



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

**Wednesday, December 7, 2016
6:30 p.m. – Council Chamber
1950 Parkside Drive, Concord**

Planning Commission Members:

Jason Laub, Vice Chair

Dominic Aliano, Commissioner

LaMar Anderson, Commissioner

Ray Barbour, Commissioner

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

I. ROLL CALL

II. PLEDGE TO THE FLAG

III. PUBLIC COMMENT PERIOD

IV. RECOGNITION OF COMMISSIONER CARLYN OBRINGER

V. ADDITIONS / CONTINUANCES / WITHDRAWALS

VI. CONSENT CALENDAR

1. [11/16/16 Meeting Minutes](#)

VII. PUBLIC HEARINGS

- 1. [Rowjani Fast & Easy Use Permit \(PL16397 – UP\)](#) – Application for a use permit to operate a convenience store with alcohol sales at 4330 Clayton Road. The General Plan designation is Neighborhood Commercial; Zoning classification is NC (Neighborhood Commercial); APN 133-150-118. Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, this project is classified as Categorical Exempt pursuant to Section 15301 Class 1 “Existing Facilities,” and therefore no further environmental review is required. **Project Planner: Lorna Villa @ (925) 671-3176****

VIII. COMMISSION CONSIDERATIONS

- 1. [Crime Prevention Through Environmental Design – Presentation by Lieutenant Russ Norris](#)**

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:

December 15, 2016: 6:30 pm – **Special Meeting**

December 21, 2016: **CANCELLED**

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

Wednesday, November 16, 2016

A regular meeting of the Planning Commission, City of Concord, was called to order by Chair Obringer at 6:30 P.M., November 16, 2016, in the City Council Chamber.

I. ROLL CALL

COMMISSIONERS PRESENT: Chair Carlyn Obringer
Commissioner Dominic Aliano
Commissioner LaMar Anderson
Commissioner Ray Barbour

COMMISSIONER ABSENT: Vice Chair Jason Laub

STAFF PRESENT: Laura Simpson, Planning Manager
Margaret Kotzebue, Senior Assistant City Attorney
Jerry Hittleman, Contract Planner

II. PLEDGE TO THE FLAG

Commissioner Anderson led the pledge.

III. PUBLIC COMMENT PERIOD

None was heard.

IV. ADDITIONS / CONTINUANCES / WITHDRAWALS

None were announced.

V. CONSENT CALENDAR

No public comment was heard.

APPROVAL OF MINUTES

Motion was made by Commissioner Aliano and seconded by Commissioner Anderson to approve the meeting minutes of November 2, 2016. The motion was passed by the following vote:

AYES: Aliano, Anderson, Barbour, Obringer
NOES: None
ABSTAIN: None
ABSENT: Laub

Chair Obringer recused herself for the Conco Rezoning Public Hearing.

VI. **PUBLIC HEARINGS**

Conco Rezoning (PL16278 – RZ) – Application to authorize the adoption of a resolution recommending that the City Council approve a Change of Zoning, an amendment to Section 18.50.010 of the Development Code, and adoption of an Addendum to the City of Concord General Plan Update Final Supplemental Impact Report (SEIR). The Change of Zoning for the six properties along Port Chicago Highway (5101, 5111, 5121, 5135, 5143, and 5147 Port Chicago Highway) would be from Office Business Park (OBP) to Industrial Business Park (IBP) and the Amendment to Chapter 18.50 Business Park and Industrial Parks is to accurately describe the location of the six parcels to be rezoned to IBP in the Code. The Planning Commission recommendations will be brought forward for consideration at a City Council public hearing to be scheduled at a later date, where a final action will be taken for the proposed Change of Zoning, adoption of the SEIR, and Development Code Amendment. An Addendum to the 2012 Supplemental Environmental Impact Report for the 2030 Concord General Plan (SEIR) dated May 2016 has been prepared for consideration with the proposed actions. **Project Planner: Jerry Hittleman @ (805) 644-4455**

Jerry Hittleman, Contract Planner, presented the report and answered questions from the Planning Commission.

Patricia Curtin, Land Use Attorney from Wendel Rosen, answered questions from the Planning Commission.

Public Comment

Jason Baca, representing his father Dennis and owner of properties at 5135-5141 Port Chicago Highway, expressed his opposition to the zoning change and answered questions from the Planning Commission.

Brian Urtnowski, attorney for United Rentals, explained his company and expressed his desire for moving his business into the City of Concord.

Patricia Curtin stated the additions of businesses in the area would decrease the amount of vandalism and thefts.

Steve Gonsalves, property owner at 5141 Commercial Circle, explained he keeps his property clean and mentioned that a property across the street has been boarded up for many years and the vacancy is what is causing thefts.

Motion was made by Commissioner Aliano and seconded by Commissioner Anderson to adopt Resolution 16-28PC, which recommends City Council approval and adoption of the Addendum to the 2012 SEIR, for the Text Amendment to Development Code Section 18.50.010, and Change of Zoning from Office Business Park (OBP) to Industrial Business Park (IBP) for six parcels on the west side of Port Chicago Highway north of Bates Avenue. The motion passed by the following vote:

AYES: Aliano, Anderson, Barbour
NOES: None
ABSTAIN: None
ABSENT: Laub, Obringer

Chair Obringer returned to the meeting.

VII. COMMISSION CONSIDERATIONS

There were none.

VIII. STAFF REPORTS / ANNOUNCEMENTS

Planning Manager Laura Simpson congratulated Chair Obringer on her election to the City Council and that staff will miss her on the Planning Commission and she would be asked back to a Planning Commission meeting where staff can formally recognize her service to the Commission.

IX. COMMISSION REPORTS/ANNOUNCEMENTS

Commissioner Aliano announced he would miss Chair Obringer and wished her luck on the Council. Commissioner Barbour expressed his appreciation and honor to working with Chair Obringer. Chair Obringer thanked staff and her past and present Commissioners during her time on the Commission.

X. FUTURE PUBLIC HEARING ITEMS

Planning Manager Laura Simpson announced the next Planning Commission meeting is currently scheduled for December 7th but the item may be delayed and she would inform the Commissioners of any changes. She further stated there will be a meeting on December 15th which is a special meeting date and will have two items, Argent Concord and Todos Santos Design Guidelines.

XI. ADJOURNMENT

Commissioner Aliano moved to adjourn at 7:35 P.M. Commissioner Anderson seconded the motion. Motion to adjourn was passed by unanimous vote of the Commissioners present.

APPROVED:

Laura Simpson, AICP
Planning Manager

Transcribed by Grant Spilman,
Administrative Coordinator

DRAFT



REPORT TO PLANNING COMMISSION

DATE: December 7, 2016

SUBJECT: Rowjani Fast & Easy Use Permit (PL16397 – UP)

Recommendation: Adopt Resolution No. 16-34 PC, Approving a Use Permit for Rowjani Fast and Easy Convenience Store at 4330 Clayton Road.

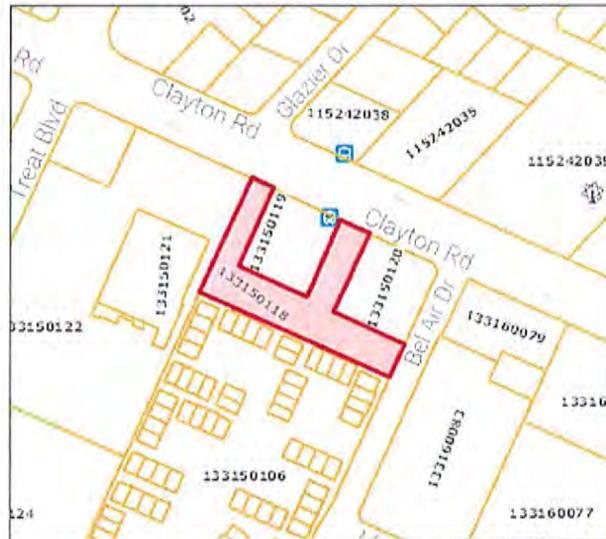
I. Introduction

A. Application Request

Application for a use permit to operate a convenience store with alcohol sales.

B. Location

The project site is located at 4330 Clayton Road; APN 133-150-118



C. Applicant
Aziz Rowjani
Rowjani Fast and Easy
846 Deer Spring Circle
Concord, CA 94521

Owner
University Ave Partners
1000 Brannan St. St 202
San Francisco, CA 94103

II. Background

The applicant, Aziz Rowjani is relocating his business from 4475 Treat Boulevard to a tenant space at 4330 Clayton Road in the Torrey Plaza commercial center. A Use Permit application was submitted to operate Rowjani Fast and Easy Convenience Store at the proposed new location on Clayton Road on October 6, 2016. The project was reviewed by the Development Advisory Committee, including Concord Police, and deemed incomplete. The application was subsequently deemed complete on November 21, 2016, following submittal of additional information.

In addition to a Use Permit, convenience stores often must obtain a Finding of Public Convenience and Necessity (FOPCN) to sell alcohol. In this case, the Department of Alcohol Beverage Control has indicated that an FOPCN is not required because their current license will be transferred to the new location.

III. General Information

A. General Plan

The General Plan designation is Neighborhood Commercial.

B. Zoning

The site is zoned NC (Neighborhood Commercial).

C. CEQA Status

Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, this project is classified as Categorically Exempt pursuant to Section 15301, Class 1 “Existing Facilities,” because the proposed use involves negligible or no expansion of an existing use.

D. Site Description

Torrey Plaza, a 2.04 acre commercial center is comprised of three separate parcels. The project site is a 1.01-acre (43,995 sq. ft.) “F” shaped lot developed with a 12,328 square foot single story multi-tenant building that was constructed in 1978. The masonry building faces northeast towards Clayton Road. The other two parcels located to the northeast of the project site are occupied by Burger King and New Lim’s Garden Restaurant. Access is provided by two shared driveways on Clayton Road and by a driveway on Bel Air Drive. The plaza’s landscaping consists of trees and shrubs along the street frontages and a limited number of trees within the parking lot.

E. Surrounding Land Use

The site is surrounded by the following uses:

	Land Use	General Plan Designation	Zoning
North	Restaurant	Neighborhood Commercial	NC
South	Apartments	Medium Density Residential	PD
East	Bank	Neighborhood Commercial	NC
West	Retail	Neighborhood Commercial	NC

IV. Project Description

A. Description of Business

The project description states the proposed 2,900 square foot business will sell common household groceries, beverages, over the counter medications, cigarettes, phone cards, lottery tickets and alcohol (beer and wine). There will be four employees; proposed hours of operation will be from 6:00 a.m. to 11:00 p.m. Sunday through Thursday and 6:00 a.m. to 12 midnight Friday and Saturday. The applicant has indicated that the California Department of Alcohol Beverage Control (ABC) will transfer their existing liquor license to their new location upon approval of this Use Permit.

The proposed use is classified as “Convenience Store with Alcohol Sales” based on the Applicant’s description. The Development Code defines Convenience Store as “a neighborhood serving establishment that sells a range of food and merchandise oriented to daily convenience shopping needs such as limited groceries, prepackaged food, tobacco products, beverages, and other household goods for off-site consumption. A convenience store may be part of a service station or an independent land use and may typically have late hours or 24-hour operation.”

B. Site Planning/Parking

The applicant proposes utilizing the existing building and related improvements. The parking spaces directly in front of the tenant space are among the site’s approximately 150 parking spaces that are shared by the three buildings in Torrey Plaza.

C. Signs

No signs are proposed with this application. Condition of approval #9 requires all proposed signs to comply with the sign ordinance.

V. Analysis

A. General Plan

The site’s Neighborhood Commercial land use designation is intended for neighborhood commercial centers that provide convenience and comparison goods and services to the local community. A General Plan policy applicable to the project and site is as follows:

Policy LU-2.1.1: Maintain attractive and viable neighborhood serving centers.

The project is located in an area developed with retail and personal service businesses along Clayton Road. Residential uses are located immediately south and southeast of the project site. The existing commercial tenant space the applicant will occupy is consistent with the General Plan's Neighborhood Commercial designation. The project will provide a convenience store located within walking distance of nearby residential neighborhoods.

B. Zoning

The NC (Neighborhood Commercial) zoning district allows a Convenience Store with Alcohol Sales subject to a conditional use permit. Staff finds the project meets the required findings for use permit approval set forth in Development Code Section 18.435.060 as discussed below.

- 1) The proposed use is allowed within the applicable zoning district and complies with all other applicable provisions of the development code and the Concord Municipal Code.*

The proposed business is consistent with the Convenience Store use classification which is permitted in the NC district subject to a conditional use permit.

- 2) The proposed use is consistent with the general plan and any applicable specific plan.*

The project is consistent with the General Plan as discussed in Section V-A of this report. There is no specific plan that applies to the project site.

- 3) The design, location, size, and operating characteristics of the proposed activity are compatible with the existing and future land uses in the vicinity.*

The location, size and operating characteristics of the proposed business will be compatible with existing land uses in the vicinity that includes general retail, personal services and limited service restaurants along Clayton Road within a quarter mile of the site. The project would offer food and household items conveniently located within walking distance of residents from nearby homes, as encouraged by the General Plan for this neighborhood commercial district.

- 4) The site is physically suitable for the type, density, and intensity of the proposed use, including access, utilities, and the absence of physical constraints.*

The site is physically suitable for the proposed use since it is already developed as a multi-tenant building in a commercial zone. No significant changes are needed to the site or existing improvements to accommodate the use. There are no access, utility or physical constraints to the site.

- 5) *Granting the permit would not be detrimental to the public health, safety, or welfare of the persons residing or working in the subject neighborhood or materially detrimental or injurious to property or improvements in the vicinity and zoning district where the property is located.*

Granting the use permit would not be detrimental to the public health, safety, or welfare of persons residing or working in the neighborhood. The proposed use will be a compatible and appropriate use for the site and area and all sales activity will occur within the building.

C. Conditions of Approval

As stated above, the ABC has indicated that it will allow the applicant to transfer its alcohol license to the new proposed location; therefore, a Finding of Public Convenience and Necessity (FOPCN) is not necessary in this instance.

However, as the applicant is required to obtain a Use Permit to operate a convenience store with alcohol sales in the NC zone, staff recommends certain conditions of approval be approved, as indicated in the attached Resolution. For instance, in order to address attendant issued regarding alcohol sales, staff recommend that the business hours be limited to the following: Sunday through Thursday, from 6:00 a.m. to 11:00 p.m., Friday and Saturday from 6:00 a.m. to 12 midnight.

Staff also recommends that the applicant be required to submit a Security Plan to be reviewed and approved by the Police Department and Planning Division in order to address any potential issues regarding loitering, litter, noise and alcohol sales.

VI. Fiscal Impact

The proposed would have a beneficial fiscal impact on the City.

VII. Public Contact

Notification was mailed to all owners and occupants of property within three-hundred (300) feet of the subject parcel, and has been published in the Contra Costa Times, as required by the Concord Municipal Code. This item has also been posted at the Civic Center and at the subject site at least 10 days prior to the public hearing.

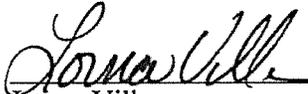
VIII. Summary and Recommendations

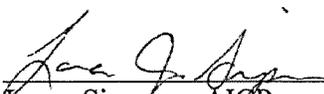
Staff supports the Use Permit to establish a Convenience Store with alcohol sales because it will establish an appropriate use in an already developed commercial center. Therefore, staff recommends that the Planning Commission open the public hearing on the application, consider the staff report, presentation by the applicant, public testimony, and any other issues identified, and then close the hearing upon completion of public testimony. After considering the merits of the project, staff recommends the Commission adopt Resolution No. 16-34, approving a Use Permit for Rowjani Fast and Easy Convenience Store at 4330 Clayton Road.

IX. Motion

Project Approvals

I (Comm. _____) hereby move that the Planning Commission adopt Resolution 16-34PC approving Rowjani Fast and Easy Use Permit (PL16397 – UP), subject to the Conditions of Approval set forth in Attachment A to Resolution 16-34PC. (Seconded by Comm. _____.)

Prepared by:  _____
Lorna Villa
Associate Planner
(925) 671-3176
Lorna.villa@cityofconcord.org

Reviewed by:  _____
Laura Simpson, AICP
Planning Manager
(925) 671-3369
laura.simpson@cityofconcord.org

Exhibits:

- A - PC Resolution 16-34 and Conditions of Approval (Attachment A)
- B - Applicant's statement of business date stamped received October 6, 2016
- C - Applicant's project plans date-stamped received October 6, 2016 and November 17, 2016

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

A RESOLUTION APPROVING ROWJANI FAST
AND EASY CONVENIENCE STORE USE PERMIT
(PL16397 – UP)

Resolution No. 16-34PC

WHEREAS, on October 6, 2016, Aziz Rowjani submitted an application to establish a Convenience store with alcohol sales at 4330 Clayton Road, APN 133-150-118; and

WHEREAS, on October 11, 2016, the application was deemed incomplete for processing; and

WHEREAS, on November 17, 2016, additional information was submitted and the application was deemed complete for processing on November 21, 2016; and

WHEREAS, the Planning Commission, after giving all public notices required by State law and the Concord Municipal Code, held a duly noticed public hearing on December 7, 2016, the subject proposal; and

WHEREAS, the Planning Commission considered testimony and information received at the public hearing and the oral and written reports from City staff dated December 7, 2016, as well as other documents contained in the record of proceedings relating to the proposed project, which are maintained at the offices of the City of Concord Planning Division; and

WHEREAS, on December 7, 2016, the Planning Commission, after consideration of all pertinent plans, documents and testimony, declared their intent to approve the subject proposal subject to the Conditions of Approval contained herein as Attachment A.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS: that the Planning Commission does hereby approve Rowjani Fast and Easy Convenience Store Use Permit (PL16397– UP) subject to the Conditions of Approval and further makes the following findings:

California Environmental Quality Act (CEQA)

1. Pursuant to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, this project is classified as Categorical Exempt pursuant to Section 15301, Class 1 “Existing Facilities, because the proposed use involves negligible or no expansion of an existing use. There is also no indication that there is a reasonable possibility

1 that the project will have a significant effect on the environment due to a cumulative impact
2 of other projects or unusual circumstances, or that the site is designated as a hazardous waste
3 site. Accordingly, no further environmental review is required.

4 General Plan

5 2. The project is located in an area developed with primarily retail along the Clayton
6 Road with residential immediately adjacent to the commercial which is consistent with the
7 General Plan's Neighborhood Commercial (NC) designation.

8 3. The tenant space is located in an area that is intended for neighborhood commercial centers
9 that provide convenience and comparison goods and services to the local community, which is
10 consistent with General Plan Policy LU-2.1.1.

11 Use Permit

12 4. *The proposed use is allowed within the applicable zoning district and complies with all*
13 *other applicable provisions of the development code and the Concord Municipal Code.* The
14 proposed business is consistent with the Convenience Store with Alcohol Sales use
15 classification permitted in the NC district subject to a conditional use permit. Minor project
16 modifications will be required as part of the Conditions of Approval to ensure compliance with
17 applicable provisions of the Development Code.

18 5. *The proposed use is consistent with the general plan and any applicable specific plan.* The
19 proposed use is consistent with the General Plan as discussed in Finding #2 above. There is no
20 specific plan that applies to the project site.

21 6. *The design, location, size, and operating characteristics of the proposed activity are*
22 *compatible with the existing and future land uses in the vicinity.* The project is located along a
23 commercial street with properties zoned and developed for commercial uses that include
24 several small neighborhood centers. The project would offer groceries, beverages, and
25 common household items conveniently located within walking distance of neighboring
26 residents as encouraged by the General Plan for this neighborhood commercial use district.

27 7. *The site is physically suitable for the type, density, and intensity of the proposed use,*
28

1 *including access, utilities, and the absence of physical constraints.* The site is physically
2 suitable for the proposed use since the tenant space is located in an already developed
3 commercial strip center. No significant changes are needed to the site or existing
4 improvements to accommodate the use. There are no access, utility or physical constraints to
5 the site.

6 8. *Granting the permit would not be detrimental to the public health, safety, or welfare of the*
7 *persons residing or working in the subject neighborhood or materially detrimental or*
8 *injurious to property or improvements in the vicinity and zoning district where the property is*
9 *located.* Granting the use permit would not be detrimental to the public health, safety, or
10 welfare of persons residing or working in the neighborhood. The proposed use will be
11 compatible with other uses in the strip center that offer convenient goods and services to the
12 area. Conditions of Approval will require that the exterior of the tenant space be maintained
13 and no outdoor displays are allowed. The attached Conditions of Approval will also limit the
14 business hours and will require that a Security Plan be submitted and approved by the Police
15 Department and the Planning Division in order to address any potential issues regarding
16 loitering, litter, noise and alcohol sales.

17 This resolution shall become effective immediately upon its passage and adoption.

18 **PASSED AND ADOPTED** this December 7, 2016, by the following vote:

19 **AYES:**

20 **NOES:**

21 **ABSTAIN:**

22 **ABSENT:**

23 _____
24 Laura Simpson, AICP
25 Secretary to the Planning Commission

26 Exhibits:

27 A – Draft Conditions of Approval

28 cc: Kevin Marstall, Current Development – Engineering
Robert Woods, Building Division
Captain Robert Marshall, Contra Costa County Fire Protection District

1
2
3
4
5
6
7
8
9

ATTACHMENT A

“DRAFT”

CONDITIONS OF APPROVAL

ROWJANI FAST AND EASY CONVENIENCE STORE

PL16397- UP

4330 CLAYTON ROAD

APN 133-150-118

10
11

PERMIT DESCRIPTION

- 12
13
14
15
1. These Conditions apply to and constitute the approval of a Use Permit (PL16397- UP) to **establish a convenience store with alcohol sales.**
 2. The applicable Conditions of Approval for the previous Use Permit (UP-57-76) to develop a three building commercial complex shall be incorporated by reference as appropriate and shall apply except where superseded by these conditions of approval. *(PLNG)*

16
17

The following Exhibits date stamped received by the City of Concord on **October 6, 2016 and November 17, 2016** and last revision date listed below are approved and shall be incorporated as Conditions of Approval.

18
19
20

<u>Plan</u>	<u>Date Prepared</u>	<u>Prepared by</u>	<u>Sheet</u>
Site Plan	Nov.17, 2016	ANR Associates	C1
Floor Plan	Oct. 6, 2016	Aziz Rowjani	Page 2
Photo Elevations	Oct. 6, 2016	Aziz Rowjani	Page 3

21
22

GENERAL CONDITIONS

- 23
24
25
26
27
28
3. **Business hours shall be from 6:00 a.m. to 11:00 p.m., Sunday through Thursday and 6:00 a.m. to 12 midnight Friday and Saturday. (PLNG)**
 4. The Conditions are the responsibility of the applicant and all contractors. Compliance shall occur as specified in the Conditions or at one of the following project milestones:
 - a. With the submittal of Grading, Improvement, Landscape, or Building Plans.
 - b. Prior to issuance of Encroachment, Grading, or Building Permits, whichever comes first.
 - c. Prior to Construction.

- d. On-going during Construction.
- e. Prior to occupancy approval.

If timing for compliance is not specified, it shall be determined by the Divisions listed after the Condition. **(PLNG, BLDG, ENGR)**

- 5. Where a plan or further information is required, it is subject to review and approval by the applicable City Department/Division, as noted at the end of each Condition. The Division listed first shall be the primary contact for implementation of that Condition. **(PLNG, BLDG, ENGR)**
- 6. The project shall comply with all applicable Federal and State laws and Concord Municipal Code (CMC) requirements. **(PLNG, BLDG, ENGR)**
- 7. Minor modifications that are found to be in substantial conformance with the approved plans such as building materials and colors, plant materials, or minor lot line adjustments, may be approved administratively. Major modifications shall be approved by the applicable decision making body. **(PLNG, ENGR, BLDG)**
- 8. The applicant must submit for a building permit for any tenant improvements to the space. **(BLDG)**

SIGNAGE

- 9. Signage shall comply with Chapter 18.180 of the Municipal Code. **(PLNG)**
- 10. No self-illuminated advertising for beer or wine shall be located on buildings or windows. **(PLNG)**
- 11. Paper or printed signs shall not cover more than 10 percent of all window area, and the signs shall not exceed 50 percent of any single window pane. **(PLNG)CMC**

ALCOHOL SALES

- 12. Submit Security Plan that includes measures and procedures addressing potential issues as required by the Police Department prior to occupancy. The Security Plan shall be reviewed and approved by the Police Department and the Planning Division and may include but not limited to issues regarding loitering, litter, noise, and alcohol sales. **(PD, PLNG)**

AGREEMENTS, FEES, BONDS

- 13. Pay a document imaging fee to reimburse the City for implementation of the Document Imaging and File Retention programs, prior to the issuance of an “off sale” liquor license by the Department of Alcoholic Beverage Control. **(PLNG)**

1 **OTHER/MISCELLANEOUS**

- 2 14. Comply with the requirements of the Contra Costa Fire Protection District. Submit (2)
3 complete sets of plans and specifications of the subject project to the Fire District for review
4 and approval at:

5 Contra Costa County Fire Protection District
6 2010 Geary Road
7 Pleasant Hill, CA 94523

8 Plan review fees are assessed at that time. The City is not responsible for the collection of fees
9 or enforcement of requirements imposed by the Fire District. **(CCCFPD)**

- 10 15. The applicant shall defend, indemnify and hold harmless the City, its agents, officials, and
11 employees from any claim, action or proceeding brought by a third party to set aside, annul,
12 attack or otherwise void the permit. **(PLNG)**

- 13 16. The permit and approval shall expire in **one** year from the date on which they became effective
14 unless a building permit is obtained and construction begun. The effective date of the permit
15 and approval is **December 19, 2016**. **(PLNG)**

- 16 17. A request for a time extension from the expiration date of **December 19, 2017** can be
17 considered if an application with required fee is filed at least 10 days before the original
18 expiration date, otherwise a new application is required. A public hearing will be required for
19 all extension applications, except those involving only Design Review. Extensions are not
20 automatically approved. Changes in conditions, City policies, surrounding neighborhood, and
21 other factors permitted to be considered under the law, may require, or permit denial. **(PLNG)**

PLANNING

WRITTEN STATEMENT FOR PROPOSED USE OF ROWJANI FAST AND EASY

I am looking to relocate my current business Rowjani Fast and Easy which is a convenient store with Alcohol sales to the proposed location at 4330 Clayton Road, Concord, Ca. The reason for the transfer of premises is due to my current lease expiring and the Property Owner not renewing the current lease as he is bringing in Sprouts Grocery Store at the current location Treat Plaza. This will include demolition of existing buildings and businesses. Our customers tell us that they have been coming to the current location since 1959.

Rowjani Fast and Easy sells household common groceries as well as chips, candies, sodas, water, energy drinks, over the counter medications, cigarettes, phone cards, lottery and alcohol. Our clients are adults over the age of 21. Current employees are 4 and the hours of operation are 6am to 11pm Sunday through Thursday and 6am to 12 midnight Friday and Saturday.

There are no outdoor activities or drive through for this business. Our customers come in cars, bicycles and can be pedestrians from nearby neighborhoods. We do not deliver nor have delivery vehicles. We do receive delivery from vendors. The proposed number of parking spaces at this business would be approximately 30 plus.

4330

CLAYTON ROAD
CONCORD, CA

ANR ASSOCIATES

1433 WEST LARRE ROAD
WEST SACRAMENTO, CA 95691
PHONE: (916) 376-0410
CELL: (916) 607-5679
E-MAIL: anr@anr.com

DATE	ISSUED FOR
11-17-16	BUILDING PERMIT

ENGINEERS STAMP
EXPIRES 3-31-18

DATE: 11-16-16

OWNER(S)

SHEET TITLE
SITE PLAN

SHEET NO.

C1

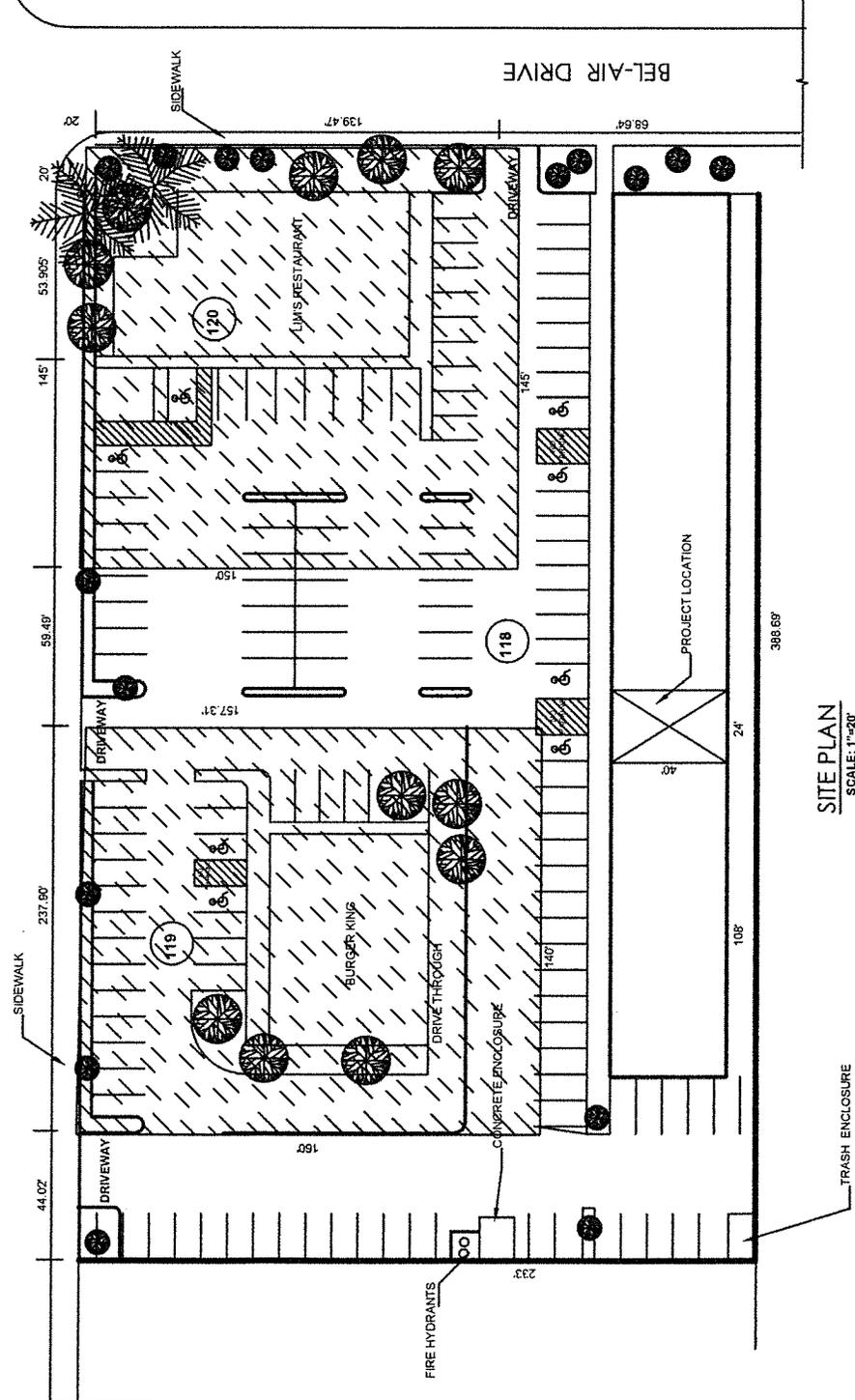
EXHIBIT C

This is a preliminary drawing. It is not to be used for construction without the approval of the City of Concord. All dimensions are in feet and inches unless otherwise noted.

RECEIVED
NOV 17 2016
PLANNING

CLAYTON ROAD

PARCELS 118 AND 120 ARE NOT
PART OF 118. HOWEVER THEY
SHARE PARKING SPACES AND
DRIVEWAYS.

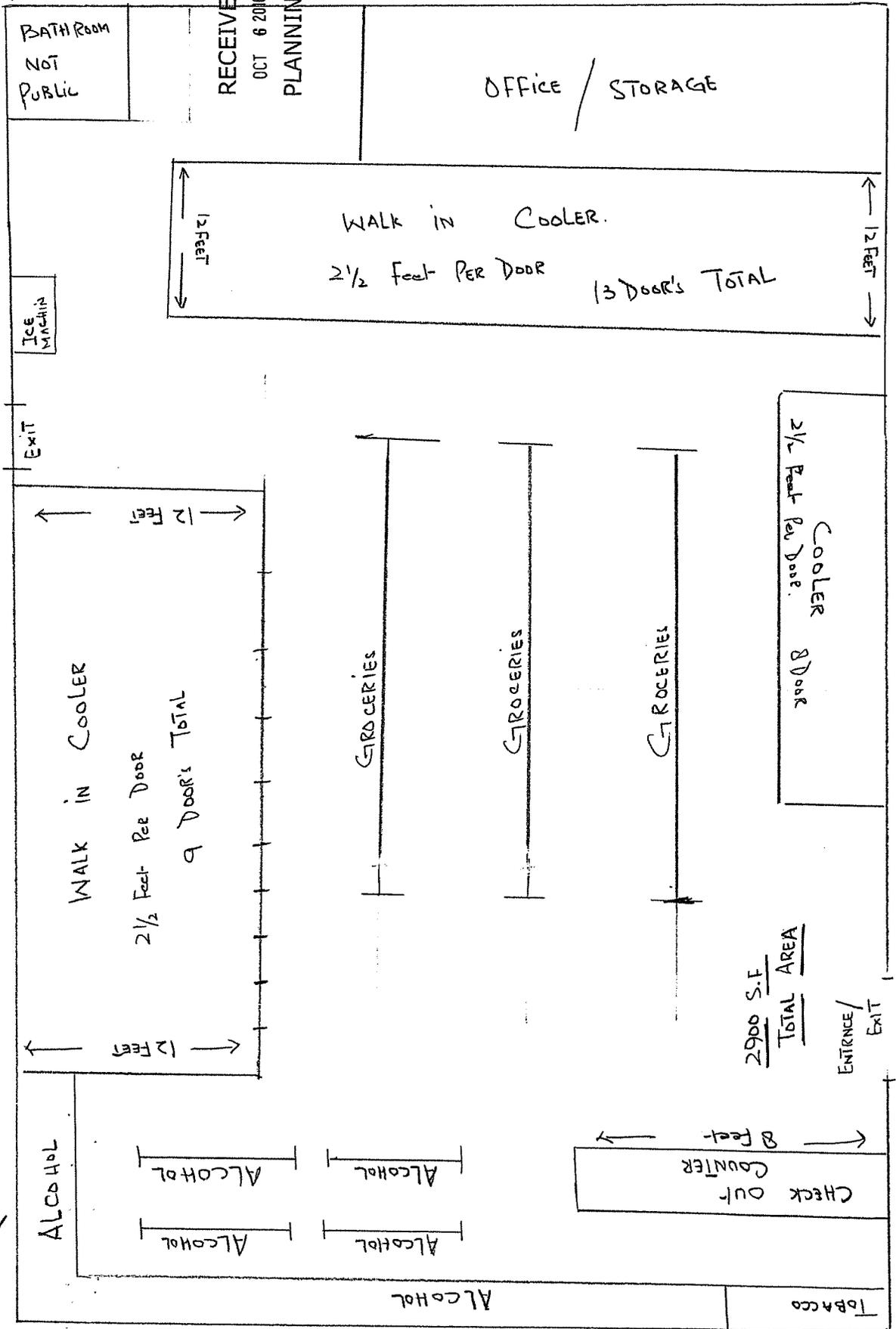


SITE PLAN
SCALE: 1"=20'

FLOOR PLAN

153 FEET

19 FEET



BATH ROOM
NOT
PUBLIC

RECEIVED
OCT 6 2016
PLANNING

OFFICE / STORAGE

WALK IN COOLER.
2 1/2 FEET PER DOOR
13 DOOR'S TOTAL

ICE
MACHINE

EXIT

WALK IN COOLER
2 1/2 FEET PER DOOR
9 DOOR'S TOTAL

GROCERIES

GROCERIES

GROCERIES

2 1/2 FEET PER DOOR
COOLER
8 DOOR

2900 S.F.
TOTAL AREA

ENTRANCE /
EXIT

8 FEET
CHECK OUT
COUNTER

TOBACCO

ALCOHOL

ALCOHOL

ALCOHOL

ALCOHOL

ALCOHOL

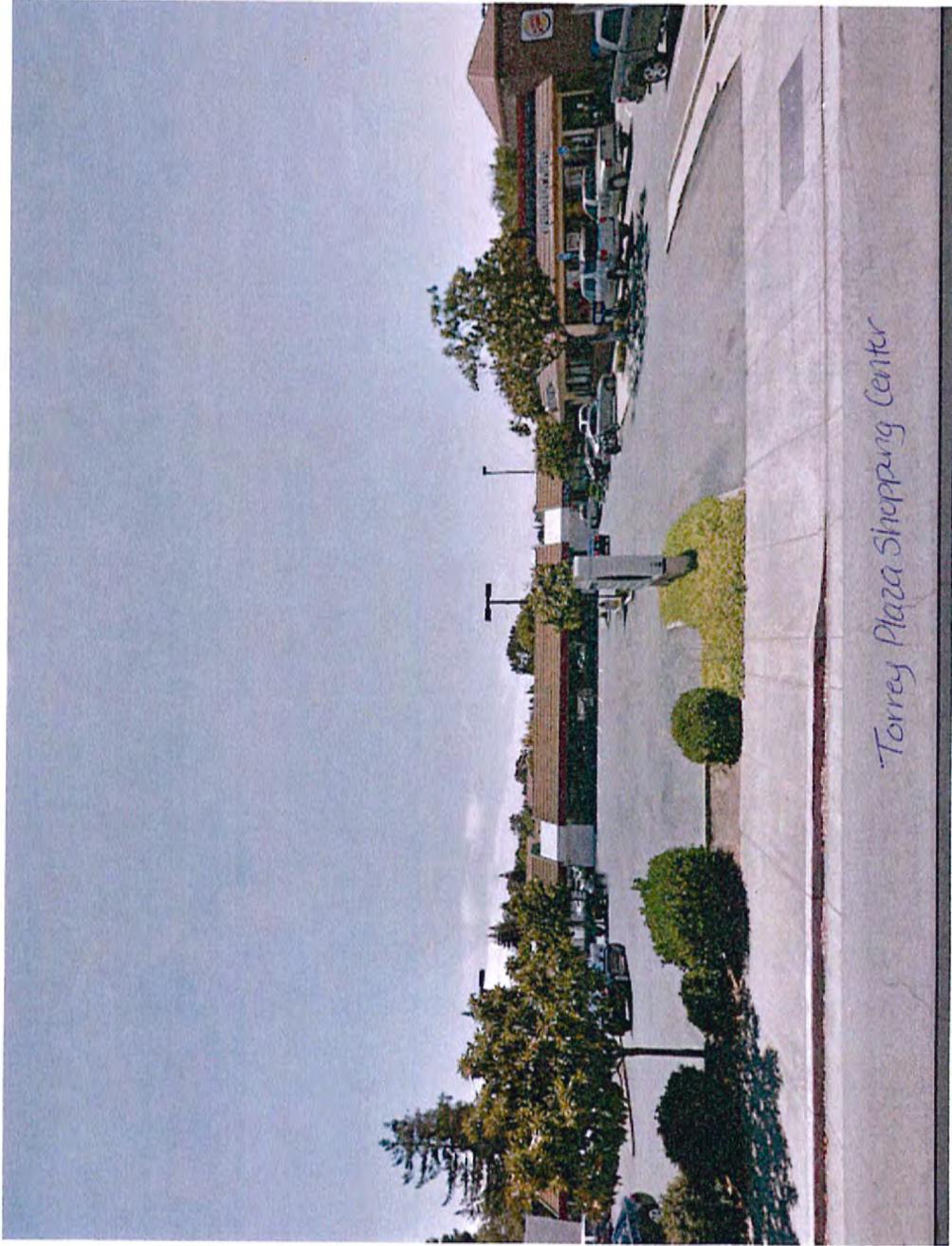
ALCOHOL



Proposed Tenant Space



77'



Torrey Plaza Shopping Center