

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**May 6, 2015
City Council Chambers**

Chair Hinojosa called the meeting to order at 6:30 P.M. on Wednesday, May 6, 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, May 13, 2015.

ROLL CALL

Present: Commissioners Zacharatos, Mason, Westerman
Chair Hinojosa and Vice Chair Motts
Absent: Commissioners Parsons and Miller
Staff: Senior Planner, Mindy Gentry
Assistant City Engineer, Lynne Filson
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. Approval of Minutes: March 18, 2015

On motion by Commissioner Westerman, seconded by Commissioner Zacharatos, the Planning Commission approved the minutes of March 18, 2015, as presented. The motion carried the following vote:

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

NEW PUBLIC HEARING

- 2. UP-14-14, V-15-01, AR-14-08 TACO BELL** – Taco Bell requests approval of a Use Permit for a 1,822 square foot fast food restaurant with a drive-thru; a Variance to reduce the A Street and 18th Street setbacks; a Variance to modify parking standards; and Architectural Review. The project site contains an existing 3,200 square foot building which will be demolished. The project site is located at 1706 A Street (APN 067-243-031).

Commissioner Mason reported he had attended the community meeting and took a position on the project prior to it coming to the Planning Commission. He recused himself and left Council Chambers.

Senior Planner Gentry presented the staff report dated May 1, 2015, recommending the Planning Commission approve the Use Permit, Variances and Design Review subject to the conditions contained in the staff reports attached resolution. She noted on the dais this evening was a memo with an attached letter that was inadvertently left out of the staff report.

In response to the Commission, Senior Planner Gentry explained that staff had concerns regarding trees growing into metal slats adjacent to the drive-thru; therefore, they recommended removing and replacing them with vines. She confirmed there were eighteen (18) parking stalls proposed on site and the applicant was required to install bicycle parking, per the City zoning code.

Chair Hinojosa questioned when the grease interceptor would be serviced.

SG Ellison, First Street Development, representing Taco Bell/Golden Gate Bell, gave a history of the project and their community outreach efforts. He noted through the process of working with staff, as well as the neighbors, they feel they have come up with a solution for redevelopment of the site. He reviewed the building design and site plan. He stated he was in support of staff's recommendation regarding the removal and replacement of the trees adjacent to the drive-thru. He noted the grease interceptor was typically serviced between 5:00 A.M. - 6:00 A.M. and took approximately 30 minutes. He requested that project specific condition J7, requiring signage and indicating there was no drive-thru access from East 18th Street, be deleted. With the exception of that item, he noted they were in agreement with the conditions of approval.

Phillip Moss, Project Architect, clarified landscaping along East 18th Street was a combination of vines and shrubs. He proposed moving the two trees out to the sidewalk. He commented that it was a pleasure working with City staff. He noted the parking lot layout was consistent with a majority of their projects and Taco Bell who was conservative with their layouts, had already approved the project moving forward pending Planning Commission approval.

Sandra Kelly, Antioch resident representing the “C” Street Neighborhood Watch group, commended the applicant for conducting community outreach and addressing resident’s concerns. She noted they had unanimously agreed to support the project and they also supported the applicant’s request for removal of the project specific condition requiring signage indicating no drive-thru access from East 18th Street.

Chair Hinojosa announced the Planning Commission had received a letter in support of the project from Ms. Kelly on behalf of the “C” Street Neighborhood Watch group.

John Rexroth, Antioch resident, stated his home was adjacent to the project and he was concerned for the noise, light and traffic impacts as well as the homeless using the parking lot. He questioned if employees would be on site 24/7 for food preparation.

Jean Nichols, Antioch resident, reported that she was in support of the project and felt it would be a great improvement to the neighborhood. She commended the applicant for being community minded and providing employment opportunities for youth in the area.

Cindy Simon, Antioch resident, questioned what the hours of operation would be for the business and when construction would begin. She stated she was concerned with debris littering the neighborhood and grease extraction and delivery services occurring at 5:00 A.M. Additionally, she noted with several schools in the area, it may become problematic when children gather in the area.

REBUTTAL

SG Ellison, responded that the homeless issue with the current dilapidated building was much greater than it would be when they were on site. He apologized that they had not had a chance to address all of the neighbor’s issues and noted they would continue to respond to their specific concerns. He further noted they would be hiring 35-40 employees, some being local students and they want to be a good member of the community.

Monica Schneider, Golden Gate Bells Chief Operating Officer, gave a brief history of their business model and stated they were very committed to the community. In response to the neighbors concerns, she clarified the intent was to have employees on site one hour before opening and one hour after closing. She stated partnering with the local law enforcement will help manage issues related to homeless and students loitering in the area. She noted the dining room would be closed at 10:00 P.M. She clarified that their properties were well lit and lights were focused on the parking lot. She commented that Taco Bell had strong procedures and they wanted to be good partners in the community so they were very aggressive with patrolling the parking lot and if needed the neighborhood to assure their image was well represented. She reported they had never had a complaint regarding servicing grease inceptors; however, she would attempt to change the time to 7:00 A.M. Lastly, she reported she had met with the community and provided personal contact information and if there were issues, she would work proactively to resolve them.

In response to Chair Hinojosa, Ms. Schneider stated they opened at 7:00 A.M. and employees would arrive at 6:00 A.M. She offered to speak with the vendors serving the grease interceptors to determine who would be able to meet their needs. She noted typically bathrooms were not locked; however, they could be secured if it became necessary. She further noted monitoring the business and manager walks were the best preventative for loitering and vandalism. She added that any graffiti would be immediately removed.

In response to Vice Chair Motts, Ms. Schneider stated they could partner with the neighbors to address monitoring neighboring properties, if it became necessary.

Chair Hinojosa closed the public hearing.

Commissioner Westerman thanked the neighbors for their comments and Taco Bell for their community outreach efforts. He noted this site was difficult due to size and access; however, this project had done a good job with making it fit in the location. He suggested deleting the directional sign condition (J7) noting if it became a problem it could be addressed in the future. He added that whether the sign was there or not, people would use that entrance to access the drive-thru. He noted this project was a significant improvement over what was currently there and he supported the approval.

In response to Chair Hinojosa, Senior Planner Gentry stated light spilling onto adjacent properties had been considered and full cutoff lights would focus lighting downward to minimize impacts.

Chair Hinojosa discussed the importance of minimizing glare and spillover onto adjacent properties.

In response to the Commission, Senior Planner Gentry stated Antioch Police Department reviewed the application and did not have any safety concerns regarding site design. Additionally, she noted there was a condition of approval to address the turning radius to assure there was adequate space to maneuver within the site.

Assistant City Engineer Filson added that if the Planning Commission was considering removing the condition requiring directional signage, she would suggest staff be directed to work with the applicant to adjust curb locations and landscaping to improve access to the drive-thru aisle.

Vice Chair Motts stated the applicant had done a good job working with the community and designing a project within a limited space. He supported the variances and commended the applicant for offering manager walks of the area. He voiced his support for the condition addressing runoff and for the proposed lighting design. He stated the project was located in a commercial area and consistent with businesses in the area.

In response to Vice Chair Motts, Senior Planner Gentry stated the street trees were shown on the perspective but not on the landscape plan and since they were located in the sidewalk they would require approval by Director of Public Works/City Engineer Bernal. She reviewed the photometric plan in the revised submittal and noted there were no light poles located along the property line.

With concurrence of the Planning Commission, Chair Hinojosa reopened the public hearing to request clarification from the applicant.

Phillip Moss reported they had modified the lighting to LED, which were directed downward to minimize the light spread and they would meet the California Green Code. He noted they had added more heads, with full cutoff shields on the lights, to illuminate the entire lot. He further noted they would submit the revised photometric plan when they provided the final construction documents for approval.

Chair Hinojosa thanked Mr. Moss for the clarification.

Mr. Moss added that the lighting layout met City's requirements and the building lights would be mounted at 9-feet and directed downward. Additionally, he noted the pad would be graded down.

Chair Hinojosa closed the public hearing.

Following discussion, Vice Chair Motts and Chair Hinojosa concurred with Assistant City Engineer Filson who suggested the Planning Commission direct staff to work with the applicant regarding the internal curb line to allow for a u-turn for access to the drive-thru aisle.

Chair Hinojosa commended the developer for the community oriented approach and investing in the community. She stated valid concerns were expressed; however, she felt a majority of the issues had been adequately addressed by staff in the conditions of approval. She recognized the applicant for indicating they would secure restrooms, should it become an issue with the transient community. She urged staff to be very attentive in their final review of the photometric plan. She commented the hours proposed were consistent with other Taco Bell restaurants in the vicinity. For the record, she noted the Century Blvd. location closed at 1:30 A.M. every night. She suggested serving of the grease inceptor be concurrent with the opening time of the restaurant. For the record, she stated she was particular about approving variances; however, with this being a substandard lot with constraints inhibiting it from meeting requirements for setbacks, parking and landscaping, she was in support of the findings drafted by staff. She stated she was in support of approving the project with those considerations.

Commissioner Zacharatos thanked Taco Bell for their community outreach and their willingness to hire local students. She voiced her support for the project noting it was a vast improvement over what was currently occurring on the site.

A motion made by Vice Chair Motts to approve the project subject to the standard conditions and adding a condition to move deliveries to the opening hour, was withdrawn at the request of the applicant and with concurrence of the Commission, to reopen the public hearing.

Chair Hinojosa reopened the public hearing.

SG Ellison stated they were willing to work with staff to address the servicing of the grease interceptor and delivery hours. He reiterated his request to delete project specific condition J7 noting they were willing to work with staff to improve access to the drive-thru aisle.

Chair Hinojosa closed the public hearing.

Assistant City Engineer Filson reiterated that if the Planning Commission removed the condition of approval requiring the signage as proposed by the applicant, staff could be given the flexibility to work with the applicant to adjust the curb lines to improve access to the drive-thru.

Senior Planner Gentry suggested the Planning Commission could add a project specific condition that the curb line adjustments be reviewed and approved by the City Engineer.

RESOLUTION NO. 2015-09

On motion by Vice Chair Motts, seconded by Commissioner Zacharatos, the Planning Commission approved the Use Permit, Variances and Design Review subject to the conditions contained in the staff reports attached resolution. With the following changes:

Delete project specific condition J7 and replace it with the following:

J7. The applicant shall work with staff to modify the curbs in order to adequately service the drive-thru with regards to the right hand turn subject to review and approval of the City Engineer.

Add project specific condition J12 as follows:

J12. That deliveries and serving of the grease inceptor shall be concurrent with the opening hours.

The motion carried the following vote:

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

Chair Hinojosa noted that Commissioner Mason would not be returning to the meeting following his recusal.

CONTINUED ITEM

3. Election of Chair and Vice Chair

Chair Hinojosa nominated Vice Chair Motts as Chair.

On motion by Chair Hinojosa, seconded by Commissioner Westerman, the Planning Commission appointed Vice Chair Motts as Chair.

The motion carried the following vote:

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

Chair Hinojosa congratulated Vice Chair Motts.

Vice Chair Motts expressed his appreciation to Chair Hinojosa for serving in the capacity as Chair and thanked the Commission for their vote of confidence.

Vice Chair Motts nominated Commissioner Westerman as Vice Chair.

On motion by Commissioner Motts, seconded by Commissioner Zacharatos, the Planning Commission appointed Commissioner Westerman as Vice Chair.

The motion carried the following vote:

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

Chair Hinojosa stated it was an honor to serve the community in this capacity.

The Commission thanked Chair Hinojosa for her hard work serving as Chair.

ORAL COMMUNICATIONS

Senior Planner Gentry announced the May 20, 2014 Planning Commission meeting was cancelled and staff would inform the Commission when the next meeting would be scheduled. She stated the staff report for the June 2, 2015 Study Session for the Downtown Specific Plan would be ready for pickup tomorrow and that meeting was scheduled from 6:00 P.M. – 9:00 P.M. at the Nick Rodriguez Community Center. She stated there would be an additional Study Session on June 17, 2015 focused on the General Plan Land Use Element and Zoning Ordinance update. She noted both meetings would be joint meetings with the City Council and Economic Development Commission.

Chair Hinojosa apologized and noted that due to a work obligation she may not be able to attend the June 2, 2015 Study Session.

Senior Planner Gentry stated any written feedback could be submitted to staff.

Chair Hinojosa suggested staff schedule a training session on the Brown Act, procedures, rules and regulations for the Planning Commission. She stated it was unfortunate City Attorney Nerland had taken a new position and was leaving the City.

Senior Planner Gentry stated staff could explore scheduling the training session once the City hired new legal Counsel. She reported the City had hired two interim City Attorneys.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

None.

ADJOURNMENT

Chair Hinojosa adjourned the Planning Commission at 8:01 P.M.

Respectfully Submitted,
Kitty Eiden