



ANNOTATED AGENDA

REGULAR MEETING OF THE CITY OF CONCORD PLANNING COMMISSION

Wednesday, March 18, 2015
7:00 p.m. – Council Chamber
1950 Parkside Drive, Concord

Planning Commission Members:

Carlyn Obringer, Chair

John Mercurio, Vice Chair

Ernesto A. Avila, Commissioner

Robert Hoag, Commissioner

Tim McGallian, Commissioner

REGULAR MEETING 7:00 p.m. – Council Chamber

I. ROLL CALL:

Commissioners Present: C. Obringer, J. Mercurio, E. Avila, R. Hoag

Commissioner Absent: T. McGallian

Staff Present: L. Simpson, S. Brown, R. Lenhardt, F. Abejo

Audience in Attendance: 11 people

II. PLEDGE TO THE FLAG – *Pledge was led by Commissioner Avila.*

III. PUBLIC COMMENT PERIOD – *Coire Reilly from the Contra Costa Health Department announced the upcoming Bicycle and Pedestrian and Access to Transit Plan on April 8th at the Willow Pass Center at 5:30 p.m. Ray Barbour voiced concerns about drainage and potential flooding on a new development on Joan Avenue.*

IV. ADDITIONS / CONTINUANCES / WITHDRAWALS – *The De La Salle High School Child Care Fee Appeal public hearing was withdrawn.*

V. CONSENT CALENDAR

1. 2/18/15 Meeting Minutes

ACTION: *Approved, 3-0. (Mercurio motioned, Hoag seconded. Avila abstained.)*

VI. PUBLIC HEARINGS

1. **Brenden Theatres Alcohol Sales (PL150002 – UP)** – Application for a Use Permit Amendment to sell beer, wine, and specialty food items from an inline retail/restaurant tenant space adjacent to Brenden Theatres on a 3.3-acre site at 1985 Willow Pass Road. The General Plan designation is Downtown Mixed Use; Zoning classification is DMX (Downtown Mixed Use); APN 126-061-018. Pursuant to the California Environmental Quality Act of 1970, Public Resources Code §21000, *et seq.*, as amended and implementing State CEQA Guidelines, Title 14, Chapter 3 of the California Code of Regulations (collectively, “CEQA”), the Planning Commission action does not constitute a “project” within the meaning of Public Resources Code Section 21065, 14 Cal Code Regs. Section 15060(c)(2), 15060(c)(3), or 15378 because it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Even if such activities did constitute a project under CEQA, staff believes the activities fall within the “common sense” exemption set forth in 14 Cal. Code Regs. Section 15061(b)(3), excluding projects where “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” Even if such activities do not fall under the forgoing exceptions or exemptions, pursuant to the provisions to the provisions of the California Environmental Quality Act (CEQA) of 1970, as amended, and pursuant to Section 15301 “Existing Facilities,” the project is classified as a Class 1 Categorical Exemption, and therefore, no further environmental review is required. **Project Planner: G. Ryan Lenhardt @ (925) 671-3162.**

ACTION: *Approved with modified conditions of approval, 4-0. (Avila motioned, Mercurio seconded.)*

2. **De La Salle High School Child Care Fee Appeal (PL150054 – AP)** – Appeal of a child care impact fee assessed on the construction of school improvements approved under the De La Salle Campus Master Plan and Use Permit (PL131368 – UP, DR) at 1130 Winton Drive. The General Plan designation is Public/Quasi Public; Zoning classification is PQP (Public/Quasi Public); APN 145-130-030. Pursuant to the California Environmental Quality Act (CEQA) of 1970, Section 21065, as amended, this appeal request is not considered a project under CEQA and no further environmental review is required. **Project Planner: Frank Abejo @ (925) 671-3128.**

ACTION: *Withdrawn.*

Commissioner Avila recused himself for the Starbucks hearing.

- 3. Starbucks (PL1400257 – UP, DR) –** Application for a Use Permit and Design Review for an approximately 2,000 square foot Starbucks with drive-through on a 0.29-acre site located at 4290 Clayton Road. The General Plan land use designation is Commercial Mixed Use; Zoning classification is CMX (Commercial Mixed Use); APN 132-160-004. Pursuant to the California Environmental Quality Act (CEQA) of 1970, as amended, the project is Categorically Exempt under Section 15303, Class 3 “New Construction or Conversion of Small Structures,” and Section 15332, Class 32 “In-Fill Development Projects,” and no further environmental review is required. **Project Planner: Frank Abejo @ (925) 671-3128.**

ACTION: *Approved, 3-0. (Hoag motioned, Mercurio seconded.)*

VII. COMMISSION CONSIDERATIONS – *None.*

VIII. STAFF REPORTS / ANNOUNCEMENTS – *L. Simpson reported on her recent trip to the Planning Commissioner’s Academy which was also attended by Commissioner Mercurio and City Councilmember Edi Birsan.*

1X. COMMISSION REPORTS / ANNOUNCEMENTS - *Commissioner Mercurio reported on his experience at the Planning Commissioner’s Academy. Chair Obringer announced the grand opening of the Central County Family Justice Center on March 19th at 9:00 a.m. in Salvio Pacheco Square.*

X. FUTURE PUBLIC HEARING ITEMS – *L. Simpson announced the April 1st meeting will be cancelled though the next meeting on April 15th will include a follow up study session focusing on temporary signs. She further commented on the recent Design Review Board field trip and mentioned if the Planning Commission would like to conduct a field trip, staff would look to coordinate this. All Commissioners present agreed to a field trip in the future.*

XI. ADJOURNMENT – *9:00 p.m. (Hoag motioned, Mercurio seconded.)*

NEXT PLANNING COMMISSION MEETINGS:

April 5, 2015: 7:00 pm – Council Chamber
April 15, 2015: 7:00 pm – Council Chambers
