

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**January 17, 2018
City Council Chambers**

In the absence of the Chair and Vice Chair, City Clerk Simonsen called the meeting to order at 6:30 P.M. on Wednesday, January 17, 2018 in the City Council Chambers and determined that there was a quorum. City Clerk Simonsen turned the meeting over to Interim City Attorney Perez who advised the commissioners present that in absence of the Chair and vice Chair, they should select one of the members present to be acting chair. Commissioner Motts was appointed Acting Chair for the meeting by the commissioners present. Acting Chair Motts stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 P.M. on Wednesday, January 24, 2018.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

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

CONSENT CALENDAR

1. APPROVAL OF MINUTES: November 1, 2017

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

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

NEW PUBLIC HEARINGS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RESOLUTION NO. 2018-01

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

The motion carried the following vote:

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

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

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

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

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

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

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

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

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

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

Acting Chair Motts opened up the Public Hearing.

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

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

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

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

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

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

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

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

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

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

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

Mr. Hiegel said no.

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

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

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

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

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

RESOLUTION NO. 2018-02

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

The motion carried the following vote:

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

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

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

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

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

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

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

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

Mr. Junker said yes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Acting Chair Motts opened the Public Hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Sanson responded yes.

Acting Chair Motts asked about including solar on the condominiums.

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

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

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

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

Commissioner Turnage asked about electric charging stations.

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

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

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

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

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

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

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

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

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

Acting Chair Motts closed the Public Hearing.

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

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

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

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

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

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

Commissioner Martin just wanted assurance that those items were covered.

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

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

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

The motion carried the following vote:

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

ORAL COMMUNICATIONS

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

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

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

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

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

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

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

ADJOURNMENT

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

Respectfully Submitted,
Arne Simonsen, CMC, City Clerk