

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

WEDNESDAY, MARCH 7, 2018

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 **WEDNESDAY, MARCH 14, 2018**.

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	Zacharatos, Chair (absent)
	Parsons, Vice Chair
	Motts
	Turnage
	Conley
	Martin (absent)
	Schneiderman

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. January 17, 2018 | APPROVED |
| | | B. February 7, 2018 | APPROVED |

* * * END OF CONSENT CALENDAR * *

MINUTES

NEW PUBLIC HEARINGS

MINUTES

2. **UP-17-05, AR-17-15, V-17-04 - Arco AM/PM Gas Station/Convenience Store/Car Wash** – PM Design Group requests Planning Commission approval of a use permit, design review, variance, and lot merger of two parcels for the construction of a gas station, car wash, and convenience store on the newly created parcel. The project site is located at the northwest corner of West Tenth Street and Auto Center Drive (APN's 074-040-040, 074-010-041).

STAFF REPORT

RESOLUTION NO. 2018-08

3. **PD-15-01 – Oakley Knolls** - Discovery Homes requests approval of a 28-unit residential subdivision at an existing 5.56 acre vacant parcel (051-043-001 through 018). The request includes adoption of an Initial Study/Mitigated Negative Declaration, a reversion to acreage of the current subdivision, a rezoning from Planned Development to Planned Development 15-01, and approval of a 28-unit subdivision with additional parcels for three bio retention basins, a private park, and a drainage parcel. The project site has a General Plan Land Use Designation of Medium Low Density Residential and is located on the north side of Oakley Road, immediately south of the terminus of Honeynut Street, east of Willow Avenue, and west of Phillips Lane (APNs 051-430-001 through 018).

STAFF REPORT

STAFF RECOMMENDS THIS ITEM BE CONTINUED TO MARCH 21, 2018.

CONTINUED TO MARCH 21, 2018

ORAL COMMUNICATIONS

WRITTEN COMMUNICATIONS

COMMITTEE REPORTS

ADJOURNMENT 7:04 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 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.**

**January 17, 2018
City Council Chambers**

In the absence of the Chair and Vice Chair, City Clerk Simonsen called the meeting to order at 6:30 P.M. on Wednesday, January 17, 2018 in the City Council Chambers and determined that there was a quorum. City Clerk Simonsen turned the meeting over to Interim City Attorney Perez who advised the commissioners present that in absence of the Chair and vice Chair, they should select one of the members present to be acting chair. Commissioner Motts was appointed Acting Chair for the meeting by the commissioners present. Acting Chair Motts 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, January 24, 2018.

ROLL CALL

Present:	Commissioners Schneiderman, Motts, Martin, Turnage, Conley,
Absent:	Vice Chair Parsons and Chair Zacharatos
Staff:	Director of Community Development, Forrest Ebbs
	Planning Manager, Alexis Morris
	Assistant City Engineer, Lynne Filson
	Contract Planner, Paul Junker
	Contract Planner, Patrick Hindmarsh
	Associate Planner, Kevin Scudero
	City Attorney, Elizabeth Perez
	City Clerk, Arne Simonsen, CMC

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

Acting Chair Motts welcomed new Planning Commissioner Milanka Schneiderman. Commissioner Schneiderman said that she looked forward to working with her fellow Commissioners.

CONSENT CALENDAR

1. APPROVAL OF MINUTES: November 1, 2017

On a motion by Commissioner Conley; seconded by Commissioner Turnage, the Planning Commission approved the minutes of November 1, 2017 as presented. The motion carried the following vote:

AYES:	Martin, Turnage, Conley, Motts
NOES:	None
ABSTAIN:	Schneiderman
ABSENT:	Parsons, Zacharatos

NEW PUBLIC HEARINGS

- 2. Zoning Ordinance Amendment** - The City of Antioch proposes to amend Title 9, Chapter 5 of the Antioch Municipal Code (Zoning Ordinance) to address the Citywide use of collection facilities, including donation bins, AND definitions and regulations pertaining to garage sales. The Planning Commission will be making a recommendation to the City Council on this matter.

Community Development Director Ebbs presented the staff report dated January 17, 2018 in response to City Council comments and involves minor amendments, stating that it was specifically addressing donation bins. The amendment also addresses garage sales which is currently located in the Finance section of the Municipal Code. The amendment for garage sales is proposed to be placed in the Zoning Ordinance.

Acting Chair Motts opened the Public Hearing. No speakers came forward and Acting Chair Motts closed the Public Hearing.

Commissioner Conley asked who will keep track of the garage sales and who will be issuing citations for violating the proposed rules. Community Director Ebbs said that it would be complaint driven. Regarding donation bins, Commissioner Conley wanted something saying that they would lose their Use Permit for unsightly donation bins.

Commissioner Martin asked who is responsible for ensuring sites are kept clean. Community Director Ebbs said that newer shopping centers generally have rules as to what can be placed on their property, but that older shopping centers may not and that the proposed amendments would address that issue. He also questioned the term "unused" property when it comes to garage sales.

Community Director Ebbs said it meant to address "new" items which individuals may sell at a garage sale, as you might see at a flea market.

Commissioner Martin asked about the set-back from the sidewalk for donation bins and whether they would take up parking spots and preferred not to have them located next to the building.

Community Director Ebbs said that the donation bins cannot take up parking spots unless the retail center had surplus parking spaces.

Community Development Director addressed Commissioner Conley's comments about enforcement and stated that it is covered in the Municipal Code and the Master Fee Schedule and the appeal process for citations.

Commissioner Conley asked about the telephone number of the donation bin owner being displayed and Community Development Director Ebbs said that it is addressed in Section J of the proposed amendment.

Commissioner Turnage asked about garage sales on commercial properties and Community Development Director said that it is already not permitted.

Acting Chair Motts asked if the standard width of a sidewalk is 10 feet. Community Development Director stated that the minimum is 5 feet. Acting Chair Motts asked if a compromise could be to set it at 15 feet back from the street curb.

Assistant City Engineer Filson stated that the City right-of-way goes from the face of the curb 10 feet and suggested that the set-back be from the right-of-way and that some right-of-ways meander a bit.

Community Development Director Ebbs reminded the Commissioners that it requires a Use Permit which does give the staff discretion to use independent judgment.

RESOLUTION NO. 2018-01

On a motion by Commissioner Turnage, seconded by Commissioner Martin, the Planning Commission members present unanimously adopted the resolution recommending that the City Council amend Chapter 5 of Title 9 of the Antioch Municipal Code to address donation bins and garage sales amended to delete item 9-5.3812(B)

The motion carried the following vote:

AYES:	<i>Schneiderman, Martin, Turnage, Conley, Motts</i>
NOES:	<i>None</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>Parsons, Zacharatos</i>

3. **UP-17-03, AR-17-13, PW 357-303-17 - Arco AM/PM Gas Station/Convenience Store/Car Wash** – PM Design Group requests Planning Commission approval of a minor lot subdivision, use permit and design review for the subdivision of an existing 2.98 acre lot into three parcels and the construction of a gas station, car wash and convenience store on one of the newly created parcels. The project site is located at the southwest corner of Hillcrest Avenue and Wildflower Drive **(APN 052-460-011)**.

Associate Planner Scudero presented the staff reported dated January 12, 2018, to the Commission.

Commissioner Martin asked about the existing curb ramp, number 16 on the Project Specific Conditions, at the corner of Hillcrest Avenue and Wildflower Drive shall be removed and replaced with a standard ADA ramp and whether staff is asking the applicant to go beyond the actual project boundaries.

Assistant City Engineer Filson stated that this is just the curb ramp on the corner of the applicant's property.

Acting Chair Motts asked about some discussion of moving the bus stop and asked if that had been resolved.

Associate Planner Scudero said that they had conditioned it to work it out with Engineering and TriDelta Transit staff that it not be moved closer to the intersection, but further away.

Assistant City Engineer Filson said that it may involve some restriping of the left turn pocket, but it appears that it will work.

Acting Chair Motts asked if this will also be the bus stop for the next public hearing item across the street.

Assistant City Engineer Filson said it was unlikely and that there were no buses that went up Wildflower, but just on Hillcrest.

Acting Chair Motts opened up the Public Hearing.

Craig Schafer of PM Design Group, representing BP, said that he has worked with staff for some time to resolve any issues and was supportive of what staff was recommending. He said he had the property owner, Justin Hiegel of Guggenheim Retail Real Estate and Patrick Lemmons, BP representative, present.

Acting Chair Motts asked if the gas station would be a 24-hour operation and what the hours of operation would be for the car wash.

Mr. Schafer said the gas station would be 24-hour and the request for the car wash is 6 a.m. to 10 p.m. and that it would be an automated car wash.

Commissioner Martin asked about two items on the Vested Tentative map which state proposed access utility easement and whether it was their intention to build those at this time or wait until parcels number 2 and number 3 are built.

Mr. Schafer said that the intention is to create grading and drainage plans that work hand-in-hand with the parcels. They will bring the utilities to the service station sight and that Mr. Hiegel could answer those questions.

Commissioner Conley asked if there would be a wall between parcels 1, 2 and 3.

Mr. Schafer said there are no plans for any walls.

Commissioner Conley asked about a dotted line through parcel three and if that was part of the gas station.

Mr. Schafer said that it was the driveway out to Wildflower for future development.

Mr. Hiegel addressed future development of parcels 2 and 3 and said they are actively marketing it, but that they have no current applicants and that it would involve a Conditional Use Permit process. BP would be running utilities to their site and a stub to the other parcels.

Commissioner Martin asked whether the applicant intended to pave to the two other parcels.

Mr. Hiegel said no.

Commissioner Martin asked if the applicant agreed with all the conditions laid out in the staff report.

Mr. Hiegel said that BP was satisfied with the conditions and that the owner of the remaining parcels was also satisfied.

With no further requests to speak, Acting Chair Motts closed the Public Hearing and the matter was now before the Commission.

Commissioner Martin said that he was very pleased with the proposed landscaping and choice of plants for this application.

Commissioner Conley spoke about a previous application for an ARCO station at this site back in the 1990s that did not come to fruition and was pleased to see this application come forward which could lower the price of gasoline.

RESOLUTION NO. 2018-02

On a motion by Commissioner Conley, seconded by Commissioner Turnage, the Planning Commission members present unanimously approved a vesting tentative parcel map, use permit, and design review for Arco AM/PM Auto Service Station, car wash and convenience store (UP-17-03, AR-17-13, PW 357-303-17).

The motion carried the following vote:

AYES:	<i>Schneiderman, Martin, Turnage, Conley, Motts</i>
NOES:	<i>None</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>Parsons, Zacharatos</i>

- 4. PD-16-03, GP-16-01, UP-16-08, AR-16-04 – Wildflower Station –** Denova Homes requests approval of the Wildflower Station Mitigated Negative Declaration, a General Plan Amendment to Mixed Use, a rezone to Planned Development District (PD-16-03), a Vesting Tentative Map/Final Development Plan, a Use Permit and Design Review. The proposed project consists of nine commercial buildings totaling 89,422 square feet, four residential condominium buildings to accommodate 98 units, 22 new single-family homes and associated improvements on the 23.03 acre project site. The project site is located generally north of the intersection of Hillcrest Avenue and Wildflower Drive (**APN 053-140-002**).

Commissioner Turnage stated that he may have a conflict of interest and have to recuse himself from Item #4, as he has a business relationship with one of the applicants and asked if he should recuse himself. Interim City Attorney Perez determined that there was not a conflict of interest and that Commissioner Turnage could participate.

Assistant City Engineer Filson said that Contract Planner Paul Junker, who has been working on this application for the past 18 months, would be presenting this item. She also said that she had hard copies of the resolutions which were also emailed to the Planning Commission yesterday.

Contract Planner Paul Junker presented the staff report dated January 17, 2018, to the Planning Commission.

Commissioner Martin asked about the multifamily units which are supposed to be condominiums as opposed to rentals and whether there is going to be a physically separated road between the condominiums and the commercial section, or is it just a roadway.

Mr. Junker said that it would be the primary roadway that provides access from Wildflower to Hillcrest. On one side of it would be the multifamily and on the other the commercial area.

Commissioner Martin then asked if the upper road would only be for the single family houses and that the lower road would be for both the multifamily and commercial area.

Mr. Junker said yes.

Commissioner Martin asked if there had been any discussions with the applicant about “cross parking” between the multifamily and commercial parking areas.

Mr. Junker said that there have been no discussions about parking restrictions as it will be a fully privately owned site and deferred any discussion of it to the applicant.

Commissioner Martin asked if there had been any discussions about maintenance of entrance signage.

Mr. Junker said that there are some shared responsibilities between the multifamily and commercial area. Exactly how that maintenance is to be funded has not been determined, but it will be a requirement either for the HOA (Homeowners Association) or a commercial agreement (Common Area Maintenance), or a combination of both property-wide. Staff will ensure that all those obligations are in place and funded.

Commissioner Conley said it appeared that all the roads within the project are private and not City funded. He asked what the cost was of repaving a quarter mile of a road. He asked if there were going to be two HOAs: one for the single family street and one for the multi-family/commercial street. Who is going to be responsible for maintenance of the roadways?

Assistant City Engineer Filson said that in the Conditions of Approval the applicant must form an HOA(s), meaning possibly one for the single family and one for the multifamily; as well as an equivalent mechanism for the commercial area, to maintain the area. One possibility is forming a CFD (Community Facilities District) and LLD (Lighting & Landscape District) to determine the assessment necessary to maintain the roadway and C3 basins, and such. In the Conditions of Approval the City doesn’t care which mechanism they use, but they will have to do it. There have been several discussions about this.

Commissioner Conley asked whether that agreement should be worked out before approval?

Mr. Junker said that there are still certain technical aspects that they have to work out as approval plans are prepared and the final map. We are at the land use entitlement now and we believe that we have put in all the triggers that these questions and these

mechanisms are established before we get to the point of final map recordation and approval of improvement plans.

The other question Commissioner Conley had were that there were three definite components to this project: the single family, the condominiums, and the commercial. Is construction going to start on all three? Is the single family going to get done, and a year later on the condos, and then later they work on the commercial? Or, is it all done at one time?

Mr. Junker said that there is no construction phasing stipulated. But we can ask the applicant to share what his intentions are as far as sequencing construction. There are certain things that are required to move forward and some of them are front-loaded.

Commissioner Schneiderman asked about the small lot size with the houses being about 2,000 square foot and the lots around 3,500 square foot.

Mr. Junker said that there were a few areas which they were concerned about. One if the driveways are 20 feet long and that is not a standard required throughout the City; also, access for trash cans being stored behind a gate on the side.

Acting Chair Motts asked about the roadway between Wildflower and Hillcrest and if it came out on Hillcrest by Kentucky Fried Chicken.

Assistant City Engineer Filson said yes, that the loop road does come out by Kentucky Fried Chicken at the existing full signalized intersection.

Acting Chair Motts asked if an entrance/exit had been considered mid-point, but Assistant City Engineer Filson said that because it is a sweeping curve with traffic from Hillcrest and Deer Valley Road, it would not be feasible.

Acting Chair Motts asked if the detention basins could be used as quasi-parks and can people actually go in there?

Mr. Junker said that they are actually not compatible. You could have benches next to them, but no public access to them. There are no proposed barriers and the basins are not a safety hazard.

Acting Chair Motts asked about the 42-inch fences behind the single family homes. Mr. Junker said that they were more for privacy from viewers down below, but would not provide a hindrance to views from the back yards of the single family homes.

Acting Chair Motts asked about the trees planned for the slope below the single family homes and Mr. Junker said that should be a question for the applicant to ensure that the trees didn't obstruct the "million dollar view" from the single family homes.

Acting Chair Motts opened the Public Hearing.

Trent Sanson, on behalf of DeNova Homes, thanked the City staff for their work on this project. He presented a PowerPoint of the project. He said that DeNova Homes is a family-owned company started by his parents. Their motto is "Building a Better Community" and mentioned the awards their company has received. Also present tonight are Jeff (Potts) and Dave from SDG Architects who can answer questions about commercial, multifamily and single family designs; and, Karim Hodayun with Meridian Associates, our civil engineer on the project. He then proceeded to show the slides of the project with different views, explaining each slide, emphasizing its nexus to the BART station. He talked about when the initial concept came forward in 2014 with multifamily apartments and how the project has changed due to previous comments from the Planning Commission, staff, and neighbors in 2015. He said they met with TriDelta and that they did not want any additional bus stops on westbound/northbound Hillcrest Avenue. With regard to the Homeowners Association, there will be a master HOA housing with sub HOAs to cover maintenance for common areas in the CC&R's. For the commercial area, there will be a commercial version of an HOA. As for phasing, grading will all be done at one time. They do not have any commitments for the commercial area at this time. They anticipate the single family and multifamily to going in first while marketing the commercial area. With regard to the small lot sizes for the single family homes, it is more in tune with today's market for low maintenance smaller lots. If desired, they could put in view fences around the detention basin.

Commissioner Conley asked about TriDelta not wanting an additional bus stop along this parcel. He asked about a proposed bus stop across the street on Hillcrest (eastbound).

Mr. Sanson said that it was the one in the previous Public Hearing for the gas station.

Commissioner Conley said that it would be for a bus heading in the other direction and that TriDelta didn't want another bus stop for a bus heading towards the BART station.

Assistant City Engineer Filson said that there is an existing TriDelta bus stop near the KFC/Oil Can Henry and some further south on Hillcrest and one on Wildflower.

Commissioner Conley said that to him, this area has always been commercial and that he has problems allowing condominiums and then someday commercial.

Mr. Sanson said that while the site has always been designed commercial, nothing has come forth in decades. He stressed how the synergy with having the multifamily and single family units within the project will attract new commercial development.

Acting Chair Motts asked if the pads for the commercial will be built or waiting.

Mr. Sanson said that Colliers has expressed interest once the infrastructure is in place. He said that the pads would come in when commercial commitments are made.

Commissioner Martin asked how the joint parking will occur and how to segregate the multifamily parking from the commercial parking.

Mr. Sanson said they would have 186 required parking spaces for the multifamily. That every multifamily would have assigned spaces restricted to homeowners. Guest parking would be on the upper road.

Commissioner Martin asked if it was anticipated that most of the multifamily residents would walk or bike to BART.

Mr. Sanson said yes. The hope was that there wouldn't be a need for so many private cars and they most would walk or bike to BART.

Commissioner Martin asked about the need for more commercial trash containers and more in the center section of the condominiums for homeowner convenience.

Mr. Sanson referred to the Preliminary Development Plan and the Tentative Map, and saw opportunities to include those extra trash enclosures, the same for the commercial area without taking up any parking spaces. He will be coordinating with Allied Waste (misspoke Concord Disposal) to ensure that their trucks can maneuver.

Commissioner Martin noted that in the plans there is no provision for the loading and unloading of trucks, particularly for a grocery store.

Mr. Sanson said that they did take that into consideration early on and were looking at restricted hours for delivery trucks, similar to other shopping centers.

Assistant City Engineer Filson said that the plans show the commercial buildings having interior service corridors, but not a loading dock as Commissioner Martin mentioned.

Commissioner Martin said that he always believed that the lower section was going to be commercial. He never considered any residential. He does like the houses at the top which is a good fit. He wants to keep an open mind.

Mr. Sanson explained that under current zoning, if the multifamily condominiums were not there, you'd only be able to get an additional 11,000 square feet of commercial.

Commissioner Turnage said that people today don't have the time to take care of a large property with their long commutes and what is being proposed is exactly the kind on infill project that is needed and desired.

Commissioner Schneiderman agreed with Commissioner Turnage, that with BART going in as you see in Walnut Creek.

Acting Chair Motts asked if the applicant had mentioned a gym.

Mr. Sanson responded yes.

Acting Chair Motts asked about including solar on the condominiums.

Mr. Sanson said that it is possible as they have done that on another project. But they would need to do a solar feasibility study.

Jeff Potts, SDG Architects, responded to previous questions. He explained how the condominiums are taking advantage of a 10-foot slope. The commercial area was designed so that you see the front of the stores and not the backs. With regards to loading areas, they are looking at off hours on the corners.

Commissioner Martin doesn't like a street where all the houses look the same. He noted only two floor plans and a total of four designs. He requested they consider variety and not five exactly alike in a row.

Mr. Potts said that there are also three color designs, so you are going to get a mixed variety on the street. He also pointed out that the street is not in a straight line, but curves and has some slope. With regards to the small lots, this is more of a transition to the condominiums. He stressed how the residential will drive the commercial portion.

Commissioner Turnage asked about electric charging stations.

Mr. Potts said that he believed under the California Green Code they are required to include electric vehicle charging stations.

Acting Chair Motts closed the Public Hearing and the matter was now before the Commission.

Acting Chair Motts said that this project is exactly what we need. He mentioned what the City of Emeryville has done.

Interim City Attorney Perez interjected asking if there was another Speaker Card that was brought up in the beginning of the meeting.

Acting Chair Motts said that it was actually for the applicant for Item #3 who spoke.

Acting Chair Motts understood the concerns raised by Commissioner Martin and believes they have been addressed.

Commissioner Conley reiterated that he always believed this area was for commercial. He believes that some of the commercial should be built at the same time as the residential.

Acting Chair Motts reopened the Public Hearing at the request of Commissioner Conley.

Mr. Sanson understood Commissioner Conley's concerns and said that his partner reminded him, and that he forgot to mention, that they will be starting on one commercial building on their own as a "design center" but unfortunately in today's world you can't get commercial construction financing without a tenant.

Acting Chair Motts closed the Public Hearing.

Acting Chair Motts said that he had a lot of faith in this project, particularly with its location to mass transit and the freeway. He asked staff whether they needed to amend the conditions to include solar.

Assistant City Engineer asked if he wanted to add that condition or leave it up to staff's discretion. She mentioned that if the applicant wanted to come in for a permit for solar, that staff does not have a lot of discretion and it is an "over-the-counter" permit. If you want to require them to put in solar, then that is a different thing that would have to be a condition of approval. She stated that solar is now very common and that almost every commercial building now has solar on their roof. Most carports in residential are either built with it or putting it on after the fact. She said that she would be shocked if a commercial building didn't put in solar in the City.

Acting Chair Motts asked a procedural question, if the four recommendations can be taken in one vote.

Interim City Attorney Perez said all four recommendations could be made in one motion.

Commissioner Martin asked about some recommended changes that were mentioned, like the trash enclosures, HOA, parking, etc. and asked if the conditions already cover those.

Assistant City Engineer Filson stated that they have conditions requiring an HOA or some other entity to be formed for maintenance, signage and striping plans before Final Map; design review of building signage would come back to the Planning Commission so that a number of conditions such as additional trash enclosures can be worked out at the building permit level so those issues are covered in the resolutions. If you don't think they are adequate, then that would need to be part of a motion.

Commissioner Martin just wanted assurance that those items were covered.

RESOLUTION NOS. 2018-03, 2018-04, 2018-05, 2018-06

On a motion by Commissioner Martin, seconded by Commissioner Turnage, the Planning Commission members present unanimously: 1) Adopted the resolution recommending Declaration; 2) Adopted the resolution recommending approval of the Wildflower General Plan Amendment (GP-16-01) changing the land use designation from Neighborhood Community Commercial to Mixed Use; 3) Adopted the resolution recommending adoption of the Wildflower Station Initial

Study and Mitigated Negative approval of an ordinance for a zoning map amendment from Planned Development District (PD) and Neighborhood/Community Commercial (C-2) to Planned Development District (PD-16-03); and 4) Adopted the resolution recommending approval of a Vesting Tentative Map/Final Development Plan, Use Permit, and Design Review subject to conditions of approval (PW-460-4, UP-16-08, AR-16-04).

The motion carried the following vote:

AYES:	<i>Schneiderman, Martin, Turnage, Motts</i>
NOES:	<i>Conley</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>Parsons, Zacharatos</i>

ORAL COMMUNICATIONS

City Clerk Simonsen reminded the Commissioners as Article II filers to submit their online FPPC Form 700 "Statement of Economic Interest" with the FPPC no later than April 1, 2018. Newly appointed Commissioner Schneiderman will be filing her Form 700 with the City Clerk. He also requested that each Commissioner filing online with the FPPC to also print out a copy, sign it and deliver to the City Clerk. Commissioner Martin asked if he needs to file another Form 700 since he was appointed in November and City Clerk Simonsen said he did not. But if he receives an email from the FPPC, then he may want to give them a call since they already have his Form 700 on file.

Acting Chair Motts had a question for staff regarding an email that went out about a Planning Seminar.

Assistant City Engineer Filson responded that there is a League of California Cities Planning Commissioners Conference April 4-6 in Monterey. We have some training budget set aside for the first time in many years. The Mayor is very interested in Planning Commissioners receiving training. We just need to get a head count to see if we can cover all of the cost or a partial cost. So we sent out an email to see who is interested and willing to go and then we can look at the budget and follow up with you.

City Clerk Simonsen reminded the Commissioners of The Brown Act if there is a majority of the Commissioners attending and that he would provide a Brown Act brochure to those attending.

Assistant City Engineer Filson wanted to update the Commission that a Verizon cell tower at Contra Loma Plaza has withdrawn their application.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Acting Chair Motts stated that he attended the Transplan meeting last week. That a new Chair and Vice Chair were elected and a presentation on the Concord Naval Weapons Station reuse was made covering 25 square miles. He stated that they may be through with their plan in a year to a year and a half.

ADJOURNMENT

Acting Chair Motts adjourned the Planning Commission at 9:03 P.M. to the next regularly scheduled meeting to be held on February 7, 2018.

Respectfully Submitted,
Arne Simonsen, CMC, City Clerk

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**February 7, 2018
City Council Chambers**

Chair Zacharatos called the meeting to order at 6:34 P.M. on Wednesday, February 7, 2018 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, February 15, 2018.

ROLL CALL

Present: Commissioners Motts, Martin, Turnage, Schneiderman and Chair Zacharatos
Absent: Commissioner Conley and Vice Chair Parsons
Staff: Planning Manager, Alexis Morris
Associate Planner, Kevin Scudero
Interim City Attorney, Samantha Chen
Captain, Tony Morefield
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. Approval of Minutes: December 6, 2018

On motion by Commissioner Motts, seconded by Commissioner Martin, the Planning Commission approved the minutes of December 6, 2018, as presented. The motion carried the following vote:

AYES: Motts, Martin and Turnage
NOES: None
ABSTAIN: Schneiderman and Zacharatos
ABSENT: Parsons and Conley

NEW PUBLIC HEARINGS

2. **Z-17-03 – 1600 G Street Rezone** – Roy Johnson requests Planning Commission approval to rezone his property at 1600 G Street (APN 067-202-014) from Single Family Residential (R-6) to Convenience Commercial (C-1).

Associate Planner Scudero presented the staff report dated February 2, 2018 recommending the Planning Commission approve the resolution recommending that the City Council approve the proposed rezone for 1600 G Street.

In response to Commissioner Motts, Associate Planner Kevin Scudero explained that the City's code did not differentiate between a restaurant and snack bar as it was classified as a food use. He stated this item was a rezone action for a restaurant that was permitted by right so conditions of approval could not be added. He stated that the applicant had indicated to staff that the paint would be changed and the fence would be improved.

In response to Commissioner Martin, Associate Planner Kevin Scudero clarified that uses permitted by right were typical neighborhood serving uses. He noted a liquor or convenience store would require a use permit; however, those uses would not be approved because of the parking requirements and properties proximity to the high school.

In response to Commissioner Turnage, Associate Planner Kevin Scudero stated that he had been told that Antioch High School did not have off campus lunch.

Chair Zacharatos opened the public hearing.

Joanne Rincon, Brentwood resident, stated she owned property in the neighborhood and expressed concern regarding the rezone of the property particularly related to littering, illegal activity, and the lack of available parking in the area. She urged the Planning Commission to consider whether they would want to live across the street from this establishment.

Manuel Madruga, Oakley resident, provided written comment requesting the Planning Commission not recommend approval of the rezone for the property.

Skye Henry, Antioch resident, expressed concern regarding the lack of available parking in the neighborhood and any nuisance that would bring attention to the area.

Roy Johnson stated he kept the business vacant for years while he looked a tenant who would provide catering service, maintain the property, and not generate traffic in the area. He stated he monitored the property to prevent criminal activity and his former tenant would clean the property three times every day.

In response to Commissioner Martin, Mr. Johnson explained the parking was in the front and down the side of the property which was why he was looking for a tenant that would not have customers that remained on site. He noted the proposed use was a catering/take out business. He further noted they had always had a minimum amount of parking. He clarified that they would be replacing the fencing with wrought iron and completing the mural work on the outside of the building.

In response to Commissioner Motts, Mr. Johnson stated the business would not be operated as a snack shop.

In response to Commissioner Turnage, Mr. Johnson stated at this time they were not planning on any outside seating; however, if they changed their minds they would only have one or two tables. He stated with the proposed use as take out or delivery, the concerns voiced regarding parking and debris would be minimized.

Chair Zacharatos closed the public hearing.

Associate Planner Kevin Scudero announced a representative from the Police Department and Code Enforcement Department was present to answer any questions the Commission may have regarding this agenda item. He clarified that with regards to outside dining, in the C-1 commercial district, outdoor dining required a use permit and would be required to come before the Planning Commission or Zoning Administrator for approval.

In response to Commissioner Martin, Associate Planner Kevin Scudero explained that any restaurant could have seating inside the building.

Commissioner Motts stated he supported the historical use of the building and he believed the new use would eliminate some of the problems in the neighborhood.

In response to Chair Zacharatos, Associate Planner Kevin Scudero clarified that assuming the rezone was approved by Council, the restaurant use would be permitted by right and they would need to obtain a business license as well as permits for any improvements required by the building department.

Commissioner Martin stated he understood the speakers concerns; however, being a property owner in town with a non-conforming property he understood the situation. He reported he patronized the former business many times and recognized the historical value. He noted the business had been there many years and he did not see a problem with leaving it that way with the understanding that there were still restrictions on the property. He further noted most uses in the zoning designation would require an additional use permit that would be required to come before the Planning Commission for approval.

RESOLUTION NO. 2018-07

On motion by Commissioner Martin, seconded by Commissioner Motts, the Planning Commission members present unanimously approved the resolution recommending that the City Council approve the proposed rezone for 1600 G Street. The motion carried the following vote:

AYES: *Schneiderman, Motts, Martin, Turnage and Zacharatos*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Parsons and Conley*

- 3. PDP-16-02 – Delta Fair Village** – Gabriel Chiu, Chiu Family LLC, requests Preliminary Development Plan review of a proposal to develop approximately 308 multi-family units, which would be located in two four story buildings located above two single story parking garages. The project would also include a clubhouse, pool and playground located between the two parking garages. The total square footage of the two new buildings would be approximately 534,734 s.f. The project would demolish a portion of the Delta Fair Village Shopping Center and be constructed in its place. The purpose of a Preliminary Development Plan is to gather feedback from the Planning Commission and others in order for the applicant to become aware of concerns and/or issues prior to final development plan submittal. The project would require the following entitlements: a General Plan amendment, a Planned Development Rezone, a Lot Line Adjustment, a Use Permit and Design Review. The project site is located on the northeast corner of Delta Fair Blvd. and Buchanan Road (APNs 076-440-029, -030, -031).

Commissioner Turnage reported he had been friends with the applicant for years and he had been in discussions with the City on this project; therefore, he would recuse himself from this agenda item.

Interim City Attorney Chen advised Commissioner Turnage to leave Council Chambers and stated staff would come get him after the conclusion of the Public Hearing.

Planning Manager Morris presented the staff report dated February 2, 2018 recommending the Planning Commission provide feedback to the applicant and staff for the Final Development Plan submittal.

In response to Commissioner Motts, Planning Manager Morris stated this item was for discussion purposes only.

In response to Commissioner Martin, Planning Manager Morris explained the type of multifamily directly to the east were 2 story apartments and farther to the east were

condominium projects with densities of approximately 20 units per acre. She clarified that to the west of Somersville Road was the potential future Tuscany Meadows project in Pittsburg, which would be approximately 1000 units of single family and apartments which would use Buchanan Road and Somersville Road as their primary access points. She noted there was also a little bit of commercial planned in that development. Additionally, the Buchanan Crossing shopping center on the north side of Buchanan Road was partially built out and on the southeast corner of Buchanan Road and Somersville Road was an application for a multi-tenant commercial center and potential gas station. She stated she was not a market research analyst; however, she believed that with the build out of the area there was an excess of retail square footage in the corridor.

Commissioner Martin stated he had some questions relating to level of service on the roads around the project as well as the adequacy of the sewer and water system.

In response to Commissioner Martin, Planning Manager Morris explained that the property owner paid for the police community finance district. She clarified that the applicant had represented this project as market rate project.

Commissioner Schneiderman questioned if reducing the project by one story was the best approach at addressing staff's recommendation to reduce the density of the project.

Planning Manager Morris responded that there were other design approaches that could be utilized to meet the City's guidelines. She noted the highest density allowed was 35 units per acre and staff was looking for the Planning Commission's recommendation on the density issue. She noted staff's opinion was that 35 units per acre was the upper most threshold that could be accommodated on the site.

Chair Zacharatos stated besides the density and appearance, her greatest concern was the traffic.

Gabriel Chiu, applicant, provided the Planning Commission with sketches increasing the total buildings proposed from 2 to 6. He noted if they were allowed 4 stories above a garage it would be approximately 300 units and there would be a reduction of 75 units if reduced to 3 stories.

In response to Commissioner Martin, Mr. Chiu stated the garage would be gated and there would be security cameras and an intercom system.

Commissioner Martin recommended controlled access to the buildings and providing a way for tenants to bring their furniture up to their units.

Commissioner Martin suggested the applicant address access and lighting for the interior courtyards, as well as include amenities for the area. He noted he did not support a 4 story building next to retail because it was not inviting. He requested the applicant work on the character of the building as staff had suggested.

Mr. Chiu responded that they would comply with all of the recommendations.

Commissioner Martin recommended the following be address prior to consideration of their application:

- Enhancing the façade on the garage
- Varying the height of the units
- Incorporating the City's Design Guidelines
- Providing a marketing study for the commercial/retail properties in the area
- Reducing the project to less than 35 units per acre
- Addressing the affect the project would have on the level of service for traffic in the area

He noted the project as proposed did not fit his criteria for approving a zoning change and general plan amendment.

Chair Zacharatos encouraged Mr. Chiu to work with the staff to address recommendations from staff and the Commission. She reiterated that traffic and esthetics were significant concerns. She encouraged the applicant to decrease the number of units and adhere to the City's guidelines.

Mr. Chiu stated they would attempt to decrease the amount of units.

In response to Commissioner Motts, Captain Morefield reported a nearby apartment complex of 285 units generated approximately 300 calls for service annually and any new complexes would generate additional calls for service. He explained that the Antioch Police Department had met with the applicant and informed him that 300+ units were too many for the area. He stated at that time the applicant seemed receptive to their recommendations for an onsite resident manager, installation of a camera system and reducing the size of the buildings. He noted that the applicant had not presented him with a proposal to increase the project from two to six units. He reported that intersections in the area were heavily impacted during rush hour and anything the applicant could do to decrease the number of units would reduce those impacts.

Chair Zacharatos added that the fire house in the area would also be negatively impacted by more traffic in the area.

Chair Zacharatos closed the public hearing.

Commissioner Motts stated he was generally in favor of mixed use developments especially near transportation corridors; however, the lack of transit access and the existing level of service for Somerville Road interchanges gave him hesitation regarding the viability of this project. He stated he would be happy to see a change to the existing use of the property; however, a general plan amendment and rezone at this level should require an economic study/cost benefit analysis and determine the reasons for the commercial vacancy rates in this corridor. He noted a change should not be made on assumptions when the benefits were questionable. He further noted the projects proximity to retail in the Century Boulevard retail zone could support a zoning change or conclude that the impending development of Tuscany Meadows would highlight a need for future commercial applications supporting an argument against the loss of further commercial inventory. He stated the City must be aware of the impact this project would have on future projects on Somerville Road. He agreed with staff's concerns and supported their recommendations pertaining to the site layout and design as well as the recommendations for traffic, circulation, and parking.

Planning Manager Morris responded that staff would recommend that the applicant initiate the fiscal impact analysis as part of their development application.

Chair Zacharatos stated she was excited to see development in the area; however, she agreed with concerns related to the aesthetics, height of the buildings, density and logistics at this location. She stated the project as presented would not be feasible; however, she believed the applicant could bring forward a viable project for the site.

Commissioner Schneiderman agreed with Chair Zacharatos and noted that it would be nice to see an area that was currently riddled with blight be developed. She stated she supported staff's recommendations and noted that the applicant should design a project that complied with the City's codes.

Interim City Attorney Chen requested Associate Planner Scudero invite Commissioner Turnage back into the meeting; however, Commissioner Turnage was no longer present.

ORAL COMMUNICATIONS

Enhancing Our Quality of Life – Join the Conversation

Director of Community Development Ebbs gave a PowerPoint presentation of the Quality of Life Survey results. He announced the City was continuing to gather information and he presented surveys to the Commissioners for submittal to the City.

WRITTEN COMMUNICATIONS

Commissioner Motts reported the next Transplan meeting had been cancelled.

COMMITTEE REPORTS

None.

ADJOURNMENT

Chair Zacharatos adjourned the Planning Commission at 8:00 P.M. to the next regularly scheduled meeting to be held on March 7, 2018.

Respectfully Submitted,
Kitty Eiden

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF MARCH 7, 2018**

Prepared by: Kevin Scudero, Associate Planner *KS*
Reviewed by: Forrest Ebbs, Community Development Director *FE*
Date: March 2, 2018
Subject: UP-17-05, AR-17-15, V-17-04, PW371-RA-56– ARCO AM/PM

RECOMMENDATION

It is recommended that the Planning Commission **APPROVE** the lot merger, use permit, variance and design review for a gas station, convenience store and self service car wash subject to the conditions contained in the attached resolution.

REQUEST

The applicant, PM Design Group, requests Planning Commission approval of a lot merger, use permit, variance and design review for the construction of a new gas station with a 3,180 square-foot convenience store with beer, wine and tobacco sales, self service car wash, and associated parking lot and landscape improvements. The project is located at the northwest corner of West Tenth Street and Auto Center Drive (APN's 074-040-040, 074-040-041) (Attachment A).

ENVIRONMENTAL

The proposed project is an infill project, and is considered exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines section 15332 – Infill Development Projects: 1) the project is consistent with the General Plan as well as the applicable zoning designation; 2) the proposed development occurs within the city limits on a project site no more than five acres; 3) the project site has no value as habitat for endangered, rare, or threatened species; 4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality as the site is currently developed with a commercial use; and 5) the site is adequately served by all required utilities and public services.

ANALYSIS

Issue #1: Project Overview

The proposed project includes the merger of two parcels into one 44,586 square foot parcel and the construction of a 3,180 square foot AM/PM convenience store with an attached self service car wash. The convenience store will be open 24 hours and sell

beer, wine and tobacco in addition to the usual snacks, drinks and food items that are customary to convenience stores. The site will also include the construction of a fueling canopy over eight fuel dispensers arranged in four rows. Additional site details include underground fuel storage tanks, a trash enclosure, and landscaping and irrigation.

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

The General Plan designation of the site is Neighborhood Commercial. The site is zoned Light Industrial (M-1). An auto service station with a convenience store and car wash require the approval of a use permit in the Light Industrial (M-1) zoning district.

The surrounding land uses and zoning designations are noted below.

North:	Youth Baseball Complex / Light Industrial (M-1)
South:	Various Automotive uses / Planned Business Center (PBC)
West:	Hazel's Restaurant/ Light Industrial (M-1)
East:	Various Automotive uses / Neighborhood Commercial (C-2)

Issue #3: Architecture, Design, and Landscaping

The proposed site would demonstrate standard franchise architecture and site design. The building design is similar to the recently approved ARCO AM/PM station at the intersection of Hillcrest Avenue and Wildflower Drive that was approved by the Planning Commission on January 17, 2018. The convenience store is generally rectangular with stucco siding and stone that wraps around the base. The colors are earth tone and tile details accent the tower elements. The primary storefront is predominantly glass with brown aluminum metal awnings over hanging the windows and entrance.

The proposed canopy is a cream color with structural columns that are stucco with a stone base. The canopy contains a broad blue dimensional bull-nosed band with central circular sign elements and a cornice around the perimeter to tie it in architecturally with the convenience store. The only lighted elements of the canopy will be the channel letters, logos, and canopy down lights.

The landscaping is located primarily around the perimeter of the site. The landscape plan includes a variety of drought tolerant trees, shrubs, and ground cover that meet the City of Antioch standards.

The proposed monument sign has a stone base but does not contain any other architectural features. Section 7.4.1b of the Citywide Design Guidelines for monument signage requires "additional architectural elements such as columns, pilasters, cornices, trellises and similar details shall provide design interest and frame the sign panel." While the stone base is architecturally compatible with the building design, staff has conditioned the project to add additional features to better frame the sign panel. The revised sign design is required to be included with the building permit submittal and be subject to the approval of the Zoning Administrator.

Issue #4: Site Plan, Circulation and Parking

As described above, the proposed project will include eight gas dispensers covered with a new canopy and 3,180 square foot convenience store with an attached self service car wash. The site will be accessed via one driveway on Auto Center Drive and one on West Tenth Street. The proposed route for the fueling trucks has them entering from the Auto Center Drive Driveway and exiting onto West Tenth Street.

The Antioch Municipal Code requires automotive service stations with convenience stores to provide one parking space per 250 square feet of gross floor area plus one space per employee on the largest shift. The site will contain sixteen standard parking spaces, two accessible spaces, and sixteen fueling positions for a total of thirty four parking spaces, which is more than the seventeen spaces the Municipal Code requires.

On Auto Center Drive adjacent to the site, there is a “striped median” which is two sets of double yellow lines 4’ or more apart. It is illegal to make left turns over a “striped median”. With the anticipated increase in traffic volumes into and out of the site, staff has added a condition of approval to have the applicant install a raised, concrete median to replace the striped median. This will more effectively prevent the illegal, and potentially dangerous, turning movements.

Issue #5: Landscape Setback Variance Request

The applicant is requesting a variance from the required front and side yard landscape setback specified in the Antioch Municipal Code. Section 9-5.601 of the Antioch Municipal Code requires non-residential uses in the M-1 zoning district fronting an arterial street to have a thirty foot setback with thirty foot landscaping. The shape of the site makes it difficult to meet the required landscape setback while maintaining optimal site circulation for vehicle traffic and fueling trucks. The site as it is currently developed does not have a thirty foot landscape setback and neither do other properties in the vicinity. The proposed landscape setback would be consistent with the neighboring properties.

To approve a variance, four findings must be made (Antioch Municipal Code Section 9-5.2703). If an application can meet all four of the findings, then the variance can be granted. Conversely, if any one of the findings cannot be made, the variance should be denied.

The four findings and their applicability to the variance request for a reduced landscape setback are as follows:

- 1. That 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.**

The odd shape of the parcel creates an exceptional circumstance where a thirty foot landscape setback would directly impact vehicle site circulation while still maintaining the required setback of 35 feet from the fuel canopy to the edge of any parking stalls. The property as it is currently developed does not have a thirty foot landscape setback nor do the other commercial properties in the vicinity.

2. **That the granting of such variance will not be materially detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.**

The reduction in landscape setback will not be materially detrimental to the public health or welfare. The reduced landscape setback will enhance the public safety by creating an onsite traffic flow pattern that is safer than if the required thirty foot landscape frontage was implemented along both frontages

3. **That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, 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 classifications.**

Special circumstances are applicable to this property, including size and shape. The layout of the subject property is long and narrow such that requiring thirty foot landscaping setbacks along both frontages would render onsite traffic flow insufficient. The current service station at the site does not have a thirty foot landscape setback nor do the other commercial properties in the vicinity.

4. **That the granting of such variance will not adversely affect the comprehensive General Plan.**

The applicants request would not adversely affect the General Plan as automotive service stations are allowed in the Neighborhood Commercial General Plan designation.

Issue #6: Alcohol Sales Variance Request

Antioch Municipal Code Section 9-5.3831, Liquor Establishments, states the following:

- (A) No on-sale or off-sale liquor establishments shall be operated within a radius of 500 feet from any other on-sale or off-sale liquor establishments or any school, public park, playground, recreational center, day care center, or other similar use.
- (B) This restriction shall not apply to the following uses:

- (1) Retail markets having a minimum 10,000 square feet of floor area which devote no more than 5% of such floor area to the sale, display and storage of alcoholic beverages.
- (2) Restaurants which derive a minimum of 51% of their gross receipts from the sale of meals.
- (3) Special event functions such as neighborhood or community festivals, provided all necessary city, state and other permits are secured.

The proposed AM/PM convenience store is located adjacent to a youth baseball complex to the north of their site. The proximity to the youth baseball complex requires a variance from the 500 foot setback in order to sell alcohol at the site.

Staff has reviewed the applicant's variance request and believes that justifiable findings can be made to support a variance to this dimensional standard. The site currently has an ABC license for the sale of beer and wine and the applicant is proposing to purchase the existing ABC license and continue a use that is currently active at the site. There have been no reported problems from the sale of beer and wine at the site within the last year and the youth baseball complex is not a typical neighborhood park where people regularly congregate. The children at the baseball fields are always supervised by adults while participating in a structured activity. Staff has added a condition to install a six foot high masonry wall along the rear property line that borders the youth baseball complex. Further, staff has added conditions limiting the type of alcohol to be sold. There would only be beer and wine sold and no single serve beer or wine-derived products would be sold.

The four findings and their applicability to the variance request for alcohol sales within 500 feet of a park are as follows:

1. **That 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.**

The site is located along at the corner of two major arterial streets where the majority of patrons will buy gas and other products. The sale of beer and wine will be a convenience to patrons who would already be stopping for gas. Arco AM/PM is not a liquor store that attracts customers looking only for alcohol sales.

2. **That the granting of such variance will not be materially detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.**

The granting of this variance would allow the sales of alcohol as an ancillary use to the sales of gasoline, fast food, and other convenience retail services. The project, as conditioned, would ensure that the sales of alcohol does not become a more prominent element of the business, but that it would remain a

convenience to patrons already in the store for other business. The site currently sells beer and wine and the Antioch Police Department has reported no calls for service due to the sale of alcohol at the site within the last year.

3. **That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, 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 classifications.**

The site currently has an ABC license for the sale of beer and wine and the applicant is proposing to continue a use that is currently active at the site. There are no reported problems from the sale of beer and wine at the site and the park that is within 500 feet of the site is a youth baseball complex and not a typical neighborhood park where people congregate. The children at the baseball fields are always supervised by adults while participating in a structured activity.

4. **That the granting of such variance will not adversely affect the comprehensive General Plan.**

The granting of the variance will not adversely affect the General Plan as there are already beer and wine sales at the site and the granting of the variance would allow the existing use to continue.

ATTACHMENTS

- A: Vicinity Map
- B: Project Description and Variance Requests
- C: Site Plan

**CITY OF ANTIOCH PLANNING COMMISSION
RESOLUTION NO. 2018-****

**RESOLUTION OF THE CITY OF ANTIOCH PLANNING COMMISSION APPROVING
A LOT MERGER, USE PERMIT, VARIANCE AND DESIGN REVIEW FOR ARCO
AM/PM AUTO SERVICE STATION, CAR WASH AND CONVENIENCE STORE (UP-
17-05, AR-17-15, V-17-04, PW371-RA-56)**

WHEREAS, the City of Antioch received a request from PM Design Group for approval of a lot merger, use permit, variance and design review, for the merger of two parcels and construction of a new gas station with an approximately 3,180 square-foot convenience store and an attached drive-through car wash. The project is located at the northwest corner of West Tenth Street and Auto Center Drive (APN's 074-040-040, 074-040-041); and,

WHEREAS, the project is categorically exempt under CEQA Guideline 15332-Infill Development Projects, and,

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

WHEREAS, the Planning Commission on March 7, 2018, duly held a public hearing and received and considered evidence, both oral and documentary.

NOW THEREFORE IT BE RESOLVED that the Planning Commission does hereby make the following findings for approval of a Lot Merger:

1. That the merger will not interfere with any dedication or offer of dedication for present or prospective public purposes;

The merger will not interfere with any dedication or offer of dedication for present or prospective public purposes.

2. That the contiguous parcels are under common ownership

The contiguous parcels are under common ownership.

3. That the merger will not result in a violation of this code, and that the merger will be consistent with the purposes and intent of this chapter and the Subdivision Map Act.

The merger will not result in a violation of the Antioch Municipal Code and the merger will be consistent with the purposes and intent of the Subdivision Map Act.

BE IT FURTHER RESOLVED that the Planning Commission does hereby make the following findings for approval of a Use Permit:

1. The granting of such Use Permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

The proposed project is located in an area with adjacent commercial developments. Adequate parking for the proposed use is provided on-site. The proposed project will not be detrimental to the public health or welfare or injurious to the property or improvements.

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

The site is zoned Light Industrial (M-1) which allows gas stations with a convenience store and car wash with a Use Permit.

3. The site for the proposed use is adequate in size and shape to accommodate such use, and all parking, and other features required.

The project has been designed to accommodate ordinary vehicle traffic, as well as occasional fuel delivery trucks. Further, the queue for the car wash is capable of containing ordinary stacking of vehicles.

4. That the site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use.

The project site is located at the corner of West Tenth Street and Auto Center Drive. Both streets are adequate in width and pavement type to carry the traffic generated by the proposed use.

5. The granting of such Use Permit will not adversely affect the comprehensive General Plan.

The use will not adversely affect the comprehensive General Plan because the project is consistent with the General Plan designation for the site of Neighborhood Commercial.

BE IT FURTHER RESOLVED that the Planning Commission does hereby make the following findings for the approval of a Variance from the required thirty foot front and side yard setback

1. That 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.

The odd shape of the parcel creates an exceptional circumstance where a thirty foot landscape setback would directly impact vehicle site circulation while still maintaining the required setback of thirty five feet from the fuel canopy to the edge of any parking stalls. The property as it is currently developed does not have a thirty foot landscape setback nor do the other commercial properties in the vicinity.

2. That the granting of such variance will not be materially detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

The reduction in landscape setback will not be materially detrimental to the public health or welfare. The reduced landscape setback will enhance the public safety by creating an onsite traffic flow pattern that is safer than if the required thirty foot landscape frontage was implemented along both frontages

3. That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, 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 classifications.

Special circumstances are applicable to this property, including size and shape. The layout of the subject property is long and narrow such that requiring thirty foot landscaping setbacks along both frontages would render onsite traffic flow insufficient. The current service station at the site does not have a thirty foot landscape setback nor do the other commercial properties in the vicinity.

4. That the granting of such variance will not adversely affect the comprehensive General Plan.

The applicants request would not adversely affect the General Plan as automotive service stations are allowed in the Neighborhood Commercial General Plan designation.

BE IT FURTHER RESOLVED that the Planning Commission does hereby make the following findings for the approval of a variance from the 500 foot setback requirement of alcohol sales from any public park, playground or recreational center

1. That 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.

The site is located at the corner of two major arterial streets where the majority of patrons will buy gas and other products. The sale of beer and wine will be a

convenience to patrons who would already be stopping for gas. Arco AM/PM is not a liquor store that attracts customers looking only for alcohol sales. The current automotive service station at the site already sells alcohol and this would be a continuation of an existing use.

2. That the granting of such variance will not be materially detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

The granting of this variance would allow the sales of alcohol as an ancillary use to the sales of gasoline, fast food, and other convenience retail services. The project, as conditioned, would ensure that the sales of alcohol does not become a more prominent element of the business, but that it would remain a convenience to patrons already in the store for other business. The site currently sells beer and wine and the Antioch Police Department has reported no calls for service due to the sale of alcohol at the site within the last year.

3. That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, 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 classifications.

The site currently has an ABC license for the sale of beer and wine and the applicant is proposing to continue a use that is currently active at the site. There are no reported problems from the sale of beer and wine at the site and the park that is within 500 feet of the site is a youth baseball complex that is not a typical neighborhood park where people congregate. The children at the baseball fields are always supervised by adults while participating in a structured activity.

4. That the granting of such variance will not adversely affect the comprehensive General Plan.

The granting of the variance will not adversely affect the General Plan as there are already beer and wine sales at the site and the granting of the variance would allow the existing use to continue.

NOW THEREFORE BE IT RESOLVED, the Planning Commission of the City of Antioch does hereby **APPROVE** UP-17-05, AR-17-15, V-17-04, PW371-RA-56, to allow the construction of a gas station with a convenience store and self service car wash, subject to the following conditions.

A. GENERAL CONDITIONS

1. The applicant shall defend, indemnify, and hold harmless the City in any action brought by a third party to challenge the land use entitlement. In addition, if there

is any referendum or other election action to contest or overturn these approvals, the applicant shall either withdraw the application or pay all City costs for such an election.

2. The project shall be implemented as indicated on the application form and accompanying materials provided to the City and in compliance with the Antioch Municipal Code, or as amended by the Planning Commission.
3. No building permit will be issued unless the plan conforms to the site plan as approved by the Planning Commission and the standards of the City.
4. This approval expires two years from the date of approval (expires March 7, 2020), unless a building permit has been issued and construction has diligently commenced thereon and has not expired, or an extension has been approved by the Zoning Administrator. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than one one-year extension shall be granted.
5. No permits or approvals, whether discretionary or mandatory, shall be considered if the applicant is not current on fees, reimbursement payments, and any other payments that are due.
6. All required easements or rights-of-way shall be obtained by the applicant at no cost to the City of Antioch. Advance permission shall be obtained from any property or easement holders for any work done within such property or easements.
7. The development and all proposed improvements shall comply with the City of Antioch Municipal Code and City Standards, unless a specific exception is granted thereto or approved by the City Engineer.
8. City staff shall inspect the site for compliance with conditions of approval prior to final inspection approval.
9. Prior to the issuance of a building permit the applicant shall perform a lot merger to consolidate Parcels 'A' and 'B' (61 LSM 22, APN 074-040-040 and -041) into one parcel.
10. Approval of this lot merger is subject to the City of Antioch Municipal Code and the time lines established in the State of California Subdivision Map Act.
11. Prior to recordation of the lot merger, a certificate of lot merger shall be submitted to the City Engineer for review and approval.

12. The applicant shall obtain an encroachment permit for all work to be done within the public right-of-way or easement, and peak commute-hour traffic shall not be impeded by construction-related activity.
13. All existing easements shall be identified on the site plan and all plans that encroach into existing easements shall be submitted to the easement holder for review and approval, and advance written permission shall be obtained from any property owner or easement holder for any work done within such property or easement.
14. All access drive aisles shall be constructed per current ADA and City standards, subject to review and approval by the City Engineer.

B. CONSTRUCTION CONDITIONS

1. The use of construction equipment shall comply with AMC § 5-17.04 and 5-17.05, or as approved in writing by the City Manager.
2. The project shall be in compliance with and supply all the necessary documentation for AMC § 6-3.2: Construction and Demolition Debris Recycling.
3. Building permits shall be secured for all proposed construction associated with this facility, including any interior improvements not expressly evident on the plans submitted.
4. Standard dust control methods shall be used to stabilize the dust generated by construction activities.
5. Driveway access to neighboring properties shall be maintained at all times during construction.
6. Asphalt paving shall have a minimum slope of two percent (2%), concrete paving shall have a minimum slope of 0.75%, except asphalt paving for identified accessible parking stalls and access routes shall have a minimum slope of 1.5% and a maximum slope of 2%, or as approved by the City Engineer.
7. All on-site curbs, gutters and sidewalks shall be constructed of Portland cement concrete.

C. AGENCY REQUIREMENTS

1. All requirements of the Contra Costa County Fire Protection District shall be met, including:

- a. The developer shall submit a minimum of two (2) complete sets of plans and specifications of the subject project, including plans for any of the following required deferred submittals, to the Fire District for review and approval prior to construction to ensure compliance with minimum requirements related to fire and life safety. Plan review and inspection fees shall be submitted at the time of plan review submittal (105.4.1) CFC, (901.2) CFC, (107) CBC.
 - i. Building construction plans
 - ii. Above ground/underground flammable/combustible liquid storage tanks
 - b. Flammable or combustible liquid storage tanks shall not be located on the site without obtaining approval and necessary permits from the Fire District. (3401.4) CFC
 - c. The developer shall provide an adequate and reliable water supply for fire protection as set forth in the California Fire Code. (507.1) CFC
2. All requirements of the Contra Costa County Health Services included in the letter submitted to the City of Antioch and dated January 4, 2018 shall be met.

D. FEES

1. The applicant shall pay all City fees which have been established by the City Council and as required by the Antioch Municipal Code.
2. The applicant shall pay all pass through fees required by the development.
3. The developer shall pay any Contra Costa County Flood Control District Drainage Area fees and the Contra Costa County map maintenance fee in effect at the time of the filing of the lot merger.
4. The property shall annex into Street Lighting and Landscape District 2A Zone 1 and accept a level of annual assessments sufficient to maintain street lights and landscaping adjacent to the project before the parcel map is recorded. The annual assessment shall cover the actual annual cost of maintenance as described in the Engineer's Report.

E. PROPERTY MAINTENANCE

1. A parking lot sweeping program shall be implemented that, at a minimum, provides for sweeping immediately prior to the storm season and prior to each storm event.
2. The project shall comply with AMC § 5-1.204. No final landscape and irrigation plan shall be considered to be complete without an approved maintenance agreement reflective of standards contained in AMC § 5-1.204(G).

3. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.
4. No signs shall be installed on this site without prior City approval.
5. All cracked, broken or damaged concrete curb, gutter and/or sidewalks in the public right-of-way along the project frontage shall be removed and replaced as required by the City Engineer and at no cost to the City.

F. GRADING

1. The grading operation shall take place at a time, and in a manner, so as not to allow erosion and sedimentation. Erosion measures shall be implemented during all construction phases in accordance with an approved erosion and sedimentation control plan.
2. The final grading plan for this development shall be approved by the City Engineer and signed by a California licensed civil engineer. No grading is allowed without a grading permit issued by the Building Department.
3. All elevations shown on the grading and improvement plans shall be on the USGS 1929 sea level datum or NAVD 88 with conversion information, or as approved by the City Engineer.

G. CONSERVATION/NPDES

1. The project shall comply with all Federal, State, and City regulations for the National Pollution Discharge Elimination System (NPDES) (AMC§6-9). Under NPDES regulations, the project is subject to provision C.3: New development and redevelopment regulations for storm water treatment. Provision C.3 requires that the project include storm water treatment and source control measures. C.3 regulations require the submittal of a Storm Water Control Plan (SWCP) that demonstrates how compliance will be achieved. The SWCP shall be submitted simultaneously with the project plans. An Operation and Maintenance Plan (O&M) for the treatment and flow-controls in the approved SWCP shall be submitted and approved before the Building Department will issue Certificate of Occupancy permits and shall be included in the project CC&Rs. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall execute any agreements identified in the Storm Water Control Plan that pertain to the transfer of ownership and/or long-term maintenance of storm water treatment or hydrograph modification BMPs.
2. The following requirements of the federally mandated NPDES program (National Pollutant DISCHARGE Elimination System) shall be complied with as appropriate, or as required by the City Engineer:

- a. Prior to issuance of permits for building, site improvements, or landscaping, the applicant shall submit a permit application consistent with the applicant's approved Storm Water Control Plan, and include drawings and specifications necessary for construction of site design features, measures to limit directly connected impervious area, pervious pavements, self-retaining areas, treatment BMPs, permanent source control BMPs, and other features that control storm water flow and potential storm water pollutants.
- b. The Storm Water Control Plan shall be certified by a registered civil engineer, and by a registered architect or landscape architect as applicable. Professionals certifying the Storm Water Control Plan shall be registered in the State of California and submit verification of training, on design of treatment measures for water quality, not more than three years prior to the signature date by an organization with storm water treatment measure design expertise (e.g., a university, American Society of Civil Engineers, American Society of Landscape Architects, American Public Works Association, or the California Water Environment Association), and verify understanding of groundwater protection principles applicable to the project site (see Provision C.3.i of Regional Water Quality Control Board Order R2 2003 0022).
- c. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall submit, for review and approval by the City, a final Storm Water BMP Operation and Maintenance Plan in accordance with City of Antioch guidelines. This O&M plan shall incorporate City comments on the draft O&M plan and any revisions resulting from changes made during construction. The O&M plan shall be incorporated into the CC&Rs for the Project.
- d. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall execute and record any agreements identified in the Storm Water Control Plan which pertain to the transfer of ownership and/or long-term maintenance of storm water treatment or hydrograph modification BMPs.
- e. Prevent site drainage from draining across sidewalks and driveways in a concentrated manner.
- f. Collect and convey all storm water entering, and/or originating from, the site to an adequate downstream drainage facility. Submit hydrologic and hydraulic calculations with the Improvement Plans to Engineering Services for review and approval.
- g. Prior to issuance of the grading permit, submit proof of filing of a Notice of Intent (NOI) by providing the unique Waste Discharge Identification Number (WDID#) issued from the Regional Water Quality Control Board.

- h. Submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) for review to the Engineering Department prior to issuance of a building and/or grading permit. The general contractor and all subcontractors and suppliers of materials and equipment shall implement these BMP's. Construction site cleanup and control of construction debris shall also be addressed in this program. Failure to comply with the approved construction BMP may result in the issuance of correction notices, citations, or a project stop work order.
- i. Install appropriate clean water devices at all private storm drain locations immediately prior to entering the public storm drain system. Implement Best Management Practices (BMP's) at all times.
- j. Install on all catch basins "No Dumping, Drains to River" decal buttons.
- k. If sidewalks are pressure washed, debris shall be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged into the storm drain. If any cleaning agent or degreaser is used, wash water shall be collected and discharged to the sanitary sewer, subject to the approval of the sanitary sewer District.
- l. Include erosion control/storm water quality measures in the final grading plan that specifically address measures to prevent soil, dirt, and debris from entering the storm drain system. Such measures may include, but are not limited to, hydro seeding, gravel bags and siltation fences and are subject to review and approval of the City Engineer. If no grading plan is required, necessary erosion control/storm water quality measures shall be shown on the site plan submitted for an on-site permit, subject to review and approval of the City Engineer. The applicant shall be responsible for ensuring that all contractors and subcontractors are aware of and implement such measures.
- m. Sweep or vacuum the parking lot(s) a minimum of once a month and prevent the accumulation of litter and debris on the site. Corners and hard to reach areas shall be swept manually.
- n. Ensure that the area surrounding the project such as the streets stay free and clear of construction debris such as silt, dirt, dust, and tracked mud coming in from or in any way related to project construction. Areas that are exposed for extended periods shall be watered regularly to reduce wind erosion. Paved areas and access roads shall be swept on a regular basis. All trucks shall be covered.
- o. Clean all on-site storm drain facilities a minimum of twice a year, once immediately prior to October 15 and once in January. Additional cleaning may be required if found necessary by City Inspectors and/or City Engineer.

- p. Install full trash capture device(s) in storm water catch basins that collect water from the project site. A “full trash capture device” is defined as any device or series of devices that traps all particles retained by a 5mm mesh screen and has a design treatment capacity of not less than the peak flow rate resulting from a one-year, one-hour, storm in the tributary drainage catchment area. Selected devices must be detailed on the building permit plan submittal and approved by Public Works prior to installation.

H. UTILITIES

1. All existing and proposed utilities (e.g. transformers and PMH boxes) shall be undergrounded and subsurface in accordance with the Antioch Municipal Code, except existing P.G.& E. towers, if any, or as approved by the City Engineer.
2. All storm water flows shall be collected onsite and discharged into an approved public storm drain system.
3. Trash enclosures shall drain to sanitary sewer and shall incorporate methods to contain runoff at the front-gate and pedestrian access point to prevent storm water from entering the enclosure.
4. The sewer collection system shall be constructed to function as a gravity system.
5. A reduced pressure backflow preventer assembly shall be installed on all City water meter services.
6. Double detector check fire line backflow assemblies shall be enclosed within an easement granted to the City, as needed, and at no cost to the City.
7. The developer shall provide adequate water pressure and volume to serve this development, as approved by the City Engineer. This will include a minimum residual pressure of 20 psi with all losses included at the highest point of water service and a minimum static pressure of 50 psi.
8. The applicant shall install all infrastructure to serve the site. Infrastructure for access to the site (sewer, water, storm, joint trench, and surface improvements) shall be completed prior to issuance of building permits.
9. All onsite utilities shall be privately maintained and connected to public facilities in accordance with City Standards, or as approved by the City Engineer.
10. All proposed drainage facilities, including open ditches, shall be constructed of Portland Concrete Cement or as approved by the City Engineer.

I. LANDSCAPING

1. Sight distance triangles shall be maintained per AMC § 9-5.1101, Site Obstructions at Intersections, or as approved by the City Engineer. Landscaping and signage shall not create a sight distance problem.
2. Detailed landscaping and irrigation plans for the entire site shall be submitted to the City for review and approval. All landscaping and irrigation shall be installed in accordance with approved plans prior to the issuance of certificates of occupancy for this building.
3. Landscaping for the project shall be designed to comply with the applicable requirements of the 2015 California State Model Water Efficient Landscape Ordinance (MWELo). Prior to issuance of a building permit, the applicant shall demonstrate compliance with the applicable requirements of the MWELo in the landscape and irrigation plans submitted to the City.
4. Landscape shall show immediate results. Landscaped areas shall be watered, weeded, pruned, fertilized, sprayed, and/or otherwise maintained as necessary. Plant materials shall be replaced as needed to maintain the landscaping in accordance with the approved plans.
5. All trees shall be a minimum 15-gallon size and all shrubs shall be a minimum 5-gallon size.

J. PROJECT-SPECIFIC CONDITIONS

1. This lot merger, use permit, variance and design review approval applies to the merger of two parcels and construction of a new gas station with a 3,180 square-foot convenience store, self service car wash and parking lot improvements, and associated landscape improvements as depicted on the project plans submitted to the Community Development Department on December 13, 2017. Any forthcoming plans submitted for any purpose shall be entirely consistent with these received plans and conditions of approval herein. Minor modifications require the approval of the Zoning Administrator per AMC § 9-5.2708, Changed Plan; New Applications. Issuance of a Building Permit, Grading Permit or other permit does not negate or supersede this requirement.
2. The following conditions shall apply to the sale of alcohol at this site:
 - a. Only beer and wine may be sold under an ABC Type 20 Off Sale Beer and Wine license.
 - b. Containers of beer may only be sold in packages of six or more.

- c. The total sales area dedicated to the sale of alcoholic beverages shall be restricted as follows:
 - i. No more than 12 linear feet of refrigerated cooler display; and
 - ii. No more than 60 square feet of convenience store floor area.
 - d. Wine shall only be sold in units of 750 ml or greater.
- 3. Tobacco sales shall comply with AMC § 9-5.3843, Tobacco and Paraphernalia Retailers. Less than twenty percent of the sales area may be devoted to tobacco products. The sale of drug paraphernalia is prohibited.
- 4. Additional features shall be added to frame the monument sign in a manner consistent with the requirements of Design Guidelines Section 7.4.1b. The revised sign design shall be included with the building permit submittal and be subject to the approval of the Zoning Administrator.
- 5. The metal non-illuminated price sign shall be removed.
- 6. Temporary signs, banners, commercial flags, and similar devices are prohibited at this site, except as individually approved by the Community Development Department.
- 7. The only lighted elements of the fuel canopy shall be the channel letters, logo, and canopy down lights. No illuminated band is allowed.
- 8. All canopy supports shall have stone wrapped around the base.
- 9. No more than 50% of the total window area may be covered with graphic lettering, signage, or other devices that may obscure vision into the building.
- 10. All rooftop mechanical equipment shall be screened from the public right-of-way. A line of sight study shall be submitted with the building permit submittal confirming the equipment is screened.
- 11. All electrical transformer boxes, raceways and conduits shall be concealed from view.
- 12. All lighting sources shall be shielded, diffused or indirect to avoid glare to pedestrians and motorists.
- 13. The trash enclosure shall comply with AMC §9-5.1401 Refuse Storage Area Design Guidelines.

14. The operator shall store all cardboard and other refuse entirely within the trash enclosure or within the store.
15. The parking lot striping and signing plan shall be approved by the City Engineer.
16. All parking spaces shall be double-striped and all parking lot dimensions shall meet minimum City policies and Antioch Municipal Code requirements.
17. No more than ten percent (10%) of parking spaces shall be compact per AMC §9-5.1711.
18. The red curb along the project frontage shall be repainted.
19. The applicant shall show a turning template on the site plan verifying that delivery trucks can safely ingress, egress, and successfully maneuver throughout the site.
20. Trash enclosures shall not be located within any easement areas.
21. No automotive repair shall be allowed on the ARCO site. Any future automotive repair uses shall be subject to use permit approval.
22. The developer shall extend the median on Auto Center Drive from its existing terminus to the intersection with Pittsburg-Antioch Highway/W. 10th Street to prohibit illegal left turns onto or from the site.
23. A six foot high masonry wall shall be installed along the rear property line. The wall shall be painted "Brandy Cream" to match the building.
24. The applicant may be subject to a Planning Commission hearing, per Section 9-5.2707.1 of the City of Antioch Municipal Code, if the Antioch Police Department or Code Enforcement Division must respond to this property as a result of complaints received due to incidents related to the sale of alcohol and/or tobacco. If the Planning Commission determines that the conditions of approval are not met or the sale of alcohol and/or tobacco has become a public nuisance or otherwise a threat to public health, safety, or welfare, it can result in revocation or modification of the use permit or imposition of a fine.

* * * * *

RESOLUTION NO. 2018-**

March 7, 2018

Page 15

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 March, 2018.

AYES:

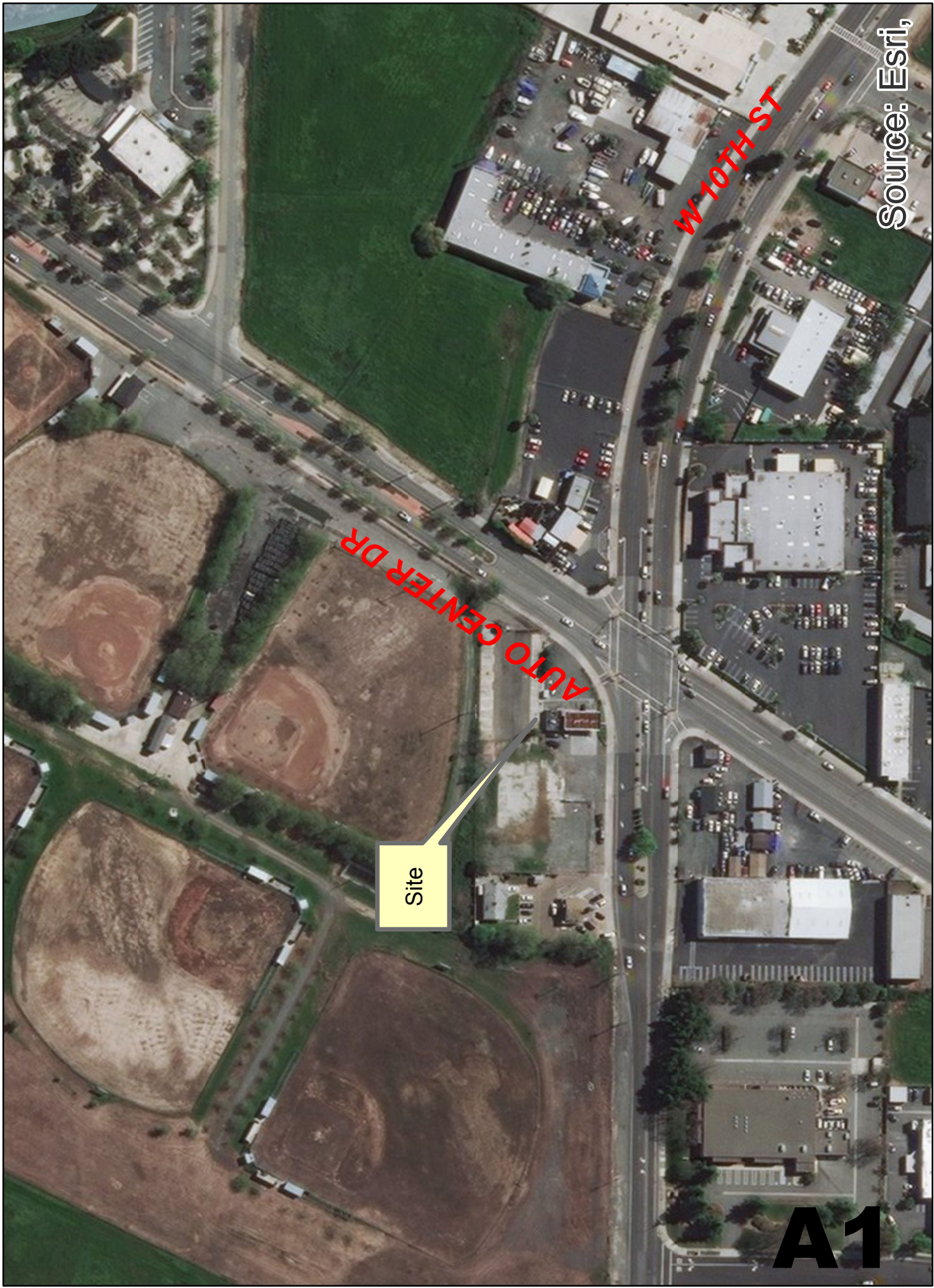
NOES:

ABSTAIN:

ABSENT:

FORREST EBBS, SECRETARY TO THE
PLANNING COMMISSION

ATTACHMENT “A”



Source: Esri,



City of Antioch GIS

Vicinity Map

ATTACHMENT “B”

September 20, 2017

RE: **PROPOSED ARCO AM/PM GAS STATION**
1800 W. 10th Street,
Antioch, CA
BPW16035.1

RECEIVED

SEP 22 2017

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

Project Narrative

The proposed project is located at the North West corner of W. 10th Street and Auto Center Drive in Antioch. The owner is proposing to combine parcels 074-040-040 and 074-040-041 into a single parcel, which is currently an existing Valero gas station with beer & wine sales. BP/ Arco plans to develop the parcels into a New Arco am/pm gasoline service station with a self-serve car wash. The proposed development consists of an Arco AM/PM convenience store of 3,180 sq. ft., a 60' x 83'-8" canopy with 8 fuel dispensers, a 24'x48' self-service car wash building, underground fuel storage tanks, trash enclosure and landscaping & irrigation. Total building area will be 9,474 sq. ft. (21.6% lot coverage). Total landscaping will be 10,476 sq. ft. (24% lot coverage).

Required parking consists of the following: C-store; 1 per employee and one per 250 sq. ft. of sales area (less restroom and office area). The C-store building area less the restrooms and office is 2,974 sq. ft ($2,974/250 = 11.9$ spaces) plus 2 employee parking spaces equals 14 spaces. Provided parking includes 16 standard spaces, 2 accessible spaces, and 16 fueling positions (34 total). Sixteen (16) designated parking spaces are part of the proposed development while the 16 fueling positions will provide parking for customers as well.

The convenience store will be open 24 hours and will sell the usual snacks, drinks and food items that are customary to a store of this type. Beer, wine and tobacco sales are also proposed for this location and alcohol sales will be in accordance with the conditions of approval.

During peak hours the Arco business will have 2-5 employees on-site per shift. This will vary depending on needs of the business (i.e. sales, deliveries, etc). There will be two employees during non-peak hours. Cash control procedures include registers that remind cashiers to make periodic cash drops into a cash validating safe that can't be accessed to employees. An armored car company is the only one with access to the safe and they deliver the money to the bank. The facility will be equipped with 16-32 security cameras, strategically placed in the interior and exterior of the store. The cameras record to a DVD. 30-60 days of video footage are stored at the site at all times.

The landscaping, irrigation, and trash enclosure are designed to meet City of Antioch standards. The site and buildings are designed to meet all accessibility standards/requirements. In

accordance with planning department requests, additional architectural features have been added to the prototypical building design. Architectural elements added to the standard canopy design to tie it in with the building design include a cornice on top of the canopy and stucco/wainscot on the canopy columns. The canopy LED strip has also been removed from the design. The only lighted elements of the canopy will be the channel letters, logos, and canopy down lights. Landscaping has been designed to meet City standards. Colors used are prototype colors for BP/ Arco facilities.

Variance Request for CUP for Beer & Wine Sales

The existing business at the subject property is a gasoline service station with beer & wine sales. Per planning staff the existing business has a liquor license, but there is not a CUP for alcohol sales. Following are the 4 findings that must be satisfied for variance requests and an explanation for each:

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 and extraordinary circumstances here because the proposed beer & wine sales are for an establishment that provides primarily other goods. This is not a liquor store or similar establishment that provides a high percentage of liquor sales and attracts customers looking only for alcohol sales. Instead, the majority of the patrons will buy gas and other products. The liquor license will present the convenience of being able to purchase a six-pack of beer or a bottle of wine along with gas and snacks, to be consumed at home.

2. The granting of such variance will not be materially detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

Arco AM/PM provides a brand presence that ensures the facility will be operated in a professional manner, including responsible liquor sales. Liquor sales will be limited to beer and wine. Absolutely no alcohol will be consumed onsite. Beer and wine sales will provide a convenience to customers who will be able to buy gas, snacks, and also be able to buy wine or beer to take with them and consume elsewhere. Because the primary product is fuel, most customers will travel to the site by car and will be travelling a distance after stopping. Therefore, the sale will not be materially detrimental to the public health and welfare or injurious to the property or improvements in the area.

3. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, 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 classifications.

The current business at this location has a liquor license and sells beer and wine. The site is not within 500 feet of other establishments that sell liquor, therefore there is not a concentration of liquor sale uses in the vicinity. In addition, patrons will not generally be travelling on foot to this business. The majority of customers will be travelling by vehicle. The current business has the same use as the proposed business (convenience store), therefore denying a use permit for the

new convenience store would deprive BP/Arco of a privilege currently allowed and enjoyed by the current occupant, as well as other convenience stores in the area.

4. The granting of such variance will not adversely affect the comprehensive General Plan.

The project is consistent with the Antioch General Plan, including Land Use Element, Community Image and Design Element, and Economic Development.

- a. Land Use Element: The land use element focuses on the balance of growth in the community with the facilities necessary to support the growth. The new gas station, car wash, and AM/PM will be able to support increased growth in the area, while minimizing conflicts between land uses, which is consistent with Section 4.2 of the Land Use Element. The project is consistent with the goal to “establish a land use mix which serves to develop Antioch into a balanced community, in which people can live, work, shop, and have recreation without needing to leave the City”. It will provide an attractive, convenient asset to the community, where both residents and those passing through can fill up the tank, get a car wash, and pick up snacks and beer or wine to take home with them.
- b. Community Image and Design Element: The Community Image and Design Element addresses the visual quality and character of the built environment. At this location, the overall project will add to the visual quality of the City, providing a new attractive facility and landscaping at a major City intersection. In addition, the landscaping, which will be water efficient and designed as an integral part of the overall site plan, complies with Section 5.4.15 of the Community Image and Design Element.
- c. Economic Development Element: The project meets the goal of the Economic Development Element of contributing to a healthy and vibrant local economy. It will meet the goal of “maximizing local economic opportunities for businesses and individuals” as set forth in Section 6.1 by allowing expansion and modernization of a local business, while also providing an increased tax base and additional jobs. Granting the variance is compatible with the existing economic development incentives set forth in Section 6.1.5 and the goal of providing a positive business climate as set forth in Section 6.3.2.

Please contact me if you have any questions or need additional information.

Respectfully,

Pedro McCracken DESIGN GROUP, INC.



Chris Brown, Project Manager
2455 Bennett Valley Road, Suite A-102
Santa Rosa, CA 95404
(707) 921-1204
cbrown@pmdginc.com

December 11, 2017

RECEIVED

RE: **PROPOSED ARCO AM/PM GAS STATION**
1800 W. 10th Street,
Antioch, CA
BPW16035.1

DEC 12 2017

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

Variance Request for Reduced Landscaping Setback

The zoning district requires commercial developments on arterial streets to have 30 foot setbacks with 30 foot landscaping on all frontages. The plan shows a 6 foot landscaping setback therefore a variance will need to be requested and the justification for the four findings will need to be submitted. Following are the 4 findings that must be satisfied for variance requests and an explanation for each:

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 and extraordinary circumstances here due to the odd shape of the parcels, which directly affects onsite traffic circulation for automobiles as well as fuel delivery. The fuel canopy requires a minimum "pass-thru" distance of 25 feet from any bollard to any permanent onsite obstruction and 35 feet to the edge of any parking stalls. If the 30 foot wide landscaping were imposed on both frontages it would have the following detrimental effects, which would render the site unusable:

- It would completely block access to 3 of the 4 dispensers on the south side of the canopy from the 10th Street driveway;
- It would cause relocation of the underground fuel tanks towards the car wash and would thus change the fuel delivery truck path. This would create dangerous exposure to the driver while dropping the fuel load, would block vehicle parking and would require that the truck exit by driving under the canopy;
- It would severely impact the safe onsite vehicular circulation designed into the site, thereby creating a danger to Arco's customers and further, irritating these customers, who will likely not return to the business;

2. The granting of such variance will not be materially detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

Arco AM/PM provides a brand presence that ensures the facility will be operated in a professional manner. The proposed layout of the site will enhance the public safety by creating an onsite traffic flow pattern that is safer than if the required 30 foot landscaping were implemented along both frontages. The granting of the landscape setback variance will not be materially detrimental to the public health and welfare or injurious to the property or improvements in the area. In fact granting the variance will result in a site that is physically safer to the public's health and welfare.

3. Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, 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 classifications.

Special circumstances are applicable to this property, including size and shape. The layout of the subject property is long and narrow such that requiring 30 foot landscaping setbacks along the 2 frontages would render onsite traffic flow insufficient for operations by:

- a. Causing the underground fuel tanks to be relocated such that a fuel delivery truck path that is both safe and non-disruptive to onsite traffic circulation is not feasible;
- b. Rendering several of the proposed fuel dispensers inaccessible from the W. 10th Street driveway;
- c. Making it very difficult to exit the site from any of the southern fuel dispensing positions, especially when any of the northern fuel dispensers are occupied.

4. The granting of such variance will not adversely affect the comprehensive General Plan.

The project is consistent with the Antioch General Plan, including Land Use Element, Community Image and Design Element, and Economic Development.

- a. Land Use Element: The land use element focuses on the balance of growth in the community with the facilities necessary to support the growth. The new gas station, car wash, and AM/PM will be able to support increased growth in the area, while minimizing conflicts between land uses, which is consistent with Section 4.2 of the Land Use Element. The project is consistent with the goal to "establish a land use mix which serves to develop Antioch into a balanced community, in which people can live, work, shop, and have recreation without needing to leave the City". It will provide an attractive, convenient asset to the community, where both residents and those passing through can fill up the tank, get a car wash, and do so safely when entering and exiting the site.

- b. Community Image and Design Element: The Community Image and Design Element addresses the visual quality and character of the built environment. At this location, the overall project will add to the visual quality of the City, providing a new attractive facility and landscaping at a major City intersection. In addition, the landscaping, which will be water efficient and designed as an integral part of the overall site plan, complies with Section 5.4.15 of the Community Image and Design Element.
- c. Economic Development Element: The project meets the goal of the Economic Development Element of contributing to a healthy and vibrant local economy. It will meet the goal of "maximizing local economic opportunities for businesses and individuals" as set forth in Section 6.1 by allowing expansion and modernization of a local business, while also providing an increased tax base and additional jobs. Granting the variance is compatible with the existing economic development incentives set forth in Section 6.1.5 and the goal of providing a positive business climate as set forth in Section 6.3.2.

Please contact me if you have any questions or need additional information.

Respectfully,

Pedro McCracken DESIGN GROUP, INC.



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ATTACHMENT “C”

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF MARCH 7, 2018**

Submitted by: Forrest Ebbs, Community Development Director

Date: February 28, 2018 *FE*

Subject: Oakley Knolls (PD-15-01)

RECOMMENDATION

It is recommended that the Planning Commission continue the item to the March 21, 2018 Planning Commission Meeting.

BACKGROUND

The California Environmental Quality Act (CEQA) requires that a Notice of Intent to Adopt a Mitigated Negative Declaration be filed with the County and provided to interested parties at least 20 days prior to a public hearing for a project. Staff mistakenly assumed that this process had been completed by the consultant that drafted the Initial Study and Mitigated Negative Declaration, but learned on February 27, 2018 that, in fact, this process had not been completed. In response, the Notice of Intent was filed with the County and distributed to interested parties on February 28, 2018. The 20-day review period will not be complete until March 20, 2018. As such, staff recommends that the item be continued to the March 21, 2018 meeting.