

**CITY OF ANTIOCH
PLANNING COMMISSION MINUTES**

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

**November 20, 2013
City Council Chambers**

CALL TO ORDER

Chair Hinojosa called the meeting to order at 6:30 p.m. on Wednesday, November 20, 2013, 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 decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on Tuesday, December 3, 2013.

ROLL CALL

Present: Commissioners Pinto, Motts, Miller, and Westerman
Chair Hinojosa
Absent: Commissioner Baatrup
Staff: Community Development Director, Tina Wehrmeister
Public Works Director/City Engineer, Ron Bernal
City Attorney, Lynn Tracy Nerland
Minutes Clerk, Cheryl Hammers

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

Community Development Director Wehrmeister recognized former Planning Commissioner Gil Azevedo for his many years of service beginning in 2003 serving on the Parks and Recreation Commission, the Planning Commission and various subcommittees including RDA and Transplan.

Commissioner Westerman said that it has been a pleasure working with Mr. Azevedo who always came to the meetings well prepared with good questions. He said that Mr. Azevedo was always willing to tackle difficult motions and wished him luck.

Commissioner Motts said that he dittos those remarks and asked that Mr. Azevedo keep the phone lines open.

Commissioner Pinto said that although he didn't have a privilege of working with Mr. Azevedo, he thanked him for his dedicated service.

Commissioner Miller said that he learned a lot from Mr. Azevedo and thanked him for his input.

Chair Hinojosa said that it was a pleasure serving with Mr. Azevedo and said that she hopes that he comes back to see the commission.

Gil Azevedo thanked everyone for the kind words and the sign momento. He said that as he looks back he has two perspectives: that ten years went by fast and secondly that it seems like a lifetime ago. He said that he remembers his first meeting where they had seven developers with RDA applications and that this was a good time for Antioch before the recession hit. He said that as he finishes his time here, he wants to leave the commission with something to remember: that while you are here serving, remember that is what your job is to serve the community.

CONSENT CALENDAR

1. **Approval of Minutes:** November 6, 2013

Chair Hinojosa stated that staff has requested that this item be continued.

CDD Wehrmeister said that since the agenda was published there have been requests for copies of the audio and that they would like to continue to December 4th to allow time to prepare a verbatim transcript.

On motion by Commissioner Westerman, and seconded by Commissioner Motts, the Planning Commission continued the Minutes of November 6, 2013 to December 4, 2013.

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

END OF CONSENT CALENDAR

CONTINUED PUBLIC HEARING

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

Chair Hinojosa opened the hearing to allow the public to speak. She said that the request is to continue this item to December 4th and at that time the hearing will be reopened to allow for further public testimony.

City Attorney Nerland clarified that the hearing would remain open until Dec. 4th.

On Motion by Commissioner Westerman and seconded by Commissioner Miller, the Planning Commission continued this item to December 4, 2013.

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

NEW ITEMS

3. American Sign Installation requests the approval to amend the Master Sign Program for the Crossings Shopping Center, located at the intersection of Deer Valley Road and Hillcrest Avenue (**APN: 052-460-020**).

CDD Wehrmeister provided a summary of the staff report dated November 14, 2013.

Commissioner Pinto said if the request is approved it would definitely be stepping outside the boundaries on signage by allowing a different wider sign which is breaking the trend and establishing new criteria and asked staff if this would be a conflict with other signs that were existing.

CDD Wehrmeister clarified that the Municipal Code does contain criteria, that developments may have their own sign programs, that the precedence setting would be for this development only and changing the sign program would be allowing this to apply to other storefronts in the center.

Commissioner Pinto had a concern with the last sentence on page 2 of the staff report and asked if we allow one to change, how is it going to impact other requests throughout the City.

CDD Wehrmeister responded that this may encourage requests in other shopping centers but it would not change their sign programs and that they would have to make a formal request.

Chairman Hinojosa asked staff if the Sally Beauty located in the Target shopping center has a program with similar dimensions to which CDD Wehrmeister said that she will do some research and get an answer to that question.

OPENED PUBLIC HEARING

Applicant, Lonnie Franklands with American Sign Installation, said that this is an extremely old sign program, that the majority of shopping centers they work with allow for dimensions, and that this is the first time in 35 years that they have had specific sizes for stacked letters. She said that they are always able to include their logo and that this request would allow other companies to have more flexibility and allow their business to stand out a bit.

Commissioner Miller said he was trying to visualize placement on the building to which applicant responded that this would be the only wall sign on the building.

Commissioner Pinto confirmed with applicant that they are the sign installer for Sally Beauty, that the size of the sign being requested is a standard size for Sally Beauty and that while they want to stay within the rules, Sally Beauty can't change the logo.

Commissioner Westerman confirmed with applicant that this store is fairly comparable to other stores and that while there are two versions being proposed, one for 16' wide and one for 14' wide, applicant would prefer the larger one.

Chairman Hinojosa clarified with applicant that reducing the size to the 20" proposed would destroy the logo and confirmed that she is amenable to reducing the size to 70%.

Chairman Hinojosa then asked staff if the stacked signs have to meet the 12" requirement would this be 12 total or 18" for non stacked signage to which CDD Wehrmeister responded that the way the program is written the letter height shall be a maximum of 12" so it would be 12" and 12" and 18" for non stacked.

Chairman Hinojosa said that if applicant could reduce the overall height to 24" tall that she is comfortable keeping in the City's parameters to stay within that just not equally proportioned.

Commissioner Pinto asked applicant about the night time lighting of the sign and whether with the alphabet being larger on the sign the store front would be brighter to which applicant stated that the only concern would be if there was residential across the street which she does not believe there is and that with the low consumption of energy and the dark red lettering the sign will not transmit much light.

CLOSED PUBLIC HEARING

CDD Wehrmeister stated that she did call up the sign program for Slatten Ranch which allows one sign for every store frontage with 75% of the storefront and that there is a matrix for maximum letter height.

Chair Hinojosa clarified with staff that there was nothing about stacked signs, but that there are factors limiting signage with the maximum letter height being three feet.

Commissioner Motts asked staff if procedurally would this be a compromise or this would constitute a denial of their request for amendment to the sign program if reducing the size to what applicant is agreeable to. CDD Wehrmeister said no, that she thinks the resolution can be revised to reflect the commissioners' desires.

Commissioner Westerman said that he thinks this ought to be looked at as a whole unit and not one word on top of another. He said he likes the smaller 14' on the store front and feels that 14' would be a good compromise.

CDD Wehrmeister said that she would suggest 14' which would meet the 70% criteria

and would suggest revising the resolution to revise the master sign program, the last sentence to state “the overall width of the sign shall not exceed 24”” and eliminating the discussion about stacked signage.

Commissioner Miller said that he agrees that stacked signage is throwing everyone off and said they should just look at the size of the sign.

Chair Hinojosa said that she agrees with the fellow commissioners, that removing the language about the stacked signage but that the overall height of the sign shall not be more than 24”.

Commissioner Pinto said that he agrees with the height not to exceed 2’ and getting away from the stacking of the sign.

Commissioner Westerman asked about the width of 14’.

Chair Hinojosa said that applicant is actually agreeable to the 2’ x 14’ that would match up with what we are proposing and that they would do away with the stacked signage with a 2’ overall height.

REOPEN PUBLIC HEARING

Applicant said that she believes the email was rounding off on the size but that they would be more than happy to go with a 2’ overall height. She said that if approved, they will change to 24” overall and would send new paperwork.

RECLOSE PUBLIC HEARING

Commissioner Motts clarified with staff that this would be applicable to just this development.

Commissioner Pinto made a motion to amend the resolution to incorporate 2’ height and 14’ width that only applies to this development.

Chair Hinojosa clarified that this would be approving the item with 14’ in length and the overall percentage of 2’.

Commissioner Pinto said that the language submitted in Attachment C would be 2’ by 14’ within that space and the designers would come back with sizes of the letters.

CDD Wehrmeister said that unless appealed the resolution would be a final action by the Planning Commission and suggested amending 2d to say that “stacked signage would be allowed only for tenants with store fronts 20 feet or less in width. Overall height of the sign shall not exceed 24” in height”, that 2g would be deleted and that there would be no further changes needed to the program.

Commissioner Pinto clarified with staff that the width does not need to be addressed at all.

CDD Wehrmeister said to applicant that they may submit a revised building permit to building but could not be approved until after appeal period has ended.

RESOLUTION NO. 2013-20

On motion by Commissioner Pinto and seconded by Commissioner Miller, the Planning Commission hereby approves S-13-01 and amends Design Review Board Resolution 89-54 as follows:

2d. Stacked signage will be allowed only for tenants with store fronts 20 feet or less in width. Overall height of the sign shall not exceed 24”.

2g. Deleted.

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

4. Election of Vice Chair

Commissioner Westerman nominated Commissioner Motts for Vice Chair.

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

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

5. The City of Antioch is proposing General Plan and zoning ordinance amendments to revise the Residential Development Allocation Program and to adopt Development Impact Fees pursuant to Government Code 66000 et. Seq. The Planning Commission will hold a study session and accept public comments.

CDD Wehrmeister provided a summary of the staff report dated November 14, 2013, including background, summary of the RDA and summary of the proposed program. She indicated that a representative of Economic and Planning Systems was present who would be presenting a power point presentation and that she will be pausing during the presentation to allow for questions. She said that public comments will then be opened, the hearing will be closed and direction to staff received.

CDD Wehrmeister asked if there were questions about the history of the ordinance.

Chair Hinojosa asked staff about the scoring process on proposed capital improvements

with fees from developer per unit.

CDD Wehrmeister asked Public Works Director Bernal for input.

PWD Bernal said that examples of improvements would be traffic signals, road improvements and improvements to school parking lots. He said that Discovery Builders proposed improvements to drainage facilities and offsite improvements to Somersville Road but that this varies from project to project with some projects being cash only.

Chair Hinojosa asked about the impact fee study estimating fees as high as \$10,000 per unit to which PWD Bernal said that his recollection is that they were in excess of \$10,000.00 per unit.

Commissioner Pinto asked staff about Attachment B to which CDD Wehrmeister said that this is an example of the criteria in the old RDA process and that the format is not going to be used in the future.

Chair Hinojosa asked staff how the housing was allocated before Measure U to meet residential housing needs.

CDD Wehrmeister responded that there was no growth metering process in Antioch prior to Measure U. The City has not had an issue meeting moderate to above moderate RHNA goals but has not been able to meet lower income category construction goals.

CDD Wehrmeister then moved to the summary of the revised ordinance and asked for questions.

Chair Hinojosa referenced page D2 letter E and asked why the process has been changed to which CDD Wehrmeister said that one of the practical problems with the way the old RDA ordinance was implemented is developers were asking for allocations for development that was years away and that they were asked to project years into the future.

Chair Hinojosa clarified with staff that this created a problem with allocations already issued so far in advance.

CA Nerland said that under state law development entitlements is an issue whether it should be built and the growth management question is when does it get to be built. She said need to ask the question first is it going to be built, then you get into when it is going to be being built.

Chair Hinojosa asked staff about the scaling back from the original ordinance exemption to only three exemptions in the new ordinance.

CDD Wehrmeister stated that the committee felt all units should be counted so the original exemption categories were moved to the Guidelines and made priorities for

granting allocations.

Commissioner Motts asked staff about an exemption for the Rivertown area being centered around the train and ferry to which CDD Wehrmeister said that it is not exempt but is listed as a priority factor in considering allocations.

Chair Hinojosa asked staff to explain what the thought process was behind some of the original exemptions and what has changed to now moving toward all units should be counted in metering program.

CDD Wehrmeister said that the old RDA ordinance was drafted before she came to the City but that the committee felt that all units should be counted, although this is an item the commission can discuss and can add to or amend.

Commissioner Pinto asked about Measure J on page F2 dictating what can be modified. CDD Wehrmeister said that not related to RDA specifically; that Measure J is a County wide measure, that this is not changing but that this is just eliminating references to the old RDA ordinance which would not impact Measure J compliance.

Commissioner Pinto referenced page B1 referring to projects that meet the City's infill criteria being exempt and asked staff to explain the infill criteria. CDD Wehrmeister said that the committee or council created a map of areas of infill.

Chair Hinojosa asked staff about the pros and cons of rationale behind changing from RDA committee to staff. CDD Wehrmeister said that this is an attempt to make the process less subjective and therefore felt that looking at the General Plan and the standards and criteria that are set out that staff would be able to make a recommendation to the Planning Commission. She said that this also a practical matter with having limited staff.

CA Nerland said that the development community also was not thrilled with having three bodies of public officials to go through which extended the process.

CDD Wehrmeister said that Economic and Planning Systems has a presentation and said that while it is not typical for the Planning Commission to make recommendations on fee items, she thought it would be valuable to have input on this. She said that this is the first study session before taking it to the City Council, that there will be a plan for the fee study, that comments will be received, that the fee study will be brought back to the City Council and that items for General Plan, zoning ordinance and guidelines will be brought back to the Planning Commission.

Walter Kieser with EPS gave a power point presentation including overview, development impact fees, mitigation fee act, common development impact fees, economic considerations, Antioch's development impact fee, development impact fee adoption process, fee study results, technically supported fee schedule, required funding from other sources, and next steps.

Commissioner Pinto asked Mr. Kieser if other cities include fees for public works and

parks and recreation to which he said that there are fees being recommended for police, parks and recreation although there are no current charges for those. He said that there are a range of things that can be funded as part of this process.

Commissioner Motts asked if the system we had in place is common and would this be considered streamlining.

Mr. Kieser said that the current system is not common, that the norm for funding is through impact fees like those being considering this evening and that Antioch is a bit unusual. He said that this helps with streamlining and normalizing in that you increase certainty of the process.

Chair Hinojosa asked Mr. Kieser to go over page G4 regarding proportionate share allocation.

Mr. Kieser said that proportionate share means various things like having to identify what share of cost should be paid by development or whomever. He said the first thing is to figure out the share for new development versus the existing. That some of that proportionality should be paid by existing residents and some new development, trying to balance out to be sure everyone is paying a proportionate share and proportioning between single family and multi-family with multi-family typically have lower household sizes.

Chair Hinojosa questioned if the City can be in trouble meeting infrastructure if they get lower fees than proposed and supporting fee reductions.

Mr. Kieser said that these are political choices made by Council at their discretion, that fees are regular and certain and these fee levels are in the range and do not stress feasibility.

Chair Hinojosa asked about changing growth projections to which Mr. Kieser said that it is never known what is going to happen in the future but that annual reporting and updating of fees help if conditions change dramatically.

Chair Hinojosa asked about the periodic updates and how often updates are done to which Mr. Kieser said it is published annually, that the fee report would be made prior to the fiscal year and incorporated into the budget, and that it would be automatic requiring no council action as long as the ordinance prescribes this to be done. He said that when the development impact fee is at a stage to move to City Council that they will work with staff to incorporate a schedule for update.

CDD Wehrmeister said that annual updates occur with master fee schedule adoption.

In response to Chair Hinojosa's questions about Page G10, Mr. Keiser said that it is not uncommon in ordinances for there to be a provision for exemptions or possibility of waivers and that ordinance language specifies the terms. That there is an absolute reduction of revenue so typically this would require findings that when that was done the Council would find a way to back fill for money they did not get through that exemption.

In response to Commissioner Pinto's concern of surplus funds and the impact of AB1600, Mr. Keiser said that since AB1600 was adopted, they try to construct ordinances to have a broad enough definition so there is no such thing as surplus funds. They will be allocated to uses that meet the test of the fee study and if there was a surplus, this could be subject to reimbursement. He said that if properly set up and administered that won't happen.

In response to Chair Hinojosa questions about alternate funding sources and moving from an allocation program to adopting an impact fee, Mr. Keiser said that they are not talking about replacing the allocation system but talking about one piece of it.

CDD Wehrmeister said that this would replace capital financing and that there would be a metering process.

CA Nerland said that the growth metering aspect of the former RDA is when development could be built, and the prior RDA contained a financial component to pay for infrastructure that development needed and that financial component is being taken out of the RDA process by council direction to be the more common impact fee under state law. She said that this is ultimately a council decision and is being brought to the Planning Commission for context of how this is moving forward.

In response to Commissioner Pinto's question if the metering program is needed, CA Nerland said that this is a policy decision and not mandated by law to have a metering program except to the extent of Measure J.

In response to Chair Hinojosa's wondering if the allocation process helps further goals of the General Plan and maintain consistency and explanation of how the metering process helps to meet goals within the regional housing allocations, CDD Wehrmeister said that this is a proposed process to provide the Planning Commission with general plan consistency and that the process speaks specifically to the growth management element of the General Plan. She said do we need the allocation process to meet the General Plan, no we don't; if it is the desire of the City Council with the recommendation of the Planning Commission that you feel the metering will help us meet goals, then yes it would help. She said that the question if it meets our goals is subjective and more for the policy makers.

Chair Hinojosa asked staff how or in what way does a sustainable community strategy have a role in a metering program to which CDD Wehrmeister said not directly.

OPENED PUBLIC HEARING

CDD Wehrmeister stated that there was a letter on the dais from the Building Industry Association of the Bay Area and an e-mail from Mike Serpa, which she read.

CLOSED PUBLIC HEARING

Commissioner Westerman said that he thought the metering portion should be separate from the developer fees. He said at this point it doesn't seem like we need metering; that if the economy turns around we could. He said he would like to see some kind of a trigger to reintroduce the metering system. Also with respect to issues that are discussed in the evaluation criteria for metering, if we don't have metering these things will still be looked at by staff and by the commission. He said that just because we don't have metering doesn't mean these things won't be considered.

Commissioner Pinto referred to pages B2 and B3 and questioned staff about moving points to which CDD Wehrmeister said that at this point attachment B was a reference point for the previous RDA process and is not recommending continuation of this system.

CA Nerland said that there are school impact fees in place under state law.

Commissioner Westerman said that it seems to him that some of the things that are addressed in the old RDA in Section C, will be replaced with development fees.

Chair Hinojosa said that in looking at the letter from the Building Industry Association, feels like we should engage a larger audience on this conversation and discussion with stakeholders; for input on development fees so process would be to instruct staff to hold a community type meeting to engage and get feedback and then to come back to the commission and then the commission can provide a recommendation.

CDD Wehrmeister responded that this meeting was noticed, the notice was put out fourteen days prior to this hearing which is longer than typical, that notices were sent out to those who filed a request with the City Clerk to be notified and that the staff report was released in the normal time frame. She said that even though this is a study session, all required noticing was done. Having said that, between this hearing and the next hearing, we will certainly make further outreach in the community to incorporate comments.

Commissioner Motts said he would support that position and staff to hold stakeholder meeting if that doesn't delay the process.

CDD Wehrmeister said that it is helpful to staff to get some feedback on growth metering in general, that she is pretty sure that the development community doesn't want it and that it would be helpful to know how the commissions initial direction.

Commissioner Motts said he would be inclined to say if metering stopped at this time if there is a process to reinstitute that would be fine with him.

Commissioner Pinto concurred and said that he liked the proposal that we do away with metering for now, however have a triggering mechanism that would automatically reinstate the metering once that standard has been reached.

Chair Hinojosa asked the commission if they agree that the City should engage in meetings with stakeholders but to discontinue with the metering program.

Commissioner Westerman said to do away with for now but maintain a mechanism to reinstate if necessary; to encourage developers for low income housing.

CA Nerland said that something for the Planning Commission to think about is the triggering concept; doing away with the metering, then if growth picks up, come back. She said that part of the issue is the process to adopt an ordinance doesn't happen overnight and is a minimum six month period. Staff has struggled with timing practicalities; perhaps instead of doing away with metering completely, try to foresee and have a process in place so time wouldn't be lost.

Commissioner Pinto said he thinks the goal should be to establish what that triggering point will be so it is built in to automatically come back.

Commissioner Miller asked if there was a way to have a stay of the growth metering program, to be held off for a period of time then see if we need to extend longer so we wouldn't have to worry about not having it just suspending it.

Chair Hinojosa said that she likes the direction we are going, wants to engage stakeholders and would like to keep in place but allow metering not allowed certain times. Separate from development fees.

Chair Hinojosa asked staff what type of meeting with stakeholders to which CDD said that she would set up a meeting with the Building Industry Association. She said that this staff report went out to all home builders who are actively pulling permits in the City and those that have maps approved and haven't received any feedback or comment except from Serpa and the Building Industry. That there has been outreach just not much interest and will continue to make that outreach and entertain any meetings with ones who are interested.

The item was continued to January 15, 2014.

ORAL COMMUNICATIONS

CDD Wehrmeister said that on the consent calendar item there were requests for minutes transcriptions. That this brought a question up in staff's mind, if we could move toward a more abbreviated minutes and prepare a summary of action and record the meetings. That way if anyone wants to review them, they can get the audio recording to listen to. This would be easier for staff and this would avoid the situation of missing things in transcription. She asked how the Commission felt.

Commissioner Miller clarified with staff that there would be audio and that on consent would be a summary of action only showing the motion, the second and the vote.

Commissioner Pinto said that there may be a legal question on how this would work for a public records request.

CA Nerland said that there would be a hard copy of audio which is currently public record; that members can request the audio and we would continue to put annotated or action recap minutes onto the City's website.

Commissioner Pinto then asked how we would deal with disability issues to which CA Nerland said that if someone has an issue and wants more than the agenda provided, we might need to consider whether we need to transcribe it.

Commissioner Motts said that the minutes are valuable to look back at and helps at times. He said that he is not sure they need to be verbatim but just a general description of the conversation.

CA Nerland said that this is the current process but with summarizing something may not be put down correctly. She said that this is staff's best attempt to condense the meeting.

CDD Wehrmeister said that the current minutes have more detail than previously and that maybe the direction should be to be more general and sensitivity wouldn't be an issue. That there will still be written minutes if the Commission considers them helpful.

Chair Hinojosa said that she has strong feelings about this. That she feels like the minutes capture what happens at meetings which helps her. She said that looking at previous minutes she finds them very helpful and she does not agree with moving toward action minutes. She said while she is sympathetic to how much time is involved, it is important when you summarize to not lose content. She said she is all for keeping the status quo.

CA Nerland gave updates on the computer gaming ordinance, the fortunetelling ordinance and Kelly's.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Commissioner Motts reported that Transplan met on November 14 with a presentation on County wide goals and received updates.

ADJOURNMENT

Chair Hinojosa adjourned the Planning Commission at 9:30 p.m. with the next meeting to be held on December 4, 2013.

Respectfully Submitted,
Cheryl Hammers