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

**Wednesday, November 1, 2017  
6:30 p.m. – Council Chamber  
1950 Parkside Drive, Concord**

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Planning Commission Members:

Jason Laub, Chair

Ray Barbour, Vice Chair

Dominic Aliano, Commissioner

John Mercurio, Commissioner

Mark Weinmann, Commissioner

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**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. [10/04/17 Meeting Minutes](#)**

**VI. PUBLIC HEARING**

- 1. [2159 Kirker Pass Road – Vacation Right of Way](#) – Application to vacate a 26 ft. by 310 ft. section of street right-of-way located easterly of the property at 2159 Kirker Pass Road, that represents the westerly half of a 52 ft. wide section of right-of-way serving two adjacent parcels. The right-of-way vacation is classified under the California Environmental Quality Act (CEQA) as categorically exempt pursuant to Sections 15304, “Minor Alterations to Land;” therefore, no further environmental review is required. **Project Contact: Mitra Abkenari @ (925) 671-3439****

**VII. COMMISSION CONSIDERATIONS**

**VIII. STAFF REPORTS / ANNOUNCEMENTS**

**IX. COMMISSION REPORTS / ANNOUNCEMENTS**

**X. FUTURE PUBLIC HEARING ITEMS****XI. ADJOURNMENT**

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**NOTICE TO PUBLIC**

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**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](http://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.

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**NEXT PLANNING COMMISSION MEETINGS:**

November 15, 2017: 6:30 pm – Regular Meeting  
December 6, 2017: Cancelled  
December 20, 2017: 6:30 pm – Regular Meeting

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

**Wednesday, October 4, 2017**

A regular meeting of the Planning Commission, City of Concord, was called to order by Chair Laub at 6:30 P.M., October 4, 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  
Frank Abejo, Principal Planner  
Guy Bjerke, Director of Community Reuse Planning  
Jessica Gonzalez, Assistant Planner  
Andrea Ouse, Director of Community & Economic Development  
Abhishek Parikh, Transportation Manager

**II. PLEDGE TO THE FLAG**

Commissioner Aliano led the pledge.

**III. PUBLIC COMMENT PERIOD**

Juan Pablo Galvan, Land Use Manager for Save Mt. Diablo, commented that the Regional Comprehensive Protected Area and Hiking Trail Map for Save Mt. Diablo has been updated and wanted to give the Commission and staff copies of the map.

Daryl Bergman, who lives in the Monument Corridor, commented that there needs to be something done to for the quality of life within the Monument Corridor and asked that a Monument Boulevard task force be created to address the issues and improve the quality of life in the area. She extended an invitation for the Commission or staff to visit the Monument Corridor to see what is occurring on Monument Boulevard.

Michael Wendorf commented on a potential university being placed within the Concord Naval Weapons Station.

Carol Edgerton expressed her concerns with additional low income housing in Concord and the issues with parking and quality of life when the housing is concentrated in one area.

Gilbert Sonet commented on the potential for a new plaza in addition to Todos Santos Plaza, roundabouts, and also the need for art in Concord.

**IV. ADDITIONS / CONTINUANCES / WITHDRAWALS**

There were none.

**V. CONSENT CALENDAR**

No public comment was heard.

**APPROVAL OF MINUTES**

Motion was made by Vice Chair Barbour and seconded by Commissioner Weinmann to approve the meeting minutes of June 21, 2017. The motion was passed by the following vote:

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

Motion was made by Vice Chair Barbour and seconded by Commissioner Weinmann to approve the meeting minutes of September 20, 2017. The motion was passed by the following vote:

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

**VI. PRESENTATION**

**CCTA Autonomous Vehicles – Contra Costa Transit Authority - Presentation on autonomous vehicles.**

Tim Haile, from Contra Costa Transit Authority, gave a presentation on autonomous vehicles and answered questions from the Planning Commission regarding the increase of cars on the road, the timeline, safety, and driverless vehicle regulations.

Public Comment

George Fulmore commented on potential parking issues with autonomous vehicles.

**VII. PUBLIC HEARING**

**Triplex at 2749 Concord Boulevard (PL17053 – UP, VA)** – Application for a Use Permit to legalize the addition of 220 square feet to a triplex and Variance to reduce the amount of required off-street parking, eliminate the amount of required covered parking, allow parking within the required front yard setback and allow for the reduction in the width of the required

drive aisle to allow parking in the rear of the triplex. The General Plan designation is Commercial Mixed Use; Zoning classification is CMX (Commercial Mixed Use); APN 113-012-013. Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, and pursuant to CEQA Regulations Section 15301 “Existing Facilities,” the proposed project is classified as a Class 1 Categorical Exemption, and therefore, no further environmental review is required. *This item was continued from the August 16, 2017 meeting.*  
**Project Planner: Sarah Yuwiler @ (925) 671-3465**

Sara Yuwiler, Assistant Planner, gave a presentation on the project.

No public comment was given.

Motion was made by Commissioner Aliano and seconded by Vice Chair Barbour to adopt Resolution No. 17-16PC approving the Use Permit and Variance (UP, VA 17-053). The motion passed by the following vote:

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

**VIII. STUDY SESSION**

**Concord Reuse Project Specific Plan** – Study session of the Master Developer’s proposed land use plan and options for the Concord Reuse Project Specific Plan and staff’s analysis of the Plan’s consistency with the adopted 2012 Area Plan. **Project Planner: Joan Ryan @ (925) 671-3370**

Joan Ryan, Principal Planner, presented an update on the Land Use Plan Specific Plan and answered questions from the Planning Commission regarding street curves, remediation areas, affordable housing, traffic, and the ability to amend decisions.

Rachel Flynn, Vice President of Development for Lennar-FivePoint, clarified the Commission’s earlier questions.

Eron Ashley, of Hart Howerton, presented more details on the project and answered questions from the Commission regarding charter schools, and GoMentum station.

**Public Comment**

The following individuals gave comments pertaining to the Concord Reuse Project Specific Plan: Audrey Albrecht, Juan Pablo Galvan, Mike McDermott, Renee Zeimer, Hope Johnson, Clair Linder, Sue Dittman, Tim Carr, Caleb Heikkila, and David Castro.

**Green Frame Zoning Amendment** – Study Session regarding the preparation of a Zoning Amendment for the green frame between Willow Pass Road and Bailey Road from the current designation of “Study” District and provide direction and feedback. **Project Planner: Joan Ryan @ (925) 671-3370**

Joan Ryan, Principal Planner, gave a report on the Green Frame Zoning Amendment and answered a question from the Planning Commission regarding the size of the green frame.

Guy Bjerke, Director of Community Reuse Planning, answered a question regarding who currently actually owns the property and the ability to change the zoning from Open Space.

Public Comment

Mike McDermott commented on moving the green belt back so it will not decrease the parking at Concord High School and placing a shared pick-up/drop-off behind Concord High School which would alleviate traffic congestion.

**IX. COMMISSION CONSIDERATIONS**

There were none.

**X. STAFF REPORTS / ANNOUNCEMENTS**

There were none.

**XI. COMMISSION REPORTS/ANNOUNCEMENTS**

Vice Chair Barbour commented that he wanted the public to know that the Commission is in support of the fight against breast cancer and is reflecting that by wearing pink during the month of October.

**XII. FUTURE PUBLIC HEARING ITEMS**

Planning Manager Laura Simpson announced the October 18th Planning Commission is cancelled and the next meeting will be November 1<sup>st</sup>.

**XIII. ADJOURNMENT**

Commissioner Mercurio moved to adjourn at 11:00 P.M. Commissioner Weinmann 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



REPORT TO PLANNING COMMISSION

DATE: November 1, 2017

**SUBJECT: 2159 KIRKER PASS ROAD – VACATION OF RIGHT-OF-WAY**

**Recommendation:** Adopt Resolution No. 17-18 PC, finding the proposed vacation of excess public right-of-way consistent with the Concord 2030 General Plan, pursuant to Government Code Section 65402, and recommending that Council approve the vacation of the excess public right-of-way located at 2159 Kirker Pass Road

**I. Introduction**

**A. Applicant Request:**

Application to vacate an irrevocable offer of dedication for a 26 ft. by 310 ft. section of street right-of-way located easterly of the property at 2159 Kirker Pass Road.

**B. Location:**

The site is located westerly of 2159 Kirker Pass Road. APN: 117-070-026.



**Vicinity Map**

**C. Applicant**

Demetrios Greek Orthodox Church

(925) 676-6967

**Owner(s)**

Same as Applicant

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## II. Background and Discussion

**On October 15, 1971, a Parcel Map was filed with Contra Costa County, as shown in Book 18 of parcel Maps, Page 50. That map included an Offer of Dedication for Street and Highway purposes, dated December 28, 1971, and recorded on January 11, 1972 in Book 6561 of Official Records, Page 95 under Recorder’s Serial Number 2194. The Offer of Dedication affected the southeasterly 26 feet of 2159 Kirker Pass Road owned by St. Demetrios Greek Orthodox Church (“Applicant”), APN 117-070-026, as described in Exhibit A and shown on Exhibit B, constituting a total of 8,060 square feet.**

The Parcel Map by which the original offer of dedication was made included both a 26 ft. dedication on property owned by St. Demetrios Greek Orthodox Church and the Applicant’s 26 ft. for a total of 52 ft. of right-of-way intended for the construction of a public road to provide access for a potential subsequent subdivision creating additional lots. However, no further subdivision of land occurred, nor is currently proposed, by the Applicant. Accordingly, in October 2015 the Applicant first approached the City regarding the possible vacation, for which they subsequently applied in April 2016. St. Demetrios received approval for a Parcel Map, earlier this year, to divide that parcel further into two (2) parcels, with a condition to construct a private access road located entirely within the 26ft. portion offered for dedication. St. Demetrios has also had conversations with the City of Concord regarding the logical vacation of the offer of dedication for the easterly 26ft of right-of-way, though no application has been received to date.

### Vacation of Excess Public Right-of-Way

City’s Administrative Directive No. 93 provides a process for individuals to submit an application to vacate or abandon City streets, alleys, public services easements (utilities) and other non-fee interests in which the City may have in real property.

As part of that process, the proposal to vacate the public property is to be presented to the Planning Commission for consideration to forward its recommendation for action by the City Council. Section 65402 of the California Government Code also requires the Planning Commission to make a finding of consistency with the General Plan in any instance in which a public street is vacated.

Section 8334(a) of the California Streets and Highway Code allows for the summary vacation of an excess right-of-way of a street or highway that is no longer required for street or highway purposes. Pursuant to Section 8335, the City may summarily vacate the right-of-way by resolution by City Council.

Staff has reviewed the request for summary vacation of the roadway right-of-way with the City Engineer and the City Attorney’s office. The City’s Engineering Division determined that the vacation of the offer of dedication would be consistent with the Concord 2030 General Plan.

The Transportation and Circulation Element of the General Plan sets forth the provisions for vehicular, transit, pedestrian and bicycle modes and has identified the roadway network required for circulation. The right of way for which the offer of dedication was made is not included in the Transportation and Circulation Element of the General Plan, and does not serve a public benefit. The subject 26 ft. of right-of-way is currently unimproved and used only by the Applicant to access the rear of their

property. The counterpart westerly 26 ft. of right-of-way accommodates a private unimproved access road that serves only St. Demetrios' property, and for which a tentative Parcel Map has been approved which is conditioned to construct an access road located entirely within the westerly 26 ft.

**III. Environmental Review**

The summary vacation of the right-of-way is exempt from the requirements of the California Environmental Quality Act (CEQA), as categorically exempt pursuant to CEQA Guidelines Section 15305 "Minor Alterations in Land Use Limitations."

**IV. Public Contact**

Notification was mailed to the utilities who had been given a 30-day opportunity to request that the City reserve any existing utility easement. No such request was received. This item has also been posted at the Civic Center and at the subject site at least 10 days prior to the public hearing.

**V. Summary and Recommendations**

Staff finds that the proposed summary vacation of the offer of dedication is consistent with the Concord 2030 General Plan. The Transportation and Circulation Element of the General Plan sets forth the provisions for vehicular, transit, pedestrian and bicycle modes and has identified the roadway network required for circulation. The offer of dedication for street and highway purposes is for excess right-of-way and is no longer needed.

Staff recommends the Planning Commission open the public hearing, consider the staff report and public testimony, and close the hearing upon completion of public testimony. Staff recommends the Commission adopt Resolution No. 17-18PC (see Attachment A) approving the vacation of a roadway right-of-way.

**VI. Motion**

I (Comm. \_\_\_\_\_) hereby move that the Planning Commission adopt Resolution No. 17-18 PC finding the vacation of a roadway right-of-way consisting of 8,060 sq. ft. area and located at 2159 Kirker Pass Road is consistent with the Concord 2030 General Plan, and recommend that the City Council approve the vacation of the subject right-of-way. (Seconded by Comm. \_\_\_\_\_.)

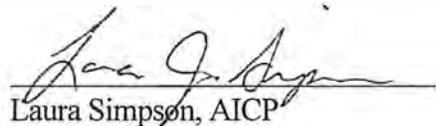
Prepared by:



Mitra Abkenari  
Assistance Engineer  
Engineering Division  
(925) 671-3439

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Reviewed by:



Laura Simpson, AICP  
Planning Manager  
Planning Division  
(925) 671-3369

[laura.simpson@cityofconcord.org](mailto:laura.simpson@cityofconcord.org)

Attachments:

A – Resolution 17-18 PC with Exhibit A: Map

BEFORE THE CITY COUNCIL OF THE CITY OF CONCORD,  
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

A RESOLUTION BY THE PLANNING  
COMMISSION RECOMMENDING SUMMARY  
VACATION OF EXCESS PUBLIC RIGHT-OF-  
WAY OF 8,060 SQ. FT. LOCATED AT 2159  
KIRKER PASS ROAD (APN 117-070-026) AND  
FINDING THAT SUMMARY VACATION IS  
CONSISTENT WITH THE 2030 GENERAL PLAN.

Resolution No. 17-18PC

**WHEREAS**, an Offer of Dedication to Contra Costa County for Street and Highway purposes was recorded January 11, 1972 in Book 6561 of Official Records, Page 95 under Recorder’s Serial Number 2194; and

**WHEREAS**, on May 26, 1987, the City Council of the City of Concord adopted Resolution 87-83 annexing approximately 127 acres of property, including the subject parcel APN 117-070-026, otherwise commonly known as 2159 Kirker Pass Road; and

**WHEREAS**, on March 13, 2017, St. Demetrios Greek Othodox submitted an application for Vacation of Excess Public Right-of-Way; and

**WHEREAS**, on March 13, 2017, the application was deemed complete for processing; and

**WHEREAS**, pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, the project is classified as Categorically Exempt pursuant to Section 15305, “Minor Alterations to Land Limitations” and therefore no further environmental review is required; and

**WHEREAS**, pursuant to Streets and Highway Code Section 8334(a), the City Council may summarily vacate an excess right-of-way of a street or highway not required for street or highway purposes.

**WHEREAS**, the City of Concord has determined that said offer of dedication is no longer required for street or highway purposes and is in excess of the City’s needs; and

**WHEREAS**, utilities have been notified, given an opportunity to maintain any existing easement and have made no such request of the City; and

**WHEREAS**, pursuant to Government Code Section 65402, prior to the summary vacation of a

1 public right-of-way, the Planning Commission must make a finding that the vacation is consistent  
2 with Concord 2030 General Plan.

3 **WHEREAS**, the Planning Commission, after giving all public notices required by State law  
4 and the Concord Municipal Code, held a duly noticed public hearing on November 1, 2017 the  
5 subject proposal; and

6 **WHEREAS**, the Planning Commission considered testimony and information received at the  
7 public hearing and the oral and written reports from City staff dated November 1, 2017, as well as  
8 other documents contained in the record of proceedings relating to the proposed project, which are  
9 maintained at the offices of the City of Concord Planning Division; and

10 **WHEREAS**, on November 1, 2017 the Planning Commission, after consideration of all  
11 pertinent plans, documents and testimony, determined that the summary vacation of the right-of-  
12 way at 2159 Kirker Pass Road is consistent with Concord 2030 General Plan and recommended that  
13 the City Council approve the vacation of the subject right-of-way.

14 **NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:** that the Planning Commission  
15 does hereby: 1) Find the Vacation of Right-of-way consistent with the City’s 2030 General Plan, and  
16 further makes the following findings:

17 Vacation of Right-of-Way.

18 **Section 1.** Finds that the right of way offered for dedication is in excess of the City’s needs  
19 for street or highway purposes.

20 **Section 2.** Finds that there is no immediate or future need for the portion of excess right-of-  
21 way as further described in attached Exhibits “A” and “B”, and recommends to City Council that it  
22 may be summarily vacated as excess right-of-way, pursuant to Streets and Highways Code, Section  
23 8334 (a).

24 **Section 3.** Finds that the proposed vacation is consistent with the Concord 2030 General Plan.

25 **Section 4.** This resolution shall become effective immediately upon its passage and adoption.  
26  
27  
28

1 **PASSED AND ADOPTED** this 1st day of November 2017, by the following vote:

2 **AYES:**

3 **NOES:**

4 **ABSTAIN:**

5 **ABSENT:**

6 \_\_\_\_\_  
7 Laura Simpson, AICP  
8 Planning Manager

8 Exhibits:

9 A – Map

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