

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

Wednesday, February 19, 2020

A regular meeting of the Planning Commission, City of Concord, was called to order by Chair Barbour at 6:30 P.M., February 19, 2020, in the City Council Chamber.

1. ROLL CALL

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

COMMISSIONER ABSENT: Commissioner Jason Laub

STAFF PRESENT: Mindy Gentry, Planning Manager/Secretary to the
Planning Commission
Margaret Kotzebue, Senior Assistant City Attorney
Frank Abejo, Principal Planner
Ryan Lenhardt, Senior Planner
Lorna Villa, Associate Planner
Bruce Davis, Senior Civil Engineer
Virendra Patel, Transportation Program Manager

2. PLEDGE TO THE FLAG

Vice Chair Mercurio led the pledge.

3. PUBLIC COMMENT PERIOD

Jena Gibson commented on the need for speed bumps and speed limit signs near her home and she feels the streets are dangerous in her area.

4. CONSENT CALENDAR

No public comment was heard.

Motion was made by Commissioner Mizutani and seconded by Commissioner Weinmann to approve the meeting minutes of February 5, 2020 and the Walnut Grove Major Subdivision Extension. The motion was passed by the following vote:

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

Walnut Grove Major Subdivision Extension (PL19257 – TM) – Application for a two-year extension of the approval for the Walnut Grove Subdivision Tentative Subdivision Map, Tree Removal, and Design Review for an eight lot subdivision with a remainder parcel on a 0.23-acre site at 985 Mohr Lane. The original entitlement was approved by the Planning Commission on December 20, 2017. The General Plan designation is Low Density Residential; Zoning classification is RS-7 (Single Family Residential, 7,000 square foot minimum lot size); APNs: 147-251-014, -015. CEQA: Not a project under Public Resources Code Section 21065, CEQA Guidelines Sections 15060(c) and 15378. **Project Planner: Ryan Lenhardt @ (925) 671-3162**

5. PUBLIC HEARINGS

Clayton Road Townhomes (PL19063 – TM, UP, DR, RT) – Application for a Vesting Tentative Map, Use Permit for a Planned Development, Design Review, and Tree Removal to construct 70 three-story residential townhomes on a 3.36-acre parcel and a portion of a 0.97-acre parcel at 3512 Clayton Road and 105 Roslyn Drive. The General Plan designation is Medium Density Residential and Commercial Mixed Use; Zoning classification is RM (Residential Medium) and CMX (Commercial Mixed Use); APN’s 105-092-008 and 020. CEQA: Pursuant to CEQA Guidelines Section 15183.3 (Streamlining for Infill Projects), the proposed project qualifies for an exemption as an Infill Development. **Project Planner: Lorna Villa @ (925) 671-3176** This item was previously heard at the December 4, 2019 meeting.

Lorna Villa, Associate Planner, gave a presentation and answered questions from the Planning Commission pertaining to:

- a clarification on the amenity proposed
- the reduction in parking spaces, including guest parking
- the Planning Commission’s discretion to propose alternate standards
- the easement location and maintenance responsibility
- fence heights
- emergency access gate

Guy Houston, representing the Catalyst Group, gave a presentation.

Bruce Myers, of Catalyst Development Partners, answered questions from the Commission regarding:

- what is being moved on the parking alternative and what the resulting setback will be
- gate security
- pervious pavement for the additional parking
- installation of brick walls

Public Comment

Kevin Cabral, representing the Concord Chamber of Commerce, expressed the Chamber’s support of the project.

Catherine Natale expressed her concern with traffic, the removal of toxic material from the project site, and is opposed to the installation of a new blinking yellow crosswalk.

Frank Natale expressed his concern of the toxic material proposed to be removed and also voiced his concern about the easement.

David Wise commented on the proposed windows and felt that it's not an ideal situation but hoped that the applicant would offer opaque windows. He also commented on the lack of parking proposed and potential privacy issues.

Lindsay Wise stated she wants to put on record that the applicant has verbally agreed to obscure the windows which face adjacent properties to allow for privacy. She also asked that the proposed fences be placed at the higher elevation and not at ground level which is lower than her property.

Jamee Longacre commented that the LSA report had made some corrections she had mentioned, but did not make them all and she feels the report is still not accurate. She further explained the inaccuracies she feels the developer is advertising and stated they need to stop.

Jena Gibson stated she would like the trees to be planted in a planter box to prevent it from growing under the foundation of neighboring homes.

Ann Drake expressed her concern for increased traffic based on the number of units proposed and expressed concern about the traffic study that was talked about but never seen or discussed. She also voiced her concerns on parking and the proposed Homeowners Association.

Jennifer Fitzgerald questioned as to why the project couldn't be reduced to a smaller size and make it a nicer fit for the existing area.

Guy Houston and Bruce Myers answered questions from the Planning Commission pertaining to:

- a clarification on clear or translucent windows facing adjacent properties
- four-sided architecture

Commissioner Weinmann asked for clarification on what the Housing Accountability Act is and what the Commission has to follow.

Margaret Kotzebue clarified the HAA has declared housing is a priority and we have limited discretion if a housing project fits within the four corners of the development code and can only deny a project if there are specific findings of adverse impacts to health and safety.

The Commissioners gave their comments on the project.

Motion was made by Commissioner Mizutani and seconded by Commissioner Weinmann to adopt Resolution 19-13PC approving Clayton Road Townhomes and permit numbers, PL19063 TM, UP, DR, and RT subject to the Conditions of Approval set forth in Exhibit B to Resolution 19-13PC and changes to conditions of approval #17 (second and third floor windows), #18 (3rd floor setback), #10 (pedestrian gate), #23I (delete reference to parcel I), #37 (parking A alternative), #77 (prohibit construction traffic), #78 (no queuing). The motion was passed by the following vote:

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

Brenden Theatres Use Permit Amendment (PL19256 – UP) – Application for a Use Permit Amendment to allow a 1,600 square foot expansion of Brenden Theatres to include a JohnnyB’s Cinema Restaurant with beer, wine, and premium cocktails and spirits, specialty food items, and direct access to the lobby of Brenden Theatres as a convenience to theatergoers on a 3.3-acre site at 1985 Willow Pass Road. The General Plan designation is Downtown Mixed Use; Zoning classification is DMX (Downtown Mixed Use); APN: 126-061-018. CEQA: 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 Planning Commission action does not constitute a “project” within the meaning of Public Resources Code Section 21065, 14 Cal Code Regs. Section 15060(c)(2), 15060(c)(3), or 15378 because it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. **Project Planner: Ryan Lenhardt @ (925) 671-3162**

Ryan Lenhardt, Senior Planner, gave a presentation and answered questions from the Commission pertaining to:

- whether children would be permitted
- if current conditions of approval are sufficient or should it be modified

Walter Eichinger, Vice President of Brenden Theatre Corporation, expressed his gratitude to staff and the City and explained the reasoning behind the proposed expansion. He clarified a question from the Commission regarding the purchasing of alcohol and what a one-drink minimum is.

Public Comment

No public comment was heard.

The Commissioners expressed their support of the project.

Motion was made by Vice Chair Mercurio and seconded by Commissioner Weinmann to adopt Resolution No. 20-02PC approving Brenden Theatres Use Permit Amendment (PL19256 - UP), subject to the Conditions of Approval set forth in Exhibit A to Resolution 20-02PC. The motion was passed by the following vote:

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

6. COMMISSION CONSIDERATIONS

There were none.

7. STAFF REPORTS / ANNOUNCEMENTS

Mindy Gentry announced the T-Mobile monopine cell site, which was heard by the Commission on February 5th, was appealed to the City Council.

8. COMMISSION REPORTS / ANNOUNCEMENTS

Vice Chair Mercurio reported that TRANSPAC is working on a project for better bicycle and pedestrian access through the Monument Boulevard/1-680 corridor.

9. FUTURE PUBLIC HEARING ITEMS

Mindy Gentry announced the March 4th meeting currently has the Tabernacle Preschool and a Brown Act Refresher presentation.

10. ADJOURNMENT

Chair Barbour moved to adjourn at 8:31 P.M. 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