

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**April 15, 2015
City Council Chambers**

Chair Hinojosa called the meeting to order at 6:30 P.M. on Wednesday, April 15, 2015 in the City Council Chambers. She stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 P.M. on Wednesday, April 22, 2014.

ROLL CALL

Present: Commissioners Parsons and Zacharatos,
Vice Chair Motts and Chair Hinojosa
Absent: Commissioners Miller and Westerman
Staff: City Attorney, Lynn Tracy Nerland
Acting Senior Planner, Alexis Morris
Associate Civil Engineer, Ahmed Abu-Aly
Assistant City Engineer, Lynne Filson
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. **Approval of Minutes:** None

NEW PUBLIC HEARING

2. **UP-14-07, AR-14-02 – CITY SPORTS CLUB** – The applicant, Fitness International, LLC, requests approval of a Design Review Permit (AR-14-02) and a Use Permit (UP-14-07) for the construction and operation of a new fitness center – “City Sports Club” - in the Lone Tree Landing retail center. The project consists of a 38,000-square-foot fitness center, 444 parking spaces, and associated utilities and landscaping improvements on an approximately 2.5-acre vacant area in an existing 9.5-acre retail center. A lot merger request is also being proposed to merge Parcels 2 and 3 of Parcel map MS-357-303-05 into one parcel.

Acting Senior Planner Morris presented the staff report dated April 6, 2015 recommending the Planning Commission take the following actions: 1) Approve a Use Permit (UP-14-07) allowing the establishment and operation of a fitness center in the Lone Tree Landing retail center; 2) Approve a lot merger (PW-371-RA-53) of Parcels 2 and 3 of Parcel Map MS-357-303-05 filed for the record on July 6, 2007, in book 200 of the Parcel Maps at page 39 to be one parcel; 3) Approve Design Review (AR-14-02) for construction of a new 38,000 square-foot fitness center and associated site improvements located at the northeast corner of Lone Tree Way and Hillcrest Avenue in the Lone Tree Landing retail center (APN 056-470-002 through -004).

In response to Chair Hinojosa, Acting Senior Planner Morris explained a condition of approval required the trash enclosure to be roofed with heavy gage metal gates and match existing trash enclosures. Additionally, she noted the landscape plan would have to comply with the City's design guidelines and State Water Efficient Landscape Ordinance (WELO).

Chair Hinojosa questioned if the City would be further amending landscape requirements given the Governor's executive order for 25% cutback in water usage.

Acting Senior Planner Morris stated she was unaware of any citywide efforts to do so at this time; however, if the WELO changed the City would have to follow suit. She noted at the time the application was submitted, it complied with current best practices.

Commissioner Parsons suggested the applicant sweep their lot more often than once per month, if needed and add trash receptacles in front of their building.

Chair Hinojosa opened the public hearing.

Jim Kessler, Stonehedge Property Group, gave an overhead presentation of the project site plan, elevations, architecture, landscape plan and materials as well as amenities within the facility.

Vice Chair Motts encouraged the applicant to install more bicycle stalls.

Mr. Kessler responded that there could be additional bicycle parking and they could place trash receptacles on either side of entry. He stated at this time the facility would be opened from 5:00 A.M. - 12:00 A.M.; however if membership requested, they could convert to a 24/7 operation with a review by the Planning Commission in one year to determine if a reduction in hours was needed.

Chair Hinojosa encouraged the applicant to include a recycle receptacle and supported Vice Chair Motts suggestion for more bicycle stalls.

In response to Chair Hinojosa, Mr. Kessler clarified bioretention areas were located around the building and met the requirements. With regards to the graphic panels, he stated they would be clarifying with staff how the frames were attached to the structure

and how the graphic panels were affixed. He noted they would be remotely illuminated with pendent lights. He stated they had read and understood all the conditions of approval.

In response to Commissioner Parsons, Acting Senior Planner Morris stated there had been no other discussion with regards to changing the access to the shopping center off of Hillcrest Avenue.

Terry Ramus, Antioch resident and business/property owner adjacent to the project, stated he supported this development as he felt it would increase foot traffic and allow for opportunities in the retail project. He requested the City verify that the lighting plan would be sufficient to deter crime. He suggested the City require the garbage bin enclosure be locked and address access to the rear of the development. He questioned if the dirt area next to the pizza parlor would be included in the parking lot improvements. He voiced his support for the City requiring the review process for converting the business to a 24/7 establishment. He suggested the design of the building not be constrained by the look of current retail area.

The applicant confirmed the area next to the pizza establishment was included in the parking lot improvements.

Wayne Butler, business owner adjacent to the development, voiced his support for the project. He stated he had purchased a premium lot and with this development eliminating the original roadway and pushing the building forward, his office would no longer be visible. He suggested moving the larger parking area to the right side of the building to help resolve the situation. He cautioned that there was a congestion issue with ingress and egress from the driveway along Lone Tree Way.

Chair Hinojosa closed the public hearing.

In response to Chair Hinojosa, Acting Senior Planner Morris explained submitting a photometric plan with the building permit was conditioned in the staff report. She noted if the Commission chooses, they could require the photometric plan be reviewed by the Antioch Police Department; however, generally the Antioch Police Department only reviews the lighting plan if there was a specific concern.

For the record, Chair Hinojosa requested there be some consideration with regards to lighting at this location and emphasized the northern portion of the project site was isolated from public view. She stated that whatever could be done from a design perspective to help enhance security would be appreciated.

In response to Commissioner Parsons, Acting Senior Planner Morris clarified parking in the rear was for employees and they had lighting directed to those spaces for security.

Commissioner Parsons expressed concern that areas behind shopping centers become sites for illegal dumping and discussed the possibility of adding a condition to require

that the area be gated. She voiced her appreciation to the applicant for bringing the project to Antioch.

City Attorney Nerland reported as currently conditioned, the project had the right to 24 hour operations. She noted if the Planning Commission wanted to be clearer as to what their or staff's authority would be to reduce the hours, if it became a problem, it should be built into the conditions of approval.

Vice Chair Motts supported clarifying the language in a way that was acceptable to all parties. He also supported the awnings as proposed by the applicant and encouraged more bicycle stalls be installed beyond minimum requirements.

Commissioner Parsons stated she also liked the awnings as proposed by the applicant.

For the record, Vice Chair Motts stated staff did an excellent job addressing all the issues with the conditions of approval and he supported most of their recommendations.

In response to Chair Hinojosa, Acting Senior Planner Morris stated at the time of building permit issuance, applicants were required to provide receipts and evidence of where their garbage was going and how much was recycled or diverted to the landfill. Additionally, she noted building permits were not issued until they submitted their program to the City.

For the record, Chair Hinojosa speaking to the environmental document stated she believed avoidance was not an adequate mitigation measure and she would be looking closely at that when the Planning Commission considered projects in the future.

Chair Hinojosa reopened the public hearing.

Len Gonzales, Fitness International, stated their normal business hours were 5:00 A.M. - 12:00 A.M. however they would be open to staff drafting language that would give them flexibility for a 24/7 operation.

City Attorney Nerland suggested if the condition of approval regarding the hours of operation was an issue for the Planning Commission, they could take a recess so that she could draft language to give the City more authority while allowing the applicant to run their business, as needed.

Chair Hinojosa declared a recess with the Public Hearing opened at 7:32 P.M. The meeting reconvened at 7:37 P.M. with all Commissioners present.

City Attorney Nerland reported that after consultation with staff and the applicant, the proposed revision for project specific condition J1 would read:

"This use permit applies to the operation of a fitness center in a 38,000 square-foot building operating from 5:00 A.M. – Midnight. The Planning Commission delegates to

the Community Development Director following consultation with the Police Chief the authority to allow 24/7 operations if requested by the applicant. In his or hers sole authority, the Community Development Director may require the matter to be heard by the Planning Commission following a noticed public hearing.”

The applicant indicated that they supported the amended language for project specific condition J1.

Chair Hinojosa closed the public hearing.

In response to Chair Hinojosa, City Attorney Nerland, speaking to the amended language, explained that the City was attempting to be sensitive to a legitimate business wishing to operate from Midnight at 5:00 A.M. while creating a balance with the Antioch Police Department to address crime during hours when staffing was the lowest. She noted if 24/7 operations were allowed and become a problem; a discussion would occur between staff and the business owner and if not addressed, there was a formal process by which the City would follow with the public hearing process.

Chair Hinojosa stated she supported the revised language and staff’s recommendation for the awnings; however, if the applicant’s design were approved she would not object.

Vice Chair Motts suggested adding security cameras to the rear of the building.

Commissioner Zacharatos stated she supported a condition of approval requiring security cameras and staff’s recommendation for the awning design.

Commissioner Parsons also supported security cameras for the back of the building and adding a requirement that the trash enclosure gates be locked.

Chair Hinojosa reopened the public hearing.

Len Gonzalez stated the safety of members and staff was a high priority; therefore, if the Planning Commission deemed it necessary that they provide security cameras, they would be in support. He stated they would comply with monitoring requirements and the camera would be both recorded and monitored.

Chair Hinojosa closed the public hearing.

Chair Hinojosa voiced her support for security cameras for safety and to deter loitering and dumping in the area. She suggested videos be kept for a minimum of 6 days.

RESOLUTION NO. 2015-07

On motion by Commissioner Parsons, seconded by Vice Chair Motts, the Planning Commission members present unanimously 1) Approved a Use Permit (UP-14-07) allowing the establishment and operation of a fitness center in the

Lone Tree Landing retail center; 2) Approved a lot merger (PW-371-RA-53) of Parcels 2 and 3 of Parcel Map MS-357-303-05 filed for the record on July 6, 2007, in book 200 of the Parcel Maps at page 39 to be one parcel; 3) Approved Design Review (AR-14-02) for construction of a new 38,000 square-foot fitness center and associated site improvements located at the northeast corner of Lone Tree Way and Hillcrest Avenue in the Lone Tree Landing retail center (APN 056-470-002 through -004), with the following revisions to project specific conditions #J1, J6, J8 and the addition of project specific condition J16 to read:

Modify project specific conditions J1 and J6 to read:

J1. “This use permit applies to the operation of a fitness center in a 38,000 square-foot building operating from 5:00 A.M. – Midnight. The Planning Commission delegates to the Community Development Director, following consultation with the Police Chief, the authority to allow 24/7 operations if requested by the applicant. In his or hers sole authority, the Community Development Director may require the matter to be heard by the Planning Commission following a noticed public hearing.”

J6. “The awning design as proposed by applicant for the front elevation shall be incorporated into the plans submitted for a building permit.”

Add the following language in project specific condition J8.

J8. “The trash enclosure shall be locked.”

Add project specific condition J16 to read:

J16. “The applicant shall install digital security cameras in the back of the building. Said cameras shall record onsite activities. The location and number of security cameras shall be subject to the approval of the Community Development Director.”

AYES: Hinojosa, Motts, Parsons and Zacharatos

NOES: None

ABSTAIN: None

ABSENT: Miller and Westerman

Chair Hinojosa thanked the developer for bringing his project to Antioch and welcomed him to the City.

NEW ITEMS

3. PW-150-15 – THE CITY OF ANTIOCH is requesting a determination that the 2015-2020 Capital Improvement Program is consistent with the Antioch General Plan.

Associate Civil Engineer, Capital Improvement Division Abu-Aly presented the staff report dated April 10, 2015 recommending the Planning Commission determine that the 2015-2020 Capital Improvement Program is consistent with the Antioch General Plan, which includes a determination that any acquisition or disposition of property identified in the project description for each project in the Capital Improvement Program is consistent with the General Plan.

In response to Vice Chair Motts, Associate Civil Engineer, Capital Improvement Division Abu-Aly explained the budget for capital improvement projects was for FY 2015-2017 and anything beyond that was for planning purposes.

Vice Chair Motts suggested, for safety reasons, the hand railing on the west side of Second Street next to the Beede Lumber Company property be completed.

Associate Civil Engineer Abu-Aly stated he would discuss the hand railing project with the Director of Public Works/City Engineer Bernal.

In response to Commissioner Parsons, Associate Civil Engineer Abu-Aly clarified all Mello Roos funds would be expended in FY 2015-2016 and the fund would sunset. He noted the funds budgeted for the northeast annexation area, were for the planning process. He further noted property tax and other funds would be paying for infrastructure in the area. He clarified the County received T-21 funds which were allocate to the transportation authority and through that process the City applied for the grant.

In response to Vice Chair Motts, Associate Civil Engineer Abu-Aly reported the City aggressively pursued grant opportunities every year.

In response to Chair Hinojosa, Associate Civil Engineer Abu-Aly stated project #7745 funds were for the design.

Lynne Filson, Assistant City Engineer added that it was her understanding the agreements made with the annexation required the County to give the City money every year for infrastructure improvements in the annexation area. She stated it was also her understanding that when houses in the area wanted to connect to sewer or water, connecting to the City's main line would be at the property owner's expense. Additionally, she noted requirements for sanitary sewer hookups would come from County health.

City Attorney Nerland stated she would have to confirm; however, she believed the municipal code required that if the septic was failing or if the property was within 200 feet of the water or sewer connection, they were mandated to hook up. She noted this would not be an issue until water and sewer lines were installed in the area. She further noted there were no general fund monies to provide grants or subsidies and if the proposed water and sewer rates were adopted, there was not adequate funding to

provide financial assistance to properties owners. She stated grant opportunities could be explored when the project came forward.

Chair Hinojosa expressed concern for residents being required to connect and not having the money to do so.

City Attorney Nerland stated presumably property values would increase significantly once they were connected to water and sewer rather than relying on failing septic and potentially contaminated well water.

Commissioner Parsons reported many of the leech lines in the area were too close to the wells which had contaminated water. She requested Viera Avenue spelling be corrected in the document.

In response to Chair Hinojosa, Associate Civil Engineer Abu-Aly stated the West Antioch Creek Channel Improvements were in the preliminary phase and the City was looking at grant options.

Lynne Filson, Assistant City Engineer, added the City had some permits in hand for the West Antioch Creek Channel Improvements.

Chair Hinojosa speaking to project #7750, announced there were grant opportunities for trash capture projects.

Associate Civil Engineer Abu-Aly stated there were several studies for the water treatment plant to insure it was in compliance, which would be under the purview of the City's water agency. He noted the recycled water project had been completed for the golf course and some parks. He further noted when more funds become available they would pursue other options.

Chair Hinojosa questioned if there would be recycled water lines installed for the landscaping for future developments located in Southeast Antioch.

Assistant City Engineer Filson stated there were conditions of approval proposed for all new development that require the purple pipe run from the roadway improvements to any significant landscape areas on their properties and they would be subject to current State regulation regarding this matter.

In response to Vice Chair Motts, Assistant City Engineer Filson explained many acquisitions of property for the West Antioch Creek Channel were for easements during construction.

Commissioner Parsons speaking to page #31 of the Capital Improvement Program stated the Antioch/Pittsburg Highway to the Dow Wetlands was not Somerville Road.

RESOLUTION NO. 2015-08

On motion by Vice Chair Motts, seconded by Commissioner Zacharatos, the Planning Commission members present unanimously determined that the 2015-2020 Capital Improvement Program is consistent with the Antioch General Plan.

AYES: ***Hinojosa, Motts, Parsons and Zacharatos***
NOES: ***None***
ABSTAIN: ***None***
ABSENT: ***Miller and Westerman***

Chair Hinojosa thanked staff for the comprehensive report.

4. Election of Chair and Vice Chair.

Vice Chair Motts requested this item be continued to the next meeting when more Commission members would be present.

Commissioner Parsons informed the Commission that she would be out of town and unable to attend a Planning Commission meeting on May 6, 2015.

On motion by Vice Chair Motts, seconded by Commissioner Parsons, the Planning Commission unanimously continued the Election of Chair and Vice Chair to the May 6, 2015 Planning Commission meeting.

AYES: ***Hinojosa, Motts, Parsons and Zacharatos,***
NOES: ***None***
ABSTAIN: ***None***
ABSENT: ***Miller and Westerman***

ORAL COMMUNICATIONS

Vice Chair Motts announced Keep Antioch Beautiful Day would be held on April 18, 2015 and he encouraged everyone to participate.

Commissioner Parsons suggested a presentation by the County staff focused on the new Northern Waterfront Economic Development Initiative be given to the Planning Commission.

Chair Hinojosa supported Commissioner Parsons suggestion.

City Attorney Nerland stated staff would discuss this request and get back to the Planning Commission.

Chair Hinojosa stated she had requested follow up from staff regarding the Housing Element as it related to the Smith Parcel designated as study area.

Acting Senior Planner Morris stated she had scheduled a time to discuss this matter with Senior Planner Gentry and she would provide an update.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Commissioner Motts reported on his attendance at the TRANSPLAN subcommittee meeting.

ADJOURNMENT

Chair Hinojosa adjourned the Planning Commission at 8:35 P.M. to the next regularly scheduled meeting to be held on May 6, 2014.

Respectfully Submitted,
Kitty Eiden