

AMENDED

AGENDA

CITY OF ANTIOCH PLANNING COMMISSION

ANTIOCH COUNCIL CHAMBERS

THIRD & "H" STREETS

WEDNESDAY, APRIL 4, 2012

6:30 P.M.

NO PUBLIC HEARINGS WILL BEGIN AFTER 10:00 P.M.

UNLESS THERE IS A VOTE OF THE PLANNING COMMISSION

TO HEAR THE MATTER

APPEAL

All items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on **THURSDAY, APRIL 12, 2012.**

ROLL CALL

6:30 P.M.

Commissioners

Westerman, Chair
Baatrup, Vice Chair
Langford
Azevedo
Travers
Douglas-Bowers
Bouslog

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: March 7, 2012

* * * END OF CONSENT CALENDAR * * *

NEW PUBLIC HEARING

2. **UP-11-16** – Olayemi Oyinkansola requests the approval of a use permit for the RCCG Jesus House religious assembly. The use will include a sanctuary, offices, a library, and restrooms. The project is located in an existing building at 2013 C Street (**APN: 067-266-002**).

NEW ITEMS

3. **AR-10-04** – Brennan Rose requests the approval of an amendment to the approved landscape plan at Mike's Auto Body. The project is located at 1001 Auto Center Drive (**APN: 074-160-022**).
4. **S-12-01** - Brennan Rose, the applicant, requests the approval a monument sign at Mike's Auto Body. The project is located at 1001 Auto Center Drive (**APN: 074-160-022**).
5. **Election of Chair and Vice Chair.**

ORAL COMMUNICATIONS

WRITTEN COMMUNICATIONS

COMMITTEE REPORTS

ADJOURNMENT

Notice of Availability of Reports

This agenda is a summary of the 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, 3rd and H Streets, Antioch, California, 94509, between the hours of 8:00 a.m. and 11:30 a.m. or by appointment only between 1:00 p.m. and 5:00 p.m. Monday through Thursday 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.

**CITY OF ANTIOCH
PLANNING COMMISSION MINUTES**

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

**March 7, 2012
City Council Chambers**

CALL TO ORDER

Chairman Westerman called the meeting to order at 6:30 p.m. on Wednesday, March 7, 2012, in the City Council Chambers. He 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 decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on Thursday, March 15, 2011.

ROLL CALL

Present: Commissioners Azevedo, Bouslog, Langford, Travers
Chairman Westerman and Vice Chair Baatrup
Absent: Commissioner Douglas-Bowers
Staff: Senior Planner, Mindy Gentry
Planning Consultant, Victor Carniglia
City Attorney, Lynn Tracy Nerland
Minutes Clerk, Cheryl Hammers

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

Resident, Lance Phipps spoke on the issue of low income housing and stated that he is against any further low income housing in Antioch without more police presence and children activities. He stated that children are being shot, houses are being robbed, and that children have nothing to do. Mr. Phipps said that there are traffic backups due to poor planning and that allowing additional low income housing without proper police and activities would be repeating the same principle. He said that although he is not against low income housing, the City is just not set up to handle more at this time.

Resident, Jim Conley spoke to say that the newspaper had said that according to ABAG we should build low income housing over next seven years. He said that the City Council determined the percentages in Antioch were dissimilar to any other area, that staff looked into it, and that ABAG changed their method of allotment. He said that he has a problem with the percentages as it appears now that ABAG has gone back to their old ways. He said that the property taxes don't pay for City services and that it hurts the City when the City is weighted toward low income housing and that he would suggest this City determine if percentages are the same as everyone else.

CONSENT CALENDAR

1. Approval of Minutes: February 1, 2012

On motion by Commissioner Azevedo, and seconded by Vice Chair Baatrup, the Planning Commission approved the Minutes of February 1, 2012.

AYES: *Westerman, Baatrup, Azevedo, and Bouslog*
NOES: *None*
ABSTAIN: *Langford and Travers*
ABSENT: *Douglas-Bowers*

END OF CONSENT CALENDAR

NEW PUBLIC HEARINGS

- 2. Z-12-01 – The City of Antioch** is proposing to amend Municipal Code Section 9-5.4012 of the Residential Development Allocation Ordinance to extend the ordinance sunset date to May 1, 2013.

Senior Planner Gentry provided a summary of the staff report dated March 1, 2012.

Chairman Westerman clarified with staff that nothing was being changed and that this was just an extension to allow review of issues City Council wanted looked at.

OPENED PUBLIC HEARING

City Attorney Nerland stated that there are only two items on the agenda tonight, the RDA extension and the rezoning of Area 1. She said that there are yellow speaker cards in the back to be filled out by anyone wishing to speak on either item. She stated that low income housing was previously considered by the Planning Commission, that it was not on before the Planning Commission tonight, and that it would be going to City Council.

A Realtor in Antioch, who was in the audience, stated that she thought the Planning Commission would be speaking on the housing issues tonight to which CA Nerland stated she was not sure how that information was put out there but that this was not an item on tonight's agenda.

CLOSED PUBLIC HEARING

RESOLUTION NO. 2012-**

On Motion by Vice Chair Baatrup and seconded by Commissioner Langford, the Planning Commission recommended that the City Council approve an amendment to Section 9.5-4012 of the Antioch Municipal Code in order to extend the sunset date of the ordinance to May 1, 2013 (Z-12-01).

AYES: *Westerman, Baatrup, Azevedo, Bouslog, Langford, and Travers*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Douglas-Bowers*

- 3. Z-12-02 – The City of Antioch** will be considering rezoning approximately 470 acres of unincorporated land, referred to by the City as Area #1, which is generally located adjacent to and/or in close proximity to Wilbur Avenue.

Planning Consultant, Victor Carniglia provided a summary of the staff report dated March 1, 2012. He stated that on the dais this evening are two communications which were received: an e-mail from Randy Christ, the owner of a fueling station with concerns about sewer and water and being able to utilize his well and septic system and a fax from Albert Snell who has a building near completion and would like the ability to hook up to City services prior to annexation occurring.

Commissioner Langford stated that there are quite a few other areas under the County as well and clarified with PC Carniglia that there are two other areas referred to as 2a and 2b totaling 150 acres. He said that City Council has only authorized annexation of area 1 and that if they authorize the other areas, those will be brought forward as well.

CA Nerland stated that given the overhead screen is not working to provide a map for people to look at that she has provided her copy for review.

Chairman Westerman clarified with staff that the only residential unit involved was one residence associated with a business.

Commissioner Travers questioned staff about time estimates to which PC Carniglia said that an agreement has been reached on all major issues and that a tax sharing agreement has been completed and is being reviewed.

Commissioner Azevedo clarified with staff that Mr. Christ's parcel was a fueling station approved under the County as commercial business with offices but no residential, and was constructed approximately five years ago.

OPENED PUBLIC HEARING

Sandra Kelly, board member of the Friends of the Antioch Dunes, stated that the Antioch Dunes is home to several endangered species including two plants with a third just recently discovered. She said that while Industry is there to stay, she would like the Planning Commission to consider the impact this has on the endangered species. She invited everyone to visit the dunes and stated that they do public tours on the second Saturday of every month on Fulton Shipyard Road at 10:00 a.m. She passed out magnets to the Planning Commissioners in lieu of a business card.

Michael Krieg, Director of Friends of the Antioch Dunes, spoke to say their purpose is to draw attention of the Commissioners and staff to the nature of wildlife refuge and would like to point out that this open space is different than parks due to the eco system. He said that he would like to mitigate any negative impacts due to the fragile habitat.

Commissioner Azevedo asked staff if the zoning designations are the same as they are currently to which PC Carniglia said that this area is in the City's sphere of influence, that it is largely heavy industrial, that the zoning is mirroring what is in the General Plan, and the County zoning for the area is also heavy industrial. PC Carniglia went on to say that although there are no current development applications, any uses proposed there will have environmental reviews and will look at impacts on the wildlife reserve.

Karri Campbell, representative of Calpine Corporation, stated that they have a leasehold interest in property, will be extending that lease and are looking forward to working with the City. He said that while they don't see any negative impacts to them other than establishing a relationship with a new jurisdiction, they would want to be notified of any future hearings and be placed onto a mailing list.

Commissioner Travers asked about the type of plant to which Mr. Campbell said that they use natural gas, that they are connected to Delta Diablo Sewer and that their well serves their purpose. He went on to say that that they burn natural gas very cleanly, that they generate resources for the State and when sister plants go down, their plant helps fill that deficit.

City Attorney Nerland asked Mr. Campbell to leave his contact information to be sure they are put onto a mailing list.

CLOSED PUBLIC HEARING

Commissioner Azevedo stated that he sees this as an opportunity to bring land under our sphere of influence for tax revenue for this community and that it doesn't make sense to leave in the County.

Chairman Westerman agreed with Commissioner Azevedo.

RESOLUTION NO. 2012-**

On Motion by Commissioner Travers and seconded by Commissioner Azevedo, the Planning Commission recommended to the City Council approval of the draft ordinance to prezone the approximately 470 acres of unincorporated land, referred to as Area #1 of the Northeast Antioch Annexation Area, which is generally located adjacent to and/or in close proximity to Wilbur Avenue.

AYES: *Westerman, Baatrup, Azevedo, Bouslog, Langford, and Travers*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Douglas-Bowers*

ORAL COMMUNICATIONS

None.

WRITTEN COMMUNICATIONS

Chairman Westerman said that there was an invitation to ground breaking for the next segment of State Route 4 on Friday at 10:00 a.m.

COMMITTEE REPORTS

Commissioner Azevedo said that Transplan met in February and although they received an update on the litigation with the City of Pittsburg, he has nothing to report out at this time.

Commissioner Azevedo stated that the RDA Committee did meet earlier this month, that this evening's action was a result of that meeting, that they got update regarding direction we want to go and that this is more to come.

CA Nerland informed the Planning Commission that the City Council has adopted an Urgency Ordinance to prohibit any additional computer gaming and internet access businesses and adopted regulations for operation of those businesses including hours of operation and use. She said that the City Council has also initiated a study whether amendment to the Zoning Code should come before the Planning Commission and ultimately adopted by the City Council. She went on to say that staff is looking at that and that the zoning aspect of it could come back to the Planning Commission.

CA Nerland suggested given the number of people still in the audience that the Chair make sure there are no further speakers before adjourning.

Chairman Westerman announced the last chance for anyone wishing to speak.

Lance Phipps, resident commented on the meeting to say that in regards to developing land for industrial or commercial purposes, he would like to see the use of solar, wind turbine and the Delta's steady current as energies to be utilized. He said that there is no such thing as clean gas when we are taking from mother earth. He went on to say that we are protecting butterflies while destroying the planet and that we have the sun, wind and energies that will last so much longer than gas, coal and oil.

ADJOURNMENT

Chairman Westerman adjourned the Planning Commission at 7:30 p.m.

Respectfully Submitted,
Cheryl Hammers

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF APRIL 4, 2012**

Prepared by: Mindy Gentry, Senior Planner *MA*
Date: March 29, 2012
Subject: **UP-11-16 – Use Permit for RCCG Jesus House**

RECOMMENDATION

It is recommended that the Planning Commission approve a use permit for religious assembly (UP-11-16), subject to the conditions contained in the attached resolution.

REQUEST

Olayemi Oyinkansola, the applicant, requests the approval of a use permit for religious assembly at 2013 C Street. The church currently has approximately 50 adult members. The use will include a sanctuary, a library, offices, a lobby, restrooms, and a prayer area for a total of approximately 4,780 s.f. The project is located in an existing building at 2013 C Street (**APN: 067-266-002**).

BACKGROUND

On October 17, 2007, the Planning Commission approved a use permit for the subject religious assembly at 1904 A Street. The applicant currently occupies this space, which consists of a 2,395 s.f. suite in a 10,290 square foot, single story shopping center built in 1948.

On September 12, 2001, the Design Review Board reviewed and approved a design for a proposed 2,795 square foot building and related site improvements at 2013 C Street. On August 31, 2002, the Planning Commission approved a lot merger of two parcels, one containing the subject building and the other parcel, which contained parking to the north. The previous use of the building was a beauty salon and offices on approximately 0.31 acres. At time of the approval, the building was zoned M-1 or light industrial but since that time the General Plan has been updated. The property is designated Medium Low Density Residential and has a zoning designation of Planned Business Center (PBC).

ENVIRONMENTAL

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

ANALYSIS

Issue #1: Project Overview

The applicant proposes using the building for worship services including seminars, workshops, preaching, singing, and prayers. The applicant's project description is included as Attachment "B". The services are proposed to be conducted on Sunday from 9:00 AM to 1:15 PM, Wednesday from 12:00 PM to 1:00 PM, once a month on Fridays from 9:00 PM to 1:00 AM, and Bible study on Tuesday from 7:00 PM to 8:30 PM. Staff does foresee an issue with the conclusion of services at 1:00 AM since the property is adjacent to residential uses to the west and to the north. Staff has added a condition of approval that allows the services to be conducted until 10:00 PM. Currently, the congregation consists of approximately 45 to 50 adults.

The applicant will also have youth group activities planned on Friday evenings from 7:00 PM to 9:00 PM. The church would be available for weddings and funerals as needed.

The site consists of one two-story building totaling 4,783 s.f. The applicant is proposing to utilize approximately 832 s.f. for an auditorium, 803 s.f. for a library, 105 s.f. for a sound room, and three offices of various sizes. The seating in the sanctuary will not be fixed and the assembly area is approximately 832 s.f. No exterior modifications are being proposed.

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

The General Plan designation of the property is Medium Low Density Residential, which allows for religious assembly. The site is zoned Planned Business Center (PBC) and religious assemblies require a use permit in this zoning designation. The surrounding land use designations are as noted below:

North:	Single Family Residential (R-6)
South:	Self storage and the railroad tracks (PBC)
East:	Various light industrial uses (PBC)
West:	Single Family Residential (PBC)

Issue #3: Parking

The required parking for religious assembly is 1 space per 50 s.f. of seating area since there will be no fixed seating. The assembly area, which is the most intensive use proposed for the building, is 832 s.f., which requires 17 parking spaces. The site contains a total of 17 parking spaces. The other proposed uses, such as the offices, within the building are not to be utilized during the worship services, so the parking on site is sufficient to accommodate all the uses. The applicant will not be able to expand their assembly area due to the limited off-street parking.

ATTACHMENTS

A:	Aerial Photo
B:	Applicant's Summary

**CITY OF ANTIOCH PLANNING COMMISSION
RESOLUTION NO. 2012-****

**RESOLUTION OF THE CITY OF ANTIOCH PLANNING COMMISSION
APPROVING A USE PERMIT FOR RELIGIOUS ASSEMBLY**

WHEREAS, the City of Antioch received a request from RCCG Jesus House for a use permit for religious assembly. The use will include a sanctuary, a library, offices, a lobby, restrooms, and a prayer area for a total of approximately 4,780 s.f. The project is located in an existing building at 2013 C Street (**APN: 067-266-002**); and,

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

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

WHEREAS, the Planning Commission on April 4, 2012, duly held a public hearing, received, and considered evidence, both oral and documentary, and

WHEREAS, the Planning Commission does determine:

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 assembly will not be detrimental to the public health or welfare or injurious to the property or improvements because the use will occupy an existing building.

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

The site is zoned Planned Business Center (PBC) and per the Municipal Code, religious assemblies are allowed with a use permit.

3. That the site for the proposed use is adequate in size and shape to accommodate such use, and all yards, fences, parking, loading, landscaping, and other features required, to other uses in the neighborhood.

The site is adequate in size and shape to accommodate a religious assembly. The buildings and site features such as yards, parking, loading and landscaping currently exist.

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 site is located on C Street and Railroad Avenue, which are adequate in width and pavement type to carry the traffic generated by the use.

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

The use is considered a religious assembly and will not adversely affect the comprehensive General Plan.

NOW THEREFORE BE IT RESOLVED the Planning Commission of the City of Antioch does hereby **APPROVE** UP-11-16, subject to the following conditions:

STANDARD CONDITIONS

1. The project shall comply with the Antioch Municipal Code.
2. Conditions required by the Planning Commission, which call for a modification or any change to the site plan submitted, be corrected to show those conditions and all standards and requirements of the City of Antioch prior to any submittal for a building permit. No building permit will be issued unless the site plan meets the requirements stipulated by the Planning Commission and the standards of the City.
3. This approval expires two years from the date of approval (Expires April 4, 2014), 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.
4. City staff shall inspect the site for compliance with the conditions of approval prior to final building inspection.
5. Any required easements or rights-of-way for off-site improvements shall be obtained by the developer, at no cost to the City of Antioch.
6. Advance permission shall be obtained from any property or easement holders for any work done within such property or easements.
7. The developer shall pay all required fees at the time of building permit issuance.

8. This approval supersedes previous approvals that have been granted for this site.
9. Building permits shall be secured for all proposed construction associated with this facility, including any interior improvements not expressly evident on the plans submitted.
10. All construction shall conform to the requirements of the California Building Code and City of Antioch standards.
11. The use of construction equipment shall be restricted to weekdays between the hours of 8:00 AM to 5:00 PM or as approved by the City Manager or his designee.
12. The project shall be in compliance with and supply all the necessary documentation for AMC6-3.2: Construction and demolition debris recycling.
13. The applicant shall defend, indemnify and hold harmless the City in any action brought by a third party to challenge the land use entitlement.
14. 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.
15. A parking lot sweeping program shall be implemented which provides for sweeping, at minimum, immediately prior to and once during storm season.
16. No illegal signs, pennants, banners, balloons, flags, or streamers shall be used on this site at any time.
17. No signs shall be installed on this site without prior City approval.
18. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.
19. All requirements of the Contra Costa County Fire Protection District shall be met:

The applicant shall submit three (3) complete sets of plans and project specifications to the Fire District for review and approval to ensure compliance with minimum requirements related to fire and life safety. Plan review fees will be assessed at that time. (901.2) CFC, (108.4.1) CBC.

PROJECT SPECIFIC CONDITIONS

20. The use permit applies to religious assembly and related functions only, such as weddings, memorials, services, and church related classes. The applicant shall

not operate a school, day care facility, food distribution program or other use not set forth in the application. The hours of operation for assembly activities will be 8:00 AM - 10:00 PM on Fridays, Saturdays, and Sundays and 12:00 PM to 10:00 PM on Tuesdays and Wednesdays. Funerals and weddings will be conducted as needed. All activities outside the designated hours of operation can be approved by staff through an administrative use permit.

21. The floor plan shall remain substantially as proposed. An increase in the floor area dedicated to congregation seating shall be subject to City review, and may require the securing of additional parking by the applicant.
22. All building modifications that are necessary for the assembly occupancy type shall be completed, with building permits, prior to occupancy, subject to the approval of the Chief Building Official.
23. Amplified music shall be contained within the building and shall not emanate outside of it. Doors shall remain closed during services.

* * * * *

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 4th day of April 2012.

AYES:

NOES:

ABSTAIN:

ABSENT:

TINA WEHRMEISTER, SECRETARY TO THE
PLANNING COMMISSION

ATTACHMENT "A"

AERIAL PHOTO



ATTACHMENT "B"

DETAILED WRITTEN SUMMARY OF PROPOSED USE OF 2013 C STREET ANTIOCH FOR A CHURCH ASSEMBLY

The name of our church is RCCG Jesus House Antioch. The church was founded in 1952 but started in Antioch California in 2004. We are a small growing family church with the vision to impact our community positively for Christ. Through the religious activities of our church in the community over these years many troubled families have come together in peace and their children off street. Our church also support Shelter Inc. and Love a Child financially, helping to reduce homelessness on our streets and helping little children with toys, finding comfort and love. Our church gives clothing and blanket out to the needy in our community during Christmas period.

Our movement to 2013 C Street will give us the opportunity to serve our community better and impact them by being a positive influence in the area. We hold a prayer meeting every week and once a month where we pray for ourselves and the city of Antioch for property, reduction in violence, homicide, armed robbery and burglary. We believe prayer changes people and can change our city - Antioch- to be the best city in the state. We are very committed to do these until positive changes come to the city of Antioch.

ADDRESS: - The Address of the proposed site is 2013 C Street Antioch.

USE: - The site will be used for Christian religious activities like, teachings, seminars, workshops, preaching, singing and prayers for members of our congregation.

NUMBER: - We have between 45 - 50 adults. The number of attendants fluctuates depending on the season of the year. We lost some members due to our present location at 1904 A Street because of the activities of our next door neighbors - the pawn store and 24 hours Internet Cafe business.

PARKING:- we have about 17 off street Parking spaces

NUMBER OF EMPLOYEE: - Two

HOURS OF OPERATION :-

Sunday Family service : First service - 9 am ,

Second Service - 11 am


Tuesday : 7 pm - Bible Study

Wednesday : 12 noon - Lunch hour prayer

Last Friday of the Month : 9 pm - Holy Ghost Service

AREA COVERAGE OF STRUCTURE: - 14500 sq ft. APPROX.

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF APRIL 4, 2012**

Prepared by: Mindy Gentry, Senior Planner 
Date: March 29, 2012
Subject: **AR-10-04 – Mike's Auto Body Landscape Plan Amendment**

RECOMMENDATION

A resolution for approval and a resolution for denial have been provided to the Planning Commission for consideration.

REQUEST

Brennan Rose, the applicant, requests the approval of an amendment to the approved landscape plan at Mike's Auto Body. The project is located at 1001 Auto Center Drive (APN: 074-160-022).

BACKGROUND

The subject site has been the location of several auto dealerships throughout the years and on July 21, 2010, the Planning Commission recommended approval of a rezone, a minor subdivision/final development plan, and design review to the City Council subject to the conditions of approval (Attachment B). Subsequently, on August 10, 2010, the City Council approved the rezone, minor subdivision/final development plan, and design review (Attachment C).

On September 21, 2010, a building permit was pulled for the tenant improvements that were proposed for the Mike's Auto Body building and site. During the construction process there were some minor changes that were approved by the Zoning Administrator, which included the addition of a wash rack on the east side of the building.

On June 21, 2011, staff conducted a site inspection and observed that the planting was not compliant with the approved landscape plan. Staff informed the applicant of the discrepancies between the approved plan and the actual plantings. The applicant advised staff that they preferred to keep the landscape modifications, so staff reviewed the proposed plan with the Zoning Administrator, who made the determination that the modifications were considered a substantial change that would be required to go back to the Planning Commission for review. Attachment D is the applicant's summary of the proposed changes.

ENVIRONMENTAL

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

ANALYSIS

Issue #1: Project Overview

As mentioned earlier, the applicant is seeking approval of landscape modifications from their originally approved landscape plan. Two plans have been provided to the Commission for this project. There is a plan marked “approved”, which is the landscaping plan that was before both the Planning Commission and City Council, which the entitlements were based upon. The other plan is marked “proposed”, which reflects the current as-built environment at Mike’s Auto Body. The proposed modifications or the differences between the two plans are as follows:

1. Groundcover and shrubs were replaced with synthetic grass. The removed shrubs consist of approximately 100 African Iris, Bottle Brush, and Lily of the Nile. The removed groundcover consists of native grasses and Wild Strawberry.
2. Irrigation was not installed to the areas where synthetic turf was installed.
3. A small strip planter was installed between the retaining wall on Tenth Street and the drive aisle. The planter contains Dwarf Rosemary.
4. Newport Dwarf Escallonia was removed along the back wall in the southeast corner in order to accommodate the trash area.
5. The Chinese Hackberry tree on the southern side of the southern driveway on Auto Center Drive was switched to a California Fan Palm.
6. The addition of the wash rack made the following changes. The landscape planter area east of the eastern driveway on Tenth Street was modified. A landscape strip was added along the eastern property line and planted with Star Jasmine. This modification also removed three trees along the eastern wall and the Argentine Trumpet vines were not planted.
7. The vines along the south wall were not planted and neither were the Japanese Privets.
8. The planting area on the northwest corner of the building adjacent to the path of travel was modified by replacing the African Iris with Star Jasmine. The two Queen Palms in this landscape area were also not planted.
9. The planting area to the north of the building, adjacent and east of the handicap parking stalls, was modified. Additional concrete took the place of landscaping and two California Fan Palms were not planted.
10. At the corner of Auto Center Drive and Tenth Street a California Fan Palm was not planted.
11. A third Windmill Palm was not planted in the middle landscaping area in northern portion of the parking lot, even though it was shown on both sets of plans.
12. The trash enclosure was never constructed.

There are several problematic issues from a staff standpoint regarding some of the proposed changes. Staff has added conditions of approval to the approval resolution to help alleviate these issues. The major concern from the aforementioned items is the synthetic turf and the lack of irrigation provided to the area along Auto Center Drive and Tenth Street. The installation of the synthetic turf resulted in noncompliance with City Council Resolution 2010/57 condition of approval number 38. The condition states:

38. That the parking lot shall include a minimum 10' wide landscape setback from the property line on Auto Center Drive and a minimum 5' landscape setback from the property line on the corner of West Tenth Street and storm water shall be collected and conveyed in a landscape swale within those areas. Swales shall be terminated at a catch basin that is connected to the public drain system.

The swales were never installed and synthetic turf replaced the native grasses which were to act as biofiltration for the storm water runoff, as well as to prevent the site's storm water from sheeting across City sidewalks. Furthermore, the synthetic turf is not mentioned in the City's Design Guidelines as an approved landscaping material and the addition of the turf resulted in a reduction of plant variety and color to the site. Staff is recommending that condition number 38 be upheld and the swales be installed along with the irrigation and the plantings reflected in the approved plan set.

Staff is supportive of items numbered 3 through 5. For items number 6 and 7, the vines identified on the approved landscape plan should be planted and a condition has been added reflecting this change. The City's Design Guidelines support this condition by requiring 2/3 of flat wall surfaces to be covered by landscaping. Even though these areas are behind a gate, portions of the walls are still visible from Auto Center Drive and Tenth Street. Also, for item 7, the Japanese Privets should be planted along the southern property line to soften the wall as well as to provide a landscape buffer between the adjacent residential uses and a commercial use, which is outlined in the City's Design Guidelines.

For items 8 and 9, three Queen Palms or other accent trees should be planted on either side of the path of travel adjacent to the building in the northwest corner as well as the landscape strip adjacent to the handicapped parking on the north side of the building. The City's Design Guidelines state, "Landscape areas are used to frame and soften structures, to define site functions, to enhance the quality of the environment, and to screen undesirable views." They further state, "Landscaping around buildings, particularly at entrances, is encouraged to soften the edge between the parking lot and the structure. Irrigated pots and planters are encouraged for this purpose." Item 10, the California Fan Palm on the corner of Auto Center Drive and Tenth Street, should also be planted. To further support the planting of the additional trees, the Design Guidelines also discusses landscaped areas incorporating a multi-tiered planting design system which includes: grasses and groundcovers, shrubs, and trees. The additional Windmill Palm in item 11 should be planted.

Lastly, the trash enclosure shown on the approved plan was never constructed. The City's Zoning Ordinance requires all commercial uses to construct trash enclosures for

dumpsters and compactors. A trash enclosure shall be constructed to contain the compactor and baler onsite. The design shall adhere to the requirements of the Zoning Ordinance. A condition of approval has been added regarding this item.

ATTACHMENTS

- A: Aerial Photo
- B: Staff Report, Resolution, and Minutes from the July 21, 2010 Planning Commission Hearing
- C: Staff Report, Resolution, and Minutes from the August 10, 2010 City Council Hearing
- D: Applicant's Summary of Changes
- E: Landscaping Photos

**CITY OF ANTIOCH PLANNING COMMISSION
RESOLUTION NO. 2012-****

**RESOLUTION OF THE CITY OF ANTIOCH PLANNING COMMISSION
APPROVING AN AMENDMENT TO THE LANDSCAPE PLAN FOR MIKE'S AUTO
BODY**

WHEREAS, the City of Antioch received a request from Brennan Rose for an amendment to the approved landscape plan for Mike's Auto Body. The project is located at 1001 Auto Center Drive (**APN: 074-160-022**); and,

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

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

WHEREAS, the Planning Commission on April 4, 2012, duly held a public hearing, received, and considered evidence, both oral and documentary, and

NOW THEREFORE BE IT RESOLVED the Planning Commission of the City of Antioch does hereby **APPROVE** amendments to the landscape plan (AR-10-04), subject to the following conditions:

PROJECT SPECIFIC CONDITIONS

1. This approval expires two years from the date of approval (Expires April 4, 2014), 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.
2. The project shall be compliant with all conditions of approval contained within Planning Commission Resolution 2010-24 and City Council Resolution 2010/57.
3. Per condition number 38 of City Council Resolution 2010/57, the applicant shall install the swales along Auto Center Drive and Tenth Street where storm water shall be collected and conveyed in a landscaped swale within those areas. The swales shall be terminated at a catch basin that is connected to the public storm drain system.
4. The native grasses, shrubs and irrigation shall be installed along Auto Center Drive and Tenth Street as reflected in the plan set that was approved on August 10, 2010 and is dated July 13, 2010.

5. The Argentine Trumpet vines and the Creeping Fig vines shall be installed along the southern property line and the eastern property line as reflected in the plan set that was approved on August 10, 2010 and is dated July 13, 2010.
6. Four Japanese Privets shall be installed within the landscape planters on the southern property line as reflected in the plan set that was approved on August 10, 2010 and is dated July 13, 2010. Two Japanese Privets shall be planted in the northeastern landscape strip to accommodate the removal of two London Plane trees.
7. A Windmill Palm shall be installed in the middle landscape area in the northern portion of the parking lot as reflected in the plan set that was approved on August 10, 2010 and is dated July 13, 2010.
8. Three Queen Palms or other accents trees approved by staff shall be installed. One shall be installed in the landscape area on the north side of the building adjacent and east of the handicapped parking stalls as reflected in the plan set that was approved on August 10, 2010 and is dated July 13, 2010. Two Queen Palms shall be planted in the landscaping areas on both sides of the path of travel, west of the building as reflected in the plan set that was approved on August 10, 2010 and is dated July 13, 2010.
9. The California Fan Palm on the corner of Auto Center Drive and Tenth Street shall be planted as reflected in the plan set that was approved on August 10, 2010 and is dated July 13, 2010.
10. A trash enclosure shall be constructed to contain both the cardboard baler and compactor onsite. It also shall be large enough to accommodate recycling bins if deemed necessary by staff. The design shall adhere to Section 9-5.1401 of the Zoning Code and be subject to staff approval.

* * * * *

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 4th day of April 2012.

AYES:

NOES:

ABSTAIN:

ABSENT:

TINA WEHRMEISTER, SECRETARY TO THE
PLANNING COMMISSION

**CITY OF ANTIOCH PLANNING COMMISSION
RESOLUTION NO. 2012-****

**RESOLUTION OF THE CITY OF ANTIOCH PLANNING COMMISSION
DENYING AN AMENDMENT TO THE LANDSCAPE PLAN FOR MIKE'S AUTO BODY**

WHEREAS, the City of Antioch received a request from Brennan Rose for an amendment to the approved landscape plan for Mike's Auto Body. The project is located at 1001 Auto Center Drive (**APN: 074-160-022**); and,

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

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

WHEREAS, the Planning Commission on April 4, 2012, duly held a public hearing, received, and considered evidence, both oral and documentary, and

NOW THEREFORE BE IT RESOLVED the Planning Commission of the City of Antioch does hereby **DENY** amendments to the landscape plan (AR-10-04).

* * * * *

I HEREBY CERTIFY the foregoing resolution was duly adopted by the Planning Commission of the City of Antioch, County of Contra Costa, State of California, at a regular meeting of said Planning Commission held on the 4th day of April, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

TINA WEHRMEISTER, Secretary to the
Planning Commission

ATTACHMENT "A"

Aerial Photo



ATTACHMENT "B"

STAFF REPORT TO THE PLANNING COMMISSION FOR CONSIDERATION AT THE MEETING OF JULY 21, 2010

Prepared by: Alexis Morris, Senior Planner
Reviewed by: Tina Wehrmeister, Community Development Director
Date: July 15, 2010
Subject: PD-10-01, AR-10-04, PW 357-301-10 – Mike's Auto Body

RECOMMENDATION

It is recommended that the Planning Commission take the following actions:

1. Approve the resolution recommending approval of an ordinance rezoning the project site from Neighborhood/Community Commercial (C-2) to Planned Development District (PD-10-01).
2. Approve the resolution recommending approval of a minor subdivision/final development plan (PW 357-301-10), and design review (AR-10-04), subject to conditions of approval.

REQUEST

Brennan Rose, Mike's Auto Body, requests approval of a minor subdivision, a rezone to Planned Development District (PD), and design review approval of an exterior remodel at 1725 West 10th Street (APN 074-160-022) (Attachment A).

BACKGROUND

The subject property is the former location of several auto dealerships. The property has been vacant for a number of years and has been routinely vandalized. The applicant recently took over ownership of the subject property and is making an effort to repair broken windows, paint over graffiti and secure the property until it can be occupied. The applicant operates seven locations in Contra Costa County, including one across the street from the subject property. The applicant intends to relocate to this location if approved.

ENVIRONMENTAL

This project is exempt from the provisions of CEQA pursuant to Article 12, Section 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning.

ANALYSIS

Issue #1: Project Overview

The proposed project consists of an exterior and interior remodel, a minor subdivision into two parcels, and a Planned Development (PD) rezone on the site of the former auto dealership located at 1725 West 10th Street. The existing building on site will be used for auto body repair and offices. In addition to the remodel of the existing building, the parking lot will be restriped, landscaping will be added and a new trash enclosure will be constructed. A trash compactor, a baler and storage are also proposed at the rear of the site.

The minor subdivision will create two new parcels: Parcel A will be 72,777 s.f. and will contain the Mike's Auto Body building, and Parcel B will be 31,504 s.f. and will be the site of a future commercial building. The applicant does not intend to develop this building at this time; therefore the future building on Parcel B will be required to apply separately for design review approval.

The General Plan designation for the site is Commercial and the Zoning Designation is Neighborhood/Community Commercial (C-2). The surrounding land uses and Zoning designations are:

North:	Car Rental, Tire Store / Neighborhood/Community Commercial (C-2)
East:	Vacant Commercial Building / Neighborhood/Community Commercial (C-2)
South:	Auto service, apartment complex / Neighborhood/Community Commercial (C-2), High Density Residential (R-20)
West:	Auto sales and services / Planned Business Center (PBC)

Issue #2: Architecture and Signage

Overall, staff is pleased with the proposed remodel of the existing building. The remodel includes a new color scheme, new materials and finishes, and new architectural elements. The proposed color scheme includes light- and medium-beige wall colors and dark red trim. The building currently has a rock-finish, which will be replaced with a stucco finish. The applicant is adding tower elements and cornices to the building to vary the roof height and provide visual interest. Façade improvements to the north elevation include the new tower elements and arches in front of new sliding glass doors. The wall surfaces will be broken up by faux columns, arches, metal grids and painted patterns in the stucco.

Please note that the elevations show gridlines in the stucco of the west elevation. Subsequent to submitting the elevations, the applicant learned from contractors that they will not be able to create that effect after all due to the wall's existing rock surface. The applicant is instead proposing a smooth wall with the painted diamond or a diamond with a stripe painted off each point of the diamond. Staff recommends that these areas feature only the painted diamond, similar to what is shown on the proposed elevations. This change has been included as a condition of approval.

The design of the proposed project was not peer reviewed by an outside architect. The Community Development Director has the discretion to determine when a project should be subject to the peer review process. Given that the proposed project is not new construction, and given the constant vandalism and theft that occurs at the site, the Director determined that it was appropriate to forgo peer review for this project in order to expedite the processing of the application.

The project is subject to the Citywide Design Guidelines, whether or not it goes through the peer review process. The following is a partial list of some of the Commercial Design Guidelines the project is consistent with:

- 3.1.10. Commercial Building/Center Rehabilitation (P. 3-22):
 - A.2.c: Adding a new centrally located common use entry drive and reducing the number of multiple entry driveways.
 - A.2.f: Restriping the parking lot to provide a more efficient vehicle circulation pattern.
 - B.2: Large buildings or centers shall incorporate changes in vertical and horizontal planes to break up a monolithic appearance.
 - B.5: Each building shall have a definable base (wainscot/bulkhead), roofline (or parapet cap detail), and entry.
- 3.2.12 Automotive Repair and Smog Services (P. 3-47):
 - A.2: Vehicle drop-off areas shall be provided to prevent vehicle overflow onto adjacent streets.
 - A.3: The interior of work bays shall not be visible from a public street, any adjacent residential buildings, or designated open space.

The building features wall signs on the north and west elevations. The signs feature individually mounted, dark red letters, a silhouette of Mount Diablo, and a rose logo. The plans show a monument sign at the corner of the site, but a design for the sign has not yet been developed. Staff has included a condition requiring the design of the monument sign to be reviewed and approved by the Zoning Administrator prior to installation.

Issue #3: Landscaping and Walls

The site currently has no landscaped setback from Auto Center Drive or W. 10th Street, which is typical of other properties in the vicinity. The applicant is proposing to add a minimum ten foot landscaped area on Auto Center Drive and a new landscaped area on W. 10th Street east of the intersection. The project is not subject to provision C.3 of the City's NPDES permit, but the addition of landscaping adjacent to Auto Center Drive will help prevent much of the site's storm water from flowing across City sidewalks. As mentioned above, many of the properties in the vicinity have little to no landscaped setbacks; therefore, the addition of landscaped setbacks on this property will help improve the appearance of this parcel as well as improve the appearance of the intersection. Landscaped areas with trees and shrubs are also being added to the parking lot.

The planting plan includes a wide variety of drought-tolerant trees, shrubs and ground covers. Several varieties of palm trees will be planted adjacent to the building and in the parking lot. The site of the future building on Parcel B will be hydro seeded with native grasses.

The applicant is proposing to construct a six-foot, beige masonry wall on the southern property line where it abuts the apartment complex and a portion of the eastern property line, which is required by the Zoning Ordinance. The exact design of the wall has not been finalized; therefore staff has included a condition that the final design be subject to the approval of the Zoning Administrator. The rest of the perimeter will utilize the existing chain link fence. Wrought iron gates will be constructed in the parking lot to the south and east of the building to screen and secure cars that are temporarily stored on site.

Issue #4: Parking Lot/Site Improvements

The applicant will be re-striping the parking lot to include a new circulation pattern and a total of 144 parking spaces. The proposed parking exceeds Zoning Code requirements for auto body and commercial uses. The site currently has two sub-standard driveways on West 10th Street to the west of the building. These driveways will be reconfigured into one driveway that meets City standards. The driveway to the east of the building will remain as-is.

A shared parking and access agreement is required to ensure the right of each property to park on the other property and to ensure shared access to the trash enclosure on Parcel A, as well as maintenance of the parking lot and landscaping. A condition to this effect is included in the attached resolution.

Issue #5: Zoning and Planned Development Standards

The subject property is located within the Somersville Road Focus Policy Area of the General Plan. The General Plan designation for the site is Commercial and the Zoning Designation is Neighborhood/Community Commercial (C-2). The General Plan allows auto body repair in the Commercial designation, however it is not a permitted use in the C-2 Zoning designation. Therefore, the applicant is requesting a rezone to Planned Development District (PD) in order to allow uses more consistent with the General Plan designation, such as auto body repair, on the site and to create a list of permitted uses for future tenants of the commercial building on Parcel B.

The applicant's requested PD District standards and regulations are provided as Attachment "B". The PD zone as proposed by the applicant would permit the following types of uses by right:

- Convenience retail uses
- Services uses
- Banks and financial institutions

- Professional offices
- Automotive uses

The following types of uses would require a conditional use permit (CUP):

- Carwash
- On- or off-sale liquor establishments
- Restaurants with or without a drive thru
- Nursery and day care centers
- Other uses as determined by the Zoning Administrator

Staff would recommend one change to the proposed list of uses. Restaurants are permitted by right in most commercial zones. Staff recommends that a traditional restaurant be permitted by right and that only a restaurant with drive-thru or with a bar and live entertainment be required to obtain a CUP. This recommendation is reflected in the attached resolution.

Proposed PD-District Development Standards

Standard	Standard C-2 Zoning	Proposed PD Zoning
Minimum Lot Size	20,000 sq. ft.	20,000 s.f.
Minimum Lot Width	Interior lot: 60 feet Corner lot: 65 feet	Interior lot: 60 feet Corner lot: 65 feet
Minimum Front Yard Setbacks	30 feet	0 to 10 feet
Minimum Side Yard Setbacks	Interior: 0 feet Street Side (Corner lot): 30 feet	Interior: 0 feet Street Side: 10 feet (reserved for landscaping only)
Minimum Rear Yard Setbacks	10 feet	0 feet
Maximum Building Height	35 feet	30 feet
Maximum Lot Coverage	35%	35%
Parking	By use, per requirements of Section 9-5.1703.1	144 spaces

ATTACHMENTS

- A: Vicinity Map
B: Proposed PD-District Development Standards

**CITY OF ANTIOCH PLANNING COMMISSION
RESOLUTION NO. 2010/23**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING APPROVAL OF AN ORDINANCE TO REZONE
APPROXIMATELY 2.5 ACRES (APN 074-160-022) FROM NEIGHBORHOOD/
COMMUNITY COMMERCIAL (C-2) TO PLANNED DEVELOPMENT DISTRICT (PD-
10-01)**

WHEREAS, the City of Antioch did receive a request from Brennan Rose, Mike's Auto Body, for approval of a minor subdivision, a rezone to Planned Development District (PD), and design review approval of an exterior remodel at 1725 West 10th Street (APN 074-160-022); and,

WHEREAS, This project is exempt from the provisions of CEQA pursuant to Article 12, Section 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning; and,

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

WHEREAS, on July 21, 2010, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission makes the following findings required for approval of the proposed zone change:

1. That the public necessity requires the proposed zone change. The General Plan designation for the site is Commercial and the Zoning Designation is Neighborhood/Community Commercial (C-2). The General Plan allows auto body repair in the Commercial designation, however it is not a permitted use in the C-2 Zoning designation. Therefore, a rezone to Planned Development District (PD) will create a Zoning designation that is more consistent with the General Plan designation.
2. That the subject property is suitable to the use permitted in the proposed zone change. The subject property is previously developed land adjacent to existing commercial development and is suitable to the proposed commercial land uses in the Planned Development District.
3. That said permitted use is not detrimental to the surrounding property. The proposed project is consistent with the adjacent commercial development to the north, east and west, and the project will construct improvements that will benefit surrounding properties.

4. That the proposed zone change is in conformance with the Antioch General Plan. The project conforms to the requirements of the General Plan Somersville Road Focus Policy Area.

BE IT FURTHER RESOLVED that the Planning Commission does hereby recommend to the City Council APPROVAL of the draft Ordinance (Exhibit A) to rezone the approximately 2.5 acre project site (APN 074-160-022), located at 1725 West 10th Street from Neighborhood/Community Commercial (C-2) to Planned Development District (PD-10-01).

* * * * *

I HEREBY CERTIFY that the foregoing recommendation was passed and adopted by the Planning Commission of the City of Antioch, at a regular meeting thereof, held on the 21st day of July, 2010 by following vote:

AYES: Langford, Johnson, Westerman, Baatrup, Azevedo and Manuel
NOES: None
ABSTAIN: None
ABSENT: Travers

TINA WEHRMEISTER
SECRETARY TO THE PLANNING COMMISSION

EXHIBIT A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH TO REZONE ORDINANCE TO REZONE APPROXIMATELY 2.5 ACRES (APN 074-160-022) FROM NEIGHBORHOOD COMMUNITY COMMERCIAL (C-2) TO PLANNED DEVELOPMENT DISTRICT (PD-10-01)

The City Council of the City of Antioch does ordain as follows:

SECTION 1:

The City Council determined on _____ that, pursuant to Section 15183 of the Guidelines of the California Environmental Quality Act that the project is exempt from the provisions of CEQA.

SECTION 2:

At its regular meeting of July 21, 2010, the Planning Commission recommended that the City Council adopt the Ordinance to rezone the subject property from Neighborhood/Community Commercial(C-2) to Planned Development District (PD-10-01).

SECTION 3:

The real property described in Exhibit A, attached hereto, is hereby rezoned from Neighborhood/Community Commercial(C-2) to Planned Development District (PD-10-01), and the zoning map is hereby amended accordingly.

SECTION 4:

The development standards, as defined below, for the subject property (**APN 074-160-022**), known as the Mike's Auto Body project, are herein incorporated into this ordinance, and are binding upon said property.

Development Standards for the Proposed Planned Development District

Standard	Proposed PD Zoning
Minimum Lot Size	20,000 s.f.
Minimum Lot Width	Interior lot: 60 feet Corner lot: 65 feet
Minimum Front Yard Setbacks	0 to 10 feet
Minimum Side Yard Setbacks	Interior: 0 feet Street Side: 10 feet (reserved for landscaping only)
Minimum Rear Yard Setbacks	0 feet
Maximum Building Height	30 feet
Maximum Lot Coverage	35%
Parking	144 spaces

SECTION 5:

That permitted uses for Parcels A and B include:

- Convenience retail uses
- Service uses

- Banks and financial institutions
- Professional offices
- Automotive uses
- General Restaurants
- Other similar uses as determined by the Zoning Administrator

Conditionally permitted uses for Parcels A and B include:

- Carwash
- Liquor stores and other on- or off-sale liquor establishments
- Fast food restaurants with a drive thru, restaurants with bar and live entertainment
- Nursery and day care centers
- Other uses as determined by the Zoning Administrator

SECTION 6:

The City Council finds that the public necessity requires the proposed zone change, that the subject property is suitable to the use permitted in the proposed zone change, that said permitted use is not detrimental to the surrounding property, and that the proposed zone change is in conformance with the Antioch General Plan.

SECTION 7:

This ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption and shall be published once within fifteen (15) days upon passage and adoption in a newspaper of general circulation printed and published in the City of Antioch.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was introduced and adopted at a regular meeting of the City Council of the City of Antioch, held on the ____ of _____ and passed and adopted at a regular meeting thereof, held on the ____ day of _____, by the following vote:

AYES:
NOES:
ABSENT:

Mayor of the City of Antioch

ATTEST:

City Clerk of the City of Antioch

EXHIBIT A
LEGAL DESCRIPTION

**PLANNING COMMISSION
RESOLUTION NO. 2010/24**

**RESOLUTION OF THE CITY OF ANTIOCH PLANNING COMMISSION
RECOMMENDING APPROVAL OF A MINOR SUBDIVISION/FINAL DEVELOPMENT
PLAN (PW 357-301-10) AND DESIGN REVIEW (AR-10-04) FOR THE MIKE'S AUTO
BODY PROJECT**

WHEREAS, the City of Antioch did receive a request from Brennan Rose, Mike's Auto Body, for approval of a minor subdivision, a rezone to Planned Development District (PD), and design review approval of an exterior remodel at 1725 West 10th Street (APN 074-160-022); and

WHEREAS, This project is exempt from the provisions of CEQA pursuant to Article 12, Section 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning; and,

WHEREAS, on July 21, 2010, the Planning Commission recommended approval of a rezone from Neighborhood/Community Commercial(C-2) to Planned Development District (PD-10-01); and,

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

WHEREAS, on July 21, 2010, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission makes the following required findings for approval of a Final Development Plan:

1. Each individual unit of the development can exist as an independent unit capable of creating an environment of sustained desirability and stability because each parcel has its own independent parking and access. The uses proposed will not be detrimental to present and potential surrounding uses but instead will have a beneficial effect which could not be achieved under another zoning district due to the General Plan designations for the project site.
2. The streets and thoroughfares proposed meet the standards of the City's Growth Management Program and adequate utility service can be supplied to all phases of the development because the project is on previously developed land already served by existing improvements and utility service.

3. Any commercial component of the project is justified. The project is located in a commercial designation in the General Plan, is the site of a previous commercial use and is surrounded by commercial uses.
4. Any deviation from the standard zoning requirements is warranted by the design and additional amenities incorporated in the final development plan which offer certain unusual redeeming features to compensate for any deviations that may be permitted. The project is substantially in conformance with the Planned Development District development standards established for the project site and will construct improvements on the property that will improve the appearance of the property.
5. The area surrounding the PD district can be planned and zoned in coordination and substantial compatibility with the proposed development because the proposed development is consistent with the General Plan and the area around the project will also be required to develop according to the General Plan policies for the Somersville Road Focus Policy Area.
6. The Project and the PD District conform to the General Plan of the City in that the proposed commercial uses are consistent with the General Plan designations of Commercial in the Somersville Road Focus Policy Area.

BE IT FURTHER RESOLVED that the Planning Commission does determine:

1. That the subdivision, design and improvements are consistent with the General Plan, as required by Section 66473.5 of the Subdivision Map Act and the City's Subdivision Regulations. The site is designated Commercial and is zoned Planned Development and the subdivision will accommodate uses that are consistent with the General Plan on each of the lots created by the subdivision; and
2. That the subdivision proposed by the Parcel Map complies with the rules, regulations, standards and criteria of the City's Subdivision Regulations. The proposed subdivision meets the City's criteria for the parcel map. The City's Planning and Engineering staff have reviewed the Parcel Map and evaluated the effects of the subdivision proposed and have determined that the Parcel Map complies with and conforms to all the applicable rules, regulations, standards, and criteria of the City's Subdivision Regulations.

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Antioch does hereby recommend **APPROVAL** of a minor subdivision/final development plan and design review (PW 357-301-10, AR-10-04) for the Mike's Auto Body project on an approximately 2.5 acre parcel located at 1725 West 10th Street (APN 074-160-022), subject to the following conditions:

STANDARD CONDITIONS

1. That the project shall comply with Antioch Municipal Code.
2. That conditions required by the City Council, which call for a modification or any change to the site plan submitted, be corrected to show those conditions and all standards and requirements of the City of Antioch prior to any submittal for a building permit. No building permit will be issued unless the site plan meets the requirements stipulated by the City Council and the standards of the City.
3. That this approval expires two years from the date of approval (Expires July 21, 2012), 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.
4. That City Staff inspect the site for compliance with conditions of approval prior to final building inspection.
5. That the lots and improvements within the development comply with the City of Antioch Municipal Code, unless a specific exception is granted thereto.
6. That the applicant obtain an encroachment permit for all work done within the public right-of-way.
7. That the use of construction equipment be restricted to weekdays between the hours of 8:00 a.m. and 5:00 p.m., or as approved by the City Engineer.
8. That standard dust control methods and designs be used to stabilize the dust generated by construction activities.
9. That the project be in compliance with and supply all the necessary documentation for AMC6-3.2: Construction and demolition debris recycling.
10. That the applicant shall defend, indemnify and hold harmless the City in any action brought by a third party to challenge the land use entitlement and shall enter into an agreement to effectuate this condition of approval as required by the City.
11. That any revisions to the building exterior materials, paint colors, and/or overall color scheme shall require a new application and shall be subject to Design Review approval.

Fees:

12. 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.
13. That the developer pay all fees required by the City Council.
14. That the developer pay any required East Contra Costa Regional Traffic Mitigation fees prior to receiving a building permit for structures within this development.
15. That the developer pay any required Drainage Area fees prior to the issuance of any building permits for this project.
16. That the developer pay all applicable Delta Diablo Sanitation District fees prior to the issuance of any building permits for this project.
17. That the developer pay the Contra Costa County Fire Protection District Fire Development Fee in place at the time of permit issuance.

NPDES / Conservation:

18. That all areas used for washing, steam cleaning, maintenance, repair or processing, discharge into the sanitary sewer as approved by the City Engineer.
19. That efficient irrigation, appropriate landscape design and proper maintenance be implemented to reduce excess irrigation runoff, promote surface filtration, and minimize the use of fertilizers, herbicides and pesticides.
20. That, to the extent practicable, drainage from paved surfaces be routed through grassy swales, buffer strips or sand filters prior to discharge to the storm drain system.

Property Maintenance:

21. That a parking lot sweeping program be implemented that, at a minimum, provides for sweeping immediately prior to, and once during, the storm season.
22. That any undeveloped areas on-site be maintained in an attractive manner which ensures fire safety.
23. That the site be kept clean of all debris (boxes, junk, garbage, etc.) at all times.

24. That the project shall comply with Property Maintenance Ordinance Section 5-1.204 and enter into a joint maintenance agreement with the shopping center property owners for landscaping maintenance of the entire site. No final landscape and irrigation plan shall be considered to be complete without an approved maintenance agreement reflective of standards contained in Section 5-1.204 (G).

Landscaping:

25. That all trees be a minimum 15-gallon size with six (6) trees on the west and north side enlarged to 24" box and that all shrubs be a minimum 5-gallon size.
26. That landscape show immediate results.
27. That there be a minimum of five feet (5') clear between any proposed trees and any concrete or asphalt paving within the City right-of-way. Trees closer than ten feet (10') to such concrete or asphalt paving shall use approved root guards.
28. 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.

Site Design:

29. That all on-site curbs, gutters and sidewalks be constructed of Portland cement concrete.
30. That all access driveways be constructed to City standards, subject to review and approval by the City Engineer.
31. That all damaged sidewalks be removed and replaced as required by the City Engineer.
32. That masonry trash enclosures shall be provided to screen dumpsters from public view. Trash enclosures shall have a roof and shall be plumbed to the sanitary sewer. Enclosures shall not be located within any easement areas.
33. That all mechanical equipment be screened from public view.
34. That all parking lot dimensions and striping shall meet minimum City standards.
35. That all parking and access meet the ADA/Title 24 requirements as determined by the Chief Building Official using Checklist #1, Parking, CA Title 24, Sections 1129B.1 and 1130B. The location of such spaces shall provide safe and convenient access to the building as determined by the Chief Building Official.

PROJECT SPECIFIC CONDITIONS

36. That the future building on Parcel B shall be subject to a separate design review application and approval prior to construction.
37. That a six foot masonry wall shall be constructed on the southern and eastern property lines between the subject property and the apartment complex. The wall shall be beige in color to match the building and shall feature columns and a decorative cap. The final design of the signage shall be brought back to the Planning Commission for approval.
38. That the parking lot shall include a minimum 10' wide landscape setback from the property line on Auto Center Drive and a minimum 5' landscape setback from the property line on the corner of West Tenth Street and storm water shall be collected and conveyed in a landscaped swale within those areas. Swales shall be terminated at a catch basin that is connected to the public storm drain system.
39. That a landscape, trash enclosure and parking lot access and maintenance agreement be recorded to ensure future access, use and maintenance of the parking lots, trash enclosure and landscaped areas.
40. Prior to Certificate of Occupancy for any habitable structure constructed on Parcel B, a separate water service and sanitary sewer connection shall be provided to that structure. An easement across Parcel A shall be reserved on this Parcel Map to allow future connection of Parcel B to the sewer main in West Tenth Street.
41. That the existing aboveground electrical equipment on the Auto Center Drive sidewalk shall be relocated, subsurface mounted below grade or moved 15' back from the property line and screened with landscaping.
42. That the design of the monument sign at the corner of Auto Center Drive and West 10th Street shall be reviewed and approved by the Zoning Administrator prior to installation.
43. That the two stucco areas on the west elevation shown with a painted diamond and grid shall instead feature smooth textured stucco with a painted diamond in "Garnet Evening (DEA-147) or equivalent color as per plans on the finish

* * * * *

I HEREBY CERTIFY the foregoing resolution was duly adopted by the Planning Commission of the City of Antioch, County of Contra Costa, State of California, at a regular meeting of said Planning Commission held on the 21st day of July, 2010.

AYES:	Langford, Johnson, Westerman, Baatrup, Azevedo and Manuel
NOES:	None
ABSTAIN:	None
ABSENT:	Travers

Tina Wehrmeister
Secretary to the Planning Commission

NEW PUBLIC HEARING

3. **Z-10-03, AR-10-04 – Brennan Rose** requests approval of an exterior remodel, lot split, and rezone to Planned Development District (PD) for a new auto body repair business located in an existing building at 1725 West 10th Street (**APN 074-160-022**).

Alexis Morris, Senior Planner, provided a summary of the staff report dated July 15, 2010.

Commissioner Azevedo clarified with staff that Attachment A was provided by staff and Attachment B was provided by the applicant and that in the ordinance attached to the staff report, the bullet list is more brief and not as detailed.

OPENED PUBLIC HEARING

Applicant, Brennan Rose, Mike's Auto Body gave an overview of the business. He stated that Mike's Auto Body has been a family run business for 37 years in the East Bay, that they lease space on West Tenth Street for the past 5 years and that they do a fairly good business. He went on to say that he hoped to fix the property up as it is in pretty bad disarray and is trying to arrange a car give away at Christmas this year. Applicant stated that Don Sterling and Tom Halway were present to answer any questions.

Don Sterling of Sterling Architects stated that he was excited to have the project move forward and he thanked Alexis and Tina for their help to expedite. Mr. Sterling then presented a Power Point presentation showing the broken windows and graffiti, the change in color and parapet height, the landscaping plan, and the changes in the context of the building with recesses, pop outs and the decorative elements to make the site look a lot nicer. He stated that the site was currently a big massive parking lot and that they would be getting rid of impervious surface and adding landscaping. He went on to say that although there is currently two access points on West Tenth Street, staff has asked to make one access. Mr. Sterling stated that he had two concerns with the conditions, project specific condition #41 moving the transformer box 15 feet away from the property line rather than 30 feet and project specific condition #43 for 2 diamond sheet items on the front of the building to be built as shown with stucco screen rather than painted.

Tom Halway with Landscaping Architects stated that they have been able to incorporate a lot of landscaping into the architectural elements to create seamless quality and to soften up the southwest corner with a mix of palms, shade trees and low maintenance nice quality landscaping.

Chairman Johnson clarified with applicant that the landscaping would be done in a single phase with 15 gallon box sizes along the driveway.

Commissioner Baatrup stated that there was a significant amount of parking on Auto Center Drive and clarified with applicant that the repairing of cars and all wrecked cars would be in the back of the site, that employee parking is along the front side and that customers would be able to park in front for walk in estimates.

Chairman Johnson asked applicant about the PG&E transformer box location to which applicant Rose responded that the Power Point showed the box sits 2 feet off the curb and said that they have talked to PG&E about moving the box or putting in a vault at the curb with the City's approval depending on the Planning Commission's decision.

Commissioner Azevedo clarified with applicant that although the condition of the pavement in the parking lot is fair, they will need to trench to bring fire sprinklers to the building and for landscaping and will patch, reseal and restripe the entire lot including the back lot.

Commissioner Langford clarified with the architect that the building would be all smooth stucco and that the west side would be stucco screen with foam cut grids that attach to the wall. Commissioner Langford discussed with the architect the size and placement of the trees and clarified that the trees closer to the street on Auto Center Drive could be larger. Commissioner Langford then questioned if the irrigation was an automatic system to which the architect stated that it was and that the system can run all together or can be separated into two to meet water efficient landscape requirements.

Chairman Johnson then asked if anyone in the audience wished to speak against the project and City Attorney Nerland clarified anyone wishing to speak for the project as well.

Chairman Johnson then asked Senior Planner Morris to speak to applicant's concern regarding Condition 41 to which she stated that the typical set back is thirty feet from a major arterial, that the project is already nonconforming with the set back and that the main thing is to get it out of the right of way and be screened.

Chairman Johnson then confirmed that Senior Planner Morris is ok with the proposal for Condition 43.

CLOSED PUBLIC HEARING

Commissioner Langford stated that although he is overall happy with the project and applicant's ability to move quickly and improve that particular corner, he is concerned about the extent of the stucco given that the design guidelines intend to bring in more materials for variation. He went on to say that in regards to Condition 37, signs are generally brought back for design review instead of going to the zoning administration but that this will probably be brought up later in the agenda.

Commissioner Baatrup had no comments.

Commissioner Westerman concurred with Commissioner Langford and believed that the project would be a tremendous improvement to that corner and was happy to see it come in.

Commissioner Manuel stated that he was very pleased with the project and believed applicant has done a good job and given the size of the building has created variety and landscaping to soften the corner making it a nice view for both Auto Center Drive and Tenth Street. He thanked the applicant for bringing the project forward.

Commissioner Azevedo stated that he appreciated that the applicant was making this investment given these economic times and given a few adjustments, he would be able to support this project.

Chairman Johnson added for the record that he did have an opportunity to meet with Mr. Rose but that nothing was discussed at that meeting that was not discussed here. He went on to say that this project is something Antioch needs and that he trusts that applicant will not cut corners with regards to signage.

RESOLUTION NO. 2010-23

On Motion by Commissioner Langford and seconded by Commissioner Azevedo, the Planning Commission recommends to the City Council APPROVAL of the draft Ordinance (Exhibit A) to rezone the approximately 2.5 acre project site (APN 074-160-022), located at 1725 West 10th Street from Neighborhood/Community Commercial (C-2) to Planned Development District (PD-10-01).

AYES:	Langford, Johnson, Westerman, Baatrup, Azevedo, and Manuel
NOES:	None
ABSTAIN:	None
ABSENT:	Travers

Commissioner Azevedo and Commissioner Langford briefly discussed Condition 43 to clarify in the event the applicant is not able to construct per the drawings if this is something that should be brought back to staff or to the Planning Commission. Senior Planner Morris stated that it would be appropriate to do either.

City Attorney Nerland then clarified that Condition 37 for the masonry wall would come back to Planning Commission and that as to Condition 42, the monument sign approval should come back to Planning Commission.

RESOLUTION NO. 2010-24

On Motion by Commissioner Langford and seconded by Commissioner Manuel, the Planning Commission recommends APPROVAL of a minor subdivision/final development plan and design review (PW 357-301-10, AR-10-04) for the Mike's Auto Body project on an approximately 2.5 acre parcel located at 1725 West 10th

Street (APN 074-160-022), subject to the following:

- **Standard Conditions 1-24 as written.**
- **Standard Condition 25 changed to read “That all trees be a minimum 15-gallon size with six (6) trees on the west and north side be enlarged to 24” box and that all shrubs be a minimum 5-gallon size”.**
- **Standard Conditions 26 through 35 as written.**
- **Specific Condition 36 as written.**
- **Specific Condition 37, the last sentence be changed to read “The final design of the signage shall be brought back to the Planning Commission for approval”.**
- **Specific Conditions 38 through 40 as written.**
- **Specific Condition 41 be changed to read “That the existing aboveground electrical equipment on the Auto Center Drive sidewalk be relocated, subsurface mounted below grade or moved 15’ back from the property line and screened with landscaping.**
- **Specific Condition 42 as written.**
- **Addition to Specific Condition 43 “as per plans on the finish”.**

AYES: Langford, Johnson, Westerman, Baatrup, Azevedo, and Manuel
NOES: None
ABSTAIN: None
ABSENT: Travers

NEW ITEMS:

- 4. AR-10-05 – Deer Valley Business Park Tech Building Canopy and Pick-Up and Drop-Off Area** – Steve Kieke of M.S. Walker requests design review approval of an additional canopy and pick-up and drop-off area as part of the technology building within Deer Valley Business Park (**APN: 055-071-111**).

Mindy Gentry, Associate Planner, provided a summary of the staff report dated July 15, 2010.

Commissioner Westerman questioned staff whether the dialysis center on Buchanan was co-operated to which Associate Planner Gentry stated that applicant would have that answer.

Commissioner Langford clarified with staff that even with putting in the columns that the sidewalk would still meet the requirement of ADA and that drawings of the elevations were provided to the Commission on the flash drive in their packets.

OPENED PUBLIC HEARING

Applicant, Steve Kieke, stated that he has reviewed all of the conditions, that he has no exceptions to any of them, and that although the medical corporation has centers all over the country, that he did not believe they operate the other facility in Antioch.

ATTACHMENT "C"

STAFF REPORT TO THE CITY COUNCIL FOR CONSIDERATION AT THE MEETING OF AUGUST 10, 2010

Prepared by: Alexis Morris, Senior Planner
Approved by: Tina Wehrmeister, Director of Community Development
Date: August 4, 2010
Subject: PD-10-01, AR-10-04, PW 357-301-10 – Mike's Auto Body

RECOMMENDATION

It is recommended that the City Council take the following actions:

1. Adopt the ordinance rezoning the project site from Neighborhood/Community Commercial (C-2) to Planned Development District (PD-10-01).
2. Adopt the resolution approving a minor subdivision/final development plan (PW 357-301-10), and design review (AR-10-04), subject to conditions of approval.

REQUEST

Brennan Rose, Mike's Auto Body, requests approval of a minor subdivision, a rezone to Planned Development District (PD), and design review approval of an exterior remodel at 1725 West 10th Street (APN 074-160-022) (Attachment "A").

BACKGROUND INFORMATION

The Planning Commission recommended approval of the project on July 21, 2010. The Planning Commission staff report, which describes the proposed project in detail, is proved as Attachment "B". The Commission recommended minor changes to the conditions of approval for the project, which are discussed in more detail below.

ENVIRONMENTAL

This project is exempt from the provisions of CEQA pursuant to Article 12, Section 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning.

ANALYSIS

Issue #1: Planning Commission Recommendation

The Planning Commission recommended approval of the proposed project and made the following minor changes to the conditions of approval:

- Standard Condition number 25 was modified to require the applicant to plant a total of six, 24 inch box trees, rather than the 15 gallon trees proposed.
- Condition number 41 was changed at the applicant's request to allow the mechanical equipment to be placed a minimum of 15 feet from the property line, rather than the 30 feet suggested by staff.
- Condition number 42 was changed to require the monument sign to go back to the Planning Commission for approval, rather than to the Zoning Administrator as suggested by staff.
- Condition number 43 was changed at the applicant's request to require the two stucco areas on the west elevation to be constructed as they are shown on the elevations or with an alternate design if that construction technique is not technically feasible, subject to the approval of Community Development Department staff.

Issue #2: Planned Development Rezone Ordinance

Staff recommended one change to the applicant's proposed list of uses, which was to allow a traditional restaurant to be permitted by right and that only a restaurant with drive-thru or with a bar and live entertainment be required to obtain a conditional use permit. This recommendation is reflected in the attached ordinance. Staff also inadvertently left the applicant's proposed descriptions of each land use out of the draft ordinance reviewed by the Planning Commission. That error was brought to the Commission's attention and has been corrected in the attached ordinance.

FINANCIAL IMPACT

The expansion project should increase the value of the property, which would result in additional property tax revenue for the City. The new location has the capacity to serve more customers, which may result in an increase in sales tax.

OPTIONS

1. Approve the proposal.
2. Deny the proposal.
3. Continue the item and provide direction to staff and/or request additional information.

ATTACHMENTS

- A: Vicinity Map
- B: July 27, 2010 Planning Commission Staff Report

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH TO REZONE
APPROXIMATELY 2.5 ACRES (APN 074-160-022) FROM NEIGHBORHOOD
COMMUNITY COMMERCIAL (C-2) TO PLANNED DEVELOPMENT DISTRICT
(PD-10-01)**

The City Council of the City of Antioch does ordain as follows:

SECTION 1:

The City Council determined on August 10, 2010, that, pursuant to Section 15183 of the Guidelines of the California Environmental Quality Act that the project is exempt from the provisions of CEQA.

SECTION 2:

At its regular meeting of July 21, 2010, the Planning Commission recommended that the City Council adopt the Ordinance to rezone the subject property from Neighborhood/Community Commercial(C-2) to Planned Development District (PD-10-01).

SECTION 3:

The real property described in Exhibit A, attached hereto, is hereby rezoned from Neighborhood/Community Commercial(C-2) to Planned Development District (PD-10-01), and the zoning map is hereby amended accordingly.

SECTION 4:

The development standards, as defined below, for the subject property (**APN 074-160-022**), known as the Mike's Auto Body project, are herein incorporated into this ordinance, and are binding upon said property.

Development Standards for the Proposed Planned Development District

Standard	Proposed PD Zoning
Minimum Lot Size	20,000 s.f.
Minimum Lot Width	Interior lot: 60 feet Corner lot: 65 feet
Minimum Front Yard Setbacks	0 to 10 feet
Minimum Side Yard Setbacks	Interior: 0 feet Street Side: 10 feet (reserved for landscaping only)
Minimum Rear Yard Setbacks	0 feet

Standard	Proposed PD Zoning
Maximum Building Height	30 feet
Maximum Lot Coverage	35%
Parking	144 spaces

SECTION 5:

That permitted uses for Parcels A and B include:

- Convenience retail uses such as a bakery, pastry shop, bookstore, candy store, florist, newsstand, stationary/ gift shop, ice cream parlor, supermarket, drugstore and similar uses.
- Service uses such as Laundromat, laundry or dry cleaning pickup station, shoe repair, beauty and barber shop.
- Financial institutions.
- Professional Offices.
- Automotive uses: Such as Auto body, auto repair/service, motor and transmission shops, auto rental, and auto sales.
- Convenience banking center, automatic teller machine, a full service bank.
- Similar uses subject to the approval of the zoning administrator.
- General restaurants.

Conditionally permitted uses for Parcels A and B include:

- Carwash, on-sale or off-sale liquor establishments;
- Fast food restaurants with a drive thru; restaurants with bar and live entertainment.
- Nursery, child care, day care center, meeting hall or fraternal hall, community center, health club facilities.
- Other uses that the zoning administrator determines, because of type of operation, material stored or sold, or other special circumstances require special consideration and regulations through the conditional use permit procedure.

SECTION 6:

The City Council finds that the public necessity requires the proposed zone change, that the subject property is suitable to the use permitted in the proposed zone change that said permitted use is not detrimental to the surrounding property, and that the proposed zone change is in conformance with the Antioch General Plan.

SECTION 7:

This ordinance shall take effect and be enforced thirty (30) days from and after

the date of its adoption and shall be published once within fifteen (15) days upon passage and adoption in a newspaper of general circulation printed and published in the City of Antioch.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was introduced and adopted at a regular meeting of the City Council of the City of Antioch, held on the 10th of August and passed and adopted at a regular meeting thereof, held on the ____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

Mayor of the City of Antioch

ATTEST:

City Clerk of the City of Antioch

EXHIBIT A
LEGAL DESCRIPTION

RESOLUTION NO. 2010/57

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH APPROVING A MINOR SUBDIVISION/FINAL DEVELOPMENT PLAN (PW 357-301-10) AND DESIGN REVIEW (AR-10-04) FOR THE MIKE'S AUTO BODY PROJECT

WHEREAS, the City of Antioch did receive a request from Brennan Rose, Mike's Auto Body, for approval of a minor subdivision, a rezone to Planned Development District (PD), and design review approval of an exterior remodel at 1725 West 10th Street (APN 074-160-022); and,

WHEREAS, This project is exempt from the provisions of CEQA pursuant to Article 12, Section 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning; and,

WHEREAS, on July 21, 2010, the Planning Commission recommended approval of a rezone from Neighborhood/Community Commercial(C-2) to Planned Development District (PD-10-01) and recommended approval of a minor subdivision and design review approval of an exterior remodel; and,

WHEREAS, the City Council duly gave notice of public hearing as required by law; and,

WHEREAS, on August 10, 2010, the City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

NOW THEREFORE BE IT RESOLVED, that the City Council makes the following required findings for approval of a Final Development Plan:

1. Each individual unit of the development can exist as an independent unit capable of creating an environment of sustained desirability and stability because each parcel has its own independent parking and access. The uses proposed will not be detrimental to present and potential surrounding uses but instead will have a beneficial effect which could not be achieved under another zoning district due to the General Plan designations for the project site.
2. The streets and thoroughfares proposed meet the standards of the City's Growth Management Program and adequate utility service can be supplied to all phases of the development because the project is on previously developed land already served by existing improvements and utility service.
3. Any commercial component of the project is justified. The project is located in a commercial designation in the General Plan, is the site of a previous commercial use and is surrounded by commercial uses.
4. Any deviation from the standard zoning requirements is warranted by the design and additional amenities incorporated in the final development plan, which offer certain unusual redeeming features to compensate for any deviations that may be permitted. The project is substantially in conformance with the Planned Development District development standards established for the project site and will construct improvements on the property that will improve the appearance of the property.

5. The area surrounding the PD district can be planned and zoned in coordination and substantial compatibility with the proposed development because the proposed development is consistent with the General Plan and the area around the project will also be required to develop according to the General Plan policies for the Somersville Road Focus Policy Area.
6. The Project and the PD District conform to the General Plan of the City in that the proposed commercial uses are consistent with the General Plan designations of Commercial in the Somersville Road Focus Policy Area.

BE IT FURTHER RESOLVED that the City Council does determine:

1. That the subdivision, design and improvements are consistent with the General Plan, as required by Section 66473.5 of the Subdivision Map Act and the City's Subdivision Regulations. The site is designated Commercial and is zoned Planned Development and the subdivision will accommodate uses that are consistent with the General Plan on each of the lots created by the subdivision; and
2. That the subdivision proposed by the Parcel Map complies with the rules, regulations, standards and criteria of the City's Subdivision Regulations. The proposed subdivision meets the City's criteria for the parcel map. The City's Planning and Engineering staff have reviewed the Parcel Map and evaluated the effects of the subdivision proposed and have determined that the Parcel Map complies with and conforms to all the applicable rules, regulations, standards, and criteria of the City's Subdivision Regulations.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Antioch does hereby **APPROVE** a minor subdivision/final development plan and design review (PW 357-301-10, AR-10-04) for the Mike's Auto Body project on an approximately 2.5 acre parcel located at 1725 West 10th Street (APN 074-160-022), subject to the following conditions:

STANDARD CONDITIONS

1. That the project shall comply with Antioch Municipal Code.
2. That conditions required by the City Council, which call for a modification or any change to the site plan submitted, be corrected to show those conditions and all standards and requirements of the City of Antioch prior to any submittal for a building permit. No building permit will be issued unless the site plan meets the requirements stipulated by the City Council and the standards of the City.
3. That this approval expires two years from the date of approval (Expires August 10, 2012), 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.

4. That City Staff inspect the site for compliance with conditions of approval prior to final building inspection.
5. That the lots and improvements within the development comply with the City of Antioch Municipal Code, unless a specific exception is granted thereto.
6. That the applicant obtains an encroachment permit for all work done within the public right-of-way.
7. That the use of construction equipment be restricted to weekdays between the hours of 8:00 a.m. and 5:00 p.m., or as approved by the City Engineer.
8. That standard dust control methods and designs be used to stabilize the dust generated by construction activities.
9. That the project be in compliance with and supply all the necessary documentation for AMC6-3.2: Construction and demolition debris recycling.
10. That the applicant shall defend, indemnify and hold harmless the City in any action brought by a third party to challenge the land use entitlement and shall enter into an agreement to effectuate this condition of approval as required by the City.
11. That any revisions to the building exterior materials, paint colors, and/or overall color scheme shall require a new application and shall be subject to Design Review approval.

Fees:

12. 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.
13. That the developer pays all fees required by the City Council.
14. That the developer pays any required East Contra Costa Regional Traffic Mitigation fees prior to receiving a building permit for structures within this development.
15. That the developer pays any required Drainage Area fees prior to the issuance of any building permits for this project.
16. That the developer pays all applicable Delta Diablo Sanitation District fees prior to the issuance of any building permits for this project.
17. That the developer pays the Contra Costa County Fire Protection District Fire Development Fee in place at the time of permit issuance.

NPDES / Conservation:

18. That all areas used for washing, steam cleaning, maintenance, repair or processing discharge into the sanitary sewer as approved by the City Engineer.

19. That efficient irrigation, appropriate landscape design and proper maintenance be implemented to reduce excess irrigation runoff, promote surface filtration, and minimize the use of fertilizers, herbicides and pesticides.
20. That, to the extent practicable, drainage from paved surfaces be routed through grassy swales, buffer strips or sand filters prior to discharge to the storm drain system.

Property Maintenance:

21. That a parking lot sweeping program be implemented that, at a minimum, provides for sweeping immediately prior to, and once during, the storm season.
22. That any undeveloped areas on-site be maintained in an attractive manner which ensures fire safety.
23. That the site be kept clean of all debris (boxes, junk, garbage, etc.) at all times.
24. That the project shall comply with Property Maintenance Ordinance Section 5-1.204 and enter into a joint maintenance agreement with the shopping center property owners for landscaping maintenance of the entire site. No final landscape and irrigation plan shall be considered to be complete without an approved maintenance agreement reflective of standards contained in Section 5-1.204 (G).

Landscaping:

25. That all trees be a minimum 15-gallon size and that all shrubs be a minimum 5-gallon size with the exception of a total of six trees on the west and north side of the site which shall be enlarged to 24" box.
26. That landscape show immediate results.
27. That there be a minimum of five feet (5') clear between any proposed trees and any concrete or asphalt paving within the City right-of-way. Trees closer than ten feet (10') to such concrete or asphalt paving shall use approved root guards.
28. 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.

Site Design:

29. That all on-site curbs, gutters and sidewalks be constructed of Portland cement concrete.
30. That all access driveways be constructed to City standards, subject to review and approval by the City Engineer.
31. That all damaged sidewalks be removed and replaced as required by the City Engineer.

32. That masonry trash enclosures shall be provided to screen dumpsters from public view. Trash enclosures shall have a roof and shall be plumbed to the sanitary sewer. Enclosures shall not be located within any easement areas.
33. That all mechanical equipment be screened from public view.
34. That all parking lot dimensions and striping shall meet minimum City standards.
35. That all parking and access meet the ADA/Title 24 requirements as determined by the Chief Building Official using Checklist #1, Parking, CA Title 24, Sections 1129B.1 and 1130B. The location of such spaces shall provide safe and convenient access to the building as determined by the Chief Building Official.

PROJECT SPECIFIC CONDITIONS

36. That the future building on Parcel B shall be subject to a separate design review application and approval prior to construction.
37. That a six foot masonry wall shall be constructed on the southern and eastern property lines between the subject property and the apartment complex. The wall shall be beige in color to match the building and shall feature columns and a decorative cap. The final design shall be subject to the approval of the Zoning Administrator.
38. That the parking lot shall include a minimum 10' wide landscape setback from the property line on Auto Center Drive and a minimum 5' landscape setback from the property line on the corner of West Tenth Street and storm water shall be collected and conveyed in a landscaped swale within those areas. Swales shall be terminated at a catch basin that is connected to the public storm drain system.
39. That a landscape, trash enclosure and parking lot access and maintenance agreement be recorded to ensure future access, use and maintenance of the parking lots, trash enclosure and landscaped areas.
40. Prior to Certificate of Occupancy for any habitable structure constructed on Parcel B, a separate water service and sanitary sewer connection shall be provided to that structure. An easement across Parcel A shall be reserved on this Parcel Map to allow future connection of Parcel B to the sewer main in West Tenth Street.
41. That the existing aboveground electrical equipment on the Auto Center Drive sidewalk shall be relocated subsurface (below grade) or moved a minimum of 15 feet back from the property line and screened with landscaping.
42. That the design of the monument sign at the corner of Auto Center Drive and West 10th Street shall be reviewed and approved by the Community Development Department staff prior to installation.

43. That the two stucco areas on the west elevation shown with a painted diamond and grid shall be constructed as they are shown on the proposed elevations dated March 22, 2010, or shall be constructed with an alternate design if that construction technique is not technically feasible subject to the approval of Community Development Department staff.

* * * * *

I HEREBY CERTIFY the foregoing resolution was duly adopted by the City Council of the City of Antioch, County of Contra Costa, State of California, at a regular meeting thereof held on the 10th day of August, 2010.

AYES: Council Members Rocha, Moore, Parsons and Mayor Davis

NOES: None

ABSENT: Council Member Kalinowski

L. JOLENE MARTIN, City Clerk

I. CITY COUNCIL TO AUTHORIZE USE OF CITY LOGO FOR SHOP ANTIOCH PROGRAM

J. BANKING SERVICES CONTRACT

Item J – Mayor Davis pulled #J from the Consent Calendar noting he was an employee of Bank of the West and would recuse himself from voting on the item. He clarified he did not participate in the negotiation of the contract.

On motion by Councilmember Rocha, seconded by Councilmember Parsons, the Council approved the Council Consent Calendar with the exception of item J which was removed for further discussion. The motion carried by the following vote:

Ayes: Rocha, Moore, Parsons, Davis

Absent: Kalinowski

Mayor Davis handed the gavel over to Mayor Pro-Tem Rocha and left the dais.

Item J – On motion by Councilmember Parsons, seconded by Councilmember Moore, the City Councilmembers seated approved item J. The motion carried by the following vote:

Ayes: Rocha, Moore, Parsons

Absent: Kalinowski

Recused: Davis

Mayor Davis returned to the dais.

PUBLIC HEARINGS

3. TRIENNIAL REPORT ON WATER QUALITY RELATIVE TO PUBLIC HEALTH GOALS

Director of Public Works Bernal presented the staff report dated July 12, 2010, recommending the City Council receive the report and provide an opportunity for public comment.

Lori Sardi, Water Quality Analyst, reported the water was tested extensively at the Water Treatment Plant as well as throughout the distribution system.

Mayor Davis opened and closed the public hearing with no speakers requesting to speak.

On motion by Councilmember Moore, seconded by Councilmember Rocha, the City Council received and filed the report. The motion carried by the following vote:

Ayes: Rocha, Moore, Parsons, Davis

Absent: Kalinowski

4. MIKE'S AUTO BODY/ BRENNAN ROSE REQUESTS APPROVAL OF AN EXTERIOR REMODEL, LOT SPLIT, AND REZONE FOR A NEW AUTO BODY REPAIR BUSINESS LOCATED AT 1725 WEST 10TH STREET (APN 074-160-022) FILE: PD-10-01, AR-10-04, P.W. 357-301-10

Senior Planner Morris presented the staff report dated August 4, 2010, recommending the City Council: 1) Adopt the resolution approving an ordinance rezoning the project site from Neighborhood/Community Commercial (C-2) to Planned Development District (PD-10-01), and 2) Adopt the resolution approving a minor subdivision/final development plan (PW 357-301-10), and design review (AR-10-04), subject to conditions of approval.

Mayor Davis opened the public hearing.

PROPONANTS

Brennan Rose, representing Mikes Auto Body, gave a brief background of his business.

Don Stirling, Project Architect, gave a brief overhead presentation of the proposed project. Speaking to project specific condition #42, he requested the City Council reconsider the Planning Commissions' direction and allow the Zoning Administrator to approve the monument sign.

Marty Fernandez, Antioch resident, spoke in support of the project; however, based on the arguments made by a majority of Councilmembers opposing the Walmart expansion, he questioned how they could approve another Body Shop in Antioch which may cause similar businesses in the area to close, causing blight.

Mayor Davis closed the public hearing,

In response to Councilmember Moore, Director of Community Development Wehrmeister reported it was an existing business that would replace their location across the street.

Councilmembers Moore, Parsons, and Rocha disclosed they were customers of Mike's Auto Body.

The Council commended the applicant for providing much needed improvements to a blighted area of Antioch.

RESOLUTION NO. 2010/57

On motion by Councilmember Rocha, seconded by Councilmember Parsons, the City Council: 1) Introduced the ordinance by title only, 2) Introduced the ordinance rezoning the project site from Neighborhood/Community Commercial (C-2) to Planned Development District (PD-10-01); and 3) Adopted the resolution approving a minor subdivision/final development plan (PW 357-301-10), and design review (AR-10-04), subject to conditions of approval, deleting project specific condition #42 requiring the monument sign to be subject to staff approval. The motion carried by the following vote:

Ayes: Rocha, Moore, Parsons, Davis

Absent: Kalinowski

PUBLIC COMMENTS – None

Transmittal

RECEIVED

FEB 22 2012

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

To: Mindy Gentry
Address: City of Antioch Planning Dept.
200 H Street
Antioch, CA. 94509
Re: Mike's Auto Body
Date: February 14, 2012
Phone: 925-779-6133
Job No: 10-1348
From: Tom Holloway
KLA, Inc.

Via:	FedEx	UPS Next Day	Priority Mail	US Mail	<input checked="" type="checkbox"/> OnTrac
	Per your request		For your records	<input checked="" type="checkbox"/> For your review	

Enclosed please find:

<u>Copies</u>	<u>Date</u>	<u>Description</u>
4	7-31-11	Revised Planting Plans (L2-L3)
10		11x17 reductions of the above planting plans
10		11x17 photographs of the site
1		Electronic version of the above plans will be sent via e-mail

Hi Mindy – Attached are copies of the landscape plans that reflect the installed modifications of the planting at Mike's Auto Body. My client would like to pursue Design Review approval of the installed landscape. The attached plans reflect the landscape as installed (that deviated from the originally approved landscape plans). The following are the main differences:

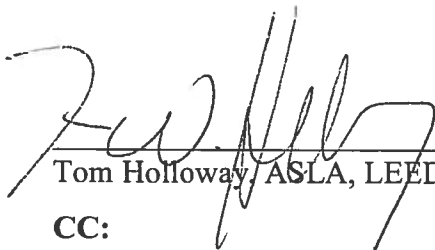
1. The shrubs and groundcover were planted substantially compliant with the plans with a few noted changes that will be described below. We are happy with the shrub changes.
2. The groundcover along Auto Center Dr. and 10th Street was replaced with synthetic turf. The shrub hedge at the parking lot remains. Only the groundcover was changed. KLA has no issue with this change. The water use of the landscape is actually reduced by the use of synthetic turf and it offers an aesthetic benefit to the site.
3. The owner created a continuous planter in the narrow gap between the driveway and the retaining wall along 10th Street sidewalk. Trailing Rosemary has been planted to trail over the wall. This is in addition to what was shown on the plans.

4. There were some sidewalk changes at the NW corner of the building that required some modification of the shrub layout. KLA is good with the modifications.
5. The curb line changed on the east side of the project with the parking and gates removed. Curbs were revised. The broadleaf trees were not planted (two trees), but there is a continuous row of large evergreen Star Jasmine vines on the upgraded masonry wall.
6. Broadleaf trees were not installed in the planters on the southeast side of the site (five trees) as this is a back of house, car storage area. Shrubs were planted per plan. Vines were not planted as the wall has been upgraded and is fenced off during non-business hours.
7. Additional shrubs were planted along the property line west of this area – the planter was extended west.
8. The species and quantities of palms throughout the site is the same, but some species were switched such as a Fan Palm planted where a Queen Palm was shown on the plan and vise-versa. The overall function of the palms is the same from place to place, so we have no issue with this change.
9. The planting details and General Notes on Sheet L3 did not change, but are included with this e-mail.
10. The irrigation system was installed per the plans with the exception of no irrigation being provided in the synthetic turf areas.

The changes made during installation (and reflected on the attached plan) only improve the water-efficient landscape ordinance calculations. The site meets (and exceeds) the aesthetic qualities that we had designed. Overall KLA is pleased with the installation and feel that while the owner made changes they were not detrimental to the project and in several areas are improvements to the project.

Please let me know if there is anything else that needs to be provided in order to get on the next available Planning Commission/Design Review meeting.

Please give us a call if you have any questions or need any additional information.



Tom Holloway, ASLA, LEED AP

CC:

KLA, Inc.
151 N. Norlin St.
Sonora, CA 95370
(209)532-2856 (209)532-
9510fax

www.knoxla.com

Mike's Autobody - Landscape Photos

Photos taken on August 15, 2011



10th Street Frontage



10th Street Frontage



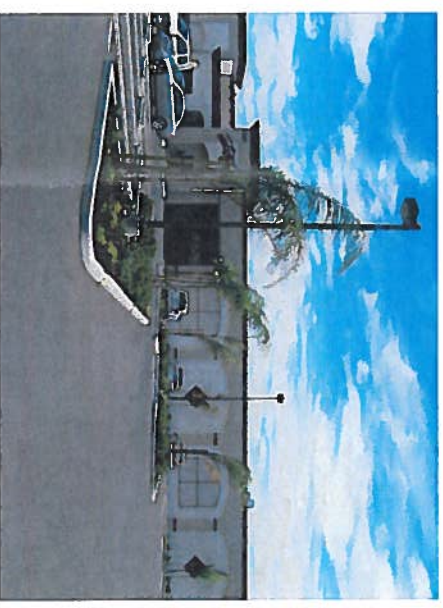
East Property Line wall



North Property line wall



West Side of Autobody Shop - Looking North



West side of Autobody Shop - Looking East

Mike's Autobody - Landscape Photos

Photos taken on August 15, 2011



Auto Center Drive Frontage - Looking North



10th Street - Looking East



Corner of 10th and Auto Center Drive



Corner of Auto Center Drive - Looking Southeast toward Mike's Autobody.

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF APRIL 4, 2012**

Prepared by: Mindy Gentry, Senior Planner *MG*

Date: April 1, 2012

Subject: S-12-01 – Mike's Auto Body Monument Sign

RECOMMENDATION

A resolution for approval and a resolution for denial have been provided to the Planning Commission for consideration.

REQUEST

Brennan Rose, the applicant, requests the approval a monument sign at Mike's Auto Body. The project is located at 1001 Auto Center Drive (APN: 074-160-022).

BACKGROUND

The subject site has been the location of several auto dealerships throughout the years and on July 21, 2010, the Planning Commission recommended approval of a rezone, a minor subdivision/final development plan, and design review to the City Council subject to the conditions of approval (Attachment B). Subsequently, on August 10, 2010, the City Council approved the rezone, minor subdivision/final development plan, and design review (Attachment C).

At the time of project entitlement, the design of the monument sign had not been proposed by the applicant; however, one was shown on the site plan. During the Planning Commission hearing, the Commission changed a condition of approval to have the monument sign subject to review and approval by the Planning Commission rather than the Zoning Administrator as suggested by staff. During the August 10, 2010 City Council hearing, the applicant requested a change to condition of approval number 42, which required review and approval of the monument sign by the Planning Commission. The City Council changed this condition to read:

"42. That the design of the monument sign at the corner of the Auto Center Drive shall be reviewed and approved by the Community Development Department staff prior to installation."

ENVIRONMENTAL

This project is Categorically Exempt from the provisions of CEQA, pursuant to section 15311 – Accessory Structures. This section of CEQA exempts projects that involve the

construction, or replacement of minor structures accessory (appurtenant to) existing commercial, industrial, or institutional facilities including on-premise signage.

ANALYSIS

Issue #1: Project Overview

Based on condition number 42 as stated above, staff has reviewed the proposed monument sign and was unable to reach an agreement with the applicant on the design. As stated in Section 9-5.2608 of the AMC, the Community Development Director may determine that the totality of circumstances may require a design review application to be considered by the Planning Commission. Due to the lack of agreement between staff and the applicant on the design, the monument sign is now before the Planning Commission for consideration.

The applicant is proposing utilizing an existing pole onsite. The sign is designed in a "lollipop" style, where the base is narrower than the main body of the sign. The sign is proposed at the corner of Auto Center Drive and West Tenth Street. The overall height of the sign is just over 16 feet, the width is 12 feet, and the depth is 2.67 feet at the widest part. The materials consist of a fabricated aluminum that would be finished with Tex Cote and painted to match the colors of the building. The base of the sign is 10 feet in height, the width is 5.58 feet and, and the depth is 1 foot. The cabinet portion of the sign is 6.5 feet in height, 12 feet in width, and 2.37 feet in width. The cabinet would be centered on the existing pole and consists of individual channel letters 12 inches in height. The rose logo is 18" in height.

The zoning designation for the subject site is Planned Development or PD, which should have established the zoning code standards, including those for signage, upon approval. However, the City Council directed staff to review and approve the sign per the conditions of approval. The zoning code places the following parameters on freestanding signs: (1) Number – (a) only permitted on parcels with a frontage of at least 150 lineal feet of street frontage and (b) a minimum building setback of 20 feet and (2) Height – (a) the maximum height is 25 feet and (b) for every five feet of sign setback, one additional foot in height shall be permitted, up to 35 feet. Contrary to the zoning code, the City Design Guidelines defines monument or freestanding signs as low-profile signs where the sign width is mounted to the ground as a solid architectural element. The Guidelines also state a monument sign shall have a solid architectural base that supports the sign and is comprised of a concrete base covered in authentic, natural materials such as stone or brick. The design elements of the sign, i.e. the base shall be in proportion with one another. For example a large top element of heavy timbers over a sign with a minimum base would be appearing disproportionate. Lastly, the Guidelines state that the signs shall not be placed within the public right-of-way.

Staff does not have issue with the overall design of the sign, except for the height, the projection into the public right-of-way, and the "lollipop" style. These concerns are based on the parameters outlined in the zoning code and the Design Guidelines. The proposed height in staff's opinion is not considered a low-profile sign as outlined in the

Design Guidelines. Furthermore, in regards to sign visibility, the City's Design Guidelines, state: "Signs shall be sized for sufficient visibility and business identification without becoming a dominant part of the landscape." The overall height of the sign is 16 feet, which is tall for a commercially designated area without freeway visibility. If the Planning Commission wants to approve the sign, staff has the following suggestions, which have been included as conditions of approval in the approval resolution.

- The sign shall be designed to prevent any encroachment into the public right-of-way.
- The sign shall be reduced to a height of 8 feet.
- The sign shall have a concrete base in proportion to the cabinet portion of the sign and shall be covered with a stone material, such as brick.

Issue #2 – Directional Signage

The applicant has installed temporary unpermitted directional signage on site. The Design Guidelines allow for directional signage; however, it should be permitted and permanent. The applicant shall remove the unpermitted temporary signage. If the applicant wishes to replace the signage with permanent directional signs, a design should be submitted to the Community Development Department for review and approval.

ATTACHMENTS

- A: Aerial Photo
- B: Staff Report, Resolution, and Minutes from the July 21, 2010 Planning Commission Hearing
- C: Staff Report, Resolution, and Minutes from the August 10, 2010 City Council Hearing

**CITY OF ANTIOCH PLANNING COMMISSION
RESOLUTION NO. 2012/****

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
DENYING THE DESIGN OF THE MONUMENT SIGN ON THE CORNER OF AUTO
CENTER DRIVE AND WEST TENTH STREET**

WHEREAS, the Planning Commission of the City of Antioch did receive a request from Brennan Rose of Mike's Auto Body for design review approval of a monument sign to be located at 1001 Auto Center Drive (APN: 074-160-022) (**S-12-01**); and

WHEREAS, this project is exempt from the provisions of CEQA pursuant to CEQA Guideline section 15311 – Accessory Structures; and

WHEREAS, the Planning Commission on April 4, 2012, duly held a hearing, received and considered evidence, both oral and documentary.

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Antioch does hereby **DENY S-12-01**.

* * * * *

I HEREBY CERTIFY the foregoing resolution was duly adopted by the Planning Commission of the City of Antioch, County of Contra Costa, State of California, at a regular meeting of said Planning Commission held on the 4th of April, 2012.

AYES:

NOES:

ABSTAIN:

ABSENT:

**Tina Wehrmeister
Secretary to the Planning Commission**

**CITY OF ANTIOCH PLANNING COMMISSION
RESOLUTION NO. 2012/****

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
APPROVING A MONUMENT SIGN ON THE CORNER OF AUTO CENTER DRIVE
AND WEST TENTH STREET**

WHEREAS, the Planning Commission of the City of Antioch did receive a request from Brennan Rose of Mike's Auto Body for design review approval of a monument sign to be located at 1001 Auto Center Drive (APN: 074-160-022) (**S-12-01**); and

WHEREAS, this project is exempt from the provisions of CEQA pursuant to CEQA Guideline section 15311 – Accessory Structures; and

WHEREAS, the Planning Commission on April 4, 2012, duly held a hearing, received and considered evidence, both oral and documentary.

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Antioch does hereby **APPROVE S-12-01**, a monument sign on the corner of West Tenth Street and Auto Center Drive, subject to the following conditions:

STANDARD CONDITIONS

1. That the City of Antioch Municipal Code be complied with.
2. That building permits shall be obtained prior to installation of signage.
3. That City staff inspect the site for compliance with conditions of approval prior to final inspection.
4. That conditions required by the Planning Commission, which call for a modification or any change to the site plan submitted, be corrected to show those conditions and all standards and requirements of the City of Antioch prior to any submittal for a building permit. No building permits will be issued unless the site plan meets the requirements stipulated by the Planning Commission and standards of the City.
5. That this approval expires two years from the date of approval (Expires April 4, 2014), 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.
6. That the sign shall not encroach into the public right-of-way.

7. The applicant shall defend, indemnify and hold harmless the City in any action brought by a third party to challenge the land use entitlement.
8. The proposed signage and finish color shall conform to the sign plan approved by the Commission.
9. Any deviation from the proposed project shall be brought back to the Planning Commission for review and approval.
10. 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.
11. That no illegal signs, pennants, banners, balloons, flags, or streamers are to be used on this site at any time.

PROJECT SPECIFIC CONDITIONS

12. The sign shall not encroach into the public right-of-way and no construction is to be conducted or equipment be placed within the public right-of-way.
13. The 120" tall sign base shall be eliminated and replaced with a concrete base equal or greater in width to the sign cabinet. The concrete base shall be covered with a stone veneer. The total height of the sign shall not exceed eight feet in height.
14. The overall design shall be reviewed and approved by staff.

* * * * *

I HEREBY CERTIFY the foregoing resolution was duly adopted by the Planning Commission of the City of Antioch, County of Contra Costa, State of California, at a regular meeting of said Planning Commission held on the 4th of April, 2012.

AYES:

NOES:

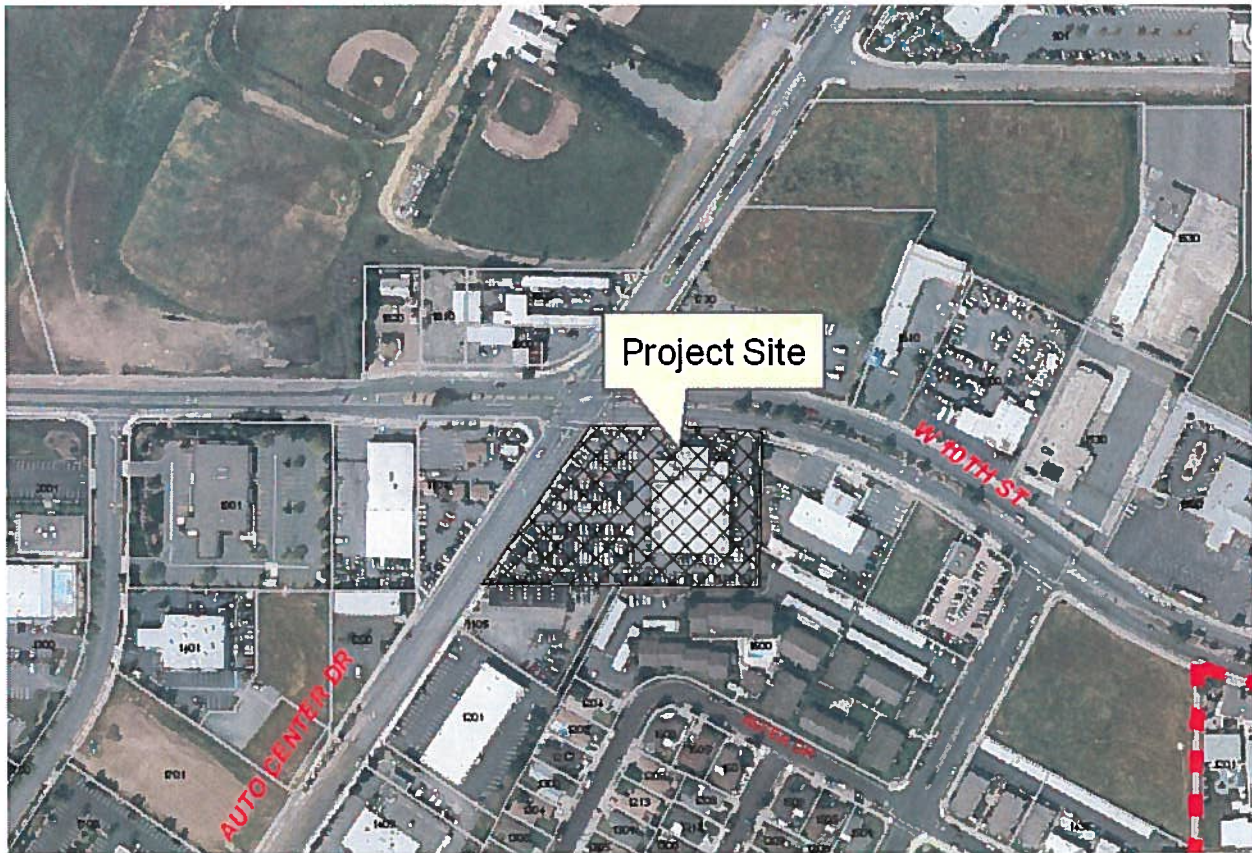
ABSTAIN:

ABSENT:

Tina Wehrmeister
Secretary to the Planning Commission

ATTACHMENT "A"

Aerial Photo



ATTACHMENT "B"

STAFF REPORT TO THE PLANNING COMMISSION FOR CONSIDERATION AT THE MEETING OF JULY 21, 2010

Prepared by: Alexis Morris, Senior Planner
Reviewed by: Tina Wehrmeister, Community Development Director
Date: July 15, 2010
Subject: PD-10-01, AR-10-04, PW 357-301-10 – Mike's Auto Body

RECOMMENDATION

It is recommended that the Planning Commission take the following actions:

1. Approve the resolution recommending approval of an ordinance rezoning the project site from Neighborhood/Community Commercial (C-2) to Planned Development District (PD-10-01).
2. Approve the resolution recommending approval of a minor subdivision/final development plan (PW 357-301-10), and design review (AR-10-04), subject to conditions of approval.

REQUEST

Brennan Rose, Mike's Auto Body, requests approval of a minor subdivision, a rezone to Planned Development District (PD), and design review approval of an exterior remodel at 1725 West 10th Street (APN 074-160-022) (Attachment A).

BACKGROUND

The subject property is the former location of several auto dealerships. The property has been vacant for a number of years and has been routinely vandalized. The applicant recently took over ownership of the subject property and is making an effort to repair broken windows, paint over graffiti and secure the property until it can be occupied. The applicant operates seven locations in Contra Costa County, including one across the street from the subject property. The applicant intends to relocate to this location if approved.

ENVIRONMENTAL

This project is exempt from the provisions of CEQA pursuant to Article 12, Section 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning.

ANALYSIS

Issue #1: Project Overview

The proposed project consists of an exterior and interior remodel, a minor subdivision into two parcels, and a Planned Development (PD) rezone on the site of the former auto dealership located at 1725 West 10th Street. The existing building on site will be used for auto body repair and offices. In addition to the remodel of the existing building, the parking lot will be restriped, landscaping will be added and a new trash enclosure will be constructed. A trash compactor, a baler and storage are also proposed at the rear of the site.

The minor subdivision will create two new parcels: Parcel A will be 72,777 s.f. and will contain the Mike's Auto Body building, and Parcel B will be 31,504 s.f. and will be the site of a future commercial building. The applicant does not intend to develop this building at this time; therefore the future building on Parcel B will be required to apply separately for design review approval.

The General Plan designation for the site is Commercial and the Zoning Designation is Neighborhood/Community Commercial (C-2). The surrounding land uses and Zoning designations are:

North:	Car Rental, Tire Store / Neighborhood/Community Commercial (C-2)
East:	Vacant Commercial Building / Neighborhood/Community Commercial (C-2)
South:	Auto service, apartment complex / Neighborhood/Community Commercial (C-2), High Density Residential (R-20)
West:	Auto sales and services / Planned Business Center (PBC)

Issue #2: Architecture and Signage

Overall, staff is pleased with the proposed remodel of the existing building. The remodel includes a new color scheme, new materials and finishes, and new architectural elements. The proposed color scheme includes light- and medium-beige wall colors and dark red trim. The building currently has a rock-finish, which will be replaced with a stucco finish. The applicant is adding tower elements and cornices to the building to vary the roof height and provide visual interest. Façade improvements to the north elevation include the new tower elements and arches in front of new sliding glass doors. The wall surfaces will be broken up by faux columns, arches, metal grids and painted patterns in the stucco.

Please note that the elevations show gridlines in the stucco of the west elevation. Subsequent to submitting the elevations, the applicant learned from contractors that they will not be able to create that effect after all due to the wall's existing rock surface. The applicant is instead proposing a smooth wall with the painted diamond or a diamond with a stripe painted off each point of the diamond. Staff recommends that these areas feature only the painted diamond, similar to what is shown on the proposed elevations. This change has been included as a condition of approval.

The design of the proposed project was not peer reviewed by an outside architect. The Community Development Director has the discretion to determine when a project should be subject to the peer review process. Given that the proposed project is not new construction, and given the constant vandalism and theft that occurs at the site, the Director determined that it was appropriate to forgo peer review for this project in order to expedite the processing of the application.

The project is subject to the Citywide Design Guidelines, whether or not it goes through the peer review process. The following is a partial list of some of the Commercial Design Guidelines the project is consistent with:

- 3.1.10. Commercial Building/Center Rehabilitation (P. 3-22):
 - A.2.c: Adding a new centrally located common use entry drive and reducing the number of multiple entry driveways.
 - A.2.f: Restriping the parking lot to provide a more efficient vehicle circulation pattern.
 - B.2: Large buildings or centers shall incorporate changes in vertical and horizontal planes to break up a monolithic appearance.
 - B.5: Each building shall have a definable base (wainscot/bulkhead), roofline (or parapet cap detail), and entry.
- 3.2.12 Automotive Repair and Smog Services (P. 3-47):
 - A.2: Vehicle drop-off areas shall be provided to prevent vehicle overflow onto adjacent streets.
 - A.3: The interior of work bays shall not be visible from a public street, any adjacent residential buildings, or designated open space.

The building features wall signs on the north and west elevations. The signs feature individually mounted, dark red letters, a silhouette of Mount Diablo, and a rose logo. The plans show a monument sign at the corner of the site, but a design for the sign has not yet been developed. Staff has included a condition requiring the design of the monument sign to be reviewed and approved by the Zoning Administrator prior to installation.

Issue #3: Landscaping and Walls

The site currently has no landscaped setback from Auto Center Drive or W. 10th Street, which is typical of other properties in the vicinity. The applicant is proposing to add a minimum ten foot landscaped area on Auto Center Drive and a new landscaped area on W. 10th Street east of the intersection. The project is not subject to provision C.3 of the City's NPDES permit, but the addition of landscaping adjacent to Auto Center Drive will help prevent much of the site's storm water from flowing across City sidewalks. As mentioned above, many of the properties in the vicinity have little to no landscaped setbacks; therefore, the addition of landscaped setbacks on this property will help improve the appearance of this parcel as well as improve the appearance of the intersection. Landscaped areas with trees and shrubs are also being added to the parking lot.

The planting plan includes a wide variety of drought-tolerant trees, shrubs and ground covers. Several varieties of palm trees will be planted adjacent to the building and in the parking lot. The site of the future building on Parcel B will be hydro seeded with native grasses.

The applicant is proposing to construct a six-foot, beige masonry wall on the southern property line where it abuts the apartment complex and a portion of the eastern property line, which is required by the Zoning Ordinance. The exact design of the wall has not been finalized; therefore staff has included a condition that the final design be subject to the approval of the Zoning Administrator. The rest of the perimeter will utilize the existing chain link fence. Wrought iron gates will be constructed in the parking lot to the south and east of the building to screen and secure cars that are temporarily stored on site.

Issue #4: Parking Lot/Site Improvements

The applicant will be re-striping the parking lot to include a new circulation pattern and a total of 144 parking spaces. The proposed parking exceeds Zoning Code requirements for auto body and commercial uses. The site currently has two sub-standard driveways on West 10th Street to the west of the building. These driveways will be reconfigured into one driveway that meets City standards. The driveway to the east of the building will remain as-is.

A shared parking and access agreement is required to ensure the right of each property to park on the other property and to ensure shared access to the trash enclosure on Parcel A, as well as maintenance of the parking lot and landscaping. A condition to this effect is included in the attached resolution.

Issue #5: Zoning and Planned Development Standards

The subject property is located within the Somersville Road Focus Policy Area of the General Plan. The General Plan designation for the site is Commercial and the Zoning Designation is Neighborhood/Community Commercial (C-2). The General Plan allows auto body repair in the Commercial designation, however it is not a permitted use in the C-2 Zoning designation. Therefore, the applicant is requesting a rezone to Planned Development District (PD) in order to allow uses more consistent with the General Plan designation, such as auto body repair, on the site and to create a list of permitted uses for future tenants of the commercial building on Parcel B.

The applicant's requested PD District standards and regulations are provided as Attachment "B". The PD zone as proposed by the applicant would permit the following types of uses by right:

- Convenience retail uses
- Services uses
- Banks and financial institutions

- Professional offices
- Automotive uses

The following types of uses would require a conditional use permit (CUP):

- Carwash
- On- or off-sale liquor establishments
- Restaurants with or without a drive thru
- Nursery and day care centers
- Other uses as determined by the Zoning Administrator

Staff would recommend one change to the proposed list of uses. Restaurants are permitted by right in most commercial zones. Staff recommends that a traditional restaurant be permitted by right and that only a restaurant with drive-thru or with a bar and live entertainment be required to obtain a CUP. This recommendation is reflected in the attached resolution.

Proposed PD-District Development Standards

Standard	Standard C-2 Zoning	Proposed PD Zoning
Minimum Lot Size	20,000 sq. ft.	20,000 s.f.
Minimum Lot Width	Interior lot: 60 feet Corner lot: 65 feet	Interior lot: 60 feet Corner lot: 65 feet
Minimum Front Yard Setbacks	30 feet	0 to 10 feet
Minimum Side Yard Setbacks	Interior: 0 feet Street Side (Corner lot): 30 feet	Interior: 0 feet Street Side: 10 feet (reserved for landscaping only)
Minimum Rear Yard Setbacks	10 feet	0 feet
Maximum Building Height	35 feet	30 feet
Maximum Lot Coverage	35%	35%
Parking	By use, per requirements of Section 9-5.1703.1	144 spaces

ATTACHMENTS

- A: Vicinity Map
B: Proposed PD-District Development Standards

**CITY OF ANTIOCH PLANNING COMMISSION
RESOLUTION NO. 2010/23**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING APPROVAL OF AN ORDINANCE TO REZONE
APPROXIMATELY 2.5 ACRES (APN 074-160-022) FROM NEIGHBORHOOD/
COMMUNITY COMMERCIAL (C-2) TO PLANNED DEVELOPMENT DISTRICT (PD-
10-01)**

WHEREAS, the City of Antioch did receive a request from Brennan Rose, Mike's Auto Body, for approval of a minor subdivision, a rezone to Planned Development District (PD), and design review approval of an exterior remodel at 1725 West 10th Street (APN 074-160-022); and,

WHEREAS, This project is exempt from the provisions of CEQA pursuant to Article 12, Section 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning; and,

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

WHEREAS, on July 21, 2010, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission makes the following findings required for approval of the proposed zone change:

1. That the public necessity requires the proposed zone change. The General Plan designation for the site is Commercial and the Zoning Designation is Neighborhood/Community Commercial (C-2). The General Plan allows auto body repair in the Commercial designation, however it is not a permitted use in the C-2 Zoning designation. Therefore, a rezone to Planned Development District (PD) will create a Zoning designation that is more consistent with the General Plan designation.
2. That the subject property is suitable to the use permitted in the proposed zone change. The subject property is previously developed land adjacent to existing commercial development and is suitable to the proposed commercial land uses in the Planned Development District.
3. That said permitted use is not detrimental to the surrounding property. The proposed project is consistent with the adjacent commercial development to the north, east and west, and the project will construct improvements that will benefit surrounding properties.

4. That the proposed zone change is in conformance with the Antioch General Plan. The project conforms to the requirements of the General Plan Somersville Road Focus Policy Area.

BE IT FURTHER RESOLVED that the Planning Commission does hereby recommend to the City Council APPROVAL of the draft Ordinance (Exhibit A) to rezone the approximately 2.5 acre project site (APN 074-160-022), located at 1725 West 10th Street from Neighborhood/Community Commercial (C-2) to Planned Development District (PD-10-01).

* * * * *

I HEREBY CERTIFY that the foregoing recommendation was passed and adopted by the Planning Commission of the City of Antioch, at a regular meeting thereof, held on the 21st day of July, 2010 by following vote:

AYES: Langford, Johnson, Westerman, Baatrup, Azevedo and Manuel
NOES: None
ABSTAIN: None
ABSENT: Travers

TINA WEHRMEISTER
SECRETARY TO THE PLANNING COMMISSION

EXHIBIT A

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH TO REZONE ORDINANCE TO REZONE APPROXIMATELY 2.5 ACRES (APN 074-160-022) FROM NEIGHBORHOOD COMMUNITY COMMERCIAL (C-2) TO PLANNED DEVELOPMENT DISTRICT (PD-10-01)

The City Council of the City of Antioch does ordain as follows:

SECTION 1:

The City Council determined on _____ that, pursuant to Section 15183 of the Guidelines of the California Environmental Quality Act that the project is exempt from the provisions of CEQA.

SECTION 2:

At its regular meeting of July 21, 2010, the Planning Commission recommended that the City Council adopt the Ordinance to rezone the subject property from Neighborhood/Community Commercial(C-2) to Planned Development District (PD-10-01).

SECTION 3:

The real property described in Exhibit A, attached hereto, is hereby rezoned from Neighborhood/Community Commercial(C-2) to Planned Development District (PD-10-01), and the zoning map is hereby amended accordingly.

SECTION 4:

The development standards, as defined below, for the subject property (**APN 074-160-022**), known as the Mike's Auto Body project, are herein incorporated into this ordinance, and are binding upon said property.

Development Standards for the Proposed Planned Development District

Standard	Proposed PD Zoning
Minimum Lot Size	20,000 s.f.
Minimum Lot Width	Interior lot: 60 feet Corner lot: 65 feet
Minimum Front Yard Setbacks	0 to 10 feet
Minimum Side Yard Setbacks	Interior: 0 feet Street Side: 10 feet (reserved for landscaping only)
Minimum Rear Yard Setbacks	0 feet
Maximum Building Height	30 feet
Maximum Lot Coverage	35%
Parking	144 spaces

SECTION 5:

That permitted uses for Parcels A and B include:

- Convenience retail uses
- Service uses

- Banks and financial institutions
- Professional offices
- Automotive uses
- General Restaurants
- Other similar uses as determined by the Zoning Administrator

Conditionally permitted uses for Parcels A and B include:

- Carwash
- Liquor stores and other on- or off-sale liquor establishments
- Fast food restaurants with a drive thru, restaurants with bar and live entertainment
- Nursery and day care centers
- Other uses as determined by the Zoning Administrator

SECTION 6:

The City Council finds that the public necessity requires the proposed zone change, that the subject property is suitable to the use permitted in the proposed zone change, that said permitted use is not detrimental to the surrounding property, and that the proposed zone change is in conformance with the Antioch General Plan.

SECTION 7:

This ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption and shall be published once within fifteen (15) days upon passage and adoption in a newspaper of general circulation printed and published in the City of Antioch.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was introduced and adopted at a regular meeting of the City Council of the City of Antioch, held on the ____ of _____ and passed and adopted at a regular meeting thereof, held on the ____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

Mayor of the City of Antioch

ATTEST:

City Clerk of the City of Antioch

EXHIBIT A
LEGAL DESCRIPTION

**PLANNING COMMISSION
RESOLUTION NO. 2010/24**

**RESOLUTION OF THE CITY OF ANTIOCH PLANNING COMMISSION
RECOMMENDING APPROVAL OF A MINOR SUBDIVISION/FINAL DEVELOPMENT
PLAN (PW 357-301-10) AND DESIGN REVIEW (AR-10-04) FOR THE MIKE'S AUTO
BODY PROJECT**

WHEREAS, the City of Antioch did receive a request from Brennan Rose, Mike's Auto Body, for approval of a minor subdivision, a rezone to Planned Development District (PD), and design review approval of an exterior remodel at 1725 West 10th Street (APN 074-160-022); and

WHEREAS, This project is exempt from the provisions of CEQA pursuant to Article 12, Section 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning; and,

WHEREAS, on July 21, 2010, the Planning Commission recommended approval of a rezone from Neighborhood/Community Commercial(C-2) to Planned Development District (PD-10-01); and,

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

WHEREAS, on July 21, 2010, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission makes the following required findings for approval of a Final Development Plan:

1. Each individual unit of the development can exist as an independent unit capable of creating an environment of sustained desirability and stability because each parcel has its own independent parking and access. The uses proposed will not be detrimental to present and potential surrounding uses but instead will have a beneficial effect which could not be achieved under another zoning district due to the General Plan designations for the project site.
2. The streets and thoroughfares proposed meet the standards of the City's Growth Management Program and adequate utility service can be supplied to all phases of the development because the project is on previously developed land already served by existing improvements and utility service.

3. Any commercial component of the project is justified. The project is located in a commercial designation in the General Plan, is the site of a previous commercial use and is surrounded by commercial uses.
4. Any deviation from the standard zoning requirements is warranted by the design and additional amenities incorporated in the final development plan which offer certain unusual redeeming features to compensate for any deviations that may be permitted. The project is substantially in conformance with the Planned Development District development standards established for the project site and will construct improvements on the property that will improve the appearance of the property.
5. The area surrounding the PD district can be planned and zoned in coordination and substantial compatibility with the proposed development because the proposed development is consistent with the General Plan and the area around the project will also be required to develop according to the General Plan policies for the Somersville Road Focus Policy Area.
6. The Project and the PD District conform to the General Plan of the City in that the proposed commercial uses are consistent with the General Plan designations of Commercial in the Somersville Road Focus Policy Area.

BE IT FURTHER RESOLVED that the Planning Commission does determine:

1. That the subdivision, design and improvements are consistent with the General Plan, as required by Section 66473.5 of the Subdivision Map Act and the City's Subdivision Regulations. The site is designated Commercial and is zoned Planned Development and the subdivision will accommodate uses that are consistent with the General Plan on each of the lots created by the subdivision; and
2. That the subdivision proposed by the Parcel Map complies with the rules, regulations, standards and criteria of the City's Subdivision Regulations. The proposed subdivision meets the City's criteria for the parcel map. The City's Planning and Engineering staff have reviewed the Parcel Map and evaluated the effects of the subdivision proposed and have determined that the Parcel Map complies with and conforms to all the applicable rules, regulations, standards, and criteria of the City's Subdivision Regulations.

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Antioch does hereby recommend **APPROVAL** of a minor subdivision/final development plan and design review (PW 357-301-10, AR-10-04) for the Mike's Auto Body project on an approximately 2.5 acre parcel located at 1725 West 10th Street (APN 074-160-022), subject to the following conditions:

STANDARD CONDITIONS

1. That the project shall comply with Antioch Municipal Code.
2. That conditions required by the City Council, which call for a modification or any change to the site plan submitted, be corrected to show those conditions and all standards and requirements of the City of Antioch prior to any submittal for a building permit. No building permit will be issued unless the site plan meets the requirements stipulated by the City Council and the standards of the City.
3. That this approval expires two years from the date of approval (Expires July 21, 2012), 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.
4. That City Staff inspect the site for compliance with conditions of approval prior to final building inspection.
5. That the lots and improvements within the development comply with the City of Antioch Municipal Code, unless a specific exception is granted thereto.
6. That the applicant obtain an encroachment permit for all work done within the public right-of-way.
7. That the use of construction equipment be restricted to weekdays between the hours of 8:00 a.m. and 5:00 p.m., or as approved by the City Engineer.
8. That standard dust control methods and designs be used to stabilize the dust generated by construction activities.
9. That the project be in compliance with and supply all the necessary documentation for AMC6-3.2: Construction and demolition debris recycling.
10. That the applicant shall defend, indemnify and hold harmless the City in any action brought by a third party to challenge the land use entitlement and shall enter into an agreement to effectuate this condition of approval as required by the City.
11. That any revisions to the building exterior materials, paint colors, and/or overall color scheme shall require a new application and shall be subject to Design Review approval.

Fees:

12. 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.
13. That the developer pay all fees required by the City Council.
14. That the developer pay any required East Contra Costa Regional Traffic Mitigation fees prior to receiving a building permit for structures within this development.
15. That the developer pay any required Drainage Area fees prior to the issuance of any building permits for this project.
16. That the developer pay all applicable Delta Diablo Sanitation District fees prior to the issuance of any building permits for this project.
17. That the developer pay the Contra Costa County Fire Protection District Fire Development Fee in place at the time of permit issuance.

NPDES / Conservation:

18. That all areas used for washing, steam cleaning, maintenance, repair or processing, discharge into the sanitary sewer as approved by the City Engineer.
19. That efficient irrigation, appropriate landscape design and proper maintenance be implemented to reduce excess irrigation runoff, promote surface filtration, and minimize the use of fertilizers, herbicides and pesticides.
20. That, to the extent practicable, drainage from paved surfaces be routed through grassy swales, buffer strips or sand filters prior to discharge to the storm drain system.

Property Maintenance:

21. That a parking lot sweeping program be implemented that, at a minimum, provides for sweeping immediately prior to, and once during, the storm season.
22. That any undeveloped areas on-site be maintained in an attractive manner which ensures fire safety.
23. That the site be kept clean of all debris (boxes, junk, garbage, etc.) at all times.

24. That the project shall comply with Property Maintenance Ordinance Section 5-1.204 and enter into a joint maintenance agreement with the shopping center property owners for landscaping maintenance of the entire site. No final landscape and irrigation plan shall be considered to be complete without an approved maintenance agreement reflective of standards contained in Section 5-1.204 (G).

Landscaping:

25. That all trees be a minimum 15-gallon size with six (6) trees on the west and north side enlarged to 24" box and that all shrubs be a minimum 5-gallon size.
26. That landscape show immediate results.
27. That there be a minimum of five feet (5') clear between any proposed trees and any concrete or asphalt paving within the City right-of-way. Trees closer than ten feet (10') to such concrete or asphalt paving shall use approved root guards.
28. 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.

Site Design:

29. That all on-site curbs, gutters and sidewalks be constructed of Portland cement concrete.
30. That all access driveways be constructed to City standards, subject to review and approval by the City Engineer.
31. That all damaged sidewalks be removed and replaced as required by the City Engineer.
32. That masonry trash enclosures shall be provided to screen dumpsters from public view. Trash enclosures shall have a roof and shall be plumbed to the sanitary sewer. Enclosures shall not be located within any easement areas.
33. That all mechanical equipment be screened from public view.
34. That all parking lot dimensions and striping shall meet minimum City standards.
35. That all parking and access meet the ADA/Title 24 requirements as determined by the Chief Building Official using Checklist #1, Parking, CA Title 24, Sections 1129B.1 and 1130B. The location of such spaces shall provide safe and convenient access to the building as determined by the Chief Building Official.

PROJECT SPECIFIC CONDITIONS

36. That the future building on Parcel B shall be subject to a separate design review application and approval prior to construction.
37. That a six foot masonry wall shall be constructed on the southern and eastern property lines between the subject property and the apartment complex. The wall shall be beige in color to match the building and shall feature columns and a decorative cap. The final design of the signage shall be brought back to the Planning Commission for approval.
38. That the parking lot shall include a minimum 10' wide landscape setback from the property line on Auto Center Drive and a minimum 5' landscape setback from the property line on the corner of West Tenth Street and storm water shall be collected and conveyed in a landscaped swale within those areas. Swales shall be terminated at a catch basin that is connected to the public storm drain system.
39. That a landscape, trash enclosure and parking lot access and maintenance agreement be recorded to ensure future access, use and maintenance of the parking lots, trash enclosure and landscaped areas.
40. Prior to Certificate of Occupancy for any habitable structure constructed on Parcel B, a separate water service and sanitary sewer connection shall be provided to that structure. An easement across Parcel A shall be reserved on this Parcel Map to allow future connection of Parcel B to the sewer main in West Tenth Street.
41. That the existing aboveground electrical equipment on the Auto Center Drive sidewalk shall be relocated, subsurface mounted below grade or moved 15' back from the property line and screened with landscaping.
42. That the design of the monument sign at the corner of Auto Center Drive and West 10th Street shall be reviewed and approved by the Zoning Administrator prior to installation.
43. That the two stucco areas on the west elevation shown with a painted diamond and grid shall instead feature smooth textured stucco with a painted diamond in "Garnet Evening (DEA-147) or equivalent color as per plans on the finish

* * * * *

I HEREBY CERTIFY the foregoing resolution was duly adopted by the Planning Commission of the City of Antioch, County of Contra Costa, State of California, at a regular meeting of said Planning Commission held on the 21st day of July, 2010.

AYES:	Langford, Johnson, Westerman, Baatrup, Azevedo and Manuel
NOES:	None
ABSTAIN:	None
ABSENT:	Travers

Tina Wehrmeister
Secretary to the Planning Commission

NEW PUBLIC HEARING

3. **Z-10-03, AR-10-04 – Brennan Rose** requests approval of an exterior remodel, lot split, and rezone to Planned Development District (PD) for a new auto body repair business located in an existing building at 1725 West 10th Street (**APN 074-160-022**).

Alexis Morris, Senior Planner, provided a summary of the staff report dated July 15, 2010.

Commissioner Azevedo clarified with staff that Attachment A was provided by staff and Attachment B was provided by the applicant and that in the ordinance attached to the staff report, the bullet list is more brief and not as detailed.

OPENED PUBLIC HEARING

Applicant, Brennan Rose, Mike's Auto Body gave an overview of the business. He stated that Mike's Auto Body has been a family run business for 37 years in the East Bay, that they lease space on West Tenth Street for the past 5 years and that they do a fairly good business. He went on to say that he hoped to fix the property up as it is in pretty bad disarray and is trying to arrange a car give away at Christmas this year. Applicant stated that Don Sterling and Tom Halway were present to answer any questions.

Don Sterling of Sterling Architects stated that he was excited to have the project move forward and he thanked Alexis and Tina for their help to expedite. Mr. Sterling then presented a Power Point presentation showing the broken windows and graffiti, the change in color and parapet height, the landscaping plan, and the changes in the context of the building with recesses, pop outs and the decorative elements to make the site look a lot nicer. He stated that the site was currently a big massive parking lot and that they would be getting rid of impervious surface and adding landscaping. He went on to say that although there is currently two access points on West Tenth Street, staff has asked to make one access. Mr. Sterling stated that he had two concerns with the conditions, project specific condition #41 moving the transformer box 15 feet away from the property line rather than 30 feet and project specific condition #43 for 2 diamond sheet items on the front of the building to be built as shown with stucco screen rather than painted.

Tom Halway with Landscaping Architects stated that they have been able to incorporate a lot of landscaping into the architectural elements to create seamless quality and to soften up the southwest corner with a mix of palms, shade trees and low maintenance nice quality landscaping.

Chairman Johnson clarified with applicant that the landscaping would be done in a single phase with 15 gallon box sizes along the driveway.

Commissioner Baatrup stated that there was a significant amount of parking on Auto Center Drive and clarified with applicant that the repairing of cars and all wrecked cars would be in the back of the site, that employee parking is along the front side and that customers would be able to park in front for walk in estimates.

Chairman Johnson asked applicant about the PG&E transformer box location to which applicant Rose responded that the Power Point showed the box sits 2 feet off the curb and said that they have talked to PG&E about moving the box or putting in a vault at the curb with the City's approval depending on the Planning Commission's decision.

Commissioner Azevedo clarified with applicant that although the condition of the pavement in the parking lot is fair, they will need to trench to bring fire sprinklers to the building and for landscaping and will patch, reseal and restripe the entire lot including the back lot.

Commissioner Langford clarified with the architect that the building would be all smooth stucco and that the west side would be stucco screen with foam cut grids that attach to the wall. Commissioner Langford discussed with the architect the size and placement of the trees and clarified that the trees closer to the street on Auto Center Drive could be larger. Commissioner Langford then questioned if the irrigation was an automatic system to which the architect stated that it was and that the system can run all together or can be separated into two to meet water efficient landscape requirements.

Chairman Johnson then asked if anyone in the audience wished to speak against the project and City Attorney Nerland clarified anyone wishing to speak for the project as well.

Chairman Johnson then asked Senior Planner Morris to speak to applicant's concern regarding Condition 41 to which she stated that the typical set back is thirty feet from a major arterial, that the project is already nonconforming with the set back and that the main thing is to get it out of the right of way and be screened.

Chairman Johnson then confirmed that Senior Planner Morris is ok with the proposal for Condition 43.

CLOSED PUBLIC HEARING

Commissioner Langford stated that although he is overall happy with the project and applicant's ability to move quickly and improve that particular corner, he is concerned about the extent of the stucco given that the design guidelines intend to bring in more materials for variation. He went on to say that in regards to Condition 37, signs are generally brought back for design review instead of going to the zoning administration but that this will probably be brought up later in the agenda.

Commissioner Baatrup had no comments.

Commissioner Westerman concurred with Commissioner Langford and believed that the project would be a tremendous improvement to that corner and was happy to see it come in.

Commissioner Manuel stated that he was very pleased with the project and believed applicant has done a good job and given the size of the building has created variety and landscaping to soften the corner making it a nice view for both Auto Center Drive and Tenth Street. He thanked the applicant for bringing the project forward.

Commissioner Azevedo stated that he appreciated that the applicant was making this investment given these economic times and given a few adjustments, he would be able to support this project.

Chairman Johnson added for the record that he did have an opportunity to meet with Mr. Rose but that nothing was discussed at that meeting that was not discussed here. He went on to say that this project is something Antioch needs and that he trusts that applicant will not cut corners with regards to signage.

RESOLUTION NO. 2010-23

On Motion by Commissioner Langford and seconded by Commissioner Azevedo, the Planning Commission recommends to the City Council APPROVAL of the draft Ordinance (Exhibit A) to rezone the approximately 2.5 acre project site (APN 074-160-022), located at 1725 West 10th Street from Neighborhood/Community Commercial (C-2) to Planned Development District (PD-10-01).

AYES:	Langford, Johnson, Westerman, Baatrup, Azevedo, and Manuel
NOES:	None
ABSTAIN:	None
ABSENT:	Travers

Commissioner Azevedo and Commissioner Langford briefly discussed Condition 43 to clarify in the event the applicant is not able to construct per the drawings if this is something that should be brought back to staff or to the Planning Commission. Senior Planner Morris stated that it would be appropriate to do either.

City Attorney Nerland then clarified that Condition 37 for the masonry wall would come back to Planning Commission and that as to Condition 42, the monument sign approval should come back to Planning Commission.

RESOLUTION NO. 2010-24

On Motion by Commissioner Langford and seconded by Commissioner Manuel, the Planning Commission recommends APPROVAL of a minor subdivision/final development plan and design review (PW 357-301-10, AR-10-04) for the Mike's Auto Body project on an approximately 2.5 acre parcel located at 1725 West 10th

Street (APN 074-160-022), subject to the following:

- Standard Conditions 1-24 as written.
- Standard Condition 25 changed to read “That all trees be a minimum 15-gallon size with six (6) trees on the west and north side be enlarged to 24” box and that all shrubs be a minimum 5-gallon size”.
- Standard Conditions 26 through 35 as written.
- Specific Condition 36 as written.
- Specific Condition 37, the last sentence be changed to read “The final design of the signage shall be brought back to the Planning Commission for approval”.
- Specific Conditions 38 through 40 as written.
- Specific Condition 41 be changed to read “That the existing aboveground electrical equipment on the Auto Center Drive sidewalk be relocated, subsurface mounted below grade or moved 15’ back from the property line and screened with landscaping.
- Specific Condition 42 as written.
- Addition to Specific Condition 43 “as per plans on the finish”.

AYES: Langford, Johnson, Westerman, Baatrup, Azevedo, and Manuel

NOES: None

ABSTAIN: None

ABSENT: Travers

NEW ITEMS:

4. **AR-10-05 – Deer Valley Business Park Tech Building Canopy and Pick-Up and Drop-Off Area** – Steve Kieke of M.S. Walker requests design review approval of an additional canopy and pick-up and drop-off area as part of the technology building within Deer Valley Business Park (**APN: 055-071-111**).

Mindy Gentry, Associate Planner, provided a summary of the staff report dated July 15, 2010.

Commissioner Westerman questioned staff whether the dialysis center on Buchanan was co-operated to which Associate Planner Gentry stated that applicant would have that answer.

Commissioner Langford clarified with staff that even with putting in the columns that the sidewalk would still meet the requirement of ADA and that drawings of the elevations were provided to the Commission on the flash drive in their packets.

OPENED PUBLIC HEARING

Applicant, Steve Kieke, stated that he has reviewed all of the conditions, that he has no exceptions to any of them, and that although the medical corporation has centers all over the country, that he did not believe they operate the other facility in Antioch.

ATTACHMENT "C"

STAFF REPORT TO THE CITY COUNCIL FOR CONSIDERATION AT THE MEETING OF AUGUST 10, 2010

Prepared by: Alexis Morris, Senior Planner
Approved by: Tina Wehrmeister, Director of Community Development
Date: August 4, 2010
Subject: PD-10-01, AR-10-04, PW 357-301-10 – Mike's Auto Body

RECOMMENDATION

It is recommended that the City Council take the following actions:

1. Adopt the ordinance rezoning the project site from Neighborhood/Community Commercial (C-2) to Planned Development District (PD-10-01).
2. Adopt the resolution approving a minor subdivision/final development plan (PW 357-301-10), and design review (AR-10-04), subject to conditions of approval.

REQUEST

Brennan Rose, Mike's Auto Body, requests approval of a minor subdivision, a rezone to Planned Development District (PD), and design review approval of an exterior remodel at 1725 West 10th Street (APN 074-160-022) (Attachment "A").

BACKGROUND INFORMATION

The Planning Commission recommended approval of the project on July 21, 2010. The Planning Commission staff report, which describes the proposed project in detail, is proved as Attachment "B". The Commission recommended minor changes to the conditions of approval for the project, which are discussed in more detail below.

ENVIRONMENTAL

This project is exempt from the provisions of CEQA pursuant to Article 12, Section 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning.

ANALYSIS

Issue #1: Planning Commission Recommendation

The Planning Commission recommended approval of the proposed project and made the following minor changes to the conditions of approval:

8-10-10

C1

- Standard Condition number 25 was modified to require the applicant to plant a total of six, 24 inch box trees, rather than the 15 gallon trees proposed.
- Condition number 41 was changed at the applicant's request to allow the mechanical equipment to be placed a minimum of 15 feet from the property line, rather than the 30 feet suggested by staff.
- Condition number 42 was changed to require the monument sign to go back to the Planning Commission for approval, rather than to the Zoning Administrator as suggested by staff.
- Condition number 43 was changed at the applicant's request to require the two stucco areas on the west elevation to be constructed as they are shown on the elevations or with an alternate design if that construction technique is not technically feasible, subject to the approval of Community Development Department staff.

Issue #2: Planned Development Rezone Ordinance

Staff recommended one change to the applicant's proposed list of uses, which was to allow a traditional restaurant to be permitted by right and that only a restaurant with drive-thru or with a bar and live entertainment be required to obtain a conditional use permit. This recommendation is reflected in the attached ordinance. Staff also inadvertently left the applicant's proposed descriptions of each land use out of the draft ordinance reviewed by the Planning Commission. That error was brought to the Commission's attention and has been corrected in the attached ordinance.

FINANCIAL IMPACT

The expansion project should increase the value of the property, which would result in additional property tax revenue for the City. The new location has the capacity to serve more customers, which may result in an increase in sales tax.

OPTIONS

1. Approve the proposal.
2. Deny the proposal.
3. Continue the item and provide direction to staff and/or request additional information.

ATTACHMENTS

- A: Vicinity Map
- B: July 27, 2010 Planning Commission Staff Report

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH TO REZONE
APPROXIMATELY 2.5 ACRES (APN 074-160-022) FROM NEIGHBORHOOD
COMMUNITY COMMERCIAL (C-2) TO PLANNED DEVELOPMENT DISTRICT
(PD-10-01)**

The City Council of the City of Antioch does ordain as follows:

SECTION 1:

The City Council determined on August 10, 2010, that, pursuant to Section 15183 of the Guidelines of the California Environmental Quality Act that the project is exempt from the provisions of CEQA.

SECTION 2:

At its regular meeting of July 21, 2010, the Planning Commission recommended that the City Council adopt the Ordinance to rezone the subject property from Neighborhood/Community Commercial(C-2) to Planned Development District (PD-10-01).

SECTION 3:

The real property described in Exhibit A, attached hereto, is hereby rezoned from Neighborhood/Community Commercial(C-2) to Planned Development District (PD-10-01), and the zoning map is hereby amended accordingly.

SECTION 4:

The development standards, as defined below, for the subject property (**APN 074-160-022**), known as the Mike's Auto Body project, are herein incorporated into this ordinance, and are binding upon said property.

Development Standards for the Proposed Planned Development District

Standard	Proposed PD Zoning
Minimum Lot Size	20,000 s.f.
Minimum Lot Width	Interior lot: 60 feet Corner lot: 65 feet
Minimum Front Yard Setbacks	0 to 10 feet
Minimum Side Yard Setbacks	Interior: 0 feet Street Side: 10 feet (reserved for landscaping only)
Minimum Rear Yard Setbacks	0 feet

Standard	Proposed PD Zoning
Maximum Building Height	30 feet
Maximum Lot Coverage	35%
Parking	144 spaces

SECTION 5:

That permitted uses for Parcels A and B include:

- Convenience retail uses such as a bakery, pastry shop, bookstore, candy store, florist, newsstand, stationary/ gift shop, ice cream parlor, supermarket, drugstore and similar uses.
- Service uses such as Laundromat, laundry or dry cleaning pickup station, shoe repair, beauty and barber shop.
- Financial institutions.
- Professional Offices.
- Automotive uses: Such as Auto body, auto repair/service, motor and transmission shops, auto rental, and auto sales.
- Convenience banking center, automatic teller machine, a full service bank.
- Similar uses subject to the approval of the zoning administrator.
- General restaurants.

Conditionally permitted uses for Parcels A and B include:

- Carwash, on-sale or off-sale liquor establishments;
- Fast food restaurants with a drive thru; restaurants with bar and live entertainment.
- Nursery, child care, day care center, meeting hall or fraternal hall, community center, health club facilities.
- Other uses that the zoning administrator determines, because of type of operation, material stored or sold, or other special circumstances require special consideration and regulations through the conditional use permit procedure.

SECTION 6:

The City Council finds that the public necessity requires the proposed zone change, that the subject property is suitable to the use permitted in the proposed zone change that said permitted use is not detrimental to the surrounding property, and that the proposed zone change is in conformance with the Antioch General Plan.

SECTION 7:

This ordinance shall take effect and be enforced thirty (30) days from and after

the date of its adoption and shall be published once within fifteen (15) days upon passage and adoption in a newspaper of general circulation printed and published in the City of Antioch.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was introduced and adopted at a regular meeting of the City Council of the City of Antioch, held on the 10th of August and passed and adopted at a regular meeting thereof, held on the ____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

Mayor of the City of Antioch

ATTEST:

City Clerk of the City of Antioch

EXHIBIT A
LEGAL DESCRIPTION

RESOLUTION NO. 2010/57

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH APPROVING A MINOR SUBDIVISION/FINAL DEVELOPMENT PLAN (PW 357-301-10) AND DESIGN REVIEW (AR-10-04) FOR THE MIKE'S AUTO BODY PROJECT

WHEREAS, the City of Antioch did receive a request from Brennan Rose, Mike's Auto Body, for approval of a minor subdivision, a rezone to Planned Development District (PD), and design review approval of an exterior remodel at 1725 West 10th Street (APN 074-160-022); and,

WHEREAS, This project is exempt from the provisions of CEQA pursuant to Article 12, Section 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning; and,

WHEREAS, on July 21, 2010, the Planning Commission recommended approval of a rezone from Neighborhood/Community Commercial(C-2) to Planned Development District (PD-10-01) and recommended approval of a minor subdivision and design review approval of an exterior remodel; and,

WHEREAS, the City Council duly gave notice of public hearing as required by law; and,

WHEREAS, on August 10, 2010, the City Council duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

NOW THEREFORE BE IT RESOLVED, that the City Council makes the following required findings for approval of a Final Development Plan:

1. Each individual unit of the development can exist as an independent unit capable of creating an environment of sustained desirability and stability because each parcel has its own independent parking and access. The uses proposed will not be detrimental to present and potential surrounding uses but instead will have a beneficial effect which could not be achieved under another zoning district due to the General Plan designations for the project site.
2. The streets and thoroughfares proposed meet the standards of the City's Growth Management Program and adequate utility service can be supplied to all phases of the development because the project is on previously developed land already served by existing improvements and utility service.
3. Any commercial component of the project is justified. The project is located in a commercial designation in the General Plan, is the site of a previous commercial use and is surrounded by commercial uses.
4. Any deviation from the standard zoning requirements is warranted by the design and additional amenities incorporated in the final development plan, which offer certain unusual redeeming features to compensate for any deviations that may be permitted. The project is substantially in conformance with the Planned Development District development standards established for the project site and will construct improvements on the property that will improve the appearance of the property.

5. The area surrounding the PD district can be planned and zoned in coordination and substantial compatibility with the proposed development because the proposed development is consistent with the General Plan and the area around the project will also be required to develop according to the General Plan policies for the Somersville Road Focus Policy Area.
6. The Project and the PD District conform to the General Plan of the City in that the proposed commercial uses are consistent with the General Plan designations of Commercial in the Somersville Road Focus Policy Area.

BE IT FURTHER RESOLVED that the City Council does determine:

1. That the subdivision, design and improvements are consistent with the General Plan, as required by Section 66473.5 of the Subdivision Map Act and the City's Subdivision Regulations. The site is designated Commercial and is zoned Planned Development and the subdivision will accommodate uses that are consistent with the General Plan on each of the lots created by the subdivision; and
2. That the subdivision proposed by the Parcel Map complies with the rules, regulations, standards and criteria of the City's Subdivision Regulations. The proposed subdivision meets the City's criteria for the parcel map. The City's Planning and Engineering staff have reviewed the Parcel Map and evaluated the effects of the subdivision proposed and have determined that the Parcel Map complies with and conforms to all the applicable rules, regulations, standards, and criteria of the City's Subdivision Regulations.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Antioch does hereby **APPROVE** a minor subdivision/final development plan and design review (PW 357-301-10, AR-10-04) for the Mike's Auto Body project on an approximately 2.5 acre parcel located at 1725 West 10th Street (APN 074-160-022), subject to the following conditions:

STANDARD CONDITIONS

1. That the project shall comply with Antioch Municipal Code.
2. That conditions required by the City Council, which call for a modification or any change to the site plan submitted, be corrected to show those conditions and all standards and requirements of the City of Antioch prior to any submittal for a building permit. No building permit will be issued unless the site plan meets the requirements stipulated by the City Council and the standards of the City.
3. That this approval expires two years from the date of approval (Expires August 10, 2012), 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.

4. That City Staff inspect the site for compliance with conditions of approval prior to final building inspection.
5. That the lots and improvements within the development comply with the City of Antioch Municipal Code, unless a specific exception is granted thereto.
6. That the applicant obtains an encroachment permit for all work done within the public right-of-way.
7. That the use of construction equipment be restricted to weekdays between the hours of 8:00 a.m. and 5:00 p.m., or as approved by the City Engineer.
8. That standard dust control methods and designs be used to stabilize the dust generated by construction activities.
9. That the project be in compliance with and supply all the necessary documentation for AMC6-3.2: Construction and demolition debris recycling.
10. That the applicant shall defend, indemnify and hold harmless the City in any action brought by a third party to challenge the land use entitlement and shall enter into an agreement to effectuate this condition of approval as required by the City.
11. That any revisions to the building exterior materials, paint colors, and/or overall color scheme shall require a new application and shall be subject to Design Review approval.

Fees:

12. 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.
13. That the developer pays all fees required by the City Council.
14. That the developer pays any required East Contra Costa Regional Traffic Mitigation fees prior to receiving a building permit for structures within this development.
15. That the developer pays any required Drainage Area fees prior to the issuance of any building permits for this project.
16. That the developer pays all applicable Delta Diablo Sanitation District fees prior to the issuance of any building permits for this project.
17. That the developer pays the Contra Costa County Fire Protection District Fire Development Fee in place at the time of permit issuance.

NPDES / Conservation:

18. That all areas used for washing, steam cleaning, maintenance, repair or processing discharge into the sanitary sewer as approved by the City Engineer.

19. That efficient irrigation, appropriate landscape design and proper maintenance be implemented to reduce excess irrigation runoff, promote surface filtration, and minimize the use of fertilizers, herbicides and pesticides.
20. That, to the extent practicable, drainage from paved surfaces be routed through grassy swales, buffer strips or sand filters prior to discharge to the storm drain system.

Property Maintenance:

21. That a parking lot sweeping program be implemented that, at a minimum, provides for sweeping immediately prior to, and once during, the storm season.
22. That any undeveloped areas on-site be maintained in an attractive manner which ensures fire safety.
23. That the site be kept clean of all debris (boxes, junk, garbage, etc.) at all times.
24. That the project shall comply with Property Maintenance Ordinance Section 5-1.204 and enter into a joint maintenance agreement with the shopping center property owners for landscaping maintenance of the entire site. No final landscape and irrigation plan shall be considered to be complete without an approved maintenance agreement reflective of standards contained in Section 5-1.204 (G).

Landscaping:

25. That all trees be a minimum 15-gallon size and that all shrubs be a minimum 5-gallon size with the exception of a total of six trees on the west and north side of the site which shall be enlarged to 24" box.
26. That landscape show immediate results.
27. That there be a minimum of five feet (5') clear between any proposed trees and any concrete or asphalt paving within the City right-of-way. Trees closer than ten feet (10') to such concrete or asphalt paving shall use approved root guards.
28. 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.

Site Design:

29. That all on-site curbs, gutters and sidewalks be constructed of Portland cement concrete.
30. That all access driveways be constructed to City standards, subject to review and approval by the City Engineer.
31. That all damaged sidewalks be removed and replaced as required by the City Engineer.

32. That masonry trash enclosures shall be provided to screen dumpsters from public view. Trash enclosures shall have a roof and shall be plumbed to the sanitary sewer. Enclosures shall not be located within any easement areas.
33. That all mechanical equipment be screened from public view.
34. That all parking lot dimensions and striping shall meet minimum City standards.
35. That all parking and access meet the ADA/Title 24 requirements as determined by the Chief Building Official using Checklist #1, Parking, CA Title 24, Sections 1129B.1 and 1130B. The location of such spaces shall provide safe and convenient access to the building as determined by the Chief Building Official.

PROJECT SPECIFIC CONDITIONS

36. That the future building on Parcel B shall be subject to a separate design review application and approval prior to construction.
37. That a six foot masonry wall shall be constructed on the southern and eastern property lines between the subject property and the apartment complex. The wall shall be beige in color to match the building and shall feature columns and a decorative cap. The final design shall be subject to the approval of the Zoning Administrator.
38. That the parking lot shall include a minimum 10' wide landscape setback from the property line on Auto Center Drive and a minimum 5' landscape setback from the property line on the corner of West Tenth Street and storm water shall be collected and conveyed in a landscaped swale within those areas. Swales shall be terminated at a catch basin that is connected to the public storm drain system.
39. That a landscape, trash enclosure and parking lot access and maintenance agreement be recorded to ensure future access, use and maintenance of the parking lots, trash enclosure and landscaped areas.
40. Prior to Certificate of Occupancy for any habitable structure constructed on Parcel B, a separate water service and sanitary sewer connection shall be provided to that structure. An easement across Parcel A shall be reserved on this Parcel Map to allow future connection of Parcel B to the sewer main in West Tenth Street.
41. That the existing aboveground electrical equipment on the Auto Center Drive sidewalk shall be relocated subsurface (below grade) or moved a minimum of 15 feet back from the property line and screened with landscaping.
42. That the design of the monument sign at the corner of Auto Center Drive and West 10th Street shall be reviewed and approved by the Community Development Department staff prior to installation.

43. That the two stucco areas on the west elevation shown with a painted diamond and grid shall be constructed as they are shown on the proposed elevations dated March 22, 2010, or shall be constructed with an alternate design if that construction technique is not technically feasible subject to the approval of Community Development Department staff.

* * * * *

I HEREBY CERTIFY the foregoing resolution was duly adopted by the City Council of the City of Antioch, County of Contra Costa, State of California, at a regular meeting thereof held on the 10th day of August, 2010.

AYES: Council Members Rocha, Moore, Parsons and Mayor Davis

NOES: None

ABSENT: Council Member Kalinowski

L. JOLENE MARTIN, City Clerk

I. CITY COUNCIL TO AUTHORIZE USE OF CITY LOGO FOR SHOP ANTIOCH PROGRAM

J. BANKING SERVICES CONTRACT

Item J – Mayor Davis pulled #J from the Consent Calendar noting he was an employee of Bank of the West and would recuse himself from voting on the item. He clarified he did not participate in the negotiation of the contract.

On motion by Councilmember Rocha, seconded by Councilmember Parsons, the Council approved the Council Consent Calendar with the exception of item J which was removed for further discussion. The motion carried by the following vote:

Ayes: Rocha, Moore, Parsons, Davis

Absent: Kalinowski

Mayor Davis handed the gavel over to Mayor Pro-Tem Rocha and left the dais.

Item J – On motion by Councilmember Parsons, seconded by Councilmember Moore, the City Councilmembers seated approved item J. The motion carried by the following vote:

Ayes: Rocha, Moore, Parsons

Absent: Kalinowski

Recused: Davis

Mayor Davis returned to the dais.

PUBLIC HEARINGS

3. TRIENNIAL REPORT ON WATER QUALITY RELATIVE TO PUBLIC HEALTH GOALS

Director of Public Works Bernal presented the staff report dated July 12, 2010, recommending the City Council receive the report and provide an opportunity for public comment.

Lori Sardi, Water Quality Analyst, reported the water was tested extensively at the Water Treatment Plant as well as throughout the distribution system.

Mayor Davis opened and closed the public hearing with no speakers requesting to speak.

On motion by Councilmember Moore, seconded by Councilmember Rocha, the City Council received and filed the report. The motion carried by the following vote:

Ayes: Rocha, Moore, Parsons, Davis

Absent: Kalinowski

4. MIKE'S AUTO BODY/ BRENNAN ROSE REQUESTS APPROVAL OF AN EXTERIOR REMODEL, LOT SPLIT, AND REZONE FOR A NEW AUTO BODY REPAIR BUSINESS LOCATED AT 1725 WEST 10TH STREET (APN 074-160-022) FILE: PD-10-01, AR-10-04, P.W. 357-301-10

Senior Planner Morris presented the staff report dated August 4, 2010, recommending the City Council: 1) Adopt the resolution approving an ordinance rezoning the project site from Neighborhood/Community Commercial (C-2) to Planned Development District (PD-10-01), and 2) Adopt the resolution approving a minor subdivision/final development plan (PW 357-301-10), and design review (AR-10-04), subject to conditions of approval.

Mayor Davis opened the public hearing.

PROPONANTS

Brennan Rose, representing Mikes Auto Body, gave a brief background of his business.

Don Stirling, Project Architect, gave a brief overhead presentation of the proposed project. Speaking to project specific condition #42, he requested the City Council reconsider the Planning Commissions' direction and allow the Zoning Administrator to approve the monument sign.

Marty Fernandez, Antioch resident, spoke in support of the project; however, based on the arguments made by a majority of Councilmembers opposing the Walmart expansion, he questioned how they could approve another Body Shop in Antioch which may cause similar businesses in the area to close, causing blight.

Mayor Davis closed the public hearing,

In response to Councilmember Moore, Director of Community Development Wehrmeister reported it was an existing business that would replace their location across the street.

Councilmembers Moore, Parsons, and Rocha disclosed they were customers of Mike's Auto Body.

The Council commended the applicant for providing much needed improvements to a blighted area of Antioch.

RESOLUTION NO. 2010/57

On motion by Councilmember Rocha, seconded by Councilmember Parsons, the City Council: 1) Introduced the ordinance by title only, 2) Introduced the ordinance rezoning the project site from Neighborhood/Community Commercial (C-2) to Planned Development District (PD-10-01); and 3) Adopted the resolution approving a minor subdivision/final development plan (PW 357-301-10), and design review (AR-10-04), subject to conditions of approval, deleting project specific condition #42 requiring the monument sign to be subject to staff approval. The motion carried by the following vote:

Ayes: Rocha, Moore, Parsons, Davis

Absent: Kalinowski

PUBLIC COMMENTS – None

SIGN (A)

RECEIVED

APR 02 2012

NORTH & SOUTH VIEW ELEVATION

NEW SIGN CABINET TO BE INSTALLED

CENTERED ON EXISTING POLE

(8" X 8" SQUARE STRUCTURE TUBING)
COVERED WITH ALUMINUM BASE / STUCCO
& PAINTED TO MATCH BLDG. COLORS

**FACES OF 1/8" ALUMINUM / DIBOND/TEXTCOATED
BEIGE TO MATCH BLDG. COLORS.**

ILLUMINATED LED'S 12 VOLTS

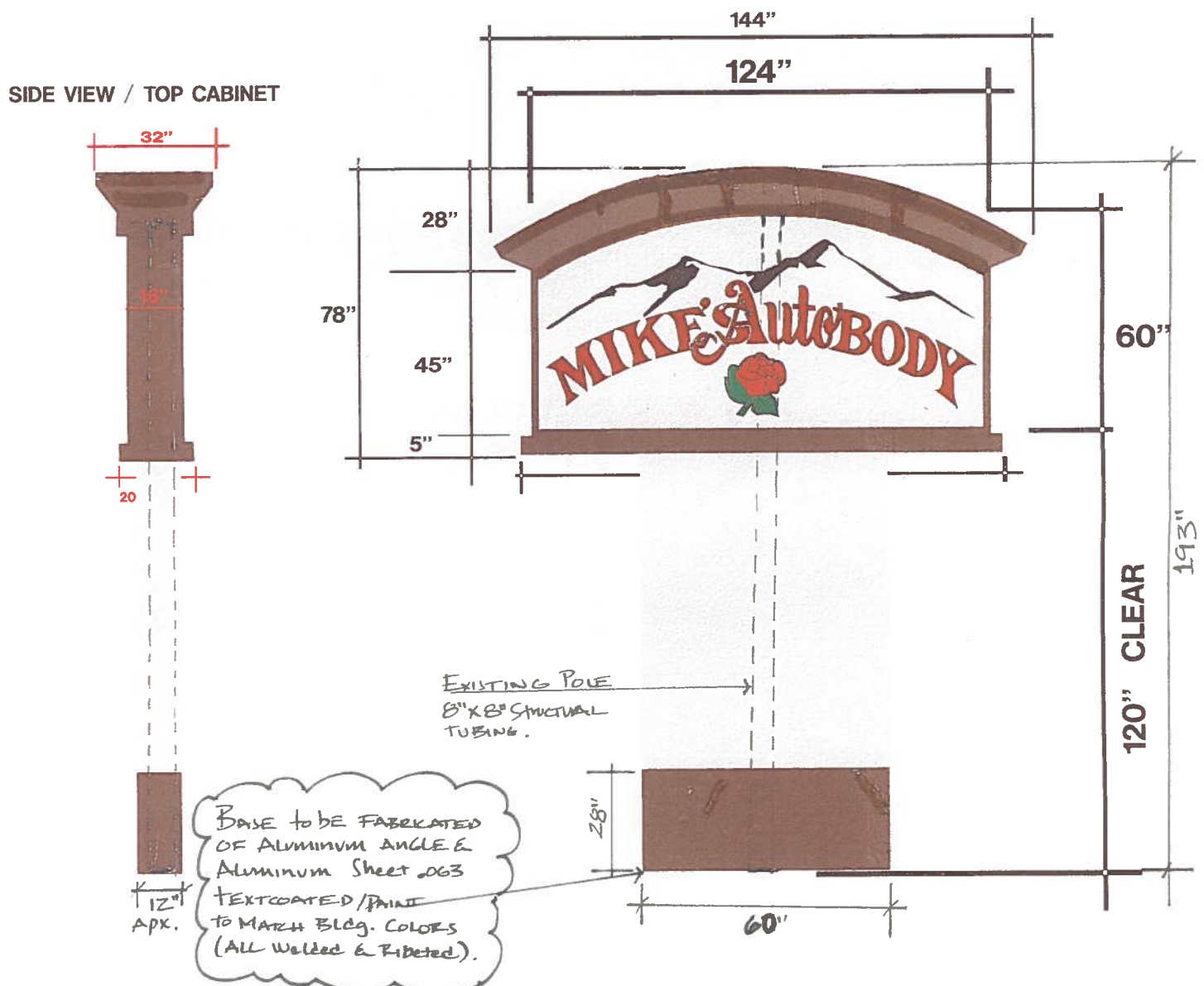
ROSE LOGO 18" CHANNEL AS LETT. W/ LED'S & VINYL GRAPHICS

DEPTH OF 3" ON RETURNS WITH ACRILIC FACES 1/8" BLACK TRIM CAP 3/4"

WITH 5" DEPTH MOUNTAIN LED'S ILLUMINATED WITH BLACKOUT ACRYLIC 1/8"

78" L X 144" H X 32" DEPTH

**POLE TO BE CUT AT 180" TO BE
IN CENTER OF NEW CABINET**



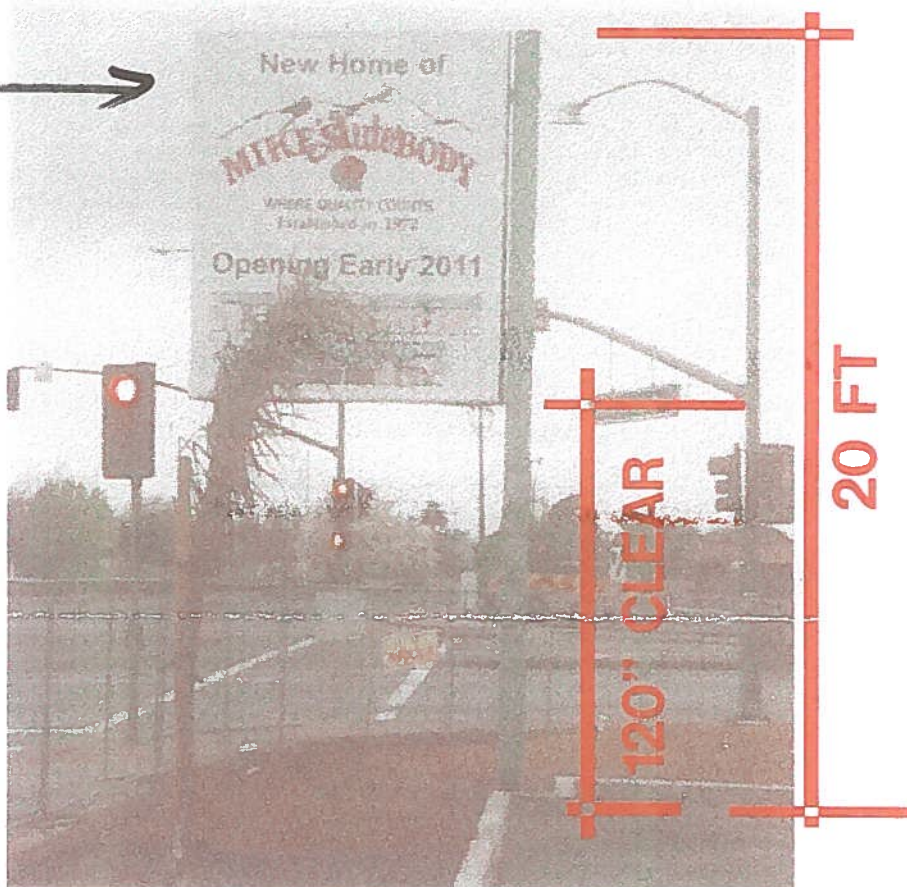
EXISTING POLE SIGN

NORTH & SOUTH VIEW ELEVATION

EXISTING PYLON SIGN 2 SIDED
96" L X 114" H X 10" D

TO BE REPLACED FOR A NEW
CABINET / TO BE CENTERED
ON EXISTING POLE 8" X 8"
& CUT DOWN TO 172" H
POLE TO BE INSIDE THE NEW CABINET

(A)



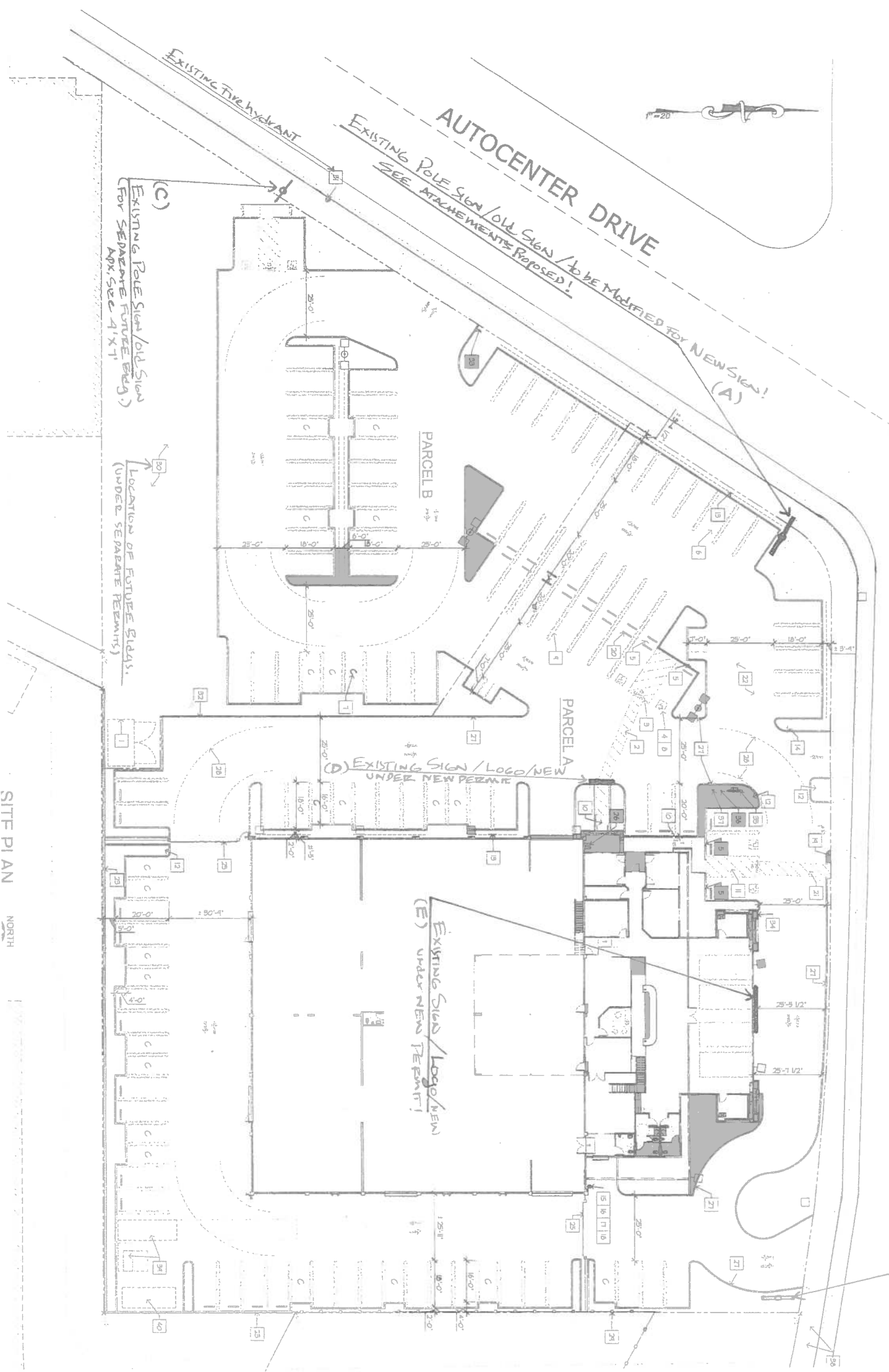
CORNER OF AUTO CENTER DRIVE &



SITE PLAN:

WEST 101TH STREET

EXISTING POLE SIGN / OLD SIGN / APPX 3' X 1' (B)



SITE PLAN NORTH

STREET SITE PLAN:

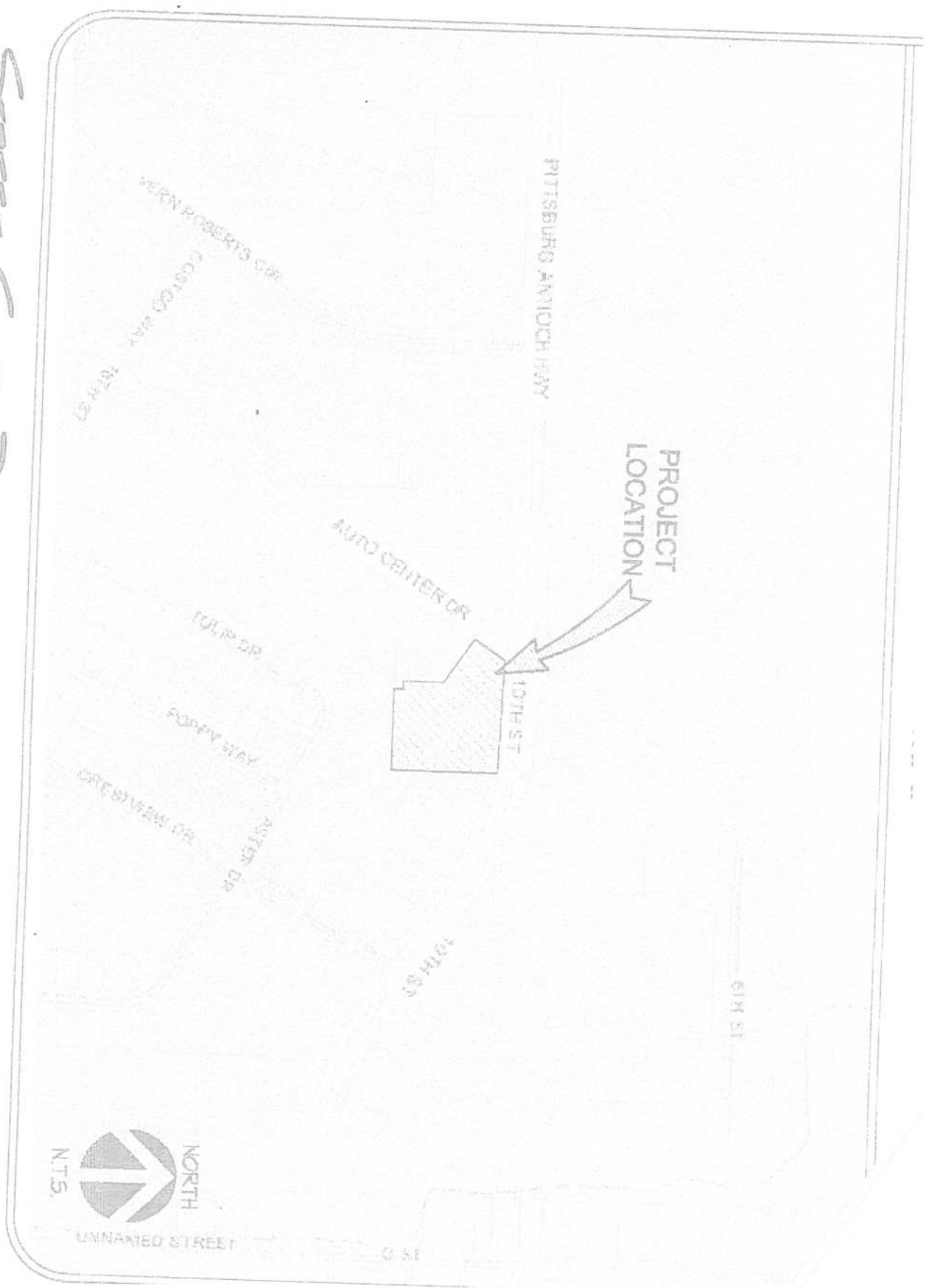


Photo 1

EXISTING POLE SIGN. (C)

(For SEPARATE FUTURE Bldg.) UNDER SEPARATE PERMIT. (VIEW TO THE WEST)



NEW SIGNS already installed & approved / SIGNOFF

PROPOSED SIGNS FOR MIKE'S AUTO BODY 1001 AUTO CENTER DR. ANTIOCH CA. 94509

BY: AGM SIGNS / 7066 VILLAGE PKWY. DUBLIN CA. 94568
C/O ALEX GARDUNO CA. LIC # 856025 C-45
PH. 925-833-7446 FX. 925-833-7421



INDIVIDUALL CHANNEL LETTERS

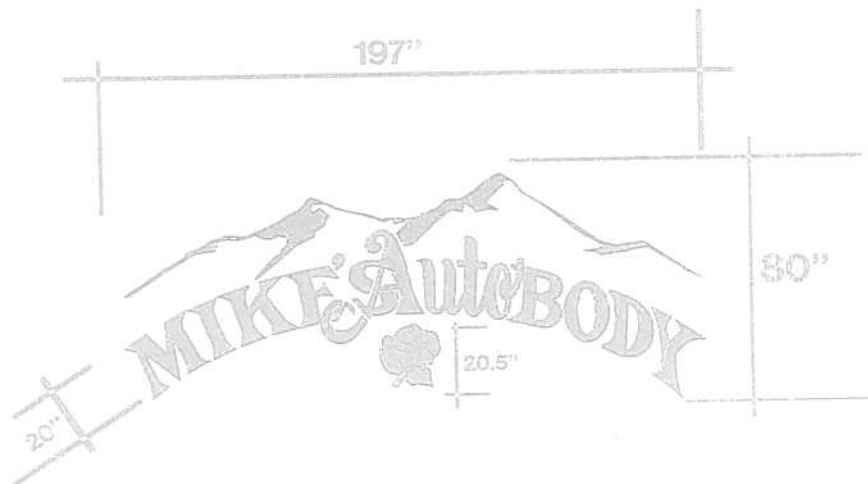
ILLUMINATED LED'S 12 VOLTS

LETTER HIGH 20" "MIKES AUTOBODY" X 197" LENGHT

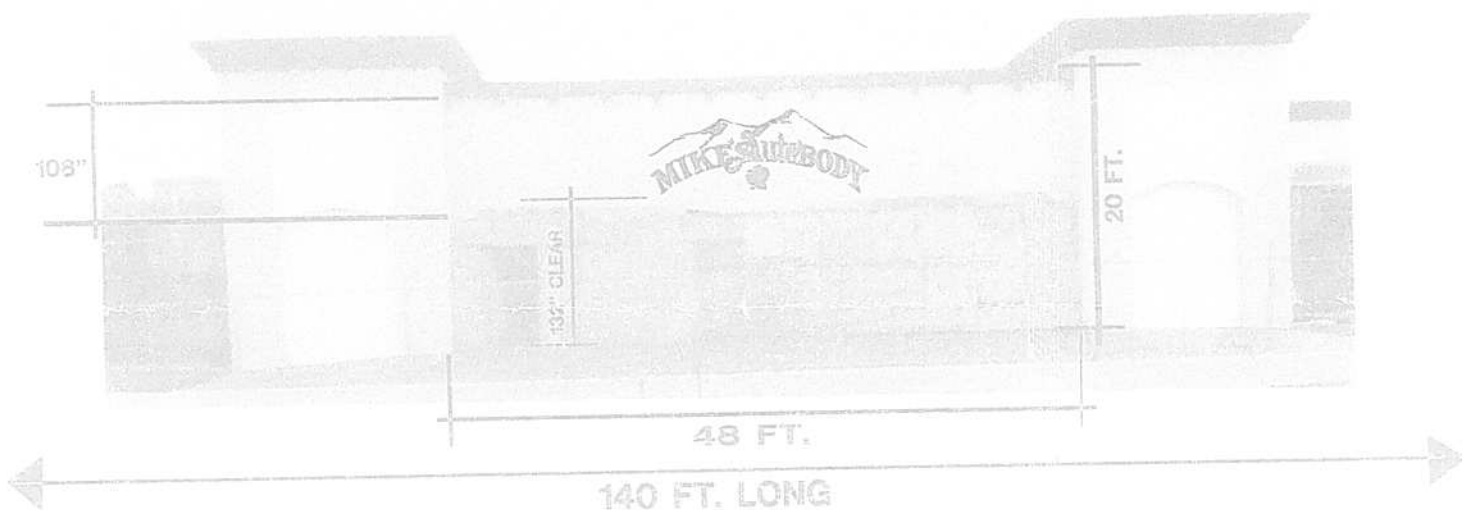
ROSE LOGO 23" CHANNEL AS LETT. W/ LED'S & VINYL GRAPHICS

DEPTH OF 5" ON RETURNS WITH ACRILIC FACES 1/8" BLACK TRIM CAP 3/4"

WITH 5" DEPHT MOUNTAIN LED'S ILLUMINATED WITH BLACKOUT ACRILIC 1/8"



NORTH ELEVATION



INDIVIDUALL CHANNEL LETTERS

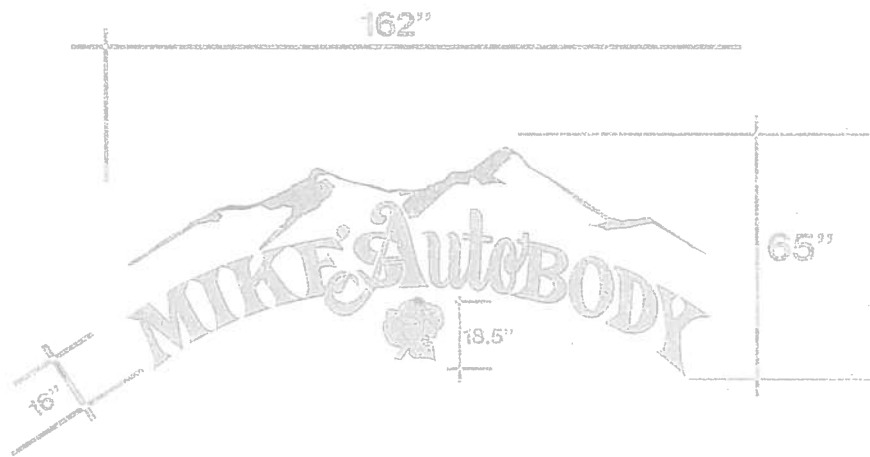
ILLUMINATED LED'S 12 VOLTS

LETTER HIGH 16" "MIKES AUTOBODY" X 162" LENGHT

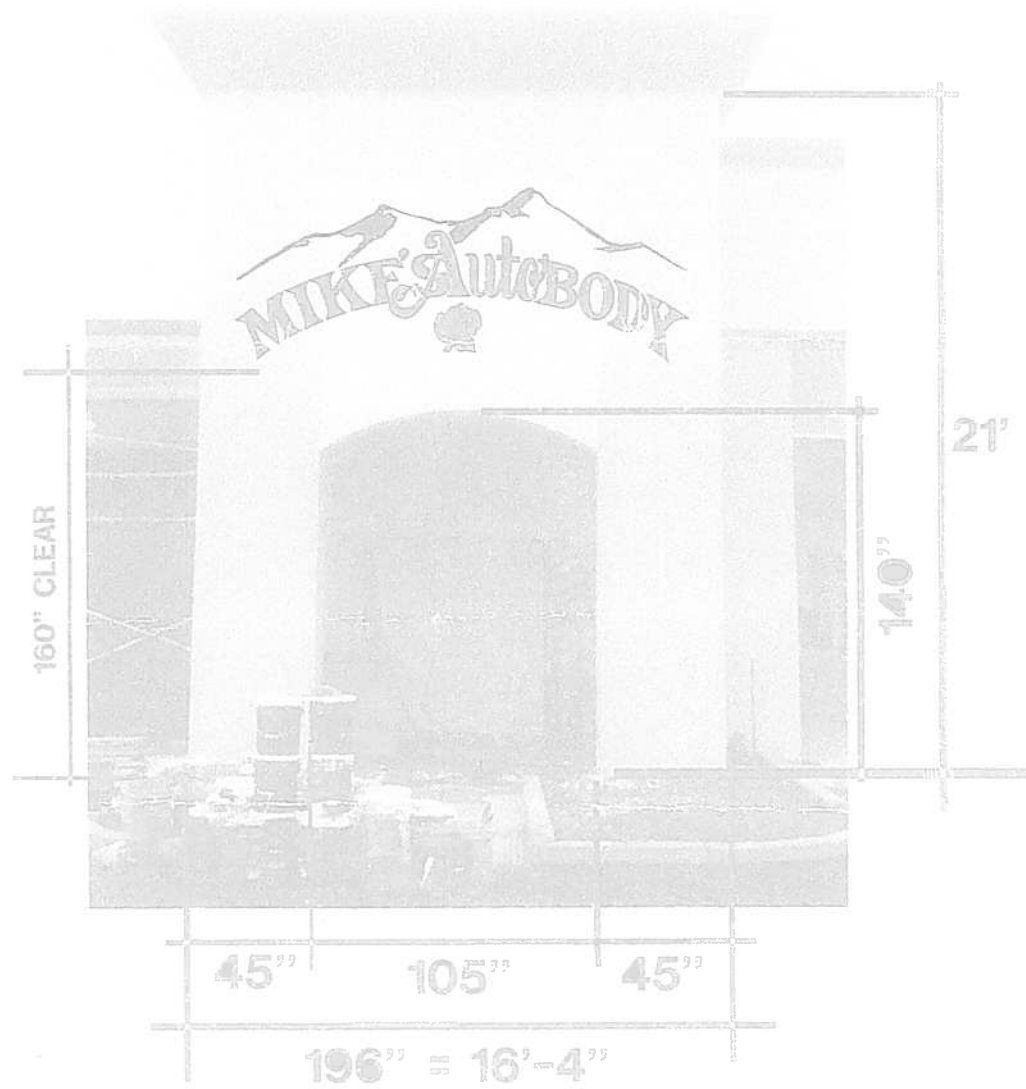
ROSE LOGO 18.5" CHANNEL AS LETT. W/ LED'S & VINYL GRAPHICS

DEPTH OF 5" ON RETURNS WITH ACRILIC FACES 1/8" BLACK TRIM CAP 3/4"

WITH 5" DEPHT MOUNTAIN LED'S ILLUMINATED WITH BLACKOUT ACRILIC 1/8"



WEST ELEVATION



FRONTAGE 190 FT. LONG

OF WEST & NORTH ELEVATIONS



SITE PLAN:



SITE PLAN

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF APRIL 4, 2012**

Prepared by: Mindy Gentry, Senior Planner *MA*
Date: March 29, 2012
Subject: Annual Election of Chair and Vice-Chair

RECOMMENDATION

It is recommended that the Planning Commission nominate and elect a Chair and Vice-Chair.

DISCUSSION

Pursuant to Section 9-5.2506 of the Municipal Code, the Commission shall elect a Chair and Vice-Chair at the last regular meeting of April each year. The new officers will assume their positions the first meeting of May.