

REGULAR MEETING OF THE  
CITY OF CONCORD PLANNING COMMISSION  
CONCORD, CALIFORNIA

Wednesday, April 1, 2020

A regular meeting of the Planning Commission, City of Concord, was called to order by Chair Barbour at 6:30 P.M., April 1, 2020, via teleconferencing from various locations.

1. ROLL CALL

COMMISSIONERS PRESENT: Chair Ray Barbour  
Vice Chair John Mercurio  
Commissioner Jason Laub  
Commissioner Craig Mizutani  
Commissioner Mark Weinmann

STAFF PRESENT: Mindy Gentry, Planning Manager/Secretary to the  
Planning Commission  
Margaret Kotzebue, Senior Assistant City Attorney  
Joan Ryan, Community Reuse Area Planner  
Frank Abejo, Principal Planner  
Ryan Lenhardt, Senior Planner  
Lorna Villa, Associate Planner  
Mitra Abkenari, Assistant Engineer  
Winnie Chung, Transportation Program Manager

2. PLEDGE TO THE FLAG

The pledge to the flag was not conducted due to not every Commissioner having a flag in view.

3. PUBLIC COMMENT PERIOD

No public comment was heard.

4. REORGANIZATION OF PLANNING COMMISSION

Nomination and designation of the Chairperson of the Planning Commission for 2020/21

No public comment was heard.

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

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

Nomination and designation of the Vice Chairperson of the Planning Commission for 2020/21

No public comment was heard.

Motion was made by Commissioner Laub to nominate Commissioner Weinmann for Vice Chair, and seconded by Commissioner Barbour. The motion was passed by the following vote:

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

5. COMMISSION APPOINTMENTS

Nomination and designation of Design Review Board Liaison and Alternate for 2020/21

No public comment was heard.

Motion was made by Commissioner Laub to nominate Commissioner Barbour for Design Review Board Liaison, and seconded by Vice Chair Weinmann. The motion was passed by the following vote:

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

No public comment was heard.

Motion was made by Commissioner Barbour to nominate Commissioner Laub as Alternate, and seconded by Vice Chair Weinmann. The motion was passed by the following vote:

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

Nomination and designation of TRANSPAC Liaison and Alternate for 2020/21

No public comment was heard.

Motion was made by Commissioner Laub to nominate Chair Mercurio for TRANSPAC Liaison and Commissioner Mizutani as Alternate, and seconded by Vice Chair Weinmann. The motion was passed by the following vote:

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

6. CONSENT CALENDAR

**2/19/20 Meeting Minutes**

**Myrtle Creek Estates Minor Exception (PL19264 – AA)** – Application for a Minor Exception to the minimum lot area and lot width for two lots of an approved seven-lot subdivision on a 3.6-acre parcel at 5019 Myrtle Drive. The General Plan designation is Rural Residential; Zoning classification is RR20 (Rural Residential, Minimum 20,000 square foot lot size); APN 117-050-008. CEQA: Categorically exempt pursuant to CEQA Guidelines Section 15332 (Infill Development Projects). **Project Planner: Lorna Villa @ (925) 671-3176 or [lorna.villa@cityofconcord.org](mailto:lorna.villa@cityofconcord.org)**

No public comment was heard.

Motion was made by Commissioner Barbour and seconded by Vice Chair Weinmann to approve the meeting minutes of February 19, 2020 and the Myrtle Creek Estates Minor Exception. The motion was passed by the following vote:

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

5. PUBLIC HEARINGS

**Multi-Family Units at 1985 North Third Street (PL19218 – UP, DR)** – Application for a Use Permit and Design and Site Review to construct four (4) multi-family residential units (three-story) on a 0.17-acre parcel at 1985 North Third Street. The General Plan designation is Commercial Mixed Use; Zoning classification is CMX (Commercial Mixed Use); APN 111-230-021. CEQA: Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, and pursuant to Section 15303 (New Construction or Conversion of Small Structures), the proposed project qualifies for a categorical exemption. **Project Planner: Joan Ryan @ (925) 671-3370 or [joan.ryan@cityofconcord.org](mailto:joan.ryan@cityofconcord.org)**

Joan Ryan, Community Reuse Area Planner, gave a presentation and answered questions from the Planning Commission pertaining to:

- a clarification on whether the garage can be used for storage
- whether it is a rental property or ownership property
- building height
- parking and turnaround width

Wassim Naguib, of Win Structural Engineering, indicated he did not have any other comments other than the presentation given by Joan Ryan.

No public comment was heard.

The Commissioners gave their comments on the project.

Motion was made by Commissioner Mizutani and seconded by Commissioner Barbour to adopt Resolution 20-09 PC approving a Use Permit and Design and Site Review for four multifamily units at 1985 North Third Street (PL19218-UP, DR), subject to the Conditions of Approval set forth in Attachment A to Resolution 20-09 PC. The motion was passed by the following vote:

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

**Tabernacle Preschool (PL19241 – UP, DR, RT)** – Application for a Use Permit, Design and Site Review, and Heritage Tree Removal to construct a 7,266 square foot preschool building and to repurpose an existing 1,830 square foot residence into an ancillary office with storage on a 1.17-acre site at 4393 Concord Boulevard and 1811 Denkinger Road. The General Plan designation is Low Density Residential; Zoning classification is RS-8 (Residential Single-Family, minimum lot size 8,000 sq. ft.); APNs 115-120-017, -018. CEQA: Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, and pursuant to Section 15332 “In-Fill Development Projects,” the project is classified as a Class 32 Categorical Exemption, as the project is 1) consistent with the City’s General Plan and zoning; 2) occurs within city limits on a project site no more than five acres substantially surrounded by urban uses; 3) the project has no value as habitat for endangered, rare or threatened species; 4) there will be no significant effects relating to traffic, noise, air quality or water quality; and 5) the site can be adequately served by all required utilities and public services. **Project Planner: Ryan Lenhardt @ (925) 671-3162 or [ryan.lenhardt@cityofconcord.org](mailto:ryan.lenhardt@cityofconcord.org)**

Ryan Lenhardt, Senior Planner, gave a presentation and answered questions from the Commission pertaining to:

- whether a system is in place to ensure the conditions of approval are being met
- the number of heritage trees being removed and how the replacement ratio was calculated
- where the pylons would be placed on Concord Boulevard

Dave Pereira, of Tabernacle School, answered questions from the Commission regarding:

- the number of additional employees
- clarification of the 2:00 drop-off time
- how additional enrollment would occur

- daytime events at the preschool

Public Comment

John Lindsay, and Barrett Etherington sent an email expressing concern this project will impact the 60 homes which surround the site and once it is developed it can never go back to a residential property.

Kristin Butcher sent an email expressing her concerns with the increase in traffic, lack of parking, and the existing neighborhood impacts created by the Stonebrook Healthcare Center.

Peter Hackett submitted an email voicing his concerns with the already present traffic, parking issues, and transients in the neighborhood.

Staff indicated there were 18 public comment emails submitted on this project prior to the hearing. The Commissioners provided their comments on the project and also took a recess to review the 18 emails received for the project.

The following individuals sent in public comment via email voicing their opposition and concern with this project: Bill Morris, Alan Wright, Donna LaBarr, John Ohlmann, Samantha Corum, Kristin Butcher, Michael and Tricia Ball, Jim and Sandy Giacomina, Yafei Cheng, Ed Robinson, Cheryl Brown, Dave De Lano, Bev Haggerty, Michelle Tracy, Janice Martin, Antonio and Maritza Robles, and Bev Maccario.

Vice Chair Weinmann mentioned many of the emails contained comments about the Brown Act being violated but he explained the reasoning why this meeting is still moving forward and how it is in compliance with the Brown Act.

Motion was made by Commissioner Laub and seconded by Commissioner Mizutani to adopt Resolution No. 20-07PC, approving the Tabernacle Preschool Use Permit, Design and Site Review, and Heritage Tree Removal permit (PL19241 - UP, DR, RT), subject to the Conditions of Approval set forth in Attachment A to Resolution XX-XXPC with a modification to condition #9 adding language indicating the applicant shall monitor pedestrian activity in conjunction with City staff. The motion was passed by the following vote:

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

**Concord Industrial Center (PL19144 – GP, RZ, PM, UP, DR, RT) – Application to amend the General Plan designation from Regional Commercial to Business Park, Rezoning Parcels A-C from Regional Commercial to Office Business Park and Parcel D from Regional Commercial to Industrial Business Park, a four-lot Tentative Parcel Map, a Use Permit to increase parking by more than 10 percent of the parking requirement, Design and Site Review, and Heritage Tree Removal for three light industrial buildings (Parcels A-C)**

and a remainder parcel (ParcelD) on a 13.5-acre site at 999999 Arnold Industrial Way. The General Plan designation is Regional Commercial; Zoning classification is RC (Regional Commercial); APN's 159-090-047, -048, -049. CEQA: An Addendum to the certified Environmental Impact Report (EIR) (State Clearinghouse [SCH] #2005092130) for the Lowe's Shopping Center Project was prepared. According to Section 15164 of the CEQA Guidelines, an addendum to a previously certified EIR or Negative Declaration is the appropriate environmental document in instances when: none of the conditions described in Section 15162 call for a subsequent review, "only minor technical changes or additions are necessary," and when the new information does not involve new significant environmental effects beyond those identified in the previous EIR. The proposed project modifications would have no new significant environmental effects beyond those identified in the certified Final EIR. Therefore, the Addendum is the appropriate environmental document under CEQA. **Project Planner: Ryan Lenhardt @ (925) 671-3162 or [ryan.lenhardt@cityofconcord.org](mailto:ryan.lenhardt@cityofconcord.org)**

Allan Calder, contract planner from Rincon Consultants Inc., gave a presentation and answered questions from the Commission pertaining to:

- the difference between the zoning of Regional Commercial and business park designations

Aileen Mahoney, from Rincon Consultants, Inc., explained the California Environmental Quality Act background for the project.

Ryan Lenhardt answered questions from the Planning Commission regarding:

- the proposal of a chain link gate
- the difference in uses between Regional Commercial and Office/Industrial Business Park

Todd Berryhill and Ned Pike, of the Edward Pike Company, gave a presentation and answered questions from the Commission regarding:

- how they will handle the transients and homeless who frequent the area when development begins

Carrick Boshart, Director of Architecture at Ware Malcomb, answered a question from the Commission regarding pedestrian circulation.

#### Public Comment

An email from Shawn Dillon was submitted and he expressed his support of the project.

Todd Berryhill submitted correspondence agreeing with the decision to move forward with the meeting and asking the Commission to consider two modifications to the conditions of approval.

Allan Calder read the two modifications for consideration from Todd Berryhill’s correspondence and gave further direction to the Commission.

The Commissioners provided their comments on the project and all indicated their support for the project.

Motion was made by Vice Chair Weinmann and seconded by Commissioner Laub to adopt Resolution No. 20-08PC recommending that the City Council adopt the Concord Industrial Center Addendum to the certified Environmental Impact Report (EIR) (State Clearinghouse [SCH] #2005092130) for the Lowe’s Shopping Center Project (Original Project). The motion was passed by the following vote:

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

Motion was made by Commissioner Laub and seconded by Vice Chair Weinmann to adopt Resolution No. 20-11PC recommending that the City Council approve a General Plan Amendment (PL19144 – GP) from RC (Regional Commercial) to BP (Business Park) for the Concord Industrial Center; adopt an ordinance Rezoning (PL19144 - RZ) 999999 Arnold Industrial Way, Parcels A-C from RC (Regional Commercial) to OBP (Office Business Park) and Parcel D from RC (Regional Commercial) to IBP (Industrial Business Park); and recommending City Council approval of the Concord Industrial Center Tentative Parcel Map, Use Permit, Design and Site Review, and Tree Removal Permit located at 999999 on Arnold Industrial Way, APNs 159-090-047, -048 and -049 (PL19144 - PM, UP, DR, RT) and including an additional condition of approval requiring pedestrian access and striping from building three to Arnold Industrial Parkway, removing condition #30, and modifying condition #63 (removing the wheel stop requirement). The motion was passed by the following vote:

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

8. COMMISSION CONSIDERATIONS

There were none.

9. STAFF REPORTS / ANNOUNCEMENTS

There were none.

10. COMMISSION REPORTS / ANNOUNCEMENTS

Chair Mercurio reported that he was unable to attend the most recent TRANSPAC meeting due to a family emergency.

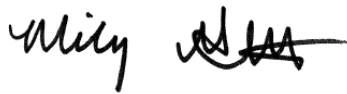
11. FUTURE PUBLIC HEARING ITEMS

Mindy Gentry announced the April 15<sup>th</sup> meeting will be conducted in the same format as tonight's meeting and will include a presentation on the Capital Improvement Program Budget.

12. ADJOURNMENT

Chair Mercurio moved to adjourn at 10:44 P.M. Motion to adjourn was passed by unanimous vote of the Commissioners present.

APPROVED:



Mindy Gentry  
Planning Manager / Secretary to the Planning Commission



Transcribed by Grant Spilman,  
Administrative Coordinator