “Project”), consisting of an assisted living and memory care facility at 1385 Galindo St., Concord, CA (the “Project Site”). The Project would provide a total of 150 units to serve its residents, consisting of 117 “assisted living” units and 33 “memory care” units as well as associated amenities and related on-site parking, landscaping and utility improvements. The characteristics of each of these types of units as well as other Project components are further described below.

Characteristics/Occupancy of Units:

Age Friendly Assisted Living Units:

These units are designed to allow maximum independence for aging, active senior residents seeking social and mental stimulation. There are 117 units designed on the second floor as well as fourth through seventh floors of the building. These units provide security in a maintenance-free environment. The units provide seniors with an option to live in a high-quality, home-like environment while having access to various activities and programs. Most of the residents may require assistance for daily activities, such as bathing, dressing and medication management, which will be provided on an as needed basis, with high priority placed on independence and dignity.

The 47 units on the top two floors are designed to house lower acuity assisted living residents. It is anticipated that these residents may require assistance with activities of daily living; however, at a lower rate than the residents who reside on the other assisted living floors. Therefore, the staffing requirements for the residents on the top two floors would be lower than the assisted living residents who reside on the other floors.

Each unit would include areas for living, eating, and sleeping, plus a kitchenette and at least one bathroom. There will be a range of studio, one bedroom and two bedroom units provided in the building. The units would be constructed of high quality fixtures and surfaces and designed to appeal to sophisticated and discerning individuals.

The occupants of the units would be offered a menu of services as part of their monthly rent such as meals, housekeeping, laundry, shuttle service and private transportation, social
and recreational activities as well as observation of the resident for changes in condition. Residents will also be offered personal care services such as assistance with dressing, bathing, grooming, toileting and medication management on an as-needed, a la carte basis.

The Project will include various indoor and outdoor amenities to serve the assisted living residents. The common amenity areas may include but are not limited to several outdoor terraces and outdoor barbeque and seating, dining room, café/bistro, concierge, spa and salon, massage room, fitness area, theater, library, doctor’s office, nurse’s stations, medication rooms, several lounge and living rooms, activity rooms and other amenities. The Project also includes various back of house areas such as offices for employees, employee breakroom, commercial kitchen, laundry, housekeeping, package room and several other areas used to serve the residents.

**Memory Care Residences:**

The memory care units would be individual private or shared residences that would house seniors who have been diagnosed with Alzheimer’s or other forms of memory impairment. Each unit would include areas for living, eating, and sleeping, at least one bathroom and may or may not include a kitchen (without cooking facilities). There would be 33 units designed on the third floor, accommodating 40 beds/residents. Memory Care residents would be offered meals, housekeeping, laundry, transportation, social and recreational activities as part of their monthly rent as well as assistance with services such as dressing, bathing, grooming, toileting and medication management as needed. Memory Care residents would also receive specialized personal care tailored to people with memory impairments provided by trained staff members.

Similar to the assisted living floors, the memory care floor also includes various amenity spaces such as a country kitchen, living room and lounge space, dining room, activity room, nurse’s station, medication room, and an outdoor terrace.

Based on the type of occupancy and historical data from over 100 similar properties, it is expected that up to four assisted living units may have two occupants, resulting in an expected 122 assisted

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1 Because assisted living services would be offered by the operator of the Project and available to all residents on an as needed basis, California law requires that the entire Project be licensed as assisted living residences (under the residential care facilities for the elderly statute—Health and Safety Code Section 1569 et seq.) by the California Department of Social Services (“DSS”), whether or not the services are actually utilized by each individual resident.
living residents. In addition, the 33 memory care units will include a programmatic capacity of 40 residents. Therefore, the Project would expect to have a total of 162 beds. However, the Project is expected to operate at a monthly average 92% occupancy, which results in a monthly average of 148 total residents.

Once constructed, the proposed Project would employ approximately 75 employees (“FTE”) in three shifts in the following departments: administration, sales and marketing, facility operations, life enrichment, dining services, assisted living resident care, and memory care. The first shift is expected to have approximately 36 FTE employees; the second shift would have approximately 28.33 FTE employees; and the third shift, which is the overnight shift, would have approximately 10.65 FTE employees.

**Project Site Location and Existing Setting:**

The Project Site is located in the City of Concord, on the Western side of Galindo Street across from the Eastern segment of Laguna Street and across from Concord’s Police Department. The Project Site is also only approximately 0.2 miles from Concord’s Bart Station. Currently the Project Site is vacant land with no physical improvements present. The Project Site was previously used as a mortuary between 1946 and December 2006. This prior mortuary building was damaged by fire on December 26, 2006 and was demolished in 2007, and all prior improvements have since been removed from the site.

The Project Site is approximately one acre and the topography is generally flat. The Project Site slopes to the west. The Project is designed to minimize grading activities onsite, to the extent feasible, yet maintain accessibility.

The Project Site is located in close proximity to downtown Concord’s amenities, such as parks, shops and restaurants, which makes it a walkable location that is convenient both for the residents as well as visitors and employees. The close proximity to Concord’s Bart Station provides convenient access to public transit for employees and visitors.

**Anticipated Social and Revenue Benefits:**

The Project would provide a much-needed housing option for active and aging seniors, many of whom are anticipated to come from Concord and other nearby communities, to stay and age in their neighborhood. It also provides continuum of care to ensure that these seniors have access to
care on an as needed basis to be able to age in place without the need to move to another community as their need for care increases.

The Project is expected to add significant value to the broader community in several ways. It involves the high quality, thoughtful development of a currently vacant site in the City’s downtown area. It would create a much needed, high quality and culturally enriched living environment for seniors, many of whom will be existing local residents, where they have the opportunity to age in place with dignity, close to family and friends, while remaining active and engaged in the local community. The Project would be designed to facilitate the creation of a community with a welcoming atmosphere, providing various opportunities for nearby neighbors, friends and family and Project’s residents to gather, socialize and interact with each other.

Additionally, according to a report published by the State of California Department of Housing and Community Development published in 2018, “many senior households live in homes that are larger than their current needs require, and the large homes can be difficult to maintain. Expanding the production of senior housing with age-specific design (smaller homes with accessible features) can help accommodate the growth of senior households, while also freeing up larger homes for larger households. Thereby, senior housing expands the housing stock at less cost in subsidies due to smaller unit size, while opening up more housing for others”. Therefore, the Project not only creates new housing supply for seniors, it would also indirectly help to open up an existing housing supply that are better suited for younger and growing families in Concord, which in turn would help with increased housing affordability for the residents of Concord and facilitate the City’s opportunity to provide housing options to serve different types of housing needs.

It is also anticipated that the Project would have additional direct and indirect positive impacts on the local economy. For example, the Project would be operated 24 hours a day and 7 days a week on a currently vacant site and is expected to directly create approximately 75 new permanent jobs in three shifts. Given the close proximity of the Project with the City’s downtown area, it is anticipated that the Project would further enliven this area, as Project residents, guests and staff visit, shop and dine in the local business establishments, which in turn enhances the downtown generally and leads to further revenue generation and economic investment.

Furthermore, the Project will provide an increased tax basis compared to the existing vacant land that will be used by the local government to support local schools, improve public safety, maintain

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2 Excerpt from California Housing’s Future: Challenges and Opportunities; Final Statewide Housing Assessment 2025; published February 2018 by California Department of Housing and Community Development.
public streets and parks, and other public amenities. In addition, the Project will be required to pay development impact fees, which are used by the City to enhance streets, parks, library, and other amenities.

**Adjacency Considerations:**

While the Project provides various social and revenue benefits for the City of Concord and its residents as discussed above, it should not create any significant issues with respect to the surrounding neighborhood (e.g., noise, traffic, parking, etc.).

**Noise Concerns:**

For example, with respect to noise, due to the special use of the Project as residences for seniors, once operational, the Project would not be expected to create any significant noise concerns or related disturbance for its neighborhood. While it is anticipated that there may be some noise disturbance during the construction period, this would be temporary in nature. In addition, due to the Project location, the significant street frontage should act as noise buffers, and various industry-standard noise reduction techniques would be employed to address, to the extent feasible, construction-related noise (e.g., limiting construction hours based on the City of Concord Municipal Code standards, use of “quiet” equipment, etc.)

**Parking and Traffic:**

Because of the nature of the Project – an assisted living community for seniors – as well as its location, the Project is expected to generate a relatively low amount of traffic trips and avoid parking conflicts:

1. Transit Oriented Development (“TOD”): Given its close proximity to BART, the Project is anticipated that a significant number of the employees and visitors would utilize BART for commuting to the Project Site; in addition, because it is close to downtown, the Project would enhance opportunities for residents, guests and employees to utilize other non-vehicle means of transportation to serve daily needs. Furthermore, the Project would be constructed consistent with applicable Title 24/Green Code standards including bike parking, parking spaces reserved for carpools, accessible parking, etc. The Project would encourage employees to utilize BART and other public transportation means as well as carpool or use bikes to commute to the Project as needed and feasible.
2. Given the nature of the proposed facility, the age of the assisted living residents typically ranges from 75-95, with average age of over 85. Due to the anticipated age of the residents and the fact that many require assistance with their day to day activities, many (if not most) residents are not expected to own cars or are able to drive.

3. The Project would be equipped with private shuttle transportation for the Project residents’ on-demand use.

4. All meals and daily needs (e.g., dry cleaning, housekeeping, basic health needs, etc.) as well as many on-site activities are provided to the Project residents, reducing the need for the individual residents to travel off-site.

5. Housekeeping and laundry services are provided for all residents.

6. The Project would employ full time nurses on staff as well as employ in house visiting physicians, which would reduce the need for residents to travel off-site for health care management visits.

7. Many on-site recreational and social activities are provided for all residents.

According to many published reports including reports from the Institute of Transportation Engineers (“ITE”), assisted living properties generate far less peak traffic than other uses such as apartments, townhomes, office buildings, retail, etc. According the reports published by the ITE, assisted living properties’ peak level traffic generation is 27%-45% of other land uses of similar size depending on the use.

Additionally, according to various published sources including reports by ITE, assisted living communities require a significantly lower parking ratio than other land uses. Furthermore, Transportation Oriented Developments “TOD projects” are able to utilize a 25% reduction in the parking requirements pursuant to the City’s Municipal Code provisions. The Project proposes 52 parking spots at 0.35 vehicles per unit ratio, 17 of which are inside a garage structure and the remaining 35 are on-grade covered and un-covered parking spots alongside the drive isle or at the rear of the site and outside of the building. This is consistent with parking ratios provided at most other existing assisted living facilities with similar level of staffing requirements, which has proven to be sufficient.

**Design Characteristics:**

The Project Site currently consists of a generally cleared site with some minor asphalt and concrete surfaces but mainly gravel. The majority of earthwork would consist of over-excavation and recompaction as may be required to meet applicable structural requirements for the proposed
building and associated infrastructure. The existing site is generally flat but slopes some to the west; the proposed design seeks to minimize grading, to the extent feasible, while maintaining accessibility. As noted on sheet C2.3 conceptual grading plans, submitted as part of the Project’s application, flow thru planters are included per Contra Costa Clean Water Program requirements and to meet LID standards. Permeable surfaces are also maximized throughout the site to encourage stormwater infiltration.

**Architectural Characteristics:** The proposed seven-story Project has been designed to enhance and complement the surrounding neighborhood. Although it lies outside of the Todos Santos design guideline district, the Project would complement the Early California architectural character of the district further south along Galindo Street with an updated interpretation of the style, using light colored plaster, dark trim and deep recesses. The proposed Project incorporates complementary expressions of the style to create a more vibrant and varied environment near the heart of downtown Concord. This is accomplished with the appropriate building size, massing, scale and design, as well as thoughtful use of materials, utilizing varying finishes, colors and façade articulation to create texture, break up building masses, and provide visual interest to ensure that the building “belongs” in the neighborhood.

The building would be prominently sited along Galindo Street with ground floor uses that enhance and activate the pedestrian environment. The reception lobby, lounge, and main dining area extend out to a ground floor terrace along the project frontage on Galindo St. to provide an opportunity for both indoor and outdoor activities to occur along the street frontage. On upper floors, a combination of residential units, amenity spaces, and roof terraces animate the façade and provide eyes on the street below. The roof terraces proposed on the top floor along Galindo Street articulate the building form and extend the interior amenities to outdoor living areas and open space with views of the surrounding area. The ground floor dining area also has an adjacent private patio, away from the street, to provide a quiet outdoor extension of the space.

The main vehicular entrance is in the center of the building along Galindo Street. The pedestrian entrance and lobby are at the base of a tower that serves as a focal point for the Project. The vehicular entrance occurs adjacent to the tower through the middle of the building to provide access to a rear parking court with approx. 52 on-site spaces.

The building is organized with two wings separated by a central entry motor court. These two wings are joined above the second floor by a bridge that terminates at a central roof terrace. The pedestrian entrance, alongside the vehicular entrance, occurs at the base of the tallest portion of
the building, and is articulated with a large canopy and tile surround. The ground floor to the south of the main entrance contains vegetated green screens in the openings to provide texture and conceal parking beyond.

The façade is clearly defined with a base, middle and top. The building base is enhanced with brick veneer providing a rich texture at the pedestrian level. Decorative accent tile surrounds the main entrance and provides additional richness to the central façade on each side of the vehicular entry drive. The middle is defined by a neutral palette of plaster walls of varying heights with a hierarchy of window sizes organized around a trio of deep-set bays. The top of the building is enhanced with a variety of parapet heights and sculpted cornices. The top level at the front and side steps down along Galindo Street to provide roof terraces with views of downtown and the surrounding area.

Landscape design would reinforce the Project’s Early California style and would utilizes plant materials that are drought tolerant and native in species, to the extent appropriate. Landscape would be at ground level and part of the building’s podium courtyards and roof terraces.

**Circulation:** Vehicle circulation consists of an entrance and exit through a central motor court along Galindo Street. Parking is spread out through the site with the trash enclosure and delivery truck area on the west side of the site. A hammerhead has been incorporated to accommodate trash service in addition to emergency services (fire, ambulance, etc.), which would meet all applicable agency design standards and requirements.

**Access:** The buildings are accessible by foot via the frontage walk on Galindo Street. There is a nearby BART station to allow for accessibility for visitors and employees not driving to the site. The facility would also have a shuttle to facilitate the user experience and transport residents back and forth from local locations.

**Utilities:** Given the urban, infill nature of the Project Site, utility infrastructure is in place and nearby and would be extended to the site. Municipal services would be supplied to the building, and the Project Site is already within all applicable service areas. Water services (potable, fire flow, and non-potable) have been coordinated with Contra Costa Water District (“CCWD”) already and they have issued a notice that the Project as currently designed can be served by CCWD. An email correspondence from CCDW confirming the above is enclosed.

Sewer services would be provided by the City of Concord. In working with City staff, it has been determined feasible to connect to an existing sewer main on the adjacent parcel. An existing
easement would allow for establishment and maintenance of this service connection. A Will-Serve letter from the City confirming the above is enclosed. Following the issuance of the letter, the City has also confirmed that the existing sewer main line has sufficient capacity to serve the Project.

Electric and natural gas service would be provided by PG&E and it is expected that there would be connections along Galindo Street. A Will-Serve letter by PG&E is enclosed.

Stormwater would be collected onsite and C3 flows would be treated via flow thru planters and as otherwise required by applicable agency requirements and regulations. It is anticipated that stormwater would gravity flow through an adjacent parcel stormdrain network.

We look forward to working with the City of Concord’s staff and the opportunity to contribute to the City of Concord’s social and economic future through the implementation of this exciting Project.

Sincerely,

Mohammad Javanbakht, Managing Member
Avesta Development Group, LLC
Dated: January 30, 2019
Building Views

View From Galindo St.
Building Views

View of North
Building Views

View of West
Building Views

View of South
ENTITLEMENT RESUBMITTAL
JUNE 6, 2019
CONCORD, CA
AVESTA | CONCORD
Architecture + Design
SHEET NO:
DATE:
PROJECT NO:

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EXHIBIT D
RECEIVED
JUN 7 2019
PLANNING
30' W EASEMENT, FEE TITLE RELINQUISHED FOR A PORTION OF AMADOR STREET.

AN EASEMENT REMAINS FOR UTILITIES & INCIDENTAL PURPOSES (4748 OR 613)

PACIFIC TELEPHONE AND TELEGRAPH COMPANY EASEMENT

8' RADIUS PACIFIC TELEPHONE AND TELEGRAPH COMPANY EASEMENT (6358 OR 155)

5' SEWER EASEMENT (E) APARTMENT PARKING CARPORT (ON ADJACENT PARCEL), 8' H

LAGUNA STREET

GALINDO STREET

APN 126-133-011

DOWNTOWN MIXED USE (DMX)

APN 126-133-010

DOWNTOWN MIXED USE (DMX)

APN 126-133-008

RESIDENTIAL, HIGH DENSITY (RH)

APN 126-164-046

RESIDENTIAL, HIGH DENSITY (RH)

APN 126-164-047

DONWTOWN MIXED USE (DMX) (E) HOUSE (ON ADJACENT PARCEL), 17' H

(E) BUILDING (ON ADJACENT PARCEL), 24' H

(E) BUILDING (ON ADJACENT PARCEL), 22' H

(E) BUILDING (ON ADJACENT PARCEL), 17' H

(E) BUILDING (ON ADJACENT PARCEL), 11' H

(E) APARTMENT PARKING CARPORT (ON ADJACENT PARCEL), 8' H

(E) APARTMENT PARKING CARPORT (ON ADJACENT PARCEL), 8' H

(E) APARTMENT PARKING CARPORT (ON ADJACENT PARCEL), 8' H

(P) BUILDING, 94.5' H

FF 71.36

(E) BUILDING (ON ADJACENT PARCEL), 7' H

(E) TRASH ENCLOSURE (ON ADJACENT PARCEL)

PROPOSED PROJECT, SPANS OVER THREE PARCELS: 126-133-009, 126-133-013, & 126-164-052 DONWTOWN MIXED USE (DMX)
POTENTIAL BUS STOP LOCATION ALONG GALINDO STREET. SPACE RESERVED FOR BUS SIGN AND SEATING.

(P) 30' WIDE ENTRY/EXIT DRIVEWAY PER CITY STANDARDS

PATIO AT GRADE (EXTERIOR OF BUILDING)

SIDEWALK (P) BUILDING, SEE ARCHITECTURAL DRAWINGS

PARKING GARAGE WITHIN BUILDING ENVELOPE, 29 TOTAL STALLS INCLUDING STACKERS (12 STALLS)

PROPERTY LINE BOUNDARY LIMITS, TOTAL AREA = 1.09 ACRE

FIRE TRUCK TURN AROUND, LIMITS OF HAMMERHEAD

12'X40' LOADING AREA

SIDEWALK EXTERIOR UNCOVERED OR PARTIALLY COVERED PARKING, 21 STALLS

ADA PATH OF TRAVEL

COVERED PARKING UNDER BUILDING ROOF, 3 STALLS

SIDEWALK

TRASH ENCLOSURE WITH ROOF

GENERATOR ENCLOSURE

FLOW THRU PLANTER AT GRADE

FLOW THRU PLANTER AT GRADE, TYP

EGRESS PATH OF TRAVEL

WHEEL STOP, TYP

INSTALL STOP SIGN AND STRIPING AT DRIVE EXIT

PLANTER WALL WILL ACT AS A RETAINING WALL, SEE GRADING PLAN

BACK OF CURB WILL ACT AS A RETAINING WALL, SEE GRADING PLAN

6' WALL ALONG NORTH PROPERTY LINE, SEE LANDSCAPE DRAWINGS

8' WALL ALONG NORTH PROPERTY LINE, SEE LANDSCAPE DRAWINGS

(P) SIDEWALK ALONG FRONTAGE, 4' W. TIE IN TO (E) SIDEWALK. SLOPE TOWARDS GALINDO STREET.

PAINT CURB RED, NO PARKING

PAINT CURB RED, NO PARKING

SIDEWALK

FLOW THRU PLANTER

11'-5"

6'-6"

15' TYP

9' TYP

1' TYP

24'

19'

TYP

9'

19'

TYP

PAINT CURB RED, NO PARKING

SIDEWALK

FLOW THRU PLANTER

11'-5"

6'-6"

15' TYP

9' TYP

1' TYP

24'

19'

TYP

9'

19'

TYP

COVERED PARKING UNDER BUILDING ROOF, 11 STALLS

2'-6"

OVERHANG, TYP

(P) LANDSCAPING STRIP ALONG FRONTAGE, 5' W, SEE LANDSCAPE DRAWINGS

CLIENT PROJECT NO.: 707 AVIATION BLVD, SANTA ROSA, CA 95403

FILE NAME: AVESTA - CONCORD

DRAWN BY: RICHARD@ESSENG.NET

APN 126,133-009, 126-133-013, & 126-164-052

CIVIL_ENTITLEMENT_PACKAGE.DWG

PLOT DATE: June 6, 2019

DRAWING CREATION DATE: June 6, 2019

EES PROJECT NUMBER: 2/11/19

SBMT BY: 4:25 PM

A 2 3

B 4 5

C D

E

707-477-2590

EXP. 09-30-20

No. C 79639

REVISIONS BASED ON CITY COMMENTS 1 4/4/19

REVISIONS BASED ON CITY COMMENTS 2 6/6/19

IMPROVEMENT PLAN

C2.2
**EARTHWORK CALCULATION SUMMARY:**

**ADDITION TO OVEREX/RECOMPACT VALUE**

1. **CONFORM TO EXISTING GRADES ALONG EAST PROPERTY LINE AND INTERFACE WITH SIDEWALK AND GALINDO STREET.**

<table>
<thead>
<tr>
<th>STA</th>
<th>DESCRIPTION</th>
<th>SD</th>
<th>SS</th>
</tr>
</thead>
<tbody>
<tr>
<td>0+00</td>
<td></td>
<td>0+50</td>
<td></td>
</tr>
<tr>
<td>1+00</td>
<td></td>
<td>1+50</td>
<td></td>
</tr>
<tr>
<td>2+00</td>
<td></td>
<td>2+50</td>
<td></td>
</tr>
<tr>
<td>3+00</td>
<td></td>
<td>3+50</td>
<td></td>
</tr>
<tr>
<td>4+00</td>
<td></td>
<td>4+50</td>
<td></td>
</tr>
</tbody>
</table>

**DESIGN SPEED = 60 mi/h**

- **BCC 67.90**
- **FG 71.34**

**PARKING STALLS AND AISLE, TYP**

- **CO**
- **PARKING STAYLE (2")**

**June 6, 2019**

**CLIENT PROJECT NO.:**

- **707-477-2590**
- **RICHARD@ESSENG.NET**

**REVISIONS BASED ON CITY COMMENTS**

- 2 6/6/19
- 1 4/4/19
NOTES:
1. SURFACING UNDER ROOF DOES NOT RECEIVE RAINFALL SO IS NOT INCLUDED IN STORMWATER CALCULATIONS.
2. FLOW THRU PLANTER AREA SHOWN IS GREATER THAN THE MINIMUM REQUIRED PER STANDARD C3 CALCULATIONS, SEE PRELIMINARY CALCULATION OUTPUT.

HATCH LEGEND:
- CONCRETE
- PAVING
- ROOF
- ROOF
- LANDSCAPING

SUMMARY TABLE:

<table>
<thead>
<tr>
<th>Type</th>
<th>Area (sq ft)</th>
<th>Rainfall Adjustment Factor</th>
<th>Minimum Area of Stormwater</th>
<th>Proposed Area of Stormwater</th>
</tr>
</thead>
<tbody>
<tr>
<td>Self-Treating DMAs</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

For Detailed information, please refer to the project documentation.

Client Project No.: [Details]
File Name: [Details]
Drawn By: [Details]
Reviewed By: [Details]
Design By: [Details]

Avesta Development Inc.
1385 Galindo St.
Concord, CA 94520

APN 126,133-009, 126-133-013, & 126-164-052

Civil Entitlement Package.DWG

Civ. Accessible, Indoor/Outdoor, Office Building

ES Project Number:

SBMT BY: [Details]
PLOT SCALE: [Details]
PLOT DATE: [Details]

To City for Review and Comment:

June 6, 2019

707 Aviation Blvd, Santa Rosa, CA 95403
707-477-2590    Richard@Esseng.Net

2/11/19

DATE

EXP. 09-30-20
No. C 79639

Revision based on City Comments:
1 4/4/19
2 6/6/19
PODIUM COURTYARD + ROOF TERRACE SITE PLAN

2ND FLOOR PODIUM FITNESS COURTYARD

3RD FLOOR PODIUM MEMORY CARE COURTYARD

7TH FLOOR ROOF TERRACE
**Architectural Design**

**Avesta + Concord**

---

**Project No.: 1264-0003**

**Avesta**  │  **Concord**

**June 6, 2019**

**Landscaping Plan**

---

**Scale:** 1" = 20'-0"  

---

**Legend**

- **F** Full Shade Tree
- **T** Three Quarter Shade Tree
- **H** Half Shade Tree
- **Q** Quarter Shade Tree

---

**Shade Tree Legend**

**Tree Species**

---

**Tree Area Coverage Qty**

---

**Area**

---

**Shade Total**

---

**Parking Shade Tree**

---

**Landscaping Area**

---

**Ground Level**  

---

**Roof Terrace and Podium Courtyard**

---

**Total Landscape Area**

---

**LANDSCAPE PLAN**

**AVESTA | CONCORD**

**PROJECT NO. 1264-0003**

**JUNE 6, 2019**
**LANDSCAPE PLAN - RENDERED**

**AVESTA | CONCORD**

**PROJECT NO. 1264-0003**

**JUNE 6, 2019**

---

**LANDSCAPE AREA**

- **SITE AREA**: 9,924 SF
- **REGULAR LANDSCAPE AREA**: 6,328 SF
- **PROPOSED LANDSCAPE AREA**: 3,596 SF
- **GREEN ROOF**: 1,322 SF
- **TOTAL LANDSCAPE AREA**: 8,050 SF (26,000 SF)

---

**TREES**

<table>
<thead>
<tr>
<th>Botanical / Common Name</th>
<th>Cont.</th>
<th>Water Use</th>
<th>Qty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ailanthus Xylonoides</td>
<td>Mod.</td>
<td>Low</td>
<td>2</td>
</tr>
<tr>
<td>Acer rubrum 'Red Horse'</td>
<td>Mod.</td>
<td>Low</td>
<td>2</td>
</tr>
<tr>
<td>Bonsai palm</td>
<td>Mod.</td>
<td>Low</td>
<td>6</td>
</tr>
<tr>
<td>Evergreen dwarf pine</td>
<td>Mod.</td>
<td>Low</td>
<td>9</td>
</tr>
</tbody>
</table>

---

**SHRUBS**

<table>
<thead>
<tr>
<th>Botanical / Common Name</th>
<th>Cont.</th>
<th>Water Use</th>
<th>Qty</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buxus sempervirens 'Blue Chip'</td>
<td>Mod.</td>
<td>Low</td>
<td>1</td>
</tr>
<tr>
<td>Osmanthus heterophyllus</td>
<td>Mod.</td>
<td>Low</td>
<td>1</td>
</tr>
</tbody>
</table>

---

**SOD**

- **Phyllocladus asplenifolius 'Lemon Drop'**
- **Thymus vulgaris 'Glacier'**

---

**HARDSCAPES**

- **Granite countertops**
- **Concrete pads**

---

**PARKING SHADE TREE**

<table>
<thead>
<tr>
<th>Tree Species</th>
<th>Tree Str. Coverage Qty</th>
<th>Area</th>
<th>Shade Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zelkova Serrata</td>
<td>Full</td>
<td>2</td>
<td>802</td>
</tr>
<tr>
<td></td>
<td>Half</td>
<td>5</td>
<td>801</td>
</tr>
<tr>
<td></td>
<td>Quarter</td>
<td>2</td>
<td>801</td>
</tr>
</tbody>
</table>

**SHADE TREE LEGEND**

- **SUN**: Description
- **FULL SHADE TREE**: T
- **THREE QUARTER SHADE TREE**: F
- **HALF SHADE TREE**: H
- **QUARTER SHADE TREE**: G

**TOTAL TREE SHADY AREA PROVIDED**: 4,831 SF

**Percent of Parking Shaded**: 25.6%

**Total Parking Area**: 9,620 SF
2ND FLOOR PODIUM FITNESS COURTYARD

SHRUBS

- *Acer palmatum `Beni Maiko`* 5 gal, Beni Maiko Japanese Maple
- *Citrus kumquat `Meiwa`* 5 gal, Meiwa Kumquat
- *Citrus x aurantiifolia `Dwarf Bearss Seedless`* 5 gal, Dwarf Bearss Seedless Lime
- *Laurus nobilis `Monrik`* 5 gal, Little Ragu Sweet Bay

SAVANNAH

- *Coprosma x `Tequila Sunrise`* 5 gal, Gold Mirror Plant
- *Cordyline x `Electric Pink`* 15 gal, Pink Cordyline
- *Dianella revoluta `Baby Bliss`* 1 gal, Baby Flax
- *Erysimum x `Bowles` Mauve`* 1 gal, Wallflower
- *Galvezia speciosa `Firecracker`* 5 gal, Bush Snapdragon
- *Gardenia jasminoides `August Beauty`* 5 gal, Gardenia
- *Heuchera x `Electric Lime`* 1 gal, Coral Bells
- *Liriope spicata `Big Blue`* 1 gal, Creeping Lily Turf
- *Mahonia eurybracteata `Soft Caress`* 5 gal, Mahonia Soft Caress
- *Pittosporum tenuifolium `Golf Ball`* 5 gal, Tawhiwhi
- *Punica granatum `Wonderful`* 5 gal, Pomegranate

VINE/ESPALIER

- *Pandorea jasminoides* 15 gal, Bower Vine

GROUND COVERS

- *Lomandra longifolia `Platinum Beauty`* 1 gal, Variegated Dwarf Mat Grass

3RD FLOOR PODIUM MEMORY CARE COURTYARD

SHRUBS

- *Galvezia speciosa `Firecracker`* 5 gal, Bush Snapdragon
- *Liriope spicata `Big Blue`* 1 gal, Creeping Lily Turf
- *Pittosporum tenuifolium `Golf Ball`* 5 gal, Tawhiwhi

3RD FLOOR PODIUM MEMORY CARE COURTYARD

SHRUBS

- *Mahonia eurybracteata `Soft Caress`* 5 gal, Mahonia Soft Caress
- *Pittosporum tenuifolium `Golf Ball`* 5 gal, Tawhiwhi
- *Punica granatum `Wonderful`* 5 gal, Pomegranate

VINE/ESPALIER

- *Pandorea jasminoides* 15 gal, Bower Vine

GROUND COVERS

- *Lomandra longifolia `Platinum Beauty`* 1 gal, Variegated Dwarf Mat Grass

7TH FLOOR ROOF TERRACE

SHRUBS

- *Mahonia eurybracteata `Soft Caress`* 5 gal, Mahonia Soft Caress
- *Pittosporum tenuifolium `Golf Ball`* 5 gal, Tawhiwhi

VINE/ESPALIER

- *Pandorea jasminoides* 15 gal, Bower Vine

GROUND COVERS

- *Lomandra longifolia `Platinum Beauty`* 1 gal, Variegated Dwarf Mat Grass
**PLANTING IMAGES**

**TREES**
- ARBUTUS 'MARINA'
- ELAEOCARPUS DECIPIENS
- ZELKOVA SERRATA 'GREEN VASE'

**VINES**
- PARTHENOCISSUS 'VETCHII'
- PANDOREA JASMINOIDES

**SHRUBS**
- CORDYLINE X 'ELECTRIC PINK'
- DIANELLA 'BABY BLISS'
- GARDENIA 'AUGUST BEAUTY'
- HEUCHERA 'ELECTRIC LIME'
- LIRIOPE 'BIG BLUE'
- MAHONIA 'SOFT CARESS'
- NANDINA 'GULF STREAM'

**GROUND COVER**
- ARCTOSTAPHYLOS 'POINT REYES'
- CAREX DIVULSA
- CHONDROPETALUM TECTORUM
- HEUCHERA 'PLUM PUDDING'
- LOMANDRA 'PLATINUM BEAUTY'
- MYOPORUM PARVIFOLIUM

**DATE:** 2.21.2018
**PROJECT NO:** 1264-0003
**SCALE:**
**SHEET:**
THE BACK SIDE OF PARAPETS WHERE EXPOSED TO PUBLIC VIEW SHALL BE FINISHED TO MATCH THE FRONT FINISH.

NOTE:

Scale: 1/16" = 1'-0"
1. STUCCO (PORTLAND CEMENT PLASTER)
2. STUCCO OVER BUILT OUT TRIM
3. VINYL WINDOW
4. GLASS PANEL DOOR
5. BRICK VENEER
6. LOUVER PANEL
7. SIMULATED HEAVY TIMBER WOOD
8. DECORATIVE METAL GUARD RAIL
9. DECORATIVE METAL GRILLE / FENCE
10. FLAT METAL SIDING PANEL
11. METAL BOX CANOPY
12. METAL AWNING
13. DECORATIVE TILE
14. GREEN SCREEN
15. DECORATIVE EXTERIOR LIGHT FIXTURE

BUILDING SIGNAGE
B1. EXTRUDED METAL LETTERS
B2. VERTICAL VINYL BANNER
1. STUCCO (PORTLAND CEMENT PLASTER)  
2. STUCCO OVER BUILT OUT TRIM  
3. VINYL WINDOW  
4. GLASS PANEL DOOR  
5. BRICK VENEER  
6. LOUVER PANEL  
7. SIMULATED HEAVY TIMBER WOOD  
8. DECORATIVE METAL GUARD RAIL  
9. DECORATIVE METAL GRILLE / FENCE  
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15. DECORATIVE EXTERIOR LIGHT FIXTURE  

BUILDING SIGNAGE  
B1. EXTRUDED METAL LETTERS  
B2. VERTICAL VINYL BANNER
1. STUCCO (PORTLAND CEMENT PLASTER)
2. STUCCO OVER BUILT OUT TRIM
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11. METAL BOX CANOPY
12. METAL AWNING
13. DECORATIVE TILE
14. GREEN SCREEN
15. DECORATIVE EXTERIOR LIGHT FIXTURE

BUILDING SIGNAGE
B1. EXTRUDED METAL LETTERS
B2. VERTICAL VINYL BANNER
Note: Where louvers are provided for HVAC unit at pair of windows, a second louver will be provided under adjacent window to match (or oversized louver will be provided to extend beyond both windows).

Where no louver is required below either window, a smooth plaster finish will be provided.
Administrative Draft
Exemption Applicability Memorandum

Avesta Assisted Living Facility
(PL19036 - UP, DR, RT)

June 2019

Prepared by:

ANALYTICAL ENVIRONMENTAL SERVICES
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  Appendix C - Cultural Resources Technical Memorandum
Application Summary

1. Project Title: Avesta Assisted Living Facility

2. Lead Agency Name and Address: City of Concord
   Community and Economic Development Department
   Planning Division
   1950 Parkside Drive, MS/53
   Concord CA 94519

3. Contact Person and Phone Number:
   G. Ryan Lenhardt, Senior Planner
   (925) 671-3162

4. Project Location: 1335-1385 Galindo Street

5. Project Sponsor's/Applicant's Name and Address:
   Avesta Development Group, LLC.
   Attn: Mohammad Javanbakht
   1095 Colby Avenue
   Menlo Park CA 94025

6. General Plan Land Use Designation:
   Downtown Mixed Use (DTMU)

7. Zoning:
   DMX (Downtown Mixed Use), “Transit Station Overlay District”

8. Specific Plan:
   Downtown Concord Specific Plan

9. Surrounding Land Uses and Setting:
   Residential, public/institutional uses, and commercial mixed development and supporting infrastructure

10. Description of Project:
    The proposed facility consists of a total of approximately 150 units, which are anticipated to contain a mix of assisted living and memory care, and associated improvements and amenities. The seven-story building includes ground floor dining, living, fitness, and activity areas and the upper floors contain residences and lounges.
SECTION 1.0 – INTRODUCTION

1.1 PROJECT LOCATION

The Proposed Project would be located at 1335-1385 Galindo Street, in the City of Concord (City) (Contra Costa County Assessor Parcel Numbers [APNs] 126-164-052-6, 126-133-013-6, and 126-133-009-4) (Project Site). The Project Site lies along the west side of Galindo Street, approximately 0.8 miles southeast of State Route 242 (SR-242) and approximately 1.2 miles southeast of Interstate 680 (I-680), both of which are major transportation corridors. It is also close to public transit, being located approximately 0.25 miles southwest of the Concord Bay Area Rapid Transit (BART) station (which connects Concord to the greater Bay Area), and is served by County Connection routes 14, 16, 19, 20, 91X, 314, and 320 accessed by an existing bus stop on the east side of the southern connection of Oak Street to Galindo Street.

1.2 PROJECT SUMMARY

The Applicant (Avesta Development Group, LLC) proposes to construct a seven-story assisted living and memory care facility (Facility). The Proposed Project would provide a total of approximately 150 units, which are anticipated to contain a mix of 117 assisted living and 33 memory care residences as well as associated amenities and related on-site parking, landscaping, and utility improvements.

The assisted living units would be designed to allow maximum independence for aging, active senior residents seeking social and mental stimulation. These units would give seniors the opportunity to live in a home-like environment with access to various activities and programs, while also being observed for changes in condition. The occupants of the units would be offered a menu of services as part of their monthly rent such as meals, housekeeping, laundry, shuttle service and private transportation, social and recreational activities, as well as personal assistance on an as-needed basis; residents and their families would have the opportunity to select from the foregoing menu of activities and assistance, thereby customizing their living environment to fit their specific needs. Because assisted living services would be offered by the Applicant and available to all residents on an as-needed basis, California law requires that the entire project be licensed as a Residential Care Facility for the Elderly (RCFE) pursuant to Health and Safety Code Section 1569 et seq., by the California Department of Social Services (“DSS”), whether or not the services are actually utilized by each individual resident.

The memory care units would be individual private or shared residences that would house seniors who have been diagnosed with Alzheimer’s or other forms of memory impairment. The anticipated 33 units would be located on the third floor and could accommodate approximately 40 beds/residents. Memory care residents would be offered meals, housekeeping, laundry, transportation, and social and recreational activities as part of their monthly rent, as well as specialized personal assistance and care tailored to people with memory impairments provided by trained staff members.
1.3 APPLICABILITY OF CLASS 32 EXEMPTION

Article 19 (Categorical Exemptions) of the California Environmental Quality Act (CEQA) Guidelines contains, as required by Section 21084 of the Public Resources Code (PRC), a compiled list of classes of projects that have been determined not to have a significant effect on the environment. Accordingly, these classes of projects are to be categorically exempt from CEQA requirements, unless one of the exceptions listed in PRC Section 15300.2 are met.

Under a Class 32 Exemption (Section 15332 of Article 19 of the CEQA Guidelines), a project characterized as an infill development project must satisfy the following conditions outlined below to qualify for this exemption:

a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;

b) The proposed development occurs within city limits on a Project Site of no more than five acres substantially surrounded by urban uses;

c) The Project Site has no value as habitat for endangered, rare, or threatened species;

d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality;

e) The site can be adequately served by all required utilities and public services.

Even if meeting the conditions above, a proposed project would not qualify for the exemption if any of the following exceptions outlined in Section 15300.2 of the CEQA guidelines apply:

a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies;

b) Cumulative Impact. Exemptions are inapplicable when the cumulative impact of successive projects of the same type in the same place over time is significant;

c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances;

d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR;

e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code;
f) **Historical Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Section 3.0 below provides substantial evidence that the Proposed Project qualifies for the infill development project exemption under CEQA Guidelines Section 15332 (Class 32). Further, the analysis in Section 4.0 below provides substantial evidence that none of the exceptions to categorical exemptions apply to the Proposed Project. Therefore, the Proposed Project is exempt from further CEQA analysis.

**SECTION 2.0 – PROPOSED PROJECT DESCRIPTION**

**2.1 PROJECT LOCATION AND EXISTING SETTING**

The Proposed Project would be located at 1335-1385 Galindo Street, in the City of Concord (City) (Contra Costa County Assessor Parcel Numbers [APNs] 126-164-052-6, 126-133-013-6, and 126-133-009-4) (Project Site). The approximately 1.1-acre Project Site lies on the west side of Galindo Street. The Project Site is located approximately 0.8 miles southeast of State Route 242 (SR-242) and approximately 1.2 miles southeast of Interstate 680 (I-680), both of which are major transportation corridors. The Project Site is located in close proximity to downtown Concord’s amenities, such as parks, shops, and restaurants, which make it a walkable location that is convenient for residents, visitors, and employees. The Project Site is also close to public transit, being located approximately 0.25 miles southwest of the Concord Bay Area Rapid Transit (BART) station (which connects Concord to the greater Bay Area), and is served by County Connection Route 16 by an existing bus stop on the east side of the southern connection of Oak Street to Galindo Street. The close proximity to the Concord BART station and County Connection Route 16’s bus stop provide convenient access to public transit for visitors, employees, and residents.

**2.2 EXISTING SETTING**

**GENERAL PLAN, ZONING AND SPECIFIC PLAN**

The Project Site is designated as a part of the Central Concord Downtown Mixed Use Area (DTMU) in the City of Concord 2030 General Plan. In addition to the General Plan land use designation, the site is zoned Downtown Mixed Use (DMX), in the Transit Station Overlay District, and is intended for a high density mix of residential, commercial, and office development. This zoning designation allows for a combination of uses that balance jobs and housing opportunities including offices, commercial development, hotels, and public and residential uses. DMX allows for residential densities that range from a minimum of 33 units per acre to a maximum of 100 units per acre, and a FAR of 6.0 for commercial uses. The Project Site provides an opportunity to provide more types of housing in the DMX zoned area. The Proposed Project is located within the Transit Overlay District, which is intended to
encourage a concentrated mixture of increased residential density and commercial uses in a pedestrian-oriented environment in the area around BART stations.

The site is also located in an area designated as a priority development area in the Concord Downtown Specific Plan located between the Ellis Lake and Central Business Districts, adjacent to the Bart Station Area. However, the project site does not have a designated land use within the Downtown Specific Plan or a designated building use within the Preferred Alternative New Development Program.

EXISTING LAND USES

The Project Site is vacant, but disturbed, and is partially covered by pavement with approximately 23 existing trees. Four protected trees are proposed for removal, which will require a Tree Removal Permit from the City. The Project Site was historically used as a mortuary from 1946 to 2006. The mortuary was damaged by a fire in December 2006 and was demolished in 2007. All prior improvements have been removed from the Project Site except for the previously-mentioned pavement.

SURROUNDING LAND USES

The Project Site is bounded on the east by Galindo Street and the Concord Police Station. North of the site is a partially occupied commercial area, including an active dog day care business and a vacant building, previously occupied by a motorcycle dealership. Directly to the south are an automotive glass repair shop and residential land uses. Each of the above-referenced surrounding uses shares the same General Plan designation (DTMU) and zoning designation (DMX) with the Project Site. West of the project is the Amador Heights Apartments with a zoning designation of Residential, High Density (RH).

TRANSPORTATION AND CIRCULATION

Regional access to the Project Site is provided via Galindo Street and Clayton Road from the North and Monument Boulevard from the South. Galindo Street provides access from SR 242 and I-680 to the Project Site (Concord Avenue becomes Galindo Street at the intersection with Salvio Street, northwest of the Project Site). Monument Boulevard provides direct access from northbound I-680 to the South and becomes Galindo Street at the intersection with Cowell Road south of the Project Site.

DRAINAGE

There are no existing drainage features on the Project Site. The Project Site currently consists of a generally cleared site composed predominantly of gravel with some insubstantial asphalt and concrete surfaces. The existing site is generally flat but partially slopes to the west. Currently, stormwater generated on the Project Site washes over the site as sheet flow to the southwest towards an open reservoir approximately 200 feet southwest of the Project Site.
UTILITIES

The Project Site is located in an urban area and is currently served by existing utilities, including: electricity, natural gas, water, wastewater, storm drainage, and telecommunications infrastructure. Water, wastewater, electricity, and natural gas services are supplied via underground lines.

ELECTRICITY, NATURAL GAS, AND TELECOMMUNICATIONS

Electric and natural gas services for the City, including the Project Site, are provided by the Pacific Gas and Electricity Company (PG&E). Telecommunication services are provided by AT&T, while Comcast/Astound provide cable telecommunication services to the area.

WATER

The Contra Costa Water District (CCWD) acts as the City’s water supplier, providing water supplies to the City’s municipal system from the Sacramento/San Joaquin Delta. CCWD serves treated and raw water to central and eastern parts of Contra Costa County. The Project Site falls within CCWD’s service area.

WASTEWATER

Sewer services for the City are provided by the City Public Works Department, with treatment provided at the Central Contra Costa Sanitary District (CCCSD) Treatment Plant (CCCSDTP) in Martinez, California. CCCSD permits, inspects, and treats wastewater discharged by the businesses and residences of Concord. Wastewater within CCCSD is primarily conveyed to the CCCSDTP through pipes by the force of gravity. The plant has a treatment capacity of approximately 54 million gallons per day (mgd). In total, the plant currently receives average daily flows of approximately 34 mgd. The plant is staffed 24 hours a day, 365 days a year. Wastewater moves through CCCSD’s 1,500 miles of sewer lines, and then arrives at the plant’s headworks to begin treatment. Most of the wastewater is treated to a secondary level, disinfected by ultraviolet light, and then discharged into Suisun Bay. Approximately 600 million gallons per year are treated to a tertiary level through additional filtration and disinfection before being distributed as recycled water for landscape irrigation, industrial processes, and plant operations (CCCSD, 2009). The Project Site falls within CCCSD’s service area.

2.3 PROJECT DESCRIPTION

ASSISTED LIVING AND MEMORY CARE FACILITY

The Proposed Project involves the construction of a seven-story assisted living and memory care facility (Facility). The Proposed Project would provide a total of approximately 150 units, with a proposed mix of approximately 117 assisted living and approximately 33 memory care units, as well as associated amenities and related on-site parking, landscaping, and utility improvements. Based on the nature of the proposed land use, the Proposed Project would
result in a Floor to Area Ratio (FAR) of 3.2. The Proposed Project would include various indoor and outdoor amenities to serve the assisted living residents and their visitors. The common areas may include but are not limited to several outdoor terraces, outdoor barbeque areas with seating, dining room, café/bistro, concierge, spa and salon, massage room, fitness area, theater, library, doctor’s office, nurse’s stations, medication rooms, several community lounge and living rooms, activity rooms, and other amenities. The Proposed Project would also include various back of house areas, such as offices for employees, an employee breakroom, a commercial kitchen, laundry, housekeeping, a package room, and several other areas used by employees to serve residents and visitors.

Based on the type of occupancy and historical data from over 100 similar facilities and the Applicant’s submittal materials, it is anticipated there would be approximately 117 assisted living units that would house approximately 121 assisted living residents, along with approximately 33 memory care units that would include a programmatic capacity of up to 40 memory care residents. Therefore, it is reasonable to assume that the Proposed Project may have a total of approximately 161 beds and serve a total of 161 residents.

Once constructed, the Proposed Project would employ a total of approximately 75 full-time equivalent (FTE) employees, who would work in three different shifts in the following departments: administration, sales and marketing, facility operations, life enrichment, dining services, assisted living resident care, and memory care. The first shift is anticipated to have approximately 36 FTE employees; the second shift is anticipated to have approximately 28.33 FTE employees; and the third shift is anticipated to have approximately 10.65 FTE employees.

As the Proposed Project has been classified as an Assisted Living Residential Facility for Seniors in the DMX zoning district, the Proposed Project is subject to a Use Permit before the City’s Planning Commission under the City’s Development Code (Table 18.45.020). As part of the Use Permit review process, the Proposed Project is also subject to design review and tree removal permits.

ASSISTED LIVING UNITS

The assisted living units would be designed to allow maximum independence for active and aging senior residents seeking social and mental stimulation, and would be located on the second and fourth through seventh floors of the Facility. As noted above, these units would provide seniors with an option to live in a home-like environment while having access to various activities and programs. Most of the residents would require assistance for daily activities, such as bathing, dressing, and medication management, which would be provided on an as-needed basis, with high priority placed on independence and dignity. Each unit would include areas for living, eating, and sleeping, plus a kitchenette and at least one restroom. A range of studio, one bedroom, and two bedroom units would be provided in the Facility. The occupants of these units would be offered a menu of services as part of their monthly rent,

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1 Because the Proposed Project is a Residential Care Facility for the Elderly (RCFE), the project would be considered a commercial use, with a residential component. For purposes of determining applicable development standards (e.g., setbacks, development intensity, etc.), the allowable Floor Area Ratio (FAR) governs development standards and residential density does not apply. With a building area of approximately 150,000 SF (including covered parking), the Proposed Project has a FAR of approximately 3.2 which is approximately one half of the allowable FAR of 6.0.
such as meals, housekeeping, laundry, shuttle service and private transportation, social and recreational activities, and observation for changes in their condition; the residents and their families would have the opportunity to select from the foregoing activities and level of assistance, thereby customizing their living environment to fit their specific needs. The occupants of these units would also be offered personal care services, such as assistance with dressing, bathing, grooming, toileting, and medication management, on an as-needed basis.

**MEMORY CARE UNITS**

The memory care units, located on the third floor, would be individual private or shared residences that would house senior residents who have been diagnosed with Alzheimer’s or other forms of memory impairment. Each unit would include areas for living, eating, and sleeping, at least one restroom, and may include a kitchen without cooking facilities. Similar to the assisted living units, the memory care floor would also include various amenity spaces, such as a community kitchen, living room and lounge space, dining room, activity room, nurse’s station, medication room, and an outdoor terrace.

**GRADING DESIGN**

The Project Site currently consists of a generally cleared site composed predominantly of gravel with some insubstantial asphalt and concrete surfaces. The majority of earthwork for the Proposed Project would consist of the import and compaction of fill materials to raise the majority of the Project Site up to the same elevation as Galindo Street. This approach would minimize grading, to the extent feasible, while maintaining accessibility. Flow through planters would be included pursuant to applicable Contra Costa Clean Water Program requirements to meet low impact development (LID) standards. Permeable surfaces would also be maximized throughout the Project Site to encourage stormwater infiltration.

**ARCHITECTURE**

The Facility would be seven stories tall and prominently face Galindo Street, with ground floor uses that enhance and activate the pedestrian environment. The reception lobby, lounge, and main dining area would extend out to a ground floor terrace along the Proposed Project frontage on Galindo Street. On upper floors, a combination of residential units, amenity spaces, and roof terraces would animate the façade and provide eyes on the street below. The roof terraces proposed on the top floor of the Facility along Galindo Street would articulate the building form and extend the interior amenities to outdoor living areas and open space with views of the surrounding area. The ground floor dining area would have an adjacent private patio, away from Galindo Street, to provide a quiet outdoor extension of the space.

The main vehicle entrance would lead to the center of the Facility along Galindo Street. The pedestrian entrance and lobby would be at the base of an architectural tower feature that would serve as a focal point for the Proposed Project. The vehicular entrance would occur adjacent to this tower feature through the middle of the Facility to provide access to a rear parking court with 64 on-site spaces.
The Facility would be organized with two wings, separated by a central entry motor court or porte-cochere. These two wings would be joined above the second floor by a bridge that would terminate at a central roof terrace. The pedestrian entrance, alongside the vehicle entrance, would occur at the base of the tallest portion of the Facility, and would be articulated with a large canopy and tile surround. The ground floor to the south of the main entrance would contain vegetated green screens in the openings to provide texture and to conceal parking beyond to the extent feasible.

The Project Site is not located in any aesthetically sensitive area or district (such as a designated historical district) and there is no substantial evidence that the proposed architecture would be in conflict with that of the surrounding structures. The design of the Proposed Project would be subject to the applicable design criteria outlined within Section 18.415.080 of the City’s Development Code, which would be reviewed and finalized pursuant to applicable City Code provisions and procedures related to design review. Accordingly, any design approvals would stem from the discretionary conditional use approval of the Proposed Project and would not invoke additional CEQA review².

**LANDSCAPING**

Landscape design would utilize plant materials that are drought tolerant native species, to the extent appropriate. Landscaping would be at ground level and part of the Facility’s podium courtyards and roof terraces.

**CIRCULATION AND ACCESS**

As documented further below, the Proposed Project is not expected to generate more than 100 peak hour vehicle trips and therefore does not warrant a detailed traffic impact analysis on the surrounding roadway network, following Contra Costa Transportation Authority’s (CCTA) Technical Procedures requirements (Fehr & Peers, 2019). The Proposed Project’s trip generation was estimated using the trip generation data presented in the Institute of Transportation Engineers’ *Trip Generation Manual, 10th Edition*. The Trip Generation Manual includes trip generation data for a variety of land use types. To estimate the trips generated by the Proposed Project, Fehr & Peers used the Assisted Living land use (land use code 254); the conclusions of this analysis are set forth below.

Assisted living, as defined by ITE, is a residential setting that provides either routine general protective oversight or assistance with activities necessary for independent living to mentally or physically limited persons. Alzheimer’s and ALS care (i.e., memory care as proposed here) are commonly offered by these facilities, and living quarters for these patients may be located separately from the other residents; accordingly, this ITE rate is appropriate for the entire Facility (both assisted living and memory care units). Vehicle circulation would consist of an entrance and exit through a central motor court along Galindo Street. Parking would be spread throughout the Project Site, with trash enclosure, loading and delivery truck area on the west

side of the Project Site. A hammerhead would be incorporated to accommodate trash service, in addition to emergency services (i.e., fire and ambulance), which would meet all applicable agency design standards and requirements.

The Facility would be accessible by foot via the frontage walk on Galindo Street. The Concord BART station is located approximately 0.25 miles northeast of the Project Site, and there is an existing bus stop/route, both of which would allow for alternative accessibility for visitors and employees not driving to the Project Site; the Facility would also have a private shuttle to facilitate the user experience and transport residents back and forth from local locations.

**UTILITIES**

Given the urban, infill nature of the Project Site, existing utility infrastructure is in place nearby and would be extended to the Project Site. Municipal services would be supplied to the Facility, as the Project Site is already within all applicable service areas.

**ELECTRICITY AND NATURAL GAS; TELECOMMUNICATIONS**

Electric and natural gas services would be provided by PG&E (Applicant Submittal, 2019). Telecommunication services would be provided by AT&T, while Comcast/Astound provide cable telecommunication services to the area.

**WATER**

Water services would be provided by CCWD (Applicant Submittal, 2019).

**WASTEWATER**

Sewer services would be provided by the City, with treatment being provided at CCCSD’s treatment plant (Applicant Submittal, 2019); the Proposed Project would connect to an existing sewer main, which the City (City of Concord Engineering Services, 2018) has determined has sufficient capacity to serve the Proposed Project, on the adjacent parcel. An existing easement would allow for establishment and maintenance of this sewer service connection.

**STORMWATER**

Stormwater would be collected on-site and would be treated via flow-through planters and as otherwise required by applicable provisions of the Contra Costa County’s Clean Water Program, Stormwater C.3 Guidebook. Gravity flow would be utilized to direct stormwater to either the City system or the City’s storm drain system to the south that discharges into an open reservoir which accepts flows treated in accordance with the applicable County’s Clean Water Program requirements for new development.

**CONSTRUCTION**

Based on the conceptual site plan submitted as part of the application materials, it is anticipated that Project development would include one phase of construction that would last
approximately 27 months\(^3\), which is anticipated to commence in 2019. Construction activities would be limited to 7:30 A.M to 6:00 P.M on the weekdays (except for holidays, where no construction work would occur), unless prior City approval pursuant to a planning permit is obtained to work on weekends pursuant to the Concord Municipal Code Section 18-150.130(O)(6).

In addition, pursuant to standard conditions of approval that would be imposed on the Proposed Project, the following construction-related control measures would apply. Construction contractors would be required to use powered construction equipment with industry-standard noise and muffling devices. All internal combustion engines used on the Proposed Project would be required to be equipped with adequate mufflers and be in good mechanical condition to minimize noise, to the extent feasible that might otherwise be created by faulty or poorly maintained engines or other components. Construction contractors would be required to locate stationary noise generating equipment as far as reasonably practicable from any sensitive receptors. All construction activities would be required to be conducted in accordance with applicable provisions of the California State Building Code (CBC), the International Building Code (IBC), and applicable City requirements. The following equipment may be utilized during construction of the Proposed Project:

- Tunnel boring machine
- Air compressors
- Pavement saw
- Flat-back delivery truck
- Jackhammers
- Concrete trucks
- Excavators
- Sweepers
- Front-end loaders/Backhoes
- Road grader
- 10-wheel dump trucks
- Concrete pumper trucks
- Bulldozers
- Welding trucks
- Water truck
- Side boom pipe handler tractor
- Paving equipment: back hoe, asphalt hauling trucks, compactors, paving machine, rollers, trench shields
- Earth movers
- Cranes
- Sweeper
- Earth movers
- Concrete pumper trucks
- Paving equipment: back hoe, asphalt hauling trucks, compactors, paving machine, rollers, trench shields

SECTION 3.0 – CLASS 32 CONDITIONS

This section provides substantial evidence that the Proposed Project qualifies for a Class 32 Exemption under CEQA Guidelines §15332.

3.1 LAND USE APPLICABILITY

CEQA Guideline §15332(a): The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

\(^3\) Per Applicants Environmental Impact Fact Sheet which states that construction could take up to two years. In addition, a 25 percent contingency for delays was included in determining potential construction duration.
As illustrated in Section 2.2 above and further below, the Proposed Project is consistent with the applicable Concord General Plan policies, Downtown Specific Plan policies, and zoning designations and applicable development regulations. The Proposed Project is a high-density/intensity development with diverse unit types and accessible transportation and is thus consistent with the Downtown Specific Plan. The City classifies the Proposed Project as a Residential Facility for Seniors, Assisted Living use, which is conditionally-permitted within the DMX Zoning District. The Proposed Project is a considered a commercial use, with a residential component, which is consistent with the Concord’s General Plan DMX land use designation, which contemplates single uses and horizontal mixed-use with retail, office and residential uses located within a single development. Furthermore, as previously discussed in Section 2.2 and further described below, the Proposed Project is consistent with the relevant goals, objectives, and policies of the General Plan and Downtown Specific Plan goals. These include the following:

   a) General Plan Policy LU-1.3.1
   “Encourage a variety of housing types on infill development sites.” The Proposed Project is consistent with this policy by adding to the diversity of housing types by incorporating assisted living and memory care units into the district within a design that efficiently utilizes the infill nature of the Project Site by developing it at a higher density/intensity. In addition, it is anticipated that there will be a range of studio, one bedroom and two bedroom units provided in the Facility.

   b) General Plan Policy LU-1.3.3
   “Support higher density and mixed use development in Downtown and near transit centers and corridors.” The Proposed Project is consistent with this policy given its location and since it includes a high density/intensity development with a FAR (3.2), which is between the minimum and maximum allowed density (1.0 - 6.0) within the DMX zoning district.

   c) General Plan Policy LU-2.1.3
   “Plan for new commercial development to expand the variety of goods and services to meet neighborhood-serving needs.” The Proposed Project is consistent with this policy by adding to the diversity of commercial types by incorporating assisted living and memory care units into the district that can serve the existing residents of Concord. This service would allow residents of Concord opportunities to be closer to loved ones.

   d) General Plan Policy LU-3.1.5
   “Identify new areas for region-serving commercial uses at locations that take advantage of major transportation routes”. The Proposed Project is consistent with this policy by adding to a region-serving commercial service in assisted living and memory care near the Concord BART station.

   e) General Plan Policy LU-4.1.3
   “Integrate mixed uses at an urban scale”. The Proposed Project is consistent with this policy with the combined commercial and residential nature of the development, as well as its composition of 161 beds, which is an urban scale for this type of development.

   f) General Plan Policy LU-4.2.3
   “Promote pedestrian-oriented urban design.” The Proposed Project is consistent with this
policy since it includes various indoor and outdoor amenities to serve the assisted living and memory care residents. The common amenity areas may include but are not limited to several outdoor terraces and outdoor barbeque and seating areas. The Project Site is located in close proximity to downtown Concord’s amenities, such as parks, shops and restaurants, which makes it a walkable location that is convenient both for the residents as well as visitors and employees. The Proposed Project would be designed to facilitate the creation of a community with a welcoming atmosphere, providing various opportunities for nearby neighbors, friends and family and the Proposed Project’s residents to gather, socialize and interact with each other. The Facility would be prominently sited along Galindo Street with ground floor uses that enhance and activate the pedestrian environment. The reception lobby, lounge, and main dining area extend out to a ground floor terrace along the project frontage on Galindo Street to provide an opportunity for both indoor and outdoor activities to occur along the street frontage.

**g) General Plan Policy LU-4.1.3**

“Encourage new development projects to include amenities for public benefit, such as affordable housing, pedestrian-oriented facilities, and historic preservation.” The Proposed Project is consistent with this policy by providing spaces for assisted living and memory care patients within the downtown planning area near the Concord BART station. Development such as this provide public benefits by providing these options in areas where such facilities have not previously been available.

**h) Downtown Specific Plan**

The Project is consistent with policies that encourage a variety of living opportunities through a range of housing types and prices. The Proposed Project includes units for both assisted living and memory care residents at different rental rates. The Project proposes both residential/commercial uses within a five-minute walk of transit and BART that is consistent with the strategy to increase the number of residential units in Downtown.

In connection with the development regulations in the DMX for the Proposed Project, the Proposed Project meets all of the requisite Development Standards outlined in Table 14.45.030 of the City’s Development Code, in connection with standards related to density, FAR, lot area and width, setbacks, building height and open space requirements.

Accordingly, the Project is consistent with the General Plan, Downtown Specific Plan, and the zoning designations and applicable goals, policies and objectives as well as applicable development regulations contained in the foregoing planning documents. Therefore, the Proposed Project adheres to the criteria of CEQA Guidelines §15332(a).

### 3.2 SITE AND ACREAGE COMPATIBILITIES

**CEQA Guideline §15332(b): The proposed development occurs within city limits on a Project Site of no more than five acres substantially surrounded by urban uses.**

As discussed in **Section 1.0** above and further detailed below, the Project Site is approximately 1.1 acres in size and is located within the city limits at 1335-1385 Galindo Street, in the City of Concord. The Project Site was previously developed with urban uses, and is located in
downtown Concord surrounded by urban land uses such as commercial development, residential development, and the Concord Police Department. Therefore, the Proposed Project adheres to the criteria of CEQA Guidelines §15332(b).

### 3.3 ENDANGERED, RARE, OR THREATENED SPECIES HABITAT PRESENCE

CEQA Guideline §15332(c): The Project Site has no value as habitat for endangered, rare, or threatened species.

The Proposed Project is outside of all USFWS designated Critical Habitat and NOAA designated Essential Habitat. The Project Site is infill in nature and a mortuary existed on the property for approximately 60 years until it was demolished in approximately 2007, leaving pavement on an otherwise vacant site. Accordingly, habitat present on site consists entirely of ruderal/disturbed habitat, and the surrounding land uses are all densely urbanized and developed. This habitat provides little quality to plant and wildlife species, and does not occur within or otherwise serve as a significant wildlife corridor.

A list of regionally-occurring special-status species was compiled from the following sources and compiled in Appendix A:

- A query of the California Natural Diversity Database (CNDDB) dated May 17, 2019 of species observations within the Walnut Creek 7.5 minute USGS topographical quad;
- A query of the California Native Plant Society (CNPS) database dated May 17, 2019 of species with the potential to occur within the Walnut Creek 7.5 minute USGS topographical quad;
- USFWS official list of federal special-status species with the potential to occur on the Project Site.

The list of regionally-occurring special-status species was analyzed to determine those with the potential to occur on the Project Site; Table 1 provides this analysis. The determination of whether special-status species would be present on-site was made through an analysis of habitat availability and quality on site, environmental conditions such as soil type, and the impact of surrounding land uses. As explained further below, this analysis has determined that the Project Site does not have the potential to support any endangered, rare, or threatened wildlife or plant species. As such, development of the Project Site would not have any significant impacts on endangered, rare, or threatened species, and has no value as habitat in this regard.
## TABLE 1
REGIONALLY OCCURRING SPECIAL-STATUS SPECIES

<table>
<thead>
<tr>
<th>SCIENTIFIC NAME COMMON NAME</th>
<th>FEDERAL/STATE /CNPS LIST</th>
<th>DISTRIBUTION</th>
<th>HABITAT REQUIREMENTS</th>
<th>PERIOD OF IDENTIFICATION</th>
<th>POTENTIAL TO OCCUR ON-SITE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PLANTS</strong></td>
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<tr>
<td><em>Amsinckia lunaris</em> bent-flowered fiddleneck</td>
<td>--/--/1B.2</td>
<td>Known to occur in Alameda, Contra Costa, Colusa, Lake, Marin, Napa, San Benito, Santa Clara, Santa Cruz, San Mateo, Sonoma, Sutter and Yolo counties</td>
<td>Annual herb that grows on gravelly slopes or serpentinite. Found in coastal bluff scrub, openings in cismontane woodland, valley and foothill grassland. Elevations; 3-800 meters</td>
<td>March-June</td>
<td>No, suitable habitat for this species not present on site.</td>
</tr>
<tr>
<td><em>Atriplex joaquiniana</em> San Joaquin spearscale</td>
<td>--/--/1B.2</td>
<td>Known to occur in Alameda, Contra Costa, Colusa, Fresno, Glenn, Merced, Monterey, Napa, San Benito, Santa Clara (though may be extirpated), San Joaquin (though may be extirpated), San Luis Obispo (uncertain), Solano, Tulare (uncertain), and Yolo counties</td>
<td>Chenopod scrub, Meadows and seeps, Playas, and Valley and foothill grassland/alkaline. Elevations; 1-835 meters</td>
<td>April-October</td>
<td>No, suitable habitat for this species not present on site.</td>
</tr>
<tr>
<td><em>Blepharizonia plumosa</em> big tarplant</td>
<td>--/--/1B.1</td>
<td>Known to occur in Alameda, Contra Costa, San Joaquin, San Luis Obispo, Solano*, and Stanislaus counties</td>
<td>Valley and foothill grassland. Elevations: 30-505 meters</td>
<td>July-October</td>
<td>No, suitable habitat for this species not present on site.</td>
</tr>
<tr>
<td><em>Calochortus pulchellus</em> Mt. Diablo fairy-lantern</td>
<td>--/--/1B.2</td>
<td>Known to occur in Alameda, Contra Costa, and Solano counties</td>
<td>A perennial bulbiferous herb found in cismontane woodland, riparian woodland and valley and foothill grassland, rarely in chaparral. Generally in northern aspect. Elevations range from 30-840 meters</td>
<td>April-June</td>
<td>No, suitable habitat for this species not present on site.</td>
</tr>
<tr>
<td><em>Centromadia parryi ssp. congonii</em> Congdon’s tarplant</td>
<td>--/--/1B.2</td>
<td>Known to occur in Alameda, Contra Costa, Monterey, Santa Clara, Santa Cruz, San Luis Obispo, San Mateo, and Solano counties</td>
<td>Annual herb found growing on disturbed sites, terraces, swales, floodplains within valley and foothill grasslands (alkaline). Elevations range from 1-300 meters.</td>
<td>May –October (November)</td>
<td>No, suitable habitat for this species not present on site.</td>
</tr>
<tr>
<td><em>Fritillaria liliacea</em> Fragrant fritillary</td>
<td>--/--/1B.2</td>
<td>Known to occur in Alameda, Contra Costa, Monterey, Marin, San Benito, Santa Clara, San Francisco, San Mateo, Solano, and Sonoma counties</td>
<td>Perennial bulbiferous herb occurs growing on heavy or serpentinite soils within open hills, fields near coast, coastal prairie, coastal scrub, valley and foothill grassland, and cismontane woodland. Elevations from: 3-410 meters.</td>
<td>February-April</td>
<td>No, suitable habitat for this species not present on site.</td>
</tr>
<tr>
<td>SCIENTIFIC NAME COMMON NAME</td>
<td>FEDERAL/STATE /CNPS LIST</td>
<td>DISTRIBUTION</td>
<td>HABITAT REQUIREMENTS</td>
<td>PERIOD OF IDENTIFICATION</td>
<td>POTENTIAL TO OCCUR ON-SITE</td>
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<tr>
<td>Helianthella castanea Diablo helianthella</td>
<td>--/--/1B.2</td>
<td>Known to occur in Alameda, Contra Costa, Marin, San Francisco, and San Mateo counties.</td>
<td>Broadleafed upland forest, chaparral, cismontane woodland, coastal scrub, riparian woodland, and valley and foothill grassland. Elevations from: 60-1300 meters.</td>
<td>March-June</td>
<td>No, suitable habitat for this species not present on site.</td>
</tr>
<tr>
<td>Isocoma argute Carquinez goldenbush</td>
<td>--/--/1B.1</td>
<td>Known to occur in Solano county.</td>
<td>A perennial shrub found in valley and foothill grassland (alkaline). Elevation range 1-20 meters.</td>
<td>August-December</td>
<td>No, suitable habitat for this species not present on site.</td>
</tr>
<tr>
<td>Lasthenia conjugens Contra Costa goldfields</td>
<td>FE/--/1B.1</td>
<td>Known to occur in Alameda, Contra Costa, Mendocino (though may be extirpated), Monterey, Marin, Napa, Santa Barbara (though may be extirpated), Santa Clara (though may be extirpated), and Sonoma counties.</td>
<td>Cismontane woodland, Playas (alkaline), Valley and foothill grassland, and Vernal pools/mesic. Elevations: 0-470 meters.</td>
<td>March-June</td>
<td>No, suitable habitat for this species not present on site.</td>
</tr>
<tr>
<td>Lathyrus jepsonii var. jepsonii Delta tule pea</td>
<td>--/--/1B.2</td>
<td>Known to occur in Contra Costa, Napa, Sacramento, San Joaquin, Solano, Sonoma, and Yolo counties.</td>
<td>Marshes and swamps (freshwater and brackish). Elevations range from 0-5 meters.</td>
<td>May-September</td>
<td>No, suitable habitat for this species not present on site.</td>
</tr>
<tr>
<td>Malacothamnus hallii Hall’s bush-mallow</td>
<td>--/--/1B.2</td>
<td>Known to occur in Contra Costa, Merced, Santa Clara, San Mateo, and Stanislaus counties.</td>
<td>A perennial evergreen shrub found in chaparral and coastal scrub. Elevation ranges from 10-760 meters (CNPS, 2017).</td>
<td>(Apr)May-September(Oct)</td>
<td>No, suitable habitat for this species not present on site.</td>
</tr>
<tr>
<td>Oenothera deltoides ssp. Howellii Antioch Dunes evening-primrose</td>
<td>FE/CE/1B.1</td>
<td>Known to occur in Contra Costa and Sacramento counties.</td>
<td>A perennial herb found in inland dunes. Elevation range: 0-30 meters.</td>
<td>March-September</td>
<td>No, suitable habitat for this species not present on site.</td>
</tr>
<tr>
<td>Stuckenia filiformis ssp. alpina Slender-leaved pondweed</td>
<td>--/--/2B.2</td>
<td>Known to occur in Alameda, Butte, Contra Costa, El Dorado, Lassen, Merced, Mono, Modoc, Mariposa, Nevada, Placer, Santa Clara*, Shasta, Sierra, San Mateo, Solano, and Sonoma counties.</td>
<td>A perennial rhizomatous herb found in marshes and swamps assorted shallow freshwater, clear water lake habitats and drainage ditches. Elevation range 300-2150 meters.</td>
<td>May-July</td>
<td>No, suitable habitat for this species not present on site.</td>
</tr>
<tr>
<td>SCIENTIFIC NAME COMMON NAME</td>
<td>FEDERAL/STATE/CNPS LIST</td>
<td>DISTRIBUTION</td>
<td>HABITAT REQUIREMENTS</td>
<td>PERIOD OF IDENTIFICATION</td>
<td>POTENTIAL TO OCCUR ON-SITE</td>
</tr>
<tr>
<td>-----------------------------</td>
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<td>---------------------------</td>
</tr>
<tr>
<td><em>Viburnum ellipticum</em> oval-leaved viburnum</td>
<td>--/--/2B.3</td>
<td>Known to occur in Alameda, Contra Costa, El Dorado, Fresno, Glenn, Humboldt, Lake, Mendocino, Mariposa, Napa, Placer, Shasta, Solano, Sonoma, and Tehama counties.</td>
<td>Perennial deciduous shrub found in chaparral, cismontane woodland, and lower montane coniferous forest. Generally north facing slopes. Elevations from 215-1400 meters.</td>
<td>May-August</td>
<td>No, suitable habitat for this species not present on site.</td>
</tr>
</tbody>
</table>

**ANIMALS**

**Amphibians**

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Habitat Requirements</th>
<th>Period of Identification</th>
<th>Potential to Occur On-Site</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Ambystoma californiense</em> California tiger salamander</td>
<td>Occurs in vernal pools, ephemeral wetlands, and seasonal ponds, including constructed stockponds, in grassland and oak savannah plant communities. Elevations; 0-460 meters.</td>
<td>November-February (adults) March 15-May15 (larvae)</td>
<td>No, suitable habitat for this species not present on site. No suitable upland habitat surrounding.</td>
</tr>
<tr>
<td><em>Rana boylii</em> Foothill yellow-legged frog</td>
<td>Require shallow, flowing water in moderate sized streams with some cobble substrate.</td>
<td>November-March (breeding) June-August (non-breeding)</td>
<td>No, suitable habitat for this species not present on site.</td>
</tr>
<tr>
<td><em>Rana draytonii</em> California red-legged frog</td>
<td>Occurs in permanent and temporary pools of streams, marshes, and ponds with dense grassy and/or shrubby vegetation. Elevations range from 0-1160 meters.</td>
<td>November – March (breeding) June - August (non-breeding)</td>
<td>No, suitable habitat for this species not present on site.</td>
</tr>
</tbody>
</table>

**Birds**

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Habitat Requirements</th>
<th>Period of Identification</th>
<th>Potential to Occur On-Site</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Athene cunicularia</em> Burrowing owl</td>
<td>Formerly common within the described habitats throughout the state except the northwest coastal forests and high mountains.</td>
<td>All Year</td>
<td>No, suitable habitat for this species not present on site.</td>
</tr>
<tr>
<td>SCIENTIFIC NAME COMMON NAME</td>
<td>FEDERAL/STATE/CNPS LIST</td>
<td>DISTRIBUTION</td>
<td>HABITAT REQUIREMENTS</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>-------------------------</td>
<td>--------------</td>
<td>----------------------</td>
</tr>
<tr>
<td>Rallus longirostris obsoletus California Clapper Rail</td>
<td>FE/--/--</td>
<td>Almost exclusively in the San Francisco estuary.</td>
<td>Salt and brackish water marshes. Prefer high densities of pickleweed, and Pacific cordgrass, and require tidal sloughs for cover and foraging.</td>
</tr>
<tr>
<td>Sternula antillarum browni California least tern</td>
<td>FE/CE/FP</td>
<td>Found along the Pacific Coast of California, from San Francisco southward to Baja California.</td>
<td>Nest in colonies on relatively open beaches kept free of vegetation by natural scouring from tidal action.</td>
</tr>
<tr>
<td>Fish</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hypomesus transpacificus Delta smelt</td>
<td>FT/CE/--</td>
<td>Occurs almost exclusively in the Sacramento-San Joaquin estuary, from the Suisun Bay upstream through the Delta in Contra Costa, Sacramento, San Joaquin, Solano, and Yolo counties. May also occur in the San Francisco Bay.</td>
<td>Estuarine waters. Majority of life span is spent within the freshwater outskirts of the mixing zone (saltwater-freshwater interface) within the Delta.</td>
</tr>
<tr>
<td>Invertebrates</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Branchinecta lynchi Vernal pool fairy shrimp</td>
<td>FT/--/--</td>
<td>Vernal pool fairy shrimp are known from a total of 32 populations located in an area extending from Shasta County through most of the length of the Central Valley to Tulare County, and along the central coast range from northern Solano County to Pinnacles in San Benito County. Five additional, disjunctive populations exist near Soda Lake in San Luis Obispo County, in the mountain grasslands of northern Santa Barbara County, on the Santa Rosa Plateau in Riverside County, near Rancho California in Riverside County.</td>
<td>Vernal pools in the Central Valley, coast ranges, and a limited number of sites in the Transverse Ranges and Riverside County, California.</td>
</tr>
<tr>
<td>SCIENTIFIC NAME / COMMON NAME</td>
<td>FEDERAL/STATE/CNPS LIST</td>
<td>DISTRIBUTION</td>
<td>HABITAT REQUIREMENTS</td>
</tr>
<tr>
<td>-------------------------------</td>
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<td>----------------------</td>
</tr>
<tr>
<td><strong>Callophrys mossii bayensis</strong>&lt;br&gt;San Bruno elfin butterfly</td>
<td>FE/--/--</td>
<td>Found in coastal mountains near San Francisco Bay, in the fog-belt of steep north facing slopes that receive little direct sunlight. All known locations are restricted to San Mateo County, where several populations are known from San Bruno Mountain, Milagra Ridge, the San Francisco Peninsula Watershed and Montara Mountain.</td>
<td>The San Bruno Elfin Butterfly inhabits rocky outcrops and cliffs in coastal scrub on the San Francisco peninsula. Its host plant, stonecrop (<em>Sedum spathulifolium</em>) occurs between 274-328 meters although it also has been known to eat Montara Mountain manzanita (<em>Arctostaphylos montaraensis</em>) and huckleberry (<em>Vaccinium ovatum</em>). Adult food plants have not been fully determined.</td>
</tr>
<tr>
<td><strong>Speyeria callippe</strong>&lt;br&gt;Callippe silverspot butterfly</td>
<td>FE/--/--</td>
<td>Restricted to the San Francisco peninsula.</td>
<td>Northern coastal scrub. Hostplant is <em>Viola pedunculata</em>. Most adults found on E-facing slopes; males congregate on hilltops in search of females.</td>
</tr>
</tbody>
</table>

**Mammals**

| **Antrozous pallidus**<br>Pallid bat | --/CSC/-- | Locally common species at low elevations. It occurs throughout California except for the high Sierra Nevada from Shasta to Kern counties, and the northwestern corner of the state from Del Norte and western Siskiyou counties to northern Mendocino county. | Habitats occupied include grasslands, shrublands, woodlands, and forests from sea level up through mixed conifer forests, generally below 2,000 meters. The species is most common in open, dry habitats with rocky areas for roosting. Roosts also include cliffs, abandoned buildings, bird boxes, under exfoliating bark, and under bridges. | Year-round | **No**, suitable habitat for this species not present on site. |
| **Corynorhinus townsendii**<br>Townsend’s big-eared bat | --/CSC/-- | Known to occur throughout California, excluding subalpine and alpine habitats. Its range extends through Mexico to British Columbia and the Rocky Mountain states. Also occurs in several regions of the central Appalachians. | Requires caves, mines, tunnels, buildings, or other cave analog structures such as hallowed out redwoods for roosting. Hibernation sites must be cold, but above freezing. | Year-round | **No**, suitable habitat for this species not present on site. |

**Reptiles**
<table>
<thead>
<tr>
<th>SCIENTIFIC NAME COMMON NAME</th>
<th>FEDERAL/STATE /CNPS LIST</th>
<th>DISTRIBUTION</th>
<th>HABITAT REQUIREMENTS</th>
<th>PERIOD OF IDENTIFICATION</th>
<th>POTENTIAL TO OCCUR ON-SITE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anniella pulchra Northern California legless lizard</td>
<td>--/CSC/--</td>
<td>Known to occur in Monterey, San Luis Obispo, and Santa Cruz counties.</td>
<td>Burrows in loose soil, especially in shrubby semi-stabilized sand dunes near beaches; also in washes and other areas with sandy soil, in areas vegetated pine-oak woodland, chaparral, or grass.</td>
<td>May-November</td>
<td>No, suitable habitat for this species not present on site.</td>
</tr>
<tr>
<td>Emys marmorata Western pond turtle</td>
<td>--/CSC/--</td>
<td>Distribution ranges from Washington to northern Baja California.</td>
<td>Inhabit rivers, streams, lakes, ponds, reservoirs, stock ponds, and permanent wetland habitats with basking sites.</td>
<td>Year-round</td>
<td>No, suitable habitat for this species not present on site.</td>
</tr>
<tr>
<td>Masticophis lateralis euryxanthus Alameda whipsnake</td>
<td>FT/CT/--</td>
<td>Inhabits the inner coast range. Counties include Alameda, Contra Costa, San Joaquin, and Santa Clara.</td>
<td>Typically found in chaparral, northern coastal sage scrub, and coastal sage scrub communities. May also occur in adjacent habitats including annual grassland, oak savannah, and oak-bay woodland. Requires rock outcrops for retreat and access to prey species. Elevations; 0-153 meters.</td>
<td>May - August</td>
<td>No, suitable habitat for this species not present on site.</td>
</tr>
<tr>
<td>Thamnophis gigas Giant garter snake</td>
<td>FT/CT/--</td>
<td>Endemic to the San Joaquin and Sacramento Valley floors. Counties include Butte, Colusa, Contra Costa, Fresno, Glenn, Kern, Madera, Merced, Sacramento, San Joaquin, Solano, Sutter, Yolo, and Yuba.</td>
<td>Inhabits agricultural wetlands and other waterways such as irrigation and drainage canals, sloughs, ponds, small lakes, low gradient streams, and adjacent uplands. Requires adequate water during its active season (early spring through mid-fall) to provide food and cover, emergent, herbaceous wetland vegetation for foraging and cover, grassy banks and openings in waterside vegetation for basking, and higher elevation uplands for cover and refuge from flood waters during its dormant season (winter). Inhabits small mammal burrows and other soil crevices with sunny exposure along south and west facing slopes, above prevailing flood elevations when dormant.</td>
<td>March-October</td>
<td>No, suitable habitat for this species not present on site.</td>
</tr>
</tbody>
</table>

**SOURCES:**
STATUS CODES:

FEDERAL: United States Fish and Wildlife Service
FE  Federally Endangered
FT  Federally Threatened
FC  Candidate for Federal Listing

STATE: California Department of Fish and Game
CE  California Listed Endangered
CT  California Listed Threatened
CSC California Species of Special Concern

CNPS: California Native Plant Society (California Rare Plant Rank [CRPR])
1A  Plants Presumed Extinct in California
1B  Plants Rare, Threatened, or Endangered in California and Elsewhere
2B  Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere
3  Plants About Which We Need More Information – A Review List
4  Plants of Limited Distribution – A Watch List

CNPS Threat Ranks:
0.1  Seriously Threatened in California (Over 80% of occurrences threatened/high degree and immediacy of threat)
0.2  Fairly Threatened in California (20-80% occurrences threatened/moderate degree and immediacy of threat)
0.3  Not Very Threatened in California (<20% of occurrences threatened/low degree and immediacy of threat or no current threats known)
3.4 SIGNIFICANT EFFECTS

The following section assesses the potential for the Proposed Project to result in the significant effects with respect to the environmental topic areas listed in Section 15332(d) of the CEQA guidelines by comparing the Proposed Project to the significance criteria presented within Appendix G Environmental Checklist of the CEQA Guidelines.

TRANSPORTATION AND CIRCULATION

Transportation and Traffic impacts of the Proposed Project would be considered significant if:

Applicable Thresholds #1:

*The proposed project would conflict with a plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit, or the project would conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).*

The Proposed Project would generate new vehicle trips due to the development of the Facility. As shown in Table 2 below, the Proposed Project is expected to generate a total of approximately 419 weekday daily trips, which would include 31 weekday morning peak hour trips and 42 weekday evening peak hour trips. The Proposed Project is not expected to generate more than 100 peak hour vehicle trips; therefore, pursuant to CCTA's Resource Procedures, a detailed traffic impact analysis on the surrounding roadway network is not warranted. Conservatively, assuming all travel occurs along Galindo Street, the Proposed Project would result in an increase of approximately 1.3 percent over the existing daily traffic.

<table>
<thead>
<tr>
<th>Land Use</th>
<th>ITE Code</th>
<th>Quantity (Beds)</th>
<th>Daily AM Peak Hour</th>
<th>PM Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assisted Living</td>
<td>254</td>
<td>161</td>
<td>419</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>20 11 31</td>
<td>16 26 42</td>
</tr>
</tbody>
</table>

Source: Fehr & Peers, March 2019

1Daily generated trips includes visitors and employees to the facility and is based off of studies of operating assisted living facilities. There are no trip generation rates for memory care units and therefore the assisted living trip generation rate was utilized.

The project driveway would allow only right turns in and out, due to the median on Galindo Street. Fehr & Peers staff observed the traffic conditions for southbound traffic along the project frontage during the AM (7:00-9:00 AM) and PM (4:00-6:00 PM) peak periods on
Thursday March 14th, 2019. In both periods, peak queues at the Monument Boulevard/Galindo Street and Oakmead Drive/Cowell Road intersection to the south reached to approximately 1313 Galindo Street, about 450 feet south of the Project Site. Thus, blockages of the project driveway during peak hours are not expected.

Drivers approaching the site driving northbound can make a U-turn at the Galindo Street/Laguna Street/Oak Street intersection, and drivers departing the site needing to head north can make a U-turn either at the left turn pocket serving the Concord Police Station across the street, or further south at the Monument Boulevard/Galindo Street and Oakmead Drive/Cowell Road intersection. The latter option can be used when gaps in the southbound flow do not allow drivers to reach the left turn pocket at the Police Station. Given the Proposed Project’s relatively low estimated trip generation, the number of U-turns at these locations (a fraction of the total trip generation) is not expected to substantially change or otherwise significantly impair traffic operations along Galindo Street nor at the adjacent signalized intersections.

Results of the trip generation assessment show that the Proposed Project would generate 31 AM peak hour trips and 42 PM peak hour trips, which is less than the 100 peak hour trips that would require the preparation of an off-site transportation impact assessment based on CCTA’s Technical Procedures. Furthermore, field observations indicate that queues from the nearby Monument Boulevard/Galindo Street and Oakmead Drive/Cowell Road intersection do not reach the project driveway during peak hours. Therefore, drivers entering and exiting the driveway (via right turn) are not expected to experience blockages or substantial delays. The relatively small number of U-turns that would be necessitated by the right turn only project driveway is not expected to substantially change traffic operations along Galindo Street nor at the adjacent signalized intersections. Accordingly, there is substantial evidence that implementation of the Proposed Project would not result in any significant traffic or transportation-related impacts in terms of exceeding the above-identified threshold.

Applicable Threshold #2:

The proposed project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment), or result in inadequate emergency access.

Given the nature of the Proposed Project, in addition to that fact that the sidewalks surrounding the frontage of the Project Site would be improved to accommodate increased pedestrian traffic, no significant design hazards would occur. As such, impacts in this regard would be less than significant. Specifically, the Proposed Project would comply with all applicable transportation-related design standards discussed in Development Code 18.150.170 (Traffic visibility at intersections and driveways) to ensure that there are no increases in hazards due to design features. The Proposed Project is not expected to impair implementation of or physically interfere with an emergency access. The Proposed Project would be developed in an already urbanized area near major transportation corridors, on land that has been previously developed with urban uses, and would not result in the blockage of access routes or evacuation routes adopted within an emergency response plan or emergency evaluation plan. Therefore, impacts in this regard would be less than significant.
NOISE/VIBRATION

Noise/Vibration impacts of the Proposed Project would be considered significant if:

Applicable Threshold #1:

The proposed project would result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Applicable Noise Standards

Development Code section 18.150.130 (Performance standards) states that all noise emanating from a site shall comply with the noise standards of the general plan safety and noise element, with the exception of construction activities. Accordingly, for purposes of this analysis, the following significance thresholds apply: (1) for construction-related impacts, development is exempted from quantitative noise standards and instead is required to adhere to specified working hours; and (2) for operational-related impacts, the General Plan Safety and Noise Element set forth Chapter 7.2 as the applicable standard.4

Sensitive Receptors

There are several sensitive receptors in the vicinity of the Project Site. The nearest sensitive receptor is the adjacent residential properties located to the west, approximately 80 feet from the Project Site. The nearby Church of Nazarene is located approximately 900 feet northwest of the Project Site. Mt. Diablo Unified School District CARES and the Loma Vista Adult Center are located approximately 1,200 feet east of the Project Site. Crossroads High School is the nearest school and is located approximately 3,500 feet northeast of the Project Site.

Construction-Related Impacts

With respect to construction-related noise, the Proposed Project could temporarily expose persons to or generate noise levels in excess of 65 decibels (dB) depending on the nature of construction work and related equipment. Although noise could temporarily result in noise levels ranging from 70 dB to 105 dB during daytime work hours at certain times during construction, the Proposed Project would be required to adhere to construction hour limitations (which is the only applicable requirement for purposes of construction noise). In addition to limiting construction hours pursuant to the City of Concord Municipal Code standards, it is anticipated that construction noise would be further reduced to a certain degree through implementation of various industry-standard noise reduction techniques as summarized above pursuant to the imposition of standard conditions of approval.

Operational-Related Impacts

4 As noted in General Plan 2030 Policy S-2.1.3, the increase of four or more dBA may be “significant” if the resulting noise level would exceed that the relevant community noise exposure that is described as “normally acceptable” in Figure 7-8 of the General Plan.
Due to the special use of the Proposed Project as assisted living and memory care facility for seniors, once operational, the Project would not be expected to create any significant noise concerns or related disturbance for the surrounding neighborhood; therefore, the Proposed Project would not be expected to exceed the applicable noise standards. In addition, due to the Project location, the significant street frontage, use of soundproofing materials and landscaping should act as noise buffers and may help mask sound, as set forth in General Plan Policy S-2.2.5.

Applicable Threshold #2:

*The proposed project would result in the generation of excessive groundborne vibration or groundborne noise levels.*

Applicable Noise Standards

Development Code section 18.150.130(F) states that vibrations caused by temporary activities such as construction are exempt from the Ground Vibration standard but still subject to all conditions of any approved permit. Accordingly, there is no quantitative groundborne vibration standard for purposes of assessing construction-related impacts. Moreover, General Plan Policy S-2.2.1 provides for construction-specific noise policies that limit the hours of construction activities. This Policy would also limit construction noise to Occupation Safety and Health Administration (OSHA) standards, which are based on the potential for worker injury from high noise levels. These standards also would protect persons at nearby noise-sensitive land uses.

Construction-Related Impacts

As noted above, there are several sensitive receptors in the vicinity, and it is anticipated there would be some temporary impacts related to groundborne vibration and groundborne noise during construction of the Proposed Project. However, the Proposed Project would be required to adhere to Development Code section 18.150.130, which would require that construction work be limited to specified hours as well as implementing noise reduction measures for purposes of worker safety. Through compliance with Development Code section 18.150.130, which would be mandated through imposition of standard conditions of approval, construction-related groundborne noise and vibration impacts would be further reduced and the Proposed Project would not be considered to have any significant impacts in this regard.

Operational-Related Impacts

While there are several sensitive receptors in the vicinity, as described above, from an operational standpoint, given the nature of the Proposed Project as an assisted living and memory care facility for seniors, it is not anticipated that it would exceed the applicable standard and thus no significant operation-related groundborne vibration or noise impacts would occur.

Applicable Threshold #3:

*The proposed project is located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use*
airport, and therefore the proposed project would expose people residing or working in the project area to excessive noise levels.

The project site is located approximately 1.71 miles southeast of the Buchanan Field Airport (public airport). However, there is an adopted Airport Land Use Compatibility Plan; and the Project Site is not within the identified Airport Overlay District, which covers the Airport Influence Area as defined by Development Code 18.100.020. The Airport Influence Area is defined as an area extending 14,000 feet from the ends of the specified runways. The two Buchanan Field Airport runways run northeast to southwest and north-northwest to south-southeast, bypassing the Project Site, which is located southeast of the runways. Therefore, airplanes would not fly directly over the Project Site, limiting exposure of the Proposed Project to excessive noise levels from this source.

In summary, while the Project Site is nominally within the two-mile vicinity referenced above, the City, as well as the Contra Costa County Airport Land Use Commission, have already determined — as evidenced by the fact that the Project Site is not covered by the airport overlay district and does not fall within the Airport Influence Area — that the Project Site’s location is such that the operation of the airport would not expose people residing or working in the project area to excessive noise levels. Accordingly, the Proposed Project would not have a significant impact in this regard.

AIR QUALITY

Air Quality impacts of the Proposed Project would be considered significant if:

Applicable Thresholds #1 and 2:

The proposed project would conflict with or obstruct implementation of the applicable air quality plan or result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.

Setting

The 1977 Federal Clean Air Act (CAA) required the United States Environmental Protection Agency (EPA) to identify National Ambient Air Quality Standards (NAAQS) to protect public health and welfare. NAAQS have been established for the six “criteria” air pollutants (CAPs): ozone (O₃), carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), respirable

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5 Pursuant to Development Code section 18.100.020, the provisions of the airport overlay district (A) shall apply to all lands within the airport influence area (area extending 14,000 feet from the ends of the primary surfaces for specified runways) and airport safety zones as defined and shown in the Contra Costa County airport land use compatibility plan (ALUCP) adopted by the Contra Costa County airport land use commission (ALUC).

6 As noted in Development Code section 18.100.010, the purpose of the airport overlay district (A) is to provide protection to people and property on the ground and to protect Buchanan Field Airport from the encroachment of non-compatible land uses that may interfere with its safe operation.
particulate matter (PM), and lead. PM is designated into two size classes: course particulate matter 10 micrometers or less in diameter (PM$_{10}$) and fine particulate matter 2.5 micrometers or less in diameter (PM$_{2.5}$). The smaller size of PM$_{2.5}$ allows it to enter the cardiovascular system and cause more serious health problems. For this reason, the NAAQS sets a more stringent standard on PM$_{2.5}$ in ambient air quality. Pursuant to the 1990 CAA Amendments (CCAA), the EPA has classified air basins (or portions thereof) as either “attainment” or “non-attainment” for each criteria air pollutant, based on whether or not the NAAQS have been achieved. The region’s attainment status for the NAAQS is listed in Table 3 below.

### Table 3

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Averaging Time</th>
<th>California Standards</th>
<th>National Standards</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Concentration</td>
<td>Attainment Status</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Atm (µg/m$^3$)</td>
<td>Concentration</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Attainment Status</td>
</tr>
<tr>
<td>Ozone</td>
<td>8 Hour</td>
<td>0.070 ppm (137 µg/m$^3$)</td>
<td>Non-attainment</td>
</tr>
<tr>
<td></td>
<td>1 Hour</td>
<td>0.09 ppm (160 µg/m$^3$)</td>
<td>Non-attainment</td>
</tr>
<tr>
<td>Carbon Monoxide</td>
<td>8 Hour</td>
<td>9.0 ppm (10 mg/m$^3$)</td>
<td>Attainment</td>
</tr>
<tr>
<td></td>
<td>1 Hour</td>
<td>20 ppm (23 mg/m$^3$)</td>
<td>Attainment</td>
</tr>
<tr>
<td>Nitrogen Dioxide</td>
<td>1 Hour</td>
<td>0.18 ppm (339 µg/m$^3$)</td>
<td>Attainment</td>
</tr>
<tr>
<td></td>
<td>Annual</td>
<td>0.030 ppm (57 µg/m$^3$)</td>
<td>0.053 ppm (100 µg/m$^3$)</td>
</tr>
<tr>
<td>Sulfur Dioxide</td>
<td>24 Hour</td>
<td>0.04 ppm (105 µg/m$^3$)</td>
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</tr>
<tr>
<td></td>
<td>1 Hour</td>
<td>0.25 ppm (655 µg/m$^3$)</td>
<td>Attainment</td>
</tr>
<tr>
<td></td>
<td>Annual</td>
<td>0.030 ppm (80 µg/m$^3$)</td>
<td>Attainment</td>
</tr>
<tr>
<td>Particulate Matter</td>
<td>Annual</td>
<td>20 µg/m$^3$</td>
<td>Non-attainment</td>
</tr>
<tr>
<td>(PM10)</td>
<td>Mean</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>24 Hour</td>
<td>50 µg/m$^3$</td>
<td>Non-attainment</td>
</tr>
<tr>
<td></td>
<td>24 Hour</td>
<td>12 µg/m$^3$</td>
<td>Non-attainment</td>
</tr>
<tr>
<td></td>
<td>24 Hour</td>
<td>35 µg/m$^3$</td>
<td>Non-attainment</td>
</tr>
<tr>
<td>Sulfates</td>
<td>24 Hour</td>
<td>25 µg/m$^3$</td>
<td>Attainment</td>
</tr>
<tr>
<td>Lead</td>
<td>30 day Average</td>
<td>1.5 µg/m$^3$</td>
<td>Attainment</td>
</tr>
<tr>
<td></td>
<td>Calendar Quarter</td>
<td>1.5 µg/m$^3$</td>
<td>Attainment</td>
</tr>
<tr>
<td>Hydrogen Sulfide</td>
<td>1 Hour</td>
<td>0.03 ppm (42 µg/m$^3$)</td>
<td>Unclassified</td>
</tr>
<tr>
<td>Vinyl Chloride (chloroethene)</td>
<td>24 Hour</td>
<td>0.010 ppm (26 µg/m$^3$)</td>
<td>No information available</td>
</tr>
</tbody>
</table>

*“Unclassified” refers to regions where there is not enough data to determine the region’s attainment status for a specified criteria air pollutant.*
Pollutant | Averaging Time | California Standards | National Standards | Source: BAAQMD, 2014
--- | --- | --- | --- | ---
Visibility Reducing particles | 8 Hour (10:00 to 18:00 PST) | Unclassified | N/A | N/A

California has adopted ambient standards that are more stringent than the Federal standards for the criteria air pollutants. Under the California Clean Air Act (CCAA), patterned after the Federal CAA, areas have been designated as attainment or non-attainment with respect to CAAQS. The region’s attainment status for the CAAQS is listed in Table 3 above.

**Bay Area Air Quality Management District**

BAAQMD is the regional agency with jurisdiction to regulate criteria and toxic air pollutants in the nine-county SFBAAB. The primary role of cities in achieving and maintaining regional air quality is through land use decision-making, which can affect vehicle miles traveled, and through other measures that manage the emission of pollutants. BAAQMD identifies specific Transportation Control Measures (TCMs) that, together with other approaches, may help reduce emissions in Concord and vicinity, which contributes to regional pollution control and greenhouse gas reduction efforts.

Ambient concentrations of toxic air contaminants are similar throughout the urbanized area of the Bay Area. BAAQMD regulates toxic air contaminants from stationary sources through their permit process; mobile sources of toxic air contaminants are regulated indirectly through vehicle emissions standards and fuel specifications.

BAAQMD operates a regional network of air pollution monitoring stations that provide information on ambient concentrations of criteria air pollutants and toxic air contaminants. One station is operated within the City limits: station number 2018, located at 2975 Treat Boulevard (approx. 2 miles south of the Project Site).

BAAQMD adopted the Bay Area Clean Air Plan: Spare the Air, Cool the Climate (“Bay Area Clean Air Plan”) on April 19, 2017, to provide a regional strategy to improve Bay Area air quality and meet public health goals (BAAQMD 2017d). The control strategy described in the Bay Area Clean Air Plan includes a wide range of control measures designed to reduce emissions and lower ambient concentrations of harmful pollutants, safeguard public health by reducing exposure to air pollutants that pose the greatest health risk, and reduce GHG emissions to protect the climate.

**Sensitive Receptors**

Air pollution does not affect every individual in the population in the same way; some groups are more sensitive to adverse health effects than others. Sensitive receptors are facilities that house or attract children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants, or, as in the case of residential receptors, their exposure time to air pollutants is greater than that for other land uses. Hospitals, schools, convalescent facilities, and residential areas are examples of sensitive receptors.

The Project Site is currently vacant. As such, there are no sensitive receptors or emission sources onsite. However, as noted above, there are several sensitive receptors in the vicinity.
of the Project Site. The nearest sensitive receptor is the adjacent residential properties located
to the west, approximately 80 feet from the Project Site. The nearby Church of Nazarene is
located approximately 900 feet northwest of the Project Site. Mt. Diablo Unified School District
CARES and the Loma Vista Adult Center are located approximately 1,200 feet east of the
Project Site. Crossroads High School is the nearest school and is located approximately 3,500
feet northeast of the Project Site.

Existing Emission Sources
The primary sources of air pollutants in the project vicinity are the motor-related vehicle trips
from the local residential communities and from nearby transportation corridors including
Highway 242 and 680. Other sources of emissions include space and water heating, landscape
maintenance, and consumer products from nearby residential and commercial uses.

CEQA Significance Criteria
Section 3.1.1 of the BAAQMD May 2017 Draft CEQA Guidelines states that if a project meets
the screening criteria in Table 3-1 of those Guidelines, the project would not result in the
generation of operational or construction-related CAPs or precursors that exceed the CEQA
thresholds of significance. For multi-family mid-rise residential projects, the screening criteria
for construction emissions is 240 units, and for operational emissions, the threshold to quantify
and assess is 494 units or less.

For projects which do not meet the screening criteria, BAAQMD has adopted thresholds which
are presented in Table 4 and Table 5 below in the impact discussion. For the purposes of this
analysis for the categorical exemption, emissions were quantified and assessed in accordance
with the screening criteria and thresholds adopted by the BAAQMD.8

For purposes of determining consistency with the applicable Clean Air Plan, BAAQMD’s 2017
Bay Area Clean Air Plan identifies measures to:

- Reduce emissions and reduce ambient concentrations of air pollutants; and
- Safeguard public health by reducing exposure to the air pollutants that pose the
greatest health risk, with an emphasis on protecting the communities most heavily
affected by air pollution.

The Proposed Project would be consistent with the Bay Area Clean Air Plan if it would support
the plan’s goals, include applicable control measures from the Bay Area Clean Air Plan, and
would not disrupt or hinder implementation of any control measures from the plan. Consistency
with this plan is the basis for determining whether the Proposed Project would conflict with or
obstruct implementation of an applicable air quality plan.

Impact Discussion
Implementation of the Proposed Project would result in the construction and operation of 150
senior assisted living and memory care units (with a total of 161 beds) within the air basin. As

8 Consistent with Appendix G Guidelines, the City has determined, in its discretion, to rely on BAAQMD’s significance
criteria in making significance determinations.
discussed more fully below, the construction of 150 new senior assisted living and memory care units would not surpass the screening criteria and therefore not result in emissions exceeding the applicable significance thresholds for CAPs and associated precursors during the construction or operational phase of the Proposed Project.

Project-related emissions were calculated using the California Emissions Estimator Model (CalEEMod). Calculations are provided in attached Appendix B. As shown in Tables 4 and 5 below, emissions from construction and operation, respectively, are less than the applicable BAAQMD significance thresholds. Therefore, in accordance with the May 2017 Draft CEQA Guidelines, the Proposed Project would not conflict with or obstruct implementation of the applicable air quality plan set forth by the BAAQMD to meet the NAAQS (BAAQMD, 2017). Accordingly, there would not be a violation of any air quality standard or contribution to an existing or projected air quality violation. However, BAAQMD does not have adopted thresholds for fugitive dust emissions and instead provides that so long as development projects employ identified best management practices (BMPs), then BAAQMD assumes that impacts associated with fugitive dust emissions are less-than-significant. Here, the applicable BMPs would be imposed on the Proposed Project via standard conditions of approval. In accordance with the results of the screening criteria for operational emissions and construction related emissions, the Proposed Project would not result in a cumulatively considerable net increase of any CAP and impacts would be less than significant.

### TABLE 4
CONSTRUCTION RELATED EMISSIONS

<table>
<thead>
<tr>
<th>Year</th>
<th>ROG</th>
<th>NOx</th>
<th>Exhaust PM10</th>
<th>Exhaust PM2.5</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>lb/day</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2019¹</td>
<td>2.78</td>
<td>22.71</td>
<td>1.29</td>
<td>1.20</td>
</tr>
<tr>
<td>2020</td>
<td>14.40</td>
<td>16.84</td>
<td>0.81</td>
<td>0.78</td>
</tr>
<tr>
<td>Maximum</td>
<td>14.40</td>
<td>22.71</td>
<td>1.29</td>
<td>1.20</td>
</tr>
<tr>
<td>BAAQMD Threshold</td>
<td>54</td>
<td>54</td>
<td>82</td>
<td>54</td>
</tr>
<tr>
<td>Exceed Threshold</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

¹Source: BAAQMD, 2017; CalEEMod, 2016

Should construction commence later than 2019, emissions would be reduced in relation to future requirements for reduced emissions.

### TABLE 5
OPERATION RELATED EMISSIONS

<table>
<thead>
<tr>
<th>Category</th>
<th>ROG</th>
<th>NOx</th>
<th>Exhaust PM10</th>
<th>Exhaust PM2.5</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>lb/day</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area</td>
<td>4.16</td>
<td>0.14</td>
<td>0.07</td>
<td>0.07</td>
</tr>
<tr>
<td>Energy</td>
<td>0.04</td>
<td>0.33</td>
<td>0.03</td>
<td>0.03</td>
</tr>
<tr>
<td>Mobile</td>
<td>0.72</td>
<td>2.66</td>
<td>0.02</td>
<td>0.02</td>
</tr>
<tr>
<td>Total</td>
<td>4.92</td>
<td>3.13</td>
<td>0.11</td>
<td>0.11</td>
</tr>
<tr>
<td>BAAQMD Threshold</td>
<td>54</td>
<td>54</td>
<td>82</td>
<td>54</td>
</tr>
<tr>
<td>Exceed Threshold</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Source: BAAQMD, 2017; CalEEMod, 2016
Applicable Thresholds #3 and 4:

Expose sensitive receptors to substantial pollutant concentrations or result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

As explained further below, the Proposed Project consists of development of an assisted living and memory care facility for seniors, and therefore would not result in substantial pollutant concentrations.

Regarding construction-related impacts, construction equipment has the potential to temporarily emit odor in the vicinity of the Project Site as well as temporarily generate exhaust emissions and fugitive particulate matter from certain construction activities (such as excavation and grading operations). However, construction odors are not anticipated to be detected beyond the Project Site boundaries because the materials to be used are not considered to be highly odiferous or outside of the types of odors that would be anticipated in a downtown, urban setting. Moreover, implementation of certain construction-related control measures can ensure that impacts in this regard remain less than significant. Specifically, as noted above, BAAQMD does not recommend a numerical threshold for fugitive dust-related particulate matter emissions. Instead, BAAQMD bases the determination of significance for fugitive dust on a consideration of the control measures to be implemented. If all appropriate emissions control measures recommended by BAAQMD are implemented for a project, then fugitive dust emissions during construction are not considered significant. This is the case here, wherein the City would impose specified emission control measures, which the Proposed Project would be required to comply with during construction, thereby ensuring impacts remain less than significant.

With respect to operational-related odors, particularly given the nature of the Proposed Project, it is reasonable to assume that emissions would be commensurate with surrounding land uses (both commercial and residential) and those anticipated for the DMX zone. Moreover, the majority of emissions generated from long-term operations of the Proposed Project would be categorized as mobile-source emissions; as noted above, the trips generated by the Proposed Project are nominal given that it is an assisted living and memory care facility for seniors and thus would not expose sensitive receptors to substantial pollutant concentrations. In addition, under the BAAQMD Guidelines, the Proposed Project is not considered an odor generating land use. Additionally, in accordance with BAAQMD Regulation 7, the Proposed Project would be restricted from emitting quantities of pollutants that would cause detriment, nuisance, or annoyance to any persons or to the public.

Accordingly, the Proposed Project would not expose sensitive receptors, as defined above, to substantial pollutant concentrations or odors.

WATER QUALITY

Water Quality impacts of the Proposed Project would be considered significant if:

Applicable Thresholds #1 and #2:
It would violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

During construction, impacts related to stormwater would be minimized through the implementation of a Storm Water Pollution Prevention Plan, which would be required for the Proposed Project to obtain coverage under the State’s Construction General Permit in accordance with the National Pollutant Discharge Elimination System (NPDES); this requirement would be imposed through standard conditions of approval. Furthermore, the City is incorporated into the Contra Costa Clean Water Project and associated NPDES permit for municipal storm water systems (Municipal Regional Permit). In addition, if any construction dewatering is required for the Proposed Project (similar to the property north of the Project Site (Renaissance Square), which encountered shallow groundwater during construction), the Proposed Project would be required to obtain a NPDES Permit, which would ensure that any proposed subsurface structures or deep foundations would not be significantly impacted. The Proposed Project would also be required to comply with applicable requirements of Provision C.3 in the Municipal Regional Permit, which has a number of mandates. For instance, it requires site design for new developments and redevelopments to minimize the area of new roofs and paving. Also, where feasible, pervious surfaces should be used instead of paving so that runoff can infiltrate to the underlying soil. Furthermore, remaining runoff from impervious areas must be captured and used or treated using bioretention, and in some developments, the rates and durations of site runoff must also be controlled. The C.3 requirements are separate from, and in addition to, requirements for erosion and sediment control and for pollution prevention measures during construction. Adherence to the C.3 requirements minimizes water quality impacts from new development to maintain regional compliance with the Contra Costa County Municipal Regional Permit No. CAS612008. The Proposed Project would be required to comply with the applicable C.3 requirements and a stormwater control plan would be required to be prepared and implemented as part of the Proposed Project.

For purposes of operational-related impacts, consistent with applicable laws and regulations, stormwater quality control for the Proposed Project would be achieved through both low-impact development (LID) features (landscaped areas) and through mechanical treatment including, among others, 7,989 square feet of ground-level landscaped areas to assist with stormwater control. Additionally, adherence to applicable General Plan Policies, which require that all future development, including the Proposed Project, not violate water quality standards or substantially degrade surface or groundwater, would further ensure no significant impacts in this regard.

3.4 ADEQUACY OF UTILITIES AND PUBLIC SERVICES

CEQA Guideline §15332(e): The site can be adequately served by all required utilities and public services.
UTILITIES

Given the urban, infill nature of the Project Site, existing utility infrastructure is in place nearby and would be extended to the site. Municipal services would be supplied to the Facility, and the Project Site is already within all applicable service areas. Water services (potable, fire flow, and non-potable) have been coordinated with Contra Costa Water District (“CCWD”) and they have issued a notice that the Proposed Project, as currently designed, can be served by CCWD.9

Sewer services would be provided by the City of Concord in coordination with CCCSD (which provides treatment at the Central Contra Costa Sanitary District (CCCSD) Treatment Plant in Martinez, California). It has been determined feasible to connect to an existing sewer main on the adjacent parcel; an existing easement would allow for establishment and maintenance of this service connection. The City has also confirmed that the existing sewer main line has sufficient capacity to serve the Project, and there is sufficient capacity in CCCSD’s treatment plant to accommodate anticipated Project flows.

Electric and natural gas service would be provided by PG&E and it is expected that there would be connections to the existing underground lines along Galindo Street. Telecommunications would be provided by AT&T and Comcast/Astound.

Stormwater would be collected onsite and directed to flow thru planters to be treated and as otherwise mandated by applicable agency requirements and regulations. It is anticipated that stormwater would gravity flow through a storm drain network utilizing the City’s existing improvements on an adjacent parcel.

PUBLIC SERVICES

The General Plan EIR and 2012 Supplement evaluated whether the development contemplated under the General Plan and Specific Plan would have significant impacts with respect to various public services (i.e., police, fire, schools, parks, and other public facilities) such that facilities would need to be built or expanded to accommodate the increase in service provision related to the planned growth, and determined that impacts would be less than significant with the implementation of the General Plan policies which require adequate public services for new development.

FIRE AND POLICE PROTECTION

Contra Costa County Fire Protection District (CCCFPD) provides protection, suppression, emergency medical, and rescue services for the City of Concord. The district also maintains mutual-aid agreements with the East Diablo Fire Protection District, the East Bay Regional Park District, CAL FIRE, and private industrial companies located within its jurisdiction.

Additionally, as shown in Section 3.11 of the General Plan EIR, Figure 3.11-2, the Project Site is located within a low fire hazard zone. As addressed in the General Plan EIR, the CCCFPD has a 5-minute response time to 90 percent of all emergency incidents, and 85.2 percent of

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9 See email correspondence from CCWD confirming the above was submitted to the City by the Applicant, dated October 23, 2018.
incorporated Concord is within 1.5 miles of a fully staffed fire station. Given the infill nature of the Project Site and its location within the City of Concord, the Proposed Project would be served by CCCFPD and would be subject to review by the CCCFPD for compliance with emergency response plans, and would be mandated through standard conditions of approval to adhere to all applicable CCCFPD requirements and standards. Law enforcement services are provided by Concord Police Department (CPD), along with the California Highway Patrol and the Contra Costa County Sheriff. Concord has a ratio of 1.29 officers per 1,000 residents, a lower ratio than the California standard of 1.4-1.7 officers per 1,000 residents. Accordingly, the department’s response time is between five and six minutes for Priority 1 calls (emergency and potentially life-threatening calls). Given the infill nature of the Project Site and its location within the City of Concord, the Proposed Project would be served by CPD (and the other above-referenced law enforcement agencies) and would be subject to review by CPD for compliance with emergency response plans, and would be mandated through standard conditions of approval to adhere to all applicable CPD requirements and standards.

Fire and police protection demand impacts were evaluated in the General Plan EIR and were found to be less than significant with implementation of applicable General Plan policies, as well as a condition requiring project proponents to comply with CCCFPD’s access and water supply requirements and with Article 9, Appendixes III-A, III-B, III-C, and III-E of the 2001 California Fire Code. The Proposed Project would not result in further impacts than those previously addressed in the General Plan EIR; given the nature of the Proposed Project (i.e., assisted living and memory care facility for seniors) to be located within the City’s urban core consistent with the General Plan and Specific Plan vision, it would not trigger the need to build or expand current fire protection facilities to serve the Proposed Project. Furthermore, under Policy GM-7.2.1 and Policy GM-7.2.2 of the Growth Management Element of the General Plan, new development (including the Proposed Project) would be required to pay its fair share towards fire and police services, respectively, by paying the applicable impact fees.

SCHOOLS

Given the nature of the Proposed Project, which is restricted to seniors ages 55 and older, it is anticipated that impacts to public schools would be minimal. However, it is possible that the availability of this type of facility to serve seniors may result in other family members with school aged children moving to the area. Public schools in Concord (2010–2011) had a total enrollment of 16,658 students and a total capacity of 22,154 students. Accordingly, the schools are 26 percent below capacity (2012 Supplement). Schools in the near vicinity of the Project Site, including Olympic Continuation High School, Crossroads High School, Mt. Diablo High School, and Beginnings and Montessori Christian School had a combined total enrollment of approximately 1,717 students for the 2016/2017 school year. The Proposed Project, which involves the redevelopment of new uses on an infill urban site near the City’s downtown, constitutes development of planned growth contemplated the General Plan.

RECREATION

There are six existing parks within a one-mile radius of the Project Site including: Todos Santos Plaza, Concord Parks and Recreation, John F. Baldwin Park, Willow Pass Community Park, Krueger Fields, and Ellis Lake Park. It is anticipated, that only those parks near the Project Site
would be utilized by some of the occupants. However, as discussed under schools, it is possible that the availability of this type of facility to serve seniors may result in other family members moving to the area. However, given the number of anticipated residents and the numerous parkland options nearby, and within the City itself, it is not anticipated that new or expanded park facilities would be needed to accommodate the Project.

SECTION 4.0 – EXCEPTIONS ANALYSIS

This section provides substantial evidence that none of the specific or general exceptions to categorical exemptions applies to the Proposed Project, and therefore the Proposed Project qualifies to be exempt under CEQA Guidelines §15300.2.¹⁰

4.1 LOCATION

CEQA Guideline §15300.2(a): Classes 3, 4, 5, 6, and 11 are qualified by the requirement that the location of the project be considered in determining whether a categorical exemption applies. This is because if the project being considered is to be located in a uniquely sensitive environment, a project that ordinarily would not have a significant impact on the environment may have a significant effect given the particularly sensitive environment at issue. Therefore, the exemptions for the foregoing classes do not apply if the activity may have an impact on an environmental resource of “hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.”

The Proposed Project does not qualify for an exemption under Classes 3,4,5,6, or 11; therefore, the exception under CEQA Guidelines §15300.2(a) does not apply to the Proposed Project.

¹⁰When an agency finds that a proposed project is subject to a categorical exemption, it is not required to also expressly determine that none of the exceptions applies. A determination that an activity is categorically exempt constitutes an implied finding that none of the exceptions to the exemptions exists. See, e.g., San Francisco Beautiful vs. City & County of San Francisco, 226 Cal.App.4th 1012, 1022 (2014). Nevertheless, in order to provide a robust analysis, this evaluation provides substantial evidence to support the City’s determination that none of the specific or general exceptions apply here and thus the Proposed Project is categorically exempt from environmental review.
4.2 CUMULATIVE IMPACTS

CEQA Guideline §15300.2(b): All exemptions for all classes of activities are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.11

Currently, the Project Site is vacant and generally unimproved. The Project Site was historically used as a mortuary from 1946 to 2006 and all prior improvements have been removed from the Project Site except for some pavement. Implementation of the Proposed Project would result in the development of an assisted living center and memory care unit. Once the Facility is developed, given the limited number of vacant infill sites in the project vicinity coupled with market demand and other considerations, successive projects of the same type in the same place12 are not likely.13 Accordingly, there would be no significant impacts from successive projects of the same type in the same place. Therefore, the exception under CEQA Guidelines §15300.2(b) does not apply to the Proposed Project.

4.3 SIGNIFICANT EFFECT

CEQA Guideline §15300.2(c): A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to “unusual circumstances.”

To determine whether this exception applies, it involves a two-step inquiry: (1) whether the project presents unusual circumstances; and (2) if unusual circumstances are identified, then a determination must be made as to whether there is a reasonable possibility that a significant impact will result from those unusual circumstances.

Here, there are no unusual circumstances related to either the Proposed Project design or site. The Project Site consists of a previously developed, infill site in an urban location comparable to other areas of Downtown Concord and would be guided by the zoning requirements applicable to the DMX zone. The Proposed Project would involve the construction of the assisted living and memory care facility on previously disturbed lands. Due to the Proposed Project being located on an already developed site and the proposed use being consistent with the surrounding urbanized uses, the Proposed Project’s circumstances are typical of other infill projects covered by the Class 32 exemption, and thus there is no evidence of unusual

11 The express language of the Guideline results in a narrower definition of “cumulative impacts” as compared to the broad definition applied elsewhere in CEQA practice. Generally, in conducting CEQA review, a cumulative impact is a change that results from the incremental impact of the project in question when added to other projects. CEQA Guidelines § 15355(b). In applying this exception, however, the cumulative impact must result from “successive projects of the same type in the same place.” CEQA Guidelines § 15300(b).
12 Under applicable provisions of CEQA, the phrase “in the same place” is generally interpreted to refer to the area where the environmental impact will occur and therefore the affected area will depend on the nature of the environmental impact.
13 Speculation that significant impacts will occur simply because other projects may be approved in the same area is insufficient to trigger this exception.
circumstances. Therefore, the exception under CEQA Guidelines §15300.2(c) does not apply to the Proposed Project.

### 4.4 SCENIC HIGHWAYS

CEQA Guideline §15300.2(d): A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

The Project Site is a previously developed infill site in an urbanized area of the City. There are no officially designated State Scenic Highways in the Downtown Planning Area; to the contrary, the closest California Scenic Highways are State Route 24 and Interstate 680 which are both approximately 5.5 miles away from the Project Site, and no other scenic resources in the project vicinity that could be damaged by the Proposed Project. Additionally, the Project Site is not within the North Todos Santos historic district. Accordingly, there would be no damage to scenic resources within a State Scenic Highway, scenic view corridor, or historic site, and thus, no significant impacts in this regard. Therefore, the exception under CEQA Guidelines §15300.2(d) does not apply to the Proposed Project.

### 4.5 HAZARDOUS WASTE SITES

CEQA Guideline §15300.2(e): A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

Figure 3.8-1 of the General Plan EIR identifies sites listed in the Brownfields Reuse Program as well as those listed by the State Water Resources Control Board; the Project Site is not identified as a hazardous materials site. The Project Site is not on the California Department of Toxic Substances Hazardous Waste and Substances Site Section 65962.5 List and the closest site on the list is located in Richmond (EnviroStor, 2019). Therefore, because the Proposed Project would not be located on a site included on any list compiled pursuant to Section 65962.5, the exception under CEQA Guidelines §15300.2(e) does not apply to the Proposed Project.

### 4.6 HISTORIC RESOURCES

CEQA Guideline §15300.2(f): A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Impacts to the built environment and archaeological resources were analyzed on a programmatic level in the General Plan EIR and 2012 Supplement, which concluded that the primary impact that could occur would be disturbance of cultural resources during development.
of property consistent with the buildout envisioned under the General Plan. Projects implemented under the General Plan would require supplemental environmental analysis prior to implementation to determine project-specific impacts. In order to comply with the findings of the General Plan EIR, AES conducted a cultural resources survey of the Project Site (attached Appendix C). A background record search was performed at the Northwest Information Center (NWIC) of the California Historical Resources Information System on March 28, 2019. Additional research was conducted using files and literature maintained at AES, as well as internet resources. The record search included a review of the National Register of Historic Places; the California Register of Historical Resources (CRHR); California Points of Historical Interest; California Inventory of Historic Resources; California Historical Landmarks; Directory of Properties in the Historic Property Data Files for Contra Costa County; and Archaeological Determinations of Eligibility.

The Project Site is located in the City’s urban core. By 2013, all buildings on the site had been demolished, waste removed, and most pavement used for parking lots removed. The record search determined that there have been five cultural resources surveys within 0.5 mile of the Project Site (Table 1 of Appendix C) and that two resources, CA-CCO-19 (P-7-38) and the Salvio Pacheco Adobe (P-7-952), have also been recorded within 0.5 mile of the Project Site. CA-CCO-19 is a prehistoric burial and midden site recorded in 1955 and 1956 south of the Project Site.

A backhoe trenching program on the Project Site was implemented on April 25, 2019, with AES and a Native American monitor from Wilton Rancheria in attendance. The purpose of the trenching was to discern whether any elements of site CA-CCO-19 were located within the Project Site that could be impacted by construction of the Proposed Project. As documented further in Appendix C, none were observed, and therefore a finding of No Historical Resources Affected is made, and no additional review is required for impacts to historic resources.

However, as indicated in past environmental documents conducted throughout the City including the General Plan EIR, there is the potential to discover previously unknown historical resources during ground-disturbing activities or isolated elements of CA-CCO-19. These might include, but are not limited to: flakes and chipped stone tools; grinding implements such as milling stones, manos, mortars, and pestles; midden soils, fragments of bone, shellfish, burials, and fire affected rock; construction materials and building foundations; wells or privies; deposits of metal, glass, and/or ceramic refuse; and vertebrate and invertebrate fossils. However, the Proposed Project would be required to implement standard conditions of approval in this regard, which would ensure impacts remain less than-significant. Because the identification of previously unknown cultural resources is always a potential for any project that result in ground disturbance, this issue is not considered peculiar that requires additional CEQA analysis.

TRIBAL CULTURAL RESOURCES:

AB 52 only requires consultation for a project that has a notice of preparation or notice of a negative declaration or mitigated negative declaration. Moreover, as noted above, there is no evidence that a significant impact to cultural resources would occur as a result of the Proposed Project. However, to further ensure that all potential impacts to cultural resources remain less than significant, the City has conservatively determined that it would be required to adhere to
recommendations received from Wilton Rancheria regarding the potential to uncover deposits related to CA-CCO-19 which might be uncovered during construction of the Proposed Project. Specifically, the following Standard Conditions of Approval would be imposed:

**STANDARD CONDITIONS OF APPROVAL**

1. Implement a pre-construction worker training program by having a qualified professional archaeologist address all on-site construction personnel regarding the presence of cultural resources and the potential for cultural resources, and ensure that a contact tree, identifying personnel with telephone numbers, is posted in the construction trailer or with the construction foreman in the case that discoveries are made. The program will underscore the requirement for confidentiality and culturally-appropriate treatment of any kind of Native American resources.

2. If resources are uncovered during construction, halt all work within 50 feet of the find and notify appropriate personnel on the contact tree. Retain a qualified professional archaeologist to assess the find for CRHR eligibility.

3. If human remains are uncovered during construction, halt all work within 50 feet of the find and notify appropriate personnel on the contact tree as well as the Contra Costa County Coroner; adhere to the provisions of Section 15064.5 (e) (1) of the CEQA Guidelines and Public Resources Code Section 7050.5.

4. Retain the services of a trained and experienced Native American monitor or qualified professional archaeologist to observe all ground-disturbing activities within the building footprint or beyond the footprint where utility trenching will disturb non-fill soils.

5. Prior to construction, develop a treatment and burial plan to reduce delays during construction and provide guidance on investigation procedures. The treatment and burial plan would detail specific investigation methods, specifically identify approved studies (e.g. Carbon-14 dating) to be performed, and specify methods for the ultimate disposition of recovered artifacts (e.g. return to the tribe, reburial, storage at an accredited repository).

**SECTION 5.0 – FINDINGS**

**5.1 APPLICABILITY OF CLASS 32 CONDITIONS**

Under a Class 32 Exemption, a proposed project that is characterized as an infill development project must comply with the conditions outlined in Section 15332 of the State CEQA Guidelines. Those conditions are as follows:

a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

b) The proposed development occurs within city limits on a Project Site of no more than five acres substantially surrounded by urban uses.

c) The Project Site has no value as habitat for endangered, rare, or threatened species.
d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
e) The site can be adequately served by all required utilities and public services.

The analysis in Section 3.0 above provides substantial evidence that the Proposed Project qualifies for an exemption under CEQA Guidelines Section 15332 and will not result in a significant effect on the environment.

5.2 APPLICABILITY OF EXCEPTIONS

In order for the Class 32 Exemption to apply, the Proposed Project must satisfy the conditions set forth above and must not result in any of the exceptions outlined in Section 15300.2 of the State CEQA Guidelines. The Proposed Project does not result in any of the following exceptions:

a) Project is located in a particularly sensitive environment. For Class 3, 4, 5, 6, or 11 exemptions only.
b) A significant cumulative impact.
c) Significant effect on the environment.
d) Damage to a scenic resources such as a historical buildings, trees, rock outcroppings, or similar resources along a scenic highway.
e) Effect a hazardous waste site that is included on any list compiled as part of Government Code Section 65962.5.
f) Substantial adverse change in the significance of a historical resource.

Based on the analysis of potential impacts located in Section 4.0 above, the Proposed Project does not result in any of the exceptions listed above and is therefore compliant with Section 15300.2. Accordingly, no further CEQA analysis is required, there is substantial evidence for the City to exempt the Proposed Project from environmental review, and a Notice of Exemption (NOE) can be filed.

SECTION 6.0 – LIST OF PREPARERS

Analytical Environmental Services

Project Manager:    Trenton Wilson
Technical Staff: Charlane Gross
                   Sam Schoevaars
                   Emily Schoenborn
                   Kelli Raymond
                   Marcus Barrango
                   Darianne Highsmith
SECTION 7.0 – REFERENCES CITED


Institute of Transportation Engineers (ITE), 2012. Trip Generation, 9th Edition.


This memorandum presents the results of a parking demand analysis and site plan review for the proposed Avesta project (project) in Concord, California. The primary purpose of this evaluation is to estimate the required parking for the project and to provide site design guidance with regard to vehicular, pedestrian and bicycle access and circulation.

I. Project Description

The Avesta project is a seven-story, 150-unit senior housing facility proposed for the vacant site at 1385 Galindo Street in Concord, California. The project includes 117 assisted living units with up to four units having two occupants, and 33 memory care units that will include a programmatic capacity of 40 residents. Thus, the project would provide 150 units and a maximum bed capacity of 161 beds. Avesta would employ approximately 75 full-time employees in three shifts throughout the day. The project application states that the day shift would have 36 full-time equivalent (FTE) employees, the second shift would have 28.33 FTE employees, and the night shift would have 10.65 FTE employees. The project site is shown on Figure 1 (all figures can be found at the end of this memorandum).

The project site plan (first floor plan including the site driveway and parking lot) is shown on Figure 2. All vehicular access would be provided at a new right turn only driveway on Galindo Street. ADA pedestrian access to the site would be provided adjacent to the driveway. The site plan provides 64 parking spaces, including 3 accessible spaces. Twelve of the 64 spaces will be provided with parking lifts that raise the parked vehicles above the drive aisle inside the garage. The 64-space supply corresponds to a parking supply ratio of 0.43 spaces per unit, and 0.40 spaces per bed at maximum
capacity. The project is located approximately 0.2 miles (a five minute walk) from the Concord Bay Area Rapid Transit (BART) station, and approximately 300 feet from a bus stop located on Oak Street.

II. Data Collection

Because the Concord Municipal Code does not provide a parking requirement for the senior housing/assisted living use, the parking demand for the project was estimated based on surveys of other comparable sites. A list of potential sites was developed, and three sites were selected based on several factors, including similar living options (assisted living and memory care, i.e. no or minimal independent living component); similar surrounding land use density; feasibility of accurately capturing total parking demand, including spillover demand on adjacent streets; and proximity to BART. The first three factors were determined to be more relevant than the BART proximity, particularly because none of the potential survey sites that met the other two criteria were located as close to BART as the proposed project. Attachment 1 lists all the potential survey sites, including the three selected sites: Aegis Pleasant Hill, Atria Walnut Creek, and Oakmont Concord. The far-right column and table notes provide the basis for the selection of the three sites.

The three survey sites, along with the number of beds, on-site parking supply, and walking distance/time from BART, are shown in Table 1. It is noted that the three survey sites, while within a reasonable commute trip walking distance from BART, are not as close to BART as the proposed project.

**Table 1: Comparable Senior Living Facilities**

<table>
<thead>
<tr>
<th>Senior Living Facility</th>
<th>Total Licensed Beds/Current Occupied Beds</th>
<th>Total Parking Supply</th>
<th>Walking Distance and Time from BART [miles (minutes)]</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aegis Pleasant Hill</td>
<td>90/70</td>
<td>32</td>
<td>0.8 (16)</td>
</tr>
<tr>
<td>Atria Walnut Creek</td>
<td>200/151</td>
<td>59</td>
<td>1.5 (32)</td>
</tr>
<tr>
<td>Oakmont Concord</td>
<td>121/83</td>
<td>30</td>
<td>1.4 (30)</td>
</tr>
<tr>
<td>Avesta (Project)</td>
<td>161/---</td>
<td>64</td>
<td>0.2 (5)</td>
</tr>
</tbody>
</table>

Notes: Total beds and occupied beds provided by the applicant (5/2/19 email) based on industry database. Parking supply provided by project applicant and verified by Fehr & Peers in the field.
Parking demand counts were conducted on Tuesday March 12, Saturday April 13, and Monday April 15. Based on a day-long survey at Aegis Pleasant Hill on March 12 (10:00 AM – 5:00 PM), it was determined that parking demand peaks in the afternoon between 1:00 and 4:00 PM. The subsequent counts at Aegis and the other two facilities therefore focused on this time period.

Attachment 2 contains the survey results. Each survey is described below.

**Aegis Pleasant Hill Survey**

Aegis of Pleasant Hill is located at 1660 Oak Park Boulevard in a residential neighborhood, about 500 feet east of the EBMUD Trail. Aegis provides up to 90 beds, 70 of which were occupied during the survey, and 32 parking spaces, a ratio of 0.45 spaces per occupied bed. There are five parking spaces available along the project’s frontage that appear to be used by Aegis staff or visitors, and these vehicles were included in the parking demand count (although not in the striped space supply). Available street parking further away was relatively unoccupied, so the off-site parking was determined to be limited to the Aegis frontage. Although there are 32 marked stalls, there are times when users of the facility parked in red-curb areas. The red-curb and off-site parking results in demand counts that occasionally exceeded the striped parking supply, as shown on Figure 3 and in Table 2. The highest observed parking demand at Aegis Pleasant Hill was 44 vehicles. This corresponds to a peak parking demand ratio of 0.63 spaces per occupied bed. (Note that the estimated parking demand rates are based on occupied beds, not total beds, for all three survey sites).

**Atria Walnut Creek Survey**

Atria Walnut Creek is located at 1400 Montego in a mixed-use neighborhood consisting of several assisted living facilities, office buildings and adjacent residential streets. Atria provides up to 200 beds, 151 of which were occupied during the survey, and 59 parking spaces, a ratio of 0.39 spaces per occupied bed. The peak parking demand observed at Atria was 56 spaces, a parking demand ratio of 0.37 spaces per occupied bed. Substantial on-street parking was observed adjacent to the facility on both sides of the street, and it was assumed that this demand was associated with Atria, while some on-site parking spaces remained vacant. Parking further away from the facility was assumed to be associated with other office buildings or assisted living facilities, such as Tampico Terrace.
Oakmont Concord Survey

Oakmont Concord is located at 1401 Civic Court, on a street with office buildings and adjacent to the Six Flags/Hurricane Harbor recreational site. Oakmont provides up to 121 beds, 83 of which were occupied during the survey, and 30 parking spaces, a parking ratio of 0.36 spaces per occupied bed. The peak parking demand observed at Oakmont was 35 spaces, a parking demand ratio of 0.42 spaces per occupied bed. Substantial on-street parking was observed near the facility, and this was assumed to be associated with Oakmont.

The observed parking demands and parking rates are summarized in Table 2. The peak parking demand ratios range from 0.37 to 0.63; the average of the peak demand rates is 0.47 spaces per bed.

Table 2: Peak Parking Demand Rates from Surveys

<table>
<thead>
<tr>
<th>Day/Time</th>
<th>Peak Parking Demand</th>
<th>Parking Demand Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Aegis</td>
<td>Oakmont</td>
</tr>
<tr>
<td>Tuesday 3/12/19</td>
<td>44</td>
<td>---</td>
</tr>
<tr>
<td>Saturday 4/13/19</td>
<td>30</td>
<td>35</td>
</tr>
<tr>
<td>Monday 4/15/19</td>
<td>39</td>
<td>34</td>
</tr>
<tr>
<td>Average Peak Demand Rate</td>
<td>0.47 spaces per bed</td>
<td></td>
</tr>
</tbody>
</table>

Note: Peak parking demand occurs in the afternoon between 1:00 and 4:00.

III. Parking Demand Evaluation

The parking demand evaluation for the project is based on a reasonably conservative estimate of the occupied beds on an ongoing basis. Prevailing assisted living facility occupancy data provided by the applicant shows that Contra Costa County facilities range from 90 to 92 percent occupancy levels. Therefore, it was determined that the parking requirement can reasonably be based on the project’s bed count with half of the potential double-occupancy units occupied by two residents. That results in a 156-bed operating facility: 150 beds + 0.5 X 11 extra beds. This corresponds to a 97 percent occupancy of the maximum bed count. At a parking demand rate of 0.47 spaces per bed, this results in a parking requirement of 73 spaces. However, based on the project’s very close proximity to the Concord BART station, with the many bus routes co-located there, a 25 percent reduction for day staff parking is recommended. If all 36 day-shift staff drove alone, this would
result in a staff demand of 36 spaces. A 25 percent reduction would eliminate demand for 9 spaces. Therefore, the recommended parking supply for the project is 73 – 9 = 64 spaces.

The Avesta project site plan provides 64 parking spaces, including twelve parking lift spaces. This plan meets the projected parking requirement described above.

While the proposed project parking supply is projected to adequately serve regularly occurring daily peak parking demand levels, there may be events, such as holiday family gatherings, that generate higher-than-usual visitor parking demand. There is no convenient nearby street parking to serve parking overflow from the proposed project, even if it occurs on an infrequent basis. The closest street parking, on Laguna Street, Oakmead Drive and Toyon Drive would require vehicle trips of up to a quarter mile from the site, followed by walks back to the site, which would not be practical for visitors. Therefore, it is recommended that the project operator consider parking management methods during such events, such as encouraging visitors and employees to take transit or a rideshare service; arranging off-site parking for employees; or other methods.

IV. Site Access and Circulation Review

This section is based on the site plan dated March 13, 2019, as shown on Figure 2. Considerations for all modes of travel, as well as parking, are provided.

Vehicular Access and Circulation

Vehicular access to the project site would be provided by a new driveway on Galindo Street that would provide access to the proposed parking garage and on-grade parking. Based on the evaluation provided in Fehr & Peers’ separate technical memorandum, Traffic Impact Assessment for the Avesta Senior Residential Project (March 29, 2019), the site driveway is expected to operate acceptably during peak hours.

It is expected that some vehicle trips to the site may be made through the use of transportation network companies such as Uber or Lyft. It is also expected that some residents may be able to leave the facility to go to doctor’s appointments, etc. It is unclear from the site plan if a designated passenger loading area has been identified.

**Recommendation 1:** Identify passenger loading area(s). Consider designating a parking space within the parking lot, preferably close to the primary building access door, for passenger loading.
**Pedestrian Access and Circulation**

Pedestrian access to the project would be from Galindo Street. The applicant may consider designating parking closest to the street for visitor parking. This way guests and residents of the facility will have closer access to the facility entrance(s).

**Bicycle Access and Circulation**

There are no bike lanes provided on Galindo Street in the project vicinity. Field observations show that bicyclists travelling along Galindo Street ride on the sidewalk with pedestrians. To facilitate and encourage bicycling by employees and visitors, the site should provide secure and convenient bicycle storage. It is understood that the area along the west wall of the garage will be used for bicycle storage.

*Recommendation 2*: Bicycle storage would be optimally located adjacent to the northwest corner of the garage, to avoid blocking access to the stairwell at the southwest corner of the garage, and to keep the space adjacent to the parking circulation aisle clear for vehicles exiting the parking spaces closest to this area.

**Transit Access and Circulation**

There are no existing bus stops along the project’s frontage, but there is a bus stop approximately 300 feet away on Oak Street. This stop is serviced by County Connection routes 14, 16, 19, 20, 91X, 314, and 320.

The project is located approximately 0.2 miles, a five-minute walk, from the Concord BART Station. This close proximity will encourage BART use by employees, visitors and residents. The project application includes provision of on-demand shuttle service for residents, which would serve residents who wish to use BART but cannot easily walk to the station.

**Emergency Vehicle Access**

The project is not expected to result in inadequate emergency access as it would add minimal vehicle traffic to the roadway system. The project site plan includes a fire truck turn around which allows emergency vehicles to turn around within the project site.

**Parking Space Design Standards**

In accordance with the City of Concord’s Municipal Code Guidelines on Chapter 18.160.090, the required design for 90-degree angle parking is a space width of 9.0 feet and space depth of 19.0 feet for standard spaces, and a 8.0-foot space width and 16-foot space depth for compact spaces.
A two-foot overhang is allowed within these standards. The site plan indicates that all spaces meet the standards. The garage spaces nearest the east wall of the garage will require multi-point turns to un-park.

**Recommendation 3:** Consider designating the garage spaces near the east wall of the parking garage for employee parking, since these spaces will be more difficult to exit due to the adjacent wall.

**Accessible Parking**

In accordance with the Americans with Disabilities Act (ADA) of 2010, Chapter 5, the project site meets accessible parking requirements. A parking facility with 64 spaces as shown on the site plan has a requirement of two standard and one van accessible parking space. The ADA (Code 502.2) states that standard accessible stalls need to be a minimum of eight feet wide, and van-accessible stalls need to be a minimum of 11 feet wide, or a minimum of eight feet wide with an eight-foot wide access aisle. Access aisles shall be served by an adjacent access route that is a minimum of three feet wide. The one dimensioned ADA parking space on the site plan meets these minimum requirements, and the other two appear to be the same size, though they are not dimensioned.

**V. Conclusions**

The parking demand assessment indicates that the proposed project provides 64 parking spaces, meeting the recommended number of spaces based on the parking demand analysis.

In addition to the parking evaluation, Fehr & Peers reviewed the project site plan and prepared several recommendations for the City’s and the applicant’s consideration. These are summarized in section IV of this memo.

Please contact Ellen or Ashlee at (925) 930-7100 with questions or comments.

**ATTACHMENTS**

- Figure 1: Project Site Vicinity
- Figure 2: Project Site Plan
- Figure 3: Aegis of Pleasant Hill Parking Demand

Attachment 1 -- List of Potential Survey Sites
Attachment 2 – Parking Survey Data
Figure 1

Project Site Vicinity
Conceptual Project Site Plan

Figure 2

Site Plan Source:
LPAS Architecture + Design, March 13, 2019
Aegis of Pleasant Hill: Parking Occupancy vs. Time of Day

Time of Day

Parking Occupancy

10:00 10:30 11:00 11:30 12:00 12:30 13:00 13:30 14:00 14:30 15:00 15:30 16:00 16:30 17:00

Aegis of Pleasant Hill: Parking Demand

Figure 3

32 TOTAL STALLS
## Attachment 1: Survey Sites Considered

<table>
<thead>
<tr>
<th>Property Name</th>
<th>Property Address</th>
<th>Property Phone Number</th>
<th>Total Units/Beds</th>
<th>Parking</th>
<th>Parking Ratio</th>
<th>Nearest BART Station</th>
<th>Distance to BART Station</th>
<th>Types of Care Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>AEGIS ASSISTED LIVING OF PLEASANT HILL</td>
<td>1660 OAK PARK BLVD, PLEASANT HILL, CA 94523</td>
<td>925-939-2700</td>
<td>90</td>
<td>32</td>
<td>36%</td>
<td>Pleasant Hill BART</td>
<td>0.6 miles</td>
<td>x x</td>
</tr>
<tr>
<td>AlmaVia of San Francisco</td>
<td>1 Thomas More Way, San Francisco, CA 94132</td>
<td>(415) 337-1339</td>
<td>135</td>
<td>20</td>
<td>15%</td>
<td>Daly City BART</td>
<td>0.8 miles</td>
<td>See Note 2</td>
</tr>
<tr>
<td>ATRIA WALNUT CREEK</td>
<td>1400 MONTEGO, WALNUT CREEK, CA 94598</td>
<td>925-938-6611</td>
<td>200</td>
<td>59</td>
<td>30%</td>
<td>Walnut Creek BART</td>
<td>1.3 miles</td>
<td>x x</td>
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<tr>
<td>BAYWOOD COURT</td>
<td>21966 DOLORES STREET CASTRO VALLEY CA 94546</td>
<td>510-733-2102</td>
<td>322</td>
<td>125</td>
<td>39%</td>
<td>Castro Valley BART</td>
<td>0.4 miles</td>
<td>x x x</td>
</tr>
<tr>
<td>BROOKDALE FREMONT</td>
<td>2860 COUNTRY CR FREMONT CA 94536</td>
<td>(510) 790-1445</td>
<td>200</td>
<td>80</td>
<td>40%</td>
<td>Fremont BART</td>
<td>0.5 miles</td>
<td>x x x</td>
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<tr>
<td>CARLTON SENIOR LIVING PLEASANT HILL</td>
<td>2176-2770 PLEASANT HILL RD, PLEASANT HILL, CA 94523</td>
<td>925-935-1660</td>
<td>185</td>
<td>59</td>
<td>36%</td>
<td>Pleasant Hill BART</td>
<td>1.2 miles</td>
<td>x x x</td>
</tr>
<tr>
<td>CARLTON SENIOR LIVING POETS CORNER</td>
<td>540 PATTERSON BOULEVARD PLEASANT HILL CA 94523</td>
<td>(925) 287-8750</td>
<td>75</td>
<td>25</td>
<td>33%</td>
<td>Pleasant Hill BART</td>
<td>0.9 miles</td>
<td>x x x</td>
</tr>
<tr>
<td>CONCORD ROYALE</td>
<td>4230 CLAYTON RD, CONCORD, CA 94521</td>
<td>925-676-3410</td>
<td>120</td>
<td>33</td>
<td>28%</td>
<td>Concord BART</td>
<td>1.5 miles</td>
<td>See Note 2</td>
</tr>
<tr>
<td>EAST BAY LONGEVITY ASSISTED LIVING</td>
<td>888 12TH STREET OAKLAND CA 94607</td>
<td>(415) 218-2620</td>
<td>90</td>
<td>0</td>
<td>0%</td>
<td>12th Street Oakland BART</td>
<td>0.1 miles</td>
<td>See Note 2</td>
</tr>
<tr>
<td>OAKMONT OF CONCORD</td>
<td>1401 CIVIC CT CONCORD, CA 94520</td>
<td>925-798-4004</td>
<td>121</td>
<td>30</td>
<td>25%</td>
<td>Concord BART</td>
<td>1.2 miles</td>
<td>x x</td>
</tr>
<tr>
<td>TIFFANY COURT</td>
<td>1866 SAN MIGUEL DRIVE WALNUT CREEK CA 94596</td>
<td>(925) 933-5555</td>
<td>66</td>
<td>21</td>
<td>32%</td>
<td>Walnut Creek BART</td>
<td>1.2 miles</td>
<td>x x</td>
</tr>
<tr>
<td>WALNUT CREEK WILLows</td>
<td>2015 MT. DIABLO BLVD, WALNUT CREEK CA 94596</td>
<td>(925) 256-8708</td>
<td>72</td>
<td>13</td>
<td>18%</td>
<td>Walnut Creek BART</td>
<td>0.6 miles</td>
<td>See Note 3</td>
</tr>
<tr>
<td>Silverado Berkeley Memory Care Community</td>
<td>2235 Sacramento St Berkeley, CA 94702</td>
<td>(510) 841-4844</td>
<td></td>
<td></td>
<td></td>
<td>North Berkeley BART</td>
<td>0.6 miles</td>
<td>See Note 2</td>
</tr>
<tr>
<td>Merrill Gardens at Lafayette</td>
<td>1010 Second Street Lafayette, CA 94549</td>
<td>(925) 398-2779</td>
<td></td>
<td></td>
<td></td>
<td>Lafayette BART</td>
<td>0.6 miles</td>
<td>x x x</td>
</tr>
<tr>
<td>The Kensington</td>
<td>1580 Geary Rd Walnut Creek, CA 94597</td>
<td>(925) 243-7592</td>
<td></td>
<td></td>
<td></td>
<td>Pleasant Hill BART</td>
<td>0.8 miles</td>
<td>x x x</td>
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<tr>
<td>Brightstar Care Dublin/Castro Valley</td>
<td>7080 Donlon Way #220 Dublin, CA 94568</td>
<td>(925) 833-9770</td>
<td></td>
<td></td>
<td></td>
<td>West Dublin/Pleasanton BART</td>
<td>0.9 miles</td>
<td>See Note 4</td>
</tr>
<tr>
<td>Merrill Gardens at Rockridge</td>
<td>6238 Coronado Ave Oakland, CA 94618</td>
<td>(510) 962-9922</td>
<td></td>
<td></td>
<td></td>
<td>Rockridge BART</td>
<td>0.6 miles</td>
<td>x x x</td>
</tr>
</tbody>
</table>

Notes:
1. IL = Independent Living; AL = Assisted Living; MC = Memory Care
2. Dense urban context with generally low parking rates; not a good match for proposed project.
3. Parking is so limited that we assume there is off-site parking, but we could not easily survey this due to the setting.
4. This facility provides in-home services; not a good match for proposed project.
Attachment 2: Parking Survey Data
<table>
<thead>
<tr>
<th>Parking Occupancy</th>
<th>Regular Parking Stalls</th>
<th>ADA Parking Stalls</th>
<th>15 Minute Parking</th>
<th>Compact</th>
<th>Reserved for Tour</th>
<th>Green Curb</th>
<th>Red Curb</th>
<th>On-street</th>
<th>Total</th>
<th>Total With On-Street</th>
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<tbody>
<tr>
<td>10:00</td>
<td>19</td>
<td>2</td>
<td>1</td>
<td>5</td>
<td>2</td>
<td>3</td>
<td>-</td>
<td></td>
<td>32</td>
<td></td>
</tr>
<tr>
<td>10:30</td>
<td>19</td>
<td>2</td>
<td>0</td>
<td>3</td>
<td>2</td>
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<td>4</td>
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<td>4</td>
<td>33</td>
<td>38</td>
</tr>
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AEGIS ASSISTED LIVING: 3/12/19 Survey

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Total Occupied Beds | Parking | Parking Ratio
70 | 27 | 39%

Demand/Bed
W/O Street Parking | With Street Parking
0.50 | 0.56
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* Includes spaces stenciled "Atria" in the lot adjacent to the office building next door at 114 Montego. These are so stenciled to distinguish them from spaces for that building.

**Demand/Bed**

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**Total Occupied Beds** | **Parking** | **Parking Ratio**
------------------------|-------------|-----------------|
151                     | 59          | 39%             |
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<tr>
<th>Parking Occupancy</th>
<th>Reserved/Resident</th>
<th>ADA Parking Stalls</th>
<th>Unreserved*</th>
<th>Unreserved in Upper Lot</th>
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* Includes spaces stenciled "Atria" in the lot adjacent to the office building next door at 114 Montego. These are so stenciled to distinguish them from spaces for that building.

**Atria Walnut Creek Monday 4/15/19 Survey**

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**Total Occupied Beds** | 83  
**Parking** | 30  
**Parking Ratio** | 30%
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DRAFT MEMORANDUM

Date: March 29, 2019

To: Trenton Wilson, Analytical Environmental Services

From: Ellen Poling and Ashlee Takushi, Fehr & Peers

Subject: Traffic Impact Assessment for the Avesta Senior Residential Project

This memorandum provides a traffic impact assessment for the proposed Avesta Senior Residential Project (project) in downtown Concord, CA. The primary purpose of this evaluation is to identify potential impacts of the project on the surrounding transportation system.

The proposed project is not expected to generate more than 100 peak hour vehicle trips and therefore does not warrant an impact analysis on the surrounding roadway network, following Contra Costa Transportation Authority’s (CCTA) Technical Procedures requirements. The following provides a summary of trip generation analysis and an evaluation of project driveway operations.

I. Introduction

The Avesta Senior Residential project is a seven-story, 150-unit senior housing facility proposed for the vacant site at 1385 Galindo Street in Concord, California. Vehicular access to the site will be provided by a new driveway on Galindo Street. The project includes 117 assisted living units with up to four units having two occupants, and 33 memory care units that will include a programmatic capacity of 40 residents. The project site is shown on Figure 1 (all figures can be found at the end of this memorandum).

II. Project Trip Generation

The project’s trip generation was estimated using the trip generation data presented in the Institute of Transportation Engineers’ Trip Generation Manual, 10th Edition. The Trip Generation Manual includes trip generation data for a variety of land use types. To estimate the trips generated by the project, Fehr & Peers used the Assisted Living land use (land use code 254). Assisted living, as
defined by ITE, is a residential setting that provides either routine general protective oversight or assistance with activities necessary for independent living to mentally or physically limited persons. Alzheimer’s and ALS care are commonly offered by these facilities and living quarters for these patients may be located separately from the other residents. We chose to use Assisted Living rather than Nursing Home (land use Code 620), as ITE defines a nursing home as a facility whose primary function is to provide care for persons who are unable to care for themselves. Examples of such facilities include rest home, chronic care, and convalescent homes. Residents often require treatment from a registered healthcare professional for on-going medical issues. Based on the project description given by the applicant, assisted living better suits this facility’s description. Separate estimates were prepared for daily trips, and weekday morning and weekday evening peak hours of adjacent street traffic. The project trip generation estimates are presented below in Table 1.

Table 1: Project Trip Generation

<table>
<thead>
<tr>
<th>Land Use</th>
<th>ITE Code</th>
<th>Quantity (Beds)</th>
<th>Daily</th>
<th>AM Peak Hour</th>
<th>PM Peak Hour</th>
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<td>In</td>
<td>Out</td>
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<td>Assisted Living</td>
<td>254</td>
<td>161</td>
<td>419</td>
<td>20</td>
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Source: Fehr & Peers, March 2019

As summarized in Table 1, the project is expected to generate up to 419 weekday daily trips, 31 weekday morning peak hour trips, and 42 weekday evening peak hour trips. Because the peak hour trip generation is less than 100 trips, additional analysis of the project’s impact on the surrounding roadway network is not required, per CCTA’s Technical Procedures.

III. Assessment of Project Driveway Operations

The project driveway will allow only right turns in and out, due to the median on Galindo Street. Fehr & Peers staff observed the traffic conditions for southbound traffic along the project frontage during the AM (7:00-9:00 AM) and PM (4:00-6:00 PM) peak periods on Thursday March 14th, 2019. In both periods, peak queues at the Monument Boulevard/Galindo Street & Oakmead Drive/Cowell Road intersection to the south reached to approximately 1313 Galindo Street, about 450 feet south of the project site. Thus, blockages of the project driveway during peak hours are not expected.
Drivers approaching the site driving northbound can make a U-turn at the Galindo Street/Laguna Street/Oak Street intersection, and drivers departing the site needing to head north can make a U-turn either at the left turn pocket serving the Concord Police Station across the street, or further south at the Monument Boulevard/Galindo Street & Oakmead Drive/Cowell Road intersection. The latter option can be used when gaps in the southbound flow do not allow drivers to reach the left turn pocket at the Police Station. Given the project’s relatively low estimated trip generation, the number of U-turns at these locations (a fraction of the total trip generation) is not expected to substantially change traffic operations along Galindo Street nor at the adjacent signalized intersections.

IV. Conclusions

Results of the trip generation assessment show that the proposed project would generate 31 AM peak hour trips and 42 PM peak hour trips, which is less than the 100 peak hour trips that would require the preparation of an off-site transportation impact assessment based on CCTA’s Technical Procedures. Field observations indicate that queues from the nearby Monument Boulevard/Galindo Street & Oakmead Drive/Cowell Road intersection do not reach the project driveway during peak hours. Therefore, drivers entering and exiting the driveway (via right turn) are not expected to experience blockages or substantial delays. The relatively small number of U-turns that will be necessitated by the right turn only project driveway is not expected to substantially change traffic operations along Galindo Street nor at the adjacent signalized intersections.

Please contact Ellen or Ashlee at (925) 930-7100 with questions or comments.

Attachments:

Figure 1 – Project Site Vicinity
March 22, 2019

Avesta Development
Attn: Mohammad Javanbakht
Managing Partner
1095 Colby Avenue
Menlo Park, California 94025
925-899-8981 Cell
mj@avestadev.com

ARBORIST REPORT

On February 5th, 2019, I inspected the trees at 1385 Galindo Street in Concord, California 94520. Although the recommendations in this report are based on sound and accepted horticultural practices, the author cannot be held responsible for the final outcome of the recommendations or any liabilities associated with this project. Tree inspections, in this case, do not cover all internal cavities, condition of the root system nor non-visible structural defects or disease.

Health and vigor of trees is numbered on a scale of 1 to 10, where 1 is poor and 10 is excellent.

Please consider my observations as noted below:

Tree # 1 – Tree Tag #5

Subject tree – Ulmus americana – American Elm tree

DBH – 26 inches

Height – Approximately 50 feet

Canopy Spread – Approximately 25 feet

Health/Vigor – 5
Observations – The trees have a large amount of deadwood throughout the canopy and poor branch structure. The life expectancy is 10 years or less.

Tree #2 – Tree Tag #6

Subject tree – *Ligustrum* – Privet tree

DBH – 15 inches

Height – Approximately 25 feet

Canopy Spread – Approximately 10 feet

Health/Vigor – 4

Observations – The tree has a codominant trunk, poor branch attachments with large wounds on the base of the trunk showing signs of decay. The life expectancy is 5 to 10 years.

Tree #3 – Tree Tag #7

Subject tree – *Juniperus* – Juniper tree

DBH – 10 inches

Height – Approximately 12 feet

Canopy Spread – Approximately 6 feet

Health/Vigor – 4

Observations – The tree has a codominant trunk with large mechanical wounds on the base of the trunk showing signs of decay. The life expectancy is 5 to 10 years.

Tree #4 – Tree Tag #8

Subject tree – *Quercus lobata* – Valley Oak tree

DBH – 29 inches

Height – Approximately 30 feet
Canopy Spread – Approximately 30 feet

Health/Vigor – 6

Observations – The trees have a large 18" lead with included bark at the union to the trunk and the canopy has been slightly compromised by the utility wires. The life expectancy is 15 years.

Tree # 5 – Tree Tag #9

Subject tree – *Phoenix canariensis* – Canary Island Palm tree

DBH – 24 inches

Height – Approximately 30 feet

Canopy Spread – Approximately 10 feet

Health/Vigor – 4

Observations – The Palm tree is full of dead fronds and has not been maintained during its life. The life expectancy is 5 to 10 years.

Tree # 6 – Tree Tag # 10

Subject tree – *Platanus occidentalis* – Sycamore tree

DBH – 13 inches

Height – Approximately 20 feet

Canopy Spread – Approximately 15 feet

Health/Vigor – 3

Observations – The Sycamore tree was topped at some point resulting in very poor branch attachments and many structural issues resulting in the tree being a hazard. The life expectancy is 3 to 5 years.
Tree # 7 – Tree Tag # 11

Subject tree – *Platanus occidentalis* – Sycamore tree

DBH – 12 inches

Height – Approximately 20 feet

Canopy Spread – Approximately 15 feet

Health/Vigor – 3

Observations – The Sycamore tree was topped at some point resulting in very poor branch attachments and many structural issues resulting in the tree being a hazard. The life expectancy is 3 to 5 years.

Tree # 8 – Tree Tag # 12

Subject tree – *Ulmus* – Elm tree (multi-stem)

DBH – 4 to 6 inches

Height – Approximately 20 feet

Canopy Spread – Approximately 20 feet

Health/Vigor – 2

Observations – The Elm tree is multi-stemmed with multiple codominant trunks with poor unions. The life expectancy is 5 to 7 years.

Tree # 9 – Tree Tag # 13

Subject tree – *Ulmus* – Elm tree (multi-stem)

DBH – 3 to 6 inches

Height – Approximately 20 feet

Canopy Spread – Approximately 15 feet

Health/Vigor – 2
Observations – The Elm tree is a multi-stemmed tree with one larger lead trunk that uprooted recently, all the trunks of the tree have included bark. The life expectancy is 3 to 5 years.

Tree # 10 – Tree Tag # 16

Subject tree – *Ulmus* – Elm tree (multi-stem)

DBH – 25 inches

Height – Approximately 10 feet

Canopy Spread – Approximately 15 feet

Health/Vigor – 3

Observations – The tree was topped at one point and is in poor health, the life expectancy of the tree is 5 years.

Tree # 12 – Tree Tag # 18

Subject tree – *Quercus wislezini* – Interior Live Oak tree

DBH – 12 inches

Height – Approximately 25 feet

Canopy Spread – Approximately 20 feet

Health/Vigor – 6

Observations – The tree is in decent health although it is under utility wires and will be an issue, the life expectancy of the tree is 3 to 5 years.

Tree # 13 – Tree Tag # 19

Subject tree – *Prunus subg. Prunus* – Flowering Plum tree

DBH – 14 inches

Height – Approximately 15 feet
**Canopy Spread** – Approximately 15 feet

**Health/Vigor** – 2

**Observations** – The tree is very poor in health as there is visible signs of fungus and decay, the life expectancy is 3 to 5 years.

**Tree # 14 – Tree Tag # 20**

*Subject tree* – *Prunus subg. Prunus* – Flowering Plum tree

**DBH** – 10 inches

**Height** – Approximately 15 feet

**Canopy Spread** – Approximately 15 feet

**Health/Vigor** – 2

**Observations** – The tree is in very poor health as there is visible signs of fungus and decay as there is over 50 percent of deadwood in the canopy, the life expectancy of the tree is 3 to 5 years.

**Site Conditions** – Tree # 4 – tree tag # 8 which is a Valley Oak tree would be considered a Protected tree. The diameter of the tree makes it a protected tree per the city tree ordinance. The health of the tree is a 6 out of 10. The Valley Oak tree is located below the wires which compromises the integrity of the tree since it has limited space to grow and the unions at the trunk have included bark.

Tree #6 – tree tag # 10 which is a Sycamore tree would also be considered a Protected tree. The diameter of the tree makes it a protected tree per the city tree ordinance. The health of the tree is a 3 out of 10. The Sycamore tree is in poor health due to being previously topped and causing the integrity of the tree to be compromised. The tree should be considered a hazard as it has several structural defects.

Tree # 12 – tree tag # 18 is an Interior Oak therefore falls under protected trees. The health of the tree is average but is not adequate for the site as it is under the wires and does not have space to grow.

All of the trees on the vacant lot have very poor soil conditions as the soil is heavily compacted. There is no irrigation system in place to help water the tree nor is there any mulch around the trees to help retain moisture when they receive water.
ArborWorks is in agreement with the proposed landscape plan for the site located at 1385 Galindo Street in Concord. ArborWorks certifies that the number of new trees provided in the proposed landscape plan meets and exceeds the tree mitigation plan requirements per the City of Concord's tree ordinance.

If you have any questions or require any additional information, please do not hesitate to contact me. You may contact me on my cell phone at 408-348-5442 or by email at rmathey@arborworksinc.com. Thank you in advance for your prompt consideration in this matter.

Regards,

Richard Mathey

Richard Mathey
Certified Arborist WI-1084A
ArborWorks, Inc.