



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

**Wednesday, November 18, 2015
6:30 p.m. – Council Chamber
1950 Parkside Drive, Concord**

Planning Commission Members:

Robert Hoag, Chair

Ernesto A. Avila, Vice Chair

Jason Laub, Commissioner

Carlyn Obringer, Commissioner

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

I. ROLL CALL

II. PLEDGE TO THE FLAG

III. PUBLIC COMMENT PERIOD

IV. ADDITIONS / CONTINUANCES / WITHDRAWALS

V. CONSENT CALENDAR

1. 10/21/15 Meeting Minutes

- 2. [Pine Street Town Houses Extension](#) (PL15400 – TM) – Application for a proposed one-year extension of the approval for the Pine Street Town Houses (TR 9305), Use Permit (UP 11-001), Vesting Tentative Map (TM 11-001), Variance (VA 11-001), and Design Review (DR 11-010) for a 8-lot subdivision with a remainder parcel on a 0.23-acre site at 1561 Pine Street. This entitlement was approved by the Planning Commission on October 5, 2011. The General Plan designation is High Density Residential; Zoning classification is RH (High Density Residential); APN 128-010-079. Pursuant to Section 15332 “In-Fill Development Projects,” the project is classified as a Class 32 Categorical Exemption, and therefore, no further environmental review is required. The City of Concord Planning Commission approved the Use Permit, Vesting Tentative Map, Variance, and Design Review on October 5, 2011. No appeals were filed, and all statutes of limitations have expired. For purposes of CEQA, a project is the activity to be undertaken, not the various individual government approvals – such as extensions – associated with the project. The proposed extension is not a project within the meaning of Section 15378 of the State CEQA Guidelines. In-depth review of the Pine Street Town Houses has occurred, that project has been approved, and no changes are being proposed. If the proposed extension is a project under CEQA, it is subject to the exemption contained in CEQA**

Guidelines Section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment as the project has already been approved and this is merely a one year extension. **Project Planner: G. Ryan Lenhardt @ (925) 671-3162**

VI. PUBLIC HEARINGS

1. [Model Water Efficient Landscape Ordinance \(PL15453 – MC\)](#) – Proposal of an adoption of Resolution No. 15-14 PC recommending City Council adoption of the State Model Water Efficient Landscaping Ordinance by Reference. Staff has determined that the adoption of the proposed Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to Section 15060(c)(2), Section 15060(c)(3), Section 15268, and Section 15061 (b)(3), in that 1) the Amendment will not result in a direct or reasonably foreseeable indirect physical change in the environment, 2) the proposal complies with a requirement of the State of California and not a project as defined in Section 15378, 3) landscaping is typically a ministerial action associated with a building permit and deemed exempt from CEQA under Section 15268, and 4) the proposed Amendment to is covered by the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment. **Project Planner: Andrew Mogensen @ (925) 671-3332**

VII. COMMISSION CONSIDERATIONS

VIII. STAFF REPORTS / ANNOUNCEMENTS

1. [Corridor Study Update](#) – **Project Planner: Joan Ryan (925) 671-3370**

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.

If you challenge any of the foregoing described actions in court, an appeal first of said actions to the Zoning Administrator, Planning Commission, and/or City Council (as applicable) in the manner and within the time period established in Development Code Chapter 18.510 (Appeals and Calls for Review) is required, you may be limited to raising only those issues you or someone

else raised at the public hearing described in this notice, or in written correspondence delivered to the Zoning Administrator and/or Planning Commission (as applicable) at, or prior to, said public hearing.

APPLICANT'S SUBMITTAL OF INFORMATION

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

CONSENT CALENDAR

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:

December 2, 2015: 6:30 pm – Council Chambers
December 16, 2015: 6:30 pm – Council Chambers



REPORT TO PLANNING COMMISSION

DATE: November 18, 2015

SUBJECT: PINE STREET TOWN HOUSES EXTENSION (PL15400 - TM)

Recommendation: Adopt Resolution No. 15-13PC, approving a one-year extension of the approval for the Pine Street Town Houses (TR 9305), Use Permit (UP 11-001), Vesting Tentative Map (TM 11-001), Variance (VA 11-001), and Design Review (DR 11-010).

I. Introduction

A. Application Request

Application for a one-year extension of the approval for the Pine Street Town Houses Use Permit, Vesting Tentative Map, Variance, and Design Review for a 8-lot subdivision with a remainder parcel on a 0.23-acre site. The original entitlement was approved by the Planning Commission on October 5, 2011.

B. Location

The project site is located at 1561 Pine Street; APN 128-010-079.



C. Applicant/Owner
Burchard Real Estate Management
Attn: David Burchard
722 Diablo Road
Danville CA 94526
(510) 516-3095

II. Background

On October 5, 2011, the Planning Commission adopted Resolution No. 11-10PC approving a Use Permit, Vesting Tentative Map, Variance, and Design Review for a 8-lot subdivision with a remainder parcel for the Pine Street Town Houses. The approval and permit are valid through October 5, 2015, by which time building permits were to be obtained and construction begun on the project. A one-year extension of the approval and permit can be requested pursuant to Section 18.505.020 of the Concord Municipal Code (CMC).

On September 21, 2015, an application to extend the approval and permit for one year was filed (see Exhibit A). If granted, the extension will keep the approval and permits valid through October 5, 2016. The extension would allow the new owner to prepare building permit plans for submittal to begin construction. The owner expects to submit plans for building permits in approximately three months.

III. Discussion

Staff supports the extension and finds it necessary to allow additional time for obtaining construction permits for the project. Burchard Real Estate Management, the new owner, purchased the property in the spring of 2015 and has proceeded in good faith and exercised due diligence in complying with the project conditions in a timely manner, as demonstrated by a July meeting with staff to go over requirements in preparation of the building permit. The extension also meets the following required findings under Development Code Section 18.505.020(B):

1. There are no changes to the approved project and it remains consistent with the Concord 2030 Urban and General Plan.
2. The findings under Resolution No. 11-10PC approving the project remain valid (see Exhibit B, Attachment 2).
3. As analyzed in the October 5, 2011 Planning Commission staff report (attached hereto as Exhibit D and incorporated by reference), there are adequate provisions for public services and utilities (e.g., access, drainage, fire protection, sewers, water, etc.) to ensure that the requested extension would not endanger, jeopardize, or otherwise constitute a hazard to the public health, safety, or general welfare, or be injurious to the property or improvements in the vicinity and applicable zoning district.

IV. CEQA¹

The City of Concord originally approved the Pine Street Town Houses in 2011. That approval included a California Environmental Quality Act (CEQA) determination that pursuant to Section 15332 “In-Fill Development Projects,” the project is classified as a Class 32 Categorical Exemption, and therefore, no further environmental review is required. The City of Concord Planning Commission approved the Use Permit, Vesting Tentative Map, Variance, and Design Review on October 5, 2011. No appeals were filed, and all statutes of limitations have expired.

For purposes of CEQA, a project is the activity to be undertaken, not the various individual government approvals – such as extensions – associated with the project. The proposed extension is not a project within the meaning of Section 15378 of the State CEQA Guidelines. In-depth review of the Pine Street Town Houses has occurred, that project has been approved, and no changes are being proposed. If the proposed extension is a project under CEQA, it is subject to the exemption contained in CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment as the project has already been approved and this is merely a one year extension.

V. 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.

VI. Summary and Recommendations

Adopt Resolution No. 15-13PC, approving a one-year extension of the approval for the Pine Street Town Houses (TR 9305), Use Permit (UP 11-001), Vesting Tentative Map (TM 11-001), Variance (VA 11-001), and Design Review (DR 11-010).

VII. Motion

Project Approvals

I (Comm. _____) hereby move that the Planning Commission adopt Resolution No. 15-13PC, approving a one-year extension of the approval for the Pine Street Town Houses (TR 9305), Use Permit (UP 11-001), Vesting Tentative Map (TM 11-001), Variance (VA 11-001), and Design Review (DR 11-010), subject to the Conditions of Approval set forth in Attachment 1 to Resolution 15-13PC. (Seconded by Comm. _____.)

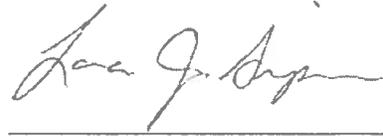
¹ California Environmental Quality Act of 1970, Public Resources Code § 21000, et seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively, “CEQA”).

Prepared by:



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Senior Planner
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Reviewed by:



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

Exhibits:

- A - Resolution No. 15-13PC with Conditions of Approval (Attachment A) and Resolution No. 11-10PC (Attachment B)
- B - Applicant's Request for Extension
- C - Approved Project Plans
- D - Planning Commission staff report dated October 5, 2011

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

**A RESOLUTION APPROVING A ONE-YEAR
EXTENSION OF THE APPROVAL FOR THE PINE
STREET TOWN HOUSES (TR 9305), USE
PERMIT (UP 11-001), VESTING TENTATIVE MAP
(TM 11-001), VARIANCE (VA 11-001), AND
DESIGN REVIEW (DR 11-010)**

Resolution No. 15-13PC

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WHEREAS, on October 5, 2011, the Planning Commission adopted Resolution No. 11-10PC approving Use Permit, Vesting Tentative Map, Variance, and Design Review for the Pine Street Town Houses Project; and

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WHEREAS, the approval and permit is valid until October 5, 2015 unless building permits are obtained and construction begun, or an extension of the permit is granted as may be allowed by Section 18.505.020 of the Concord Municipal Code; and

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WHEREAS, on September 21, 2015, Burchard Real Estate Management requested a one-year extension of the Pine Street Town Houses Project approval through October 5, 2016; and

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WHEREAS, for purposes of the California Environmental Quality Act of 1970, Public Resources Code § 21000, et seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively, "CEQA"), a project is the activity to be undertaken, not the various individual government approvals – such as extensions – associated with the project. The proposed extension is not a project within the meaning of Section 15378 of the State CEQA Guidelines. In-depth review of the Pine Street Town Houses Project has occurred, that project has been approved, and no changes are being proposed. If the proposed extension is a project under CEQA it is subject to the exemption contained in CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment as the project has already been approved and this is merely a one year extension; and

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WHEREAS, the Planning Commission, after giving all public notices required by State law and the Concord Municipal Code, held a duly noticed public hearing on November 18, 2015 on the proposed extension; and

1 **WHEREAS**, at such public hearing, the Planning Commission considered all oral and written
2 information, testimony, and comments received during the public review process, including
3 information received at the public hearing, the oral report from City staff, and the written report from
4 City staff dated November 18, 2015, application materials, and exhibits presented; and

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

9 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

10 CEQA

11 1. For purposes of CEQA, a project is the activity to be undertaken, not the various
12 individual government approvals – such as extensions – associated with the project. The proposed
13 extension is not a project within the meaning of Section 15378 of the State CEQA Guidelines. In-
14 depth review of the Pine Street Town Houses Project has occurred, that project has been approved,
15 and no changes are being proposed.

16 2. If the proposed extension is a project under CEQA it is subject to the exemption
17 contained in CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty to have no
18 possibility of a significant effect on the environment as the project has already been approved and this
19 is merely a one year extension.

20 Extension Findings

21 The Planning Commission determines that an extension is necessary to allow additional time
22 for obtaining construction permits for the project, and that the permittee has proceeded in good faith
23 and has exercised due diligence in complying with the conditions in a timely manner, and further
24 makes the following findings required under Concord Development Code Section 18.505.020(B):

25 3. There are no changes to the approved project and it remains consistent with the
26 Concord 2030 Urban and General Plan.

27 4. The findings under Resolution No. 11-10PC approving the project remain valid and are
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1 hereby incorporated by reference.

2 5. As analyzed in the October 5, 2011 Planning Commission staff report, there are
3 adequate provisions for public services and utilities (e.g., access, drainage, fire protection, sewers,
4 water, etc.) to ensure that the requested extension would not endanger, jeopardize, or otherwise
5 constitute a hazard to the public health, safety, or general welfare, or be injurious to the property or
6 improvements in the vicinity and applicable zoning district.

7 Extension Approval

8 6. The Planning Commission hereby approves the extension of the Pine Street Town
9 Houses Project Use Permit (UP 11-001), Vesting Tentative Map (TM 11-001), Variance (VA 11-001),
10 and Design Review (DR 11-010) through October 5, 2016, subject to the Conditions of Approval.

11 Effective Date

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

15 **PASSED AND ADOPTED** this November 18, 2015, by the following vote:

16 **AYES:**

17 **NOES:**

18 **ABSTAIN:**

19 **ABSENT:**

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21 _____
22 Laura Simpson
23 Secretary to the Planning Commission

24 Attachments:

- 25 A – Draft Conditions of Approval
- 26 B – Resolution No. 11-10PC

**ATTACHMENT A
DRAFT
CONDITIONS OF APPROVAL
PINE STREET TOWN HOUSES
(TR 9305) UP 11-001, TM 11-001, VA 11-001, DR 11-010
1561 Pine Street
APN 128-010-079**

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

PERMIT DESCRIPTION

1. These Conditions of Approval apply to and constitute the approval of a **Vesting Tentative Map for Tract 9305 (TM 11-001)** consisting of **eight (8) individual parcels and a remainder parcel on 0.23 acres.**
2. These Conditions of Approval apply to and constitute the approval of a **Use Permit (UP 11-001) for an 8-lot subdivision and a remainder parcel.**
3. These Conditions apply to and constitute the approval of a **Variance (VA 11-001)**, for an exception to the Zoning requirements to allow **a reduced front yard setback from 15 to 4 feet and to allow an increase in the sideyard fence height from 6 to 8 feet.**
4. These Conditions apply to and constitute approval of **Design Review (DR 11-010) for an 8-lot subdivision and a remainder parcel including architecture, landscaping, lighting, and other site improvements.**
5. The following Exhibits date stamped received by the City of Concord on **August 10, 2011** and last revision date listed below are approved and shall be incorporated as Conditions of Approval.

Approved Colors and Materials

	<u>Manufacturer</u>	<u>Sample Number</u>	<u>Material/Color</u>
Body 1	La Habra	Stucco - #X-86	Sandstone
Body 2	Hardiboard		Color 1 – Cork Color 2 – Audubon Russet Color 3 – Louisburg Green
Wood Trim & Garage Door	Benjamin Moore	#OC-26	Silver Satin
Vinyl Windows & Doors	Milgard	N/A	Off White
Roof Material	Elk Roofing	Prestique Shingle	Shadow Grey

6. The following Exhibits date stamped received by the City of Concord on **August 10, 2011** and last revision date listed below are approved and shall be incorporated as Conditions of Approval.

<u>Plan</u>	<u>Date Prepared</u>	<u>Prepared by</u>	<u>Sheet</u>
Cover Sheet	8/10/11	Gorny & Associates Architecture	P-01
Title Sheet	7/20/11	Aliquot	TM-1
Topo, Boundary and Ex. Easements	7/20/11	Aliquot	TM-2
Site, Utility and Prelim. Grading Plan	7/20/11	Aliquot	TM-3
Boundary & Lot Dimensions	7/20/11	Aliquot	TM-4
Site Data Tables	7/20/11	Aliquot	TM-4A
Tree Survey	7/20/11	Aliquot	TM-5
Site Cross Sections	7/20/11	Aliquot	TM-6
Pictorial Exhibit	7/20/11	Aliquot	TM-7
Architectural Site Plan	8/10/11	Gorny & Associates Architecture	P-02
Duplex Floor Plans	8/10/11	Gorny & Associates Architecture	P-03
Single Floor Plans	8/10/11	Gorny & Associates Architecture	P-04
Streetscape/Rendered Elev.	8/10/11	Gorny & Associates Architecture	P-05
All Elevations	8/10/11	Gorny & Associates Architecture	P-06
Preliminary Plan	7/7/11	HWA	L.1
Planting & Details	7/7/11	HWA	L.2

GENERAL CONDITIONS

7. The Conditions are the responsibility of the applicant and all contractors. Compliance shall occur as specified in the Conditions or at one of the following project milestones:

- (a) With the submittal of Grading, Improvement, Landscape, or Building Plans.
- (b) Prior to issuance of Encroachment, Grading, or Building Permits, whichever comes first.
- (c) Prior to Construction.
- (d) On going during Construction.
- (e) Prior to approval of the Final Map.
- (f) Prior to occupancy approval.

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

- 1 8. Where a plan or further information is required, it is subject to review and approval by the
2 applicable City Department/Division, as noted at the end of each Condition. The Division
3 listed first shall be the primary contact for implementation of that Condition. *(PLNG, BLDG,*
4 *ENGR)*
- 5 9. The project shall comply with all applicable Federal and State laws and Concord Municipal
6 Code (CMC) requirements. *(PLNG, BLDG, ENGR)*
- 7 10. Minor modifications that are found to be in substantial conformance with the approved plans
8 such as colors, plant materials, or minor lot line adjustments, may be approved
9 administratively. Major modifications shall be approved by the applicable decision making
10 body. *(PLNG, ENGR)*
- 11 11. The Conditions of Approval shall be listed on a plan sheet that is included in the construction
12 plan set (Grading, Utility, Landscape and Building Plans). *(PLNG, ENGR)*
- 13 12. Two annotated copies of the Conditions of Approval specifying how each applicable condition
14 has been satisfied, shall be submitted as follows:
15 a. At the time Grading, Utility, Landscape, and/or Building Plans are submitted for plan
16 check, whichever comes first.
17 b. Prior to occupancy approval. *(PLNG, ENGR)*
- 18 13. Submit three signed copies, one notarized, of the City's "Property Maintenance Agreement",
19 to ensure on-going repair, replacement and maintenance of all exterior improvements
20 including buildings, parking areas, private **driveways**, walkways, landscaping, irrigation,
21 fences, walls, and other improvements, prior to issuance of Grading or Building permits,
22 whichever comes first. *(PLNG, CA)*
- 23 14. The project site and area surrounding the site shall be **fenced and** maintained in a weed and
24 litter free condition for the period prior to construction. *(BLDG, PLNG)*
- 25 15. The perimeter fence shall be installed within two weeks from completion of site demolition or
26 grading work in the area of the fence. If the fence at an abutting residential property is
27 planned for removal, the replacement perimeter fence shall be completed within two weeks
28 from removal of the original fence, unless otherwise approved by the Planning Division.
(PLNG, ENGR)
16. Submit a site plan with the parking details for all temporary real estate offices and model
homes to Planning and Engineering prior to issuance of Building Permits **if applicable**.
(PLNG, ENGR, BLDG)

ARCHITECTURAL

17. **The applicant shall provide the Design Review Board with a section detail of the stucco siding transitioning to wood siding (e.g., second and third floor), a section detail of the second story pop-out at the end of Unit 4, and a detail of the first floor balcony railings as a staff report item prior to the issuance of a building permit. (DRB, PLNG)**

- 1 18. **The applicant shall provide the Design Review Board with a paint legend detailing the**
2 **location and color for each building as a staff report item prior to the issuance of a**
3 **building permit. (DRB, PLNG)**
- 4 19. **The applicant shall specify the installation of quiet air conditioning units on the building**
5 **permit set of plans between Units 5 & 6 and Units 7 & 8 prior to the issuance of a**
6 **building permit. (PLNG, BLDG)**
- 7 20. All composition shingle roofing shall be architecturally laminated style with a minimum
8 weight of 280 lbs./square. (PLNG)
- 9 21. Hardboard siding shall be installed per manufacturer's standards, true and plumb, with no two
10 butt joints lined up one above the other, and butt joints secured in clips designed for this
11 purpose. Any siding that does not meet this requirement shall be replaced. (PLNG)
- 12 22. Vents, gutters, downspouts, flashing, electrical conduits, etc., shall be painted to match the
13 color of the adjacent surface, unless otherwise approved by the Planning Division. (PLNG)

14 **LANDSCAPING**

- 15 23. **The applicant shall** submit Final Landscape Plans prepared by a **licensed** Landscape
16 Architect, registered by the State of California, for review and approval with the Grading,
17 Improvement, or Building Plans, whichever comes first, **prior to the issuance of any permit.**
18 The Plan shall be drawn on or consistent with **Site Plan** prepared by the Civil Engineer, with
19 the following information:
- 20 a. A legend that lists all plant species (Latin and common name), including size,
21 quantities, spacing, and ultimate height and width.
 - 22 b. Specifications and details for planting, including staking of trees.
 - 23 c. Utility and Grading information on the base map, screened back.
 - 24 d. Existing trees to be saved and identification of all replacement trees.
 - 25 e. Trees (minimum size 24-inch box) and shrubs (minimum 5-gallon; accent or sub-
26 shrubs may be 1-gallon).
 - 27 f. Root control barriers and four-inch perforated pipes for parking lot trees, street trees,
28 and trees within 6 inch of any paved area or curb.
 - g. Six-inch vertical concrete curbs around landscaped areas.
 - h. A soils and plant laboratory analysis with recommendations for fertilization and
mulching to be incorporated into the planting specifications.
 - i. A Layout/Hardscape Plan showing the location and details of all non-plant
improvements, with dimensions and call outs, showing finished grades,
hardscape/paving treatment, planter details, arbors, trellis', fences, walls, and other
features.
 - j. Details for street trees in accordance with City Standard Plan S-38, "Street Tree
Planting Detail". (PLNG, ENGR)

- 1 24. Irrigation Plans **shall include a drip irrigation system and** be submitted with the Final
2 Landscape Plans in compliance with the requirements **of the Regional Landscape Water**
3 **Conservation Ordinance adopted by Contra Costa Water District in compliance with the**
4 **current State laws. (PLNG)**
- 5 25. All landscaping shall be installed prior to occupancy approval. Contact the Planning Division
6 at least two weeks prior to Occupancy, to request a site inspection of all exterior improvements
7 including buildings, driveways, parking lots, landscaping, irrigation, lighting, and walls.
8 **(PLNG)**
- 9 26. Prior to occupancy approval, the licensed Landscape Architect shall submit a **Landscape**
10 **Documentation Package with the following mandated elements:**
- 11 a) **Application**
 - 12 b) **Certification of Compliance for Landscape Design**
 - 13 c) **Certification of Compliance for Landscape Installation**
 - 14 d) **Certification of Compliance for Landscape Audit**
 - 15 e) **Certification of Compliance for Landscape Maintenance**
 - 16 f) **Water Budget work sheets (if applicable)**
 - 17 g) **Landscape Plans**
 - 18 h) **Landscape and Maintenance Schedule (PLNG)**
- 19 27. The establishment of plant materials shall be guaranteed for a period of two years after
20 Subdivision Acceptance. A cash or equivalent guarantee shall be posted in an amount equal to
21 10% of the value of the improvements, which will be released upon final inspection and
22 acceptance of landscape improvements by a registered Landscape Architect at the end of the
23 two-year period. **(PLNG)**
- 24 28. **The applicant shall replace the existing six-foot tall wood fence on the north property line**
25 **with a decorative eight-foot tall wood fence. The applicant shall submit a fence plan**
26 **showing the location, design, height, and construction details, for all fencing consistent**
27 **with, and as a part of, the Grading, Improvement, Landscape, and Building Plans,**
28 **whichever comes first, and provide a timetable for installation. (DRB, PLNG, ENGR)**

LIGHTING

- 29 29. Show all exterior lighting including: building fixtures, walkway lighting, parking lot lighting,
30 and street lights on the Site, Utility, Landscape, and Building Plans, prior to the issuance of
31 any permits. The height and style of fixtures shall be shown. Energy-saving fixtures shall be
32 used and noted on the plans. **(PLNG, ENGR, BLDG)**
- 33 30. All exterior building and parking lot lighting shall provide illumination for safety and shall be
34 installed in a manner that is glare shielded and directed away from adjacent properties and
35 right-of-ways. **(PLNG)**

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

6 **SIGNAGE**

- 7 32. One sign denoting the architect, engineer, or contractor associated with the project may be
8 permitted on site. The maximum sign area shall be 12 sq. ft. within single-family districts and
9 40 sq. ft. for other districts, of which 32 sq. ft. may be for the general contractor. These signs
10 shall be removed upon occupancy approval. **(PLNG) CMC**
- 11 33. Pennants, banners, streamers, or flags in connection with special promotions and business
12 openings shall be permitted for a period not to exceed 30 days. The same, different, or similar
13 pennants, banners, streamers, and flags shall not be permitted within 150 calendar days after
14 such removal. No pennants, banners, streamers, balloons, inflatable devices, flags, or any other
15 advertising devices shall be mounted on or above any roof or mansard, or otherwise extend
16 above a parapet wall or ridge of a structure. **(PLNG) CMC**

17 **PARKING**

- 18 34. **Recreational Vehicle parking shall be prohibited. (PLNG) CMC**
- 19 35. All parking spaces shall be striped; full-size spaces shall be 9 ft. by 19 ft. Wheel stops shall be
20 provided, except when parking spaces abut a concrete curb for a landscaped planter, then a
21 two-foot overhang is allowed. **(PLNG, ENGR) CMC**
- 22 36. Two-car garages shall be a minimum of 20 ft. by 20 ft. with a 16 ft. wide minimum door
23 opening. There shall be no encroachments (e.g., water heaters, stairways and doors) into the
24 required area. **(PLNG) CMC**
- 25 37. Parking shall comply with CMC §122-843, “Off-Street Parking Facilities” including drive
26 aisle and parking space dimensions, turning radii, back-out dimensions, driveway clearances,
27 and other relevant information. **(ENGR, PLNG) CMC**
- 28 38. 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 **AFFORDABLE HOUSING**

2 39. Prior to recording of the final map, the developer shall enter into an Inclusionary
3 Housing Agreement with the City, consistent with the City's Inclusionary Housing
4 Ordinance, such that either: 1) The Developer shall provide the appropriate number of
5 Inclusionary Units in the project at a sale price that results in a monthly housing cost
6 (including mortgage principal and interest, property taxes, utilities, property insurance
7 and homeowners association fees, if any) that does not exceed one-twelfth of 30% of the
8 maximum annual income for a household of the applicable income level (Very Low, Low
9 or Moderate Income). Price of Inclusionary Units shall be approved by the City.
10 The Inclusionary Units shall be deed restricted as affordable for a period of not less than
11 45 years. OR 2) The applicant shall pay the appropriate in-lieu fee, per the Inclusionary
12 Housing Ordinance, as specified in the Resolution Establishing Fees and Charges for
13 Various Municipal Services, updated annually each July 1. The current fee is \$5,043 per
14 market rate unit within the project and shall be due prior to a certificate of occupancy
15 being issued. (HSNG)

16 **STREET IMPROVEMENTS**

17 40. Construct improvements along the frontage on Pine Street including but not limited to:
18 driveway removal; pavement replacement two feet wide measured perpendicular from face of
19 curb; pavement widening; concrete valley gutter; wheel chair ramps; construction of concrete
20 curb, gutter and sidewalk; ADA compliant concrete driveway approach; storm drainage
21 system; conforms to existing improvements; and repair/replacement of deficient frontage
22 improvements as determined by the City Engineer, prior to occupancy approval or Acceptance
23 of Improvements. (ENGR)

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

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

28 **NOISE**

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

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.

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

6 CONSTRUCTION ACTIVITIES

- 7 45. Contact Engineering Services to arrange for a Pre-Construction Meeting prior to issuance of
8 Grading or Building Permits, whichever comes first. *(ENGR)*
- 9 46. Implement a dust and construction noise control plan. Submit the plan to Engineering Services
10 for review and approval prior to issuance of the Grading Permit. *(ENGR)*
- 11 47. Construction equipment shall not be serviced at the site at any time. During construction no
12 deliveries shall be made to the site and no delivery vehicles (including gasoline tanker trucks)
13 shall enter the site between 6:00 p.m. and 7:30 a.m. on weekdays, and between 5:00 p.m. and
14 8:00 a.m. on weekends and federal holidays. Delivery vehicles shall have their engines turned
15 off during unloading. *(BLDG, ENGR, PLNG)*
- 16 48. Employ the quietest construction equipment available, to muffle noise from construction
17 equipment and keep all mufflers in good working order in accordance with State law. *(BLDG,*
18 *ENGR, PLNG)*
- 19 49. Implement the following measures during construction:
- 20 k. Gather all construction debris on a regular basis and place them in a dumpster or other
21 container that is emptied or removed on a weekly basis. When appropriate, use tarps on
22 the ground to collect fallen debris or splatters that could contribute to storm water
23 pollution.
 - 24 l. Remove all dirt, gravel, rubbish, refuse, and green waste from the street pavement, and
25 storm drains adjoining the project site. During wet weather, avoid driving vehicles off
26 paved areas.
 - 27 m. Broom sweep the public street pavement adjoining the project site on a daily basis.
28 Caked-on mud or dirt shall be scraped from these areas before sweeping.
 - n. 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. Remove the filter fabric at the end of the
project.
 - o. Create a contained and covered area on the site for the storage of bags, cement, paints,
flammable, oils, fertilizers, pesticides, or any other materials used on the site that have
the potential for being discharged to the storm drain system by being windblown or in
the event of a material spill.
 - p. Never clean items such as machinery, tools, and brushes or rinse containers in a street,
gutter, or storm drain.
 - q. Ensure that concrete, gunite, plaster, or similar supply trucks do not discharge wash
water into street gutters or drains. *(ENGR, BLDG)*

- 1 50. No equipment shall be started or staging area be established on the streets or the site before or
2 after the specified hours of construction. *(ENGR, BLDG)*
- 3 51. Ensure that no debris or construction scrap material is placed on any adjoining lot, open space
4 area, or street, and that any such material stored on an adjoining site shall be completely
5 removed and the site cleaned, prior to occupancy approval. *(ENGR, BLDG)*
- 6 52. At no time shall campers, trailers, motor homes, or any other vehicle be used as living or
7 sleeping quarters on the construction site unless authorized for site security. *(ENGR, BLDG)*
- 8 53. There shall be no parking of construction equipment or construction worker's vehicles on
9 residential streets at any time; all vehicles shall be maintained on-site. *(ENGR, BLDG)*
- 10 54. Portable toilets used during construction shall be kept as far as possible from adjacent
11 properties and shall be emptied on a regular basis as necessary to prevent odor. *(ENGR,
12 BLDG)*
- 13 55. Identify truck routes for the import or export of cut/fill material and/or construction debris for
14 review and approval by the City Engineer prior to the issuance of permits. Repair any damage
15 to City streets (private and public) caused by activity associated with this project. *(ENGR)*
- 16 56. In the event of the encounter of subsurface materials suspected to be of an archaeological or
17 paleontological nature, all grading and/or excavation shall cease, the find shall be left
18 untouched, and the City Planning Division shall be immediately notified. The County Coroner
19 and the Native American Heritage Commission shall also be notified and the procedures
20 required in CEQA §15064.5 shall be followed. This requirement shall be noted on the Grading
21 and Building Plans, prior to issuance of permits. *(PLNG, ENGR, BLDG)*
- 22 57. In the above event, retain a qualified professional archaeologist certified by the Register of
23 Professional Archaeologists or paleontologist with a degree(s) in paleontology or geology, to
24 evaluate and make recommendations as to disposition, mitigation and/or salvage. The
25 recommendation shall be implemented before work may proceed. The applicant shall be
26 responsible for all costs associated with the professional investigation and implementation.
27 *(PLNG, ENGR, BLDG)*

CONSTRUCTION PLAN REVIEW/PRE-PERMIT REQUIREMENTS

- 28 58. Submit two copies of Preliminary Title Report, prepared within three months prior to plan
submittal. *(ENGR)*
59. The proposed buildings are within the 100-year Floodplain Zone A. At a minimum, comply
with the City of Concord Municipal Code requirements in establishing building finished floor
elevations. The Grading Plan shall be referenced to the same elevation datum as the FEMA
map, and shall show the finished floor elevations of the proposed buildings, 100-year Base
Flood Elevations (BFE), and building setback line per CMC. *(ENGR) CMC*

- 1 60. The Improvement Plans shall show frontage improvements including but not limited to:
2 drainage improvements, curb, gutter and sidewalk per City Standard Detail S-10, and driveway
3 construction per City Standard Detail S-14 and repair/replacement of deficient frontage
4 improvements as determined by the City Engineer. Any unusable existing driveway shall be
5 replaced with standard curb, gutter, and sidewalk per S-10 above. Any trenching for utility
6 installation shall comply with the modified City Standard Detail S-17 for pavement repair and
7 possible slurry placement. *(ENGR)*
- 8 61. The Improvement Plans shall show plan and profile of all proposed street, drainage and sewer
9 improvements and details for curb, gutter, sidewalk, and driveway construction. *(ENGR)*
- 10 62. Design improvements in accordance with the City Standard Plans S-34 and S-36 for sight
11 distance, sidewalk, back up, fencing, geometrics at intersection and corner setback
12 requirements, prior to the Acceptance of Improvements. Plans shall be subject to review and
13 approval by Engineering Services. *(ENGR)*
- 14 63. Obtain an Encroachment Permit from the City prior to performing any work within the public
15 right-of-way or public easements. *(ENGR) CMC*

16 SUBDIVISIONS/SITE DEVELOPMENT PLANS

- 17 64. The **Vesting** Tentative Map prepared by and date stamped received **August 10, 2011** by the
18 Planning Division is not approved for construction. Submit Grading, Erosion Control,
19 Improvement, Stormwater Pollution Prevention Plans (SWPPP), and Stormwater Control
20 Plans prepared by a Registered Civil Engineer to Engineering Services for review and
21 approval prior to issuance of an Encroachment Permit and Grading Permit. *(ENGR)*
- 22 65. The Final Map shall be prepared by a qualified Civil Engineer or Licensed Land Surveyor and
23 shall be subject to review and approval by Engineering Services. *(ENGR)*
- 24 66. Three copies of project Covenants, Codes and Restrictions (CC&Rs) shall be submitted with
25 the Grading and Improvement Plans and Final Map, for review and approval. The CC&Rs
26 shall include the following provisions and shall be recorded with the Final Map:
- 27 r. A Homeowners Association (HOA), shall be formed and shall be responsible in
28 perpetuity, for the maintenance, repair, and replacement of:
 - 29 i) All parcels held in common, open space and common area improvements
30 including building exteriors, driveways, private streets, access easements,
31 pedestrian paths and walkways, landscaping, irrigation systems, fencing,
32 retaining walls, soundwalls, signage, trash and recycling areas and utilities.
 - 33 ii) All landscaping and irrigation equipment on-site and within the public right-of-
34 way.
 - 35 iii) All permanent stormwater management facilities included in the approved
36 Stormwater Control Plan and the approved Stormwater Control Operations and
37 Maintenance Plan.

- 1 s. Contain a statement that in the event these areas or facilities are not properly
2 maintained, repaired or replaced according to the approved plans, each property owner
3 shall be responsible for their proportionate share of these costs, secured by a lien on the
4 property in favor of the HOA, in accordance with the HOA procedures.
- 5 t. Provide reciprocal easements over all common parcels for maintenance purposes.
- 6 u. The HOA shall be responsible for enforcing the CC&Rs and providing written notice
7 of any violation to the property owners.
- 8 v. The HOA shall provide the Planning Division with the name, address and phone
9 number of the current HOA representative. *(PLNG, ENGR, CA)*

8 GRADING/EROSION CONTROL/GEOLOGIC

- 9 67. Submit a geologic investigation to demonstrate that proposed buildings will not be constructed
10 across active faults. A licensed geologist must prepare an evaluation and written report. If an
11 active fault is found, a structure for human occupancy cannot be placed over the trace of the
12 fault and must be set back from the fault (generally 50 feet). *(ENGR)*
- 13 68. Submit a Geotechnical Report with the Grading Plans and Building Plans, pursuant to CMC
14 Section 94-51 and Section 86-73 that addresses and provides recommendations for grading,
15 drainage, walls, building foundations, and pavement structural sections. *(ENGR)*
- 16 69. All grading shall require a Grading and Drainage Plan prepared by a registered Civil Engineer,
17 a Soils Report prepared by a registered Geotechnical Engineer and receipt of a Grading Permit
18 approved by the City Engineer. The Grading Plans and Soils Report shall require review by
19 the City's Geotechnical consultant with all costs to be borne by the applicant. *(ENGR)*
- 20 70. Grading on adjacent properties shall require written approval from the affected property
21 owners. *(ENGR)*
- 22 71. On-site finish grading work shall require drainage to be directed away from all building
23 foundations at a minimum slope of 2 percent and a maximum slope of 20 percent toward
24 approved drainage facilities or swales. Non-paved drainage swales shall have a minimum
25 slope of 1 percent. *(ENGR)*
- 26 72. The project engineer shall inspect the finished grading and certify that it conforms to the
27 compaction and elevations shown on the Grading Plan and Soils Report. *(ENGR) CMC*
- 28 73. At all times seasonally appropriate erosion control measures shall be implemented per plans
approved by the City Engineer for all grading work at all times. Wet season measures shall be
in place October through April at a minimum and when rain is otherwise predicted. At the
time of approval of the Improvement and/or Grading Plans, an approved Erosion Control Plan
prepared by a registered Civil Engineer shall be filed with the City Engineer. *(ENGR)*

- 1 74. All graded slopes and stockpiles of loose soil shall be hydromulched/hydroseeded by October
2 of any given year. During grading work between October and April, if rain is forecast, stop all
3 grading work two days before the rain forecast and implement BMPs to insure that the site is
4 protected from erosion. *(ENGR)*
- 5 75. Designate the private streets as a required fire access lane thereby prohibiting parking on **both**
6 **sides** of the street at all times. Signs and/or curb striping shall be installed according to the
7 regulations established by the Contra Costa County Fire Protection District, the Concord
8 Police Department, and Engineering Services. The signs shall include, the Police Department
9 telephone number and a notification that a citation may be issued for the violation with vehicle
10 removal at the owner's expense. *(ENGR, UFC)*

11 UTILITIES

- 12 76. New electrical transformers shall be placed underground or screened from view. *(ENGR,*
13 *PLNG)*
- 14 77. No above ground utility facilities/structures shall be located between the face of curb and back
15 of sidewalk in the public right-of-way. *(ENGR)*
- 16 78. Install streetlights along the **Pine Street** frontage as determined by Engineering. Submit
17 streetlight plans in accordance with the City Standard Specifications showing pole type,
18 luminaries type, conductor and wiring schedule, connection points, lamp wattage and pull box
19 locations, at the time of submittal of improvement plans. Streetlights shall be completely
20 installed and operational prior to occupancy approval. *(ENGR)*
- 21 79. All new utilities shall be constructed underground prior occupancy approval. *(ENGR)*
- 22 80. Comply with the City of Concord sewer design flow criteria and sewer construction
23 requirements of the Central Contra Costa Sanitary District. *(ENGR)*
- 24 81. Submit to Engineering Services sanitary sewer calculations with the Improvement Plans
25 stamped and signed by a Registered Civil Engineer for review. *(ENGR)*
- 26 82. All existing sanitary sewer pipes traversing the site shall be removed. Details for the pipe
27 removal shall be submitted to Engineering Services prior to the issuance of Construction
28 Permits. Any property presently served by this sewer line shall be provided a side sewer
connected to the sewer system with no interruption of service. Necessary rights-of-entry shall
be obtained from the affected property owners. *(ENGR)*
83. Coordinate all facility adjustments, relocations, or additions to utility services with the
appropriate utility companies. *(ENGR)*

- 1 84. The location of all outdoor, above-ground and/or at-grade pad mounted transformers, utility
2 equipment, electrical and gas meters, vaults, irrigation control boxes, back flow prevention
3 devices, and the like shall be subject to approval by Planning and Engineering Services prior
4 to the issuance of the Grading or Building Permit, whichever comes first. All such equipment
5 shall be screened from view either architecturally or with landscaping and painted forest green
6 or other approved color as approved by the Planning Division. Any changes to the approved
7 Utility Plans, including location or screening details shall be reviewed and approved by the
8 Planning Division. *(PLNG, ENGR)*
- 6 85. Provide cable companies a set of approved site diagrams in electronic format showing the joint
7 trench layout for dry utilities for cable service to be provided to the site. *(ENGR)*
- 8 86. Connect all buildings to the sanitary sewer collection facilities of the City, and pay all current
9 sewer connection and service fees prior to occupancy approval. *(ENGR) CMC*
- 10 87. Submit proof acceptable to Engineering Services that all work within the existing (new)
11 private waterline easement(s) are reviewed and approved by the easement owner of record.
12 *(ENGR)*

DRAINAGE/STORMWATER C.3 REQUIREMENTS

- 13 88. Submit a Stormwater Control Plan (SWCP) **that demonstrates how stormwater runoff will**
14 **be minimized and the steps taken to minimize or eliminate pollution potential.** *(ENGR)*
- 15 89. Construct stormwater treatment measures per the approved SWCP prior to occupancy
16 approval. *(ENGR)*
- 17 90. Prevent site drainage from draining across sidewalks and driveways in a concentrated manner.
18 *(ENGR)*
- 19 91. Collect and convey all stormwater entering and/or originating from the site to an adequate
20 downstream drainage facility. Submit hydrologic and hydraulic calculations for a 10-year
21 storm with the Improvement Plans to Engineering Services for review and approval.
- 22 92. Install City of Concord “No Dumping, Drains to Creek” curb marker (English and Spanish
23 version) on all catch basins. *(ENGR)*
- 24 93. Submit a Construction Best Management Practice (BMP) Program for review and approval by
25 the Engineering Development Services Department prior to issuance of a Building and/or
26 Grading Permit. The general contractor and all subcontractors and suppliers of materials and
27 equipment shall implement these BMPs. Construction site cleanup and control of construction
28 debris shall also be addressed in this program. Failure to comply with the approved
construction BMP may result in the issuance of correction notices, citations, or a project stop
work order. *(ENGR)*

- 1 94. Sweep or vacuum the parking lot(s) a minimum of once a month and prevent the accumulation
2 of litter and debris on the site. Corners and hard to reach areas shall be swept manually. If
3 sidewalks and/or the parking lot are pressure washed, debris must be trapped and collected to
4 prevent entry into the storm drain system. No cleaning agent may be discharged into the storm
5 drain. If any cleaning agent or degreaser is used, wash water shall be collected and discharged
6 to the sanitary sewer, subject to the approval of the Central Contra Costa Sanitary District).
7 *(ENGR)*
- 8 95. Ensure that the area surrounding the project such as the streets stay free and clear of
9 construction debris such as silt, dirt, dust, and tracked mud coming in from or in any way
10 related to project construction. Areas that are exposed for extended periods shall be watered
11 regularly to reduce wind erosion. Paved areas and access roads shall be swept on a regular
12 basis. All trucks shall be covered. *(ENGR)*
- 13 96. Clean all on-site stormdrain facilities a minimum of twice a year, once immediately prior to
14 October 15 and once in January. Additional cleaning may be required if found necessary by
15 the City Engineer/Director of Building Inspection. *(ENGR, BLDG)*

11 SOLID WASTE/RECYCLING

- 12 97. Comply with CMC Chapter 82, Solid Waste, Article V, Construction and Demolition (C&D)
13 Waste Recycling, Sections 82-114 through 82-126, as applicable. *(BLDG)*
- 14 98. Design and implement City approved Source Reduction/Recycling Plan and demonstrate that
15 interior and exterior refuse enclosures have been sufficiently designed and located for the
16 storage and pick up of recyclable materials in accordance with CMC Section 82-83, Source
17 Reduction and Recycling, prior to issuance of a Building Permit. *(PW)*
- 18 99. Trash bins and refuse shall be stored within approved trash enclosure and the doors shall be
19 closed at all times except when the bins are being emptied. *(NS)*

18 AGREEMENTS, FEES, BONDS

- 19 100. All fees noted below are the fees currently in effect as of July 1, 2011 per the Resolution of
20 Fees and Charges. The fees and charges are reviewed annually as part of the budget public
21 hearing process. Fee adjustments are based on a number of factors and vary depending on the
22 type of fee:

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

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

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

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

5 101. Provide a **\$2,500** cash deposit to the Planning Division to cover Condition Compliance costs,
6 at the time of submittal of plans and documents to Engineering Services or the Building
7 Division for plan check. Planning staff's time will be charged to this deposit for work
8 performed to implement the Conditions of Approval, from the time of project approval to
9 occupancy approval. The deposit will be placed in a refundable account and any unused funds
10 will be returned upon completion. If the initial deposit is insufficient to cover actual costs, an
11 additional deposit will be required. *(PLNG)*

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

15 103. Enter into a Maintenance Agreement acceptable to the City prior to the approval of Final Map,
16 agreeing to provide for proper maintenance of the private street, storm drain outside of the
17 public street right of way, streetlights and other privately maintained improvements pursuant
18 to CMC Section 94-33. *(ENGR)*

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

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

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

107. Encroachment Permit Application:

- w. Pay the Filing Fee at the time of submittal of permit application, improvement plans and supporting documents to City Engineering Services for review. The current fee is **\$91.**

- 1 x. Provide a restoration security before issuance of the Encroachment Permit. The
2 security shall be in an amount sufficient to restore existing public improvements to a
3 serviceable condition should development improvement activity cause damage. The
4 amount of the security shall be determined by, and be in a form acceptable to the City
5 Engineer.
6 y. Provide a **\$10,000** cash deposit to cover Condition Compliance/Mitigation Monitoring
7 costs at the time of submittal of plans and documents to Engineering Services for
8 review. The deposit will be placed in a refundable account. Condition
9 Compliance/Mitigation Monitoring costs will be charged to this deposit over the life of
10 the project permit and mitigation requirements. Any unused funds will be returned at
11 project completion. If the initial deposit is insufficient to cover actual costs, an
12 additional deposit in an amount determined by the City Engineer will be required.
13 **(ENGR)**

108. Grading Permit Application:

- 14 z. Pay Grading Permit Fees at submittal of a Grading Permit application. The current fee
15 is determined based on cubic yardage of cut and fill combined, or at the hourly rate of
16 **\$181** if the hourly rate is used.
17 aa. Provide a **\$10,000** cash deposit for Erosion Control prior to issuance of Grading
18 Permit. The deposit will be placed in a refundable account. Any unused funds will be
19 returned at project completion. If the initial deposit is insufficient to cover actual costs,
20 an additional deposit in an amount determined by the City Engineer will be required.
21 bb. Pay Stockpile and Erosion Control Monitoring fee prior to issuance of Grading Permit.
22 The stockpile and erosion control monitoring fee is currently **\$22** per calendar day and
23 is collected for the life of the Grading Permit activity. **(ENGR)**

109. Final Map Application:

- 24 cc. Pay the Final Map review fee at the time of submittal of Final Map documents to
25 Engineering Services for review. Current fee is estimated to be **\$4,525** (based on nine
26 parcels), plus additional review time at **\$181/hour** if required.
27 dd. Pay the Final Map filing fee prior to scheduling the Subdivision Agreement for
28 consideration by the City Council. The current fee is **\$1,810**.
29 ee. Pay the Improvement Plan review fee at the time of submittal of Improvement Plans
30 and supporting documents to Engineering Services for review. The current fee is
31 estimated to be **\$11,403** (based on nine parcels), plus additional review time at
32 **\$181/hour** if required.
33 ff. Pay the Construction Inspection fee prior to issuance of the Construction Permits or
34 scheduling the Subdivision Agreement for consideration by the City. The current fee is
35 based on 9% of the estimated cost of constructing the required improvements to
36 support the subdivision.
37 gg. Pay the Drainage Acreage Fee prior to scheduling the Subdivision Agreement for
38 consideration by the City Council. The current fee is **\$2,638/acre**. (Drainage Area
39 23/24)
40 hh. Pay the Parkland Fee prior to **issuance of any building permit for each individual
41 parcel**. The current fee is **\$9,914** per living unit for High Density Designation.

- 1 ii. Submit a fully executed Subdivision Agreement and provide all necessary bonds,
2 securities, and insurance required in the Agreement prior at the time the Final Map is
3 scheduled for consideration by the City Council.
4 jj. Pay new street monument fee of **\$362** per monument, prior to approval of the Final
5 Map.
6 kk. Pay new parcel fee of **\$362** per parcel prior to the approval of the Final Map.
7 ll. Pay acceptance of improvements and dedications fee of **\$1,810** prior to scheduling
8 items for action by City Council.
9 mm. Provide a **\$500** deposit for archiving permanent records prior to approval of the Final
10 Map. Actual fees will be charged following completion of work.
11 nn. Provide a **\$5,000** deposit for specialty inspections prior to approval of the Final Map.
12 *(ENGR)*

13 110. Sewer Connection Permit:

- 14 oo. Pay Sanitary Sewer connection fee. The current sewer connection fee is **\$4,910** per
15 single-family dwelling unit and shall be paid prior to **issuance of building permit**.
16 pp. Pay the current sewer service fee prior to approval of the Final Map. The current fee is
17 **\$308** per year and is pro-rated by the month that connection is made. *(ENGR)*

18 111. Traffic Mitigation Fee:

19 Pay Offsite Street Improvement Program (OSIP) fee less possible fee credit. The OSIP fee
20 shall be the fee in effect at the time of approval of the Final Map. The current OSIP Fee is
21 **\$3,166** per dwelling unit. **Pay this fee prior to the issuance of the building permit for each**
22 **individual parcel.** *(ENGR)*

23 **OTHER/MISCELLANEOUS**

- 24 112. Contact local postal authorities to get their requirements for mail facilities for the project. The
25 design and location of mail receptacles shall be reviewed and approved by the Planning
26 Division and shown on the Utility, Landscape, and Building Plans, prior to issuance of
27 Grading or Building Permits, whichever comes first. Mail facilities shall be installed prior to
28 occupancy approval. *(PLNG)*
113. Contact the Geographic Information Systems (GIS) Technician, in the Information
Technology Department, (925) 671-3051, for addressing requirements, and coordinate with the
Contra Costa County Fire Protection District for their approval, prior to issuance of a Building
Permit. *(PLNG)*
114. Comply with the requirements of the Contra Costa County Health Department for the
abandonment of existing septic tanks or wells. *(ENGR) CMC*
115. Comply with the requirements of the Contra Costa Fire Protection District. Submit complete
sets of plans and specifications to the Fire District for review and approval at:

1
2
3 Contra Costa County Fire Protection District
4 2010 Geary Road
5 Pleasant Hill, CA 94523

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

8 116. The Applicant and/or subdivider shall defend, indemnify and hold harmless the City, its
9 agents, officials and employees from any claim, action or proceeding brought by a third party
10 to set aside, annul, attack or otherwise void the approval of the **Vesting** Tentative Map by the
11 Planning Commission, which action is brought within the time period provided for in
12 Government Code section 66499.37. The City shall promptly notify the applicant/subdivider
13 of any claim, action or proceeding against the City of Concord and that the City will cooperate
14 fully in the defense. *(PLNG)*

15 117. The permit and approval shall expire in **one** year from the date on which it became effective
16 unless a building or grading permit has been issued and actual construction has begun as set
17 forth in Development Code Sections 18.505.020.A.2 and 18.505.020.A.3. The effective date
18 of the permit and approval is **October 15, 2015**. *(PLNG)*

19 118. A request for a time extension from the expiration date of **October 15, 2016**, can be
20 considered if an application with required fee is filed at least 10 days before the original
21 expiration date, otherwise a new application is required. A public hearing will be required for
22 all extension applications, except those involving only Design Review. Extensions are not
23 automatically approved. Changes in conditions, City policies, surrounding neighborhood, and
24 other factors permitted to be considered under the law, may require, or permit denial. *(PLNG)*

PSP Concord, LLC
3135 Clayton Road, Suite 205
Concord, CA 94519
Operations (925) 683-7221 David Burchard
Finance (925) 371-7303 Christopher O'Brien

9/10/2015

City of Concord Planning Division
19505 Parkside Drive
Concord CA, 94519

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To whom it may concern,

PSP Concord LLC is now the owner of the property located at 1561 Pine Street (APN 128-010-079). The company is requesting an extension for resolution No. 11-10 PC. This includes the tentative map, variance and design review for the 8 unit townhouse project.

The extension request meets the following requirements;

The requested extension appears consistent with the general plan and any applicable specific plan, and the overall project remains consistent with those plans as they existed at the time they were approved.

The findings and all conditions of approval required by the original approval remain valid and unchanged.

There are adequate provisions for public services and utilities (e.g., access, drainage, fire protection, sewers, water, etc.) to ensure that the requested extension would not endanger, jeopardize, or otherwise constitute a hazard to the public health, safety, or general welfare, or be injurious to the property or improvements in the vicinity and applicable zoning district.

The only change proposed to the original design is a floor plan change and slight upper floor elevation change. This is to add an additional bedroom. Financially, this is our best option for financing and success of the project.

PSP Concord LLC has begun work on the project and will need some time to get the construction drawings completed and in for permitting.

Please contact me if you have any questions.

Regards,



David Burchard
PSP Concord LLC

PROJECT DATA	
APN 12B-010-079	
AREA SUMMARY IN SQ. FT.	11996
TOTAL SITE AREA	
PROPOSED UNIT COUNT	8
PROPOSED GARAGES	(8) 2 CAR
GUEST PARKING	3
UNIT SIZE	
LIVING	1209-1330 SF
GARAGE	460 SF
STORAGE	102 SF
UNIT FOOTPRINT	SEE CIVIL
BUILDING COVERAGE	SEE CIVIL
OCCUPANCY GROUP	R-3, U-1



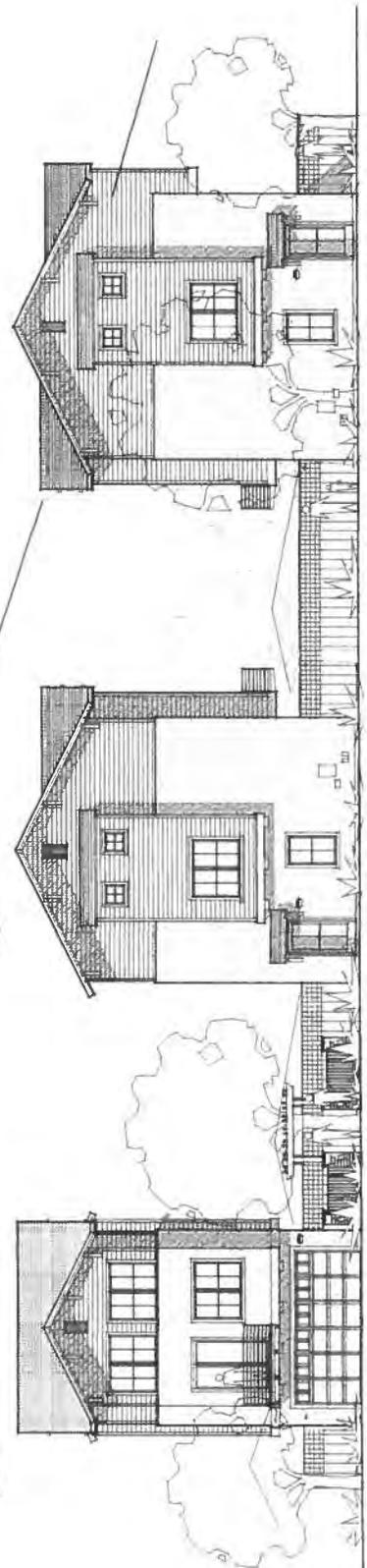
SHEET INDEX	
ARCHITECTURAL	
1	COVER SHEET
2	GENERAL NOTES
3	FOUNDATION
4	CONCRETE
5	WOODWORK
6	MECHANICAL
7	ELECTRICAL
8	PLUMBING
9	PAINT
10	LANDSCAPE
11	EXTERIOR FINISHES
12	INTERIOR FINISHES
13	CEILING
14	FLOORING
15	WALLS
16	ROOFING
17	CLADDING
18	SCREENING
19	EXTERIOR LIGHTING
20	EXTERIOR FURNITURE
21	EXTERIOR MATERIALS
22	EXTERIOR PAINT
23	EXTERIOR FINISHES
24	EXTERIOR MATERIALS
25	EXTERIOR PAINT
26	EXTERIOR FINISHES
27	EXTERIOR MATERIALS
28	EXTERIOR PAINT
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PROJECT TEAM

ARCHITECT:
 Camp & Associates Architecture
 1561 Pine Street, Suite 100
 Walnut Creek, CA 94596
 Tel: 925-938-1100
 Fax: 925-938-1101
 Email: hcamp@campa.com
 Architect: Joseph J. Camp
 License: C-33598

SUBDIVISION CIVIL ENGINEER:
 Alabetti, Civil Engineers, Surveyors
 1561 Pine Street, Suite 100
 Walnut Creek, CA 94596
 Phone: 925-938-1100
 Fax: 925-938-1101
 Contact Person: Vince D'Alto
 License: A1110

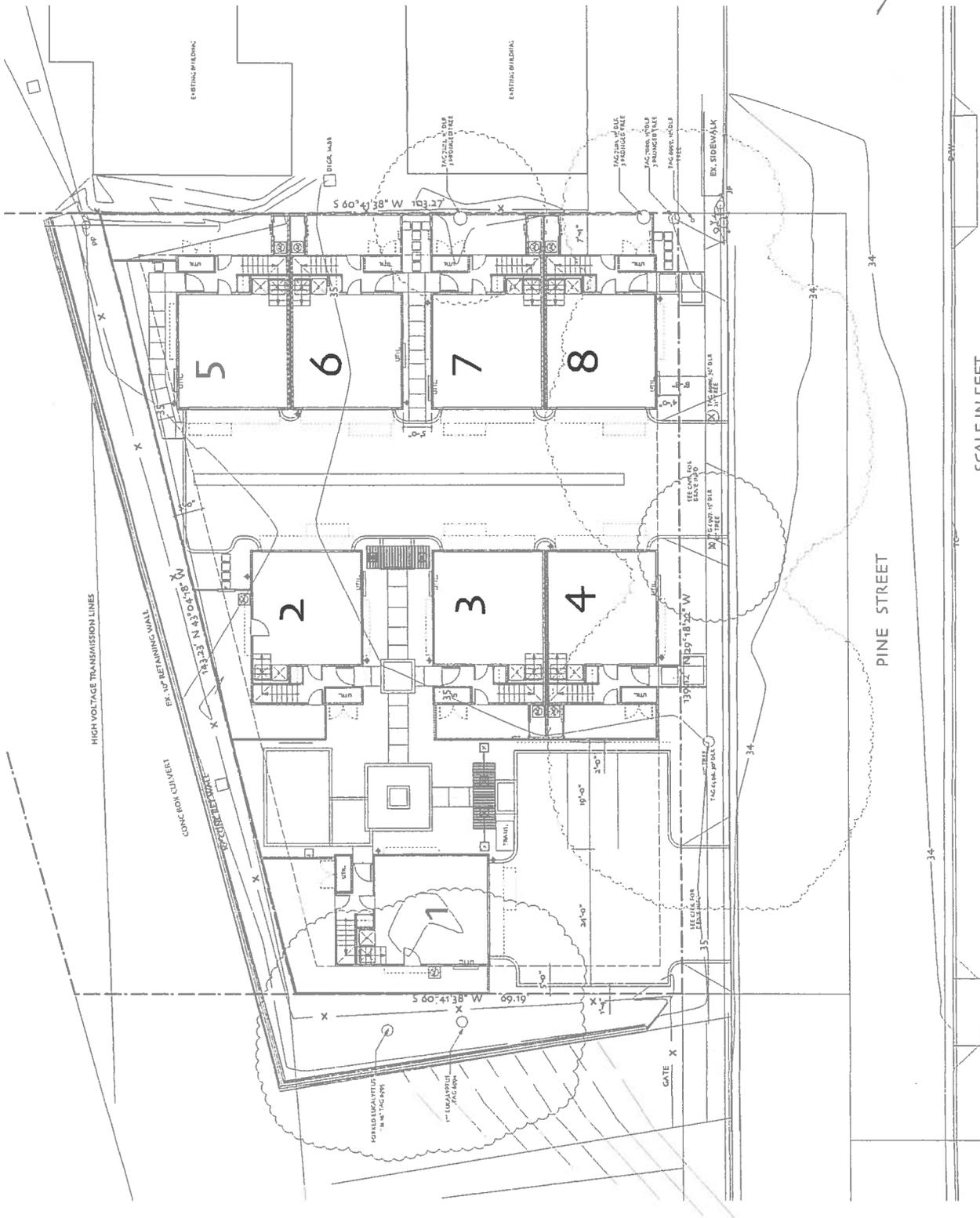
LANDSCAPE ARCHITECT:
 Camp & Associates Architecture
 1561 Pine Street, Suite 100
 Walnut Creek, CA 94596
 Phone: 925-938-1100
 Fax: 925-938-1101
 Contact Person: Vince D'Alto
 License: A1110



CONCEPTUAL STREETSCAPE

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 SEP 21 2015
PLANNING

COVER SHEET	
PROJECT NO.	12B-010-079
DATE	09/15/15
SCALE	AS SHOWN
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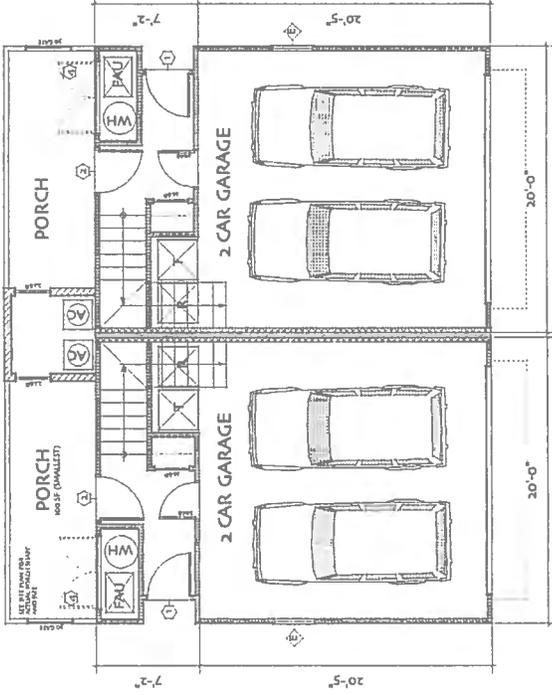


↑ UCHTS SHOWN TO DEMONSTRATE ALL TIMES WITH FUNCTIONING

	GUYTON ASSOCIATES ARCHITECTURE ARCHITECTS 2000 JEFFERSON AVENUE SUITE 100 CONCORD, CA 94520 TEL: 925.309.1100
	New Construction for: PSP Concord LLC Project Location: 1541 Pine Street Concord, CA
DATE: 08/14/14 DRAWING NO.: 14-001 SHEET NO.: P-02	ARCHITECTURAL SITE PLAN
P-02	

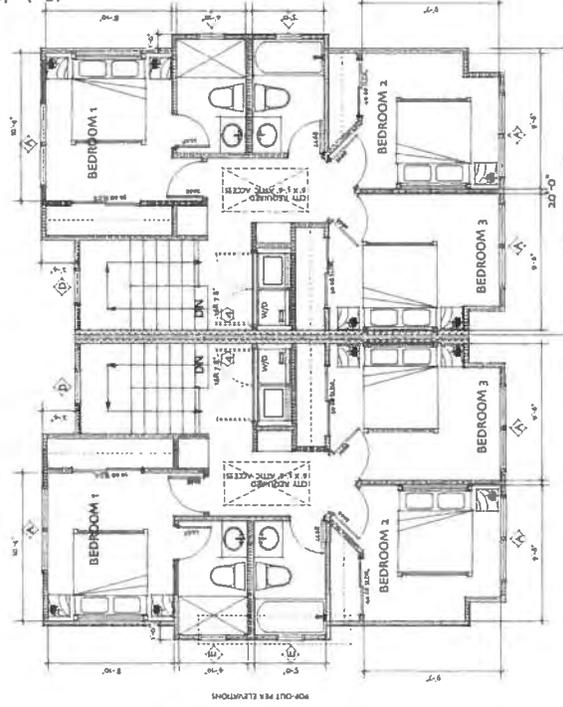


ARCHITECTURAL SITE PLAN

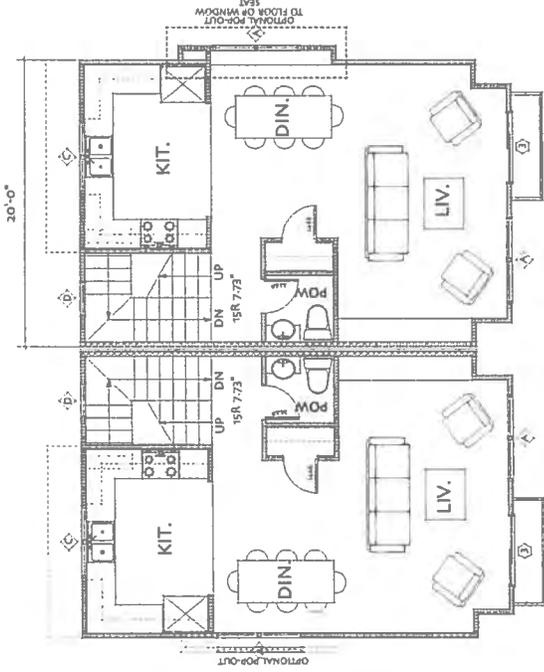


GARAGE LEVEL- DUPLEX
 80 SF CONDITIONED
 400 SF GAR.
 100 SF (MIN) PORCH

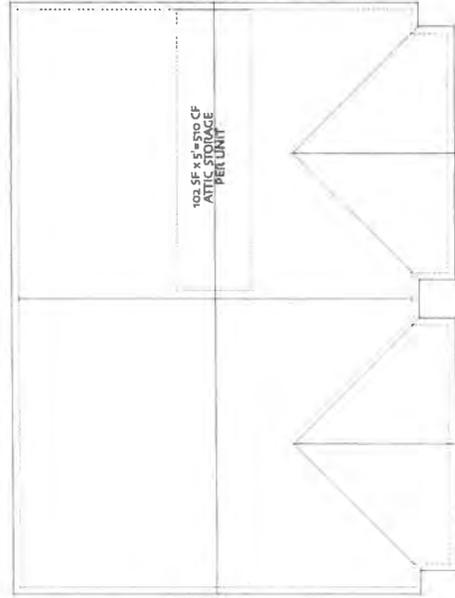
TOTAL SF LIVING= 1209-1230 SF
 (WITH POP-OUTS)
 TOTAL SF GARAGE= 400 SF
 102 SF STORAGE
 556 SF FOOTPRINT



UPPER FLOOR LEVEL-DUPLEX
 535 SF
 545 SF WITH POP-OUT



FIRST FLOOR LEVEL- DUPLEX
 594 SF
 605 SF WITH POP-OUT

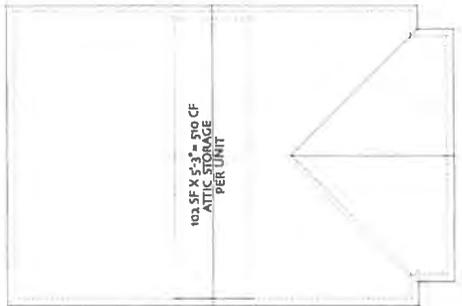


ROOF- DUPLEX

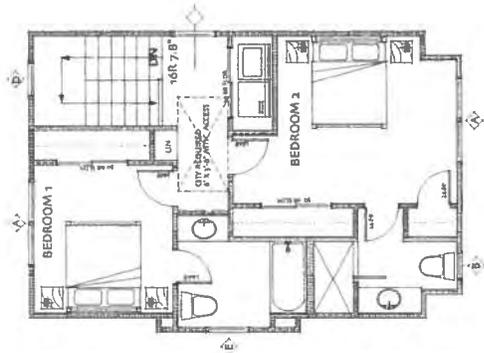
New Construction for PSP Concord LLC Project Location: 1561 Pine Street Concord, CA	
SHEET NO. 101 DATE: 08/11/2011	REVISION
DUPLEX FLOOR PLANS	
P-03	

- A (2) 3050 SH
- B (1) 2040 SH
- C (2) 2640 SH
- D (1) 2626 EG
- E (1) 3050 SH

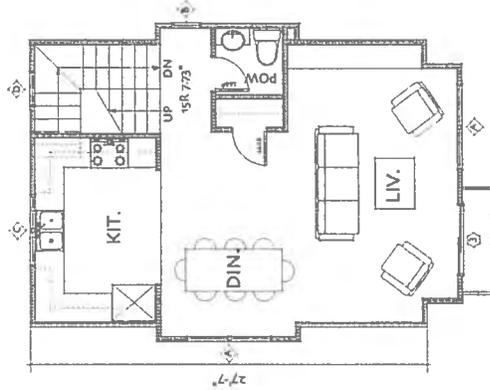
- 1 (1) 3070 ENTRY
- 2 (1) 3070 FR
- 3 (1) 5080 FSL
- 4 (2) 2468 UTIL
- 5 (1) 3068 SC



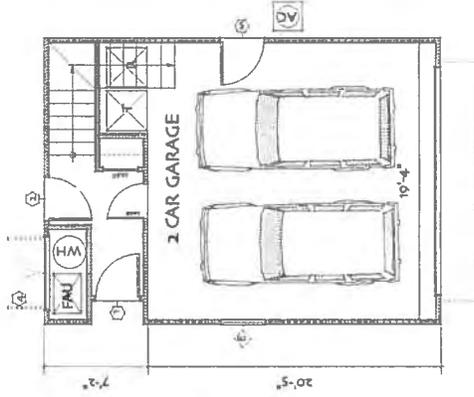
ROOF



UPPER FLOOR LEVEL
UNIT - SHOWN
UNIT - EQUIPPED 545 SF



FIRST FLOOR LEVEL
UNIT - SHOWN
UNIT - EQUIPPED 615 SF



GARAGE LEVEL
UNIT - SHOWN
UNIT - EQUIPPED 80 SF CONDITIONED
400 SF GAR.

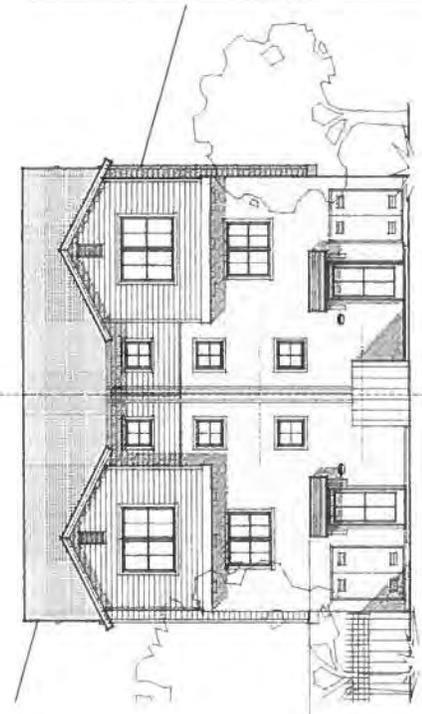
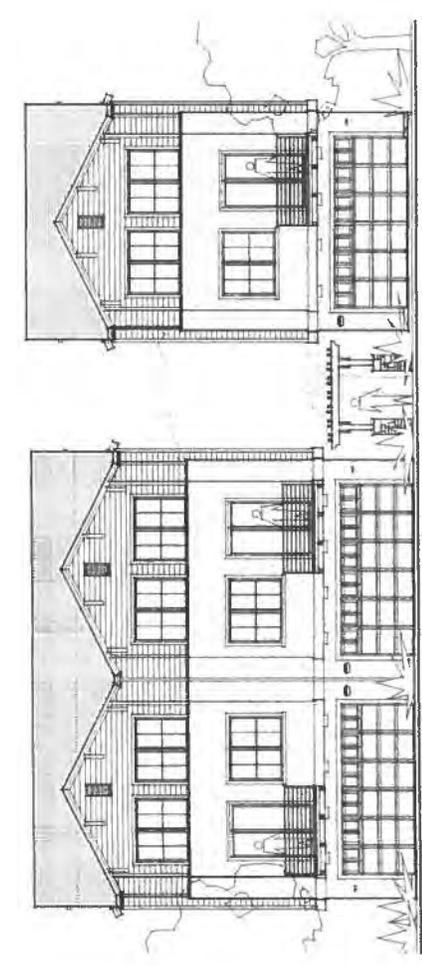
TOTAL SF LIVING = 1240 SF
TOTAL SF GARAGE = 400 SF
100 SF ATTIC STORAGE

New Construction For PSP Concord LLC Project Location: 1561 Pine Street Concord, CA	
DATE: 05/11/2014	REVISION:
SINGLE FLOOR PLANS	
Plan No: 10-01 Date: 05/11/2014 Scale: 1/8" = 1'-0"	Project No: 10-01 Date: 05/11/2014 Scale: 1/8" = 1'-0"
P-04	

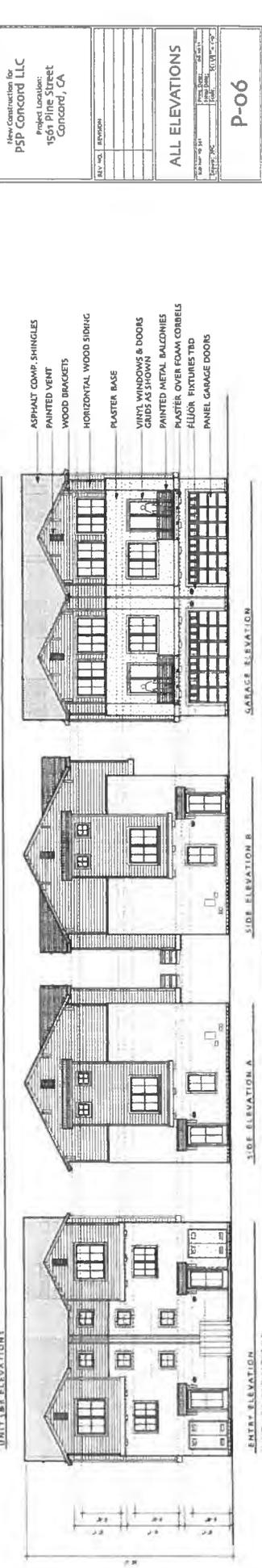
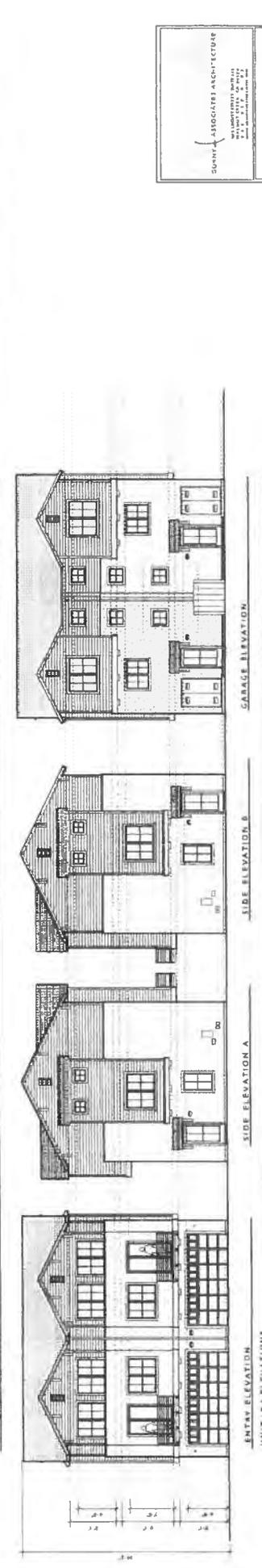
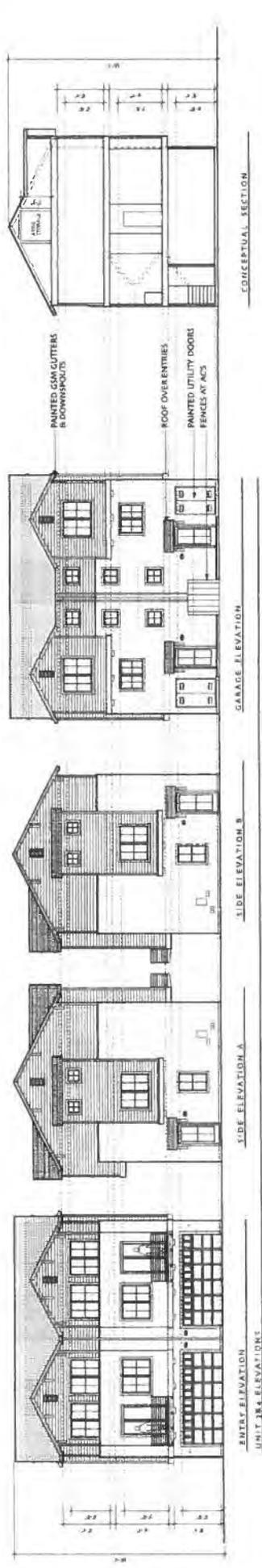
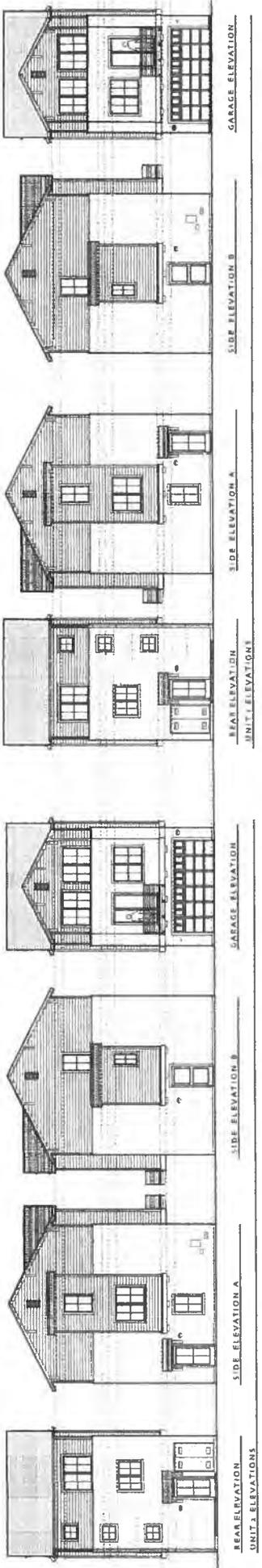


NEW WOOD CORBELS

CONCEPTUAL STREETSCAPE



SOUTH & ASSOCIATES ARCHITECTS 1500 MARKET STREET, SUITE 200 SAN FRANCISCO, CA 94102 TEL: 415.774.2000 WWW.SOUTHANDASSOCIATES.COM	New Construction for PSP Concord LLC Project Location: 1650 Pine Street Concord, CA	SHEET NO. 10 DATE: 10/15/14
	STREETSCAPE SEC./REND. ELEV.	P-05



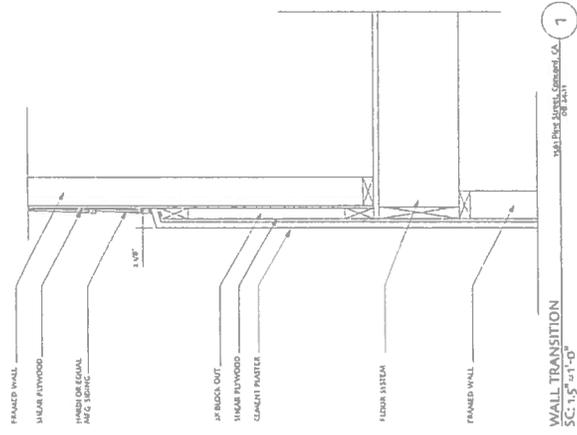

 SUNNY ARCHITECTURE
 1561 PINE STREET
 CONCORD, CA 94601
 TEL: 925.309.1111
 WWW.SUNNYARCHITECTURE.COM

New Construction for
PSP Concord LLC
 Project Location:
 1561 Pine Street
 Concord, CA

REV.	NO.	REVISION

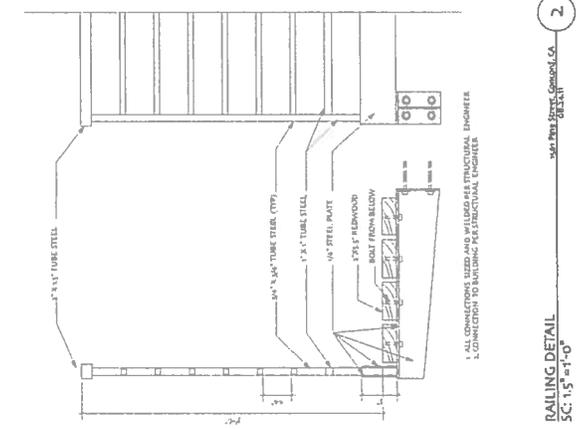
ALL ELEVATIONS
 DATE: 08/14/2014
 DRAWN BY: J. HARRIS
 CHECKED BY: J. HARRIS
 PROJECT NO.: P-06

P-06



WALL TRANSITION
 SC: 1/8" = 1'-0"
 WALL PREP BY: PSP CONCORD, CA
 08/2017

1



RAILING DETAIL
 SC: 1/8" = 1'-0"
 WALL PREP BY: PSP CONCORD, CA
 08/2017

2

	
New Construction for PSP Concord LLC Project Location: 1561 Pine Street Concord, CA	
PREP BY:	DESIGNER:
DATE:	SCALE:
PRELIMINARY DETAILS	
SHEET NO. P-07 OF 07	
P-07	



REPORT TO PLANNING COMMISSION

DATE: October 5, 2011

SUBJECT: PINE STREET TOWN HOUSES (TR 9305), (UP 11-001), (TM 11-001), (VA 11-001), (DR 11-010)

Recommendation: Adopt Resolution No. 11-10PC, approving Pine Street Town Houses (TR 9305), Use Permit (UP 11-001), Vesting Tentative Map (TM 11-001), Variance (VA 11-001), and Design Review (DR 11-010)

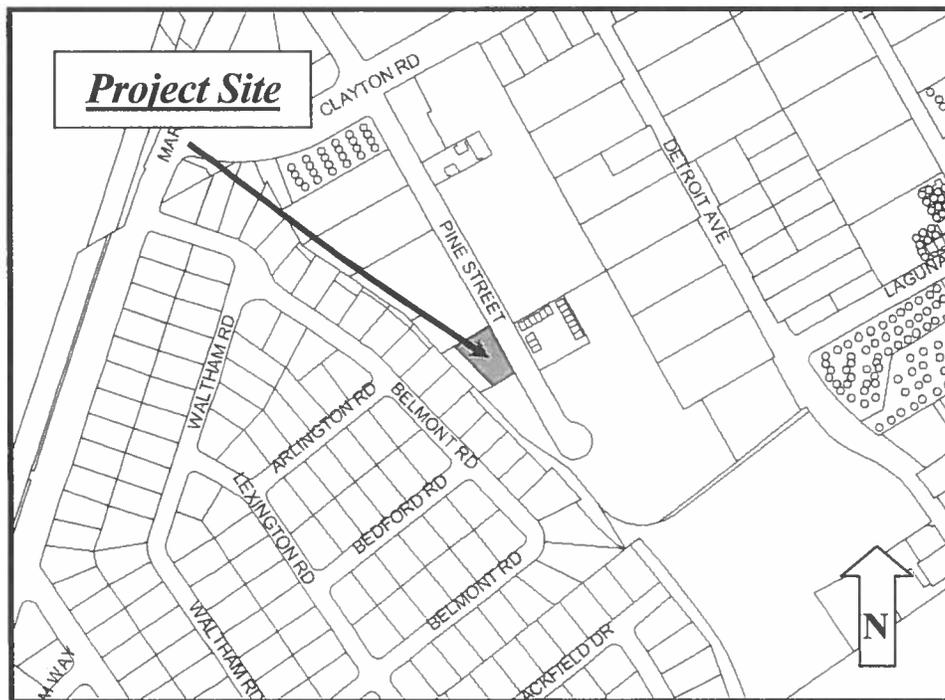
I. Introduction

A. Application Request

Application for a Use Permit, Vesting Tentative Map, Variance, and Design Review for a 8-lot subdivision with a remainder parcel on a 0.23-acre site.

B. Location

The site is located at 1561 Pine Street; APN 128-010-079.



Vicinity Map

C. Applicant/Owner
B. L. Williams Custom Homes
Attn: Bruce Williams
1862 Renee Way
Concord CA 94521
(925) 798-2839

II. Background

On April 13, 2011, B. L. Williams Custom Homes submitted a Use Permit, Vesting Tentative Map, Variance, and Design Review for a 8-lot subdivision with a remainder parcel.

B. L. Williams Custom Homes conducted a neighborhood meeting on May 2, 2011. There were no neighbors that attended the meeting.

The Design Review Board conducted Preliminary Design Review of the project on May 12, 2011. The Board made suggestions for minor changes and was supportive of the project. The Board granted Final Design Review approval on August 25, 2011.

III. General Information

A. General Plan

The General Plan designation is High Density Residential.

B. Zoning

Zoning classification is M-1 (High Density Multiple Residential District).

C. CEQA Status

Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, and pursuant to Section 15332 "In-Fill Development Projects," the project is classified as a Class 32 Categorical Exemption, and therefore, no further environmental review is required.

D. Site Description

The subject property is located on the west side of Pine Street on a 0.28-acre site (11,996 sq. ft.) near the end of the cul-de-sac. The vacant site is flat and similar in elevation to the neighboring residential properties. Existing vegetation consists of two street trees and a small cluster of trees located at the northwest corner of the site, none of which are heritage sized. The Pine Creek Flood Control Channel abutting the west side of the site is accessed via a private driveway adjacent to the south end of the property.

E. Surrounding Land Use

Surrounding land uses include the following:

	Use	General Plan	Zoning
North	Apartments	High Density Residential	M-1
South	Apartments and an overflow parking lot	High Density Residential	M-1
East	Condominiums	High Density Residential	M-1
West	Flood Control Channel	N/A	N/A

IV. Discussion

A. General Plan

The site’s current General Plan land use designation of High Density Residential allows multi-family housing types such as apartments, condominiums, and town houses in areas adjacent to central Concord with a density range of 33-100 units per net acre.

The project is consistent with policies contained in the General Plan. The project will result in the development of an underutilized vacant property and be designed to preserve and enhance the positive neighborhood characteristics as required by General Plan Policy LU-1.1.2. The applicant proposes attached and detached units, which is consistent with Policy LU-1.3.1 that encourages a variety of housing types on infill development sites. The Design Review Board’s approval of the building architecture supports Policy LU-1.1.7 that requires high-quality design by using modern building designs and materials and colors. The proposed town house project also falls within the permitted density range proposing 38 units per net acre. For these reasons, staff finds the proposed project consistent with the High Density Residential land use designation and the policies within the General Plan.

B. Zoning/Development Regulations

The following table lists the M-1 district regulations compared to the proposed project. Town house projects are also required to conform to the requirements, standards, and criteria for condominium projects outlined below. The standards require minimum open space areas, storage area, site amenities, and parking. The project complies with the development standards except where noted.

Standards	M-1	Proposed
Corner Lot Area (sq. ft.)	7,000	8,965
Lot width (ft.) minimum	70	139
Land Area/Unit (net sq. ft.)	1,000	1,000+
Lot Coverage (%)	75	50
Building Height (ft.) maximum	50	36’-2”
Setbacks (ft.) minimum		
Front yard	15	4*

Standards	M-1	Proposed
Side yard	5	5
Rear yard	5	5
Parking (#/unit)		
Resident	2 (1 covered)	2 garage
Guest	3	3
Open Space (sq. ft./unit)	200	200+
Storage space (cu. ft./unit)	200	500+
Laundry facilities	Yes	Washer/Dryer located in each unit
Trash and Recycling Facilities	Yes	Storage located in each garage
Utility Meters	Yes	Screened with landscaping

*Variance required

C. Site Planning/Circulation/Parking

Eight town houses are proposed in three duplexes and two detached units. Seven of the town houses are accessed from a 20-foot wide shared driveway and the remaining unit from a second 20-foot wide shared driveway on Pine Street. Each driveway serves as a private access and utility easement. Each unit has a two-car enclosed garage. Parking is not proposed or allowed along the entire length of either driveway with the exception of the three guest spaces adjacent to Unit 1. Pedestrian access to each unit is by individual walkways along Pine Street and shared walkways between buildings.

Discussion

The applicant has revised the site plan twice, to incorporate suggestions from staff and the Design Review Board. The Board reviewed the applicant’s alternative designs and revisions that were incorporated into the plans and commented that the proposal results in a conventional lot layout with logical pedestrian circulation.

Variance

The applicant’s request for a Variance from the required front yard setback of 15 feet is warranted based on the unique physical characteristics of the lot. The resulting shallow rear yards also justify the Board’s recommendation to provide an eight-foot tall fence along the north property line to provide privacy and a better transition between properties. The proposed development is similar in density and design to the existing developments in the neighborhood and is not expected to impact neighboring residential uses based on the following findings.

- *Special Circumstances* – The shape and size of the parcel is unique compared to adjacent multifamily properties that are larger and traditional in shape. The alignment of the Pine Creek Flood Control Channel reduces the overall site area by bisecting the rear of the parcel, as does the private access easement to the Channel at the south end of the site. A

PG&E easement also encumbers a portion of the north and west corners of the property further limiting the developable lot area. These factors dictate development to occur at the front of the site near the street. Setbacks typically afforded to similar developments are not available in this case resulting in a shallow rear yard area with little privacy. While an eight-foot tall fence requires a variance, the M-1 ordinance allows eight-foot tall carports in side and rear yard areas. Therefore, it is reasonable to provide an eight-foot tall fence to provide an attractive transition and privacy between properties.

- *Deprivation of Property Rights* – The strict application of the Zoning Ordinance requirements will deprive the property owner of reasonable and substantial property rights such as outdoor privacy enjoyed by other properties in the vicinity under identical zoning designations, developed with similar densities, setbacks, and improvements.
- *Health, Safety and Welfare* – The granting of the variance will not, under the circumstances of the site, have a materially adverse affect on the health or safety of persons residing or working in the neighborhood of the property and will not, under the circumstances, be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood. A separate maintenance agreement will be required to ensure that all improvements will be properly maintained, additional public improvements such as a sidewalk will be provided to protect public safety, and the fence along the north property line will be aesthetically attractive and compatible with other development in the neighborhood.

D. Building Architecture

Eight town houses are proposed ranging in size from 1,695 – 1,716 sq. ft. The three-story, rectangular buildings are designed as “contemporary cottages.” The buildings incorporate second and third floor pop-outs and cantilevered second and third floors with balconies over the garages. Stucco siding is proposed on the first and second story and horizontal wood siding on the pop-outs and cantilevered third floor. An earth tone color palette is proposed consisting of off-white stucco siding and brown wood siding.

Discussion

The Board noted the architecture was acceptable with the incorporation of minor changes. The Board directed the applicant to detail the street elevations, study siding and color changes where the materials change on the same plane, orient the siding in the same direction, and consider using different colors on the third story to differentiate the units.

The Design Review Board recommended Final Design Review noting the building design and use of materials and colors is appropriate and will upgrade the neighborhood. The Board asked the applicant to provide a section detail of the siding, balcony railings, and a legend detailing the location and color for each building; their recommendations are included in the conditions of approval.

E. Landscape/Walls/FencingLandscaping

The site incorporates landscaping in the common areas with trees, low shrubs, and groundcover. Chinese Hackberry trees are proposed along the frontage and the corners of the site and Pear trees are proposed to accent the west property line. Small and medium size shrubs are proposed between buildings with groundcover under the large canopy trees. Freestanding trellises with vines are incorporated at the ends of the buildings and along the side property lines for screening. A six-foot tall good neighbor fence is proposed along the perimeter of the site.

Discussion

The Board recommended an eight-foot tall fence along the north property line to provide additional privacy for the residents' rear yards. The Board asked the applicant to submit a dimensioned drawing of the eight-foot fence with lattice details, which is included as a condition of approval.

F. Inclusionary Housing

The project is subject to the City's Inclusionary Housing Ordinance. The applicant has not indicated if they will set aside one affordable unit or pay the in-lieu fee. There is a condition of approval that addresses this requirement.

V. Fiscal Impact

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

VI. Public Contact

Notification was mailed to all owners and occupants of property within three-hundred (300) feet of the subject parcel, and has been published in the 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.

VII. Summary and Recommendations

Staff recommends approval of the project including the Design Review Board recommendations. The site plan and project design respond to the adjacent land uses and development pattern and minimize impacts on the adjoining properties. Staff recommends the Commission consider staff's report, the applicant's presentation, take public testimony, and close the public hearing upon completion of public testimony. Following the public testimony, staff recommends the Commission approve the Use Permit, Vesting Tentative Map, Variance, and Design Review subject to the attached conditions of approval.

VIII. Motion

Project Approvals

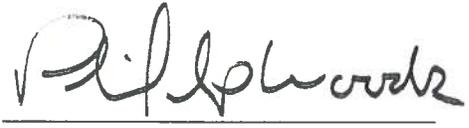
I (Comm. _____) hereby move that the Planning Commission adopt Resolution 11-10PC approving Pine Street Town Houses (TR 9305), Use Permit (UP 11-001), Vesting Tentative Map (TM 11-001), Variance (VA 11-001), and Design Review (DR 11-010) subject to the conditions of approval set forth in Attachment A. (Seconded by Comm. _____.)

Prepared by:



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Reviewed by:



Phillip Woods, AICP
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Exhibits:

- A - PC Resolution No. 11-10PC with attachments
- B - Applicant's revised written statement dated February 9, 2011
- C - Project plans date stamp received August 10, 2011
- D - DRB Report dated May 12, 2011
- E - DRB minutes May 12, 2011
- F - DRB Report dated August 25, 2011



REPORT TO PLANNING COMMISSION

DATE: November 18, 2015

SUBJECT: MODEL WATER EFFICIENT LANDSCAPING ORDINANCE (PL15000453-MC)**Recommendation: Adopt Resolution No. 15-14PC recommending City Council adoption of the State Model Water Efficient Landscaping Ordinance by Reference.****I. Background**

The Water Conservation in Landscaping Act (AB 1881) adopted in 2006 required each city and county in the State of California to either adopt the State's Model Water Efficient Landscape Ordinance (MWELo) or a local ordinance "at least as effective in conserving water" as the state's requirements. The MWELo primarily focuses on technical aspects related to the budgeting and allocation of water for a given landscape project, rather than on the aesthetic design of the project. The application of MWELo to landscaping is comparable to a building code applied to architecture.

In order to address the drought emergency and rebuild depleted water reserves, Governor Brown issued Executive Order B-29-15 in April 2015, directing the California Department of Water Resources (DWR) to update the State's MWELo through an expedited process. In June 2015, the DWR accepted public comments on the new draft MWELo and held public meetings regarding the proposal. The new draft MWELo was approved by the California Water Commission on July 15, 2015 and was published by the State Office of Administrative Law in early October.

All local agencies have until December 1, 2015 to either adopt the State's updated MWELo or adopt a local ordinance which is at least as effective in conserving water as the State's. Under State Law, local agencies which do not act by December 1, 2015 automatically allow the State MWELo to go into effect by default. All local agencies are required to submit a report on implementation compliance to the DWR by December 31, 2015.

In order to comply with the State's requirements, staff is proposing to replace the existing language referring to the prior version of MWELo within Development Code Chapter 18.170, Water Efficient Landscaping, with a new section of code referring to the State's MWELo section by reference.

The Design Review Board reviewed and discussed the updated MWELo at their meeting held on October 8, 2015 and recommended Staff's proposal to adopt the updated State MWELo by reference. The Design Review Board discussed the provision's effect on Landscape Architecture but did not recommend the City pursue a custom local ordinance more stringent than the updated State MWELo. The City Council is tentatively scheduled to review the proposed Ordinance at their December 22, 2015 meeting.

II. California Environmental Quality Act (CEQA)

Staff has determined that the adoption of the Model Water Efficient Landscaping Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Section 15060(c)(2),

Section 15060(c)(3), and Section 15061 (b)(3), in that 1) the Amendment will not result in a direct or reasonably foreseeable indirect physical change in the environment, 2) the proposal is a requirement of the State of California and not a project as defined in Section 15378, 3) landscaping is typically a ministerial action associated with a building permit and deemed exempt from CEQA as defined Section 15268, and 4) the proposed Amendment to is covered by the general rule that CEQA only applies to projects which have the potential for causing a significant effect on the environment. Amending the Development Code to adopt MWELO primarily clarifies existing landscape and irrigation regulations for projects that, where applicable, receive individualized CEQA review. The proposed Amendment is being mandated by State law for the purpose of conserving water resources and will take effect regardless of City action. Any future development with the potential to cause a significant effect on the environment will be evaluated through a separate environmental review process in accordance with CEQA.

III. Discussion and Analysis

The Model Water Efficient Landscape Ordinance reduces the total amount of water used to irrigate landscaping by reducing the overall water allotment for each landscaping project and through requirements for more efficient irrigation methods. Landscape Architects are required to calculate the total amount of water allocated for each project through their landscaping plan submittal to the City and must certify that their design does not exceed the given allotment. After construction, landscaping professionals must self-certify that their installation complies with the approved landscaping plans and water allocation. The State of California estimates that under these updated regulations, a typical California landscape will use about 20 percent less water than previously allowed under the current MWELO.

This year's revisions to MWELO will reduce the threshold of new landscaping projects subject to the Ordinance from 2,500 square feet to 500 square feet. This threshold will apply to all new projects that require a permit, plan check or design review. The threshold for existing landscapes that are being rehabilitated and do not require a permit or plan check has not changed, remaining at 2,500 square feet. Planning staff will continue to review and approve landscaping projects through the current plan check process. City staff will be returning at a later date with further updates to the Development Code in order to address a permit process for those rare instances where a single family home wishes to rehabilitate a landscape area greater than 2,500 square feet but does not trigger a requirement for a building permit or Design Review application under the Development Code. Under the MWELO requirements, those instances will be required to apply for an administrative Design Review permit application at the Permit Center.

The most noticeable changes under the new MWELO will involve the quantity of turf installed in new projects irrigated from potable water sources (i.e. tap water). The use of recycled water is exempt from these limitations. As turf is a high water use plant species, the reduced water allocation required under the Ordinance will effectively limit the amount of turf coverage in residential projects from 33% to 25% of the total landscaped area. The Ordinance prohibits the placement of high water use plant species within narrow landscape areas such as median strips less than ten feet in width. The Ordinance also prohibits the installation of overhead spray irrigation systems in small landscape areas less than 10 feet wide, which must now be irrigated with subsurface drip or other technology that produces no

over spray or runoff. The extra water allowance for non-residential areas used for specific functions, such as recreation and edible gardens, remains unchanged.

Another new requirement in the updated MWELO which will impact staffing resources is a new annual reporting requirement. All local agencies will be required to submit an annual report to the State of California identifying permit statistics on the number and types of projects subject to the ordinance, the total area of landscaping (in square feet or acres) subject to the ordinance, and the number of new housing starts, new commercial projects, and landscape retrofits.

As the State's MWELO has evolved since 2006 into a sort of "building code" for landscaping projects, staff is proposing to replace the existing language in Section 18.170, Water Efficient Landscaping, with a simplified adoption of the State Code by reference, rather than a reference in detail or a local customization of the Ordinance. The Design Review Board concurred with the Staff recommendation to adopt MWELO by reference at their regular meeting held on October 8, 2015. The primary benefit of adopting the State's MWELO by reference is that it provides familiarity and consistency for professional landscape architects and landscaping professionals.

IV. Fiscal Impact

There are two main fiscal impacts to City resources, which will require further study to determine the quantity of additional resources needed:

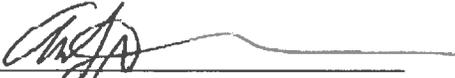
1. Landscaping plans and inspections are currently conducted by Planning staff and supplemented by self-certification by landscaping installers and landscape architects. The impact of increased permit activity resulting from the increased thresholds and its effect on staffing resources is uncertain. Design review and building permit application fees may need to be adjusted in the future fiscal years.
2. The 2015 MWELO includes new reporting requirements by Cities to the State of California. A new system of tracking and reporting on landscape permit activities will need to be designed and implemented in order to capture the required data points from the Planning, Engineering, and Building divisions, prepare the annual reports, and forward the information to the State. The cost of the new reporting required by the State is also not yet known. Additional funding through permit fees or the General Fund would need to be allocated in order to capture the additional time and cost to staff resources.

V. Public Contact

All appropriate public notices of this agenda item have been posted. An advertisement was posted in the newspaper in accord with the public notification requirements.

VI. Recommendation

Staff recommends the Planning Commission adopt Resolution 15-14PC, recommending the City Council adopt an Ordinance approving the proposed Development Code amendments.

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Reviewed by: 
Laura Simpson
Planning Manager
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Exhibits:

- A. Planning Commission Resolution 15-14
 - Attachment 1: State Model Water Efficient Landscape Ordinance
 - Attachment 2: Proposed Amendments to Concord Municipal Code Chapter 18.170 "Water Efficient Landscaping."
- B. Fact Sheet "Model Water Efficient Landscaping Ordinance: 2015 Revision"
- C. "2015 Updated MWELO: Guidance for California Local Agencies"

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

A RESOLUTION RECOMMENDING CITY
COUNCIL ADOPTION OF THE STATE MODEL
WATER EFFICIENT LANDSCAPING
ORDINANCE (PL15000453-MC)

/ Resolution No. 15-14 PC

WHEREAS, Government Code section 65800 *et seq.* provides for the amendment of any and all adopted City of Concord (“City”) zoning laws, ordinances, rules and regulations; and

WHEREAS, the City has complied with the requirements of the Local Planning Law (Government Code section 65100 *et seq.*), and the City’s applicable ordinances and resolutions with respect to approval of amendments to Title 18 of the Concord Municipal Code (“Development Code”); and

WHEREAS, the City of Concord has, from time to time, made amendments to the Development Code to address changes in circumstances; and

WHEREAS, pursuant to Assembly Bill 1881, the California Department of Water Resources adopted the State Model Water Efficient Landscape Ordinance (“Model Ordinance”) on September 10, 2010, a copy of which is attached as Attachment 1 and incorporated by reference. All local agencies in the State of California were required to adopt the Model Ordinance, or a local water-efficient landscape ordinance that was at least as effective in conserving water as the Model Ordinance by January 1, 2010.

WHEREAS, on July 10, 2012, the City Council adopted Ordinance No. 12-4, which updated the landscaping regulations of Title 18 of the Concord Municipal Code (“Development Code”); and

WHEREAS, on January 17, 2015, Governor Edmund G. Brown of the State of California declared a State of Emergency throughout the State due to an ongoing drought and the depletion of water resources; and

WHEREAS, on April 1, 2015, Governor Brown issued Executive Order B-29-15 that directed the State Department of Water Resources to update the Model Ordinance to further increase water efficiency standards for new and retrofitted landscapes through more efficient irrigation systems,

1 greywater usage, onsite stormwater capture, and by limiting the portion of landscapes that can be
2 covered in grass turf. The California Water Commission approved the updated Model Ordinance on
3 July 15, 2015; and

4 **WHEREAS**, the City of Concord initiates regular and routine Development Code
5 Amendments to comply with regulations imposed by the State of California; and

6 **WHEREAS**, the City of Concord is required to adopt the updated Model Ordinance, or its
7 own water efficient landscape ordinance that is at least as effective in conserving water as the updated
8 Model Ordinance by December 1, 2015. If the City takes no action by that date, it automatically
9 adopts the updated State Model Ordinance; and

10 **WHEREAS**, the City Council of the City of Concord seeks to amend and restate Concord
11 Municipal Code Chapter 18.170, which adopts the updated State Model Water Efficient Landscape
12 Ordinance, by reference, in compliance with the State’s mandate, as set forth in Attachment 2 hereto,
13 incorporated by reference, and hereinafter referred to as “Amendment;” and

14 **WHEREAS**, the State Model Ordinance complements the City of Concord’s water
15 conservation efforts because it increases water efficiency standards for new and existing landscapes
16 through more efficient irrigation systems, greywater usage, onsite storm water capture, and by limiting
17 the portion of landscapes that can be covered in turf; and

18 **WHEREAS**, the City of Concord’s Design Review Board reviewed and discussed the
19 proposed Amendment at their regular meeting held on October 8, 2015, and recommended adoption of
20 the draft Ordinance by consensus; and

21 **WHEREAS**, the Planning Commission, after giving all public notices required by State Law
22 and the Concord Municipal Code, held a duly noticed public hearing on November 18, 2015, on the
23 proposed Amendment; and

24 **WHEREAS**, at such public hearing, the Planning Commission considered all oral and written
25 information, testimony, and comments received during the public review process, including
26 information received at the public hearing, the oral report from City staff, the written report from City
27 staff dated November 18, 2015, materials, exhibits presented, and all other information that constitutes
28

1 the record of proceedings on which the Planning Commission has based its decision are maintained at
2 the offices of the City of Concord Planning Division (collectively, "Amendment Information"); and

3 **WHEREAS**, said Development Code Amendment is not subject to the California
4 Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2), 15060(c)(3), and
5 15061(b)(3), in that 1) the Amendment will not result in a direct or reasonably foreseeable indirect
6 physical change in the environment, 2) the proposal is a requirement of the State of California and not
7 a project as defined in Section 15378, 3) landscaping is typically a ministerial action associated with a
8 building permit and deemed exempt from CEQA as defined in Section 15268, and 4) the proposed
9 Amendment to is covered by the general rule that CEQA only applies to projects which have the
10 potential for causing a significant effect on the environment. Amending the Development Code to
11 adopt MWELO primarily clarifies existing landscape and irrigation regulations for projects that,
12 where applicable, receive individualized CEQA review. The proposed Amendment is mandated by
13 State law and will take full effect and force regardless of the City's adoption of the Amendment.
14 Furthermore, any future development that has the potential to cause a significant effect on the
15 environment will be evaluated through a separate environmental review process in accordance with
16 CEQA. As such, it can be seen with certainty that there is no possibility that this ordinance may have
17 a significant adverse effect on the environment, and that therefore the adoption of this ordinance is
18 exempt from CEQA; and

19 **WHEREAS**, on November 18, 2015, the Planning Commission, after consideration of all
20 pertinent documents, and testimony, declared their intent to recommend approval of the Amendment.

21 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:**

22 Recitals

- 23 1. The Planning Commission of the City of Concord does hereby make the following findings:
- 24 a. The recitals above are true and correct and are incorporated herein by reference.
 - 25 b. The proposed Amendment is consistent with the goals and policies of the 2030 General
26 Plan in that it encourages water conservation and provides for the continued safe and
27 reliable water supply as identified in the Goals, Principals and Policies of the City of
28

1 Concord's 2030 General Plan Public Facilities Element.

2 c. The proposed Amendment is necessary in order to comply with the Governor's
3 Executive Order B-29-15 issued on April 1, 2015.

4 d. The proposed Amendment would not be detrimental to the public interest, health,
5 safety, convenience, or welfare of the City in that the conservation measures are
6 necessary for the continued availability of a safe and reliable supply of water for the
7 community.

8 General

9 2. The Planning Commission has reviewed, considered, and evaluated all of the Amendment
10 Information prior to acting upon Amendment.

11 3. The documents and other materials that constitute the record of proceedings upon which the
12 Planning Commission has based its recommendation are located in and may be obtained from
13 the City of Concord Planning Division, 1950 Parkside Drive, Concord, CA 94519.

14 CEQA

15 4. Pursuant to the California Environmental Quality Act of 1970, Public Resources Code §21000,
16 et seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the
17 California Code of Regulations (collectively, "CEQA"), the Development Code Amendment
18 does not constitute a "project" within the meaning of Public Resources Code Section 21065,
19 14 Cal Code Regs. Section 15060(c)(2), 15060(c)(3), or 15378 because it has no potential for
20 resulting in either a direct physical change in the environment, or a reasonably foreseeable
21 indirect physical change in the environment. Even if the Amendment did constitute a project
22 under CEQA, the Amendment falls within the "common sense" exemption set forth in 14 Cal.
23 Code Regs. Section 15061(b)(3), excluding projects where "it can be seen with certainty that
24 there is no possibility that the activity in question may have a significant effect on the
25 environment...". Any future project resulting from the Amendment will be subject to CEQA
26 and evaluated on a case-by-case basis. Furthermore, the Amendment is necessary in order for
27 the Development Code to comply with State law.

1 Amendment

2 5. The Planning Commission does hereby recommend that the City Council adopt an Ordinance
3 to amend Concord Municipal Code Chapter 18.170, consistent with the language included in
4 Attachments 1 and 2 hereto. .

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

6 **PASSED AND ADOPTED** on the 18th day of November, 2015 by the following vote:

7 **AYES:**

8 **NOES:**

9 **ABSTAIN:**

10 **ABSENT:**

11
12 _____
13 Laura Simpson,
14 Secretary to the Planning Commission

14 **Attachments:**

- 15 1. State Model Water Efficient Landscape Ordinance
16 2. Proposed Amendments to Concord Municipal Code Chapter 18.170 "Water Efficient
17 Landscaping."
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2015 Chapter 2.7. Model Water Efficient Landscape Ordinance

California Code of Regulations
Title 23. Waters

Division 2. Department of Water Resources
Chapter 2.7. Model Water Efficient Landscape Ordinance

§ 490. Purpose.

(a) The State Legislature has found:

- (1) that the waters of the state are of limited supply and are subject to ever increasing demands;
- (2) that the continuation of California's economic prosperity is dependent on the availability of adequate supplies of water for future uses;
- (3) that it is the policy of the State to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;
- (4) that landscapes are essential to the quality of life in California by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development;
- (5) that landscape design, installation, maintenance and management can and should be water efficient;
- (6) that Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use.

(b) Consistent with the legislative findings, the purpose of this model ordinance is to:

- (1) promote the values and benefits of landscaping practices that integrate and go beyond the conservation and efficient use of water;
- (2) establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction and rehabilitated projects by encouraging the use of a watershed approach that requires cross-sector collaboration of industry, government and property owners to achieve the many benefits possible;
- (3) establish provisions for water management practices and water waste prevention for existing landscapes;
- (4) use water efficiently without waste by setting a Maximum Applied Water Allowance as an upper limit for water use and reduce water use to the lowest practical amount;
- (5) promote the benefits of consistent landscape ordinances with neighboring local and regional agencies;
- (6) encourage local agencies and water purveyors to use economic incentives that promote the efficient use of water, such as implementing a tiered-rate structure; and

(7) encourage local agencies to designate the necessary authority that implements and enforces the provisions of the Model Water Efficient Landscape Ordinance or its local landscape ordinance.

(c) Landscapes that are planned, designed, installed, managed and maintained with the watershed based approach can improve California's environmental conditions and provide benefits and realize sustainability goals. Such landscapes will make the urban environment resilient in the face of climatic extremes. Consistent with the legislative findings and purpose of the Ordinance, conditions in the urban setting will be improved by:

(1) Creating the conditions to support life in the soil by reducing compaction, incorporating organic matter that increases water retention, and promoting productive plant growth that leads to more carbon storage, oxygen production, shade, habitat and esthetic benefits.

(2) Minimizing energy use by reducing irrigation water requirements, reducing reliance on petroleum based fertilizers and pesticides, and planting climate appropriate shade trees in urban areas.

(3) Conserving water by capturing and reusing rainwater and graywater wherever possible and selecting climate appropriate plants that need minimal supplemental water after establishment.

(4) Protecting air and water quality by reducing power equipment use and landfill disposal trips, selecting recycled and locally sourced materials, and using compost, mulch and efficient irrigation equipment to prevent erosion.

(5) Protecting existing habitat and creating new habitat by choosing local native plants, climate adapted non-natives and avoiding invasive plants. Utilizing integrated pest management with least toxic methods as the first course of action.

Note: Authority cited: Section 65593, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Sections 65591, 65593 and 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

§ 490.1. Applicability.

(a) After December 1, 2015, and consistent with Executive Order No. B-29-15, this ordinance shall apply to all of the following landscape projects:

(1) new construction projects with an aggregate landscape area equal to or greater than 500 square feet requiring a building or landscape permit, plan check or design review;

(2) rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 square feet requiring a building or landscape permit, plan check, or design review;

(3) existing landscapes limited to Sections 493, 493.1 and 493.2; and

(4) cemeteries. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to Sections 492.4,

492.11, and 492. 12; and existing cemeteries are limited to Sections 493, 493.1, and 493.2.

(b) For local land use agencies working together to develop a regional water efficient landscape ordinance, the reporting requirements of this ordinance shall become effective December 1, 2015 and the remainder of this ordinance shall be effective no later than February 1, 2016.

(c) Any project with an aggregate landscape area of 2,500 square feet or less may comply with the performance requirements of this ordinance or conform to the prescriptive measures contained in Appendix D.

(d) For projects using treated or untreated graywater or rainwater captured on site, any lot or parcel within the project that has less than 2500 sq. ft. of landscape and meets the lot or parcel's landscape water requirement (Estimated Total Water Use) entirely with treated or untreated graywater or through stored rainwater captured on site is subject only to Appendix D section (5).

(e) This ordinance does not apply to:

- (1) registered local, state or federal historical sites;
- (2) ecological restoration projects that do not require a permanent irrigation system;
- (3) mined-land reclamation projects that do not require a permanent irrigation system; or
- (4) existing plant collections, as part of botanical gardens and arboretums open to the public.

Note: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

§ 491. Definitions.

The terms used in this ordinance have the meaning set forth below:

(a) "applied water" means the portion of water supplied by the irrigation system to the landscape.

(b) "automatic irrigation controller" means a timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers are able to self-adjust and schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.

(c) "backflow prevention device" means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

(d) "Certificate of Completion" means the document required under Section 492.9.

(e) "certified irrigation designer" means a person certified to design irrigation systems by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency's WaterSense irrigation designer certification program and Irrigation Association's Certified Irrigation Designer program.

(f) “certified landscape irrigation auditor” means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency's WaterSense irrigation auditor certification program and Irrigation Association's Certified Landscape Irrigation Auditor program.

(g) “check valve” or “anti-drain valve” means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

(h) “common interest developments” means community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351.

(i) “compost” means the safe and stable product of controlled biologic decomposition of organic materials that is beneficial to plant growth.

(j) “conversion factor (0.62)” means the number that converts acre-inches per acre per year to gallons per square foot per year.

(k) “distribution uniformity” means the measure of the uniformity of irrigation water over a defined area.

(l) “drip irrigation” means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

(m) “ecological restoration project” means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

(n) “effective precipitation” or “usable rainfall” (Eppt) means the portion of total precipitation which becomes available for plant growth.

(o) “emitter” means a drip irrigation emission device that delivers water slowly from the system to the soil.

(p) “established landscape” means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.

(q) “establishment period of the plants” means the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth. Native habitat mitigation areas and trees may need three to five years for establishment.

(r) “Estimated Total Water Use” (ETWU) means the total water used for the landscape as described in Section 492.4.

(s) “ET adjustment factor” (ETAF) means a factor of 0.55 for residential areas and 0.45 for non-residential areas, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. The ETAF for new and existing (non-rehabilitated) Special Landscape Areas shall not exceed 1.0. The ETAF for existing non-rehabilitated landscapes is 0.8.

(t) “evapotranspiration rate” means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

- (u) "flow rate" means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.
- (v) "flow sensor" means an inline device installed at the supply point of the irrigation system that produces a repeatable signal proportional to flow rate. Flow sensors must be connected to an automatic irrigation controller, or flow monitor capable of receiving flow signals and operating master valves. This combination flow sensor/controller may also function as a landscape water meter or submeter.
- (w) "friable" means a soil condition that is easily crumbled or loosely compacted down to a minimum depth per planting material requirements, whereby the root structure of newly planted material will be allowed to spread unimpeded.
- (x) "Fuel Modification Plan Guideline" means guidelines from a local fire authority to assist residents and businesses that are developing land or building structures in a fire hazard severity zone.
- (y) "graywater" means untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. "Graywater" includes, but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers. Health and Safety Code Section 17922.12.
- (z) "hardscapes" means any durable material (pervious and non-pervious).
- (aa) "hydrozone" means a portion of the landscaped area having plants with similar water needs and rooting depth. A hydrozone may be irrigated or non-irrigated.
- (bb) "infiltration rate" means the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).
- (cc) "invasive plant species" means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.
- (dd) "irrigation audit" means an in-depth evaluation of the performance of an irrigation system conducted by a Certified Landscape Irrigation Auditor. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule. The audit must be conducted in a manner consistent with the Irrigation Association's Landscape Irrigation Auditor Certification program or other U.S. Environmental Protection Agency "Watersense" labeled auditing program.
- (ee) "irrigation efficiency" (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The irrigation efficiency for purposes of this ordinance are 0.75 for overhead spray devices and 0.81 for drip systems.
- (ff) "irrigation survey" means an evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection,

system test, and written recommendations to improve performance of the irrigation system.

(gg) "irrigation water use analysis" means an analysis of water use data based on meter readings and billing data.

(hh) "landscape architect" means a person who holds a license to practice landscape architecture in the state of California Business and Professions Code, Section 5615.

(ii) "landscape area" means all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

(jj) "landscape contractor" means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

(kk) "Landscape Documentation Package" means the documents required under Section 492.3.

(ll) "landscape project" means total area of landscape in a project as defined in "landscape area" for the purposes of this ordinance, meeting requirements under Section 490.1.

(mm) "landscape water meter" means an inline device installed at the irrigation supply point that measures the flow of water into the irrigation system and is connected to a totalizer to record water use.

(nn) "lateral line" means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.

(oo) "local agency" means a city or county, including a charter city or charter county, that is responsible for adopting and implementing the ordinance. The local agency is also responsible for the enforcement of this ordinance, including but not limited to, approval of a permit and plan check or design review of a project.

(pp) "local water purveyor" means any entity, including a public agency, city, county, or private water company that provides retail water service.

(qq) "low volume irrigation" means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

(rr) "main line" means the pressurized pipeline that delivers water from the water source to the valve or outlet.

(ss) "master shut-off valve" is an automatic valve installed at the irrigation supply point which controls water flow into the irrigation system. When this valve is closed water will not be supplied to the irrigation system. A master valve will greatly reduce any water loss due to a leaky station valve.

(tt) "Maximum Applied Water Allowance" (MAWA) means the upper limit of annual applied water for the established landscaped area as specified in Section 492.4. It is based upon the area's reference evapotranspiration, the ET Adjustment Factor, and the size of the landscape area. The Estimated Total Water Use shall not exceed the

Maximum Applied Water Allowance. Special Landscape Areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0. $MAWA = (ETo) (0.62) [(ETAF \times LA) + ((1-ETAF) \times SLA)]$

(uu) "median" is an area between opposing lanes of traffic that may be unplanted or planted with trees, shrubs, perennials, and ornamental grasses.

(vv) "microclimate" means the climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.

(ww) "mined-land reclamation projects" means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

(xx) "mulch" means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, or decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

(yy) "new construction" means, for the purposes of this ordinance, a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.

(zz) "non-residential landscape" means landscapes in commercial, institutional, industrial and public settings that may have areas designated for recreation or public assembly. It also includes portions of common areas of common interest developments with designated recreational areas.

(aaa) "operating pressure" means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.

(bbb) "overhead sprinkler irrigation systems" or "overhead spray irrigation systems" means systems that deliver water through the air (e.g., spray heads and rotors).

(ccc) "overspray" means the irrigation water which is delivered beyond the target area.

(ddd) "parkway" means the area between a sidewalk and the curb or traffic lane. It may be planted or unplanted, and with or without pedestrian egress.

(eee) "permit" means an authorizing document issued by local agencies for new construction or rehabilitated landscapes.

(fff) "pervious" means any surface or material that allows the passage of water through the material and into the underlying soil.

(ggg) "plant factor" or "plant water use factor" is a factor, when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this ordinance, the plant factor range for very low water use plants is 0 to 0.1, the plant factor range for low water use plants is 0.1 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this ordinance are derived from the publication "Water Use Classification of Landscape Species". Plant factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California Department of Water Resources (DWR).

(hhh) "project applicant" means the individual or entity submitting a Landscape Documentation Package required under Section 492.3, to request a permit, plan check, or design review from the local agency. A project applicant may be the property owner or his or her designee.

(iii) "rain sensor" or "rain sensing shutoff device" means a component which automatically suspends an irrigation event when it rains.

(jjj) "record drawing" or "as-builts" means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.

(kkk) "recreational area" means areas, excluding private single family residential areas, designated for active play, recreation or public assembly in parks, sports fields, picnic grounds, amphitheaters or golf course tees, fairways, roughs, surrounds and greens.

(lll) "recycled water," "reclaimed water," or "treated sewage effluent water" means treated or recycled waste water of a quality suitable for nonpotable uses such as landscape irrigation and water features. This water is not intended for human consumption.

(mmm) "reference evapotranspiration" or "ETo" means a standard measurement of environmental parameters which affect the water use of plants. ETo is expressed in inches per day, month, or year as represented in Appendix A, and is an estimate of the evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowances so that regional differences in climate can be accommodated.

(nnn) "Regional Water Efficient Landscape Ordinance" means a local Ordinance adopted by two or more local agencies, water suppliers and other stakeholders for implementing a consistent set of landscape provisions throughout a geographical region. Regional ordinances are strongly encouraged to provide a consistent framework for the landscape industry and applicants to adhere to.

(ooo) "rehabilitated landscape" means any relandscaping project that requires a permit, plan check, or design review, meets the requirements of Section 490.1, and the modified landscape area is equal to or greater than 2,500 square feet.

(ppp) "residential landscape" means landscapes surrounding single or multifamily homes.

(qqq) "run off" means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, run off may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

(rrr) "soil moisture sensing device" or "soil moisture sensor" means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

(sss) "soil texture" means the classification of soil based on its percentage of sand, silt, and clay.

(ttt) "Special Landscape Area" (SLA) means an area of the landscape dedicated solely to edible plants, recreational areas, areas irrigated with recycled water, or water features using recycled water.

(uuu) "sprinkler head" or "spray head" means a device which delivers water through a nozzle.

(vvv) "static water pressure" means the pipeline or municipal water supply pressure when water is not flowing.

(www) "station" means an area served by one valve or by a set of valves that operate simultaneously.

(xxx) "swing joint" means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

(yyy) "submeter" means a metering device to measure water applied to the landscape that is installed after the primary utility water meter.

(zzz) "turf" means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.

(aaaa) "valve" means a device used to control the flow of water in the irrigation system.

(bbbb) "water conserving plant species" means a plant species identified as having a very low or low plant factor.

(cccc) "water feature" means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features and, therefore, are not subject to the water budget calculation.

(dddd) "watering window" means the time of day irrigation is allowed.

(eeee) "WUCOLS" means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension and the Department of Water Resources 2014.

Note: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Sections 65592 and 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

§ 492. Provisions for New Construction or Rehabilitated Landscapes.

(a) A local agency may designate by mutual agreement, another agency, such as a water purveyor, to implement some or all of the requirements contained in this ordinance. Local agencies may collaborate with water purveyors to define each entity's specific responsibilities relating to this ordinance.

Note: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

§ 492.1. Compliance with Landscape Documentation Package.

- (a) Prior to construction, the local agency shall:
 - (1) provide the project applicant with the ordinance and procedures for permits, plan checks or design reviews;
 - (2) review the Landscape Documentation Package submitted by the project applicant;
 - (3) approve or deny the Landscape Documentation Package;
 - (4) issue a permit or approve the plan check or design review for the project applicant; and
 - (5) upon approval of the Landscape Documentation Package, submit a copy of the Water Efficient Landscape Worksheet to the local water purveyor.
- (b) Prior to construction, the project applicant shall:
 - (1) submit a Landscape Documentation Package to the local agency.
- (c) Upon approval of the Landscape Documentation Package by the local agency, the project applicant shall:
 - (1) receive a permit or approval of the plan check or design review and record the date of the permit in the Certificate of Completion;
 - (2) submit a copy of the approved Landscape Documentation Package along with the record drawings, and any other information to the property owner or his/her designee; and
 - (3) submit a copy of the Water Efficient Landscape Worksheet to the local water purveyor.

Note: Authority cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.2. Penalties.

- (a) A local agency may establish and administer penalties to the project applicant for non-compliance with the ordinance to the extent permitted by law.

Note: Authority cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.3. Elements of the Landscape Documentation Package.

- (a) The Landscape Documentation Package shall include the following six (6) elements:
 - (1) project information;
 - (A) date
 - (B) project applicant

- (C) project address (if available, parcel and/or lot number(s))
- (D) total landscape area (square feet)
- (E) project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed)
- (F) water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well
- (G) checklist of all documents in Landscape Documentation Package
- (H) project contacts to include contact information for the project applicant and property owner
- (I) applicant signature and date with statement, "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package".
- (2) Water Efficient Landscape Worksheet;
 - (A) hydrozone information table
 - (B) water budget calculations
 - 1. Maximum Applied Water Allowance (MAWA)
 - 2. Estimated Total Water Use (ETWU)
 - (3) soil management report;
 - (4) landscape design plan;
 - (5) irrigation design plan; and
 - (6) grading design plan.

Note: Authority cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.4. Water Efficient Landscape Worksheet.

(a) A project applicant shall complete the Water Efficient Landscape Worksheet in Appendix B which contains information on the plant factor, irrigation method, irrigation efficiency, and area associated with each hydrozone. Calculations are then made to show that the evapotranspiration adjustment factor (ETAF) for the landscape project does not exceed a factor of 0.55 for residential areas and 0.45 for non-residential areas, exclusive of Special Landscape Areas. The ETAF for a landscape project is based on the plant factors and irrigation methods selected. The Maximum Applied Water Allowance is calculated based on the maximum ETAF allowed (0.55 for residential areas and 0.45 for non-residential areas) and expressed as annual gallons required. The Estimated Total Water Use (ETWU) is calculated based on the plants used and irrigation method selected for the landscape design. ETWU must be below the MAWA.

(1) In calculating the Maximum Applied Water Allowance and Estimated Total Water Use, a project applicant shall use the ETo values from the Reference Evapotranspiration Table in Appendix A. For geographic areas not covered in Appendix A, use data from other cities located nearby in the same reference evapotranspiration zone, as found in the CIMIS Reference Evapotranspiration Zones Map, Department of Water Resources, 1999.

(b) Water budget calculations shall adhere to the following requirements:

- (1) The plant factor used shall be from WUCOLS or from horticultural researchers with academic institutions or professional associations as approved by the California Department of Water Resources (DWR). The plant factor ranges from 0 to 0.1 for very low water using plants, 0.1 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.
- (2) All water features shall be included in the high water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.
- (3) All Special Landscape Areas shall be identified and their water use calculated as shown in Appendix B.
- (4) ETAF for new and existing (non-rehabilitated) Special Landscape Areas shall not exceed 1.0.

Note: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

§ 492.5. Soil Management Report.

- (a) In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the project applicant, or his/her designee, as follows:
 - (1) Submit soil samples to a laboratory for analysis and recommendations.
 - (A) Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.
 - (B) The soil analysis shall include:
 1. soil texture;
 2. infiltration rate determined by laboratory test or soil texture infiltration rate table;
 3. pH;
 4. total soluble salts;
 5. sodium;
 6. percent organic matter; and
 7. recommendations.
 - (C) In projects with multiple landscape installations (i.e. production home developments) a soil sampling rate of 1 in 7 lots or approximately 15% will satisfy this requirement. Large landscape projects shall sample at a rate equivalent to 1 in 7 lots.
- (2) The project applicant, or his/her designee, shall comply with one of the following:
 - (A) If significant mass grading is not planned, the soil analysis report shall be submitted to the local agency as part of the Landscape Documentation Package;
 - or
 - (B) If significant mass grading is planned, the soil analysis report shall be submitted to the local agency as part of the Certificate of Completion.

(3) The soil analysis report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.

(4) The project applicant, or his/her designee, shall submit documentation verifying implementation of soil analysis report recommendations to the local agency with Certificate of Completion.

Note: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

§ 492.6. Landscape Design Plan.

(a) For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

(1) Plant Material

(A) Any plant may be selected for the landscape, providing the Estimated Total Water Use in the landscape area does not exceed the Maximum Applied Water Allowance. Methods to achieve water efficiency shall include one or more of the following:

1. protection and preservation of native species and natural vegetation;
2. selection of water-conserving plant, tree and turf species, especially local native plants;
3. selection of plants based on local climate suitability, disease and pest resistance;
4. selection of trees based on applicable local tree ordinances or tree shading guidelines, and size at maturity as appropriate for the planting area; and
5. selection of plants from local and regional landscape program plant lists.
6. selection of plants from local Fuel Modification Plan Guidelines.

(B) Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use, as specified in Section 492.7(a)(2)(D).

(C) Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. Methods to achieve water efficiency shall include one or more of the following:

1. use the Sunset Western Climate Zone System which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
2. recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure

[e.g., buildings, sidewalks, power lines]; allow for adequate soil volume for healthy root growth; and

3. consider the solar orientation for plant placement to maximize summer shade and winter solar gain.

(D) Turf is not allowed on slopes greater than 25% where the toe of the slope is adjacent to an impermeable hardscape and where 25% means 1 foot of vertical elevation change for every 4 feet of horizontal length (rise divided by run x 100 = slope percent).

(E) High water use plants, characterized by a plant factor of 0.7 to 1.0, are prohibited in street medians.

(F) A landscape design plan for projects in fire-prone areas shall address fire safety and prevention. A defensible space or zone around a building or structure is required per Public Resources Code Section 4291(a) and (b). Avoid fire-prone plant materials and highly flammable mulches. Refer to the local Fuel Modification Plan guidelines.

(G) The use of invasive plant species, such as those listed by the California Invasive Plant Council, is strongly discouraged.

(H) The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.

(2) Water Features

(A) Recirculating water systems shall be used for water features.

(B) Where available, recycled water shall be used as a source for decorative water features.

(C) Surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.

(D) Pool and spa covers are highly recommended.

(3) Soil Preparation, Mulch and Amendments

(A) Prior to the planting of any materials, compacted soils shall be transformed to a friable condition. On engineered slopes, only amended planting holes need meet this requirement.

(B) Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see Section 492.5).

(C) For landscape installations, compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six inches into the soil. Soils with greater than 6% organic matter in the top 6 inches of soil are exempt from adding compost and tilling.

(D) A minimum three inch (3") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, up to 5% of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.

(E) Stabilizing mulching products shall be used on slopes that meet current engineering standards.

(F) The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.

(G) Organic mulch materials made from recycled or post-consumer shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local Fuel Modification Plan Guidelines or other applicable local ordinances.

(b) The landscape design plan, at a minimum, shall:

(1) delineate and label each hydrozone by number, letter, or other method;

(2) identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation;

(3) identify recreational areas;

(4) identify areas permanently and solely dedicated to edible plants;

(5) identify areas irrigated with recycled water;

(6) identify type of mulch and application depth;

(7) identify soil amendments, type, and quantity;

(8) identify type and surface area of water features;

(9) identify hardscapes (pervious and non-pervious);

(10) identify location, installation details, and 24-hour retention or infiltration capacity of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Project applicants shall refer to the local agency or regional Water Quality Control Board for information on any applicable stormwater technical requirements. Stormwater best management practices are encouraged in the landscape design plan and examples are provided in Section 492.16.

(11) identify any applicable rain harvesting or catchment technologies as discussed in Section 492.16 and their 24-hour retention or infiltration capacity;

(12) identify any applicable graywater discharge piping, system components and area(s) of distribution;

(13) contain the following statement: "I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plan"; and

(14) bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agriculture Code.).

Note: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596,

Government Code; Section 1351, Civil Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

§ 492.7. Irrigation Design Plan.

(a) This section applies to landscaped areas requiring permanent irrigation, not areas that require temporary irrigation solely for the plant establishment period. For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturers' recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the Landscape Documentation Package.

(1) System

(A) Landscape water meters, defined as either a dedicated water service meter or private submeter, shall be installed for all non-residential irrigated landscapes of 1,000 sq. ft. but not more than 5,000 sq.ft. (the level at which Water Code 535 applies) and residential irrigated landscapes of 5,000 sq. ft. or greater. A landscape water meter may be either:

1. a customer service meter dedicated to landscape use provided by the local water purveyor; or
2. a privately owned meter or submeter.

(B) Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data utilizing non-volatile memory shall be required for irrigation scheduling in all irrigation systems.

(C) If the water pressure is below or exceeds the recommended pressure of the specified irrigation devices, the installation of a pressure regulating device is required to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.

1. If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.
2. Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.

(D) Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during windy or freezing weather or during rain.

(E) Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.

(F) Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system. A project applicant shall refer to the applicable local agency code (i.e., public health) for additional backflow prevention requirements.

(G) Flow sensors that detect high flow conditions created by system damage or malfunction are required for all on non-residential landscapes and residential landscapes of 5000 sq. ft. or larger.

(H) Master shut-off valves are required on all projects except landscapes that make use of technologies that allow for the individual control of sprinklers that are individually pressurized in a system equipped with low pressure shut down features.

(I) The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.

(J) Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.

(K) The design of the irrigation system shall conform to the hydrozones of the landscape design plan.

(L) The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria as described in Section 492.4 regarding the Maximum Applied Water Allowance.

(M) All irrigation emission devices must meet the requirements set in the American National Standards Institute (ANSI) standard, American Society of Agricultural and Biological Engineers'/International Code Council's (ASABE/ICC) 802-2014 "Landscape Irrigation Sprinkler and Emitter Standard, All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.

(N) It is highly recommended that the project applicant or local agency inquire with the local water purveyor about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.

(O) In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.

(P) Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.

(Q) Head to head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.

(R) Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to hardscapes or in high traffic areas of turfgrass.

(S) Check valves or anti-drain valves are required on all sprinkler heads where low point drainage could occur.

(T) Areas less than ten (10) feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.

(U) Overhead irrigation shall not be permitted within 24 inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:

1. the landscape area is adjacent to permeable surfacing and no runoff occurs; or
2. the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or
3. the irrigation designer specifies an alternative design or technology, as part of the Landscape Documentation Package and clearly demonstrates strict adherence to irrigation system design criteria in Section 492.7

(a)(1)(l). Prevention of overspray and runoff must be confirmed during the irrigation audit.

(V) Slopes greater than 25% shall not be irrigated with an irrigation system with a application rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the Landscape Documentation Package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

(2) Hydrozone

(A) Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.

(B) Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.

(C) Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf to facilitate the appropriate irrigation of trees. The mature size and extent of the root zone shall be considered when designing irrigation for the tree.

(D) Individual hydrozones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:

1. plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or
2. the plant factor of the higher water using plant is used for calculations.

(E) Individual hydrozones that mix high and low water use plants shall not be permitted.

(F) On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter, or other designation. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this valve number in the Hydrozone Information Table (see Appendix B Section A). This table can also assist with the irrigation audit and programming the controller.

(b) The irrigation design plan, at a minimum, shall contain:

- (1) location and size of separate water meters for landscape;
- (2) location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;
- (3) static water pressure at the point of connection to the public water supply;
- (4) flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;
- (5) recycled water irrigation systems as specified in Section 492.14;
- (6) the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the irrigation design plan"; and
- (7) the signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agricultural Code.)

Note: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

§ 492.8. Grading Design Plan.

(a) For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. A grading plan shall be submitted as part of the Landscape Documentation Package. A comprehensive grading plan prepared by a civil engineer for other local agency permits satisfies this requirement.

- (1) The project applicant shall submit a landscape grading plan that indicates finished configurations and elevations of the landscape area including:
 - (A) height of graded slopes;
 - (B) drainage patterns;
 - (C) pad elevations;
 - (D) finish grade; and
 - (E) stormwater retention improvements, if applicable.
- (2) To prevent excessive erosion and runoff, it is highly recommended that project applicants:
 - (A) grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable hardscapes;
 - (B) avoid disruption of natural drainage patterns and undisturbed soil; and
 - (C) avoid soil compaction in landscape areas.
- (3) The grading design plan shall contain the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the

efficient use of water in the grading design plan” and shall bear the signature of a licensed professional as authorized by law.

Note: Authority cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.9. Certificate of Completion.

(a) The Certificate of Completion (see Appendix C for a sample certificate) shall include the following six (6) elements:

(1) project information sheet that contains:

(A) date;

(B) project name;

(C) project applicant name, telephone, and mailing address;

(D) project address and location; and

(E) property owner name, telephone, and mailing address;

(2) certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved Landscape Documentation Package; (A) where there have been significant changes made in the field during construction, these “as-built” or record drawings shall be included with the certification;

(B) A diagram of the irrigation plan showing hydrozones shall be kept with the irrigation controller for subsequent management purposes.

(3) irrigation scheduling parameters used to set the controller (see Section 492.10);

(4) landscape and irrigation maintenance schedule (see Section 492.11);

(5) irrigation audit report (see Section 492.12); and

(6) soil analysis report, if not submitted with Landscape Documentation Package, and documentation verifying implementation of soil report recommendations (see Section 492.5).

(b) The project applicant shall:

(1) submit the signed Certificate of Completion to the local agency for review;

(2) ensure that copies of the approved Certificate of Completion are submitted to the local water purveyor and property owner or his or her designee.

(c) The local agency shall:

(1) receive the signed Certificate of Completion from the project applicant;

(2) approve or deny the Certificate of Completion. If the Certificate of Completion is denied, the local agency shall provide information to the project applicant regarding reapplication, appeal, or other assistance.

Note: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

§ 492.10. Irrigation Scheduling.

(a) For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:

(1) Irrigation scheduling shall be regulated by automatic irrigation controllers.

(2) Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. If allowable hours of irrigation differ from the local water purveyor, the stricter of the two shall apply. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

(3) For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the Estimated Total Water Use. Total annual applied water shall be less than or equal to Maximum Applied Water Allowance (MAWA). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.

(4) Parameters used to set the automatic controller shall be developed and submitted for each of the following:

(A) the plant establishment period;

(B) the established landscape; and

(C) temporarily irrigated areas.

(5) Each irrigation schedule shall consider for each station all of the following that apply:

(A) irrigation interval (days between irrigation);

(B) irrigation run times (hours or minutes per irrigation event to avoid runoff);

(C) number of cycle starts required for each irrigation event to avoid runoff;

(D) amount of applied water scheduled to be applied on a monthly basis;

(E) application rate setting;

(F) root depth setting;

(G) plant type setting;

(H) soil type;

(I) slope factor setting;

(J) shade factor setting; and

(K) irrigation uniformity or efficiency setting.

Note: Authority cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

§ 492.11. Landscape and Irrigation Maintenance Schedule.

(a) Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the Certificate of Completion.

(b) A regular maintenance schedule shall include, but not be limited to, routine inspection; auditing, adjustment and repair of the irrigation system and its components;

aerating and dethatching turf areas; topdressing with compost, replenishing mulch; fertilizing; pruning; weeding in all landscape areas, and removing obstructions to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

(c) Repair of all irrigation equipment shall be done with the originally installed components or their equivalents or with components with greater efficiency.

(d) A project applicant is encouraged to implement established landscape industry sustainable Best Practices for all landscape maintenance activities.

Note: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

§ 492.12. Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.

(a) All landscape irrigation audits shall be conducted by a local agency landscape irrigation auditor or a third party certified landscape irrigation auditor. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape.

(b) In large projects or projects with multiple landscape installations (i.e. production home developments) an auditing rate of 1 in 7 lots or approximately 15% will satisfy this requirement.

(c) For new construction and rehabilitated landscape projects installed after December 1, 2015, as described in Section 490.1:

(1) the project applicant shall submit an irrigation audit report with the Certificate of Completion to the local agency that may include, but is not limited to: inspection, system tune-up, system test with distribution uniformity, reporting overspray or run off that causes overland flow, and preparation of an irrigation schedule, including configuring irrigation controllers with application rate, soil types, plant factors, slope, exposure and any other factors necessary for accurate programming;

(2) the local agency shall administer programs that may include, but not be limited to, irrigation water use analysis, irrigation audits, and irrigation surveys for compliance with the Maximum Applied Water Allowance.

Note: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

§ 492.13. Irrigation Efficiency.

(a) For the purpose of determining Estimated Total Water Use, average irrigation efficiency is assumed to be 0.75 for overhead spray devices and 0.81 for drip system devices.

Note: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

§ 492.14. Recycled Water.

- (a) The installation of recycled water irrigation systems shall allow for the current and future use of recycled water.
- (b) All recycled water irrigation systems shall be designed and operated in accordance with all applicable local and State laws.
- (c) Landscapes using recycled water are considered Special Landscape Areas. The ET Adjustment Factor for new and existing (non-rehabilitated) Special Landscape Areas shall not exceed 1.0.

Note: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

§ 492.15. Graywater Systems.

- (a) Graywater systems promote the efficient use of water and are encouraged to assist in on-site landscape irrigation. All graywater systems shall conform to the California Plumbing Code (Title 24, Part 5, Chapter 16) and any applicable local ordinance standards. Refer to § 490.1 (d) for the applicability of this ordinance to landscape areas less than 2,500 square feet with the Estimated Total Water Use met entirely by graywater.

Note: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

§ 492.16. Stormwater Management and Rainwater Retention.

- (a) Stormwater management practices minimize runoff and increase infiltration which recharges groundwater and improves water quality. Implementing stormwater best management practices into the landscape and grading design plans to minimize runoff and to increase on-site rainwater retention and infiltration are encouraged.
- (b) Project applicants shall refer to the local agency or Regional Water Quality Control Board for information on any applicable stormwater technical requirements.
- (c) All planted landscape areas are required to have friable soil to maximize water retention and infiltration. Refer to § 492.6(a)(3).
- (d) It is strongly recommended that landscape areas be designed for capture and infiltration capacity that is sufficient to prevent runoff from impervious surfaces (i.e. roof and paved areas) from either: the one inch, 24-hour rain event or (2) the 85th percentile,

24-hour rain event, and/or additional capacity as required by any applicable local, regional, state or federal regulation.

(e) It is recommended that storm water projects incorporate any of the following elements to improve on-site storm water and dry weather runoff capture and use:

- Grade impervious surfaces, such as driveways, during construction to drain to vegetated areas.
- Minimize the area of impervious surfaces such as paved areas, roof and concrete driveways.
- Incorporate pervious or porous surfaces (e.g., gravel, permeable pavers or blocks, pervious or porous concrete) that minimize runoff.
- Direct runoff from paved surfaces and roof areas into planting beds or landscaped areas to maximize site water capture and reuse.
- Incorporate rain gardens, cisterns, and other rain harvesting or catchment systems.
- Incorporate infiltration beds, swales, basins and drywells to capture storm water and dry weather runoff and increase percolation into the soil.
- Consider constructed wetlands and ponds that retain water, equalize excess flow, and filter pollutants.

Note: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

§ 492.17. Public Education.

(a) Publications. Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management and maintenance that save water is encouraged in the community.

(1) A local agency or water supplier/purveyor shall provide information to owners of permitted renovations and new, single-family residential homes regarding the design, installation, management, and maintenance of water efficient landscapes based on a water budget.

(b) Model Homes. All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this ordinance.

(1) Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme. Signage shall include information about the site water use as designed per the local ordinance; specify who designed and installed the water efficient landscape; and demonstrate low water use approaches to landscaping such as using native plants, graywater systems, and rainwater catchment systems.

(2) Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

Note: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

§ 492.18. Environmental Review.

(a) The local agency must comply with the California Environmental Quality Act (CEQA), as appropriate.

Note: Authority cited: Section 21082, Public Resources Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Sections 21080 and 21082, Public Resources Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

§ 493. Provisions for Existing Landscapes.

(a) A local agency may by mutual agreement, designate another agency, such as a water purveyor, to implement some or all of the requirements contained in this ordinance. Local agencies may collaborate with water purveyors to define each entity's specific responsibilities relating to this ordinance.

Note: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

§ 493.1. Irrigation Audit, Irrigation Survey, and Irrigation Water Use Analysis.

(a) This section, 493.1, shall apply to all existing landscapes that were installed before December 1, 2015 and are over one acre in size.

(1) For all landscapes in 493.1 (a) that have a water meter, the local agency shall administer programs that may include, but not be limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the Maximum Applied Water Allowance for existing landscapes. The Maximum Applied Water Allowance for existing landscapes shall be calculated as: $MAWA = (0.8) (ET_o) (LA) (0.62)$.

(2) For all landscapes in 493.1(a), that do not have a meter, the local agency shall administer programs that may include, but not be limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.

(b) All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

Note: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

§ 493.2. Water Waste Prevention.

(a) Local agencies shall prevent water waste resulting from inefficient landscape irrigation by prohibiting runoff from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures. Penalties for violation of these prohibitions shall be established locally.

(b) Restrictions regarding overspray and runoff may be modified if:

- (1) the landscape area is adjacent to permeable surfacing and no runoff occurs;
or
- (2) the adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping.

Note: Authority cited: Section 65594, Government Code. Reference: Section 65596, Government Code.

§ 494. Effective Precipitation.

(a) A local agency may consider Effective Precipitation (25% of annual precipitation) in tracking water use and may use the following equation to calculate Maximum Applied Water Allowance:

$MAWA = (ET_o - Eppt) (0.62) [(0.55 \times LA) + (0.45 \times SLA)]$ for residential areas.

$MAWA = (ET_o - EPPT) (0.62) [(0.45 \times LA) + (0.55 \times SLA)]$ for non-residential areas.

Note: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

§ 495. Reporting.

(a) Local agencies shall report on implementation and enforcement by December 31, 2015. Local agencies responsible for administering individual ordinances shall report on their updated ordinance, while those agencies developing a regional ordinance shall report on their existing ordinance. Those agencies crafting a regional ordinance shall also report on their new ordinance by March 1, 2016. Subsequently, reporting for all agencies will be due by January 31st of each year. Reports shall be submitted to the Department of Water Resources.

(b) Local agencies are to address the following:

- (1) State whether you are adopting a single agency ordinance or a regional agency alliance ordinance, and the date of adoption or anticipated date of adoption.

- (2) Define the reporting period. The reporting period shall commence on December 1, 2015 and the end on December 28, 2015. For local agencies crafting regional ordinances with other agencies, there shall be an additional reporting period commencing on February 1, 2016 and ending on February 28, 2016. In subsequent years, all local agency reporting will be for the calendar year.
- (3) State if using a locally modified Water Efficient Landscape Ordinance (WELO) or the MWELO. If using a locally modified WELO, how is it different than MWELO, is it at least as efficient as MWELO, and are there any exemptions specified?
- (4) State the entity responsible for implementing the ordinance.
- (5) State number and types of projects subject to the ordinance during the specified reporting period.
- (6) State the total area (in square feet or acres) subject to the ordinance over the reporting period, if available.
- (7) Provide the number of new housing starts, new commercial projects, and landscape retrofits during the reporting period.
- (8) Describe the procedure for review of projects subject to the ordinance.
- (9) Describe actions taken to verify compliance. Is a plan check performed; if so, by what entity? Is a site inspection performed; if so, by what entity? Is a post-installation audit required; if so, by whom?
- (10) Describe enforcement measures.
- (11) Explain challenges to implementing and enforcing the ordinance.
- (12) Describe educational and other needs to properly apply the ordinance.

Note: Authority cited: Section 65595, Government Code; and sections 11 and 30, Governor's Exec. Order No. B-29-15 (April 1, 2015). Reference: Section 65596, Government Code; and section 11, Governor's Exec. Order No. B-29-15 (April 1, 2015).

Appendix A. Reference Evapotranspiration (ET_o) Table

Appendix A - Reference Evapotranspiration (ETo) Table*													
County and City	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual ETo
ALAMEDA													
Fremont	1.5	1.9	3.4	4.7	5.4	6.3	6.7	6.0	4.5	3.4	1.8	1.5	47.0
Livermore	1.2	1.5	2.9	4.4	5.9	6.6	7.4	6.4	5.3	3.2	1.5	0.9	47.2
Oakland	1.5	1.5	2.8	3.9	5.1	5.3	6.0	5.5	4.8	3.1	1.4	0.9	41.8
Oakland Foothills	1.1	1.4	2.7	3.7	5.1	6.4	5.8	4.9	3.6	2.6	1.4	1.0	39.6
Pleasanton	0.8	1.5	2.9	4.4	5.6	6.7	7.4	6.4	4.7	3.3	1.5	1.0	46.2
Union City	1.4	1.8	3.1	4.2	5.4	5.9	6.4	5.7	4.4	3.1	1.5	1.2	44.2
ALPINE													
Markleeville	0.7	0.9	2.0	3.5	5.0	6.1	7.3	6.4	4.4	2.6	1.2	0.5	40.6
AMADOR													
Jackson	1.2	1.5	2.8	4.4	6.0	7.2	7.9	7.2	5.3	3.2	1.4	0.9	48.9
Shanandoah Valley	1.0	1.7	2.9	4.4	5.6	6.8	7.9	7.1	5.2	3.6	1.7	1.0	48.8
BUTTE													
Chico	1.2	1.8	2.9	4.7	6.1	7.4	8.5	7.3	5.4	3.7	1.7	1.0	51.7
Durham	1.1	1.8	3.2	5.0	6.5	7.4	7.8	6.9	5.3	3.6	1.7	1.0	51.1
Gridley	1.2	1.8	3.0	4.7	6.1	7.7	8.5	7.1	5.4	3.7	1.7	1.0	51.9
Oroville	1.2	1.7	2.8	4.7	6.1	7.6	8.5	7.3	5.3	3.7	1.7	1.0	51.5
CALAVERAS													
San Andreas	1.2	1.5	2.8	4.4	6.0	7.3	7.9	7.0	5.3	3.2	1.4	0.7	48.8
COLUSA													
Colusa	1.0	1.7	3.4	5.0	6.4	7.6	8.3	7.2	5.4	3.8	1.8	1.1	52.8
Williams	1.2	1.7	2.9	4.5	6.1	7.2	8.5	7.3	5.3	3.4	1.6	1.0	50.8
CONTRA COSTA													
Brentwood	1.0	1.5	2.9	4.5	6.1	7.1	7.9	6.7	5.2	3.2	1.4	0.7	48.3
Concord	1.1	1.4	2.4	4.0	5.5	5.9	7.0	6.0	4.8	3.2	1.3	0.7	43.4
Courtland	0.9	1.5	2.9	4.4	6.1	6.9	7.9	6.7	5.3	3.2	1.4	0.7	48.0
Martinez	1.2	1.4	2.4	3.9	5.3	5.6	6.7	5.6	4.7	3.1	1.2	0.7	41.8
Moraga	1.2	1.5	3.4	4.2	5.5	6.1	6.7	5.9	4.6	3.2	1.6	1.0	44.9
Pittsburg	1.0	1.5	2.8	4.1	5.6	6.4	7.4	6.4	5.0	3.2	1.3	0.7	45.4
Walnut Creek	0.8	1.5	2.9	4.4	5.6	6.7	7.4	6.4	4.7	3.3	1.5	1.0	46.2
DEL NORTE													

Appendix B - Sample Water Efficient Landscape Worksheet.

Appendix C - Sample Certificate of Completion.

Appendix D - Prescriptive Compliance Option.

(a) This appendix contains prescriptive requirements which may be used as a compliance option to the Model Water Efficient Landscape Ordinance.

(b) Compliance with the following items is mandatory and must be documented on a landscape plan in order to use the prescriptive compliance option:

(1) Submit a Landscape Documentation Package which includes the following elements:

(A) date

(B) project applicant

(C) project address (if available, parcel and/or lot number(s))

(D) total landscape area (square feet), including a breakdown of turf and plant material

(E) project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed)

(F) water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well

(G) contact information for the project applicant and property owner

(H) applicant signature and date with statement, "I agree to comply with the requirements of the prescriptive compliance option to the MWEL0".

(2) Incorporate compost at a rate of at least four cubic yards per 1,000 square feet to a depth of six inches into landscape area (unless contra-indicated by a soil test);

(3) Plant material shall comply with all of the following;

(A) For residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 75% of the plant area excluding edibles and areas using recycled water; For non-residential areas, install climate adapted plants that require occasional, little or no summer water (average WUCOLS plant factor 0.3) for 100% of the plant area excluding edibles and areas using recycled water;

(B) A minimum three inch (3") layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.

(4) Turf shall comply with all of the following:

(A) Turf shall not exceed 25% of the landscape area in residential areas, and there shall be no turf in non-residential areas;

(B) Turf shall not be planted on sloped areas which exceed a slope of 1 foot vertical elevation change for every 4 feet of horizontal length;

(C) Turf is prohibited in parkways less than 10 feet wide, unless the parkway is adjacent to a parking strip and used to enter and exit vehicles. Any turf in parkways must be irrigated by sub-surface irrigation or by other technology that creates no overspray or runoff.

(5) Irrigation systems shall comply with the following:

(A) Automatic irrigation controllers are required and must use evapotranspiration or soil moisture sensor data and utilize a rain sensor.

(B) Irrigation controllers shall be of a type which does not lose programming data in the event the primary power source is interrupted.

(C) Pressure regulators shall be installed on the irrigation system to ensure the dynamic pressure of the system is within the manufacturers recommended pressure range.

(D) Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) shall be installed as close as possible to the point of connection of the water supply.

(E) All irrigation emission devices must meet the requirements set in the ANSI standard, ASABE/ICC 802-2014. "Landscape Irrigation Sprinkler and Emitter Standard," All sprinkler heads installed in the landscape must document a

distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.

(F) Areas less than ten (10) feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.

(6) For non-residential projects with landscape areas of 1,000 sq. ft. or more, a private submeter(s) to measure landscape water use shall be installed.

(c) At the time of final inspection, the permit applicant must provide the owner of the property with a certificate of completion, certificate of installation, irrigation schedule and a schedule of landscape and irrigation maintenance.

Chapter 18.170

WATER EFFICIENT LANDSCAPING

Sections:

- 18.170.010 Purpose.
- 18.170.020 State Model Water Efficient Landscaping Ordinance Adopted by Reference.
- 18.170.030 Stormwater Management.

18.170.010 Purpose.

The purpose of this chapter is to meet the requirements of Title 23, Division 2, Chapter 2.7 of the California Code of Regulations and Section 65595 of the California Government Code, in accord with Governor's Executive Order Number B-29-15 adopted on April 1, 2015, "State Model Water Efficient Landscaping Ordinance." This chapter encourages water conservation through the use of water efficient landscaping design and irrigation practices consistent with the requirements of the State of California.

18.170.020 State Model Water Efficient Landscaping Ordinance adopted by reference.

The Model Water Efficient Landscape Ordinance of the State of California, as contained in the California Code of Regulations Title 23. Waters, Division 2. Department of Water Resources, Chapter 2.7. Model Water Efficient Landscape Ordinance, and as amended from time to time by the State of California, is hereby adopted and referred to, and by this reference, expressly incorporated and made a part of this chapter as though fully set forth in this chapter, subject to the amendments set forth in this chapter. A copy of the California State Model Water Efficient Landscaping Ordinance has been filed with the City Clerk and the ordinance is adopted by reference as if incorporated and set out in full in this chapter.

18.170.030 Stormwater management.

In addition to the requirements established in the State Model Water Efficient Landscaping Ordinance, proposed landscape and irrigation plans shall comply with all requirements of the stormwater control plan (C.3) and the National Pollutant Discharge Elimination System (NPDES) intended to implement stormwater best management practices into the planting, irrigation, and grading plans to minimize runoff and to increase on-site retention and infiltration.

Department of Water Resources

Model Water Efficient Landscape Ordinance: 2015 Revision



Governor Brown's Drought Executive Order of April 1, 2015 (EO B-29-15) directed DWR to update the State's Model Water Efficient Landscape Ordinance (Ordinance) through expedited regulation. The California Water Commission approved the revised Ordinance on July 15, 2015.

Which Projects are Subject to the Ordinance?

New development projects that include landscape areas of 500 sq. ft. or more are subject to the Ordinance. This applies to residential, commercial, industrial and institutional projects that require a permit, plan check or design review. The previous landscape size threshold for new development projects ranged from 2500 sq. ft. to 5000 sq. ft.

The size threshold for existing landscapes that are being rehabilitated has not changed, remaining at 2500 sq. ft. Only rehabilitated landscapes that are associated with a building or landscape permit, plan check, or design review are subject to the Ordinance.

When Does the Ordinance Go into Effect?

Local agencies (cities and counties) have until December 1, 2015 to adopt the Ordinance or adopt their own ordinance, which must be at least as effective in conserving water as the State's Ordinance. Local agencies working together to develop a regional ordinance have until February 1, 2016 to adopt, but they are still subject to the December 2015 reporting requirements (see *Reporting Requirements* below). If a local agency does not take action on a water efficient landscape ordinance by the specified dates, the State's Ordinance becomes effective by default.

What are the Significant Revisions?

More Efficient Irrigation Systems

- Dedicated landscape water meters or submeters are required for residential landscapes over 5000 sq. ft. and non-residential landscapes over 1000 sq. ft.
- Irrigation systems are required to have pressure regulators and master shut-off valves.
- All irrigation emission devices must meet the national standard stated in the Ordinance to ensure that only high efficiency sprinklers are installed.
- Flow sensors that detect and report high flow conditions due to broken pipes and/or popped sprinkler heads are required for landscape areas greater than 5000 sq. ft.
- The minimum width of areas that can be overhead irrigated was changed from 8 feet to 10 feet; areas less than 10 feet wide must be irrigated with subsurface drip or other technology that produces no over spray or runoff.

Incentives for Graywater Usage

Landscapes under 2500 sq. ft. that are irrigated entirely with graywater or captured rainwater are subject only to the irrigation system requirements of Appendix D, Prescriptive Compliance Option.

Improvements in Onsite Stormwater Capture

Friable soil is required in planted areas to maximize water retention and infiltration. Four yards of compost per 1000 sq. ft. of area must be incorporated. Other recommended measures for increasing onsite stormwater retention are listed in the Ordinance.

Limiting the Portion of Landscapes that can be Planted with High Water Use Plants

The maximum amount of water that can be applied to a landscape is reduced from 70% of the reference evapotranspiration (ET_o) to 55% for residential landscape projects, and to 45% of ET_o for non-residential projects. This water allowance reduces the landscape area that can be planted with high water use plants such as cool season turf. For residential projects, the coverage of high water use plants is reduced from 33% to 25% of the landscaped area. In non-residential landscapes, planting with high water use plants is not feasible. However, unchanged in the Ordinance is the extra water allowance made for non-residential areas when used for specific functional areas, such as recreation and edible gardens. Extra water allowance is also made for landscapes irrigated with recycled water, as was the case in the previous ordinance.

The irrigation efficiency of devices used to irrigate landscapes is one of the factors that goes into determining the maximum amount of water allowed. Rather than having one default irrigation efficiency for the entire site, the revised Ordinance allows the irrigation efficiency to be entered for each area of the landscape. The site-wide irrigation efficiency of the previous ordinance was 0.71; the revised Ordinance defines the irrigation efficiency of drip as 0.81 and that of overhead spray as 0.75.

Median strips cannot be landscaped with high water use plants, precluding the use of cool season turf. Also because of the requirement to irrigate areas less than ten feet wide with subsurface irrigation or other means that produces no runoff or overspray, the use of cool season turf in parkways is limited.

Reporting Requirements

All local agencies will report on the implementation and enforcement of their ordinances to DWR by December 31, 2015. Local agencies developing a regional ordinance will report on their adopted regional ordinance by March 1, 2016. Reporting for all agencies will be due by January 31st of each year thereafter.

Prescriptive Checklist Option for Landscapes under 2500 sq. ft.

Projects with landscape areas under 2500 sq. feet may comply with the performance requirements of the Ordinance or conform to the prescriptive measures contained in Appendix D. Many will find that the Appendix D checklist simplifies compliance.

How Much Water Will Be Saved?

DWR estimates that a typical California landscape will use 12,000 gallons less a year, or 20 percent less than allowed by the 2009 ordinance. Commercial landscapes will cut water use by 35%. Over the next three years, it is predicted that 472,000 new homes associated with 20,000 acres of landscape will be built in California. With proper implementation and enforcement by local agencies, the Ordinance will lead to substantial water savings.

How Can I Get Additional Assistance?

In Fall 2015, DWR will release a guidance document to accompany the Ordinance. Training workshops for local agency staff and landscape professionals will be held throughout the State.

Contact Information:

Julie Saare-Edmonds, DWR Senior Environmental Scientist at Julie.Saare-Edmonds@water.ca.gov or (916) 651-9676

The 2015 Updated Model Water Efficient Landscape Ordinance

Guidance for California Local Agencies

INTRODUCTION

Governor Brown's Drought Executive Order of April 1, 2015 (EO B-29-15) directed DWR to update the State's Model Water Efficient Landscape Ordinance (MWELo) through expedited regulation. The California Water Commission approved the revised MWELo Ordinance on July 15, 2015. This fact sheet provides guidance to cities and counties (local agencies) in California, who are responsible for adopting and reporting on a water efficient landscape ordinance. The focus is on major changes in the MWELo which must be addressed when local agencies are revising their own local or regional ordinances.

DEADLINES AND OPTIONS FOR LOCAL AGENCY ACTIONS (Section 490.1)

Local agencies have until **December 1, 2015** to adopt the MWELo or to adopt a Local Ordinance which must be at least as effective in conserving water as MWELo. Local agencies working together to develop a Regional Ordinance have until **February 1, 2016** to adopt, but they are still subject to the December 2015 reporting requirements (see Reporting Requirements). A local agency will either integrate MWELo into an existing ordinance or establish a new, separate program. To comply, a local agency must perform one of the following actions:

- Adopt *by reference* Sections 490-495, Chapter 2.7, Division 2, Title 23 in the California Code of Regulations
- Adopt the MWELo *in detail* - Sections 490-495, Chapter 2.7, Division 2, Title 23 in the California Code of Regulations
- Amend an existing or adopt a new Local Ordinance or Regional Ordinance to meet the requirements contained in the regulations
- Take no action and allow the MWELo to go into effect by default

A local agency may choose to allow MWELo to become effective by default and then adopt a Local or Regional Ordinance at a later time. Subsequent reporting must include the details of Local or Regional Ordinances.

Local agencies are not limited to require only the levels of water conservation stipulated by MWELo. The Local or Regional Ordinance can require higher levels of water conservation, as determined appropriate by the local agency to address one of these local conditions:

- climate
- geology
- topography
- environmental conditions.

However, in such situations where a more restrictive requirement is incorporated, the local agency must make express findings that the requirement is reasonably necessary for one or more of the above conditions. Like all ordinance adoption processes, the adoption must follow the applicable rules for a public process including a public comment period and formal public proceeding during adoption.

SIGNIFICANT REVISIONS TO MWELO

Projects Subject to the Ordinance (Section 490.1)

The size of landscapes subject to the ordinance has been lowered from 2500 sq. ft. to 500 sq. ft. The size threshold applies to residential, commercial, industrial and institutional projects that require a permit, plan check or design review.

To reduce the complexity and costs for the smaller landscapes now subject to ordinance, the revised MWELO has a prescriptive compliance approach (Appendix D) for landscapes between 500 and 2500 sq. ft. Landscapes within this size range can comply either through meeting the traditional MWELO approach or through the prescriptive approach in Appendix D. The size threshold for existing landscapes that are being rehabilitated has not changed, remaining at **2500 square feet**. Only rehabilitated landscapes that are associated with a building or landscape permit, plan check, or design review are subject to the Ordinance.

Definitions (Section 491)

The definitions section of MWELO has been expanded to include new terms and concepts. Please see the strike-out version of MWELO at <http://www.water.ca.gov/wateruseefficiency/landscapeordinance/> to review definition changes.

Water Efficient Worksheet and Water Budget (Section 492.4)

The maximum applied water allowance (MAWA) has been lowered from 70% of the reference evapotranspiration (ETo) to 55% for residential landscape projects, and to 45% of ETo for non-residential projects. This water allowance reduces the landscape area that can be planted with high water use plants such as cool season turf. For typical residential projects, the reduction in the MAWA reduces the percentage of landscape area that can be planted to high water use plants from 33% to 25%. In typical non-residential landscapes, the reduction in MAWA limits the planting of high water use plants to special landscape areas. The revised MWELO still uses a water budget approach and larger areas of high water use plants can be installed if the water use is reduced in the other areas provided the overall landscape stays within the budget. The use of special landscape areas (SLA) was not changed in the revised MWELO. The SLA provides for an extra water allowance in non-residential areas for specific functional landscapes, such as recreation, areas for public assembly, and edible gardens or for areas irrigated with recycled water.

The revised MWELO allows the irrigation efficiency to be entered for each area of the landscape. The site-wide irrigation efficiency of the previous ordinance (2010) was 0.71; for the purposes of estimating total water use, the revised MWELO defines the irrigation efficiency (IE) of drip irrigation as 0.81 and overhead irrigation and other technologies must meet a minimum IE of 0.75.

The worksheets for Maximum Applied Water Allowance (MAWA) and the Estimated Total Water Use (ETWU) have been combined into one table. (See Appendix B, Water Efficient Landscape Worksheet). As explained above, rather than using a site-wide default IE, irrigation efficiency is calculated for each hydrozone.

The revised ordinance also precludes the use of high water use plants in street median strips.

Also because of the requirement to irrigate areas less than ten feet wide with subsurface irrigation or other means that produces no runoff or overspray, the use of cool season turf in parkways is limited.

Soil Management Report (Section 492.5)

For multi-lot projects, the revised MWELO added clarification that soil testing should be completed using a soil sampling rate of approximately 1 in 7 lots or 15 percent.

Landscape Design Plan (Section 492.6)

The following changes were made to Landscape Design Plan section:

Prior to planting, 4 yards of compost must be incorporated per 1000 sq. ft. of permeable area. Compacted soils must be transformed to a friable condition. The depth of mulch required was increased from 2 to 3 inches. Graywater and storm retention components must be indicated on the landscape plan.

Irrigation Design Plan (Section 492.7)

The following changes were made to the Irrigation Design section:

Dedicated landscape water meters or submeters are required for residential landscapes over 5,000 square feet and non-residential landscapes over 1000 square feet. Dedicated meters or submeters may be either a meter supplied by the local water supplier or a privately owned submeter.

Irrigation systems are required to have ***pressure regulation*** to ensure correct and efficient operation.

All irrigation emission devices must meet the American National Standards Institute standard, American Society of Agricultural and Biological Engineers'/International Code Council's 802-2014 "Landscape Irrigation Sprinkler and Emitter Standard". ***Flow sensors*** that detect and report high flow conditions due to broken pipes and/or popped sprinkler heads are required for landscape areas greater than 5,000 square feet. Master shut-off valves that prevent water waste in case of large failures of irrigation systems due to breakage or vandalism are required on all landscapes except where sprinklers can be individually controlled.

The ***minimum width of areas that can be overhead irrigated was increased from 8 feet to 10 feet***; areas less than 10 feet wide must be irrigated with subsurface drip or other technology that produces no over spray or runoff.

The revised update requires ***the irrigation auditor to be a local agency auditor or third party auditor*** to reduce conflicts of interest. All landscape irrigation auditors must be certified by one of the U.S. EPA WaterSense labeled auditing programs. EPA WaterSense: http://www.epa.gov/watersense/outdoor/cert_programs.html

Graywater Systems (Section 492.15)

The revised MWELO added a graywater section that specifies that landscapes less than 2,500 square feet that are irrigated entirely with graywater or captured rainwater are subject only to the irrigation system requirements of Appendix D, Prescriptive Compliance Option. Graywater is allowed throughout the state under the California Plumbing Code, Ch. 16. Applicants should consult with the local building authority regarding graywater systems.

Stormwater and Rainwater Retention (Section 492.16)

A requirement was added that landscape area should have friable soil to maximize stormwater infiltration. Additional stormwater measures were recommended, but not required.

Reporting (Section 495)

Executive Order B-29-15 and the revised ordinance require that local agencies report on the implementation and enforcement of their single agency Local Ordinances to DWR by December 31, 2015. Local agencies developing a Regional Ordinance must report on adoption by March 1, 2016. Reporting for all agencies is due by January 31st of each year thereafter. The reporting requirement is a new addition to the MWELo.

In the initial reporting, a local agency states whether they are adopting a single agency ordinance or a regional agency ordinance, and specifies the date of adoption or anticipated date of adoption.

The following information is to be included in the first report by the local agency. Once stated, the information does not have to be repeated in subsequent reports unless the information changes.

- State if using a locally modified Water Efficient Landscape Ordinance (Local or Regional Ordinance) or the MWELo. If using a Local or Regional Ordinance, how is it different than MWELo; is it at least as efficient as MWELo; and are there any exemptions specified?
- State the entity responsible for implementing the ordinance.

In subsequent years, all local agency reporting will be for the calendar year. For the initial reporting period after new ordinance adoption and each year thereafter, include the following information during each reporting period:

- Number and types of projects subject to the ordinance
- Total area (in square feet or acres) subject to the ordinance
- Number of new housing starts, new commercial projects, and landscape retrofits

For the initial reporting period after new ordinance adoption and each year thereafter, describe the following:

- The procedure for review of projects subject to the ordinance
- The actions taken to verify compliance- Is a plan check performed; if so, by what entity? Is a site inspection performed; if so, by what entity? Is a post-installation audit required; if so, by whom?
- Enforcement measures
- The challenges to implementing and enforcing the ordinance
- The educational, training, and other needs to properly apply the ordinance

Contact Information:

Julie Saare-Edmonds, DWR Senior Environmental Scientist at Julie.Saare-Edmonds@water.ca.gov or (916) 651-9676

**REPORT TO PLANNING COMMISSION**

DATE: November 18, 2015

SUBJECT: STATUS UPDATE ON CORRIDORS PROJECT**Introduction**

Staff will provide a status update of the Corridors Project, which is the next step forward toward implementation of the Downtown Specific Plan.

Report in Brief

On February 24, 2015, the City Council accepted a \$250,000 Contra Costa Transportation Authority (CCTA) Priority Development Area Planning Grant to prepare the Downtown Corridors Plan. The purpose of the project is to prepare conceptual streetscape drawings and design guidelines to enhance three critical corridors of the "green streets framework" described in the Specific Plan that places an emphasis on pedestrian and bicycle circulation and improved landscaping to enhance connectivity and provide for better pedestrian and bicycle opportunities to link neighborhoods to shopping and employment areas. The three street segments of initial focus include Oak Street, Grant Street and Salvio Street (Exhibit A).

Background and Discussion

The project was initially kicked off in May, but due to some contractual delays with CalTrans, did not begin in earnest until August. Since that time, staff has been working with the City's consultant ARUP on Tasks 1-3, shown below. The scope of work has been finalized and the community outreach was initiated in September, including meetings with two community interest groups, an accessibility task force, transit agencies, and a recent public meeting, held on November 2 to obtain input. The project includes the following tasks:

- Task 1: Project Initiation and Management
- Task 2: Community Outreach and Coordination
- Task 3: Existing Conditions
- Task 4: Design Guidelines
- Task 5: Conceptual Design Development of the three Corridors

Since August, the consultant began collecting information on existing conditions, including the review of existing plans and projects in the queue, and assessing opportunities and constraints. The consulting team has hosted two of five scheduled technical advisory committee meetings with staff representing the various City departments to ensure compatibility with the ongoing efforts of the various departments. A Draft Existing Conditions report has been prepared and will be finalized shortly after the November 2 meeting. The opportunities and constraints from the Draft report have been attached as Exhibit B.

The project team is currently initiating Tasks 4 and 5 preparing conceptual design development streetscape plans for the three street segments as well as design guidelines for streetscape and intersections, street furniture, stormwater facilities, pop-up/temporary uses and accessibility guidelines.

Schedule

The Corridors Plan is scheduled to be completed by July 2016, with a public review draft available by mid-April (Exhibit C). A second public meeting to obtain feedback on the draft plan will be held at that time. The plan is scheduled for formal review by the Planning Commission and City Council in May. The project team would then work to finalize the document in June 2016 for adoption in July.

Todos Santos Design Guidelines

A separate effort being undertaken by staff is the preparation of the Todos Santos Design Guidelines, which will provide guidance to property owners, developers, staff and the Design Review Board, as to the development of properties within the core downtown. On October 26, 2015, the Housing and Economic Development Committee met with staff to review preparation of the document with the goal of creating more specific architectural guidelines to facilitate architecture reflective of California's history within the Downtown's core. The HED Committee will meet again on November 16 to finalize the specific boundaries within the downtown that will be subject to those guidelines. The Corridors project team will be working closely with City staff preparing the Todos Santos Design Guidelines to coordinate timing and design efforts.

Public Contact

Notification has been provided as required by State Law and the Concord Municipal Code.

Recommendation

No action is required at this time. Staff welcomes any input regarding the project.

Prepared by: Joan Ryan
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Reviewed by: Laura Simpson
Planning Manager
laura.simpson@cityofconcord.org

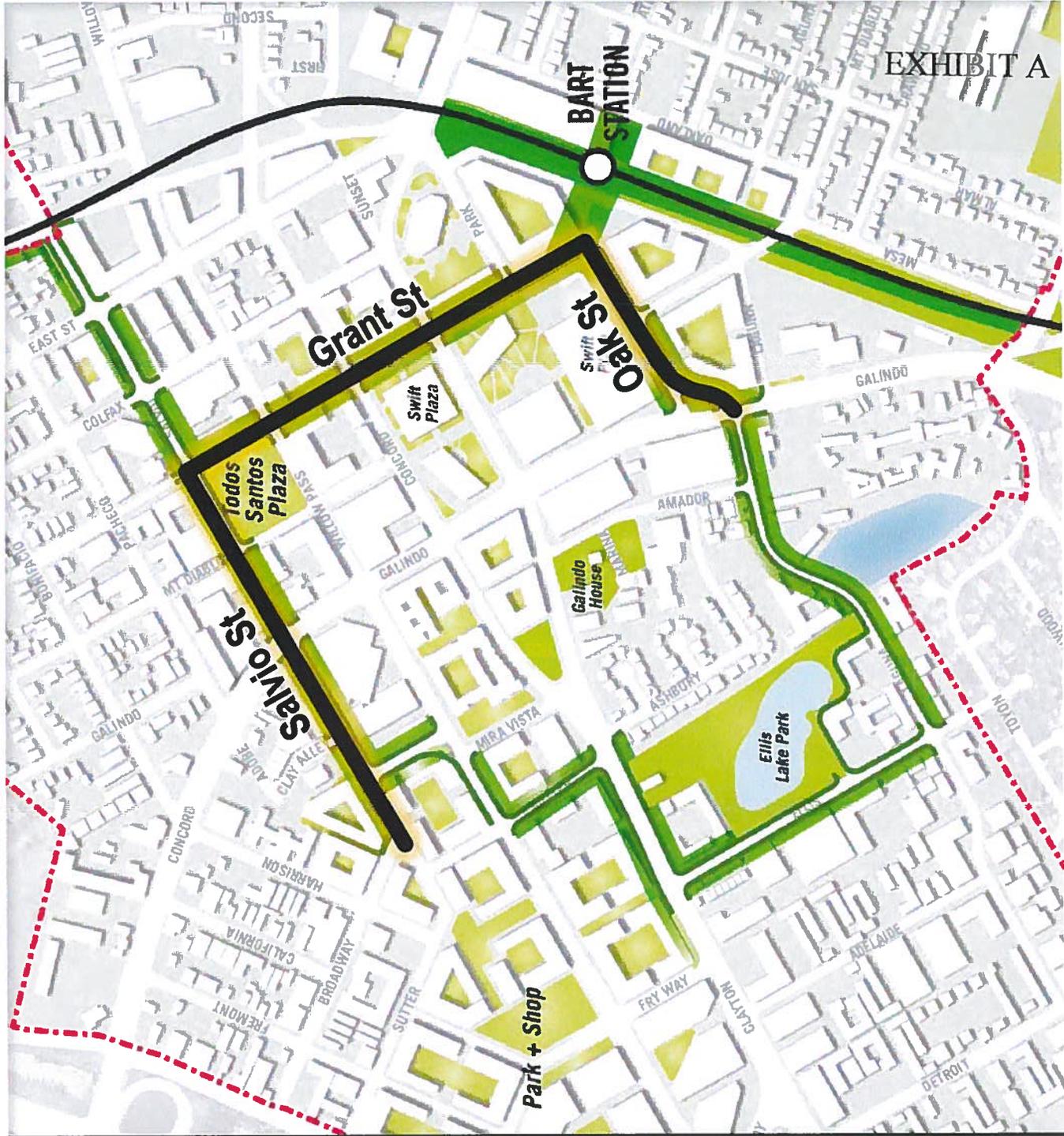
Exhibit A: Project Extents Map

Exhibit B: Existing Conditions Draft – Opportunities and Constraints

Exhibit C: Schedule

Study Area

- Grant St**
BART to Salvio
- Salvio St**
Grant to Broadway
- Oak St**
Park + Shop



3 Opportunities and Constraints

Through the process of drafting this summary of existing conditions, as well as discussions with key stakeholders, the following opportunities for the study corridors have been identified, as well as constraints that the City will need to be aware of in developing designs for the study corridors.

3.1 Opportunities

1. Use coordinated design and other approaches to establish a sense of place for the three corridors as part of an overall strategy to implement the Downtown Specific Plan. Street design must be complementary to BART plaza design and address the current inconsistent character, which does not contribute to a sense of place in the Downtown.
 - a. Create new street furniture 'catalogue' to offer a fresh look and additional amenities to the Downtown pedestrian area.
 - b. Improve wayfinding along the corridors with elements like better directional signage, posted walking travel times, and coordinated branding.
 - c. Upgrade and install pedestrian-oriented lighting along the corridors to improve safety, security, and reduce risk of injury.
2. Build upon Todos Santos Plaza's current range of successful programming to encourage a wide array of activities in the Downtown and along the three study corridors; this includes events requiring temporary street closures.

3. Improve sidewalks for accessibility and safety.
 - a. Reconstruct and, where possible, widen sidewalks to correct sidewalk uplift, cracking, and deteriorated brick work.
 - b. Widen existing tree wells and incorporate tree grates and/or pervious pavers.
4. Implement low-impact landscaping and stormwater features to reduce water runoff, reduce maintenance, and plan for anticipated stormwater regulation changes.
 - a. Install signature landscape features that will help detain, filter, and process storm water.
 - b. Install permeable pavement in select streetside parking areas.
 - c. Identify tree and other plant species needing lower levels of maintenance.
5. Improve pedestrian crossings.
 - a. Upgrade crosswalks.
 - b. Install new pedestrian signals and curb ramps to comply with current practice for persons with disabilities.
 - c. Adjust signal timing to prioritize pedestrians at key pedestrian-focused intersections.
6. Enhance safety, security, cleaning and landscape maintenance throughout the Downtown area, including the three study corridors. This could be provided by a business improvement district, modifications to the existing maintenance district, or other mechanisms. Services could also include programs such as an ambassador service.

7. Activate Grant Street with programming to improve connection to BART station.
 - a. Implement temporary uses and events along Grant Street where wide right-of-way appears to provide more capacity than needed.
 - b. Implement bicycle facilities along the corridor to better connect to Todos Santos Plaza.
8. Establish a Downtown Circulator (shuttle) to connect BART, Todos Santos Plaza, Park-and-Shop, and other key destinations via free or low-cost, easy-to-use transit service.
9. Investigate the reconfiguration of Oak Street along the City's Successor Agency parcel to improve walking and cycling connections to residents and amenities across Galindo Street.
10. Capitalize on the Downtown's appeal as a citywide cycling destination by ensuring it is a well-connected node in Concord's bicycle network and creating a cohesive approach to cycling within the three corridors, consistent with the findings of the Bicycle, Pedestrian, and Safe Routes to Transit Plan.
 11. Work with County Connection to provide additional bus shelters and other street furniture designed to improve the experience of transit riders.
 12. Coordinate the design of both the public and private realms, considering the local context and the Todos Santos Design Guidelines.

3.2 Constraints

1. Balancing pedestrian and cyclist activity with automobile circulation.
 - a. Limited right-of-way is available to accomplish all desired objectives.
 - b. Major streets are barriers to pedestrians and cyclists.
2. Numerous curb-cuts for driveways serving existing businesses that interrupt pedestrian paths.
3. Some existing buildings are oriented away from the street or are designed wide with setbacks that do not contribute to a lively street experience.
4. Limited near-term potential for development of privately-owned vacant parcels.
5. High-traffic volume intersections that result in difficult pedestrian crossings at major and wide roadways such as Galindo Street, Concord Boulevard, and Clayton Road.
6. Complexity of existing utilities and lack of survey data for all streets.
7. Lack of dedicated funding source for capital improvements.
8. Safety and security are a concern, particularly at night, along the corridors and at Todos Santos Plaza.



Downtown Corridors Plan Existing Conditions



EXHIBIT B

November 2015

Acknowledgements

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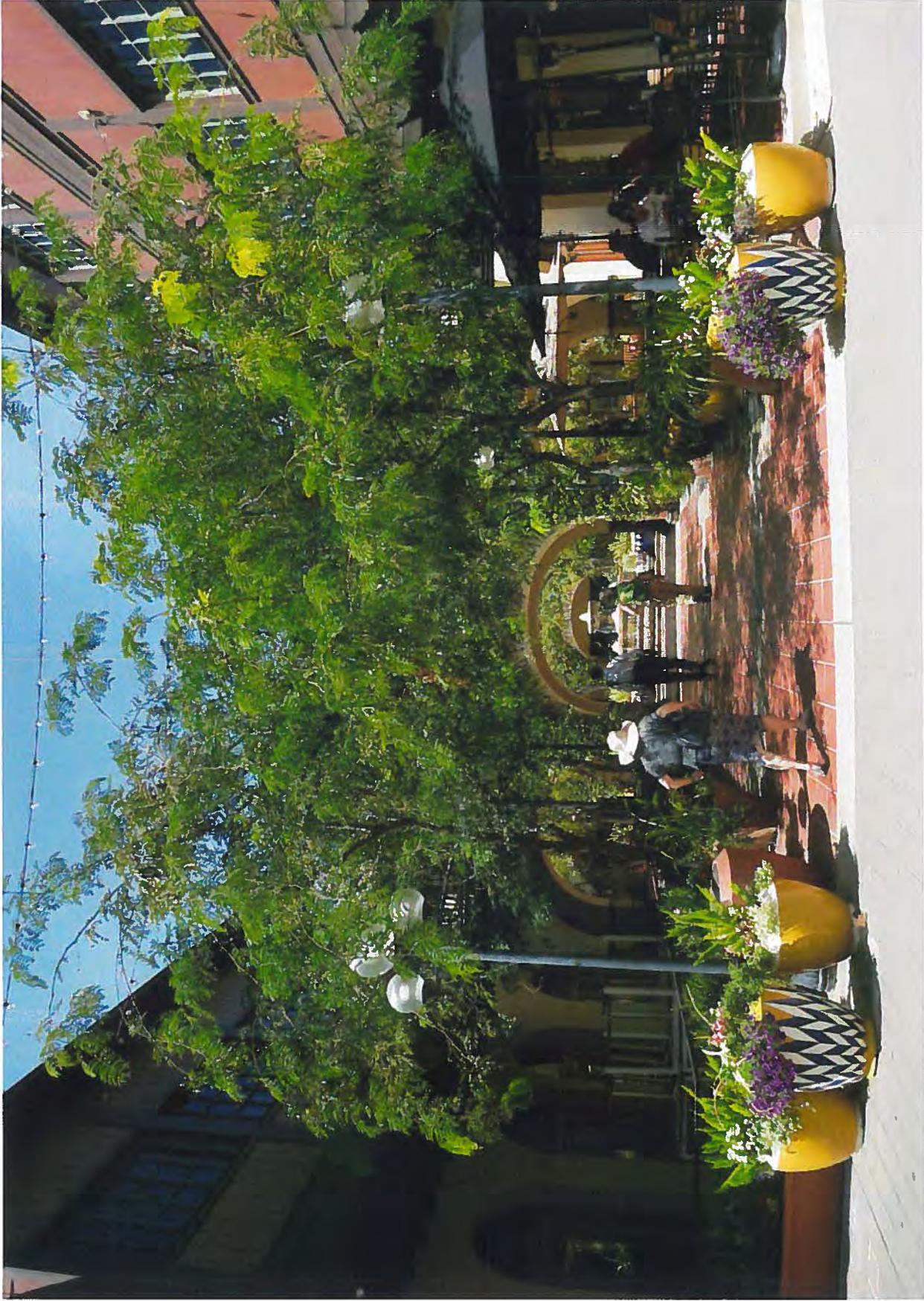
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Downtown Corridors Plan

Existing Conditions

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Salvo Pacheco Square provides pedestrian amenities and an active street frontage with outdoor seating.

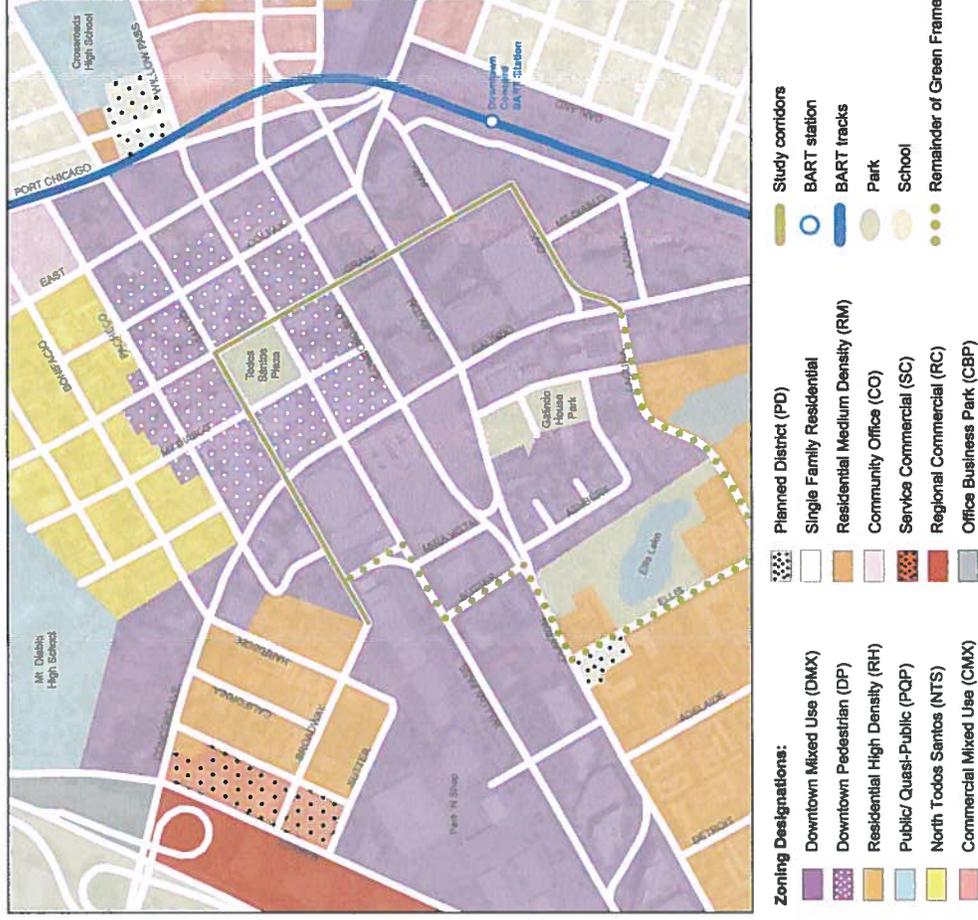
1 Introduction

The Concord Downtown Corridors plan focuses on revitalizing Concord's downtown area by enhancing three critical corridors that connect residents and visitors to transit, retail, and employment opportunities.

Building on the community's vision as set forth in the Downtown Specific Plan (adopted in 2014), this study focuses on enhancing the pedestrian environment in the downtown area. The three study corridors form the eastern half of the 'green frame' conceptualized in the Specific Plan: Oak Street, Grant Street from Oak Street to Salvia Street, and Salvia Street from Grant Street to Broadway. This plan will produce design guidelines and conceptual designs for the public right-of-way along the three study corridors based on the direction started in the Downtown Specific Plan.

The focus of this plan is similar to the Downtown Specific Plan, on a smaller scale. Concord has long planned for a more urban, mixed use environment around the BART station and Todos Santos Plaza. The mixed use zoning designations that pre-dated the Specific Plan are not sufficient to transform the area, to make it apparent to passengers arriving at the Concord BART station that they are in a downtown, pedestrian-friendly environment and that Todos Santos Plaza is very nearby. With zoning in place to encourage private development, the City's main focus in this study will be redesigning and transforming the public right-of-way, within the City's direct control, to support the kinds of residential, retail, and employment-generating development envisioned for the area.

Downtown Corridors Plan Study Corridors

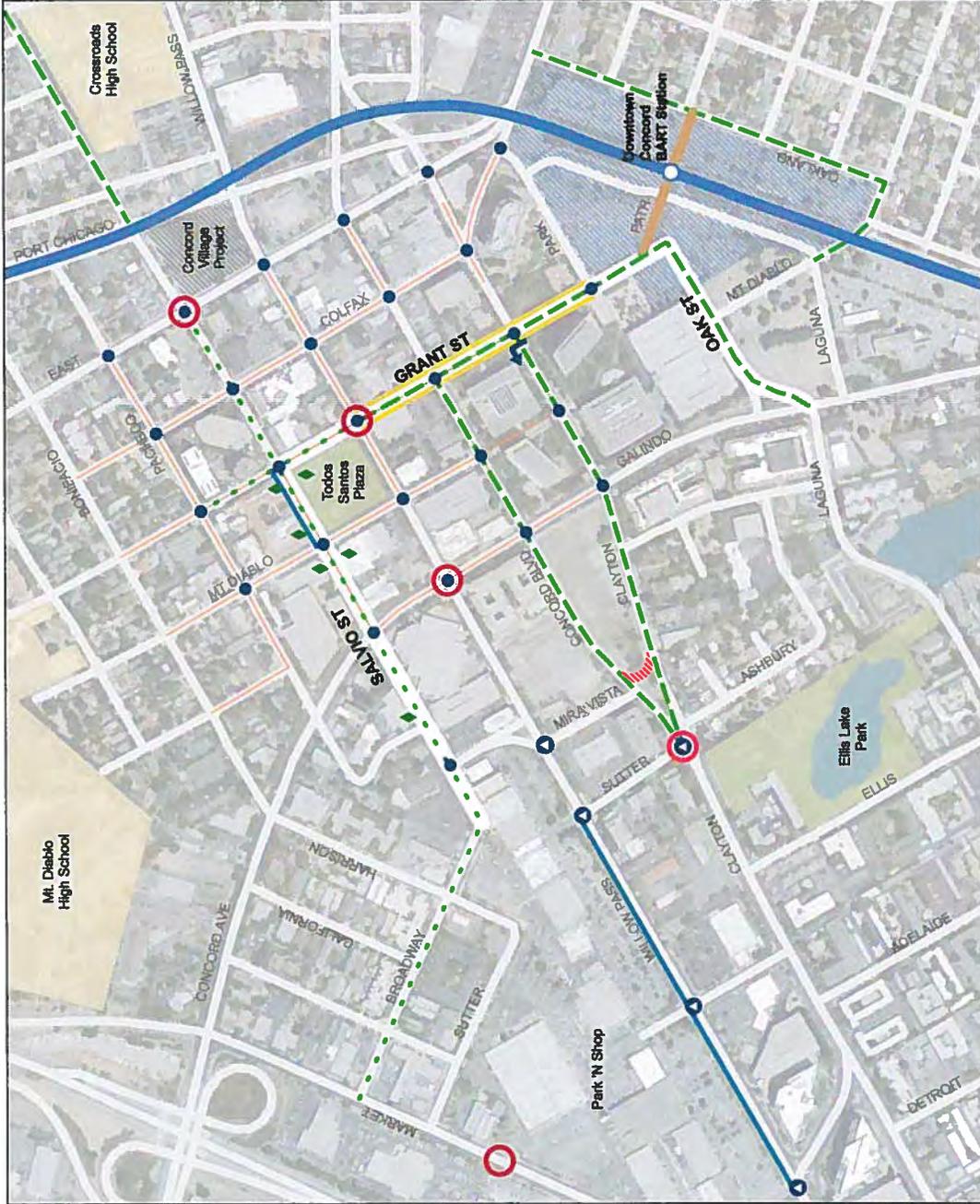


The study will reinforce policy from the Downtown Specific Plan, including conceptual designs for Grant Street, as well as the City's General Plan, including Complete Streets policy guidance for all Downtown Streets (page 4), and zoning. It will also be coordinated with the progress of a number of ongoing projects and regulations (see pages 2 and 3).

Downtown Corridors Plan Ongoing Projects

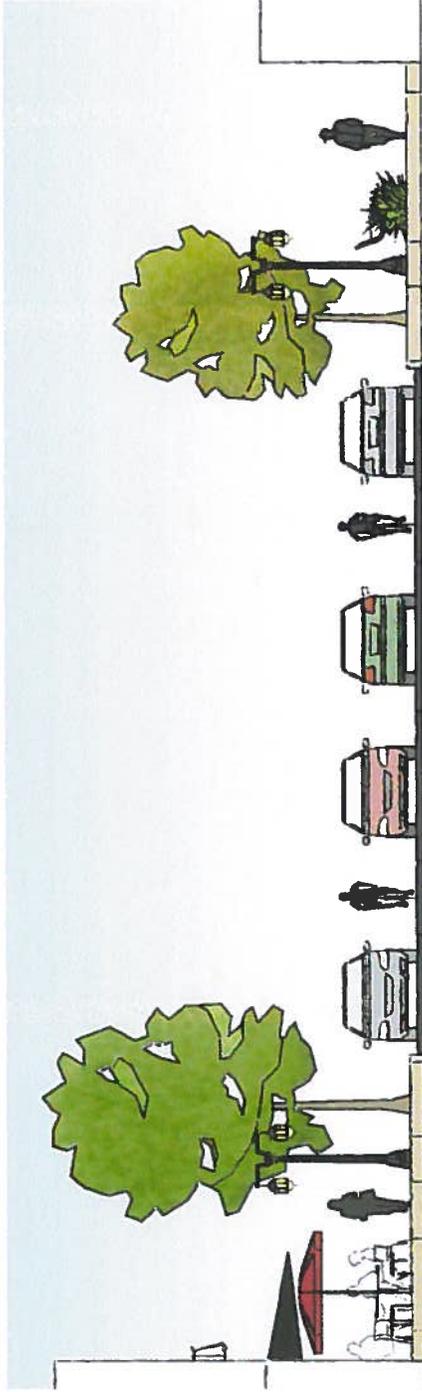
- Under Planning/Design**
- Class III Bike Route (sharrows)
 - Class II Bike Route (bike lanes)
 - Grant/Clayton left turn walk phase
 - Sidewalk and landscaping upgrades
 - Crosswalk upgrades
 - Decorative crosswalk
 - Traffic Signal Upgrades
 - New Traffic Signal
 - Potential Development Project
 - Concord/Clayton Couplet Removal

- Under Implementation**
- BART Pedestrian Path
 - BART Plaza Improvements
 - Sewer and Streetscape Phase 2
 - Tree lighting
 - New bike rack
 - BART station
 - BART tracks
 - Park
 - School



Downtown Corridors Plan Ongoing Projects

Project	Description
Central Concord Pedestrian Improvements and Streetscape Project	Rehabilitate crosswalks at 30 intersections (pothole repair, re-staining of colored concrete crosswalks), improve curb ramps on Grant and Salvio Streets, bicycle racks and lanes on Grant Street, striping and sharrow on Salvio Street, update wayfinding at BART plaza, refurbish pedestrian light poles and “twinkle” tree lighting on Grant Street.
Bicycle, Pedestrian, and Safe Routes to Transit Plan	Master plan to improve the city’s bicycle and pedestrian networks and infrastructure.
Concord BART Plaza Improvements	Bicycle lanes on Grant and Oak Streets, additional pedestrian lighting along Grant Street, new pedestrian walkway from BART entrance to Grant Street, relocated taxi and Kiss ‘N Ride parking, new wayfinding signage.
Downtown Concord Bicycle Lane Improvements	Bicycle routes and lanes on Clayton Road, Concord Boulevard, Grant Street, Oakland Avenue, and Mt. Diablo Street. Sidewalk construction and widening on Clayton Road and Grant Street (east side between Concord Boulevard and Willow Pass Road).
Downtown Sewer and Streetscape Improvements	Phased replacement and rehabilitation of sewer system, street paving and striping, sidewalk repair on portions of Grant Street, selected curb replacements.
Salvio Street Improvements at Mt. Diablo Street	Remove diagonal parking along north side of Salvio Street east of Mt. Diablo Street, improved sidewalk conditions at intersection.
Salvio Street Bicycle Lanes	Bicycle sharrow on Salvio Street from Port Chicago Highway to Parkside Drive.
Willow Pass Road and Nearby Intersections Traffic Signal Upgrades	Traffic signal upgrades and new signals at a number of downtown intersections; add protected left turn phasing, ADA upgrades on Willow Pass Road.



Downtown Streets configuration options from the General Plan Complete Streets section. All three study corridors are designated as Downtown Streets, with one lane of travel in each direction, bicycle facilities, and pedestrian amenities.



Pedestrian-oriented sidewalks on Salvio Street.

2 Existing Conditions

This section describes the existing conditions along the three study corridors. Beginning with a general description of the corridors, it then discusses both the streetside (the public right-of-way extending from the property line to the curb) and the traveled way (the portion between the curbs, generally for vehicle travel).

2.1 General Character

The Grant, Salvio, and Oak Street corridors serve as important places in Downtown Concord and as multi-modal connectors that link the area to important destinations nearby. Grant and Salvio Streets host and facilitate popular community events and life, and all three corridors serve as a backbone that connects destinations such as Park 'N Shop, Todos Santos Plaza, Downtown Concord BART station, and nearby residential communities. The streets host pedestrian, bicycle, transit, and automobile traffic, and intersect a number of major arterials that move significant traffic volumes through the downtown, including Galindo Street, Concord Boulevard, and Clayton Road.

The study corridors generally include sidewalks, crosswalks, street trees, and landscaped buffers from traffic. Land uses along the corridors are mixed, and include above- and below-ground parking garages, parking lots, retail and services, eating and drinking establishments, Todos Santos Plaza, and several vacant lots. Todos Santos Plaza plays host to a number of popular community events, including a daytime farmer's

market on Tuesdays and Thursdays, a nighttime summer concert series, and a Monday night "Off the Grid" food truck festival. During Off the Grid and other events that generate heavy activity the block of Grant Street adjacent to the plaza are closed to auto traffic.

Although some portions of the corridors have well-defined street edges and continuous building frontage, particularly along the eastern portion of Salvio Street, there are many 'gaps' in the street edge where there are no active uses to generate foot traffic and vibrant street activity. This is particularly true on Oak Street, where uses include a parking garage and vacant land. The vacant land is owned by the Successor Agency to the city's former Redevelopment Agency. The land will be transferred to the City for future development, subject to the Downtown Specific Plan. Once the City is able to clear procedures required by the State of California, the City will issue a request for proposals (RFP) for a developer to build a transit-oriented project consistent with General Plan and zoning designations for the site. Gaps are compounded by numerous and large curb cuts for parking and driveway entrances.

Although multiple types of street users do use the corridor, the quality of conditions for pedestrians and cyclists varies considerably along all three corridors. Pedestrians on each of the corridors must contend with narrow, broken, uneven, and occasional missing sidewalks; long roadway crossings and auto-oriented signal timing; a lack of seating and uncoordinated street furniture; poor or nonexistent street lighting, and limited wayfinding guidance. Cyclists do not have

marked or dedicated facilities on any of the study corridors, leading many to travel on the sidewalks, and bicycle parking is limited. Transit riders face limited stop amenities, although the BART plaza project will substantially improve the area immediately around BART.



This sidewalk on Grant Street has good paving, width, lighting, shade trees, and a generous buffer from traffic.



Todos Santos Plaza is a busy, pedestrian-oriented focal point for activities in the downtown.

2.2 The Streetside

The streetside includes both sides of the street, from the curb to the property line, which often can be the building edge. The streetsides on each corridor vary in amenity and quality.

2.2.1 Sidewalk Conditions

Sidewalks on the corridors vary significantly. Generally paved in concrete, the clear path of sidewalks on the study corridors are as narrow as 4 feet or as wide as 12 feet. Sidewalks usually include buffers from street traffic. There are portions of each corridor that present challenges to pedestrians, including cracked and uneven sidewalks, as well as very long curb cuts due to driveways serving businesses along the corridors and sloped sidewalks.



Disrupted pavement like this broken bricking on Grant Street are common and are a hazard to pedestrians.



Cracked and uneven sidewalks, as shown here on Oak Street, are common along the study corridors.



Sidewalks surrounding Todos Santos Plaza are of high quality, with smooth paving, consistent lighting, greenery, street furniture, and a sufficient buffer.

2.2.2 Landscape Character

Prominent street trees within the project corridor include *Carpinus fastigiata* (European Hornbeam), *Koelreuteria paniculata* (Golden Rain Tree), *Liriodendron tulipifera* (Tulip Tree), and *Platanus racemosa* (California Sycamore). Smaller ornamental trees such as *Lagerstroemia indica* (Crape Myrtle) are used to define gateways and add vertical vegetation in raised planting areas. The majority of street trees are planted without a tree grate, using crushed fines or soil as a topdressing within the paving cutout. Thoughtful pruning of mature trees occurs throughout the corridor. Some die back and branch failure was detected in trees that display signs of irrigation reduction. *Koelreuteria paniculata* (Golden Rain Tree) displays significant drought stress in most areas, however the trees planted with tree grates appear to be in greater health. Some root girdling occurs on trees where planter space is limited and soil compaction has occurred due to pedestrian traffic.

Prominent existing groundcover types along the project corridor include *Hedera helix* (Ivy), *Hemerocallis* sp (Day lily), carpet roses, *ficus pumila* (Creeping Fig). Groundcover planting scale remains relatively low to the ground, allowing the tree planting to be the main vertical element. Many planting areas along the sidewalks have been cleared of groundcover and shrub vegetation and replaced with decomposed granite or similar material, leaving only tree planting.



Permanent planters on Salvio Street.



Common large planter style.

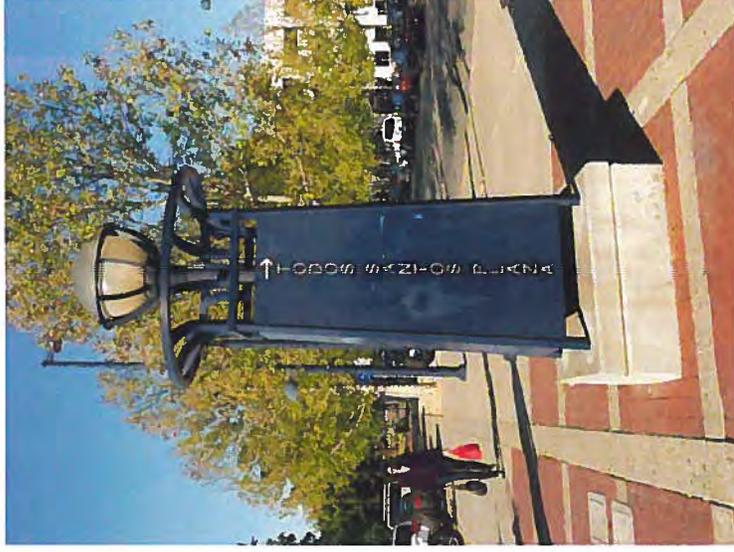


Trees surrounded by decomposed granite along Grant Street.

2.2.3 Wayfinding and Signage

The study corridors feature two types of wayfinding signs. Near the BART station, prominent mid-night-blue fixtures point towards destinations such as Todos Santos Plaza or the BART station. Atop these distinctive fixtures are globe street lights. Closer to the plaza, decorative wayfinding kiosks list the surrounding businesses, highlight Downtown activities, and provide large lockable display cases. However, this large amount of information can make wayfinding difficult.

BART is finalizing the redesign of their plaza to improve the experience for pedestrians and bicyclists, including additional wayfinding. Construction is expected to begin in early summer 2016.



Three dark blue wayfinding signs on the BART property direct pedestrians to locations nearby.



Modern wayfinding sign near Todos Santos Plaza, including a business directory and map.

2.2.4 Lighting

All three study corridors have, at a minimum, street lighting focused on the vehicle portion of the street. There are pedestrian-scale (lower, facing the sidewalk) lights on several of the blocks on the corridors. As shown on the facing page, there is a variety of street and pedestrian lighting on the blocks in the study corridors.



Type 2 - 'Flat-round' pedestrian-scale light.



Type 4 - 'Modern' pedestrian-scale light at Todos Santos Plaza.



Type 1 - Cobra street light on Salvio Street.



Type 3 - 'Globe' pedestrian-scale light on Grant Street.



Type 5 - 'Half-globe' combined street and pedestrian-scale light in the BART station area.

Downtown Corridors Plan Lighting

Street Lighting

- Type 1 - Cobra
- Type 2 - 'Flat-round'

Pedestrian Lighting

- Type 3 - 'Globe'
- Type 4 - 'Modern'

Combined Street and Pedestrian Lighting

- Type 5 - 'Half-globe'

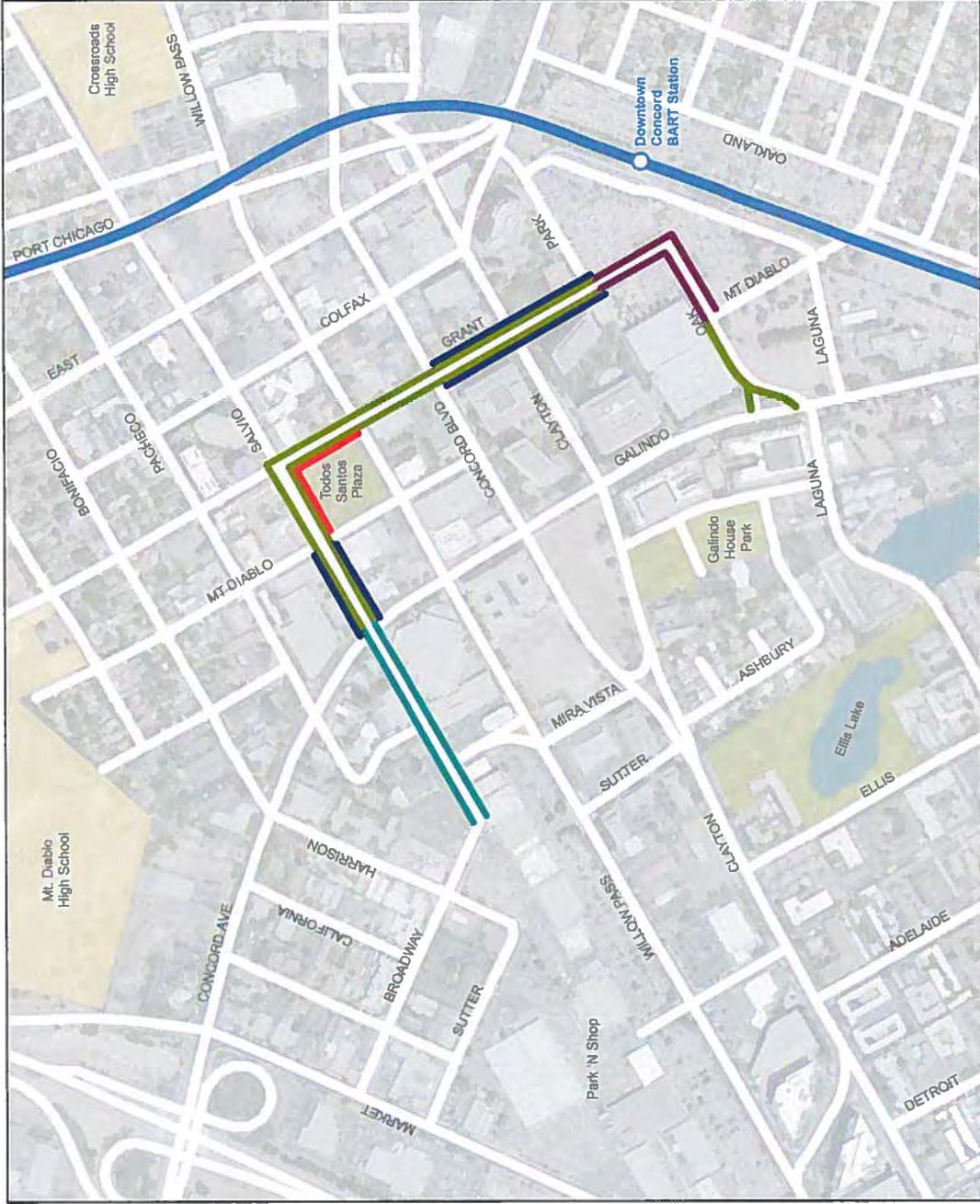
BART station

BART tracks

Park

School

Water



2.2.5 Street Furniture

Most of the street furniture in the study corridors is clustered on the sidewalks near Todos Santos Plaza. Immediately surrounding the plaza, benches, tables, water fountains, and the iconic clock invite passersby to slow, sit, and relax. Many of the businesses lining the plaza enliven the sidewalk with tables, planters, and signs. Farther away from the plaza, street furniture becomes sparser. The occasional planter beautifies the streetscape and may act as ad hoc seating. Trash receptacles are provided at some intersections. In general, however, street furniture is limited on Salvio Street and Grant Street and is lacking entirely on Oak Street.

Multiple types of movable street planters occur. The most prominent type is a circular grey concrete planter with blue tile inlay detailing, found mostly toward intersections and sidewalk enlargements or bulb outs. In some cases planters impede path of travel. Smaller concrete planters within the corridor in earth tone or terra cotta colors offer cohesiveness to existing architectural color palettes.



Street furniture at Todos Santos Plaza is well-used. Benches in this area are ornate metal in a deep blue finish.



The iconic clock in Todos Santos Plaza enhances the ambiance of the area.



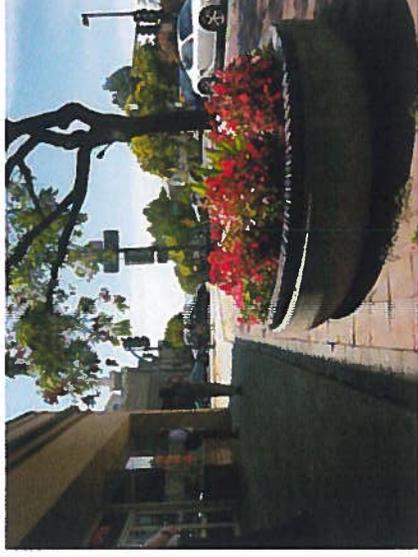
Water fountain and trash receptacle at Todos Santos Plaza.



Salvio Street behind Park 'N Shop has limited pedestrian amenities (tree wells have been removed) and faces the 'back side' of the building.



Sidewalk café seating, common near Todos Santos Plaza, enlivens the street.



A common planter along the study corridors, typically near intersections in sidewalk enlargements or bulb-outs. In some cases, planters impede the path of travel.



Street furniture and active uses become more sparse on the southern end of Grant Street.



With more active uses and more inviting street furniture, this connecting pathway between Salvio Street and Park 'N Shop could become vibrant and busy.

2.2.6 Accessibility

Accessibility for persons with disabilities is important for the Downtown to ensure access to shopping, transportation, and services. However, it is also important for others – people with strollers, the elderly, and all people who value a comfortable pedestrian experience benefit from an accessible place, and Downtown business owners benefit from the potential for additional customers. Currently, the study corridors vary substantially in their level of accessibility and none provides a smooth, easily-navigable path from end to end. Most, but not all street corners have curb ramps and the signal buttons do not line up appropriately with the crosswalks. This condition can make it difficult for people with low or no vision to be certain they are crossing in a safe portion of the roadway. In addition, signal buttons are found at most signals intended for the visually impaired, but some signals are equipped with older models not intended to assist the visually impaired with navigation. While many intersections include truncated domes to indicate to visually impaired pedestrians that they are approaching an intersection, not all intersections have these, and not all are lined up correctly with crosswalks to assist with navigation into the crosswalk. In addition, at some private driveways along Grant and Salvo Streets there are strips of truncated domes. Since the standard is to put such warnings near places that are unsafe, these strips could cause confusion for visually impaired walkers.



Moving around this bus shelter on Concord Boulevard and Grant Street can be hazardous with the narrow passage and jagged pavement.



Not all intersections have curb cuts.



The alignment of the signal button, ramp, and crosswalk here all support navigation for visually impaired walkers.

2.3 The Traveled Way

2.3.1 Pedestrian Crossings

There are three main types of crosswalks in Downtown Concord: colored pavement, parallel painted lines, and high-visibility ladder design. Around Todos Santos Plaza, most of the crosswalks are created with colored pavement, giving drivers a visual alert that they are entering a pedestrian space. Surrounding the Downtown Concord BART station, some are high-visibility ladder crossings, and the remainder are parallel painted lines. Beyond the immediate area around Todos Santos Plaza and the BART station, crosswalks vary widely, and primarily consist of parallel lines. At some intersections, the crosswalk consists of white concrete standing out somewhat from the darker road.

Auto traffic generally has priority along the study corridors, including signal timing at major crossings such as Galindo Street, Clayton Road, and Concord Boulevard resulting in substantial waits for pedestrians traveling on the three study corridors. If pedestrians do not press the walk signal button there will be no walk signal, making walkers feel less welcome and sometimes extending a walk trip to last longer than necessary.

Surrounding Todos Santos Plaza are the most comfortable pedestrian crossings in the three corridors. Many of these crossings feature bulb-outs to slow traffic, reduce the time and distance for crossing, and increase pedestrian visibility. Some include alerts painted in the street for drivers.



Bulbouts reduce pedestrian crossing distances and improve safety.



Colored pavement crosswalk.



This crossing at Oak and Galindo is the longest of the study corridors, at over 200 feet. Crossing from the apartments opposite takes nearly three minutes, and some choose to cross directly — and illegally — instead.



Painted lines crosswalk, with ladder striping for added visibility.

2.3.2 Transit Service

The study area is served by Bay Area Rapid Transit (BART) regional commuter trains, and by County Connection. Riders of both systems access transit via the study corridors -- from the west/Monument neighborhood via Laguna Street to Oak Street, and from the north via Grant Street from Todos Santos Plaza and other Downtown destinations. For this reason, both BART and County Connection are also interested and supportive of improving pedestrian, bicycle, and bus access to the BART station and nearby destinations.

BART provides service throughout the region from the Concord station, which is on the Pittsburg/Bay Point line. Service starts early on weekday mornings (just after 4 a.m.) and concludes just after midnight, with frequencies of less than ten minutes at peak commute hours and 15 minutes in the middle of the day. Service on weekends is generally every 20 minutes.

BART is currently preparing a 'last mile' study to facilitate access by modes other than single-passenger autos, building on its 2003 BART Station Access Guidelines, which establish a hierarchy placing walking at the top of the list, followed by transit, bicycles, pick-up/drop-off, and vehicle parking. BART expects to have some funding in the future to support access to stations following that hierarchy. The BART Plaza project mentioned in Section 1 will complement the corridor improvements proposed by the Downtown Corridors Plan, primarily through a redesign of the plaza to provide a direct

pedestrian line of travel between the station and Grant Street, as well as a more comfortable pedestrian environment and improved wayfinding in the immediate vicinity of the station.

Several County Connection transit routes run along or near the study corridors, converging at the BART station, which serves as a transfer point between routes and to the BART system. Most routes have long headways, ranging between 30 and 60 minutes, with Routes 11 and 20 attracting the most riders. Buses to Diablo Valley College are full at peak hours. Eight all-day and commuter weekday lines and three weekend lines serve the corridors. Some of these routes provide service between the BART station and Todos Santos Plaza, but with low frequency service often making it quicker to walk downtown. Transit patrons may not realize they are within a few blocks of the Plaza, due to limited signage. New signage will be installed as part of the BART plaza project.



Signpost stop on Oak Street.



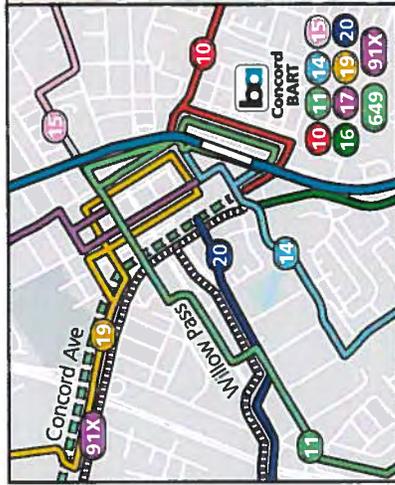
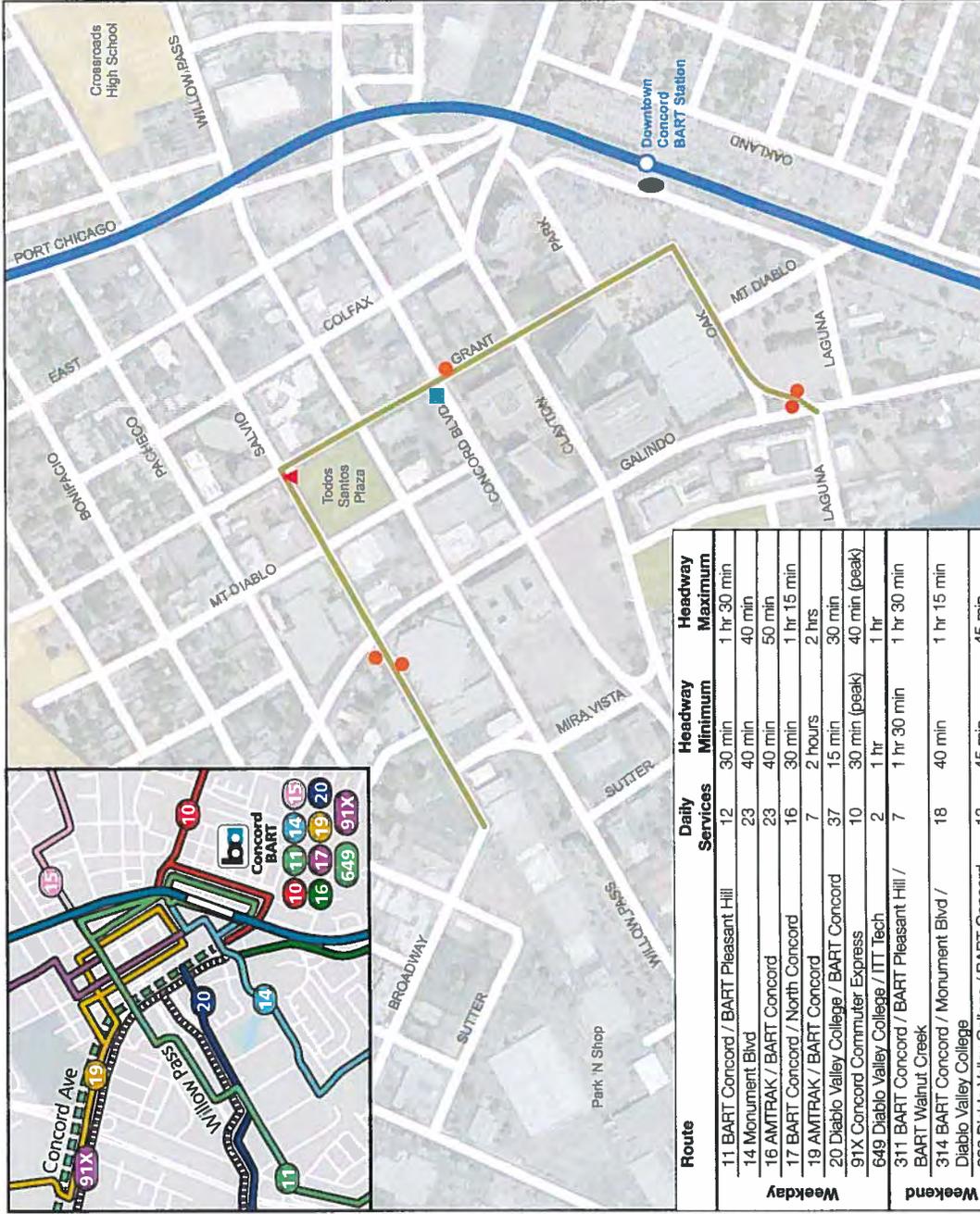
The only bus shelter on the study corridors encroaches into the sidewalk.



Bus stop including bench at Todos Santos Plaza.

Downtown Corridors Plan Transit Stops and Signage

- Transit Stop Types:**
- Bus Stop Sign Post, Typical
 - Bus Shelter
 - ▲ Bus Bench
 - Bus Transfer Station
- Study corridors**
- BART station
 - ▬ BART tracks
 - Park
 - School



Route	Daily Services	Headway Minimum	Headway Maximum
11 BART Concord / BART Pleasant Hill	12	30 min	1 hr 30 min
14 Monument Blvd	23	40 min	40 min
16 AMTRAK / BART Concord	23	40 min	50 min
17 BART Concord / North Concord	16	30 min	1 hr 15 min
19 AMTRAK / BART Concord	7	2 hours	2 hrs
20 Diablo Valley College / BART Concord	37	15 min	30 min
91X Concord Commuter Express	10	30 min (peak)	40 min (peak)
649 Diablo Valley College / IIT Tech	2	1 hr	1 hr
311 BART Concord / BART Pleasant Hill / BART Walnut Creek	7	1 hr 30 min	1 hr 30 min
314 BART Concord / Monument Blvd / Diablo Valley College	18	40 min	1 hr 15 min
320 Diablo Valley College / BART Concord	13	45 min	45 min

2.3.3 Bicycle Facilities

There are no designated bicycle facilities within the corridors, although cyclists regularly visit the downtown area. Cyclists accessing downtown either ride on-street, without designated facilities, or, more frequently, on the sidewalk. For those cyclists who ride on-street, intersections present a particular challenge because right and left turns prioritizing auto movements across busy streets do not leave clear locations for cyclists to wait for lights to change or make turns themselves. A current project to provide bicycle parking in several locations along the study corridors will begin to address the lack of bicycle parking.

As noted in Section 1, Concord is currently completing a bicycle, pedestrian, and last mile to transit study. The community input survey identified citywide issues for cyclists, some of which appear applicable to the Downtown area:

- Needs for: continuous, dedicated space on arterials, improved access to BART, bicycle parking at key destinations, and bicycle wayfinding.
- Important destinations included: transit, stores, parks, community centers, schools, and work.
- Primary factors discouraging cycling: lack of dedicated space and concerns about safety.

Some of the projects described in Section 1 are advancing design of bicycle facilities on the study corridors and throughout the downtown.

2.3.4 Auto Facilities

All three study corridors are two-way, except for Grant Street on the block between Willow Pass Road and Salvio Street, framing Todos Santos Plaza. This configuration slows traffic and highlights the pedestrian uses in and around the plaza. Grant Street also intersects a one-way couplet: Concord Boulevard and Clayton Road are three-lane thoroughfares with daily traffic volumes of around 16,000 vehicles each. Grant Street has two vehicle travel lanes in each direction from where it begins at the BART station up to the short section framing the Plaza. A recent study of Grant Street counted an average of 4,000 vehicles per day. Galindo Street, which runs parallel to Grant Street and provides more connectivity, has levels of service C or better at the AM and PM peak traffic periods, according to the Downtown Concord Specific Plan Transportation Assessment (2014).

Parking is abundant along the study corridors, and throughout the Downtown area, as shown in the following Auto Movement and Parking Map. Along most streets both right lanes are reserved for non-metered parking, in some cases with a posted two-hour time limit. Within or near the corridors are several public and private parking lots and garages. Parking capacity is stretched during regular special events, such as evening concerts in Todos Santos Plaza during the Music and Market summer series.



Cyclists have parked their bicycles with their kickstands.



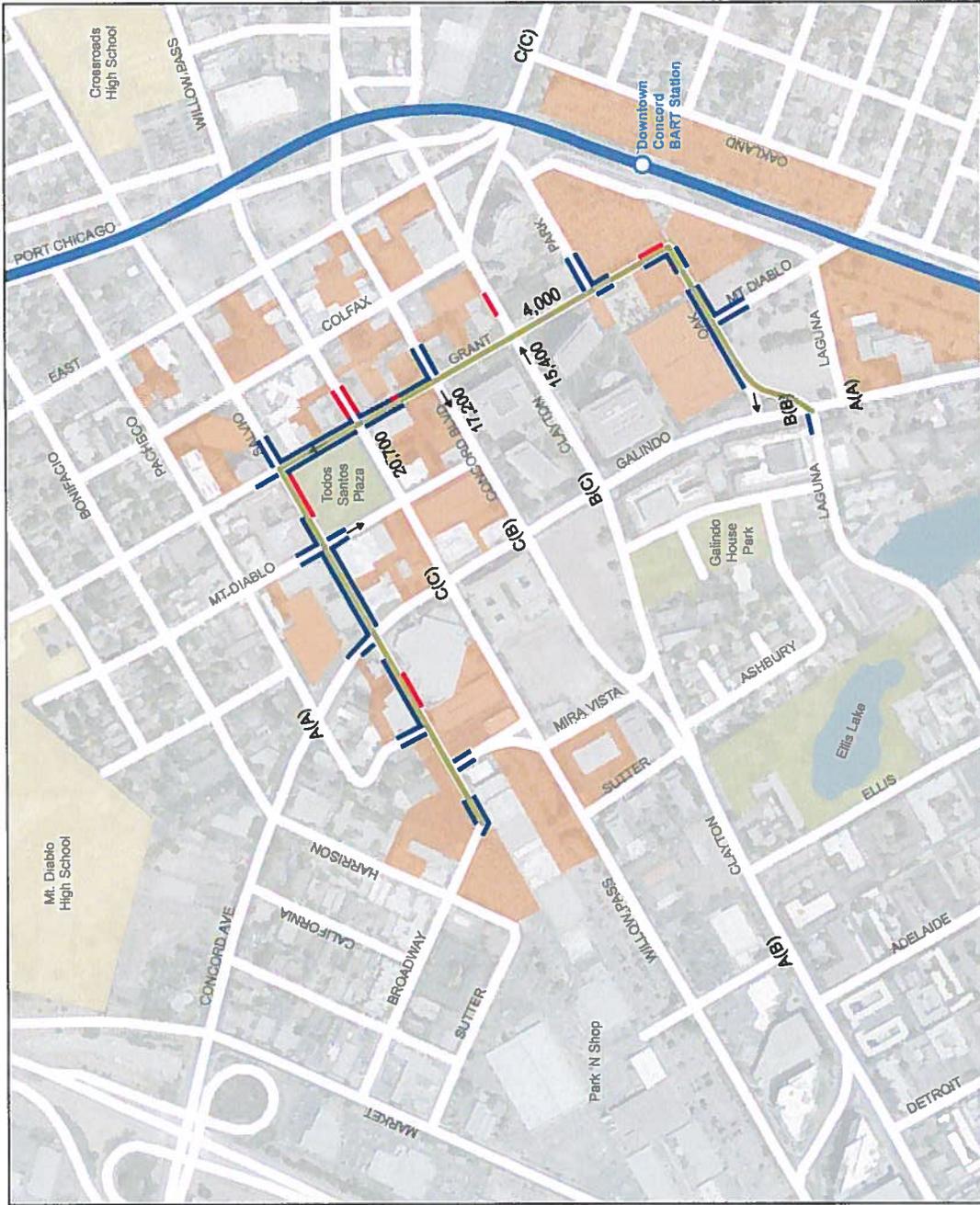
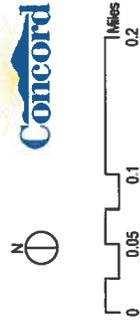
Bicyclist using the sidewalk.

Downtown Corridors Plan Auto Movement and Parking

Parking, Roadway and Service Designations:

- ← One-Way
- On-Street Parking
- Restricted On-Street Parking
- Off-Street Parking
- XX Existing Level of Service: AM peak (PM peak)
- XX,XXX Average Daily Traffic Count
- Study corridors
- BART station
- BART tracks
- Park
- School

Traffic data source: Downtown Concord
Specific Plan Transportation Assessment 2014

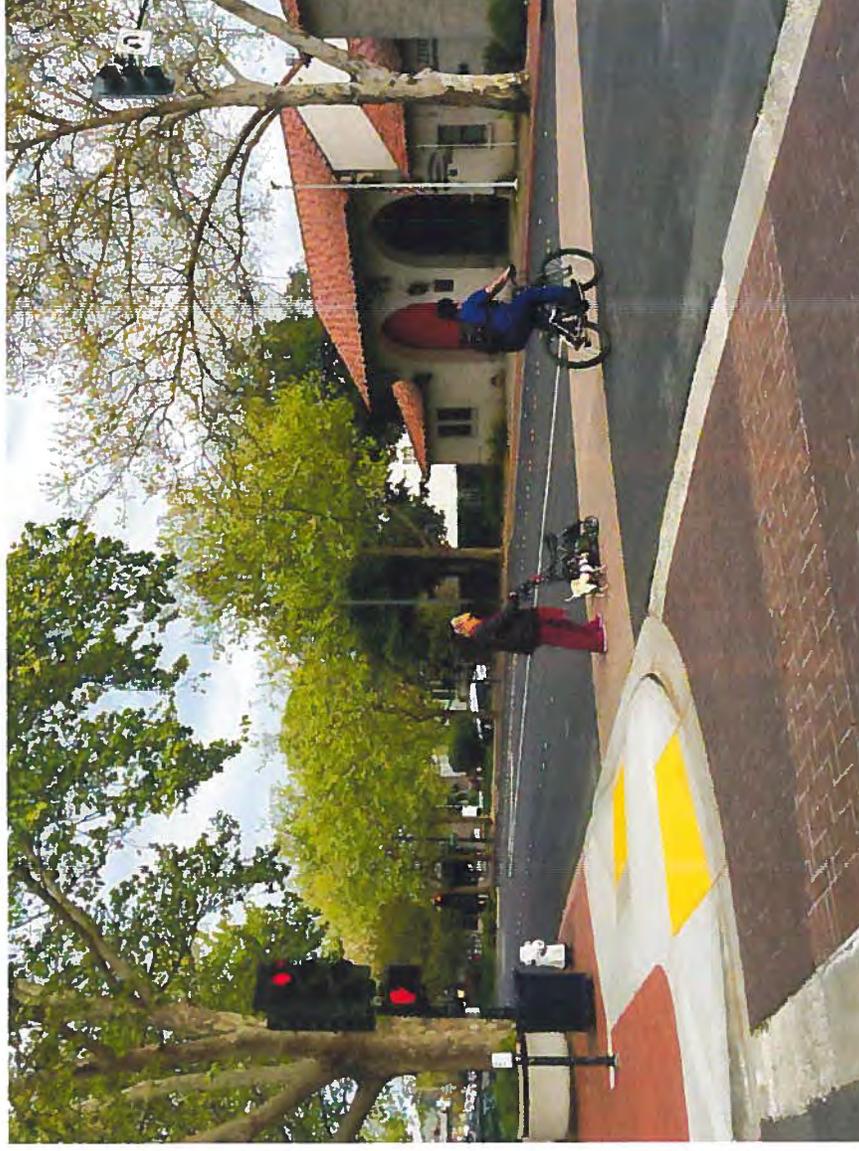


2.3.5 Safety

Pedestrian, bicycle, and traffic safety is an important issue in Downtown Concord, where high-volume streets with 30-35 mph speed limits, such as Galindo Street, Clayton Road, Concord Boulevard, Willow Pass Road, and Port Chicago Highway, result in an elevated risk of accidents and injuries. Based on the California Highway Patrol's traffic records system (SWITRS), there were over 50 collisions along the study corridors in the period from 2008 through 2012. Of these, nearly 1/3 involved a cyclist and/or pedestrian. Study corridor intersections with the most accidents of all types include:

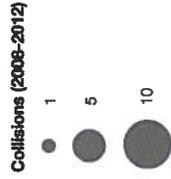
- Salvio Street at Galindo Street (6)
- Salvio Street at Mt. Diablo Street (4)
- Grant Street at Willow Pass Road (10)
- Grant Street at Concord Avenue (8)
- Grant Street at Clayton Road (9)
- Oak Street at Galindo Street (7)

Of the three study corridors, Grant Street had the most collisions, illustrating the importance of safety features for cyclists and pedestrians at Willow Pass Road, Concord Boulevard, and Clayton Road. Salvio Street had a greater incidence of accidents involving pedestrians, but fewer overall collisions of all types. The intersection of Oak and Galindo Streets was also a hotspot for accidents, including three involving bicycles.

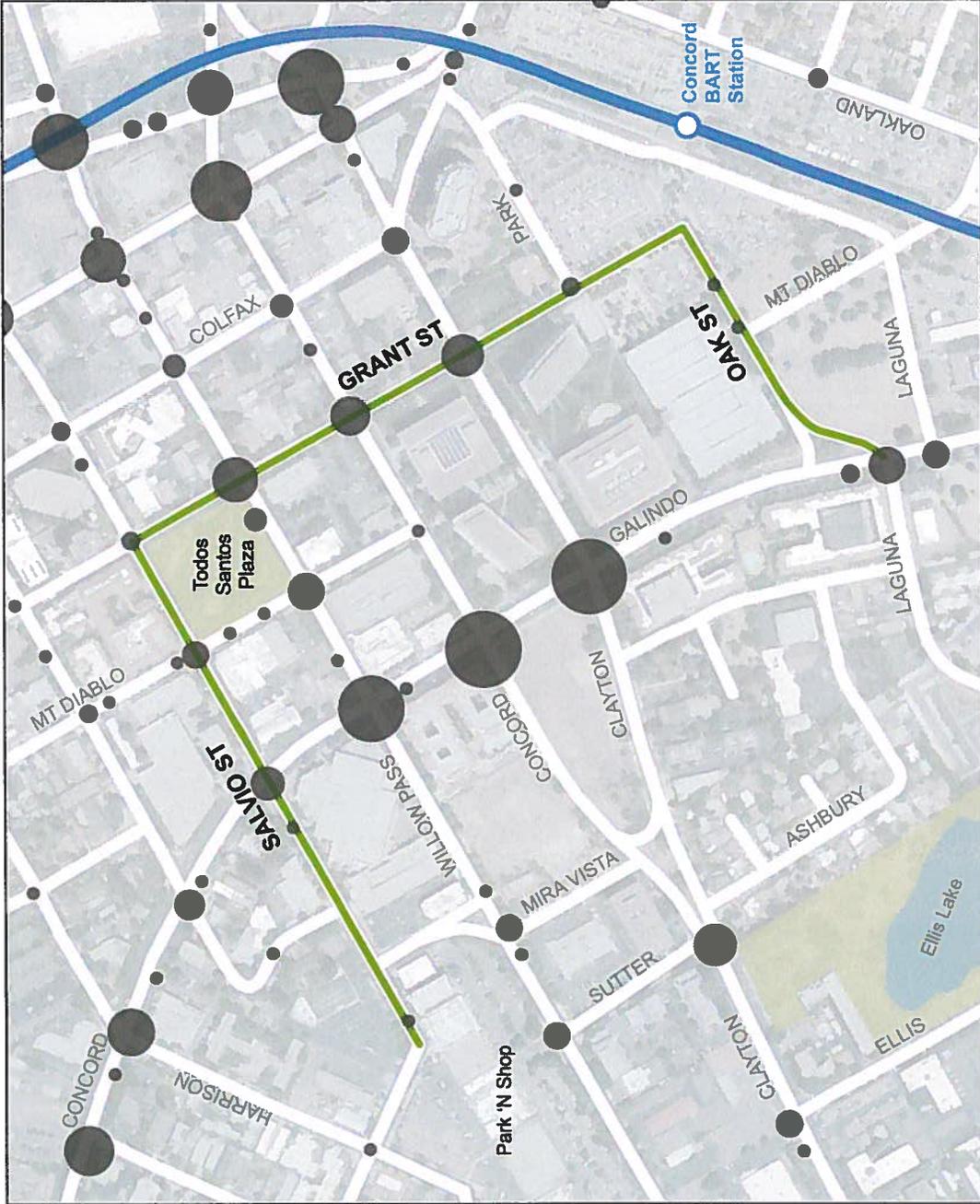
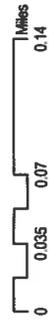


Pedestrian and cyclist using the crosswalk to cross Willow Pass Road at Grant Street.

Downtown Corridors Plan Collisions 2008-2012



Source: California Highway Patrol SWITRS



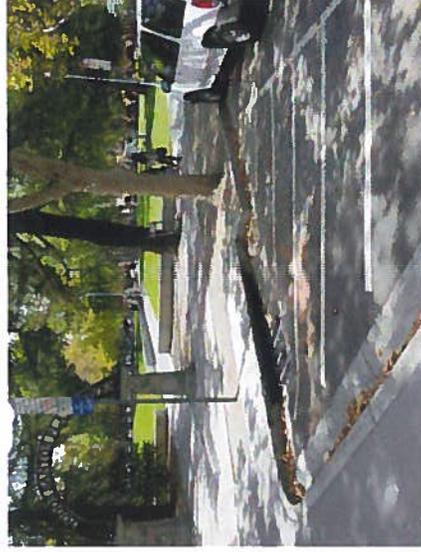
2.4 Stormwater and Low Impact Development

Concord is subject to the federal Clean Water Act, which regulates discharges from municipal separate storm sewer systems (MS4s) through National Pollutant Discharge Elimination System (NPDES) permits issued to local governments in the Bay Area via the San Francisco Bay Regional Water Quality Control Board. The Bay Area's MS4 permit is currently being revised in preparation for a re-issue in the near future, but if passed in its current form would require Concord to take several additional steps beyond current practice. These include a requirement to develop Green Infrastructure Plans to define a long-term approach to retrofit from 'gray to green' infrastructure. This means transitioning from existing impervious (water cannot absorb into it) surface and storm drains to green infrastructure that slows runoff by distributing it to rain gardens and other green spaces, allowing some or all of the water to percolate into the ground or evaporate. In addition, the City would be required to take additional measures to reduce trash loads in stormwater, and implement standards for pervious (allowing water to absorb) paving.

Drainage for the three study corridors consists of standard curb and gutter systems, in conjunction with crowned roadways. These facilities appear to be sufficient to avoid flooding, and staff report no recurrent flooding issues in the downtown area. However, if the MS4 permit is renewed in a form similar to that described above, the City's storm drainage system will need to be re-evaluated. The locations of stormwater drains and water flow are shown opposite. As shown in the photos on this page, there are a range of opportunities for green stormwater facilities, which can also provide attractive greenspaces.



Wide corner at intersection of Salvio and Broadway Streets, at a low spot where water will tend to drain.



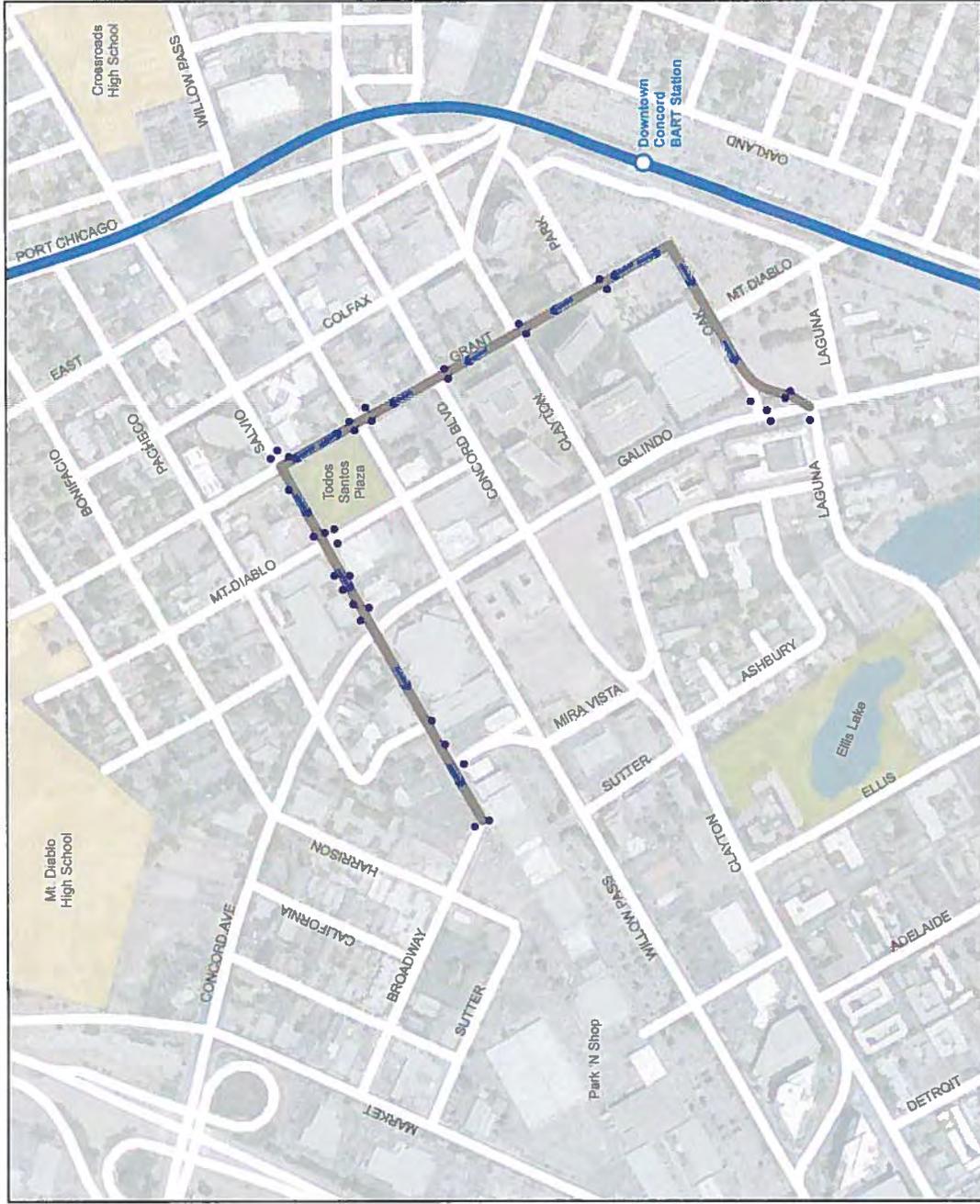
Existing storm drain near permeable and impermeable surfaces that present opportunities for bio-retention.



The roadway island at Oak and Galindo Streets could help mitigate potential flooding by absorbing stormwater.

Downtown Corridors Plan Existing Drain Inlets

- Observed stormwater drain inlet
- ➔ Presumed general flow direction by block








3 Opportunities and Constraints

Through the process of drafting this summary of existing conditions, as well as discussions with key stakeholders, the following opportunities for the study corridors have been identified, as well as constraints that the City will need to be aware of in developing designs for the study corridors.

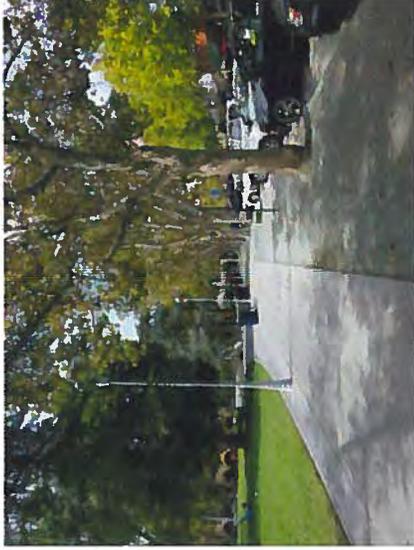
3.1 Opportunities

1. Use coordinated design and other approaches to establish a sense of place for the three corridors as part of an overall strategy to implement the Downtown Specific Plan. Street design must be complementary to BART plaza design and address the current inconsistent character, which does not contribute to a sense of place in the Downtown.
 - a. Create new street furniture 'catalogue' to offer a fresh look and additional amenities to the Downtown pedestrian area.
 - b. Improve wayfinding along the corridors with elements like better directional signage, posted walking travel times, and coordinated branding.
 - c. Upgrade and install pedestrian-oriented lighting along the corridors to improve safety, security, and reduce risk of injury.
2. Build upon Todos Santos Plaza's current range of successful programming to encourage a wide array of activities in the Downtown and along the three study corridors; this includes events requiring temporary street closures.

3. Improve sidewalks for accessibility and safety.
 - a. Reconstruct and, where possible, widen sidewalks to correct sidewalk uplift, cracking, and deteriorated brick work.
 - b. Widen existing tree wells and incorporate tree grates and/or pervious pavers.
4. Implement low-impact landscaping and stormwater features to reduce water runoff, reduce maintenance, and plan for anticipated stormwater regulation changes.
 - a. Install signature landscape features that will help detain, filter, and process storm water.
 - b. Install permeable pavement in select streetside parking areas.
 - c. Identify tree and other plant species needing lower levels of maintenance.
5. Improve pedestrian crossings.
 - a. Upgrade crosswalks.
 - b. Install new pedestrian signals and curb ramps to comply with current practice for persons with disabilities.
 - c. Adjust signal timing to prioritize pedestrians at key pedestrian-focused intersections.
6. Enhance safety, security, cleaning and landscape maintenance throughout the Downtown area, including the three study corridors. This could be provided by a business improvement district, modifications to the existing maintenance district, or other mechanisms. Services could also include programs such as an ambassador service.
7. Activate Grant Street with programming to improve connection to BART station.
 - a. Implement temporary uses and events along Grant Street where wide right-of-way appears to provide more capacity than needed.
 - b. Implement bicycle facilities along the corridor to better connect to Todos Santos Plaza.
8. Establish a Downtown Circulator (shuttle) to connect BART, Todos Santos Plaza, Park-and-Shop, and other key destinations via free or low-cost, easy-to-use transit service.
9. Investigate the reconfiguration of Oak Street along the City's Successor Agency parcel to improve walking and cycling connections to residents and amenities across Galindo Street.
10. Capitalize on the Downtown's appeal as a citywide cycling destination by ensuring it is a well-connected node in Concord's bicycle network and creating a cohesive approach to cycling within the three corridors, consistent with the findings of the Bicycle, Pedestrian, and Safe Routes to Transit Plan.
11. Work with County Connection to provide additional bus shelters and other street furniture designed to improve the experience of transit riders.
12. Coordinate the design of both the public and private realms, considering the local context and the Todos Santos Design Guidelines.

3.2 Constraints

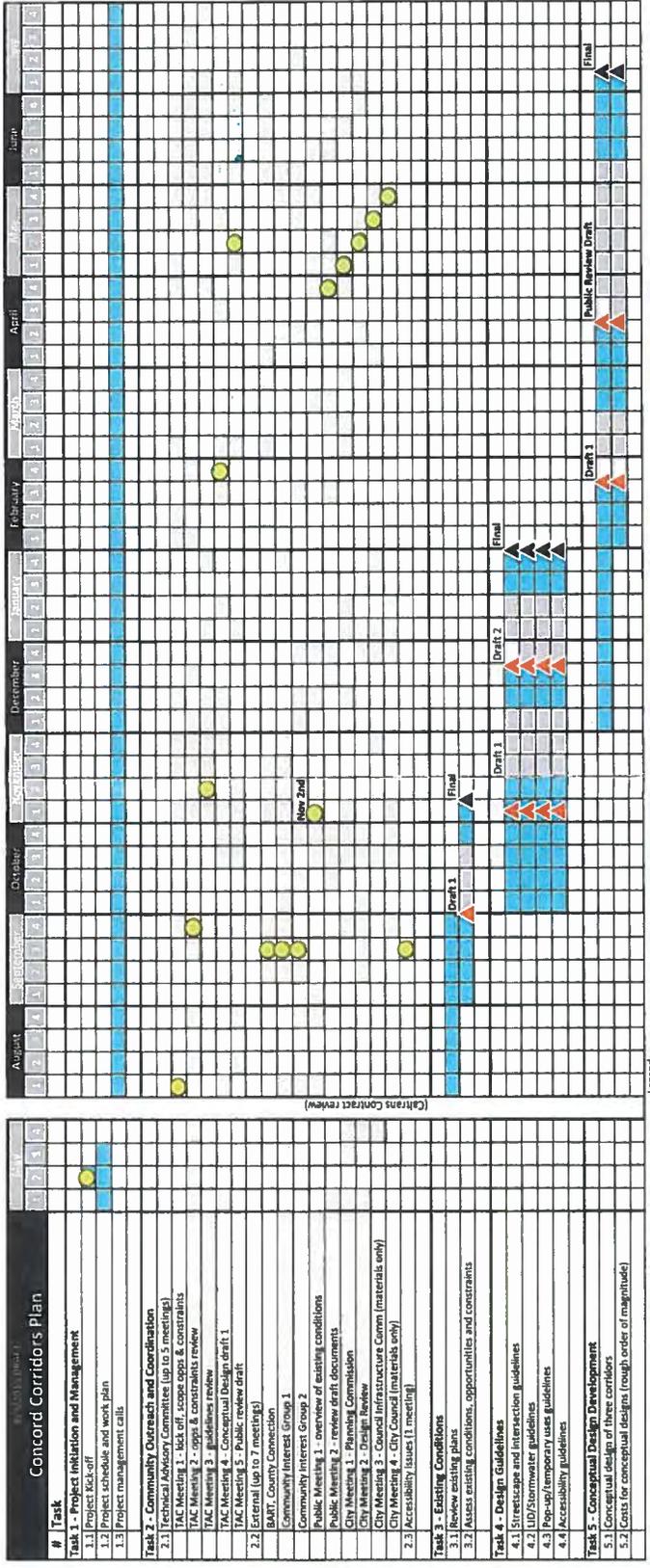
1. Balancing pedestrian and cyclist activity with automobile circulation.
 - a. Limited right-of-way is available to accomplish all desired objectives.
 - b. Major streets are barriers to pedestrians and cyclists.
2. Numerous curb-cuts for driveways serving existing businesses that interrupt pedestrian paths.
3. Some existing buildings are oriented away from the street or are designed wide with setbacks that do not contribute to a lively street experience.
4. Limited near-term potential for development of privately-owned vacant parcels.
5. High-traffic volume intersections that result in difficult pedestrian crossings at major and wide roadways such as Galindo Street, Concord Boulevard, and Clayton Road.
6. Complexity of existing utilities and lack of survey data for all streets.
7. Lack of dedicated funding source for capital improvements.
8. Safety and security are a concern, particularly at night, along the corridors and at Todos Santos Plaza.



November 2015

Downtown Corridors Plan
Existing Conditions





(Caltrans Contract review)