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

**Wednesday, May 21, 2014  
7:00 p.m. – Council Chamber  
1950 Parkside Drive, Concord**

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Planning Commission Members:

Carlyn Obringer, Chair

John Mercurio, Vice Chair

Ernesto A. Avila, Commissioner

Robert Hoag, Commissioner

Tim McGallian, Commissioner

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

**I. ROLL CALL**

**II. PLEDGE TO THE FLAG**

**III. PUBLIC COMMENT PERIOD**

**IV. ADDITIONS / CONTINUANCES / WITHDRAWALS**

**V. CONSENT CALENDAR**

**1. 5/07/14 Meeting Minutes**

- 2. [Fast Auto Loan Appeal](#) (PL140098 – AP) – A resolution considering an appeal by Fast Auto Loans, modifying the Planning Division’s official interpretation regarding the use of property for a “car title loan business” under the Concord Development Code and determining the use is not allowed in any zone. **Project Planner: Andrew Mogensen @ (925) 671-3332.****

**VI. PUBLIC HEARINGS**

- 1. [Downtown Concord Specific Plan](#) (PL14160 – GP) – The City of Concord proposes to adopt the Downtown Concord Specific Plan. The Downtown Plan is a document that includes policies, measures and strategies to develop a defined geographic area. The Downtown Plan will serve as an economic development tool with the advantage of combining land use plan, specific zoning, context specific policies to address unique conditions and financing programs into one comprehensive package. The objectives of the Downtown Plan are to: 1) develop a Downtown vision; 2) provide a community engagement process to further the**

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development of the Plan; 3) prepare goals, policies and implementation strategies to promote enhanced pedestrian and bicycle access to and from the BART Station, attractive high-density infill, incentives for affordable housing, and improved transit opportunities; and 4) develop strategies to spur new development. The Plan will leverage future state and regional grant funding toward the Downtown. Pursuant to the California Environmental Quality Act, an Addendum to the Final Supplemental Environmental Impact Report (SEIR) to the 2030 Concord General Plan EIR for the Concord Development Code has been prepared for this project and will be considered concurrently. **Project Planner: Joan Ryan @ (925) 671-3370. Continued from 5/7/14 meeting.**

## VII. COMMISSION CONSIDERATIONS

1. [CIP and TIP General Plan Consistency](#) – Review of the proposed 2014-2015 Fiscal Year (FY) Capital Improvement Program (CIP) and Transportation Improvement Program (TIP) for consistency with the adopted General Plan pursuant to Government Code Section 65401. **Project Engineer: Robert Ovadia @ (925) 671-3470.**

## VIII. STAFF REPORTS / ANNOUNCEMENTS

## IX. COMMISSION REPORTS / ANNOUNCEMENTS

## X. FUTURE PUBLIC HEARING ITEMS

## XI. ADJOURNMENT

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### NOTICE TO PUBLIC

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#### ADA ACCOMMODATION

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

#### APPEALS

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

#### APPLICANT'S SUBMITTAL OF INFORMATION

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

#### CONSENT CALENDAR

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

**CORRESPONDENCE**

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

**HEARINGS**

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

**MEETING RECORDS**

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

**NOTICE TO THE HEARING IMPAIRED**

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

**ROUTINE AGENDA ITEMS AND CONTINUED ITEMS**

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

**SPEAKER'S CARD**

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

**TELEVISED MEETINGS**

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

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**NEXT PLANNING COMMISSION MEETINGS:**

June 4, 2014: 6:30 pm – Council Chambers – Study Session  
7:00 pm – Council Chambers – Regular Meeting  
June 18, 2014: 7:00 pm – Council Chambers

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## REPORT TO PLANNING COMMISSION

DATE: May 21, 2014

**SUBJECT: A RESOLUTION CONSIDERING AN APPEAL BY FAST AUTO LOANS, MODIFYING THE PLANNING DIVISION'S OFFICIAL INTERPRETATION REGARDING THE USE OF PROPERTY FOR A "CAR TITLE LOAN BUSINESS" UNDER THE CONCORD DEVELOPMENT CODE AND DETERMINING THE USE IS NOT ALLOWED IN ANY ZONE (PL140098 – AP)**

**Recommendation: Adopt Resolution No. 14-11PC, modifying the Planning Division's interpretation and determining the use is not allowed in any zone (PL140098 – AP).**

**I. Discussion**

On April 16, 2014, the Planning Commission considered an appeal by Fast Auto Loans of the of the Planning Division's determination that a "car title loan business" is most similar to a "check cashing business" as that land use classification is defined and used in the Concord Development Code including at Section 122-1580. After considering staff's report and testimony from the Appellant's representatives, the Planning Commission moved to modify the Planning Division's interpretation and found that a "car title loan business" is not like any known use listed in the Development Code, and is therefore prohibited. At the hearing, Planning Manager Carol Johnson noted that since the Planning Commission's decision was different than that contained in the resolution presented by staff, a new resolution would be drafted memorializing the decision of the Commission and it would be presented at a future Planning Commission meeting for adoption as a consent item. As directed, staff has prepared Resolution No. 14-11PC, attached as Exhibit A, and recommends the Planning Commission adopt the resolution by the following motion:

I (Comm. \_\_\_\_\_) hereby move that the Planning Commission adopt Resolution No. 14-11PC, modifying the Planning Division's official interpretation regarding the use of the property for a "car title loan business" under the Concord Development Code and determining that the use is not allowed in any zone (PL140098 – AP). (Seconded by Comm. \_\_\_\_\_.)

Prepared by:

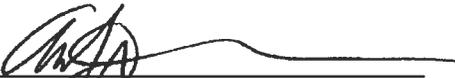
  
Andrew J. Mogensen, AICP  
Principal Planner

Exhibit:

A - Resolution No. 14-11PC

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

**A RESOLUTION CONSIDERING AN APPEAL BY  
FAST AUTO LOANS, MODIFYING THE  
PLANNING DIVISION'S OFFICIAL  
INTERPRETATION REGARDING THE USE OF  
PROPERTY FOR A "CAR TITLE LOAN  
BUSINESS" UNDER THE CONCORD  
DEVELOPMENT CODE AND DETERMINING  
THE USE IS NOT ALLOWED IN ANY ZONE  
(PL140098 – AP)**

Resolution No. 14-11PC

**WHEREAS**, on January 17, 2014, Fast Auto and Payday Loans, Inc. *dba* Fast Auto Loans (“Appellant”) filed a Business License Application for a “car title loans & payday advance service<sup>1</sup>” business at 1545 Monument Boulevard, Concord CA, APN 128-280-041 (“Site”); and

**WHEREAS**, under Concord Development Code Section 122-3(b)<sup>2</sup> any use of land or structure must comply with Development Code requirements; and

**WHEREAS**, the General Plan land use designation for the Site is Commercial Mixed Use (“CMU”); and

**WHEREAS**, the Site is zoned Commercial Mixed Use (“CMX”). In the CMX Zone Table (Development Code Table 122-131.1), a “check cashing business” is listed as a non-permitted use in the CMX Zone; and

**WHEREAS**, a check cashing business is defined in Section 122-1580 as follows:

**Check Cashing Business.** An establishment that provides compensation for checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This classification also includes establishments offering deferred deposits, whereby the check casher refrains from depositing a personal check written by a customer until a specific date pursuant to a written agreement as provided in Civil Code 1789.33. This classification does not include

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<sup>1</sup> Appellant’s papers conflate payday loan services and check cashing services. While check cashing services are a listed use in the Development Code, payday loan/advance services are not. Following the general analysis in the Record which was applied to unlisted uses, payday loan services would be disallowed in the City of Concord.

<sup>2</sup> Hereinafter, all references to code sections shall be deemed to refer to the Concord Development Code, except where expressly provided otherwise.

1 state or federally chartered banks, savings associations, credit unions, or industrial loan  
2 companies and retail sellers that cash checks or issue money orders incidental to the main  
3 business.

4 **WHEREAS**, based on the CMX Zone Table and definitions, City Business License staff  
5 informed the Appellant that the Concord Development Code prohibits payday loan/check cashing  
6 businesses at the Site; and

7 **WHEREAS**, on January 22, 2014, Appellant resubmitted a Business License Application for a  
8 “car title loans only” business at the Site, meaning the business intends to offer a single product to  
9 consumers, a loan secured by a pledge of the borrower's automobile title certificate; and

10 **WHEREAS**, the Development Code does not contain a “car title loan business” land use  
11 classification in any zone; and

12 **WHEREAS**, given that car title loan business is not a listed use, the Business License staff  
13 referred the matter to the Planning Division for an interpretation of the Development Code; and

14 **WHEREAS**, under Section 122-54(a)(2), a land use not listed in the Zone Tables or the Use  
15 Classifications as a listed land use is not allowed within the City, except as provided for in Section  
16 122-54(a)(3), or Section 122-56 (Section 122-56 is not applicable to the issue before the Planning  
17 Commission); and

18 **WHEREAS**, Section 122-54(a)(3) provides that an unlisted use may only be allowed if the  
19 Planning Division determines that a proposed use is similar and compatible to a listed use after  
20 making five specified findings; and

21 **WHEREAS**, the Planning Division is authorized under Section 122-6 to interpret any  
22 provision of the Development Code or its application to a specific site; and

23 **WHEREAS**, Section 122-1579 provides further guidance regarding interpretation of the  
24 Development Code, as follows:

25 Use classifications describe one or more uses of land having similar characteristics but do not  
26 list every use or activity that may appropriately be within the classification. If a particular land  
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1 use is identified as an example of one category but exhibits the characteristics of another, the  
2 use shall be categorized under the latter.

3 The Planning Division shall make the determination as to whether a specific use is included or  
4 not included within a classification based on the characteristics of the use. A specific use shall  
5 not be deemed to be within a classification whether or not named within the classifications if  
6 its characteristics are substantially incompatible with those of the typical uses named within  
7 the classification.

8 **WHEREAS**, on February 20, 2014, the Appellant’s attorney wrote a letter to the City  
9 Attorney opining that a car title loan business is not a payday lender/check cashing service as defined  
10 by the Development Code, but instead is a type of financial institution that fits within the definition of  
11 “Bank, Credit Union.” A Bank, Credit Union is a listed use in the CMX Zone Table and would be  
12 allowed by right in the CMX Zone as well as within the City’s Office and Commercial Districts,  
13 Downtown Districts, and Business Park and Industrial Districts. A Bank, Credit Union is defined in  
14 Section 122-1580 as follows:

15 **Bank, Credit Union.** A financial institution that provides retail banking services. Examples  
16 include institutions engaged in the on-site circulation of money, including credit unions. This  
17 classification does not include check-cashing businesses.

18 **WHEREAS**, after analysis of relevant facts and provisions of the Development Code, the  
19 Planning Division determined that a car title loan business could be characterized as similar and  
20 compatible to a “check cashing business” land use classification, as defined and used in the  
21 Development Code, based upon the characteristics of the use. The interpretation compared the  
22 characteristics of a car title loan business in terms of loan terms, interest rates, amounts and medium  
23 with both banks and check cashing businesses and found more similarities in the character of the use  
24 with the latter; and

25 **WHEREAS**, on February 26, 2014, the Planning Division issued an official interpretation, via  
26 a letter to Appellant’s counsel, that a “car title loan business” is not a listed use in any zone, but is  
27 similar to and compatible to a “check cashing business” as that land use classification is defined and  
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1 used in the Development Code; and

2       **WHEREAS**, Check Cashing Businesses are allowed only in the Industrial Business Park  
3 (“IBP”) zoning district, subject to the discretionary approval of a Use Permit. In contrast, a Bank,  
4 Credit Union use is allowed by right within the City’s Office and Commercial Districts, Downtown  
5 Districts, and Business Park and Industrial Districts. Because the Planning Division made an official  
6 interpretation that a car title loan business is similar to a check cashing business, a car title loan  
7 business is not allowed at the Site, but the use would be allowed in the IBP district upon approval of a  
8 Use Permit; and

9       **WHEREAS**, the Planning Division’s February 26, 2014 letter informed the Appellant that an  
10 appeal of the official interpretation could be made to the Planning Commission and included a copy of  
11 the appeal procedures; and

12       **WHEREAS**, on March 10, 2014, the Appellant appealed the Planning Division’s official  
13 interpretation to the Planning Commission. Appellant’s attorney submitted a memo to the City Clerk  
14 supplementing the Notice of Appeal, reasserting that the proposed car title loan business is not a  
15 payday lender/check cashing service but is a financial institution that fits within the plain meaning of  
16 the term “Bank, Credit Union” in the Development Code; and

17       **WHEREAS**, the Planning Commission, after giving all public notices required by State law  
18 and the Concord Municipal Code, held a duly noticed public hearing on April 16, 2014 to consider the  
19 Fast Auto Loan Appeal (PL140098-AP); and

20       **WHEREAS**, at the April 16, 2014 public hearing, the Planning Commission considered all  
21 oral and written testimony, materials, and information received, including the oral reports from City  
22 staff, Appellant, Appellant’s attorney and representative, the written report from City staff dated April  
23 16, 2014, the written presentation from City staff, the Appeal, exhibits presented, pertinent plans and  
24 documents, and other materials and information contained in the record of proceedings relating to the  
25 Appeal (collectively, the “Record”), which are maintained at the offices of the City of Concord  
26 Planning Division; and

27       **WHEREAS**, on April 16, 2014, the Planning Commission, after consideration of the Record,  
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1 determined that car title loan businesses were not a listed use in any zone and did not fit within the  
2 definition or exhibit the material characteristics of either a Bank, Credit Union or Check Cashing  
3 Business. The Commission also determined that the evidence was insufficient to make the findings  
4 required under Section 122-54(a)(3) to conclude that the use was similar to and compatible to any  
5 other listed use; and

6 **WHEREAS**, on April 16, 2014, the Planning Commission declared their unanimous intent to  
7 consider the Fast Auto Loans Appeal, modify the Planning Division’s official interpretation, and  
8 determine that the car title loan business is a use that is neither a listed use or a use that is similar to  
9 and compatible to any listed use in the Development Code and therefore is not allowed in any zone.  
10 The Commission directed staff to return with a resolution consistent with that intent; and

11 **WHEREAS**, on May 21, 2014, the Planning Commission considered the Record, this  
12 Resolution, the written report from City staff dated May 21, 2014, and all other oral and written  
13 testimony, materials, and information received (which shall be deemed to be part of the Record).

14 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:** that the Planning Commission  
15 does hereby consider the Fast Auto Loan Appeal (PL140098 – AP) and modify the Planning  
16 Division’s February 26, 2014 official interpretation, making the following findings and  
17 determinations:

18 CEQA

19 1. Pursuant to the California Environmental Quality Act of 1970, Public Resources Code §21000,  
20 *et seq.*, as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California  
21 Code of Regulations (collectively, “CEQA”), the Planning Commission action does not constitute a  
22 “project” within the meaning of Public Resources Code Section 21065, 14 Cal Code Regs. Section  
23 15060(c)(2), 15060(c)(3), or 15378 because it has no potential for resulting in either a direct physical  
24 change in the environment, or a reasonably foreseeable indirect physical change in the environment.  
25 Even if such activities did constitute a project under CEQA, staff believes the activities fall within the  
26 “common sense” exemption set forth in 14 Cal. Code Regs. Section 15061(b)(3), excluding projects  
27 where “it can be seen with certainty that there is no possibility that the activity in question may have a  
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1 significant effect on the environment...”

2 Appeal

3 2. The Appellant’s appeal of the Planning Division’s zoning interpretation has been considered  
4 and the Planning Division’s official interpretation is modified as provided for herein.

5 Land Use Interpretation

6 3. Based upon the Record, the Planning Commission hereby modifies the Planning Division’s  
7 February 26, 2014 official interpretation and finds and determines as follows:

8 **i. Car title loan businesses are not a use listed in the Development Code.**

9 Under Section 122-54(a)(2), a land use not listed in the Development Code is not allowed  
10 within the City. Analysis of the Development Code confirms that car title loan businesses are not a  
11 use listed in the Development Code. Based on the Record before the Planning Commission, the City  
12 has not knowingly issued any permits for a car title loan business.

13 **ii. Car title loan businesses do not fit within the meaning or exhibit the material**  
14 **characteristics of any use listed in the Development Code.**

15 Car title loan businesses do not fit within the meaning or exhibit the characteristics of any use  
16 listed in the Development Code. A car title loan business is not a “Check Cashing Business” as  
17 defined by the Development Code because, as the Appellant has established, it does not provide  
18 “compensation for checks, warrants, drafts, money orders, or other commercial paper serving the  
19 same purpose.” Rather, it provides compensation pursuant to loan agreements secured by the  
20 borrower’s automobile title certificate.

21 A car title loan business is also not a “Bank, Credit Union” as defined by the Development  
22 Code because it is not a “financial institution that provides retail banking services.” First, that  
23 definition refers to retail banking services using the plural form of the noun “service” to indicate that a  
24 single institution provides multiple types of retail banking services. A car title loan business provides  
25 a single type of financial service – car title loans. In contrast, a bank or credit union typically offers a  
26 variety of financial services, such as checking accounts, savings accounts, safe deposit boxes,  
27 mortgages, money orders, credit cards, and other retail services. While Appellant’s attorney asserted  
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1 that a mortgage brokerage business possessed characteristics of a bank while offering a single or very  
2 limited range of financial services, City staff noted that the Development Code does not allow stand-  
3 alone mortgage brokerages.

4 Second, a car title loan business does not fit within the meaning of the example given by the  
5 Development Code of a Bank, Credit Union. The Code describes an example of a Bank, Credit Union  
6 as “institutions engaged in the on-site circulation of money, including credit unions.” The Record  
7 shows that the Appellant’s business does not engage in the on-site circulation of money and is not a  
8 credit union. The Appellant’s Attorney noted that Fast Auto Loans’ customers do not receive  
9 compensation for checks or other forms of commercial paper; rather they receive a loan in exchange  
10 for a pledge of the borrower's automobile title certificate. The Appellant indicated that Fast Auto  
11 Loans provides its customers with a loan in the form of a check only, not cash, and keeps less than  
12 \$500 dollars on the premises for the safety of its employees. This practice is easily distinguishable  
13 from that of a bank, which keeps significant sums of cash on hand and can offer cash in exchange for  
14 checks or other commercial paper, *i.e.*, engage in the on-site circulation of money. Therefore, a car  
15 title loan business such as Fast Auto Loans is not an institution engaged in the on-site circulation of  
16 money as defined by the Development Code.

17 Third, a reading of the Development Code definitions makes clear that the reference to  
18 financial institutions in the definition of “Bank, Credit Union” was intended to authorize traditional  
19 banks, not alternative financial service providers, such as check cashing or car title loans. The  
20 definition of Bank, Credit Union expressly excludes check cashing businesses. Similarly, the  
21 definition of Check Cashing Businesses expressly excludes “state or federally chartered banks,  
22 savings associations, credit unions, or industrial loan companies and retail sellers that cash checks or  
23 issue money orders incidental to the main business.” This cross reference and internal distinction  
24 makes clear that the Development Code’s definition of banks is restricted to traditional state and  
25 federally chartered institutions, not to alternative financial service providers, such as check cashing  
26 businesses, payday lenders, or car title loan businesses. Evidence in the Record establishes that car  
27 title loan businesses are not chartered institutions; they are subject to separate regulatory requirements  
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1 than traditional banks.

2 Fourth, under Section 122-1579, “A specific use shall not be deemed to be within a  
3 classification whether or not named within the classifications if its characteristics are substantially  
4 incompatible with those of the typical uses named within the classification” (emphasis added). This  
5 Section requires an interpretation of the Development Code that focuses on substance rather than form  
6 when it comes to classification of land uses. Thus, even if a car title loan business were a financial  
7 institution that provides retail banking services or engages in the on-site circulation of money, for the  
8 reasons described in the Record and in this Resolution, the character of the use of the car title loan  
9 business is substantially incompatible with a typical bank use and therefore cannot be deemed to be  
10 within the Bank, Credit Union classification.

11 Based on the foregoing, a car title loan business is neither a Check Cashing Business nor a  
12 Bank, Credit Union within the meaning of the Development Code.

13 **iii. Car title loan businesses are not similar to or compatible to any listed use in the**  
14 **Development Code because the five findings required by 122-54(a)(3) cannot be made.**

15 When a proposed use is not listed, Section 122-54(a)(3) provides that “The Planning Division  
16 may determine that a proposed use is similar to and compatible to a listed use, and therefore, may be  
17 allowed after first making all of the following findings...” Thus, the Planning Division has the  
18 discretion, but not the obligation, to allow a use that is not otherwise listed.

19 While the Planning Division found in its official interpretation that a car title loan business  
20 could be found to be similar to and compatible to a Check Cashing Business, the Appellant opposed  
21 that determination and submitted substantial evidence in the Record to distinguish its proposed use  
22 from a Check Cashing Business use.

23 Because the Appellant has taken the position that it meets the definition of a Bank, Credit  
24 Union, it has not submitted evidence to support the findings required under Section 122-54(a)(3) to  
25 establish that a car title loan business is similar to and compatible to a Bank, Credit Union. In  
26 addition, the Appellant’s attorney advised the City in writing that considering a car title loan business  
27 use as similar to and compatible to any use under Section 122-54(a)(3) was not acceptable to them.  
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1 Even if the Planning Commission wished to exercise its discretion on appeal to allow a car  
2 title loan business to operate in the City, Section 122-54(a)(3) requires that the Planning Commission  
3 find that the characteristics of and activities associated with car title loan businesses be similar to a  
4 Check Cashing Business, a Bank, Credit Union or some other listed use and be consistent and  
5 compatible with the purpose of the zone district, General Plan, and other uses. There is no evidence  
6 on the Record to make these findings. The evidence on the Record, including the April 16, 2014 staff  
7 report and testimony, establishes that car title loan businesses are regulated by the state separately  
8 from traditional lenders in order to protect consumers from unfair, predatory lending practices unique  
9 to these businesses. The Record also shows that car title loan businesses – unlike traditional banks –  
10 increase the risk of defaults, vehicle repossessions and unemployment, perpetuating a debt cycle,  
11 which the Planning Commission found would be incompatible with the General Plan and  
12 Development Code policies that promote economic stability and require land uses that could have  
13 negative economic impacts be dispersed and properly located to minimize adverse economic effects  
14 on the surrounding uses.

15 Because car title loan businesses are distinguishable from other uses listed in the Development  
16 Code in terms of their characteristics and activities, and the Planning Commission declined to exercise  
17 its authority to find a car title loan business use similar to and compatible to a listed use on the basis  
18 that there is no evidence in the Record to make the required findings, it is hereby determined that car  
19 title loan businesses such as Fast Auto Loans are not similar to or compatible to any listed land use  
20 and are therefore not allowed within the City.

21 **iv. The foregoing interpretation is consistent with the express language and intent of**  
22 **the Development Code, and is consistent purpose of the zoning districts and General Plan.**

23 The foregoing interpretation is consistent with the express language and intent of the  
24 Development Code, and is consistent purpose of the zoning districts and General Plan, because it  
25 promotes the general welfare of the City, preserves the character of neighborhoods and protects the  
26 residents and visitors of Concord.

27 Effective Date

1 4. In accordance with City of Concord Municipal Code Section 122-1170, approvals or other  
2 decisions of the Planning Commission shall become effective on the 11<sup>th</sup> calendar day following the  
3 date the decision is rendered, if no appeal is filed.

4 **PASSED AND ADOPTED** this 21st day of May, 2014, by the following vote:

5 **AYES:**

6 **NOES:**

7 **ABSTAIN:**

8 **ABSENT:**

9 \_\_\_\_\_  
10 Andrew J. Mogensen, AICP  
11 Secretary to the Planning Commission  
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**REPORT TO PLANNING COMMISSION**

DATE: May 21, 2014

**SUBJECT: DOWNTOWN CONCORD SPECIFIC PLAN ADOPTION**

**Recommendation:** Adopt Resolution No. 14-14 PC, recommending City Council approval of the Addendum to the Final Supplemental Environmental Impact Report (SEIR) to the 2030 Concord General Plan EIR for the Concord Development Code Project, and adoption of the Downtown Concord Specific Plan General Plan Amendment (PL14160-GP) as Volume IV to the Concord 2030 General Plan.

**I. Introduction**

At the conclusion of the May 7, 2014 meeting, the Planning Commission made a motion to continue discussion of the item to the Planning Commission meeting of May 21<sup>st</sup> to allow additional time for their review, after questions, comments and discussion by the Planning Commission and public comment was taken on the project. The Planning Commission is now being asked to review, discuss, and consider adopting Resolution No. 14-14PC (Exhibit A) recommending City Council: a) approval of the Addendum to the Final Supplemental Environmental Impact Report (SEIR) to the 2030 Concord General Plan EIR for the Concord Development Code Project; and b) adoption of the Downtown Concord Specific Plan General Plan Amendment (PL14160-GP) as Volume IV to the General Plan. Upon approval of the Addendum and adoption of the Specific Plan, the Specific Plan will be added to and become part of the General Plan as the new Volume IV.

**II. Discussion**

On May 7, 2014, a Planning Commission public hearing was held on the Downtown Plan, during which the staff planner provided a presentation on the project, and responded to comments and questions by the Commission. The Commission then discussed the project, and then opened the item up for public comments, during which time one speaker provided comments regarding the project. The Planning Commission then voted (3-0; 1 excused absence, 1 recused) to continue the item to allow the Commission additional time to review the project.

The Commission should reference their materials previously provided for the May 7<sup>th</sup> meeting when reviewing the project. Since the May 7<sup>th</sup> staff report was published, staff received two items of correspondence which were included during the May 7<sup>th</sup> Planning Commission meeting as benched items 1 and 2 that evening, and discussed those with the Commission. Staff also provided benched item #3, an Errata Sheet with proposed modifications/additions to the document for the Commission's consideration.

For this evening's May 21<sup>st</sup> meeting, staff has updated the resolution to reflect the second meeting date, and updated the errata sheet to provide a few additional corrections regarding some minor typographical errors or points of clarification to further improve the document. The document is tentatively planned for City Council review on June 10<sup>th</sup>.

**III. Public Contact**

Notification was published in the Contra Costa Times, as required by the Concord Municipal Code. Notice for this item has also been posted at the Civic Center, at least 7 days prior to the public hearing. Because the Commission continued this item on May 7<sup>th</sup> to a date certain, no further noticing was required.

**IV. Summary and Recommendations**

Adopt Resolution No. 14-14 PC (Exhibit A) recommending City Council approval of the Addendum to the Final Supplemental Environmental Impact Report (SEIR) to the 2030 Concord General Plan EIR for the Concord Development Code Project, and adoption of the Downtown Concord Specific Plan General Plan Amendment (PL14160-GP) as Volume IV to the Concord 2030 General Plan.

**V. Motion**

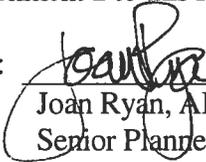
**CEQA Action**

I (Comm. \_\_\_\_\_) hereby move that the Planning Commission adopt Resolution 14-14PC recommending City Council adoption of the Addendum to the Final Supplemental Environmental Impact Report (SEIR) to the 2030 Concord General Plan EIR for the Concord Development Code Project as Attachment 1 to this Resolution, which was made available for public review on January 27, 2014 through February 24, 2014 and is attached as Attachment 1 to this Resolution. (Seconded by Comm. \_\_\_\_\_.)

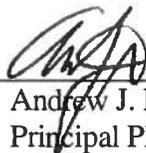
**Project Approvals**

I (Comm. \_\_\_\_\_) hereby move that the Planning Commission adopt Resolution 14-14PC recommending City Council approval of the Downtown Concord Specific Plan General Plan Amendment (PL14150-GP) as Volume IV to the Concord 2030 General Plan, as set forth in Attachment 2 to this Resolution. (Seconded by Comm. \_\_\_\_\_.)

Prepared by:

  
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Reviewed by:

  
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**EXHIBITS**

Exhibit A: Updated Resolution 14-14PC based on continuance (Attachment 1: Addendum, Attachment 2: Downtown Concord Specific Plan, Attachment 3: ULI Recommendations) *Attachments were included in the May 7<sup>th</sup> packet.*

Exhibit B: Updated Errata Sheet

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

3 **A RESOLUTION RECOMMENDING CITY**  
4 **COUNCIL APPROVAL OF THE ADDENDUM TO**  
5 **THE FINAL SUPPLEMENTAL**  
6 **ENVIRONMENTAL IMPACT REPORT (SEIR) TO**  
7 **THE 2030 CONCORD GENERAL PLAN EIR FOR**  
8 **THE CONCORD DEVELOPMENT CODE**  
9 **PROJECT, AND ADOPTION OF THE**  
10 **DOWNTOWN CONCORD SPECIFIC PLAN**  
11 **GENERAL PLAN AMENDMENT (PL14160-GP)**  
12 **AS VOLUME IV OF THE CONCORD 2030**  
13 **GENERAL PLAN**

Updated Resolution No. 14-14PC

14                   **WHEREAS**, the City of Concord adopted the Concord 2030 General Plan on October 2, 2007  
15 (“General Plan”); and

16                   **WHEREAS**, the City of Concord concurrently certified the Final Environmental Impact  
17 Report for the Concord 2030 General Plan on October 2, 2007 (“General Plan EIR”); and

18                   **WHEREAS**, the City of Concord adopted Chapter 122 of the Concord Municipal Code  
19 (“Development Code”) on July 24, 2012; and

20                   **WHEREAS**, the City of Concord concurrently certified the Supplemental Environmental  
21 Impact Report to the 2030 Concord General Plan EIR for the Concord Development Code Project on  
22 July 24, 2012 (“SEIR”); and

23                   **WHEREAS**, Plan Bay Area represents the nine-county region’s long-range plan to meet the  
24 requirements of the State of California’s *SB 375 Linking Regional Transportation Plans to State*  
25 *Greenhouse Gas Reduction Goals*, and calls on each of the State’s 18 metropolitan areas to develop a  
26 Sustainable Communities Strategy (SCS) to accommodate future population growth and reduce  
27 greenhouse gas (GHG) emissions from cars and light trucks. Working in collaboration with cities and  
28 counties, the Plan advances initiatives to expand housing and transportation choices, create healthier  
communities, and build a stronger regional economy. The GHG reduction target for the Bay Area is a  
15 percent per capita reduction by 2035; and

**WHEREAS**, in the Bay Area, a regional SCS was developed in conjunction with the  
Association of Bay Area Governments (ABAG), which is responsible for land use and housing

1 assumptions and synchronizes the Regional Housing Needs Allocation process (RHNA) to be  
2 consistent with the development pattern in the SCS. The SCS is the mechanism intended for  
3 achieving the required reductions in emissions by promoting compact, mixed-use commercial and  
4 residential development that is walkable, bikeable and in close proximity to mass transit, jobs,  
5 schools, and shopping. Other positive outcomes of the SCS include more transportation choices for  
6 residents, the creation of more livable communities and a reduction in pollutants associated with  
climate change; and

7 **WHEREAS**, regional agencies, including the Metropolitan Transportation Commission  
8 (MTC), work to support local governments' commitment to goals focused on compact, transit-  
9 oriented development by directing existing and future incentives to Priority Development Areas  
10 (PDAs), locally-identified as infill development opportunity areas located near transit; and

11 **WHEREAS**, as described in MTC's Transit-Oriented Development Policy, to assist cities in  
12 meeting these goals, the MTC launched a Station Area Planning grant program in 2005 to fund city-  
13 sponsored planning efforts for the areas around future stations. These station-area and land-use plans  
14 are intended to address the range of transit-supportive features that are necessary to support high  
levels of transit ridership; and

15 **WHEREAS**, the PDA Planning Program funds comprehensive planning in PDAs that will  
16 result in intensified land uses around public transit hubs and bus and rail corridors in the nine-county  
17 San Francisco Bay Area intended to increase the housing supply and jobs within the planning area,  
18 boost transit ridership, promote multi-modal connections, and locate key services and retail within the  
planning area; and

19 **WHEREAS**, Government Code section 65358 et seq. provides for the amendment of all or  
20 part of an adopted general plan; and

21 **WHEREAS**, Development Section 122-1099 et seq. sets forth City requirements with respect  
22 to general plan amendments; and

23 **WHEREAS**, the City has complied with the foregoing as well as other applicable  
24 requirements of the Local Planning Law (Government Code section 65100 *et seq.*), and the City's  
25 ordinances and resolutions with respect to general plan amendments; and

26 **WHEREAS**, on January 9, 2013, the City initiated application No. PL14160-GP for the  
27 Downtown Concord Specific Plan General Plan Amendment to add a new Volume IV of the General  
28

1 Plan with the goals of 1) increasing BART ridership and efficiency of multi-modal connections; 2)  
2 jump starting intensification of uses and densities from current built levels; 3) promoting mid and  
3 high-density housing; 4) constructing housing projects for a mix of housing types and income levels;  
4 4) increasing job creation; and 5) enhancing a strong business climate and expanding the City's  
5 economic base; and 6) implementing strategies to foster a vibrant downtown; and

6 **WHEREAS**, the Downtown Concord Specific Plan ("Downtown Plan," attached hereto as  
7 Attachment 2 and incorporated by reference) identifies strategies in the categories of Land Use,  
8 Economic Vitality, Transportation and Circulation, Infrastructure, Design Guidelines and Funding  
9 Programs that will further assist the City in achieving State-recommended GHG emission reductions;  
10 the Downtown Plan is intended to be added to and become part of the General Plan as new Volume IV  
11 thereof; and

12 **WHEREAS**, the Downtown Plan identifies goals and policies to complement the City's  
13 Complete Streets policies (incorporated into General Plan as previous Amendment through Resolution  
14 No. 13-4823.1 on Dec. 10, 2013) through identifying a street typology overlay, establishing a  
15 pedestrian priority zone, developing a bicycle network to be further refined as part of the Bicycle and  
16 Pedestrian Master Plan, collaborating with transit providers to enhance efficiency, and other related  
17 policies intended to make the most efficient use of urban land and transportation infrastructure,  
18 improve public health by encouraging physical activity, reduce vehicle miles traveled and increase the  
19 number of short trips attributed to biking, walking, and use of public transit, and reduce GHG  
20 emissions; and

21 **WHEREAS**, on June 19, 2013; October 16, 2013; and January 15, 2014; the Planning  
22 Commission received staff reports on the Downtown Plan, and considered evidence presented by City  
23 staff and other interested parties; and

24 **WHEREAS**, the City provided a public review period for the Downtown Plan between  
25 January 27, 2014 and February 24, 2014 and received three comment letters from Transform, Frank J.  
26 Dodd (property owner) and a third joint letter from the Community Coalition for a Sustainable  
27 Concord, Greenbelt Alliance, East Bay Housing Organizations, Monument Community  
28

1 Partnership/Michael Chavez Center and Bike East Bay; and

2         **WHEREAS**, staff reviewed the letters received from the public comment period, responded to  
3 the letters, and incorporated applicable feedback in the Downtown Plan, or in some cases more  
4 appropriately will incorporate comments within the Housing Element Update currently being  
5 prepared, and/or the Citywide Bike and Pedestrian Master Plan to be initiated in July 2014; and

6         **WHEREAS**, staff hosted an Urban Land Institute Technical Advisory Panel providing input  
7 and findings based on the review of a panel of development and related specialists regarding their  
8 examination of Downtown Concord, the findings of which were included (as Attachment 3 – “ULI  
9 Recommendations”) to the staff report; and will be incorporated as appropriate to the Downtown Plan  
10 adopted by the City Council; and

11         **WHEREAS**, pursuant to the provisions of the California Environmental Quality Act of 1970,  
12 Public Resources Code §21000, et seq., as amended and implementing State CEQA Guidelines, Title  
13 14, Chapter 3 of the California Code of Regulations (collectively, “CEQA”) the City determined that  
14 preparation of an Addendum to the Final Supplemental Environmental Impact Report (SEIR) to the  
15 2030 Concord General Plan EIR for the Concord Development Code project (“Addendum”, a copy of  
16 which is attached hereto as Attachment 1 and incorporated by reference) is the appropriate  
17 environmental document to determine if the Downtown Plan would have any significant effect on the  
18 environment and meet the requirements of CEQA, due to the fact that: 1) the Preferred Land Use  
19 Strategy associated with the Downtown Plan does not propose any rezoning; 2) no increase in traffic  
20 is planned beyond that anticipated within the General Plan EIR and the Development Code SEIR; and  
21 3) the City has an adopted Citywide Climate Action Plan; and

22         **WHEREAS**, CEQA does not require that addenda to environmental impact reports be  
23 circulated to public agencies, nor are responses to comments required. However, as a courtesy, given  
24 interest in the project, an Addendum was prepared and made available to the public from January 27,  
25 2014 through February 24, 2014; and

26         **WHEREAS**, two comment letters/e-mails were received from the public during that period,  
27 with both received on February 24, 2014, from 1) Greenbelt Alliance, and 2) property owner and  
28

1 resident Adam Foster (attached to staff report); for which responses were included within the staff  
2 report, but in both cases, it was determined the correspondence did not contain a specific comment  
3 regarding the analysis of environmental impacts contained in the Addendum, and therefore the  
4 Addendum meets the requirements of CEQA and the City of Concord and no further response is  
5 required; and

6 **WHEREAS**, the Planning Commission, after giving all public notices required by State law  
7 and the Concord Municipal Code, held a duly noticed public hearing on May 7, 2014 on the proposed  
8 Downtown Plan and the Addendum; and

9 **WHEREAS**, at such public hearing, the Planning Commission considered all oral and written  
10 information, plans, testimony, and comments received during the public review process, including  
11 information received at the public hearing, the oral report from City staff, the written report from City  
12 staff dated May 7, 2014, the Addendum, the General Plan EIR, the SEIR, the General Plan, Municipal  
13 Code, Development Code, applicable laws and regulations, and all associated approved and certified  
14 environmental documents), and all other information contained in the record of proceedings and the  
15 City's files relating to the Specific Plan, which are maintained at the offices of the City of Concord  
16 Planning Division (collectively, "Project Information"), as well as benched items 1-4 brought forward  
17 by staff, in accordance with the applicable law, including the requirements of CEQA and the City of  
18 Concord Municipal Code, and at the conclusion of the meeting, made a motion to continue the  
19 meeting to a date certain, May 21, 2014, to allow further review of the document by the Commission  
20 and the public and then voted (3-0, 1 absence, 1 recusal) to continue the item; and

21 **WHEREAS**, the Planning Commission, held a subsequent public hearing on May 21, 2014 on  
22 the proposed Downtown Plan and the Addendum; and

23 **WHEREAS**, at such public hearing, the Planning Commission considered all oral and written  
24 information, plans, testimony, and comments received during the public review process, including  
25 information received at the public hearing, the oral report from City staff, the written report from City  
26 staff dated May 7, 2014, and brief subsequent report dated May 21, 2014, the Addendum, the General  
27 Plan EIR, the SEIR, the General Plan, Municipal Code, Development Code, applicable laws and  
28

1 regulations, and all associated approved and certified environmental documents), and all other  
2 information contained in the record of proceedings and the City's files relating to the Specific Plan,  
3 which are maintained at the offices of the City of Concord Planning Division (collectively, "Project  
4 Information"), in accordance with the applicable law, including the requirements of CEQA and the  
5 City of Concord Municipal Code; and

6 **WHEREAS**, after consideration of all the Project Information, the Planning Commission  
7 declared their intent to recommend that the City Council approve said Addendum and the Specific  
8 Plan.

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

10 1. The Planning Commission hereby recommends that the City Council approve the Addendum  
11 as part of its consideration and approval of the Downtown Plan, and further makes the following  
12 findings:

13 1. Recitals. The recitals above are true and correct and are incorporated herein by reference. The  
14 recitals constitute findings in this matter and, together with the Project Information, and serve as an  
15 adequate and appropriate evidentiary basis for the findings and actions set forth in this Resolution.

16 2. Addendum.

17 a. The Addendum is the appropriate environmental document for the Downtown Plan.

18 b. The environmental documents for the Addendum have been prepared, published,  
19 circulated, and reviewed in accordance with all legal requirements, including CEQA Guidelines  
20 Section 15164.

21 c. The Planning Commission has reviewed, considered, and evaluated all of the Project  
22 Information prior to acting upon or approving the Specific Plan.

23 d. The Addendum reflects the independent judgment and analysis of the City as the lead  
24 agency for the Specific Plan.

25 e. There is no substantial evidence in light of the whole record before the Planning  
26 Commission, that the Specific Plan will have a significant effect on the environment.

27 f. Based on substantial evidence in the whole record before the City, the Specific Plan  
28

1 does not make substantial changes to the General Plan or Development Code or substantial changes  
2 with respect to the circumstances under which the General Plan or Development Code would be  
3 implemented which would require revisions to the SEIR due to new significant environmental effects  
4 or a substantial increase in the severity of previously identified significant effects and there is no new  
5 information that would require preparation of a subsequent or supplemental EIR under Public  
6 Resources Code Section 21166 or CEQA Guidelines Section 15162. Therefore, none of the elements  
7 set forth in Public Resources Code Section 21166 or CEQA Guidelines Section 15162 exist and a  
8 subsequent or supplemental EIR or negative declaration is not required.

9 e. As only minor technical changes or additions were required to the SEIR, the  
10 Addendum was prepared in accordance with all legal requirements, including CEQA Guidelines  
11 Section 15164.

12 f. The mitigation measures described in the SEIR are within the jurisdiction of the City to  
13 adopt, and will be implemented.

14 g. All feasible mitigation measures for the Specific Plan identified in the SEIR are hereby  
15 incorporated into this resolution.

16 h. The documents and other materials that constitute the record of proceedings upon  
17 which the Planning Commission has based its recommendations are located in and may be obtained  
18 from the City of Concord Planning Division, 1950 Parkside Drive MS/53, Concord, CA 94519.

19 3. General Plan Amendment. The Planning Commission does hereby make the following  
20 findings:

21 a. The Downtown Plan is internally consistent, is consistent with the policies of the  
22 General Plan, and is consistent with applicable law.

23 b. The Downtown Plan will not be detrimental to the public interest, health, safety,  
24 convenience, or welfare of the City in that the Downtown Plan is a strategic document that proposes  
25 implementation strategies toward land use, economic vitality, transportation and circulation,  
26 infrastructure, design guidelines and funding programs.

27 c. The Planning Commission recommends that the City Council determine that the  
28

1 Downtown Plan is internally consistent, is consistent with the Complete Streets policies adopted by  
2 the Council on December 10, 2013, is consistent with the General Plan in general, and is consistent  
3 with applicable law.

4 d. The Planning Commission recommends that the City Council determine that after the  
5 adoption of the Downtown Plan, the Downtown Plan shall prevail over any conflicts contained in the  
6 General Plan, the Development Code, and all other adopted planning goals, objectives and policies of  
7 the City. Conflicts shall be resolved by the Planning Manager (or if vacant, the Community and  
8 Economic Development Director) whose determination is subject to the appeals process contained in  
9 the Municipal Code.

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

11 **PASSED AND ADOPTED** this 21<sup>st</sup> day of May, 2014, by the following vote:

12 **AYES:**

13 **NOES:**

14 **ABSTAIN:**

15 **ABSENT:**

16  
17 

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Andrew J. Mogensen, AICP  
Secretary to the Planning Commission

18 Attachment:

- 19 1 – Addendum to the Final Supplemental Environmental Impact Report (SEIR) to the 2030 Concord  
20 General Plan EIR for the Concord Development Code Project  
21 2 – Downtown Plan  
22 3 – ULI Recommendations  
23 4 – Errata Sheet of modifications for Council’s consideration  
24  
25  
26  
27  
28

**May 14, 2014**  
**Errata Sheet, Downtown Concord Specific Plan**

**Appendix – Section 9 - References**

**Add technical memos**

9.2 Affordable Housing (final)

9.3 Transportation memo

9.4 Existing Conditions Report

**Clarify “write down”** (page 9): Third column, fourth bullet: Examine potential write down of land costs (mark down of price)....

**Clarify “art interventions”** (page 10): Third column, third bullet: Support more art interventions (art projects, events or activities) in the Downtown.

**Clarify “light synchronization”** (page 11): Second column, last bullet: Review ~~light~~ traffic signal synchronization in the Downtown Core.

**Typo** (page 28): First column, last paragraph: .....which are the mostly likely to be...

**Typo** (page 29): Legend – change color for Concord from purple to blue, consistent with graph.

**Eliminate “where possible”** (page 34): Second column, bottom paragraph, first sentence: ...connecting adjacent open spaces by a greenway trail ~~where possible~~ beneath the BART railway.

**Typo** (page 35): Second column, second paragraph, line 7 – ~~Test~~ Best fit alternatives.....

**Typo** (page 63): Third column, third paragraph, line 4 – ....as parcels develop would improve.....

**Clarify jargon** (page 70): First column, last paragraph, line 8 – .....as well as the creation of a higher-quality pedestrian environment and streetwall aesthetic (streetscape appearance); as podium parking can be located behind active building facades.

**Clarify jargon** (page 83): Third column, last paragraph, line 5 – ...through building vertical modulation and façade articulation to avoid flat, long walls, along the street frontage. Such techniques could include the use of change in façade rhythm, façade recesses, or change in materials or color.

**Clarify** (page 94): First column, first paragraph: Buildings should ~~incorporate narrow floor plates~~ incorporate consideration of floor-to-ceiling height and floor plan depth when designed to allow natural light deeper into the interior.

**Clarify map** (page 100): Bicycle street – Remove arrow head showing north through Mt. Diablo High School on Grant St (stop line at project boundary). Adjust line extending north along Port Chicago Highway to better demonstrate connection through to North Concord BART.

**Typo** (page 102): Second column, third bullet, line 3 – ~~proving~~ providing last mile connections..

**Clarify** (page 139): Second column, Under Bike Path heading, line 2 – Contra Costa Canal Trail to ~~Detroit Ave.~~ Clayton Rd. along Detroit Avenue (as shown on Fig. 5.4)

**Clarify** (page 146): Strategy T-4 A: Engage and actively coordinate with BART to streamline development and expedite approval processes for Station and Access Improvements.

**Modify Implementation Strategy ED-2 (C)** (page 142)**to:** Encourage and facilitate a Parking Management Program in the DP zoned area and south to BART by initiating a parking management study for the DP and DMX zoning districts that analyzes the availability of existing parking spaces, determines modifications necessary in order to make private spaces available to the public, examines concepts such as unbundled parking and transfer of parking rights, and actions required to form a parking management district. (1)

**Modify Implementation Strategy T-1 D** (p. 144) **to:** Provide Downtown Concord bike share program and explore the possibility of incorporating electric bikes into the bike share fleet. (2)

**Add Implementation Strategy T-1 H** (p. 144): Strengthen connection between Park and Shop and Todos Santos Plaza via Willow Pass Road and Salvio Street. (3)

**Add Policy C-1.3** (p. 98): Evaluate and consider adoption of the NACTO Urban Street Design Guide for use on all streets within the Downtown Specific Plan Area. (4)

**Add Policy C-3.7** (p. 111): Post “Reduced Speed 25 mph” signs on Pedestrian Streets as designated in Figure 5.1 Street Typologies. (5)

**Add Policy C-3.8** (p. 111): When new development is proposed for the south side of Todos Santos Plaza, consider providing a mid-block crossing on Willow Pass Road that mirrors the mid-block crossing on Salvio Street. (6)

**Add Policy C-5.4** (page 124): Evaluate the possibility of designating sufficient dedicated right-of-way to accommodate future light rail or bus rapid transit connecting the Concord Reuse Area to Todos Santos Plaza and Diablo Valley College. Study the potential for installation of raised curbs that would delineate the right-of-way and allow for it to be used as a segregated cycling and pedestrian trail while bus, rapid transit or light rail are being planned. (7)

Project Team page (inside back cover)

Ron Leone, Vice-Mayor Councilmember (Chair)

Tim Grayson, Mayor (Vice-Chair)

**REPORT TO PLANNING COMMISSION**

DATE: May 21, 2014

**SUBJECT: PROPOSED FISCAL YEAR 2014-15 CAPITAL IMPROVEMENT PROGRAM (CIP)  
AND TRANSPORTATION IMPROVEMENT PROGRAM (TIP)**

**Introduction**

Review of the proposed Fiscal Year (FY) 2014-15 Capital Improvement Program and Transportation Improvement Program for consistency with the adopted General Plan pursuant to Government Code Section 65401.

**Report in Brief**

Government Code Section 65103(c) requires each city's Planning Commission to annually review the Capital Improvement Program (CIP) and Transportation Improvement Program (TIP) for their consistency with the adopted General Plan pursuant to Government Code Section 65401. Staff recommends that the Planning Commission report to the City Council that the proposed FY 2014-15 CIP and TIP are consistent with the General Plan.

**Background and Discussion**

The proposed FY 2014-15 Improvement Programs consist of two components:

1. A 10-year Capital Improvement Program which is divided into seven parts: Buildings and Grounds; Community Development Block Grant; Drainage and Stormwater Management; Golf Course Enterprise; Miscellaneous Projects; Parks and Recreation; and Sewer and Sanitation.
2. A 10-year Transportation Improvement Program which is divided into four areas: Annual Programs; Local Streets and Roads; Traffic Signals; and Utility Undergrounding.

Staff has provided each member of the Commission with a copy of the Proposed CIP/TIP, the latest version of the FY 2014-15 CIP/TIP Ten-year Plan. On June 3, 2013, staff will review this draft with the City Council.

Government Code Section 65402 requires that street vacations (the complete or partial abandonment of the public right to use a street) and right of way acquisitions, be submitted to and reported upon by the Planning Commission as to conformity with the adopted General Plan (Attachment A). Engineering Services staff has reviewed the following projects under the proposed FY 2014-15 CIP/TIP and believes they are consistent with the adopted General Plan:

- Project No. 1761 (Commerce Avenue Roadway Extension and Bridge at Pine Creek) includes street vacations and right of way acquisitions;

**PROPOSED FY 2014-15 CAPITAL IMPROVEMENT PROGRAM (CIP) AND  
TRANSPORTATION IMPROVEMENT PROGRAM (TIP)**

May 21, 2014

Page 2

- Project No. 2144 (Clayton Road/Treat Boulevard Intersection Capacity Improvements) includes right of way acquisitions;
- Project No. 2239 (Central Concord Pedestrian Improvements & Streetscape) includes potential right of way acquisitions;
- Project No. 2252 (Farm Bureau Road Pavement Reconstruction) includes potential right of way acquisitions; and
- Project No. 2276 (Detroit Avenue Pedestrian & Bicycle Improvements) includes right of way acquisitions; and
- Project No. LSR-1303 (Franquette Pedestrian & Bicycle Trail Connection) includes potential right of way acquisition and licensing agreements.

Government Code Section 65401 requires that the Planning Commission report to the City Council as to the consistency of the proposed projects with the adopted General Plan.

**Public Contact**

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

**Recommendation for Action**

Staff recommends that the Planning Commission report to the City Council that the proposed FY 2014-15 Capital Improvement Plan and the Transportation Improvement Plan are consistent with the General Plan by adopting the following oral motion:

I (Comm. \_\_\_\_\_) hereby move that the Planning Commission has reviewed the Capital Improvement Program (CIP) and Transportation Improvement Program (TIP) for their consistency with the adopted General Plan pursuant to Government Code Section 65401, and hereby finds that the proposed FY 2014-2015 CIP and TIP are consistent with the General Plan. (Seconded by Comm. \_\_\_\_\_.)

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Reviewed by: Robert Ovadia  
City Engineer  
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Attachment 1: General Plan Consistency Documentation

GENERAL PLAN CONSISTENCY DOCUMENTATION

<b>CIP-Category</b>	<b>Land Use Element</b>	<b>Growth Management Element</b>	<b>Transportation/ Circulation Element</b>	<b>Public Services Element</b>	<b>Parks, Open Space, and Conservation Element</b>	<b>Public Health and Safety Element</b>
Building and Grounds	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
CDBG	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Drainage and Stormwater	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Golf Course Enterprise	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Miscellaneous	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks and Recreation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Redevelopment Agency	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sewer and Sanitation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>TIP-Category</b>						
Annual Projects	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Local Streets and Roads	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Traffic Signals	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Undergrounding	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

PLANNING COMMISSION MEETING  
May 21, 2014  
**CIP PROJECTS AND THE GENERAL PLAN**

**LAND USE ELEMENT GOALS**

Neighborhoods: Preserve and enhance residential neighborhoods.

Regional Commercial: Promote and enhance Concord's role as a regional shopping destination

Central Concord: Maintain and enhance Central Concord as the economic, social, and symbolic center of the City

North Todos Santos: Protect and preserve the North Todos neighborhood while accommodating future growth and development of the Mt. Diablo Medical Center and related offices.

**GROWTH MANAGEMENT ELEMENT GOALS**

Traffic: Reduce traffic congestion.

Development Mitigation: Ensure that new development pays for costs of service and does not have detrimental effects upon service levels for parks, fire, police, sanitary facilities, water, and flood control.

Reduce Commute Trips and Commute Length: Seek to reduce commute trips and commute length through the policies and programs that address housing options and job opportunities in the City, the subregion and the County.

**TRANSPORTATION/CIRCULATION ELEMENT GOALS**

Street System: Provide a safe and efficient circulation network to accommodate existing and planned development.

Alternative Modes of Transportation: Reduce dependence on automobiles.

Central Area: Provide for circulation needs of the Central Area.

Visual Quality: Preserve and improve the scenic quality of roadways.

**PUBLIC SERVICES ELEMENT GOALS**

Public Utilities: Ensure provision of an adequate and safe public system.

Public Health and Safety Services: Ensure the provision of high quality public and safety services to meet the needs of the community.

Education, Cultural, Arts and Entertainment: Support education, cultural, arts and entertainment facilities and programs for the community.

**PARKS, OPEN SPACE, AND CONSERVATION ELEMENT GOALS**

Parks and Recreation: Provide recreation opportunities and leisure facilities, including parks, trails, and cultural facilities, for the benefit of the community.

Open Space: Preserve open space for the enjoyment of scenic beauty and recreation, the protection of natural resources as wildlife habitat and protection from natural hazards.

Conservation: Conserve natural resources, including water, wildlife, vegetation, minerals, and energy.

**PUBLIC HEALTH AND SAFETY ELEMENT GOALS**

Air Quality: Achieve air quality goals for the benefit of the public.

Flood Risk Reduction: Minimize the risk of injury, property loss, public health impacts, and interruption of services due to flooding. (Objectives and policies pertaining to this goal are found in the Public Services Element, Objective 1.3 and the Growth Management Element, Objectives 2.1)