



**REGULAR MEETING OF THE
CITY OF CONCORD
PLANNING COMMISSION**

**Wednesday, March 18, 2015
7:00 p.m. – Council Chamber
1950 Parkside Drive, Concord**

Planning Commission Members:

Carlyn Obringer, Chair

John Mercurio, Vice Chair

Ernesto A. Avila, Commissioner

Robert Hoag, Commissioner

Tim McGallian, Commissioner

**REGULAR MEETING
7:00 p.m. – Council Chamber**

I. ROLL CALL

II. PLEDGE TO THE FLAG

III. PUBLIC COMMENT PERIOD

IV. ADDITIONS / CONTINUANCES / WITHDRAWALS

V. CONSENT CALENDAR

1. 2/18/15 Meeting Minutes

VI. PUBLIC HEARINGS

- 1. [Brenden Theatres Alcohol Sales \(PL150002 – UP\)](#) – Application for a Use Permit Amendment to sell beer, wine, and specialty food items from an inline retail/restaurant tenant space adjacent to Brenden Theatres on a 3.3-acre site at 1985 Willow Pass Road. The General Plan designation is Downtown Mixed Use; Zoning classification is DMX (Downtown Mixed Use); APN 126-061-018. Pursuant to the California Environmental Quality Act of 1970, Public Resources Code §21000, *et seq.*, as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively, “CEQA”), the Planning Commission action does not constitute a “project” within the meaning of Public Resources Code Section 21065, 14 Cal Code Regs. Section 15060(c)(2), 15060(c)(3), or 15378 because it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Even if such activities did constitute a project under CEQA, staff believes the activities fall within the “common**

sense” exemption set forth in 14 Cal. Code Regs. Section 15061(b)(3), excluding projects where “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” Even if such activities do not fall under the forgoing exceptions or exemptions, pursuant to the provisions to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, and pursuant to Section 15301 “Existing Facilities,” the project is classified as a Class 1 Categorical Exemption, and therefore, no further environmental review is required. **Project Planner: G. Ryan Lenhardt @ (925) 671-3162.**

2. **De La Salle High School Child Care Fee Appeal (PL150054 – AP)** – Appeal of a child care impact fee assessed on the construction of school improvements approved under the De La Salle Campus Master Plan and Use Permit (PL131368 – UP, DR) at 1130 Winton Drive. The General Plan designation is Public/Quasi Public; Zoning classification is PQP (Public/Quasi Public); APN 145-130-030. Pursuant to the California Environmental Quality Act (CEQA) of 1970, Section 21065, as amended, this appeal request is not considered a project under CEQA and no further environmental review is required. **Project Planner: Frank Abejo @ (925) 671-3128.**
3. **Starbucks (PL1400257 – UP, DR)** – Application for a Use Permit and Design Review for an approximately 2,000 square foot Starbucks with drive-through on a 0.29-acre site located at 4290 Clayton Road. The General Plan land use designation is Commercial Mixed Use; Zoning classification is CMX (Commercial Mixed Use); APN 132-160-004. Pursuant to the California Environmental Quality Act (CEQA) of 1970, as amended, the project is Categorically Exempt under Section 15303, Class 3 “New Construction or Conversion of Small Structures,” and Section 15332, Class 32 “In-Fill Development Projects,” and no further environmental review is required. **Project Planner: Frank Abejo @ (925) 671-3128.**

VII. COMMISSION CONSIDERATIONS

VIII. STAFF REPORTS / ANNOUNCEMENTS

IX. COMMISSION REPORTS / ANNOUNCEMENTS

X. FUTURE PUBLIC HEARING ITEMS

XI. ADJOURNMENT

NOTICE TO PUBLIC

ADA ACCOMMODATION

In accordance with the Americans With Disabilities Act and California Law, it is the policy of the City of Concord to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the ADA Coordinator at (925) 671-3031, at least five (5) days in advance of the hearing. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

APPEALS

Decisions of the Planning Commission on use permits, variances, major subdivisions, appeals taken from decisions of the Zoning Administrator or staff interpretations of the Zoning Code may be appealed to the City Council. Appeals and the required filing fee must be filed with the City Clerk within ten (10) days of the decision.

APPLICANT'S SUBMITTAL OF INFORMATION

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

CONSENT CALENDAR

All matters listed under CONSENT CALENDAR are considered by the Commission to be routing and will be enacted by one motion. There will be no separate discussion of these items unless requested by a Commissioner prior to the time Commission votes on the motion to adopt.

CORRESPONDENCE

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

HEARINGS

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

MEETING RECORDS

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

NOTICE TO THE HEARING IMPAIRED

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

ROUTINE AGENDA ITEMS AND CONTINUED ITEMS

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

SPEAKER'S CARD

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

TELEVISED MEETINGS

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

NEXT PLANNING COMMISSION MEETINGS:

April 5, 2015: 7:00 pm – Council Chamber
April 15, 2015: 7:00 pm – Council Chambers



REPORT TO PLANNING COMMISSION

DATE: March 18, 2015

SUBJECT: BRENDEN THEATRES ALCOHOL SALES (PL150002 - UP)

Recommendation: Adopt Resolution No. 15-02PC, approving Use Permit Amendment (PL150002 - UP) for Brenden Theatres Alcohol Sales.

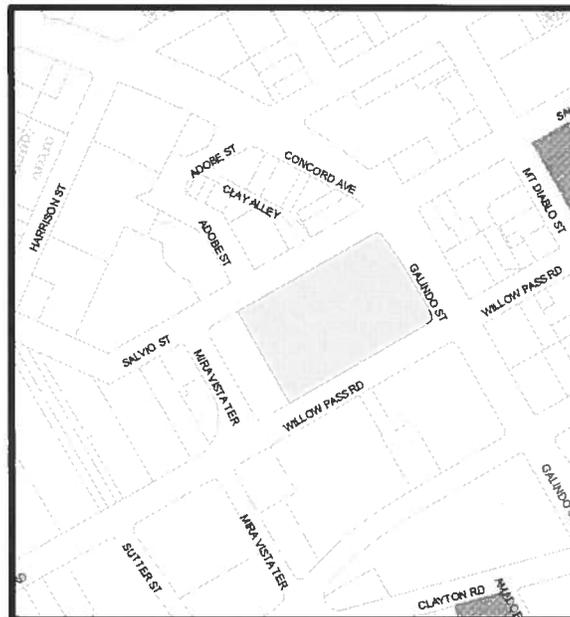
I. Introduction

A. Application Request

Application for a Use Permit Amendment to sell beer, wine, and specialty food items from an inline retail/restaurant tenant space adjacent to Brenden Theatres on a 3.3-acre site.

B. Location

The project site is located at 1985 Willow Pass Road, APN 126-061-018.



C. Applicant
Brenden Concord 14
Attn: Walter Eichinger
1985 Willow Pass Road
Concord CA 94520
(925) 677-0484

Owner
Brenden Theatre Corporation
4321 W Flamingo Road
Las Vegas NV 89103
(702) 507-1522

II. Background

On August 16, 1995, the Planning Commission approved a Use Permit (UP 11-95) for a 14-screen cinema complex with approximately 4,000 seats, 10,000 sq. ft. of retail/restaurant space, outdoor seating areas, a multi-level parking structure, shared off-street parking, and a Variance (V 6-95) to allow modifications to the minimum/maximum required building setbacks at the subject site.

On January 6, 2015, Brenden Theatres submitted a Use Permit Amendment application to sell beer, wine, and specialty food items from an adjacent inline retail/restaurant space (former Zambur Restaurant) as a convenience to theatergoers. The Development Advisory Committee (DAC) deemed the application complete on February 5, 2015.

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. CEQA Status

Pursuant to the California Environmental Quality Act of 1970, Public Resources Code §21000, *et seq.*, as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively, “CEQA”), the Planning Commission action does not constitute a “project” within the meaning of Public Resources Code Section 21065, 14 Cal Code Regs. Section 15060(c)(2), 15060(c)(3), or 15378 because it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Even if such activities did constitute a project under CEQA, staff believes the activities fall within the “common sense” exemption set forth in 14 Cal. Code Regs. Section 15061(b)(3), excluding projects where “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” Even if such activities do not fall under the forgoing exceptions or exemptions, pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, and pursuant to Section 15301 “Existing Facilities,” the project is classified as a Class 1 Categorical Exemption, and therefore, no further environmental review is required.

D. Site Description

Brenden Theatre is located at the southwest intersection of Concord Avenue and Salvio Street with inline retail/restaurant tenant spaces flanking either side of the entrance along Concord Avenue and Salvio Street and a multi-story parking garage behind. Secondary anchor tenant

access (currently Agave Restaurant) is located at the corner of Concord Avenue and Willow Pass Road, and inline retail/restaurant tenant access is located along the exterior of the building. No exterior work is proposed.

Lot Size and Dimensions	143,750 sq. ft. (approx.)	300 ft. x 470 ft. (approx.)
Existing Improvements	Brenden Theatre, inline retail/restaurant tenant spaces, multi-story parking structure, paving, landscaping, and site lighting.	
Topography	The parcel is flat and slopes gently downhill toward the west end of the site.	
Existing Vegetation	Trees and small shrubs along the perimeter of the site and adjacent to the building.	

E. Surrounding Land Use

The site is surrounded by the following uses:

	Land Use	General Plan Designation	Zoning
North, West, South	Commercial	Downtown Mixed Use	DMX
East	Commercial	Downtown Pedestrian	DP

IV. Detailed Project Description

A. Description of Business

Brenden Theatres proposes to sell beer, wine, and specialty food items between the hours of 12:00 p.m. and 10:00 p.m. from an existing 1,600 sq. ft. restaurant space (former Zambur Restaurant) adjacent to the theater. The applicant states, “the operational goal is that our beer and wine sales do not distract from a safe, pleasant, and enjoyable movie going experience for any patron rather add to a positive experience to those patrons who enjoy a good movie with a premium beer or wine along with it.”

A new pedestrian entrance is proposed between the movie theater lobby and the restaurant providing internal access to theatergoers. The restaurant’s street-facing entrance would remain unlocked as a fire exit only during business hours. Signage will direct customers to the theater entrance to discourage non-theatergoers from patronizing the restaurant.

The applicant will utilize the restaurant’s existing furniture and improvements including a full kitchen with a pizza oven, grill, fryer, beer keg cooler and delivery system, bottled wine cooler, tables and chairs with seating for 40 people, and restrooms. Up to eight (8) premium beers and six (6) local and national wines are proposed for sale in addition to specialty food items such as pizza by the slice, flat bread sandwiches, burger sliders, Panini sandwiches, and a nacho bar. Movie foods and drinks will also be available in the restaurant such as soda and frozen slushy drinks, candy, hot dogs, pretzels, and ice cream.

Beer and wine will be permitted in the main theater lobby, hallways, and all 14 auditoriums. Alcohol will be prohibited outside the theater, in G-Rated movies, and the opening night of movies that are popular with teenagers such as Hunger Games, Twilight, and similar movies as determined by Brenden Theatres management.

V. Discussion

A. General Plan

The site's General Plan land use designation of Downtown Mixed Use allows a mix of high density and intensity mix of residential, commercial, and office development in Central Concord.

The project is consistent with policies contained in the General Plan. The project will maintain and enhance an existing region-serving center and offer a wide variety of retail products as required by General Plan Policy LU-3.1.2. The applicant proposes to expand its food and beverage menu to remain competitive and keep up with market trends and businesses in the surrounding communities, which is consistent with Policies LU-3.1.3 and LU-3.1.4 that encourage existing region-serving centers to expand or adapt to market changes through reuse, rehabilitation, and infill development and meet region-serving and local needs.

While the project is consistent with General Plan Policy LU-4.2.1 that encourages utilizing the Downtown's sense of place by requiring a mix of uses to promote an active commercial character, it is inconsistent with Policy LU-4.2.3 that promotes pedestrian-oriented urban design and active streetscapes. This can be addressed by requiring the applicant to utilize the outdoor patio adjacent to the restaurant for outdoor dining as originally approved by the Design Review Board and the Planning Commission. The applicant has agreed to a condition of approval to use the patio to activate the streetscape and to submit a plan to the City and the State Department of Alcoholic Beverage Control (ABC) detailing the design and use of the area prior to the issuance of a building permit.

B. Zoning

The site's zoning designation of Downtown Mixed Use is applied to "downtown areas appropriate for a cohesive mix of high density residential, commercial and office, and mixed-uses." Pursuant to Section 18.45.020 titled "Downtown districts – Allowed uses and permit requirements," full service restaurants that include food preparation, alcoholic drinks, service to seated customers and optionally to take-out customers are permitted by right and do not require discretionary review. Therefore, the proposed project is consistent with the list of allowable uses in the zoning district.

C. Use Permit Amendment

Pursuant to Section 18.505.030 of the Development Code titled, "Changes to an approved project," "Major changes shall be considered by the review authority for the original permit."

The original project for a theater, retail/restaurant space, parking structure, et cetera was approved with a Use Permit as required under the previous zoning regulations. "Theaters, Auditoriums" are also conditionally permitted uses under the City's current Development Code. A Use Permit Amendment is required because the original Use Permit did not identify a connection between the theater lobby and the adjacent tenant space, which changes the floor plan and site circulation. The previous zoning regulations and Use Permit were also silent regarding the sale and consumption of alcohol and specialty food items in the theater, which also requires an amendment.

Pedestrian Connection

The proposed project includes a pedestrian connection between the theater lobby and the adjacent inline retail/restaurant tenant space (former Zambur Restaurant) as a convenience to theatergoers purchasing specialty food and beverage items for consumption inside the movie auditoriums.

The proposed connection between tenant spaces is appropriate given the applicant's objective to provide a safe and convenient way for customers to purchase specialty food and beverage items from inside the theater. The proposed connection is strategically aligned with the Customer Service Counter to improve surveillance and to ensure customers are holding a valid movie ticket and access the restaurant through the main lobby prior to purchasing alcohol.

Alcohol Sales

The applicant proposes to sell beer, wine, and specialty food items from the former Zambur Restaurant adjacent to the theater. The applicant states the expanded menu will help the theater remain competitive and keep up with market trends and businesses in the surrounding 20 communities such as San Francisco, Oakland, Berkeley, Livermore, Stockton, and Tiburon that sell beer and wine from their theaters and the neighboring cities of Walnut Creek and Pleasant Hill that have pending applications to sell alcohol. Brenden Theatres proposes detailed procedures for selling alcohol at this location based on similar sales programs at their Laughlin Nevada and Rifle Colorado theaters.

All restaurant employees will be required to complete and obtain their "Responsible Beverage Seller" certification, which is an online seller/server training course designed to promote the legal and responsible sale and service of alcoholic beverages in California. Customers' identification and ticket stub will be checked for proper drinking age and number of drinks purchased. One drink may be purchased at a time and a patron cannot walk away with more than one alcoholic drink in their possession. There is a two-drink limit per individual, per day.

Beer and wine will be served in a clear plastic container and no glass or bottles will be given to customers. Beer and wine will not be allowed to be transferred to another type of cup or container. The theater will not sponsor any drinking themed events such as happy hour or special events. Alcohol will be prohibited in G-Rated movies and in popular teenaged movies

(e.g., opening night of Hunger Games, Twilight, and similar movies) as determined by Brenden Theatres management.

Brenden Theatres proposes to increase their patrol of the auditoriums by senior management and maintain the private security service hired for weekends, holidays, and busy times of the year. All alcohol transactions will be recorded by a closed-circuit television security system (CCTV). Patrons who are purchasing beer and wine will be able to see themselves on the CCTV monitor. Video footage will be kept in DVR memory for 30 days and made available to law enforcement personnel if requested. Anyone caught providing alcohol to a minor will be removed from the property without a refund and the minors' parents will be contacted. Brenden Theatres will cooperate with undercover "shops" or checks" by law enforcement personnel and State officials.

Staff relies heavily on input from the police department when alcohol sales are proposed as part of a business as they receive the complaints and can be burdened by the calls for service. Representatives from Brenden Theatres met with Chief Swanger and Sergeant Norris on multiple occasions to discuss the proposed business operation and sale of alcohol prior to filing the Use Permit Amendment application. Staff has determined the proposed sale of alcohol is consistent with Section 9.15.010 of the Municipal Code that prohibits open containers and the consumption of alcohol in public places such as public streets, sidewalks, parking lots, et cetera. The police department developed the proposed list of conditions with input from the applicant and supports the project contingent upon securing ABC's approval. The applicant has already displayed their application for a license to sell alcohol for the State-mandated period and require approval of a Use Permit Amendment to complete the application process. For these reasons, staff supports the sale of alcohol from the adjacent restaurant space.

VI. Fiscal Impact

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

VII. Public Contact

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

VIII. Summary and Recommendations

Brenden Theatres' proposal to expand its food and beverage menu is consistent with General Plan policies to enhance region-serving centers. By increasing the variety of goods and services available to customers, the theater will remain competitive and keep up with market trends and businesses in the surrounding communities. Furthermore, the project will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of such project with the implementation of the proposed conditions of approval.

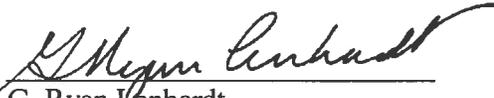
Staff recommends the Planning Commission open the public hearing, consider the staff report and presentation by the applicant, the public testimony, and close the hearing upon completion of public testimony. Staff recommends the Commission adopt Resolution No. 15-02PC approving the Brenden Theatres Alcohol Sales Use Permit Amendment.

IX. Motion

Project Approvals

I (Comm. _____) hereby move that the Planning Commission adopt Resolution No. 15-02PC approving Brenden Theatres Alcohol Sales Use Permit Amendment (PL150002 - UP), subject to the Conditions of Approval set forth in Attachment A to Resolution 15-02PC. (Seconded by Comm. _____.)

Prepared by:



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

Reviewed by:



Laura Simpson
Planning Manager
(925) 671-3369
laura.simpson@cityofconcord.org

Exhibits:

- A - PC Resolution No. 15-02PC, Conditions of Approval (Attachment A)
- B - Applicant's written statement date stamp received January 6, 2015
- C - Applicant's plan sheets date stamp received January 6, 2015

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**BEFORE THE PLANNING COMMISSION
OF THE CITY OF CONCORD,
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA**

**A RESOLUTION APPROVING BRENDEN
THEATRES ALCOHOL SALES USE PERMIT
AMENDMENT PL150002 - UP**

Resolution No. 15-02 PC

WHEREAS, on January 6, 2015, Walter Eichinger on behalf of Brenden Theatre Corporation submitted an application for a Use Permit Amendment, to sell beer, wine, and specialty food items from an adjacent inline retail/restaurant space at 1985 Willow Pass Road, APN 126-061-018; and

WHEREAS, on February 5, 2015 the application was deemed complete for processing; and

WHEREAS, pursuant to the California Environmental Quality Act of 1970, Public Resources Code §21000, *et seq.*, as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively, "CEQA"), the Planning Commission action does not constitute a "project" within the meaning of Public Resources Code Section 21065, 14 Cal Code Regs. Section 15060(c)(2), 15060(c)(3), or 15378 because it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Even if such activities did constitute a project under CEQA, staff believes the activities fall within the "common sense" exemption set forth in 14 Cal. Code Regs. Section 15061(b)(3), excluding projects where "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA." Even if such activities do not fall under the forgoing exceptions or exemptions, pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, and pursuant to Section 15301 "Existing Facilities," the project is classified as a Class 1 Categorical Exemption, 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 March 18, 2015 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 March 18, 2015, as well as other

1 documents contained in the record of proceedings relating to the proposed project, which are
2 maintained at the offices of the City of Concord Planning Division; and

3 **WHEREAS**, on March 18, 2015 the Planning Commission, after consideration of all pertinent
4 plans, documents and testimony, declared their intent to approve the subject proposal subject to the
5 Conditions of Approval contained herein as Attachment A.

6 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:** that the Planning Commission
7 does hereby approve Use Permit Amendment (PL150002 – UP) subject to the Conditions of Approval
8 and further makes the following findings:

9 CEQA

10 1. The project is not subject to additional environmental review pursuant to the provisions of the
11 California Environmental Quality Act (CEQA) of 1970, as amended, and pursuant to Section 15301
12 “Existing Facilities,” the project is classified as a Class 1 Categorical Exemption.

13 Measure J

14 1. The project supports the following Growth Management Element policies and is therefore
15 compliant with Measure “J.”

16 i. Policy GM-1.1.1 because the project is an urban development located within
17 the City’s Urban Limit Line.

18 ii. Policy GM-2.1.1 because the project results in urban infill development.

19 iii. Policies GM-7.2.1 through GM-7.2.3 because the project’s impact on public
20 services and facilities are reduced by conditions of approval, as well as by payment of impact fees
21 proportionate to the project’s demand on public services and facilities, including traffic impact,
22 parkland, and sewer.

23 Use Permit Amendment

24 1. Based on the Project Information, and all oral and written testimony submitted on this item,
25 the Planning Commission makes the findings set forth below with respect to the Use Permit
26 Amendment:

27 a. The proposal to sell beer, wine, and specialty food items from an adjacent inline
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1 retail/restaurant space is allowed within the Downtown Mixed Use (DMX) Zoning District and
2 complies with all other applicable provisions of the Development Code and City Municipal Code.

3 b. The project is consistent with the General Plan and policies that support retail uses and
4 improvements to existing properties in DMX Districts.

5 c. The design, location, size, and operating characteristics of the project are compatible
6 with existing uses in the vicinity, including the adjacent retail uses.

7 d. No exterior changes are proposed to the building and all work will be to the interior of
8 the tenant space and will match the existing theater architecture.

9 e. All new signage is required to be reviewed, approved, and consistent with the City's
10 Development Code and applicable sign program for the property.

11 f. Properties in the vicinity are also zoned DMX, therefore the project would be
12 compatible with future land uses in the vicinity.

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

15 h. Granting the Use Permit Amendment will not be detrimental to the public health,
16 safety, or welfare of the persons residing or working in the subject neighborhood or materially
17 detrimental or injurious to property or improvements in the vicinity and Zoning District where the
18 property is located. Project conditions and requirements will ensure on-going operations will not
19 impact properties in the area and maintenance of the parking lot, building exteriors and landscaping is
20 already secured through a separate property maintenance agreement.

21 2. The Planning Commission does hereby approve Use Permit Amendment (PL150002 - UP)
22 subject to the Conditions of Approval.

23 3. The Planning Commission does hereby adopt the Conditions of Approval.

24 Effective Date

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

1 **PASSED AND ADOPTED** this 18th day of March, 2015, by the following vote:

2 **AYES:**

3 **NOES:**

4 **ABSTAIN:**

5 **ABSENT:**

6
7 Laura Simpson
8 Secretary to the Planning Commission

9 Attachment:
10 A – Draft Conditions of Approval

11 cc: Russ Norris, Police Department
12 Robert Ovadia, Public Works-Engineering Services
13 Robert Woods, Building Division
14 Captain Robert Marshall, Contra Costa County Fire Protection District

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ATTACHMENT A
DRAFT
CONDITIONS OF APPROVAL
BRENDEN THEATRES ALCOHOL SALES USE PERMIT AMENDMENT
PL150002 - UP
1985 Willow Pass Road
APN 126-061-018

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PERMIT DESCRIPTION

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1. These Conditions apply to and constitute the approval of a **Use Permit Amendment (PL150002 – UP) to sell beer, wine, and specialty food items from an adjacent inline retail/restaurant space on a 3.3-acre site.**
 2. Exhibits date stamped received by the City of Concord on **January 6, 2015** are approved and shall be incorporated as Conditions of Approval.

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GENERAL CONDITIONS

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3. **The applicant shall provide garbage monitoring onsite and along the public right-of-way including Concord Avenue and Salvio Street at least twice a day. (PLNG)**
 4. The Conditions are the responsibility of the applicant and all contractors. Compliance shall occur as specified in the Conditions or at one of the following project milestones:
 - a. With the submittal of Building Plans.
 - b. Prior to issuance of Building Permits.
 - c. Prior to Construction.
 - d. On-going during Construction.
 - e. Prior to occupancy approval.

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

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5. Where a plan or further information is required, it is subject to review and approval by the applicable City Department/Division, as noted at the end of each Condition. The Division listed first shall be the primary contact for implementation of that Condition. **(PLNG, BLDG, ENGR, POLICE)**
 6. The project shall comply with all applicable Federal and State laws and Concord Municipal Code (CMC) requirements. **(PLNG, BLDG, ENGR, POLICE)**

- 1 7. Minor modifications that are found to be in substantial conformance with the approved plans
2 such as hours of operation, colors, fencing, or plant materials may be approved
3 administratively. Major modifications shall be approved by the applicable decision making
4 body. **(PLNG, BLDG, ENGR, POLICE)**
- 5 8. The Conditions of Approval shall be listed on a plan sheet that is included in the construction
6 plan set (Grading, Utility, Building, and Landscape Plans). **(PLNG, BLDG, ENGR, POLICE)**
- 7 9. Two annotated copies of the Conditions of Approval specifying how each applicable condition
8 has been satisfied, shall be submitted as follows:
9 a. At the time Grading, Utility, Building, and/or Landscape Plans are submitted for plan
10 check, whichever comes first.
11 b. Prior to occupancy approval. **(PLNG, BLDG, ENGR, POLICE)**
- 12 10. The project site and area surrounding the site shall be maintained in a weed and litter free
13 condition for the period prior to construction. **(BLDG, PLNG)**

14 **ALCOHOL SALES**

- 15 11. **Alcohol sales shall be for theater-goers with valid ticket only. (PLNG, POLICE)**
- 16 12. **All restaurant employees selling alcohol shall complete and obtain their “Responsible
17 Beverage Seller” certification. Said certifications shall be made available to law
18 enforcement personnel if requested. (PLNG, POLICE)**
- 19 13. **Alcohol sales are permitted between the hours of 12:00 p.m. and 10:00 p.m., seven days a
20 week. (PLNG, POLICE)**
- 21 14. **All restaurant employees selling alcohol shall check ID’s for legal drinking age and ticket
22 stubs at the time of alcohol purchase. (PLNG, POLICE)**
- 23 15. **Alcohol is prohibited in G-Rated movies. (PLNG, POLICE)**
- 24 16. **Alcohol is prohibited in popular teenaged movies (e.g., opening night of Hunger Games,
25 Twilight, and similar movies) as determined by Brenden Theatres management. (PLNG,
26 POLICE)**
- 27 17. **All restaurant employees selling alcohol shall serve customers one drink at a time.
28 (PLNG, POLICE)**
18. **Customers may leave the restaurant with one alcoholic drink at a time. (PLNG, POLICE)**
19. **All restaurant employees shall require the customer purchasing alcohol to present their
own ID. (PLNG, POLICE)**
20. **Customers may purchase two drinks per day. (PLNG, POLICE)**

- 1 21. All restaurant employees selling alcohol shall mark the customers' ticket indicating the
2 number of drinks that have been purchased. *(PLNG, POLICE)*
- 3 22. Beer and wine is prohibited in glass containers. *(PLNG, POLICE)*
- 4 23. Beer and wine shall be served in a clear plastic container without a lid; any "to go"
5 container is prohibited. *(PLNG, POLICE)*
- 6 24. Beer and wine shall not be transferred to another type of cup or container. *(PLNG,
7 POLICE)*
- 8 25. There shall be no alcohol-related promotions for "happy hours," tastings, or special
9 events. *(PLNG, POLICE)*
- 10 26. Brenden Theatres shall increase patrol and monitoring of activities inside the movie
11 auditoriums by senior management. Brenden Theatres security service shall also
12 perform movie auditorium checks on weekends, holidays, and other times as determined
13 by movie theater management. *(PLNG, POLICE)*
- 14 27. All alcohol transactions shall be recorded by a closed-circuit television security system
15 (CCTV). Customers purchasing beer or wine shall be able to see themselves on a CCTV
16 monitor. Video footage shall be kept in DVR memory for 30 days and available to law
17 enforcement personnel if requested. *(PLNG, POLICE)*
- 18 28. Anyone caught providing alcohol to a minor shall be removed from the property without
19 refund. Brenden Theatres shall attempt to contact the parent(s) of the minor. *(PLNG,
20 POLICE)*
- 21 29. Brenden Theatres shall cooperate with undercover "shops" or "checks" by law
22 enforcement personnel and State officials. *(PLNG, POLICE)*
- 23 30. The outdoor patio shall only be accessible from the interior of the restaurant. *(PLNG,
24 POLICE)*
- 25 31. The above listed conditions shall be conspicuously displayed in the restaurant, outdoor
26 patio, and the movie theater lobby as determined by the Police Department. *(PLNG,
27 POLICE)*

28 LANDSCAPING

32. The applicant shall utilize the patio adjacent to the east side of the restaurant tenant
space for outdoor dining as approved by the State Department of Alcoholic Beverage
Control and approved by the City of Concord. The applicant shall submit a plan to the
City detailing the design and use of this area, which shall be approved prior to the
issuance of a building permit for the restaurant tenant space. *(PLNG, BLDG, POLICE)*

1 **LIGHTING**

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

5 **SIGNAGE**

6 34. All signage shall comply with the City of Concord Sign Ordinance. **(PLNG) CMC**

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

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

13 37. The applicant shall submit construction plans for all signage showing the details of the
14 installation, dimensions, font, and materials and colors for review and approval prior to the
issuance of a Sign Permit. **(PLNG)**

15 **AGREEMENTS, FEES, BONDS**

16 38. All fees noted below are the fees currently in effect as of July 1, 2014 per the Resolution of
17 Fees and Charges. The fees and charges are reviewed annually as part of the budget public
18 hearing process. Fee adjustments are based on a number of factors and vary depending on the
type of fee:

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

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

23 **Parkland Fee** is adjusted per Section 78-95 of the Concord Municipal Code.

24 The fees become effective as of the date set forth in Exhibit A of Resolution No. 14-6042.1,
25 Fees and Charges for Various Municipal Services, as most recently amended and approved by
26 the City Council. Persons interested in how a particular fee is calculated should contact the
27 City Department administering the fee or the Finance Department.
28

1 39. Provide a **\$292** cash deposit to the Planning Division to cover Condition Compliance costs, at
2 the time of submittal of plans and documents to the Building Division for plan check.
3 Planning staff's time will be charged to this deposit for work performed to implement the
4 Conditions of Approval, from the time of project approval to occupancy approval. The deposit
5 will be placed in a refundable account and any unused funds will be returned upon completion.
6 If the initial deposit is insufficient to cover actual costs, an additional deposit will be required.
7 **(PLNG)**

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

11 **OTHER/MISCELLANEOUS**

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

14 Contra Costa County Fire Protection District
15 2010 Geary Road
16 Pleasant Hill, CA 94523

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

19 42. The applicant shall defend, indemnify and hold harmless the City, its agents, officials, and
20 employees from any claim, action or proceeding brought by a third party to set aside, annul,
21 attack or otherwise void the permit. **(PLNG)**

22 43. The permit and approval shall expire in **one** year from the date on which they became effective
23 unless a building permit is obtained and construction begun. The effective date of the permit
24 and approval is **March 31, 2015**. **(PLNG)**

25 44. A request for a time extension from the expiration date of **March 31, 2016** can be considered
26 if an application with required fee is filed at least 10 days before the original expiration date,
27 otherwise a new application is required. A public hearing will be required for all extension
28 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)**



**Brenden Theatres Concord 14
Alcohol Operational Statement
January 2015**

Report by;
Walter Eichinger
Brenden VP Operations
1985 Willow Pass Rd
Concord, CA 94520
925-677-0116 office
925-822-2814 cell
weichinger@brendencorp.com

RECEIVED

JAN 6 2015

PLANNING

RECEIVED

PLANNING

Brenden Concord Theatres Alcohol Operations Statement – page 1

Purpose

Over the past 7 years movie theater alcohol sales have been moving from small locally owned movie exhibitors like the Alamo Draft House in Texas to big box national chain exhibitors like Cinemark, Regal, AMC, and Galaxy Theatres. It has now apparent that there is a demand and customer base for movie goers that wish to enjoy a premium beer or wine with their movie experience.

Locally movie theaters in San Francisco and Oakland have been selling beer and wine for several years and both Cinemark Walnut Creek and Pleasant Hill have pending alcohol permits as well (see attached image for Century Walnut Creek).

The CA based Galaxy Theater chain has been a recent leader in theater beer and wine sales. Most recently their Riverbank location remodeled their main lobby to include a separate beer and wine bar. Patrons can purchase their favorite beer or wine and enjoy it anywhere within the facility including any auditorium for any show time or movie title.

Brenden Theatre Corporation has also been selling beer and wine at two of our locations for over two years. At our locations in AVI 8 Theatres in Laughlin, NV and Rifle 7 Theatres in Rifle, CO we have had successful alcohol sales programs that have been well received by our customers. We have had zero issues or police contacts in regards to any alcohol sales at either location during this time.

Alcohol sales at these locations are very moderate compared to the bigger theater chains. Weekend sales (Fri, Sat, Sun) range from 12-18 beers and 8-14 wines sold per day with half that amount per day for Monday – Thursday sales.

Although these sales are moderate we do find that it does bring a movie going audience that may normally not attend that often or not at all. And we know that if we can get an individual inside our door that may not normally attend, we have the chance to sell our concession and specialty food items that usually go along with a purchase of a beer or wine.

Brenden Theatres would like to sell beer and wine at our downtown Concord location and obtain a Type 41 Permit. We appreciate your consideration in this matter. Brenden Concord has seen a strong revitalization in its business and attendance over the past 3 years. Even at times when the national box office and other local competitor theaters have seen a small decrease in their sales compared to the previous year our Concord location has kept an increase in sales and attendance.

This has been accomplished with several sales and operational programs that are both in front of the customer and behind the scenes. We believe that a well done and well run alcohol sales program would help keep that momentum going and keep us competitive with other local cinemas.

Brenden Concord Theatres Alcohol Operations Statement – page 2

Operational Plan

Our proposed beer and wine sales will be conducted in our theater owned restaurant space #4 that is highlighted in yellow on the attached Cinema Square Floor Plan. This is former Zambur Restaurant that is 1600 sq. ft and closed operations in 2013. Inside this space is a pizza oven, grill, fryer, beer keg cooler and delivery system, bottled wine cooler, food warmers, walk in cooler, two restrooms, small prep kitchen and support room, and tables & chairs with seating approved for 40 persons.

We plan to create an opening into this restaurant from the main theater lobby allowing direct access for theater goers. (See attached architectural drawings). We wish to integrate this space into our lobby with the aim to seem as if it has always been there with the opening door design to match the existing architectural features in the main lobby.

We will sell 6-8 premium beers and 4-6 local and national wines at the counter. In addition we will sell specialty foods that are not found at our main concession stands. Using our pizza oven we will sell pizza by the slice and a variety of flat bread sandwiches. We also aim to have a “Nacho Bar” with fresh made chips and a variety of toppings, cheeses, and salsas. Finally we will have a small variety of burger sliders and Panini sandwiches as well.

There will be some standard movie foods and drinks available as well such as soda and frozen slushie drinks, candies, hot dogs, pretzels, and ice cream.

Entrance to this restaurant space will only be allowed through the main lobby of the theater. The existing entrance doors to the restaurant space will of course remain unlocked during business hours and available as a fire exit at all times, but signage and professional window door wraps will be installed indicating that the entrance is only available through the main lobby theater door.

Although at times we will allow persons to enter our lobby without a ticket to purchase a drink or food in this restaurant space just as we currently do with our popcorn stands, we will encourage and get the word out that only ticketed customers with the specific purpose being there to watch a movie have access to the restaurant. In other words we want our tables, chairs, and restaurant space to be used by theater goers that buy tickets and popcorn.

In addition having them access the restaurant through our main lobby with a valid ticket will allow much better management and supervision of the alcohol operations. Our main management control center located at our Customer Service Counter of the theater is located in direct line of site with the restaurant access door.

We will allow beer or wine to be brought into our main lobby, hallways, and all 14 auditoriums except for the restrictions noted on the next page. At no time will alcohol be permitted in the theater courtyard.

Brenden Concord Alcohol Operations Statement – page 3

Here are some brief summary points in regards to our alcohol sales;

- All restaurant employees will compete and obtain their RBS (Responsible Beverage Seller) certification.
- No alcohol sales we will be permitted before 12 noon or past 10:00 pm daily.
- In addition to having their ID checked at the time of alcohol purchase, their ticket stub will be checked as well. There will be no alcohol permitted in any G rated movie at any time. In addition, from time to time there will be no alcohol permitted into movies that are very popular with teenagers such as the opening night of Hunger Games and Twilight type movies.
- A patron can only buy one drink at a time. They cannot walk away with more than one alcoholic drink. We will need to see the person and ID of each individual.
- There is a two drink limit per individual per day. Each time they purchase a drink we will mark their ticket receipt.
- Beer and wine will be served in a clear plastic container. There will be no glass or bottles given to a patron. Beer or wine will not be allowed to be transferred to another type cup or container.
- There will be no Happy Hours or Tastings.
- Our prices will range from \$5-\$8 per beer for 12 ounces and \$6-\$9 for 8 ounces of wine.
- Brenden Theatres will step up patrol and monitoring of activities inside our auditoriums by senior management. Brenden Theatres also employees a Security Service on weekends, holidays, and other times. They too will make auditoriums checks.
- All alcohol transactions will be recorded by a CCTV security system. Patrons who are purchasing beer or wine will be able to see themselves on a CCTV monitor. Video footage will be kept in DVR memory for 30 days and available to Concord PD if requested.
- Anyone caught providing alcohol to a minor will be removed from our property without refund. We will also attempt to contact the parent of the minor.
- Brenden Theatres will fully cooperate with “under cover” shops or checks by Concord PD or State officials.

Our operational goal is that our beer and wine sales do not distract from a safe, pleasant, and enjoyable movie going experience for any patron. We wish it only to add to a positive experience to those patrons who enjoy a good movie with a premium beer or wine along with it.

Although we cannot guarantee that no alcohol will ever fall into the hands of a minor inside a dark movie theater, we will make our best effort to see that it does not happen on a daily basis.

Brenden Theatres sincerely thanks you for your consideration. We are open to suggestions, comments and even a trial period.

Brenden Theatre Concord CA Menu

Draft Beer (12 oz)

Blue Moon
Firestone
Angry Orchard
Samuel Adams
Sierra Nevada
Hops-Wrath IPA
Coors

Bottled Beer (12 oz)

Coors
Coors Light

Wine (9 oz).

Beringer White Zinfandel Napa
Barefoot Chardonnay California

Cold Drinks

Gourmet Milk Shakes
Flavored Waters

Food Items

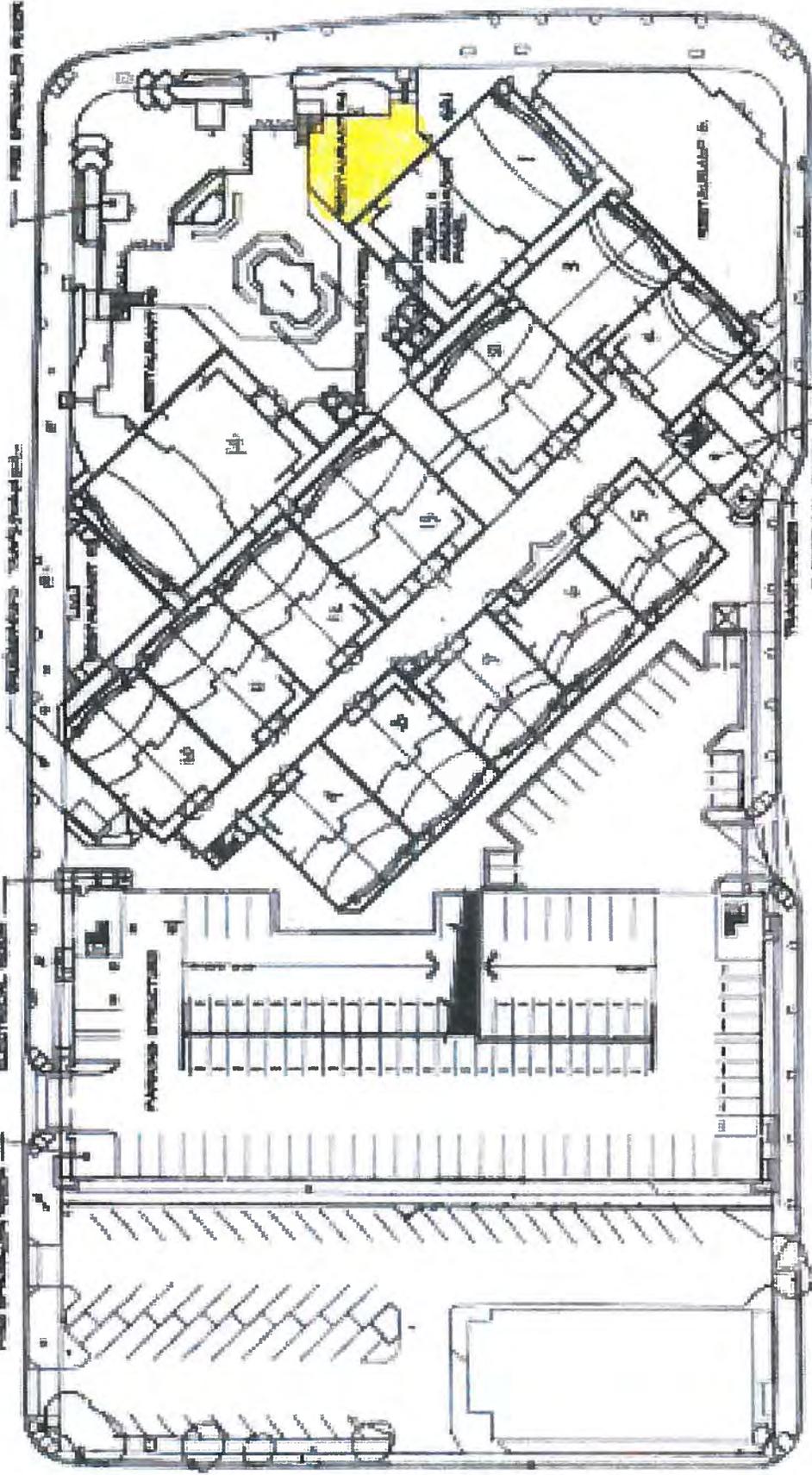
Kinders Pulled Pork Sandwich
Kinders Chicken Club Sandwich
Kinders Tri Tip Sandwich
White Castle Burger Slider
Potato Samosas
Pretzel Bites
Jumbo Soft Pretzels
Nacho Bar - Chicken Nachos
Nacho Bar - Beef Nachos
Nacho Bar - Mega Nachos
Nacho Bar - Chips & Salsa
Gourmet Sausages x 3
Panini Sandwiches x 3

CONCORD AVE.

GALINDO ST.



SALVIO ST.



WILLOW PASS RD.

ADORE ST.



MIRA VISTA TERRACE

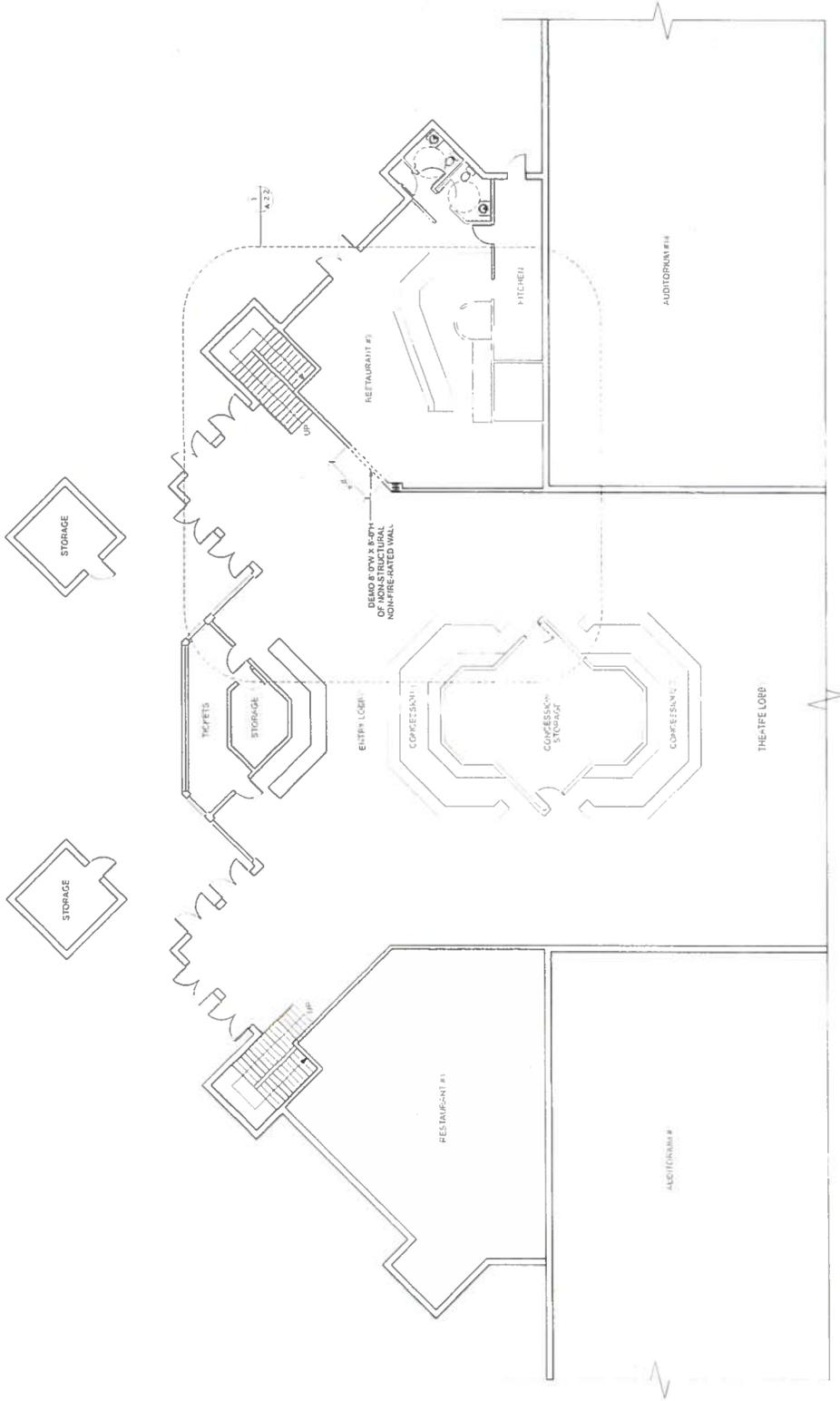


#	DATE	REVISION

**(E) Enlarged Floor Plans
 & Proposed Demo Plan**

Project	M.S.L.
Drawn by	J.C.
Checked by	
Date	07.06.14
Scale	

A-2.1

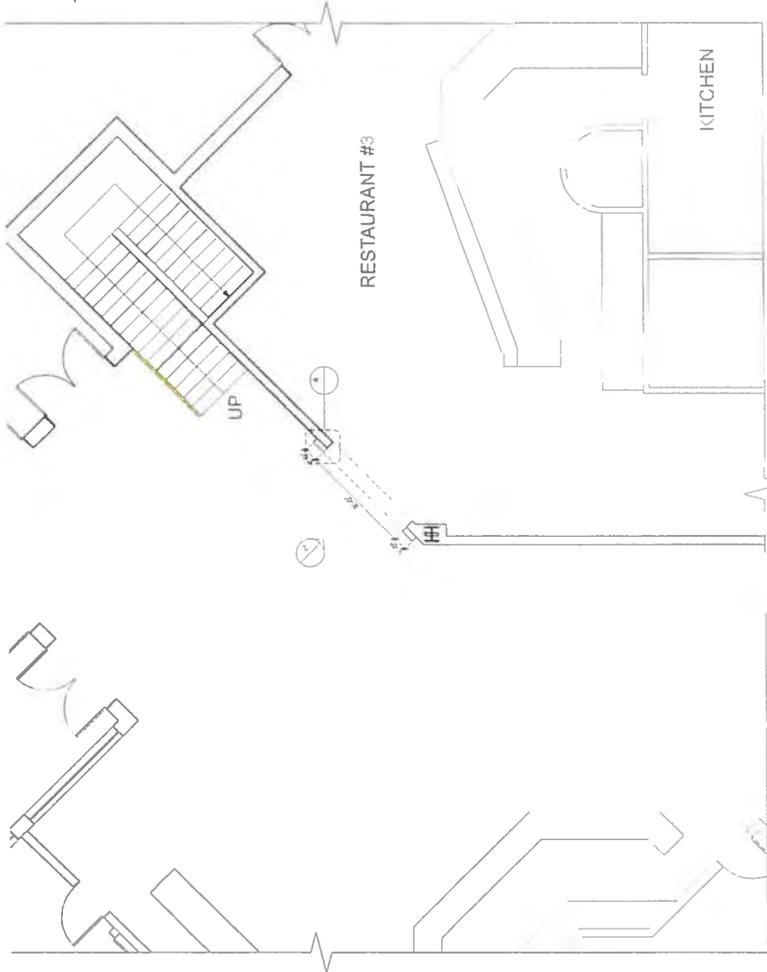


(E) ENLARGED THEATRE FLOOR PLAN & PROPOSED DEMO PLAN
 Scale: 1/8" = 1'-0"

**Floor Plan, Elevation
 & Section**

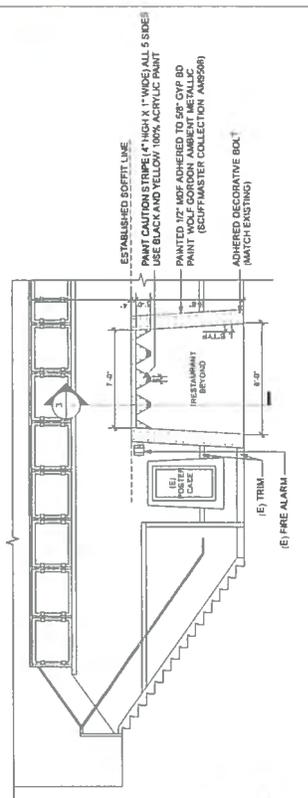
Project	1400
Drawn By	KC
Checked By	
Date	07/08/14
Scale	

A-2.2

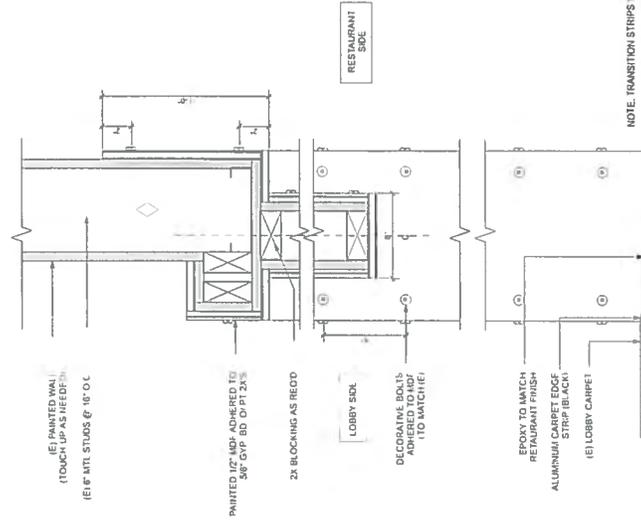


ENLARGED FLOOR PLAN OF PROPOSED WORK
 Scale: 1/4" = 1'-0"

(E) WALL
 1/2" PAINTED MDF CLAR. CYP. BD
 C/PPT 2X'S OF 1/2" X 1/4" STUDS
 ALL CORNERS OF MDF TO BE MITERED



INTERIOR ELEVATION
 Scale: 1/4" = 1'-0"



WALL SECTION
 Scale: 3/4" = 1'-0"

PLAN DETAIL
 Scale: 3/4" = 1'-0"





REPORT TO PLANNING COMMISSION

DATE: March 18, 2015

SUBJECT: Starbucks Use Permit and Design Review (PL1400257-UP, DR)

Recommendation: Adopt Resolution No. 15-03PC, approving the Starbucks Use Permit and Design Review (PL1400257-UP, DR)

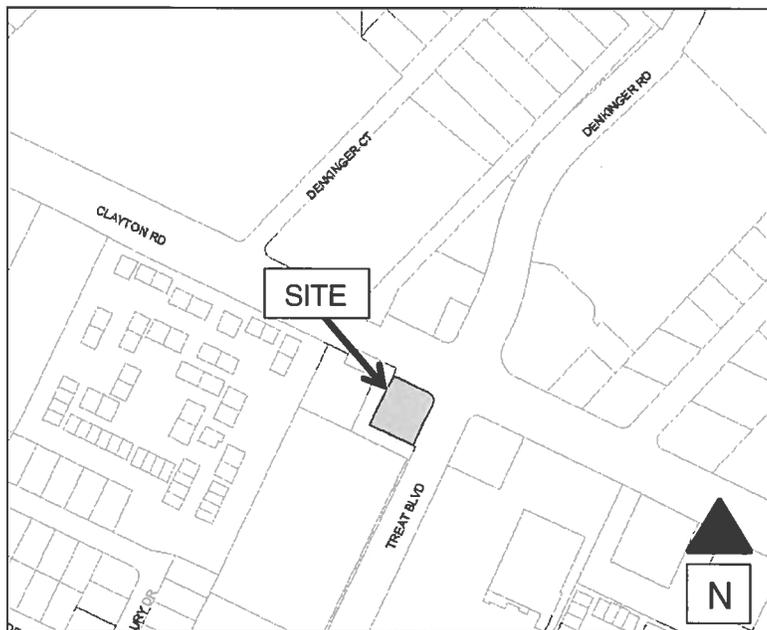
I. Introduction

A. Application Request

Application for a Use Permit and Design Review for an approximately 2,000 square foot Starbucks with drive-through.

B. Location

The project site is located at 4290 Clayton Road; APN 132-160-004



C. Applicant/Owner
Victor Chiang, President
DVP I, LP
89 Davis Road, Suite 160
Orinda, CA 94563

II. Background

On April 10, 2014, the Design Review Board conducted a study session on conceptual plans for an approximately 2,000 square foot Starbucks with drive-through at 4290 Clayton Road. The study session was requested by DVP I (Applicant) to obtain feedback on the project's conceptual design prior to filing a formal application. The Board commented that the proposed building was attractive but encouraged the Applicant to explore a more dynamic design for the prominent street corner.

On June 27, 2014, the Applicant filed a use permit and design review application for the project. The application was reviewed by the Development Advisory Committee (DAC) who determined additional information was necessary to complete the application.

The project returned to the Design Review Board on July 10, 2014. Comments were provided that resulted in additional revisions that were presented to the Board at a study session on August 14, 2014, at which meeting the Board recommended design approval.

A neighborhood meeting was held for the project on August 27, 2014, that was attended by four representatives from Wally's Rentals and Kaffa Coffee Roasting Co., two neighboring businesses. Wally's is an equipment rental business located west of the project. Wally's representatives expressed support for developing the site as a way to address on-going equipment vandalism and theft issues as a result of being next to the vacant site. Kaffa, which operates a drive-through coffee kiosk in the shopping center located just south of the project, expressed concerns with the project's impact on their business.

Additional revisions were made to the application before DAC could deem the application complete on January 27, 2015.

III. General Information

A. General Plan

The General Plan land use designation is Commercial Mixed Use. The project is a commercial use consistent with the land use designation and General Plan policies related to in-fill development as discussed in Section IV-A of this report.

B. Zoning

The site is zoned CMX (Commercial Mixed Use). The proposed Starbucks is classified as "Restaurant with Drive-Through," and is an allowed use in the CMX district with a conditional use permit. The project is consistent with development standards for the CMX district and general development standards, as discussed in Section IV-B of this report.

C. CEQA Status

Pursuant to the California Environmental Quality Act (CEQA) of 1970, as amended, the project is Categorical Exempt under Section 15303, Class 3 “New Construction or Conversion of Small Structures,” and Section 15332, Class 32 “In-Fill Development Projects,” and no further environmental review is required. The project does not present unusual circumstances (among other things, it is of similar size, scale, location, and type for which similar categorical exemptions have been granted) and there are no project features that distinguish this project from others in the exempt classes. Because no unusual circumstances exist, there is no reasonable possibility that the proposed project will have a significant effect on the environment due to unusual circumstances.

D. Site Description

The project site consists of two contiguous parcels totaling 20,382 sq. ft. The larger of the two is a 12,676 square foot parcel owned by the Applicant. The second parcel is a 7,694 square foot Bureau of Reclamation (BOR) right-of-way that is part of the Contra Costa Canal System. The BOR right-of-way is an L-shaped parcel abutting the Applicant’s lot to the south and west. The BOR issued a license to the previous property owner allowing use of the right-of-way for parking and landscaping improvements. The license has been assigned to the Applicant, who acquires the same rights under the same conditions and terms, including the BOR’s right to revoke the license upon thirty (30) days’ notice.

The project site is currently vacant but previously developed with a gas station; existing driveways off Clayton Road and Treat Boulevard are all that remain of the prior development. The site has been cleared of vegetation including non-protected trees that were recently removed.

The site is surrounded by the following uses:

	Land Use	General Plan Designation	Zoning
North	Clayton Road/gas station	Neighborhood Commercial	NC
South	Shopping center	Commercial Mixed Use	CMX
East	Treat Boulevard/gas station/shopping center	Neighborhood Commercial	NC
West	Equipment rental	Commercial Mixed Use	CMX

IV. Project Description and Analysis

The project proposes to develop the site with an approximately 2,000 square foot Starbucks store with a drive-through. The facility will be the third Starbucks in Concord with drive-through operations including the Olivera Shopping Center and Dana Plaza Shopping Center locations. The facility will typically operate between 4:30 a.m. to 10:00 p.m., with at least three employees at all times and up to six employees during peak times.

In addition to the Starbucks building, the project will construct new driveways off Clayton Road and Treat Boulevard, parking for 19 vehicles, masonry perimeter wall, and landscaping improvements including landscaped stormwater treatment areas. The Applicant has a license from the BOR to develop and utilize their right-of-way for project improvements including access driveways, parking, and landscaping.

A. General Plan

The General Plan's Commercial Mixed Use land use designation for the site is intended for a "mix of commercial uses, offices, multi-family uses, and mixed use development." However, restrictions on the BOR right-of-way limit the site's full development potential under the General Plan, as evidenced by the site being vacant for many years despite its location on a busy intersection. Staff finds the project is consistent with General Plan policies encouraging high quality development on in-fill properties including, but not limited to, the assemblage of land to "*achieve building sites large enough for safe, efficient, on-site vehicular circulation and ample landscaping,*" (Policy LU-9.2.1), and allowing unique and creative design solutions for infill development that is compatible with neighboring shopping areas (Policy LU-9.2.2). There is no specific plan that applies to the project site.

B. Zoning and Development Regulations

The following table provides the proposed development standards for the CMX district and general development standards.

Standards	Required	Provided
Lot Area (minimum)	10,000 sq. ft.	12,688 sq. ft.
FAR (max.)	1.0	0.16
Setbacks (minimum)		
Front yard	5 ft.	27 ft.
Side yard	None	39 ft.
Exterior Side yard	10 ft.	17 ft.
Rear yard	None	0-41 ft.
Building Height (max.)	30 ft.	27 ft.
Parking Spaces	20	19 (3 on-site/16 off-site)
Bicycle Parking	2 spaces	2 spaces
Landscaping	20% of site	26%

The project complies with all applicable development standards except for parking. Nineteen parking spaces are proposed where 20 are required. A detailed analysis of the proposed parking plan is provided in this report.

C. Site Planning/Circulation/Parking

Site Plan/Circulation

The project proposes locating the Starbucks building at the northeast portion of the site adjacent to the street corner. Site access will be provided via new driveways off Clayton Road and Treat Boulevard that extends through the BOR right-of-way. The drive-through entrance is proposed at the south side of the building and wraps around the building counter clockwise along the east and north side sides of the building where the pick-up window is located.

The new driveways will be restricted to right turn only ingress/egress. A crosswalk from Clayton Road through the drive-through lane provides pedestrian access from Clayton Road. The project includes a two foot wide dedication along its entire Treat Boulevard frontage to accommodate a wider sidewalk.

A trip generation study (Exhibit B) was prepared to determine the number of net new trips the project would generate during weekday peak hours (7:00 a.m. – 9:00 a.m. and 4:00 p.m. – 6:00 p.m.). The study surveyed two Starbucks drive-through facilities located in Benicia (Columbus Parkway) and at Dana Plaza (Concord Blvd.) because of these facilities' locations off busy arterials. Based on the survey, the study estimates the proposed facility would generate approximately 180 total trips during AM peak hours, with approximately 67 percent being "pass-by" trips (i.e., traffic that is currently passing by the site that are not new trips). Applying the pass-by rate results in 89 net new trips per AM peak hour.¹ The net new trips during PM peak hours is estimated to be substantially lower at 32 trips per PM peak hour. A traffic study is not required for the project because it will not generate 100 or more net new vehicle trips during AM or PM peak hours.

Parking

Nineteen off-street parking spaces are proposed for the project, including one handicap parking space. Sixteen spaces will be located along the west side of the project within the BOR right-of-way. The Applicant's parcel provides three additional parking spaces located off the Treat Boulevard driveway. The current plan proposes all standard parking with 9' x 19' dimensions.

Development Code parking standards require one parking space per 100 sq. ft. of gross floor area for restaurants. Therefore, the approximately 2,000 square foot building requires 20 off-street parking spaces. The current plan needs one additional parking space to meet the required parking. Staff believes an additional parking space can be easily gained by adding compact parking. The Development Code allows the project to provide up to 25% of required parking as compact spaces, or up to five compact spaces for the project. The Applicant has agreed to a Condition of Approval (COA) requiring City approval of a revised parking plan providing a minimum 20 parking spaces prior to approval of Grading or Improvement Plans.

¹ A car entering and leaving the site counts as two trips; therefore, approximately 45 cars would account for the new trips generated per AM peak hour.

The Applicant's license for the BOR right-of-way does not commit BOR to offering their site for the project's use. It is worth noting however, that the BOR right-of-way has historically been used to accommodate development on the Applicant's site, such as the site's prior use as a gas station. In the unlikely event Applicant's license is revoked or not renewed, the Applicant would have to implement a contingency plan on how parking and access requirements will be satisfied without the BOR parcel. The COA's require approval of the contingency plan prior to issuance of Certificate of Occupancy, and a use permit amendment prior to any change in the property's use or approved plans, including the revocation of parking within BOR right-of-way. The contingency plan will address, among other things, a scaling down of the use, change in operations (e.g., drive-through or walk-up only), and/or securing off-site parking spaces, in order to offset the partial or full loss of the BOR parcel (including associated use and/or property rights). COAs 1, 30, and 31 have been included to address potential loss of the BOR right-of-way; those conditions of approval are material and but for Applicant's agreement to those conditions, City staff would not be recommending approval of the project.

D. Building Architecture

The project architecture features simple box forms designed with Contemporary-style architecture including a flat roof, parapet with decorative cornice/crown, standing seam metal awnings, and stucco body with tile wainscoting and accents. The Design Review Board recommended approval of the proposed architecture following design revisions addressing their comments on massing and emphasizing the building's appearance at the street corner. The changes include staggering the building's single-story profile to break up its horizontal massing and the addition of a tower element at the corner of Clayton Road and Treat Boulevard. Staff finds the proposed architecture meets all applicable design criteria, as detailed in sections 11-13 of the approving resolution.

E. Landscaping/Walls/Fencing

Landscaping is proposed around the perimeter of the site and building. The plant list consists of 24-inch box crape myrtle trees and nine types of shrubs in one and five gallon sizes. Perimeter landscaping includes bioswales landscaped with "Elk Blue" rush and crape myrtle trees.

A three foot tall wood green screen is proposed around the drive-through lane and a six foot masonry wall is proposed along the south and east property lines. Both the fence and walls will be treated with creeping fig vines.

The Design Review Board has recommended approval of the landscape plans. Following the Board's review of the plan, the BOR license was conditioned to prohibited trees within the BOR right-of-way. The current plans are consistent with that condition but have not been reviewed by the Board. A Condition of Approval will require that the BOR landscaping return to the Board for approval as a staff report item. Staff finds the proposed landscape plan meets all applicable design criteria, as detailed in sections 11-13 of the approving resolution.

F. Signs

The plans include preliminary designs and locations of wall signs for the proposed building. The Applicant has indicated no ground signs are proposed other than directional signs and menus for the drive-through. A detailed sign plan is required for staff's approval prior to issuance of a sign permit to ensure conformance with all applicable sign standards.

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 Contra Costa Times, as required by the Concord Municipal Code. Notification was also mailed to the Blind, Aged, and Disabled Communities pursuant to Government Code Section 65091(d) as required for businesses that are modifying and/or adding drive-through facilities. This item has also been posted at the Civic Center and at the subject site at least 10 days prior to the public hearing.

VII. Summary and Recommendations

Staff finds the project is consistent with the General Plan and complies with the CMX District and development standards that apply to the project. The project will improve a vacant in-fill site and enhance the area with an attractively designed development that was recommended for approval by the Design Review Board. Therefore, staff recommends that the Planning Commission adopt Resolution No. 15-03PC, approving the Starbucks Use Permit and Design Review (PL1400257-UP, DR).

VIII. Motion

Project Approvals

I (Comm. _____) hereby move that the Planning Commission adopt Resolution No. 15-03PC, approving the Starbucks Use Permit and Design Review (PL1400257-UP, DR), subject to the Conditions of Approval set forth in Attachment 1 to Resolution No. 15-03PC. (Seconded by Comm. _____.)

Prepared by: Frank Abejo
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Reviewed by: Laura Simpson
Laura Simpson
Planning Manager
(925) 671-3369
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Exhibits:

- A - PC Resolution No. 15-03PC, with Conditions of Approval (Attachment 1)
- B - Trip generation study
- C - Project plans

BEFORE THE PLANNING COMMISSION
OF THE CITY OF CONCORD,
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

A RESOLUTION APPROVING THE STARBUCKS
USE PERMIT AND DESIGN REVIEW (PL1400257)

Resolution No. 15-03 PC

WHEREAS, on June 27, 2014, DVPI, LP submitted a use permit and design review application to construct an approximately 2,000 square foot Starbucks with drive-through at 4290 Clayton Road, APN 132-160-004; and

WHEREAS, on January 27, 2015, the application was deemed complete for processing; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) of 1970, as amended, the project is Categorical Exempt under Section 15303, Class 3 "New Construction or Conversion of Small Structures," and Section 15332, Class 32 "In-Fill Development Projects," and 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 March 18, 2015, 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 March 18, 2015, 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 March 18, 2015, 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 1.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS: that the Planning Commission makes the following findings:

CEQA

1. The project is Categorical Exempt pursuant to the California Environmental Quality Act (CEQA) of 1970, Section 15303, Class 3 "New Construction or Conversion of Small

1 Structures,” because the proposed building is less than 2,500 square feet in floor area and does
2 not involve the use of significant amounts of hazardous substances.

3 2. The project is Categorical Exempt pursuant to the California Environmental Quality
4 Act (CEQA) of 1970, Section 15332, Class 32 “In-Fill Development Projects,” because:

- 5 a. The project is consistent with the Concord 2030 Urban Area General Plan and
6 Concord Development Code, as further explained in the Use Permit Findings
7 below;
- 8 b. There is no specific plan applicable to the project site;
- 9 c. The project is located within City limits on a site less than five acres and
10 surrounded by urban uses;
- 11 c. The project site has no value as habitat for endangered, rare, or threatened species;
- 12 d. The project will not result in any significant effects relating to traffic, noise, air
13 quality, or water quality; and
- 14 e. The site can be adequately served by all required public utilities and public
15 services.

16 3. The project does not present unusual circumstances (among other things, it is of similar
17 size, scale, location, and type for which similar categorical exemptions have been granted) and
18 there are no project features that distinguish this project from others in the exempt classes.

19 4. There is no reasonable possibility that the proposed project will have a significant
20 effect on the environment due to unusual circumstances. Because no unusual circumstances
21 exist, there is no reasonable possibility that the proposed project will have a significant effect
22 on the environment due to unusual circumstances.

23 5. The determination that a categorical exemption applies to the project reflects the
24 independent judgment and analysis of the City as the lead agency.

25 Use Permit

26 6. *The proposed use is allowed within the applicable zoning district and complies with all*
27 *other applicable provisions of the development code and the CMC.* The proposed use is a
28

1 Restaurant with Drive-through, which is an allowed use within the CMX (Commercial Mixed
2 Use). The project meets standards for lot area, floor area ratio, setbacks, and building height
3 of CMZ zoning, satisfies applicable requirements under Development Code, Division IV,
4 General Development Standards, and complies with all other applicable provisions of the
5 Development Code and Concord Municipal Code.

6 7. *The proposed use is consistent with the general plan and any applicable specific plan.*
7 The project is consistent with Commercial Mixed Use land use designation, which is intended
8 for a “mix of commercial uses, offices, multi-family uses, and mixed use development,” and
9 with General Plan policies encouraging high quality development on in-fill properties
10 including, but not limited to, the assemblage of land to “*achieve building sites large enough*
11 *for safe, efficient, on-site vehicular circulation and ample landscaping,*” (Policy LU-9.2.1),
12 and allowing unique and creative design solutions for infill development that is compatible
13 with neighboring shopping areas (Policy LU-9.2.2).

14 8. *The design, location, size and operating characteristics of the project are compatible*
15 *with existing and future uses in the vicinity.* The project’s design, location, size, and operating
16 characteristics comply with the applicable standards related to circulation, access, parking,
17 landscaping, drainage, building design, etc., to ensure compatibility with existing and future
18 uses in the vicinity.

19 9. *The site is physically suitable for the type, density and intensity of the proposed use,*
20 *including access, utilities, and absence of physical constraint.* The project consists of two
21 contiguous parcels totaling 20,382 sq. ft., including a 7,694 square foot Bureau of Reclamation
22 (BOR) right-of-way that is part of the Contra Costa Canal System. The BOR right-of-way has
23 historically been used to provide parking and access for the abutting property, including the
24 site’s most recent use as a service station. The two properties combined provide sufficient
25 parking, landscaping, access, and utilities (including stormwater treatment areas) to serve the
26 project site and surrounding area. Conditions of approval 1, 30, and 31 have been included to
27 address potential loss of the BOR right-of-way; those conditions of approval are material and
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1 but for applicant's agreement to those conditions, this approval would not have been granted.
2 Failure to comply with conditions of approval 1, 30, and/or 31 shall be grounds for revocation
3 of the permit.

4 10. *Granting the permit will not be detrimental to the public health, safety, or welfare of*
5 *the persons residing or working in the subject neighborhood or materially detrimental or*
6 *injurious to property or improvements in the vicinity and zoning district where the property is*
7 *located.* The proposed use is allowed by the CMX (Commercial Mixed Use) zoning that
8 applies to the property and surrounding areas. The project will not be detrimental to the public
9 health, safety, or welfare of persons residing or working in the neighborhood because it will
10 meet or exceed the applicable development standards to ensure setbacks, landscaping, parking,
11 and other project features are appropriate for the area.

12 Design and Site Development Review

13 11. The project is consistent with the General Plan as explained in finding 9 above.

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

- 15 a. *The building design and landscaping supports public safety and security by*
16 *allowing for surveillance of the street by people inside buildings and elsewhere on the*
17 *site.* The drive-through provides surveillance of the street in addition to the building's
18 storefront windows.
- 19 b. *The design is compatible with the historical or visual character of any area*
20 *recognized by the City as having such character.* The area is not recognized as a
21 historical, architectural, or scenic area by the City.
- 22 c. *The project design preserves major view and vistas along major streets and open*
23 *spaces and trails and enhances them by providing project amenities.* There are no
24 major views or vistas in the area. And the small scale of the project, which consists of a
25 single-story building that complies with development standards, would preserve
26 existing views and vistas.
- 27 d. *The proposed lighting and fixtures are designed to complement on-site buildings,*
28

1 *are of an appropriate scale for the development, and provide adequate light for safety*
2 *and security while minimizing glare. Building-mounted light fixtures are designed to*
3 *complement the architecture and will provide sufficient illumination for paths of travel*
4 *while minimizing glare.*

5 *e. All mechanical, electrical, and utility equipment is located, screened, or*
6 *incorporated into the design of the buildings so as not to be visible from off-site, and*
7 *screening devices are consistent with the exterior colors and materials of the buildings.*
8 Mechanical and rooftop equipment will be screened by parapets that match the
9 buildings' architecture.

10 *f. The overall design of the project, including its scale, massing, site plan, exterior*
11 *design, and landscaping, enhances the appearance and features of the project site and*
12 *surrounding natural and built environment. The project will enhance the vacant site*
13 *and surrounding area with a quality-designed building and by constructing*
14 *improvements such as landscaping and stormwater treatment areas.*

15 *g. The project design is appropriate to the function of the project and will provide an*
16 *attractive and comfortable environment for occupants, visitors, and the general*
17 *community. The project site is located on the corner of a major intersection that is*
18 *appropriate for a drive-through facility or other car-oriented use. The project will*
19 *improve the vacant site with buildings, parking, and new landscaping to create an*
20 *attractive and comfortable setting for employees, visitors, and the general community.*

21 *h. The architectural details, colors, materials, and landscaping are internally*
22 *consistent, fully integrated with one another, and used in a manner that is visually*
23 *consistent with the proposed architectural design. The project was recommended for*
24 *approval by the Design Review Board after finding that the architectural details are*
25 *internally consistent and fully integrated with one another.*

26 *i. The project is compatible with neighboring development in the same Zoning*
27 *District by avoiding large differences in building scale and character and provides a*
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1 *harmonious transition between the proposed project and surrounding development.*

2 The scale and character of the proposed single-story building and drive-through is
3 compatible with surrounding commercial developments, the majority of which are also
4 single story, including two auto-oriented service stations across the street from the
5 project.

6 j. *The project creates an attractive and visually interesting built environment with a*
7 *variety of building styles and designs, well-articulated structures that present varied*
8 *building facades, rooflines, and building heights within a unifying context.* The project
9 will create a visually interesting building within a small scale that includes varied
10 parapet heights stepping up to the street corner, a tower to break up the building's
11 horizontal mass, and building offsets that create relief and articulate building elements.

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

19 l. *Stormwater treatment areas have been integrated into the landscape design.* The
20 project includes bio-retention areas integrated into the landscape design.

21 m. *New construction does not need to match existing surrounding development or*
22 *buildings; however, the design shall complement or enhance existing development.* The
23 project will enhance surrounding developments that consist mostly of older constructed
24 buildings.

25 13. *The project is consistent with all applicable Design Guidelines adopted by the City*
26 *Council that are in effect at the time of approval.* The project is consistent with the Concord
27 Community Design Guidelines because:
28

- 1 a. The building is designed to minimize its height from distant views with an
2 attractive four-sided design that includes quality finishes and details.
- 3 b. The building will screen mechanical equipment with architectural elements that
4 seamlessly blend with the overall design.
- 5 c. The building is designed to reflect the rhythm of vertical and horizontal patterns
6 expressed by existing buildings in the area, many of which are single-story commercial
7 buildings.
- 8 d. Exterior building details provide visually interesting facades by using quality
9 finishes of varying textures including stucco, tile, and metal, and by providing strong
10 horizontal and vertical relief with towers, reveals, recesses, and pop-outs.
- 11 e. The building is sited to maintain the streetscape geometry of buildings parallel to
12 Clayton Road and Treat Boulevard, and avoids creating conflicting or arbitrary spaces
13 and building forms.
- 14 f. The project will provide at least two bicycle parking spaces as required by the
15 Development Code.
- 16 g. New lighting will consist of building mounted fixtures that will be screened by
17 landscaping or are placed a considerable distance from neighboring properties to avoid
18 light trespass. All new light fixtures will be glare-shielded and directed downward to
19 further minimize lighting impacts.
- 20 h. Proposed buildings are articulated to minimize bulk with building off-sets and pop-
21 outs that break up facades, by tower and parapet elements to avoid a boxy look, and by
22 balancing vertical and horizontal architectural elements to create visual interest.
- 23 i. The building is articulated to minimize mass by drawing attention to smaller-scaled
24 elements of the building, varying roof heights, and by visually breaking up major
25 surface planes with architectural elements and different materials.
- 26 j. Building colors are also used to highlight smaller building elements and transitions
27 in materials to further minimize building mass.
- 28

1 k. Architectural elements such as a tower and building projections create a rhythm
2 that provides visual interest and variety, and elements that create shadow such as
3 awnings and canopies add visual relief.

4 l. Durable materials such as metal, tile and stucco are used as appropriate for the
5 function of the building.

6 m. Tree and shrub plantings are clustered to soften building edges, create strong accent
7 points, and to compliment the function of landscaped stormwater treatment areas

8 Project Approval

9 14. The Planning Commission finds that the above recitals are accurate and constitute
10 findings in this matter and, together with the Project Information, serve as an adequate and
11 appropriate evidentiary basis for the findings and actions set forth in this resolution, and
12 further makes the following findings:

13 15. The Planning Commission does hereby approve Starbucks Use Permit and Design
14 Review (PL1400257-UP, DR), subject to the Conditions of Approval.

15 Effective Date

16 16. In accordance with City of Concord Municipal Code Section 18.500.080, approvals or
17 other decisions of the Planning Commission shall become effective on the 11th calendar day
18 following the date the decision is rendered, if no appeal is filed (“Date of Decision”).

19 **PASSED AND ADOPTED** this March 18, 2015, by the following vote:

20 **AYES:** Commissioner -

21 **NOES:** Commissioner -

22 **ABSTAIN:** Commissioner -

23 **ABSENT:** Commissioner -

24
25
26 _____
Laura Simpson
Secretary to the Planning Commission

27 Attachments:
28 1 – Draft Conditions of Approval

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cc: Robert Ovadia, City Engineer
Robert Woods, Building Division
Captain Robert Marshall, Contra Costa County Fire Protection District

DRAFT CONDITIONS OF APPROVAL

STARBUCKS

PL1400257 – UP, DR

4290 CLAYTON ROAD

APN: 132-160-004

NOTE: Changes and additions to Standard Conditions are highlighted in bold.

PERMIT DESCRIPTION

1. These Conditions apply to and constitute the approval of a **Use Permit for an approximately 2,000 square foot Restaurant with Drive-Through with 19 on-site parking spaces. The permittee and successors shall operate the facility in compliance with these conditions and approved plans date-stamped received January 20, 2015. A deed restriction shall be recorded against the property requiring City approval of any change to the authorized use and approved plans. The deed restriction language shall be subject to prior review and approval by the City Attorney, and the approved deed restriction shall be recorded against the property prior to certificate of occupancy.**
2. These Conditions apply to and constitute approval of **Design and Site Review** for an approximately 2,000 square foot building and related improvements including landscaping. Exterior building materials and colors shall be in substantial conformance with the approved plans.
3. The following exhibits are approved and shall be incorporated as Conditions of Approval.

Plan	Date	Prepared by	Sheet
Project Data/Cover Sheet	1-16-15	David J. Elliot & Associates	A1.1
Handicap Parking Details	1-16-15	David J. Elliot & Associates	A1.3
Roof Plan	1-16-15	David J. Elliot & Associates	A2.1
Building Elevations	1-16-15	David J. Elliot & Associates	A3.1-A3.2
Building Sections	1-16-15	David J. Elliot & Associates	A3.3
Preliminary Landscape Plan	1-16-15	David J. Elliot & Associates	LP-1
Site Plan	1-2-15	Ackland International, Inc.	C1.0
Demolition Plan	1-2-15	Ackland International, Inc.	C2.0
Grading and Drainage Plan	1-2-15	Ackland International, Inc.	C3.0
Utility Plan	1-2-15	Ackland International, Inc.	C4.0
Stormwater Control Plan	1-2-15	Ackland International, Inc.	C5.0

1 **GENERAL CONDITIONS**

- 2 4. The Conditions are the responsibility of the property owner, applicant, and all contractors. The
3 timing of compliance shall occur as specified, or at one of the following project milestones,
4 whichever occurs first:
- 5 (a) With the submittal of Grading, Improvement, Landscape, or Building Plans.
 - 6 (b) Prior to issuance of Encroachment, Grading, or Building Permits, whichever comes
7 first.
 - 8 (c) Prior to Construction.
 - 9 (d) On going during Construction.
 - 10 (e) Prior to occupancy approval.

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

- 13 5. When a plan or other information is required to be submitted, it is subject to review and
14 approval by the Divisions, noted after each Condition. **(PLNG, BLDG, ENGR)**

- 15 6. Comply with all applicable Federal and State laws and Concord Municipal Code (CMC)
16 requirements. **(PLNG, BLDG, ENGR)**

- 17 7. Minor modifications that are found to be in substantial conformance with the approved plans
18 such as colors, plant materials, or minor lot line adjustments, may be approved
19 administratively. Major modifications shall be approved by the applicable decision making
20 body. A list of plan modifications shall be provided with the Improvement, Landscape,
21 Grading, and Building Permit Plans describing the modification and the reason for the
22 modification. **(PLNG, ENGR)**

- 23 8. Submit two annotated copies of the Conditions specifying how each condition has been
24 satisfied, as follows:

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

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

10. Maintain the project site in a weed and litter free condition prior to and during construction.
(BLDG, PLNG)

1 **ARCHITECTURAL**

- 2 11. Rooftop equipment (HVAC, meters, refrigeration equipment, plumbing lines, ductwork and
3 transformers), shall not extend above the building parapet and shall be screened from view on
4 all sides with materials architecturally compatible with the main structure. Screening details
5 and cross sections shall be shown on the Building Plans approved by the Planning Division,
6 prior to the issuance of Building Permits. *(PLNG)*
- 7 12. Paint vents, gutters, downspouts, flashing, electrical conduits, etc., to match the color of the
8 adjacent surface, unless otherwise approved by the Planning Division. *(PLNG)*
- 9 13. Aluminum frame windows and doors shall be dark anodized or color coordinated to match the
10 building. *(PLNG)*

11 **LANDSCAPING/IRRIGATION**

- 12 14. Landscaping within the Bureau of Reclamation property shall be reviewed and approved by
13 the Design Review Board prior to issuance of construction permits. *(PLNG)*
- 14 15. Submit Final Landscape Plans prepared by a Landscape Architect, registered by the State of
15 California, for review and approval with the Grading, Improvement, or Building Plans,
16 whichever comes first. The Plan shall comply with the applicable landscaping and water
17 efficient standards of Development Code Chapter 18.165 and Chapter 18.170, and include the
18 following information:
- 19 a. A legend that lists all plant species (Latin and common name), including size,
20 quantities, spacing, and ultimate height and width.
- 21 b. Specifications and details for planting, including staking of trees and planting in bio-
22 retention or other Stormwater treatment areas. Plants for bio-retention facilities should
23 be compatible with temporarily flooded conditions.
- 24 c. Approved utility, improvement, and grading plan information on the base map,
25 screened back.
- 26 d. Minimum plan sizes shall be as follows: 24-inch box trees, five-gallon shrubs, one-
27 gallon accent or sub-shrubs, and groundcover planted at intervals to provide complete
28 coverage within two years. *(PLNG) (CMC)*
- e. Turf shall be limited to 25% of the total landscaped area on the site. *(PLNG) (CMC)*
- f. All plant species shall be suited to the area climate and site soil conditions as specified
 in Section 122-475 (a) (1). *(PLNG) (CMC)*
- g. Root control barriers and four-inch perforated pipes shall be provided for parking lot
 trees, street trees, and trees in planters less than 10 feet in width, within 5 feet of a
 structure, or within 2 feet of any paved area or curb. *(PLNG) (CMC)*

- 1 h. Six-inch vertical concrete curbs around landscaped areas. Alternative barrier design to
2 protect landscaped areas from damage by vehicles, to filter/retain runoff on the site,
3 and to comply with C.3 Stormwater requirements, may be approved by the Planning
4 Division as applicable. *(PLNG) (CMC)*
- 5 i. A soils and plant laboratory analysis with recommendations for fertilization and
6 mulching to be incorporated into the planting specifications. *(PLNG) (CMC)*
- 7 j. A Layout/Hardscape Plan showing the location and details of all non-plant
8 improvements, with dimensions and call outs, showing finished grades,
9 hardscape/paving treatment, planter details, arbors, trellis', fences, walls, trash
10 enclosures, and other features. *(PLNG)*
- 11 k. Details for street trees in accordance with City Standard Plan S-38, "Street Tree
12 Planting Detail." *(PLNG/ENGR)*
- 13 16. Submit Landscape Project Application (LPA) prepared by a licensed landscape architect prior
14 to issuance of building permit and/or prior to occupancy approval. The LPA shall demonstrate
15 how the landscape design, installation, and maintenance complies with the applicable
16 provisions of Development Code Chapter 18.170, Water Efficient Landscaping, and include
17 the following:
- 18 (a) The Landscape Architect shall complete a Certificate of Compliance, Landscape
19 Design Sheet certifying the landscape has been designed to comply with the applicable
20 criteria;
- 21 (b) The Landscape Contractor/Installer shall complete a Certificate of Compliance,
22 Landscape Installation Sheet certifying the landscape has been installed, as specified in
23 the approved landscape and irrigation plans, in compliance with the applicable criteria;
- 24 (c) The Landscape Auditor shall complete a Landscape Certificate of Compliance, Water
25 Audit Sheet certifying the landscape and irrigation system has been installed, as
26 specified in the approved landscape and irrigation plans, in compliance with the
27 applicable criteria; and
- 28 (d) The Maintenance Contractor shall complete a Certificate of Compliance Landscape
Maintenance Sheet certifying the landscape maintenance contractor agrees to manage
the property using less water than the Maximum Applied Water Allowance. *(PLNG)*
CMC
17. Upon completion of the landscaping and at least two weeks prior to request for occupancy
approval, the applicant and project landscape architect shall contact the Project Planner and
arrange for a site inspection of all landscaping, irrigation, and exterior improvements including
buildings, driveways, parking lots, , signs, lighting, walls, fences, and trash enclosures*(PLNG)*
18. A minimum 60-day maintenance period shall be provided for all landscape improvements.
(PLNG)

- 1 19. Any vegetation damaged or destroyed by construction activities on or off-site shall be replaced
2 with like or comparable plant materials, as approved by the Planning Division and property
3 owner, if off-site, prior to occupancy approval. *(PLNG)*
- 4 20. The establishment of plant materials shall be guaranteed for a period of two years after
5 Subdivision Acceptance or occupancy approval. A cash or equivalent guarantee shall be
6 posted in an amount equal to 10 % of the value of the improvements, which will be released
7 upon final inspection and acceptance of landscape improvements by a licensed Landscape
8 Architect at the end of the two-year period. *(PLNG)*
- 9 21. Submit a fence/wall plan showing the location, design, height, and construction details, for all
10 fencing and walls consistent with, and as a part of, the Grading, Improvement, Landscape, and
11 Building Plans, whichever comes first, and provide a timetable for installation. *(PLNG,*
12 *ENGR)*
- 13 22. Fences and walls shall be a maximum height of three feet in required front yards and at sight
14 visibility triangles, and a maximum height of six feet on side and rear property lines (or seven
15 feet when one foot at the top of the fence is constructed with lattice). *(PLNG) CMC*

16 LIGHTING

- 17 23. Show all exterior lighting including: building fixtures, walkway lighting, parking lot lighting,
18 and street lights on the Site, Utility, Landscape, and Building Plans, prior to the issuance of
19 any permits. The height and style of fixtures shall be shown. Energy-saving fixtures shall be
20 used and noted on the plans. *(PLNG, ENGR, BLDG)*
- 21 24. All exterior building and parking lot lighting shall provide illumination for safety and shall be
22 installed in a manner that is glare shielded and directed away from adjacent properties and
23 right-of-ways. *(PLNG)*
- 24 25. Submit a Photometric Plan for review and approval, showing the location of all light sources,
25 streetlight spacing, intensity of luminance, and uniformity ratio, in accordance with the City's
26 specifications, with the Improvement, Utility, or Building Plans, whichever comes first. The
27 photometric analysis shall be reviewed by Engineering Services for the determination of
28 streetlight spacing. *(ENGR, TRANS, BLDG, PD)*

29 SIGNAGE

- 30 26. Submit a Sign Plan for review and approval by the Planning Division. Signs shall conform to
31 Development Code Chapter 18.180, Signs, and shall be designed to meet the following
32 criteria:
- 33 a. No exposed raceways;
 - 34 b. Signs shall be flush-mounted to the building façade; and
 - 35 c. Internally illuminated signs shall have an opaque background, with only individual
36 letters or logos illuminated. *(PLNG)*

- 1 27. Pennants, banners, streamers, or flags in connection with special promotions and business
2 openings shall be permitted for a period not to exceed 30 days. The same, different, or similar
3 pennants, banners, streamers, and flags shall not be permitted within 150 calendar days after
4 such removal. No pennants, banners, streamers, balloons, inflatable devices, flags, or any other
5 advertising devices shall be mounted on or above any roof or mansard, or otherwise extend
6 above a parapet wall or ridge of a structure. *(PLNG) CMC*
- 7 28. Paper or printed window signs shall be limited to no more than 10 percent of the window area
8 of any street frontage or more than 50 percent of any single windowpane. *(PLNG) CMC*
- 9 29. One sign denoting the architect, engineer, or contractor associated with the project may be
10 permitted on site. The maximum sign area shall be 12 sq. ft. within single family districts and
11 40 sq. ft. for other districts, of which 32 sq. ft. may be for the general contractor. These signs
12 shall be removed upon occupancy approval. *(PLNG) CMC*

13 **PARKING**

- 14 30. **Provide contingency plan addressing how parking will be provided in the event the
15 license to use Bureau of Reclamation (BOR) property for parking is revoked or not
16 reissued. The plan shall be submitted to the City for review and approval prior to
17 issuance of certificate of occupancy. The City may require the contingency plan to
18 include, among other things, a recorded agreement for off-site customer and/or employee
19 parking on an abutting property, a scaled down use, or change in operations to provide
20 and/or reduce required parking. *(PLNG)***
- 21 31. **Applicant shall apply for a use permit amendment immediately upon receiving notice
22 from BOR of its intent to revoke or not reissue applicant's license to utilize BOR
23 property for parking. The use permit amendment shall include the contingency plan
24 required by Condition of Approval #30, or alternative plan(s), for review and approval
25 by the Planning Commission. *(PLNG)***
- 26 32. **Submit revised parking plan providing a minimum of 20 parking spaces for review and
27 approval as part of the Grading or Improvement Plan, whichever comes first.
28 *(PLNG/TRAN)***
33. All parking spaces shall be striped; full-size spaces shall be 9 ft. by 19 ft; compact spaces shall
be 8 ft. by 16 ft. Wheel stops shall be provided, except when parking spaces abut a concrete
curb or a landscaped planter that allows for two feet of overhang. *(PLNG, ENGR) CMC*
34. A minimum two bicycle parking spaces shall be provided. Bicycle parking spaces shall be a
minimum of two feet in width and six feet in length and accessible without moving another
bicycle. *(PLNG)*
35. Handicapped parking spaces shall comply with Chapter 11 "Site Development Requirements
for Handicapped Accessibility" of Title 24 of the California Code of Regulations, and be
located as close as possible to the primary entrance. *(BLDG)*

1 **STREET IMPROVEMENTS**

- 2 36. Dedicate two ft. of right-of-way to the City along *Treat Boulevard* frontage, to accommodate
3 trail improvements as identified in the City’s Trails Master Plan, prior to issuance of Permits.
4 (*ENGR*)
- 5 37. Construct improvements along the frontage on *Treat Boulevard and Clayton Road* including
6 but not limited to: driveway removal; pavement replacement *two* feet wide measured
7 perpendicular from face of curb; pavement widening; concrete valley gutter; wheel chair
8 ramps; construction of concrete curb, gutter and sidewalk; ADA compliant concrete driveway
9 approach; storm drainage system; conforms to existing improvements; and repair/replacement
10 of deficient frontage improvements as determined by the City Engineer, prior to occupancy
11 approval or Acceptance of Improvements. (*ENGR*)
- 12 38. Install slurry seal on *Treat Boulevard and Clayton Road* frontages from lip of gutter to the
13 lane line beyond the utility saw cut line, after completion of utility installations and frontage
14 improvements, prior to the Acceptance of Improvements. (*ENGR*)
- 15 39. Any trenching for underground utilities shall comply with the modified City Standard Detail
16 S-17 for pavement repair and possible slurry placement. (*ENGR*)
- 17 40. **All utility structures within the sidewalk/driveways shall be adjusted to proposed grade
18 and traffic lids provided as necessary. (*ENGR*)**
- 19 41. Prohibit parking *along project frontage no Treat Boulevard and Clayton Road*. Paint curb
20 face with red and install “No Parking” signs where parking is prohibited, prior to Acceptance
21 of Improvements or the first Occupancy, whichever comes first. (*ENGR*)
- 22 42. Construct all frontage improvements and public facilities in accordance with the current
23 Americans with Disabilities Act (ADA), including driveways and curb ramps. (*ENGR*)
- 24 43. Show construction details for all pedestrian paths and trails on the Improvement Plans and
25 Final Landscape Plans. Trail crossings of streets shall have curb cuts, ramps, signs, and
26 pavement markings as approved by Engineering Services. (*ENGR, PARKS*)

27 **NOISE**

- 28 44. Noise producing site preparation and construction activities shall be limited to the days and
hours as set forth below:

Monday through Friday7:30 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*)

1 **CONSTRUCTION ACTIVITIES**

- 2 45. Contact Engineering Services to arrange for a Pre-Construction Meeting prior to issuance of
3 Grading or Building Permits, whichever comes first. *(ENGR)*
- 4 46. **Implement a construction parking plan showing where construction staging, worker
5 vehicles, and delivery trucks will be parked during key phases of construction. Submit
6 the plan to Engineering Services and Planning Division for review and approval prior to
7 issuance of Grading Permit. If the plan involves off-site parking facilities, authorization
8 of property owner(s) where parking is made available shall be included in the plan.
9 *(PLNG/ENGR)***
- 10 47. Implement a dust and construction noise control plan. Submit the plan to Engineering Services
11 for review and approval prior to issuance of the Grading Permit. *(ENGR)*
- 12 48. **Construction equipment shall not be serviced at the site at any time. During construction
13 no deliveries shall be made to the site and no delivery vehicles (including gasoline tanker
14 trucks) shall enter the site between 3:00 p.m. and 9:00 a.m. on weekdays, and between
15 5:00 p.m. and 8:00 a.m. on weekends and federal holidays. Construction activities
16 impacting traffic Delivery vehicles shall have their engines turned off during unloading.
17 *(BLDG, ENGR, PLNG)***
- 18 49. **Construction activities impacting traffic on Clayton Road or Treat Boulevard shall be
19 limited to the hours of 8:00 a.m. and 5:00 p.m., Monday-Friday.**
- 20 50. Employ the quietest construction equipment available, to muffle noise from construction
21 equipment and keep all mufflers in good working order in accordance with State law. *(BLDG,
22 ENGR, PLNG)*
- 23 51. Implement the following measures during construction:
- 24 a. Gather all construction debris on a regular basis and place them in a dumpster or other
25 container that is emptied or removed on a weekly basis. When appropriate, use tarps on
26 the ground to collect fallen debris or splatters that could contribute to storm water
27 pollution.
 - 28 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

1 the potential for being discharged to the storm drain system by being windblown or in
2 the event of a material spill.

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

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

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

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

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

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

16 56. Portable toilets used during construction shall be kept as far as possible from adjacent
17 properties and shall be emptied on a regular basis as necessary to prevent odor. *(ENGR,*
18 *BLDG)*

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

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

28 59. 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

60. Submit two copies of Preliminary Title Report, prepared within three months prior to plan
submittal. *(ENGR)*

- 1 61. The proposed buildings are within the 100-year Floodplain Zone (X) At a minimum, comply
2 with the City of Concord Municipal Code requirements in establishing building finished floor
3 elevations. The Grading Plan shall be referenced to the same elevation datum as the FEMA
4 map, and shall show the finished floor elevations of the proposed buildings, 100-year Base
5 Flood Elevations (BFE), and building setback line per CMC. *(ENGR) CMC*
- 6 62. The Improvement Plans shall show frontage improvements including but not limited to:
7 drainage improvements, curb, gutter and sidewalk per City Standard Detail S-10, and driveway
8 construction per City Standard Detail S-14 and repair/replacement of deficient frontage
9 improvements as determined by the City Engineer. Any unusable existing driveway shall be
10 replaced with standard curb, gutter, and sidewalk per S-10 above. Any trenching for utility
11 installation shall comply with the modified City Standard Detail S-17 for pavement repair and
12 possible slurry placement. *(ENGR)*
- 13 63. The Improvement Plans shall show plan and profile of all proposed street, drainage and sewer
14 improvements and details for curb, gutter, sidewalk, and driveway construction. *(ENGR)*
- 15 64. Design improvements in accordance with the City Standard Plans S-34 and S-36 for sight
16 distance, sidewalk, back up, fencing, geometrics at intersection and corner setback
17 requirements, prior to the Acceptance of Improvements. Plans shall be subject to review and
18 approval by Engineering Services. *(ENGR)*
- 19 65. Obtain an Encroachment Permit from the City prior to performing any work within the public
20 right-of-way or public easements. *(ENGR) CMC*

21 GRADING/EROSION CONTROL/GEOLOGIC

- 22 66. Submit a geologic investigation to demonstrate that proposed buildings will not be constructed
23 across active faults. A licensed geologist must prepare an evaluation and written report. If an
24 active fault is found, a structure for human occupancy cannot be placed over the trace of the
25 fault and must be set back from the fault (generally 50 feet). *(ENGR)*
- 26 67. Submit a Geotechnical Report with the Grading Plans and Building Plans, pursuant to CMC
27 Section 94-51 and Section 86-73 that addresses and provides recommendations for grading,
28 drainage, walls, building foundations, and pavement structural sections. *(ENGR)*
68. 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)*
69. 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)*

- 1 70. Grading on adjacent properties shall require written approval from the affected property
2 owners. *(ENGR)*
- 3 71. On-site finish grading work shall require drainage to be directed away from all building
4 foundations at a minimum slope of 2 percent and a maximum slope of 20 percent toward
5 approved drainage facilities or swales. Non-paved drainage swales shall have a minimum
6 slope of 1 percent. *(ENGR)*
- 7 72. The project engineer shall inspect the finished grading and certify that it conforms to the
8 compaction and elevations shown on the Grading Plan and Soils Report. *(ENGR) CMC*
- 9 73. At all times seasonally appropriate erosion control measures shall be implemented per plans
10 approved by the City Engineer for all grading work at all times. Wet season measures shall be
11 in place October through April at a minimum and when rain is otherwise predicted. At the
12 time of approval of the Improvement and/or Grading Plans, an approved Erosion Control Plan
13 prepared by a registered Civil Engineer shall be filed with the City Engineer. *(ENGR)*
- 14 74. All graded slopes and stockpiles of loose soil shall be hydromulched/hydroseeded by October
15 of any given year. During grading work between October and April, if rain is forecast, stop all
16 grading work two days before the rain forecast and implement BMPs to insure that the site is
17 protected from erosion. *(ENGR)*
- 18 75. Submit Grading, Erosion Control, Improvement, and State Waste Discharge Identification
19 (WDID) verifying submittal of Stormwater Pollution Prevention Plan (SWPPP), and
20 Stormwater Control Plans to Engineering Services for review and approval prior to the
21 issuance of Grading, Encroachment, and Building Permits. Where applicable, evidence of
22 compliance with the State General Construction Permit shall be provided. *(ENGR) CMC*
- 23 76. Comply with the applicable provisions of the Grading Ordinance and the Storm Water
24 Management and Discharge Control Ordinance. *(ENGR) CMC*
- 25 77. Design improvements in accordance with the City Standard Plans S-34 and S-36 for sight
26 distance, sidewalk, back up, fencing, geometrics at intersection, and corner setback
27 requirements, prior to the acceptance of improvements. Plans shall be subject to review and
28 approval by Engineering Services. *(ENGR) CMC*

UTILITIES

- 23 78. New electrical transformers shall be placed underground or screened from view. *(PLNG,*
24 *ENGR)*
- 25 79. No above ground utility facilities/structures shall be located between the face of curb and back
26 of sidewalk in the public right-of-way. *(ENGR)*
- 27 80. All new utilities shall be constructed underground prior occupancy approval. *(ENGR)*

- 1 81. Undergrounding of all existing overhead utilities including aerial street crossings shall be
2 required pursuant to CMC Chapter 13.10. All new utilities and services shall be constructed
3 underground prior to issuance of occupancy approval. *(ENGR)*
- 4 82. Comply with the City of Concord sewer design flow criteria and sewer construction
5 requirements of the Central Contra Costa Sanitary District. *(ENGR)*
- 6 83. Submit to Engineering Services sanitary sewer calculations with the Improvement Plans
7 stamped and signed by a Registered Civil Engineer for review. *(ENGR)*
- 8 84. **Any existing sanitary sewer pipes to remain shall be tested under the City's observation
9 before connection and repair if it fails. Details for the pipe removal shall be submitted to
10 Engineering Services prior to the issuance of Construction Permits. *(ENGR)***
- 11 85. **Any other unused utility services shall be removed or abandoned. *(ENGR)***
- 12 86. Submit to Engineering Services a sewer fixture count and square footage of the existing
13 buildings for possible fee credit purposes, prior to demolition. *(ENGR)*
- 14 87. Coordinate all facility adjustments, relocations, or additions to utility services with the
15 appropriate utility companies. *(ENGR)*
- 16 88. Utility areas, electrical and gas meters shall be architecturally screened from view. *(PLNG)*
- 17 89. The location of all outdoor, above-ground and/or at-grade pad mounted transformers, utility
18 equipment, electrical and gas meters, vaults, irrigation control boxes, back flow prevention
19 devices, and the like shall be subject to approval by Planning and Engineering Services prior
20 to the issuance of the Grading or Building Permit, whichever comes first. All such equipment
21 shall be screened from view either architecturally or with landscaping and painted forest green
22 or other approved color as approved by the Planning Division. Any changes to the approved
23 Utility Plans, including location or screening details shall be reviewed and approved by the
24 Planning Division. *(PLNG, ENGR)*
- 25 90. Provide cable companies a set of approved site diagrams in electronic format showing the joint
26 trench layout for dry utilities for cable service to be provided to the site. *(ENGR)*
- 27 91. Connect all buildings to the sanitary sewer collection facilities of the City, and pay all current
28 sewer connection and service fees prior to occupancy approval. *(ENGR) CMC*
92. 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

93. 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

1 Engineering Services prior to issuance of any permit. The SWCP shall be prepared and
2 certified by a Civil Engineer, registered in the State of California, demonstrating an
3 understanding of the design of treatment measures for water quality and groundwater
4 protection principles applicable to the project site. *(ENGR)*

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

17 95. Construct Stormwater treatment measures per the approved SWCP prior to occupancy
18 approval. *(ENGR)*

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

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

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

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

100. Install City of Concord "No Dumping, Drains to Creek" curb marker (English and Spanish
version) on all catch basins per City of Concord Standard Plans and Specifications detail S-39.
(ENGR)

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

1 construction BMP may result in the issuance of correction notices, citations, or a project stop
2 work order. *(ENGR)*

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

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

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

18 **SOLID WASTE/RECYCLING**

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

21 106. Design and implement City approved Source Reduction/Recycling Plan and demonstrate that
22 interior and exterior refuse enclosures have been sufficiently designed and located for the
23 storage and pick up of recyclable materials in accordance with CMC Section 82-83, Source
24 Reduction and Recycling, prior to issuance of a Building Permit. *(PW)*

25 107. Trash bins and refuse shall be stored within approved trash enclosure and the doors shall be
26 closed at all times except when the bins are being emptied. *(NS)*

27 108. Comply with the provisions of the CMC, Central Contra Costa Sanitary District and the
28 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:

- 29 a. A concrete pad to prevent damage to asphalt paving.
- 30 b. A roof and sanitary sewer cleanout, designed to prevent rainwater from penetrating the
31 interior of the enclosure and preclude trash from being blown outside of the bins.
- 32 c. The cleanout shall connect to a sanitary sewer to prevent contaminated water from
33 entering the storm drain system.

1 d. If any cleaning agent or degreaser is used, wash water must be collected and
2 discharged to the sanitary sewer, subject to the approval of the Central Contra Costa
Sanitary District.

3 e. Grease trap shall be installed if trash enclosure serves any commercial food service use
4 as determined by Source Control for all other applications. *(CCCS, ENGR)*

5 109. Trash enclosures shall incorporate the same architectural treatment, and use the same exterior
6 materials and colors as the main building and shall comply with the Community Design
Guidelines, including the following:

7 a. A roof or trellis.

8 b. Masonry, steel or heavy timber walls.

9 c. An interior, poured-in-place curb to prevent damage to the screen walls.

10 d. Doors with external hinges to prevent damage from the receptacle.

11 e. Doors of solid metal or with a metal frame with self-closing latch.

12 f. The height of the enclosure walls and door shall be the same height or higher than the
13 bins within the enclosure. *(PLNG)*

14 **AGREEMENTS, FEES, BONDS**

15 110. All fees noted below are the fees currently in effect as of July 1, 2014 per the Resolution of
16 Fees and Charges. The fees and charges are reviewed annually as part of the budget public
17 hearing process. Fee adjustments are based on a number of factors and vary depending on the
type of fee:

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

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

21 **Parkland Fee** is adjusted per Section 78-95 of the Concord Municipal Code.

22 The fees become effective as of the date set forth in Exhibit A of Resolution No. 78-6042,
23 Fees and Charges for Various Municipal Services, as most recently amended and approved by
24 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)*

25 111. Provide a **2,500** cash deposit to the Planning Division to cover Condition Compliance costs, at
26 the time of submittal of plans and documents to Engineering Services or the Building Division
27 for plan check. Planning staff's time will be charged to this deposit for work performed to
28 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

1 returned upon completion. If the initial deposit is insufficient to cover actual costs, an
2 additional deposit will be required. *(PLNG)*

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

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

9 114. Faithful performance bonds, cash deposit, and labor materials bonds in a penal amount equal
10 to 100 percent of the approved estimates of construction costs of improvements shall be
11 submitted to and approved by the City and other agencies having jurisdiction prior to approval
12 or issuance of the Improvement, Building, or Grading Permit, whichever comes first. *(ENGR)*

13 115. Encroachment Permit Application:

14 a. Pay the Filing Fee at the time of submittal of permit application, improvement plans,
15 and supporting documents to City Engineering Services for review. The current fee is
16 \$86.

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

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

116. Grading Permit Application:

a. Pay Grading Permit Fees at submittal of a Grading Permit application. The current fee
is determined based on cubic yardage of cut and fill combined, or at the hourly rate of
\$172 if the hourly rate is used.

b. Provide a \$5,000 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.

- 1 c. Pay Stockpile and Erosion Control Monitoring fee prior to issuance of Grading Permit.
2 The stockpile and erosion control monitoring fee is currently \$23 per calendar day and
3 is collected for the life of the Grading Permit activity. *(ENGR)*

4 117. Sewer Connection Permit:

- 5 a. Pay Sanitary Sewer connection fee. The current sewer connection fee is \$1,009 per
6 fixture and shall be paid prior to approval of Improvement Plan or Building Permit,
7 whichever comes first.
- 8 b. Pay the current sewer service fee prior to approval of the Final Map. The current fee is
9 \$402 per year and is pro-rated by the month that connection is made. *(ENGR)*

10 118. Pay Child Care Program Fee equal to 0.5 percent of the development cost of a project at the
11 time of issuance of Certificate of Occupancy. *(BLDG/PLNG)*

12 119. Traffic Mitigation Fee:

13 Pay Offsite Street Improvement Program (OSIP) fee less possible fee credit. The OSIP fee
14 shall be paid prior to Building Permit. The current OSIP Fee is \$8.81 per gross square feet for
15 commercial properties. *(ENGR)*

16 **OTHER/MISCELLANEOUS**

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

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

24 Contra Costa County Fire Protection District
25 2010 Geary Road
26 Pleasant Hill, CA 94523

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

122. Submit details for shopping cart corrals adjacent to the building and within parking lots for
approval by the Planning Division, prior to issuance of Building Permits. *(PLNG)*

123. The applicant shall defend, indemnify and hold harmless the City, its agents, officials, and
employees from any claim, action or proceeding brought by a third party to set aside, annul,
attack or otherwise void the permit. *(PLNG)*

124. The permit and approval shall expire in *one* year from the date on which they became effective
unless construction permits are obtained and work has begun. All permits approved

1 concurrently with a Tentative Map shall be valid for the life of the map. The effective date of
2 the permit and approval is *March 30, 2015. (PLNG)*

3 125. A request for a time extension from the expiration date of *March 30, 2016* can be considered
4 if an application with required fee is filed at least 45 days before the original expiration date,
5 otherwise a new application is required. A public hearing will be required for all extension
6 applications, except those involving only Design Review. Extensions are not automatically
7 approved. Changes in conditions, City policies, surrounding neighborhood, and other factors
8 permitted to be considered under the law, may require, or permit denial. *(PLNG)*
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October 30, 2014

Ray Kuzbari
Transportation Manager
Engineering Department
City of Concord
1950 Parkside Drive
Concord, CA 94519

Re: Trip Generation Analysis for the Proposed Starbucks at the Corner of Clayton Road and Treat Boulevard in the City of Concord

This letter report presents the results of a trip generation analysis for the proposed Starbucks project on the southwest corner of Clayton Road and Treat Boulevard in the City of Concord.

Proposed Project

The proposed Starbucks would involve construction of a 2,028 square foot building with a drive through. The project is proposing to have one driveway on Clayton Road and one on Treat Boulevard. Due to the raised medians on each street both of these driveways are proposed to be right-in, right-out only. Please note the site has been vacant for about 12 years but it was previously occupied by a service station.

Trip Generation

The standard reference used by traffic engineers to estimate trip generation is the Institute of Transportation Engineers (ITE) Trip Generation Manual (9th Edition). The vehicle trip generation for the project is shown in **Table 1**. The trip generation rates are based on the ITE rates for a Coffee/Donut Shop with Drive-Through Window (Land Use 937) taken from the 9th Edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual.

As shown in Table 1, the total trip generation has been reduced by 66% to account for the fact that approximately two thirds of coffee shop trips would be pass-by trips as determined from data contained in the standard reference for pass-by rates, the ITE Trip Generation Handbook.¹ Pass-by trips are vehicle trips that are already in the traffic stream passing by the site and are not counted as new trips. The 66% reduction was based on an average of the ITE Pass-By Rates for a Fast Food Restaurant with No Indoor Seating (ITE Land Use 935) and a High Turnover (Sit Down) Restaurant (ITE Land Use Code 932).

At the proposed project site it is expected the forecast levels of pass-by traffic will be met or exceeded due to the high volumes of traffic passing by the site. Right next to the proposed project site is a six lane roadway (Clayton Road) and a four lane arterial (Treat Boulevard) that combined carry approximately 47,000 vehicles per day adjacent to the site. Once the removal of the forecast pass-by trips are accounted for the trip generation added to the surrounding street system is conservatively estimated to be 69 trips during the AM peak hour and 30 trips during the PM peak hour.

¹ *Trip Generation Handbook, Second Edition*, Institute of Transportation Engineers, Washington D.C., June, 2004.

Table 1
Peak Hour ITE Trip Generation Estimates

Land Use	ITE Code	Size	ADT	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
Coffee/Donut Shop with Drive Through	937		818.58	51.30	49.28	100.58	21.40	21.40	42.80
Project Driveway Trip Generation		2,028 sq. ft.	1,660	104	100	204	43	44	87
Pass-By Reduction (66 percent)			1,096	69	66	135	28	29	57
Net New Project Trip Generation			564	35	34	69	15	15	30

SOURCE: Trip Generation, 9th Edition, Institute of Transportation Engineers, Washington D.C., 2012.

Studies of Existing Starbucks Facilities

Based on a review of operations at other Starbucks facilities it was determined that the ITE Coffee/Donut Shop trip rates could potentially understate the average conditions for a Starbucks such as the one being proposed. Therefore, as a part of this trip generation study two other existing Starbucks with drive throughs were surveyed. Traffic counts of the total number of vehicles arriving and leaving each Starbucks were recorded every 15 minutes at both locations from 7:00 to 9:00 AM and from 4:00 to 6:00 PM. The trips were also separated out to determine the percentage of customers using the drive-through versus customers who parked and went into the store.

Table 2 summarizes the size characteristics and the maximum number of peak hour vehicle trips recorded during surveys at each site. **Table 3** presents the resulting trip generation rates based on the surveys. The following is a description of the characteristics of the two existing Starbucks in Concord (with drive throughs) where trip generation surveys were conducted.

- 1) **Starbucks with a Drive Through at 4125 Concord Boulevard in Concord** - This existing facility is located at 4125 Concord Boulevard inside the Dana Plaza shopping center. This Starbucks has 1,560 square feet of building area. There is one main driveway on Concord Boulevard that serves the shopping center along with some secondary driveways on Landana Drive and Mulberry Drive. The roadways adjacent to the Dana Plaza Shopping Center currently carry approximately 25,000 vehicles per day.
- 2) **Starbucks with a Drive Through at 2120 Columbus Parkway in Benicia** - This existing site is located at 2120 Columbus Parkway within the Rose Shopping Center. This Starbucks has 1,820 square feet of building area. The two roadways adjacent to the Rose Shopping Center currently carry approximately 23,000 vehicles per day.

Table 2
Summary of Trip Generation Survey Results

Existing Starbucks	Building Space (sq. ft.)	AM Peak Hour Trips	PM Peak Hour Trips	Percent Pass-By Trips
4125 Concord Boulevard Concord, CA	1,545	229	82	71%
2120 Columbus Parkway Benicia, CA	1,820	213	79	62%

Table 3
Summary of Resulting AM and PM Trip Generation Rates from the Surveys

Existing Starbucks	Building Space (sq. ft.)	AM Peak Hour Trip Rate	PM Peak Hour Trip Rate
4125 Concord Boulevard, Concord, CA	1,545	148.22	53.07
2120 Columbus Parkway Benicia, CA	1,820	117.03	43.41
<i>Average of Starbucks Trip Rates</i>		132.63	48.24
<i>ITE Coffee Shop Trip Rates</i>		<i>100.58</i>	<i>42.80</i>

As shown in **Table 4**, the proposed project is estimated to generate 89 net new AM peak hour trips, applying the average rates from **Table 3**. Based on a review of ITE pass-by rates it was determined that the percentage of drive through traffic from the surveys provides an accurate and conservative assumption for the pass-by rate at each site. This is because this approach assumes 0% pass-by traffic for customers who park and walk inside which ITE data indicates is a conservative assumption.

The ITE pass-by rate for walk in customers can be determined using the ITE pass-by rate for high turnover restaurants which are based on ITE pass-by surveys taken at 12 different restaurants. Those surveys indicate that 43% of the trips from people who park and walk in would be pass-by trips so assuming a 0% pass-by rate for people who park and walk in is a conservative assumption. Therefore, for this analysis the pass-by rate of 67% used in **Table 4** was developed by averaging the percentage of drive-through traffic recorded at the two sites that were surveyed. It is also important to note that the overall project pass-by rate developed from the surveys of drive through traffic (67%) was only off by 1% from the pass-by rate determined for the project from the ITE data (66%).

The trip generation surveys (and resulting rates) included all trips from employees, customers, as well as all trucks and deliveries (i.e. all traffic to and from the sites were included in the surveys). In all cases the AM peak hour was found to be the critical peak hour and the PM peak hour trip generation was typically about half the AM peak hour traffic at both of the sites surveyed. The net new PM peak hour trips added to the surrounding street system is estimated to be 32 trips per hour.

**Table 4
AM and PM Peak Hour Trip Generation Estimates Based on the Surveys**

Land Use	Size	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Starbucks Average Rates from Surveys		67.64	64.99	132.63	24.12	24.12	48.24
Project Driveway Trip Generation	2,028 sq. ft.	137	132	269	49	49	98
Pass-By Reduction (67 percent)		92	88	180	33	33	66
Net New Project Trip Generation		45	44	89	16	16	32

Summary of Findings

Based on the surveys of similar facilities, the peak hour trip generation for the proposed is estimated to be 89 vehicles per hour during the AM peak period and 32 trips per hour during the PM peak period.

Please don't hesitate to contact me if you have any questions or need additional information.

Sincerely,



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STARBUCKS
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APN: 132-160-004-9

Revisions	
NO.	DESCRIPTION
1	DSB
2	12/22/14
3	12/22/14
4	12/22/14
5	12/22/14
6	12/22/14
7	12/22/14
8	12/22/14
9	12/22/14
10	12/22/14



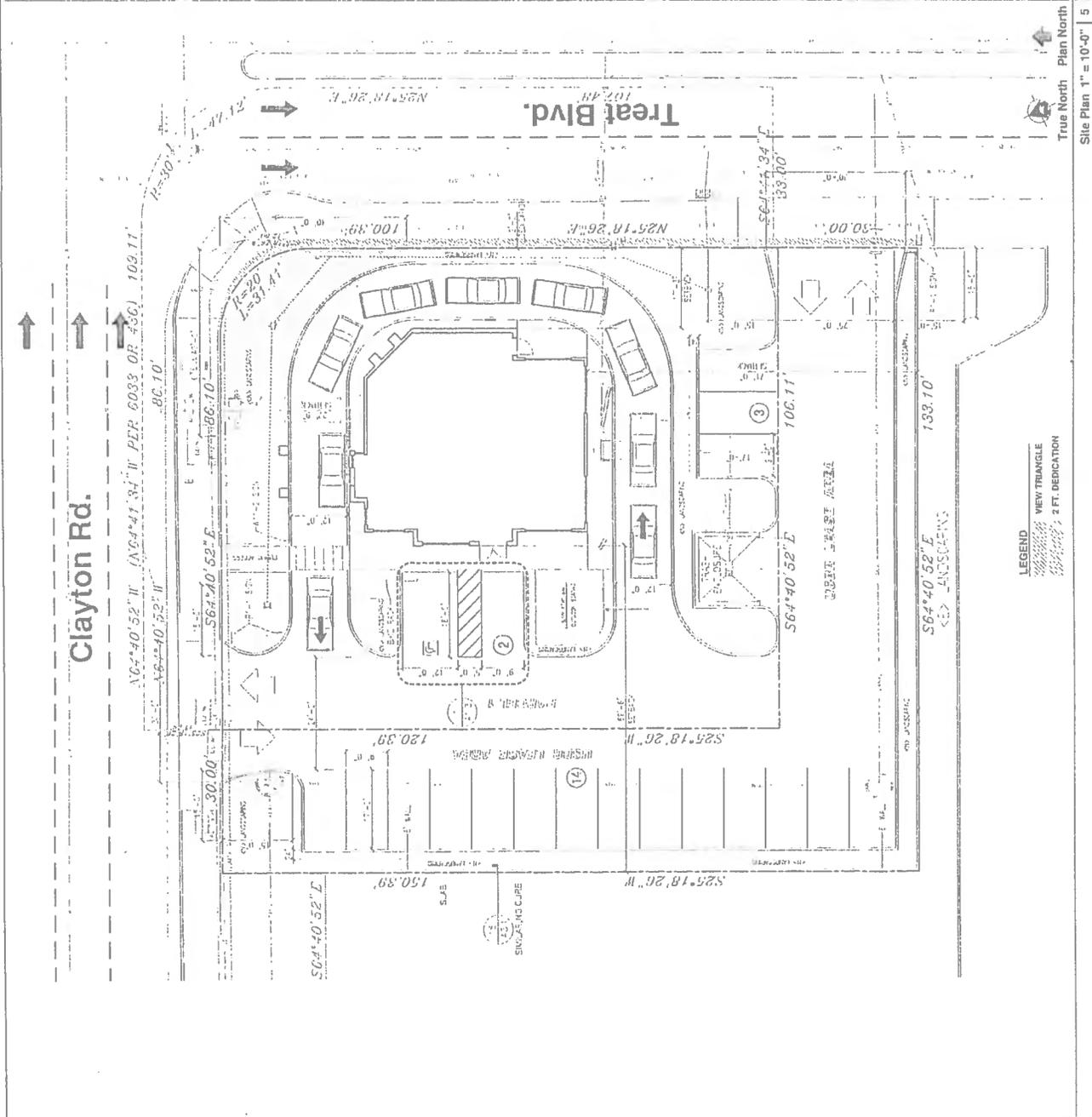
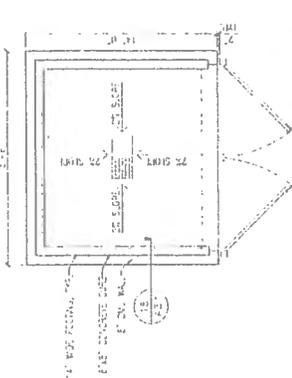
Issue Date	10.13.14
Drawn By	DJE
Project No.	1369

Sheet Title
 Project Data
 Site Plan
 Vicinity Map

Sheet Number
A1.1

Project Data
 DATE: 10/13/14
 DRAWN BY: DJE
 CHECKED BY: DJE
 PROJECT NO.: 1369
 SHEET NO.: A1.1
 SCALE: AS SHOWN
 CONTRACT NO.: 708114
 DATE: 3/5/2014

GENERAL NOTES:
 1. NEW 2025 SF TRADING FLOOR ABOVE GROUND FOR STARBUCKS.
 2. ALL EXISTING UTILITIES TO REMAIN UNLESS OTHERWISE NOTED.
 3. ALL NEW UTILITIES TO BE INSTALLED AS SHOWN.
 4. ALL NEW UTILITIES TO BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS.
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 10. ALL NEW UTILITIES TO BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE CODES AND REGULATIONS.



Site Plan 1" = 10'-0" | 5

General Notes

- 1. EXISTING DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED TO THE CONTRARY.
- 2. ALL DIMENSIONS SHALL BE TO CENTERLINE UNLESS OTHERWISE NOTED TO THE CONTRARY.


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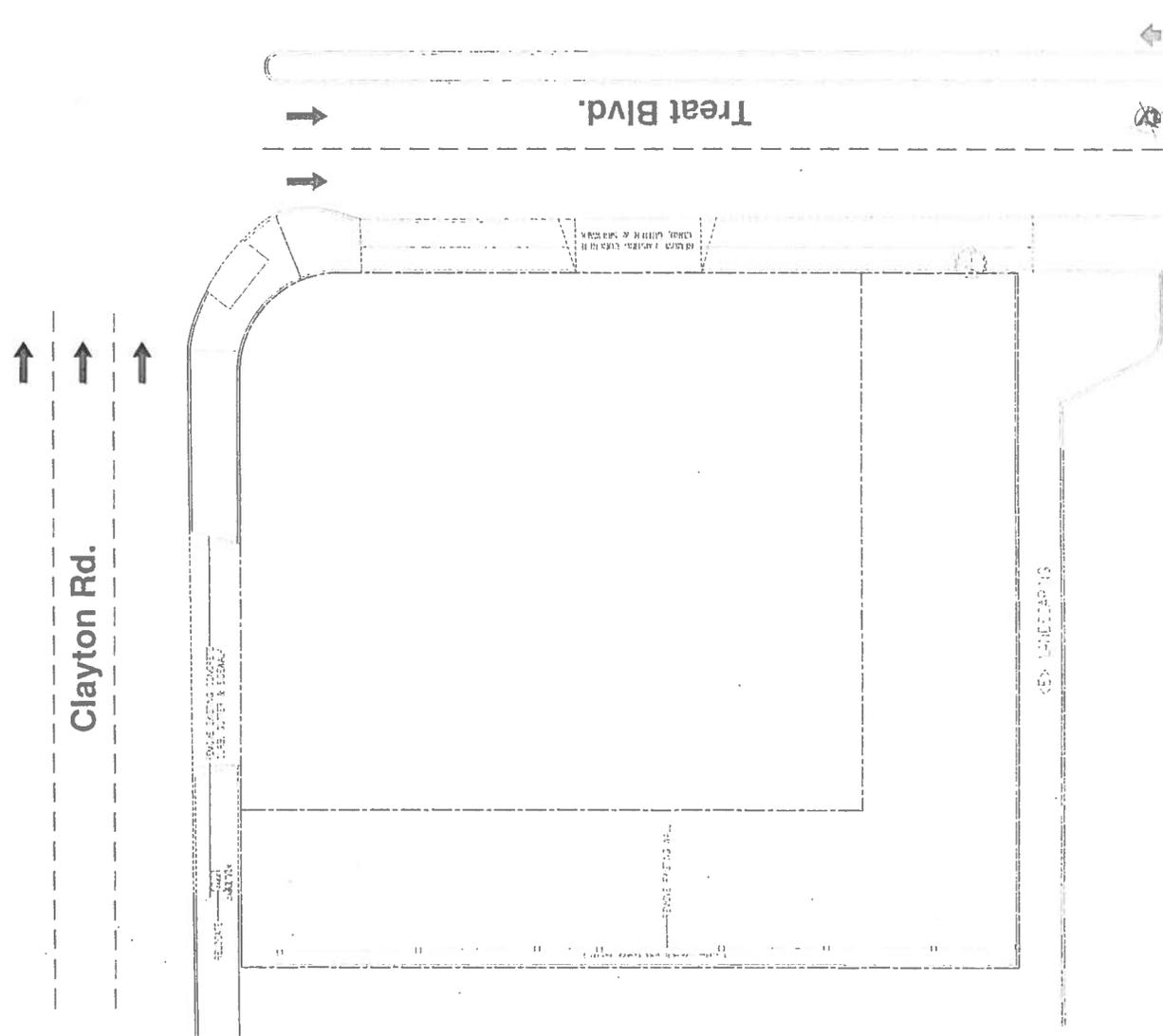
APN: 132-160-004-9

Revisions	No.	Description	Date
1	1	ISSUE FOR PERMITS	10/13/14
2	2	REVISED PER PERMITS	10/13/14
3	3	REVISED PER PERMITS	10/13/14
4	4	REVISED PER PERMITS	10/13/14



Sheet Title	10.13.14
Drawn By	DJE
Project Number	1369
Sheet Title	Demolition Plan
Notes	

Sheet Number **A1.2**



True North
 Plan North
 Site Plan 1" = 10'-0" 5

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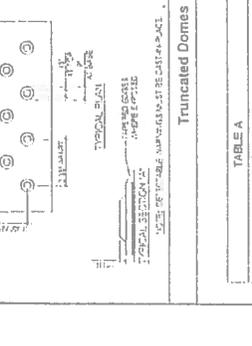
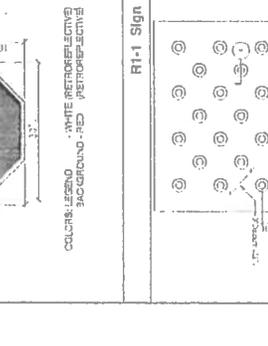
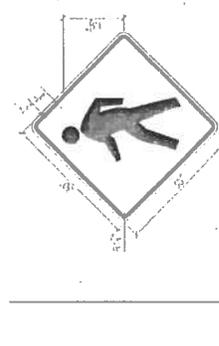
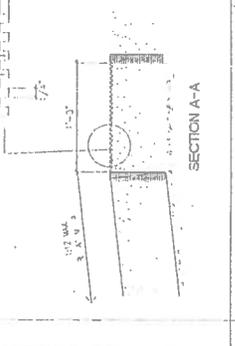
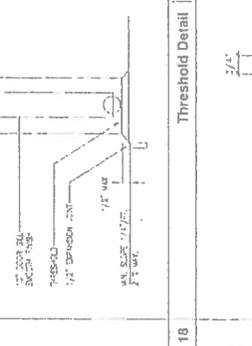
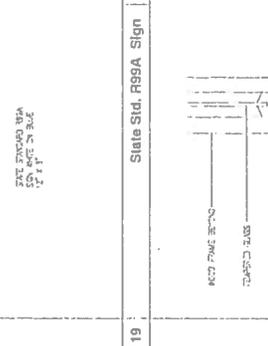
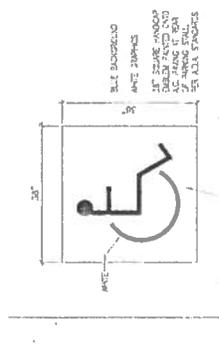
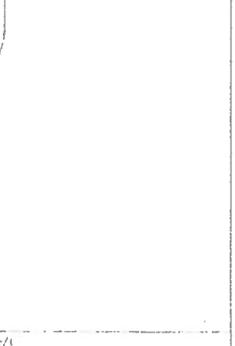
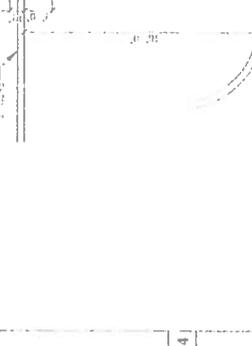
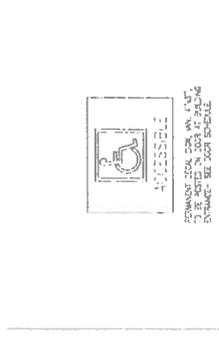
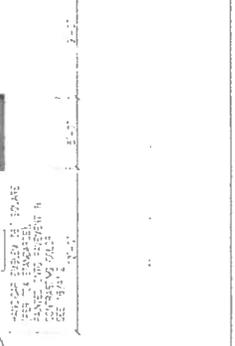
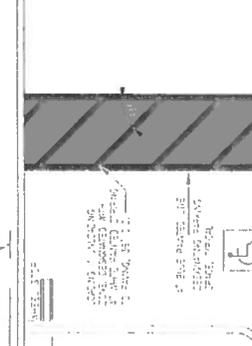
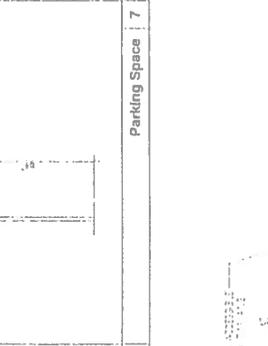
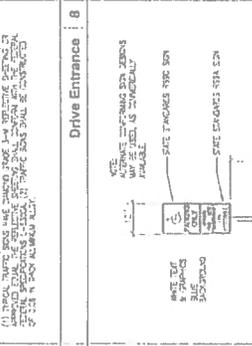
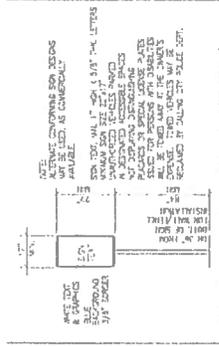
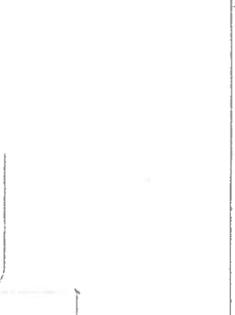
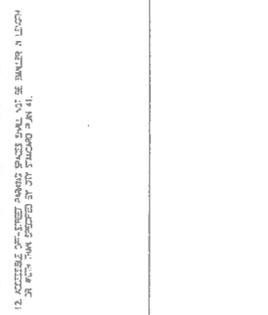
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No.	Description	Date
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3	ISSUE FOR PERMITS	12/03/14
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29	ISSUE FOR PERMITS	12/03/14
30	ISSUE FOR PERMITS	12/03/14

Issue Date: 10.13.14
 Drawn By: DJE
 Project Number: 1369
 Sheet Title: Handicap Parking Details

Parking Notes

1. PARKING NOT TO SCALE
2. ALL DIMENSIONS ARE UNLESS OTHERWISE NOTED
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4. ACCESSIBLE PARKING SPACES SHALL BE LOCATED AS CLOSE AS POSSIBLE AND ADJACENT TO THE BUILDING ENTRANCE
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OFF-STREET PARKING

Parking Chart

Truncated Domes

Threshold Detail

Ramp Detail

Handicap Parking 1/4"=1'-0" 1

Drive Entrance 8

Building Entrance 12

Parking Space 7

State Std. R99C Sign 11

State Std. R99A Sign 15

State Std. R99C Sign 11

State Std. R99A Sign 15

State Std. R99C Sign 11

State Std. R99A Sign 15

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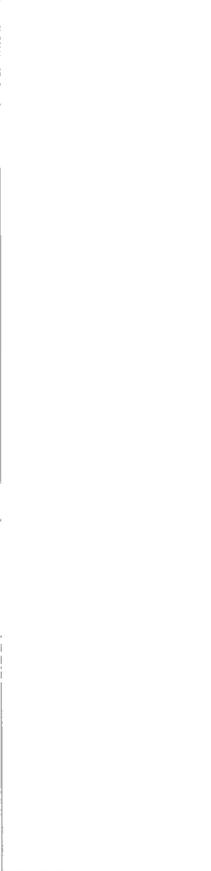
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General Notes

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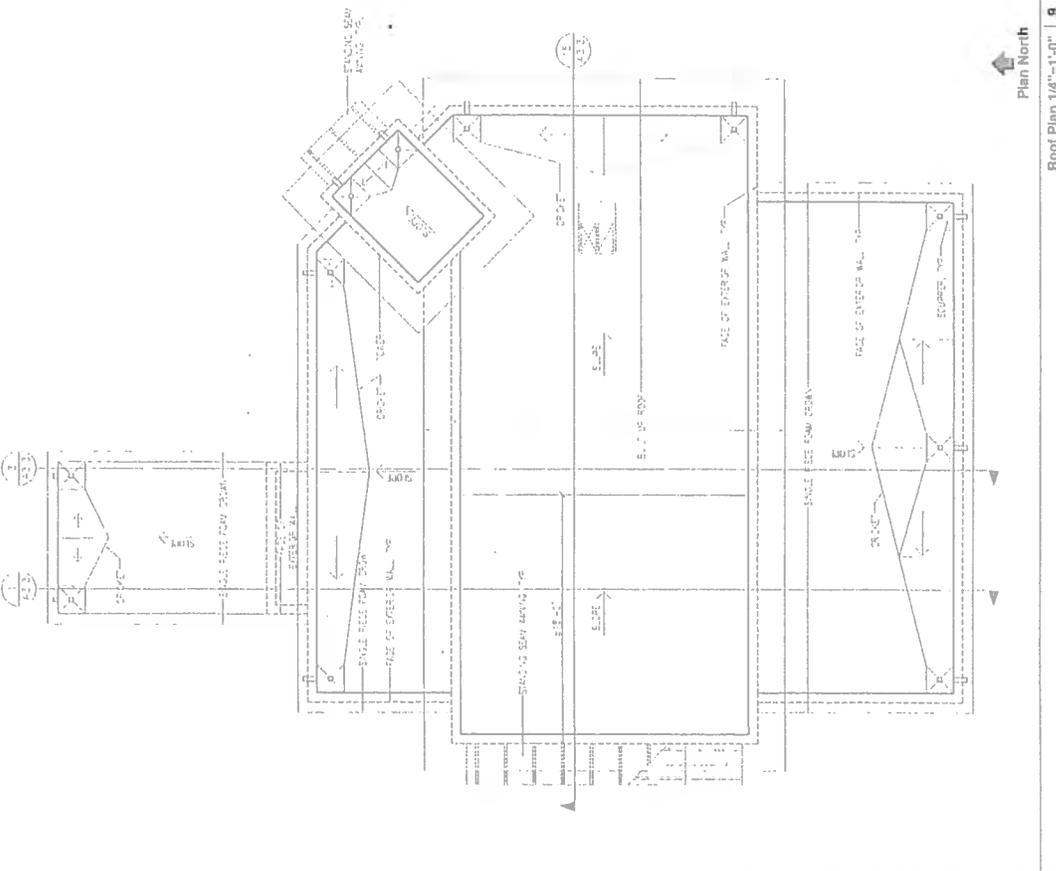
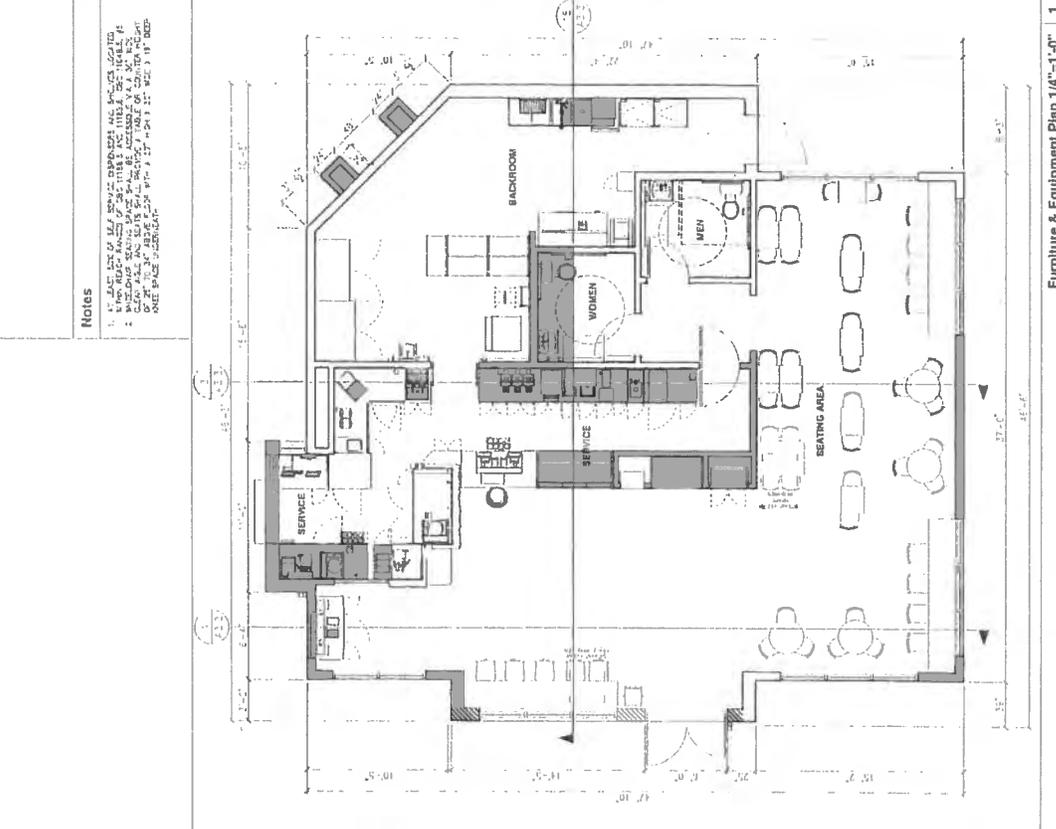
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2	2	REVISED PER PERMITS	1/22/15
3	3	REVISED PER PERMITS	2/11/15

Drawn By: **DJE**
 Date: **10.13.14**
 Project Number: **1369**

Sheet Title: **Furniture Plan
 Equipment Plan
 Roof Plan**

Sheet Number: **A2.1**



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APN: 132-160-004-9

No.	Description	Date
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2	REV. SH. P. D.	11/03/15
3	REV. SH. P. D.	11/16/15

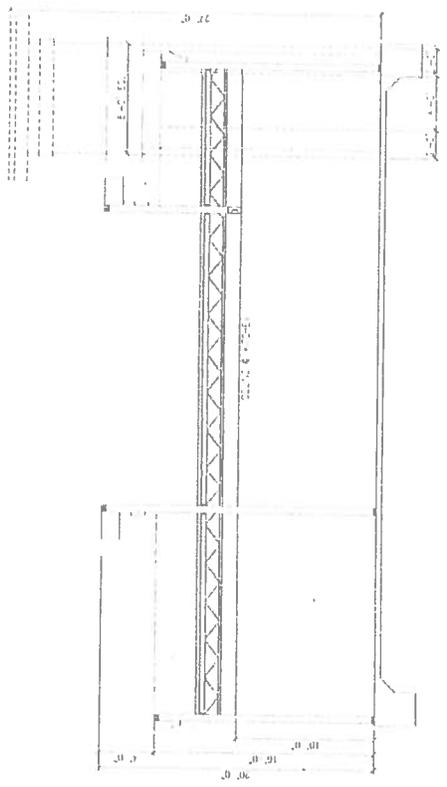
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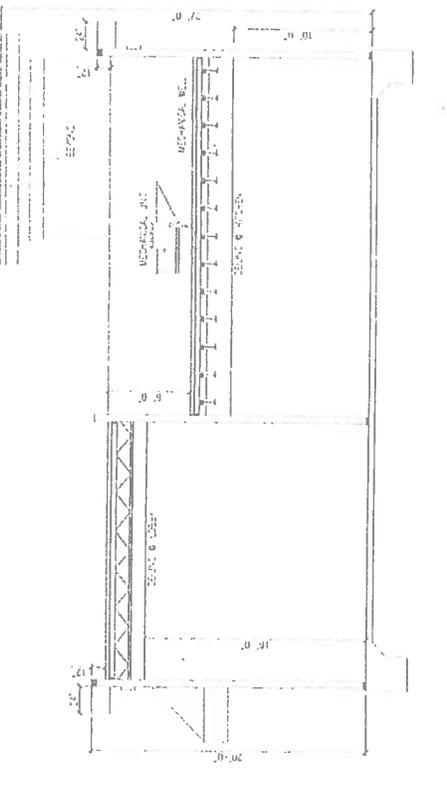
Issue Date: 10.13.14
 Drawn By: DJE
 Project Number: 1389

Sheet Title:
 Sections
 Notes

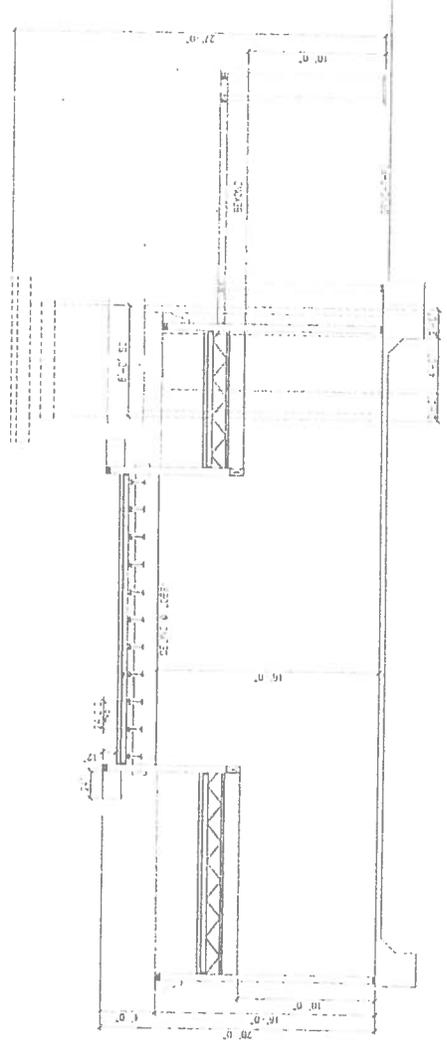
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Section 1/4"=1'-0" 3



Section 1/4"=1'-0" 15



Section 1/4"=1'-0" 1

PRELIMINARY SITE PLAN NOTES

- S-1 (6) STORM DRAIN LINE.
- S-2 (8) CATCH BASIN.
- S-3 (8) CONCRETE VALLEY GUTTER.
- S-4 (8) CONCRETE DRAIN PIPE.
- S-5 (8) 24" WIDE GUTTER.
- S-6 (8) 15" STORM DRAIN PIPE.
- S-7 (8) CONCRETE CURB.
- S-8 (8) 6" STORM DRAIN PIPE.
- S-9 (8) 15" STORM DRAIN PIPE.
- S-10 (8) CANAL MANHOLE TO BE ADJUSTED GRADE.
- S-11 (8) UTILITY BOXES TO BE ADJUSTED TO GRADE.
- S-12 (8) CONCRETE CURB, GUTTER AND SIDEWALK.
- S-13 (8) CONCRETE DRAINWAY.
- S-14 (8) HANDICAP RAMP WITH DETECTABLE WARNING SURFACE AND GROOVES.
- S-15 (8) CONCRETE CURB RETURN RAMP (BY CITY OF CONCORD).
- S-16 (8) CONCRETE CURB AND GUTTER.
- S-17 (8) BIODEGRADABLE BASIN.
- S-18 (8) BIODEGRADABLE BASIN.
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- S-75 (8) BIODEGRADABLE BASIN.
- S-76 (8) BIODEGRADABLE BASIN.
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- S-80 (8) BIODEGRADABLE BASIN.
- S-81 (8) BIODEGRADABLE BASIN.
- S-82 (8) BIODEGRADABLE BASIN.
- S-83 (8) BIODEGRADABLE BASIN.
- S-84 (8) BIODEGRADABLE BASIN.
- S-85 (8) BIODEGRADABLE BASIN.
- S-86 (8) BIODEGRADABLE BASIN.
- S-87 (8) BIODEGRADABLE BASIN.
- S-88 (8) BIODEGRADABLE BASIN.
- S-89 (8) BIODEGRADABLE BASIN.
- S-90 (8) BIODEGRADABLE BASIN.
- S-91 (8) BIODEGRADABLE BASIN.
- S-92 (8) BIODEGRADABLE BASIN.
- S-93 (8) BIODEGRADABLE BASIN.
- S-94 (8) BIODEGRADABLE BASIN.
- S-95 (8) BIODEGRADABLE BASIN.
- S-96 (8) BIODEGRADABLE BASIN.
- S-97 (8) BIODEGRADABLE BASIN.
- S-98 (8) BIODEGRADABLE BASIN.
- S-99 (8) BIODEGRADABLE BASIN.
- S-100 (8) BIODEGRADABLE BASIN.

CLAYTON ROAD 110' R/W

TREAT BOULEVARD 84' R/W

104'-40'-52" (NEARLY 34" PER 6033 OR 486) 109.11

106'-10'-0" 106.10

107'-10" 107.10

108'-10" 108.10

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DEMOITION ITEMS

D001: ALL CONCRETE DRIVEWAYS, AND/OR CONCRETE CURBS AND CURBS TO BE DEMOLISHED AS NECESSARY FOR CONSTRUCTION.

D002: ALL CONCRETE CURBS RELATIVE TO BE DEMOLISHED AS NECESSARY FOR CONSTRUCTION.

D003: ALL CONCRETE DRIVEWAYS AND CURBS TO BE DEMOLISHED AS NECESSARY FOR CONSTRUCTION.

D004: ALL CONCRETE DRIVEWAYS AND CURBS TO BE DEMOLISHED AS NECESSARY FOR CONSTRUCTION.

D005: ALL CONCRETE DRIVEWAYS AND CURBS TO BE DEMOLISHED AS NECESSARY FOR CONSTRUCTION.

D006: ALL CONCRETE DRIVEWAYS AND CURBS TO BE DEMOLISHED AS NECESSARY FOR CONSTRUCTION.

D007: ALL CONCRETE DRIVEWAYS AND CURBS TO BE DEMOLISHED AS NECESSARY FOR CONSTRUCTION.

D008: ALL CONCRETE DRIVEWAYS AND CURBS TO BE DEMOLISHED AS NECESSARY FOR CONSTRUCTION.

D009: ALL CONCRETE DRIVEWAYS AND CURBS TO BE DEMOLISHED AS NECESSARY FOR CONSTRUCTION.

D010: ALL CONCRETE DRIVEWAYS AND CURBS TO BE DEMOLISHED AS NECESSARY FOR CONSTRUCTION.

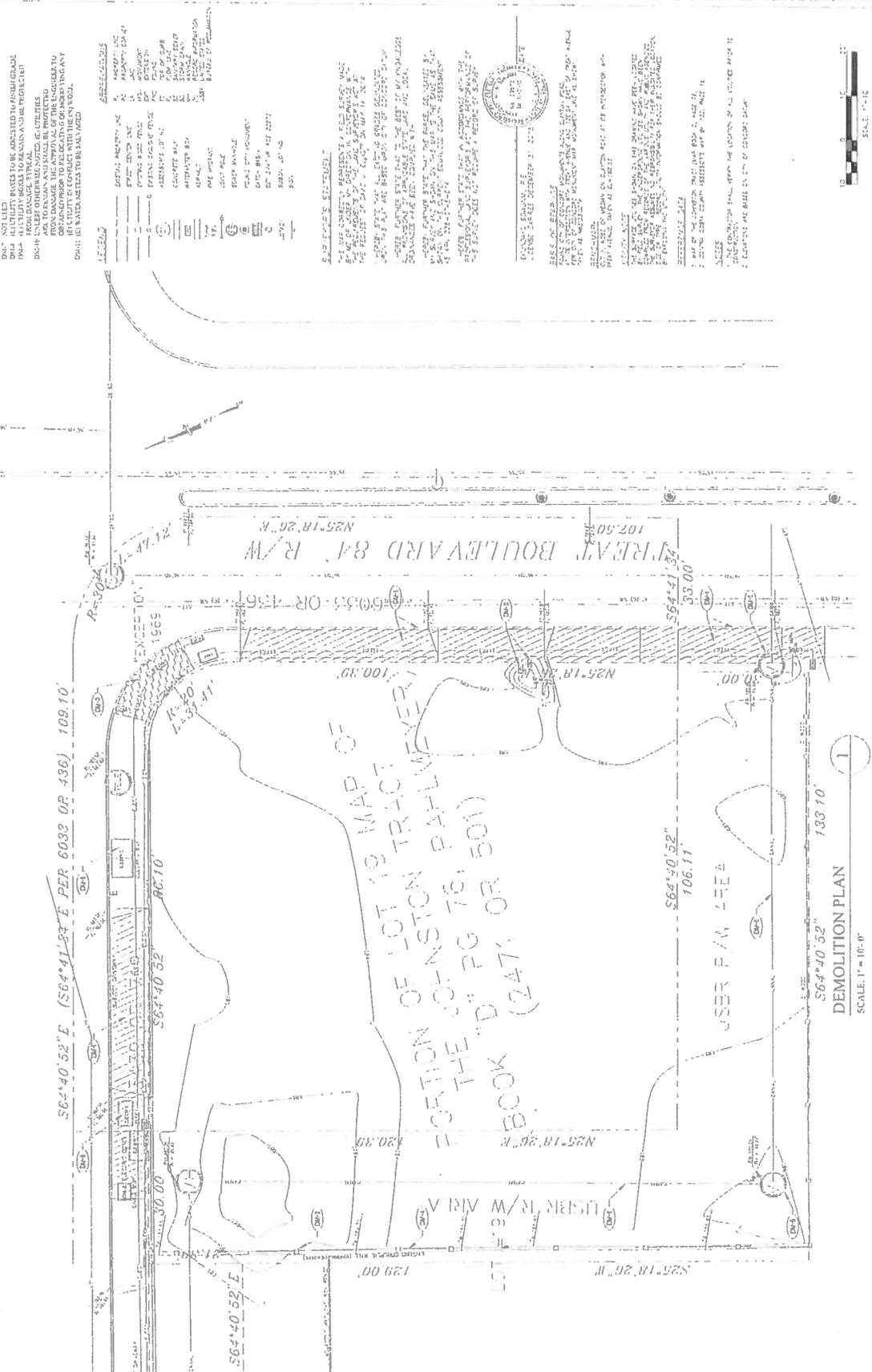
ACKLAND
 1111 BERNARD AVE.
 DUBLIN, CA 94568
 (925) 835-1111



STARBUCKS
 4290 CLAYTON ROAD
 CONCORD, CA 94521
 DAVID J. ELLIOTT & ASSOCIATES
 17800 CUNNINGHAM
 SAN RAMON, CA 94583

NO.	DATE	DESCRIPTION
1	05/28/14	ISSUED FOR PERMIT
2	06/02/14	REVISED PER COMMENTS
3	06/02/14	REVISED PER COMMENTS
4	06/02/14	REVISED PER COMMENTS
5	06/02/14	REVISED PER COMMENTS
6	06/02/14	REVISED PER COMMENTS
7	06/02/14	REVISED PER COMMENTS
8	06/02/14	REVISED PER COMMENTS
9	06/02/14	REVISED PER COMMENTS
10	06/02/14	REVISED PER COMMENTS

DEMOLITION PLAN
 PROJECT NO. 140801
 DRAWN BY: DJS
 CHECKED BY: ES
 SCALE: AS SHOWN
 DATE: 05-28-14
 SHEET NO. C2.0



DEMOLITION ITEMS

D001: ALL CONCRETE DRIVEWAYS, AND/OR CONCRETE CURBS AND CURBS TO BE DEMOLISHED AS NECESSARY FOR CONSTRUCTION.

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