Regular Meeting of the City of Concord Planning Commission

Wednesday, October 16, 2019  6:30 p.m.  Council Chamber  1950 Parkside Drive

Information for the public on participation at Planning Commission meetings can be found on the back of the Speaker Identification Card located near the Council Chamber entrance. Should you have any questions after consulting the Speaker Identification Card, please contact the Planning Division at (925) 671-3152 prior to the Planning Commission meeting.

AGENDIZED ITEMS – The public is entitled to address the Planning Commission on items appearing on the agenda before or during the Planning Commission’s consideration of that item. Each speaker will be limited to approximately three minutes.

1.   ROLL CALL

2.   PLEDGE TO THE FLAG

3.   PUBLIC COMMENT PERIOD

4.   CONSENT CALENDAR

   A.  10/02/19 Meeting Minutes

5.   PUBLIC HEARINGS

   A.  2001 Clayton Road Master Sign Program (PL19073 – DR) – Design Review application for a Master Sign Program consisting of freestanding signs, wall signs and skyline signs at 2001 Clayton Road. The General Plan designation is Downtown Mixed Use; Zoning classification is DMX (Downtown Mixed Use); APN 126-640-016. CEQA: Categorically Exempt pursuant to Section 15311, Class 11, “Accessory Structures,” and therefore
no further environmental review is required. **Project Planner: Frank Abejo @ (925) 671-3128**

B. **Diablo Valley Cremation & Funeral Services (PL19015 – UP, AA) –** Application for a Use Permit to operate a funeral service business in an existing 4,329 square foot tenant space and a Minor Exception to reduce the required parking by one space at 2261 Commerce Avenue, Suite 10. The General Plan designation is West Concord Mixed Use; Zoning Classification is WMX (West Concord Mixed Use); APN 126-020-053. CEQA: Categorically Exempt under CEQA Guidelines Sections 15301 “Existing Facilities” and 15332 “In-Fill Development Projects”. **Project Planner: Sarah Yuwiler @ (925) 671-3465**

6. **COMMISSION CONSIDERATIONS**

7. **STAFF REPORTS AND ANNOUNCEMENTS**

8. **COMMISSION REPORTS AND ANNOUNCEMENTS**

9. **FUTURE PUBLIC HEARING ITEMS**

10. **ADJOURNMENT**

Next Meeting: Regular Meeting
Date: 11/6/2019 – 6:30 PM

**ADA NOTICE AND HEARING IMPAIRED PROVISIONS** - The Council Chamber is equipped with a T-Coil Hearing Loop. This system allows “T” coil reception of the audio proceedings. Please switch your hearing aid or cochlear device to the “T”, “T” Coil or telephone position. If you would like better audio reception, a loop receiver that picks up the audio loop is available from the City Clerk.

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) 671-3031, at least five days in advance of the hearing. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.
A regular meeting of the Planning Commission, City of Concord, was called to order by Vice Chair Mercurio at 6:30 P.M., October 2, 2019, in the City Council Chamber.

1. **ROLL CALL**

   **COMMISSIONERS PRESENT:** Vice Chair John Mercurio  
   Commissioner Jason Laub  
   Commissioner Craig Mizutani

   **COMMISSIONERS ABSENT:** Chair Ray Barbour  
   Commissioner Mark Weinmann

   **STAFF PRESENT:** Mindy Gentry, Planning Manager/Secretary to the Planning Commission  
   Margaret Kotzebue, Senior Assistant City Attorney  
   Jessica Gonzalez, Assistant Planner

2. **PLEDGE TO THE FLAG**

   Commissioner Laub led the pledge.

3. **PUBLIC COMMENT PERIOD**

   No public comment was heard.

4. **CONSENT CALENDAR**

   **APPROVAL OF MINUTES**

   No public comment was heard.

   Motion was made by Commissioner Laub and seconded by Commissioner Mizutani to approve the meeting minutes of September 18, 2019. The motion was passed by the following vote:

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

City of Concord Policy for the Regulation of Small Wireless Facilities – Public hearing for the purposes of making a recommendation to the City Council regarding a City-initiated amendment to the City of Concord Development Code of adding a Subsection to Existing Wireless Chapter 18.205.030 to regulate small wireless facilities pursuant to applicable federal laws; and adopt a policy regulating small wireless facilities as defined by the Federal Communications Commission. CEQA: Pursuant to CEQA Guidelines Section 15378 and Public Resources Code Section 21065, the adoption of a development review process for wireless communications facilities is not a “project” under CEQA because its adoption is not an activity that has the potential for a direct physical change or reasonably foreseeable indirect physical change in the environment. Accordingly, this Ordinance is not subject to CEQA. Project Planner: Jessica Gonzalez @ (925) 603-5821

Jessica Gonzalez, Assistant Planner, introduced the project to the Commissioners and introduced Tripp May of Telecom Law Firm, the City’s outside legal counsel.

Tripp May, of Telecom Law Firm, gave a presentation explaining the background of wireless laws and answering questions from the Planning Commission regarding a clarification between “competitor” and “potential competitor”, shot clock timing, potential cubic feet modification, and design guideline implementation.

Public Comment

Ken Mintz, AT&T External Affairs Director of Contra Costa County, expressed his thanks to staff for revising the ordinance but wants to ensure that the provider rights guaranteed by the FCC’s Order are being preserved within the Ordinance. He also explained concerns related to having the law consistently applied, fees being based on reasonable costs, cities being preempted from making their own regulations on RF emissions, and cumulative antenna issues.

Dante Williams, of Verizon Wireless, thanked staff and the Commission for moving forward with this ordinance but also asked that staff to review the interpretations submitted by Verizon so there are no issues with shot clock timing and also emphasized the need for this new ordinance.

Rochelle Swanson, of Crown Castle, expressed her thanks to staff for the detailed report and also explained her concern with the overall deployment, rule 20, potential non-discrimination, proliferation, equity, and the shot clock.

Motion was made by Commissioner Mizutani and seconded by Commissioner Laub to adopt Resolution 19-17PC, recommending the City Council adopt an Ordinance to amend the City of Concord Development Code Chapter 18.205.030 to regulate small wireless facilities pursuant to applicable federal laws; and adopt a Policy and Procedure regulating small wireless facilities as defined by the Federal Communications Commission (PL19184). The motion was passed by the following vote:
6. COMMISSION CONSIDERATIONS

There were none.

7. STAFF REPORTS / ANNOUNCEMENTS

Planning Manager Mindy Gentry announced that Jessica Gonzalez will be leaving the City of Concord for another opportunity on October 9th after four years with the City.

8. COMMISSION REPORTS / ANNOUNCEMENTS

There were none.

9. FUTURE PUBLIC HEARING ITEMS

Mindy Gentry announced the October 16th meeting has two items currently scheduled, a master sign program for 2001 Clayton Road and a Use Permit for Diablo Valley Cremation.

10. ADJOURNMENT

Commissioner Laub moved to adjourn at 7:29 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
SUBJECT: 2001 Clayton Road Master Sign Program (PL19073)

Recommendation: Adopt Resolution No. 19-09PC, approving the 2001 Clayton Road Master Sign Program (PL18073 - DR).

CEQA: The project is Categorically Exempt pursuant to Sections 15301 “Existing Facilities,” 15303 “New Construction or Conversion of Small Structures,” 15304 “Minor Alterations to Land,” and 15311 “Accessory Structures,” and therefore no further environmental review is required.

I. Introduction

A. Application Request

Design and Site Review application for a Master Sign Program consisting of three freestanding signs (one monument and two pylon signs), seven wall signs, and four skyline signs with a cumulative sign area of 2,226 square feet at 2001 Clayton Road.

B. Location

The project site is located at 2001 Clayton Road; APN 126-640-016
II. **Background**

In 2012, the City adopted the Development Code, which introduced new sign standards and requirements such as zoning-based sign criteria and specific triggers for when Master Sign Programs are required.

LCA Architects, on behalf of Jamestown LP, has submitted an application for a Master Sign Program for 2001 Clayton Road. Bank of America developed the property in 1983 along with four adjacent properties as a technology campus that consists of three office buildings, an operations building, and a parking structure.

The Development Code (Section 18.180.060) requires a Master Sign Program for skyline signs and whenever six or more signs are proposed. Additionally, in the Downtown Mixed Use (DMX) zoning district, the cumulative area for all signs is limited to 300 square feet, but may be increased through a Master Sign Program. The proposed Master Sign Program includes skyline signs, exceeds six total signs, and exceeds the cumulative sign area standard.

Master Sign Programs which propose to deviate from a sign standard by up to 25%, may be approved by staff; however, deviations in excess of 25% require Planning Commission approval. The proposed Master Sign Program exceeds the cumulative sign area standard by over 25%, and therefore requires Planning Commission approval.

On August 22, 2019, the Design Review Board reviewed the proposed Master Sign Program and recommended Planning Commission approval with the following revisions to return for the Board’s approval as staff report items: 1) Show landscaping at the base of freestanding signs and move sign copy up as necessary to ensure it is not blocked by plant material; 2) Return with color and material samples; 3) Clarify if the stone accent projection on freestanding signs returns to the side; 4) Clarify design and location of ground sign and pylon sign lighting.

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 Determination

Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, the approval of a Master Sign Program at 2001 Clayton Road is categorically exempt pursuant to CEQA Guideline Sections 15301 “Existing Facilities”, 15303 “New Construction or Conversion of Small Structures”, 15304 “Minor Alterations to Land”, 15311, Class 11, “Accessory Structures.” These categorically exemptions apply as the approval of the Master Sign Program includes three freestanding signs (one monument and two pylon signs), seven walls signs and four skyline signs with a cumulative sign area of 2,266 square feet, which 1) does not add more than 2,500 square feet (Section 15301(e)(1); 2) will replace signage with substantially the same purpose (Section 15302); 3) consists of construction of new small structures on and minor alterations to the site (Sections 15303 and 15304); and 4) consists of the installation of on-premise signs (Section 15311(a)).

Furthermore, none of the exceptions to the categorical exemption apply under Section 15300.2, as there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances, and the proposed site is not located on a scenic highway, hazardous waste site or near a historical resource. Therefore, no further environmental review is required.

IV. Discussion

The Master Sign Program proposes three freestanding signs (one monument and two pylon signs), seven wall signs, and four skyline signs with a cumulative sign area of 2,266 square feet, where 300 feet is typically allowed in the DMX zoning district. Details of the proposed signage are provided in the following table.

Table 1. Summary of Master Sign Program

<table>
<thead>
<tr>
<th>Skyline Wall Sign</th>
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<tbody>
<tr>
<td>Dimensions</td>
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<td>Quantity</td>
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<td>Colors</td>
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<td>Materials</td>
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<td>Illumination</td>
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<tr>
<td>Tenant Identification Wall Sign</td>
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<td>Dimensions</td>
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<td>Quantity</td>
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<tr>
<td>Area</td>
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<tr>
<td>Cumulative Area</td>
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</tbody>
</table>
| Location(s) | North elevation: first, third and top floor fascia  
East elevation: top floor fascia  
South elevation: first, third and top floor fascia  
West elevation: third and top floor fascia |
| Font       | Registered trademark fonts or Helvetica for any tenant without registered trademark font. |
| Colors     | Tenant’s corporate/brand colors or with Owner approval (must be congruent with overall design of building and plaza) |
| Materials  | Individual channel letters with metal frame and perforated day/night acrylic front face. |
| Illumination | Internally lit LED or fluorescent tube |

<table>
<thead>
<tr>
<th>Freestanding Pylon Sign</th>
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<tbody>
<tr>
<td>Dimensions</td>
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<td>Illumination</td>
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<table>
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<tr>
<th>Freestanding Monument Sign</th>
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<tr>
<td>Dimensions</td>
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<tr>
<td>Cumulative Area</td>
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<td>Location(s)</td>
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</tbody>
</table>
Staff supports the proposed MSP and finds that it is appropriate based on the following master sign program criteria set forth under Development Code Section 18.180.060(C).

1) **Placement.** All signs shall be placed where they are sufficiently visible and readable for their function. Consideration is given to the purpose of the signs, the sign locations relative to traffic movement and access points, site features, structures, and sign orientation relative to viewing distances and viewing angles. In commercial centers where some tenants have little or no street visibility, wall signs may be allowed on walls of the building that are not directly over the space occupied by those tenants. The skyline and wall signs are appropriately placed as they serve to identify anchor tenants that are located within a large office development and do not have street visibility. The pylon signs are placed along walkways as appropriate for pedestrian-oriented signage. Lastly, the monument sign at the corner of Clayton Road and Galindo Street is located outside of the corner visibility triangle and oriented towards eastbound traffic, the direction from which most clients would approach the office complex.

2) **Quantity.** The number of signs within any development shall be no greater than that required to provide project identification, business identification, entry signs, and directional and informational signs for internal circulation and access. Consideration shall be given to the size of the development, the layout of the site, and the hierarchy of signs when considering sign quantity. A total of ten wall signs are proposed for the existing nine-story building. The number of wall signs is appropriate as they are sized and placed based on a hierarchy and in a manner that avoids sign clutter. The number of freestanding signs (one monument and two pylons) is also appropriate relative to the size of the development.

3) **Size.** Signs shall not be larger than necessary for visibility and readability. Considerations for determining appropriate size include volume and speed of traffic, visibility range, amount of sign copy, placement of display (location and height), lettering style, and the presence of distractive influences. As mentioned above, sign sizes follow a hierarchy where larger signs are placed on the upper portions of the building where their apparent size is diminished by the overall scale of the building. The sizes of the ground sign and pylon signs are typical for properties of a comparable size and similar to signs at nearby office developments. Lastly, sign copy is kept to a minimum and standard lighting methods will be used to avoid distractions.

4) **Materials.** Sign materials shall be compatible with architectural and/or natural features of the project. This may be accomplished through similarity of materials for sign structures and faces, the use of complementary colors, similarity of architectural style, or the use of a consistent lettering style or copy. Proposed sign materials consist of stone, concrete, and metal sign copy for the freestanding signs and acrylic lettering with metal returns for wall signs that are compatible with the materials of the office building.
5) **Illumination.** *Illumination shall be in conformance with this chapter.* The wall signs will be internally lit and all freestanding signs will be illuminated either internally or with spot lighting as allowed by the Development Code. There will be no flashing lights or excessive glare as prohibited by the Development Code.

6) **Context.** *All MSPs shall respect the context of the surrounding area and the character established by the proposed signage. Consideration shall be given to lettering style, sign placement, lighting, and architectural style.* The subject property was developed as part of a master development that includes two other office buildings with similar signage.

7) **The project also complies with the following sign design standards per Development Code Section 18.180.140.**

   (a) **Design compatibility with building.** The design, color, and materials of the proposed signs are compatible with the architectural elements of the office building.

   (b) **Design compatibility with adjoining development.** The signs are compatible with the surrounding commercial developments, some of which have similar signage size and type.

   (c) **Color.** Sign colors will be harmonious with one another and relate to the dominant colors of the structures on the site.

   (d) **Sign illumination.** Sign illumination is designed or directed in a manner so as not to cast stray light on surrounding rights-of-way and properties.

   (e) **Construction requirements.** A building permit will be required to ensure the signs are constructed in compliance with all applicable state, federal, and city laws and regulations, and the building code.

V. **Fiscal Impact**

The proposed project 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, and has been published in the East Bay Times, as required by the Concord Municipal Code. This item has also been posted at the Civic Center and at the subject site at least 10 days prior to the public hearing.

VII. **Summary and Recommendations**

Staff finds that the proposed Master Sign Program meets the required findings and sign design criteria and recommends the Planning Commission adopt Resolution No. 19-09PC, approving the 2001 Clayton Road Master Sign Program.
VIII. Motion

Project Approvals

I (Comm. ______) hereby move that the Planning Commission adopt Resolution 19-09PC approving the 2001 Clayton Road Master Sign Program (PL19073 – DR). (Seconded by Comm. _______.)

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

Reviewed by: Mindy Gentry
Planning Manager
(925) 671-3369
mindy.gentry@cityofconcord.org

Attachments:
1 - Resolution No. 19-09PC with Conditions of Approval (Exhibit A)
2 - Applicant’s Master Sign Program
3 - Applicant’s Master Sign Plan
BEFORE THE PLANNING COMMISSION
OF THE CITY OF CONCORD,
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

A RESOLUTION APPROVING THE 2001
CLAYTON ROAD MASTER SIGN PROGRAM
(PL19073 – DR) Resolution No. 19-09 PC

WHEREAS, on April 12, 2019, LCA Architects submitted a Design and Site Review
application for a Master Sign Program consisting of three freestanding signs (one monument and two
pylon signs), seven wall signs and four skyline signs at 2001 Clayton Road; APN 126-640-016; and

WHEREAS, on August 23, 2019, the proposed project 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 October 16, 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 October 16, 2019, as well as
other documents contained in the record of proceedings relating to the proposed project, which are
maintained at the offices of the City of Concord Planning Division (hereinafter referred to as “Project
Information”); and

WHEREAS, on October 16, 2019, the Planning Commission, after consideration of all
pertinent plans, documents and testimony and Project Information, declared their intent to approve the
Master Sign Program for 2001 Clayton Road, subject to the Conditions of Approval contained herein
as Attachment A.

NOW, THEREFORE, BE IT RESOLVED, the Planning Commission of the City of
Concord does hereby approve the 2001 Clayton Road Master Sign Program (PL19073 – DR) subject
to the Conditions of Approval and further makes the following findings:

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

2. Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970 (and as amended), the project is classified as Categorically Exempt pursuant to Sections 15301 “Existing Facilities,” 15303 “New Construction or Conversion of Small Structures,” 15304 “Minor Alterations to Land,” and 15311, “Accessory Structures,” as the approval of the Master Sign Program includes three freestanding signs (one monument and two pylon signs), seven walls signs and four skyline signs with a cumulative sign area of 2,266 square feet, which 1) does not add more than 2,500 square feet (Section 15301(e)(1); 2) will replace signage with substantially the same purpose (Section 15302); 3) consists of construction of new small structures on and minor alterations to the site (Sections 15303 and 15304); and 4) consists of the installation of on-premise signs (Section 15311(a). Furthermore, none of the exceptions to the categorical exemption apply under Section 15300.2, as there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances, and the proposed site is not located on a scenic highway, hazardous waste site or near a historical resource. Therefore, no further environmental review is required.

Master Sign Program

1. Placement. All signs shall be placed where they are sufficiently visible and readable for their function. Consideration is given to the purpose of the signs, the sign locations relative to traffic movement and access points, site features, structures, and sign orientation relative to viewing distances and viewing angles. In commercial centers where some tenants have little or no street visibility, wall signs may be allowed on walls of the building that are not directly over the space occupied by those tenants. The skyline and wall signs are appropriately placed as they serve to identify anchor tenants that are located within a large office development and do not have street visibility. The pylon signs are placed along walkways as appropriate for pedestrian-oriented signage. Lastly, the monument sign at the corner of
Clayton Road and Galindo Street is oriented towards eastbound traffic and the direction from which most clients would approach the office complex.

2. **Quantity.** The number of signs within any development shall be no greater than that required to provide project identification, business identification, entry signs, and directional and informational signs for internal circulation and access. Consideration shall be given to the size of the development, the layout of the site, and the hierarchy of signs when considering sign quantity. A total of ten wall signs are proposed for the existing nine story building. The number of wall signs is appropriate as they are sized and placed based on a hierarchy and in a manner that avoids sign clutter. The number of freestanding signs (one monument and two pylons) is also appropriate relative to the size of the development.

3. **Size.** Signs shall not be larger than necessary for visibility and readability. Considerations for determining appropriate size include volume and speed of traffic, visibility range, amount of sign copy, placement of display (location and height), lettering style, and the presence of distractive influences. As mentioned above, sign sizes follow a hierarchy where larger signs are placed on the upper portions of the building where their apparent size is diminished by the overall scale of the building. The sizes of the ground sign and pylon signs are typical for properties of a comparable size and similar to signs at nearby office developments. Lastly, sign copy is kept to a minimum and standard lighting methods will be used to avoid distractions.

4. **Materials.** Sign materials shall be compatible with architectural and/or natural features of the project. This may be accomplished through similarity of materials for sign structures and faces, the use of complementary colors, similarity of architectural style, or the use of a consistent lettering style or copy. Proposed sign materials consist of stone, concrete, and metal sign copy for the freestanding signs and acrylic lettering with metal returns for wall signs that are compatible with the materials of the office building.
5. **Illumination.** Illumination shall be in conformance with this chapter. The wall signs will be internally lit and all ground-mounted signs will be either internally illuminated or with spot lighting as allowed by the Development Code. There will be no flashing lights or excessive glare as prohibited by the Development Code.

6. **Context.** All MSPs shall respect the context of the surrounding area and the character established by the proposed signage. Consideration shall be given to lettering style, sign placement, lighting, and architectural style. The subject property was developed as part of a master development that includes two other office buildings with similar signage.

7. **The project also complies with the following sign design standards per Development Code Section 18.180.140.**

   (a) **Design compatibility with building.** The design, color, and materials of the proposed signs are compatible with the architectural elements of the office building.

   (b) **Design compatibility with adjoining development.** The signs are compatible with the surrounding commercial developments, some of which have similar signage size and type.

   (c) **Color.** Sign colors will be harmonious with one another and relate to the dominant colors of the structures on the site.

   (d) **Sign illumination.** Sign illumination is designed or directed in a manner so as not to cast stray light on surrounding rights-of-way and properties.

   (e) **Construction requirements.** A building permit will be required to ensure the signs are constructed in compliance with all applicable state, federal, and city laws and regulations, and the building code.

8. This resolution shall become effective immediately.

**PASSED AND ADOPTED** this October 16, 2019, by the following vote:
AYES:

NOES:

ABSTAIN:

ABSENT:

Mindy Gentry
Secretary to the Planning Commission

Exhibits:

A – Draft Conditions of Approval
EXHIBIT A

DRAFT CONDITIONS OF APPROVAL

2001 CLAYTON ROAD MASTER SIGN PROGRAM

PL19073 – DR

2001 CLAYTON ROAD

APN 125-210-011

1. These Conditions apply to and constitute approval of Design Review (PL19073 – DR) for a Master Sign Program consisting of three freestanding signs (one monument and two pylon signs), seven wall signs and four skyline signs. The signs shall be in substantial conformance with the approved sign details as follows:

<table>
<thead>
<tr>
<th>Skyline Wall Sign</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dimensions</td>
</tr>
<tr>
<td>Quantity</td>
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<tr>
<td>Area</td>
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<tr>
<td>Cumulative Area</td>
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<td>Location(s)</td>
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<td>Font</td>
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<tr>
<td>Colors</td>
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<tr>
<td>Materials</td>
</tr>
<tr>
<td>Illumination</td>
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<table>
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<tr>
<th>Tenant Identification Wall Sign</th>
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<tbody>
<tr>
<td>Dimensions</td>
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<td>Area</td>
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<tr>
<td>Cumulative Area</td>
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<td>Location(s)</td>
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</tbody>
</table>
West elevation: third and top floor fascia

<table>
<thead>
<tr>
<th>Font</th>
<th>Registered trademark fonts or Helvetica for any tenant without registered trademark font.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colors</td>
<td>Tenant’s corporate/brand colors or with Owner approval (must be congruent with overall design of building and plaza)</td>
</tr>
<tr>
<td>Materials</td>
<td>Individual channel letters with metal frame and perforated day/night acrylic front face.</td>
</tr>
<tr>
<td>Illumination</td>
<td>Internally lit LED or fluorescent tube</td>
</tr>
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**Freestanding Pylon Sign**

<table>
<thead>
<tr>
<th>Dimensions</th>
<th>3’w x 6’h</th>
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<tbody>
<tr>
<td>Quantity</td>
<td>2</td>
</tr>
<tr>
<td>Area</td>
<td>18 square feet</td>
</tr>
<tr>
<td>Cumulative Area</td>
<td>36 square feet</td>
</tr>
<tr>
<td>Location(s)</td>
<td>Northeast and Southeast corners of property</td>
</tr>
<tr>
<td>Font</td>
<td>“2001 Clayton Road” and Jamestown (property owner) information in Ateltico, Roboto, or Helvetica font</td>
</tr>
<tr>
<td>Colors</td>
<td>Silver, white and/or Jamestown corporate colors</td>
</tr>
<tr>
<td>Materials</td>
<td>Individual channel letters, concrete, metal and stone sign frame and base, stone accent bar</td>
</tr>
<tr>
<td>Illumination</td>
<td>TBD – LED internal or ground-based spot light optional</td>
</tr>
</tbody>
</table>

**Freestanding Monument Sign**

<table>
<thead>
<tr>
<th>Dimensions</th>
<th>10’w x 3’h</th>
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</thead>
<tbody>
<tr>
<td>Quantity</td>
<td>1</td>
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<tr>
<td>Area</td>
<td>30 square feet</td>
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<tr>
<td>Cumulative Area</td>
<td>30 square feet</td>
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<tr>
<td>Location(s)</td>
<td>Southwest corner in planter area (Galindo Street and Clayton Road)</td>
</tr>
<tr>
<td>Font</td>
<td>“2001 Clayton Road” and Jamestown (property owner) in Ateltico, Roboto, or Helvetica font</td>
</tr>
<tr>
<td>Colors</td>
<td>Silver, white and/or Jamestown corporate colors</td>
</tr>
<tr>
<td>Materials</td>
<td>Individual channel letters, concrete, metal, and stone sign frame and base, stone accent bar</td>
</tr>
<tr>
<td>Illumination</td>
<td>TBD – LED internal or ground-bases spot light optional</td>
</tr>
</tbody>
</table>

2. The following Exhibits, date stamped received by the City of Concord, on April 12, 2019 and September 18, 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>Master Sign Program</td>
<td>4/12/2019</td>
<td>LCA Architects</td>
<td>Pg. 1-11</td>
</tr>
<tr>
<td>Title Sheet</td>
<td>9/18/2019</td>
<td>LCA Architects</td>
<td>G1</td>
</tr>
</tbody>
</table>
3. The Conditions are the responsibility of the applicant and all contractors. *(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. Prior to issuance of a building permit, applicant shall submit the following for review and approval by the Design Review Board as a staff report item:
   a) Show landscaping at sign base and move sign copy up as necessary to ensure it is not blocked by plant material.
   b) Return with color and material samples.
   c) Clarify if stone accent projection on freestanding signs returns to the side.
   d) Clarify design and location of ground sign and pylon sign lighting.

7. Minor modifications that are found to be in substantial conformance with the approved plans such as colors and materials may be approved administratively. Major modifications shall be approved by the Design Review Board. *(PLNG)*

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

9. Signs shall be flush-mounted to the building façade. *(PLNG)*

10. 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)*

11. The permit and approval shall expire in one year 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 October 28, 2019. *(PLNG)*

12. A request for a time extension from the expiration date of October 28, 2020 can be considered if an application with required fee is filed at least 45 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)*
13. 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)
2001 Clayton Road
Concord, CA 94520

A Property of

JAMESTOWN

Master Sign Program

April 12, 2019
Updated October 10, 2019

Prepared by:

LCA Architects
A California Corporation
I. Introduction

The Master Sign Program for 2001 Clayton Road has been established for the purpose of assuring professional visual graphics, imagery and communications designed to benefit the building, the building’s tenants and their customers. The intent is to provide sign design, graphics and criteria, that are necessary to achieve a visually harmonious environment. The Master Sign Program for 2001 Clayton Road has been conceived to be consistent with the approved Master Sign Program for 1655 Grant Street.

II. Exterior Wall Signage

All exterior wall signage shall be considered part of the overall signage area that is subject to the City of Concord’s Signage Ordinance. The building identification signage shall be considered static in that it shall be installed one time only and remain unchanged thereafter. The freestanding signs shall be considered static in that they will be building and leasing agent identification and contact signs and will remain unchanged. The skyline signage and tenant identification signage shall be considered dynamic.

1. Both Skyline signage and Tenant Identification Signage lettering should be consistent.

2. Existing Building Identification Signage at Ground Floor Entry Doors:
   a. 2001 Clayton (Main Entry Door Signs at North and South Elevations)
      1. Font: Existing
      2. Size: Existing (“2’-8” h x 7’-6” l)
   b. Approved locations: Existing

3. Skyline Signage:

   The two most significant tenants are entitled to up to two (2) skyline identification signs each. The Owner shall decide who is the most significant tenant.

   a. Skyline sign shall consist of:
      1. Font: Registered trademark fonts or Helvetica for any tenant without registered trademark font.
      2. Colors: Tenant’s corporate/brand colors or with Owner approval (must be congruent with overall design of building and plaza)
      2. Size: North Elevation: 6’h x 6” d x 64’l = (384 sf.)
         East Elevation: 6’h x 6” d x 64’l = (384 sf.)
         South Elevation: 6’h x 6” d x 64’l = (384 sf.)
         West Elevation: 6’h x 6” d x 64’l = (384 sf.)

         Total Square Footage: 1536 sf.

   b. Skyline sign shall be constructed of:
      1. Type: Individual Channel Letter
      2. Metal Frame: Silver for building uniformity
      3. Perforated Day/Night Acrylic Front Face
Color Options: Registered trademark colors or with owner’s approval.

4. Illuminated: Internal only - LED or Fluorescent – Double Tube 6500 neon white or similar

c. **Approved locations: See Elevations**

4. Tenant Identification Signage:

The Owner is entitled to offer significant tenants up to (7) tenant identification signs.

a. **Tenant Identification Wall Sign shall consist of:**

1. **Font:** Registered trademark fonts or Helvetica for any tenant without registered trademark font.
2. **Colors:** Tenant’s corporate/brand colors or with Owner approval (must be congruent with overall design of building and plaza)
3. **Size:**
   - North Elevation: 4’h x 22’l (88 sf.)
   - 4’h x 36’l (144 sf.)
   - East Elevation: 4’h x 7’l (28 sf.)
   - South Elevation: 4’h x 22’l (88 sf.)
   - 4’h x 36’l (144 sf.)
   - West Elevation: 4’h x 36’l (144 sf.)
   - 4’h x 7’l (28 sf.)

   **Total Square Footage:** 664 sf.

b. **Tenant Identification Wall Sign shall be constructed of:**

1. **Type:** Individual Channel Letter
2. **Metal Frame:** Silver for building uniformity
3. **Perforated Day/Night Acrylic Front Face**
   - Color Options: Registered trademark colors or with owner’s approval.
4. **Illuminated:** Internal only - LED or Fluorescent (Double Tube 6500 neon white or similar)

c. **Approved locations: See Elevations**

5. Freestanding Pylon Building/Leasing Agent Identification and Contact Signage

a. **Freestanding Pylon Signs shall consist of:**

1. **Font:** Ateltico, Roboto or Helvetica
2. **Color:** Silver, white and/or Jamestown corporate colors
3. **Size:**
   - Northeast: 3’w x 6’h (18 sf.)
   - Southeast: 3’w x 6’h (18 sf.)
   - Southwest: 3’w x 6’h (18 sf.)

   **Total Square Footage:** 36 sf.

b. **Freestanding Pylon Signs shall be constructed of:**

1. Individual Channel letter
2. Concrete, stone, metal
3. Illumination: TBD – LED internal or ground-based spot light optional

6. Freestanding Monument Sign Building/Leasing Agent Identification and Contact Signage
Monument Sign shall consist of:

1. Font: Ateltico, Roboto or Helvetica
2. Color: Silver, white and/or Jamestown corporate colors
3. Size: Southwest 10’w x 5’h (50 sf.)
   Total Square Footage: 50 sf.

Monument Sign shall be constructed of:

1. Individual Channel letter
2. Concrete, stone, metal
   i. Concrete and stone are to use integral colors and not be painted
3. Illumination: TBD – LED internal ground-based spot light optional or LED internally illuminated

Approved Locations

1. Refer to drawing set, Sheet A1.1

7. General Notes

a. Design Compatibility
   1. Signs shall be compatible with the architectural style of the primary building or buildings upon the site where the sign is located.

b. Colors
   1. Colors on signs and structural members should be harmonious with one another.
      i. No colors shall be allowed besides Jamestown corporate colors or tenant registered trademark colors
   2. Concrete and stone sign elements are to use integral colors and not be painted

c. Sign Illumination
   1. The illumination of signs, either from an internal or external source, shall be designed so as not to cast stray light on surrounding rights-of-way and properties. The following requirements shall apply to all illuminated signs:
      1. External light sources shall be directed and shielded to limit direct illumination of an object other than the sign;
      2. The light from an illuminated sign shall not be of an intensity or brightness that will create glare or other negative impacts on residential properties or streets in direct line of sight to the sign;
      3. Colored lights shall not be used at a location or in a manner so as to be confused or construed as traffic control devices; and
      4. Light sources shall utilize energy-efficient fixtures to the greatest extent possible and shall comply with Title 24 of the California Code of Regulations.
   2. Light fixtures located at ground level shall be protected from pedestrian traffic and be congruent with the landscape design
III. Dynamic Sign Analysis

A. Applicable Planning Ordinances

1. City of Concord Development Code Article IV, Division 7 Signs

Section 122-535 Review Authority

Table 122-541.1 Sign Regulations by Zoning District, Downtown Mixed Use (DMX)

<table>
<thead>
<tr>
<th>District/Use Type</th>
<th>Sign Types Allowed</th>
<th>Sign Area Determination Minimum/Maximum</th>
<th>Maximum Height</th>
<th>Maximum Cumulative Signage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Districts</td>
<td>Wall Awning Projecting</td>
<td>1 sf: If bldg frontage plus 1 sf: 100 sf floor area; or a maximum of 15% of any wall surface area; no sign shall be required to be less than 20 sf</td>
<td>NA</td>
<td>max 300 sf</td>
</tr>
<tr>
<td>Downtown Mixed Use (DMX)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>West Concord Mixed Use (W/MX)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Suspended</td>
<td>5 sf</td>
<td>NA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Freestanding</td>
<td>Max 30 sf</td>
<td>6 ft</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Skyline</td>
<td></td>
<td>Skyline to be approved by MSP</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Section 122-541 Signs Regulations by Zoning District
Section 122-544 Standards for Specific Sign Types
Section 122-545 Design Standards for Signs

B. Permitted Areas for Exterior Signage

1. Wall Signs:

   Primary Building Frontage (Clayton Road) = 227’-7 ¼”
   Signage Allowed = 228 sf (+/-)

   Floor Area = 301,994 sf (+/-)
   Increased Allowance = 3,021 sf (+/-)

   Maximum 15% of Wall Surface Area:
   North and South Elevations = 15% of 30,000 sf (+/-) = 4,500 sf (+/-)
   East and West Elevations = 15% of 13,750 sf (+/-) = 2,063 sf (+/-)
Max. Cumulative Sign Area Allowed = 300 sf
Deviation: 25% within DMX zone district. With approval from City of Concord Staff.

664 sf (PROPOSED) > 375 sf (ALLOWED) – With approval from City of Concord Design and Planning Authority

2. Skyline Signs:

To be approved by MSP

3. Freestanding Signs:

Maximum Cumulative Signage = Maximum 30 sf

84 sf (PROPOSED) > 30 sf (ALLOWED) - With approval from City of Concord Design and Planning Authority

IV. General

A. Procedures for Signage Application

The MSP requirements and the Tenant’s responsibility to comply with the approved MSP shall be incorporated into all Tenant leases. To obtain sign approval from the Owner, each applicant shall submit the following:

Tenant Identification Signage:

Step I:

1. The Tenant will submit to the Owner three (3) sets of scaled drawings including all lettering and graphic diagrams. The Tenant shall understand and follow the criteria specified in Section II of the Master Sign Program. There will be no exceptions to these criteria.

2. Additionally, the Tenant will submit to the Owner a draft of one (1) complete City of Concord Building Permit Application form that is required by the city.

3. Upon Approval, the Owner will return to the Tenant one (1) set of approved signage plans.

4.

Step II:

1. The City of Concord shall approve all exterior signs. The Tenant will then submit to the City of Concord three (3) sets of scaled drawings, one of which will be colored,
including all lettering and graphic diagrams, signed and dated “approved” by the Owner with the calculation of the total area exterior signage to support this application.

2. Additionally, the Tenant will submit to the City of Concord one (1) complete City of Concord Building Permit Application.

**Skyline Signage:**

**Step I:**

1. The Tenant will submit to the Owner three (3) sets of scaled drawings including all lettering and graphic diagrams. Included within this package, the Tenant shall submit a calculation of the area of their proposed sign. The Tenant shall understand and follow the criteria specified in Section II of the Master Sign Program. There will be no exceptions to these criteria.

1. Additionally, the Tenant will submit to the Owner a draft of one (1) complete City of Concord Building Permit Application form that is required by the city.

2. Upon approval, the Owner will return to the Tenant one (1) set of approved signage plans.

**Step II:**

1. The City of Concord shall approve all exterior signs. The Tenant will then submit to the City of Concord three (3) sets of scaled drawings, one of which will be colored, including all lettering and graphic diagrams, signed and dated “approved” by the Owner with the calculation of the total area exterior elevation signage to support this application.

2. Additionally, the Tenant will submit to the City of Concord one (1) complete City of Concord Building Permit Application.

**B. City of Concord Sign & Building Permits**

1. All permits required for signage installation shall be obtained by the applicant, or his agent, at the Tenant’s expense.

2. The applicant shall be responsible for the fulfillment of all requirements and specifications contained in the City of Concord Development Code, Division 7 Signs.

3. At the time of filing an application for building permit, a non-refundable permit fee shall be paid to the City of Concord.

4. An electrical permit will be required when electrical work is involved.

**C. Sign Contractor**
1. Any sign contractor performing any work for any Tenant shall have an applicable State of California Contractor’s license.

2. The Owner reserves the right to exclude any sign contractor from performing work on the site or buildings.

D. Insurance

1. Sign contractors shall carry WORKER’S COMPENSATION AND PUBLIC LIABILITY PROPERTY DAMAGE INSURANCE against all damage suffered or done to any and all persons and/or property while engaged in the construction or erection of signs in an appropriate amount as required by the Owner and the City of Concord. Sign contractor shall provide Owner with a certificate of insurance naming Owner as ‘Additional Insured’ prior to starting work.

2. Contractor or Tenant shall indemnify the Owner from any damages that may arise from the installation, maintenance or use of Tenant’s signs.

E. Sign Maintenance

1. Each Tenant is responsible for the maintenance and repair of its signs and lighting.

2. The Tenant shall keep the sign and it’s lighting in good appearance, repair and proper operating condition at all times. Burned out lights shall be replaced.

3. City Maintenance Requirements: Every sign and all parts, portions, and materials thereof shall be maintained and kept in proper repair. The display surface of all signs shall be kept clean, neatly painted, and free from rust and corrosion. Any cracked, broken surfaces, malfunctioning lights, missing sign copy, or other non-maintained or damaged portions of a sign shall be repaired or replaced within 30 days following notification by the city. Noncompliance with such a request will constitute a nuisance condition and zoning violation and will be enforced as such.

F. Sign Removal at Tenants Vacation of Space

1. At the time a Tenant vacates its space, the Tenant shall remove its sign(s) and patch, paint and repair the surfaces to which the signs were installed back to the original condition of the surface. This removal, repair and waterproofing, as required, shall be at the Tenant’s expense.

2. If the Tenant fails to remove its sign(s) and patch and repair the surfaces to which the sign(s) were installed back to the original condition of the surfaces, the Owner will have such work performed and back charge the Tenant for the cost of the work.

G. Tenant Sign Hours of Sign Operation

Hours of sign illumination shall be consistent with the agreement stated in the lease.
H. Owner’s Right of Refusal

The Owner reserves the right to refuse acceptance of any design for aesthetic reasons, or for any reason whatsoever.

I. Codes

All signs and their installation are to meet all applicable electrical, structural and building codes.

J. Prohibited Signs

Only the sign types state in Section 2, 3, 4, 5, & 6 shall be permitted. Prohibited signs include those described in City of Concord Municipal Code Section 18.180.080

K. Definitions from City of Concord Development Code Article IX

**Building frontage.** The linear dimension of a building that is roughly parallel to and facing a public street (excluding an alley) or public/private parking lot, if appropriate. This linear amount determines the allowable sign area. For buildings with multiple frontages, the calculation of allowable sign area shall be based on the primary building frontage. The sign applicant or business owner may designate the primary and secondary building frontages, except for corner lot buildings, which shall be measured along the street on which the address of the building is assigned, regardless of the location of the building entrance.

**Channel Letter Sign.** A sign made up of individual letters or figures that are independently mounted to a wall or other surface. The “air space” between the letters or figures is part of the building façade and is not part of the sign structure. When a logo is clearly distinguished from other sign elements, it may be considered a channel letter.

**Copy.** Any words, letters, logos, numbers, figures, design, or other symbolic representation incorporated into a sign.

**Floor Area.** The total floor area in a building (including basements, mezzanines, interior balconies, and upper stories or levels in a multistory building) unless otherwise stipulated; e.g., “ground” floor area.

**Illuminated.** A sign with an artificial source of light incorporated internally or externally for the purpose of illuminating the sign.

**Logo.** A specially designed graphic symbol of a business establishment, a company, or any other legal private or public entity.

**Neon.** A sign with tubing that is internally illuminated by neon or other electrically charged gas.

**Parapet.** That portion of the building wall that extends above the roof of the building.
Raceway. Rectangular box containing the electrical components necessary for illuminating a sign. Typically, channel letters or figures are mounted onto the box, which is then attached to a wall or other structure. The box is referred to as a raceway, because the wiring and ballasts used jointly by all of the channel letters or figures run through one or more common raceways.

Sign. Any medium, including its structure and component parts in view of the general public, which is used to attract attention for advertising or identifying purposes.

Skyline Sign. A flat-mounted sign located at the top floor of a building which does not project above the higher of the cornice or parapet of the building.

Wall Sign. A sign painted or installed on or attached to a wall, or dependent upon a building for support, and which is parallel to the building façade. This definition includes painted, and channel letters.

L. Tenant Copy

1. All Tenant signage shall consist solely of the Tenant’s trade name, logo and recognizable trademark insignia.

M. Electrical & Illumination for Skyline Signage

1. Sign illumination shall not include flashing, moving or audible effects.

2. Exposed raceway and conduit will not be permitted.

3. All fluorescent lamps shall be Double Tube 6500 Neon White

4. All neon transformers will be 30 MA H.P.F. 110 volts.

5. All conductors, transformers and other equipment shall be concealed.

6. Primary electrical service shall be placed on Tenant’s meter and shall be part of Tenant’s construction and operating costs. Time clocks and photocell switches are required. Photocells will be mounted on the parapet wall and time clocks will be within the Tenant’s space.

7. Electrical components shall bear the Underwriter’s Laboratories (UL) label of approval, or equal, and shall comply with all local building and electrical codes and industry standards and practices.

N. Construction

1. All bolts, fastenings, clips, conduits, etc., shall be hot-dipped galvanized iron or equal, stainless, aluminum, brass or bronze. Where externally mounted, all items shall be painted to match the exterior colors of the surface mounted thereon.
2. All manufacturers/installers are advised that prior to final acceptance, each unit may be inspected for conformance by authorized representative of the Owner. Any signs found not to be in conformance will be rejected and removed immediately by the Tenant’s contractor at the Tenant’s expense.

3. No substitutes will be accepted by the Owner whatsoever, unless so indicated in the specifications and approved by the Owner and City of Concord.

O. Installation

1. Locations of signs: All signs or advertising devices advertising an individual use, building, or business shall be attached to the building at a location, described herein, or in attached drawings.

2. All penetrations of the building structure required for sign installation shall be neatly sealed and continuously maintained in watertight condition.

3. Attachments of signs to building shall be made per specifications contained herein.

4. Tenant’s sign contractor shall repair any damage to the building caused by the sign installation. Unrepaired damage cause by Tenant’s sign and/or sign contractor shall be Tenant’s responsibility to correct at Tenant’s expense. Tenant shall be fully responsible for the operations of the Tenant’s contractor.

5. Tenant’s sign contractor must secure building permits. Fabrication and installation must comply with all local building and electrical codes.

6. All contractors must be fully licensed (California Contractors License C-45), and must provide the Owner with a certificate of liability insurance naming Owner as an additional insured prior to commencing any work on the property.

7. Any signs penetrating the sloped roof surface shall have shop drawings reviewed and approved by Owner roofing contractor.
MASTER SIGN PLAN
2001 CLAYTON ROAD
CONCORD, CA 94520
FREESTANDING SIGN #1

FREESTANDING SIGN #2

MONUMENT SIGN #1
EXISTING METAL PANEL SYSTEM

EXISTING PARAPET CAP
DOUBLE TUBE 6500 WHITE NEON DAY/NIGHT PERFORATED ACRYLIC FRONT FACE - COLOR TBD
GTO CABLE
COMPRESS/FITTING GLASS RISER RIVETED TO ALUM. BACK PANEL ELECTRIB IT INSULATED BOOT WEEP HOLE
EXISTING STRUCTURE

EXISTING ROOF SYSTEM
EXISTING STRUCTURE

TYPICAL WALL SIGN

EXISTING METAL PANEL SYSTEM
NEW WALL SIGNAGE 4'-0" H x 6" D. PAINTED ALUMINUM SIDES w/ (PERFORATED DAY/NIGHT ACRYLIC SIGN "T") FRONT FACE - WHITE NEON INTERNAL LIGHTING EXISTING WINDOWS

TYPICAL GROUND FLOOR TENANT SIGN

EXISTING METAL PANEL SYSTEM
NEW TENANT SIGNAGE 4'-0" H x 4" D. PAINTED ALUMINUM SIDES w/ (PERFORATED DAY/NIGHT ACRYLIC SIGN "T") FRONT FACE - WHITE NEON INTERNAL LIGHTING EXISTING WINDOWS

SIGN DETAILS & SECTIONS

TYPICAL SKYLINE SIGN

EXISTING METAL PANEL SYSTEM
NEW SHEEN SIGNAGE 6'-0" H x 6" D. PAINTED ALUMINUM SIDES w/ (PERFORATED DAY/NIGHT ACRYLIC SIGN "T") FRONT FACE - WHITE NEON INTERNAL LIGHTING EXISTING WINDOWS

SKYLINE SIGN SECTION

EXISTING METAL PANEL STAND OFF EAVES PAINTED METAL FRAME DOUBLE TUBE 6500 WHITE NEON GTO CABLE COMPRESS/FITTING PERFORATED DAY/NIGHT ACRYLIC FRONT FACE GLASS RISER RIVETED TO ALUM. BACK PANEL ELECTRIB IT INSULATED BOOT WEEP HOLE EXISTING STRUCTURE

WALL SIGN SECTION

EXISTING METAL PANEL STAND OFF EAVES PAINTED METAL FRAME DOUBLE TUBE 6500 WHITE NEON GTO CABLE COMPRESS/FITTING PERFORATED DAY/NIGHT ACRYLIC FRONT FACE GLASS RISER RIVETED TO ALUM. BACK PANEL ELECTRIB IT INSULATED BOOT WEEP HOLE EXISTING STRUCTURE

GROUND FLOOR SIGN SECTION

EXISTING METAL PANEL STAND OFF EAVES PAINTED METAL FRAME DOUBLE TUBE 6500 WHITE NEON GTO CABLE COMPRESS/FITTING PERFORATED DAY/NIGHT ACRYLIC FRONT FACE GLASS RISER RIVETED TO ALUM. BACK PANEL ELECTRIB IT INSULATED BOOT WEEP HOLE EXISTING STRUCTURE

SIGNS SHALL BE CONSTRUCTED OF INDIVIDUAL CHANNEL LETTER AND SYMBOLS. SIGN CONTRACTOR SHALL FIELD VERIFY EXISTING WALL FRAMING CONDITIONS, REMOVE ANY EXISTING METAL PANELS AS REQUIRED AND INSTALL NEW FRAMING BUILDING CONNECTED TO EXISTING STRUCTURAL MEMBERS IN ORDER TO PROVIDE ADEQUATE SUPPORT FOR NEW SIGNAGE. REINSTALL METAL PANELS TO MATCH EXISTING.
REPORT TO PLANNING COMMISSION

DATE: October 16, 2019

SUBJECT: DIABLO VALLEY CREMATION & FUNERAL SERVICES USE PERMIT & MINOR EXCEPTION (PL9015 – UP, AA)

Recommendation: Adopt Resolution No. 19-18PC, approving the Use Permit and Minor Exception (PL19015 – UP, AA) for Diablo Valley Cremation and Funeral Services.

CEQA: This project is categorically exempt under CEQA Guidelines Sections 15301 “Existing Facilities” and 15332 “In-Fill Development Projects.”

I. Introduction

A. Application Request

Application for a Use Permit to operate a funeral parlor/mortuary use, known as Diablo Valley Cremation and Funeral Services, within an existing tenant space and a Minor Exception to reduce the required parking by one space.

B. Location

The project site is located at 2261 Commerce Avenue, Suite 10, APN 126-020-053.

C. Applicant

Rose Rodriguez
Diablo Valley Cremation & Funeral Services
2401 Stanwell Drive Suite 460-17
Concord CA, 94520

Owner
Deutscher Properties
2261 Commerce Avenue
Concord, CA 94520
II. Background

On January 24, 2019, Diablo Valley Cremation & Funeral Services ("Applicant") submitted a Use Permit application to operate a funeral services business in an existing 4,329 square foot existing tenant space, located at 2261 Commerce Avenue, Suite 10. The Development Advisory Committee (DAC) deemed the application incomplete due to missing or insufficient information. The application was deemed complete on September 30, 2019, following the submittal of revisions by the Applicant providing the information necessary for staff to conduct a complete review, including clarification on proposed parking and the addition of a minor exception to reduce the parking by one space.

III. General Information

A. General Plan

The General Plan designation is WCMX (West Concord Mixed-Use).

B. Zoning

The site is zoned WMX (West Concord Mixed-Use).

C. Environmental Determination

Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, the approval of a Use Permit for a funeral parlor/mortuary and approval of a Minor Exception to reduce the on-site parking by one parking space at an existing building is exempt from CEQA pursuant to Section 15301 “Existing Facilities,” the project is classified as a Class 1 Categorical Exemption. Additionally, pursuant to Section 15332 “In-Fill Development Projects,” the project is classified as a Class 32 Categorical Exemption, as the project is 1) consistent with the City’s General Plan and zoning; 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.

Furthermore, none of the exceptions to the categorical exemption apply under Section 15300.2, as there is no reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances, and the proposed site is not located on a scenic highway, hazardous waste site or near a historical resource. Therefore, no further environmental review is required.

D. Site Description

<table>
<thead>
<tr>
<th>Lot Size and Dimensions</th>
<th>23,522 sq. ft.</th>
<th>Flag lot: 107.5 ft. x 229.6 ft. (approx.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Improvements</td>
<td>8,218 square foot commercial building (total of 2 tenants)</td>
<td></td>
</tr>
<tr>
<td>Topography</td>
<td>The parcel is flat and sits at the same level as the adjacent</td>
<td></td>
</tr>
</tbody>
</table>
E. Surrounding Land Use

The site is surrounded by the following uses:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>General Plan Designation</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North: Lamorinda Tile &amp; Stone</td>
<td>West Concord Mixed Use</td>
<td>WMX</td>
</tr>
<tr>
<td>East: Mazda Dealership Car</td>
<td>West Concord Mixed Use</td>
<td>WMX</td>
</tr>
<tr>
<td>Storage</td>
<td></td>
<td></td>
</tr>
<tr>
<td>South: Superior Crane Service</td>
<td>West Concord Mixed Use</td>
<td>WMX</td>
</tr>
<tr>
<td>&amp; Welding</td>
<td></td>
<td></td>
</tr>
<tr>
<td>West: Auto Related Uses &amp;</td>
<td>West Concord Mixed Use</td>
<td>WMX</td>
</tr>
<tr>
<td>Repair</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

IV. Detailed Project Description

A. Description of Business

Diablo Valley Cremation and Funeral Services (DVCFS) is a family-owned and operated cremation and funeral service business. The business currently operates an administrative office at 2401 Stanwell Drive. This location would continue to manage the day-to-day administrative functions such as the logistics for pick-ups and deliveries, processing of paperwork/certificates, and meeting with loved ones; however, preparation and storage of human remains is not permitted at this location because the zoning district of the existing administrative office on Stanwell Drive does not allow for a funeral parlor/mortuary land use. DVCFS is requesting a Use Permit at the subject site (zoned WMX) for the preparation, storage, and refrigeration of human remains until they can be transported to a cremation facility located in Stockton.

DVCFS has been seeing an increase in business, specifically in the East Bay region and is in need of an interim holding space for the deceased prior to transportation to the cremation facility in Stockton. The morgue is proposed to accommodate up to 12 human remains for two to four days. It is important to note that there will be no cremation taking place at the proposed location. All transfers of remains will be done discretely by being performed completely inside the warehouse facility and behind the roll-up warehouse door. Transfers of the deceased to the location may be done at any time of the day as needed.

A small administrative area is proposed to be used on an appointment only basis (roughly five times a month) to meet with families of the deceased, typically consisting of two to four people at a time. The proposed hours of operation are Monday through Friday, 9:00 a.m. to 4:00 p.m. Additionally, no funeral services will be held at this location as it is strictly a mortuary for the preparation and storage of human remains. No signage or exterior improvements are proposed as part of the use permit proposal.
V. Analysis/Discussion

A. General Plan Consistency

The proposed use is consistent with the West Concord Mixed Use (WCMU) land use designation of the General Plan, which is intended for a mix of office and commercial development, including warehouses. Additionally, the project complies with the following General Plan policies:

- General Plan Policy LU-6.1.3 encourages the reuse of existing heavy industrial uses with light industrial office, and/or industrial business park uses. Mortuaries are a needed service to address a natural part of life. The location is a great fit for the proposed use as it will now occupy a previously vacant tenant space in a highly auto-oriented and industrial area that is removed and not highly visible. The remote location is down a private driveway, off the main road, in a lightly trafficked area, which is an ideal location for a use such as a mortuary, which could be viewed as an unfavorable use, given the delicate nature of the services provided.

- General Plan Policy E-2.1.2, which promotes business retention in Concord by facilitating DVCFS’ need to develop and expand their business to a second location in order to offer a critical service that cannot be provided at their current location.

For these reasons, staff finds the proposed project consistent with West Concord Mixed Use land use designation as well as the surrounding land uses and the applicable policies within the General Plan.

B. Zoning Consistency/Use Permit

As noted above, the zoning classification for the project site is WMX. The WMX district is generally located west of downtown, along Concord Avenue and the Walnut Creek Channel, and adjoining areas of the city. As mentioned above, the preparation and storage of human remains is classified as a funeral parlor/mortuary in the Development Code. Funeral parlor/mortuary is described as an establishment that provides services involving the care, preparation, or disposition of the human dead and conducting memorial services. Examples include a crematory, columbarium, mausoleum, or mortuary.

Pursuant to the Development Code, a use permit is required for funeral parlors/mortuaries within the WMX zoning district. In order for a Use Permit to be approved, the following findings contained within Section 18.435.060 of the Development Code must be made by the Planning Commission, as the review authority:

1. The proposed use is allowed within the applicable Zoning District and complies with all other applicable provisions of the Development Code and Concord Municipal Code.
The proposed funeral parlor/mortuary is allowed within the WMX zoning district with an approved Use Permit and with a Minor Exception to allow for a reduction by one parking space, and will comply with all other applicable provisions of the Development Code, including those discussed above.

2. The proposed use is consistent with the General Plan and any applicable Specific Plan.

As noted above, General Plan Policy LU-6.1.3 encourages the reuse of existing heavy industrial uses with light industrial office and/or industrial business park uses, including warehouse uses. The use will occupy a previously vacant site in a highly auto-oriented and industrial area. This would be the second location in Concord for DVCFS, further implementing General Plan Policy E-2.1.2, which facilities a businesses' effort to expand to address demand. For these reasons, the proposed project consistent with West Concord Mixed Use land use designation as well as the surrounding land uses and the applicable policies within the General Plan. There is no Specific Plan applicable to the project site.

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 design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity because, as discussed above, the building is only shared with one other tenant space that also does not have many customers visiting the site. Additionally, the operating characteristics ensure that all business activities are performed inside the building. Lastly, the facility and property do not need to go through extensive improvements to satisfy the proposed use.

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 site is physically suitable for the type, density, and intensity of the proposed use, including access, utilities, and the absence of physical constraints due to occupying and existing tenant space. Further, given the site characteristics of the property being a flag lot and behind another parcel makes the site more suitable for the proposed use as it further minimizes any potential visual impacts.

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.

The project is located on a flag lot where vehicle storage takes place on the front parcel further blocking the view from the public right-of-way. Additionally, the use shares a building with one other tenant who also does not regularly have clients that frequent the location. Lastly, the operations of the business,
including the loading and unloading will take place inside the warehouse and not visible from surrounding areas.

C. Parking- Minor Exception

The project includes the operation of a funeral parlor/mortuary within an existing 4,329 square foot tenant space. The project will not result in additional floor area and the parking is shared with one other tenant, Lamorinda Tile Warehouse which occupies the additional 3,889 square feet of the building.

There are 13 total existing parking spaces on site. Pursuant to the City of Concord Development Code Chapter 18.160.040, five parking spaces are required for Lamorinda Tiles based on 489 square feet dedicated to office and 3,400 square feet dedicated to manufacturing/processing and warehouse space. Diablo Valley Cremation and Funeral Services is required to provide nine parking spaces based on 2,457 square feet dedicated to storage and 1,414 square feet dedicated to office space. Therefore, a total of 14 parking spaces are required between the two tenants.

A Minor Exception may be granted for a reduction of up to 10 percent of the required parking for nonresidential uses. A Minor Exception is typically an administrative-level decision; however, when a single project requires multiple discretionary permit applications, such as the case, all applications must be approved concurrently by the highest level of authority required for any one application. Therefore, the Planning Commission is requested to consider the Minor Exception along with the Use Permit request.

A Minor Exception may be approved based on all of the following findings:

A. No practical alternative exists that will result in a superior project with regard to its appearance, relationship with existing buildings and improvements, visibility, and impacts to neighboring properties including privacy, noise, view, and lighting impacts.

There was one potential location for an additional parking space at the south end and adjacent to the building however, it would restrict emergency vehicle access for the fire department. There was no other location onsite where additional parking could be provided; therefore, no practical alternative exists.

B. Other provisions of the development code will not be compromised.

No other exceptions or variances are requested and the proposed use meets all applicable provisions of the development code.
C. No negative impact will result.

The exception will not result in a negative impact on parking as customers do not regularly visit the proposed business. Additionally there will typically be two employees (maximum three) at the site. Therefore, up to six parking spaces will be available for clients, which is adequate.

D. The project will otherwise comply with all applicable Development Code standards and requirements.

No other exceptions or variances are requested and the proposed use meets all applicable provisions of the development code.

VI. Fiscal Impact

The proposed project 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 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.

VIII. Summary and Recommendations

The proposed funeral parlor/mortuary will occupy an existing tenant space within an existing commercial building. The site is not readily visible and is located behind a storage lot for new vehicles that are associated with the nearby auto dealership. Furthermore, the project will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of such project as conditioned.

Staff recommends the Planning Commission open the public hearing, consider the staff report and presentation by the applicant, the public testimony, and close the hearing upon completion of public testimony. Staff recommends the Planning Commission adopt Resolution No. 19-18PC approving a Use Permit and Minor Exception for parking for Diablo Valley Cremation and Funeral Services.

IX. Motion

Project Approvals

I (Comm. ______) hereby move that the Planning Commission adopt Resolution 19-18PC approving the Diablo Valley Cremation and Funeral Services Use Permit and Minor Exception (PL19015 – UP, AA), subject to the Conditions of Approval set forth in Attachment A to Resolution 19-18PC. (Seconded by Comm. _______.)
Exhibits:

A – PC Resolution No. 19-18PC, Conditions of Approval (Attachment A)
B – Applicant’s written statement date stamp received January 24, 2019 and September 3, 2019
C – Minor Exception Written Statement date stamped received September 4, 2019
D – Project plans date stamp received September 3, 2019
E – Zoning Compliance Fact Sheet dated September 3, 2019
BEFORE THE PLANNING COMMISSION
OF THE CITY OF CONCORD,
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

A RESOLUTION APPROVING A USE PERMIT
AND MINOR EXCEPTION FOR PARKING FOR
DIABLO VALLEY CREMATION AND FUNERAL
SERVICES (PL19015-UP, AA) Resolution No. 19-18 PC

WHEREAS, on January 24, 2019, Rose Rodriguez, on behalf of Diablo Valley Cremation and
Funeral Services, submitted a use permit to operate a funeral service business known as Diablo Valley
Cremation and Funeral Services at 2261 Commerce Avenue Suite 10, APN 126-020-053; and

WHEREAS, on September 30, 2019, the application was deemed complete; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA)
of 1970, as amended, the project has been determined to be Categorically Exempt from CEQA,
pursuant to Section 15301 (Class 1 – Existing Facilities) and Section 15332 (Class 32-In-Fill
Development Projects), therefore no further environmental review is required; 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 October 16, 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 October 16, 2019, as well as other
documents contained in the record of proceedings relating to the proposed project, which are
maintained at the offices of the City of Concord Planning Division (“Project Information”); and

WHEREAS, on October 16, 2019, the Planning Commission, after consideration of all
pertinent plans, documents and testimony, 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 Use Permit and Minor Exception application (PL19015 – UP, AA) to operate

Reso No. 19-18 PC
a funeral parlor/mortuary business in an existing tenant space at 2261 Commerce Avenue, subject to
the Conditions of Approval and further makes the following findings:

RECITALS

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

CEQA

Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970 (and
as amended); the approval of a Use Permit for a funeral parlor/mortuary and approval of a Minor
Exception to reduce the on-site parking by one parking space at an existing building is exempt from
CEQA pursuant to Section 15301 “Existing Facilities,” the project is classified as a Class 1
Categorical Exemption. Additionally, pursuant to Section 15332 “In-Fill Development Projects,” the
project is classified as a Class 32 Categorical Exemption because 1) the project is consistent with the
Geneal Plan, and applicable zoning designation and regulations; 2) the proposed development occurs
within city limits on a site of no more than five acres substantially surrounded by urban uses; 3) the
project has no value as habitat for endangered, rare or threatened spacies; 4) approval of the project
would not result in any significant effects related to traffic, noise, air quality or water quality; and 5)
the site can be adequately served by all required utilities and public services. Additionally, pursuant
to Section 15300.2(c), there are no exceptions to the Section 15301 “Existing Facilities” or Section
15332 “In-Fill Development Projects” exemptions because: 1) the subject property is not located in a
sensitive environment; 2) the project will not cause a cumulative impact due to successive projects of
the same type in the same area; 3) the project will not have a significant effect on the environment due
to a cumulative impact of other projects or unusual circumstances; 4) the project will not result in
damage to scenic resources; 5) the project is not located on a site which is included on any list
compiled pursuant to Section 65962.5 of the Government Code; and, 6) the project will not cause a
substantial adverse change in the significance of a historical resource.

**USE PERMIT**

1. The proposed funeral parlor/mortuary is allowed within the WMX zoning district with an approved use permit and with a Minor Exception to allow for a reduction by one parking space, and will comply with all other applicable provisions of the Development Code.

2. The proposed funeral parlor/mortuary is consistent with the General Plan Policy LU-6.1.3, which encourages the reuse of existing heavy industrial uses with light industrial office and/or industrial business park uses. The use will occupy a previously vacant site in a highly auto-oriented and industrial area. This would be the second location in Concord for DVCFS further implementing General Plan Policy E-2.1.2, which facilities a business’ effort to expand in order to address demand. For these reasons, the proposed project consistent with West Concord Mixed Use land use designation as well as the surrounding land uses and the applicable policies within the General Plan. There is no Specific Plan applicable to the project site.

3. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity because, as discussed above, the building is only shared with one other tenant space that also does not have many customers visiting the site. Operating characteristics are in place to ensure that all business activities are performed inside the building and the facility does not need to go through extensive tenant improvements to satisfy the new tenant.

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 due to occupying an existing tenant space. Given the site characteristics of the property being a flag lot and behind another parcel makes the site more suitable for the proposed use as it further minimizes any potential visual impacts.

5. Granting the use permit for the proposed mortuary use will not be detrimental to the health, safety, and general welfare of the persons residing or working in the subject neighborhood or
materially injurious to property or improvements in the vicinity and the Zoning District where the property is located. The project is located on a flag lot where vehicle storage takes place on the front parcel further blocking the view from the public right-of-way. The use shares a building with one other tenant who also does not regularly have clients that frequent the location. The operations of the business, including the loading and unloading, will take place inside the warehouse and not visible from surrounding areas.

**MINOR EXCEPTION**

6. No practical alternative exists that will result in a superior project with regard to its appearance, relationship with existing buildings and improvements, visibility, and impacts to neighboring properties including privacy, noise, view, and lighting impacts given that the parking will not be reduced any further than currently provided.

7. Other provisions of the development code will not be compromised.

8. No negative impacts will result as there are not clients or customers regularly visiting the proposed business. All operations will occur within the building and behind the roll up doors.

9. The project will otherwise comply with all applicable development code standards and requirements.

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

**PASSED AND ADOPTED** this October 16, 2019, by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

Mindy Gentry
Secretary to the Planning Commission

Attachments:

A – Draft Conditions of Approval

Reso No. 19-18 PC
ATTACHMENT A
DRAFT CONDITIONS OF APPROVAL
DIABLO VALLEY CREMATION AND FUNERAL SERVICES
PL19015- UP, AA
2261 Commerce Avenue, Suite 10
APN: 126-020-053

PERMIT DESCRIPTION

1. These Conditions of Approval apply to and constitute the approval of a Use Permit (PL19015-UP, AA) to operate a funeral parlor/mortuary business, known as Diablo Valley Cremation and Funeral Services, within an existing 4,329 square foot tenant space and Minor Exception for a one-space parking reduction. These approvals conform to the applicant’s written statements date stamped received January 24 and September 3, 2019 and site and floor plans date stamped received September 3, 2019, on file at the Planning division. (PLNG)

2. Diablo Valley Cremation and Funeral Services shall conform to all state of California requirements and shall maintain valid licensing and remain in good standing. (PLNG)

3. The hours of operation for Diablo Valley Cremation and Funeral Services shall be as follows:
   - Monday through Friday 9:00 a.m. to 4:00 p.m.
   - Transfers of the deceased may occur at any time of the day

4. The following Exhibits, date stamped received by the City of Concord, on September 3, 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>Site Plan</td>
<td>March 25, 2019</td>
<td>Polygon Design Studio</td>
<td>A1</td>
</tr>
<tr>
<td>Proposed Plan</td>
<td>March 25, 2019</td>
<td>Polygon Design Studio</td>
<td>A2</td>
</tr>
</tbody>
</table>

GENERAL CONDITIONS

5. 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 approval of the Final Map.
   f) 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)
6. 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)*

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

8. 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)*

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 Building Plans are submitted for plan check.
   b) Prior to occupancy approval. *(PLNG)*

10. All exterior improvements for the area adjacent to the tenant space out to the street curb shall be maintained in good condition and kept clean and clear of debris. When the tenant space is not adjacent to a street, sidewalk, or parking lot, the tenant shall be responsible for maintenance of the area immediately in front of their space. Exterior improvements include but are not limited to landscaping, street trees, sidewalks, parking areas, street furniture, trash receptacles and enclosures, signs, and building facades, except for areas which are maintained by the City. *(PLNG)*

**ARCHITECTURAL**

11. 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)*

12. 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)*

**LIGHTING**

13. 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)*

14. 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)*
SIGNAGE

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

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

17. Signs shall be flush-mounted to the building façade. *(PLNG)*

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

19. 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*

20. 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*

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

PARKING

22. Parking shall comply with 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. *(ENGR, PLNG) CMC*

23. A total of eight parking spaces are required for the business. **This includes the reduction of one parking space approved through the Minor Exception.** *(PLNG)*

24. 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)*

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

NOISE

26. Noise producing 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

27. 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)

28. 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)

29. 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)

30. 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)

31. 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)

32. There shall be no parking of construction equipment or construction worker’s vehicles on residential streets at any time; all vehicles shall be maintained on-site. (ENGR, BLDG)
33. 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)*

34. 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)*

35. 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)*

36. 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)*

37. 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)*

38. Sewer Connection Permit:

   a) Pay Sanitary Sewer connection fee prior to the issuance of a building permit for tenant improvements. The current fee is $1,009 per year per fixture and is pro-rated by the month that connection is made. *(ENGR)*

**OTHER/MISCELLANEOUS**

39. Comply with the requirements of the Contra Costa County Health Department. *(ENGR) CMC*

40. 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  
   4005 Port Chicago Hwy  
   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)*

41. 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 preapprove 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)*

42. The permit and approval shall expire in *(two)* years from the date on which they became effective unless construction permits are obtained and work has begun. The effective date of the permit and approval is **October 28, 2019. (PLNG)**

43. A request for a time extension from the expiration date of **October 28, 2021** can be considered if an application with required fee is filed at least 10 days before the original expiration date, otherwise a new application is required. A public hearing will be required for all extension applications, except those involving only Design Review. Extensions are not automatically approved. Changes in conditions, City policies, surrounding neighborhood, and other factors permitted to be considered under the law, may require, or permit denial. *(PLNG)*
1/15/2019

To Whom this May Concern,

The following application for Diablo Valley Cremation and Funeral Services (DVCFS) is an effort to obtain a Conditional Use Permit for their tenancy of 2261 Commerce Ave. in Concord.

DVCFS are interested in leasing a 4,100 sq.ft. space at 2261 Commerce Avenue, Concord, CA 94520. The company is a family owned and operated cremation and funeral service business. They have been helping the Concord community and surrounding area for 4.5 years now. The main use of the new warehouse space will be for preparation, storage and refrigerated holding of human remains. The Morgue accommodates up to 12 human remains, for 2 to 4 days. The refrigeration unit will be installed on the interior of the existing warehouse building, resulting in no changes to the existing exterior of the building. All transfers of the remains, from the vehicle into the morgue, would be done discretely, with the vehicle entering into the building, and closing the door prior to the removal. Deliveries and pick-ups take a total of 10-15 minutes (maximum).

In addition to the uses listed above, there will be a small administrative area in the space which will be used (by appointment only) approximately 5 times per month for appointments with the families of the deceased. These appointments last anywhere from 30-60 minutes, and usually involve 2-4 family members coming to work out the logistics of the process. These appointments would consist of families coming into the location to pick-up an urn and typically are in-and-out in 5-10 minutes.

It is important to note that there will NOT be any cremation taking place at this location. All cremations are performed in an already existing facility in Stockton. There are no effects to air quality as a result of this use. Also of note is that DVCFS has an existing administrative office at 2401 Stanwell Dr., Suite 460-17, in Concord. The day-to-day administrative functions of this business will remain at the Stanwell office location. This includes logistics for upcoming pick-ups and deliveries, processing of paperwork/certificates, meetings with loved ones, and all other day-to-day office functions. There will be 2 full-time and 2 part-time staff between the two spaces. In 2018, DVCFS was honored to help 384 local families from the Greater Concord area through this necessary process. Approximately 80% of the families that were helped, completed arrangements via email, fax, and over the phone.

Lastly, Please note that this is not a Funeral Parlor. There will not be any large influx of cars requiring parking, and there will not be funeral services performed at this location. DVCFS has arrangements with St. Andrews Church in Pleasant Hill and others to provide viewings, Funeral services, and receptions.

Thank you very much for your time and consideration.

Tim Willett
Agent to Diablo Valley Cremation and Funeral Services
Tim Willett
BRE# 01313190
Lee & Associates | East Bay, Inc.
D 925.737.4149
C 415.571.5418
O 925.460.6200
twillett@lee-associates.com
The following application for Diablo Valley Cremation and Funeral Services (DVCFS) is to obtain a Conditional Use Permit for their tenancy of 2261 Commerce Ave. in Concord.

DVCFS are interested in leasing a ±4,329 sq. ft. space at 2261 Commerce Avenue, Concord, CA 94520. The company is a family owned and operated cremation and funeral service business. They have been helping the Concord community and surrounding area for 4.5 years now. The main use of the new warehouse space will be for preparation, storage and refrigerated holding of human remains. The Morgue accommodates up to 12 human remains, for 2 to 4 days. The refrigeration unit will be installed on the interior of the existing warehouse building, resulting in no changes to the existing exterior of the building.

All transfers of the remains, from the vehicle into the morgue, would be done discretely, with the vehicle entering into the building, and closing the door prior to the removal. Deliveries and pick-ups take place in regular Mini-Van vehicles that have been remodeled on the inside for this purpose. Deliveries and pick-ups can happen at any time of day, and take a total of 10-15 minutes. It is rare to have more than three or four deliveries occur on any one day. On average, there is one delivery per day throughout the year, with our company having handled just over 380 cases last year.

Most of the cases that DVCFS handles involved the simple transport of bodies or arrangement of third party services for our clients. In rare circumstances, the Company performs full preparation of deceased bodies. On average this number is between 5 and 10 cases per year, so less than once a month. This includes embalming fluid, which will be kept on hand. All embalming fluid is stored in a separate Fire Proof cabinet. (A picture of the Fire-proof cabinet and the embalming table is attached to this package and labeled “Attachment #2”) This industry is heavily regulated by the State of California and all of the storage of these fluids and treatment of any waste will abide by any and all regulations that they determine to be acceptable.

In addition to the uses listed above, there will be a small administrative area in the space which will be used (by appointments only) approximately 5 times per month for appointments with the families of the deceased. These appointments last anywhere from 30-60 minutes, and usually involve 2-4 family members coming to work out the logistics of the process. These appointments would consist of families coming into the location to pick-up an urn and typically are in-and-out in 5-10 minutes.

It is important to note that there will NOT be any cremation taking place at this location. All cremations are performed in an already existing facility in Stockton. There are no effects to air quality as a result of this use. Also of note is that DVCFS has an existing administrative office at 2401 Stanwell Dr., Suite 460-17, in Concord. The day-to-day administrative functions of this business will remain at the Stanwell office location. This includes logistics for upcoming pick-ups and deliveries, processing of paperwork/certificates, meetings with loved ones, and all other day-to-day office functions. There will be 2 full-time and 2 part-time staff between the two spaces. In 2018, DVCFS was honored to help 384 local families from the Greater Concord area through this necessary process. Approximately 80% of the families that were helped, completed arrangements via email, fax, and over the phone.
DVCFS is seeking a minor exception at 2261 Commerce Ave in Concord for the reduction of 1 parking spot. It is the company's belief that they have more than enough existing parking spaces on-site to perform their very necessary services for the Concord and greater Contra Costa County community. The company will have little to no impact on any of the surrounding businesses and/or Building owners. If anything, they are willing and looking to clean up the aesthetics of this site, and surrounding area so that anybody who comes to visit the location will be comfortable with the facility, and the professionalism with which their loved-ones are temporarily housed. Due to existing City of Concord zoning code, there are absolutely no alternatives available to this business. Additionally, there will not be any other provisions of the zoning or building code which will be compromised. Accordingly, there will be no resulting negative impacts from this project and the project will comply with all applicable development code standards and requirements.

With the proposed exception, DVCFS can perform their day-to-day business, have enough parking for any/all members of their staff, and still leave plenty of room for large vehicles (and the Fire Department) to access the site without getting stuck.

I will be sending you the information related to the certificates that the Tenant currently holds to give you an idea or who regulates their industry, and any guidelines they are bound to in their operation. If there is anything else that you are unclear about or would like further explained please do not hesitate to call me directly.

My best,

Tim
EXISTING HARVEST CHURCH - PROPOSED DVCF S SPACE

USE PERMIT
2261 COMMERCE AVE CONCORD CA 94520

TENANTS:
2261A - HARVEST CHURCH: 4329 SF
2261B - LAMORINDA TILES AND STONES: 3899 SF

PARKING:
1 VAN ADA PARKING
1 ADA PARKING
11 PARKING
13 TOTAL PARKING

RECEIVED
SEP - 3 2019
PLANNING

SITE PLAN
PROJECT DATA

DATE: 09/25/2019
SCALE: 1/8"=1'-0"
Existing Harvest Church - Proposed UVCFS space

Office Space Used by UVCFS staff to handle Day-to-Day Business

Proposed Refrigeration Unit

Future Arrangements for UVCFS to Meet with Local Community and Families to Make Plans and Consider Options

Roll-Up Door for Deliveries

**EXISTING 1ST FLOOR PLAN**

1/8" = 1'
ZONING COMPLIANCE FACT SHEET

APPLICANT NAME AND MAILING ADDRESS
Diablo Valley Cemetary and Funeral Services - Rose Rodriguez

BUSINESS NAME
Diablo Valley Cemetary and Funeral Services

PROPOSED BUSINESS ADDRESS
2261 Commerce Ave, Suite A

BUILDING OWNER NAME AND ADDRESS
D and G Buildings LLC C/O Deutscher Properties, Graham Deutscher
2261 Commerce Ave, Concord, CA

PHONE
(925) 676-6166

SIGNATURE (BUILDING OWNER)
Graham Deutscher

The information requested will be used to determine if a proposed use complies with the zoning or use permit. Planning Division approval does not waive building code requirements, which must be satisfied prior to occupancy. This application will be forwarded to the Contra Costa Water District to determine if a water connection upgrade is required. For additional information please contact Shawn Kelly of the Contra Costa Water District at (925) 888-8017.

Describe your business operation in detail (attach additional sheets if necessary):

See Attached (Attachment #1)

Information pertaining to occupancy load and parking requirements:
1. Total number of people employed at site, including managers and owners: 4
2. Days and Hours of operation: 9am - 9pm Monday thru Friday
3. Maximum number of people in any working shift: 3
4. For uses open to the public, such as restaurants, bars or classrooms, state the maximum seating capacity: 8216
5. Total square footage of building: 8216 $ Total square footage occupied by your business: 4329
6. How much square footage is dedicated to?
   Retail % 500 sq. ft. Office % 1000 sq. ft. Manufacturing 0
   Public assembly areas Storage Other
7. Total number of parking spaces: 13 Total number of parking spaces allocated for your business: 9
8. How many company-owned vehicles will be parked on the site (not including employees' personal cars)? 0

Building and site utilization: (Explain "YES" answers on a separate sheet and attach to this form.)
1. Will any equipment be operating 24 hours a day, such as a compressor? No
2. Will business involve retail sales to: General public Other companies
3. Will business provide service or repair for: General public Other companies
4. Will business involve retail sales of alcoholic beverages? No
5. Will the new use change the building's Occupancy Group? If yes, contact the Building Division. No
6. Will business sell or distribute medical marijuana? No
7. Will there be any outside storage of goods or materials? No
8. Will there be any additional outdoor trash collection areas? No
9. Will radio or electronic transmissions of any kind emanate from the site? No
10. Will new outdoor lights be installed? No
11. Will the business require a sign? If yes, a permit is required Yes
12. Do your business operations involve any kind of painting? No
13. Will explosives, flammable material or volatile liquid be stored? No
14. Will building be used for motor vehicle storage or repair? Yes