

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

**Monday, May 2, 2016**

A special meeting of the Planning Commission, City of Concord, was called to order by Vice Chair Laub at 6:30 P.M., May 2, 2016, in the City Council Chamber.

***I. ROLL CALL***

COMMISSIONERS PRESENT: Vice Chair Jason Laub  
Commissioner LaMar Anderson  
Commissioner Ray Barbour

COMMISSIONER ABSENT: Chair Carlyn Obringer

STAFF PRESENT: Laura Simpson, Planning Manager  
Margaret Kotzebue, Special Counsel

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

Commissioner Barbour led the pledge.

***III. PUBLIC COMMENT PERIOD***

No public comment 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 Barbour, and seconded by Commissioner Anderson to approve the meeting minutes of April 20, 2016. The motion was passed by the following vote:

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

**VI. PUBLIC HEARINGS**

**2799 Clayton Road Appeal (PL16125 – AC)** – Appeal from the Nootbaar Charitable Remainder Unitrust (“Nootbaar Crut”) of a Zoning Interpretation by the Community and Economic Development Director of Concord Development Code Section 18.530.040 regarding non-conforming uses, with respect to a convenience store with alcohol sales. The Planning Commission’s consideration of and action on the Appeal does not constitute a “project” within the meaning of Public Resources Code Section 21065, 14 Cal Code Regs. Sections 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 the CEQA, staff believes the activities fall within the “common sense” CEQA exemption set forth in 14 Cal Code Regs. Section 15061(b)(3). Even if the activities did not qualify for the common sense exemption, they are exempt from CEQA pursuant to CEQA Guidelines Sections 15301 (Existing Facilities), 15302 (Replacement or Reconstruction), and 15303 (New Construction or Conversion of Small Structures).  
**Project Planner: Laura Simpson @ (925) 671-3369**

Planning Manager, Laura Simpson, presented the report.

The appellant, Jason Granskog, provided additional information and answered questions from the Planning Commission.

Tom Nootbaar, representing the Nootbaar Trust, clarified a question from the Planning Commission regarding a business license.

**Public Comment**

Kathleen Negrete spoke in opposition to allowing alcohol sales at the gas station.

Alexander Cook gave his support on developing the commercial property but was opposed to a gas station and convenience store with alcohol sales.

Motion was made by Vice-Chair Laub and seconded by Commissioner Anderson to adopt Resolution 16-08 PC denying the Nootbaar CRUT Appeal for 2799 Clayton Road, Concord to allow a convenience store with alcohol sales. The motion passed by the following vote:

AYES: Laub, Anderson, Barbour  
 NOES: None  
 ABSTAIN: None  
 ABSENT: Obringier

**VII. COMMISSION CONSIDERATIONS**

There were none.

**VIII. STAFF REPORTS / ANNOUNCEMENTS**

Planning Manager Laura Simpson announced on Thursday, May 5<sup>th</sup> at 5:30 p.m. there will be a community wide workshop on the Draft Bicycle and Pedestrian Master Plan at the Concord Senior Center.

**IX. COMMISSION REPORTS/ANNOUNCEMENTS**

There were none.

**X. FUTURE PUBLIC HEARING ITEMS**

Planning Manager Laura Simpson announced the cancellation of the May 4<sup>th</sup> meeting and at the May 18<sup>th</sup> meeting there will be a study session on the Bicycle and Pedestrian Master Plan, an update on the Corridors Plan, and a hearing on the Capital Improvement Program.

**XI. ADJOURNMENT**

Commissioner Barbour moved to adjourn at 7:32 P.M. Commissioner Anderson 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