
On motion by Commissioner Baatrup, and seconded by Commissioner Travers, the Planning Commission approved the Minutes of September 15, 2010.

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

END OF CONSENT CALENDAR

CONTINUED PUBLIC HEARING

- 2. AR-10-03, V-10-04 – Auto Zone** requests design review approval and parking and setback variances for a new store at 2009 Somersville Road (**APN 076-431-004-1**).

Sara Welch, Contract Planner, provided a summary of the staff report dated October 14, 2010.

Commissioner Langford questioned staff about whether Condition 6 on the trash enclosure was referring to the one proposed or to the alternate to which Sara stated it was on the one proposed and that the alternate would move the trash enclosure and screen it.

Commissioner Langford questioned staff about the Tree Preservation Ordinance and whether the applicant complied with it to which Contract Planner Welch stated that it did not comply and revised plans needed to be submitted given that the details about the trees had not been provided.

Commissioner Baatrup asked staff about the project meeting the design guidelines of commercial projects on corner lots given the angular access to those buildings and although it is located on two significant roads, Somersville Road seems to be favored.

Contract Planner Welch stated that the design guidelines were adopted more for guidance and not as a mandate and that the goal is to try to come up with a design given the site configuration. She went on to say that although they have been working with the engineer and Auto Zone, a configuration hasn't been agreed upon and needs to be explored.

Commissioner Baatrup stated that the other three corners, with the exception of the former Shell, all seem to have angular exposure to both roads. Contract Planner Welch responded that generally the guidelines do recommend that the project be consistent with what already exists so that it blends in. She went on to say that the applicant would be willing to band the stucco with different colors on westbound Delta Fair elevation.

Commissioner Azevedo clarified with staff that Condition 32 in both resolutions dealing with trash enclosures would need to meet City requirements and that although these

plans did not provide detail on the trash enclosure, this condition is fairly standard and they would need to be in compliance.

OPENED PUBLIC HEARING

Scott Sehm, CEI Engineering, stated that he has worked with staff for a year and that the site was looked at in every possible configuration. He stated that the site is small and that Auto Zone has 6500 sf and 7500 sf plans and try to use one of two buildings to fit onto the site. He said that the preference is not to have the parking lot hidden from the street and that although pushing the building back in the corner meets guidelines it harms the project and parking ratios are not met. He went on to say that with the variance, other land owners would have the right to approve or disapprove of the site plan which would make the project questionable to be able to move forward. He stated that it is his understanding that the trees are not protected given the species and diameter, that they can be removed and that this is not an issue. He said that the real issue is the amount of parking on site and that although they can adhere to all other conditions, if they rotate the building the project may be infeasible. Mr. Sehm stated that Auto Zone would be willing to reasonably upgrade the wall on the Delta Fair side but upgrades to all four sides would make construction very expensive.

Commissioner Travers expressed his main concern was other tenants rejecting the offer to which Mr. Sehm stated that through discussions he feels that they are happy about the site being redeveloped and the only concern was with parking issues with the building to the east. Commissioner Travers confirmed with applicant that if the building needs to be moved they may need to start from scratch which would affect the timeline.

Ted Peterson who is the owner of the property to the east spoke to say that he is in favor of the project in the original configuration because 5 parking stalls are not lost and that with the second configuration that he is concerned about loading and unloading of supplies in front of the building and taking up parking spaces.

Commissioner Langford asked if the applicant could come forward and asked applicant if they see any problems with delivery trucks in the original proposal. The applicant stated that the trucks would pull forward and drop their ramp by the door at the back and that they would only impede the internal driveway behind the store. Commissioner Langford expressed concern that in the alternate plan, it appeared that turning would take off the corner of the building to which applicant stated that although they would swing wide and studies have been done, this is a minor revision and they have a revised version.

Commissioner Langford asked applicant about the planting area along Somersville being only two feet to which applicant stated that although there is a very narrow landscape isle, there would be a retaining wall with a maximum height of 2 feet.

Commissioner Langford clarified with applicant that all trees on the west side would most likely be taken out to provide for parking. He then asked applicant about the banding to which applicant stated that given that the building is wood frame with stucco

that it is easy and economical to break out the wall with different colors so that the wall is not blank.

Commissioner Travers questioned the applicant about the delivery schedule and whether Mr. Peterson has valid concerns with the trucks to which the applicant stated that there would be deliveries a few times a week, that the truck engines would be shut off and that traffic would have to go around the truck in the driveway.

CLOSED PUBLIC HEARING

Commissioner Langford expressed his concerns about this highly visible corner being improved in such a way to benefit the City. He stated that he feels there is insufficient detail to make a decision tonight and that he would like to see them come back with elevation upgrades, trash enclosures shown, and a landscape plan.

Commissioner Baatrup stated that he would have difficulty approving the project tonight and that he is not sure that this building in the current form is suited for the property. He stated that given that this is a very visible location, that a good project needs to go there and that he has heard too many compromises.

Commissioner Manuel stated that he is in concurrence that this is a prime location and that although Auto Zone is a very quality business, they only get so many chances to choose businesses that come to town. He stated his concern with the parking spots and having shared parking. He went on to say that it is extremely important to have landscaping and architectural features which are beneficial to the building which he does not see with this application and that perhaps this is not the right application for this location.

Commissioner Travers stated that he concurs with some parts but would like to see a development plan with landscaping and elevations. He went on to say that he feels this is a good project and a good fit with good visibility and that with more refinement, the location can work for them. He said that he is willing to support the project if they get a little more definition on the finer points and with another go around he would certainly approve it but that there is too much ambiguity at this point.

Commissioner Azevedo stated that parking is the least of their worries given that the ERC problem may not be approved and that given that the Commission is not comfortable with the alternative plan, AutoZone would need to come back with another proposal for the commission to look at.

Vice Chair Westerman said that he agreed with the other Commissioners, that he would like to see Auto Zone there and that given the location is one of the busiest in the City that the site desires the best project they can find. He agreed that optimizing the placement of the building and the design should be looked at.

City Attorney Nerland stated that if the Commission is interested in continuing the item that she would recommend that it be continued to a date certain so that the project

would not have to be renoticed and that she would look to staff to see when the soonest date would be. Associate Planner Gentry stated that December 1 would be acceptable. City Attorney Nerland said that a motion could be entertained to continue the item to December 1st with direction to staff to look at areas of corner treatments and landscaping.

Commissioner Azevedo made a motion to continue to December 1st with direction to staff that a plan be put together to address alternate issues concerning truck offloading and landscaping.

Commissioner Travers seconded the motion provided that they get some drawings on the site to improve more detail on design for the Commission to visualize to which Commissioner Azevedo concurred.

Commissioner Baatrup questioned if the direction to staff was to look at the alternative plan presented or to an alternative plan not already included to which Commissioner Azevedo stated it would be to take the alternative resolution and put together a plan to address the parking and landscaping. Commissioner Azevedo then asked what direction the Commission is giving to the applicant if there are not guidelines through the proposal other than to start from square one unless staff is comfortable with starting from scratch.

Commissioner Travers clarified the motion wasn't looking at the alternative plan but looking at more refinement to the original plan given the alternative plan as it is now is losing parking spaces.

Commissioner Azevedo rescinded his motion and the second was rescinded.

Commissioner Langford made a motion to continue to December 1st to give the applicant latitude of taking one of these proposals and improve upon them taking in mind the parking and input the Commission has given and let them decide what they want to do with the comments made and to come back with a detailed landscape plan and a truck route plan.

Commissioner Baatrup seconded the motion subject to considering adding corner aspects into the design.

On Motion by Commissioner Langford and seconded by Commissioner Baatrup, the Planning Commission continued AR-10-03 and V-10-04 to December 1, 2010.

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

NEW ITEM

3. **AR-10-06 – City of Oakley Monument Sign** – The City of Oakley is requesting design review approval of a gateway entry monument sign and landscaping at the State Route 160 off-ramp and on-ramp at Main Street, which is located within the City of Antioch.

On motion by Commissioner Azevedo, seconded by Commissioner Langford, the Planning Commission members present unanimously continued AR-10-06 to November 3, 2010.

NEW PUBLIC HEARINGS

4. **UP-10-04 – The Salvation Army** requests approval of a use permit for after school child care and a community outreach program at an existing church at 620 East Tregallas Road (**APN 068-251-012-8**).

Sara Welch, Contract Planner, provided a summary of the staff report dated October 14, 2010.

Vice Chair Westerman asked staff to clarify if the %ed out+portion of Attachment C was part of this proposal to which Contract Planner Welch stated that the proposal is for a school building, sanctuary and 75 space parking lot adjacent to that portion of Attachment C but that may need to be clarified with the applicant.

Commissioner Baatrup asked if any drop off sites were part of the application to which Contract Planner Welch stated that although she did not think so except for perhaps an emergency purpose, this would be a question for the applicant.

OPENED PUBLIC HEARING

Larry Westland, representing the Salvation Army, accompanied by Major Jackie Smith, spoke to say that the mission of the Salvation Army is a religious organization providing community outreach for community services for the last 125 years in 144 countries. He stated that their current location is inadequate and they plan to sell that location rather than put more money into the facility. He went on to say that part of the package is a schedule of activities but that they do not plan to have any type of community donation center or drop off there. Mr. Westland said that they anticipate thirty to fifty applicants per day requesting emergency food and services but that this is not a homeless center. He said that they have met with the neighboring church whose concern was attracting the homeless and commented that while no one is turned away, the homeless may come one time but for future visits they would need to provide documentation such as residence information. He said that there are no plans for the back part of the parcel now and that they would come back to the City if that were desired at a later time. On October 14, they held a community meeting and only one family showed up and Mr. Westland has not been contacted from anyone in the community.

Commissioner Travers clarified with the applicant, Mr. Westland, who has worked in the capacity of real estate and helped Salvation Army acquire property throughout the Bay Area for the last 15 years and that Jackie had been running the operation for 10 years.

Mr. Westland went on to state that although they are planning to put \$400,000 to \$500,000 into the building, the only outward change in appearance of the building would be with signage and that they will not be in operation until March 1st as they do not own the property yet. He said that activities terminate at 9:30 p.m. and that they have done a traffic study and that there are no impacts.

Commissioner Travers asked about keeping the other activity commitments to which Major Smith said that would be no problem and that their goal is to help as much as they can.

Vice Chair Westerman asked if there were plans to spruce up the landscaping since the building has been empty for some time and the plantings are dried out to which Mr. Westland stated that this would be part of the \$400,000 to \$500,000 they are putting into the project.

Vice Chair Westerman confirmed with Mr. Westland that they had read all conditions and agreed with them.

CLOSED PUBLIC HEARING

Commissioner Travers stated that he thinks the Salvation Army has been doing good work for over 100 years, that they have overgrown their facility on 18th Street, that the City needs facilities to help people through tough times, that he is enthused that they can continue meetings already established and that he is in support of the project.

Vice Chair Westerman concurred that they do great work and he wished them luck at their new location.

RESOLUTION NO. 2010-30

On Motion by Commissioner Langford and seconded by Commissioner Azevedo, the Planning Commission members present unanimously approved UP-10-04, subject to all conditions.

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

- 5. AR-10-02, PW 371-RA-46 – Stantec Architecture** requests approval of design review and a lot merger for a demolition of an existing McDonalds restaurant and construction of a new McDonalds restaurant at 2424 Mahogany Way (**APN 074-370-011**).

Sara Welch, Contract Planner, provided a summary of the staff report dated October 14, 2010 and stated that an additional condition regarding fees needed to be added.

Commissioner Langford clarified with Ms. Welch that the standard condition regarding illegal signs and banners had been left out and could be added in.

Vice Chair Westerman clarified that the intention was to keep the current restaurant open during construction and then do the demolition.

Commissioner Baatrup clarified with Contract Planner Welch that the plans showing the freeway sign relocation is preliminary and the details would be worked out at a later date possibly with staff or the Community Development Director review.

Commissioner Baatrup questioned staff about construction and demolition taking up significant parking spaces and how they will accommodate customer traffic to which Contract Planner Welch said that although the overall parking will be reduced that they still are able to meet standards and that parking during construction would be a question for the applicant.

Commissioner Baatrup clarified with Ms. Welch that CalTrans will be putting up a temporary fence but is not sure if there will eventually be a sound wall and the possible need to screen if no sound wall is put in.

City Attorney Nerland clarified that the fee provision that was inadvertently left off is a standard condition that 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. That the developer will pay any required fees, including but not limited to, East Contra Costa Regional Traffic Mitigation fees, Drainage Area fees, Delta Diablo Sanitation District fees and the Contra Costa Fire Protection District Fire Development Fee.

OPENED PUBLIC HEARING

William Pernell for McDonalds and representing the owner/operator stated that the proposed project is a new look for McDonalds and that they are voluntarily doing this to put money back into the stores.

Commissioner Manuel clarified with Mr. Pernell that this plan is similar to the McDonalds on Balfour Road in Brentwood with a little different exterior.

Mr. Pernell stated that he has spoken with CalTrans and that they will be building a minimum 10qhigh sound wall and would be removing the trees there to accomplish that.

Commissioner Travers clarified with Mr. Pernell that the plans included a preliminary grading plan and that they will be regrading and lowering the site.

Commissioner Baatrup asked the applicant to comment on the parking issue during construction to which Mr. Pernell stated that the construction site will be blocked off and feels that 14 parking stalls for customers would be adequate and very temporary taking only about 3 months before the old site is demolished.

Commissioner Travers clarified with the applicant that the majority of the business at that location is using the drive through and that drive through usage across the country is about 68% for the national average. Commissioner Travers then asked the applicant if employees park across the street to which Mr. Pernell stated that this is a huge property, that they presently have 72 stalls and so this issue is not presently a problem but during construction he is unsure of the impact.

Commissioner Langford stated his concern with there only being 14 stalls during construction and where the employees will park.

Commissioner Manuel stated that Lowes across the street has 300 parking spots to which applicant responded that they would make sure that parking is not an issue as the customers do come first.

Commissioner Travers questioned the applicant about the stone accents not being on the east side of the building to which Mr. Pernell stated that given that this was the drive through side, they generally don't put stone on that side.

Commissioner Travers commented that the present foot print is much smaller given that it has been there for many years and clarified with applicant that the present owner has been there some twenty years.

Commissioner Langford had a discussion with the applicant about the trash enclosure being too close to the front doors given that guidelines call for it to be a part of the building. But given that this is a food service and the trash enclosure is not the cleanest or best smelling that it would be preferable to move it away from the store.

Jack Rittenhouse stated that they would be thrilled to move the trash enclosure as far away as possible and that it was not their desire to have the trash next to the drive through.

Commissioner Manuel stated that the McDonalds on Balfour in Brentwood has a detached trash enclosure located in the back.

Commissioner Langford clarified with the applicant that the logos and elements on the building such as the arch are illuminated.

Commissioner Langford expressed his concern with the turning radius on the drive through which may need to be bigger to which applicant stated that the standards have been studied.

Mr. Rittenhouse stated that some older drive throughs have problems and are being fixed but there are six types of double drives studied for turning radius and that it will work at this location.

Commissioner Langford had a discussion with the applicant concerning screening the drive through from the street such as landscaping, berming, retaining wall or a rock wall.

Commissioner Travers stated that he believes that they can mitigate this with landscaping.

Jack Rittenhouse stated that with a little modification, they can put in some bushes or a rock wall but need to pay attention to the C.3 calculations and the bioswale.

Commissioner Langford discussed with Mr. Rittenhouse the wainscot and the addition of stone.

Commissioner Travers interjected that the trash enclosure needs to be in the back.

Commissioner Baatrup confirmed with applicant that trash receptacles would be mandatory and all over the place.

CLOSED PUBLIC HEARING

Commissioner Manuel said that he thinks this is the right project for the right place and that he liked the presentation with the modifications suggested.

Commissioner Travers concurred and said that he was happy to hear this is similar to the Balfour Road McDonald's. He stated that he would like to see the moving of the trash enclosure at staff level so that it doesn't come back to the Commission.

Commissioner Azevedo said he was happy to see investments made in the building and he supported the project.

Commissioner Langford asked the applicant to come forward.

REOPENED PUBLIC HEARING

He asked applicant if there would be railing on the walkway off the street in front of the building to which Jack Rittenhouse stated that pursuant to ADA requirements, the grade would be a foot and a half so there was not a need for railing.

CLOSED PUBLIC HEARING

Commissioner Baatrup agreed with other comments and questioned staff about the parking during construction and whether contractors and employees could find alternative parking spaces so that customers could use the available parking.

Contract Planner Welch stated that this could be made a condition; however, they can probably only control where the contractors and employees park.

Vice Chair Westerman agreed with the other commissioners that this is a great improvement, that he would agree with moving the trash enclosure to be approved by staff, that the parking situation during construction would be for a short period of time and that he is in support of this project.

RESOLUTION NO. 2010-31

On Motion by Commissioner Travers and seconded by Commissioner Manuel, the Planning Commission members present unanimously approved AR-10-02 and a merger of two contiguous parcels (PW 371-RA-46) and does hereby direct the City Engineer to record a certificate evidencing said merger, subject to the deletion of Condition 37 and subject to the following additions:

- 38. That during the construction phase of the project that employees and contractors will utilize on street or offsite parking.**
- 39. That the east elevation shall match the west elevations in regards to the placement of the cultured stone.**
- 40. The trash enclosure shall not be connected to the building and shall be moved to a more appropriate location as decided by staff.**
- 41. 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. That the developer will pay any required fees, including but not limited to, East Contra Costa Regional Traffic Mitigation fees, Drainage Area fees, Delta Diablo Sanitation District fees and the Contra Costa Fire Protection District Fire Development Fee.**
- 42. That additional screening in the form of a small stone wall, with the materials matching the building, shall be added to the front of the drive through area.**
- 43. No illegal signs, pennants, banners, balloons, flags, or streamers shall be used on this site at any time.**

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

- 6. V-10-05 – Brighter Beginnings** requests approval of a variance to allow the construction of a 6qwood fence in place of a concrete masonry wall at 512 West Fifth Street (**APN 066-143-015**).

Mindy Gentry, Associate Planner, provided a summary of the staff report dated October 14, 2010.

Commissioner Langford questioned staff if the redwood fence would be a complete new fence around both units as the one to east doesn't have a fence to which Associate Planner Gentry stated this would be to replace the split rail fence and that the other fence will stay as is.

Commissioner Travers clarified with staff that it is standard to require masonry for commercial uses which abut residential.

OPENED PUBLIC HEARING

Dr. Barbara McCullough, Executive Director of Brighter Beginnings stated that she has been operating the First 5 Center at this site, that she has approached all of the neighbors, that she has letters from them stating they are fine with the operation and weren't disturbed by noise and that in her opinion the redwood fence is more visually appealing.

CLOSED PUBLIC HEARING

Commissioner Manuel stated that he has seen the site, that the redwood fence would match and complete the fencing, that there is communication and agreement with the neighbors and felt that a masonry fence would be overkill.

Commissioner Travers concurred that a masonry wall would stand out.

Commissioner Azevedo stated that although the current use is more residential that this change would not be set in stone if some other commercial property comes in, they can then condition the project to provide the masonry wall.

Commissioner Langford stated that although he hates to go against the consensus, the condition was put on this property five years ago and has never been done, that there is also a shed in the back which is unpermitted, that he does not want to set a precedence that would allow others to do the same thing and therefore he would lean toward the requirement of a masonry wall.

Commissioner Baatrup had no comments.

Vice Chair Westerman concurred that this location is more residential than commercial, that he has no problem with the redwood fence, and that he is in support of this proposal.

RESOLUTION NO. 2010-32

On Motion by Commissioner Travers and seconded by Commissioner Manuel, the Planning Commission members approved V-10-05, subject to all conditions.

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

ORAL COMMUNICATIONS

Associate Planner Gentry stated that on Friday, October 29, 2010, from 10:00 a.m. to 11:30 a.m., there will be an eBart groundbreaking.

Commissioner Azevedo stated that he apologized for an inconvenience during his absence and it was nice to be back.

City Attorney Nerland stated that the design review ordinance which the Planning Commission had looked at was approved by Council with no changes.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Commissioner Azevedo said that Transplan has cancelled both meetings in August and September but that hopefully there will be a meeting in November.

ADJOURNMENT

Vice Chair Westerman adjourned the Planning Commission at 8:25 p.m. to the next regularly scheduled meeting on November 3, 2010.

Respectfully Submitted,
Cheryl Hammers