

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

WEDNESDAY, FEBRUARY 5, 2014

A regular meeting of the Planning Commission, City of Concord, was called to order by Chair Tim McGallian at 7:00 P.M., Wednesday, February 5, 2014, in the City of Council Chamber.

I. ROLL CALL

All members were present

COMMISSIONERS PRESENT:

Chair Carlyn Obringer
Vice Chair John Mercurio
Commissioner Ernie Avila
Commissioner Robert Hoag
Commissioner Tim McGallian

STAFF PRESENT:

Carol Johnson, Planning Manager
Jason Hade, Project Manager
Ryan Lenhardt, Project Manager
Susanne Brown, Senior Assistant City Attorney

II. PLEDGE TO THE FLAG

Vice Chair Obringer led the pledge.

III. PUBLIC COMMENT PERIOD

No public comments received.

IV. REORGANIZATION OF PLANNING COMMISSION

1. Nomination and designation of the chairperson of the Planning Commission for 2014/15.

Motion was made by Commissioner Hoag to nominate Vice-Chair Obringer for Chair, and seconded by Commissioner Avila. The motion was passed by the following vote:

AYES:	Avila, Hoag, Mercurio, Obringer, McGallian
NOES:	None
ABSTAIN:	None
ABSENT:	None

2. Nomination and designation of the Vice Chairperson of the Planning Commission for 2014/15.

Motion was made by Commissioner McGallian to nominate Commissioner Mercurio for Vice-Chair, and seconded by Commissioner Avila. The motion was passed by the following vote:

AYES: Avila, Hoag, Mercurio, McGallian, Obringer
 NOES: None
 ABSTAIN: None
 ABSENT: None

V. COMMISSION APPOINTMENTS

1. Nomination and designation of Design Review Board Liaison and Alternate for 2014/15.
2. Nomination and designation of TRANSPAC Liaison and Alternate for 2014/15.

Motion was made by Commissioner Hoag to retain the current designations of Avila for Design Review Board Liaison and Chair Obringer for Design Review Board Liaison Alternate and Vice Chair Mercurio for TRANSPAC Liaison and Commissioner McGallian for TRANSPAC Liaison Alternate, and seconded by Commissioner McGallian. The motion was passed by the following vote:

AYES: Avila, Hoag, McGallian, Mercurio, Obringer
 NOES: None
 ABSTAIN: None
 ABSENT: None

VI. ADDITIONS / CONTINUANCES / WITHDRAWALS – Staff requested the Public Hearing Items be taken in reverse order, with the West Concord Mixed Use Text Amendment being heard first.

VII. CONSENT CALENDAR

APPROVAL OF MINUTES

1. 12/04/13 Meeting Minutes

Motion was made by Vice Chair Mercurio, and seconded by Commissioner Hoag to approve the meeting minutes of December 4, 2013 with corrections as noted on page six. The motion was passed by the following vote:

AYES: Avila, Hoag, McGallian, Mercurio, Obringer
 NOES: None
 ABSTAIN: None
 ABSENT: None

2. 1/15/2014 Meeting Minutes

Motion was made by Commissioner McGallian, and seconded by Vice Chair Mercurio to approve the meeting minutes of January 15, 2014 with corrections as noted on page two. The motion was passed by the following vote:

AYES: Hoag, McGallian, Mercurio, Obringer
 NOES: None
 ABSTAIN: Avila
 ABSENT: None

VIII. PUBLIC HEARINGS

The notice of this public hearing was published in the Contra Costa Times and posted in the City’s posting cabinet on January 31, 2014.

2. WEST CONCORD MIXED USE TEXT AMENDMENT (PL131352 – DC)

Commissioner Avila recused himself due to an economic interest in real property located in West Concord Mixed Use Text Amendment zone, and left the Council Chambers.

Jason Hade, Project Planner, presented the staff report. He noted that although this text amendment is intended to facilitate the De La Salle Academy, it will benefit other private and public schools who may like to operate in the WMX Zoning district. However, tonight the Commission is only considering the text amendment. The Use Permit for De La Salle Academy will be coming to the Commission on a future date. Based on the results of the Initial Study, a Negative Declaration was recommended as the appropriate course of action for the environmental review. No comments were submitted during the thirty day public review period. Staff found there were a number of General Plan policies to support the requested text amendment. The policies pertain to public land usage and educational opportunities. Staff recommends the Planning Commission open the public hearing, consider staff’s report, consider public testimony, and close the hearing upon completion of public testimony. Staff recommends the adoption of Resolution 14-02PC adopting a Negative Declaration for the West Concord Mixed Use Text Amendment to the Development Code and the adoption of 14-03PC, recommending City Council approval of the West Concord Mixed Use Text Amendment to the Development Code.

The following are comments by the Commissioners and clarifications by Project Planner Hade:

Commissioner Hoag inquired if any consideration had been given to age of children. Planner Hade responded that a Use Permit would be required for any school, and that it would take the age of children and their safety into consideration.

The applicant appeared to address any questions from the Commissioners.

Dennis Costanza, president of the Hofmann Family Foundation and also the president of the Community Youth Center stated they are here to develop a school that will serve the underserved. Mr. Costanza stated they have a building that has been donated for this purpose. Mr. Costanza has been operating the youth center in the vicinity since 2002. They are working with others to make a complete package to provide education, safety as well as meals.

The following are comments by the Commissioners and clarifications by Applicant

Chair Obringer questioned the difference between generational poverty versus situational poverty. Mr. Costanza stated generational poverty continues from generation to generation while situational poverty would mean maybe dad lost his job. He stated they are trying to create an avenue of change. Chair Obringer inquired about their plans to move closer to De La Salle High School in the future. Mr. Costanza replied the plan is to be there for some time. Chair Obringer asked about fifth to eighth grades, and are there any plans to expand to K-8. Mr. Costanza responded with not at this time.

The following are comments by the Commissioners

Vice Chair Mercurio explained that we are only providing a mechanism for the project, we are not considering the project tonight. Commissioner Hoag was concerned with proper education of our younger generation. Commissioner Hoag was in favor. Commissioner McGallian was in support of the project as well. Chair Obringer was supportive of opportunities for socioeconomically disadvantaged students to have greater chances to be successful.

Motion was made by Commissioner McGallian and seconded by Commissioner Hoag to adopt 14-02PC recommending City Council adoption of the Negative Declaration for the West Concord Mixed Use Text Amendment to the Development Code. The motion passed by the following vote:

AYES: Hoag, McGallian, Mercurio, Obringer,
 NOES: None
 ABSTAIN: None
 ABSENT: Avila

Motion was made by Vice Chair Mercurio and seconded by Commissioner McGallian to adopt 14-03PC recommending City Council approval of a West Concord Mixed Use Text Amendment to the Development Code. The motion passed by the following vote:

AYES: Hoag, McGallian, Mercurio, Obringer,
 NOES: None
 ABSTAIN: None
 ABSENT: Avila

Commissioner Avila rejoined the Planning Commission.

1. CARONDELET ATHLETIC AND FINE ARTS COMPLEX (PL131199 – UA, DR)

G. Ryan Lenhardt, Project Planner, presented the staff report. The Commission approved a Use Permit Amendment in 2011. In August of 2013, a modification to the approved project was submitted. The project was revised to reduce the size of the building, increase the setback, eliminate the aquatic area, reduce wall-mounted light fixtures, reduce roof mounted HVAC units and add additional landscaping and garden area. The project is in substantial compliance with the General Plan’s goals, such as protecting residential uses. The Public/Quasi-Public zoning designation allows secondary schools subject to the approval of a Use Permit. Staff prepared an addendum to the previously approved Initial Study/Mitigated Negative Declaration and found the revised project would not result in new significant or substantially more severe environmental impacts than those that had been previously analyzed in 2011. It will comply with all previous applicable mitigation measures. The revised project does not affect circulation. The project complies with the city’s parking regulation and includes a surplus of parking. Additional parking arrangements will need to be made during large events. Revised lighting and noise studies were prepared which confirmed the revised project does not create any new or substantially more severe effects and no new mitigation is necessary. Clarifying recommendations were made for post construction. Conditions of Approvals will request removal of the floodlights and the Design Review Board will need details on the mechanical equipment screen material. The revised project will enhance the campus, and would not require preparation of a subsequent or supplemental Environmental Impact Report or Mitigation Negative Declaration. The project would not introduce new significant environmental effects. Staff is

recommending the Commission adopt Resolution 14-04PC and approve an application for Use Permit Amendment and Design Review for the project.

The following are comments by the Commissioners and clarifications by Project Planner Lenhardt:

Vice Chair Mercurio inquired about the height of the building in feet compared to the old proposal and compared to the existing building. Planner Lenhardt, responded by saying the proposed height is similar to the approved project and this current proposed building steps down. Commissioner Avila confirmed when the project came to the Design Review Board, Mr. Salter did an updated study regarding noise and it will be no significant increase in noise. Chair Obringer questioned whether the High Pressure Sodium lights will be removed and will the new lights be LED and what is the percentage? Chair Obringer also wanted information about the type of noise barriers and would or could these barriers be installed. Planner Lenhardt replied that the applicant is proposing to screen rooftop equipment and it will be a requirement of the project if approved.

Commissioner Hoag questioned if there had been any discussion of the impact of the drought on landscaping. Planner Ryan stated the plant materials are drought tolerant. Commissioner Avila stated the water will be reused for irrigation. Commissioner McGallian questioned whether there would be a sensor to dim the light source during nonuse. Planner Ryan stated lighting levels will be reduced to 50% after 11 PM. Chair Obringer asked about plans to bring natatorium back? Planner Ryan responded with a no for the aquatic center at this time. Chair Obringer asked about the options to do post construction noise measurement. Planner Lenhardt stated it was a recommendation that came out of the noise study, and the applicant has agreed to this.

The applicant appeared to address questions from the Commissioners. Sister Ann Bernard, Concord, stated that the school is 48 years old. The gym is not of standard nature, and it was constructed prior to Title Nine. Carondelet wants to provide a modern athletic facility for its students/ and they desire to be good neighbors with regards to noise and lighting. Architect Mark Knoerr with CSDA Design Group in San Francisco stated that the gymnasium will seat 1,200. Chair Obringer wanted to know the lighting type. Mr. Godfrey from Interface Engineering replied that all the lighting will be replaced with LED.

Public Comment

Cathleen Carroll, Walnut Creek, stated her concerns were with the air conditioning. Ms. Carroll and her neighbors would like the air conditioners to be directed towards Treat Blvd. rather than south. The lighting has also not been entirely resolved. Ms. Carroll wanted post construction inspection of noise and lights.

Ray Barbour, Concord, stated that the concerns of Ms. Carroll have been addressed. He believes Carondelet has been a good neighbor and has responded positively to every concern.

Mr. Knoerr addressed the acoustical screen for mechanical equipment to eliminate the noise. Commissioner Avila stated the same issuers were brought up at the Design Review Board.

Chair Obringer Closed the public hearing

Commissioner Avila, as liaison to the Design Review Board commended the applicant and public who have participated. Mr. Avila is in support of the project. Commissioner McGallian thanked Commissioner Avila for his input on the Design Review Board process. Commissioner McGallian stated realistically there is less of an impact on neighbors. Commissioner Hoag referred to the chart on pages 5 and 6 of the staff report that sums up the difference clearly. Vice Chair Mercurio was pleased to see improvements and agreed with the others. Chair Obringer appreciated the sustainable elements.

Motion was made by Commissioner Avila and seconded by Commissioner McGallian to adopt 14-04PC, approving and adopting an addendum to the 2011 Initial Study/Mitigated Negative Declaration and approving an application for Use Permit Amendment and Design Review (PL131199 - UA, DR) for Carondelet Athletic and Fine Arts Complex Revised Project. The motion passed by the following vote:

AYES:	Avila, Hoag, McGallian, Mercurio, Obringer,
NOES:	None
ABSTAIN:	None
ABSENT:	None

IX. COMMISSON CONSIDERATIONS

There were no items to be considered.

X. STAFF REPORTS / ANNOUNCEMENTS

Planning Manager Carol Johnson stated that any contact or questions received regarding Reuse Area Master Developer Request for Qualifications should be referred to Mike Wright.

XI. COMMISSION REPORTS/ANNOUNCEMENTS

There were no items to be considered. Chair Obringer mentioned the soft opening of The Pig and Pickle.

XII. FUTURE PUBLIC HEARING ITEMS

Planning Manager Carol Johnson announced that the Golden State Lumber Use Permit would not be heard on February 19th, and an update would be provided when a hearing date has been confirmed. She noted she would be absent on February 19th, and that there would be one item on the agenda. Senior Planner Frank Abejo would be acting on her behalf at that meeting.

XIII. ADJOURNMENT

Commissioner Hoag moved to adjourn at 8:33 P.M. Commissioner McGallian seconded the motion. Motion passed by unanimous vote of the Commission.

APPROVED:

Frank Abejo for

Carol Johnson
Planning Commission Secretary

Transcribed by Toi Wells