

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

Wednesday, September 4, 2019

A regular meeting of the Planning Commission, City of Concord, was called to order by Chair Barbour at 6:30 P.M., September 4, 2019, in the City Council Chamber.

1. 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
Frank Abejo, Principal Planner
Sarah Yuwiler, Assistant Planner
Abhishek Parikh, Transportation Manager
Mitra Abkenari, Assistant Engineer

2. PLEDGE TO THE FLAG

Commissioner Mizutani 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 Vice Chair Mercurio and seconded by Commissioner Weinmann to approve the meeting minutes of August 7, 2019. The motion was passed by the following vote:

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

5. PUBLIC HEARINGS

Myrtle Creek Estates Subdivision Amendment (PL19099 – TM, DR, RT) – Application for an amendment to an approved Tentative Major Subdivision Map, Design Review and Tree Removal for a seven-lot subdivision on a 3.6-acre lot at 5019 Myrtle Drive. The General Plan designation is Rural Residential; Zoning classification is RR-20 (Rural Residential, 20,000 square foot minimum lot size); APN 117-050-008. CEQA: Categorically exempt under CEQA Guidelines Section 15332 “In-Fill Development Projects”. Project Planner: Lorna Villa @ (925) 671-3176

Mindy Gentry, Planning Manager, requested this hearing item be continued to the next regularly scheduled meeting on September 18, 2019.

Public Comment

Blaik Musolf commented he received a notice indicating the meeting was taking place but it had no details on what was going to be discussed. He asked that he and his neighbors be notified of the next meeting.

Motion was made by Commissioner Weinmann and seconded by Commissioner Laub to continue the public hearing to September 18, 2019. The motion was passed by the following vote:

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

Cardenas Market Appeal (PL19101 – AP) – Appeal of the Zoning Administrator’s approval of the Administrative Design & Site Review (PL18394 - DR), for exterior improvements of an existing 41,940 square foot tenant space to be occupied by Cardenas Market located at 2250 Monument Boulevard. The General Plan designation is Regional Commercial; Zoning Classification is RC (Regional Commercial); APN 129-170-026. CEQA: Not a project under Public Resources Code Section 21065 and CEQA Guidelines Section 15378. Alternatively, if deemed a project, the project is categorically exempt under CEQA Guideline Sections 15061(b)(2) and (3), 15301, 15302, 15304, 15305, and 15321. Project Planner: Sarah Yuwiler @ (925) 671-3465

Sarah Yuwiler, Assistant Planner, gave a presentation on the project and answered questions from the Planning Commission regarding the dates on the planting plans and whether new or replacement trees were included on the plan, timeline of the submitted plans, whether a tree removal permit would trigger CEQA, clarification on removing a condition of approval, and the need for a walkway and placement location.

Mindy Gentry, Planning Manager, gave clarification on the dates the plans were received and also stated the plans from February 6, 2019 included the replacement of eight trees

within the parking area. She further indicated the eight trees would have required a tree removal permit.

Abhishek Parikh, Transportation Manager, explained to the Commission that the 2011 traffic analysis associated with the 2012 development code update is still applicable because the project is a permitted use and this use was contemplated as part of the environmental review for the 2012 development code update.

Dana Dean, attorney representing the Monument Business Owners Coalition, expressed her concern that Cardenas did not follow CEQA procedures and removed protected trees without permits, and that an Initial Study should have been done. She answered a question from the Planning Commission on what the appellant's end goal is and further clarified that every project should be treated equally and be subjected to the same process.

Marco Robles, Public Affairs Director for Cardenas Markets, gave a presentation about Cardenas Markets and answered a question from the Planning Commission regarding on-site security.

Dana Dean reiterated her desire for the Planning Commission to focus on the issues brought forward and not be distracted by the presentation given by Mr. Robles.

Spencer Eldred, outside Counsel for Cardenas Markets, explained that three letters had been submitted answering the CEQA concerns, the non-CEQA concerns, and a request for the removal of additional conditions by the Zoning Administrator.

Public Comment

Luz, a Monument Boulevard resident, explained she was surprised how quickly Cardenas Markets was able to get approved.

Crystal Aceves, a Concord resident, expressed her concerns with potential traffic impacts and was surprised the last traffic study along Monument Boulevard was done in 2011.

Cristina Gutierrez, a Concord resident and business owner, expressed her disappointment with the opening of Cardenas Markets and stated there has already been a reduction in sales at her business.

Olga Flores explained how she became a patron of Los Rancheros Market and feels Cardenas Markets will have a negative impact on small business owners.

Bryan Balch commented on the removal of trees without permits and someone needs to be held accountable for the removal.

Luis Peralta expressed his concern with insulation in the building.

Commissioner Weinmann asked staff what happens next if the appeal is granted.

Commissioner Mizutani expressed he was in agreement with enforcement action against the owner for the tree removal and stated he was concerned about the construction impacts now that the market is open. He also had a question about the motion to approve or deny the appeal.

Commissioner Laub mentioned that the role of the Planning Commission is to not review small businesses versus large businesses and tonight was whether the appeal has merit. He further stated that he feels the removal of protected trees is part of the project and therefore a tree removal permit is required. He mentioned he would be upholding the appeal based on the information he reviewed.

Vice Chair Mercurio stated he also was curious if CEQA is triggered and what effect that would have on the process.

Chair Barbour expressed the removal of the trees is wrong in his opinion and he is having a tough time getting past this action. He also felt that CEQA should have been triggered and will be following Commissioner Laub in upholding the appeal.

Motion was made by Commissioner Laub and seconded by Commissioner Weinmann to grant the appellant’s appeal and deny the City’s Administrative Design and Site Review. The motion was passed by the following vote:

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

6. COMMISSION CONSIDERATIONS

There were none.

7. STAFF REPORTS / ANNOUNCEMENTS

There were none.

8. COMMISSION REPORTS / ANNOUNCEMENTS

There were none.

9. FUTURE PUBLIC HEARING ITEMS

Planning Manager Mindy Gentry stated the Myrtle Creek Estates Subdivision Amendment will be heard at the September 18, 2019 meeting.

10. ADJOURNMENT

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

APPROVED:

Handwritten signatures in black ink. The first signature is 'Mindy' and the second is a stylized signature.

Mindy Gentry
Planning Manager / Secretary to the Planning Commission

Handwritten signature in black ink that reads 'Grant Spilman'.

Transcribed by Grant Spilman,
Administrative Coordinator