



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

**Wednesday, July 17, 2019
6:30 p.m. – City Council Chamber
1950 Parkside Drive, Concord**

Planning Commission Members:

Ray Barbour, Chair

John Mercurio, Vice Chair

Jason Laub, Commissioner

Craig Mizutani, Commissioner

Mark Weinmann, Commissioner

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

I. ROLL CALL

II. PLEDGE TO THE FLAG

III. PUBLIC COMMENT PERIOD

IV. ADDITIONS / CONTINUANCES / WITHDRAWALS

V. CONSENT CALENDAR

1. [7/3/19 Meeting Minutes](#)

VI. PRESENTATION

**1. [Implementing Senate Bill 743 and Vehicle Miles Traveled](#) – Abhishek Parikh,
Transportation Manager & Michael Cass, Principal Planner**

VII. PUBLIC HEARINGS – None

VIII. COMMISSION CONSIDERATION

IX. STAFF REPORTS / ANNOUNCEMENTS

X. COMMISSION REPORTS / ANNOUNCEMENTS

XI. FUTURE PUBLIC HEARING ITEMS

XII. ADJOURNMENT

NOTICE TO PUBLIC

ADA ACCOMMODATION

In accordance with the Americans With Disabilities Act and California Law, it is the policy of the City of Concord to offer its public programs, services and meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require a copy of a public hearing notice, or an agenda and/or agenda packet in an appropriate alternative format; or if you require other accommodation, please contact the ADA Coordinator at (925) 671-3021, at least five (5) days in advance of the hearing. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility.

APPEALS

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

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

APPLICANT'S SUBMITTAL OF INFORMATION

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

CONSENT CALENDAR

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

CORRESPONDENCE

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

HEARINGS

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

MEETING RECORDS

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

NOTICE TO THE HEARING IMPAIRED

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

ROUTINE AGENDA ITEMS AND CONTINUED ITEMS

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

SPEAKER'S CARD

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

TELEVISED MEETINGS

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

NEXT REGULARLY-SCHEDULED PLANNING COMMISSION MEETINGS:

August 7, 2019

August 21, 2019

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

Wednesday, July 3, 2019

A regular meeting of the Planning Commission, City of Concord, was called to order by Chair Barbour at 6:30 P.M., July 3, 2019, in the City Council Chamber.

I. ROLL CALL

COMMISSIONERS PRESENT: Chair Ray Barbour
Vice Chair John Mercurio
Commissioner Jason Laub
Commissioner Craig Mizutani
Commissioner Mark Weinmann

STAFF PRESENT: Mindy Gentry, Planning Manager/Secretary to the
Planning Commission
Margaret Kotzebue, Senior Assistant City Attorney
Lorna Villa, Associate Planner
Ryan Lenhardt, Senior Planner
Mitra Abkenari, Assistant Engineer
Winnie Chung, Transportation Program Manager II

II. PLEDGE TO THE FLAG

Vice Chair Mercurio led the pledge.

III. PUBLIC COMMENT PERIOD

No public comment was heard.

IV. ADDITIONS / CONTINUANCES / WITHDRAWALS

There were none.

V. CONSENT CALENDAR

Chair Barbour requested the Argent Concord Extension be removed from the Consent Calendar.

APPROVAL OF MINUTES

No public comment was heard.

Motion was made by Commissioner Weinmann and seconded by Commissioner Laub to approve the meeting minutes of May 1, 2019. The motion was passed by the following vote:

AYES: Weinmann, Laub, Barbour, Mercurio, Mizutani
 NOES: None
 ABSTAIN: None
 ABSENT: None

VI. PUBLIC HEARINGS

Argent Concord Extension (PL19081 – UPA, MP, DR) – Application for a two-year extension of the approval for Argent Use Permit Amendment, Minor Use Permit, and Design Review for a 181-unit apartment seven-story multi-family rental residential project on a 1.53 acre site. The General Plan designation is Downtown Mixed Use; Zoning classification is DMX (Downtown Mixed Use); APN 126-082-008. The original entitlement (PL16333- UP, MP, DR) was approved by the Planning Commission on December 15, 2016, and amended by the Planning Commission on June 7, 2017 (PL17115- UPA, MP, DR). CEQA: No further environmental review is required under Public Resources Code Section 21166 and CEQA Guidelines Section 15162 as there are no substantial changes proposed to the project, new circumstances or new information which would trigger further environmental review. **Project Planner: Lorna Villa @ (925) 671-3176**

Public Comment

Chair Barbour and Commissioners Laub and Weinmann expressed concerns regarding the current state of the vacant site and indicated interested in adding conditions of approval as an intermediate measure to minimize blight in the downtown.

Gordon Stankowski, working with the property owner, commented on the work which has been done and the upcoming work to be done on the property which will ensure the vacant lot is maintained. He also answered questions from the Commissioners on how long he has owned the property, financing of the project, and the economic viability of the project.

Mitra Abkenari, Assistant Engineer, made a comment that a permit will be required from the California State Water Resources Control Board if the current pavement is removed from the site.

Motion was made by Commissioner Laub approving a two-year extension of the approval for Argent Use Permit Amendment, Minor Use Permit, and Design Review (PL19081 – UPA, MP, DR), subject to the Second Amended Conditions of Approval set forth in Attachment A to Resolution 19-11PC and an amendment to Condition 11 to include perimeter fencing and drought-tolerant landscaping subject to subject to review and approval by the Design Review Board and removal of all hardscape.

The motion did not receive a second.

A revised motion was made by Commissioner Laub and seconded by Vice Chair Mercurio to adopt Resolution No. 19-11PC, approving a two-year extension of the

approval for Argent Use Permit Amendment, Minor Use Permit, and Design Review (PL19081 – UPA, MP, DR), subject to the Second Amended Conditions of Approval set forth in Attachment A to Resolution 19-11PC and an amendment to Condition 11 to include perimeter fencing and drought-tolerant landscaping subject to review and approval by the Design Review Board and removal of all hardscape to the maximum extent possible without triggering Stormwater Pollution Prevention Plan requirements.

The motion was passed by the following vote:

AYES: Laub, Mercurio, Barbour, Weinmann
 NOES: Mizutani
 ABSTAIN: None
 ABSENT: None

Avesta Assisted Living Facility (PL19036 – UP, DR, RT) – Application for a Use Permit, Design Review, and Tree Removal for the construction of a 150,000 square foot residential facility for seniors, consisting of approximately 150 units (with proposed 117 assisted living and 33 memory care units) on a 1.1-acre site at 1335-1385 Galindo Street. The General Plan designation is Downtown Mixed Use; Zoning classification is DMX (Downtown Mixed Use); APNs 126-133-009, 013, and 126-164-052. CEQA: Pursuant to CEQA Guidelines Section 15332, the proposed project qualifies for an exemption as an Infill Development Project under CEQA. Furthermore, there is substantial evidence that the exceptions to categorical exemptions outlined in CEQA Guidelines Section 15300.2 do not apply to the proposed project, and therefore the proposed project is exempt from further CEQA analysis. **Project Planner: G. Ryan Lenhardt @ (925) 671-3162**

Ryan Lenhardt, Senior Planner, gave a presentation and answered questions from the Planning Commission regarding the recommendation by the Design Review Board, the options on design, and whether any other forms of communication were received.

Mohammed Javanbakht, the applicant, expressed his excitement for this project, further explained the project, and answered questions from the Commission regarding the in-house visiting physicians, employee incentives including transit passes, similar jobs under construction, and whether he wants to bring his project back to the Design Review Board for review of the Spanish-inspired proposed design.

No public comment was heard.

Motion was made by Vice Chair Mercurio and seconded by Commissioner Laub to adopt Resolution No. 19-10PC, approving the Avesta Assisted Living Facility Use Permit, Design Review, and Tree Removal (PL19036 - UP, DR, RT), subject to the Conditions of Approval set forth in Attachment A and with an additional condition of approval requiring the preparation of a Transportation Demand Management program approved by staff and a modification of conditions of approval numbers 123 and 122 allowing for a two-year extension of this approval. The motion was passed by the following vote:

AYES: Mercurio, Laub, Barbour, Mizutani, Weinmann
 NOES: None

ABSTAIN: None

ABSENT: None

VII. COMMISSION CONSIDERATIONS

There were none.

VIII. STAFF REPORTS / ANNOUNCEMENTS

There were none.

IX. COMMISSION REPORTS / ANNOUNCEMENTS

There were none.

X. FUTURE PUBLIC HEARING ITEMS

Planning Manager Mindy Gentry announced the July 17th meeting will contain a presentation on Implementing SB 743 and Vehicle Miles Traveled as it pertains to the CEQA thresholds.

XI. ADJOURNMENT

Commissioner Weinmann moved to adjourn at 8:25 P.M. Vice Chair Mercurio seconded the motion. Motion to adjourn was passed by unanimous vote of the Commissioners present.

APPROVED:

Mindy Gentry
Planning Manager / Secretary to the Planning Commission

Transcribed by Grant Spilman,
Administrative Coordinator

**REPORT TO PLANNING COMMISSION**

DATE: July 17, 2019

SUBJECT: Presentation by Julie Morgan of Fehr & Peers on Vehicle Miles Traveled and Senate Bill No. 743 Implementation.

CEQA: Not a “project” under Public Resources Code Section 21065 and exempt from CEQA under Guidelines Sections 15061(b)(3) and 15378.

Recommendation: Receive presentation on SB 743 and consider staff’s proposed approach to VMT implementation.

I. Report in Brief

The City of Concord received a planning grant from the Metropolitan Transportation Commission (“MTC”) to modify transportation impact standards under the California Environmental Quality Act (“CEQA”) to remove the vehicle Level of Service (“LOS”) or other measures of vehicle delay and instead use vehicle miles of travel (“VMT”) to evaluate significant transportation impacts, as required under the directive of Senate Bill No. 743 (“SB 743”) and recently updated CEQA Guidelines. The purpose of the subject presentation is to provide the Planning Commission with an overview of SB 743 and the City’s tentative approach to implement the legislation.

II. Background

The California Environmental Quality Act (“CEQA”) was enacted in 1970, with the goal of providing a mechanism for disclosing to the public the environmental impacts of proposed actions. Before taking a discretionary action, lead agencies (such as the City of Concord) must determine if that action is subject to CEQA and conduct a review of the effects of that action on the physical environment. The State of California Office of Planning and Research (“OPR”) prepares and maintains a set of guidelines to help agencies implement CEQA.

Typical CEQA Practice

Under CEQA, lead agencies must determine whether a proposed project has the potential to cause significant environmental impacts. This determination must be based, to the extent possible, on factual data and scientific methods of analysis. The project’s effect on transportation is one of the areas that must be analyzed. For many years, the City of Concord has used vehicle Level of Service (“LOS”) as the primary measure of a project’s transportation impacts.

LOS is a qualitative description of traffic flow based on factors of speed, delay, and freedom to maneuver. Six levels are defined from LOS A, which reflects free-flow conditions where there is very little interaction between vehicles, to LOS F, where the vehicle demand exceeds the capacity and high

levels of vehicle delay result. LOS E represents “at-capacity” operations. When traffic volumes exceed the intersection capacity, stop-and-go conditions result and a vehicle may wait through multiple signal cycles before passing through the intersection; these operations are designated as LOS F. The calculation of vehicle LOS is done through the application of specialized software and is based on traffic counts, observations of vehicle interactions, and data about traffic signal operations (at those signalized intersections).

Under CEQA, agencies must decide what constitutes a significant environmental impact. The CEQA Guidelines encourage the use of thresholds of significance; these can be quantitative or qualitative performance standards by which the agency can measure the amount of impact the project causes and thereby determine if the project’s impacts are significant. In the City of Concord, the typical CEQA practice has been to apply a threshold of LOS D or E, depending on the location and context.

Mitigating a LOS impact typically involves making changes to the physical transportation system in order to accommodate additional vehicles and reduce delays. These mitigations may involve actions such as installing traffic signals, adding turn lanes, widening roads, or paying of transportation impact fee (“OSIP”) to contribute towards capital improvements.

Changes in CEQA Practice

On September 27, 2013, the legislature passed and Governor Jerry Brown signed into law SB 743, initiating a process intended to fundamentally change transportation impact analysis under CEQA. One major change resulting from the statute is the elimination of automobile delay or other similar measures of vehicular capacity or traffic congestion as a basis for determining significant impacts. According to the legislative intent contained in SB 743, these changes to current practice are intended to “*more appropriately balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas (“GHG”) emissions.*”

As of December 2018, OPR completed an update to the CEQA Guidelines to implement the requirements of SB 743. The Guidelines state that Vehicle Miles of Travel (“VMT”) must be the metric used to determine significant transportation impacts. This requirement will apply statewide, effective July 1, 2020; lead agencies can opt in sooner at their own discretion. For reference, the CEQA Guidelines changes can be found at <http://resources.ca.gov/ceqa/> and additional technical guidance is available from OPR at http://opr.ca.gov/docs/20190122-743_Technical_Advisory.pdf.

VMT is a measure of the total amount of vehicular travel. One vehicle traveling ten miles would equal 10 VMT. Four vehicles traveling ten miles would equal 40 VMT. Typically, development located at greater distance from other land uses or in areas with few transportation options generates more vehicle trips and trips of greater length (and therefore more VMT) than development located in close proximity to other uses or in areas with many transportation choices. VMT is an important input in the analysis of air quality and GHG emissions, and has been used for that purpose within CEQA documents for several years. What has changed with the implementation of SB 743 is that VMT is now being used to measure transportation impacts.

Mitigating a VMT impact involves different types of actions than mitigating a LOS impact. VMT mitigation requires actions that reduce the number or the length of the vehicle trips generated by a

project. This might involve modifying the project's characteristics or location so that it generates fewer vehicle trips or trips of shorter distance; options may include locating the project closer to public transit facilities, requiring that it provide amenities to support bicycling and walking, or unbundling parking so that parking spaces are paid for separately, among other possibilities.

SB 743 does not prevent an agency from continuing to analyze delay or LOS as part of other plans (such as the general plan), fee programs, or on-going network monitoring, but these metrics can no longer constitute the basis for determining significant transportation impacts under CEQA. In Concord, City staff is recommending that for projects meeting the requirements for a traffic impact study, LOS will continue to be evaluated and used to define operational and physical improvements to the local transportation system and those improvements will be required to be implemented as conditions of approval.

III. Discussion

Over the next few months, the Transportation Division and Planning Division staff will be working with MTC and Fehr & Peers, the City's transportation consultant, to develop an approach to implementing SB 743 in Concord. This process will include considerations around selecting a methodology to calculate and forecast VMT for projects in Concord, establishing thresholds of significance for VMT impacts, defining feasible mitigation measures to address VMT impacts, and developing a set of procedures for staff and project applicants to follow when conducting a VMT analysis. The staff and consultants will coordinate with the Contra Costa Transportation Authority ("CCTA"), which is convening a countywide working group to support SB 743 implementation.

The purpose of this staff report and associated presentation is to provide background information on SB 743 and VMT, answer the Commission's initial questions, and receive feedback to consider as the City develops updated thresholds and transportation analysis guidelines.

IV. Fiscal Impact

This project is being funded through an MTC grant and as such does not have a fiscal impact on the City. Recommendations that may come out of this study may need further evaluation and will be funded through operation budget for the Transportation Division.

V. Environmental Determination

Pursuant to the California Environmental Quality Act of 1970, Public Resources Code §21000, et seq., as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively, "CEQA"), the proposed presentation does not constitute a "project" within the meaning of Public Resources Code Section 21065, and CEQA Guidelines Sections 15061(b)(3) and 15378 because there is no potential that it will result in a direct or reasonably foreseeable indirect physical change in the environment and because it has no potential for either a direct physical change to the environment, or a reasonably foreseeable indirect physical change in the environment.

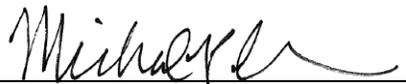
VI. Public Contact

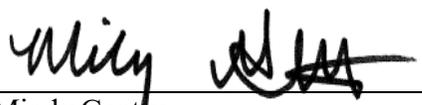
The Planning Commission Agenda was posted at least 72 hours prior to the public hearing.

VII. Motion

Project Approval

I, (Comm. _____), hereby move that the Planning Commission received and filed the presentation on SB 743. (Seconded by Comm. _____.)

Prepared by: 
Michael P. Cass
Principal Planner
(925) 671-3332
Michael.Cass@cityofconcord.org

Reviewed by: 
Mindy Gentry
Planning Manager
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Mindy.Gentry@cityofconcord.org

Prepared by: 
Winnie Chung, T.E.
Transportation Program Manager
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Reviewed by: 
Abhishek Parikh
Transportation Division Manager
(925) 671-3132
Abhishek.Parikh@cityofconcord.org

Exhibits:

- A. PowerPoint Presentation

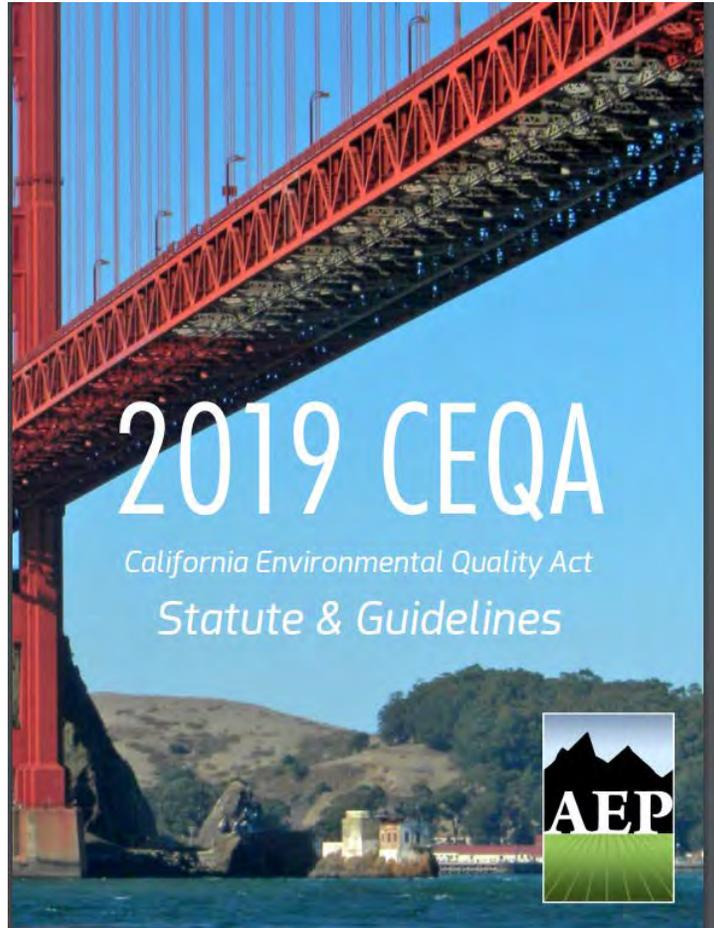


Implementing SB 743 in Concord

Presented by Julie Morgan
Fehr & Peers

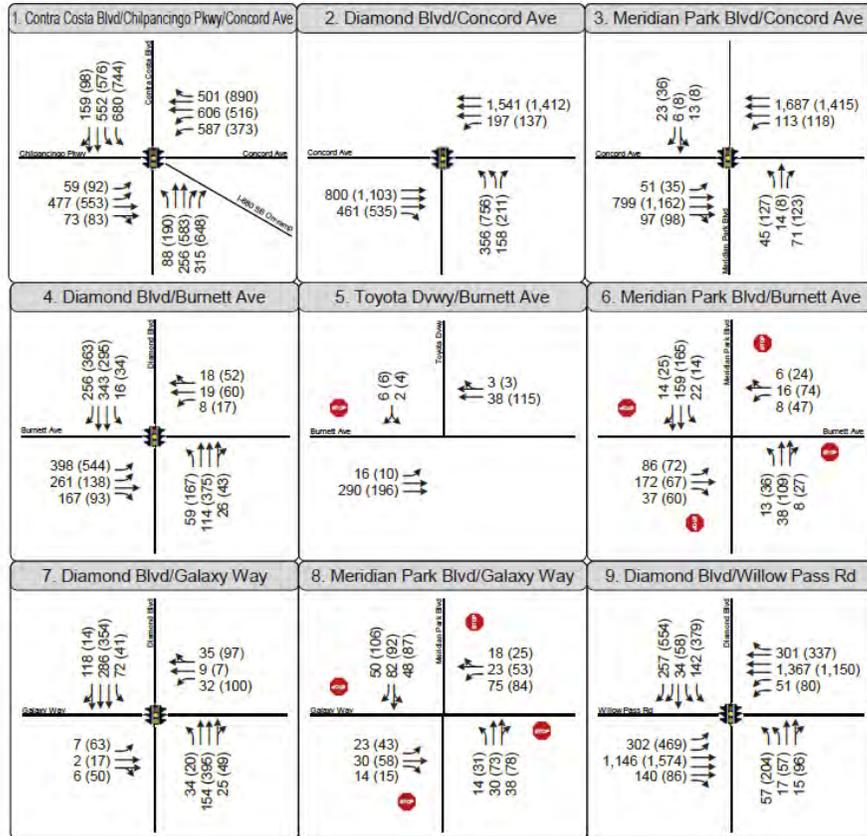
City of Concord Planning Commission

CEQA ■ REQUIREMENTS



CEQA Requires...

- Analyzing a project's environmental effects, including those related to transportation



How are transportation impacts currently analyzed in Concord?

- Level of Service (LOS) at intersections affected by project trips
- Freeway analysis
- Focus on traffic congestion and delay

Recent Statutes

SB 743

AB 417

AB 2245

SB 226

AB 1358

SB 375

SB 97

AB 32

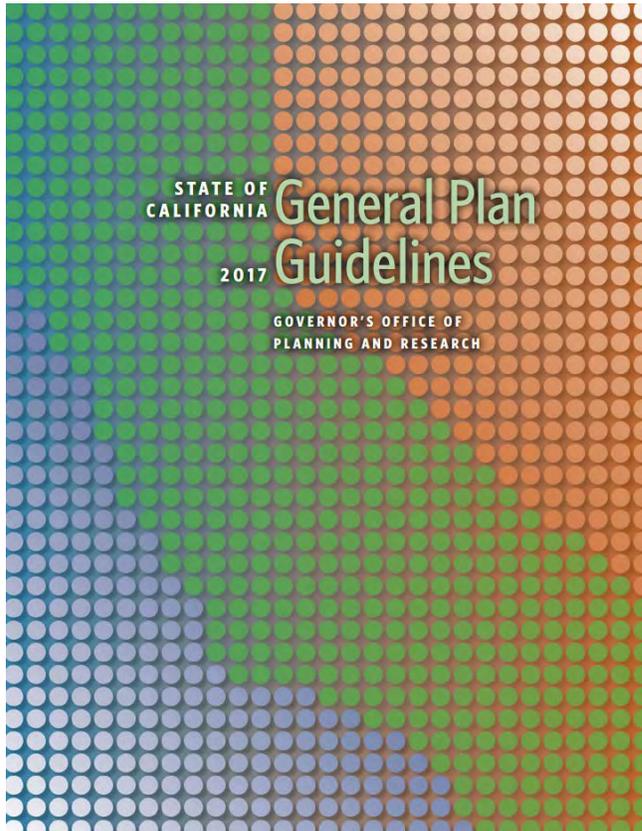
Balance desire for local congestion management with state's goals for:

- **Encouraging infill development**
- **Improving public health through active transportation**
- **Reducing greenhouse gas emissions**

SB 743 ■ TIMELINE



SB 743 .



SB 743 Does Not Change...

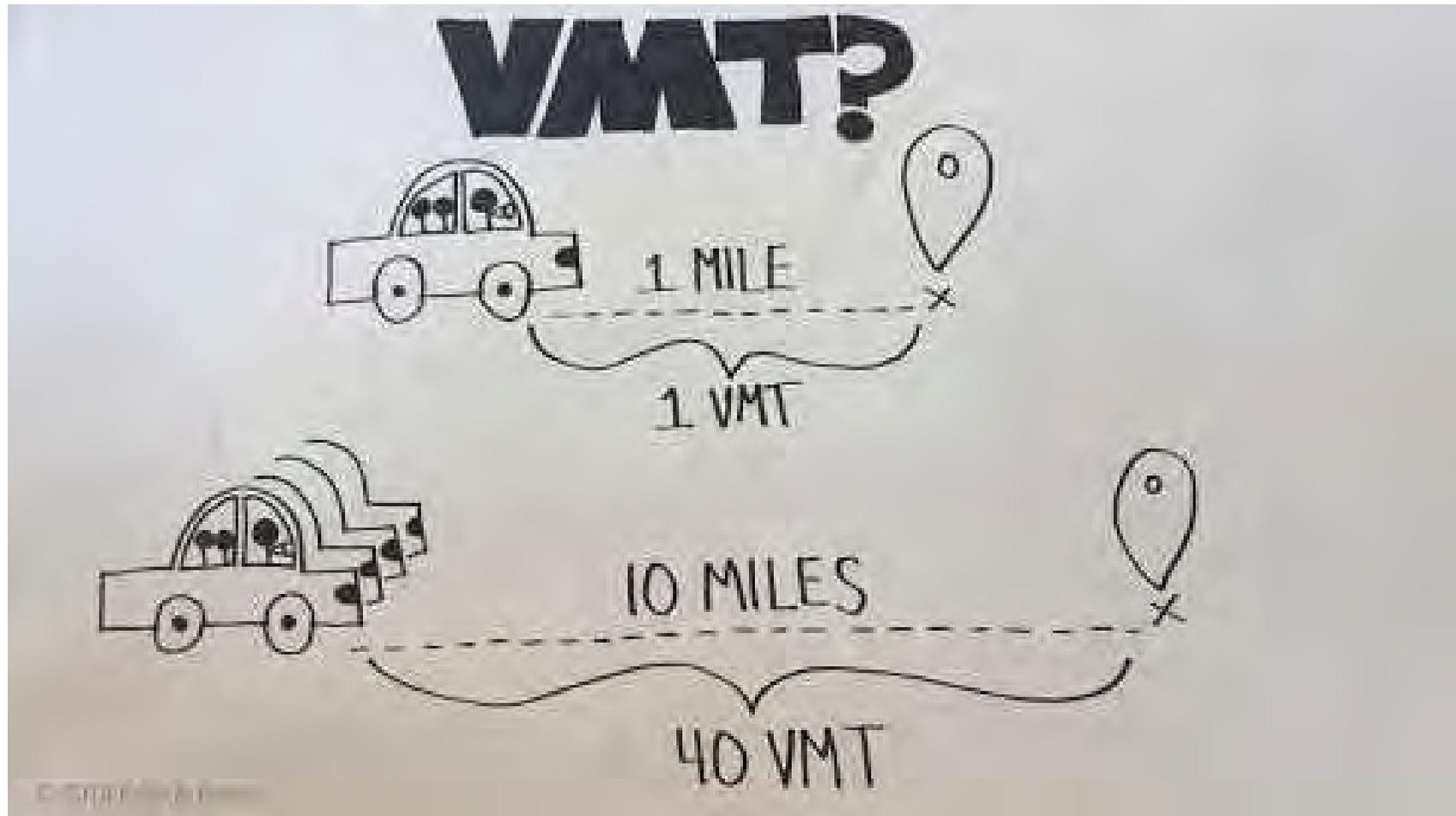
- General Plans
- Traffic Impact Fee Programs
- State Constitution
- Subdivision Map Act

SB 743

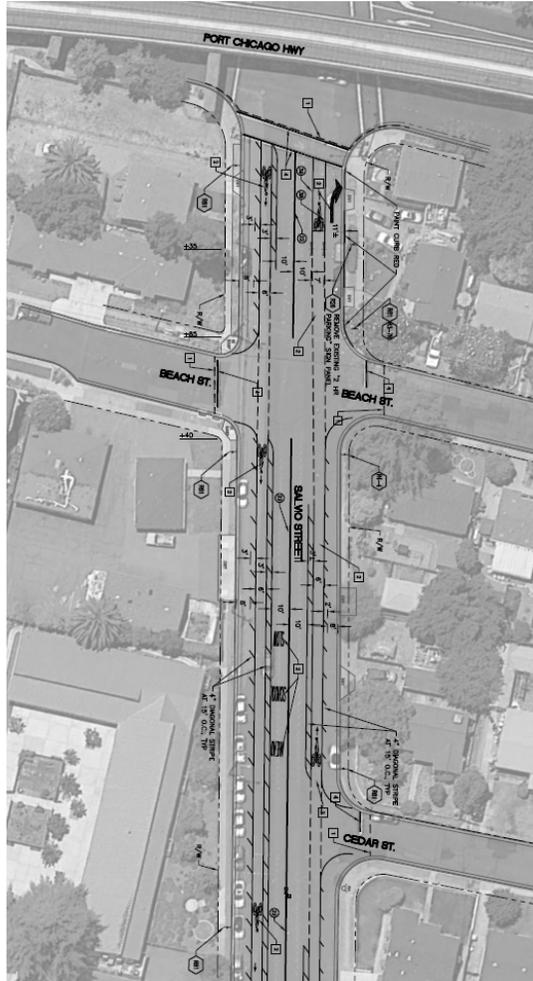
SB 743 Does Change how Transportation Impacts are Measured in CEQA

- Must use Vehicle Miles of Travel (VMT) in CEQA analysis
- May not use LOS as CEQA standard
- Can still use LOS to define physical improvements

What is VMT?



Typical Mitigations.



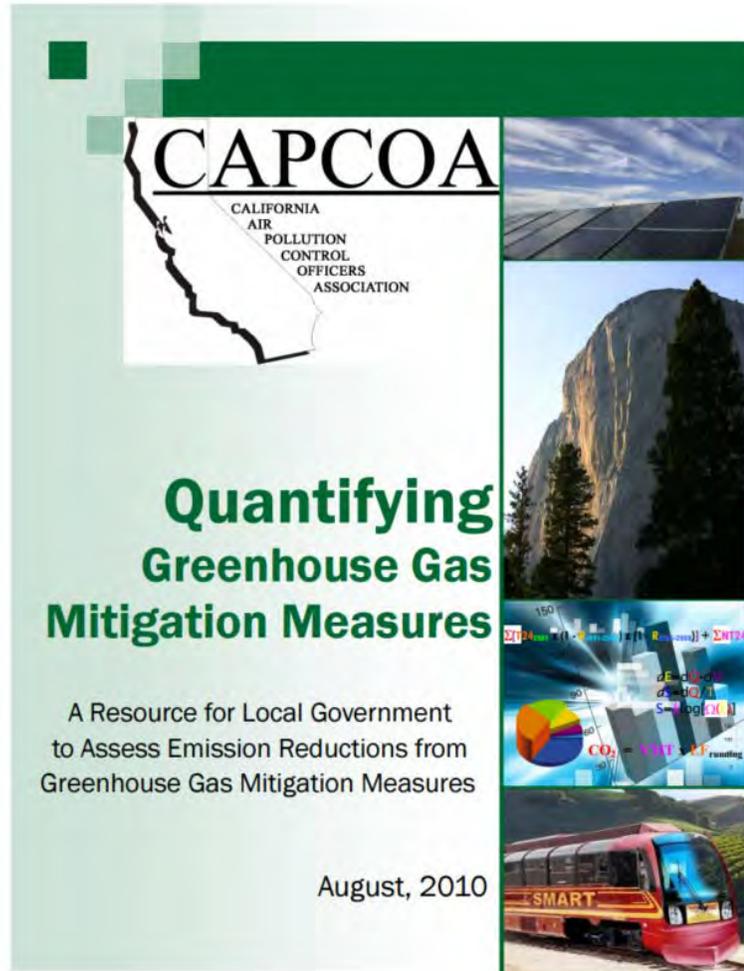
Improve traffic operations

- Add traffic signals
- Add turn lanes
- Modify signal timing

Add capacity to transportation system

- Add travel lanes to roads
- Payment of transportation impact fee (OSIP) to contribute toward capital improvements

Future Mitigations.



Reduce number of vehicle trips

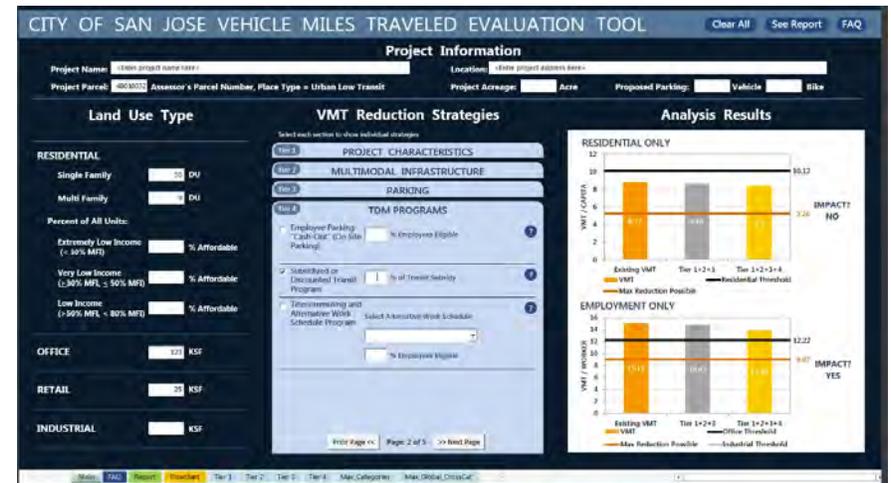
- Change size or characteristics of project
- Improve transit access
- Subsidize transit passes
- Encourage walking and biking (more ped/bike facilities, worksite amenities, bike parking)
- Unbundle parking

Reduce length of vehicle trips

- Increase access to common goods & services
- Locate project close to nearby population

Current Work.

- Help City develop policies to implement SB743
- Develop VMT thresholds for City adoption, and calculation methods for standard and non-standard project types
- Develop screening criteria and evaluation tool
- Develop Transportation Impact Assessment Guidelines



Timeline

Summer 2019

Review local policies and travel models

✦ Introduction to Planning Commission and Council

Fall 2019

Develop draft thresholds and procedures for VMT analysis

Winter 2019

Facilitate review and consideration of draft procedures

✦ Planning Commission/City Council workshop

Develop VMT screening and mitigation evaluation tool

Spring 2020

Finalize VMT procedures and screening tool

✦ Planning Commission Review/City Council adoption

Questions?