



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

**Wednesday, September 20, 2017
6:30 p.m. – Council Chamber
1950 Parkside Drive, Concord**

Planning Commission Members:

Jason Laub, Chair

Ray Barbour, Vice Chair

Dominic Aliano, Commissioner

John Mercurio, Commissioner

Mark Weinmann, Commissioner

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

I. ROLL CALL

II. PLEDGE TO THE FLAG

III. PUBLIC COMMENT PERIOD

IV. ADDITIONS / CONTINUANCES / WITHDRAWALS

V. CONSENT CALENDAR

1. [9/6/17 Meeting Minutes](#)

VI. PRESENTATION

1. Affordable Housing – Gloria Bruce, Executive Director of East Bay Housing Organizations (EBHO), Presentation on the fundamentals of creating affordable housing.

VII. PUBLIC HEARINGS – None

VIII. COMMISSION CONSIDERATIONS

1. [Planning Division Work Program](#) – Update on the accomplishments of the Planning Division’s Work Program for Fiscal Year 2016-2017 and an overview of the Work Program for 2017-2018. **Staff Contact: Laura Simpson, Planning Manager @ (925) 671-3369**

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 PLANNING COMMISSION MEETINGS:

October 4, 2017: 6:30 pm – Regular Meeting
October 18, 2017: 6:30 pm – Regular Meeting

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

Wednesday, September 6, 2017

A regular meeting of the Planning Commission, City of Concord, was called to order by Chair Laub at 6:30 P.M., September 6, 2017, in the City Council Chamber.

I. ROLL CALL

COMMISSIONERS PRESENT: Chair Jason Laub
Vice Chair Ray Barbour
Commissioner Dominic Aliano
Commissioner John Mercurio
Commissioner Mark Weinmann

STAFF PRESENT: Laura Simpson, Planning Manager
Margaret Kotzebue, Senior Assistant City Attorney
Michael Cass, Principal Planner
Kathleen Tropa, Assistant City Manager

II. PLEDGE TO THE FLAG

Commissioner Aliano led the pledge.

III. PUBLIC COMMENT PERIOD

None was heard.

IV. ADDITIONS / CONTINUANCES / WITHDRAWALS

There were none.

V. CONSENT CALENDAR

No public comment was heard.

APPROVAL OF MINUTES

Motion was made by Commissioner Weinmann and seconded by Commissioner Aliano to approve the meeting minutes of July 19, 2017. The motion was passed by the following vote:

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

VI. Transform – Nina Rizzo, Overview of Transform’s Green Trip Program, Transportation Demand Management and Parking Policy.

Michael Cass, Principal Planner, explained the background of the speaker series and how the series is designed to educate the Commission and public on “hot topic” issues which may be heard at a future Planning Commission meeting.

Public Comment

Nina Rizzo presented the Transform’s Green Trip Program to the Commissioners.

Hope Johnson spoke to the Commission and requested that the Commission try to get the Public Transit Agency to attend a meeting and deal with the realization of traffic.

George Fulmore commented on the Monument Corridor and the issues facing it with regards to the lack of parking with the increase in population.

Kenji Yamada commented on the need for alternatives to car usage and ensuring bicycles are included when looking into the program.

The Commission commented on the need for parking and data to back up the demand for parking.

VII. PUBLIC HEARINGS

Marijuana Ban Municipal Code and Development Code Text Amendment – City-initiated Municipal Code and Development Code Amendment to ban all marijuana (cannabis) uses, except for personal indoor cultivation and delivery of medical marijuana to qualified patients, until such time that the City has an opportunity to study and establish a comprehensive program and regulations relating to marijuana uses. This is not considered a project under Public Resources Code 21065, Guidelines Sections 15060(c)(2), 15061(b)(3), or 15378; in the alternative, is Categorically Exempt pursuant to California Environmental Quality Act Guidelines Section 15308 – Actions by Regulatory Agencies for Protection of the Environment. **Project Planner: Michael Cass @ (925) 671-3332**

Michael Cass, Principal Planner, presented the report and answered questions from the Commission regarding the timing of issuance of State licenses and City regulations, adult recreational marijuana use, timeframes, a sunset clause clarification, outside cultivation, dispensaries, defining of reasonable regulations, and testing laboratories.

Public Comment

The following individuals spoke regarding opinions and/or experiences with marijuana:

Brad Waite, Darryla McGrath, Sara Blackstock, Lynne Dennler, Arnold Lim, Nancy Sansom, Jackie Grant, Diane Scofield, Stephen Shub, Jacob St. James, David Theisen, Rebecca Byars, Mary Ann Raymundo, William Raymundo, Sal Villanueva, Eloise Theisen, Timothy Byars, Diane Beeson, Anita Mataraso, Elaine Bush, Janette Wolf,

Barbara Klous, Wendy Hershey, Matt Light, Ryan Doronila, Devlyn Sewell, Jeanette Green, Eric Whitaker, Kenji Yamada, and Hope Johnson.

Motion was made by Commissioner Weinmann and seconded by Commissioner Aliano to adopt Resolution 17-17 PC, recommending the City Council amend the Municipal Code and Development Code to ban all marijuana (cannabis) uses, except for personal indoor cultivation and delivery of medical marijuana to qualified patients from license dispensaries located outside the City, until such time that the City has the opportunity to study and establish a comprehensive program and regulations relating to marijuana uses further, the Planning Commission recommends the uses for non-storefront medical marijuana delivery services and testing labs be strongly considered to not be banned and that the medical marijuana non-storefronts be prioritized as the first priority to be also included. The motion passed by the following vote:

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

VIII. COMMISSION CONSIDERATIONS

None were announced.

IX. STAFF REPORTS / ANNOUNCEMENTS

Planning Manager Laura Simpson announced the upcoming departure of Senior Planner Afshan Hamid who has accepted a position as Planning Manager of Vallejo.

X. COMMISSION REPORTS/ANNOUNCEMENTS

Commissioner Aliano announced he would like to see more presentations from County Connection, BART, or any public transportation agency that serves the City of Concord. He further stated that he wanted to be clear that the Planning Commission thinks of the entire City when making decisions and not just as individuals. Chair Laub thanked Commissioner Aliano and mentioned that the City had received some letters of support for the marijuana ban.

XI. FUTURE PUBLIC HEARING ITEMS

Planning Manager Laura Simpson announced the next Planning Commission will be on September 20th and will contain a staff report on the Planning Division’s work plan for the upcoming year and there will be a presentation from the Speaker Series on Affordable Housing. Chair Laub thanked staff for introducing the Speaker Series to the Planning Commission.

XII. ADJOURNMENT

Vice Chair Barbour moved to adjourn at 9:41 P.M. Commissioner Aliano seconded the motion. Motion to adjourn was passed by unanimous vote of the Commissioners present.

APPROVED:

Laura Simpson
Planning Manager

Transcribed by Grant Spilman,
Administrative Coordinator

DRAFT

**REPORT TO PLANNING COMMISSION**

DATE: September 20, 2017

SUBJECT: PLANNING AND HOUSING DIVISION'S WORK PROGRAM**Recommendation: Staff Report on 2016-2017 accomplishments and the 2017-2018 Work Program for Planning Commission review and feedback.****I. Introduction**

This report is to provide the Planning Commission with an update on the accomplishments of the Planning and Housing Division's Work Program for Fiscal Year 2016-2017 and to give an overview of the Work Program for 2017-2018. The Commission may provide feedback to staff on any items in the report.

II. Background

In September 2016, the Planning Commission held a study session to discuss the Planning division work program for 2016-2017. This past year was very productive for Planning and Housing and the following list highlights the division's accomplishments, including some new projects that were initiated after the original work program was established. In addition, the Housing and CDBG Program Manager and a part-time clerical assistant became part of the Planning and Housing Division in April 2017.

III. Accomplishments for Fiscal Year 2016-2017

1. Downtown Corridors Plan. The Downtown Corridors Plan was adopted by City Council on September 13, 2016. The Plan provided streetscape designs and sections for Salvio, Grant and Oak Streets, that may be applicable to other streets in the downtown area. Staff applied for \$3.7 million in ATP grant funds toward implementation projects in the plan and learned that the City will be awarded \$623,000 for design costs for the Downtown Corridors Plan. The City will re-submit for \$3 million in construction funding in the next ATP grant cycle.

2. The Bicycle, Pedestrian and Safe Routes to Transit Citywide Plan. The plan was adopted on September 27, 2016. The Plan includes three tiers of projects totaling \$146 million. The City received a preliminary award of \$15 million in OBAG funds to implement Plan projects, including a Monument Boulevard multi-use path project.

3. Adoption of Affordable Housing Impact and In-Lieu Fees. City Council approved on November 29, 2016, an affordable housing impact fee for rental housing which will begin July 2018, or after building permits are pulled for 600 units in the downtown, whichever is later. The fee will start at \$3.00 per square foot for rental housing. The in-lieu fee for ownership housing

will begin July 18, 2018 at \$8.00 per square foot and each fee will step up incrementally over a five-year period.

- 4. Todos Santos Design Guidelines.** City Council adopted Design Guidelines in February 2017 to facilitate development review and improve the quality of architecture in the downtown to implement the vision of the Downtown Specific Plan.
- 5. Park & Shop Design Guidelines.** The Design Guidelines were adopted by Council on April 11, 2017, and are unique to the Park & Shop Center, tailored to address incremental property upgrades in a consistent and streamlined fashion. They allow expedited design review, thereby reducing costs to owners and tenants for façade improvements, and provide design technical assistance.
- 6. Update the City's Subdivision Ordinance.** The Subdivision Ordinance was updated to ensure consistency with the Development Code and to provide uniform development standards. This was adopted in July 2017.
- 7. Community Reuse Plan for the Concord Naval Weapons Station Specific Plan.** The Community Reuse Planner initiated the CAC process working with direction from the Director of Community Reuse Planning, and facilitated two community workshops, held study sessions with the Planning Commission and City Council and hired the Environmental Review consultant team who will be working on the Specific Plan EIR.
- 8. Completed Development Code amendments.** Development Code was updated including lowering childcare fee and providing streamlined approval for large family daycares, and adopted in March 2017.
- 9. Marijuana Regulations.** Banned outdoor cultivation of marijuana in December 2016. Adopted regulations permitting delivery of medical marijuana to qualified patients in June 2017. Work will continue on an ordinance in 2017-2018.
- 10. Updated Parking-In-Lieu Fee & Regulations.** Regulations were updated in February 2017 to clarify the Use Permit process for application for payment of parking in-lieu fees and increasing the parking in-lieu fee to \$12,500, and then \$25,000 per residential space over a two year period. Fees will be used for Transportation Demand Management projects and improvements.
- 11. Wireless Master License Agreement** was adopted by City Council in June 2017 to allow City to enter into agreements with wireless providers to provide facilities on City-owned poles in the ROW and to collect annual fees for each pole.
- 12. Accessory Dwelling Unit and Junior Accessory Dwelling Unit (ADU/JADU) ordinance.** Staff achieved adoption of ADU/JADU ordinance to comply with state legislation in January 2017. This is an implementation measure of the Housing Element.
- 13. MCE, Community Choice Energy Aggregation.** In May 2017, the City joined with MCE, to convert to renewable energy sources for the City's power. This was an implementation

measure of the Climate Action Plan that will go a long way toward reducing Greenhouse Gas Emissions in Concord in the future.

14. Rising Sun Energy Center grant was received by the City to provide a home base for students to conduct no-cost home energy and water assessments for Concord residents over the summer.

15. Memorandum of Understanding for Home Share Concord Pilot Program. An MOU between Episcopal Housing Services and the City was adopted to allow program to operate out of Senior Center which matches seniors in Concord with those seeking to rent a room in a home.

16. CDBG Programs. Under the CDBG Program and Housing Programs in 2016-2017, the City awarded more than \$1.2 million in Community Development Block Grant (CDBG), Child Care Developer Fees (CCDF) and Revolving Loan Funds (RLF) to 19 local agencies to provide services to those most in need, including the homeless, mentally and physically disabled, seniors, victims of domestic violence, and other special needs populations. The City also awarded \$250,000 in Concord/Pleasant Hill Health Care District (CPHHCD) funds to 15 local non-profits to provide health related services to those most in need in Concord and Pleasant Hill. The City approved (17) grants and one (1) loan to income qualified Concord homeowners for emergency home repairs and accessibility improvements, for a total of \$213,558 through CDBG funding.

17. Affordable Housing Rehabilitation. Funded \$1.1 million dollars to preserve and enhance 91 affordable housing units at Riley Court and Camara Circle.

18. Residential Rent Review Program. Planning and Economic Development worked together to create a new Residential Rent Review Program, adopted on May 2nd, and effective as of June 23rd, 2017. Planning is hiring a Housing Analyst to administer the rent program and other housing loan programs.

In addition, entitlement process was completed on the following projects, which are a sample representation:

- Veranda retail center of over 300,000 square feet of retail space, IMAX theater and park
- Argent project of 181 new units in the downtown
- Gen Korean BBQ restaurant
- Conco Commercial Building
- Ridge Park Subdivision
- Kamyshin single family home
- Betty's Large Family Day Care
- Anova Center for Education
- Shiva Muguran Cultural Center

IV. Work Program for 2017-2018

In Fiscal Year 2017-2018, Planning is beginning several new policy initiatives. Also, in the downtown, two large multifamily rental developments are in the entitlement process, and a new multifamily may be proposed in the near future. The City is also in the process of selling several sites that will come in for entitlements later this year. These projects are implementing the vision created in the Concord Downtown Specific Plan.

Policy and Code Updates

- A. Marijuana Regulations.** On November 8, 2016, the Control, Regulate, & Tax Adult Use of Marijuana Act (“AUMA”) was approved by California voters through the passing of Proposition 64. Effective November 9, 2016, the AUMA legalizes for persons 21 years or older to: (1) smoke or ingest marijuana or marijuana products, (2) possess, process, transport, purchase, obtain, give away without compensation to persons 21 years or older 28.5 grams of marijuana or 8 grams of concentrated marijuana, and (3) possess, plant, cultivate, harvest, dry, or process up to six living marijuana plants per legal dwelling unit for personal use. Additionally, the AUMA will create a state regulatory and licensing system governing the commercial cultivation, testing, and distribution of nonmedical marijuana, and the manufacturing of nonmedical marijuana products. The City may develop new regulations for recreational marijuana and update existing regulations for medical marijuana dispensaries to comply with State law.
- B. New Development Code Updates.** The highest priority Development Code updates are generally given to those mandated by State law or have an urgent need related to life-safety or legal issues. Staff will also prepare some development code clean up items, such as a review of childcare impact fees and greenframe infrastructure.
- C. Prepare Local Procedures to implement California Environmental Quality Act (CEQA) Guidelines.** In collaboration with the City Attorney's Office, staff will update the City's environmental document forms and templates to comply with current CEQA regulations, and establish environmental thresholds to aid in determining levels of significance. This will assist staff in completing timely environmental review and will also provide more certainty and direction for the development community.
- D. Design Guidelines for new Wireless Ordinance.** In order to implement the wireless ordinance that was adopted by City Council in August, staff is working with a consultant to prepare design guidelines for wireless facilities in Fall 2017.
- E. Public Art Program.** In Spring 2018 staff will bring forward options for the City Council to consider in whether or not to establish a fee for public art and a public art program.

Sustainability Issues

- F. Climate Action Plan (CAP) implementation.** Staff will facilitate implementation of measures in the CAP and monitor and report on progress.

- G. Update Transportation Demand Management Policies.** Staff will bring forward Transportation Demand Management policies that provide guidance and alternatives to developers who desire to reduce parking in the Transit-Oriented Development Overlay District.
- H. Implementation of MCE Clean Energy.** Staff is working closely with MCE to roll out the program in Concord, as well as to allow MCE to establish new office space in Contra Costa County.

Housing Policy

- I. Implementation of Residential Rent Review Program.** ECHO Housing is under contract to provide mediation services for the new Residential Rent Review program. City Council will select a Rent Review Panel in October and the new Housing Program Analyst position will administer this program, as well as other affordable housing programs.
- J. Annual Housing Element and General Plan Implementation Report.** Staff will prepare the yearly update on Housing Element and General Plan Progress and will present to Planning Commission and City Council before sending to the State Housing and Community Development Department.
- K. Update Density Bonus Ordinance to be consistent with new state laws.** Several new State Density Bonus Laws became effective in January 2017 and staff will prepare code updates to ensure that the City is consistent with State law.
- L. New Construction or Rehabilitation of Affordable Housing.** Staff will receive feedback from the City Council on allocating affordable housing funds toward new senior affordable housing development, or acquisition and rehabilitation of rental housing, and housing for teachers, and whether to pursue any housing at the BART-owned property near downtown.

Collaborative Efforts with Economic Development

- M. Coordinate with the LRA for Concord Community Reuse Project Specific Plan.** The Base Reuse Planner will continue working with the Director of Reuse Planning and the Master Developer on the Specific Plan and facilitating the CEQA process and all related community outreach and CAC meetings.
- N. Select Developer for Coast Guard Site.** The City Council will decide whether to proceed with the evaluation of the four proposals received for the Coast Guard site. The Coast Guard site will be included in the Specific Plan process for the Reuse Project Area.
- O. Implement Shopping Center Revitalization Strategy.** Economic Development is taking the lead and planning and Code Enforcement staff will work together to prepare a strategy for revitalizing or redeveloping certain older retail centers along Clayton Road.

V. Fiscal Impact

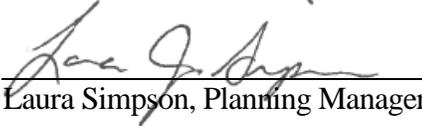
A number of individual long-range planning projects are made possible by grant funding or support from the City's General Plan and Zoning Ordinance Reimbursement Fee. A portion of long range planning and policy work is funded through the General Fund.

VI. Public Contact

All appropriate public notices of this agenda item have been posted.

VII. Summary and Recommendations

There is no recommendation or call for approval for the Commission. However, staff requests that the Commission provide comments and suggestions on the information presented.

Prepared by: 
Laura Simpson, Planning Manager