

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

Wednesday, October 2, 2019

A regular meeting of the Planning Commission, City of Concord, was called to order by Vice Chair Mercurio at 6:30 P.M., October 2, 2019, in the City Council Chamber.

1. ROLL CALL

COMMISSIONERS PRESENT: Vice Chair John Mercurio
Commissioner Jason Laub
Commissioner Craig Mizutani

COMMISSIONERS ABSENT: Chair Ray Barbour
Commissioner Mark Weinmann

STAFF PRESENT: Mindy Gentry, Planning Manager/Secretary to the
Planning Commission
Margaret Kotzebue, Senior Assistant City Attorney
Jessica Gonzalez, Assistant Planner

2. PLEDGE TO THE FLAG

Commissioner Laub led the pledge.

3. PUBLIC COMMENT PERIOD

No public comment was heard.

4. CONSENT CALENDAR

APPROVAL OF MINUTES

No public comment was heard.

Motion was made by Commissioner Laub and seconded by Commissioner Mizutani to approve the meeting minutes of September 18, 2019. The motion was passed by the following vote:

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

5. PUBLIC HEARINGS

City of Concord Policy for the Regulation of Small Wireless Facilities – Public hearing for the purposes of making a recommendation to the City Council regarding a City-initiated amendment to the City of Concord Development Code of adding a Subsection to Existing Wireless Chapter 18.205.030 to regulate small wireless facilities pursuant to applicable federal laws; and adopt a policy regulating small wireless facilities as defined by the Federal Communications Commission. CEQA: Pursuant to CEQA Guidelines Section 15378 and Public Resources Code Section 21065, the adoption of a development review process for wireless communications facilities is not a “project” under CEQA because its adoption is not an activity that has the potential for a direct physical change or reasonably foreseeable indirect physical change in the environment. Accordingly, this Ordinance is not subject to CEQA. **Project Planner: Jessica Gonzalez @ (925) 603-5821**

Jessica Gonzalez, Assistant Planner, introduced the project to the Commissioners and introduced Tripp May of Telecom Law Firm, the City’s outside legal counsel.

Tripp May, of Telecom Law Firm, gave a presentation explaining the background of wireless laws and answering questions from the Planning Commission regarding a clarification between “competitor” and “potential competitor”, shot clock timing, potential cubic feet modification, and design guideline implementation.

Public Comment

Ken Mintz, AT&T External Affairs Director of Contra Costa County, expressed his thanks to staff for revising the ordinance but wants to ensure that the provider rights guaranteed by the FCC’s Order are being preserved within the Ordinance. He also explained concerns related to having the law consistently applied, fees being based on reasonable costs, cities being preempted from making their own regulations on RF emissions, and cumulative antenna issues.

Dante Williams, of Verizon Wireless, thanked staff and the Commission for moving forward with this ordinance but also asked that staff to review the interpretations submitted by Verizon so there are no issues with shot clock timing and also emphasized the need for this new ordinance.

Rochelle Swanson, of Crown Castle, expressed her thanks to staff for the detailed report and also explained her concern with the overall deployment, rule 20, potential non-discrimination, proliferation, equity, and the shot clock.

Motion was made by Commissioner Mizutani and seconded by Commissioner Laub to adopt Resolution 19-17PC, recommending the City Council adopt an Ordinance to amend the City of Concord Development Code Chapter 18.205.030 to regulate small wireless facilities pursuant to applicable federal laws; and adopt a Policy and Procedure regulating small wireless facilities as defined by the Federal Communications Commission (PL19184). The motion was passed by the following vote:

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

6. COMMISSION CONSIDERATIONS

There were none.

7. STAFF REPORTS / ANNOUNCEMENTS

Planning Manager Mindy Gentry announced that Jessica Gonzalez will be leaving the City of Concord for another opportunity on October 9th after four years with the City.

8. COMMISSION REPORTS / ANNOUNCEMENTS

There were none.

9. FUTURE PUBLIC HEARING ITEMS

Mindy Gentry announced the October 16th meeting has two items currently scheduled, a master sign program for 2001 Clayton Road and a Use Permit for Diablo Valley Cremation.

10. ADJOURNMENT

Commissioner Laub moved to adjourn at 7:29 P.M. Commissioner Mizutani 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