



REGULAR MEETING OF THE CITY OF CONCORD PLANNING COMMISSION

Wednesday, December 2, 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. 11/18/15 Meeting Minutes

2. [Renaissance](#) (UA 12-005, DR 12-028) – Application for a one-year extension of a Use Permit Amendment (UA 12-005) and Design Review (DR 12-028) approval for modification of the remaining construction of the Renaissance Project located at 1825 Galindo Street (temporary address). This entitlement and Addendum to the June 2004 Initial Study/Mitigated Negative Declaration were approved by the Planning Commission on December 4, 2013 and extended for one (1) additional year on October 15, 2014. The General Plan designation is Downtown Mixed Use; Zoning classification is DMX (Downtown Mixed Use); APN's 126-062-013, -014. The proposed use permit extension is not a project within the meaning of Section 15378 of the State CEQA (California Environmental Quality Act) Guidelines. If the proposed extension is a project under CEQA: (a) 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, and/or (b) no further environmental analysis is required because the June 2004 Initial Study/Mitigated Negative Declaration and Addendum to the June 2004 Initial Study/Mitigated Negative Declaration have been prepared and none of the factors calling for subsequent environmental review are present, including under Public Resources Code Section 21166 and CEQA Guidelines Section 15162. **Project Planner: Frank Abejo @ (925) 671-3128**

VI. PUBLIC HEARINGS – None**VII. STUDY SESSION**

1. [Subdivision Ordinance Update](#) – Ryan Lenhardt, Senior Planner @ (925) 671-3162

VIII. COMMISSION CONSIDERATIONS**IX. STAFF REPORTS / ANNOUNCEMENTS****X. COMMISSION REPORTS / ANNOUNCEMENTS****XI. FUTURE PUBLIC HEARING ITEMS****XII. 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 16, 2015: 6:30 pm – Council Chambers

January 6, 2016: 6:30 pm – Council Chambers

DATE: December 2, 2015

SUBJECT: RENAISSANCE PROJECT USE PERMIT AMENDMENT (UA 12-005) AND DESIGN REVIEW (DR 12-028)

Recommendation: Adopt Resolution No. 15-16 PC, approving a one-year extension of the approval for the Renaissance Project Use Permit Amendment (UA 12-005) and Design Review (DR 12-028).

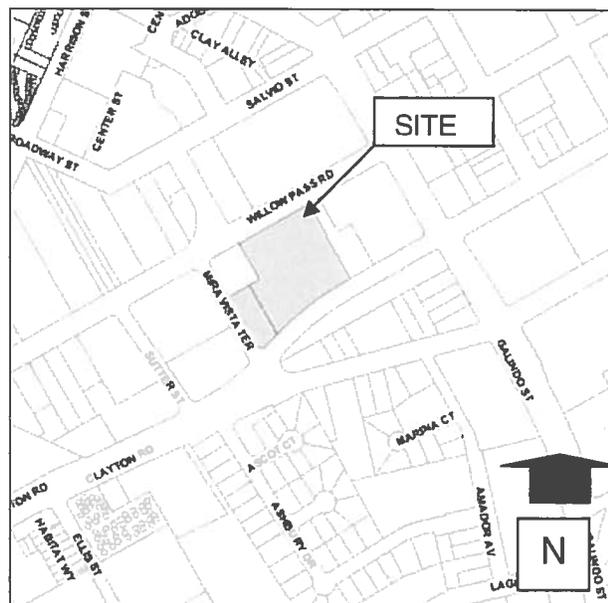
I. Introduction

A. Application Request

Application for a one-year extension of a Use Permit Amendment (UA 12-005) and Design Review (DR 12-028) approval for the remaining construction of the Renaissance Project located at 1825 Galindo Street (temporary address). This entitlement and Addendum to the June 2004 Initial Study/Mitigated Negative Declaration was originally approved by the Planning Commission on December 4, 2013 and extended for one additional year on October 15, 2014.

B. Location

The project site is located at 1825 Galindo Street (temporary address); APN's 126-062-013, -014.



- C. Applicant/Owner**
Monogram Residential Renaissance II, LP
5800 Granite Parkway Suite 1000
Plano, TX 75024

II. Background

On December 4, 2013, the Planning Commission adopted Resolution No. 13-07PC adopting an Addendum to the June 2004 Initial Study and Mitigated Negative Declaration, and approving a Use Permit Amendment and Design Review application by Behringer Harvard (now Monogram Residential) for modifications to the remaining construction for the Renaissance Project. The approval and permit were valid through December 16, 2014, by which time building permits were to be obtained and construction begun on the project. On October 15, 2014, the Planning Commission approved a one-year extension of the approval and permits through December 16, 2015.

On September 3, 2015, Monogram filed for building permits to construct the project. Community and Economic Development staff completed one round of plan check comments on the plans. The plans are also under review by Contra Costa County Fire Protection District.

On October 23, 2015, Monogram filed an application (see Exhibit A) to extend the approval and permit for one additional year pursuant to Section 18.505.020 of the Concord Municipal Code (CMC). If granted, the extension will keep the approval and permits valid through December 16, 2016. The extension would allow the applicant to finalize its construction drawings, complete the general contractor bidding process, and begin site mobilization for the remaining 180 units.

III. Discussion

Staff supports the extension and finds it necessary to allow additional time for obtaining construction permits for the project. Monogram has proceeded in good faith and exercised due diligence in complying with the project conditions in a timely manner, as demonstrated by their submittal of building permits to the City of Concord and Fire District. 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. Further, the project is consistent with the following objectives of the Downtown Concord Specific Plan:
 - a. The project promotes high quality infill development that successfully integrates the design and site plan of the remaining construction with the completed portion of the project.
 - b. The remaining construction will provide studio and one-bedroom apartments that add variety to the living opportunities, housing types, and prices offered by the overall development, which includes 2-3 bedroom apartments and live work units in the completed portion of the project.
2. The findings under Resolution No. 13-07 PC approving the project remain valid (see

Exhibit B, Attachment B).

3. As analyzed in the June 2004 Initial Study/Mitigated Negative Declaration and Addendum to the June 2004 Initial Study/Mitigated Negative Declaration, there are adequate provisions for public services and utilities (e.g., access, drainage, fire protection, sewers, water, etc.) to ensure that the requested extension would not endanger, jeopardize, or otherwise constitute a hazard to the public health, safety, or general welfare, or be injurious to the property or improvements in the vicinity and applicable zoning district.

IV. CEQA

The City of Concord originally approved the Renaissance Project in 2004. That approval included a 2004 Initial Study/Mitigated Negative Declaration (“2004 IS/MND”) prepared for the project. The first phase of that project was constructed in 2008. In 2012, an application for Use Permit Amendment and Design Review was submitted for modification of the remainder of the project. An Addendum to the June 2004 Initial Study/Mitigated Negative Declaration (“Addendum”) was prepared for the remaining construction. The City of Concord Planning Commission approved and adopted the Addendum, Use Permit Amendment, and Design Review on December 4, 2013. 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 (California Environmental Quality Act) Guidelines. In-depth review of the Renaissance 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. In addition, no further environmental analysis is required because the June 2004 Initial Study/Mitigated Negative Declaration and Addendum to the June 2004 Initial Study/Mitigated Negative Declaration have been prepared and none of the factors calling for subsequent environmental review are present, including under Public Resources Code Section 21166 and CEQA Guidelines Section 15162 because, as noted above, there are no changes being proposed and there is no new information is available which would trigger environmental review under any of the applicable criteria.

V. Public Contact

Notification was mailed to all owners and occupants of property within five-hundred (500) 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. 15-16 PC, approving a one-year extension of the approval for the Renaissance Project Use Permit Amendment (UA 12-005) and Design Review (DR 12-028).

VII. Motion

Project Approvals

I (Comm. _____) hereby move that the Planning Commission adopt Resolution No. 15-16PC, approving a one-year extension of the approval for the Renaissance Project Use Permit Amendment (UA 12-005) and Design Review (DR 12-028), subject to the Conditions of Approval set forth in Attachment A to Resolution 15-16PC. (Seconded by Comm. _____.)

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

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

Exhibits:

- A - Applicant's Request for Extension
- B - Resolution No. 15-16PC with Conditions of Approval (Attachment 1) and Resolution No. 14-18PC (Attachment 2)
- C - Approved Project Plans
- D - Addendum to June 2004 Initial Study and Mitigated Negative Declaration and June 2004 Initial Study and Mitigated Negative Declaration (Attachment 1)

Allen Matkins

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David H. Blackwell
E-mail: dblackwell@allenmatkins.com
Direct Dial: 415.273.7463 File Number: 120353-00008/SF936788.04

Via FedEx

October 23, 2015

Frank Abejo
Senior Planner
City of Concord
1950 Parkside Drive
Concord, CA 94519-2578

**Re: Renaissance Phase II Project (UA 12-005, DR 12-028)
Request for Extension**

Dear Mr. Abejo:

By this letter, owner Monogram Residential Renaissance II, LP requests a one-year extension of the above-referenced Use Permit Amendment and Design Review approvals set forth in Planning Commission Resolution No. 14-18. Per Condition of Approval No. 131 and Development Code section 122-1192(b), the owner requests that the permits' current expiration date of December 16, 2015 be extended to **December 16, 2016**.

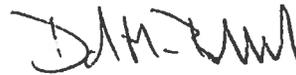
This request is due to several factors, each of which relates to the fact that all of the relevant parties are very busy during this economic cycle. In spite of this challenge, ownership has committed significant time and resources to this effort and all relevant parties are making good progress towards obtaining the necessary building permits for the project. The owner is actively coordinating general contractor bids and working with the project architects and other consultants, many of which have lengthy response times due to their heavy workloads. Despite these obstacles, the owner submitted a full set of plans to the City on September 3, 2015, and recently received initial comments from Staff. All parties recognize the City's efforts in assisting the owner to meet its deadline; however, other parties and factors such as General Contractor selection and negotiation cannot be done in a diligent, measured manner that is in the best interests of the project. The requested extension will provide the parties with the additional time necessary to maximize success for Concord Renaissance Phase II and better coordinate pre construction and construction efforts. The owner does not expect to require the entire extension period, but the requested extension greatly reduces the risk of the need for any further extensions and will allow for a more successful execution of the project.

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law

Frank Abejo
October 23, 2015
Page 2

Enclosed herewith is a check for the \$2,362 permit extension application fee. Please call if you have any questions. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "D.H. Blackwell", written in a cursive style.

David H. Blackwell

Enclosure (application fee)

cc: Larry Sloan, Senior Vice President, Development

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

A RESOLUTION APPROVING A ONE YEAR
EXTENSION FOR A USE PERMIT AMENDMENT
(UA 12-005) AND DESIGN REVIEW (DR 12-028)
FOR MODIFICATION OF THE REMAINING
CONSTRUCTION OF THE RENAISSANCE
PROJECT

Resolution No. 15-16PC

WHEREAS, on December 4, 2013, the Planning Commission adopted Resolution No. 13-07PC adopting an Addendum to the 2004 IS/MND and approving Use Permit Amendment and Design Review for modification of the remaining construction of the Renaissance Project; and

WHEREAS, on October 15, 2014, Planning Commission adopted Resolution No. 14-18PC, which extended the approval and permit to December 16, 2015; and

WHEREAS, the approval and permit is valid until December 16, 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

WHEREAS, on October 23, 2015, Monogram Residential Renaissance II, LP requested a one-year extension of the Renaissance Project approval through December 16, 2016; and

WHEREAS, 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 (California Environmental Quality Act) Guidelines. In-depth review of the Renaissance 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. In addition, no further environmental analysis is required because the June 2004 Initial Study/Mitigated Negative Declaration and Addendum to the June 2004 Initial Study/Mitigated Negative Declaration have been prepared and none of the factors calling for subsequent environmental review are present, including

1 under Public Resources Code Section 21166 and CEQA Guidelines Section 15162 because, as noted
2 above, there are no changes being proposed and there is no new information is available which would
3 trigger environmental review under any of the applicable criteria; and

4 **WHEREAS**, the Planning Commission, after giving all public notices required by State law
5 and the Concord Municipal Code, held a duly noticed public hearing on December 2, 2015 on the
6 proposed extension; and

7 **WHEREAS**, at such public hearing, the Planning Commission considered all oral and written
8 information, testimony, and comments received during the public review process, including
9 information received at the public hearing, the oral report from City staff, and the written report from
10 City staff dated December 2, 2015, application materials, and exhibits presented; and

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

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

16 CEQA

17 1. For purposes of CEQA, a project is the activity to be undertaken, not the various
18 individual government approvals – such as extensions – associated with the project. The
19 proposed extension is not a project within the meaning of Section 15378 of the State CEQA
20 (California Environmental Quality Act) Guidelines. In-depth review of the Renaissance
21 Project has occurred, that project has been approved, and no changes are being proposed.

22 2. If the proposed extension is a project under CEQA it is subject to the exemption
23 contained in CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty to
24 have no possibility of a significant effect on the environment as the project has already been
25 approved and this is merely a one year extension. In addition, no further environmental
26 analysis is required because the June 2004 Initial Study/Mitigated Negative Declaration and
27 Addendum to the June 2004 Initial Study/Mitigated Negative Declaration have been prepared
28

1 and none of the factors calling for subsequent environmental review are present, including
2 under Public Resources Code Section 21166 and CEQA Guidelines Section 15162 because, as
3 noted above, there are no changes being proposed and there is no new information is available
4 which would trigger environmental review under any of the applicable criteria

5 Extension Findings

6 The Planning Commission determines that an extension is necessary to allow additional time
7 for obtaining construction permits for the project, and that the permittee has proceeded in good
8 faith and has exercised due diligence in complying with the conditions in a timely manner, and
9 further makes the following findings required under Concord Development Code Section
10 18.505.020.B:

11 3. There are no changes to the approved project and it remains consistent with the
12 Concord 2030 Urban and General Plan. Further, the project is consistent with the following
13 objectives of the Downtown Concord Specific Plan:

14 a. The project promotes high quality infill development that successfully
15 integrates the design and site plan of the remaining construction with the completed
16 portion of the project.

17 b. The remaining construction will provide studio and one-bedroom apartments
18 that add variety to the living opportunities, housing types, and prices offered by the
19 overall development, which includes 2-3 bedroom apartments and live work units in
20 the completed portion of the project.

21 4. The findings under Resolution No. 13-07 PC approving the project remain valid and
22 are hereby incorporated by reference.

23 5. As analyzed in the June 2004 Initial Study/Mitigated Negative Declaration and
24 Addendum to the June 2004 Initial Study/Mitigated Negative Declaration, there are adequate
25 provisions for public services and utilities (e.g., access, drainage, fire protection, sewers,
26 water, etc.) to ensure that the requested extension would not endanger, jeopardize, or otherwise
27 constitute a hazard to the public health, safety, or general welfare, or be injurious to the
28

1 property or improvements in the vicinity and applicable zoning district.

2 Extension Approval

3 6. The Planning Commission hereby approves the extension of the Renaissance Project
4 Use Permit Amendment (UA 12-005) and Design Review (DR 12-028) through December 16,
5 2016, subject to the Conditions of Approval.

6 Effective Date

7 7. In accordance with City of Concord Municipal Code Section 122-1170, approvals or
8 other decisions of the Planning Commission shall become effective on the 11th calendar
9 following the date the decision is rendered, if no appeal is filed.

10 **PASSED AND ADOPTED** this December 2, 2015 by the following vote:

11 **AYES:**

12 **NOES:**

13 **ABSTAIN:**

14 **ABSENT:**

15
16

Laura Simpson, AICP
Secretary to the Planning Commission

17 Attachments:

- 18 1 – Conditions of Approval
19 2 – Resolution No. 14-18PC

20 cc: Robert Ovadia, City Engineer
21 Robert Woods, Chief Building Official
22 Contra Costa County Fire Protection District
23
24
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27
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FINAL CONDITIONS OF APPROVAL
RENAISSANCE
UA 12-005, DR 12-028
1825 GALINDO STREET
APN: 126-062-013, -014

PERMIT DESCRIPTION

1. These Conditions apply to and constitute the approval of a **Use Permit Amendment (UA 12-005)** to modify the remaining construction of the 314-unit Renaissance project at ~~1851~~ 1825 Galindo Street.
2. These Conditions apply to and constitute approval of **Design Review (DR 12-028)** to modify building, landscaping, and related improvements on the remaining construction of the Renaissance project. Exterior building materials and colors shall be in substantial conformance with the approved color and materials board dated December 12, 2012, prepared by Architects Orange.
3. These Conditions replace, incorporate, and/or amend all applicable conditions associated with the Renaissance Square Condominiums (i.e., TM 04-002, UP 04-005, VA 03-005 and DR 03-043) approved by Planning Commission Resolution No. 04-15PC. These Conditions shall supersede all prior conditions.
4. The **Variance (VA 03-005)** approved by *Planning Commission Resolution No. 04-15PC* allowing universal parking stall dimensions of 9'x18' for the project is incorporated by reference.
5. The **Mitigation and Monitoring Matrix ("MMX")** adopted by *Council Resolution No. 04-4823.2* is incorporated by reference. The project shall comply with all applicable mitigation measures. If there is an inconsistency between the Conditions of Approval and the MMX, the MMX shall govern.
6. The following Exhibits, date stamped received by the City of Concord, on January 4, 2013, are approved and shall be incorporated as Conditions of Approval.

Plan	Date Prepared	Prepared by	Sheet
Title Sheet	12-13-12	Architects Orange	A-0
Perspective Sketches	12-13-12	Architects Orange	A-0.2
Egress Diagrams	12-13-12	Architects Orange	A-1.0, A1.1
Site Plan	12-13-12	Architects Orange	A-1.2
Building Floor Plans	12-13-12	Architects Orange	A-2.0 to A-2.5
Roof Plan	12-13-12	Architects Orange	A-3
Building Sections	12-13-12	Architects Orange	A-4
Building Elevations	12-13-12	Architects Orange	A-5.1 thru A-5.3
Unit Plans	12-13-12	Architects Orange	A-6.1, A-6.2

Enlarged Elevation Details	12-13-12	Architects Orange	A-7.0
Architectural Details	12-13-12	Architects Orange	A-7.1
Massing Study	12-13-12	Architects Orange	A-7.2, A-7.3
Existing Boundary and Topo	12-13-12	dk Consulting	C-1
Grading, Drainage and Utilities Plan	12-13-12	dk Consulting	C-2
Landscape Plan	12-13-12	Guzzardo Partnership	L-1 thru L-8

GENERAL CONDITIONS

7. Compliance with these conditions and the City of Concord Municipal Code shall be required for all permits and inspections associated with this entitlement. **(PLNG, ENGR)**
8. 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.
 - (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)**
9. Where a plan or further information is required, it is subject to review and approval by the applicable City Department/Division, as noted at the end of each Condition. The Division listed first shall be the primary contact for implementation of that Condition. **(PLNG, BLDG, ENGR)**
10. The project shall comply with all applicable Federal and State laws and Concord Municipal Code (CMC) requirements. **(PLNG, BLDG, ENGR)**
11. Minor modifications that are found to be in substantial conformance with the approved plans such as colors, plant materials, or minor lot line adjustments, may be approved administratively. Major modifications shall be approved by the applicable decision making body. **(PLNG, ENGR)**
12. The Conditions of Approval and Mitigation Measures shall be listed on a plan sheet that is included in the construction plan set (Grading, Utility, Landscape and Building Plans). **(PLNG, ENGR)**
13. Two annotated copies of the Conditions of Approval and Mitigation and Monitoring Matrix specifying how each applicable condition has been satisfied, shall be submitted as follows:
 - a. At the time Grading, Utility, Landscape, and/or Building Plans are submitted for plan check, whichever comes first.
 - b. Prior to occupancy approval. **(PLNG, ENGR)**

- 1 14. Renaissance shall be operated as one residential complex. Applicant shall provide and record
2 all agreements and/or cross easements required by the City to address the shared use and
3 maintenance of project amenities between the properties, prior to occupancy approval, unless
4 otherwise specified by the following conditions. *(PLNG, ENGR, BLDG)*
- 5 15. The project shall not be sold as condominium units without prior approval from the City and
6 compliance with local and State laws on condominium conversions, including the Concord
7 Municipal Code, Chapter 94 Subdivisions, Article VII Common Interest Developments.
8 *(PLNG)*
- 9 16. Submit three signed copies, one notarized, of the City's "Property Maintenance Agreement",
10 to ensure on-going repair, replacement and maintenance of all exterior improvements
11 including buildings, parking areas, private roads, walkways, landscaping, irrigation, signs,
12 fences, walls, and other improvements, prior to issuance of Grading or Building permits,
13 whichever comes first. *(PLNG)*
- 14 17. The project site and area surrounding the site shall be fenced and maintained in a weed and
15 litter free condition for the period prior to construction. *(BLDG, PLNG)*

16 ARCHITECTURAL

- 17 18. Rooftop equipment (HVAC, meters, refrigeration equipment, plumbing lines, ductwork and
18 transformers), shall not extend above the building parapet and shall be screened from view on
19 all sides with materials architecturally compatible with the main structure. Screening details
20 shall be shown on the Building Plans and submitted for review and approval by the Planning
21 Division, prior to the issuance of Building Permits and installed prior to occupancy approval.
22 *(PLNG)*
- 23 19. All other utility structures and equipment, including backflow preventers and electrical and gas
24 meters shall be architecturally screened from view. *(PLNG)*
- 25 20. Utility plans and construction drawings showing specific site and building details, including
26 equipment and utility screening, architectural features (windows, doors, entries, trellises,
27 siding, light fixtures, and landscaping/patio details), and final landscaping and irrigation shall
28 be reviewed and approved by the Planning Division for conformance with the approved plans
and/or Conditions of Approval prior to the issuance of building permits. *(PLNG)*
- 21 21. Vents, gutters, downspouts, flashing, electrical conduits, etc., shall be painted to match the
22 color of the adjacent surface, unless otherwise approved by the Planning Division. *(PLNG)*

23 LANDSCAPING

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

- a. A legend that lists all plant species (Latin and common name), including size, quantities, spacing, and ultimate height and width.
- b. Specifications and details for planting, including staking of trees and planting in bio-retention or other stormwater treatment areas. Plants for bio-retention facilities should be compatible with temporarily flooded conditions.
- c. Utility and Grading information on the base map, screened back.
- d. All trees shall be a minimum size of 15 gallons and twenty-five (25) percent of the trees shall be 24 inch box in size or larger and 70% of the shrubs shall be a minimum size of five (5) gallons or larger.
- e. A soils and plant laboratory analysis with recommendations for fertilization and mulching to be incorporated into the planting specifications.
- f. Show all protected trees.
- g. Root control barriers and four-inch perforated pipes for parking lot trees, street trees, and trees within 6 inch of any paved area or curb.
- h. Six-inch vertical concrete curbs shall be installed between paved and landscaped areas.
- 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, trash enclosures, and other features.
- j. Details for street trees in accordance with City Standard Plan S-38, "Street Tree Planting Detail". (*PLNG, ENGR*)

23. Final landscape plans shall include an automatic irrigation system in compliance with the requirements of the Regional Landscape Water Conservation Ordinance adopted by Contra Costa Water District in compliance with the current State laws. (*PLNG*)

24. The final landscape plan and irrigation plan shall be peer reviewed and approved by a registered landscape architect chosen by City prior to issuance of Encroachment, Grading, or Building Permits, whichever comes first. (*PLNG*)

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

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

27. The project landscape architect shall certify that there will be a minimum 60-day maintenance period for all landscape improvements. (*PLNG*)

28. Prior to occupancy approval, the licensed Landscape Architect shall submit a Landscape Documentation Package with the following mandated elements:

- a) Application
- b) Certification of Compliance for Landscape Design

- c) Certification of Compliance for Landscape Installation
- d) Certification of Compliance for Landscape Audit
- e) Certification of Compliance for Landscape Maintenance
- f) Water Budget work sheets (if applicable)
- g) Landscape Plans
- h) Landscape and Maintenance Schedule (*PLNG*)

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

30. Any existing tree, shrub, and/or groundcover on the adjacent properties that is damaged or destroyed by construction activities shall be replaced with a like or comparable species prior to occupancy approval. (*PLNG*)

31. Landscaped areas shall be watered, weeded, pruned, fertilized, sprayed, and/or otherwise maintained as necessary. Plant materials shall be replaced as needed to maintain the landscaping in accordance with the approved plans. (*PLNG*)

32. Submit a fence/wall plan showing the location, design, height, and construction details, for all fencing and walls consistent with, and as a part of, the Grading, Improvement, Landscape, and Building Plans, whichever comes first, and provide a timetable for installation. (*PLNG*, *ENGR*)

33. Fences and walls shall be a maximum height of three feet in required front yards and sight visibility triangles, and a maximum height of six feet on side and rear property lines. Fences off-set twenty four inches or greater from retaining walls shall be considered as separate structures. (*PLNG*) CMC

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

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

TREE PRESERVATION

36. The project shall comply with the applicable tree protection measures outlined in Mitigation IV.1 of the approved Mitigation Monitoring Matrix and the following recommendations and guidelines of the Preliminary Tree Report by HortScience, Inc., dated January 2004, relating to the London plane trees on Willow Pass Road that are identified for preservation.

- a. A Tree Protection Zone (TPZ) shall be established around each tree. For design purposes the TPZ shall be defined five feet from the trunk. No grading, excavation, construction or storage materials shall occur within that zone.
- b. No underground services including utilities, sub-drains, water or sewer shall be placed in the TPZ.
- c. Any herbicides placed under paving materials must be safe for use around trees and labeled for that use.
- d. Irrigation systems must be designed so that no trenching will occur within the TPZ.
- e. The construction superintendent shall meet with the consulting arborist before beginning work to discuss work procedures and tree protection.
- f. Fence all trees to be retained to completely enclose the TPZ prior to demolition, grubbing or grading. Fences shall be chain link, orange plastic or equivalent as approved by the consulting arborist.
- g. Prune trees to be preserved to provide adequate clearance and correct any existing defects in structure. All pruning shall be completed by a certified arborist or tree worker and adhere to the latest edition of the ANSI Z133 and A300 standards as well as the Best Management Practices – Tree Pruning published by the International Society of Arboriculture.
- h. No grading, construction, demolition or other work shall occur within the TPZ. Any modifications must be approved and monitored by the consulting arborist.
- i. Any root pruning required for construction purposes shall receive the approval prior of, and be supervised by, the consulting arborist.
- j. Supplemental irrigation will be required for trees to be preserved and shall be applied at a rate determined by the consulting arborist.
- k. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the consulting arborist so that appropriate treatments can be applied.
- l. No excess soil, chemicals, debris, equipment or other materials shall be dumped or stored within the TPZ.
- m. Any additional tree pruning needed for clearance during construction must be performed by a certified arborist and not by construction personnel.
- n. Demolition, Grading, Utility, Landscape, and Building Plans shall show all trees to be preserved, with accurate trunk location, drip line, and existing grade. The Plans shall include Tree Protection Zones (TPZ) and protection measures consistent with the approved Mitigation Monitoring Program. *(PLNG, ENGR)*

37. The property owner shall comply with the Tree Preservation Guidelines contained in the report relating to existing trees on Willow Pass Road. If any tree(s) is determined to be in poor condition and is dying due to the impact of construction, it shall be replaced with a minimum 36-inch box-size tree. *(PLNG, ENGR)*

38. The applicant shall submit a demolition plan with the building plan set of drawings, prior to issuance of a building permit. The demolition plan shall clearly indicate vegetation scheduled for demolition, show protection for trees to be preserved, and designate the location of on-site construction materials storage. *(PLNG)*

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

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LIGHTING

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

SIGNAGE

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

PARKING

- 44. Guest parking spaces shall be provided within the project site per the City’s Parking Ordinance. *(PLNG)*
- 45. All parking spaces shall be striped. Universal spaces shall measure 9 ft. by 18 ft. and oversized spaces shall measure 9 ft. by 20 ft. Compact spaces are not allowed. Two feet shall be provided at the front of the uncovered guest parking spaces proposed off Mira Vista Terrace to accommodate the overhang of automobiles. *(PLNG/ENGR)*
- 46. Comply with the following prior to occupancy to promote safety within the parking garages:
 - a. Garages shall have gated access as shown on the approved plans.
 - b. Adequate lighting shall be provided in the parking stall areas in addition to driveway aisles throughout the garages. Priority shall be given to lighting of the parking stall areas if lighting cannot be provided for both. *(PLNG)*
- 47. The front end of unenclosed parking stalls shall be screened with landscaping to minimize impacts to neighboring properties or abutting ground floor units. This requirement may be waived if the parking space is sited relative to abutting ground floor units such that automobile headlights do not shine directly into ground floor doors or windows. *(PLNG)*
- 48. Plans shall be revised to include additional short-term and long-term bicycle parking spaces for the project in compliance with Development Code Section 122-393. *(PLNG, ENGR, TRANS)*

- 1 49. Handicapped parking spaces shall comply with Chapter 11 "Site Development Requirements
2 for Handicapped Accessibility" of Title 24 of the California Code of Regulations, and be
3 located as close as possible to the primary entrance. *(BLDG)*

4 **STREET IMPROVEMENTS**

- 5 50. Refinish the traffic signal poles, mast arms, and signal heads at the north, east and west corners
6 of the Willow Pass Road and Galindo Street intersection. *(ENGR)*
- 7 51. Construct improvements along the frontage on **Concord Boulevard and Mira Vista Terrace**
8 including but not limited to: driveway removal; pavement replacement; pavement widening;
9 concrete valley gutter; wheel chair ramps; construction of concrete curb, gutter and sidewalk;
10 ADA compliant concrete driveway approach; storm drainage system; conforms to existing
11 improvements; and repair/replacement of deficient frontage improvements as determined by
12 the City Engineer, prior to occupancy approval or Acceptance of Improvements. *(ENGR)*
- 13 52. Install slurry seal and replace pavement markers, markings, and lines along the frontage on
14 **westbound Concord Boulevard between Galindo Street and Mira Vista Terrace, along**
15 **northbound Mira Vista Terrace between Concord Boulevard and ~~Galindo Street~~ Willow**
16 **Pass Road, and eastbound Willow Pass Road between Mira Vista Street and Galindo**
17 **Street**, from lip of gutter to lip of gutter, or as directed by the City Engineer, after completion
18 of utility undergrounding and frontage improvements and prior to the Acceptance of
19 Improvements. *(ENGR)*
- 20 53. Any trenching for underground utilities shall comply with the modified City Standard Detail
21 S-17 for pavement repair and possible slurry placement. *(ENGR)*
- 22 54. The curb at Mira Vista Terrace shall be painted red and prohibit parking for a length of 20 feet
23 at both edges of the property driveway along Mira Vista Terrace. *(TRANS)*
- 24 55. Construct all public facilities in accordance with the current Americans with Disabilities Act
25 (ADA), including curb ramps, driveways, and sidewalks. *(ENGR)*
- 26 56. Show construction details for all pedestrian paths on the Improvement Plans and Final
27 Landscape Plans. Pedestrian crossings of streets shall have curb cuts, ramps, signs, and
28 pavement markings as approved by Engineering Services. *(ENGR, PARKS)*

23 **CONSTRUCTION ACTIVITIES**

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

26 **Monday through Friday** 7:30 a.m. to 6:00 p.m., excluding federal holidays.

27 Construction on Saturdays may be allowed only upon prior approval by the Building,
28 Engineering, and Planning Divisions. No changes to these construction hours shall be allowed
without the prior written consent of the City. A contact person shall be available during all

1 construction activities in the evening and on weekends to respond to complaints and take
2 actions necessary to reduce noise. (*BLDG, ENGR, PLNG*)

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

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

7 60. Construction equipment shall not be serviced at the site at any time. During construction no
8 deliveries shall be made to the site and no delivery vehicles (including gasoline tanker trucks)
9 shall enter the site between 6:00 p.m. and 7:30 a.m. on weekdays, and between 5:00 p.m. and
10 8:00 a.m. on weekends and federal holidays. Delivery vehicles shall have their engines turned
11 off during unloading. (*BLDG, ENGR, PLNG*)

12 61. Employ the quietest construction equipment available, to muffle noise from construction
13 equipment and keep all mufflers in good working order in accordance with State law. (*BLDG,*
14 *ENGR, PLNG*)

15 62. Implement the following measures during construction:

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

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

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

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

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

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

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

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

- 1 64. Ensure that no debris or construction scrap material is placed on any adjoining lot, open space
2 area, or street, and that any such material stored on an adjoining site shall be completely
3 removed and the site cleaned, prior to occupancy approval. *(ENGR, BLDG)*
- 4 65. At no time shall campers, trailers, motor homes, or any other vehicle be used as living or
5 sleeping quarters on the construction site unless authorized for site security. *(ENGR, BLDG)*
- 6 66. There shall be no parking of construction equipment or construction worker's vehicles on
7 residential streets at any time; all vehicles shall be maintained on-site. *(ENGR, BLDG)*
- 8 67. Portable toilets used during construction shall be kept as far as possible from adjacent
9 properties and shall be emptied on a regular basis as necessary to prevent odor. *(ENGR,
10 BLDG)*
68. Identify truck routes for the import or export of cut/fill material and/or construction debris for
review and approval by the City Engineer prior to the issuance of permits. Repair any damage
to City streets (private and public) caused by activity associated with this project. *(ENGR)*

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

- 12 69. Submit two copies of Preliminary Title Report, prepared within three months prior to plan
13 submittal. *(ENGR)*
- 14 70. The Improvement Plans shall show frontage improvements including but not limited to:
15 drainage improvements, curb, gutter and sidewalk per City Standard Detail S-10, and driveway
16 construction per City Standard Detail S-14 and repair/replacement of deficient frontage
17 improvements as determined by the City Engineer. Any unusable existing driveway shall be
18 replaced with standard curb, gutter, and sidewalk per S-10 above. Any trenching for utility
19 installation shall comply with the modified City Standard Detail S-17 for pavement repair and
20 possible slurry placement. *(ENGR)*
- 21 71. The Improvement Plans shall show plan and profile of all proposed street, drainage and sewer
22 improvements and details for curb, gutter, sidewalk, and driveway construction. *(ENGR)*
- 23 72. Design improvements in accordance with the City Standard Plans S-34 and S-36 for sight
24 distance, sidewalk, back up, fencing, geometrics at intersection and corner setback
25 requirements, prior to the Acceptance of Improvements. Plans shall be subject to review and
26 approval by Engineering Services. *(ENGR)*
- 27 73. Obtain an Encroachment Permit from the City prior to performing any work within the public
28 right-of-way or public easements. *(ENGR) CMC*

29 **SITE DEVELOPMENT PLANS**

- 30 74. The plans prepared by and date stamped received **January 4, 2013** by the Planning Division is
31 not approved for construction. Submit Grading, Erosion Control, Improvement, Stormwater
32 Pollution Prevention Plans (SWPPP), and Stormwater Control Plans prepared by a Registered

Civil Engineer to Engineering Services for review and approval prior to issuance of an Encroachment Permit and Grading Permit. *(ENGR)*

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

GRADING/EROSION CONTROL/GEOLOGIC

76. Submit a geologic investigation to demonstrate that proposed buildings will not be constructed across active faults. A licensed geologist must prepare an evaluation and written report. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back from the fault (generally 50 feet). *(ENGR)*
77. Submit a Geotechnical Report with the Grading Plans and Building Plans, pursuant to CMC Section 94-51 and Section 86-73 that addresses and provides recommendations for grading, drainage, walls, building foundations, and pavement structural sections. *(ENGR)*
78. All grading shall require a Grading and Drainage Plan prepared by a registered Civil Engineer, a Soils Report prepared by a registered Geotechnical Engineer and receipt of a Grading Permit approved by the City Engineer. The Grading Plans and Soils Report shall require review by the City's Geotechnical consultant with all costs to be borne by the applicant. *(ENGR)*
79. Contour grading techniques shall be employed throughout the project to achieve a more natural appearance, even where this will increase the amount of grading. Tops of cuts or toes of fills adjacent to existing public rights-of-way or easements shall be set back two feet minimum from said rights-of-way and easements. All cut-and-fill slopes in excess of five feet in height shall be rounded both horizontally and vertically. *(ENGR)*
80. Grading on adjacent properties shall require written approval from the affected property owners. *(ENGR)*
81. On-site finish grading work shall require drainage to be directed away from all building foundations at a minimum slope of 2 percent and a maximum slope of 20 percent toward approved drainage facilities or swales. Non-paved drainage swales shall have a minimum slope of 1 percent. *(ENGR)*
82. The project engineer shall inspect the finished grading and certify that it conforms to the compaction and elevations shown on the Grading Plan and Soils Report. *(ENGR) CMC*
83. 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 84. 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 85. Submit Grading, Erosion Control, Improvement, Stormwater Pollution Prevention Plan
6 (SWPPP), and Stormwater Control Plans to Engineering Services for review and approval
7 prior to the issuance of Grading, Encroachment, and Building Permits. Where applicable,
8 evidence of compliance with the State General Construction Permit shall be provided. *(ENGR)*
9 *CMC*
- 10 86. Comply with the applicable provisions of the Grading Ordinance and the Storm Water
11 Management and Discharge Control Ordinance. *(ENGR) CMC*
- 12 87. Design improvements in accordance with the City Standard Plans S-34 and S-36 for sight
13 distance, sidewalk, back up, fencing, geometrics at intersection, and corner setback
14 requirements, prior to the acceptance of improvements. Plans shall be subject to review and
15 approval by Engineering Services. *(ENGR) CMC*

16 UTILITIES

- 17 88. New electrical transformers shall be placed underground or screened from view. *(PLNG,*
18 *ENGR)*
- 19 89. No above ground utility facilities/structures shall be located between the face of curb and back
20 of sidewalk in the public right-of-way. *(ENGR)*
- 21 90. Install streetlights along *Concord Boulevard and Mira Vista Terrace* frontages. Submit
22 streetlight plans in accordance with the City Standard Specifications showing pole type,
23 luminaries type, conductor and wiring schedule, connection points, lamp wattage and pull box
24 locations, at the time of submittal of improvement plans. Streetlights shall be completely
25 installed and operational prior to occupancy approval. *(ENGR, TRAN)*
- 26 91. All new utilities shall be constructed underground prior to occupancy approval. *(ENGR)*
- 27 92. Undergrounding of all existing overhead utilities along the north side of Concord Boulevard
28 between Mira Vista Terrace and Galindo Street, and the east side of Mira Vista Terrace
between Willow Pass Road and Concord Boulevard, including aerial street crossings shall be
required pursuant to CMC Section 110-93. All new utilities shall be constructed underground
prior to issuance of occupancy approval. *(ENGR)*
93. Comply with the City of Concord sewer design flow criteria and sewer construction
requirements of the Central Contra Costa Sanitary District. *(ENGR)*
94. Submit sanitary sewer calculation to Engineering Services with the Improvement Plans
stamped and signed by a Registered Civil Engineer for review. *(ENGR)*

- 1 95. Coordinate all facility adjustments, relocations, or additions to utility services with the
2 appropriate utility companies. (*ENGR*)
- 3 96. Utility areas, electrical and gas meters shall be architecturally screened from view. (*PLNG*)
- 4 97. The location of all outdoor, above-ground and/or at-grade pad mounted transformers, utility
5 equipment, electrical and gas meters, vaults, irrigation control boxes, back flow prevention
6 devices, and the like shall be subject to approval by Planning and Engineering Services prior
7 to the issuance of the Grading or Building Permit, whichever comes first. All such equipment
8 shall be screened from view either architecturally or with landscaping and painted forest green
9 or other approved color as approved by the Planning Division. Any changes to the approved
10 Utility Plans, including location or screening details shall be reviewed and approved by the
11 Planning Division. (*PLNG, ENGR*)
- 12 98. Provide cable companies a set of approved site diagrams in electronic format showing the joint
13 trench layout for dry utilities for cable service to be provided to the site. (*ENGR*)
- 14 99. Connect all buildings to the sanitary sewer collection facilities of the City, and pay all current
15 sewer connection and service fees prior to occupancy approval. (*ENGR CMC*)
- 16 100. Remove all unusable laterals (sewer, water, and gas) in the street area and install cap at the
17 main line. (*ENGR*)

18 **DRAINAGE/STORMWATER C.3 REQUIREMENTS**

- 19 101. Submit a Stormwater Control Plan (SWCP) prepared in accordance with the current Contra
20 Costa Clean Water Program Stormwater C.3 Guidebook for review and approval by
21 Engineering Services prior to issuance of any permit. The SWCP shall be prepared and
22 certified by a Civil Engineer, registered in the State of California, demonstrating an
23 understanding of the design of treatment measures for water quality and groundwater
24 protection principles applicable to the project site. (*ENGR*)
- 25 102. Prior to issuance of permits for building, site improvements, or landscaping, applicant shall
26 submit a permit application consistent with the applicant's approved Stormwater Control Plan
27 (SWCP), and include drawings and specifications necessary for construction of site design
28 features, measures to limit directly connected impervious area, pervious pavements, self-
retaining areas, treatment BMP's, permanent source control BMP's, and other features that
control stormwater flow and potential stormwater pollutants. The Contra Costa Clean Water
Program permit application shall include a completed "Construction Plan C.3 Checklist" as
described in the Stormwater C.3 Guidebook, and a detailed draft Stormwater BMP Operation
and Maintenance Plan consistent with the general O&M plan included in the applicant's
approved Stormwater Control Plan. Guidelines for the preparation of Stormwater BMP
Operation and Maintenance Plans are in Appendix F of the Stormwater C.3 Guidebook.
(*ENGR*)
103. Construct stormwater treatment measures per the approved SWCP prior to occupancy
approval. (*ENGR*)

- 1 104. Submit a final Stormwater BMP Operation and Maintenance Plan (O&M Plan) in accordance
2 with City of Concord Guidelines, for review and approval by Engineering Services, prior to
3 occupancy approval. This O&M Plan shall incorporate City comments on the draft O&M Plan
4 and any revisions resulting from changes made during construction. The implementation of
5 the O&M Plan shall be the responsibility of the property owner or the HOA where one exists.
6 *(ENGR)*
- 7 105. Execute any agreements identified in the SWCP which pertain to the transfer of ownership,
8 right-of-entry for inspection or abatement, and/or long-term maintenance of stormwater
9 treatment or hydrograph modification BMPs, prior to occupancy approval. *(ENGR)*
- 10 106. Prevent site drainage from draining across sidewalks and driveways in a concentrated manner.
11 *(ENGR)*
- 12 107. Collect and convey all stormwater entering and/or originating from the site to an adequate
13 downstream drainage facility. Submit hydrologic and hydraulic calculations for a 10-year
14 storm with the Improvement Plans to Engineering Services for review and approval. *(ENGR)*
- 15 108. Install City of Concord “No Dumping, Drains to Creek” curb marker (English and Spanish
16 version) on all catch basins. *(ENGR)*
- 17 109. Submit a Construction Best Management Practice (BMP) Program for review and approval by
18 the Engineering Development Services Department prior to issuance of a Building and/or
19 Grading Permit. The general contractor and all subcontractors and suppliers of materials and
20 equipment shall implement these BMPs. Construction site cleanup and control of construction
21 debris shall also be addressed in this program. Failure to comply with the approved
22 construction BMP may result in the issuance of correction notices, citations, or a project stop
23 work order. *(ENGR)*
- 24 110. Sweep or vacuum the parking lot(s) a minimum of once a month and prevent the accumulation
25 of litter and debris on the site. Corners and hard to reach areas shall be swept manually. If
26 sidewalks and/or the parking lot are pressure washed, debris must be trapped and collected to
27 prevent entry into the storm drain system. No cleaning agent may be discharged into the storm
28 drain. If any cleaning agent or degreaser is used, wash water shall be collected and discharged
to the sanitary sewer, subject to the approval of the Central Contra Costa Sanitary District).
(ENGR)
111. Ensure that the area surrounding the project such as the streets stay free and clear of
construction debris such as silt, dirt, dust, and tracked mud coming in from or in any way
related to project construction. Areas that are exposed for extended periods shall be watered
regularly to reduce wind erosion. Paved areas and access roads shall be swept on a regular
basis. All trucks shall be covered. *(ENGR)*
112. Clean all on-site stormdrain facilities a minimum of twice a year, once immediately prior to
October 15 and once in January. Additional cleaning may be required if found necessary by
the City Engineer/Director of Building Inspection. *(ENGR, BLDG)*

1 **SOLID WASTE/RECYCLING**

- 2 113. Comply with CMC Chapter 82, Solid Waste, Article V, Construction and Demolition (C&D)
3 Waste Recycling, Sections 82-114 through 82-126, as applicable. *(BLDG)*
- 4 114. Design and implement City approved Source Reduction/Recycling Plan and demonstrate that
5 refuse enclosures have been sufficiently designed and located for the storage and pick up of
6 recyclable materials in accordance with CMC Section 82-83, Source Reduction and Recycling,
7 prior to issuance of a Building Permit. *(PW)*
- 8 115. Trash bins and refuse shall be stored within approved trash enclosure and the doors shall be
9 closed at all times except when the bins are being emptied. *(NS)*
- 10 116. Comply with the provisions of the CMC, Central Contra Costa Sanitary District and the
11 disposal service regarding enclosure design, access requirements, and the number of required
12 individual refuse receptacles based upon waste pickup schedules. *(CCCS, ENGR)*

13 **AGREEMENTS, FEES, BONDS**

- 14 117. All fees noted in Sections 122-124 below are the fees currently in effect as of July 1, 2014
15 2015 per the Resolution of Fees and Charges. The fees and charges are reviewed annually as
16 part of the budget public hearing process. Fee adjustments are based on a number of factors
17 and vary depending on the type of fee:

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

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

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

23 The **applicable** fees become effective as of the date set forth in Exhibit A of Resolution No.
24 78-6042, Fees and Charges for Various Municipal Services, as most recently amended and
25 approved by the City Council. Persons interested in how a particular fee is calculated should
26 contact the City Department administering the fee or the Finance Department. *(ENGR)*

- 27 118. Provide a \$10,000 cash deposit to the Planning Division to cover Condition Compliance and
28 mitigation monitoring costs, at the time of submittal of plans and documents to Engineering
Services or the Building Division for plan check. Planning staff and City consultant time will
be charged to this deposit for work performed to implement the Conditions of Approval and
Mitigation Monitoring Program. The deposit will be placed in a refundable account and any
unused funds will be returned upon completion. If the initial deposit is insufficient to cover
actual costs, an additional deposit will be required. *(PLNG)*

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

3 120. Enter into a Maintenance Agreement acceptable to the City prior to Acceptance of
4 Improvements, agreeing to provide for proper maintenance of the private street, storm drain
5 outside of the public street right of way, street lights and other privately maintained
improvements pursuant to CMC Section 94-33. (ENGR)

6 121. All required faithful performance bonds and labor materials bonds in a penal amount equal to
7 100 percent of the approved estimates of construction costs of improvements shall be
8 submitted to and approved by the City and other agencies having jurisdiction prior to issuance
of the Building or Grading Permit, whichever comes first. (ENGR)

9 122. Encroachment Permit Application:

- 10 a. Pay the Filing Fee at the time of submittal of permit application, improvement plans
11 and supporting documents to City Engineering Services for review. The current fee is
\$86.00.
- 12 b. Provide a restoration security before issuance of the Encroachment Permit. The
13 security shall be in an amount sufficient to restore existing public improvements to a
14 serviceable condition should development improvement activity cause damage. The
amount of the security shall be determined by, and be in a form acceptable to the City
Engineer.
- 15 c. Provide a \$10,000 cash deposit to cover Condition Compliance/Mitigation Monitoring
16 costs at the time of submittal of plans and documents to Engineering Services for
17 review. The deposit will be placed in a refundable account. Condition
18 Compliance/Mitigation Monitoring costs will be charged to this deposit over the life of
the project permit and mitigation requirements. Any unused funds will be returned at
19 project completion. If the initial deposit is insufficient to cover actual costs, an
additional deposit in an amount determined by the City Engineer will be required.
(ENGR)

20 123. Grading Permit Application:

- 21 a. Pay Grading Permit Fees at submittal of a Grading Permit application. The current fee
22 is determined based on cubic yardage of cut and fill combined, or at the hourly rate of
\$172.00 if the hourly rate is used.
- 23 b. Provide a \$10,000 cash deposit for Erosion Control prior to issuance of Grading
24 Permit. The deposit will be placed in a refundable account. Any unused funds will be
returned at project completion. If the initial deposit is insufficient to cover actual costs,
an additional deposit in an amount determined by the City Engineer will be required.
- 25 c. Pay Stockpile and Erosion Control Monitoring fee prior to issuance of Grading Permit.
26 The stockpile and erosion control monitoring fee is currently \$23.00 per calendar day
and is collected for the life of the Grading Permit activity. (ENGR)

27 124. Sewer Connection Permit:
28

- 1 a. Pay Sanitary Sewer connection fee for three units converted from office units to one-
2 bedroom dwelling units in 2009. The current sewer connection fee is \$2,774.00 per
3 ~~single family~~ dwelling unit and shall be paid prior to issuance of the grading permit.
4 b. Pay the current sewer service fee prior to issuance of the grading permit. The current
5 fee for Fiscal Year 2015 – 2016 is ~~\$402.00~~ \$463.00 per year and is pro-rated by the
6 month that connection is made.
7 (ENGR)

8 OTHER/MISCELLANEOUS

- 9 125. Contact local postal authorities to get their requirements for mail facilities for the project. The
10 design and location of mail receptacles shall be reviewed and approved by the Planning
11 Division and shown on the Utility, Landscape, and Building Plans, prior to issuance of
12 Grading or Building Permits, whichever comes first. Mail facilities shall be installed prior to
13 occupancy approval. (PLNG)
- 14 126. Contact the Geographic Information Systems (GIS) Technician, in the Information
15 Technology Department, (925) 671-3051, for addressing requirements, and coordinate with the
16 Contra Costa Fire Protection District for their approval, prior to issuance of a Building Permit.
17 (PLNG)
- 18 127. Comply with the requirements of the Contra Costa County Health Department for the
19 abandonment of existing septic tanks or wells. (ENGR) CMC
- 20 128. Comply with the requirements of the Contra Costa Fire Protection District. Submit complete
21 sets of plans and specifications to the Fire District for review and approval at:

22 Contra Costa County Fire Protection District
23 2010 Geary Road
24 Pleasant Hill, CA 94523

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

- 27 129. The applicant shall defend (with counsel approved by City), indemnify and hold harmless the
28 City, any agency or instrumentality thereof, and its/their respective agents, officers, officials,
volunteers, and employees from and against any and all administrative and/or legal claims,
actions or proceedings to attack, set aside, void, or annul approval of the project, including
without limitation, any related application, permit, certification, condition, environmental
determination, other approval, compliance or failure to comply with applicable laws and
regulations, and/or processing methods (“Challenge”), with the exception of a Challenge
arising out of the City’s sole negligence or willful misconduct. The City shall have the right to
pre-approve any material decision involved in defending any such Challenge, including
settlement, and may (but is not obligated to) participate in the defense of any Challenge. If
applicant does not promptly defend any Challenge, City may (but is not obligated to) defend
such Challenge as City, in its sole discretion, determines appropriate, all at applicant’s sole
cost and expense. The applicant shall bear any and all losses, damages, injuries, liabilities,

1 costs, and expenses (including, without limitation, staff time and in-house attorney's fees on a
2 fully-loaded basis, attorney's fees for outside legal counsel, expert witness fees, court costs,
3 and other litigation expenses) arising out of or related to any Challenge ("Costs"), whether
4 incurred by Developer, City, or awarded to any third party, and shall pay to the City upon
5 demand any Costs incurred by the City. No modification of the project, any application,
6 permit, certification, condition, environmental determination, other approval, change in
7 applicable laws and regulations, or change in processing methods shall alter the applicant's
8 indemnity obligation. Pursuant to Government Code Section 66474.9, the applicant's
9 indemnification obligation with respect to any claim, action or proceeding to attack, set aside,
10 void, or annul an approval of City concerning a subdivision (tentative, parcel, or final map
11 application or approval) shall be limited to actions brought within the time period provided for
12 in Government Code Section 66499.37, unless such time period is extended for any reason.
13 The City shall promptly notify applicant of any Challenge, and shall cooperate fully in the
14 defense. (PLNG)

9 130. The permit and approval shall expire in one year from the date ~~on which they became~~
10 ~~effective~~ of the extension approval unless construction permits are obtained and work has
11 begun. ~~All permits approved concurrently with a Tentative Map shall be valid for the life~~
12 ~~of the map.~~ The effective date of the ~~permit and~~ extension approval is *December 16, 2014*
13 *2015*. (PLNG)

13 131. A request for a time extension from the expiration date of *December 16, 2015 2016* can be
14 considered if an application with required fee is filed at least 45 days before the original
15 expiration date, otherwise a new application is required. A public hearing will be required for
16 all extension applications, except those involving only Design Review. Extensions are not
17 automatically approved. Changes in conditions, City policies, surrounding neighborhood, and
18 other factors permitted to be considered under the law, may require, or permit denial. (PLNG)

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

A RESOLUTION APPROVING A ONE YEAR
EXTENSION FOR A USE PERMIT AMENDMENT
(UA 12-005) AND DESIGN REVIEW (DR 12-028)
FOR MODIFICATION OF THE REMAINING
CONSTRUCTION OF THE RENAISSANCE
PROJECT

Resolution No. 14-18 PC

WHEREAS, on December 4, 2013, the Planning Commission adopted Resolution No. 13-07PC adopting an Addendum to the 2004 IS/MND and approving Use Permit Amendment and Design Review for modification of the remaining construction of the Renaissance Project; and

WHEREAS, the approval and permit is valid until December 16, 2014 unless building permits are obtained and construction begun, or an extension of the permit is granted as may be allowed by Section 18.505.020 of the Concord Municipal Code; and

WHEREAS, on September 9, 2014, Monogram Residential Renaissance II, LP (formerly Behringer Harvard Two LP) requested a one-year extension of the Renaissance Project approval through December 16, 2015; and

WHEREAS, 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 (California Environmental Quality Act) Guidelines. In-depth review of the Renaissance 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. In addition, no further environmental analysis is required because the June 2004 Initial Study/Mitigated Negative Declaration and Addendum to the June 2004 Initial Study/Mitigated Negative Declaration have been prepared and none of the factors calling for subsequent environmental review are present, including under Public Resources Code Section 21166 and CEQA Guidelines Section 15162 because, as noted

1 above, there are no changes being proposed and there is no new information is available which would
2 trigger environmental review under any of the applicable criteria; and

3 **WHEREAS**, the Planning Commission, after giving all public notices required by State law
4 and the Concord Municipal Code, held a duly noticed public hearing on October 15, 2014 on the
5 proposed extension; and

6 **WHEREAS**, at such public hearing, the Planning Commission considered all oral and written
7 information, testimony, and comments received during the public review process, including
8 information received at the public hearing, the oral report from City staff, and the written report from
9 City staff dated October 15, 2014, application materials, and exhibits presented; and

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

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

15 CEQA

16 1. For purposes of CEQA, a project is the activity to be undertaken, not the various
17 individual government approvals – such as extensions – associated with the project. The
18 proposed extension is not a project within the meaning of Section 15378 of the State CEQA
19 (California Environmental Quality Act) Guidelines. In-depth review of the Renaissance
20 Project has occurred, that project has been approved, and no changes are being proposed.

21 2. If the proposed extension is a project under CEQA it is subject to the exemption
22 contained in CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty to
23 have no possibility of a significant effect on the environment as the project has already been
24 approved and this is merely a one year extension. In addition, no further environmental
25 analysis is required because the June 2004 Initial Study/Mitigated Negative Declaration and
26 Addendum to the June 2004 Initial Study/Mitigated Negative Declaration have been prepared
27 and none of the factors calling for subsequent environmental review are present, including
28

1 under Public Resources Code Section 21166 and CEQA Guidelines Section 15162 because, as
2 noted above, there are no changes being proposed and there is no new information is available
3 which would trigger environmental review under any of the applicable criteria

4 Extension Findings

5 The Planning Commission determines that an extension is necessary to allow additional time
6 for obtaining construction permits for the project, and that the permittee has proceeded in good
7 faith and has exercised due diligence in complying with the conditions in a timely manner, and
8 further makes the following findings required under Concord Development Code Section
9 18.505.020.B:

10 2. There are no changes to the approved project and it remains consistent with the
11 Concord 2030 Urban and General Plan. Further, the project is consistent with the following
12 objectives of the Downtown Concord Specific Plan:

13 a. The project promotes high quality infill development that successfully
14 integrates the design and site plan of the remaining construction with the completed
15 portion of the project.

16 b. The remaining construction will provide studio and one-bedroom apartments
17 that add variety to the living opportunities, housing types, and prices offered by the
18 overall development, which includes 2-3 bedroom apartments and live work units in
19 the completed portion of the project.

20 3. The findings under Resolution No. 13-07 PC approving the project remain valid and
21 are hereby incorporated by reference.

22 4. As analyzed in the June 2004 Initial Study/Mitigated Negative Declaration and
23 Addendum to the June 2004 Initial Study/Mitigated Negative Declaration, there are adequate
24 provisions for public services and utilities (e.g., access, drainage, fire protection, sewers,
25 water, etc.) to ensure that the requested extension would not endanger, jeopardize, or otherwise
26 constitute a hazard to the public health, safety, or general welfare, or be injurious to the
27 property or improvements in the vicinity and applicable zoning district.
28



A-0.1

11-320 November 18, 2012



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NEIGHBORHOOD IMAGES

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CONCORD BLVD - NW VIEW

A-0.2

11-329 12.13.2012



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PERSPECTIVE SKETCH

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CONCORD BLVD - NE VIEW

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WILLOW PASS - SE VIEW

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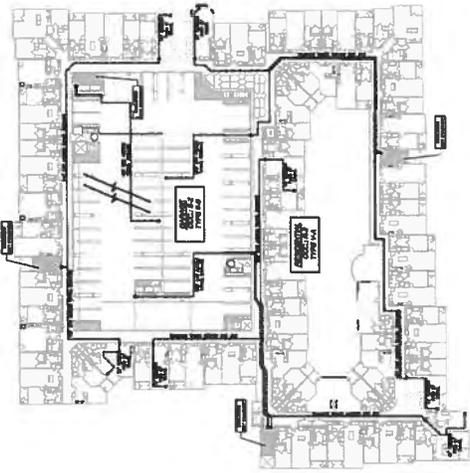
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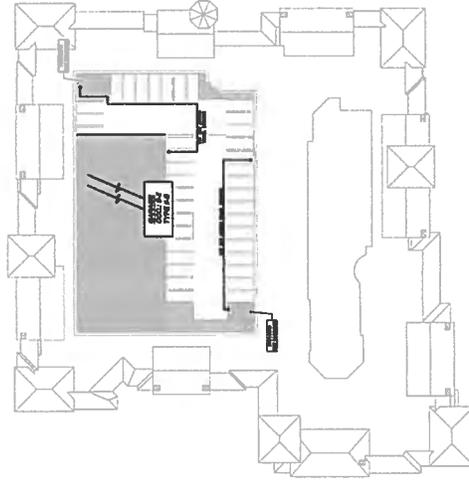
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THIRD & FOURTH FLOOR



FIFTH FLOOR



SIXTH FLOOR



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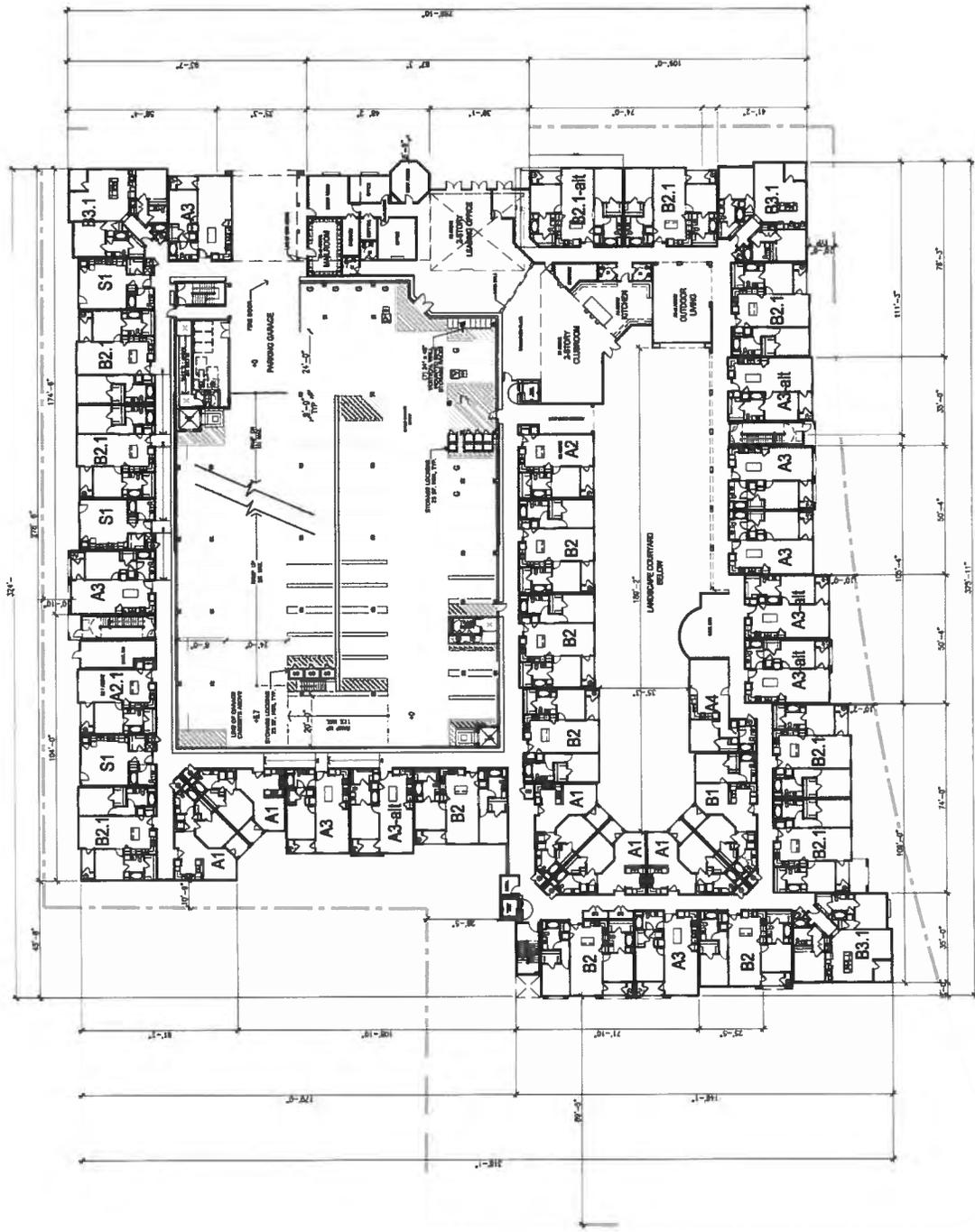
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MEANS OF EGRESS DIAGRAM
 3RD TO 6TH FLOOR PLAN

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PROPERTY LINE



A-2.1

11-520 12.13.2012



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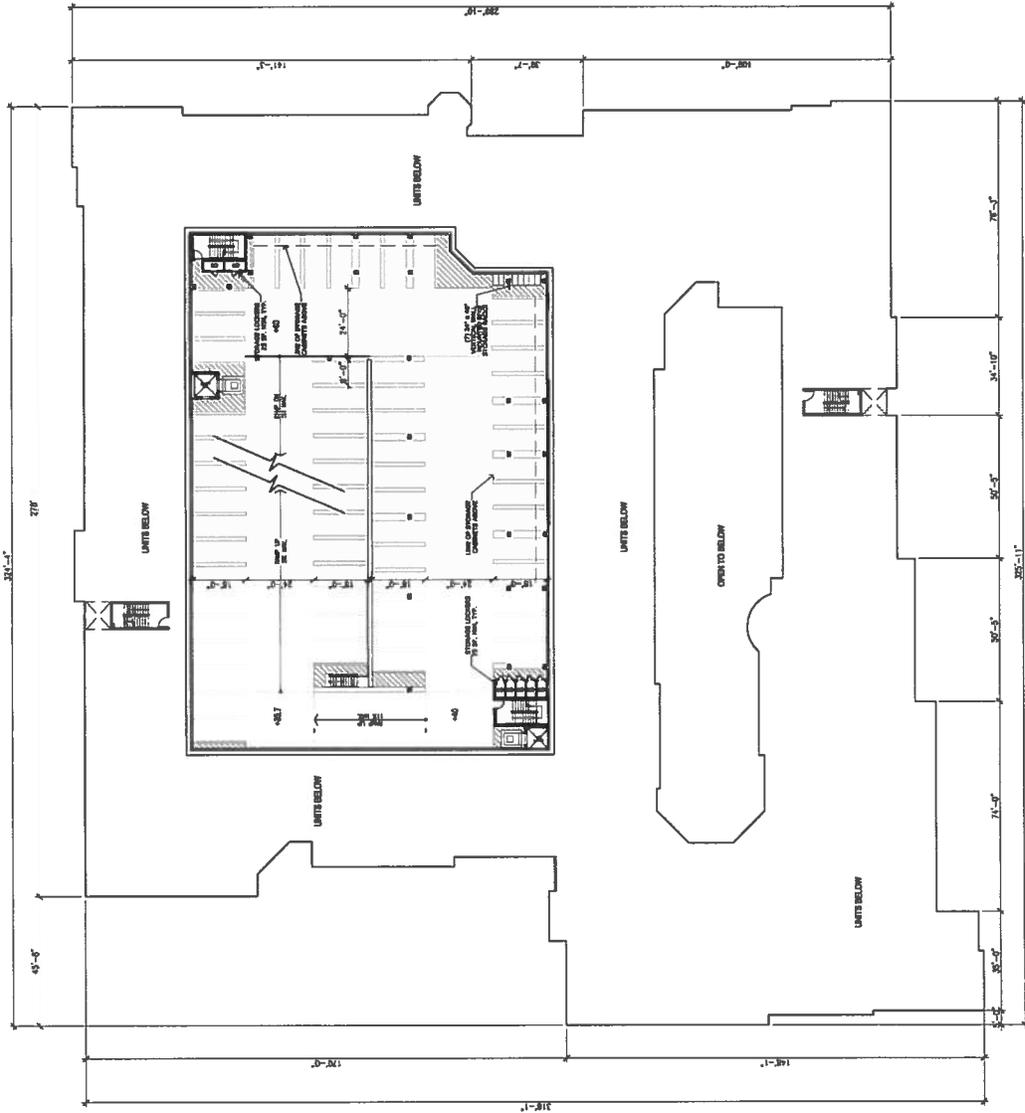
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1ST LEVEL BUILDING PLAN

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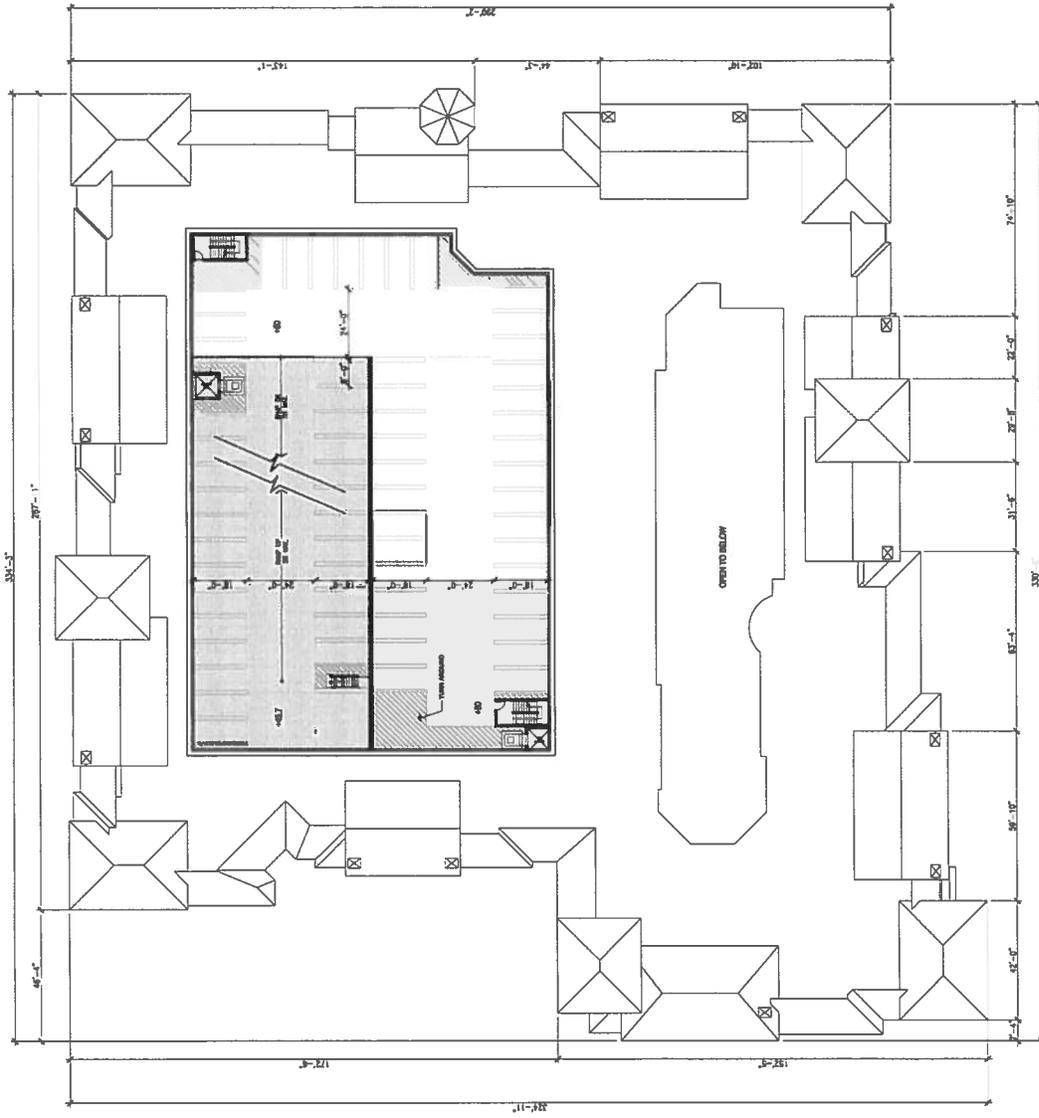
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5TH LEVEL BUILDING PLAN

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12, 13, 20/12



6TH LEVEL BUILDING PLAN

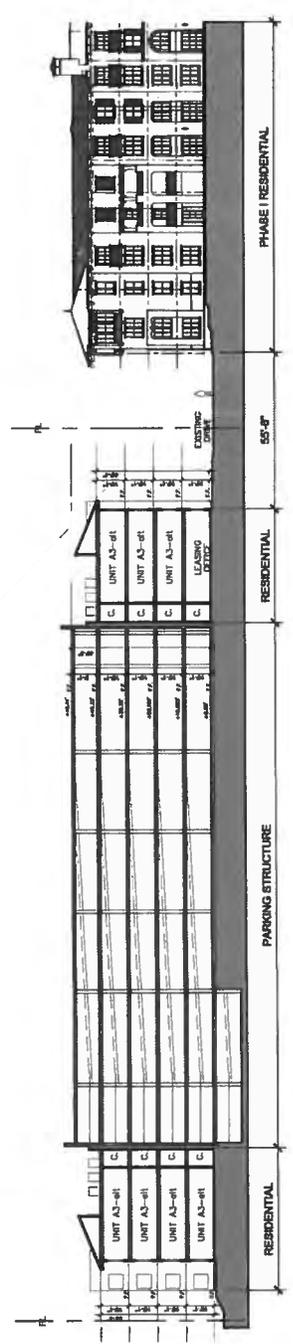
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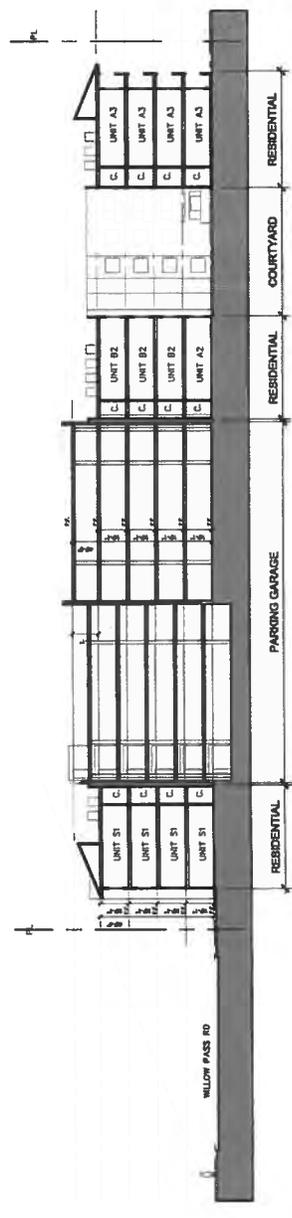
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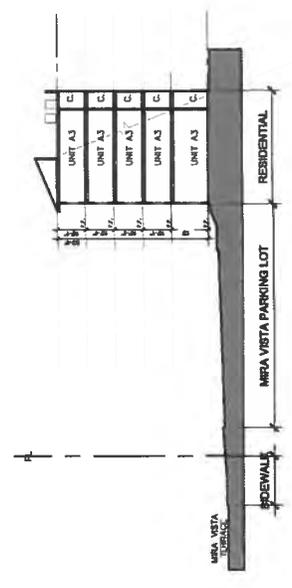
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SECTION A-A	UNIT A2-01	C	1,200	11/10/12	11/10/12
	UNIT A3-01	C	1,200	11/10/12	11/10/12
	UNIT A2-02	C	1,200	11/10/12	11/10/12
	UNIT A3-02	C	1,200	11/10/12	11/10/12
SECTION B-B	UNIT B1	C	1,200	11/10/12	11/10/12
	UNIT B2	C	1,200	11/10/12	11/10/12
	UNIT B3	C	1,200	11/10/12	11/10/12
	UNIT B4	C	1,200	11/10/12	11/10/12
SECTION C-C	UNIT C1	C	1,200	11/10/12	11/10/12
	UNIT C2	C	1,200	11/10/12	11/10/12
	UNIT C3	C	1,200	11/10/12	11/10/12
	UNIT C4	C	1,200	11/10/12	11/10/12
SECTION D-D	UNIT D1	C	1,200	11/10/12	11/10/12
	UNIT D2	C	1,200	11/10/12	11/10/12
	UNIT D3	C	1,200	11/10/12	11/10/12
	UNIT D4	C	1,200	11/10/12	11/10/12



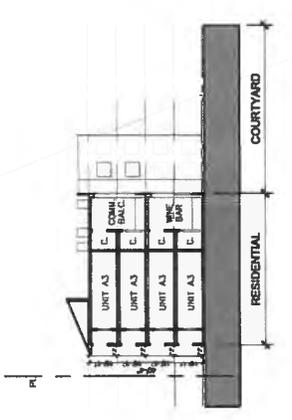
SECTION A-A



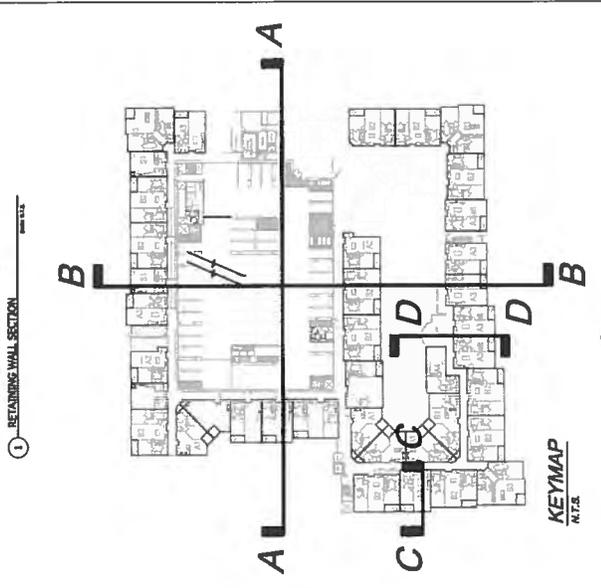
SECTION B-B



SECTION C-C



SECTION D-D



KEYMAP
N.T.S.



1:20

BUILDING SECTIONS

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MATERIAL LEGEND

- CONCRETE
1. CONCRETE ROOF TILE
 2. EXTERIOR PLASTER FINISH
 - 2A. EXTERIOR PLASTER FINISH - SMOOTH
 3. PLASTER TRIM
 4. CARVEL MARBLE IN DECORATIVE METAL ROOF
 5. METAL CANOPY W/ ALUMINUM ROOF
 6. DECORATIVE METAL GRILLE SYSTEM
 7. STONE KENNER
 8. SANDY PLASTER INCLUDING PAINTED STONE FINISH
 9. WOOD TRIM
 10. WOOD CORBEL
 11. DECORATIVE METAL BALLET BALCONY
 12. DECORATIVE WOOD BALLET BALCONY
 13. DECORATIVE METAL CHAMBRAN
 14. WOOD POST
 15. WOOD TRUSS
 16. WALL-BOWTIE FINISH
 17. PRECAST TRIM
 18. PRECAST CAP STONE
 19. DECORATIVE CHIMNEY
 20. DECORATIVE BRACKET
 21. METAL RAILING
 22. OFFRAME WINDOW SYSTEM
 23. FRENCH DOOR
 24. DECORATIVE SECURITY GATE ENTRANCE
 25. DECORATIVE COLUMN
 26. FACED BOND
 27. MARROW STYLE ALUMINUM STONEFRONT DOOR
 28. PAINTED PLASTER FINISH
 29. CHIMNEY & TRIM

*NOTE EXTERIOR BUILDING COLOR TO BE FIELD MATCHED TO PHASE I BUILDING COLOR



MIRA VISTA TERRACE ELEVATION - WEST



CONCORD BLVD ELEVATION - SOUTH

A-5.1

11-329

12.21.2012



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CONCEPTUAL COLORED ELEVATIONS

ARCHITECTS ORANGE

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MATERIAL LEGEND

DESCRIPTION	DESCRIPTION
1. CONCRETE ROOF TILE	18. PRECAST CONCRETE
2. EXTERIOR PLASTER FINISH	19. DECORATIVE CHERRY
2A. EXTERIOR PLASTER FINISH - SMOOTH	20. DECORATIVE BUTTER
3. PLASTER TRIM	21. METAL RAILING
4. GRANITE FINISH W/ DECORATIVE METAL TRIM	22. OPERABLE WINDOW SYSTEM
5. METAL CANTILEVER W/ SUPPORT ROSS	23. FRENCH DOOR
6. DECORATIVE METAL GRILLE SYSTEM	24. DECORATIVE SECURITY GRATE LANTERN
7. STONE VENEER	25. DECORATIVE COLUMNS
8. EXT. CEMENT PLASTER MOUNTING (SIMULATED STONE FINISH)	26. 4" ACCENT BAND
9. WOOD TRIM	27. FINISH WITH ALUMINUM STORMWIND DOOR
10. WOOD CORBEL	28. PAINTED PLASTER FINISH
11. DECORATIVE METAL BALLET BALCONY	29. CORNICE & TRIM
12. DECORATIVE WOOD BALLET BALCONY	
13. DECORATIVE METAL DOWNSPOUT	
14. WOOD POST	
15. WOOD TRUSS	
16. "WALL SERVICE FRACTURE"	
17. PRECAST TRIM	

NOTE: EXTERIOR BUILDING COLOR TO BE DETERMINED TO MATCH TO PHASE I BUILDING COLOR



EAST ELEVATION



WILLOW PASS RD ELEVATION - NORTH

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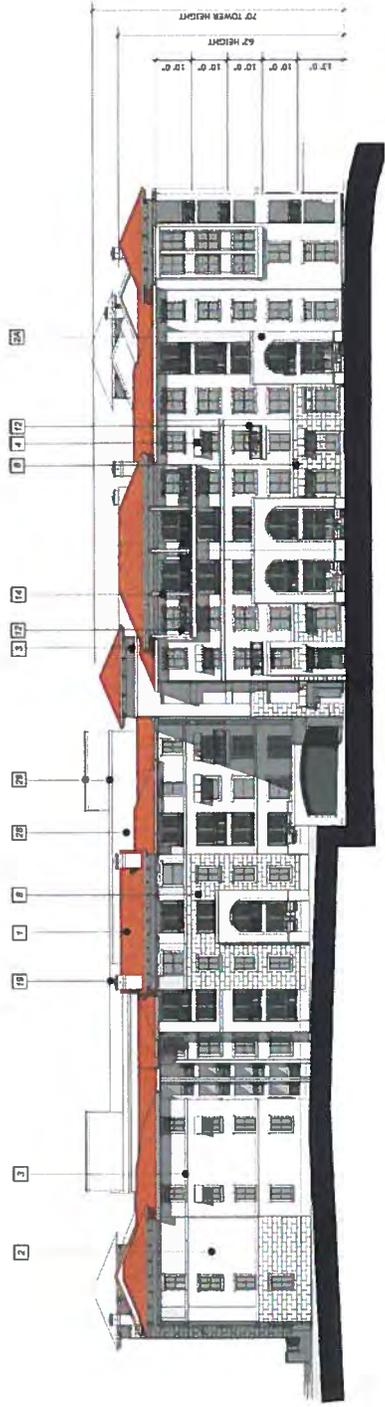
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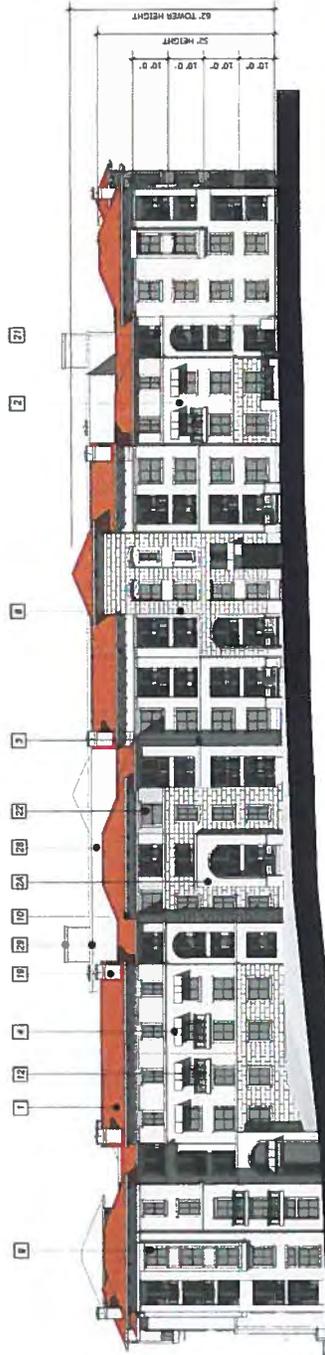
MATERIAL LEGEND

DESCRIPTION

1. CONCRETE ROOF TILE
2. EXTERIOR PLASTER FINISH
- 2A. EXTERIOR PLASTER FINISH - SMOOTH
3. PLASTER TRIM
4. GAWNS JAWING W/ DECORATIVE PLASTER
5. METAL CANOPY W/ SUPPORT RODS
6. DECORATIVE METAL ORNATE SYSTEM
7. STONE VENEER
8. EXT. CEMENT PLASTER INCLUDING SIMULATED STONE FINISH
9. WOOD TRIM
10. WOOD CORBEL
11. DECORATIVE METAL JULIET BALCONY
12. DECORATIVE WOOD JULIET BALCONY
13. DECORATIVE METAL HANDRAIL
14. WOOD POST
15. WOOD TRUSS
16. WALL SPOUDES / PORTALS
17. PRECAST TRIM
18. PRECAST CAP STONE
19. DECORATIVE CHIMNEY
20. DECORATIVE SHUTTER
21. METAL RAILING
22. OPERABLE WINDOW SYSTEM
23. FRENCH DOOR
24. DECORATIVE SECURITY GATE ENTRANCE
25. DECORATIVE COLUMN
26. 4" ACCENT BAND
27. WINDOW 17.5" ALUMINUM FINISHMENT FLOOR
28. PAINTED PLASTER FINISH
29. CORNER # TRIM



MIRA VISTA TERRACE ELEVATION - WEST



CONCORD BLVD ELEVATION - SOUTH

A-5.2

11-329

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 order. Other information is subject to change.

CONCEPTUAL EXTERIOR ELEVATIONS

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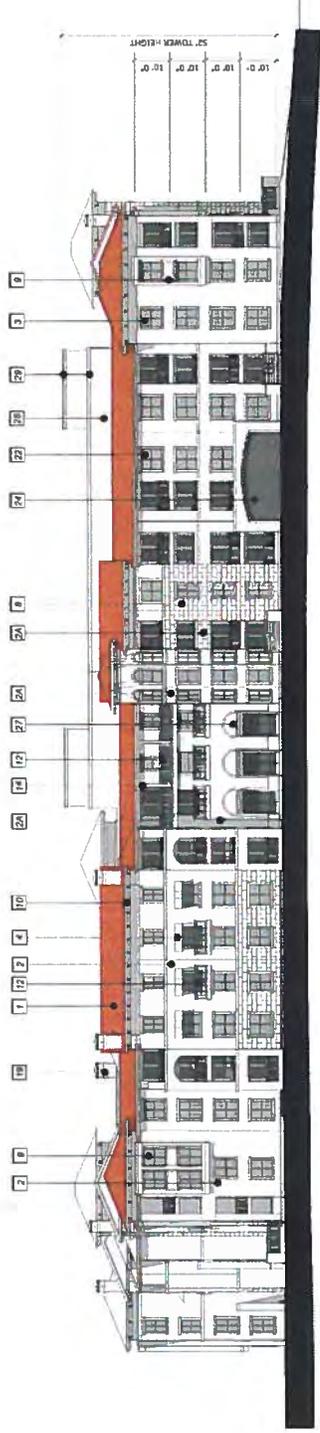
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BEHRINGER HARVARD

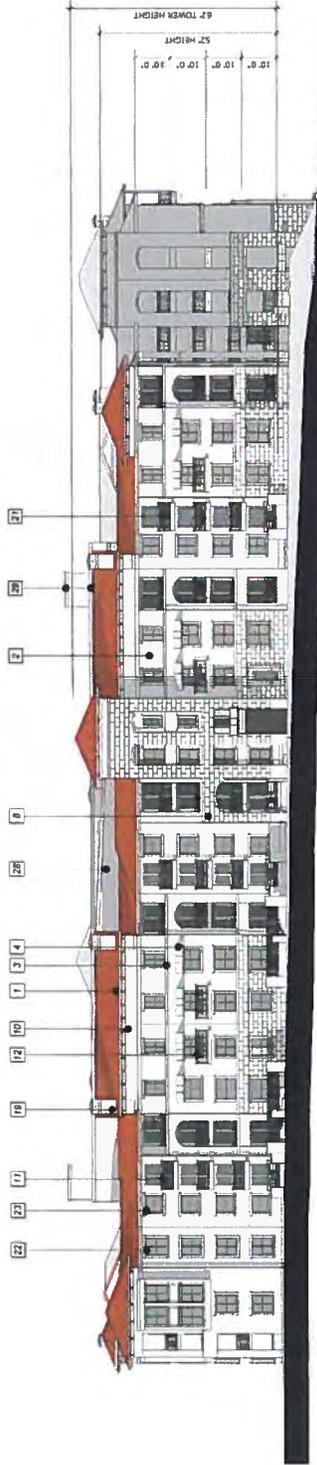
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MATERIAL LEGEND

DESCRIPTION	NUMBER
CONCRETE ROOF TILE	1
EXTERIOR PLASTER FINISH	2
EXTERIOR PLASTER FINISH - SMOOTH	2A
PLASTER FINISH	3
CORNER FINISH W/ DECORATIVE METAL TRIM	4
METAL CORNER W/ SUPPORT RODS	5
DECORATIVE METAL GRILLE SYSTEM	6
IRONWORK FINISH	7
EXT. CEMENT PLASTER MULLING (SMALL LEG STONE FINISH)	8
WOOD TRIM	9
WOOD CORBEL	10
DECORATIVE METAL ABACUS BALCONY	11
DECORATIVE WOOD ABACUS BALCONY	12
-13- DECORATIVE METAL ROUNDWALL	-13-
WOOD POST	14
WOOD TRIM	15
-16- WALL SOCKET FINISH	-16-
PRECAST TRIM	17
PRECAST CAP STONE	18
DECORATIVE CHIMNEY	19
DECORATIVE SHUTTER	20
METAL MAILBOX	21
UPRIGIBLE WINDOW SYSTEM	22
FRENCH DOOR	23
DECORATIVE SECURITY GATE ENTRANCE	24
DECORATIVE COLUMNS	25
ACCENT BAND	26
ALUMINUM STAINLESS STEEL FLOOR	27
PAINTED PLASTER FINISH	28
CORNER & TRIM	29



EAST ELEVATION



WILLOW PASS RD ELEVATION - NORTH

A-5.3
11-13-09 12.21.2012



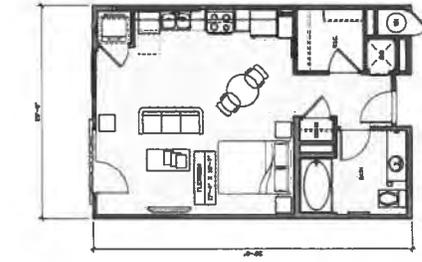
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CONCEPTUAL EXTERIOR ELEVATIONS

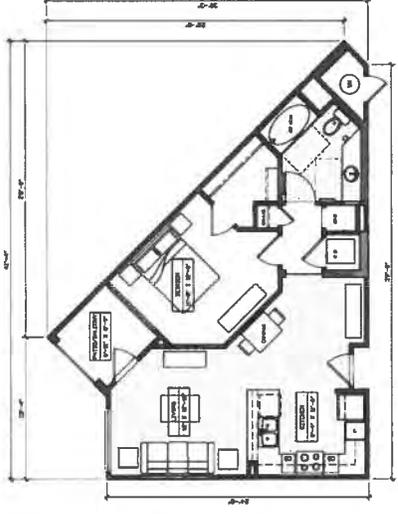
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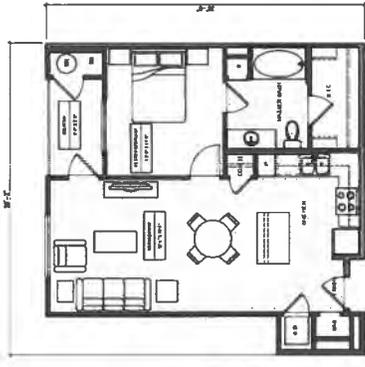
BEHRINGER HARVARD
15801 DALLAS PARKWAY SUITE 600, ADDISON, TX 75001 (214) 655-1800



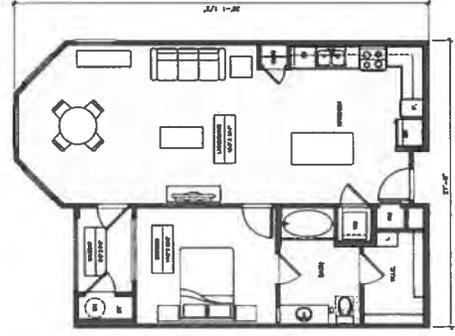
UNIT S10
1 BEDROOM - 1 BATH
LIVABLE AREA: 720 SQ. FT.



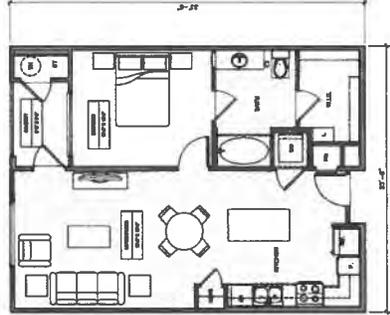
UNIT A0
1 BEDROOM - 1 BATH
LIVABLE AREA: 801 SQ. FT.



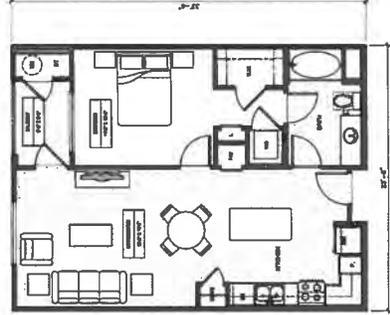
UNIT A0A
1 BEDROOM - 1 BATH
LIVABLE AREA: 720 SQ. FT.



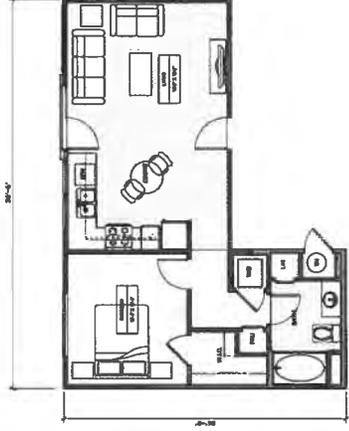
UNIT A3-812
1 BEDROOM - 1 BATH
LIVABLE AREA: 801 SQ. FT.



UNIT A3-811
1 BEDROOM - 1 BATH
LIVABLE AREA: 766 SQ. FT.



UNIT A3
1 BEDROOM - 1 BATH
LIVABLE AREA: 766 SQ. FT.



UNIT A-4
1 BEDROOM - 1 BATH
LIVABLE AREA: 720 SQ. FT.

A-6.1

11-329 11.16.2012



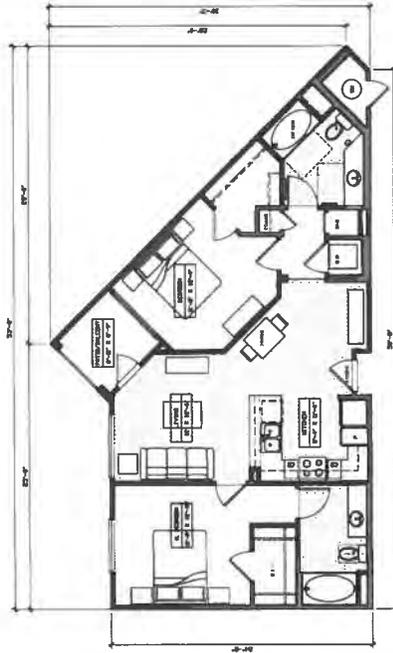
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UNIT PLANS
SCALE 3/16" = 1'-0"

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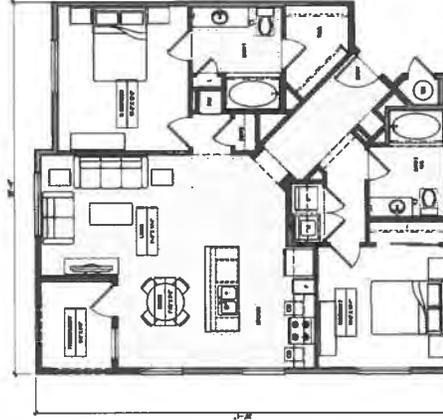
BEHRINGER HARVARD
18801 DALLAS PARKWAY SUITE 600, ADDISON, TX 75001 (214) 665-1600



UNIT B1
2 BEDROOM - 2 BATH
LIVABLE AREA: 1024 SQ. FT.
PATIO/BALCONY: 47 SQ. FT.



UNIT B2: 2BR / 2BA
LIVABLE AREA: 1033 SQ. FT.
PATIO/BALCONY: 46 SQ. FT.



UNIT B3
2 BEDROOM - 2 BATH
LIVABLE AREA: 1033 SQ. FT.
PATIO/BALCONY: 46 SQ. FT.

A-6.2

11-529

11.16.2012



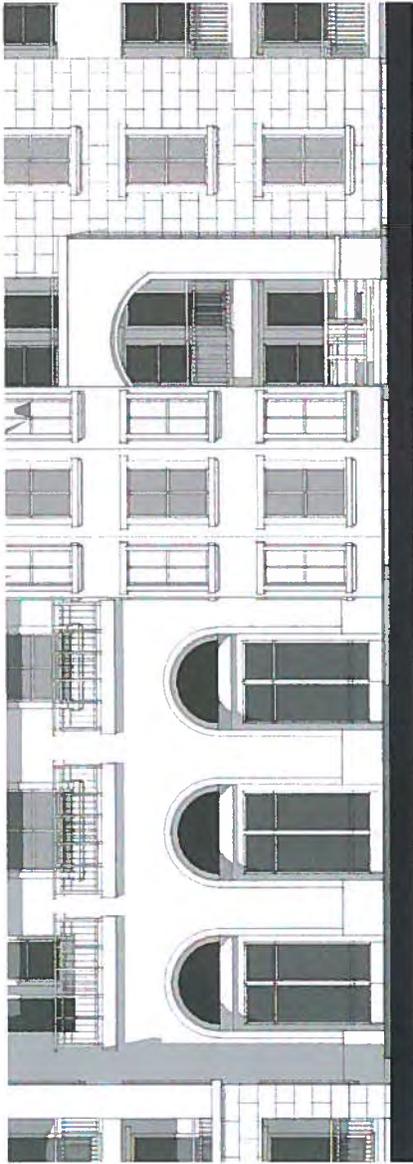
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UNIT PLANS
SCALE 3/16" = 1'-0"

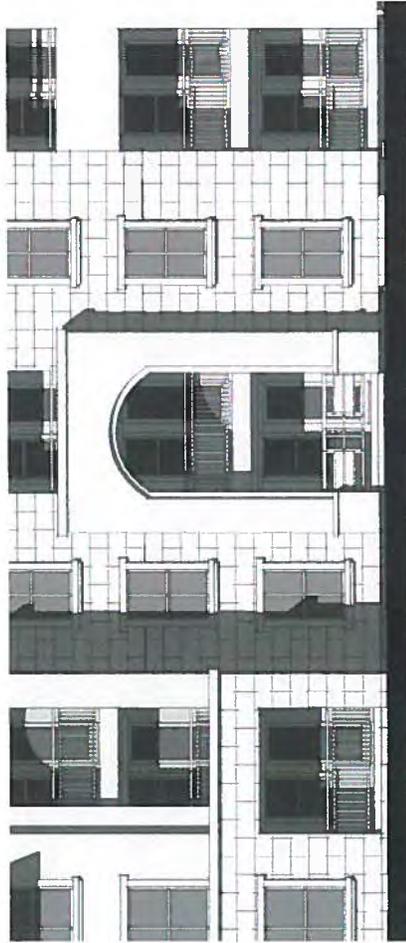
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BEHRINGER HARVARD
16807 DALLAS PARKWAY SUITE 600, ADDISON, TX 75001 (214) 665-1600



LEASING OFFICE ELEVATION - EAST



CONCORD BLVD FRONTAGE



CONCORD BLVD TOWER ENTRY

A-7.0

11-329

11.16.2012



ENLARGED EXTERIOR DETAILS

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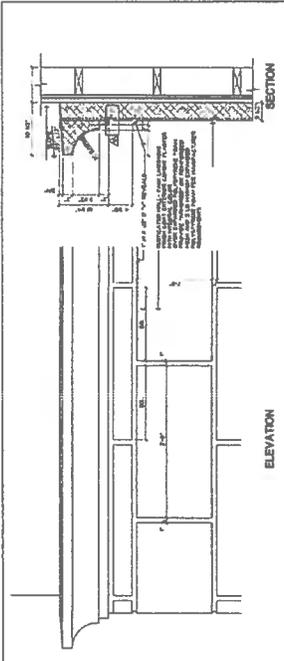
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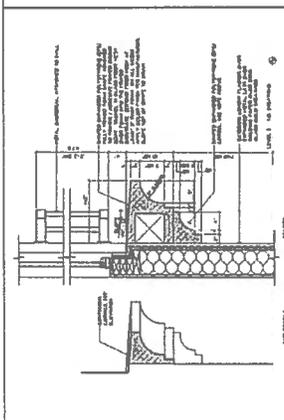
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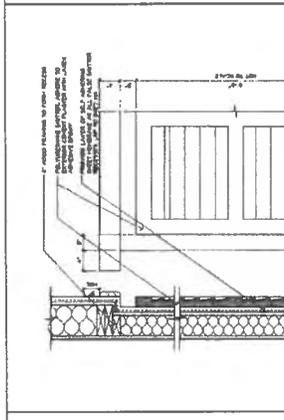
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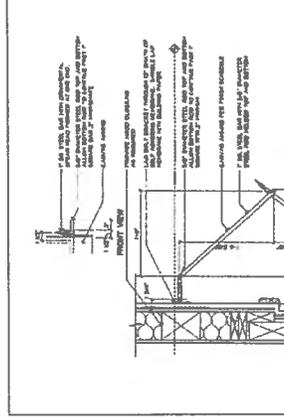
TYPICAL RUSTICATED WALL DETAIL



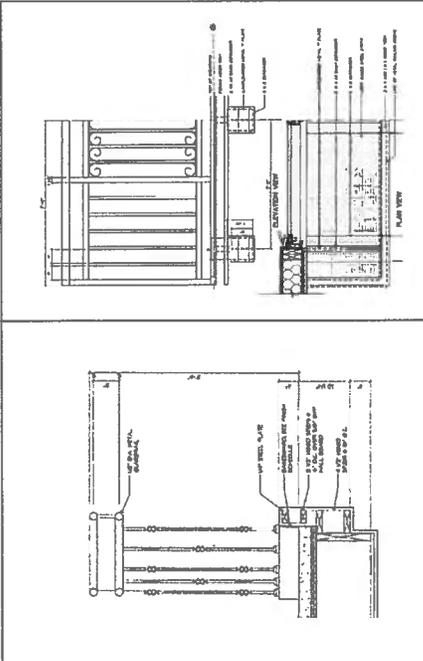
TYPICAL TRIM DETAIL



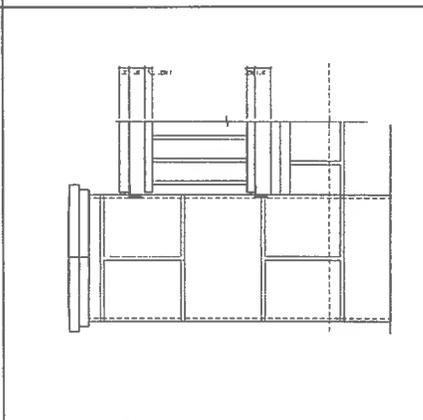
TYPICAL SHUTTER DETAIL



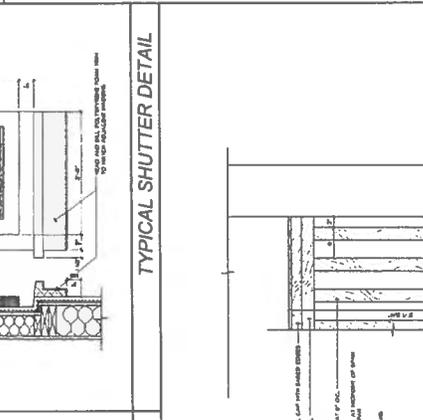
TYPICAL AWNING DETAIL



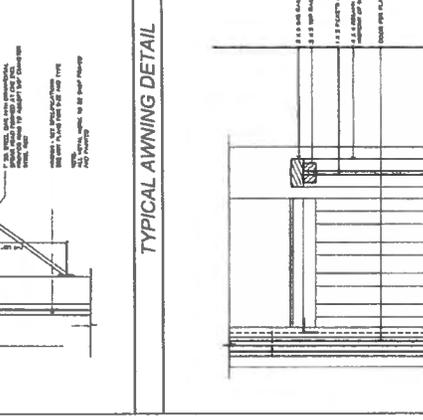
TYPICAL RAILING DETAIL



TYPICAL RAILING W/PILLAR DETAIL



TYPICAL WOOD RAILING BALCONY DETAIL



TYP. JULIETTE BAL. DETAIL

A-7.1

11-329 11.16.2012



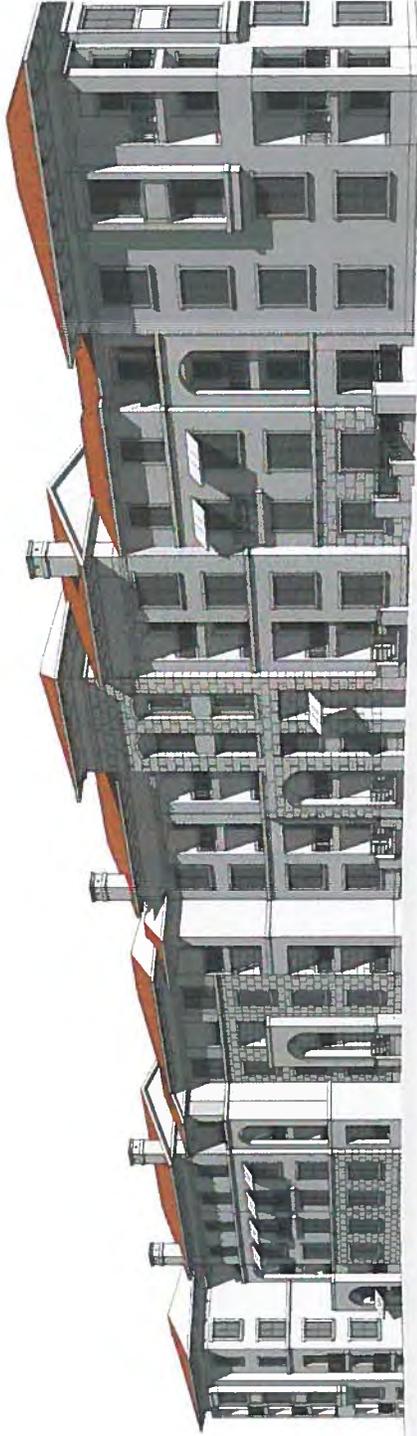
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RENAISSANCE PHASE II CONCORD, CA

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CONCEPT ARCHITECTURAL DETAILS

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CONCORD BLVD- NORTHWEST VIEW



ENTRY DRIVE - NORTHWEST VIEW

A-7.2

11-329

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MASSING STUDIES

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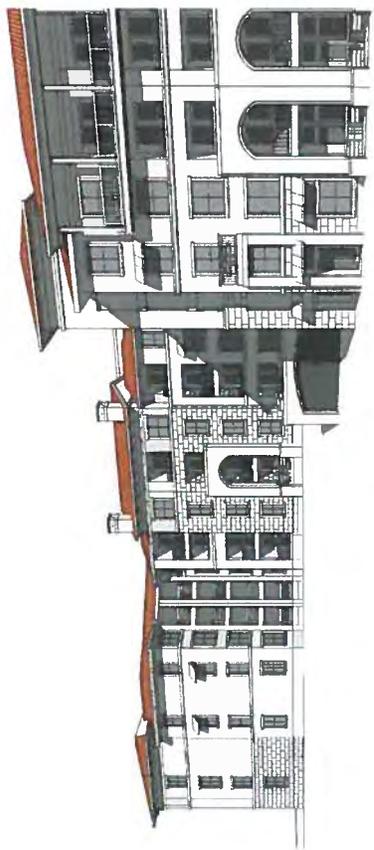
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 Aerial view of the site is for illustrative purposes only.



CONCORD BLVD- NORTHEAST VIEW



CONCORD BLVD- NORTHWEST VIEW



MIRA VISTA TERRACE- NORTHEAST VIEW



WILLOW PASS ROAD- SOUTHWEST VIEW

A-7.3

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MASSING STUDIES

ARCHITECTS ORANGE

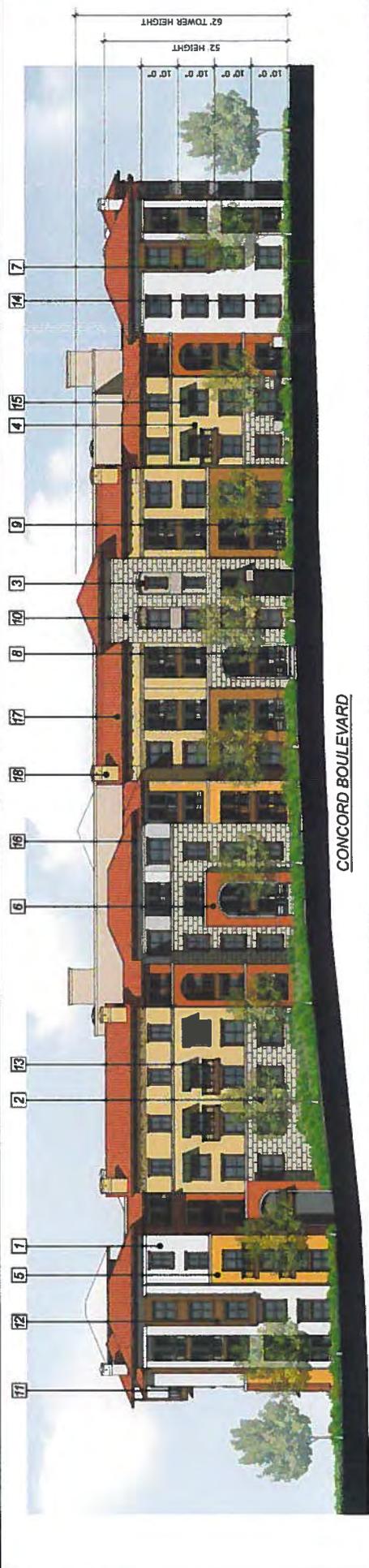
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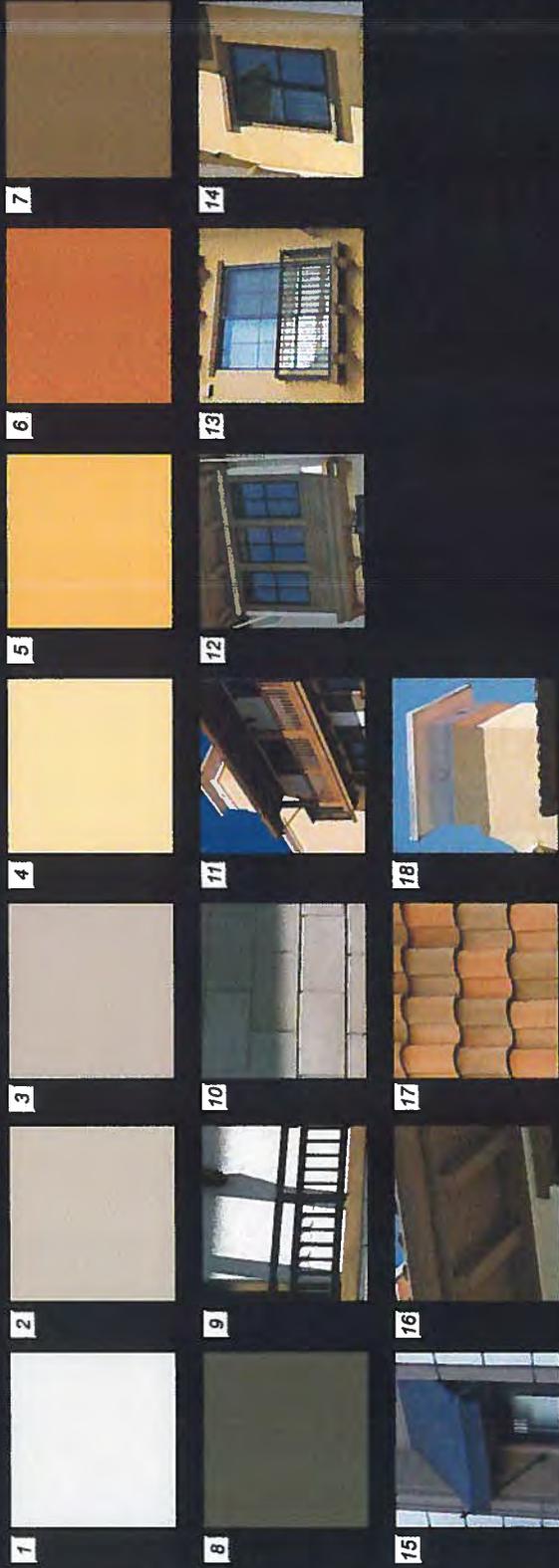
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CONCORD BOULEVARD

MATERIAL AND COLOR LEGEND

- 1. FLOORING: POLISHED CONCRETE (BY F&B)
- 2. SKIN: RED STONE FINISH (ACCESSIBLE RANGE (BY F&B))
- 3. FLOORING: POLISHED CONCRETE (BY F&B)
- 4. EXTERIOR WALLS: STONE FINISH (CLASSICAL STONES) (BY F&B)
- 5. FINISH: (BY F&B)
- 6. CONCRETE: POLISHED CONCRETE (BY F&B)
- 7. TERRAZZO: (BY F&B)
- 8. METAL: BRASS (BY F&B)
- 9. METAL: BRASS (BY F&B)
- 10. SKIN: RED STONE FINISH
- 11. WOOD: (BY F&B)
- 12. SKIN: RED STONE FINISH
- 13. WOOD: (BY F&B)
- 14. SKIN: RED STONE FINISH
- 15. WOOD: (BY F&B)
- 16. WOOD: (BY F&B)
- 17. WOOD: (BY F&B)
- 18. WOOD: (BY F&B)



COLOR AND MATERIALS

RENAISSANCE PHASE II CONCORD, CA
 15801 DALLAS PARKWAY SUITE 400 ADDICKS, TX 75001 (714) 655-1000
 441 NORTH CHAYLOR ST. CHAYLOR, CA 94506 (714) 639-9899

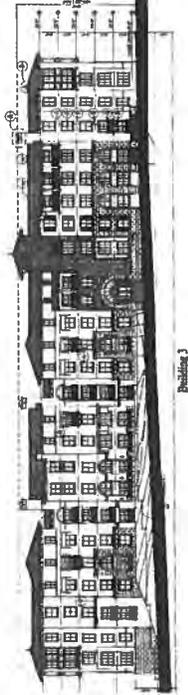
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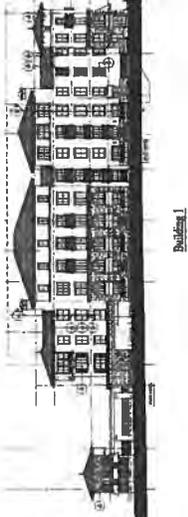
PREVIOUSLY APPROVED PHASE II



Building 3

CONCORD BOULEVARD

PHASE I



Building 1

PREVIOUSLY APPROVED PHASE II



PRIVATE DRIVE

PREVIOUSLY APPROVED PHASE II



Building 2

MIRA VISTA TERRACE

PHASE I



Building 1

PREVIOUSLY APPROVED PHASE II



Building 2

WILLOW PASS ROAD

A-8.0

11-229 11.30.2012



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PHASE 1 ELEVATIONS REFERENCE

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PROPOSED PHASE II



CONCORD BOULEVARD

PHASE I



PROPOSED PHASE II



PRIVATE DRIVE

PROPOSED PHASE II



MIRA VISTA TERRACE

PHASE I



WILLOW PASS ROAD

PROPOSED PHASE II



RENAISSANCE PHASE II CONCORD, CA
BEHRINGER HARVARD
 15001 DALLAS PARKWAY SUITE 600, ADDISON, TX 75001 (214) 655-1600

COMPARISON WITH PROPOSED PHASE 2
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A-8.1

11-3209 12.21.2012

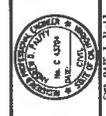


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PRELIMINARY
GRADING, DRAINAGE
AND UTILITIES PLAN

RENAISSANCE PHASE II
BEHRINGER HARVARD
CITY OF CONCORD
CALIFORNIA

AR CONSULTING
PLANNING • ENGINEERING • CONSTRUCTION
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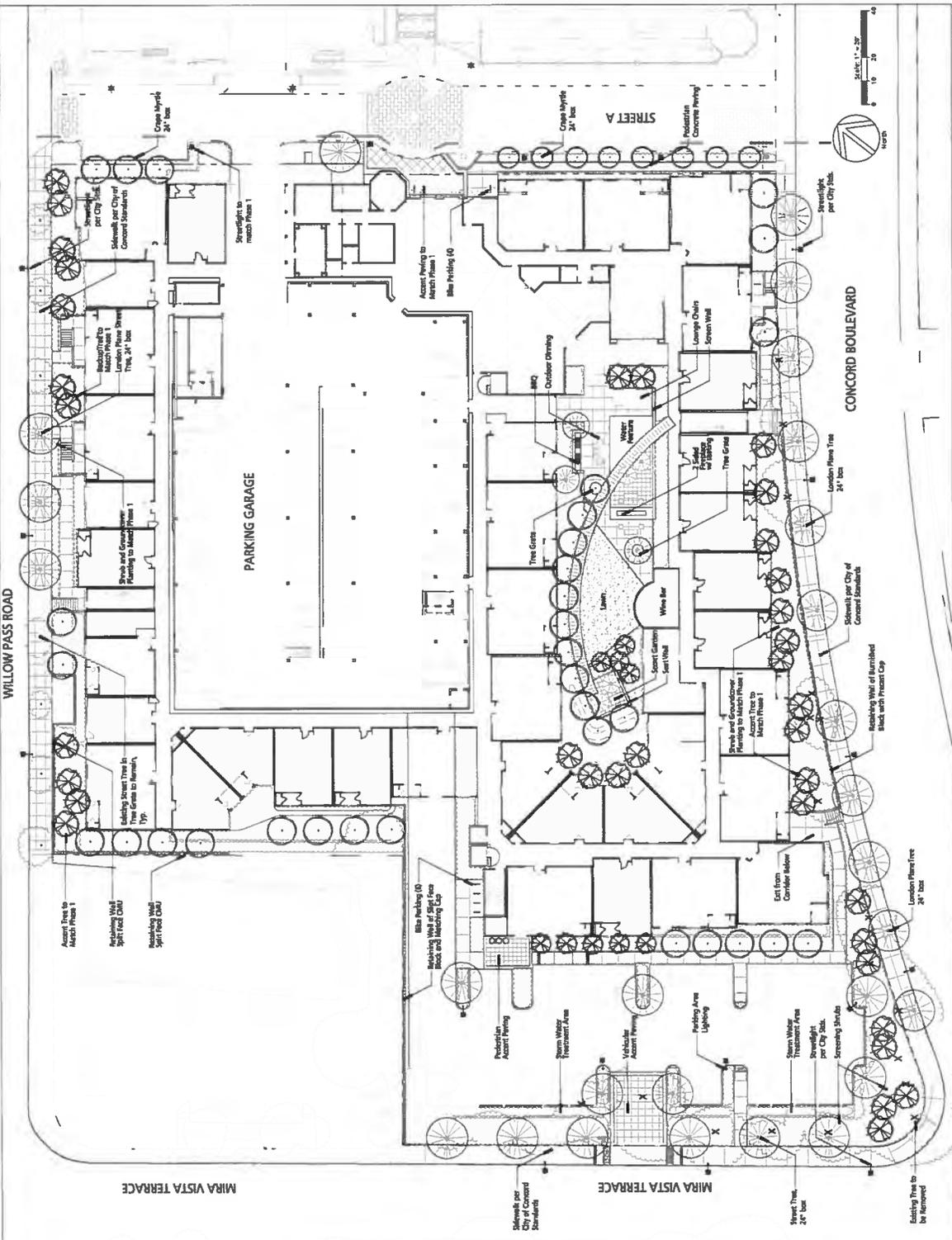
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Schematic Landscape Plan L-2

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WILLOW PASS ROAD

MIRA VISTA TERRACE

PARKING GARAGE

MIRA VISTA TERRACE

CONCORD BOULEVARD

STREET A

STREET B

STREET C

STREET D

STREET E

STREET F

STREET G

STREET H

STREET I

STREET J

STREET K

STREET L

STREET M

STREET N

STREET O

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STREET JN



Light Bollard By Kim To Match Phase 1



Pedestrian Scale Pole Light By AAL To Match Phase 1



Planter Pot By Quick Crete To Match Phase 1



Outdoor Wood Furniture By Gardenside To Match Phase 1



Outdoor Wood Furniture By Gardenside To Match Phase 1



London Plane Tree



Crape Myrtle



Ash Tree



Vine on Block Wall



Water Feature



Pedestrian Accent Paving By Acker-Stone To Match Phase 1 To Match Phase 1



Vine on Block Wall



Vine on Block Wall



Typical Stormwater Treatment Area Planting



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LANDSCAPE IMAGES L-4

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INTERIOR STREET ELEVATION - EAST



WILLOW PASS RD ELEVATION - NORTH

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Conceptual Exterior Elevations L-5

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CONCORD BLVD ELEVATION - SOUTH


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Conceptual Exterior Elevations L-6

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LEASING OFFICE ELEVATION - EAST



**CONCORD BLVD FRONTAGE
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CONCORD BLVD TOWER ENTRY



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Enlarged Exterior Details L-7

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SECTION THROUGH MIRA VISTA PARKING LOT

SCALE: 1 1/2" = 1'-0"


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Enlarged Exterior Details L-8

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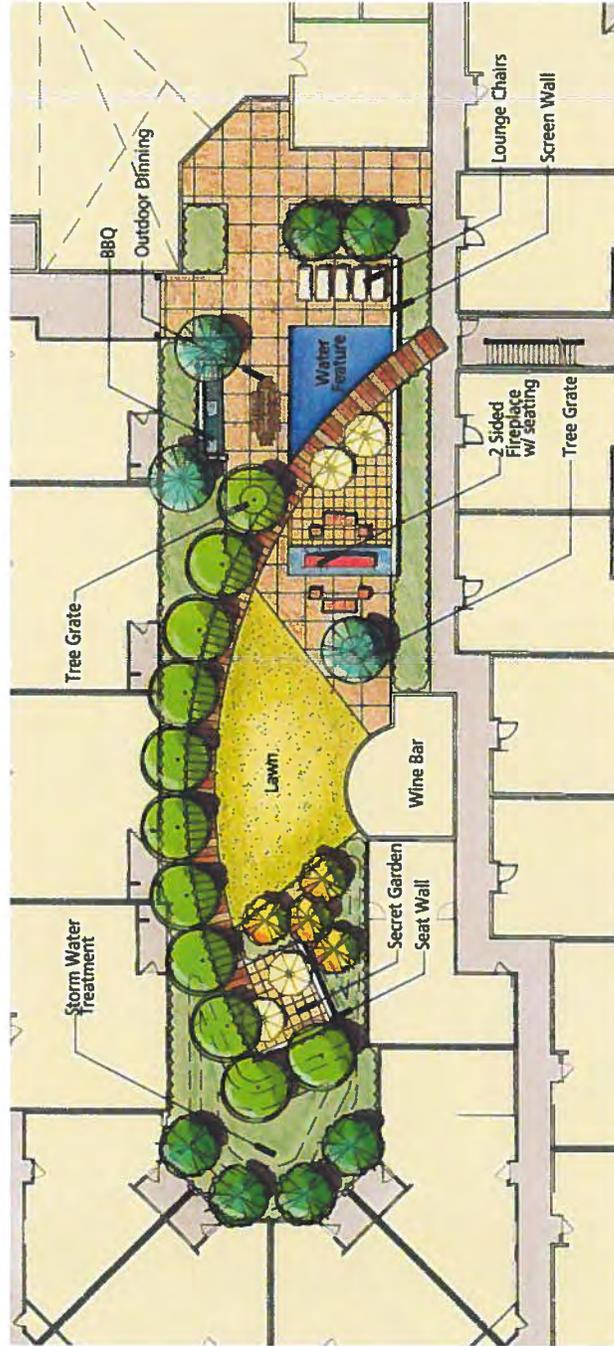
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Courtyard Enlargement

SCALE: 1"=10'-0"

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Courtyard Enlargement L-9

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**ADDENDUM TO THE DOWNTOWN CONCORD
CONDOMINIUMS INITIAL STUDY/MITIGATED
NEGATIVE DECLARATION**

THE CITY OF CONCORD

November 2013

URBAN
PLANNING
PARTNERS
INC.

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I. INTRODUCTION

A. DETERMINATION

This document is an Addendum to the June 2004 Initial Study/Mitigated Negative Declaration (2004 IS/MND) originally prepared for the Downtown Concord “Renaissance Square” Condominium project approved by the City of Concord (hereafter referred to as the “Approved Project” or “Project”). The 2004 IS/MND was prepared and circulated pursuant to CEQA. The Approved Project, the 2004 IS/MND and the associated Mitigation and Monitoring Matrix (“MMX,” which MMX is included within the definition of “2004 IS/MND”) were considered by the Planning Commission on June 16, 2004 (Planning Commission Resolutions No. 04-13PC and No. 04-15PC) and were approved and adopted by the Concord City Council on July 6, 2004 (City Council Resolution No. 04-4823.2) with the finding that, with implementation of all required mitigation measures, the Approved Project’s environmental impacts would be less than significant.

The Approved Project approvals allowed development of a 5.16-acre site located at 1851 Galindo Street in the City of Concord (“City”) with up to 314 residential units to allow for 309 residential units and one retail space with the option to divide and/or convert the retail space into as many as five spaces for residential or live/work units; recreational facilities; and podium style parking. In 2008, the original developer/applicant, Signature Properties, completed a portion of the Approved Project consisting of:

- 135 multi-family residential units¹
- Recreational facility including the pool
- A private Street (Street A)
- Dedication of right-of-way to the City along Galindo Street, Concord Boulevard, and Mira Vista Terrace as specified in Condition of Approval 71.

This completed portion of the Approved Project (“Completed Construction”) is located on a 2.24-acre portion of the Project site.

¹ 132 multifamily residential units and 4,500 square feet of retail space were originally completed, but the 4,500 square feet of retail space was subsequently converted into 3 multifamily residential units, bringing the total completed construction to 135 multifamily residential units.

Behringer Harvard, the current developer, purchased the site with all entitlements in 2012. Behringer Harvard intends to complete the construction of the Approved Project in manner substantially similar to the Approved Project, but has proposed modifications to architectural detail, unit type and mix, parking, and total building area. Chapter II Project Information, including Table 1 Comparison Chart, details the proposed modifications to the Approved Project. The portion of the Approved Project not yet constructed together with the proposed modifications is referred to as the "Remaining Construction," and the Completed Construction together with the Remaining Construction (including the proposed modifications) are referred to as the "Modified Project" throughout this Addendum.

This Addendum evaluates whether the Remaining Construction proposed changes to the Approved Project would result in any new or substantially more adverse significant effects or require any new mitigation measures not identified in the 2004 IS/MND, and concludes that the analysis and the conclusions of the 2004 IS/MND remain current and valid. No substantial changes have occurred with respect to existing conditions that would cause new or substantially more severe significant environmental effects than were identified in the 2004 IS/MND. Additionally, no new meaningful information indicates that the proposed modifications would cause new or substantially more severe significant environmental effects that were analyzed in the 2004 IS/MND.

This Addendum considers whether any substantial changes have occurred with respect to the circumstances under which the Remaining Construction will be undertaken which would require major revisions to the 2004 IS/MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. As discussed in the following chapter, while there have been regulatory changes since the 2004 IS/MND (e.g., requirement for an analysis of greenhouse gas emissions), in all instances, the changes in circumstances do not result in new or substantially more severe significant effects or the need for new mitigation measures. This Addendum finds that, notwithstanding the changes in circumstances, completion of the Modified Project would not result in new significant or substantially more severe environmental impacts than those analyzed in the 2004 IS/MND, and no additional mitigation measures are required.

The 2004 IS/MND requires mitigation measures in connection with the Approved Project; the General Mitigation Measure (see pages 23–24 of the MMX) further requires that all construction-related mitigation measures be included as a separate plan sheet of the project plans. The same mitigation measures developed for the overall Approved Project will apply to the Remaining Construction. The mitigation measures described in the 2004 IS/MND (including the MMX) are within the jurisdiction of the City of Concord to adopt, and will in fact be implemented by the applicant.

B. CEQA FRAMEWORK FOR ADDENDUM

The City of Concord is the CEQA lead agency responsible for the Approved Project, including the proposed Remaining Construction. The Applicant submitted the following requests to modify the unconstructed portion of the Approved Project:

- Use Permit Amendment (UA-12-005)
- Design Review (DR 12-028)

Since the Use Permit request is for a modification to a previously approved project (the Approved Project), it is subject to subsequent review standards under Public Resources Code Section 21166. Under the California Environmental Quality Act of 1970, Public Resources Code Sections 21000, et seq. and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations, as amended (collectively, "CEQA"), [W]hen a project that was studied and approved under an approved mitigated negative declaration (MND) is proposed to be modified, an Addendum to the MND may satisfy CEQA regulations. Each Public Resources Code Section 21166 and CEQA Guidelines Section 15162 provides that when an EIR has been certified or a negative declaration has been adopted for that project, no subsequent EIR shall be prepared for the project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- Substantial changes in the project that require major revisions to the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- Substantial changes with respect to the circumstances under which the project is undertaken which require major revisions to the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time of MND adoption, shows any of the following:
 - i) the project will have one or more significant effects not discussed in the MND,
 - ii) the project will result in impacts substantially more severe than those disclosed in the MND,

iii) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponent declines to adopt the mitigation measure or alternative, or

iv) mitigation measures or alternatives that are considerably different from those analyzed in the MND would substantially reduce one or more significant effects on the environment, but the project proponent declines to adopt the mitigation measure or alternative.

Per CEQA Guidelines Section 15164(a), the lead agency shall prepare an addendum to a previously certified EIR if some changes are necessary but none of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR have occurred. Furthermore, Section 15164(b) states that an addendum to an approved MND is appropriate when only minor technical changes are made and none of the conditions in Section 15162 are triggered. These provisions also apply to preparation of subsequent negative declarations.

As discussed herein, none of the elements requiring preparation of a subsequent EIR exists, and the City of Concord has determined that it is not necessary to prepare a subsequent EIR or MND. Rather, this Addendum to the 2004 IS/MND is the appropriate CEQA document.

This Addendum reflects the independent judgment and analysis of the City as the lead agency, demonstrates that the environmental analysis, impacts, and mitigation requirements identified in the 2004 IS/MND remain substantively unchanged by the situation described herein, and supports the finding that the proposed project modifications do not raise any new issues, result in any new impacts, and do not exceed the level of impacts identified in the 2004 IS/MND. To support this decision, the following discussion describes the proposed project modifications and the environmental analysis.

Per CEQA Guidelines Section 15164(c), an addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted mitigated negative declaration. Per CEQA Guidelines Section 15164(d), the decision-making body shall consider an addendum with the final EIR or adopted mitigated negative declaration prior to making a decision on the project. Accordingly, this Addendum will be attached to the 2004 IS/MND, and will be considered by the decision-making body with the 2004 IS/MND before making a decision on the Remaining Construction. The 2004 IS/MND is on file with and may be obtained from the Office of the City Clerk at 1950 Parkside Drive MS/03, Concord, California 94519.

II. PROJECT INFORMATION

A. BACKGROUND

The Project site is located in the City of Concord and is bounded by Concord Boulevard to the south, Willow Pass Road to the north, Mira Vista Terrace to the west, and Galindo Street to the east. The site is in central Concord, approximately 0.4 miles from the Concord Bay Area Rapid Transit (BART) station. The site is surrounded by a mix of land uses, including commercial uses such as a movie theater, bank, grocery store, and restaurants, as well as a high-rise office building. The site was formerly an automobile dealership, and currently has one vacant building.

The Approved Project is a residential condominium project with some retail spaces on the ground floor, resident amenities, and associated parking. Signature Properties built the Completed Construction. Behringer Harvard has submitted a Use Permit Amendment (UA-12-005) and Design Review (DR 12-028) requesting certain modifications to the Approved Project in connection with completing the Remaining Construction.

B. SUMMARY OF APPROVED PROJECT AND COMPLETED CONSTRUCTION

In 2004, the City of Concord approved the Renaissance Square Condominium project, which proposed development of up to 314 residential units to allow for 309 residential units and one retail space with the option to divide and/or convert the retail space into as many as 5 additional residential or live/work units. The 2004 IS/MND was prepared and circulated pursuant to CEQA. The 2004 IS/MND and the associated Mitigation Monitoring and Reporting Program were approved on June 16, 2004 with the finding that, with implementation of all required mitigation measures, the Approved Project's environmental impact would be less than significant.

The Approved Project includes 314 units within three buildings, each with heights of four to five stories. Proposed floor plans featured one and two bedroom units in a variety of types including flats, stacked townhouses, lofts, and live/work lofts. Street level units along Galindo Street would consist of five live/work lofts located at the southern half of the block along Concord Boulevard, with the retail space located at the northern half of the block along Willow Pass Road (consistent with Project approvals, the original developer converted this retail space into multi-family residential units). The Completed Construction consists of 135 multi-family residential units located in a single building over a subterranean parking garage on a 1.73-acre portion of the Project site. Resident amenity spaces, including a pool, recreation room, courtyards, and paseos, were also

developed and a total of 285 subterranean parking spaces were constructed. Table 1: Comparison Chart in Section D provides a more detailed description of the Completed Construction.

C. SUMMARY OF REMAINING CONSTRUCTION

The Remaining Construction would complete development of the Approved Project on the remaining 2.75 acres of the Approved Project site. Currently, the 2.75 acres are primarily paved, with some landscaping on the perimeter and one vacant building (which will be demolished) on the southwest corner. The Remaining Construction would include a five-story parking garage on the northern half of the site, with a four to five story building containing 179 residential units wrapped around the garage. This parking garage, as well as some surface parking, would provide a total of approximately 371 parking spaces for residents and guests. A courtyard at the southern portion of the site would include barbecue and outdoor dining areas, and other amenities. Landscaping would be provided in the courtyard, around the surface parking area, and around the perimeter of the 2.75 acres. The Completed Construction is located to the east of the Remaining Construction site, on the opposite side of a private street that accesses both areas.

The design of the Remaining Construction would continue the Completed Construction's interpretation of traditional Italianate Revival with selected contemporary design elements. The proposed design for the Remaining Construction features Juliet balconies with metal railings and canvas awnings, cornice ledges, arched forms, bay windows, and gable and hip roof forms. Exterior building materials include concrete roof tiles, cement plaster finish and trim, canvas awnings, and metal balcony railings. The landscape plan proposes landscaping for the Completed Construction, and features London Plane street trees in 24-inch boxes, over ten species of accent trees (15-gallon), and an extensive list of shrubs and groundcover options. New site furniture and hardscape matching the Completed Construction are also proposed.

D. COMPARISON OF APPROVED PROJECT AND MODIFIED PROJECT (COMPLETED + REMAINING CONSTRUCTION)

Table 1 below provides a comparison of the development rights of the Approved Project, the Completed Construction, the Remaining Construction, total build-out, and the difference between buildout under the Approved Project and the Modified Project that would result from the Completed Construction and the Remaining Construction (as proposed to be modified).

TABLE 1: COMPARISON CHART

	<i>Approved Project</i>	<i>Completed Construction</i>	<i>Proposed Remaining Construction</i>	<i>Total Modified Project (Completed + Remaining)</i>	<i>Change (Approved Project – Total)</i>
Total Residential Units	314	135	179	314	0
<i>Studios (# of units)</i>	0	0	12	12	12
<i>One-Bedroom (# of units)</i>	96	44	83	127	31
<i>Two-Bedroom (# of units)</i>	213	88	84	172	-41
<i>Undefined (# of units)¹</i>	5	3	0	3	-2
Number of Bedrooms ²	522	220	263	483	-39
Total Building Area (sf)	727,079	306,381	370,260	676,641	-50,438
<i>Building (sf)</i>	469,079	194,129	222,8000	416,929	-52,150
	<i>Apt/corridor/rec/retail,etc)</i>	<i>(apt/corridor/rec-fit/retail)</i>	<i>(apt/corridor/fitness)</i>		
<i>Parking Garage (sf)</i>	258,000	112,252	147,460	259,712	1,712
Parking Spaces ³	764	292	364	656	-108
Height (feet)	75	75	65	75 Maximum	n/a

¹ These were approved to allow for either one retail space or 5 residential units. Three residential units were subsequently constructed.

² Does not include the number of bedrooms for the Undefined units as the number of bedrooms for those units was not specified in the Approved Project.

³ The Approved Project included a number of parking spaces beyond what was required by the Development Code. Since the approval of the Approved Project, the Development Code has been updated to reduce the parking requirement.

Source: Behringer Harvard and City of Concord, 2013.

The total Modified Project (Completed Construction + Remaining Construction) differs from the Approved Project’s approved development rights in the following ways:

- While the total multi-family residential units for Modified Project is the same as the Approved Project (314), the unit mix has changed slightly to include more studios (12 more) and one-bedrooms (31 more) and fewer two-bedrooms (41 fewer);
- The Modified Project total building square footage has decreased overall by 50,438 square feet, with a decrease in building square footage (52,150 square feet) as a result of a change in the unit mix and a slight increase in the square

footage of the parking areas (1,712 square feet) to accommodate the final garage design;

- The Modified Project would be allowed to provide fewer parking spaces than the Approved Project (108 fewer spaces) due to a change in parking requirement resulting from a Development Code Update and a reduction in the total number of bedrooms resulting from the shift in unit mix; and
- The Remaining Construction would consist of a wrap-style building around a parking garage, instead of a podium building over subterranean parking as specified in the Approved Project.

As discussed previously, the Approved Project was approved for up to 314 condominium units. Due to the depressed condominium market, the Completed Construction residential units were ultimately rented; it is not known whether or when they will be sold. The Remaining Construction will also be condominium units, but it is not known whether the remaining 179 units would be rented or sold.

III. ANALYSIS OF POTENTIAL ENVIRONMENTAL EFFECTS

The following discussion analyzes the likelihood of the Modified Project (Completed Construction + Remaining Construction) to result in new or substantially more severe significant effects or the need for new mitigation measures as compared to those studied in the 2004 IS/MND. This Addendum discusses the topic areas in the sequence that they are addressed in the 2004 IS/MND. This section concludes by finding that no new or substantially more severe significant effects than those identified in the 2004 IS/MND would result from Modified Project (Completed Construction + Remaining Construction) and that no new additional or changed mitigation measures would be required. Mitigation Measures identified in the 2004 IS/MND that remain applicable to the Remaining Construction are referenced in this Addendum.

A. AESTHETICS

The 2004 IS/MND studied whether the Approved Project, as a whole, would result in a substantial adverse effect on a scenic vista, substantially damage scenic resources within a State Scenic Highway, substantially degrade the visual character or quality of the site, or create a substantial new source of light or glare. The 2004 IS/MND concluded that the Approved Project would have either less-than-significant or no impacts on aesthetic resources, and no mitigation measures were required.

The Remaining Construction would be located on a 2.75-acre portion of the Project site. This portion of the Project site remains primarily vacant and paved. The Remaining Construction would consist of the same type of land use and operations, would create a similar mass, and would be constructed using similar materials as the Approved Project. Additionally, the Remaining Construction would not exceed the Approved Project's maximum height of 75 feet. As discussed in the 2004 IS/MND, the views from the Project site consist of adjacent commercial buildings and major roadways including Concord Boulevard and Willow Pass Road. Although the Approved Project would block views to the west and south, these views do not include scenic resources, and there would be no impact to scenic resources. This condition would remain the same for the Remaining Construction.

As described in the 2004 IS/MND, the Project site does not include any State Scenic Highway designations and is not located in the vicinity of a State Scenic Highway. The site is approximately 7 miles northeast of any designated State Scenic Highways. The 2004 IS/MND also found that the Project site and the vicinity do not include any designated

scenic resources. The 2004 IS/MND describes the existing visual quality of the site and concludes the Project would improve the visual quality of the site by improving the site. All of these conditions are true for the Remaining Construction. As a result, development of the remaining portion of the Project site would not substantially degrade the visual quality of the site or its surroundings.

Similar to the Approved Project, the Remaining Construction would result in the installation of streetlights or the replacement/upgrade of existing lights. Lights would be installed where needed for the protection of public safety and would not create new or substantial light or glare consistent with the findings of the 2004 IS/MND. Because the site is surrounded by fully urbanized neighborhoods of residential, industrial and public uses, project lighting would not substantially degrade nighttime views.

The site of the Remaining Construction is part of the larger Approved Project site, and circumstances related to aesthetics under which the Remaining Construction would be undertaken have not changed. Additionally, none of the modifications proposed as part of the Remaining Construction would change the findings of the 2004 IS/MND related to aesthetics. As a result, the Modified Project (Completed Construction + Remaining Construction), similar to the Approved Project, would not result in any new or substantially more severe impacts on aesthetic resources. The 2004 IS/MND required no mitigation measures related to aesthetic resources for the Approved Project; no new mitigation measures are necessary for the Remaining Construction.

No new or substantially more severe significant effects would occur and no additional mitigation measures are required.

B. AGRICULTURE AND FOREST RESOURCES

The 2004 IS/MND analyzed the potential impacts to agricultural resources that could occur resulting from the Remaining Construction as part of the Approved Project. The 2004 IS/MND determined that the Approved Project would have no impacts on agricultural resources, and no mitigation measures were required.

The 2004 IS/MND determined that the Project would neither convert nor impact farmland to a non-agriculture use or result in the conversion of other farmland to non-agricultural uses, nor would the Project conflict with existing zoning for agricultural use or a Williams Act contract. There remains no active agricultural uses at the Project site or vicinity, and therefore no new potential to convert surrounding farmland to non-agricultural uses exists.

In 2009, the CEQA Guidelines were amended (adopted December 30, 2009, effective March 18, 2010) to include consideration of forest resources and the Environmental Checklist Form (Appendix G) was modified to reflect this amendment. As the 2004 IS/MND was prepared prior to 2009, it did not consider forest resources. The Approved Project site is not zoned for forest resources and does not contain any forest resources. Therefore, the Approved Project would not result in a zoning conflict for forest resources, nor would it result in the loss of forest land or conversion of forest land to non-forest use.

The site of the Remaining Construction is part of the larger Approved Project site, and circumstances related to agriculture and forest resources under which the Remaining Construction would be undertaken have not changed. As a result, the Modified Project (Completed Construction + Remaining Construction), similar to the Approved Project, would have no impacts on agriculture and forest resources. The 2004 IS/MND required no mitigation measures related to agriculture for the Approved Project.

No new or substantially more severe significant effects would occur and no additional mitigation measures are required.

C. AIR QUALITY

The 2004 IS/MND analyzed effects to air quality associated with implementation of the Approved Project. The 2004 IS/MND determined that the Approved Project would not conflict with or obstruct implementation of the applicable air quality plan, would not cause or contribute substantially to any existing or projected air quality violation, would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment, would not expose sensitive receptors to substantial pollutant concentrations, and would not be considered to create objectionable odors affecting a substantial number of people. These impacts were considered less-than-significant air quality impacts; however, one mitigation measure (Mitigation Measure III.I) was required to control PM₁₀ emissions from construction activities.

The 2004 IS/MND determined that the Approved Project would not conflict or obstruct the Bay Area 2001 Ozone Attainment Plan or the 2000 Clean Air Plan. Since the Project was approved in 2004, the Bay Area Air Quality Management District (BAAQMD) has adopted the 2010 Clean Air Plan. The 2010 Clean Air Plan, like the Bay Area 2001 Ozone Attainment Plan and the 2000 Clean Air Plan, contains stationary and area source, transportation, and mobile source control measures, but also includes land use and local impact control measures as well as energy and climate control measures. Similar to the Approved Project, the Modified Project would not conflict with control measures contained in an applicable air

quality plan as the number of units proposed is the same and none of the other revisions proposed as part of the Remaining Construction (i.e., reduced parking, change in unit mix) would impact the Modified Project's relationship to these plan since the total building square footage decreased and the number of units remained the same. In fact, the Remaining Construction would help fulfill applicable transportation control measures through improved bicycle facilities. Further, the reduction in the total number of bedrooms (see Table 1) would likely result in a lower residential population incrementally decreasing GHG emissions associated with the Remaining Construction.

The 2004 IS/MND determined that with implementation of Mitigation Measure III.I, the air quality impacts from construction activities would be less than significant. The Remaining Construction would also be required to comply therewith. The Modified Project's changes to the Approved Project would actually slightly reduce the potential impacts of construction activities. The Approved Project proposed to provide parking partially in two levels of subterranean parking, requiring a maximum vertical excavation of 23 feet. The Remaining Construction would be located on a portion of the Approved Project site and would be constructed using similar grading and building practices. However the Remaining Construction would result in no more than one level of subterranean parking and approximately 13 feet less of vertical excavation.

The 2004 IS/MND determined that operation of the Approved Project would not cause or contribute substantially to any existing or projected air quality violation, nor would it exceed the BAAQMD thresholds in place in 2004.² The 2004 IS/MND concluded that since the Approved Project generated a little fewer than 1,400 trips per day, the Approved Project did not exceed the BAAQMD thresholds in place, where a residential project would have potentially significant emissions impacts if the project generated more than 2,000 vehicle trips per day. As discussed in Section P Transportation/Traffic, the Approved Project operating as condominiums would generate approximately 1,370 daily vehicle trips while the Modified Project (Completed Construction + Remaining Construction) operating as rental units would generate approximately 1,570 daily vehicle trips. So while

² BAAQMD 1999 CEQA Guidelines. Since the adoption of the 2004 IS/MND, the BAAQMD has adopted updated CEQA Guidelines in June 2010 with a subsequent update in May 2011. The updated Air Quality Guidelines contain new recommended thresholds and methodologies. An Alameda Superior Court ruled in January 2012, in California Building Industry Association v. Bay Area Air Quality Management District, that the BAAQMD violated CEQA by adopting thresholds. Reversing the trial court in August 2013, the court of appeal found that adoption of thresholds for CEQA review was not a "project" itself subject to CEQA review, and rejected claims that the thresholds were unsupported. However, BAAQMD has not reinstated the thresholds and their website states that "lead agencies may continue to rely on the Air District's 1999 Thresholds of Significance."

the Modified Project would result in approximately 200 more daily vehicle trips than the Approved Project, the total daily vehicle trips for the Modified Project would still be below the BAAQMD threshold of 2,000 vehicle trips per day.

The 2004 IS/MND determined that the Approved Project would not cause a cumulatively considerable increase in criteria pollutants based on the 1999 cumulative thresholds. None of the project refinements that would result under the Modified Project would change this finding as the total number of units and the permitted General Plan density ranges remain the same as what was considered for the Approved Project.

The 2004 IS/MND determined that the Approved Project would not expose receptors to substantial pollutant concentrations or create objectionable odors. The Remaining Construction would be located on a portion of the Approved Project site and the Remaining Construction would consist of the same type of land use and operations as the Approved Project. Additionally, no new sensitive receptors have been located adjacent to Project site since 2004. As a result, no new analysis of the Modified Project's impact on sensitive receptors or related to odors is required.

The 2004 IS/MND requires compliance with Mitigation Measure III.1 (see pages 1-3 of the MMX). The Remaining Construction would also be required to comply therewith. Consequently, the impacts related to air quality that could occur as a result of the Remaining Construction would be less-than-significant and consistent with the impacts and mitigation measures identified for the Approved Project.

No new or substantially more severe significant effects would occur and no additional mitigation measures are required.

D. BIOLOGICAL RESOURCES

The 2004 IS/MND analyzed the potential impacts to biological resources that could occur as a result of the Approved Project. In the topics analyzed, the 2004 IS/MND determined that the Approved Project would have either less-than-significant or no impacts on biological resource.

The Remaining Construction represents a minor modification of the Approved Project. The Remaining Construction would be located on a portion of the same site, would consist of the same type of land use and operations, would create a similar footprint, and would be constructed using similar grading and building practices. The 2004 IS/MND determined that no identified candidate, sensitive or special status species inhabit the Project site. Nor does the site contain riparian habitat, active drainage channels, wildlife corridors, or

native wildlife nurseries. Similarly, no adopted habitat conservation plans or community conservation plans impact the site.

None of the conditions related to biological resources on the site described in the 2004 IS/MND have changed substantially since the 2004 IS/MND was prepared. The Remaining Construction would occur in the same location as the Approved Project and as described above, circumstances related to biological resources under which the project would be undertaken have not significantly changed. As a result, the Modified Project (Completed Construction + Remaining Construction) would have no additional impacts on biological resources.

While the Project site does not contain any trees meeting the criteria for a heritage tree under the Concord Municipal Code, the 2004 IS/MND required the preservation of 13 London Plane trees along Willow Pass Road. Therefore, the seven London Plane trees along the frontage of the portion of the Project site where the Remaining Construction would occur along Willow Pass Road would be preserved.

The 2004 IS/MND requires compliance with Mitigation Measure IV.1 (see page 4–5 of the MMX). The Remaining Construction would also be required to comply therewith. Consequently, the impacts related to biological resources that could occur as a result of the Modified Project (Completed Construction + Remaining Construction) would be less-than-significant and consistent with the impacts and mitigation measures identified for the Approved Project.

No new or substantially more severe significant effects would occur and no additional mitigation measures are required.

E. CULTURAL RESOURCES

The 2004 IS/MND analyzed the potential impacts to cultural resources that could occur as a result of the Approved Project. In the topics analyzed, the 2004 IS/MND determined that the Approved Project could have potentially significant impacts on cultural resources unless mitigation measures were incorporated.

The 2004 IS/MND determined that the Approved Project would have no impact on a historical resource as defined in Section 15064.5 because the site's existing buildings were not listed on any local, State or federal inventory or other historic literature or map consulted by the Northwest Information Center. The Remaining Construction would occur on a portion of the same site and thus would not impact structures with historic potential as the existing conditions remain the same as described in the 2004 IS/MND.

The 2004 IS/MND determined that there is a low potential for Native American sites, unique paleontological resources or human remains, in the project area. However, recognizing there is some possibility (albeit low) of encountering archaeological or paleontological resources or human remains during excavation, three mitigation measures were recommended. These conditions remain today and the MMX for the overall Approved Project also applies to the Remaining Construction.

A 2013 memo from Tom Origer & Associates (see Appendix) confirms that, based on examination of the environmental setting and archival research, there is a low possibility of there being archeological resources in the Remaining Construction area. The cultural resources report was updated in order to affirm there would be no potentially significant impacts as a result of the Remaining Construction.

Modifications under the Remaining Construction would incrementally reduce the potential of impacts to cultural resources. The Approved Project proposed to provide parking partially in two levels of subterranean parking, requiring a maximum vertical excavation of 23 feet. The Remaining Construction would be located on a 2.75-acre portion of the same site, would consist of the same type of land use and operations, would create a similar footprint, and would be constructed using similar grading and building practices. However, the Remaining Construction would result in no more than one level of subterranean parking and approximately ten vertical feet of excavation. Thus, the potential of the Remaining Construction to impact cultural resources is lower than the Approved Project, as less vertical excavation would be required.

The 2004 IS/MND requires compliance with Mitigation Measures V.1 through V.3 (see pages 7–8 of the MMX). As the Remaining Construction is a modification of the Approved Project, the Remaining Construction would also be required to comply therewith. Consequently, the impacts related to cultural resources that could occur as a result of the Modified Project (Completed Construction + Remaining Construction) would be less than significant and consistent with the impacts and mitigation measures identified for the Approved Project.

No new or substantially more severe significant effects would occur and no additional mitigation measures are required.

F. GEOLOGY AND SOILS

As described in the 2004 IS/MND, a trace of the Concord–Green Valley Fault extends through the southwest end of the Project site. Section VI of the 2004 IS/MND analyzed the geological, seismic, and soil conditions in connection with the Approved Project. The 2004 IS/MND identified areas of potential impact, including damage due to seismic

ground shaking, substantial soil erosion or loss of topsoil, seismic-related ground failure (liquefaction), lurching, and expansive soils. The Remaining Construction would occur within the same study area evaluated in the 2004 IS/MND and would be subject to similar geological, seismic and soil conditions. Similar to the Approved Project, the Remaining Construction would implement the findings of the geotechnical investigation and associated peer review and be constructed in compliance with applicable construction codes and requirements intended to mitigate any adverse impacts resulting from ground shaking, ground failure, liquefaction, and expansive soils. Engeo Incorporated's geotechnical investigation prepared for the Approved Project identifies recommendations to reduce the potential of detrimental effects caused by the Approved Project. The Remaining Construction would comply with the recommendations indicated in the geotechnical investigation to reduce potential impacts to a less-than-significant level consistent with the findings of the 2004 IS/MND.

The 2004 IS/MND requires compliance with Mitigation Measures Mitigation Measure VI.1 (see page 10 of the MMX), and implementation of Mitigation Measure VI.1, identified in the 2004 IS/MND, requires a full peer review of the geotechnical study prior to the City accepting the report as final. As part of the Approved Project, the applicant's geotechnical consultant, Engeo Inc., prepared a geotechnical investigation (2003) that the City had peer reviewed. Engeo and the City's consulting geologist made recommendations to ensure that fault rupture would not be significant; those recommendations included a geotechnical setback zone. This report has/has not been deemed final by the City. As the Remaining Construction is a modification of the Approved Project, the Remaining Construction would also be required to comply with both the mitigation measure and the geologist recommendations. Consequently, the impacts related to geology and soils that could occur as a result of the Modified Project (Completed Construction + Remaining Construction) would be less than significant and consistent with the impacts and mitigation measures identified for the Approved Project.

No new or substantially more severe significant effects would occur and no additional mitigation measures are required.

G. GREENHOUSE GAS EMISSIONS

Since adoption of the 2004 IS/MND, the CEQA Checklist has been updated to include a discussion of potential project impacts on Greenhouse Gas GHG emissions (GHGs). As GHG emissions were not evaluated in the 2004 IS/MND, the Modified Project's potential to generate GHG emissions and/or conflict with an applicable plan or policy adopted for the purpose of reducing GHG emissions is described below.

It is important to note that while the CEQA requirement was imposed after the 2004 IS/MND was adopted, global warming has been known since the 1970s. That information, together with information about potential impacts relating to global warming caused by GHGs was available at the time the 2004 IS/MND was adopted, and so is not "new information of substantial importance which was not known and could not have been known" at the time the 2004 IS/MND was prepared.

Scientists widely acknowledge that global climate change is occurring and is caused by increased emissions of GHGs that keep the earth's surface warm by trapping heat. Climate change is measured by alterations to traditional wind patterns, storms, precipitation, and temperature. The earth's atmosphere is responsible for maintaining a habitable climate, but human activity has caused increased emissions and concentrations of GHGs dissimilar to historical patterns. This increase in emissions is contributing to an increase in climate change.

The United Nations Intergovernmental Panel on Climate Change (IPCC) calculated various emission trajectories and the resulting effects on global temperatures and climate change impacts. The IPCC predicted that global average temperature change from 1990 to 2100 could range from 1.1°C to 6.4°C. Regardless of methodology, global average temperatures and sea levels are expected to rise under all scenarios.

The Remaining Construction would complete the Approved Project, resulting in a total of 314 units. As the Modified Project (Completed Construction + Remaining Construction) would result in the same number of residential units as the Approved Project, none of the proposed Project revisions would cause the Project Completion to trigger any significant greenhouse gas impacts. Further, the reduction in the total number of bedrooms (see Table 1) would likely result in a lower residential population incrementally decreasing GHG emissions associated with the Remaining Construction.

After approval of the Approved Project in 2004, a General Plan Update was initiated. Given that the Notice of Preparation for the General Plan EIR was circulated in June 2006, the Approved Project was considered, and included as anticipated development, in preparation of the General Plan and General Plan EIR. As the Modified Project (Completed Construction + Remaining Construction) would result in the same number of residential units as the Approved Project, one can conclude that the Modified Project was considered as anticipated development within the General Plan and General Plan EIR. In fact, the General Plan and General Plan EIR anticipated a higher density development than the Modified Project.

A Supplemental General Plan EIR (State Clearinghouse No. 2006062093) was prepared in 2012 to analyze Amendments to the City's General Plan, including a new Area Plan for the Concord Naval Weapons Station, as well as a revised Development Code and Zoning Map. The Supplemental General Plan EIR analyzed potential impacts to greenhouse gas

emissions. The General Plan amendments analyzed in the Supplemental General Plan EIR do not make any changes to the General Plan designation or anticipated capacity of the Remaining Construction site that would make the Remaining Construction incompatible with the General Plan. Therefore, the Modified Project is included within the analysis of greenhouse gas emissions in the Supplemental General Plan EIR.

The Supplemental General Plan EIR determined that with Mitigation Measure GHG-1, which requires the incorporation of performance measures into a citywide Climate Action Plan, potential impacts of development under the amended General Plan and Development Code would have less-than-significant impacts related to greenhouse gas emissions. The Supplemental General Plan EIR found impacts of compatibility with plans, policies, and regulations adopted to reduce greenhouse gas emissions to be less than significant. In accordance with Mitigation Measure GHG-1, the City of Concord adopted a Citywide Climate Action Plan and certified the accompanying Negative Declaration on July 23, 2013. The Citywide Climate Action Plan is considered a qualified greenhouse gas reduction strategy. Table 2 below shows how Remaining Construction is consistent with the Citywide Climate Action Plan.

TABLE 2: CONSISTENCY WITH CITYWIDE CLIMATE ACTION PLAN

Citywide Climate Action Plan Strategies	Discussion
BEI - Green Building Ordinance	<p>The California Green Building Standards Code, Title 24, Part 11, of the California Code of Regulations (CALGreen) was adopted in January 2010, effective January 2011. The purpose of CALGreen is to implement sustainable construction practices, addressing energy and water efficiency and conservation, as well as material conservation and resource efficiency.</p> <p>The City of Concord adopted CALGreen by reference in Municipal Code Article XX, Sec. 14-800 Green Building Standards Code adopted.</p> <p>The Remaining Construction will have to comply with CALGreen, which was not in effect during the Approved Project. Therefore, the greenhouse gas impacts of Modified Project may be slightly less than that of the Approved Project due to adherence to CALGreen.</p>
BE5: Efficient Appliances	<p>Strategy BE5 calls for the City to promote targeted appliance improvement through outreach to local appliance vendors and by disseminating information on rebate programs.</p> <p>City will provide rebate and incentive programs for EnergyStar appliances as they are made available.</p>

<p>BH1: Water Efficient Indoor Fixtures and Appliances</p>	<p>Strategy BH1 calls for improving fixture and appliance water efficiency in commercial and residential buildings by promoting information about rebates and incentives, and by continuing to ensure implementation of the CALGreen code.</p> <p>City will provide rebate and incentive information on water efficient appliances as they are made available. The Remaining Construction will have to comply with CALGreen, which was not in effect during the Approved Project. Therefore, the greenhouse gas impacts of Modified Project may be slightly less than that of the Approved Project due to adherence to CALGreen.</p>
<p>BH2: Water-Efficient Outdoor Irrigation</p>	<p>The City of Concord Development Code, Article IV, Division 5 contains water efficient landscaping standards.</p> <p>The Remaining Construction will have to comply with these water efficient landscaping standards, which were not in effect when the Approved Project was approved. Therefore, the greenhouse gas impacts of the Modified Project may be slightly less than that of the Approved Project due to adherence to these standards.</p>
<p>TL1: Pedestrian Master Plan</p>	<p>Condition of Approval 71 for the Approved Project required the dedication of right-of-way for the following:</p> <ul style="list-style-type: none"> b. Along the Concord Boulevard frontage to accommodate the construction of concrete sidewalk. c. Along the Galinido Street frontage a 5' x 60' public access easement directly opposite the drop off area for pedestrian access. d. along the Mira Vista Frontage to accommodate the construction of concrete sidewalk. <p>While Strategy TL1 calls for the development of a Pedestrian Master Plan, the goal of the strategy is to minimize barriers to pedestrian access and maximize pedestrian connectivity throughout the City. The Approved Project, through compliance with Condition of Approval 71, supports this goal through the provision of sidewalks and additional pedestrian amenities such as street trees and street furniture. As the Remaining Construction is a modification of the Approved Project, the Remaining Construction would also be required to comply with Condition of Approval 71.</p>
<p>TL5: Bike Parking Installations</p>	<p>The City of Concord Development Code, Article IV, Division 3, Section 122-393 contains standards for bicycle parking.</p>

	<p>The Remaining Construction will have to comply with these bicycle parking standards that require bicycle parking to be provided for all multi-family projects, which were not in effect when the Approved Project was approved. Therefore, the greenhouse gas impacts of the Modified Project may be slightly less than that of the Approved Project due to adherence to these standards.</p>
<p>TL21: Dense and Accessible Station Areas</p>	<p>Strategy TL21 calls for dense development around transit stations that encourage access to transit on foot and bicycle.</p> <p>The Project site is within ½ mile of Downtown Concord BART station and can be classified as high density development. The Modified Project would result in the same number of housing units as the Approved Project on the same site. Thereby, the Modified Project, like the Approved Project, results in high density residential development in proximity to transit. The Modified Project also provides more bike storage facilities than the Approved Project.</p>

Source: City of Concord, 2013

H. HAZARDS AND HAZARDOUS MATERIALS

The 2004 IS/MND analyzed the potential impacts to hazards and hazardous materials that could occur as a result of the Approved Project. The 2004 IS/MND determined that the Approved Project would have less-than-significant impacts on hazards and hazardous materials with the incorporation of mitigation.

A Phase I Environmental Site Assessment (ESA) was conducted in 1998 and later reviewed and updated by Engeo in 2003 (Update). The ESA and Update included review of a search conducted by Environmental Data Resources (EDR). The EDR search revealed that the Project site is not listed as a Leaking Underground Storage Tank (LUST) site or a Cortese Site. (A search of the Department of Toxic Substances Control EnviroStor website and the State Water Resources Control Board Geotracker website confirms that the Project site is still not listed as a LUST site or a Cortese site.)^{3,4} However, the site is listed on the State

³ State of California, Department of Toxic Substances Control EnviroStor website. www.envirostor.dtsc.ca.gov, accessed August 1, 2013.

⁴ State of California Water Resources Control Board website, geotracker.waterboards.ca.gov, accessed October 24, 2013.

Water Resources Control Board of historical listing of active and inactive UST sites (CA FID), a historical listing of UST sites (HIST UST), and the Hazardous Waste Information System (HAZNET) that lists facility and manifest data regarding hazardous waste shipments. As a result of both on- and off-site hazardous material concerns, a Phase II Soil Investigation (Soil Investigation) was conducted.

In connection with the ESA Update and Soil Investigation, the 2004 IS/MND determined that the Approved Project would create potentially significant impacts unless mitigation measures were incorporated. The Approved Project proposed to provide a portion of the parking in two levels of subterranean parking, requiring a maximum vertical excavation of 23 feet. The Remaining Construction would include no more than one level of subterranean parking and approximately 10 feet of vertical excavation. Thus, the Remaining Construction would likely create less impacts related to underground hazards and hazardous materials than the Approved Project because less vertical excavation would be required.

The 2004 IS/MND requires compliance with Mitigation Measures VI.1 and VII.1 through VII.8 (see page 11-17 of the MMX). The Remaining Construction would also be required to comply therewith. Additionally, the Remaining Construction would be subject local, regional, and state polices that regulate hazards and hazardous materials impacts identified in the General Plan EIR. Consequently, the impacts related to hazards and hazardous materials that could occur as a result of the Modified Project (Completed Construction + Remaining Construction) would be less than significant and consistent with the impacts and mitigation measures identified for the Approved Project.

No new or substantially more severe significant effects would occur and no additional mitigation measures are required.

I. HYDROLOGY AND WATER QUALITY

The 2004 IS/MND analyzed effects to hydrology and water quality associated with implementation of the Approved Project and determined that the Approved Project would have a less-than-significant effect on hydrology and water quality.

The Approved Project proposed a decrease in the existing impervious surfaces on the Project site. Similarly, the Remaining Construction, together with the Completed Construction would result in a decrease in the existing impervious surfaces. Similar to the Approved Project, the Remaining Construction would not substantially increase runoff from the Project site during storm events as stormwater would percolate into the unpaved portions of the Project site. Further, the installation of pervious surfaces proposed as part of the Remaining Construction would allow for the infiltration of precipitation and

recharge of groundwater supplies. Like the Approved Project, the Remaining Construction would not require the use or extraction of groundwater. Similar to the Approved Project, the Remaining Construction would not alter the course of a stream or river within the Project site, is not located within a 100-year flood hazard area, nor is located in a specific dam failure inundation area. Finally, no bodies of water large enough to cause a tsunami or a seiche are in close proximity to the site.

The Approved Project would have required a significant amount of earthmoving, grading, and compaction involving approximately 11,500 cubic yards of materials. The Remaining Construction, together with the Completed Construction would involve less material as the Remaining Construction would include no more than one level of subterranean parking and approximately 10 feet of vertical excavation.

The 2004 IS/MND concluded that regional controls established by the RWQCB and NPDES permit would reduce the construction impacts of the Approved Projects to less-than-significant levels by requiring the preparation of an Erosion Control Plan and a Stormwater Pollution Prevention Manual. The Remaining Construction will also be required to adhere to controls established by the RWQCB and NPDES permit. As the Remaining Construction would cause a land disturbance of one acre or more (i.e., clearing, grading, excavation, etc.), the applicant must obtain coverage under the State's General Construction Activity Stormwater Permit (General Construction Permit). The General Permit requires the applicant to prepare and implement a "Stormwater Pollution Prevention Plan" (SWPPP). The SWPPP must identify appropriate stormwater pollution prevention measures or best management practices (BMPs) to eliminate or reduce pollutants in stormwater discharges from the construction site both during construction and after construction is complete. In October 2009, a final Municipal Regional Stormwater NPDES Permit (MRP) was adopted by the RWQCB. Provision C.3 in the MRP requires site designs for new developments and redevelopments to minimize the area of new roofs and paving. Where feasible, pervious surfaces should be used instead of paving so that runoff can infiltrate to the underlying soil. Remaining runoff from impervious areas must be captured and used or treated using bioretention.

As the Approved Project was required to comply with applicable State requirements in regards to hydrology and water quality, the Remaining Construction would also be required to comply with such requirements. Although the Remaining Construction would slightly modify of the Approved Project, the Remaining Construction would also be required to comply with applicable Conditions of Approval such as 39, 50, 60, 61, 67, 68, 71, 75, 76, and 91 through 102 which pertain to drainage, NPDES, and clean water. Consequently, the impacts related to hydrology and water quality that could occur as a result of the Modified Project (Completed Construction + Remaining Construction) would be less-than-significant consistent with the impacts and identified for the Approved

Project. The 2004 IS/MND required no mitigation measures related to hydrology and water quality for the Approved Project.

No new or substantially more severe significant effects would occur and no additional mitigation measures are required.

J. LAND USE AND PLANNING

The 2004 IS/MND analyzed effects of land use and planning policy associated with implementation of the Approved Project and determined that the Approved Project would result in less-than-significant impacts in regards to physically dividing an established community and conflicts with applicable land use plan, and no impacts in regards to conflict with habitat or natural community conservation plan and no mitigation measures were required.

The Approved Project was described as an in-fill development that would result in an increase in land use intensity at the site and improve the pedestrian and urban environment by establishing a more consistent block frontage and increasing activity at the site. The 2004 IS/MND concluded that the project would not physically divide an established community. The site of the Remaining Construction is part of the larger Approved Project site, and the Modified Project would result in the same number of units as the Approved Project. The Remaining Construction would continue the consistent block frontage and activity from the Completed Construction. As a result, the Remaining Construction, similar to the Approved Project, would not physically divide an established community.

The 2004 IS/MND determined that a General Plan Amendment and a Municipal Code Amendment approved as part of the Approved Project would ensure consistency with the 1994 General Plan and the zoning designation at the time.

In 2007, the General Plan Amendment changed the site's General Plan designation from Central Area Multiple Use Regional Office to High Density Residential, which allowed for high-rise residential development at a density range of 44 to 100 units per acre, and for street level commercial or office uses. In 2007, the City adopted the Concord 2030 General Plan, amended in 2012, which changed the site's General Plan designation to Downtown Mixed Use (DTMU), which allows a residential density range from 33 to 100 units per acre. As the total number of housing units of the Approved Project is the same as the Modified Project, the density is also the same which is approximately 60 dwelling units per acre. This density is within the density range of the Downtown Mixed Use General Plan land use designation.

Concord’s Housing Element, adopted in 2010, included 2.35 acres of the Project site as an opportunity site, and indicated 180 housing units as the site’s capacity. The Remaining Construction would result in 179 housing units on the site, and therefore would produce a level of growth within the capacity identified by the Housing Element. Additionally, because the Housing Element IS/ND found that growth under the Housing Element would not result in any development beyond that which is anticipated in the 2030 General Plan, the Modified Project (Completed Construction + Remaining Construction) is considered to be within the buildout of the General Plan.

In 2004, as part of the Approved Project, a Municipal Code Amendment was approved to amend the site’s overlay zoning classification from Office to Commercial/Residential to allow for ground floor residential uses. The base zoning classification remained Downtown Business District. In 2012, the City updated the City of Concord Development Code to create the Downtown Mixed Use (DMX) zoning classification to implement the Downtown Mixed Use General Plan 2030 land use designation, and as part of that update, changed the site’s zoning designation to DMX which allows for ground floor residential uses. As the uses of the Approved Project are the same as the Modified Project, they are consistent with the Commercial/Residential and DMX zoning classifications.

The 2004 IS/MND determined that the Approved Project was consistent with Land Use Objectives in the Concord 1994 General Plan. The Remaining Construction would support the land use objectives in the Concord 2030 General Plan, and the Modified Project would achieve similar land use objectives as the Approved Project, as shown in Table 3 below.

TABLE 3: GENERAL PLAN COMPARISON

Concord 1994 General Plan	Concord 2030 General Plan	Discussion
Land Use Objective 1.4 Policy 1.4.1: Encourage integration of residential uses within the Central Area	Policy LU-1.3.3: Support higher density and mixed use development in Downtown and near transit centers and corridors. Policy LU-1.3.1: Encourage a variety of housing types on infill development sites.	The Remaining Construction and the Modified Project will provide high density residential housing in the Downtown central area located approximately 0.4 miles from the Downtown Concord BART station.
Land Use Objective 7.2: Provide opportunities for residential development in Central Concord to complement and support commercial, office and entertainment uses, and to provide for those residents who prefer “downtown” living.	Principle LU-4.1: Promote Central Concord as the economic, social, symbolic, and historic center of the City. Policy LU-4.1.3: Integrate mixed uses at an urban scale. Principle LU-4.2: Capitalize on Downtown’s Sense of Place.	The Remaining Construction and the Modified Project will provide high density residential housing in the Downtown central area, offering housing opportunities in the Downtown area.

	<p>Policy LU-4.2.1: Require a mix of uses to promote an active commercial and residential center.</p>	
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Source: City of Concord 2012; City of Concord 2004.

In addition to land use objectives in the General Plan, the Approved Project met the goals of the 2003 Housing Element that were established for the 2006 planning period. The Remaining Construction would meet the goals of the 2010 Housing Element, and the Modified Project would achieve the goals of the Approved Project, as shown in Table 4 below.

As part of the City of Concord Development Code update, updated parking standards reduced parking requirements for the Modified Project compared to the Approved Project as shown in Table 5. The Modified Project would result in 108 fewer parking spaces than the Approved Project. This is a result of the developer initially proposing more parking than the Development Code required, a change in the parking requirements and a change in the unit mix and number of bedrooms with Modified Project. Additionally, where the Approved Project was not required to provide bicycle parking, the Modified Project includes bicycle parking consistent with the requirements of the updated Development Code.

TABLE 4: HOUSING ELEMENT COMPARISON

2003 Housing Element	2010 Housing Element	Discussion
<p>Goal 1. Housing Supply and Mix Promote a balanced supply of housing for all income groups residing or who wish to reside in Concord.</p>	<p>GOAL H-1: HOUSING SUPPLY AND MIX Promote a balanced supply of housing types, densities and prices to meet the needs of all income groups residing or who wish to reside in Concord.</p>	<p>The Remaining Construction and the Modified Project will result in housing located in Downtown.</p>
<p>Goal 2. Quality Neighborhoods Preserve and enhance Concord’s residential neighborhoods and improve the quality of life for all residents.</p>	<p>GOAL H-2: QUALITY NEIGHBORHOODS Preserve and enhance Concord’s residential neighborhoods and improve the quality of life for all residents.</p>	<p>The Remaining Construction and the Modified Project will result in housing located in Downtown, surrounded by commercial and office uses, approximately 0.4 miles from the Downtown Concord BART station.</p>

Source: City of Concord, 2010.

TABLE 5: ON-SITE PARKING COMPARISON

On-Site Parking	Requirements for On-Site Parking for Completed Construction	Requirements for On-Site Parking for Proposed Remaining Project	Total Required On-Site Parking Spaces (Completed + Remaining)
Studio	1.5 spaces/unit	1 space/unit	12
1 Bedroom	1.5 spaces/unit	1.5 spaces/unit	190
2 + Bedrooms	2 spaces/unit	2 spaces/unit; plus 0.5 space/bedroom for 3 plus bedrooms	350
Guest Parking	1 space/3 units	1 space/3 units	105
TOTAL	292	364	656

Source: City of Concord Development Code, 2013.

The 2004 IS/MND determined that there would be no impact in regards to conflict with an applicable habitat conservation or natural community conservation plan. The site of the Remaining Construction is part of the larger Approved Project site, and similar to the Approved Project, would have no impact regards to conflict with an applicable habitat conservation or natural community conservation plan.

The site of the Remaining Construction is part of the larger Approved Project site, and circumstances related to land use under which the project would be undertaken have not substantially changed. As a result, the Modified Project (Completed Construction + Remaining Construction), similar to the Approved Project, would have less-than-significant impacts on land use. The 2004 IS/MND required no mitigation measures related to land use for the Approved Project.

No new or substantially more severe significant effects would occur and no additional mitigation measures are required.

K. MINERAL RESOURCES

The 2004 IS/MND evaluated the Approved Project site and concluded that there would be no impacts to mineral resources.

The site of the Remaining Construction is part of the larger Approved Project site, and circumstances related to mineral resources under which the project would be undertaken have not changed. As a result, the Modified Project (Completed Construction + Remaining Construction), similar to the Approved Project, would have no impacts on mineral resources. The 2004 IS/MND required no mitigation measures related to mineral resources for the Approved Project.

No new or substantially more severe significant effects would occur and no additional mitigation measures are required.

L. NOISE

The 2004 IS/MND evaluated the Remaining Construction site and analyzed the potential noise impacts that could occur and determined that the Approved Project could have potentially significant noise impacts related to: (a) exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance; (d) a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; and (e) exposure of persons residing or working in the project area to excessive noise levels associated with the nearby public airport. Mitigation measures were recommended to reduce each of these impacts to a less-than-significant level. The 2004 IS/MND determined that there would be less-than-significant impacts in regards to: (b) exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels and to: (c) a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project. The 2004 IS/MND determined that there would be no impact in regards to: (f) exposure of people residing or working in the project area to excessive noise levels from a private airstrip.

Noise Compatibility

The 2004 IS/MND indicated that absent mitigation, some of the units along Galindo Street, Concord Avenue, and Willow Pass Road could be exposed to noise levels that are conditionally acceptable (70 to 80 dB CNEL). The site of the Remaining Construction is part of the larger Approved Project site and the Remaining Construction would have frontage along Concord Avenue and Willow Pass Road. The General Plan Supplemental EIR indicates that with the General Plan, the Remaining Construction frontages along Concord

Boulevard and Willow Pass Road may continue to be exposed to noise levels that are conditionally acceptable. The 2004 IS/MND requires compliance with Mitigation Measure XI.1 (see pages 17–20 of the MMX) and the Approved Project was required to comply with Conditions of Approval 56 and 57 which establish maximum noise levels for the Project. The Remaining Construction would also be required to comply therewith.

Increase in Ambient Noise Levels

The 2004 IS/MND determined that the Approved Project would not result in any significant increases in noise levels. The 2004 IS/MND indicated that over the long term, the Approved Project would affect the ambient noise environment in the Project vicinity by generating motor vehicle trips on the local road network. As indicated in the Fehr & Peers memo (see Appendix), the Approved Project as for-sale condominium units would generate 1,370 daily vehicle trips. The Modified Project (Completed Construction + Remaining Construction) as rental units would generate 1,570 daily vehicle trips, resulting in 200 additional daily vehicle trips.

The City's General Plan considers a 3 dB change in sound as a "just noticeable difference," and changes of less than 3 dB are often imperceptible. A 3 dB change in sound would result if traffic was doubled.⁵ The Fehr & Peers memo shows that considering the Modified Project (Completed Construction + Remaining Construction) as rental units would not double daily vehicle trips. Rather, this modification to the Approved Project would only result in 200 additional daily vehicle trips and would result in an approximate 0.6 dB increase in noise levels which would most likely be imperceptible. Additionally, like the Approved Project, the heating, ventilation and air conditioning (HVAC) equipment for the Remaining Construction would also be located on the rooftop and would be visually and acoustically screened. Consequently, the impacts related to ambient noise levels that could occur as the result of the Remaining Construction would be consistent with the impacts identified for the Approved Project.

The 2004 IS/MND indicated that the Approved Project would not result in exposure to excessive construction noise or groundborne vibration. The Remaining Construction could generate similar levels of temporary construction noise and groundborne vibration as the Approved Project. The site's surrounding uses have not substantially changed since the 2004 IS/MND was published, thus the residents would be exposed to similar levels of noise as previously studied. In fact, the Remaining Construction may generate marginally

⁵ Caltrans. Technical Noise Supplement, November 2009. P. 2–48.

less construction noise as less excavation is required. The 2004 IS/MND requires compliance with Mitigation Measure XI.2 and XI.3 (see pages 20–22 of the MMX) and the Approved Project was required to comply with Condition of Approval 60 which limits allowed construction hours for the project. Although the Remaining Construction would modify the Approved Project, the Remaining Construction would also be required to comply therewith.

Airport

The 2004 IS/MND indicated that the Approved Project site is located just under one mile from the Buchanan Field Airport, a public use airport. The site of the Remaining Construction is a part of the larger Approved Project site, and circumstances related to airport noise have not changed. The 2004 IS/MND requires compliance with Mitigation Measure XI.4 (see page 23 of the MMX). Although the Remaining Construction would modify the Approved Project, the Remaining Construction would also be required to comply therewith.

The 2004 IS/MND indicated that while the Approved Project site is not within the vicinity of a private airstrip, it is within about 0.4 miles of the Mount Diablo Hospital Medical Center helipad. However, the Approved Project site is located outside of the Hospital's 55 Ldn noise contours and therefore would not be exposed to excessive noise associated with the hospital helipad. The site of the Remaining Construction is a part of the larger Approved Project site, and circumstances related to noise associated with the hospital helipad have not changed.

Overall

The 2004 IS/MND requires compliance with Mitigation Measures XI.1 through XI.4 (see pages 20–23 of the MMX). Although the Remaining Construction would modify the Approved Project, the Remaining Construction would also be required to comply therewith. Consequently, the impacts related to noise that could occur as a result of the Modified Project (Completed Construction + Remaining Construction) would be less-than-significant for the Approved Project.

No new or substantially more severe significant effects would occur and no additional mitigation measures are required.

M. POPULATION AND HOUSING

The 2004 IS/MND evaluated the Approved Project and concluded that there would be a less-than-significant impact in regards to inducing substantial population growth and

there would be no impact to the displacement of housing and people, necessitating the construction of replacement housing elsewhere.

The Remaining Construction would complete the Approved Project, resulting in a total of 314 units. As the Modified Project (Completed Construction + Remaining Construction) will result in the same number of residential units as the Approved Project, it is not anticipated that the Modified Project population will exceed that of the Approved Project. Rather, the reduction in number of overall bedrooms in the Modified Project could result in a population incrementally lower than that considered in connection with the Approved Project.

The 2004 IS/MND determined that the Approved Project would result in an increase in the City of Concord's resident population by approximately 0.4 percent of Concord's 2002 total population of 122,225. In 2010, the City of Concord's population decreased to 122,067. While the Remaining Construction may increase Concord's total population, the total population would be similar to the City of Concord population in 2002 with the Approved Project.

The Housing Element included the Project's Construction site as a housing opportunity site, and indicated 180 housing units as the site's capacity. The Remaining Construction would result in 179 housing units on the site, and therefore would produce a level of growth within the capacity identified by the Housing Element. Additionally, because the Housing Element IS/ND found that growth under the Housing Element would not result in any development beyond that which is anticipated in the 2030 General Plan, the Modified Project is considered to be within the buildout of the General Plan.

The environmental review for these two documents (General Plan and Housing Element) did not identify any significant impacts related to population and housing.

The 2004 IS/MND determined that there would be no impact to displacement of housing and people as the Approved Project site did not include any existing residential uses. This remains true for that portion of the Approved Project site being utilized for the Remaining Construction.

The site of the Remaining Construction is part of the larger Approved Project site, and circumstances related to population and housing under which the project would be undertaken have not changed. As a result, the Modified Project, similar to the Approved Project, would have less-than-significant or no impacts on population and housing. The 2004 IS/MND required no mitigation measures related to population and housing for the Approved Project.

No new or substantially more severe significant effects would occur and no additional mitigation measures are required.

N. PUBLIC SERVICES

The 2004 IS/MND analyzed effects to public services associated with implementation of the Approved Project. The 2004 IS/MND determined that the Approved Project would have less-than-significant impacts on public services, and no mitigation measures were required.

The Modified Project (Completed Construction + Remaining Construction) would result in the same number of residential units as the Approved Project. The Remaining Construction would be located in the same Project area evaluated in the 2004 IS/MND. Therefore, like the Approved Project, the Modified Project (Completed Construction + Remaining Construction) would not result in the need for increased public services, including fire protection, police protection, schools, parks, and other public facilities that would result in substantial adverse physical impacts. Furthermore, the Housing Element IS/ND, which assumed the development of 180 housing units on the Remaining Construction Project site, would result in less-than-significant impacts related to all public services. Rather, the reduction in number of overall bedrooms in the Modified Project could result in a population incrementally lower than that considered in connection with the Approved Project.

The site of the Remaining Construction is part of the larger Approved Project site and the Modified Project (Completed Construction + Remaining Construction) would result in the same number of residential units as the Approved Project. Circumstances related to public services under which the Remaining Construction would be undertaken have not changed. As a result, the Modified Project, similar to the Approved Project, would have less-than-significant impacts on public services. The 2004 IS/MND required no mitigation measures related to public services for the Approved Project.

No new or substantially more severe significant effects would occur and no additional mitigation measures are required.

O. RECREATION

The 2004 IS/MND analyzed the potential impacts on recreational facilities that could occur as a result of the Approved Project. The 2004 IS/MND determined that the Approved Project would have less-than-significant impacts on recreational facilities, and no mitigation measures were required.

The 2004 IS/MND determined that while the Approved Project would provide on-site recreation amenities, it was likely that the Approved Project would generate additional demand for existing neighborhood and regional parks and other recreational facilities.

After approval of the Approved Project, a General Plan Update was initiated. Given that the Notice of Preparation for the General Plan EIR was circulated in June 2006, the Approved Project was considered, and included as anticipated development, in preparation of the General Plan and General Plan EIR. As the Modified Project (Completed Construction + Remaining Construction) results in the same number of residential units as the Approved Project, the Modified Project can be considered as anticipated development within the General Plan and General Plan EIR.

The Housing Element included the Remaining Construction site as a housing opportunity site, and indicated 180 housing units as the site's capacity. The Remaining Construction would result in 179 housing units on the site, and therefore would produce a level of growth within the capacity identified by the Housing Element. Additionally, because the Housing Element IS/ND found that growth under the Housing Element would not result in any development beyond that which is anticipated in the 2030 General Plan, the Modified Project (Completed Construction + Remaining Construction) is considered to be within the buildout of the General Plan. The environmental review for these two documents did not identify any significant impacts related to parks and recreation. Additionally, like the Approved Project and the Completed Construction, the Remaining Construction will be subject to relevant parkland impact fees.

The site of the Remaining Construction is part of the larger Approved Project site, and the Modified Project (Completed Construction + Remaining Construction) would result in the same number of residential units as the Approved Project. Circumstances related to parks and recreation under which the project would be undertaken have not changed. As a result, the Modified Project, similar to the Approved Project, would have less-than-significant impacts on park and recreation resources. The 2004 IS/MND required no mitigation measures related to parks and recreation for the Approved Project.

No new or substantially more severe significant effects would occur and no additional mitigation measures are required.

P. TRANSPORTATION/TRAFFIC

The 2004 IS/MND analyzed the potential impacts on transportation and traffic that could occur as a result of the Approved Project and determined that it would have less-than-significant or no impacts on transportation and traffic related topics, and no mitigation measures were required.

The initial transportation impact analysis for the Approved Project was prepared in 2004, and analyzed of 305 condominium units, replacing an existing 62,500–square foot auto dealership. The Approved Project consisted of 314 dwelling units; supplemental analysis conducted around the time of project approvals indicated that the additional trip generation resulting from nine additional units was not sufficient to trigger project-specific impacts.

A Transportation Assessment Memo prepared by Fehr & Peers in October 2013 (see Appendix) concludes that the Modified Project (Completed Construction + Remaining Construction) could generate slightly more traffic than the Approved Project. As traffic conditions in the downtown area have not significantly worsened from 2004 conditions, this slight increase in traffic is not expected to change the overall results and conclusions from the 2004 study.

The Approved Project included 314 condominiums. Based on trip generation rates presented in the 9th Edition of the Institute of Transportation Engineers (ITE) publication *Trip Generation Manual*, when considering the central business district (CBD) reduction of 25 percent, the Approved Project was expected to generate approximately 1,370 daily vehicle trips, including 103 morning peak hour and 123 evening peak hour trips.

The Completed Construction consists of 135 condominium units that are currently leased as apartments, which based on ITE rates, generates more traffic than condominiums. If the remaining units are constructed as apartments, the Modified Project (Completed Construction + Remaining Construction) would generate approximately 200 more vehicle trips on a daily basis, including 17 more trips during the AM peak hour and 23 more trips during the PM peak hour than the Approved Project.

Although the Modified Project (Completed Construction + Remaining Construction) operating as rental units would generate more traffic than the Approved Project, the level of additional trip generation is not sufficient to trigger additional analysis to satisfy Measure J requirements, which requires analysis of projects expected to generate more than 100 peak hour trips.

The Transportation Assessment Memo evaluated traffic volumes and operations of the three intersections analyzed in the 2004 study and also included in the more recent Downtown Specific Plan. Traffic conditions from the 2004 study are reflective of conditions in 2004 while the more recent Downtown Specific Plan existing conditions analysis reflects 2013 conditions. The intersections included in the review are:

1. Galindo Street / Willow Pass Road
2. Galindo Street / Concord Boulevard
3. Galindo Street / Clayton Road

Comparing the AM and PM peak hour traffic volumes at the intersections listed above between the 2004 and 2013 counts shows that traffic volumes in the vicinity of the study area have decreased slightly for some intersections, and increased slightly at other intersections. Overall, traffic volumes in the area have increased by approximately 4 percent during the AM peak hour and decreased by approximately 1 percent during the PM peak hour. These changes are within the expected range of daily variation as traffic flows can differ throughout the week, and overall traffic conditions based on the volume comparison are relatively unchanged.

While the Modified Project (Completed Construction + Remaining Construction) could generate slightly more traffic than the Approved Project, conditions in the downtown area have not significantly worsened from 2004 conditions. The slight increase in traffic is not expected to change the overall results and conclusions from the 2004 study and circumstances related to transportation under which the Remaining Construction would be undertaken have not substantially changed. As a result, the Modified Project, similar to the Approved Project, would have less-than-significant transportation impacts. The 2004 IS/MND required no mitigation measures related to transportation for the Approved Project.

No new or substantially more severe significant effects would occur and no additional mitigation measures are required.

In 2009, the CEQA Guidelines were amended (adopted December 30, 2009, effective March 18, 2010) to remove consideration of parking and the Environmental Checklist Form (Appendix G) was modified to reflect this amendment. However, a discussion of parking is provided in Section J Land Use and Planning which evaluates the Modified Project's total parking spaces as compared to the Approved Project in light of the City of Concord Development Code Update.

Q. UTILITIES AND SERVICES SYSTEMS

The 2004 IS/MND analyzed effects to utilities associated with implementation of the Approved Project. The 2004 IS/MND determined that the Approved Project would have less-than-significant impacts on utilities, and no mitigation measures were required.

The Modified Project (Completed Construction + Remaining Construction) would result in the same number of residential units as the Approved Project. Table 6 lists the utility and/or service provider and explains if circumstances related to utilities under which the Remaining Construction would be undertaken have changed.

TABLE 6: UTILITIES AND SERVICE SYSTEM

Utility/Service	Servicer	Requirements or Changes Since 2004 IS/MND
Wastewater treatment requirements	Regional Water Quality Control Board	No changes
Construction of new, or expansion of existing, water or wastewater treatment facilities	City of Concord Community & Economic Development Department (Engineering-Current Development)	<p>Given that the population decreased to 122,067 in 2010, the existing conditions identified in the 2004 IS/MND are likely still representative of current conditions.</p> <p>If it is determined that upsizing of sewer mains affected by the Remaining Construction are needed, the project sponsor would be required to pay the applicable fees for the connection from the Project site to the sewer main.</p>
Construction of new, or expansion of existing, storm water drainage facilities	City of Concord Community * Economic Development Department (Engineering-Current Development)	<p>The Approved Project would have resulted in incrementally less impervious surface than what existed prior to construction. Similarly, the Remaining Construction, together with the Completed Construction, would result in a decrease in the existing impervious surfaces. Like the Approved Project, the Remaining Construction would have to adhere to regional controls such as provision C.3 in the MRP which requires site designs for new developments and redevelopments to minimize the area of new roofs and paving, and to Conditions of Approval 97 through 103. Thus, the Modified Project (Completed Construction +</p>

		Remaining Construction) would not create additional demand on the stormwater drainage facilities.
Water supplies	Contra Costa Water District	Given that the population decreased to 122,067 in 2010, the existing conditions identified in the 2004 IS/MND are likely still representative of current conditions in regards to existing demand for water.
Wastewater treatment service capacity	Contra Costa Sanitary District	<p>Given that the population decreased to 122,067 in 2010, the existing conditions identified in the 2004 IS/MND are likely still representative of current conditions in regards to existing wastewater generation.</p> <p>Like the Approved Project, if it is determined that the Remaining Construction's contribution of wastewater exceeds capacity, the project sponsor would be required to pay the Project's proportional share of upgrading the sanitary sewer main serving the Project site. In addition, like the Approved Project, the Remaining Construction would have to comply with Conditions of Approval 95 and 109 pertaining to sewer connections and upgrades.</p>
Landfill	Concord Disposal Service and Potrero Hills Landfill	When the 2004 IS/MND was approved, the Potrero Hills Landfill was estimated at 64

		<p>percent capacity and not expected to close until 2035. In 2010, the Potrero Hills Landfill was granted a marsh permit from the Bay Conservation and Development Commission to expand its capacity from 21.5 million cubic yards to 83.1 million cubic yards. However, the permit has been challenged and a resolution has not been reached. Even without additional capacity, Potrero Hills Landfill would still have available capacity for the Remaining Construction.</p>
<p>Federal, State, and local statutes and regulations related to solid waste</p>	<p>N/A</p>	<p>State law requires at least 50 percent of solid waste generated in a community be recycled. The City of Concord adopted a local Construction and Demolition Materials Recycling Ordinance (C&D Ordinance) effective July 1, 2007. The C&D Ordinance requires that at least 50 percent of the waste materials generated by a construction or demolition project be diverted from the landfill through waste management options such as reuse or recycling. The C&D Ordinance also requires that at least 75 percent of all inert debris generated by a construction or demolition project be diverted from the landfill. Inert debris includes concrete, asphalt, brick and similar masonry products. Similar to the Approved Project, the Remaining Construction would have to Comply with the City of Concord Municipal Code as required in Condition of</p>

		Approval 15.
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Source: Urban Planning Partners, 2013.

After approval of the Approved Project, a General Plan Update was initiated. Given that the Notice of Preparation for the General Plan EIR was circulated in June 2006 the Approved Project was considered, and included as anticipated development, in the preparation of the General Plan and General Plan EIR. As the Modified Project (Completed Construction + Remaining Construction) results in the same number of residential units as the Approved Project, the Modified Project can be considered as anticipated development within the General Plan and General Plan EIR.

The Housing Element included the Remaining Construction site as a housing opportunity site, and indicated 180 housing units as the site's capacity. The Remaining Construction would result in 179 housing units on the site, and therefore would produce a level of growth within the capacity identified by the Housing Element. Additionally, because the Housing Element IS/ND found that growth under the Housing Element would not result in any development beyond that which is anticipated in the 2030 General Plan, the Modified Project (Completed Construction + Remaining Construction) is considered to be within the buildout of the General Plan. The environmental review for these two documents did not identify any significant impacts related to utilities.

The site of the Remaining Construction is part of the larger Approved Project site, and circumstances related to utilities under which the project would be undertaken have not changed. As a result, the Modified Project, similar to the Approved Project, would have less-than-significant impacts on utilities. The 2004 IS/MND required no mitigation measures related to utilities for the Approved Project.

No new or substantially more severe significant effects would occur and no additional mitigation measures are required.

R. MANDATORY FINDINGS OF SIGNIFICANCE

Section XVII of the 2004 IS/MND addressed mandatory findings of significance associated with the Approved Project. The Approved Project was found to have no impact on the quality of the environment with respect to habitat of fish or wildlife as any rare or endangered plants or animals exist on or near the site. The 2004 IS/MND identified mitigation measures to reduce all potentially cumulative impacts related to traffic, air quality, and noise to a less-than-significant level. Other identified impacts were site-specific and would not combine with impacts from other projects. Finally, the Approved

Project was found to not cause substantial adverse effects on humans upon implementation of the identified mitigation measures.

The Remaining Construction would be located on a portion of the same site as the Approved Project and would be subject to similar environmental conditions. No new resources would be impacted and no increase in effects would occur. Implementation of mitigation measures discussed in the 2004 IS/MND would ensure that effects associated with the Modified Project would be less than significant. No new or substantially more severe significant effects would occur and no mitigation measures are required.

IV. CONCLUSION

On the basis of the evaluation presented in this Addendum, the changes associated with the Modified Project (Completed Construction + Remaining Construction) would not trigger any of the conditions listed in Section I.D of this Addendum, requiring preparation of a subsequent or supplemental EIR or MND. Thus, this Addendum satisfies the requirements of CEQA Guidelines sections 15162 and 15164. The Modified Project (Completed Construction + Remaining Construction) would not introduce new significant environmental effects, substantially increase the severity of previously identified significant environmental effects, or show that mitigation measures previously found not to be feasible would in fact be feasible.

Overall, the Modified Project (Completed Construction + Remaining Construction) would result in similar effects to those of the Approved Project due to similar density, operations, and construction requirements as those which were originally proposed and would therefore generate comparable effects. The Modified Project (Completed Construction + Remaining Construction) would not result in new significant effects or effects that would be substantially more severe than those identified in the 2004 IS/MND. The mitigation measures included in the 2004 IS/MND that remain applicable are listed with page numbers in this Addendum for easy reference.

The analyses and conclusions in the 2004 IS/MND remain current and valid. The Modified Project would not cause new or substantially more severe significant effects than identified in the 2004 IS/MND, and thus no new mitigation measures would be required. No change has occurred with respect to circumstances surrounding the Modified Project that would cause new or substantially more severe significant environmental effects than identified in the 2004 IS/MND, and no new information has become available that shows that the Modified Project would cause significant environmental effects not already analyzed in the 2004 IS/MND. Therefore, no further environmental review is required beyond this Addendum to the 2004 IS/MND.

None of the elements set forth in Public Resources Code Section 21166 or CEQA Guidelines Section 15162 exists, and in accordance with Public Resources Code Section 21166 and CEQA Guidelines Section 15162, no subsequent or supplemental EIR or MND is required. Thus, this Addendum satisfies the requirements of CEQA, including CEQA Guidelines sections 15162 and 15164.

V. REFERENCES

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Environmental Checklist

California Environmental Quality Act

CITY OF CONCORD
CITY OF CONCORD
Planning Division
 1950 Parkside Drive, MS 53
 Building D, Permit Center
 Concord, CA 94519
 PHONE (925) 671-3152
 FAX (925) 671-3381

-
1. Project Title: **Downtown Concord Condominiums**
2. Lead Agency Name and Address: **City of Concord
 Planning Division
 1950 Parkside Drive, MS/53
 Building D, Permit Center
 Concord, CA 94519**
3. Contact Person and Phone Number: **Project/CEQA – Frank Abejo – (925) 671-3128**
4. Project Location: **1851 Galindo Street (south of Willow Pass Road, north of Concord Boulevard,
 and east of Mira Vista Terrace)
 APN: 126-062-010**
5. Project Sponsor's Name and Address: **Signature Properties, Inc.
 4670 Willow Road, Suite 200
 Pleasanton, CA 94588**
6. General Plan Designation: **Central Area Multiple Use Office**
7. Zoning: **DBD (Downtown Business District)**
8. Description of Project:
 The proposed project is a residential infill project within a redevelopment area of downtown Concord and would reuse a 5.16-acre site currently serving a car dealership and automotive repair use occupying approximately 50,500 gross square feet of building space. The proposed project would include demolition of existing structures and construction of three new buildings with up to 310 residential units, comprised of up to 283 condominium flats, 22 townhome-style units, and 5 live work lofts (along Galindo Street). Additionally, the project would provide approximately 5,000 square feet of pedestrian-oriented retail at the corner of Galindo and Willow Pass Road. The project would provide approximately 764 on-site parking spaces comprised of 661 stalls for residents (2.0+ spaces/unit) and 103 spaces for guests (1 space/3 units).
 Project amenities include a pool, spa, fitness center, private storage space, and balconies. The buildings would be constructed on a podium-level, rising 4 or 5 stories to a maximum height of 75 feet with two-story parking garages constructed partially below grade. The project would also widen Galindo Street by 15 feet from 60 feet to 75 feet and improve the landscape/streetscape around the perimeter of the project site.
 The project would require a General Plan Amendment from Central Area Multiple Use/Regional Office to High Density Residential, an Amendment to the Zoning Ordinance to change the land use designation in Exhibit A of the Downtown Business District regulations from Office to Residential, a Variance for the setback along Galindo Street from the requirement of 20 feet to 10 feet, and Design Review.
9. Surrounding Land Uses and Setting. (Briefly describe the project's surroundings.):
 The project site is surrounded by a variety of commercial uses including a restaurant, office buildings, and a movie theatre/parking garage structure across Willow Pass Road; a gas station, office buildings and banks across Galindo Street; a used car lot, place of worship and residential units across Concord Boulevard; and office buildings across Mira Vista Terrace. A restaurant/office building is located adjacent to the project site, on the corner of Willow Pass Road and Mira Vista Terrace.
10. Other agencies whose approval is required (e.g. permits, financing approval, or participation agreement.):
 None.

Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|---|
| <input type="checkbox"/> Aesthetics | <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Recreation |
| <input checked="" type="checkbox"/> Air Quality | <input type="checkbox"/> Land Use/Planning | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Utilities/Service Systems |
| <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Geology/Soils | <input type="checkbox"/> Population/Housing | |

Determination:

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Jim Abejo
Signature

5-26-04
Date

Frank Abejo
Printed Name

5-26-04
Date

Evaluation of Environmental Impacts:

- (1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- (2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- (3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- (4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analysis," may be cross-referenced).
- (5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D). In this case, a brief discussion should identify the following:
 - (a) Earlier Analysis Used. Identify and state where they are available for review.
 - (b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - (c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- (6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- (7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- (8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- (9) The explanation of each issue should identify:
 - (a) The significance criteria or threshold, if any, used to evaluate each question; and
 - (b) The mitigation measure identified, if any, to reduce the impact to less than significance

Issues:

	Summary of Impacts			
	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact
I. AESTHETICS -- <i>Would the project:</i>				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

Discussion:

a) The project site is not identified in the City of Concord General Plan as a scenic vista. Views from the project site consist of adjacent commercial buildings and major roadways including Concord Boulevard and Willow Pass Road. The proposed project would alter the visual quality of the site, by increasing the on site density and introducing new landscaping along the street frontages. Although the proposed project would block views to the west and south from the out-parcel, these views do not include scenic resources, and there would be no impact to scenic resources.

b) The California Department of Transportation administers California’s Scenic Highways Program. There are two designated California Scenic Highway roadway segments in Contra Costa County including an 8.9-mile roadway segment of State Route 24, from East Portal of Caldecott Tunnel to I-680 near Walnut Creek and a 14.4-mile roadway segment of I-680 from Alameda County line to State Route 24 (California Department of Transportation, 2004). The project site is approximately seven miles northeast of these designated highway segments and therefore would have no effect. The project site does not contain, nor is it in the immediate vicinity of scenic resources such as trees, rock outcroppings, or historic buildings. Therefore the project would have no impact to such resources.

c) A substantial portion of the project site consists of surface vehicular storage areas, and the balance of the site consists of automobile-related buildings. Vegetation is limited and the site does not contain visually prominent resources. The proposed project would construct residential buildings between four and five stories tall (e.g. maximum of 75 feet) and construct a new roadway (Street A) bisecting the site. The project sponsor has presented the project to the Ad-Hoc Design Review Board three times.¹ Throughout the design review process, the project sponsor has incorporated design modifications, pursuant to the review comments from staff and the Ad-Hoc Design Review Board, including the creation of an “urban retail plaza” at Willow Pass Road and Galindo Street, revision of elevations to vary texture and materials and stronger landscape and streetscape characteristics within the project. The proposed buildings would improve the visual quality of the site by adding new landscaping around the street frontages and create a more continuous block frontage that would improve the pedestrian environment. The proposed project would therefore have a beneficial effect on visual quality at the site.

d) The project site is located in a built-out urban environment that includes exterior lighting associated with existing commercial buildings adjacent to the project site, and exterior lighting on the site associated with the existing automobile-related commercial uses. The site is also adjacent to major roadways, Willow Pass Road and Concord Boulevard, which provide street lighting. The proposed project would include exterior lighting along pedestrian and vehicle access ways and within outdoor public spaces. There would also be exterior lighting at building entries and exits. Exterior lighting throughout the project site would utilize fixtures designed to minimize light spillage. Because the project is within an urban setting, the increases in light attributed to the proposed project are not considered substantial and would not adversely affect day or nighttime views in the

¹ The Ad-Hoc Design Review Board is comprised of two City Council Members and two regular Design Review Board Members, and its purpose is to gather feedback from the City Council and other staff, early in the project development process. Thus, when the City Council is later asked to approve the General Plan Amendment, they have had the opportunity to provide initial comments to add-value.

area. The project sponsor would also be required to submit a Photometric Study to be reviewed by City staff for compliance with city standards as a condition of approval. The project sponsor would comply with existing City standards and recommendations provided by City staff regarding light and glare. Therefore the proposed project would not result in significant new light or glare impacts.

Summary of Impacts

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact
II. AGRICULTURE RESOURCES --Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

Discussion:

- a) The project site presently consists of a car dealership, automotive repair shop and surface vehicular storage. There are no active agricultural uses at the project site or in the vicinity. The area is designated by the California Department of Conservation as urban and built-up land, defined as "land occupied by structures with a building density of at least one unit to one and one-half acres" as shown on the Important Farmland Map for Contra Costa County. Thus, the proposed project would not convert Farmland to non-agricultural use and there would be no impact (California Department of Conservation, 1990).
- b) The current zoning designation for the project site is Downtown Business District (DBD) and there is no agricultural zoning at the site. Therefore the proposed project would not conflict with zoning for agricultural use and there is no Williamson Act contract that applies (City of Concord, 2004).
- c) The project site is within an urbanized area in the City of Concord. There are no active agricultural uses as the site or in the vicinity, and therefore no potential to convert Farmland to non-agricultural uses.

III. AIR QUALITY – Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?			X	
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative threshold for ozone precursors)?			X	
d) Expose sensitive receptors to substantial pollutant concentrations?				X
e) Create objectionable odors affecting a substantial number of people?				X

Discussion:

- a) The proposed project is located in the San Francisco Bay Area Air Basin, which is a state and federal "non-attainment" area for ozone and a state "non-attainment" area for particulate matter with less than a 10-micron diameter (PM₁₀). To achieve attainment, the Bay Area Air Quality Management District has developed both the *Revised San Francisco Bay Area Ozone Attainment Plan for the 1-Hour National Ozone Standard* (in compliance with the Federal Clean Air Act) and the *Bay Area*

2000 Clean Air Plan (in compliance with state law). These plans contain mobile source controls, stationary source controls and transportation control measures to be implemented in the region to attain the State and Federal ozone standards within the Bay Area Air Basin. The proposed project is a residential infill project within a redevelopment area of downtown Concord and would reuse a site currently serving a car dealership and automotive repair use. By providing infill residential development near the Concord BART Station, the proposed project would implement applicable transportation control measures. Therefore, the project would not conflict with or obstruct implementation of the applicable air quality plan.

- b) During construction, the operation of equipment would emit hydrocarbons, oxides of nitrogen, carbon monoxide, and particulate matter (consisting of windblown dust and diesel particulate). These emissions would occur at less-than-significant levels. The BAAQMD's approach to analysis of construction impacts is to emphasize implementation of effective and comprehensive control measures rather than detailed quantification of emissions (BAAQMD 1996). The project would be required to implement BAAQMD control measures (Mitigation Measure III.1) for controlling PM₁₀ emissions from construction activities.

Operation of the project would not cause or contribute substantially to any existing or projected air quality violation. According to the BAAQMD CEQA Guidelines, a residential project would have potentially significant emissions impacts if the project generated more than 2,000 vehicle trips per day. The 310-unit proposed condominium project would generate about 1,384 vehicle trips per day, with about 100 and 120 trips during the AM and PM peak hours, respectively. The proposed 5,000 square feet of ancillary retail space would generate about 125 net daily vehicle trips (assuming that 50 percent of the trips are "pass-by" trips; that is, en route to and from other destinations). At fewer than 1,400 trips per day, the proposed project would not approach BAAQMD's threshold for individualized air quality analysis.

- c) Although project-specific air quality impacts would be less-than-significant, a separate evaluation must be completed to determine whether the project would "result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment." The BAAQMD CEQA Guidelines recommend that this cumulative analysis be based on project consistency with the General Plan and General Plan consistency with the Clean Air Plan. The proposed project is not consistent with the applicable General Plan (i.e., it requires a General Plan amendment). However, when the General Plan was adopted it was determined to be consistent with the Clean Air Plan. Based on BAAQMD guidance, the cumulative effect would be less than significant if the project would not result in a greater increase in auto use (measured as vehicle-miles traveled, or VMT) and would not result in land use conflicts (measured by evaluating whether the project would be in close proximity to sources of objectionable odors, toxics, or accidental releases of hazardous materials). As to the latter, the proposed project would not result in such land use conflicts, as surrounding land uses are primarily commercial, including office buildings, gas stations, restaurants, and parking facilities (surface lots and structures). There are no known sources of objectionable odors, toxics, or users of major quantities of hazardous materials in the immediate vicinity.

The project site has a General Plan land use designation of Central Area Multiple Use Regional Office. This designation permits office development at a floor-area ratio of up to 4.0, meaning that nearly 900,000 square feet of office use could be constructed on the 5.16-acre site. A project of this magnitude would generate more than four times the daily traffic of the project, even with a comparable 25 percent reduction in trip generation based on proximity to BART. Even assuming development of a residential project at a density of 100 units per acre, the maximum permitted under the proposed High Density Housing land use designation, office trip generation would be more than 2.5 times residential trip generation. Therefore, the proposed General Plan amendment would not increase VMT compared to VMT under the existing General Plan land use designation, and the proposed project would not cause a cumulatively considerable net increase in criteria pollutants for which the region is in non-attainment.

- d) The proposed project would not expose sensitive receptors to substantial pollutant concentrations. The project site is not adjacent to any significant existing or planned stationary sources of pollutants. The project site is adjacent to Galindo Street, and measures to improve traffic flow along Galindo Street in the study area have been proposed by the City. As described in the Galindo Street General Plan Amendment Traffic Study, these improvements include the addition of a third through lane on southbound Galindo Street between Willow Pass Road and Concord Boulevard; that segment borders the project site on the east. As discussed in the traffic section, construction of the proposed project could impede the ability of the City to implement these improvements if sufficient right-of-way is not preserved. However, as part of the proposed project, Galindo Street would be widened 15 feet along the project frontage (within right-of-way dedicated to the City) to accommodate the planned improvements.
- e) The proposed project is residential and therefore would not be considered to create objectionable odors affecting a substantial number of people.

Summary of Impacts				
	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact
IV. BIOLOGICAL RESOURCE -- <i>Would the project:</i>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X
Discussion:				
a) The 5.16-acre project site is within the Central Area of the City of Concord, within Contra Costa County. The site generally consists of two structures and surface parking with automobile-related commercial uses. Vegetation is limited to the perimeter of the site including street trees on Willow Pass Road and Concord Boulevard, bushes on Concord Boulevard and trees on the hillside on Mira Vista Terrace. No identified candidate, sensitive, or special status species inhabits the project site, thus the proposed project would not adversely affect any such species.				
b) There is no riparian habitat or any other sensitive natural community on the site. The proposed project would therefore have no effect on riparian habitat or other sensitive natural communities identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game, or U.S. Fish and Wildlife.				
c) The project site is relatively level and contains no active drainage. Therefore, there will be no impact on wetlands as defined by Section 404 of the Clean Water Act.				
d) The project site is located within an existing urban environment. The project site has existing commercial uses, and the area surrounding the project site is also developed. No wildlife corridors or native wildlife nurseries are within the project area. Thus the project would not interfere with fish or wildlife movement.				
e) The Concord Municipal Code includes a tree protection ordinance that applies to heritage trees. Heritage trees are defined as trees that are at least 72 inches in circumference (approximately 24 inches in diameter) measured 4 1/2 feet above natural or established grade, a multi-stemmed tree which has one stem of at least 24 inches or more in circumference, or any tree or group of trees which has a relationship to an event of historical significance or is of public interest and which has been designated by action of the Planning Commission as a heritage tree (Code 1965, § 4301: Ord. No. 89-15).				

The project site does not contain any trees meeting the criteria for a heritage tree (HortScience, Inc., 2004). However, the site does contain 13 London Plane trees along Willow Pass Road that are recommended for preservation. Preservation of these trees would require implementation of **Mitigation Measure IV.1**.

- f) The project site is a developed urban area that does not have any applicable adopted habitat conservation plan or natural community conservation plan. The project would therefore have no impact on any habitat conservation plan.

Summary of Impacts

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact
V. CULTURAL RESOURCES -- <i>Would the project:</i>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?				×
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		×		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		×		
d) Disturb any human remains, including those interred outside of formal cemeteries?		×		

Discussion:

- a) The existing structures on the project site are used for Lehmer’s automobile dealership and automotive repair shop. In addition to state and federal inventories, the other historical literature and maps consulted by the Northwest Information Center did not indicate the presence of any historic-period buildings or structures. Therefore, the proposed project would have no significant effect on these buildings (Northwest Information Center, 2004).
- b) The project site contains no recorded Native American or historic-period archaeological resources listed with the Historical Resources Information System (Northwest Information Center, 2004). Native American archaeological sites in the Concord area of Contra Costa County tend to be situated on alluvial flats, marsh margins and near sources of water including springs. The project site is situated on a broad alluvial plain without any freshwater sources nearby. Therefore, there is low potential for Native American sites in the project area. Historical literature and maps on file at the Northwest Information Center, also gave no indication of historic activity in the project area, thus there is low possibility of identifying historic-period archaeological deposits at the project site. In the event that archaeological resources are encountered during the project excavation, implementation of **Mitigation Measure V.1** would apply.
- c) No recorded unique paleontological resources or unique geologic features are listed by the University of California, Berkeley Museum of Paleontology, which includes an extensive listing of recorded paleontological sites. Additionally, excavation would be limited to a depth of between zero and 23 feet, therefore the likelihood of encountering unique paleontological resources or geologic features would be low. In the event that paleontological resources are encountered during the project excavation, implementation of **Mitigation Measure V.2** would apply.
- d) The project site is undeveloped and archival research has indicated that the site does not contain any recorded Native American sites or historic-period archaeological sites listed within the Historical Resources Information System. As discussed under Comment V.b, archival research has indicated that the site does not contain any recorded Native American sites or historic-period archaeological sites listed within the Historical Resources Information System, nor is there indication that the site has been used for burial purposes in the recent or distant past. Thus it would be unlikely to encounter human remains at the project site. In the event that human remains are encountered during project excavation, **Mitigation Measure V.3** would apply.

Summary of Impacts				
	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact
VI. GEOLOGY AND SOILS -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.		X		
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X
Discussion:				
a.i) This section is based on a geotechnical investigation for the proposed project conducted by Engeo Incorporated (Engeo) in 2003.				
<p>Fault rupture on the project site is a potential seismic hazard during an earthquake on the Concord-Green Valley fault because a trace of the Concord-Green Valley Fault extends through the southwest end of the property. Surface fault rupture can occur along traces of active faults during major earthquakes and result in observable offsets on the ground surface. On faults that generate horizontal movement (referred to as strike-slip faults) this displacement along a fault trace can cause considerable damage to a structure, even collapse. Non-structural damage from fault rupture includes distorted asphalt, severe utility damage, distressed foundations and extensive service disruption for transportation facilities. Surface fault rupture presents a significant potential risk to people and property, especially in the San Francisco Bay Area where there are several active faults. The State of California, through the Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act), prohibits the development of structures for human occupancy across active fault traces.² Under the Alquist-Priolo Act, the California Geological Survey (CGS) must establish zones on either side of the active fault that delimit areas susceptible to surface fault rupture. These zones are referred to as fault rupture hazard zones and are shown on official maps published by the CGS. The Alquist-Priolo Act requires setbacks from active fault traces for structures of human occupancy (generally 50 or 100 feet).</p>				

² Alquist-Priolo Zones designate areas most likely to experience fault rupture, although surface fault rupture is not necessarily restricted to those specifically zoned areas. Zones are defined by the California Geological Survey (CGS). An active fault is defined by the State of California as a fault that has had surface displacement within Holocene time (approximately the last 10,000 years). A potentially active fault is defined as a fault that has shown evidence of surface displacement during the Quaternary (last 1.6 million years), unless direct geologic evidence demonstrates inactivity for all of the Holocene or longer. This definition does not, of course, mean that faults lacking evidence of surface displacement are necessarily inactive. Sufficiently active is also used to describe a fault if there is some evidence that Holocene displacement occurred on one or more of its segments or branches. A structure for human occupancy is one that is intended for supporting or sheltering any use or occupancy, which is expected to have a human occupancy rate of more than 2,000 person hours per year (Hart, 1997).

The Concord-Green Valley Fault Zone is designated as an active fault and is consequentially mapped under the Alquist-Priolo Act. The southwest half of the project site is located within the fault rupture hazard zone for this fault and various researchers have mapped its inferred trace extending in a northwest direction, either adjacent to or through the extreme southwest end of the project site. The fault traces shown on published maps vary depending on the particular researcher because, often, the mapped trace must be inferred if it is not verified by actual fault trenching studies. Development in an Alquist-Priolo fault rupture hazard zone requires geologic investigations that include trenching across a fault to identify and map active fault traces. In 1974 and 1976, Berlogar Long and Associates (BLA) completed several fault study trenches on the project site, including the southwest end of the site, to determine whether the fault trace extended through the property. BLA identified fault displacement features in four trenches that verified the location of Concord-Green Valley fault on the project site approximately 40 feet northeast of the east curb of Mira Vista Terrace (Engeo, 2003). The Alquist-Priolo official map (originally issued in 1974 and revised in 1993) similarly shows the accurately located Concord-Green Valley fault trace extending through the project site. For its investigation, Engeo conducted standard and accepted engineering tasks to prepare geotechnical recommendations for grading, foundation design, retaining walls, trench backfill, and preliminary asphalt paving. In addition, Engeo reviewed previous earthquake fault studies performed by BLA (previously mentioned) and Purcell Rhoades and Associates (PRA). PRA conducted fault investigations similar to BLA but on the parcel adjacent to and south of the project site. Based on its investigation, Engeo delineated a 50-foot setback from the trace identified by BLA in 1974 and 1976 and recommended that all structures intended for human occupancy be constructed outside this setback zone.

The setback zone established by Engeo, which is based on previous fault studies, would restrict structures for human occupancy from this zone and thereby substantially reduce seismic risk to people and property. As required by the Alquist-Priolo Act, the City of Concord, as lead agency, contracted for review, by a registered geologist, of Engeo's 2003 report. This review is intended to advise the City and allow the City to accept the Engeo report. The geotechnical review determined that the level of study undertaken by Engeo was acceptable and their recommendations sufficient to adequately reduce seismic risk associated with fault rupture. Therefore, based on the current project design, fault rupture is not considered a significant impact. Furthermore, as is typically required by the City, **Mitigation Measure VI.1** will require a full peer review of the complete Engeo report by the City's consulting geologist prior to the City accepting the Engeo report as final. The project sponsor has agreed to implement the recommendations of the Engeo report, as it may be revised by the City's consulting geologist.

- a. ii) The U.S. Geological Survey (USGS) 2002 Working Group on California Earthquake Probabilities (USGS WG02) evaluated the likelihood of one or more earthquakes of moment magnitude 6.7 or higher occurring in the San Francisco Bay Area.³ The result of the evaluation indicated a 62 percent likelihood that such an earthquake event will occur in the Bay Area before 2032. Within this 62 percent probability, the Hayward-Rodgers Creek and San Andreas Fault systems are the two most likely fault systems to cause the event (USGS WG02, 2003). Therefore, the proposed project would likely experience at least one major earthquake (greater than moment magnitude 6.7) before 2032. The intensity of such an event would depend on the causative fault and the distance to the epicenter, the moment magnitude, and the duration of shaking.

As with the entire Bay Area, the project site is located in Seismic Zone 4 as designated by the current Uniform Building Code. According to the CGS Probabilistic Seismic Hazard Assessment (PSHA), peak ground acceleration at the project site could reach or exceed 0.7 to 0.8 g (CGS, 2003a).⁴ The PSHA identifies the hazard from earthquakes that geologists and seismologists agree could occur. It is "probabilistic" in the sense that the analysis takes into consideration the uncertainties in the size and location of earthquakes and the resulting ground motions that can affect a particular site.⁵ As a comparison, the maximum ground accelerations recorded in San Francisco and Oakland during the 1989 moment magnitude 6.9 Loma Prieta earthquake were approximately 0.3g. However, the recording sites were located more than 40 miles from the earthquake epicenter.

- ³ Moment magnitude is related to the physical size of a fault rupture and movement across a fault. The Richter magnitude scale reflects the maximum amplitude of a particular type of seismic wave. Moment magnitude provides a physically meaningful measure of the size of a faulting event (CGS, 1997).
- ⁴ g is gravity = 980 centimeters per second squared. Acceleration is scaled against acceleration due to gravity or the acceleration with which a ball falls if released at rest in a vacuum (1.0 g). Acceleration of 1.0 g is equivalent to a car traveling 100 meters (328 feet) from rest in 4.5 seconds.
- ⁵ The maps are typically expressed in terms of probability of exceeding a certain ground motion. For example, the 10 percent probability of exceedance in 50 years maps depict an annual probability of 1 in 475 of being exceeded each year. This level of ground shaking has been used for designing buildings in high seismic areas. The maps for 10 percent probability of exceedance in 50 years show ground motions that geologists and seismologists do not think will be exceeded in the next 50 years. In fact, there is a 90 percent chance that these ground motions will not be exceeded. This probability level allows engineers to design buildings for larger ground motions that geologists and seismologists think will occur during a 50-year interval, which makes buildings safer than if there were only designed for the ground motions that are expected to occur in the next 50 years. Seismic shaking maps are prepared using consensus information on historical earthquakes and faults. These levels of ground shaking are used primarily for formulating building codes and for designing buildings. The maps can also be used for estimating potential economic losses and preparing for emergency response (Peterson *et al.*, 1999)

Ground motions within the Loma Prieta epicenter region were approximately 0.6 g (CGS, 1990). Structures on alluvium or artificial fill are generally more susceptible to damage than structures on bedrock.⁶ In addition, the Association of Bay Area Governments (ABAG) (2003a) determined that ground shaking on the project site will most likely be felt as very violent if a moment magnitude 6.7 earthquake were to occur on the Concord-Green Valley fault zone.

Ground shaking from a moderate to strong earthquake could generate ground accelerations at the proposed project site that could cause damage to structures, utilities, and/or unsecured equipment and objects (CGS, 2003b). Specifically, the condominium buildings and underground utilities could sustain structural damage, potentially causing injury to residents and/or visitors. Damage from ground shaking could include cracking in walls and pavement and damage to exterior building elements.

Although some structural damage is typically not avoidable during an earthquake, building codes and construction ordinances have been established to protect against building collapse and major injury during a seismic event. Recommendations given in the geotechnical report by Engeo (2003) require design and construction of the proposed project to strictly adhere with current standards for earthquake-resistant construction. The design and construction of the proposed facilities in accordance with the engineering recommendations of the geotechnical report would ensure that the level of risk from ground shaking is at less-than-significant levels.

- a.iii) Liquefaction is the sudden temporary loss of shear strength in saturated, loose to medium dense, granular sediments subjected to ground shaking. It generally occurs when seismically induced ground shaking causes pore water pressure to increase to a point equal to the overburden pressure. Liquefaction can cause foundation failure of buildings and other facilities due to the reduction of foundation bearing strength.

Engeo (2003) concluded that liquefaction potential at the proposed project site is considered low due to the densities of granular materials underneath the site. Groundwater was encountered in their borings 14 to 18 feet below ground surface, well below the level which favors liquefaction conditions. The CGS has not at this time completed seismic hazard mapping within the USGS 7.5-Minute topographic quadrangle for Walnut Creek that includes the proposed project site. However, determinations by ABAG (2003b) revealed that the project area has a low potential for liquefaction. Considering the limited extent of liquefiable soils, low groundwater table, and the low potential for liquefaction as determined by ABAG, liquefaction is considered a less-than-significant impact.

- a.iv) Slope failures, including landslides, include many phenomena that involve the down-slope displacement and movement of material, either triggered by static (i.e. gravity) or dynamic (i.e. earthquake) forces. Under existing conditions, the proposed project site is flat with no hill or slope features susceptible to landslides either by static or dynamic forces. Landslides are therefore considered a less-than-significant impact.
- b) Construction activities associated with the proposed project will require a significant amount of earthmoving, grading, and compaction involving approximately 115,000 cubic yards of material. These activities will expose areas of soil that have previously been covered with concrete. This temporary loss of erosion control will expose bare soil, which will be subjected to erosion by wind and storm water runoff. Concentrated water erosion, if not managed or controlled, can eventually result in significant soil loss and/or discharging of sediment into utilities and/or adjacent lots. Sediment from project-induced onsite erosion can also accumulate in downstream drainage facilities, interfere with flow, and aggravate downstream flooding conditions.

In order to minimize erosion impacts, the proposed project is applying for the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General Construction Permit), which involves preparing a Storm Water Pollution Prevention Plan (SWPPP) for all construction phases of the proposed project. This permit is required by the Regional Water Quality Control Board (RWQCB). The objectives of the SWPPP are to identify pollutant sources (such as sediment) that may affect the quality of storm water discharge and to implement Best Management Practices (BMPs) to reduce pollutants in storm water discharges. BMPs are individual or combined measures that can be implemented in a practical and effective manner on the project site which, when applied, prevent or minimize the potential release of contaminants into surface waters and groundwater. In addition, the project sponsor will be preparing an Erosion Control Plan (ECP) designed for implementation during construction.

Since BMPs have been recognized as methods to effectively prevent or minimize the potential release of contaminants into surface waters and groundwater, and that the project sponsor will be requiring the contractor to adhere to the project's ECP,

⁶ Alluvial and alluvium refers to deposits of clay, silt, sand, and gravel deposited by a stream or running water.

compliance with the SWPPP and the ECP would reduce potential erosion impacts during project construction to less-than-significant levels.

To comply with Phase I NPDES regulations, Contra Costa County, eighteen of its incorporated cities, and the Contra Costa County Flood Control and Water Conservation District combined to form the Contra Costa Clean Water Program. The Contra Costa Clean Water Program obtained a joint municipal NPDES permit from the San Francisco Bay and Central Valley RWQCBs. The permit contains a comprehensive plan to reduce the discharge of pollutants to the "maximum extent practicable." The proposed project would operate under the jurisdiction of this NPDES permit during the life of the project. In addition, a preliminary hydrology study for the proposed project site by dk Associates (2004) indicated that surface water flow would be decreased by implementation of the proposed project from 11.61 cubic feet per second (cfs) to 11.28 cfs. A decrease in surface water flow will most likely decrease the potential for long-term sediment erosion on the site. Reduction or elimination of sediment and contaminants during project operation through compliance with the NPDES permit and the projected decrease in surface water flow would reduce erosion impacts to less-than-significant levels.

c) The project site is entirely underlain by geologic materials that are stable, evidenced by the fact that the materials are currently able to serve as a suitable foundation for the existing site buildings. All areas left exposed would be developed or otherwise stabilized, making landslides, lateral spreading, subsidence, liquefaction, or collapse unlikely. Thus, this impact is considered less than significant.

d) Geotechnical conclusions by Engeo Incorporated (2003) indicate that the soils on the project site are highly expansive, presenting a constraint to development on the project site. The effects of expansive soils could damage foundations and aboveground structures, paved parking areas, and concrete slabs. Surface structures with foundations constructed in expansive soils would experience expansion and contraction depending on the season and the amount of surface water infiltration. The expansion and contraction due to the behavior of expansive soils could exert enough pressure on the structures to result in cracking, settlement, and uplift.

Engeo (2003) indicates that the potential detrimental effects of expansive soils and/or settlement (soil movement) can be reduced by proper foundation design and foundation recommendations given in the report. Recommendations given in the geotechnical report require design and construction of the proposed project to strictly follow engineering recommendations needed to improve and/or eliminate settlement and expansive soils conditions. The design and construction of the proposed facilities in accordance with the engineering recommendations of the geotechnical report would ensure that the level of risk from expansive soils remains less-than-significant levels.

e) Implementation of the proposed project would not involve the use of septic tanks or alternative wastewater treatment disposal systems to handle wastewater generation. Therefore, no impacts would result from project implementation.

Summary of Impacts

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact
VII. HAZARDS AND HAZARDOUS MATERIALS -- <i>Would the project:</i>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?		X		
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X		
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	

Summary of Impacts				
	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact
VII. HAZARDS AND HAZARDOUS MATERIALS (cont.):				
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?			X	
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?			X	
Discussion:				
<p>a,b) A Phase I Environmental Site Assessment (Phase I) was conducted by Subsurface Consultants, Inc. (SCI) in 1998, the information was reviewed and updated by Engeo Inc. (Engeo) in 2003 (Engeo, 2003a). The site condition, building configuration and site use of the project area at the time of the Phase I in 1998 is similar to present day conditions. An automobile dealership occupies the subject property. The report documented automobile sales, service, and repair on the 1851 Galindo Street parcel since 1952. A restaurant was reported to occupy the 1795 Galindo Street parcel from 1949 through 1973, and by used car/vehicle storage since 1974. The Phase I reported that prior to construction of the restaurant and auto dealership, an almond orchard occupied the property from the 1920s. Prior to the 1920s, the site was reportedly undeveloped.</p> <p>The Phase I and Update included review of a search conducted by Environmental Data Resources (EDR) of available environmental records and provided results in a database report. The report meets the government records search requirements of the American Society for Testing Materials (ASTM) "Standard Practice for Environmental Site Assessments, E 1527-00." The databases searched included, among others, the State of California Hazardous Waste and Substances List (Cortese List) and the Comprehensive Environmental Response, Compensation, and Liability System (CERCLIS). DTSC maintains the Cortese List is a compilation of information from various sources listing potential and confirmed hazardous waste and hazardous substance sites in California. A summary of the database search for the project site as well as for nearby surrounding sites is provided below.</p> <p>The regulatory database records search performed by EDR revealed that the project site is not listed as a Leaking Underground Storage Tank (LUST) site or a Cortese Site. However, the site is listed on the State Water Resources Control Board of historical listing of active and inactive UST sites (CA FID), a historical listing of UST sites (HIST UST), and the Hazardous Waste Information System (HAZNET) that lists facility and manifest data regarding hazardous waste shipments. The transport of hazardous wastes, such as waste oil and spent oil filters, from the site results in the listing of the site in the HAZNET database. The remaining listings are associated with the presence of former USTs at the property.</p> <p>During the Update, Engeo observed twelve above ground storage tanks (AGTs) inside the service areas of the main site structure. The tanks varied in capacity from approximately 75 gallons to around 500 gallons. Tank contents included petroleum products and spent fluids. In addition to the above ground tanks, Engeo observed numerous of drums containing chemicals or hazardous materials. Mitigation Measure VII.1 will reduce impacts associated with the above ground tank removal to less than significant.</p> <p>A main building containing 26 in-ground hydraulic hoists, a body shop with one hoist and a car lot office occupies the 1851 Galindo Street Parcel. An office structure is located on the 1795 Galindo Street parcel. The report states the hydraulic hoists were switched from traditional petroleum-based oils to vegetable-based oils. The Phase I report documented the removal of six USTs between 1987 and 1989 at the 1851 Galindo Site. The Phase I described the tanks as one gasoline, one diesel, one solvent, and three waste oil USTs. Soil excavated in association with the tank removals was reported to contain concentrations</p>				

of residual fuel and waste oil components. Soil from the waste oil UST was reported to contain 1,015 parts per million (ppm) of oil and grease, and 53 ppm of diesel. Stockpiled soil from the diesel tank excavation was reported to contain diesel range petroleum hydrocarbons up to 260 ppm (Engeo, 2003b). Although unlikely, if construction activities encounter additional USTs, **Mitigation Measure VII.2** will ensure that the USTs are removed and impacts related to UST removal will be less than significant.

During the site reconnaissance, Engeo observed one pad-mounted transformer that may contain polychlorinated biphenyls (PCBs) (Engeo, 2003a). Implementation of **Mitigation Measure VII.3** would reduce any risk associated with hazardous materials used during construction to a less than significant level.

The Phase I also reported information pertaining to a 1987 hazardous material spill at 1851 Galindo Street. The nature and extent of the release was not identified (Engeo, 2003a).

Out of 439 properties identified within one mile of the site on one or more of the database lists reviewed for the report. However three UST sites, including two adjacent service stations were identified that may have impacted the site. As a result of both on- and off- hazardous material contamination concerns a Phase II Soil Investigation (Phase II) was conducted. The investigation concentrated on areas around the hydraulic lifts, USTs, oil/water separator, and area drain. The investigation concluded that concentrations of petroleum hydrocarbons and VOCs for the site are below recognized thresholds for residential development. Localized areas containing chemical concentrations exceeding regulatory thresholds may exist.

Based on the reported chemical concentrations, exposure to the soil at the site does not represent a health risk for the proposed residential development. Based on the average petroleum concentrations reported for the soils, exported material could be reused as engineered fill or handled at a Class III landfill facility. **Mitigation Measures VII.4** will ensure that soils destined for off-site disposal or on-site reuse will be properly classified.

A survey of asbestos containing material (ACM) and lead based paint (LBP) has not been conducted at the site. However, given the age of the structures it is likely that ACM and LBP is likely to exist (Engeo, 2003a). Implementation of **Mitigation Measures VII.5** and **VII.6** would reduce any risks associated with ACM and LBP to a less than significant level.

The proposed project includes re-grading of the site prior to construction. According to the project description, at the conclusion of construction 78 percent of the site will be paved. Construction would require the use of certain hazardous materials such as fuels, oils, solvents, and glues. Inadvertent release of large quantities of these materials into the environment could adversely impact soil, surface waters, or groundwater quality. On-site storage and/or use of large quantities of materials capable of impacting soil and groundwater are not typically required for this type of projects (Engeo, 2003c). However, implementation of **Mitigation Measure VII.7** would reduce any risk associated with hazardous materials used during construction to a less than significant level.

Groundwater fluctuates across the site and throughout the year. Depth to groundwater measured in monitoring wells at the site ranges between 10 feet and 23 feet below ground surface. As a result, groundwater may be encountered during construction since cuts to 23 feet below ground surface may occur (Engeo, 2003b). Implementation of **Mitigation Measure VII.8** would reduce any risk associated with encountering contaminated groundwater during project construction to less than significant level.

- c) There are no existing or proposed schools within one-quarter mile of the project site. The proposed project will not emit or use acutely hazardous materials during either construction or operation.
- d) The project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (Engeo, 2003a).
- e.f) The project site is located approximately 1 mile east of Buchanan Air Field, within the Buchanan Airport Influence area, but not within the Airport Safety Zone (City of Concord, 1994). Compliance with Policies 11.1.1 through 11.1.3 of the Concord General Plan will ensure that the project provides adequate noise, safety, and airspace protection criteria.
- f) The project site is not located within the vicinity of a private airstrip.

- g) The proposed project would not impair implementation of or physically interfere with any emergency response plan or emergency evacuation plan because the project site is not an evacuation route.
- h) The project site is located in a built-out area and surrounded by mixed use commercial, retail, office use, gas stations, and parking garages. The project site is not intermixed or located adjacent to wildlands. The new buildings would be required to comply with all applicable Fire Code and fire suppression systems, as required by the Contra Costa County Fire Protection District. Therefore, the proposed project would not expose people or structures to significant risks associated with wildland fires.

Summary of Impacts

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact
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VIII. HYDROLOGY AND WATER QUALITY -- *Would the project:*

a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?			X	
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner, which would result in flooding on- or off-site?			X	
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?			X	
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?			X	
h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?			X	
i) Expose people or structure to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?			X	
j) Inundation by seiche, tsunami, or mudflow?			X	

Discussion:

- a) Two types of potential impacts exist as a result of the proposed project. During project construction, there could be potential water quality impacts due to various construction activities. After construction is completed, there is also the possibility that project operation could result in adverse water quality impacts.

As discussed in Section VI.b Geology and Soils, Construction activities associated with the proposed project would require a significant amount of earthmoving, grading, and compaction involving approximately 11,500 cubic yards of material. These activities could cause erosion and transportation of soil particles that, once in surface water runoff, could cause sediment and other pollutants to leave the site and ultimately affect water quality. However, regulatory controls in place by the RWQCB and the applicant's preparation of an Erosion Control Plan (ECP) would reduce construction impacts to less-than-significant levels.

Also, as discussed in Section VI.b Geology and Soils, during project operation the proposed project would operate under the jurisdiction of the Contra Costa Clean Water Program's joint municipal NPDES permit from the San Francisco Bay and Central Valley RWQCBs. The permit contains a comprehensive plan to reduce the discharge of pollutants to the "maximum extent practicable." Reduction or elimination of sediment and contaminants during project operation through compliance with the NPDES permit would reduce potential water quality impacts to less-than-significant levels.

- b) Increased impervious surfaces reduce the amount of surface water available for infiltration to groundwater sources. However, the proposed project would result in a minor decrease in the amount of impervious surfaces on the site, from 4.75 acres to 4.52 acres (dk Associates, 2004). Geotechnical investigation of the proposed project site indicates the site is underlain by subsurface geologic materials that consist of engineered fill associated with previous development on the site. Groundwater was encountered in borings at 14-18 feet below the ground surface. Fluctuations in the groundwater levels occur seasonally and over a period of years due to variations in precipitation, temperature, and irrigation, among other factors. Groundwater beneath the project site is not considered a beneficial use groundwater source and is not used as a municipal supply. Water for the proposed project is supplied by surface water sources managed by the Contra Costa Water District and is not drawn from the groundwater table below the project site. Considering that the proposed project would not result in an increase in impervious surfaces and that groundwater beneath the site is not a beneficial use groundwater source, no depletion in beneficial groundwater supplies would occur. Therefore, this impact is considered less than significant.
- c) As discussed in part (a), construction of the proposed project would involve a significant amount of earthmoving, grading, and compaction involving 11,500 cubic yards of material. These activities would expose areas of soil that have previously been covered with concrete and could cause erosion and transportation of soil particles that, once in surface water runoff, could cause sediment and other pollutants to leave the site and ultimately affect water quality.

Since the project site exceeds one acre in size the proposed project would be required to comply with the NPDES General Permit for Discharges of Storm Water Runoff Associated with Construction Activity (General Construction Permit). The NPDES permit requires the applicant to prepare a SWPPP for construction phases of the proposed project, as required by the RWQCB. Compliance with the SWPPP and the prescribed BMPs would ensure that impacts associated with erosion during project construction would remain less than significant.

As discussed in part (a), during project operation the proposed project would operate under the jurisdiction of the Contra Costa Clean Water Program joint municipal NPDES permit from the San Francisco Bay and Central Valley RWQCB's. Reduction or elimination of sediment and contaminants during project operation through compliance with the NPDES permit would reduce potential water quality impacts to less than significant levels.

- d) As mentioned in part (b) above, the proposed project represents a decrease in impervious surfaces on the site of 0.23 acres, which would subsequently cause a decrease in surface water flow being collected on the site by the storm drain system. The project would be connecting to the City of Concord's existing storm water system. This existing storm water system is adequate to handle flow that would result from the proposed project, because the current storm water system is able to serve as adequate drainage for the existing site buildings. Thus, runoff generated by the proposed project could be adequately managed by existing utilities and this impact would be less than significant.
- e) As discussed in part (d) above, the proposed project represents a decrease in impervious surfaces on the site. The utilities infrastructure in this area is currently adequate for the existing site buildings. Runoff that would result from the proposed project could be adequately managed by existing utilities. Therefore, this impact would be considered less than significant.
- f) As discussed in parts (a) and (c), water quality impacts would all be considered less than significant due to current regulatory controls that the project sponsor must follow during construction and project operation.

- g) According to the Federal Emergency Management Agency (FEMA), housing in the project site is not located in a 100-year floodplain (FEMA, 2001). Consequently, the proposed project would not expose housing to any adverse impacts due to flooding. Therefore, this impact is considered less than significant.
- h) As stated in part (g), the project site is not located in a 100-year floodplain (FEMA, 2001). Thus, this impact is considered less than significant.
- i) The project site is not located in any specific dam failure inundation area (Association of Bay Area Governments (ABAG), 1995). Therefore, this impact is considered less than significant.
- j) Although tsunamis can occur and cause tidal surges in San Francisco Bay, these events are extremely rare and would not result in wave run-up capable of causing flood damage within the project site. San Francisco Bay greatly attenuates tsunamis that might reach the Golden Gate area. No bodies of water large enough to cause a seiche are present near the project site. Therefore, tsunami and seiche hazards are considered less than significant.

Summary of Impacts				
	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact

IX. LAND USE AND PLANNING -- *Would the project:*

a) Physically divide an established community?			X	
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

Discussion:

- a) The proposed 5.16-acre project site is within the City of Concord's urbanized downtown, or the area referred to as Central Concord. Presently, the project site consists of two structures and surface parking, and the land use is automobile-related, including sales, repair and storage. Surrounding land uses are primarily commercial, including office buildings, gas stations, restaurants, and parking facilities (surface lots and structures). In the immediate project vicinity, there are not any existing residential uses. The proposed project is considered in-fill development and would result in an increase in land use intensity at the site. Further, the project would improve the pedestrian and urban environment by establishing a more consistent block frontage and increasing activity at the site. Thus, the project would not physically divide an established community.
- b) The project site has a General Plan land use designation of Central Area Multiple Use/Regional Office. This designation allows residential uses on the site at a "building intensity range of >10 to 43 units per net acre" (City of Concord, 1994). The project site is 5.16 acres (5.06 acres excluding the new roadway, Street A), thus up to approximately 221 (217) residential units would be allowed. The proposed density is approximately 60 du/ac; therefore in order to be consistent, the sponsor is requesting a General Plan Amendment to "High Density Residential" which would allow a density range of 24 du/ac to 100 du/ac. Potential environmental affects of the project have been evaluated in this document under other topical areas.

The 1994 Concord General Plan is the community's long-range planning document that contains goals and policies intended to guide development within the City. The proposed project is consistent with the following General Plan policies:

- Land Use Objective 1.4. Policy 1.4.1. Encourage integration of residential uses within the Central Area.
- Land Use Objective 7.2 Provide opportunities for residential development in Central Concord to complement and support commercial, office and entertainment uses, and to provide for those residents who prefer "downtown" living.

The project site is within the City's Central Concord Redevelopment Plan Area, which includes Todos Santos Plaza, the Bay Area Rapid Transit District station, and the Metro Plaza, all within Central Concord. The site is zoned Downtown Business

District (DB) with an "Office" use overlay (see Exhibit A in the DB zoning). The Office overlay allows ground floor commercial uses including "offices, restaurants and other eating places..." (Code 1965, § 10482; Ord. No. 94-9). Floors above the ground floor allow "all ground floor uses, plus commercial uses (as defined above) and residential uses" (Code 1965, § 10482; Ord. No. 85-22). In order to accommodate residential uses at the ground floor, the project proposes to amend the subject property's Office overlay to a "Commercial/Residential" overlay that would allow for both commercial and residential ground floor uses (City of Concord, 1994).

- c) The project site is a developed urban area that does not have any applicable adopted habitat conservation plan or natural community conservation plan. Thus the project would have no impact.

Summary of Impacts

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact
X. MINERAL RESOURCES -- <i>Would the project:</i>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Discussion:

- a) The project site is designated by the California Geological Survey as a MRZ-1 zone, which is defined as an "area where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence." The proposed project would therefore not affect the availability of mineral resources, and no impact would occur (Stinson, M. C, et al., 1982).
- b) There are no operational mineral resource recovery sites at the project area or in the vicinity, and therefore no operations or accessibility would be affected by the construction and operation of the project.

XI. NOISE -- *Would the project:*

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X		
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X		
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?		X		
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

Discussion:

Noise Principles and Descriptors

Noise can be defined as unwanted sound. Environmental noise is usually measured in A-weighted decibels (dBA). Environmental noise typically fluctuates over time, and different types of noise descriptors are used to account for this variability. Typical noise descriptors include the energy-equivalent noise level (L_{eq}), and the day-night average noise level (L_{dn}). The L_{dn} is commonly used in establishing noise exposure guidelines for specific land uses. In areas where noise is dominated by traffic, the L_{eq} during the peak-hour is roughly equivalent (within about 2 dBA) to the L_{dn} at that location (Caltrans, 1998). By virtue of the logarithmic nature of the decibel, a doubling of a noise source results in an increase of three dBA. In general, a change of 3-dBA is a noticeable difference and a change of 10-dBA is heard as a doubling of noise.

The noise level experienced at a receptor depends on the distance between the source and the receptor, presence or absence of noise barriers and other shielding features, and the amount of noise attenuation (lessening) provided by the intervening terrain. For line sources, such as motor or vehicular traffic, noise decreases by about 3.0 to 4.5 dBA for every doubling of the distance from the roadway. For point or stationary noise sources, such as electric motors or construction equipment, a noise reduction of 6.0 to 7.5 dBA is experienced for each doubling of the distance from the source.

Existing Noise Sources and Levels

Transportation-related noise sources, primarily automobiles and trucks, on Willow Pass Road, Galindo Street, Concord Avenue, other local arterials and Highway 242 (located just under 0.5 miles from the site) determine ambient noise levels in the project vicinity.

To characterize ambient noise conditions in the project vicinity, noise measurements were conducted by Charles M. Salter Associates, Inc. as part of a Noise Study prepared in support of this project to determine the compatibility of the site for the proposed uses (Charles M. Salter Associates, Inc., 2003). Two long-term noise measurements (48 hour) and several short-term "spot" measurements were taken at various locations on the site that reflect the approximate setback of the proposed condominium buildings. The long-term data was used in connection with the short-term data to estimate existing noise levels at each of the building facades, as shown in Table XI-1.

**TABLE XI-1
EXISTING NOISE ENVIRONMENT**

Location (Approx. setback of proposed buildings) Existing L_{dn}
Willow Pass Road Facade 70 dBA
Galindo Street Facade 74 dBA
Concord Boulevard Facade 73 dBA
Mira Vista Terrace Facade 58 dBA

Sensitive Receptors

The project site is surrounded by a variety of commercial uses including a restaurant, office buildings, and a movie theater/parking

garage structure across Willow Pass Road; a gas station, office buildings and banks across Galindo Street (multi-family residential areas are located beyond the first row of commercial uses); a used car lot, place of worship and residential units across Concord Boulevard; and office buildings across Mira Vista Terrace. A restaurant/office building is located adjacent to the project site, on the corner of Willow Pass Road and Mira Vista Terrace. Occupants of the multi-family residential units located off of Galindo Street and the church and residential units across Concord Boulevard would be considered off-site noise-sensitive receptors.

a,c) *Operation – Noise Compatibility of Proposed Use*

Development at the site is constrained by transportation noise. City of Concord General Plan Noise Policy 2.1.4 requires mitigation measures for new residential development that would reduce noise exposure in private open space areas to 60 L_{dn} .

When considering the City of Concord land use compatibility criteria for residential uses and the existing noise levels shown in Table XI-1 above, noise levels on the project site range between “normally acceptable” (60 L_{dn} or lower) for the Mira Vista Terrace Facade to the upper limit of the “conditionally acceptable” range (60 to 75 L_{dn}) for all other building facades. “Normally acceptable” indicates that no special noise requirements would apply; “conditionally acceptable” requires that noise insulation features be incorporated into the project design to achieve noise standards contained in Title 24 of the California Code of Regulations (Part 2, Appendix Chapter 12A). These regulations are intended to limit the extent of noise transmitted into habitable spaces. For limiting noise transmitted between adjacent dwelling units, the noise insulation standards specify the extent to which walls, doors, and floor-ceiling assemblies must block or absorb sound. For limiting noise from exterior sources, the noise insulation standards set forth an interior standard of 45 L_{dn} in any habitable room and, where units are exposed to exterior noise levels greater than 60 L_{dn} , (such as the proposed project), require an acoustical analysis demonstrating how dwelling units have been designed to meet this interior standard.

Absent mitigation, some of the proposed condominium units could be exposed to existing exterior noise levels of 74 L_{dn} (units along Galindo Street), 73 L_{dn} (units along Concord Avenue) and 70 L_{dn} (units along Willow Pass Road). Modeling conducted as part of the analysis of traffic-related increases in ambient noise levels below, shows that under General Plan buildout cumulative traffic conditions, noise levels along these segments would increase by less than 1 dBA relative to existing conditions.

The City does not require the small French-style balconies on the exterior of the proposed condominium units facing Galindo Street, Willow Pass Road, and Concord Boulevard to adhere to the 60 L_{dn} exterior noise standard, in part because these balcony-type areas are not large enough to serve as open space areas and also because the project provides other open space areas (interior courtyards and balconies) and open space amenities (pool and spa area) that meet open space needs of project residents. If such an exemption did not apply, these outdoor balcony-type areas would need to be either fully enclosed or eliminated from further consideration as a project design feature in order to achieve the City’s exterior noise standard. With the outdoor activity areas (i.e., interior courtyards and the pool and spa area) sited centrally on the project site such that these areas are completely shielded from roadway traffic and related noise by the condominium buildings or walls, none of the condominium units associated with the project would experience noise exceeding the City’s 60 L_{dn} exterior noise standard for private open space areas.

Standard building construction typically reduces exterior to interior noise levels by a minimum of 15 to 20 dBA. Implementation of **Mitigation Measure XI.1** would ensure that the state-mandated 45 L_{dn} interior noise standard was achieved and would prevent any significant impact. The City’s Building Division would be responsible for reviewing the final buildings plans for the project to ensure that it is designed and constructed in compliance with Title 24 standards.

Operation – Increase in Ambient Noise Levels

Over the long term, the proposed project would affect the ambient noise environment in the project vicinity by generating motor vehicle trips on the local road network. While the existing car sales business generates noise in the immediate proximity of the site, car sale activities (e.g., any loudspeaker use or service activities) and associated trips are limited to those hours when the business is open, whereas the project could introduce trips that occurred at all hours of the day (including noise-sensitive nighttime hours) and could affect roadside noise levels at more distant locations. Net increases in vehicle trips generated by the proposed project would be distributed over the local street network and could affect roadside noise levels at sensitive receptor locations. The proposed approximately 310 -unit project would be expected to generate up to 1,250 net new vehicle trips per day.

To assess the impact of project traffic on roadside noise levels, noise predictions were made using the Federal Highway Administration’s (FHWA) Noise Prediction Model for those roadway segments that would experience the greatest increase in

traffic volumes due to the project (segments of Willow Pass Road, Galindo Street, and Concord Avenue adjacent to the project site). For the modeling effort, weekday p.m. peak-hour traffic volumes were used, with the exception of the modeled segment of Concord Boulevard where a.m. peak hour traffic volumes were greater. The estimated noise levels corresponded to a distance of approximately 50 feet from the centerline of the applicable roadway segment. Project-generated traffic alone or combined with short-range or General Plan buildout cumulative traffic would increase noise levels by 1 dBA or less along modeled roadway segments. Because project-generated traffic would not cause noise levels to significantly increase (by 3 dBA or more), the proposed project would not result in any significant project or cumulative increases in noise levels for residents or other noise-sensitive land uses along roadways affected by the project.

The proposed project could also affect the ambient noise environment in the project vicinity by introducing stationary sources of noise, including heating, ventilation and air conditioning (HVAC) equipment. These stationary noise sources would replace noise-generating activities associated with the existing car sales businesses, but could again occur during hours in which the car sales businesses is inoperable, including during nighttime noise-sensitive hours. All proposed HVAC equipment would be located on the rooftop of the three condominium buildings. The HVAC equipment would be located such that it is visually and acoustically screened by its position on the rooftop and rooftop architectural features from on-site uses and off-site receptors. Consequently, the related noise impact to on-site residences and adjacent land uses would not be significant.

- b) The project would generate groundborne vibration and potentially groundborne noise during construction. However, excavation, grading and earth movement operations associated with the construction of the proposed project do not typically result in significant groundborne vibration or groundborne noise effects. The project may require a pile driven foundation that poses more of a concern with respect to these types of impacts. During pile driving activities, sensitive receptors located as close as 50 feet from the project site, could experience noise levels of up to 101 dBA (Cunniff, 1977). Impulsive noises (such as pile driving) can be particularly annoying. The noise-related effects of pile driving and other project-related construction activities are discussed under Item XI.d below.

With respect to ground borne vibration, the most common impacts include: annoyance; damage to structures and/or equipment; disruption of sensitive operations or activities; and triggering of landslides. There are no high-tech facilities or historic structures that are sensitive to vibration located in close proximity to the project site. Ground vibrations from construction activities very rarely reach the levels that can damage structures, but can achieve the audible and feelable ranges in buildings very close to construction sites (FTA, 1995). Pile driving, pavement breaking, blasting, and demolition of structures generate among the highest construction vibrations. These operations are potentially damaging to buildings at distances of less than 25 feet from the source (Hendricks, 2002). At 50 feet, vibrations are readily perceptible, but pose virtually no risk of "architectural" damage to normal buildings (Hendricks, 2002). The closest buildings to the project site and possible pile driving activities are located at a minimum of 50 feet from any pile driving activities and, as such, would not be exposed to excessive groundborne vibration.

With respect to project operations, the proposed project is not an industrial use that might generate excessive groundborne vibration or excessive groundborne noise levels. Similarly, the proposed project is not adjacent to any industrial use that might expose project residents to groundborne vibration or noise.

- d) Noise associated with construction of the proposed project would result in a temporary increase in ambient noise levels in the vicinity of the project site. Residences and other sensitive land uses along haul routes to the site could experience short-term increases in noise levels. Residences nearest the project site would experience some substantial increases in noise levels above existing conditions for the duration of the construction period. Construction activities would involve demolition, excavation, grading, earth movement, and vehicle travel to and from the project site. Construction activities such as foundation laying, building construction, and finishing operations would also generate noise. Typical noise levels generated during various phases of construction for domestic housing projects at 50 feet from the noisiest piece of equipment range from about 78 to 89 dBA (U.S. EPA, 1971). In addition, certain types of construction equipment generate impulsive noises (such as pile driving), which can be particularly annoying. As discussed under Item XI.b above, the project may require a pile driven foundation. During pile driving activities, sensitive receptors located as close as 50 feet from the project site, could experience noise levels of up to 101 dBA (Cunniff, 1977). The nearest off-site residential structures to the project boundary are those located across Concord Boulevard to the south (as close as 50 feet away), and across Galindo Street to the east beyond the first row of commercial development (an estimated 125 feet away).

Although construction activities would likely occur only during daytime hours, construction noise would still be considered substantially disruptive to local residents, particularly if it is determined that pile driving activities are required for project

construction. For these reasons, project construction noise would be considered a potentially significant impact. With implementation of the City's standard Mitigation Measure (Mitigation Measure XI.2) and Mitigation Measure XI.3 that addresses pile driving (if required), noise from construction of the project would be reduced to a less-than-significant level.

Cumulative construction noise impacts would not be significant. There is a proposed new residential complex (named Legacy Apartments) consisting of 259 units that would be located at the southwest corner of the intersection of Galindo Street and Clayton Road (roughly 1,000 feet south of the project site) in the same general neighborhood as the Downtown Concord Condominiums Project. Construction of the Legacy Apartments project would be subject to similar mitigation measures that would apply to the Downtown Concord Condominiums Project. The Legacy Apartment project is fully constructed and the units have been rented. As such, there would be no overlap in construction-related noise impacts.

- e) While the proposed project site is located just under one mile from the Buchanan Field Airport, a public use airport, it is located well outside the Airport's 60 L_{dn} noise contour and is not exposed to excessive noise levels related to airport operations (McClintock, Becker & Associates, 1989; Arens, 2004). Buchanan Field Airport staff have indicated that the Airport is in the process of initiating an update to the Part 150 Study, but does not expect that the noise contour footprints will change substantially from those shown in the current Part 150 Study (even though operations have doubled) given current restrictions on aircraft type and hours of airport use for certain aircraft types (Arens, 2004). As such, the project site would similarly not be exposed to excessive airport noise levels into the future.

Because the project site is located within the Airport's Influence Area (defined as extending 2.65 miles from each airport runway), it is subject to County Airport Land Use Commission (ALUC) real estate disclosure requirements (Arens, 2004). Implementation of Mitigation Measure XI.4 would ensure that the project is consistent with County ALUC policy.

- f) The project site is not within the vicinity of a private airstrip. The project site is within about 0.4 miles of the Mount Diablo Hospital Medical Center helipad. Because the project site is located well outside of the hospital's 55 L_{dn} (City of Concord, 1994), it is not exposed to excessive noise levels associated with the hospital helipad.

Summary of Impacts

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact
XII. POPULATION AND HOUSING -- <i>Would the project:</i>				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X

Discussion:

- a) The proposed project would result in an increase in the City of Concord's resident population by constructing up to 310 new housing units. According to the project sponsor, the project would generate about 450 additional residents at the site, which represents approximately 0.4 percent of Concord's 2002 total population of 125,225 (U.S. Census Bureau, 2004). The population and household growth attributed to the proposed project would account for less than 0.3 percent of Concord's growth by 2010, and would be considered a less-than-significant impact and within ABAG projections (ABAG, 2002).

In the project vicinity, surrounding land uses are mixed, including office buildings, restaurants, gas stations and parking garages and lots. The project site, located within downtown Concord, would be considered in-fill development and result in an intensification and change in land use from commercial to residential. Although infrastructure improvements would be necessary on site, extension of off site infrastructure which could indirectly contribute to growth would not occur. The project would therefore not induce substantial growth in the area either directly or indirectly.

- b) Existing land use at the proposed project site includes automobile-related commercial uses (Lehmer's Jeep Pontiac GMC auto

dealership and automotive repair shop) and surface vehicular storage areas. The project would therefore not result in the displacement of existing housing.

- c) As discussed in Comment XII.b, the project site does not contain residential uses; therefore, the project would not result in the displacement of substantial numbers of people.

Summary of Impacts

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact
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XIII. PUBLIC SERVICES -- *Would the project:*

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?			X	
Other public facilities?			X	

Discussion:

Fire Protection & Police Protection. The Concord Police Department and Consolidated Fire Protection district have reviewed the project plans and determined that adequate service is available to serve the project.

Schools. The California State Department of Education has developed student generation rates that are routinely used by school districts that have not developed its own rates. The State's student generation rates are a result of statewide sampling and include areas that vary demographically. The State Department of Education estimates that one dwelling unit would generate an average of 0.7 students per unit: 0.5 elementary or middle school students and 0.2 high school students (Yeager, 2004). Thus the proposed project would result in approximately 154 elementary or middle school students and 61 high school students.

The proposed project site would be within the Mt. Diablo Unified School District, which operates 15 elementary schools, 7 middle schools and 6 high schools. Currently, public elementary and middle schools in the District are operating at 91 percent of capacity and the high schools at about 95 percent of capacity. The additional students generated by the project would represent about one percent of existing student enrollment, and would not have a substantial effect on public schools, nor require the construction of additional facilities. The project sponsor would be subject to relevant school impact fees.

Parks. The project will be required to pay parkland dedication fees per the Concord Municipal Code.

XIV. RECREATION -- *Would the project:*

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X	
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?			X	

Discussion:

- a) The City of Concord owns and maintains 23 parks and recreational facilities and community facilities throughout the city. The proposed project is located within a one-mile radius of six existing parks providing a mix of active and passive recreation facilities. These parks include John F. Baldwin Park, the BART Park, Concord Skate Park, Ellis Lake Park, Krueger Fields and Todos Santos Plaza. The proposed project would provide on site recreation amenities including a swimming pool, spa, fitness center and four internal courtyards, however it is likely that the project would generate additional demand for existing neighborhood and regional parks and other recreational facilities. As discussed under section XIII, Public Services, the proposed project is consistent with land use identified in the General Plan for the site, thus it is likely that the General Plan has accounted for the increase demand associated with the proposed project and the project would not cause substantial physical deterioration of existing parks or recreational facilities. The project sponsor will also be subject to relevant impacts fees as per the City fee guidelines; thus, the impact to recreation would be less than significant.
- b) The proposed project would provide on site recreation amenities for residents including an outdoor swimming pool and spa (approximately 7,100 square feet) and indoor fitness center and recreation room (approximately 2,000 square feet). Private balconies of about 8,900 square feet would also be provided for selected residential units fronting Willow Pass Road, Concord Boulevard and the internal pedestrian mews. The proposed project would not require the construction of new recreational facilities or the expansion of existing facilities. Therefore, the project would not cause any adverse physical effect on the environment from the construction or expansion of such facilities.

Summary of Impacts

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact
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XV. TRANSPORTATION/TRAFFIC -- *Would the project:*

a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?			X	
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?			X	

Discussion:

- a) The 310-unit proposed condominium project (with up to 5,000 square feet of gross floor area of retail space) would generate about 1,384 vehicle trips per day, with about 100 and 120 trips during the AM and PM peak hours, respectively. That trip generation estimate reflects application of a 25 percent reduction to account for the site being in the Central Business District (i.e., close to nearby compatible land uses) and being in proximity to transit (e.g., the Concord BART Station). It is noted that the City's General Plan EIR assumes a 33 percent reduction in trips for residences located within one-half mile of BART. On the basis of the above-cited peak-hour trips, the displacement of vehicle trips currently generated by the project site's existing car dealership (to be relocated about 0.6 mile away), and trips generated by approved developments in the site vicinity, the proposed project would not cause a significant impact on AM and PM peak-hour traffic levels of service at area intersections.

Nevertheless, the proposed project would be required to pay the City's traffic impact fee.

Measures to improve traffic flow along Galindo Street in the study area have been proposed by the City. As described in the Galindo Street General Plan Amendment Traffic Study, these improvements include the addition of a third through lane on southbound Galindo Street between Willow Pass Road and Concord Boulevard; that segment borders the project site on the east. Other modifications include the extension of the northbound left-turn lane at Willow Pass Road back to Concord Boulevard. Construction of the proposed project could impede the ability of the City to implement these improvements if sufficient right-of-way is not preserved. However, as part of the proposed project, Galindo Street would be widened 15 feet along the project frontage (within right-of-way dedicated to the City) to accommodate the planned improvements. That proposed widening would be consistent with design recommendations in the above-referenced traffic study.

- b) The proposed project would not cause any exceedance of CMA standards. The project would have negligible effect on CMA roadways and no significant cumulative impacts on these roadways are anticipated.
- c) The proposed project would not change air traffic patterns. The project site is not within any Airport Safety Zone.
- d) The proposed project would not substantially increase traffic hazards. It would not include design features that would create a traffic safety hazard, nor would it introduce uses that are incompatible with existing uses served by the street network.
- e) The proposed project would provide multiple access points to the site, which would adequate emergency access. The project would be required to comply with any access requirements that may be set forth by the Contra Costa County Fire Protection District.
- f) The Concord Municipal Code (Sec. 122-845) requires that condominiums shall provide 1.5 parking spaces for each studio or one-bedroom unit, two parking spaces for each unit with two or more bedrooms, and one additional space for every three units for guest parking. The proposed 310-unit project would provide approximately 764 onsite parking spaces (i.e., 661 spaces for project residents [a composite rate of 2.13 spaces per unit], and 103 spaces for project visitors [one space per three units]). Those components of the parking supply would each meet the City's standards for parking capacity for residential uses.

The Municipal Code (Sec. 122-848) requires that commercial retail space (excluding restaurants and cocktail lounges) located in the Downtown Business District shall provide one parking space per 250 square feet of gross floor area, or 20 parking spaces for the project's up to 5,000 square-foot retail space. However, Municipal Code Sec. 122-844(b) provides that shared parking may be permitted under certain conditions (the proposal is in the best interests of the city and does not inhibit the implementation of other city ordinances, policies, or plans; the peak hours of use will not overlap; the shared parking facility is within 700 feet of the principal entrance; and a written agreement is provided). There are publicly accessible parking facilities in close proximity to the proposed retail use (public and private parking garages). Further, the City may require parking in-lieu fees if necessary.

- g) The proposed project would not conflict with adopted policies, plans and programs supporting alternative transportation because it is an infill residential project in proximity to the Concord BART station. See Air Quality Policy 1.1.1 (General Plan Public Health and Safety Element), which promotes development near transit.

Summary of Impacts

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact
XVI. UTILITIES AND SERVICES SYSTEMS -- <i>Would the project:</i>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of a new storm water drainage facilities or expansion of existing facilities, the construction of which could cause			X	

significant environmental effects?				
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
Summary of Impacts				
	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact
XVI. UTILITIES AND SERVICES SYSTEMS (cont.)				
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	
Discussion:				
<p>a) The proposed residential project would not violate any wastewater treatment requirements.</p> <p>b) The City of Concord Public Works Engineering Services Department maintains the City's wastewater collection systems, but does not treat the raw sewage. Instead, it is pumped to and treated by the Central Contra Costa Sanitary District. Currently, the City has a \$12.2 million budget to improve undersized sewer mains throughout the City. The proposed project would generate an additional 0.05 million gallons per day (mgd) of wastewater from the site. According to the Public Works Engineering Services Department, there is adequate capacity in the City's wastewater collection systems to handle the increased volume of wastewater (Pascual, 2004). If it is determined that upsizing of sewer mains affected by the project are needed, the project sponsor would be responsible for payment relative to the project's portion of the capacity (0.05 mgd). The project sponsor is also required to pay the applicable fees for the connection from the project site to the sewer main. Existing water or wastewater treatment facilities are adequate to serve the proposed project and new or expanded facilities would not be required. Thus the impact would be less than significant.</p> <p>c) The proposed project would result in incrementally less impervious surface than what currently exists with the addition of landscaping throughout the site; thus, the proposed project would not require new or expanded stormwater drainage facilities.</p> <p>d) The Contra Costa Water District has confirmed that there is adequate water supply to serve the proposed project. The proposed project would have sufficient water supplies available from existing entitlements and resources (Dunn, 2004).</p> <p>e) The Contra Costa Sanitary District is the wastewater treatment provider that would serve the project site. The proposed project would generate a sewer demand of approximately 0.5 mgd of wastewater, which would be a higher sewer load than a mixed use project on the site. The Contra Costa Sanitary District has adequate capacity to serve the proposed project. As discussed under Section XVI.b, the project sponsor would be required to pay the project's proportional share of upgrading the sanitary sewer main serving the project site if the project's contribution of wastewater exceeds available capacity.</p> <p>f) The Concord Disposal Service handles the residential and commercial waste stream in the City of Concord, collecting both solid waste and recycled materials. Concord Disposal Service transports waste to the Pittsburg Transfer Station and Recycling Center, where recycled materials are transported to the Mt Diablo Recycling Center in Concord, and solid waste is transported to the Potrero Hills Landfill in Solano County. The remaining capacity at the Potrero Hills Landfill is about 13,800,000 cubic yards, or 64 percent of the Landfill's total capacity, and the Landfill is not expected to close until 2035 (CIWMB, 2004a). The proposed project would result in approximately 450 new residents at the site that would generate approximately 495 pounds of household waste per day or 1.1 pounds per resident per day (CIWMB, 2004b). The Potrero Hills Landfill would have adequate capacity to serve the proposed project.</p> <p>g) Assembly Bill 939 (AB939), enacted in 1989, requires each city's and county's Source Reduction and recycling Element to include an implementation schedule to divert 25 percent diversion of its solid waste from landfill disposal by January 1, 1995,</p>				

through source reduction, recycling, and composting activities, followed by an increase to a 50 percent reduction to the waste stream by January 1, 2000. As of 2000, the total annual waste diversion for the City of Concord was approximately 50 percent (CIWMD, 2004b). The proposed project would comply with all federal, state, and local statutes and regulations related to solid waste, thus there would be no impact would be less than significant.

Summary of Impacts				
	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact
XVII. MANDATORY FINDINGS OF SIGNIFICANCE				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X
b) Does the project have impacts that are individually limited, but cumulatively considerable ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?			X	
Discussion:				
a) The proposed project will not degrade the quality of the environment with respect to habitat of fish or wildlife species or fish or wildlife populations as the project site is an infill site located within an urban downtown area and currently being used for automobile-related uses. No rare or endangered plant or animals exist. No important examples of major periods of California history or prehistory exist on the site. As per the tree survey, a number of trees will be removed; however, none of the trees are considered heritage trees, and new trees and landscaping would be provided as part of the proposed project.				
b) It is not anticipated that the proposed project would result in any significantly considerable cumulative effects. With mitigation measures proposed in this environmental document, the proposed project would have no cumulatively considerable impacts. The proposed project's less than significant traffic, air quality and noise impacts would not be cumulatively considerable (see sections III, XI and XV above). Other less-than-significant impacts (e.g., geology and soils) are site specific and would not cumulate with potential impacts from other projects. Additional residential projects planned in the project vicinity include the Denova project (approximately 243 residential units) and the Olsen project (approximately 160 residential units). Even combined with impacts of these projects, the relatively modest impacts of the proposed project, when mitigated by the measures included herein, would not result in cumulatively considerable effects.				
c) The potential effects of the proposed project on human beings have been analyzed within the document. The proposed project will not cause substantial adverse effects on human beings, either directly or indirectly, upon implementation of the identified mitigation measures.				

Attachments:

- Exhibit A. Comprehensive Source List**
- Exhibit B. Project Location and Vicinity Map**
- Exhibit C. Project Site Plans and Elevations**
- Exhibit D. Mitigation Measure and Monitoring Program**



EXHIBIT A
Renaissance Square Condominiums
General Plan Amendment (GP 03-005), Municipal Code Amendment (MC 04-002)
Vesting Tentative Map (TM 04-002), Use Permit (UP 04-005), Variance (VA 03-005), and Design Review
(DR 03-043)
Mitigation and Monitoring Matrix
Date of Approval: June 16, 2004

Mitigation Number	Mitigation Measure	Monitoring Task	Responsible Division / Agency	Timing of Monitoring Task	Monitoring Verification (Initials and Date)	Status / Verification / Notes
III.1:	<p>AIR QUALITY</p> <p>Control PM10 Emissions in Accordance with BAAQMD Standards. The BAAQMD guidelines identify feasible control measures for construction emissions of PM10. The following list of measures was developed from the BAAQMD master list based on an understanding of the project:</p> <ul style="list-style-type: none"> a) Water all active construction areas at least twice daily. b) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of space from the top of the holding area. c) Apply water three times daily or apply nontoxic soil stabilizers on all unpaved access roads, parking areas, and staging areas. 	<p>The Engineering Department's current development staff will verify that the required dust suppression requirements are included on grading and improvement plans. The Engineering Department construction inspectors shall inspect the site for compliance during on-site inspections throughout the life of the project construction</p>	Engineering Department	The timing of this requirement shall be ongoing during all phases of construction.		

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<p>d) Sweep daily (preferably with water sweepers) all paved access roads, parking areas, and staging areas, and adjacent public streets if soil material is visible.</p> <p>e) Hydroseed or apply (nontoxic) soil stabilizers to inactive construction areas (previously graded areas inactive for 10 days or more).</p> <p>f) Enclose, cover, water twice daily, or apply soil stabilizers (non-toxic) to exposed stockpiles (dirt, sand, etc.).</p> <p>g) Limit traffic speeds on unpaved roads to 15 miles per hour (mph).</p> <p>h) Revegetate disturbed areas as soon as possible.</p> <p>i) Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.</p> <p>j) To minimize combusive emissions from construction equipment, internal combusive engines should be idled at a minimum and properly maintained and operated.</p>			
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IV.1	<p>BIOLOGICAL RESOURCES</p> <p>a) The construction superintendent shall meet with the Consulting Arborist before beginning work to discuss work procedures and tree protection.</p> <p>b) All trees to be preserved (London Plane trees) shall be enclosed around the Tree Protection Zone (TPZ). The TPZ shall be defined five feet from the trunk. No grading, excavation, construction or storage of materials shall occur within the TPZ.</p> <p>c) Trees to be preserved shall be pruned by a Certified Arborist or Tree Worker and adhere to the latest edition of the ANSI Z133 and A300 standards as well as the BMPs – Tree Pruning published by the International Society of Arboriculture.</p> <p>d) No grading, excavation, construction or storage of materials shall occur within the TPZ. Any modifications must be approved and monitored by the Consulting Arborist.</p>	<p>Prior to the issuance of a grading or other site improvement permit, the Consulting Arborist shall submit a letter to the Engineering Department's current development staff documenting that consultation between the Arborist and the construction superintendent has occurred. The Engineering Department's current development staff shall verify, on plans and in the field, that the TPZ has been established. The Engineering Division construction inspectors shall inspect the site for compliance during on-site inspections throughout the construction phase of the project. Prior to the issuance of a certificate of occupancy, the Consulting Arborist shall submit a report or letter to the Building Division, with copies to the Planning Division and Engineering Department, documenting compliance with Mitigation Measure IV.1 during the construction period.</p>	<p>Engineering Department, Building Division, and Planning Division</p>	<p>Prior to approval of grading and improvement plans and throughout the construction phase of the project. Consulting arborist report to be submitted prior to the issuance of a certificate of occupancy.</p>	
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<p>e) Any root pruning required for construction purposes shall receive the prior approval of and be supervised by the Consulting Arborist.</p> <p>f) Supplemental irrigation will be required for trees to be preserved and shall be applied at a rate determined by the Consulting Arborist.</p> <p>g) If injury should occur to the trees to be preserved during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatment can be applied.</p> <p>h) No excess soil, chemicals, debris, equipment or other material shall be dumped or stored within the TPZ.</p>			
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<p>V.1</p>	<p>CULTURAL RESOURCES</p> <p>a) In accordance with CEQA Subsection 15064.5(f), should any previously unknown historic or prehistoric resources be discovered, earthwork within 100 feet of these materials shall be stopped until a professional archaeologist certified by the Registry of Professional Archaeologists (RPA) can evaluate the significance of the find and suggest appropriate mitigation(s).</p>	<p>Engineering Department staff will field-check the grading operations. In the event any previously unknown historic or prehistoric resources are discovered, the City Engineer and Planning Manager will evaluate the paleontologist's findings.</p>	<p>Engineering Department and Planning Division</p>	<p>Ongoing during construction.</p>	
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V.2	<p>a) In the event that paleontological resources are encountered during the project excavation, these resources would be treated as archaeological resources. The exposure of fossils may require temporary diversion of grading away from the exposed fossils in order to recover and/or document the fossil specimens. Recovered fossils will be prepared to the point of curation, identified by qualified experts, listed in a database to allow analysis, and deposited in a designated repository such as the Geology Department at Sonoma State University or a Contra Costa County facility, which shall have the first right of refusal of the collection. At each fossil discovery location field data forms will record the locality, stratigraphic columns will be measured and appropriate scientific samples submitted for analysis.</p>	<p>Engineering Department staff will field-check the grading operations. In the event any previously unknown historic or prehistoric resources are discovered, the City Engineer and Planning Manager will evaluate the paleontologist's findings.</p>	<p>Engineering Department and Planning Division</p>	<p>Ongoing during construction.</p>
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<p>V.3</p>	<p>a) In the event of an accidental discovery or recognition of any human skeletal remains during project construction or ground breaking activities, all excavation or disturbance must cease at the site or any nearby area reasonably suspected to overlie adjacent human remains until the Project Applicant complies with the procedures outlined in CEQA Section 15064.5.</p>	<p>Engineering Department staff will field-check the grading operations. In the event human remains are discovered, the City Engineer and Planning Manager will evaluate the County Coroner's findings.</p>	<p>Engineering Department and Planning Division</p>	<p>Ongoing during construction.</p>	
<p>VII</p>	<p>GEOLOGY AND SOILS The project sponsor shall ensure that any revisions to the geotechnical investigation prepared by Engco Incorporated in 2003 that may be required as a result of peer review by the City's consulting geologist are incorporated into the Engco report. The sponsor shall further incorporate into construction of the project all recommendations of the Engco report, as it may be revised by the City's consulting geologist.</p>	<p>Engineering Department staff shall review the results of the geotechnical peer review and shall request any necessary modifications to the Engco report. Engineering Department staff shall verify that the recommendations of the Engco report are included on project plans, and shall conduct field inspections to ensure that the recommendations are incorporated into project construction.</p>	<p>Engineering Department</p>	<p>Prior to the issuance of grading or other site improvement permits and building permit(s), and ongoing during grading, site preparation, and construction.</p>	

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	HAZARDS AND HAZARDOUS MATERIALS			
VII.1	<p>Contra Costa Environmental Health (CCEH), the local oversight program (LOP) shall be contacted to oversee removal of the AGTs and determine appropriate remediation measures, if any. Removal of the AGTs shall require, as deemed necessary by the LOP, over-excavation and disposal of any impacted soil that may be associated with such tanks to a degree sufficient to the oversight agency.</p>	<p>The project sponsor or sponsor's consultant shall submit a report or letter prior to the issuance of a certificate of occupancy documenting removal of the above-ground storage tanks and compliance with any remediation measures that may be required by CCEH.</p>	<p>Engineering Department, Building Department.</p>	<p>Prior to the issuance of the certificate of occupancy for the first residential units.</p>
VII.2	<p>If construction activities encounter USTs, construction in the immediate area shall cease until the UST is removed and Contra Costa Environmental Health is contacted to oversee removal and determine appropriate remediation measures. Removal of the UST shall require, as deemed necessary by the LOP, over-excavation and disposal of any impacted soil that may be associated with such tanks to a degree sufficient to the oversight agency.</p>	<p>The project sponsor or sponsor's consultant shall submit a report or letter prior to the issuance of a certificate of occupancy documenting discovery of underground storage tanks (if any are found); removal of any such tanks; and compliance with any remediation measures that may be required by CCEH.</p>	<p>Engineering Department, Building Department.</p>	<p>Prior to the issuance of the certificate of occupancy for the first residential units.</p>

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VII.3	PCB-containing materials identified prior to demolition activities shall be removed and be disposed of by a licensed transportation and disposal facility in Class I hazardous waste landfill cells.	The project sponsor or sponsor's consultant shall submit a report or letter report to the Engineering Department prior to the issuance of a certificate of occupancy documenting removal and appropriate disposal of PCB-containing materials.	Engineering Department, Building Department.	Prior to the issuance of the certificate of occupancy for the first residential units.	
VII.4	Prior to reuse or off-site disposal, the project sponsor shall perform total and soluble lead analyses of in-place or excavated soils to confirm the classification of the soils. If the soils are classified as a California hazardous waste, the project sponsor shall dispose of the soils at a Class I disposal facility in California or an out of state non-RCRA facility permitted to accept wastes at concentrations of the excavated soils.				

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<p>VII.5</p>	<p>A pre-demolition ACM survey shall be performed prior to demolition of the structures. Abatement of identified or suspected ACMs shall occur prior to demolition or construction activities that would disturb those materials. Pursuant to an asbestos abatement plan developed by a state-certified asbestos consultant and approved by the City, a state certified asbestos contractor shall remove and appropriately dispose of all ACMs.</p>	<p>Prior to the issuance of a demolition permit, the project sponsor or sponsor's consultant shall submit to the Engineering Department the results of survey(s) for asbestos-containing materials. If ACMs are discovered, the project sponsor shall ensure that an asbestos abatement plan developed by a state-certified asbestos consultant is prepared and submitted to the City prior to any building demolition. Following demolition, the project sponsor or sponsor's consultant shall submit a report or letter report to the Engineering Department documenting appropriate remediation of any ACMs discovered.</p>	<p>Engineering Department, Building Department.</p>	<p>Prior to the issuance of a demolition permit (ACM survey) and prior to the issuance of a certificate of occupancy for the first residential units (report on ACM remediation).</p>	
<p>VII.6</p>	<p>A pre-demolition lead-based paint (LBP) survey shall be performed prior to demolition of the structures. Abatement of identified or suspected LBP shall occur prior to demolition or construction activities that would disturb those materials. The project sponsor shall implement a lead-based paint abatement plan, which shall include the following components: a) A Certified Project Designer shall develop an abatement specification.</p>	<p>Prior to the issuance of a demolition permit, the project sponsor or sponsor's consultant shall submit to the Engineering Department the results of survey(s) for lead-based paint. If lead-based paint is discovered, the project sponsor shall ensure that a lead-based paint abatement plan developed by a state-certified asbestos consultant is prepared and submitted to the City prior to any building demolition. Following demolition, the project sponsor or sponsor's consultant shall submit a report or letter report to the Engineering Department documenting</p>	<p>Engineering Department, Building Department.</p>	<p>Prior to the issuance of a demolition permit (lead paint survey) and prior to the issuance of a certificate of occupancy for the first residential units (report on lead paint remediation).</p>	

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<p>b) A site Health and Safety Plan, as needed.</p> <p>c) Containment of all work areas to prohibit off-site migration of paint chip debris.</p> <p>d) Removal of all peeling and stratified lead-based paint on building surfaces and on non-building surfaces to the degree necessary to safely and properly complete demolition activities per the recommendations of the survey. The demolition contractor shall be responsible for properly containing and disposing of intact lead-based paint on all equipment to be cut and/or removed during the demolition.</p> <p>e) Appropriately remove paint chips by vacuum or other approved method.</p> <p>f) Collection, segregation, and profiling waste for disposal determination.</p> <p>g) Appropriate disposal of all hazardous and non-hazardous waste.</p>	<p>appropriate remediation of any lead-based paint discovered.</p>				
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<p>VII.7</p>	<p>Signature Properties shall require the use of construction best management practices typically implemented as part of its construction activities to minimize the potential adverse effect of the project to groundwater and soils from construction activities. These shall include the following:</p> <ul style="list-style-type: none"> a) Follow manufacturer's recommendations on use, storage and disposal of chemical products used in construction; b) Avoid overtopping construction equipment fuel gas tanks; c) During routine maintenance of construction equipment, properly contain and remove grease and oils; and d) Properly dispose of discarded containers of fuels and other chemicals. 	<p>At the conclusion of construction, the project sponsor or construction contractor shall submit a report or letter to the City documenting compliance with the construction best management practices identified in Measure VII.7.</p>	<p>Engineering Department, Building Department.</p>	<p>Prior to the issuance of a certificate of occupancy for the first residential units.</p>	
<p>VII.8</p>	<p>Groundwater generated during construction dewatering shall be contained and transported offsite for disposal at an appropriate facility, or treated, if necessary, prior to discharge into the sanitary sewer to levels acceptable to the</p>	<p>Prior to approval of grading plans, the project sponsor shall both file a Notice of Intent (NOI) and submit a SWPPP to the State of California Regional Water Quality Control Board for approval. The Plan must be implemented as part of the City's compliance with the</p>	<p>Engineering Department</p>	<p>Prior to the approval of grading plans.</p>	

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	<p>Contra Costa County Sanitation District. Discharge of water shall be in accordance with a NPDES permit obtained by the applicant.</p>	<p>National Pollution Discharge Elimination System (NPDES) requirements.</p>			
<p>XI.1</p>	<p>NOISE The City shall require noise insulation for all condominium units proposed under the Downtown Concord Condominium Project that would face Willow Pass Road, Galindo Street, and Concord Boulevard. Noise insulation shall be such that interior noise levels do not exceed 45 Ldn, as required under Title 24 of the California Code of Regulations (Part 2, Appendix Chapter 12A). Given the existing noise levels, the noise insulating features must be able to demonstrate a minimum reduction in exterior to interior noise levels of 30 dBA. Noise attenuation features to minimize interior noise should consider the combined effect walls, windows and doors have on interior noise levels. The City's Building Division shall be responsible for ensuring the final building plans</p>	<p>Improvement plans shall be approved by the Engineering Department prior to the issuance of any permits for this project. Compliance shall be verified in the field by City staff as part of the standard site preparation and building construction inspection process.</p>	<p>Engineering Department, Building Division, and Planning Department.</p>	<p>Engineering Department and/or Building Division shall confirm that appropriate construction techniques have been employed prior to issuance of a certificate of occupancy.</p>	

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<p>for the project are in compliance with Title 24 standards. The noise insulation features for condominium units facing adjacent roadways shall include the following:</p> <ul style="list-style-type: none"> a) Units shall be configured such that bedrooms and other noise-sensitive rooms are located away from the street, where feasible. b) Air conditioning shall be installed in all condominium units to ensure that windows can be kept closed, if desired. c) Noise attenuation features should be employed in the building design and construction. Noise attenuation construction measures should consider a combination of the following: <ul style="list-style-type: none"> i. Reducing the total area of windows or acoustically weaker building elements; ii. Sealing off "leaks" around windows, doors, and vents; iii. Improving the actual sound attenuating properties of small building elements such as windows, doors, etc. The 					
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	<p>Noise Study completed in support of this project recommended that windows with acoustic ratings of Standard Transmission Class (STC) 33 to 36 be required. The STC rating is used as a measure of a material's ability to reduce sound. The STC rating is equal to the number of decibels a sound is reduced as it passes through a material;</p> <p>iv. Improving the actual sound attenuating properties of major building elements such as wall construction (e.g., by use of additional layer(s) of gypsum board, increased width of airspace between wallboards or between studs, staggered studs, and/or the use of resilient channels to reduce noise and vibration).</p> <p>d) A qualified acoustical consultant/engineer shall be retained during the final design phase to verify the noise control recommendations have been properly implemented and would protect against interior</p>					
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<p>XI.2</p>	<p>noise.</p> <p>The following measures shall be implemented during project construction:</p> <p>a) Noise-generating activities at the construction site or in the areas adjacent to the construction site associated with the project shall be restricted to daytime hours of 7:30 a.m. to 6:00 p.m.</p> <p>c) Construction on Saturdays shall be allowed based on prior approval by the Building, Engineering, and Planning Divisions. No changes to these construction hours shall be allowed without the prior written consent of the City.</p> <p>b) The applicant shall designate a contact person available during the evenings and on weekends to respond to complaints and take appropriate action to reduce noise.</p> <p>c) Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for</p>	<p>Complaints received by the Police Department, Engineering Department, Building Division, or any other City department or division shall be forwarded to the Building Division for appropriate action.</p>	<p>Building Division, Transportation Division, Engineering Department, and Planning Division.</p>	<p>On going during all phases of construction until a Certificate of Occupancy is issued for the entire project.</p>		
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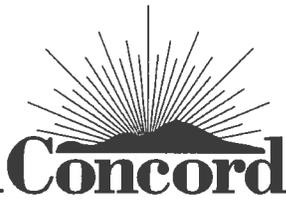
<p>XI.3</p>	<p>d) Unnecessary idling of internal combustion engines within 100 feet of residences shall be strictly prohibited. Avoid staging of construction equipment within 200 feet of residences and locate all stationary noise-generating construction equipment, such as air compressors and portable power generators, as far away as practical from noise sensitive residences.</p>	<p>Engineering Department shall review plans and specifications for pile driving, if required, and shall confirm that the least noisy pile-driving equipment feasible is scheduled for use on the project site.</p> <p>Engineering Department construction inspectors shall inspect the site for compliance during on-site inspections throughout the duration of pile driving, if any.</p> <p>Complaints received by the Police Department, Engineering Department, Building Division, or any other City department or division shall be forwarded to the Building Division for appropriate action.</p>	<p>Building Division, Transportation Division, Engineering Department, and Planning Division.</p>	<p>On going during all phases of construction and until a Certificate of Occupancy is issued for the entire project.</p>		
<p>a) If possible, sonic or vibratory pile drivers shall be used instead of impact pile drivers (sonic pile drivers are only effective in some soils).</p> <p>b) Engine and pneumatic exhaust controls on pile drivers will be required as necessary to ensure that exhaust noise from pile driver engines are minimized to the extent feasible.</p>						

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	c) Where feasible, pile holes shall be pre-drilled to reduce potential noise and vibration impacts.					
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<p>XI.4</p>	<p>Consistent with County Airport Land Use Commission Policy, the project sponsor shall ensure that the following disclosure statement (constructive notice) be made to all prospective buyers and tenants of the proposed project:</p> <p>“This property is presently located in the vicinity of an airport, within what is known as an airport influence area. For that reason, the property may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (for example: noise, vibration, or odors). Individual sensitive to those annoyances can vary from person to person. You may wish to consider what airport annoyances, if any, are associated with the property before you complete your purchase and determine whether they are acceptable to you.”</p>	<p>Planning Division (with consultation by City Attorney) shall review and approve form of disclosure statement.</p>	<p>Planning Division, Building Division, City Attorney.</p>	<p>Prior to issuance of a certificate of occupancy.</p>	
<p>GENERAL</p> <p>All construction-related mitigation measures shall be included as a separate plan sheet as part of the project plans.</p>	<p>The City will require a copy of the plans prior to approval.</p>	<p>Engineering Department and Building Division.</p>	<p>Prior to approval of improvement plans.</p>		



REPORT TO PLANNING COMMISSION

DATE: December 2, 2015

SUBJECT: STUDY SESSION REGARDING SUBDIVISION ORDINANCE UPDATE

Recommendation: Staff recommends that Planning Commission hear an update and provide direction. No action is required by the Planning Commission.

I. Introduction

With the improving economy, the number of applications for subdivisions in Concord has increased. The lack of development standards for infrastructure and other improvements and potential conflicts created with the adoption of the Development Code in 2012 have increased the complexity of project review. By updating the Subdivision Ordinance, it will better align the Development Code with the General Plan vision through a unified set of regulations and design standards for development in Concord.

This study session is intended to provide the Planning Commission with the opportunity to provide feedback and direction regarding proposed updates to the Subdivision Ordinance in the Municipal Code.

II. Background

On July 7, 2015, the City Council approved a Professional Services Agreement with Ben Noble from City and Regional Planning, to complete an analysis of the discrepancies between the current subdivision ordinance and the development code, other pertinent state and federal regulations, and develop proposed modifications to address the conflicts. Funding for the project was included in the 2014/2015 Capital Improvement Project budget. The terms of the agreement specify the City's consultant will facilitate two study sessions to receive feedback on the Assessment Memo and two study sessions on the Public Review Draft Subdivision Ordinance.

Planned assignments under this agreement will include review the existing Subdivision Ordinance and related documents and revise that ordinance to reflect current conditions, city policies, methods, and nomenclature. Emphasis will be placed on developing a clear, concise, and legally defensible Subdivision Ordinance that meets the varied subdivision needs of the community. The consultant will also ensure the new Subdivision Ordinance complies with State statutes and be consistent with the Subdivision Map Act, Development Code, and General Plan and considers the Concord Reuse Project Area Plan and unincorporated areas of the City. Staff is proposing to complete this work within calendar year 2016.

On August 26, 2015, staff conducted a "Stakeholder Meeting" to discuss key issues regarding the City's subdivision requirements, the strengths and weaknesses of the existing subdivision ordinance, and how the City's ordinance could be improved. Twenty-five development professionals, agencies,

and staff were invited to participate; two developers participated and the two finalist candidates for Master Developer of the Concord Naval Weapons Station were interviewed.

III. Discussion

The purpose of the study session is for the City's consultant to present their assessment of the Subdivision Ordinance and recommendations for amendments and to receive comments and direction from the Planning Commission regarding the same.

The memorandum presents an assessment of Concord's Subdivision Ordinance (Municipal Code Title 17) and recommendations for the updated Subdivision Ordinance. The consultant team prepared the report for the Subdivision Ordinance Update with input from City staff and local development professionals. The assessment of the existing Subdivision Ordinance and recommendations for the updated Subdivision Ordinance covers the following topics:

- Overall Assessment
- Organization and Style
- Compliance with Map Act and other Legal Requirements
- Subdivision Design and Improvement Standards
- Subdivisions in Base Reuse Project Area
- Condominiums
- Dedications
- Other Issues

The recommendations in the attached memorandum will serve as a "roadmap" to guide the Subdivision Ordinance Update. After receiving public input and direction from the Planning Commission and City Council, City staff and consultants will prepare a detailed outline for the updated Subdivision Ordinance and begin drafting the Ordinance.

IV. Fiscal Impact

Funding for the proposed agreement in a not-to-exceed amount of \$100,000 is included in the Community and Economic Development Department's 2014/2015 approved Capital Improvement Project budget funded by the Building Permit Surcharge Fee in the General Fund.

V. Public Contact

All appropriate public notices of this agenda item have been posted.

VI. Summary and Recommendations

There is no recommendation or call for approval for the Commission. However, staff requests that the Commission provide suggestions and direction on the issues and information presented – bullet points on those specific issues here would be helpful. The outcome of this evening's discussion will move forward to the City Council at a later date.

SUBDIVISION ORDINANCE UPDATE STUDY SESSION

December 2, 2015

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Exhibits:

A -	Subdivision Ordinance Assessment Memo date stamp received November 4, 2015
B -	Subdivision Ordinance (see link below) http://www.codepublishing.com/ca/concord/?Concord17/Concord1705.html#17.05.010



EXISTING ORDINANCE ASSESSMENT REPORT

SUBDIVISION ORDINANCE UPDATE

City of Concord
November 4, 2015

Prepared by:
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NOV. 4, 2015
PLANNING

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Appendix A: Adopted Policies Related to the Subdivision Ordinance

I. INTRODUCTION

This report presents an assessment of Concord's Subdivision Ordinance (Municipal Code Title 17) and recommendations for the updated Subdivision Ordinance. This report was prepared by the City's consultant team for the Subdivision Ordinance Update with input from City staff and local development professionals. The assessment of the existing Subdivision Ordinance and recommendations for the updated Subdivision Ordinance covers the following topics:

- Overall Assessment
- Organization and Style
- Compliance with Map Act and other Legal Requirements
- Subdivision Design and Improvement Standards
- Subdivisions in Base Reuse Project Area
- Condominiums
- Dedications
- Other Issues

The recommendations in this report will serve as a roadmap to help guide the Subdivision Ordinance Update. At study sessions in December 2015 and January 2016, the Planning Commission and City Council will review this report and provide input on its findings and recommendations. After receiving public input and direction from the Planning Commission and City Council, City staff and consultants will prepare a detailed outline for the updated Subdivision Ordinance and begin drafting the Ordinance.

II. SUBDIVISION ORDINANCE ASSESSMENT

A. Overall Assessment

In general, the existing Subdivision Ordinance is a complete document. In most cases it covers the major subdivision requirements in a manner consistent with the Subdivision Map Act and other legal requirements. It is written in a plain English style that is clear and concise. Readers are generally able to find what they are looking for and to understand what they read.

Some changes and improvements to the existing Subdivision Ordinance will be needed. Inconsistencies with the Development Code will need to be corrected, and the Subdivision Ordinance needs a stronger connection to the General Plan, Downtown Specific Plan, and other policy documents. Design and improvement standards need to be updated to better accommodate infill subdivisions and reflect current development practices. Some minor changes to the style and organization of the document will also enhance its usability.

In some cities, the Subdivision Ordinance is in such poor shape that it is virtually incomprehensible and generally ignored. In these cases, it is best to replace the existing Subdivision Ordinance with an entirely new ordinance based on model provisions tailored to local needs. For Concord, this is not the recommended approach. Instead, Concord should retain the existing Subdivision Ordinance and make targeted revisions to address necessary changes. This approach will enable the City to maintain aspects of the existing ordinance that have worked well, avoid the challenges associated with administering an entirely new ordinance, and focus on a limited number of key issues that are most important to the City.

- ▶ **Recommendation A-1: Revise, rather than replace, the existing Subdivision Ordinance.**

B. Organization and Style

Chapter Levels and Numbering System

The chapter levels and numbering system of the current Subdivision Ordinance are as follows:

Title (17)

Chapter (17.05)

Article (I)

Section (17.050.010)

The section numbering system is consistent with the Development Code and other titles of the Concord Municipal Code.

Chapter levels in the current Subdivision Ordinance are slightly different from the Development Code. The Subdivision Ordinance does not use a division level below the title and above the chapter levels, as in the Development Code, and the Subdivision Ordinance uses an article level below the chapter and above the section levels, which is not in the Development Code.

The division level in the Development Code is useful as a way to give order to over 100 individual chapters. Because there are only ten chapters in the existing Subdivision Ordinance, the article levels would be less useful.

While the article level is not used in the Development Code, it is used in other titles of the Concord Municipal Code. The article level is useful in the Subdivision Ordinance as a way to organize content within individual chapters.

- ▶ **Recommendation B-1: Maintain existing chapter levels and numbering system.** The existing system effectively organizes the contents of the Subdivision Ordinance and is consistent with other titles of the Municipal Code. Differences with the Development Code are not significant enough to warrant changes to a system that currently works well.

Subdivision Ordinance Chapters

The Subdivision Ordinance is currently divided into the following ten chapters:

- 17.05 General Provisions
- 17.10 Definitions
- 17.15 Major Subdivisions
- 17.20 Minor Subdivisions
- 17.25 Vesting Tentative Maps
- 17.30 Dedications and Reservations
- 17.35 Improvements and Design Standards
- 17.40 Reversions, Mergers, and Lot Line Adjustments
- 17.45 Amendments and Enforcement
- 17.50 Common Interest Developments (Condominiums)

The division and order of these chapters is generally good – nothing major is missing and contents are presented in a logical manner.

One organization issue concerns tentative map requirements for major and minor subdivisions. Requirements for tentative maps in Article 1 of Chapter 17.15 (Major Subdivisions) are almost identical to the requirements for tentative parcel maps in Article 1 in Chapter 17.20 (Minor Subdivisions). The only major difference between the two articles is the map approval procedures – tentative maps are approved by the Planning Commission and tentative parcel maps are approved by the Zoning Administrator. Repetition in these two articles unnecessarily increases the length of the ordinance and introduces opportunities for unintended differences in the requirements that apply to the two types of tentative maps.

- ▶ **Recommendation B-2: Consolidate tentative map and tentative parcel map requirements into a single article.** Within this article common requirements for major and minor subdivisions would be stated only once. The few differences between tentative maps and tentative parcel maps, such as review authority, would be noted within this article. Consolidating the tentative

map and tentative parcel map requirements would, however, require changes to the organization of map requirements for major and minor subdivisions.

- ▶ **Recommendation B-3: Locate all map requirements in a single chapter.** As shown in the box below, requirements for tentative maps, vesting tentative maps, parcel maps, and final maps would be in articles nested below a single Subdivision Map chapter. An alternative to this approach is to create separate chapters for each type of map, though keeping them at the article level is preferred due to the relatively short length of the parcel map and final map articles.
- ▶ **Recommendation B-4: Move Definitions to the end of the Subdivision Ordinance.** Moving the definitions to the end of the Subdivision Ordinance is consistent with modern drafting practice and helps to maintain the flow of general provisions to subdivision map requirements.

Recommended Updated Subdivision Ordinance Organization

17.05 General Provisions

17.10 Subdivision Maps

Article 1: Tentative and Vesting Tentative Maps

Article 2: Parcel Maps

Article 3: Final Maps

17.15 Dedications, Reservations, Vacations, and Abandonments

17.20 Improvements and Design Standards

17.25 Reversions, Mergers, and Lot Line Adjustments

17.30 Amendments and Enforcement

17.35 Common Interest Developments (Condominiums)

17.40 Definitions

General Readability

As mentioned above, the existing Subdivision Ordinance is generally clear and concise. Frequent use of descriptive headers, short paragraphs and sentences, consistent terminology, and use of everyday language supports reader comprehension.

Still, there are some improvements that can be made to the Subdivision Ordinance, including the following:

- Break up the occasional long paragraphs (e.g., 17.05.130.b) into shorter subparagraphs or numerated lists.
- Simplify the occasional long and complex sentence. Keep syntax simple and limit sentence length to 20 to 40 words.

- Eliminate unnecessary legal jargon (e.g., *thereto, beforementioned*) or replace with everyday language.
 - Present complicated material in tables. For example, a summary of administrative responsibilities in Section 17.05.070 could be presented in a table similar to Development Code Table 18.400.020.
 - Adding diagrams to illustrate subdivision design and improvement requirements, such as typical street sections.
- ▶ **Recommendation B-5: Make targeted and limited stylistic changes to the existing ordinance.** Text in the existing Subdivision Ordinance will be edited to enhance clarity rather than replaced in its entirety.

C. Compliance with Map Act and Other Legal Requirements

General Compliance

Generally speaking, the Subdivision Ordinance complies with Map Act requirements. The Subdivision Ordinance covers major Map Act requirements relating to the preparation of different types of maps, improvement and design standards, and other types of approvals such as reversions, mergers, and lot line adjustments. Inconsistencies with the Map Act generally concern small details, possibly due to amendments to the Map Act made since the last comprehensive update to the Subdivision Ordinance. Specific inconsistencies with the Map Act include the following:

- Dedication Improvement Agreements (See Recommendation D-12)
- California Coordinate System (See Recommendation H-3)
- Mergers initiated by property owner. Subdivision Ordinance Section 17.40.120 (Mergers initiated by property owner) establishes procedures that do not fully align with those in Government Code Section 66451.10 et seq.

There are not many specific cases of the Subdivision Ordinance clearly conflicting with the Map Act. Major issues related to Map Act compliance for the Subdivision Ordinance Update relate to how best to incorporate Map Act requirements into the Subdivision Ordinance and whether to exceed or go beyond minimum Map Act requirements.

Incorporation of Map Act Requirements

Concord's Subdivision Ordinance must be consistent with the Map Act and implement Map Act requirements at the local level. With this purpose, the Subdivision Ordinance incorporates specific Map Act requirements in a variety of ways.

In many cases the Subdivision Ordinance presents Map Act provisions verbatim. For example, Section 17.05.120, which lists the types of subdivisions requiring a tentative and final map, is verbatim to Government Code Section 66426.

In some cases the Subdivision Ordinance incorporates detailed Map Act requirements, but omits some details. For example, Section 17.05.040 (Exceptions) lists exceptions to the Map Act from Government

Code Section 44412, but leaves out some exceptions, such as exceptions for subdivisions exclusively for wind energy devices and wireless transmission facilities.

The Subdivision Ordinance also summarizes and simplifies Map Act requirements in some places. For example, detailed and lengthy off-site improvement requirements in Section 66462.5 of the Map Act are succinctly summarized in Section 17.35.020(m) of the Subdivision Ordinance.

Finally, in some places the Subdivision Ordinance references a specific Map Act section and states that the proposed subdivision must comply with this section. Examples include water supply assessment requirements in Section 17.15.060 (d)(3) and details of tentative map extensions in Section 17.15.070(a)(1)

The different ways in which the Subdivision Ordinance incorporates Map act requirements raises a number of questions.

- Which Map Act requirements should be incorporated into the Subdivision Ordinance, and which ones should be left out?
 - What is the best method for the Subdivision Ordinance incorporates Map Act requirements?
 - Should the Subdivision Ordinance consistently incorporate Map Act requirements in the same manner (e.g., verbatim vs. summarized)? If not, is a particular approach best suited for certain types of Map Act requirements?
 - How can Concord best ensure that the Subdivision Ordinance remains consistent with the Map Act as the Map Act is amended over time?
- ▶ **Recommendation C-1: Incorporate into Subdivision Ordinance frequently used provisions from the Map Act.** Examples of frequently used provisions include requirements for types of maps (Article III of Chapter 17.05), the approval process for maps (Chapters 17.15 and 17.20) findings for map approval (Section 17.15.060), allowed corrections and amendments to final and parcel maps (Article I of Chapter 17.45), and map expiration (Section 17.15.070).
 - ▶ **Recommendation C-2: Incorporate verbatim short and clear Map Act requirements.** For example, Government Code Section 66426, specifying when tentative and final maps are required, is important, frequently referenced, and relatively clear and concise. It should be incorporated into the Subdivision Ordinance verbatim. Consider some form of notation, such as italicized text, to denote when Map Act requirements are included verbatim.
 - ▶ **Recommendation C-3: Summarize long and complicated Map Act requirements.** If a Map Act requirement is long and complicated, but also important and frequently used, it should be summarized in the Subdivision Ordinance with the summary accompanied by a reference to the Map Act. Existing Section 17.35.070 (improvement security) is an example of this approach.
 - ▶ **Recommendation C-4: Exclude from the Subdivision Ordinance Map Act provisions that are not applicable to Concord.** The existing Subdivision Ordinance does a good job of excluding Map Act provisions that are not applicable to Concord. The updated Subdivision Ordinance will continue this approach.

- ▶ **Recommendation C-5: Include references for all Map Act requirements.** All Map Act provisions incorporated into the Subdivision Ordinance will be accompanied by a reference.

Provisions that Exceed Minimum Map Act Requirements

The existing Subdivision Ordinance contains some requirements that exceed or go beyond minimum Map Act requirements. In some cases the Subdivision Ordinance includes provisions authorized but not required by the Map Act; for example, Section 17.30.110 (Reservations) as authorized by Government Code Section 66479. In other cases the Subdivision Ordinance adds requirements or restrictions without specific Map Act authorization, for example additional grounds for denial of a tentative map in Section 17.15.060(f)(8) and (9) which are not included in Government Code Section 66474.

- ▶ **Recommendation C-6: Closely examine provisions that exceed or go beyond Map Act requirements.** When revising the Subdivision Ordinance, identify all examples of provisions that exceed or go beyond minimum Map act requirements. Determine if these provisions are legally defensible and desirable, and delete or revise them if either is not the case. Consider adding notation in the Subdivision Ordinance that distinguishes local requirements from Map Act requirements.

D. Subdivision Design and Improvement Standards

The Map Act vests in cities broad powers to regulate and control the design and improvement of subdivisions. The definition of “design” and “improvements” includes physical infrastructure such as streets and utilities, but also other improvements necessary to ensure consistency with and implementation of the General Plan.

Section 17.35.020 lists required subdivision improvements typically found in subdivision ordinances, reflecting the Map Act definition of subdivision design and improvements. However, Concord is not limited by these types of improvements and may add other types of improvements consistent with and necessary to implement the General Plan. Concord could also remove from Section 17.35.020 types of improvements which may be less critical or addressed by other public agencies or laws (e.g., fire hydrants).

Appendix A lists policies from the General Plan and other City plans that are relevant to the Subdivision Ordinance and subdivision improvement and design standards. Major goals from these plans include the following:

- Promote infill development
- Encourage variety of housing types
- Support higher density housing Downtown and near transit centers
- Design complete streets for all travel modes
- Maximize bicycle and pedestrian connections
- Provide a variety of parks and recreational facilities
- Conserve energy and support renewable energy generation

- Conserve water
 - Protect sensitive natural resources
- **Recommendation D-1: Determine if existing subdivision improvement and design standards adequately address major City goals.** The City should decide whether new types of improvement and design standards are needed and if existing standards should be removed. The City also needs to decide if substantive requirements for the standards are sufficient or if existing requirements should be modified, strengthened, or clarified.

Subdivision and Neighborhood Design

Section 17.35.120 (Subdivision Design) states that the Planning Division may refer a tentative map or parcel map to the Design Review Board to “ensure quality design.” The Subdivision Ordinance is not clear on what constitutes “quality design.” The Subdivision Ordinance also does not reflect or acknowledge General Plan policies to utilize land resources efficiently, provide a variety of housing choices, accommodate all modes of transportation, and protect natural resources.

Some Subdivision Ordinances contain specific standards related to general neighborhood design. The City of Chino Subdivision Ordinance, for example, states that “street configuration within subdivisions shall provide maximum connectivity for pedestrians, bicycles and automobiles.” The City of Livermore Development Code contains subdivision standards mandating minimum pedestrian accessibility standards to commercial areas and civic uses.

Prescriptive neighborhood form standards may be suitable for larger subdivisions on the urban edge, but are less appropriate for infill development constrained by an existing block pattern and smaller development sites. Prescriptive subdivision standards for infill sites may be infeasible in Concord. In the Base Reuse Project Area where prescriptive standards may be more feasible, existing and future plans already establish the desired form for new neighborhoods in a manner consistent with the General Plan.

- **Recommendation D-2: Strengthen connections with neighborhood design policies in the General Plan.** This could be accomplished by adding language to Section 17.35.120 summarizing the intent of General Plan policies. Findings for the approval of tentative and parcel maps could be added with a more explicit connection to General Plan policies that call for quality infill development, housing diversity, and connectivity for all modes of transportation.

Bicycle and Pedestrian Facilities

Section 17.35.020(c), (d), and (e) state that the City may require the installation of pedestrian ways, bikeways, and trails consistent with the Trails Master Plan. The Trails Master Plan was adopted in 2002 and may not reflect current plans for non-motorized transportation infrastructure. The City is also now preparing a new Bicycle, Pedestrian, and Safe Routes to Transit Plan which will be adopted prior to the adoptions of the updated Subdivision Ordinance.

- **Recommendation D-3: Add a requirement to install bicycles and pedestrian improvements consistent with the Bicycle, Pedestrian, and Safe Routes to Transit Plan.** Also, modify terminology to be consistent with this Plan.

Stormwater Management

Section 17.35.020(g) establishes general requirements for the collection and conveyance of storm water runoff from a subdivision. These requirements do not reference or reflect the C.3 requirements of the regional stormwater management plan.

- ▶ **Recommendation D-4: Add specific requirements for subdivisions to comply with C.3 requirements of the Regional Stormwater Management Plan.** Section 17.35.020 (g) should include a reference to the Regional Water Quality Control Board clean water requirements and compliance needed.

Natural Resource Protection

Section 17.35.150 requires subdivisions to provide for future passive heating and cooling opportunities to the extent feasible. This requirement is directly from Section 66473.1 of the Map Act.

The Climate Action Plan for the Base Reuse Plan establishes stronger solar access requirements for the Base Reuse Project Area. Section 3.2.1 in the Climate Action Plan requires specific street orientation to maximize solar exposure. A similar mandatory requirement could be added to the subdivision ordinance to apply city-wide. However, as the street and block pattern is mostly established in areas outside of the Base Reuse project area, it may not be feasible for infill subdivisions to always comply with this requirement.

- ▶ **Recommendation D-5: Maintain existing city-wide passive heating and cooling design standard language.**

Section 17.35.170 authorizes the City to preserve “significant rock outcroppings and other unusual land forms” and trees of a certain size. This section is inconsistent with Development Code 18.310 and Municipal Code Chapter 8.40 (Trees and Shrubs) which establishes more specific tree protection and preservation requirements.

- ▶ **Recommendation D-6: Replace tree protection provision in Section 17.35.170 with reference to Development Code Section 18.310 and Municipal Code Chapter 8.40.** Require subdivision map applications to show all trees protected by Section 18.310 and Chapter 8.40 and to follow the permit requirements for these protected trees.

The Concord General Plan identifies a range of important natural resources in Concord, including creeks, riparian corridors, surface waters, marshes, wetlands, tidal areas, water supplies, wildlife habitat, special status species, and significant vegetation. Development Code Chapter 18.305 contains specific standards for the protection of creek and riparian habitat. The existing Subdivision Ordinance does not address the protection of these natural resources.

- ▶ **Recommendation D-7: Add design standards to protect all important natural resources.** These design standards would require applicants to show important natural resources on all maps and to protect and preserve these resources to the extent feasible consistent with the General Plan, Development Code, and other applicable regulations. Design standards may include minimum setbacks from natural resources limitations on uses allowed within proximity of natural resources. Typical mitigation measures and conditions of approval applied to projects near to

important natural resources could be added to the Subdivision Ordinance to protect and preserve these resources.

Streets

Section 17.35.190 (Streets) specifies minimum right-of-way widths for public and private streets. The subdivision ordinance does not define or provide standards for different types of streets (e.g., arterial, collector). The Subdivision Ordinance also does not address “green street” or “complete street” concepts.

Section 17.35.190(d) establishes design standards for private streets with standards that are more detailed than for public streets. This level of detail for private streets is unusual in a Subdivision Ordinance – typically a Subdivision Ordinance will describe circumstances when private streets are permitted and requirements for their approval.

- ▶ **Recommendation D-8: Prepare standards for a hierarchy of street types.** Prepare typical cross section diagrams for a full range of street types, including alleys and narrow streets important for infill projects. Incorporate these standards into City Engineering Specifications, not in the Subdivision Ordinance. State in the Subdivision Ordinance that streets must comply with street standards in the City Engineer Specifications.
- ▶ **Recommendation D-9: Standardize street standards with Fire District requirements.** Fire District requirements often dictate minimum width and other roadway dimension standards.
- ▶ **Recommendation D-10: Remove private street design standards from Subdivision Ordinance.** Require private streets to be designed the same as public streets. Consider adding criteria to allow the City to approve on a limited basis private streets that deviate from public street design requirements subject to approval of the City Engineer and the Fire District.

Lot Configuration

Section 17.35.180 (Standards) establishes a minimum lot width of 60 feet and minimum lot depth of 85 feet for standard single-family subdivisions. This standard conflicts with Development Code, which establishes 24 to 150-foot minimum lot widths depending on the zoning district.

- ▶ **Recommendation D-11: Remove lot configuration standards from the Subdivision Ordinance.** Replace with a statement that lot width and depth must comply with the Development Code lot configuration standards for the applicable zoning district.

Deferred Improvement Agreements

Section 17.35.060 (Deferred Improvement Agreements) contains a highly unusual procedure. Typically, a Deferred Improvement Agreement (DIA) is an agreement to construct or pay for improvements in the future with no cost to the property owner at the current time. The existing procedure is not a DIA but actually a cash payment for improvements that may/will occur in the future. If paid by the property owner, the obligation would be deemed fulfilled and nothing further would be required by the agreement.

- ▶ **Recommendation D-12: Establish a standard Deferred Improvement Agreement procedure.** Replace Section 17.35.060 with a DIA procedure that creates a binding agreement between the City and the property owner to either pay for or construct a defined list of improvements. New DIA procedures would not specify a specific date to construct improvements but rather would identify circumstances which would trigger the requirement to construct improvements.

E. Subdivisions in Concord Reuse Project Area

Subdivision in the Concord Reuse Project (CRP) Area will be different than elsewhere in the city. Currently this area has no mapping, and subdivisions will involve large areas subdivided in multiple stages with involvement of different developers and builders.

Subdivisions in the CRP Area will be guided by the CRP Area Plan, which includes many requirements relating to subdivisions, including street orientation, resource protection, view corridors, and maximum block perimeter. There will likely be more detail added to these at the Specific Plan phase, including laying out at least some of the blocks. Subdivision improvements may also be constrained by CEQA documents for the Area Plan and Specific Plan, which may identify specific improvements as required mitigation measures.

While the Area Plan and Specific Plan will dictate some design aspects of new subdivisions, the preferred process to subdivide property remains uncertain at this time. It is possible that the CRP Area master developer, in partnership with the City, will sell of one or more parcels to a major commercial tenant who would install infrastructure themselves at a future date. The master developer and City may also choose to go through the mapping process to sell small parcels to builders. The master developer and City will need maximum flexibility to respond to situations and opportunities that cannot be anticipated at this time.

During CRP Area redevelopment, developers will be required to upsize infrastructure to support future phases. If the Phase One developer doesn't develop subsequent phases, they'll be reimbursed. Also, there will likely be times when the "backbone" infrastructure is installed well in advance of vertical construction. The City may need to follow unique security requirements given extended period of time between large lot subdivision/"backbone" infrastructure and future improvements.

- ▶ **Recommendation E-1: Scrutinize all Subdivision Ordinance provisions to ensure they will support CRP Area reuse plans.** The master developer for CRP Area reuse selected by the City will be involved in this review. All requirements of the Subdivision Ordinance will be scrutinized through the "lens" of CRP Area reuse, including required map contents, procedures for map approval, subdivision design and improvement standards, modifications to approved maps, and other types of approvals (e.g., lot line adjustments, reversion to acreage).
- ▶ **Recommendation E-2: Consider adding special flexibility for all subdivisions within the CRP Area.** The City could add a catch-all provision to the Subdivision Ordinance that would allow exceptions to the Subdivision Ordinance for subdivision approvals in the CRP Area reuse plan area. During the preparation of the Subdivision Ordinance, the City should consider if such a provision is needed. Exceptions would be allowed only if the subdivision otherwise complies with the Map Act and other applicable laws and regulations.

F. Condominiums

Condominium Development Standards

Section 17.50.020 (Development Standards) and Section 17.50.080 (Development Standards) establish development standards for residential condominiums. Many of these standards are also addressed in the Development Code. For example, open space requirements are in Development Code Section 18.150.100, guest parking is in 18.160.050, trash and recycling is in 18.150.150, and utilities is in 18.150.080.C. Listing these standards in both the Subdivision Ordinance and Development Code is redundant and creates opportunities for inconsistent requirements.

- ▶ **Recommendation F-1: Remove from Subdivision Ordinance condominium standards that are also in the Development Code.**

Sections 17.50.020 and 17.50.080 also contains standards for new condominium which are not in the Development Code (e.g., storage space). Some of the standards may be unnecessary, excessively detailed, inconsistent with current building practices, or inconsistent with the Building Code.

- ▶ **Recommendation F-2: Review development standards for condominiums that are not in the Development Code.** Remove standards that are not needed, and revise standards to reflect current development practices and building code requirements.

Inclusionary Requirement for Condominium Conversions

The City of Concord has an inclusionary housing program to promote the development of affordable housing (Development Code Chapter 18.185). The program requires residential developments of five or more units to include either 10% or 6% of the units as affordable, depending on the level of affordability. Developers may choose to pay a fee in-lieu of constructing the affordable units and may construct the affordable units off-site in certain circumstances. Currently, this inclusionary housing requirement does not apply to condominium conversions, though it does apply to the construction of new condominiums.

- ▶ **Recommendation F-3: Apply the inclusionary housing requirement to condominium conversions.** This can be achieved simply by stating in Development Code Section 18.185.020 that the inclusionary housing requirement applies to condominium conversions of 5 units or more.

Non-Residential Condominiums

Article I (Standards for New Residential Condominiums) in Chapter 17.50 (Common Interest Developments) contains requirements for residential condominiums, but is silent on new non-residential condominiums. The City will likely receive applications for new non-residential condominiums in the future. It would be helpful for the Subdivision Ordinance to contain requirements for this type of application.

- ▶ **Recommendation F-4: Establish requirement for new non-residential condominiums.** An important requirement will be the preparation of documents establishing responsibility for the maintenance of shared facilities, similar to the CC&R's prepared for residential condominiums.

G. Dedications

Roadway Dedications

Existing roadway dedications language (Section 17.30.020) only addresses the street and not the utilities underneath.

- ▶ **Recommendation G-1: Revise roadway dedication language to include dedication of the public utilities.**

School Site Dedications

Section 17.30.070 (School Sites) establishes requirements for dedication of elementary school sites. These requirements are based on Map Act Section 66478. This is not a true dedication provision, but instead a reservation requirement for an elementary school site with a right to purchase at a later date. According to *Curtin's California Land Use and Planning Law*, this provision is rarely used as cities and school districts rely on other laws to require school dedications.

- ▶ **Recommendation G-2: Remove 17.30.070 (School Sites) from ordinance.** The City and school district could continue to use Map Act Section 66478 if desired or use other laws to require school dedications.

H. Other Issues

Submittal Requirements

Section 17.15.020 (Form and Content) requires tentative maps to “contain the information as established by the City Engineer and Zoning Administrator in the city’s application checklists.”

Referencing submittal requirements in a checklist helps to keep lengthy details out of the ordinance. It also allows the City to easily change submittal requirements without amending the ordinance and increases flexibility to adjust requirements for individual applications.

In other sections, however, the ordinance lists detailed submittal requirements (e.g., Section 17.15.030 (accompanying data and reports) and Section 17.15.150 (submittal for city approval)).

- ▶ **Recommendation H-1: Remove detailed submittal requirements from ordinance.** Delegate to staff authority to create and periodically amend submittal checklists. For all types of maps and approvals, reference the City’s application checklists. Update these checklists as part of the Subdivision Ordinance Update.

Enforcement

Article II (Enforcement and Judicial Review) in Chapter 17.45 (Amendments and Enforcement) specifies penalties and remedies for violation of the Subdivision Ordinance. Chapter 1.05 (General Provisions) in Title 1 of the Municipal Code also contains code enforcement provisions that apply to subdivisions. Section 18.540 (Enforcement) of the Development Code contains zoning code enforcement provisions similar to those in Chapter 17.45.

- ▶ **Recommendation H-2: Standardize the Subdivision Ordinance enforcement chapter with enforcement provisions elsewhere in the Municipal Code.** At a minimum, resolve any clear conflicts in enforcement procedures found in different chapters of the Municipal Code. Consider revising Chapter 17.45 to more closely match the enforcement provisions in the Development Code.

California Coordinate System

Section 17.15.140 (Form and Contents) contains incorrect references to the California Coordinate System.

- ▶ **Recommendation H-3: Revise Section 17.15.140 to correctly reference the California Coordinate System.** The section should be clarified to require and read "... bearing based on the California Coordinate System, Zone III, NAD 83."

Definitions

The definition of some key terms in Chapter 17.10 (Definitions) differ from definitions in the Development Code and General Plan. For example, the definitions of "development" and "lot area" are different within the Subdivision Ordinance and Development Code. As the Development Code was comprehensively updated in 2012, the Development Code definitions are generally preferable to the definitions in the Subdivision Ordinance.

- ▶ **Recommendation H-4: Revise definitions to be consistent with the Development Code and General Plan.** In some cases there are internal inconsistencies in the Development Code definitions that need clarification. As part of the Subdivision Ordinance Update, resolve these inconsistencies and reflect these changes in the updated Subdivision Ordinance definitions.

There are also definitions that are internally inconsistent within the Development Code and other Municipal Code chapters, including definitions for "easement," "lot area," and "right of way." Conflicting definitions interfere with the City's ability to process requested permits and approvals in a consistent and efficient manner.

- ▶ **Recommendation H-5: Resolve conflicting and inconsistent definitions in the Development Code and Municipal Code.** This will require amendments to the Development Code and other Municipal Code chapters outside of the Subdivision Ordinance.

Chapter 17.10 also embeds rules and standards in the definition of some terms. For example, the definition for "alley" includes the statement that "Area devoted to alleys shall not be included in net density calculations." Rules for the calculation of net density should not be hidden in a definition within the Subdivision Ordinance.

- ▶ **Recommendation H-6: Remove standards and rules from the definition of terms.** If necessary, these standards and rules should be moved elsewhere in the subdivision ordinance or other part of the Municipal Code.

Street Naming

The City of Concord recently adopted a street naming policy that requires all street names to be approved by the City Council (Administrative Directive No. 82). This requirement effectively means that final and parcel maps cannot be approved without City Council first approving the street names. This process may add time and cost to the approval of final and parcel maps and increase burdens on City staff.

- ▶ **Recommendation H-7: Consider revising the street naming policy to allow new street names without City Council approval.** The revised street naming policy could establish guidelines for the naming of streets to be utilized by staff when establishing new street names.

III. SUMMARY OF RECOMMENDATIONS

Below is a summary list of recommendations for the Subdivision Ordinance Update presented in Part II of this report.

Overall Assessment

A-1: Revise, rather than replace, the existing Subdivision Ordinance.

Organization and Style

B-1: Maintain existing chapter levels and numbering system.

B-2: Consolidate tentative map and tentative parcel map requirements into a single article.

B-3: Locate all map requirements in a single chapter

B-4: Move definitions to the end of the Subdivision Ordinance.

B-5 Make targeted and limited stylistic changes to the existing ordinance.

Compliance with Map Act and Other Legal Requirements

C-1: Incorporate into Subdivision Ordinance frequently used provisions from the Map Act.

C-2: Incorporate verbatim short and clear Map Act requirements.

C-3: Summarize long and complicated Map Act requirements.

C-4: Exclude from the Subdivision Ordinance Map Act provisions that are not applicable to Concord.

C-5: Include references for all Map Act requirements.

C-6: Closely examine provisions that exceed or go beyond Map Act requirements.

Subdivision Design and Improvement Standards

D-1: Determine if existing subdivision improvement and design standards adequately address major City goals.

D-2: Strengthen connections with neighborhood design policies in the General Plan.

D-3: Add a requirement to install bicycles and pedestrian improvements consistent with the Bicycle, Pedestrian, and Safe Routes to Transit Plan.

D-4: Add specific requirements for subdivisions to comply with C.3 requirements of the Regional Stormwater Management Plan.

D-5: Maintain existing city-wide passive heating and cooling design standard language.

D-6: Replace tree protection provision in Section 17.35.170 with reference to Development Code Section 18.310 and Municipal Code Chapter 8.40.

- D-7: Add design standards to protect all important natural resources.
- D-8: Prepare standards for hierarchy of street types.
- D-9: Harmonize street standards with Fire District requirements.
- D-10: Remove private street design standards from Subdivision Ordinance.
- D-11: Remove lot configuration standards from Subdivision Ordinance.
- D-12: Establish a standard Deferred Improvement Agreement procedure.

Subdivisions in Concord Reuse Project Area

- E-1: Scrutinize all Subdivision Ordinance provisions to ensure they will support CRP Area reuse plans.
- E-2: Consider adding special flexibility for all subdivisions within the CRP Area.

Condominiums

- F-1: Remove from Subdivision Ordinance condominium standards that are also in the Development Code.
- F-2: Review development standards for condominiums that are not in the Development Code.
- F-3: Apply the inclusionary housing requirement to condominium conversions.
- F-4: Establish requirement for new non-residential condominiums.

Dedications

- G-1: Revise roadway dedication language to include dedication of the public utilities.
- G-2: Remove 17.30.070 (School Sites) from ordinance.

Other Issues

- H-1: Remove detailed submittal requirements from ordinance.
- H-2: Standardize the Subdivision Ordinance enforcement chapter with enforcement provisions elsewhere in the Municipal Code.
- H-3: Revise Section 17.15.140 to correctly reference the California Coordinate System.
- H-4: Revise definitions to be consistent with the Development Code and General Plan.
- H-5: Resolve conflicting and inconsistent definitions in the Development Code and Municipal Code.
- H-6: Remove standards and rules from the definition of terms.
- H-7: Consider revising the street naming policy to allow new street names without City Council approval.

**APPENDIX A:
EXISTING POLICIES RELEVANT TO SUBDIVISION ORDINANCE UPDATE**

GP = General Plan

DSP = Downtown Specific Plan

CAP = Climate Action Plan

CRP = Concord Reuse Project Area Plan

GENERAL DEVELOPMENT PATTERN

GP Policy LU-1.3.1: Encourage a variety of housing types on infill development sites.

GP Policy LU-9.2.2: Allow unique, diverse, and creative design solutions for infill development that are compatible with and enhance existing neighborhoods and shopping areas.

GP Policy LU-1.3.3: Support higher density and mixed use development in Downtown and near transit centers and corridors.

DSP Objective: Promote high quality infill development [Downtown] that successfully integrates new development with existing development.

DSP Objective: Provide a variety of living opportunities [Downtown] through a range of housing types and prices.

CRP Principle A — Character. Create a complete community [in the CRP area] that provides well-connected, pedestrian-oriented neighborhoods and districts with high quality urban design and convenient access to open spaces, daily necessities and regional transit.

HOUSING TYPES

GP Goal H-1: Promote a balanced supply of housing types, densities, and prices to meet the needs of all income groups residing or who wish to reside in Concord.

GP Policy H-1.2: Encourage a variety of housing types in new subdivisions, including duplexes, townhomes, small apartment buildings or condominiums.

GP Program H-1.3.1: Encourage the development of small lot subdivisions and continue to implement standards for small-lot single-family homes.

CRP Principle B — Housing Diversity. Provide a range of housing types, rental and ownership opportunities, and price levels [in the CRP area] that meet the needs of a diverse population.

STREETS

GP Policy T-1.1.3 Ensure that streets are designed to balance the needs of multiple travel modes, including vehicles, pedestrians, bicycles, and transit.

GP Policy T-1.1.14: Enhance the visual quality of public space through the design and landscaping of streets, and the control of visual and functional aspects of abutting improvements.

DSP Objective: Develop a green street framework of pedestrian friendly streets to promote healthy, active lifestyles.

DSP Objective: Design and construct streets that integrate walking, biking, transit use and green infrastructure.

DSP STRATEGY: Enhance the streetscapes on key streets that link major open spaces and destinations throughout the downtown.

CRP Complete Streets Standards. Standards for Through, Collector, and Local Streets.

PEDESTRIAN FACILITIES

GP Policy T-1.5.1: Develop pedestrian linkages to minimize walking distance and enhance pedestrian circulation throughout the City.

GP Policy T-1.5.4: Encourage new development to provide pedestrian connections to adjacent open spaces and trails.

DSP GOAL C-3: Quality pedestrian facilities and amenities that create a safe and aesthetically pleasing environment that encourages walking and accommodates increased pedestrian activity.

CRP Standard CF-18. All public sidewalks and parking lots [in the CRP area] shall receive at least 50 percent shade coverage when outdoor landscaping is mature.

CRP Standard CF-11. Provide an integrated trail and street network [in the CRP area] that connects key destinations within Development Districts, open spaces, and surrounding neighborhoods;

BICYCLE CIRCULATION

GP Policy T-1.6.1: Implement strategies and actions for enhanced bicycle circulation throughout the City.

GP Policy T-1.6.2: Require provision of bicycle facilities in new developments, where appropriate.

DSP GOAL C-4: A [Downtown] bicycle network with safe and efficient connections to major destinations within the Plan Area and throughout the City of Concord and adjacent communities.

CAP TL5. Bike parking installations. Require bike parking facilities for all multi-family projects and non-residential uses.

CRP Bicycle Network. Standards for Class 1, Class II, and Class III bicycle facilities with CRP area.

ENERGY CONSERVATION AND RENEWABLE ENERGY

GP Policy LU-9.1.6: Establish standards for new development and additions to existing development to incorporate green building measures.

CAP BE1. Green Building Ordinance. Implement the Tier I CALGreen Reach Code for building energy efficiency according to the following schedule:

CAP BE2: Prepare for California Zero Net Energy Standards. Prepare for and implement Zero Net Energy Standards to be developed by the State of California by 2020.

GP Policy H-5.1: Encourage the incorporation of energy and water conservation design features in existing and future residential developments to conserve resources, reduce greenhouse gas emissions, and reduce housing costs.

CRP Standard CF-15. Maximize solar exposure and penetration of summer winds by designing the street network so that the longest face of each block is oriented between +20 and +40 degrees from due south, measured clockwise.

CRP Standard CF -17. All buildings [in the CRA area] shall exceed Title 24 energy standards by at least 30 percent.

CRP Standard CF -16. Require that all south, southwest, and southeast facing rooftops [in the CRA area] receive unobstructed access to the sky at a +22 degree angle, measured counterclockwise from due south.

NATURAL RESOURCES, GENERAL

GP GOAL POS-3: WELL-PLANNED NATURAL RESOURCE CONSERVATION (creeks, riparian corridors, surface waters, marshes, wetlands, tidal areas, water supplies, wildlife habitat, special status species, significant vegetation)

WATER CONSERVATION

Policy PF-1.1.2: Encourage water conservation through City programs and cooperation with the CCWD.

BH1 Water Efficient Indoor Fixtures and Appliances. ... contin[ue] to ensure implementation of the CALGreen code.

CAP BH2 Water-Efficient Outdoor Irrigation. Minimize water used to irrigate outdoor areas through application of the Development Code and promotion of expanded water-efficiency opportunities.

CAP BH3 Water-Metering and Monitoring. Incorporate best-in-class water use metering and monitoring for all new commercial and multi-family development.

PARKS, TRAILS, AND RECREATIONAL FACILITIES

GP Principle LU-10.1: Create Attractive, Inviting Public Spaces and Streets that Enhance the Image and Character of the City.

GP Policy POS-1.1.1: Acquire and develop additional neighborhood and community parks to serve existing and future needs, working toward a goal of 6 acres of park land per 1,000 residents.

GP Policy POS-1.1.2: Ensure that new residential development provides for a substantial share of the 6 acre per 1,000 resident goal cited above. New residential development shall be required to dedicate on-site parkland or pay an in-lieu fee for park acquisition. The dedication and/or fee requirement shall be based on a standard of 5 acres per 1,000 residents, consistent with the Quimby Act.

GP Policy POS-1.1.3: Provide a variety of recreation spaces and facilities to serve the needs of the community.

GP Policy POS-1.1.6: Pursue the development of park and recreation facilities within reasonable walking distance of all residences.

GP Policy LU-1.1.3: Ensure that the scale, operation, location, and other characteristics of community facilities, including parks, schools, childcare facilities, religious institutions, and other public and quasi-public facilities, enhance the character and quality of neighborhoods.

GP Policy POS-1.2.2: Work with proposed development projects to provide new linkages to existing trails and create new trails where feasible.

GP Policy POS-2.1.3: Utilize the Trails Master Plan and Map to develop connections between open space areas.

FRONTAGE IMPROVEMENTS

GP Policy LU-10.1.2: Require new development to provide and maintain right-of-way improvements along project frontages such as landscaping, street trees, and other amenities that enhance the streetscape appearance.

LOT STANDARDS

Policy T-1.1.6: Require all new development to locate structures to accommodate ultimate street widths and required setbacks.

Policy T-1.1.7: Require all new development to provide adequate right-of-way and to construct ultimate on and off-site improvements.

UTILITIES

GP Policy PF-1.1.3: Coordinate with the San Francisco Bay Regional Water Quality Control Board to provide for the implementation of Storm Water Management Programs intended to protect receiving water sources from pollutants.

GP Policy PF-1.2.2: Reduce the need for sewer system improvements by requiring new development to incorporate water conservation measures.

GP Policy PF-1.3.1: Require new development to provide any needed storm drains that are not part of the City's master storm drain system and to incorporate features into site improvement plans to minimize surface runoff.

GP Policy PF-1.3.5: Ensure that new development contributes needed drainage improvements in proportion to a project's impacts, to assure an equitable distribution of costs to construct and maintain the City's master storm drainage system.

CAP BH4 Recycled Water. Extend CRP recycled water system to the rest of the City for appropriate use in outdoor places and in buildings, and plan ahead for future expansion of the system.

CONDOMINIUMS

GP Program H-1.4.1: Encourage duplex condominiums, where consistent with the General Plan density standards, to increase opportunities for home ownership.

GP Policy H-1.7: Promote the development of new condominiums and cooperatives.

GP Program H-1.7.1: Ensure that condominiums and cooperatives continue to meet high standards of quality while providing for entry level rental and ownership housing by approving density bonuses in accordance with the City ordinance.

GP Program H-1.7.2: Implement the Condominium Conversion Ordinance to limit the number of rental housing stock converted into condominiums each year.

SUBDIVISION APPROVAL PROCESS

GP Program H-1.7.2: Implement the Condominium Conversion Ordinance to limit the number of rental housing stock converted into condominiums each year.

OTHER

Policy LU-1.1.9: Preserve visible hillsides and open space areas through techniques such as cluster development or density transfers.

Principle LU-1.4: Protect the Unique Character of Rural Residential Areas Throughout the City.