



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

**Wednesday, May 16, 2018
6:30 p.m. – Council Chamber
1950 Parkside Drive, Concord**

Planning Commission Members:

Dominic Aliano, Chair

John Mercurio, Vice Chair

Ray Barbour, Commissioner

Jason Laub, 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. [4/18/18 Meeting Minutes](#)

VI. PUBLIC HEARINGS – None

VII. COMMISSION CONSIDERATION

1. [Town Center II General Plan Consistency](#) - Review that a proposed sale of City-owned property is consistent with the adopted General Plan pursuant to Government Code Section 65402(a). **Project Contact: John Montagh, Economic Development Manager @ (925) 671-3082**

VIII. STAFF REPORTS / ANNOUNCEMENTS

IX. COMMISSION REPORTS / ANNOUNCEMENTS

X. FUTURE PUBLIC HEARING ITEMS

XI. 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:

May 29, 2018: Joint Study Session with City Council @ 6:30 PM

June 6, 2018: Joint Study Session with City Council @ 6:30 PM

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

Wednesday, April 18, 2018

A regular meeting of the Planning Commission, City of Concord, was called to order by Chair Aliano at 6:30 P.M., April 18, 2018, in the City Council Chamber.

I. ROLL CALL

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

COMMISSIONER ABSENT: Commissioner Ray Barbour

STAFF PRESENT: Laura Simpson, Planning Manager
Margaret Kotzebue, Senior Assistant City Attorney
Kevin Marstall, Interim City Engineer

II. PLEDGE TO THE FLAG

Vice Chair Mercurio 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 Vice Chair Mercurio and seconded by Commissioner Weinmann to approve the meeting minutes of March 7, 2018 and March 15, 2018. The motion was passed by the following vote:

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

VI. PUBLIC HEARINGS

There were none.

VII. COMMISSION CONSIDERATIONS

CIP and TIP General Plan Consistency – Review of the proposed 2018-2019 Fiscal Year (FY) Capital Improvement Program (CIP) and Transportation Improvement Program (TIP) for consistency with the adopted General Plan pursuant to Government Code Section 65401. **Project Engineer: Kevin Marstall @ (925) 671-3257**

Kevin Marstall, Interim City Engineer, gave a presentation and answered questions from the Planning Commission pertaining to sidewalk repair in front of private property, procedure for sidewalk repair notification, signalized intersection costs, road repair process and costs, funding for the Downtown Corridors Bike and Pedestrian Improvement Plan, right-of-way requirements, traffic safety and calming, and sidewalk accident liability.

No public comment was heard.

Motion was made by Commissioner Laub and seconded by Commissioner Weinmann to move that the Planning Commission report to the City Council for purposes of Government Code Sections 65401 and 65402 that the proposed public projects, street vacations and right of way acquisitions listed in the proposed FY 2018-19/2019-20 Capital Budget are consistent with the General Plan. The motion was passed by the following vote:

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

VIII. STAFF REPORTS / ANNOUNCEMENTS

Planning Manager Laura Simpson announced that three Planners and herself will be attending the National American Planning Association Conference.

IX. COMMISSION REPORTS / ANNOUNCEMENTS

Vice Chair Mercurio reported at the last TRANSPAC meeting there was a discussion by Guy Bjerke, Director of Community Reuse Planning, on what has been occurring on the Concord Reuse Project. Commissioner Weinmann thanked the City and staff for the opportunity to attend the Planning Commissioners Academy in Monterey. Commissioner Laub gave an update from the Design Review Board meeting regarding an assisted living project at 1335 Galindo Street. Chair Aliano stated it was nice to attend the Planning Commissioners Academy and learn new things and interact with fellow Commissioners and staff members from other Cities.

X. FUTURE PUBLIC HEARING ITEMS

Planning Manager Laura Simpson announced the May 2nd meeting will be cancelled with the following meeting on May 16th containing a hearing for a large family child care center and a Speaker Series presentation on the Greenbelt Alliance. She also announced there will be a joint City Council/Planning Commission Study Session on the Concord Naval Weapons Station on June 6th.

XI. ADJOURNMENT

Vice Chair Mercurio moved to adjourn at 7:10 P.M. Commissioner Laub 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: May 16, 2018

SUBJECT: PROPOSED FINDING OF GENERAL PLAN CONFORMITY OF PROPOSED SALE OF AN APPROXIMATELY THREE ACRE CITY-OWNED PROPERTY BOUNDED BY GALINDO STREET, CONCORD BOULEVARD AND CLAYTON ROAD (APN: 126-143-012)

CEQA: NOT A "PROJECT" PURSUANT TO PUBLIC RESOURCES CODE SECTION 21065 AND CEQA GUIDELINES SECTIONS 15060(c)(3) OR 15378.

Introduction

Pursuant to Government Code Section 65402(a), the City's Planning Commission must find that a proposed sale of City-owned property is consistent and conforms to the adopted General Plan.

Report in Brief

The City and AvalonBay entered into an Exclusive Negotiating Agreement for sale of an approximate three acre vacant property owned by the City of Concord, located at 1765 Galindo Street and bounded by Galindo Street, Concord Boulevard and Clayton Road (APN: 126-143-012) ("City Property") to AvalonBay. Attachment 1 shows the City Property associated with the proposed AvalonBay purchase. The City Property has a General Plan designation and Zoning of Downtown Mixed Use. AvalonBay contemplates developing a mixed-use project with up to 310 apartments and approximately 6,500 square feet . of commercial space on the ground level.

Government Code Section 65402(a) requires each city's Planning Commission to review proposed sales of City-owned property for their consistency with the adopted General Plan. Multifamily with commercial uses on the ground floor (Mixed Use Projects) are allowed/permitted uses subject to a obtaining a Use Permit. Staff recommends that the Planning Commission adopt Resolution No. 18-07 PC reporting to the City Council that the proposed sale of City-owned Property is consistent to the City's General Plan, Downtown Specific Plan and Housing Element Update.

Background and Discussion

The City obtained the City Property as part of the State of California's redevelopment agencies dissolution process. Redevelopment dissolution law allowed cities to retain properties so long as a city's Successor Agency had an approved Long Range Property Management Plan (LRPMP) designating a property to be retained by the city for future development. Here, the City of Concord's Successor Agency's approved LRPMP called for the City Property to be retained by the City for future development.

The City Property's General Plan designation is Downtown Mixed Use (DTMU) and is zoned Downtown Mixed Use (DMX). The General Plan states that DTMU designation is intended for a high density and intensity mix of residential, commercial and office development in Central Concord. It allows for a mix of uses that balances jobs and housing opportunities including offices, commercial development, hotels, public/quasi-public, and residential uses. Residential densities range from a minimum of 33 units per acre to a maximum of 100 units per net acre. The Downtown Specific Plan, which was adopted in June 2014, also provides a long range vision that integrates housing, jobs, retail and transportation linkages. By providing a variety of living opportunities through high density residential uses with ground floor retail space, the proposed project is consistent with the General Plan's and Downtown Specific Plan's goals, objectives and policies in establishing housing opportunities in the Downtown.

In addition, this property has been identified in the City of Concord Housing Element Update for the General Plan (2014-2022) as a potential housing site with 3.1 acres with an estimated yield of 220 units (located in Subarea 3, No. 3.24 of the Housing Element Update Appendix). As the proposed project anticipates a development of up to 310 apartments, the proposed project would exceed the estimated yield of the Housing Element Update.

Therefore, as stated above, the proposed sale and anticipated development of the City Property is consistent with the City's General Plan, the Downtown Specific Plan and Housing Element Update.

Environmental Review

The action by the Planning Commission to determine that the potential sale of the property is in conformance with the General Plan does not contemplate an actual project within the meaning of the California Environmental Quality Act of 1970, as amended from time to time, ("CEQA"), pursuant to Public Resources Code Section 21065 and CEQA Guidelines Section 15060(c)(3) or 15378, because the potential sale has no potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. In addition, any future project proposed by the buyers will be subject to independent environmental review under CEQA.

Public Contact

The meeting was noticed and the agenda posted in accordance with state law.

Recommendation for Action

Staff recommends that the Planning Commission adopt Resolution No18-07 PC reporting to the City Council that the proposed sale of the property is consistent with the General Plan pursuant to Government Code Section 65402(a).

Motion

I (Comm. _____) hereby move that the Planning Commission adopt Resolution No. 18-07 PC to report to the City Council that, for purposes of Government Code Section 65402(a), the proposed sale of property bounded by Clayton Road, Concord Boulevard and Galindo Street (APN: : 126-143-012) is consistent and conforms to the General Plan.

Prepared by: John Montag
Economic Development Manager
john.montagh@cityofconcord.org

Reviewed by: Laura Simpson
Planning Manager
laura.simpson@cityofconcord.org

Attachment 1: Map of City Property (APN: 126-143-012)

Attachment 2: Resolution No. 18-07PC



BEFORE THE PLANNING COMMISSION
OF THE CITY OF CONCORD,
COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA

A RESOLUTION OF THE PLANNING
COMMISSION OF THE CITY OF CONCORD
FINDING THAT THE POTENTIAL SALE OF A
CITY-OWNED PROPERTY AT 1765 GALINDO
STREET (APN: 126-143-012) SUPPORTS AND IS
CONSISTENT WITH THE GENERAL PLAN

Resolution No. 18-07 PC

WHEREAS, the City of Concord ('City') owns the approximately 3 acres site of real property located at 1765 Galindo Street (APN: 126-143-012), which is zoned "Downtown Mixed Use", (hereinafter referred to as "City Property")

WHEREAS, AvalonBay Communities ('Potential Buyer'), has entered into an Exclusive Negotiating Agreement with the City of Concord to potentially purchase the City Property for a future mixed use project that proposes to include approximately 310 apartments and 6,500 square feet of ground floor commercial space in the Downtown; and

WHEREAS, pursuant to Concord Zoning Code of Downtown Mixed Use and Concord General Plan designation of Downtown Mixed Use, the City Property may thereafter be used to serve as a multifamily and commercial mixed use project for the Potential Buyer once entitlements have been secured; and

WHEREAS, the City Property is located within the area designated by the Downtown Specific Plan, which establishes a long range vision to integrate housing, jobs, retail and transportation linkages; and

WHEREAS, the City Property has been identified in the City of Concord Housing Element Update (2014-2022) as a potential housing site, with an estimated yield of 220 units, with a development density standard of 96.8 dwelling units per net acre; and.

WHEREAS, Potential Buyer anticipates developing a mixed use project with up to 310 apartments and 6,500 square feet of commercial space on the ground level; and

1 Specific Plan and Housing Element Update. Accordingly, the Planning Commission finds that the
2 proposed sale of City Property is consistent with the City of Concord General Plan, pursuant to
3 Government Code Section 65402(a).

4 Section 4. This Resolution is effective upon its adoption.

5 * * *

6 Passed and adopted this 16th day of May, 2018, by the following vote:

7
8 AYES:

9 NOES:

10 ABSTAIN:

11 ABSENT:

12
13 _____
14 LAURA SIMPSON, AICP
15 Secretary to the Planning Commission
16
17
18
19
20
21
22
23
24
25