

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

**Wednesday, March 18, 2015**

A regular meeting of the Planning Commission, City of Concord, was called to order by Chair Obringer at 7:00 P.M., Wednesday, March 18, 2015, in the City Council Chamber.

***I. ROLL CALL***

COMMISSIONERS PRESENT: Chair Carlyn Obringer  
Vice Chair John Mercurio  
Commissioner Ernie Avila  
Commissioner Robert Hoag

COMMISSIONER ABSENT: Commissioner Tim McGallian

STAFF PRESENT: Laura Simpson, Planning Manager  
Susanne Brown, Senior Assistant City Attorney  
Ryan Lenhardt, Senior Planner  
Frank Abejo, Senior Planner

***II. PLEDGE TO THE FLAG***

Commissioner Avila led the pledge.

***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. He also announced a workshop at the Concord Library will be held on March 19<sup>th</sup> at 5:30 p.m. to explain the kinds of things the Bicycle and Pedestrian and Access to Transit Plan covers to prepare the public on what will be discussed at the April 8<sup>th</sup> meeting.

Ray Barbour voiced concerns about drainage and potential flooding on a new development on Joan Avenue.

**IV. ADDITIONS / CONTINUANCES / WITHDRAWALS**

Planning Manager Laura Simpson announced the withdrawal of the De La Salle Child Care Fee Appeal project. She stated the project is a staff level determination and not an appeal and will not need to be brought before the Planning Commission.

**V. CONSENT CALENDAR**

**APPROVAL OF MINUTES**

Motion was made by Commissioner Mercurio, and seconded by Commissioner Hoag to approve the meeting minutes of February 18, 2015. The motion was passed by the following vote:

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

**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.**

Project Planner Ryan Lenhardt presented the staff report. Sargent Russ Norris answered questions from the Planning Commission regarding potential alcohol sales to minors and training for Brenden Theatre staff to handle a variety of potential situations. Police Chief Guy Swanger commented to the Commission that he has previous experience with theatres and events selling alcohol on a larger spectrum without problems and didn't see a small capacity theatre having many issues with patrons or the two drink maximum allotment. He also mentioned that the Police Department and the Brenden Theatre staff and owners have a excellent working relationship and are committed to making sure the experience is positive.

Project applicant Walt Eichinger, Vice President of Operations for Brenden Theatres, spoke about the project.

Public Comment

No public comment was heard.

Motion was made by Commissioner Avila and seconded by Commissioner Mercurio to approve the Brenden Theatres Alcohol Sales project with modifications to the CEQA description. The motion passed by the following vote:

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

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.**

The De La Salle High School Child Care Fee Appeal was withdrawn.

***Commissioner Avila recused himself for the Starbucks public 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 Categorical 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.**

Project Planner Frank Abejo presented the staff report.

David Elliott, project architect, gave a presentation and spoke regarding the project. Victor Chiang, property owner, answered questions regarding cross access easements.

**Public Comment**

Ray Barbour commented about driveways and traffic flow and was looking forward to the new project development. Adam Foster mentioned there is a Complete Streets policy which focuses on safety for all roadway users.

Motion was made by Commissioner Hoag and seconded by Commissioner Mercurio to approve the Starbucks project with amended conditions. The motion passed by the following vote:

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

Commissioner Avila rejoined the meeting.

**VII. COMMISSION CONSIDERATIONS**

None were announced.

**VIII. STAFF REPORTS / ANNOUNCEMENTS**

Planning Manager Laura Simpson reported on her recent trip to the Planning Commissioner’s Academy which was also attended by Commissioner Mercurio and City Councilmember Edi Birsan.

**IX. 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 19<sup>th</sup> at 9:00 a.m. in Salvio Pacheco Square.

**X. FUTURE PUBLIC HEARING ITEMS**

Planning Manager Laura Simpson announced the April 1<sup>st</sup> meeting will be cancelled though the next meeting on April 15<sup>th</sup> 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**

Commissioner Hoag moved to adjourn at 9:00 P.M. Commissioner Mercurio seconded the motion. Motion to adjourn was passed by unanimous vote of the Commissioners present.

APPROVED:



Laura Simpson  
Planning Commission Secretary  
Planning Manager



Transcribed by Grant Spilman,  
Administrative Coordinator