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

1. 10/16/19 Meeting Minutes

2. Myrtle Creek Estates Tentative Map and Tree Removal Permit Amendment (PL19099 – TMA, RTA) – Application for amendments to the conditions of approval for an approved Tentative Map, and Tree Removal Permit for a seven-lot subdivision on a 3.6-acre lot at 5019 Myrtle Drive. The General Plan designation is Rural Residential; Zoning classification is RR-20 (Rural Residential, 20,000 square foot minimum lot size); APN 117-050-008. CEQA: Categorically exempt under CEQA
5. PUBLIC HEARINGS

1. **Clayton Road Townhomes (PL19063 – TM, UP, DR, RT)** – Application for a Vesting Tentative Map, Use Permit for a Planned Development, Design and Site Review, and Tree Removal to construct 70 three-story townhomes on a 3.36-acre parcel and a portion of a 0.97-acre parcel at 3512 Clayton Road and 105 Roslyn Drive. The General Plan designation is Medium Density Residential and Commercial Mixed Use; Zoning classification is RM (Residential Medium) and CMX (Commercial Mixed Use); APN's 105-092-008 and 020. CEQA: Pursuant to CEQA Guidelines Section 15183.3 (Streamlining for Infill Projects), the proposed project qualifies for an exemption as an Infill Development. **Project Planner: Lorna Villa @ (925) 671-3176**

2. **Center for Elders’ Independence (CEI) PACE Center for Seniors (PL19028 – UP, DR)** – Application for a Use Permit and Design Review for a new PACE Center facility for seniors, to be located within 16,050 gross square feet on the ground floor of two existing adjacent commercial office buildings; to accommodate the use, proposed site improvements include additional ADA parking, walkways, ramps, fencing, landscaping and interior modifications at a 2.02-acre site at 1465 Civic Court. CEI is a provider of the Program of All-Inclusive Care for the Elderly (PACE) which provides the entire continuum of care and services to seniors with chronic care needs to allow participants to maintain their independence in their home for as long as possible. The General Plan designation is Downtown Mixed Use; Zoning classification is DMX (Downtown Mixed Use); APNs 126-300-030 and -047. CEQA: Pursuant to CEQA Guidelines Section 15332 (Infill Development Projects), the proposed project qualifies for a categorical exemption as an Infill Development under CEQA. Furthermore, there is substantial evidence that the exceptions to categorical exemptions outlined in CEQA Guidelines Section 15300.2 do not apply to the proposed project and therefore the proposed project is exempt from further CEQA analysis, under Section 15301 Existing Facilities. **Project Planner: Joan Ryan @ (925) 671-3370**

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: 11/20/2019 – 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 Chair Barbour at 6:30 P.M., October 16, 2019, in the City Council Chamber.

1. **ROLL CALL**

   COMMISSIONERS PRESENT: Chair Ray Barbour  
   Vice Chair John Mercurio  
   Commissioner Jason Laub  
   Commissioner Craig Mizutani  
   Commissioner Mark Weinmann (arrived at 6:33 pm)

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

2. **PLEDGE TO THE FLAG**

   Commissioner Mizutani 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 Vice Chair Mercurio and seconded by Commissioner Mizutani to approve the meeting minutes of October 2, 2019. The motion was passed by the following vote:

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

**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**

Frank Abejo, Principal Planner, gave a presentation and answered a question from the Planning Commission pertaining to design changes to the ground and pylon sign and if this project is going back to the Design Review Board for further review.

Jake Himmel, from LCA Architects, explained the importance of this project and he feels this is a key component in bringing high end clients to the downtown area. He also clarified what the proposed design will be and how it will relate to the building.

Public Comment

No public comment was heard.

Motion was made by Commissioner Weinmann and seconded by Commissioner Mizutani to adopt Resolution 19-19PC approving the 2001 Clayton Road Master Sign Program (PL19073 – DR) and allowing the Design Review Board to review the design concept changes for approval. The motion was passed by the following vote:

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

**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**

Sarah Yuwiler, Assistant Planner, gave a presentation and answered questions from the Planning Commission pertaining to how the refrigeration is maintained during a power outage, number of parking spaces with the inclusion of handicap spaces, and chemicals used during preparation.

Jay Becker, owner of Diablo Valley Cremation, explained the refrigeration procedure should a power outage occur and how the preparation of bodies, which includes
chemicals, occurs off-site at a local mortuary with it all being regulated by the State of California.

Public Comment

No public comment was heard.

Commissioner Weinmann expressed his support of this project and was satisfied with the reduction in parking.

Motion was made by Commissioner Mizutani and seconded by Commissioner Laub to 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. The motion was passed by the following vote:

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

6. COMMISSION CONSIDERATIONS

There were none.

7. STAFF REPORTS / ANNOUNCEMENTS

There were none.

8. COMMISSION REPORTS / ANNOUNCEMENTS

There were none.

9. FUTURE PUBLIC HEARING ITEMS

Mindy Gentry announced the November 6th meeting has three items currently scheduled, the CEI Pace Center, Clayton Road Townhomes, and the Myrtle Creek Conditions of Approval Amendment.

10. ADJOURNMENT

Commissioner Laub moved to adjourn at 7:29 P.M. Commissioner Weinmann seconded the motion. Motion to adjourn was passed by unanimous vote of the Commissioners present.
APPROVED:

Mindy Gentry
Planning Manager / Secretary to the Planning Commission

Transcribed by Grant Spilman,
Administrative Coordinator
DATE: November 6, 2019

SUBJECT: MYRTLE CREEK ESTATES TENTATIVE MAP AND TREE REMOVAL PERMIT AMENDMENT (PL19099 - TMA, RTA)

Recommendation: Adopt Resolution No. 19-15PC, approving amendments to the Conditions of Approval for the Tentative Map and Tree Removal Permit (PL19099 – TMA, RTA) for Myrtle Creek Estates.

CEQA: Categorically exempt under CEQA Guidelines Section 15332 “In-Fill Development Projects”

I. Introduction

A. Application Request

Application for amendments to the conditions of approval for an approved Tentative Map and Tree Removal Permit for a seven-lot subdivision on a 3.6-acre lot.

Location

The project site is located at the northeast corner of Myrtle Drive and Ayers Road at 5019 Myrtle Drive, APN 117-050-008.

B. Applicant/Owner

Cyrus Land Development
Jackie Seeno
4021 Port Chicago Highway
Concord, CA 94520
II. **Background**

On July 18, 2018, the Planning Commission unanimously approved a Tentative Map, Tree Removal Permit and Design and Site Review application by Millennium Planning & Engineering to subdivide a 3.60-acre site into seven lots for seven single-family residences, and removal of 35 trees, at 5019 Myrtle Drive, located at the northeast corner of Myrtle Drive and Ayers Road. The July 18, 2018, Planning Commission staff report provides detailed background and information on the approved project, and is included as Exhibit E. The Planning Commission heard testimony from two neighbors who commented on drainage and trees. The meeting minutes are included as Exhibit E.

The project site and entitlements have since been acquired by Cyrus Land Development ("Applicant"). On June 7, 2019, the Applicant submitted a request to modify the following conditions of approval (COA) for Myrtle Creek Estates Subdivision:

- COA Nos. 31 and 32 to increase the number of trees to be removed from 35 to 94 trees; and
- Remove COA No. 72 requiring the formation of a homeowners association.

The application for the amendment was deemed complete on July 5, 2019 and was originally scheduled to be heard by the Planning Commission on September 4, 2019.

On September 4, 2019, the Planning Commission continued this item to September 18, 2019, in order for the applicant to make additional map revisions consistent with their request.

On September 18, 2019, the Planning Commission again continued the item to an unspecified date in order for the applicant to provide additional detailed information regarding the requested maintenance agreement.

On September 26, 2019, the applicant submitted a letter (Exhibit D) to rescind their request to remove the requirement to form a homeowners association for the seven lot subdivision. The applicant now seeks to modify the conditions of approval increase the number of trees to be removed and to ensure that the private street is included as part of the seven lots in the final map.

III. **Approved Project Information**

On July 18, 2018, the Planning Commission approved a Tentative Map, Design and Site Review, and Tree Removal Permit for the project, which consists of seven parcels for seven new single-family homes. A new 32-foot wide private access road with a cul-de-sac was approved on the southern side of the site to provide shared access to all seven lots from Myrtle Drive. A new sidewalk was approved on both sides of the access road as well as the south side of the project site along Myrtle Drive to provide pedestrian access to Ayers Road to the west and residential properties to the east. The project has a density of 1.9 dwelling units per acre, which is consistent with the General Plan. As conditioned, the project was found to comply with all applicable provisions of the Development Code and the Concord Municipal Code (CMC). Three architectural plans were approved for the seven lots as follows:
A bio-retention basin was approved on Lot 7 along Myrtle Drive to treat runoff prior to it entering the City’s stormwater drainage system. In addition, a row of street trees was approved along Holly Drive to provide visual relief from the backyard fences of the lots along this street.

IV. ENVIRONMENTAL DETERMINATION

Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, and 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) the proposed project 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.

This project consists of a residential in-fill development of single family homes in an existing residential area. Therefore, 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.

V. REQUESTED AMENDMENTS

The project applicant, Cyrus Land Development, has modified their initial request to amend the conditions of approval by eliminating their request for a shared maintenance agreement instead of a homeowners association, and are now requesting to amend only the following four conditions:

- Amend the approved Conditions of Approval Nos. 2, 31, and 32 of Tree Removal Permit PL17482-RT to allow an increase the number of trees to be removed.

- Amend Condition of Approval No. 68 to ensure the final map is consistent with the approved seven lot subdivision by including the private street as part of the seven lots.

A. Amend Condition of Approval Nos. 2, 31, and 32 regarding tree removal
On June 20, 2017, a Certified Arborist (Abacus) conducted a tree survey that identified 120 trees on site of which 15 are protected trees species as defined by Development Code Section 18.310.¹ Four of the protected trees were proposed to be removed. An updated report prepared by Traverso Tree Service dated March 18, 2019, identified several discrepancies contained in the Abacus Report and identified a total of one hundred nineteen (119) trees, ten (10) of which are considered protected under City regulations. The main discrepancy between the two reports involves an undercount of the trees to be removed in the Abacus report, which has been corrected in the current Traverso report. A comparison of the findings of the two reports is shown on the chart below.

<table>
<thead>
<tr>
<th></th>
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<tbody>
<tr>
<td>Total Trees On site</td>
<td>120</td>
<td>119</td>
</tr>
<tr>
<td>Total Trees to be Removed</td>
<td>35</td>
<td>94</td>
</tr>
<tr>
<td>Total Protected Trees to be Removed</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>Required Protected Tree Replacement (3:1)</td>
<td>12</td>
<td>30 (43 Provided)</td>
</tr>
</tbody>
</table>

The Development Code requires a ratio of three replacement trees for each protected tree removed. The arborist report indicates of the ten (10) protected trees to be removed, one is dead and three have structural or health problems. The landscape plan proposes 43 new trees, which is in excess of the 30 trees required under the City’s standard replacement ratio.

Removal of the additional six Protected Trees requires amending Conditions of Approval Nos. 2, 31 and 32 regarding tree preservation and removal. The conditions are listed below with staff’s proposed revisions noted in **bold** and *strikethrough* text.

2. These Conditions apply to and constitute approval of a Tree Removal Permit (PL17482-RT) for the removal of the **ten** all existing palm trees and four protected-trees as identified in the arborist report prepared by Traverso Tree Service dated March 18, 2019, as follows: ³ 7 California Black Walnut trees, and 2 Valley Oak tree, and 1 Myoporum. (PLNG)

31. All existing trees within the project boundaries shall be preserved, except for thirty-five ninety-four trees, which have been specifically designated for removal on the approved Landscape or Tree Removal plan as identified in the arborist report prepared by Traverso Tree Service dated March 18, 2019. (PLNG)

32. The removal of protected trees shall be mitigated by planting **12 43** replacement trees, which exceeds the planting of 30 trees at a 3:1 ratio, unless specified otherwise in the approved arborist report. The size, species, and location of all replacement trees shall be identified on the Final Landscape plan, consistent with the Design Review approval. (PLNG)

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¹ Protected trees in this case include Valley oak, California Black Walnut, and Myoporum.
Planning Commission approval of an amended Tree Removal Permit is required because the Applicant proposes to remove six Protected Trees in addition to the four Protected Trees identified in the original arborist report. The findings required to amend the Tree Removal Permit to include six additional Protected Trees are described below followed by a discussion on how each finding is met.

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

The approved landscape plan will result in the planting of 43 new trees to replace the ten Protected Trees that have been identified for removal. The landscape plan would provide 43 trees, which exceeds the minimum requirement of 30 replacement trees, or a ratio of three replacement trees for each of the ten Protected Trees to be removed, consistent with the city’s standard replacement ratio.

The removal and installation of replacement trees would be coordinated through a the approved landscape plan and arborist report to ensure that proper procedures are followed and would therefore not be detrimental to the public health, safety, or welfare.

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

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

18.310.070(A) Criteria for Evaluation

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

Based on the grading and drainage plans, the new arborist report concluded that the six (6) additional Protected Trees would have to be removed to accommodate the development. A total of 25 existing trees will be preserved onsite, including five (5) Black Walnut trees and seven (7) Valley Oak trees that are considered to be protected.

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

The design features of the proposed project are similar to other existing and approved residential subdivisions in Concord that have required the removal of Protected Trees to accommodate development such as roadways, utilities, and homes. In this case, the six additional Protected Trees identified for removal are located in areas proposed for public/private improvements and building footprints.
(3) Factors that are unique to the site, such as topographic constraints, lot configuration and physical limitations.

While the proposed project density is consistent with the surrounding single-family development, the lot layout requires the removal of the additional Protected Trees because they conflict with proposed public/private improvements and building footprints.

(4) The overall health and structural condition of the potentially impacted protected trees.

Some of the additional Protected Trees planned for removal have health or structural issues in addition to conflicting with the location of public/private improvements and building footprints. These conditions are potentially hazardous and would likely require removal over time due to their continued deterioration.

(5) The approximate age of each protected tree compared with the average life span for each species.

According to the Traverso Tree Service report, some of the additional Protected Trees are mature and many of them are in poor condition with a low sustainability for preservation. However, the anticipated lifespan of said trees would be shortened if the area around them were disturbed by grading and new landscape planting.

(6) The number of healthy, protected trees that the site will support, with and without the proposed development.

As outlined in the Traverso Tree Service report, some of the Protected Trees planned for removal have health or structural issues and are not viable candidates for preservation. In addition, some of the trees are located where the private road is proposed, which is required for emergency vehicle access to the site. The preliminary landscape plan proposes 43 replacement trees, which exceeds the City’s standard 3:1 tree replacement ratio (or 30 replacement trees).

(7) The effect of tree removal on soil stability/erosion, particularly near watercourses or on steep slopes.

An existing channelized drainage is located along the south and west property lines; there are no steep slopes at the project site. Trees to be removed are mostly located away from the channelized drainage area. The approved conditions of approval Nos. 75 (required approval of a soils report) and 81 (stop grading during rain evens) address any soil stability/erosion issues that may result from the proposed tree removal and grading of the project site.

(8) Whether any alternatives would allow for preservation of the protected tree.
Staff was unable to identify alternatives that would allow the construction of seven new homes while preventing the removal of Protected Trees without potentially further compromising their health or significantly changing the project design.

18.310.070(B) Criteria for Removal

(1) The age of the protected tree(s) with regard to whether removal would encourage healthier, more vigorous growth of younger similar trees in the area.

As discussed above, the anticipated lifespan of the Protected Trees would be diminished when subjected to on-site construction and surrounded by development. The replacement trees would be appropriately located and planted to encourage vigorous growth as younger specimens of the trees proposed for removal.

(2) The number of existing protected trees in the area and the effect of removal on the public health, safety, and general welfare of the area.

The proposed tree removal would not be detrimental to the public health, safety, or welfare because it would comply with City requirements and procedures for the proper removal of the trees. Further, the arborist report notes that some of the Protected Trees have health or structural issues due to neglect. Therefore, they are not viable candidates for preservation.

(3) The potential for the protected tree to become a public nuisance or interfere with utility service(s) and existing structures.

If preserved, the Protected Trees would interfere with the proposed access and public and private improvements.

(4) Present and future shade potential with regard to solar heating and cooling.

Although the Protected Trees at the project site currently offer shade, this is not guaranteed for the long-term because of health and/or structural issues identified in the arborist report. Appropriately planted and maintained replacement trees would offer ample future shade potential with regard to solar heating and cooling.

B. Amend Condition of Approval No. 68 regarding the final map

Additional language is proposed for this conditions to ensure that the private street is included as part of the seven lots and not shown as a separate parcel. Staff is in support of the added language.

COA #68:
The final Map shall be prepared by a qualified Civil Engineer or Licensed Land Surveyor and shall be subject to review and approval by the Engineering Services. The lot lines shall be drawn on the Final Map such that each lot extends into the approximate centerline of the private street “Myrtle Court” and none of the proposed street is outside the seven (7)
defined lots. An easement shall be defined over the private street for the purpose of public access and utilities. *(ENGR)*

VI. **Fiscal Impact**

Staff’s proposed amendments to the Conditions of Approval would have a negligible fiscal impact on the City because the subdivision improvements will be privately owned and maintained.

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**

Staff recommends that Condition Nos. 2, 31, and 32 be revised to reflect the higher number of trees to be removed from the site and the commensurate replacement of 43 trees. Staff also recommend additional language for Conditions of Approval No. 68 to clarify that the private street is included as part of the seven lots.

Staff recommends the Planning Commission consider staff’s report, allow the applicant to make a presentation and answer any questions from the Planning Commission, open the public hearing, and close the hearing upon completion of public testimony. Staff recommends that the Planning Commission adopt Resolution 19-15PC, approving the amendments to the conditions of approval.

IX. **Motion**

**Project Approvals**

I (Comm. _______) hereby move that the Planning Commission adopt Resolution 19-15PC approving an amendment to the Myrtle Creek Estates Tentative Map and Tree Removal Permit (PL19099-TMA, RTA), Conditions of Approval as set forth in Attachment A to Resolution 19-15PC. (Seconded by Comm. _______.)

[Signatures]

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

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

A - Resolution No. 15-19PC with Amended Conditions of Approval (Attachment A) and Resolution No. 18-09PC (Attachment B)
B - Applicant’s Statement date stamp received June 7, 2019
C - Applicant’s Tree Removal Statement date stamp received June 12, 2019
D - Applicant’s Letter Modifying Amendment Request date stamp received September 26, 2019
E - Planning Commission staff report date stamp received July 18, 2018 (without exhibits)
F - Planning Commission Meeting Minutes for July 18, 2018.
G - Traverso Tree Service Report date stamp received June 12, 2019
H - Abacus Arborist Service Arborist Report date stamp received October 16, 2017
BEFORE THE PLANNING COMMISSION
OF THE CITY OF CONCORD,
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

A RESOLUTION APPROVING AN AMENDMENT
TO THE MYRTLE CREEK ESTATES
SUBDIVISION TENTATIVE MAP, AND TREE
REMOVAL PL19099-TMA, RTA CONDITIONS
OF APPROVAL

Resolution No. 19-15 PC

WHEREAS, on October 16, 2017, Robert Wood submitted an application for a Tentative Map, Tree Removal and Design Review to allow a seven lot residential subdivision at 5019 Myrtle Drive, APN 117-050-008; and

WHEREAS, on June 7, 2018, the application was deemed complete for processing; and

WHEREAS, the Planning Commission, after giving all public notices required by State law and the Concord Municipal Code, held a duly noticed public hearing on July 18, 2018, the subject proposal; and

WHEREAS, the Planning Commission considered testimony and information received at the public hearing and the oral and written reports from City staff dated July 18, 2018, 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; and

WHEREAS, on July 18, 2018, the Planning Commission, after consideration of all pertinent plans, documents and testimony, declared its intent to approve Resolution No. 18-09 and the attached Conditions of Approval, attached hereto as Exhibit A and made a part hereof; and

WHEREAS, the approval of the Tentative Map, Tree Removal and Design Review application are valid through July 31, 2020; and

WHEREAS, on June 4, 2019, the new owner of the property, Cyrus Land Development LLC ("Applicant") submitted an application requesting an amendment to Condition Nos. 31, 32 (landscaping) and 72 (formation of a homeowners association); 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 September 4, 2019, on the subject proposal and continued the item to September 18, 2019; and
WHEREAS, the Planning Commission held a public hearing on September 18, 2019, considered testimony and information received at the public hearing and the oral and written reports from City staff dated September 18, 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, pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended; the project is determined to be Categorically Exempt pursuant to Section 15332 “In-Fill Development Projects,” and therefore no further environmental review is required; and

WHEREAS, the Planning Commission considered after giving all public noticed required by State law and the Concord Municipal Code, held a public hearing on September 18, 2019, and continued the items to an unspecified date so that the applicant can provide additional information regarding details of the maintenance agreement; and

WHEREAS, on September 26, 2019, the Applicant rescinded its request to remove Condition of Approval No. 72 concerning the requirement to form a homeowners association, and renewed its request to modify the Tree Removal Permit to increase the number of removed trees (Condition of Approval Nos. 31 and 32), and to modify Condition of Approval No. 68 to clarify that the private lot is part of the seven-lot subdivision; 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 November 6, 2019, on the subject proposal; and

WHEREAS, the Planning Commission held a public hearing on November 6, 2019, considered testimony and information received at the public hearing and the oral and written reports from City staff dated November 6, 2019, as well as other documents contained in the record of proceedings relating to the proposed project, including the prior approvals, which are maintained at the offices of the City of Concord Planning Division ("Project Information"); and

WHEREAS, on November 6, 2019, the Planning Commission, after consideration of all pertinent plans, documents and testimony, declared its intent to amend Conditions of Approval related
to landscaping, tree removal, and the tentative parcel map (COA Nos 2, 31, 32, and 68), and all other
Conditions of Approval shall remain in full force and effect, as set forth in Exhibit B attached hereto.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS: that the Planning Commission
does hereby approve an amendment to Conditions of Approval Nos. 2, 31, and 32 regarding
landscaping and tree removal, Condition of Approval No. 68 as set forth in Exhibit B to ensure that
the final map is consistent with the approved seven lot subdivision based on the following findings:

RECITALS

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

CEQA

2. Pursuant to the provisions of the California Environmental Quality Act (CEQA) of
1970 (and as amended); the project is classified as Categorically Exempt pursuant to Section 15332
“In-Fill Development Projects,” because 1) the project is consistent with the General Plan, and
applicable zoning designation and regulations; 2) the proposed development occurs within city limits
on a project 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 species; 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, because the proposed
development is a residential infill development of single family homes in a residential neighborhood,
pursuant to Section 15300.2, there are no exceptions to the Section 15332 categorical “In-Fill”
exemption as there is no indication that there is a reasonable possibility that the project will have a
significant effect on the environment due to a cumulative impact of other projects or unusual
circumstances, hat the site is designated as a hazardous waste site, or located near a historical
resource.

Amendment to Tree Removal Permit

3. The tree removal is consistent with the provisions of Article VI, Division 3, Tree Preservation
and Protection, and will not be detrimental to the public health, safety or welfare. The approved landscape plan will plant 43 new trees to replace the Protected Trees that have been identified for removal. The 43 replacement trees exceeds the minimum requirement of 30 replacement trees, or a ratio of three replacement trees for each of the ten Protected Trees to be removed, consistent with the city’s standard replacement ratio.

4. The tree removal is consistent with the evaluation and removal criteria in Section 18.310.070 (A) and (B).

(a) The extent of proposed building or development activity that does not require the removal of protected trees, relative to the extent of proposed building or development activity that requires such removal. Based on the grading and drainage plans, the new arborist report concluded that the six (6) additional Protected Trees would have to be removed to accommodate the development. A total of 25 existing trees will be preserved onsite, including five Black Walnut trees and seven Valley Oak trees that are considered to be protected.

(b) Design features of the project in comparison with other existing or approved projects in Concord that have (or had) protected trees on their sites. The design features of the proposed project are similar to other existing and approved residential subdivisions in Concord that have required the removal of Protected Trees to accommodate development, such as roadways, utilities, and homes. In this case, the six additional Protected Trees identified for removal are located in areas proposed for public/private improvements and building footprints.

(c) Factors that are unique to the site, such as topographic constraints, lot configuration and physical limitations. While the proposed project density is consistent with the surrounding single-family development, the lot layout requires the removal of the Protected Trees because they conflict with proposed public/private improvements and building footprints.

(d) The overall health and structural condition of the potentially impacted protected trees. Some of the additional Protected Trees planned for removal have health or structural issues in addition to conflicting with the location of public/private improvements and building footprints. These conditions are potentially hazardous and would likely require removal over time.
(e) The approximate age of each protected tree compared with the average life span for each species. According to the Traverso Tree Service report, some of the additional Protected Trees are mature and many of them are in poor condition with a low sustainability for preservation. However, the anticipated lifespan of said trees would be shortened if the area around them were disturbed by grading and new landscape planting.

(f) The number of healthy protected trees that the site will support, with and without the proposed development. As outlined in the arborist report, some of the Protected Trees planned for removal have health or structural issues and are not viable candidates for preservation. In addition, some of the trees are located where the private road is proposed, which is required for emergency vehicle access to the site. The preliminary landscape plan proposes 43 replacement trees, which exceeds the City’s standard 3:1 tree replacement ration (or 30 replacement trees).

(g) The effect of tree removal on soil stability/erosion, particularly near watercourses or on steep slopes. An existing channelized drainage is located along the south and west property lines; there are no steep slopes at the project site. Trees to be removed are mostly located away from the channelized drainage area. The approved conditions of approval Nos. 75 (require approval of a soils report) and 81 (stop grading during rain) address any soil stability/erosion issues that may result from the proposed tree removal and grading of the project site.

(h) Whether any alternatives would allow for preservation of the protected tree. Staff was unable to identify alternatives that would allow the construction of seven new homes while preventing the removal of Protected Trees without potentially further compromising their health or significantly changing the project design.

(i) The age of the protected tree(s) with regard to whether removal would encourage healthier, more vigorous growth of younger similar trees in the area. The anticipated lifespan of the Protected Trees would be diminished when subjected to on-site construction and surrounded by development. The replacement trees would be appropriately located and planted to encourage vigorous growth as younger specimens of the trees proposed for removal.
(j) The number of existing protected trees in the area and the effect of removal on the public health, safety, and general welfare of the area. The proposed tree removal would not be detrimental to the public health, safety, or welfare because it would comply with City requirements and procedures for the proper removal of the trees. Further, the arborist report notes that some of the Protected Trees have health or structural issues and have been neglected; therefore they are not viable candidates for preservation.

(k) The potential for the protected tree to become a public nuisance or interfere with utility service(s) and existing structures. If preserved, the Protected Trees would interfere with the proposed access and public and private improvements.

(l) Present and future shade potential with regard to solar heating and cooling. Although the Protected Trees at the project site currently offer shade, this is not guaranteed for the long-term because of health or structural issues identified in the arborist report. Appropriately planted and maintained replacement trees would offer ample future shade potential with regard to solar heating and cooling.

5. Measures have been incorporated into the project or permit to mitigate impacts to remaining trees or to replace the trees that have been removed. The project meets the findings because City standards will be followed for protecting remaining trees during construction. These conditions require, among other things, fencing around the drip line of trees prior to grading and construction activities, City inspection of the fencing and protection zone prior to the start of work, and site inspections by the project arborist during grading and construction to determine if additional protection measures are needed. Moreover, 43 trees will be provided, which is over the amount of trees required by the Development Code ratio of 3:1 new trees.

Amendment to Conditions of Approval

6. The proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable specific plan, the Zoning Ordinance, and other applicable provisions of the Municipal Code. The amendments to the Conditions of Approval do not change the approved Tentative map in regards to the design of the lots and
subdivision improvements that were found to be consistent with the applicable provisions of the General Plan and Development Code. The proposed added language to Condition of Approval #68 clarifies that the private street is included as part of the seven lots.

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

**PASSED AND ADOPTED** this November 6, 2019, by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

__________________________

Mindy Gentry
Secretary to the Planning Commission

Attachment:

A – Resolution No 18-XX, with Conditions of Approval
B – Draft Amended Conditions of Approval
ATTACHMENT A

"DRAFT"

AMENDED CONDITIONS OF APPROVAL
MYRTLE CREEK ESTATES SUBDIVISION
PL19099 – TMA, RTA
5019 MYRTLE DRIVE
APN(s): 117-050-008

PERMIT DESCRIPTION

1. These Conditions of Approval apply to and constitute the approval of a Tentative Map for Myrtle Creek Estates Subdivision (PL17482-TM) (PL19099-TMA) consisting of 7 individual parcels on 3.6 acres.

2. These Conditions apply to and constitute approval of a Tree Removal Permit (PL19099-RTA) for the removal of the following ten all-existing palm trees and four protected trees as identified in the arborist report prepared by Traverso Tree Service dated March 18, 2019, as follows: 3 7 California Black Walnut trees, and 1 2 Valley Oak tree, and 1 Myoporum. (PLNG)

3. These Conditions apply to and constitute approval of Design Review (PL17482-DR) for building elevations and landscape plans for seven single family homes. Final colors and materials shall be consistent with the color and materials exhibit dated July 2017, prepared by Farrell-Faber and approved by the Design Review Board. Exterior building materials and colors shall be in substantial conformance with the approved plans as follows:

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<tr>
<th>Plan 1:</th>
<th>Approved Colors and Materials</th>
<th>Manufacturer</th>
<th>Sample Number</th>
<th>Material / Color</th>
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Reso No 19-15 PC 8
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Plan 3A:

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Plan 3B:

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4. The following Exhibits, date stamped received by the City of Concord, on **May 2018**, are approved and shall be incorporated as Conditions of Approval.

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

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

a) At the time Grading, Utility, Landscape, and/or Building Plans are submitted for plan check, whichever comes first.

b) Prior to occupancy approval. *(PLNG, ENGR)*

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

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

13. Submit a site plan with the parking details for all temporary real estate offices and model homes to Planning and Engineering prior to issuance of Building Permits. *(PLNG, ENGR, BLDG)*

**ARCHITECTURAL**

14. All composition shingle roofing shall be architecturally laminated style with a minimum weight of 280 lbs/square. *(PLNG)*

15. Any changes to the architecture, landscaping, and placement of the homes shall return to the Design Review Board for review and approval. *(DRB, PLNG)*

16. 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)*

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

18. 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)*
19. Re-orient the home on Lot 5 to have the front elevation face the front property line and street. *(PLNG)*

20. The final design of the handrail located on the south side of the bio-retention area, adjacent to the public sidewalk shall be brought be Planning staff to the Design Review Board for their approval prior to approval of the final map. *(PLNG)*

**LANDSCAPING**

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

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

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

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

d) Trees (minimum size 24-inch box size) and shrubs (minimum 5-gallon container size; accent or sub-shrubs may be 1-gallon container size).

e) Root control barriers and four-inch perforated pipes for parking lot trees, street trees, and trees within six inches of any paved area or curb.

f) Six-inch vertical concrete curbs around landscaped areas.

g) A soils and plant laboratory analysis with recommendations for fertilization and mulching to be incorporated into the planting specifications.

h) Removal of all existing palm trees onsite.

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

a) All landscaped areas shall have a fully automatic irrigation system.

b) High water pressure areas shall have pressure regulation devices on the irrigation system.

c) Valves and circuits shall be separated based on water use.

d) Trees shall be watered with drip or bubbler irrigation systems with circuits on their own control valve.

e) Drip and bubbler systems shall not discharge water in excess of 1.5 gallons per minute per device.

f) Sprinkler heads shall have matched precipitation rates within each control valve circuit.

g) Serviceable check valves shall be required where elevation differential may cause low head drainage.

h) Sprinkler head spacing shall be designed for head-to-head coverage or closer due to high wind conditions.
i) Design sprinkler head orientation and throw for minimum runoff and for minimum overspray onto non-irrigated areas.

j) Be equipped with a controller capable of dual or multiple programming. Controllers shall have multiple-cycle start capacity and a flexible calendar program. Water shall be timed between the hours of 3:00 a.m. and 10:00 a.m. unless a “water smart” ET based controller which adjusts controller programs based upon the current evapotranspiration rate is used.

k) Provide a rain shut off device if the controller is not an ET based controller.

l) Sprinkler heads used on slopes exceeding 15 percent shall have a precipitation rate that does not exceed 0.85 inches per hour.

m) Sprinkler heads used on slopes exceeding 10 percent and located within 10 feet of any hardscape shall have a precipitation rate that does not exceed 0.85 inches per hour. *(PLNG)*

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

   a) Estimated annual water use (in gallons) and the area (in square feet) to be irrigated.

   b) Precipitation rate(s) for each valve circuit.

   c) Monthly irrigation schedule for each type of irrigation head showing the plant establishment period and the first year thereafter. *(PLNG) CMC*

24. All landscaping shall be installed prior to occupancy approval. Contact the Planning Division at least two weeks prior to occupancy, to request a site inspection of all exterior improvements including buildings, driveways, parking lots, landscaping, irrigation, signs, lighting, walls, fences, and trash enclosures. *(PLNG)*

25. Prior to occupancy approval, the licensed Landscape Architect shall:

   a) Conduct a final field observation and an open trench examination of the irrigation system.

   b) Provide written certification that:

      i) The landscaping and irrigation system were installed in conformance with the approved Landscape and Irrigation Plans.

      ii) The landscaping has been installed in accordance with the CCWD Water Conservation Guidelines or the Model Water Efficient Landscape Ordinance.

      iii) An irrigation audit was performed and deficiencies were listed which will be corrected within 30 days.

      iv) There will be a minimum 60-day maintenance period for all landscape improvements.

   c) Provide a signed letter of compliance with the final construction documents stating that the Landscape Architect has met all State and City requirements. *(PLNG)*

26. Any vegetation damaged or destroyed by construction activities shall be replaced with like or comparable plant materials, and if damage occurs off-site, the replacement plants shall be approved by the property owner and the Planning Division, prior to occupancy approval. *(PLNG)*
27. Fences and walls shall be a maximum height of three feet in required front yards and sight visibility triangles, and a maximum height of six feet on side and rear property lines. Fences off-set twenty four inches or greater from retaining walls shall be considered as separate structures. *(PLNG) CMC*

28. Add a bio-retention area cross-section to the landscape plan showing all plant species within the basin. *(PLNG)*

29. Offset the privacy fences along the side and front of the lots to ensure that windows are not blocked and there is a variation in their location. *(PLNG)*

30. The bio-retention area slope shall be revised to a 2.3:1 or less steep gradient and a decorative wall shall be provided to protect the entrance ramp to the basin.

**TREE PRESERVATION**

31. All existing trees within the project boundaries shall be preserved, except for thirty-five ninety-four trees, which have been specifically designated for removal on the approved Landscape or Tree Removal plan. As identified in the arborist report prepared by Traverso Tree Service *(PLNG)*

32. The removal of protected trees shall be mitigated by planting of 42 replacement trees, which exceeds the planting of 30 trees at a 3:1 ratio, unless specified otherwise in the approved arborist report. The size, species, and location of all replacement trees shall be identified on the Final Landscape plan, consistent with the Design Review approval. *(PLNG)*

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

34. Prior to demolition, site preparation, grading, or construction activity on a site with trees to be preserved, the following measures from CMC Chapter 18.310 “Tree Preservation and Protection”, shall be required:

   a) All trees to be preserved shall be clearly indicated on the Grading, Utility, Civil Site, and Landscape Plans.

   b) A temporary six foot fence shall be installed around the drip line of the trees, prior to on-site activity such as grading and construction activities. Prior to grading or construction, the City shall inspect and approve the placement of the fencing.

   c) No grading, compaction, stockpiling, trenching, paving or change in ground elevation shall be permitted within the drip line of any tree to be saved, until a report prepared by a certified Arborist has been submitted to and approved by the City, providing specific guidelines for each case.

   d) No construction waste, either liquid or solid or other substance (oil, gasoline, chemicals, or other harmful materials) shall be deposited, disposed of, or stored, within
the drip line or within an area near the tree, which could enter into the root system of the tree.

e) Wires, signs, ropes, pulleys, etc., shall not be attached to any tree. *(PLNG, PARKS) CMC*

**LIGHTING**

35. 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)*

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

37. Submit a Photometric plan for review and approval, showing the location of all light sources, streetlight spacing, intensity of luminance, and uniformity ratio, in accordance with the City’s specifications, with the Improvement, Utility, or Building Plans, whichever comes first. The photometric analysis shall be reviewed by Engineering Services for the determination of streetlight spacing. *(ENGR, TRANS, BLDG, PD)*

**SIGNAGE**

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

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

**PARKING**

40. One-car garages shall be a minimum of 10 feet wide by 22 feet deep with a nine-foot door opening. Two-car garages shall be a minimum of 20 feet wide by 22 feet deep with a 16-foot door opening. No interior door shall open into a garage space unless the door will open fully without encroaching into the above specified areas. *(PLNG) CMC*

41. 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*

**STREET IMPROVEMENTS**

42. Construct improvements along the frontage on Myrtle Drive including but not limited to: driveway removal; pavement replacement one feet wide measured perpendicular from edge of
pavement; pavement widening; concrete valley gutter; wheel chair ramps; construction of concrete curb, gutter and sidewalk; ADA compliant concrete driveway approach; storm drainage system; conforms to existing improvements; and repair/replacement of deficient frontage improvements as determined by the City Engineer, prior to occupancy approval or Acceptance of Improvements. (ENGR)

43. Install slurry seal on Myrtle Drive from lip of gutter to street centerline, after completion of utility undergrounding and frontage improvements, prior to the Acceptance of Improvements. (ENGR)

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

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

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

**NOISE**

47. 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**

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

49. Implement a dust and construction noise control plan. The plan shall be included as part of the Erosion control plan and shall be submitted to Engineering Services for review and approval prior to issuance of the Grading Permit. (ENGR)

50. Construction equipment shall not be serviced at the site at any time. During construction no deliveries shall be made to the site and no delivery vehicles (including gasoline tanker trucks) shall enter the site between 6:00 p.m. and 7:30 a.m. on weekdays, and between 5:00 p.m. and 8:00 a.m. on weekends and federal holidays. Delivery vehicles shall have their engines turned off during unloading. (BLDG, ENGR, PLNG)
51. 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)

52. Implement the following measures during construction:

a) Gather all construction debris on a regular basis and place them in a dumpster or other container that is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution.

b) Remove all dirt, gravel, rubbish, refuse, and green waste from the street pavement, and storm drains adjoining the project site. During wet weather, avoid driving vehicles off paved areas.

c) Broom sweep the public street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping.

d) Install filter materials (e.g., sandbags and filter fabric) at the storm drain inlet nearest the downstream side of the site in order to preclude any debris or dirt from flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and to prevent street flooding. Dispose of filter particles in an approved trash receptacle.

e) Create a contained and covered area on the site for the storage of bags, cement, paints, flammable, oils, fertilizers, pesticides, or any other materials used on the site that have the potential for being discharged to the storm drain system by being windblown or in the event of a material spill.

f) Never clean items such as machinery, tools, and brushes or rinse containers in a street, gutter, or storm drain.

g) Ensure that concrete, gunite, plaster, or similar supply trucks do not discharge wash water into street gutters or drains. (ENGR, BLDG)

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

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

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

56. 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)

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

59. 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)

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

CONSTRUCTION PLAN REVIEW/PRE-PERMIT REQUIREMENTS

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

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

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

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

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

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

67. The preliminary Civil Plan prepared by Millennium Planning and Engineering received by the Planning Division is not approved for construction. Submit Grading, Erosion Control, Improvement, Stormwater Pollution Prevention Plans (SWPPP), and Stormwater Control Plans prepared by a Registered Civil Engineer to Engineering Services for review and approval prior to issuance of an Encroachment Permit and Grading Permit. *(ENGR)*

68. The Final Map shall be prepared by a qualified Civil Engineer or Licensed Land Surveyor and shall be subject to review and approval by Engineering Services. The lot lines shall be drawn on the Final Map such that each lot extends into the approximate centerline of the private street “Myrtle Court” and none of the proposed street is outside the seven (7) defined lots. An easement shall be defined over the private street for the purposes of public access and utilities. *(ENGR)*

69. Prior to the approval of the Final Map for the first phase of development, a phasing plan for the entire project site shall be submitted and approved by staff. Each phase shall identify the building(s) contained within each phase and the site improvements that will be constructed within each phase (e.g., roadways, soundwalls, off-street parking, and landscaping) as well as the timing of the installation of the related improvements. The phasing plan shall also include plotting of all units, specifying unit type, or model for each lot, building envelopes, or setbacks, and shall be consistent with the City-approved plans. *(ENGR, BLDG, PLNG)*

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

71. Approved street names shall be shown on the Final Map prior to recordation of the map. *(ENGR, PLNG)*

72. Three copies of the project of project Covenants, Codes and Restrictions (CC&Rs) shall be submitted with the Grading and Improvement Plans and Final Map, for review and approval. The CC&Rs shall include the following provisions and shall be recorded with the Final Map:

a) A Homeowners Association (HOA), shall be formed and shall be responsible in perpetuity, for the maintenance, repair, and replacement of:
   i) All parcels held in common, open space and common area improvements including building exteriors, driveways, the private street, access easements, pedestrian paths and walkways, landscaping, irrigation systems, fencing, retaining walls, soundwalls, signage, trash and recycling areas and utilities.
   ii) All landscaping and irrigation equipment on-site and within the public right-of-way.
   iii) All permanent stormwater management facilities included in the approved Stormwater Control Plan and the approved Stormwater Control Operations and Maintenance Plan.

b) Contain a statement that in the event these areas or facilities are not properly maintained, repaired or replaced according to the approved plans, each property owner shall be responsible
for their proportionate share of these costs, secured by a lien on the property in favor of the
HOA, in accordance with the HOA procedures.
c) Provide reciprocal easements over all common parcels for maintenance purposes.
d) The HOA shall be responsible for enforcing the CC&Rs and providing written notice of any
violation to the property owners.
e) The HOA shall provide the Planning Division with the name, address and phone number of the
current HOA representative.
f) Contain a statement that any revisions to the approved architectural or landscape plans shall be
reviewed and approved by the City of Concord Design Review Board. (PLNG, ENGR, CA)

GRADING/EROSION CONTROL/GEOLOGIC

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

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

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

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

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

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

79. The project engineer shall inspect the finished grading and certify that it conforms to the
compaction and elevations shown on the Grading Plan and Soils Report. (ENGR) CMC

80. At all times seasonally appropriate erosion control measures shall be implemented per plans
approved by the City Engineer for all grading work at all times. Wet season measures shall be
in place October through April at a minimum and when rain is otherwise predicted. At the
time of approval of the Improvement and/or Grading Plans, an approved Erosion Control Plan
prepared by a registered Civil Engineer shall be filed with the City Engineer. (ENGR)
81. All graded slopes and stockpiles of loose soil shall be hydromulched/hygroseeded by October of any given year. During grading work between October and April, if rain is forecast, stop all grading work two days before the rain forecast and implement BMPs to insure that the site is protected from erosion. *(ENGR)*

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

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

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

85. Improve interior private streets, *(name each street)* in accordance with the City of Concord standards. *(ENGR)* *(CMC)*

86. Designate the private streets as a required fire access lane thereby prohibiting parking on both sides of the street at all times. Signs and/or curb striping shall be installed according to the regulations established by the Contra Costa County Fire Protection District, the Concord Police Department, and Engineering Services. The signs shall include, the Police Department telephone number and a notification that a citation may be issued for the violation with vehicle removal at the owner's expense. *(ENGR)* *(CCFPD)*

**UTILITIES**

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

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

89. Dedicate to the City a 15-foot wide Storm Drain easement along Myrtle Drive over the main storm drain lines outside of the public street right-of-way for construction and maintenance purposes prior to recording of the Final Map or Building occupancy approval whichever comes first. The City will not accept maintenance of building laterals. *(ENGR)*

90. Install streetlights along the Myrtle Drive and Myrtle Creek private access road frontage(s). Submit streetlight plans in accordance with the City Standard Specifications showing pole type, luminaries type, conductor and wiring schedule, connection points, lamp wattage and pull box locations, at the time of submittal of improvement plans. Streetlights shall be completely installed and operational prior to occupancy approval. *(ENGR)*
91. All new utilities shall be constructed underground prior occupancy approval. *(ENGR)*

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

93. Submit to Engineering Services sanitary sewer calculations with the Improvement Plans stamped and signed by a Registered Civil Engineer for review. *(ENGR)*

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

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

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

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

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

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

**DRAINAGE/STORMWATER C.3 REQUIREMENTS**

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

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

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

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

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

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

106. Collect and convey all stormwater entering, and/or originating from, the site to an adequate downstream drainage facility. Submit a detailed hydrologic and hydraulic study including calculations for a 100-year storm as well as a capacity study accounting for offsite sources with the Improvement Plans to Engineering Services for review and approval. *(ENGR)*

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

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

109. Ensure that the area surrounding the project such as the streets stay free and clear of construction debris such as silt, dirt, dust, and tracked mud coming in from or in any way related to project construction. Areas that are exposed for extended periods shall be watered regularly to reduce wind erosion. Paved areas and access roads shall be swept on a regular basis. All trucks shall be covered. *(ENGR)*
110. Clean all on-site stormdrain facilities a minimum of twice a year, once immediately prior to October 15 and once in January. Additional cleaning may be required if found necessary by the City Engineer/Director of Building Inspection. *(ENGR, BLDG)*

**SOLID WASTE/RECYCLING**

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

**AGREEMENTS, FEES, BONDS**

112. All fees noted below are the fees currently in effect as of April 25, 2017 per the Resolution of Fees and Charges. The fees and charges are reviewed annually as part of the budget public hearing process. Fee adjustments are based on a number of factors and vary depending on the type of fee:

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

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

113. Provide a ($3,000) cash deposit to the Planning Division to cover Condition Compliance, at the time of submittal of plans and documents to Engineering Services or the Building Division for plan check. Planning staff’s time will be charged to this deposit for work performed to implement the Conditions of Approval, from the time of project approval to occupancy approval. The deposit will be placed in a refundable account and any unused funds will be returned upon completion. If the initial deposit is insufficient to cover actual costs, an additional deposit will be required. *(PLNG)*

114. 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)*

115. Enter into a Maintenance Agreement, acceptable to the City prior to the approval of the Final Map, agreeing to provide for proper maintenance of the private street, storm drain outside of the public street right of way, street lights and other privately maintained improvements pursuant to CMC Section 18.160 “Streets”. *(ENGR)*

116. Enter into a Subdivision Agreement with the City agreeing to construct and complete all improvements necessary to service the subdivision. The Agreement shall be executed and submitted to the City prior to approval of the Final Map. As part of the Agreement, provide securities acceptable to the City, guaranteeing construction of the required improvements. *(ENGR)*

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

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

119. Site Development Permit Application:

a) Pay the current Filing Fee at the time of submittal of permit application, improvement plans and supporting documents to City Engineering Services for review.

b) Provide a restoration security before issuance of the Encroachment Permit. The security shall be in an amount sufficient to restore existing public improvements to a serviceable condition should development improvement activity cause damage. The amount of the security shall be determined by, and be in a form acceptable to the City Engineer.

c) Provide a $10,000 cash deposit to cover Condition Compliance/Mitigation Monitoring costs at the time of submittal of plans and documents to Engineering Services for review. The deposit will be placed in a refundable account. Condition Compliance/Mitigation Monitoring costs will be charged to this deposit over the life of the project permit and mitigation requirements. Any unused funds will be returned at project completion. If the initial deposit is insufficient to cover actual costs, an additional deposit in an amount determined by the City Engineer will be required. (ENGR)

d) Pay Grading Fees at submittal of a Permit application. The current fee is determined based on cubic yardage of cut and fill combined.

e) Provide a $10,000 cash deposit for Erosion Control prior to issuance of Grading Permit. The deposit will be placed in a refundable account. Any unused funds will be returned at project completion. If the initial deposit is insufficient to cover actual costs, an additional deposit in an amount determined by the City Engineer will be required.

f) Pay the current Stockpile and Erosion Control Monitoring fee prior to issuance of Grading Permit. (ENGR)

120. Final Map Application:

a) Pay the current Final Map review fee at the time of submittal of Final Map documents to Engineering Services for review. Current fee is estimated to be $5,121.00 plus $256.00 per lot.

b) Pay the current Final Map filing fee prior to scheduling the Subdivision Agreement for consideration by the City Council. The current fee is $2,561.00.

c) Pay the current Improvement Plan review fee at the time of submittal of Improvement Plans and supporting documents to Engineering Services for review. The fee includes initial submission and two revisions and is estimated based on the construction cost estimate.
d) Pay the Construction Inspection fee prior to issuance of the Construction Permits or scheduling the Subdivision Agreement for consideration by the City. The current fee is based on the estimated cost of constructing the required improvements to support the subdivision.

e) Pay the Drainage Acreage Fee prior to scheduling the Subdivision Agreement for consideration by the City Council. The current fee is $0.7/S.F. (Drainage Area 33B).

f) Pay the Parkland Fee prior to scheduling the Subdivision Agreement for consideration by the City Council. The current fee is $16,961.00 per living unit for Low Density Designation.

g) Submit a fully executed Subdivision Agreement and provide all necessary bonds, securities, and insurance required in the Agreement prior at the time the Final Map is scheduled for consideration by the City Council.

h) Pay new street monument fee of $284.00 per monument, prior to approval of the Final Map.

i) Pay the current subdivision fee at the time of submittal of map and supporting documents to engineering services. The current fee is $7,966.00.

j) Pay acceptance of improvements and dedications fee of $2,049.00 prior to scheduling items for action by City Council.

k) Provide a $500 deposit for archiving permanent records prior to approval of the Final Map. Actual fees will be charged following completion of work.

l) Provide a $5,000 deposit for specialty inspections prior to approval of the Final Map. (ENGR)

121. Sewer Connection Permit:

a) Pay Sanitary Sewer connection fee. The current sewer connection fee is $5,043.00 per single-family dwelling unit and shall be paid prior to approval of the Final Map.

b) Pay the current sewer service fee prior to approval of the Final Map. The current fees is $547 per year and is pro-rated by the month that connection is made. (ENGR)

122. Pay Offsite Street Improvement Program (OSIP) fee less possible fee credit. The OSIP fee shall be the fee in effect at the time of approval of the Final Map. The current OSIP Fee is $3,251.00 per single-family dwelling unit and shall be paid prior to Acceptance of the Final Map. (ENGR)

OTHER/MISCELLANEOUS

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

124. Submit a written request for new street names with a site plan showing their location to the Planning Division for review and approval, at the time of submittal of Improvement Plans and Final Map. Include a list of alternatives for each name, as some names may not be acceptable. (PLNG)
125. Comply with the requirements of the Contra Costa County Health Department for the abandonment of existing septic tanks or wells. (ENGR) CMC

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

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

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

127. 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)

128. The permit and approval shall expire in two year(s) from the date on which they became effective unless construction permits are obtained and work has begun. All permits approved concurrently with a Tentative Map shall be valid for the life of the map. The effective date of the permit and approval is July 31, 2018. November 17, 2019 (PLNG)
129. A request for a time extension from the expiration date of July 31, 2020 **November 17, 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)*
BEFORE THE PLANNING COMMISSION
OF THE CITY OF CONCORD,
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

A RESOLUTION APPROVING MYRTLE CREEK
ESTATES SUBDIVISION TENTATIVE MAP,
DESIGN REVIEW, AND TREE REMOVAL
PL17482- TM, DR, AND RT

WHEREAS, on October 16, 2017, Robert Wood submitted an application for a Design
Review and Tentative Map, to allow a Seven lot residential subdivision at 5019 Myrtle Drive , APN
117-050-008; and

WHEREAS, on June 7, 2018, the application was deemed complete for processing; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA)
of 1970, as amended; the project is classified as Categorically Exempt pursuant to Section 15332 “In-
Fill Development Projects,” and 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 July 18, 2018, the subject
proposal; and

WHEREAS, the Planning Commission considered testimony and information received at the
public hearing and the oral and written reports from City staff dated July 18, 2018, 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 July 18, 2018, 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 Tentative Map and Design Review PL17482-TM, DR, RT subject to the
Conditions of Approval and further makes the following findings:

RECITALS

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

CEQA

2. Pursuant to the provisions of the California Environmental Quality Act (CEQA) of
1970 (and as amended); the project is classified as Categorically Exempt pursuant to Section 15332
“In-Fill Development Projects,” because 1) the project is consistent with the General Plan, and
applicable zoning designation and regulations; 2) the proposed development occurs within city limits
on a project 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 species; 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, there are no exceptions to the Section 15332 categorical “In-Fill” exemption as there is no
indication that there is a reasonable possibility that the project will have a significant effect on the
environment due to a cumulative impact of other projects or unusual circumstances, or that the site is
designated as a hazardous waste site.

General Plan

3. Rural Residential. The project’s density of 1.9 dwelling units per net acre is within the density
of less than 2.5 dwelling units per net acre allowed by the Rural Residential designation.

4. Support land use decisions that reinforce and capitalize on neighborhood strengths and benefit
neighborhood identity and scale. (Policy LU-1.1.1). The project is consistent with this policy
because it enforces neighborhood identity and strengths by proposing building designs and
materials that are consistent with the neighborhood and architecture that mitigates the mass of
the two-story homes with setbacks, hipped and sloped roofs, and careful use of landscaping to
blend with the surrounding neighborhood.

5. Require new development in residential areas to preserve and enhance positive neighborhood
characteristics. (Policy LU-1.1.2). The project is consistent with this policy because proposed
lots meet the minimum size allowed by zoning, preserving the existing pattern of homes along
Ayers Road and Holly Drive, and by designing homes determined by the Design Review Board
to be compatible with the neighborhood.

6. **Require all new development to locate structures to accommodate ultimate street widths and
required setbacks, provide adequate right-of-way, and construct ultimate on and off-site
improvements. (Policies T-1.1.6 and T-1.1.7).** The project is consistent with the findings
because a public access road with a cul-de-sac is proposed with curb and gutter improvements,
street parking, and a sidewalk along the access road and the Myrtle Drive frontage.

**Development Code**

7. The project meets standards for lot area, lot coverage, setbacks, and building height of RR-20
zoning, and all applicable requirements under Development Code, Article IV, Development
Standards.

**Tentative Map**

8. **The proposed subdivision, together with the provisions for its design and improvement, is
consistent with the General Plan, any applicable specific plan, the Zoning Ordinance, and
other applicable provisions of the Municipal Code.** The project falls within the density allowed
under the General Plan’s Low Density Rural Residential designation by providing a density of
1.9 dwelling units per acre, is consistent with General Plan and Development Code policies
related to residential development, and the applicable provisions of the Municipal Code, as set
forth in greater detail herein.

9. **The site is physically suitable for the proposed type and density of development.** The project meets
standards for lot area, lot coverage, setbacks, and building height of RR-20 zoning, and all applicable
requirements under Development Code, Article IV, Development Standards.

10. **The design of the subdivision or the proposed improvements will not cause substantial
environmental damage or substantially and avoidably injure fish or wildlife or their habitat.** The
proposed project would not have a substantial adverse effect on any species identified as candidate,
sensitive, or special status species in local or regional plans, policies, or regulations, or by the
California Department of Fish and Wildlife (CDFW) or the United States Fish and Wildlife Service
11. The design of the subdivision or the type of improvements will not cause serious public health
problems. The design of the subdivision and its related improvements are typical of residential
development and are not deemed a threat to human health or the environment.

12. The design of the subdivision or the type of improvements will not conflict with easements, acquired
by the public at large, for access through or use of property within the proposed subdivision. The
city may approve a tentative map if it finds that alternative easements for access will be provided,
and that these will be substantially equivalent to ones previously acquired by the public. This finding
applies only to easements of record or to easements established by judgment of a court of competent
jurisdiction. The proposed subdivision will not conflict with easements acquired by the public at
large for access through or use of the property. The proposed subdivision includes a 32’ wide private
right-of- way dedication along the Myrtle Drive frontage for the proposed sidewalk extension, curbs
and gutters, and new landscaping. A separate public access road with a cul-de-sac and related
drainage, and utility easement are proposed to serve the subdivision and will not conflict with any
existing city easements.

13. The design of the subdivision shall provide, to the extent feasible, for future passive and natural
heating and cooling features in accord with Section 66473.1 of the Subdivision Map Act. The
project meets the finding because passive and natural heating will be provided to the extent
possible given the configuration of the site and the need to orient homes toward the public
access road, and because either the side or rear of each home will be exposed to the south as
recommended by the Subdivision Map Act.

14. Water will be available and sufficient to serve a proposed subdivision with more than 500
dwelling units in accord with Section 66473.7 of the Subdivision Map Act. This finding does
not apply because the project will not result in more than 500 dwelling units.

Design Modification

15. A modification to the subdivision design standard is appropriate because one or more special
circumstances clearly apply to the subdivision under Section 17.20.070(b) titled, “Eligibility.”
The subdivision is located in an urban infill area with existing streets that do not conform to the standards in the Subdivision Ordinance. Myrtle Drive, Ayers Road, and Holly Drive, the neighboring roadways, are substandard with respect to the City's 60-foot neighborhood and residential model roadway sections. Modification of the standard is necessary in this case to allow the logical and compatible access to the residential lots and extension of utilities, or other public improvements due to the existing conditions and subdivision design, which includes access to the residential lots only from Myrtle Drive in order to retain current traffic patterns in the surrounding area.

16. The project is consistent with the purpose of the Subdivision Map Act in that proper consideration has been given to its design and relationship to adjoining areas; the applicant is proposing street and other improvements; and the design has been reviewed to protect both the public and purchasers of the subdivision. The project falls within the density allowed under the General Plan's Low Density Rural Residential designation, is consistent with General Plan and Development Code policies related to residential development, and the applicable provisions of the Municipal Code.

17. The modification to the residential roadway width does not result in a special privilege as the subdivision ordinance establishes a process by which the city may approve modifications to subdivision design and improvement standards upon making findings. The implementation of this provision is necessary to allow development of the site due to its relatively small size and unique characteristics.

Tree Removal

18. The tree removal is consistent with the provisions of Article VI, Division 3, Tree Preservation and Protection, and will not be detrimental to the public health, safety or welfare. There are a total of 120 trees on this site, of which 15 are protected species. A total of 35 trees are proposed for removal and 85 will be retained. Eleven of the 15 protected trees onsite will be retained and four protected trees will be removed as part of the development. The Development Code requires that a ratio of three replacement trees for each removed protected tree. This project will
provide 12 replacement trees for a ratio of 3.1 replacement trees, which meets the Development
Code’s ratio of three replacement trees and is deemed appropriate by the Design Review Board
to ensure adequate coverage, health, and vitality of the replacement trees. The removal and
installation of replacement trees would be coordinated through a demolition permit reviewed by
the City to ensure that proper procedures are followed and would therefore not be detrimental to
the public health, safety or welfare.

19. The tree removal is consistent with the evaluation and removal appropriate criteria in Section
18.310.070 (A) and (B).

(a) The extent of proposed building or development activity that does not require the removal of
protected trees, relative to the extent of proposed building or development activity that requires
such removal. Based on the grading and drainage plans, the arborist report concluded that four of
the Protected Trees would have to be removed to accommodate the development with the exception
of eleven protected trees.

(b) Design features of the project in comparison with other existing or approved projects in Concord
that have (or had) protected trees on their sites. The design features of the proposed project are
similar to other existing and approved residential subdivisions in Concord that have required the
removal of Protected Trees to accommodate roadways, utilities, and homes. In this case, all of the
Protected Trees identified for removal are located in areas proposed for public/private
improvements and building footprints.

(c) Factors that are unique to the site, such as topographic constraints, lot configuration and physical
limitations. While the proposed project density is consistent with the surrounding single-family
development, the revised lot configuration requires the removal of the Protected Trees because they
conflict with proposed public/private improvements and building footprints.

(d) The overall health and structural condition of the potentially impacted protected trees. Some of the
Protected Trees planned for removal have health or structural issues in addition to conflicting with
the location of public improvements and building footprints. These conditions are potentially
hazardous and would likely require removal over time.
(e) The approximate age of each protected tree compared with the average life span for each species.

According to the City’s arborist, the some of the trees are mature and many of them are in poor condition with a low sustainability for preservation. However, the anticipated lifespan of said trees would be shortened if the area around them were disturbed by grading and new landscape planting.

(f) The number of healthy protected trees that the site will support, with and without the proposed development. As outlined in the arborist report, some of the Protected Trees planned for removal have health or structural issues and are not viable candidates for preservation. In addition, some of the trees are located where the private road is proposed, which is required for emergency vehicle access to the site. The preliminary landscape plan indicates the site can support 13 replacement trees, which exceeds the City’s standard for mitigation.

(g) The effect of tree removal on soil stability/erosion, particularly near watercourses or on steep slopes. An existing channelized drainage is located along the south and west property lines; there are no steep slopes at the project site. Tree removal is proposed throughout the property, and mostly away from this area. The proposed conditions of approval would address any soil stability/erosion issues that may result from the proposed tree removal.

(h) Whether any alternatives would allow for preservation of the protected tree. Staff was unable to identify alternatives that would allow the construction of seven new homes while preventing the removal of Protected Trees without potentially further compromising their health or significantly changing the project design.

(i) The age of the protected tree(s) with regard to whether removal would encourage healthier, more vigorous growth of younger similar trees in the area. The anticipated lifespan of the Protected Trees would be diminished when surrounded by development. The replacement trees would be appropriately located and planted to encourage their vigorous growth as younger similar trees.

(j) The number of existing protected trees in the area and the effect of removal on the public health, safety, and general welfare of the area. The proposed tree removal would not be detrimental to the public health, safety, or welfare because it would comply with City
requirements and procedures for the proper removal of the trees. Further, the arborist report
notes that some of the Protected Trees have health or structural issues and have been
neglected. Therefore they are not viable candidates for preservation.

(k) The potential for the protected tree to become a public nuisance or interfere with utility
service(s) and existing structures. If preserved, the Protected Trees would interfere with the
proposed access and public and private improvements.

(l) Present and future shade potential with regard to solar heating and cooling. Although the
Protected Trees at the project site currently offer shade, this is not guaranteed for the long-term
because of health or structural issues identified in the arborist report. Appropriately planted
and maintained replacement trees would offer ample future shade potential with regard to solar
heating and cooling.

20. Measures have been incorporated into the project or permit to mitigate impacts to remaining
trees or to replace the trees that have been removed. The project meets the finding because
City standards will be followed for protecting remaining trees during construction. These
conditions require, among other things, fencing around the drip line of trees prior to grading
and construction activities, City inspection of the fencing and protection zone prior to the start
of work, and site inspections by the project arborist during grading and construction to
determine if additional protection measures are needed. Moreover, a ratio of 3:1 new trees will
be provided for each Protected Tree to be removed, in accordance with the Development Code.

Design and Site Development Review

21. The project is consistent with the General Plan as addressed in findings 1 through 4 above.

22. The project meets the following criteria in Section 18.415.080 (Design Criteria):

(a) The building design and landscaping supports public safety and security by allowing for
surveillance of the street by people inside buildings and elsewhere on the site. The project will
orient the homes toward a public access road to allow for surveillance of the street within the
homes and properties.

(b) The design is compatible with the historical or visual character of any area recognized by the
City as having such character. The area is not recognized as a historical, architectural, or scenic area by the City.

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

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

(d) The proposed lighting and fixtures are designed to complement on-site buildings, are of an appropriate scale for the development, and provide adequate light for safety and security while minimizing glare. Exterior lighting will be residential in type and character to minimize glare, and new street lights are proposed along the public access road and Myrtle Drive to improve nighttime visibility and safety for pedestrians and vehicles.

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

(f) The overall design of the project, including its scale, massing, site plan, exterior design, and landscaping, enhances the appearance and features of the project site and surrounding natural and built environment. Design changes have been made to ensure the project is appropriate for the surrounding environment, including its scale, massing, site plan, and exterior design. These changes, which were recommended for approval by the Design Review Board, include design enhancements such as four-sided design to reduce mass and create visual interest.

(g) The project design is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community. The project includes, among other things, the following design features to enhance the functionality of the proposed homes and the attractiveness and comfort of the general community: landscaping that
provides screening and shade; a sidewalk along the public access road and the Myrtle Drive
frontage, stormwater facilities to reduce and treat runoff; and improvements along Myrtle Drive
to improve circulation, parking, drainage, and lighting for the area.

(h) *The architectural details, colors, materials, and landscaping are internally consistent, fully
integrated with one another, and used in a manner that is visually consistent with the proposed
architectural design.* The project meets the criteria because similar building materials and
colors will be used between the homes, and a unifying landscape palette will be used for the
entire project.

(i) *The project is compatible with neighboring development in a similar Zoning District by
avoiding large differences in building scale and character and provides a harmonious
transition between the proposed project and surrounding development.* The project meets the
criteria and is similar in scale to other two-story homes in the neighborhood, the second story
elements are pulled back to allow for larger setbacks between properties, similar rear yard
setbacks are proposed, and the project complies with RR-20 development standards, which
allow two-story homes.

(j) *The project creates an attractive and visually interesting built environment with a variety of
building styles and designs, well-articulated structures that present varied building facades,
rooflines, and building heights within a unifying context.* The project meets the criteria and
creates an attractive and visually interesting built environment featuring different architectural
styles with various design elements including varied roof forms; decorative elements such as
covered entries and porches, and shutters; and a mix of building materials that create interesting
textures and a quality look to the buildings. Similarities in the design elements, materials, and
colors between the homes create a unifying context for the project.

(k) *The landscaping is compatible with and enhances the architectural character of the buildings
and site features, and blends with the surrounding landscape. Landscape elements complement
the buildings and rooflines through color, texture, density, and form. Landscaping is in scale
with on-site and off-site buildings, and plantings have been selected and located to avoid*
conflicts with views, lighting, infrastructure, utilities, and signage. The DRB has reviewed the landscape plan and determined that it is compatible with the building architecture.

(i) Stormwater treatment areas have been integrated into the landscape design. The project includes a bio-retention area integrated into the landscape design along Myrtle Drive.

(m) New construction does not need to match existing surrounding development or buildings; however, the design shall complement or enhance existing development. The project does not match surrounding homes, which are older, but meets the criteria because it will improve and enhance an underutilized site with new homes designed in traditional architectural styles to complement the neighborhood’s design vernacular.

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

(a) Exterior building colors and materials consist of earth tone colors, wood, stone, and other materials that are compatible with the neighborhood;

(b) Homes are sited and designed with a functional relationship to the site and street, and in compliance with setbacks to provide accessible and usable yard areas;

(c) Front yard setbacks reinforce a spacious suburban character and consistent streetscape;

(d) Homes are sited to minimize second story windows overlooking private yards of adjacent residences;

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

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

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

(h) Perimeter fencing will be constructed of durable high quality wood material;

(i) Exterior yards are landscaped to provide a continuity of the landscape palette and
concept along the public access road; and

(j) Required off-street parking is provided for each home.

24. The interrelationship between the orientation, location, and elevations of buildings and structures and site improvements are mutually compatible and aesthetically harmonious. The homes front on the public access road and provide a consistent pattern oriented toward the street and is thus aesthetically harmonious with the streetscape. As discussed above, the homes will be designed with similar design elements, materials, and colors to create a unifying/harmonious context.

25. The orientation, location, and elevation of the buildings and structures and site improvements are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood. The project will be harmonious with the pattern of existing homes in the neighborhood and will use architectural styles that the Design Review Board finds to be aesthetically compatible with homes in the neighborhood.

26. Landscaping, irrigation systems, walls and fences, or features to conceal outdoor activities, utility enclosures, and trash facilities meet current requirements or provide a significant upgrade and improvement to the site and the appearance of the neighborhood. New landscaping and fencing designed to meet current requirements will result in a significant improvement to existing site conditions and a visual upgrade to the neighborhood in general.

27. Parking, pedestrian access, and traffic circulation are adequate or improved for all modes of circulation. The project meets this finding because it will construct improvements that enhance parking, pedestrian safety, and access for the neighborhood, including the construction of a public access road thus creating on-street parking, adding sidewalks, and installing street lighting.

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

PASSED AND ADOPTED this July 18, 2018, by the following vote:

AYES: Laub, Mercurio, Aliano, Barbour, Weinmann

NOES:
ABSTAIN:

ABSENT:

Frank Abejo,
Secretary to the Planning Commission

Attachment:
A - Final Conditions of Approval
ATTACHMENT A

"FINAL"

CONDITIONS OF APPROVAL
MYRTLE CREEK ESTATES SUBDIVISION
PL17482 – DR, TM, RT
5019 MYRTLE DRIVE
APN(s): 117-050-008-4

PERMIT DESCRIPTION

1. These Conditions of Approval apply to and constitute the approval of a Tentative Map for Myrtle Creek Estates Subdivision (PL17482-TM) consisting of 7 individual parcels on 3.6 acres.

2. These Conditions apply to and constitute approval of a Tree Removal Permit (PL17482-RT) for the removal of all existing palm trees and four protected trees, as follows: 3 California Black Walnut trees and 1 Valley Oak tree.

3. These Conditions apply to and constitute approval of Design Review (PL17482-DR) for building elevations and landscape plans for seven single family homes. Final colors and materials shall be consistent with the color and materials exhibit dated July 2017, prepared by Farrell-Faber and approved by the Design Review Board. Exterior building materials and colors shall be in substantial conformance with the approved plans as follows:

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4. The following Exhibits, date stamped received by the City of Concord, on **May 2018**, are approved and shall be incorporated as Conditions of Approval.

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

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

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

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

13. Submit a site plan with the parking details for all temporary real estate offices and model homes to Planning and Engineering prior to issuance of Building Permits. *(PLNG, ENGR, BLDG)*

**ARCHITECTURAL**

14. The design of the handrail along Myrtle Drive shall return to the Design Review Board for approval as a staff report item prior to approval of the final map. *(PLNG)*

15. All composition shingle roofing shall be architecturally laminated style with a minimum weight of 280 lbs/square. *(PLNG)*

16. Any changes to the architecture, landscaping, and placement of the homes shall return to the Design Review Board for review and approval. *(DRB, PLNG)*

17. 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)*

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

19. 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)*
20. Re-orient the home on Lot 5 to have the front elevation face the front property line and street.  

(PLNG)

LANDSCAPING

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

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

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

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

d) Trees (minimum size 24-inch box size) and shrubs (minimum 5-gallon container size; accent or sub-shrubs may be 1-gallon container size).

e) Root control barriers and four-inch perforated pipes for parking lot trees, street trees, and trees within six inches of any paved area or curb.

f) Six-inch vertical concrete curbs around landscaped areas.

g) A soils and plant laboratory analysis with recommendations for fertilization and mulching to be incorporated into the planting specifications.

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

a) All landscaped areas shall have a fully automatic irrigation system.

b) High water pressure areas shall have pressure regulation devices on the irrigation system.

c) Valves and circuits shall be separated based on water use.

d) Trees shall be watered with drip or bubbler irrigation systems with circuits on their own control valve.

e) Drip and bubbler systems shall not discharge water in excess of 1.5 gallons per minute per device.

f) Sprinkler heads shall have matched precipitation rates within each control valve circuit.

g) Serviceable check valves shall be required where elevation differential may cause low head drainage.

h) Sprinkler head spacing shall be designed for head-to-head coverage or closer due to high wind conditions.

i) Design sprinkler head orientation and throw for minimum runoff and for minimum overspray onto non-irrigated areas.

j) Be equipped with a controller capable of dual or multiple programming. Controllers shall have multiple-cycle start capacity and a flexible calendar program. Water shall be timed between the hours of 3:00 a.m. and 10:00 a.m. unless a “water smart” ET based
controller which adjusts controller programs based upon the current evaportranspiration rate is used.

k) Provide a rain shut off device if the controller is not an ET based controller.
l) Sprinkler heads used on slopes exceeding 15 percent shall have a precipitation rate that does not exceed 0.85 inches per hour.
m) Sprinkler heads used on slopes exceeding 10 percent and located within 10 feet of any hardscape shall have a precipitation rate that does not exceed 0.85 inches per hour. (PLNG)

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

a) Estimated annual water use (in gallons) and the area (in square feet) to be irrigated.
b) Precipitation rate(s) for each valve circuit.
c) Monthly irrigation schedule for each type of irrigation head showing the plant establishment period and the first year thereafter. (PLNG) CMC

24. All landscaping shall be installed prior to occupancy approval. Contact the Planning Division at least two weeks prior to occupancy, to request a site inspection of all exterior improvements including buildings, driveways, parking lots, landscaping, irrigation, signs, lighting, walls, fences, and trash enclosures. (PLNG)

25. Prior to occupancy approval, the licensed Landscape Architect shall:

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

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

27. Fences and walls shall be a maximum height of three feet in required front yards and sight visibility triangles, and a maximum height of six feet on side and rear property lines. Fences off-set twenty four inches or greater from retaining walls shall be considered as separate structures. (PLNG) CMC
28. Add a bio-retention area cross-section to the landscape plan showing all plant species within the basin. *(PLNG)*

29. Offset the privacy fences along the side and front of the lots to ensure that windows are not blocked and there is a variation in their location. *(PLNG)*

30. The bio-retention area slope shall be revised to a 2.3:1 or gentler gradient and a decorative wall shall be provided to protect the entrance ramp to the basin.

**TREE PRESERVATION**

31. All existing trees within the project boundaries shall be preserved, except for thirty five, which have been specifically designated for removal on the approved Landscape or Tree Removal plan. *(PLNG)*

32. The removal of protected trees shall be mitigated by planting 12 trees at a 3:1 ratio, unless specified otherwise in the approved arborist report. The size, species, and location of all replacement trees shall be identified on the Final Landscape plan, consistent with the Design Review approval. *(PLNG)*

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

34. Prior to demolition, site preparation, grading, or construction activity on a site with trees to be preserved, the following measures from CMC Chapter 18.310 “Tree Preservation and Protection”, shall be required:

a) All trees to be preserved shall be clearly indicated on the Grading, Utility, Civil Site, and Landscape Plans.

b) A temporary six foot fence shall be installed around the drip line of the trees, prior to on-site activity such as grading and construction activities. Prior to grading or construction, the City shall inspect and approve the placement of the fencing.

c) No grading, compaction, stockpiling, trenching, paving or change in ground elevation shall be permitted within the drip line of any tree to be saved, until a report prepared by a certified Arborist has been submitted to and approved by the City, providing specific guidelines for each case.

d) No construction waste, either liquid or solid or other substance (oil, gasoline, chemicals, or other harmful materials) shall be deposited, disposed of, or stored, within the drip line or within an area near the tree, which could enter into the root system of the tree.

e) Wires, signs, ropes, pulleys, etc., shall not be attached to any tree. *(PLNG, PARKS)*

**LIGHTING**
35. 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)*

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

37. Submit a Photometric plan for review and approval, showing the location of all light sources, streetlight spacing, intensity of luminance, and uniformity ratio, in accordance with the City’s specifications, with the Improvement, Utility, or Building Plans, whichever comes first. The photometric analysis shall be reviewed by Engineering Services for the determination of streetlight spacing. *(ENGR, TRANS, BLDG, PD)*

**SIGNAGE**

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

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

**PARKING**

40. One-car garages shall be a minimum of 10 feet wide by 22 feet deep with a nine-foot door opening. Two-car garages shall be a minimum of 20 feet wide by 22 feet deep with a 16-foot door opening. No interior door shall open into a garage space unless the door will open fully without encroaching into the above specified areas. *(PLNG) CMC*

41. 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*

**STREET IMPROVEMENTS**

42. Construct improvements along the frontage on Myrtle Drive including but not limited to: driveway removal; pavement replacement one feet wide measured perpendicular from edge of pavement; pavement widening; concrete valley gutter; wheel chair ramps; construction of concrete curb, gutter and sidewalk; ADA compliant concrete driveway approach; storm drainage system; conforms to existing improvements; and repair/replacement of deficient frontage improvements as determined by the City Engineer, prior to occupancy approval or Acceptance of Improvements. *(ENGR)*
43. Install slurry seal on Myrtle Drive from lip of gutter to street centerline, after completion of utility undergrounding and frontage improvements, prior to the Acceptance of Improvements. *(ENGR)*

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

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

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

**NOISE**

47. 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**

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

49. Implement a dust and construction noise control plan. The plan shall be included as part of the Erosion control plan and shall be submitted to Engineering Services for review and approval prior to issuance of the Grading Permit. *(ENGR)*

50. Construction equipment shall not be serviced at the site at any time. During construction no deliveries shall be made to the site and no delivery vehicles (including gasoline tanker trucks) shall enter the site between 6:00 p.m. and 7:30 a.m. on weekdays, and between 5:00 p.m. and 8:00 a.m. on weekends and federal holidays. Delivery vehicles shall have their engines turned off during unloading. *(BLDG, ENGR, PLNG)*

51. 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)*

52. Implement the following measures during construction:
a) Gather all construction debris on a regular basis and place them in a dumpster or other container that is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution.

b) Remove all dirt, gravel, rubbish, refuse, and green waste from the street pavement, and storm drains adjoining the project site. During wet weather, avoid driving vehicles off paved areas.

c) Broom sweep the public street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping.

d) Install filter materials (e.g., sandbags and filter fabric) at the storm drain inlet nearest the downstream side of the site in order to preclude any debris or dirt from flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and to prevent street flooding. Dispose of filter particles in an approved trash receptacle.

e) Create a contained and covered area on the site for the storage of bags, cement, paints, flammable, oils, fertilizers, pesticides, or any other materials used on the site that have the potential for being discharged to the storm drain system by being windblown or in the event of a material spill.

f) Never clean items such as machinery, tools, and brushes or rinse containers in a street, gutter, or storm drain.

g) Ensure that concrete, gunite, plaster, or similar supply trucks do not discharge wash water into street gutters or drains. (ENGR, BLDG)

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

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

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

56. 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)

57. Portable toilets used during construction shall be kept as far as possible from adjacent properties, public right of way and shall be emptied on a regular basis as necessary to prevent odor. (ENGR, BLDG)

58. Identify truck routes for the import or export of cut/fill material and/or construction debris for review and approval by the City Engineer prior to the issuance of permits. Repair any damage to City streets (private and public) caused by activity associated with this project. (ENGR)

59. 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)*

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

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

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

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

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

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

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

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

**SUBDIVISIONS/SITE DEVELOPMENT PLANS**

67. The preliminary Civil Plan prepared by Millennium Planning and Engineering received by the Planning Division is not approved for construction. Submit: Grading, Erosion Control, Improvement, Stormwater Pollution Prevention Plans (SWPPP), and Stormwater Control Plans prepared by a Registered Civil Engineer to Engineering Services for review and approval prior to issuance of an Encroachment Permit and Grading Permit. *(ENGR)*
68. The Final Map shall be prepared by a qualified Civil Engineer or Licensed Land Surveyor and shall be subject to review and approval by Engineering Services. *(ENGR)*

69. Prior to the approval of the Final Map for the first phase of development, a phasing plan for the entire project site shall be submitted and approved by staff. Each phase shall identify the building(s) contained within each phase and the site improvements that will be constructed within each phase *(e.g., roadways, soundwalls, off-street parking, and landscaping)* as well as the timing of the installation of the related improvements. The phasing plan shall also include plotting of all units, specifying unit type, or model for each lot, building envelopes, or setbacks, and shall be consistent with the City-approved plans. *(ENGR, BLDG, PLNG)*

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

71. Approved street names shall be shown on the Final Map prior to recordation of the map. *(ENGR, PLNG)*

72. Three copies of project Covenants, Codes and Restrictions (CC&Rs) shall be submitted with the Grading and Improvement Plans and Final Map, for review and approval. The CC&Rs shall include the following provisions and shall be recorded with the Final Map:

a) A Homeowners Association (HOA), shall be formed and shall be responsible in perpetuity, for the maintenance, repair, and replacement of:
   i) All parcels held in common, open space and common area improvements including building exteriors, driveways, the private street, access easements, pedestrian paths and walkways, landscaping, irrigation systems, fencing, retaining walls, soundwalls, signage, trash and recycling areas and utilities.
   ii) All landscaping and irrigation equipment on-site and within the public right-of-way.
   iii) All permanent stormwater management facilities included in the approved Stormwater Control Plan and the approved Stormwater Control Operations and Maintenance Plan.

b) Contain a statement that in the event these areas or facilities are not properly maintained, repaired or replaced according to the approved plans, each property owner shall be responsible for their proportionate share of these costs, secured by a lien on the property in favor of the HOA, in accordance with the HOA procedures.

c) Provide reciprocal easements over all common parcels for maintenance purposes.

d) The HOA shall be responsible for enforcing the CC&Rs and providing written notice of any violation to the property owners.

e) The HOA shall provide the Planning Division with the name, address and phone number of the current HOA representative. *(PLNG, ENGR, CA)*

f) Contain a statement that any revisions to the approved architectural or landscape plans shall be reviewed and approved by the City of Concord Design Review Board.
73. Submit a geologic investigation to demonstrate that proposed buildings will not be constructed across active faults. A licensed geologist must prepare an evaluation and written report. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back from the fault (generally 50 feet). (ENGR)

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

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

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

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

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

79. The project engineer shall inspect the finished grading and certify that it conforms to the compaction and elevations shown on the Grading Plan and Soils Report. (ENGR) CMC

80. At all times seasonally appropriate erosion control measures shall be implemented per plans approved by the City Engineer for all grading work at all times. Wet season measures shall be in place October through April at a minimum and when rain is otherwise predicted. At the time of approval of the Improvement and/or Grading Plans, an approved Erosion Control Plan prepared by a registered Civil Engineer shall be filed with the City Engineer. (ENGR)

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

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

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

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

85. Improve interior private streets, *(name each street)* in accordance with the City of Concord standards. *(ENGR) CMC*

86. Designate the private streets as a required fire access lane thereby prohibiting parking on both sides of the street at all times. Signs and/or curb striping shall be installed according to the regulations established by the Contra Costa County Fire Protection District, the Concord Police Department, and Engineering Services. The signs shall include, the Police Department telephone number and a notification that a citation may be issued for the violation with vehicle removal at the owner’s expense. *(ENGR, CCCFPD)*

**UTILITIES**

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

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

89. Dedicate to the City a 15-foot wide Storm Drain easement along Myrtle Drive over the main storm drain lines outside of the public street right-of-way for construction and maintenance purposes prior to recording of the Final Map or Building occupancy approval whichever comes first. The City will not accept maintenance of building laterals. *(ENGR)*

90. Install streetlights along the Myrtle Drive and Myrtle Creek private access road frontage(s). Submit streetlight plans in accordance with the City Standard Specifications showing pole type, luminaries type, conductor and wiring schedule, connection points, lamp wattage and pull box locations, at the time of submittal of improvement plans. Streetlights shall be completely installed and operational prior to occupancy approval. *(ENGR)*

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

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

93. Submit to Engineering Services sanitary sewer calculations with the Improvement Plans stamped and signed by a Registered Civil Engineer for review. *(ENGR)*
94. Coordinate all facility adjustments, relocations, or additions to utility services with the appropriate utility companies. *(ENGR)*

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

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

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

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

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

**DRAINAGE/STORMWATER C.3 REQUIREMENTS**

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

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

102. Construct stormwater treatment measures per the approved SWCP prior to occupancy approval. *(ENGR)*
103. Submit a final Stormwater BMP Operation and Maintenance Plan (O&M Plan) in accordance with City of Concord Guidelines, for review and approval by Engineering Services, prior to occupancy approval. This O&M Plan shall incorporate City comments on the draft O&M Plan and any revisions resulting from changes made during construction. The implementation of the O&M Plan shall be the responsibility of the property owner or the HOA where one exists. (ENGR)

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

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

106. Collect and convey all stormwater entering, and/or originating from, the site to an adequate downstream drainage facility. Submit a detailed hydrologic and hydraulic study including calculations for a 100-year storm as well as a capacity study accounting for offsite sources with the Improvement Plans to Engineering Services for review and approval. (ENGR)

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

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

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

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

SOLID WASTE/RECYCLING

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

AGreements, Fees, Bonds
112. All fees noted below are the fees currently in effect as of April 25, 2017 per the Resolution of Fees and Charges. The fees and charges are reviewed annually as part of the budget public hearing process. Fee adjustments are based on a number of factors and vary depending on the type of fee:

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

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

113. Provide a ($3,000) cash deposit to the Planning Division to cover Condition Compliance, at the time of submittal of plans and documents to Engineering Services or the Building Division for plan check. Planning staff’s time will be charged to this deposit for work performed to implement the Conditions of Approval, from the time of project approval to occupancy approval. The deposit will be placed in a refundable account and any unused funds will be returned upon completion. If the initial deposit is insufficient to cover actual costs, an additional deposit will be required. *(PLNG)*

114. 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)*

115. Enter into a Maintenance Agreement acceptable to the City prior to the approval of the Final Map, agreeing to provide for proper maintenance of the private street, storm drain outside of the public street right of way, street lights and other privately maintained improvements pursuant to CMC Section 18.160 “Streets”. *(ENGR)*

116. Enter into a Subdivision Agreement with the City agreeing to construct and complete all improvements necessary to service the subdivision. The Agreement shall be executed and submitted to the City prior to approval of the Final Map. As part of the Agreement, provide securities acceptable to the City, guaranteeing construction of the required improvements. *(ENGR)*

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

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

119. Site Development Permit Application:
a) Pay the current Filing Fee at the time of submittal of permit application, improvement plans and supporting documents to City Engineering Services for review.

b) Provide a restoration security before issuance of the Encroachment Permit. The security shall be in an amount sufficient to restore existing public improvements to a serviceable condition should development improvement activity cause damage. The amount of the security shall be determined by, and be in a form acceptable to the City Engineer.

c) Provide a $10,000 cash deposit to cover Condition Compliance/Mitigation Monitoring costs at the time of submittal of plans and documents to Engineering Services for review. The deposit will be placed in a refundable account. Condition Compliance/Mitigation Monitoring costs will be charged to this deposit over the life of the project permit and mitigation requirements. Any unused funds will be returned at project completion. If the initial deposit is insufficient to cover actual costs, an additional deposit in an amount determined by the City Engineer will be required. (ENGR)

d) Pay Grading Fees at submittal of a Permit application. The current fee is determined based on cubic yardage of cut and fill combined.

e) Provide a $10,000 cash deposit for Erosion Control prior to issuance of Grading Permit. The deposit will be placed in a refundable account. Any unused funds will be returned at project completion. If the initial deposit is insufficient to cover actual costs, an additional deposit in an amount determined by the City Engineer will be required.

f) Pay the current Stockpile and Erosion Control Monitoring fee prior to issuance of Grading Permit. (ENGR)

120. Final Map Application:

a) Pay the current Final Map review fee at the time of submittal of Final Map documents to Engineering Services for review. Current fee is estimated to be $5,121.00 plus $256.00 per lot.

b) Pay the current Final Map filing fee prior to scheduling the Subdivision Agreement for consideration by the City Council. The current fee is $2,561.00.

c) Pay the current Improvement Plan review fee at the time of submittal of Improvement Plans and supporting documents to Engineering Services for review. The fee includes initial submission and two revisions and is estimated based on the construction cost estimate.

d) Pay the Construction Inspection fee prior to issuance of the Construction Permits or scheduling the Subdivision Agreement for consideration by the City. The current fee is based is based on the estimated cost of constructing the required improvements to support the subdivision.

e) Pay the Drainage Acreage Fee prior to scheduling the Subdivision Agreement for consideration by the City Council. The current fee is $0.7/S.F. (Drainage Area 33B).

f) Pay the Parkland Fee prior to scheduling the Subdivision Agreement for consideration by the City Council. The current fee is $16,961.00 per living unit for Low Density Designation.
g) Submit a fully executed Subdivision Agreement and provide all necessary bonds, securities, and insurance required in the Agreement prior to the time the Final Map is scheduled for consideration by the City Council.

h) Pay new street monument fee of $284.00 per monument, prior to approval of the Final Map.

i) Pay the current subdivision fee at the time of submittal of map and supporting documents to engineering services. The current fee is $7,966.00.

j) Pay acceptance of improvements and dedications fee of $2,049.00 prior to scheduling items for action by City Council.

k) Provide a $500 deposit for archiving permanent records prior to approval of the Final Map. Actual fees will be charged following completion of work.

l) Provide a $5,000 deposit for specialty inspections prior to approval of the Final Map. (ENGR)

121. Sewer Connection Permit:

a) Pay Sanitary Sewer connection fee. The current sewer connection fee is $5,043.00 per single-family dwelling unit and shall be paid prior to approval of the Final Map.

b) Pay the current sewer service fee prior to approval of the Final Map. The current fee is $547 per year and is pro-rated by the month that connection is made. (ENGR)

122. Pay Offsite Street Improvement Program (OSIP) fee less possible fee credit. The OSIP fee shall be the fee in effect at the time of approval of the Final Map. The current OSIP Fee is $3,251.00 per single-family dwelling unit and shall be paid prior to Acceptance of the Final Map. (ENGR)

OTHER/MISCELLANEOUS

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

124. Submit a written request for new street names with a site plan showing their location to the Planning Division for review and approval, at the time of submittal of Improvement Plans and Final Map. Include a list of alternatives for each name, as some names may not be acceptable. (PLNG)

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

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

Contra Costa County Fire Protection District
2010 Geary Road
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)*

127. 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)*

128. The permit and approval shall expire in two year(s) from the date on which they became effective unless construction permits are obtained and work has begun. All permits approved concurrently with a Tentative Map shall be valid for the life of the map. The effective date of the permit and approval is **July 31, 2018. (PLNG)**

129. A request for a time extension from the expiration date of **July 31, 2020** can be considered if an application with required fee is filed at least 10 days before the original expiration date, otherwise a new application is required. A public hearing will be required for all extension applications, except those involving only Design Review. Extensions are not automatically approved. Changes in conditions, City policies, surrounding neighborhood, and other factors permitted to be considered under the law, may require, or permit denial. *(PLNG)*
June 4, 2019

Concord Planning Commission
1950 Parkside Drive
Concord, CA 94519

RE: Myrtle Creek Estates – 5019 Myrtle Drive (PL17482 – TM, DR, RT)
Request for clarification and modification to Condition of Approval

To: Planning Commissioners

On behalf of Cyrus Land Investments, LLC, I submit this Request for Clarification and Modification to the Conditions of Approval for the Myrtle Creek Estates project at 5019 Myrtle Drive (PL17482 – TM, DR, RT).

On July 18, 2018, the Planning Commission adopted a resolution approving the Myrtle Creek Estates subdivision tentative map and design review for a seven lot residential subdivision at 5019 Myrtle Drive through Resolution No. 18-09 PC. As the project has been undergoing additional review by the City over the last year in preparation for approval of the final Grading & Improvement Plans and Final Map, a series of inconsistencies between the City’s approval documents have been discovered.

Accordingly we are requesting that the Planning Commission do the following:

1) clarify the record to reconcile the inconsistencies; and
2) modify the Condition of Approval requiring establishment of a Homeowners Association (HOA).

Section 18.505.030 of the Concord Municipal Code permits changes to an approved project, so long as any major changes are considered by the review authority for the original permit.

Inconsistencies in Project Approval Documents

Based on approval documents from the City, including Resolution No. 18-09 PC and the Tentative Map, Myrtle Court is to be a public access road following a street dedication. The adopted Resolution repeatedly, on nine separate instances, referred to the proposed entry road into the seven lot subdivision as a "public access road" (see Sections 6, 12, 13, 22(a), 22(d), 22(g), 23(i),
24, and 27 – highlighted in Attachment 1). Additionally, the Tentative Map approved as part of the Planning Commission's July 18, 2018 action contained a notation that there was to be a "ROW offer for dedication" on Lot A (Myrtle Court) (see Attachment 2) further suggesting Myrtle Court was intended to be a public access road.

Furthermore, the adopted Resolution provided special consideration to the modification of current subdivision design standards relative to the City's typical 60-foot neighborhood and residential model roadway sections for this project. Sections 15 and 17 of the resolution allow for this roadway to be constructed at a substandard right-of-way width of 42 feet. A 42-foot right-of-way is consistent with that of projects in adjacent neighborhoods, all of which have been dedicated to the City as public right-of-way.

There are four streets in the immediate project vicinity that have 42-foot right of way sections that were previously approved and dedicated to the City as public roads. The following are examples of those nearby streets with dedicated 42-foot right-of-way sections:

- Off of Myrtle Drive:
  - Spring Ridge Unit 1 (Subdivision 7088)
  - Oakridge Court
  - Springridge Court
  - Shadywood Court
- Off of Laurel Drive:
  - Kings Ridge IV (Subdivision 7787)
  - Renee Way

On April 16, 2019, the City's Engineering Division asked us to "revise plans to show the new Myrtle Court cul-de-sac as a Private Street." This request did not match our understanding of the project, nor the wording of the adopted Resolution or the notation on the Tentative Map. Based on these approvals, we believed, upon taking over this project following entitlements obtained by another developer, that the new Myrtle Court cul-de-sac was to be a public access road.

Given the above described inconsistencies, we are requesting that the Planning Commission clarify and confirm that the Myrtle Court cul-de-sac is to be a public right-of-way upon dedication to the City.

Modification to Condition of Approval

We are also seeking a modification to Condition of Approval #72, which required formation of an HOA. Based on condition #72, as well as #115, we understand the City's intention for establishment of an HOA to be primarily for the maintenance of the roadway leading to the cul-de-sac and its surrounding areas. Given that the roadway leading to Myrtle Court is to be a public access road, the primary justification for forming an HOA is no longer necessary.

With respect to the remainder of Condition of Approval #72 relating to the stormwater management facility, landscaping, pedestrian paths and walkways, irrigation systems, signage etc, those can be handled pursuant to a Shared Maintenance Agreement which is less cumbersome to
homeowners than an HOA. A previous email exchange between Mr. Marstall, Ms. Susan Brown and myself suggested that Staff would advocate for a Shared Maintenance Agreement as all lots would be collectively responsible for maintenance, replacement and repair of the stormwater basin located on lot 7.

We have successfully created and used Shared Maintenance Agreements for a similar purpose at a prior subdivision in the City of Concord – Harvest Glen (Subdivision MS 401-02). We are confident that such an arrangement would be both effective and appropriate in ensuring proper maintenance of the agreed-upon areas within Myrtle Creek Estates.

Conclusion

Given the above, and the authority for the Planning Commission to make modifications to approved projects under Section 18.505.030 of the Municipal Code, we respectfully ask that the Planning Commission accept our request for the following:

(a) confirm the Myrtle Court cul-de-sac and entry roadway is to be a public access road that will be dedicated to the City, and

(b) modify the Condition of Approval requiring establishment of an HOA, and instead require establishment of a Shared Maintenance Agreement between all lots for the obligations of Condition of Approval #72.

I am available if you have any questions.

Sincerely,

Jackie Seeno
June 12, 2019

Lorna Villa
Planning Division
City of Concord
1950 Parkside Drive
Concord, CA 94519

RE: Myrtle Creek Estates – 5019 Myrtle Drive (PL17482 – TM, DR, RT)
Request to modify Tree Removal Permit PL17482-RT

Ms. Villa,

This brief letter presents a request by Cyrus Land Investments, LLC (Cyrus Land Investments) to modify the Tree Removal Permit PL17482-RT related to the Myrtle Creek Estates project at 5019 Myrtle Drive, Concord, California.

On July 18, 2018, the Planning Commission adopted a resolution approving the Myrtle Creek Estates subdivision which included Tree Removal Permit PL17482-RT. At that time, assumed requirements for tree removal associated with the Myrtle Creek Estates project were based in part on information contained within the tentative map documentation prepared by Millenium Planning & Engineering dated May 2018 and the Consulting Arborist Report prepared by Abacus Consulting Arborists dated June 20, 2017 (Abacus Report). In summary, the Abacus Report recommended removal of approximately thirty-five (35) City of Concord listed non-exempt trees in conflict with the proposed improvements including four (4) trees considered as protected under City guidelines.

On March 25, 2019, Cyrus Land Investments submitted the first set of Grading & Improvement Plans to the City of Concord for review along with an updated arborist report entitled "Design Level Arborist Report for Myrtle Drive & Ayers Road, Concord" completed by Treverso Tree Service dated March 18, 2019 (Design Level Arborist Report) a copy of which is attached. The Design level Arborist Report identified several discrepancies contained within the Abacus Report. Per the Design Level Arborist Report, a total of approximately ninety-four (94) City of Concord listed non-exempt trees are in conflict with the proposed improvements and will need to be removed to accommodate the proposed project of which ten (10) are considered protected under City guidelines. Cyrus Land Investments understands that as a part of the tree removal permit, the City requires replacement of protected trees at a ratio of three new trees for every protected tree removed. The project landscape plans, currently under review, include a total of forty-two (42)
eligible replacement trees, twelve (12) more than required per City requirements. Accordingly, Cyrus Land Investments requests modification to the project Tree Removal Permit to accommodate the more closely defined needs of the project.

I trust this is the information you require for consideration of the request by Cyrus Land Investments for modification to Tree Removal Permit PL 17482-RT per the Design Level Arborist Report recommendations. Should you have any questions or require additional information, please call.

Sincerely,

[Signature]

Brian S. Kesler
Project Manager
Cyrus Land Investments, LLC

attachment
September 26, 2019

Concord Planning Commission
1950 Parkside Drive
Concord, CA 94519

RE: Myrtle Creek Estates - 5019 Myrtle Drive (PL17482-TM, DR, RT)
Request to Rescind Previous Request for Clarification and Modification to Conditions of Approval dated June 4, 2019 and Request to Modify Condition of Approval #68

Dear Planning Commissioners:

On June 4, 2019, Cyrus Land Investments, LLC (Cyrus Land Investments) submitted a Request for Clarification and Modification to the Conditions of Approval for the Myrtle Creek Estates project at 5019 Myrtle Drive (PL17482 – TM, DR, RT). This letter hereby rescinds that letter request in its entirety and instead requests a modification to Condition of Approval #68 to read as follows:

“The Final Map shall be prepared by a qualified Civil Engineer or Licensed Land Surveyor and shall be subject to review and approval by Engineering Services. The lot lines shall be drawn on the Final Map such that each lot extends into the approximate centerline of the private street “Myrtle Court” and none of the proposed street is outside the seven (7) defined lots. An easement shall be defined over the private street for the purpose of public access and utilities. (ENGR)”

The above requested modification to Condition of Approval #68 coincides with our discussions with planning staff this week that, rather than a maintenance and cost sharing agreement which we initially proposed, we will be forming a homeowners association pursuant to Condition of Approval #72 to address homeowner maintenance and cost sharing obligations as discussed at the September 18, 2019 Planning Commission meeting.

I trust this letter provides the information you require at this time. If you should have any questions or require additional information, please call me.

Sincerely,

Jacqueline M. Seeno
DATE: July 18, 2018

SUBJECT: MYRTLE CREEK ESTATES SUBDIVISION - DESIGN REVIEW AND TENTATIVE MAP, (PL17482 - DR, TM, RT)


CEQA: Categorically exempt under CEQA Guidelines Section 15332 “In-Fill Development Projects”

I. Introduction

A. Application Request

Application for a Tentative Map and Design Review, and Tree Removal for a seven-lot subdivision on a 3.6-acre lot.

B. Location

The project site is located at the northeast corner of Myrtle Drive and Ayers Road at 5019 Myrtle Drive; APN 117-050-008.

C. Applicant
Millennium Planning & Engineering
Robert Wood
471 Sutton Way, Suite 210
Grass Valley, CA 95945

Owners
Joseph and Antony Loyola, Co-Trustees
124 Shear Peak Avenue
Henderson, Nevada 89002
II. **Background**

On October 16, 2017, the Planning Division received an application for a Tentative Map, Design Review, and Tree Removal for Myrtle Creek Estates, a seven-lot residential subdivision proposed on a 3.6-acre site located at 5019 Myrtle Drive.

On October 31, 2017, the Development Advisory Committee (DAC), which is comprised of staff from various City Departments and other agencies, reviewed the development application. Based on the City's submittal requirements, the DAC members deemed the application incomplete.

On November 13, 2017, staff and the applicant conducted a neighborhood meeting. Eight neighbors attended the meeting who voiced concerns related to drainage along Ayers Road, school traffic, tree removal, finished grades for the homes, and retention of a private access easement in the northeast portion of the site along Holly Drive.

On January 23, 2018, the applicant submitted revised plans in response to staff’s incomplete letter. The DAC reviewed the revised plans and deemed the application incomplete on February 23, 2018.

On March 22, 2018, the Design Review Board (DRB) conducted a preliminary review of the Myrtle Creek Estates Subdivision. The Board provided the applicant with comments regarding the Lot 4 flag lot driveway, breaking up the board and batten siding with smaller width sections, wrapping of the board and batten siding from the front to the side elevations, showing the front yard landscaping for all lots, upsizing the trees and shrubs, showing the canopy of existing trees on the landscape plan, adding trees along Holly Drive, providing a detailed cross-section of the bio-swale, and showing the side and front fencing for Lot 4.

On April 18, 2018, the applicant submitted revised plans in response to comments received at the March 22, 2018 DRB meeting. The DAC reviewed the revised plans and deemed the application incomplete on May 16, 2018 due to further comments from the City’s Engineering Division. Upon further coordination with the Engineering Division, the revised plans were deemed complete on June 5, 2018.

On June 14, 2018, the DRB reviewed the revised site plan and architecture and recommended design approval with conditions.

III. **General Information**

A. **General Plan**

The General Plan designation is Rural Residential.

B. **Zoning**

The site is zoned RR 20 (Rural Residential, minimum lot size 20,000 sq. ft.).
C. CEQA Status

Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, and 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.

In addition, 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

The project site is an irregular-shaped parcel that is approximately 3.6 acres in size. The site is located at the northeast corner of Myrtle Drive and Ayers Road. The project site is bounded on the north and west by Holly Drive and residential development, to the east by a residential neighborhood, and to the south by Myrtle Drive and Ayers Elementary School. The site is vacant; however, a large area containing an old asphalt driveway and remnants of structural foundations is located in the western part of the parcel. The subject property is relatively level with one small unimproved drainage that runs along the southern edge of the property along Myrtle Drive that drains toward the east. Existing on-site landscaping is characterized by 120 trees, 15 of which qualify as protected status and include Valley oak, California black walnut, and Kaffir Plum specimens.

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 and West</td>
<td>Single-family residential</td>
<td>Rural Residential</td>
</tr>
<tr>
<td>East</td>
<td>Single-family residential</td>
<td>Low Density Residential</td>
</tr>
<tr>
<td>South</td>
<td>Ayers Elementary School</td>
<td>Public/Quasi-Public</td>
</tr>
</tbody>
</table>

IV. Project Description & Analysis

A. General Plan
The General Plan designates the site as Rural Residential, which is intended for very low density residential at densities less than 2.5 units per net acre. The 3.6-acre project proposes a subdivision consisting of seven parcels for new single-family homes. The project will have a density of 1.9 dwelling units per acre. The project is consistent with General Plan policies related to residential development, as discussed below.

1) **Support land use decisions that reinforce and capitalize on neighborhood strengths and benefit neighborhood identity and scale. (Policy LU-1.1.1)**

The project reinforces neighborhood identity and strengths by proposing building designs and materials that are consistent with the neighborhood and architecture that mitigates the mass of the two-story homes with setbacks, varied roof designs, and careful use of landscaping to blend with the surrounding neighborhood. The development standards for the RR-20 zoning district regulate the size and scale of residential developments through restrictions on building height and lot coverage. The project complies with the 30 foot building height limitation and 25 percent lot coverage established in the district and is thus consistent with the General Plan and appropriate for the neighborhood.

2) **Require new development in residential areas to preserve and enhance positive neighborhood characteristics. (Policy LU-1.1.2)**

The project preserves and enhances neighborhood characteristics by creating lots that meet the minimum size allowed by zoning (20,000 square foot minimum, preserving the existing pattern of home massing adjacent Ayers Road and Holly Drive, and by designing homes determined by the DRB to be compatible with the neighborhood.

3) **Require all new development to locate structures to accommodate ultimate street widths and required setbacks, provide adequate right-of-way, and construct ultimate on and off-site improvements. (Policies T-1.1.6 and T-1.1.7)**

A 32-foot wide private access road is proposed with curb and gutter improvements designed to meet public road standards, three parking spaces, and a sidewalk on both sides of the street. The project also proposes improvements to the street frontage of Myrtle Drive by installing curb, gutter, and sidewalk improvements to better serve uses along this street such as the Ayers Elementary School.

**B. Zoning Consistency**

As conditioned, the proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of the Development Code and the Concord Municipal Code (CMC). The proposed use is classified as Single-Family, Detached, which is a permitted use in the RR-20 (Rural Residential; 20,000 square foot minimum lot size) Zoning District. The project meets the standards for lot area, lot coverage, setbacks, and building height of RR-20 zoning, satisfies applicable requirements under Development Code, General Development Standards, and complies with all other applicable provisions of the Development Code and Concord Municipal Code as described below.
C. Development Regulations

The project meets standards for lot area, lot coverage, setbacks, and building of RR-20 zoning (as noted in the table below), and all applicable requirements under the Development Code, Development Standards.

<table>
<thead>
<tr>
<th>Standards</th>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area (minimum)</td>
<td>20,000</td>
<td>20,002 – 25,961</td>
</tr>
<tr>
<td>Density (net)</td>
<td>0-2.5 du/acre</td>
<td>1.9 du/acre</td>
</tr>
<tr>
<td>Lot width (minimum)</td>
<td>100 ft.</td>
<td>100 ft. – 140 ft.</td>
</tr>
<tr>
<td>Lot Depth (minimum)</td>
<td>100 ft.</td>
<td>130 ft. – 200 ft.</td>
</tr>
<tr>
<td>Setbacks (minimum)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front yard</td>
<td>25 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Side yard</td>
<td>10 and 25 ft.</td>
<td>10 ft. – 40 ft.</td>
</tr>
<tr>
<td>Corner Side yard</td>
<td>15 ft.</td>
<td>27 ft.</td>
</tr>
<tr>
<td>Rear yard</td>
<td>30 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Building Height (max.)</td>
<td>30 ft.</td>
<td>30 ft.</td>
</tr>
<tr>
<td>Parking Spaces</td>
<td>2 spaces, one of which must be covered</td>
<td>2 garage spaces minimum</td>
</tr>
</tbody>
</table>

D. Site Planning/Circulation/Parking

A new 32-foot wide private road with a cul-de-sac is proposed on the southern side of the site to provide shared access to all seven lots from Myrtle Drive. Up to three parking spaces will be provided along the sides of the access road and cul-de-sac, with additional parking spaces on Myrtle Drive. A new sidewalk is proposed on both sides of the access road as well as the south side of the project site along Myrtle Drive to provide pedestrian access to Ayers Road to the west and residential properties to the east.

Staff finds the site plan practical and responsive to neighborhood constraints and opportunities. The site plan will orient the homes toward the proposed private access road with rear yards oriented to adjacent rear yards similar to existing subdivisions in the neighborhood. The proposed homes and yards are situated to reduce impacts on the privacy of neighboring properties.

E. Tentative Map

Pursuant to Concord Municipal Code Section 17.10.030(a), the Planning Commission is responsible for considering tentative maps for all major subdivisions (i.e., subdivisions of five or more parcels) and for making the findings pursuant to Section 17.10.080 and listed below to approve the major subdivision tentative map.

Staff analysis on how the project meets each finding is provided.
1) The proposed map is consistent with the general plan, any applicable specific plan, any policy or guideline implementing the general plan, the Development Code, and all other applicable provisions of the Municipal Code.

The project falls within the density allowed under the General Plan’s Rural Residential designation and is consistent with policies related to residential development as explained in Section IV-A above.

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

The project meets standards for lot area, lot coverage, setbacks, and building height of RR-20 zoning, and all applicable requirements under Development Code, Article IV, Development Standards.

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

The proposed project would not have a substantial adverse effect on any species identified as candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or the United States Fish and Wildlife Service (USFWS) because no species within these categories have a potential to occur on the project site.

4) The design of the subdivision or the type of improvements will not cause serious public health problems.

The design of the subdivision and its related improvements are typical of residential development and are not deemed a threat to human health or the environment.

5) The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. The city may approve a tentative map if it finds that alternative easements for access will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This finding applies only to easements of record or to easements established by judgment of a court of competent jurisdiction.

The proposed subdivision will not conflict with easements acquired by the public at large for access through or use of the property. The proposed subdivision includes a right-of-way dedication along the Myrtle Drive frontage for the proposed sidewalk extension, curbs and gutters, and new landscaping. A separate private access road with a cul-de-sac and related drainage, and utility easement are proposed to serve the subdivision and will not conflict with any existing city easements.

6) The design of the subdivision shall provide, to the extent feasible, for future passive and natural heating and cooling features in accordance with Government Code Section 66473.
The project provides for passive and natural heating to the extent possible given the configuration of the site and the need to orient homes toward the private access road, and because the side and rear of each home will be exposed to the south as recommended by the Subdivision Map Act.

7) Water will be available and sufficient to serve a proposed subdivision with more than 500 dwelling units in accordance with Government Code Section 66473.7.

This finding does not apply because the project will not result in more than 500 dwelling units.

F. Building Architecture

Three architectural plans are proposed as follows:

Plan 1 (Lots 3 and 5) is a two-story plan with approximately 3,139 sq. ft. of living space including five bedrooms, three and-a-half baths, and three-car garage. The architecture features a combination of smooth board and batten and eight-inch smooth lap siding with trim panel accents at the gables.

Plan 2 (Lots 2 and 6) is a one-story plan with approximately 3,027 sq. ft. of floor area providing four bedrooms, four baths, study, and two-car garage. The architecture features four-inch smooth lap and shingle siding with decorative stone at the wall and column bases.

Plan 3 A and B (Lots 1, 4, and 7) is a two-story plan with approximately 3,221 sq. ft. of floor area providing five bedrooms, four baths, study and three-car garage that includes one tandem parking space. Two different elevations (Plans A and B) and color/material schemes are provided for both plans. Each plan includes four-inch smooth lap siding with smooth board and batten accents at the gables. Plan A will have darker gray tone colors, a low wood fence in front porch entry area and a sloping roof above the garage. Plan B will feature lighter white based colors and will include a gable roof above the garage and an open front porch entry area.

Colors and materials (stone base, stucco, lap siding and board and batten) will be varied to differentiate the homes.

<table>
<thead>
<tr>
<th>Lot</th>
<th>Plan Number</th>
<th>Sq. Ft.</th>
<th>Stories</th>
<th>Bed/Bath</th>
<th>Garage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Plan 1</td>
<td>3,139 sq. ft.</td>
<td>2</td>
<td>5/3 ½</td>
<td>3 car</td>
</tr>
<tr>
<td>2</td>
<td>Plan 2</td>
<td>3,027 sq. ft.</td>
<td>2</td>
<td>4/4</td>
<td>2 car</td>
</tr>
<tr>
<td>3</td>
<td>Plan 1</td>
<td>3,139 sq. ft.</td>
<td>2</td>
<td>5/3 ½</td>
<td>3 car</td>
</tr>
<tr>
<td>4</td>
<td>Plan 3A</td>
<td>3,221 sq. ft.</td>
<td>2</td>
<td>5/4</td>
<td>3 car</td>
</tr>
<tr>
<td>5</td>
<td>Plan 1</td>
<td>3,139 sq. ft.</td>
<td>2</td>
<td>5/3 ½</td>
<td>3 car</td>
</tr>
<tr>
<td>6</td>
<td>Plan 2</td>
<td>3,027 sq. ft.</td>
<td>2</td>
<td>4/4</td>
<td>2 car</td>
</tr>
<tr>
<td>7</td>
<td>Plan 3B</td>
<td>3,221 sq. ft.</td>
<td>2</td>
<td>5/4</td>
<td>3 car</td>
</tr>
</tbody>
</table>
G. Design and Site Development Review

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

1) The project is consistent with the General Plan.

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

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

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

The project will orient the homes toward a new private access road with a cul-de-sac to allow for surveillance of the street within the homes and properties.

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

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

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

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

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

Design changes have been made to ensure the project is appropriate for the surrounding built environment, including its scale, massing, site plan, and exterior design. These changes, which were recommended for approval by the DRB, include the reorientation of Lots 3 and 4 to reduce the driveway length for the flag lot (Lot 4), for Plans 1B and 3A, the lap siding accents were repositioned and added at push-outs to break up large board and batt siding sections, and the board and batten siding was wrapped from front to side elevations where appropriate.
The DRB recommended approval of the project on June 14, 2018, following revisions to the project’s design to address architectural detailing and clarifying the location of proposed landscaping. Staff has included the Board’s specific recommendations as conditions of approval (Nos. 21, 32, 33, and 34). These conditions address the following issues raised at the DRB meeting: (1) add a bio-retention area cross-section to the landscape plans and show the plant species to be planted; (2) identify that the trees along Holly Drive and other common areas will be maintained by a homeowners association or similar mechanism; (3) provide offset fences along the front and side of the residential lots; (4) revise the bio-retention area slope to a 3:1 gradient and provide a decorative wall to protect the entrance to the basin; and, (5) reorient the home on Lot 5 to face the front property line and street.

3) The project is consistent with all applicable Design Guidelines adopted by the City Council that are in effect at the time of approval.

Concord’s Community Design Guidelines were adopted by the City Council in 1987. Most of the recommendations contained in the Guidelines pertain to larger commercial or multi-family developments, where the potential for differences in scale and operational compatibility between sites and uses is greater. The Guidelines also contain recommendations for single-family developments that the project complies with, as follows:

- Exterior building colors and materials consist of earth tone colors, wood, stone, and other materials that are compatible with the neighborhood;

- Homes are sited and designed with a functional relationship to the site and street, and in compliance with setbacks to provide accessible and usable yard areas;

- Front yard setbacks reinforce a spacious rural character and consistent streetscape;

- Homes are sited to minimize second story windows overlooking private yards of adjacent residences.

H. Landscaping/Walls/Fencing

The project proposes typical front yard landscaping to emphasize exterior front yard areas and the streetscape along the access drive. The proposed plant palette includes: Valley Oak and fruitless olive trees for front yard trees; and varieties of small to large shrubs, perennials, and groundcover. A unique non-irrigated hydrotech mix of grasses and perennials is proposed for bio retention area.

The canopy of all existing trees is shown on the Landscape Plan. A dense stand of trees is to remain along the drainage adjacent to a portion of Holly Drive. A total of 13 Bay Laurel trees will be planted along Holly Drive on the northern perimeter of the subdivision.
Front, rear, and side yard fencing as well as perimeter fencing is shown on the Landscape Plan for all 7 lots within the proposed subdivision. A 6-foot wood fence is proposed in all areas described above. In addition, a 42-inch tall steel guardrail would be placed between the bioswale and pedestrian sidewalk along Myrtle Drive for pedestrian safety purposes.

I. Tree Removal

On June 20, 2017, a Certified Arborist conducted a tree survey (Exhibit G) of the project site as required under Development Code Section 18.310.040. The site is surrounded by suburban/developed residential properties and the Ayers Elementary School to the south consisting of various trees and ornamental vegetation.

There are 120 trees on site of which 15 are protected trees species in accordance with City of Concord Municipal Code Section 8.401. Eleven of the 15 protected trees will be retained mainly along the perimeter of the site. The four protected tree species to be removed would be in areas where the homes and other improvements are proposed. The protected trees to remain are Black walnuts, Valley oaks, and Kaffir Plum species spread throughout the site. Replacement trees include eight Valley oaks and five olive trees to be planted along Myrtle Drive. This does not include trees to be planted in the front yards of the residences.

The Development Code requires a ratio of three replacement trees for each protected tree removed. The arborist report indicates of the four trees to be removed, one is dead, one has major problems and two have minor problems. Based on the condition of the trees to be removed, four trees would require replacement mitigation. The landscape plan proposes 12 trees which satisfies the replacement mitigation requirement.

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

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

The project would provide 12 replacement trees, or a ratio of 3 replacement trees for each Protected Tree to be removed, which meets the city’s required replacement ratio of “three replacement trees for every one that is removed.”

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

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1A Protected Tree is any of the following trees: (a) native Valley oak, Blue oak, Coast live oak, California bay, California buckeye, and California sycamore with a diameter of 12 inches or more, (b) single trunk tree with a diameter of 24 inches or more, and (c) a multi-stemmed tree where the sum of all of the stem diameters is 24 inches or more.
2) The tree removal is consistent with the appropriate criteria in Sections 18.310.070(A) and (B).

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

18.310.070(A) Criteria for Evaluation

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

Based on the grading and drainage plans, the arborist report concluded that four of the Protected Trees would have to be removed to accommodate the development with the exception of eleven protected trees.

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

The design features of the proposed project are similar to other existing and approved residential subdivisions in Concord that have required the removal of Protected Trees to accommodate roadways, utilities, and homes. In this case, all of the Protected Trees identified for removal are located in areas proposed for public/private improvements and building footprints.

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

While the proposed project density is consistent with the surrounding single-family development, the revised lot configuration requires the removal of the Protected Trees because they conflict with proposed public/private improvements and building footprints.

(4) The overall health and structural condition of the potentially impacted protected trees.

Some of the Protected Trees planned for removal have health or structural issues in addition to conflicting with the location of public improvements and building footprints. These conditions are potentially hazardous and would likely require removal over time.

(5) The approximate age of each protected tree compared with the average life span for each species.

According to the City's arborist, the some of the trees are mature and many of them are in poor condition with a low sustainability for preservation. However, the anticipated lifespan of
said trees would be shortened if the area around them were disturbed by grading and new landscape planting.

(6) *The number of healthy, protected trees that the site will support, with and without the proposed development.*

As outlined in the arborist report, some of the Protected Trees planned for removal have health or structural issues and are not viable candidates for preservation. In addition, some of the trees are located where the private road is proposed, which is required for emergency vehicle access to the site. The preliminary landscape plan indicates the site can support 13 replacement trees, which exceeds the City’s standard for mitigation.

(7) *The effect of tree removal on soil stability/erosion, particularly near watercourses or on steep slopes.*

An existing channelized drainage is located along the south and west property lines; there are no steep slopes at the project site. Tree removal is proposed throughout the property, and mostly away from this area. The proposed conditions of approval would address any soil stability/erosion issues that may result from the proposed tree removal.

(8) *Whether any alternatives would allow for preservation of the protected tree.*

Staff was unable to identify alternatives that would allow the construction of seven new homes while preventing the removal of Protected Trees without potentially further compromising their health or significantly changing the project design.

18.310.070(B) Criteria for Removal

(1) *The age of the protected tree(s) with regard to whether removal would encourage healthier, more vigorous growth of younger similar trees in the area.*

As discussed above, the anticipated lifespan of the Protected Trees would be diminished when surrounded by development. The replacement trees would be appropriately located and planted to encourage their vigorous growth as younger similar trees.

(2) *The number of existing protected trees in the area and the effect of removal on the public health, safety, and general welfare of the area.*

The proposed tree removal would not be detrimental to the public health, safety, or welfare because it would comply with City requirements and procedures for the proper removal of the trees. Further, the arborist report notes that some of the Protected Trees have health or structural issues and have been neglected. Therefore they are not viable candidates for preservation.

(3) *The potential for the protected tree to become a public nuisance or interfere with utility service(s) and existing structures.*
If preserved, the Protected Trees would interfere with the proposed access and public and private improvements.

(4) **Present and future shade potential with regard to solar heating and cooling.**

Although the Protected Trees at the project site currently offer shade, this is not guaranteed for the long-term because of health or structural issues identified in the arborist report. Appropriately planted and maintained replacement trees would offer ample future shade potential with regard to solar heating and cooling.

V. **Fiscal Impact**

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

VI. **Public Contact**

Notification was mailed to all owners and occupants of property within three-hundred (300) feet of the subject parcel, 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 is pleased with the proposed project. With input from staff and the DRB, the site plan and project design respond to the adjacent land uses and development pattern and minimize potential negative impacts. The building design results in an aesthetically pleasing facility in terms of architecture and streetscape presence. The use will be a low intensity/low intrusive use, thus no significant impacts are anticipated with the development of the project.

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

VIII. **Motion**

**Project Approvals**

I (Comm. _____) hereby move that the Planning Commission adopt Resolution 18-09PC approving Myrtle Creek Estates Subdivision Tentative Map, Design Review, and Tree Removal (PL17482- TM, DR, RT), subject to the Conditions of Approval set forth in Attachment A to Resolution 18-09PC. (Seconded by Comm. ________)
Exhibits:

A - PC Resolution, Conditions of Approval (Attachment A)
B - Applicant’s Statement date stamp received October 16, 2017
C - Architect’s Statement date stamp received October 16, 2017
D - Project Plans date stamp received May 24, 2018
E - House Paint Colors received October 16, 2017
F - Arborist Report date stamp received October 16, 2017

18spc.050
REGULAR MEETING OF THE
CITY OF CONCORD PLANNING COMMISSION
PERMIT CENTER CONFERENCE ROOM, 1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA

Wednesday, July 18, 2018

A regular meeting of the Planning Commission, City of Concord, was called to order by Chair Aliano at 6:30 P.M., July 18, 2018, in the Permit Center Conference Room.

I. ROLL CALL

COMMISSIONERS PRESENT: Chair Dominic Aliano
Vice Chair John Mercurio
Commissioner Ray Barbour
Commissioner Jason Laub
Commissioner Mark Weinmann

STAFF PRESENT: Frank Abejo, Acting Planning Manager
Margaret Kotzebue, Senior Assistant City Attorney
Sgt. Russ Norris, Police Department
Ryan Lenhardt, Senior Planner
Jerry Hittleman, Contract Planner
Mitra Abkenari, Assistant Engineer

II. PLEDGE TO THE FLAG

Commissioner Barbour led the pledge.

III. PUBLIC COMMENT PERIOD

None was heard.

IV. ADDITIONS / CONTINUANCES / WITHDRAWALS

Frank Abejo, Acting Planning Manager, requested the Rack' Em Up Billiards public hearing item be moved to the first hearing item discussed since Sgt. Russ Norris would be in attendance to help answer any questions pertaining to an entertainment permit.

Motion was made by Vice Chair Mercurio and seconded by Commissioner Weinmann to move the public hearing order. The motion was passed by the following vote:

AYES: Mercurio, Weinmann, Aliano, Laub
NOES: None
ABSTAIN: Barbour
ABSENT: None

V. CONSENT CALENDAR

No public comment was heard.
APPROVAL OF MINUTES

Motion was made by Commissioner Weinmann and seconded by Commissioner Laub to approve the meeting minutes of June 20, 2018 with a charge to the motion on the Thomas Eissner Appeal. The motion was passed by the following vote:

AYES: Weinmann, Laub, Aliano, Mercurio
NOES: None
ABSTAIN: Barbour
ABSENT: None

VI. PRESENTATION

Crime Prevention Through Environmental Design – Sgt. Russ Norris, Police Department

Sgt. Russ Norris gave the presentation and answered a question from the Planning Commission pertaining to future presentations of this program.

VII. PUBLIC HEARINGS

Rack' Em Up Billiards Use Permit Amendment (PL18251 – UP) – Application for a Use Permit Amendment for Rack’Em Up Billiards to allow live entertainment within an existing 6,460 square foot tenant space located at 2395 Monument Boulevard, Suite K. The General Plan designation is Service Commercial; Zoning classification is SC (Service Commercial); APN 128-322-021. CEQA: Categorically exempt under CEQA Guidelines Section 15301 “Existing Facilities”. Project Planner: Lorna Villa @ (925) 671-3176

Frank Abejo, Acting Planning Manager, gave a presentation and answered questions from the Planning Commission about the notification radius, neighboring property zoning, condition of approval modifications and the garbage collection location.

Sgt. Russ Norris answered a question pertaining to the conditions of the entertainment permit and weather there have been issues at this site.

The applicant, Miguel Valle, clarified a question about the dumpster location and the number of pool tables within the establishment.

Public comment

No public comment was heard.

Motion was made by Vice Chair Mercurio and seconded by Commissioner Laub to adopt Resolution 18-11 PC approving a Live Entertainment Permit (PL18251-UP), for Rack’Em Up Billiards, subject to the Conditions of Approval set forth in Attachment A to Resolution 18-11 PC. The motion was passed by the following vote:
AYES: Mercurio, Laub, Weinmann, Aliano, Barbour,
NOES: None
ABSTAIN: None
ABSENT: None

Carondelet High School Science, Technology, Engineering, and Mathematics (STEM) Innovation Center (PL18196 – UP, DR) – Application for a Use Permit Amendment and Design Review for a 17,700 sq. ft. STEM Innovation Center and a 3,720 sq. ft. Makers Space building on a 9.18-acre high school campus at 1133 Winton Drive. The General Plan designation is Public/Quasi-Public; Zoning classification is PQP (Public/Quasi-Public); APN 145-130-024. CEQA: Categorically exempt under CEQA Guidelines Section 15314 “Minor Additions to Schools”. Project Planner: Ryan Lenhardt @ (925) 671-3162

Ryan Lenhardt, Senior Planner, gave a presentation and answered a question from the Planning Commission pertaining to the noise study.

The applicants, Bonnie Cotter and Dan Wetherell, further explained the project and answered questions from the Planning Commission about their work on the Hofmann Center building at De La Salle and what is to happen to the remaining tennis courts once the Makers Space building is built.

No public comment was heard.

Motion was made by Commissioner Weinmann and seconded by Commissioner Barbour to adopt Resolution No. 18-12PC approving Carondelet High School STEM Innovation Center Use Permit Amendment and Design Review (PL18196 - UP, DR), subject to the Conditions of Approval set forth in Attachment A to Resolution 18-12PC. The motion was passed by the following vote:

AYES: Weinmann, Barbour, Aliano, Laub, Mercurio
NOES: None
ABSTAIN: None
ABSENT: None

Myrtle Creek Estates Subdivision (PL17482 – TM, DR) – Application for a Tentative Subdivision Map and Design Review for a seven-lot subdivision on a 3.6-acre lot located at 5019 Myrtle Drive. The General Plan designation is Rural Residential; Zoning classification is RR-20 (Rural Residential, minimum lot size 20,000 sq. ft.); APN 117-050-008. CEQA: Categorically exempt under CEQA Guidelines Section 15332 “In-Fill Development Projects”. Project Planner: Jerry Hittleman @ (805) 644-4455

Jerry Hittleman, Contract Planner, gave a presentation and answered questions from the Planning Commission about the requirement for a home owners association, an easement location, sidewalks, parking, homeowner association conditions, and whether this area is septic or sewer.
Mitra Abkenari, Assistant Engineer, answered questions about drainage, bio-swales, storm drains, power lines, traffic safety and guard rails.

Rob Wood, the project applicant, spoke about the project and answered questions from the Planning Commission regarding the short driveway on Lot 1 and a guard rail condition modification.

Public comment

Blaik Musolf commented that he was happy that the R-20 zoning designation was maintained and questioned the size of the sewer pipe and potential for additional trees being planted.

Mike Huelsl had concerns about drainage and protected trees.

Motion was made by Commissioner Laub and seconded by Vice Chair Mercurio to adopt Resolution 18-09PC approving Myrtle Creek Estates Subdivision Tentative Map, Design Review, and Tree Removal (PL17482- TM, DR, RT), subject to the Conditions of Approval set forth in Attachment A to Resolution 18-09PC and the amendments to conditions of approval as discussed. The motion was passed by the following vote:

AYES: Laub, Mercurio, Aliano, Barbour, Weinmann
NOES: None
ABSTAIN: None
ABSENT: None

VIII. COMMISSION CONSIDERATIONS

There were none.

IX. STAFF REPORTS / ANNOUNCEMENTS

Acting Planning Manager Frank Abejo announced that Andrea Ouse, Director of Community and Economic Development, has allocated the Planning Manager role to be divided between the three Principal Planners on a rotating basis while the recruitment for a new Planning Manager takes place. Acting Planning Manager Frank Abejo will remain the Secretary to the Planning Commission for the duration of the recruitment process.

X. COMMISSION REPORTS / ANNOUNCEMENTS

There were none.

XI. FUTURE PUBLIC HEARING ITEMS

Acting Planning Manager Frank Abejo announced the upcoming Planning Commission on August 1st will contain an appeal of a Planning Division interpretation and a hearing to consider the change to the home based business regulations. He also stated the August 15th meeting will have hearings for BP ARCO AM/PM and Development Code Updates.
XII. **ADJOURNMENT**

Vice Chair Mercurio moved to adjourn at 8:50 P.M. Commissioner Barbour seconded the motion. Motion to adjourn was passed by unanimous vote of the Commissioners present.

APPROVED:

Frank Abejo  
Acting Planning Manager

Transcribed by Grant Spilman,  
Administrative Coordinator
March 18, 2019

Brian Kesler
Cyrus Land Investments, LLC
Jacqueline M. Seeno Construction Co., Inc.
4021 Port Chicago Highway
Concord, CA 94520
925-766-5769 | bkesler@seenohomes.com

Re: Design Level Arborist Report for Myrtle Drive & Ayers Road, Concord

Dear Brian,

This arborist report addresses the proposed Myrtle Creeks Subdivision project at Myrtle Drive & Ayers Road (APN 117-050-008). Per the City of Concord’s Tree Preservation and Protection Ordinance Chapter 18.310, the scope of work includes:

- Note Abacus tag numbers on site survey. Note species of trees omitted from the Abacus preliminary report. Review tree condition for changes since the Abacus site visit.
- Assess proposed improvements for potential encroachment.
- Based on proposed encroachment, tree health, structure, and species susceptibility, make recommendations for preservation.
- Identify the difference in removals between the preliminary report and the updated review.
- Quantify removal of trees that were omitted from the preliminary report, including eucalyptus and other exempt trees.
- Assess non-protected trees in the existing drainage swale along Ayers Road. Make recommendations for clearing brush or declining trees to improve health of swale.

Figure 1. The property is currently undeveloped, consisting of open space dotted primarily with walnuts and eucalyptuses. The trees in the background are growing in the existing drainage swales.
Assumptions & Limitations
This report is based on my site visit on 2/20/19, the proposed grading & improvement plan set provided by Bellecci & Associates, Inc. dated 2/14/19 (updated grading plan 3/15/19), and the Abacus Consulting Arborists preliminary report dated 6/20/17. I assumed that the proposed improvements and trees were accurately surveyed. A significant number of individual trees were not surveyed, so I approximately located them as best as I could. I reused the Abacus tree tag numbers, as well as their diameter measurements since only ~ 2 years had passed.

The health and structure of the trees were assessed visually from ground level. No drilling, root excavation, or aerial inspections were performed. Internal or non-detectable defects may exist and could lead to part or whole tree failures. Due to the dynamic nature of trees and their environment, it is not possible for arborists to guarantee that trees will not fail in the future.

Project History & Summary
The site is a relatively flat, apparently undeveloped lot east of the Myrtle Drive & Ayers Road intersection, across from Ayers Elementary School. Existing asphalt and small structures indicate that this site was previously developed. An existing drainage swale runs the entire length of Myrtle Drive & Ayers Road, which is where the majority of the on-site trees are located. The remaining trees include scattered walnuts, eucalyptuses, oaks, and other non-native species. The proposed project includes 7 subdivided lots, a new court/road, frontage improvements, and grading throughout the entire Myrtle Drive drainage swale.

A preliminary arborist report for the project was completed by Abacus Consulting Arborists in 2017, which included an inventory of 120 trees. This report was submitted with the Tentative Map & Design Review application for the Myrtle Creek Estates Subdivision. The Planning Commission Resolution #18-09 PC (dated 7/27/18) granted approval to remove 35 trees based on the preliminary report. However, upon review, I found a few discrepancies that underreported the total number of recommended removals.

In the Executive Summary table, the total for trees “Proposed for Removal for Development” is 35, but the numbers in the column above the total add up to 45. However, if the individual trees are counted in “Chart C – Trees Proposed for Removal”, they actually add up to 46. Finally, Chart C doesn’t include all the trees recommended for removal in Chart B (Inventory of Trees), which are primarily declining or dead trees. If all these trees are added, the preliminary report actually recommends removal of 57 trees. (The Executive Summary table also notes 15 protected trees, but summing the numbers in the column above gives 16, which is accurate.)

I loosely based my work on the preliminary report, since the project has already gone through City review. Since I do not know exactly which 35 trees were approved for removal, I instead compared my recommendations to the comprehensive recommendations in the preliminary report – not just the numbers discussed in the Executive Summary table.

It is my opinion that a total of ninety-four (94) trees will need to be removed to accommodate the proposed project, ten (10) of which are considered protected trees. Thirty-five (35) of these trees were already approved for removal with the Tentative Map. Compared to the preliminary report, I am recommending removal of 37 or 59 additional trees – the former count is based on the entire preliminary report, while the latter count is based only on the Executive Summary table. Five (5) of those trees can be saved if proposed grading is adjusted to reduce encroachment per my recommendations. The remaining twenty-five (25) trees can be retained given that the protection measures within this report are followed.
Discussion
Grading is proposed throughout the entire site, though some areas will remain native along Ayers Road & Holly Drive. The entire existing drainage swale along Myrtle Drive will also be regraded, with portions becoming the new road, sidewalk, or curb. The tree density in the swale is extremely high. Since the trees have grown together as a grove for so long, individual trees generally have poor taper & asymmetrical canopies. Such trees are more likely to fail when surrounding trees are removed, as environmental stresses begin to act on them in ways to which they have not adjusted. For this reason, I recommend removing all trees in and on the banks of the swale.

Trees in the level “interior” part of the property mostly consist of declining walnuts and unmaintained eucalyptuses. Neither species is compatible with development for different reasons. Walnuts are notoriously sensitive to construction, due to their intolerance for root loss, soil compaction, or excessive pruning. Only walnuts in good condition would be considered worthy of re-design efforts, and none of the walnuts on the site are in particularly good condition. Walnut #148 may come close, but it may not be possible to provide enough space to sufficiently reduce encroachment. Eucalyptuses are prone to limb failure, and thus not desirable next to homes or high traffic areas.

Of all the trees on the site, I identified five trees that may be preserved with grading adjustment. Saving Peruvian pepper #40 seems fairly straightforward, since it’s located on flat ground with minimal grading around it. If necessary, the grading could be done by hand to reduce encroachment, though it may be easiest to daylight grading outside its dripline. The other four include oaks #145, 146, 149 & 150). The flexibility of grading here is less certain due to proposed swale regarding, but I provided recommendations in case the adjustments are feasible.

Nearly all trees along Ayers Road can be saved. The condition of the swale can be improved by removing eucalyptuses and dead or declining trees.

Mitigation
The City of Concord’s mitigation ratio is 3:1 for protected tree removals. Ten (10) protected trees will need to be removed for the proposed project, which requires mitigation plantings of thirty (30) trees.

Exempt trees
The City of Concord exempts palms and eucalyptuses from their protected tree definition, so they were not discussed in the preliminary report. I counted approximately 17 palms, starting at 4’ tall, and approximately 100 eucalyptuses ranging from 2” to 72” in diameter. The number of eucalyptuses is only approximate, as it was not always clear whether smaller trunks were completely separate trees as opposed to being root sprouts.

As expected of unmanaged eucalyptuses, I observed branch and tree failures all over the property. Dense eucalyptus debris collects beneath these trees, and the flammability of the bark and foliage can increase fire hazard. That, along with their tendency to break limbs, renders them incompatible with development. I recommend removing all eucalyptuses on site.

Jennifer Tso, Certified Arborist
Recommendations (to be printed on site plans)

Ayers Road drainage swale
- Remove all eucalyptuses.
- Remove dead & mostly dead trees (to be reviewed after spring), as well as eucalyptus bark, failed limbs, and other surface debris.
- Remove fractured limbs of tree #51.

Pre-construction
- Adjust grading to daylight outside dripline of tree #40 in order to save tree.
- If feasible, adjust grading to provide the following radii of undisturbed grade to save additional trees: 12' for #145, 6' for #146, and 8' for trees #149 & 150. Tree #148 may also be saved with 15' undisturbed grade, but this seems less likely than the others.
  - Seven trees (#65, 66, 74, 75, 86, 145 & 159) are considered protected.
- Remove all palms in the Myrtle drainage swale (~10) and all eucalyptuses (~100) on the property, including those in the Ayers Rd drainage swale.
- Mulch from tree removals may be spread out under the driplines of trees that will be retained, keeping at least 12' away from the trunks.
- Prior to construction or grading, contractor shall install fencing to construct a temporary Tree Protection Zone (TPZ) around each tree or grove of trees as indicated on the tree protection plan. 6' tall chain-link fencing shall be used if specifically noted on the plan; otherwise fencing can consist of heavy-duty orange poly fencing, attached to metal stakes no further than 6' apart.
- TPZ fencing shall remain in an upright sturdy manner from the start of grading until the completion of construction. Fencing shall not be adjusted or removed without consulting the project arborist (PA).

Foundation, Grading, and Construction Phase
- Project arborist (PA) shall be on-site during grading within dripline of tree #85.
- Reduction pruning of trees #84 & 85 shall be coordinated through PA and shall be performed by personnel certified by the International Society of Arboriculture (ISA). All pruning shall adhere to ISA and American National Standards Institute (ANSI) Standards and Best Management Practices.
- Should TPZ encroachment be necessary, the contractor shall contact the PA for consultation and recommendations.
- Contractor shall keep TPZs free of all construction-related materials, debris, fill soil, equipment, etc. The only acceptable material is mulch spread out beneath the trees.
- Should any damage to the trees occur, the contractor shall promptly notify the PA to appropriately mitigate the damage.

Landscaping Phase (if applicable)
- Contractor shall avoid trenching and grade changes within oak driplines.
- All planting and irrigation shall be kept a minimum of 10' away from native oaks. All irrigation within the driplines shall be targeted at specific plants, such as drip emitters or bubblers. No overhead irrigation shall occur within the driplines of native oaks.
- All planting within oak driplines shall be compatible with oaks, consisting of plant material that requires little to no water after two years’ establishment. A list of oak-compatible plants can be found in a publication from the California Oak Foundation, available at: http://californiaoaks.org/wp-content/uploads/2016/04/CompatiblePlantsUnderAroundOaks.pdf
Thank you for the opportunity to provide this report, and please do not hesitate to contact me if there are any questions or concerns.

Refer to tree inventory table below for information on individual trees, and tree protection plan for locations & recommendations.

Sincerely,

[Signature]

Jennifer Tso
Certified Arborist #WE-10270A
Tree Risk Assessor Qualified
Tree Inventory & Assessment Table
#s: Each tree was given a numerical tag from #37-159 (missing #82, 90, 97). These numbers correspond to the Abacus acorn-shaped tree tags. Where the tags had fallen off, I affixed a temporary tag with orange flagging tape. Their locations are given in the tree protection plan.

DBH (Diameter at Breast Height): Trunk diameters in inches were calculated from the circumference measured at 4.5' above average grade.

Health & Structural Condition Rating
Dead: Dead or declining past chance of recovery.
Poor (P): Stunted or declining canopy, poor foliar color, possible disease or insect issues. Severe structural defects that may or may not be correctable. Usually not a reliable specimen for preservation.
Fair (F): Fair to moderate vigor. Minor structural defects that can be corrected. More susceptible to construction impacts than a tree in good condition.
Good (G): Good vigor and color, with no obvious problems or defects. Generally more resilient to impacts.
Very Good (VG): Exceptional specimen with excellent vigor and structure. Unusually nice.

Age
Young (Y): Within the first 20% of expected life span. High resiliency to encroachment.
Mature (M): Between 20% - 80% of expected life span. Moderate resiliency to encroachment.
Overmature (OM): In >80% of expected life span. Low resiliency to encroachment.

DE: Dripline Encroachment (X indicates encroachment)
CI: Anticipated Construction Impact (L = Low, M = Moderate, H = High)
PT: Protected tree per city ordinance, noted by X
   Note: Protected trees recommended for removal are noted by bold typeface.

Action: Recommendation to remove or save trees based on anticipated encroachment, including adjustments to save additional worthy trees & tree protection during construction.

Change from 2017: Explains the difference in recommendations between the two arborist reports. For this, I used the total recommended removals between Chart C (Removals) and Chart B (Inventory) in the 2017 preliminary report – there are discrepancies between the two, and Chart C omits some declining/dead trees noted as removals in Chart B. I also recommend saving additional trees.
<table>
<thead>
<tr>
<th>#</th>
<th>Species</th>
<th>DBH</th>
<th>Health</th>
<th>Structure</th>
<th>Dripline Radius (ft)</th>
<th>DE</th>
<th>CI</th>
<th>PT</th>
<th>Comments</th>
<th>Action</th>
<th>Change from 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>37</td>
<td>Almond (<em>Prunus dulcis</em>)</td>
<td>5</td>
<td>Dead.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Tree not found.</td>
<td>N/A</td>
<td>Not found.</td>
</tr>
<tr>
<td>38</td>
<td>Almond</td>
<td>6, 6</td>
<td>F-P</td>
<td>F</td>
<td>10</td>
<td></td>
<td></td>
<td></td>
<td>Not surveyed. Co-dominant trunks, stem prostrate to N, other stem leans over road. Overhead power lines.</td>
<td>None.</td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>Almond</td>
<td>4, 1</td>
<td>F</td>
<td>F</td>
<td>8</td>
<td>L</td>
<td></td>
<td></td>
<td>Trunk leans to S. Crossing branches.</td>
<td>None.</td>
<td></td>
</tr>
<tr>
<td>43</td>
<td>California black walnut</td>
<td>4</td>
<td>Dead.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Dead.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>44</td>
<td>California black walnut</td>
<td>4</td>
<td>F</td>
<td>F</td>
<td>12</td>
<td>X</td>
<td>L</td>
<td></td>
<td>Imbalanced canopy to E with elongated branches. 10' from proposed limit of grading.</td>
<td>Install temporary protection fencing.</td>
<td></td>
</tr>
<tr>
<td>45</td>
<td>Almond</td>
<td>3, 5, 3</td>
<td>F</td>
<td>F</td>
<td>8</td>
<td>L</td>
<td></td>
<td></td>
<td>3 co-dominant trunks.</td>
<td>Install temporary protection fencing.</td>
<td></td>
</tr>
<tr>
<td>48</td>
<td>Chinese pistache</td>
<td>5, 3</td>
<td>G</td>
<td>F</td>
<td>12</td>
<td>L</td>
<td></td>
<td></td>
<td>On slope. Imbalanced canopy to W.</td>
<td>Save.</td>
<td></td>
</tr>
<tr>
<td>49</td>
<td>Almond</td>
<td>5, 2</td>
<td>Dead.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Dead. Tag falling off.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>50</td>
<td>Almond</td>
<td>4, 2, 2, 2</td>
<td>F-P</td>
<td>F</td>
<td>7</td>
<td>L</td>
<td></td>
<td></td>
<td>On slope. Co-dominant trunks. Imbalanced canopy to W.</td>
<td>Save.</td>
<td></td>
</tr>
</tbody>
</table>

Jennifer Tso, Certified Arborist
<table>
<thead>
<tr>
<th>#</th>
<th>Species</th>
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<th>Structure</th>
<th>Driveline Radius (ft)</th>
<th>DE</th>
<th>CI</th>
<th>PT</th>
<th>Comments</th>
<th>Action</th>
<th>Change from 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>53</td>
<td>Almond</td>
<td>5, 3</td>
<td>Dead</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Dead.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>54</td>
<td>Almond</td>
<td>5, 4, 4</td>
<td>Dead</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Dead.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>55</td>
<td>Almond</td>
<td>6, 4</td>
<td>F</td>
<td>F-P</td>
<td>6</td>
<td>L</td>
<td></td>
<td></td>
<td>Co-dominant trunks. Main stem dead with strong sprouts. Can provide minor screening.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>56</td>
<td>Almond</td>
<td>8 at 1'</td>
<td>P</td>
<td>F</td>
<td>6</td>
<td>L</td>
<td></td>
<td></td>
<td>Co-dominant stems at 2'. Top dead but sprouting back.</td>
<td>Remove dead top (optional).</td>
<td></td>
</tr>
<tr>
<td>57</td>
<td>Almond</td>
<td>4</td>
<td>Dead</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>58</td>
<td>Almond</td>
<td>4, 1</td>
<td>F</td>
<td>F</td>
<td>0</td>
<td>L</td>
<td></td>
<td></td>
<td>On slope. dead tree at base. Imbalanced canopy to SW.</td>
<td>Save.</td>
<td></td>
</tr>
<tr>
<td>59</td>
<td>Valley oak</td>
<td>9</td>
<td>G</td>
<td>G-F</td>
<td>12</td>
<td>L</td>
<td></td>
<td></td>
<td>On slope. leans to E away from power lines, over road.</td>
<td>Save.</td>
<td></td>
</tr>
<tr>
<td>60</td>
<td>Valley oak</td>
<td>3, 2, 2, 2, 1, 1</td>
<td>F</td>
<td>P</td>
<td>10</td>
<td>L</td>
<td>X</td>
<td></td>
<td>On slope. Essentially stump sprouts. Understory.</td>
<td>Save.</td>
<td></td>
</tr>
<tr>
<td>61</td>
<td>Almond</td>
<td>5, 6</td>
<td>Dead</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Dead. 6' from proposed swale grading.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>63</td>
<td>Peruvian pepper</td>
<td>8, 4</td>
<td>F</td>
<td>F-P</td>
<td>15</td>
<td>L</td>
<td></td>
<td></td>
<td>Co-dominant trunks; large stem leans to NW over concrete wall. Heartwood decay.</td>
<td>Raise canopy.</td>
<td></td>
</tr>
<tr>
<td>64</td>
<td>Peruvian pepper</td>
<td>5, 4</td>
<td>P</td>
<td>F</td>
<td>0</td>
<td>L</td>
<td></td>
<td></td>
<td>Co-dominant stems at 2'. Sparse canopy.</td>
<td>Raise canopy.</td>
<td></td>
</tr>
<tr>
<td>65</td>
<td>California black walnut</td>
<td>4, 4, 6, 7, 3</td>
<td>F</td>
<td>P</td>
<td>10</td>
<td>X</td>
<td>H</td>
<td>X</td>
<td>Multiple co-dominant stems at 1'. Low growing canopy. 17' from proposed limit of grading.</td>
<td>Remove.</td>
<td>Remove.</td>
</tr>
<tr>
<td>67</td>
<td>California black walnut</td>
<td>7, 7, 5</td>
<td>Dead</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Dead. In proposed building pad.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>#</td>
<td>Species</td>
<td>DBH</td>
<td>Health</td>
<td>Structure</td>
<td>Driveline Radius (ft)</td>
<td>DE</td>
<td>CI</td>
<td>PT</td>
<td>Comments</td>
<td>Action</td>
<td>Change from 2017</td>
</tr>
<tr>
<td>----</td>
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<td>--------------------------------------------------------------------------</td>
<td>------------------</td>
<td>------------------</td>
</tr>
<tr>
<td>69</td>
<td>California black walnut</td>
<td>9, 9, 8, 5</td>
<td>F</td>
<td>F-P</td>
<td>16</td>
<td>X</td>
<td>H</td>
<td>X</td>
<td>3 co-dominant trunks. Low growing canopy. Minor mistletoe. In proposed building pad.</td>
<td>Remove.</td>
<td>Remove.</td>
</tr>
<tr>
<td>72</td>
<td>Almond</td>
<td>5, 5, 4, 3</td>
<td>G</td>
<td>F-P</td>
<td>12</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Co-dominant stems at 1'. In proposed grading.</td>
<td>Remove.</td>
<td>Remove.</td>
</tr>
<tr>
<td>74</td>
<td>Valley oak</td>
<td>26</td>
<td>G</td>
<td>F</td>
<td>25</td>
<td>X</td>
<td>H</td>
<td>X</td>
<td>Co-dominant stems at 5', included bark, all canopy to S due to adjacent dead tree. 8' from proposed driveway, in proposed grading.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>75</td>
<td>California black walnut</td>
<td>4, 4, 4, 4, 5, 4, 3</td>
<td>F</td>
<td>P</td>
<td>12</td>
<td>X</td>
<td>H</td>
<td>X</td>
<td>Stump sprouts. Tops died and regrew. In proposed driveway.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>77</td>
<td>Almond</td>
<td>4, 4</td>
<td>Dead</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Dead. In proposed grading/building pad.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>78</td>
<td>California black walnut</td>
<td>3, 1, 1, 2, 2, 2, 2, 3</td>
<td>P</td>
<td>P</td>
<td>8</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Stump sprouts. In proposed grading/building pad.</td>
<td>Remove.</td>
<td>Remove.</td>
</tr>
<tr>
<td>80</td>
<td>Peruvian pepper</td>
<td>4, 4</td>
<td>F</td>
<td>F</td>
<td>8</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Co-dominant stems at 3'. Sparse canopy. In proposed swale grading.</td>
<td>Remove.</td>
<td></td>
</tr>
</tbody>
</table>

Jennifer Tso, Certified Arborist
<table>
<thead>
<tr>
<th>#</th>
<th>Species</th>
<th>DBH</th>
<th>Health</th>
<th>Structure</th>
<th>Dripline Radius (ft)</th>
<th>DE</th>
<th>CI</th>
<th>FT</th>
<th>Comments</th>
<th>Action</th>
<th>Change from 2017</th>
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<tbody>
<tr>
<td>81</td>
<td>Almond</td>
<td>3</td>
<td>G</td>
<td>G</td>
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<td>X</td>
<td>H</td>
<td></td>
<td>In proposed sidewalk.</td>
<td>Remove</td>
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</tr>
<tr>
<td>83</td>
<td>Italian stone pine</td>
<td>8</td>
<td>G-F</td>
<td>G-F</td>
<td>12</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Lower trunk prostrate. One stem removed at 1' above grade. Tips of needles browning. In proposed street.</td>
<td>Remove</td>
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<tr>
<td>84</td>
<td>Valley oak</td>
<td>36</td>
<td>G</td>
<td>F-P</td>
<td>45</td>
<td>X</td>
<td>L-M</td>
<td>X</td>
<td>Power lines above. Lean towards channel. Multiple stems at 12'-15' above grade; large scaffold branches. Horizontal line in bark on opposite side of lean at 10'. ~25' from proposed grading.</td>
<td>Install temporary protection fencing. Reduce elongated branches.</td>
<td>Save</td>
</tr>
<tr>
<td>85</td>
<td>Valley oak</td>
<td>23</td>
<td>G</td>
<td>F</td>
<td>40</td>
<td>X</td>
<td>M-H</td>
<td>X</td>
<td>Slightly buried on uphill slope. Co-dominant stems at 6', included bark. Imbalanced canopy to S. ~12' from proposed grading to SE &amp; SW.</td>
<td>Install temporary protection fencing. Arborist on site during grading. Reduce elongated branches.</td>
<td>Save</td>
</tr>
<tr>
<td>86</td>
<td>Almond</td>
<td>5, 4</td>
<td>F</td>
<td>P</td>
<td>10</td>
<td>X</td>
<td>H</td>
<td></td>
<td>On slope. In proposed swale grading.</td>
<td>Remove</td>
<td>Remove</td>
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<tr>
<td>87</td>
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<td>8</td>
<td>G-F</td>
<td>G-F</td>
<td>14</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Imbalanced canopy to S. In proposed swale grading.</td>
<td>Remove</td>
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<tr>
<td>88</td>
<td>Almond</td>
<td>2, 2, 2</td>
<td>F</td>
<td>P</td>
<td>6</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Co-dominant trunks. Suppressed by other trees. In proposed road.</td>
<td>Remove</td>
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<tr>
<td>89</td>
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<td>F</td>
<td>7</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Trunk prostrate, severe lean to W. Stunted growth. In proposed road.</td>
<td>Remove</td>
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</tr>
<tr>
<td>91</td>
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<td>F</td>
<td>F</td>
<td>5</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Diameter measured at base. Top of trunk bowed. In proposed swale grading.</td>
<td>Remove</td>
<td></td>
</tr>
<tr>
<td>92</td>
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<td>G</td>
<td>P</td>
<td>7</td>
<td>X</td>
<td>H</td>
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<td>Diameter measured at base. Cut down and grew back. In proposed swale grading.</td>
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<tr>
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<td>Almond</td>
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<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Dead. In proposed swale grading.</td>
<td>Removed</td>
<td></td>
</tr>
<tr>
<td>94</td>
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<td>F</td>
<td>G-F</td>
<td>7</td>
<td>X</td>
<td>H</td>
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<td>Canopy imbalanced to S. In proposed swale grading.</td>
<td>Remove</td>
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</tr>
<tr>
<td>95</td>
<td>Willow (Salix sp.)</td>
<td>10</td>
<td>G-F</td>
<td>G</td>
<td>11</td>
<td>X</td>
<td>H</td>
<td></td>
<td>In water. In proposed driveway.</td>
<td>Remove</td>
<td></td>
</tr>
<tr>
<td>96</td>
<td>Willow</td>
<td>12</td>
<td>G</td>
<td>F</td>
<td>12</td>
<td>X</td>
<td>H</td>
<td></td>
<td>In water. Co-dominant stems at 5'. In proposed driveway.</td>
<td>Remove</td>
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</tr>
<tr>
<td>98</td>
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<td>F</td>
<td>F</td>
<td>8</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Co-dominant trunks. Imbalanced canopy to N. In proposed driveway.</td>
<td>Remove</td>
<td></td>
</tr>
<tr>
<td>#</td>
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<td>DE</td>
<td>CI</td>
<td>PT</td>
<td>Comments</td>
<td>Action</td>
<td>Change from 2017</td>
</tr>
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<tr>
<td>99</td>
<td>California black walnut</td>
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<td></td>
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<td>Dead. In proposed driveway.</td>
<td>Remove</td>
<td></td>
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<tr>
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<td>F</td>
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<td>10</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Not surveyed. Trunk leans to N with imbalanced canopy. In proposed driveway.</td>
<td>Remove</td>
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</tr>
<tr>
<td>101</td>
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<td>X</td>
<td>H</td>
<td></td>
<td>Not surveyed. Imbalanced canopy to S. May be plum. In proposed driveway.</td>
<td>Remove</td>
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<tr>
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<td>H</td>
<td></td>
<td>In proposed sidewalk.</td>
<td>Remove</td>
<td></td>
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<tr>
<td>103</td>
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<td>5, 3, 3</td>
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<td>F</td>
<td>8</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Stump sprouts. Stunted growth &amp; lopsided canopy. In proposed grading.</td>
<td>Remove</td>
<td></td>
</tr>
<tr>
<td>104</td>
<td>Valley oak</td>
<td>5</td>
<td>F</td>
<td>F</td>
<td>8</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Co-dominant stems at 2'. In proposed grading.</td>
<td>Remove</td>
<td></td>
</tr>
<tr>
<td>105</td>
<td>Valley oak</td>
<td>8</td>
<td>F</td>
<td>F</td>
<td>12</td>
<td>X</td>
<td>H</td>
<td></td>
<td>On slope. Suppressed by eucalyptuses. Growing into sign. In proposed road.</td>
<td>Remove</td>
<td></td>
</tr>
<tr>
<td>107</td>
<td>Fremont cottonwood</td>
<td>7, 6</td>
<td>G-F</td>
<td>F</td>
<td>12</td>
<td>X</td>
<td>H</td>
<td></td>
<td>On slope. Co-dominant stems at 1'. Imbalanced canopy to S over road. Minor mistletoe. In proposed sidewalk.</td>
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<tr>
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<td>F-P</td>
<td>12</td>
<td>X</td>
<td>H</td>
<td></td>
<td>On slope. Multiple co-dominant trunks. In proposed sidewalk.</td>
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<td></td>
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<tr>
<td>109</td>
<td>Fremont cottonwood</td>
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<td>G</td>
<td>G-F</td>
<td>10</td>
<td>X</td>
<td>H</td>
<td></td>
<td>On slope. Imbalanced canopy to S, leans over road. In proposed road.</td>
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<tr>
<td>110</td>
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<td>G</td>
<td>F</td>
<td>8</td>
<td>X</td>
<td>H</td>
<td></td>
<td>On slope. Imbalanced canopy to S, in proposed sidewalk.</td>
<td>Remove</td>
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<tr>
<td>111</td>
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<td>On slope. Top broken out at 20'. In proposed sidewalk.</td>
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<td>12</td>
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<td>Dead</td>
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<td></td>
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<td>Dead. In proposed sidewalk.</td>
<td>Remove</td>
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<tr>
<td>113</td>
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<td>F-P</td>
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<td>Top regrew foliage. In proposed sidewalk.</td>
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<tr>
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<td>G</td>
<td>G</td>
<td>11</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Root collar buried. Trunk has corrected lean to NE. In proposed curb.</td>
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<tr>
<td>#</td>
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<td>Health</td>
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<td>CI</td>
<td>FT</td>
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<td>Action</td>
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<tr>
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<td>F-P</td>
<td>F</td>
<td>12</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Top dieback. In proposed grading.</td>
<td>Remove.</td>
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<tr>
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<td>F-P</td>
<td>F</td>
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<td>X</td>
<td>H</td>
<td></td>
<td>In proposed grading.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>119</td>
<td>Fremont cottonwood</td>
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<td>F</td>
<td>F-P</td>
<td>16</td>
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<td>H</td>
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<td>Minor lean. In proposed grading.</td>
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<tr>
<td>121</td>
<td>Willow</td>
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<td>Understory tree, imbalanced canopy to SSE. In proposed grading.</td>
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<td></td>
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<tr>
<td>123</td>
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<td>VP</td>
<td>P</td>
<td>6</td>
<td>X</td>
<td>H</td>
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<td>Essentially dead. In proposed grading.</td>
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<td>X</td>
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<td>Imbalanced canopy to S. In proposed grading.</td>
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<td></td>
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<td>P</td>
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<td>X</td>
<td>H</td>
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<td>In proposed grading.</td>
<td>Remove.</td>
<td></td>
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<td>Imbalanced canopy to NW. One stem dead. In proposed grading.</td>
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<td>X</td>
<td>H</td>
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<td>Understory tree. In proposed grading.</td>
<td>Remove.</td>
<td></td>
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<td>F</td>
<td>F</td>
<td>7</td>
<td>X</td>
<td>H</td>
<td></td>
<td>On slope. In proposed grading.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>#</td>
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<td>DBH</td>
<td>Health</td>
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<td>CI</td>
<td>PT</td>
<td>Comments</td>
<td>Action</td>
<td>Change from 2017</td>
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<tr>
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<td>F</td>
<td>F</td>
<td>9</td>
<td>X</td>
<td>H</td>
<td></td>
<td>On slope. Kinked trunk at 5'. In proposed grading.</td>
<td>Remove.</td>
<td>Remove.</td>
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<td>132</td>
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<td>F</td>
<td>F-P</td>
<td>8</td>
<td>X</td>
<td>H</td>
<td></td>
<td>On slope. One stem mostly dead. In proposed grading.</td>
<td>Remove.</td>
<td>Remove.</td>
</tr>
<tr>
<td>133</td>
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<td>5</td>
<td>G</td>
<td>F-P</td>
<td>4</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Poor taper. In proposed grading.</td>
<td>Remove.</td>
<td></td>
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<tr>
<td>134</td>
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<td>5</td>
<td>G</td>
<td>F-P</td>
<td>6</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Poor taper. In proposed grading.</td>
<td>Remove.</td>
<td>Remove.</td>
</tr>
<tr>
<td>135</td>
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<td>7</td>
<td>G</td>
<td>F</td>
<td>6</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Poor taper. In proposed sidewalk.</td>
<td>Remove.</td>
<td>Remove.</td>
</tr>
<tr>
<td>136</td>
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<td>10</td>
<td>G</td>
<td>G</td>
<td>8</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Well tapered. In proposed sidewalk.</td>
<td>Remove.</td>
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<tr>
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<td>F-P</td>
<td>P</td>
<td>18</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Imbalanced canopy to SSE. Top dieback. In proposed sidewalk.</td>
<td>Remove.</td>
<td></td>
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<tr>
<td>138</td>
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<td>16</td>
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<td></td>
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<td>Dead. In proposed grading.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>139</td>
<td>Fremont cottonwood</td>
<td>14</td>
<td>F</td>
<td>F</td>
<td>13</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Top dead. In proposed grading.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>140</td>
<td>California black walnut</td>
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<td></td>
<td>F</td>
<td>9</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Re-sprouted. Topped at 2'. In proposed building pad.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>141</td>
<td>California black walnut</td>
<td>4, 4, 4</td>
<td>P</td>
<td>F</td>
<td>5</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Main stem topped with decay. In proposed grading.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>142</td>
<td>California black walnut</td>
<td>4, 4, 4, 4, 3, 3</td>
<td>F</td>
<td>F-P</td>
<td>9</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Main stem topped with decay. In proposed grading.</td>
<td>Remove.</td>
<td></td>
</tr>
<tr>
<td>143</td>
<td>California black walnut</td>
<td>14</td>
<td>F-P</td>
<td>F</td>
<td>14</td>
<td>X</td>
<td>H</td>
<td></td>
<td>DBH doesn't include small sprouts. Moderate mistletoe. 5' from proposed grading limit; walnuts sensitive to root impacts.</td>
<td>Remove.</td>
<td>Remove.</td>
</tr>
<tr>
<td>144</td>
<td>California black walnut</td>
<td>6, 5, 4</td>
<td>P</td>
<td>F</td>
<td>6</td>
<td>L</td>
<td></td>
<td></td>
<td>Multiple trunks. Remove based on condition, tree likely to recover/Thrives.</td>
<td>Remove.</td>
<td>Remove.</td>
</tr>
<tr>
<td>145</td>
<td>Valley oak</td>
<td>12</td>
<td>G</td>
<td>G-F</td>
<td>18</td>
<td>X</td>
<td>H</td>
<td>X</td>
<td>In proposed grading.</td>
<td>Remove.</td>
<td>To save, provide 12' radius undisturbed grade.</td>
</tr>
</tbody>
</table>

*Jennifer Tso, Certified Arborist*
<table>
<thead>
<tr>
<th>#</th>
<th>Species</th>
<th>DBH</th>
<th>Health</th>
<th>Structure</th>
<th>Dripline Radius (ft)</th>
<th>DE</th>
<th>CI</th>
<th>PT</th>
<th>Comments</th>
<th>Action</th>
<th>Change from 2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>146</td>
<td>Valley oak</td>
<td>4</td>
<td>G</td>
<td>G</td>
<td>6</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Good tree.</td>
<td>Remove. To save, provide 8' radius undisturbed grade.</td>
<td>Remove.</td>
</tr>
<tr>
<td>147</td>
<td>California black walnut</td>
<td>10, 9</td>
<td>P</td>
<td>P</td>
<td>17</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Wire fence around base of tree; embedded in trunk. Stunted growth.</td>
<td>Remove.</td>
<td>Remove.</td>
</tr>
<tr>
<td>148</td>
<td>California black walnut</td>
<td>14</td>
<td>F</td>
<td>F</td>
<td>20</td>
<td>X</td>
<td>H</td>
<td></td>
<td>In proposed grading. Highly sensitive to root encroachment.</td>
<td>Remove. (To save, provide 15' radius undisturbed grade.)</td>
<td>Remove.</td>
</tr>
<tr>
<td>149</td>
<td>Valley oak</td>
<td>5</td>
<td>G</td>
<td>G-F</td>
<td>7</td>
<td>X</td>
<td>H</td>
<td></td>
<td>In proposed grading.</td>
<td>Remove.</td>
<td>Remove.</td>
</tr>
<tr>
<td>150</td>
<td>Valley oak</td>
<td>5</td>
<td>G</td>
<td>G</td>
<td>10</td>
<td>X</td>
<td>H</td>
<td></td>
<td>In proposed grading.</td>
<td>Remove. To save, provide 8' radius undisturbed grade.</td>
<td>Remove.</td>
</tr>
<tr>
<td>151</td>
<td>California black walnut</td>
<td>18</td>
<td>P</td>
<td>P</td>
<td>19</td>
<td>X</td>
<td>H</td>
<td></td>
<td>Topped at 8'. Pockets of decay, serious mistletoe infestation.</td>
<td>Remove.</td>
<td>Remove.</td>
</tr>
<tr>
<td>153</td>
<td>Myoporum (Myoporum laetum)</td>
<td>10, 6, 6, 5, 9, 10, 16, 9</td>
<td>P</td>
<td>F-P</td>
<td>12</td>
<td>X</td>
<td>H</td>
<td>X</td>
<td>Top dieback. Myoporum thrips. Many prostrate limbs, low growing canopy. Concrete structure and pipes near base, in proposed building pad.</td>
<td>Remove.</td>
<td>Remove.</td>
</tr>
<tr>
<td>154</td>
<td>California black walnut</td>
<td>12, 24 @ 2'</td>
<td>F</td>
<td>P</td>
<td>35</td>
<td>X</td>
<td>H</td>
<td>X</td>
<td>Elongated lower limbs. Significant mistletoe. 7' from proposed building pad. Walnuts highly sensitive to root impact.</td>
<td>Remove.</td>
<td>Remove.</td>
</tr>
<tr>
<td>155</td>
<td>Peruvian pepper</td>
<td>8, 8, 7</td>
<td>G-F</td>
<td>F-P</td>
<td>14</td>
<td>L</td>
<td></td>
<td></td>
<td>Thin canopy. Clear of construction.</td>
<td>Install temporary protection fencing.</td>
<td></td>
</tr>
<tr>
<td>157</td>
<td>California black walnut</td>
<td>6, 4, 6, 3</td>
<td>F-P</td>
<td>F-P</td>
<td>14</td>
<td>L</td>
<td></td>
<td></td>
<td>Clear of construction.</td>
<td>Install temporary protection fencing.</td>
<td></td>
</tr>
<tr>
<td>158</td>
<td>Valley oak</td>
<td>12</td>
<td>G</td>
<td>F-P</td>
<td>15</td>
<td>L</td>
<td>X</td>
<td></td>
<td>Co-dominant stems at 7' with included bark. Within 1' of existing fence. Clear of construction.</td>
<td>Install temporary protection fencing.</td>
<td></td>
</tr>
<tr>
<td>#</td>
<td>Species</td>
<td>DBH</td>
<td>Health</td>
<td>Structure</td>
<td>Dripline Radius (ft)</td>
<td>DE</td>
<td>Cl</td>
<td>PT</td>
<td>Comments</td>
<td>Action</td>
<td>Change from 2017</td>
</tr>
<tr>
<td>----</td>
<td>----------------------</td>
<td>------</td>
<td>--------</td>
<td>-----------</td>
<td>----------------------</td>
<td>----</td>
<td>----</td>
<td>----</td>
<td>---------------------------------</td>
<td>----------</td>
<td>------------------</td>
</tr>
<tr>
<td>159</td>
<td>California black walnut</td>
<td>13, 13</td>
<td>Dead</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td>Not surveyed. Very dead.</td>
<td>Remove.</td>
<td></td>
</tr>
</tbody>
</table>

Not found: #37

Trees that will need to be removed: #43, 49, 52-55, 57, 61, 65-81, 83, 86-89, 91-96, 98-154, 159 (94 trees)
(Protected trees to be removed: 65, 66, 69-71, 74, 75, 145, 153, 154; 10 trees)

Trees to be saved that will be subjected to dripline encroachment: #40, 44, 84, 85 (4 trees)

Trees to be saved that will not be encroached: #38, 39, 41, 42, 45-48, 50, 51, 56, 58-60, 62-64, 155-158 (21 trees)
Consulting Arborist Report

For the project of:

5019 Myrtle Drive

Prepared at the Request of:

SCO Planning and Engineering

Project Located in:

City of Concord, CA

June 20, 2017

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Executive Summary:
Rob Wood of SCO Planning and Engineering contacted Abacus Consulting Arborists to inventory and evaluate the protected trees and produce an Arborist Report as the end product. The property is APN #117-050-008, 5019 Myrtle Drive located in the City of Concord, California. See Attached Tree Location Map.

There are One Hundred Twenty (120) trees\(^1\) on this property, of which, Fifteen (15) qualify as "protected trees" by the standards of the City of Concord, municipal code chapter 8.40 – Trees and Shrubs, of which [To Be Determined] (--) are proposed for removal or will be critically impacted by the development.

<table>
<thead>
<tr>
<th>Tree Species</th>
<th>Trees on this Site:</th>
<th>Protected Trees on this Site:</th>
<th>Proposed for Removal for Development</th>
<th>Proposed for Retention</th>
</tr>
</thead>
<tbody>
<tr>
<td>California Black Walnut</td>
<td>27</td>
<td>8</td>
<td>5</td>
<td>22</td>
</tr>
<tr>
<td>Valley Oak</td>
<td>19</td>
<td>7</td>
<td>8</td>
<td>11(^2)</td>
</tr>
<tr>
<td>Western Cottonwood</td>
<td>31</td>
<td>0</td>
<td>17</td>
<td>14</td>
</tr>
<tr>
<td>Willow sp.</td>
<td>4</td>
<td>0</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Pine sp.</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Misc other species(^3)</td>
<td>38</td>
<td>1</td>
<td>11</td>
<td>27</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>120</strong></td>
<td><strong>15</strong></td>
<td><strong>35</strong></td>
<td><strong>75</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Arborist Ratings</th>
<th>Protected Trees on this Site:</th>
<th>Protected Trees Proposed for Removal for Development</th>
<th>Mitigation Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>5</td>
<td>No problem(s)</td>
<td>0</td>
<td>Yes</td>
</tr>
<tr>
<td>4</td>
<td>No apparent problem(s)</td>
<td>1</td>
<td>Yes</td>
</tr>
<tr>
<td>3</td>
<td>Minor problem(s)</td>
<td>6</td>
<td>2(^2)</td>
</tr>
<tr>
<td>2</td>
<td>Major problem(s)</td>
<td>8</td>
<td>1</td>
</tr>
<tr>
<td>1</td>
<td>Extreme problem(s)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>0</td>
<td>Dead</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>15</strong></td>
<td><strong>4</strong></td>
<td></td>
</tr>
</tbody>
</table>

See Chart B – Inventory of Trees for specific information on each tree. See Chart C – Trees Proposed for Removal for additional Mitigation information.

Trees to be preserved require special preservation measures. In addition, trees that are off-site but could be impacted by development and will also require preservation measures.

See Chart D – Development Recommendations and Tree Preservation Plan

\(^1\) Tree count does NOT include Eucalyptus, Acacia, Palm and Privet pursuant to the Concord Municipal Code, Chapter 8.40. Note: Monterey Pine are included in the survey so that they are marked to avoid misidentification.

\(^2\) Grading details are required. An additional 2 trees may be critically impacted (Trees #84 and 85).

\(^3\) Olea europaea; Punica granatum; Prunus sp.; Prunus dulcis; Shinus mollc;
**Assignment:**
Julie McNamara, ISA Certified Arborist #WE-11439A, and Stefan Barrios, arborists assistant, of ABACUS were on site from May 30th to June 4th, 2017; providing species identification, number of trunks, measurements of DBH and canopy, field condition notes, recommended actions, ratings, and locations of protected native trees as defined by the City of Concord municipal code.

**Methods:**
The protected trees (on-site) tagged by ABACUS have a numbered tag, placed on each one that is 1-1/8" x 1-3/8", green anodized aluminum, “acorn” shaped, and labeled: ABACUS, Auburn, CA with 1/4” pre-stamped tree number and Tree Tag. They are attached with a natural colored aluminum 10d nail, installed at approximately 6 feet above ground level on the approximate north side of the tree. The tag should last ~10 – 20+ years depending on the species, before it is enveloped by the trees’ normal growth cycle.

A Level 2 – Basic Visual Assessment was performed in accordance with the International Society of Arboriculture’s best management practices. This assessment level is limited to the observation of conditions and defects which are readily visible. Additional limiting factors, such as blackberries, poison oak, and/or debris piled at the base of a tree can inhibit the visual assessment.

Tree Location: The GPS location of each tree was collected using the ESRI’s ArcGIS collector application on an Apple iPad. The data was then processed in ESRI’s ArcMap by Julie McNamara, M.S. GISci, to produce the tree location map.

Tree Measurements: DBH (diameter breast high) is normally measured at 4’6” (above the average ground height for “Urban Forestry”), but if that varies then the location where it is measured is noted. A Haglöf Mantax Caliper was used to measure the DBH for trees less than 32” in diameter or less and a steel diameter tape for trees greater than 32”.

The following data was collected.

**Species**
The species of a tree is listed by our local and correct common name and botanical name by genus (capitalized) and species (lower case). Oaks frequently cross-pollinate and hybridize, but the identification is towards the strongest characteristics.

**# Stems**
Refers to the quantity of trunks or stems of a tree that have a significant connection. If one stem or trunk were to be removed, it would cause decay to harm an adjoining stem, making it one tree. All stems must be of the same species. (Also see “Tree SIZE Expressed by Trunk Diameter” at the end of this report)

**DBH**
Diameter breast high’ is normally measured at 4’6” (above the average ground height for “Urban Forestry”), but if that varies then the location where it is measured is noted here. A Swedish caliper \(^{[1]}\) was used to measure the DBH for trees less than 26” in diameter and a steel diameter tape\(^{[2]}\) for trees greater than 26”Ø.
Canopy radius

The farthest extent of the crown composed of leaves and small twigs. Most trees are not evenly balanced. This measurement represents the longest extension from the trunk to the outer canopy.

Notes:

Provide notable details about each tree which are factors considered in the determination of the tree rating including: (a) condition of root crown and/or roots; (b) condition of trunk; (c) condition of limbs and structure; (d) growth history and twig condition; (e) leaf appearance; and (f) dripline environment. Notes also indicate if the standard tree evaluation procedure was not followed and why (i.e., why dbh may have been measured at a location other than the standard 54") Additionally, notes will list any evaluation limiting factors such as debris at the base of a tree.

Actions

Recommended to Improve Heath or Structure. Trees in public spaces require maintenance. If a tree is to remain and be preserved, then the tree may need some form of work to reduce the likelihood of failure and increase the longevity of the tree.

Remove

Indicates the Arborists recommendation whether the tree should be planned for removal or retention.

Arborist Rating

Subjective to condition and is based on both the health and structure of the tree. All of the trees were rated for condition, per the recognized national standard as set up by the Council of Tree and Landscape Appraisers and the International Society of Arboriculture (ISA) on a numeric scale of 5 (being the highest) to 0 (the worst condition, dead) as in Chart A. The rating was done in the field at the time of the measuring and inspection. The scale is as follows:

<table>
<thead>
<tr>
<th>Rating</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>No problem(s)</td>
<td>5</td>
</tr>
<tr>
<td>No apparent problem(s)</td>
<td>4</td>
</tr>
<tr>
<td>Minor problem(s)</td>
<td>3</td>
</tr>
<tr>
<td>Major problem(s)</td>
<td>2</td>
</tr>
<tr>
<td>Extreme problem(s)</td>
<td>1</td>
</tr>
<tr>
<td>Dead</td>
<td>0</td>
</tr>
</tbody>
</table>

excellent  good  fair  poor  hazardous, non-correctable  dead

There is a very important line drawn between a tree rated a 3 and a 2. A tree rated 3, 4, or 5 is a tree to be preserved, and a tree rated 0, 1, or 2 is recommended for removal. On the following tree list BLACK marks are field notes and action items on trees that are to remain, and RED are trees that are recommended for removal. Trees rated a 2 may be retained but only if the recommendations are followed, otherwise the tree should be removed.

Rating #0: This indicates a tree that has no significant sign of life.

Rating #1: The problems are extreme. This rating is assigned to a tree that has structural and/or health problems that no amount of work or effort can change. The issues may or may not be considered a dangerous situation.

Rating #2: The tree has major problems. If the option is taken to preserve the tree, its condition could be improved with correct arboricultural work including, but not limited to: pruning, cabling, bracing, bolting, guying, spraying, mistletoe removal, vertical mulching, fertilization, etc. If the recommended actions are completed correctly, hazard can be reduced and the rating can be elevated to a 3. If no action is taken the tree is considered a liability and should be removed.

Rating #3: The tree is in fair condition. There are some minor structural or health problems that pose no immediate danger. When the recommended actions in an arborist report are completed correctly the defect(s) can be minimized or eliminated.

Rating #4: The tree is in good condition and there are no apparent problems that a Certified Arborist can see from a visual ground inspection. If potential structural or health
problems are tended to at this stage future hazard can be reduced and more serious health problems can be averted.

**Rating #5:** No problems found from a visual ground inspection. Structurally, these trees have properly spaced branches and near perfect characteristics for the species. Highly rated trees are not common in natural or developed landscapes. No tree is ever perfect especially with the unpredictability of nature, but with this highest rating, the condition should be considered excellent.
### Chart B – Inventory of Trees

BLACK marks are field notes and action items on trees that are to remain, and RED are trees that are recommended for removal, BOLD is tree that are protected by the City of Concord municipal code.

<table>
<thead>
<tr>
<th>Tree Tag #</th>
<th>Species Common Name</th>
<th>Species Botanical Name</th>
<th>DBH</th>
<th>Protected Y/N</th>
<th>Canopy radius in feet</th>
<th>Notes</th>
<th>Actions</th>
<th>Remove</th>
<th>Rating</th>
</tr>
</thead>
<tbody>
<tr>
<td>37</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>5</td>
<td>N</td>
<td>0</td>
<td>Dead</td>
<td>Prune to reduce weight, Remove dead wood</td>
<td>0 Dead</td>
<td>0</td>
</tr>
<tr>
<td>38</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>6, 6</td>
<td>N</td>
<td>10</td>
<td></td>
<td>Root collar ok, codominant leader at base, one stem prostrate to N, other stem leans over road, under lines, dead wood 1-3&quot;, poor leaf surface</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>39</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>4, 1</td>
<td>N</td>
<td>8</td>
<td></td>
<td>On slope, root collar buried, suppressed by palms and eucalyptus, very poor structure in canopy, trunk leans to S, canopy leans to E, crossing limbs</td>
<td>Prune for good structure</td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>40</td>
<td>Peruvian pepper tree</td>
<td>Schinus molle</td>
<td>4, 4, 3, 2, 5</td>
<td>N</td>
<td>11</td>
<td></td>
<td>Collar buried by debris, codominant leader at base into many, leans on fence, canopy to ground, good leaf surface</td>
<td>Remove debris and raise canopy</td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>41</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>5</td>
<td>N</td>
<td>14</td>
<td></td>
<td>Epicormic growth at base, large limb extensions, good leaf surface</td>
<td>Remove epicormic growth at base, reduce extensions</td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>42</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>4</td>
<td>N</td>
<td>6</td>
<td></td>
<td>Root collar good, codominant leader at 6', fair structure, good leaf surface</td>
<td>Prune for good structure</td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>43</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>4</td>
<td>N</td>
<td>0</td>
<td>Dead</td>
<td>Prune to balance canopy, establish central leader</td>
<td>Remove</td>
<td>0 Dead</td>
</tr>
<tr>
<td>44</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>4</td>
<td>N</td>
<td>12</td>
<td></td>
<td>Good collar, slightly suppressed by eucalyptus, unbalanced canopy to E, large extensions, poor structure at top, good leaf surface</td>
<td>Prune to balance canopy, establish central leader</td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>45</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>3, 5, 3</td>
<td>N</td>
<td>8</td>
<td></td>
<td>On slope, codominant leader at base into 3, suppressed by eucalyptus, unbalanced canopy to E, good leaf surface</td>
<td>Expose root collar, Prune for good structure</td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>46</td>
<td>Peruvian pepper tree</td>
<td>Schinus molle</td>
<td>6</td>
<td>N</td>
<td>10</td>
<td></td>
<td>On slope, root collar buried, debris from euc at base, codominant leader at 4', suppressed by eucalyptus, good leaf surface</td>
<td>Remove debris, Crown clean</td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>47</td>
<td>Peruvian pepper tree</td>
<td>Schinus molle</td>
<td>5</td>
<td>N</td>
<td>15</td>
<td></td>
<td>On slope, root collar buried, unbalanced canopy to W, suppressed by eucalyptus, good leaf surface</td>
<td>Raise canopy, Prune for good structure</td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>48</td>
<td>Peruvian pepper tree</td>
<td>Schinus molle</td>
<td>5, 3</td>
<td>N</td>
<td>12</td>
<td></td>
<td>On slope, root collar buried, unbalanced canopy to W, suppressed by eucalyptus, good leaf surface</td>
<td>Suppress 3&quot; stem, raise canopy</td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>Tree Tag #</td>
<td>Species Common Name</td>
<td>Species Botanical Name</td>
<td>DBH</td>
<td>Protected Y/N</td>
<td>Canopy radius in feet</td>
<td>Notes</td>
<td>Actions</td>
<td>Remove</td>
<td>Rating</td>
</tr>
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<td>------------------------</td>
</tr>
<tr>
<td>49</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>5, 2</td>
<td>N</td>
<td>0</td>
<td>Dead</td>
<td>Remove</td>
<td>0 Dead</td>
<td>Dead</td>
</tr>
<tr>
<td>50</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>4, 2, 2, 2</td>
<td>N</td>
<td>7</td>
<td>On slope, root collar buried, codominant leader at base, severe unbalanced canopy to W, one stem dead, fair leaf surface</td>
<td>Remove dead wood, Prune for good structure</td>
<td>Remove</td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>51</td>
<td>Peruvian pepper tree</td>
<td>Schinus molle</td>
<td>TBD</td>
<td>TBD</td>
<td>16</td>
<td>Root collar buried, on slope, codominant leader at base into many, crossing limbs, leans over road, good leaf surface</td>
<td>Raise canopy, remove crossing limb</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>52</td>
<td>Peruvian pepper tree</td>
<td>Schinus molle</td>
<td>8</td>
<td>N</td>
<td>13</td>
<td>On slope, root collar buried, codominant leader at 2’, over weight limbs, good leaf surface</td>
<td>Raise canopy, reduce extended limbs,</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>53</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>5, 3</td>
<td>N</td>
<td>0</td>
<td>Dead</td>
<td>Remove</td>
<td>0 Dead</td>
<td>Dead</td>
</tr>
<tr>
<td>54</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>5, 4, 4</td>
<td>N</td>
<td>0</td>
<td>Dead</td>
<td>Remove</td>
<td>0 Dead</td>
<td></td>
</tr>
<tr>
<td>55</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>6, 4</td>
<td>N</td>
<td>6</td>
<td>Root collar buried, codominant leader at base, trunk leans to S, main stem mostly dead with severe cecay, epicormic growth, poor structure</td>
<td>Recommended for removal</td>
<td>Remove</td>
<td>1 Extreme Structure or Health Problems</td>
</tr>
<tr>
<td>56</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>8 at 1</td>
<td>N</td>
<td>6</td>
<td>Root collar buried, codominant leader at 2’, dead wood 1-2”, epicormic growth, poor leaf surface, hit by failures</td>
<td>Remove dead wood, Prune for good structure, supp 1” stem</td>
<td></td>
<td></td>
</tr>
<tr>
<td>57</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>4</td>
<td>N</td>
<td>4</td>
<td>Root collar buried, codominant leader at 2’, previously topped, poor leaf surface, dead wood 1-3”</td>
<td>Poor health, Remove dead wood</td>
<td>Remove</td>
<td>1 Extreme Structure or Health Problems</td>
</tr>
<tr>
<td>58</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>4, 1</td>
<td>N</td>
<td>0</td>
<td>Root collar buried, on slope, dead tree within 3” of base, crossing limbs, suppressed, unbalanced canopy to SW, good leaf surface</td>
<td>Remove dead tree, supp 1” stem, prune canopy for gs and away from road</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>59</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>9</td>
<td>N</td>
<td>12</td>
<td>Root collar buried, on slope, leans to E away from power lines, over road, epicormic growth, good leaf surface, codominant leader at 25’,</td>
<td>Expose root collar, raise canopy, suppress one leader</td>
<td></td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>60</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>3, 2, 2, 2, 1, 1, 1</td>
<td>Y</td>
<td>10</td>
<td>On slope, root collar buried, stump sprout, very poor structure, debris covering base, understory, suppressed by eucalyptus, epicormic growth</td>
<td>Remove debris and reinspect for pruning/ supp recs</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>61</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>5, 6</td>
<td>N</td>
<td>0</td>
<td>Dead</td>
<td>Remove</td>
<td>0 Dead</td>
<td></td>
</tr>
<tr>
<td>Tree Tag #</td>
<td>Species Common Name</td>
<td>Species botanical Name</td>
<td>DBH</td>
<td>Protected Y/N</td>
<td>Canopy radius in feet</td>
<td>Notes</td>
<td>Actions</td>
<td>Remove</td>
<td>Rating</td>
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</tr>
<tr>
<td>62</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>5, 5</td>
<td>N</td>
<td>12</td>
<td>Root collar buried, on slope, codominant leader at 1', included bark, unbalanced canopy, suppressed by oaks, poor taper, over weight limb, epicormic growth, good leaf surface</td>
<td>Remove dead wood, Prune to balance canopy, reduce owl</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>63</td>
<td>Peruvian pepper tree</td>
<td>Schinus molle</td>
<td>8, 4</td>
<td>N</td>
<td>15</td>
<td>Root collar buried, codominant leader at base, large stem leans to NW over concrete wall, mechanical damage at 5', heartwood decay, poor structure, fair leaf surface, suppressed by oaks, understory</td>
<td>Remove dead wood, Prune to balance canopy</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>64</td>
<td>Peruvian pepper tree</td>
<td>Schinus molle</td>
<td>5, 4</td>
<td>N</td>
<td>9</td>
<td>Root collar buried, codominant leader at 2', included bark, supp by oaks, under stormy, poor structure in canopy, dead wood 1-4&quot;, fair leaf surface</td>
<td>Remove dead wood, Prune for good structure</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>65</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>4, 6, 7, 3</td>
<td>Y</td>
<td>10</td>
<td>Root collar buried, codominant leader at 1' into many, rip out, 1-4&quot; dead wood, good leaf surface, canopy to ground</td>
<td>Raise canopy, Prune for good structure</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>66</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>7,3,7,2,4,5,5</td>
<td>Y</td>
<td>17</td>
<td>Stump sprout, codominant leader at base into many, good leaf surface, 1&quot; dead wood, canopy to ground</td>
<td>Raise canopy, Prune to balance canopy</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>67</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>7, 7, 5</td>
<td>N</td>
<td>0</td>
<td>Dead</td>
<td>Remove</td>
<td>1 Extreme Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>68</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>8</td>
<td>N</td>
<td>12</td>
<td>Root collar buried, unbalanced canopy to N, codominant leader at 4', fair leaf surface, dead wood 1&quot;.</td>
<td>Prune to balance canopy, exp root collar</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>69</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>9, 9, 5</td>
<td>Y</td>
<td>16</td>
<td>Root collar buried, codominant leader at base into 3, narrow attachment in canopy, canopy to ground, good leaf surface, 1-3&quot; dead wood</td>
<td>Raise canopy, Prune to balance canopy</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>70</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>10, 11, 11</td>
<td>Y</td>
<td>18</td>
<td>Root collar buried, codominant leader at 2', 4', 5', canopy to ground, dead wood 1-3&quot;, good leaf surface</td>
<td>Remove dead wood, raise canopy, no target</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>71</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>17, 15 at 2'</td>
<td>Y</td>
<td>15</td>
<td>Root collar buried, codominant leader at base with advanced decay, codominant leader at 3'5&quot;, mistletoe, canopy to ground, dead wood 1-4&quot;, good leaf surface</td>
<td>Remove dead wood, raise canopy, no target</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>72</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>5, 4, 3</td>
<td>N</td>
<td>12</td>
<td>Root collar good, codominant leader at 1', included bark, codominant leader, poor structure, good leaf surface</td>
<td>Remove x1, Prune for good structure, raise canopy</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>Tree Tag #</td>
<td>Species Common Name</td>
<td>Species Botanical Name</td>
<td>DBH</td>
<td>Protected Y/N</td>
<td>Canopy radius in feet</td>
<td>Notes</td>
<td>Actions</td>
<td>Remove</td>
<td>Rating</td>
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</tr>
<tr>
<td>73</td>
<td>Olive</td>
<td>Olea europaea</td>
<td>15</td>
<td>N</td>
<td>15</td>
<td>Main trunk okay with decay at base, many sprouts around edge, codominant leader at 4', included bark, crossing limbs, canopy to ground, good leaf surface, good for species</td>
<td>Remove smaller stems near base, raise canopy, Prune for good structure</td>
<td></td>
<td></td>
</tr>
<tr>
<td>74</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>26</td>
<td>Y</td>
<td>25</td>
<td>Root collar slightly buried, codominant leader at 5', included bark, all canopy to S, due to old dead tree to N, stub, canopy to ground, rope in canopy, 1-3&quot; dead wood, good leaf surface</td>
<td>Prune to reduce weight, Prune to balance canopy, Crown clean</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>75</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>4, 4, 4, 4, 5, 4, 3</td>
<td>Y</td>
<td>12</td>
<td>Stump sprout, very poor structure at base, main tops dead</td>
<td>Remove dead wood, Prune to balance canopy</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>76</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>4, 3, 3, 2, 2, 2, 2</td>
<td>N</td>
<td>10</td>
<td>Stump sprout, very poor structure at base, suppressed by eucalyptus, main tops dead, dead wood 1-4&quot;, fair leaf surface</td>
<td>Remove dead wood, Prune to balance canopy</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>77</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>4, 4</td>
<td>N</td>
<td>0</td>
<td>Dead</td>
<td></td>
<td>Remove</td>
<td>0 Dead</td>
</tr>
<tr>
<td>78</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>3, 1, 1, 2, 2, 2, 2, 2, 3</td>
<td>N</td>
<td>8</td>
<td>Stump sprout, very poor structure at base, suppressed by eucalyptus, dead wood 1-4&quot;, good leaf surface</td>
<td>Raise canopy, Prune for good structure</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>79</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>6</td>
<td>N</td>
<td>9</td>
<td>On slope, root collar buried, codominant leader at 2', crossing limbs, poor structure in canopy, good leaf surface</td>
<td>Supp center stem, Prune for good structure</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>80</td>
<td>Peruvian pepper tree</td>
<td>Schinus molle</td>
<td>4, 4</td>
<td>N</td>
<td>8</td>
<td>Root collar buried, codominant leader at 3', suppressed by oaks, under story, epicormic growth, canopy bows, very poor structure, fair leaf surface</td>
<td>Crown clean, Prune to balance canopy</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>81</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>4</td>
<td>N</td>
<td>5</td>
<td>Root collar good, near road, bend in trunk at 15', good leaf surface</td>
<td>Raise canopy</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>83</td>
<td>Pinus spp- 2 per bundle less than 2&quot;, cones stalked,</td>
<td></td>
<td>8</td>
<td>N</td>
<td>12</td>
<td>Root collar buried, trunk prostrate, hits hard rail, leans over road, codominant leader at 2', unbalanced canopy to S, very poor structure, old pruning cut with no wound wood, tips browning</td>
<td>Raise canopy over road, rec 4r</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>84</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>36</td>
<td>Y</td>
<td>45</td>
<td>On slope, root collar buried on uphill side, codominant leader at 20', 27', narrow attachment in canopy, stubs from past failures, unbalanced canopy to NE, over</td>
<td>Prune to reduce weight, Prune to balance canopy, Crown clean</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>Tree Tag #</td>
<td>Species Common Name</td>
<td>Species Botanical Name</td>
<td>DBH</td>
<td>Protected Y/N</td>
<td>Canopy radius in feet</td>
<td>Notes</td>
<td>Actions</td>
<td>Remove</td>
<td>Rating</td>
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</tr>
<tr>
<td>85</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>23</td>
<td>Y</td>
<td>40</td>
<td>Slightly buried on uphill slope, codominant leader at 6', included bark, unbalanced canopy to S, branches to ground, narrow attachments in canopy, good leaf surface</td>
<td>Prune to reduce weight, Prune to balance canopy, remove dead stub</td>
<td></td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>86</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>5, 4</td>
<td>N</td>
<td>10</td>
<td>On slope, mechanical damage at base, codominant leader at 2', crossing limbs, poor structure in canopy, dead wood 1-3&quot;, fair leaf surface</td>
<td>Remove dead wood, Prune for good structure</td>
<td></td>
<td></td>
</tr>
<tr>
<td>87</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>8</td>
<td>N</td>
<td>14</td>
<td>Root collar good, unbalanced canopyc to S, epicormic growth Leans close to road</td>
<td>Raise canopy, Prune to balance canopy and away from road</td>
<td></td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>88</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>2, 2, 2</td>
<td>N</td>
<td>6</td>
<td>Root collar buried, codominant leader at base, poor structure, suppressed, fair leaf surface</td>
<td>Prune to balance canopy</td>
<td></td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>89</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>8, 3, 4, 3</td>
<td>N</td>
<td>7</td>
<td>Root collar buried, trunk prostrate, severe lean to W, dead wood 1-2&quot;, good leaf surface, next to road</td>
<td>Remove dead wood, prune away from road</td>
<td></td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>91</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>6 at base</td>
<td>N</td>
<td>5</td>
<td>Root collar buried, codominant leader at base, crossing limbs, powdery mildew, tops dead, suppressed by eucalyptus</td>
<td>Remove dead wood, Prune to balance canopy</td>
<td></td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>92</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>5</td>
<td>N</td>
<td>7</td>
<td>Root collar buried, codominant leader at base, crossing limbs, fair leaf surface, unbalanced canopy to S, dead wood 1-4&quot;</td>
<td>Remove dead wood, Prune to balance canopy away from road</td>
<td></td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>93</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>5, 3, 3, 2, 2</td>
<td>N</td>
<td>0</td>
<td>Dead</td>
<td>Remove</td>
<td>0 Dead</td>
<td></td>
</tr>
<tr>
<td>94</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>5</td>
<td>N</td>
<td>7</td>
<td>Root collar slightly buried, canopy to S, suppressed by eucalyptus, good leaf surface</td>
<td>Raise canopy, Prune to balance canopy</td>
<td></td>
<td>4 Good - No Apparent Problems</td>
</tr>
<tr>
<td>95</td>
<td>Willow</td>
<td>Salix sp.</td>
<td>10</td>
<td>N</td>
<td>11</td>
<td>Root collar good, in water, codominant leader at 20', epicormic growth, dead wood 1-4&quot;, fair</td>
<td>Remove dead wood, Prune to</td>
<td></td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>Tree Tag #</td>
<td>Species Common Name</td>
<td>Species Botanical Name</td>
<td>DBH</td>
<td>Protected Y/N</td>
<td>Canopy radius in feet</td>
<td>Notes</td>
<td>Actions</td>
<td>Remove</td>
<td>Rating</td>
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</tr>
<tr>
<td>97</td>
<td>Willow</td>
<td>Salix sp.</td>
<td>12</td>
<td>N</td>
<td>12</td>
<td>leaf surface</td>
<td>balance canopy</td>
<td>Remove dead wood</td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>98</td>
<td>Prunus</td>
<td>2, 2, 2, 2</td>
<td>8</td>
<td>N</td>
<td>8</td>
<td>Root collar buried, codominant leader at base in to 3, narrow attachments in canopy, unbalanced canopy to N, good leaf surface</td>
<td>Remove dead tree at base, Prune to balance canopy</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>99</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>7, 4, 4, 3, 1</td>
<td>N</td>
<td>0</td>
<td>Dead</td>
<td></td>
<td>Remove</td>
<td>0 Dead</td>
</tr>
<tr>
<td>100</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>6</td>
<td>N</td>
<td>10</td>
<td>Collar good at base, trunk leans to N, codominant leader at 2', included bark, unbalanced canopy to N, suppressed by eucalyptus, good leaf surface</td>
<td>Prune to balance canopy</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>101</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>6</td>
<td>N</td>
<td>12</td>
<td>On small slope, base good, unbalanced canopy to S, suppressed by eucalyptus, dead wood 1-2&quot;, good leaf surface</td>
<td>Prune to balance canopy</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>102</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>3, 3, 2</td>
<td>N</td>
<td>12</td>
<td>Base at eucalyptus, root collar buried, trunk leans to NE, crossing limbs, codominant leader st 3', included bark, suppressed by eucalyptus, good leaf surface</td>
<td>Remove debris at base, Remove dead eucalyptus, Prune to balance canopy</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>103</td>
<td>Almond</td>
<td>Prunus dulcis</td>
<td>5, 3, 3</td>
<td>N</td>
<td>8</td>
<td>Root collar poor, stump sprout, codominant leader at base, sap sucker damage, small dead wood, suppressed by eucalyptus, good leaf surface</td>
<td>Prune for good structure</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>104</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>5</td>
<td>N</td>
<td>8</td>
<td>Base good, codominant leader at 2', suppressed by eucalyptus, poor structure in canopy, good leaf surface</td>
<td>Supp smaller stem, Prune to balance canopy</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>105</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>8</td>
<td>N</td>
<td>12</td>
<td>On slope, root collar buried, codominant leader at 20', suppressed by eucalyptus, poor leaf surface</td>
<td>Raise canopy, Remove dead wood, Prune for good structure</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>106</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>6</td>
<td>N</td>
<td>8</td>
<td>On slope, trunk at base curves, canopy corrected, close proximity to lady tree, unbalanced canopy to S, over road, good leaf surface</td>
<td>Suppress small stem at base, expose root collar, reduce canopy over road</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>107</td>
<td>Western</td>
<td>Populus</td>
<td>7, 6</td>
<td>N</td>
<td>12</td>
<td>On slope, root collar buried, codominant</td>
<td>Expose root collar,</td>
<td>3 Fair - Minor</td>
<td></td>
</tr>
<tr>
<td>Tree Tag #</td>
<td>Species Common Name</td>
<td>Species Botanical Name</td>
<td>DBH</td>
<td>Protected Y/N</td>
<td>Canopy radius in feet</td>
<td>Notes</td>
<td>Actions</td>
<td>Remove</td>
<td>Rating</td>
</tr>
<tr>
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</tr>
<tr>
<td>108</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>6, 6, 4</td>
<td>N</td>
<td>12</td>
<td>Leader at 1', included bark, 1-3&quot; dead wood, unbalanced canopy to S over road</td>
<td>Reduce over road</td>
<td></td>
<td>Problems</td>
</tr>
<tr>
<td>109</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>5</td>
<td>N</td>
<td>10</td>
<td>On slope, epicormic growth from base, unbalanced canopy to S, leans over road, good leaf surface</td>
<td>Raise canopy, Prune to balance canopy</td>
<td></td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>110</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>4</td>
<td>N</td>
<td>8</td>
<td>On slope, root collar buried, unbalanced canopy to S, good leaf surface, inside tree</td>
<td>Expose root collar</td>
<td></td>
<td>4 Good - No Apparent Problems</td>
</tr>
<tr>
<td>111</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>5</td>
<td>N</td>
<td>0</td>
<td>On slope, base next to water, top broken out at 20', poor structure, epicormic growth, poor leaf surface</td>
<td>Remove dead wood, Prune to balance canopy</td>
<td></td>
<td>2 Significant Structure or Health Problems</td>
</tr>
<tr>
<td>112</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>12</td>
<td>N</td>
<td>0</td>
<td>Dead</td>
<td></td>
<td>Remove</td>
<td>0 Dead</td>
</tr>
<tr>
<td>113</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>16</td>
<td>N</td>
<td>0</td>
<td>Dead</td>
<td></td>
<td>Remove</td>
<td>0 Dead</td>
</tr>
<tr>
<td>114</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>9</td>
<td>N</td>
<td>11</td>
<td>Root collar buried on slope, trunk leans to NE, canopy corrected, codominant leader at 25', included bark, good leaf surface</td>
<td>Raise canopy, expose root collar</td>
<td></td>
<td>4 Good - No Apparent Problems</td>
</tr>
<tr>
<td>115</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>11</td>
<td>N</td>
<td>15</td>
<td>Root collar buried, good taper, dead wood 1-4&quot;, good leaf surface</td>
<td>Remove dead wood, Prune for good structure</td>
<td></td>
<td>4 Good - No Apparent Problems</td>
</tr>
<tr>
<td>116</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>5</td>
<td>N</td>
<td>12</td>
<td>Root collar buried, trunk close to 117, unbalanced canopy to N, epicormic growth, top dead</td>
<td>Recommended for removal</td>
<td>Remove</td>
<td>1 Extreme Structure or Health Problems</td>
</tr>
<tr>
<td>117</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>7</td>
<td>N</td>
<td>14</td>
<td>On slope, trees within few inches of trunk, inside tree, good leaf surface, dead wood 1-3&quot;</td>
<td>Prune to reduce weight, remove smaller tree near base</td>
<td></td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>118</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>8</td>
<td>N</td>
<td>12</td>
<td>Root collar buried, codominant leader at 50', good leaf surface, dead wood 1-3&quot;</td>
<td>Remove dead wood, Prune to balance canopy</td>
<td></td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>119</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>8</td>
<td>N</td>
<td>16</td>
<td>Root collar buried, on slope, uc to SSE, do 1-4&quot;, fair leaf surface</td>
<td>Remove dead wood, Prune to balance canopy</td>
<td></td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>Tree Tag #</td>
<td>Species Common Name</td>
<td>Species Botanical Name</td>
<td>DBH</td>
<td>Protected Y/N</td>
<td>Canopy radius in feet</td>
<td>Notes</td>
<td>Actions</td>
<td>Remove</td>
<td>Rating</td>
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</tr>
<tr>
<td>120</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>5</td>
<td>N</td>
<td>14</td>
<td>Root collar buried, unbalanced canopy to NE, dead wood 1-3&quot;, poor taper</td>
<td>Remove dead wood, Prune to balance canopy</td>
<td>Remove</td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>121</td>
<td>Willow</td>
<td>Salix sp.</td>
<td>9,4</td>
<td>N</td>
<td>12</td>
<td>Root collar buried, codominant leader at 3&quot;, understory, suppressed, poor structure in canopy, unbalanced canopy to SSE, fair leaf surface</td>
<td>Prune to reduce weight, suppress 4&quot; stem</td>
<td>Remove</td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>122</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>4</td>
<td>N</td>
<td>0</td>
<td>Dead</td>
<td>Remove</td>
<td>0 Dead</td>
<td></td>
</tr>
<tr>
<td>123</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>7</td>
<td>N</td>
<td>6</td>
<td>Root collar buried, poor taper, top dead</td>
<td>Remove</td>
<td>1 Extreme Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>124</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>4</td>
<td>N</td>
<td>6</td>
<td>Root collar buried, poor taper, unbalanced canopy to S, codominant leader at 30', break out, poor structure</td>
<td>Prune to balance canopy</td>
<td>Remove</td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>125</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>125</td>
<td>N</td>
<td>6</td>
<td>Root collar buried, poor taper, codominant leader break out at 40', poor structure, fair leaf surface, epicormic growth, dead wood 1-3&quot;</td>
<td>Remove dead wood, Prune to balance canopy</td>
<td>Remove</td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>126</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>9</td>
<td>N</td>
<td>15</td>
<td>Root collar buried, close to other trees, unbalanced canopy to S, dead wood 1-2&quot;, good leaf surface</td>
<td>Prune to balance canopy</td>
<td>Remove</td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>127</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>4</td>
<td>N</td>
<td>12</td>
<td>Root collar buried, in between larger trunks, unbalanced canopy to NNE, dead wood 1-2&quot;, good leaf surface</td>
<td>Remove if keeping larger cottonwood, or Prune to balance canopy</td>
<td>Remove</td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>128</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>7</td>
<td>N</td>
<td>10</td>
<td>Root collar buried, codominant leader at 20', included bark, unbalanced canopy to NW, good leaf surface, dead wood 1&quot;</td>
<td>Remove dead wood, Prune to balance canopy</td>
<td>Remove</td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>129</td>
<td>Willow</td>
<td>Salix sp.</td>
<td>4, 5</td>
<td>N</td>
<td>9</td>
<td>On slope, root collar good, codominant leader at 3', understory, suppressed, crossing limbs, poor structure, poor leaf surface</td>
<td>Remove dead wood, Prune to balance canopy</td>
<td>Remove</td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>130</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>6</td>
<td>N</td>
<td>7</td>
<td>On slope, root collar buried on uphill side, good, dead wood 1-4&quot;, good leaf surface</td>
<td>Remove dead wood</td>
<td>Remove</td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>131</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>7</td>
<td>N</td>
<td>9</td>
<td>On slope, root collar buried on uphill side, abnormal trunk bend at 3', inside tree, codominant leader at 30', included bark, dead wood 1-4&quot;, good leaf surface</td>
<td>Remove dead wood, Prune to reduce weight</td>
<td>Remove</td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>Tree Tag #</td>
<td>Species Common Name</td>
<td>Species Botanical Name</td>
<td>DBH</td>
<td>Protected Y/N</td>
<td>Canopy radius in feet</td>
<td>Notes</td>
<td>Actions</td>
<td>Remove</td>
<td>Rating</td>
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<td>--------</td>
</tr>
<tr>
<td>132</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>8</td>
<td>N</td>
<td>8</td>
<td>On slope, root collar buried on uphill side, or, inside tree, codominant leader at 30°, degrees 1-3°, good leaf surface</td>
<td>Remove dead wood, expose root collar</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>133</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>5</td>
<td>N</td>
<td>4</td>
<td>On slope, root collar buried, epicormic growth at base, inside tree, suppressed, good leaf surface</td>
<td>Remove epicormic growth</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>134</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>5</td>
<td>N</td>
<td>6</td>
<td>On slope, root collar buried, epicormic growth at base, inside tree, good leaf surface</td>
<td>Remove epicormic growth</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>135</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>7</td>
<td>N</td>
<td>6</td>
<td>Root collar good, trunk bends slightly canopy corrected, good leaf surface</td>
<td>Remove</td>
<td>4 Good - No Apparent Problems</td>
<td></td>
</tr>
<tr>
<td>136</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>10</td>
<td>N</td>
<td>8</td>
<td>Root collar good, good taper, good tree</td>
<td>Raise canopy</td>
<td>5 Excellent</td>
<td></td>
</tr>
<tr>
<td>137</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>19</td>
<td>N</td>
<td>18</td>
<td>Root collar buried, codominant leader removed at base, decay, unbalanced canopy to SSE, epicormic growth, hazardous, most limbs dead, leans over road, top broken out</td>
<td>Remove</td>
<td>1 Extreme Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>138</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>16</td>
<td>N</td>
<td>0</td>
<td>Dead</td>
<td>Remove if target, keep for wildlife habitat</td>
<td>Remove</td>
<td>0 Dead</td>
</tr>
<tr>
<td>139</td>
<td>Western Cottonwood</td>
<td>Populus fremontii</td>
<td>14</td>
<td>N</td>
<td>13</td>
<td>Root collar buried, unbalanced canopy to N, epicormic growth, top dead</td>
<td>Remove dead wood</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>140</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>14, 2, 2</td>
<td>N</td>
<td>9</td>
<td>Main stem has significant decay, with sprouts mostly dead, fair leaf surface, poor structure</td>
<td>Recommended for removal</td>
<td>Remove</td>
<td>1 Extreme Structure or Health Problems</td>
</tr>
<tr>
<td>141</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>12</td>
<td>N</td>
<td>5</td>
<td>Main stem topped, significant decay, very poor structure, fair leaf surface, dead wood</td>
<td>Recommended for removal</td>
<td>Remove</td>
<td>1 Extreme Structure or Health Problems</td>
</tr>
<tr>
<td>142</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>5, 4, 12</td>
<td>N</td>
<td>9</td>
<td>Main stem topped and significant decay, very poor structure, small dead wood, fair leaf surface</td>
<td>Recommended for removal</td>
<td>Remove</td>
<td>1 Extreme Structure or Health Problems</td>
</tr>
<tr>
<td>143</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>14</td>
<td>N</td>
<td>14</td>
<td>Root collar buried, small limbs near 2’ should be removed, narrow attachment in canopy, good leaf surface, small dead wood</td>
<td>Remove limbs near base, Remove dead wood</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>144</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>6, 5, 4</td>
<td>N</td>
<td>6</td>
<td>Root collar buried, codominant leader at base into 3, dead wood, three stems to S near tree are dead</td>
<td>Remove dead wood, raise canopy</td>
<td>Remove</td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>145</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>12</td>
<td>Y</td>
<td>18</td>
<td>Base good, codominant leader at 20°, included bark, unbalanced canopy slightly to</td>
<td></td>
<td>4 Good - No Apparent Problems</td>
<td></td>
</tr>
<tr>
<td>Tree Tag #</td>
<td>Species Common Name</td>
<td>Species Botanical Name</td>
<td>DBH</td>
<td>Protected Y/N</td>
<td>Canopy radius in feet</td>
<td>Notes</td>
<td>Actions</td>
<td>Remove</td>
<td>Rating</td>
</tr>
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</tr>
<tr>
<td>146</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>4</td>
<td>N</td>
<td>6</td>
<td>Good tree</td>
<td>Remove smaller stems near base, Prune for good structure</td>
<td></td>
<td>4 Good - No Apparent Problems</td>
</tr>
<tr>
<td>147</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>10, 9</td>
<td>N</td>
<td>17</td>
<td>Base not visible, barbwire cage embedded in trunk, codominant leader at 3', &quot;u&quot; crotch, narrow attachment in canopy, unbalanced canopy to E and W, mistletoe</td>
<td>Remove wire inspect base, Prune to balance canopy</td>
<td></td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>148</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>5</td>
<td>N</td>
<td>7</td>
<td>Root collar buried, small 1&quot; stem broken off at 2', unbalanced canopy to N, suppressed by surrounding trees</td>
<td>Prune for good structure, remove 1&quot; stem broken at 2'</td>
<td></td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>148</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>14</td>
<td>N</td>
<td>20</td>
<td>Root collar buried, 1&quot; stem at base-remove, trunk leans to N, good leaf surface,</td>
<td>Remove 1&quot; stem at base. If targets are present-reduce canopy to prevent failure</td>
<td></td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>149</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>18</td>
<td>N</td>
<td>19</td>
<td>Root collar buried, codominant leader at 6', poor structure in canopy, mistletoe, small dead wood, fair leaf surface, active nesting birds</td>
<td>Remove mistletoe, Crown clean, Check crotches for decay</td>
<td></td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>150</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>5</td>
<td>N</td>
<td>10</td>
<td>Root collar right next to fence, 1&quot; stem dead at base, unbalanced canopy to E, suppressed by surrounding larger trees</td>
<td>Prune for good structure, move fence</td>
<td></td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>152</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>10,3</td>
<td>N</td>
<td>6</td>
<td>Very poor structure, significant decay on trunk, previously topped, mostly dead</td>
<td>Recommended for removal</td>
<td>Remove</td>
<td>1 Extreme Structure or Health Problems</td>
</tr>
<tr>
<td>153</td>
<td>Kaffir Plum</td>
<td>Harpephyllum caffrum</td>
<td>10, 6, 6, 5, 9, 10, 10, 9</td>
<td>Y</td>
<td>12</td>
<td>Stump sprout, codominant leader at base into many, prostrate limbs, concrete structure and pipes near base of tree, small dead wood, good leaf surface</td>
<td>Raise canopy, Crown clean</td>
<td></td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>154</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>12, 24 @ 2'</td>
<td>Y</td>
<td>35</td>
<td>12&quot; stem with severe lean to W, codominant leader into 3 at 2' on 24&quot; stem, large dead wood, previous failure, poor structure in canopy, good leaf surface</td>
<td>Crown clean and reduce large limbs for impact zone</td>
<td></td>
<td>3 Fair - Minor Problems</td>
</tr>
<tr>
<td>155</td>
<td>Peruvian pepper tree</td>
<td>Schinus molle</td>
<td>8, 8, 7</td>
<td>N</td>
<td>14</td>
<td>Poor root flare, codominant leader at base into 3, low lateral to N, narrow attachment in canopy, epicormic growth</td>
<td>Crown clean, raise canopy &lt;4&quot;</td>
<td></td>
<td>2 significant Structure or Health Problems</td>
</tr>
<tr>
<td>Tree Tag #</td>
<td>Species Common Name</td>
<td>Species Botanical Name</td>
<td>DBH</td>
<td>Protected Y/N</td>
<td>Canopy radius in feet</td>
<td>Notes</td>
<td>Actions</td>
<td>Remove</td>
<td>Rating</td>
</tr>
<tr>
<td>-----------</td>
<td>---------------------</td>
<td>------------------------</td>
<td>-----</td>
<td>---------------</td>
<td>-----------------------</td>
<td>-------</td>
<td>---------</td>
<td>--------</td>
<td>-------</td>
</tr>
<tr>
<td>156</td>
<td>Pomegranate</td>
<td>Punica granatum</td>
<td>3, 2, 2, 2, 2, 2, 3, 3, 3, 2</td>
<td>Y</td>
<td>8</td>
<td>Stump sprout, poor structure, canopy leans away from fence</td>
<td>Raise canopy, Prune for good structure</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>157</td>
<td>California black walnut</td>
<td>Juglans californica</td>
<td>6, 4, 6, 3</td>
<td>N</td>
<td>14</td>
<td>Root collar covered by vegetation, codominant leader at base, close to fence, poor structure</td>
<td>Prune for good structure</td>
<td>2 significant Structure or Health Problems</td>
<td></td>
</tr>
<tr>
<td>158</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>12</td>
<td>Y</td>
<td>15</td>
<td>Buried root collar, codominant leader at 6', included bark, close to fence, narrow attachment in canopy, epicormic growth, good leaf surface</td>
<td>Prune to balance canopy</td>
<td>3 Fair - Minor Problems</td>
<td></td>
</tr>
<tr>
<td>159</td>
<td>Valley oak</td>
<td>Quercus lobata</td>
<td>13, 13</td>
<td>Y</td>
<td>0</td>
<td>Dead</td>
<td>Remove</td>
<td>0 Dead</td>
<td></td>
</tr>
</tbody>
</table>
Limitations:
All of the conclusions in this report are based solely on the observation of conditions on the site which were readily visible. Trees may appear to be healthy and structurally sound but can contain hidden faults which could result in failure.

Blackberries, Poison Oak and Debris (such as limbs, firewood, garbage, etc) visually inhibit the observation of critical defects at the base of a tree such as decay or evidence of decay agents (mushrooms or conks). They also can hide ground heaving, compacted soil, soil contamination, and many other critical evaluation details. Whenever these conditions exist, the visual assessment was limited and the tree should be reevaluated upon removal of the inhibiting condition.

Fill soil or the collection of dirt and natural debris on the uphill side of a trunk can visually inhibit the observation of critical defects at the base of a tree such as detached bark, decay or evidence of decay agents (mushrooms or conks). It also increases the likelihood of the presence of decay. Whenever these conditions exist, the visual assessment was limited and the tree should be reevaluated upon removal of the inhibiting condition.

Testing & Analysis:
A Level 2 – Basic Visual Assessment was performed in accordance with the International Society of Arboriculture’s best management practices. This assessment level is limited to the observation of conditions and defects which are readily visible. No laboratory or chemical testing and analysis was performed, only ground level observations.

Discussion:

Root Structure
The majority of a tree’s roots are contained in a radius from the main trunk outward approximately two to three times the canopy of the tree. These roots are located in the top 6” to 3’ of soil. It is a common misconception that a tree underground resembles the canopy (see Drawing A below). The correct root structure of a tree is in Drawing B. All plants’ roots need both water and air for survival. Surface roots are a common phenomenon with trees grown in compacted soil. Poor canopy development or canopy decline in mature trees is often the result of inadequate root space and/or soil compaction.

Drawing A
Common misconception of where tree roots are assumed to be located
**Structural Issues**

Limited space for canopy development produces poor structure in trees. The largest tree in a given area, which is 'shading' the other trees is considered Dominant. The 'shaded' trees are considered Suppressed. The following picture illustrates this point. Suppressed trees are more likely to become a potential hazard due to their poor structure.

Co-dominant leaders are another common structural problem in trees.
The tree in this picture has a co-dominant leader at about 3' and included bark up to 7 or 8'. Included bark occurs when two or more limbs have a narrow angle of attachment resulting in bark between the stems – instead of cell to cell structure. This is considered a critical defect in trees and is the cause of many failures.

Figure 6. Codominant stems are inherently weak because the stems are of similar diameter.

Photo from Evaluation of Hazard Trees in Urban Areas by Nelda P. Matheny and James R. Clark, 1994 International Society of Arboriculture

Our native oak trees are easily damaged or killed by having the soil within the Critical Root Zone (CRZ) disturbed or compacted. All of the work initially performed around protected trees that will be saved should be done by people rather than by wheeled or track type tractors. Oaks are fragile giants that can take little change in soil grade, compaction, or warm season watering. Don’t be fooled into believing that warm season watering has no adverse effects on native oaks. Decline and eventual death can take as long as 5-20 years with poor care and inappropriate watering. Oaks can live hundreds of years if treated properly during construction, as well as later with proper pruning, and the appropriate landscape/irrigation design.

**Conclusion:**
There are Forty Six (46) trees proposed for removal and Four (4) trees to remain on the site. General development guidelines are included below. Specific preservation requirements can be determined based on the grading plans when available.
DATE: November 6, 2019

SUBJECT: CLAYTON ROAD TOWNHOMES (PL19063 – TM, UP, DR, RT)

Recommendation: Move to continue the public hearing to November 20, 2019.

I. Introduction

A. Application Request

Application for a Vesting Tentative Map, Use Permit for a Planned Development, Design and Site Review, and Tree Removal Permit to construct 70 three-story residential townhouses on a 3.36-acre parcel and a portion of a 0.97-acre parcel at 3512 Clayton Road and 105 Roslyn Drive.

Location

The project site is located at 3512 Clayton Road and 105 Roslyn Drive, APN’s: 105-092-008 and -020.

B. Applicant

Catalyst Development Partners
Bruce Myers
822 Hartz Way, Suite 200
Danville, CA 94526

Owner(s)

Honey Bee LLC and Dad’s Little Daisies LLC
3515 Pancho Via
Concord, Ca 94518

Dennis A Turrin Trust
105 Roslyn Drive
Concord, CA 94518
II. Background

The applicant has requested a continuation of this item to November 20, 2019, in order to properly post the meeting notices on the site.

III. Motion

Project Approvals

I (Comm. ______) hereby move that the Planning Commission move to continue the public hearing to November 20, 2019. (Seconded by Comm. _______.)

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

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

19rpc.055
DATE: November 6, 2019

SUBJECT: CENTER FOR ELDERS' INDEPENDENCE (CEI) – (PL19028 - UP, DR)

Recommendation: Adopt Resolution No. 19-20 PC (Exhibit A), approving the Center for Elders' Independence (CEI) PACE Center for seniors Use Permit and Design and Site Review (PL19028-UP, DR) at 1465 Civic Court, APNs 126-300-030 and -047.

CEQA: Categorically exempt pursuant to CEQA Guidelines Sections 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures, 15304 (Minor Alterations to Land) and 15332 (Infill Development Projects).

I. Introduction

A. Application Request

Application for a Use Permit and Design and Site Review to allow a 16,050 square foot Program of All-Inclusive Care for the Elderly (PACE) Center for low-income seniors. The daily program is anticipated to accommodate up to 70 participants and provide areas for the following services: rehabilitation and physical therapy, primary medical care, behavioral health support, and a day center for activities and meals.

B. Location

The project site is located at 1465 Civic Court; Assessor Parcel Numbers (APNs) 126-300-030 and 126-300-047.
II. Background

In June 2018, the Planning Division determined that the Center for Elders’ Independence’s (CEI) social service and personal medical service programs for the elderly constituted a “Social Service” use. Additionally, the Planning Division determined that a Social Service use was allowed on the ground floor of CEI’s proposed location at 1465 Civic Court, subject to a Minor Use Permit approval by the Zoning Administrator. CEI subsequently purchased the property in September 2018.

On February 5, 2019, Alex Gunst with Pound Management, Inc., on behalf of (CEI), submitted an application for a Minor Use Permit and Design and Site Review to operate a 16,050 square foot social/medical services facility on the ground floor of two adjacent commercial office buildings, which are connected by an atrium/breezeway at the subject site. The second floor of the buildings is proposed to remain as the existing office uses.

On February 19, 2019, the City’s Development Advisory Committee (DAC) reviewed the project and provided the following comments: 1) the proposed patient drop off area required further clarification, 2) ADA compliance needed to be addressed, 3) trash enclosure improvements were required, and 4) truncated domes were required along the driveways. Due to the proposed new use of the buildings, and because the property had nonconforming conditions, site improvements were noted as required, subject to an Administrative Design and Site Review application, in order to address the following deficiencies: loading area, bicycle parking, motorcycle parking, trash enclosure, pavement conditions, lighting and landscaping. On March 5, 2019, staff provided a letter of incompleteness to the applicant highlighting the aforementioned issues.

On June 11, 2019, the applicant submitted revised plans including an application for Administrative Design and Site Review. On June 25, 2019, the DAC conducted a second completeness review of the project. City Departments and responsible agencies reviewed the proposed improvements including the new trash enclosure location and design, which was also reviewed by Mt. Diablo Resource Recovery. After review, it was determined that many of the initial staff comments were not addressed and some of the new improvements provided through the Design and Site Review application needed further refinement and adjustments. The incompleteness comments and project issues were provided to the applicant verbally in June, and a second incomplete letter was sent to the applicant on July 10, 2019.

During this same time period, the City of Concord amended the Development Code use classifications and land use tables to address conflicts, ambiguity, and overlap between multiple medical-related land use classifications. The Planning Commission considered the proposed amendments on May 1, 2019, and recommended City Council approval. On May 28, 2019, the City Council approved the amendments and introduced Ordinance No. 19-5, which was subsequently adopted on June 25, 2019.
The resulting changes to the City’s medical-related use classifications and land use tables became effective 30 days later, in late July.

As a result of the amended use classifications, CEI is now classified as a “Medical services facility,” rather than a “Social service facility,” and is required to process a Use Permit, subject to review by the Planning Commission. Consequently, City staff met with CEI to discuss the recent medical use classification amendments and the associated procedural changes to the project, requiring a shift from a Minor Use Permit (Zoning Administrator is the review authority) to a Use Permit (Planning Commission is the review authority).¹

On August 12, 2019, the applicant resubmitted project plans to reflect and respond to a number of staff’s earlier comments as well as to address the Design and Site Review portion of the required site improvements. A DAC meeting was held on August 20, 2019, and subsequently on September 6, 2019, staff provided a third incomplete letter identifying outstanding items from the previous completeness review. The applicant was able to quickly address the remaining issues and resubmitted their application and (Exhibits B and C) on September 13, 2019. The project was deemed complete on October 4, 2019.

III. General Information

A. General Plan

The General Plan designation is Downtown Mixed Use (DTMU).

B. Zoning

The site is zoned Downtown Mixed Use (DMX).

C. Environmental Determination

Pursuant to CEQA Guidelines Sections 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures), 15304 (Minor Alterations to Land) and 15332 (Infill Development Projects), the proposed project qualifies for a categorical exemption. In terms of the infill exemption, the Project is: 1) consistent with the applicable City General Plan designation and all applicable General Plan policies as well as applicable zoning designation and regulations; 2) occurs within city limits on a project site no more than five acres substantially surrounded by urban uses; 3) the project has no value as habitat for endangered, rare or threatened species; 4) there will be no significant effects relating to traffic, noise, air quality or water quality; and 5) the site can be adequately served by all required utilities and public services.

¹ California courts have long held that a developer’s right to complete a project as proposed does not vest until a building permit has been issued (or its functional equivalent), and the developer has performed substantial work and incurred substantial liabilities in good faith. (See Aweo Community Developers, Inc. v. South Coast Reg’l Comm’n (1976) 17 Cal.3d 785, 791). Balancing a developer’s need for certainty of the City’s development standards and the City’s need to change its regulations as appropriate, the Planning Division, as a matter of policy, generally allows developers to rely on any land use regulations that were in effect at the time an application is deemed complete. In this instance, as the applicant’s project was not deemed complete before the new medical land use classifications took effect; accordingly, staff determined the project was subject to the new land use classifications for medical uses.
Furthermore, pursuant to Section 15300.2(c), there are no exceptions to the categorical 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. Therefore, no further environmental review is warranted.

D. Site Description & Surrounding Land Use

The subject site and surrounding land uses are described in the following tables.

**Table 1: Existing Conditions**

<table>
<thead>
<tr>
<th>Lot Size and Dimensions</th>
<th>Two parcels consisting of a total of 2.02 acres, are both approximately 235 feet x 195 feet each, the eastern parcel slightly smaller due to the siting of the cul-de-sac.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Improvements</td>
<td>The site includes two, two-story wood-frame buildings connected by a covered atrium that serves as the entrance to each (Buildings D and E). The buildings have a beige-colored stucco finish with a mission-style tile roof. Three parking areas, comprised of 134 parking spaces, including two handicapped spaces, are accessed by two driveways and include pedestrian walkways, landscaping, lighting, and an existing trash enclosure. Newer six-foot tall open wire fencing is located on the western property line. The rear fence has a dilapidated four to six-foot tall chain link fence with strings of barbed wire at the top. One existing ground sign approximately seven feet wide and four feet in height is located in front of Building E. A directional sign with address is located at the western driveway.</td>
</tr>
<tr>
<td>Topography</td>
<td>The site is relatively flat.</td>
</tr>
<tr>
<td>Existing Vegetation</td>
<td>Street trees, primarily pines, and grass are located along the project frontage between the sidewalk and curb. Additional mature trees including pines, redwoods and purple leaf plums and shrubs are located in front of and surrounding the buildings, on the perimeters of the site and within the parking areas.</td>
</tr>
</tbody>
</table>

**Table 2. Surrounding Land Uses**

<table>
<thead>
<tr>
<th>Land Use</th>
<th>General Plan Designation</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>North</strong></td>
<td>Amusement (water) park</td>
<td>Downtown Mixed Use</td>
</tr>
<tr>
<td><strong>South</strong></td>
<td>Office use - various</td>
<td>Downtown Mixed Use</td>
</tr>
<tr>
<td><strong>East</strong></td>
<td>Office use – First Five</td>
<td>Downtown Mixed Use</td>
</tr>
<tr>
<td><strong>West</strong></td>
<td>Residential - Assisted Living</td>
<td>Downtown Mixed Use</td>
</tr>
</tbody>
</table>
IV. Detailed Project Description

A. Description of Business

The Center for Elders’ Independence (CEI) is a not-for-profit organization that assists seniors over age 55 to live independently by providing high quality, affordable, all-inclusive health care while providing an environment that engages participants in social activities to build community to assist seniors to age in place rather than in care facilities. CEI is a provider of the Program of All-Inclusive Care for the Elderly (PACE) which provides the entire continuum of care and services to seniors with chronic care needs to allow participants to maintain their independence in their home for as long as possible. The PACE model of care is centered on the belief that it is better for the well-being of seniors with chronic care needs and their families to be served in the community whenever possible.

At this time, 25 PACE Centers exist in California caring for over 6,500 participants; the proposed Concord location would be the first PACE Center in Contra Costa County. The closest PACE Centers to the subject site are located in Oakland, Berkeley, San Leandro, and El Sobrante. CEI, through the PACE Center, plans to serve approximately 70 participants (on-site at any given time) at the Concord location, where they will provide services that focus on facilitation of transportation, nutrition, medical, behavioral and social services, family and in-home services, and logistics for care and appointments. Many of the elderly participants only attend 2-3 days per week. No overnight stays would occur.

Transportation is provided for all participants to and from the PACE Center, to medical appointments, and to other off-site activities when field trips are organized for participants. A fleet of three to four ADA-equipped vans serve each center and ensures that all participants are picked up, dropped off, and escorted as needed to and from their homes to the PACE Center and outside appointments.

The PACE Center will assist participants with coordinating medical care, management of medications, billing and paperwork. The Center also assists with rehabilitation through physical therapy, exercise, strength and balance, and participation in social activities. Daily hot meals are also provided, while also managing dietary reviews for participants. The PACE Center also offers social opportunities in structured and unstructured activities and settings including transportation to off-site field trips.

The PACE Center layout is planned for the medical, rehabilitation, and behavioral health services to occur within Building D and the reception area, day center, kitchen and dining area to occur in Building E. All food is prepared off site and delivered to the facility. Participants are scheduled to visit the Center according to a care plan which is developed by an interdisciplinary team, and is based on the participants’ particular needs. Services are limited to PACE Center participants and are not open to the general public. The breakdown of uses is shown as follows:
CEI PACE Center

Floor Area

<p>| | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lobby</td>
<td>555 sq. ft.</td>
<td>Rehabilitation</td>
<td>1,710 sq. ft.</td>
</tr>
<tr>
<td>Day Center</td>
<td>3,980 sq. ft.</td>
<td>Primary Care Clinic</td>
<td>3,100 sq. ft.</td>
</tr>
<tr>
<td>Administration</td>
<td>1,195 sq. ft.</td>
<td>Behavioral Health</td>
<td>800 sq. ft.</td>
</tr>
<tr>
<td>Support</td>
<td>1,430 sq. ft.</td>
<td><strong>Subtotal</strong>:</td>
<td><strong>5,610 sq. ft.</strong></td>
</tr>
<tr>
<td>Hallways/stairwells</td>
<td>3,280 sq. ft.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Subtotal:</strong></td>
<td><strong>10,440 sq. ft.</strong></td>
<td><strong>TOTAL:</strong></td>
<td><strong>16,050 sq. ft.</strong></td>
</tr>
</tbody>
</table>

An outdoor seating area (50 feet x 19 feet), adjacent to the activity room, is also planned on the north side of Building E to provide a safe opportunity for outdoor enjoyment. Hours of operation for the center are proposed to be 8:00 a.m. to 5:00 p.m., weekdays only. The PACE Center is expected to employ 28 staff members including many medical jobs such as a primary care physician, nurses, LVNs, occupational and physical therapists, nurse practitioner, speech therapist, social worker, medical assistant, geriatric aides, rehabilitation aides, and the center director and care coordinator.

B. Site Planning/Circulation/Parking

The PACE Center would operate at the ground level within two existing buildings. Entrance to each building would be from the central atrium between the two buildings, and the atrium will be accessed by participants from the north side of the building.

The site includes three existing parking areas which surround the western, northern, and eastern sides of the building; these are accessed via two existing driveways on either side of the buildings. Vans for the transportation of participants are planned to circulate the site in a clockwise manner around the building, due to the need to load and unload participants into the right side of the vans, from the north side of the building. To facilitate easier access to the building, a loading area is planned on the north side of Building D to load and unload participants. A dedicated delivery zone/parking space is planned on the east side of Building E, adjacent to the eastern driveway. On-street parking is also available in front of the building, but is not counted towards the City’s on-site parking requirements. Bike facilities are planned for employees with a proposed bike locker/shelter (for 10 bikes) adjacent to the rear of Building D and short-term bike racks for four bikes will be provided near the northern entry.

At this time, there are 134 parking spaces within the three parking areas. The layout of parking spaces would remain generally the same; however, some re-striping would occur to accommodate an increase in the number of ADA spaces. Five handicapped parking spaces (including two van spaces) would be located near the entrance on the north side of Building E. The need for additional ADA parking spaces results in the elimination of five existing parking spaces and thus, the parking count would be reduced to 129 spaces. However, the facility has adequate parking to accommodate the existing second floor uses as well as the proposed use based on the operational characteristics of the facility, given that the PACE participants will not be driving to the site, but will be transported via one of the PACE Center’s vans. Shown below is a parking summary, which demonstrates there is adequate onsite parking by showing the City’s required parking ratios for the proposed use as well as the existing onsite uses.
CEI PACE Center
Floor Area and Parking Requirements

<table>
<thead>
<tr>
<th>Occupant</th>
<th>Floor Area</th>
<th>Land Use</th>
<th>Ratio</th>
<th>Req. Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Floor Tenants</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CEI PACE Center</td>
<td>14,345 sq. ft.</td>
<td>Day Center/ Medical Services</td>
<td>1/200 sq. ft.</td>
<td>72</td>
</tr>
<tr>
<td>Support functions¹</td>
<td>1,705 sq. ft.</td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Subtotal First Floor</td>
<td>16,050 sq. ft.</td>
<td></td>
<td></td>
<td>72</td>
</tr>
<tr>
<td>Second Floor Tenants</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gurnick Academy of Medical Arts</td>
<td>3,980 sq. ft.</td>
<td>Trade School</td>
<td>1/3 persons</td>
<td>10</td>
</tr>
<tr>
<td>Lutheran Social Services</td>
<td>4,329 sq. ft.</td>
<td>Social services</td>
<td>1/250 sq. ft.</td>
<td>17</td>
</tr>
<tr>
<td>Beacon Leasing</td>
<td>887 sq. ft.</td>
<td>Contractor Office</td>
<td>1/250 sq. ft.</td>
<td>4</td>
</tr>
<tr>
<td>COMPASS</td>
<td>1,979 sq. ft.</td>
<td>Professional Office</td>
<td>1/300 sq. ft.</td>
<td>7</td>
</tr>
<tr>
<td>Vacant space</td>
<td>1,575 sq. ft.</td>
<td>Professional Office</td>
<td>1/300 sq. ft.</td>
<td>5</td>
</tr>
<tr>
<td>Vacant space</td>
<td>737 sq. ft.</td>
<td>Professional Office</td>
<td>1/300 sq. ft.</td>
<td>2</td>
</tr>
<tr>
<td>Vacant space</td>
<td>2,064 sq. ft.</td>
<td>Professional Office</td>
<td>1/300 sq. ft.</td>
<td>7</td>
</tr>
<tr>
<td>Subtotal Second Floor</td>
<td>15,551 sq. ft.</td>
<td></td>
<td></td>
<td>52</td>
</tr>
<tr>
<td>Total Requirements</td>
<td></td>
<td></td>
<td></td>
<td>124</td>
</tr>
<tr>
<td>Total spaces available</td>
<td></td>
<td></td>
<td></td>
<td>129</td>
</tr>
</tbody>
</table>

¹ Support function includes electrical, mechanical rooms, janitorial, delivery, emergency supply, storage, laundry and pantry.

Section 18.160.050 “Adjustments to Parking Requirements,” subsection G, provides that “for other uses that can demonstrate that due to special circumstances, such as the nature of the use, proximity to transit, transportation characteristics of the use or implementation of a transportation demand management program, there will be a reduced demand for parking at the site” the net number of parking spaces may be reduced by up to 25 percent at the site. In this case, 100 percent of participants utilize the program transportation. Thus, the 72 parking spaces for the PACE Center could be reduced to 54 spaces, as needed. This provides adequate flexibility to accommodate changes to future second floor tenants. The quantity of parking is viewed as sufficient for the 28 employees and any additional visitors to the site for the PACE Center, given that transportation will be provided for all participants. Random visits to the site for the project observed approximately 70 vacant spaces currently, during daytime hours.

The PACE Center is consistent with the transportation policies of the General Plan in that the proposed use incorporates transit, bicycle and pedestrian access where feasible and appropriate. The PACE Program provides all transportation for participants via vans/coaches and employees have transit options with bike facilities also being provided. The project is in close proximity to County Connection Routes 20 and 98X on Willow Pass Road. The site is also in close proximity to the downtown for housing options.
C. Building Architecture

Minimal changes are planned for the existing building which is in relatively good condition. Some minor repairs will be conducted on the stucco finish. One door would be removed and replaced with a window on the west elevation of Building D to match Building E. In addition, the ground level interior for both buildings will be renovated with tenant improvements to accommodate the new PACE Center, which will include a senior day center, physical therapy and primary care medical services, kitchen and dining areas, as well as administrative offices. Fire alarm and sprinkler systems will be added to both buildings.

D. Landscaping/Walls/Fencing/Lighting

A preliminary landscape plan with plant palette has been included with the applicant’s submittal. The proposal shows landscaping including a variety of new shrubs focused primarily along the site frontage to highlight the new ground sign and directional signs, and to screen a backflow preventer. At the rear of the building, additional landscaping is focused at areas lacking landscaping by including a crape myrtle tree and additional shrubs proposed to screen the gas meter, the trash enclosure, a new bike locker and to provide some inviting color at the front entry (north side) and around the proposed outdoor seating area.

A horizontal wood slat fence, approximately five feet in height, would surround the outdoor seating area. Sheet A4.4 provides the overall details of the design. Free standing planters and outdoor furniture would also be included on the patio. In addition, the existing trash enclosure will be replaced with a new trash enclosure (11 feet x 17 feet), constructed with CMU block, a corrugated metal panel roof, and steel gates. A condition of approval will require the existing chain link fence with barbed wire along the rear property line to be replaced with a new vinyl clad chain link fence on the northerly boundary.

Some of the path lighting at the site is beyond its useful life, and is planned to be replaced as shown on Sheet A1.1 of Exhibit C.

E. Signs

A new 28 square foot sign is proposed on the south elevation of the western portion of Building E facing Civic Court, approximately 12 feet from the property line. The sign is four feet tall by seven feet wide and built on a concrete base, with smooth texture painted stucco. The sign includes a panel identifying CEI and a building directory for other occupants, providing five (5) interchangeable brushed stainless steel plates with enameled letters. The address is incorporated into the sign with raised brushed stainless steel letters visible at the top of the sign. A second directional sign is proposed at the eastern driveway with a similar design incorporating the address and noting “Parking” with an arrow. The second sign is two feet wide and three feet tall.
F. Grading/Drainage/Seismic

Some minor re-grading at entrances will occur to be ADA compliant. Some damaged sidewalk sections between the driveways on Civic Court will be replaced. No changes are planned for the proposed project in terms of drainage. Seismic improvements will be taking place at the time of tenant improvements.

V. Discussion

A. Use Permit.

The overall use has been determined to be a “medical services facility” land use classification in the City’s Development Code. The use will include a day center for seniors but also includes a medical offices facility (for primary care, physical therapy, rehabilitation, behavioral health) for the participants (not open to the public), which is conditionally permitted through approval of a Use Permit in the DMX district. A use permit may be approved, with or without conditions of approval, based on all of the following findings, which are enumerated below followed by staff’s determination on each finding in italics.

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

The proposed PACE Center is a medical services facility for seniors and is a conditionally permitted use in the DMX district. The proposed use would occupy the ground floor of two adjacent buildings, and complies with the development standards related to building height, parking, setbacks, and other municipal code requirements as described in this report. No expansion of the building is proposed.

2. The proposed use is consistent with the general plan and any applicable specific plan.

The PACE Center is consistent with the DMX General Plan designation and policies because the use is consistent with the types of uses existing in and adjacent to the building, including an assisted living facility. DMX allows for a mix of uses that balances jobs and housing opportunities, including offices, commercial development, public/quasi-public, and residential uses. In addition, the use promotes affordable housing by assisting low-income seniors to be able to stay in their existing homes. Thus, it aligns with General Plan principle GM-3.1: “Strive to ensure the availability of affordable housing,” and Housing Goal H-3 “Promote the expansion of housing opportunities for all special needs groups, including seniors, female-headed households, persons with disabilities, first-time homebuyers, large families, and homeless individuals and families.” The use would not be more impactful in terms of parking, circulation, utilities than a typical office use, and provides jobs in the medical sector. The site is not within any specific plan boundary.

3. The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.
The Mediterranean-contemporary-style, two-story building design with the beige stucco finish and tile roof is consistent with other buildings that are adjacent to the site in that the design is similar in scale, design, and operation as with the office uses within the existing and adjacent buildings. Only minor site enhancements are necessary to accommodate proposed operations, including a new loading zone, trash enclosure upgrades, and additional ADA parking, which are not expected to impact the building or the surrounding area.

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 proposed project is located within an existing commercial office building, and thus is suitable for the proposed use, given the amount of parking, and ability to provide ADA accommodations. The site is zoned for a variety of commercial, office, and residential uses. The project complies with the applicable developments standards outlined in the DMX district and as noted in this report. Vehicular access to the site is from Civic Court via two existing driveways and pedestrian access is available from an existing public sidewalk along the project frontage. The proposed site access by the PACE Center vans or coaches will be one-way to accommodate the loading and unloading of participants. A safe loading zone has been provided. Existing utilities along Civic Court are available and already serve the project. The site is generally flat and the site is absent of any physical constraints.

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

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

B. Design and Site Review.

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

1) The project is consistent with the General Plan.

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

2) The project meets the following criteria in Section 18.415.080.
a) The building design and landscaping supports public safety and security by allowing for surveillance of the street by people inside buildings and elsewhere on the site.

The existing building design provides two sets of windows on all sides of the building, providing eyes out to the public realm along Civic Court, as will the outdoor seating area and northern entrance that provide for regular activity at the rear of the site, thus allowing for surveillance of the street within the building and shared open spaces. The employees of the facility will monitor access into and out of the building via the lobby and employees of the proposed use and other tenants will interact often within the lobby, when escorting participants between the medical facility and the day use/activity area.

Existing landscaping shrubs and perennials are maintained such that there is clear visibility throughout the site. The new landscaping will be appropriately sized and maintained to not create a visual barrier preventing surveillance of the street and elsewhere on the site.

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

The site and area are not located within a historical area of Concord. The two existing buildings are in relatively good condition. Their massing, colors, materials and design are consistent with the surrounding area and the adjacent commercial office buildings. Site improvements will bring the parking area up to code with additional ADA-accessible spaces and the additional landscaping at the site will improve the street frontage and the entries of the building(s).

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

The site and surrounding area is flat and has no topographically significant features, such as valleys, hillsides, and ridgelines that provide scenic views or vistas. The site is not near any open space or trail. The proposed project will occupy existing buildings. Therefore, the Project’s design would not impede any major views or vistas.

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

Existing exterior lighting already exists at the site. Certain low level pedestrian level lighting near the entries will be replaced with more modern fixtures to minimize glare and improve nighttime visibility and safety for pedestrians and vehicles.

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

The mechanical, electrical, and utility equipment already exists and is sufficiently screened on the building. Additional landscape screening is proposed for gas meters and backflow preventers that are visible at the site in the front and rear setback areas. Any modifications to mechanical, electrical and utility equipment will be reviewed by staff during the building permit.

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

The existing building is not planned to be expanded. The addition of ADA-accessible parking, a loading zone, delivery area, additional landscaping for screening and highlighting of signs and the replacement of pedestrian lighting, as well as the shown circulation pattern for drop-off and pick-up from the facility, were incorporated to ensure the project fits with the surrounding built environment, including its scale, massing, and location on the site. These changes, some of which were recommended by DAC, will ensure the proposed use has minimal impact on existing and surrounding tenants, and will enhance the existing site and area in general.

g) The project design is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community. The Project includes design features to enhance the functionality of the commercial space for the PACE Center, the attractiveness of the site, and comfort of the general community including: landscaping that provides improved visual amenity; site improvements that improve circulation, ADA parking, and lighting for the area.

h) The architectural details, colors, materials, and landscaping are internally consistent, fully integrated with one another, and used in a manner that is visually consistent with the proposed architectural design. The Project meets this criteria because building materials and colors will not be changed and are similar to properties in the surrounding area, and a landscape plan provides additional landscaping at the site, to highlight the physical and driveway entries.

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

j) The project creates an attractive and visually interesting built environment with a variety of building styles and designs, well-articulated structures that present varied
building facades, rooflines, and building heights within a unifying context. The Project meets this criteria because it creates an attractive and visually interesting built environment featuring a cohesive architectural style with a central atrium design element, and decorative elements such as an outdoor seating area at the rear of the building.

k) The landscaping is compatible with and enhances the architectural character of the buildings and site features, and blends with the surrounding landscape. Landscape elements complement the buildings and rooflines through color, texture, density, and form. Landscaping is in scale with on-site and off-site buildings, and plantings have been selected and located to avoid conflicts with views, lighting, infrastructure, utilities, and signage. Staff has reviewed the landscape plan and determined that it is compatible with the building architecture and the new landscaping will freshen the frontage of the building and the rear entry for the PACE Center, with final approval to occur at an administrative level by City staff, at time of building permit.

l) Stormwater treatment areas have been integrated into the landscape design. In accordance with applicable laws and regulations regarding handling and treatment of stormwater, the Project was not subject to stormwater treatment, due to minimal changes to impervious surfaces.

m) New construction does not need to match existing surrounding development or buildings; however, the design shall complement or enhance existing development. The Project meets this criteria because it will improve and enhance an existing built site with a new PACE Center program, consistent with the neighborhood’s design vernacular.

3) The project is consistent with all applicable Design Guidelines adopted by the City Council that are in effect at the time of approval.

The Project is consistent with applicable provisions of the Concord Community Design Guidelines because:
(a) The exterior building colors and materials consist of earth tone colors, plaster siding, landscaping, and other materials that are compatible with the neighborhood;
(b) The existing building is sited and designed with a functional relationship to the site and street, and in compliance with setbacks;
(c) The Project provides emergency access as required by Contra Costa County Fire Protection District;
(d) Building lighting design is compatible with the architecture and will be operated at levels consistent with lighting in the area;
(e) Site lighting will comply with applicable City photometric standards to ensure lighting levels are kept to the minimum necessary for public safety;
(f) Perimeter fencing will be constructed of durable high quality wood and metal materials;
(g) Exteriors are landscaped to provide a continuity of the landscape palette and concept along the project frontage and at the building entries of the Project; and
(h) Required off-street parking will be provided.

4) *The interrelationship between the orientation, location, and elevations of buildings and structures and site improvements are mutually compatible and aesthetically harmonious.*

The buildings provide a consistent pattern oriented towards the street and are thus aesthetically harmonious with each other and the streetscape.

5) *The orientation, location, and elevation of the building and site improvements are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood.*

As described further herein, the Project will be harmonious with the pattern of similar commercial office buildings in the surrounding area and will use architectural styles that are aesthetically compatible with other buildings in the neighborhood.

6) *Landscaping, irrigation systems, walls and fences, or features to conceal outdoor activities, utility enclosures, and trash facilities meet current requirements or provide a significant upgrade and improvement to the site and the appearance of the neighborhood.*

New landscaping, trash enclosure, outdoor seating area fencing, and perimeter fencing, as conditioned, are designed to meet current requirements and will result in a significant improvement to existing site conditions and a visual upgrade to the site and neighborhood in general.

7) *Parking, pedestrian access, and traffic circulation are adequate or improved for all modes of circulation.*

The Project meets this finding because it will construct improvements that enhance ADA parking, pedestrian safety, bicycle parking, and provide a new loading area for the PACE Center program.

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

*This particular site is outside of the boundary of the Downtown Specific Plan.*

**VI. Fiscal Impact**

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

VIII. Summary and Recommendations

The proposed project will result in increased services to the elderly and needed site improvements to the proposed Civic Court site. With input from Planning staff, other Community Development and Economic Department staff, and responsible agencies, the site plan and project design respond to the adjacent land uses, the proposed program activities, and conditions of approval assist to minimize further any potential negative impacts. Thus, no significant impacts are anticipated with the development of the project.

Staff recommends the Planning Commission consider staff’s report, allow the applicant to make a presentation and answer any questions from the Planning Commission, take public testimony, and close the public hearing upon completion of public testimony. Following the public testimony, staff recommends that the Planning Commission deliberate regarding the identified policy and/or project issues. Four letters of support have been received, which have been attached as Exhibits D-G.

IX. Motion
Project Approvals

I (Comm. _____) hereby move that the Planning Commission adopt Resolution 19-20 PC approving CEI PACE Center for seniors Use Permit and Design and Site Review (PL19028-UP, DR), subject to the Conditions of Approval set forth in Attachment A to Resolution 19-20 PC. (Seconded by Comm. _____)

Prepared by: Joan Ryan
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Reviewed by: Mindy Gentry
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Exhibits:
A - PC Resolution, Conditions of Approval (Attachment A)
B - Applicant’s Statement
C - Applicant’s plan sheets
D - Letters from the Public; received from Leading Age, dated October 10, 2019
E - Letters from the Public; received from La Clinica, dated October 11, 2019
F - Letters from the Public; received from Contra Costa County, dated October 14, 2019
G - Letters from the Public; received from Covia, dated October 17, 2019
BEFORE THE PLANNING COMMISSION
OF THE CITY OF CONCORD,
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

A RESOLUTION APPROVING CENTER FOR
ELDERS' INDEPENDENCE PACE CENTER FOR
SENIORS USE PERMIT AND DESIGN AND SITE
REVIEW (PL19028 - UP, DR), LOCATED AT 1465
CIVIC COURT, APNs 126-300-030 AND -047.

WHEREAS, on February 5, 2019, Alex Gunst, on behalf of the Applicant, Center for Elders' Independence (CEI), submitted an application for a Minor Use Permit and Design Review for a PACE Center including a medical services facility to occupy the ground level space (approximately 16,050 sq. ft.) within two existing adjacent commercial office buildings, to provide ongoing services through a PACE Center program for up to 70 low-income seniors, on an approximately 2.02-acre site at 1465 Civic Court (APNs 126-300-030 and -047 ("Project"); and

WHEREAS, on February 19, 2019, the City's Development Advisory Committee (DAC) conducted a completeness review of the project and staff determined the project was incomplete and provided a letter of incompleteness to the applicant on March 5, 2019; and

WHEREAS, on June 11, 2019, the Applicant submitted revised plans. On June 25, 2019, the City's DAC conducted a completeness review of the project and staff determined the project was incomplete on July 10, 2019; and

WHEREAS, on August 12, 2019, the applicant resubmitted project plans to address the design review portion of the required site improvements. A DAC meeting was held on August 20, 2019 and on September 6, 2019, a third incomplete letter was provided to the applicant, noting the outstanding items still due from the earlier incomplete letter; and

WHEREAS, during the same time period, the City of Concord updated the "Medical Use" classifications in the City's Development Code and Ordinance No. 19-5 was adopted on June 25, 2019 and effective 30 days later, in late July. Subsequently, City staff met with the applicant to discuss the recent medical use classification changes and the necessary associated procedural changes for the
project since it had not yet been deemed complete. Due to the classification of the project as a
“Medical Services Facility”, staff indicated that the project now required submittal of a Use Permit,
rather than a Minor Use Permit, due to the adoption of the ordinance; and

WHEREAS, on September 13, 2019, the applicant submitted a Use Permit application, and
resubmitted project plans addressing the earlier comments; and

WHEREAS, on September 27, 2019, staff conducted administrative design and site review
and recommended the project move forward in the review process; and

WHEREAS, on October 4, 2019 the application was deemed complete for processing; and

WHEREAS, Pursuant to CEQA Guidelines Sections 15301 (Existing Facilities), 15303 (New
Construction or Conversion of Small Structures), 15304 (Minor Alterations to Land) and 15332 (Infill
Development Projects), the proposed project qualifies for a categorical exemption. In terms of the
infill exemption, the Project is: 1) consistent with the applicable City General Plan designation and all
applicable General Plan policies as well as applicable zoning designation and regulations; 2) occurs
within city limits on a project site no more than five acres substantially surrounded by urban uses; 3)
the project has no value as habitat for endangered, rare or threatened species; 4) there will be no
significant effects relating to traffic, noise, air quality or water quality; and 5) the site can be
adequately served by all required utilities and public services. Furthermore, pursuant to Section
15300.2(c), there are no exceptions to the categorical 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.

Therefore, no further environmental review is warranted; and
WHEREAS, the Planning Commission, after giving all public notices required by applicable provisions of State law and the Concord Municipal Code, held a duly noticed public hearing on November 6, 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 November 6, 2019, as well as other documents, materials and information 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 collectively referred to as "Project Information"); and

WHEREAS, on November 6, 2019, the Planning Commission, after consideration of all pertinent plans, documents and testimony and other Project Information, declared their intent to approve the subject proposal subject to the Conditions of Approval contained herein as Attachment A.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS: that the Planning Commission does hereby approve the CEI PACE Center (PL19028 - UP, DR) Use Permit and Administrative Design and Site Review, subject to the Conditions of Approval (Attachment A) and further makes the following findings:

RECATIALS

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

CEQA

2. Pursuant to CEQA Guidelines Sections 15301 (Existing Facilities), 15303 (New Construction or Conversion of Small Structures, 15304 (Minor Alterations to Land) and 15332 (Infill Development Projects), the proposed project qualifies for a categorical exemption. In terms of the infill exemption, the Project is: 1) consistent with the applicable City General Plan designation and all applicable General Plan policies as well as applicable zoning designation and regulations; 2) occurs
within city limits on a project site no more than five acres substantially surrounded by urban uses; 3) the project has no value as habitat for endangered, rare or threatened species; 4) there will be no significant effects relating to traffic, noise, air quality or water quality; and 5) the site can be adequately served by all required utilities and public services.

3. Furthermore, pursuant to Section 15300.2(c), there are no exceptions to the categorical 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. Therefore, no further environmental review is warranted.

General Plan

2. Downtown Mixed Use. The proposed use is classified as “Adult Day Care Center” and “Medical Services Facility,” which are a conditionally permitted uses in the DMX zoning district. The project is proposed within an existing building that meets the standards for lot area, lot width and depth, setbacks, and building height of DMX zoning, satisfies applicable requirements under Development Code, Division IV, General Development Standards, and complies with all other applicable provisions of the Development Code and Concord Municipal Code.

3. The Project provides both uses that are consistent with the intent of the Downtown Mixed Use designation to establish a high density and intense mix of residential, commercial and office development in Central Concord by providing a range of commercial office uses and non-profit uses within the building.

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

5. The project is consistent with Policy LU-4.2.3 that encourages “pedestrian-oriented
urban design.” The Proposed Project is consistent with this policy since it includes repairs to sidewalk
along the frontage, and provides new signage and landscaping along Civic Court. The project also
provides improvements at the back of the building that will serve to activate the rear parking area with
landscape and walkway improvements, a new loading area, and an outdoor sitting area for the
program’s participants.

6. The project is consistent with Policy LU-10.1.4 that encourages the project to “enhance
the appearance of the streetscape by expanding and maintaining Concord’s landscaping within its
public rights-of-way.” The facility is prominently sited along Civic Court and proposes additional
landscaping, sidewalk improvements, and new signage that enhance and activate the pedestrian
environment.

7. The project is consistent with Policy H-3.2.1 that encourages “Actively seek to expand
housing opportunities for persons with disabilities in new and existing single family and multi-family
developments.” The project is designed to facilitate the ability of seniors with medical needs to be
able to stay in their existing housing situations for as long as possible, to delay the need to have to
pursue a new living situation with a higher level of care, either through assisted living or a nursing
home; and provides an opportunity for improved mental health by allowing participants to gather,
socialize and interact with each other. For these reasons and others, staff asserts the project is
consistent with policies contained in the General Plan.

Development Code

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

Use Permit

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

10. The proposed facility for seniors is a conditionally permitted use in the DMX district.
The project complies with the development standards related to lot width, lot depth, building height,
parking, setbacks, and other municipal code requirements.

a) Parking. The project provides adequate parking for the building, given the
unique situation for the provision of transportation of the participants to and from the site, and even
without the transportation, as conditioned.

11. As more fully described above, the proposed use is consistent with Concord 2030
General Plan.

12. The Mediterranean-style building design is consistent with other projects such as along
Civic Court that are adjacent to the site and similar in scale, design, and operation as surrounding
commercial office facilities. The Project is consistent with policies that encourage a mix of uses in the
Downtown adjacent to transit.

13. The infill site was previously developed and used as a commercial office space for
approximately 38 years. The site is zoned for a variety of commercial and office uses. The project
complies with the developments standards outlined in the DMX district and as noted in this report.
Vehicle access to the site is from Civic Court and the circulation pattern for the transportation vans for
the PACE Center program would occur in a clockwise manner, and emergency vehicles such as fire
and ambulance services, would similarly access the site and hold in the loading zone, and/or could
easily access the site from Civic Court, along the project frontage. Existing utilities along Civic Court
are available to serve the project. The site is generally flat and the site is absent of any physical constraints.

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

Administrative Design and Site Review

15. The Project is consistent with the General Plan as addressed in the findings above.

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

(a) The building design and landscaping supports public safety and security by allowing for surveillance of the street by people inside buildings and elsewhere on the site. The facility will face outward toward the public realm, and provides for dual entry from both the street frontage and the back of the building. The rear of the site is also planned to be improved with a new loading zone, landscaping, and an outdoor seating area, which will assist in activating the back of the building and provide additional surveillance of the rear parking area. Sidewalk improvements, additional landscape and updated signage will support public safety along the street frontage on both sides of the facility. Facility staff will monitor access into and out of the facility via the lobby and PACE Center program participants will be outfitted with bracelets provided through WanderGuard management system, utilized by the PACE Center that maintain security for participants.

(b) The design is compatible with the historical or visual character of any area recognized by the City as having such character. The site and area are not located within a historical area of Concord. The existing building design is consistent with other buildings in the area in terms of massing, scale and design. The site will be improved with landscaping, lighting and access
improvements to facilitate the new occupancy of the PACE Center. Staff conducted administrative
review of the preliminary design and responded positively, finding it responsive to the vision of the
City Council and the City's Design Guidelines in the design, massing, materials, and colors.

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

(d) The proposed lighting and fixtures are designed to complement on-site
buildings, are of an appropriate scale for the development, and provide adequate light for safety and
security while minimizing glare. The project is replacing pedestrian accent lighting to improve the
pedestrian approach to the building facade, prevent light spillover onto abutting properties, while still
providing sufficient lighting for security purposes.

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

(f) The overall design of the project, including its scale, massing, site plan,
exterior design, and landscaping, enhances the appearance and features of the project site and
surrounding natural and built environment. The existing building is not planned to be expanded. The
building is similar with other buildings in the area in terms of massing, scale and design. Site
improvements are minor and include design improvements consistent with improving and updating
the site, as described below. These changes will ensure the proposed use has minimal impact on
existing and surrounding tenants, and will enhance the existing site and area in general.

(g) The project design is appropriate to the function of the project and will provide an attractive and comfortable environment for occupants, visitors, and the general community. The Project includes design features to enhance the functionality of the commercial space for the PACE Center, the attractiveness of the site, and comfort of the general community including: landscaping that provides improved visual amenity; site improvements that improve circulation, ADA parking, and lighting for the area.

(h) The architectural details, colors, materials, and landscaping are internally consistent, fully integrated with one another, and used in a manner that is visually consistent with the proposed architectural design. The Project meets this criteria because building materials and colors will not be changed and are similar to properties in the surrounding area, and a landscape plan provides additional landscaping at the site, to highlight the physical and driveway entries.

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

(j) The project creates an attractive and visually interesting built environment with a variety of building styles and designs, well-articulated structures that present varied building facades, rooflines, and building heights within a unifying context. The Project meets this criteria because it creates an attractive and visually interesting built environment featuring a cohesive architectural style with a central atrium design element, and decorative elements such as an outdoor seating area at the rear of the building.
(k) The landscaping is compatible with and enhances the architectural character of
the buildings and site features, and blends with the surrounding landscape. Landscape elements
complement the buildings and rooflines through color, texture, density, and form. Landscaping is in
scale with on-site and off-site buildings, and plantings have been selected and located to avoid
conflicts with views, lighting, infrastructure, utilities, and signage. Staff has reviewed the landscape
plan and determined that it is compatible with the building architecture and the new landscaping will
freshen the frontage of the building and the rear entry for the PACE Center, with final approval to
occur at an administrative level by City staff, at time of building permit.

(l) Stormwater treatment areas have been integrated into the landscape design.

In accordance with applicable laws and regulations regarding handling and treatment of stormwater,
the Project was not subject to stormwater treatment, due to minimal changes to impervious surfaces.

(m) New construction does not need to match existing surrounding development or
buildings; however, the design shall complement or enhance existing development. The Project meets
this criteria because it will improve and enhance an existing built site with a new PACE Center
program, consistent with the neighborhood’s design vernacular.

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

(a) The exterior building colors and materials consist of earth tone colors, plaster
siding, landscaping, and other materials that are compatible with the neighborhood;

(b) The existing building is sited and designed with a functional relationship to the
site and street, and in compliance with setbacks;

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

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

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

(f) Perimeter fencing will be constructed of durable high quality wood and metal materials;

(g) Exteriors are landscaped to provide a continuity of the landscape palette and concept along the project frontage and at the building entries of the Project; and

(h) Required off-street parking will be provided.

18. The interrelationship between the orientation, location, and elevations of buildings and structures and site improvements are mutually compatible and aesthetically harmonious. The buildings provide a consistent pattern oriented towards the street and are thus aesthetically harmonious with each other and the streetscape.

19. The orientation, location, and elevation of the building and site improvements are compatible with and are aesthetically harmonious with adjacent development or the character of the neighborhood. As described further herein, the Project will be harmonious with the pattern of similar commercial office buildings in the surrounding area and will use architectural styles that are aesthetically compatible with other buildings in the neighborhood.

20. Landscaping, irrigation systems, walls and fences, or features to conceal outdoor activities, utility enclosures, and trash facilities meet current requirements or provide a significant upgrade and improvement to the site and the appearance of the neighborhood. New landscaping, trash enclosure, outdoor seating area fencing, and perimeter fencing, as conditioned, are designed to meet current requirements and will result in a significant improvement to existing site conditions and a visual upgrade to the site and neighborhood in general.

21. Parking, pedestrian access, and traffic circulation are adequate or improved for all modes of circulation. The Project meets this finding because it will construct improvements that
enhance ADA parking, pedestrian safety, bicycle parking, and provide a new loading area for the
PACE Center program.

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

PASSED AND ADOPTED this 6th day of November, 2019, by the following vote:

AYES: None

NOES: None

ABSTAIN: None

ABSENT: None

Mindy Gentry
Secretary to the Planning Commission

Attachment:

A – Draft Conditions of Approval
ATTACHMENT A

DRAFT

CONDITIONS OF APPROVAL

CEI PACE CENTER
PL19028 - UP, DR
1465 Civic Court
APN’s 126-300-030 and 126-300-047

PERMIT DESCRIPTION

1. These Conditions of Approval apply to and constitute the approval of the Center for Elders’ Independence PACE Center for seniors Use Permit and Design and Site Review (PL19028 – UP, DR) for occupancy of an approximately 16,050 square foot space to operate a medical services facility for up to 70 low-income seniors within the ground floor of an existing commercial office building on an approximately 2.02-gross acre site with the following development standards:

<table>
<thead>
<tr>
<th>Approved Standards</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area (acres) minimum</td>
<td>2.02</td>
</tr>
<tr>
<td>Lot Width (feet) minimum</td>
<td>233-237</td>
</tr>
<tr>
<td>Lot Depth (feet) minimum</td>
<td>195</td>
</tr>
<tr>
<td>Building Height (feet)</td>
<td>30</td>
</tr>
<tr>
<td>Landscape Coverage (percentage)</td>
<td>21.9</td>
</tr>
<tr>
<td>Setbacks (feet) required minimum</td>
<td></td>
</tr>
<tr>
<td>Front</td>
<td>12-15</td>
</tr>
<tr>
<td>Interior Side</td>
<td>95</td>
</tr>
<tr>
<td>Rear</td>
<td>50</td>
</tr>
<tr>
<td>Parking Spaces</td>
<td></td>
</tr>
<tr>
<td>Vehicle</td>
<td>129 (w/5 ADA)</td>
</tr>
<tr>
<td>Motorcycle</td>
<td>2</td>
</tr>
<tr>
<td>Bicycle</td>
<td></td>
</tr>
<tr>
<td>Short term</td>
<td>4</td>
</tr>
<tr>
<td>Long term</td>
<td>10</td>
</tr>
</tbody>
</table>

2. Exterior building materials and colors shall be in substantial conformance with the approved plans date-stamped received by the City of Concord, on September 13, 2019 as follows:
<table>
<thead>
<tr>
<th>Materials</th>
<th>Manufacturer</th>
<th>Color Name</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trash Enclosure</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CMU Block</td>
<td>BASALITE</td>
<td>Light Gray</td>
<td>Color 790</td>
</tr>
<tr>
<td>CMU Block</td>
<td>BASALITE</td>
<td>Light Brown</td>
<td>Color 421</td>
</tr>
<tr>
<td>Corrugated Metal Panel</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Steel Frame Gate</td>
<td></td>
<td>Horizontal wood slats</td>
<td></td>
</tr>
</tbody>
</table>

3. The following Exhibits, date-stamped received by the City of Concord, on **September 13, 2019** are approved and shall be incorporated as Conditions of Approval.

<table>
<thead>
<tr>
<th>Plan</th>
<th>Date Prepared</th>
<th>Prepared by</th>
<th>Sheet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cover + Sheet Index</td>
<td>9/12/19</td>
<td>Kava Massih Architects</td>
<td>T1</td>
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<tr>
<td>Survey</td>
<td>9/12/19</td>
<td>Kava Massih Architects</td>
<td>1</td>
</tr>
<tr>
<td>Existing Overall Site/Vicinity Plan</td>
<td>9/12/19</td>
<td>Kava Massih Architects</td>
<td>A0.1</td>
</tr>
<tr>
<td>Zoning Notes</td>
<td>9/12/19</td>
<td>Kava Massih Architects</td>
<td>A0.2</td>
</tr>
<tr>
<td>Existing Site Photos</td>
<td>9/12/19</td>
<td>Kava Massih Architects</td>
<td>A0.3</td>
</tr>
<tr>
<td>Proposed Site Plan</td>
<td>9/12/19</td>
<td>Kava Massih Architects</td>
<td>A1.1</td>
</tr>
<tr>
<td>Proposed Typical Drop-Off/Delivery Pattern</td>
<td>9/12/19</td>
<td>Kava Massih Architects</td>
<td>A1.2</td>
</tr>
<tr>
<td>Proposed First Floor Plan</td>
<td>9/12/19</td>
<td>Kava Massih Architects</td>
<td>A2.1</td>
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<tr>
<td>Existing Second Floor Plan</td>
<td>9/12/19</td>
<td>Kava Massih Architects</td>
<td>A2.2</td>
</tr>
<tr>
<td>Exterior Elevations – South and West</td>
<td>9/12/19</td>
<td>Kava Massih Architects</td>
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<tr>
<td>Exterior Elevations – North and East</td>
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<td>Kava Massih Architects</td>
<td>A3.2</td>
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<tr>
<td>Exterior Elevations - Atrium</td>
<td>9/12/19</td>
<td>Kava Massih Architects</td>
<td>A3.3</td>
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<tr>
<td>Proposed Signage</td>
<td>9/12/19</td>
<td>Kava Massih Architects</td>
<td>A4.1</td>
</tr>
<tr>
<td>Proposed Trash Enclosure</td>
<td>9/12/19</td>
<td>Kava Massih Architects</td>
<td>A4.2</td>
</tr>
<tr>
<td>Proposed Plan for Patio</td>
<td>9/12/19</td>
<td>Kava Massih Architects</td>
<td>A4.3</td>
</tr>
<tr>
<td>Sections through Patio</td>
<td>9/12/19</td>
<td>Kava Massih Architects</td>
<td>A4.4</td>
</tr>
<tr>
<td>CEI Project Example – San Leandro Site</td>
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<td>Kava Massih Architects</td>
<td>A5.1</td>
</tr>
<tr>
<td>CEI Project Example – Oakland Site</td>
<td>9/12/19</td>
<td>Kava Massih Architects</td>
<td>A5.2</td>
</tr>
<tr>
<td>Preliminary Landscape Plan</td>
<td>9/12/19</td>
<td>JETT Landscape Architecture</td>
<td>L1.01</td>
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<tr>
<td>Planting Legend and Notes</td>
<td>9/12/19</td>
<td>JETT Landscape Architecture</td>
<td>L1.02</td>
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<tr>
<td>Planting Palette</td>
<td>9/12/19</td>
<td>JETT Landscape Architecture</td>
<td>L2.01</td>
</tr>
</tbody>
</table>
GENERAL CONDITIONS

4. The Conditions set forth in this Attachment A are the responsibility of the applicant and all Project contractors. Compliance shall occur as specified in the Conditions or at one of the following Project milestones, as appropriate depending on the nature of the Condition(s) at issue:
   a) With the submittal of Grading, Improvement, Landscape, or Building Plans.
   b) Prior to issuance of Encroachment, Grading, or Building Permits.
   c) Prior to Construction.
   d) Ongoing during Construction.
   e) Prior to occupancy approval.

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

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

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

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

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

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

10. 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. 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)*
11. Replacement of fencing and gate (at easement) shall be constructed along rear boundary, with 6-foot tall black, vinyl-coated chain link fencing, prior to final occupancy for the ground level and operation of the PACE Center. Applicant shall reflect replacement fencing by showing the location, and height, on the Site or Improvement, Landscape, and Building Plans, whichever comes first, and provide a timetable for installation. (PLNG, ENGR)

12. A "lot tie agreement" or similar covenant and agreement, in a form as deemed acceptable by the City, to hold the property as one parcel shall be executed by the property owner for the two lots and recorded against the Property, prior to the issuance of a building permit. (CA, PLNG)

ARCHITECTURAL

13. Removal of the existing door on west elevation of Building D for replacement with window shall be selected to match existing windows, as closely as possible with window specification provided at time of building permit. (PLNG)

14. All mechanical, electrical, and utility equipment shall be located, screened, or incorporated into the design of the building so as not to be visible to the extent feasible from off-site uses. Vents, gutters, downspouts, flashing, electrical conduits, etc., shall be painted to match the color of the adjacent surface, unless otherwise approved by the Planning Division. (PLNG)

LANDSCAPING

15. The applicant shall submit Final Landscape Plans prepared by a licensed Landscape Architect, registered by the State of California, for review and approval with the Building Plans prior to the issuance of the Building Permit. The Plan shall incorporate comments from earlier July 8, 2019 letter from peer review landscape architect, and be drawn on or consistent with the Site Plan prepared by the Architect, with the following information:
   a) A legend that lists all plant species (Latin and common name), including size, quantities, spacing, and ultimate height and width.
   b) Specifications and details for planting, including staking of trees and planting in bio-swales or other stormwater treatment areas.
   c) Utility information on the base map, screened back.
   d) Any existing street trees to be saved and identification of all replacement trees, consistent with the applicant’s civil plan and preliminary landscape plans submitted as part of the Project application materials.
   e) Trees (minimum size 24-inch box) and shrubs (minimum 5-gallon; accent or sub-shrubs may be 1-gallon).
   f) Six-inch vertical concrete curbs around landscaped areas. (PLNG, ENGR)

16. Irrigation Plans shall include a drip irrigation system and be submitted with the Final Landscape Plans in compliance with the applicable requirements of Section 18.70 of the Concord Development Code and with the applicable requirements of Governor’s Executive Order Number B-29-15 adopted on April 1, 2015. (PLNG)
17. All landscaping shall be installed prior to final occupancy approval. Contact the Planning Division at least two weeks prior to final occupancy, to request a site inspection of all exterior improvements including the building, driveways, parking lots, landscaping, irrigation, lighting, and fencing. *(PLNG)*

18. Provide a signed Certificate of Compliance stating that the Landscape Architect has met all State and City requirements, prior to occupancy approval. *(PLNG)*

19. Submit three signed copies, one notarized, of the City’s “Property Maintenance Agreement”, to ensure on-going repair, replacement and maintenance of all exterior improvements including buildings, parking areas, walkways, landscaping, irrigation, signs, fences, and other improvements, prior to occupancy approval. *(PLNG)*

20. Any vegetation damaged or destroyed on adjacent properties during construction shall be replaced with like or comparable plant materials, and if damage occurs off-site, the replacement plants shall be like or comparable plant materials, or approved by the Planning Division, prior to occupancy approval. Provided, however, that application of this condition to the Project shall be subject to the adjacent property owner(s)’ approval of the applicant performing such replacement work. *(PLNG)*

**LIGHTING**

21. Show all exterior path lighting including: building fixtures, walkway lighting, on the applicable Site, Utility, Landscape, and Building Plans, prior to the issuance of any permits. The height and style of fixtures shall be shown. Energy-saving fixtures consistent with applicable Code requirements shall be used and noted on the plans. *(PLNG, ENGR, BLDG)*

22. 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**

23. All signage shall comply with applicable provisions of the City of Concord Sign Ordinance, including a 5-foot minimum from sidewalk. *(PLNG) CMC*

**PARKING**

24. All parking spaces shall be striped; full-size spaces shall be 9 feet by 19 feet; compact spaces shall be 8 feet by 16 feet. Abut parking stalls to concrete curb for a landscaped planter to eliminate wheel stops and a two-foot overhang is allowed. *(PLNG, ENGR) CMC*

25. A maximum of 25 percent of the required parking spaces may be compact. Compact stalls shall be clearly identified. *(PLNG, ENGR) CMC*
26. Parking shall comply with applicable provisions of CMC Chapter 18.160 “Parking, Loading, and Access” including motorcycle and bicycle parking spaces, drive aisle and parking space dimensions, turning radii, back-out dimensions, driveway clearances, landscape median dimensions, and other relevant information. *(ENG, PLNG) CMC*

27. Accessible parking spaces shall comply with applicable provisions of Chapters 11B “Accessibility to Public Buildings, Public Accommodations, Commercial Buildings and Public Housing” of Title 24 of the California Code of Regulations, and shall be located on the shortest possible accessible route to an accessible building. *(BLDG)*

**STREET IMPROVEMENTS**

28. Construct sidewalk improvements along the Project frontage on Civic Court including but not limited to: addition of truncated domes at driveway, removal and replacement of sidewalk between the two project driveways; pavement replacement in the immediate area of any pavement that is damaged as a result of Project construction. *(ENG)*

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

**NOISE**

30. 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, ENG, PLNG)*

**CONSTRUCTION ACTIVITIES**

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

32. Implement a dust and construction noise control plan consistent with typical, industry standard construction dust and construction noise reduction measures. Submit the plan to Engineering Services for review and approval prior to issuance of the Grading Permit. *(ENG)*
33. Employ industry-standard mufflers on construction equipment and keep all mufflers in good working order in accordance with applicable provisions of State law. (BLDG, ENGR, PLNG)

34. 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)

35. No equipment shall be started or staging area be established on the streets or the site before or after the specified hours of construction unless otherwise approved by City staff in accordance with applicable Code requirements. (ENGR, BLDG)

36. 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)

37. 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)

38. Portable toilets used during construction shall be kept as far as possible from adjacent properties, public view, and shall be emptied on a regular basis as necessary to prevent odor. (ENGR, BLDG)
39. Identify truck routes for the export of 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*

CONSTRUCTION PLAN REVIEW/PRE-PERMIT REQUIREMENTS

40. Submit electronic copy of Preliminary Title Report, prepared within three months prior to plan submittal. *ENGR*

41. The Improvement Plans shall show frontage improvements including but not limited to: sidewalk per City Standard Detail S-10, and driveway construction per City Standard Detail S-14. *ENGR*

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

43. Obtain an Encroachment Permit from the City prior to performing any work within the public right-of-way or public easements. *ENGR CMC*

SITE DEVELOPMENT PLANS

44. The proposed site plan received by the Planning Division is not approved for construction. Submit Improvement Plans prepared by a Registered Civil Engineer or Architect to Engineering Services for review and approval prior to issuance of an Encroachment Permit. *ENGR*

GRADING/EROSION CONTROL/GEOLOGIC

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

UTILITIES

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

47. Coordinate all facility adjustments, relocations, or additions to utility services with the appropriate utility companies. *ENGR*

48. Utility areas, electrical and gas meters shall be architecturally screened from view to the extent feasible. *PLNG*
SOLID WASTE/RECYCLING

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

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

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

52. Comply with the applicable provisions of the CMC, Central Contra Costa Sanitary District and the disposal service regarding enclosure design, access requirements, and the number of required individual refuse receptacles based upon waste pickup schedules. Trash enclosures shall incorporate the following features:
   a) A concrete pad to prevent damage to asphalt paving.
   b) A roof and sanitary sewer cleanout, designed to prevent rainwater from penetrating the interior of the enclosure and preclude trash from being blown outside of the bins unless enclosed within a building.
   c) The cleanout shall connect to a sanitary sewer to prevent contaminated water from entering the storm drain system.
   d) If any cleaning agent or degreaser is used, wash water must be collected and discharged to the sanitary sewer, subject to the approval of the Central Contra Costa Sanitary District. \( (CCCSD, ENGR) \)
   e) The drain and sanitary sewer connection improvement is required to be installed through a finaled permit prior to receiving final inspection and approval from the planning division on the building permit associated with interior/exterior improvements.

53. Trash enclosures shall incorporate the same architectural treatment, and use the same exterior materials and colors as the main building and shall comply with the applicable Community Design Guidelines, including the following:
   a) A roof or trellis unless enclosed within a building.
   b) Masonry, steel or heavy timber walls.
   c) An interior, poured-in-place curb to prevent damage to the screen walls.
   d) Doors with external hinges to prevent damage from the receptacle.
   e) Doors of solid metal or with a metal frame with self-closing latch.
   f) The height of the enclosure walls and door shall be the same height or higher than the bins within the enclosure.
   g) Wire metal grid, between roof and wall shall be added to prevent trespass/theft. \( (PLNG) \)
AGREEMENTS, FEES, BONDS

54. All fees noted below are the fees currently in effect as of November 6, 2019 per the Resolution of Fees and Charges. The fees and charges are reviewed annually as part of the budget public hearing process. Fee adjustments are based on a number of factors and vary depending on the type of fee:

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

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

Parkland Fee is adjusted per Section 78-95 of the Concord Municipal Code.

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

55. Provide a $343 cash deposit to the Planning Division to cover Condition Compliance costs, at the time of submittal of plans and documents to Engineering Services or the Building Division for plan check. Planning staff’s time will be charged to this deposit for work performed to implement the Conditions of Approval, from the time of project approval to occupancy approval. The deposit will be placed in a refundable account and any unused funds will be returned upon completion. If the initial deposit is insufficient to cover actual costs, an additional deposit will be required. (PLNG)

56. Pay a Document Imaging fee of $228 to reimburse the City for implementation of the Document Imaging and File Retention programs, prior to issuance of Grading or Building Permits. (PLNG)

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

58. All required faithful performance bonds and labor materials bonds in an amount equal to 100 percent (100%) of the approved estimates of construction costs of public improvements shall be submitted to and approved by the City and other agencies having jurisdiction (if any) prior to approval of the Building or Grading Permit, whichever comes first. (ENGR)

59. Encroachment Permit Application:
   a) Pay the Filing Fee at the time of submittal of permit application, improvement plans and supporting documents to City Engineering Services for review.
b) Provide a restoration security before issuance of the Encroachment Permit. The security shall be in an amount sufficient to restore existing public improvements to a serviceable condition should development improvement activity cause damage. The amount of the security shall be determined by, and be in a form acceptable to the City Engineer.

c) Provide a $3,000 cash deposit to cover Condition Compliance costs at the time of submittal of plans and documents to Engineering Services for review. The deposit will be placed in a refundable account. Condition Compliance costs will be charged to this deposit over the life of the project permit and mitigation requirements. Any unused funds will be returned at project completion. If the initial deposit is insufficient to cover actual costs, an additional deposit in an amount determined by the City Engineer will be required. *(ENGR)*

**OTHER/MISCELLANEOUS**

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

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

Contra Costa County Fire Protection District  
4005 Port Chicago Hwy, Ste. 250  
Concord CA 94520

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

62. The applicant shall defend (with counsel approved by City), indemnify and hold harmless the City, any agency or instrumentality thereof, and its/their respective agents, officers, officials, volunteers, and employees from and against any and all administrative and/or third party legal claims, actions or proceedings to attack, set aside, void, or annul approval of the Project, including without limitation, any related application, permit, certification, condition, environmental determination, other approval, compliance or failure to comply with applicable laws and regulations, and/or processing methods ("Challenge"), with the exception of a Challenge arising out of the City's sole negligence or willful misconduct. The City shall have the right to pre-approve any material decision involved in defending any such Challenge, including settlement, and may (but is not obligated to) participate in the defense of any Challenge. If after meeting and conferring with the City, the applicant elects not to defend the Challenge, the City has the right, but not the obligation, in its sole discretion to (i) proceed to defend against the Challenge at its sole cost and expense and shall take the lead role defending such Challenge and may, in its sole discretion, elect to be represented by the legal counsel of its choice. In the alternative, if the applicant and the City both elect not to defend against the
Challenge, then the applicant shall remain obligated to indemnify and hold the City harmless from and against any damages, attorneys’ fees or cost awards that are actually awarded. If applicant does not promptly defend any Challenge, City may (but is not obligated to) defend such Challenge as City, in its sole discretion, determines appropriate, all at applicant’s sole cost and 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 the applicant, City, or awarded to any third party, and shall pay to the City upon demand any Costs incurred by the City. No modification of the Project, any application, permit, certification, condition, environmental determination, other approval, change in applicable laws and regulations, or change in processing methods shall alter the applicant’s indemnity obligation. Pursuant to Government Code Section 66474.9, the applicant’s indemnification obligation with respect to any claim, action or proceeding to attack, set aside, void, or annul an approval of City concerning a subdivision (tentative, parcel, or final map application or approval) shall be limited to actions brought within the time period provided for in Government Code Section 66499.37, unless such time period is extended for any reason. The City shall promptly notify applicant of any Challenge, and shall cooperate fully in the defense. (CA)

63. The conditional use permit and administrative design review permit shall expire in 24 months from the date on which they became effective unless construction permits are obtained and work has begun. The effective date of the permit and approval is November 6, 2019. (PLNG)

64. A request for a time extension from the expiration date of November 6, 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)
1465 Civic Court
Minor Use Permit
Written Statement

Center for Elders Independence (CEI) is a social service, non-profit organization, which provides a range of support for the low-income elderly. CEI is a provider of the Program of All-Inclusive Care (PACE). At the heart of this program is the PACE Center, which provides a place where participants visit and build meaningful relationships with other participants and supportive staff, while also receiving the needed social and rehabilitative work, and basic healthcare.

Transportation to and from the center is coordinated for participants. Participants also receive comprehensive in-home care which enables our participants to live safely at home and in their communities. The hours of operation are typically 8am until 5pm, using a fleet of 3 to 4 ADA equipped vans which ensure that all participants are picked up, dropped off and escorted as need be, to and from their homes, PACE Center(s) and outside appointments. Our average daily attendance when fully operational is expected to be approximately 65 to 70 participants and 28 on-site staff members.

PARKING: Given that our participants are transported by CEI, the parking requirement to accommodate staff, visitors and vans is estimated to by 30 regular spaces and for the clinic, an additional 16 spaces (inclusive of 4 ADA spaces). This parking, combined with the spaces required for the second-floor professional offices (46 spaces), totals 89 parking stalls. We are proposing a total of 126 parking stalls.

We also plan on adding a small outdoor seating area to provide a quiet area where our participants can sit outside in the sun. This outdoor area will not impact any trees, as the paved area will be placed between the building and the trees that border the adjacent parking. No other changes are planned for the building exterior or landscape areas. We have no outdoor storage and limited drop-off of deliveries. We do plan on receiving a pre-prepared meal service daily (5 days a week). No food will be prepared on the premises; food is plated and delivered to the participants by staff.
CEI PACE CENTER TENANT IMPROVEMENT

1465 CIVIC COURT, CONCORD, CA

PROJECT INFORMATION

EXISTING APN: PARCEL "B" 126-300-047 AND PARCEL "C" 126-300-030
PROPERTY OWNER: CENTER FOR ELDERLY INDEPENDENCE (CEI), 510 17TH STREET, OAKLAND, CA
SCOPE OF WORK: 1. PROVIDE (N) CONCRETE WALK & DROP-OFF/PICK-UP ZONE. RELOCATE (E) LIGHT.
2. RESTRIPE ACCESSIBLE PARKING.
3. PROVIDE ACCESSIBLE WALK AND CURB RAMPS AT ACCESSIBLE PARKING.
4. RESTRIPE DESIGNATED FOOD DROP-OFF/DELIVERY ZONE "NO PARKING".
5. RENOVATE GROUND FLOOR FOR PACE PROGRAM. (E) 2ND FLOOR USE TO REMAIN - NO CHANGE.
6. REGRADE ENTRANCES TO BE ADA COMPLIANT
7. ADD OUTDOOR CONCRETE DECK ON GRADE, TO SERVE CEI PACE PARTICIPANTS.
8. REPLACE EXISTING BUILDING SIGNS.
9. REFURBISH (E) LANDSCAPE PLANTING.
10. REPLACE DAMAGED OR BUCKLED CONCRETE SIDEWALK SEGMENTS BETWEEN DRIVE WAYS, ON CIVIC COURT.
11. ADD FIRE ALARM AND SPRINKLER SYSTEMS TO BOTH BUILDINGS.

STATEMENT OF DESIGN INTENT

THE OVERRIDING DESIGN INTENT FOR THIS SITE AND ITS TWO BUILDINGS IS TO ACCOMMODATE THE NEW PROGRAM AND SITE IMPROVEMENTS WITH FUNCTIONAL VEHICULAR AND PEDESTRIAN CIRCULATION. THE EXISTING LANDSCAPING SPACES WILL REMAIN BUT WITH SOME NEW AND APPROPRIATE PLANTING. FOR THE MOST PART, THE BUILDING'S EXTERIOR WILL REMAIN LARGELY AS IT EXISTS WITH MINOR REPAIRS TO THE EXISTING CEMENT PLASTER FINISH. BOTH BUILDINGS AT 1465 WILL BECOME FURTHER LINKED TO EACH OTHER PROGRAMMATICALLY BY THE CENTER OF ELDERS INDEPENDENCE PACE CENTER ON THE FIRST FLOOR. THE SECOND FLOOR WILL REMAIN AS TENANT OFFICE SPACE. THE TWO BUILDINGS TO THE EAST OF THIS PROPERTY HAVE SIMILAR MASSING, DETAILS AND COLOR. OVERALL THE EXISTING TWO BUILDINGS AT 1465 CIVIC COURT FIT WELL WITHIN THE NEIGHBORHOOD'S MASSING, LANDSCAPE AND CONTEXT.

THE EXISTING LANDSCAPED AREAS WILL BE IMPROVED TO INCLUDE ADDITIONAL DROUGHT TOLERANT PLANTINGS THAT WILL SERVE TO SCREEN UTILITY INFRASTRUCTURE AND COMPLEMENT THE NEW EXTERIOR SIGNAGE. THE EXTERIOR PATH LIGHTING THAT IS GENERALLY IN POOR CONDITION WILL BE REPLACED WITH NEW-ENERGY EFFICIENT AUTOMATIC FIXTURES. A NEW OUTDOOR DECK FOR EXCLUSIVE USE BY THE PACE CENTER'S PARTICIPANTS WILL CONNECT TO THE CENTER'S PRIMARY ACTIVITY TO ALLOW PARTICIPANTS ACCESS TO FRESH AIR IN A COMFORTABLE SETTING. ADA IMPROVEMENTS TO SITE ACCESS IS AN INTEGRAL PART OF THE DESIGN. INCLUDED IS A SAFE, DIRECT ACCESS POINT FOR PARTICIPANTS WHO ARE DROPPED OFF AND PICKED UP DAILY ON THE NORTH SIDE OF THE MAIN PORTICO ENTRANCE TO BOTH BUILDINGS. PORTIONS OF THE SIDEWALK ON CIVIC COURT WILL BE REGRADED AND REPLACED TO CORRECT THE UNEVEN WALKWAY. BOTH ENTRANCE WALKWAYS TO THE PORTICO WILL BE REGRADED TO CREATE AN ACCESSIBLE PATH OF TRAVEL.

THE FIRST FLOOR INTERIOR WILL BE RENOVATED TO PROVIDE A PACE CENTER (PROGRAM OF ALL-INCLUSIVE CARE FOR THE ELDERLY). SPACES TO INCLUDE A SENIOR ACTIVITY CENTER, PHYSICAL THERAPY, AND A PRIMARY CARE CLINIC TO SERVE THE SENIOR ACTIVITY CENTER PARTICIPANTS. THE CENTER IS OPEN DURING THE WEEKDAYS ONLY - NO OVERNIGHT STAYS. THE PRIMARY CARE CLINIC SERVES ONLY THE PROGRAM'S ENROLLED PARTICIPANTS. A SERVING KITCHEN PROVIDES LUNCH AND SNACKS FOR THE CENTER'S PARTICIPANTS - ALL FOOD IS PREPARED OFF-SITE. FOOD DROP-OFF WILL OCCUR AT DESIGNATED AREA IN (E) PARKING LOT, EAST OF ENTRANCE/EXIT OF BUILDING E. TRANSPORTATION IS PROVIDED BY CEI FOR ALL PARTICIPANTS TO AND FROM THE PACE CENTER.

TITLE SHEET

Use Permit/Design Review for CEI PACE Center | 1465 Civic Court, Concord, CA

KAVA MASSIH ARCHITECTS
920 Geyser Street | Berkeley, CA 94710
95 Federal Street | San Francisco, CA 94107

KAVA PROJECT NO. 1602
**ZONING INFORMATION**

**EXISTING: NO CHANGES PROPOSED**

**ZONING DESIGNATION:** ZONING DISTRICT ORAL, DENTAL/TEETH MAXIM USE

### GROSS LOT AREA:
- **PARCEL B**
  - **PARCEL C**
  - **TOTAL**
  - **49,392 SF** (1.04 ACRES)
  - **42,908 SF** (0.98 ACRES)
  - **82,300 SF** (2.02 ACRES)

### NET LOT AREA:
- **PARCEL B**
  - **PARCEL C**
  - **TOTAL**
  - **45,310 SF**
  - **30,190 SF**
  - **75,500 SF**

### BUILDING FLOOR AREA:
- **PARCEL B**
  - **PARCEL C**
  - **TOTAL**
  - **17,425 SF**
  - **17,395 SF**
  - **34,820 SF**

### FLOOR AREA RATIO:
- **PARCEL B**
  - **PARCEL C**
  - **1.56**
  - **1.54**

### LOT COVERAGE:
- **PARCEL B**
  - **PARCEL C**
  - **19%**
  - **42%**

### # OF STORES:
- **TOTAL STORES**
  - **16** (6TH BUILDING)

### EXISTING OCCUPANCY:
- **1ST FLOOR**
  - **2ND FLOOR**
  - **COMMERCIAL OFFICE**
  - **COMMERCIAL OFFICE**

### PROPOSED OCCUPANCY:
- **1ST FLOOR**
  - **2ND FLOOR**
  - **B-OCUPANCY (PARCEL C)**
  - **B-OCUPANCY (NO CHANGE)**

---

**PARKING TOTALS (PARCELS COMBINED)**

**1ST FLOOR PARKING CALCULATION**

<table>
<thead>
<tr>
<th>OCCUPANT</th>
<th>SUITE #</th>
<th>USE TYPED PER PERSON</th>
<th>SF OCCUPIED</th>
<th>SF OCCUPIED</th>
<th>REG. PKH.</th>
</tr>
</thead>
<tbody>
<tr>
<td>SURFACE</td>
<td>1ST FLOOR</td>
<td>MEDICAL SERVICES / PER 200 SF</td>
<td>14,345 SF</td>
<td>14,345 SF</td>
<td>72</td>
</tr>
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</table>

**TOTALS**

<table>
<thead>
<tr>
<th>SF OCCUPIED</th>
<th>REG. PKH.</th>
</tr>
</thead>
<tbody>
<tr>
<td>14,345 SF</td>
<td>72</td>
</tr>
</tbody>
</table>

*PARKING NOT REQUIRED FOR PARTICIPANTS - CUR PROVIDE ALL TRANSPORTATION FOR PARTICIPANTS. SEE SITE PLAN FOR VAN LOKING SPACES. 2ND FLOOR IS LOCATED OFF SITE.*

**2ND FLOOR PARKING CALCULATION**

<table>
<thead>
<tr>
<th>OCCUPANT</th>
<th>SUITE #</th>
<th>USE TYPED PER PERSON</th>
<th>SF OCCUPIED</th>
<th>SF OCCUPIED</th>
<th>REG. PKH.</th>
</tr>
</thead>
<tbody>
<tr>
<td>SURFACE</td>
<td>2ND FLOOR</td>
<td>COMMERCIAL OFFICE</td>
<td>2,585 SF</td>
<td>2,585 SF</td>
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LUTHERAN SOCIAL SERVICES

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<th>OCCUPANT</th>
<th>SUITE #</th>
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<th>SF OCCUPIED</th>
<th>SF OCCUPIED</th>
<th>REG. PKH.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cents</td>
<td>2ND FLOOR</td>
<td>COMMERCIAL OFFICE</td>
<td>1,975 SF</td>
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</table>

BEACON INTERIM LEANING

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<th>OCCUPANT</th>
<th>SUITE #</th>
<th>USE TYPED PER PERSON</th>
<th>SF OCCUPIED</th>
<th>SF OCCUPIED</th>
<th>REG. PKH.</th>
</tr>
</thead>
<tbody>
<tr>
<td>CENTS</td>
<td>2ND FLOOR</td>
<td>COMMERCIAL OFFICE</td>
<td>897 SF</td>
<td>897 SF</td>
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</table>

BAT PONY

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<th>OCCUPANT</th>
<th>SUITE #</th>
<th>USE TYPED PER PERSON</th>
<th>SF OCCUPIED</th>
<th>SF OCCUPIED</th>
<th>REG. PKH.</th>
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</thead>
<tbody>
<tr>
<td>CENTS</td>
<td>2ND FLOOR</td>
<td>COMMERCIAL OFFICE</td>
<td>732 SF</td>
<td>732 SF</td>
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HOPE SMART

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<th>OCCUPANT</th>
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<th>SF OCCUPIED</th>
<th>SF OCCUPIED</th>
<th>REG. PKH.</th>
</tr>
</thead>
<tbody>
<tr>
<td>CENTS</td>
<td>2ND FLOOR</td>
<td>COMMERCIAL OFFICE</td>
<td>2,258 SF</td>
<td>2,258 SF</td>
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TOTAL:

<table>
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<tr>
<th>SF OCCUPIED</th>
<th>REG. PKH.</th>
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<tbody>
<tr>
<td>14,343 SF</td>
<td>73</td>
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</table>

**TOTAL PARKING REQUIREMENTS**

- **133 PARKING STALLS**
- **123 COMMERCIAL OFFICE**
- **6 STANDARD PARKING STALLS**
- **15 COMMERCIAL OFFICE**
- **5 COMMERCIAL OFFICE**
- **1 COMMERCIAL OFFICE**

**TOTAL BUILDING PARKING CALCULATION**

** REQUIRED SPACES: **

<table>
<thead>
<tr>
<th>SPACE TYPE</th>
<th>SPACES</th>
<th>TABLE AVERAGE</th>
<th>REG. PKH.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2ND FLOOR PARKING</td>
<td>72</td>
<td>14,345 SF</td>
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</table>

**FULL TIME PROFESSIONAL OFFICE: **

<table>
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<th>SPACE TYPE</th>
<th>SPACES</th>
<th>TABLE AVERAGE</th>
<th>REG. PKH.</th>
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<tbody>
<tr>
<td>2ND FLOOR PARKING</td>
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<td>14,345 SF</td>
<td>72</td>
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</tbody>
</table>

**PARKING STALLS PER LEVEL: **

<table>
<thead>
<tr>
<th>SPACE TYPE</th>
<th>SPACES</th>
<th>TABLE AVERAGE</th>
<th>REG. PKH.</th>
</tr>
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<tbody>
<tr>
<td>2ND FLOOR PARKING</td>
<td>72</td>
<td>14,345 SF</td>
<td>72</td>
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</table>

**TOTAL BUILDING PARKING REQUIREMENTS: **

<table>
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<tr>
<th>SPACE TYPE</th>
<th>SPACES</th>
<th>TABLE AVERAGE</th>
<th>REG. PKH.</th>
</tr>
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<tbody>
<tr>
<td>2ND FLOOR PARKING</td>
<td>72</td>
<td>14,345 SF</td>
<td>72</td>
</tr>
</tbody>
</table>

**TOTAL BUILDING PARKING REQUIREMENTS:**

**133 PARKING STALLS**

**ZONING NOTES**

**Use Permit Design Review for CE: PACE Center, 1465 Civic Court, Concord, CA**

**KAVA MASSIH ARCHITECTS**
550 Graybar Street | Berkeley, CA 94710
95 Federal Street | San Francisco, CA 94117

**A0.2**

**REV. 12 SEP 2019**
**REV. 5 APR 2019**
**REV. 8 AUG 2019**
SOUTH ELEVATION (NO CHANGE)

WEST ELEVATION (NO CHANGE)
PROPOSED BIKE LOCKER/SHELTER:
VELODROME "MINI PEAPOD"
ALUMINUM FRAME WITH GLASS OR WIRE PANELS
STORAGE FOR 10 BIKES
*PROPOSED LOCATION IS NOT VISIBLE FROM THE STREET

PROPOSED SHORT TERM BIKE RACK:
THE PARK CATALOG "BOLLARD BIKE RACK"
STEEL FRAME, POWDER COATED FINISH
2 RACKS, STORAGE FOR 4 BIKES
*PROPOSED LOCATION IS NOT VISIBLE FROM THE STREET
Irrigation Design Intent

1. Landscape improvements are exempt from City of Concord Ordinance 18-170.020 State Model Water Efficient Landscape adopted by reference. The aggregate area of proposed landscape improvements for rehabilitated landscaping is less than 2,500 SF.

2. Upgrade to existing planting and irrigation will be completed by qualified landscape maintenance personnel as part of the owner’s on-going comprehensive deferred maintenance program.

Plant List

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Botanical Name</th>
<th>Common Name</th>
<th>Size</th>
<th>Spacing</th>
<th>Qty</th>
<th>Yr Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>G</td>
<td>Lagerstroemia x &quot;Tuscadora&quot;</td>
<td>Crape Myrtle</td>
<td>24&quot; Box</td>
<td>PER PLAN</td>
<td>1</td>
<td>L</td>
</tr>
<tr>
<td>S</td>
<td>Anigozanthos &quot;Gold Velvet&quot;</td>
<td>Kangaroo Paw</td>
<td>1 GAL</td>
<td>3'-0&quot; OC</td>
<td>36</td>
<td>L</td>
</tr>
<tr>
<td></td>
<td>Dieteris &quot;Lie's Selection&quot;</td>
<td>Poinsettia Lily</td>
<td>1 GAL</td>
<td>3'-0&quot; OC</td>
<td>5</td>
<td>L</td>
</tr>
<tr>
<td></td>
<td>Lomandra Longifolia &quot;Breeze&quot;</td>
<td>Dwarf Mat Rush</td>
<td>5 GAL</td>
<td>3'-0&quot; OC</td>
<td>6</td>
<td>L</td>
</tr>
<tr>
<td></td>
<td>Pittosporum T. &quot;Wheelers Dwarf&quot;</td>
<td>Dwarf Mock Orange</td>
<td>5 GAL</td>
<td>4'-0&quot; OC</td>
<td>10</td>
<td>L</td>
</tr>
<tr>
<td></td>
<td>Rhaphiolepis Indica &quot;Clara&quot;</td>
<td>Indian Hawthorne</td>
<td>5 GAL</td>
<td>4'-0&quot; OC</td>
<td>32</td>
<td>L</td>
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<tr>
<td></td>
<td>Salvia Leucantha</td>
<td>Mexican Sage</td>
<td>6 GAL</td>
<td>3'-0&quot; OC</td>
<td>22</td>
<td>L</td>
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Groundcovers

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Common Name</th>
<th>Size</th>
<th>Spacing</th>
<th>Qty</th>
<th>Yr Use</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Creosotus salicifolius &quot;Prostratus&quot;</td>
<td>Rockrose</td>
<td>1 GAL</td>
<td>4'-0&quot; OC</td>
<td>25</td>
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<tr>
<td></td>
<td>Verbenas &quot;Homestead Purple&quot;</td>
<td>Purple Spreader</td>
<td>1 GAL</td>
<td>3'-0&quot; OC</td>
<td>31</td>
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Vines

<table>
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<tr>
<th>Symbol</th>
<th>Common Name</th>
<th>Size</th>
<th>Spacing</th>
<th>Qty</th>
<th>Yr Use</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Campsis R. &quot;Akebono&quot;</td>
<td>Trumpet Creeper</td>
<td>1 GAL</td>
<td>PER PLAN</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>Macfadyena Unguiculata</td>
<td>Cat's Claw</td>
<td>1 GAL</td>
<td>PER PLAN</td>
<td>8</td>
</tr>
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</table>

Turf

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Common Name</th>
<th>Size</th>
<th>Spacing</th>
<th>Qty</th>
<th>Yr Use</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Turf-Type Tall Fescue</td>
<td>Watch Existing</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
October 10, 2019

City of Concord Planning Commission:
City of Concord Council Chambers
1950 Parkside Drive
Concord, CA

Re: Use Permit Approval – Center for Elders’ Independence on November 6, 2019

Dear Commissioners Barbour, Laub, Mercurio, Mizutani and Weinmann:

I am writing to urge the City of Concord Planning Commission to approve the use permit application for Center for Elders’ Independence for its proposed new PACE center at 1465 Civic Drive in Concord at the hearing scheduled for November 6, 2019.

LeadingAge California recognizes the importance of PACE, the cost-effective approach that PACE provides, and the services to often-marginalized, low-income, frail older adults. The Center for Elders’ Independence is a PACE, or Program of All-inclusive Care for the Elderly, and has served seniors in Alameda County and West County for over 35 years. Under CEI’s care, older adults who elect to enroll in PACE continue to live at home close to friends and loved ones instead of moving away or into a nursing home to get the care they need. CEI’s participants are extremely low-income residents who qualify for Medicare and Medi-Cal and therefore pay little if any out-of-pocket cost for their care.

CEI is the first and only PACE provider to serve Contra Costa County. CEI currently cares for approximately 1,000 Alameda and Contra Costa County older adults and individuals needing skilled nursing care. PACE services include medical care, physical and occupational therapies, recreational activities and outings, behavior health services, nutrition and meals, case management; home health, home care assistance, transportation to and from home and to outside medical appointments, plus vision and dental.

THE NEED FOR A NEW PACE CENTER IN CONCORD, CA

The County needs more services like what CEI provides. The number of older adults is increasing rapidly in Contra Costa County, and is expected to nearly double by 2030. PACE complements existing programs while providing a higher level of care than is widely available in Contra Costa County. Providers are challenged to keep up with the demand of frail elders, who have disproportionately higher costs. CEI will help meet unmet needs with their new PACE Center in Concord.

CEI’s data estimates that there are approximately 2,400 PACE-eligible seniors in the County; however, close to 50 percent are located in East-, Far East- and Central Costa Contra County—too far to serve from CEI’s existing locations in El Sobrante and Berkeley.

We are fortunate to have Center for Elders’ Independence expanding into Contra Costa County. I urge you to approve its use permit and design plans in order that CEI can proceed with construction without further undue delay. Thank you for your consideration.

Sincerely,

Jeannee Parker Martin
President & CEO
City of Concord Planning Commission:
City of Concord Council Chambers
1950 Parkside Drive
Concord, CA

Re: Use Permit Approval - Center for Elders' Independence on November 6, 2019

Dear Commissioners Barbour, Laub, Mercurio, Mizutani and Weinmann:

I am writing to urge the City of Concord Planning Commission to approve the use permit application for Center for Elders' Independence for its proposed new PACE center at 1465 Civic Drive in Concord at the hearing scheduled for November 6, 2019.

The Center for Elders' Independence is a PACE, or Program of All-inclusive Care for the Elderly, and has served seniors in Alameda County and West County for over 35 years. Under CEI's care, older adults who elect to enroll in PACE continue to live at home close to friends and loved ones instead of moving away or into a nursing home to get the care they need. CEI's participants are extremely low-income residents who qualify for Medicare and Medi-Cal and therefore pay little if any out-of-pocket cost for their care.

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THE NEED FOR A NEW PACE CENTER IN CONCORD, CA

We need more services like CEI provides here in the County. The number of older adults is increasing rapidly in Contra Costa County. PACE complements existing programs while providing a higher level of care than is widely available in Contra Costa County. Where our providers will be challenged to keep up with the demand, especially for very frail seniors who are the most costly to serve. CEI will help meet unmet needs with their new PACE Center in Concord.

CEI’s data estimates that there are approximately 2,400 PACE-eligible seniors in the County; however, close to 50 percent are located in East-, Far East- and Central Costa Contra County--too far to serve from CEI's existing locations in El Sobrante and Berkeley.

We are fortunate to have Center for Elders' Independence expanding into Contra Costa County. I urge you to approve its use permit and design plans in order that CEI can proceed with construction without further undue delay. Thank you for your consideration.

Sincerely,

Jane Garcia
Chief Executive Officer
October 14, 2019

City of Concord Planning Commission
City of Concord Council Chambers
1950 Parkside Drive
Concord, CA 94519

Re: Use Permit Approval - Center for Elders’ Independence on
November 6, 2019

Dear Commissioners Barbour, Laub, Mercurio, Mizutani and Weinmann:

I am writing to urge the City of Concord Planning Commission to approve the use permit application for Center for Elders’ Independence for its proposed new PACE center at 1465 Civic Drive in Concord at the hearing scheduled for November 6, 2019.

The Center for Elders’ Independence is a PACE, or Program of All-inclusive Care for the Elderly, and has served seniors in Alameda County and West County for over 35 years. Under CEI’s care, older adults who elect to enroll in PACE continue to live at home close to friends and loved ones instead of moving away or into a nursing home to get the care they need. CEI’s participants are extremely low-income residents who qualify for Medicare and Medi-Cal and therefore pay little if any out-of-pocket cost for their care.

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THE NEED FOR A NEW PACE CENTER IN CONCORD, CA
We need more services like CEI provides here in the County. The number of older adults is increasing rapidly in Contra Costa County. PACE complements existing programs while providing a higher level of care than is widely available in Contra Costa County. As our population ages and many of us are faced with the challenge of supporting our frail elders,
some of whom have extensive medical and cognitive issues, it is critical to have additional community resources.

CEI's data estimates that there are approximately 2,400 PACE-eligible seniors in the County; however, close to 50 percent are located in East-, Far East- and Central Costa Contra County--too far to serve from CEI's existing locations in El Sobrante and Berkeley. CEI's new PACE Center in Concord will help to meet this demand. We are fortunate to have Center for Elders' Independence expanding into Contra Costa County. I urge you to approve its use permit and design plans in order that CEI can proceed with construction without further undue delay.

Thank you for your consideration.

Sincerely,

Tracy Murray
Acting Director
Aging and Adult Services
October 17, 2019

City of Concord Planning Commission:

City of Concord Council Chambers
1950 Parkside Drive
Concord, CA

Re: Use Permit Approval - Center for Elders’ Independence on November 6, 2019

Dear Commissioners Barbour, Laub, Mercurio, Mizutani and Weinmann:

I am writing to urge the City of Concord Planning Commission to approve the use permit application for Center for Elders’ Independence for its proposed new PACE center at 1465 Civic Drive in Concord at the hearing scheduled for November 6, 2019.

The Center for Elders’ Independence is a PACE, or Program of All-inclusive Care for the Elderly, and has served seniors in Alameda County and West County for over 35 years. Under CEI’s care, older adults who elect to enroll in PACE continue to live at home close to friends and loved ones instead of moving away or into a nursing home to get the care they need. CEI’s participants are extremely low-income residents who qualify for Medicare and Medi-Cal and therefore pay little if any out-of-pocket cost for their care.

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THE NEED FOR A NEW PACE CENTER IN CONCORD, CA

We need more services like CEI provides here in the County. The number of older adults is increasing rapidly in Contra Costa County. Based in Walnut Creek, Covia has been providing housing and services for older adults for over 50 years. We currently serve seniors in Contra Costa County through our outreach programs such as Well Connected, a telephone community designed to engage older adults and reduce social isolation; Social Call, which matches an older adult with a volunteer for a friendly visit; Home Match, which utilizes existing housing stock to keep an older adult safe at home and provide affordable housing for a home seeker; and Market Day, which provides access to fresh, affordable
produce for sale at wholesale prices in four sites in Contra Costa County. In addition, we have a Senior Resources Director for Contra Costa County whose responsibility it is to link seniors to existing services, provide emergency funds to help with housing and medical bills, as well as sign seniors up for one of 14 Rotary Home Teams in Contra Costa County, a partnership that brings Rotarians together with older adults in need of free help around the house.

PACE complements existing programs like ours while providing a higher level of care than is widely available in Contra Costa County. Where our providers will be challenged to keep up with the demand, especially for very frail seniors who are the most costly to serve. CEI will help meet unmet needs with their new PACE Center in Concord.

CEI’s data estimates that there are approximately 2,400 PACE-eligible seniors in the County; however, close to 50 percent are located in East-, Far East- and Central Costa Contra County--too far to serve from CEI’s existing locations in El Sobrante and Berkeley.

We are fortunate to have Center for Elders’ Independence expanding into Contra Costa County. I urge you to approve its use permit and design plans in order that CEI can proceed with construction without further undue delay. Thank you for your consideration.

Sincerely,

[Signature]

Kevin Gerber
President & CEO
Covia Communities