

**ANNOTATED
AGENDA
CITY OF ANTIOCH PLANNING COMMISSION
ANTIOCH COUNCIL CHAMBERS
200 "H" STREET**

WEDNESDAY, FEBRUARY 15, 2017

6:30 P.M.

**NO PUBLIC HEARINGS WILL BEGIN AFTER 10:00 P.M.
UNLESS THERE IS A VOTE OF THE PLANNING COMMISSION
TO HEAR THE MATTER**

APPEAL

All items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on **THURSDAY, FEBRUARY 23, 2017.**

If you wish to speak, either during "public comments" or during an agenda item, fill out a Speaker Request Form and place in the Speaker Card Tray. This will enable us to call upon you to speak. Each speaker is limited to not more than 3 minutes. During public hearings, each side is entitled to one "main presenter" who may have not more than 10 minutes. These time limits may be modified depending on the number of speakers, number of items on the agenda or circumstances. No one may speak more than once on an agenda item or during "public comments". Groups who are here regarding an item may identify themselves by raising their hands at the appropriate time to show support for one of their speakers.

ROLL CALL

6:30 P.M.

Commissioners	Motts, Chair
	Zacharatos, Vice Chair
	Parsons
	Mason (absent)
	Turnage
	Husary
	Conley

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

CONSENT CALENDAR

All matters listed under Consent Calendar are considered routine and are recommended for approval by the staff. There will be one motion approving the items listed. There will be no separate discussion of these items unless members of the Commission, staff or the public request specific items to be removed from the Consent Calendar for separate action.

- | | | | | |
|----|-----------------------------|-----------|-------------------------|-----------------|
| 1. | APPROVAL OF MINUTES: | A. | May 4, 2016 | APPROVED |
| | | B. | October 19, 2016 | APPROVED |

* * * END OF CONSENT CALENDAR * *

MINUTES

NEW PUBLIC HEARINGS

MINUTES

2. **Z-17-01 – Tobacco Ordinance Amendment** – The City of Antioch is proposing text amendments to Chapter 16: Drug Paraphernalia, Section 6-8.14-Tobacco Retailer License, Section 9-5.203-Definitions and Section 9-5.3843 Tobacco and Paraphernalia Retailers of the Antioch Municipal Code. The amendments include, but are not limited to, changes to definitions related to tobacco and paraphernalia retailers, the display of tobacco paraphernalia, licenses required for retail tobacco sales, and the prohibition of tobacco and paraphernalia retailers. The proposed ordinance would be applicable city-wide. This project is exempt from the California Environmental Quality Act.

STAFF REPORT

***STAFF RECOMMENDS THAT THIS ITEM BE CONTINUED TO 3/1/17
CONTINUED TO MARCH 1, 2017***

3. **UP-16-10, AR-16-06, V-16-04 – A St. Mini-Mart** – Amandeep Singh is requesting approval of a use permit, design review, and variance application to operate an approximately 1,200 square foot convenience store, including the renovation of the existing building on site. The project site is located at 2302 A Street (**APN 067-275-023**).

RESOLUTION NO. 2017-03

ORAL COMMUNICATIONS

STAFF REPORT

WRITTEN COMMUNICATIONS

COMMITTEE REPORTS

ADJOURNMENT (7:25 pm)

Notice of Availability of Reports

This agenda is a summary of the discussion items and actions proposed to be taken by the Planning Commission. For almost every agenda item, materials have been prepared by the City staff for the Planning Commission's consideration. These materials include staff

reports which explain in detail the item before the Commission and the reason for the recommendation. The materials may also include resolutions or ordinances which are proposed to be adopted. Other materials, such as maps and diagrams, may also be included. All of these materials are available at the Community Development Department located on the 2nd floor of City Hall, 200 "H" Street, Antioch, California, 94509, between the hours of 8:00 a.m. and 11:30 a.m. or by appointment only between 1:00 p.m. and 5:00 p.m. Monday through Friday for inspection and copying (for a fee). Copies are also made available at the Antioch Public Library for inspection. Questions on these materials may be directed to the staff member who prepared them, or to the Community Development Department, who will refer you to the appropriate person.

Notice of Opportunity to Address the Planning Commission

The public has the opportunity to address the Planning Commission on each agenda item. You may be requested to complete a yellow Speaker Request form. Comments regarding matters not on this Agenda may be addressed during the "Public Comment" section on the agenda.

Accessibility

The meetings are accessible to those with disabilities. Auxiliary aids will be made available for persons with hearing or vision disabilities upon request in advance at (925) 779-7009 or TDD (925) 779-7081.

**CITY OF ANTIOCH
PLANNING COMMISSION**

**Regular Meeting
6:30 p.m.**

**May 4, 2016
City Council Chambers**

Vice Chair Zacharatos called the meeting to order at 6:30 P.M. on Wednesday, May 4, 2016 in the City Council Chambers. She stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 P.M. on Wednesday, May 11, 2016.

ROLL CALL

Present: Commissioners Parsons, Husary, Mason, and Vice Chair Zacharatos
Absent: Commissioner Hinojosa and Chair Motts
Staff: Director of Community Development, Forrest Ebbs
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. Approval of Minutes: April 20, 2016

On motion by Commissioner Parsons, seconded by Commissioner Mason, the Planning Commission approved the minutes of April 20, 2016, as presented. The motion carried the following vote:

AYES: Parsons, Husary, Zacharatos, Mason
NOES: None
ABSTAIN: None
ABSENT: Hinojosa, Motts

NEW PUBLIC HEARING

2. **UP-15-13, AR-15-13, V-15-05 – ARCO AM/PM Gas Station/Convenience Store** – PM Design Group, applicant, on behalf of Jagdish Kumar Bhalla, property owner, requests Planning Commission approval of a use permit, design review, and a variance for the demolition of the existing gas station and construction of a new gas station with a 3,769 square-foot convenience store.

The variance request would allow the sale of alcoholic beverages within 500' of another alcohol sales outlet, which is ordinarily prohibited by Municipal Code. The project is located at 2610 Contra Loma Boulevard (APN 076-191-038-9).

Director of Community Development Ebbs presented the staff report dated April 27, 2016 recommending the Planning Commission approve UP-15-13, AR-15-13, V-15-05 with the findings and subject to the conditions contained within the staff reports attached resolution.

In response to Commissioner Mason, Director of Community Development Ebbs stated a pole sign would be visible from east bound Highway 4; however, the canopy sign would not.

Vice Chair Zacharatos opened the public hearing.

Ron Jacobs, PM Design Group, representing Jack Bhalla, stated the rebuild of this station would maximize the site and be an enhancement to the area. He discussed the importance of replacing the pole sign as it would allow them to advertise the business to Highway 4. He noted that when Caltrans removed the original sign; it was with the understanding that they would be able to replace it, after the improvements were completed. He stated if the pole sign was not allowed, they would like to bring back a revised sign program.

In response to Commissioner Mason, Mr. Jacobs clarified if they were to revise the signage program, they would add illuminated ARCO letters to the canopy and increase building signage.

In response to Commissioner Parsons, Mr. Jacobs stated the canopy would not be visible from the freeway.

Jody Knight, representing Reuban, Junius & Rose, LLP, stated Jagdish Bahlia would be a good neighbor and strictly enforce the conditions of approval. She noted this business was isolated and not conducive to loitering. She further noted this project would increase employment, upgrade the site, and provide a benefit to the community.

In response to Commissioner Mason, Director of Community Development Ebbs explained highway signage was coordinated through Caltrans.

Commissioner Parsons added no signs were currently planned indicating this off ramp provided services.

Vice Chair Zacharatos closed the public hearing.

Commissioner Parsons spoke in support of the variance for alcohol sales noting this area was unique with no conflicting businesses. Additionally, she noted the signage

should be allowed as it was an established business that previously had a pole sign on their property.

Commissioner Mason stated he felt it was a good project; however, he had reservations for the pole sign as it may set a precedent. He noted the fact there was a pole sign at the business in the past could be justification.

Commissioner Zacharatos spoke in support of allowing the pole sign and the variance for alcohol sales.

Commissioner Husary voiced her support for the pole sign; however, suggested alcohol sales be limited.

Director of Community Development Ebbs stated if the Planning Commission was compelled to support the pole sign, in order to avoid a precedent, language could be added to the finding indicating that this was a unique circumstance as there was a sign on the property that was taken down and there was generally consistency with the General Plan looking at the overall sum of the project. He stated that the Planning Commission could also limit the hours of alcohol sales.

In response to Commissioner Parsons, the applicant indicated he would abide by decisions made by the Planning Commission this evening.

RESOLUTION NO. 2016-08

On motion by Commissioner Parsons, seconded by Commissioner Husary, the Planning Commission members present unanimously approved UP-15-13, AR-15-13, V-15-05 with the findings and subject to the conditions contained within the staff reports attached resolution. With the following revisions:

- A) Adding a finding that the pole sign shall be allowed as it is a replacement for the previous pole sign located at the business.***
- B) Liquor sales shall be allowed from 6:00 A.M. – 12:00 A.M.***

The motion carried the following vote:

AYES:	<i>Parsons, Husary, Zacharatos, Mason</i>
NOES:	<i>None</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>Hinojosa, Motts</i>

ORAL COMMUNICATIONS

Director of Community Development Ebbs reminded the Planning Commission that a General Plan Land Use Element Update would be on the May 18, 2016 agenda.

Vice Chair Zacharatos announced she would not be available for the May 18, 2016 Planning Commission meeting.

Jagdish Bahlia thanked the Planning Commission and staff for allowing him to rebuild his ARCO station and noted it would be the gateway to Antioch.

Vice Chair Zacharatos thanked Mr. Bahlia for his interest in Antioch.

Pastor Henry Kelly, representing Grace Temple Church of God in Christ, reported he had not received a notice regarding this meeting or the variances. He expressed concern for the close proximity of the ARCO station to other businesses selling liquor in the area. He stated they had been attempting to clean up the area; however, it was a challenge with the illegal activity occurring.

Commissioner Parsons responded that a new business opening in the area would create more activity and deter criminal activity.

Director of Community Development Ebbs stated he would be available to discuss this matter with Pastor Kelly after the meeting and reiterated that the business would only be selling beer and wine.

Commissioner Mason added that the business was prohibited from selling single serve beer and wine-derived products.

Pastor Kelly stated he was also concerned with unsafe traffic conditions and the fact that on-street parking had been eliminated in the area.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

None.

ADJOURNMENT

Vice Chair Zacharatos adjourned the Planning Commission at 7:08 P.M. to the next regularly scheduled meeting to be held on May 18, 2016.

Respectfully Submitted,
Kitty Eiden

**CITY OF ANTIOCH
PLANNING COMMISSION**

**Regular Meeting
6:30 p.m.**

**October 19, 2016
City Council Chambers**

Vice Chair Zacharatos called the meeting to order at 6:30 P.M. on Wednesday, October 19, 2016 in the City Council Chambers. She stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 P.M. on Wednesday, October 26, 2016.

ROLL CALL

Present: Commissioners Husary, Mason, Conley and Vice Chair Zacharatos
Absent: Commissioner Parsons, Hinojosa and Chair Motts
Staff: Director of Community Development, Forrest Ebbs
Assistant City Engineer, Lynne Filson
Contract Planner, Cindy Gnos
City Attorney, Michael Vigilia
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

- | | |
|-------------------------|---|
| 1. Approval of Minutes: | A. May 4, 2016
B. July 20, 2016
C. August 17, 2016
D. September 7, 2016
E. September 21, 2016 |
|-------------------------|---|

A motion was made by Commissioner Mason, seconded by Commission Husary to approve the May 4, 2016 minutes. The motion carried the following vote:

***Ayes: Husary, Mason, Zacharatos
Absent: Parsons, Hinojosa, Motts
Abstain: Conley***

Due to the lack of members present to vote in the majority, the Minutes of May 4, 2016, July 20, 2016, August 17, 2016, September 7, 2016 and September 21, 2016 were continued to the next meeting.

NEW PUBLIC HEARINGS

2. **AR-16-02 – AVIANO – Aviano Farms, LLC**, requests design review approval and a use permit for phases 2 and 3 of the 533 single family Aviano development, as well as the accompanying mailboxes, landscaping, sound walls, fencing, and entry features. The project site is located west of the current terminus of Hillcrest Avenue, east and north of Dozier Libby Medical High School (APNs 057-050-022 and 057-030-050).

Contract Planner Gnos presented the staff report dated October 14, 2016 recommending that the Planning Commission approve the use permit for phases two and three and the design review application (AR-16-02) for the 533-unit single family subdivision known as Aviano subject to the conditions contained in the attached resolution (see Attachment B).

In response to Commissioner Conley, Director of Community Development Ebbs explained the Antioch Unified School District owned property in the Sand Creek Focus Area, collected fees for school impacts and a school site for this area was in their long range plan.

In response to Commissioner Mason, Director of Community Development Ebbs stated staff felt 42 inches was adequate for fencing around the basins.

Commissioner Mason expressed concern for the height of the fence and the potential of children climbing over it and drowning in the basin.

Assistant City Engineer Filson clarified water would only be in the basin directly after a rain storm; however, the Planning Commission could require the applicant to build a higher fence if they felt it was necessary.

Commissioner Mason stated there were security concerns regarding visibility of the entryways on plan #1 and #4.

Contract Planner Gnos responded that in those instances the applicant had made the front porch larger to enhance visibility. Additionally, the plotting plan indicated the unit with the door on the side would most often be located on a corner lot.

Vice Chair Zacharatos opened the public hearing.

Michael Evans, DeNova Homes Project Manager, gave a brief background of their project and noted this was the final step to entitlement. He reported they had started biological work on the site.

Erik Gellerman, Gates and Associates, gave an overhead presentation of the revised tentative map book which included the illustrative land plan, lifestyle hub and sports zone as well as the landscaping plan and streetscape.

In response to Commissioner Conley, Mr. Evans clarified there would be left and right turn lanes exiting the subdivision.

Steve Bowker, OAG Architects, gave an overhead presentation of the architecture, materials and elevations for the development.

In response to Commissioner Conley, Mr. Bowker stated they would be providing tankless water heaters and air conditioning units would be located in the rear side yards.

In response to Commissioner Mason, Assistant City Engineer Filson explained this was the first project with the new LED street light standard and they would be much brighter.

Mr Bowker noted the new energy code would be implemented in January and the lights in the homes would also be LED.

Vice Chair Zacharatos closed the public hearing.

Vice Chair Zacharatos stated she liked the new elevations and landscaping plan.

Commissioner Husary thanked the applicant for the high quality project and providing options for three car garages and patio covers.

In response to Commissioner Conley, the applicant indicated one HOA would cover the entire development.

Commissioner Mason stated he supported the project and the positive changes brought forth by the applicant. He reiterated his concern regarding the height of the fencing around the basins and requested that they be increased to a minimum of five feet.

In response to Vice Chair Zacharatos, the applicant clarified they were working with the post office for the route and location of the mailboxes.

Commissioner Conley agreed with Commissioner Mason regarding the need to increase the height of fencing around basin.

In response to Commissioner Conley, Michael Evans stated they were in agreement with the conditions of approval including as revised this evening.

A motion was made by Commissioner Conley to approve the use permit for phases two and three and the design review application (AR-16-02) for the 533-unit single family subdivision known as Aviano subject to the conditions contained in the attached

resolution with direction to the applicant to increase the height of the wall adjacent to the detention basins.

Assistant City Engineer Filson explained there were two different types of storm water basins, one to clean the water and one to hold the water. She stated the area being utilized for the dog park, would rarely see standing water of more than 6 inches. She noted the southern basin was anticipated to have more water; however, it was designed for water to soak in or flow out through a pipe during large storm events.

The applicant noted as currently designed all the water in the basin would dissipate within 72 hours.

Following discussion, the motion was revised as follows:

RESOLUTION NO. 2016-21

On motion by Commissioner Conley, seconded by Commissioner Mason, the Planning Commission approved the use permit for phases two and three and the design review application (AR-16-02) for the 533-unit single family subdivision known as Aviano subject to the conditions contained in the attached resolution, adding a condition of approval that the applicant increase the wall adjacent to the southern basin to 60 inches. The motion carried the following vote:

AYES:	<i>Husary, Zacharatos, Mason and Conley</i>
NOES:	<i>None</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>Parsons, Hinojosa and Motts</i>

- 3. EMERGENCY SHELTER REZONE** – The City of Antioch is proposing to rezone the 4.89-acre vacant parcel directly south of the intersection of East Leland Road/Delta Fair Boulevard and Century Boulevard from Mixed Commercial/Residential (MCR) District to Mixed Commercial/Residential (MCR) District and Emergency Shelter (ES) Overlay District (APN 074-080-034).

Director of Community Development Ebbs presented the staff report dated October 10, 2016 recommending that the City Council rezone the property denoted as Assessor's Parcel Number 074 - 080-034 from Residential High Density Residential (R-35) to Residential High Density (R-35) and Emergency Shelter (ES) Overlay District.

In response to the Commission, Director of Community Development Ebbs stated staff had not received any applications for a shelter. He noted if another use were approved for this site, the City would be under no obligation to replace it, as they were in compliance; however, they felt this site was much more amenable to a meaningful project.

Vice Chair Zacharatos opened and closed the public hearing with no members of the public requesting to speak.

RESOLUTION NO. 2016-22

On motion by Commissioner Conley, seconded by Commissioner Mason, the Planning Commission recommended that the City Council rezone the property denoted as Assessor's Parcel Number 074 - 080-034 from Residential High Density Residential (R-35) to Residential High Density (R-35) and Emergency Shelter (ES) Overlay District. The motion carried the following vote:

AYES: *Husary, Zacharatos, Mason and Conley*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Parsons, Hinojosa and Motts*

ORAL COMMUNICATIONS

None.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS


None.

ADJOURNMENT

Vice Chair Zacharatos adjourned the Planning Commission at 7:31 P.M. to the next regularly scheduled meeting to be held on November 2, 2016.

Respectfully Submitted,
Kitty Eiden

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF FEBRUARY 15, 2017**

Prepared by: Kevin Scudero, Associate Planner 
Reviewed by: Forrest Ebbs, Community Development Director
Date: February 10, 2017
Subject: **UP-16-10, AR-16-06, V-16-04 – Use Permit, Design Review,
Variance for a Convenience Store**

RECOMMENDATION

It is recommended that the Planning Commission adopt the attached resolution denying a use permit, design review and variance for a 1,200 square foot convenience store (UP-16-10, AR-16-06, V-16-04).

REQUEST

Amandeep Singh requests the approval of a use permit, design review, and variance for a 1,200 square foot convenience store. The business would be a fully stocked convenience store with twenty percent of the interior space devoted to selling beer, wine and liquor. The variance would allow three parking spaces instead of the required six spaces. The project site is located at 2302 A Street (APN: 067-275-023) (Attachment "A").

BACKGROUND

The existing building was originally constructed in 1964 as a drive through convenience store. The store has been closed for a prolonged duration, though there is a valid alcohol-sales license assigned to the property by the State of California Department of Alcoholic Beverage Control.

The applicant is proposing to remodel the existing drive thru convenience store to fully enclose it to operate as a traditional convenience store while maintaining essentially the same building footprint as the existing building and canopy.

ENVIRONMENTAL

The project is Categorically Exempt from the provisions of CEQA, pursuant to section 15301 – Existing Facilities. This section of CEQA exempts projects that involve negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

ANALYSIS

Issue #1: Project Overview

The applicant is proposing a convenience store which will offer typical food, household and personal convenience items in addition to beer, wine and liquor. No tobacco sales are being proposed. The store would be open seven days a week from 7:00 AM to 11:00 PM Monday – Thursday and 7:00 AM to 12:00 AM Friday – Sunday.

A use permit is required per section 9-5.3803 of the Antioch Municipal Code, which defines the proposed use as a “convenience store,” which is “an establishment with a sales area of 5,000 square feet or less which sells primarily food, household, and personal convenience items.” The proposed convenience store would be on a site that previously contained a drive thru convenience store. The applicant is requesting design review approval to remodel this building to fully enclose it and operate a traditional convenience store.

The applicant is also requesting a variance from the on-site parking requirement of six parking spaces to be reduced to three parking spaces due to the small size of the lot.

The applicant's project description is included as Attachment “B”.

Issue #2: General Plan, Zoning Consistency, and Land Use

The General Plan designation of the property is Commercial/Office within the A Street Interchange Focus Area. The site is zoned Neighborhood/Community Commercial (C-2) and a convenience store requires a use permit in this zoning designation. The surrounding land use designations are as noted below:

North:	Various Commercial Uses and Single Family Homes (C-2 and R-6)
South:	Gas Station/ Single Family Homes (C-2 and R-6)
East:	Various Commercial Uses (C-2)
West:	Single Family Homes (R-6)

Issue #3: Alcohol

Alcohol: Part of the applicant's proposal includes the sale of alcohol. The applicant currently has a Type 20 License from The Department of Alcoholic Beverage Control (ABC) which was transferred from the previous owner of the drive thru convenience store at this location. According to a Licensing Representative at the ABC, under Census Tract 3071.02 there are 3 off-sale licenses allowed and there are currently 4 active licenses not counting the applicants (off-sale license establishments sell alcohol to be consumed off-site such as a grocery or convenience store). The convenience store use would be an off-sale license because the alcohol would not be consumed onsite. This census tract currently has an “undue concentration” of off-sale licenses and

approving a use permit to sell alcohol at this location would add to that undue concentration. Undue concentration is defined as follows:

"The premises of the proposed license is located in an area that has 20 percent more reported crimes than the average number of reported crimes for the City as a whole, or

The premises of the proposed license is located in a census tract where the ratio of existing retail on-sale/retail off-sale licenses to population in the census tract exceeds the ratio of retail on-sale/retail off-sale licenses to population in the County of the proposed premise."

The Department of Alcoholic Beverage Control (ABC) will not issue a new license in an area that is unduly concentrated without the express permission of the underlying City. This area is already unduly concentrated because of the number of licenses in the census tract. Since the applicant already has an ABC sales license, the City does not need to offer permission for ABC's purpose. However, the Planning Commission should consider the underlying nature of the neighborhood and the excessive alcohol sales outlets in the area when considering the use permit application.

Issue #4: Parking Variance Request

A Variance is required because the proposed project does not provide the required number of off-street parking spaces specified in the Antioch Municipal Code. Section 9-5.1703.1 of the Antioch Municipal Code requires convenience stores to provide five off-street parking spaces per 1,000 square feet of gross floor area. The proposed 1,200 square-foot convenience store would require six off-street parking spaces and the applicant is requesting a variance to reduce the number of required off-street parking spaces to three. The applicant is proposing to use on-street parking for their employees. Their largest shift will have two employees.

There are no available on-street parking spaces directly adjacent to the business. There is a fire hydrant on the north side (W. Madill St.) with painted red curb as well as red curb all along the east side (A Street) which would prevent customers or employees from legally parking next to the business.

The limited off-street parking could lead to customers illegally parking in the spaces next to the business, parking further down W. Madill Street in the residentially-zoned neighborhood, or parking at the adjacent Valero gas station which has no designated parking spots. All of these options would likely provide an inconvenience to those affected and the potential for illegal parking on the north or east side of the business would be a public safety hazard as well. It would also generate late-night commercial traffic in the residential neighborhood connected to liquor sales.

A convenience store is also a use that generates a high rate of turnover. According to the Institute of Transportation Engineers Trip Generation manual a 1,000 square foot

convenience store generates an average of 36 trips during the peak hour on a weekday, whereas an apparel store, for example, generates an average of 4 trips during the peak hour on a weekday. This high turnover rate will increase and exacerbate the impacts caused due to insufficient off-street parking. A different use at this location might work with reduced parking if it had a lower turnover rate – a real estate office, for example.

Given the lack of available on-street parking spaces to compensate for the reduced number of off-street parking spaces and the potential impacts that could occur from granting the requested parking variance, staff is recommending that the variance request be denied.

SUMMARY

In summary, staff is recommending denial of both the use permit and the variance. The project site is located in an area that is already unduly concentrated with alcohol sales outlets, would be located directly adjacent to residential uses, and is reliant on a substandard parking lot for its high turnover traffic. Further, the sale of alcohol at the proposed hours would likely create additional on and off-site impacts. The sale of alcohol is highly regulated because of its demonstrated potential for negative impacts – most of which are beyond the control of the operator. In short, the negative impacts of this business would be immediately felt by the adjacent neighborhood and would be detrimental to the area. As such, staff is recommending denial.

ATTACHMENTS

- A: Aerial Photo
- B: Applicant's Project Description
- C: Applicant's Variance Findings
- D: Police Department Memorandum
- E: Site Photos

**CITY OF ANTIOCH PLANNING COMMISSION
RESOLUTION NO. 2017-****

**RESOLUTION OF THE CITY OF ANTIOCH PLANNING COMMISSION
DENYING A USE PERMIT FOR A CONVENIENCE STORE AT 2302 A STREET**

WHEREAS, the City of Antioch received a request from Amandeep Singh for a use permit for a 1,200 square foot convenience store. The project site is located at 2302 A Street (**APN: 067-275-023**) (**UP-16-10, AR-16-06, V-16-04**)

WHEREAS, this project is exempt from the provisions of CEQA pursuant to CEQA Guideline Section 15301 – Existing Facilities; and

WHEREAS, the Planning Commission duly gave notice of public hearing as required by law; and,

WHEREAS, the Planning Commission on February 15, 2017, duly held a public hearing, received, and considered evidence, both oral and documentary, and

WHEREAS, the Planning Commission could not make all of the findings required for approval of a use permit and does determine as follows:

1. The granting of such use permit will be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

The proposed land use would introduce a series of negative impacts on the immediate neighborhood. The site lacks adequate on-site parking and there is not available street parking directly adjacent to the site. As a result, the spillover commercial traffic associated with this business would be forced to either park in the adjacent residential neighborhood, on adjacent commercial sites, or illegally in red-curbed zones. Each of these conditions conflicts with the purposes of on-site parking requirements and each would be detrimental to the welfare of the properties and improvements in the vicinity.

2. The use applied at the location indicated is properly one for which a use permit is authorized.

The site is zoned Neighborhood/Community Commercial (C-2) and per the Municipal Code, convenience stores require a use permit.

3. The site for the proposed use is not adequate in size and shape to accommodate such use, and all yards, fences, parking, loading, landscaping, and other features required, to other uses in the neighborhood.

Per the Antioch Municipal Code a 1,200 square foot convenience store requires 6 off-street parking spaces. The site, as proposed, does not contain the required parking and there is not sufficient room on the site to provide the additional required parking.

4. The site does not abut streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use.

Due to the lack of on-site parking, the site is reliant on available off-site street parking for its customers and/or employees. Further, there are no on-site facilities for loading or unloading of materials and commercial vehicles would be compelled to use the nearby residential streets for access and or service to the building. These streets are not designed or intended for consistent commercial use.

5. The granting of such use permit will not adversely affect the comprehensive General Plan.

WHEREAS, the Planning Commission could not make all of the findings required for approval of a variance and does determine:

1. There are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity.

There are exceptional or extraordinary circumstances that apply to this property that would require the granting of a variance from the minimum parking requirements for a convenience store. The small size of the lot (4,250 square feet) makes it difficult to provide the required number of off-street parking spaces.

2. The granting of such variance **WILL** be materially detrimental to the public health or welfare and injurious to the property or improvements in such zone or vicinity.

If the required on-site parking spaces are not provided, customers and/or employees will be compelled to park on the street. There is not available parking immediately adjacent to the site due to a fire hydrant and red curbs. As a result, customers and employees will use parking in the adjacent residential neighborhood. Further, the proposed use would generate a high rate of vehicle turnover that would introduce an atypical number of vehicles to the adjacent residential neighborhood, where customers would be forced to park. Or, customers would be compelled to park illegally in front of the fire hydrant or within the red curb zone.

3. The strict application of the zoning provisions is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under the identical zone classification.

The project site is unique because it was initially designed to contain a drive-through dairy. The nature of the drive-through allowed for a reduced parking demand and, as a result, fewer parking spaces were needed on-site. No other properties in this commercial zone have been permitted to provide just 50% of the required parking and most commercial properties have complete and adequate parking lots.

4. The granting of such variance **WILL NOT** adversely affect the comprehensive General Plan.

WHEREAS, the Planning Commission must make all of the required findings to approve a use permit or a variance and the Planning Commission was unable to make multiple findings for both the use permit and the variance.

NOW THEREFORE BE IT RESOLVED the Planning Commission of the City of Antioch does hereby **DENY** the use permit and variance request (UP-16-10, AR-16-06, V-16-04) for a 1,200 square foot convenience store.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 7th day of December 2016.

AYES:
NOES:
ABSTAIN:
ABSENT:

FORREST EBBS, SECRETARY TO THE
PLANNING COMMISSION

ATTACHMENT “A”



ATTACHMENT “B”

PROJECT DESCRIPTION

My plan is to remodel the building so that it will be an asset to the neighborhood. The previous owner used the building as a liquor store that was opened only at the convenience of the owner operator. I want to remodel the building by enclosing the open causeway so that the only access will be from newly installed doors. I will have a fully stocked minimart that will occupy about 80 percent of the interior space, while beer, wine and liquor will be for sale in the remaining space. The exterior will be improved as shown on the plans and painted with more attractive colors. The interior will be remodeled to include large.

The store will be open from 7 a.m to 11p.m in Monday to Thursday. On Friday to Sunday the store will be open one more hour (until midnight). During the day shift there will be one employee. There will be two employees during the evening shift. I will be the manager and will be present during most of the day shift.

I currently am co-owner of a mini-mart-liquor store located at 5701 Foothill Boulevard in Oakland. When we took over this store, we had a problem with people loitering around the premises, so we hired a security guard and there was no longer a problem. If there is a similar problem with the Antioch store, I will hire a security guard as long as necessary to cure the problem.

The Antioch store shares a common wall with a church and I established a relationship with Dr. Joe Smith, the pastor at the Good Hope Baptist Church at 5717 Foothill Blvd. Oakland, CA. The neighborhood residents including the church members are pleased with my business operations. There have not been any problems that necessitated police intervention in the four years I have been running the Oakland store. When called on by Pastor Smith, I donate food for functions that are held at the church. It is my intention to become involved in the Antioch neighborhood in a similar manner when I began operations at my Antioch location. I talked to the Oakland police department to request a letter stating that there had been no police operations at my Oakland store, but they said that police was that they could write such a letter only I was opening a new business in Oakland.

In summary, I am confident that my Antioch store, with its well stocked shelves, and long opening hours will be very beneficial to the neighborhood residents. People will have a well-lighted store and parking lot that will provide a comfortable and safe shopping experience.

ATTACHMENT “C”

VARIANCE REQUEST

Applicant is requesting a variance for the number of parking spaces only. The existing building is decades old and has been used as a drive through liquor store. The owner proposes to close off the drive through and install doors in the wall installed to close off the drive through. An interior wall will be removed so that a large minimart can be installed in most of the building. The exterior footprint of the building will remain the same. The lot is very small and the parking area is small. Only four parking spaces (which include a handicap space) can be created in the parking area due to the size of the area and the limited area of egress to the property. The entrance to the property is on W. Madill Street, which is residential and provides plenty of parking spaces for customers to use if the parking lot on the business premises is full. Applicant plans to have his employees use offsite parking.

ANSWERS TO THE VARIANCE QUESTIONS

1. This is an extraordinary condition that applies only to this building. I do not think any other drive through buildings have been build on such small lots in Antioch.
2. The public will benefit by the elimination of a drive though liquor store that will be replaced with a business that will be overwhelming devoted to a minimart.
3. Because of the special size circumstances of the location, the application of strict parking requirements would require that the building be demolished and replaced with a smaller building effectively depriving the owner of his ability to use this business zoned property.
4. The comprehensive General Plan should not be affected by allowing a minimart business to exist in a building that will be modified so that its appearance is improved and its purpose is changed to mostly selling food etc. Only a small portion of the store will contain beer, wine and liquor; this is a common store layout in many minimart operations.

ATTACHMENT “D”

ANTIOCH POLICE DEPARTMENT INTER-OFFICE MEMORANDUM

TO: Forrest Ebbs, Community Development Director

FROM: Tammany Brooks, Captain Support Services

DATE: November 18, 2016

SUBJECT: Project No. UP-16-10

The Antioch Police Department received documentation and a request for comments regarding Project No. UP-16-10, a proposed remodel/renovation to the mini-mart located at 2302 A Street. Upon reviewing the included information, I would like to share my concerns regarding this project and its potential impact on law enforcement.

I am concerned with increased traffic and parking issues in the immediate area. With such a small parking lot, ingress and egress for vehicles trying to utilize the on-site parking will be fighting for space. Also, with only two parking spaces accessible to all vehicles, I believe the third parking spot (designated for physically disabled drivers) would routinely be used unlawfully by able-bodied customers. Furthermore, any pedestrians who walk into the establishment from the west door would also be at risk of getting hit by vehicles trying to maneuver in and out of this small area.

Since there is a fire hydrant on the north side of the business, and a red curb preventing parking on the east side, customers would not be able to legally park next to the business. However, with very limited on-site parking, I believe customers will illegally park in these locations, park on the residential W. Madill Street, or use other business lots (like perhaps the Valero gas station next door, which has no designated parking spots). None of these options is preferred and all would inconvenience those affected. Illegally parking on the north or east side of the business would actually be a public safety hazard as well.

The location of this business, along with the extremely small parking area would generate an increase of pedestrian and vehicular traffic in the nearby residential area. Problems such as loitering and littering of purchased/consumed items, which are usually controlled and handled by store employee when they occur on business property at locations on a larger lot, will probably spill into the public streets and private property of nearby residents who will now be forced to address the issues themselves.

I have very strong reservations with this business having two doors allowing customer entry/exit into the building (east and west sides of the business). Such a setup is historically seen as problematic from a crime prevention perspective. Having two exit points creates difficulty in properly monitoring or controlling customers' entry/exit into and from the building. This increases the chance of theft or robbery.

Another design flaw from a crime prevention standpoint is the lack of windows on the east side of the building. This side of the building is the one that will see the greatest number of passing vehicular traffic, as it faces the major thoroughfare of A Street. While I don't have hard evidence, my experience would lead me to estimate 99% of passing vehicular traffic would pass on this side. This includes on-duty police officers. With that said, the limited number of windows would prevent officers (or even the general public) from seeing inside and recognizing if there was any type of trouble or disturbance.

In conclusion, the Antioch Police Department is not in favor of this proposed project as presented. Please feel free to contact me if you wish to discuss anything further.

ATTACHMENT “E”



E1



E2



E3

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF FEBRUARY 15, 2017**

Prepared by: Alexis Morris, Planning Manager
Date: February 8, 2017
Subject: Z-17-01 Tobacco Ordinance Amendment

DISCUSSION

It is recommended that the Planning Commission continue this item to March 1, 2017.