

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

Wednesday, September 18, 2019

A regular meeting of the Planning Commission, City of Concord, was called to order by Chair Barbour at 6:30 P.M., September 18, 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: Frank Abejo, Principal Planner  
Josh Clendenin, Senior Assistant City Attorney  
Jerry Hittleman, Contract Planner  
Bruce Davis, Senior Civil Engineer

2. PLEDGE TO THE FLAG

Vice Chair Mercurio 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 4, 2019. The motion was passed by the following vote:

AYES: Laub, Mizutani, Barbour, Mercurio, Weinmann  
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

Jerry Hittleman, a contract planner on behalf of the City, presented the report and answered questions from the Planning Commission regarding reserve funds for a Homeowners Association, a clarification on condition 72 (modification to HOA condition) and whether a draft condition is an executable form, responsibility and enforcement of the shared maintenance agreement, differences between tree reports, and monitoring of the maintenance responsibility.

Frank Abejo clarified that the agreement in the staff report had not been vetted with the City Attorney’s Office and staff had asked the applicant to create a draft agreement for discussion which may look different than the final agreement.

Jackie Seeno, of Cyrus Land Development, explained the history of the project and the reasoning behind a shared maintenance agreement for this project. She also answered questions from the Commission about disclosure to the homeowners, how the maintenance is paid, and if on-going maintenance is currently being used on other properties, and whether she would consider a Homeowners’ Association being in effect the first year and then transition to a shared maintenance agreement.

Jennifer Tso, consulting arborist with Traverse Tree Service, explained the results of her arborist report.

#### Public Comment

Blaik Musolf asked if all of the eucalyptus trees were going to be removed and a clarification on when a healthy protected tree is kept instead of being removed.

Chair Barbour recommended Mr. Musolf speak with Jackie Seeno directly and she would be accommodating in answering his questions.

Bruce Davis, Senior Civil Engineer, answered a question pertaining to the expectant life span for a paved roadway before maintenance is required.

Commissioner Mizutani was hesitant to move forward with this project without assurance there will be a review of the shared cost agreement.

Commissioner Weinmann expressed the tree removal made sense to him though he has a bit of hesitation on the structure of the agreement.

Commissioner Laub stated he was okay with the trees being removed but was also hesitant of the shared agreement.

Vice Chair Mercurio explained the reasoning trees are removed in the City and liked the idea of the removal of trees for this project but was not supportive of a shared agreement but was supportive of a Homeowner's Association.

Chair Barbour expressed his concern with the maintenance of the landscape, including street trees, by the homeowners and also mentioned he is okay with the removal of trees which are not protected.

Commissioner Laub asked Ms. Seeno what her preference would be between keeping the HOA conditions as they were originally approved or continuing the item to allow time for crafting the shared maintenance agreement after listening to the Commissioners comments and concerns.

Ms. Seeno stated she would prefer to continue the item rather than keeping the HOA conditions.

Motion was made by Commissioner Laub and seconded by Commissioner Weinmann to continue the item to a date uncertain. The motion was passed by the following vote:

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

6. COMMISSION CONSIDERATIONS

There were none.

7. STAFF REPORTS / ANNOUNCEMENTS

There were none.

8. COMMISSION REPORTS / ANNOUNCEMENTS

Commissioner Weinmann announced he would not be in attendance at the October 2<sup>nd</sup> meeting.

9. FUTURE PUBLIC HEARING ITEMS

Frank Abejo announced the October 2<sup>nd</sup> meeting will contain a small cell sites wireless ordinance and the October 16<sup>th</sup> meeting has two items currently scheduled, a master sign program and a Use Permit for Diablo Valley Cremation.

10. ADJOURNMENT

Commissioner Mizutani moved to adjourn at 8:04 P.M. Vice Chair Mercurio seconded the motion. Motion to adjourn was passed by unanimous vote of the Commissioners present.

APPROVED:

A handwritten signature in black ink that reads "Frank Abejo". The letters are cursive and slightly slanted to the right.

Frank Abejo  
Principal Planner

A handwritten signature in black ink that reads "Grant Spilman". The signature is written in a cursive, flowing style.

Transcribed by Grant Spilman,  
Administrative Coordinator