



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

**Wednesday, July 6, 2016
6:30 p.m. – Council Chamber
1950 Parkside Drive, Concord**

Planning Commission Members:

Carlyn Obringer, Chair
Jason Laub, Vice Chair

LaMar Anderson, Commissioner
Ray Barbour, 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. [6/15/16 Meeting Minutes](#)

VI. PUBLIC HEARINGS

- 1. [Woodside Place Residential Care Facility \(PL16070 – UP\)](#) – Application to establish a 12-bed residential care facility for the elderly at 1795 Woodside Court. The General Plan designation is Low Density Residential; Zoning classification is RS-8 (Single-family residential; minimum 8,000 square foot lots); APN: 114-360-17. Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, the project is classified as Categorically Exempt pursuant to Section 15301 Class 1 “Existing Facilities,” and Section 15303 Class 3 “New Construction or Conversion of Small Structures,” and therefore no further environmental review is required. **Project Planner: Frank Abejo @ (925) 671-3128** *This item was continued from the 6/15/16 meeting.***

- 2. [Anova Center for Education \(PL16179 – UP\)](#) – Application for a Use Permit to establish a K-12 school for 105 high-functioning autistic students that provides educational, behavioral, and therapy services for children and adults with neurodevelopmental impairments from an existing 21,085 sq. ft. tenant space on a 2.5-acre site at 1140 Galaxy Way. The General Plan designation is West Concord Mixed Use, Zoning is WMX (West Concord Mixed Use); APN 126-010-046.**

Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, and pursuant to Section 15332 “In-Fill Development Projects,” the project is classified as a Class 32 Categorical Exemption, as the project is 1) consistent with the City’s General Plan and zoning; 2) occurs within city limits on a project site no more than five acres substantially surrounded by urban uses; 3) the project has no value as habitat for endangered, rare or threatened species; 4) there will be no significant effects relating to traffic, noise, air quality or water quality; and 5) the site can be adequately served by all required utilities and public services. Therefore, no further environmental review is required. **Project Planner: G. Ryan Lenhardt @ (925) 671-3162**

VII. COMMISSION CONSIDERATIONS

VIII. STAFF REPORTS / ANNOUNCEMENTS

IX. COMMISSION REPORTS / ANNOUNCEMENTS

X. FUTURE PUBLIC HEARING ITEMS

XI. ADJOURNMENT

NOTICE TO PUBLIC

ADA ACCOMMODATION

In accordance with the Americans With Disabilities Act and California Law, it is the policy of the City of Concord to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the ADA Coordinator at (925) 671-3021, 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

Adoption of the Consent Calendar may be made by one motion of the Planning Commission, provided that any Commissioner, individual, or organization may request removal of an item from the Consent Calendar for separate consideration. If a request for removal of an item from the Consent Calendar has been received, the Chair may defer action on the particular item and place the same on the regular agenda for consideration in any order s/he deems appropriate.

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:

July 20, 2016: 6:30 pm – Council Chamber
August 3, 2016: 6:30 pm – Council Chamber

REGULAR MEETING OF THE
CITY OF CONCORD PLANNING COMMISSION
COUNCIL CHAMBER, 1950 PARKSIDE DRIVE
CONCORD, CALIFORNIA

Wednesday, June 15, 2016

A regular meeting of the Planning Commission, City of Concord, was called to order by Chair Obringer at 6:30 P.M., June 15, 2016, in the City Council Chamber.

I. ROLL CALL

COMMISSIONERS PRESENT: Chair Carlyn Obringer
Vice Chair Jason Laub
Commissioner LaMar Anderson
Commissioner Ray Barbour

STAFF PRESENT: Andrew Mogensen, AICP, Principal Planner
Margaret Kotzebue, Special Counsel
Frank Abejo, Senior Planner
Joan Ryan, AICP, Senior Planner

II. PLEDGE TO THE FLAG

Commissioner Anderson led the pledge.

III. PUBLIC COMMENT PERIOD

No public comment was heard.

IV. ADDITIONS / CONTINUANCES / WITHDRAWALS

None were announced.

V. CONSENT CALENDAR

No public comment was heard.

APPROVAL OF MINUTES

Motion was made by Vice-Chair Laub, and seconded by Commissioner Anderson to approve the meeting minutes of June 1, 2016. The motion was passed by the following vote:

AYES: Laub, Anderson, Barbour, Obringer
NOES: None
ABSTAIN: None
ABSENT: None

VI. PUBLIC HEARINGS

Concord Recycling Center Appeal (PL16011 – AC) – Consideration of Pleasant Paper Recycling Inc.’s (dba “Concord Recycling Center”) Appeal of a Planning Division Interpretation of Concord Development Code Section 18.40.010(D) Regarding Outdoor Storage in the Service Commercial (SC) Zoning District and amendments to Use Permits 01-00 and 03-11 for 1320 and 1313 Galaxy Way to allow outdoor storage pursuant to Development Code Sections 18.200.170.D. and E. The Planning Commission’s consideration of and action on the Appeal does not constitute a “project” within the meaning of Public Resources Code Section 21065, 14 Cal Code Regs. Sections 15060(c)(2), 15060(c)(3), or 15378 because it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Even if such activities did constitute a project under the CEQA, staff believes the activities they fall within the “common sense” CEQA exemption set forth in 14 Cal Code Regs. Section 15061(b)(3), excluding projects where “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.” Moreover, even if the activities did not qualify for the common sense exemption, they are exempt from CEQA pursuant to CEQA Guidelines Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), and 15303 (New Construction or Conversion of Small Structures) because, among other things, they involve minor alterations to existing facilities, replacement or reconstruction of existing facilities, and construction and location of limited numbers of new small facilities or structures, all as further detailed in the staff report and attachments thereto. This item was continued from the March 16, 2016 Planning Commission hearing. **Project Planner: Andrew Mogensen @ (925) 671-3332**

Principal Planner, Andrew Mogensen, presented the report and answered questions from the Planning Commission.

The Appellant’s legal counsel, Garret Deal, spoke regarding his disagreement with the City’s position.

Public Comment

No public comment was heard.

The public comment period was reopened to allow Mike Jennings, project manager, to explain how the decision of the Planning Commission would impact the business.

Motion was made by Vice-Chair Laub and seconded by Commissioner Anderson to adopt Resolution 16-03 PC denying the Pleasant Paper Recycling Inc.’s (dba “Concord Recycling Center”) Appeal. The motion passed by the following vote:

- AYES: Laub, Barbour, Anderson, Obringer
- NOES: None
- ABSTAIN: None
- ABSENT: None

Woodside Place Residential Care Facility (PL16070 – UP) – Application to establish a 12-bed residential care facility for the elderly at 1795 Woodside Court. The General Plan designation is Low Density Residential; Zoning classification is RS-8 (Single-family residential; minimum 8,000 square foot lots); APN: 114-360-017. Pursuant to the

provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, the project is classified as Categorically Exempt pursuant to Section 15301 Class 1 “Existing Facilities,” and Section 15303 Class 3 “New Construction or Conversion of Small Structures,” and therefore no further environmental review is required. **Project Planner: Frank Abejo @ (925) 671-3128**

Senior Planner, Frank Abejo, presented the report and clarified questions from the Planning Commission.

The applicant, Ian Salalila, explained the project further and answered questions from the Planning Commission. Hazel Salalila also answered questions from the Planning Commission.

Public Comment

The following individuals spoke regarding the project: Martin Garro, Steve Blum, Brian Muerla, Charles Paleja, Joy Foster, Jorge Tejada, Sally Chavez, Edwin Osada, Joseph LaManna and a resident named Jean.

Motion was made by Vice Chair Laub and seconded by Commissioner Anderson to continue the item, Woodside Place Residential Care Facility (PL16070 – UP), and request staff to bring back findings for denial at the July 6, 2016 meeting. The motion passed by the following vote:

- AYES: Laub, Anderson, Barbour, Obringer
- NOES: None
- ABSTAIN: None
- ABSENT: None

DG Concord LLC Amendments (PL15497 – TA, GPA, RZ) – Application by DG Concord LLC for a proposed amendment to the General Plan, Downtown Specific Plan, Development Code Section 18.45.010(C), and a Change of Zoning from Downtown Mixed Use (DTMU/DMX) to West Concord Mixed Use (WCMU/WMX) for six parcels located on the north side of Concord Avenue between State Highway 242 and Bonifacio Street. An Addendum to the 2012 Supplemental Environmental Impact Report for the 2030 Concord General Plan (SEIR) dated May 2016 has been prepared for consideration with the proposed actions. **Project Planner: Andrew Mogensen @ (925) 671-3332**

Principal Planner Andrew Mogensen presented the staff report and answered questions from the Planning Commission.

Will Steadman, representing the applicant DG Concord LLC., spoke about the project and answered questions from the Planning Commission.

Public Comment

No public comment was heard.

Motion was made by Commissioner Barbour and seconded by Commissioner Anderson to adopt Resolutions 16-09 PC, 16-10 PC, and 16-11 PC, recommending City Council approval and adoption of the Addendum to the 2012 SEIR for the West Concord Mixed Use General Plan Amendment and Amendment to the Downtown Specific Plan, the Text Amendment to Development Code Section 18.45.010(B), and the Change of Zoning from Downtown Mixed Use to West Concord Mixed Use for six parcels located on the north side of Concord Avenue between Highway 242 and Bonifacio Street. The motion passed by the following vote:

AYES: Barbour, Anderson, Laub, Obringer
 NOES: None
 ABSTAIN: None
 ABSENT: None

Inclusionary Housing Text Amendment to the Development Code (PL16109 – DC) - Proposal of a text amendment to Section 18.185.020(1) of the Concord Development Code to provide for a Reduction in the Minimum Applicable Project Size, subject to the Inclusionary Housing Ordinance from Five Units to Two Units or more. The proposed changes would reduce the project size for those projects subject to the City’s Inclusionary Housing Ordinance. Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, the project is classified as exempt pursuant to 15061(B)(3), and no further environmental review is required. **Project Planner: Joan Ryan @ 925 671-3370**

Senior Planner Joan Ryan presented the report and answered questions from the Planning Commission.

Public Comment

No public comment was heard.

Motion was made by Vice-Chair Laub and seconded by Commissioner Anderson to adopt Resolution 16-05 PC, recommending the City Council pass an Ordinance approving the Development Code Amendment (PL160109-DC) to Sections 18.185.020 and 18.185.040 to reduce the minimum applicable project size, subject to the Affordable Housing Ordinance, from five units to two, subject to an annual review. The motion passed by the following vote:

AYES: Laub, Anderson, Barbour, Obringer
 NOES: None
 ABSTAIN: None
 ABSENT: None

VII. COMMISSION CONSIDERATIONS

There were none.

VIII. STAFF REPORTS / ANNOUNCEMENTS

Principal Planner Andrew Mogensen announced the Housing and Economic Development Committee will be hosting a rental housing workshop on Monday, June 27, 2016 at 5:30 P.M. in the City Council chambers with another workshop to be held on Tuesday, July 26th at the City Council meeting. He also announced the last Bicycle and Pedestrian Plan advisory committee meeting will be held on Monday, July 25th and the item will return to the Planning Commission for consideration on August 3rd.

IX. COMMISSION REPORTS/ANNOUNCEMENTS

There were none.

X. FUTURE PUBLIC HEARING ITEMS

Principal Planner Andrew Mogensen announced the next Planning Commission on July 6th will contain the Woodside Place Care Facility continued item.

XI. ADJOURNMENT

Chair Obringer announced the adjournment would be made in memory of the victims of the recent Orlando shootings. Vice Chair Laub moved to adjourn at 10:11 P.M. Commissioner Anderson seconded the motion. Motion to adjourn was passed by unanimous vote of the Commissioners present.

APPROVED:

Andrew Mogensen, AICP
Principal Planner

Transcribed by Grant Spilman,
Administrative Coordinator



REPORT TO PLANNING COMMISSION

DATE: July 6, 2016

SUBJECT: Woodside Place Residential Care Facility (PL16070 – UP)**Recommendation: Adopt Resolution No. 16-13PC, denying the Woodside Place Residential Care Facility (PL16070 – UP).****I. Background**

On June 15, 2016, the Planning Commission held a public hearing on a use permit by Woodside Place, LLC, to establish a 12-bed residential care facility for the elderly at 1795 Woodside Court. After considering testimony and information received at the hearing, the Planning Commission continued the matter and directed staff to return with a resolution with findings to deny the use permit. Resolution No. 16-13PC is attached as Exhibit A for the Planning Commission's consideration and adoption.

II. Recommendation and Motion

Adopt Resolution No. 16-13PC by the following motion:

I (Comm. _____) hereby move that the Planning Commission adopt Resolution 16-13PC denying the Woodside Place Residential Care Facility (PL16070 – UP) (Seconded by Comm. _____.)

Prepared by:

Frank Abejo
Senior Planner
(925) 671-3128
frank.abejo@cityofconcord.org

Reviewed by:

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

Exhibits:

A - Resolution No. 16-13PC

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

A RESOLUTION DENYING THE WOODSIDE
PLACE RESIDENTIAL CARE FACILITY USE
PERMIT (PL16070-UP)

Resolution No. 16-13 PC

WHEREAS, on February 24, 2016, Woodside Place, LLC, submitted an application for a Use Permit, to allow a 12-bed residential care facility for the elderly at 1795 Woodside Court, APN 114-360-017; and,

WHEREAS, on April 15, 2016, the application was deemed complete for processing; and

WHEREAS, the Planning Commission, after giving all public notices required by State law and the Concord Municipal Code, held a duly noticed public hearing on June 15, 2016, on the subject proposal; and

WHEREAS, the Planning Commission considered testimony and information received at the public hearing and the oral and written reports from City staff dated June 15, 2016, as well as other documents contained in the record of proceedings relating to the proposed project, which are maintained at the offices of the City of Concord Planning Division; and

WHEREAS, on June 15, 2016, the Planning Commission, after consideration of all pertinent plans, documents and testimony, declared their intent to deny the subject proposal, continued the hearing, and directed staff to return with a resolution with findings of denial.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS: that the Planning Commission does hereby deny the Woodside Place Residential Care Facility, subject to the Conditions of Approval incorporated herein as Attachment A, and further makes the following findings:

California Environmental Quality Act (CEQA)

1. The City’s decision to deny the project is statutorily exempt under Section 15270 of the California Environmental Quality Act (CEQA) of 1970.

General Plan

2. Allow residential care and group homes in a manner consistent with State law, while ensuring that the scale, operation, location and other characteristics of these facilities does

1 *not adversely impact the character and quality of neighborhoods (General Plan Policy LU-*
2 *1.1.11)*. Pursuant to the City’s Development Code, small residential care facilities for the
3 elderly that serve six or fewer residents are permitted in the Residential Single Family districts
4 and are not subject to review or approval by the City. State law also mandates that a
5 residential care facility that serves six or fewer persons shall be considered a residential use of
6 the subject project. In this case, the applicant has proposed to operate a 12-bed residential care
7 facility, which is subject to a conditional use permit under the City’s zoning code.

8 The proposed location for this facility is on a small residential cul-de-sac street that contains
9 twelve homes. The proposed size of the care facility is a 2,357 square foot six-bedroom home
10 to serve twelve individuals with two to four employees working on-site during a 24-hour
11 period. Relative to the other homes in the area, the proposed use is out of scale for the
12 residential cul-de-sac street location.

13 3. The proposed facility’s traffic and parking impacts at this location will be confined to a
14 relatively small residential neighborhood of twelve homes in a cul-de-sac with limited access,
15 circulation, and on-street parking. This will result in a disproportionate and adverse impact on
16 the character and quality of a residential neighborhood that is located along a busy arterial (i.e.,
17 Concord Boulevard).

18 4. The facility’s associated increase in the number of vehicles to the site, including
19 individual transportation and parking needs of 12 individuals and on-site staff, visits by other
20 staff members, family, friends, medical personnel and emergency medical personnel would
21 introduce an unreasonable burden on other homeowners in this small residential cul-de-sac in
22 terms of traffic frequency and parking demand. In addition, the increased frequency of noise
23 generated from vehicle traffic and visitors, along with attendant noise from these vehicles, is
24 not complementary or in harmony with the quiet residential character of the street and will
25 negatively impact the quality of life in this neighborhood.

26 Use Permit Findings

27 5. *The proposed use is consistent with the General Plan and any applicable Specific Plan.*
28

1 The proposed facility is NOT consistent with the General Plan as discussed in findings #2,
2 #3, and #4.

3 6. *The design, location, size, and operating characteristics of the proposed activity are*
4 *compatible with the existing and future land use in the vicinity.* The operational characteristics
5 of the proposed twelve-bed facility are NOT compatible with the single-family uses in the area
6 for the reasons set forth in Findings #2, #3, and #4.

7 7. *Granting the permit would not be detrimental to the public health, safety, or welfare of*
8 *the persons residing or working in the subject neighborhood or materially detrimental or*
9 *injurious to property or improvements in the vicinity and zoning district where the property is*
10 *located.* In addition to the reasons set forth in Findings #2, #3 and #4 as they relate to the
11 public health, safety or welfare of the residents, granting the permit would also be detrimental
12 because the proposed large care facility will operate more like a commercial use that will be
13 out of character with the neighborhood. Additionally, neighbors' quality of life will be
14 adversely affected by having to deal with the facility's on-going operational impacts in terms
15 of traffic, parking and noise concerns.

16 Effective Date

17 8. In accordance with City of Concord Municipal Code Section 18.500.080, decisions of
18 the Planning Commission shall become effective on the 11th calendar day following the date
19 the decision is rendered, if no appeal is filed.

20 **PASSED AND ADOPTED** this July 6, 2016, by the following vote:

21 **AYES:** Commissioner -

22 **NOES:** Commissioner -

23 **ABSTAIN:** Commissioner -

24 **ABSENT:** Commissioner -

25
26 _____
27 Laura Simpson, AICP
28 Secretary to the Planning Commission

cc: Kevin Marstall, Public Works-Engineering Services
Robert Woods, Building Division
Captain Robert Marshall, Contra Costa County Fire Protection District

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DATE: July 6, 2016

SUBJECT: ANOVA CENTER FOR EDUCATION (PL16179 - UP)

Recommendation: Adopt Resolution No. 16-14PC, approving a Use Permit (PL16179 - UP) for Anova Center for Education.

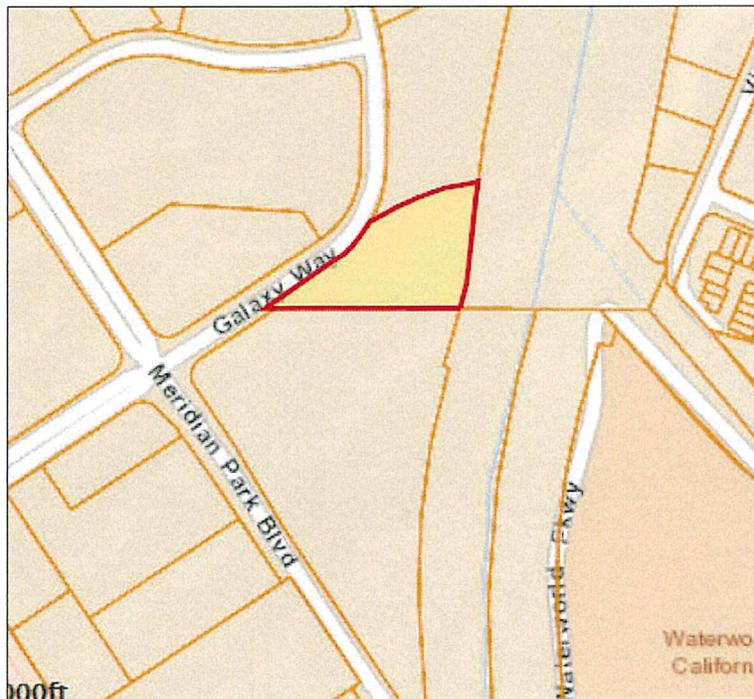
I. Introduction

A. Application Request

Application for a Use Permit to establish a K-12 school for 105 high-functioning autistic students that provides educational, behavioral, and therapy services for children and adults with neurodevelopmental impairments from an existing 21,085 sq. ft. tenant space on a 2.5-acre site.

B. Location

The project site is located at 1140 Galaxy Way, APN 126-010-046.



C. Applicant Anova Education and Behavior Consultation, Inc. Attn: Andrew Bailey 2911 Cleveland Avenue Santa Rosa CA 95403 (707) 527-7032	Owner Market-Turk Co./Federal Realty Co. 345 California Street San Francisco CA 94104 (415) 306-6009
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II. Background

On March 11, 2014, the City Council voted to introduce an Ordinance to amend the Concord Municipal Code by adopting the West Concord Mixed Use Text Amendment to the Development Code. The Text Amendment to the Development Code permitted elementary, middle, and secondary schools within the West Concord Mixed Use (WMX) zoning district subject to a Use Permit. The Ordinance became effective on April 24, 2014.

The previous tenant to the subject space was ITT Technical Institute, who had obtained an Administrative Permit to operate as a trade school or vocational school at the site. Although the applicant also proposes to use the space as a school, as stated above, elementary, middle and secondary schools are required to obtain a Use Permit in the WMX zoning district.

On April 21, 2016, Nick Roscha of Roscha & Odne LLP submitted an application for a Use Permit to establish a K-12 school for 105 high-functioning autistic students that provides educational, behavioral, and therapy services for children and adults with neurodevelopmental impairments from an existing 21,085 sq. ft. tenant space at 1140 Galaxy Way.

The Development Advisory Committee (DAC) deemed the application complete on May 20, 2016.

III. General Information

A. General Plan

The General Plan designation is West Concord Mixed Use.

B. Zoning

The site is zoned West Concord Mixed Use.

C. CEQA Status

Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, and pursuant to Section 15332 "In-Fill Development Projects," the project is classified as a Class 32 Categorical Exemption, as the project is 1) consistent with the City's General Plan and zoning; 2) occurs within city limits on a project site no more than five acres substantially surrounded by urban uses; 3) the project has no value as habitat for endangered,

rare or threatened species; 4) there will be no significant effects relating to traffic, noise, air quality or water quality; and 5) the site can be adequately served by all required utilities and public services. Therefore, no further environmental review is required.

D. Site Description

An existing single-story multi-tenant office building is located at the south end of the property. The office building is oriented north toward an adjacent office building. Access is provided by two driveways at the north and south ends of the property on Galaxy Way. The parcel has perimeter landscaping with mature trees and shrubs and parking around the perimeter and the north side of the building. The property is at the same elevation as the neighboring buildings and Galaxy Way.

Lot Size and Dimensions	109,771 sq. ft. (approx.)	528 ft. x 279 ft. (approx.)
Existing Improvements	29,000 sq. ft. office building, parking lot, landscaping, and site lighting.	
Topography	The parcel is flat and sits at the same height as the adjacent street and neighboring properties.	
Existing Vegetation	Trees, small shrubs, and lawn along the perimeter of the site, adjacent to the building, and in the parking lot.	

E. Surrounding Land Use

The site is surrounded by the following uses:

	Land Use	General Plan Designation	Zoning
North, South, West	Office, Light Industrial, Warehouse, Home Depot	West Concord Mixed Use	WMX
East	Iron Horse Regional Trail	Open Space	OS

IV. Detailed Project Description

A. Development Regulations

The following table lists the WMX district regulations compared to the proposed project. The project complies with the development standards.

Standards	Required	Provided
Lot Area (minimum square feet)	25,000	109,771
FAR (maximum)	4.0	.26
Setbacks (minimum feet)		
Front yard	10	66
Side yard	10	31 and 113
Corner side yard	10	N/A

Standards	Required	Provided
Rear yard	0	44
Landscaping (% coverage)	20	20+
Building Height (maximum feet)	140	15
Parking Spaces	97	130

B. Description of Business

Anova Center for Education (ACE) is a non-profit agency that provides educational, behavioral, and therapy services for children and adults with autism, and neurodevelopmental impairments. The ACE School provides a unique environment that offers high quality academic instruction using best practices from Positive Behavior Intervention, Sensory Integration, Cognitive Therapy, Speech/Language Therapy, and Theory of Mind. ACE also provides after-school programs, camps, services in public schools and in-home environments, and operates a treatment clinic. ACE operates three non-profit K-12 schools located in San Rafael, Santa Rosa, and Concord at Holbrook Elementary School.

Daily enrollment is 105 students and 50 full time staff. Business hours are Monday through Friday from 8:30 a.m. – 2:30 p.m. with staff arriving approximately two hours before and departing two hours after school hours. Special events and staff work may occur in the evenings and on the weekend. Students will be dropped off by approximately 15 vans between 8:00 a.m. and 8:30 a.m. and picked up between 2:30 p.m. and 2:50 p.m. Each van has room for 8-9 students. Approximately 20 students will be dropped off and picked up by their parents. Ninety-five parking stalls have been assigned for use by the school.

No new construction or modifications are proposed to the structure. The proposed use would be fully contained within the building in the former ITT Technical Institute (ITT) tenant space and no outdoor uses or activities are proposed.

V. Discussion

A. General Plan

The site's General Plan land use designation of West Concord Mixed Use allows a mix of commercial and office uses including new auto dealers, hotels, restaurants, and showroom/warehouses. Public/Quasi-Public uses including schools are also allowed. As of the date of this staff report, colleges, universities, trade schools, and vocational training facilities are also allowed in the WMX zoning district via an Administrative Permit. Elementary, middle, and secondary schools are also allowed in the WMX district subject to a Use Permit.

The project is consistent with policies contained in the General Plan. The private school would facilitate cultural and civic gatherings consistent with Policy LU-4.1.1, which encourages Concord to expand its role as a focal point for business, entertainment, dining, cultural, and civic gatherings. The project creates additional opportunities for elementary, middle, and secondary schools within the City, which is consistent with

Policy PF-2.1.1 that encourages maintaining and improving educational opportunities. Allowing this project is consistent with Policy PF-2.1.5, which encourages the creation of vocational schools and other training programs to prepare Concord residents for employment, in addition to traditional educational opportunities. If desired, the school facilities could be used for child and adult care services in addition to the planned educational use, which supports Policy PF-2.2.4. For these reasons, staff finds the proposed project consistent with the West Concord Mixed Use land use designation and the policies within the General Plan.

B. Site Planning/Circulation/Parking

ACE will occupy a portion of an existing office building with parking and two-way circulation. Vans with students will enter the parking lot from the southern driveway on Galaxy Way, stop briefly at the front of the building on the west side of the building to drop off, and exit onto Galaxy Way via the north driveway. Vehicles with employees will enter the parking lot from either driveway on Galaxy Way and park in front of or behind the building.

Discussion

The Transportation Division and the Fire District reviewed the site plan and circulation pattern and determined the type of facility will generate relatively few trips to and from the site and does not require changes or improvements to the parking lot. The Fire District confirmed that in the event of an emergency, they would access the site and building from the adjacent public streets.

Staff concludes the parking lot design, drive aisle dimensions, vehicle-turning radii, loading/unloading area, the number of parking stalls, and available parking is appropriate for the project.

C. Building Architecture

The applicant proposes to occupy the space previously occupied by for ITT Technical Institute. . The school is a change in the building occupancy type and triggers separate review by the Contra Costa County Fire Protection District prior to the issuance of a building permit and occupancy permit. The Building Division has also determined the applicant is required to provide fire sprinklers and smoke/fire alarms, if they are not already present, and provide exit calculations showing sufficient exit capacity for the increased occupant load, and demonstrate there are proper plumbing fixtures for the proposed use.

The applicant has been advised of these requirements and they can be addressed in construction drawings prior to the issuance of a building permit and a certificate of occupancy. Staff finds the scope of changes minor in nature and appropriate as proposed.

VI. Fiscal Impact

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

VII. Public Contact

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

VIII. Summary and Recommendations

The proposed Anova Center for Education is consistent with the applicable goals and policies of the Concord 2030 Urban Area General Plan concerning schools and educational opportunities for the City's residents. The proposed use will be compatible with the character of the existing building and other developments in the vicinity. Furthermore, with the conditions of approval the project will not be detrimental to the health, safety and general welfare of persons residing or working in the neighborhood of such project.

Staff recommends the Planning Commission open the public hearing, consider the staff report and presentation by the applicant, the public testimony, and close the hearing upon completion of public testimony. Staff recommends the Commission adopt Resolution No. 16-14PC approving a Use Permit for Anova Center for Education.

IX. Motion**Project Approvals**

I (Comm. _____) hereby move that the Planning Commission adopt Resolution No. 16-14PC approving Anova Center for Education Use Permit (PL16179 - UP), subject to the Conditions of Approval set forth in Attachment A to Resolution 16-14PC. (Seconded by Comm. _____.)

Prepared by:



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

Reviewed by:



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

Exhibits:

- A - PC Resolution No. 16-14PC, Conditions of Approval (Attachment A)
- B - Applicant's written statement date stamp received April 21, 2016
- C - Project plans date stamp received April 21, 2016

1 makes the following findings:

2 CEQA

3 1. The project is not subject to additional environmental review pursuant to the provisions of the
4 California Environmental Quality Act (CEQA) of 1970, as amended, and pursuant to Section 15332
5 “In-Fill Development Projects,” the project is classified as a Class 32 Categorical Exemption.

6 2. a. The project is consistent with the applicable general plan designation and all applicable
7 general plan policies as well as with the City’s zoning designation and regulations.

8 3. b. The proposed development occurs within city limits on a project site of no more than
9 five acres substantially surrounded by urban uses.

10 4. c. The project site has no value as habitat for endangered, rare or threatened species.

11 5. d. Approval of the project would not result in any significant effects relating to traffic,
12 noise, air quality, or water quality.

13 6. e. The site can be adequately served by all required utilities and public services.

14 Use Permit

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

17 a. The proposed school is a conditionally permitted use within the WMX (West Concord
18 Mixed Use) Zoning District and complies with all other applicable provisions of the Development
19 Code and City Municipal Code.

20 b. The project is consistent with the General Plan and policies that support Public/Quasi-
21 Public uses and improvements to existing properties in West Concord Mixed Use Districts. There is
22 no applicable Specific Plan.

23 c. The design, location, size, and operating characteristics of the project are compatible
24 with existing uses in the vicinity, including the adjacent office, retail, light industrial, and warehouse
25

1 uses located in the vicinity.

2 d. Properties in the vicinity are also zoned WMX, therefore the project would be
3 compatible with future land uses in the vicinity.

4 e. The project site is physically suitable for the type, density and intensity of the proposed
5 use, including access, utilities, and absence of physical constraints. The project site is large enough to
6 accommodate the school and includes existing site access and utility service.

7 f. Granting the Use Permit will not be detrimental to the public health, safety, or welfare
8 of the persons residing or working in the subject neighborhood or materially detrimental or injurious
9 to property or improvements in the vicinity and Zoning District where the property is located. Project
10 conditions and requirements will ensure on-going operations will not impact adjacent properties and
11 maintenance of the building exteriors, parking lot, and landscaping will be secured through a separate
12 property maintenance agreement.

13 Design Review

14 2. Based on the Project Information, and all oral and written testimony submitted on this item,
15 the Planning Commission makes the findings set forth below with respect to the Design Review:

16 a. The project satisfies all the criteria in Section 122-908 (Design Criteria) of the
17 Development Code.

18 Measure J

19 3. The project supports the following Growth Management Element policies and is therefore
20 compliant with Measure "J".

21 a. Policy GM-1.1.1 because the project is an urban development located within the City's
22 Urban Limit Line.

23 b. Policy GM-2.1.1 because the project results in urban infill development.

24 c. Policies GM-7.2.1 through GM-7.2.3 because the project's impact on public services
25

1 and facilities are reduced by conditions of approval, as well as by payment of impact fees
2 proportionate to the project's demand on public services and facilities, including traffic impact,
3 parkland, and sewer.

4 The Planning Commission does hereby approve Use Permit (PL16179 - UP) subject to the
5 Conditions of Approval.

6 Effective Date

7 Approvals, or other decisions of the Planning Commission with respect to this project shall become
8 effective on the later of (a) the 11th calendar day following the date the decision is rendered, if no
9 appeal is filed.

10 **PASSED AND ADOPTED** this 6th day of July, 2016, by the following vote:

11 **AYES:**

12 **NOES:**

13 **ABSTAIN:**

14 **ABSENT:**

15
16 Laura Simpson, AICP
Secretary to the Planning Commission

17
18 Attachment: A – Draft Conditions of Approval

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ATTACHMENT A
DRAFT
CONDITIONS OF APPROVAL
ANOVA CENTER FOR EDUCATION
PL16179 - UP
1140 Galaxy Way
APN 126-010-046

9

PERMIT DESCRIPTION

- 10
11
12
13
1. These Conditions apply to and constitute the approval of a Use Permit (PL16179 - UP) for a **K-12 school for 105 high-functioning autistic students from a 21,085 sq. ft. tenant space within an 29,000 sq. ft. existing building on a 2.5-acre site.**
 2. Exhibits date stamped received by the City of Concord on **April 21, 2016** are approved and shall be incorporated as Conditions of Approval.

14

GENERAL CONDITIONS

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3. **The hours of operation shall be Monday through Friday from 8:30 a.m. – 2:30 p.m. with staff arriving approximately two hours before and departing two hours after school hours. Special events may occur from time to time on weekends and evenings. (PLNG)**
 4. **Anova Center for Education shall secure required permits to conduct special events/activities beyond the normal scope of business. (POLICE, PLNG)**
 5. **Students shall be chaperoned by Anova Center for Education staff at all times in connection with all school activities and when crossing Galaxy Way during business hours. (PLNG)**
 6. **Student enrollment shall be limited to 105 students in grades K-12. (PLNG)**
 7. **A maximum of 50 staff are permitted to operate the Anova Center for Education. (PLNG)**
 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.
- e. Prior to approval of the Final Map.
- f. Prior to occupancy approval.

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

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 shall be listed on a plan sheet that is included in the construction plan set, if required (Grading, Utility, Building, and Landscape Plans). **(PLNG, ENGR)**
13. Two annotated copies of the Conditions of Approval specifying how each applicable condition has been satisfied, shall be submitted as follows:
 - a. At the time Grading, Utility, Building, and/or Landscape Plans are submitted for plan check, whichever comes first.
 - b. Prior to occupancy approval. **(PLNG, ENGR)**
14. The project site and area surrounding the site shall be maintained in a weed and litter free condition for the period prior to construction. **(BLDG, PLNG)**

SIGNAGE

15. All signage shall comply with the City of Concord **Sign Regulations and the WMX District standards. (PLNG) CMC**

1 **PARKING**

- 2 16. Parking shall comply with Division 3 of the City’s Development Code, “Parking, Loading, and
3 Access” including parking spaces, drive aisle and parking space dimensions, turning radii,
4 back-out dimensions, driveway clearances, landscape median dimensions, and other relevant
5 information. *(ENGR, PLNG) CMC*
- 6 17. Handicapped parking spaces shall comply with Chapter 11 “Site Development Requirements
7 for Handicapped Accessibility” of Title 24 of the California Code of Regulations, and be
8 located as close as possible to the primary entrance. *(BLDG)*

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

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

12 **NOISE**

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

15 **Monday through Friday7:30 a.m. to 6:00 p.m.**

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

21 **CONSTRUCTION ACTIVITIES**

- 22 20. Construction equipment, if any, shall not be serviced at the site at any time. During
23 construction, no deliveries shall be made to the site and no delivery vehicles (including
24 gasoline tanker trucks) shall enter the site between 6:00 p.m. and 7:30 a.m. on weekdays, and
25 between 5:00 p.m. and 8:00 a.m. on weekends and federal holidays. Delivery vehicles shall
26 have their engines turned off during unloading. *(BLDG, ENGR, PLNG)*
- 27 21. Employ the quietest construction equipment available, to muffle noise from construction
28 equipment and keep all mufflers in good working order in accordance with State law. *(BLDG,
ENGR, PLNG)*
- 29 22. Implement the following measures during construction:

- a. Gather all construction debris on a regular basis and place them in a dumpster or other container that is emptied or removed on a weekly basis. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to storm water pollution.
 - b. Remove all dirt, gravel, rubbish, refuse, and green waste from the street pavement, and storm drains adjoining the project site. During wet weather, avoid driving vehicles off paved areas.
 - c. Broom sweep the public street pavement adjoining the project site on a daily basis. Caked-on mud or dirt shall be scraped from these areas before sweeping.
 - d. Install filter materials (e.g., sandbags and filter fabric) at the storm drain inlet nearest the downstream side of the site in order to preclude any debris or dirt from flowing into the City storm drain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and to prevent street flooding. Dispose of filter particles in an approved trash receptacle.
 - e. Create a contained and covered area on the site for the storage of bags, cement, paints, flammable, oils, fertilizers, pesticides, or any other materials used on the site that have the potential for being discharged to the storm drain system by being windblown or in the event of a material spill.
 - f. Never clean items such as machinery, tools, and brushes or rinse containers in a street, gutter, or storm drain.
 - g. Ensure that concrete, gunite, plaster, or similar supply trucks do not discharge wash water into street gutters or drains. **(ENGR, BLDG)**
23. 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)**
 24. Ensure that no debris or construction scrap material is placed on any adjoining lot, open space area, or street, and that any such material stored on an adjoining site shall be completely removed and the site cleaned, prior to occupancy approval. **(ENGR, BLDG)**
 25. At no time shall campers, trailers, motor homes, or any other vehicle be used as living or sleeping quarters on the construction site unless authorized for site security. **(ENGR, BLDG)**
 26. There shall be no parking of construction equipment or construction worker's vehicles on residential streets at any time; all vehicles shall be maintained on-site. **(ENGR, BLDG)**
 27. Portable toilets used during construction shall be kept as far as possible from adjacent properties and shall be emptied on a regular basis as necessary to prevent odor. **(ENGR, BLDG)**
 28. 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)**

1 **UTILITIES**

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

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

- 5 30. Sweep or vacuum the parking lot(s) a minimum of once a month and prevent the accumulation
6 of litter and debris on the site. Corners and hard to reach areas shall be swept manually. If
7 sidewalks and/or the parking lot are pressure washed, debris must be trapped and collected to
8 prevent entry into the storm drain system. No cleaning agent may be discharged into the storm
9 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)

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

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

16 **SOLID WASTE/RECYCLING**

- 17 33. Trash bins and refuse shall be stored within approved trash enclosure and the doors shall be
18 closed at all times except when the bins are being emptied. *(NS)*

- 19 34. Comply with the provisions of the CMC, Central Contra Costa Sanitary District and the
20 disposal service regarding enclosure design, access requirements, and the number of required
individual refuse receptacles based upon waste pickup schedules. Trash enclosures shall
incorporate the following features:

- 21 a. A concrete pad to prevent damage to asphalt paving.
22 b. A roof and sanitary sewer cleanout, designed to prevent rainwater from penetrating the
interior of the enclosure and preclude trash from being blown outside of the bins.
23 c. The cleanout shall connect to a sanitary sewer to prevent contaminated water from
entering the storm drain system.
24 d. A grease separator approved by Central Contra Costa Sanitary District shall be
25 installed on the sanitary sewer line. Hot and cold water supply shall be installed inside
the trash enclosure.

- 1 e. If any cleaning agent or degreaser is used, wash water must be collected and
2 discharged to the sanitary sewer, subject to the approval of the City of Concord
3 Building and Engineering Department and Central Contra Costa Sanitary District.
(*CCCS*, *BLDG*, *ENGR*)

4 **AGREEMENTS, FEES, BONDS**

- 5 35. All fees noted below are the fees currently in effect as of June 23, 2015 per the Resolution of
6 Fees and Charges. The fees and charges are reviewed annually as part of the budget public
7 hearing process. Fee adjustments are based on a number of factors and vary depending on the
8 type of fee:

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

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

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

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

- 18 36. Pay a Document Imaging fee to reimburse the City for implementation of the Document
19 Imaging and File Retention programs, prior to issuance of Grading or Building Permits.
20 (*PLNG*)

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

- 24 38. All required faithful performance bonds and labor materials bonds in a penal amount equal to
25 100 percent of the approved estimates of construction costs of improvements shall be
26 submitted to and approved by the City and other agencies having jurisdiction prior to issuance
27 of the Building or Grading Permit, whichever comes first. (*ENGR*)

28 **OTHER/MISCELLANEOUS**

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

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

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

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

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

11 42. Approvals, or other decisions of the Planning Commission with respect to this project shall
12 become effective on the later of (a) the 11th calendar day following the date the decision is
13 rendered, if no appeal is filed, which is **anticipated to be July 19, 2016**. The permit and
14 approval shall expire in **one** year from the date on which they became effective unless a
15 building permit is obtained and construction begun. *(PLNG)*

16 43. A request for a time extension from the expiration date referenced in Condition of Approval
17 #60 (**e.g. July 19, 2016**) can be considered if an application with required fee is filed at least
18 10 days before the original expiration date, otherwise a new application is required. A public
19 hearing will be required for all extension applications, except those involving only Design
20 Review. Extensions are not automatically approved. Changes in conditions, City policies,
21 surrounding neighborhood, and other factors permitted to be considered under the law, may
22 require, or permit denial. *(PLNG)*

Use Permit Application – Anova Center for Education

RECEIVED

APR 21 2016

PLANNING

Project Description

Applicant, Anova Education and Behavior Consultation, Inc. ("Anova"), has executed a lease for approximately 21,085 square feet of an existing 29,000 square foot building located at 1140 Galaxy Way, Concord, located in the WMX Zoning District for an educational facility for youth from the K - 12th Grade to be known as the *Anova Center for Education*.

Current Use of Space: The 21,085 square foot space is currently developed and used by ITT as an educational facility. Applicant is not proposing any construction or modification of the existing space. The site is currently parked at a ratio of 4.5 vehicles per thousand square feet, resulting in 130 spaces allocated for the 29,000 square foot building and 95 spaces allocated to the 21,085 square feet premises.

Proposed Use: Anova is proposing an educational facility for high-functioning autistic youth from the K through 12th Grade. School hours would be Monday-Friday, 8:30 am to 2:30 pm, with staff use for approximately two hours before and two hours after school hours. Incidental staff use could occur on the weekends and evenings, along with ancillary maintenance. Special events are expected from time to time in the evenings and on the weekends. Expected enrollment would be a maximum of 105 students per day, with 50 full time staff per day. Most students would be brought to the school between 8:00 and 8:30 am using 10-15 van trips, and would be taken from the school between 2:30 and 2:50 pm via 10-15 van trips. Each van has room for 8-9 students. Of the 105 students, approximately 15-20 students may be dropped off and picked up by parents. The 95 available parking spaces are more than sufficient to meet projected parking demand.

The property is a ***fully developed site*** with mature landscaping, and is adjacent to other fully developed office, commercial and warehouse uses. Access to the site is already provided off of Galaxy Way via two driveways. Numerous color photographs of the site are attached, along with the site plan of the property and a floor plan of the built-out space, delineating classroom and office spaces.

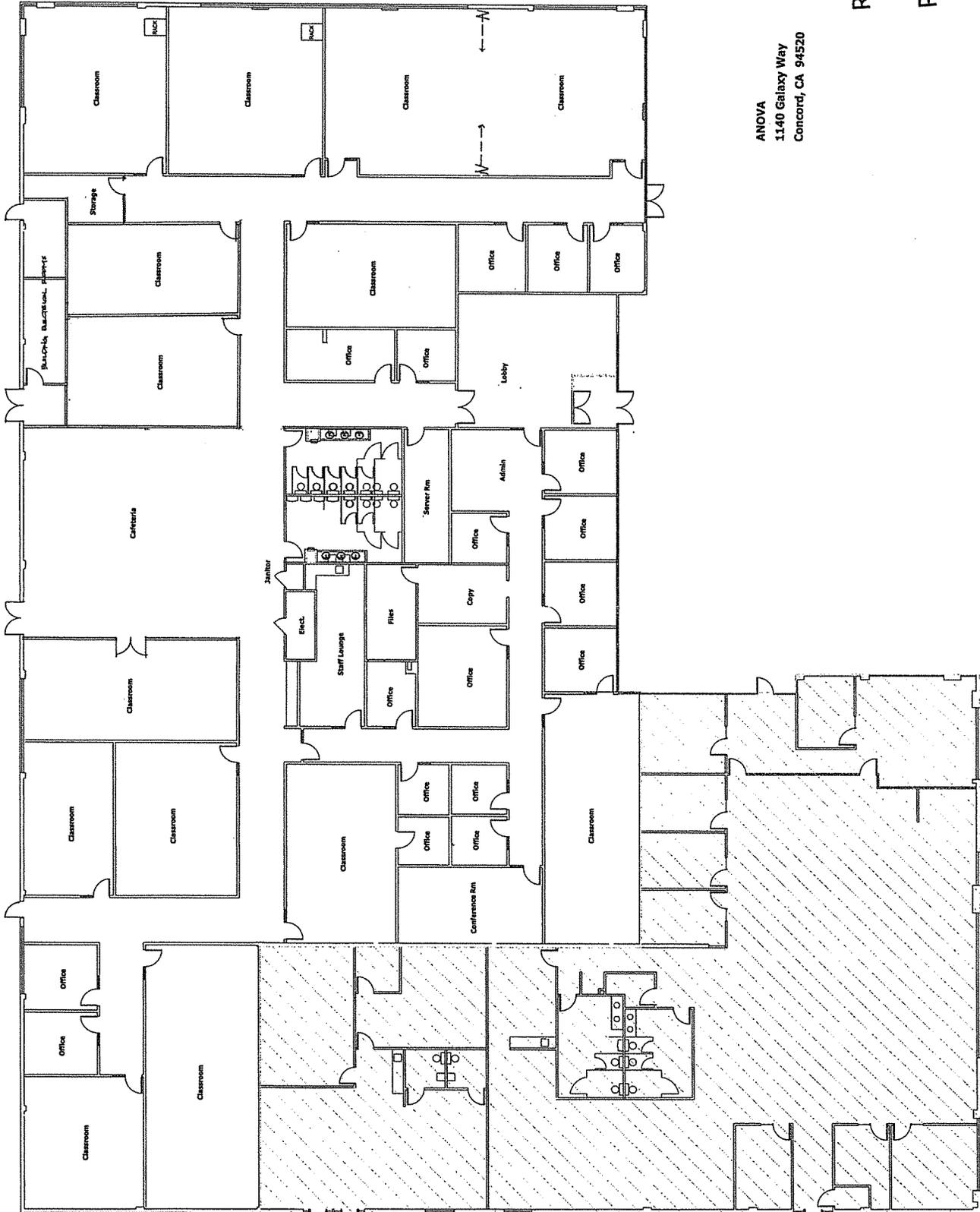
The Applicant is not proposing any construction or modification of the structure. The proposed use would be fully contained within the building, and no outdoor uses are being proposed.

Zoning Compliance: The current zoning of the property is WMX, West Concord Mixed Use. The proposed use complies with the WMX zoning since elementary, middle and secondary schools are conditionally permitted within the WMX District.

CEQA: The Project proposes to make use of an existing, fully developed building. The Project should be classified as Categorically Exempt pursuant to the California Environmental Quality Act ("CEQA"), 14 Cal Code Regs Section 15332 ("Infill Development Project") and/or 14 Cal Code Regs Section 15061 (the "common sense exception).

Required Findings:

1. The project will be consistent with the General Plan and policies that support public/quasi-public uses and improvements to existing properties in the WMX District. There is no specific plan.
2. The design, location, size and operating characteristics of the project, which are encompassed within an existing, fully-developed building, are compatible with existing uses in the vicinity, including the adjacent warehouse, light industrial, and office uses located in the vicinity.
3. Properties in the vicinity are also zoned WMX and therefore the project will be compatible with future land uses in the vicinity.
4. Project site is physically suitable for the type, density and intensity of the proposed use, including access, utilities and absence of physical constraints. The project site, which is already fully developed, is large enough to accommodate the proposed school use and includes existing site access and utility services.
5. Granting a use permit will not be detrimental to the public health, safety or welfare of the persons residing or working in the subject neighborhood or materially detrimental or injurious to property or improvements in the vicinity and the zoning district where the property is located. The project conditions and requirements would insure ongoing operations will not impact adjacent properties and maintenance of the building exteriors, parking lots and landscaping would be secured through a separate property maintenance agreement.



ANOVA
 1140 Galaxy Way
 Concord, CA 94520

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 APR 21 2016
 PLANNING



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We Love Concord!