ADMINISTRATIVE STAFF REPORT 7.1

TO: **Mayor and Town Council** **April 18, 2017**

SUBJECT: **Resolution No. 32-2017, denying the appeal filed by Danville Citizens for Responsible Growth and upholding the Planning Commission's approval of Final Development Plan Request DEV 16-0014 (373-383 Diablo Road-APN 216-120-037)**

SUMMARY

On February 28, 2017, the Town's Planning Commission approved Final Development Plan DEV16-0014, approving a 150-unit apartment project at 373-383 Diablo Road. On March 9, 2017, the Town received a timely appeal of that approval from Danville Citizens for Responsible Growth (see Attachment B). This report recommends that the appeal be denied and the Planning Commission decision affirmed, based on the proposed projects conformance with the Town's General Plan and applicable State of California housing laws.

BACKGROUND

The processing of this project and the Town's scope of review are different than the Town has used in the past. Because these differences are inextricably linked to mandates imposed by state housing law, it is important to review that law and the steps previously taken by the Town to comply with the law before reviewing the appeal itself.

The Town's Regional Housing Obligation

The State of California requires every city and county to adopt a Housing Element as part of their General Plan. The Housing Element covers an eight year time frame and, among other things, is required to demonstrate that the local jurisdiction has provided sufficient land at specified minimum development densities to accommodate that jurisdiction's assigned Regional Housing Needs Allocation (RHNA).

In order to satisfy this requirement, the local jurisdiction must show that both the general plan and zoning ordinance designate properties that allow for development at this density by right, meaning no further legislative or discretionary approvals are required. Failure to adopt a state certified Housing Element can expose the jurisdiction to costly litigation, both from the State as well as housing advocacy groups, and lead to loss of

local funding (such as Measure J return to source sales tax revenues for street maintenance and improvements).

As part of the 2007-2014 Housing Element cycle, the Town was required to designate additional acreage for multifamily housing. Specifically, the Town was required to designate a minimum of 1.7 acres of additional land for development at a minimum density of 20 units per acre and a minimum of 7.9 acres of additional land at a minimum density of 25 units per acre (the State originally mandated a minimum density of 30 units per acre but the Town successfully advocated for the lower figure). After a public review process, the Town identified 14 "Housing Opportunity Sites" totaling 35 acres that could potentially accommodate the required changes (see map at Attachment C). All of those sites were studied in the Environmental Impact Report (EIR) prepared and certified for the Town's 2030 General Plan, which was adopted in 2013.

With specific reference to the subject property, the EIR assumed that all of the Housing Opportunity Sites on the south side of Diablo Road (including the subject property and three others extending to Front Street, totaling 8.1 developable acres) would develop at a base density of 35 units per acre plus the maximum 35% density bonus available under state law. This "worst case scenario" analysis examined the impacts of a net increase of 338 units in this area. All analyses in the EIR, including traffic, hydrology, etc., were based on this assumption.

At the end of the General Plan process, the Town Council took the following actions to satisfy the state mandated RHNA requirement:

- They designated 8.75 acres on two sites (the Danville Office Partners property on Diablo Road and a portion of the Borel property on Camino Ramon) as Residential-Multifamily High with a density range of 25-30 units per acre. As part of designating these two sites, the top of the density range was reduced from 35 units per acre to 30 units per acre.
- They designated 2.0 acres on the Borel property as Residential-Multifamily-High/Medium with a density range of 20-25 units per acre.
- They identified both properties as "Special Concern Areas," a tool used to provide "more focused, place-based recommendations" for development.
- They selected these sites in order to locate these higher densities close to I-680 for access and to minimize intrusions/impacts to existing single family neighborhoods.
- They did not change the land use designation on any of the twelve remaining Housing Opportunity Sites studied in the General Plan EIR.

After adoption of the General Plan in 2014, the Town Council rezoned both properties to be consistent with the new General Plan designations and establish development at those densities as a use by right, thereby completing the State's requirements for the RHNA

process. It is also important to note that while the changes to these two properties were required as part of the 2007-14 Housing Element, the State allowed the Town to rely on these actions for the 2014-22 Housing Element as well. This means that until 2022, the Town will not need to designate additional land for housing or change the density on any other properties to satisfy the RHNA requirement.

General Plan and Zoning Designation for the Subject Property

Prior to adoption of the 2030 General Plan, the subject property was designated for office uses in the General Plan and zoning ordinance. As described above, both the General Plan and zoning now designate the property for multifamily residential development at a density range of 25-30 units per acre. Both the Special Concern Area text in the General Plan and the site specific zoning ordinance establish additional criteria to be considered, but the use for multifamily residential at this density is a use by right.

Chronology of current application

Subsequent to completion of the General Plan and zoning designations, an initial application for multifamily residential development was submitted by ROEM Development. At the time of that submittal, the Town set forth the processing requirements for any rental project consistent with applicable state and local rules (discussed in detail below). That application was presented at a public joint study session of the Town Council, Planning Commission and Design Review Board on November 3, 2015. Significant feedback was provided to the applicant regarding the initial proposed design and massing of the project.

Subsequently, in 2016, the property owner (Danville Office Partners, LLC) replaced ROEM as the applicant and presented a revised design concept for Town review. This proposal was presented at a second public joint study session of the Council, Commission and DRB on May 17, 2016. Based upon feedback presented at that meeting, further design changes were incorporated into the project. This revised application was reviewed by the Design Review Board on October 20 and 27, 2016, where further design changes were required. At the end of the October 27, 2016 meeting, the DRB recommended approval of the project architecture to the Planning Commission.

The Planning Commission reviewed the application at public meetings on January 24 and February 28, 2017. At the conclusion of the February 28 meeting, the Commission approved the project on a 5-0 vote. This appeal was filed on March 9, 2017.

All iterations of the application have proposed a for-rent apartment project and have included a 35% density bonus, the maximum allowed by state law. As part of the density bonus, the application has also included proposed waivers and concessions, as allowed

by state law.

DISCUSSION

Discussion and analysis of the project and architecture can be found in the attached Planning Commission staff reports and is not repeated here, except to the extent that it is relevant to an issue raised in the appeal. This section of the staff report addresses each of the grounds for appeal.

Processing for the Project

Before turning to the specific grounds for appeal, there are two state statutes that are critical to the processing and review of this application and the appeal.

The first statute is Government Code Section 65583.2(i), which reads as follows:

> "(i) For purposes of this section and Section 65583, the phrase "use by right" shall mean that the local government's review of the owner-occupied or multifamily residential use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Any subdivision of the sites shall be subject to all laws, including, but not limited to, the local government ordinance implementing the Subdivision Map Act. A local ordinance may provide that "use by right" does not exempt the use from design review. However, that design review shall not constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Use by right for all rental multifamily residential housing shall be provided in accordance with subdivision (f) of Section 65589.5."

This statute requires that review of development applications for sites used by a local jurisdiction to satisfy their RHNA requirement is limited to design review and the application is exempt from further CEQA review. The last sentence of the code section is referenced below in the first ground for the appeal.

The second statute is Government Code Section 65915, which provides for density bonuses. Of particular relevance to this application, the density bonus law provides for the following:

- The percentage of the bonus is mandated based on the affordability offered.
- The local jurisdiction may not require "preparation of any additional report or study that is not otherwise required by state law" in considering the density bonus (Government Code Section 65915(a)(2)).

- The density bonus must be calculated from the "otherwise maximum allowable…density" (Government Code Section 65915(f), (o)(2)).
- The applicant is also entitled to a specified number of incentives and concessions to development standards.

Grounds for Appeal

1. Improper determination of use-by-right and CEQA exemption

As explained above, the Town processed this application pursuant to Government Code Section 65583.2(i), meaning that the proposed use at the proposed density is a "use by right" and that the application is not a "project" for purposes of CEQA, meaning it is exempt from further CEQA review. The appeal argues that this interpretation of the law is inapplicable for four different reasons:

- Because the project including the density bonus exceeds the base density provided for in the 2030 General Plan and thus has not been subject to environmental review.
  Response: As described under Background, this allegation is not factually correct. The General Plan EIR assumed that this property (along with the two adjoining properties, for an aggregate total of 8.1 acres) would develop at the highest proposed density of 35 units per acre plus a 35% density bonus (which would have meant 47 units per acre). In fact, the Town Council ultimately approved a reduced maximum density of 30 units per acre and only changed the designation on this property, not the adjoining properties included in the study. Thus, the 150 units are well below the levels studied in the General Plan EIR.

  Moreover, this assertion is wrong as a matter of law. The density bonus law is specifically written to ensure that the bonus is calculated using the highest density allowed by either the general plan or zoning with no further discretionary entitlements or studies required (Government Code Section 65915(a)(2), (j)(1,2), (o)(2), (r). This provision of the housing law must be read in conjunction with Government Code Section 65583.2(i).

- Because Section 65583.2(i) refers to Section 65589.5(f) for rental projects, which reads, in relevant part, as follows:

  > "f)(1) Nothing in this section shall be construed to prohibit a local agency from requiring the development project to comply with objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the jurisdiction's share of the regional housing need pursuant to Section 65584. However, the development standards, conditions, and policies shall be applied to

facilitate and accommodate development at the density permitted on the site and proposed by the development."

Response: Section 65589.5 does not define what constitutes an "objective, quantifiable, written development standard" but a rational interpretation would include things like setbacks, floor area ratios, height limits, etc. that are found in the general plan or zoning ordinance. By example, in the density bonus law, "development standards" are defined to include "site or construction" conditions such as height, setbacks, floor area ratios or parking ratios. Government Code Section 65915(o)(1).

This interpretation makes even more sense when read in the entire context of Government Code Section 65589.5, which is perhaps the strictest anti-NIMBY law yet enacted by the state. The legislative intent of Section 65589.5(f) is made even more clear in its last sentence, which says that such objective standards "shall be applied to facilitate and accommodate development at the density permitted on the site *and proposed by the development.* (Emphasis added)"

In response to this legislative interpretation, the appeal does not identify any standards not being applied to the project. A review of the record shows that the Planning Commission was presented with evidence that all such standards were being met, with the exception of those requested as incentives under the density bonus: building height and floor area ratio.

- Because existing CC&Rs on the property preclude residential development. Response: There is no dispute that the private CC&Rs currently preclude residential development. The applicant and the other two parties to the CC&Rs are currently involved in litigation over the continuing validity of that provision. However, it is well established law that CC&Rs are a private contractual obligation between private owners that are separate and distinct from local governments zoning powers. While those private owners may enforce those CC&Rs, local government may not defer to those property owners, but must instead rely on their own standards. See, *Schulz v. Milne* (1994) 849 F. Supp. 708.

- Because some future owner could turn the units into condominiums.
  Response: There is no evidence in the record to suggest that such a conversion is anticipated and therefore, no basis to grant the appeal on that basis.

It should be noted that the five remaining grounds for appeal all hinge to a significant extent on whether the project is subject to CEQA. As described above in response to the first ground for appeal, the project is not subject to CEQA and that issue will not be repeated below.

2. Impacts to the creek and habitat could be significant and should be studied and mitigated or avoided.

The appeal identifies a number of concerns regarding potential impacts to the creek adjoining the property. As a preliminary matter, it is important to understand that the south side of the property is burdened by an access and maintenance easement in favor of the Contra Costa County Flood Control District. This means that the easement area must remain undeveloped, but also means that the Flood Control District controls anything occurring within the easement area.

As explained below, the project as reviewed, and with conditions of approval, complies with all applicable standards. The points raised by the appeal are:

- Compliance with California Fish and Game Code Section 1602.
  Response: This statute requires approval by the California Department of Fish and Wildlife for any of the specified activities impacting rivers or streams. The project plans were routed to Fish and Wildlife for their review and no comments were provided. As proposed, there would be no work in the creek, thus this statute does not apply at this point in time. However, should that change, the project would again be routed to Fish and Wildlife for their review.
- Contribution to Flood Control District improvements.
  Response: It appears that the appeal is referring to the drop structure owned and maintained by the Flood Control District downstream from the project site. All conditions of approval requested by the Flood Control District, including payment of mitigation fees, are incorporated into the project approval.
- Contribution to a nature preserve area.
  Response: Because of the existing flood control easement, it is not possible to install the improvements suggested by the appellants. Moreover, imposing a mitigation fee would not be legally possible as the Town has no such fee in place nor any nexus study to support such an exaction in any amount.
- Creek setbacks.
  Response: The appeal references Municipal Code Section 32-22.12(c) with regard to appropriate setbacks. This section applies only to single family developments and is inapplicable to this project. The relevant section is 32-45.21.1(f) (Downtown Business District 12) which requires that "Development along San Ramon Creek shall be set back to the extent feasible in order to accommodate a pedestrian path in vicinity of the top of bank of the creek." The approved project complies with this standard. The project plans were reviewed by the Flood Control District and they had no comments or concerns regarding structural setbacks.
  The appeal also referenced General Plan Policy 22.01 which talks about maintaining the natural quality of creeks. Along the frontage of the subject property, San Ramon Creek was long ago taken out of its natural state by the Flood

Control District. The creek was regraded and channelized. The top of bank is and must remain a paved flood control maintenance easement. Any tree removal within or adjoining the creek is at the sole discretion of the Flood Control District as they carry out their mandate to protect their asset.

- Concerns regarding project runoff/creek impacts.
  Response: As with any development project, the developer must comply with all applicable mitigation measures required by the regional and state water quality control boards. Conditions of Approval F.4, H.3, K.1-7, Q.4-6, 10-17 and Advisory Comments from the Flood Control District fully address this issue.
- Biological Impacts.
  Response: Conditions of Approval K.1-7 impose construction level requirements to address any potential impacts on flora and fauna.

3. Impacts to trees should be studied and mitigated or avoided.

As described in the Planning Commission staff reports, a preliminary tree study/analysis was prepared and submitted to the Town. The Planning Commission resolution approves a Tree Removal Permit, consistent with the Town's Tree Preservation Ordinance. As detailed in the report and in the project conditions of approval, the site contains 42 "protected" trees and 13 "heritage" trees. The approval allows for the removal of 20 protected and one heritage tree. The conditions of approval require an updated survey prior to any work on site that will address construction level details regarding mitigation, necessary protections for remaining trees, etc. That plan will be reviewed by a third party arborist. There is no need for additional information at this point.

4. Traffic impacts could be significant and should be studied and mitigated or avoided.

The appeal, in general terms, alleges that the traffic study for the project is inadequate. Before turning to specific issues raised, it is important to note that the study was prepared according to the Contra Costa Transportation Authority's (CCTA) Technical Procedures and CEQA, although the project is exempt from CEQA. The analysis was reviewed by both the Town's internal transportation staff and a third party traffic consultant. The conclusion is that the study meets all applicable technical standards and is a complete, adequate study. With regard to specific allegations:

- Increasing traffic projections.
  Response: The study projects traffic out through 2035 using CCTA's Countywide Model per the CCTA Technical Procedures. The Countywide Model is consistent with the Metropolitan Transportation Commission's (MTC) regional model.

- Ramp metering could increase congestion.
  Response: The appeal asserts that the installation of ramp meters on Diablo Road is planned and that installation of meters will significantly increase traffic on Diablo Road. This assertion is speculative. First, there is no identified timeline or process to install ramp meters. The appeal letter points to a 2016 Caltrans document, which identifies locations throughout the entire state that Caltrans believes may be appropriate for ramp metering in the future. For District 4 alone (the 9 Bay Area counties), the report shows a total of 637 planned ramp meters, including Diablo Road/I-680. Ramp metering has also historically been identified as a congestion mitigation strategy as identified in various studies for the I-680 corridor. However, due to concerns about ramp metering, its implementation in Danville will ultimately require policy-level concurrence both locally and sub-regionally. In addition, the Town's Transportation staff has conferred with CCTA staff and was told that implementation within the sub-region is not known as this time and would require preparation of a project study report ("PSR"), design and securing funding sources.
  With respect to potential impacts to roadways if metering is implemented, it is impossible to know what, if any, impacts there might be. Evolving technologies such as adaptive ramp metering would be implemented to integrate local arterial roadways with the freeway system in order to optimize freeway flow while preventing local roadway congestion. Absent a completed PSR and design of a future ramp metering system, it is premature to include a traffic impact analysis for purposes of the current project.
- Additional intersections should be added to the study.
  Response: Intersections included in the study area were based on a conservative approach to ensure that project traffic impacts were thoroughly captured and studied. The Diablo Road/I-680 northbound offramp was already included in the study. The Diablo Road/Camino Tassajara intersection is not included because the school district has not indicated any scenario where students from the project would attend Vista Grande Elementary School. As reflected in the project trip distribution and assignment analysis included in the study, intersections located at the outer limits of the study area were shown to have negligible project generated traffic. Considering the further dispersion of project trip assignments beyond the study area, there would be no significant impacts at additional intersections.
- Credit for bus system.
  Response: Town staff is not clear on what this allegation refers to. There is no express traffic credit for bus service contained in either the General Plan EIR or the project traffic study. The trip generation rate used for the study is the industry standard for apartments developed by the Institute of Transportation Engineers (ITE). Those rates are very conservative, as illustrated by this explanation found in the 9th Edition of the ITE Manual: "Data were primarily collected in suburban

locations having little to no transit service, nearby pedestrian amenities, or TDM programs."

- Inaccurate baseline.
  Response: While it is not entirely clear what this comment is aimed at, as discussed previously, the traffic study included in the 2030 General Plan EIR looked at 8.1 acres of development at slightly more than 47 units per acre (35 units per acre + 35% density bonus) for the entire south side of Diablo Road from I680 to Front Street. The site specific traffic study for this project studied 153 units, three more than ultimately approved.
- Inadequate parking.
  Response: As indicated in the Planning Commission staff reports, the project at 150 units meets the Town's parking requirements contained in the zoning ordinance. All of the required parking is provided on-site. The reference to payment of a "parking in lieu fee" is without merit as the Town only allows such a mechanism in other parts of the downtown. Dependence on off-site parking is not an option on this property and is not proposed by the applicant. It should also be pointed out that the applicant has not requested the less stringent parking standard guaranteed as part of the density bonus request. Government Code Section 65915(p).

5. Pedestrian and bike safety impacts could be significant and should be studied and mitigated or avoided.

This portion of the appeal describes a general concern that pedestrians and cyclists will be at greater risk due to the project, without any specific facts. There are existing sidewalks on both sides of Diablo Road and there is an existing Class II bike lane on the westbound direction of Diablo Road. Conditions of approval for the project require the applicant to construct a pathway along the western edge of the property connecting Diablo Road to the creek. The applicant is also conditioned to pay 50% of the cost of a new bridge to be installed by the Town (CIP Project C-596) across San Ramon Creek to connect the Town Green to the new pathway, thereby providing an alternative path for pedestrians and cyclists to reach the downtown.

6. Air quality impacts could be significant and should be studied and mitigated or avoided.

The appeal expresses the concern that future residents of the apartments could be exposed to health issues caused by proximity to I-680 and auto emissions. While the Town shares the concern for the health of its future residents, this basis for appeal is without merit for the following reasons:

- The General Plan policies cited in the appeal (34.04 and 34.06) both reflect the fact that they are tied to CEQA. Because CEQA does not apply to this project, the

policies are of limited value.

- Even if CEQA did apply, there is a question of whether it would even require study of the existing impacts of I-680 to residents of the project. *California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369.
- Condition of Approval P.3 (page 39 of the Planning Commission resolution) does require the applicant to comply with any applicable standards of the Bay Area Air Quality Management District regarding exposure to contaminants. This is the extent to which the Town may condition the project on this subject.

Additional Issues raised during public comment not contained in appeal

In addition to the issues raised in the appeal, there are a handful of other issues and questions that have been raised in prior public hearings that warrant some discussion.

School impacts

A number of speakers expressed concern that the project would create overcrowding at the local schools. There is no evidence to support this concern. According to the most recent enrollment projections for the San Ramon Valley Unified School District (March 2016) , there is adequate room at the affected schools to accommodate the number of students that would be generated by the project.

However, even if there were a projected lack of classroom space, state law prohibits the Town from taking that into consideration in reviewing the application. Legislation dating back to 1998 provides that the exclusive mitigation for school impacts of development are the impact fees that are charged by the local school district. Cities and counties are prohibited from taking any further actions. Government Code Section 65996.

Crime

Several speakers expressed a concern that approval of the project could lead to increased crime within the Town. First, it is important to remember that crime rates within Danville in 2016 hit an all-time low, with property crimes declining by 26% below 2015. Second, the Town currently has approximately 950 multi-family residential units (including several occupied by residents utilizing Section 8 vouchers) and the Police Department has no evidence to show that there is any greater incidence of crime associated with this type of housing. Finally, it should be pointed out that of the 150 units in the project, only 13 would be restricted based on income. The remaining 137 units will be rented at market rates.

PUBLIC CONTACT

Notice of this hearing was mailed to all property owners within 750 feet of the exterior boundary of the subject party and to other interested parties. Posting of the meeting agenda serves as notice to the general public.

FISCAL IMPACT

None.

RECOMMENDATION

Adopt Resolution No. 32-2017, denying the appeal filed by Danville Citizens for Responsible Growth and upholding the Planning Commission's approval of Final Development Plan Request DEV 16-0014 (373-383 Diablo Road-APN 216-120-037).

Prepared by:

Kevin J. Gailey
Chief of Planning

Robert B. Ewing
City Attorney

Attachments: A-Resolution No. 32-2017
B-Appeal Letter
C-Map of Housing Opportunity Sites
D-Planning Commission Staff Report and attachments 1/24/17
E-Planning Commission Staff Report and attachments 2/28/17

RESOLUTION NO. 32-2017

DENYING THE APPEAL FILED BY DANVILLE CITIZENS FOR RESPONSIBLE GROWTH AND UPHOLDING THE PLANNING COMMISSION'S APPROVAL OF FINAL DEVELOPMENT PLAN REQUEST DEV 16-0014 (373-383 DIABLO ROAD-APN 216-120-037)

WHEREAS, Danville Office Partners, LLC owns the property located at 373-383 Diablo Road (APN 216-120-037) in Danville and is the applicant for a 150-unit multifamily, for-rent residential project, including a density bonus pursuant to Government Code Section 65915 (DEV 16-0014); and

WHEREAS, in order to satisfy its Regional Housing Needs Allocation (RHNA) obligation, the Town of Danville designated the subject property in the Town's 2030 General Plan as DBD: Downtown Business District Area 12-Multifamily Residential High Density (25-30 units per acre) and subsequently changed the zoning on the property to match the General Plan designation; and

WHEREAS, as a result of these legislative acts, residential development at the specified density was established as a use by right; and

WHEREAS, on February 28, 2017, the Town's Planning Commission unanimously adopted Planning Commission Resolution No. 2017-01, approving DEV 16-0014, based on the findings and subject to the conditions of approval contained in the resolution; and

WHEREAS, on March 9, 2017, Danville Citizens for Responsible Growth filed a timely appeal of the Planning Commission's decision; and

WHEREAS, the Town Council held a noticed, public hearing to consider the appeal on April 18, 2017 and considered all written and oral testimony and evidence presented; now, therefore, be it

RESOLVED, that the Danville Town Council hereby denies the appeal filed by Danville Citizens for Responsible Growth, based on the following findings;

1. The Town of Danville took legislative action to establish General Plan and zoning designations for the subject property allowing multifamily residential development at a density of 25-30 units per acre. Collectively, these actions created residential development at this density as a "use by right."
2. The potential environmental impacts of these actions were studied in the Environmental Impact Report (EIR) certified by the Town Council for the adoption of the 2030 General Plan. That EIR looked at the potential impacts of adding 338 new residential units on the south side of Diablo Road between I-680 and Front Street.

ATTACHMENT A

3. These actions were taken by the Town in order to satisfy, in part, the Town's Regional Housing Needs Allocation (RHNA) assigned by the State of California and the Association of Bay Area Governments for the 2007-2014 and 2014-2022 Housing Elements.
4. As a result of these legislative actions to comply with the State Housing Law, Government Code Section 65583.2(i) is applicable to the current application. Pursuant to that statute, the application is not subject to any discretionary review, other than design review, and is not a project for purposes of the California Environmental Quality Act (CEQA).
5. On September 16, 2015, the Town sent a letter to ROEM Development Corporation (the initial applicant for this project) which set forth how the Town would process an application and the findings that would be necessary to approve the project in light of Government Code Section 65583.2(i). That letter (the "Processing Letter") has served as the basis for the Town's review and consideration of the project.
6. Government Code Section 65589.5(f), referenced in both Section 65583.2(i) and the appeal letter, states that the project must comply with all "objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the jurisdiction's share of the regional housing need pursuant to Section 65584." With the exception of the density bonus concessions for floor area ratio (FAR) and height, the project complies with all such applicable standards.
7. The project has invoked a density bonus, including two incentives, consistent with the requirements of Government Code Section 65915.
8. The Town Council finds that the project, with the applicable conditions of approval, conforms to all applicable Town General Plan and zoning ordinance requirements, including, but not limited to, creek and tree preservation and air quality.
9. The Town Council finds that the traffic study for the project conforms to the Technical Procedures of the Contra Costa Transportation Authority and is a complete, adequate study of the potential traffic impacts of the project.

and, be it further

RESOLVED, that the Danville Town Council, in affirming the Planning Commission's approval of the project, adopts the findings and conditions of approval contained in Planning Commission Resolution No. 2017-01, a copy of which is attached hereto and incorporated herein by reference.

APPROVED by the Danville Town Council at a regular meeting on April 18, 2017, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

ATTEST:

CITY CLERK

PLANNING COMMISSION RESOLUTION NO. 2017-01
APPROVING FINAL DEVELOPMENT PLAN REQUEST DEV16-0014 (USE BY RIGHT-GOVT. CODE 65583.2(i))
(373-383 Diablo Road - APN: 216-120-037)

WHEREAS, Danville Office Partners, LLC (Property Owner and Applicant) is the owner of the property located at 373-383 Diablo Road (APN 216-120-037), located along the south side of Diablo Road, abutting the west side of the southbound onramp from Diablo Road to I-680 and also abutting the north side of a section of San Ramon Creek and is seeking approval of a 150-unit multifamily, for-rent residential project, with 13 of the 150 units being set aside for very-low income households; and

WHEREAS, the property is designated in the Town's 2030 General Plan as DBD; Downtown Business District Area 12 - Multifamily Residential High Density (25-30 units per acre); and

WHEREAS, subsequent to adoption of the 2030 General Plan, the Town adopted Zoning Text Amendment and Preliminary Development Plan - Rezoning request LEG13-02 (ZTA & PUD, Resolution No. 92-2013) which was required to ensure the zoning for the property was consistent with the General Plan designation. This rezoning amended Division 32-45 *DBD; Downtown Business District* of the Danville Municipal Code to create development standards for the newly created Area 12 - Multifamily Residential High Density land use designation of the 2030 Plan and established development criteria and standards for the property in order to ensure consistency with the 2030 General Plan; and

WHEREAS, the Environmental Impact Report certified in conjunction with the review and approval of the Danville 2030 General Plan in March 2013 (the General Plan EIR) provided the CEQA review for the proposed change in the project site's land use designation in the general plan from an office designation to a multifamily high density designation; and

WHEREAS, future development within the Town of Danville must conform to the 2030 Plan and related development regulations, with each development proposal required to be accompanied by a finding of general plan conformity and a citation of the relevant policies in the 2030 Plan which are the basis for action; and

WHEREAS, as part of the State Housing Law, local agencies face certain constraints in reviewing residential developments, particularly those that have been identified in the agency's General Plan as being housing opportunity sites ("HOS") necessary to satisfy regional housing needs; and

WHEREAS, Government Code Section 65583.2(i) is one such provision in the State Housing Law and reads as follows: "(i) For purposes of this section and Section 65583, the phrase "use by right" shall mean that the local government's review of the owner-occupied or multifamily residential use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Any subdivision of the sites shall be subject to all laws, including, but not limited to, the local government ordinance implementing the Subdivision Map Act. A local ordinance may provide that "use by right" does not exempt the use from design review. However, that design review shall not constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Use by right for all rental multifamily residential housing shall be provided in accordance with subdivision (f) of Section 65589.5."; and

WHEREAS, because the project is on an HOS identified by the Town and proposes multi-family uses with no subdivision, it falls within the scope of Government Code Section 65583.2(i) and as such, is not subject to the Town's normal processing for a final development plan; and

WHEREAS, in order to comply with Government Code Section 65583.2(i) within the parameters of the Town's existing regulations, the Town developed project-specific processing steps which are laid out in a letter dated September 16, 2015 (attached to the Planning Commission Staff Report for DEV16-0014), which is incorporated herein by this reference; and

WHEREAS, the September 16, 2015 processing letter indicates that the project will be processed as a "Final Development Plan (Use by Right-Govt. Code 65583.2(i)" (hereafter, a "Modified Final Development Plan"), that the development is not a project for CEQA purposes (and thus exempt from CEQA review) and that the Town would make specified findings in considering the project; and

WHEREAS, as part of the Modified Final Development Plan, the applicant has requested a density bonus as permitted by state law be applied to the project through the approval of DEV16-0014, with the applicant seeking up to a 35.0% increase to the otherwise allowable maximum project unit density; and

WHEREAS, consistent with state regulations governing a density bonus project, the applicant is eligible to request two development concessions, but as part of the application is requesting only one concession, that being a request for relief from the maximum applicable floor area ratio (FAR) standard for conditioned space that would apply to the project site as the applicant seeks approval of an 88.4% FAR where the maximum FAR standard under the site's DBD Area 12 zoning is an 80.0% FAR; and

WHEREAS, consistent with state regulations governing a density bonus project, the applicant is also eligible for a waiver or reduction in development standards. The waiver sought by the applicant, is a request for modification of the maximum allowable building height as provided for under the Danville 2030 General Plan as the applicant seeks approval for use of a 37′ maximum building height where the Danville 2030 General Plan sets the maximum allowable building height at 35′; and

WHEREAS, Modified Final Development Plan request DEV16-0014 includes a request for authorization to remove on site trees that qualify as protected trees under the Town's Tree Preservation Ordinance due to their size and/or species; and

WHEREAS, on October 27, 2016 after a noticed public hearing, the Town's Design Review Board recommended that the Planning Commission approve the architecture and design of the project; and

WHEREAS, a staff report was submitted recommending that the Planning Commission approve the project; and

WHEREAS, the public notice of this action was given in all respects as required by law; and

WHEREAS, during their deliberation of the project, the Planning Commission acknowledged statements made by the applicant indicating his willingness to work with the Town relative the mix of unit types making up the thirteen affordable units to be provided in the project to assure a mix of units is offered that is a representative cross section of the types of units to be offered in the project; and

WHEREAS, in recognition of this expressed commitment by the applicant, the Planning Commission encourages the Town Council, through its subsequent effort to review and approve an affordable housing agreement for the project that provides direction on the development and occupancy restrictions of the project's affordable housing units, to have the agreement specify a mix of unit types for the thirteen units in the project to be reserved as the affordable units be a mix of units that is a representative cross section of the types of units to be offered in the project; and

WHEREAS, the Danville Planning Commission did hear and consider all reports, recommendations, and testimony submitted in writing and presented at the hearing concerning the project at a noticed public hearing on January 24, 2017; therefore, be it

RESOLVED that the Danville Planning Commission approves the Modified Final Development Plan request DEV16-0014, per the conditions of approval contained herein, and makes the following findings in support of this action:

FINDINGS OF APPROVAL:

Modified Final Development Plan Request

1. The property owner/applicant intends to obtain permits for construction within 36 months from the effective date of the approval of Modified Final Development Plan request DEV16-0014.

2. The development will be an attractive and efficient development which will fit harmoniously into and will have no adverse effects upon the adjacent or surrounding development. The project is surrounded by existing commercial buildings to the north and multifamily housing to the west. The project is set back a considerable distance and is largely screened from the view of Diablo Road.

3. The project is substantially consistent with the DBD; Downtown Business District Area 12 - Multifamily Residential High Density (25-30 units per acre) zoning standards.

4. The project as conditioned and approved is substantially consistent with the site specific zoning development criteria and standards contained in LEG13-02 (ZTA & PUD).

5. The project is consistent with the provisions of Government Code Section 65583.2(i) as it is located on a Housing Opportunity Site identified in the Town's 2030 General Plan and Housing Element and it proposes multifamily housing with no subdivision of land.

6. Consistent with Government Code Section 65583.2(i), the Modified Final Development Plan is not project under CEQA.

7. The proposed project will not be detrimental to the health, safety, and general welfare of the Town. The project as conditioned is consistent with all applicable Town standards and regulations.

8. The one concession and one waiver of development standards requested as part of the density bonus associated with the project are consistent with Government Code Section 65915(d) and are hereby approved.

9. The development proposal is in substantial conformance with the goals and policies of the Danville 2030 General Plan and the Downtown Master Plan, with specific conformance to the following goals and policies acknowledged through adoption of this finding:

a. Policy 1.03 - Recognize the need for suitably located housing, civic facilities, and services for all age groups within the community.

b. Policy 1.04 - Generally guide higher density residential development to locations within convenient walking distance of shopping centers and public transportation. *The project is located in walking distance to the Green Valley Shopping Center as well as downtown Danville and bus stops for County Connection Route 21.*

c. Policy 2.01 - Achieve a high standard of residential design through project review and approval for all new residential developments.

d. Policy 2.07 - Improve the appearance of the community by encouraging aesthetically designed buildings, screening, adequate setbacks, and landscaping.

e. Policy 3.07 - Where appropriate, encourage the use of shared circulation and parking. *As conditioned, the project provides an opportunity for future shared circulation with the adjoining Janlois property.*

f. Policy 3.08 – Encourage the reuse of vacant and underutilized commercial buildings for more economically productive purposes, including new businesses, housing, and mixed use development. *Development of multi-family housing on the site furthers the objective of this goal.*

g. Goal 4 Downtown Danville - Enhance Downtown Danville and its environs as the center of town, with a mix of retail, office, residential, civic, and open space uses. Downtown should be a more vibrant and successful center, with more walkable streets, opportunities to live and work close to public transportation and shopping, and new housing for persons of all incomes and ages.

h. Goal 5 Housing - Protect the quality of Danville's residential neighborhoods while providing opportunities for new housing that meets community needs. *The project provides new multifamily housing necessary to satisfy the Town's obligations for provision of such housing while separating the project from existing single family residential districts.*

i. Policy 5.03 - Through development and implementation of various housing programs, enable the development of affordable housing at a wide range of densities in a variety of locations.

j. Policy 5.06 - Protect the long-term affordability of existing housing units built through the Town's affordable housing programs.

k. Policy 6.02 - Give priority to developing vacant or underused land within the Town limits prior to extending development outside, unless the needs for housing and economic vitality require development that is difficult to achieve on an infill basis.

l. Policy 6.06 - Implement the programs necessary to ensure that the Town of Danville receives its "return-to-source" funds from the sales tax revenues collected through County Measure J.

m. Policy 6.08 - Continue to implement a development mitigation program which ensures that development projects pay their share of the costs of local services (such as roads, parks, fire, police, sanitary sewer, water, and flood control facilities) associated with that development. New development projects may only be approved where the Town finds that adopted minimum performance standards will be observed. *Subject to conditions of approval requiring, among other things, the payment of school impact fees, park and traffic mitigation fees and contributing towards the construction of a pedestrian/bicycle bridge with associated pathways linking Diablo Road to the Town Library/Community Center, the project observes all applicable performance standards.*

n. Policy 7.10 - Consistent with the Housing Element of the General Plan, continue to expand housing opportunities for all income groups. As required by County Measure J, the Town will biannually report to the CCTA on its progress in providing housing opportunities, and its efforts to reduce the impacts of such housing on the transportation system. *The project furthers the goals of the Housing Element, providing multi-family uses near transportation.*

o. Policy 9.11 - Explore opportunities to reuse underperforming or underutilized commercial uses with more economically productive uses that are compatible in scale and character with their surroundings.

p. Goal 11 Multi-Modal Circulation System - Provide a safe, efficient multi-modal circulation system. *The project is required to dedicate easements, construct a pathway and pay towards construction of a pedestrian/bicycle bridge connecting Diablo Road to the Town Library/Community Center. This new access point to civic facilities and the downtown will greatly enhance access for pedestrians and cyclists.*

q. Policy 11.03 - Implement physical and operational improvements to improve the transportation system. Such improvements should be: (1) consistent with the need to preserve the character of residential streets and neighborhoods; (2) sensitive to the requirements of bicycles and pedestrians; and (3) consistent with the goal of encouraging alternative modes of travel, whenever feasible. *The project is required to dedicate easements, construct a pathway and pay towards construction of a pedestrian/bicycle bridge connecting Diablo Road to the Town Library/Community Center. This new access point to civic facilities and the downtown will greatly enhance access for pedestrians and cyclists.*

r. Policy 11.06 - Create a connected circulation system in which it becomes easier to walk or bicycle from one point in Danville to another. On cul-de-sacs and dead-end streets, encourage pedestrian and bicycle paths that extend through to nearby streets, making it easier to reach destinations such as schools, parks, shopping, and public transit. *The project is required to dedicate easements, construct a pathway and pay towards construction of a*

pedestrian/bicycle bridge connecting Diablo Road to the Town Library/Community Center. This new access point to civic facilities and the downtown will greatly enhance access for pedestrians and cyclists.

s. Goal 12 Complete Streets - Create walkable neighborhoods and shopping areas, with streets that safely and comfortably accommodate pedestrians, bicyclists, and transit users as well as motor vehicles. *The project is required to dedicate easements, construct a pathway and pay towards construction of a pedestrian/bicycle bridge connecting Diablo Road to the Town Library/Community Center. This new access point to civic facilities and the downtown will greatly enhance access for pedestrians and cyclists.*

t. Policy 12.01 - Design major roadways to function as "complete streets" which balance the needs of automobiles with the needs of pedestrians, bicyclists, transit users and other forms of travel.

u. Policy 12.02 - Require design measures to accommodate access by pedestrians, bicycles, and transit within new development, and to provide connection to adjacent development.

v. Policy 12.03 - Provide a pleasant and safe environment for pedestrian movement.

w. Policy 12.05 - Limit the number of curb cuts and other access points along arterial streets to avoid congestion and improve traffic pedestrian safety.

x. Policy 12.07 - Close the gaps in the Town's bicycle and pedestrian trail system in order to create a more fully connected, logical, comprehensive system of facilities for non-motorized transportation. *The project is required to dedicate easements, construct a pathway and pay towards construction of a pedestrian/bicycle bridge connecting Diablo Road to the Town Library/Community Center. This new access point to civic facilities and the downtown will greatly enhance access for pedestrians and cyclists.*

y. Policy 12.08 - Ensure the provision of adequate bicycle support facilities such as bicycle parking, at all major bicycle usage locations.

z. Policy 12.11 - Recognize the benefits of walking and bicycling to public health and the overall livability of Danville. *The project is required to dedicate easements, construct a pathway and pay towards construction of a pedestrian/bicycle bridge connecting Diablo Road to the Town Library/Community Center. This new access point to civic facilities and the downtown will greatly enhance access for pedestrians and cyclists.*

aa. Policy 12.12 - To the extent permitted by law, ensure that the Town's transportation improvement fees may be used to support pedestrian, bicycle, and transit improvements as well as road improvements.

bb. Goal 13 Transportation Choice - Create viable transportation alternatives to the single occupant automobile.

cc. Policy13.05 - Create and maintain a safe, effective system of bikeways, including an integrated network of off-road bicycle trails, dedicated on-road bicycle lanes and signed bicycle routes along Danville streets.

dd. Policy13.09 - Improve access to Downtown Danville for transit-dependent workers, seniors, and persons traveling without an automobile. *The bridge and pathway referenced above will provide a safer, more direct means for pedestrians and cyclists to travel from the Iron Horse Trail and civic facilities to Diablo Road.*

ee. Policy 14.02 - Require site-specific traffic studies for development that is likely to generate significant volumes of traffic. If such studies indicate that the development could cause the Town's transportation standards-to be exceeded, require modifications to the project and/or impose transportation improvements requirements which ensure that level of service standards are maintained. *The project is required to contribute towards a potential future traffic signal which would ensure better traffic flow along Diablo Road.*

ff. Policy 14.03 – Maintain level of service (LOS) standards for Danville streets which balance vehicle speed and travel time objectives with other considerations, such as safety and comfort of pedestrians, bicyclists, and transit users. Standards may vary according to roadway function and the character of the surrounding uses.

gg. Policy 14.05 - As a means of reducing peak hour trips, encourage owner/resident operated home occupations and telecommuting from home where the business is not perceptible from the exterior of the home.

hh. Policy 15.03 - Require the design of streets in new development areas to incorporate traffic calming features.

ii. Policy 17.14 - Enhance Danville's trail system by closing gaps in the existing system, providing adequate access points, and extending trails to achieve better connectivity to all areas of the town. The trail system should be logical, comprehensive and user friendly and should provide a variety of trail experiences, including opportunities for exercise, encounters with nature, and social walking.

jj. Policy 17.15 - Public access easements shall be provided to designated public open space areas and along creeks and stream, where appropriate. Where appropriate and consistent with adopted trail plans, conditions of approval for new development should include requirements for land dedications and public access easements for trails. *The bridge and easements described above will assist in closing gaps in the trail system along San Ramon Creek.*

kk. Policy 17.21 - Recognize the benefits of trails as an alternative transportation mode and integral part of the Town's strategy for reducing greenhouse gas emissions, as well as their role as a recreational amenity.

ll. Policy 19.01 - Require new development to pay its fair share of the cost of civic and community facilities, based on the impacts attributed to that development.

mm. Policy 20.05 - Continue to provide for flood control, protection from erosion and siltation, and improvements to urban runoff as required by federal law. Continue to explore the recreational potential of flood control facilities and waterways, consistent with public safety and security, and stress aesthetic treatment of necessary facilities. *The project will be required to work with the Contra Costa County Flood Control District to ensure continued safety along San Ramon Creek.*

nn. Policy 21.10 - Require a biological assessment for development proposed on sites that are determined to have the potential to contain special-status species, sensitive natural communities, or wetland resources. *Project conditions of approval require such a study.*

oo. Policy 22.01 - Maintain and enhance the natural quality of Danville's creeks, including the riparian vegetation along the banks. Setbacks should be maintained along creeks to maintain their natural appearance, reduce erosion and flood hazards, and protect their ecological functions.

pp. Policy 22.02 – Require qualifying new development projects and redevelopment projects to comply with the Municipal Regional Permit for stormwater control and treatment.

qq. Policy 23.05 – Continue cooperative planning and implementation efforts at the countywide level to ensure that qualifying new development projects and redevelopment projects comply with the hydro-modification plan/program requirements imposed through the Municipal Regional Permit.

rr. Policy 27.02 - Require acoustical studies for major residential and other development projects, as appropriate, and impose noise mitigation measures accordingly.

ss. Policy 27.09 - Generally maintain exterior noise levels below 60 Ldn in areas where outdoor use is a major consideration, such as in residential backyards. Where the Town determines that this level cannot be achieved after reasonable mitigation has been applied, higher standards may be permitted at the discretion of the Town Council. In such cases, indoor noise levels should not exceed an Ldn of 45 dB.

tt. Policy 27.11 - Ensure that the design of new development near major noise sources (such as Interstate 680) reduces the potential for future occupants to be exposed to high levels of noise. Development on such properties should incorporate appropriate noise mitigation measures.

uu. Policy 27.13 - Utilize noise reduction measures during all phases of construction activity to minimize the exposure of neighboring properties to excessive noise levels.

vv. Policy 31.06 - Require new and rehabilitated multifamily developments to provide on-site shared collection bins for recyclable and compostable waste.

ww. Policy 32.06 - Encourage the use of permeable pavers for parking lots, driveways, walkways and other paved surfaces as a way to absorb stormwater, recharge the aquifer, and reduce urban runoff.

xx. Policy 33.04 - During the development review process, impose appropriate mitigation measures on new development to reduce greenhouse gas emissions.

yy. Policy 34.04 - Consistent with CEQA and the measures necessary to mitigate General Plan impacts, require site-specific air quality studies for future development under the Plan that includes sensitive receptors (such as schools, hospitals, daycare centers, or retirement homes) located within a designated buffer area along Interstate 680.

zz. Policy 34.06 - Consistent with CEQA measures necessary to mitigate General Plan impacts, require indoor air filtration systems to reduce particulate concentrations to acceptable levels for projects where there would be a significant cancer risk exposure as defined by BAAQMD.

Tree Removal Permit Request

Based on the preliminary tree report prepared for the project, there are 42 trees within, or adjacent to, the project site that qualify as "protected" trees and there are 13 trees that qualify as "heritage" trees, with four trees appearing on both lists and considered to be both "protected" and "heritage" trees. Based on the preliminary site plan and preliminary grading plan, project development would result in the removal of 20 "protected" trees and one "heritage" tree, being trees with an aggregate dimension at a trunk height of 54" of approximately 433" and including 19 London Plane trees, one Western Sycamore tree, and two Valley Oaks (12' and 24" in respective diameter). The precise location, number, and makeup of "protected" trees and "heritage" trees that would be removed as a result of the construction of the project will be determined fully prior to issuance of a grading permit or a building permit for the project.

The removal of onsite "protected" trees and "heritage" trees whose location is in direct conflict with the approved project improvements is approved as part of the approval for DEV16-0014 based on the following findings set forth in Municipal Code Section 32-79.6:

1. Necessity. Removal of the "protected" and "heritage" trees is necessary to accommodate the proposed residential development of the property, including the creation of a new roadway system, project at-grade parking, and grading to create the residential structures and associated podium parking garage. The project size, including the use of the podium parking garage, has been reduced as much as feasible given the permitted density and the state authorized density bonus.

2. Erosion/surface water flow. Removal of the "protected" and "heritage" trees will not cause significant soil erosion or cause a significant diversion or increase in the flow of surface water. The installation of mandated C-3 stormwater retention improvements (no such improvements currently exist on-site) along with planting of new trees and landscaping will minimize any potential erosion.

3. Visual effects. The project site contains some number of existing trees that will be retained and is surrounded by a significant number of additional mature trees, including additional Town-protected Oak trees that would not be removed for the project. In addition, the project developer will be required to mitigate the loss of "protected" and "heritage" trees that will be removed with trees of an approved species and of a cumulative number and diameter necessary to equal the diameter of the tree(s) which have been approved for removal in accordance with the Town's Tree Preservation Ordinance.

4. Removal of the "protected" and "heritage" trees will not significantly affect off-site shade or adversely affect privacy between properties due to the site's topography, the other trees that would remain, the locations of the trees in relation to other properties, and the planting of new project trees.

CONDITIONS OF APPROVAL

Conditions of approval with an asterisk ("") in the left-hand column are standard project conditions of approval. Unless otherwise specified, the following conditions shall be complied with prior to issuance of grading or building permits for the project. Each item is subject to Town review and approval unless otherwise specified.*

A. GENERAL

1. This approval is for Modified Final Development Plan request DEV16-0014, with said approval also serving as authorization to remove "protected" and "heritage" trees to facilitate the development of the approved multifamily residential project. Development shall be substantially as shown on the project drawings and project studies as follows:

   (a) Preliminary Architectural Plans labeled "Riverwalk at Downtown Danville," depicting the proposed development as prepared by LCA Architects and consisting of 17 sheets dated November 22, 2016.

   (b) Project Civil Engineering Drawings, depicting existing conditions and preliminary project plans for grading and drainage, utilities, stormwater control, and stormwater treatment analysis, as prepared by BKF Engineers, Surveyors and Planners and consisting of seven sheets and dated November 14, 2016 or November 17, 2016.

(c) Landscape Site Plan, as prepared by LCA Architects and consisting of one sheet dated September 20, 2016.

2. This entitlement includes the authorization to deviate from otherwise applicable DBD Area 12 maximum building height standards and maximum floor area ratio (FAR) zoning standards, with said deviation authorized as concessions/waivers provided under State and local density bonus regulations.

3. The project developer shall be responsible for the payment of all development processing fees and impact fees associated with the project and may seek offsets for the current use of the property as authorized by the applicable regulation or fee. The fee amounts to be paid shall be reflective of the fee schedules in effect at the time payment is made, with fees to be paid prior to issuance of grading or building permits. In addition to building permit plan check and inspection fees, notice should be taken of the following processing fee and impact fee categories that will be applicable to the project – with this listing not necessarily to be construed as a complete listing of applicable fees:

(a) Improvement Plan Check Fee (3% of cost estimate)
(b) Engineering Inspection Fee (5% of cost estimate)
(c) Grading Plan Check, Inspection and Permit
(d) Child Care Facilities - Residential ($115 per unit)
(e) Parkland In-lieu Fee – Residential ($6,124 per unit)
(f) Storm Water Pollution Program Fee ($228 per structure)
(g) SCC Regional Fee - Residential ($1,349 per unit)
(h) Residential Trans. Improvement Program Fee ($1,400 per unit)
(i) Tri-Valley Transportation Fee - Residential ($2,951 per unit)

* 4. Prior to submittal for building permits, but in no case later than thirty days of the effective date of this approval, the project developer shall reimburse the Town for notifying surrounding residents and interested parties for notification of the public hearing for the project. The fee shall be $241.22 ($130.00 plus 134 notices at $0.83 per notice).

* 5. Prior to any construction work on the site, including preliminary site clearing or site grading, the project developer shall install a sign (minimum dimensions of 3'x3') at the project entry which specifies the allowable construction work days and hours and lists the company name, phone number, and contact person for the overall project manager and for all contractors and sub-contractors working on the job.

6. Prior to the issuance of grading or building permits, the project developer shall submit written documentation that all requirements of the San Ramon Valley Fire Protection District have been, or will be, met to the satisfaction of the District. The District's initial comments on this project are dated November 28, 2016 were received by the Town in response to the Town's "Request for Comments" mailing of November 16, 2016. [Note: See Advisory Comment #6 for District's advisory comments.]

7. Prior to the issuance of building permits for the residential portion of the project, the project developer shall verify that payment of the applicable school impact fees have been paid to the San Ramon Valley Unified School District. The District's comments on this project are dated December 1, 2016 and were received by the Town in response to the Town's "Request for Comments" mailing of November 16, 2016. [Note: See Advisory Comment #5 for summation of the District's comments.]

8. The project developer shall make payment of a $2,216.25 California Department of Fish and Wildlife (CDFW) CEQA Environmental Document Filing Fee within four days of the effective date of the project approval, unless the project developer submits to the Town of Danville a written explanation as to the basis, under Cal. Code Regs., tit. 14, §§ 15260-15333 and Fish & G. Code, § 711.4, subd. (d)(1), that the project is exempt from paying filing fee. A copy of this written explanation shall concurrently be forwarded to CDFW.

9. In the event that subsurface archeological remains are discovered during any construction or pre-construction activities on the site: (a) all land alteration work within 100 feet of the find shall be halted; (b) the Town of Danville Development Services Department shall be notified; and (c) a professional archeologist, certified by the Society of California Archeology and/or the Society of Professional Archeology, shall be notified. Site work in this area shall not occur until the archeologist has had an opportunity to evaluate the significance of the find and to outline appropriate mitigation measures, if they are deemed necessary. If prehistoric archaeological deposits are discovered during development of the site, local Native American organizations shall be consulted and involved in making resource management decisions.

10. The developer shall provide security fencing, to the satisfaction of the City Engineer and/or the Chief Building Official, around the site during construction of the project. All security fencing shall be fitted with woven polyethylene privacy and windscreen fabric, 85% minimum closed mesh with grommets for securing to chain link fabric.

* 11. A watering program, which incorporates the use of a dust suppressant and which complies with Regulation 2 of the Bay Area Air Quality Management District, shall be established and implemented for all on- and off-site construction activities. Equipment and human resources for watering all exposed or disturbed soil surfaces shall be supplied on weekends and holidays as well as workdays. Dust-producing activities shall be discontinued during high wind periods.

* 12. All physical improvements shall be in place prior to occupancy of any building in the project. If occupancy within the project is requested to occur in phases, all physical improvements serving that phase shall be required to be in place prior to occupancy, except for items specifically excluded in a construction-phases occupancy plan approved by the Danville Development Services Department. No building shall be occupied until heavy construction activity in the adjoining area is complete, the area to be occupied is determined to be safe, accessible, provided with all reasonably expected services and amenities, and is appropriately separated from remaining additional construction activity.

* 13. As part of the initial submittal for the demolition permit and/or building permit review process (whichever occurs first), the project developer shall submit a written Compliance Report detailing how the conditions of approval for this project have been complied with. This report shall list each condition of approval followed by a description of what the developer has provided as evidence of compliance with that condition. The report is subject to review and approval by the City Engineer, Chief of Planning, and/or Chief Building Official, and may be rejected if it is determined to not be comprehensive with respect to the applicable conditions of approval.

14. The residential units developed in the project may be used for home occupation uses, as that activity is defined in Section 32-2.2 ("Words and Phrases Defined") of the Danville Municipal Code and as regulated in Section 32-22.5.b. ("Home Occupation" requirements) of the Danville Municipal Code. Any home occupation use established shall be clearly ancillary to the primary, residential use of the unit it is located within. Home occupation compliance reports shall be processed for each proposed home occupation through the Planning Division and business license applications shall be processed through the Finance Department before the home occupation use is established.

* 15. Planning Division approval is required prior to final occupancy being authorized for any building in the project by the Building Division.

16. The developer shall create a construction staging plan that addresses the ingress and egress location for all construction vehicles, parking and material storage area. This plan shall be subject to review and approval by the Danville Development Services Department prior to the issuance of a demolition permit, grading permit, or building permit. No staging or storage shall occur in the public right-of-way or on publically owned property unless preauthorization is secured from the Engineering Division through an encroachment permit.

17. No post-completion exterior modifications to buildings established in the project shall occur without prior review and approval of a Revised Modified Final Development Plan application, which may be processed as an administrative permit if the Danville Development Services Department determines the request does not constitute a significant alteration to the affected building.

18. Prior to the issuance of grading permits, the project developer shall retain a specialist to assess rodent control impacts anticipated to be associated with grading activity and installation of project improvements. As deemed necessary, following the Planning Division's review of the specialist's assessment, the project developer shall develop and implement the corresponding rodent control plan to reduce impacts to surrounding properties to the extent reasonably possible for the time periods of heavy construction activity. The report shall include a schedule for regular rodent inspections and mitigation based on the development schedule for the project. This rodent control plan is subject to review and approval by the Planning Division.

19. The project developer shall be responsible for washing the exterior of abutting residential and office structures and cleaning pools, patios, etc. at the completion of project mass grading activity. The structures to receive cleaning, the extent of the cleaning efforts to be performed, and the timing of such cleaning shall be subject to review and approval by the Planning Division.

B. SITE PLANNING

1. Exterior wall-mounted lighting shall be at the minimum lighting intensity necessary to provide adequate lighting for safety and security purposes. Project light fixtures shall be of a design that generally screens the view of the light source and provides down-directed lighting. Prior to the issuance of building permits, the project developer shall submit a photometric plan as part of the lighting plan that indicates lighting locations and fixture

details and provides the corresponding photometric information. This plan shall be subject to review and approval by the Danville Development Services Department and the Design Review Board (DRB). If required by the Planning Division and/or the DRB, field modifications found necessary to prevent inappropriate levels of off-site light intrusion and/or glare shall be made.

2. The location of any pad mounted electrical transformers, if different than shown on the plans referenced in Condition A.1 above, shall be subject to review and approval by the Danville Development Services Department and DRB prior to the issuance of a building permit. Unless determined not feasible by these reviewing bodies, such transformers shall not be located between any street and the front of a building and shall be adequately screened and mitigated with appropriate landscaping.

3. The raised center landscape median proposed for inclusion in western project entry driveway off of Diablo Road shall be modified to eliminate conflicts with existing parking spaces along the eastern edge of the western entry driveway. Except for use of a short raised landscape median at both the north and south extents of the western project entry driveway, which may be constructed to provide a physical expression of the separation of entry and exit driveways, the area between the entry and exit driveways shall be accent paving provided at the same grade level as the abutting driveways. The layout of the raised landscape medians and accent paving shall be subject to review and approval by the Planning Division as part of the review of the Final Landscape and Irrigation Plans.

C. LANDSCAPING

* 1. Final Landscape and Irrigation Plans (Landscape Plans), with planting shown at 1″=20′ scale, shall be submitted for review and approval by the Danville Development Services Department and DRB. The plan shall include common names of all plant materials and shall indicate the size that various plant materials will achieve within a five-year period of time.

* 2. All plant material shall be served by an automatic underground irrigation system and maintained in a healthy growing condition. The irrigation system shall comply with East Bay Municipal Utility District's Section 31 Water Efficiency requirements, including use of a weather-based controller with soil moisture probe and rain-shutoff switch.

* 3. The Final Landscape and Irrigation Plans submitted for the Project shall be accompanied by a written report prepared by the Project Landscape

Architect documenting how the plans comply with applicable outdoor water-use efficiency recommendations and requirements in place at the time of their submittal. The report shall, at a minimum, speak to conformance to applicable East Bay Municipal Utility District (EBMUD) recommendations and requirements and the State of California Department of Water Resources requirements that would pertain to the project regarding the Water Conservation in Landscaping Act of 2006 (AB 1881).

* 4. All trees shall be a minimum of 15-gallon container size. All trees shall be properly staked. All shrubs used in the project, which are not used as ground cover, shall be a minimum of five gallons in size.

* 5. All landscaped areas not covered by shrubs and trees shall be planted with live ground cover. All proposed ground cover areas shall be planted and maintained so that they fill in the affected landscape areas within a two year period.

6. The project's Final Landscape and Irrigation Plan shall detail the planned adjustments to edge project grading and edge project fencing and/or retaining wall improvements along the western edge of the project at the shared Janlois Apartments/Danville Office Partners, LLC (DOP) property line. The presence of existing encroachment of improvements into the DOP property appear to have the potential to affect the functionality of the proposed public pedestrian easement and sidewalk and landscaping improvements shown on the project plans along the west side of the project site (e.g., there are existing mature trees shown to occupy the same area shown to be a pedestrian walkway). The project developer shall be responsible, through the implementation of the approved project Final Landscape and Irrigation Plan, to address and remove, as necessary and appropriate, the existing encroaches to assure the functionality and aesthetic desirability of the improvements for the planned public pedestrian walkway improvements.

D. <u>ARCHITECTURE</u>

* 1. All ducts, meters, air conditioning and/or any other mechanical equipment, whether on the building or on the ground, shall be effectively screened from view with landscaping or materials architecturally compatible with the main buildings.

2. Trash, refuse and recycling shall be contained within trash/recycling enclosures that are architecturally compatible with the project architecture. Unless otherwise authorized by the Planning Division, the enclosure design

and location shall be substantially as depicted on the project drawings cited in Condition of Approval #A.1.a., above. The trash/recycling area shall have lockable and self-closing doors. Prior to initiating the application for building permit, the project developer shall document to the Town's satisfaction that adequate coordination has been made with the project site's solid waste purveyor to verify that the planned trash/recycling areas are appropriately sized and located to handle projected trash and recycling generation levels for the project. The trash/recycling area shall be designed so as not to allow stormwater run-off to enter the area from adjacent surfaces nor to allow wastewater originating from the area to seep outside the area. The area drains for the trash/recycling areas shall be connected to the sanitary sewer, not the storm drain system. The trash/recycling enclosures shall be equipped with a hot/cold water supply. The project trash/recycling program shall include provision for on-site shared collection bins for compostable waste.

3. Prior to the issuance of building permits, the proposed method to denote street numbers for the approved structures and the individual residential units in the project shall be submitted for review and approval by the Planning Division. Street numbering of the approved structures shall be posted so as to be easily seen from the street at all times, day and night by emergency service personnel.

4. If project entry signage for the development is desired, a Sign Review permit shall be submitted to the Town for consideration under a separate application prior to sign installation.

* 5. Samples of final materials and the proposed color palette shall be submitted for review and approval by the Design Review Board (DRB) prior to the issuance of building permits for new construction. Color mock-ups shall be made available at the project site prior to scheduling the project buildings for final DRB review.

6. The second phase of the project's linear review of preliminary architectural design shall provide for a review and approval of architectural elevations, details and revisions (as well as design specifications, materials, height, etc. for the common boundary structure on the western side of the property abutting the Janlois property. by the Design Review Board (DRB) a minimum of forty-five days prior to developer-initiation of the building permit plan check process. This layer of review shall provide project architectural details as called for by the Danville Design Review Board Submittal Requirement Checklist (as revised April 2000). The project architectural sections developed and submitted for review shall include, at

a minimum, twelve representative building sections for the project as mutually selected by the Planning Division and the Project Architect.

7. In advance of submittal for the second phase of the project's linear review of preliminary architectural design, the developer is encouraged to incorporate design features into the project that add further architectural interest and detailing. Examples of items that would add the desired architectural interest and detailing include: (a) integration of unique project signage into project architecture; (b) recessing of windows at second and third floors; (c) use of a pool or water feature as a focal feature in one or both of the central pedestrian courtyard areas; (d) use of custom designed light fixtures; (e) use of high-end/elegant architectural pottery; (f) use of a substantial trellis as an entry treatment to some or all of the pedestrian courtyard areas; (g) selective second floor building setbacks (to further break up building massing and in addition to third floor building setbacks depicted on the approved project plans); (h) introduction of landscape planting (e.g., vines) on selected ground floor building elevations; (i) variation in building plane where exterior building material changes occurred; and (j) use of recesses between top of wall and parapet roof features.

8. As an enhanced architectural detail and to serve as a traffic calming design feature, the three-way driveway intersection of the onsite driveway system at the south side of the 60′ width entry driveway shall be developed as a raised intersection box with enhanced paving details. The design of the raised intersection and the abutting pedestrian walkway crossings of the affected project driveways shall be subject to review and approval by the Transportation Division and the Planning Division.

* 9. Final architectural elevations, details and revisions, presented in construction plan detail, shall be submitted for review and approval by the DRB prior to issuance of building permits for the project. Ten full size sets of progress construction drawings for the project shall be submitted for the review. This review, which shall follow completion of the second phase of the project's linear review of preliminary architectural design described in Conditions of Approvals D.6. and D.7., above, may be concurrent with the plan check review of building permits for new project construction.

* 10. Unless otherwise directed through building code regulations, roof vents established on the residential buildings which are visible from the surrounding public or private roadway system shall be limited to low profile roof vents. All residential roof vents shall be painted a color to blend with the roof and shall be painted with a flat finish.

11. In conjunction with the preparation of the final working drawings for the residential buildings, to the extent feasible, efforts shall be made to maximize the size of individual storage areas available to all project residential units. The exact location, size and configuration of the storage areas shall be subject to review and approval by the Planning Division prior to the issuance of building permits.

12. To the extent feasible, the project developer shall install bicycle storage facilities serving the project. The exact location, size and configuration of the bicycle storage facilities shall be subject to review and approval by the Planning Division prior to the issuance of building permits.

13. The design of the project buildings shall be modified as may be necessary to hold the building heights of the buildings to a maximum height of 37 feet. An exception to the approved maximum building height is granted for an elevator tower and, as may be required, for a roof access for each of the approved buildings.

E. PARKING

* 1. All parking spaces shall be striped and provided with wheel stops unless they are fronted by concrete curbs, in which case sufficient areas shall be provided beyond the ends of all parking spaces to accommodate the overhang of automobiles and to avoid narrowing abutting walkways to an inappropriate clear width dimension.

* 2. Where authorized, compact car spaces shall be clearly designated with appropriate pavement marking. Compact spaces shall be no less than 8 feet by 16 feet in size, inclusive of an allowable 2 foot maximum overhang.

* 3. Regulatory signage/curb painting for non-parking sections of the interior roadways shall be provided, if deemed necessary, to the satisfaction of the San Ramon Valley Fire Protection District and the Transportation Division.

4. The project developer shall work with the Engineering Division and the Transportation Division and the appropriate transit agency to determine if new or alternate bus stop locations along the south side of Diablo Road in near proximity of the project site are warranted with the redevelopment of this property. If new or alternate bus stop locations are deemed warranted, then all necessary improvements shall be the developer's responsibility to install.

F. GRADING

* 1. Any grading on adjacent properties will require prior written approval of those property owners affected.

* 2. At least one week prior to commencement of demolition or grading activities, the project developer shall post the site and mail to: (a) the owners of property within 300 feet of the exterior boundary of the project site; (b) the business owners of businesses within 300 feet of the project boundary; and (c) the Planning Division, a notice that construction work will be commencing at the project site. The notice shall include the appropriate list of project contact persons, indicating name, title, phone number and area of responsibility of such persons. The person responsible for maintaining the list shall also be indicated on the notice. The notice shall be kept current at all times, posting the persons with authority to initiate corrective action in their area of responsibility.

* 3. Where geotechnical conditions encountered in grading operations and/or site preparation work are different from that anticipated in the preliminary geotechnical report or the design-level geotechnical exploration, a revised report shall be prepared and submitted for review and approval by the Engineering Division. It shall be accompanied by an engineering and geological opinion as to the safety of the site from settlement and seismic activity.

* 4. All development shall comply with Danville Ordinance 2004-06 (which added Chapter 20 to the Danville Municipal Code relating to Stormwater Management and Discharge Control). All development shall also comply with the Municipal Regional Permit 2.0 (MRP), adopted by the State Water Resources Control Board in November, 2015. These regulations require, among other things, that a Stormwater Pollution Prevention Plan (SWPPP) be prepared by a Qualified SWPPP for submission to the State of California via the on-line Storm Water Multi-Application Reporting & Tracking (SMARTS) system. No land-disturbing activity shall occur until a Notice of Intent (NOI) is filed and a Waste Discharge Identification (WDID) number is issued by the State of California. A copy of the NOI, including the WDID number and attached SWPPP, shall be kept at the site at all times, with a copy provided to the Engineering Division. The requirements of the SWPPP and all other Permit Registration Documents shall be fully implemented during land-disturbing activities.

5. To adequately mitigate the shaking effects associated with a moderate to high earthquake within the San Francisco Bay region, all project buildings

shall, at a minimum, be designed using sound engineering judgment and the California Building Code requirements applicable at building permit submittal. Buildings shall be designed to reflect the project site's Seismic Site Classification and shall provide for the soil profile and seismic coefficients cited in a project-specific geotechnical report.

* 6. Prior to submittal for project building permits, a design-level geotechnical exploration of the project site shall be made that shall include soil sampling and laboratory testing for the evaluation of the expansion potential of soils present at the site. Mitigation measures called for in that report for both general site improvements and for structure foundation design shall be followed to mitigate potential impacts resulting from the presence of expansive soils. Prior to commencing drilling activities for any soil borings associated with the geotechnical investigation (or any environmental investigation and/or cleanup) a permit from the Contra Costa Environmental Health Division shall be secured.

7. The design-level geotechnical exploration shall be of a sufficient scope and detail to document whether compressible soil layers are present at the project site. As dictated by the findings of that report, project foundation design utilized in the project shall be as necessary to mitigate potential total or differential settlement of compressible soil layers as a result of planned loading at the surface associated with new buildings and/or fill.

8. An evaluation of the site's soil corrosion potential shall be determined through the preparation of a soil corrosion study, which shall be integrated into the design-level geotechnical exploration and shall be prepared by a corrosion consultant. The soil corrosion study shall be subject to review and approval by the San Ramon Valley Fire Protection District and the Engineering Division. As dictated by the findings of that study, site-specific design measures shall be developed and implemented to protect buried pipelines and other infrastructure elements against corrosion.

* 9. If toxic or contaminated soil is encountered during construction, all construction activity in that area shall cease until the appropriate action is determined and implemented. The concentrations, extent of the contamination and mitigation shall be determined by the Contra Costa County Health Department. Suitable disposal and/or treatment of any contaminated soil shall meet all federal, State and local regulations. If deemed appropriate by the Health Department, the project developer shall make provisions for immediate containment of the materials. Runoff from any contaminated soil shall not be allowed to enter any drainage facility, inlet or creek.

* 10. All stockpiles of debris, soil, sand or other materials that can be blown by the wind shall be covered.

11. Any abandoned wells (water, environmental, or geotechnical) and septic tanks shall be destroyed under permit from the Contra Costa Environmental Health Division (CCEHD). If the existence of such wells or septic tanks are known in advance or discovered during construction or other activities, these shall be clearly marked, kept secure, and destroyed pursuant to CCEHD requirements.

G. STREETS

* 1. The project developer shall obtain an encroachment permit from the Engineering Division prior to commencing any construction activities within any public right-of-way or easement.

* 2. Traffic signs and parking restriction signs, which may be required to be installed, shall be subject to review and approval by the Transportation Division and the Police Department.

* 3. All mud or dirt carried off the construction site onto adjacent streets shall be swept each day. Water flushing of site debris or sediment or concrete washing is prohibited.

* 4. Any damage to street improvements now existing or done during construction on or adjacent to the project site shall be repaired to the satisfaction of the Engineering Division by the developer. As determined warranted by the Engineering Division, such repair may include slurry seal; pavement overlay; and/or street reconstruction.

* 5. All improvements within the public right-of-way, including curb, gutter, sidewalks, driveways, paving and utilities, shall be constructed in accordance with approved standards and/or plans and shall comply with the standard plans and specifications of the Development Services Department and Chapters XII and XXXI of the Danville Municipal Code.

* 6. At the time project improvement plans are submitted, the developer shall supply to the Engineering Division an up-to-date title report for the project site.

* 7. Appropriately designed and constructed disabled access ramps shall be provided at all pedestrian street and driveway crossing locations, as required by the Engineering Division or the Building Division.

8. The developer shall fund all Town costs and shall prepare all necessary documents associated with the Town's abandonment of the public interest in the offer of dedication for street and highway and incidental purposes, to Contra Costa County, recorded September 2, 1977 as Series No. 124124 in Book 8492, Page 611 of Official Records.

9. The project developer shall be responsible for the installation and maintenance of a five-foot minimum width public pedestrian walkway extending along the western edge of the project development area. The ≈415′ long walkway shall extend from the back edge of sidewalk in the public right-of-way at the property's northwestern frontage along Diablo Road to the top-of-bank for San Ramon Creek at the southwest corner of the project development area. The walkway shall be contained within a public pedestrian easement that extends a minimum of eight feet into the property from the western edge of the project development area. The public pedestrian easement shall be widened to a minimum width of 30′ from the western edge of the property within ≈30′ of the north top-of-bank for San Ramon Creek at the southwest corner of the project development area. The public pedestrian easement shall maintain this same width to the southern edge of the property (mid-slope of the northern bank slope of San Ramon Creek). The project developer shall offer a non-revocable offer of dedication for the public pedestrian easement and for the associated construction easements necessary to construct the planned pedestrian bridge across San Ramon Creek to connect the project site to the Danville Library/Community Service Center at the south side of the creek. The walkway and associated landscape and irrigation improvements are subject to review and approval as part of the Town's review of the Final Landscape and Irrigation Plan. The walkway and associated landscape and irrigation improvements shall be the responsibility of the property owner to maintain and shall be installed prior to the initial residential occupancy in the apartment project. A public pedestrian easement shall also be created covering appropriate sidewalk and drive aisle areas to allow public pedestrian access from the southwest corner of the development area to the southeast corner of the development area, with the intent of allowing public pedestrian access to walk parallel to the top-of-bank for the north side of San Ramon Creek for the entire project frontage of San Ramon Creek. The construction costs for installation of the pedestrian walkway shall be included in the reimbursement agreement or benefit district provided for in Condition G.12 below.

10. Consistent with the requirements of the Diablo Gateway Special Concern Area set forth in the 2030 General Plan, the project development plans shall make provision of an appropriate public access easement and the provision of corresponding pedestrian pathway improvements extending from the southwestern corner of the development area to the southeastern corner of the development area which are determined by the Town to be adequate in layout; width; and physical improvements to accommodate the provision of the need for public pedestrian easement movement running parallel to the property's entire creek frontage along San Ramon Creek.

11. Consistent with the Diablo Gateway Special Concern Area provisions of the 2030 General Plan, project development plans shall make provision for a pedestrian bridge crossing of San Ramon Creek, with such crossing to allow an enhanced connection between the Danville Library and Community Center and Old Town Danville to that portion of the Downtown Master Plan lying north of San Ramon Creek. Fifty percent of the cost of the bridge shall be the responsibility of the Town, fifty percent the responsibility of development occurring in the Diablo Gateway Special Concern area. The project developer shall be pay the 50% of the current project estimate for the bridge crossing (i.e., not to exceed $202,125 of the projected cost for CIP No. C-596 – San Ramon Valley Creek Footbridge at Danville Green). Prior to payment of the fee, the Town shall create a reimbursement agreement or benefit district to ensure that the project applicant receives reimbursement for the cost of the bridge as subsequent development occurs in the Diablo Gateway Special Concern area.

H. INFRASTRUCTURE

* 1. Domestic water service shall be from the East Bay Municipal Utility District water system in accordance with the requirements of the District. The District's initial comments on this project are dated November 21, 2016 and were received by the Town in response to the Town's "Request for Comments" mailing of November 16, 2016. [Note: See Advisory Comment #3 at the end of the conditions of approval for summation of the District's comments.]

* 2. All wastewater shall be disposed into an existing sewer system. Sewer disposal service shall be from the Central Contra Costa Sanitary District sewer system in accordance with the requirements of the District. The District's initial comments on this project were received as an email received from the District dated December 2, 2016, received in response to the Town's "Request for Comments" mailing of November 16, 2016. [Note:

See Advisory Comments #1 and #2 at the end of the conditions of approval for summation of the District's comments.]

* 3. Drainage facilities and easements shall be provided to the satisfaction of the Engineering Division and the Contra Costa Flood Control and Water Conservation District.

* 4. Stormwater entering or originating within the project site shall be collected and conveyed via an approved storm drain facility to the nearest adequate man-made drainage facility or adequate natural watercourse, without diversion of the watershed (unless otherwise authorized by the City Engineer), in accordance with the Preliminary Stormwater Control Plan; the C-3 Provision of the adopted Municipal Regional Permit; and as determined by the Engineering Division. Development which proposes to contribute additional water to existing drainage systems shall be required to complete a hydraulic study and make improvements to the system as required to handle the expected ultimate peak water flow and to stabilize erosive banks that could be impacted by additional storm water flow.

* 5. No concentrated drainage shall be permitted to surface flow across sidewalks.

* 6. Any portion of the drainage system that conveys runoff from public streets shall be installed within a dedicated drainage easement, or public street.

* 7. If a storm drain must cross a property line it shall be contained in an easement whose width shall be equal to or at least double the depth of the storm drain.

* 8. The project developer shall furnish proof to the Engineer Division of the acquisition of all necessary rights of entry, permits and/or easements for the construction of off-site temporary or permanent road and drainage improvements.

* 9. All new utilities required to serve the development shall be installed underground in accordance with the Town policies and existing ordinances. All utilities shall be located and provided within public utility easements, sited to meet utility company standards or in public streets.

* 10. All street, drainage or grading improvement plans shall be prepared by a licensed civil engineer.

I. TRAFFIC IMPACTS

Policy 14.02 of the Danville 2030 General Plan states: "*Require site-specific traffic studies for development that is likely to generate significant volumes of traffic. If such studies indicate that the development could cause the Town's transportation standards to be exceeded, require modifications to the project and/or impose transportation improvements requirements which ensure that level of service standards are maintained.*" Such analysis must be consistent analysis consistent with Contra Costa Transportation Authority's Technical Procedures.

In addition to Policy 14.02 of the Danville 2030 General Plan, the project site is subject to the following directive contained in the Diablo Gateway Special Concern Area text of the Danville 2030 General Plan:

> "*Provisions for shared ingress and egress.* As there are multiple parcels along the south side of Diablo Road, coordinating access into contiguous properties and cross access between these properties should be pursued. Future traffic studies should determine the optimal location for ingress and egress points and the need for turning lanes and other improvements along Diablo Road. Interim solutions may be considered if development is phased."

A traffic impact analysis was prepared and submitted for the ROEM Development Corporation (ROEM) project, the project application preceding the current application from Danville Office Partners, LLC (DOP). The analysis was prepared by LSA Associates, Inc. and dated July 27, 2015. A second revision of the traffic impact analysis was prepared and submitted by LSA Associates, Inc., dated May 12, 2016 for the current application. The traffic impact analysis was presented to the Planning Commission on January 24, 2017. With the Planning Commission determining the traffic impact analysis inconclusive, the applicant was directed to revise and resubmit the traffic impact analysis. A third revision of the traffic impact analysis was then prepared by LSA Associates, Inc. and, at the direction of the Town, was distributed for an independent third party peer review. With the third party peer review complete, the traffic impact analysis dated February 22, 2017 has been determined complete and accepted by the Town.

The project developer shall be responsible for the following conditions of approval related to traffic safety and circulation:

1. At the direction and approval of the City Engineer, project developer shall be responsible for the installation of "KEEP CLEAR" traffic signage and pavement markings on Diablo Road at the two project driveway locations as follows:

Diablo Road/Project Driveway 1 - eastbound travel lane Nos. 1 and 2:
Diablo Road/Project Driveway 2 - eastbound travel lane No. 2.

2. Project developer shall be responsible for full reimbursement of costs incurred for the third party peer review of the traffic impact analysis and shall make this reimbursement to the Town within thirty days of the effective date of this approval.

J. TREE PRESERVATION AND REMOVAL

Policy 21.06 of the Danville 2030 General Plan states: *"Discourage activities that would harm the health of existing trees. Prevent the unnecessary removal and alteration of such trees, including "protected" trees as defined by the Town's Tree Preservation Ordinance and other trees that contribute to the scenic beauty of the town. Public and private improvements should be designed to minimize the removal of mature trees, regardless of species. If removal is necessary, trees should be replaced with an appropriate number and species."* The preservation of protected and heritage trees is also addressed in the Town's Tree Preservation Ordinance, Municipal Code Chapter 32-79.

The Town has received the following documents regarding tree preservation:

- A biological resources assessment study prepared by LSA Associates (dated July 23, 2015).
- An "Existing Conditions" analysis prepared by LCA Architects (dated July 23, 2015), which is based on a document entitled "373 Diablo Road Apartments Tree Survey" prepared by Gates and Associates.

The project plans and the cited study and analysis show that there are a total of 125 trees on the site, of which 42 are "protected" trees and 13 are "heritage" trees, as defined by the Danville Tree Preservation Ordinance (Municipal Code Chapter 32-79). A total of four trees appeared on both lists as they qualified as both "protected" and "heritage" trees. The documents submitted show that 21 protected trees will be removed as part of the project.

At least 90 days prior to the initiation of a grading permit application process for the project, the applicant shall submit to the Town an updated Tree Report, including a tree survey, (consistent with Municipal Code Section 32-79.5b) reflecting the following:

- The final approved layout of the project, including the approved landscape plan;
- The final approved C-3 stormwater treatment facilities;

- The direction from the Contra Costa Flood Control and Water Conservation District (CCFC&WCD) to remove select trees located in the existing CCFC&WCD flood control easement or their restrictions on new or replacement tree planting in the existing or modified flood control easement area in proximity to the top-of-bank along San Ramon Creek.
- The need to address offsite "protected" and "heritage" trees which have ≥15% of their dripline area overlapping into the project site.

Consistent with the requirements of the Town's Tree Preservation Ordinance, the updated report shall identify the steps necessary to ensure the health and safety of protected and heritage trees to be retained. This updated report shall be subject to a third party consultant review selected by the Town if determined necessary by the Town. The cost of the third party review shall be borne fully by the developer.

1. To compensate for the proposed removal of Town-protected trees, the project developer shall assure the implementation of the following measures:

    a. The project developer's Consulting Arborist shall calculate the total inches of diameter of Town-protected trees to be removed, as of the date of the grading permit application (i.e., the "Total Inches"), and submit that calculation to the Planning Division. The project developer shall be required to replace the Town-protected trees to be removed with a number and size of oak trees (or approved alternate species) equal to the total inches of the diameter of the trees to be removed. The required tree mitigation planting shall be in addition to the project trees otherwise required to be planted as part of the project's landscape plan.

    b. It is anticipated that tree mitigation planting cannot be wholly accommodated onsite. The tree mitigation planting conducted on site shall be 24-inch box size trees, which shall receive a credit of four-inches per tree toward the total mitigation planting requirement or 15-gallon size trees, which shall receive a credit of two-inches per tree toward the total mitigation planting requirement. Tree mitigation planting that cannot be accommodated onsite shall be handled through the project developer's payment of an in-lieu fee, which shall be made payable to the Town of Danville. This in-lieu fee shall be in the amount of $135.00 per off-site mitigation tree. This mitigation fee is based on a $135.00 installed cost per 15-gallon tree indicated in recently approved Town-sponsored capital improvement projects. The in-lieu mitigation funds received by the Town will be applied to an

account chosen by the Town for use by the Danville Maintenance Department staff to allow the purchase and planting of beautification trees within the Town of Danville.

2. As site construction activity is proposed to occur in the direct vicinity of the on-site and off-site protected trees which are not approved for removal, a security deposit in the amount of the assessed value of the trees (calculated pursuant to the Town's Tree Protection Ordinance) shall be posted by the project developer with the Town prior to the issuance of a grading permit to maximize the probability that the affected trees will be retained in good health. The project developer shall be required to secure an appraisal of the condition and value of all such potentially affected trees. The appraisal shall be done in accordance with the current edition of the "Guide for Establishing Values of Trees and Other Plants," by the Council of Tree and Landscape Appraisers under the auspices of the International Society of Arboriculture. The appraisal shall be performed by a Certified Arborist, and shall be subject to review and approval by the Chief of Planning. A tree preservation agreement shall be prepared and shall be submitted for review and approval by the Planning Division that outlines the intended and allowed use of funds posted as a tree preservation security deposit. That portion of the security deposit still held by the Town two full growing seasons after project completion shall be returned upon verification that the trees covered by the deposit are as healthy as can be provided for under the terms of the approved tree preservation agreement.

K. BIOLOGICAL RESOURCES

Policy 21.10 of the Danville 2030 General Plan states: *"Require a biological assessment for development proposed on sites that are determined to have the potential to contain special-status species, sensitive natural communities, or wetland resources."*

The Town received a biological resources assessment study prepared by LSA Associates, Inc. (dated July 23, 2015). In order to ensure compliance with Policy 21.10 and applicable regulatory standards, the following conditions shall apply:

1. Prior to the start of construction, the project developer shall retain a qualified biologist to train all construction personnel regarding habitat sensitivity, identification of special status species, and required practices.

2. Prior to the start of construction, the project developer shall retain a qualified biologist to conduct pre-construction surveys to ensure that western pond turtle (CRLF) are absent from the construction area. If CRLF are present, a qualified biologist possessing all necessary permits shall

relocate them or they shall be allowed to move out of the construction area on their own.

3. Immediately following the pre-construction surveys and a determination that western pond turtle (CRLF) are not present in the construction zone, the construction zone shall be cleared and silt fencing erected and maintained around construction zones to prevent CRLF from moving into these areas.

4. If western pond turtles are found to be absent from the construction zone, immediately following the pre-construction surveys the project developer shall clear the construction zone and install/maintain silt fencing around the construction zone to prevent western pond turtles from entering these areas.

5. A qualified biologist shall conduct a pre-construction survey for nesting migratory birds and tree- and ground-nesting raptors in all line-of-site trees, vegetation, or ground squirrel burrows occurring within 250 feet of construction activities. Preconstruction surveys shall also be conducted prior to tree trimming or tree removal. These surveys shall be conducted within 30 days of the first ground disturbance if construction activities occur during the breeding season (i.e., between February to August) of nesting migratory birds and tree- and ground-nesting raptors. If more than 30 days elapses between the survey and commencement of site disturbance activity, the survey shall be repeated.

6. To the extent practicable and feasible, trees planned for removal shall be removed during the non-breeding season for tree-nesting raptors and other tree- or ground-nesting migratory birds (i.e., the period from September 1 through January 31). If it is not feasible to avoid tree removal or other disturbances during the breeding season (i.e., the period from February 1 through August 31), a qualified biologist shall conduct a pre-construction survey for tree-nesting raptors and other tree- or ground-nesting migratory birds in all trees or other areas of potential nesting habitat within the construction footprint and within 250 feet of the footprint, if such disturbance would occur during the breeding season. This survey shall be conducted no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (i.e., the period of February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (i.e., the period of May through August). If nesting raptors or migratory birds are detected on the site during the survey, a suitable construction-free buffer shall be established around all active nests. The

precise dimension of the buffer (up to 250 feet) shall be determined at that time and may vary depending on location and species. Buffers shall remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents. Pre-construction surveys during the non-breeding season are not necessary, as the birds are expected to abandon their roosts during construction activities.

7. To prevent sediments associated with construction activity from entering San Ramon Creek and its riparian woodland vegetation and to deter western pond turtles (WPT) or Alameda whipsnakes (AW) from accessing the project site from the creek area, a silt fence shall be installed along the southern boundary of the construction zone (i.e., at the top of bank along the northerly banks of San Ramon Creek for the length of the property's interface with the creek). Prior to the placement of the silt fence a pre-construction survey shall be conducted to ensure that WPT and AW are absent from the construction area. If WPT or AW are present, a qualified biologist possessing all necessary permits shall relocate them.

L. STORMWATER CONTROL PLAN

Policy 22.02 of the Danville 2030 General Plan states: *"Require qualifying new development projects and redevelopment projects to comply with the Municipal Regional Permit for stormwater control and treatment."*

A variety of project conditions of approval have been incorporated into this approval that provide direction as to requirements needed to be met prior to the issuance of project building permits. The applicable conditions of approval ("COAs") include: COA #F.4; COA #H.4; COA #Q.5; and COAs #Q.11 through #Q.17.

M. SOILS AND GEOLOGIC REPORT

Policy 24.03 of the Danville 2030 General Plan states: *"Require soils and geologic reports for all projects proposed in scenic hillside development areas, as defined by the Town's Scenic Hillside and Major Ridgeline Development Ordinance, and in other areas where the potential for landslides, liquefaction, subsidence, or severe ground shaking exists. Assure that development in these areas mitigates potential landslide hazards and other geologic hazards."* Policy 24.10 of the 2030 General Plan states: *"Require submittal of a Geotechnical report by a qualified engineering geologist, that specifies the location of active faults, and recommends appropriate setbacks prior to construction of any structure intended for human occupancy within the Alquist-Priolo Fault Zone."*

A variety of project conditions of approval have been incorporated into this approval that provide direction as to requirements needed to be met prior to the issuance of project building permits. The applicable conditions of approval ("COAs") include: COA #G.3; and COAs #G.5 through #G.9.

N. ENVIRONMENTAL NOISE

Policy 27.02 of the Danville 2030 General Plan states: *"Require acoustical studies for major residential and other development projects, as appropriate, and impose noise mitigation measures accordingly."* Policy 27.11 of the 2030 General Plan states: *"Ensure that the design of new development near major noise sources (such as Interstate 680) reduces the potential for future occupants to be exposed to high levels of noise. Development on such properties should incorporate appropriate noise mitigation measures."* Policy 27.13 of the 2030 General Plan states: *"Utilize noise reduction measures during all phases of construction activity to minimize the exposure of neighboring properties to excessive noise levels."*

In addition to the three cited policies from the Danville 2030 General Plan, the project site is subject to a noise-related directive contained in the Diablo Gateway Special Concern Area text of the Danville 2030 General Plan, which reads as follows:

> "The minimum building setback requirements shall be as established through a site-specific Final Development Plan approval. Development shall set back from the I-680 freeway to the extent feasible to mitigate potential impacts associated with freeway noise, vibration, and/or air quality."

An environmental noise study was prepared by LSA Associates (dated July 2015). Based on that study, which reviewed potential impacts associated with the proposed ROEM project, which had potentially different noise characteristics due to the design of that project (i.e., the four-story above-grade parking structure occupying the eastern third of the project site), the following conditions of approval shall apply:

1. <u>Project-Facilitated Construction Noise</u>:

   Unless determined unnecessary by the updated environmental noise study, the project shall be subject to the following measures to address and minimize impacts associated with project-facilitated construction noise:

   a. *Construction Scheduling.* Noise-generating construction activity shall be limited to the hours between 7:30 a.m. to 5:30 p.m., Monday through Friday, and project construction activity is prohibited on

Saturdays, Sundays and holidays, unless authorized in advance by the Town's Planning Division.

b. *Construction Equipment Mufflers and Maintenance.* All internal combustion engine-driven equipment utilized on the project site and all stationary noise sources shall be equipped with intake and exhaust mufflers that are maintained in good condition and are equipment-specific accordance with the manufacturers' recommendations for the respective equipment utilized.

c. *Construction Equipment Idling.* The developer shall take reasonable efforts to assure unnecessary idling of internal combustion engines is limited.

d. *Equipment Locations.* Stationary noise-generating equipment shall be located as far as reasonably feasible from sensitive receptors.

e. *Construction Traffic.* Construction traffic to and from the construction sites shall be routed via routes as directed by the City Engineer. Construction-related heavy truck traffic are expressly prohibited from traveling through residential areas and shall generally be routed onto major roadways and as far as feasible from sensitive receptors.

f. *Quiet Equipment Selection.* To the extent feasible, the project shall make use of quiet construction equipment, particularly air compressors. Air compressors and pneumatic equipment shall be equipped with mufflers, and impact tools shall be equipped with shrouds or shields. [Note: "Quiet construction equipment" is considered to be equipment that typically generates noise levels 5 dBA lower than that of comparable equipment.]

g. *Noise Construction Liaison.* A noise construction liaison shall be designated by the developer to ensure coordination between construction staff and property owners and residential and commercial tenants within 350 feet of the external boundaries of the project site. These property owners and tenants shall be notified in writing of the contact information for the construction liaison a minimum of 15 days prior to the initiation of construction or pre-construction activity.

h. Prior to commencement of any construction activity, a qualified acoustical professional shall be secured by the developer to review

specific equipment and site locations that would be expected to generate noise levels above 80 dBA within 350 feet of adjacent residential properties and above 85 dBA within 350 feet of adjacent commercial properties. The report shall determine appropriate mitigation measures, as feasible, to reduce noise levels by at least five decibels and below the aforementioned limits.

2. Potential Exposure of Sensitive Receptors to Noise Levels Exceeding Standards:

Unless determined unnecessary by the updated environmental noise study, the project shall be subject to the following measures to address and minimize noise impacts to future project residents:

a. Detailed analysis of residential interior noise levels shall be completed during design following the requirements of the 2016 California Building Code. The report shall confirm that the design includes the noise control treatments necessary to achieve compliance with the noise standards set forth by the 2016 California Building Code or such code in place at the time construction of the project commences.

b. Sound-rated building construction shall be used to achieve acceptable indoor noise levels (i.e., maximum of 45 dBA Ldn, 50 dBA Lmax in bedrooms, and 55 dBA Lmax in other rooms) in residential units throughout the project.

c. Building sound insulation treatment shall be utilized in the project as appropriate and shall include, but not be limited to: sound retardant windows and doors; resilient wall constructions; heavy siding and roofing materials (e.g., stucco, Hardi-plank, etc.); ventilation silencers; and gasketing.

d. The residential units in the project shall be provided with mechanical ventilation or a sound attenuating "zee" ducts as appropriate to allow for air circulation while windows are closed for noise control. The specification of these treatments shall be developed during the architectural design of the buildings and shall be summarized in a report submitted with the application for building permit. This report shall be subject to review and approval by the Building Division prior to issuance of building permits.

The project applicant may, but is not required to, submit a supplemental noise analysis a minimum of 90 days prior to submitting for building permit in order to establish that any of the above conditions are unnecessary or should be modified.

O. PHASE I ENVIRONMENTAL SITE ASSESSMENT (ESA)

Policy 28.02 of the Danville 2030 General Plan states: *"Require a Phase I Environmental Site Assessment (ESA) when development changes an existing use to a more sensitive use (e.g., commercial use to residential use). If potential hazardous materials concerns are identified, ensure that they are investigated and that sites are cleaned up to residential standards under appropriate regulatory agency oversight prior to development."*

A variety of project conditions of approval have been incorporated into this approval that provide direction as to requirements needed to be met prior to the issuance of project building permits. The applicable conditions of approval ("COAs") include: COAs #P.22 through #P.25.

P. AIR QUALITY AND GREENHOUSE GASES ANALYSIS STUDY

Policy 33.04 of the Danville 2030 General Plan states: *"During the development review process, impose appropriate mitigation measures on new development to reduce greenhouse gas emissions."* Policy 34.02 of the 2030 General Plan states: *"Consider air pollution impacts during the local Development Review process. Development should be located and regulated to minimize the emission of direct and indirect air contaminants."*

An air quality and greenhouse gases analysis study dated March 23, 2016, prepared by Northgate Environmental Management, Incorporated for the project application was submitted for the Danville Office Partners, LLC.

In order to ensure consistency with the applicable General Plan policies the project shall be subject to the following measures to address and minimize air quality and greenhouse gas impacts:

1. The project's construction contractor shall assure the project complies with the following best management practices, as generally set forth by the Bay Area Air Quality Management District (BAAQMD) for reduction of construction emissions of PM10 and PM2.5:

    a. Water all active construction areas at least twice daily, or as often as needed to control dust emissions. Watering provided as a dust control measure shall be as necessary to prevent airborne dust from leaving the site. Increased watering frequency shall occur as

necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water shall be used unless otherwise authorized by Danville and EBMUD.

b. In place of, or in addition to, site watering as set forth above, apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.

c. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).

d. To control dust that may be generated from paved access roads, parking areas, and staging areas at the construction site and from offsite paved areas in vicinity of the Project site, sweep the affected paved areas daily, or as often as needed, with water sweepers. Unless otherwise authorized by Danville and EBMUD, water sweepers shall use reclaimed water.

e. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.

f. Enclose, cover, water twice daily, and/or apply non-toxic soil binders to exposed stockpiles (i.e., dirt, sand, etc.).

g. Limit vehicle traffic speeds on unpaved roads to 15 mph.

h. Replant vegetation in disturbed areas as quickly as possible.

i. Install sandbags or other erosion control measures to prevent silt runoff from public roadways.

j. A publicly visible sign with the telephone number and person to contact regarding dust complaints shall be established and maintained at the project site. The contact person listed shall have the responsibility to respond to calls and take corrective action, as appropriate, within 48 hours of receipt of the complaint. The contact name and phone number for the person at Danville to contact and the BAAQMD's phone number shall also be provided on the sign to ensure compliance with applicable regulations.

2. To address the potential that the Project may expose off-site sensitive receptors to pollutant concentrations from construction activities, the project's construction contractor shall assure the project adheres to one of the following:

- The construction contractor shall use Level 3 Diesel Particulate Filters (DPFs) for construction equipment over 75 horsepower. (Note: In terms of best management practices, it is understood use of these types of filters are capable of reducing particulate matter emissions by 85 percent.)

  - or -

- Alternatively, the project developer shall prepare a Construction Health Risk Assessment (HRA). If the Construction HRA can demonstrate that construction toxic air contaminants (TAC) and fine particulate matter (PM2.5) emissions can be mitigated under the Bay Area Air Quality Management District's (BAAQMD) threshold of 10 in a million for a lifetime cancer risk using only Level 2 DPFs, which are capable of reducing particulate matter emissions by 50 percent, or a combination of Level 2 and Level 3 DPFs, then the construction contractor shall use the required mix of Level 2 and Level 3 DPF specified in the revised Construction HRA for construction equipment over 75 horsepower. The HRA shall be subject to review and approval by Danville prior to issuance of building permits and prior to any demolition work or site preparation work.

Under either scenario above, the following shall occur:

a. A list of construction equipment by type and model year shall be prepared and maintained by the construction contractor on-site.

b. The construction contractor shall ensure that all construction equipment is properly serviced and maintained to the manufacturer's standards to reduce operational emissions.

c. The construction contractor shall ensure that non-essential idling of construction equipment is limited to the extent possible, but in no case more than five consecutive minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). The restrictions regarding engine idling shall be indicated to all project construction workers by way of provision of clear signage provided at all access points.

d. To the extent feasible, construction equipment shall not be staged adjacent to existing residences or sensitive receptors.

3. To the extent required by BAAQMD or other regulatory agencies, the project developer shall prepare a cancer risk assessment for future project residents analyzing the potential for exposure to unhealthy levels of toxic air contaminants (TACs), as may be emitted by existing or anticipated vehicle traffic on Interstate 680 adjacent to the project site. Should such a study be required, it shall be submitted to the Tow's Planning Division prior to the issuance of project-related demolition permits, grading permits, or building permits. At the discretion of the Town of Danville, this cancer risk assessment study shall be reviewed by an independent third party review, with the cost of such review to be borne by the project developer. Should this study determine that unhealthy levels of TACs may exist, the applicant shall comply with all applicable construction requirements (imposed by BAAQMD or other regulatory agencies) and resident notifications.

Q. MISCELLANEOUS

* 1. The project shall be constructed as approved. Minor modifications in the design, but not the use, may be approved by the Planning Division. Any other change will require Planning Commission approval through submittal of a Revised Final Development Plan application.

* 2. The project developer shall defend, indemnify and hold harmless the Town of Danville and its agents, officers and employees from any claim, action or proceeding against the Town or its agents, officers or employees to attack, set aside, void, or annul, the Town's approval concerning this application, The Town will promptly notify the project developer of any such claim, action or proceeding and cooperate fully in the defense.

* 3. In conjunction with the submittal for a project demolition permit and/or a building permit, the project developer shall submit a recycling plan for building and construction materials and the disposal of green waste generated from land clearing on the site, consistent with Chapter 10-10 of the Danville Municipal Code. Prior to obtaining framing inspection approval for the project, the developer shall provide the Planning Division with written documentation (e.g., receipts and records) documenting that waste materials created from the demolition of existing buildings and the construction of new buildings were/are being recycled according to the approved recycling plan or in an equivalent manner. In conjunction with observance of the approved recycling plan, developer shall have the

responsibility to document proper recycling/disposal of fluorescent light bulbs and ballasts, security light bulbs, electrical switches, and other demolition by-product containing mercury, PCBs, refrigerants, etc. in accordance with applicable regulations. As appropriate, a California licensed hazardous waste hauler shall conduct transportation of these items from the site.

4. The project shall comply with both the treatment and flow control guidelines set forth by the 2015 Municipal Regional Permit (MRP) C.3. Requirements issued by the San Francisco Regional Water Quality Control Board. The project site is over one acre in size and shall comply with the abide hydrograph modification management (i.e., flow control) requirements of the MRP. Pursuant to the MRP, the existing developed site conditions shall be used as a baseline for the determination of the pre- and post-project runoff conditions and to define the required volume of the flow control facilities. Project compliance with its hydro-modification requirements shall be through the construction and maintenance of Engineering Division-approved stormwater detention/retention facilities.

* 5. The project is in the San Ramon Creek watershed. The project shall mitigate the impact of additional stormwater runoff from development on San Ramon Creek by either of the following methods:

a. Remove 1 cubic yard of channel excavation material from the inadequate portion of San Ramon Creek for each 50 square feet of new impervious surface area created by the development. All excavated material shall be disposed of off-site by the project developer at his own cost. The site selection, land rights, and construction staking will be performed by the Contra Costa County Flood District & Water Conservation District (FC District).

or, upon written request by the project developer:

b. Provide for a cash payment in lieu of actual excavation and removal of material from the inadequate portion of San Ramon Creek. The cash payment will be calculated at a rate of $0.10 per square foot of new impervious surface area created by the development. The added impervious surface area created by the development will be based on the FC District's standard impervious surface area ordinance. The FC District will use these funds to work on San Ramon Creek annually. The mitigation fee for this project will be based on the increase of impervious area. The project developer shall supply a worksheet to the FC District, which includes a scalable

map that shows the square footage of the existing and proposed impervious areas.

6. Prior to issuance of a building permit, the project developer shall secure a Flood Control Encroachment permit from the Contra Costa County Flood District & Water Conservation District (FC District) for any work inside the FC District easement, and shall finalize any right-of-way transactions with the FC District necessary for the project. The project developer shall not construct any improvements that will obstruct FC District access to adjacent properties. The project developer shall be responsible for payment of all related FC District costs.

7. Unless otherwise authorized by the Contra Costa County Flood Control & Water Conservation District (FC District), the existing non-native trees planted in the San Ramon Creek banks and slopes shall be removed as it is the FC District's understanding that those trees were planted without the requisite FC District consent. The FC District does not allow trees inside their easements, in general, to avoid future damage to creek banks and to avoid costly repairs should trees grow large and collapse into the creek, potentially blocking the water flow and creating erosion issues. In addition, the FC District does not allow trees inside their easements, in general, as trees can obstruct maintenance access and flood fighting efforts of the FC District. While acknowledging FC District's ability to regulate trees planted in their easement, the project developer, in conjunction with the preparation of Final Landscape Plans for review by the Design Review Board, shall document to the Town's satisfaction that a diligent effort has been made to secure approval from the FC District to retain and/or replace tree planting in, or near, the FC District easement, as generally reflected on the plans prepared by the Project Landscape Architect labeled "Flood Control Tree Planting Option 1 Saving All Existing Trees & Adding Trees Per Flood Control Regulation." The goal of this effort shall be to secure the maximum flexibility feasible through FC Control's review and approval process to provide screen tree planting benefitting offsite views of the project as viewed from the residential project located opposite the project site across San Ramon Creek. Preparatory to Design Review Board (DRB) review of the Draft Final Landscape Plan for the project, notification shall be supplied to the Stony Brook community of the availability the plans for review and of the scheduled DRB meeting date for DRB's review of the plans.

8. Unless otherwise authorized by the Contra Costa County Flood District & Water Conservation District (FC District), the site plan shall be modified as necessary to have onsite drive aisles designed to accommodate the FC

District turning radius minimums for FC District trucks and to be meet the FC District road section requirements (i.e., be "H-20 loading capable"). To meet the FC District standards adjustments may be required to the proposed locations of trash enclosures and the location and/or design of some of the onsite parking spaces.

9. Unless otherwise authorized by the Contra Costa County Flood District & Water Conservation District (FC District), the site plan shall be modified to eliminate the two proposed parking spaces in the southeastern corner of the development area to reflect the FC District requirement that the FC District access road along the north side of San Ramon Creek has unencumbered access to adjacent properties to the east.

10. A final Stormwater Control Plan (SCP) that defines all Drainage Management Areas (DMAs) and related Integrated Management Practices (IMPs) shall be submitted for review and approval by the Engineering Division prior to issuance of grading or building permits for the project. The SCP shall be substantially consistent with the Preliminary Stormwater Control Plan cited in Project Condition of Approval #A.1.e., above. All C.3 stormwater facilities detailed in the SCP shall conform in size and dimension to the minimum requirements contained the latest Contra Costa Clean Water Program Stormwater C.3 Guidebook in place at the time application in made for project grading or building permits. All final construction, architecture, landscaping and improvement plan details prepared for the project shall conform to the approved final SCP. Unless otherwise authorized by the Engineering Division, the SCP shall be submitted for review and approval prior to submittal of the project improvement plans or grading plans to verify that all DMAs are properly described, sized, and located.

11. A Stormwater Facilities Operation and Maintenance Plan, consistent with the project's SCP and applicable Contra Costa Clean Water Program instructions, shall be submitted for review and approval by the Engineering Division prior to approval of the initial frame inspection for a project building permit. The approved Stormwater Facilities Operation and Maintenance Plan shall be executed and recorded prior approval of the initial final inspection for a project building permit.

12. The project's Prelminary Stormwater Control Plan (refer to Condition of Approval #A.1.f., above) indicates that a portion of the project C.3. treatment requirements may potentially be requested to be allowed to be met by the construction offsite treatment-only improvements and/or by payment of an in-lieu fee. Pursuit of the in-lieu fee option for that portion

of the C.3 treatment requirements not handled on the project site may only be utilized if approved by the Town Council prior to issuance of project grading permit.

13. The SCP shall include final calculations and designs for both the planned onsite and offsite IMPs. The SCP shall include page cross-references to all related architectural, landscaping and improvement plan construction details for both onsite and offsite improvements.

14. The location and general design of any proposed offsite IMPs serving the project shall be subject to review and approval by the Engineering Division prior to approval of the SCP and approval of any final construction drawings.

15. Prior to issuance of grading or building permits for the project, the project developer, project general contractor, and appropriate project sub-contractors shall attend a pre-construction meeting with the assigned Engineering Division and Stormwater inspection staff to discuss the project SCP and related IMPs and to discuss the inspection process to be used to assure IMPs are installed consistent with the SCP.

16. Written Engineering Division or Stormwater Program inspection staff sign-offs shall be secured for construction and installation of all project IMPs, with IMPs inspections observing the following minimum inspection sequence: a) layout inspection (required prior to beginning project excavation); b) excavation inspection (required prior to backfilling IMPs with any material or pipe installation); c) overflow inlet/surface connection to storm drain system inspection (required prior to backfilling IMPs with any material); d) underground connection to storm drain outlet or orifice inspection (required prior to backfilling IMPs with any material); e) drain rock/sub-drain inspection (required prior to soil media mix inspection/test and installation); f) soil media mix inspection/test (required prior to soil media installation); g) soil media installation inspection (required prior to irrigation installation); h) irrigation inspection (required prior to plant material installation); i) planting inspection (required prior to final Engineering Division Inspection); and j) Engineering Division Final (required prior to building permit final). The developer shall utilize the inspection log provided by the Engineering Division at the pre-construction meeting.

17. Prior to issuance of the building permit, the project developer shall prepare and submit a detailed Operation and Maintenance Agreement to the Development and Services Department for review and approval. The

Operation and Maintenance Agreement shall identify the maintenance and funding for proposed storm water management features at the project site (i.e., bio-retention facility, storm water detention basin). All features shall be maintained and funded by the local homeowners' association (HOA)' GHAD, or other instrument determined to be acceptable to the Town. The maintenance protocols shall address both routine and non-routine maintenance activities and shall explicitly identify monitoring and reporting requirements. These protocols shall include an estimate of annual monitoring and maintenance costs.

18. Through the project approval, the project is granted a density bonus, with such density bonus reflective of a project developer commitment to provide a specified number of units in the project as affordable units for a minimum term of 30 years. As provided for by State density bonus regulations (i.e., Government Code Section 65915) and the Danville Municipal Code, the 111-unit baseline unit count applicable to the project site is authorized to receive a 35% density bonus. The density bonus takes the maximum allowable unit count for the proposed for-rent multifamily residential project to 150 units, authorizing 39 more units than would be otherwise allowed given the property's underlying general plan land use designation. The density bonus is provided in response to a commitment to establish and maintain thirteen of the project units as units affordable to very low income households. Requirements for restricted occupancy units shall be evidenced by an affordable housing agreement between the developer and the Town, completed and recorded on the property to each affected unit before issuance of a building permit and with said agreement to run with the land. The affordable housing agreement shall indicate the qualification criteria for the target households for the restricted occupancy units (i.e., very low income households); the intended household type (i.e., rental restricted occupancy units); the number of restricted occupancy units and their corresponding number of bedrooms; standards for maximum qualifying household incomes for restricted occupancy units with affordability restrictions; standards for maximum rents or sales prices for restricted occupancy units with affordability restrictions; standards for qualifying for occupancy of senior or handicapped restricted occupancy units; party/process responsible for certifying qualifications of households which occupy restricted occupancy units; construction scheduling; procedures for marketing and filling vacant restricted occupancy units; restrictions and enforcement mechanisms binding on property upon sale or transfer of the property; maintenance provisions of restricted occupancy units; and any other information as required by the Town to comply with the intent and requirements of these conditions of approval and the density bonus regulations of the State and the Town. The affordable housing

agreement shall include a provision which allows the Town of Danville to assign its authority to regulate and enforce the agreement to the Contra Costa County Housing Authority, a nonprofit housing agency or other similar entity.

19. The Project Developer shall document, to the Town's satisfaction, the due diligence and effort taken to notify members of the community and those who work in the community (including but not limited to local school employees and service workers) of the initial and ongoing availability of the affordable for-rent units to be provided in the project.

20. In case the residential project is built as, or converted to, individually owned condominium units, an Owner's Association shall be formed. The Owner's Association, through project-specific covenants, conditions and restrictions (CC&Rs), shall be responsible for commonly owned facilities. The CC&Rs shall include appropriate restrictions relating to the use of project parking and storage to meet the intent and requirements of these conditions of approval. Draft CC&Rs shall be submitted to the Planning Division and City Attorney for review and approval a minimum of 60 days prior to the individual sale of any of the units. A note shall be placed on the final map for this project which specifies the requirement that the City Attorney shall have review and approval authority of project-specific CC&Rs prior to the individual sale of any of the units.

21. Prior to demolition activities, an asbestos survey shall be conducted by an Asbestos Hazard Emergency Response Act (AHERA) and California Division of Occupational Safety and Health (Cal/OSHA) certified building inspector to determine the presence or absence of asbestos containing-materials (ACMs). If ACMs are located, abatement of asbestos shall be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the Bay Area Air Quality Management District (BAAQMD) Regulation 11, Rule 2.

22. If paint is separated from building materials (chemically or physically) during demolition of the structures, the paint waste shall be evaluated independently from the building material for lead by a qualified Environmental Professional. If lead-based paint is found, the project developer shall be responsible for abatement, which shall be completed by a qualified Lead Specialist prior to any activities that would create lead dust or fume hazard. Lead-based paint removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory

protection, and mandates good worker practices by workers exposed to lead. Contractors performing lead-based paint removal shall provide evidence of abatement activities to the Town Engineer.

23. If the asbestos containing-materials (ACM) report determines there are ACMs present, the developer shall have the responsibility to: (a) remove and dispose all ACM in accordance with applicable Federal, State and local regulations governing asbestos including, but not limited to those promulgated by OSHA, EPA, Cal-OSHA, Cal-DPH, DTSC, and the Bay Area Air Quality Management District (BAAQMD); (b) supply notification to employees, contractors, subcontractors, and tenants having access to the buildings on the project site as to the presence, location, and quantity of ACMs documented to be present at the site, with such notification to occur within 15 days of receiving such information; (c) retention of a State of California licensed and Cal-OSHA registered asbestos contractor to complete the recommended pre-demolition abatement of all ACM at the site; (d) provision of a 10 working day minimum advanced written notification to BAAQMD prior to demolition activities (with said notice to be accompanied by payment of requisite administrative fees); and (e) provision of an "Intent to Conduct ACM Related Work" notification to Cal-OSHA.

24. If the lead-based paint (LBP) report determines there are LBPs present, the project developer shall have the responsibility to: (a) remove and dispose all LBPs in accordance with applicable Federal, State and local regulations; (b) advise contactors engaged in work at the site that LBPs are present and that said LBPs shall only be impacted by properly trained workers, using appropriate lead-related work practices in compliance with applicable Cal-OSHA worker exposure regulations; and (c) provision of an "Intent to Conduct Lead Related Work" notification to Cal-OSHA.

ADVISORY COMMENTS:

1. According to Central Contra Costa Sanitary District (CCCSD) records, the project site is within CCCSD's service area and sanitary sewer service is being provided to the existing buildings on site. Some of the existing sewer would need to be properly abandoned when the buildings are removed. The developer would need to construct a set of on-site mains and laterals to serve the proposed multi-family units.

2. CCCSD has initiated a capacity study to determine if the existing sewer system in the vicinity is adequate for the additional wastewater which will be generated by the proposed project. The developer will be required to

submit full-size building plans for CCCSD Mainline review in advance and to pay fees and charges at the time of connection to the sewer system. The payment of capital improvement fees is required for the development or expansion of a property use which generates an added wastewater capacity demand to the sanitary sewer system. This project may be subject to substantial capital improvement fees due to its size or use. To receive an estimate of project fees and charges, the developer should promptly contact the District's Permit Section at (925) 229-7371.

3. As indicated in East Bay Municipal Utility District's (EBMUD)'s preliminary comments on the project (comments dated November 30, 2016), separate dwelling units on the same property require separate water meters. A main extension, at the project sponsor's expense, may be required depending on EBMUD metering requirements and fire flow requirements set by the local fire department. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine the cost and conditions of providing water service to the project. Engineering and installation of water mains and meters may require substantial lead time, which should be accounted for in the project sponsor's development schedule. No water meters are allowed to be located in driveways. The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense. Due to EBMUD's limited water supply, all customers should plan for shortages in time of drought.

4. The preliminary comments on the project from the Contra Costa County Flood District & Water Conservation District (FC District) were reflected in their letter dated December 13, 2016. Some of the comments contained in that letter have been integrated into the project conditions of approval. The following additional comments constitute advisory comments from the FC District:

   a. The A.L.T.A./A.C.S.M. Land Title Survey submitted by the applicant as part of the project application shows a 60-foot-wide FC District access and maintenance easement on the west side of the project parcel, which is also dedicated to Contra Costa County for street and highway and incidental purposes, and a 21-foot-wide existing FC District and incidental easement on the east side of the property. The southern side of the property has a FC District easement over San Ramon Creek and adjacent areas. However, it appears on the proposed site plan that these existing easements are to be modified

by the project, on the east side and south side of the project parcel. Since the project will include modification of existing FC District easements, the applicant will be required to contact the FC District to discuss FC District's continued access to the San Ramon Creek flood control channel, review improvement and planting plans, review proposed changes to existing easements, and review acceptance and recordation of real property documents.. The applicant needs to approach the FC District to set up a Fee-for-Service account to cover for our staff and begin transactions.

b. The site plan needs to show the proposed points of access and paths to the San Ramon Creek flood control channel. Our access road should be clear to adjacent parcels.

c. The landscape plan proposes additional planting of trees along San Ramon Creek, which, in addition to the existing trees, might impair the access to the creek for future maintenance and emergency repair work. We recommend that the applicant sets up an appointment with the FC District to discuss existing and proposed trees. [The applicant was referred to the FC District's Typical Landscaping Limits on Creek/Chanel Embankments detail.]

d. The San Ramon Creek Watershed has inadequate capacity and the FC District recommends that no increase in peak discharge to San Ramon Creek be allowed in conjunction with the redevelopment of the project site. The FC District is operating from an assumption that redevelopment of the project site from the existing office use to uses allowed with the DBD Area 12 Multifamily Residential High Density land use designation will result in an increase in project-related runoff.

e. We recommend considering the proximity of the San Ramon Creek flood control channel during construction of the project and requiring that Best Management Practices be implemented during site preparation and construction to avoid contaminants and silt from entering the San Ramon Creek channel, as well as restricting storage of construction equipment or materials adjacent to the creek or in the FC District's right-of-way.

f. If the existing onsite San Ramon Creek stormwater outfall is modified, a FC District permit and hydrology study may be required.

g. The project is adjacent to the San Ramon Creek flood control channel, which is inside a FEMA Special Flood Hazard area, "Zone A", which is subject to inundation by the 1% annual chance flood. We recommend that the project addresses this issue and comes up with a contingency plan should the 100-year flood event occur.

h. The proposed project is located in Drainage Area 18, an unformed drainage area. Therefore, there are no drainage area fees (for Drainage Area 18) due at this time.

i. The FC District is not the approving local agency for this project as defined by the Subdivision Map Act. As a special district, the FC District has an independent authority to collect drainage fees that is not restricted by the Subdivision Map Act. The FC District reviews the drainage fee rate every year the ordinance is in effect and adjusts the rate annually on January 1 to account for inflation. The drainage fee rate does not vest at the time of tentative map approval. The drainage fee due and payable will be based on the fee in effect at the time of fee collection.

5. The preliminary comments on the project from the San Ramon Valley Unified School District (District) were reflected in their letter dated December 1, 2016. The District advises as follows:

a. The residential project located at 373-379 Diablo Road, Danville, CA will be subject to a residential rate developer fee, currently $6.22 per square foot. The project is within the San Ramon Valley Unified School District.

b. The residential project will be subject to higher developer fees as a result of the impact of Senate Bill 50 (SB50), the Leroy F. Greene School Facilities Act of 1998. SB50 states that if the District conducts a School Facilities Needs Analysis report and meets certain other requirements, it may impose an alternate developer fee that may be significantly higher than the previously permitted Level 1 fees of $3.48 per square foot of new residential development. On October 18, 2016, the Board of Directors adopted Resolution No. 16/16-17, Establishing Alternative School Facility Fees (Level 2) in accordance with the provisions of Senate Bill 50. The above-mentioned project is subject to current fees.

c. The district's current student generation factors (SGF) for this type of project are listed below:

UNITS: 150 MULTIFAMILY		
GRADE	SGF RATE	STUDENTS
K-5	0.32	48
6-8	0.13	20
9-12	0.18	27

d. The resident schools for this project are Montair Elementary, Stone Valley Middle, and San Ramon Valley High Schools. Due overcrowding in the District it is possible that students residing in this subdivision may be diverted to other schools.

6. The preliminary comments on the project from the Northwest Information Center of the California Historical Resources Information System at Sonoma State University were reflected in their letter dated November 30, 2016. Project Condition of Approval #A.9 integrates one recommendation for the project. The letter, including all other comments and recommendations, is included as an exhibit to the Planning Commission Staff Report dated January 24, 2017 for the project.

7. The preliminary comments on the project from the San Ramon Valley Fire Protection District (SRVFPD) were reflected in their Planning Application Review Letter dated November 28, 2016. That letter was included as part of Exhibit I of the Planning Commission Staff Report dated January 24, 2017 for the project.

8. The preliminary comments on the project from the Contra Costa Environmental Health Division (CCEHD) were reflected in their letter dated January 5, 2017. Some of the comments contained in that letter have been integrated into the project conditions of approval (see Conditions of Approval #F.6 and #F.11. The following additional comments constitute advisory comments from the FC District:

   Debris from construction or demolition activity must go to a solid waste or recycling facility that complies with the applicable requirements (e.g., solid waste permit, EA notification, etc.)

APPROVED by the Danville Planning Commission at its regular meeting on January 24, 2017, by the following vote:

AYES:	**Bowles, Combs, Graham, Habrel, Radich**
NOES:	
ABSTAINED:	**Verriere**
ABSENT:	**Havilk, Heusler**

CHAIRMAN

APPROVED AS TO FORM:

CITY ATTORNEY

CHIEF OF PLANNING

RECEIVED
MAR 9 2017
DANVILLE CITY CLERK

+Danville Citizens for Responsible Growth
Julie Glaser, Danville Resident and Taxpayer
Kirsten Muzinich, Danville Resident and Taxpayer
Michelle Harris, Danville Resident and Taxpayer
Ram Namburi, Danville Resident and Taxpayer
Liz Harvey, Danville Resident and Taxpayer

March 9th, 2017

To: City of Danville, Planning Committee and City Council
City of Danville, Danville, California
510 La Gonda Way
Danville, CA 94526
373-383 Diablo Road/Property Development Complex (Applicant: Danville Office Partners, LLC)
By Personal Delivery

Re: Appeal of Development Plan to construct 150 unit multi family for-rent residential development R 373-383 Diablo Road, Danville, CA.

We are appealing the above- referenced Planning Commission decision. At the direction of Staff, we are providing this appeal in letter form.

A description of the project being appealed and the basis for the appeal are set forth below. The Project was approved February 28th, 2017, and this appeal is timely filed within 10 days thereafter. A filing check in the amount of $300.00 is provided.

Description of Project and Decision Being Appealed:

Appellants appeal Planning Commission Resolution No. 2017-01, which approved Final Development Plan Request DEV16-0014, on February 28th, 2017. The Project applied for by DANVILLE OFFICE PARTNERS, LLC and approved by Resolution No. 2017-01 is described as a request to construct a 150-unit multifamily for-rent residential project located on a 3.68 +/- acre (net) property located at 373-383 Diablo Road. The applicant is requesting a density bonus be applied to the project and is seeking up to a 35.0% increase to the otherwise allowable maximum project density. As a development incentive or concession, the applicant is requesting, consistent with regulations governing a density bonus project, relief from the maximum applicable floor area ratio (FAR) standard for conditioned space (i.e., the applicant is seeking approval of a FAR in excess of allowed maximum FAR standard of 80.0% FAR). As a waiver of reduction of development standards, consistent with regulations governing a density bonus project, the applicant is requesting relief from the maximum allowable building height standard set forth for the project site by the Danville 2030 General Plan (i.e., the applicant is

Received Diane Friedmann
For City Clerk

ATTACHMENT B

seeking authorization to observe a 37' maximum building height where the Danville 2030 General Plan sets the maximum allowable building height at 35') (General Plan: Residential - Multifamily – High) (Zoning: DBD; Downtown Business District Area 12 - Multifamily Residential High Density) (Address and Assessor's Parcel Number: 373-383 Diablo Road/APN 216-120-037) (Project Planner: Kevin Gailey).

Justifications for Appeal by Citizens and Taxpayers:

1. *Improper determination of use-by-right and CEQA exemption.*

In approving the Project, the Planning Commission found the Project fell within the scope of Government Code Section 65583.2(i), and was therefore a "use by right" and thus exempt from the Town's usual processing for a Final Development Permit, or CEQA review. Government Code Section 65583.2(i) was improperly applied to the Project for a variety of reasons, including because the Project will exceed density for zoning restrictions per the 2030 General Plan for this property. The previous environmental impact report is therefore not sufficient for this project due to exceeding the allowable zoning restrictions with respect to density. Further, Government Code Section 65583.2(i) provides differing standards for proposed rental units, as here, stating, that "Use by right for all rental multifamily residential housing shall be provided in accordance with subdivision (f) of Section 65589.5," which, in turn, states:

> Nothing in this section shall be construed to prohibit a local agency from requiring the development project to comply with objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the jurisdiction's share of the regional housing need pursuant to Section 65584. However, the development standards, conditions, and policies shall be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development.

Accordingly, Danville must ensure that this project conforms to all local regulations and standards. While the staff report asserts that the Project "will have no adverse effects," substantial evidence below, not fully evaluated and incorporated into the final Project approval requirements, or General Plan EIR, demonstrates that as proposed the Project would have significant and adverse environmental effects that must be studied and mitigated or avoided.

Further, the Project may not qualify for this exemption since existing CC&Rs for the property do not allow for residential units at all, thus rendering the Project infeasible and ultra vires, even as against the General Plan designation. Indeed, there is a lawsuit pending in Contra Costa County Superior Court involving this Project and its surrounding properties/owners, and any approval of the Project could be subject to future challenge pending the outcome of the present litigation.[4]

Finally, future conversion to condominium units is a foreseeable consequence of the proposed

Project. However, any such future conversion would require further discretionary approval, but would consider the existing structure as the baseline environment. Therefore, for any CEQA review to be meaningful, this outcome must be evaluated pursuant to CEQA now, before any construction may occur. Alternatively, any Project approval must be expressly conditioned upon no future allowance for condominium conversion.

A recommendation for retail/business/hotel use would be appropriate given the CC&R's that are currently in place and current infrastructure and environmental limits of Downtown Danville.

2. *Impacts to creek and habitat could be significant and should be studied and mitigated or avoided.*

CA Fish and Wildlife code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following:

- Substantially divert or obstruct the natural flow of any river, stream or lake;
- Substantially change or use any material from the bed, channel or bank of any river or stream; or
- Deposit debris, waste or other materials that could pass into any river, stream or lake.

The Town of Danville has never seen a project gain approval without the assessment of CDFW. The staff report and findings provide that "*The project will be required to work with the Contra Costa County Flood Control District to ensure continued safety along San Ramon Creek,*" but this fails to provide any specific or binding requirements to ensure any flood or creek related impacts will be avoided. Due to the location and scale of this Project, there will be significant impacts to nearby waterways. Run-off associated with the construction and operation of the Project may include: industrial materials, pet fecal material, oil from cars and runoff, litter and other toxic, hazards or other pollutant materials due to high density of residential units planned. This is of particular concern because a creek is directly adjacent to the Project site.

Accordingly, at a minimum, we need to see the full mitigations and impact of both CDFW and Flood Control requirements for this. This should include an assessment of the creek directly adjacent to the project and 2 miles up and down stream of the creek in each direction, and assessment of its stability for flood conditions (in particular during a 100 year flood). We also request the developer to contribute to a monetary fund which will be used to maintain the infrastructure on the Danville creek collection pool at Diablo and Front street. The developer should also contribute to a fund which will provide a nature preserve viewing area of the creek with benches and a path which will allow residents and visitors to admire the natural creek bed and all of its animal and plant diversity. Again, the removal of any existing trees and its impact on soil stability needs to be considered and reviewed as it relates to the creek and the consequences of the impact on creek integrity and natural animal life within the creek.

It is not sufficient to say that this assessment will done after the project is built as this would not be satisfactory due to the building already being in place. It would not be possible to retrospectively alter the building's distance/position in relation to the creek, or remedy any untoward consequences of the building as it relates to the fish, wildlife or habitat. Once the building is in place it will become part of the "baseline" conditions for the purpose of any future environmental review, which will necessarily limit potential mitigation measures that could be considered.

In addition, it appears required creek setbacks will not be met. Danville Municipal Code section 32-22.12(c) requires that:

> For properties that abut major channels, all additions and/or new structures shall meet the creek current structure setback requirements as defined by Contra Costa County Flood Control and Water Conservation District or as determined by the City Engineer. . . All structures shall observe the minimum creek setback or the property line setback otherwise established under the applicable zoning district, whichever is greater.

Similarly, the General Plan provides:

> Policy 22.01 - Maintain and enhance the natural quality of Danville's creeks, including the riparian vegetation along the banks. Setbacks should be maintained along creeks to maintain their natural appearance, reduce erosion and flood hazards, and protect their ecological functions.

Here, the proposed Project's placement abutting the bank of San Ramon Creek indicates that such required setback may not be maintained. While the conditions of approval do include a pedestrian easement, this additional development may not inherently "maintain and enhance the natural quality" of "riparian vegetation along the banks." To the contrary, and as discussed below, the staff report indicates that this would be a section subject to tree removal.

The creek is a valued natural asset to the Town of Danville for its natural beauty, plant and animal life. This project must not be approved without full knowledge of the impact on the creek and indigenous trees and landscape. It has not been demonstrated how the creek is going to be restored and what is the detailed plan for restoration of indigenous plants along the creek.

We request a full assessment of landscape and impact on environment in and around the creek, including but not limited to the creek bed, indigenous and nonindigenous plants and animal life. It is requested that this report be utilized to determine an appropriate set back from the creek as well as advise on environmental impact a structure or structures would have on the creek with recommendations on steps needed to preserve and prevent a negative environmental impact on the creek and surrounding area. In addition, a plan should be put forth by the

Developer to provide pathways, benches and natural landscape which will preserve the beauty of the creek and allow for appreciation by residents and visitors. A set back should be included which will preserve the integrity of the creek and prevent negative human environmental impact to the any components of the creek.

3. *Impacts to trees should be studied and mitigated or avoided.*

We request that a totally independent arborist without relationships with the Town of Danville, the developer or any of the legal entities affiliated in any way with this project be appointed to do a thorough and unbiased assessment of the impact of this project on the existing trees. Assessment of the trees impacted by this project and if there are any protected trees (e.g. heritage oak trees). Also, we want an assessment of what impact the tree removal may have on soil stability, drainage and creek stability.

4. *Traffic impacts could be significant, and should be studied and mitigated or avoided.*

Traffic is a public safety issue as well as impacts quality of life for residents in the Town of Danville. The current traffic study is inadequate for current and projected traffic conditions. Given the rapid expansion of the economy the data needs to be updated to use traffic in the projectable future which shows a 15-20% increase in traffic demand. Currently CalTrans and Contra Costa Transportation Authority are planning to implement metering lights on Diablo Road on ramps which will also significantly increase in congestion of arterial roads (Diablo Rd; westbound and eastbound). In addition, the intersection on Diablo Road and 680 Fwy North and Southbound and near Green Valley Shopping Center needs to be studied. Peak hours for the purpose of the traffic study include both work and school commute hours. The peak hours should at minimum include to and from school traffic around, Vista Grande (680 North onramp off Diablo Rd and intersection Diablo and Camino Tassajara where it remains a two lane road with no sidewalks for pedestrians to allow for children to get to school or pedestrians to walk into town). All of the downtown area around morning and afternoon/evening school and commute hours needs to be studied. The credit given in the traffic report assumes people will be utilizing the bus system. This is an inaccurate assumption as individuals renting at market rate in the Town of Danville will not be utilizing buses and will be utilizing their personal vehicles on a daily basis. Thus, the credit was based on faulty assumptions.

We request a new traffic study that uses a totally independent agency without relationships to the Town of Danville, the developer or any of the legal entities affiliated in any way with this project being a thorough and unbiased traffic assessment which takes into account current and future traffic projections. It should consider the increase of street traffic from 2015 to 2017 and then extrapolate this rate of growth into the future in order to estimate expected traffic volume once the apartment units are occupied. The baseline used in the previous assessment was for about half the units and the proposed plan is double the number of units are being built (80 units vs 150 units).

A parking assessment and remediation has not been adequately addressed in this proposal. We request a parking assessment and proposal by the developer to address the parking needs of a development on this property. It has been suggested the parking will either be provided in the development proposal or through 'parking in lieu' fees. This clearly illustrates that the developer may be able to avoid providing any parking in exchange for small fee. This will make the parking situation adjacent to the project worse as it spills onto neighboring or arterial streets/areas or business. This would eventually put the burden on the Town of Danville to provide additional infrastructure.

5. *Pedestrian and bike safety impacts could be significant and should be studied and mitigated or avoided.*

There is clear evidence in the Town of Danville that children do not walk to school on arterial streets due to safety issues. Children who live in this complex will be unable to walk to school (Montair Elementary or Diablo Vista School) due to lack of sidewalks and current traffic safety concerns. Also, based on evidence, adult pedestrians will not be utilizing public buses and will be utilizing cars around town for trips (not limited to) pick up/drop children, shopping, banking and activities of daily living, etc.

It is also commonly known that Danville residents bike in and around downtown. The increased traffic would result in increased danger to bikers.

6. *Air quality impacts could be significant and should be studied and mitigated or avoided.*

Residential buildings that have been developed less than 500 feet away from a major traffic source have been shown and documented by major medical organizations to contribute or cause serious long term health issues, not limited to "black lung", high blood pressure, asthma in children, higher incidence of childhood leukemia. [1\2] This property is 40 feet away from the onramp at the NE corner and 65 feet away at the SE corner of the 680 Freeway. "Children are especially vulnerable to auto-emission health impacts because, among other reasons, they breathe more air relative to their body weight than adults, are more physically active, and spend more times outdoors during times when pollutant levels are at their highest. (Hulsey, et al., 2004) Additionally, children have many more years ahead of them in which the cumulative damage caused by auto emissions can manifest itself in disease or disability. Women who live near areas of high automobile traffic during pregnancy have a 20 – 30% higher chance of having children with lung impairment. (Morales, et al., 2014) Auto emission PM exposure from nearness to high traffic during the the third trimester of pregnancy doubles the risk for autism. (Raz, et al., 2014)."

The General Plan requires that:

> Policy 34.04 - Consistent with CEQA and the measures necessary to mitigate General Plan impacts, require site-specific air quality studies for future development under the

> Plan that includes sensitive receptors (such as schools, hospitals, daycare centers, or retirement homes) located within a designated buffer area along Interstate 680.

And further requires that:

> Policy 34.06 – Consistent with CEQA measures necessary to mitigate General Plan impacts, require indoor air filtration systems to reduce particulate concentrations to acceptable levels for projects where there would be a significant cancer risk exposure as defined by BAAQMD.

Given the extreme proximity of this proposed high density development to Interstate 680, additional air quality and human health impact studies must take place prior to any project approval.

Conclusion:

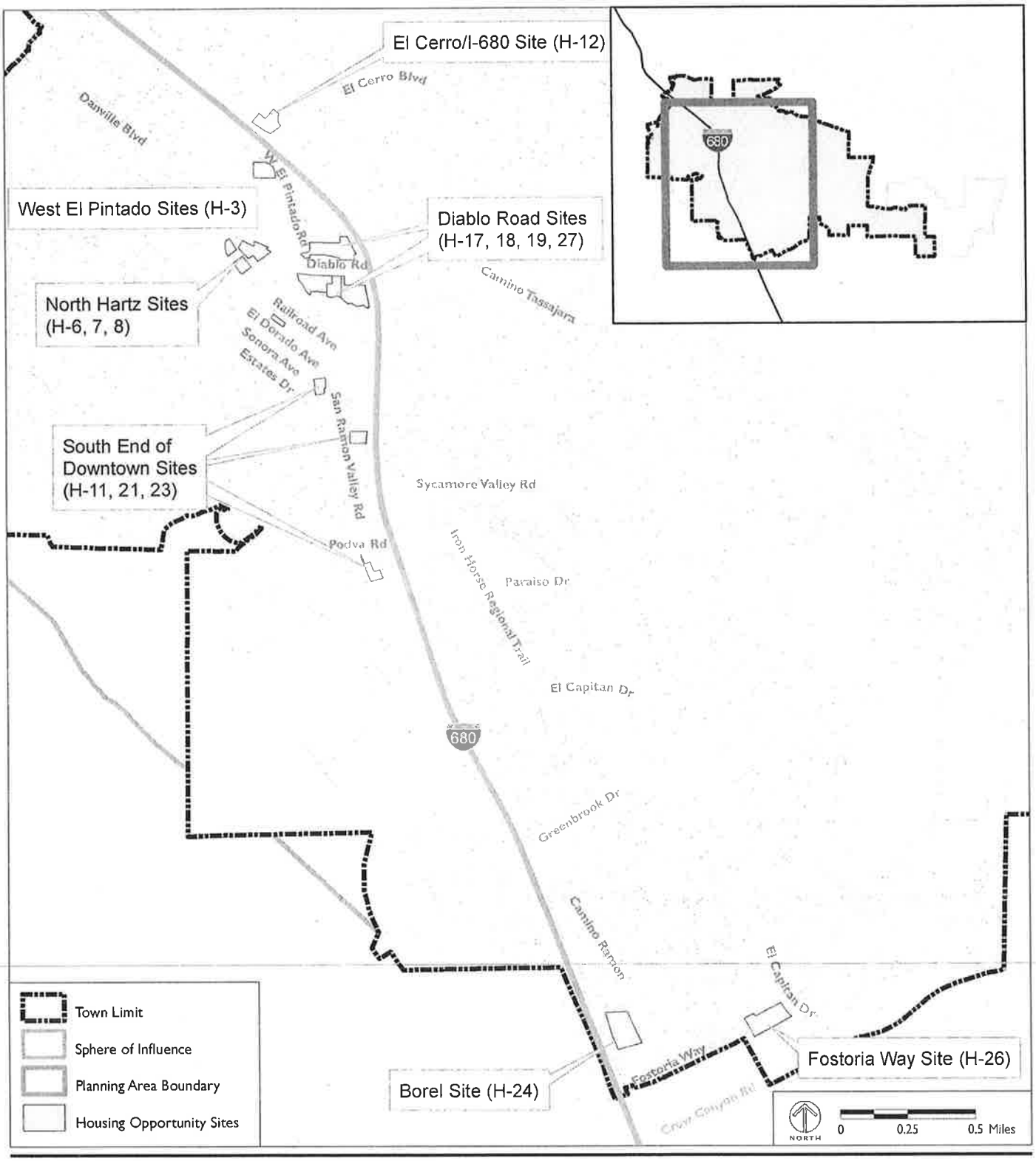
Thank you for your earnest consideration of these issues. We look forward to working closely with Danville Town Council during the appeal. We would like to work closely to schedule the appeal hearing on a mutually acceptable date to insure the we have sufficient time to fully prepare.

Sincerely,

Julie Glaser, Danville Resident and Taxpayer
Kirsten Muzinich, Danville Resident and Taxpayer
Michelle Harris, Danville Resident and Taxpayer
Ram Namburi, Danville Resident and Taxpayer
Liz Harvey, Danville Resident and Taxpayer
Danville Residents for Responsible Growth

1. https://www.ncbi.nlm.nih.gov/pubmed/16222162
2. http://www.laweekly.com/news/black-lung-lofts-2164048
3. http://www.danville.ca.gov/Services/Planning-Services/General-Plan/Housing-Element-2014-2022/
4. http://icms.cc-courts.org/tellme/tellme/tellmecasereport.asp?language=ENGLISH&courtcode=A&casenumber=MSC15-01539&casetype=CIV
5.http://www.usatoday.com/story/news/nation/2014/03/20/childhood-leukemia-linked-to-heavy-traffic-exposure-cdc-says/6658919/
6. http://www.dot.ca.gov/trafficops/tm/docs/RampMeteringDevelopmentPlan.pdf
7.http://sandiego.urbdezine.com/2015/05/28/what-is-a-safe-distance-to-live-or-work-near-

high-auto-emission-roads/
8. Raz, R., Roberts, A.L., Lyall, K., Hart, J.E., Just, A.C., Laden, F., and Weisskopf, M.G., Autism Spectrum Disorder and Particulate Matter Air Pollution before, during, and after Pregnancy: A Nested Case–Control Analysis within the Nurses' Health Study II Cohort, Environmental Health Perspectives (2014)
9. All the cases involving Danville office partners in Contra Costa County superior court. http://icms.cc-courts.org/tellme/tellme/searchresult.asp?language=ENGLISH&casefiled=&knowcasenumber=S&searchtype=NAME&casenumber=&firstname=&middlename=&lastname=&businessname=DANVILLE+OFFICE+PARTNERS&side=&limit=9999&yearfiled=NOTS



Source: Town of Danville; The Planning Center | DC&E 2011; FHA 2002

FIGURE 3-3
HOUSING OPPORTUNITY SITES

ATTACHMENT C

ville, 2011. *Town of Danville General Plan Update, Housing Opportunity Sites – Reference Guide.*

a. South Side of Diablo Road Properties

Three of the Housing Opportunity Sites (HOS #18 - Janlois, HOS #19 - Stanley and HOS#27 – Castle/Riele), totaling 8.1 acres (net of area in the creek), are located on the south side of Diablo Road between Front Street and Interstate 680. The sites currently have a General Plan designation of Downtown Master Plan/Downtown Business District – Area 6 (Offices). The current designation does not permit residential uses. The proposed designation would permit multifamily housing at net densities between 25 and 35 units per acre, with 25 units per acre as the minimum development density. Since new multifamily development on these sites would involve redevelopment of existing commercial or residential uses, the Draft EIR anticipates, and accounts for, the probability that to make redevelopment with multifamily uses economically feasible, development densities higher than 35 units per acre would be needed/pursued through application of density bonuses. The Draft EIR anticipates and accounts for this likely scenario. Applying a 35 percent density bonus to the maximum allowable 35 units per acre of the Downtown Business District 12 (Residential–Multifamily–High Density) land-use designation would yield a maximum density of 47 units per acre. If all projects used such bonuses and were developed at 47 units per acre, as many as 384 units could be located on these sites. Since one of the sites (HOS #18) is currently occupied by a 1962-era 46-unit apartment project, the net yield under this density bonus scenario would be 338 units.

b. North Side of Diablo Road Property

Housing Opportunity Site #17 (Danville Park) is located just to the north of Diablo Road, between Interstate 680 and West El Pintado Road. Located immediately adjacent to the north side of Green Valley Creek, the site is separated from Diablo Road by the creek itself and by developments between the creek and Diablo Road to the south. Green Valley Creek runs east to west past the south edge of the site and merges with San Ramon Creek shortly thereafter. The 3.8-acre site (area net of creek) is occupied by a 1963-era 96

ADMINISTRATIVE STAFF REPORT 5.1

DATE: January 24, 2017

ITEM: DEV16-0014 - Danville Office Partners, LLC

RECOMMENDATION: Approve Final Development Plan request DEV16-0014 subject to the findings and conditions of approval contained within Resolution No. 2017-01 (see Exhibit A).

NOTIFICATION: Public notice of the January 24, 2017 meeting was mailed on January 5, 2017 to property owners within 750 feet of the exterior boundary of the subject property and to other interested parties (see Exhibit B - Public Notification Map, Public Notification, and Public Notification List). A total of 134 notices were mailed to surrounding property owners. Posting of the meeting agenda serves as notice to the general public. The public noticing provided exceeds the minimum standard under state law which requires at least a ten day mailed or delivered notice to all property owners on the latest equalized assessment tax roll within 300 feet of the exterior boundary of the property that is subject to the hearing. The notice mailed on January 5, 2017 served to provide notice of the January 24, 2017 meeting and to advise that the item had been continued from the initial intended hearing date of January 10, 2017. Separate and earlier notice had been mailed for the intended earlier hearing date. The continuance from the January 10, 2017 meeting was made at the request of the applicant.

PROPOSAL: Final Development Plan request to construct a 150-unit multifamily for-rent residential project located on a 3.68+/- acre (net) property located at 373-383 Diablo Road. The applicant is requesting a density bonus be applied to the project and is seeking up to a 35.0% increase to the otherwise allowable maximum project density (see Exhibit C - December 18, 2016 applicant letter invoking density bonus project review). As a

ATTACHMENT D

development incentive or concession, the applicant is requesting, consistent with regulations governing a density bonus project, relief from the maximum applicable floor area ratio (FAR) standard for conditioned space (i.e., the applicant is seeking approval of a FAR in excess of allowed maximum FAR standard of 80.0% FAR). As a waiver of reduction of development standards, consistent with regulations governing a density bonus project, the applicant is requesting relief from the maximum allowable building height standard set forth for the project site by the Danville 2030 General Plan (i.e., the applicant is seeking authorization to observe a 37′ maximum building height where the Danville 2030 General Plan sets the maximum allowable building height at 35′).

LOCATION:	373-383 Diablo Road
APN:	216-120-037
NET ACREAGE:	160,300+/- square feet (3.68+/- acres) (See Exhibit E - December 16, 2016 BKF Engineers net acreage letter)
PROPERTY OWNER and APPLICANT:	Danville Office Partners, LLC Attn: Russel Stanley 18840 Saratoga Los Gatos Road Los Gatos, CA 95030
PROJECT ARCHITECT:	Carl E. Campos LCA Architects 590 Ygnacio Valley Road, Suite 310 Walnut Creek, CA 94596
PREVIOUS ACTIONS:	See Prior General Plan and Zoning Actions section of this report for discussion of previous actions affecting the subject property and the application submittal.
ENVIRONMENTAL REVIEW:	The Environmental Impact Report (EIR) prepared in conjunction with the March 2013 approval of the Danville 2030 General Plan provided the California Environmental Quality Act (CEQA) review for the change in the subject property's land use designation from an office designation to a multifamily high

density designation. The EIR was determined to provide sufficient and adequate environmental review for the separate and subsequent action that provided for change of the subject property's zoning designation. Specifically, the EIR was determined to be sufficient and adequate for the review and approval of Preliminary Development Plan – Rezoning request LEG13-02 (ZTA & PUD), the Town-initiated rezoning action that rezoned the subject property from DBD Area 6 - Business and Professional Office to DBD Area 12 - Multifamily Residential High Density (25-30 units per acre). See CEQA Review Exemption section of this report for discussion of the subject application's exempt status from further CEQA review.

GENERAL PLAN:	Downtown Master Plan and Diablo Gateway Special Concern Area
ZONING:	DBD; Downtown Business District Area 12 - Multifamily Residential High Density (25-30 units per acre)
LAND USE:	The site is currently occupied by two-story office buildings that were built in the late 1970's under land use and zoning designations that allowed office use. The office buildings are just under 50,000 square feet in area and are served by approximately 235 onsite parking spaces.

PRIOR GENERAL PLAN AND ZONING ACTIONS

The Danville 2007-2014 Housing Element (adopted in September 2010) identified a number of "Housing Opportunity Sites" for review for possible land use designation change during the subsequent update of the Danville General Plan. The review was required under state housing law to address the Regional Housing Needs Allocation (RHNA) shortfall that had been determined to be present in Danville.

The presence of a RHNA shortfall meant Danville had been determined to have an inadequate number of sites carrying a multifamily residential land use designation with adequate development potential to address its assigned fair share of the region's housing need. While the Environmental Impact Report (EIR) prepared for the Danville 2030 General Plan reviewed fourteen sites to address Danville's RHNA shortfall, at the

conclusion of the public hearing process for the 2030 Plan only two sites received a land use designation change to a multifamily designation.

With the approval of the Danville 2030 General Plan in March of 2013, the sites that received a land use designation to address the RHNA shortfall included: (1) a seven acre portion of the Borel/EBRPD property (i.e., a portion of the property located between I-680 and Camino Ramon in the southern portion of Danville near Marshalls and Costco); and (2) the 3.68+/- acre (net) Danville Office Partners, LLC site - the subject property for the current final development plan application.

In addition to receiving a new land use designation under the 2030 Plan, the DOP Site also was identified as one of the Special Concern Area properties in the 2030 Plan (see Exhibit F - Diablo Gateway Special Concern Area).

As directed by state housing law, a requisite follow-up action to changing a site's land use designation to address an identified RHNA shortfall is a rezoning action. Specifically, where a site is re-designated for multifamily use to address a RHNA shortfall the site must also have its underlying zoning designation changed so the site is "zoned by right" to allow multifamily use at prescribed minimum residential development densities. Under state housing law, "zoned by right" means a site where multifamily use may occur without the need to process any separate and subsequent legislative development entitlement.

In absence of a developer-initiated zoning request for the Danville Office Partners, LLC property, and to satisfy policies set forth in the Danville 2007-2014 Housing Element and state housing law, the Town initiated a rezoning action and the subject property was rezoned. The Town Council's approval of Preliminary Development Plan – Rezoning request LEG13-02 (PUD) in November 2013 placed a zoning designation of DBD; Downtown Business District Area 12 - Multifamily Residential High Density District (25-30 units per acre) onto the property (see Exhibit G - Town Council Resolution No. 92-2013 - LEG13-02 (PUD) rezoning the site to DBD Area 12).

CEQA REVIEW EXEMPTION

The current development plan application was filed with the Town after review of a similar development plan application was terminated at the property owner's direction. Specifically, the current final development plan application was filed following the termination of the application submitted by ROEM Development Corp. ("ROEM"), who submitted a development application in early 2015 and who also was pursuing approval for a 150-unit apartment project.

The project-specific processing steps applicable to a for-rent multifamily residential project on the subject property were outlined in a Town-prepared application processing

letter, a letter prepared in conjunction with the review of the ROEM application (see Exhibit D - September 16, 2015 application processing letter). The application processing letter cited the project's special status under state housing law as a for-rent project being processed without a concurrently submitted subdivision map request that also involves a site made available for multifamily use in response to an identified RHNA shortfall.

The application processing steps presented in a September 16, 2015 process letter issued during review of the ROEM application remain applicable to the current Danville Office Partners, LLC project submittal. Importantly, the development review process outlined in the processing letter, so as to be consistent with state housing law, reflects the determination that the current project is not subject to review under the California Environmental Quality Act (CEQA) as state Housing Law establishes that this type of project is exempt from CEQA.

BACKGROUND

As mentioned above, the property is identified as a Special Concern Area property by the Danville 2030 General Plan (see Exhibit F) and is one of two properties to secure a new multifamily land use designation through the approval of the Danville 2030 General Plan in recognition of Danville's Regional Housing Needs Allocation (RHNA) shortfall identified by the Danville 2007-2014 Housing Element. A requisite processing step for development proposals on properties with a DBD Area 12 zoning designation is to secure input through a conceptual review of the project at a joint study session before the Town Council, the Planning Commission, and the Design Review Board.

For this project, the joint study session occurred on May 17, 2016 – with the applicant and staff securing direction on project design and massing considerations at the conclusion of the study session (see Exhibit H - May 17, 2016 Joint Study Session Meeting Notes and Partial Study Session Packet).

At the conceptual review, project consideration focused on building height, building mass, roof treatment, setbacks, parking, architectural style, and the project relationship to adjacent properties and buildings. The direction provided, given that the review was limited to a study session review-format, did not constitute an approval of the project and was not binding on the Town as it proceeded forward with the project review.

The applicant modified the plans several times subsequent to the May 17, 2016 conceptual review, ultimately requesting that the project be taken through the requisite Design Review Board (DRB) processing step. The DRB review was a preparatory step for the project that had to occur prior to the scheduling of the project for a noticed public hearing before the Planning Commission. [Note: The project will not be considered by the Town Council unless the review occurred as a result of an appeal being submitted of a project decision rendered by the Planning Commission.]

The plans presented to DRB at meetings on October 20, 2016 and October 27, 2016 were measurably different from the plans reviewed at the May 17, 2016 joint study session. The plans had been modified to change the building massing from a single building with all building massing as three-story massing to three separate buildings with the ends of each building and portions of mid-building elevations for two of three buildings dropping down from three-story massing to two-story massing. The project had also been modified from 153 units to 150 units and had refinements to the parking count and mix to bring it in line with all applicable DBD parking regulations.

The DRB Project Memo (see Exhibit J - October 20, 2016 DRB Project Memo) provides additional project background discussion, with an emphasis on how the revised plans align with the various development and design guidelines that apply to the project. The attached version of the October 20, 2016 project memo has been updated to provide a status update on submittal items and processing steps that had been identified as still needing to occur.

This updated version of the DRB Project Memo, in conjunction with the summary notes from the two DRB meetings (see Exhibit K - DRB Action Summary Meeting Notes for meetings of October 20, 2016 and October 27, 2016) reflect the support from DRB for the project to move on to the Planning Commission and DRB's recommendation for provision for a tiered preliminary architectural review for the project. Draft Conditions of Approval #D.6 and #D.7 reflect DRB's support to bring some design items, items that would typically be addressed prior to a project's public hearing, back to DRB for review after an action is taken on the project at the Planning Commission review level.

In addition to the review that would be provided under Draft Conditions of Approval #D.6 and #D.7., the project would be required to return to DRB at the building permit phase to ensure the architecture, colors, materials, lighting and landscaping are consistent with the approval.

EVALUATION

Conformance with General Plan and Special Concern Area Principles

The General Plan land use designation for the site is Downtown Master Plan. The site is zoned DBD; Downtown Business District Area 12 – Multifamily Residential High Density (25-30 units per acre). Allowable uses within DBD Area 12 include multifamily for-rent or for-sale residences. The applicant has invoked density bonus for the project, allowing pursuit of a 35% density bonus on the otherwise allowed maximum density for the property.

As indicated above, the project site is identified as a Special Concern Area (SCA) in the Danville 2030 General Plan (see Exhibit F - Diablo Gateway SCA). The designation of the

site for DBD Area 12 – High Density Multifamily uses provides the opportunity to redevelop the site for multifamily residential use. The SCA text for the site lays out principles that should be applied to future residential development. Those principles are repeated below with a corresponding assessment of the project's adherence to the respective principles.

- ***Reduction of noise and air quality impacts.*** The eastern edge of this area abuts Interstate 680. Future development along this edge should be set back from the freeway to the extent feasible, in conjunction with other measures to mitigate impacts associated with freeway noise, vibration, and air quality.

  Compliance to SCA Principle: Language contained within Draft Condition of Approval N. - ENVIRONMENTAL NOISE outlines steps deemed necessary to ensure the project addresses anticipated noise impacts to future project residents resulting from the project site's proximity to Interstate 680. Language in this draft condition of approval also outlines steps deemed necessary to address anticipated short term noise generation impacts linked to the demolition of the existing office buildings on the project site; noise associated with related site preparation efforts (e.g., grading, foundation work, etc.); and noise associated with the remaining project construction efforts. Language in Draft Condition of Approval P. - AIR QUALITY AND GREENHOUSE GASES ANALYSIS outlines steps deemed necessary to ensure consistency with the applicable General Plan policies to address and minimize air quality and greenhouse gas impacts (i.e., Policies 33.04 and 34.02).

- ***Scale, mass and height of new development.*** Buildings shall generally be limited to a maximum height of 35 feet.

  Compliance to SCA Principle: As indicated above, as a waiver or reduction of development standards, consistent with regulations governing a density bonus project, the applicant is requesting relief from the maximum allowable building height standard set forth for the project site by the Danville 2030 General Plan (i.e., the applicant is seeking authorization to observe a 37' maximum building height where the Danville 2030 General Plan sets the maximum allowable building height at 35').

- ***Articulation of development.*** Structures should be designed to appear as a series of smaller, separate buildings rather than a single large building. Façades and setbacks should respect and complement the fine-grained design character of nearby Downtown Danville. Porches, stoops, courtyards, and other features should be incorporated to create a pedestrian-friendly scale and environment.

  Compliance to SCA Principle: As indicated above, the current site plan and architectural plans have been significantly modified during the course of the

project review, changing from a project design with building massing proposing use of a single building with all building massing as three-story massing to the current project design making provision of three separate buildings, with the ends of each building and portions of mid-building elevations (for two of the three proposed buildings) dropping down from three-story massing to two-story massing. The Design Review Board is supportive of the current project design, indicative of their determination the project is consistent with this SCA Principle and related design guidelines contained in the DBD; Downtown Business District regulations of the Municipal Code. The Project Architect describes the project design features in more detail in Exhibit Q. The 3-D Project Plans prepared for the project (see Exhibit R) portray the "fine-grained" design characteristics that have been incorporated into the project design.

- ***Parking.*** Residential development is expected to include some combination of surface parking, at-grade structure parking and/or basement parking. Reduction of the applicable DBD parking requirements for multifamily units may be considered where housing is provided for seniors, or where it can otherwise be demonstrated that a reduced dependency on vehicles will be experienced. Shared parking agreements with adjacent office buildings in this area also could be considered as a way to reduce on-site requirements.

  Compliance to SCA Principle: The project submittal depicts the proposed residential units as for-rent units with unreserved/unassigned parking. Based on the DBD parking requirements for multifamily residential units, the proposed project would create a numerical parking demand of 265 parking spaces. This parking requirement does not factor in any reduction in the numerical parking requirement for the project despite the potential for a reduction anticipated by this SCA Principle or the applicant's rights under state and local density bonus regulations to invoke an alternate parking standard that would have limited the minimum required amount of project parking to 216 onsite parking spaces. The plan depicts 265 total parking spaces, with 97 spaces depicted as at-grade parking and 168 spaces as basement garage parking. As submitted, the project would average 1.77 parking spaces per unit standard – reflecting the varying parking standards for a project including a mix of studio, one- and two-bedroom units. In addition, the project parking would abide to the dimensional standards called for in the DBD parking regulations, including capping the number of compact sized parking spaces to a maximum of 30% of project parking (29.4% proposed).

- ***Conservation of San Ramon Creek.*** An open space area should be preserved along San Ramon Creek, providing room for a pedestrian path.

Project compliance to SCA Principle: The project site plan reflects provision of an appropriate structural setback from San Ramon Creek to meet the intent of this SCA Principle and the provision of the associated public pedestrian trail easement and trail improvements parallel to the creek. Draft Project Conditions of Approval #G.9 and #G.10 (requiring public pedestrian easement and walkway improvements parallel to the project's entire length of frontage along San Ramon Creek) and #Q.9 (requiring elimination of two parking spaces in southeast corner of development area) would impose the project obligations deemed necessary to ensure the project is consistent with this SCA Principle and various General Plan Goals and Policies cited relation to the following SCA Principle.

- ***Pedestrian Bridge.*** A pedestrian bridge across the creek should be provided to connect this area to the Danville Library and Community Center, and Old Town Danville.

  Project compliance to SCA Principle: The project site plan reflects provision for the planned pedestrian bridge across San Ramon Creek and the provision of the associated public pedestrian trail easement and trail improvements between the north side of the creek and Diablo Road. Draft Condition of Approvals #G.9 through #G.11 would impose the project obligations deemed necessary to ensure the project is consistent with this SCA Principle and with applicable General Plan Goals and Policies including, but not limited to, Policy 6.08 Goal 11 (provision of safe, efficient multi-modal circulation system); Policy 11.03 (requirement to make physical improvements to improve the transportation system); Policy 11.06 (provision of improvements to provide a connected circulation system for pedestrians and bicyclists); Goal 12 (creation of walkable neighborhoods); and Policy 12.07 (closing gaps in the existing bicycle and pedestrian trail system).

- ***Provisions for shared ingress and egress.*** As there are multiple parcels along the south side of Diablo Road, coordinating access into contiguous properties and cross access between these properties should be pursued. Future traffic studies should determine the optimal location of ingress and egress points and the need for turning lanes and other improvements along Diablo Road. Interim solutions may be considered if development is phased.

  Project compliance to SCA Principle: Language in Draft Condition of Approval I. - TRAFFIC IMPACTS outlines steps deemed necessary to ensure the project is consistent with this SCA Principle and consistent with the intent and requirements of Policy 14.02 of the Danville 2030 General Plan, which outlines the requirement for a site-specific traffic study and requirement to address impacts identified in a Town approved traffic study.

- ***Integration of Commercial Uses.*** Provisions to integrate a limited amount of residential-supportive commercial uses may be made in the processing of future residential development applications.

  Project compliance to SCA Principle: No residential-supportive commercial uses are proposed to be integrated into the project.

Zoning Conformance

With the exception of a proposed deviation from the maximum floor area ratio standard for zoning district DBD Area 12, the project would conform to all applicable zoning standards. As indicated above, the applicant has requested, consistent with regulations governing a density bonus project, relief from the maximum applicable floor area ratio (FAR) standard for conditioned space (i.e., the applicant is seeking approval of a FAR in excess of allowed maximum FAR standard of 80.0% FAR).

Private CC&Rs, Easements and Settlement Agreement Action Involving Project Site

The Town acknowledges the existence of reciprocal ingress, egress and parking easements by and between the three parcels created in 1977 with the recordation of Land Survey Map 63 L.S.M. 11. The affected properties include Parcel A of 63 L.S.M. 11 (i.e., the property owned by Diablo Valley Bank and further identified as APN 216-120-035 – the "Heritage Bank" property); Parcel B of 63 L.S.M. 11 (i.e., the property owned by the Cabrita Trust and further identified as APN 216-120-036); and the subject property for current project (i.e., the Danville Office Partners LLC). The Town also acknowledges the existence of a separate reciprocal parking easement by and between Parcel A and Parcel C of 63 L.S.M. 11 and acknowledges a restriction in the private CC&Rs affecting the three parcels that prohibits residential use of any of the three parcels.

As the Town is not party to these private agreements, and consistent with its practices and procedures, the Town will not interpret the rights or limitations created by the private agreements nor limit any planning entitlement approval it grants to reflect those rights or limitations. Importantly, the private agreements do not affect the Town's determination that the project is in compliance with the Town's parking requirements for a multifamily residential development set forth by Danville Municipal Code section 32-45.34(q) - Parking Requirements - Multifamily Residential. The Project is in compliance with Section 32-45.34(q) of the Danville Municipal Code in terms of provision of the required minimum number of onsite parking spaces to serve the project. Changes to any of the private agreements affecting Parcels A, B, and C of 63 L.S.M. 11 are not required by the Town prior to the applicant exercising a planning entitlement approval.

The Town acknowledges the existence of a settlement agreement pertaining to existing physical improvements in the area of the shared property boundary between the Danville Office Partners LLC property and the abutting Janlois property to the west (the property

owned by Janlois Partners LP further identified as APNs 216-120-012 and -015). While the Town has no role in enforcing or applying the private agreement, the project conditions of approval (i.e., Draft Conditions of Approval #C.6 and #D.6) address concerns the Janlois Partners LP representatives have expressed about the project's obligation to provide replacement retaining wall/fence improvements along the shared property line and processing steps and timeline for the project (See Exhibit P: Brans/Janlois Letter dated January 12, 2017 and City Attorney response).

The Janlois Partners LP representative has been advised that the intent of the two conditions of approval is to ensure that the Town is satisfied with the proposed design solution involving improvements in the area of the shared property boundary and that the conditions of approval are not intended to replace the existing contractual obligations between the two properties.

Special reports required to be prepared to facilitate project review

To assure that a desirable and appropriately integrated development plan is secured, the conditions of approval for the rezoning action (i.e., approval for LEG13-02 as contained in Town Council Resolution No. 2013-18) required the preparation and submittal of numerous special reports in conjunction with any subsequently filed Final Development Plan request. The special reports needed for the project included studies for the following topic areas: aesthetics; traffic; protected trees; biological resources; C-3 stormwater plan; soil and geotechnical characteristics; noise; and air quality and greenhouse gas considerations. The special reports received to date for the project may subsequently further refined if the applicant elects to seek relief from the draft conditions of approval incorporated into Resolution No. 2017-01 for each respective topic area cited above.

Density Bonus Request

As indicated above, the applicant is requesting a density bonus be applied to the project and is seeking up to a 35.0% increase to the otherwise allowable maximum project density (see Exhibit C). As a development incentive or concession, the applicant is requesting, consistent with regulations governing a density bonus project, relief from the maximum applicable floor area ratio (FAR) standard for conditioned space (i.e., the applicant is seeking approval of a FAR in excess of allowed maximum FAR standard of 80.0% FAR). As a waiver of reduction of development standards, consistent with regulations governing a density bonus project, the applicant is requesting relief from the maximum allowable building height standard set forth for the project site by the Danville 2030 General Plan (i.e., the applicant is seeking authorization to observe a 37' maximum building height where the Danville 2030 General Plan sets the maximum allowable building height at 35').

Existing law (i.e., Government Code Section 65915), requires, when an applicant proposes a housing development within the jurisdiction of the local government, that the jurisdiction provide the applicant with a density bonus and other incentives or concessions for the production of lower income housing units if the applicant, among other things, agrees to construct a specified percentage of units for very low income, low-income, or moderate-income households or qualifying residents.

Existing law authorizes the waiver or reduction of development standards that would preclude this development and requires continued affordability for 55 years or longer, as specified, of all very low income and low-income units that qualified an applicant for a density bonus.

Through the project approval, the project would be granted a density bonus, with such density bonus reflective the applicant commitment to provide thirteen units appropriate for very low income households in the project for a minimum term of 55 years. As provided for by State density bonus regulations and the Danville Municipal Code, the 111-unit baseline unit count applicable to the project site would be authorized through the project approval to receive a 35% density bonus. The density bonus would take the maximum allowable unit count for the proposed for-rent multifamily residential project to 150 units, authorizing 39 more units than would be otherwise allowed given the property's underlying general plan land use designation. The requirements for restricted occupancy units will be required to be evidenced by an affordable housing agreement between the developer and the Town, completed and recorded on the property to each affected unit before issuance of a building permit and with said agreement to run with the land (see Draft Condition of Approval #Q.18).

PUBLIC CONTACT

Public notice of the January 24, 2017 meeting was mailed on January 5, 2017 to property owners within 750 feet of the exterior boundary of the subject property and to other interested parties (see Exhibit B). A total of 134 notices were mailed to surrounding property owners. Posting of the meeting agenda serves as notice to the general public. The public noticing provided exceeds the minimum standard under state law which requires at least a ten day mailed or delivered notice to all property owners on the latest equalized assessment tax roll within 300 feet of the exterior boundary of the property that is subject to the hearing. The notice mailed on January 5, 2017 served to provide notice of the January 24, 2017 meeting and to advise that the item had been continued from the initial intended hearing date of January 10, 2017. Separate and earlier notice had been mailed for the intended earlier hearing date. The continuance from the January 10, 2017 meeting was made at the request of the applicant.

RECOMMENDATION

Approve Resolution No. 2017-01 approving Final Development Plan request DEV16-0014, a request to construct a 150-unit multifamily for-rent residential project located on a 3.68+/- acre (net) property located at 373-383 Diablo Road.

Prepared by:

Kevin J. Gailey
Chief of Planning

EXHIBITS

Exhibit A: Resolution No. 2017-01 - Findings and Conditions of Approval
Exhibit B: Public Notification Map, Public Notification, and Public Notification List
Exhibit C: December 18, 2016 applicant letter invoking density bonus project review
Exhibit D: September 16, 2015 application processing letter
Exhibit E: December 16, 2016 BKF Engineers net acreage letter
Exhibit F: Diablo Gateway Special Concern Area (Excerpt from Danville 2030 General Plan)
Exhibit G: Town Council Resolution No. 92-2013 - LEG13-02 (PUD) rezoning the project site to DBD Area 12 – High Density Multifamily
Exhibit H: May 17, 2016 Joint Study Session Meeting Notes and Partial Study Session Packet
Exhibit I: Comments received from public, public agencies and organizations
Exhibit J: October 20, 2016 DRB Project Memo (with status update on task items)
Exhibit K: DRB Action Summary Meeting Notes for meetings of October 20, 2016 and October 27, 2016
Exhibit L: Worksheet San Ramon Creek Footbridge at Danville Green (CIP No. C-596)
Exhibit M: Traffic Impact Analysis - LSA Associates, Inc., dated May 12, 2016 (without appendices)
Exhibit N: Analysis of Air Quality Impacts – Northgate Environmental Management, Inc., dated March 23, 2016 (without appendices)
Exhibit O. Preliminary Tree Survey Table
Exhibit P: Brans/Janlois Letter dated January 12, 2017 and City Attorney response
Exhibit Q: Project Architect's statement on project design
Exhibit R: 3-D Project Plans
Exhibit S: Color and Material Board – LCA October 26, 2016
Exhibit T: Project plan submittal for Final Development Plan request DEV16-0014

PLANNING COMMISSION RESOLUTION NO. 2017-01
APPROVING FINAL DEVELOPMENT PLAN REQUEST DEV16-0014
(USE BY RIGHT-GOVT. CODE 65583.2(i))
(373-383 Diablo Road - APN: 216-120-037)

WHEREAS, Danville Office Partners, LLC (Property Owner and Applicant) is the owner of the property located at 373-383 Diablo Road (APN 216-120-037), located along the south side of Diablo Road, abutting the west side of the southbound onramp from Diablo Road to I-680 and also abutting the north side of a section of San Ramon Creek and is seeking approval of a 150-unit multifamily, for-rent residential project, with 13 of the 150 units being set aside for very-low income households; and

WHEREAS, the property is designated in the Town's 2030 General Plan as DBD; Downtown Business District Area 12 - Multifamily Residential High Density (25-30 units per acre); and

WHEREAS, subsequent to adoption of the 2030 General Plan, the Town adopted Zoning Text Amendment and Preliminary Development Plan - Rezoning request LEG13-02 (ZTA & PUD, Resolution No. 92-2013) which was required to ensure the zoning for the property was consistent with the General Plan designation. This rezoning amended Division 32-45 *DBD; Downtown Business District* of the Danville Municipal Code to create development standards for the newly created Area 12 - Multifamily Residential High Density land use designation of the 2030 Plan and established development criteria and standards for the property in order to ensure consistency with the 2030 General Plan; and

WHEREAS, the Environmental Impact Report certified in conjunction with the review and approval of the Danville 2030 General Plan in March 2013 (the General Plan EIR) provided the CEQA review for the proposed change in the project site's land use designation in the general plan from an office designation to a multifamily high density designation; and

WHEREAS, future development within the Town of Danville must conform to the 2030 Plan and related development regulations, with each development proposal required to be accompanied by a finding of general plan conformity and a citation of the relevant policies in the 2030 Plan which are the basis for action; and

WHEREAS, as part of the State Housing Law, local agencies face certain constraints in reviewing residential developments, particularly those that have been identified in the agency's General Plan as being housing opportunity sites ("HOS") necessary to satisfy regional housing needs; and

EXHIBIT A

WHEREAS, Government Code Section 65583.2(i) is one such provision in the State Housing Law and reads as follows: "(i) For purposes of this section and Section 65583, the phrase "use by right" shall mean that the local government's review of the owner-occupied or multifamily residential use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Any subdivision of the sites shall be subject to all laws, including, but not limited to, the local government ordinance implementing the Subdivision Map Act. A local ordinance may provide that "use by right" does not exempt the use from design review. However, that design review shall not constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Use by right for all rental multifamily residential housing shall be provided in accordance with subdivision (f) of Section 65589.5."; and

WHEREAS, because the project is on an HOS identified by the Town and proposes multi-family uses with no subdivision, it falls within the scope of Government Code Section 65583.2(i) and as such, is not subject to the Town's normal processing for a final development plan; and

WHEREAS, in order to comply with Government Code Section 65583.2(i) within the parameters of the Town's existing regulations, the Town developed project-specific processing steps which are laid out in a letter dated September 16, 2015 (attached to the Planning Commission Staff Report for DEV16-0014), which is incorporated herein by this reference; and

WHEREAS, the September 16, 2015 processing letter indicates that the project will be processed as a "Final Development Plan (Use by Right-Govt. Code 65583.2(i)" (hereafter, a "Modified Final Development Plan"), that the development is not a project for CEQA purposes (and thus exempt from CEQA review) and that the Town would make specified findings in considering the project; and

WHEREAS, as part of the Modified Final Development Plan, the applicant has requested a density bonus as permitted by state law be applied to the project through the approval of DEV16-0014, with the applicant seeking up to a 35.0% increase to the otherwise allowable maximum project unit density; and

WHEREAS, consistent with state regulations governing a density bonus project, the applicant is eligible to request two development concessions, but as part of the application is requesting only one concession, that being a request for relief from the maximum applicable floor area ratio (FAR) standard for conditioned space that would apply to the project site as the applicant seeks approval of an 88.4% FAR where the maximum FAR standard under the site's DBD Area 12 zoning is an 80.0% FAR; and

WHEREAS, consistent with state regulations governing a density bonus project, the applicant is also eligible for a waiver or reduction in development standards. The waiver sought by the applicant, is a request for modification of the maximum allowable building height as provided for under the Danville 2030 General Plan as the applicant seeks approval for use of a 37′ maximum building height where the Danville 2030 General Plan sets the maximum allowable building height at 35′; and

WHEREAS, Modified Final Development Plan request DEV16-0014 includes a request for authorization to remove on site trees that qualify as protected trees under the Town's Tree Preservation Ordinance due to their size and/or species; and

WHEREAS, on October 27, 2016 after a noticed public hearing, the Town's Design Review Board recommended that the Planning Commission approve the architecture and design of the project; and

WHEREAS, a staff report was submitted recommending that the Planning Commission approve the project; and

WHEREAS, the public notice of this action was given in all respects as required by law; and

WHEREAS, the Danville Planning Commission did hear and consider all reports, recommendations, and testimony submitted in writing and presented at the hearing concerning the project at a noticed public hearing on January 24, 2017; therefore, be it

RESOLVED that the Danville Planning Commission approves the Modified Final Development Plan request DEV16-0014, per the conditions of approval contained herein, and makes the following findings in support of this action:

FINDINGS OF APPROVAL:

Modified Final Development Plan Request

1. The property owner/applicant intends to obtain permits for construction within 36 months from the effective date of the approval of Modified Final Development Plan request DEV16-0014.

2. The development will be an attractive and efficient development which will fit harmoniously into and will have no adverse effects upon the adjacent or surrounding development. The project is surrounded by existing commercial buildings to the north and multifamily housing to the west. The project is set back a considerable distance and is largely screened from the view of Diablo Road.

3. The project is substantially consistent with the DBD; Downtown Business District Area 12 - Multifamily Residential High Density (25-30 units per acre) zoning standards.

4. The project as conditioned and approved is substantially consistent with the site specific zoning development criteria and standards contained in LEG13-02 (ZTA & PUD).

5. The project is consistent with the provisions of Government Code Section 65583.2(i) as it is located on a Housing Opportunity Site identified in the Town's 2030 General Plan and Housing Element and it proposes multifamily housing with no subdivision of land.

6. Consistent with Government Code Section 65583.2(i), the Modified Final Development Plan is not project under CEQA.

7. The proposed project will not be detrimental to the health, safety, and general welfare of the Town. The project as conditioned is consistent with all applicable Town standards and regulations.

8. The one concession and one waiver of development standards requested as part of the density bonus associated with the project are consistent with Government Code Section 65915(d) and are hereby approved.

9. The development proposal is in substantial conformance with the goals and policies of the Danville 2030 General Plan and the Downtown Master Plan, with specific conformance to the following goals and policies acknowledged through adoption of this finding:

    a. Policy 1.03 - Recognize the need for suitably located housing, civic facilities, and services for all age groups within the community.
    b. Policy 1.04 - Generally guide higher density residential development to locations within convenient walking distance of shopping centers and public transportation. *The project is located in walking distance to the Green Valley Shopping Center as well as downtown Danville and bus stops for County Connection Route 21.*
    c. Policy 2.01 - Achieve a high standard of residential design through project review and approval for all new residential developments.
    d. Policy 2.07 - Improve the appearance of the community by encouraging aesthetically designed buildings, screening, adequate setbacks, and landscaping.

e. Policy 3.07 - Where appropriate, encourage the use of shared circulation and parking. *As conditioned, the project provides an opportunity for future shared circulation with the adjoining Janlois property.*

f. Policy 3.08 – Encourage the reuse of vacant and underutilized commercial buildings for more economically productive purposes, including new businesses, housing, and mixed use development. *Development of multi-family housing on the site furthers the objective of this goal.*

g. Goal 4 Downtown Danville - Enhance Downtown Danville and its environs as the center of town, with a mix of retail, office, residential, civic, and open space uses. Downtown should be a more vibrant and successful center, with more walkable streets, opportunities to live and work close to public transportation and shopping, and new housing for persons of all incomes and ages.

h. Goal 5 Housing - Protect the quality of Danville's residential neighborhoods while providing opportunities for new housing that meets community needs. *The project provides new multifamily housing necessary to satisfy the Town's obligations for provision of such housing while separating the project from existing single family residential districts.*

i. Policy 5.03 - Through development and implementation of various housing programs, enable the development of affordable housing at a wide range of densities in a variety of locations.

j. Policy 5.06 - Protect the long-term affordability of existing housing units built through the Town's affordable housing programs.

k. Policy 6.02 - Give priority to developing vacant or underused land within the Town limits prior to extending development outside, unless the needs for housing and economic vitality require development that is difficult to achieve on an infill basis.

l. Policy 6.06 - Implement the programs necessary to ensure that the Town of Danville receives its "return-to-source" funds from the sales tax revenues collected through County Measure J.

m. Policy 6.08 - Continue to implement a development mitigation program which ensures that development projects pay their share of the costs of local services (such as roads, parks, fire, police, sanitary sewer, water, and flood control facilities) associated with that development. New development projects may only be approved where the Town finds that adopted minimum performance standards will be observed. *Subject to conditions of approval requiring, among other things, the payment of school impact fees, park and traffic mitigation fees and contributing towards the construction of a pedestrian/bicycle bridge with associated pathways linking Diablo Road to the Town Library/Community Center, the project observes all applicable performance standards.*

n. Policy 7.10 - Consistent with the Housing Element of the General Plan, continue to expand housing opportunities for all income groups. As required by County Measure J, the Town will biannually report to the CCTA on its progress in providing housing opportunities, and its efforts to reduce the impacts of such housing on the transportation system. *The project furthers the goals of the Housing Element, providing multi-family uses near transportation.*

o. Policy 9.11 - Explore opportunities to reuse underperforming or underutilized commercial uses with more economically productive uses that are compatible in scale and character with their surroundings.

p. Goal 11 Multi-Modal Circulation System - Provide a safe, efficient multi-modal circulation system. *The project is required to dedicate easements, construct a pathway and pay towards construction of a pedestrian/bicycle bridge connecting Diablo Road to the Town Library/Community Center. This new access point to civic facilities and the downtown will greatly enhance access for pedestrians and cyclists.*

q. Policy 11.03 - Implement physical and operational improvements to improve the transportation system. Such improvements should be: (1) consistent with the need to preserve the character of residential streets and neighborhoods; (2) sensitive to the requirements of bicycles and pedestrians; and (3) consistent with the goal of encouraging alternative modes of travel, whenever feasible. *The project is required to dedicate easements, construct a pathway and pay towards construction of a pedestrian/bicycle bridge connecting Diablo Road to the Town Library/Community Center. This new access point to civic facilities and the downtown will greatly enhance access for pedestrians and cyclists.*

r. Policy 11.06 - Create a connected circulation system in which it becomes easier to walk or bicycle from one point in Danville to another. On cul-de-sacs and dead-end streets, encourage pedestrian and bicycle paths that extend through to nearby streets, making it easier to reach destinations such as schools, parks, shopping, and public transit. *The project is required to dedicate easements, construct a pathway and pay towards construction of a pedestrian/bicycle bridge connecting Diablo Road to the Town Library/Community Center. This new access point to civic facilities and the downtown will greatly enhance access for pedestrians and cyclists.*

s. Goal 12 Complete Streets - Create walkable neighborhoods and shopping areas, with streets that safely and comfortably accommodate pedestrians, bicyclists, and transit users as well as motor vehicles. *The project is required to dedicate easements, construct a pathway and pay towards construction of a pedestrian/bicycle bridge connecting Diablo Road to the Town Library/Community Center. This new access point to civic facilities and the downtown will greatly enhance access for pedestrians and cyclists.*

t. Policy 12.01 - Design major roadways to function as "complete streets" which balance the needs of automobiles with the needs of pedestrians, bicyclists, transit users and other forms of travel.

u. Policy 12.02 - Require design measures to accommodate access by pedestrians, bicycles, and transit within new development, and to provide connection to adjacent development.

v. Policy 12.03 - Provide a pleasant and safe environment for pedestrian movement.

w. Policy 12.05 - Limit the number of curb cuts and other access points along arterial streets to avoid congestion and improve traffic pedestrian safety.

x. Policy 12.07 - Close the gaps in the Town's bicycle and pedestrian trail system in order to create a more fully connected, logical, comprehensive system of facilities for non-motorized transportation. *The project is required to dedicate easements, construct a pathway and pay towards construction of a pedestrian/bicycle bridge connecting Diablo Road to the Town Library/Community Center. This new access point to civic facilities and the downtown will greatly enhance access for pedestrians and cyclists.*

y. Policy 12.08 - Ensure the provision of adequate bicycle support facilities such as bicycle parking, at all major bicycle usage locations.

z. Policy 12.11 - Recognize the benefits of walking and bicycling to public health and the overall livability of Danville. *The project is required to dedicate easements, construct a pathway and pay towards construction of a pedestrian/bicycle bridge connecting Diablo Road to the Town Library/Community Center. This new access point to civic facilities and the downtown will greatly enhance access for pedestrians and cyclists.*

aa. Policy 12.12 - To the extent permitted by law, ensure that the Town's transportation improvement fees may be used to support pedestrian, bicycle, and transit improvements as well as road improvements.

bb. Goal 13 Transportation Choice - Create viable transportation alternatives to the single occupant automobile.

cc. Policy13.05 - Create and maintain a safe, effective system of bikeways, including an integrated network of off-road bicycle trails, dedicated on-road bicycle lanes and signed bicycle routes along Danville streets.

dd. Policy13.09 - Improve access to Downtown Danville for transit-dependent workers, seniors, and persons traveling without an automobile. *The bridge and pathway referenced above will provide a safer, more direct means for pedestrians and cyclists to travel from the Iron Horse Trail and civic facilities to Diablo Road.*

ee. Policy 14.02 - Require site-specific traffic studies for development that is likely to generate significant volumes of traffic. If such studies indicate that the development could cause the Town's transportation standards–to be exceeded, require modifications to the project and/or impose transportation improvements requirements which ensure that level of

service standards are maintained. *The project is required to contribute towards a potential future traffic signal which would ensure better traffic flow along Diablo Road.*

ff. Policy 14.03 – Maintain level of service (LOS) standards for Danville streets which balance vehicle speed and travel time objectives with other considerations, such as safety and comfort of pedestrians, bicyclists, and transit users. Standards may vary according to roadway function and the character of the surrounding uses.

gg. Policy 14.05 - As a means of reducing peak hour trips, encourage owner/resident operated home occupations and telecommuting from home where the business is not perceptible from the exterior of the home.

hh. Policy 15.03 - Require the design of streets in new development areas to incorporate traffic calming features.

ii. Policy 17.14 - Enhance Danville's trail system by closing gaps in the existing system, providing adequate access points, and extending trails to achieve better connectivity to all areas of the town. The trail system should be logical, comprehensive and user friendly and should provide a variety of trail experiences, including opportunities for exercise, encounters with nature, and social walking.

jj. Policy 17.15 - Public access easements shall be provided to designated public open space areas and along creeks and stream, where appropriate. Where appropriate and consistent with adopted trail plans, conditions of approval for new development should include requirements for land dedications and public access easements for trails. *The bridge and easements described above will assist in closing gaps in the trail system along San Ramon Creek.*

kk. Policy 17.21 - Recognize the benefits of trails as an alternative transportation mode and integral part of the Town's strategy for reducing greenhouse gas emissions, as well as their role as a recreational amenity.

ll. Policy 19.01 - Require new development to pay its fair share of the cost of civic and community facilities, based on the impacts attributed to that development.

mm. Policy 20.05 - Continue to provide for flood control, protection from erosion and siltation, and improvements to urban runoff as required by federal law. Continue to explore the recreational potential of flood control facilities and waterways, consistent with public safety and security, and stress aesthetic treatment of necessary facilities. *The project will be required to work with the Contra Costa County Flood Control District to ensure continued safety along San Ramon Creek.*

nn. Policy 21.10 - Require a biological assessment for development proposed on sites that are determined to have the potential to contain special-status species, sensitive natural communities, or wetland resources. *Project conditions of approval require such a study.*

oo. Policy 22.01 - Maintain and enhance the natural quality of Danville's creeks, including the riparian vegetation along the banks. Setbacks should be maintained along creeks to maintain their natural appearance, reduce erosion and flood hazards, and protect their ecological functions.

pp. Policy 22.02 – Require qualifying new development projects and redevelopment projects to comply with the Municipal Regional Permit for stormwater control and treatment.

qq. Policy 23.05 – Continue cooperative planning and implementation efforts at the countywide level to ensure that qualifying new development projects and redevelopment projects comply with the hydro-modification plan/program requirements imposed through the Municipal Regional Permit.

rr. Policy 27.02 - Require acoustical studies for major residential and other development projects, as appropriate, and impose noise mitigation measures accordingly.

ss. Policy 27.09 - Generally maintain exterior noise levels below 60 Ldn in areas where outdoor use is a major consideration, such as in residential backyards. Where the Town determines that this level cannot be achieved after reasonable mitigation has been applied, higher standards may be permitted at the discretion of the Town Council. In such cases, indoor noise levels should not exceed an Ldn of 45 dB.

tt. Policy 27.11 - Ensure that the design of new development near major noise sources (such as Interstate 680) reduces the potential for future occupants to be exposed to high levels of noise. Development on such properties should incorporate appropriate noise mitigation measures.

uu. Policy 27.13 - Utilize noise reduction measures during all phases of construction activity to minimize the exposure of neighboring properties to excessive noise levels.

vv. Policy 31.06 - Require new and rehabilitated multifamily developments to provide on-site shared collection bins for recyclable and compostable waste.

ww. Policy 32.06 - Encourage the use of permeable pavers for parking lots, driveways, walkways and other paved surfaces as a way to absorb stormwater, recharge the aquifer, and reduce urban runoff.

xx. Policy 33.04 - During the development review process, impose appropriate mitigation measures on new development to reduce greenhouse gas emissions.

yy. Policy 34.04 - Consistent with CEQA and the measures necessary to mitigate General Plan impacts, require site-specific air quality studies for future development under the Plan that includes sensitive receptors (such as schools, hospitals, daycare centers, or retirement homes) located within a designated buffer area along Interstate 680.

zz. Policy 34.06 - Consistent with CEQA measures necessary to mitigate General Plan impacts, require indoor air filtration systems to reduce particulate concentrations to acceptable levels for projects where there would be a significant cancer risk exposure as defined by BAAQMD.

Tree Removal Permit Request

Based on the preliminary tree report prepared for the project, there are 42 trees within, or adjacent to, the project site that qualify as "protected" trees and there are 13 trees that qualify as "heritage" trees, with four trees appearing on both lists and considered to be both "protected" and "heritage" trees. Based on the preliminary site plan and preliminary grading plan, project development would result in the removal of 20 "protected" trees and one "heritage" tree, being trees with an aggregate dimension at a trunk height of 54" of approximately 433" and including 19 London Plane trees, one Western Sycamore tree, and two Valley Oaks (12' and 24" in respective diameter). The precise location, number, and makeup of "protected" trees and "heritage" trees that would be removed as a result of the construction of the project will be determined fully prior to issuance of a grading permit or a building permit for the project.

The removal of onsite "protected" trees and "heritage" trees whose location is in direct conflict with the approved project improvements is approved as part of the approval for DEV16-0014 based on the following findings set forth in Municipal Code Section 32-79.6:

1. Necessity. Removal of the "protected" and "heritage" trees is necessary to accommodate the proposed residential development of the property, including the creation of a new roadway system, project at-grade parking, and grading to create the residential structures and associated podium parking garage. The project size, including the use of the podium parking garage, has been reduced as much as feasible given the permitted density and the state authorized density bonus.

2. Erosion/surface water flow. Removal of the "protected" and "heritage" trees will not cause significant soil erosion or cause a significant diversion or increase in the flow of surface water. The installation of mandated C-3 stormwater retention improvements (no such improvements currently exist on-site) along with planting of new trees and landscaping will minimize any potential erosion.

3. Visual effects. The project site contains some number of existing trees that will be retained and is surrounded by a significant number of additional mature trees, including additional Town-protected Oak trees that would not be removed for the project. In addition, the project developer will be required to mitigate the loss of "protected" and "heritage" trees that will be removed with trees of an approved species and of a cumulative number and diameter necessary to equal the diameter

of the tree(s) which have been approved for removal in accordance with the Town's Tree Preservation Ordinance.

4. Removal of the "protected" and "heritage" trees will not significantly affect off-site shade or adversely affect privacy between properties due to the site's topography, the other trees that would remain, the locations of the trees in relation to other properties, and the planting of new project trees.

CONDITIONS OF APPROVAL

Conditions of approval with an asterisk ("") in the left-hand column are standard project conditions of approval. Unless otherwise specified, the following conditions shall be complied with prior to issuance of grading or building permits for the project. Each item is subject to Town review and approval unless otherwise specified.*

A. GENERAL

1. This approval is for Modified Final Development Plan request DEV16-0014, with said approval also serving as authorization to remove "protected" and "heritage" trees to facilitate the development of the approved multifamily residential project. Development shall be substantially as shown on the project drawings and project studies as follows:

   (a) Preliminary Architectural Plans labeled "Riverwalk at Downtown Danville," depicting the proposed development as prepared by LCA Architects and consisting of 17 sheets dated November 22, 2016.

   (b) Project Civil Engineering Drawings, depicting existing conditions and preliminary project plans for grading and drainage, utilities, stormwater control, and stormwater treatment analysis, as prepared by BKF Engineers, Surveyors and Planners and consisting of seven sheets and dated November 14, 2016 or November 17, 2016.

   (c) Landscape Site Plan, as prepared by LCA Architects and consisting of one sheet dated September 20, 2016.

2. This entitlement includes the authorization to deviate from otherwise applicable DBD Area 12 maximum building height standards and maximum floor area ratio (FAR) zoning standards, with said deviation authorized as concessions/waivers provided under State and local density bonus regulations.

3. The project developer shall be responsible for the payment of all development processing fees and impact fees associated with the project and may seek offsets for the current use of the property as authorized by the applicable regulation or fee. The fee amounts to be paid shall be reflective of the fee schedules in effect at the time payment is made, with fees to be paid prior to issuance of grading or building permits. In addition to building permit plan check and inspection fees, notice should be taken of the following processing fee and impact fee categories that will be applicable to the project – with this listing not necessarily to be construed as a complete listing of applicable fees:

   (a) Improvement Plan Check Fee (3% of cost estimate)
   (b) Engineering Inspection Fee (5% of cost estimate)
   (c) Grading Plan Check, Inspection and Permit
   (d) Child Care Facilities - Residential ($115 per unit)
   (e) Parkland In-lieu Fee – Residential ($6,124 per unit)
   (f) Storm Water Pollution Program Fee ($228 per structure)
   (g) SCC Regional Fee - Residential ($1,349 per unit)
   (h) Residential Trans. Improvement Program Fee ($1,400 per unit)
   (i) Tri-Valley Transportation Fee - Residential ($2,951 per unit)

* 4. Prior to submittal for building permits, but in no case later than thirty days of the effective date of this approval, the project developer shall reimburse the Town for notifying surrounding residents and interested parties for notification of the public hearing for the project. The fee shall be $241.22 ($130.00 plus 134 notices at $0.83 per notice).

* 5. Prior to any construction work on the site, including preliminary site clearing or site grading, the project developer shall install a sign (minimum dimensions of 3'x3') at the project entry which specifies the allowable construction work days and hours and lists the company name, phone number, and contact person for the overall project manager and for all contractors and sub-contractors working on the job.

6. Prior to the issuance of grading or building permits, the project developer shall submit written documentation that all requirements of the San Ramon Valley Fire Protection District have been, or will be, met to the satisfaction of the District. The District's initial comments on this project are dated November 28, 2016 were received by the Town in response to the Town's "Request for Comments" mailing of November 16, 2016. [Note: See Advisory Comment #6 for District's advisory comments.]

7. Prior to the issuance of building permits for the residential portion of the project, the project developer shall verify that payment of the applicable school impact fees have been paid to the San Ramon Valley Unified School District. The District's comments on this project are dated December 1, 2016 and were received by the Town in response to the Town's "Request for Comments" mailing of November 16, 2016. [Note: See Advisory Comment #5 for summation of the District's comments.]

8. The project developer shall make payment of a $2,216.25 California Department of Fish and Wildlife (CDFW) CEQA Environmental Document Filing Fee within four days of the effective date of the project approval, unless the project developer submits to the Town of Danville a written explanation as to the basis, under Cal. Code Regs., tit. 14, §§ 15260-15333 and Fish & G. Code, § 711.4, subd. (d)(1), that the project is exempt from paying filing fee. A copy of this written explanation shall concurrently be forwarded to CDFW.

9. In the event that subsurface archeological remains are discovered during any construction or pre-construction activities on the site: (a) all land alteration work within 100 feet of the find shall be halted; (b) the Town of Danville Development Services Department shall be notified; and (c) a professional archeologist, certified by the Society of California Archeology and/or the Society of Professional Archeology, shall be notified. Site work in this area shall not occur until the archeologist has had an opportunity to evaluate the significance of the find and to outline appropriate mitigation measures, if they are deemed necessary. If prehistoric archaeological deposits are discovered during development of the site, local Native American organizations shall be consulted and involved in making resource management decisions.

10. The developer shall provide security fencing, to the satisfaction of the City Engineer and/or the Chief Building Official, around the site during construction of the project. All security fencing shall be fitted with woven polyethylene privacy and windscreen fabric, 85% minimum closed mesh with grommets for securing to chain link fabric.

* 11. A watering program, which incorporates the use of a dust suppressant and which complies with Regulation 2 of the Bay Area Air Quality Management District, shall be established and implemented for all on- and off-site construction activities. Equipment and human resources for watering all exposed or disturbed soil surfaces shall be supplied on weekends and holidays as well as workdays. Dust-producing activities shall be discontinued during high wind periods.

* 12. All physical improvements shall be in place prior to occupancy of any building in the project. If occupancy within the project is requested to occur in phases, all physical improvements serving that phase shall be required to be in place prior to occupancy, except for items specifically excluded in a construction-phases occupancy plan approved by the Danville Development Services Department. No building shall be occupied until heavy construction activity in the adjoining area is complete, the area to be occupied is determined to be safe, accessible, provided with all reasonably expected services and amenities, and is appropriately separated from remaining additional construction activity.

* 13. As part of the initial submittal for the demolition permit and/or building permit review process (whichever occurs first), the project developer shall submit a written Compliance Report detailing how the conditions of approval for this project have been complied with. This report shall list each condition of approval followed by a description of what the developer has provided as evidence of compliance with that condition. The report is subject to review and approval by the City Engineer, Chief of Planning, and/or Chief Building Official, and may be rejected if it is determined to not be comprehensive with respect to the applicable conditions of approval.

14. The residential units developed in the project may be used for home occupation uses, as that activity is defined in Section 32-2.2 ("Words and Phrases Defined") of the Danville Municipal Code and as regulated in Section 32-22.5.b. ("Home Occupation" requirements) of the Danville Municipal Code. Any home occupation use established shall be clearly ancillary to the primary, residential use of the unit it is located within. Home occupation compliance reports shall be processed for each proposed home occupation through the Planning Division and business license applications shall be processed through the Finance Department before the home occupation use is established.

* 15. Planning Division approval is required prior to final occupancy being authorized for any building in the project by the Building Division.

16. The developer shall create a construction staging plan that addresses the ingress and egress location for all construction vehicles, parking and material storage area. This plan shall be subject to review and approval by the Danville Development Services Department prior to the issuance of a demolition permit, grading permit, or building permit. No staging or storage shall occur in the public right-of-way or on publically owned property unless preauthorization is secured from the Engineering Division through an encroachment permit.

17. No post-completion exterior modifications to buildings established in the project shall occur without prior review and approval of a Revised Modified Final Development Plan application, which may be processed as an administrative permit if the Danville Development Services Department determines the request does not constitute a significant alteration to the affected building.

18. Prior to the issuance of grading permits, the project developer shall retain a specialist to assess rodent control impacts anticipated to be associated with grading activity and installation of project improvements. As deemed necessary, following the Planning Division's review of the specialist's assessment, the project developer shall develop and implement the corresponding rodent control plan to reduce impacts to surrounding properties to the extent reasonably possible for the time periods of heavy construction activity. The report shall include a schedule for regular rodent inspections and mitigation based on the development schedule for the project. This rodent control plan is subject to review and approval by the Planning Division.

19. The project developer shall be responsible for washing the exterior of abutting residential and office structures and cleaning pools, patios, etc. at the completion of project mass grading activity. The structures to receive cleaning, the extent of the cleaning efforts to be performed, and the timing of such cleaning shall be subject to review and approval by the Planning Division.

B. SITE PLANNING

1. Exterior wall-mounted lighting shall be at the minimum lighting intensity necessary to provide adequate lighting for safety and security purposes. Project light fixtures shall be of a design that generally screens the view of the light source and provides down-directed lighting. Prior to the issuance of building permits, the project developer shall submit a photometric plan as part of the lighting plan that indicates lighting locations and fixture details and provides the corresponding photometric information. This plan shall be subject to review and approval by the Danville Development Services Department and the Design Review Board (DRB). If required by the Planning Division and/or the DRB, field modifications found necessary to prevent inappropriate levels of off-site light intrusion and/or glare shall be made.

2. The location of any pad mounted electrical transformers, if different than shown on the plans referenced in Condition A.1 above, shall be subject to review and approval by the Danville Development Services Department and DRB prior to the issuance of a building permit. Unless determined not feasible by these reviewing bodies, such transformers shall not be located between any street and the front of a building and shall be adequately screened and mitigated with appropriate landscaping.

3. The raised center landscape median proposed for inclusion in western project entry driveway off of Diablo Road shall be modified to eliminate conflicts with existing parking spaces along the eastern edge of the western entry driveway. Except for use of a short raised landscape median at both the north and south extents of the western project entry driveway, which may be constructed to provide a physical expression of the separation of entry and exit driveways, the area between the entry and exit driveways shall be accent paving provided at the same grade level as the abutting driveways. The layout of the raised landscape medians and accent paving shall be subject to review and approval by the Planning Division as part of the review of the Final Landscape and Irrigation Plans.

C. LANDSCAPING

* 1. Final Landscape and Irrigation Plans (Landscape Plans), with planting shown at 1"=20' scale, shall be submitted for review and approval by the Danville Development Services Department and DRB. The plan shall include common names of all plant materials and shall indicate the size that various plant materials will achieve within a five-year period of time.

* 2. All plant material shall be served by an automatic underground irrigation system and maintained in a healthy growing condition. The irrigation system shall comply with East Bay Municipal Utility District's Section 31 Water Efficiency requirements, including use of a weather-based controller with soil moisture probe and rain-shutoff switch.

* 3. The Final Landscape and Irrigation Plans submitted for the Project shall be accompanied by a written report prepared by the Project Landscape Architect documenting how the plans comply with applicable outdoor water-use efficiency recommendations and requirements in place at the time of their submittal. The report shall, at a minimum, speak to conformance to applicable East Bay Municipal Utility District (EBMUD) recommendations and requirements and the State of California Department of Water Resources requirements that would pertain to the project regarding the Water Conservation in Landscaping Act of 2006 (AB 1881).

* 4. All trees shall be a minimum of 15-gallon container size. All trees shall be properly staked. All shrubs used in the project, which are not used as ground cover, shall be a minimum of five gallons in size.

* 5. All landscaped areas not covered by shrubs and trees shall be planted with live ground cover. All proposed ground cover areas shall be planted and maintained so that they fill in the affected landscape areas within a two year period.

6. The project's Final Landscape and Irrigation Plan shall detail the planned adjustments to edge project grading and edge project fencing and/or retaining wall improvements along the western edge of the project at the shared Janlois Apartments/Danville Office Partners, LLC (DOP) property line. The presence of existing encroachment of improvements into the DOP property appear to have the potential to affect the functionality of the proposed public pedestrian easement and sidewalk and landscaping improvements shown on the project plans along the west side of the project site (e.g., there are existing mature trees shown to occupy the same area shown to be a pedestrian walkway). The project developer shall be responsible, through the implementation of the approved project Final Landscape and Irrigation Plan, to address and remove, as necessary and appropriate, the existing encroaches to assure the functionality and aesthetic desirability of the improvements for the planned public pedestrian walkway improvements.

D. <u>ARCHITECTURE</u>

* 1. All ducts, meters, air conditioning and/or any other mechanical equipment, whether on the building or on the ground, shall be effectively screened from view with landscaping or materials architecturally compatible with the main buildings.

2. Trash, refuse and recycling shall be contained within trash/recycling enclosures that are architecturally compatible with the project architecture. Unless otherwise authorized by the Planning Division, the enclosure design and location shall be substantially as depicted on the project drawings cited in Condition of Approval #A.1.a., above. The trash/recycling area shall have lockable and self-closing doors. Prior to initiating the application for building permit, the project developer shall document to the Town's satisfaction that adequate coordination has been made with the project site's solid waste purveyor to verify that the planned trash/recycling areas are appropriately sized and located to handle projected trash and recycling generation levels for the project. The trash/recycling area shall be designed

so as not to allow stormwater run-off to enter the area from adjacent surfaces nor to allow wastewater originating from the area to seep outside the area. The area drains for the trash/recycling areas shall be connected to the sanitary sewer, not the storm drain system. The trash/recycling enclosures shall be equipped with a hot/cold water supply. The project trash/recycling program shall include provision for on-site shared collection bins for compostable waste.

3. Prior to the issuance of building permits, the proposed method to denote street numbers for the approved structures and the individual residential units in the project shall be submitted for review and approval by the Planning Division. Street numbering of the approved structures shall be posted so as to be easily seen from the street at all times, day and night by emergency service personnel.

4. If project entry signage for the development is desired, a Sign Review permit shall be submitted to the Town for consideration under a separate application prior to sign installation.

* 5. Samples of final materials and the proposed color palette shall be submitted for review and approval by the Design Review Board (DRB) prior to the issuance of building permits for new construction. Color mock-ups shall be made available at the project site prior to scheduling the project buildings for final DRB review.

6. The second phase of the project's linear review of preliminary architectural design shall provide for a review and approval of architectural elevations, details and revisions (as well as design specifications, materials, height, etc. for the common boundary structure on the western side of the property abutting the Janlois property. by the Design Review Board (DRB) a minimum of forty-five days prior to developer-initiation of the building permit plan check process. This layer of review shall provide project architectural details as called for by the Danville Design Review Board Submittal Requirement Checklist (as revised April 2000). The project architectural sections developed and submitted for review shall include, at a minimum, twelve representative building sections for the project as mutually selected by the Planning Division and the Project Architect.

7. In advance of submittal for the second phase of the project's linear review of preliminary architectural design, the developer is encouraged to incorporate design features into the project that add further architectural interest and detailing. Examples of items that would add the desired architectural interest and detailing include: (a) integration of unique project

signage into project architecture; (b) recessing of windows at second and third floors; (c) use of a pool or water feature as a focal feature in one or both of the central pedestrian courtyard areas; (d) use of custom designed light fixtures; (e) use of high-end/elegant architectural pottery; (f) use of a substantial trellis as an entry treatment to some or all of the pedestrian courtyard areas; (g) selective second floor building setbacks (to further break up building massing and in addition to third floor building setbacks depicted on the approved project plans); (h) introduction of landscape planting (e.g., vines) on selected ground floor building elevations; (i) variation in building plane where exterior building material changes occurred; and (j) use of recesses between top of wall and parapet roof features.

8. As an enhanced architectural detail and to serve as a traffic calming design feature, the three-way driveway intersection of the onsite driveway system at the south side of the 60′ width entry driveway shall be developed as a raised intersection box with enhanced paving details. The design of the raised intersection and the abutting pedestrian walkway crossings of the affected project driveways shall be subject to review and approval by the Transportation Division and the Planning Division.

* 9. Final architectural elevations, details and revisions, presented in construction plan detail, shall be submitted for review and approval by the DRB prior to issuance of building permits for the project. Ten full size sets of progress construction drawings for the project shall be submitted for the review. This review, which shall follow completion of the second phase of the project's linear review of preliminary architectural design described in Conditions of Approvals D.6. and D.7., above, may be concurrent with the plan check review of building permits for new project construction.

* 10. Unless otherwise directed through building code regulations, roof vents established on the residential buildings which are visible from the surrounding public or private roadway system shall be limited to low profile roof vents. All residential roof vents shall be painted a color to blend with the roof and shall be painted with a flat finish.

11. In conjunction with the preparation of the final working drawings for the residential buildings, to the extent feasible, efforts shall be made to maximize the size of individual storage areas available to all project residential units. The exact location, size and configuration of the storage areas shall be subject to review and approval by the Planning Division prior to the issuance of building permits.

12. To the extent feasible, the project developer shall install bicycle storage facilities serving the project. The exact location, size and configuration of the bicycle storage facilities shall be subject to review and approval by the Planning Division prior to the issuance of building permits.

13. The design of the project buildings shall be modified as may be necessary to hold the building heights of the buildings to a maximum height of 37 feet. An exception to the approved maximum building height is granted for an elevator tower and, as may be required, for a roof access for each of the approved buildings.

E. PARKING

* 1. All parking spaces shall be striped and provided with wheel stops unless they are fronted by concrete curbs, in which case sufficient areas shall be provided beyond the ends of all parking spaces to accommodate the overhang of automobiles and to avoid narrowing abutting walkways to an inappropriate clear width dimension.

* 2. Where authorized, compact car spaces shall be clearly designated with appropriate pavement marking. Compact spaces shall be no less than 8 feet by 16 feet in size, inclusive of an allowable 2 foot maximum overhang.

* 3. Regulatory signage/curb painting for non-parking sections of the interior roadways shall be provided, if deemed necessary, to the satisfaction of the San Ramon Valley Fire Protection District and the Transportation Division.

4. The project developer shall work with the Engineering Division and the Transportation Division and the appropriate transit agency to determine if new or alternate bus stop locations along the south side of Diablo Road in near proximity of the project site are warranted with the redevelopment of this property. If new or alternate bus stop locations are deemed warranted, then all necessary improvements shall be the developer's responsibility to install.

F. GRADING

* 1. Any grading on adjacent properties will require prior written approval of those property owners affected.

* 2. At least one week prior to commencement of demolition or grading activities, the project developer shall post the site and mail to: (a) the owners of property within 300 feet of the exterior boundary of the project site; (b) the business owners of businesses within 300 feet of the project boundary;

and (c) the Planning Division, a notice that construction work will be commencing at the project site. The notice shall include the appropriate list of project contact persons, indicating name, title, phone number and area of responsibility of such persons. The person responsible for maintaining the list shall also be indicated on the notice. The notice shall be kept current at all times, posting the persons with authority to initiate corrective action in their area of responsibility.

* 3. Where geotechnical conditions encountered in grading operations and/or site preparation work are different from that anticipated in the preliminary geotechnical report or the design-level geotechnical exploration, a revised report shall be prepared and submitted for review and approval by the Engineering Division. It shall be accompanied by an engineering and geological opinion as to the safety of the site from settlement and seismic activity.

* 4. All development shall comply with Danville Ordinance 2004-06 (which added Chapter 20 to the Danville Municipal Code relating to Stormwater Management and Discharge Control). All development shall also comply with the Municipal Regional Permit 2.0 (MRP), adopted by the State Water Resources Control Board in November, 2015. These regulations require, among other things, that a Stormwater Pollution Prevention Plan (SWPPP) be prepared by a Qualified SWPPP for submission to the State of California via the on-line Storm Water Multi-Application Reporting & Tracking (SMARTS) system. No land-disturbing activity shall occur until a Notice of Intent (NOI) is filed and a Waste Discharge Identification (WDID) number is issued by the State of California. A copy of the NOI, including the WDID number and attached SWPPP, shall be kept at the site at all times, with a copy provided to the Engineering Division. The requirements of the SWPPP and all other Permit Registration Documents shall be fully implemented during land-disturbing activities.

5. To adequately mitigate the shaking effects associated with a moderate to high earthquake within the San Francisco Bay region, all project buildings shall, at a minimum, be designed using sound engineering judgment and the California Building Code requirements applicable at building permit submittal. Buildings shall be designed to reflect the project site's Seismic Site Classification and shall provide for the soil profile and seismic coefficients cited in a project-specific geotechnical report.

* 6. Prior to submittal for project building permits, a design-level geotechnical exploration of the project site shall be made that shall include soil sampling and laboratory testing for the evaluation of the expansion potential of soils

present at the site. Mitigation measures called for in that report for both general site improvements and for structure foundation design shall be followed to mitigate potential impacts resulting from the presence of expansive soils. Prior to commencing drilling activities for any soil borings associated with the geotechnical investigation (or any environmental investigation and/or cleanup) a permit from the Contra Costa Environmental Health Division shall be secured.

7. The design-level geotechnical exploration shall be of a sufficient scope and detail to document whether compressible soil layers are present at the project site. As dictated by the findings of that report, project foundation design utilized in the project shall be as necessary to mitigate potential total or differential settlement of compressible soil layers as a result of planned loading at the surface associated with new buildings and/or fill.

8. An evaluation of the site's soil corrosion potential shall be determined through the preparation of a soil corrosion study, which shall be integrated into the design-level geotechnical exploration and shall be prepared by a corrosion consultant. The soil corrosion study shall be subject to review and approval by the San Ramon Valley Fire Protection District and the Engineering Division. As dictated by the findings of that study, site-specific design measures shall be developed and implemented to protect buried pipelines and other infrastructure elements against corrosion.

* 9. If toxic or contaminated soil is encountered during construction, all construction activity in that area shall cease until the appropriate action is determined and implemented. The concentrations, extent of the contamination and mitigation shall be determined by the Contra Costa County Health Department. Suitable disposal and/or treatment of any contaminated soil shall meet all federal, State and local regulations. If deemed appropriate by the Health Department, the project developer shall make provisions for immediate containment of the materials. Runoff from any contaminated soil shall not be allowed to enter any drainage facility, inlet or creek.

* 10. All stockpiles of debris, soil, sand or other materials that can be blown by the wind shall be covered.

11. Any abandoned wells (water, environmental, or geotechnical) and septic tanks shall be destroyed under permit from the Contra Costa Environmental Health Division (CCEHD). If the existence of such wells or septic tanks are known in advance or discovered during construction or

other activities, these shall be clearly marked, kept secure, and destroyed pursuant to CCEHD requirements.

G. STREETS

* 1. The project developer shall obtain an encroachment permit from the Engineering Division prior to commencing any construction activities within any public right-of-way or easement.

* 2. Traffic signs and parking restriction signs, which may be required to be installed, shall be subject to review and approval by the Transportation Division and the Police Department.

* 3. All mud or dirt carried off the construction site onto adjacent streets shall be swept each day. Water flushing of site debris or sediment or concrete washing is prohibited.

* 4. Any damage to street improvements now existing or done during construction on or adjacent to the project site shall be repaired to the satisfaction of the Engineering Division by the developer. As determined warranted by the Engineering Division, such repair may include slurry seal; pavement overlay; and/or street reconstruction.

* 5. All improvements within the public right-of-way, including curb, gutter, sidewalks, driveways, paving and utilities, shall be constructed in accordance with approved standards and/or plans and shall comply with the standard plans and specifications of the Development Services Department and Chapters XII and XXXI of the Danville Municipal Code.

* 6. At the time project improvement plans are submitted, the developer shall supply to the Engineering Division an up-to-date title report for the project site.

* 7. Appropriately designed and constructed disabled access ramps shall be provided at all pedestrian street and driveway crossing locations, as required by the Engineering Division or the Building Division.

8. The developer shall fund all Town costs and shall prepare all necessary documents associated with the Town's abandonment of the public interest in the offer of dedication for street and highway and incidental purposes, to Contra Costa County, recorded September 2, 1977 as Series No. 124124 in Book 8492, Page 611 of Official Records.

9. The project developer shall be responsible for the installation and maintenance of a five-foot minimum width public pedestrian walkway extending along the western edge of the project development area. The ≈415′ long walkway shall extend from the back edge of sidewalk in the public right-of-way at the property's northwestern frontage along Diablo Road to the top-of-bank for San Ramon Creek at the southwest corner of the project development area. The walkway shall be contained within a public pedestrian easement that extends a minimum of eight feet into the property from the western edge of the project development area. The public pedestrian easement shall be widened to a minimum width of 30′ from the western edge of the property within ≈30′ of the north top-of-bank for San Ramon Creek at the southwest corner of the project development area. The public pedestrian easement shall maintain this same width to the southern edge of the property (mid-slope of the northern bank slope of San Ramon Creek). The project developer shall offer a non-revocable offer of dedication for the public pedestrian easement and for the associated construction easements necessary to construct the planned pedestrian bridge across San Ramon Creek to connect the project site to the Danville Library/Community Service Center at the south side of the creek. The walkway and associated landscape and irrigation improvements are subject to review and approval as part of the Town's review of the Final Landscape and Irrigation Plan. The walkway and associated landscape and irrigation improvements shall be the responsibility of the property owner to maintain and shall be installed prior to the initial residential occupancy in the apartment project. A public pedestrian easement shall also be created covering appropriate sidewalk and drive aisle areas to allow public pedestrian access from the southwest corner of the development area to the southeast corner of the development area, with the intent of allowing public pedestrian access to walk parallel to the top-of-bank for the north side of San Ramon Creek for the entire project frontage of San Ramon Creek. The construction costs for installation of the pedestrian walkway shall be included in the reimbursement agreement or benefit district provided for in Condition G.12 below.

10. Consistent with the requirements of the Diablo Gateway Special Concern Area set forth in the 2030 General Plan, the project development plans shall make provision of an appropriate public access easement and the provision of corresponding pedestrian pathway improvements extending from the southwestern corner of the development area to the southeastern corner of the development area which are determined by the Town to be adequate in layout; width; and physical improvements to accommodate the provision of the need for public pedestrian easement movement running parallel to the property's entire creek frontage along San Ramon Creek.

11. Consistent with the Diablo Gateway Special Concern Area provisions of the 2030 General Plan, project development plans shall make provision for a pedestrian bridge crossing of San Ramon Creek, with such crossing to allow an enhanced connection between the Danville Library and Community Center and Old Town Danville to that portion of the Downtown Master Plan lying north of San Ramon Creek. Fifty percent of the cost of the bridge shall be the responsibility of the Town, fifty percent the responsibility of development occurring in the Diablo Gateway Special Concern area. The project developer shall be pay the 50% of the current project estimate for the bridge crossing (i.e., not to exceed $202,125 of the projected cost for CIP No. C-596 – San Ramon Valley Creek Footbridge at Danville Green). Prior to payment of the fee, the Town shall create a reimbursement agreement or benefit district to ensure that the project applicant receives reimbursement for the cost of the bridge as subsequent development occurs in the Diablo Gateway Special Concern area.

H. INFRASTRUCTURE

* 1. Domestic water service shall be from the East Bay Municipal Utility District water system in accordance with the requirements of the District. The District's initial comments on this project are dated November 21, 2016 and were received by the Town in response to the Town's "Request for Comments" mailing of November 16, 2016. [Note: See Advisory Comment #3 at the end of the conditions of approval for summation of the District's comments.]

* 2. All wastewater shall be disposed into an existing sewer system. Sewer disposal service shall be from the Central Contra Costa Sanitary District sewer system in accordance with the requirements of the District. The District's initial comments on this project were received as an email received from the District dated December 2, 2016, received in response to the Town's "Request for Comments" mailing of November 16, 2016. [Note: See Advisory Comments #1 and #2 at the end of the conditions of approval for summation of the District's comments.]

* 3. Drainage facilities and easements shall be provided to the satisfaction of the Engineering Division and the Contra Costa Flood Control and Water Conservation District.

* 4. Stormwater entering or originating within the project site shall be collected and conveyed via an approved storm drain facility to the nearest adequate man-made drainage facility or adequate natural watercourse, without

diversion of the watershed (unless otherwise authorized by the City Engineer), in accordance with the Preliminary Stormwater Control Plan; the C-3 Provision of the adopted Municipal Regional Permit; and as determined by the Engineering Division. Development which proposes to contribute additional water to existing drainage systems shall be required to complete a hydraulic study and make improvements to the system as required to handle the expected ultimate peak water flow and to stabilize erosive banks that could be impacted by additional storm water flow.

* 5. No concentrated drainage shall be permitted to surface flow across sidewalks.

* 6. Any portion of the drainage system that conveys runoff from public streets shall be installed within a dedicated drainage easement, or public street.

* 7. If a storm drain must cross a property line it shall be contained in an easement whose width shall be equal to or at least double the depth of the storm drain.

* 8. The project developer shall furnish proof to the Engineer Division of the acquisition of all necessary rights of entry, permits and/or easements for the construction of off-site temporary or permanent road and drainage improvements.

* 9. All new utilities required to serve the development shall be installed underground in accordance with the Town policies and existing ordinances. All utilities shall be located and provided within public utility easements, sited to meet utility company standards or in public streets.

* 10. All street, drainage or grading improvement plans shall be prepared by a licensed civil engineer.

I. TRAFFIC IMPACTS

Policy 14.02 of the Danville 2030 General Plan states: "*Require site-specific traffic studies for development that is likely to generate significant volumes of traffic. If such studies indicate that the development could cause the Town's transportation standards to be exceeded, require modifications to the project and/or impose transportation improvements requirements which ensure that level of service standards are maintained.*" Such analysis must be consistent analysis consistent with Contra Costa Transportation Authority's Technical Procedures.

In addition to Policy 14.02 of the Danville 2030 General Plan, the project site is subject to the following directive contained in the Diablo Gateway Special Concern Area text of the Danville 2030 General Plan:

> "*Provisions for shared ingress and egress.* As there are multiple parcels along the south side of Diablo Road, coordinating access into contiguous properties and cross access between these properties should be pursued. Future traffic studies should determine the optimal location for ingress and egress points and the need for turning lanes and other improvements along Diablo Road. Interim solutions may be considered if development is phased."

A traffic impact analysis was prepared and submitted for the ROEM Development Corporation (ROEM) project, the project application preceding the current application from Danville Office Partners, LLC (DOP). The analysis was prepared by LSA Associates, Inc. and dated July 27, 2015. A second traffic impact analysis was prepared and submitted by LSA Associates, Inc., dated May 12, 2016 for the current application.
The project developer shall be responsible for the following conditions of approval to ensure consistency with the General Plan:

1. Creation and execution of a vehicular and pedestrian access easement across portions of the northwesterly driveway system of the project site that benefits the adjoining Janlois properties to the west (i.e., APNs 216-120-012 and -015), with such easement covering that portion of the project site as necessary and sufficient to allow residents of the multifamily residential units located on a redeveloped and/or substantially modified Janlois project site, to access Diablo Road as their sole means of vehicular and pedestrian access to Diablo Road. This easement would be structured so that it would only become effective should the Town approve a development on the Janlois property and condition any such project to eliminate the existing driveway to that property.

2. Payment of up to a 50% share of the cost to signalize the intersection of the project's Western Project Driveway and Diablo Road, with such signalization to occur at such time that improvements would allow for the elimination of the current driveway connection to Diablo Road for the abutting Janlois properties. The developer's financial responsibility towards this future signal shall be in an amount not to exceed $62,500 which shall be held in a trust account by the Town of Danville until the requisite approvals involving the abutting Janlois properties are secured and executed allowing the signal to be installed and the current driveway connection to Diablo Road for a residential use on the abutting Janlois

property. Collection, retention and use of this mitigation shall be subject to the provisions of Government Code Section 66007.

In lieu of Conditions I.1 and I.2 above, the project developer may submit a revised supplemental traffic impact analysis for Town review a minimum of ninety days prior to the initiation of building permit application process for the project should they wish to demonstrate that the cross-access easement or future traffic signal are not necessary to ensure conformance with the intent and requirements of pertinent General Plan traffic goals and policies and the project site's zoning requirements. The supplemental traffic impact analysis, if submitted, shall be based upon the current use of the Janlois property and shall be subject to a third party consultant review selected by the Town if determined necessary by the Town. The cost of the third party review shall be borne fully by the developer.

J. TREE PRESERVATION AND REMOVAL

Policy 21.06 of the Danville 2030 General Plan states: *"Discourage activities that would harm the health of existing trees. Prevent the unnecessary removal and alteration of such trees, including "protected" trees as defined by the Town's Tree Preservation Ordinance and other trees that contribute to the scenic beauty of the town. Public and private improvements should be designed to minimize the removal of mature trees, regardless of species. If removal is necessary, trees should be replaced with an appropriate number and species."* The preservation of protected and heritage trees is also addressed in the Town's Tree Preservation Ordinance, Municipal Code Chapter 32-79.

The Town has received the following documents regarding tree preservation:

- A biological resources assessment study prepared by LSA Associates (dated July 23, 2015).
- An "Existing Conditions" analysis prepared by LCA Architects (dated July 23, 2015), which is based on a document entitled "373 Diablo Road Apartments Tree Survey" prepared by Gates and Associates.

The project plans and the cited study and analysis show that there are a total of 125 trees on the site, of which 42 are "protected" trees and 13 are "heritage" trees, as defined by the Danville Tree Preservation Ordinance (Municipal Code Chapter 32-79). A total of four trees appeared on both lists as they qualified as both "protected" and "heritage" trees. The documents submitted show that 21 protected trees will be removed as part of the project.

At least 90 days prior to the initiation of a grading permit application process for the project, the applicant shall submit to the Town an updated Tree Report, including a tree survey, (consistent with Municipal Code Section 32-79.5b) reflecting the following:

- The final approved layout of the project, including the approved landscape plan;
- The final approved C-3 stormwater treatment facilities;
- The direction from the Contra Costa Flood Control and Water Conservation District (CCFC&WCD) to remove select trees located in the existing CCFC&WCD flood control easement or their restrictions on new or replacement tree planting in the existing or modified flood control easement area in proximity to the top-of-bank along San Ramon Creek.
- The need to address offsite "protected" and "heritage" trees which have ≥15% of their dripline area overlapping into the project site.

Consistent with the requirements of the Town's Tree Preservation Ordinance, the updated report shall identify the steps necessary to ensure the health and safety of protected and heritage trees to be retained. This updated report shall be subject to a third party consultant review selected by the Town if determined necessary by the Town. The cost of the third party review shall be borne fully by the developer.

1. To compensate for the proposed removal of Town-protected trees, the project developer shall assure the implementation of the following measures:

    a. The project developer's Consulting Arborist shall calculate the total inches of diameter of Town-protected trees to be removed, as of the date of the grading permit application (i.e., the "Total Inches"), and submit that calculation to the Planning Division. The project developer shall be required to replace the Town-protected trees to be removed with a number and size of oak trees (or approved alternate species) equal to the total inches of the diameter of the trees to be removed. The required tree mitigation planting shall be in addition to the project trees otherwise required to be planted as part of the project's landscape plan.

    b. It is anticipated that tree mitigation planting cannot be wholly accommodated onsite. The tree mitigation planting conducted on site shall be 24-inch box size trees, which shall receive a credit of four-inches per tree toward the total mitigation planting requirement or 15-gallon size trees, which shall receive a credit of two-inches per tree toward the total mitigation planting

requirement. Tree mitigation planting that cannot be accommodated onsite shall be handled through the project developer's payment of an in-lieu fee, which shall be made payable to the Town of Danville. This in-lieu fee shall be in the amount of $135.00 per off-site mitigation tree. This mitigation fee is based on a $135.00 installed cost per 15-gallon tree indicated in recently approved Town-sponsored capital improvement projects. The in-lieu mitigation funds received by the Town will be applied to an account chosen by the Town for use by the Danville Maintenance Department staff to allow the purchase and planting of beautification trees within the Town of Danville.

2. As site construction activity is proposed to occur in the direct vicinity of the on-site and off-site protected trees which are not approved for removal, a security deposit in the amount of the assessed value of the trees (calculated pursuant to the Town's Tree Protection Ordinance) shall be posted by the project developer with the Town prior to the issuance of a grading permit to maximize the probability that the affected trees will be retained in good health. The project developer shall be required to secure an appraisal of the condition and value of all such potentially affected trees. The appraisal shall be done in accordance with the current edition of the "Guide for Establishing Values of Trees and Other Plants," by the Council of Tree and Landscape Appraisers under the auspices of the International Society of Arboriculture. The appraisal shall be performed by a Certified Arborist, and shall be subject to review and approval by the Chief of Planning. A tree preservation agreement shall be prepared and shall be submitted for review and approval by the Planning Division that outlines the intended and allowed use of funds posted as a tree preservation security deposit. That portion of the security deposit still held by the Town two full growing seasons after project completion shall be returned upon verification that the trees covered by the deposit are as healthy as can be provided for under the terms of the approved tree preservation agreement.

K. BIOLOGICAL RESOURCES

Policy 21.10 of the Danville 2030 General Plan states: *"Require a biological assessment for development proposed on sites that are determined to have the potential to contain special-status species, sensitive natural communities, or wetland resources."*

The Town received a biological resources assessment study prepared by LSA Associates, Inc. (dated July 23, 2015). In order to ensure compliance with Policy 21.10 and applicable regulatory standards, the following conditions shall apply:

1. Prior to the start of construction, the project developer shall retain a qualified biologist to train all construction personnel regarding habitat sensitivity, identification of special status species, and required practices.

2. Prior to the start of construction, the project developer shall retain a qualified biologist to conduct pre-construction surveys to ensure that western pond turtle (CRLF) are absent from the construction area. If CRLF are present, a qualified biologist possessing all necessary permits shall relocate them or they shall be allowed to move out of the construction area on their own.

3. Immediately following the pre-construction surveys and a determination that western pond turtle (CRLF) are not present in the construction zone, the construction zone shall be cleared and silt fencing erected and maintained around construction zones to prevent CRLF from moving into these areas.

4. If western pond turtles are found to be absent from the construction zone, immediately following the pre-construction surveys the project developer shall clear the construction zone and install/maintain silt fencing around the construction zone to prevent western pond turtles from entering these areas.

5. A qualified biologist shall conduct a pre-construction survey for nesting migratory birds and tree- and ground-nesting raptors in all line-of-site trees, vegetation, or ground squirrel burrows occurring within 250 feet of construction activities. Preconstruction surveys shall also be conducted prior to tree trimming or tree removal. These surveys shall be conducted within 30 days of the first ground disturbance if construction activities occur during the breeding season (i.e., between February to August) of nesting migratory birds and tree- and ground-nesting raptors. If more than 30 days elapses between the survey and commencement of site disturbance activity, the survey shall be repeated.

6. To the extent practicable and feasible, trees planned for removal shall be removed during the non-breeding season for tree-nesting raptors and other tree- or ground-nesting migratory birds (i.e., the period from September 1 through January 31). If it is not feasible to avoid tree removal or other disturbances during the breeding season (i.e., the period from February 1 through August 31), a qualified biologist shall conduct a pre-construction survey for tree-nesting raptors and other tree- or ground-nesting migratory birds in all trees or other areas of potential nesting habitat within the construction footprint and within 250 feet of the footprint, if such

disturbance would occur during the breeding season. This survey shall be conducted no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (i.e., the period of February through April) and no more than 30 days prior to the initiation of these activities during the late part of the breeding season (i.e., the period of May through August). If nesting raptors or migratory birds are detected on the site during the survey, a suitable construction-free buffer shall be established around all active nests. The precise dimension of the buffer (up to 250 feet) shall be determined at that time and may vary depending on location and species. Buffers shall remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents. Pre-construction surveys during the non-breeding season are not necessary, as the birds are expected to abandon their roosts during construction activities.

7. To prevent sediments associated with construction activity from entering San Ramon Creek and its riparian woodland vegetation and to deter western pond turtles (WPT) or Alameda whipsnakes (AW) from accessing the project site from the creek area, a silt fence shall be installed along the southern boundary of the construction zone (i.e., at the top of bank along the northerly banks of San Ramon Creek for the length of the property's interface with the creek). Prior to the placement of the silt fence a pre-construction survey shall be conducted to ensure that WPT and AW are absent from the construction area. If WPT or AW are present, a qualified biologist possessing all necessary permits shall relocate them.

L. STORMWATER CONTROL PLAN

Policy 22.02 of the Danville 2030 General Plan states: *"Require qualifying new development projects and redevelopment projects to comply with the Municipal Regional Permit for stormwater control and treatment."*

A variety of project conditions of approval have been incorporated into this approval that provide direction as to requirements needed to be met prior to the issuance of project building permits. The applicable conditions of approval ("COAs") include: COA #F.4; COA #H.4; COA #Q.5; and COAs #Q.11 through #Q.17.

M. SOILS AND GEOLOGIC REPORT

Policy 24.03 of the Danville 2030 General Plan states: *"Require soils and geologic reports for all projects proposed in scenic hillside development areas, as defined by the*

Town's Scenic Hillside and Major Ridgeline Development Ordinance, and in other areas where the potential for landslides, liquefaction, subsidence, or severe ground shaking exists. Assure that development in these areas mitigates potential landslide hazards and other geologic hazards." Policy 24.10 of the 2030 General Plan states: *"Require submittal of a Geotechnical report by a qualified engineering geologist, that specifies the location of active faults, and recommends appropriate setbacks prior to construction of any structure intended for human occupancy within the Alquist-Priolo Fault Zone."*

A variety of project conditions of approval have been incorporated into this approval that provide direction as to requirements needed to be met prior to the issuance of project building permits. The applicable conditions of approval ("COAs") include: COA #G.3; and COAs #G.5 through #G.9.

N. ENVIRONMENTAL NOISE

Policy 27.02 of the Danville 2030 General Plan states: *"Require acoustical studies for major residential and other development projects, as appropriate, and impose noise mitigation measures accordingly."* Policy 27.11 of the 2030 General Plan states: *"Ensure that the design of new development near major noise sources (such as Interstate 680) reduces the potential for future occupants to be exposed to high levels of noise. Development on such properties should incorporate appropriate noise mitigation measures."* Policy 27.13 of the 2030 General Plan states: *"Utilize noise reduction measures during all phases of construction activity to minimize the exposure of neighboring properties to excessive noise levels."*

In addition to the three cited policies from the Danville 2030 General Plan, the project site is subject to a noise-related directive contained in the Diablo Gateway Special Concern Area text of the Danville 2030 General Plan, which reads as follows:

> "The minimum building setback requirements shall be as established through a site-specific Final Development Plan approval. Development shall set back from the I-680 freeway to the extent feasible to mitigate potential impacts associated with freeway noise, vibration, and/or air quality."

An environmental noise study was prepared by LSA Associates (dated July 2015). Based on that study, which reviewed potential impacts associated with the proposed ROEM project, which had potentially different noise characteristics due to the design of that project (i.e., the four-story above-grade parking structure occupying the eastern third of the project site), the following conditions of approval shall apply:

1. Project-Facilitated Construction Noise:

Unless determined unnecessary by the updated environmental noise study, the project shall be subject to the following measures to address and minimize impacts associated with project-facilitated construction noise:

a. *Construction Scheduling.* Noise-generating construction activity shall be limited to the hours between 7:30 a.m. to 5:30 p.m., Monday through Friday, and project construction activity is prohibited on Saturdays, Sundays and holidays, unless authorized in advance by the Town's Planning Division.

b. *Construction Equipment Mufflers and Maintenance.* All internal combustion engine-driven equipment utilized on the project site and all stationary noise sources shall be equipped with intake and exhaust mufflers that are maintained in good condition and are equipment-specific accordance with the manufacturers' recommendations for the respective equipment utilized.

c. *Construction Equipment Idling.* The developer shall take reasonable efforts to assure unnecessary idling of internal combustion engines is limited.

d. *Equipment Locations.* Stationary noise-generating equipment shall be located as far as reasonably feasible from sensitive receptors.

e. *Construction Traffic.* Construction traffic to and from the construction sites shall be routed via routes as directed by the City Engineer. Construction-related heavy truck traffic are expressly prohibited from traveling through residential areas and shall generally be routed onto major roadways and as far as feasible from sensitive receptors.

f. *Quiet Equipment Selection.* To the extent feasible, the project shall make use of quiet construction equipment, particularly air compressors. Air compressors and pneumatic equipment shall be equipped with mufflers, and impact tools shall be equipped with shrouds or shields. [Note: "Quiet construction equipment" is considered to be equipment that typically generates noise levels 5 dBA lower than that of comparable equipment.]

g. *Noise Construction Liaison.* A noise construction liaison shall be designated by the developer to ensure coordination between construction staff and property owners and residential and

commercial tenants within 350 feet of the external boundaries of the project site. These property owners and tenants shall be notified in writing of the contact information for the construction liaison a minimum of 15 days prior to the initiation of construction or pre-construction activity.

h. Prior to commencement of any construction activity, a qualified acoustical professional shall be secured by the developer to review specific equipment and site locations that would be expected to generate noise levels above 80 dBA within 350 feet of adjacent residential properties and above 85 dBA within 350 feet of adjacent commercial properties. The report shall determine appropriate mitigation measures, as feasible, to reduce noise levels by at least five decibels and below the aforementioned limits.

2. Potential Exposure of Sensitive Receptors to Noise Levels Exceeding Standards:

Unless determined unnecessary by the updated environmental noise study, the project shall be subject to the following measures to address and minimize noise impacts to future project residents:

a. Detailed analysis of residential interior noise levels shall be completed during design following the requirements of the 2016 California Building Code. The report shall confirm that the design includes the noise control treatments necessary to achieve compliance with the noise standards set forth by the 2016 California Building Code or such code in place at the time construction of the project commences.

b. Sound-rated building construction shall be used to achieve acceptable indoor noise levels (i.e., maximum of 45 dBA Ldn, 50 dBA Lmax in bedrooms, and 55 dBA Lmax in other rooms) in residential units throughout the project.

c. Building sound insulation treatment shall be utilized in the project as appropriate and shall include, but not be limited to: sound retardant windows and doors; resilient wall constructions; heavy siding and roofing materials (e.g., stucco, Hardi-plank, etc.); ventilation silencers; and gasketing.

d. The residential units in the project shall be provided with mechanical ventilation or a sound attenuating "zee" ducts as appropriate to allow for air circulation while windows are closed for noise control. The specification of these treatments shall be developed during the architectural design of the buildings and shall be summarized in a report submitted with the application for building permit. This report shall be subject to review and approval by the Building Division prior to issuance of building permits.

The project applicant may, but is not required to, submit a supplemental noise analysis a minimum of 90 days prior to submitting for building permit in order to establish that any of the above conditions are unnecessary or should be modified.

O. PHASE I ENVIRONMENTAL SITE ASSESSMENT (ESA)

Policy 28.02 of the Danville 2030 General Plan states: *"Require a Phase I Environmental Site Assessment (ESA) when development changes an existing use to a more sensitive use (e.g., commercial use to residential use). If potential hazardous materials concerns are identified, ensure that they are investigated and that sites are cleaned up to residential standards under appropriate regulatory agency oversight prior to development."*

A variety of project conditions of approval have been incorporated into this approval that provide direction as to requirements needed to be met prior to the issuance of project building permits. The applicable conditions of approval ("COAs") include: COAs #P.22 through #P.25.

P. AIR QUALITY AND GREENHOUSE GASES ANALYSIS STUDY

Policy 33.04 of the Danville 2030 General Plan states: *"During the development review process, impose appropriate mitigation measures on new development to reduce greenhouse gas emissions."* Policy 34.02 of the 2030 General Plan states: *"Consider air pollution impacts during the local Development Review process. Development should be located and regulated to minimize the emission of direct and indirect air contaminants."*

An air quality and greenhouse gases analysis study dated March 23, 2016, prepared by Northgate Environmental Management, Incorporated for the project application was submitted for the Danville Office Partners, LLC.

In order to ensure consistency with the applicable General Plan policies the project shall be subject to the following measures to address and minimize air quality and greenhouse gas impacts:

1. The project's construction contractor shall assure the project complies with the following best management practices, as generally set forth by the Bay Area Air Quality Management District (BAAQMD) for reduction of construction emissions of PM10 and PM2.5:

   a. Water all active construction areas at least twice daily, or as often as needed to control dust emissions. Watering provided as a dust control measure shall be as necessary to prevent airborne dust from leaving the site. Increased watering frequency shall occur as necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water shall be used unless otherwise authorized by Danville and EBMUD.

   b. In place of, or in addition to, site watering as set forth above, apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.

   c. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).

   d. To control dust that may be generated from paved access roads, parking areas, and staging areas at the construction site and from offsite paved areas in vicinity of the Project site, sweep the affected paved areas daily, or as often as needed, with water sweepers. Unless otherwise authorized by Danville and EBMUD, water sweepers shall use reclaimed water.

   e. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.

   f. Enclose, cover, water twice daily, and/or apply non-toxic soil binders to exposed stockpiles (i.e., dirt, sand, etc.).

   g. Limit vehicle traffic speeds on unpaved roads to 15 mph.

   h. Replant vegetation in disturbed areas as quickly as possible.

   i. Install sandbags or other erosion control measures to prevent silt runoff from public roadways.

j. A publicly visible sign with the telephone number and person to contact regarding dust complaints shall be established and maintained at the project site. The contact person listed shall have the responsibility to respond to calls and take corrective action, as appropriate, within 48 hours of receipt of the complaint. The contact name and phone number for the person at Danville to contact and the BAAQMD's phone number shall also be provided on the sign to ensure compliance with applicable regulations.

2. To address the potential that the Project may expose off-site sensitive receptors to pollutant concentrations from construction activities, the project's construction contractor shall assure the project adheres to one of the following:

- The construction contractor shall use Level 3 Diesel Particulate Filters (DPFs) for construction equipment over 75 horsepower. (Note: In terms of best management practices, it is understood use of these types of filters are capable of reducing particulate matter emissions by 85 percent.)

  - or -

- Alternatively, the project developer shall prepare a Construction Health Risk Assessment (HRA). If the Construction HRA can demonstrate that construction toxic air contaminants (TAC) and fine particulate matter (PM2.5) emissions can be mitigated under the Bay Area Air Quality Management District's (BAAQMD) threshold of 10 in a million for a lifetime cancer risk using only Level 2 DPFs, which are capable of reducing particulate matter emissions by 50 percent, or a combination of Level 2 and Level 3 DPFs, then the construction contractor shall use the required mix of Level 2 and Level 3 DPF specified in the revised Construction HRA for construction equipment over 75 horsepower. The HRA shall be subject to review and approval by Danville prior to issuance of building permits and prior to any demolition work or site preparation work.

Under either scenario above, the following shall occur:

a. A list of construction equipment by type and model year shall be prepared and maintained by the construction contractor on-site.

b. The construction contractor shall ensure that all construction equipment is properly serviced and maintained to the manufacturer's standards to reduce operational emissions.

c. The construction contractor shall ensure that non-essential idling of construction equipment is limited to the extent possible, but in no case more than five consecutive minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). The restrictions regarding engine idling shall be indicated to all project construction workers by way of provision of clear signage provided at all access points.

d. To the extent feasible, construction equipment shall not be staged adjacent to existing residences or sensitive receptors.

3. To the extent required by BAAQMD or other regulatory agencies, the project developer shall prepare a cancer risk assessment for future project residents analyzing the potential for exposure to unhealthy levels of toxic air contaminants (TACs), as may be emitted by existing or anticipated vehicle traffic on Interstate 680 adjacent to the project site. Should such a study be required, it shall be submitted to the Tow's Planning Division prior to the issuance of project-related demolition permits, grading permits, or building permits. At the discretion of the Town of Danville, this cancer risk assessment study shall be reviewed by an independent third party review, with the cost of such review to be borne by the project developer. Should this study determine that unhealthy levels of TACs may exist, the applicant shall comply with all applicable construction requirements (imposed by BAAQMD or other regulatory agencies) and resident notifications.

Q. MISCELLANEOUS

* 1. The project shall be constructed as approved. Minor modifications in the design, but not the use, may be approved by the Planning Division. Any other change will require Planning Commission approval through submittal of a Revised Final Development Plan application.

* 2. The project developer shall defend, indemnify and hold harmless the Town of Danville and its agents, officers and employees from any claim, action or proceeding against the Town or its agents, officers or employees to attack, set aside, void, or annul, the Town's approval concerning this application, The Town will promptly notify the project developer of any such claim, action or proceeding and cooperate fully in the defense.

* 3. In conjunction with the submittal for a project demolition permit and/or a building permit, the project developer shall submit a recycling plan for building and construction materials and the disposal of green waste

generated from land clearing on the site, consistent with Chapter 10-10 of the Danville Municipal Code. Prior to obtaining framing inspection approval for the project, the developer shall provide the Planning Division with written documentation (e.g., receipts and records) documenting that waste materials created from the demolition of existing buildings and the construction of new buildings were/are being recycled according to the approved recycling plan or in an equivalent manner. In conjunction with observance of the approved recycling plan, developer shall have the responsibility to document proper recycling/disposal of fluorescent light bulbs and ballasts, security light bulbs, electrical switches, and other demolition by-product containing mercury, PCBs, refrigerants, etc. in accordance with applicable regulations. As appropriate, a California licensed hazardous waste hauler shall conduct transportation of these items from the site.

4. The project shall comply with both the treatment and flow control guidelines set forth by the 2015 Municipal Regional Permit (MRP) C.3. Requirements issued by the San Francisco Regional Water Quality Control Board. The project site is over one acre in size and shall comply with the abide hydrograph modification management (i.e., flow control) requirements of the MRP. Pursuant to the MRP, the existing developed site conditions shall be used as a baseline for the determination of the pre- and post-project runoff conditions and to define the required volume of the flow control facilities. Project compliance with its hydro-modification requirements shall be through the construction and maintenance of Engineering Division-approved stormwater detention/retention facilities.

* 5. The project is in the San Ramon Creek watershed. The project shall mitigate the impact of additional stormwater runoff from development on San Ramon Creek by either of the following methods:

a. Remove 1 cubic yard of channel excavation material from the inadequate portion of San Ramon Creek for each 50 square feet of new impervious surface area created by the development. All excavated material shall be disposed of off-site by the project developer at his own cost. The site selection, land rights, and construction staking will be performed by the Contra Costa County Flood District & Water Conservation District (FC District).

or, upon written request by the project developer:

b. Provide for a cash payment in lieu of actual excavation and removal of material from the inadequate portion of San Ramon Creek. The

cash payment will be calculated at a rate of $0.10 per square foot of new impervious surface area created by the development. The added impervious surface area created by the development will be based on the FC District's standard impervious surface area ordinance. The FC District will use these funds to work on San Ramon Creek annually. The mitigation fee for this project will be based on the increase of impervious area. The project developer shall supply a worksheet to the FC District, which includes a scalable map that shows the square footage of the existing and proposed impervious areas.

6. Prior to issuance of a building permit, the project developer shall secure a Flood Control Encroachment permit from the Contra Costa County Flood District & Water Conservation District (FC District) for any work inside the FC District easement, and shall finalize any right-of-way transactions with the FC District necessary for the project. The project developer shall not construct any improvements that will obstruct FC District access to adjacent properties. The project developer shall be responsible for payment of all related FC District costs.

7. Unless otherwise authorized by Contra Costa County Flood District & Water Conservation District (FC District), the existing non-native pine trees planted in the San Ramon Creek banks and slopes (apparently by the current or previous property owner without the FC District consent) shall be removed. The FC District does not allow trees inside their easements, in general, to avoid future damage to creek banks and to avoid costly repairs should trees grow large and collapse into the creek, potentially blocking the water flow and creating erosion issues. In addition, the FC District does not allow trees inside their easements, in general, as trees can obstruct maintenance access and flood fighting efforts of the FC District.

8. Unless otherwise authorized by the Contra Costa County Flood District & Water Conservation District (FC District), the site plan shall be modified as necessary to have onsite drive aisles designed to accommodate the FC District turning radius minimums for FC District trucks and to be meet the FC District road section requirements (i.e., be "H-20 loading capable"). To meet the FC District standards adjustments may be required to the proposed locations of trash enclosures and the location and/or design of some of the onsite parking spaces.

9. Unless otherwise authorized by the Contra Costa County Flood District & Water Conservation District (FC District), the site plan shall be modified to eliminate the two proposed parking spaces in the southeastern corner of the

development area to reflect the FC District requirement that the FC District access road along the north side of San Ramon Creek has unencumbered access to adjacent properties to the east.

10. A final Stormwater Control Plan (SCP) that defines all Drainage Management Areas (DMAs) and related Integrated Management Practices (IMPs) shall be submitted for review and approval by the Engineering Division prior to issuance of grading or building permits for the project. The SCP shall be substantially consistent with the Preliminary Stormwater Control Plan cited in Project Condition of Approval #A.1.e., above. All C.3 stormwater facilities detailed in the SCP shall conform in size and dimension to the minimum requirements contained the latest Contra Costa Clean Water Program Stormwater C.3 Guidebook in place at the time application in made for project grading or building permits. All final construction, architecture, landscaping and improvement plan details prepared for the project shall conform to the approved final SCP. Unless otherwise authorized by the Engineering Division, the SCP shall be submitted for review and approval prior to submittal of the project improvement plans or grading plans to verify that all DMAs are properly described, sized, and located.

11. A Stormwater Facilities Operation and Maintenance Plan, consistent with the project's SCP and applicable Contra Costa Clean Water Program instructions, shall be submitted for review and approval by the Engineering Division prior to approval of the initial frame inspection for a project building permit. The approved Stormwater Facilities Operation and Maintenance Plan shall be executed and recorded prior approval of the initial final inspection for a project building permit.

12. The project's Prelminary Stormwater Control Plan (refer to Condition of Approval #A.1.f., above) indicates that a portion of the project C.3. treatment requirements may potentially be requested to be allowed to be met by the construction offsite treatment-only improvements and/or by payment of an in-lieu fee. Pursuit of the in-lieu fee option for that portion of the C.3 treatment requirements not handled on the project site may only be utilized if approved by the Town Council prior to issuance of project grading permit.

13. The SCP shall include final calculations and designs for both the planned onsite and offsite IMPs. The SCP shall include page cross-references to all related architectural, landscaping and improvement plan construction details for both onsite and offsite improvements.

14. The location and general design of any proposed offsite IMPs serving the project shall be subject to review and approval by the Engineering Division prior to approval of the SCP and approval of any final construction drawings.

15. Prior to issuance of grading or building permits for the project, the project developer, project general contractor, and appropriate project sub-contractors shall attend a pre-construction meeting with the assigned Engineering Division and Stormwater inspection staff to discuss the project SCP and related IMPs and to discuss the inspection process to be used to assure IMPs are installed consistent with the SCP.

16. Written Engineering Division or Stormwater Program inspection staff sign-offs shall be secured for construction and installation of all project IMPs, with IMPs inspections observing the following minimum inspection sequence: a) layout inspection (required prior to beginning project excavation); b) excavation inspection (required prior to backfilling IMPs with any material or pipe installation); c) overflow inlet/surface connection to storm drain system inspection (required prior to backfilling IMPs with any material); d) underground connection to storm drain outlet or orifice inspection (required prior to backfilling IMPs with any material); e) drain rock/sub-drain inspection (required prior to soil media mix inspection/test and installation); f) soil media mix inspection/test (required prior to soil media installation); g) soil media installation inspection (required prior to irrigation installation); h) irrigation inspection (required prior to plant material installation); i) planting inspection (required prior to final Engineering Division Inspection); and j) Engineering Division Final (required prior to building permit final). The developer shall utilize the inspection log provided by the Engineering Division at the pre-construction meeting.

17. Prior to issuance of the building permit, the project developer shall prepare and submit a detailed Operation and Maintenance Agreement to the Development and Services Department for review and approval. The Operation and Maintenance Agreement shall identify the maintenance and funding for proposed storm water management features at the project site (i.e., bio-retention facility, storm water detention basin). All features shall be maintained and funded by the local homeowners' association (HOA)' GHAD, or other instrument determined to be acceptable to the Town. The maintenance protocols shall address both routine and non-routine maintenance activities and shall explicitly identify monitoring and reporting requirements. These protocols shall include an estimate of annual monitoring and maintenance costs.

18. Through the project approval, the project is granted a density bonus, with such density bonus reflective of a project developer commitment to provide a specified number of units in the project as affordable units for a minimum term of 55 years. As provided for by State density bonus regulations (i.e., Government Code Section 65915) and the Danville Municipal Code, the 111-unit baseline unit count applicable to the project site is authorized to receive a 35% density bonus. The density bonus takes the maximum allowable unit count for the proposed for-rent multifamily residential project to 150 units, authorizing 39 more units than would be otherwise allowed given the property's underlying general plan land use designation. The density bonus is provided in response to a commitment to establish and maintain thirteen of the project units as units affordable to very low income households. Requirements for restricted occupancy units shall be evidenced by an affordable housing agreement between the developer and the Town, completed and recorded on the property to each affected unit before issuance of a building permit and with said agreement to run with the land. The affordable housing agreement shall indicate the qualification criteria for the target households for the restricted occupancy units (i.e., very low income households); the intended household type (i.e., rental restricted occupancy units); the number of restricted occupancy units and their corresponding number of bedrooms; standards for maximum qualifying household incomes for restricted occupancy units with affordability restrictions; standards for maximum rents or sales prices for restricted occupancy units with affordability restrictions; standards for qualifying for occupancy of senior or handicapped restricted occupancy units; party/process responsible for certifying qualifications of households which occupy restricted occupancy units; construction scheduling; procedures for marketing and filling vacant restricted occupancy units; restrictions and enforcement mechanisms binding on property upon sale or transfer of the property; maintenance provisions of restricted occupancy units; and any other information as required by the Town to comply with the intent and requirements of these conditions of approval and the density bonus regulations of the State and the Town. The affordable housing agreement shall include a provision which allows the Town of Danville to assign its authority to regulate and enforce the agreement to the Contra Costa County Housing Authority, a nonprofit housing agency or other similar entity.

19. In case the residential project is built as, or converted to, individually owned condominium units, an Owner's Association shall be formed. The Owner's Association, through project-specific covenants, conditions and restrictions (CC&Rs), shall be responsible for commonly owned facilities. The CC&Rs shall include appropriate restrictions relating to the use of

project parking and storage to meet the intent and requirements of these conditions of approval. Draft CC&Rs shall be submitted to the Planning Division and City Attorney for review and approval a minimum of 60 days prior to the individual sale of any of the units. A note shall be placed on the final map for this project which specifies the requirement that the City Attorney shall have review and approval authority of project-specific CC&Rs prior to the individual sale of any of the units.

20. Prior to demolition activities, an asbestos survey shall be conducted by an Asbestos Hazard Emergency Response Act (AHERA) and California Division of Occupational Safety and Health (Cal/OSHA) certified building inspector to determine the presence or absence of asbestos containing-materials (ACMs). If ACMs are located, abatement of asbestos shall be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the Bay Area Air Quality Management District (BAAQMD) Regulation 11, Rule 2.

21. If paint is separated from building materials (chemically or physically) during demolition of the structures, the paint waste shall be evaluated independently from the building material for lead by a qualified Environmental Professional. If lead-based paint is found, the project developer shall be responsible for abatement, which shall be completed by a qualified Lead Specialist prior to any activities that would create lead dust or fume hazard. Lead-based paint removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Contractors performing lead-based paint removal shall provide evidence of abatement activities to the Town Engineer.

22. If the asbestos containing-materials (ACM) report determines there are ACMs present, the developer shall have the responsibility to: (a) remove and dispose all ACM in accordance with applicable Federal, State and local regulations governing asbestos including, but not limited to those promulgated by OSHA, EPA, Cal-OSHA, Cal-DPH, DTSC, and the Bay Area Air Quality Management District (BAAQMD); (b) supply notification to employees, contractors, subcontractors, and tenants having access to the buildings on the project site as to the presence, location, and quantity of ACMs documented to be present at the site, with such notification to occur within 15 days of receiving such information; (c) retention of a State of California licensed and Cal-OSHA registered asbestos contractor to complete the recommended pre-demolition abatement of all ACM at the

site; (d) provision of a 10 working day minimum advanced written notification to BAAQMD prior to demolition activities (with said notice to be accompanied by payment of requisite administrative fees); and (e) provision of an "Intent to Conduct ACM Related Work" notification to Cal-OSHA.

23. If the lead-based paint (LBP) report determines there are LBPs present, the project developer shall have the responsibility to: (a) remove and dispose all LBPs in accordance with applicable Federal, State and local regulations; (b) advise contactors engaged in work at the site that LBPs are present and that said LBPs shall only be impacted by properly trained workers, using appropriate lead-related work practices in compliance with applicable Cal-OSHA worker exposure regulations; and (c) provision of an "Intent to Conduct Lead Related Work" notification to Cal-OSHA.

ADVISORY COMMENTS:

1. According to Central Contra Costa Sanitary District (CCCSD) records, the project site is within CCCSD's service area and sanitary sewer service is being provided to the existing buildings on site. Some of the existing sewer would need to be properly abandoned when the buildings are removed. The developer would need to construct a set of on-site mains and laterals to serve the proposed multi-family units.

2. CCCSD has initiated a capacity study to determine if the existing sewer system in the vicinity is adequate for the additional wastewater which will be generated by the proposed project. The developer will be required to submit full-size building plans for CCCSD Mainline review in advance and to pay fees and charges at the time of connection to the sewer system. The payment of capital improvement fees is required for the development or expansion of a property use which generates an added wastewater capacity demand to the sanitary sewer system. This project may be subject to substantial capital improvement fees due to its size or use. To receive an estimate of project fees and charges, the developer should promptly contact the District's Permit Section at (925) 229-7371.

3. As indicated in East Bay Municipal Utility District's (EBMUD)'s preliminary comments on the project (comments dated November 30, 2016), separate dwelling units on the same property require separate water meters. A main extension, at the project sponsor's expense, may be required depending on EBMUD metering requirements and fire flow requirements set by the local fire department. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water

service estimate to determine the cost and conditions of providing water service to the project. Engineering and installation of water mains and meters may require substantial lead time, which should be accounted for in the project sponsor's development schedule. No water meters are allowed to be located in driveways. The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense. Due to EBMUD's limited water supply, all customers should plan for shortages in time of drought.

4. The preliminary comments on the project from the Contra Costa County Flood District & Water Conservation District (FC District) were reflected in their letter dated December 13, 2016. Some of the comments contained in that letter have been integrated into the project conditions of approval. The following additional comments constitute advisory comments from the FC District:

   a. The A.L.T.A./A.C.S.M. Land Title Survey submitted by the applicant as part of the project application shows a 60-foot-wide FC District access and maintenance easement on the west side of the project parcel, which is also dedicated to Contra Costa County for street and highway and incidental purposes, and a 21-foot-wide existing FC District and incidental easement on the east side of the property. The southern side of the property has a FC District easement over San Ramon Creek and adjacent areas. However, it appears on the proposed site plan that these existing easements are to be modified by the project, on the east side and south side of the project parcel. Since the project will include modification of existing FC District easements, the applicant will be required to contact the FC District to discuss FC District's continued access to the San Ramon Creek flood control channel, review improvement and planting plans, review proposed changes to existing easements, and review acceptance and recordation of real property documents. The applicant needs to approach the FC District to set up a Fee-for-Service account to cover for our staff and begin transactions.

   b. The site plan needs to show the proposed points of access and paths to the San Ramon Creek flood control channel. Our access road should be clear to adjacent parcels.

c. The landscape plan proposes additional planting of trees along San Ramon Creek, which, in addition to the existing trees, might impair the access to the creek for future maintenance and emergency repair work. We recommend that the applicant sets up an appointment with the FC District to discuss existing and proposed trees. [The applicant was referred to the FC District's Typical Landscaping Limits on Creek/Chanel Embankments detail.]

d. The San Ramon Creek Watershed has inadequate capacity and the FC District recommends that no increase in peak discharge to San Ramon Creek be allowed in conjunction with the redevelopment of the project site. The FC District is operating from an assumption that redevelopment of the project site from the existing office use to uses allowed with the DBD Area 12 Multifamily Residential High Density land use designation will result in an increase in project-related runoff.

e. We recommend considering the proximity of the San Ramon Creek flood control channel during construction of the project and requiring that Best Management Practices be implemented during site preparation and construction to avoid contaminants and silt from entering the San Ramon Creek channel, as well as restricting storage of construction equipment or materials adjacent to the creek or in the FC District's right-of-way.

f. If the existing onsite San Ramon Creek stormwater outfall is modified, a FC District permit and hydrology study may be required.

g. The project is adjacent to the San Ramon Creek flood control channel, which is inside a FEMA Special Flood Hazard area, "Zone A", which is subject to inundation by the 1% annual chance flood. We recommend that the project addresses this issue and comes up with a contingency plan should the 100-year flood event occur.

h. The proposed project is located in Drainage Area 18, an unformed drainage area. Therefore, there are no drainage area fees (for Drainage Area 18) due at this time.

i. The FC District is not the approving local agency for this project as defined by the Subdivision Map Act. As a special district, the FC District has an independent authority to collect drainage fees that is not restricted by the Subdivision Map Act. The FC District reviews the drainage fee rate every year the ordinance is in effect and adjusts

the rate annually on January 1 to account for inflation. The drainage fee rate does not vest at the time of tentative map approval. The drainage fee due and payable will be based on the fee in effect at the time of fee collection.

5. The preliminary comments on the project from the San Ramon Valley Unified School District (District) were reflected in their letter dated December 1, 2016. The District advises as follows:

   a. The residential project located at 373-379 Diablo Road, Danville, CA will be subject to a residential rate developer fee, currently $6.22 per square foot. The project is within the San Ramon Valley Unified School District.

   b. The residential project will be subject to higher developer fees as a result of the impact of Senate Bill 50 (SB50), the Leroy F. Greene School Facilities Act of 1998. SB50 states that if the District conducts a School Facilities Needs Analysis report and meets certain other requirements, it may impose an alternate developer fee that may be significantly higher than the previously permitted Level 1 fees of $3.48 per square foot of new residential development. On October 18, 2016, the Board of Directors adopted Resolution No. 16/16-17, Establishing Alternative School Facility Fees (Level 2) in accordance with the provisions of Senate Bill 50. The above-mentioned project is subject to current fees.

   c. The district's current student generation factors (SGF) for this type of project are listed below:

UNITS: 150 MULTIFAMILY		
GRADE	SGF RATE	STUDENTS
K-5	0.32	48
6-8	0.13	20
9-12	0.18	27

   d. The resident schools for this project are Montair Elementary, Stone Valley Middle, and San Ramon Valley High Schools. Due overcrowding in the District it is possible that students residing in this subdivision may be diverted to other schools.

6. The preliminary comments on the project from the Northwest Information Center of the California Historical Resources Information System at Sonoma State University were reflected in their letter dated November 30,

2016. Project Condition of Approval #A.9 integrates one recommendation for the project. The letter, including all other comments and recommendations, is included as an exhibit to the Planning Commission Staff Report dated January 24, 2017 for the project.

7. The preliminary comments on the project from the San Ramon Valley Fire Protection District (SRVFPD) were reflected in their Planning Application Review Letter dated November 28, 2016. That letter was included as part of Exhibit I of the Planning Commission Staff Report dated January 24, 2017 for the project.

8. The preliminary comments on the project from the Contra Costa Environmental Health Division (CCEHD) were reflected in their letter dated January 5, 2017. Some of the comments contained in that letter have been integrated into the project conditions of approval (see Conditions of Approval #F.6 and #F.11. The following additional comments constitute advisory comments from the FC District:

   Debris from construction or demolition activity must go to a solid waste or recycling facility that complies with the applicable requirements (e.g., solid waste permit, EA notification, etc.)

APPROVED by the Danville Planning Commission at its regular meeting on January 24, 2017, by the following vote:

AYES: -
NOES: -
ABSTAINED: -
ABSENT: -

_____
CHAIRMAN

APPROVED AS TO FORM:

_____
CITY ATTORNEY

_____
CHIEF OF PLANNING

NOTICE TO SURROUNDING PROPERTY OWNERS
MAILED 12/23/16
BY

DANVILLE

"Small Town Atmosphere Outstanding Quality of Life"

NOTICE OF A PUBLIC HEARING

You are hereby notified that the Danville Planning Commission will hold a public hearing to consider Final Development Plan request DEV16-0014 on Tuesday, January 10, 2017 at 7:30 p.m. at the Town Meeting Hall at 201 Front Street, Danville. The project to be considered at this public hearing is described as follows:

Project Description:	DEV16-0014 is a Final Development Plan request seeking authorization to construct a 150 unit multifamily for-rent residential project at 373-379 Diablo Road. The 3.68 +/- acre (net) property is designated for Residential - Multifamily - High use by the Danville 2030 General Plan. The site is currently occupied by two-story office buildings that were built in the 1970's under land use and zoning designations that allowed office use.
Location / APN:	373-379 Diablo Road / APN 216-120-037
Property Owner and Applicant:	Danville Office Partners, LLC Attn: Russel Stanley 18840 Saratoga Los Gatos Road Los Gatos, CA 95030
Architect:	LCA Architects Attn: Carl E. Campos 590 Ygnacio Valley Road, Suite 310 Walnut Creek, CA 94596
General Plan:	Downtown Master Plan
Zoning:	DBD; Downtown Business District Area 12 – Multifamily Residential High Density (25-30 units per acre)

The applicant is requesting a density bonus be applied to the proposed development. A 35.0% density bonus has been requested by the applicant to take the project unit count from the 111 units allowed by zoning up to a density bonus-project request of 150 units, proposed for construction as a mix of two- and three-story units contained in three separate building groupings. The density bonus is being pursued in conjunction with the applicant's commitment to provide affordable rental units in the project (i.e., units that would be reserved for occupancy by very low-income households), consistent with the requirements of State density bonus law and the Density Bonus Ordinance regulations contained in the Danville Municipal Code.

A development concession requested by the applicant, as provided for under the regulations governing a density bonus project, is relief from the maximum applicable DBD - Area 12 floor area ratio (FAR) standard for conditioned space. The applicant is requesting a FAR for conditioned space of 88.4% where the Area 12 zoning standard sets the maximum FAR for conditioned space at 80.0%. As a second development concession, the applicant is requesting modification from the maximum allowable building height as provided for under the Special

EXHIBIT B

Concern Area language for the subject property contained in the Danville 2030 General Plan (i.e., a 37′ height is requested where the 2030 General Plan sets the maximum allowable height at 35′).

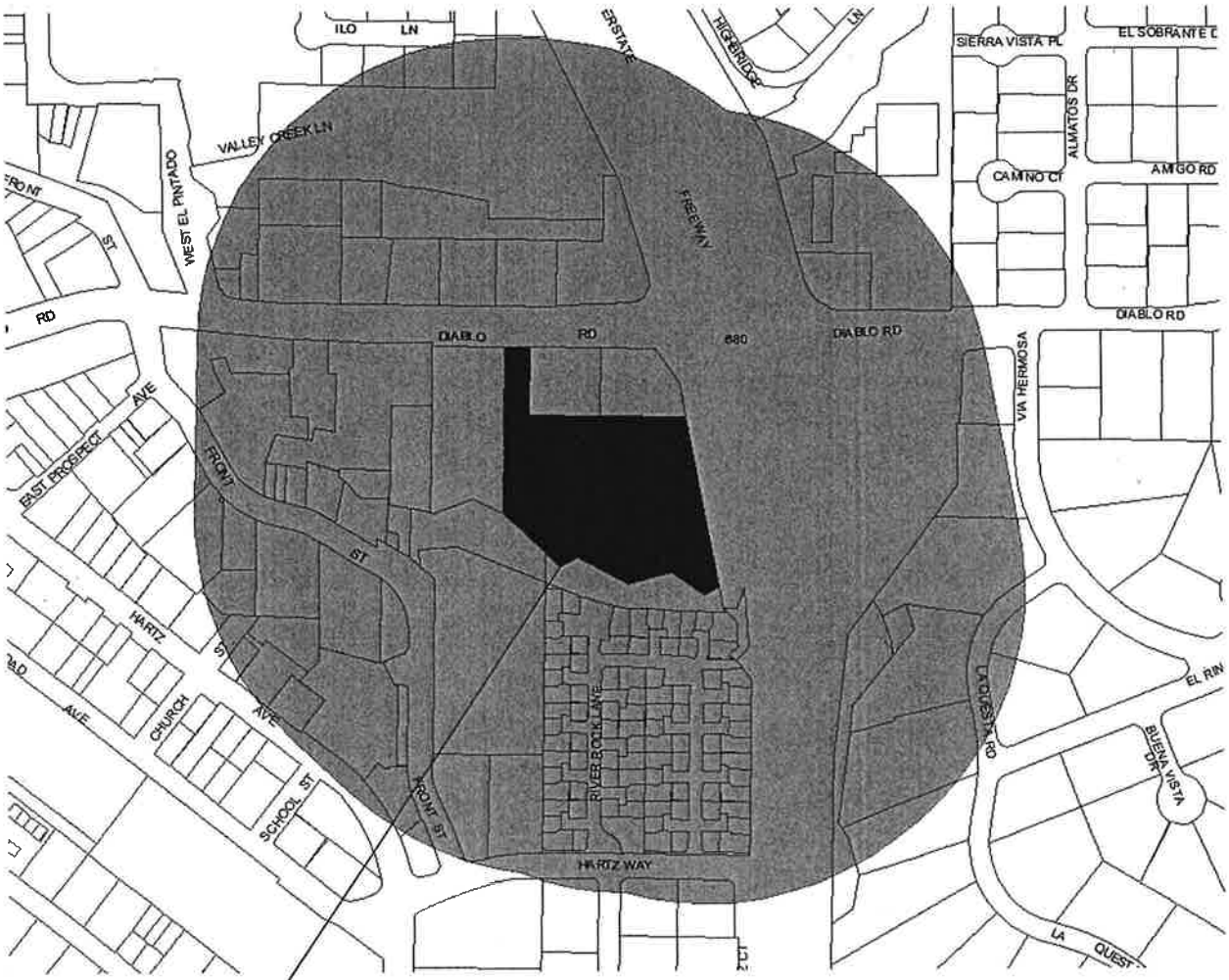
The current development plan application was filed with the Town after review of a similar development plan application was terminated at the property owner's direction. Specifically, the current application was filed following the termination of the application submitted by ROEM Development Corp. ("ROEM"), who submitted a development application in early 2015 and who also was pursuing approval for a 150-unit apartment project.

The project-specific processing steps applicable to a for-rent multifamily residential project on the subject property were outlined in a Town-prepared application processing letter, a letter prepared in conjunction with the review of the ROEM application. The application processing letter cited the project's special status under state Housing Law as a for-rent project being processed without a concurrently submitted subdivision map request. The project has special status for processing purposes because it is proposed on a property that addresses, in part, Danville's Regional Housing Needs Allocation ("RHNA") shortfall that had been identified in Danville's 2007-2014 Housing Element. Danville was determined it have a RHNA shortfall following assessment of the availability of housing sites where a "zoning by right" condition was present that would accommodate the development of multifamily housing at a development density deemed adequate to accommodate very low- and low-income households. The application processing steps presented in a September 16, 2015 process letter issued during review of the ROEM application remain applicable to the current Danville Office Partners, LLC project submittal. Importantly, the development review process outlined in the processing letter, so as to be consistent with state housing law, reflects the determination that the current project is not subject to review under the California Environmental Quality Act (CEQA) as state Housing Law establishes that this type of project is exempt from CEQA.

All interested persons are encouraged to attend and be heard. Please contact Kevin Gailey, Project Planner, at the Danville Town Offices or phone (925) 314-3305 if you have any questions regarding this matter. You may also fax or email your comments to (925) 838-0360 or kgailey@danville.ca.gov.

If you challenge the Town's decision on this matter in court, 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 Town at, or prior, to the public hearing.

In compliance with the Americans with Disabilities Act, the Town of Danville will provide special assistance for disabled citizens. If you need special assistance to participate in this meeting, please contact the City Clerk (925) 314-3388. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting. [28CFR 35.102-35.104 ADA Title II]



Project Location

DEV16-0014

373-379 Diablo Road

APN: 216-120-037

	A	B	C	D	E	F
1	APN	NAME	ADDRESS	CITY-STATE	SUITE	ZIP
2	216110030	SARLAT MICHELE J TRE	PO BOX 143	DANVILLE CA		94526
3	216110004	KING OF DANVILLE INVESTORS	PO BOX 1547	SAN RAMON CA		94583
4	208022040	TOOMAJIAN BARRY S & JUDITH B	PO BOX 1894	LAFAYETTE CA		94549
5	216120018	KENT E GREG	PO BOX 236	ALAMO CA		94507
6	216110062	WEBER JOHN E & CHARLENE A TRE	PO BOX 304	DIABLO CA		94528
7	216110065	ZANKICH NICHOLAS Z & VALERIE D	PO BOX 752	DANVILLE CA		94526
8	196561005	WOODBINE HOMEOWNERS ASSN	PO BOX 932	DANVILLE CA		94526
9	216110028	NISH MARGARET L TRE	PO BOX 99	DANVILLE CA		94526
10	216110015	LAROCCA RANDAL & LISA	1001 RIVER ROCK LN	DANVILLE CA		94526
11	216110016	MOULDS ANNE V	1003 RIVER ROCK LN	DANVILLE CA		94526
12	216110018	YSUNZA JOHN M & CHERIE A TRE	1007 RIVER ROCK LN	DANVILLE CA		94526
13	216110019	ABADIR POLLY A	1009 RIVER ROCK LN	DANVILLE CA		94526
14	216110101	WEIL JUDY TRE	1012 RIVER ROCK LN	DANVILLE CA		94526
15	216110051	WEITZNER SANFORD A	1012 RIVER ROCK LN	DANVILLE CA		94526
16	216110072	RAGO PAUL S TRE	1016 RIVER ROCK LN	DANVILLE CA		94526
17	216110098	LAMANTIA GERALDINE V TRE	1018 RIVER ROCK LN	DANVILLE CA		94526
18	216130015	SOTO WILLIAM T & MAXINE TRE	102 LA QUESTA DR	DANVILLE CA		94526
19	216110020	THOMAS JANE L	1021 RIVER ROCK LN	DANVILLE CA		94526
20	216110022	GULKO MARTHA A TRE	1025 RIVER ROCK LN	DANVILLE CA		94526
21	216110023	EDGINGTON THOMAS SCOTT III	1027 RIVER ROCK LN	DANVILLE CA		94526
22	216110024	TRAUTNER CHARLENE M TRE	1029 RIVER ROCK LN	DANVILLE CA		94526
23	216110097	RAFFEE MICHAEL	1030 RIVER ROCK LN	DANVILLE CA		94526
24	216110096	DEATLEY GARY G & LOUCY W TRE	1032 RIVER ROCK LN	DANVILLE CA		94526
25	216110095	PASQUALE LARRY TRE	1034 RIVER ROCK LN	DANVILLE CA		94526
26	216110094	JAMES BRIAN	1036 RIVER ROCK LN	DANVILLE CA		94526
27	216110093	ZANA TERESA	1038 RIVER ROCK LN	DANVILLE CA		94526
28	216110025	MUSANTE TONI M	1041 RIVER ROCK LN	DANVILLE CA		94526
29	216110021	DOHERTY JOHN J	1048 VIA MEDIA	LAFAYETTE CA		94549
30	216110029	TOM LEONARD BING & KATIE TRE	1049 RIVER ROCK LN	DANVILLE CA		94526
31	216110092	SCOLARI FRED TRE	1050 RIVER ROCK LN	DANVILLE CA		94526
32	216110091	MAHERE PHILLIP & SHARON TRE	1052 RIVER ROCK LN	DANVILLE CA		94526
33	216110090	SAPORITO KAREN SUE TRE	1054 RIVER ROCK LN	DANVILLE CA		94526
34	216110089	HAYNOSCH DANIEL S TRE	1056 RIVER ROCK LN	DANVILLE CA		94526
35	216110088	STANKE-FIGUEROA SUZANNE	1058 RIVER ROCK LN	DANVILLE CA		94526
36	216110031	GARCIA MERCEDES M TRE	1063 RIVER ROCK LN	DANVILLE CA		94526
37	216110032	CHANG GARY STEVEN & KATHY I	1065 RIVER ROCK LN	DANVILLE CA		94526
38	216110034	LAU DONALD & TERESA TRE	1069 RIVER ROCK LN	DANVILLE CA		94526
39	216110036	KENBER CHRISTOPHER GODFREY TRE	1073 RIVER ROCK LN	DANVILLE CA		94526
40	216110037	THOMPSON BILLY F & ROBIN TRE	1075 RIVER ROCK LN	DANVILLE CA		94526
41	216110038	CAPRIOTTI DINO & LISA C TRE	1077 RIVER ROCK LN	DANVILLE CA		94526
42	216110041	HEACOX HENRY E & SHERRY A	1081 RIVER ROCK LN	DANVILLE CA		94526
43	216110040	MEYER WALTER E & CAROL E TRE	1083 RIVER ROCK LN	DANVILLE CA		94526
44	216110042	GOW JEANNINE	1091 RIVER ROCK LN	DANVILLE CA		94526
45	216110045	MARSALA JOHN A & CARRIE A	1097 RIVER ROCK LN	DANVILLE CA		94526
46	216110046	LANDRUM GLEN	1099 RIVER ROCK LN	DANVILLE CA		94526
47	216120015	JANLOIS PARTNERS LP	110 CORA CT	WALNUT CREEK CA		94597
48	216110086	LUCIA JANESSA	1102 RIVER ROCK LN	DANVILLE CA		94526
49	216110085	ROVNANIK BRIAN D	1104 RIVER ROCK LN	DANVILLE CA		94526
50	216110047	JOHNSON ROSEMARY C	1111 RIVER ROCK LN	DANVILLE CA		94526
51	216110048	SLATER DIANE JOYCE	1113 RIVER ROCK LN	DANVILLE CA		94526
52	216110049	ARMSTRONG REGINA M	1115 RIVER ROCK LN	DANVILLE CA		94526
53	216110050	CONSIDINE BRENT & ARTI	1117 RIVER ROCK LN	DANVILLE CA		94526
54	216160016	PALM PETER R TRE	112 LA QUESTA DR	DANVILLE CA		94526
55	216110052	SCHELL STEVEN D & AMY	1131 RIVER ROCK LN	DANVILLE CA		94526
56	216110053	CONNER RICKY H & ROXANE M	1133 RIVER ROCK LN	DANVILLE CA		94526
57	216110084	MCALPINE ELIZABETH	1140 RIVER ROCK LN	DANVILLE CA		94526
58	216110083	OXENDINE DEBORAH J	1142 RIVER ROCK LN	DANVILLE CA		94526
59	216110082	COLLINS SUSAN J TRE	1144 RIVER ROCK LN	DANVILLE CA		94526
60	216110081	FERGUSON HARRY B	1146 RIVER ROCK LN	DANVILLE CA		94526
61	216110080	FELIX GARY A TRE	1148 RIVER ROCK LN	DANVILLE CA		94526
62	216110055	MORRIS GEOFFREY W & KAREN D	1151 RIVER ROCK LN	DANVILLE CA		94526
63	216110056	LIN SHU-TZU TRE	1153 RIVER ROCK LN	DANVILLE CA		94526
64	216110057	LIN SHARON	1155 RIVER ROCK LN	DANVILLE CA		94526

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65	216110058	BLACK JODY R TRE	1157 RIVER ROCK LN	DANVILLE CA		94526
66	216110059	JACOBY LAURA J TRE	1159 RIVER ROCK LN	DANVILLE CA		94526
67	216110079	LINES CHARLES R & JANAN L TRE	1160 RIVER ROCK LN	DANVILLE CA		94526
68	216110075	VARILLA ARNULFO & ANITA	1168 RIVER ROCK LN	DANVILLE CA		94526
69	196440003	GREEN VALLEY SHOPPING CTR LTD	11750 SORRENTO VALLEY RD	SAN DIEGO CA	#209	92121
70	216110063	WILKINS CATHY	1177 RIVER ROCK LN	DANVILLE CA		94526
71	216110074	BROWN KERRY ABBOTT	1180 RIVER ROCK LN	DANVILLE CA		94526
72	216110073	STARK JEFFREY P	1182 RIVER ROCK LN	DANVILLE CA		94526
73	216110071	HARDING JUANITA WHITNEY TRE	1186 RIVER ROCK LN	DANVILLE CA		94526
74	216110070	CAMBIER JAMES T & LORALEE	1188 RIVER ROCK LN	DANVILLE CA		94526
75	216110066	SULLIVAN THOMAS F & MARIVIC C	1193 RIVER ROCK LN	DANVILLE CA		94526
76	216110067	HUNTER TIMOTHY J & SHEA A TRE	1195 RIVER ROCK LN	DANVILLE CA		94526
77	216110068	WEITZNER GLADYS TRE	1197 RIVER ROCK LN	DANVILLE CA		94526
78	196210051	LSB PROPERTIES	1207 UPPER HAPPY VALLEY RD	LAFAYETTE CA		94549
79	216160017	FREETHY JAMES L	122 LA QUESTA DR	DANVILLE CA		94526
80	216120042	MONTAIR ASSOCIATES	12885 ALCOSTA BLVD STE A	SAN RAMON CA		94583
81	216160003	DONOVAN SHIRLEY J	132 LA QUESTA DR	DANVILLE CA		94526
82	196201011	TODD WILLIAM & CYNTHIA TRE	1390 CASA VALLECITA	ALAMO CA		94507
83	196210050	380 DIABLO ROAD LLC	1430 LEIMERT BLVD	OAKLAND CA		94602
84	216120035	DIABLO VALLEY BANK	150 ALMADEN BLVD	SAN JOSE CA		95113
85	216110027	CERRATO ENRICO	1501 CLEARVIEW RD	SANTA BARBARA CA		93101
86	216110035	PALMER C LEANNE TRE	1773 KIRKMONT DR	SAN JOSE CA		95124
87	216120037	DANVILLE OFFICE PARTNERS LLC	18840 SARATOGA-LOS GATOS RI	LOS GATOS CA		95030
88	216110104	COMMON AREA-TRACT 7888	1933 DAVIS ST	SAN LEANDRO CA	#200	94577
89	216110103	COMMON AREA-TRACT 7888	1933 DAVIS ST	SAN LEANDRO CA	#200	94577
90	216120028	RIELE GARY S & JULIE Z TRE	2 MACOMBER RD	DANVILLE CA		94526
91	196210042	208 W EL PINTADO LLC	208 W EL PINTADO RD	DANVILLE CA		94526
92	216120038	STUART JAMES W & DONNA J TRE	2149 CASCADE AVE STE 106A	HOOD RIVER OR		97031
93	208022030	PRESBYTERIAN CHURCH OF DANVILL	222 W EL PINTADO	DANVILLE CA		94526
94	196201010	PEOPLE MEETING CHRIST FDNTN	222 W EL PINTADO RD	DANVILLE CA		94526
95	216120036	CABRITA FRANCISCO & EMILY TRE	2378 SADDLEBACK DR	DANVILLE CA		94506
96	216110043	WILLIAMS IDA TRE	2418 ROUNDHILL DR	ALAMO CA		94507
97	216120040	THE FIELD FAMILY LP	244 FRONT ST	DANVILLE CA		94526
98	208022036	DUGGAN DANIEL A JR TRE	261 HARTZ AVE	DANVILLE CA		94526
99	208022038	VENTURES GN	26395 SCENIC RD	CARMEL CA		93923
100	196210054	OAK COURT PROPERTIES LLC	2821 CROW CANYON RD	SAN RAMON CA	#210	94583
101	196210052	ATTARHA MARK TRE	285 SAINT JAMES DR	PIEDMONT CA		94611
102	196210039	DANVILLE HEALTH REALTY HOLDING	3 MONARCH BAY PLZ	DANA POINT CA	#203	92629
103	196210049	300 DIABLO LLC	300 DIABLO RD	DANVILLE CA		94526
104	216110039	WEE WILLIAM K & EILEEN P	3008 OAKRAIDER DR	ALAMO CA		94507
105	216110061	SLAVIN WILLIAM E & MARTHA C	3019 DEER MEADOW DR	DANVILLE CA		94506
106	216101003	WILSON & KRATZER MORTUARIES	3040 POST OAK BLVD	HOUSTON TX	#300	77056
107	196210053	318 DIABLO ROAD ASSOCIATES	318 DIABLO RD	DANVILLE CA	250	94526
108	216110044	GAIPA TOBY L	32 SAGE HILL CT	DANVILLE CA		94526
109	216142003	KNERR VANY V TRE EST OF	320 TWIN PEAKS LN	ALAMO CA		94507
110	208022044	ELWOOD 522HARTZ LLC	34 ALAMO SQ STE 200	ALAMO CA		94507
111	216102006	LUCIA ROBERT J & MARY ANNE	35 ROSEWOOD CT	DANVILLE CA		94506
112	216101002	MCCOLM LARRY E & JOANNE P	350 MAIN ST	PLEASANTON CA	#K	94566
113	216110105	CHARLOTTE WOOD DEVELOPERS LP	3727 BUCHANAN ST 4TH FL	SAN FRANCISCO CA		94123
114	208022046	BRIDGES LAND COMPANY	3800 BLACKHAWK RD STE 100	DANVILLE CA		94506
115	208022043	PARKSIDE ASSOCIATES	412 CLIFFSIDE DR	DANVILLE CA		94526
116	196380084	DANVILLE PARK RE LLC	4155 BLACKHAWK PLAZA CIR	DANVILLE CA	#201	94506
117	196210048	LANGENBERG WILLIAM H	420 BOLLA PL	ALAMO CA		94507
118	216110087	STUART DARIN	423 ALAMATOS DR	DANVILLE CA		94526
119	216110102	WALSH THOMAS G & DIANE K TRE	426 COMO WAY	DANVILLE CA		94526
120	216110033	CLARK HELEN FRANCES TRE	433 VERONA AVE	DANVILLE CA		94526
121	216110017	CRUZ RENO N & MARGARET J TRE	44292 S EL MACERO DR	EL MACERO CA		95618
122	216110076	CLARK GREGORY R & NANCY C TRE	47 TAM O SHANTER RD	ALAMO CA		94507
123	196231007	TAYSON LLC	484 DIABLO RD	DANVILLE CA		94526
124	208022041	POURSOHL FAZ M	5121 HOPYARD RD	PLEASANTON CA		94588
125	216110064	FAST LAND PARTNERS LLC	5555 BRUCE DR	PLEASANTON CA		94588
126	216110054	LOBER SHAWN CHARLES TRE	642 EL PINTADO RD	DANVILLE CA		94526
127	216110100	DURAN JOSEPH GREGORY	696 SAN RAMON VALLEY BLVD	DANVILLE CA	#188	94526
128	216110060	TAYLOR MICHAEL D & LINDA J TRE	7 NEVA CT	DANVILLE CA		94526

	A	B	C	D	E	F
129	216130010	BROUSSARD RICK W & LESLIE	700 VIA HERMOSA	DANVILLE CA		94526
130	216142001	WELLS KENNETH J TRE	712 VIA HERMOSA	DANVILLE CA		94526
131	216110077	SELBY JOHN D & MARLENE J TRE	8 SILVIA CT	MORAGA CA		94556
132	216110003	WIEDOW HOWARD & JACQUELINE TRE	822 HARTZ WAY	DANVILLE CA	#202	94526
133	208022039	BELLECI FRANK S & SYLVIA D TRE	907 REDWOOD DR	DANVILLE CA		94506
134	216130012	SIMPSON DANIEL J & AGNES W TRE	9205 FIRCREST LN	SAN RAMON CA	#182	94583
135	216102005	PEARL INVESTMENT COMPANY LLC	931 HARTZ WAY	DANVILLE CA		94526
136	Randy Sullivan	Patton & Sullivan LLP	6600 Koll Center Parkway	Pleasanton CA	Suite 200	94566
137	John Lynn Smith	Reed Smith LLP	101 Second Street	San Francisco CA	Suite 180	94105
138	Patricia E. Curtin	Wendel, Rosen, Black & Dean LLP	111 Broadway	Oakland CA	24th Floor	94607

WENDEL ROSEN
BLACK & DEAN LLP

1111 Broadway, 24th Floor
Oakland, CA 94607-4036

T: 510-834-6600
F: 510-808-4729

www.wendel.com
pcurtin@wendel.com

December 16, 2016

VIA EMAIL KGAILEY@DANVILLE.CA.GOV

Kevin Gailey
Chief of Planning & Chief Building Official
Town of Danville
510 La Gonda Way
Danville, CA 94526

Re: Riverwalk at Downtown Danville Project/373 Diablo Road
Density Bonus Concessions and Development Standard Waivers

Dear Kevin:

As you know, Danville Office Partners ("DOP") is seeking a density bonus as part of the Riverwalk at Downtown Danville Project (Project"). An explanation of the density bonus is provided below.

I. Density Bonus Analysis

The Project qualifies for a density bonus under Government Code Sections 65915(b)(1)(B) and 65915(f)(2). The allowable density on the project site in the General Plan is 25-30 units/net acre. The net acreage of the site is 3.7. The maximum density (without a density bonus) allowed on site is 111 units.

The Project is proposing 11% very-low income units and thus, qualifies for a 35% density bonus. With this density bonus, the Project is seeking 150 units.

A. Incentives and Concessions

In addition to providing a density bonus, an applicant of a qualifying project "may submit to a city … a proposal for the specific incentives or concessions that the applicant requests…." (Section 65915(d)(1)). The city "shall grant the concession or incentive requested by the applicant" unless the city makes a written finding, based upon substantial evidence, that (a) the concession or incentive is not required in order to provide for affordable housing costs or for rents for the affordable units; (b) the concession or incentive would have a specific adverse impact upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the

EXHIBIT C

development unaffordable to low- and moderate-income households; or (c) the concession or incentive would be contrary to state or federal law.

Under Section 65915(k), a "concession or incentive" means any of the following:

> (1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements … including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable, financially sufficient, and actual cost reductions;
>
> …
>
> (3) Other regulatory incentives or concessions proposed by the developer or the city … that result in identifiable, financially sufficient, and actual cost reductions.

The meaning of "development standard" that can be reduced and/or modified is broad. The law defines "development standard" as including "a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation." (Section 65915(o)(1).)[1]

In this instance, the Project, by proposing 11% very low income units, would be eligible to receive two concessions/incentives pursuant to Section 65915(d)(2)(B). The applicant proposes to the use the first concession/incentive to waiver the FAR limitation of 80%. DOP maintains that the FAR waiver results in actual cost reductions and without the waiver there would be an increase in expenses that would hinder the provision of affordable units.

At this time DOP is not seeking second concession/incentives but reserves the right to do so if it becomes necessary to support the Project.

B. <u>Waiver or Reduction of Development Standards</u>

Separate and apart from the granting of concessions and incentives, "in no case" may a city apply any development standard that will have the effect of physically precluding the construction of a qualifying density bonus project at the densities or with the concessions or incentives permitted. (Section 65915(e)(1).) An applicant may submit to a city a proposal for the waiver or reduction of any such development standards. A city is not required to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact

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[1] The granting of a concession or incentive shall not be interpreted, in and of itself, to require a general plan amendment … zoning change, or other discretionary approval. (Section 65915(j).)

upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. (Section 65915(e)(1).)

A proposal for a waiver or reduction of development standards "shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled (per Section 65915(d)). (Section 65915(e)(2).)

Here, the applicant seeks a waiver of the City's development standard of a 35-foot height limit to allow for construction of an additional 2 feet (37 feet). A 150-unit project including 13 very low income units (11% of total base units), with the required 35 foot height limit would be physically precluded if height limitations were strictly applied. In addition the height waiver is necessary to provide a more pleasing Project by breaking up the uniformity of the buildings.

These modifications would not have a specific, adverse impact upon health, safety or the physical environment. As such, there is no basis to deny the request for modification.

In addition, DOP is seeking a waiver of fees on the very low income units.

Whether granted as a concession/incentive (per Section 65915(d)(1)) or a waiver (per Section 65915(e)), the Density Bonus Law permits the City to grant the requested development standard exceptions.

II. Summary of Density Bonus Calculation

Land Area: 4.26 Gross acres, 3.7 net acres
Allowable density: Table 24 (October 2014) of the Danville Housing Element depicts the zoning as Residential-Multifamily – high density (25-30dus/ac) with a maximum of 37' height with no limit on the number of stories.
Density Bonus Selected: 11% very low income units as target units
Allowable additional units: 35% Density Bonus increase
Concessions allowable: 2
Concession 1: Waiver of FAR limitation of 80%.
Concession 2: DOP is reserving its second concession at this time
Waiver/reduction of development standards: Town Council Resolution No. 92-2013 Development Standards for DBD Area 12:

1) DOP seeks an increase in project height from the allowable 37' to create a more pleasing project by breaking up the uniformity of the height.
2) Waiver of fees associated with the Target Units.

Priority Processing: We are hereby invoking the right to priority processing pursuant to Ordinance #94-74.9 Section 32-74.8

Net Acreage 3.70 acres*30du/acre = 111units rounded to 111 units
Density Bonus @ 35% = 111*.35= 38.85 rounded to 39 units
Number of target units for Very Low Income 11%*111= 12.2 rounded to 13 units
Total Units allowed based upon density bonus is 150 units

Total units proposed: 150 units
Market rate units: 137 units
Very Low Income: 13 units

Please call if you have any questions. Thank you.

Very truly yours,

WENDEL, ROSEN, BLACK & DEAN LLP

Patricia E. Curtin

PEC

cc: Rob Ewing, Town Attorney
Russ Stanley, Danville Office Partners
Carl Campos, LCA Architects

September 16, 2015

Mark Pilarczyk, Director of Acquisitions
ROEM Development Corporation
1650 Lafayette Street
Santa Clara, CA 95050

Re: Process for Review and Consideration of Development Application for 375 Diablo Road

Dear Mr. Pilarczyk:

ROEM Development Corp. ("ROEM") has submitted a development application for a 150-unit apartment project ("Project") located at 375 Diablo Road (the "Property") in the Town of Danville ("Town"). Through our prior meetings and correspondence, ROEM has informed the Town that that you are invoking Government Code Section 65583.2(i), which impacts the permissible scope of review on the Project. This is the first time that the Town (or ROEM) has processed an application subject to Section 65583.2(i). Therefore, the purpose of this letter is to outline the entitlement and environmental review process for the Project in a manner that complies with the Town's General Plan and ordinances as well as with Section 65583.2(i).

General Plan and Zoning for the Property

As part of the Town's 2007-2014 Housing Element, the Property was identified as one of several "Housing Opportunity Sites," meaning it had been identified as having the potential to accommodate the development of housing necessary to meet the Town's Regional Housing Needs Allocation ("RHNA"). In March 2013, the Town adopted the 2030 General Plan and created a new General Plan land use designation for "Residential-Multifamily-High Density." This designation has a density range of 25-30 dwelling units per net acre. As part of the General Plan adoption, and consistent with the Housing Element, the Town applied this new designation to the Property.

In addition to changing the land use designation for the Property, the 2030 General Plan created a "Special Concern Area" for what was labelled the "Diablo Gateway." This Special Concern Area includes the property. As used in the 2030 General Plan, Special Concern Areas provide more specific direction "that supplements the Land Use map and the policies and narrative in other parts of the General Plan." The Diablo Gateway Special Concern Area contains eight principles that "should be applied to future development...."

In November 2013 the Town initiated rezoning of the Property to make the zoning consistent with the General Plan, including the Housing Element. This rezoning consisted of two actions: a Zoning Text Amendment to create DBD; Downtown Business District Area 12 – Multifamily Residential High Density (25-30 units per acre); and, approval of a zoning map amendment and

Preliminary Development Plan specific to the Property. These actions were accomplished through adoption of Ordinance No. 2013-05 and Resolution No. 92-2013.

Collectively, these General Plan and zoning actions of the Town constitute the legislative action of the Town to establish multifamily residential housing of 25-30 units per net acre as a use by right on the Property. These actions also specify the principles that must be applied to any application for development of the Property (see 2030 General Plan, pp. 3-59 to 3-60) and the specific studies and information that must be submitted as part of any development application (see Resolution No. 92-2013). Under the Town's zoning ordinance, that development application would take the form of a Final Development Plan.

Applicable State Law Governing Application

The state housing law requires cities to identify an inventory of sites adequate to meet the assigned RHNA during the time frame covered by each Housing Element where the housing is approved as a "use by right." For purposes of the housing law, Government Code Section 65583.2(i) reads as follows:

> "For purposes of this section and Section 65583, the phrase "use by right" shall mean that the local government's review of the owner-occupied or multifamily residential use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Any subdivision of the sites shall be subject to all laws, including, but not limited to, the local government ordinance implementing the Subdivision Map Act. A local ordinance may provide that "use by right" does not exempt the use from design review. However, that design review shall not constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Use by right for all rental multifamily residential housing shall be provided in accordance with subdivision (f) of Section 65589.5."

There is no question that the Property allows the development of multifamily housing as a use by right and that no subdivision is proposed. Thus, the section is applicable and limits the scope of the Town's review of the Project.

Proposed Review Process

Given the need to comply with both the Town's General Plan and zoning ordinance as well as Government Code Section 65583.2(i), the Town proposes the following process for review:

1. The Town's zoning ordinance does not specify an entitlement or process that exactly matches the requirements of Section 65583.2(i) for projects that do not require a subdivision map. Specifically, the Town does not have a stand-alone design review

process-design review is included in the Town's review of a final development plan application. As a result, and in keeping within the Town's current processes, the Project will be processed as a "Final Development Plan" and processed in accordance with Government Code Sect. 65583.2(i). The Project will be approved as a "Final Development Plan (Use by Right-Govt. Code 65583.2(i)" (the "FDP"). This is consistent with the Town's existing DBD and zoning requirements. The FDP will not be a discretionary permit and will contain the following findings:

a. The applicant intends to obtain permits for construction within eighteen (18) months from the effective date of plan approval;

b. The proposed development plan is consistent with the General Plan;

c. The proposed development will constitute a residential environment of sustained desirability and stability, and will be in harmony with the character of the surrounding neighborhood and community.

d. The proposed development plan is consistent with the Town's zoning ordinance, and Government Code Section 65583.2(i).

e. Pursuant to Government Code Section 65583.2(i), the proposed development plan is not a project under the California Environmental Quality Act.

2. No CEQA review will be performed and appropriate findings to support that shall be included.

3. A joint study session of the Town Council, Planning Commission and Design Review Board will be held.

4. Architecture and site design will be reviewed by the Design Review Board, which will make a recommendation to the Planning Commission.

5. The Planning Commission will make a final decision on the Project, with scope of review limited to design and the findings listed above.

Hearing Process. The Town has not processed a project using the Housing Element Law provisions discussed above and, thus, does not have an established process for such projects. To help facilitate the Town's use of these provisions and to propose a path forward for the Project, the following hearings shall occur:

- A Joint Study Session before the Town Council, Design Review Board and Planning Commission to review Project for conformance with Town development standards and provide feedback on Project design.

- Design Review Board hearing(s) on Project's conformance with architectural design standards, and to make recommendations to Planning Commission.

- Planning Commission Hearing(s) on the Project to confirm Project consistent with architectural design standards, as required.

- Town Council hearing on the Project only if Planning Commission approval is appealed to the Council.

The Joint Study Session described in the first bullet point above can be scheduled prior to the Project application being deemed complete. Please contact me to work on scheduling a date for this hearing. All subsequent hearings will be scheduled by the Town as quickly as possible, once the application for the Project is deemed complete, given noticing requirements, turnaround time on submittal of information and other scheduling conflicts.

Sincerely,

Kevin J. Gailey, AICP
Chief of Planning

c: Russell Stanley, The Stanley Group
Patricia Curtin, Wendel, Rosen, Black & Dean LLP
Derek Allen, ROEM Development Corp.
Robert Ewing, City Attorney

BKF 100+ YEARS
ENGINEERS . SURVEYORS . PLANNERS

BKF No. 20156073
16 December 2016

Russ Stanley
The Stanley Group
18840 Saratoga Los Gatos Rd.
Los Gatos, CA 95030
Transmitted Via Email

Subject: 373 Diablo Road, Danville -- Riverwalk

Dear Mr. Stanley:

In using the Town of Danville's methodology in calculating net acreage, as described in Chapter 3, Section D of the 2030 General Plan, and taking into account the grading necessary for the Riverwalk project, we calculated 3.7 acres for the project site.

Please contact me at 925-940-2207 if you have any questions.

Respectfully,
BKF Engineers

Christopher Mills, PE, PLS

EXHIBIT E

Northern Hartz Avenue. Photo courtesy of Alex Lopez.

Diablo Gateway

The Diablo Gateway extends along Diablo Road between Hartz Avenue and Interstate 680. Diablo Road is the major point of entry to Downtown Danville from I-680, with some 21,850 vehicles a day estimated to be using the roadway as of 2010/11. The area is characterized by one and two story office buildings, providing space for banks, real estate and title companies, insurance agencies, financial service institutions, medical and dental practices, and similar local-serving businesses. Other uses, including the 46-unit Danville Court apartments, are located in this area.

The Diablo Road corridor also includes natural landmarks such as the Danville Oak Tree (in the center of Diablo Road) and San Ramon Creek, which runs along the southern edge of the area. Most properties are attractively landscaped, with ornamental plants and many mature trees.

The Town's vision is to maintain and enhance the Diablo Gateway corridor as an attractive entryway to Downtown Danville. The existing character of this corridor will be retained. In the 2010 General Plan, this area was designated Downtown Master Plan/Downtown Business District (DBD) - Area 6 (Offices). The 2030 General Plan retains this designation, with the exception of a 4.26 acre site located along the north side of San Ramon Creek immediately west of Interstate 680, which is discussed below.

The 4.26-acre "Diablo Partners/ Stanley Property" is located in the southeastern part of this corridor. It currently occupies offices constructed in 1979. The site is located to the rear of an existing office building and bank building on separate parcels facing Diablo Road—these parcels are not part of the site. Approximately 0.5 acres of the site is considered unusable due to its proximity to San Ramon Creek, yielding a net area of 3.75 acres. Through adoption of the 2030 Plan, the designation of the Diablo Partners/ Stanley site is changed to Downtown Business District Area 12, which permits multifamily uses up to 30 units per acre. The existing office building may continue to operate under this designation. The new designation provides the property owner with the opportunity to redevelop this site for housing in the future. In the event this option is pursued, the

following principles should be applied to future development:

- *Reduction of noise and air quality impacts.* The eastern edge of this area abuts Interstate 680. Future development along this edge should be set back from the freeway to the extent feasible, in conjunction with other measures to mitigate impacts associated with freeway noise, vibration, and air quality.
- *Scale, mass and height of new development.* Buildings shall generally be limited to a maximum height of 35 feet.
- *Articulation of development.* Structures should be designed to appear as a series of smaller, separate buildings rather than a single large building. Façades and setbacks should respect and complement the fine-grained design character of nearby Downtown Danville. Porches, stoops, courtyards, and other features should be incorporated to create a pedestrian-friendly scale and environment.
- *Parking.* Residential development is expected to include some combination of surface parking, at-grade structure parking and/or basement parking. Reduction of the applicable DBD parking requirements for multifamily units may be considered where housing is provided for seniors, or where it can otherwise be demonstrated that a reduced dependency on vehicles will be experienced. Shared parking agreements with adjacent office buildings in this area also could be considered as a way to reduce on-site requirements.
- *Conservation of San Ramon Creek.* An open space area should be preserved along San Ramon Creek, providing room for a pedestrian path.
- *Pedestrian Bridge.* A pedestrian bridge across the creek should be provided to connect this area to the Danville Library and Community Center, and Old Town Danville.
- *Provisions for shared ingress and egress.* As there are multiple parcels along the south side of Diablo Road, coordinating access into contiguous properties and cross access between these properties should be pursued. Future traffic studies should determine the optimal location of ingress and egress points and the need for turning lanes and other improvements along Diablo Road. Interim solutions may be considered if development is phased.
- *Integration of Commercial Uses.* Provisions to integrate a limited amount of residential-supportive commercial uses may be made in the processing of future residential development applications.

San Ramon Valley Blvd Gateway

The San Ramon Valley Blvd Gateway area includes the area between the Iron Horse Trail and Sycamore Valley Road. This area includes shopping centers, office buildings, and free-standing commercial uses. Over the next 20 years, the Town anticipates additional private investment in this area, as property owners may choose to replace older commercial structures with more contemporary, higher-value activities.

Updates to the Downtown Master Plan should explore opportunities for enhancing the character of San Ramon Valley Blvd in this area. At minimum, this should include plans to make the street more pedestrian-friendly, particularly for persons traveling north-south along the Blvd. Looking further to the future, General Plan and zoning changes could be considered to ensure that this area contributes positively to Danville's character and follows high aesthetic standards.

GMMR LLC PROPERTY

This Area of Interest consists of a 1.6-acre parcel located along West El Pintado Road just south of El Cerro Blvd. In the 2010 General Plan, this site was identified as the Thiessen property Special Concern Area.

The 1.6-acre parcel is one of the last remaining vacant sites within the El Cerro Study Area, a 68-acre area of mixed office and multifamily residential development that was the subject of a 1986 General Plan Amendment. The parcel was approved for offices in 1989, and again in 1999, but

RESOLUTION NO. 92-2013

APPROVING ZONING TEXT AMENDMENT REQUEST AND PRELIMINARY DEVELOPMENT PLAN - REZONING REQUEST LEG13-02 (ZTA & PUD) FOR THE 4.26+/- ACRE DANVILLE OFFICE PARTNERS LLC PROPERTY AND ESTABLISHING FINDINGS AND CONDITIONS OF APPROVAL FOR LEG13-02 (ZTA & PUD) AND ESTABLISHING DEVELOPMENT STANDARDS TO BE OBSERVED BY ANY SUBSEQUENT FINAL DEVELOPMENT PLAN REQUEST THAT PURSUES AUTHORIZATION TO DEVELOP THE DANVILLE OFFICE PARTNERS LLC PROPERTY
(372-383 Diablo Road - APN 216-120-037)

SECTION 1. LEGISLATIVE INTENT

WHEREAS, the Danville 2030 General Plan (2030 Plan), as adopted on March 19, 2013, provides, in part, direction on the Town's development review process and its long-range planning activities, with the goals, policies, and implementation measures contained in the 2030 Plan guiding the decision-making related to those functions; and

WHEREAS, as required by State law, all elements of the 2030 Plan must be internally consistent, with goals, policies, and implementation measures structured to not conflict irreconcilably with one another; and

WHEREAS, future development within the Town must conform to the 2030 Plan and related development regulations, with each discretionary action on a development proposal required to be accompanied by a finding of general plan conformity and a citation of the relevant policies in the General Plan which are the basis for action; and

WHEREAS, the 2030 Plan changed the land use designation of the 4.26+/- acre Danville Office Partners LLC Property (commonly known as APN 216-120-037 and further identified as 372-383 Diablo Road) from DBD; Downtown Business District Area 6 - Business and Professional Office to DBD; Downtown Business District Area 12 - Multifamily Residential High Density (25-30 units per acre); and

WHEREAS, LEG13-02 (ZTA & PUD) serves in part to amend Division 32-45 *DBD; Downtown Business District* of the Danville Municipal Code to create development standards for the newly created Area 12 - Multifamily Residential High Density land use designation of the 2030 Plan; and

WHEREAS, in recognition of the requirements set forth in State Bill SB 2, LEG13-02 (ZTA & PUD) serves to amend Division 32-45 *DBD; Downtown Business District* to include emergency shelters as an allowed use in DBD Area 3 - Old Town Mixed Use District; and

EXHIBIT G

WHEREAS, the DBD; Downtown Business District serves as the Preliminary Development Plan – Rezoning for Danville's Downtown Area, providing the P-1; Planned Unit Development zoning district that provides the development standards for the Downtown Area; and

WHEREAS, a P-1; Planned Unit Development zoning district may be used to classify and implement any land use designation where the uses authorized in the P-1; Planned Unit District are found to be consistent with pertinent General Plan land use designation and with applicable goals and policies of the General Plan; and

WHEREAS, a P-1; Planned Unit Development zoning district may also be used as an interim zoning district to achieve consistency with the General Plan land use designations until such time, if ever, that a separate and subsequent developer-initiated Preliminary Development Plan – Rezoning request is submitted and approved; and

WHEREAS, the Environmental Impact Report prepared for the 2030 Plan (the General Plan EIR) was a Program EIR which evaluated the general impacts arising from the adoption and implementation of the 2030 Plan, rather than site-specific or development proposal-specific impacts as provided for by CEQA Guidelines Section 15168(a); and

WHEREAS, the General Plan EIR's evaluation of the general impacts arising from the adoption of the 2030 Plan provides sufficient and adequate environmental review for the potential environmental impacts that can be reasonably anticipated to arise as a result of the approval of Zoning Text Amendment and Preliminary Development Plan – Rezoning request LEG13-02 (ZTA & PUD), while site-specific impacts will be assessed upon submittal of a Final Development Plan request to develop any property affected by the changes implemented by the approval of LEG13-02 (ZTA & PUD); and

WHEREAS, to assure that a desirable and appropriately integrated development plan is secured for the Danville Office Partners LLC Property, it is appropriate to establish development criteria and standards through LEG13-02 (ZTA & PUD), including, but not limited to establishing supplemental submittal requirements for any subsequently filed Final Development Plan request proposing multifamily use of the property, requiring the Plan to assess and address: potential visual impacts to a designated scenic route, potential traffic impacts, potential impacts to protected trees, potential impacts to biological resources, potential stormwater impacts, potential impacts associated with the property's soil and geotechnical characteristics, potential noise impacts, and potential air quality issues; and

WHEREAS, the Planning Commission did review and recommend the Town Council approve the project at a noticed public hearing on October 8, 2013; and

WHEREAS, the Danville Town Council did review the project at a noticed public hearing on November 5, 2013; and

WHEREAS, the public notice of this action was given as required by law; and

WHEREAS, a staff report was submitted recommending that the Danville Town Council approve the request; and

WHEREAS, the Town Council did hear and consider all reports, recommendations, and testimony submitted in writing and presented at the hearing; now, therefore, be it

RESOLVED that the Town Council approves Zoning Text Amendment request and Preliminary Development Plan – Rezoning request LEG13-02 (ZTA & PUD), per the conditions herein, and makes the following findings in support of this action:

SECTION 2. FINDINGS OF APPROVAL - LEG13-02 (ZTA & PUD)

1. It is reasonable to assume approval of LEG13-02 (ZTA & PUD) will be followed closely in time by the submittal and approval of a Final Development Plan request that will provide for the final planning entitlement necessary to allow development of the Danville Offices Partner LLC Property.

2. The proposed amendment to the DBD zoning regulations and accompanying zoning map are consistent with the Danville 2030 General Plan, with note taken in particular of the following policies from the 2030 Plan and the Danville 2007-2014 Housing Element, a component element of the 2030 Plan:

    a. Policy 1.03 - Recognize the need for suitably located housing, civic facilities, and services for all age groups within the community.

    b. Policy 1.04 - Generally guide higher density residential development to locations within convenient walking distance of shopping centers, and public transportation.

    c. Policy 2.01 - Achieve a high standard of residential design through project review and approval for all new residential developments.

    d. Policy 2.07 - Improve the appearance of the community by encouraging aesthetically designed buildings, screening, adequate setbacks, and landscaping.

    e. Goal 3 Commercial & Office Development - Maintain and enhance the Downtown retail area as the central commercial area of Danville while

providing for commercial, office, and residential uses of appropriate size to serve the needs of Danville residents.

f. Policy 3.07 - Where appropriate, encourage the use of shared circulation and parking.

g. Goal 4 Downtown Danville - Enhance Downtown Danville and its environs as the center of town, with a mix of retail, office, residential, civic, and open space uses. Downtown should be a more vibrant and successful center, with more walkable streets, opportunities to live and work close to public transportation and shopping, and new housing for persons of all incomes and ages.

h. Goal 5 Housing - Protect the quality of Danville's residential neighborhoods while providing opportunities for new housing that meets community needs.

i. Policy 7.10 - Consistent with the Housing Element of the General Plan, continue to expand housing opportunities for all income groups. As required by County Measure J, the Town will biannually report to the CCTA on its progress in providing housing opportunities, and its efforts to reduce the impacts of such housing on the transportation system.

j. Policy 14.02 - Require site-specific traffic studies for development that is likely to generate significant volumes of traffic. If such studies indicate that the development could cause the Town's transportation standards-to be exceeded, require modifications to the project and/or impose transportation improvements requirements which ensure that level of service standards are maintained.

k. Policy 17.14 - Enhance Danville's trail system by closing gaps in the existing system, providing adequate access points, and extending trails to achieve better connectivity to all areas of the town. The trail system should be logical, comprehensive and user friendly and should provide a variety of trail experiences, including opportunities for exercise, encounters with nature, and social walking.

l. Policy 21.10 - Require a biological assessment for development proposed on sites that are determined to have the potential to contain special-status species, sensitive natural communities, or wetland resources.

m. Policy 22.01 - Maintain and enhance the natural quality of Danville's creeks, including the riparian vegetation along the banks. Setbacks should be maintained along creeks to maintain their natural appearance, reduce erosion and flood hazards, and protect their ecological functions.

n. Policy 27.02 - Require acoustical studies for major residential and other development projects, as appropriate, and impose noise mitigation measures accordingly.

o. Policy 27.11 - Ensure that the design of new development near major noise sources (such as Interstate 680) reduces the potential for future occupants to be exposed to high levels of noise. Development on such properties should incorporate appropriate noise mitigation measures.

p. Policy 33.01 - Make land use and transportation decisions which promote walking and bicycling, and help to sustain public transportation.

q. Policy 33.02 - Encourage reductions in the number of residents commuting in and out of Danville by car. This can be achieved in part by providing a better balance between jobs and housing, and providing housing which is responsive to the types of jobs that exist in Danville.

r. Policy 34.02 - Consider air pollution impacts during the local Development Review process. Development should be located and regulated to minimize the emission of direct and indirect air contaminants.

s. Policy 34.04 - Consistent with CEQA and the measures necessary to mitigate General Plan impacts, require site-specific air quality studies for future development under the Plan that includes sensitive receptors (such as schools, hospitals, daycare centers, or retirement homes) located within a designated buffer area along Interstate 680.

t. Policy 34.06 - Require indoor air filtration systems to reduce particulate concentrations to acceptable levels for projects where there would be a significant cancer risk exposure as defined by BAAQMD.

u. Housing Element Policy 1.7 - To address the projected 2007 - 2014 RHNA adequate site shortfall of for extremely low and very low income housing units and the projected 2007 - 2014 RHNA adequate site shortfall of for low income housing units, amend general plan and zoning regulations, followed by corresponding land use and zoning redesignations, so as to assure the provision of adequate sites to meet the State's minimum sites test for the identified shortfalls.

v. Housing Element Policy 3.02 – Strive to ensure that homeless individuals and families can obtain decent, suitable and affordable shelter.

w. Housing Element Program 3.2.3. – Consistent with SB 2, and within one year of the adoption of the 2007 – 2014 Housing Element, initiate and complete a zoning text amendment review to amend the Danville

Municipal Code to permit the establishment of emergency shelters through a ministerial permit process within DBD; Downtown Business District Area 3 – Old Town Mixed Use, with such review verifying that there is sufficient capacity to accommodate the need for the emergency shelter and to develop at least one shelter.

x. Housing Element Program 3.2.4 - Within one year of the adoption of the 2007 – 2014 Housing Element, amend the Municipal Code to provide a definition of homeless shelters that is consistent with the definition contained within Health and Safety Code Section 50801(e).

3. The proposed amendment to the DBD zoning regulations and accompanying zoning map will lead to the development of a residential and commercial environment of sustained desirability and stability, and will be in harmony with the character of the surrounding neighborhood and community;

4. The development of a harmonious, integrated plan will be assured through the observance of the development standards and requirements established for the property by this P-1 zoning action, while reasonable and appropriate development flexibility will be provided for the subsequently filed Final Development Plan application.

SECTION 3. CONDITIONS OF APPROVAL– LEG13-02 (ZTA & PUD)

A. DESIGN OBJECTIVES

To achieve design and aesthetic quality for the Diablo Gateway Special Concern Area property, the following design objectives shall be addressed through the submittal material supplied for the Final Development Plan request made for proposed multifamily use of the Danville Office Partners Property:

1. Building bulk, height, land coverage, visual appearance from adjacent land, and design compatibility with existing adjoining development and land which will remain, shall be considered and controlled.

2. The development shall reflect a design that integrates individual buildings and building groups with the surrounding development and other physical features in the area.

3. The design of structures shall provide for harmonious composition of mass, scale, color, and textures, with special emphasis on the transition from one (1) building type to another, termination of groups of structures, relationships to streets, exploitation of views, and integration of spaces

and building forms with the topography of the site and the character of the area.

4. Provisions shall be made for an efficient, direct and convenient system of pedestrian circulation, together with landscaping and appropriate treatment of any public areas or lobbies.

5. Off-street parking and loading areas shall be integrated into the overall vehicular circulation system.

6. To assure that a desirable an appropriately integrated development plan is secured, development shall be reviewed and processed as a single Final Development Plan request.

B. DEVELOPMENT STANDARDS

To achieve the required design and aesthetic quality and to assure the project is appropriately integrated in the Downtown Area, the application package made for the Final Development Plan request for proposed multifamily use of the Danville Office Partners Property shall reflect the following development standards and shall include the below-cited supplemental application materials:

1. The maximum allowable floor area ratio is eighty percent (80%) of the net area available for development (as determined by a planning entitlement deemed complete for processing), inclusive of all conditioned space. Project development area associated with enclosed individual garages, carports, or structured basement parking facilities shall not be assessed towards a project's floor area ratio calculation.

2. The height limit shall be thirty-seven (37) feet. The height limit for accessory structures shall be fifteen (15) feet.

3. The minimum building setback requirements shall be as established through a site-specific Final Development Plan approval. Development shall set back from the I-680 freeway to the extent feasible to mitigate potential impacts associated with freeway noise, vibration, and/or air quality.

4. Development shall be designed to appear as a series of small, separate buildings rather than as a single large building. Building facades and setbacks shall be incorporated in project design, to provide articulation of building massing, as necessary to respect and complement the design character of existing surrounding development.

5. Development shall incorporate porches, stoops, courtyards, and other similar design features to facilitate the creation of a pedestrian-friendly scale and project environs.

6. Absent securing authorization for a reduction in the development's numerical parking requirement through a numerical parking variance and/or by invoking the numerical parking standards available to projects under the State Density Bonus regulations, the minimum amount of parking to be supplied shall conform to subsection 32-45.34(q) *Parking Standards – Parking Requirements Multi-family Residential.* Reduction from the applicable DBD numerical parking requirements set forth in subsection 32-45.34(q) may be considered on a project-by-project basis where housing to be developed is provided for seniors, or where it is determined that a reduced dependency on personal vehicles can reasonably be anticipated.

7. Development plans shall reflect the provision of an open space area along the top of San Ramon Creek, adequate in size to accommodate the provision of a pedestrian path running parallel to the property's entire creek frontage.

8. Development plans shall make provision for a pedestrian bridge crossing of San Ramon Creek, with such crossing to allow an enhanced connection between the Danville Library and Community Center and Old Town Danville to that portion of the Downtown Master Plan lying north of San Ramon Creek. The development shall be responsible for payment of a fair share portion obligation for the pedestrian crossing, as determined through the processing of the Final Development Plan request.

C. SUPPLEMENTAL SUBMITTAL REQUIREMENTS FOR APPLICATION FOR FINAL DEVELOPMENT PLAN

Application materials to be supplied at the time of submittal of a Final Development Plan application shall, in addition to the submittal requirements set forth in subsection 32-63.5(c) *Rezoning – Rezoning and Development Plan Application* and subsection 32-63.6(a) *Final Development Plan – Requirements* of the Danville Municipal Code, detail the following:

1. The location, number and dimensional layout of any tandem parking spaces, motorcycle parking spaces, or bicycle parking spaces proposed for the project.

2. The minimum and average sized of individual private open space areas (i.e., open or covered private patios and private balconies) proposed for the project.

3. The location, minimum size, and average size of private storage spaces proposed for the project.

4. The proposed means to screen proposed above-ground transformers, meters, and other utilities.

5. The location, design and construction materials proposed for project fencing and retaining walls.

6. The percent coverage of land by buildings and structures.

7. The location and design of onsite project lighting.

8. The manner by which the project proposes to meet the requirements in subsection 32-73 *Inclusionary Housing for Affordable Residential Housing* of the Danville Municipal Code.

9. To assure the Final Development Plan request addresses other reasonably anticipated development issues, the Final Development Plan submittal shall be accompanied by the following special studies:
   a. As part of the application submittal material provided for the Final Development Plan for the property, to assure the project complies with the intent and requirement of Policy 2.07 of the 2030 Plan, the developer shall be responsible for the preparation of Scenic Resources Evaluation [Policy 2.07 states: *"Improve the appearance of the community by encouraging aesthetically designed buildings, screening, adequate setbacks, and landscaping."*] The Scenic Resource Evaluation shall consider the site-specific visual and historic context, the anticipated sensitivity of identified viewers, and the extent of visibility.

   b. As part of the application submittal material provided for the Final Development Plan for the property, to assure the project complies with the intent and requirement of Policy 14.02 of the Danville 2030 General Plan, the developer shall be responsible for the preparation of a traffic impact analysis consistent with Contra Costa Transportation Authority's Technical Procedures.. [Policy 14.02 of the 2030 Plan states: *"Require site-specific traffic studies for development that is likely to generate significant volumes of traffic. If*

such studies indicate that the development could cause the Town's transportation standards to be exceeded, require modifications to the project and/or impose transportation improvements requirements which ensure that level of service standards are maintained."] The traffic impact analysis study shall, at a minimum, provide:

i. A review of the site plan, internal roadway circulation, design and location of the project ingress and egress driveway connections to Diablo Road and their alignment relative to the existing driveways on the north side of the roadway.

ii. An assessment of traffic impacts generated by the project on the nearby roadways and at key intersections along Diablo Road identified by the Town. This shall include documentation of the am, midday, and pm peak hour project trip generation, distribution, and assignment. This traffic assessment shall be conducted for existing, existing plus project, and forecasted 2030 scenarios. Roadway improvements and mitigation measures necessary for mitigating the impact of the development of the Danville Office Partners LLC Property with multifamily uses on nearby intersections along Diablo Road needs to be identified. This may include the construction of intersection improvements and potential signalization of the project driveway and Diablo Road as well as improvements to the I-680 and Diablo Road off ramp intersections.

iii. A review of the need for the developer to provide current and/or future cross access easements to allow abutting and neighboring properties to the west of the property on the south side of Diablo Road.

iv. An assessment of parking supply and demand to ensure on-site parking adequacy.

v. An assessment of pedestrian and bicycle access to/from the site and recommendations for improvement.

c. As part of the application submittal material provided for the Final Development Plan for the property, to assure the project complies with the intent and requirement of Policy 21.06 of the 2030 Plan, the developer shall be responsible for the preparation of a tree report

prepared by a certified arborist. [Policy 21.06 states: *"Discourage activities that would harm the health of existing trees. Prevent the unnecessary removal and alteration of such trees, including "protected" trees as defined by the Town's Tree Preservation Ordinance and other trees that contribute to the scenic beauty of the town. Public and private improvements should be designed to minimize the removal of mature trees, regardless of species. If removal is necessary, trees should be replaced with an appropriate number and species."*]

d. As part of the application submittal material provided for the Final Development Plan for the property, to assure the project complies with the intent and requirement of Policy 21.10 of the 2030 Plan, the developer shall be responsible for the preparation of a biological assessment study. [Policy 21.10 states: *"Require a biological assessment for development proposed on sites that are determined to have the potential to contain special-status species, sensitive natural communities, or wetland resources."*] The assessment shall be conducted by a qualified professional and shall determine the presence or absence of any sensitive resources which could be affected by proposed development, shall provide an assessment of the potential impacts, and shall define measures for protecting, as applicable, the resource and surrounding buffer habitat, in compliance with state and federal laws.

e. As part of the application submittal material provided for the Final Development Plan for the property, to assure the project complies with the intent and requirement of Policy 22.02 of the 2030 Plan, the developer shall be responsible for the preparation of a Stormwater Control Plan detailing how the project will comply with the requirements of the Regional Water Quality Control Board (RWQCB) for the San Francisco Bay Region. [Policy 22.02 states: *"Require qualifying new development projects and redevelopment projects to comply with the Municipal Regional Permit for stormwater control and treatment."*] The Stormwater Control Plan shall demonstrate how the project complies with all applicable NPDES permit requirements to minimize imperviousness, retain or detain stormwater, slow runoff rates, incorporate required source controls, treat stormwater prior to discharge from the site, control runoff rates and durations if required, and provide for operation and maintenance of treatment and flow control facilities. The Plan shall have sufficient detail to ensure congruency between the stormwater design, site plan, and the landscaping plan.

f. As part of the application submittal material provided for the Final Development Plan for the property, to assure the project complies with the intent and requirement of Policies 24.03 and 24.10 of the 2030 Plan, the developer shall be responsible for the preparation of a soils and geologic report. [Policy 24.03 states: *"Require soils and geologic reports for all projects proposed in scenic hillside development areas, as defined by the Town's Scenic Hillside and Major Ridgeline Development Ordinance, and in other areas where the potential for landslides, liquefaction, subsidence, or severe ground shaking exists. Assure that development in these areas mitigates potential landslide hazards and other geologic hazards."* Policy 24.10 states: *"Require submittal of a Geotechnical report by a qualified engineering geologist, that specifies the location of active faults, and recommends appropriate setbacks prior to construction of any structure intended for human occupancy within the Alquist-Priolo Fault Zone."*]

g. As part of the application submittal material provided for the Final Development Plan for the property, to assure the project complies with the intent and requirement of Policies 27.02, 27.11, and 27.13 of the 2030 Plan, the developer shall be responsible for the preparation of an environmental noise study in support of the site planning and design efforts for any proposed multifamily development. [Policy 27.02 states: *"Require acoustical studies for major residential and other development projects, as appropriate, and impose noise mitigation measures accordingly."* Policy 27.11 states: *"Ensure that the design of new development near major noise sources (such as Interstate 680) reduces the potential for future occupants to be exposed to high levels of noise. Development on such properties should incorporate appropriate noise mitigation measures."* Policy 27.13 states: *"Utilize noise reduction measures during all phases of construction activity to minimize the exposure of neighboring properties to excessive noise levels."*] The study shall include a noise evaluation of existing and future noise levels in private outdoor living areas and an interior noise analysis of the proposed project. The study shall also include an evaluation of the potential short-term construction noise impacts upon adjacent land uses.

h. As part of the application submittal material provided for the Final Development Plan for the property, to assure the project complies with the intent and requirement of Policy 28.02 of the 2030 Plan, the developer shall be responsible for the preparation of a Phase I Environmental Site Assessment (ESA). [Policy 28.02 states: *"Require a Phase I Environmental Site Assessment (ESA) when development*

changes an existing use to a more sensitive use (e.g., commercial use to residential use). If potential hazardous materials concerns are identified, ensure that they are investigated and that sites are cleaned up to residential standards under appropriate regulatory agency oversight prior to development."]

i. As part of the application submittal material provided for the Final Development Plan for the property, to assure the project complies with the intent and requirements of Policies 33.04, 34.02, and 34.04 of the 2030 Plan and applicable Bay Area Air Quality Management District guidelines in place at the time of project application, the developer shall be responsible for the cost of preparation of an air quality and greenhouse gases analysis study. [Policy 33.04 states: *"During the development review process, impose appropriate mitigation measures on new development to reduce greenhouse gas emissions."* Policy 34.02 states: *"Consider air pollution impacts during the local Development Review process. Development should be located and regulated to minimize the emission of direct and indirect air contaminants."* Policy 34.04 states: *"Consistent with CEQA and the measures necessary to mitigate General Plan impacts, require site-specific air quality studies for future development under the Plan that includes sensitive receptors (such as schools, hospitals, daycare centers, or retirement homes) located within a designated buffer area along Interstate 680."*] The study shall provide analysis of greenhouse gases (GHGs), criteria air pollutants and precursors (CAPs), and local risk and hazard impacts at the proposed multifamily residential development.

APPROVED by the Danville Town Council at a regular meeting on November 5, 2013, by the following vote:

AYES: Arnerich, Storer, Doyle, Morgan, Stepper
NOES: None
ABSTAINED: None
ABSENT: None

MAYOR

APPROVED AS TO FORM:

CITY ATTORNEY

CITY CLERK

Special Meeting
Town Council, Planning Commission and Design Review Board
Meeting Notes
May 17, 2016

Architecture

Materials and Style

- Craftsman architectural style generally well received
- Materials & detailing important – craftsman style is positive
- Nice use of materials

Scale and Massing

- Work on breaking up building massing more; need more building separation; vertical and horizontal "stepping"
- South facing elevation needs to be broken up
- Break up buildings more; stay at 35 foot height with 37 projections
- Need to scale down building mass; scale down unit size
- Need to look more like 3 buildings; create more openings, greater separation; reduce unit size to allow flexibility
- Much further along with the new plan; keep working on "back building"; Re-look at plant palette
- Ends of buildings should step down to transition massing
- Make units more efficient, especially at intersections to get to 3 buildings with bridge connections
- Central north facing elevation needs to be scaled back
- Do three separate buildings; step down building ends to 2 story
- Greater building separation

Parking

- Park to code ~ may be able to reduce below grade parking; use space for other purposes
- Look at parking exit corridors
- How will access onto Diablo Road work?

Other

- Bridge to Town Green is an important component that should be shown on plans.
- Need to exceed minimum on BMR units
- Need to consider play area for children and dogs

EXHIBIT H

DATE: May 17, 2016

TO: Town Council, Planning Commission and Design Review Board

FROM: Kevin Gailey, Chief of Planning

RE: May 17, 2016 Joint Study Session of the Danville Town Council, Planning Commission and Design Review Board for conceptual project review Development Plan request DEV16-0014 (373-379 Diablo Rd.)

Development Plan request (DEV16-0014) has been submitted by Danville Office Partners, LLC (Property Owner and Applicant) and requests authorization to construct a 150+/- unit multifamily for-rent residential project at 373-379 Diablo Road. The 3.74 acre (net) property is designated for Residential - Multifamily - High use by the Danville 2030 General Plan. The site is currently occupied by two-story office buildings that were built in the 1970's under land use and zoning designations that allowed office use.

The underlying land use designation for the property was changed to Residential - Multifamily - High Density with the Town's adoption of the Danville 2030 General Plan. The applicant is requesting a density bonus be applied to the proposed development. A 32.5% to 35.0% density bonus is anticipated to be requested by the applicant to take the project unit count from the 112 units allowed by zoning up to a range of 150 to 152 units. The density bonus is being pursued in conjunction with the applicant's commitment to provide a specified amount of affordable rental units in the project (13-14 units), as required under State density bonus law and the Town's Density Bonus Ordinance regulations.

A development concession anticipated to be requested by the applicant, and as consistent with regulations governing a density bonus project, is relief from the maximum applicable floor area ratio (FAR) standard for conditioned space (i.e., the applicant is seeking approval of a FAR for conditioned space in excess of 80.0%). As a second development concession, it is anticipated that the applicant will request modification from the maximum allowable building height as provided for under the

Danville 2030 General Plan (37′ maximum height anticipated to be requested where the 2030 Plan sets the maximum allowable height at 35′).

The property is identified as a Special Concern Area property by the Danville 2030 General Plan ("Diablo Gateway") and is one of two properties to secure a new multifamily land use designation through the approval of the 2030 Plan in recognition of the Regional Housing Needs Allocation (RHNA) shortfall identified by the Danville 2007-2014 Housing Element. A requisite processing step for development proposals on properties with a DBD Area 12 designation is to provide for a conceptual review of the project at a joint study session before the Town Council, the Planning Commission, and the Design Review Board.

At the joint study session, the project applicant will make a presentation to indicate how the project relates to the design and development regulations that apply to the project. The design and development standards and regulations applicable to the property include, but are not limited to:

(1) The property-specific Special Concern Area narrative contained in the Danville 2030 General Plan (see Attachment C);

(2) The design and development zoning regulations applicable to DBD Area 12 properties (specifically Sections 32-45.21.1.(a-f) - Area 12: Multifamily Residential High Density of the Municipal Code) (see Attachment D);

(3) The DBD Architectural Development Standards (Section 32-45.22) (see Attachment E);

(4) The DBD Landscaping Development Standards (Section 32-45.23) (see Attachment F); and

(5) The development standards set by the property-specific rezoning action (i.e., the approval of LEG13-02(ZTA & PUD) as set forth in Town Council Resolution No. 92-2013) (see Attachment G).

The conceptual review of the project allows the Council, Commission and DRB to consider the project in context with its surroundings and the established development pattern.

At a minimum, the review should consider building height and mass, roof treatment, setbacks, and relationships to adjacent buildings. The review is not a permit or entitlement and is not binding on the Town.

ATTACHMENTS

Attachment A: Project Submittal DEV16-0014 Partial
~~Attachment B: Public Notification Map, List and Public Notice~~
~~Attachment C: Special Concern Area Text – Diablo Gateway~~
Attachment D: DBD Area 12 Development Zoning Regulations
Attachment E: DBD Architectural Development Standards
Attachment F: DBD Landscaping Development
~~Attachment G: Town Council Resolution No. 92-2013 - LEG13-02 (PUD) approval~~

May 12, 2016

Kevin Gailey
Chief of Planning & Chief Building Official
Town of Danville
510 La Gonda Way
Danville, CA 94526

Re: Riverwalk at Downtown Danville Project- 373 Diablo Road
Revised Project Plans reflecting Staff's April 21, 2016 comments

Dear Kevin:

Danville Office Partners ("DOP") is submitting herewith a revision to the plans initially submitted to the Town on March 28, 2016 for the proposed Riverwalk at Downtown Danville Project at 373 Diablo Road. While we disagree with the analysis in your "Notice of Incomplete Application" letter dated April 12, 2016 that we are not allowed to use the gross site acreage as a density bonus concession, we are prepared to move forward decreasing the size of the project from 168 units to 153 units.

Also, just to clarify, the initial March 28 submittal was not for a development plan but rather was a request for a study session to review certain aspects of a soon to be filed "modified development plan application." That submittal also outlined plans for a density bonus and request for concessions. As stated in the cover letter for the submittal, we wanted to receive input from the Town on the density bonus and preliminary design/layout before finalizing the application for a modified development plan.

So, this submittal does not address all the points in the "Notice of Incomplete" letter since we have yet to file an development application. After receiving feedback at the study session, we will file an application for a modified development plan. As we have already discussed with the Town, the submittal requirements for the application are those set forth in the design review board submittal regulations as opposed to the other rules and regulation for final development plans (especially Resolution No. 92-2013).

The Town has acknowledged that DOP has paid the filing fee in the amount of $23,835. Once the applicant receives feedback from the Council, Commission and Board, it will finalize the plans and file all required submittals for a modified development plan.

I. Summary of Revised Plans.

For purposes of the joint study session schedule for May 17, we are submitting revised plans for the General Submittal Requirements 1 - 6 in the Design Review Board checklist, which include a 1) cover sheet with the requested information, 2) site plan, 3) floor plan, 4) exterior building elevations, 5) roof plan, and 6) preliminary landscape plan (attached). We have also updated the Project Description as shown below.

ATTACHMENT A

A. Project Description

Land Area: 4.26 acres
Allowable zoning density: Table 24 (October 2014) of the Danville Housing Element depicts the zoning as Residential-Multifamily – high density (25-30dus/ac) with a maximum of 37' height with no limit on the number of stories.
Density Bonus Selected: 11% very low income units as target units
Allowable additional units: 35% Density Bonus increase
Concessions allowable: 2
Concession 1: Waiver of FAR limitation of 80%. Applicant seeks FAR of 84%.
Concession 2: DOP is reserving its second concession waiver based upon comments from the Town on the project redesign
Waiver/reduction of development standards: Town Council Resolution No. 92-2013 Development Standards for DBD Area 12:

1) DOP seeks an increase in project height from the allowable 37' to create a more pleasing project by breaking up the uniformity of the height.
2) Wavier of Site Massing/appearance of smaller buildings (Town Council Resolution Page 7 B.4). Although, we believe we have accomplished this through the redesign – DOP reserves this development standard waiver.
3) Waiver of fees associated with the Target Units.

Priority Processing: We are hereby invoking the right to priority processing pursuant to Ordinance #94-74.9 Section 32-74.8

B. Project Summary

Gross Acres 4.26 acres*30du/acre = 127.8 units rounded to 128 units
Net Acreage 3.75 acres*30du/acre = 112.5 units rounded to 113 units
Density Bonus @ 35% = 113*.35= 39.55 rounded to 40 units
Number of target units for Very Low Income 11%*113= 12.43 rounded to 13 units

Total units allowed based upon density bonus:	153 units
Total units proposed:	153 units
Market rate:	140 units
Very Low Income:	13 units

II. Density Bonus Analysis and Concession Request.

DOP is submitting a third revision to a proposed project on the DOP site: 1) the original project proposed by ROEM Development Corp ("ROEM") and reviewed during a study session with the Town of Danville on November 3, 2015; 2) the initial plans submitted by DOP March 28, 2016; and 3) a third revision based upon staff comment letter April 21, 2016.

The initial submittal by ROEM contained a 150 unit three story apartment project designed in what is commonly referred to as a wrap project. A wrap project is a very common design solution to multifamily development and is used throughout California and the United States. The advantages of a wrap design is that it consolidates the parking, allows access from the parking area straight to units improving efficiency, eliminating needless elevator rides, and allows access for seniors and others with limited physical abilities. A wrap design hides virtually all the parking from view and incorporates it into and behind the walls of the apartment complex thus creating a more pleasant viewing environment from the outside looking in. A wrap design is also a very cost efficient solution to apartment design. A wrap project is considerably less expensive to build than a podium project. A podium project is considerably more complex requiring site excavation, extensive concrete work, waterproofing, mechanical systems and other costly additions. Parking is underground and the project is built over the top of a concrete deck. Podium design is the most expensive type of project to build and is typically associated with projects of four-five stories and beyond. Anything less than four stories becomes very cost prohibitive.

During the study session on the ROEM application several council members voiced opposition to the wrap design and indicted a complete project redesign was in order eliminating the wrap design, locating parking underground, eliminating the entire third floor of the project among other things. While such modifications are possible (with the exception of the elimination of the three story components), they do come at a great cost and need to be correlated to the density of the site and its ability to achieve its general plan and zoning objectives as well as meet State law for density bonus, affordability and other considerations. As the Town is aware the DOP site is a housing affordability site and is required to provide a density not allowed in the Town previously. The Town enacted general plan and zoning to the mandated zoning level required by State HCD of 25-30DU per acre.

We have taken very seriously the comments provided by the Town during the study session held November 3, 2015 along with Staff's most recent comments to DOP's revised submittal of March 28, 2016 (staff comments dated April 21, 2016) and as a result we have spent considerable time and money in completely redesigning the project with a fresh approach by eliminating the wrap design entirely, designing a podium style project with parking underground, increasing the parking and landscaping, virtually eliminating entire building masses from the Diablo Rd. side of the project (well beyond what was requested) and other extensive changes to create what we feel to be an outstanding project that the Town of Danville can point to with pride and appreciation. However, in accomplishing the Town's design changes, significant costs have been added to the project, well beyond what a project with an affordable component can sustain and far more expensive than the wrap project that ROEM was ready, willing and able to build.

The significant cost increases associated with the complete redesign of the project cannot be absorbed by the project without a density increase and must be recouped by seeking necessary concessions from the Density Bonus statues available to the project under California State Housing Law.

We are excited about this alternative design proposed to the Town. In order to build a project to the exacting level requested by the Town, concessions and waiver of development standards as provided under State Density Bonus law must be provided by the Town if it

determines that it prefers the more expensive podium project over the cost efficient wrap design already proposed to the Town.

We look forward to your feedback and readiness to move this project to conclusion and more immediately to the May 17 joint study session.

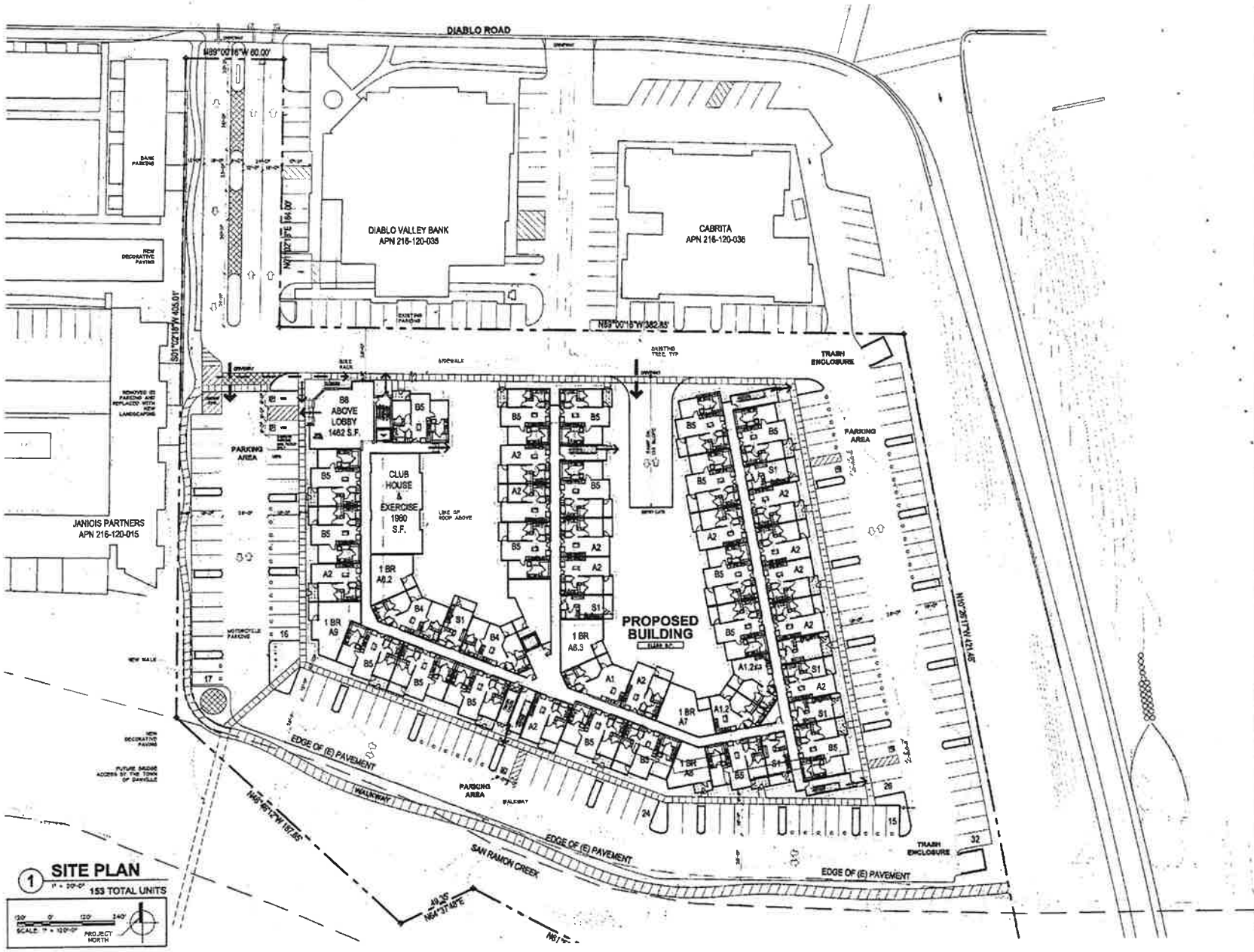
Very truly yours,

DANVILLE OFFICE PARTNERS

Russel Stanley

Attachments:
DRB Checklist Nos. 1 – 6 Plans

cc: Carl Campos, LCA Architects
Patricia E. Curtin



1 SITE PLAN

LCA ARCHITECTS

373 DIABLO ROAD APARTMENTS
DANVILLE, CALIFORNIA (94526)

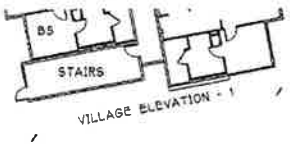
SITE PLAN

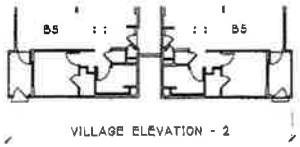
SCALE: AS SHOWN
DATE: 3/23/2018
REVISIONS:

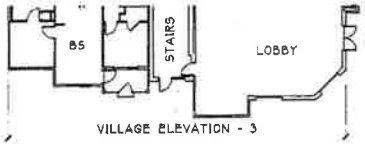
PROJECT NO. 18003
A0.02
SHEET OF

1 NORTH ELEVATION

3/32" = 1'-0"

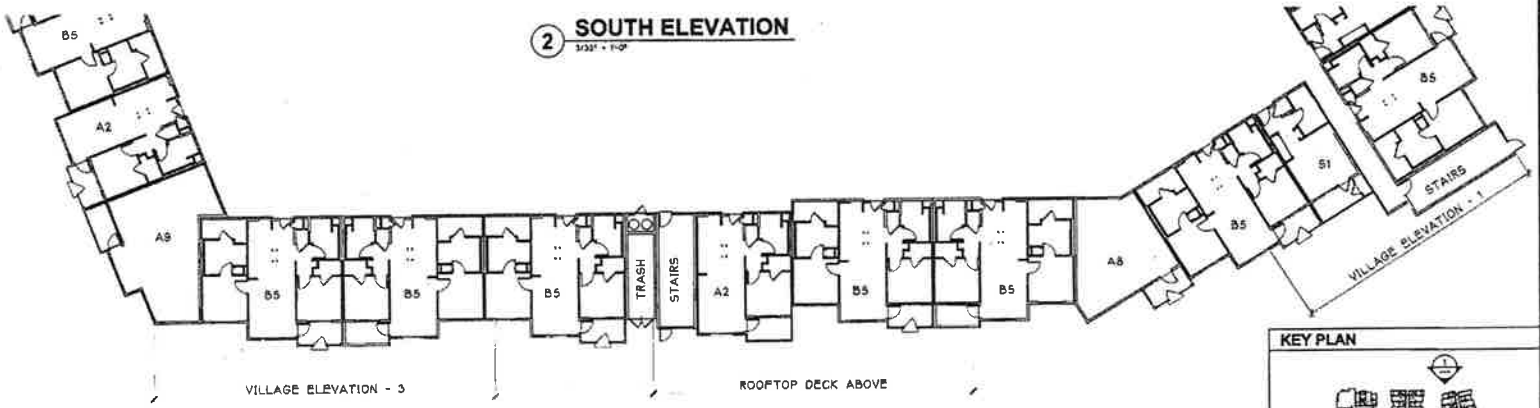




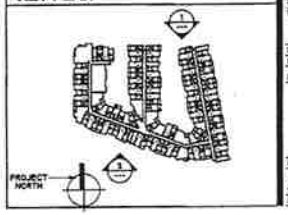


2 SOUTH ELEVATION

3/32" = 1'-0"



KEY PLAN



LCA ARCHITECTS

LCA ARCHITECTS
LARRY B. CHAPPEL
DAVID WEBSTER
PETER KOSOFSKY
2570 DEERFIELD VALLEY ROAD, SUITE 210
WALNUT CREEK, CALIFORNIA 94598
(925) 974-1200
1700 MONTGOMERY, SUITE 300
OAKLAND, CALIFORNIA 94611
(510) 874-1200

NOCAL DEVELOPMENT CORPORATION
1550 LA PLATA STREET, SANTA CLARA, CA 95050
(408) 554-5000

373 DIABLO ROAD APARTMENTS
DANVILLE, CALIFORNIA 94526

LCA ARCHITECTS
THE INFORMATION, PLANS, SPECIFICATIONS, REPORTS AND OTHER DOCUMENTS AND DATA FURNISHED BY LCA ARCHITECTS (LCA) FOR THIS PROJECT (INSTRUMENTS OF SERVICE) ARE FOR USE SOLELY WITH RESPECT TO THIS PROJECT. LCA IS DEEMED THE AUTHOR OF THE INSTRUMENTS OF SERVICE AND WILL RETAIN ALL COMMON LAW, STATUTORY AND OTHER RIGHTS, INCLUDING THE COPYRIGHT. THE OWNER MAY USE THE INSTRUMENTS OF SERVICE FOR THE PROJECT SUBJECT TO THE TERMS AND CONDITIONS OF THE AGREEMENT BETWEEN LCA AND THE OWNER. THE INSTRUMENTS OF SERVICE ARE NOT TO BE USED BY OTHERS FOR OTHER PROJECTS, OR EXTENSIONS OF THIS PROJECT, EXCEPT BY AGREEMENT IN WRITING AND WITH APPROPRIATE COMPENSATION TO LCA.

EXTERIOR ELEVATIONS

SCALE: AS SHOWN
DATE: 3/23/2018
REVISIONS:

PROJECT NO. 15003

A2.01

SHEET OF

32-45.21.1 Area 12: Multifamily Residential High Density

a. *Purpose.* To permit the use of properties for multifamily residential use consistent with the adopted Residential - Multifamily - High Density (25 to 30 dwelling units per acre) land use designation in the Downtown Master Plan and the General Plan.

b. *Permitted Uses.* All multifamily residential uses permitted under Section 32-24 of the Danville Municipal Code; and

c. *Conditional Uses.* Conditional uses as contained in subsection 32-24.4 of the Danville Municipal Code may be permitted upon issuance of a Land Use Permit.

d. *Development Requirements.*

1. The maximum allowable floor area ratio is eighty percent (80%) of the net area available for development (as determined by a planning entitlement deemed complete for processing), inclusive of all habitable or conditioned space. Non-habitable or non-conditioned project development area (e.g., enclosed individual garages, carports, or structured basement parking facilities) shall not be assessed towards a project's floor area ratio calculation.

2. The height limit is thirty-seven (37) feet. The height limit for accessory structures is fifteen (15) feet.

3. Reduction from the applicable DBD numerical parking requirements set forth in subsection 32-45.34(q) may be considered on a project-by-project basis where housing to be developed is provided for seniors, or where it is determined that a reduced dependency on personal vehicles can reasonably be anticipated.

e. *Building Setbacks.* The minimum building setbacks shall be as established through a site-specific development plan approval. Future development abutting the I-680 freeway shall be set back to the extent feasible to mitigate potential impacts associated with freeway noise, vibration, and/or air quality. Development along San Ramon Creek shall be set back to the extent feasible in order to accommodate a pedestrian path in vicinity of the top of bank of the creek.

f. *Supplemental Submittal Requirements.* Application materials to be supplied at the time of submittal of a development plan application shall, in addition to the submittal requirements addressed in subsection 32-45.41 Application detail the following:

1. The location, number and dimensional layout of any tandem parking spaces, motorcycle parking spaces, or bicycle parking spaces proposed for the project;

2. The minimum and average sizes of individual private open space areas (i.e., open or covered private patios and private balconies) proposed for the project;

3. The location, minimum size, and average size of private storage spaces proposed for the project;

4. The proposed means to screen proposed above-ground transformers, meters, and other utilities; and
5. The location, design and construction materials proposed for project fencing and retaining walls.
6. The percent coverage of land by buildings and structures.
7. The location and design of onsite project lighting.
8. The location, design and construction materials proposed for project porches, stoops, and similar design features.

32-45.22 Architectural Development Standards

This section sets forth specific architectural design guidelines for the development of new structures and the remodel of existing structures which changes the appearance in the designated Downtown Business District.

Danville's Downtown Business District contains a mixture of historic buildings and architectural styles in a pedestrian friendly setting. Though considerable variation exists in the downtown with respect to architectural styles, the overall scale and character of the downtown respects the areas' nineteenth century origins. The different architectural styles that form a historical context for the downtown include:

- Gothic Revival (169 Front Street);
- Victorian (100 School Street);
- Vernacular (411 Hartz Avenue);
- Victorian Stick (205 Railroad Avenue);
- Neoclassic Rowhouse (146 Diablo Road);
- Queen Anne Cottage (500 Hartz Avenue);
- Traditional Commercial Storefronts (360,370 and 376 Hartz Avenue);
- Craftsman/California Bungalow (402 and 404 Hartz Avenue);
- Spanish Eclectic/Spanish Revival (345-349 Hartz Avenue, 201 Front Street).

Chapter 3 - "Architectural Styles" of the Town's Design Guidelines for Heritage Resources includes a comprehensive description of these architectural styles. The Town's *Survey of Historically Significant Resources* identifies additional styles that transition from one era to another, including types or subsets of the Victorian era such as Italianate, Stick/Eastlake, and Colonial Revival.

For the thirteen (13) land use areas identified downtown, all development standards contained in section 32-45 must be applied in a manner which ensures that the design of new buildings is successful on a stand alone basis, while working in context with the buildings' surroundings, allowing for effective integration of the new building into the existing downtown fabric.

Ground floor retail uses are required in Areas 1, 2, 2A, 3 and 11, in order to promote a pedestrian friendly environment and retail continuity. Storefront design standards included in this section are intended to facilitate this objective.

The following construction materials and detailing apply to all thirteen (13) land use areas set forth in Division 2.

a. *Project Design.*

   1. Design of all buildings must be consistent with these guidelines; corporate, chain or franchise designs are not permitted.

2. A variety of traditional architectural styles and shapes is permitted. Designs may relate to historic elements seen within the area, but must be also distinguishable as being newer than the Heritage Resources. Imitation, period pieces, or reproduction of historic styles, such as those seen in theme amusement parks, are not allowed.

3. Building detailing must be incorporated into each of the four sides of the building and consistent with the building's dominant architectural style. Visible blank walls are not allowed. Walls must be articulated through windows, signs, lighting, vertical landscaping, or other architectural detailing. Detailing shall be an integral part of the building design and used appropriately throughout.

4. Outdoor spaces defined or partially enclosed by buildings shall be designed to function as focal points, merchandise display area, and/or gathering spaces for sitting and walking as appropriate to the site.

5. Exterior lighting shall be addressed as an integral part of building landscaping and design.

b. *Building Mass and Scale.*

1. Larger building facades must be broken into smaller units to convey a sense of human scale along street frontages.

2. New buildings must step down in height as it approaches a Heritage Resource building, Hartz Avenue and street corners.

3. New buildings shall observe the height limits as specified within the development requirements of each of the applicable land use areas.

c. *Building Materials and Colors.*

1. Use the highest quality materials for building facades consistent with the architectural style of the building.

2. Materials considered appropriate when used consistent with the architectural style of the building include:

   (a) Full and half brick;

   (b) Wood siding;

   (c) Natural/ authentic masonry;

   (d) Stucco;

   (e) Slate;

   (f) Shingles/shakes;

   (g) Wood windows and storefront doors;

   (h) Metal and wood trellis;

   (i) Tile accents;

(j) Metal accents;

(k) Glass block accents.

3. Use of materials designed to conserve natural resources and reduce negative impacts on the environment is encouraged.

4. Materials not allowed include:

   (a) Windows with internal muntins or simulated divided light;

   (b) Lava rock;

   (c) Synthetic/cultured stone;

   (d) Metal siding;

   (e) Corrugated metal;

   (f) Plastic;

   (g) Concrete block units;

   (h) Fiberglass panels.

5. Building colors shall be appropriate to the architectural style of the building and work in context with surrounding buildings.

6. Paint colors shall complement the colors of facade materials such as brick, masonry, etc.

d. *Retail Frontages.*

1. Space storefronts in a repeated rhythm along the sidewalk to maintain pedestrian continuity and interest. Minimize wall space between storefront windows.

2. Storefront bases must be no more than twenty-four (24) inches high from the sidewalk.

3. Storefront base material must complement the upper facade material.

4. Use of accent lighting to highlight merchandise displays in storefront windows is encouraged.

5. Facades with multiple storefronts may vary base material, entry location or awning design.

e. *Entries.*

1. Building and storefront entries shall be at sidewalk level.

2. In corner locations, the primary entrance shall be on the major street, or diagonally at the corner.

3. Entry doors to the street level shall be a minimum of fifty percent (50%) glass.

4. Where appropriate in design, storefront entries may project or be recessed for added relief on building facades.

5. Rear and side entries shall be compatible with front entries unless such entries are visually inaccessible or an alternate design is required for building code purposes.

f. *Windows.*

1. Articulate windows from the building wall through bay windows, recessed windows, trim, or other design element.
2. Windows shall use clear or lightly tinted glass. Use of dark or reflective glass is prohibited.
3. Windows above the first floor shall be placed in a regular pattern or patterns, and shall be smaller than ground floor windows.
4. Use projecting window sills.
5. Transom windows are encouraged in new construction if appropriate to the architectural style of the building.
6. Storefront display windows shall have a vertical, rectangular orientation in a manner that is compatible with the character of downtown. Vast plate glass panels shall be avoided. True divided light windows are encouraged. Allocate a minimum of sixty percent (60%) of the storefront to display windows.
7. Storefront windows are to be uncovered and visible. Interior window coverings shall not be used in street level windows for retail spaces. Display lighting is encouraged.
8. Fully openable display windows are encouraged where appropriate.

g. *Roofs.*

1. Roofs shall be an integral part of the building design that complements the structure in scale, height and mass. Roof elements shall be similarly treated and architecturally integrated on all building elevations. The combination of incompatible roof elements is not permitted.
2. All roof-mounted mechanical and electrical equipment shall be fully integrated into the overall roof design so as to be totally screened from off-site view.
3. Decorative features such as accent materials, patterns, cornices, brackets, finials and roofline shapes are encouraged.
4. Materials. The following roof materials are appropriate when installed per Chapter 15 of the California Building Code:

   (a) Wood shingles or shakes;

   (b) Concrete tile;

   (c) Clay tile;

   (d) Slate;

   (e) Composition roof materials compatible with the character of downtown;

(f) Metal roof as an accent only.

5. The following roof designs are considered appropriate.

   (a) Hip and/or gable roofs;

   (b) Flat/minimum pitch roofs are permitted provided that no portion of the roof is visible from off-site and with sufficient detailing such as use of cornices or parapets. Further, all ducts, meters, air conditioning and/or any other mechanical equipment shall be effectively screened from view.

6. The following roof styles and designs are not permitted:

   (a) Mansard;

   (b) Shed;

   (c) Built up or flat/minimum pitch roofs such that they may be viewed from off-site;

   (d) Metal roofs, unless used as an accent and not the entire roof.

h. *Building Projections and Sidewalk Coverings.*

1. Encroachment into the public right-of-way must be approved as a part of a development plan permit and requires an encroachment permit and building permit.

2. Building projections shall be designed to relate to or complement the architectural style of the building and not block visibility of either the storefront or the architectural features of the facade.

3. Projections shall be designed so that upon removal, the architectural character and integrity of the facade shall remain intact.

4. All projections shall maintain a minimum vertical clearance of eight (8) feet.

5. Where posts or columns are proposed to support building projections, posts or columns shall be spaced to reinforce, rather than interfere with, facade or storefront elements. Climbing flowering vines or other landscape elements are encouraged for use with such posts or columns.

i. *Site Design.*

1. All outdoor storage and refuse collection areas shall be enclosed with self-closing and self-latching gates and screened so that they are not visible from access streets and adjacent properties.

2. Outdoor storage of all company owned and operated motor vehicles, except for passenger vehicles, shall be reasonably screened from view from access streets, freeways and adjacent properties.

3. Storage or refuse collection is not permitted within front yard setback areas.

32-45.23 Landscaping Development Standards

The following landscaping development standards apply in the Downtown Business District:

a. *General.* Each site must have landscape elements, such as planting areas, window boxes, containers, trellis, and/or vertical landscaping. All landscaping shall be provided with an automatic irrigation system. All trees shall be minimum fifteen (15) gallon size. Shrubs shall be minimum five (5) gallon size. Shrubs used as ground cover shall be minimum one (1) gallon size. All landscaped areas not covered by shrubs and trees shall be planted with live ground cover or covered with mulch. All unpaved, non-work areas (excluding vacant lots) shall be landscaped.

b. *Hardscape.* All sidewalks, decks and patios shall be constructed using concrete, exposed aggregate, stamped concrete, bricks, brick pavers, wood decking, tile or terrazzo. The use of asphalt pavement is only permitted in driveway and parking areas.

c. *Perimeter Areas.* Perimeter landscaping is required along all property lines where buildings are set back from the lot line. One (1) tree per thirty (30) lineal feet of property line shall be planted in the perimeter area in addition to required ground cover and shrubs. Trees may be clustered or uniformly spaced.

d. *Frontage Landscaping.* Frontage landscaping shall conform to the adopted Streetscape Beautification Guidelines.

e. Landscaping should be used in a complementary fashion, and should not to obscure architectural elements on a building.

f. Drought tolerant plants are encouraged.

g. *Parking Areas.*

   1. A planter or landscaped strip at least five (5) feet in width shall be provided adjacent to street rights-of-way. Automobiles should be screened from off-site views with a combination of planting, berming and walls.

   2. Driveway and parking areas shall be separated from adjacent landscaping by a wall or curb at least four (4) inches high, but no more than three (3) feet six (6) inches in height.

   3. One (1) tree for each five (5) parking stalls shall be installed within fingers or medians that project into the paved area.

h. *Undeveloped Areas.* Interim landscaping, including erosion control measures, shall be provided on all graded sites that will remain vacant prior to building construction. Undeveloped areas shall be maintained in a weed-free condition.

EBMUD

REVIEW OF AGENCY PLANNING APPLICATION

THIS IS NOT A PROPOSAL TO PROVIDE WATER SERVICES

The technical data supplied herein is based on preliminary information, is subject to revision and is to be used for planning purpose ONLY

DATE: 11/21/2016	EBMUD MAP(S): 1566B484	EBMUD FILE:S-10237
AGENCY: Town of Danville Planning Division Attn: Kevin Gailey 510 La Gonda Way DANVILLE, CA 94526	AGENCY FILE: DEV16-0014	FILE TYPE: Development Plan
APPLICANT: Danville Office Partners, Attn: Russel Stanley 18840 Saratoga Los Gatos Road Los Gatos, CA 95030		OWNER: same as applicant , CA

DEVELOPMENT DATA

ADDRESS/LOCATION: 373-379 Diablo Road City:DANVILLE Zip Code: 94526

ZONING:F3A PREVIOUS LAND USE: Residential

DESCRIPTION: Construct 150 unit multifamily residential	TOTAL ACREAGE:4.31 ac.

TYPE OF DEVELOPMENT:
Multi Family Residential:150 Units

WATER SERVICES DATA

PROPERTY: in EBMUD	ELEVATION RANGES OF STREETS: 350-372	ELEVATION RANGE OF PROPERTY TO BE DEVELOPED: 350-372

Part of development may be served from existing main(s)
Location of Main(s):Diablo Road

PRESSURE ZONE	SERVICE ELEVATION RANGE
F3A	250-450

Part of development may be served from main extension(s)
Location of Existing Main(s):Diablo Road

PRESSURE ZONE	SERVICE ELEVATION RANGE
F3A	250-450

COMMENTS

Separate dwelling units on the same property require separate water meters. A main extension, at the project sponsor's expense, may be required depending on EBMUD metering requirements and fire flow requirements set by the local fire department. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine the costs and conditions of providing water service to the development. Engineering and installation of water mains and meters requires substantial lead time, which should be provided for in the project sponsor's development schedule. No water meters are allowed to be located in driveways. The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense. Due to EBMUD's limited water supply, all customers should plan for shortages in time of drought.

LAM

CHARGES & OTHER REQUIREMENTS FOR SERVICE:
Contact the EBMUD New Business Office at (510)287-1008.

11/30/16

Jennifer L Mcgregor,Senior Civil Engineer DATE
WATER SERVICE PLANNING SECTION

EXHIBIT I

SAN RAMON VALLEY
FIRE PROTECTION DISTRICT

11/28/2016

Permit: CP164441918 - Submitted Plan: Planning and site development review
Project: Planning DEV16-0014 373-379 Diablo Rd. - Business: Danville Office Center

Planning Division - Town of Danville
510 La Gonda Way
Danville, CA 94526

RE: PLANNING APPLICATION REVIEW AT
375 Diablo RD
Danville, CA 94526
APN: 216120037

Dear Kevin Gailey:

The District has reviewed the planning application for the above address. Based upon the information provided, comments and requirements have been made as conditions of approval (see the attached report).

If during the course of the entitlement process the project changes, additional requirements may apply.
Thank you for the opportunityto comment on this proposed project. If you have any questions please contact me at (925) 838-6685 or revitt@srvfire.ca.gov

Sincerely,

Rian Evitt

Rian Evitt
Code Compliance Officer

1500 Bollinger Canyon Road, San Ramon, CA 94583
Phone: (925) 838-6600 Fax: (925) 838-6696
www.firedepartment.org

San Ramon Valley Fire Protection District
Planning Application Review

Submittal Information

Permit Number	CP164441918	Submittal Number	SN3338249
Submittal Type	Planning and site development review	Submitted Date	11/22/2016 13:33:42

Condition #	Category	Condition
6046365	Access & Water	Fire apparatus roadways (public, private streets, roads and in some instances driveways used for vehicle access) shall extend to within 150 ft. (45.72 m) of any portion of an exterior wall of the first story of any building.
6046366	Access & Water	Fire apparatus roadways (public, private streets, roads, and in some instances driveways used for vehicle access) shall have a minimum unobstructed width of 20 feet (6 m) and an unobstructed vertical clearance of not less than 13 feet 6 inches (4 m). Streets under 36 feet (11 m) shall have red curbs and be posted with signs or red curbs and stenciled on one side and under 28 feet (8.5 m) on both sides of the street. Stencil and signs shall read as follows: "NO STOPPING FIRE LANE CVC 22500.1".
6046367	Access & Water	Fire apparatus roadways (public, private streets, roads and in some instances driveways used for vehicle access) shall be capable of supporting the imposed weight of fire apparatus (40,000 pounds) and shall be provided with an all weather driving surface. [Only paved, concrete, or engineered paver system surfaces are considered to be all weather driving surfaces]
6046368	Access & Water	The maximum grade for a fire apparatus roadway is 20%. Roadways with grades of 16-20% shall be grooved concrete. Grooved concrete shall be ½" wide, ½" deep, and spaced 1½" on center. If alternate surfacing is proposed, provide a letter stamped by the civil engineer documenting that the skid resistance is better than or equal to the grooved concrete specification. The alternate surfacing must also be approved by the appropriate city, town or county department.
6046369	Access & Water	NOTE ON FIELD PLAN: Fire apparatus roadways (public or private streets or roads used for vehicle access) shall be installed and fire hydrants in service prior to commencement of framing: PRIOR TO COMMENCEMENT OF FRAMING, CONTACT THE SAN RAMON VALLEY FIRE PROTECTION DISTRICT TO SCHEDULE AN INSPECTION OF ROADWAYS AND FIRE HYDRANTS.
6046370	Access & Water	NOTE ON FIELD PLAN: Identify the fire hydrant locations by installing reflective "blue dot" markers adjacent to the hydrant 6" (152.4 mm) off center from the middle of the street.
6046371	Access & Water	Fire hydrant(s) are required. All hydrants shall be wet barrel EBMUD standard steamer type (1) 4 1/2" (114.3 mm) and (1) 2 1/2" (63.5 mm) outlet).
6046372	Access & Water	Fire apparatus roadways in excess of 150 ft. (45.72 m) in length shall make provisions for approved fire apparatus turnarounds.
6046373	General	Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background. Individual suite numbers shall be permanently posted on the main entrance doors of tenant spaces. If rear outside doors to tenant spaces are installed, they shall include the installation of numerical address numbers corresponding to front addressing.

Condition #	Category	Condition
6046374	General	Nothing in this review is intended to authorize or approve any aspects of the design or installation that do not strictly comply with all applicable codes and standards. San Ramon Valley Fire Protection District is not responsible for inadvertent errors or omissions pertaining to this review and/or subsequent field inspection(s) i.e., additional comments may be added during subsequent drawing review or field inspection. Please call if there are any questions.
6046375	General	All structures 4 or more stories and all SFM regulated occupancies elevators shall conform to the provisions of CBC. In occupancies other than required the San Ramon Valley Fire Protection District strongly recommends that at least one elevator be of a size that will accommodate one gurney and three attendants.
6046376	General	Approved fire/smoke dampers shall protect mechanical penetrations of rated walls, ceilings or floors with access provided to service dampers.
6046377	Misc. Fire Protection	For light hazard occupancies, provide at least one 2A:1OBC portable fire extinguisher for each 3,000 sq.ft. of floor area. Travel distance to an extinguisher shall not exceed 75 feet (22.7 m) of travel and shall not be between floors.
6046378	Planning	Adjacent to fire hydrants, fire apparatus roadways shall be a minimum of 26 feet in width for at least 20 feet (6 meters) in both directions from fire hydrant.
6046379	Planning	The minimum number of fire apparatus access roads serving residential development(s) shall be based on the number of dwelling units served and shall be as follows: (a) 1-75 units, one public or private access road. (b) 76-150 units, one public or private access road and one emergency vehicle access (EVA) road. (c) 151+ units, at least two public or private access roads.
6046380	Planning	Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background. Individual suite numbers shall be permanently posted on the main entrance doors of tenant spaces. If rear outside doors to tenant spaces are installed, they shall include the installation of numerical address numbers corresponding to front addressing.
6046381	Planning	For buildings 30 feet (11 meters) and over in height above natural grade, the required fire apparatus access roadway shall be a minimum of 26 feet (8 meters) in width, and shall be positioned parallel to at least one entire side of building, and the inside curb shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from building.
6046382	Planning	Fire flow requirements for buildings or portions of buildings and facilities shall be in accordance with CFC or other approved methods. Provide flow data from appropriate water purveyor to demonstrate that the fire flow is adequate.
6046383	Planning	Provide engineering document disclosing live load standards have been met on private/public access roadways and or bridges (minimum 40,000 lb. (18,144 kg) live load standard). Post sign with maximum live load at bridge entrance(s).
6046384	Planning	If public water supply is not available to provide required fire flows, a separate engineered plan showing how applicant is to provide fire flows shall be submitted to San Ramon Valley Fire Protection District for approval prior to issuance of grading and building permits. The installation of an approved automatic fire extinguishing sprinkler system may be required depending on use, square footage, etc., of any/all buildings, and may be utilized as a mitigation to offset other deficiencies (if not otherwise required).
6046385	Planning	Any/all gates across Fire District access roadways shall have the same minimum clear, unobstructed linear width of the road and a clear vertical height of 13 feet 6 inches (4.1 meters). All locking devices shall provide for Fire District emergency access. All gate plans shall be approved by San Ramon Valley Fire Protection District prior to construction.

Condition #	Category	Condition
6046386	Planning	NOTE ON FIELD PLAN: Approved spark arrestors shall be installed on each chimney/flue/vent used for fireplaces and heating appliances in which solid or liquid fuel is used.

Requirement #	Category	Submittal Requirement
6046387	Fire Alarms	San Ramon Valley Fire Protection District shall approve fire detection/alarm/suppression system(s). A minimum of three sets of plans shell be submitted for review and approval prior to commencement of work.
6046388	Fire Sprinklers	A minimum of three sets of plans, specifications, equipment lists and calculations for the required fire sprinkler system shall be submitted to the San Ramon Valley Fire Protection District for review and approval prior to installation. A separate plan review fee will be collected upon review of these plans.
6046389	Planning	Prior to the issuance of a Building Permit, submit (3) full sets of building plans to the San Ramon Valley Fire Protection District for review and approval.
6046390	Access & Water	Access and water supply must be submitted to the District. The District requires a minimum of three sets of each be submitted to the San Ramon Valley Fire Protection District for review and approval prior to work. Separate plan review fees will be collected upon review of these plans.

CALIFORNIA HISTORICAL RESOURCES INFORMATION SYSTEM

ALAMEDA
COLUSA
CONTRA COSTA
DEL NORTE
HUMBOLDT
LAKE
MARIN
MENDOCINO
MONTEREY
NAPA
SAN BENITO
SAN FRANCISCO
SAN MATEO
SANTA CLATA
SANTA CRUZ
SOLANO
SONOMA
YOLO

Northwest Information Center
Sonoma State University
150 Professional Center Drive, Suite E
Rohnert Park, California 94928-3609
Tel: 707.588.8455
nwic@sonoma.edu
http://www.sonoma.edu/nwic

November 30, 2016 File No.: 16-0794

Kevin Gailey, Project Planner
Town of Danville
Planning Division
510 La Gonda Way
Danville, CA 94526

re: County File Number DEV16-0014 / 373-379 Diablo Road / Russel Stanley (Danville Office Partners)

Dear Mr. Gailey:

Records at this office were reviewed to determine if this project could adversely affect cultural resources. **Please note that use of the term cultural resources includes both archaeological sites and historical buildings and/or structures. The review for possible historic-era building/structures, however, was limited to references currently in our office and should not be considered comprehensive.**

The proposed project will entail the construction of a 150-unit multifamily for-rent residential project at 373-379 Diablo Road. The site is currently occupied by two-story office buildings that were built in the 1970s under land use and zoning designations that allowed office use.

Previous Studies:

_XX_ This office has no record of any previous cultural resource studies for the proposed project area *(see recommendation below)*.

Archaeological and Native American Resources Recommendations:

_XX_ The proposed project area contains or is adjacent to the archaeological site(s) P-07-000190. It is recommended that a qualified professional archaeologist assess the status of the resource(s) and provide project specific recommendations.

_XX_ The proposed project area is located within an area sensitive for cultural resources. Given the lack of any previous cultural resource studies, the proposed project area has a high possibility of containing unrecorded archaeological site(s). Therefore, we recommend that a qualified archaeologist conduct further archival and field study to identify cultural resources. Field study may include, but is not limited to, pedestrian survey, hand auger sampling, shovel test units, or geoarchaeological analyses as well as other

common methods used to identify the presence of unrecorded archaeological resources. Please refer to the list of consultants who meet the Secretary of Interior's Standards at http://www.chrisinfo.org.

XX We recommend the lead agency contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values. For a complete listing of tribes in the vicinity of the project, please contact the Native American Heritage Commission at 916/373-3710.

Built Environment Recommendations:

XX As noted above, the proposed project site contains buildings constructed in the 1970s. Since the Office of Historic Preservation has determined that any building or structure 45 years or older may be of historical value, if the project area contains such properties, it is recommended that prior to commencement of project activities, a qualified professional familiar with the architecture and history of Contra Costa County conduct a formal CEQA evaluation.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the California Historical Resources Information System (CHRIS) Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

For your reference, a list of qualified professionals in California that meet the Secretary of the Interior's Standards can be found at http://www.chrisinfo.org. If archaeological resources are encountered during the project, work in the immediate vicinity of the finds should be halted until a qualified archaeologist has evaluated the situation. If you have any questions please give us a call (707) 588-8455.

Sincerely,

Jessika Akmenkalns
Researcher

cc: Russel Stanley
Danville Office Partners, LLC
18840 Saratoga Los Gatos Rd.
Los Gatos, CA 95030

SAN RAMON VALLEY USD
FACILITIES DEVELOPMENT
3280 Crow Canyon Road, San Ramon, CA 94583
(925) 552-5986 • FAX (925) 328-0560

December 1, 2016

Town of Danville Planning Division
Mr. Kevin Gailey
510 La Gonda Way
Danville, CA 94526

via email: kgailey@danville.ca.gov

RE: **APN# 216-120-037, 373-379 Diablo Road**
150 Multifamily Units

Mr. Gailey:

Thank you for allowing the District the opportunity to comment on the above-mentioned project.

The **residential** project located at **373-379 Diablo Road, Danville, CA** will be subject to a residential rate developer fee, currently **$6.22** per square foot. The project is within the San Ramon Valley Unified School District.

The residential project will be subject to higher developer fees as a result of the impact of Senate Bill 50 (SB50), the Leroy F. Greene School Facilities Act of 1998. SB50 states that if the District conducts a School Facilities Needs Analysis report and meets certain other requirements, it may impose an alternative developer fee that may be significantly higher than the previously permitted Level 1 fees of $3.48 per square foot of new residential development. On October 18, 2016, the Board of Directors adopted Resolution No. 16/16-17, Establishing Alternative School Facility Fees (Level 2) in accordance with the provisions of Senate Bill 50. The above-mentioned project is subject to the current fees.

The district's current student generation factors (SGF) for this type of project are listed below:

UNITS: 150 MULTIFAMILY		
GRADE	SGF RATE	STUDENTS
K-5	.32	48
6-8	.13	20
9-12	.18	27

The resident schools for this project are **Montair Elementary, Stone Valley Middle, and San Ramon Valley High Schools**. Due to overcrowding in the District it is possible that students residing in this subdivision may be diverted to other schools.

If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

Karen DeJesus

Karen DeJesus
Facilities Planning Analyst
kdejesus@srvusd.net, (925) 552-2962

Kevin Gailey

From: Russ Leavitt <RLeavitt@centralsan.org>
Sent: Friday, December 02, 2016 4:33 PM
To: Kevin Gailey
Subject: DEV16-0014; 150-unit MFR project, 373-379 Diablo Road, Danville
Attachments: RUSSELL B LEAVITT.vcf

According to Central Contra Costa Sanitary District (CCCSD) records, the project site is within CCCSD's service area and sanitary sewer service is being provided to the existing buildings on site. Some of the existing sewer would need to be properly abandoned when the buildings are removed. The developer would need to construct a set of on-site mains and laterals to serve the proposed multi-family units.

CCCSD has initiated a capacity study to determine if the existing sewer system in the vicinity is adequate for the additional wastewater which will be generated by the proposed project. The developer will be required to submit full-size building plans for CCCSD Mainline review in advance and to pay fees and charges at the time of connection to the sewer system. The payment of capital improvement fees is required for the development or expansion of a property use which generates an added wastewater capacity demand to the sanitary sewer system. This project may be subject to substantial capital improvement fees due to its size or use. To receive an estimate of project fees and charges, the developer should promptly contact the District's Permit Section at (925) 229-7371. Thanks!

RUSSELL B. LEAVITT
Engineering Assistant III
v: (925) 229-7255 f: (925) 228-4624
RLEAVITT@centralsan.org

Central Contra Costa Sanitary District
5019 Imhoff Place, Martinez, California 94553-4392

Contra Costa County
Flood Control
& Water Conservation District

Julia R. Bueren,
ex officio Chief Engineer
Mike Carlson,
Deputy Chief Engineer

December 13, 2016

Kevin Gailey
Planning Division
Town of Danville
510 La Gonda Way
Danville, CA 94526

RE: Riverwalk at Downtown Danville—DEV16-0014
Our File: 3018-06 216-120-037

Dear Mr. Gailey:

We received the Request for Comments for the Final Development Plan request for authorization to construct a 150-unit multifamily for-rent residential project located at 373-379 Diablo Road, APN 216-120-037, in the Town of Danville. We received your request on November 21, 2016, and we have the following comments:

RECOMMENDED CONDITIONS OF APPROVAL:

1. Prior to issuance of a building permit, the applicant shall pay San Ramon Creek Mitigation Fees for the increase of impervious area generated by the project.

2. Prior to issuance of a building permit, the applicant shall obtain a Flood Control Encroachment permit for any work inside the Flood Control easement, and finalize any right-of-way transactions with the Contra Costa County Flood Control and Water Conservation District (FC District) necessary for this project. The applicant shall not construct any improvements that will obstruct our access to adjacent parcels. The applicant shall be responsible for all FC District costs.

3. Prior to issuance of a grading permit, the applicant shall remove the pine trees planted by the property owner along San Ramon Creek that obstruct the FC District access to the San Ramon Creek flood control channel.

COMMENTS TO PLANS:

4. The A.L.T.A./A.C.S.M. Land Title Survey shows a 60-foot-wide FC District access and maintenance easement on the west side of the project parcel, which is also dedicated to Contra Costa County for street and highway and incidental purposes, and a 21-foot-wide existing FC District and incidental easement on the east side of the property. The southern side of the property has an FC District easement over San Ramon Creek and adjacent areas. However, it appears on the proposed site plan that these existing easements are to be modified by the project, on the east side and south side of the project parcel. Since the project will include modification of existing FC District

easements, the applicant will be required to contact the FC District to discuss the FC District's continued access to the San Ramon Creek flood control channel, review improvement and planting plans, review proposed changes to existing easements, and review acceptance and recordation of real property documents. The applicant needs to approach the FC District to set up a Fee-for-Service account to cover for our staff and begin transactions.

5. The site plan needs to show the proposed points of access and paths to the San Ramon Creek flood control channel. Proposed access paths shall have the required turning radius for trucks and be H-20 loading capable. The current layout of the parking areas show trash enclosures and automobile parking spaces, which appear to be in conflict with the future access to San Ramon Creek. Our access road should be clear to adjacent parcels.

COMMENTS TO LANDSCAPE PLAN:

6. The landscape plan proposes additional planting of trees along San Ramon Creek, which, in addition to the existing trees, might impair the access to the creek for future maintenance and emergency repair work. We recommend that the applicant sets up an appointment with the FC District to discuss existing and proposed trees. Enclosed is the FC District Typical Landscaping Limits on Creek/Channel Embankments detail.

7. The applicant shall be required to remove the existing nonnative trees planted in the San Ramon Creek banks and slopes, as it is our understanding that those trees were planted by the previous property owner without the FC District's consent. The FC District does not allow trees inside our easements, in general, to avoid future damage to the creek banks by the trees and to avoid costly repairs should the trees grow large and collapse in the creek, blocking the water flow and creating potential erosion issues. In addition, the trees obstruct maintenance access and flood fighting.

GENERAL COMMENTS:

8. Changing Area 6—Business and Professional Office to Area 12—Multifamily Residential High Density District, thereby changing the land-use to high-density multifamily, will increase impervious surface construction, which will result in an increase in runoff. We understand that the land-use for these sites is being changed to meet the Town's 2030 General Plan and 2007–2014 Housing Element; however, the San Ramon Creek Watershed has inadequate capacity. We recommend that no increase in peak discharge to San Ramon Creek be allowed for these sites.

9. The project area is within the San Ramon Creek Watershed. We recommend that all developments in the San Ramon Creek Watershed be required to mitigate their adverse drainage impact upon the natural creeks. The following should be a permit condition of approval for future site development:

Mitigation for San Ramon Creek

Mitigate the impact of additional stormwater runoff from developments on San Ramon Creek by either of the following methods:

- Remove 1 cubic yard of channel excavation material from the inadequate portion of San Ramon Creek for each 50 square feet of new impervious surface area created by the development. All excavated material shall be disposed of off-site by the developer at his own cost. The site selection, land rights, and construction staking will be performed by the FC District.

  OR, upon written request by the developer:

- Provide for a cash payment in lieu of actual excavation and removal of material from the inadequate portion of San Ramon Creek. The cash payment will be calculated at a rate of $0.10 per square foot of new impervious surface area created by the development. The added impervious surface area created by the development will be based on the FC District's standard impervious surface area ordinance. The FC District will use these funds to work on San Ramon Creek annually. The mitigation fee for this project will be based on the increase of impervious area. The applicant should submit a worksheet, which includes a scalable map, that shows the square footage of the existing and proposed impervious areas.

10. We recommend considering the proximity of the San Ramon Creek flood control channel during construction of the project and implementing Best Management Practices to protect contaminants and silt from entering the San Ramon Creek channel, as well as not storing construction equipment or materials adjacent to the creek or in the FC District's right-of-way.

11. We recommend that the Town condition the applicant to design and construct storm drain facilities to adequately collect and convey stormwater entering or originating within the development to the nearest adequate man-made drainage facility or adequate natural watercourse, without diversion of the watershed. Drainage should be connected to Diablo Road storm drain if drainage patterns are improved or altered. If the San Ramon Creek outfall is modified, an FC District permit and hydrology study may be required.

12. The project is adjacent to the San Ramon Creek flood control channel, which is inside a FEMA Special Flood Hazard area, "Zone A," which is subject to inundation by the 1% annual chance flood. We recommend that the project addresses this issue and comes up with a contingency plan should the 100-year flood event occur.

13. We recommend that the applicant be required to comply with the current NPDES (National Pollutant Discharge Elimination System) requirements under the Town Stormwater Management and Discharge Control Ordinances and the C.3 Guidebook. We support the state's goal of providing Best Management Practices to achieve the

permanent reduction or elimination of stormwater pollutants and downstream erosion from new development.

14. The proposed project is located in Drainage Area 18, an unformed drainage area. Therefore, there are no drainage area fees due at this time.

15. The FC District is not the approving local agency for this project as defined by the Subdivision Map Act. As a special district, the FC District has an independent authority to collect drainage fees that is not restricted by the Subdivision Map Act. The FC District reviews the drainage fee rate every year the ordinance is in effect and adjusts the rate annually on January 1 to account for inflation. The drainage fee rate does not vest at the time of tentative map approval. The drainage fee due and payable will be based on the fee in effect at the time of fee collection.

We appreciate the opportunity to comment on this project in regards to drainage matters. If you have any further questions, you may contact me at (925) 313-2308 or by e-mail at rene.urbina@pw.cccounty.us.

Sincerely,

Rene Urbina
Civil Engineer
Contra Costa County Flood Control
& Water Conservation District

RU:cw
G:\fldctl\CurDev\CITIES\Danville\3018-06\3018-06 216-120-037, 373 Diablo Rd Apts\Comments to Final Development Plan.docx
Enclosure

c: Mike Carlson, Deputy Chief Engineer
Tim Jensen, Flood Control
Teri E. Rie, Flood Control
c/enc: Marsha Brown, Finance
Carl E. Campos, LCA Architects
590 Ygnacio Valley Road, Suite 310
Walnut Creek, CA 94596
Russel Stanley, Danville Office Partners, LLC
18840 Saratoga Los Gatos Road
Los Gatos, CA 95030

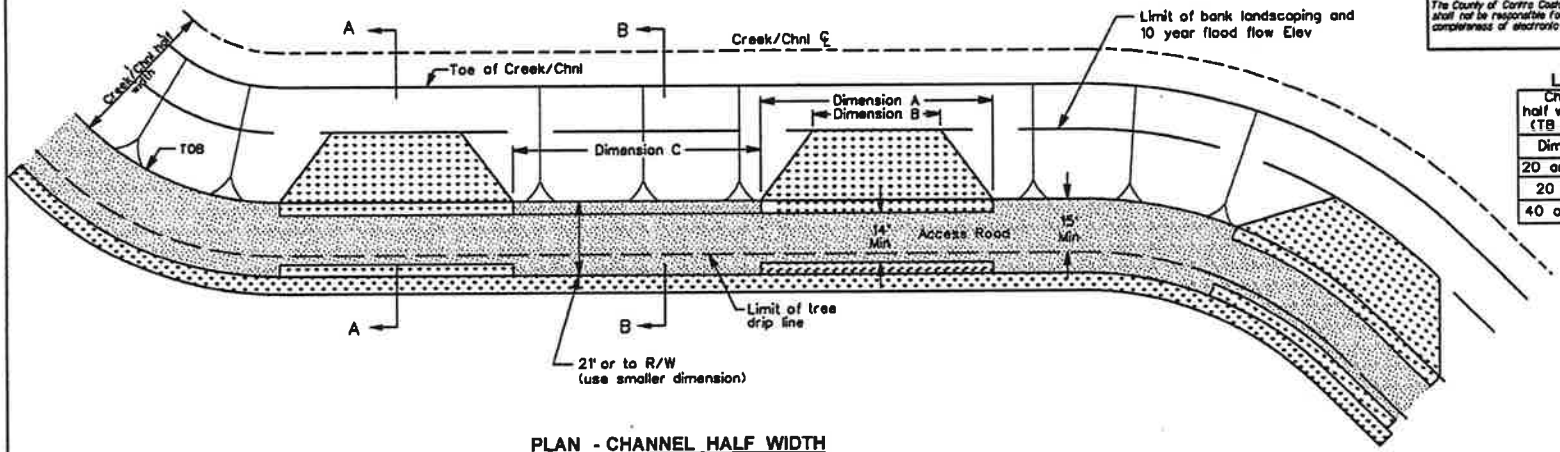
PUBLIC WORKS DIRECTOR

March 17, 2014

PLANS APPROVAL DATE

The County of Contra Costa or its officers or agents shall not be responsible for the accuracy or completeness of electronic copies of this plan sheet.

REGISTERED PROFESSIONAL ENGINEER — JULIA R BUEREN — No. 37937 — CIVIL — STATE OF CALIFORNIA



PLAN - CHANNEL HALF WIDTH

LANDSCAPING DIMENSIONS

Channel half width (ft) (TB to TB)	Tree grouping limits		Min Clear distance
Dimensions	A (ft)	B (ft)	C (ft)
20 and under	65	36	70
20 to 40	50	36	90
40 and over	25	20	110

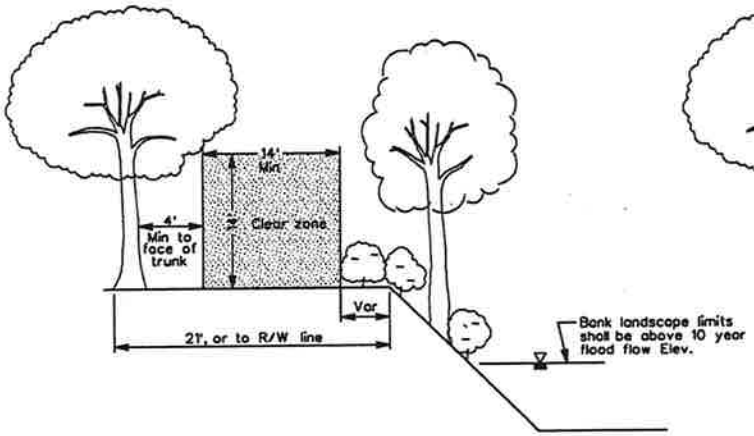
NOTES:

1. No plants, trees, branches or other vegetation shall encroach into clear zone.
2. Shrub and tree selection shall be appropriate for the planting area. Shrubs and trees that would overwhelm an area at maturity shall not be planted. The Public Works Department or Flood Control District shall approve all proposed types of shrubs and trees.
3. Clear zone must be contained within creek/channel right of way.
4. Channel bank landscaping shall not be placed adjacent to side drain outlets/outfalls greater than 24" in diameter.
5. This plan applies to earth lined, non-leveed channels.
6. Landscape areas that occur on both sides of the channel shall be staggered, not opposite each other.

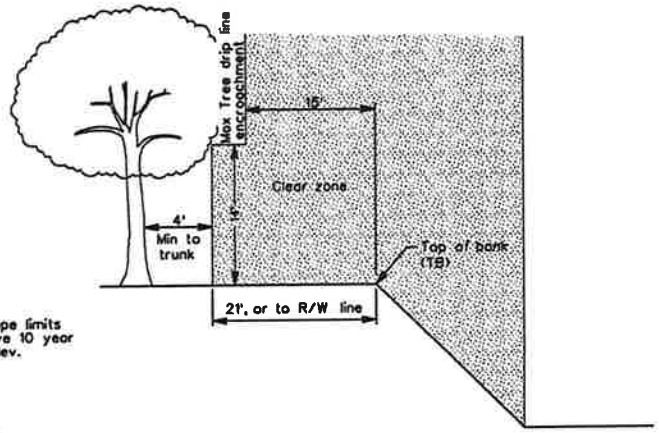
LEGEND

ALLOWABLE LIMITS OF LANDSCAPING

CLEAR ZONE



TREE GROUPING AREA
SECTION A-A



CLEAR ZONE
SECTION B-B

NO.	DATE	REVISION DESCRIPTION	BY

COUNTY OF CONTRA COSTA
PUBLIC WORKS DEPARTMENT
MARTINEZ, CALIFORNIA

STANDARD PLAN

TYPICAL LANDSCAPING LIMITS ON CREEK/CHANNEL EMBANKMENTS

SCALE: NO SCALE | DATE: 3/14
DRAWN BY: H. HUSSEY | PLAN NO. CH80
CHECKED BY: M. HOLLINGSWORTH

Comments or recommended conditions of approval are as follows:

X There are no aspects of this project that concern our regulations.

____ This project as shown meets or exceeds our minimum standard regulations.

____ Comments including recommended conditions of approval or project completeness are attached.

____ Other comments:

JAN WILLIAMS
HAZARDOUS MATERIALS SPECIALIST
HEALTH SERVICES
HAZARDOUS MATERIALS PROGRAMS

Responding Agency/Individual | Signature of Representative | 12/19/2016 Date

Comments or recommended conditions of approval are as follows:

X There are no aspects of this project that concern our regulations.

____ This project as shown meets or exceeds our minimum standard regulations.

____ Comments including recommended conditions of approval or project completeness are attached.

X Other comments:

County defers to SWAT regarding this project.

Will Nelsen, Principal Planner
CCC Dept. of Conservation and Development
Responding Agency/Individual

Signature of Representative

12/23/16
Date

WILLIAM B. WALKER, M.D.
HEALTH SERVICES DIRECTOR

RANDALL L. SAWYER
CHIEF ENVIRONMENTAL HEALTH & HAZMAT OFFICER

MARILYN C. UNDERWOOD, PHD. REHS
DIRECTOR OF ENVIRONMENTAL HEALTH

CONTRA COSTA
HEALTH SERVICES

CONTRA COSTA
ENVIRONMENTAL HEALTH

2120 Diamond Blvd., Suite 200
Concord, California 94520
Ph (925) 692-2500
Fax (925) 692-2502
www.cchealth.org/eh/

January 5, 2017

Kevin Gailey, Chief of Planning
Development Services Department – Planning Division
510 LaGonda Way
Danville, CA 94526

RE: DEV 16-0014 (Proposed 150 unit residential complex – pool/spa not shown)
373-379 Diablo Rd., Danville
APN 216-120-037

Dear Mr. Gailey:

The Contra Costa Environmental Health Division (CCEHD) has received a request for agency comments for the above referenced project. The following are our comments if the project is served by public sewer and public water:

1. A permit from CCEHD is required for any well or soil boring prior to commencing drilling activities, including those associated with environmental investigation and cleanup, and geotechnical investigation. See COA # F.6.

2. Any abandoned wells (water, environmental, or geotechnical) and septic tanks must be destroyed under permit from CCEHD. If the existence of such wells or septic tanks are known in advance or discovered during construction or other activities, these should be clearly marked, kept secure, and destroyed pursuant to CCEHD requirements. See COA # F.11

3. Debris from construction or demolition activity must go to a solid waste or recycling facility that complies with the applicable requirements (e.g., solid waste permit, EA Notification, etc.).

These comments do not limit an applicant's obligation to comply with all applicable laws and regulations. If you should have any questions, please do not hesitate to call me at (925) 692-2535.

Sincerely,

Joseph G. Doser, REHS
Supervising Environmental Health Specialist

JGD:tf

PATTON & SULLIVAN LLP

ATTORNEYS AT LAW

October 19, 2016

SENT VIA E-MAIL

Kevin Gailey
Chief of Planning
Town of Danville
510 La Gonda Way
Danville, California 94526

Re: Design Review Board Special Meeting – October 20, 2016
Agenda Item 4. Danville Office Partners, LLC
Application for a Modified Development Plan (DV16-14) Riverwalk at Downtown Danville
373-383 Diablo Road, Danville
APN 216-12-037

Dear Mr. Gailey:

Our office represents Francisco Cabrita ("Cabrita") and Heritage Bank of Commerce ("Heritage"), the owners of the properties at 387 and 391 Diablo Road. These are the two commercial parcels immediately adjacent to the Diablo Office Partners, LLC ("DOP") property; between the DOP property and Diablo Boulevard.

It must be said at the outset that our clients purchased these properties as commercial properties for investment and to occupy and operate their businesses. These properties (including the DOP property) are all subject to recorded deed restrictions prohibiting residential uses. Rezoning by the Town cannot and does not pre-empt these rights. Our clients have relied on the CCR's to protect their investment and their businesses. They have absolutely no obligation to agree to an amendment to the CC&Rs such that they would permit the construction of residential homes on the DOP parcel.

We have reviewed the analysis contained within the Town's Housing Element, resulting in the designation of the Property to the "Residential-Multifamily-High (25-30)" land use in the 2030 General Plan. We understand the Town's need to comply with State Housing laws and we applaud the effort. Even though we feel there are more appropriate locations available in the community for residential development, we have reviewed the project application, attended the Town sponsored workshops on the project. We have reviewed the various site specific studies prepared for the project in an effort to determine whether or not the current residential proposal could somehow be made compatible with the existing commercial uses. We have concluded that the project as proposed is not compatible with our existing uses. The proposed conversion of the DOP site from professional offices to a high density residential use is a dramatic change for us and one which will have substantial impacts on the use and operation of our clients' properties. The increase in daily traffic alone (adding 1,000 new trips which must pass by our front doors) is

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significant. However, if DOP were to limit its application to the densities allowed by the Town's rezoning, 92 -111 units, the project would result in substantial reduction impacts due to traffic, circulation and parking conflicts among the various uses. There will still be work to be done to insure that any remaining conflicts are mitigated but at that density they become more manageable.

The Density Bonus:
The applicant has "elected" to pursue a density bonus under the provisions of State law. We acknowledge that the Town must grant the density bonus if the proposal is otherwise in compliance with the Town zoning, but note also that the additional units are not mandated by the Town RHNA requirement. The result is to pack 39 more residential units on the site than is otherwise allowed by the Town zoning. We point this out not to argue against affordable housing (our clients fully recognize the need for such housing opportunities in the community) but we must emphasize the DOP decision to pursue this course of action is what has created planning and design challenges on a relatively small site with no street frontage nestled behind existing commercial uses.

Requested concessions:
The applicant requests two development concessions -- each of which is directly related to his election to overbuild the site at 150 units.

1. DOP seeks an increase of the FAR from 80% to 88.3%. That increase alone accounts for 10 to 15 additional residential units;

2. These extra units result in an increase in the bulk and massing of the site impacting height, setbacks, circulation, access and parking.

Many of the items listed in your staff report for Design Review Board consideration are a direct result of the excessive density the applicant is attempting to place on this site. A number of the items proposed for deferral should be addressed now as they may well affect density and therefore design; but most important to our clients is the relationship of the project to adjacent properties and buildings.

Details like paving treatment at key driveway locations or pedestrian crossings of project driveways may seem insignificant, but they can have a significant impact on public safety. For example, a raised pedestrian crossing at the northwest corner of the project would slow exiting traffic. This change would improve the safety of cars backing out of the Bank parking stalls. Landscape planting can affect driveway width and therefore traffic safety and circulation. Project lighting and location will have an impact on building security. We would like to see these things resolved now rather than deferred.

The staff report states that modifications to the design since the May 17, 2016, workshop may be meaningful by comparison to the earlier submittal, but we believe they have instead resulted in

exacerbating the impacts on the adjacent properties. For example, separation of the buildings to reduce massing and open up the views through the project has resulted in a third building in the middle of the project with no direct access to any convenient surface parking EXCEPT the parking on the adjacent properties owned by my clients. As a result, apartment residents will be constantly parking on our clients' property because it will be the most convenient parking to their apartments. Our clients will be regularly calling for tow trucks to remove violators. This is an unfair burden to foist upon the adjacent properties when the direction from the workshop was to do quite the opposite. There are design and layout alternatives that would help to mitigate this impact and help to make the project more compatible with existing uses.

This version of the project may meet the Town's parking minimums for this zoning designation, but they are not in fact adequate for this location. The parking standards for this area, Area 12, may be appropriate in Areas 1, 2, 2a and 3, the downtown retail districts where street parking is available as are public parking lots and, because the uses are predominantly retail, a frequent changeover of parking spaces. But here, where a Multifamily Residential High Density (25-30) residential district has been forced into the Business and Professional Office District, there is no on street parking available, no public parking lot and no place for overflow parking to go except on the properties owned by our clients.

In conclusion, this Project is not ready for a recommendation:

While the applicant may have made some progress since the May 17, 2016, workshop, he requests deferral of too many items to know whether or not he will be able to succeed in meeting even the minimum obligations under your development standards. We are requesting that you continue this matter and send it back to the applicant with direction to resolve the open issues and to specifically address the critical issues of access, onsite circulation and the impact on parking to our clients' property.

Thank you for your consideration,

Sincerely,

PATTON & SULLIVAN LLP

MARTIN W. INDERBITZEN

cc: Robert Combs (robert@combsteam.com)
G. Mark Graham (gmgraham@sbcglobal.net)
Thomas Birdsall (thomas@eaglepeakbuilders.com)
Chris Trujillo – Alternate (chris-trujillo@comcast.net)

TOWN STAFF RESPONSE TO 10-19-16 MARTIN W. INDELICATO LETTER

1 – Number of Units/Density and 2- Building Massing

• 150 dus is 40.7 dus/acre and yields average unit size of 824 sq. ft.

• 111 dus is 30.0 dus/acre (maximum density without a density bonus) and - with same leasable space of 123,606 sq. ft. - would give 1,343 sq. ft. average unit and need for 22.5% to 27.5% less parking – which could all be in form of eliminated basement parking so no expression of change to portion of project above ground.

• 92 dus is 25.0 dus/acre and - with same leasable space of 123,600 sq. ft. - would give 1,113 sq. ft. average unit and need for 35% to 40% less parking – which could all be in form of eliminated basement parking so no expression of change to portion of project above ground.

• Pressing to drop to 80.0% (i.e., pursuit of a project without a density bonus and no variance on FAR):

3.865 acres is 168,350+/- sq. ft.

88.3% FAR is 148,650+/- sq. ft. (83% leasable gives 123, 600+/- sq. ft.)

80.0% FAR is 134,700+/- sq. ft. (83% leasable gives 112,000+/- sq. ft.)

This is 13,950 gross sq. ft. reduction and 11,575 sq. ft. reduction leasable space.

67.5' typical east-west section x 3 buildings x 3 is 607.5 sq. ft. removed per 1' removed from north-south building expression. Take 23' out of each building (11'6" north side and 11'6" south side) and you get 80% FAR. – Not negligible – but not a game changer on expression of building massing on the property.

3 – Raised pavement at onsite intersection

Could be argued to either be a design consideration or not. Solution could be to add this to something to add for later review and direct it is to be provided unless it is shown to adversely affect project circulation.

4 – Landscaping information shown on current plans

Landscaping in parking areas generally meets DBD standards. Meeting C-3 requirements means 6,750+/- sq. ft. of treatment planting areas are needed – breaking into 50% as at-grade to serve parking and drive aisle areas and 50% as raised planters next to buildings. Adds interest to overall landscape plan not detract. Can't avoid the C-3 requirements. Okay to defer. Any direction for things to consider adding through draft COAs?

5 – Lighting Details

Arguably have what we would typically see – except parking lot standards and walkway lights. Would be unusual to get more now for buildings of this size. No real design issue here to warrant holding off DRB review of project at this point.

6 – Parking serving middle building

Not considered to be a design issue so no warrant to holding off DRB review of project at this point.

7- Inadequate parking

Project meets DBD standards it is subject to. Arguing need for more parking is not a design issue so no warrant to holding off DRB review of project at this point.

8 – Circulation and Access

Traffic report and Town Transportation Division did not identify onsite circulation issues. Arguing need for fewer units to mitigate perceived circulation issues is not a design issue so no warrant to holding off DRB review of project at this point. At 150 units, and assigning 6-10 daily trips per unit, means AM Peak of some 1.5 - 3.0 trips per minute for a 60 minute period and a bit less per minute for a slightly longer PM Peak. The trips have two driveways to use so "burden" is roughly 50% per driveway. Not a design issue so no warrant to holding off DRB review of project at this point.

9 – CC&R Restriction against residential uses on this property

Town does not impose private CC&R restrictions through planning entitlement actions. Not a design issue so no warrant to holding off DRB review of project at this point.

Judy Weil
1012 River Rock Lane
Danville CA 94526

December 26, 2016

Kevin Gailey
Project Planner
Danville Town Office

RE: DEV16-0014 373-379 Diablo Road/APN 216-120-037

Dear Mr. Gailey:

Diablo Road is a busy street with a lot of traffic. I am concerned about the density of units proposed and the resulting traffic. The egress does not appear adequate to handle more units. I request the project be kept at 111 units and the proposal of 150 units be denied.

I did not see an elevation map of our homes on River Rock Lane and the proposed project in the development packet. Without seeing the impact, I request the maximum height of 35 feet or less be followed and a variance be denied.

I saw on small letters the name "Riverwalk". This is very confusing since we live at River Rock. The two names would cause confusion especially in any emergency situation.

I would also like to see the CEQA and any environmental reports.

Sincerely,

Judy Weil

Kevin Gailey

To: Judy Weil
Subject: RE: DEV16-0014 / 373-379 Diablo Road
Attachments: PDF of Traffic Impact Analysis.pdf; PDF of Traffic Impact Analysis - Appendices.pdf; Preliminary South Building Elevations and Partial Preliminary Roof Plan.pdf; Aerial of south side of Riverwalk project area and Stoneybrook project across San Ramon Creek.pdf

Comment: Diablo Road is a busy street with a lot of traffic. I am concerned about the density of units proposed and the resulting traffic. The egress does not appear adequate to handle more units. I request the project be kept at 111 units and the proposal of 150 units be denied.

Response:

A traffic report (i.e., the LSA report dated May 12, 2016 entitled *Traffic Impact Analysis – Danville Apartments Project*) was prepared for the project and has been reviewed by the Town's Transportation Division.

As is the standard practice for traffic reports for Danville projects, the report looked to the Institute of Transportation Engineers [ITE] *Trip Generation* - 9th Edition for trip generation rates to allow an assessment of potential circulation impacts that may be associated with the development of the project. Based on those trip generation rates, the project would create just over 1,000 daily trips. (Note this counts a trip out from the project site and a trip returning to the project site as two separate trips.) The report estimates the project will generate 78 trips during the a.m. peak hour (defined as the one hour of highest traffic volumes occurring between 7:00 a.m. and 9:00 a.m.); 95 trips during the midday peak hour (defined as the one hour of highest traffic volumes occurring between 2:00 p.m. and 4:00 p.m.); and 95 trips during the a.m. peak hour (defined as the one hour of highest traffic volumes occurring between 4:00 p.m. and 6:00 p.m.). The daily trip generation is estimated to be a net increase of 884 daily trips over the trip generation rate for the office project currently located on the property, with a range of 59 to 69 net new trips added during the above-defined peak hour periods. The traffic associated with the project will continue to have the two current driveways onto Diablo Road available for use (with the Eastern Project Driveway / Diablo Road intersection continuing to be a right-in/right-out intersection).

The report determines that the onsite leg of the non-signalized Western Project Driveway / Diablo Road intersection would operate at a level of service (LOS) "F" during peak hours with or without the project at Year 2035 (Buildout) conditions. The traffic report also indicates that this same onsite leg of the Western Project Driveway / Diablo Road intersection currently operates at LOS "E" or "F" conditions (i.e., this leg operates at an unsatisfactory level with the current, partially occupied office use on the project site). The report indicates that the "Mainline" condition (i.e., the traffic condition on Diablo Road) would not be impacted by the project to the level dictating identification of improvements to maintain conformance with Town's LOS standards for pre-project level of service conditions.

The traffic report recognizes that the only feasible way to mitigate the LOS "F" condition at the intersection leg would be the addition of a traffic signal at the Western Project Driveway / Diablo Road intersection – but that the location of current surrounding driveways along Diablo Road in proximity to the intersection make signalization geometrically infeasible. The findings of the report are framed in the context that the onsite delay that is, and would be, experienced at the Western Project Driveway / Diablo

Road intersection is a typical occurrence at driveways located along a major street with heavy traffic volumes. With or without mitigation to this particular condition, similar conditions exists on other non-signalized driveway connections along Diablo Road.

Comment: I did not see an elevation map of our homes on River Rock Lane and the proposed project in the development packet. Without seeing the impact, I request the maximum height of 35 feet or less be followed and a variance be denied.

Response: Enclosed is a copy of the preliminary building elevations for the south side of the project (i.e., the elevation most directly viewed from the Stoneybrook project). Also enclosed is a copy of the preliminary roof plan for the project – provided to indicate the break point between two-story and three-story building massing. The project has been consciously designed to mitigate building massing on the north and south ends of each of the three building groupings, dropping the ends of the six affected building elevations from three-story building massing to two-story building massing.

It is noteworthy that, as measured perpendicularly across San Ramon Creek from the Stoneybrook project, the proposed structures would be a range of 165' to 200' from the nine Stoneybrook units that back onto San Ramon Creek. The three-story massing would generally be a range of an additional 15' to 30' further away from these units. To put this in perspective, the entire north-south "footprint" of the Stoneybrook project is 600' in length (see enclosed aerial photograph).

I saw on small letters the name "Riverwalk". This is very confusing since we live at River Rock. The two names would cause confusion especially in any emergency situation.

Response: The project's street address would continue to be a Diablo Road address – not a Riverwalk address.

I would also like to see the CEQA and any environmental reports.

Response: As indicated in the public hearing notice, the project, under State Housing law, is exempt from any CEQA review. The EIR prepared for the Danville 2030 General Plan did analyze the potential impacts associated with high density multifamily residential development of the site on a Program EIR level. The 2030 General Plan EIR considered the impacts of a project at this location invoking density bonus and reflective of the project unit count depicted in the current project (i.e., the 2030 Plan EIR reviewed a 153 unit multifamily project for this site). That EIR may be viewed at the Town Offices during normal business hours. Copies of the traffic analysis is enclosed for your review.

From: Judy Weil [mailto:weil_judy@yahoo.com]
Sent: Sunday, December 25, 2016 10:02 PM
To: Kevin Gailey <KGailey@danville.ca.gov>
Subject: DEV16-0014 / 373-379 Diablo Road

Dear Mr. Gailey:

Enclosed are comments for the above project. I cannot be at the meeting due to a previously scheduled event and appreciate your attention to my comments and questions.

Sincerely,

Judy Weil

ADMINISTRATIVE STAFF REPORT 4

DATE: October 20, 2016

TO: Design Review Board

FROM: Kevin J. Gailey, Chief of Planning

RE: 373-379 Diablo Road - DEV16-0014 - Danville Office Partners, LLC

Project Description

DANVILLE OFFICE PARTNERS, LLC (Applicants and Owners) Design review of the plans submitted for Final Development Plan request DEV16-0014, a request to construct a 150-unit multifamily for-rent residential project located on a 3.685 acre (net) property located at 373-379 Diablo Road. The applicant is requesting a density bonus be applied to the project and is seeking up to a 35.0% increase to the otherwise allowable maximum project density. A development concession requested by the applicant, consistent with regulations governing a density bonus project, is relief from the maximum applicable floor area ratio (FAR) standard for conditioned space (i.e., the applicant is seeking approval of a FAR in excess of allowed maximum FAR standard of 80.0% FAR). As a second development concession, the applicant is requesting modification from the maximum allowable building height as provided for under the Danville 2030 General Plan (i.e., the applicant is seeking approval for a 37′ maximum building height where the Danville 2030 General Plan sets the maximum allowable building height at 35′).

Background Information:

Final Development Plan request DEV16-0014 has been submitted by Danville Office Partners, LLC (Property Owner and Applicant). DEV16-0014 seeks authorization to construct a 150 unit multifamily for-rent residential project at 373-379 Diablo Road. The 3.685 acre (net) property is designated for Residential - Multifamily - High (25-30 units per net acre) by the Danville 2030 General Plan. The site is currently occupied by two-story office buildings that were built in the 1970's under land use and zoning designations that allowed office use. Office use on this site now constitutes a non-conforming use.

The underlying land use designation for the property was changed to Residential - Multifamily - High Density with the Town's adoption of the Danville 2030 General Plan in March of 2013. The property's zoning designation was changed to DBD; Downtown Business District Area 12 - Multifamily Residential High Density with the Town's approval of Preliminary Development Plan - Rezoning request LEG13-02 in November of 2013.

The applicant is requesting a density bonus be applied to the proposed development. A 35.0% density bonus has been requested by the applicant to take the project unit count from the 111 units allowed by zoning (after rounding) for a 3.685 acre (net) property up to the density bonus project request of 150 units. The density bonus is being pursued in conjunction with the applicant's commitment to provide affordable rental units in the project, proposed to be supplied as housing appropriate for very low income households and as provided for under State density bonus law and the Town's Density Bonus Ordinance regulations.

A development concession requested by the applicant, as provided for under the regulations governing a density bonus project, is relief from the maximum applicable DBD - Area 12 floor area ratio (FAR) standard for conditioned space. The applicant is requesting a FAR for conditioned space of 88.3% (i.e., 141,700 conditioned space on a 160,525 square foot (net) property) where the Area 12 zoning standard sets the maximum FAR for conditioned space at 80.0%. As a second development concession, the applicant is requesting modification from the maximum allowable building height as provided for under the Special Concern Area language for the subject property in the Danville 2030 General Plan (i.e., 37' maximum height requested where the Special Concern Area text sets the maximum allowable height at 35').

As mentioned above, the property is identified as a Special Concern Area property by the Danville 2030 General Plan (see enclosed for the "Diablo Gateway" Special Concern Area text) and is one of two properties to secure a new multifamily land use designation through the approval of the Danville 2030 General Plan in recognition of Danville's Regional Housing Needs Allocation (RHNA) shortfall identified by the Danville 2007-2014 Housing Element. A requisite processing step for development proposals on properties with a DBD Area 12 designation is to secure input through a conceptual review of the project at a joint study session before the Town Council, the Planning Commission, and the Design Review Board. For this project, the joint study session occurred on May 17, 2016 – with the applicant and staff securing direction on project design and massing considerations at the conclusion of the study session (see enclosed for May 17, 2016 joint study session meeting notes). At the conceptual review, project consideration focused on building height, building mass, roof treatment, setbacks, parking, architectural style, and the project relationship to adjacent properties and buildings. The direction provided at the conclusion of the conceptual review study session did not constitute an approval of a project and is not binding on the Town as it proceeds with the project review.

The applicant modified the plans several times subsequent to the conceptual review on May 17, 2016 and is now asking that the project be taken through the requisite Design Review Board (DRB) review processing step. The DRB review is a preparatory step for the project that must occur prior to the scheduling of the project for a noticed public hearing before the Planning Commission. The project would not be considered at a public hearing by the Town Council unless the review occurred as a result of an appeal being submitted of a project decision rendered by the Planning Commission.

The Danville Office Partners, LLC development plan application was filed with the Town after review of a similar development plan application was terminated at the property owner's direction. Specifically, the current application was filed following the termination of the application submitted for the ROEM Development Corp. ("ROEM"), who submitted a development application in early 2015 for a 150-unit multifamily for-rent residential project.

The presence of project-specific processing steps applicable to a multifamily for-rent residential project on the subject property prompted the Town to issue a project processing letter for the ROEM application. The process letter outlined a multifamily for-rent project application's special status under State housing law in acknowledgement that the property is a site that addressed, in part, the Regional Housing Needs Allocation ("RHNA") shortfall identified in Danville's 2007-2014 Housing Element. The application processing steps presented in the September 16, 2015 process letter (see attached) issued for the ROEM application remain applicable to the current project. Importantly, the outlined review process, so as to be consistent with State housing law, does not include an environmental review of the project under the California Environmental Quality Act ("CEQA") - i.e., the special status of the project under State housing law makes the projects exempt from CEQA.

Design Review Board Considerations:

The current plan submittal provides building elevations for the four perimeter building elevations and provides one interior building elevation for the three proposed buildings (i.e., plans supplied include the eastern interior building elevation for the westerly proposed building). The current submittal therefore covers approximately two-thirds of the project building elevations and, as such, the applicant is seeking DRB authorization to be allowed to make a deferred submittal for the remaining interior building elevations. (The decision to authorize a deferred DRB review is an action item for DRB.)(1/3/17 Update: DRB approved this request for a DRB review at their October 20, 2016 review of the project.) The elevations not supplied to date are the eastern and western elevations of the middle building and the western elevation of the easterly building. The provided building elevations are considered to be representative of the missing elevations so a deferral would appear reasonable for DRB to grant.

There is precedent for allowing deferred DRB submittals as a tiered DRB review process was authorized for the Danville Hotel project. The applicant for the Danville Hotel project was allowed to defer preparation of architectural detail sections as DRB allowed these detail sections to be developed and submitted for review after the Planning Commission action on the project - but prior to the initiation of the building permit review for the project.

While the current plan submittal provides preliminary architectural detail sections for six representative building sections (see Sheets A9, A10, and A13 of the current plan submittal), it is staff's intent to recommend the Planning Commission impose conditions of approval on the project requiring provision of additional architectural detail sections for subsequent DRB review and to require that the sections supplied provide more information than those provided to date. The level of detail that would be sought would be best described as 70%-90% construction drawing detail, with tie back notes to be required to be provided on the plans to specify the proposed sizing and type of building materials proposed for use.

Staff recommends DRB approve the request for a tiered DRB review. The draft language for the conditions of approval outlying the submittal process and submittal requirements for the second tier of the review parallel the conditions of approval imposed on the Danville Hotel project and are proposed as follows:

Draft Architectural Condition of Approval COA #D.1.(1/3/17 Update: This appears as COA #D.6. in Draft Resolution No. 2017-01.)

> The second phase of the project's linear review of preliminary architectural design shall provide for a review and approval of architectural elevations, details and revisions by the Design Review Board (DRB) a minimum of forty-five days prior to developer-initiation of the building permit plan check process. This layer of review shall provide project architectural details as called for by the Danville Design Review Board Submittal Requirement Checklist (as revised April 2000). The project architectural sections developed and submitted for review shall include, at a minimum, twelve representative building sections for the project as mutually selected by the Planning Division and the Project Architect.

Draft Architectural Condition of Approval COA #D.12. (1/3/17 Update: This appears as COA #D.7. in Draft Resolution No. 2017-01.)

> In advance of submittal for the second phase of the project's linear review of preliminary architectural design, the developer is encouraged to incorporate design features into the project that add further architectural interest and detailing. Examples of items that would add the desired architectural interest and detailing include: (a) integration of unique project signage into project architecture; (b) recessing of windows at second and third floors; (c) use of a water feature as a focal

feature in one or both of the central pedestrian courtyard areas; (d) use of custom designed light fixtures; (e) use of high-end/elegant architectural pottery; (f) use of a substantial trellis as an entry treatment to some or all of the pedestrian courtyard areas; (g) enhanced paving details at key driveway locations and/or at pedestrian walkway crossings of project driveways; (h) selective second floor building setbacks (to further break up building massing and in addition to third floor building setbacks depicted on the approved project plans); (i) introduction of landscape planting (e.g., vines) on selected ground floor building elevations; (j) variation in building plane where exterior building material changes occurred; and (k) use of recesses between top of wall and parapet roof features.

(DRB's consideration of the content and format of the above draft conditions of approval are linked to the decision to authorize a deferred DRB review and, as such, constitute an action item for DRB.) (1/3/17 Update: DRB approved this request for a deferred DRB review at their October 20, 2016 review of the project.)

Sheets A9, A10, A11, and A14 of the current plan submittal detail the project information required under the DRB submittal requirements for "Materials and Colors Labeling". The information supplied is consistent with the submittal for the Danville Hotel project as the building elevations tie back to "Keynotes" to meet the general intent of this section pertaining to DBR submittal requirements. The information provided is limited to representative portions of the currently supplied building elevations but is considered adequate in providing representative treatment for proposed exterior building elevations. (A decision to accept the current plan submittal with its limited sections of full architectural detailing is an action item for DRB.) (1/3/17 Update: DRB approved this request to accept the plan submittal with limited building sections at their October 20, 2016 review of the project.)

Representative placement of the equipment that will need to be placed in the roof wells is depicted on Sheet A7 of the current plan submittal. It is reasonable to assume the height of the structures, in concert with the depth and width of the roof wells, will screen the roof-mounted equipment from view.

While the latest plan submittal does not overtly depict the location of onsite trees to be removed it does provide an adequate representation of existing onsite trees that can reasonably be retained - and are planned to be retained - given the proposed building footprints and the location and design of onsite parking and drive aisles. Sheet A2 – Reference Site Plan provides generalized tree trunk location and tree dripline information for the trees that would not be impacted by project buildings or by parking or drive aisle improvements. The Landscape Site Plan (unlabeled in the current plan submittal but included as the second to last sheet in the plan set) lists the trees proposed for retention and indicates tree species, size and condition. The applicant has been previously advised that an updated version of the project arborist report by Tim Milliken dated July 15, 2016 needs to be supplied, both to better indicate the applicant's intent regarding the aging

pine trees along the top of bank for San Ramon Creek (these trees have been shown for both retention and removal) and to provide better linkage to the report and the Reference Site Plan and the Landscape Site Plan. (A decision to accept the current plan submittal as adequate relative information supplied on the retention and the removal of existing onsite trees is an action item for DRB.) (1/3/17 Update: The project developer is directed to prepare a revised or replacement tree report, which would address the points raised above, in appears as COA #L. in Draft Resolution No. 2017-01.) One or both of those plans will ultimately need to indicate the location of existing trees that are over 10" in diameter at a height of 54" that are planned for removal. By and large the trees that will be removed as a result of the project are trees planted in the parking area and/or the courtyard area for the current office project and are not protected trees under the Town's Tree Preservation Ordinance.

Sheet A15 of the current plan submittal provides preliminary information for proposed building lighting and walkway lighting for the project. The current plan submittal does not provide information on proposed parking lot light standards. Details for parking lot light standards had been provided as part of an earlier submittal but apparently were not pulled forward into the current plan submittal. The current submittal information for project lighting is considered adequate to move forward through the public hearing process. The project conditions of approval for the project would require additional contextual review of project lighting, focusing on the number, size and location of lighting – with this review envisioned to be part of the Design Review Board's review of project building permit drawings and landscape construction drawings. (Accepting this review process relative building lighting and walkway lighting is an action item for DRB.) (1/3/17 Update: DRB approved this request for a deferred DRB review at their October 20, 2016 review of the project. The applicable condition of approval in Draft Resolution No. 2017-01 is COA B.1.)

Building Massing Considerations:

The primary reason there has been a need for the applicant to prepare and submit several revisions to the project submittal since the May 17, 2016 joint study session for conceptual review of the project is that the plan submittals after the conceptual review, up to the current plan submittal, did not adequately address building massing concerns and directives vocalized at the joint study session.

The current plan submittal reflects meaningful architectural and building massing refinements when compared to the plans considered at the conceptual project review. Specifically, the current plan submittal provides shows a project that consists of three building groupings (rather than one) and that scales down the building mass by use of horizontal "stepping" at all six building ends of the three buildings and at mid elevation of four of the six long north-south building elevations created by the new plan layout.

The current plan submittal retains the craftsman architectural style depicted on the plans presented for conceptual review at the May 17, 2016 joint study session. The architectural style of the project was generally well received at the study session and the applicant and the project architect were advised these earlier building elevations reflected a nice use of materials. The current plan submittal does a variety of things to break up building massing while retaining the positive aspects of the earlier design. As to building height, the current plan submittal mixes and matches the 35′ and 37′ building heights more frequently in the project, consistent with the direction given at the joint study session.

With an onsite parking space count of 263 spaces, the current project layout reflects the numerical parking standards of the DBD: Downtown Business District. The parking plan meets the minimum standard for required unit parking, meets the minimum guest parking standard (i.e., 0.25 guest spaces for each proposed two bedroom unit); meets the requirement to supply a minimum of one covered parking space per unit; meets the standards for maximum compact parking provided and minimum handicap parking required, and details all proposed parking spaces and drive aisles as meeting the DBD minimum dimensional standards. As such, the project parking count and layout is consistent with the direction given at the joint study session.

The applicant was advised that staff would recommend a couple of further refinements to building massing to mitigate massing issues in two specific areas in the project. The current plan submittal did not reflect these recommended changes but staff continues to believe they are appropriate to assure the project meets the intent and requirements for building massing in the Special Concern Area text for the project in the Danville 2030 General Plan.

The recommended changes are to switch the proposed third story B5.5 units on either side of the driveway ramp down to the basement parking area to B5 units. This change would shortened the depth of the third floor units by a range of 8′ to 10′, allowing narrow roof element to be supplied to top off the second floor B5.5 units and to break the plane of the three story building elevation at the driveway ramp. The second recommended adjustment is to change the third story B5.5 unit located across (west) of the western-facing B9 and BA1.5 units at the western bulge-out for the middle building to a B5 unit. The change would serve to soften the building massing at this location where abutting buildings are in closest proximity to one another. (Determining if these design refinements should be made is an action item for DRB.) (1/3/17 Update: DRB indicated to staff and the applicant that the recommended changes were not warranted or needed. In part this decision was based on three dimensional architectural exhibits prepared by the project architect that DRB reviewed at their meeting on October 27, 2016.)

The current plan submittal responds to the vast majority of recommended design changes supplied by staff to the applicant by way of a July 14, 2016 staff study.

The changes made, as well as changes of note not made, are as follows:

1. Curb-to-curb widths of the eastern and western drive aisles have been reduced to a functional width, allowing more area to be provided at the eastern and western perimeters of the project and between parking and drive aisle areas and the proposed structures.

2. Careful consideration has been given to the location of at-grade compact sized spaces along the eastern drive aisle, with the location allowing the overall driveway width to be reduced and to place the compact spaces along the eastern property line to maximize the setback of parking improvements from existing trees located along the eastern project boundary that are planned to be retained.

3. Approximately 3′ of the 5′ to 6′ "saved" width of the eastern drive aisle has been reassigned to a widened landscape buffer along the east edge of the eastern building grouping.

4. All three buildings have been shifted slightly to the west to allow the rest of the 5′- to 6′ "saved" depth of the eastern drive aisle to be reassigned to the western edge of the project - widening the area containing the proposed public pedestrian path at the western project boundary and adding to the landscape buffer at the western edge of the western building.

5. Parking at the southeasterly corner of the eastern drive aisle has been modified to allow the proposed trash area in this corner of the project to be moved out of the flood control easement – thereby allowing the ultimate easement location to not preclude flood control access along the north side of the creek to the area east of the project – an obstruction assumed to be unacceptable to the CCCFC&WCD. The two parking spaces now shown at the south side of the trash area potentially may not be allowed by CCCFC&WCD as they would still compromise District access to the north side of the creek east of the property.

6. Parking at the southwesterly corner of the eastern drive aisle has been modified to allow the radius return for the connection of the eastern drive aisle to the southern drive aisle to accommodate SRFVPD and CCCFC&WCD assumed minimum dimensional requirements.

7. The proposed handicap parking space in the eastern drive aisle has been relocated to a location along the southern drive aisle to have it be placed as close as feasible to the proposed elevator location for the eastern building.

8. The width of the southern drive aisle was reduced to a 20′ curb-to-curb width where the drive aisle does not serve as a back out area for any parking – to allow more area to be devoted to project landscaping.

9. The plans were modified to include notations verifying that the location of the edge of pavement for the southern drive aisle is not being proposed to be moved any further south than its current location for the current office project.

10. The width of the southern drive aisle was changed to provide for a minimum width of 24′ with 2′ overhang past the south edge of the drive aisle where the drive aisle serves as a back out area for parking.

11. Provision has been made for a 30′ length x 10′ width loading zone along the north side of the southern drive aisle – replacing the loading zone shown on a previous plan whose location was considered to be a safety hazard as it depicted the loading zone with an overlap of the pedestrian walkway connection from the project to the walkway shown along the western edge of the project.

12. Plans reflect the addition of one more parking space above (north of) the parking space in the northwestern corner of the parking area west of the Lobby – with this space added as a result of relocation of the loading zone to the north side of the southern drive aisle between the two westerly building groupings.

13. Plans reflect an adjustment to the parking spaces at the south end of the western drive aisle to make changes necessary to accommodate assumed SRFVPD and CCCFC&WCD minimum dimensional standards for the connection of the southern drive aisle to western drive aisle – as the radius return was assumed to be too "tight" on the prior plan submittal.

14. Plans reflect a reduced the curb-to-curb width of the western drive aisles from 66′ down to a narrower, but functional, minimum width.

15. Plans reflect the relocation of the proposed compact sized spaces along the western drive aisle, moving them to one side of the drive aisle (i.e., the east side) with the depth of the compact spaces changed from 19′ shown as shown on the prior plan to 15′ with a 2′ overhang – as provided for under the DBD parking standards.

16. Plans reflect an assignment of 3′+/- of the "saved" width of the western drive aisle to a widened landscape buffer along the west edge of the western building grouping.

17. Plans reflect an assignment of additional portions of the remaining "saved" depth from the narrowing of the western drive aisles to the width of the proposed pedestrian easement along the western project boundary – taking the width to a 10′ minimum clear width and 12′ minimum width inclusive of a 2′ overhang where parking is present along the west side of the westerly drive aisle.

18. Plans reflect the removal of the middle of the three previously proposed raised center aisle landscape planters along the 60′ width project entry drive aisles in an attempt to remove a conflict with pull-in and pull-out movements of the parking on the Heritage Bank site. [Note needs to be taken that previously submitted C-3 Stormwater Management Plan depicts the modified at-grade area previously occupied by the raised median planter as a storm water landscape treatment area. This area must be paved to accommodate turn-in movements to the parking on the west side of the Heritage Bank building. Since it can't be a storm water landscape treatment area, an equivalent amount of treatment area will need to be provided elsewhere on the project.]

19. The plans reflect provision of enlarged radius returns for the two sides of the basement parking lot entry off the northern drive aisle – providing for easier entry and exit movements to the basement.

20. The plans reflect the removal of one at-grade parking space to accommodate the need for an above-ground transformers - as no above ground transformers had been depicted on the prior plan submittal.

Outstanding items not provided for on the current plan submittal, some of which have the potential to result in modification to the project layout and/or unit count yield are as follows:

1. The current plan submittal does not include a C-3 Stormwater Management Plan. The previously submitted C-3 Stormwater Management Plan for the project (dated 8/11/16) would not appear to be transferrable to the current plan layout. In general terms, the aggregate amount of impervious surface area created by a project needs to be matched up with C-3 landscape treatment areas that total to at least a 4% match of the impervious surface needing treatment. Also in general terms, the C-3 Stormwater Management Plan will need to provide C-3 landscape treatment areas that are adequately dispersed to align with the size and location of the impervious surface areas they will treat – with storm water being taken to the treatment area and back out of the treatment area by gravity flow. The previously prepared C-3 Stormwater Management Plan appears to have substantially fewer treatment areas than is assumed to be needed to accommodate the challenge of getting untreated runoff to and from treatment areas by gravity flow. A ballpark estimate is that there will need to be three to four times more C-3 landscape treatment areas provided than shown on the earlier plan. The issue is not sizing but the number and location of treatment areas. A project with 68% site coverage by impervious materials (the amount shown on the previously submitted C-3 plan) will need in the range of 4,400 to 4,600 square feet of C-3 treatment landscape area. This is equivalent to the area necessary for almost 30 parking spaces at a 9′ width and a 17′ length – so not real easy to provide or locate. An adequate C-3 Stormwater Management Plan, that

meets current storm water treatment requirements, will have to be prepared by the applicant for review and approval prior to the request being scheduled for public hearing before the Planning Commission. In regards to this issue, the current plan submittal did not respond to prior Town comments supplied to the applicant. (1/3/17 Update: A C-3 Stormwater Management Plan was prepared and submitted for the project subsequent to the October 2016 DRB meetings. The C-3 Plan submittal remains incomplete going into the project's scheduled public hearing. Condition of Approval COA #L. in Draft Resolution No. 2017-01 directs the project developer to prepare and submit the missing information to complete the C-3 Plan submittal.)

2. Detailed information still needs to be supplied to indicate the necessary adjustments to edge grading and edge fencing and/or retaining wall improvements, whether present and proposed, along the project's western boundary. This information is necessary to allow consideration of improvements that may be needed to eliminate or mitigate current encroachments over the shared Janlois Apartments/Danville Office Partners, LLC property line. These encroachments appear to have the potential to affect the functionality of the proposed public pedestrian easement and sidewalk and landscaping improvements shown on the project plans along the west side of the Danville Office Partners, LLC property (e.g., there are existing mature trees shown to occupy the same area shown to be a pedestrian walkway). In regards to this issue, the current plan submittal did not respond to prior Town comments supplied to the applicant. (1/3/17 Update: No supplemental information regarding this issue was submitted subsequent to the October 2016 DRB meetings. Condition of Approval COA #C.6. in Draft Resolution No. 2017-01 directs the project developer to address this issue in the submittal of the project's final landscape plans.)

3. Because the net acreage calculation for the property affects the allowable project unit count, with or without use of a density bonus, the plans need to show how the project area would qualify to be determined to have a net acreage of at least 3.685 acres. To reach this net acreage, there may need to be improvements shown on the plans to adjust the current conditions at the top of bank are above San Ramon Creek. For example, it may be necessary to reestablish the historic location of the hinge point between the slope bank of the creek and the flat area above and north of the top of bank. It is assumed that the historic location of the top of bank area likely has changed and/or has ceased to be clearly identifiable over time due to erosion and/or the placement of landscape maintenance spoils just over what was previously the top of bank hinge point.). In regards to this issue, the current plan submittal did not respond to prior Town comments supplied to the applicant. (1/3/17 Update: The Project Civil Engineer, in the letter from BKF Engineers/Surveyors/Planners dated December 16, 2016, indicates the project net acreage, using the Town of Danville's methodology to calculate net acreage and take into account grading necessary for the proposed project, has been calculated to be 3.7 acres.)

4. The building elevation sheets still need to indicate the building heights at the various tops of the buildings, including the height to the top of the various elevator "penthouses". At this point, one of two sheets with the building elevations indicate where a 37′ height would be and implying where a 35′ building height would be used but there are no indications on the plans as to the actual proposed building heights - they have to be estimated off the plans through scaling. It is fully anticipated that the penthouse areas needed at the three project elevators will push the maximum building height past 37′ – with these area exempt from a building height standard. The actual proposed building heights throughout the project still need to be depicted on the plan elevations. In regards to this issue, the current plan submittal did not respond to prior Town comments supplied to the applicant. (1/3/17 Update: The plans submitted subsequent to the October 2016 DRB meetings more clearly depict proposed building heights for the various building elevations proposed. Condition of Approval COA #D.13. in Draft Resolution No. 2017-01 directs the project developer to hold the building heights of the buildings to a maximum height of 37 feet, while citing the exception allowed under the municipal code to the applicable maximum building heights for an elevator tower and, as may be required, for a roof access for each of the approved buildings.)

5. Despite the prior recommendation to widen all sidewalks faced by nose-in parking from a 4′ width to a 6′ to 6′-6″ sidewalk width (with the eastern edge of the modified sidewalk serving "double duty" as sidewalk and as a 2′ depth overhang for abutting parking) the current submittal has kept these sidewalks at a width of 4′ and, in most cases, detailed a 2′ planter area between the sidewalk edge and the abutting face of curb. If this area stays planter area, it should be a full 2′-4″ interior planter width and should be supplemented with between parking space planter protrusions into the parking lot at selected locations. Staff continues to recommend the area be changed into sidewalk as the planter strip would have little functionality where there is parking overhang extending over the entirety of the width of the planter. (Providing direction on this landscape detail is an action item for DRB.) (1/3/17 Update: DRB indicated to staff and the applicant that the recommended changes were not warranted or needed.)

6. While the plans provide for a revision to the parking layout at the south end of the western drive aisle to allow a larger area for the bridge abutment and bridge approach for the planned future pedestrian bridge from the project site over San Ramon Creek to the Community Center / Library they also now show inclusion of a trash enclosure in this area. Staff recommends that the trash enclosure be moved to the east side of this drive aisle as staff considers the current location to inappropriately "pinch" the easement for the pedestrian walkway as currently detailed. (Providing direction on this landscape detail is an action item for DRB.) (1/3/17 Update: With concurrence from DRB on the appropriateness of the recommended change, the project site plan was modified to reflect the

recommended relocation of the trash area in the southwest corner of the project site.)

7. While the plans reflect a shortening of the north end of the southern of the three raised center aisle landscape planters along the 60' width project entry drive aisles as the planter would conflict with pull-in movements to the Heritage Bank drive through aisle, the "shortening" remains inadequate in terms of keeping the northwesterly parking spaces along the east side of Heritage Bank functional and additional adjustment will need to be made. (1/3/17 Update: Condition of Approval COA #B.3. in Draft Resolution No. 2017-01 directs the project developer to make changes to the design of the entry driveway and median to address the identified potential turning movement conflicts.)

Attachments:

A: Application Submittal Final Development Plan application DEV16-0014
B: Special Concern Area Text – Diablo Gateway
C: Town Council Resolution No. 92-2013 - LEG13-02 (PUD) approval
D: May 17, 2016 Joint Study Session Meeting Notes
E: September 16, 2015 ROEM processing letter

DESIGN REVIEW BOARD NOTES
October 20, 2016

Board Attendance: Thomas Birdsall, Bob Combs, Mark Graham, Chris Trujillo
Staff Attendance: Crystal De Castro, Kevin Gailey, Zoe Merideth

1. **Whispering Creek (DEV16-0022 and TR16-0113)**
   Project Planner – Zoe Merideth

   - The DRB reviewed the project.

   Decision: The DRB recommended approval of the project with the new design.

2. **Danville Commercial Building- 312 Railroad Avenue (DEV 16-0114)**
   Project Planner- Crystal De Castro

   - The applicant presented the proposed project.
   - DRB recommended no appendage and recommended the second floor access should be from inside of the existing commercial building.
   - The applicant informed staff and DRB that the Contra Costa Central Sanitary District (CCCSD) would not let the proposed awnings on the southeast elevation encroach into CCCSD's three-foot easement (southeast elevation).

   Decision: The DRB recommended the staircase be inside the existing commercial building. The DRB also advised the applicant to request an exception from CCCSD to encroach into the three-foot easement with the caveat that if access is required by CCCSD the awnings could be removed.

3. **900 El Pintado (DEV16-0108)**
   Project Planner: Winnie Mui

   - The proposed applicant presented the project to the DRB.
   - DRB discussed the paint colors and materials used for the house.

EXHIBIT K

- DRB advised the applicant replace the proposed green color ("Hampton Sage") for the windows to a classic color because the green would fade overtime. DRB also advised the light fixtures be replaced with a higher quality material while keeping with the with the Tuscan style architecture.

Decision: DRB recommended approval of the project to Planning Commission and that the project return to DRB prior to building permit issuance with a new window the color and light fixture material.

4. 373-383 Diablo Road (DEV16-0014)
Project Planner: Kevin Gailey

- The project planner (Kevin Gailey) introduced the project.

- The property owners for the two properties north of the 373-383 Diablo Road project site identified themselves as being present at the DRB meeting and that they were accompanied by legal counsel.

- The applicant's legal counsel addressed the Board, stating she and the applicant were not aware that a letter forwarding concerns about the project's potential impacts to the two northerly properties had been received by the Town.

- The project planner addressed the points in the referenced letter, indicating that; the project floor area ratio (FAR) and project density were not a matter for consideration by the Board. The project planner indicated the Town's obligation to process the project with a density bonus.

- The project planner advised the Board that the decision of DRB to require, or not require, all building elevations at this point of the review process was a discretionary action for the Board. He stated that the elevations available at this point were considered to be representative of the overall design. He indicated the staff recommendation that the applicant be required to return to DRB after Planning Commission (PC) and prior to building permit submittal for final preliminary design review.

- The project planner noted that a C-3 storm water plan was yet to have been received and that the plan would affect the options for onsite landscape treatment. He indicated the project would not proceed to PC without submittal of the requisite C3 plans.

- To DRB's inquiry about parking the project planner advised that proposed parking met the DBD parking requirements, with a large percentage of the project parking proposed as basement/podium parking lot. He indicated the

applicant had not elected to follow the DBD parking requirements rather than invoking the significantly less restrictive optional parking provisions available under state density bonus regulations.

- The applicant explained their request to allow the project to have a deferred submittal process for aspects of the preliminary project architecture.

- The applicant's architect (Carl Campos with LCA) presented the proposed project.

- To a DRB question regarding proposed architectural stone features, the project architect indicated that stone would wrap around the corner of the buildings.

- To a DRB question regarding guest parking, the project architect explained that surface parking was not planned to be assigned parking so it would be available on a first come basis for both project guests and project residents and that the underground parking was to be assigned parking for the residents so it would not be available for use as guest parking.

- The project planner provided a brief overview of the trash enclosure location and reviewed the points of interest as found in the ASR provided in red text.

Decision: DRB requested the applicant return with three dimensional project sketches to allow the Board to have a better sense of how the project design addressed building massing concerns. DRB also requested the applicant return with a proposed palette of exterior building color options and with more information on proposed building materials; window details; and cut sheets for the proposed Craftsman style architecture.

Meeting Adjourned at 7:05 p.m.

DANVILLE

DESIGN REVIEW BOARD NOTES
October 27, 2016

Board Attendance: Thomas Birdsall, Bob Combs, Mark Graham, Chris Trujillo
Staff Attendance: David Crompton, Crystal De Castro, Kevin Gailey

1. **200 Hartz Avenue (DEV16-0106)**
   Project Planner – David Crompton

   - The DRB reviewed the project.

   Decision: The DRB recommended the applicant install the story poles to depict the maximum height of the building height and that the applicant return at the next available meeting date.

2. **Verizon Wireless- 377 Elworthy Ranch Circle (DEV 15-0049)**
   Project Planner- David Crompton

   - The applicant presented the proposed project and project alternatives.
   - DRB recommended that there be no trellis.
   - Public comment was provided and there was discussion over the equipment regarding alternative locations. DRB explained the design proposed is sensitive to the visual impacts while meeting the needs of the law to provide wireless needs.

   Decision: The DRB recommended approval of a 45′ monopole painted the same color as the Oak trees (matte finish oak green with brown) to blend in with the surrounding environment. Staff will work with the applicant to determine the appropriate colors prior to building permit submittal. Also, the wood fence will be subject to the standard condition of approvals.

3. **Design Review Awards Discussion**
   Project Planner: Crystal De Castro

- The DRB and staff reviewed the Design Awards process and the estimated award dates were. The DRB was provided a list of projects reviewed, approved, or constructed within the 2014-2016.

Decision: DRB recommended the following to be removed from the nominee list: 468 and 418 Starview Drive, 189 Hope Lane, 34 and 24 Hidden Hills, and 807 Camino Ramon.

4. **373-379 Diablo Road (DEV16-0014)**
Project Planner: Kevin Gailey

- The applicant provided a 3D model for DRB review. DRB recommended the following:
  - The proposed stone for the exterior should be reduced and other materials should be incorporated into the building (i.e., hardy shake shingles, siding, corrugated metal for awnings). The important aspect of the stone material would be to ensure that the stone wraps around the corners of the building. DRB pointed out that the proposed center building had too much stone and overall the stone elements adjacent to the balcony railings should be placed lower as well.

  - The balcony should also have metal railings.

  - Specific windows in the project that were detailed to receive vertical windows should be changed to horizontal windows to avoid a "stacked window" look, which would inappropriately emphasize structure height.

  - The proposed red-tone and green-tone exterior colors should be eliminated from the project color scheme and the project should stay with earth tone colors.

  - The window trim should match the bronze metal proposed elsewhere in the project.

  - DRB choose to not direct the applicant to make follow the staff recommendation to change out two specific third-story B5 units to B5.5 units, thereby allowing these two locations to stay at the full three-story height rather than pulling in the third floor foot print to provide a bit more relief between three-story and two-story building massing.

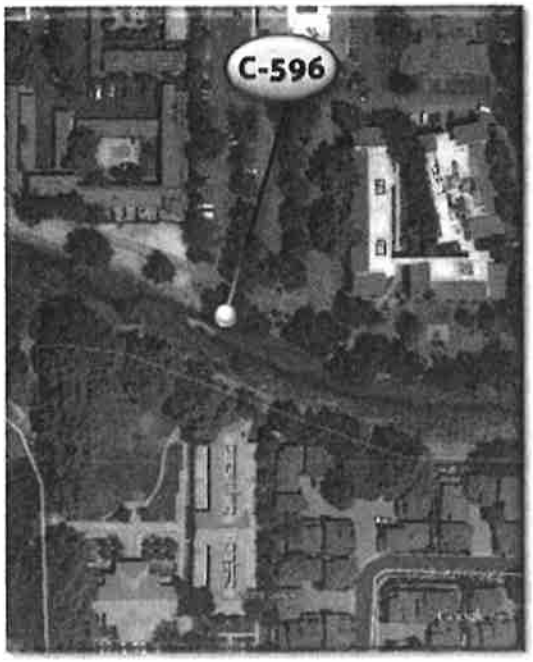
Decision: DRB recommended the applicant return with the changes and details as listed above prior to building permit issuance. The proposed colors should be sent to DRB prior to Planning Commission for review and the applicant should bring the

colors to Planning Commission meeting. The applicant was also directed to provide staff a narrative of the changes to be provided prior to DRB building permit submittal.

Meeting Adjourned at 6:30 p.m.

SAN RAMON VALLEY CREEK FOOTBRIDGE AT DANVILLE GREEN

CIP No: C-596 | **STATUS:** Adopted | **PRIORITY:** 2 | **PROJECT MANAGER:** SCL



This project has not been modified.

PROJECT DESCRIPTION AND LOCATION:
Place a pedestrian footbridge over San Ramon Valley Creek at the Danville Green. The footbridge will meet East Bay Regional Parks standards for width and capacity.

The cost of the project will be shared (50%/50%) with the adjacent development on the north side of the creek.

DESCRIPTION OF MODIFICATIONS:

PROJECT COST ESTIMATE

PRINTED ON: 05/31/2016

Expenditure Category	Prior Years	2016/17	2017/18	2018/19	2019/20	2020/21	Total
Design/Plan Review	$0	$105,000	$0	$0	$0	$0	$105,000
Testing	$0	$21,000	$0	$0	$0	$0	$21,000
Construction	$0	$241,500	$0	$0	$0	$0	$241,500
Inspection & Admin.	$0	$36,750	$0	$0	$0	$0	$36,750
Total Cost Estimate:	**$0**	**$404,250**	**$0**	**$0**	**$0**	**$0**	**$404,250**
Total Expenditure:	**$0**	**Unexpended: $0 on 5/12/2016**					

PROJECT APPROPRIATION AND FUNDING

Funding Source(s)	Prior Years	2016/17	2017/18	2018/19	2019/20	2020/21	Total
Developer Contribution	$0	$202,000	$0	$0	$0	$0	$202,000
Park Facilities	$0	$202,250	$0	$0	$0	$0	$202,250
Total Funding:	**$0**	**$404,250**	**$0**	**$0**	**$0**	**$0**	**$404,250**

RATIONALE FOR PROPOSED PROJECT:
The footbridge satisfies the General Plan, Goal 17, Policy 14.

EXPECTED IMPACT ON OPERATING BUDGET:
Additional worker hours required to maintain per year: 10
Additional Town direct operating costs per year: $1,000

EXHIBIT L

TRAFFIC IMPACT ANALYSIS

DANVILLE APARTMENTS PROJECT

TOWN OF DANVILLE

CONTRA COSTA COUNTY, CALIFORNIA

LSA

May 12, 2016

EXHIBIT M

TRAFFIC IMPACT ANALYSIS

DANVILLE APARTMENTS PROJECT

TOWN OF DANVILLE

CONTRA COSTA COUNTY, CALIFORNIA

Prepared for:

ROEM Development Corporation
1650 Lafayette Street
Santa Clara, California 95050

Prepared by:

LSA Associates, Inc.
1500 Iowa Avenue, Suite 200
Riverside, California 92507
(951) 781-9310

LSA Project No. STY1601

LSA

May 12, 2016

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INTRODUCTION

This traffic impact analysis (TIA) has been prepared to assess potential circulation impacts associated with the development of the proposed Danville Apartments Project to be located at the southwest corner of the intersection of the Interstate 680 (I-680) Southbound Ramps and Diablo Road in the Town of Danville (Town), Contra Costa County. The project consists of 153 apartments and will replace an existing office/commercial use that will be demolished and removed prior to construction of the proposed project. Figure 1 illustrates the regional and project location.

This report is intended to satisfy the requirements established by the *Contra Costa Transportation Authority (CCTA) Technical Procedures*, dated January 16, 2013, as well as the requirements for the disclosure of potential impacts and mitigation measures per the California Environmental Quality Act (CEQA) with the understanding this project is not subject to CEQA. The scope of work for this analysis, including trip generation, trip distribution, study area intersections, and analysis methodologies, has been approved by Town staff.

This study examines traffic operations in the vicinity of the proposed project under the following four scenarios:

- Existing Conditions;
- Existing Plus Project Conditions;
- Year 2035 Without Project Conditions; and
- Year 2035 With Project Conditions.

Traffic conditions were examined for the weekday a.m., p.m., and midday peak hour conditions. The a.m. peak hour is defined as the one hour of highest traffic volumes occurring between 7:00 and 9:00 a.m. The p.m. peak hour is the one hour of highest traffic volumes occurring between 4:00 and 6:00 p.m. The midday peak hour as defined by the Town is the one hour of highest traffic volumes occurring between 2:00 and 4:00 p.m.

PROJECT DESCRIPTION

As previously noted, the project consists of 153 apartments and will replace an existing office/ commercial use that will be demolished and removed prior to construction of the proposed project. The project site is located at the southwest corner of the intersection of I-680 Southbound Ramps and Diablo Road. Access to the project site will be provided by two existing project driveways located on Diablo Road. Project Driveway 1 will continue to operate as a full-access driveway and the project will redesign this driveway to provide two separate exit lanes for dedicated left-turn and right-turn egress traffic. Project Driveway 2 will remain as a right-in/right-out driveway. Figure 2 illustrates a conceptual site plan of the proposed project.

LEVEL OF SERVICE DEFINITIONS AND PROCEDURES

Roadway operations and the relationship between capacity and traffic volumes are generally expressed in terms of levels of service (which are defined using the letter grades A through F). These levels recognize that, while an absolute limit exists as to the amount of traffic traveling through a given intersection (the absolute capacity), the conditions that motorists experience rapidly deteriorate

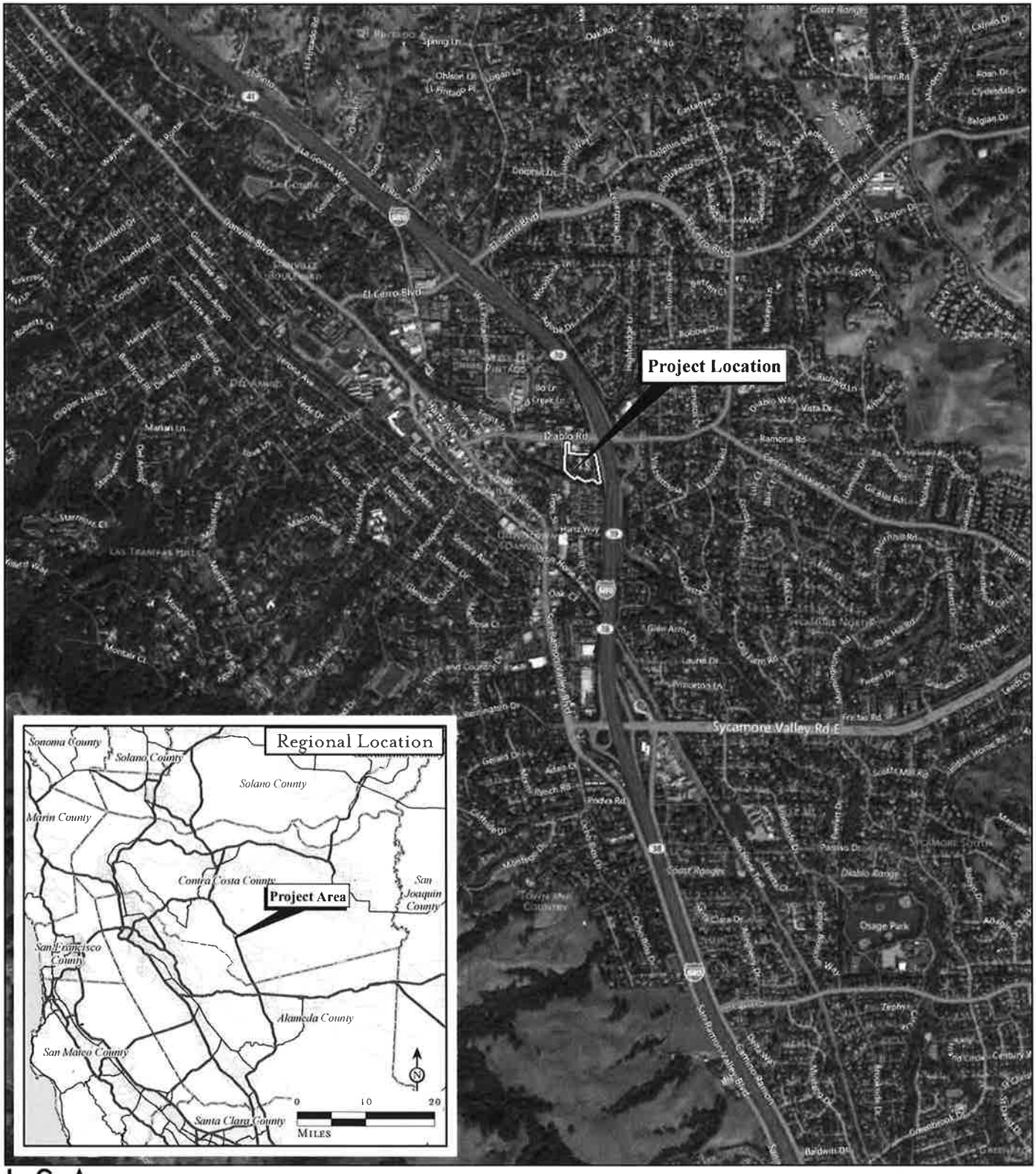

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FIGURE 1

0 1,000 2,000

FEET

SOURCE: Bing Aerial, 2010; ESRI Streetmap, 2013.

Danville Apartments
Traffic Impact Analysis

Regional and Project Location

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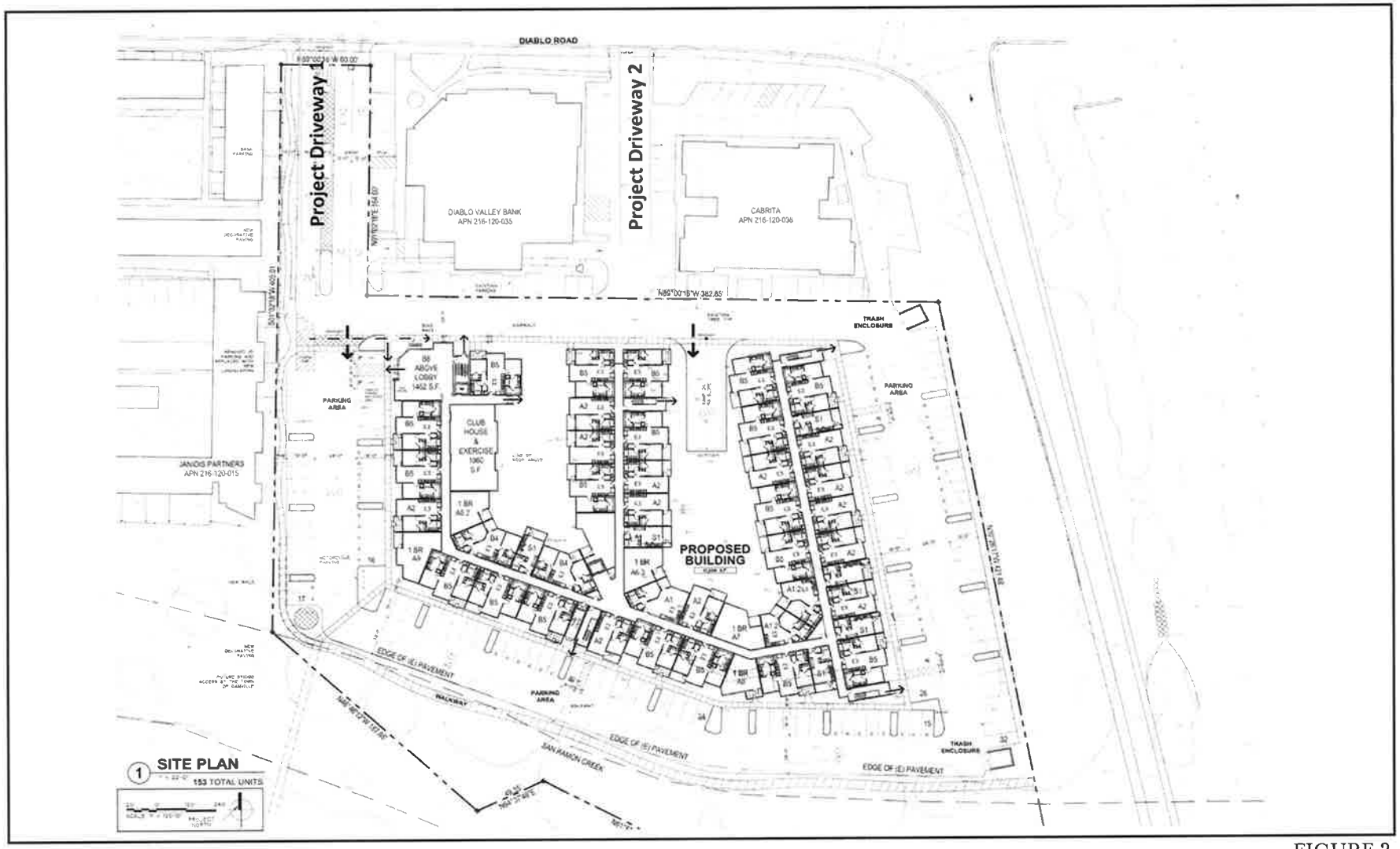

LSA

FIGURE 2

Danville Apartments
Traffic Impact Analysis
Conceptual Site Plan

Source: LCA Architects, May 12, 2016

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as traffic approaches the absolute capacity. Under such conditions, congestion is experienced. There is general instability in the traffic flow, which means that relatively small incidents (e.g., momentary engine stall) can cause considerable fluctuations in speeds and delays. This near-capacity situation is labeled Level of Service (LOS) E. Beyond LOS E, capacity has been exceeded, and arriving traffic will exceed the ability of the intersection to accommodate it. An upstream queue will then form and continue to expand in length until the demand volume again declines.

A complete description of the meaning of level of service can be found in the Transportation Research Board Special Report 209, *Highway Capacity Manual*. The Manual establishes intersection levels of service A through F, as shown in Table A, and levels of service A through F for roadway segments, as shown in Table B.

Table A: Intersection Level of Service Definitions

LOS	Description
A	No approach phase is fully utilized by traffic and no vehicle waits longer than one red indication. Typically, the approach appears quite open, turns are made easily and nearly all drivers find freedom of operation.
B	This service level represents stable operation, where an occasional approach phase is fully utilized and a substantial number are approaching full use. Many drivers begin to feel restricted within platoons of vehicles.
C	This level still represents stable operating conditions. Occasionally drivers may have to wait through more than one red signal indication, and backups may develop behind turning vehicles. Most drivers feel somewhat restricted, but not objectionably so.
D	This level encompasses a zone of increasing restriction approaching instability at the intersection. Delays to approaching vehicles may be substantial during short peaks within the peak period; however, enough cycles with lower demand occur to permit periodic clearance of developing queues, thus preventing excessive backups.
E	Capacity occurs at the upper end of this service level. It represents the most vehicles that any particular intersection approach can accommodate. Full utilization of every signal cycle is seldom attained no matter how great the demand.
F	This level describes forced flow operations at low speeds, where volumes exceed capacity. These conditions usually result from queues of vehicles backing up from a restriction downstream. Speeds are reduced substantially and stoppages may occur for short or long periods of time due to the congestion. In the extreme case, both speed and volume can drop to zero.

Table B: Roadway Segment Level of Service Definitions

LOS	Description
A	Primary free-flow operations at average travel speeds usually about 90 percent of the free-flow speed for the arterial classification. Vehicles are completely unimpeded in their ability to maneuver within the traffic stream. Stopped delay at signalized intersections is minimal.
B	Reasonably unimpeded operations at average travel speeds usually about 70% of the free-flow speed of the arterial classification. Ability to maneuver within the traffic stream is only slightly restricted. Stopped delays are not bothersome, and driveways general are not subject to appreciate tension.
C	Traffic operations are stable. However, mid-block maneuverability may be more restricted than in LOS B. Longer queues, adverse signal coordination, or both may contribute to lower average travel speeds of about 50% of the average free-flow speed for the arterial classification. Motorists will experience some appreciable tension while driving.

Table B: Roadway Segment Level of Service Definitions

LOS	Description
D	Borders on a range where small increases in flow may cause substantial increases in approach delay and decreases in arterial speed. LOS D may be due to adverse signal progression, inappropriate signal timing, high volumes, or some combination of these factors. Average travel speeds are about 40% of the free-flow speed. For planning purposes, this level of service is the lowest that is considered acceptable.
E	Characterized by significant approach delays and average travel speeds of one-third or less of the free-flow speed. Typically caused by some combination of adverse progression, high signal density (more than two signalized intersections per mile), high volumes, extensive queuing, delays at critical intersections, and/or inappropriate signal timing.
F	Arterial flow at extremely slow speeds, below one-third to one-fourth of the free-flow speed. Intersection congestion is likely at critical signalized intersections, with high approach delays and extensive queuing. Adverse progression is frequently a contributor to this condition.

Table C shows the level of service criteria for unsignalized and signalized intersections. For all study area intersections, the *2010 Highway Capacity Manual* (HCM 2010) analysis methodologies were used to determine intersection levels of service. Levels of service at all intersections were calculated using the *Synchro 9.0* software, which uses the HCM 2010 methodologies. Levels of service at roadway segments were calculated using roadway capacity thresholds of the *Quality/Level of Service Handbook, State of Florida Department of Transportation, 2013,* as shown in Table D.

Table C: Level of Service Criteria for Unsignalized and Signalized Intersections

Level of Service	Unsignalized Intersection Average Delay per Vehicle (sec.)	Signalized Intersection Average Delay per Vehicle (sec.)
A	≤ 10	≤ 10
B	> 10 and ≤ 15	> 10 and ≤ 20
C	> 15 and ≤ 25	> 20 and ≤ 35
D	> 25 and ≤ 35	> 35 and ≤ 55
E	> 35 and ≤ 50	> 55 and ≤ 80
F	> 50	> 80

Table D: Roadway Level of Service Criteria

Roadway Classification	No. of Lanes	Two-Way Traffic Volume (ADT)[1]		
		Level of Service C	Level of Service D	Level of Service E
Major Arterial	4	14,500	32,400	33,800
Adjustments Factor				
Non-State Signalized Roadway Adjustments: -10%			Multi-Undivided with Exclusive Left Lanes: -5%	

1 Maximum two-way ADT values are based on the Generalized Annual Average Daily Volumes for Florida's Urbanized Areas Level of Service Tables.

Source: *Quality/Level of Service Handbook, State of Florida Department of Transportation, 2013*

Significance Criteria

The study area intersections fall under the jurisdiction of the Town of Danville. Based on *the Danville 2030 General Plan*, and the impact criteria as identified in the *Elworthy Ranch Environmental Impact Report, November 2007,* a significant project impact occurs at a study intersection if the proposed project would cause any one of the following:

- Contribute one percent or more to the base existing or future traffic volume at an intersection that is projected to fall from LOS D or better to LOS E or worse with the addition of project traffic, using the HCM planning methodology. The LOS D/E threshold is defined as an average control delay of more than 55 seconds.
- Contribute one percent or more to the base existing or future traffic volume at an intersection that already operates at LOS E or worse and is projected to continue to operate at LOS E or worse with project traffic.
- Cause unsafe conditions for pedestrians or bicyclists.
- Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible use.
- Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).

ANALYSIS METHODOLOGY

Study Area Determination

The study area was determined through analysis of the project trip generation and distribution of project trips to the existing and future roadway network and based on consultation with Town staff. The study area includes all intersections where the project adds 50 or more peak hour trips and intersections for which the Town requested analysis. The study area includes the following eight intersections:

1. Hartz Avenue/Diablo Road (Signal);
2. Front Street/Diablo Road (Signal);
3. El Pintado/Diablo Road (Signal);
4. Project Driveway 1/Diablo Road (Two-Way Stop Control);
5. Project Driveway 2/Diablo Road (Two-Way Stop Control);
6. I-680 Southbound Ramps/Diablo Road (Signal);
7. Green Valley Shopping Center Driveway/Diablo Road (Two-Way Stop Control); and
8. I-680 Northbound Off-Ramp/Diablo Road (Signal).

It needs to be noted that the Green Valley Shopping Center has two driveways, one of which aligns with the I-680 Northbound Off-Ramp (#8) while the western driveway (#7) is located between the intersection of I-680 Northbound Off-Ramp/Diablo Road and I-680 Northbound Slip On-Ramp/

Diablo Road. Figure 3 illustrates the locations of all study intersections. Additionally, based on the Town's requests, a daily roadway segment analysis was conducted for the segment on Diablo Road between Project Driveway 2 and I-680 Southbound Ramps.

TRAFFIC VOLUMES WITHOUT PROJECT SCENARIOS

Existing Traffic Volumes

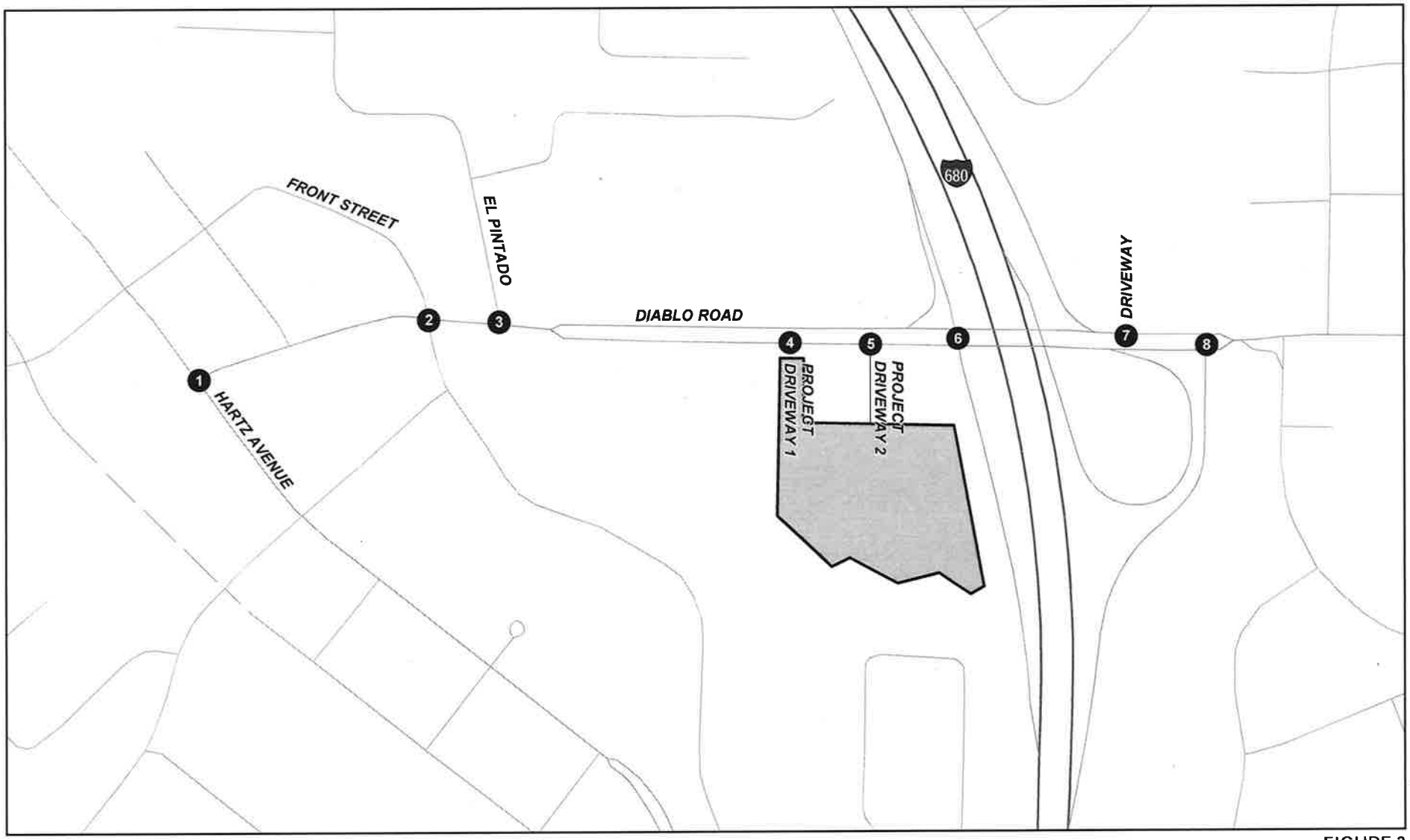
For all intersections, traffic conditions are based on a.m., p.m., and midday peak hour intersection turn movement counts collected by National Data and Surveying Services on June 2, 2015, when the schools were in session with the exception of the intersection of Hartz Avenue/Diablo Road. Traffic counts for this intersection were provided by the Town. For adjacent intersections where there is loss of vehicle trips, traffic volumes were balanced to maintain the consistency of traffic flow. In addition, daily traffic counts provided by the Town have been used for developing roadway segment volumes for the segment on Diablo Road between Project Driveway 2 and I-680 Southbound Ramps. The daily traffic counts included data for 48 consecutive hours (Tuesday and Wednesday) collected in October 2014. The higher daily count has been used for this study to provide a conservative analysis. Count sheets are contained in Appendix A. Detailed volume development worksheets are included in Appendix B.

The existing intersection geometrics and stop control are illustrated in Figure 4. Figure 5 illustrates the existing a.m., p.m., and midday peak hour traffic volumes for the study area intersections.

Future Year 2035 Without Project Traffic Volumes

Year 2035 traffic volumes for all study area intersections and the roadway segment were developed using the Countywide Model plots from CCTA. Detailed volume development worksheets are included in Appendix B. The methodology used is consistent with CCTA procedures for post-processing of modeled traffic volumes. The base year for the model is 2010 and the forecast year is 2040. The following describes in detail the methodology employed to determine the a.m. and p.m. peak hour intersection turn movements for year 2035 without project conditions:

1. The difference between the modeled 2010 and 2040 peak hour directional arterial traffic volumes (for each intersection approach and departure) was identified from loaded network plots. This difference defines growth in traffic over the 30-year period.
2. The incremental growth in approach and departure volumes between 2010 and 2040 was factored to reflect the forecast growth between the year of the ground counts (2015) and year 2035. For this purpose, linear growth between the 2010 base condition and the forecast 2040 condition was assumed. Since the increment between existing (2015) and year 2035 is 20 years of the 30-year time span, a factor of 0.67 (i.e., 20/30) was used.
4. The forecast growth in approach and departure volumes through year 2035 conditions was added to the 2015 ground counts, resulting in "post-processed" year 2035 link volumes.
5. Forecast year 2035 turn volumes were developed using existing (2015) without project turn volumes and the future approach and departure volumes, based on the methodologies contained in *National Cooperative Highway Research Program Report (NCHRP) 255: Highway Traffic Data for Urbanized Area Project Planning and Design* (Transportation Research Board, December 1982).



LSA

FIGURE 3

Project Location

Study Area Intersections

N

0 175 350
FEET

SOURCE: ESRI Streetmap, 2013.

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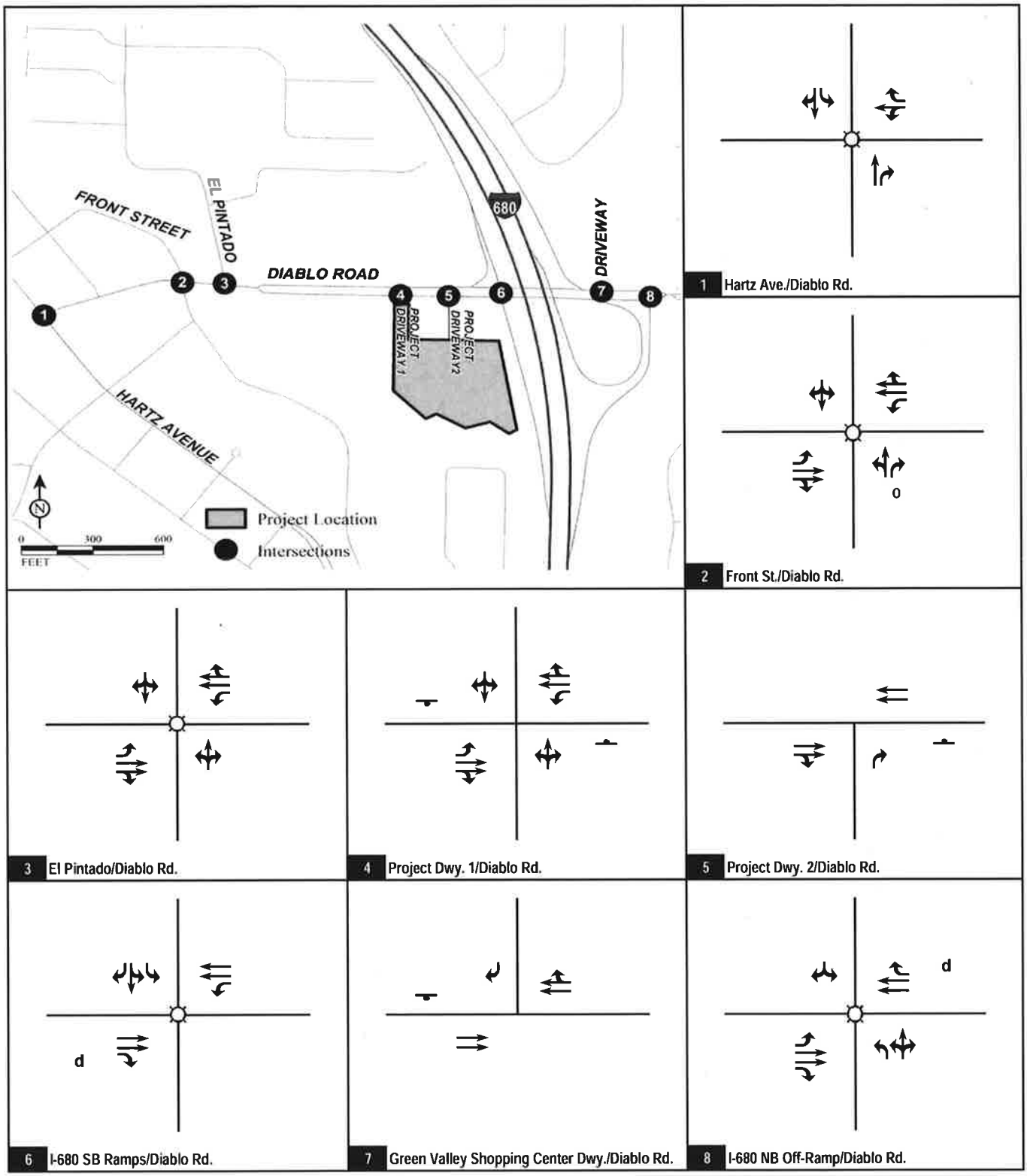
Danville Apartments
Traffic Impact Analysis

Study Area Intersections



LSA

FIGURE 4

Legend

- Stop Sign
- Signalized Intersection
- o Overlap Phasing
- d Defacto Right-Turn

Danville Apartments
Traffic Impact Analysis

Existing and Year 2035 Intersection Geometrics and Stop Control

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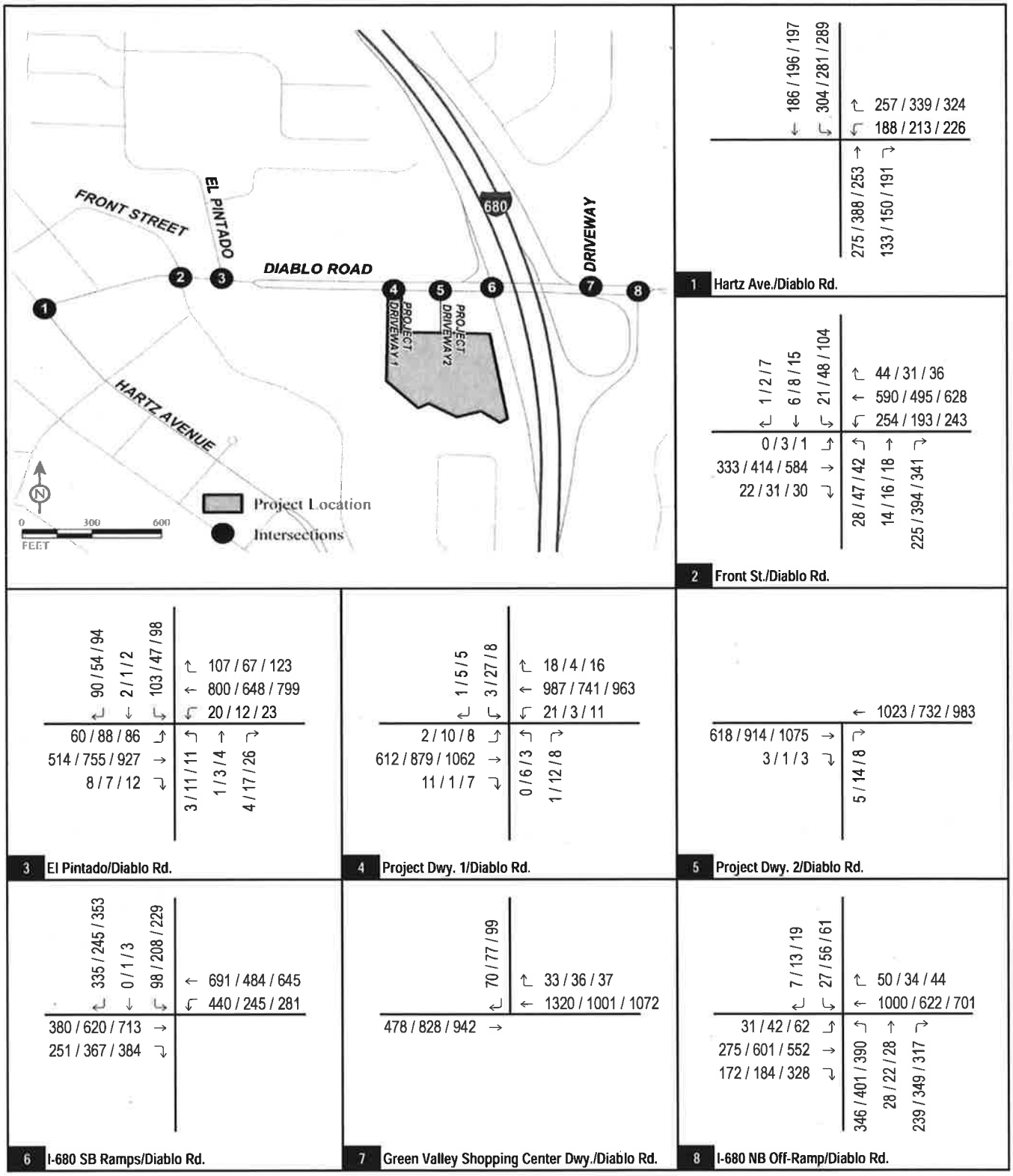

LSA

FIGURE 5

XXXX / YYYY / ZZZZ AM / PM / Midday Peak Hour Volumes

Danville Apartments

Traffic Impact Analysis

Existing Peak Hour Traffic Volumes

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Please note that the CCTA model does not provide midday traffic volumes. Based on consultation with Town staff, the ratio of the p.m. peak hour year 2035 traffic volumes to the existing (2015) traffic volumes was applied to the existing (2015) midday traffic volumes to develop year 2035 midday peak hour traffic volumes.

In addition, it was observed that average daily traffic volumes as shown in the model plots decrease for some of the peak hours at the study roadway segment. This could be due to differences in production and attraction factors or rerouting of traffic to adjacent streets that are improved/added under model year 2040 conditions. To present a conservative analysis, the growth rate obtained from the Traffic Analysis Zones adjacent to the roadway segment was applied to the existing year (2015) daily roadway segment volumes to develop year 2035 daily roadway segment volumes.

Detailed volume development worksheets are included in Appendix B. The year 2035 intersection geometrics and stop control are illustrated in previously referenced Figure 4. Figure 6 illustrates year 2035 without project a.m., p.m., and midday peak hour traffic volumes.

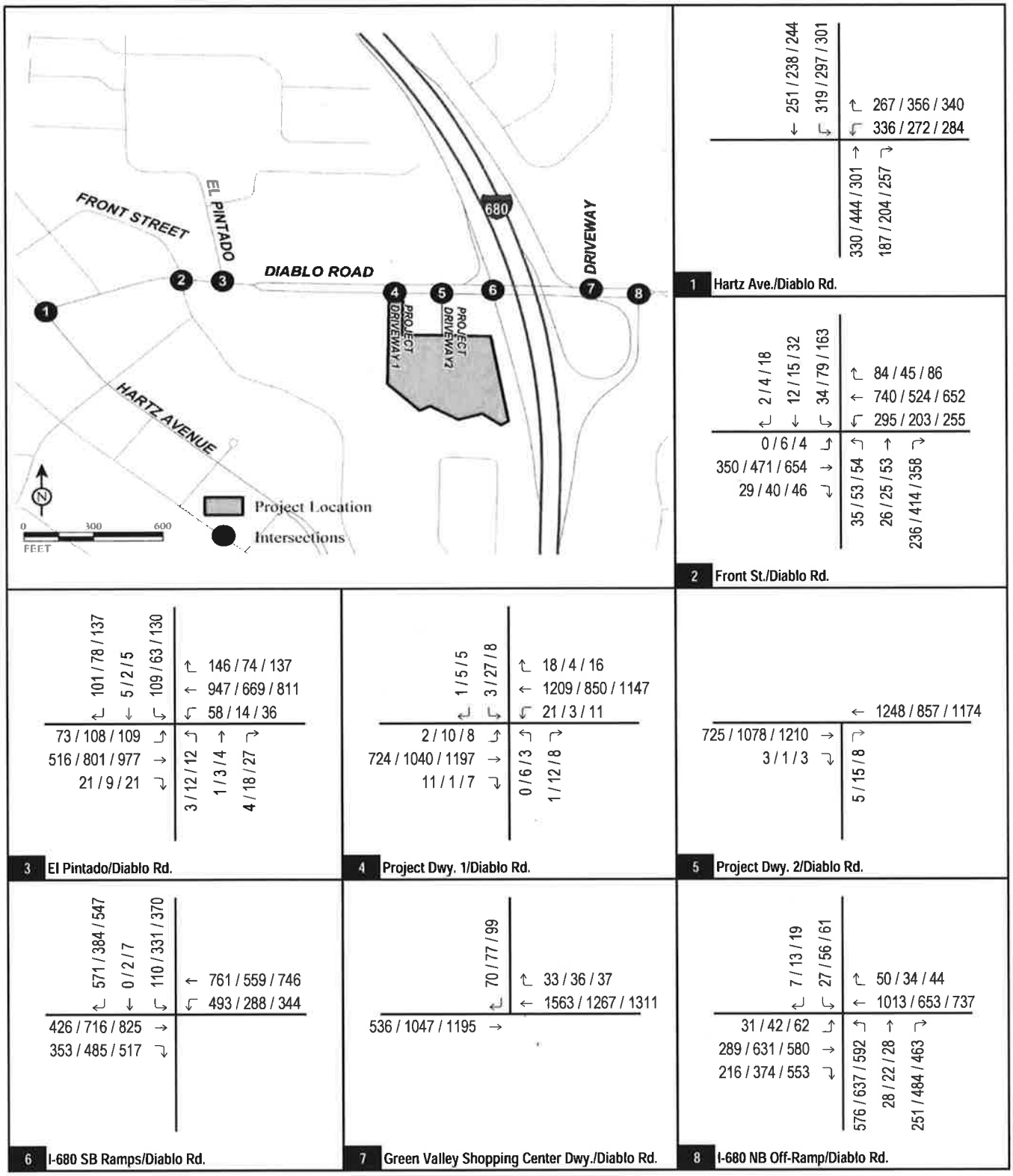
PROJECT TRAFFIC

Project Trip Generation, Distribution, and Assignment

Trip generation for the proposed project was developed using rates from the Institute of Transportation Engineers (ITE) *Trip Generation* (9th Edition) for Land Use 220 "Apartments." Table E illustrates the trip generation for the proposed project. Because ITE does not provide midday trip generation rates, the p.m. peak hour trip generation rates were used for the midday peak hour trips as a conservative approach. As shown in Table E, the proposed project will generate 1,018 daily trips, with 78 trips occurring during the a.m. peak hour and 95 new trips occurring in the midday and p.m. peak hours.

The project site is currently occupied by an office/commercial building, which will be demolished and removed prior to construction of the proposed project. Trip generation of the existing land use was based on the existing counts conducted by National Data and Surveying Services on July 15, 2015. After applying a credit for these existing trips, the project generates 884 net new daily trips, with 62 net new trips occurring during the a.m. peak hour, 59 net new trips occurring in the p.m. peak hour, and 69 net new trips occurring in the midday peak hour. Count sheets are contained in Appendix A.

Generalized trip distribution patterns were developed based on the location of the project in relation to surrounding land uses and the regional roadway network. Figure 7 illustrates the trip distribution for the proposed project and shows approximately 60 percent of project trips will travel east along Diablo Road and 40 percent of project trips will travel west along Diablo Road. Trip assignment for project trips is the product of the project trip generation and the trip distribution percentages. Figure 8 illustrates the project trip assignment. The trip distribution and trip assignment of the existing land use were based on existing counts collected by National Data and Surveying Services.



LSA

FIGURE 6

XXXX / YYYY / ZZZZ AM / PM / Midday Peak Hour Volumes

Danville Apartments

Traffic Impact Analysis

Year 2035 Without Project Peak Hour Traffic Volumes

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Table E - Project Trip Generation

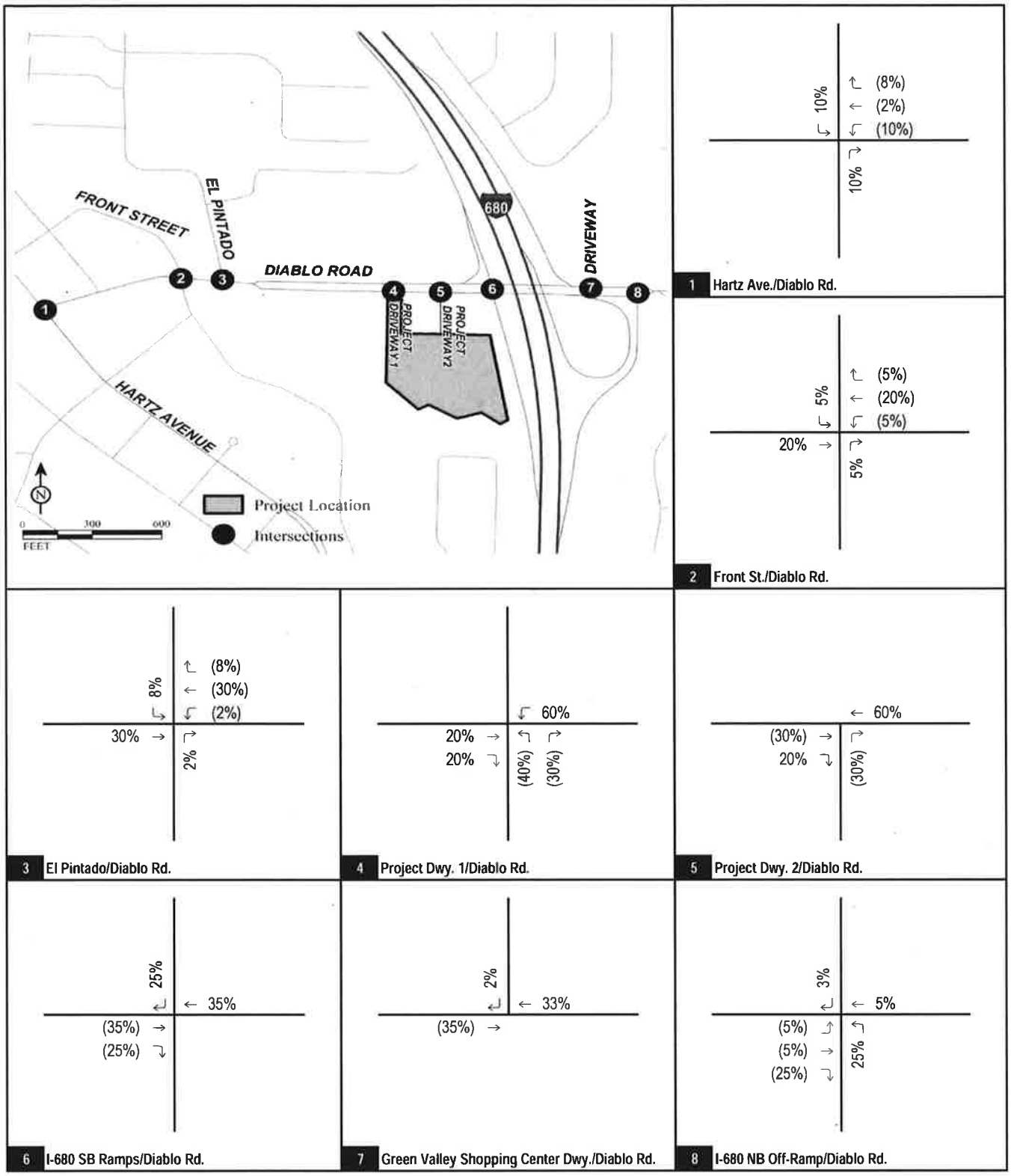
Land Uses	Units	A.M. Peak Hour In	A.M. Peak Hour Out	A.M. Peak Hour Total	P.M. Peak Hour In	P.M. Peak Hour Out	P.M. Peak Hour Total	Midday Peak Hour[2] In	Midday Peak Hour[2] Out	Midday Peak Hour[2] Total	Daily
Proposed Project											
Apartment											
Trips/Unit[1]	153 DU	0.10	0.41	0.51	0.40	0.22	0.62	0.40	0.22	0.62	6.65
Trip Generation		**16**	**62**	**78**	**62**	**33**	**95**	**62**	**33**	**95**	**1,018**
Existing On-Site Land Use[3]											
Trip Generation		**15**	**1**	**16**	**12**	**24**	**36**	**9**	**17**	**26**	**134**
Proposed Project Trip Generation		**16**	**62**	**78**	**62**	**33**	**95**	**62**	**33**	**95**	**1,018**
Trip Reduction for Existing Site		**(15)**	**(1)**	**(16)**	**(12)**	**(24)**	**(36)**	**(9)**	**(17)**	**(26)**	**(134)**
Net New Trip Generation		**1**	**61**	**62**	**50**	**9**	**59**	**53**	**16**	**69**	**884**

DU = Dwelling Units

[1] Rates are based on Land Use 220-"Apartment" from *Institute of Transportation Engineers (ITE) Trip Generation (9th Edition)*.

[2] Based on the existing counts of study intersections, traffic volume during midday peak hour has similar trend with traffic volume during p.m. peak hour. Since no weekday's midday trip generation rates are provided in the *ITE Trip Generation (9th Edition)* , therefore, p.m. peak hour trip generation rates were used for midday peak hour trips as a conservative approach.

[3] Trip Generation based on the existing counts conducted by *National Data and Surveying Services* (NDS) in July 2015. Daily trip generation for existing land use was not conducted. As a conservative estimate credits to daily trip generation was applied by combining a.m., p.m., and midday peak period traffic c conducted by NDS in July, 2015.



LSA

FIGURE 7

XX% (YY%) Inbound% (Outbound%) Trip Distribution

Danville Apartments
Traffic Impact Analysis
Project Trip Distribution

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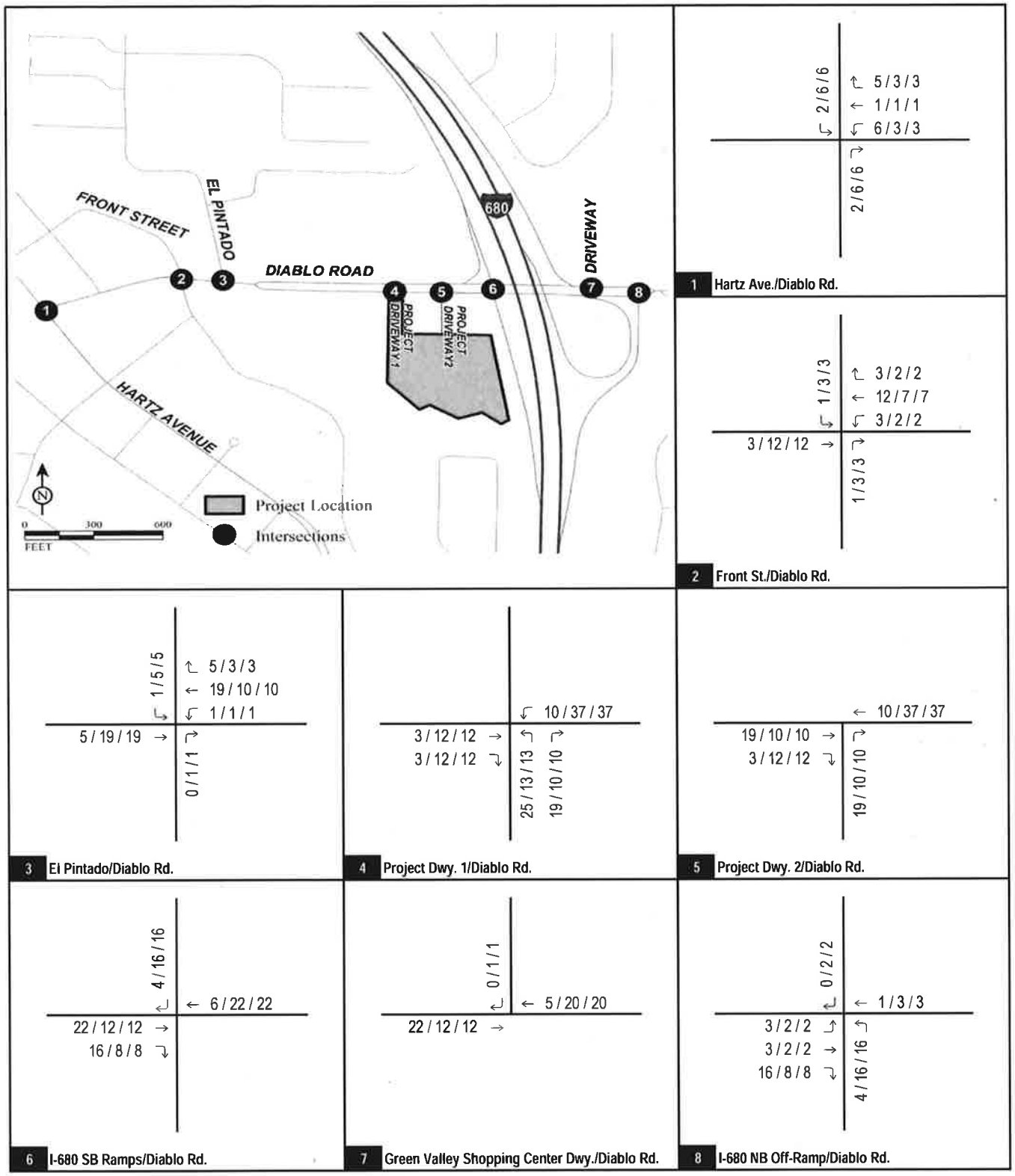

LSA

FIGURE 8

XX / YY / ZZ AM / PM / Midday Peak Hour Trips

Danville Apartments

Traffic Impact Analysis

Project Trip Assignment

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TRAFFIC VOLUMES WITH PROJECT SCENARIOS

As noted before, the project site is currently occupied by an office/commercial building, which will be demolished and removed prior to construction of the proposed project. Trips generated by the existing land use were removed from the roadway network at study intersections. Existing and future year 2035 with project traffic volumes were developed by adding the proposed project trips to the corresponding without project scenarios after removing trips generated by the existing land use. Figure 9 illustrates the existing plus project a.m., p.m., and midday peak hour traffic volumes. Figure 10 illustrates the year 2035 with project a.m., p.m., and midday peak hour traffic volumes.

EXISTING LEVELS OF SERVICE

Existing Without Project Levels of Service

Existing traffic volumes were developed using the approach discussed in the Traffic Volumes Without Project Scenarios section. An intersection level of service analysis was conducted for existing conditions. Table F summarizes the results of this analysis and shows that all intersections are projected to operate at satisfactory levels of service, with the exception of Project Driveway 1/ Diablo Road, which operates at LOS F during the a.m. and midday peak hours and operates at LOS E during the p.m. peak hour. Level of service calculation worksheets are contained in Appendix C.

Table G summarizes the results of the existing daily roadway segment analysis and shows that the roadway segment on Diablo Road between Project Driveway 2 and the I-680 Southbound Ramps is projected to operate at satisfactory levels of service.

Existing Plus Project Levels of Service

Existing plus project traffic volumes were developed using the approach discussed in the Traffic Volumes With Project Scenarios section. An intersection level of service analysis was conducted for existing plus project conditions. Table F summarizes the results of this analysis and shows that all intersections are projected to operate at satisfactory levels of service, with the exception of Project Driveway 1/Diablo Road, which operates at LOS F during the a.m., p.m., and midday peak hours. This intersection operates unsatisfactorily under without project conditions. The proposed project contributes to the existing deficiency and thereby has a cumulative impact at this location. Level of service calculation worksheets are contained in Appendix C.

Table G summarizes the results of the existing plus project daily roadway segment analysis and shows that the roadway segment on Diablo Road east of Project Driveway 2 west of the I-680 Southbound Ramps is projected to operate at satisfactory levels of service.

YEAR 2035 CONDITIONS LEVELS OF SERVICE

This section discusses year 2035 traffic conditions without and with the proposed project. Year 2035 traffic volumes were developed using the approach discussed in the Analysis Methodology section.

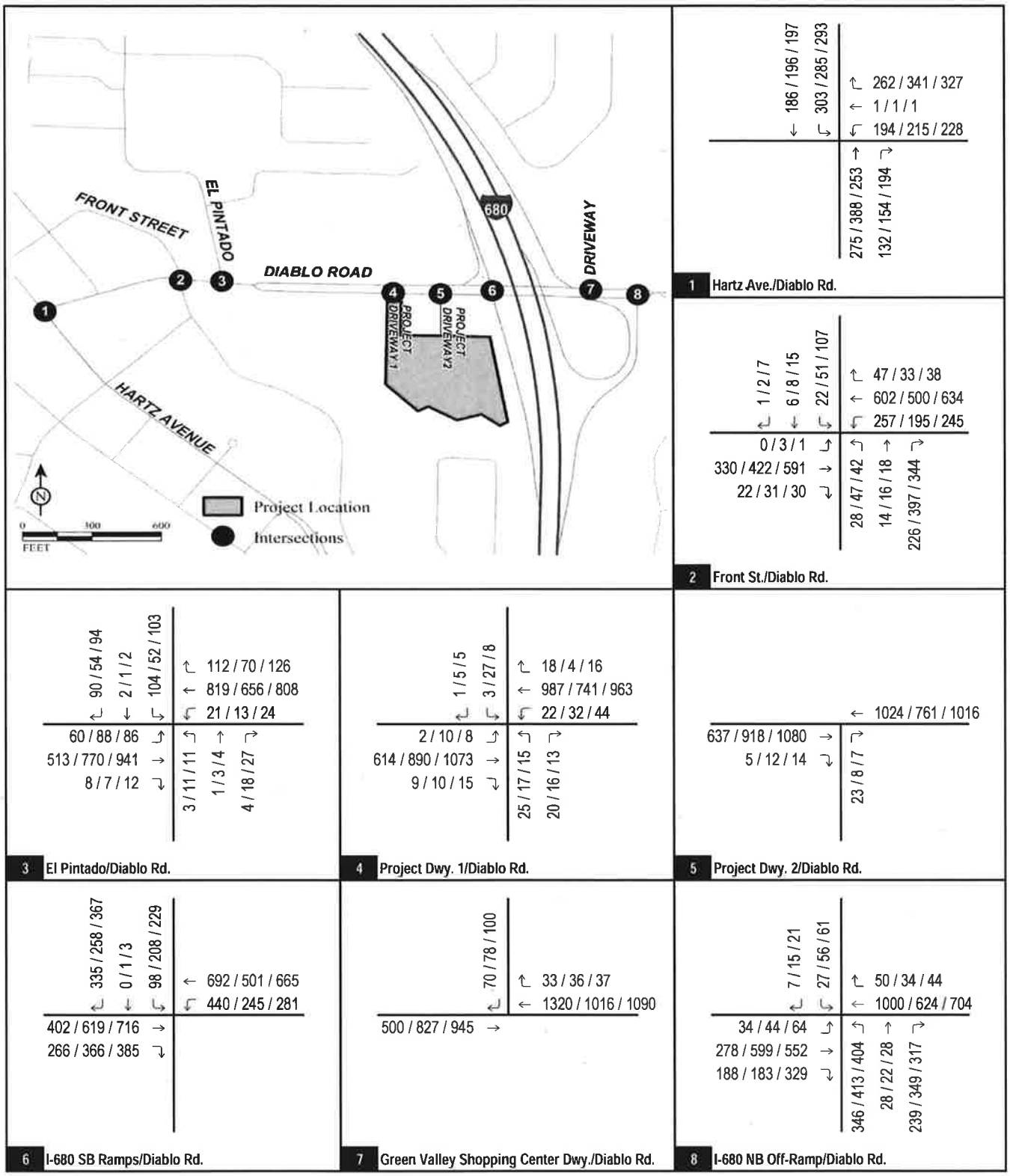

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FIGURE 9

XXXX / YYYY / ZZZZ AM / PM / Midday Peak Hour Volumes

Danville Apartments

Traffic Impact Analysis

Existing Plus Project Peak Hour Traffic Volumes

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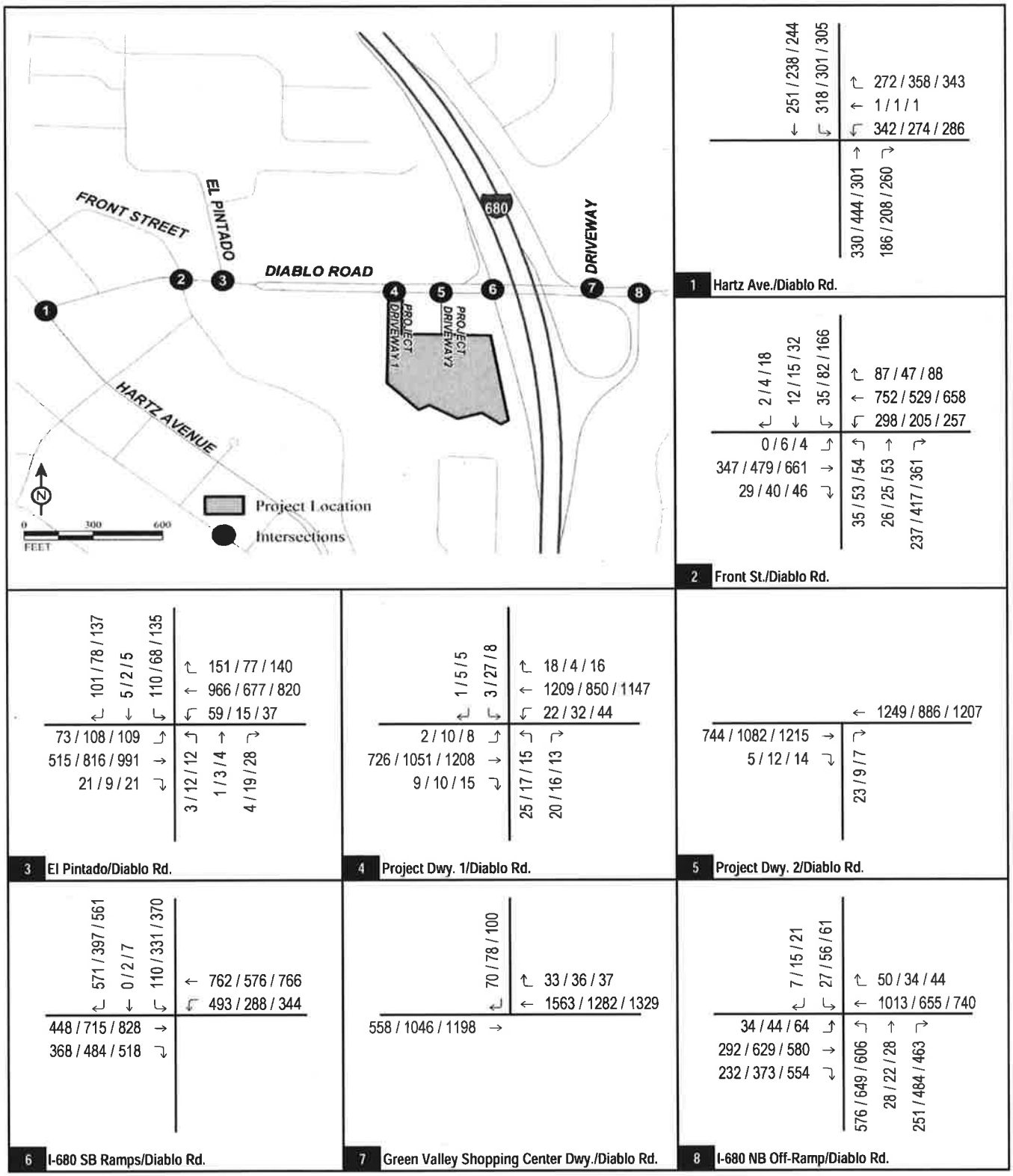

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FIGURE 10

XXXX / YYYY / ZZZZ AM / PM / Midday Peak Hour Volumes

Danville Apartments

Traffic Impact Analysis

Year 2035 With Project Peak Hour Traffic Volumes

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Table F - Existing Intersection Levels of Service

		Without Project									Plus Project									Significant Impact[1]		
		A.M Peak Hour			P.M Peak Hour			Midday Peak Hour			A.M Peak Hour			P.M Peak Hour			Midday Peak Hour					
Intersection	Control	Delay	Total Approach Volume	LOS	Delay	Total Approach Volume	LOS	Delay	Total Approach Volume	LOS	Delay	Total Approach Volume	LOS	Delay	Total Approach Volume	LOS	Delay	Total Approach Volume	LOS	A.M. Peak Hour	P.M. Peak Hour	Midday Peak Hour
1. Hartz Avenue/Diablo Road	Signal	31.7	1,343	C	41.4	1,567	D	31.8	1,480	C	32.1	1,353	C	41.9	1,580	D	32.2	1,493	C	No	No	No
2. Front Street/Diablo Road	Signal	11.0	1,538	B	14.6	1,682	B	22.4	2,049	C	10.9	1,555	B	14.7	1,705	B	22.5	2,072	C	No	No	No
3. El Pintado/Diablo Road	Signal	15.8	1,712	B	11.6	1,710	B	28.3	2,205	C	16.1	1,737	B	11.7	1,743	B	28.3	2,238	C	No	No	No
4. Project Driveway 1/Diablo Road	TWSC	51.7	1,656	F *	47.5	1,688	E *	69.4	2,091	F *	54.3	1,701	F *	62.5	1,752	F *	153.8	2,160	F *	Yes	Yes	Yes
5. Project Driveway 2/Diablo Road	TWSC	10.9	1,649	B	12.8	1,661	B	13.4	2,069	B	11.2	1,689	B	12.6	1,699	B	13.3	2,117	B	No	No	No
6. I-680 Southbound Ramps/Diablo Road	Signal	21.8	2,195	C	24.1	2,170	C	23.8	2,608	C	22.1	2,233	C	23.9	2,198	C	27.6	2,646	C	No	No	No
7. Green Valley Shopping Center Driveway/Diablo Road	TWSC	18.5	1,901	C	13.9	1,942	B	16.2	2,150	C	18.5	1,923	C	14.1	1,957	B	16.5	2,172	C	No	No	No
8. I-680 Northbound Off-Ramp/Diablo Road	Signal	40.1	2,175	D	35.4	2,324	D	29.5	2,502	C	40.2	2,197	D	35.2	2,339	D	29.3	2,524	C	No	No	No

Notes:
TWSC = Two-Way Stop Control
Delay = Average control delay in seconds (For TWSC intersections, reported delay is for worst-case movement)
LOS = Level of Service
* Exceeds LOS Standard
[1] Significant Impact determined based on Town of Danville significance threshold criteria as described in the "Threshold of Significance" Section of this TIA

Table G - Existing Daily Roadway Volumes and Levels of Service Summary

Roadway Segment	Functional Classification[1]	Number of Lanes	Volume	Daily LOS[2]
Without Project Conditions				
1 . Diablo Road between Project Driveway 2 and I-680 Southbound Ramps	Major Arterial	4	21,462	C
Plus Project Conditions				
1 . Diablo Road between Project Driveway 2 and I-680 Southbound Ramps	Major Arterial	4	21,938	C

Notes:

LOS = Level of Service

[1] Functional classification is based on *The Town of Danville 2030 General Plan, Adopted March 19,2013.*

[2] LOS is based on roadway capacity from the *Quality/Level of Service Handbook, State of Florida Department of Transportation, December 18, 2012.*

* Exceeds LOS Standard

Year 2035 Without Project Levels of Service

Year 2035 without project traffic volumes were developed using the approach discussed in the Traffic Volumes Without Project Scenarios section. An intersection level of service analysis was conducted for year 2035 without project conditions. Table H summarizes the results of this analysis and shows that all intersections are projected to operate at satisfactory levels of service, with the exception of the following:

- Project Driveway 1/Diablo Road, which operates at LOS F during the a.m., p.m., and midday peak hours; and
- I-680 Northbound Off-Ramp/Diablo Road, which operates at LOS F during the a.m. peak hour and at LOS E during the p.m. peak hour.

Level of service calculation worksheets are contained in Appendix C. Table I summarizes the results of the year 2035 without project daily roadway segment analysis and shows that the roadway segment on Diablo Road between Project Driveway 2 and the I-680 Southbound Ramps is projected to operate at satisfactory levels of service.

Year 2035 With Project Levels of Service

Year 2035 with project condition was developed using the approach discussed in the Traffic Volumes With Project Scenarios section. A level of service analysis was conducted for year 2035 with project conditions. Table H summarizes the results of this analysis and shows that all intersections are projected to operate at satisfactory levels of service, with the exception of the following:

- Project Driveway 1/Diablo Road, which operates at LOS F during the a.m., p.m., and midday peak hours. This intersection operates unsatisfactorily under without project conditions as well. The proposed project contributes to the deficiency and thereby has a cumulative impact at this location.
- I-680 Northbound Off-Ramp/Diablo Road, which operates at LOS F during the a.m. peak hour and operates at LOS E during the p.m. peak hour. This intersection operates unsatisfactorily under without project conditions as well. However, based on the Town's significance threshold criteria, the project will not create a significant impact at this intersection.

Level of service calculation worksheets are contained in Appendix C.

Table I summarizes the results of the year 2035 with project daily roadway segment analysis and shows that the roadway segment on Diablo Road between Project Driveway 2 and the I-680 Southbound Ramps is projected to operate at satisfactory levels of service.

CIRCULATION IMPROVEMENTS

At intersections where the level of service is forecast to be unsatisfactory or where the project would have an impact, the Town requires that improvements be identified to maintain conformance with Town's LOS standards or pre-project level of service conditions. Under both existing and year 2035

Table H -Year 2035 Intersection Levels of Service

		Without Project									With Project									Significant Impact[1]		
		A.M Peak Hour			P.M Peak Hour			Midday Peak Hour			A.M Peak Hour			P.M Peak Hour			Midday Peak Hour					
Intersection	Control	Delay	Total Approach Volume	LOS	Delay	Total Approach Volume	LOS	Delay	Total Approach Volume	LOS	Delay	Total Approach Volume	LOS	Delay	Total Approach Volume	LOS	Delay	Total Approach Volume	LOS	A.M. Peak Hour	P.M. Peak Hour	Midday Peak Hour
1 Hartz Avenue/Diablo Road	Signal	30.7	1,690	C	39.2	1,811	D	31.2	1,727	C	31.0	1,700	C	39.7	1,824	D	31.6	1,740	C	No	No	No
2 Front Street/Diablo Road	Signal	10.7	1,843	B	15.6	1,879	B	24.8	2,375	C	10.6	1,860	B	15.7	1,902	B	25.0	2,398	C	No	No	No
3 El Pintado/Diablo Road	Signal	18.4	1,984	B	12.6	1,851	B	31.2	2,406	C	17.5	2,009	B	13.0	1,884	B	31.4	2,439	C	No	No	No
4 Project Driveway 1/Diablo Road	TWSC	96.3	1,990	F *	81.8	1,958	F *	131.2	2,410	F *	101.2	2,035	F *	106.6	2,022	F *	313.4	2,479	F *	Yes	Yes	Yes
5 Project Driveway 2/Diablo Road	TWSC	11.5	1,981	B	14.2	1,951	B	14.4	2,395	B	11.8	2,021	B	13.9	1,989	B	14.4	2,443	B	No	No	No
6 I-680 Southbound Ramps/Diablo Road	Signal	30.6	2,714	C	27.2	2,765	C	52.5	3,356	D	32.9	2,752	C	27.1	2,793	C	52.4	3,394	D	No	No	No
7 Green Valley Shopping Center Driveway/Diablo Road	TWSC	22.9	2,202	C	16.5	2,427	C	20.0	2,642	C	22.9	2,224	C	16.7	2,442	C	20.4	2,664	C	No	No	No
8 I-680 Northbound Off-Ramp/Diablo Road	Signal	122.1	2,488	F *	60.1	2,946	E *	38.6	3,139	D	121.9	2,510	F *	62.2	2,961	E *	39.3	3,161	D	No	No	No

Notes:
TWSC = Two-Way Stop Control
Delay = Average control delay in seconds (For TWSC intersections, reported delay is for worst-case movement)
LOS = Level of Service
* Exceeds LOS Standard
[1] Significant Impact determined based on Town of Danville significance threshold criteria as described in the "Threshold of Significance" Section of this TIA.

Table I - Year 2035 Daily Roadway Volumes and Levels of Service Summary

Roadway Segment	Functional Classification[1]	Number of Lanes	Volume	Daily LOS[2]
Without Project Conditions				
1 . Diablo Road between Project Driveway 2 and I-680 Southbound Ramps	Major Arterial	4	22,816	C
With Project Conditions				
1 . Diablo Road between Project Driveway 2 and I-680 Southbound Ramps	Major Arterial	4	23,292	C

Notes:

LOS = Level of Service

[1] Functional classification is based on *The Town of Danville 2030 General Plan, Adopted March 19,2013.*

[2] LOS is based on roadway capacity from the *Quality/Level of Service Handbook, State of Florida Department of Transportation, 2013.*

* Exceeds LOS Standard

conditions, Project Driveway 1 operates at unsatisfactory levels of service. The only feasible mitigation at this intersection will be the addition of a traffic signal. It needs to be noted that the deficient LOS is because of high delay of egress vehicles from the project driveway and not on the major street. Mainline (Diablo Road) operates at satisfactory levels of service in all scenarios, and peak hour signal warrants are not met. This is a typical occurrence at driveways located on major streets with heavy traffic volume. Due to the close spacing of driveways along Diablo Road and the location of this driveway within 350 feet of the I-680 Southbound Ramps a traffic signal is not being recommended as an improvement. Based on queuing analysis conducted at this driveway, even if a signal is not added at this intersection, the westbound project ingress traffic will not be exceeding the available storage and will not block westbound through traffic on Diablo Road. Additionally, a future signal at Project Driveway 1 could negatively affect ingress/egress operations and safety of the Janlois apartment driveway, that is it will not be able to accommodate westbound Diablo Road left turn movements into the Janlois driveway be accommodated. A traffic signal is not geometrically feasible at Project Driveway 1, especially in relation to, and consideration of, existing upstream/downstream driveways and intersections. Therefore no improvements are recommended at this intersection.

BICYCLE AND PEDESTRIAN ANALYSIS

Currently, sidewalks exist on both sides of Diablo Road and will provide access to pedestrians to and from the project site.

The project site currently has no direct access to any bike lanes or facility. Class II bike lanes only exist along the northern edge of Diablo Road. The project will add a Class II bike lane along the southern edge of Diablo Road between El Pintado and I-680 Southbound Ramps. This will enable bicyclists to have safe and direct access to bike lanes from the project site. Addition of the bike lane will result in elimination 10 parking spaces along the southern edge of Diablo Road.

SITE ACCESS ANALYSIS

The Town requested LSA to conduct 1) driveway sight distance analysis; 2) evaluation of eastbound queue length at I-680 Southbound Ramps and Diablo Road; and 3) spacing analysis from the adjacent driveways and the intersection to the project driveways.

Driveway Sight Distance

Sight distance is used to determine the safety of driveway ingress and egress movements at the proposed access locations for the project. Typically, a driver should have an unobstructed view of an entire intersection when turning into and out of a driveway located on a major roadway. *Caltrans Highway Design Manual* (May 2012) is used to determine the necessary sight distance for various maneuvers at intersections.

Access to the project is provided via two existing driveways on Diablo Road. Project Driveway 1 will continue to operate as a full-access driveway and Project Driveway 2 will remain as a right-in/right-

out driveway. The posted speed limit on Diablo Road is 35 miles per hour (mph). Based on *Caltrans Highway Design Manual* (May 2012), a corner sight distance of 385 feet is needed at unsignalized driveways with a design speed of 35 mph. The corner sight distance is measured 15 feet from the edge of the traveled way. The proposed project driveways have over 385 feet of unobstructed sight distance in the eastbound and westbound directions; therefore, there is sufficient corner sight distance provided in the eastbound and westbound directions on Diablo Road at both project driveways.

Queuing Analysis

As requested by the Town, LSA conducted an evaluation of the eastbound queue at I-680 Southbound Ramps and Diablo Road under. Table J summarizes queuing analysis for all analysis scenarios. Queuing analysis worksheets are contained in Appendix D. Based on review of the existing intersection geometrics, the westbound left-turn lane storage length at Project Driveway 1/Diablo Road is approximately 150 feet. Based on the Synchro queueing analysis for this intersection shown in Table M, , the westbound left-turn lane is forecast to provide adequate storage length under all analysis scenarios. Also, the eastbound through movement at I-680 Southbound Ramps/Diablo Road has approximately165 feet of available storage length between the ramps and Project Driveway 2. The eastbound de-facto right-turn storage length is approximately 100 feet. Based on the Synchro queuing analysis for this intersection, as shown in Table J, the intersection of I-680 Southbound Ramps/Diablo Road is forecast to provide adequate storage length for eastbound through traffic under all analysis scenarios, with the exception of the following:

- Existing Conditions (p.m. and midday peak hours);
- Existing Plus Project Conditions (p.m. and midday peak hours);
- Year 2035 Without Project Conditions (p.m. and midday peak hours); and
- Year 2035 With Project Conditions (p.m. and midday peak hours).

Additionally, this intersection is forecast to provide adequate storage length for eastbound right-turns under all analysis scenarios with the exception of the following:

- Existing Conditions (midday peak hour);
- Existing Plus Project Conditions (midday peak hour);
- Year 2035 Without Project Conditions (p.m. and midday peak hours); and
- Year 2035 With Project Conditions (p.m. and midday peak hours).

Analysis of Adjacent Driveway and Intersection Spacing

As requested by the Town, LSA conducted a spacing analysis between project's adjacent existing driveway and the proposed project driveways. Figure 11 shows approximately 180 feet from Project Driveway 1 to the existing driveway west of Danville Court Apartments, approximately 200 feet between Project Driveway 1 and Project Driveway 2 and approximately 215 feet from Project Driveway 2 to the I-680 Southbound Ramps.

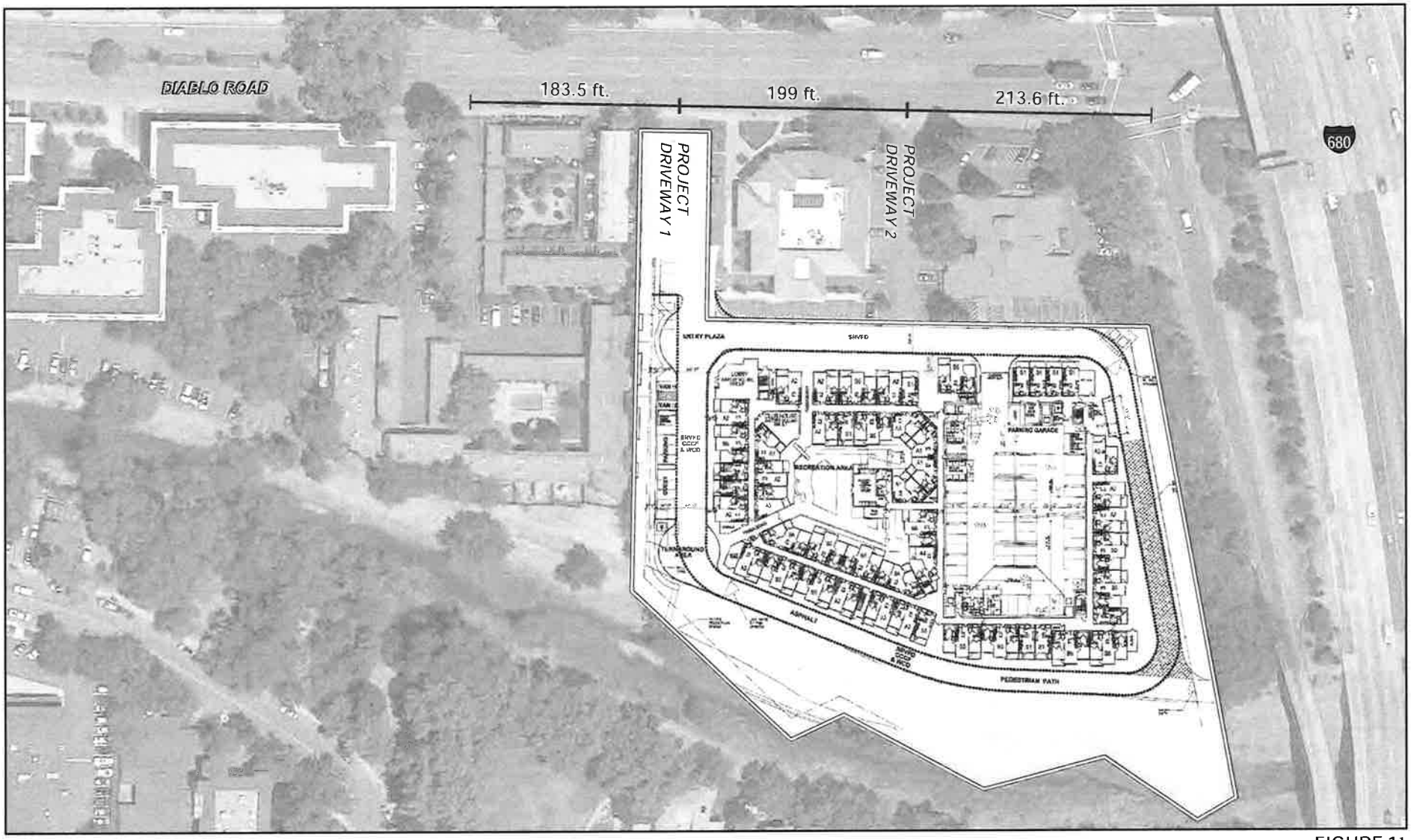
Table J - Queuing Analysis

			Without Project									With Project								
				Existing Conditions				Year 2035 Conditions					Existing Conditions				Year 2035 Conditions			
				95th Percentile Queue (feet)[1]				95th Percentile Queue (feet)[1]					95th Percentile Queue (feet)[1]				95th Percentile Queue (feet)[1]			
	Intersection	Approach	Available Storage Length (feet)	A.M. Peak Hour	P.M. Peak Hour	Midday Peak Hour		A.M. Peak Hour	P.M. Peak Hour	Midday Peak Hour		Available Storage Length (feet)	A.M. Peak Hour	P.M. Peak Hour	Midday Peak Hour		A.M. Peak Hour	P.M. Peak Hour	Midday Peak Hour	
4	Project Driveway 1/Diablo Road	WBL	150	25	0	25		25	0	25		150	25	25	25		25	25	25	
6	I-680 Southbound Ramps/Diablo Road	EBT	165	132	210	261	*	148	243	358	*	165	140	210	263	*	156	243	360	*
		EBR	100	35	83	135	*	35	143	295	*	100	36	83	136	*	35	143	296	*

Notes:

[1] The 95th-percentile queue is defined to be the queue length that has only a 5-percent probability of exceeding available storage during the analysis time period. Based on queuing study results from *Synchro 9.0 software.*

* Exceeds Storage Length



LSA

FIGURE 11

Project Location

Spacing Lines

N

0 60 120

FEET

SOURCE: Google Earth, 2014

I:\RDV1501\Reports\Traffic\fig14_Driveways.mxd (7/22/2015)

Danville Apartments
Traffic Impact Analysis

Adjacent Driveway and Intersection Spacing

PARKING ASSESSMENT

A parking assessment was conducted to ensure existing on-site parking adequacy and identify the future forecast parking demand within the proposed Danville Apartments Project consisting of 153 multifamily residential dwelling units. Parking lot occupancy for the existing land use is based on a.m., p.m. and midday peak hour parking survey data collected by National Data and Surveying Services in July 2015. Detailed parking occupancy survey counts are included in Appendix A. Table K summarizes parking supply and demand assessment for the existing land use and demonstrates that the peak parking demand for the current site is 62 parking spaces. The current site is 75 percent occupied; therefore, the peak parking demand if the site was fully occupied would have been 83 parking spaces. The current site provides 238 parking stalls; therefore, sufficient parking spaces are available for the existing on-site use.

Parking generation for the proposed project was developed based on the Town's *Zoning Ordinance 32-45 for Downtown Business District*. Table L shows the detailed parking calculations for the proposed project. As shown in Table L, the project will require a minimum of 271 parking spaces. The project proposes to provide 279 parking spaces. Thus, the project will be providing adequate parking.

SUMMARY

The proposed project consists of 153 apartments and will replace an existing office/commercial use that will be demolished and removed prior to construction of the proposed project. The project site is located at the southwest corner of the intersection of I-680 Southbound Ramps and Diablo Road. The proposed project would generate 1,018 new daily trips, with 78 new trips occurring during the a.m. peak hour, 95 new trips occurring in the p.m. peak hour, and 95 new trips occurring in the midday peak hour. After applying a credit for these existing trips, the project generates 884 net new daily trips, with 62 net new trips occurring during the a.m. peak hour, 59 net new trips occurring in the p.m. peak hour, and 69 net new trips occurring in the midday peak hour. Under existing conditions, all intersections are projected to operate at satisfactory levels of service, with the exception of Project Driveway 1/Diablo Road, which operates at LOS F during the a.m. and midday peak hours and operates at LOS E during the p.m. peak hour. Under existing plus project conditions, all intersections are projected to operate at satisfactory levels of service, with the exception of Project Driveway 1/Diablo Road, which operates at LOS F during the a.m., p.m., and midday peak hours. This intersection operates unsatisfactorily under without project conditions. The proposed project contributes to the existing deficiencies and thereby has a cumulative impact at this location.

Under year 2035 without and with project conditions, all intersections are projected to operate at satisfactory levels of service, with the exception of the following:

Table K - Parking Supply and Demand Assessment

Parking Requirements by Land Use *Existing On-site Use*	Utilization	Existing Parking Demand[1]	Full Occupancy Parking Demand	Available Parking Stalls	Percentage Occupied
General Office Use	75% Leased	62	83	238	34.9%

Source:

[1] Based on counts collected by National Data and Surveying Services in July 2015.

Table L - Parking Calculations: Required Parking Spaces

Required Parking	per unit	Stalls	
Studio	1	20	
1 BR	1.5	98	
2 BR	2	136	
Guest	73 X 0.25	17	(25% of 2 BEDROOM)
Total		**271**	

Required ADA Parking		
ADA Stalls 2% Unit	**5**	ADA Stalls
ADA Stalls 5% Guest	**1**	ADA Stalls
Total	**6**	ADA Stalls

On Grade Parking	West	South	East	North	Total	Required
Regular 9'x19'	17	24	35	0	76	
ADA	0	1	2	0	3	
ADA VAN	2	0	0	0	2	
Motorcycle	4	0	0	0	4	
30% Compact 8'x19'	12	14	21	0	47	37
Bicycle	11	0	0	8	19	
usps	2	0	0	0	2	
Total	29	38	56	0	123	

Garage Parking	Aisle A	Aisle B	Aisle C	Aisle D	Aisle E	Aisle F	Aisle F.1	Aisle G	West Wall	South Wal	East Wall	Total	Required
Regular 9'x19'	8	10	14	13	12	8	0	8	6	11	12	102	
ADA	0	0	0	0	0	0	0	0	0	0	0	0	
ADA VAN	0	0	0	1	0	0	0	0	0	0	0	1	
Motorcycle	0	0	0	0	3	2	0	0	0	0	0	5	
30% Compact 8'x19'	0	1	0	0	6	1	1	11	4	12	10	46	44
Bicycle	0	0	0	0	0	0	0	0	64	0	0	64	
usps	0	0	0	0	0	0	0	0	0	0	0	0	
Total	8	11	14	13	18	9	1	19	10	23	22	148	

Total Parking Stalls Provided	**279**
Total Accessible Parking Provided	**6**
Total Van Accessible Parking Provided	3

Parking Stalls Net Area

NOTES: INTERIOR UNIT STORAGE INCLUDES COAT CLOSETS, LINEN CABINETS, WARDROBE & WALK-IN CLOSETS.
STORAGE AT S1 UNIT DECKS OCCUR AT THE BALCONY
A1 UNITS HAVE EXTRA STORAGE IN HALLWAY ADJACENT TO UNIT - UNCLUDES CUMULATIVE STORAGE AREA

- Project Driveway 1/Diablo Road, which operates at LOS F during the a.m., p.m., and midday peak hours. The proposed project contributes to the deficiency and thereby has a cumulative impact at this location.
- I-680 Northbound Off-Ramp/Diablo Road, which operates at LOS F during the a.m. peak hour and operates at LOS E during the p.m. peak hour. Based on the Town's significance threshold criteria, however, the project will not create an impact at this intersection.

The project creates an impact the intersection of Project Driveway 1/Diablo Road. The only feasible mitigation at this intersection will be the addition of a traffic signal. But a traffic signal is not geometrically feasible at Project Driveway 1, especially in relation to, and consideration of, existing upstream/downstream driveways and intersections. Therefore no improvements are recommended at this intersection.

A driveway sight distance analysis was conducted at the project driveways and showed sufficient corner sight distance provided in the eastbound and westbound directions on Diablo Road at both project driveways.

A queuing analysis was conducted and previously referenced Table M showed that the intersection of I-680 Southbound Ramps/Diablo Road is forecast to provide adequate through movement storage length under all analysis scenarios, with the exception of the following:

- Existing Conditions (p.m. and midday peak hours);
- Existing Plus Project Conditions (p.m. and midday peak hours);
- Year 2035 Without Project Conditions (p.m. and midday peak hours); and
- Year 2035 With Project Conditions (p.m. and midday peak hours).

This intersection is forecast to provide adequate right-turn movement storage length under all analysis scenarios with the exception of the following:

- Existing Conditions (midday peak hour);
- Existing Plus Project Conditions (midday peak hour);
- Year 2035 Without Project Conditions (p.m. and midday peak hours); and
- Year 2035 With Project Conditions (p.m. and midday peak hours).

A spacing analysis was conducted and previously referenced Figure 11 illustrates sufficient spacing distance from the proposed project driveways to the nearby driveways and the nearby intersection.

A parking assessment was conducted and previously referenced Table K shows that there are sufficient parking spaces provided for the existing on-site use and previously referenced Table L shows that the proposed project will provide adequate parking as well.

northgate
environmental management, inc.

March 23, 2016

Russel Stanley
Danville Office Partners LLC
18840 Saratoga-Los Gatos Road
Los Gatos, California 95030

RE: Analysis of Air Quality Impacts
Diablo Road Apartments
Danville, California
Project No. 1342.01

Dear Mr. Stanley:

Northgate Environmental Management, Inc. (Northgate) is pleased to submit this report summarizing the air quality and greenhouse gas (GHG) emissions analysis for 373 Diablo Road (the Project; Exhibit 1) in accordance with the applicable provisions of the City of Danville's (the City's) General Plan. Danville's General Plan requires, in part, a comparison of construction and post-construction emissions with the thresholds of significance set forth by the Bay Area Air Quality Management District (BAAQMD). The significance of the Project's impacts is assessed in light of emissions and proposed mitigation.

BACKGROUND

The Project is located in the Diablo/Livermore Valley region of the San Francisco Bay Area Air Basin. The air quality in this area is influenced by the mountains on the west side that block much of the marine air from reaching this region. Monitoring stations in Concord and Danville report annual average wind speeds of 5 miles per hour (mph). However, winds can increase in the afternoon near San Ramon because it is located at the eastern edge of the Crow Canyon gap. Through this gap, polluted air from cities near the bay travels to the valley in the summer months. Air temperatures in these valleys are cooler in the winter and warmer in the summer than are temperatures further west, as these valleys are far from the moderating effect of the bay and ocean. Mean summer maximum temperatures are in the low- to mid-80s. Mean winter low temperatures can range from mid-30s to low 40s.

The region is designated as non-attainment for 1-hour and 8-hour California ozone standards and for 24-hour and annual particulate matter (PM10 and PM2.5) California standards. The region

EXHIBIT N

meets the state standards for oxides of nitrogen (NOx), sulfur dioxide (SO_2), carbon monoxide (CO), and lead (Pb).

AIR QUALITY ANALYSIS

Applicable Air Quality Plans

The principal air quality plan applicable to the Project is the 2010 Clean Air Plan (CAP 2010). This plan serves as a roadmap of the BAAQMD's efforts to reduce air pollution and protect public health. In addition to CAP 2010, the City's 2030 General Plan has established air quality and GHG reduction goals. These goals specifically incorporate BAAQMD California Environmental Quality Act (CEQA) Guidelines and mirror the BAAQMD's efforts to reduce vehicle trips. Since January 2014, the BAAQMD CEQA Guidelines have been on hold pending the outcome of litigation. For the purposes of this analysis, we have assumed that the City has voluntarily adopted the current BAAQMD Guidelines (updated May 2011).

Policies in the General Plan that reference the City's air quality goals include:

- Policy 33.04: During the development review process, impose appropriate mitigation measures on new development to reduce greenhouse gas emissions.

  In June 2010, the Bay Area Air Quality Management District adopted thresholds for identifying significant air quality and greenhouse gas impacts, along with guidelines for evaluating the impacts of new development on climate change. Mitigation measures can help reduce emissions levels by reducing vehicle trips and energy use.

- Policy 34.02: Consider air pollution impacts during the local development review process. Development should be located and regulated to minimize the emission of direct and indirect air contaminants.

- Policy 34.03: Implement appropriate controls and "best practice" requirements on construction and grading activities to minimize airborne dust and other particulate matter.

  Typical controls would include requirements to cover stockpiled soil, avoid grading on windy days, and cover trucks that are hauling dirt and debris.

- Policy 34.04: Consistent with CEQA and the measures necessary to mitigate General Plan impacts, require site-specific air quality studies for future development under the Plan that includes sensitive receptors (such as schools, hospitals, daycare centers, or retirement homes) located within a designated buffer area along Interstate 680.

The extent of the buffer area is shown on Figure 24. The General Plan EIR may be consulted for further information on the precise buffer width at a given location. The purpose of the air quality analyses is to determine the potential level of exposure to toxic air contaminants and fine particulate matter for new development, following procedures outlined by the BAAQMD. If a site-specific analysis reveals the potential for significant exposure, additional measures shall be employed to reduce the risk to below accepted thresholds.

Analysis and Discussion

Questions 1 through 4 below are from CEQA Guidelines Appendix G related to air quality analysis. Since the project is exempt from CEQA, as noted in the attached project description, this analysis is provided for informational purposes only.

Q1: Would the project conflict with or obstruct implementation of CAP 2010?

A key metric used to assess a project's consistency with CAP 2010 is the number of dwelling units. For low rise apartments, the threshold of significance for ozone precursors (reactive organic gases [ROG] and NOx) is 451 dwelling units. Since the current Project will be limited to 168 dwelling units, it is not expected to cause significant air quality impacts. Furthermore, the project is consistent with the City's Plan that encourages medium density, in-fill development to minimize vehicle trip generation.

Q2: Would the project violate any BAAQMD Guidelines or contribute substantially to an existing or projected air quality violation?

To assess if emissions from a project are likely to violate an air quality standard or contribute to a future violation, the BAAQMD has established numerical thresholds of significance for both construction and post-construction (occupancy or operational) emissions. These emission thresholds address the criteria air pollutants listed in Table 1, below. These thresholds apply to a net increase in emissions attributable to the Project. Since there are existing office/medical buildings at the Project site, net increase in Project emissions equals future Project emissions (Attachment 1) minus current emissions (Attachment 2).

TABLE 1

Air Pollutant	Construction Related Threshold (pounds/day)	Post-Construction (Occupancy) Threshold (pounds/day)	Post-Construction (Occupancy) Threshold (tons/year)
ROG	54	54	10
NOx	54	54	10
PM10	82	82	15
PM2.5	54	54	10
Fugitive Dust (PM10, PM2.5)	Best Management Practices	Not Applicable	Not Applicable
Greenhouse Gases	No Threshold	No Daily Threshold	Screening Threshold of 78 dwelling units or 1,100 metric tons/year

For CO, the thresholds are in terms of 1-hour and 8-hour concentrations during the occupancy phase. For GHGs, the threshold at a Plan Level is in terms of 6.6 metric tons of carbon dioxide (CO_2) equivalents per resident during the occupancy phase. At a project level, there are two thresholds. The first threshold is in terms of number of dwellings. This is a screening level threshold that indicates that any residential complex above 78 dwelling units has the potential for significant impact. A second threshold is 1,100 metric tons/year of GHG emissions.

Construction Emissions

Construction emissions were estimated using the CalEEMod[1] model version 2013.2.2. The emissions assume that construction would begin in July 2016 and continue for 16 months. Since a detailed construction schedule is not available, the construction activities and durations listed in Table 2 were assumed. This level of activity is based on review of other similar projects. We note that while construction duration is estimated to be 16 months, activity would not occur every day for 16 months. Furthermore, the emissions presented in this analysis would not change in the event the start of construction is delayed beyond July 2016.

TABLE 2

Activity	Duration
Demolition	10 days (50,000 cubic yards removed)
Site Preparation	5 days (4.26 acres)

[1] California Emission Estimator Model, http://www.caleemod.com/

TABLE 2

Activity	Duration
Grading	5 days
Building Construction	220 days
Paving	3 days
Painting/Finishing	35 days

Based on the activities and durations listed in Table 2, the model calculates construction emissions as shown in Table 3. As noted previously, there are no thresholds for GHG emissions for the construction phase.

TABLE 3

Construction Exhaust Emissions				
	ROG	NOx	PM10	PM2.5
Total Annual Emissions (tons/year)	1.62	1.62	0.11	0.11
Average Daily Emissions (pounds/day)	11.65	11.65	0.79	0.79
Threshold (pounds/day)	54	54	82	54
Exceeds Threshold?	No	No	No	No

Average daily emissions based on 278 days construction days over 16 months. See Section 2.1 of CalEEMod model output for detailed breakdown of emissions (Attachment 1).

As set forth in the attached project description,the contractor will comply with the following BAAQMD best management practices (BMPs) aimed at minimizing fugitive dust (PM10 and PM2.5) emissions:

- Watering of all exposed surfaces twice a day;
- Covering of all trucks transporting soil, sand, or other loose material;
- Use of wet street sweepers to vacuum fugitive "track-out" dust from adjacent roadways at least once per day;
- Roadways, sidewalks, driveways to be paved as soon as possible, and building pads to be laid out as soon as possible after grading;

- Idling limited to 5 minutes for all trucks and construction equipment;
- All construction equipment to be maintained as per manufacturer's specifications;
- All equipment to be checked by a certified mechanic and determined to be in proper condition; and
- Posting signs that have a telephone number for reporting dust complaints.

Post-Construction Occupancy Emissions

As with construction emissions, occupancy emissions were estimated using the CalEEMod model version 2013.2.2. Annual and daily emissions are summarized in Table 4 below for current and future Project emissions. For existing emissions, a traffic study[2] was completed in July 2015 that projected 134 vehicle trips per day. Current emissions are based on this level of daily traffic volume. Future vehicle trips for the Project are based on default trip generation rates for low rise apartments included in the CalEEMod model.

TABLE 4

Post-Construction (Occupancy) Emissions				
	ROG	NOx	PM10	PM2.5
Existing Annual Emissions (tons/year)	0.26	0.12	0.077	0.024
Project Annual Emissions (tons/year)	1.89	0.55	0.80	0.28
Net Project Emissions (tons/year)	1.63	0.43	0.723	0.256
Average Daily Emissions (pounds/day)	8.93	2.36	3.96	1.40
Threshold (pounds/day)	54	54	82	54
Threshold (tons/year)	10	10	15	10
Exceeds Threshold?	No	No	No	No

Average daily emissions based on annual emissions divided by 365 days. See Section 2.2 of CalEEMod model output for detailed breakdown of emissions (Attachments 1 and 2).

[2] Traffic Impact Analysis, Danville Apartments Project. LSA Associates, Inc., July 17, 2015.

Carbon Monoxide Emissions

The Project is well below the 451 dwelling threshold of significance, it would not generate significant volumes of additional traffic, and, therefore, would not exceed the CO concentration thresholds.

Currently, the Project site has three buildings with a total size of 50,000 square feet (SF). The current land use is classified as being professional offices.

GHG Emissions

The Project would release 1,248 metric tons of CO_2 equivalents (GHG) per year for 168 dwelling units. However, existing GHG emissions from the current buildings are estimated to be 304 metric tons per year resulting in net Project emissions of 944 metric tons per year of GHG emissions. This is below the threshold of 1,100 metric tons per year. Therefore, impacts from GHG emissions are not considered significant.

In addition, the proposed Project would be more energy efficient than the existing structures onsite. Long-term mitigation for this Project would be based on incorporation of such features as:

- Use of EPA-certified fireplaces;
- Use of EPA Energy Star appliances;
- An active recycling program;
- Use of low-e glass for all windows; and
- Use of tankless water heaters.

SIGNIFICANCE OF PROJECT LEVEL IMPACTS

On the basis of daily and annual emission estimates of criteria and GHG air pollutants, and comparing these emissions with thresholds of significance, it is concluded that the proposed Project would not lead to significant short-term or long-term air quality impacts. The significance criteria are adopted under the City's General Plan Goals 33 and 34. Specifically, Goals 33 and 34 incorporate the significance criteria established under the BAAQMD CEQA Guidelines. The BAAQMD thresholds of significance are currently on hold due to litigation. We have assumed that the City will voluntarily continue to use the BAAQMD thresholds of significance during the current litigation.

Q3: Would the project result in cumulatively considerable net increase of any criteria pollutant for which the project area is non-attainment under California and National ambient air quality standards?

There are no major or minor stationary sources of emissions in the vicinity of the Project. Therefore, cumulative impacts would be similar to the Project impacts. The threshold for cumulative impact is 100 tons per year of NOx and volatile organic compounds (VOCs). As a result, cumulative impacts would not be significant.

Q4: Would the project expose sensitive receptors to substantial pollutant concentration?

The proposed Project would replace existing commercial buildings. As a result, little or no increase in pollutant concentration is expected at existing sensitive receptor (homes, schools hospitals, etc.).

Q5: Would the project create objectionable odors affecting substantial numbers of people?

The proposed Project is a residential housing project. It would not create or release any objectionable odors.

CLOSING

We appreciate this opportunity to support Danville Office Partners LLC with environmental consulting services. Please feel welcome to contact Ms. Smith at (510) 839-0688, ext. 223, or via e-mail at maile.smith@ngem.com should you have any questions.

Sincerely,
Northgate Environmental Management, Inc.

L. Maile Smith, PG
Principal

Ray Kapahi
Senior Air Quality Engineer

Enclosures: Exhibit 1 – Project Description and Conceptual Plan
Attachment 1 – CalEEMod Emissions model output for the Project
Attachment 2 – CalEEMod Emissions model output for baseline emissions

cc: Robert Selna, Wendel Rosen Black & Dean LLP

Tree species name	Tree common name	DBH	Conditon	Tree to be Removed	Protected by Ordinance 32-79.3-a and b "Protected Tree"	Protected by Ordinance 32-79.2-c "Heritage Tree"	Notes
Quercus lobata	Valley oak	48	Good	Yes	Yes	Yes	Two stem, 90% live crown, in irrigated landscape.
Pyrus calleriana	Callery pear	12	Good	Yes	No	No	All Callery pears have similar condition: shaded setting, too much of irrigation water, weak bra junctions. All are planted less than 5 feet from the building and all lean to the west.
Pyrus calleriana	Callery pear	12	Good	Yes	No	No	See above.
Pyrus calleriana	Callery pear	6	Dead	Yes	No	No	See above.
Pyrus calleriana	Callery pear	12	Good	Yes	No	No	See above.
Pyrus calleriana	Callery pear	12	Good	Yes	No	No	See above.
Pyrus calleriana	Callery pear	12	Good	Yes	No	No	See above.
Pyrus calleriana	Callery pear	12	Good	Yes	No	No	See above.
Pyrus calleriana	Callery pear	12	Good	Yes	No	No	See above.
Pyrus calleriana	Callery pear	12	Good	Yes	No	No	See above.
Pyrus calleriana	Callery pear	14	Good	Yes	No	No	See above.
Acer palmatum	Japanese maple	12	Good	Yes	No	No	Five stems.
Prunus cerasifera	Purple leaf plum	24	Fair	Yes	No	No	Poor canopy structure, rot in trunk.
Quercus lobata	Valley oak	4	Good	Yes	No	No	Small tree.
Acer palmatum	Japanese maple	4	Good	Yes	No	No	Small tree, need to trim off some dead and damaged branches.
Prunus cerasifera	Purple leaf plum	18	Fair	Yes	No	No	Lots of crossed limbs and some rot in branches
Pyrus calleriana	Callery pear	12	Good	Yes	No	No	All pears lean to east.
Pyrus calleriana	Callery pear	12	Good	Yes	No	No	
Acer palmatum	Japanese maple	16	Good	Yes	No	No	
Pyrus calleriana	Callery pear	12	Good	Yes	No	No	
Platanus x acerifolia	London plane	24	Good	Yes	Yes 1	No	Most if not all London plane have tall canopy scaffold with major uprights.
Quercus sp.	Non-native oak	86	Fair	Yes	No	Yes	Lots of cavities with beetle holes and wood rot. Tall canopy scaffold with many crossed limbs in upper canopy and loss of major limbs.
Platanus x acerifolia	London plane	14	Good	Yes	Yes 2	No	Two large main stems.
Platanus x acerifolia	London plane	12	Good	Yes	Yes 3	No	Single stem and strong pyramidal form.
Platanus x acerifolia	London plane	14	Good	Yes	Yes 4	No	Two major stems.
Washingtonia robusta	Mexican fan palm	36	Good	Yes	No	Yes	
Sequoia sempervirens	Coast redwood	36	Good	Yes	No	Yes	Nice specimen.
Fraxinus angustifolia	Raywood ash	24	Good	Yes	No	No	Scaffold tall with multiple large uprights with potentially weak branch junctures.
Betula papyrifera	Paperbark birch	4	Good	Yes	No	No	All birch are relatively small trees. They all lean to west and are planted less than 5 feet from building. Trees may be small enough to transplant, but species grows fast and would get bette results with new tree.
Betula papyrifera	Paperbark birch	8	Good	Yes	No	No	
Platanus x acerifolia	London plane	30	Good	Yes	Yes 5	No	
Betula papyrifera	Paperbark birch	10	Good	Yes	No	No	
Betula papyrifera	Paperbark birch	10	Good	Yes	No	No	
Platanus x acerifolia	London plane	21	Good	Yes	Yes 6	No	
Betula papyrifera	Paperbark birch	18	Good	Yes	No	No	
Betula papyrifera	Paperbark birch	8	Good	Yes	No	No	
Platanus x acerifolia	London plane	18	Good	Yes	Yes 7	No	
Platanus x acerifolia	London plane	24	Good	Yes	Yes 8	No	
Platanus x acerifolia	London plane	24	Good	Yes	Yes 9	No	
Platanus x acerifolia	London plane	24	Good	Yes	Yes 10	No	
Pinus radiata	Monterey pine	18	Good	No	No	No	All pines have same common defects: major limb drop, lean, roots heaving pavement. Tree lo within the San Ramon Creek riparian corridor.
Pinus radiata	Monterey pine	36	Good	No	No	Yes	See above.
Pinus radiata	Monterey pine	24	Good	No	No	No	See above.
Pinus radiata	Monterey pine	24	Good	No	No	No	See above.
Pinus radiata	Monterey pine	36	Good	No	No	Yes	See above.

Exhibit J

g r	Tree species name	Tree common name	DBH	Conditon	Tree to be Removed	Protected by Ordinance 32-79.3-a and b "Protected Tree"	Protected by Ordinance 32-79.2-c "Heritage Tree"	Notes
	~~Platanus x acerifolia~~	~~London plane~~	18	Good	Yes	Yes 11	No	
	~~Platanus x acerifolia~~	~~London plane~~	18	Good	Yes	Yes 12	No	
	~~Platanus x acerifolia~~	~~London plane~~	12	Good	Yes	Yes 13	No	
	~~Platanus x acerifolia~~	~~London plane~~	12	Good	Yes	Yes 14	No	
	~~Platanus x acerifolia~~	~~London plane~~	18	Good	Yes	Yes 15	No	
	~~Platanus x acerifolia~~	~~London plane~~	18	Good	Yes	Yes 16	No	
	~~Platanus x acerifolia~~	~~London plane~~	18	Good	Yes	Yes 17	No	
	~~Platanus x acerifolia~~	~~London plane~~	18	Good	Yes	Yes 18	No	
	~~Platanus racemosa~~	~~Western sycamore~~	36	Good	Yes	Yes 19	Yes	
	~~Platanus x acerifolia~~	~~London plane~~	24	Good	Yes	Yes 20	No	
	~~Platanus x acerifolia~~	~~London plane~~	28	Good	Yes	Yes	No	
	~~Sequoia sempervirens~~	~~Coast redwood~~	30	Good	Yes	No	No	
	~~Sequoia sempervirens~~	~~Coast redwood~~	32	Good	Yes	No	No	
	~~Sequoia sempervirens~~	~~Coast redwood~~	24	Good	Yes	No	No	
	~~Sequoia sempervirens~~	~~Coast redwood~~	24	Good	Yes	No	No	
	~~Sequoia sempervirens~~	~~Coast redwood~~	24	Good	Yes	No	No	
	~~Sequoia sempervirens~~	~~Coast redwood~~	30	Good	Yes	No	No	
	Quercus lobata	Valley oak	30	Good	No	Yes	No	
	~~Platanus x acerifolia~~	~~London plane~~	12	Good	No	Yes	No	
	~~Quercus lobata~~	~~Valley oak~~	12	Good	Yes	Yes 21	No	
	~~Quercus lobata~~	~~Valley oak~~	24	Good	Yes	Yes 22	No	
	~~Platanus x acerifolia~~	~~London plane~~	10	Good	No	Yes	No	
	~~Quercus lobata~~	~~Valley oak~~	14	Good	No	Yes	No	
	~~Platanus x acerifolia~~	~~London plane~~	10	Good	No	Yes	No	
	~~Platanus x acerifolia~~	~~London plane~~	6	Good	No	No	No	
	~~Quercus lobata~~	~~Valley oak~~	30	Good	No	Yes	No	
	~~Ailanthus altissima~~	~~Chinese tree-of-heaven~~	18	Good	No	No	No	
	~~Ailanthus altissima~~	~~Chinese tree-of-heaven~~	24	Good	No	No	No	
	~~Ailanthus altissima~~	~~Chinese tree-of-heaven~~	12	Good	No	No	No	
	~~Ailanthus altissima~~	~~Chinese tree-of-heaven~~	24	Good	No	No	No	
	~~Ailanthus altissima~~	~~Chinese tree-of-heaven~~	18	Good	No	No	No	

e Tag mber	Tree species name	Tree common name	DBH	Conditon	Tree to be Removed	Protected by Ordinance 32-79.3-a and b "Protected Tree"	Protected by Ordinance 32-79.2-c "Heritage Tree"	Notes
46	*Pinus radiata*	Monterey pine	48	Good	No	No	Yes	See above. Two trunks.
47	*Pinus radiata*	Monterey pine	30	Good	No	No	No	See above.
48	*Pinus radiata*	Monterey pine	24	Good	No	No	No	See above.
49	*Quercus lobata*	Valley oak	52	Excellent	No	Yes	Yes	Below creek bank, excellent tree. Tree located within the San Ramon Creek riparian corridor.
50	*Pinus radiata*	Monterey pine	24	Good	No	No	No	All pines have same common defects: major limb drop, lean, roots heaving pavement. Tree loc within the San Ramon Creek riparian corridor.
51	*Pinus radiata*	Monterey pine	18	Good	No	No	No	All pines have same common defects: major limb drop, lean, roots heaving pavement. Tree loc within the San Ramon Creek riparian corridor.
52	*Quercus lobata*	Valley oak	10	Good	No	Yes	No	Tree located within the San Ramon Creek riparian corridor, below top of bank of creek.
53	*Quercus agrifolia*	Coast live oak	14	Good	No	Yes	No	Tree located within the San Ramon Creek riparian corridor.
54	*Sequoia sempervirens*	Coast redwood	12	Good	No	No	No	Tree located within the San Ramon Creek riparian corridor.
55	*Quercus lobata*	Valley oak	18	Good	No	Yes	No	Tree located within the San Ramon Creek riparian corridor, below top of bank of creek.
56	*Quercus lobata*	Valley oak	8	Good	No	No	No	Tree located within the San Ramon Creek riparian corridor, below top of bank of creek.
57	*Sequoia sempervirens*	Coast redwood	10	Good	No	No	No	Tree located within the San Ramon Creek riparian corridor.
58	*Quercus lobata*	Valley oak	18	Good	No	Yes	No	Tree located within the San Ramon Creek riparian corridor, below top of bank of creek.
59	*Sequoia sempervirens*	Coast redwood	18	Good	No	No	No	Tree located within the San Ramon Creek riparian corridor.
60	*Quercus lobata*	Valley oak	12	Good	No	Yes	No	Tree located within the San Ramon Creek riparian corridor, below top of bank of creek.
61	*Quercus lobata*	Valley oak	10	Good	No	Yes	No	Tree located within the San Ramon Creek riparian corridor, below top of bank of creek.
62	*Sequoia sempervirens*	Coast redwood	4	Good	No	No	No	Tree located within the San Ramon Creek riparian corridor.
63	*Quercus agrifolia*	Coast live oak	24	Good	No	Yes	No	Tree located within the San Ramon Creek riparian corridor, below top of bank of creek.
64	*Quercus agrifolia*	Coast live oak	6	Good	No	No	No	Tree located within the San Ramon Creek riparian corridor.
65	*Quercus lobata*	Valley oak	9	Good	No	No	No	Tree located within the San Ramon Creek riparian corridor, below top of bank of creek.
66	*Quercus lobata*	Valley oak	18	Good	No	Yes	No	Tree located within the San Ramon Creek riparian corridor, below top of bank of creek.
67	*Quercus lobata*	Valley oak	12	Good	No	Yes	No	Tree located within the San Ramon Creek riparian corridor, below top of bank of creek.
68	*Quercus lobata*	Valley oak	36	Good	No	Yes	Yes	Tree located within the San Ramon Creek riparian corridor, below top of bank of creek.
69	*Quercus lobata*	Valley oak	10	Good	No	Yes	No	Tree located within the San Ramon Creek riparian corridor, below top of bank of creek.
71	*Celtis sinensis*	Chinese hackberry	6	Good	No	No	No	
72	*Celtis sinensis*	Chinese hackberry	4	Good	Yes	No	No	
73	*Eucalyptus sideroxylon*	Red ironbark eucalyptus	48	Fair	No	No	Yes	
74	*Sequoia sempervirens*	Coast redwood	18	Good	Yes	No	No	
75	*Sequoia sempervirens*	Coast redwood	18	Good	Yes	No	No	
76	*Sequoia sempervirens*	Coast redwood	4	Good	Yes	No	No	
77	*Sequoia sempervirens*	Coast redwood	4	Good	Yes	No	No	
78	*Ulmus parvifolia*	Chinese elm	12	Good	Yes	No	No	
79	*Eucalyptus sideroxylon*	Red ironbark eucalyptus	40	Good	Yes	No	Yes	
80	*Eucalyptus sideroxylon*	Red ironbark eucalyptus	36	Good	Yes	No	Yes	
81	*Celtis sinensis*	Chinese hackberry	4	Good	No	No	No	
82	*Lagerstroemia indica*	Crape myrtle	6	Good	No	No	No	
83	*Celtis sinensis*	Chinese hackberry	6	Fair	No	No	No	Poor canopy structure
84	*Celtis sinensis*	Chinese hackberry	6	Good	No	No	No	
85	*Lagerstroemia indica*	Crape myrtle	6	Good	No	No	No	
86	*Sequoia sempervirens*	Coast redwood	18	Good	No	No	No	
87	*Sequoia sempervirens*	Coast redwood	18	Good	No	No	No	
88	*Sequoia sempervirens*	Coast redwood	18	Good	No	No	No	
89	*Prunus serrulata*	Flowering cherry	24	Good	No	No	No	
90	*Celtis sinensis*	Chinese hackberry	6	Fair	No	No	No	Canopy dieback 50%
91	*Ulmus parvifolia*	Chinese elm	6	Good	Yes	No	No	
92	*Ulmus parvifolia*	Chinese elm	6	Good	Yes	No	No	
93	*Ulmus parvifolia*	Chinese elm	12	Good	Yes	No	No	
94	*Ulmus parvifolia*	Chinese elm	12	Good	Yes	No	No	

January 18, 2017

Sent via email and U.S. Mail

Kenneth R. Brans, Esq.
1390 Willow Pass Road, Suite 130
Concord, CA 94520

Re: 373-379 Diablo Road, Danville Office Partners

Dear Mr. Brans:

I am writing in response to your letter dated January 12, 2017, addressed to the Town's Chief of Planning, Kevin Gailey. That letter addresses the settlement agreement between your client (Janlois Family Partners, LP) and Danville Office Partners, LLC. Apparently that settlement arose out of litigation between the parties regarding the location of the existing masonry wall between the adjoining properties.

Danville Office Partners has applied for entitlements to construct a 150-unit apartment project and is scheduled to have the application considered by the Town's Planning Commission on January 24, 2017. Your letter requests that the Town postpone that hearing for 60 days to allow you to ensure the application will not prejudice your clients' rights under their settlement agreement. You indicate that Danville Office Partners may not have complied with certain provisions of the settlement agreement. Both you and your client have talked directly to Mr. Gailey regarding these concerns.

The Town has no role in enforcing or applying that private agreement and Town staff is not recommending a continuation of the scheduled hearing. However, we would like to take the opportunity to explain how the proposed project approval would address the wall and the process moving forward assuming the project is approved.

If the Modified Final Development Plan is approved by the Planning Commission, it would represent the legal entitlement to move forward with the project, subject to the conditions of approval. A number of conditions require the applicant to present final, detailed architectural design to the Town's Design Review Board for review and approval prior to issuance of any building permits for the project. Without those additional steps, no permits will be issued.

Specifically with regard to your clients concern, there are two specific conditions of approval that address the common wall and how it will be treated. The first is proposed Condition of Approval C.6 which reads as follows:

> "The project's Final Landscape and Irrigation Plan shall detail the planned adjustments to edge project grading and edge project fencing and/or retaining wall improvements along the western edge of the project at the shared Janlois Apartments/Danville Office Partners, LLC (DOP) property line. The presence of existing encroachment of improvements into the DOP property appear to have the potential to affect the functionality of the proposed public pedestrian easement and sidewalk and landscaping improvements shown on the project plans along the west side of the project site (e.g., there are existing mature trees shown to occupy the same area shown to be a pedestrian walkway). The project developer shall be responsible, through the implementation of the approved project Final Landscape and Irrigation Plan, to address and remove, as necessary and appropriate, the existing encroaches to assure the functionality and aesthetic desirability of the improvements for the planned public pedestrian walkway improvements."

The second is proposed Condition of Approval D.6 which reads in relevant part that:

> "The second phase of the project's linear review of preliminary architectural design shall provide for a review and approval of architectural elevations, details and revisions (as well as design specifications, materials, height, etc. for the common boundary structure on the western side of the property abutting the Janlois property by the Design Review Board (DRB) a minimum of forty-five days prior to developer-initiation of the building permit plan check process."

The intent of these conditions is to ensure that the Town is satisfied with the proposed solution. They are not intended to replace the existing contractual obligations between your client and Danville Office Partners.

Both your letter and this response will be included in the packet prepared for the Planning Commission and the public. You and/or your client will of course be able to address the Commission at the hearing to provide any additional comments or information.

Sincerely,

Robert B Ewing
City Attorney

Cc: Kevin Gailey
John Lynn Smith

KENNETH R. BRANS
ATTORNEY AT LAW
1390 WILLOW PASS ROAD, SUITE 130
CONCORD, CA 94520
TEL (925) 681-2400
FAX (925) 681-2408

January 12, 2017

Town of Danville
510 La Gonda Way
Danville, CA 94526-1740

Attention: Kevin Gailey

Re: DEV16-0014;
373-379 Diablo Road;
Danville Office Partners, LLC, Russel Stanley

Dear Mr. Gailey:

This letter follows up my phone conversation with you earlier this week with regard to the above matter. I represent the ownership of Danville Court Apartments (Janlois Family Partners, LP ("JFP")) which property is located at 363 Diablo Road, Danville, immediately to the west of the above-referenced project located at 373-379 Diablo Road on which Danville Office Partners, LLC ("DOP") seek to construct 150 multi-family units.

Between my client's property and the DOP property is a masonry wall constructed many years ago. A lawsuit involving the location of that wall had been filed in Contra Costa County Superior Court, which lawsuit in 2009 was resolved by a "Settlement Agreement and Mutual Release" ("Agreement") between JFP and DOP.

The expiration date of the Agreement (2016), was extended to 2019 by a separate "Extension of Settlement Agreement and Mutual Release" ("Extension") in November, 2015. A true and correct copy of both the "Agreement" and the "Extension" are enclosed herewith.

The Agreement dealt exclusively with the existing wall between the two properties and provided, essentially:

A. A survey was to be performed by a surveyor mutually agreeable to the parties (see paragraph 3 of the Agreement);

B. If the wall was not found by the surveyor to be on the actual property line, the demolition of the wall would occur with specified conditions;

C. The replacement of the wall with a new "boundary structure" was to be in accordance with specific conditions (see paragraph 5 of the Agreement);

D. The Agreement was to be binding on successors of and to run with the DOP property and the JFP property;

E. Each of the parties was to perform all acts and execute all documents to effectuate the terms and provisions of the Agreement;

F. A Memorandum of Agreement could be recorded in full or in a short form by the parties;

G. Any notice to be provided per the Agreement to JFP was to have been communicated through the undersigned at 1390 Willow Pass Road, Suite 130, Concord, California 94520.

The purpose of this letter is to inform the Town of Danville that JFP did not receive, as required under the Agreement through my office, notice of the proposed development as it pertains to the wall. Additionally, my client has two concerns and one request with regard to the pending above-referred to project DEV16-0014:

1. That the Town of Danville take into consideration, pursuant to the Agreement, the concerns and reasonable requests of JFP with regard to the location, design, composition, color, height and construction parameters of any new boundary structure and the security and privacy of JFP's tenants;

2. That the Town of Danville take into consideration, separately and apart from the above and independent of the Agreement, the concerns of JFP with regard to any and all other aspects of proposed project DEV16-0014. These concerns will be brought to staffs attention after we get up to speed on the application, which we have not seen;

3. Since I, on behalf of JFP, was just made aware of the proposed project on Monday January 9, 2017, not having received written notification as I believe was intended and required under the terms of the Agreement, I am asking, on behalf of JFP, that the presently scheduled hearing of the Planning Commission set for Tuesday, January 24, 2017 at 7:30 p.m. at the Town Meeting Hall at 201 Front Street, Danville be postponed for sixty-days (60) to enable my client to appropriately evaluate the proposed development plan (details of which my client does not presently have) so as to enable JFP to convey to the Town of Danville JFP's concerns with regard to the western boundary of the project since I was just been advised on Monday, January

9, 2017 by counsel for DOP of DOP's plans to demolish the wall currently separating the properties and construct a "fence" as opposed to a "wall" in its place; this without even having complied with the terms of the Agreement as regards using a mutually agreeable surveyor to establish the actual boundary between the two properties on which the new boundary structure would be erected and without my client's input, and certainly without my client's agreement, with regard to the placement, drainage plan, composition, height, color and related construction matters (such as interim fencing) as pertaining to the proposed new "boundary structure".

My client is particularly concerned that actions taken by the Town of Danville with regard to the approval or conditions of approval of the above-referenced development project will prejudice my client's rights under the Agreement since paragraph 5 of the Agreement specifies the settling parties intend that the Town of Danville ("and/or other permitting" agencies) requirements be complied with.

This letter is not to suggest that the actions taken by the Applicant are intended to deceive or bypass the Town of Danville or JFP but merely reflects the reality of the need for input by JFP before any decisions are made on the development (for the foregoing reasons and) in particular because it appears, from what I just found out, that a walkway for public access from Diablo Road is planned to run adjacent to the boundary between the two properties, which will necessarily have significant impact on the peace, security and privacy of JFP's tenants, certainly on the eastern side of Danville Court Apartments.

Accordingly, I would appreciate receiving from you written confirmation of receipt of this letter and the enclosed documents (email to kbrans@sbcglobal.net is adequate), and confirmation of the intention of the Town of Danville with regard to postponing the currently scheduled January 24, 2017 hearing before the Planning Commission for at least sixty-days (60) from the date of this letter so that my clients can communicate to staff JFP's concerns with regard to the walkway and a "boundary structure" between the two properties and the overall development plan.

In the meantime, it may be possible for my client to work with DOP to deal with these issues but it is not clear that that will necessarily happen in a timely fashion before the currently scheduled Planning Commission's hearing on January 24, 2017.

I look forward to receiving a prompt response from the Town of Danville on this request.

Very truly yours,

KENNETH R. BRANS

KRB:pcb
Enclosures

cc: (Via First Class Mail and Email: jlsmith@reedsmith.com)
John Smith
Reed Smith Attorneys at Law,
Attorneys for Applicant
Russel Stanley
101 Second Street, Suite 1800
San Francisco, CA 94105

(Via First Class Mail)
Danville Office Partners, LLC
Attn: Russel Stanley
18840 Saratoga Los Gatos Road
Los Gatos, CA 95030

(Via First Class Mail)
LCA Architects
Attn: Carl E. Campos
590 Ygnacio Valley Road, Suite 310
Walnut Creek, CA 94596

(Via First Class Mail, and Certified Mail Return Receipt Requested)
Mark Pilarczyk, Director of Acquisitions
ROEM Development Corporation
1650 Lafayette Street
Santa Clara, CA 95050

Client (via email only w/encls)

SETTLEMENT AGREEMENT AND MUTUAL RELEASE

I. PARTIES

This Settlement Agreement and Mutual Release ("Agreement") is entered into by and between Danville Office Partners, LLC ("DOP"), and Janlois Family Partners, LP ("JFP").

DOP and JFP are sometimes referred to individually as a "Party," and are collectively referred to as "the Parties."

This Agreement shall be effective upon the date that the Parties have executed this Agreement (the "Effective Date"), as evidenced by the signatures below.

II. RECITALS

WHEREAS:

A. DOP is, and since on or about December 28, 2000 was, the owner in fee simple and in possession and control of that real property situated in Contra Costa County, California, commonly known as 375 - 383 Diablo Road, Danville, California ("DOP Property"). A true and correct copy of the legal description of the DOP Property is attached hereto as Exhibit A.

B. JFP is, and at all relevant times was, the owner in fee simple and in possession and control of that real property situated in Contra Costa County, California, commonly known as 363 Diablo Road, Danville, California ("Janlois Property"). A true and correct copy of the legal description of the DOP Property is attached hereto as Exhibit B.

C. The DOP Property and the Janlois Property adjoin each other at DOP's west boundary and JFP's east boundary. There is, as of the date of this Agreement, a block wall

constructed on the west side of the DOP Property (the "Wall"). In or about the fall of 2005, a dispute arose between DOP and JFP regarding whether the Wall constituted an "agreed-to" boundary line between the DOP Property and the Janlois Property (as JFP contended) or whether the Wall was located entirely on the DOP Property (as DOP contended) (hereinafter the "Property Dispute").

D. Due to anticipated development of the DOP Property and associated municipal requirements~~, the Wall, or a portion of it, may need to be removed and reconstructed along the~~ legally delineated boundary line between the DOP Property and the Janlois Property.

E. On August 26, 2008, DOP filed a lawsuit in the Superior Court of California for the County of Contra Costa ("the Court"), entitled "Danville Office Partners, LLC, vs. Janlois Family Partners, LP, a California limited partnership, et al.," Case No. 08-02124 ("Lawsuit") alleging causes of action to establish boundary and quiet title against all defendants and for declaratory relief regarding payment for a new fence or wall to replace the existing Wall ("Payment Dispute"). JFP denies the allegations in the Lawsuit.

F. DOP and JFP have agreed that it is in their mutual interest to enter into this Agreement setting forth the terms and conditions appropriate to resolving the Property Dispute, the Payment Dispute and the Lawsuit.

NOW, THEREFORE, in consideration of the foregoing and the mutual promises and covenants set forth below, the adequacy of which is deemed sufficient, the Parties mutually agree as follows:

III. TERMS OF AGREEMENT

A. **Settlement Terms**

1. Payment. DOP shall pay JFP the sum of Ten Thousand Dollars ($10,000). Payment shall be made by DOP within fifteen (15) calendar days of the Effective Date. Payment by DOP to JFP shall be made in the form of a check on good funds payable to "Janlois Family Partners, L.P." and shall constitute full and complete payment as required by this Agreement.

2. Dismissal. Within five (5) business days of the Effective Date, DOP shall file with the Court and serve a Request for Dismissal with prejudice of the Lawsuit and send a conformed copy of the entered dismissal to opposing counsel.

3. Survey of Boundary Between the DOP Property and the Janlois Property. The Parties agree to have a survey conducted of the boundary between the DOP Property and the Janlois Property. The survey shall be performed by a surveyor mutually agreeable to the Parties with no past relationship between either party. The Parties shall share the cost of the survey equally. The survey shall be conducted at or immediately prior to the time of construction of a structure to replace the Wall along the western boundary of the DOP Property and the eastern boundary of the Janlois Property as may be required and approved by the Town of Danville ("Boundary Structure") and until construction of the Boundary Structure the Wall shall remain in place.

4. Demolition of Wall. Whenever DOP deems it necessary to do so, but in no event beyond eighty four (84) months from the effective date of this Agreement DOP shall begin the process of demolition of the Wall by working with JFP to mutually select a surveyor. Prior to demolishing the Wall, DOP shall provide sixty-five (65) calendar days advance notice to JFP. DOP shall pay for all costs reasonably and directly incurred in demolishing the existing block

wall. Notwithstanding the above, DOP shall not be required to pay for any costs not otherwise directly related to the demolition of the Wall and construction of the Boundary Structure. DOP shall not be responsible for drainage conditions on the Janlois Property except such drainage conditions resulting from water directly flowing or migrating from the DOP Property to the Janlois Property

5. Construction of a Boundary Structure. Whenever DOP deems it necessary to do so, but in no event shall the process begin beyond eighty four (84) months from the effective date of this Agreement DOP shall construct a new Boundary Structure on the boundary between the DOP Property and the Janlois Property as surveyed pursuant to Paragraph III.A.3 of this Agreement.

The new Boundary Structure and its associated footings shall be located one-half on the DOP Property and one-half on the Janlois Property. A separate drain system, if required by the Town of Danville, shall be constructed to prevent drainage from the DOP Property to the Janlois Property. If it is determined that the Janlois Property requires drainage for any portion of its water runoff, JFP shall pay 100% of any costs for such drainage. DOP shall pay any cost of drainage for water runoff from the DOP Property to the Janlois Property. JFP agrees that the Boundary Structure may be constructed out of the same materials as the Wall and that if DOP reasonably decides to construct a fence instead of a wall as presently exists, the said fence shall be constructed out of redwood or other material as required by the Town of Danville, shall be a minimum of six (6) feet in height from the JFP elevation or higher as required by the Town of Danville, and shall provide a sufficient barrier to screen the Janlois' property. Prior to construction of the Boundary Structure, DOP shall provide sixty-five (65) calendar days of advance notice to JFP.

The Boundary Structure shall comply with all Town of Danville and/or other permitting agency requirements. DOP shall provide to JFP sixty (60) calendar days advance notice of any design or permit application on behalf of DOP regarding the construction of the Boundary Structure. JFP shall not unreasonably object to DOP's design or permit application regarding the construction of the Boundary Structure provided it is constructed pursuant to Town codes and is approved by the Town of Danville.

DOP shall pay for all costs reasonably and directly incurred in constructing the Boundary Structure. The Boundary Structure shall be so designed and constructed as to provide for necessary and reasonable drainage and subsidence protection to the Janlois Property from the DOP Property where applicable. Notwithstanding the foregoing, DOP shall not be responsible for drainage and/or subsidence to the Janlois Property that is not directly related to or caused by the difference in elevation between the DOP Property and Janlois Property and/or the construction of the Boundary Structure. Notwithstanding the above, DOP shall not be required to pay for any costs not otherwise directly related to the construction of the Boundary Structure including, but not limited to, any normal wear and tear on the adjoining Janlois Property, any drainage issues not caused by the DOP Property, or any defects or repairs necessary to, arising from, or relating to the Janlois Property not caused by construction of the Boundary Structure. DOP shall be responsible for providing temporary fencing or screening to residents of the Janlois Property affected by construction of the Boundary Structure.

B. **Mutual Release**

In consideration of the above, and except as otherwise provided by this Agreement, the Parties hereby forever and fully release each other and their respective successors, assigns, members, partners, officers, agents, employees, and all persons, firms and corporations having an

interest in them, from any and all claims and demands of any kind, nature, or description whatsoever, and from any and all liabilities, damages, injuries, actions or causes of action, either at law or in equity, which the Parties have against each other arising from the Property Dispute and the Lawsuit.

Each of the Parties acknowledges and agrees that the Property Dispute and the Lawsuit may include claims of every nature and kind whatsoever, whether known or unknown, suspected or unsuspected and further acknowledge that they may be presently unknown or unsuspected, and may be based upon hereafter discovered facts different from, or in addition to, those which they now know, or believe to be true. Nevertheless, the Parties agree that the foregoing release of the Property Dispute and the Lawsuit shall be and remain effective in all respects, notwithstanding such different or additional facts, or the discovery thereof, and further hereby expressly waive any and all rights provided in California Civil Code Section 1542 which provides as follows:

> A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR.

C. **A Complete Defense**

In the event any action or proceeding is instituted upon a claim which has been released pursuant to Section III, Paragraph B, above, this Agreement may be pleaded as a full and complete defense to any such action or proceeding as the basis for abatement of, or injunction against, any such action or proceeding, or as the basis of a cross-complaint for damages.

D. **Binding on Successors and Agreement Runs with the DOP Property and the Janlois Property**

The Parties expressly agree that this Agreement and all of its provisions, including without limitation the settlement terms governing future activities at the DOP Property and the Janlois Property set forth above, shall inure to the benefit of and shall bind the Parties hereto and their respective representatives, heirs, executors, administrators, successors, assigns, employees, members, partners, officers, directors, shareholders, agents and contractors. In addition, the Parties expressly agree that this Agreement and all of its provisions are binding on all successors-in-interest to the Janlois Property and the DOP Property and are appurtenant to and run with the Property. The Parties agree that, should either Party transfer ownership of the DOP Property or the Janlois Property to a third party at any time, the transferring Party shall ensure that the all of the obligations of this Agreement are passed to and binding on the new owner of the DOP Property or the Janlois Property, and its representatives, heirs, executors, administrators, successors, assigns, employees, officers, directors, shareholders, members, partners, agents and contractors.

E. **Further Documentation**

Each of the Parties hereto shall perform all acts and execute all documents necessary or reasonably convenient to effectuate the terms and provisions of this Agreement.

F. **Memorandum of Agreement**

The Parties agree and acknowledge that any Party may record this Agreement with the County of Contra Costa's Recorder's Office or, in the alternative, can file a short form Memorandum of Agreement.

G. **Final Agreement**

This Agreement supersedes all prior negotiations and understandings of any kind with respect to the subject matter hereof, and contains all of the terms and provisions of the Agreement between the Parties hereto with respect to the subject matter hereof. There are no oral representations, understandings, statements or stipulations of any kind or character made by any of the Parties bearing upon the effect of this Agreement, to induce execution of this Agreement, or otherwise, which have not been incorporated herein.

H. **Governing Law**

This Agreement is made under and shall be governed by and construed in accordance with the laws of the State of California. If any civil action is filed to enforce or interpret any of the terms or provisions of this Agreement, or otherwise, the Parties agree that the appropriate venue shall be a court of competent jurisdiction located in the State of California.

I. **Severability Provision**

If any provision of this Agreement is unenforceable, for any reason, the remaining provisions shall nevertheless be of full force and effect.

J. **No Admission of Liability**

This Agreement pertains to disputed claims and does not constitute in any way an admission either of liability or to the validity of any of the matters alleged in the Dispute. Execution of this Agreement does not constitute evidence of, and shall not be construed to be, an admission of liability and/or wrongdoing by any Party hereto.

K. **No Other Actions Filed**

Each of the Parties hereto represents that no litigation against any other Party hereto, related in any manner to the Property Dispute, Payment Dispute or Lawsuit, has been filed.

L. **Warranty of Non-Assignment**

The Parties hereto represent and warrant that they have not heretofore assigned or transferred, or purported to assign or transfer, to any person, firm or corporation whatsoever any property, claim, debt, liability, demand, obligation, cost, expense, action or causes of action covered by this Agreement, and each Party acknowledges and agrees that this warranty and representation is an essential and material term of this Agreement without which none of the consideration received in connection herewith would have been made or delivered. The foregoing warranty and representation shall survive the delivery of this Agreement, and each of the Parties hereto shall indemnify, defend and hold the others harmless from any claims, demands or actions which have been assigned or transferred, or purported to have been assigned or transferred, in violation of the foregoing representation and warranty.

M. **No Third Party Beneficiaries**

The Parties agree that no benefits or rights are intended to be conferred through this Agreement, nor shall they be deemed to be conferred through this Agreement, to persons or entities that are not Parties or assignees of Parties to this Agreement. The third party beneficiary doctrine is not intended to be invoked and is hereby expressly disclaimed.

N. **Factual Differences**

Each of the Parties understands and accepts the risk that the facts with respect to which this Agreement is entered into may be different from the facts now known or believed by each

Party to be true. This Agreement shall remain in all respects effective and shall not be subject to termination or rescission by virtue of any such differences in fact.

O. **Attorneys' Fees**

The Parties agree to bear their own respective attorneys' fees and court costs incurred prior to the date of this Agreement, including but not limited to all such costs incurred in the Property Dispute, Payment Dispute or Lawsuit. In the event of any controversy, claim or dispute following the date of this Agreement, in connection with or relating to this Agreement, or the subject matter hereof, the prevailing Party shall be entitled to recover all costs and expenses (including, but not limited to, reasonable attorneys' fees) incurred by the prevailing Party in connection therewith.

P. **Modification**

This Agreement may be modified only by a subsequent document in writing, signed by each of the Parties.

Q. **Plain Meaning**

This Agreement shall be interpreted in accordance with the plain meaning of its terms and not strictly for or against any of the Parties hereto.

R. **Headings**

The paragraph headings in this Agreement are provided for the ease of reference only and shall have no effect on its interpretation.

S. **Agreement Mutually Negotiated**

This Agreement has been negotiated between the Parties and has been thoroughly reviewed by each Party. Each Party has had an opportunity to make such changes as that Party wished to make. Accordingly, the Parties agree that for purposes of interpreting this Agreement, neither Party shall be deemed to have drafted this Agreement and each Party waives the rule of contract construction which provides that ambiguities in the contract shall be construed against the Party who drafted the Agreement or otherwise caused the ambiguity to exist. The Parties expressly waive their rights under Civil Code Section 1654.

T. **Warranty of Authority and Ownership**

Each individual signing this Agreement on behalf of any party represents and warrants that he/she has the right, power, legal capacity and authority to enter into and perform each of the obligations specified under this Agreement, and that no further approval or consent of any person, member, partners, board of directors or other entity is necessary for he/she to enter into and perform each of the obligations under this Agreement. Moreover, each individual signing this Agreement on behalf of a party represents and warrants that the party is the sole owner of and holds fee title to the real property as set forth and described above in this Agreement.

U. **Representation by Counsel**

The Parties hereto affirmatively represent that they have been represented, or have had the opportunity to be represented, throughout the negotiation of this Agreement by attorneys of their own choosing. The Parties further represent that such attorneys have adequately explained to them the terms and conditions of this Agreement, and the legal ramifications and consequences thereof. To the extent any Parties have not consulted with an attorney or

consultant of their choice, they have not done so voluntarily, of their own free will and accord, and not as a result of any undue coercion or persuasion from any other Party.

V. **Notices**

Any notice provided pursuant to this Agreement shall be in writing and shall be addressed to the Parties at the addresses specified below or at such other addresses as the Parties may specify in writing to the other in the future.

As to DOP:	As to JFP:
Russel W. Stanley President 18840 Saratoga Los Gatos Rd. Los Gatos, CA 95030 PH. 408.354.0300 FAX 408.354.6764	Janlois Family Partnership c/o Kenneth Brans 1390 Willow Pass Road, Suite 130 Concord, CA 94520 PH 925-681-2400 FAX 925-681-2408

W. **Knowing and Voluntary Agreement**

The Parties hereto represent that they have carefully read this Agreement and that they fully understand the contents and legal effect thereof. The Parties hereto further affirmatively represent they have discussed, or have had an opportunity to discuss, with attorneys or advisors of their choice, each of the terms and conditions of this Agreement, and that they understand and agree to each such term and condition.

X. **No Reliance On Any Other Party**

The Parties hereto expressly represent that they have not relied upon any statements or representations made by any other Party to this Agreement, or by the representative, agent, or attorneys of any Party to this Agreement, other than with respect to such statements and representations which are expressly set forth in this Agreement.

Y. **Counterparts**

This Agreement may be executed in separate counterparts and shall become effective only after all such separate counterparts have been executed and exchanged between the Parties hereto. Facsimile signatures shall be sufficient provided they are subsequently supplemented by the originals thereof.

DANVILLE OFFICE PARTNERS, LLC

By: _____

Name: Russel W. Stanley

Title: Managing member

Date: 3/24, 2009

JANLOIS FAMILY PARTNERS, L.P.

By: Marjorie G. Janlois

Name: MARJORIE G. JANLOIS

Title: General Partner

Date: 3/26, 2009

US_ACTIVE-101361569.1-359843-70002

LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE TOWN OF DANVILLE, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL ONE:

Parcel "C", as shown on the record of Survey filed September 19, 1977 in Book 63 of Licensed Surveyors Maps, Page 11, Contra Costa County Records.

PARCEL TWO:

An easement as an appurtenance to Parcel One above, as contained in the Grant of Easement to The Diablo Partnership, a California limited partnership, recorded October 11, 1978 in Book 9051 of Official Records, Page 338, as follows:

A non-exclusive easement for pedestrian and vehicular access and parking purposes, appurtenant to Parcel One above, over Parcel "A", as shown on the records of Survey filed September 19, 1977 in Book 63 of Licensed Surveyors Maps, Page 11, Contra Costa County Records.

APN: 216-120-037

EXHIBIT A

LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE TOWN OF DANVILLE, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Parcel One:

Portion of the Rancho San Ramon, described as follows:

Beginning on the center line of Tassajara Road, now Diablo Road, as it existed on October 24, 1960, distant thereon south 89° 39' 30" east 100 feet from the northwestern corner of the parcel of land described as Parcel Two in the Decree Quieting Title entered October 19, 1945 in the Superior Court of the State of California, in and for the County of Contra Costa, Case No. 33519, entitled, Gordon H. Ball, et ux, vs. W.L. Wollitz, as executor, et al, a certified copy of which was recorded October 19, 1945 in Book 852 of Official Records, at Page 60; thence from said point of beginning south 89° 39' 30" east along said center line 176.60 feet; thence south 0° 20' 30" west 482.95 feet to the center line of San Ramon Creek; thence along said center line as follows: north 65° 56' 50" west 72.74 feet; south 70° 02' 15" west 106.63 feet and north 80° 21' 55" west 9.06 feet to a point which bears south 0° 12' 45" west 484.24 feet from the point of beginning; thence north 0° 12' 45" east 484.24 feet to the point of beginning.

Excepting therefrom the northerly 60 feet thereof described in the deed to the State of California, recorded January 11, 1961 in Book 3781, Page 426, Official Records.

Also excepting therefrom the southerly 18 feet of the northerly 78 feet thereof described in the deed to Contra Costa County recorded March 24, 1969 in Book 5838, Page 235, Official Records.

APN: 216-120-015

Parcel Two:

Portion of the Rancho San Ramon, described as follows:

Beginning on the west line of the parcel of land described in the deed from Frank Rose, et ux, to E. Austin Root, et ux, recorded April 22, 1952 in Volume 1922 of Official Records at Page 383, at the center line of San Ramon Creek; thence from said point of beginning north 0° 09' 30" east along said west line to a line drawn parallel with and 203 feet southerly, measured at right angles from the south line of Diablo Road; thence south 89° 39' 30" east along said parallel line to the west line of the parcel of land described in the deed from E. Austin Root to Glenn C. Gibbs, et ux, recorded March 4, 1955 in Volume 2488 of Official Records at Page 439; thence south 0° 12' 45" west along said west line to the center line of San Ramon Creek; thence north 80° 21' 55" west along said center line 100.93 feet to the point of beginning.

APN: 216-120-012

EXHIBIT B

November 11, 2015

EXTENSION OF SETTLEMENT AGREEMENT & MUTUAL RELEASE

Danville Office Partners, LLC ("DOP") and Janlois Family Partners, LP ("JFP") entered into the Settlement Agreement and Mutual Release dated March 26, 2009 attached hereto ("Agreement")..

The parties desire to amend the Agreement as outlined below.

1. Section III.A.4. Demolition of Wall. The initial Agreement provided for an eighty four (84) month period of time for DOP to begin demolition of the Wall. The Parties have agreed hereto that said Agreement shall be extended to provide for DOP to have up to an additional thirty six (36) months to begin said demolition of the Wall.

Danville Office Partners, LLC

Russel W. Stanley

Managing Member

11-12-15

Date

Janlois Family Partners, LP

Joseph Janlois

Joseph Janlois

Title: Managing Partner

11/16/2015

Date

H:/Danville/janlois/settlement agreement extension

Cathy@stanprop.com

LCA ARCHITECTS

Riverwalk Architectural Concepts

The proposed design provides an architecture that is sensitive to the village context and scale of the Danville community. It proposes a rich mix of architectural detail and materials that are both stylistically cohesive and appropriately residential. The style is a modern interpretation of traditional California Craftsman that is recognizable and familiar, but still responsive to modern building code and constructability requirements.

The project massing is broken into three separated linear buildings that are additionally refined by stepping down the building ends and the central massing elements (see sheet A5 of the architectural plans for a clear depiction of step locations). The separated buildings create two internal open-ended courtyard areas that provide light and air to the middle of the site. These courtyards will be fully landscaped and will provide a variety of attractive outdoor use areas for residents. The north-south orientation of the courtyards provides an optimal distribution of direct sunlight into the center of the project.

Architectural materials and forms are chosen to define and enhance the craftsman aesthetic. Sloped shingle roofs with projecting eaves, a low stone base, a mix of horizontal, vertical and shingle siding, and muted natural color tones are all in keeping with the proposed architectural style. Additional in-character detailing such as the truss-work over balconies, eave brackets, slatted balcony rails, divided light window patterns, and bracketed window awnings reinforce both the style and the human scale of the buildings. Roof wells behind the sloped rooftops will conceal mechanical elements that would otherwise detract from the style concept.

The overall approach to the elevations emphasizes horizontality so the buildings will appear to "sit down" on the site in a comfortable relationship to the landscape and the surrounding buildings. Additional architectural attention is given to the main lobby doorway where a bracketed projecting wood gable element announces the formal entry to the buildings.

We believe the proposed architecture will provide a project that is both a good neighbor in the Danville community and a refined style that will hold up well over time.

Best regards,

Carl E. Campos, Chief Executive Officer
LCA Architects Inc.

590 Ygnacio Valley Road, Suite 310 • Walnut Creek, CA 94596 • 925.944.1626
1970 Broadway, Suite 800 • Oakland, CA 94612 • 510.272.1060
lca-architects.com

EXHIBIT Q

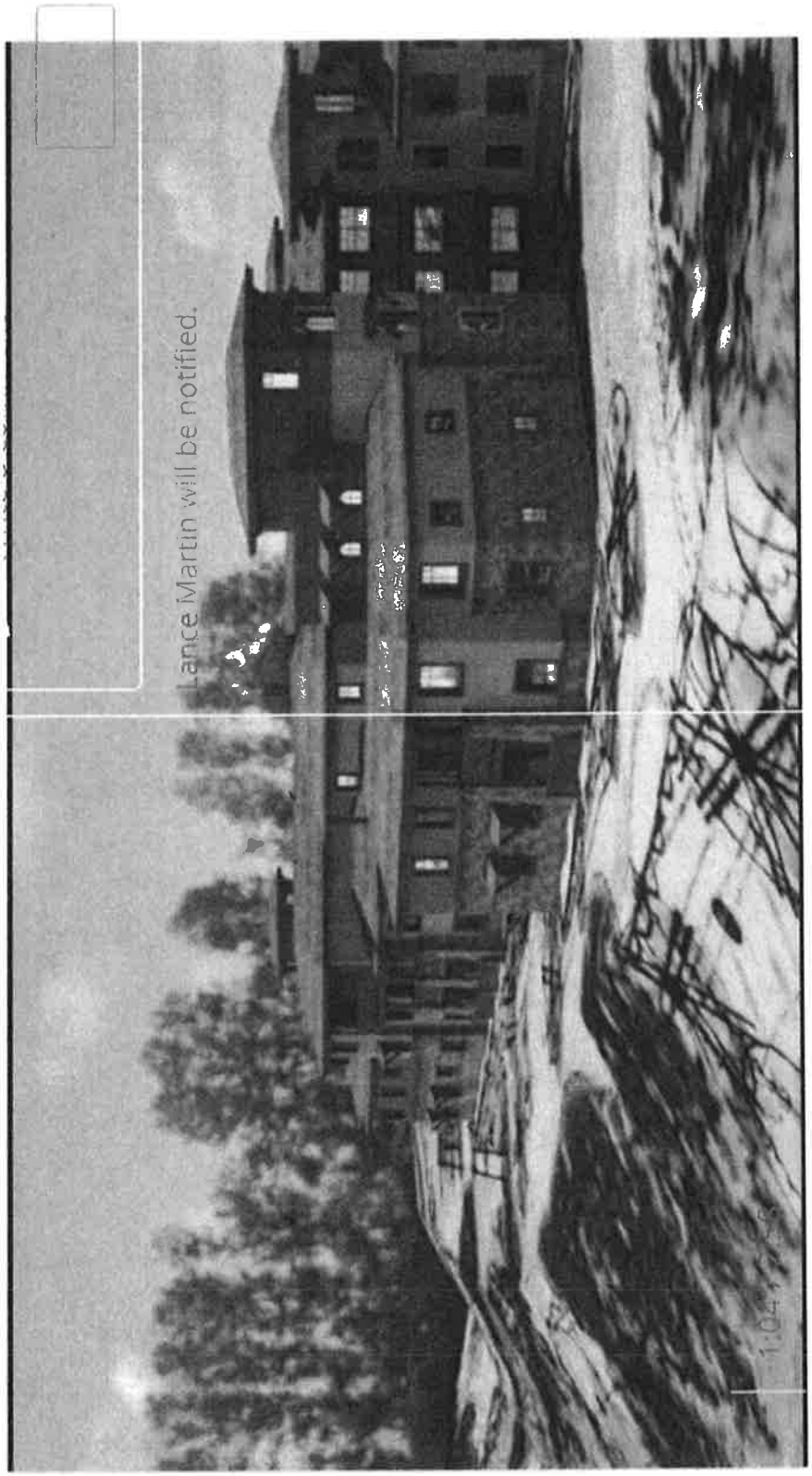
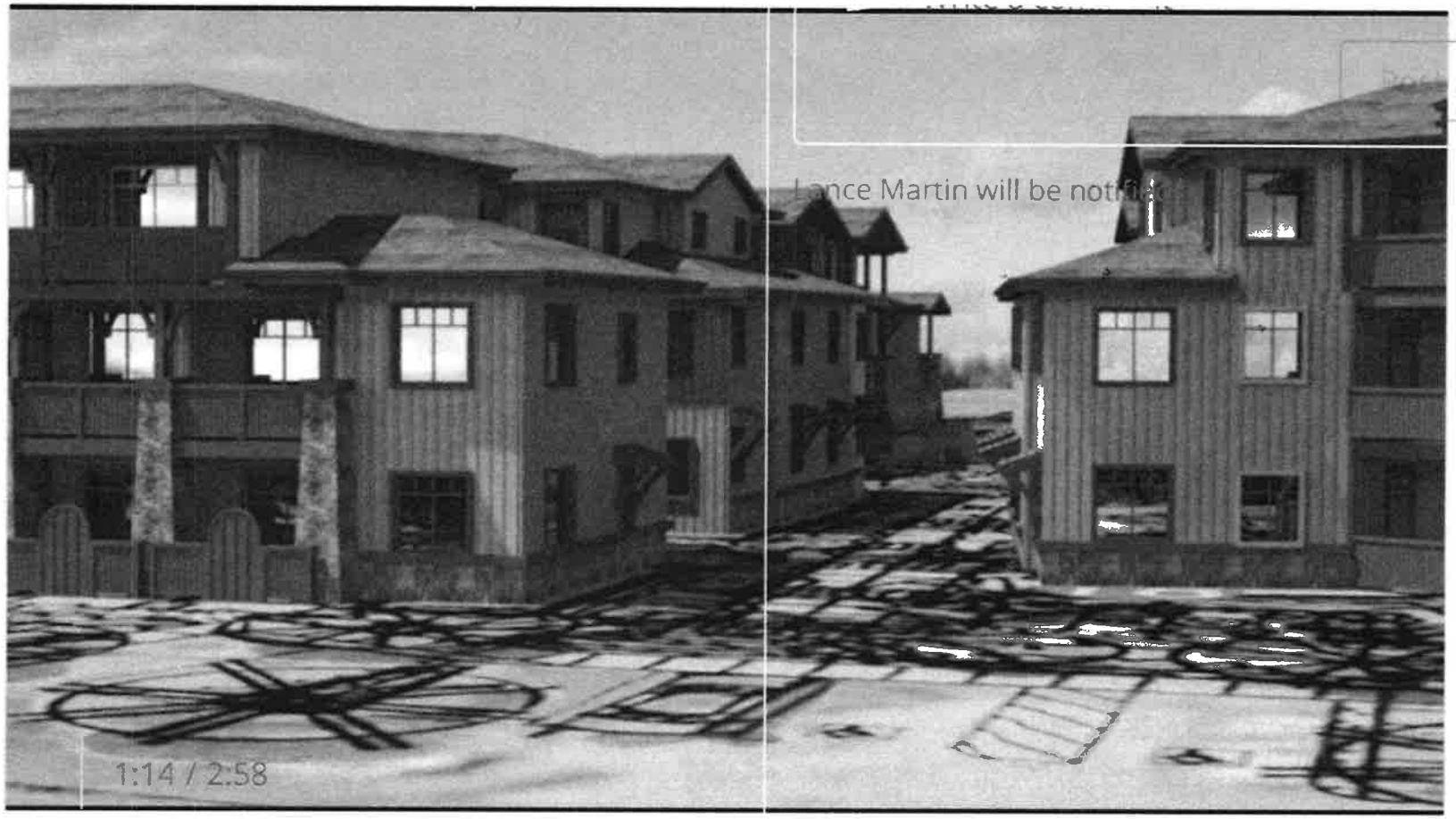


EXHIBIT R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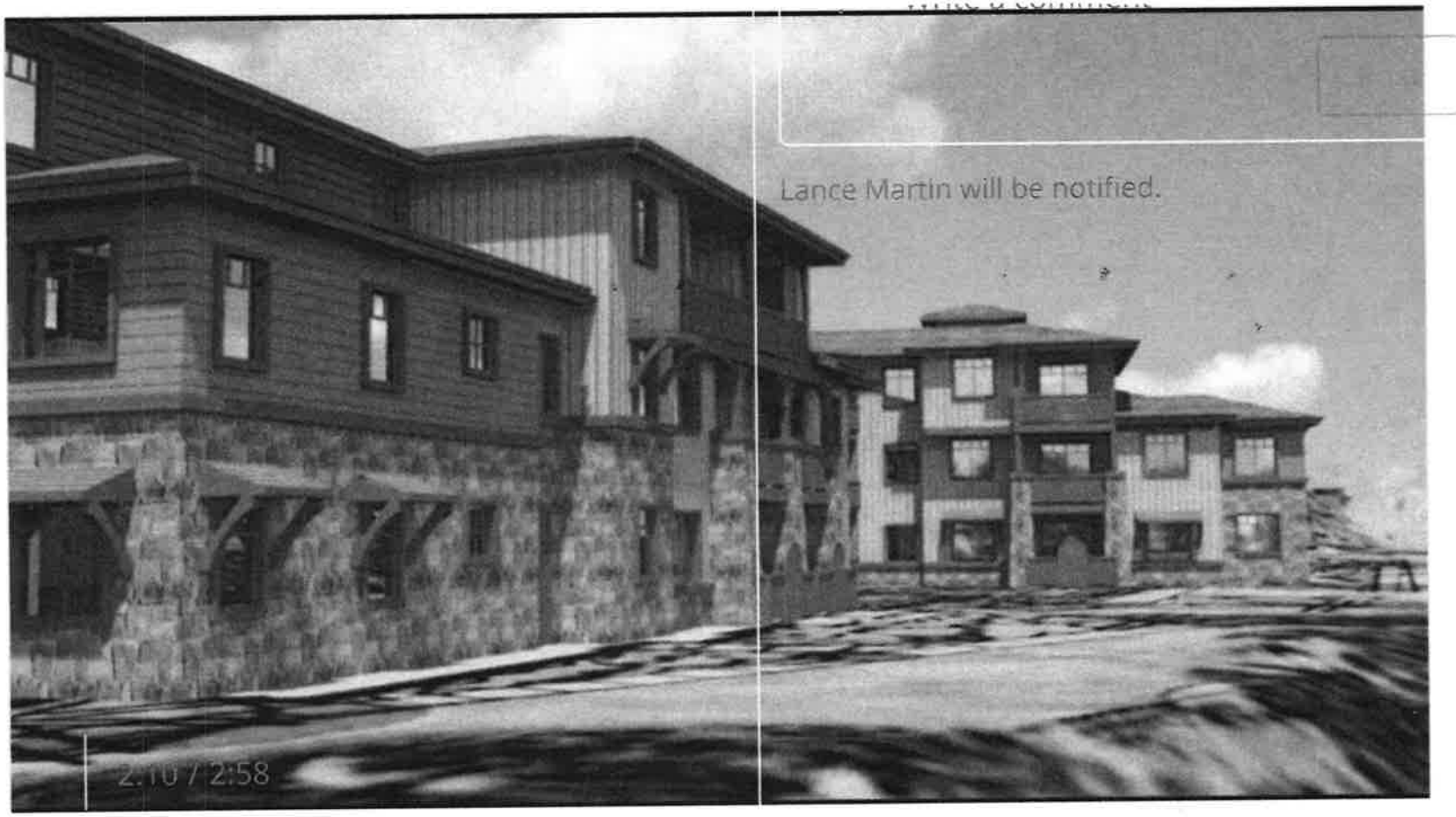
1:14 / 2:58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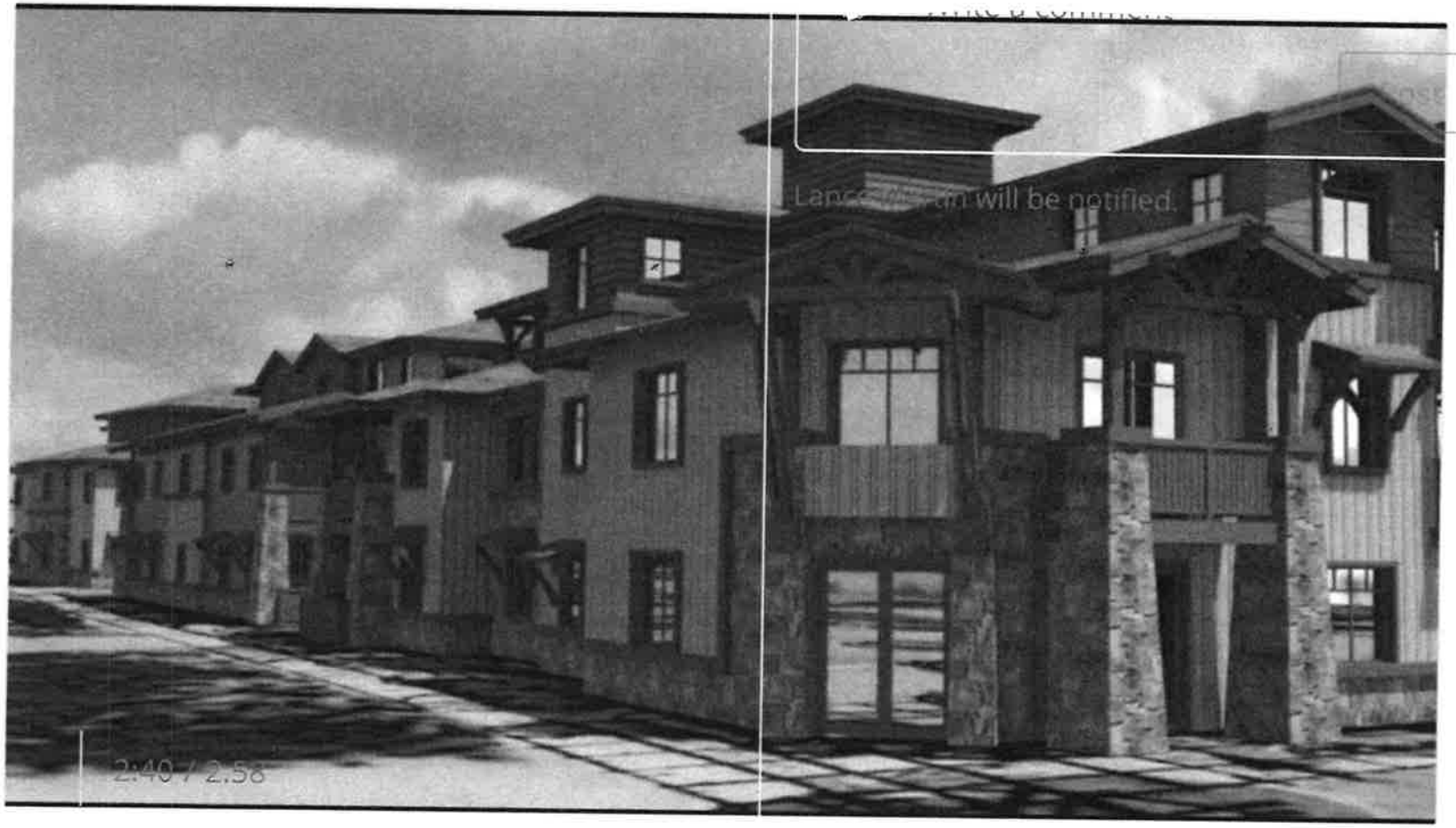
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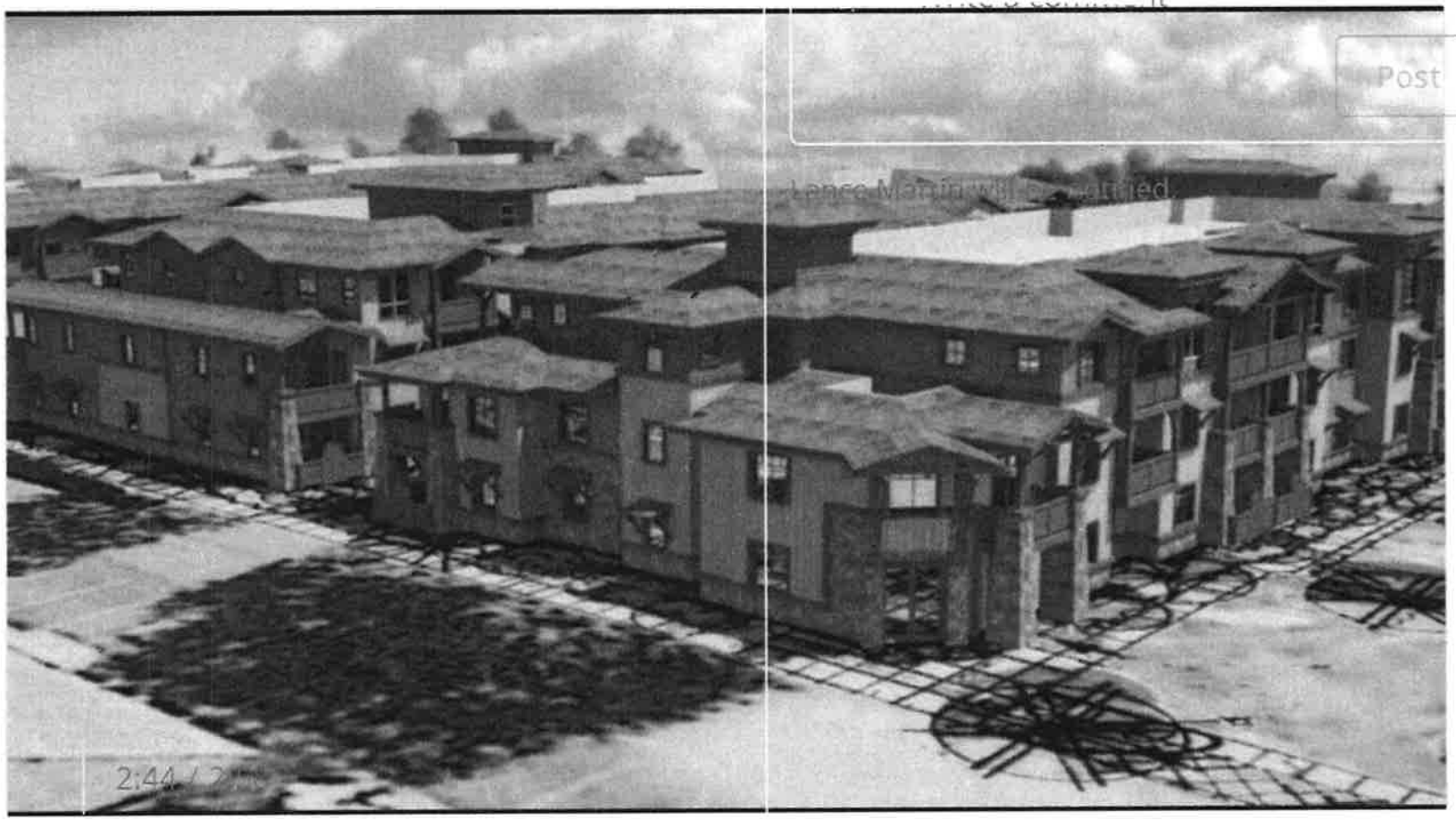


LCA ARCHITECTS

TRANSMITTAL

Date: October 26, 2016

LCA Job Number: 16003

To: **Kevin Gayley**
Chief of Planning
510 La Gonda Way
Danville, CA 94526

From: Peter Stackpole
LCA Architects, Inc.

Subject: Riverwalk at Downtown

We are transmitting herewith by Hand Delivery the following items:

Copies	Date	Description
1	10/26/16	Color and Material Board with two color options for the green ~~color attached. (In envelope).~~
1	10/26/16	Enlarged photo of the roof material. (In box)
1	10/26/16	Cultured stone sample. (In box)
1	10/26/16	(6) 12x18 color 3D images of the proposed project. (In envelope)

Notes:

cc: file

590 Ygnacio Valley Road, Suite 310 • Walnut Creek, CA 94596 • PH/FX 925. 944. 1626
1970 Broadway, Suite 800 • Oakland, CA 94612 • PH 510. 272. 1060 • FAX 510. 272.1066
www.LCA-ARCHITECTS.com

EXHIBIT S

WALL COLOR #1

A. KELLY MOORE
KM4413-3
J'S BIG HEART

WALL COLOR #2

B. KELLY MOORE
KM4559
MINK

WALL COLOR #3

C. KELLY MOORE
42
WISE OWL

ACCENT COLOR #4

D. KELLY MOORE
KM4796-3
ACANTHUS LEAF

Alternative - 1
Accent Color #4

Alternative - 2
Accent Color #4

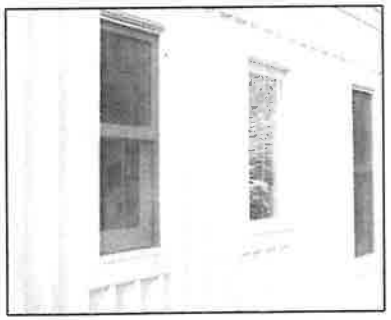
ACCENT COLOR #5

E. KELLY MOORE
KMA74-5
STAGECOACH

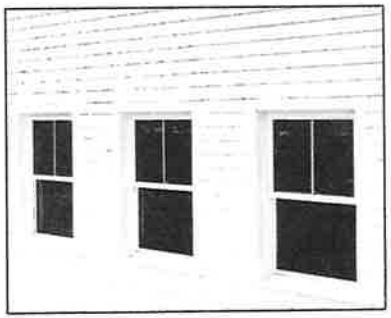
ROOF #6

F. BORAL ROOFING
SAXONY 900 HARTFORD SLATE - CONCRETE
TILE CHARCOAL BROWN BLEND

G. CULTURED STONE
EL DORADO STONE
FIELDLEDGE VENETO,
OR SIMILAR



H. FIBER CEMENT SIDING
JAMES HARDIE
BOARD AND BATTEN, MILGARD
VINYL WINDOWS, OR SIMILAR



I. FIBER CEMENT SIDING
JAMES HARDIE
HORIZONTAL LAP SIDING, MILGARD
VINYL WINDOWS,
OR SIMILAR

1 CONCEPTUAL BUILDING COLORS

NOTE: This is a digital representation of the Paint Chips. See Color Board with actual Paint Chips for more accurate representation of intent. Paint chip colors/numbers, material and manufacturers shown on this board are representative only. Final approval will be based on sample portion of building. Call the architect or owner for field review. The owner reserves the right to change any listed manufacturer. The changes in manufacturer shall match paint chip color/material as noted.

LCA ARCHITECTS

RIVERWALK AT DOWNTOWN
DANVILLE
DANVILLE, CALIFORNIA 94526

CONCEPTUAL BUILDING COLORS

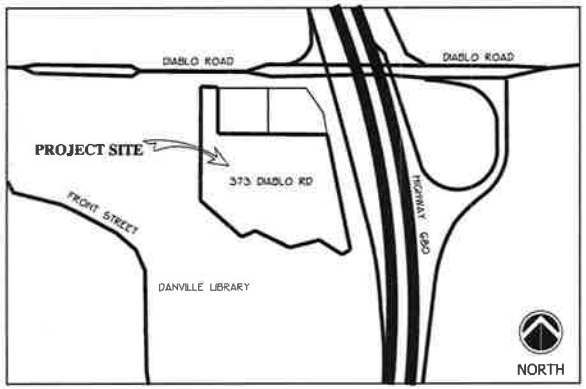
SCALE:
DATE: 08/17/2016
REVISIONS:

PROJECT NO. 16003
A14
SHEET OF

Riverwalk at Downtown Danville

DANVILLE, CA

Vicinity Map NO SCALE



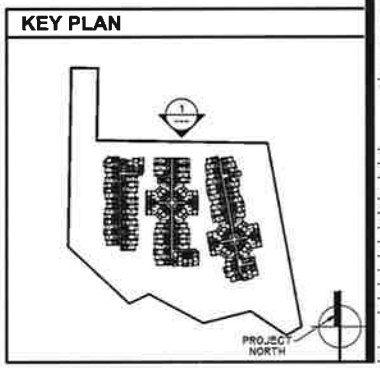
Project Data

ADDRESS	373 DIABLO ROAD, DANVILLE, CA
A.P.N	216-120-037-9
LOT AREA	GROSS 4.26 ACRES
ZONING	DOWNTOWN BUSINESS DISTRICT - AREA 12 MULTIFAMILY RESIDENTIAL HIGH DENSITY
TOTAL NUMBER OF UNITS	150 UNITS
TOTAL NUMBER OF PARKING STALLS	265 STALLS

Sheet Index

A0	COVER SHEET
A1	AREA CALCULATIONS
A2	REFERENCE SITE PLAN
A3	GROUND FLOOR PLAN
A4	2ND FLOOR PLAN
A5	3RD FLOOR PLAN
A6	BASEMENT PARKING GARAGE PLANS
A7	ROOF PLAN
A8	UNIT PLANS
A9	CONCEPTUAL EXTERIOR ELEVATIONS
A10	CONCEPTUAL EXTERIOR ELEVATIONS
A11	CONCEPTUAL EXTERIOR ELEVATIONS
A12	CONCEPTUAL BUILDING SECTIONS
A13	CONCEPTUAL BUILDING SECTIONS
A14	MATERIAL COLOR BOARD
A15	CONCEPTUAL BUILDING LIGHTING
A16	EXTERIOR VIEWS & DETAILS
C1	EXISTING CONDITIONS
C2	PRELIMINARY GRADING AND DRAINAGE PLAN
C3	PRELIMINARY UTILITY PLAN
C4.1	PRELIMINARY STORMWATER CONTROL PLAN
C4.2	PRELIMINARY STORMWATER CONTROL PLAN
C-SW1	STORMWATER TREATMENT ANALYSIS
C-SW2	STORMWATER TREATMENT ANALYSIS
L1	LANDSCAPE SITE PLAN
	ALTA SURVEY

KEY PLAN



LCA ARCHITECTS

WWW.LCA-ARCHITECTS.COM

CARL E. GAMPOS
DAVID BOSETTO
PETER STACOPOLE

590 YGNACIO VALLEY ROAD, SUITE 310
WALNUT CREEK, CALIFORNIA 94598
(925) 944-1600

1970 BROADWAY, SUITE 850
OAKLAND, CALIFORNIA 94612
(510) 272-1081

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FLOOR AREA CALCULATIONS

FLOOR AREA RATIO: 0.87+/-
DENSITY: 40 DU/ACRE NET DENSITY

UNIT CALCULATIONS

Unit Type	Area/Unit		Level 1	Level 2	Level 3	Total	Area/Level	
S1 - Studio	412	SF +/-	0	0	3	3	1,236	SF +/-
S1.5 - Studio	486	SF +/-	5	6	6	17	8,265	SF +/-
A1 - One Bedroom	676	SF +/-	7	7	8	22	14,872	SF +/-
A1.5 - One Bedroom	708	SF +/-	0	0	8	8	5,664	SF +/-
A2 - One Bedroom	672	SF +/-	4	4	8	16	10,752	SF +/-
A2.5 - One Bedroom	787	SF +/-	6	6	6	18	14,166	SF +/-
B5 - Two Bedroom	973	SF +/-	11	11	4	26	25,301	SF +/-
B5.5 - Two Bedroom	1,144	SF +/-	7	8	6	21	24,024	SF +/-
B8 - Two Bedroom	1,004	SF +/-	0	1	0	1	1,004	SF +/-
B9 - Two Bedroom	1,023	SF +/-	8	8	0	16	16,368	SF +/-
B9.5 - Two Bedroom	977	SF +/-	1	1	0	2	1,954	SF +/-
None	0	SF +/-	0	0	0	0	0	SF +/-
None	0	SF +/-	0	0	0	0	0	SF +/-
None	0	SF +/-	0	0	0	0	0	SF +/-
None	0	SF +/-	0	0	0	0	0	SF +/-
None	0	SF +/-	0	0	0	0	0	SF +/-
Total			49	52	49	150	123,606	SF +/-
				Average Unit Area SF +/-			824	

AREA CALCULATIONS

Area	Level 1	Level 2	Level 3	Total	
Common Area:	3,141	0	0	3,141	SF +/-
Corridor	5,129	5,268	4,563	14,960	SF +/-
Conditioned Area:	8,270	5,268	4,563	18,101	SF +/-
Balcony:	3,568	3,312	3,143	10,023	SF +/-
Stairs D/Elevator A	313	313	313	939	SF +/-
Stairs E/Elevator B	319	319	319	957	SF +/-
Stairs F/Elevator C	319	319	319	957	SF +/-
Stairs A	280	280	280	840	SF +/-
Stairs B	280	280	280	840	SF +/-
Stairs C	193	193	193	579	SF +/-
Storage	831	840	853	2,524	SF +/-
Unconditioned Area:	6,103	5,856	5,700	17,659	SF +/-
Total	14,373	11,124	10,263	35,760	SF +/-
Net Rentable Area:	42,446	45,080	36,080	123,606	SF +/-
Net Floor Area:	56,819	56,204	46,343	159,366	SF +/-
Gross Floor Area:	41,872	58,349	60,669	160,890	SF +/-

BALCONY CALCULATIONS

Balcony	Area +/-	Level 1	SF +/-	Level 2	SF +/-	Level 3	SF +/-	Total SF +/-	
S1 - Studio	72	0	0	0	0	3	216	216	
S1.5 - Studio	72	5	360	6	432	6	432	1,224	
A1 - One Bedroom	56	7	392	7	392	8	448	1,232	
A1.5 - One Bedroom	56	0	0	0	0	8	448	448	
A2 - One Bedroom	67	4	268	0	0	0	0	268	
A2.5 - One Bedroom	67	6	402	0	0	0	0	402	
B5 - Two Bedroom	92	11	1,012	0	0	0	0	1,012	
B5.5 - Two Bedroom	90	7	630	0	0	0	0	630	
B8 - Two Bedroom	53	0	0	1	53	0	0	53	
A2 - One Bedroom	66	0	0	4	264	8	528	792	
A2.5 - One Bedroom	68	0	0	6	405	6	405	810	
B5 - Two Bedroom	66	0	0	11	726	4	264	990	
B5.5 - Two Bedroom	67	0	0	8	536	6	402	938	
B9 - Two Bedroom	56	8	448	8	448	0	0	896	
B9.5 - Two Bedroom	56	1	56	1	56	0	0	112	
None	0	0	0	0	0	0	0	0	
None	0	0	0	0	0	0	0	0	
Total	1,004	49	3,568	52	3,312	49	3,143	10,023	SF +/-

PARKING CALCULATIONS

Required Parking	per unit	Stalls	
Studio	1	20	
1 BR	1.5	96	
2 BR	2	132	
Guest	73 X 0.25	17	(25% of 2 BEDROOM)
Total		265	

Required ADA Parking		
ADA Stalls 2% Unit	5	ADA Stalls
ADA Stalls 5% Guest	1	ADA Stalls
Total	6	ADA Stalls

On Grade Parking	West	South	East	North	Total
Regular 9'x19'	17	3	29	0	49
ADA	0	2	0	0	2
ADA VAN	2	0	0	0	2
Motorcycle	0	0	0	0	0
30% Compact 8'x16'	16	0	26	0	42
Bicycle	0	0	0	12	12
USPS/5 Minutes	2	0	0	0	2
Total (Cars)	37	5	55	0	97

Garage Parking	Aisle A	Aisle B	Aisle C	Aisle D	Aisle E	Aisle F	Aisle G	Aisle H	Aisle I	West Wall	South Wal	East Wall	North Wal	Total
Regular 9'x19'	10	4	5	10	14	12	11	12	7	13	10	16	5	129
ADA	0	0	0	0	0	0	0	0	0	0	0	0	1	1
ADA VAN	0	0	0	0	0	0	0	0	0	0	1	0	1	2
Motorcycle	0	0	0	0	0	2	6	0	4	0	0	0	0	12
30% Compact 8'x16'	0	0	0	0	0	3	0	0	2	0	5	5	21	36
Bicycle	0	0	0	0	0	0	0	0	0	80	0	0	0	80
Total (Cars)	10	4	5	10	14	15	11	12	9	13	16	21	28	168

Total Parking Stalls Provided	265
Total Accessible Parking Provided	7
Total Van Accessible Parking Provided	4
Percent Compact Stalls Provided	29.4%

PRIVATE STORAGE UNITS

LEVEL ONE:	**13 UNITS**
LEVEL TWO:	**13 UNITS**
LEVEL THREE:	**13 UNITS**
BASEMENT:	**112 UNITS**
TOTAL:	**151 UNITS**

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WWW.LCA-ARCHITECTS.COM
CARL E. CAMPOS
DAVID BOOSTAO
PETER STACHPOLE
560 YGNACIO VALLEY ROAD, SUITE 310
WALNUT CREEK, CALIFORNIA 94598
(925) 944 1626
1970 BROADWAY, SUITE 970
OAKLAND, CALIFORNIA 94612
(510) 272-0383

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AREA CALCULATIONS

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A1

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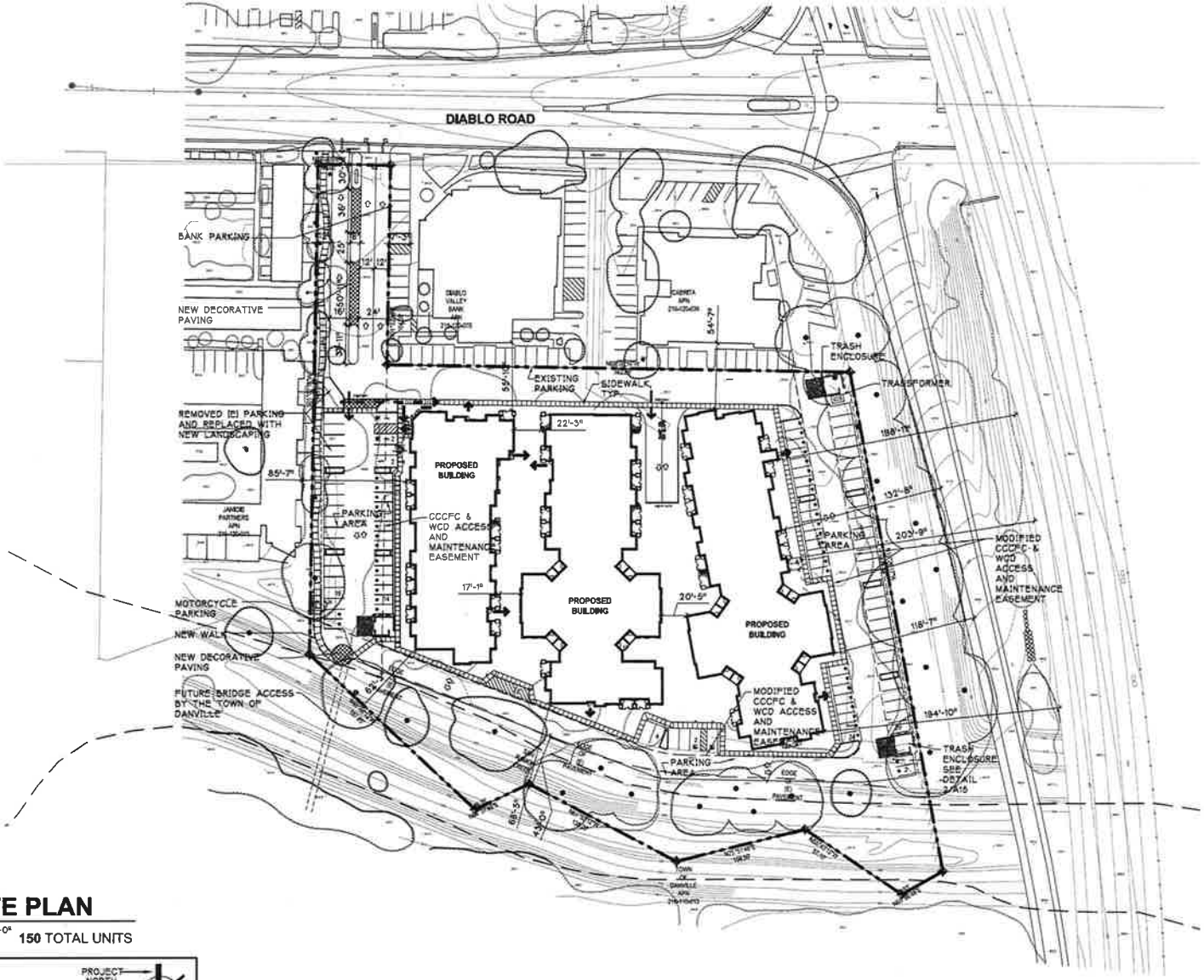

1 SITE PLAN

1" = 40'-0"

150 TOTAL UNITS

40' 0' 40' 80'

SCALE: 1" = 40'-0"

PROJECT NORTH

TRUE NORTH

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CARL F. CAMPOS
DAVID BOSSTAD
PETER STADIOPOLE

550 YGNACIO VALLEY ROAD, SUITE 310
WALNUT CREEK, CALIFORNIA 94598
(925) 944-7828

1970 BROADWAY, SUITE 800
OAKLAND, CALIFORNIA 94612
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REFERENCE
SITE PLAN

SCALE: AS SHOWN
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A2

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1 **FLOOR PLAN - GROUND LEVEL**

1/16" = 1'-0"

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RIVERWALK AT DOWNTOWN
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GROUND FLOOR PLAN

SCALE: AS SHOWN
DATE: 08 / 17 / 2016

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A3

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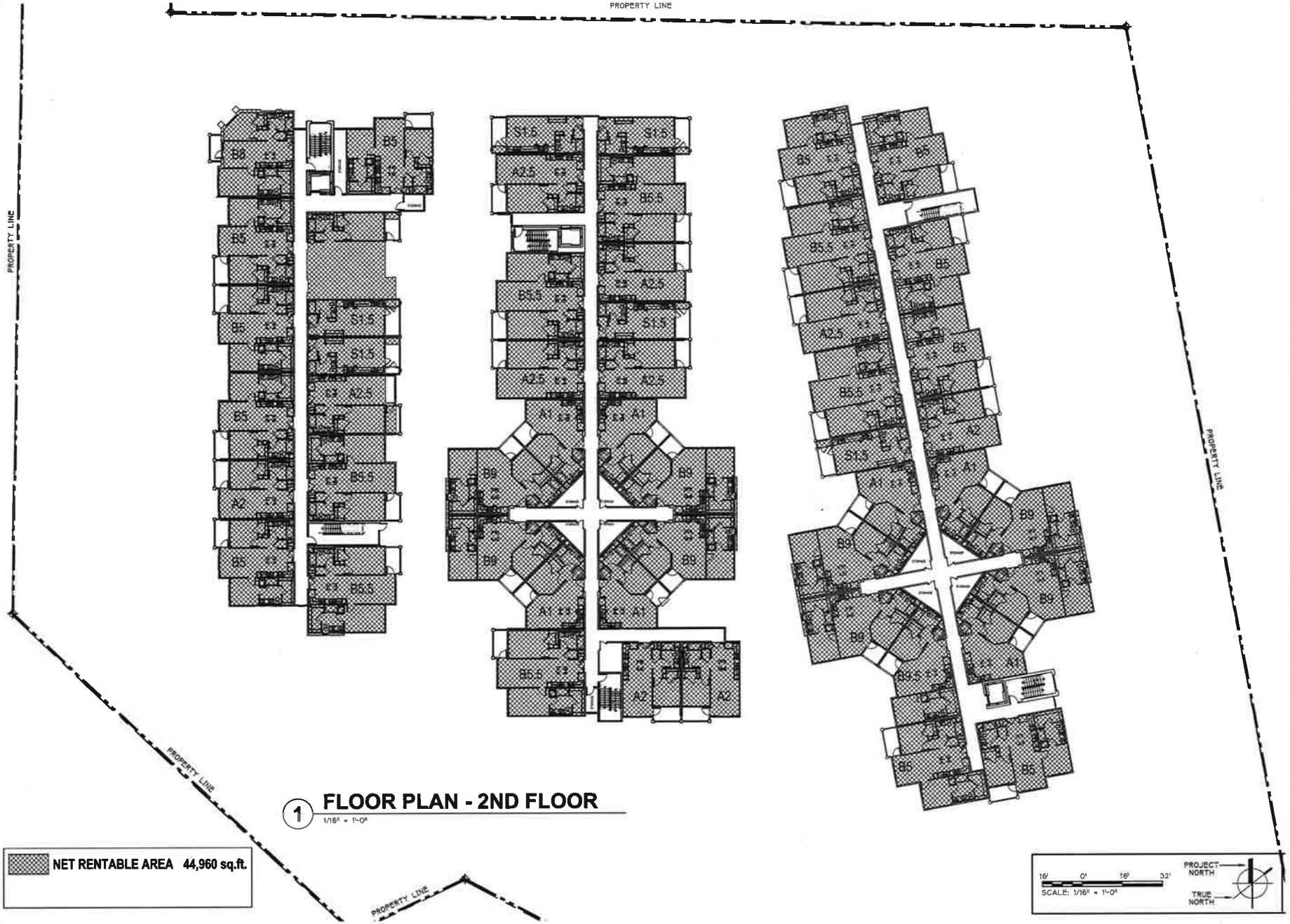

1 **FLOOR PLAN - 2ND FLOOR**
1/16" = 1'-0"

NET RENTABLE AREA 44,960 sq.ft.

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CARL E. CAMPOS
DAVID SCIBITRO
PETER STACKPOLE

550 YGNACIO VALLEY ROAD, SUITE 310
WALNUT CREEK, CALIFORNIA 94598
(925) 944-1626

1970 BROADWAY, SUITE 830
OAKLAND, CALIFORNIA 946 2
(510) 272-1680

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DANVILLE
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2ND FLOOR PLAN

SCALE: AS SHOWN
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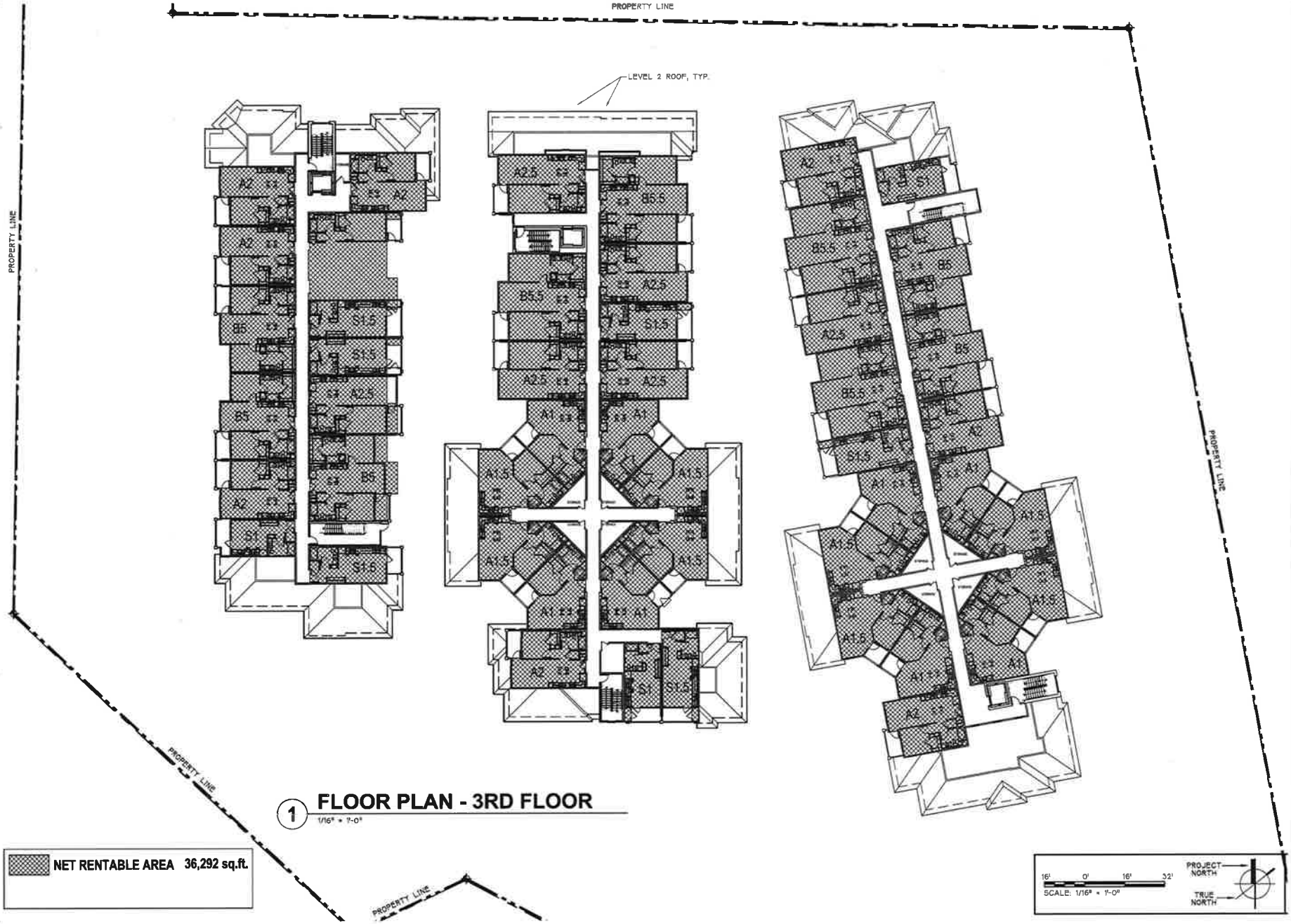

1 FLOOR PLAN - 3RD FLOOR
1/16" = 1'-0"

NET RENTABLE AREA 36,292 sq.ft.

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CARL R. CAMPOS
DAVID ROSSITAO
PETER STACIPOLE

3160 CRANDALL VALLEY ROAD, SUITE 310
WALNUT CREEK, CALIFORNIA 94598
(925) 944-9929

1970 BROADWAY, SUITE 900
OAKLAND, CALIFORNIA 94612
(510) 273-4080

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3RD FLOOR PLAN

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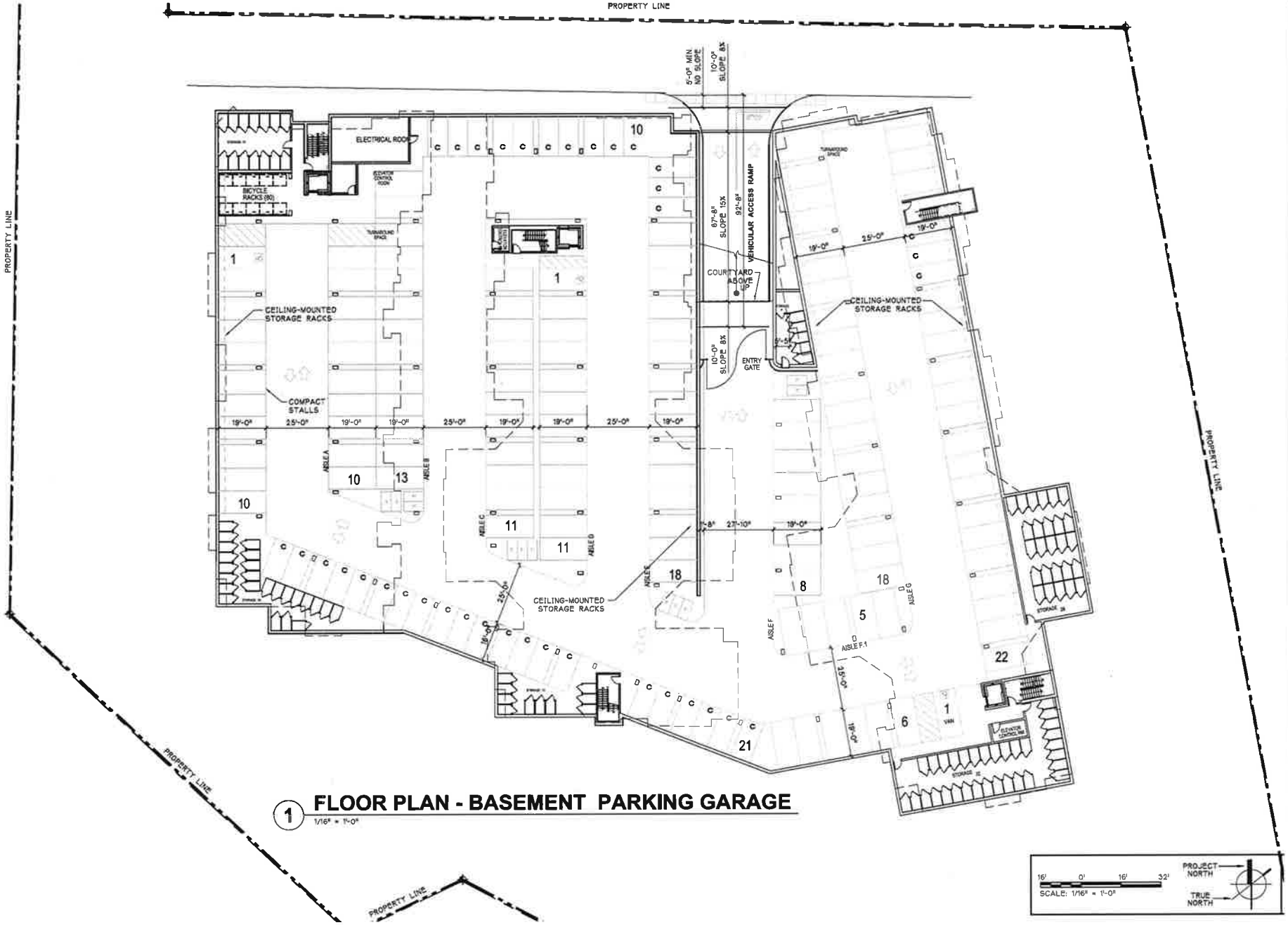

1 FLOOR PLAN - BASEMENT PARKING GARAGE

1/16" = 1'-0"

SCALE: 1/16" = 1'-0"

PROJECT NORTH

TRUE NORTH

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CARL E. CAMPOS
DAVID SOSSITKO
PETER STADOPOULOS

380 RUNAWAY VALLEY ROAD, SUITE 310
WALNUT CREEK, CALIFORNIA 94598
(925) 944-1929

1970 BROADWAY, SUITE 800
OAKLAND, CALIFORNIA 94612
(510) 272-1090

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BASEMENT PARKING GARAGE FLOOR PLAN

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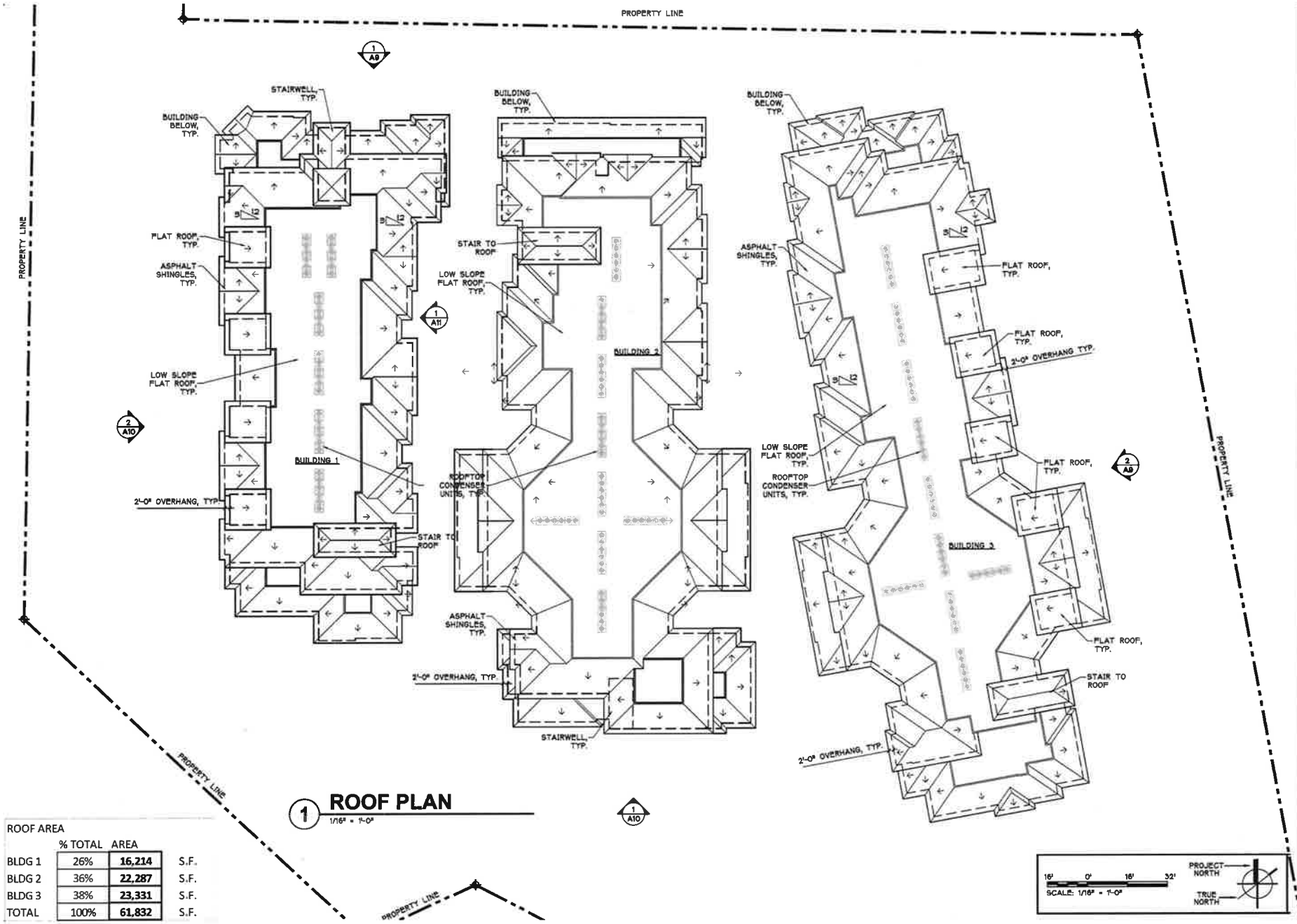

1 **ROOF PLAN**
1/16" = 1'-0"

ROOF AREA

	% TOTAL	AREA	
BLDG 1	26%	16,214	S.F.
BLDG 2	36%	22,287	S.F.
BLDG 3	38%	23,331	S.F.
TOTAL	100%	61,832	S.F.

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CARL E. CAMPOS
DAVID SCHETTINO
PETER STACKPOLE

565 YGNACIO VALLEY ROAD, SUITE 310
WALNUT CREEK, CALIFORNIA 94598
(925)944-7626

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OAKLAND, CALIFORNIA 94612
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ROOF PLAN

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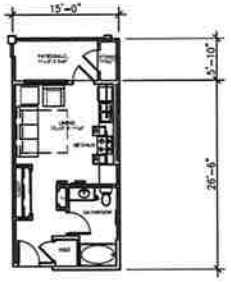
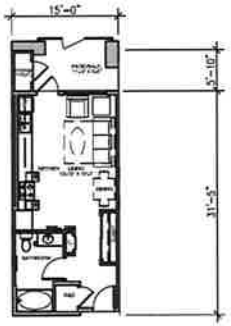
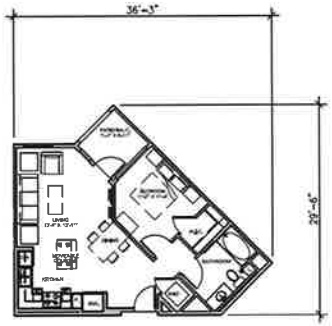


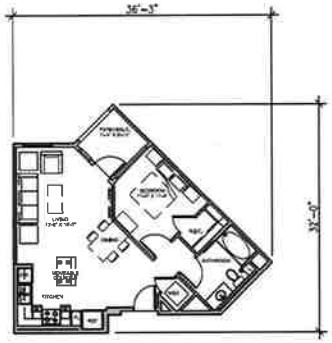
UNIT S1
STUDIO - 1 BATH
UNIT AREA: 412 SQ. FT.
PATIO/BALCONY: 72 SQ. FT.



UNIT S1.5
STUDIO - 1 BATH
UNIT AREA: 486 SQ. FT.
PATIO/BALCONY: 72 SQ. FT.



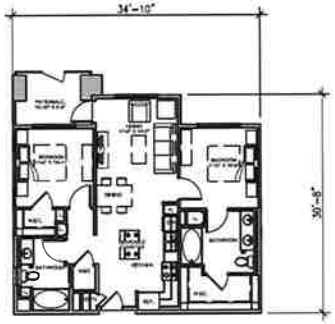
UNIT A1
1 BEDROOM - 1 BATH
UNIT AREA: 675 SQ. FT.
PATIO/BALCONY: 56 SQ. FT.



UNIT A1.5
1 BEDROOM - 1 BATH
UNIT AREA: 708 SQ. FT.
PATIO/BALCONY: 56 SQ. FT.

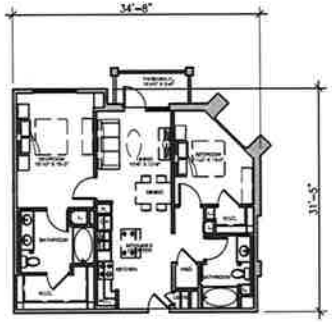
UNIT A2
1 BEDROOM - 1 BATH
UNIT AREA: 672 SQ. FT.
PATIO/BALCONY: 66 SQ. FT.

UNIT A2.5
1 BEDROOM - 1 BATH
UNIT AREA: 787 SQ. FT.
PATIO/BALCONY: 66 SQ. FT.

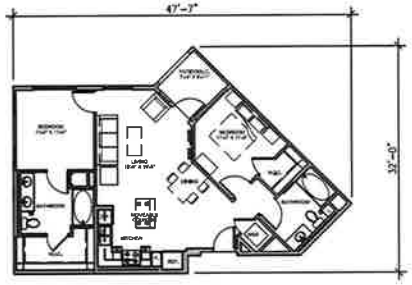


UNIT B5
2 BEDROOM - 2 BATH
UNIT AREA: 973 SQ. FT.
PATIO/BALCONY: 66 SQ. FT.

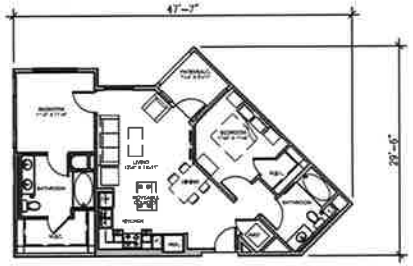
UNIT B5.5
2 BEDROOM - 2 BATH
UNIT AREA: 1,144 SQ. FT.
PATIO/BALCONY: 66 SQ. FT.



UNIT B8
2 BEDROOM - 2 BATH
UNIT AREA: 1,005 SQ. FT.
PATIO/BALCONY: 65 SQ. FT.



UNIT B9
2 BEDROOM - 2 BATH
UNIT AREA: 1,023 SQ. FT.
PATIO/BALCONY: 56 SQ. FT.



UNIT B9.5
2 BEDROOM - 2 BATH
UNIT AREA: 977 SQ. FT.
PATIO/BALCONY: 56 SQ. FT.

1 UNIT PLANS

1/8" = 1'-0"

8' 0' 8' 16'

SCALE: 1/8" = 1'-0"

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CARL E. CAMPOS
DAVID BOSETTO
PETER STACIPOLI

380 YGNACIO VALLEY ROAD, SUITE 210
WALNUT CREEK, CALIFORNIA 94598
(925) 944-0926

1970 BROADWAY, SUITE 870
OAKLAND, CALIFORNIA 94612
(510) 272-1080

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UNIT PLANS

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PROJECT NO. 16003

A8

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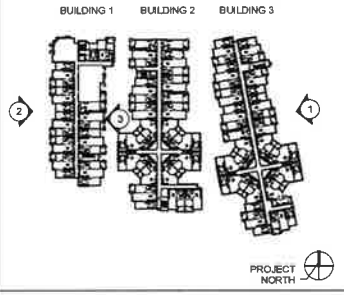
1 BUILDING 3 - EAST ELEVATION

2 BUILDING 1 - WEST ELEVATION

3 BUILDING 1 - EAST ELEVATION

KEY PLAN



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CARLE. CAMPOS
DAVID BOGSTAD
PETER STACKPOLE

1901 BROADWAY, SUITE 800
OAKLAND, CALIFORNIA 94612
(510) 272-1010

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DANVILLE
DANVILLE, CALIFORNIA 94526

LCA ARCHITECTS
RESTRICTED ARCHITECTURAL DRAWINGS

CONCEPTUAL ELEVATIONS

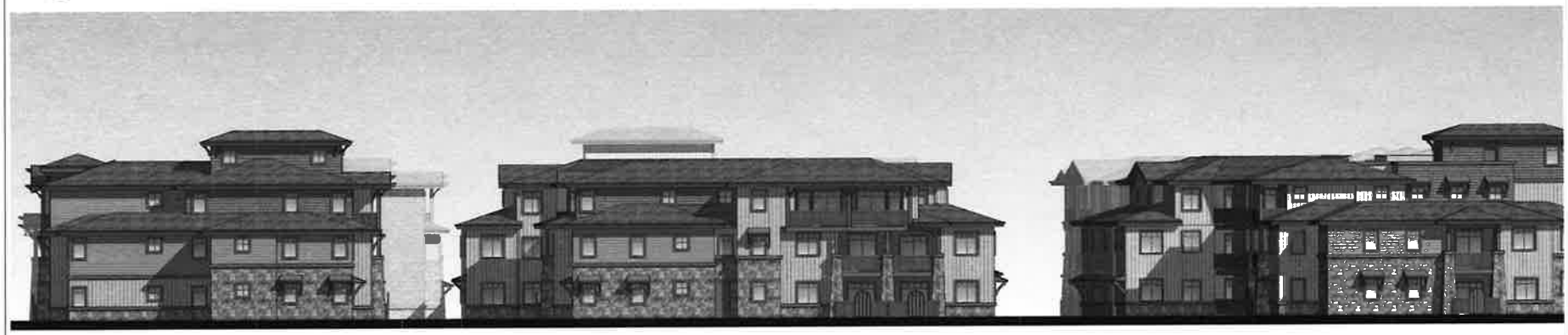
SCALE: AS SHOWN
DATE: 11-21-2018
REVISIONS:

PROJECT NO. 18003

A9

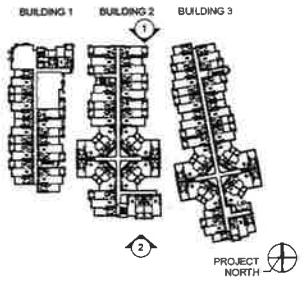
SHEET OF

1 NORTH ELEVATION



2 SOUTH ELEVATION

KEY PLAN



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(925) 944-7535

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CONCEPTUAL ELEVATIONS

SCALE: AS SHOWN
DATE: 11 - 21 - 2010
REVISIONS:

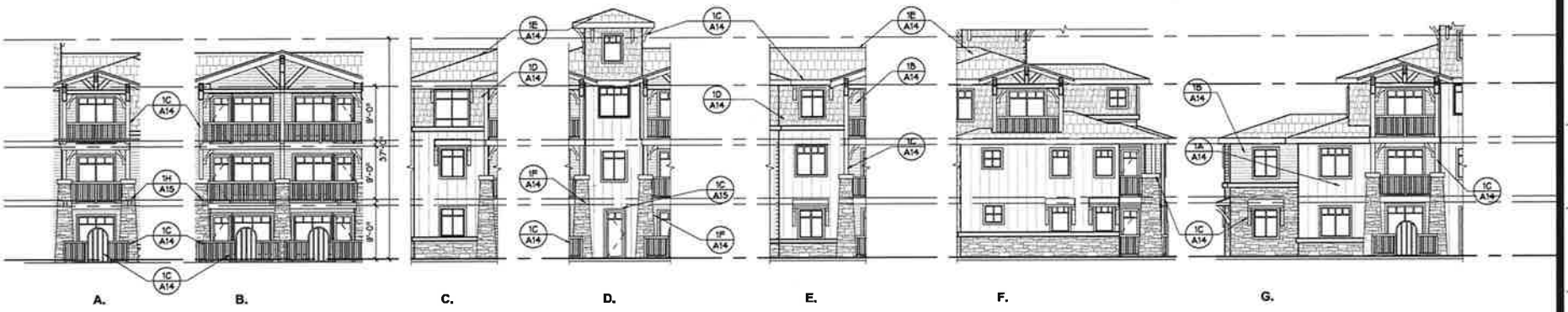
PROJECT NO. 15003

A10

SHEET OF

1 EAST ELEVATION OF WEST BUILDING

3/32" = 1'-0"



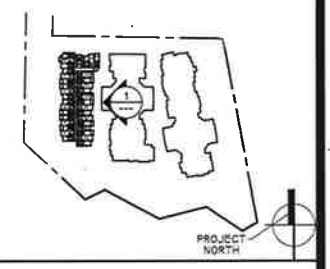
2 PARTIAL ELEVATIONS

1/8" = 1'-0"

COLORS:
WALL COLOR #1 - KELLY MOORE KM4413-3 (SEE 1A/A14)
WALL COLOR #2 - KELLY MOORE KM4559 (SEE 1B/A14)
WALL COLOR #3 - KELLY MOORE 42 (SEE 1C/A14)
ACCENT COLOR #4 - KELLY MOORE KM4796-3 (SEE 1D/A14)

8' 0' 8' 16' 24'
SCALE: 3/32" = 1'-0"

KEY PLAN



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EXTERIOR ELEVATIONS

SCALE: AS SHOWN
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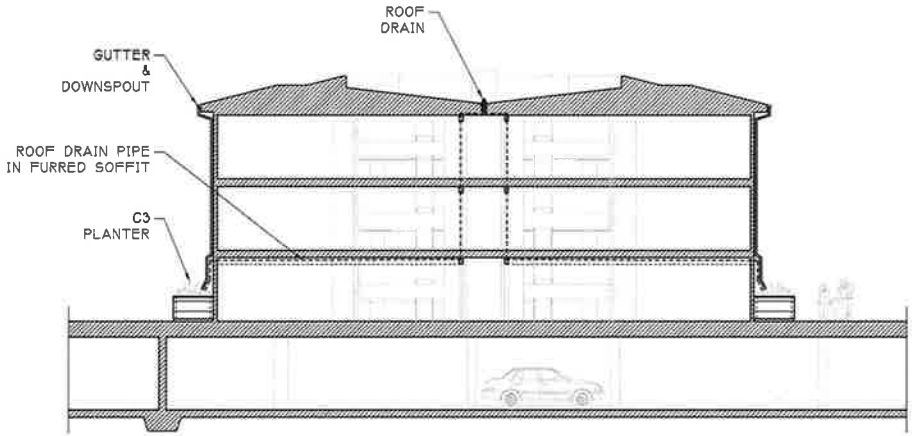
REVISIONS:
09 / 22 / 2016
11 / 22 / 2016

PROJECT NO. 15003

A11

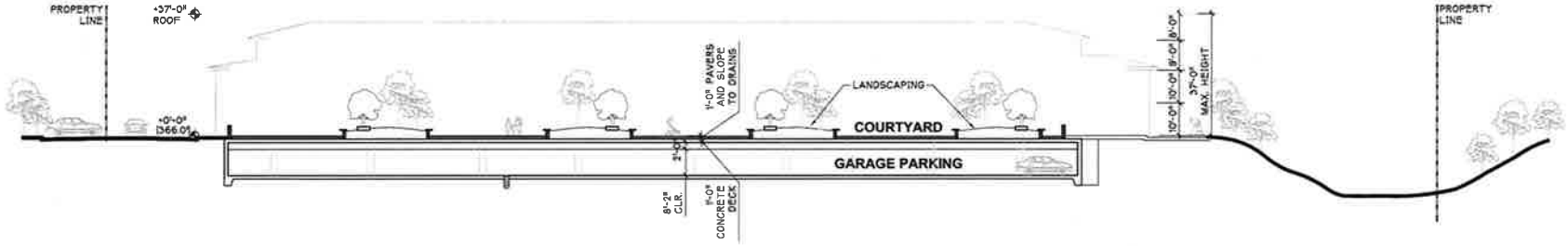
SHEET OF



STORMWATER DRAINAGE SYSTEM - CENTER BUILDING

2 CONCEPTUAL BUILDING SECTION 2

1/8" = 1'-0"



1 CONCEPTUAL BUILDING SECTION 1-1

1/16" = 1'-0"

KEY PLAN

16' 0' 16' 32'
SCALE: 1/16" = 1'-0"

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CONCEPTUAL BUILDING SECTION

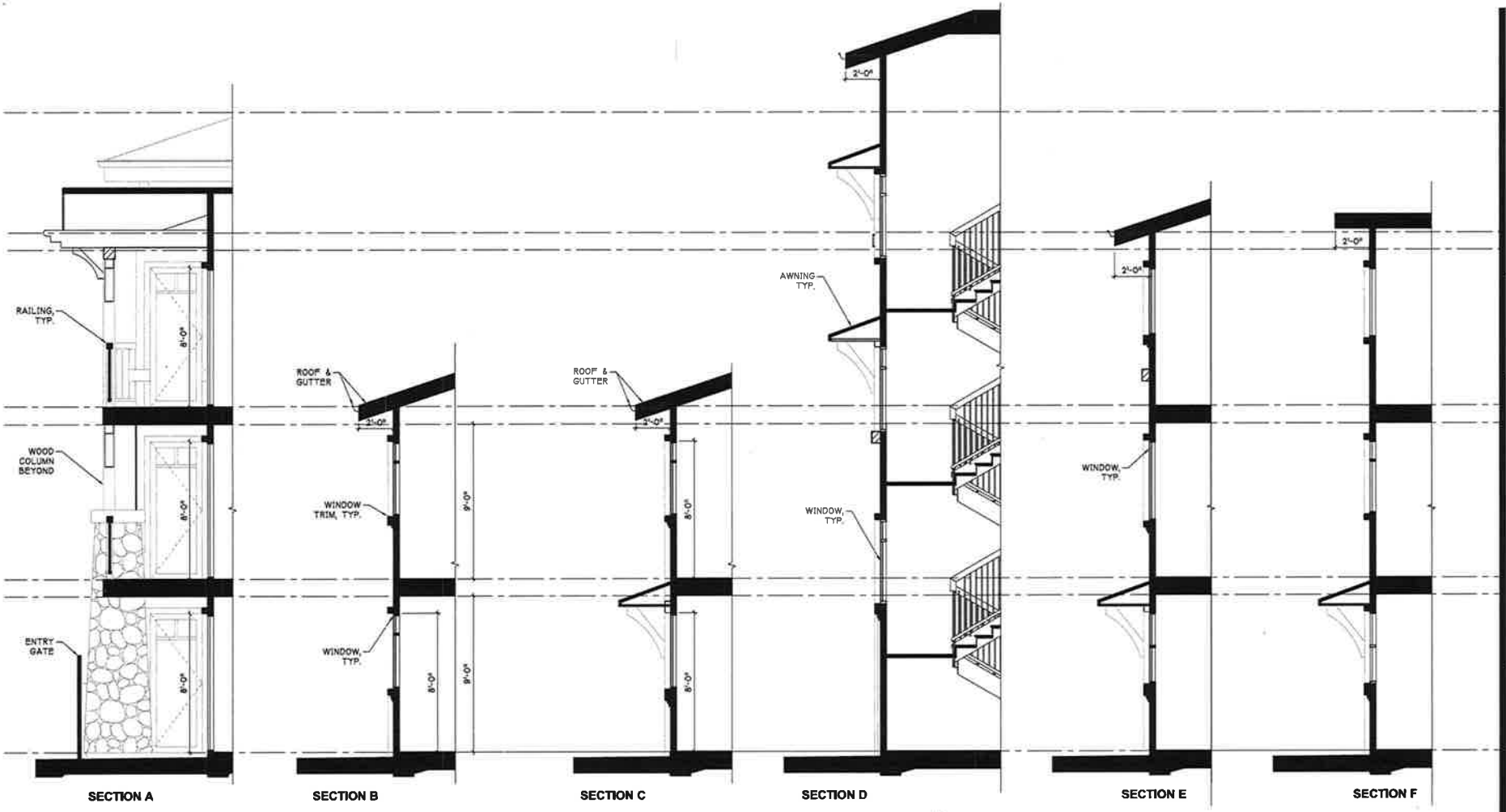
SCALE: AS SHOWN
DATE: 12 / 09 / 2016

REVISIONS:
06 / 20 / 2016
11 / 28 / 2016
12 / 07 / 2016

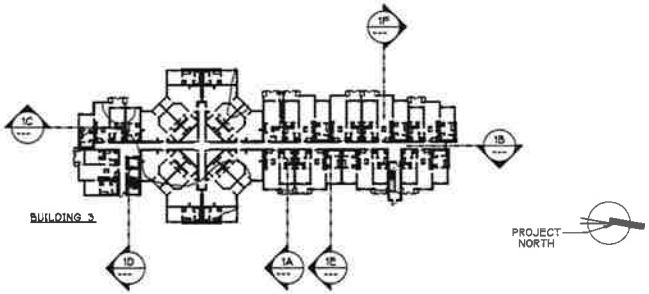
PROJECT NO. 16003

A12

SHEET OF



KEY PLAN



16' 0' 16' 32'
SCALE: 1/16" = 1'-0"

1 CONCEPTUAL BUILDING SECTIONS

3/8" = 1'-0"

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DAVID BOSETTO
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CONCEPTUAL BUILDING SECTIONS

SCALE: AS SHOWN
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REVISIONS:
09 / 20 / 2016
11 / 22 / 2016

PROJECT NO. 16003

A13

SHEET OF

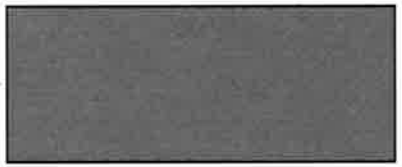
WALL COLOR #1

A. KELLY MOORE
42
WISE OWL

WALL COLOR #2

B. KELLY MOORE
305
IRONWOOD

TRIM



C. KELLY MOORE
KM4559
MINK

SHINGLE SIDING

D. HARDIESHINGLE SIDING
STRAIGHT EDGE PANEL
PAINT KELLY MOORE KM4532-3 COW
GIRL BOOTS

ROOF #6

E. BORAL ROOFING
SAXONY 900 HARTFORD SLATE - CONCRETE
TILE CHARCOAL BROWN BLEND

F. CULTURED STONE
EL DORADO STONE
FIELDLEDGE VENETO,
OR SIMILAR

G. FIBER CEMENT SIDING
JAMES HARDIE
BOARD AND BATTEN, MILGARD
VINYL WINDOWS, OR SIMILAR

H. FIBER CEMENT SIDING
JAMES HARDIE
HORIZONTAL LAP SIDING, MILGARD
VINYL WINDOWS,
OR SIMILAR

1 CONCEPTUAL BUILDING COLORS

NOTE: This is a digital representation of the Paint Chips. See Color Board with actual Paint Chips for more accurate representation of intent. Paint chip colors/numbers, material and manufacturers shown on this board are representative only. Final approval will be based on sample portion of building. Call the architect or owner for field review. The owner reserves the right to change any listed manufacturer. The changes in manufacturer shall match paint chip color/material as noted.

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1970 BROADWAY, SUITE 970
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CONCEPTUAL
BUILDING COLORS

SCALE:
DATE: 08 / 17 / 2016
REVISIONS:
08 / 26 / 2016
11 / 22 / 2016

PROJECT NO. 16003

A14

SHEET OF

A.

WALL SCONCE
HEIGHT VARIES:
18-1/2", 24", & 50" HIGH

B.

DOWNLIGHT ONLY
PRIVATE DECK WALL LIGHTS
AT BACK WALL

C.

RECESSED WALL LIGHT

D.

UPLIGHT

E.

ARCHITECTURAL CYLINDER
DOWNLIGHT UDNER CANOPY AND
GARAGE ENTRY SOFFIT

F.

WALL LUMINAIRE OVER DOOR

G.

RECESSED STEP LIGHT

H.

EXTERIOR SECURITY LIGHTING
LED EXTERIOR WALL SCONCE

1 CONCEPTUAL BUILDING LIGHTING

NOTE: Light fixture colors, material and manufacturers shown on this board are representative only. The owner reserves the right to change any listed manufacturer.

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DAVID BOSSTAD
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CONCEPTUAL
BUILDING LIGHTING

SCALE:
DATE: 08 / 17 / 2016

REVISIONS:
09 / 20 / 2016
11 / 22 / 2016

PROJECT NO. 16003

A15

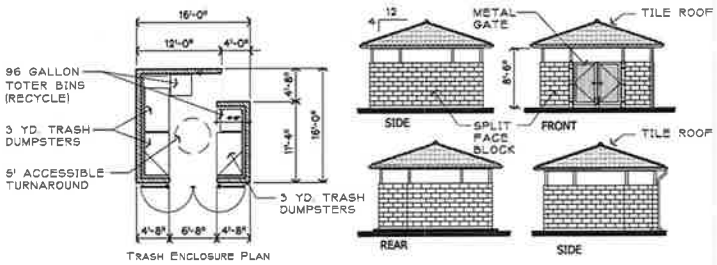
SHEET OF

VIEW 1

VIEW 2

VIEW 3

1 SITE PHOTOGRAPHS



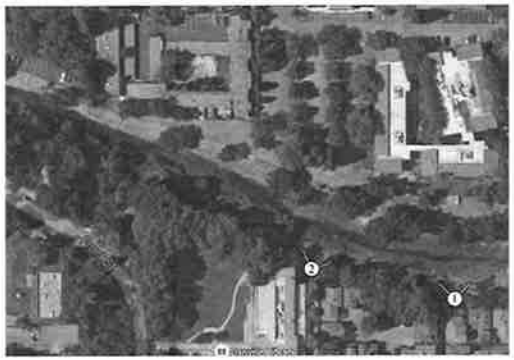
2 TRASH ENCLOSURE PLAN & ELEVATION

1/16" = 1'-0"

16' POLE LIGHT FOR PERIMETER
MODEL #UCM by ARCHITECTURAL AREA LIGHTING

10' POLE LIGHT FOR COURTYARD
MODEL #UCM by ARCHITECTURAL AREA LIGHTING

LIGHT STANDARD DETAIL



3 KEY MAP

NOT TO SCALE

PROJECT NORTH

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EXTERIOR VIEWS & DETAILS

SCALE: AS SHOWN
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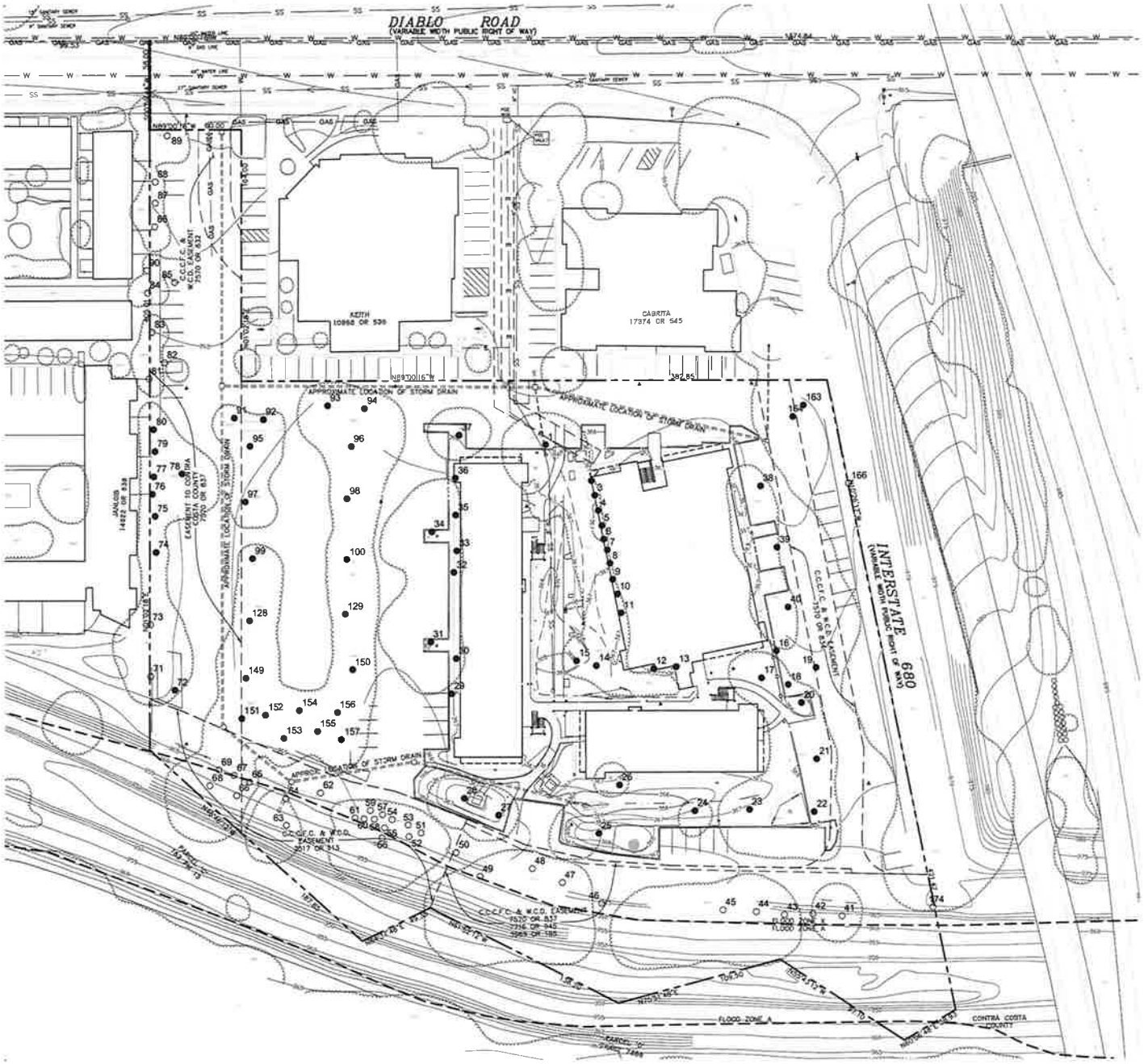
11 / 22 / 2016

PROJECT NO. 16003

A16

SHEET OF



LEGEND

- BOUNDARY LINE
- APPROXIMATE FLOOD ZONE LIMIT
- ○ 52 EXISTING TREE TO REMAIN
- ● 128 EXISTING TREE TO BE REMOVED

NOTES

1. EXISTING PARCEL AND EASEMENT INFORMATION SHOWN ON THIS PLAN WAS TAKEN FROM THE A.L.T.A./A.C.S.M. LAND TITLE SURVEY 373 DIABLO ROAD" PERPARED BY CBG, INC., DATED FEBRUARY 5, 2013.
2. REFER TO "TABLE A – 373 DIABLO ROAD APARTMENTS – TREE SURVEY" DATED MAY 2015 PREPARED BY LSA ASSOCIATES, INC. FOR TREE SPECIES, DIAMETER, AND CONDITION.

GRAPHIC SCALE

30 0 30 60

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CARL B. CAMPOS
DAVID SCHEMPO
PETER STAGPOOLE

420 TAMALPAIS VALLEY ROAD, SUITE 240
WALNUT CREEK, CALIFORNIA 94062
(925) 944-1220

1999 HARRISON STREET, SUITE 1800
OAKLAND, CALIFORNIA 94612
(510) 273-8780

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EXISTING CONDITIONS

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DATE: 12/09/2016

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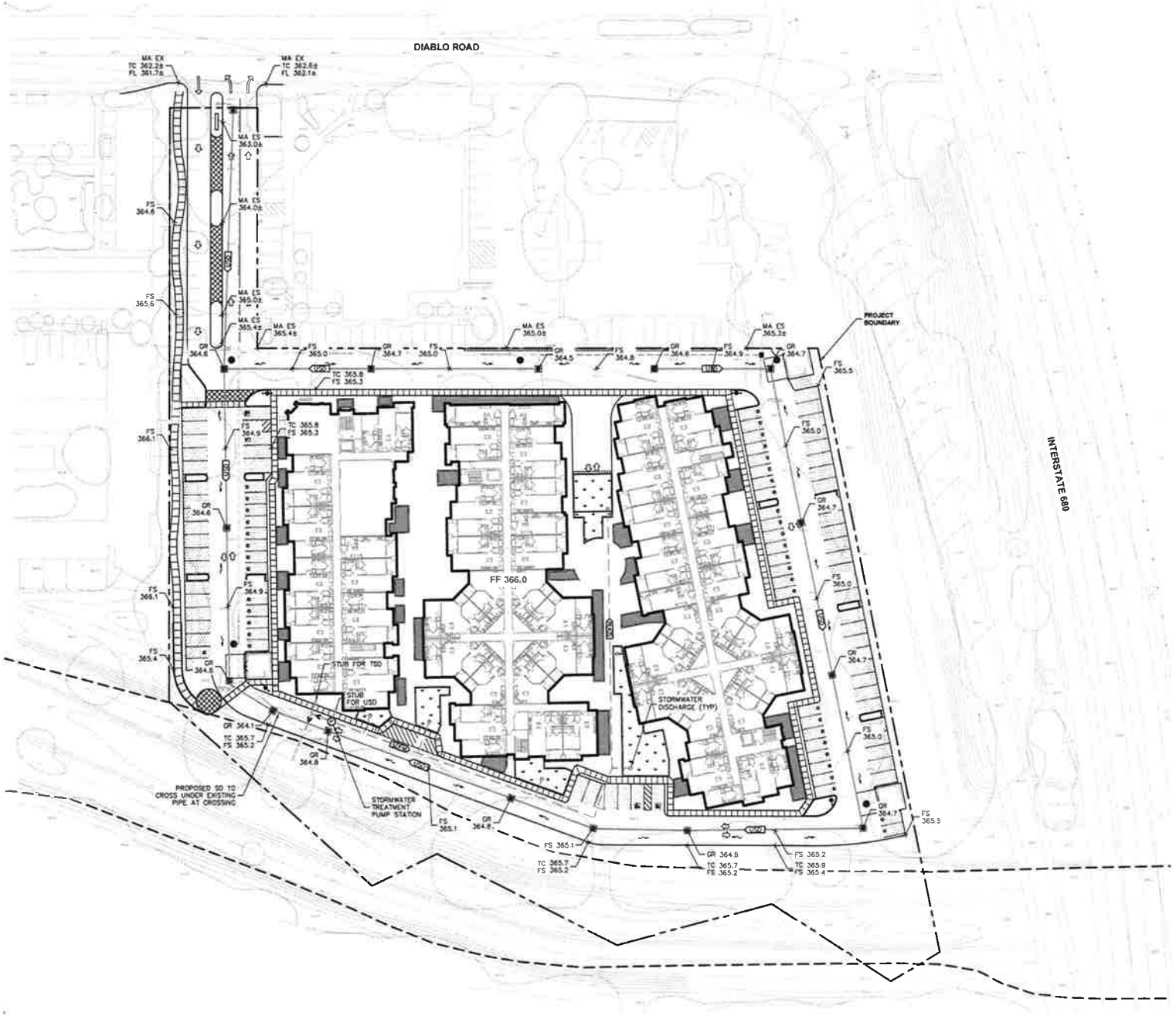
11/14/2016

PROJECT NO. 20156073

C1

SHEET 1 OF 5



LEGEND

- FLOW-THROUGH PLANTER TO RECEIVE STORMWATER FROM PUMP STATION THROUGH SDFM
- FLOW-THROUGH PLANTER TO RECEIVE STORMWATER FROM ROOF LEADER
- PERVIOUS PAVEMENT

ABBREVIATIONS

DMA	DRAINAGE MANAGEMENT AREA
ES	EXISTING SURFACE
EX	EXISTING
FF	FINISHED FLOOR
FS	FINISHED SURFACE
GR	GRATE
IMP	INTEGRATED MANAGEMENT PRACTICE
MA	MATCH
SDFM	STORM DRAIN FORCE MAIN
SF	SQUARE FEET
TC	TOP OF CURB
TSD	TREATED STORM DRAIN
USD	UNTREATED STORM DRAIN

GRAPHIC SCALE
30 0 30 60

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DAVID BOSSETO
PETER STACPOOLE
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(925) 944-1220
5510 BROADWAY, SUITE 100
OAKLAND, CALIFORNIA 94618
(510) 272-1000

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PRELIMINARY GRADING AND DRAINAGE PLAN

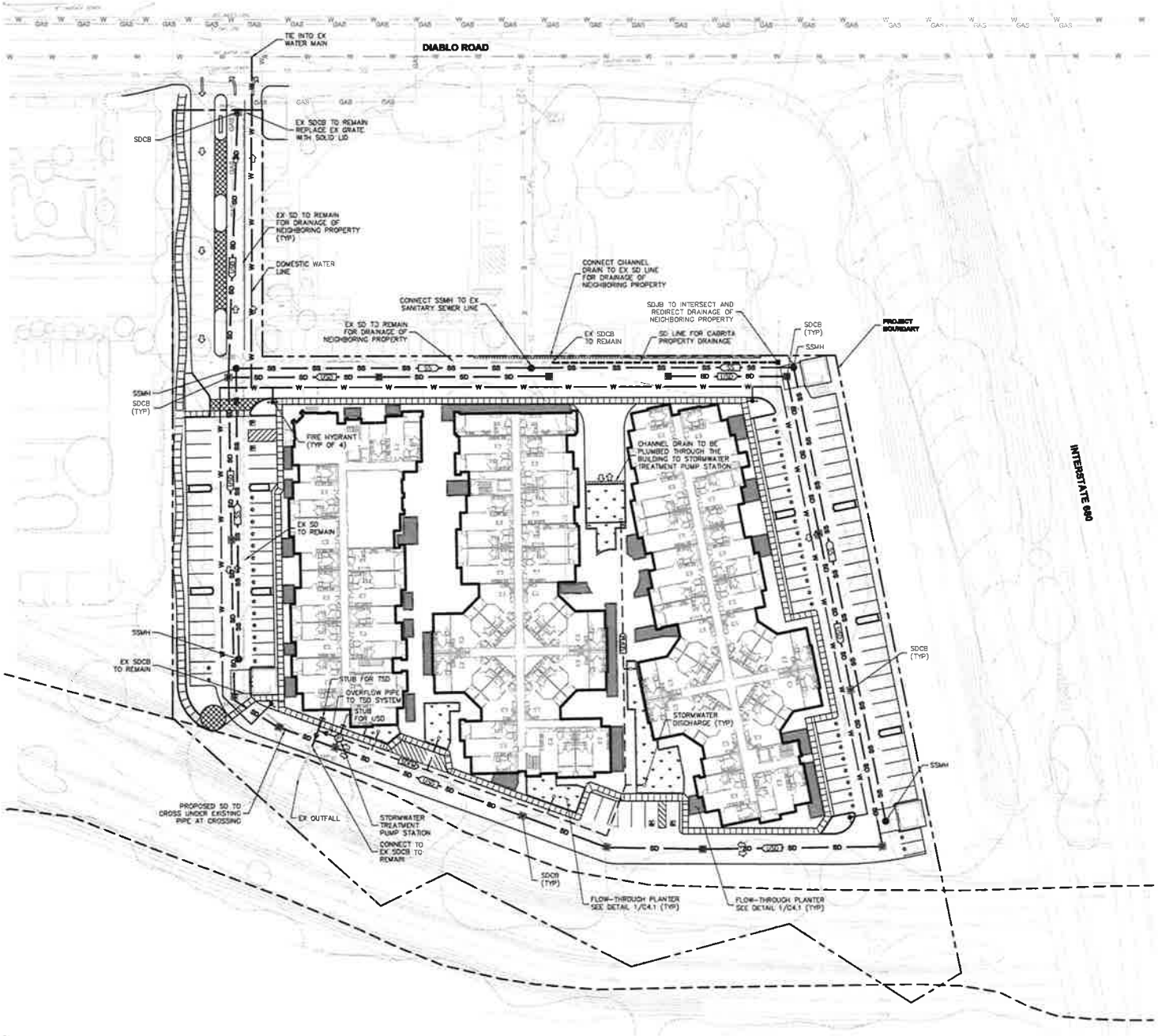
SCALE: AS SHOWN
DATE: 12/09/2016

REVISIONS:
09/20/2016
10/14/2016
11/14/2016

PROJECT NO. 20156073

C2

SHEET 2 OF 5



ABBREVIATIONS

EX	EXISTING
SD	STORM DRAIN
SDCB	STORM DRAIN CATCH BASIN
SDFM	STORM DRAIN FORCE MAIN
SDJB	STORM DRAIN JUNCTION BOX
SS	SANITARY SEWER
SSMH	SANITARY SEWER MANHOLE
TSD	TREATED STORM DRAIN
TYP	TYPICAL
USD	UNTREATED STORM DRAIN
W	DOMESTIC WATER

GRAPHIC SCALE
30 0 30 60

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DAVID BORSHEIM
PETER STACPOOLE
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(925) 944-1555
1999 BROADWAY, SUITE 300
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PRELIMINARY UTILITY PLAN

SCALE: AS SHOWN
DATE: 12/09/2016

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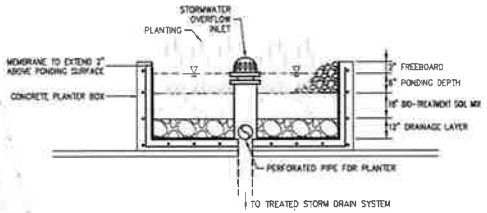
10/14/2018
11/14/2018

PROJECT NO. 20156073

C3

SHEET 3 OF 5



1 **FLOW-THROUGH PLANTER**
NTS

LEGEND

- DRAINAGE MANAGEMENT AREA
- FLOW-THROUGH PLANTER TO RECEIVE STORMWATER FROM PUMP STATION THROUGH SDFM, SEE NOTE 1
- FLOW-THROUGH PLANTER TO RECEIVE STORMWATER FROM ROOF LEADER
- PERVIOUS PAVEMENT

NOTES

1. A SINGLE PUMP WILL BE USED TO PROVIDE FLOW TO DISTRIBUTE STORMWATER PROPORTIONALLY TO THE FLOW-THROUGH PLANTERS AS NOTED ON THE PLAN. THE FLOW WILL BE REGULATED BY SDFM SIZING AND FLOW CONTROL VALVE AT EACH FLOW-THROUGH PLANTER.
2. THE PUMP WILL BE SIZED FOR THE TREATMENT STORM FLOW. AN OVERFLOW GRAVITY PIPE IS PROVIDED TO DRAIN ANY STORM FLOW GREATER THAN THE TREATMENT STORM FROM THE PUMP STATION TO THE TREATED STORM DRAIN SYSTEM.

ABBREVIATIONS

DMA	DRAINAGE MANAGEMENT AREA
EX	EXISTING
IMP	INTEGRATED MANAGEMENT PRACTICE
SDFM	STORM DRAIN FORCE MAIN
SF	SQUARE FEET
TSD	TREATED STORM DRAIN
USD	UNTREATED STORM DRAIN

PRE-PROJECT

PERVIOUS AREA = 64,032 SF
IMPERVIOUS AREA = 121,723 SF

POST-PROJECT

PERVIOUS AREA* = 64,212 SF
IMPERVIOUS AREA = 121,543 SF

*POST-PROJECT PERVIOUS AREA INCLUDES LANDSCAPE, FLOW-THROUGH PLANTERS, AND PERVIOUS PAVEMENT.

**THIS PROJECT MEETS CONTRA COSTA CLEAN WATER PROGRAM FLOW CONTROL REQUIREMENTS BY DEMONSTRATING COMPLIANCE WITH OPTION 1 (NO INCREASE IN IMPERVIOUS AREA) FROM THE STORMWATER C.3 GUIDEBOOK.

GRAPHIC SCALE
30 0 30 60

LCA ARCHITECTS

WWW.LCA-ARCHITECTS.COM
CARL S. CHIPCHASE
DAVID SCHERNER
PETER STACEPOLE
[illegible] PARKSIDE VALLEY ROAD, SUITE 240
WALNUT CREEK, CALIFORNIA 94595
(925) 944-1220
1970 BROADWAY, SUITE 840
OAKLAND, CALIFORNIA 94612
(510) 272-1200

RIVERWALK AT DOWNTOWN
DANVILLE
DANVILLE, CALIFORNIA 94526

BKF ENGINEERS | PLANNERS
1646 N. CALIFORNIA BLVD, STE 400
WALNUT CREEK, CA 94596
PH: (925) 940-2200
FAX: (925) 940-2299

LCA ARCHITECTS
[illegible]

PRELIMINARY STORMWATER CONTROL PLAN

SCALE: AS SHOWN
DATE: 12/09/2016

REVISIONS:
08/30/2016
12/14/2016
11/14/2016

PROJECT NO. 20156073

C4.1

SHEET 4 OF 5

Project Name: 156072 - Riverwalk
Project Type: Treatment Only
APN: 216-120-037/9
Drainage Area: 185,765
Mean Annual Precipitation: 22.0

Self-Treating DMAs

DMA Name	Area (sq ft)
DMA 1	35,765.0

IV. Areas Draining to IMPs

IMP Name: IMP 2
IMP Type: Flow-Through Planter Soil Group: IMP 2

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor
DMA 2.1	51,910	Concrete or Asphalt	1.00	51,910
DMA 2.2	11,994	Porous Asphalt	0.10	1,199
DMA 2.3	11,560	Landscape	0.10	1,156
			Total	64,470
			Area	2.540

IMP Sizing

IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
	1.000	2,579	5,530

IMP Name: IMP 3
IMP Type: Flow-Through Planter Soil Group: IMP 3
Area

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor
DMA 3	1,336	Conventional Roof	1.00	1,336
			Total	1,336
			Area	0.040

IMP Sizing

IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
	1.000	53	68

IMP Name: IMP 4
IMP Type: Flow-Through Planter Soil Group: IMP 4
Area

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor
DMA 4	971	Conventional Roof	1.00	971
			Total	971
			Area	0.040

IMP Sizing

IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
	1.000	39	50

IMP Name: IMP 5
IMP Type: Flow-Through Planter Soil Group: IMP 5

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor
DMA 5	526	Conventional Roof	1.00	526
			Total	526
			Area	0.040

IMP Sizing

IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
	1.000	21	44

IMP Name: IMP 6
IMP Type: Flow-Through Planter Soil Group: IMP 6
Area

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor
DMA 6	960	Conventional Roof	1.00	960
			Total	960
			Area	0.040

IMP Sizing

IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
	1.000	38	94

IMP Name: IMP 7
IMP Type: Flow-Through Planter Soil Group: IMP 7
Area

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor
DMA 7	1,562	Conventional Roof	1.00	1,562
			Total	1,562
			Area	0.040

IMP Sizing

IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
	1.000	63	79

IMP Name: IMP 8
IMP Type: Flow-Through Planter Soil Group: IMP 8
Area

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor
DMA 8	3,188	Conventional Roof	1.00	3,188
			Total	3,188
			Area	0.040

IMP Sizing

IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
	1.000	127	171

IMP Name: IMP 9
IMP Type: Flow-Through Planter Soil Group: IMP 9
Area

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor
DMA 9	1,878	Conventional Roof	1.00	1,878
			Total	1,878
			Area	0.040

IMP Sizing

IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
	1.000	65	73

IMP Name: IMP 10
IMP Type: Flow-Through Planter Soil Group: IMP 10
Area

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor
DMA 10	1,168	Conventional Roof	1.00	1,168
			Total	1,168
			Area	0.040

IMP Sizing

IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
	1.000	47	58

IMP Name: IMP 11
IMP Type: Flow-Through Planter Soil Group: IMP 11
Area

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor
DMA 11	557	Conventional Roof	1.00	557
			Total	557
			Area	0.040

IMP Sizing

IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
	1.000	22	49

IMP Name: IMP 12
IMP Type: Flow-Through Planter Soil Group: IMP 12
Area

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor
DMA 12	1,192	Conventional Roof	1.00	1,192
			Total	1,192
			Area	0.040

IMP Sizing

IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
	1.000	48	65

IMP Name: IMP 13
IMP Type: Flow-Through Planter Soil Group: IMP 13
Area

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor
DMA 13	1,406	Conventional Roof	1.00	1,406
			Total	1,406
			Area	0.040

IMP Sizing

IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
	1.000	56	84

IMP Name: IMP 14
IMP Type: Flow-Through Planter Soil Group: IMP 14

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor
DMA 14	1,641	Conventional Roof	1.00	1,641
			Total	1,641
			Area	0.040

IMP Sizing

IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
	1.000	66	99

IMP Name: IMP 15
IMP Type: Flow-Through Planter Soil Group: IMP 15
Area

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor
DMA 15	5,968	Conventional Roof	1.00	5,968
			Total	5,968
			Area	0.040

IMP Sizing

IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
	1.000	238	440

IMP Name: IMP 16
IMP Type: Flow-Through Planter Soil Group: IMP 16
Area

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor
DMA 16	2,331	Conventional Roof	1.00	2,331
			Total	2,331
			Area	0.040

IMP Sizing

IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
	1.000	93	123

IMP Name: IMP 17
IMP Type: Flow-Through Planter Soil Group: IMP 17
Area

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor
DMA 17	1,820	Conventional Roof	1.00	1,820
			Total	1,820
			Area	0.040

IMP Sizing

IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
	1.000	73	96

IMP Name: IMP 18
IMP Type: Flow-Through Planter Soil Group: IMP 18

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor
DMA 18	2,162	Conventional Roof	1.00	2,162
			Total	2,162
			Area	0.040

IMP Sizing

IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
	1.000	86	130

IMP Name: IMP 19
IMP Type: Flow-Through Planter Soil Group: IMP 19
Area

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor
DMA 19	5,381	Conventional Roof	1.00	5,381
			Total	5,381
			Area	0.040

IMP Sizing

IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
	1.000	215	350

IMP Name: IMP 20
IMP Type: Flow-Through Planter Soil Group: IMP 20
Area

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor
DMA 20	1,966	Conventional Roof	1.00	1,966
			Total	1,966
			Area	0.040

IMP Sizing

IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
	1.000	79	125

IMP Name: IMP 21
IMP Type: Flow-Through Planter Soil Group: IMP 21
Area

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor
DMA 21	2,719	Conventional Roof	1.00	2,719
			Total	2,719
			Area	0.040

IMP Sizing

IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
	1.000	109	212

IMP Name: IMP 22
IMP Type: Flow-Through Planter Soil Group: IMP 22
Area

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor
DMA 22	2,758	Conventional Roof	1.00	2,758
			Total	2,758
			Area	0.040

IMP Sizing

IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
	1.000	110	141

IMP Name: IMP 23
IMP Type: Flow-Through Planter Soil Group: IMP 23
Area

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor
DMA 23	2,172	Conventional Roof	1.00	2,172
			Total	2,172
			Area	0.040

IMP Sizing

IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
	1.000	87	145

IMP Name: IMP 24
IMP Type: Flow-Through Planter Soil Group: IMP 24
Area

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor
DMA 24	1,513	Conventional Roof	1.00	1,513
			Total	1,513
			Area	0.040

IMP Sizing

IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
	1.000	60	121

IMP Name: IMP 25
IMP Type: Flow-Through Planter Soil Group: IMP 25
Area

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor
DMA 25	2,120	Conventional Roof	1.00	2,120
			Total	2,120
			Area	0.040

IMP Sizing

IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
	1.000	85	110

IMP Name: IMP 26
IMP Type: Flow-Through Planter Soil Group: IMP 26
Area

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor
DMA 26	1,830	Conventional Roof	1.00	1,830
			Total	1,830
			Area	0.040

IMP Sizing

IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
	1.000	73	120

IMP Name: IMP 27
IMP Type: Flow-Through Planter Soil Group: IMP 27
Area

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor
DMA 27	3,909	Conventional Roof	1.00	3,909
			Total	3,909
			Area	0.040

IMP Sizing

IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
	1.000	156	162

IMP Name: IMP 28
IMP Type: Flow-Through Planter Soil Group: IMP 28
Area

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor
DMA 28	1,729	Conventional Roof	1.00	1,729
			Total	1,729
			Area	0.040

IMP Sizing

IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
	1.000	69	99

IMP Name: IMP 29
IMP Type: Flow-Through Planter Soil Group: IMP 29
Area

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor
DMA 29	4,586	Conventional Roof	1.00	4,586
			Total	4,586
			Area	0.040

IMP Sizing

IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
	1.000	187	239

IMP Name: IMP 30
IMP Type: Flow-Through Planter Soil Group: IMP 30
Area

DMA Name	Area (sq ft)	Post Project Surface Type	DMA Runoff Factor	DMA Area x Runoff Factor
DMA 30	2,475	Conventional Roof	1.00	2,475
			Total	2,475
			Area	0.040

IMP Sizing

IMP Sizing Factor	Rain Adjustment Factor	Minimum Area or Volume	Proposed Area or Volume
	1.000	99	158

Report generated on 12/7/2016 12:22:50 AM by the Contra Costa Clean Water Program IMP Sizing Tool software (version 1.3.1.0)

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RIVERWALK AT DOWNTOWN
DANVILLE
DANVILLE, CALIFORNIA 94526

BKF

PRELIMINARY STORMWATER CONTROL PLAN

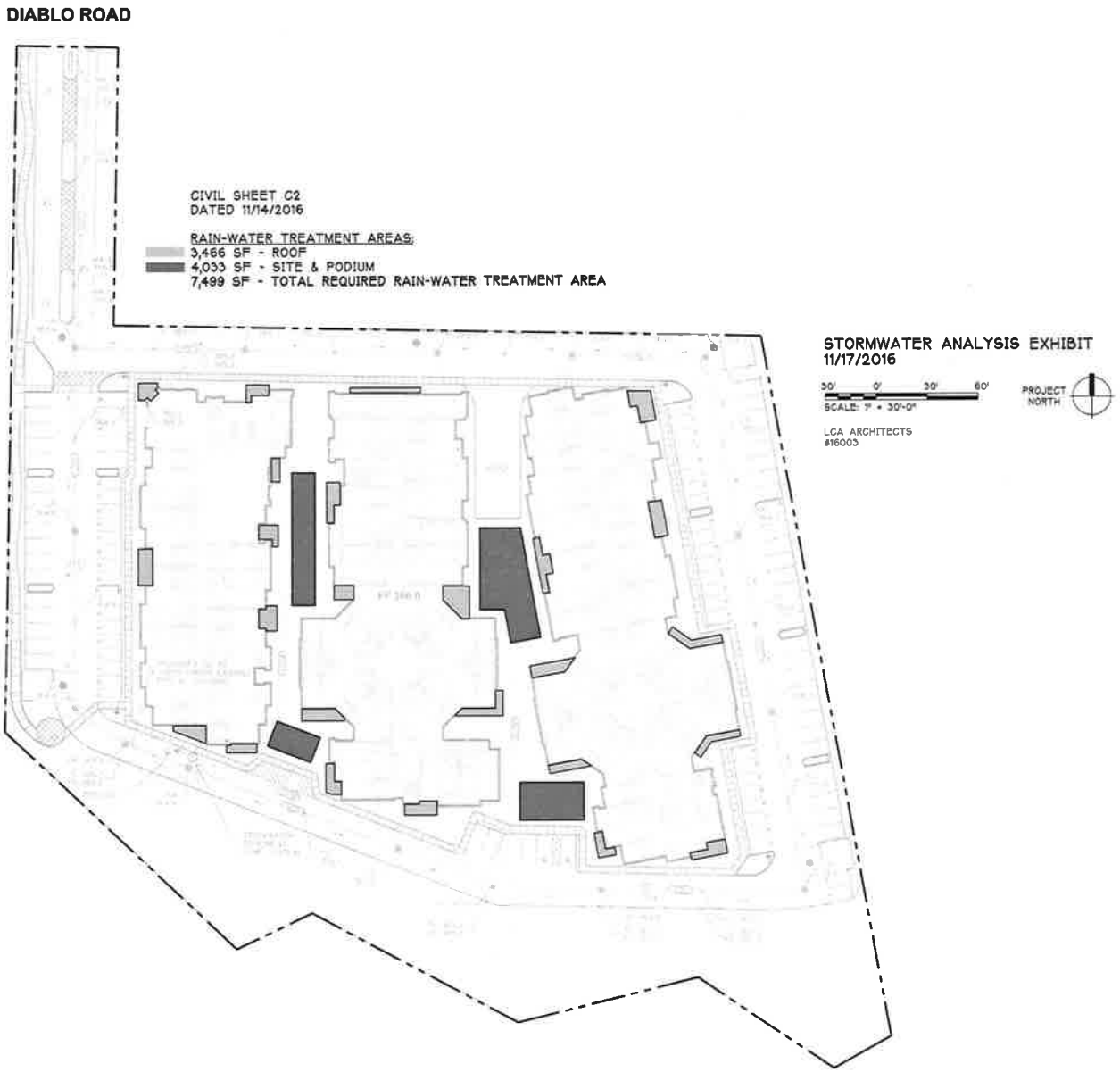
SCALE: AS SHOWN
DATE: 12 / 09 / 2016

REVISIONS:
08 / 29 / 2016
10 / 14 / 2016
11 / 14 / 2016

PROJECT NO. 20156073

C4.2

SHEET 5 OF 5



LCA ARCHITECTS

WWW.LCA-ARCHITECTS.COM

CARL E. CAMPOS
DAVID BORSTINO
PETER STAVROPOULS

600 YGNACIO VALLEY ROAD, SUITE 310
WALNUT CREEK, CALIFORNIA 94598
(925) 944-9929

1970 BROADWAY, SUITE 600
OAKLAND, CALIFORNIA 94612
(510) 272-1290

RIVERWALK AT DOWNTOWN
DANVILLE
DANVILLE, CALIFORNIA 94526

BKF

1646 N. CALIFORNIA BLVD. STE 400
WALNUT CREEK, CA 94596
PH: (925) 940-2200
FAX: (925) 940-2299

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STORMWATER TREATMENT ANALYSIS

SCALE: AS SHOWN
DATE: 11/17/2016
REVISIONS:

PROJECT NO. 20150073

C-SW1

SHEET 3 OF 5

DIABLO ROAD

LANDSCAPE SHEET
DATED 9/20/16

RAISED LANDSCAPE AREAS:
1,577 SF - WEST BUILDING
3,873 SF - CENTER BUILDING
3,410 SF - EAST BUILDING

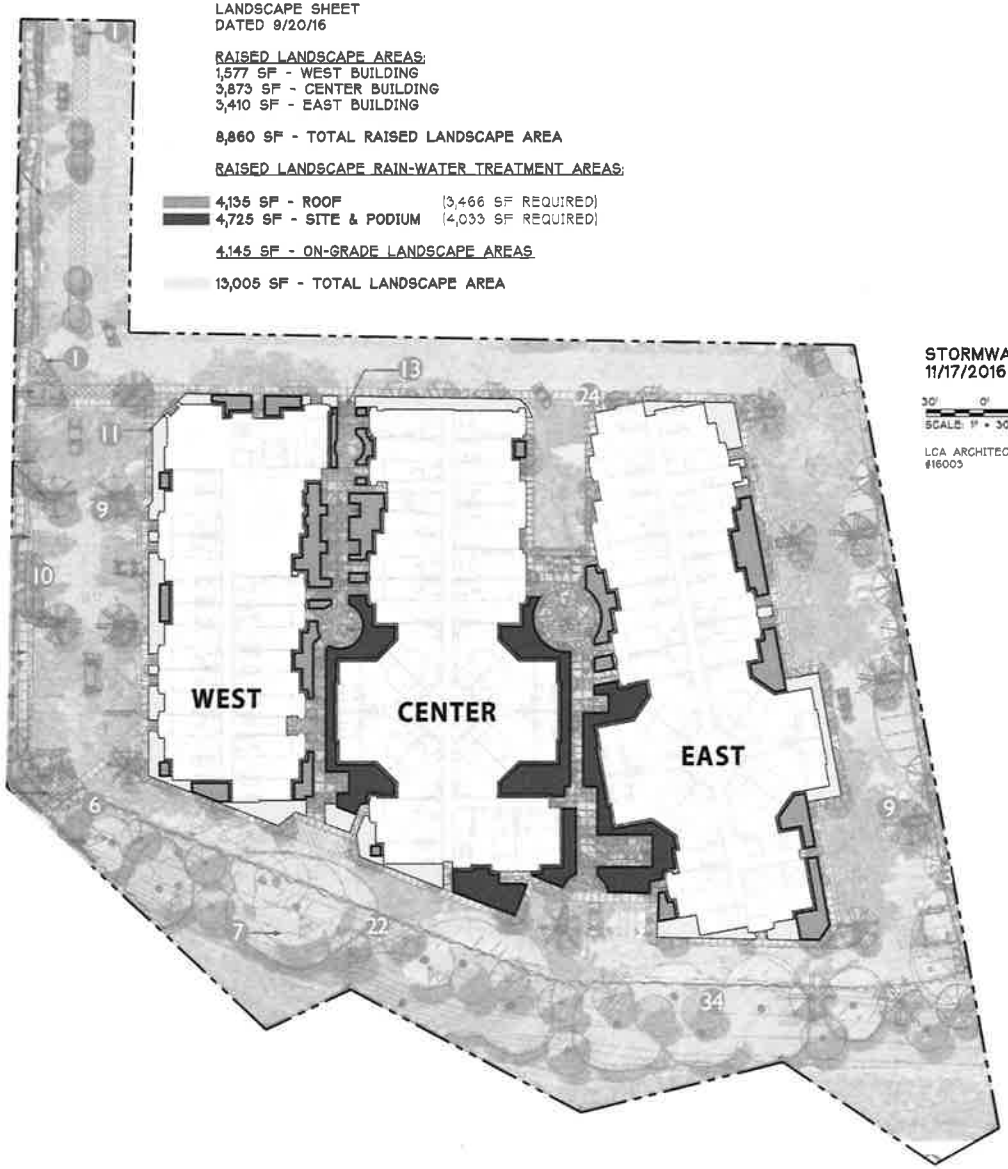
8,860 SF - TOTAL RAISED LANDSCAPE AREA

RAISED LANDSCAPE RAIN-WATER TREATMENT AREAS:

4,135 SF - ROOF (3,466 SF REQUIRED)
4,725 SF - SITE & PODIUM (4,033 SF REQUIRED)

4,145 SF - ON-GRADE LANDSCAPE AREAS

13,005 SF - TOTAL LANDSCAPE AREA



STORMWATER ANALYSIS EXHIBIT
11/17/2016

30' 0' 30' 60'
SCALE: 1" = 30'-0"

PROJECT NORTH

LCA ARCHITECTS
#16003

LCA ARCHITECTS

CARL E. CAMPOS
DAVID BONSTEAD
PETER STACKPOLE

550 YGNACIO VALLEY ROAD, SUITE 240
WALNUT CREEK, CALIFORNIA 94598
(925) 944-1626

1900 BROADWAY, SUITE 820
OAKLAND, CALIFORNIA 94612
(510) 273-1626

RIVERWALK AT DOWNTOWN
DANVILLE
DANVILLE, CALIFORNIA 94526

BKF
1646 N. CALIFORNIA BLVD. STE. 400
WALNUT CREEK, CA 94596
PH: (925) 940-2200
FAX: (925) 940-2209

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RAINTECTS ENGINEERING ENGINEER

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STORMWATER TREATMENT ANALYSIS

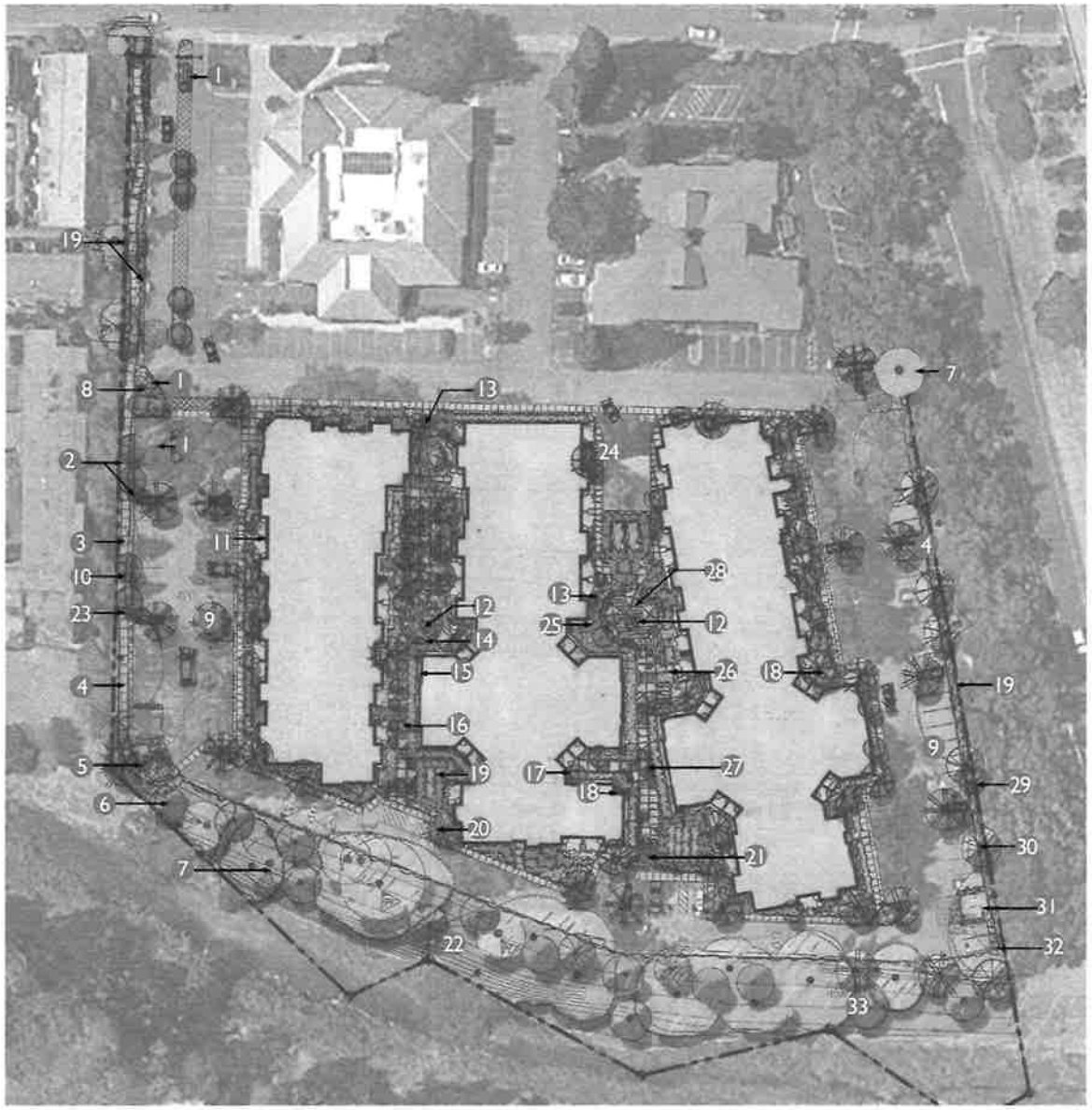
SCALE: AS SHOWN
DATE: 11/17/2016

REVISIONS:

PROJECT NO. 20156073

C-SW2

SHEET 3 OF 5



PROGRAM LEGEND

1. COLOR PLANTING
2. EVERGREEN NATIVE GRASSES AND GROUNDCOVERS
3. 4' WIDE PEDESTRIAN ACCESS WALK
4. 6' HT. WALL AT PROPERTY LINE
5. 18" HT. SEATWALL
6. NATIVE EVERGREEN TREES
7. EXISTING TREES
8. PROJECT ENTRY MAKERS (ID., BUILDING ARCHITECTURE, CHARACTER)
9. DECIDUOUS PARKING LOT TREE (ZELKOVA)
10. ORNAMENTAL EVERGREEN TREE (ARBUTUS)
11. ENTRY TO LOBBY (INTEGRAL COLOR CONCRETE PAVING, BENCHES, POTS, BOLLARDS, SEAT PADS, RECEPTACLES)
12. SEATING NICHE
13. VINE ARBOR WITH GATE (DOWN LIGHT, EVERGREEN AND FLOWERING ACCENT PLANTING)
14. POTS ON PLINTH (BOLD FOLIAGE AND COLOR)
15. PLANTER WALL NICHE AND LIGHTS
16. COURTYARD (BBQ ISLAND, POTS, FIREPIT, TABLES AND CHAIRS, RECEPTACLES ON LINEAR PAVERS)
17. DECIDUOUS TREE (JAPANESE MAPLE)
18. COLUMNAR TREE (CARPINUS)
19. DROUGHT TOLERANT SHRUBS, GROUNDCOVERS AND ACCENT PLANTING
20. GROUND PLANE ACCENT PLANTING
21. VINE PORTAL WITH GATE
22. ACCENT PLANTING WITH NATIVE SHRUBS AND GROUNDCOVRES
23. SMOOTH AND UNIFORM GRADING, TYP.
24. STANDARD GRAY CONCRETE SIDEWALK
25. FLOWERING TREE (CRAPE MYRTLE)
26. WIDENED RAISED PLANTER WITH EDGE SEATING
27. SPLIT FACE RAISED PLANTER WITH CAP
28. COURTYARD (COUCH, TABLE AND CHAIRS, UMBRELLAS, POTS, BBQ ISLAND ON LINEAR PAVERS)
29. PARKING LOT LIGHTING, TYP.
30. NATIVE EVERGREEN TREE (COAST LIVE OAK)
31. EVERGREEN VINE SCREEN
32. EVERGREEN SHRUB SCREEN
33. DECIDUOUS TREE (PLATANUS)

TREES TO REMAIN

● Indicates trees to remain

Tree Tag Number	Tree Species Name	Tree Common Name	DBH	Condition
49	Quercus lobata	Valley Oak	52	Excellent
55	Quercus lobata	Valley Oak	18	Good
60	Quercus lobata	Valley Oak	12	Good
61	Quercus lobata	Valley Oak	10	Good
63	Quercus agrifolia	Coast Live Oak	24	Good
64	Quercus agrifolia	Coast Live Oak	8	Good
66	Quercus lobata	Valley Oak	18	Good
68	Quercus lobata	Valley Oak	36	Good
81	Celtis sinensis	Chinese hackberry	4	Good
84	Celtis sinensis	Chinese hackberry	8	Good
161	Quercus lobata	Valley Oak	30	Good

The above information was taken from the Arborist report prepared by: Tim Milliken, Certified Arborist dated 7.12.16
Please refer to the document for further information in regards to existing trees.

0 15 30 60

LCA ARCHITECTS

WWW.LCA-ARCHITECTS.COM

CARL E. CAMPOS
DAVID BOGATTAD
PETER STACKPOLE

580 YGNACIO VALLEY ROAD, SUITE 210
WALNUT CREEK, CALIFORNIA 94598
(925) 944-1626

1970 BROADWAY, SUITE 800
OAKLAND, CALIFORNIA 94612
(510) 272-1080

RIVERWALK AT DOWNTOWN
DANVILLE
DANVILLE, CALIFORNIA 94526

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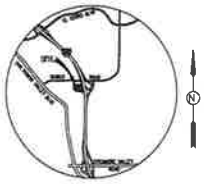
SCALE:
DATE:
REVISIONS:

PROJECT NO. 16003

L-1

SHEET OF



VICINITY MAP
NOT TO SCALE

TITLE REPORT:

FIRST AMERICAN TITLE COMPANY
ORDER NO. NCS-578158-CC
DATED: NOVEMBER 19, 2012

(#) INDICATES TITLE REPORT ITEM NUMBER

(1) THROUGH (2) PROPERTY TAXES. THESE ITEMS CANNOT BE PLOTTED.

(3) AN EASEMENT FOR FLOOD CONTROL AND INCIDENTAL PURPOSES IN FAVOR OF CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT RECORDED DECEMBER 17, 1959 IN BOOK 3517, PAGE 113 OF OFFICIAL RECORDS.

DOCUMENT(S) DECLARING MODIFICATIONS THEREOF RECORDED JULY 21, 1975 IN BOOK 7570, PAGE 832 OF OFFICIAL RECORDS.

DOCUMENT(S) DECLARING MODIFICATIONS THEREOF RECORDED DECEMBER 19, 1975 IN BOOK 7718, PAGE 945 OF OFFICIAL RECORDS. THIS ITEM IS PLOTTED HEREON

(4) AN EASEMENT FOR FLOOD CONTROL AND INCIDENTAL PURPOSES IN FAVOR OF CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, RECORDED SEPTEMBER 20, 1961 IN BOOK 3963, PAGE 185 OF OFFICIAL RECORDS. THIS ITEM IS PLOTTED HEREON.

(5) ABUTTER'S RIGHTS OF INGRESS AND EGRESS TO OR FROM INTERSTATE 680 HAVE BEEN RELINQUISHED IN THE DOCUMENT RECORDED DECEMBER 31, 1968 IN BOOK 5788, PAGE 605 OF OFFICIAL RECORDS. THIS ITEM IS PLOTTED HEREON.

(6) AN EASEMENT FOR FLOOD CONTROL AND INCIDENTAL PURPOSES IN FAVOR OF CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, RECORDED JULY 21, 1975 IN BOOK 7570, PAGE 832 OF OFFICIAL RECORDS.

DOCUMENT(S) DECLARING MODIFICATIONS THEREOF RECORDED NOVEMBER 2, 1977 IN BOOK 8574, PAGE 327 OF OFFICIAL RECORDS. THIS ITEM IS PLOTTED HEREON.

(7) AN OFFER OF DEDICATION FOR STREET AND HIGHWAY AND INCIDENTAL PURPOSES, IN FAVOR OF: CONTRA COSTA COUNTY, RECORDED SEPTEMBER 2, 1977 AS SERIES NO. 124824 IN BOOK 8482, PAGE 611 OF OFFICIAL RECORDS. THIS ITEM IS PLOTTED HEREON.

(8) AN EASEMENT FOR ACCESS AND MAINTENANCE OF STORM, FLOOD AND SURFACE WATER DRAINAGE FACILITIES AND INCIDENTAL PURPOSES IN FAVOR OF CONTRA COSTA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, RECORDED SEPTEMBER 7, 1977 IN BOOK 8495, PAGE 251 OF OFFICIAL RECORDS. THIS ITEM IS PLOTTED HEREON.

(9) THE EFFECT OF A MAP PURPORTING TO SHOW THE LAND AND OTHER PROPERTY, FILED SEPTEMBER 19, 1977 IN BOOK 63, PAGE 11 OF RECORD OF SURVEYS. THIS ITEM CANNOT BE PLOTTED.

(10) MATTERS IN A DOCUMENT ENTITLED "DANVILLE CENTER OFFICE PARK DECLARATION OF RESTRICTIONS AND GRANT OF EASEMENTS", EXECUTED BY DIABLO PARTNERSHIP RECORDED OCTOBER 7, 1977 IN BOOK 8541, PAGE 283 OF OFFICIAL RECORDS, INCLUDING BUT NOT LIMITED TO COVENANTS, CONDITIONS, RESTRICTIONS, EASEMENTS, ASSESSMENTS, LIENS AND CHARGES. THIS ITEM IS PLOTTED HEREON.

(11) THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "DEFERRED IMPROVEMENT AGREEMENT" RECORDED OCTOBER 20, 1977 IN BOOK 8557, PAGE 298 OF OFFICIAL RECORDS. THIS ITEM CANNOT BE PLOTTED.

(12) AN EASEMENT FOR SEWER PIPES AND INCIDENTAL PURPOSES IN FAVOR OF CENTRAL CONTRA COSTA SANITARY DISTRICT, RECORDED NOVEMBER 8, 1977 IN BOOK 8582, PAGE 883 OF OFFICIAL RECORDS. THIS ITEM IS PLOTTED HEREON.

(13) AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES IN FAVOR OF PACIFIC GAS AND ELECTRIC COMPANY, A CALIFORNIA CORPORATION, RECORDED MARCH 23, 1978 IN BOOK 8761, PAGE 155 OF OFFICIAL RECORDS. THIS ITEM IS PLOTTED HEREON.

(14) AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES IN FAVOR OF THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, RECORDED JUNE 1, 1978 AS SERIES NO. 78-73880 IN BOOK 8861, PAGE 334 OF OFFICIAL RECORDS. THIS ITEM IS PLOTTED HEREON.

(15) AN EASEMENT FOR PEDESTRIAN AND VEHICULAR ACCESS AND PARKING AND INCIDENTAL PURPOSES IN FAVOR OF THE SECOND DIABLO PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP, RECORDED OCTOBER 11, 1978 AS SERIES NO. 79-140499 IN BOOK 9051, PAGE 338 OF OFFICIAL RECORDS. THIS ITEM CANNOT BE PLOTTED.

(16) THE TERMS, PROVISIONS AND EASEMENT(S) CONTAINED IN THE DOCUMENT ENTITLED "GRANT OF EASEMENT" RECORDED OCTOBER 11, 1978 AS SERIES NO. 79-140499 IN BOOK 9051, PAGE 336 OF OFFICIAL RECORDS. THIS ITEM CANNOT BE PLOTTED.

(17) THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "COVENANT FOR COMPLIANCE WITH CONDITIONS" RECORDED MAY 24, 1989 AS SERIES NO. 89-96105 IN BOOK 15088, PAGE 767 OF OFFICIAL RECORDS. THIS ITEM CANNOT BE PLOTTED

(18) A DEED OF TRUST RECORDED APRIL 04, 2008 AS INSTRUMENT NO. 2008-0072538-00 OF OFFICIAL RECORDS. A DOCUMENT ENTITLED "ASSIGNMENT OF REAL PROPERTY LEASES AND RENTS" RECORDED APRIL 4, 2008 AS INSTRUMENT NO. 2008-0072540-00 OF OFFICIAL RECORDS. THIS ITEM CANNOT BE PLOTTED.

(19) THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED "ORDINANCE NO. 2008-27 ADOPTION OF REVISED SRI-VALLEY TRANSPORTATION DEVELOPMENT FEES" RECORDED NOVEMBER 03, 2008 AS INSTRUMENT NO. 2008-0243421-00 OF OFFICIAL RECORDS. THIS ITEM CANNOT BE PLOTTED.

(20) ANY RIGHTS, INTERESTS, OR EASEMENTS IN FAVOR OF THE PUBLIC, WHICH EXIST OR ARE CLAIMED TO EXIST OVER ANY PORTION OF SAID LAND COVERED BY WATER. THIS ITEM CANNOT BE PLOTTED.

(21) ANY FACTS, RIGHTS, INTERESTS OR CLAIMS WHICH WOULD BE DISCLOSED BY A CORRECT ALTA/ACSM SURVEY. THIS ITEM CANNOT BE PLOTTED.

(22) RIGHTS OF PARTIES IN POSSESSION. THIS ITEM CANNOT BE PLOTTED.

LEGAL DESCRIPTION:

REAL PROPERTY IN THE TOWN OF DANVILLE, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL ONE:

PARCEL C, AS SHOWN ON RECORD OF SURVEY FILED SEPTEMBER 19, 1977, IN BOOK 63 OF LICENSED SURVEYORS MAPS, PAGE 11, CONTRA COSTA COUNTY RECORDS, AND AS DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHWESTERLY CORNER OF SAID PARCEL C, SAID POINT BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF DIABLO ROAD; THENCE SOUTH 69° 00' 18" EAST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF SAID DIABLO ROAD, A DISTANCE OF 60.00 FEET; THENCE LEAVING SAID SOUTHERLY RIGHT OF WAY LINE, SOUTH 01° 02' 18" WEST, A DISTANCE OF 184.00 FEET; THENCE SOUTH 69° 00' 18" EAST, A DISTANCE OF 382.85 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF INTERSTATE 680; THENCE SOUTH 10° 26' 17" EAST ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF SAID INTERSTATE 680, A DISTANCE OF 421.47 FEET; THENCE 80° 06' 48" WEST, A DISTANCE OF 38.63 FEET; THENCE NORTH 55° 47' 12" WEST, A DISTANCE OF 87.10 FEET; THENCE SOUTH 79° 51' 48" WEST, A DISTANCE OF 109.50 FEET; THENCE NORTH 61° 52' 12" WEST, A DISTANCE OF 138.220 FEET; THENCE SOUTH 64° 33' 48" WEST, A DISTANCE OF 49.35 FEET; THENCE NORTH 46° 45' 12" WEST; A DISTANCE OF 187.85 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL C; THENCE NORTH 01° 02' 18" EAST ALONG THE WEST LINE OF SAID PARCEL C, A DISTANCE OF 405.01 FEET TO THE POINT OF BEGINNING.

PARCEL TWO:

EASEMENT GRANTED IN THE DEED TO THE DIABLO PARTNERSHIP, RECORDED OCTOBER 11, 1978, BOOK 9051, PAGE 338, OFFICIAL RECORDS, DESCRIBED AS FOLLOWS:

A NONEXCLUSIVE EASEMENT APPURTENANT TO PARCEL ONE, ABOVE, VEHICULAR ACCESS AND PARKING PURPOSES, OVER PARCEL A, AS SHOWN ON THE RECORD OF SURVEY, FILED SEPTEMBER 19, 1977, IN BOOK 63 OF LICENSED SURVEYORS MAPS, PAGE 11, CONTRA COSTA COUNTY RECORDS.

THE EXACT LOCATION OF SAID EASEMENT IS NOT DEFINED OF RECORD.

ASSESSOR'S PARCEL NUMBER:

216-120-037-9

AREA:

4.26 AC±

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CENTERLINE OF DIABLO ROAD. THE BEARING BEING N69°00'18"W PER RECORD OF SURVEY (63 LSM 11).

REFERENCES:

(#) INDICATES REFERENCE NUMBER.
(1) RECORD OF SURVEY (63 LSM 11)

NOTES:

1) AERIAL TOPOGRAPHY DATED DECEMBER 2012.
2) THERE IS NO VISIBLE EVIDENCE OF CEMETERIES ON THE SUBJECT PROPERTY.

SURVEYOR'S STATEMENT:

TO: FIRST AMERICAN TITLE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WAS MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY AMERICAN LAND TITLE ASSOCIATION ("ALTA"), AND NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS ("NSPS"). THE FIELD WORK WAS COMPLETED ON DECEMBER 11, 2012.

DATE OF PLAT OR MAP: FEBRUARY 5, 2013

CHRISTOPHER S. HARMSON
REGISTERED L.S. NO. 7176

THE WORDS "CERTIFICATION" AND "CERTIFY" AS USED HEREON ARE DEFINED PURSUANT TO THE STATE OF CALIFORNIA BUSINESS AND PROFESSIONS CODE, PROFESSIONAL LAND SURVEYOR'S ACT, SECTION 8770.6.

LEGEND:

	BOUNDARY LINE	BFP	BACK FLOW PREVENTER
	CENTERLINE	CMP	CORRUGATED METAL PIPE
	EASEMENT LINE	EP	EDGE OF PAVEMENT
	ADJACENT LINE	FH	FIRE HYDRANT
	NO ACCESS	FI	FIELD INLET
	APPROXIMATE FLOOD ZONE LIMIT	PL	PROPERTY LINE
—OHP—	OVERHEAD WIRES	SSMH	SANITARY SEWER MANHOLE
—X——X—	FENCE LINE		
(T)	TOTAL		
(M-M)	MONUMENT TO MONUMENT		
(M-PL)	MONUMENT TO PROPERTY LINE		
⊗	FOUND STANDARD STREET MONUMENT		
NE	NORTHEAST		
NW	NORTHWEST		
S	SOUTH		

ZONING:

DOWNTOWN BUSINESS DISTRICT 6 (DB06) – OFFICE

PER THE TOWN OF DANVILLE ZONING MAP AVAILABLE ONLINE:
http://www.ci.danville.ca.us/Planning/General_Plan_and_Zoning/Zoning/Zoning Map (PDF)

FLOOD ZONE:

ZONE X: AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

ZONE A: NO BASE FLOOD ELEVATION DETERMINED. (1% ANNUAL CHANCE FLOOD DISCHARGE CONTAINED IN CHANNEL)

SOURCE: COMMUNITY PANEL NUMBER: 06013C 0453 F
DATED: JUNE 16, 2009

A.L.T.A. / A.C.S.M. LAND TITLE SURVEY
373 DIABLO ROAD

TOWN OF DANVILLE CONTRA COSTA COUNTY CALIFORNIA

0 30 60 120
SCALE: 1"=30' DATE: FEBRUARY 5, 2013

Carlson, Barbee & Gibson, Inc.

ADMINISTRATIVE STAFF REPORT 4.1

DATE:	February 28, 2017
ITEM:	DEV16-0014 - Danville Office Partners, LLC
RECOMMENDATION:	Approve Final Development Plan request DEV16-0014 subject to the findings and conditions of approval contained within Revised Resolution No. 2017-01 (see Exhibit A).
NOTIFICATION:	Public notice of the January 24, 2017 and February 28, 2017 meetings were mailed to property owners within 750 feet of the exterior boundary of the subject property and to other interested parties (see Exhibit B). Posting of the meeting agendas served as notice to the general public.

PROPOSAL: Final Development Plan request for authorization to construct a 150-unit multifamily for-rent residential project located on a 3.68+/- acre (net) property located at 373-383 Diablo Road. The applicant is requesting that a density bonus be applied to the project and is seeking up to a 35.0% increase to the otherwise allowable maximum project density. As a development incentive or concession, the applicant is requesting, consistent with regulations governing a density bonus project, relief from the maximum applicable floor area ratio (FAR) standard for conditioned space (i.e., the applicant is seeking approval of a FAR in excess of allowed maximum FAR standard of 80.0% FAR). As a waiver of reduction of development standards, consistent with regulations governing a density bonus project, the applicant is requesting relief from the maximum allowable building height standard set forth for the project site by the Danville 2030 General Plan (i.e., the applicant is seeking authorization to observe a 37' maximum building height where the Danville 2030 General Plan sets the maximum allowable building height at 35').

LOCATION / APN:	373-383 Diablo Road / APN 216-120-037
NET PARCEL SIZE:	160,300+/- square feet (3.68+/- acres)
PROPERTY OWNER and APPLICANT:	Danville Office Partners, LLC Attn: Russel Stanley 18840 Saratoga Los Gatos Road Los Gatos, CA 95030
PROJECT ARCHITECT:	Carl E. Campos LCA Architects 590 Ygnacio Valley Road, Suite 310 Walnut Creek, CA 94596

ATTACHMENT E

PREVIOUS ACTIONS: See Background and Discussion section of this report for summary of previous actions affecting the subject property and the application submittal.

ENVIRONMENTAL REVIEW: The Environmental Impact Report (EIR) prepared in conjunction with the March 2013 approval of the Danville 2030 General Plan provided the California Environmental Quality Act (CEQA) review for the change in the subject property's land use designation from an office designation to a multifamily high density designation. The EIR was determined to provide sufficient and adequate environmental review for the separate and subsequent action that provided for change of the subject property's zoning designation. Specifically, the EIR was determined to be sufficient and adequate for the review and approval of Preliminary Development Plan - Rezoning request LEG13-02 (ZTA & PUD), the Town-initiated rezoning action that rezoned the subject property from DBD Area 6 - Business and Professional Office to DBD Area 12 - Multifamily Residential High Density (25-30 units per acre). See CEQA Review Exemption section of this report for discussion of the subject application's exempt status from further CEQA review.

GENERAL PLAN: Downtown Master Plan and Diablo Gateway Special Concern Area

ZONING: DBD; Downtown Business District Area 12 - Multifamily Residential High Density (25-30 units per acre)

LAND USE: The site is currently occupied by two-story office buildings that were built in the late 1970's under land use and zoning designations that allowed office use of the property. The office buildings are just under 50,000 square feet in area and are served by approximately 235 onsite parking spaces.

BACKGROUND AND DISCUSSION

The Danville 2007-2014 Housing Element (adopted in September 2010) identified a number of "Housing Opportunity Sites" for review for possible land use designation change during the subsequent update of the Danville General Plan. The review was required under state housing law to address the Regional Housing Needs Allocation (RHNA) shortfall that had been determined to be present in Danville.

The presence of a RHNA shortfall meant Danville had been determined to have an inadequate number of sites carrying a multifamily residential land use designation with adequate development potential to address its assigned fair share of the region's housing need. While the Environmental Impact Report (EIR) prepared for the Danville 2030 General Plan reviewed fourteen sites to address Danville's RHNA shortfall, at the conclusion of the public hearing process for the Danville 2030 General Plan only two sites received a land use designation change to a multifamily designation.

With the approval of the Danville 2030 General Plan in March of 2013, the sites that received a land use designation to address the RHNA shortfall included: (1) a seven acre portion of the Borel/EBRPD property (i.e., a portion of the property located between I-680 and Camino Ramon in the southern portion of Danville near Marshalls and Costco); and (2) the 3.68+/- acre (net) Danville Office Partners, LLC site (DOP Site) - the subject property for the current final development plan application.

In addition to receiving a new land use designation under the Danville 2030 General Plan, the DOP Site also was identified as one of the Special Concern Area properties in the 2030 Plan.

As directed by state housing law, a requisite follow-up action to changing a site's land use designation to address an identified RHNA shortfall is a rezoning action. Specifically, where a site is re-designated for multifamily use to address a RHNA shortfall the site must also have its underlying zoning designation changed so the site is "zoned by right" to allow multifamily use at prescribed minimum residential development densities. Under state housing law, "zoned by right" means a site where multifamily use may occur without the need to process any separate and subsequent legislative development entitlement.

In absence of a developer-initiated zoning request for the DOP Site, and to satisfy policies set forth in the Danville 2007-2014 Housing Element and state housing law, the Town initiated a rezoning action and the subject property was rezoned. The Town Council's approval of Preliminary Development Plan – Rezoning request LEG13-02 (PUD) in November 2013 placed a zoning designation of DBD; Downtown Business District Area 12 - Multifamily Residential High Density District (25-30 units per acre) onto the property.

At their January 24, 2017 meeting, the Planning Commission opened the public hearing to consider Final Development Plan request DEV16-0014. After receiving public testimony, the Planning Commission closed the public hearing and initiated deliberation of the planning entitlement request. After discussing the item, the Planning Commission voted to continue the item to an unspecified future Planning Commission meeting and directed Town staff and the applicant to return to that subsequent meeting with information pertaining to three specific issue areas the Planning Commission had identified during their deliberation. Specifically, Planning Commission directed that Town staff and the applicant return to a subsequent meeting with additional information addressing Planning Commission concerns and questions related to:

a. The Traffic Impact Analysis prepared for the project;

b. Existing and future screen tree planting along the project's interface with the north side of San Ramon Creek; and

c. The options available through the approval process to impose controls on the occupancy characteristics of the future households that would occupy the thirteen affordable housing units proposed to be developed in the project.

While the Planning Commission closed the public hearing on the item, their continuance of the item to an unspecified future Planning Commission meeting and their direction that Town staff and the applicant return with supplemental information at that future Planning Commission meeting, constituted direction that the item be re-noticed for the future Planning Commission meeting and direction that the public notice indicate that the public hearing on the item would be reopened to allow public comments on any supplemental material supplied to the Planning Commission associated with the three topic areas described above.

CEQA REVIEW EXEMPTION

The current development plan application was filed with the Town after review of a similar development plan application was terminated at the property owner's direction. Specifically, the current final development plan application was filed following the termination of the application submitted by ROEM Development Corp. ("ROEM"), who submitted a development application in early 2015 that also pursued approval for a 150-unit apartment project.

The project-specific processing steps applicable to a for-rent multifamily residential project on the subject property were outlined in a Town-prepared application processing letter, a letter prepared in conjunction with the review of the ROEM application. The application processing letter cited the project's special status under state housing law as a for-rent project being processed without a concurrently submitted subdivision map request that also involves a site made available for multifamily use in response to an identified RHNA shortfall.

The application processing steps presented in the September 16, 2015 process letter issued during review of the ROEM application remain applicable to the current Danville Office Partners, LLC project submittal. Importantly, the development review process outlined in the processing letter, so as to be consistent with state housing law, reflects the determination that the current project is not subject to review under the California Environmental Quality Act (CEQA) as state Housing Law establishes that this type of project is exempt from CEQA.

EVALUATION

Project Traffic Impact Analysis:

A traffic impact analysis (TIA) for the project was prepared on behalf of the applicant by LSA Associates, Inc. The TIA dated May 12, 2016 (being a revision of an earlier TIA dated July 27, 2015) was included, without appendices, as an exhibit to the January 24, 2017 Planning Commission staff report for the project. The findings and recommendations of

the May 12, 2016 TIA lead to inclusion of Draft Condition of Approval (Draft COA) "I - Traffic Impacts" in draft Planning Commission Resolution No. 2017-01.

As presented to the Planning Commission on January 24, 2017, Draft COA "I - Traffic Impacts" would have established an applicant obligation to:

a. Create and execute vehicular and pedestrian access easements across portions of the northwesterly driveway system of the project site that benefit the adjoining Janlois properties to the west to allow a future redeveloped Janlois property to take vehicular and pedestrian access across the Danville Office Partners, LLC project site to access Diablo Road at the project's Western Project Driveway intersection with Diablo Road, with this connection to be in place of the current Janlois property driveway connection to Diablo Road; and

b. Make payment of up to a 50% share of the cost to signalize the intersection of the project's Western Project Driveway and Diablo Road, with such signalization to occur at such time that improvements would allow for the elimination of the current driveway connection to Diablo Road for the abutting Janlois properties.

Language at the end of Draft COA "I - Traffic Impacts" gave Danville Office Partners, LLC (DOP) the option to prepare and submit a revised supplemental traffic impact analysis should they wish to demonstrate that the cross-access easement and/or the future traffic signal were not necessary. This language concluded with the direction that the revised supplemental traffic impact analysis, if submitted, were to be based upon the then-current use of the Janlois property and that revised supplemental traffic impact analysis would be subject to a third party consultant peer review (with such consultant to be as selected by the Town) if determined necessary by the Town. This language also indicated that the cost of any third party peer review were to be borne fully by the project applicant.

At the conclusion of the January 24, 2017 Planning Commission meeting, after the Commission had closed the public hearing and started their deliberation on the project, concerns about the findings and recommendations of the May 12, 2016 TIA were raised by the Planning Commission. As indicated above, the matter was continued to an unspecified date with direction for Town staff and the applicant to address three identified issue areas. One of the issue areas dealt with the TIA, which the Planning Commission felt was ambiguous relative discussion of the need for signalization at the western Project Driveway ("Project Driveway 1") intersection with Diablo Road.

Prompted by the stated concerns of the Planning Commission, and at the direction of the applicant (Danville Office Partners, LLC), LSA Associates, Inc. prepared and submitted a revised TIA for the project. The revised TIA was received by the Town on February 3,

2017 and was reviewed by Transportation Division, Engineering Division and Planning Division staff. The Town review lead to distribution of a memorandum to LSA Associates, Inc. advising of remaining Town concerns and advising of the Town determination the revised TIA would need to be have an independent third party peer review.

After further adjustments to the TIA to address Town comments on the February 3, 2017 version of the TIA, LSA Associates, Inc. prepared and submitted a new revised TIA. That version of the TIA was subjected to an independent third party peer review which prompted one more round of revisions to the TIA by LSA Associates, Inc.

Exhibit D of this memorandum is the final version of the TIA (dated February 22, 2017 and supplied here without appendices), a version the Town accepts as an adequate and final TIA. The Final TIA indicates signalization of the intersection of Project Driveway 1 and Diablo Road is not justified as it does not meet any signal warrant criteria defined in the *California Supplement of the Manual on Uniform Traffic Control Devices* under all scenarios, inclusive of "Existing + Project + 2035" traffic conditions.

The Final TIA also finds that the Driveway 1/Diablo Road intersection Level of Service (LOS) for the outbound driveway (northbound direction) operates at satisfactory levels under all scenarios with the exception of the northbound left turn lane during the midday peak hour under Current + Project + 2035 traffic conditions, where the LOS falls to "E".

In addition, the Queueing Analysis provided in the Final TIA concludes that traffic queues along eastbound Diablo Road from the I-680 Southbound Ramps/Diablo Road intersection are forecast to extend to Project Driveways 2 and 1 at times during midday and pm peak hours. (Note that Driveway 2 is a limited access driveway, with only right turn in and right turn out movements.) The proposed mitigation measure for these conditions identified in the Final TIA consists of the installation of "Keep Clear" traffic signage and pavement markings on eastbound Diablo Road at both project driveways to assist with the ingress and egress project traffic without creating conflict with the eastbound through traffic. The proposed mitigation would also concurrently assist to reduce the traffic impact analysis' forecasted vehicle delay for the egress project traffic, particularly for northbound left turning traffic at Project Driveway 1.

As a result of the findings and recommendations of the Final TIA, staff is recommending that Draft COA "I - Traffic Impacts" be eliminated from draft Planning Commission Resolution No. 2017-01, and that the following language be included as replacement language:

> "A traffic impact analysis was prepared and submitted for the ROEM Development Corporation (ROEM) project, the project application preceding the current

application from Danville Office Partners, LLC (DOP). The analysis was prepared by LSA Associates, Inc. and dated July 27, 2015. A second revision of the traffic impact analysis was prepared and submitted by LSA Associates, Inc., dated May 12, 2016 for the current application. The traffic impact analysis was presented to the Planning Commission on January 24, 2017. With the Planning Commission determining the traffic impact analysis inconclusive, the applicant was directed to revise and resubmit the traffic impact analysis. A third revision of the traffic impact analysis was then prepared by LSA Associates, Inc. and, at the direction of the Town, was distributed for an independent third party peer review. With the third party peer review complete, the traffic impact analysis dated February 22, 2017 has been determined complete and accepted by the Town.

The project developer shall be responsible for the following conditions of approval related to traffic safety and circulation:

1. At the direction and approval of the City Engineer, project developer shall be responsible for the installation of "KEEP CLEAR" traffic signage and pavement markings on Diablo Road at the two project driveway locations as follows:

   - Diablo Road/Project Driveway 1 - eastbound travel lane Nos. 1 and 2:
   - Diablo Road/Project Driveway 2 - eastbound travel lane No. 2.

2. Project developer shall be responsible for full reimbursement of costs incurred for the third party peer review of the traffic impact analysis and shall make this reimbursement to the Town within thirty days of the effective date of this approval.

Screen tree planting along San Ramon Creek

At the conclusion of the public hearing on January 24, 2017, the applicant was directed to address questions and concerns relating to screen tree planting near the project's interface with San Ramon Creek. Specifically, in light of questions and concerns voiced by the Planning Commission and property owners in the Stony Brook project across San Ramon Creek from the project site, the applicant was directed to have his design team contact the Contra Costa County Flood Control and Water Conversation District (FC District) to secure clarification as to whether any options might be available to allow retention of at least some of the existing onsite trees on this portion of the site. Direction was also given to secure clarity from the FC District as to parameters for replacement tree planting.

The Town is aware that contact was made between FC District staff and the Project Landscape Architect after the January 24, 2017 hearing. Town staff was not directly involved with any of those discussions. Exhibit G, prepared by the Project Architect, summarizes the conversations between members of the project design team and FC District staff.

As of the date of the release of this report, nothing new had been received from the FC District. As such, the recommended conditions of approval for the project remain unchanged in terms of FC District-recommended conditions of approval and advisory comments. (Note: Exhibit A includes all recommended conditions of approval and advisory comments for the project while Exhibit E is an excerpt of that document, be limited to include only the recommended conditions of approval and advisory comments that relate back to the FC District comments contained in their letter dated December 13, 2016.)

San Ramon Creek is a major waterway for the FC District and their primary concern, as regards their review of the project and as evidenced by their comments, is the adequacy of the channel to handle the flow of storm water.

Following the January 24, 2017 Planning Commission meeting, the Project Landscape Architect was charged by the applicant to prepare an exhibit showing the base minimum tree planting that may occur under FC District tree planting standards. A sketch study was subsequently prepared and submitted to the Town from the Project Landscape Architect but it did not provide adequate information to address the questions and concerns vocalized by the Planning Commission. Based on its review of the sketch study, the Town advised the Project Landscape Architect that the drawing needed to be modified to more clearly represent the minimum allowable tree planting that can be assumed given the FC District planting standards.

Given the FC District planting standards, the Town assumes this would be very limited tree planting unless the FC District can be persuaded to deviate from their standards. To date the FC District has not indicated whether they would be receptive to a phased removal of the existing non-sanctioned trees; whether they would allow any of the existing trees present that are not Monterey Pines to be retained; or whether they would allow any planting above and beyond the minimum that could occur under their planting standards.

The FC District's planting standards have been interpreted by the Project Landscape Architect to limit new or replacement tree planting for this site to be tree plantings clumped into 25′ width areas near the top of bank – with the "clumps" to be spaced a minimum of 110′ apart from one another. The clear width zones are required under FC District standards for flood control easements for a channel of this size and would serve to provide access to the creek by FC District equipment to handle both ongoing maintenance efforts and emergency maintenance efforts involving this stretch of the channel.

In response to the Town's comments on the initial sketch study, the Project Landscape Architect submitted three planting options (see Exhibit F). While staff had requested that sketch plans be accompanied by a written narrative explanation from the Project Landscape Architect that describes the plan and the applicant's understanding of the District regulations, no narrative has been received as of the date of the release of this

report. The Project Landscape Architect will be requested to provide this information in either written form or as part of the applicant's verbal presentation at the February 28, 2017 hearing.

Parallel to providing more information on landscape treatment along the creek bank, the applicant had his design team submit an updated Tree Survey that more precisely indicates the trees along the east and west sides of the project that, while offsite trees, could potentially require tree protection measures to assure project construction does not impact the health of the trees.

As depicted on the Tree Survey and the three planting options, the Monterey Pines along San Ramon Creek are Trees 41 - 48, 50, and 51. The trees along San Ramon Creek that are not Monterey Pines are Trees 49 and 52 through 69 - identified in the Tree Survey as Valley Oak, Coast Live Oak, or Coast Redwood trees.

Absent receiving alternative direction from the FC District, it would be prudent to assume their position will not change and that they will require all non-sanctioned trees to be removed within their easement and that they will limit replacement trees to species and locations that are consistent with their planting standards. While the applicant can commit to make a diligent effort to engage in further discussion with the FC District after approval of the project, in the end it will be a FC District decision as what may occur in their easement.

Options to control household characteristics of future households that would occupy the project affordable housing units

Based on conversations between the applicant's legal counsel and City Attorney Rob Ewing, and reflective of their review of State and local density bonus regulations, it has been determined that the Town cannot impose a condition on the Danville Office Partners, LLC (DOP) project that would give preference to potential tenants who live or work in Danville or who qualify as senior households. The Town looked into this when the BRIDGE Housing project along Laurel Drive was approved and determined that due to the existing demographics of the community, such a preference would potentially violate fair housing laws.

Both the State density bonus regulations and Danville's own density bonus regulations had previously included provisions for local jurisdictions to be able to give preference to potential tenants who live or work in the community. Those provisions were not carried forward with the most recent amendments of the State regulations and, as such, have also been deleted from Danville's local density bonus ordinance.

As indicated in the January 24, 2017 Planning Commission staff report for the project and the applicant's written density bonus request, the applicant has elected to use very low income units as the "target" units to provide in the project to qualify it for a density bonus. Having very low income units as a project's target units yields the largest available density bonus - where measured as a function of the number of target units

required to be included in a project and the corresponding density bonus secured. Committing to provide very low income units in a project affords the project, at a minimum, a 20% bonus to the allowable project density where a minimum of 5% of the baseline units (i.e., the units excluding units added by a density bonus) are committed for occupancy by very low income households. Projects with very low income units as their target units get an additional 2.5% density bonus for every 1% increase in the number of baseline units committed to be restricted to very low income households. For the DOP project, the applicant would be maximizing the available density bonus – i.e., securing a 35% density bonus by committing to have 11% of the baseline units made available to very low income households.

Were the applicant to request a density bonus based on a commitment to build a senior project, the density bonus would be set at a minimum/maximum bonus of 20%, with none of the project units being required to be affordable and with 100% of the units being required to be restricted for senior occupancy. [Note: In order to protect against discrimination, Federal Fair Housing Law mostly prohibits providing "preferences" to one group over another, because of the risk of discriminatory impacts, except in very narrow circumstances outlined in federal rules. Preferences can be allowed for some vulnerable groups like veterans, the homeless, or senior/disabled if a building is designed or a unit is designated for that population and certain criteria are met.]

Mixing and matching very low target units and senior target units in a density bonus project is therefore problematic as the regulations don't make provision for the co-mingling of target units and the project would have an exposure of whether it should still be considered eligible for the requested 35% density bonus; whether the apartment operator would have the ability or right (under Fair Housing Law) to selectively hold some units for senior-only occupancies; and/or whether the units held for senior-only occupancies could be required to carry any income eligibility component.

On the related question of which units are to be rented as affordable, the Town's practice on processing inclusionary housing projects for the past two-plus decades has consistently been to allow the developer the option to identify which units in a project would be the project's affordable units. This approach has been applied on the density bonus projects processed by the Town as well. Deviating from this past practice therefore would not be supported by past actions. As such, the selection of which units in the project would be occupied with very low income households will be recommended to be left as a developer decision.

RECOMMENDATION

Approve Resolution No. 2017-01 approving Final Development Plan request DEV16-0014, a request to construct a 150-unit multifamily for-rent residential project located on a 3.68+/- acre (net) property located at 373-383 Diablo Road – replacing Condition of Approval "I - Traffic Impacts" with the alternate language contained in this report.

Prepared by:

Kevin J. Gailey
Chief of Planning

EXHIBITS

Exhibit A:	Resolution No. 2017-01 - Findings and Conditions of Approval
Exhibit B:	Public Notification Map, Notification, and Notification List - Revised
Exhibit C:	January 24, 2017 Planning Commission staff report (without attachments)
Exhibit D:	Revised Traffic Impact Analysis - LSA Assoc., Inc. (without appendices)
Exhibit E:	CCCFC&WCD conditions of approval and advisory comments
Exhibit F:	Draft Project Landscape Architect Sketch Study, Creek Section Study and Tree Survey
Exhibit G:	Chronology of conversations between Project Design Team and Flood Control District.

PLANNING COMMISSION RESOLUTION NO. 2017-01
APPROVING FINAL DEVELOPMENT PLAN REQUEST DEV16-0014 (USE BY RIGHT-GOVT. CODE 65583.2(i))
(373-383 Diablo Road - APN: 216-120-037)

WHEREAS, Danville Office Partners, LLC (Property Owner and Applicant) is the owner of the property located at 373-383 Diablo Road (APN 216-120-037), located along the south side of Diablo Road, abutting the west side of the southbound onramp from Diablo Road to I-680 and also abutting the north side of a section of San Ramon Creek and is seeking approval of a 150-unit multifamily, for-rent residential project, with 13 of the 150 units being set aside for very-low income households; and

WHEREAS, the property is designated in the Town's 2030 General Plan as DBD; Downtown Business District Area 12 - Multifamily Residential High Density (25-30 units per acre); and

WHEREAS, subsequent to adoption of the 2030 General Plan, the Town adopted Zoning Text Amendment and Preliminary Development Plan - Rezoning request LEG13-02 (ZTA & PUD, Resolution No. 92-2013) which was required to ensure the zoning for the property was consistent with the General Plan designation. This rezoning amended Division 32-45 *DBD; Downtown Business District* of the Danville Municipal Code to create development standards for the newly created Area 12 - Multifamily Residential High Density land use designation of the 2030 Plan and established development criteria and standards for the property in order to ensure consistency with the 2030 General Plan; and

WHEREAS, the Environmental Impact Report certified in conjunction with the review and approval of the Danville 2030 General Plan in March 2013 (the General Plan EIR) provided the CEQA review for the proposed change in the project site's land use designation in the general plan from an office designation to a multifamily high density designation; and

WHEREAS, future development within the Town of Danville must conform to the 2030 Plan and related development regulations, with each development proposal required to be accompanied by a finding of general plan conformity and a citation of the relevant policies in the 2030 Plan which are the basis for action; and

WHEREAS, as part of the State Housing Law, local agencies face certain constraints in reviewing residential developments, particularly those that have been identified in the agency's General Plan as being housing opportunity sites ("HOS") necessary to satisfy regional housing needs; and

EXHIBIT A

WHEREAS, Government Code Section 65583.2(i) is one such provision in the State Housing Law and reads as follows: "(i) For purposes of this section and Section 65583, the phrase "use by right" shall mean that the local government's review of the owner-occupied or multifamily residential use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Any subdivision of the sites shall be subject to all laws, including, but not limited to, the local government ordinance implementing the Subdivision Map Act. A local ordinance may provide that "use by right" does not exempt the use from design review. However, that design review shall not constitute a "project" for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Use by right for all rental multifamily residential housing shall be provided in accordance with subdivision (f) of Section 65589.5."; and

WHEREAS, because the project is on an HOS identified by the Town and proposes multi-family uses with no subdivision, it falls within the scope of Government Code Section 65583.2(i) and as such, is not subject to the Town's normal processing for a final development plan; and

WHEREAS, in order to comply with Government Code Section 65583.2(i) within the parameters of the Town's existing regulations, the Town developed project-specific processing steps which are laid out in a letter dated September 16, 2015 (attached to the Planning Commission Staff Report for DEV16-0014), which is incorporated herein by this reference; and

WHEREAS, the September 16, 2015 processing letter indicates that the project will be processed as a "Final Development Plan (Use by Right-Govt. Code 65583.2(i)" (hereafter, a "Modified Final Development Plan"), that the development is not a project for CEQA purposes (and thus exempt from CEQA review) and that the Town would make specified findings in considering the project; and

WHEREAS, as part of the Modified Final Development Plan, the applicant has requested a density bonus as permitted by state law be applied to the project through the approval of DEV16-0014, with the applicant seeking up to a 35.0% increase to the otherwise allowable maximum project unit density; and

WHEREAS, consistent with state regulations governing a density bonus project, the applicant is eligible to request two development concessions, but as part of the application is requesting only one concession, that being a request for relief from the maximum applicable floor area ratio (FAR) standard for conditioned space that would apply to the project site as the applicant seeks approval of an 88.4% FAR where the maximum FAR standard under the site's DBD Area 12 zoning is an 80.0% FAR; and

WHEREAS, consistent with state regulations governing a density bonus project, the applicant is also eligible for a waiver or reduction in development standards. The waiver sought by the applicant, is a request for modification of the maximum allowable building height as provided for under the Danville 2030 General Plan as the applicant seeks approval for use of a 37′ maximum building height where the Danville 2030 General Plan sets the maximum allowable building height at 35′; and

WHEREAS, Modified Final Development Plan request DEV16-0014 includes a request for authorization to remove on site trees that qualify as protected trees under the Town's Tree Preservation Ordinance due to their size and/or species; and

WHEREAS, on October 27, 2016 after a noticed public hearing, the Town's Design Review Board recommended that the Planning Commission approve the architecture and design of the project; and

WHEREAS, a staff report was submitted recommending that the Planning Commission approve the project; and

WHEREAS, the public notice of this action was given in all respects as required by law; and

WHEREAS, the Danville Planning Commission did hear and consider all reports, recommendations, and testimony submitted in writing and presented at the hearing concerning the project at a noticed public hearing on January 24, 2017; therefore, be it

RESOLVED that the Danville Planning Commission approves the Modified Final Development Plan request DEV16-0014, per the conditions of approval contained herein, and makes the following findings in support of this action:

FINDINGS OF APPROVAL:

Modified Final Development Plan Request

1. The property owner/applicant intends to obtain permits for construction within 36 months from the effective date of the approval of Modified Final Development Plan request DEV16-0014.

2. The development will be an attractive and efficient development which will fit harmoniously into and will have no adverse effects upon the adjacent or surrounding development. The project is surrounded by existing commercial buildings to the north and multifamily housing to the west. The project is set back a considerable distance and is largely screened from the view of Diablo Road.

3. The project is substantially consistent with the DBD; Downtown Business District Area 12 - Multifamily Residential High Density (25-30 units per acre) zoning standards.

4. The project as conditioned and approved is substantially consistent with the site specific zoning development criteria and standards contained in LEG13-02 (ZTA & PUD).

5. The project is consistent with the provisions of Government Code Section 65583.2(i) as it is located on a Housing Opportunity Site identified in the Town's 2030 General Plan and Housing Element and it proposes multifamily housing with no subdivision of land.

6. Consistent with Government Code Section 65583.2(i), the Modified Final Development Plan is not project under CEQA.

7. The proposed project will not be detrimental to the health, safety, and general welfare of the Town. The project as conditioned is consistent with all applicable Town standards and regulations.

8. The one concession and one waiver of development standards requested as part of the density bonus associated with the project are consistent with Government Code Section 65915(d) and are hereby approved.

9. The development proposal is in substantial conformance with the goals and policies of the Danville 2030 General Plan and the Downtown Master Plan, with specific conformance to the following goals and policies acknowledged through adoption of this finding:

    a. Policy 1.03 - Recognize the need for suitably located housing, civic facilities, and services for all age groups within the community.
    b. Policy 1.04 - Generally guide higher density residential development to locations within convenient walking distance of shopping centers and public transportation. *The project is located in walking distance to the Green Valley Shopping Center as well as downtown Danville and bus stops for County Connection Route 21.*
    c. Policy 2.01 - Achieve a high standard of residential design through project review and approval for all new residential developments.
    d. Policy 2.07 - Improve the appearance of the community by encouraging aesthetically designed buildings, screening, adequate setbacks, and landscaping.

e. Policy 3.07 - Where appropriate, encourage the use of shared circulation and parking. *As conditioned, the project provides an opportunity for future shared circulation with the adjoining Janlois property.*

f. Policy 3.08 – Encourage the reuse of vacant and underutilized commercial buildings for more economically productive purposes, including new businesses, housing, and mixed use development. *Development of multi-family housing on the site furthers the objective of this goal.*

g. Goal 4 Downtown Danville - Enhance Downtown Danville and its environs as the center of town, with a mix of retail, office, residential, civic, and open space uses. Downtown should be a more vibrant and successful center, with more walkable streets, opportunities to live and work close to public transportation and shopping, and new housing for persons of all incomes and ages.

h. Goal 5 Housing - Protect the quality of Danville's residential neighborhoods while providing opportunities for new housing that meets community needs. *The project provides new multifamily housing necessary to satisfy the Town's obligations for provision of such housing while separating the project from existing single family residential districts.*

i. Policy 5.03 - Through development and implementation of various housing programs, enable the development of affordable housing at a wide range of densities in a variety of locations.

j. Policy 5.06 - Protect the long-term affordability of existing housing units built through the Town's affordable housing programs.

k. Policy 6.02 - Give priority to developing vacant or underused land within the Town limits prior to extending development outside, unless the needs for housing and economic vitality require development that is difficult to achieve on an infill basis.

l. Policy 6.06 - Implement the programs necessary to ensure that the Town of Danville receives its "return-to-source" funds from the sales tax revenues collected through County Measure J.

m. Policy 6.08 - Continue to implement a development mitigation program which ensures that development projects pay their share of the costs of local services (such as roads, parks, fire, police, sanitary sewer, water, and flood control facilities) associated with that development. New development projects may only be approved where the Town finds that adopted minimum performance standards will be observed. *Subject to conditions of approval requiring, among other things, the payment of school impact fees, park and traffic mitigation fees and contributing towards the construction of a pedestrian/bicycle bridge with associated pathways linking Diablo Road to the Town Library/Community Center, the project observes all applicable performance standards.*

n. Policy 7.10 - Consistent with the Housing Element of the General Plan, continue to expand housing opportunities for all income groups. As

required by County Measure J, the Town will biannually report to the CCTA on its progress in providing housing opportunities, and its efforts to reduce the impacts of such housing on the transportation system. *The project furthers the goals of the Housing Element, providing multi-family uses near transportation.*

o. Policy 9.11 - Explore opportunities to reuse underperforming or underutilized commercial uses with more economically productive uses that are compatible in scale and character with their surroundings.

p. Goal 11 Multi-Modal Circulation System - Provide a safe, efficient multi-modal circulation system. *The project is required to dedicate easements, construct a pathway and pay towards construction of a pedestrian/bicycle bridge connecting Diablo Road to the Town Library/Community Center. This new access point to civic facilities and the downtown will greatly enhance access for pedestrians and cyclists.*

q. Policy 11.03 - Implement physical and operational improvements to improve the transportation system. Such improvements should be: (1) consistent with the need to preserve the character of residential streets and neighborhoods; (2) sensitive to the requirements of bicycles and pedestrians; and (3) consistent with the goal of encouraging alternative modes of travel, whenever feasible. *The project is required to dedicate easements, construct a pathway and pay towards construction of a pedestrian/bicycle bridge connecting Diablo Road to the Town Library/Community Center. This new access point to civic facilities and the downtown will greatly enhance access for pedestrians and cyclists.*

r. Policy 11.06 - Create a connected circulation system in which it becomes easier to walk or bicycle from one point in Danville to another. On cul-de-sacs and dead-end streets, encourage pedestrian and bicycle paths that extend through to nearby streets, making it easier to reach destinations such as schools, parks, shopping, and public transit. *The project is required to dedicate easements, construct a pathway and pay towards construction of a pedestrian/bicycle bridge connecting Diablo Road to the Town Library/Community Center. This new access point to civic facilities and the downtown will greatly enhance access for pedestrians and cyclists.*

s. Goal 12 Complete Streets - Create walkable neighborhoods and shopping areas, with streets that safely and comfortably accommodate pedestrians, bicyclists, and transit users as well as motor vehicles. *The project is required to dedicate easements, construct a pathway and pay towards construction of a pedestrian/bicycle bridge connecting Diablo Road to the Town Library/Community Center. This new access point to civic facilities and the downtown will greatly enhance access for pedestrians and cyclists.*

t. Policy 12.01 - Design major roadways to function as "complete streets" which balance the needs of automobiles with the needs of pedestrians, bicyclists, transit users and other forms of travel.

u. Policy 12.02 - Require design measures to accommodate access by pedestrians, bicycles, and transit within new development, and to provide connection to adjacent development.

v. Policy 12.03 - Provide a pleasant and safe environment for pedestrian movement.

w. Policy 12.05 - Limit the number of curb cuts and other access points along arterial streets to avoid congestion and improve traffic pedestrian safety.

x. Policy 12.07 - Close the gaps in the Town's bicycle and pedestrian trail system in order to create a more fully connected, logical, comprehensive system of facilities for non-motorized transportation. *The project is required to dedicate easements, construct a pathway and pay towards construction of a pedestrian/bicycle bridge connecting Diablo Road to the Town Library/Community Center. This new access point to civic facilities and the downtown will greatly enhance access for pedestrians and cyclists.*

y. Policy 12.08 - Ensure the provision of adequate bicycle support facilities such as bicycle parking, at all major bicycle usage locations.

z. Policy 12.11 - Recognize the benefits of walking and bicycling to public health and the overall livability of Danville. *The project is required to dedicate easements, construct a pathway and pay towards construction of a pedestrian/bicycle bridge connecting Diablo Road to the Town Library/Community Center. This new access point to civic facilities and the downtown will greatly enhance access for pedestrians and cyclists.*

aa. Policy 12.12 - To the extent permitted by law, ensure that the Town's transportation improvement fees may be used to support pedestrian, bicycle, and transit improvements as well as road improvements.

bb. Goal 13 Transportation Choice - Create viable transportation alternatives to the single occupant automobile.

cc. Policy13.05 - Create and maintain a safe, effective system of bikeways, including an integrated network of off-road bicycle trails, dedicated on-road bicycle lanes and signed bicycle routes along Danville streets.

dd. Policy13.09 - Improve access to Downtown Danville for transit-dependent workers, seniors, and persons traveling without an automobile. *The bridge and pathway referenced above will provide a safer, more direct means for pedestrians and cyclists to travel from the Iron Horse Trail and civic facilities to Diablo Road.*

ee. Policy 14.02 - Require site-specific traffic studies for development that is likely to generate significant volumes of traffic. If such studies indicate that the development could cause the Town's transportation standards–to be exceeded, require modifications to the project and/or impose transportation improvements requirements which ensure that level of service standards are maintained. *The project is required to contribute towards a potential future traffic signal which would ensure better traffic flow along Diablo Road.*

ff. Policy 14.03 – Maintain level of service (LOS) standards for Danville streets which balance vehicle speed and travel time objectives with other considerations, such as safety and comfort of pedestrians, bicyclists, and transit users. Standards may vary according to roadway function and the character of the surrounding uses.

gg. Policy 14.05 - As a means of reducing peak hour trips, encourage owner/resident operated home occupations and telecommuting from home where the business is not perceptible from the exterior of the home.

hh. Policy 15.03 - Require the design of streets in new development areas to incorporate traffic calming features.

ii. Policy 17.14 - Enhance Danville's trail system by closing gaps in the existing system, providing adequate access points, and extending trails to achieve better connectivity to all areas of the town. The trail system should be logical, comprehensive and user friendly and should provide a variety of trail experiences, including opportunities for exercise, encounters with nature, and social walking.

jj. Policy 17.15 - Public access easements shall be provided to designated public open space areas and along creeks and stream, where appropriate. Where appropriate and consistent with adopted trail plans, conditions of approval for new development should include requirements for land dedications and public access easements for trails. *The bridge and easements described above will assist in closing gaps in the trail system along San Ramon Creek.*

kk. Policy 17.21 - Recognize the benefits of trails as an alternative transportation mode and integral part of the Town's strategy for reducing greenhouse gas emissions, as well as their role as a recreational amenity.

ll. Policy 19.01 - Require new development to pay its fair share of the cost of civic and community facilities, based on the impacts attributed to that development.

mm. Policy 20.05 - Continue to provide for flood control, protection from erosion and siltation, and improvements to urban runoff as required by federal law. Continue to explore the recreational potential of flood control facilities and waterways, consistent with public safety and security, and stress aesthetic treatment of necessary facilities. *The project will be required to work with the Contra Costa County Flood Control District to ensure continued safety along San Ramon Creek.*

nn. Policy 21.10 - Require a biological assessment for development proposed on sites that are determined to have the potential to contain special-status species, sensitive natural communities, or wetland resources. *Project conditions of approval require such a study.*

oo. Policy 22.01 - Maintain and enhance the natural quality of Danville's creeks, including the riparian vegetation along the banks. Setbacks should be

maintained along creeks to maintain their natural appearance, reduce erosion and flood hazards, and protect their ecological functions.

pp. Policy 22.02 – Require qualifying new development projects and redevelopment projects to comply with the Municipal Regional Permit for stormwater control and treatment.

qq. Policy 23.05 – Continue cooperative planning and implementation efforts at the countywide level to ensure that qualifying new development projects and redevelopment projects comply with the hydro-modification plan/program requirements imposed through the Municipal Regional Permit.

rr. Policy 27.02 - Require acoustical studies for major residential and other development projects, as appropriate, and impose noise mitigation measures accordingly.

ss. Policy 27.09 - Generally maintain exterior noise levels below 60 Ldn in areas where outdoor use is a major consideration, such as in residential backyards. Where the Town determines that this level cannot be achieved after reasonable mitigation has been applied, higher standards may be permitted at the discretion of the Town Council. In such cases, indoor noise levels should not exceed an Ldn of 45 dB.

tt. Policy 27.11 - Ensure that the design of new development near major noise sources (such as Interstate 680) reduces the potential for future occupants to be exposed to high levels of noise. Development on such properties should incorporate appropriate noise mitigation measures.

uu. Policy 27.13 - Utilize noise reduction measures during all phases of construction activity to minimize the exposure of neighboring properties to excessive noise levels.

vv. Policy 31.06 - Require new and rehabilitated multifamily developments to provide on-site shared collection bins for recyclable and compostable waste.

ww. Policy 32.06 - Encourage the use of permeable pavers for parking lots, driveways, walkways and other paved surfaces as a way to absorb stormwater, recharge the aquifer, and reduce urban runoff.

xx. Policy 33.04 - During the development review process, impose appropriate mitigation measures on new development to reduce greenhouse gas emissions.

yy. Policy 34.04 - Consistent with CEQA and the measures necessary to mitigate General Plan impacts, require site-specific air quality studies for future development under the Plan that includes sensitive receptors (such as schools, hospitals, daycare centers, or retirement homes) located within a designated buffer area along Interstate 680.

zz. Policy 34.06 – Consistent with CEQA measures necessary to mitigate General Plan impacts, require indoor air filtration systems to reduce

particulate concentrations to acceptable levels for projects where there would be a significant cancer risk exposure as defined by BAAQMD.

Tree Removal Permit Request

Based on the preliminary tree report prepared for the project, there are 42 trees within, or adjacent to, the project site that qualify as "protected" trees and there are 13 trees that qualify as "heritage" trees, with four trees appearing on both lists and considered to be both "protected" and "heritage" trees. Based on the preliminary site plan and preliminary grading plan, project development would result in the removal of 20 "protected" trees and one "heritage" tree, being trees with an aggregate dimension at a trunk height of 54" of approximately 433" and including 19 London Plane trees, one Western Sycamore tree, and two Valley Oaks (12' and 24" in respective diameter). The precise location, number, and makeup of "protected" trees and "heritage" trees that would be removed as a result of the construction of the project will be determined fully prior to issuance of a grading permit or a building permit for the project.

The removal of onsite "protected" trees and "heritage" trees whose location is in direct conflict with the approved project improvements is approved as part of the approval for DEV16-0014 based on the following findings set forth in Municipal Code Section 32-79.6:

1. Necessity. Removal of the "protected" and "heritage" trees is necessary to accommodate the proposed residential development of the property, including the creation of a new roadway system, project at-grade parking, and grading to create the residential structures and associated podium parking garage. The project size, including the use of the podium parking garage, has been reduced as much as feasible given the permitted density and the state authorized density bonus.

2. Erosion/surface water flow. Removal of the "protected" and "heritage" trees will not cause significant soil erosion or cause a significant diversion or increase in the flow of surface water. The installation of mandated C-3 stormwater retention improvements (no such improvements currently exist on-site) along with planting of new trees and landscaping will minimize any potential erosion.

3. Visual effects. The project site contains some number of existing trees that will be retained and is surrounded by a significant number of additional mature trees, including additional Town-protected Oak trees that would not be removed for the project. In addition, the project developer will be required to mitigate the loss of "protected" and "heritage" trees that will be removed with trees of an approved species and of a cumulative number and diameter necessary to equal the diameter of the tree(s) which have been approved for removal in accordance with the Town's Tree Preservation Ordinance.

4. Removal of the "protected" and "heritage" trees will not significantly affect off-site shade or adversely affect privacy between properties due to the site's topography, the other trees that would remain, the locations of the trees in relation to other properties, and the planting of new project trees.

CONDITIONS OF APPROVAL

Conditions of approval with an asterisk ("") in the left-hand column are standard project conditions of approval. Unless otherwise specified, the following conditions shall be complied with prior to issuance of grading or building permits for the project. Each item is subject to Town review and approval unless otherwise specified.*

A. GENERAL

1. This approval is for Modified Final Development Plan request DEV16-0014, with said approval also serving as authorization to remove "protected" and "heritage" trees to facilitate the development of the approved multifamily residential project. Development shall be substantially as shown on the project drawings and project studies as follows:

   (a) Preliminary Architectural Plans labeled "Riverwalk at Downtown Danville," depicting the proposed development as prepared by LCA Architects and consisting of 17 sheets dated November 22, 2016.

   (b) Project Civil Engineering Drawings, depicting existing conditions and preliminary project plans for grading and drainage, utilities, stormwater control, and stormwater treatment analysis, as prepared by BKF Engineers, Surveyors and Planners and consisting of seven sheets and dated November 14, 2016 or November 17, 2016.

   (c) Landscape Site Plan, as prepared by LCA Architects and consisting of one sheet dated September 20, 2016.

2. This entitlement includes the authorization to deviate from otherwise applicable DBD Area 12 maximum building height standards and maximum floor area ratio (FAR) zoning standards, with said deviation authorized as concessions/waivers provided under State and local density bonus regulations.

3. The project developer shall be responsible for the payment of all development processing fees and impact fees associated with the project and may seek offsets for the current use of the property as authorized by the applicable regulation or fee. The fee amounts to be paid shall be

reflective of the fee schedules in effect at the time payment is made, with fees to be paid prior to issuance of grading or building permits. In addition to building permit plan check and inspection fees, notice should be taken of the following processing fee and impact fee categories that will be applicable to the project – with this listing not necessarily to be construed as a complete listing of applicable fees:

(a) Improvement Plan Check Fee (3% of cost estimate)
(b) Engineering Inspection Fee (5% of cost estimate)
(c) Grading Plan Check, Inspection and Permit
(d) Child Care Facilities - Residential ($115 per unit)
(e) Parkland In-lieu Fee – Residential ($6,124 per unit)
(f) Storm Water Pollution Program Fee ($228 per structure)
(g) SCC Regional Fee - Residential ($1,349 per unit)
(h) Residential Trans. Improvement Program Fee ($1,400 per unit)
(i) Tri-Valley Transportation Fee - Residential ($2,951 per unit)

* 4. Prior to submittal for building permits, but in no case later than thirty days of the effective date of this approval, the project developer shall reimburse the Town for notifying surrounding residents and interested parties for notification of the public hearing for the project. The fee shall be $241.22 ($130.00 plus 134 notices at $0.83 per notice).

* 5. Prior to any construction work on the site, including preliminary site clearing or site grading, the project developer shall install a sign (minimum dimensions of 3'x3') at the project entry which specifies the allowable construction work days and hours and lists the company name, phone number, and contact person for the overall project manager and for all contractors and sub-contractors working on the job.

6. Prior to the issuance of grading or building permits, the project developer shall submit written documentation that all requirements of the San Ramon Valley Fire Protection District have been, or will be, met to the satisfaction of the District. The District's initial comments on this project are dated November 28, 2016 were received by the Town in response to the Town's "Request for Comments" mailing of November 16, 2016. [Note: See Advisory Comment #6 for District's advisory comments.]

7. Prior to the issuance of building permits for the residential portion of the project, the project developer shall verify that payment of the applicable school impact fees have been paid to the San Ramon Valley Unified School District. The District's comments on this project are dated December 1, 2016 and were received by the Town in response to the Town's "Request for

Comments" mailing of November 16, 2016. [Note: See Advisory Comment #5 for summation of the District's comments.]

8. The project developer shall make payment of a $2,216.25 California Department of Fish and Wildlife (CDFW) CEQA Environmental Document Filing Fee within four days of the effective date of the project approval, unless the project developer submits to the Town of Danville a written explanation as to the basis, under Cal. Code Regs., tit. 14, §§ 15260-15333 and Fish & G. Code, § 711.4, subd. (d)(1), that the project is exempt from paying filing fee. A copy of this written explanation shall concurrently be forwarded to CDFW.

9. In the event that subsurface archeological remains are discovered during any construction or pre-construction activities on the site: (a) all land alteration work within 100 feet of the find shall be halted; (b) the Town of Danville Development Services Department shall be notified; and (c) a professional archeologist, certified by the Society of California Archeology and/or the Society of Professional Archeology, shall be notified. Site work in this area shall not occur until the archeologist has had an opportunity to evaluate the significance of the find and to outline appropriate mitigation measures, if they are deemed necessary. If prehistoric archaeological deposits are discovered during development of the site, local Native American organizations shall be consulted and involved in making resource management decisions.

10. The developer shall provide security fencing, to the satisfaction of the City Engineer and/or the Chief Building Official, around the site during construction of the project. All security fencing shall be fitted with woven polyethylene privacy and windscreen fabric, 85% minimum closed mesh with grommets for securing to chain link fabric.

* 11. A watering program, which incorporates the use of a dust suppressant and which complies with Regulation 2 of the Bay Area Air Quality Management District, shall be established and implemented for all on- and off-site construction activities. Equipment and human resources for watering all exposed or disturbed soil surfaces shall be supplied on weekends and holidays as well as workdays. Dust-producing activities shall be discontinued during high wind periods.

* 12. All physical improvements shall be in place prior to occupancy of any building in the project. If occupancy within the project is requested to occur in phases, all physical improvements serving that phase shall be required to be in place prior to occupancy, except for items specifically excluded in

a construction-phases occupancy plan approved by the Danville Development Services Department. No building shall be occupied until heavy construction activity in the adjoining area is complete, the area to be occupied is determined to be safe, accessible, provided with all reasonably expected services and amenities, and is appropriately separated from remaining additional construction activity.

* 13. As part of the initial submittal for the demolition permit and/or building permit review process (whichever occurs first), the project developer shall submit a written Compliance Report detailing how the conditions of approval for this project have been complied with. This report shall list each condition of approval followed by a description of what the developer has provided as evidence of compliance with that condition. The report is subject to review and approval by the City Engineer, Chief of Planning, and/or Chief Building Official, and may be rejected if it is determined to not be comprehensive with respect to the applicable conditions of approval.

14. The residential units developed in the project may be used for home occupation uses, as that activity is defined in Section 32-2.2 ("Words and Phrases Defined") of the Danville Municipal Code and as regulated in Section 32-22.5.b. ("Home Occupation" requirements) of the Danville Municipal Code. Any home occupation use established shall be clearly ancillary to the primary, residential use of the unit it is located within. Home occupation compliance reports shall be processed for each proposed home occupation through the Planning Division and business license applications shall be processed through the Finance Department before the home occupation use is established.

* 15. Planning Division approval is required prior to final occupancy being authorized for any building in the project by the Building Division.

16. The developer shall create a construction staging plan that addresses the ingress and egress location for all construction vehicles, parking and material storage area. This plan shall be subject to review and approval by the Danville Development Services Department prior to the issuance of a demolition permit, grading permit, or building permit. No staging or storage shall occur in the public right-of-way or on publically owned property unless preauthorization is secured from the Engineering Division through an encroachment permit.

17. No post-completion exterior modifications to buildings established in the project shall occur without prior review and approval of a Revised Modified Final Development Plan application, which may be processed as

an administrative permit if the Danville Development Services Department determines the request does not constitute a significant alteration to the affected building.

18. Prior to the issuance of grading permits, the project developer shall retain a specialist to assess rodent control impacts anticipated to be associated with grading activity and installation of project improvements. As deemed necessary, following the Planning Division's review of the specialist's assessment, the project developer shall develop and implement the corresponding rodent control plan to reduce impacts to surrounding properties to the extent reasonably possible for the time periods of heavy construction activity. The report shall include a schedule for regular rodent inspections and mitigation based on the development schedule for the project. This rodent control plan is subject to review and approval by the Planning Division.

19. The project developer shall be responsible for washing the exterior of abutting residential and office structures and cleaning pools, patios, etc. at the completion of project mass grading activity. The structures to receive cleaning, the extent of the cleaning efforts to be performed, and the timing of such cleaning shall be subject to review and approval by the Planning Division.

B. SITE PLANNING

1. Exterior wall-mounted lighting shall be at the minimum lighting intensity necessary to provide adequate lighting for safety and security purposes. Project light fixtures shall be of a design that generally screens the view of the light source and provides down-directed lighting. Prior to the issuance of building permits, the project developer shall submit a photometric plan as part of the lighting plan that indicates lighting locations and fixture details and provides the corresponding photometric information. This plan shall be subject to review and approval by the Danville Development Services Department and the Design Review Board (DRB). If required by the Planning Division and/or the DRB, field modifications found necessary to prevent inappropriate levels of off-site light intrusion and/or glare shall be made.

2. The location of any pad mounted electrical transformers, if different than shown on the plans referenced in Condition A.1 above, shall be subject to review and approval by the Danville Development Services Department and DRB prior to the issuance of a building permit. Unless determined not feasible by these reviewing bodies, such transformers shall not be located

between any street and the front of a building and shall be adequately screened and mitigated with appropriate landscaping.

3. The raised center landscape median proposed for inclusion in western project entry driveway off of Diablo Road shall be modified to eliminate conflicts with existing parking spaces along the eastern edge of the western entry driveway. Except for use of a short raised landscape median at both the north and south extents of the western project entry driveway, which may be constructed to provide a physical expression of the separation of entry and exit driveways, the area between the entry and exit driveways shall be accent paving provided at the same grade level as the abutting driveways. The layout of the raised landscape medians and accent paving shall be subject to review and approval by the Planning Division as part of the review of the Final Landscape and Irrigation Plans.

C. LANDSCAPING

* 1. Final Landscape and Irrigation Plans (Landscape Plans), with planting shown at 1″=20′ scale, shall be submitted for review and approval by the Danville Development Services Department and DRB. The plan shall include common names of all plant materials and shall indicate the size that various plant materials will achieve within a five-year period of time.

* 2. All plant material shall be served by an automatic underground irrigation system and maintained in a healthy growing condition. The irrigation system shall comply with East Bay Municipal Utility District's Section 31 Water Efficiency requirements, including use of a weather-based controller with soil moisture probe and rain-shutoff switch.

* 3. The Final Landscape and Irrigation Plans submitted for the Project shall be accompanied by a written report prepared by the Project Landscape Architect documenting how the plans comply with applicable outdoor water-use efficiency recommendations and requirements in place at the time of their submittal. The report shall, at a minimum, speak to conformance to applicable East Bay Municipal Utility District (EBMUD) recommendations and requirements and the State of California Department of Water Resources requirements that would pertain to the project regarding the Water Conservation in Landscaping Act of 2006 (AB 1881).

* 4. All trees shall be a minimum of 15-gallon container size. All trees shall be properly staked. All shrubs used in the project, which are not used as ground cover, shall be a minimum of five gallons in size.

* 5. All landscaped areas not covered by shrubs and trees shall be planted with live ground cover. All proposed ground cover areas shall be planted and maintained so that they fill in the affected landscape areas within a two year period.

6. The project's Final Landscape and Irrigation Plan shall detail the planned adjustments to edge project grading and edge project fencing and/or retaining wall improvements along the western edge of the project at the shared Janlois Apartments/Danville Office Partners, LLC (DOP) property line. The presence of existing encroachment of improvements into the DOP property appear to have the potential to affect the functionality of the proposed public pedestrian easement and sidewalk and landscaping improvements shown on the project plans along the west side of the project site (e.g., there are existing mature trees shown to occupy the same area shown to be a pedestrian walkway). The project developer shall be responsible, through the implementation of the approved project Final Landscape and Irrigation Plan, to address and remove, as necessary and appropriate, the existing encroaches to assure the functionality and aesthetic desirability of the improvements for the planned public pedestrian walkway improvements.

D. <u>ARCHITECTURE</u>

* 1. All ducts, meters, air conditioning and/or any other mechanical equipment, whether on the building or on the ground, shall be effectively screened from view with landscaping or materials architecturally compatible with the main buildings.

2. Trash, refuse and recycling shall be contained within trash/recycling enclosures that are architecturally compatible with the project architecture. Unless otherwise authorized by the Planning Division, the enclosure design and location shall be substantially as depicted on the project drawings cited in Condition of Approval #A.1.a., above. The trash/recycling area shall have lockable and self-closing doors. Prior to initiating the application for building permit, the project developer shall document to the Town's satisfaction that adequate coordination has been made with the project site's solid waste purveyor to verify that the planned trash/recycling areas are appropriately sized and located to handle projected trash and recycling generation levels for the project. The trash/recycling area shall be designed so as not to allow stormwater run-off to enter the area from adjacent surfaces nor to allow wastewater originating from the area to seep outside the area. The area drains for the trash/recycling areas shall be connected to the sanitary sewer, not the storm drain system. The trash/recycling

enclosures shall be equipped with a hot/cold water supply. The project trash/recycling program shall include provision for on-site shared collection bins for compostable waste.

3. Prior to the issuance of building permits, the proposed method to denote street numbers for the approved structures and the individual residential units in the project shall be submitted for review and approval by the Planning Division. Street numbering of the approved structures shall be posted so as to be easily seen from the street at all times, day and night by emergency service personnel.

4. If project entry signage for the development is desired, a Sign Review permit shall be submitted to the Town for consideration under a separate application prior to sign installation.

* 5. Samples of final materials and the proposed color palette shall be submitted for review and approval by the Design Review Board (DRB) prior to the issuance of building permits for new construction. Color mock-ups shall be made available at the project site prior to scheduling the project buildings for final DRB review.

6. The second phase of the project's linear review of preliminary architectural design shall provide for a review and approval of architectural elevations, details and revisions (as well as design specifications, materials, height, etc. for the common boundary structure on the western side of the property abutting the Janlois property. by the Design Review Board (DRB) a minimum of forty-five days prior to developer-initiation of the building permit plan check process. This layer of review shall provide project architectural details as called for by the Danville Design Review Board Submittal Requirement Checklist (as revised April 2000). The project architectural sections developed and submitted for review shall include, at a minimum, twelve representative building sections for the project as mutually selected by the Planning Division and the Project Architect.

7. In advance of submittal for the second phase of the project's linear review of preliminary architectural design, the developer is encouraged to incorporate design features into the project that add further architectural interest and detailing. Examples of items that would add the desired architectural interest and detailing include: (a) integration of unique project signage into project architecture; (b) recessing of windows at second and third floors; (c) use of a pool or water feature as a focal feature in one or both of the central pedestrian courtyard areas; (d) use of custom designed light fixtures; (e) use of high-end/elegant architectural pottery; (f) use of a

substantial trellis as an entry treatment to some or all of the pedestrian courtyard areas; (g) selective second floor building setbacks (to further break up building massing and in addition to third floor building setbacks depicted on the approved project plans); (h) introduction of landscape planting (e.g., vines) on selected ground floor building elevations; (i) variation in building plane where exterior building material changes occurred; and (j) use of recesses between top of wall and parapet roof features.

8. As an enhanced architectural detail and to serve as a traffic calming design feature, the three-way driveway intersection of the onsite driveway system at the south side of the 60′ width entry driveway shall be developed as a raised intersection box with enhanced paving details. The design of the raised intersection and the abutting pedestrian walkway crossings of the affected project driveways shall be subject to review and approval by the Transportation Division and the Planning Division.

* 9. Final architectural elevations, details and revisions, presented in construction plan detail, shall be submitted for review and approval by the DRB prior to issuance of building permits for the project. Ten full size sets of progress construction drawings for the project shall be submitted for the review. This review, which shall follow completion of the second phase of the project's linear review of preliminary architectural design described in Conditions of Approvals D.6. and D.7., above, may be concurrent with the plan check review of building permits for new project construction.

* 10. Unless otherwise directed through building code regulations, roof vents established on the residential buildings which are visible from the surrounding public or private roadway system shall be limited to low profile roof vents. All residential roof vents shall be painted a color to blend with the roof and shall be painted with a flat finish.

11. In conjunction with the preparation of the final working drawings for the residential buildings, to the extent feasible, efforts shall be made to maximize the size of individual storage areas available to all project residential units. The exact location, size and configuration of the storage areas shall be subject to review and approval by the Planning Division prior to the issuance of building permits.

12. To the extent feasible, the project developer shall install bicycle storage facilities serving the project. The exact location, size and configuration of the bicycle storage facilities shall be subject to review and approval by the Planning Division prior to the issuance of building permits.

13. The design of the project buildings shall be modified as may be necessary to hold the building heights of the buildings to a maximum height of 37 feet. An exception to the approved maximum building height is granted for an elevator tower and, as may be required, for a roof access for each of the approved buildings.

E. PARKING

* 1. All parking spaces shall be striped and provided with wheel stops unless they are fronted by concrete curbs, in which case sufficient areas shall be provided beyond the ends of all parking spaces to accommodate the overhang of automobiles and to avoid narrowing abutting walkways to an inappropriate clear width dimension.

* 2. Where authorized, compact car spaces shall be clearly designated with appropriate pavement marking. Compact spaces shall be no less than 8 feet by 16 feet in size, inclusive of an allowable 2 foot maximum overhang.

* 3. Regulatory signage/curb painting for non-parking sections of the interior roadways shall be provided, if deemed necessary, to the satisfaction of the San Ramon Valley Fire Protection District and the Transportation Division.

4. The project developer shall work with the Engineering Division and the Transportation Division and the appropriate transit agency to determine if new or alternate bus stop locations along the south side of Diablo Road in near proximity of the project site are warranted with the redevelopment of this property. If new or alternate bus stop locations are deemed warranted, then all necessary improvements shall be the developer's responsibility to install.

F. GRADING

* 1. Any grading on adjacent properties will require prior written approval of those property owners affected.

* 2. At least one week prior to commencement of demolition or grading activities, the project developer shall post the site and mail to: (a) the owners of property within 300 feet of the exterior boundary of the project site; (b) the business owners of businesses within 300 feet of the project boundary; and (c) the Planning Division, a notice that construction work will be commencing at the project site. The notice shall include the appropriate list of project contact persons, indicating name, title, phone number and area of responsibility of such persons. The person responsible for maintaining the

list shall also be indicated on the notice. The notice shall be kept current at all times, posting the persons with authority to initiate corrective action in their area of responsibility.

* 3. Where geotechnical conditions encountered in grading operations and/or site preparation work are different from that anticipated in the preliminary geotechnical report or the design-level geotechnical exploration, a revised report shall be prepared and submitted for review and approval by the Engineering Division. It shall be accompanied by an engineering and geological opinion as to the safety of the site from settlement and seismic activity.

* 4. All development shall comply with Danville Ordinance 2004-06 (which added Chapter 20 to the Danville Municipal Code relating to Stormwater Management and Discharge Control). All development shall also comply with the Municipal Regional Permit 2.0 (MRP), adopted by the State Water Resources Control Board in November, 2015. These regulations require, among other things, that a Stormwater Pollution Prevention Plan (SWPPP) be prepared by a Qualified SWPPP for submission to the State of California via the on-line Storm Water Multi-Application Reporting & Tracking (SMARTS) system. No land-disturbing activity shall occur until a Notice of Intent (NOI) is filed and a Waste Discharge Identification (WDID) number is issued by the State of California. A copy of the NOI, including the WDID number and attached SWPPP, shall be kept at the site at all times, with a copy provided to the Engineering Division. The requirements of the SWPPP and all other Permit Registration Documents shall be fully implemented during land-disturbing activities.

5. To adequately mitigate the shaking effects associated with a moderate to high earthquake within the San Francisco Bay region, all project buildings shall, at a minimum, be designed using sound engineering judgment and the California Building Code requirements applicable at building permit submittal. Buildings shall be designed to reflect the project site's Seismic Site Classification and shall provide for the soil profile and seismic coefficients cited in a project-specific geotechnical report.

* 6. Prior to submittal for project building permits, a design-level geotechnical exploration of the project site shall be made that shall include soil sampling and laboratory testing for the evaluation of the expansion potential of soils present at the site. Mitigation measures called for in that report for both general site improvements and for structure foundation design shall be followed to mitigate potential impacts resulting from the presence of expansive soils. Prior to commencing drilling activities for any soil borings

associated with the geotechnical investigation (or any environmental investigation and/or cleanup) a permit from the Contra Costa Environmental Health Division shall be secured.

7. The design-level geotechnical exploration shall be of a sufficient scope and detail to document whether compressible soil layers are present at the project site. As dictated by the findings of that report, project foundation design utilized in the project shall be as necessary to mitigate potential total or differential settlement of compressible soil layers as a result of planned loading at the surface associated with new buildings and/or fill.

8. An evaluation of the site's soil corrosion potential shall be determined through the preparation of a soil corrosion study, which shall be integrated into the design-level geotechnical exploration and shall be prepared by a corrosion consultant. The soil corrosion study shall be subject to review and approval by the San Ramon Valley Fire Protection District and the Engineering Division. As dictated by the findings of that study, site-specific design measures shall be developed and implemented to protect buried pipelines and other infrastructure elements against corrosion.

* 9. If toxic or contaminated soil is encountered during construction, all construction activity in that area shall cease until the appropriate action is determined and implemented. The concentrations, extent of the contamination and mitigation shall be determined by the Contra Costa County Health Department. Suitable disposal and/or treatment of any contaminated soil shall meet all federal, State and local regulations. If deemed appropriate by the Health Department, the project developer shall make provisions for immediate containment of the materials. Runoff from any contaminated soil shall not be allowed to enter any drainage facility, inlet or creek.

* 10. All stockpiles of debris, soil, sand or other materials that can be blown by the wind shall be covered.

11. Any abandoned wells (water, environmental, or geotechnical) and septic tanks shall be destroyed under permit from the Contra Costa Environmental Health Division (CCEHD). If the existence of such wells or septic tanks are known in advance or discovered during construction or other activities, these shall be clearly marked, kept secure, and destroyed pursuant to CCEHD requirements.

G. STREETS

* 1. The project developer shall obtain an encroachment permit from the Engineering Division prior to commencing any construction activities within any public right-of-way or easement.

* 2. Traffic signs and parking restriction signs, which may be required to be installed, shall be subject to review and approval by the Transportation Division and the Police Department.

* 3. All mud or dirt carried off the construction site onto adjacent streets shall be swept each day. Water flushing of site debris or sediment or concrete washing is prohibited.

* 4. Any damage to street improvements now existing or done during construction on or adjacent to the project site shall be repaired to the satisfaction of the Engineering Division by the developer. As determined warranted by the Engineering Division, such repair may include slurry seal; pavement overlay; and/or street reconstruction.

* 5. All improvements within the public right-of-way, including curb, gutter, sidewalks, driveways, paving and utilities, shall be constructed in accordance with approved standards and/or plans and shall comply with the standard plans and specifications of the Development Services Department and Chapters XII and XXXI of the Danville Municipal Code.

* 6. At the time project improvement plans are submitted, the developer shall supply to the Engineering Division an up-to-date title report for the project site.

* 7. Appropriately designed and constructed disabled access ramps shall be provided at all pedestrian street and driveway crossing locations, as required by the Engineering Division or the Building Division.

8. The developer shall fund all Town costs and shall prepare all necessary documents associated with the Town's abandonment of the public interest in the offer of dedication for street and highway and incidental purposes, to Contra Costa County, recorded September 2, 1977 as Series No. 124124 in Book 8492, Page 611 of Official Records.

9. The project developer shall be responsible for the installation and maintenance of a five-foot minimum width public pedestrian walkway extending along the western edge of the project development area. The

≈415′ long walkway shall extend from the back edge of sidewalk in the public right-of-way at the property's northwestern frontage along Diablo Road to the top-of-bank for San Ramon Creek at the southwest corner of the project development area. The walkway shall be contained within a public pedestrian easement that extends a minimum of eight feet into the property from the western edge of the project development area. The public pedestrian easement shall be widened to a minimum width of 30′ from the western edge of the property within ≈30′ of the north top-of-bank for San Ramon Creek at the southwest corner of the project development area. The public pedestrian easement shall maintain this same width to the southern edge of the property (mid-slope of the northern bank slope of San Ramon Creek). The project developer shall offer a non-revocable offer of dedication for the public pedestrian easement and for the associated construction easements necessary to construct the planned pedestrian bridge across San Ramon Creek to connect the project site to the Danville Library/Community Service Center at the south side of the creek. The walkway and associated landscape and irrigation improvements are subject to review and approval as part of the Town's review of the Final Landscape and Irrigation Plan. The walkway and associated landscape and irrigation improvements shall be the responsibility of the property owner to maintain and shall be installed prior to the initial residential occupancy in the apartment project. A public pedestrian easement shall also be created covering appropriate sidewalk and drive aisle areas to allow public pedestrian access from the southwest corner of the development area to the southeast corner of the development area, with the intent of allowing public pedestrian access to walk parallel to the top-of-bank for the north side of San Ramon Creek for the entire project frontage of San Ramon Creek. The construction costs for installation of the pedestrian walkway shall be included in the reimbursement agreement or benefit district provided for in Condition G.12 below.

10. Consistent with the requirements of the Diablo Gateway Special Concern Area set forth in the 2030 General Plan, the project development plans shall make provision of an appropriate public access easement and the provision of corresponding pedestrian pathway improvements extending from the southwestern corner of the development area to the southeastern corner of the development area which are determined by the Town to be adequate in layout; width; and physical improvements to accommodate the provision of the need for public pedestrian easement movement running parallel to the property's entire creek frontage along San Ramon Creek.

11. Consistent with the Diablo Gateway Special Concern Area provisions of the 2030 General Plan, project development plans shall make provision for a

pedestrian bridge crossing of San Ramon Creek, with such crossing to allow an enhanced connection between the Danville Library and Community Center and Old Town Danville to that portion of the Downtown Master Plan lying north of San Ramon Creek. Fifty percent of the cost of the bridge shall be the responsibility of the Town, fifty percent the responsibility of development occurring in the Diablo Gateway Special Concern area. The project developer shall be pay the 50% of the current project estimate for the bridge crossing (i.e., not to exceed $202,125 of the projected cost for CIP No. C-596 – San Ramon Valley Creek Footbridge at Danville Green). Prior to payment of the fee, the Town shall create a reimbursement agreement or benefit district to ensure that the project applicant receives reimbursement for the cost of the bridge as subsequent development occurs in the Diablo Gateway Special Concern area.

H. INFRASTRUCTURE

* 1. Domestic water service shall be from the East Bay Municipal Utility District water system in accordance with the requirements of the District. The District's initial comments on this project are dated November 21, 2016 and were received by the Town in response to the Town's "Request for Comments" mailing of November 16, 2016. [Note: See Advisory Comment #3 at the end of the conditions of approval for summation of the District's comments.]

* 2. All wastewater shall be disposed into an existing sewer system. Sewer disposal service shall be from the Central Contra Costa Sanitary District sewer system in accordance with the requirements of the District. The District's initial comments on this project were received as an email received from the District dated December 2, 2016, received in response to the Town's "Request for Comments" mailing of November 16, 2016. [Note: See Advisory Comments #1 and #2 at the end of the conditions of approval for summation of the District's comments.]

* 3. Drainage facilities and easements shall be provided to the satisfaction of the Engineering Division and the Contra Costa Flood Control and Water Conservation District.

* 4. Stormwater entering or originating within the project site shall be collected and conveyed via an approved storm drain facility to the nearest adequate man-made drainage facility or adequate natural watercourse, without diversion of the watershed (unless otherwise authorized by the City Engineer), in accordance with the Preliminary Stormwater Control Plan; the C-3 Provision of the adopted Municipal Regional Permit; and as

determined by the Engineering Division. Development which proposes to contribute additional water to existing drainage systems shall be required to complete a hydraulic study and make improvements to the system as required to handle the expected ultimate peak water flow and to stabilize erosive banks that could be impacted by additional storm water flow.

* 5. No concentrated drainage shall be permitted to surface flow across sidewalks.

* 6. Any portion of the drainage system that conveys runoff from public streets shall be installed within a dedicated drainage easement, or public street.

* 7. If a storm drain must cross a property line it shall be contained in an easement whose width shall be equal to or at least double the depth of the storm drain.

* 8. The project developer shall furnish proof to the Engineer Division of the acquisition of all necessary rights of entry, permits and/or easements for the construction of off-site temporary or permanent road and drainage improvements.

* 9. All new utilities required to serve the development shall be installed underground in accordance with the Town policies and existing ordinances. All utilities shall be located and provided within public utility easements, sited to meet utility company standards or in public streets.

* 10. All street, drainage or grading improvement plans shall be prepared by a licensed civil engineer.

I. TRAFFIC IMPACTS

Policy 14.02 of the Danville 2030 General Plan states: *"Require site-specific traffic studies for development that is likely to generate significant volumes of traffic. If such studies indicate that the development could cause the Town's transportation standards to be exceeded, require modifications to the project and/or impose transportation improvements requirements which ensure that level of service standards are maintained."* Such analysis must be consistent analysis consistent with Contra Costa Transportation Authority's Technical Procedures.

In addition to Policy 14.02 of the Danville 2030 General Plan, the project site is subject to the following directive contained in the Diablo Gateway Special Concern Area text of the Danville 2030 General Plan:

"*Provisions for shared ingress and egress.* As there are multiple parcels along the south side of Diablo Road, coordinating access into contiguous properties and cross access between these properties should be pursued. Future traffic studies should determine the optimal location for ingress and egress points and the need for turning lanes and other improvements along Diablo Road. Interim solutions may be considered if development is phased."

A traffic impact analysis was prepared and submitted for the ROEM Development Corporation (ROEM) project, the project application preceding the current application from Danville Office Partners, LLC (DOP). The analysis was prepared by LSA Associates, Inc. and dated July 27, 2015. A second traffic impact analysis was prepared and submitted by LSA Associates, Inc., dated May 12, 2016 for the current application.

The project developer shall be responsible for the following conditions of approval to ensure consistency with the General Plan:

1. Creation and execution of a vehicular and pedestrian access easement across portions of the northwesterly driveway system of the project site that benefits the adjoining Janlois properties to the west (i.e., APNs 216-120-012 and -015), with such easement covering that portion of the project site as necessary and sufficient to allow residents of the multifamily residential units located on a redeveloped and/or substantially modified Janlois project site, to access Diablo Road as their sole means of vehicular and pedestrian access to Diablo Road. This easement would be structured so that it would only become effective should the Town approve a development on the Janlois property and condition any such project to eliminate the existing driveway to that property.

2. Payment of up to a 50% share of the cost to signalize the intersection of the project's Western Project Driveway and Diablo Road, with such signalization to occur at such time that improvements would allow for the elimination of the current driveway connection to Diablo Road for the abutting Janlois properties. The developer's financial responsibility towards this future signal shall be in an amount not to exceed $62,500 which shall be held in a trust account by the Town of Danville until the requisite approvals involving the abutting Janlois properties are secured and executed allowing the signal to be installed and the current driveway connection to Diablo Road for a residential use on the abutting Janlois property. Collection, retention and use of this mitigation shall be subject to the provisions of Government Code Section 66007.

In lieu of Conditions I.1 and I.2 above, the project developer may submit a revised supplemental traffic impact analysis for Town review a minimum of ninety days prior to the initiation of building permit application process for the project should they wish to demonstrate that the cross-access easement or future traffic signal are not necessary to ensure conformance with the intent and requirements of pertinent General Plan traffic goals and policies and the project site's zoning requirements. The supplemental traffic impact analysis, if submitted, shall be based upon the current use of the Janlois property and shall be subject to a third party consultant review selected by the Town if determined necessary by the Town. The cost of the third party review shall be borne fully by the developer.

J. TREE PRESERVATION AND REMOVAL

Policy 21.06 of the Danville 2030 General Plan states: *"Discourage activities that would harm the health of existing trees. Prevent the unnecessary removal and alteration of such trees, including "protected" trees as defined by the Town's Tree Preservation Ordinance and other trees that contribute to the scenic beauty of the town. Public and private improvements should be designed to minimize the removal of mature trees, regardless of species. If removal is necessary, trees should be replaced with an appropriate number and species."* The preservation of protected and heritage trees is also addressed in the Town's Tree Preservation Ordinance, Municipal Code Chapter 32-79.

The Town has received the following documents regarding tree preservation:

- A biological resources assessment study prepared by LSA Associates (dated July 23, 2015).
- An "Existing Conditions" analysis prepared by LCA Architects (dated July 23, 2015), which is based on a document entitled "373 Diablo Road Apartments Tree Survey" prepared by Gates and Associates.

The project plans and the cited study and analysis show that there are a total of 125 trees on the site, of which 42 are "protected" trees and 13 are "heritage" trees, as defined by the Danville Tree Preservation Ordinance (Municipal Code Chapter 32-79). A total of four trees appeared on both lists as they qualified as both "protected" and "heritage" trees. The documents submitted show that 21 protected trees will be removed as part of the project.

At least 90 days prior to the initiation of a grading permit application process for the project, the applicant shall submit to the Town an updated Tree Report, including a tree survey, (consistent with Municipal Code Section 32-79.5b) reflecting the following:

- The final approved layout of the project, including the approved landscape plan;
- The final approved C-3 stormwater treatment facilities;
- The direction from the Contra Costa Flood Control and Water Conservation District (CCFC&WCD) to remove select trees located in the existing CCFC&WCD flood control easement or their restrictions on new or replacement tree planting in the existing or modified flood control easement area in proximity to the top-of-bank along San Ramon Creek.
- The need to address offsite "protected" and "heritage" trees which have ≥15% of their dripline area overlapping into the project site.

Consistent with the requirements of the Town's Tree Preservation Ordinance, the updated report shall identify the steps necessary to ensure the health and safety of protected and heritage trees to be retained. This updated report shall be subject to a third party consultant review selected by the Town if determined necessary by the Town. The cost of the third party review shall be borne fully by the developer.

1. To compensate for the proposed removal of Town-protected trees, the project developer shall assure the implementation of the following measures:

    a. The project developer's Consulting Arborist shall calculate the total inches of diameter of Town-protected trees to be removed, as of the date of the grading permit application (i.e., the "Total Inches"), and submit that calculation to the Planning Division. The project developer shall be required to replace the Town-protected trees to be removed with a number and size of oak trees (or approved alternate species) equal to the total inches of the diameter of the trees to be removed. The required tree mitigation planting shall be in addition to the project trees otherwise required to be planted as part of the project's landscape plan.

    b. It is anticipated that tree mitigation planting cannot be wholly accommodated onsite. The tree mitigation planting conducted on site shall be 24-inch box size trees, which shall receive a credit of four-inches per tree toward the total mitigation planting requirement or 15-gallon size trees, which shall receive a credit of two-inches per tree toward the total mitigation planting requirement. Tree mitigation planting that cannot be accommodated onsite shall be handled through the project developer's payment of an in-lieu fee, which shall be made payable to the Town of Danville. This in-lieu fee shall be in the amount of $135.00 per off-site mitigation tree. This mitigation fee is based on a

$135.00 installed cost per 15-gallon tree indicated in recently approved Town-sponsored capital improvement projects. The in-lieu mitigation funds received by the Town will be applied to an account chosen by the Town for use by the Danville Maintenance Department staff to allow the purchase and planting of beautification trees within the Town of Danville.

2. As site construction activity is proposed to occur in the direct vicinity of the on-site and off-site protected trees which are not approved for removal, a security deposit in the amount of the assessed value of the trees (calculated pursuant to the Town's Tree Protection Ordinance) shall be posted by the project developer with the Town prior to the issuance of a grading permit to maximize the probability that the affected trees will be retained in good health. The project developer shall be required to secure an appraisal of the condition and value of all such potentially affected trees. The appraisal shall be done in accordance with the current edition of the "Guide for Establishing Values of Trees and Other Plants," by the Council of Tree and Landscape Appraisers under the auspices of the International Society of Arboriculture. The appraisal shall be performed by a Certified Arborist, and shall be subject to review and approval by the Chief of Planning. A tree preservation agreement shall be prepared and shall be submitted for review and approval by the Planning Division that outlines the intended and allowed use of funds posted as a tree preservation security deposit. That portion of the security deposit still held by the Town two full growing seasons after project completion shall be returned upon verification that the trees covered by the deposit are as healthy as can be provided for under the terms of the approved tree preservation agreement.

K. BIOLOGICAL RESOURCES

Policy 21.10 of the Danville 2030 General Plan states: *"Require a biological assessment for development proposed on sites that are determined to have the potential to contain special-status species, sensitive natural communities, or wetland resources."*

The Town received a biological resources assessment study prepared by LSA Associates, Inc. (dated July 23, 2015). In order to ensure compliance with Policy 21.10 and applicable regulatory standards, the following conditions shall apply:

1. Prior to the start of construction, the project developer shall retain a qualified biologist to train all construction personnel regarding habitat sensitivity, identification of special status species, and required practices.

2. Prior to the start of construction, the project developer shall retain a qualified biologist to conduct pre-construction surveys to ensure that western pond turtle (CRLF) are absent from the construction area. If CRLF are present, a qualified biologist possessing all necessary permits shall relocate them or they shall be allowed to move out of the construction area on their own.

3. Immediately following the pre-construction surveys and a determination that western pond turtle (CRLF) are not present in the construction zone, the construction zone shall be cleared and silt fencing erected and maintained around construction zones to prevent CRLF from moving into these areas.

4. If western pond turtles are found to be absent from the construction zone, immediately following the pre-construction surveys the project developer shall clear the construction zone and install/maintain silt fencing around the construction zone to prevent western pond turtles from entering these areas.

5. A qualified biologist shall conduct a pre-construction survey for nesting migratory birds and tree- and ground-nesting raptors in all line-of-site trees, vegetation, or ground squirrel burrows occurring within 250 feet of construction activities. Preconstruction surveys shall also be conducted prior to tree trimming or tree removal. These surveys shall be conducted within 30 days of the first ground disturbance if construction activities occur during the breeding season (i.e., between February to August) of nesting migratory birds and tree- and ground-nesting raptors. If more than 30 days elapses between the survey and commencement of site disturbance activity, the survey shall be repeated.

6. To the extent practicable and feasible, trees planned for removal shall be removed during the non-breeding season for tree-nesting raptors and other tree- or ground-nesting migratory birds (i.e., the period from September 1 through January 31). If it is not feasible to avoid tree removal or other disturbances during the breeding season (i.e., the period from February 1 through August 31), a qualified biologist shall conduct a pre-construction survey for tree-nesting raptors and other tree- or ground-nesting migratory birds in all trees or other areas of potential nesting habitat within the construction footprint and within 250 feet of the footprint, if such disturbance would occur during the breeding season. This survey shall be conducted no more than 14 days prior to the initiation of demolition/construction activities during the early part of the breeding season (i.e., the period of February through April) and no more than 30 days

prior to the initiation of these activities during the late part of the breeding season (i.e., the period of May through August). If nesting raptors or migratory birds are detected on the site during the survey, a suitable construction-free buffer shall be established around all active nests. The precise dimension of the buffer (up to 250 feet) shall be determined at that time and may vary depending on location and species. Buffers shall remain in place for the duration of the breeding season or until it has been confirmed by a qualified biologist that all chicks have fledged and are independent of their parents. Pre-construction surveys during the non-breeding season are not necessary, as the birds are expected to abandon their roosts during construction activities.

7. To prevent sediments associated with construction activity from entering San Ramon Creek and its riparian woodland vegetation and to deter western pond turtles (WPT) or Alameda whipsnakes (AW) from accessing the project site from the creek area, a silt fence shall be installed along the southern boundary of the construction zone (i.e., at the top of bank along the northerly banks of San Ramon Creek for the length of the property's interface with the creek). Prior to the placement of the silt fence a pre-construction survey shall be conducted to ensure that WPT and AW are absent from the construction area. If WPT or AW are present, a qualified biologist possessing all necessary permits shall relocate them.

L. STORMWATER CONTROL PLAN

Policy 22.02 of the Danville 2030 General Plan states: *"Require qualifying new development projects and redevelopment projects to comply with the Municipal Regional Permit for stormwater control and treatment."*

A variety of project conditions of approval have been incorporated into this approval that provide direction as to requirements needed to be met prior to the issuance of project building permits. The applicable conditions of approval ("COAs") include: COA #F.4; COA #H.4; COA #Q.5; and COAs #Q.11 through #Q.17.

M. SOILS AND GEOLOGIC REPORT

Policy 24.03 of the Danville 2030 General Plan states: *"Require soils and geologic reports for all projects proposed in scenic hillside development areas, as defined by the Town's Scenic Hillside and Major Ridgeline Development Ordinance, and in other areas where the potential for landslides, liquefaction, subsidence, or severe ground shaking exists. Assure that development in these areas mitigates potential landslide hazards and other geologic hazards."* Policy 24.10 of the 2030 General Plan states: *"Require submittal of*

a Geotechnical report by a qualified engineering geologist, that specifies the location of active faults, and recommends appropriate setbacks prior to construction of any structure intended for human occupancy within the Alquist-Priolo Fault Zone."

A variety of project conditions of approval have been incorporated into this approval that provide direction as to requirements needed to be met prior to the issuance of project building permits. The applicable conditions of approval ("COAs") include: COA #G.3; and COAs #G.5 through #G.9.

N. ENVIRONMENTAL NOISE

Policy 27.02 of the Danville 2030 General Plan states: *"Require acoustical studies for major residential and other development projects, as appropriate, and impose noise mitigation measures accordingly."* Policy 27.11 of the 2030 General Plan states: *"Ensure that the design of new development near major noise sources (such as Interstate 680) reduces the potential for future occupants to be exposed to high levels of noise. Development on such properties should incorporate appropriate noise mitigation measures."* Policy 27.13 of the 2030 General Plan states: *"Utilize noise reduction measures during all phases of construction activity to minimize the exposure of neighboring properties to excessive noise levels."*

In addition to the three cited policies from the Danville 2030 General Plan, the project site is subject to a noise-related directive contained in the Diablo Gateway Special Concern Area text of the Danville 2030 General Plan, which reads as follows:

> "The minimum building setback requirements shall be as established through a site-specific Final Development Plan approval. Development shall set back from the I-680 freeway to the extent feasible to mitigate potential impacts associated with freeway noise, vibration, and/or air quality."

An environmental noise study was prepared by LSA Associates (dated July 2015). Based on that study, which reviewed potential impacts associated with the proposed ROEM project, which had potentially different noise characteristics due to the design of that project (i.e., the four-story above-grade parking structure occupying the eastern third of the project site), the following conditions of approval shall apply:

1. <u>Project-Facilitated Construction Noise</u>:

   Unless determined unnecessary by the updated environmental noise study, the project shall be subject to the following measures to address and minimize impacts associated with project-facilitated construction noise:

a. *Construction Scheduling.* Noise-generating construction activity shall be limited to the hours between 7:30 a.m. to 5:30 p.m., Monday through Friday, and project construction activity is prohibited on Saturdays, Sundays and holidays, unless authorized in advance by the Town's Planning Division.

b. *Construction Equipment Mufflers and Maintenance.* All internal combustion engine-driven equipment utilized on the project site and all stationary noise sources shall be equipped with intake and exhaust mufflers that are maintained in good condition and are equipment-specific accordance with the manufacturers' recommendations for the respective equipment utilized.

c. *Construction Equipment Idling.* The developer shall take reasonable efforts to assure unnecessary idling of internal combustion engines is limited.

d. *Equipment Locations.* Stationary noise-generating equipment shall be located as far as reasonably feasible from sensitive receptors.

e. *Construction Traffic.* Construction traffic to and from the construction sites shall be routed via routes as directed by the City Engineer. Construction-related heavy truck traffic are expressly prohibited from traveling through residential areas and shall generally be routed onto major roadways and as far as feasible from sensitive receptors.

f. *Quiet Equipment Selection.* To the extent feasible, the project shall make use of quiet construction equipment, particularly air compressors. Air compressors and pneumatic equipment shall be equipped with mufflers, and impact tools shall be equipped with shrouds or shields. [Note: "Quiet construction equipment" is considered to be equipment that typically generates noise levels 5 dBA lower than that of comparable equipment.]

g. *Noise Construction Liaison.* A noise construction liaison shall be designated by the developer to ensure coordination between construction staff and property owners and residential and commercial tenants within 350 feet of the external boundaries of the project site. These property owners and tenants shall be notified in writing of the contact information for the construction liaison a minimum of 15 days prior to the initiation of construction or pre-construction activity.

h. Prior to commencement of any construction activity, a qualified acoustical professional shall be secured by the developer to review specific equipment and site locations that would be expected to generate noise levels above 80 dBA within 350 feet of adjacent residential properties and above 85 dBA within 350 feet of adjacent commercial properties. The report shall determine appropriate mitigation measures, as feasible, to reduce noise levels by at least five decibels and below the aforementioned limits.

2. Potential Exposure of Sensitive Receptors to Noise Levels Exceeding Standards:

Unless determined unnecessary by the updated environmental noise study, the project shall be subject to the following measures to address and minimize noise impacts to future project residents:

a. Detailed analysis of residential interior noise levels shall be completed during design following the requirements of the 2016 California Building Code. The report shall confirm that the design includes the noise control treatments necessary to achieve compliance with the noise standards set forth by the 2016 California Building Code or such code in place at the time construction of the project commences.

b. Sound-rated building construction shall be used to achieve acceptable indoor noise levels (i.e., maximum of 45 dBA Ldn, 50 dBA Lmax in bedrooms, and 55 dBA Lmax in other rooms) in residential units throughout the project.

c. Building sound insulation treatment shall be utilized in the project as appropriate and shall include, but not be limited to: sound retardant windows and doors; resilient wall constructions; heavy siding and roofing materials (e.g., stucco, Hardi-plank, etc.); ventilation silencers; and gasketing.

d. The residential units in the project shall be provided with mechanical ventilation or a sound attenuating "zee" ducts as appropriate to allow for air circulation while windows are closed for noise control. The specification of these treatments shall be developed during the architectural design of the buildings and shall be summarized in a

report submitted with the application for building permit. This report shall be subject to review and approval by the Building Division prior to issuance of building permits.

The project applicant may, but is not required to, submit a supplemental noise analysis a minimum of 90 days prior to submitting for building permit in order to establish that any of the above conditions are unnecessary or should be modified.

O. PHASE I ENVIRONMENTAL SITE ASSESSMENT (ESA)

Policy 28.02 of the Danville 2030 General Plan states: *"Require a Phase I Environmental Site Assessment (ESA) when development changes an existing use to a more sensitive use (e.g., commercial use to residential use). If potential hazardous materials concerns are identified, ensure that they are investigated and that sites are cleaned up to residential standards under appropriate regulatory agency oversight prior to development."*

A variety of project conditions of approval have been incorporated into this approval that provide direction as to requirements needed to be met prior to the issuance of project building permits. The applicable conditions of approval ("COAs") include: COAs #P.22 through #P.25.

P. AIR QUALITY AND GREENHOUSE GASES ANALYSIS STUDY

Policy 33.04 of the Danville 2030 General Plan states: *"During the development review process, impose appropriate mitigation measures on new development to reduce greenhouse gas emissions."* Policy 34.02 of the 2030 General Plan states: *"Consider air pollution impacts during the local Development Review process. Development should be located and regulated to minimize the emission of direct and indirect air contaminants."*

An air quality and greenhouse gases analysis study dated March 23, 2016, prepared by Northgate Environmental Management, Incorporated for the project application was submitted for the Danville Office Partners, LLC.

In order to ensure consistency with the applicable General Plan policies the project shall be subject to the following measures to address and minimize air quality and greenhouse gas impacts:

1. The project's construction contractor shall assure the project complies with the following best management practices, as generally set forth by the Bay Area Air Quality Management District (BAAQMD) for reduction of construction emissions of PM10 and PM2.5:

a. Water all active construction areas at least twice daily, or as often as needed to control dust emissions. Watering provided as a dust control measure shall be as necessary to prevent airborne dust from leaving the site. Increased watering frequency shall occur as necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water shall be used unless otherwise authorized by Danville and EBMUD.

b. In place of, or in addition to, site watering as set forth above, apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.

c. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).

d. To control dust that may be generated from paved access roads, parking areas, and staging areas at the construction site and from offsite paved areas in vicinity of the Project site, sweep the affected paved areas daily, or as often as needed, with water sweepers. Unless otherwise authorized by Danville and EBMUD, water sweepers shall use reclaimed water.

e. Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.

f. Enclose, cover, water twice daily, and/or apply non-toxic soil binders to exposed stockpiles (i.e., dirt, sand, etc.).

g. Limit vehicle traffic speeds on unpaved roads to 15 mph.

h. Replant vegetation in disturbed areas as quickly as possible.

i. Install sandbags or other erosion control measures to prevent silt runoff from public roadways.

j. A publicly visible sign with the telephone number and person to contact regarding dust complaints shall be established and maintained at the project site. The contact person listed shall have the responsibility to respond to calls and take corrective action, as appropriate, within 48 hours of receipt of the complaint. The contact name and phone number for the person at Danville to contact and

the BAAQMD's phone number shall also be provided on the sign to ensure compliance with applicable regulations.

2. To address the potential that the Project may expose off-site sensitive receptors to pollutant concentrations from construction activities, the project's construction contractor shall assure the project adheres to one of the following:

- The construction contractor shall use Level 3 Diesel Particulate Filters (DPFs) for construction equipment over 75 horsepower. (Note: In terms of best management practices, it is understood use of these types of filters are capable of reducing particulate matter emissions by 85 percent.)

  - or -

- Alternatively, the project developer shall prepare a Construction Health Risk Assessment (HRA). If the Construction HRA can demonstrate that construction toxic air contaminants (TAC) and fine particulate matter (PM2.5) emissions can be mitigated under the Bay Area Air Quality Management District's (BAAQMD) threshold of 10 in a million for a lifetime cancer risk using only Level 2 DPFs, which are capable of reducing particulate matter emissions by 50 percent, or a combination of Level 2 and Level 3 DPFs, then the construction contractor shall use the required mix of Level 2 and Level 3 DPF specified in the revised Construction HRA for construction equipment over 75 horsepower. The HRA shall be subject to review and approval by Danville prior to issuance of building permits and prior to any demolition work or site preparation work.

Under either scenario above, the following shall occur:

a. A list of construction equipment by type and model year shall be prepared and maintained by the construction contractor on-site.

b. The construction contractor shall ensure that all construction equipment is properly serviced and maintained to the manufacturer's standards to reduce operational emissions.

c. The construction contractor shall ensure that non-essential idling of construction equipment is limited to the extent possible, but in no case more than five consecutive minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). The restrictions regarding

engine idling shall be indicated to all project construction workers by way of provision of clear signage provided at all access points.

d. To the extent feasible, construction equipment shall not be staged adjacent to existing residences or sensitive receptors.

3. To the extent required by BAAQMD or other regulatory agencies, the project developer shall prepare a cancer risk assessment for future project residents analyzing the potential for exposure to unhealthy levels of toxic air contaminants (TACs), as may be emitted by existing or anticipated vehicle traffic on Interstate 680 adjacent to the project site. Should such a study be required, it shall be submitted to the Tow's Planning Division prior to the issuance of project-related demolition permits, grading permits, or building permits. At the discretion of the Town of Danville, this cancer risk assessment study shall be reviewed by an independent third party review, with the cost of such review to be borne by the project developer. Should this study determine that unhealthy levels of TACs may exist, the applicant shall comply with all applicable construction requirements (imposed by BAAQMD or other regulatory agencies) and resident notifications.

Q. MISCELLANEOUS

* 1. The project shall be constructed as approved. Minor modifications in the design, but not the use, may be approved by the Planning Division. Any other change will require Planning Commission approval through submittal of a Revised Final Development Plan application.

* 2. The project developer shall defend, indemnify and hold harmless the Town of Danville and its agents, officers and employees from any claim, action or proceeding against the Town or its agents, officers or employees to attack, set aside, void, or annul, the Town's approval concerning this application, The Town will promptly notify the project developer of any such claim, action or proceeding and cooperate fully in the defense.

* 3. In conjunction with the submittal for a project demolition permit and/or a building permit, the project developer shall submit a recycling plan for building and construction materials and the disposal of green waste generated from land clearing on the site, consistent with Chapter 10-10 of the Danville Municipal Code. Prior to obtaining framing inspection approval for the project, the developer shall provide the Planning Division with written documentation (e.g., receipts and records) documenting that waste materials created from the demolition of existing buildings and the

construction of new buildings were/are being recycled according to the approved recycling plan or in an equivalent manner. In conjunction with observance of the approved recycling plan, developer shall have the responsibility to document proper recycling/disposal of fluorescent light bulbs and ballasts, security light bulbs, electrical switches, and other demolition by-product containing mercury, PCBs, refrigerants, etc. in accordance with applicable regulations. As appropriate, a California licensed hazardous waste hauler shall conduct transportation of these items from the site.

4. The project shall comply with both the treatment and flow control guidelines set forth by the 2015 Municipal Regional Permit (MRP) C.3. Requirements issued by the San Francisco Regional Water Quality Control Board. The project site is over one acre in size and shall comply with the abide hydrograph modification management (i.e., flow control) requirements of the MRP. Pursuant to the MRP, the existing developed site conditions shall be used as a baseline for the determination of the pre- and post-project runoff conditions and to define the required volume of the flow control facilities. Project compliance with its hydro-modification requirements shall be through the construction and maintenance of Engineering Division-approved stormwater detention/retention facilities.

* 5. The project is in the San Ramon Creek watershed. The project shall mitigate the impact of additional stormwater runoff from development on San Ramon Creek by either of the following methods:

a. Remove 1 cubic yard of channel excavation material from the inadequate portion of San Ramon Creek for each 50 square feet of new impervious surface area created by the development. All excavated material shall be disposed of off-site by the project developer at his own cost. The site selection, land rights, and construction staking will be performed by the Contra Costa County Flood District & Water Conservation District (FC District).

or, upon written request by the project developer:

b. Provide for a cash payment in lieu of actual excavation and removal of material from the inadequate portion of San Ramon Creek. The cash payment will be calculated at a rate of $0.10 per square foot of new impervious surface area created by the development. The added impervious surface area created by the development will be based on the FC District's standard impervious surface area ordinance. The FC District will use these funds to work on San

Ramon Creek annually. The mitigation fee for this project will be based on the increase of impervious area. The project developer shall supply a worksheet to the FC District, which includes a scalable map that shows the square footage of the existing and proposed impervious areas.

6. Prior to issuance of a building permit, the project developer shall secure a Flood Control Encroachment permit from the Contra Costa County Flood District & Water Conservation District (FC District) for any work inside the FC District easement, and shall finalize any right-of-way transactions with the FC District necessary for the project. The project developer shall not construct any improvements that will obstruct FC District access to adjacent properties. The project developer shall be responsible for payment of all related FC District costs.

7. Unless otherwise authorized by Contra Costa County Flood District & Water Conservation District (FC District), the existing non-native pine trees planted in the San Ramon Creek banks and slopes (apparently by the current or previous property owner without the FC District consent) shall be removed. The FC District does not allow trees inside their easements, in general, to avoid future damage to creek banks and to avoid costly repairs should trees grow large and collapse into the creek, potentially blocking the water flow and creating erosion issues. In addition, the FC District does not allow trees inside their easements, in general, as trees can obstruct maintenance access and flood fighting efforts of the FC District.

8. Unless otherwise authorized by the Contra Costa County Flood District & Water Conservation District (FC District), the site plan shall be modified as necessary to have onsite drive aisles designed to accommodate the FC District turning radius minimums for FC District trucks and to be meet the FC District road section requirements (i.e., be "H-20 loading capable"). To meet the FC District standards adjustments may be required to the proposed locations of trash enclosures and the location and/or design of some of the onsite parking spaces.

9. Unless otherwise authorized by the Contra Costa County Flood District & Water Conservation District (FC District), the site plan shall be modified to eliminate the two proposed parking spaces in the southeastern corner of the development area to reflect the FC District requirement that the FC District access road along the north side of San Ramon Creek has unencumbered access to adjacent properties to the east.

10. A final Stormwater Control Plan (SCP) that defines all Drainage Management Areas (DMAs) and related Integrated Management Practices (IMPs) shall be submitted for review and approval by the Engineering Division prior to issuance of grading or building permits for the project. The SCP shall be substantially consistent with the Preliminary Stormwater Control Plan cited in Project Condition of Approval #A.1.e., above. All C.3 stormwater facilities detailed in the SCP shall conform in size and dimension to the minimum requirements contained the latest Contra Costa Clean Water Program Stormwater C.3 Guidebook in place at the time application in made for project grading or building permits. All final construction, architecture, landscaping and improvement plan details prepared for the project shall conform to the approved final SCP. Unless otherwise authorized by the Engineering Division, the SCP shall be submitted for review and approval prior to submittal of the project improvement plans or grading plans to verify that all DMAs are properly described, sized, and located.

11. A Stormwater Facilities Operation and Maintenance Plan, consistent with the project's SCP and applicable Contra Costa Clean Water Program instructions, shall be submitted for review and approval by the Engineering Division prior to approval of the initial frame inspection for a project building permit. The approved Stormwater Facilities Operation and Maintenance Plan shall be executed and recorded prior approval of the initial final inspection for a project building permit.

12. The project's Prelminary Stormwater Control Plan (refer to Condition of Approval #A.1.f., above) indicates that a portion of the project C.3. treatment requirements may potentially be requested to be allowed to be met by the construction offsite treatment-only improvements and/or by payment of an in-lieu fee. Pursuit of the in-lieu fee option for that portion of the C.3 treatment requirements not handled on the project site may only be utilized if approved by the Town Council prior to issuance of project grading permit.

13. The SCP shall include final calculations and designs for both the planned onsite and offsite IMPs. The SCP shall include page cross-references to all related architectural, landscaping and improvement plan construction details for both onsite and offsite improvements.

14. The location and general design of any proposed offsite IMPs serving the project shall be subject to review and approval by the Engineering Division prior to approval of the SCP and approval of any final construction drawings.

15. Prior to issuance of grading or building permits for the project, the project developer, project general contractor, and appropriate project sub-contractors shall attend a pre-construction meeting with the assigned Engineering Division and Stormwater inspection staff to discuss the project SCP and related IMPs and to discuss the inspection process to be used to assure IMPs are installed consistent with the SCP.

16. Written Engineering Division or Stormwater Program inspection staff sign-offs shall be secured for construction and installation of all project IMPs, with IMPs inspections observing the following minimum inspection sequence: a) layout inspection (required prior to beginning project excavation); b) excavation inspection (required prior to backfilling IMPs with any material or pipe installation); c) overflow inlet/surface connection to storm drain system inspection (required prior to backfilling IMPs with any material); d) underground connection to storm drain outlet or orifice inspection (required prior to backfilling IMPs with any material); e) drain rock/sub-drain inspection (required prior to soil media mix inspection/test and installation); f) soil media mix inspection/test (required prior to soil media installation); g) soil media installation inspection (required prior to irrigation installation); h) irrigation inspection (required prior to plant material installation); i) planting inspection (required prior to final Engineering Division Inspection); and j) Engineering Division Final (required prior to building permit final). The developer shall utilize the inspection log provided by the Engineering Division at the pre-construction meeting.

17. Prior to issuance of the building permit, the project developer shall prepare and submit a detailed Operation and Maintenance Agreement to the Development and Services Department for review and approval. The Operation and Maintenance Agreement shall identify the maintenance and funding for proposed storm water management features at the project site (i.e., bio-retention facility, storm water detention basin). All features shall be maintained and funded by the local homeowners' association (HOA)' GHAD, or other instrument determined to be acceptable to the Town. The maintenance protocols shall address both routine and non-routine maintenance activities and shall explicitly identify monitoring and reporting requirements. These protocols shall include an estimate of annual monitoring and maintenance costs.

18. Through the project approval, the project is granted a density bonus, with such density bonus reflective of a project developer commitment to provide a specified number of units in the project as affordable units for a minimum

term of 30 years. As provided for by State density bonus regulations (i.e., Government Code Section 65915) and the Danville Municipal Code, the 111-unit baseline unit count applicable to the project site is authorized to receive a 35% density bonus. The density bonus takes the maximum allowable unit count for the proposed for-rent multifamily residential project to 150 units, authorizing 39 more units than would be otherwise allowed given the property's underlying general plan land use designation. The density bonus is provided in response to a commitment to establish and maintain thirteen of the project units as units affordable to very low income households. Requirements for restricted occupancy units shall be evidenced by an affordable housing agreement between the developer and the Town, completed and recorded on the property to each affected unit before issuance of a building permit and with said agreement to run with the land. The affordable housing agreement shall indicate the qualification criteria for the target households for the restricted occupancy units (i.e., very low income households); the intended household type (i.e., rental restricted occupancy units); the number of restricted occupancy units and their corresponding number of bedrooms; standards for maximum qualifying household incomes for restricted occupancy units with affordability restrictions; standards for maximum rents or sales prices for restricted occupancy units with affordability restrictions; standards for qualifying for occupancy of senior or handicapped restricted occupancy units; party/process responsible for certifying qualifications of households which occupy restricted occupancy units; construction scheduling; procedures for marketing and filling vacant restricted occupancy units; restrictions and enforcement mechanisms binding on property upon sale or transfer of the property; maintenance provisions of restricted occupancy units; and any other information as required by the Town to comply with the intent and requirements of these conditions of approval and the density bonus regulations of the State and the Town. The affordable housing agreement shall include a provision which allows the Town of Danville to assign its authority to regulate and enforce the agreement to the Contra Costa County Housing Authority, a nonprofit housing agency or other similar entity.

19. In case the residential project is built as, or converted to, individually owned condominium units, an Owner's Association shall be formed. The Owner's Association, through project-specific covenants, conditions and restrictions (CC&Rs), shall be responsible for commonly owned facilities. The CC&Rs shall include appropriate restrictions relating to the use of project parking and storage to meet the intent and requirements of these conditions of approval. Draft CC&Rs shall be submitted to the Planning Division and City Attorney for review and approval a minimum of 60 days

prior to the individual sale of any of the units. A note shall be placed on the final map for this project which specifies the requirement that the City Attorney shall have review and approval authority of project-specific CC&Rs prior to the individual sale of any of the units.

20. Prior to demolition activities, an asbestos survey shall be conducted by an Asbestos Hazard Emergency Response Act (AHERA) and California Division of Occupational Safety and Health (Cal/OSHA) certified building inspector to determine the presence or absence of asbestos containing-materials (ACMs). If ACMs are located, abatement of asbestos shall be completed prior to any activities that would disturb ACMs or create an airborne asbestos hazard. Asbestos removal shall be performed by a State certified asbestos containment contractor in accordance with the Bay Area Air Quality Management District (BAAQMD) Regulation 11, Rule 2.

21. If paint is separated from building materials (chemically or physically) during demolition of the structures, the paint waste shall be evaluated independently from the building material for lead by a qualified Environmental Professional. If lead-based paint is found, the project developer shall be responsible for abatement, which shall be completed by a qualified Lead Specialist prior to any activities that would create lead dust or fume hazard. Lead-based paint removal and disposal shall be performed in accordance with California Code of Regulation Title 8, Section 1532.1, which specifies exposure limits, exposure monitoring and respiratory protection, and mandates good worker practices by workers exposed to lead. Contractors performing lead-based paint removal shall provide evidence of abatement activities to the Town Engineer.

22. If the asbestos containing-materials (ACM) report determines there are ACMs present, the developer shall have the responsibility to: (a) remove and dispose all ACM in accordance with applicable Federal, State and local regulations governing asbestos including, but not limited to those promulgated by OSHA, EPA, Cal-OSHA, Cal-DPH, DTSC, and the Bay Area Air Quality Management District (BAAQMD); (b) supply notification to employees, contractors, subcontractors, and tenants having access to the buildings on the project site as to the presence, location, and quantity of ACMs documented to be present at the site, with such notification to occur within 15 days of receiving such information; (c) retention of a State of California licensed and Cal-OSHA registered asbestos contractor to complete the recommended pre-demolition abatement of all ACM at the site; (d) provision of a 10 working day minimum advanced written notification to BAAQMD prior to demolition activities (with said notice to be accompanied by payment of requisite administrative fees); and (e)

provision of an "Intent to Conduct ACM Related Work" notification to Cal-OSHA.

23. If the lead-based paint (LBP) report determines there are LBPs present, the project developer shall have the responsibility to: (a) remove and dispose all LBPs in accordance with applicable Federal, State and local regulations; (b) advise contactors engaged in work at the site that LBPs are present and that said LBPs shall only be impacted by properly trained workers, using appropriate lead-related work practices in compliance with applicable Cal-OSHA worker exposure regulations; and (c) provision of an "Intent to Conduct Lead Related Work" notification to Cal-OSHA.

ADVISORY COMMENTS:

1. According to Central Contra Costa Sanitary District (CCCSD) records, the project site is within CCCSD's service area and sanitary sewer service is being provided to the existing buildings on site. Some of the existing sewer would need to be properly abandoned when the buildings are removed. The developer would need to construct a set of on-site mains and laterals to serve the proposed multi-family units.

2. CCCSD has initiated a capacity study to determine if the existing sewer system in the vicinity is adequate for the additional wastewater which will be generated by the proposed project. The developer will be required to submit full-size building plans for CCCSD Mainline review in advance and to pay fees and charges at the time of connection to the sewer system. The payment of capital improvement fees is required for the development or expansion of a property use which generates an added wastewater capacity demand to the sanitary sewer system. This project may be subject to substantial capital improvement fees due to its size or use. To receive an estimate of project fees and charges, the developer should promptly contact the District's Permit Section at (925) 229-7371.

3. As indicated in East Bay Municipal Utility District's (EBMUD)'s preliminary comments on the project (comments dated November 30, 2016), separate dwelling units on the same property require separate water meters. A main extension, at the project sponsor's expense, may be required depending on EBMUD metering requirements and fire flow requirements set by the local fire department. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine the cost and conditions of providing water service to the project. Engineering and installation of water mains and meters may require substantial lead time, which should be accounted for in

the project sponsor's development schedule. No water meters are allowed to be located in driveways. The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense. Due to EBMUD's limited water supply, all customers should plan for shortages in time of drought.

4. The preliminary comments on the project from the Contra Costa County Flood District & Water Conservation District (FC District) were reflected in their letter dated December 13, 2016. Some of the comments contained in that letter have been integrated into the project conditions of approval. The following additional comments constitute advisory comments from the FC District:

   a. The A.L.T.A./A.C.S.M. Land Title Survey submitted by the applicant as part of the project application shows a 60-foot-wide FC District access and maintenance easement on the west side of the project parcel, which is also dedicated to Contra Costa County for street and highway and incidental purposes, and a 21-foot-wide existing FC District and incidental easement on the east side of the property. The southern side of the property has a FC District easement over San Ramon Creek and adjacent areas. However, it appears on the proposed site plan that these existing easements are to be modified by the project, on the east side and south side of the project parcel. Since the project will include modification of existing FC District easements, the applicant will be required to contact the FC District to discuss FC District's continued access to the San Ramon Creek flood control channel, review improvement and planting plans, review proposed changes to existing easements, and review acceptance and recordation of real property documents. The applicant needs to approach the FC District to set up a Fee-for-Service account to cover for our staff and begin transactions.

   b. The site plan needs to show the proposed points of access and paths to the San Ramon Creek flood control channel. Our access road should be clear to adjacent parcels.

   c. The landscape plan proposes additional planting of trees along San Ramon Creek, which, in addition to the existing trees, might impair the access to the creek for future maintenance and emergency repair work. We recommend that the applicant sets up an appointment with the FC District to discuss existing and proposed trees. [The applicant

was referred to the FC District's Typical Landscaping Limits on Creek/Chanel Embankments detail.]

d. The San Ramon Creek Watershed has inadequate capacity and the FC District recommends that no increase in peak discharge to San Ramon Creek be allowed in conjunction with the redevelopment of the project site. The FC District is operating from an assumption that redevelopment of the project site from the existing office use to uses allowed with the DBD Area 12 Multifamily Residential High Density land use designation will result in an increase in project-related runoff.

e. We recommend considering the proximity of the San Ramon Creek flood control channel during construction of the project and requiring that Best Management Practices be implemented during site preparation and construction to avoid contaminants and silt from entering the San Ramon Creek channel, as well as restricting storage of construction equipment or materials adjacent to the creek or in the FC District's right-of-way.

f. If the existing onsite San Ramon Creek stormwater outfall is modified, a FC District permit and hydrology study may be required.

g. The project is adjacent to the San Ramon Creek flood control channel, which is inside a FEMA Special Flood Hazard area, "Zone A", which is subject to inundation by the 1% annual chance flood. We recommend that the project addresses this issue and comes up with a contingency plan should the 100-year flood event occur.

h. The proposed project is located in Drainage Area 18, an unformed drainage area. Therefore, there are no drainage area fees (for Drainage Area 18) due at this time.

i. The FC District is not the approving local agency for this project as defined by the Subdivision Map Act. As a special district, the FC District has an independent authority to collect drainage fees that is not restricted by the Subdivision Map Act. The FC District reviews the drainage fee rate every year the ordinance is in effect and adjusts the rate annually on January 1 to account for inflation. The drainage fee rate does not vest at the time of tentative map approval. The drainage fee due and payable will be based on the fee in effect at the time of fee collection.

5. The preliminary comments on the project from the San Ramon Valley Unified School District (District) were reflected in their letter dated December 1, 2016. The District advises as follows:

   a. The residential project located at 373-379 Diablo Road, Danville, CA will be subject to a residential rate developer fee, currently $6.22 per square foot. The project is within the San Ramon Valley Unified School District.

   b. The residential project will be subject to higher developer fees as a result of the impact of Senate Bill 50 (SB50), the Leroy F. Greene School Facilities Act of 1998. SB50 states that if the District conducts a School Facilities Needs Analysis report and meets certain other requirements, it may impose an alternate developer fee that may be significantly higher than the previously permitted Level 1 fees of $3.48 per square foot of new residential development. On October 18, 2016, the Board of Directors adopted Resolution No. 16/16-17, Establishing Alternative School Facility Fees (Level 2) in accordance with the provisions of Senate Bill 50. The above-mentioned project is subject to current fees.

   c. The district's current student generation factors (SGF) for this type of project are listed below:

UNITS: 150 MULTIFAMILY		
GRADE	SGF RATE	STUDENTS
K-5	0.32	48
6-8	0.13	20
9-12	0.18	27

   d. The resident schools for this project are Montair Elementary, Stone Valley Middle, and San Ramon Valley High Schools. Due overcrowding in the District it is possible that students residing in this subdivision may be diverted to other schools.

6. The preliminary comments on the project from the Northwest Information Center of the California Historical Resources Information System at Sonoma State University were reflected in their letter dated November 30, 2016. Project Condition of Approval #A.9 integrates one recommendation for the project. The letter, including all other comments and recommendations, is included as an exhibit to the Planning Commission Staff Report dated January 24, 2017 for the project.

7. The preliminary comments on the project from the San Ramon Valley Fire Protection District (SRVFPD) were reflected in their Planning Application Review Letter dated November 28, 2016. That letter was included as part of Exhibit I of the Planning Commission Staff Report dated January 24, 2017 for the project.

8. The preliminary comments on the project from the Contra Costa Environmental Health Division (CCEHD) were reflected in their letter dated January 5, 2017. Some of the comments contained in that letter have been integrated into the project conditions of approval (see Conditions of Approval #F.6 and #F.11. The following additional comments constitute advisory comments from the FC District:

   Debris from construction or demolition activity must go to a solid waste or recycling facility that complies with the applicable requirements (e.g., solid waste permit, EA notification, etc.)

APPROVED by the Danville Planning Commission at its regular meeting on January 24, 2017, by the following vote:

AYES: -
NOES: -
ABSTAINED: -
ABSENT: -

_____
CHAIRMAN

APPROVED AS TO FORM:

_____
CITY ATTORNEY

_____
CHIEF OF PLANNING

NOTICE TO SURROUNDING PROPERTY OWNERS
MAILED 2/17/17
BY

DANVILLE

"Small Town Atmosphere Outstanding Quality of Life"

NOTICE OF A PUBLIC HEARING

You are hereby notified that the planning entitlement request described below, which was originally considered at a public hearing held during the Planning Commission meeting of Tuesday, January 24, 2017, will be subject to further, focused review at the regularly scheduled Planning Commission meeting on Tuesday, February 28, 2017 at 7:30 p.m., a meeting which will be conducted at the Town Meeting Hall at 201 Front Street in Danville, CA. At the January 24, 2017 meeting, the Planning Commission opened the public hearing to consider Final Development Plan request DEV16-0014. After receiving public testimony, the Planning Commission closed the public hearing and initiated deliberation of the planning entitlement request. At the conclusion of the meeting on January 24, 2017, the Planning Commission voted to continue the item to an unspecified future Planning Commission meeting and directed Town staff and the applicant to return to that subsequent meeting with information pertaining to three specific issue areas the Planning Commission had identified during their deliberation. Specifically, Planning Commission direction was given that Town staff and the applicant return to a subsequent meeting with additional information addressing Planning Commission concerns and questions related to: (a) the Traffic Impact Analysis prepared for the project; (b) existing and future screen tree planting along the project's interface with the north side of San Ramon Creek; and (c) the options available through the approval process to impose controls on the occupancy characteristics of the future households that would occupy the thirteen affordable housing units proposed to be developed in the project. While the Planning Commission closed the public hearing on the item at their January 24, 2017 meeting, their continuance of the item to an unspecified future Planning Commission meeting and their direction that Town staff and the applicant return with supplemental information at that future Planning Commission meeting, constituted direction that the item be re-noticed for the future Planning Commission meeting and direction that the public notice indicate that the public hearing on the item would be reopened to allow public comments on any supplemental material supplied to the Planning Commission associated with the three topic areas described above. Final Development Plan request DEV16-0014 is described as follows:

Project Description: DEV16-0014 is a Final Development Plan request seeking authorization to construct a 150 unit multifamily for-rent residential project at 373-379 Diablo Road. The 3.68+/- acre (net) property is designated for Residential - Multifamily - High use by the Danville 2030 General Plan. The site is currently occupied by two-story office buildings that were built in the 1970's under land use and zoning designations that allowed office use.

Location/APN:	373-383 Diablo Road / APN 216-120-037
Property Owner:	Danville Office Partners, LLC - Attn.: Russel Stanley 18840 Saratoga Los Gatos Road Los Gatos, CA 95030
Applicant:	Same as property owner
Project Architect:	LCA Architects – Attn.: Carl E. Campos 590 Ygnacio Valley Road, Suite 310 Walnut Creek, CA 94596
General Plan:	Downtown Master Plan
Zoning:	DBD; Downtown Business District Area 12 – Multifamily Residential High Density (25-30 units per acre)

EXHIBIT B

The applicant is requesting a density bonus be applied to the proposed development. A 35.0% density bonus has been requested by the applicant to take the project unit count from the 111 units allowed by zoning up to a density bonus-project request of 150 units, proposed for construction as a mix of two- and three-story units contained in three separate building groupings. The density bonus is being pursued in conjunction with the applicant's commitment to provide affordable rental units in the project (i.e., units that would be reserved for occupancy by very low-income households), consistent with the requirements of State density bonus law and the Density Bonus Ordinance regulations contained in the Danville Municipal Code.

A development concession requested by the applicant, as provided for under the regulations governing a density bonus project, is relief from the maximum applicable DBD - Area 12 floor area ratio (FAR) standard for conditioned space. The applicant is requesting a FAR for conditioned space of 88.4% where the Area 12 zoning standard sets the maximum FAR for conditioned space at 80.0%. As a second development concession, the applicant is requesting modification from the maximum allowable building height as provided for under the Special Concern Area language for the subject property contained in the Danville 2030 General Plan (i.e., a 37′ height is requested where the 2030 General Plan sets the maximum allowable height at 35′).

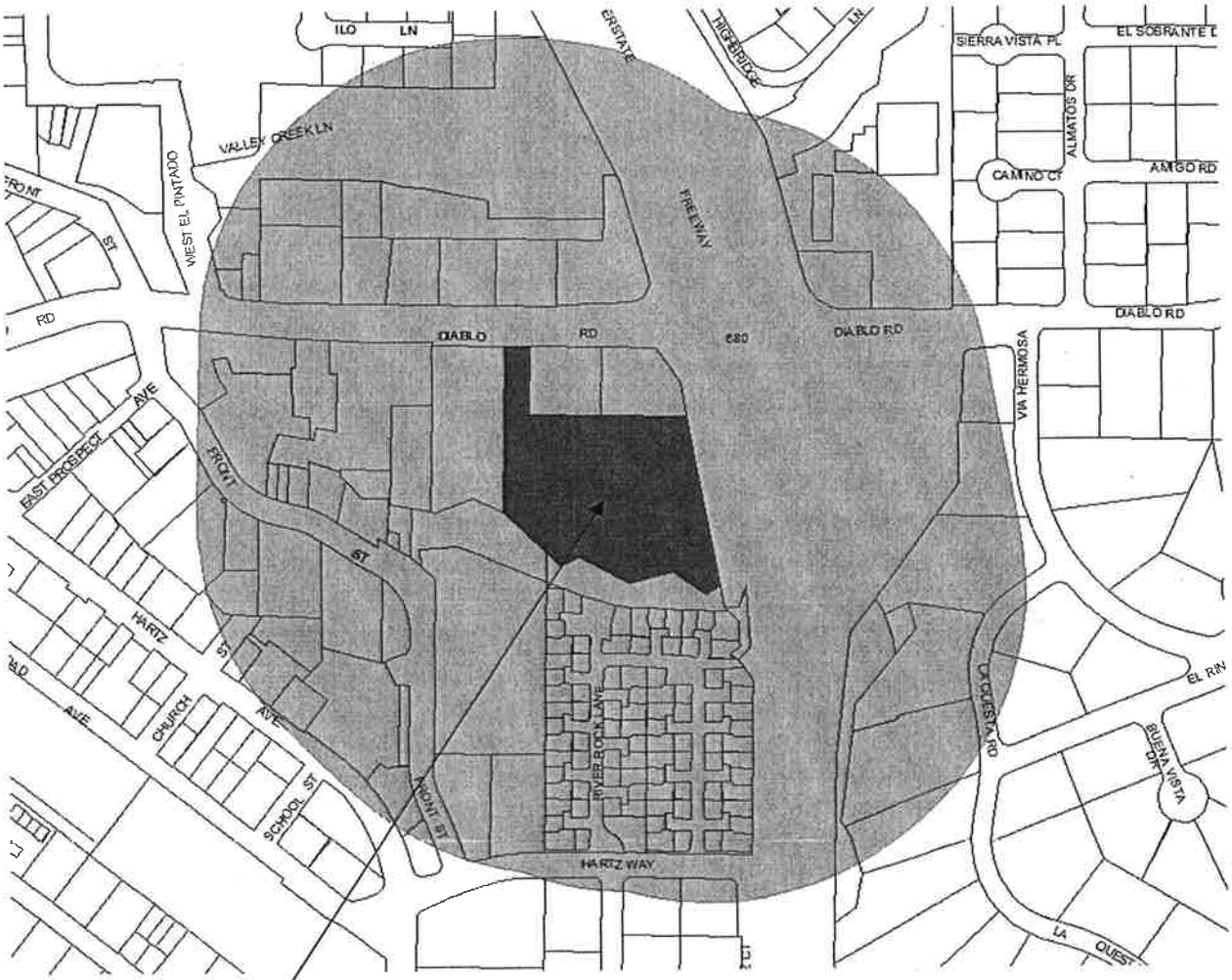
The current development plan application was filed with the Town after review of a similar development plan application was terminated at the property owner's direction. Specifically, the current application was filed following the termination of the application submitted by ROEM Development Corp. ("ROEM"), who submitted a development application in early 2015 and who also was pursuing approval for a 150-unit apartment project.

The project-specific processing steps applicable to a for-rent multifamily residential project on the subject property were outlined in a Town-prepared application processing letter, a letter prepared in conjunction with the review of the ROEM application. The application processing letter cited the project's special status under state Housing Law as a for-rent project being processed without a concurrently submitted subdivision map request. The project has special status for processing purposes because it is proposed on a property that addresses, in part, Danville's Regional Housing Needs Allocation ("RHNA") shortfall that had been identified in Danville's 2007-2014 Housing Element. Danville was determined it have a RHNA shortfall following assessment of the availability of housing sites where a zoning by right condition was present that would accommodate the development of multifamily housing at a development density deemed adequate to accommodate very low- and low-income households. The application processing steps presented in a September 16, 2015 process letter issued during review of the ROEM application remain applicable to the current Danville Office Partners, LLC project submittal. Importantly, the development review process outlined in the processing letter, so as to be consistent with state housing law, reflects the determination that the current project is not subject to review under the California Environmental Quality Act (CEQA) as state Housing Law establishes that this type of project is exempt from CEQA.

All interested persons are encouraged to attend and be heard. Please contact Kevin Gailey, Project Planner, at the Danville Town Offices or phone (925) 314-3305 if you have any questions regarding this matter. You may also fax or email your comments to (925) 838-0360 or kgailey@danville.ca.gov.

If you challenge the Town's decision on this matter in court, 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 Town at, or prior, to the public hearing.

In compliance with the Americans with Disabilities Act, the Town of Danville will provide special assistance for disabled citizens. If you need special assistance to participate in this meeting, please contact the City Clerk (925) 314-3388. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting. [28CFR 35.102-35.104 ADA Title II]



Project Location

DEV16-0014

373-383 Diablo Road

APN: 216-120-037

	A	B	C	D	E	F
1	APN	NAME	ADDRESS	CITY-STATE	SUITE	ZIP
2	216110030	SARLAT MICHELE J TRE	PO BOX 143	DANVILLE CA		94526
3	216110004	KING OF DANVILLE INVESTORS	PO BOX 1547	SAN RAMON CA		94583
4	208022040	TOOMAJIAN BARRY S & JUDITH B	PO BOX 1894	LAFAYETTE CA		94549
5	216120018	KENT E GREG	PO BOX 236	ALAMO CA		94507
6	216110062	WEBER JOHN E & CHARLENE A TRE	PO BOX 304	DIABLO CA		94528
7	216110065	ZANKICH NICHOLAS Z & VALERIE D	PO BOX 752	DANVILLE CA		94526
8	196561005	WOODBINE HOMEOWNERS ASSN	PO BOX 932	DANVILLE CA		94526
9	216110028	NISH MARGARET L TRE	PO BOX 99	DANVILLE CA		94526
10	216110015	LAROCCA RANDAL & LISA	1001 RIVER ROCK LN	DANVILLE CA		94526
11	216110016	MOULDS ANNE V	1003 RIVER ROCK LN	DANVILLE CA		94526
12	216110018	YSUNZA JOHN M & CHERIE A TRE	1007 RIVER ROCK LN	DANVILLE CA		94526
13	216110019	ABADIR POLLY A	1009 RIVER ROCK LN	DANVILLE CA		94526
14	216110101	WEIL JUDY TRE	1012 RIVER ROCK LN	DANVILLE CA		94526
15	216110051	WEITZNER SANFORD A	1012 RIVER ROCK LN	DANVILLE CA		94526
16	216110072	RAGO PAUL S TRE	1016 RIVER ROCK LN	DANVILLE CA		94526
17	216110098	LAMANTIA GERALDINE V TRE	1018 RIVER ROCK LN	DANVILLE CA		94526
18	216130015	SOTO WILLIAM T & MAXINE TRE	102 LA QUESTA DR	DANVILLE CA		94526
19	216110020	THOMAS JANE L	1021 RIVER ROCK LN	DANVILLE CA		94526
20	216110022	GULKO MARTHA A TRE	1025 RIVER ROCK LN	DANVILLE CA		94526
21	216110023	EDGINGTON THOMAS SCOTT III	1027 RIVER ROCK LN	DANVILLE CA		94526
22	216110024	TRAUTNER CHARLENE M TRE	1029 RIVER ROCK LN	DANVILLE CA		94526
23	216110097	RAFFEE MICHAEL	1030 RIVER ROCK LN	DANVILLE CA		94526
24	216110096	DEATLEY GARY G & LOUCY W TRE	1032 RIVER ROCK LN	DANVILLE CA		94526
25	216110095	PASQUALE LARRY TRE	1034 RIVER ROCK LN	DANVILLE CA		94526
26	216110094	JAMES BRIAN	1036 RIVER ROCK LN	DANVILLE CA		94526
27	216110093	ZANA TERESA	1038 RIVER ROCK LN	DANVILLE CA		94526
28	216110025	MUSANTE TONI M	1041 RIVER ROCK LN	DANVILLE CA		94526
29	216110021	DOHERTY JOHN J	1048 VIA MEDIA	LAFAYETTE CA		94549
30	216110029	TOM LEONARD BING & KATIE TRE	1049 RIVER ROCK LN	DANVILLE CA		94526
31	216110092	SCOLARI FRED TRE	1050 RIVER ROCK LN	DANVILLE CA		94526
32	216110091	MAHERE PHILLIP & SHARON TRE	1052 RIVER ROCK LN	DANVILLE CA		94526
33	216110090	SAPORITO KAREN SUE TRE	1054 RIVER ROCK LN	DANVILLE CA		94526
34	216110089	HAYNOSCH DANIEL S TRE	1056 RIVER ROCK LN	DANVILLE CA		94526
35	216110088	STANKE-FIGUEROA SUZANNE	1058 RIVER ROCK LN	DANVILLE CA		94526
36	216110031	GARCIA MERCEDES M TRE	1063 RIVER ROCK LN	DANVILLE CA		94526
37	216110032	CHANG GARY STEVEN & KATHY I	1065 RIVER ROCK LN	DANVILLE CA		94526
38	216110034	LAU DONALD & TERESA TRE	1069 RIVER ROCK LN	DANVILLE CA		94526
39	216110036	KENBER CHRISTOPHER GODFREY TRE	1073 RIVER ROCK LN	DANVILLE CA		94526
40	216110037	THOMPSON BILLY F & ROBIN TRE	1075 RIVER ROCK LN	DANVILLE CA		94526
41	216110038	CAPRIOTTI DINO & LISA C TRE	1077 RIVER ROCK LN	DANVILLE CA		94526
42	216110041	HEACOX HENRY E & SHERRY A	1081 RIVER ROCK LN	DANVILLE CA		94526
43	216110040	MEYER WALTER E & CAROL E TRE	1083 RIVER ROCK LN	DANVILLE CA		94526
44	216110042	GOW JEANNINE	1091 RIVER ROCK LN	DANVILLE CA		94526
45	216110045	MARSALA JOHN A & CARRIE A	1097 RIVER ROCK LN	DANVILLE CA		94526
46	216110046	LANDRUM GLEN	1099 RIVER ROCK LN	DANVILLE CA		94526
47	216120015	JANLOIS PARTNERS LP	110 CORA CT	WALNUT CREEK CA		94597
48	216110086	LUCIA JANESSA	1102 RIVER ROCK LN	DANVILLE CA		94526
49	216110085	ROVNANIK BRIAN D	1104 RIVER ROCK LN	DANVILLE CA		94526
50	216110047	JOHNSON ROSEMARY C	1111 RIVER ROCK LN	DANVILLE CA		94526
51	216110048	SLATER DIANE JOYCE	1113 RIVER ROCK LN	DANVILLE CA		94526
52	216110049	ARMSTRONG REGINA M	1115 RIVER ROCK LN	DANVILLE CA		94526
53	216110050	CONSIDINE BRENT & ARTI	1117 RIVER ROCK LN	DANVILLE CA		94526
54	216160016	PALM PETER R TRE	112 LA QUESTA DR	DANVILLE CA		94526
55	216110052	SCHELL STEVEN D & AMY	1131 RIVER ROCK LN	DANVILLE CA		94526
56	216110053	CONNER RICKY H & ROXANE M	1133 RIVER ROCK LN	DANVILLE CA		94526
57	216110084	MCALPINE ELIZABETH	1140 RIVER ROCK LN	DANVILLE CA		94526
58	216110083	OXENDINE DEBORAH J	1142 RIVER ROCK LN	DANVILLE CA		94526
59	216110082	COLLINS SUSAN J TRE	1144 RIVER ROCK LN	DANVILLE CA		94526
60	216110081	FERGUSON HARRY B	1146 RIVER ROCK LN	DANVILLE CA		94526
61	216110080	FELIX GARY A TRE	1148 RIVER ROCK LN	DANVILLE CA		94526
62	216110055	MORRIS GEOFFREY W & KAREN D	1151 RIVER ROCK LN	DANVILLE CA		94526
63	216110056	LIN SHU-TZU TRE	1153 RIVER ROCK LN	DANVILLE CA		94526
64	216110057	LIN SHARON	1155 RIVER ROCK LN	DANVILLE CA		94526

	A	B	C	D	E	F
65	216110058	BLACK JODY R TRE	1157 RIVER ROCK LN	DANVILLE CA		94526
66	216110059	JACOBY LAURA J TRE	1159 RIVER ROCK LN	DANVILLE CA		94526
67	216110079	LINES CHARLES R & JANAN L TRE	1160 RIVER ROCK LN	DANVILLE CA		94526
68	216110075	VARILLA ARNULFO & ANITA	1168 RIVER ROCK LN	DANVILLE CA		94526
69	196440003	GREEN VALLEY SHOPPING CTR LTD	11750 SORRENTO VALLEY RD	SAN DIEGO CA	#209	92121
70	216110063	WILKINS CATHY	1177 RIVER ROCK LN	DANVILLE CA		94526
71	216110074	BROWN KERRY ABBOTT	1180 RIVER ROCK LN	DANVILLE CA		94526
72	216110073	STARK JEFFREY P	1182 RIVER ROCK LN	DANVILLE CA		94526
73	216110071	HARDING JUANITA WHITNEY TRE	1186 RIVER ROCK LN	DANVILLE CA		94526
74	216110070	CAMBIER JAMES T & LORALEE	1188 RIVER ROCK LN	DANVILLE CA		94526
75	216110066	SULLIVAN THOMAS F & MARIVIC C	1193 RIVER ROCK LN	DANVILLE CA		94526
76	216110067	HUNTER TIMOTHY J & SHEA A TRE	1195 RIVER ROCK LN	DANVILLE CA		94526
77	216110068	WEITZNER GLADYS TRE	1197 RIVER ROCK LN	DANVILLE CA		94526
78	196210051	LSB PROPERTIES	1207 UPPER HAPPY VALLEY RD	LAFAYETTE CA		94549
79	216160017	FREETHY JAMES L	122 LA QUESTA DR	DANVILLE CA		94526
80	216120042	MONTAIR ASSOCIATES	12885 ALCOSTA BLVD STE A	SAN RAMON CA		94583
81	216160003	DONOVAN SHIRLEY J	132 LA QUESTA DR	DANVILLE CA		94526
82	196201011	TODD WILLIAM & CYNTHIA TRE	1390 CASA VALLECITA	ALAMO CA		94507
83	196210050	380 DIABLO ROAD LLC	1430 LEIMERT BLVD	OAKLAND CA		94602
84	216120035	DIABLO VALLEY BANK	150 ALMADEN BLVD	SAN JOSE CA		95113
85	216110027	CERRATO ENRICO	1501 CLEARVIEW RD	SANTA BARBARA CA		93101
86	216110035	PALMER C LEANNE TRE	1773 KIRKMONT DR	SAN JOSE CA		95124
87	216120037	DANVILLE OFFICE PARTNERS LLC	18840 SARATOGA-LOS GATOS RI	LOS GATOS CA		95030
88	216110104	COMMON AREA-TRACT 7888	1933 DAVIS ST	SAN LEANDRO CA	#200	94577
89	216110103	COMMON AREA-TRACT 7888	1933 DAVIS ST	SAN LEANDRO CA	#200	94577
90	216120028	RIELE GARY S & JULIE Z TRE	2 MACOMBER RD	DANVILLE CA		94526
91	196210042	208 W EL PINTADO LLC	208 W EL PINTADO RD	DANVILLE CA		94526
92	216120038	STUART JAMES W & DONNA J TRE	2149 CASCADE AVE STE 106A	HOOD RIVER OR		97031
93	208022030	PRESBYTERIAN CHURCH OF DANVILL	222 W EL PINTADO	DANVILLE CA		94526
94	196201010	PEOPLE MEETING CHRIST FDNTN	222 W EL PINTADO RD	DANVILLE CA		94526
95	216120036	CABRITA FRANCISCO & EMILY TRE	2378 SADDLEBACK DR	DANVILLE CA		94506
96	216110043	WILLIAMS IDA TRE	2418 ROUNDHILL DR	ALAMO CA		94507
97	216120040	THE FIELD FAMILY LP	244 FRONT ST	DANVILLE CA		94526
98	208022036	DUGGAN DANIEL A JR TRE	261 HARTZ AVE	DANVILLE CA		94526
99	208022038	VENTURES GN	26395 SCENIC RD	CARMEL CA		93923
100	196210054	OAK COURT PROPERTIES LLC	2821 CROW CANYON RD	SAN RAMON CA	#210	94583
101	196210052	ATTARHA MARK TRE	285 SAINT JAMES DR	PIEDMONT CA		94611
102	196210039	DANVILLE HEALTH REALTY HOLDING	3 MONARCH BAY PLZ	DANA POINT CA	#203	92629
103	196210049	300 DIABLO LLC	300 DIABLO RD	DANVILLE CA		94526
104	216110039	WEE WILLIAM K & EILEEN P	3008 OAKRAIDER DR	ALAMO CA		94507
105	216110061	SLAVIN WILLIAM E & MARTHA C	3019 DEER MEADOW DR	DANVILLE CA		94506
106	216101003	WILSON & KRATZER MORTUARIES	3040 POST OAK BLVD	HOUSTON TX	#300	77056
107	196210053	318 DIABLO ROAD ASSOCIATES	318 DIABLO RD	DANVILLE CA	250	94526
108	216110044	GAIPA TOBY L	32 SAGE HILL CT	DANVILLE CA		94526
109	216142003	KNERR VANY V TRE EST OF	320 TWIN PEAKS LN	ALAMO CA		94507
110	208022044	ELWOOD 522HARTZ LLC	34 ALAMO SQ STE 200	ALAMO CA		94507
111	216102006	LUCIA ROBERT J & MARY ANNE	35 ROSEWOOD CT	DANVILLE CA		94506
112	216101002	MCCOLM LARRY E & JOANNE P	350 MAIN ST	PLEASANTON CA	#K	94566
113	216110105	CHARLOTTE WOOD DEVELOPERS LP	3727 BUCHANAN ST 4TH FL	SAN FRANCISCO CA		94123
114	208022046	BRIDGES LAND COMPANY	3800 BLACKHAWK RD STE 100	DANVILLE CA		94506
115	208022043	PARKSIDE ASSOCIATES	412 CLIFFSIDE DR	DANVILLE CA		94526
116	196380084	DANVILLE PARK RE LLC	4155 BLACKHAWK PLAZA CIR	DANVILLE CA	#201	94506
117	196210048	LANGENBERG WILLIAM H	420 BOLLA PL	ALAMO CA		94507
118	216110087	STUART DARIN	423 ALAMATOS DR	DANVILLE CA		94526
119	216110102	WALSH THOMAS G & DIANE K TRE	426 COMO WAY	DANVILLE CA		94526
120	216110033	CLARK HELEN FRANCES TRE	433 VERONA AVE	DANVILLE CA		94526
121	216110017	CRUZ RENO N & MARGARET J TRE	44292 S EL MACERO DR	EL MACERO CA		95618
122	216110076	CLARK GREGORY R & NANCY C TRE	47 TAM O SHANTER RD	ALAMO CA		94507
123	196231007	TAYSON LLC	484 DIABLO RD	DANVILLE CA		94526
124	208022041	POURSOHL FAZ M	5121 HOPYARD RD	PLEASANTON CA		94588
125	216110064	FAST LAND PARTNERS LLC	5555 BRUCE DR	PLEASANTON CA		94588
126	216110054	LOBER SHAWN CHARLES TRE	642 EL PINTADO RD	DANVILLE CA		94526
127	216110100	DURAN JOSEPH GREGORY	696 SAN RAMON VALLEY BLVD	DANVILLE CA	#188	94526
128	216110060	TAYLOR MICHAEL D & LINDA J TRE	7 NEVA CT	DANVILLE CA		94526

	A	B	C	D	E	F
129	216130010	BROUSSARD RICK W & LESLIE	700 VIA HERMOSA	DANVILLE CA		94526
130	216142001	WELLS KENNETH J TRE	712 VIA HERMOSA	DANVILLE CA		94526
131	216110077	SELBY JOHN D & MARLENE J TRE	8 SILVIA CT	MORAGA CA		94556
132	216110003	WIEDOW HOWARD & JACQUELINE TRE	822 HARTZ WAY	DANVILLE CA	#202	94526
133	208022039	BELLECI FRANK S & SYLVIA D TRE	907 REDWOOD DR	DANVILLE CA		94506
134	216130012	SIMPSON DANIEL J & AGNES W TRE	9205 FIRCREST LN	SAN RAMON CA	#182	94583
135	216102005	PEARL INVESTMENT COMPANY LLC	931 HARTZ WAY	DANVILLE CA		94526
136	Randy Sullivan	Patton & Sullivan LLP	6600 Koll Center Parkway	Pleasanton CA	Suite 200	94566
137	John Lynn Smith	Reed Smith LLP	101 Second Street	San Francisco CA	Suite 180	94105
138	Patricia E. Curtin	Wendel, Rosen, Black & Dean LLP	111 Broadway	Oakland CA	24th Floor	94607

ADMINISTRATIVE STAFF REPORT 5.1

DATE: January 24, 2017

ITEM: DEV16-0014 - Danville Office Partners, LLC

RECOMMENDATION: Approve Final Development Plan request DEV16-0014 subject to the findings and conditions of approval contained within Resolution No. 2017-01 (see Exhibit A).

NOTIFICATION: Public notice of the January 24, 2017 meeting was mailed on January 5, 2017 to property owners within 750 feet of the exterior boundary of the subject property and to other interested parties (see Exhibit B - Public Notification Map, Public Notification, and Public Notification List). A total of 134 notices were mailed to surrounding property owners. Posting of the meeting agenda serves as notice to the general public. The public noticing provided exceeds the minimum standard under state law which requires at least a ten day mailed or delivered notice to all property owners on the latest equalized assessment tax roll within 300 feet of the exterior boundary of the property that is subject to the hearing. The notice mailed on January 5, 2017 served to provide notice of the January 24, 2017 meeting and to advise that the item had been continued from the initial intended hearing date of January 10, 2017. Separate and earlier notice had been mailed for the intended earlier hearing date. The continuance from the January 10, 2017 meeting was made at the request of the applicant.

PROPOSAL: Final Development Plan request to construct a 150-unit multifamily for-rent residential project located on a 3.68+/- acre (net) property located at 373-383 Diablo Road. The applicant is requesting a density bonus be applied to the project and is seeking up to a 35.0% increase to the otherwise allowable maximum project density (see Exhibit C - December 18, 2016 applicant letter invoking density bonus project review). As a

EXHIBIT C

development incentive or concession, the applicant is requesting, consistent with regulations governing a density bonus project, relief from the maximum applicable floor area ratio (FAR) standard for conditioned space (i.e., the applicant is seeking approval of a FAR in excess of allowed maximum FAR standard of 80.0% FAR). As a waiver of reduction of development standards, consistent with regulations governing a density bonus project, the applicant is requesting relief from the maximum allowable building height standard set forth for the project site by the Danville 2030 General Plan (i.e., the applicant is seeking authorization to observe a 37′ maximum building height where the Danville 2030 General Plan sets the maximum allowable building height at 35′).

LOCATION:	373-383 Diablo Road
APN:	216-120-037
NET ACREAGE:	160,300+/- square feet (3.68+/- acres) (See Exhibit E - December 16, 2016 BKF Engineers net acreage letter)
PROPERTY OWNER and APPLICANT:	Danville Office Partners, LLC Attn: Russel Stanley 18840 Saratoga Los Gatos Road Los Gatos, CA 95030
PROJECT ARCHITECT:	Carl E. Campos LCA Architects 590 Ygnacio Valley Road, Suite 310 Walnut Creek, CA 94596
PREVIOUS ACTIONS:	See Prior General Plan and Zoning Actions section of this report for discussion of previous actions affecting the subject property and the application submittal.
ENVIRONMENTAL REVIEW:	The Environmental Impact Report (EIR) prepared in conjunction with the March 2013 approval of the Danville 2030 General Plan provided the California Environmental Quality Act (CEQA) review for the change in the subject property's land use designation from an office designation to a multifamily high

	density designation. The EIR was determined to provide sufficient and adequate environmental review for the separate and subsequent action that provided for change of the subject property's zoning designation. Specifically, the EIR was determined to be sufficient and adequate for the review and approval of Preliminary Development Plan – Rezoning request LEG13-02 (ZTA & PUD), the Town-initiated rezoning action that rezoned the subject property from DBD Area 6 - Business and Professional Office to DBD Area 12 - Multifamily Residential High Density (25-30 units per acre). See CEQA Review Exemption section of this report for discussion of the subject application's exempt status from further CEQA review.
GENERAL PLAN:	Downtown Master Plan and Diablo Gateway Special Concern Area
ZONING:	DBD; Downtown Business District Area 12 - Multifamily Residential High Density (25-30 units per acre)
LAND USE:	The site is currently occupied by two-story office buildings that were built in the late 1970's under land use and zoning designations that allowed office use. The office buildings are just under 50,000 square feet in area and are served by approximately 235 onsite parking spaces.

PRIOR GENERAL PLAN AND ZONING ACTIONS

The Danville 2007-2014 Housing Element (adopted in September 2010) identified a number of "Housing Opportunity Sites" for review for possible land use designation change during the subsequent update of the Danville General Plan. The review was required under state housing law to address the Regional Housing Needs Allocation (RHNA) shortfall that had been determined to be present in Danville.

The presence of a RHNA shortfall meant Danville had been determined to have an inadequate number of sites carrying a multifamily residential land use designation with adequate development potential to address its assigned fair share of the region's housing need. While the Environmental Impact Report (EIR) prepared for the Danville 2030 General Plan reviewed fourteen sites to address Danville's RHNA shortfall, at the

conclusion of the public hearing process for the 2030 Plan only two sites received a land use designation change to a multifamily designation.

With the approval of the Danville 2030 General Plan in March of 2013, the sites that received a land use designation to address the RHNA shortfall included: (1) a seven acre portion of the Borel/EBRPD property (i.e., a portion of the property located between I-680 and Camino Ramon in the southern portion of Danville near Marshalls and Costco); and (2) the 3.68+/- acre (net) Danville Office Partners, LLC site - the subject property for the current final development plan application.

In addition to receiving a new land use designation under the 2030 Plan, the DOP Site also was identified as one of the Special Concern Area properties in the 2030 Plan (see Exhibit F - Diablo Gateway Special Concern Area).

As directed by state housing law, a requisite follow-up action to changing a site's land use designation to address an identified RHNA shortfall is a rezoning action. Specifically, where a site is re-designated for multifamily use to address a RHNA shortfall the site must also have its underlying zoning designation changed so the site is "zoned by right" to allow multifamily use at prescribed minimum residential development densities. Under state housing law, "zoned by right" means a site where multifamily use may occur without the need to process any separate and subsequent legislative development entitlement.

In absence of a developer-initiated zoning request for the Danville Office Partners, LLC property, and to satisfy policies set forth in the Danville 2007-2014 Housing Element and state housing law, the Town initiated a rezoning action and the subject property was rezoned. The Town Council's approval of Preliminary Development Plan – Rezoning request LEG13-02 (PUD) in November 2013 placed a zoning designation of DBD; Downtown Business District Area 12 - Multifamily Residential High Density District (25-30 units per acre) onto the property (see Exhibit G - Town Council Resolution No. 92-2013 - LEG13-02 (PUD) rezoning the site to DBD Area 12).

CEQA REVIEW EXEMPTION

The current development plan application was filed with the Town after review of a similar development plan application was terminated at the property owner's direction. Specifically, the current final development plan application was filed following the termination of the application submitted by ROEM Development Corp. ("ROEM"), who submitted a development application in early 2015 and who also was pursuing approval for a 150-unit apartment project.

The project-specific processing steps applicable to a for-rent multifamily residential project on the subject property were outlined in a Town-prepared application processing

letter, a letter prepared in conjunction with the review of the ROEM application (see Exhibit D - September 16, 2015 application processing letter). The application processing letter cited the project's special status under state housing law as a for-rent project being processed without a concurrently submitted subdivision map request that also involves a site made available for multifamily use in response to an identified RHNA shortfall.

The application processing steps presented in a September 16, 2015 process letter issued during review of the ROEM application remain applicable to the current Danville Office Partners, LLC project submittal. Importantly, the development review process outlined in the processing letter, so as to be consistent with state housing law, reflects the determination that the current project is not subject to review under the California Environmental Quality Act (CEQA) as state Housing Law establishes that this type of project is exempt from CEQA.

BACKGROUND

As mentioned above, the property is identified as a Special Concern Area property by the Danville 2030 General Plan (see Exhibit F) and is one of two properties to secure a new multifamily land use designation through the approval of the Danville 2030 General Plan in recognition of Danville's Regional Housing Needs Allocation (RHNA) shortfall identified by the Danville 2007-2014 Housing Element. A requisite processing step for development proposals on properties with a DBD Area 12 zoning designation is to secure input through a conceptual review of the project at a joint study session before the Town Council, the Planning Commission, and the Design Review Board.

For this project, the joint study session occurred on May 17, 2016 – with the applicant and staff securing direction on project design and massing considerations at the conclusion of the study session (see Exhibit H - May 17, 2016 Joint Study Session Meeting Notes and Partial Study Session Packet).

At the conceptual review, project consideration focused on building height, building mass, roof treatment, setbacks, parking, architectural style, and the project relationship to adjacent properties and buildings. The direction provided, given that the review was limited to a study session review-format, did not constitute an approval of the project and was not binding on the Town as it proceeded forward with the project review.

The applicant modified the plans several times subsequent to the May 17, 2016 conceptual review, ultimately requesting that the project be taken through the requisite Design Review Board (DRB) processing step. The DRB review was a preparatory step for the project that had to occur prior to the scheduling of the project for a noticed public hearing before the Planning Commission. [Note: The project will not be considered by the Town Council unless the review occurred as a result of an appeal being submitted of a project decision rendered by the Planning Commission.]

The plans presented to DRB at meetings on October 20, 2016 and October 27, 2016 were measurably different from the plans reviewed at the May 17, 2016 joint study session. The plans had been modified to change the building massing from a single building with all building massing as three-story massing to three separate buildings with the ends of each building and portions of mid-building elevations for two of three buildings dropping down from three-story massing to two-story massing. The project had also been modified from 153 units to 150 units and had refinements to the parking count and mix to bring it in line with all applicable DBD parking regulations.

The DRB Project Memo (see Exhibit J - October 20, 2016 DRB Project Memo) provides additional project background discussion, with an emphasis on how the revised plans align with the various development and design guidelines that apply to the project. The attached version of the October 20, 2016 project memo has been updated to provide a status update on submittal items and processing steps that had been identified as still needing to occur.

This updated version of the DRB Project Memo, in conjunction with the summary notes from the two DRB meetings (see Exhibit K - DRB Action Summary Meeting Notes for meetings of October 20, 2016 and October 27, 2016) reflect the support from DRB for the project to move on to the Planning Commission and DRB's recommendation for provision for a tiered preliminary architectural review for the project. Draft Conditions of Approval #D.6 and #D.7 reflect DRB's support to bring some design items, items that would typically be addressed prior to a project's public hearing, back to DRB for review after an action is taken on the project at the Planning Commission review level.

In addition to the review that would be provided under Draft Conditions of Approval #D.6 and #D.7., the project would be required to return to DRB at the building permit phase to ensure the architecture, colors, materials, lighting and landscaping are consistent with the approval.

EVALUATION

Conformance with General Plan and Special Concern Area Principles

The General Plan land use designation for the site is Downtown Master Plan. The site is zoned DBD; Downtown Business District Area 12 – Multifamily Residential High Density (25-30 units per acre). Allowable uses within DBD Area 12 include multifamily for-rent or for-sale residences. The applicant has invoked density bonus for the project, allowing pursuit of a 35% density bonus on the otherwise allowed maximum density for the property.

As indicated above, the project site is identified as a Special Concern Area (SCA) in the Danville 2030 General Plan (see Exhibit F - Diablo Gateway SCA). The designation of the

site for DBD Area 12 – High Density Multifamily uses provides the opportunity to redevelop the site for multifamily residential use. The SCA text for the site lays out principles that should be applied to future residential development. Those principles are repeated below with a corresponding assessment of the project's adherence to the respective principles.

- ***Reduction of noise and air quality impacts.*** The eastern edge of this area abuts Interstate 680. Future development along this edge should be set back from the freeway to the extent feasible, in conjunction with other measures to mitigate impacts associated with freeway noise, vibration, and air quality.

  Compliance to SCA Principle: Language contained within Draft Condition of Approval N. - ENVIRONMENTAL NOISE outlines steps deemed necessary to ensure the project addresses anticipated noise impacts to future project residents resulting from the project site's proximity to Interstate 680. Language in this draft condition of approval also outlines steps deemed necessary to address anticipated short term noise generation impacts linked to the demolition of the existing office buildings on the project site; noise associated with related site preparation efforts (e.g., grading, foundation work, etc.); and noise associated with the remaining project construction efforts. Language in Draft Condition of Approval P. - AIR QUALITY AND GREENHOUSE GASES ANALYSIS outlines steps deemed necessary to ensure consistency with the applicable General Plan policies to address and minimize air quality and greenhouse gas impacts (i.e., Policies 33.04 and 34.02).

- ***Scale, mass and height of new development.*** Buildings shall generally be limited to a maximum height of 35 feet.

  Compliance to SCA Principle: As indicated above, as a waiver or reduction of development standards, consistent with regulations governing a density bonus project, the applicant is requesting relief from the maximum allowable building height standard set forth for the project site by the Danville 2030 General Plan (i.e., the applicant is seeking authorization to observe a 37′ maximum building height where the Danville 2030 General Plan sets the maximum allowable building height at 35′).

- ***Articulation of development.*** Structures should be designed to appear as a series of smaller, separate buildings rather than a single large building. Façades and setbacks should respect and complement the fine-grained design character of nearby Downtown Danville. Porches, stoops, courtyards, and other features should be incorporated to create a pedestrian-friendly scale and environment.

  Compliance to SCA Principle: As indicated above, the current site plan and architectural plans have been significantly modified during the course of the

project review, changing from a project design with building massing proposing use of a single building with all building massing as three-story massing to the current project design making provision of three separate buildings, with the ends of each building and portions of mid-building elevations (for two of the three proposed buildings) dropping down from three-story massing to two-story massing. The Design Review Board is supportive of the current project design, indicative of their determination the project is consistent with this SCA Principle and related design guidelines contained in the DBD; Downtown Business District regulations of the Municipal Code. The Project Architect describes the project design features in more detail in Exhibit Q. The 3-D Project Plans prepared for the project (see Exhibit R) portray the "fine-grained" design characteristics that have been incorporated into the project design.

- ***Parking.*** Residential development is expected to include some combination of surface parking, at-grade structure parking and/or basement parking. Reduction of the applicable DBD parking requirements for multifamily units may be considered where housing is provided for seniors, or where it can otherwise be demonstrated that a reduced dependency on vehicles will be experienced. Shared parking agreements with adjacent office buildings in this area also could be considered as a way to reduce on-site requirements.

  Compliance to SCA Principle: The project submittal depicts the proposed residential units as for-rent units with unreserved/unassigned parking. Based on the DBD parking requirements for multifamily residential units, the proposed project would create a numerical parking demand of 265 parking spaces. This parking requirement does not factor in any reduction in the numerical parking requirement for the project despite the potential for a reduction anticipated by this SCA Principle or the applicant's rights under state and local density bonus regulations to invoke an alternate parking standard that would have limited the minimum required amount of project parking to 216 onsite parking spaces. The plan depicts 265 total parking spaces, with 97 spaces depicted as at-grade parking and 168 spaces as basement garage parking. As submitted, the project would average 1.77 parking spaces per unit standard - reflecting the varying parking standards for a project including a mix of studio, one- and two-bedroom units. In addition, the project parking would abide to the dimensional standards called for in the DBD parking regulations, including capping the number of compact sized parking spaces to a maximum of 30% of project parking (29.4% proposed).

- ***Conservation of San Ramon Creek.*** An open space area should be preserved along San Ramon Creek, providing room for a pedestrian path.

Project compliance to SCA Principle: The project site plan reflects provision of an appropriate structural setback from San Ramon Creek to meet the intent of this SCA Principle and the provision of the associated public pedestrian trail easement and trail improvements parallel to the creek. Draft Project Conditions of Approval #G.9 and #G.10 (requiring public pedestrian easement and walkway improvements parallel to the project's entire length of frontage along San Ramon Creek) and #Q.9 (requiring elimination of two parking spaces in southeast corner of development area) would impose the project obligations deemed necessary to ensure the project is consistent with this SCA Principle and various General Plan Goals and Policies cited relation to the following SCA Principle.

- ***Pedestrian Bridge.*** A pedestrian bridge across the creek should be provided to connect this area to the Danville Library and Community Center, and Old Town Danville.

  Project compliance to SCA Principle: The project site plan reflects provision for the planned pedestrian bridge across San Ramon Creek and the provision of the associated public pedestrian trail easement and trail improvements between the north side of the creek and Diablo Road. Draft Condition of Approvals #G.9 through #G.11 would impose the project obligations deemed necessary to ensure the project is consistent with this SCA Principle and with applicable General Plan Goals and Policies including, but not limited to, Policy 6.08 Goal 11 (provision of safe, efficient multi-modal circulation system); Policy 11.03 (requirement to make physical improvements to improve the transportation system); Policy 11.06 (provision of improvements to provide a connected circulation system for pedestrians and bicyclists); Goal 12 (creation of walkable neighborhoods); and Policy 12.07 (closing gaps in the existing bicycle and pedestrian trail system).

- ***Provisions for shared ingress and egress.*** As there are multiple parcels along the south side of Diablo Road, coordinating access into contiguous properties and cross access between these properties should be pursued. Future traffic studies should determine the optimal location of ingress and egress points and the need for turning lanes and other improvements along Diablo Road. Interim solutions may be considered if development is phased.

  Project compliance to SCA Principle: Language in Draft Condition of Approval I. - TRAFFIC IMPACTS outlines steps deemed necessary to ensure the project is consistent with this SCA Principle and consistent with the intent and requirements of Policy 14.02 of the Danville 2030 General Plan, which outlines the requirement for a site-specific traffic study and requirement to address impacts identified in a Town approved traffic study.

- ***Integration of Commercial Uses.*** Provisions to integrate a limited amount of residential-supportive commercial uses may be made in the processing of future residential development applications.

  Project compliance to SCA Principle: No residential-supportive commercial uses are proposed to be integrated into the project.

Zoning Conformance

With the exception of a proposed deviation from the maximum floor area ratio standard for zoning district DBD Area 12, the project would conform to all applicable zoning standards. As indicated above, the applicant has requested, consistent with regulations governing a density bonus project, relief from the maximum applicable floor area ratio (FAR) standard for conditioned space (i.e., the applicant is seeking approval of a FAR in excess of allowed maximum FAR standard of 80.0% FAR).

Private CC&Rs, Easements and Settlement Agreement Action Involving Project Site

The Town acknowledges the existence of reciprocal ingress, egress and parking easements by and between the three parcels created in 1977 with the recordation of Land Survey Map 63 L.S.M. 11. The affected properties include Parcel A of 63 L.S.M. 11 (i.e., the property owned by Diablo Valley Bank and further identified as APN 216-120-035 – the "Heritage Bank" property); Parcel B of 63 L.S.M. 11 (i.e., the property owned by the Cabrita Trust and further identified as APN 216-120-036); and the subject property for current project (i.e., the Danville Office Partners LLC). The Town also acknowledges the existence of a separate reciprocal parking easement by and between Parcel A and Parcel C of 63 L.S.M. 11 and acknowledges a restriction in the private CC&Rs affecting the three parcels that prohibits residential use of any of the three parcels.

As the Town is not party to these private agreements, and consistent with its practices and procedures, the Town will not interpret the rights or limitations created by the private agreements nor limit any planning entitlement approval it grants to reflect those rights or limitations. Importantly, the private agreements do not affect the Town's determination that the project is in compliance with the Town's parking requirements for a multifamily residential development set forth by Danville Municipal Code section 32-45.34(q) - Parking Requirements - Multifamily Residential. The Project is in compliance with Section 32-45.34(q) of the Danville Municipal Code in terms of provision of the required minimum number of onsite parking spaces to serve the project. Changes to any of the private agreements affecting Parcels A, B, and C of 63 L.S.M. 11 are not required by the Town prior to the applicant exercising a planning entitlement approval.

The Town acknowledges the existence of a settlement agreement pertaining to existing physical improvements in the area of the shared property boundary between the Danville Office Partners LLC property and the abutting Janlois property to the west (the property

owned by Janlois Partners LP further identified as APNs 216-120-012 and -015). While the Town has no role in enforcing or applying the private agreement, the project conditions of approval (i.e., Draft Conditions of Approval #C.6 and #D.6) address concerns the Janlois Partners LP representatives have expressed about the project's obligation to provide replacement retaining wall/fence improvements along the shared property line and processing steps and timeline for the project (See Exhibit P: Brans/Janlois Letter dated January 12, 2017 and City Attorney response).

The Janlois Partners LP representative has been advised that the intent of the two conditions of approval is to ensure that the Town is satisfied with the proposed design solution involving improvements in the area of the shared property boundary and that the conditions of approval are not intended to replace the existing contractual obligations between the two properties.

Special reports required to be prepared to facilitate project review

To assure that a desirable and appropriately integrated development plan is secured, the conditions of approval for the rezoning action (i.e., approval for LEG13-02 as contained in Town Council Resolution No. 2013-18) required the preparation and submittal of numerous special reports in conjunction with any subsequently filed Final Development Plan request. The special reports needed for the project included studies for the following topic areas: aesthetics; traffic; protected trees; biological resources; C-3 stormwater plan; soil and geotechnical characteristics; noise; and air quality and greenhouse gas considerations. The special reports received to date for the project may subsequently further refined if the applicant elects to seek relief from the draft conditions of approval incorporated into Resolution No. 2017-01 for each respective topic area cited above.

Density Bonus Request

As indicated above, the applicant is requesting a density bonus be applied to the project and is seeking up to a 35.0% increase to the otherwise allowable maximum project density (see Exhibit C). As a development incentive or concession, the applicant is requesting, consistent with regulations governing a density bonus project, relief from the maximum applicable floor area ratio (FAR) standard for conditioned space (i.e., the applicant is seeking approval of a FAR in excess of allowed maximum FAR standard of 80.0% FAR). As a waiver of reduction of development standards, consistent with regulations governing a density bonus project, the applicant is requesting relief from the maximum allowable building height standard set forth for the project site by the Danville 2030 General Plan (i.e., the applicant is seeking authorization to observe a 37′ maximum building height where the Danville 2030 General Plan sets the maximum allowable building height at 35′).

Existing law (i.e., Government Code Section 65915), requires, when an applicant proposes a housing development within the jurisdiction of the local government, that the jurisdiction provide the applicant with a density bonus and other incentives or concessions for the production of lower income housing units if the applicant, among other things, agrees to construct a specified percentage of units for very low income, low-income, or moderate-income households or qualifying residents.

Existing law authorizes the waiver or reduction of development standards that would preclude this development and requires continued affordability for 55 years or longer, as specified, of all very low income and low-income units that qualified an applicant for a density bonus.

Through the project approval, the project would be granted a density bonus, with such density bonus reflective the applicant commitment to provide thirteen units appropriate for very low income households in the project for a minimum term of 55 years. As provided for by State density bonus regulations and the Danville Municipal Code, the 111-unit baseline unit count applicable to the project site would be authorized through the project approval to receive a 35% density bonus. The density bonus would take the maximum allowable unit count for the proposed for-rent multifamily residential project to 150 units, authorizing 39 more units than would be otherwise allowed given the property's underlying general plan land use designation. The requirements for restricted occupancy units will be required to be evidenced by an affordable housing agreement between the developer and the Town, completed and recorded on the property to each affected unit before issuance of a building permit and with said agreement to run with the land (see Draft Condition of Approval #Q.18).

PUBLIC CONTACT

Public notice of the January 24, 2017 meeting was mailed on January 5, 2017 to property owners within 750 feet of the exterior boundary of the subject property and to other interested parties (see Exhibit B). A total of 134 notices were mailed to surrounding property owners. Posting of the meeting agenda serves as notice to the general public. The public noticing provided exceeds the minimum standard under state law which requires at least a ten day mailed or delivered notice to all property owners on the latest equalized assessment tax roll within 300 feet of the exterior boundary of the property that is subject to the hearing. The notice mailed on January 5, 2017 served to provide notice of the January 24, 2017 meeting and to advise that the item had been continued from the initial intended hearing date of January 10, 2017. Separate and earlier notice had been mailed for the intended earlier hearing date. The continuance from the January 10, 2017 meeting was made at the request of the applicant.

RECOMMENDATION

Approve Resolution No. 2017-01 approving Final Development Plan request DEV16-0014, a request to construct a 150-unit multifamily for-rent residential project located on a 3.68+/- acre (net) property located at 373-383 Diablo Road.

Prepared by:

Kevin J. Gailey
Chief of Planning

EXHIBITS

Exhibit A:	Resolution No. 2017-01 - Findings and Conditions of Approval
Exhibit B:	Public Notification Map, Public Notification, and Public Notification List
Exhibit C:	December 18, 2016 applicant letter invoking density bonus project review
Exhibit D:	September 16, 2015 application processing letter
Exhibit E:	December 16, 2016 BKF Engineers net acreage letter
Exhibit F:	Diablo Gateway Special Concern Area (Excerpt from Danville 2030 General Plan)
Exhibit G:	Town Council Resolution No. 92-2013 - LEG13-02 (PUD) rezoning the project site to DBD Area 12 – High Density Multifamily
Exhibit H:	May 17, 2016 Joint Study Session Meeting Notes and Partial Study Session Packet
Exhibit I:	Comments received from public, public agencies and organizations
Exhibit J:	October 20, 2016 DRB Project Memo (with status update on task items)
Exhibit K:	DRB Action Summary Meeting Notes for meetings of October 20, 2016 and October 27, 2016
Exhibit L:	Worksheet San Ramon Creek Footbridge at Danville Green (CIP No. C-596)
Exhibit M:	Traffic Impact Analysis - LSA Associates, Inc., dated May 12, 2016 (without appendices)
Exhibit N:	Analysis of Air Quality Impacts – Northgate Environmental Management, Inc., dated March 23, 2016 (without appendices)
Exhibit O.	Preliminary Tree Survey Table
Exhibit P:	Brans/Janlois Letter dated January 12, 2017 and City Attorney response
Exhibit Q:	Project Architect's statement on project design
Exhibit R:	3-D Project Plans
Exhibit S:	Color and Material Board – LCA October 26, 2016
Exhibit T:	Project plan submittal for Final Development Plan request DEV16-0014

TRAFFIC IMPACT ANALYSIS

DANVILLE APARTMENTS PROJECT

TOWN OF DANVILLE

CONTRA COSTA COUNTY, CALIFORNIA

This traffic study has been prepared under the supervision of
Leslie E. Card, P.E.

Signed Leslie E. Card

REGISTERED PROFESSIONAL ENGINEER
LESLIE ERIC CARD
No. 34410
Exp. 9/30/17
CIVIL
STATE OF CALIFORNIA

REGISTERED PROFESSIONAL ENGINEER
LESLIE ERIC CARD
No. 322
Exp. 3/31/17
TRAFFIC
STATE OF CALIFORNIA

LSA

February 22, 2017

EXHIBIT D

TRAFFIC IMPACT ANALYSIS

DANVILLE APARTMENTS PROJECT

TOWN OF DANVILLE

CONTRA COSTA COUNTY, CALIFORNIA

Prepared for:

The Stanley Group
18840 Saratoga Los Gatos Road
Los Gatos, California 95030

Prepared by:

LSA Associates, Inc.
1500 Iowa Avenue, Suite 200
Riverside, California 92507
(951) 781-9310

LSA Project No. STY1701

LSA

February 22, 2017

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INTRODUCTION

This traffic impact analysis (TIA) has been prepared to assess potential circulation impacts associated with the development of the proposed Danville Apartments Project to be located at the southwest corner of the intersection of the Interstate 680 (I-680) Southbound Ramps and Diablo Road in the Town of Danville (Town), Contra Costa County. The project consists of 153 apartments[1] and will replace an existing office/commercial use that will be demolished and removed prior to construction of the proposed project. Figure 1 illustrates the regional and project location.

This report is intended to satisfy the requirements established by the *Contra Costa Transportation Authority (CCTA) Technical Procedures*, dated January 16, 2013, as well as the requirements for the disclosure of potential impacts and mitigation measures per the California Environmental Quality Act (CEQA) with the understanding this project is not subject to CEQA. The scope of work for this analysis, including trip generation, trip distribution, study area intersections, and analysis methodologies, has been approved by Town staff (Appendix A).

This study examines traffic operations in the vicinity of the proposed project under the following four scenarios:

- Existing Conditions;
- Existing Plus Project Conditions;
- Year 2035 Without Project Conditions; and
- Year 2035 With Project Conditions.

Traffic conditions were examined for the weekday a.m., p.m., and midday peak hour conditions. The a.m. peak hour is defined as the one hour of highest traffic volumes occurring between 7:00 and 9:00 a.m. The p.m. peak hour is the one hour of highest traffic volumes occurring between 4:00 and 6:00 p.m. The midday peak hour as defined by the Town is the one hour of highest traffic volumes occurring between 2:00 and 4:00 p.m.

PROJECT DESCRIPTION

As previously noted, the project consists of 153 apartments and will replace an existing office/ commercial use that will be demolished and removed prior to construction of the proposed project. The project site is located at the southwest corner of the intersection of I-680 Southbound Ramps and Diablo Road. Access to the project site will be provided by two existing project driveways located on Diablo Road. Project Driveway 1 will continue to operate as a full-access driveway and the project will redesign this driveway to provide two separate exit lanes for dedicated left-turn and right-turn egress traffic. Project Driveway 2 will remain as a right-in/right-out driveway. Figure 2 illustrates a conceptual site plan of the proposed project.

[1] The current project description includes 150 apartment units. This TIA has been prepared using the previous project description of 153 units and presents a more conservative analysis.

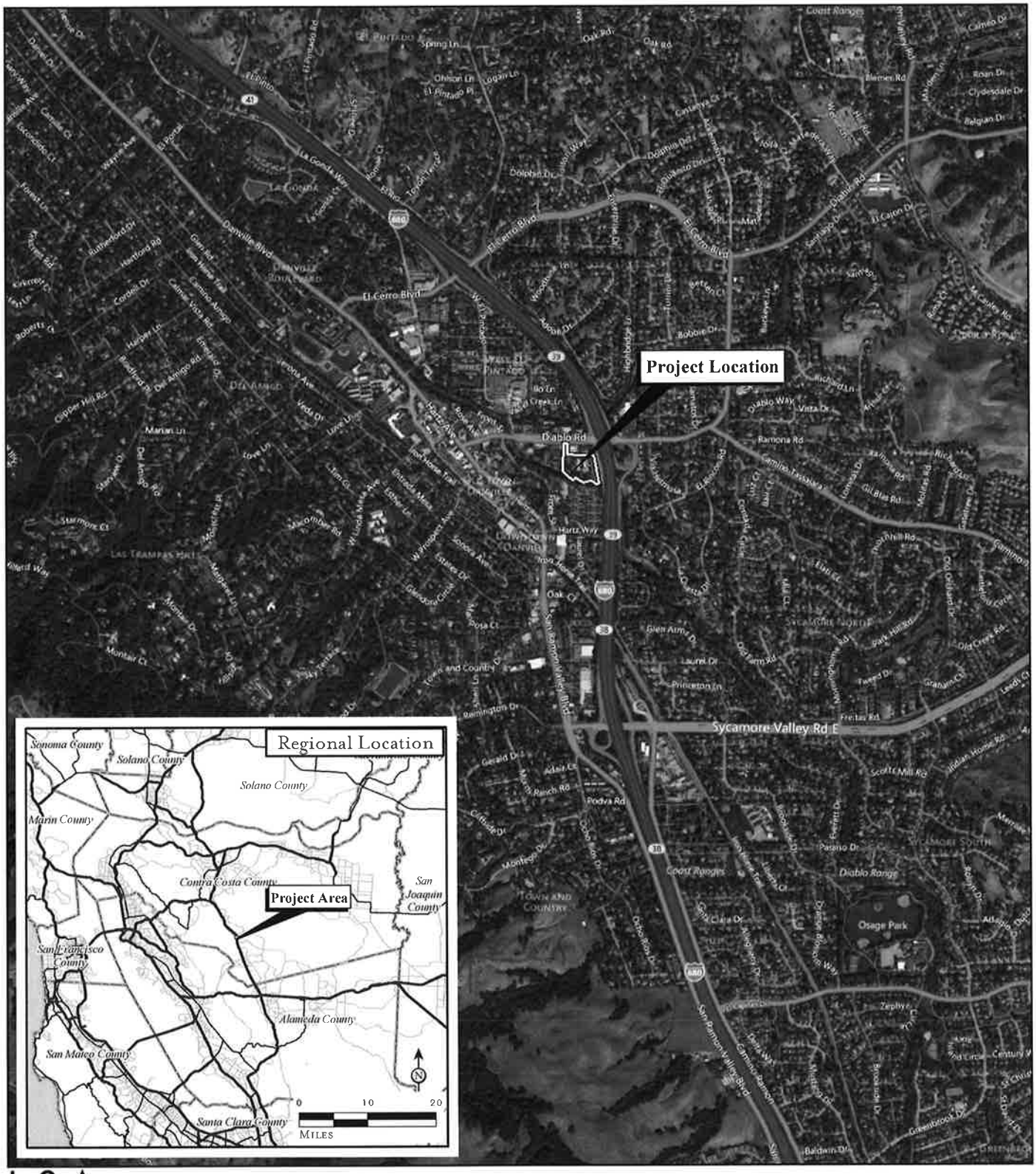

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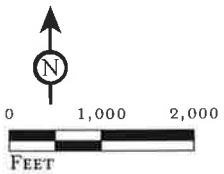
FIGURE 1



Danville Apartments
Traffic Impact Analysis

SOURCE: Bing Aerial, 2010; ESRI Streetmap, 2013.

Regional and Project Location

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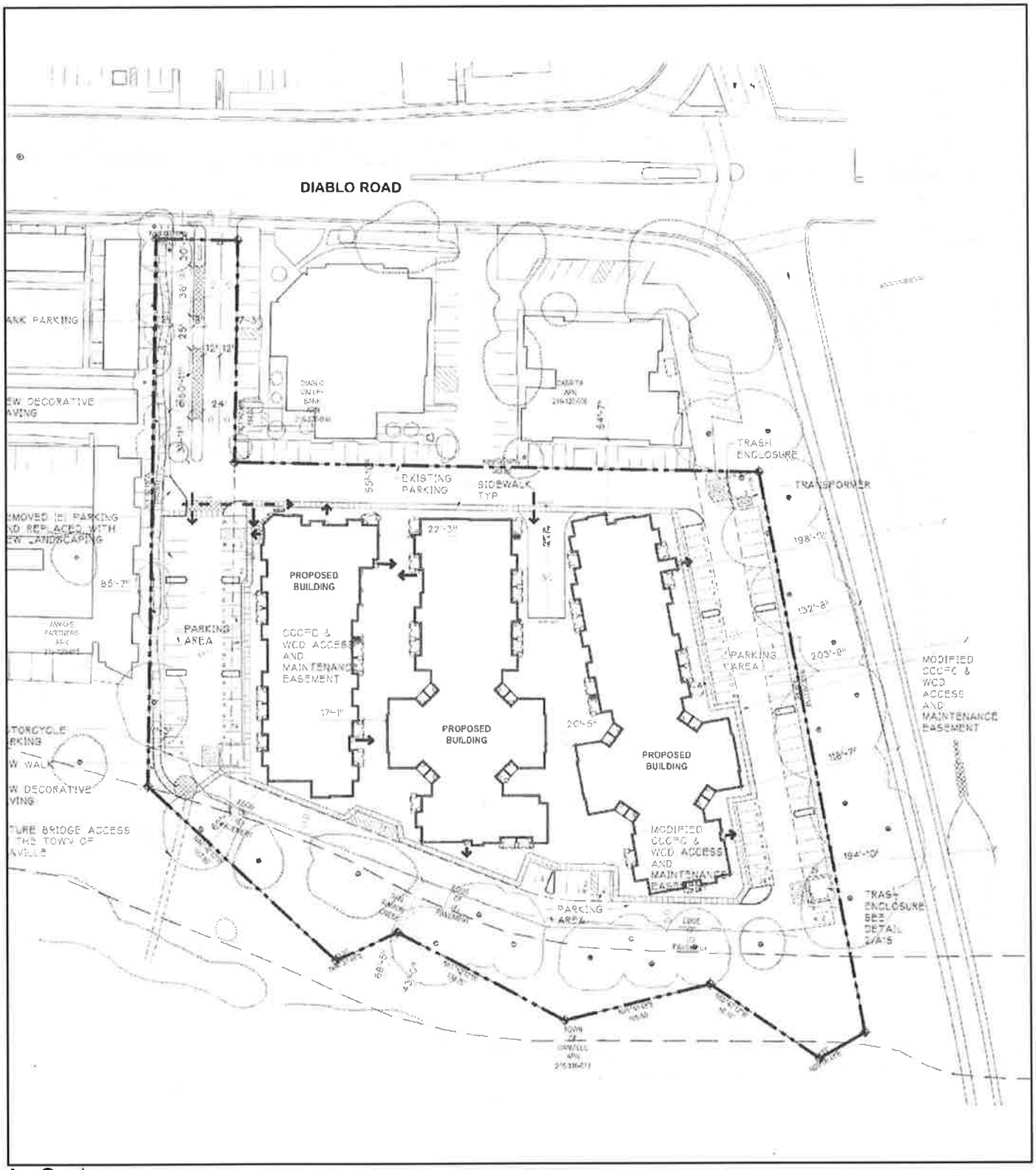

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FIGURE 2

0 50 100

FEET

SOURCE: LCA Architects, 09/20/2016.

Danville Apartments
Traffic Impact Analysis

Conceptual Site Plan

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LEVEL OF SERVICE DEFINITIONS AND PROCEDURES

Roadway operations and the relationship between capacity and traffic volumes are generally expressed in terms of levels of service (which are defined using the letter grades A through F). These levels recognize that, while an absolute limit exists as to the amount of traffic traveling through a given intersection (the absolute capacity), the conditions that motorists experience rapidly deteriorate as traffic approaches the absolute capacity. Under such conditions, congestion is experienced. There is general instability in the traffic flow, which means that relatively small incidents (e.g., momentary engine stall) can cause considerable fluctuations in speeds and delays. This near-capacity situation is labeled Level of Service (LOS) E. Beyond LOS E, capacity has been exceeded, and arriving traffic will exceed the ability of the intersection to accommodate it. An upstream queue will then form and continue to expand in length until the demand volume again declines.

A complete description of the meaning of level of service can be found in the Transportation Research Board Special Report 209, *Highway Capacity Manual*. The Manual establishes intersection levels of service A through F, as shown in Table A, and levels of service A through F for roadway segments, as shown in Table B.

Table A: Intersection Level of Service Definitions

LOS	Description
A	No approach phase is fully utilized by traffic and no vehicle waits longer than one red indication. Typically, the approach appears quite open, turns are made easily and nearly all drivers find freedom of operation.
B	This service level represents stable operation, where an occasional approach phase is fully utilized and a substantial number are approaching full use. Many drivers begin to feel restricted within platoons of vehicles.
C	This level still represents stable operating conditions. Occasionally drivers may have to wait through more than one red signal indication, and backups may develop behind turning vehicles. Most drivers feel somewhat restricted, but not objectionably so.
D	This level encompasses a zone of increasing restriction approaching instability at the intersection. Delays to approaching vehicles may be substantial during short peaks within the peak period; however, enough cycles with lower demand occur to permit periodic clearance of developing queues, thus preventing excessive backups.
E	Capacity occurs at the upper end of this service level. It represents the most vehicles that any particular intersection approach can accommodate. Full utilization of every signal cycle is seldom attained no matter how great the demand.
F	This level describes forced flow operations at low speeds, where volumes exceed capacity. These conditions usually result from queues of vehicles backing up from a restriction downstream. Speeds are reduced substantially and stoppages may occur for short or long periods of time due to the congestion. In the extreme case, both speed and volume can drop to zero.

Table B: Roadway Segment Level of Service Definitions

LOS	Description
A	Primary free-flow operations at average travel speeds usually about 90 percent of the free-flow speed for the arterial classification. Vehicles are completely unimpeded in their ability to maneuver within the traffic stream. Stopped delay at signalized intersections is minimal.

Table B: Roadway Segment Level of Service Definitions

LOS	Description
B	Reasonably unimpeded operations at average travel speeds usually about 70% of the free-flow speed of the arterial classification. Ability to maneuver within the traffic stream is only slightly restricted. Stopped delays are not bothersome, and driveways general are not subject to appreciate tension.
C	Traffic operations are stable. However, mid-block maneuverability may be more restricted than in LOS B. Longer queues, adverse signal coordination, or both may contribute to lower average travel speeds of about 50% of the average free-flow speed for the arterial classification. Motorists will experience some appreciable tension while driving.
D	Borders on a range where small increases in flow may cause substantial increases in approach delay and decreases in arterial speed. LOS D may be due to adverse signal progression, inappropriate signal timing, high volumes, or some combination of these factors. Average travel speeds are about 40% of the free-flow speed. For planning purposes, this level of service is the lowest that is considered acceptable.
E	Characterized by significant approach delays and average travel speeds of one-third or less of the free-flow speed. Typically caused by some combination of adverse progression, high signal density (more than two signalized intersections per mile), high volumes, extensive queuing, delays at critical intersections, and/or inappropriate signal timing.
F	Arterial flow at extremely slow speeds, below one-third to one-fourth of the free-flow speed. Intersection congestion is likely at critical signalized intersections, with high approach delays and extensive queuing. Adverse progression is frequently a contributor to this condition.

Table C shows the level of service criteria for unsignalized and signalized intersections. For all study area intersections, the *2010 Highway Capacity Manual* (HCM 2010) analysis methodologies were used to determine intersection levels of service. Levels of service at all intersections were calculated using the *Synchro 9.0* software, which uses the HCM 2010 methodologies. Diablo Road has a two-way left-turn lane (TWLTL) at Intersection #4 (Project Driveway 2/Diablo Road). Since Synchro does not address the effects of a TWLTL at an unsignalized intersection, level of service at this intersection was calculated using *HCS 2010* software. Levels of service at roadway segments were calculated using roadway capacity thresholds of the *Quality/Level of Service Handbook, State of Florida Department of Transportation, 2013,* as shown in Table D.

Table C: Level of Service Criteria for Unsignalized and Signalized Intersections

Level of Service	Unsignalized Intersection Average Delay per Vehicle (sec.)	Signalized Intersection Average Delay per Vehicle (sec.)
A	≤ 10	≤ 10
B	> 10 and ≤ 15	> 10 and ≤ 20
C	> 15 and ≤ 25	> 20 and ≤ 35
D	> 25 and ≤ 35	> 35 and ≤ 55
E	> 35 and ≤ 50	> 55 and ≤ 80
F	> 50	> 80

Table D: Roadway Level of Service Criteria

Roadway Classification	No. of Lanes	Two-Way Traffic Volume (ADT)[1]		
		Level of Service C	Level of Service D	Level of Service E
Major Arterial	4	14,500	32,400	33,800
Adjustments Factor				
Non-State Signalized Roadway Adjustments: -10%			Multi-Undivided with Exclusive Left Lanes: -5%	

1 Maximum two-way ADT values are based on the Generalized Annual Average Daily Volumes for Florida's Urbanized Areas Level of Service Tables.

Source: *Quality/Level of Service Handbook, State of Florida Department of Transportation, 2013*

Significance Criteria

The study area intersections fall under the jurisdiction of the Town of Danville. Based on *the Danville 2030 General Plan*, and the impact criteria as identified in the *Elworthy Ranch Environmental Impact Report, November 2007,* a significant project impact occurs at a study intersection if the proposed project would cause any one of the following:

- Contribute one percent or more to the base existing or future traffic volume at an intersection that is projected to fall from LOS D or better to LOS E or worse with the addition of project traffic, using the HCM planning methodology. The LOS D/E threshold is defined as an average control delay of more than 55 seconds.
- Contribute one percent or more to the base existing or future traffic volume at an intersection that already operates at LOS E or worse and is projected to continue to operate at LOS E or worse with project traffic.
- Cause unsafe conditions for pedestrians or bicyclists.
- Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible use.
- Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks).

ANALYSIS METHODOLOGY

Study Area Determination

The study area was determined through analysis of the project trip generation and distribution of project trips to the existing and future roadway network and based on consultation with Town staff. The study area includes all intersections where the project adds 50 or more peak hour trips and intersections for which the Town requested analysis. The study area includes the following eight intersections:

1. Hartz Avenue/Diablo Road (Signal);
2. Front Street/Diablo Road (Signal);
3. El Pintado/Diablo Road (Signal);

4. Project Driveway 1/Diablo Road (Two-Way Stop Control);
5. Project Driveway 2/Diablo Road (Two-Way Stop Control);
6. I-680 Southbound Ramps/Diablo Road (Signal);
7. Green Valley Shopping Center Driveway/Diablo Road (Two-Way Stop Control); and
8. I-680 Northbound Off-Ramp/Diablo Road (Signal).

It needs to be noted that the Green Valley Shopping Center has two driveways, one of which aligns with the I-680 Northbound Off-Ramp (#8) while the western driveway (#7) is located between the intersection of I-680 Northbound Off-Ramp/Diablo Road and I-680 Northbound Slip On-Ramp/ Diablo Road. Figure 3 illustrates the locations of all study intersections. Additionally, based on the Town's requests, a daily roadway segment analysis was conducted for the segment on Diablo Road between Project Driveway 2 and I-680 Southbound Ramps.

TRAFFIC VOLUMES WITHOUT PROJECT SCENARIOS

Existing Traffic Volumes

For all intersections, traffic conditions are based on a.m., p.m., and midday peak hour intersection turn movement counts collected by National Data and Surveying Services on June 2, 2015, when the schools were in session with the exception of the intersection of Hartz Avenue/Diablo Road. Traffic counts for this intersection were provided by the Town. For adjacent intersections where there is loss of vehicle trips, traffic volumes were balanced to maintain the consistency of traffic flow. In addition, daily traffic counts provided by the Town have been used for developing roadway segment volumes for the segment on Diablo Road between Project Driveway 2 and I-680 Southbound Ramps. The daily traffic counts included data for 48 consecutive hours (Tuesday and Wednesday) collected in October 2014. The higher daily count has been used for this study to provide a conservative analysis. Count sheets are contained in Appendix B. Detailed volume development worksheets are included in Appendix C.

The existing and year 2035 without project intersection geometrics and stop control are illustrated in Figure 4. Figure 5 illustrates the existing a.m., p.m., and midday peak hour traffic volumes for the study area intersections.

Future Year 2035 Without Project Traffic Volumes

Year 2035 traffic volumes for all study area intersections and the roadway segment were developed using the Countywide Model plots from CCTA. Detailed volume development worksheets are included in Appendix C. The methodology used is consistent with CCTA procedures for post-processing of modeled traffic volumes. The base year for the model is 2010 and the forecast year is 2040. The following describes in detail the methodology employed to determine the a.m. and p.m. peak hour intersection turn movements for year 2035 without project conditions:

1. The difference between the modeled 2010 and 2040 peak hour directional arterial traffic volumes (for each intersection approach and departure) was identified from loaded network plots. This difference defines growth in traffic over the 30-year period.

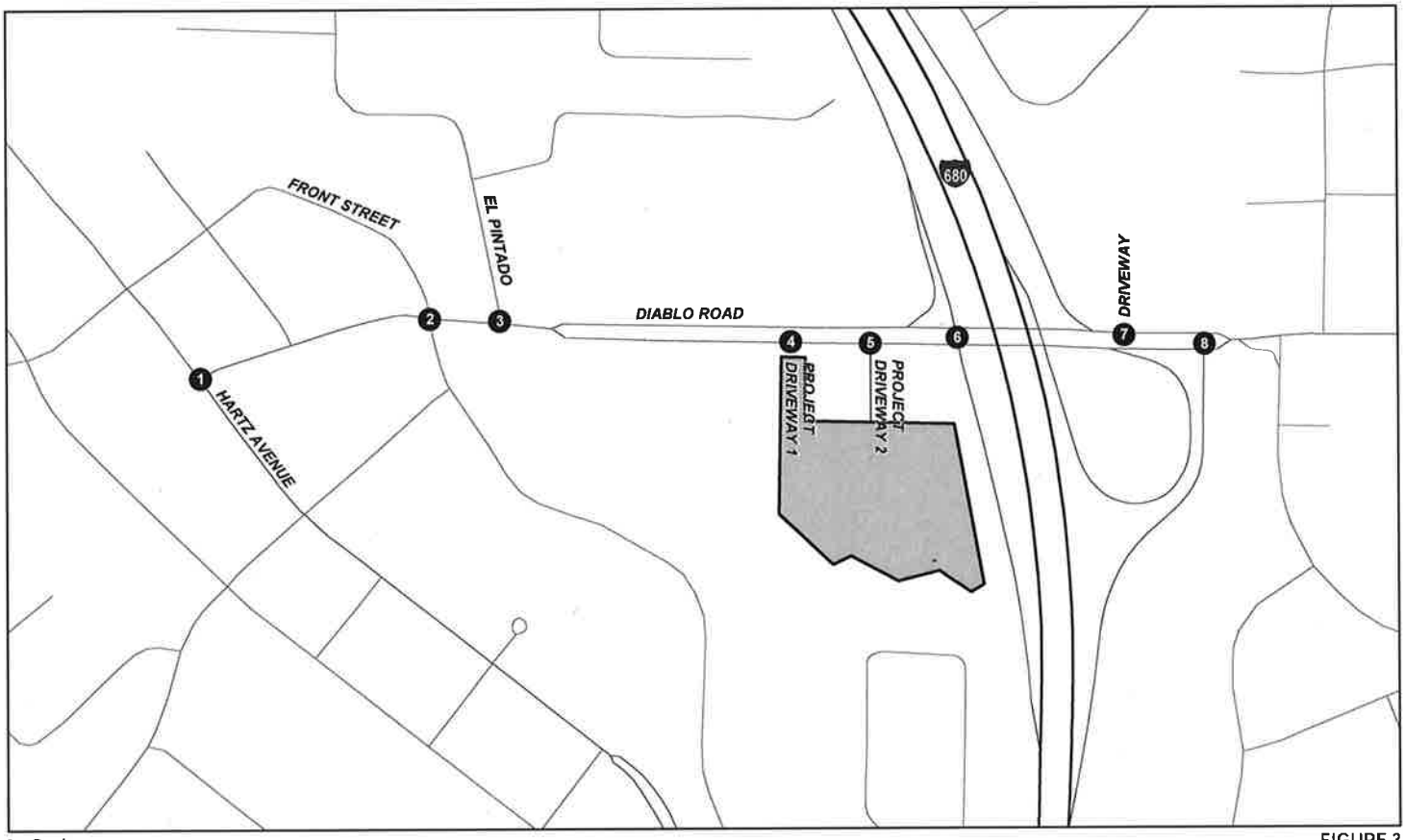

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FIGURE 3

Project Location

Study Area Intersections

N

0 175 350
FEET

SOURCE: ESRI Streetmap, 2013.

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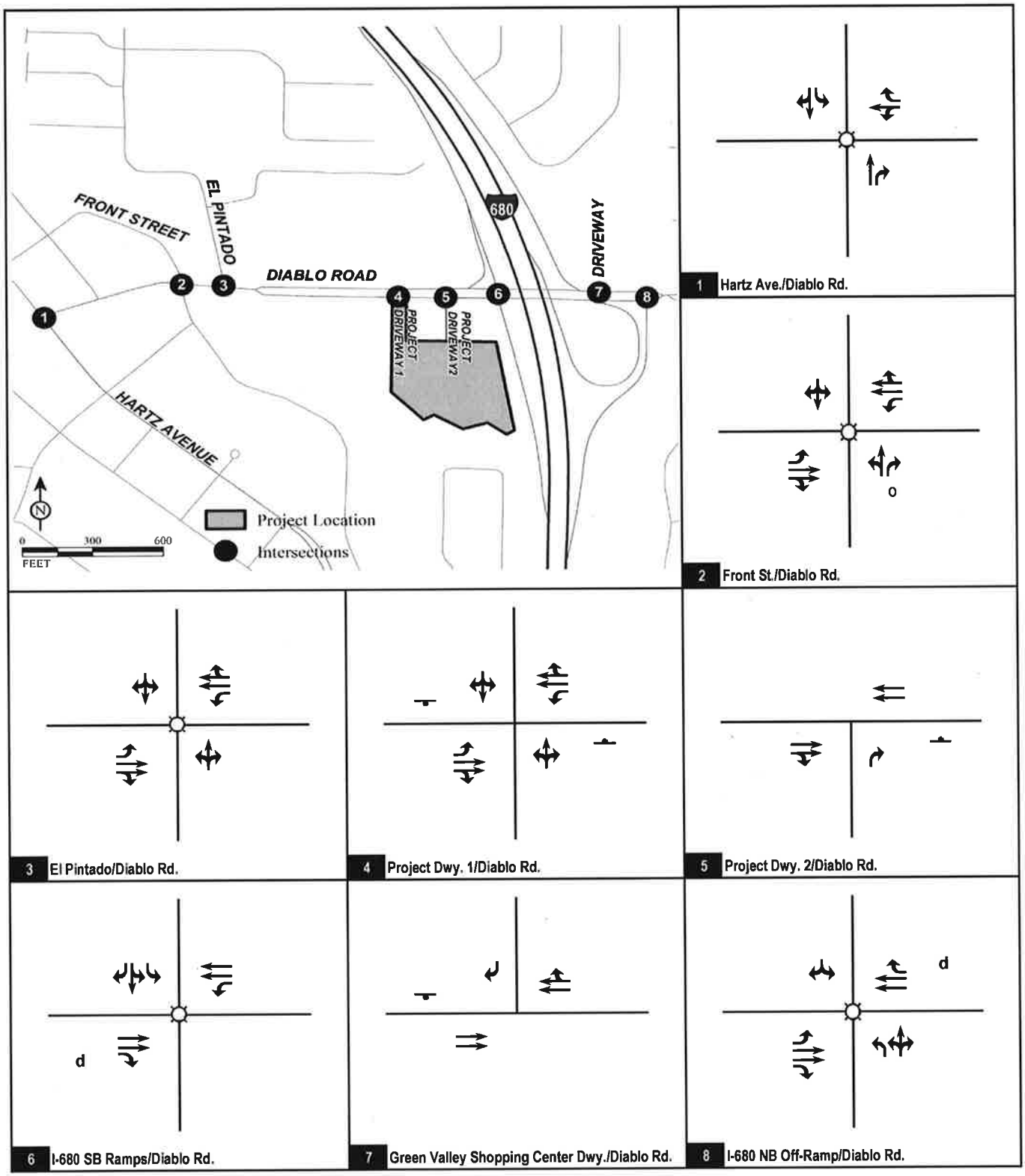
Danville Apartments
Traffic Impact Analysis

Study Area Intersections



LSA

FIGURE 4

Legend

- Stop Sign
- Signalized Intersection
- o Overlap Phasing
- d Defacto Right-Turn

Danville Apartments

Traffic Impact Analysis

Existing and Year 2035 Without Project Intersection Geometrics and Stop Control

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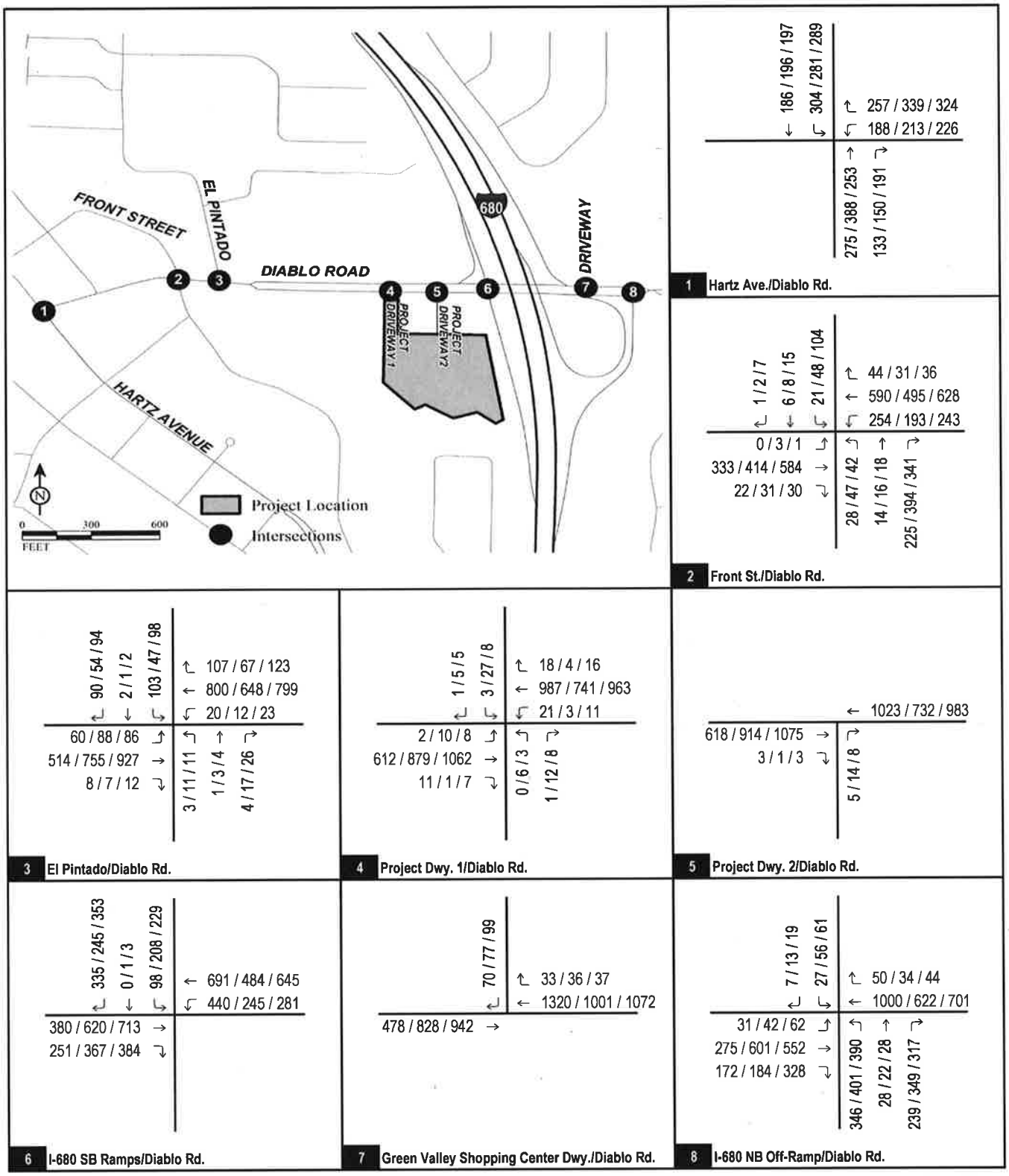

LSA

FIGURE 5

XXXX / YYYY / ZZZZ AM / PM / Midday Peak Hour Volumes

Danville Apartments

Traffic Impact Analysis

Existing Peak Hour Traffic Volumes

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2. The incremental growth in approach and departure volumes between 2010 and 2040 was factored to reflect the forecast growth between the year of the ground counts (2015) and year 2035. For this purpose, linear growth between the 2010 base condition and the forecast 2040 condition was assumed. Since the increment between existing (2015) and year 2035 is 20 years of the 30-year time span, a factor of 0.67 (i.e., 20/30) was used.
4. The forecast growth in approach and departure volumes through year 2035 conditions was added to the 2015 ground counts, resulting in "post-processed" year 2035 link volumes.
5. Forecast year 2035 turn volumes were developed using existing (2015) without project turn volumes and the future approach and departure volumes, based on the methodologies contained in *National Cooperative Highway Research Program Report (NCHRP) 255: Highway Traffic Data for Urbanized Area Project Planning and Design* (Transportation Research Board, December 1982).

Please note that the CCTA model does not provide midday traffic volumes. Based on consultation with Town staff, the ratio of the p.m. peak hour year 2035 traffic volumes to the existing (2015) traffic volumes was applied to the existing (2015) midday traffic volumes to develop year 2035 midday peak hour traffic volumes.

In addition, it was observed that average daily traffic volumes as shown in the model plots decrease at the study roadway segment. This could be due to differences in production and attraction factors or rerouting of traffic to adjacent streets that are improved or added under model year 2040 conditions. Additionally, the different traffic congestion pattern on I-680 under model year 2040 conditions compared with that under model year 2010 conditions could contribute to the traffic rerouting. To present a conservative analysis, the growth rate obtained from the Traffic Analysis Zones adjacent to the roadway segment was applied to the existing year (2015) daily roadway segment volumes to develop year 2035 daily roadway segment volumes.

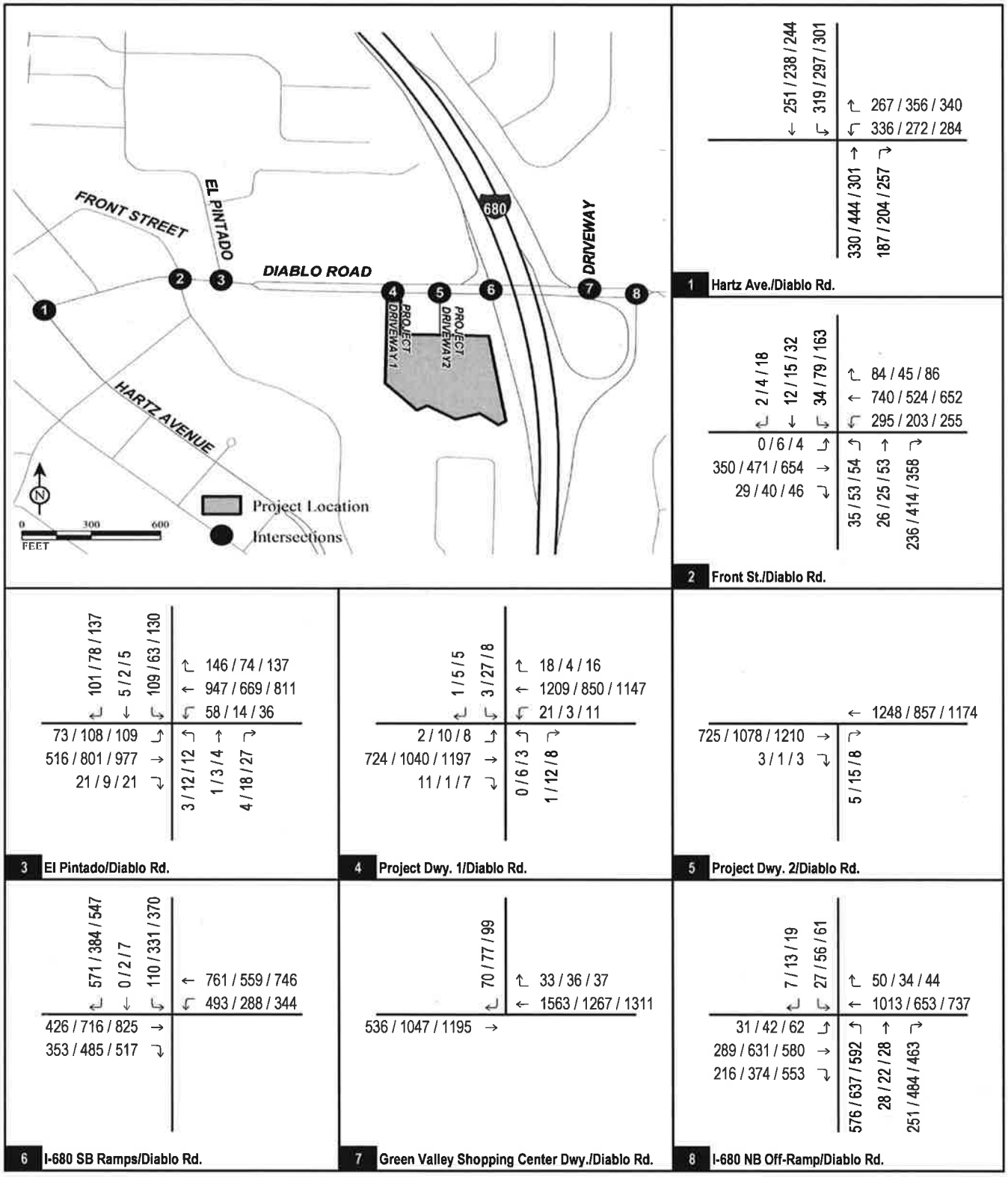
Detailed volume development worksheets are included in Appendix C. The year 2035 intersection geometrics and stop control are illustrated in previously referenced Figure 4. Figure 6 illustrates year 2035 without project a.m., p.m., and midday peak hour traffic volumes.

PROJECT TRAFFIC

Project Trip Generation, Distribution, and Assignment

Trip generation for the proposed project was developed using rates from the Institute of Transportation Engineers (ITE) *Trip Generation* (9th Edition) for Land Use 220 "Apartments." Table E1 illustrates the trip generation for the proposed project. Because ITE does not provide midday trip generation rates, the p.m. peak hour trip generation rates were used for the midday peak hour trips as a conservative approach. As shown in Table E1, the proposed project will generate 1,051 daily trips, with 79 trips occurring during the a.m. peak hour and 102 new trips occurring in the midday and p.m. peak hours.

The project site is currently occupied by an office/commercial building, which will be demolished and removed prior to construction of the proposed project. Trip generation of the existing land use was based on the existing counts conducted by National Data and Surveying Services on July 15, 2015 at the two existing project driveways and is illustrated in Table E2. Figure 7 illustrates the existing project trip assignment. As shown in Table E2, after applying a credit for these existing trips,



LSA

FIGURE 6

XXXX / YYYY / ZZZZ AM / PM / Midday Peak Hour Volumes

Danville Apartments

Traffic Impact Analysis

Year 2035 Without Project Peak Hour Traffic Volumes

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Table E1 - Project Trip Generation

Land Uses	Units	A.M. Peak Hour In	A.M. Peak Hour Out	A.M. Peak Hour Total	P.M. Peak Hour In	P.M. Peak Hour Out	P.M. Peak Hour Total	Midday Peak Hour[2] In	Midday Peak Hour[2] Out	Midday Peak Hour[2] Total	Daily
Proposed Project											
Apartment											
Trips/Unit[1]	153 DU	0.11	0.41	0.52	0.44	0.23	0.67	0.44	0.23	0.67	6.87
Trip Generation		**17**	**62**	**79**	**67**	**35**	**102**	**67**	**35**	**102**	**1,051**
Net New Trip Generation		**17**	**62**	**79**	**67**	**35**	**102**	**67**	**35**	**102**	**1,051**

DU = Dwelling Units

[1] Rates are based on Fitted Curve Equation for Land Use 220-"Apartment" from *Institute of Transportation Engineers (ITE) Trip Generation (9th Edition).*

[2] Based on the existing counts of study intersections, traffic volume during midday peak hour has similar trend with traffic volume during p.m. peak hour. Since no weekday's midday trip generation rates are provided in the *ITE Trip Generation (9th Edition)*, therefore, p.m. peak hour trip generation rates were used for midday peak hour trips as a conservative approach.

Table E2 - Project Trip Generation

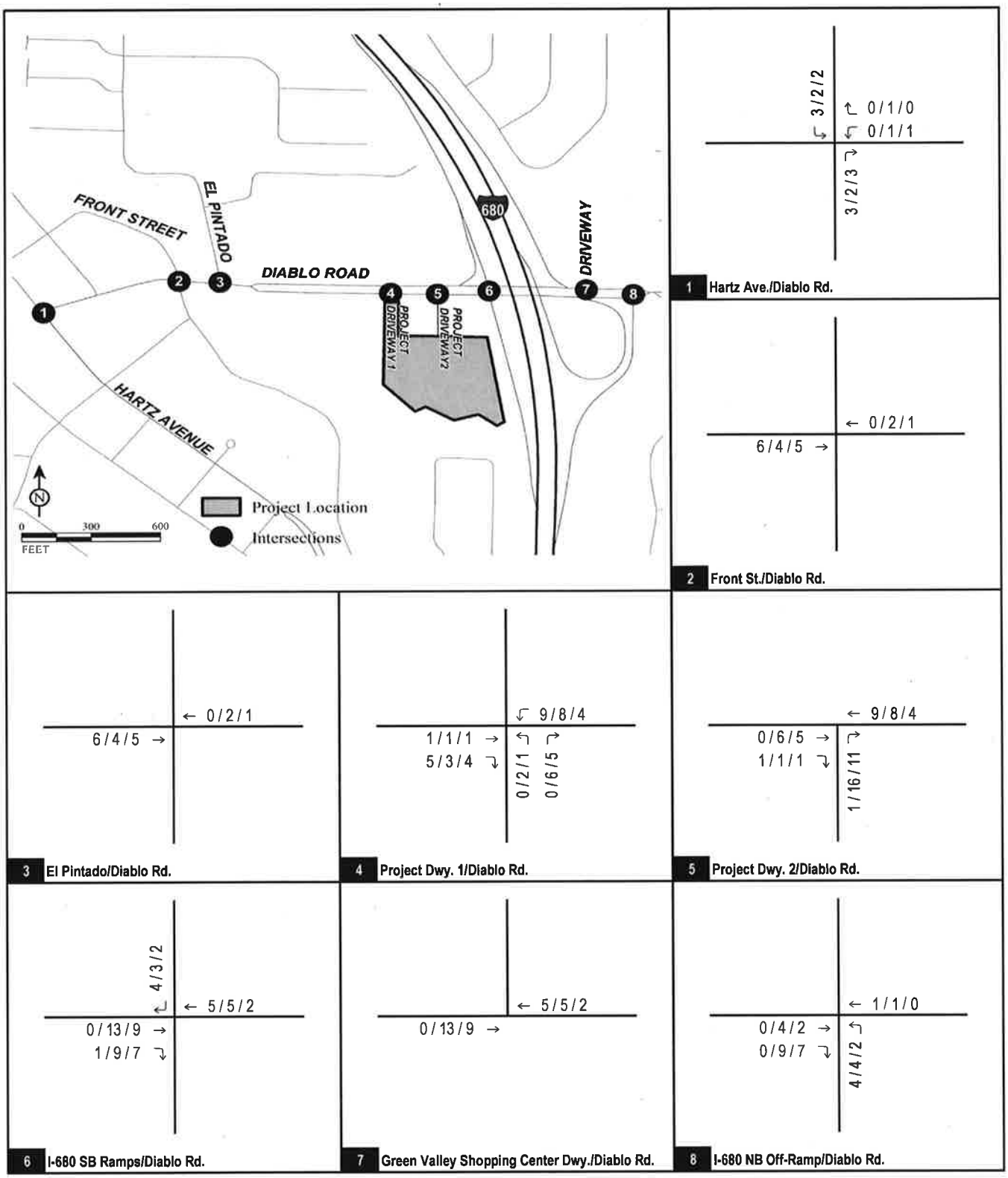
Land Uses	Units	A.M. Peak Hour In	A.M. Peak Hour Out	A.M. Peak Hour Total	P.M. Peak Hour In	P.M. Peak Hour Out	P.M. Peak Hour Total	Midday Peak Hour[2] In	Midday Peak Hour[2] Out	Midday Peak Hour[2] Total	Daily
Proposed Project											
Trip Generation		17	62	79	67	35	102	67	35	102	1,051
Existing On-Site Land Use[3]											
Trip Generation		15	1	16	12	24	36	9	17	26	134
Proposed Project Trip Generation		17	62	79	67	35	102	67	35	102	1,051
Trip Reduction for Existing Site		(15)	(1)	(16)	(12)	(24)	(36)	(9)	(17)	(26)	(134)
Net New Trip Generation		2	61	63	55	11	66	58	18	76	917

DU = Dwelling Units

[1] Rates are based on Fitted Curve Equation for Land Use 220-"Apartment" from *Institute of Transportation Engineers (ITE) Trip Generation (9th Edition).*

[2] Based on the existing counts of study intersections, traffic volume during midday peak hour has similar trend with traffic volume during p.m. peak hour. Since no weekday's midday trip generation rates are provided in the *ITE Trip Generation (9th Edition)*, therefore, p.m. peak hour trip generation rates were used for midday peak hour trips as a conservative approach.

[3] Trip Generation based on the existing counts conducted by *National Data and Surveying Services* (NDS) in July 2015. Daily trip generation for existing land use was not conducted. As a conservative estimate credits to daily trip generation was applied by combining a.m., p.m., and midday peak period traffic cc conducted by NDS in July, 2015.



LSA

FIGURE 7

XXXX / YYYY / ZZZZ AM / PM / Midday Peak Hour Volumes

Danville Apartments

Traffic Impact Analysis

Existing Project Trip Assignment

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the project generates 917 net new daily trips, with 63 net new trips occurring during the a.m. peak hour, 66 net new trips occurring in the p.m. peak hour, and 66 net new trips occurring in the midday peak hour. Count sheets are contained in Appendix B.

Generalized trip distribution patterns were developed based on the location of the project in relation to surrounding land uses and the regional roadway network. Figure 8 illustrates the trip distribution for the proposed project and shows approximately 60 percent of project trips will travel east along Diablo Road and 40 percent of project trips will travel west along Diablo Road. Trip assignment for project trips is the product of the project trip generation and the trip distribution percentages. Figure 9 illustrates the project trip assignment. The trip distribution and trip assignment of the existing land use were based on existing counts collected by National Data and Surveying Services.

TRAFFIC VOLUMES WITH PROJECT SCENARIOS

As noted before, the project site is currently occupied by an office/commercial building, which will be demolished and removed prior to construction of the proposed project. Trips generated by the existing land use were removed from the roadway network at study intersections. Existing and future year 2035 with project traffic volumes were developed by adding the proposed project trips to the corresponding without project scenarios after removing trips generated by the existing land use. Figure 10 illustrates the existing plus project a.m., p.m., and midday peak hour traffic volumes. Figure 11 illustrates the year 2035 with project a.m., p.m., and midday peak hour traffic volumes.

EXISTING LEVELS OF SERVICE

Existing Without Project Levels of Service

Existing traffic volumes were developed using the approach discussed in the Traffic Volumes Without Project Scenarios section. An intersection level of service analysis was conducted for existing conditions. Table F summarizes the results of this analysis and shows that all intersections are projected to operate at satisfactory levels of service. Level of service calculation worksheets are contained in Appendix D.

Table G summarizes the results of the existing daily roadway segment analysis and shows that the roadway segment on Diablo Road between Project Driveway 2 and the I-680 Southbound Ramps is projected to operate at satisfactory levels of service.

Existing Plus Project Levels of Service

Existing plus project traffic volumes were developed using the approach discussed in the Traffic Volumes With Project Scenarios section. An intersection level of service analysis was conducted for existing plus project conditions. Table F summarizes the results of this analysis and shows that all intersections are projected to operate at satisfactory levels of service. Level of service calculation worksheets are contained in Appendix D.

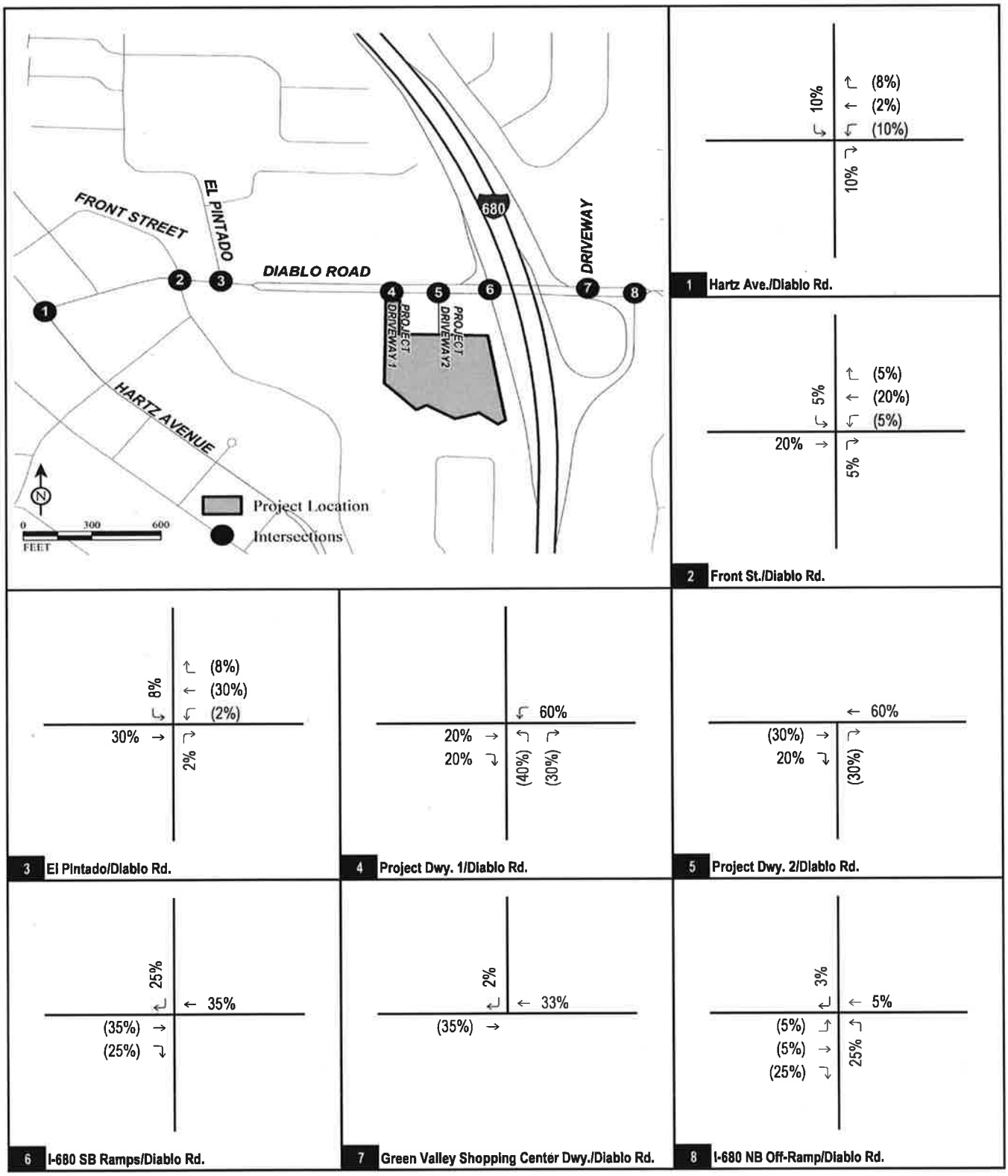

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FIGURE 8

XX% (YY%) Inbound% (Outbound%) Trip Distribution

Danville Apartments
Traffic Impact Analysis
Project Trip Distribution

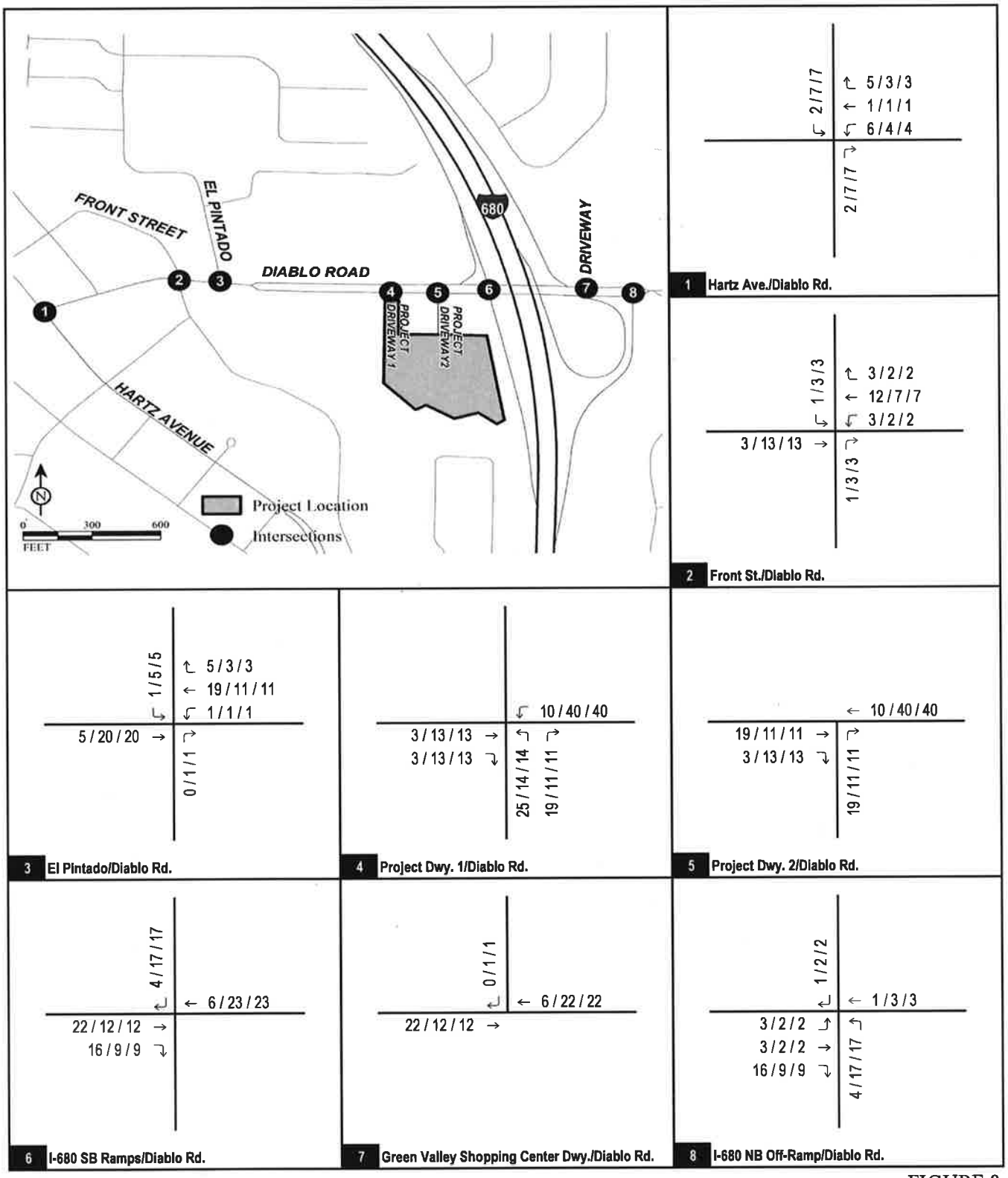

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FIGURE 9

XX / YY / ZZ AM / PM / Midday Peak Hour Trips

Danville Apartments

Traffic Impact Analysis

Project Trip Assignment

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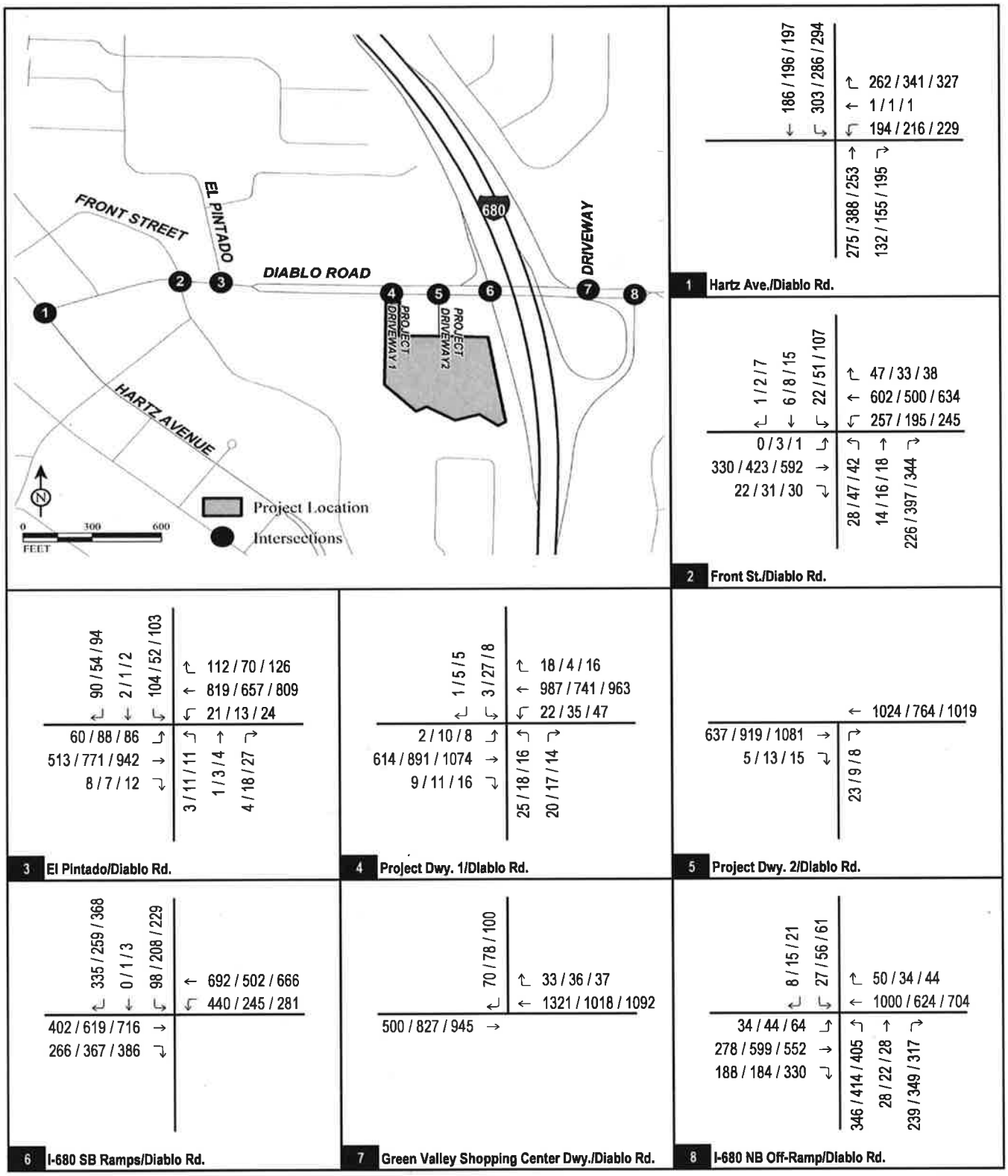

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FIGURE 10

XXXX / YYYY / ZZZZ AM / PM / Midday Peak Hour Volumes

Danville Apartments

Traffic Impact Analysis

Existing Plus Project Peak Hour Traffic Volumes

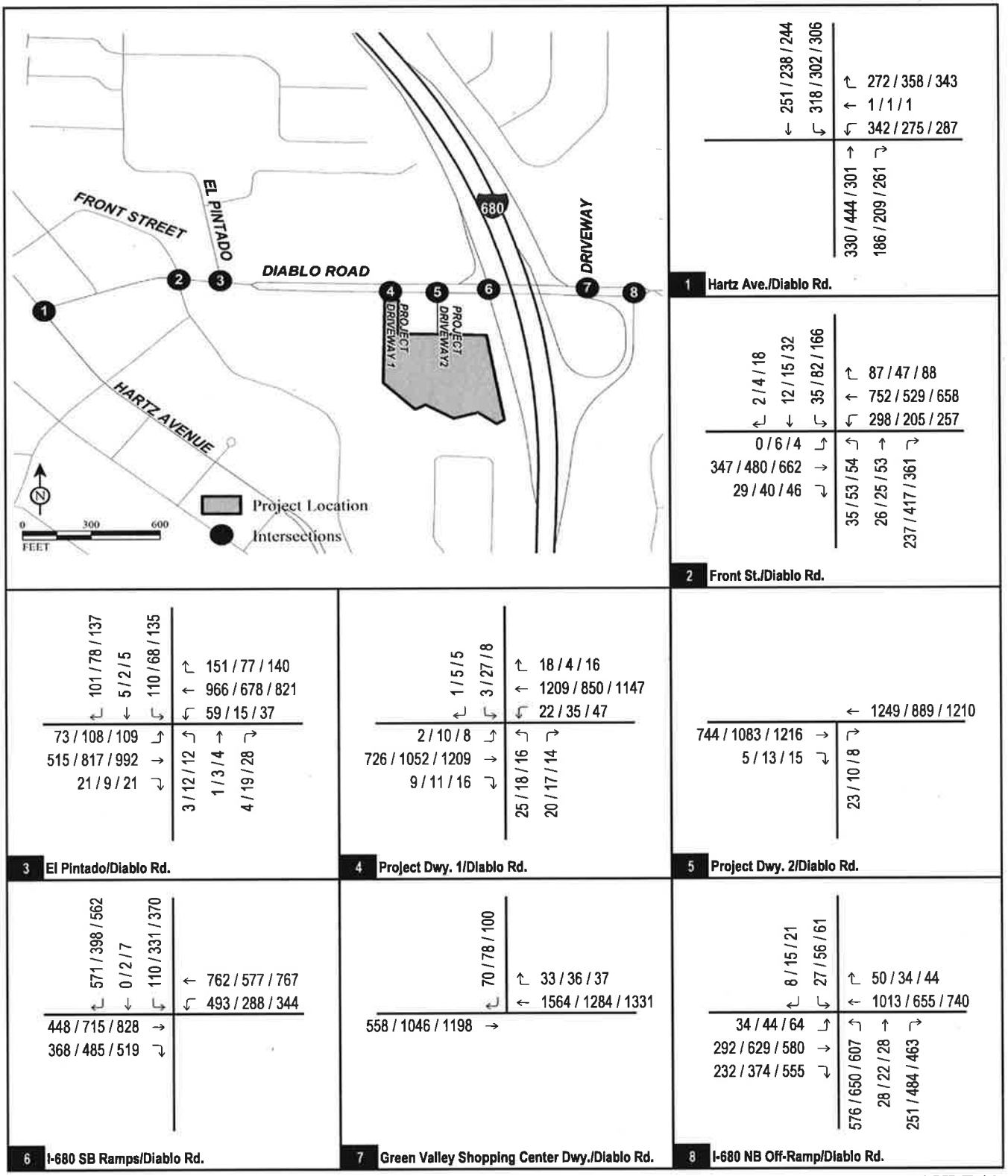

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FIGURE 11

XXXX / YYYY / ZZZZ AM / PM / Midday Peak Hour Volumes

Danville Apartments

Traffic Impact Analysis

Year 2035 With Project Peak Hour Traffic Volumes

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Table F - Existing Intersection Levels of Service

Intersection	Control	Without Project									Plus Project									Project Trips			Project %			Significant Impact[1]		
		A.M Peak Hour			P.M Peak Hour			Midday Peak Hour			A.M Peak Hour			P.M Peak Hour			Midday Peak Hour											
		Delay	Total Approach Volume	LOS	Delay	Total Approach Volume	LOS	Delay	Total Approach Volume	LOS	Delay	Total Approach Volume	LOS	Delay	Total Approach Volume	LOS	Delay	Total Approach Volume	LOS	A.M. Peak Hour	P.M. Peak Hour	Midday Peak Hour	A.M. Peak Hour	P.M. Peak Hour	Midday Peak Hour	A.M. Peak Hour	P.M. Peak Hour	Midday Peak Hour
1 . Hartz Avenue/Diablo Road	Signal	31.7	1,343	C	41.4	1,567	D	31.8	1,480	C	32.1	1,353	C	42.0	1,583	D	32.2	1,496	C	10	16	16	0.74%	1.01%	1.07%	No	No	No
2 . Front Street/Diablo Road	Signal	11.0	1,538	B	14.6	1,682	B	22.4	2,049	C	10.9	1,555	B	14.7	1,706	B	22.5	2,073	C	17	24	24	1.09%	1.41%	1.16%	No	No	No
3 . El Pintado/Diablo Road	Signal	15.8	1,712	B	11.6	1,710	B	28.3	2,205	C	16.1	1,737	B	11.7	1,745	B	28.3	2,240	C	25	35	35	1.44%	2.01%	1.56%	No	No	No
4 . Project Driveway 1/Diablo Road	TWSC	22.9	1,656	C	17.2	1,686	C	20.1	2,093	C	23.1	1,701	C	22.5	1,759	C	29.3	2,167	D	45	71	76	2.65%	4.04%	3.51%	No	No	No
5 . Project Driveway 3/Diablo Road	TWSC	10.9	1,649	B	12.8	1,661	B	13.4	2,069	B	11.2	1,680	B	12.7	1,705	B	13.4	2,123	B	40	44	54	2.37%	2.58%	2.54%	No	No	No
6 . I-680 Southbound Ramps/Diablo Road	Signal	21.8	2,195	C	24.1	2,170	C	23.8	2,608	C	22.1	2,233	C	23.9	2,201	C	27.7	2,649	C	38	31	41	1.70%	1.41%	1.55%	No	No	No
7 . Green Valley Shopping Center Driveway/Diablo Road	TWSC	18.5	1,901	C	13.9	1,942	B	16.2	2,150	C	18.5	1,924	C	14.1	1,959	B	16.5	2,174	C	23	17	24	1.20%	0.87%	1.10%	No	No	No
8 . I-680 Northbound Off-Ramp/Diablo Road	Signal	40.1	2,175	D	35.4	2,324	D	29.5	2,502	C	40.2	2,198	D	35.3	2,341	D	29.3	2,526	C	23	17	24	1.05%	0.73%	0.95%	No	No	No

Notes:

TWSC = Two-Way Stop Control

Delay = Average control delay in seconds (For TWSC intersections, reported delay is for worst-case movement).

LOS = Level of Service

* Exceeds LOS Standard

[1] Significant Impact determined based on Town of Danville significance threshold criteria as described in the "Threshold of Significance" Section of this TIA.

Table G - Existing Daily Roadway Volumes and Levels of Service Summary

Roadway Segment	Functional Classification[1]	Number of Lanes	Volume	Daily LOS[2]
Without Project Conditions				
1 . Diablo Road between Project Driveway 2 and I-680 Southbound Ramps	Major Arterial	4	21,462	C
Plus Project Conditions				
1 . Diablo Road between Project Driveway 2 and I-680 Southbound Ramps	Major Arterial	4	21,958	C

Notes:

LOS = Level of Service

[1] Functional classification is based on *The Town of Danville 2030 General Plan, Adopted March 19,2013.*

[2] LOS is based on roadway capacity from the *Quality/Level of Service Handbook, State of Florida Department of Transportation, December 18, 2012.*

* Exceeds LOS Standard

Previously referenced Table G summarizes the results of the existing plus project daily roadway segment analysis and shows that the roadway segment on Diablo Road east of Project Driveway 2 west of the I-680 Southbound Ramps is projected to operate at satisfactory levels of service.

YEAR 2035 CONDITIONS LEVELS OF SERVICE

This section discusses year 2035 traffic conditions without and with the proposed project. Year 2035 traffic volumes were developed using the approach discussed in the Analysis Methodology section.

Year 2035 Without Project Levels of Service

Year 2035 without project traffic volumes were developed using the approach discussed in the Traffic Volumes Without Project Scenarios section. An intersection level of service analysis was conducted for year 2035 without project conditions. Table H summarizes the results of this analysis and shows that all intersections are projected to operate at satisfactory levels of service, with the exception of the following:

- I-680 Northbound Off-Ramp/Diablo Road, which operates at LOS F during the a.m. peak hour and at LOS E during the p.m. peak hour.

Level of service calculation worksheets are contained in Appendix D. Table I summarizes the results of the year 2035 without project daily roadway segment analysis and shows that the roadway segment on Diablo Road between Project Driveway 2 and the I-680 Southbound Ramps is projected to operate at satisfactory levels of service.

Year 2035 With Project Levels of Service

Year 2035 with project condition was developed using the approach discussed in the Traffic Volumes With Project Scenarios section. A level of service analysis was conducted for year 2035 with project conditions. Table H summarizes the results of this analysis and shows that all intersections are projected to operate at satisfactory levels of service, with the exception of the following:

- Project Driveway 1/Diablo Road, which operates at LOS E during the midday peak hour. Based on the Town's significance threshold criteria, the project will create a cumulative significant impact at this intersection.
- I-680 Northbound Off-Ramp/Diablo Road, which operates at LOS F during the a.m. peak hour and operates at LOS E during the p.m. peak hour. This intersection operates unsatisfactorily under without project conditions as well. However, based on the Town's significance threshold criteria, the project will not create a significant impact at this intersection as it contributes less than 1% traffic to the future traffic volume at the intersection.

Level of service calculation worksheets are contained in Appendix D.

Table I summarizes the results of the year 2035 with project daily roadway segment analysis and shows that the roadway segment on Diablo Road between Project Driveway 2 and the I-680 Southbound Ramps is projected to operate at satisfactory levels of service.

Table H -Year 2035 Intersection Levels of Service

		Without Project									With Project									Project Trips			Project %			Significant Impact[1]		
		A.M Peak Hour			P.M Peak Hour			Midday Peak Hour			A.M Peak Hour			P.M Peak Hour			Midday Peak Hour											
Intersection	Control	Delay	Total Approach Volume	LOS	Delay	Total Approach Volume	LOS	Delay	Total Approach Volume	LOS	Delay	Total Approach Volume	LOS	Delay	Total Approach Volume	LOS	Delay	Total Approach Volume	LOS	A.M. Peak Hour	P.M. Peak Hour	Midday Peak Hour	A.M. Peak Hour	P.M. Peak Hour	Midday Peak Hour	A.M. Peak Hour	P.M. Peak Hour	Midday Peak Hour
1 Hartz Avenue/Diablo Road	Signal	30.7	1,690	C	39.2	1,811	D	31.2	1,727	C	31.0	1,700	C	39.8	1,827	D	31.6	1,743	C	10	16	16	0.59%	0.88%	0.92%	No	No	No
2 Front Street/Diablo Road	Signal	10.7	1,843	B	15.6	1,879	B	24.8	2,375	C	10.6	1,860	B	15.7	1,903	B	25.0	2,399	C	17	24	24	0.91%	1.26%	1.00%	No	No	No
3 El Pinado/Diablo Road	Signal	18.4	1,984	B	12.6	1,851	B	31.2	2,406	C	17.5	2,009	B	13.0	1,886	B	31.4	2,441	C	25	35	35	1.24%	1.89%	1.43%	No	No	No
4 Project Driveway 1/Diablo Road	TWSC	31.1	1,990	D	19.7	1,958	C	25.1	2,410	D	31.5	2,035	D	38.4	2,029	D	36.3	2,486	E *	45	71	76	2.21%	3.50%	3.06%	No	No	Yes
5 Project Driveway 2/Diablo Road	TWSC	11.5	1,981	B	14.2	1,951	B	14.4	2,395	B	11.8	2,021	B	13.9	1,995	B	14.4	2,449	B	40	44	54	1.98%	2.21%	2.20%	No	No	No
6 I-680 Southbound Ramps/Diablo Road	Signal	30.6	2,714	C	27.2	2,765	C	52.5	3,356	D	32.9	2,752	C	27.1	2,796	C	52.6	3,397	D	38	31	41	1.38%	1.11%	1.21%	No	No	No
7 Green Valley Shopping Center Driveway/Diablo Road	TWSC	23.9	2,202	C	16.5	2,427	C	20.0	2,642	C	23.9	2,225	C	16.8	2,444	C	20.4	2,666	C	23	17	24	1.03%	0.70%	0.90%	No	No	No
8 I-680 Northbound Off-Ramp/Diablo Road	Signal	122.1	2,488	F *	60.1	2,946	E *	38.6	3,139	D	121.9	2,511	F *	62.5	2,963	E *	39.3	3,163	D	23	17	24	0.92%	0.57%	0.76%	No	No	No

Notes
TWSC = Two-Way Stop Control
Delay = Average control delay in seconds (For TWSC intersections, reported delay is for worst-case movement)
LOS = Level of Service
* Exceeds LOS Standard
[1] Significant impact determined based on Town of Danville significance threshold criteria as described in the "Threshold of Significance" Section of the TIA

Table I - Year 2035 Daily Roadway Volumes and Levels of Service Summary

Roadway Segment	Functional Classification[1]	Number of Lanes	Volume	Daily LOS[2]
Without Project Conditions				
1 . Diablo Road between Project Driveway 2 and I-680 Southbound Ramps	Major Arterial	4	22,816	C
With Project Conditions				
1 . Diablo Road between Project Driveway 2 and I-680 Southbound Ramps	Major Arterial	4	23,312	C

Notes:

LOS = Level of Service

[1] Functional classification is based on *The Town of Danville 2030 General Plan, Adopted March 19,2013.*

[2] LOS is based on roadway capacity from the *Quality/Level of Service Handbook, State of Florida Department of Transportation, 2013.*

* Exceeds LOS Standard

CIRCULATION IMPROVEMENTS

At intersections where the level of service is forecast to be unsatisfactory or where the project would have an impact, the Town requires that improvements be identified to maintain conformance with Town's LOS standards or pre-project level of service conditions. Under year 2035 conditions, Project Driveway 1 operates at unsatisfactory levels of service. It is to be noted that the deficient LOS is because of the high delay of northbound left-turn egress vehicles from the project driveway and not on the major street. Mainline (Diablo Road) operates at satisfactory levels of service in all scenarios. This is a typical occurrence at driveways located on major streets with heavy traffic volume.

A peak hour traffic signal warrant analysis was conducted at the intersection of Project Driveway 1/ Diablo Road for all analysis scenarios to determine if the project will warrant a traffic signal at this location. The peak hour signal warrant (Warrant 3) was examined based on the criteria defined in the *California Supplement of the Manual on Uniform Traffic Control Devices* (CA-MUTCD).

Figure 12 illustrates the existing without and plus project peak hour signal warrants and shows that traffic volumes at the intersection do not meet the criteria in Warrant 3. Figure 13 illustrates year 2035 without and with project peak hour signal warrants and shows that traffic volumes at the intersection do not meet the criteria in Warrant 3. Thus, based on the peak hour signal warrant analysis, a signal is not warranted at this intersection.

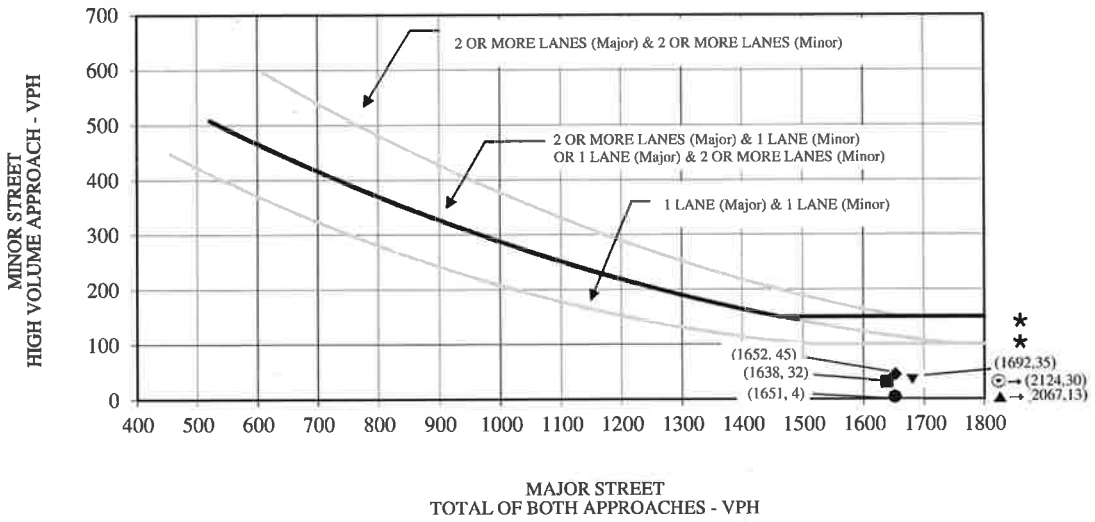
Proposed Mitigation

It is recommended that "Keep Clear" traffic signage and pavement markings be implemented on Diablo Road at Project Driveway 1/Diablo Road to assist ingress and egress project traffic, particularly the northbound left-turn movement, without creating any conflict with the eastbound through traffic. It is to be noted that currently available traffic software used for LOS calculations is not capable of evaluating the effects of "Keep Clear" traffic signage and pavement markings at unsignalized intersections. However, it is expected that under the aforementioned peak hour conditions where eastbound queues are identified to extend past the project driveways, a "Keep Clear" provision would also assist to mitigate vehicle delay for egress project traffic, particularly at Project Driveway 1.The presence of the TWLTL on Diablo Road would assist the northbound left-turn egress vehicles to safely merge onto westbound Diablo Road using the two-stage gap acceptance that the TWLTL provides.

BICYCLE AND PEDESTRIAN ANALYSIS

Currently, sidewalks exist on both sides of Diablo Road and will provide access to pedestrians to and from the project site. The project site currently has no direct access to any bike lanes or facilities. Class II bike lanes exist along the northern edge of Diablo Road.

WARRANT 3, PEAK HOUR



* 150 VPH applies as the lower threshold volume for a minor street approach with two or more lanes and 100 VPH applies as the lower threshold volume for a minor street approaching with one lane.

LSA

FIGURE 12

(XXXX, YY)

- Existing Conditions AM Peak Hour
- Existing Conditions PM Peak Hour
- Existing Conditions Midday Peak Hour
- Existing Plus Project Conditions AM Peak Hour
- Existing Plus Project Conditions PM Peak Hour
- Existing Plus Project Conditions Midday Peak Hour

(Major Street, Minor Street)

SOURCE: MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, FIGURE 4C-3

Danville Apartments

Project Driveway 1/Diablo Road

Existing Peak Hour Signal Warrant

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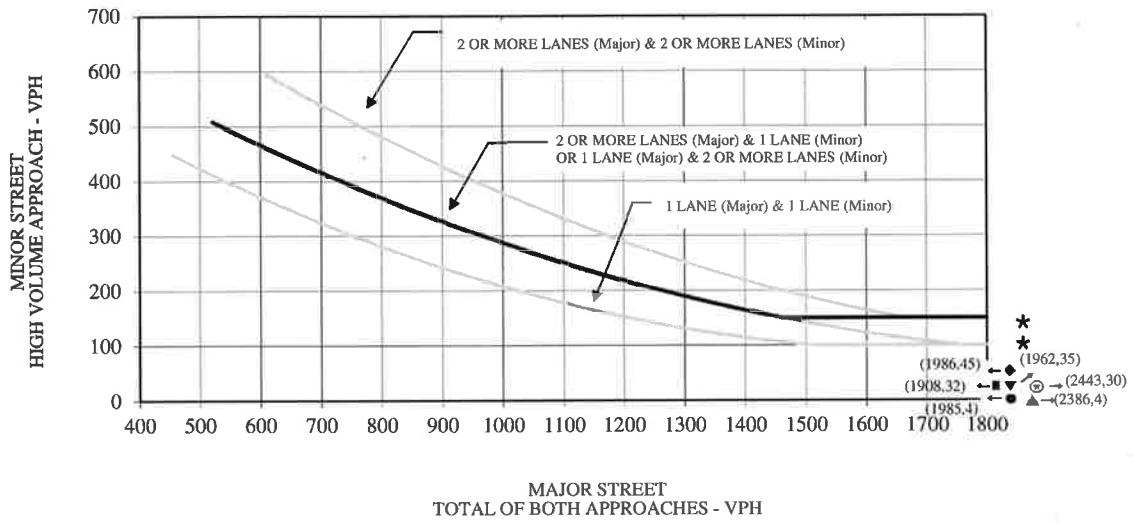
WARRANT 3, PEAK HOUR



* 150 VPH applies as the lower threshold volume for a minor street approach with two or more lanes and 100 VPH applies as the lower threshold volume for a minor street approaching with one lane.

LSA

FIGURE 13

(XXXX, YY)

- ● Year 2035 Without Project Conditions AM Peak Hour
- ■ Year 2035 Without Project Conditions PM Peak Hour
- ▲ Year 2035 Without Project Conditions Midday Peak Hour
- ◆ Year 2035 With Project Conditions AM Peak Hour
- ▼ Year 2035 With Project Conditions PM Peak Hour
- ⊛ Year 2035 With Project Conditions Midday Peak Hour

(Major Street, Minor Street)

SOURCE: MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, FIGURE 4C-3

Danville Apartments

Project Driveway 1/Diablo Road

Year 2035 Peak Hour Signal Warrant

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SITE ACCESS ANALYSIS

The Town requested LSA to conduct 1) driveway sight distance analysis; 2) evaluation of queue lengths at I-680 Southbound Ramps and Project Driveway 1 along Diablo Road; and 3) spacing analysis from the adjacent driveways and the intersection to the project driveways.

Driveway Sight Distance

Sight distance is used to determine the safety of driveway ingress and egress movements at the proposed access locations for the project. Typically, a driver should have an unobstructed view of an entire intersection when turning into and out of a driveway located on a major roadway. *Caltrans Highway Design Manual* (May 2012) is used to determine the necessary sight distance for various maneuvers at intersections.

Access to the project is provided via two existing driveways on Diablo Road. Project Driveway 1 will continue to operate as a full-access driveway and Project Driveway 2 will remain as a right-in/right-out driveway. The posted speed limit on Diablo Road is 35 miles per hour (mph). Based on *Caltrans Highway Design Manual* (May 2012), a corner sight distance of 385 feet is needed at unsignalized driveways with a design speed of 35 mph. The corner sight distance is measured 15 feet from the edge of the traveled way. The proposed project driveways have over 385 feet of unobstructed sight distance in the eastbound and westbound directions; therefore, there is sufficient corner sight distance provided in the eastbound and westbound directions on Diablo Road at both project driveways.

Queuing Analysis

As requested by the Town, LSA conducted an evaluation of queues at I-680 Southbound Ramps and Project Driveway 1 along Diablo Road. Table J summarizes queuing analysis for all analysis scenarios. Queuing analysis worksheets are contained in Appendix E. Based on review of the existing intersection geometrics, the westbound left-turn lane storage length at Project Driveway 1/Diablo Road is approximately 150 feet. Based on the Synchro queueing analysis for this intersection shown in Table J, the westbound left-turn lane is forecast to provide adequate storage length under all analysis scenarios. Also, the eastbound through movement at I-680 Southbound Ramps/Diablo Road has approximately 165 feet of available storage length between the ramps and Project Driveway 2. The eastbound de-facto right-turn storage length is approximately 100 feet. Based on the Synchro queuing analysis for this intersection, as shown in Table J, the intersection of I-680 Southbound Ramps/Diablo Road is forecast to provide adequate storage length for eastbound through traffic under all analysis scenarios, with the exception of the following:

- Existing Conditions (p.m. and midday peak hours);
- Existing Plus Project Conditions (p.m. and midday peak hours);
- Year 2035 Without Project Conditions (p.m. and midday peak hours); and
- Year 2035 With Project Conditions (p.m. and midday peak hours).

Table J - Queuing Analysis

			Without Project							With Project						
			Existing Conditions			Year 2035 Conditions				Existing Conditions			Year 2035 Conditions			
			95th Percentile Queue (feet)[1]			95th Percentile Queue (feet)[1]				95th Percentile Queue (feet)[1]			95th Percentile Queue (feet)[1]			
Intersection	Approach	Available Storage Length (feet)	A.M. Peak Hour	P.M. Peak Hour	Midday Peak Hour	A.M. Peak Hour	P.M. Peak Hour	Midday Peak Hour	Available Storage Length (feet)	A.M. Peak Hour	P.M. Peak Hour	Midday Peak Hour	A.M. Peak Hour	P.M. Peak Hour	Midday Peak Hour
4 Project Driveway 1/Diablo Road	WBL	150	25	25	25	25	25	25	150	25	25	25	25	25	25
	EBL	95	25	25	25	25	25	25	95	25	25	25	25	25	25
6 I-680 Southbound Ramps/Diablo Road	EBT	165	132	210 *	261 *	148	243 *	358 *	165	140	210 *	263 *	156	243 *	360 *
	EBR	100	35	83	135 *	35	143 *	295 *	100	36	83	136 *	35	142 *	295 *
	SBR	250	145	60	133	485 *	113	397 *	250	145	61	152	486 *	137	423 *

Notes:

[1] The 95th-percentile queue is defined to be the queue length that has only a 5-percent probability of exceeding available storage during the analysis time period. Based on queuing study results from *synchro 9.0 software*

* Exceeds Storage Length

The eastbound through queue at the I-680 Southbound Ramps/Diablo Road extending outside of the storage length would block Project Driveway 2 during both the p.m. and midday peak hours under both existing and year 2035 scenarios and block Project Driveway 1 during the midday peak hour under the year 2035 scenario. Additionally, this intersection is forecast to provide adequate storage length for eastbound right-turns under all analysis scenarios with the exception of the following:

- Existing Conditions (midday peak hour);
- Existing Plus Project Conditions (midday peak hour);

Proposed Mitigation

It is recommended that "Keep Clear" traffic signage and pavement markings be implemented on Diablo Road at Project Driveways 1 and 2 to assist ingress and egress of project traffic and mitigate peak hour traffic queues on eastbound Diablo Road.

Analysis of Adjacent Driveway and Intersection Spacing

As requested by the Town, LSA conducted a spacing analysis between project's adjacent existing driveway and the proposed project driveways. Figure 14 shows approximately 180 feet from Project Driveway 1 to the existing driveway west of Danville Court Apartments, approximately 200 feet between Project Driveway 1 and Project Driveway 2, and approximately 215 feet from Project Driveway 2 to the I-680 Southbound Ramps.

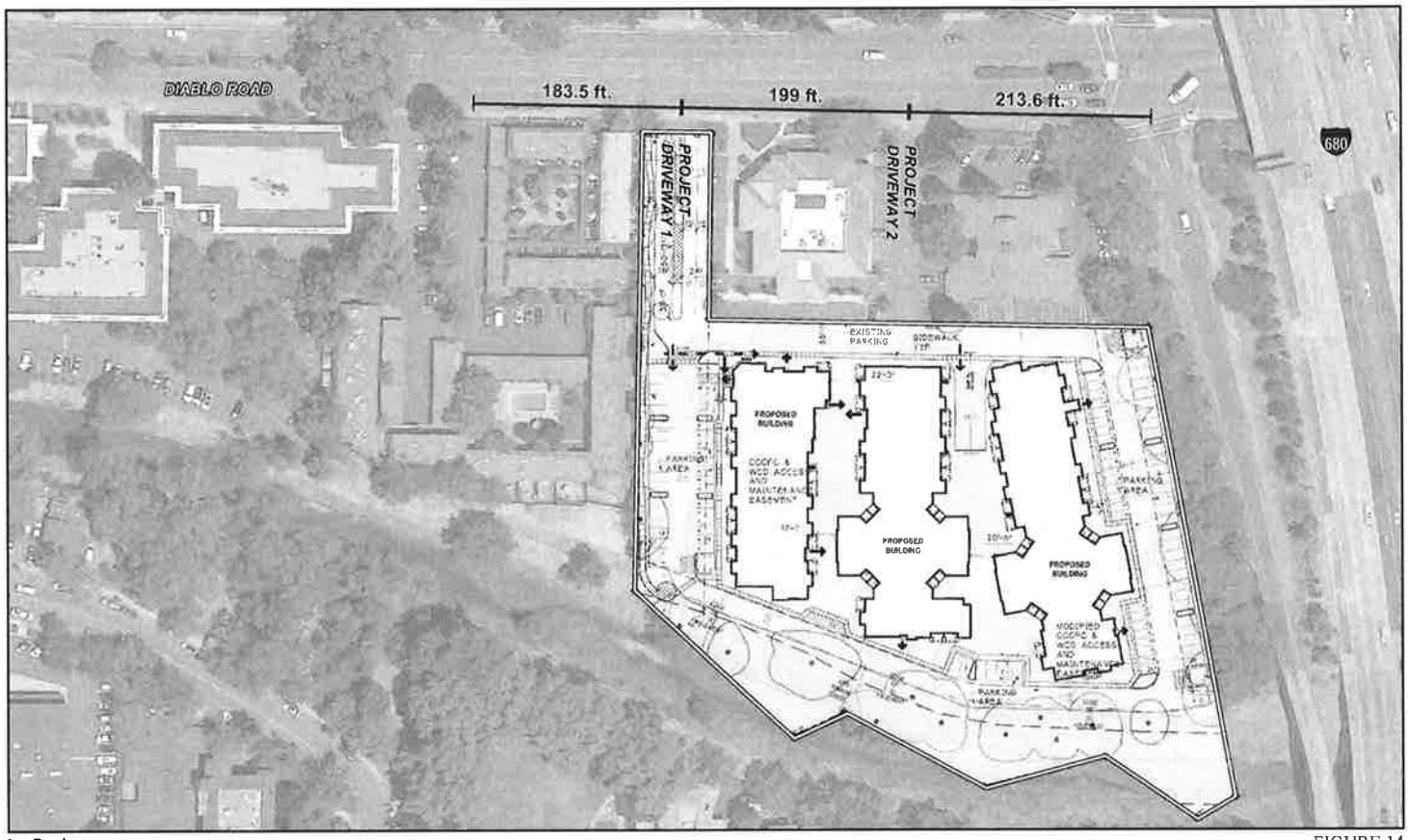
PARKING ASSESSMENT

A parking assessment was conducted to ensure existing on-site parking adequacy and identify the future forecast parking demand within the proposed Danville Apartments Project consisting of 153 multifamily residential dwelling units. Parking lot occupancy for the existing land use is based on a.m., p.m. and midday peak hour parking survey data collected by National Data and Surveying Services in July 2015. Detailed parking occupancy survey counts are included in Appendix B. Table K summarizes parking supply and demand assessment for the existing land use and demonstrates that the peak parking demand for the current site is 62 parking spaces. The current site is 75 percent occupied; therefore, the peak parking demand if the site was fully occupied would have been 83 parking spaces. The current site provides 238 parking stalls; therefore, sufficient parking spaces are available for the existing on-site use.

Parking generation for the proposed project was developed based on the Town's *Zoning Ordinance 32-45 for Downtown Business District*. Table L shows the detailed parking calculations for the proposed project and demonstrates that the project will require a minimum of 271 parking spaces. The project proposes to provide 282 parking spaces. Thus, the project will provide adequate parking.

SUMMARY

The proposed project consists of 153 apartments and will replace an existing office/commercial use that will be demolished and removed prior to construction of the proposed project. The project site is located at the southwest corner of the intersection of I-680 Southbound Ramps and Diablo Road. The proposed project would generate 1,051 new daily trips, with 79 new trips occurring during the a.m.



LSA

FIGURE 14

Project Location

Spacing Lines

N

0 60 120

FEET

SOURCE: Google Earth, 2014

I:\STY1701\Reports\Traffic\fig14_Driveways.mxd (2/3/2017)

Danville Apartments
Traffic Impact Analysis

Adjacent Driveway and Intersection Spacing

Table K - Parking Supply and Demand Assessment

Parking Requirements by Land Use *Existing On-site Use*	**Utilization**	**Existing Parking Demand[1]**	**Full Occupancy Parking Demand**	**Available Parking Stalls**	**Percentage Occupied**
General Office Use	75% Leased	62	83	238	34.9%

Source:

[1] Based on counts collected by National Data and Surveying Services in July 2015.

Table L - Parking Calculations: Required Parking Spaces

Required Parking	per unit	Stalls	
Studio	1	20	
1 BR	1.5	98	
2 BR	2	136	
Guest	73 X 0.25	17	(25% of 2 BEDROOM)
Total		**271**	

Required ADA Parking		
ADA Stalls 2% Unit	**5**	ADA Stalls
ADA Stalls 5% Guest	**1**	ADA Stalls
Total	**6**	ADA Stalls

On Grade Parking	West	South	East	North	Total	Required
Regular 9'x19'	17	24	35	0	76	
ADA	0	1	2	0	3	
ADA VAN	2	0	0	0	2	
Motorcycle	4	0	0	0	4	
30% Compact 8'x19'	12	14	21	0	47	37
Bicycle	11	0	0	8	19	
usps	2	0	0	0	2	
Total	29	38	56	0	123	

Garage Parking	Aisle A	Aisle B	Aisle C	Aisle D	Aisle E	Aisle F	Aisle F.1	Aisle G	West Wall	South Wal	East Wall	Total	Required
Regular 9'x19'	9	10	15	13	12	8	0	8	6	11	12	104	
ADA	0	0	0	0	0	0	0	0	0	0	0	0	
ADA VAN	0	0	0	1	0	0	0	0	0	0	0	1	
Motorcycle	0	0	0	0	3	2	0	0	0	0	0	5	
30% Compact 8'x19'	0	1	0	0	6	1	1	12	4	12	10	47	45
Bicycle	0	0	0	0	0	0	0	0	64	0	0	64	
usps	0	0	0	0	0	0	0	0	0	0	0	0	
Total	9	11	15	13	18	9	1	20	10	23	22	151	

Total Parking Stalls Provided	**282**
Total Accessible Parking Provided	**6**
Total Van Accessible Parking Provided	3

Parking Stalls Net Area

NOTES: INTERIOR UNIT STORAGE INCLUDES COAT CLOSETS, LINEN CABINETS, WARDROBE & WALK-IN CLOSETS.
STORAGE AT S1 UNIT DECKS OCCUR AT THE BALCONY
A1 UNITS HAVE EXTRA STORAGE IN HALLWAY ADJACENT TO UNIT - UNCLUDES CUMULATIVE STORAGE AREA

peak hour, 102 new trips occurring in the p.m. peak hour, and 102 new trips occurring in the midday peak hour. After applying a credit for these existing trips, the project generates 917 net new daily trips, with 63 net new trips occurring during the a.m. peak hour, 66 net new trips occurring in the p.m. peak hour, and 66 net new trips occurring in the midday peak hour. Under existing and existing plus project conditions, all intersections are projected to operate at satisfactory levels of service. Under year 2035 without project conditions, all intersections are projected to operate at satisfactory levels of service, with the exception of the following:

- I-680 Northbound Off-Ramp/Diablo Road, which operates at LOS F during the a.m. peak hour and at LOS E during the p.m. peak hour.

Under year 2035 with project conditions, all intersections are projected to operate at satisfactory levels of service, with the exception of the following:

- Project Driveway 1/Diablo Road, which operates at LOS E during the midday peak hour. Based on the Town's significance threshold criteria, the project will create a cumulative significant impact at this intersection.
- I-680 Northbound Off-Ramp/Diablo Road, which operates at LOS F during the a.m. peak hour and operates at LOS E during the p.m. peak hour. This intersection operates unsatisfactorily under without project conditions as well. Based on the Town's significance threshold criteria, however, the project will not create an impact at this intersection as it contributes less than 1% traffic to the future traffic volume at the intersection.

The following mitigation is proposed for the intersection of Project Driveway 1/Diablo Road.

- Project Driveway 1 operates under satisfactory LOS under all analysis scenarios (existing and year 2035) with the exception of year 2035 with project conditions during the midday peak hour. However, a traffic signal is not justified and proposed as part of the project as traffic signal warrants (Peak Hour Warrant 3) are not met. For eastbound traffic on Diablo Road, vehicle queue is forecast to exceed available storage and block ingress and egress traffic at Project Driveway 1 during the year 2035 with project midday peak hour. It is recommended that "Keep Clear" traffic signage and pavement markings be implemented on Diablo Road at Project Driveway 1/Diablo Road to assist ingress and egress project traffic, particularly the northbound left-turn movement, without creating any conflict with the eastbound through traffic. It needs to be noted that currently available traffic software used for LOS calculations is not capable of evaluating the effects of "Keep Clear" traffic signage and pavement markings at unsignalized intersections. However, it is expected that under the aforementioned peak hour conditions where eastbound queues are identified to extend past the project driveways, a "Keep Clear" provision would also assist to mitigate vehicle delay for egress project traffic, particularly at Project Driveway 1.The presence of the TWLTL on Diablo Road would assist the northbound left-turn egress vehicles to safely merge onto westbound Diablo Road using the two-stage gap acceptance that the TWLTL provides.

A driveway sight distance analysis was conducted at the project driveways and showed sufficient corner sight distance provided in the eastbound and westbound directions on Diablo Road at both project driveways.

A queuing analysis was conducted and previously referenced Table J shows that the intersection of I-680 Southbound Ramps/Diablo Road is forecast to provide adequate through movement storage length under all analysis scenarios, with the exception of the following:

- Existing Conditions (p.m. and midday peak hours);
- Existing Plus Project Conditions (p.m. and midday peak hours);
- Year 2035 Without Project Conditions (p.m. and midday peak hours); and
- Year 2035 With Project Conditions (p.m. and midday peak hours).

The eastbound through queue at the I-680 Southbound Ramps/Diablo Road extending outside of the storage length would block Project Driveway 2 during both p.m. and midday peak hours under both existing and year 2035 scenarios and block Project Driveway 1 during the midday peak hour under the year 2035 scenario. This intersection is forecast to provide adequate right-turn movement storage length under all analysis scenarios with the exception of the following:

- Existing Conditions (midday peak hour);
- Existing Plus Project Conditions (midday peak hour);
- Year 2035 Without Project Conditions (p.m. and midday peak hours); and
- Year 2035 With Project Conditions (p.m. and midday peak hours).

The following mitigation is proposed for the intersection of Project Driveway 1/Diablo Road and Project Driveway 2:

- It is recommended that "Keep Clear" traffic signage and pavement markings be implemented on Diablo Road at Project Driveways 1 and 2 to assist ingress and egress of project traffic and mitigate peak hour traffic queues on eastbound Diablo Road.

A spacing analysis was conducted and previously referenced Figure 14 illustrates sufficient spacing distance from the proposed project driveways to the nearby driveways and the nearby intersection.

A parking assessment was conducted and previously referenced Table K shows that there are sufficient parking spaces provided for the existing on-site use and previously referenced Table L shows that the proposed project will provide adequate parking as well.

Flood Control District-Related Conditions of Approval and Advisory Comments

* Q.5. The project is in the San Ramon Creek watershed. The project shall mitigate the impact of additional stormwater runoff from development on San Ramon Creek by either of the following methods:

a. Remove 1 cubic yard of channel excavation material from the inadequate portion of San Ramon Creek for each 50 square feet of new impervious surface area created by the development. All excavated material shall be disposed of off-site by the applicant at his own cost. The site selection, land rights, and construction staking will be performed by the Contra Costa County Flood District & Water Conservation District (FC District).

or, upon written request by the project developer:

b. Provide for a cash payment in lieu of actual excavation and removal of material from the inadequate portion of San Ramon Creek. The cash payment will be calculated at a rate of $0.10 per square foot of new impervious surface area created by the development. The added impervious surface area created by the development will be based on the FC District's standard impervious surface area ordinance. The FC District will use these funds to work on San Ramon Creek annually. The mitigation fee for this project will be based on the increase of impervious area. The project developer shall supply a worksheet to the FC District, which includes a scalable map that shows the square footage of the existing and proposed impervious areas.

Q.6. Prior to issuance of a building permit, the project developer shall secure a Flood Control Encroachment permit from the Contra Costa County Flood District & Water Conservation District (FC District) for any work inside the FC District easement, and shall finalize any right-of-way transactions with the FC District necessary for the project. The project developer shall not construct any improvements that will obstruct FC District access to adjacent properties. The project developer shall be responsible for payment of all related FC District costs.

Q.7. Unless otherwise authorized by Contra Costa County Flood District & Water Conservation District (FC District), the existing non-native pine trees planted in the San Ramon Creek banks and slopes (apparently by the current or previous property owner without the FC District consent). The FC District does not allow trees inside their easements, in general, to avoid

future damage to creek banks and to avoid costly repairs should trees grow large and collapse into the creek, potentially blocking the water flow and creating erosion issues. In addition, the FC District does not allow trees inside their easements, in general, as trees can obstruct maintenance access and flood fighting efforts of the FC District.

Q.8. Unless otherwise authorized by the Contra Costa County Flood District & Water Conservation District (FC District), the site plan shall be modified as necessary to have onsite drive aisles designed to accommodate the FC District turning radius minimums for FC District trucks and to be meet the FC District road section requirements (i.e., be "H-20 loading capable"). To meet the FC District standards adjustments may be required to the proposed locations of trash enclosures and the location and/or design of some of the onsite parking spaces.

Q.9. Unless otherwise authorized by the Contra Costa County Flood District & Water Conservation District (FC District), the site plan shall be modified to eliminate the two proposed parking spaces in the southeastern corner of the development area to reflect the FC District requirement that the FC District access road along the north side of San Ramon Creek has unencumbered access to adjacent properties to the east.

ADVISORY COMMENTS:

4. The preliminary comments on the project from the Contra Costa County Flood District & Water Conservation District (FC District) were reflected in their letter dated December 13, 2016. Some of the comments contained in that letter have been integrated into the project conditions of approval. The following additional comments constitute advisory comments from the FC District:

   a. The A.L.T.A./A.C.S.M. Land Title Survey submitted by the applicant as part of the project application shows a 60-foot-wide FC District access and maintenance easement on the west side of the project parcel, which is also dedicated to Contra Costa County for street and highway and incidental purposes, and a 21-foot-wide existing FC District and incidental easement on the east side of the property. The southern side of the property has a FC District easement over San Ramon Creek and adjacent areas. However, it appears on the proposed site plan that these existing easements are to be modified by the project, on the east side and south side of the project parcel. Since the project will include modification of existing FC District easements, the applicant will be required to contact the FC District to discuss FC District's continued access to the San Ramon Creek flood control channel, review improvement and planting plans, review proposed changes to

existing easements, and review acceptance and recordation of real property documents. The applicant needs to approach the FC District to set up a Fee-for-Service account to cover for our staff and begin transactions.

b. The site plan needs to show the proposed points of access and paths to the San Ramon Creek flood control channel. Our access road should be clear to adjacent parcels.

c. The landscape plan proposes additional planting of trees along San Ramon Creek, which, in addition to the existing trees, might impair the access to the creek for future maintenance and emergency repair work. We recommend that the applicant sets up an appointment with the FC District to discuss existing and proposed trees. [The applicant was referred to the FC District's Typical Landscaping Limits on Creek/Chanel Embankments detail.]

d. The San Ramon Creek Watershed has inadequate capacity and the FC District recommends that no increase in peak discharge to San Ramon Creek be allowed in conjunction with the redevelopment of the project site. The FC District is operating from an assumption that redevelopment of the project site from the existing office use to uses allowed with the DBD Area 12 Multifamily Residential High Density land use designation will result in an increase in project-related runoff.

e. We recommend considering the proximity of the San Ramon Creek flood control channel during construction of the project and requiring that Best Management Practices be implemented during site preparation and construction to avoid contaminants and silt from entering the San Ramon Creek channel, as well as restricting storage of construction equipment or materials adjacent to the creek or in the FC District's right-of-way.

f. If the existing onsite San Ramon Creek stormwater outfall is modified, a FC District permit and hydrology study may be required.

g. The project is adjacent to the San Ramon Creek flood control channel, which is inside a FEMA Special Flood Hazard area, "Zone A", which is subject to inundation by the 1% annual chance flood. We recommend that the project addresses this issue and comes up with a contingency plan should the 100-year flood event occur.

h. The proposed project is located in Drainage Area 18, an unformed drainage area. Therefore, there are no drainage area fees (for Drainage Area 18) due at this time.

i. The FC District is not the approving local agency for this project as defined by the Subdivision Map Act. As a special district, the FC District has an independent authority to collect drainage fees that is not restricted by the Subdivision Map Act. The FC District reviews the drainage fee rate every year the ordinance is in effect and adjusts the rate annually on January 1 to account for inflation. The drainage fee rate does not vest at the time of tentative map approval. The drainage fee due and payable will be based on the fee in effect at the time of fee collection.

LSA | LSA ASSOCIATES, INC.
157 PARK PLACE
PT. RICHMOND, CALIFORNIA 94801
510.236.6810 TEL
510.236.3480 FAX
BERKELEY
CARLSBAD
FRESNO
IRVINE
PALM SPRINGS
RIVERSIDE
ROCKLIN
SAN LUIS OBISPO

MEMORANDUM

DATE: July 15, 2015

TO: Vianey Nava, Development Manager, ROEM Development Corporation

FROM: Dan Sidle, Associate/Senior Biologist
Tim Milliken, Certified Arborist #WE5539A

SUBJECT: Tree Survey for 373 Diablo Road Apartments Project, Town of Danville

This memo provides the results of a tree inventory that LSA Associates, Inc. (LSA) certified arborist, Tim Milliken, conducted at the 373 Diablo Road Apartments project site in the Town of Danville (Town), Contra Costa County, California. This tree survey was prepared according to requirements of the Town's Resolution No. 92-2013, which approved the rezoning and Preliminary Development Plan for the property. This memo identifies the quantity, size, location, and species of the existing trees on the project site and along the northern bank of the San Ramon Creek riparian corridor.

METHODS

LSA certified arborist, Timothy Milliken (International Society of Arboriculture Certification #WE5539A), conducted the tree survey at the proposed project site on May 13, 2015. The tree survey involved recording the species, trunk diameter at breast height (dbh; in inches as measured 4.5 feet above natural grade), and condition of all the trees within the project site, including the trees located along the northern bank of San Ramon Creek. If an individual tree had multiple trunks, the diameters of all the trunks were totaled. The individual surveyed trees were mapped and numbered on an aerial imagery base map (Figure 1) and marked in the field using numbered tree tags that correspond with the tree numbers mapped on Figure 1. The health and structural condition of each tree were classified as follows:

- Excellent – Extraordinary specimen trees with large diameter (greater than 40 inches), with good health and structure that have potential for longevity on site;
- Good – Trees with good health and structure that have potential for longevity on site;
- Fair – Trees with somewhat declining health and/or structural defects that can be abated with treatment. The tree will require more intense management and monitoring, and may have a shorter life span than those in the 'good' category; or
- Poor – Trees in poor health or with significant structural defects that cannot be mitigated. Trees in this category are expected to continue to decline, regardless of treatment. The species or individual tree may have characteristics that are undesirable for landscapes, and generally are unsuited for use areas.

The arborist also determined which trees qualify as "heritage" or "protected" trees as defined by the Town's Tree Preservation Ordinance. A "heritage tree" is any single-trunked tree in the Town, regardless of species, which has a trunk diameter of thirty-six (36) inches or greater measured four and one-half (4-1/2) feet above the ground. A "protected tree" is a tree of a specific species or size

EXHIBIT F

which cannot be disfigured, damaged, or removed within the Town without obtaining a Tree Removal Permit from the Town. Specifically, the Tree Preservation Ordinance defines a "protected tree" as:

> Any of the following native trees having a trunk or main stem which measures ten (10) inches or greater in diameter measured four and one-half (4-1/2) feet above natural grade or, for a multiple trunked tree, a combination of trunks totaling twenty (20) inches or greater in diameter measured four and one-half (4-1 /2) feet above natural grade, on any type of lot or property:
>
> - Coast live oak (*Quercus agrfolia*)
> - Valley oak (*Quercus lobata*)
> - Canyon live oak (*Quercus chrysol*)
> - Blue oak (*Quercus doulgassi*)
> - California black oak (*Quercus kelloggi*)
> - Interior live oak (*Quercus wislizenii*)
> - White alder (*Alnus rhombifolia*)
> - California bay (*Umbellularia california*)
> - California buckeye (*Aesculus californica*)
> - California sycamore (*Platanus racemosa*)
> - Madrone (*Arbutus menziesii*)
> - London plane tree (*Platanus acerifolia*)

RESULTS

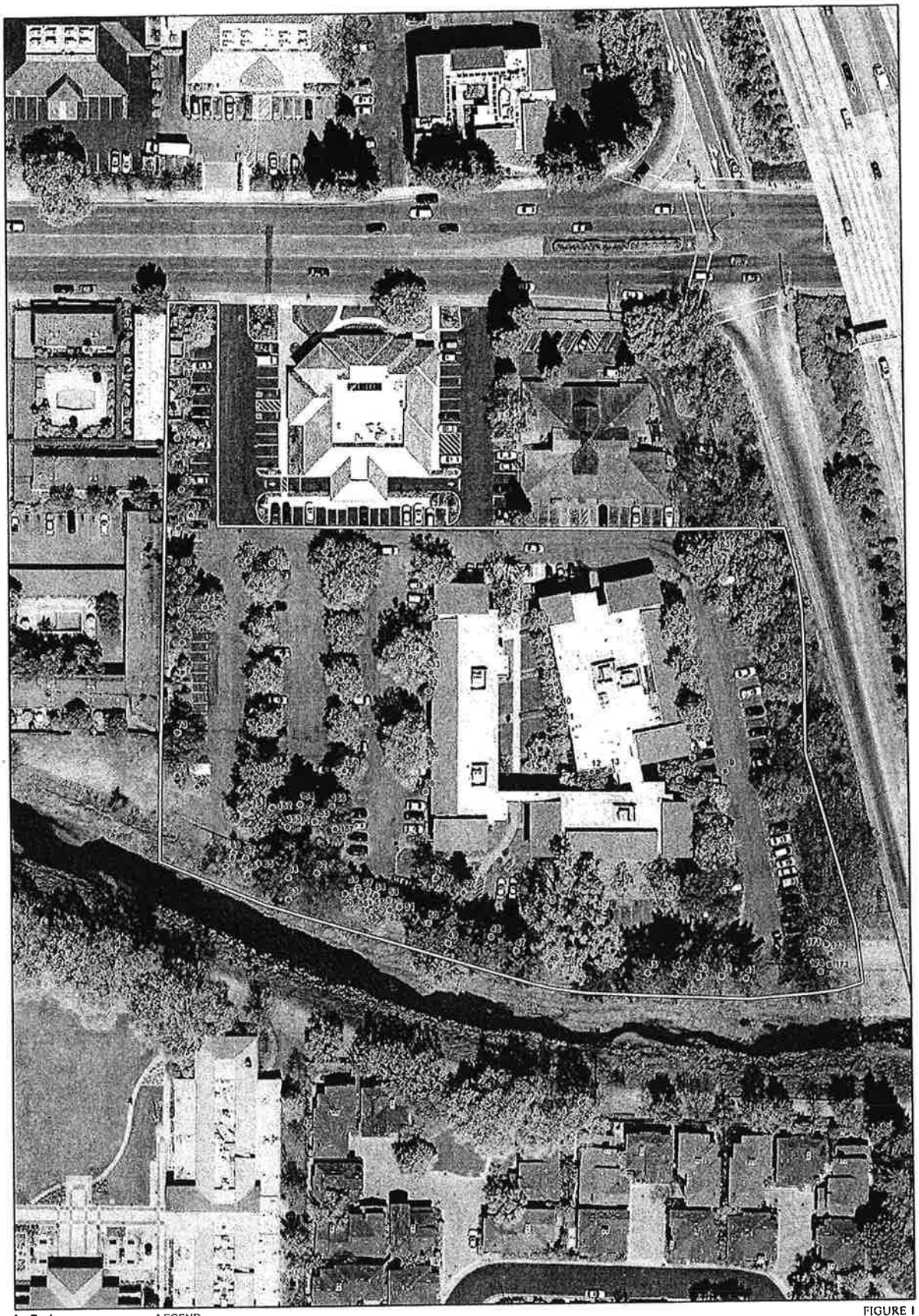
A total of 124 trees were surveyed at the project site, representing 18 species (Table A, Figure 1). Most of the tree species on the site are not native to the region, with the exception of coast redwood (*Sequoia sempervirens*), California sycamore, valley oak, and coast live oak. A total of 46 of the surveyed trees are considered to be "protected" trees as defined by the Tree Preservation Ordinance. Additionally, 9 of these "protected" trees are also considered to be "heritage" trees by this ordinance.

A total of 29 of the trees surveyed (trees #41-69) occur along the northern side of the San Ramon Creek riparian corridor (Figure 1). Although not impacted by the proposed project, the San Ramon Creek riparian corridor is considered a sensitive habitat by the California Department of Fish and Wildlife (CDFW) and therefore, impacts to these trees and other understory vegetation (i.e., Himalayan blackberry [*Rubus armeniacus*], wild oats [*Avena* sp.], wild radish [*Raphanus sativus*], poison hemlock [*Conium maculatum*], horsetail [*Equisetum hyemale*], northern California black walnut [*Juglans hindsii*] saplings, cattail [*Typha* sp.]) would likely require a Lake and Streambed Alteration Agreement (LSAA) permit from the CDFW. The trees and understory vegetation within the riparian corridor will not be impacted by the proposed project.

CONCLUSIONS

The results of the tree survey provide general information about the trees on the site. Where possible, trees should be avoided during construction, especially trees defined as "protected" or "heritage" trees by the Town's ordinance. Impacts to "protected" or "heritage" trees would likely require a Tree Removal Permit from the Town.

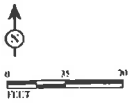
Enclosures: Figure 1: Tree Survey
Table A: Tree Survey Table



LSA

LEGEND

FIGURE 1



373 Diablo Road Apartments
Town of Danville, Contra Costa County, California

Tree Survey

SOURCE: Aerials from Contra Costa County (2008)

I:\RDV1501\GIS\Maps\Tree Survey\Figure 1_Tree Survey.mxd (7/15/2015)

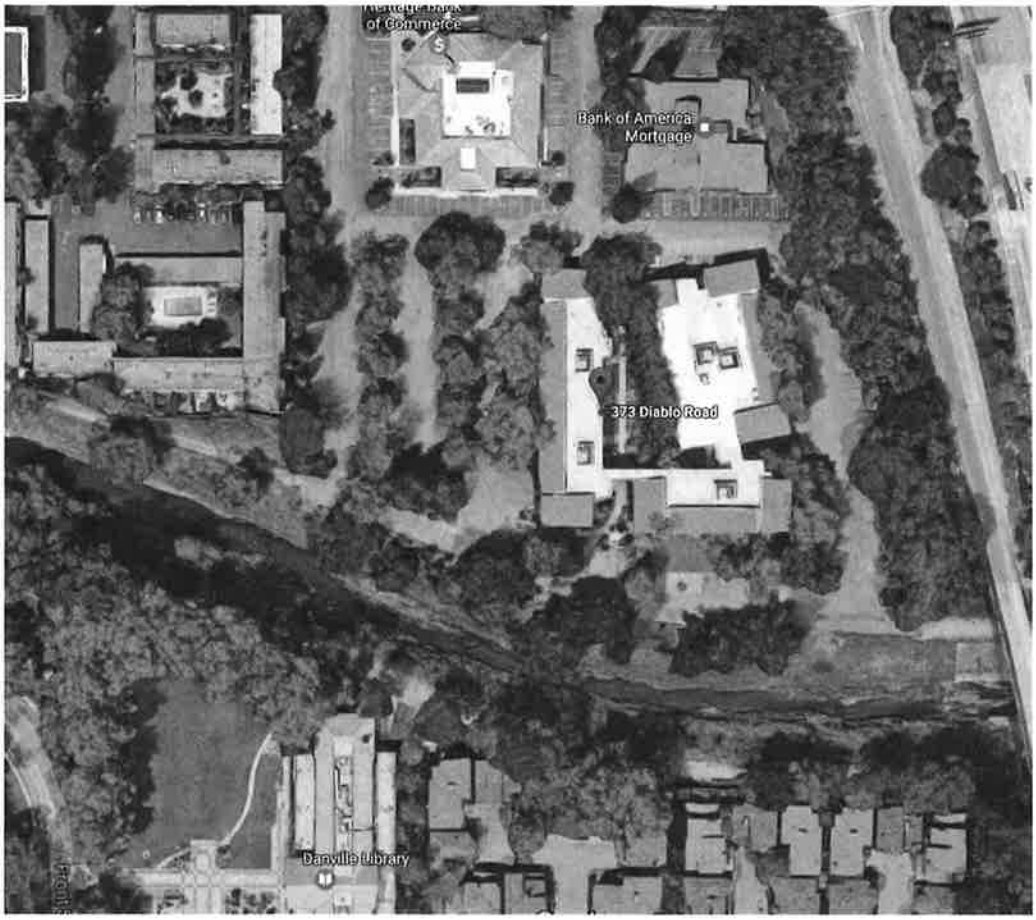
373 Diablo Road Apartments Tree Survey
Table A

LSA Associates, Inc.
July 2015

Tree Tag Number	Tree species name	Tree common name	DBH	Condition	Protected by Ordinance 32-79.3-a and b "Protected Tree"	Protected by Ordinance 32-79.2-c "Heritage Tree"	Notes
1	*Quercus lobata*	Valley oak	48	Good	Yes	No	Two stem, 90% live crown, in irrigated landscape.
2	*Pyrus calleriana*	Callery pear	12	Good	No	No	All Callery pears have similar condition: shaded setting, too much of irrigation water, weak branch junctions. All are planted less than 5 feet from the building and all lean to the west.
3	*Pyrus calleriana*	Callery pear	12	Good	No	No	See above.
4	*Pyrus calleriana*	Callery pear	6	Dead	No	No	See above.
5	*Pyrus calleriana*	Callery pear	12	Good	No	No	See above.
6	*Pyrus calleriana*	Callery pear	12	Good	No	No	See above.
7	*Pyrus calleriana*	Callery pear	12	Good	No	No	See above.
8	*Pyrus calleriana*	Callery pear	12	Good	No	No	See above.
9	*Pyrus calleriana*	Callery pear	12	Good	No	No	See above.
10	*Pyrus calleriana*	Callery pear	12	Good	No	No	See above.
11	*Pyrus calleriana*	Callery pear	14	Good	No	No	See above.
12	*Acer palmatum*	Japanese maple	12	Good	No	No	Five stems.
13	*Prunus cerasifera*	Purple leaf plum	24	Fair	No	No	Poor canopy structure, rot in trunk.
14	*Quercus lobata*	Valley oak	4	Good	No	No	Small tree.
15	*Acer palmatum*	Japanese maple	4	Good	No	No	Small tree, need to trim off some dead and damaged branches.
16	*Prunus cerasifera*	Purple leaf plum	18	Fair	No	No	Lots of crossed limbs and some rot in branches.
17	*Pyrus calleriana*	Callery pear	12	Good	No	No	All pears lean to east.
18	*Pyrus calleriana*	Callery pear	12	Good	No	No	
19	*Acer palmatum*	Japanese maple	16	Good	Nc	No	
20	*Pyrus calleriana*	Callery pear	12	Good	Nc	No	
21	*Platanus x acerifolia*	London plane	24	Good	Yes	No	Most if not all London plane have tall canopy scaffold with major uprights.
22	*Quercus* sp.	Non-native oak	86	Fair	Yes	Yes	Lots of cavities with beetle holes and wood rot. Tall canopy scaffold with many crossed limbs and rot in upper canopy and loss of major limbs.
23	*Platanus x acerifolia*	London plane	14	Good	Yes	No	Two large main stems.
24	*Platanus x acerifolia*	London plane	12	Good	Yes	No	Single stem and strong pyramidal form.
25	*Platanus x acerifolia*	London plane	14	Good	Yes	No	Two major stems.
26	*Washingtonia robusta*	Mexican fan palm	36	Good	Yes	Yes	
27	*Sequoia sempervirens*	Coast redwood	36	Good	Yes	Yes	Nice specimen.
28	*Fraxinus angustifolia*	Raywood ash	24	Good	No	No	Scaffold tall with multiple large uprights with potentially weak branch junctures.
29	*Betula papyrifera*	Paperbark birch	4	Good	No	No	All birch are relatively small trees. They all lean to west and are planted less than 5 feet from building.
30	*Betula papyrifera*	Paperbark birch	8	Good	No	No	
31	*Platanus x acerifolia*	London plane	30	Good	Yes	No	
32	*Betula papyrifera*	Paperbark birch	10	Good	No	No	
33	*Betula papyrifera*	Paperbark birch	10	Good	No	No	
34	*Platanus x acerifolia*	London plane	21	Good	Yes	No	
35	*Betula papyrifera*	Paperbark birch	18	Good	No	No	
36	*Betula papyrifera*	Paperbark birch	8	Good	No	No	
37	*Platanus x acerifolia*	London plane	18	Good	Yes	No	
38	*Platanus x acerifolia*	London plane	24	Good	Yes	No	
39	*Platanus x acerifolia*	London plane	24	Good	Yes	No	
40	*Platanus x acerifolia*	London plane	24	Good	Yes	No	
41	*Pinus radiata*	Monterey pine	18	Good	No	No	All pines have same common defects: major limb drop, laen, roots heaving pavement. Tree located within the San Ramon Creek riparian corridor.
42	*Pinus radiata*	Monterey pine	36	Good	Yes	Yes	See above.
43	*Pinus radiata*	Monterey pine	24	Good	No	No	See above.
44	*Pinus radiata*	Monterey pine	24	Good	No	No	See above.
45	*Pinus radiata*	Monterey pine	36	Good	Yes	Yes	See above.
46	*Pinus radiata*	Monterey pine	48	Good	No	No	See above. Two trunks.

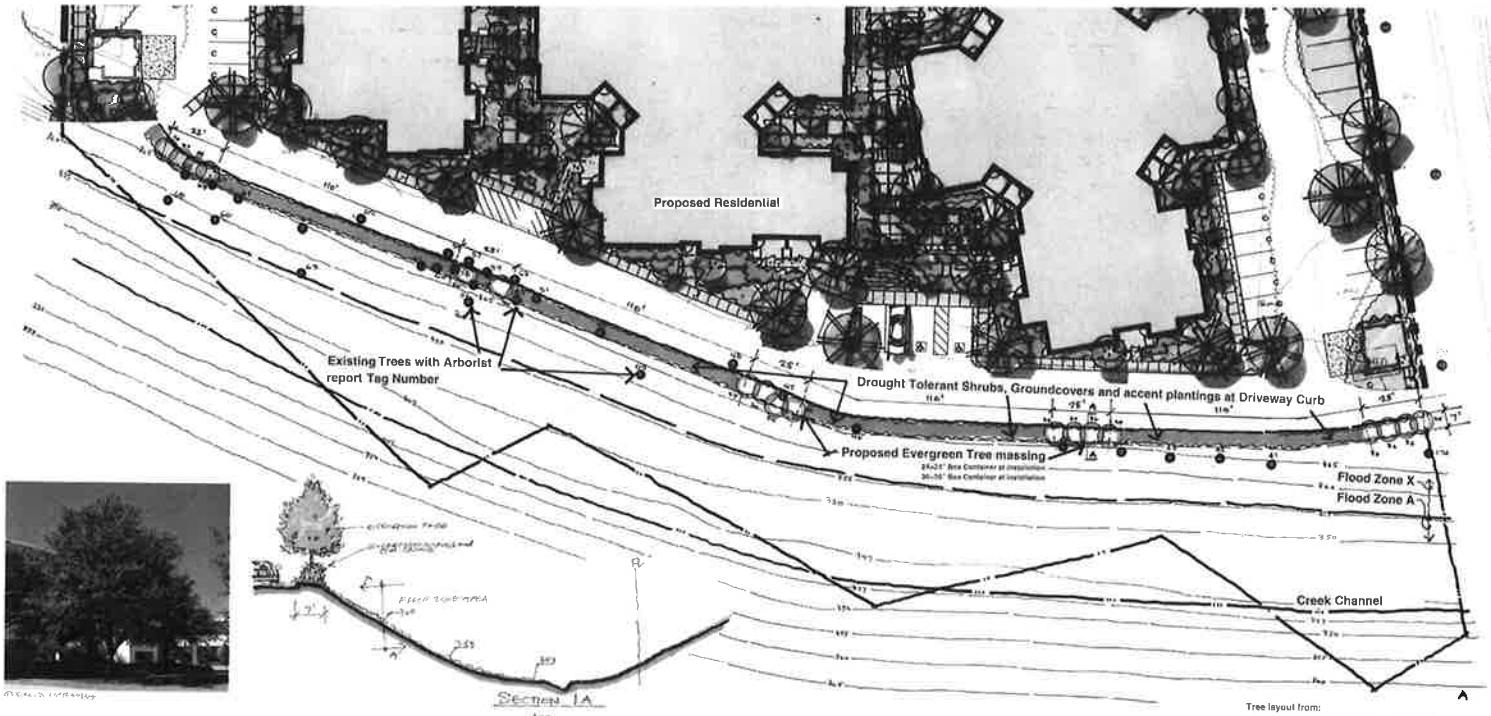
Tree Tag Number	Tree species name	Tree common name	DBH	Condition	Protected by Ordinance 32-79.3-a and b "Protected Tree"	Protected by Ordinance 32-79.2-c "Heritage Tree"	Notes
47	*Pinus radiata*	Monterey pine	30	Good	No	No	See above.
48	*Pinus radiata*	Monterey pine	24	Good	No	No	See above.
49	*Quercus lobata*	Valley oak	52	Excellent	Yes	Yes	Below creek bank, excellent tree. Tree located within the San Ramon Creek riparian corridor.
50	*Pinus radiata*	Monterey pine	24	Good	No	No	All pines have same common defects: major limb drop, laen, roots heaving pavement. Tree located within the San Ramon Creek riparian corridor.
51	*Pinus radiata*	Monterey pine	18	Good	No	No	All pines have same common defects: major limb drop, laen, roots heaving pavement. Tree located within the San Ramon Creek riparian corridor.
52	*Quercus lobata*	Valley oak	10	Good	Yes	No	Tree located within the San Ramon Creek riparian corridor, below top of bank of creek.
53	*Quercus agrifolia*	Coast live oak	14	Good	Yes	No	Tree located within the San Ramon Creek riparian corridor.
54	*Sequoia sempervirens*	Coast redwood	12	Good	No	No	Tree located within the San Ramon Creek riparian corridor.
55	*Quercus lobata*	Valley oak	18	Good	Yes	No	Tree located within the San Ramon Creek riparian corridor, below top of bank of creek.
56	*Quercus lobata*	Valley oak	8	Good	No	No	Tree located within the San Ramon Creek riparian corridor, below top of bank of creek.
57	*Sequoia sempervirens*	Coast redwood	10	Good	No	No	Tree located within the San Ramon Creek riparian corridor.
58	*Quercus lobata*	Valley oak	18	Good	Yes	No	Tree located within the San Ramon Creek riparian corridor, below top of bank of creek.
59	*Sequoia sempervirens*	Coast redwood	18	Good	No	No	Tree located within the San Ramon Creek riparian corridor.
60	*Quercus lobata*	Valley oak	12	Good	Yes	No	Tree located within the San Ramon Creek riparian corridor, below top of bank of creek.
61	*Quercus lobata*	Valley oak	10	Good	Yes	No	Tree located within the San Ramon Creek riparian corridor, below top of bank of creek.
62	*Sequoia sempervirens*	Coast redwood	4	Good	No	No	Tree located within the San Ramon Creek riparian corridor.
63	*Quercus agrifolia*	Coast live oak	24	Good	Yes	No	Tree located within the San Ramon Creek riparian corridor, below top of bank of creek.
64	*Quercus agrifolia*	Coast live oak	6	Good	No	No	Tree located within the San Ramon Creek riparian corridor.
65	*Quercus lobata*	Valley oak	9	Good	No	No	Tree located within the San Ramon Creek riparian corridor, below top of bank of creek.
66	*Quercus lobata*	Valley oak	18	Good	Yes	No	Tree located within the San Ramon Creek riparian corridor, below top of bank of creek.
67	*Quercus lobata*	Valley oak	12	Good	Yes	No	Tree located within the San Ramon Creek riparian corridor, below top of bank of creek.
68	*Quercus lobata*	Valley oak	36	Good	Yes	Yes	Tree located within the San Ramon Creek riparian corridor, below top of bank of creek.
69	*Quercus lobata*	Valley oak	10	Good	Yes	No	Tree located within the San Ramon Creek riparian corridor, below top of bank of creek.
71	*Celtis sinensis*	Chinese hackberry	6	Good	No	No	
72	*Celtis sinensis*	Chinese hackberry	4	Good	No	No	
73	*Eucalyptus sideroxylon*	Red ironbark eucalyptus	48	Fair	Yes	Yes	
74	*Sequoia sempervirens*	Coast redwood	18	Good	No	No	
75	*Sequoia sempervirens*	Coast redwood	18	Good	No	No	
76	*Sequoia sempervirens*	Coast redwood	4	Good	No	No	
77	*Sequoia sempervirens*	Coast redwood	4	Good	No	No	
81	*Celtis sinensis*	Chinese hackberry	4	Good	No	No	
82	*Lagerstroemia indica*	Crape myrtle	6	Good	No	No	
83	*Celtis sinensis*	Chinese hackberry	6	Fair	No	No	Poor canopy structure.
84	*Celtis sinensis*	Chinese hackberry	6	Good	No	No	
85	*Lagerstroemia indica*	Crape myrtle	6	Good	No	No	
86	*Sequoia sempervirens*	Coast redwood	18	Good	No	No	
87	*Sequoia sempervirens*	Coast redwood	18	Good	No	No	
88	*Sequoia sempervirens*	Coast redwood	18	Good	No	No	
89	*Prunus serrulata*	Flowering cherry	24	Good	No	No	
90	*Celtis sinensis*	Chinese hackberry	6	Fair	No	No	Canopy dieback 50%.
91	*Ulmus parvifolia*	Chinese elm	6	Good	No	No	
92	*Ulmus parvifolia*	Chinese elm	6	Good	No	No	
93	*Ulmus parvifolia*	Chinese elm	12	Good	No	No	
94	*Ulmus parvifolia*	Chinese elm	12	Good	No	No	
95	*Platanus x acerifolia*	London plane	18	Good	Yes	No	
96	*Platanus x acerifolia*	London plane	18	Good	Yes	No	
97	*Platanus x acerifolia*	London plane	12	Good	Yes	No	
98	*Platanus x acerifolia*	London plane	12	Good	Yes	No	

Tree Tag Number	Tree species name	Tree common name	DBH	Conditon	Protected by Ordinance 32-79.3-a and b "Protected Tree"	Protected by Ordinance 32-79.2-c "Heritage Tree"	Notes
99	*Platanus x acerifolia*	London plane	18	Good	Yes	No	
100	*Platanus x acerifolia*	London plane	18	Good	Yes	No	
128	*Platanus x acerifolia*	London plane	18	Good	Yes	No	
129	*Platanus x acerifolia*	London plane	18	Good	Yes	No	
149	*Platanus racemosa*	Western sycamore	36	Good	Yes	Yes	
150	*Platanus x acerifolia*	London plane	24	Good	Yes	No	
151	*Platanus x acerifolia*	London plane	28	Good	Yes	No	
152	*Sequoia sempervirens*	Coast redwood	30	Good	No	No	
153	*Sequoia sempervirens*	Coast redwood	32	Good	No	No	
154	*Sequoia sempervirens*	Coast redwood	24	Good	No	No	
155	*Sequoia sempervirens*	Coast redwood	24	Good	No	No	
156	*Sequoia sempervirens*	Coast redwood	24	Good	No	No	
157	*Sequoia sempervirens*	Coast redwood	30	Good	No	No	
161	*Quercus lobata*	Valley oak	30	Good	Yes	No	
162	*Platanus x acerifolia*	London plane	12	Good	Yes	No	
163	*Quercus lobata*	Valley oak	12	Good	Yes	No	
164	*Quercus lobata*	Valley oak	24	Good	Yes	No	
165	*Platanus x acerifolia*	London plane	10	Good	No	No	
166	*Quercus lobata*	Valley oak	14	Good	Yes	No	
167	*Platanus x acerifolia*	London plane	10	Good	No	No	
168	*Platanus x acerifolia*	London plane	6	Good	No	No	
169	*Quercus lobata*	Valley oak	30	Good	Yes	No	
170	*Ailanthus altissima*	Chinese tree-of-heaven	18	Good	No	No	
171	*Ailanthus altissima*	Chinese tree-of-heaven	24	Good	No	No	
172	*Ailanthus altissima*	Chinese tree-of-heaven	12	Good	No	No	
173	*Ailanthus altissima*	Chinese tree-of-heaven	24	Good	No	No	
174	*Ailanthus altissima*	Chinese tree-of-heaven	18	Good	No	No	



373 Diablo Road Apartments Danville California

Existing Site Conditions



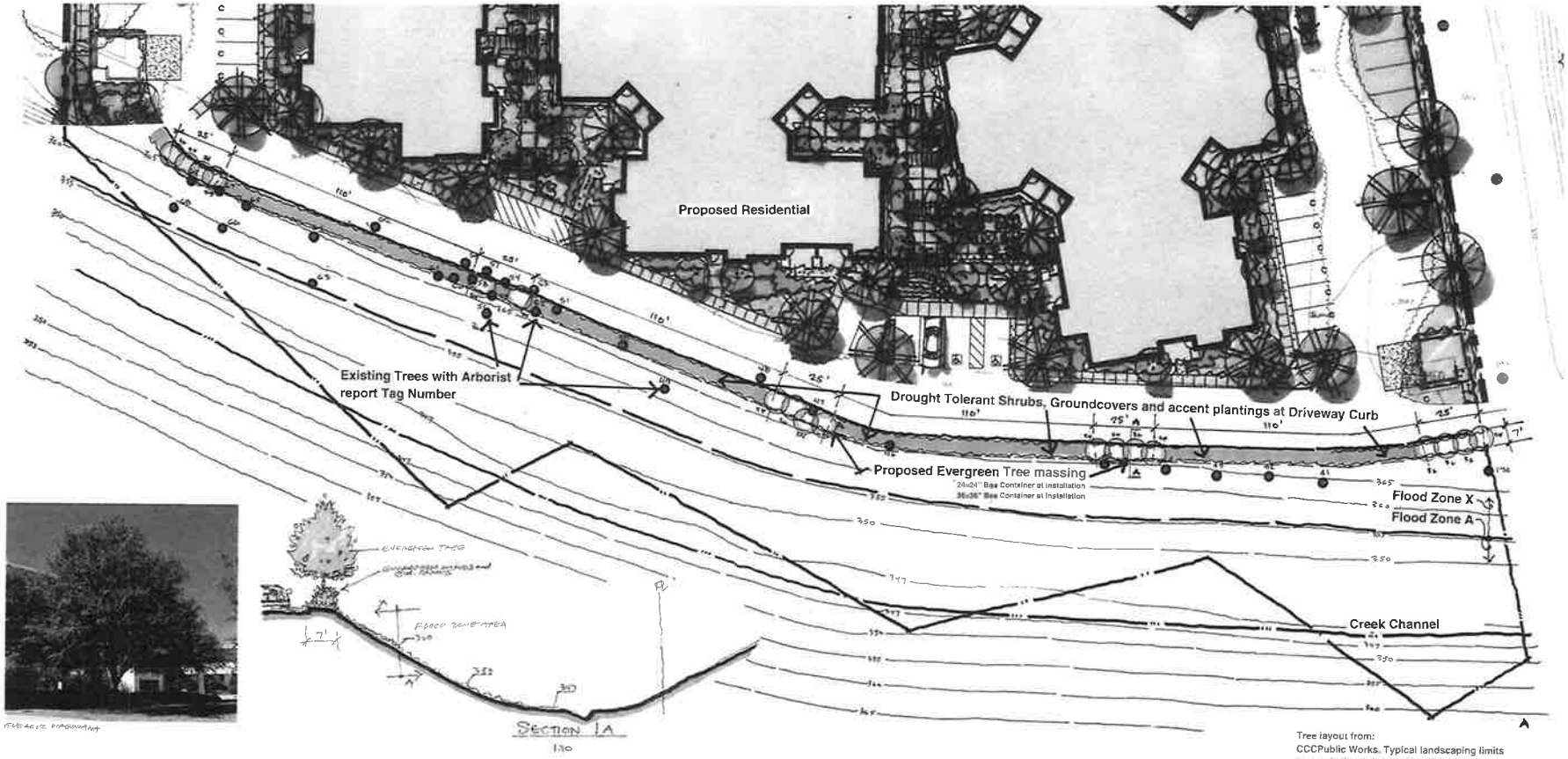
Tree layout from:
CCCPublic Works. Typical landscaping limits on creek channel and embankments.

Legend
Existing Trees
Proposed Trees
Trees removed
Proposed Ground-plane Planting Area

North
1/16"

373 Diablo Road Apartments
Danville California

Flood Control Tree Planting Option 1A



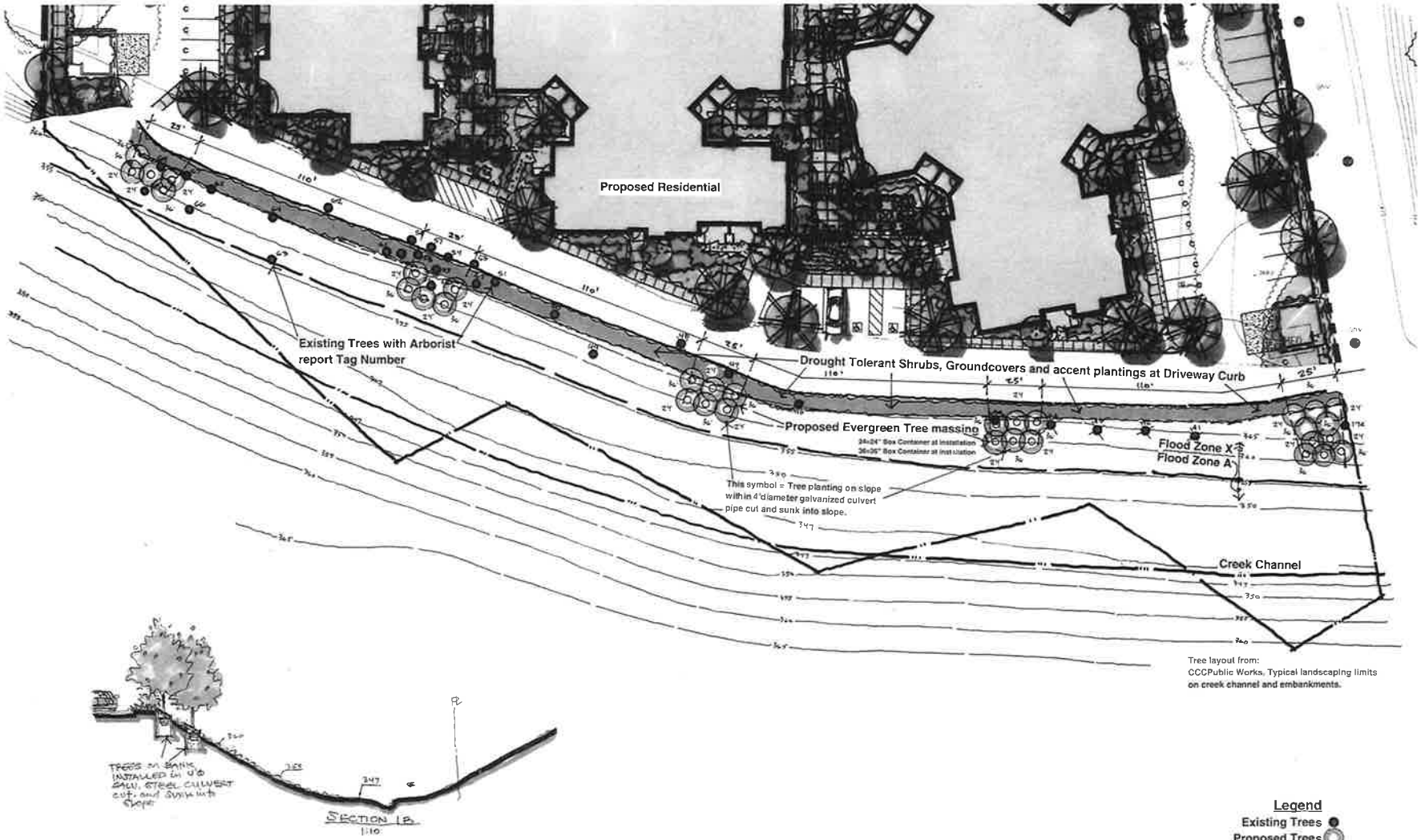
Tree layout from:
CCCPublic Works. Typical landscaping limits on creek channel and embankments.

Legend
Existing Trees
Proposed Trees
Trees removed
Proposed Ground-plane Planting Area

North
1/16"

373 Diablo Road Apartments
Danville California

Flood Control Tree Planting Option 1A



Legend

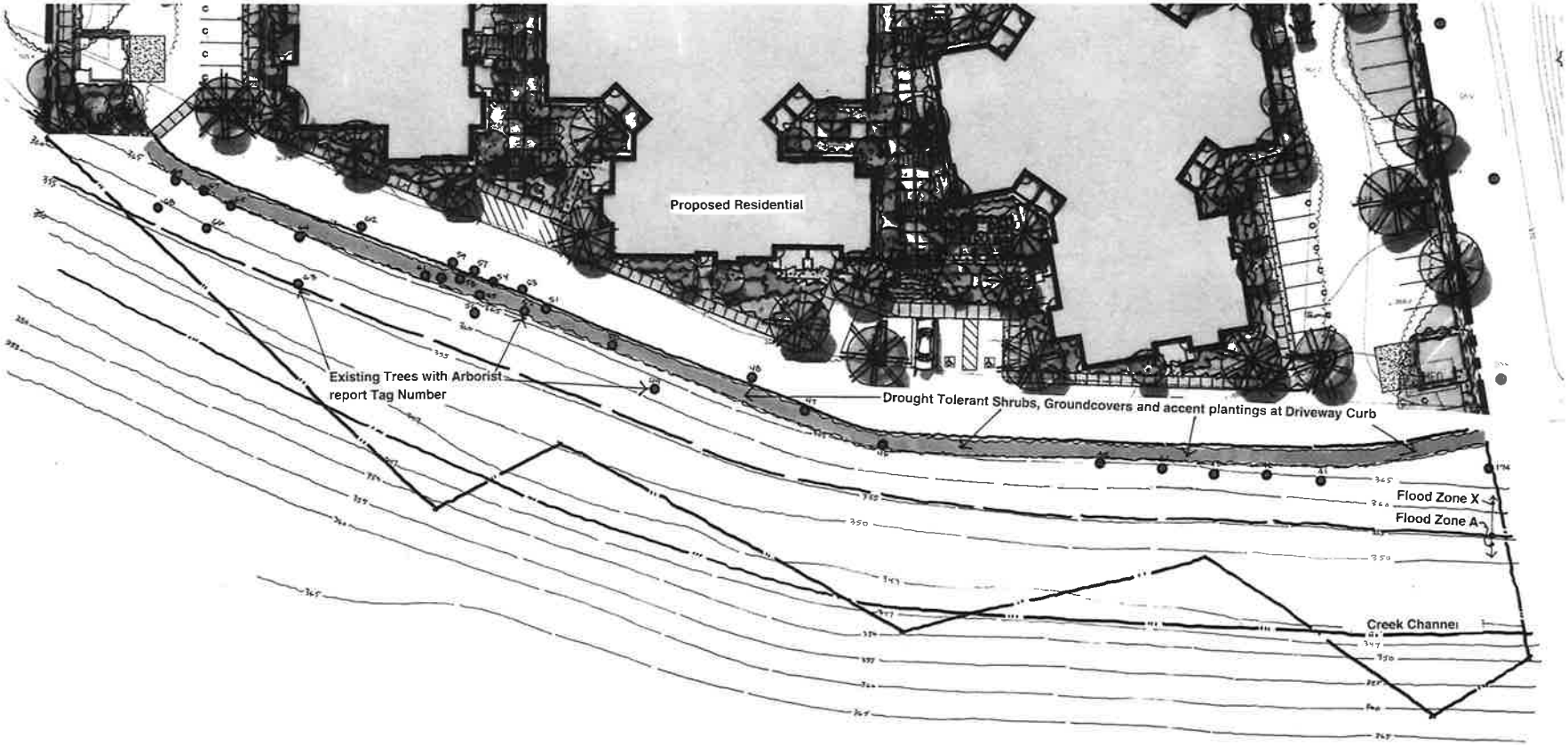
- Existing Trees
- Proposed Trees
- Trees removed
- Proposed Ground-plane Planting Area

North
1/16"

373 Diablo Road Apartments

Danville California

Flood Control Tree Planting Option 1B



Legend

Existing Trees

Proposed Ground-plane Planting Area

North

1/16"

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Flood Control Tree Planting Option 2

Flood Control Chronology

Following the Planning Commission hearing, Flood Control was contacted on January 25th and a meeting was requested to discuss Flood Control recommended Conditions of Approval position that ALL trees in Flood Control Easement be removed.

Our Landscape Architect re-surveyed the pine trees within the Easement on January 26th and upon further observation determined that some of pines had bark beetle infestation. That information was given to Flood Control by the Owner.

Flood Control stated that all pine trees be removed due to bark beetle infestation.

The next week on February 8th, a meeting was agreed with Flood Control to discuss possible preservation of pines NOT infested with bark beetle and other specimen trees within the Easement.

Flood Control issued standard planting details of what would be allowed in a typical channel setting. Flood Control requested a list of existing trees within the Flood Control channel. Our Landscape Architect submitted a conceptual planting/tree preservation plan to Flood Control.

Later that same day the meeting was cancelled. Flood Control Maintenance requested more time to review the plan. They noted that there were more existing tree specimens within the Flood Control Easement than just pine trees. They noted that there were Oaks within the Easement and other large specimen trees. They stated that they will consider allowing some of these trees to selectively remain.

Flood Control clarified that new Native species would NOT be allowed within the Easement. They only allow groups of Non-Native ornamental trees spaced approximately 110 feet apart at the top of Bank in clumps of 25 feet or less. NO pine trees, eucalyptus or redwood trees would be allowed in the new plantings.

The drawing submitted by the Design Team shows worst case removal of all trees as one example and species replaced according to Flood Control standards. The other scheme submitted shows retention of all healthy trees with understories under the pines planted from day 1 and with infested trees removed over time as they fail.

EXHIBIT G