

**ANNOTATED
AGENDA
CITY OF ANTIOCH PLANNING COMMISSION
ANTIOCH COUNCIL CHAMBERS
THIRD & "H" STREETS**

WEDNESDAY, DECEMBER 4, 2013

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, DECEMBER 12, 2013**.

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

ROLL CALL

6:30 P.M.

Commissioners	Hinojosa, Chair (absent)
	Motts, Vice Chair
	Baatrup
	Miller
	Westerman
	Pinto

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:** None

* * * END OF CONSENT CALENDAR * * *

CONTINUED HEARING

2. **UP-13-03 – Panda Express** requests a use permit for a 2,230 sf freestanding restaurant building with a drive-thru that would be located on a 29,622 sf site carved out of the northwest corner of the existing Lowe's Home Improvement Warehouse Store parking lot, including a request for a Tentative Minor Subdivision Map, a Use Permit and Design Review for the proposed drive-thru restaurant. The project is located north of State Route 4 at the northeastern corner of the intersection of Somersville Road and Mahogany Way (**APN 074-370-029**). An Initial Study/Mitigated Negative Declaration is also proposed for adoption.

RESOLUTION NOS. 2013-21 and 2013-22

ORAL COMMUNICATIONS

STAFF

WRITTEN COMMUNICATIONS

COMMITTEE REPORTS

ADJOURNMENT (7:45 pm)

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.

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF DECEMBER 4, 2013**

Prepared by: Cindy Gnos, Contract Planner
Raney Planning & Management, Inc.

Reviewed by: Mindy Gentry, Senior Planner *MG*

Date: November 26, 2013

Subject: Minor Subdivision Map, Use Permit, Design Review – Panda Express
(PW 357-301-13, UP-13-03, AR-13-07)

REQUEST

The applicant, CRM Architects & Planners, Inc., has applied for a Tentative Minor Subdivision Map to subdivide the 11.2-acre Lowe's Home Improvement Warehouse parcel into two, creating a 0.68-acre parcel for the development of Panda Express restaurant. The applicant has also requested a Use Permit and Design Review for the proposed drive-thru restaurant. An Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared and are proposed for adoption. The site is located at the northeastern corner of the intersection of Somersville Road (Auto Center Drive) and Mahogany Way. The proposed Panda Express restaurant is located in the northwestern portion of the existing Lowe's Home Improvement Warehouse Store parking (**APN: 074-370-029**).

Four actions/entitlements are before the Planning Commission, and are each discussed below:

Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program: A Mitigated Negative Declaration was prepared which identified impacts to noise and transportation/circulation. Mitigation measures have been included for these environmental factors which have reduced impacts to a less-than-significant level.

Tentative Minor Subdivision Map: The applicant is requesting a Tentative Minor Subdivision Map to subdivide the one 11.2-acre parcel into two. The parcel for the existing Lowe's would contain 10.54 acres and the new parcel for the proposed Panda Express would contain 0.68 acres.

Use Permit: The applicant is requesting a Use Permit to construct a 2,230-square foot fast food restaurant with a drive-thru.

Design Review: The applicant is requesting Design Review of the 2,230-square foot Panda Express restaurant, landscaping, and signage.

RECOMMENDATION

Staff recommends that the Planning Commission consider the applicant's request regarding the alternate site plans and approve or deny the Tentative Minor Subdivision Map, Use Permit and Design Review (Attachment "A").

BACKGROUND

On October 16, 2013, the Planning Commission held a public hearing on the proposed project (Attachment "B"). At that hearing, the Planning Commission discussed compliance with the City's commercial design guidelines, specifically the guideline suggesting the drive-thru lanes not be located along the street frontages as well as improving the architectural elements on the elevations facing Auto Center Drive and Mahogany Way. The Planning Commission asked the applicant to consider alternative site plans and continued the hearing.

ENVIRONMENTAL

In compliance with the California Environmental Quality Act, the City prepared an Initial Study and Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) for the proposed Panda Express project. The IS/MND was circulated for a 20-day public review period from September 23, 2013 to October 14, 2013. As of the date of this staff report, no comments have been received. The IS/MND and MMRP have been provided previously to the Planning Commissioners and are available for review on the second floor of City Hall in the Community Development Department, and can also be found on the City's website at:

<http://www.ci.antioch.ca.us/CityGov/CommDev/PlanningDivision/Environmental-docs.htm>.

The IS/MND determined the following environmental factors could be potentially affected by the project, involving at least one impact that is "Potentially Significant": noise and transportation/circulation. Mitigation measures have been provided for each potentially significant impact, reducing the impacts to a less-than-significant level. These are described in detail in the environmental document.

ANALYSIS

Issue #1 – Site Plan

The applicant has submitted a letter (Attachment "A") with two alternative site plans attached. Alternative 1 situates the Panda Express parallel to the exiting Lowe's building. This alternative results in less stacking in the drive-thru lane, but still meets the minimum 6 required by the code. The applicant's letter states that this alternative site plan reduces the number of parking spaces immediately in front of the Lowe's entrance, and results in an awkward parking and drive aisle near the entrance to Panda Express. The applicant further notes the proposed Panda Express building blocks a portion on the Lowe's building from view at the intersection.

Alternative 2 places the Panda Express perpendicular to the existing Lowe's building. This alternative also results in less stacking in the drive-thru lane, but more than Alternative 1 and meets the minimum 6 required by the City's code. The applicant's letter indicates that this alternative even further reduces the parking spaces immediately in front of the Lowe's entrance.

The applicant and Lowe's requests the Planning Commission reconsider the original site plan, noting that the conditions requiring enhanced landscaping and low screen wall with berming will screen the drive-thru lane from view of the street.

The Design Guidelines suggest drive-thru lanes be located away from street frontages. In addition, the Guidelines suggest that buildings be located as close to the street as possible, with parking in the rear. The alternative site plans remove the drive-thru lane from the street frontage, but place existing parking between the building and the street frontage.

Issue #2 – Building Design

The Planning Commission also discussed the need for enhancements on the South and West Elevations. The applicant has provided two options for an enhanced South and West Elevation (elevation options provided in the Planning Commission's packet).

Option 1 includes another metallic and tile element feature to break up the building façade on the West Elevation. The South Elevation of Option 1 includes a panda mural breaking up the tile and metal accents on the elevation. Option 2 includes a wider metallic element with the addition of tile on the West Elevation. The South Elevation of Option 2 includes a tile feature in the center with a panda mural on each side. Staff requests Planning Commission provide direction regarding the preferred methods of enhancing the building elevations. Condition #69 has been added that requires the elevations be enhanced for the review and approval of staff, as directed by Commission.

Issue #3 – Other Issues

The Planning Commission discussed the need for a separate storm drain in the trash enclosure which drained directly to the sanitary sewer. Condition #42 has been modified to address this concern.

Conditions #15 and 61 were also clarified as noted in the Memo to the Planning Commission at the October 16, 2013 hearing.

ATTACHMENTS

- A. Letter from Applicant with Alternative Site Plans
- B. October 16, 2013 Planning Commission Staff Report and Minutes

**CITY OF ANTIOCH PLANNING COMMISSION
RESOLUTION NO. 2013-****

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
ADOPTING THE PANDA EXPRESS MITIGATED NEGATIVE DECLARATION
AND MITIGATION MONITORING AND REPORTING PROGRAM**

WHEREAS, the City prepared an Initial Study to evaluate the potential environmental impacts of the proposed Panda Express project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"), and based on that Initial Study, determined that the project could be approved in compliance with the California Environmental Quality Act (CEQA) by adopting a Mitigated Negative Declaration as provided by Section 15074 of the CEQA Guidelines; and

WHEREAS, a draft Initial Study and Mitigated Negative Declaration (IS/MND) was circulated for a 20-day review period, with the public review period commencing on September 23, 2013 and ending on October 14, 2013;

WHEREAS, the Planning Commission has reviewed the IS/MND for this project and any comments received; and

WHEREAS, following the close of the comment period, the City received no comments on the IS/MND and prepared a Mitigation Monitoring and Reporting Program (MMRP) incorporating mitigation measure to be imposed on the project; and these materials were released to the public; and

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

WHEREAS, on October 16, 2013 and December 4 2013, the Planning Commission held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the custodian of the Final IS/MND is the Community Development Department and the Final IS/MND is available for public review on the second floor of City Hall in the Community Development Department, Monday – Thursday 8:00 am – 11:30 am and the MMRP is attached as Exhibit 1 to this document.

NOW THEREFORE BE IT RESOLVED

1. The Planning Commission of the City of Antioch hereby **FINDS**, on the basis of the whole record before it (including the Final Initial Study and any comments received) that:

- a. The City of Antioch exercised overall control and direction over the CEQA review for the Project, including the preparation of the Final

Initial Study and Mitigated Negative Declaration, and independently reviewed the Final Initial Study and Mitigated Negative Declaration; and

- b. Substantial evidence does not exist that the project will have a significant effect on the environment; and
- c. The Final Initial Study and Mitigated Negative Declaration reflect the City's independent judgment and analysis.

2. The Planning Commission hereby **APPROVES** and **ADOPTS** the Final Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Project.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 4th day of December, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

TINA WEHRMEISTER,
Secretary to the Planning Commission

**PLANNING COMMISSION
RESOLUTION NO. 2013-****

**RESOLUTION OF THE CITY OF ANTIOCH PLANNING COMMISSION
APPROVING A MINOR SUBDIVISION, USE PERMIT, AND
DESIGN REVIEW FOR THE PANDA EXPRESS PROJECT**

WHEREAS, the City of Antioch did receive a request from CRM Architects & Planners, Inc. for Panda Express, for approval of a Minor Subdivision, a Use Permit, and Design Review of a new 2,230-square foot Panda Express restaurant building with drive-thru service in the existing Lowe's Home Improvement Warehouse parking lot at 1951 Somersville Road (Auto Center Drive) (APN 074-370-029); and

WHEREAS, the Planning Commission has approved a resolution adopting a mitigated negative declaration and mitigation monitoring and reporting program; and

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

WHEREAS, on October 16, 2013 and December 4, 2013, 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 Use Permit:

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

The proposed drive-thru restaurant is located in an existing developed commercial area. Adequate parking for both the existing and proposed use is provided on-site. The proposed project will not be detrimental to the public health or welfare or injurious to the property or improvements.

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

Fast food restaurants and drive-thru services require a use permit. The zoning and General Plan designation for the project site is commercial and the site and surrounding area is developed with commercial uses.

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 currently occupied by Lowe's with a large field of parking. The site is adequate in size and shape to accommodate both the existing and the proposed uses as well as all aspects associated with the use. All yards, fences, parking, loading, landscaping and other required features, as conditioned, meet the requirements of the zoning code standards and are comparable to the surrounding uses in the area. Mitigation measures in the Final Initial Study/Mitigated Negative Declaration ensure adequate circulation for delivery trucks.

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

The project site, including the existing Lowe's is bounded by Somersville Road (Auto Center Drive), Mahogany Way, and Sycamore Drive. A traffic study was prepared for the proposed use as part of the Initial Study/Mitigated Negative Declaration which determined impacts would not occur on the surrounding streets.

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

The General Plan designation is Somersville Road Corridor Focus Area/Commercial. The proposed commercial use is consistent with the designation and with the surrounding uses and will not adversely affect the comprehensive General Plan.

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 and zoned Commercial 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 **APPROVE** a minor subdivision, use permit and design review for the Panda Express project on an approximately 11.2 acre parcel located at 1951

Somersville Road (Auto Center Drive) (APN 074-370-029), subject to the following conditions:

STANDARD CONDITIONS

1. The project shall comply with Antioch Municipal Code.
2. Conditions required by the Planning Commission, which call for a modification or any change to the site plan submitted, shall 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 December 4, 2015), 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 conditions of approval prior to final building inspection.
5. The lots and improvements within the development shall comply with the City of Antioch Municipal Code, unless a specific exception is granted thereto.
6. 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.
7. 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.
8. Advance permission shall be obtained from any property or easement holders for any work done within such property or easements.
9. The applicant shall obtain an encroachment permit for all work done within the public right-of-way.
10. This approval superseded previous approvals that have been granted for this site.
11. Any deviation from the proposed project shall be brought back to the Planning Commission for review and approval.

12. Building permits shall be secured for all proposed construction associated with this facility, including any interior improvements not expressly evident on the plans submitted.
13. The use of construction equipment shall be restricted to weekdays between the hours of 7:00 a.m. and 6:00 p.m., or as approved by the City Manager or his designee.
14. The project shall be in compliance with and supply all the necessary documentation for AMC6-3.2: Construction and demolition debris recycling.
15. 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. In addition, if there is any referendum or other election action to contest or overturn these approvals, the applicant shall either withdraw the application or pay all City costs for such election.
16. All requirements for the Contra Costa Environmental Health Department shall be met.

Site Maintenance:

17. A parking lot sweeping program be implemented that, at a minimum, provides for sweeping immediately prior to, and once during, the storm season.
18. No illegal signs, pennants, banners, balloons, flags, or streamers shall be used on this site at any time.
19. No signs shall be installed on this site without prior City approval.
20. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.
21. Standard dust control methods shall be used to stabilize the dust generated by construction activities.
22. 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).

Fees:

23. 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.
24. The developer shall pay all fees required by the City Council at the time of building permit issuance.
25. The developer shall pay any required East Contra Costa Regional Traffic Mitigation fees prior to receiving a building permit for structures within this development.
26. The developer shall pay any required Drainage Area fees prior to the issuance of any building permits for this project.
27. The developer shall pay all applicable Delta Diablo Sanitation District fees prior to the issuance of any building permits for this project.
28. The developer shall pay the Contra Costa County Fire Protection District Fire Development Fee in place at the time of permit issuance.

Fire Requirements

29. All requirements of the Contra Costa County Fire Protection District shall be met.
 - a. The developer shall submit three (3) complete sets of plans and specifications of the subject project, including plans for the following required submittals building construction plans and commercial kitchen hood extinguishing systems; to the Fire District for review and approval prior to construction to ensure compliance with fire and life safety. Plan review and inspection fees shall be submitted at the time of plan review submittal. (105.4.1) CFC, (901.2) CFC, (107) CBC

Landscaping:

30. 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.
31. Landscaping and signage shall not create a sign distance problem.
32. A minimum of five feet (5') shall be kept clear between any proposed trees and any concrete or asphalt paving within the City right-of-way. Trees closer than ten (10) feet to any concrete or asphalt paving shall use approved root guards.

33. Detailed landscaping and irrigation plans for the entire site shall be submitted to the City for review and approval. All landscaping and irrigation shall be installed in accordance with approved plans prior to the issuance of certificates of occupancy for this building.

Site Design:

34. Asphalt paving shall have a minimum slope of 2%, concrete paving shall have a minimum slope of 0.75%, and asphalt paving for identified accessible parking stalls and access routes may have a minimum slope of 1.5% and a maximum of 2% slope, or as approved by the City Engineer.
35. All on-site curbs, gutters, and sidewalks shall be constructed of Portland cement concrete.
36. All mechanical and roof equipment shall be screened from public view.
37. All parking lot dimensions and striping shall meet minimum City standards.
38. Any cracked or broken sidewalks shall be replaced as required by the City Engineer.
39. All parking and access shall 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.
40. A photometric plan shall be submitted to staff for review and approval prior to the issuance of building permits. The plan shall show the light onsite and beyond the property. All lighting shall be installed on site in accordance with the approved plans, and prior to the issuance of certificates of occupancy for this site.
41. The City Engineer shall determine if it is necessary to engage soils and structural engineers as well as any other professionals deemed necessary to review and verify the adequacy of the building plans submitted for this project. If deemed necessary by the City, this may be extended to include filed inspections by such professional to verify implementation of the plans. Costs of these services shall be borne by the developer.

Utilities

42. All storm water flows shall be collected onsite and discharged into an approved public storm drain system. The trash enclosure must drain to a sanitary sewer and shall incorporate methods to contain refuse runoff at the front-gate and pedestrian access point to prevent storm water from entering the enclosure.

43. The developer shall provide adequate water pressure and volume to serve this development, as approved by the City Engineer.
44. All existing and proposed public utilities (e.g. transformers) shall be placed underground or screened from public view, in accordance with the Antioch Municipal Code.
45. A reduced backflow prevention device shall be installed on all City water meter services.
46. Street lighting shall be provided in accordance with the Antioch Municipal Code.
47. The sewer collection system shall be constructed to function as a gravity system.
48. Improvements and fees that are required by the Contra Costa County Flood Control District shall be implemented, as approved by the City Engineer.

Grading

49. All elevations shown on the improvement and grading plans shall be on the USGS 1929 sea level datum.
50. All lots and slopes drain to approved drainage facilities, as approved by the City Engineer.
51. A final grading plan for this development shall be approved by the City Engineer.

Conservation/NPDES

52. Water conservation measures, including low volume toilets and the use of drought tolerant landscaping shall be used.
53. The project shall comply with all Federal, State, and City regulations for the National Pollution Discharge Elimination System (NPDES) (AMC§6-9). Under NPDES regulations, the project is subject to provision C.3: New development and redevelopment regulations for storm water treatment. Provision C.3 requires that the project include storm water treatment and source control measures, as well run-off flow controls, so that post-project runoff does not exceed estimated pre-project runoff. C.3 regulations require the submittal of a Storm Water Control Plan (SWCP) that demonstrates how compliance will be achieved. The SWCP shall be submitted simultaneously with the project plans. An Operation and Maintenance Plan (O&M) for the treatment and flow-controls in the approved SWCP shall be submitted and approved before the Building Department will issue Certificate of Occupancy permits and shall be included in the project CC&Rs. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall execute any agreements identified in the Storm Water Control

Plan that pertain to the transfer of ownership and/or long-term maintenance of storm water treatment or hydrograph modification BMPs.

54. That the following requirements of the federally mandated NPDES program (National Pollutant DISCHARGE Elimination System) be complied with, or as required by the City Engineer:
- a. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall execute any agreements identified in the Storm Water Control Plan which pertain to the transfer of ownership and/or long-term maintenance of storm water treatment or hydrograph modification BMPs.
 - b. That an application for a State of California "General Construction Activity Storm Water Permit" be submitted to the Regional Resources Control Board, and a copy of the Notice of Intent be submitted to the City, prior to any construction activity on the site.
 - c. Limited construction access routes and stabilizing access points.
 - d. Stabilizing areas denuded due to construction (prior to the wet season, October 1 through May 1) by using suitable practices including, but not limited to temporary or permanent seeding, mulching, sod stabilization, vegetative buffer strips, protection of trees, plastic covering, application of ground base on areas to be paved.
 - e. Protecting adjacent properties by appropriate use of vegetative buffer strips, sediment barriers or filters, dikes or mulching, or by a combination of these measures and other appropriate measures.
 - f. Delineating clearing limits, easements, setbacks, sensitive or critical areas and their buffers, trees and drainage courses by marking them in the field.
 - g. Stabilizing and preventing erosion from temporary conveyance channels and outlets.
 - h. Using sediment controls and filtration to remove sediment from water generated by dewatering.
 - i. Using proper construction material and construction waste storage, handling and disposal practices.
 - j. Using proper vehicle and equipment cleaning, fueling and maintenance practices.

- k. Controlling and preventing discharge of all potential pollutants, including, but not limited to, pesticides, petroleum products, nutrients, solid wastes, and construction chemicals, that occur on site during construction.
- l. Preparing a contingency plan in the event of unexpected rain or BMP failure including, but not limited to, an immediate response plan, storing extra or alternative control materials on-site (stakes, fences, hay bales), notifying the local agency, etc.
- m. Education and Training – For developments with no property owner association or community associate, practical information materials on good housekeeping of hazardous products, proper use and disposal for hazardous products, and prohibited discharge practices and materials must be provided, initially by the developer, to the first residents/occupants/tenants, and thereafter by the City public education program.
- n. Labeling Storm Drain Facilities – The phrase “No Dumping – Drains to River” must be embossed/stamped on new storm drain inlets to alert the public to the destination of storm water and to prevent direct discharge of pollutants into the storm drain. Watercourses should be similarly labeled by posting signs.
- o. Runoff Control – to the extent practicable, maintain post-development peak runoff rate and average volume of runoff at levels that are similar to pre-development levels. The developer must design the proposed project accordingly.

PROJECT SPECIFIC CONDITIONS

- 55. The applicant shall comply with all mitigation measures included in the Mitigation Monitoring and Reporting Program.
- 56. Bike racks shall be selected that are durable and visually subdued. Based on their performance, “loop racks” and “ribbon bars” are encouraged, and shall be sized according to parking requirements. The applicant shall submit details of the bike racks for staff review and approval.
- 57. The trash enclosure shall be covered and have exterior finishes similar in type and color of the main building. The enclosure shall be screened with landscaping as indicated on plans. The applicant shall submit details of the trash enclosure and cover for staff review and approval.
- 58. The applicant shall screen the drive-thru lane from view of the public street. The screening shall be provided by a berm or a low wall in combination with a vegetative screen for the review and approval of staff.

59. The applicant shall submit a revised landscape plan for staff review and approval which indicates landscaping similar to the Lowe's and Panda Express site along the property frontage from the driveway on Auto Center Drive to the driveway on Mahogany Way.
60. Delivery trucks shall access the parking lot along Sycamore Drive to the north and maneuver to the front of the proposed Panda Express restaurant. After unloading, the delivery trucks shall exit near the front of the Lowe's store to Mahogany Way.
61. A mutual access and parking agreement shall be recorded between the parcels concurrent or prior to the recording of the Parcel Map, as approved by the City Engineer and City Attorney.
62. The water line easement under the existing Lowe's building shall be vacated and quitclaimed to Lowe's concurrent or prior to the recording of the Parcel Map, at no cost to the City, as directed by the City Engineer.
63. The domestic and fire water connection shall be connected to the water main in Mahogany Way as directed by the City Engineer.
64. The sewer shall be connected into the existing 6 inch line in the Lowe's parking lot as directed by the City Engineer.
65. The existing sewer main in the Lowe's parking lot serving as the connecting line shall be enclosed in an easement and dedicated to the City by separate instrument, at no cost to the City, as directed by the City Engineer.
66. The right-of-way line on Mahogany Way and Auto Center Drive shall follow the back of walk and encompass public facilities which will require dedication of new right-of-way and abandonment of existing right-of-way and shall be recorded by separate instrument, at no cost to the City, concurrent or prior to the recording of the Parcel Map.
67. The existing water mains and public facilities shown on the original Lowe's project to be enclosed in an easement shall be dedicated to the City by separate instrument, at no cost to the City, concurrent or prior to the recording of the Parcel Map.
68. The cabinet sign with the copy "EXPRESS" shall be constructed with individual letters subject to staff review and approval.
69. The South and West building elevations visible from the street shall provide additional architectural enhancements. Revised elevations shall be submitted for staff review and approval, as directed by Planning Commission.

* * * * *

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 December, 2013.

AYES:

NOES:

ABSTAIN:

ABSENT:

Tina Wehrmeister
Secretary to the Planning Commission

ATTACHMENT "A"



To: City of Antioch
Planning Commissioners

From: Lupe Sandoval
Project Manager
CRM Architects & Planners, Inc.

Date: November 15, 2013

Subject: UP-13-03 Panda Express (at the existing Lowe's Shopping Center)

Our office has completed two (2) Site Alternate Designs per the request and comments of the Planning Commissioners at the Planning Commission Meeting held on October 16, 2013. The Site Alternatives provided have been developed to convey the reasons of the design constraints posed when laying out the carve-out for the proposed Panda Express Restaurant, with the drive-thru component away from the street frontage and placed internally over the existing Lowe's parking area.

The Site Alternates presented have been reviewed by PRG, Inc and Lowe's Companies. Both companies have also provided the following feedback and their mutual operation concerns.

Please find the following reasons encountered for each of the Site Alternates presented when reorienting the drive-thru lane internally. The proposed layouts do not work well with the existing parking lot layout of the Lowe's shopping center, due to the existing traffic flow configurations. The new layouts are governed by the existing no build utility easement cutting thru the site and also the existing drive access to the center.

Site Plan Alternative 1

a. When positioning the Panda Express island parallel with the Lowe's building, the new location affects the existing preferred customer parking row locations serving the area closest to the main entry at the Lowe's building. This area is reduced substantially with the new location of the Panda Express island.

- b. The circulation and traffic flow of the site is compromised by the new location of the drive-thru, by creating additional drive aisles around the proposed Panda Express island.
- c. The drive-thru queuing is reduced and may possibly spill over onto the adjacent drive aisles, blocking traffic flow.
- d. The 46 parking stalls serving Panda Express are over than what's necessary, this is caused by the excess parking row located to the North (due to its proximity to Panda Express).
- e. This proposed layout creates an awkward parking and wider drive aisle area in front of the building, due to the existing frontage radial parking located to the West of the Panda Express island.
- f. Panda Express building island blocks a portion of the Lowe's building from the view corridor at the intersection.

Site Plan Alternative 2

- a. When positioning the Panda Express island perpendicular with the Lowe's building, again this new location affects the existing preferred customer parking row locations serving the area closest to the main entry at the Lowe's building. This area is reduced substantially with the new location of the Panda Express island.
- b. The circulation and traffic flow of the site is compromised by the new location of the drive-thru, by creating additional drive aisles around the proposed Panda Express island.
- c. The drive-thru queuing is reduced and may possibly spill and block traffic flow over one of the main parking drive aisles serving Lowe's.

Based on your review and consideration of our challenging findings above, Panda Restaurant Group Inc. and Lowe's requests to keep the Original Site Plan proposed and submitted for Design Review on February 2013. Modifications will be made to integrate and refresh the landscape along the frontage roads of Auto Center Drive and Mahogany Way. Additional screening via low wall in conjunction with landscape mounding and berming will be provided to screen the drive-thru lane. The narrowest and proposed landscape along the frontage is 16'-0" and wider throughout. This landscape depth is adequate to provide the desired screening and increased the plants and berming as requested.

In addition to the landscape screening along the frontage roads, the South Elevation and West Elevation will be enhanced with architectural features that will be aesthetically pleasing and appealing along the frontage.

Panda Restaurant Group Inc. and Lowe's Companies feel that this proposed new development will enhance the existing Lowe's shopping center.

Sincerely,

Lupe Sandoval
Project Manager

Carissimi Rohrer McMullen Architects & Planners

5921 Folsom Blvd. Sacramento, CA 95819

916.451.1500 Fax 916.451.1600

Attachment

Site Plan Alternative 1 (Revised 11/05/13)

Site Plan Alternative 2

4A



PANDA RESTAURANT GROUP INC.
1801 Walnut Grove Ave.
Rosemead, California
91768
Telephone: (626) 280-8888
Facsimile: (626) 280-8888

1. This plan was prepared by the architect and engineer for the purpose of showing the location of the building and its site. It is not to be used for any other purpose without the written consent of the architect and engineer. The architect and engineer assume no responsibility for the accuracy of the information shown on this plan, nor for the results of any action taken thereon. The user of this plan is advised to consult the architect and engineer for a complete understanding of the project and the site conditions.

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ISSUE DATE:

DRAWN BY: CHN Architects & Planners, Inc.

PANDA PROJECT # 18-102005
ARCH PROJECT # CHN 125.1

CRM Architects & Planners
1801 Walnut Grove Ave. - Rosemead, CA 91768
Phone: (626) 451-1800 - Fax: (626) 451-1800

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"LOWE'S SHOPPING CENTER"

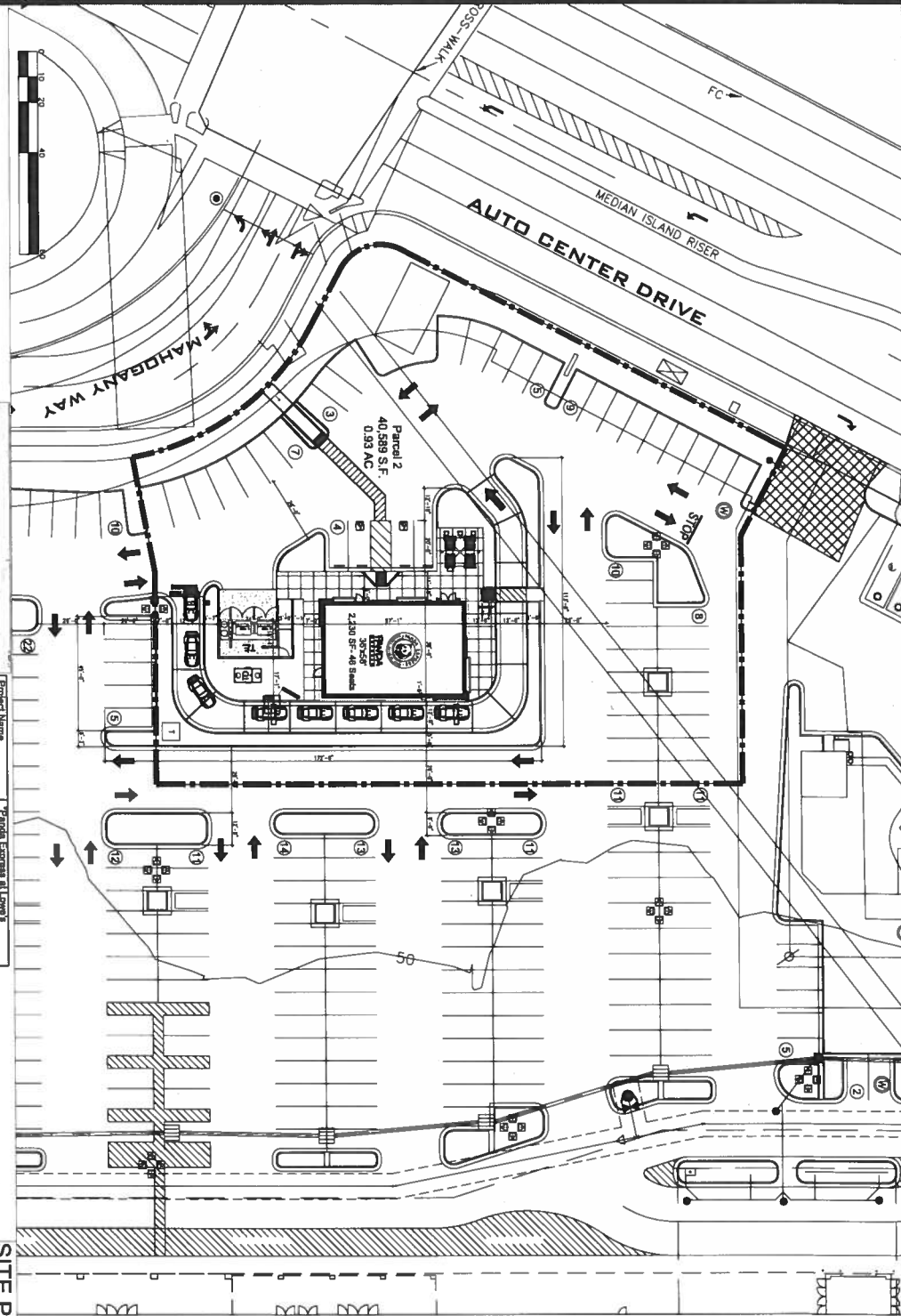
183 JINDO CENTER DRIVE
JINDO CITY, KOREA

PR: JINDO & FIRM

A-0.1
SITE PLAN ALTERNATIVE 1
ARCHITECTURAL
PLAN CHECK: RESUBMITTAL

LOWE'S
SALES FLOOR
122,865 S.F.
F.F. = 49.0
PAD = 48.1

SITE PLAN ALTERNATIVE 1
REVISED 11/05/13



Project Name	Panda Express at Lowe's
Proposed	Shopping Center/Anchor, CA
Address	183 JINDO CENTER DRIVE
Existing Zoning	CA Regional Commercial
Land Use	Commercial
Parking Provided	74 (2 ADA Spaces)
Site Plan (SQUARE FEET)	40,589 S.F. F.I. = 0.93 AC. 100 %
Building Coverage	2,230 S.F. 5 %
Asphalt/Concrete Coverage	- S.F. - %
Landscaping	- S.F. - %
Owner:	CHN Architects & Planners, Inc.
Design:	CHN Architects & Planners, Inc.
Engineer:	CHN Architects & Planners, Inc.
Architect:	CHN Architects & Planners, Inc.
Address:	1801 Walnut Grove Ave. Rosemead, CA 91770
Phone:	(626) 372-8122
Fax:	(626) 403-8527
Phone:	9001 Foodstuffs Blvd. Suite 150 Rosemead, CA 91770
Phone:	Ph. 916.788.0822
Fax:	Fax 916.788.0824

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Scale: 1"=40'-0" A-U. 7A

PACOA RESTAURANT GROUP INC.
1663 Walnut Grove Ave.
Rosemead, California
91770
Telephone: (626) 785-8888
Facsimile: (626) 572-6200

A5

CRM Architects & Planners
Inc.

5921 Folsom Blvd. - Sacramento, Ca 95821
phone: (916) 431-1800 - fax: (916) 431-1

STAMP



**"LOWE'S SHOPPING
CENTER"**

1153 AUTO CENTER DRIVE
ANTIOCH, CA 94509
PX Bentley & French

A-0.1-A

OVERALL SITE PLAN ALT. 1
ARCHITECTURAL

PLAN CHECK RESUBMITTAL

A6



PANDA RESTAURANT GROUP INC.
1823 Walnut Grove Ave.
Beverly Hills, California
91778
Telephone: (818) 222-8888
Facsimile: (818) 222-8888

As the owner, Panda Express, Inc. hereby certifies that the information contained herein is true and correct to the best of its knowledge and belief. It further certifies that the information was obtained from reliable sources and that it is not being provided for any other purpose than for the use intended.

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ISSUE DATE:

DESIGN BY: CRM Architects & Planners, Inc.

PANDA PROJECT #: 98-12-02005
ARCH PROJECT #: CRM 12011

CRM Architects & Planners
2011 Edison Blvd., Suite 200
Beverly Hills, CA 91778
Phone: (818) 411-1100 Fax: (818) 411-1100



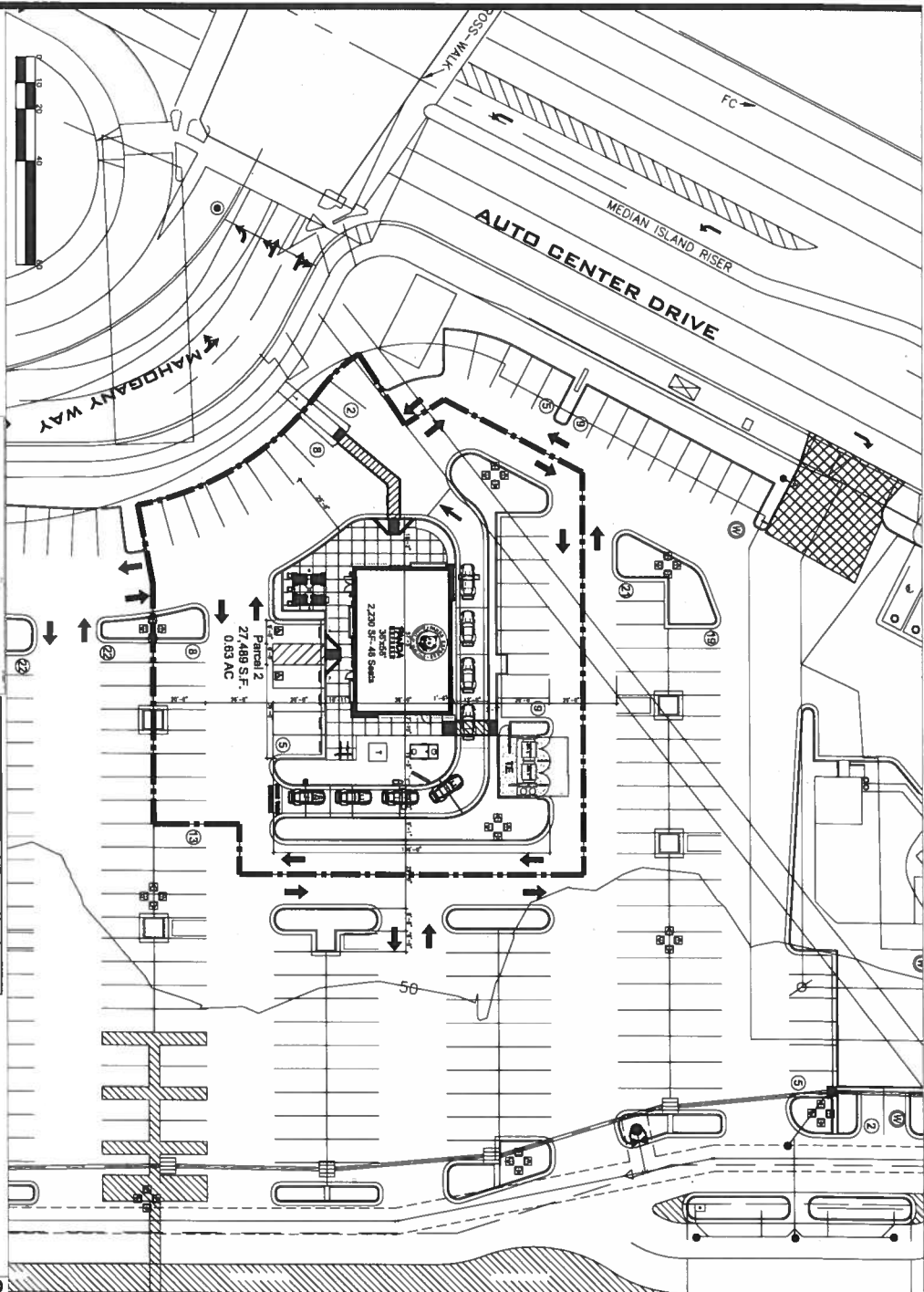
"LOWE'S SHOPPING CENTER"
1823 Walnut Grove Ave.
Beverly Hills, CA 91778
Phone: (818) 222-8888
Facsimile: (818) 222-8888

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SITE PLAN ALTERNATIVE 2
ARCHITECTURAL

PLAN CHECK RESUBMITTAL

SITE PLAN ALTERNATIVE 2

LOWE'S
SALES FLOOR
122,865 S.F.
F.F. = 49.0
PAD = 48.1



Project Name	Yankee Express at Lowe's
Proposed	Shopping Center, Amenities, CA
APN #	0723700283
Existing Zoning	CA- Regional Commercial
Land Use	Commercial
Parking Required	24 (2 ADA Spaces)
Parking Provided	24 (2 ADA Spaces)
Site Area (S.F.)	27,489 S.F. = 0.63 AC, 100 %
Total Paved Area	27,489 S.F. = 0.63 AC, 100 %
Building Coverage	2,200 S.F. = 8 %
Asphalt Conc. Coverage	- Sq. Ft. = - %
Landscaping	- Sq. Ft. = - %
Owner:	CRM Engineering, LLC
Address:	1823 Walnut Grove Ave., Suite 150
City:	Beverly Hills, CA 91778
Phone:	(818) 222-8888
Fax:	(818) 222-8888



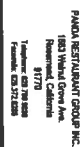
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SITE PLAN 1
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OVERALL PRELIMINARY SITE PLAN	1
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ISSUE DATE: _____

BY: _____

DRAWN BY: CPM Architects & Planners, Inc.

PANDA PROJECT #:	58-12-0005
ARCH PROJECT #:	CRM 1200.1

CRM Architects & Planners
Inc.

3921 Folsom Blvd. - Sacramento, Ca 95819
phone: (916) 451-1500 - fax: (916) 451-1600



**"LOWE'S SHOPPING
CENTER"**

1853 AUTO CENTER DRIVE
ANTIOCH, CA 94509

PX Budgets & Funds

A-0.1-A

OVERALL SITE PLAN ALT. 2
ARCHITECTURAL

PLAN CHECK RESUBMITTAL

ATTACHMENT "B"

STAFF REPORT TO THE PLANNING COMMISSION FOR CONSIDERATION AT THE MEETING OF OCTOBER 16, 2013

Prepared by: Cindy Gnos, Contract Planner
Raney Planning & Management, Inc.

Reviewed by: Mindy Gentry, Senior Planner

Date: October 10, 2013

Subject: Minor Subdivision Map, Use Permit, Design Review – Panda Express
(PW 357-301-13, UP-13-03, AR-13-02)

REQUEST

The applicant, CRM Architects & Planners, Inc., has applied for a Tentative Minor Subdivision Map to subdivide the 11.2-acre Lowe's Home Improvement Warehouse parcel into two, creating a 0.68-acre parcel for the development of Panda Express restaurant. The applicant has also requested a Use Permit and Design Review for the proposed drive-thru restaurant. An Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared and are proposed for adoption. The site is located at the northeastern corner of the intersection of Somersville Road (Auto Center Drive) and Mahogany Way. The proposed Panda Express restaurant is located in the northwestern portion of the existing Lowe's Home Improvement Warehouse Store parking (Attachment "A") (APN: 074-370-029).

Four actions/entitlements are before the Planning Commission, and are each discussed below:

Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program: A Mitigated Negative Declaration was prepared which identified impacts to noise and transportation/circulation. Mitigation measures have been included for these environmental factors which have reduced impacts to a less-than-significant level.

Tentative Minor Subdivision Map: The applicant is requesting a Tentative Minor Subdivision Map to subdivide the one 11.2-acre parcel into two. The parcel for the existing Lowe's would contain 10.54 acres and the new parcel for the proposed Panda Express would contain 0.68 acres.

Use Permit: The applicant is requesting a Use Permit to construct a 2,230-square foot fast food restaurant with a drive-thru.

Design Review: The applicant is requesting Design Review of the 2,230-square foot Panda Express restaurant, landscaping, and signage.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Tentative Minor Subdivision Map, Use Permit and Design Review, subject to the conditions contained in the attached resolution.

BACKGROUND

In 1999, the Zoning Administrator approved a Mitigated Negative Declaration and the Design Review Board approved a Design Review request for the demolition of an existing commercial center and the construction of a Lowe's Home Improvement Warehouse building.

ENVIRONMENTAL

In compliance with the California Environmental Quality Act, the City prepared an Initial Study and Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) for the proposed Panda Express project. The IS/MND was circulated for a 20-day public review period from September 23, 2013 to October 14, 2013. As of the date of this staff report, no comments have been received. The IS/MND and MMRP have been provided to the Planning Commissioners via email on October 2, 2013 and are available for review on the second floor of City Hall in the Community Development Department, and can also be found on the City's website at:

<http://www.ci.antioch.ca.us/CityGov/CommDev/PlanningDivision/Environmental-docs.htm>.

The IS/MND determined the following environmental factors could be potentially affected by the project, involving at least one impact that is "Potentially Significant": noise and transportation/circulation. Mitigation measures have been provided for each potentially significant impact, reducing the impacts to a less-than-significant level. These are described in detail in the environmental document.

ANALYSIS

Issue #1: Project Overview

The proposed project consists of a Tentative Minor Subdivision Map to subdivide the 11.2-acre Lowe's parcel into two, creating a 0.68-acre parcel for the development of a Panda Express restaurant. The applicant has also requested a Use Permit and Design Review for the proposed drive-thru restaurant. The proposed Panda Express restaurant would consist of a 2,230-square foot (sf) freestanding building that would be located on a 29,622-sf site carved out of the northwest corner of the existing Lowe's Home Improvement Warehouse Store parking lot. The restaurant would include a drive-thru, 25 parking stalls, an outdoor patio with seating under a shade structure, and bicycle parking. The site has been configured to include a dedicated drive-thru lane with a

queue length that would accommodate 10 vehicles. Interior seating for the restaurant would accommodate 46 seats along with 16 seats on the exterior patio. The building footprint would consist of the following areas: customer service, dining, single occupancy restrooms, a full service kitchen, dry storage, freezer and cooler, manager's station, and drive-thru station (Attachment "B").

The Panda Express restaurant would operate from 11:00 a.m. to 10:00 p.m. on a daily basis. Peak periods would occur at lunch time from 12:00 to 1:30 p.m., and dinner time from 5:00-6:30 p.m. The store would employ a minimum of two shifts per day with an average team member count of 3 to 5 per shift. The number of employees working during peak hours will range from 4 to 5 team members. Store deliveries would occur once a week and are scheduled to take place in the morning hours before the restaurant opens and the parking lot is utilized. The restaurant would have its own dedicated trash enclosure with separate recycling and trash bins.

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

The General Plan designation for the project site is Commercial within the Somersville Road Corridor Focus Area. Eating and drinking establishments are allowed within the Somersville Road Corridor. The Zoning designation is C-3 (Service/Regional Commercial) which requires a Use Permit for fast food restaurant, a drive-thru window, and outdoor seating.

Surrounding land uses and their designations include:

North:	Commercial (C-3)
South:	Commercial (C-3)
East:	Residential behind Lowe's (R-20)
West:	Commercial (C-3)

Issue #3: Architecture and Landscaping

The applicant is proposing a 2,230-sf freestanding Panda Express building. The restaurant would include a drive-thru, 25 parking stalls, an outdoor patio with seating under a shade structure, and bicycle parking. The exterior of the building is concrete with metal and glass accents, including a stone veneer base and steel tubes appearing like bamboo. The colors are reds, greens, and browns. The glass at the corner entrance has a panda mural painted on the interior walls behind the glass. The 22-foot tall, one-story building, is broken up at around the mid-point by several aluminum awnings.

SDG Architects conducted a peer review of the proposed architecture and building design. The building was reviewed for compliance with the general commercial design guidelines. SDG points out that although prototypical buildings should be avoided, the proposed building has no significant local context or special site condition in which the design of the building would need to mimic. Numerous other fast food type

establishments are located in the vicinity and vary greatly in their design. The existing Lowe's Shopping center is a typical big box design and does not offer architectural design or detail with which to coordinate. SDG notes that the proposed design would bring a clean modern look to the area that is not currently present. A canopy has been provided over the drive-thru pick-up window area and the roof is designed to screen the mechanical equipment in compliance with the guidelines.

SDG also comments on the trash enclosure and the bicycle parking. The guidelines state that trash enclosures shall be architecturally integrated into the design of the structure, have metal doors, and include overhead covering. SDG suggests that the concrete masonry unit structure be modified to be compatible with the main structure. This would include similar finish materials and colors as the exterior of the main building. In addition, SDG notes that the trash enclosure is not covered. Conditions have been added to address the trash enclosure comments. In addition, SDG notes that the project provides bicycle racks in an appropriate area, however, the design should be durable and visually subdued as required in the guidelines. A condition has been added regarding bike racks, encouraging the loop racks or ribbon bars based upon their performance.

SDG further points out that the design guidelines state that drive-thru aisles should be located towards the rear of the building and away from the street frontage, screened by landscaping and walls. The proposed drive-thru lane is located in front of the building which does not comply with the guidelines. The applicant has indicated that the location of the building in an existing parking lot makes compliance with this guideline difficult. SDG suggested that the drive-thru lane be relocated or landscaping or walls screen the drive-thru lane from the public street view. The applicant submitted a revised landscape plan which notes that bushes and shrubs will be planted to maintain a three to four foot vegetative screen. Staff believes the applicant's proposed landscape plan does not meet the peer review recommendation or the design guidelines and suggests, at a minimum, that the screening be provided by a berm or a decorative low wall in combination with the vegetative screen. A condition has been added reflecting this recommendation.

The landscape plans submitted indicate Arbutus Standard (Strawberry Tree) and London Plane (Sycamore Tree) trees planted in the parking area landscape planters consistent with the existing parking lot. The building and drive-thru areas are accented with Chanticleer Pear and Coast Live Oak trees. Several three-to-four foot tall shrubs have been located around the perimeter of the trash enclosure, outdoor seating area, and drive-thru lane. Areas of grass have been provided to function as bio-swales in compliance with the C.3 water quality requirements. Although plantings have been enhanced near the drive-thru lane, the existing landscaping at the property frontage of Auto Center Drive and Mahogany Way is to remain. Staff recommends that the landscaping be improved along the street frontage from the driveway on Somersville Road (Auto Center Drive) to the driveway on Mahogany Way. The landscaping should be similar to that used on the Lowe's and Panda Express site. A condition has been added that a revised landscape plan should be submitted for staff review and approval.

Issue #4: Site Layout, Parking, and Traffic

The site access is currently provided with existing driveways serving Lowe's on Sycamore Drive, Somersville Road (Auto Center Drive), and Mahogany Way. A traffic and parking analysis was prepared for the proposed project by Kimley-Horn and Associates, Inc. The analysis determined that the proposed project would not create significant impacts on the surrounding streets and intersections. The analysis further determined that the on-site circulation and driveways are adequate to serve the vehicle traffic, but recommended delivery trucks enter from the driveway on Sycamore Drive and exit at the driveway on Mahogany Way to avoid difficult maneuvering at the Somersville Road driveway. A mitigation measure has been included in the Initial Study/Mitigated Negative Declaration requiring this access route for delivery trucks.

The parking analysis prepared by Kimley-Horn notes that the Lowe's Home Improvement Warehouse store currently has 544 parking spaces, which is greater than the 453 stalls required by the Antioch Municipal Code. When the Panda Express is constructed, the total on-site parking spaces would be reduced to 505 for the combined uses. Per the Antioch Municipal Code, the Panda Express would need to provide 30 spaces for employees and customers as summarized below.

Maximum shift – 5 employees x 1 space/employee =	5 spaces
Inside seating area – 944 sq. ft. x 1 space/50 sq. ft. =	19 spaces
Outside patio seating – 16 seats x 1 space/3 seats =	6 spaces
Total required =	30 spaces

The restaurant would displace parking stalls which would reduce the number of spaces for Lowe's customers; however, upon implementation of the project, sufficient parking spaces would exist on-site for both uses per the Municipal Code. A total of 505 parking spaces would be available and 483 would be required, resulting in a theoretical parking surplus of 22 spaces.

Although the site would have spaces in excess of what is required by Code, parking surveys were conducted to confirm whether sufficient parking supply exists to meet the combined demands of the Lowe's and the proposed Panda Express restaurant. According to the count data, the peak parking demand at Lowe's occurred at 11:30 a.m. when 24 percent of the spaces were occupied, with a second peak at 2:30 p.m. when 24 percent of the spaces were occupied. At the highest peak, 414 spaces were still available. According to the parking analysis, the Panda Express would increase the overall parking demand by two percent. Even with the new restaurant, parking demand is not expected to exceed 26 percent of the total available spaces. Under this worst case scenario, 375 parking spaces would still be unoccupied.

Issue #5: Other Issues

Signage: The applicant is proposing signage on three sides of the building. The north elevation has a 27-sf sign with the words "Panda Express". The west elevation has a

25-sf Panda Express circle logo sign. The south elevation has both the 27-sf sign with the words "Panda Express" as well as the 25-sf logo circle. The wall signs are proposed to be LED lit. In addition, a directional sign is proposed at the exit of the drive-thru (2 square feet) noting "Do Not Enter" in one direction and "Thank You" in the other. The menu board is proposed along the drive aisle totaling 30 sf and a clearance sign containing 2.8 sf spans the drive aisle. Although not technically a sign, the applicant is proposing a mural of pandas located on the wall immediately inside the corner windows which will be visible on the north and east elevations. The sign regulations allow a maximum of 155 sf of signage based upon the building dimensions. The proposal includes 104 sf of wall signs plus 34.8 sf of menu board and directional signage which all complies with the maximum size requirements.

The Citywide Design Guidelines include recommendations for sign legibility, color, contrast, illumination, materials, and visibility. The sign colors are white, red, and black which comply with the color, contrast, and legibility suggestions of the guidelines. The proposed illumination is individual LED-lighted letters for "PANDA" with "EXPRESS" in a single illuminated cabinet below. In addition, the Panda Express logo is a LED-lighted in a single illuminated circle cabinet. The guidelines require individual letters and discourage cabinet-type signs except for logos. Staff has added a condition the cabinet sign containing "EXPRESS" be changed to all individual letters, subject to staff review and approval.

Lighting: The applicant is proposing pole lights in the planter areas of the parking lot similar to the existing lights. In addition, a light will be mounted on the building above the rear door. The drive-thru canopy will also have LED strip lighting mounted below canopy. Lighting has been indicated on the plans submitted by the applicant, including a photometric plan which has been included in the Planning Commissioners' packets. See Sheet E-6.1 for lighting fixture details.

Engineering: The Tentative Minor Subdivision Map indicates the proposed Panda Express parcel as a landlocked parcel. A condition has been added that requires mutual access and parking agreements between the parcels. In addition, the original mapping for the Lowe's Home Improvement Warehouse development did not result in the recording of all the easements. A condition has been added to ensure the easements are recorded as part of this map.

The utility plans for the proposed project indicate the sewer connection to be at the existing sewer line in the Lowe's parking lot and the water connection in Mahogany Way.

The right-of-way line at Mahogany Way and Auto Center Drive does not follow the back of walk as constructed. A condition has been added which requires adjustment of the right-of-way prior to the recording of the Parcel Map.

The grading plan submitted for the proposed project indicates a 0.5% slope on the asphalt paving in the drive-thru lane. The City standard is 2% slope for asphalt. The

standard conditions of approval require 2% slope with review and approval by the City Engineer.

ATTACHMENTS

- A. Aerial Photo Location Map
- B. Applicant's Summary

**CITY OF ANTIOCH PLANNING COMMISSION
RESOLUTION NO. 2013-****

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
ADOPTING THE PANDA EXPRESS MITIGATED NEGATIVE DECLARATION
AND MITIGATION MONITORING AND REPORTING PROGRAM**

WHEREAS, the City prepared an Initial Study to evaluate the potential environmental impacts of the proposed Panda Express project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"), and based on that Initial Study, determined that the project could be approved in compliance with the California Environmental Quality Act (CEQA) by adopting a Mitigated Negative Declaration as provided by Section 15074 of the CEQA Guidelines; and

WHEREAS, a draft Initial Study and Mitigated Negative Declaration (IS/MND) was circulated for a 20-day review period, with the public review period commencing on September 23, 2013 and ending on October 14, 2013;

WHEREAS, the Planning Commission has reviewed the IS/MND for this project and any comments received; and

WHEREAS, following the close of the comment period, the City received no comments on the IS/MND and prepared a Mitigation Monitoring and Reporting Program (MMRP) incorporating mitigation measure to be imposed on the project; and these materials were released to the public; and

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

WHEREAS, on October 16, 2013, the Planning Commission held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the custodian of the Final IS/MND is the Community Development Department and the Final IS/MND is available for public review on the second floor of City Hall in the Community Development Department, Monday – Thursday 8:00 am – 11:30 am and the MMRP is attached as Exhibit 1 to this document.

NOW THEREFORE BE IT RESOLVED

1. The Planning Commission of the City of Antioch hereby **FINDS**, on the basis of the whole record before it (including the Final Initial Study and any comments received) that:

- a. The City of Antioch exercised overall control and direction over the CEQA review for the Project, including the preparation of the Final Initial Study and Mitigated Negative Declaration, and independently reviewed the Final Initial Study and Mitigated Negative Declaration; and
- b. Substantial evidence does not exist that the project will have a significant effect on the environment; and
- c. The Final Initial Study and Mitigated Negative Declaration reflect the City's independent judgment and analysis.

2. The Planning Commission hereby **APPROVES** and **ADOPTS** the Final Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Project.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 16th day of October, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

TINA WEHRMEISTER,
Secretary to the Planning Commission

**PLANNING COMMISSION
RESOLUTION NO. 2013-****

**RESOLUTION OF THE CITY OF ANTIOCH PLANNING COMMISSION
APPROVING A MINOR SUBDIVISION, USE PERMIT, AND
DESIGN REVIEW FOR THE PANDA EXPRESS PROJECT**

WHEREAS, the City of Antioch did receive a request from CRM Architects & Planners, Inc. for Panda Express, for approval of a Minor Subdivision, a Use Permit, and Design Review of a new 2,230-square foot Panda Express restaurant building with drive-thru service in the existing Lowe's Home Improvement Warehouse parking lot at 1951 Somersville Road (Auto Center Drive) (APN 074-370-029); and

WHEREAS, the Planning Commission has approved a resolution adopting a mitigated negative declaration and mitigation monitoring and reporting program; and

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

WHEREAS, on October 16, 2013, 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 Use Permit:

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

The proposed drive-thru restaurant is located in an existing developed commercial area. Adequate parking for both the existing and proposed use is provided on-site. The proposed project will not be detrimental to the public health or welfare or injurious to the property or improvements.

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

Fast food restaurants and drive-thru services require a use permit. The zoning and General Plan designation for the project site is commercial and the site and surrounding area is developed with commercial uses.

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 currently occupied by Lowe's with a large field of parking. The site is adequate in size and shape to accommodate both the existing and the proposed uses as well as all aspects associated with the use. All yards, fences, parking, loading, landscaping and other required features, as conditioned, meet the requirements of the zoning code standards and are comparable to the surrounding uses in the area. Mitigation measures in the Final Initial Study/Mitigated Negative Declaration ensure adequate circulation for delivery trucks.

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

The project site, including the existing Lowe's is bounded by Somersville Road (Auto Center Drive), Mahogany Way, and Sycamore Drive. A traffic study was prepared for the proposed use as part of the Initial Study/Mitigated Negative Declaration which determined impacts would not occur on the surrounding streets.

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

The General Plan designation is Somersville Road Corridor Focus Area/Commercial. The proposed commercial use is consistent with the designation and with the surrounding uses and will not adversely affect the comprehensive General Plan.

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 and zoned Commercial 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 **APPROVE** a minor subdivision, use permit and design review for the Panda Express project on an approximately 11.2 acre parcel located at 1951 Somersville Road (Auto Center Drive) (APN 074-370-029), subject to the following conditions:

STANDARD CONDITIONS

1. The project shall comply with Antioch Municipal Code.
2. Conditions required by the Planning Commission, which call for a modification or any change to the site plan submitted, shall 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 October 16, 2015), 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 conditions of approval prior to final building inspection.
5. The lots and improvements within the development shall comply with the City of Antioch Municipal Code, unless a specific exception is granted thereto.
6. 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.
7. 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.
8. Advance permission shall be obtained from any property or easement holders for any work done within such property or easements.
9. The applicant shall obtain an encroachment permit for all work done within the public right-of-way.
10. This approval superseded previous approvals that have been granted for this site.

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11. Any deviation from the proposed project shall be brought back to the Planning Commission for review and approval.
12. Building permits shall be secured for all proposed construction associated with this facility, including any interior improvements not expressly evident on the plans submitted.
13. The use of construction equipment shall be restricted to weekdays between the hours of 7:00 a.m. and 6:00 p.m., or as approved by the City Manager or his designee.
14. The project shall be in compliance with and supply all the necessary documentation for AMC6-3.2: Construction and demolition debris recycling.
15. 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.
16. All requirements for the Contra Costa Environmental Health Department shall be met.

Site Maintenance:

17. A parking lot sweeping program be implemented that, at a minimum, provides for sweeping immediately prior to, and once during, the storm season.
18. No illegal signs, pennants, banners, balloons, flags, or streamers shall be used on this site at any time.
19. No signs shall be installed on this site without prior City approval.
20. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.
21. Standard dust control methods shall be used to stabilize the dust generated by construction activities.
22. 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).

Fees:

23. 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.
24. The developer shall pay all fees required by the City Council at the time of building permit issuance.
25. The developer shall pay any required East Contra Costa Regional Traffic Mitigation fees prior to receiving a building permit for structures within this development.
26. The developer shall pay any required Drainage Area fees prior to the issuance of any building permits for this project.
27. The developer shall pay all applicable Delta Diablo Sanitation District fees prior to the issuance of any building permits for this project.
28. The developer shall pay the Contra Costa County Fire Protection District Fire Development Fee in place at the time of permit issuance.

Fire Requirements

29. All requirements of the Contra Costa County Fire Protection District shall be met.
 - a. The developer shall submit three (3) complete sets of plans and specifications of the subject project, including plans for the following required submittals building construction plans and commercial kitchen hood extinguishing systems; to the Fire District for review and approval prior to construction to ensure compliance with fire and life safety. Plan review and inspection fees shall be submitted at the time of plan review submittal. (105.4.1) CFC, (901.2) CFC, (107) CBC

Landscaping:

30. 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.
31. Landscaping and signage shall not create a sign distance problem.
32. A minimum of five feet (5') shall be kept clear between any proposed trees and any concrete or asphalt paving within the City right-of-way. Trees closer than ten (10) feet to any concrete or asphalt paving shall use approved root guards.

33. Detailed landscaping and irrigation plans for the entire site shall be submitted to the City for review and approval. All landscaping and irrigation shall be installed in accordance with approved plans prior to the issuance of certificates of occupancy for this building.

Site Design:

34. Asphalt paving shall have a minimum slope of 2%, concrete paving shall have a minimum slope of 0.75%, and asphalt paving for identified accessible parking stalls and access routes may have a minimum slope of 1.5% and a maximum of 2% slope, or as approved by the City Engineer.
35. All on-site curbs, gutters, and sidewalks shall be constructed of Portland cement concrete.
36. All mechanical and roof equipment shall be screened from public view.
37. All parking lot dimensions and striping shall meet minimum City standards.
38. Any cracked or broken sidewalks shall be replaced as required by the City Engineer.
39. All parking and access shall 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.
40. A photometric plan shall be submitted to staff for review and approval prior to the issuance of building permits. The plan shall show the light onsite and beyond the property. All lighting shall be installed on site in accordance with the approved plans, and prior to the issuance of certificates of occupancy for this site.
41. The City Engineer shall determine if it is necessary to engage soils and structural engineers as well as any other professionals deemed necessary to review and verify the adequacy of the building plans submitted for this project. If deemed necessary by the City, this may be extended to include filed inspections by such professional to verify implementation of the plans. Costs of these services shall be borne by the developer.

Utilities

42. All storm water flows shall be collected onsite and discharged into an approved public storm drain system.

43. The developer shall provide adequate water pressure and volume to serve this development, as approved by the City Engineer.
44. All existing and proposed public utilities (e.g. transformers) shall be placed underground or screened from public view, in accordance with the Antioch Municipal Code.
45. A reduced backflow prevention device shall be installed on all City water meter services.
46. Street lighting shall be provided in accordance with the Antioch Municipal Code.
47. The sewer collection system shall be constructed to function as a gravity system.
48. Improvements and fees that are required by the Contra Costa County Flood Control District shall be implemented, as approved by the City Engineer.

Grading

49. All elevations shown on the improvement and grading plans shall be on the USGS 1929 sea level datum.
50. All lots and slopes drain to approved drainage facilities, as approved by the City Engineer.
51. A final grading plan for this development shall be approved by the City Engineer.

Conservation/NPDES

52. Water conservation measures, including low volume toilets and the use of drought tolerant landscaping shall be used.
53. The project shall comply with all Federal, State, and City regulations for the National Pollution Discharge Elimination System (NPDES) (AMC§6-9). Under NPDES regulations, the project is subject to provision C.3: New development and redevelopment regulations for storm water treatment. Provision C.3 requires that the project include storm water treatment and source control measures, as well run-off flow controls, so that post-project runoff does not exceed estimated pre-project runoff. C.3 regulations require the submittal of a Storm Water Control Plan (SWCP) that demonstrates how compliance will be achieved. The SWCP shall be submitted simultaneously with the project plans. An Operation and Maintenance Plan (O&M) for the treatment and flow-controls in the approved SWCP shall be submitted and approved before the Building Department will issue Certificate of Occupancy permits and shall be included in the project CC&Rs. Prior to building permit final and issuance of a Certificate of Occupancy,

the applicant shall execute any agreements identified in the Storm Water Control Plan that pertain to the transfer of ownership and/or long-term maintenance of storm water treatment or hydrograph modification BMPs.

54. That the following requirements of the federally mandated NPDES program (National Pollutant DISCHARGE Elimination System) be complied with, or as required by the City Engineer:
- a. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall execute any agreements identified in the Storm Water Control Plan which pertain to the transfer of ownership and/or long-term maintenance of storm water treatment or hydrograph modification BMPs.
 - b. That an application for a State of California "General Construction Activity Storm Water Permit" be submitted to the Regional Resources Control Board, and a copy of the Notice of Intent be submitted to the City, prior to any construction activity on the site.
 - c. Limited construction access routes and stabilizing access points.
 - d. Stabilizing areas denuded due to construction (prior to the wet season, October 1 through May 1) by using suitable practices including, but not limited to temporary or permanent seeding, mulching, sod stabilization, vegetative buffer strips, protection of trees, plastic covering, application of ground base on areas to be paved.
 - e. Protecting adjacent properties by appropriate use of vegetative buffer strips, sediment barriers or filters, dikes or mulching, or by a combination of these measures and other appropriate measures.
 - f. Delineating clearing limits, easements, setbacks, sensitive or critical areas and their buffers, trees and drainage courses by marking them in the field.
 - g. Stabilizing and preventing erosion from temporary conveyance channels and outlets.
 - h. Using sediment controls and filtration to remove sediment from water generated by dewatering.
 - i. Using proper construction material and construction waste storage, handling and disposal practices.
 - j. Using proper vehicle and equipment cleaning, fueling and maintenance practices.

- k. Controlling and preventing discharge of all potential pollutants, including, but not limited to, pesticides, petroleum products, nutrients, solid wastes, and construction chemicals, that occur on site during construction.
- l. Preparing a contingency plan in the event of unexpected rain or BMP failure including, but not limited to, an immediate response plan, storing extra or alternative control materials on-site (stakes, fences, hay bales), notifying the local agency, etc.
- m. Education and Training – For developments with no property owner association or community associate, practical information materials on good housekeeping of hazardous products, proper use and disposal for hazardous products, and prohibited discharge practices and materials must be provided, initially by the developer, to the first residents/occupants/tenants, and thereafter by the City public education program.
- n. Labeling Storm Drain Facilities – The phrase “No Dumping – Drains to River” must be embossed/stamped on new storm drain inlets to alert the public to the destination of storm water and to prevent direct discharge of pollutants into the storm drain. Watercourses should be similarly labeled by posting signs.
- o. Runoff Control – to the extent practicable, maintain post-development peak runoff rate and average volume of runoff at levels that are similar to pre-development levels. The developer must design the proposed project accordingly.

PROJECT SPECIFIC CONDITIONS

- 55. The applicant shall comply with all mitigation measures included in the Mitigation Monitoring and Reporting Program.
- 56. Bike racks shall be selected that are durable and visually subdued. Based on their performance, “loop racks” and “ribbon bars” are encouraged, and shall be sized according to parking requirements. The applicant shall submit details of the bike racks for staff review and approval.
- 57. The trash enclosure shall be covered and have exterior finishes similar in type and color of the main building. The enclosure shall be screened with landscaping as indicated on the plans. The applicant shall submit details of the trash enclosure and cover for staff review and approval.
- 58. The applicant shall screen the drive-thru lane from view of the public street. The screening shall be provided by a berm or a low wall in combination with a vegetative screen for the review and approval of staff.

59. The applicant shall submit a revised landscape plan for staff review and approval which indicates landscaping similar to the Lowe's and Panda Express site along the property frontage from the driveway on Auto Center Drive to the driveway on Mahogany Way.
60. Delivery trucks shall access the parking lot along Sycamore Drive to the north and maneuver to the front of the proposed Panda Express restaurant. After unloading, the delivery trucks shall exit near the front of the Lowe's store to Mahogany Way.
61. A mutual access and parking agreement shall be recorded between the parcels concurrent or prior to the recording of the Parcel Map.
62. The water line easement under the existing Lowe's building shall be vacated and quitclaimed to Lowe's concurrent or prior to the recording of the Parcel Map, at no cost to the City, as directed by the City Engineer.
63. The domestic and fire water connection shall be connected to the water main in Mahogany Way as directed by the City Engineer.
64. The sewer shall be connected into the existing 6 inch line in the Lowe's parking lot as directed by the City Engineer.
65. The existing sewer main in the Lowe's parking lot serving as the connecting line shall be enclosed in an easement and dedicated to the City by separate instrument, at no cost to the City, as directed by the City Engineer.
66. The right-of-way line on Mahogany Way and Auto Center Drive shall follow the back of walk and encompass public facilities which will require dedication of new right-of-way and abandonment of existing right-of-way and shall be recorded by separate instrument, at no cost to the City, concurrent or prior to the recording of the Parcel Map.
67. The existing water mains and public facilities shown on the original Lowe's project to be enclosed in an easement shall be dedicated to the City by separate instrument, at no cost to the City, concurrent or prior to the recording of the Parcel Map.
68. The cabinet sign with the copy "EXPRESS" shall be constructed with individual letters subject to staff review and approval.

* * * * *

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 16th day of October, 2013.

AYES:

NOES:

ABSTAIN:

ABSENT:

Tina Wehrmeister
Secretary to the Planning Commission

“Vice Chair Hinojosa adjourned the Planning Commission at 6:58 p.m.”

And the Minutes of September 9, 2013 with the correction on page two as follows:

“Planning Commissioners Present: Chair Virginia Sanderson, Krystal Hinojosa, Kerry Motts, Greg Baatrup and Thomas Westerman.”

AYES: Hinojosa, Motts, Baatrup, Miller
NOES: None
ABSTAIN: Pinto
ABSENT: Westerman

END OF CONSENT CALENDAR

NEW PUBLIC HEARING

2. **UP-13-03 – Panda Express** requests a use permit for a 2,230 sf freestanding restaurant building with a drive-thru that would be located on a 29,622 sf site carved out of the northwest corner of the existing Lowe's Home Improvement Warehouse Store parking lot, including a request for a Tentative Minor Subdivision Map, a Use Permit and Design Review for the proposed drive-thru restaurant. The project is located north of State Route 4 at the northeastern corner of the intersection of Somersville Road and Mahogany Way (APN 074-370-029). An Initial Study/Mitigated Negative Declaration is also proposed for adoption.

City Attorney Nerland stated that there is a supplemental item on the dais modifying conditions of approval number 15 and 61 for this item and she confirmed with the applicant that it was ok to proceed with this item without an audio recording.

Contract Planner Cindy Gnos provided a summary of the staff report dated October 10, 2013.

Commissioner Pinto asked staff if it is possible to tie some kind of condition to this project that a percentage of the employees are residents of Antioch to which CA Nerland responded that the applicant may want to expand about hiring but that the City's ability to have an ordinance regarding social policies is limited and that this is certainly not something the City has done previously.

Commissioner Baatrup asked the consultant if she could elaborate on the trash enclosure not meeting the design review conditions to which Ms. Gnos said that guidelines require that the trash enclosure be covered which was not proposed.

Vice Chair Hinojosa asked staff if there was a drain inside the trash enclosure to which SP Gentry said that would be caught in the plan check process; however it was in the Commission's purview to add it as a condition.

Vice Chair Hinojosa asked if the lack of compliance was due to site constraints to locate the drive thru away from the street frontage, to screen the drive thru by a low wall or vegetation and about the bio swale proposed. The Consultant responded that the bio swale would incorporate the two together with shrubs and a berm and that the wall can be designed for drainage.

Commissioner Baatrup asked if the routing of the drive thru away from the street was due to space issues to which the consultant stated that although the parking lot is big enough, the drive thru locations are existing and that the engineer can explain in detail.

Commissioner Baatrup stated that there is a loss of aesthetic value looking from the road, that perhaps outdoor dining can be put in, and said that he will ask the applicant.

OPENED PUBLIC HEARING

Applicant, Lupe Sandoval, introduced herself as representing Panda Express and said that she could answer any questions.

Commissioner Baatrup questioned applicant about the location of the drive thru being located near the main road instead of the parking lot area. Ms. Sandoval responded that the corner is set by the existing driveway and the existing pylon sign, that this works best with the circulation of Lowes and that they do have a proposed exterior patio with a red canopy.

Commissioner Baatrup stated that it appears hidden where people won't notice it and questioned how much work went into finding a design to meet the conditions given that this is a premier corner and not taking advantage of that.

Commissioner Motts confirmed with the applicant that there are existing Panda Express locations with a drive thru.

Commissioner Pinto asked applicant if architects had looked at turning the building around for the drive thru to be on the inside and the patio on the outside. Ms. Sandoval responded that they would have to go back and look at it to see if that would work; that it is a challenging process negotiating with Lowe's.

Commissioner Miller questioned applicant about the proposed landscaping to which Ms. Sandoval stated that the landscaping plan provided is what is proposed.

Vice Chair Hinojosa discussed the site plan showing the subdivision of the parcel with the applicant and clarified that this is the initial layout which was discussed with SP Gentry.

Commissioner Motts confirmed with applicant that traffic flow was the constraint of putting the drive thru in the back.

Commissioner Baatrup clarified with applicant that the north elevation would be the parking lot. Commissioner Baatrup said that the south elevation has the highest volume

of regular traffic, that he does not see that the treatment of the wall is aesthetically pleasing and that he cannot support this type of treatment for this corner. He said that if this were to be brought back, applicant may want to come back with color selections and finishes. He said that the west elevation fronting Somersville Road needs additional treatments as it looks like the back of the building facing a highly traveled road.

Commissioner Miller asked applicant if there were any proposals or thoughts of foregoing the drive thru altogether to which Ms. Sandoval responded that the drive thru was needed.

CLOSED PUBLIC HEARING

Commissioner Motts said that he believes the drive thru is essential, that he is ok with the landscaping and the small wall to block it from public view given different treatments on the wall and the building and other than that he is inclined to be in favor of the project.

Commissioner Baatrup asked staff if the approvals can be broken up to which SP Gentry stated that applicant can be asked if this could be continued to the next hearing on November 6th, that the project was presented as one resolution and therefore difficult to carve out and that it would be staff's recommendation to continue to the next hearing.

CA Nerland said that the drive thru is an issue which could affect the map, and if this were continued the City would appreciate as much direction as possible.

Commissioner Baatrup clarified with staff that alternatives to the proposed drive thru were discussed but that applicant did not want to relocate the drive thru and that site circulation and queuing were issues as well.

Vice Chair Hinojosa confirmed with staff that there would be no variance required and the drive thru is proposed to increase the customer base.

Commissioner Pinto asked about the distance from Auto Center Drive to the edge of the curb of the drive thru.

REOPENED PUBLIC HEARING

Rod Scaccalosi, Landscape Architect, said that the distance is approximately 18 to 20 feet and on Mahogany 16 feet would be the shortest location. He said that there will be shrubs with minimal berming, that there are existing utility boxes and existing trees, that he can understand why the drive thru is where it is and that this is the best layout.

Commissioner Pinto clarified with applicant that the slope for the sidewalk to the drive thru lane curb is a maximum 3 to 1 slope. Commissioner Pinto said that graffiti is an issue with walls, walls can collapse, he does not favor a tall wall and there may be a solution with changing the types of plants. Applicant responded that increasing the amount of plants could be negotiated with Lowe's.

RECLOSED PUBLIC HEARING

Vice Chair Hinojosa asked staff if applicant is given more time for alternate designs, will this affect CEQA and the traffic study if a different layout is a substantial change. SP Gentry said that traffic won't change but that hopefully the design is similar and staff can fit the new design into the current CEQA rather than recirculate the document for public comment. She said that for CEQA this would have to be a new significant impact to trigger another review depending on what they propose but that staff would attempt to work with the applicant to not extend timelines.

Commissioner Baatrup said that there are three options available: to approve the resolution as presented with minor changes, to continue to a future date, or to deny the resolution. He asked if there was a sense of timing or concern of which is more desirable.

SP Gentry said that applicant can best answer.

CA Nerland interjected that this is not a recommendation to City Council and if it were denied, it could be appealed to City Council.

REOPENED PUBLIC HEARING

Applicant said that she would need to report back to Panda but that most likely a continuance would be best and that she is estimating the time frame to address the concerns to be one to two months.

RECLOSED PUBLIC HEARING

Commissioner Motts said that the applicant had a valid concern with reorienting the drive thru, that he is ok with the efforts made to enhance the view and space between the drive thru and Somersville Road, and that a continuance would be ok for some of the other concerns.

Vice Chair Hinojosa thanked applicant and said that she liked the design in terms of scheme and uniqueness with the bamboo. She said that she thinks there could be more treatments to elevations especially fronting major roadways, that she is happy with the addition of the condition for a roof and an independent drain to the trash enclosure and screening of the drive thru with vegetation and a low wall. She said that she is concerned that the Commission is asking the applicant to go back which could affect other documents.

Commissioner Miller stated that he thinks that moving the drive thru is going to break up the flow but possibly Panda can get enough land to move back and that they could get more vegetation.

Commissioner Baatrup said that he is a little concerned that the architect can only limit the berm with constraints they are confronting, that it doesn't meet the guidelines, and

that he would like to see more effort to be consistent with that given that many businesses put drive thrus around the back side of buildings. He said that this is a prominent corner and there are strong reasons why he thinks it should be brought back.

Commissioner Pinto said that he could support this project with the condition that they relocation of the drive thru and moving it away 20 to 25 feet which would improve the visual affect from Auto Center Drive or by improving the landscaping which competitors have done.

Commissioner Baatrup said that he saw a design for a Chick-Fil-A in Fairfield with a double drive thru lane not passing through the front of the building to circulate traffic, and that it can be done.

Vice Chair Hinojosa said that she supports a continuation.

On motion by Commissioner Baatrup and seconded by Commissioner Pinto, the Planning Commission continued the item to November 20, 2013.

AYES:	<i>Hinojosa, Motts, Baatrup, Miller and Pinto</i>
NOES:	<i>None</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>Westerman</i>

3. **UP-13-07 – Mesa Outdoor** requests the approval of a Use Permit to construct a billboard. The billboard is proposed to be 48 feet in length and 14 feet wide on a 46 foot tall cylindrical column, which would have an overall height of 60 feet from finished grade. The project site is located on the northeast corner of Delta Fair Boulevard and Century Way (APN 074-080-029). The project is exempt from the California Environmental Quality Act.

CA Nerland confirmed with applicant that it was ok to continue without an audio recording.

SP Gentry provided a summary of the staff report dated October 10, 2013.

Commissioner Baatrup clarified with staff that the current zoning is Regional Commercial and there is currently a lease with ABC farms for pumpkins and Christmas trees but there has not been any developers pursuing that parcel, and that any future site designs would incorporate that area into landscaping or a parking area.

Commissioner Pinto clarified with staff that there is no sunset date for installation. SP Gentry went on to say that the use permit is in perpetuity and that if Mesa sells or abandons, the use permit is still valid.

Commissioner Pinto asked that since this is a very long term is there any way for revenue sharing for advertising on this billboard and if the type of advertising would come through the City for approval to which CA Nerland responded that this does have revenue generation abilities in the context of a lease for City Council to consider, that