

**ANNOTATED**

**AGENDA**

**CITY OF ANTIOCH PLANNING COMMISSION  
ANTIOCH COMMUNITY CENTER  
4703 LONE TREE WAY, COMMUNITY HALL A**

**WEDNESDAY, JULY 17, 2019**

**6:30 P.M.**

**NO PUBLIC HEARINGS WILL BEGIN AFTER 10:00 P.M.  
UNLESS THERE IS A VOTE OF THE PLANNING COMMISSION  
TO HEAR THE MATTER**

**APPEAL**

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, JULY 24, 2019**.

If you wish to speak, either during “public comments” or during an agenda item, fill out a Speaker Request Form and place in the Speaker Card Tray. This will enable us to call upon you to speak. Each speaker is limited to not more than 3 minutes. During public hearings, each side is entitled to one “main presenter” who may have not more than 10 minutes. These time limits may be modified depending on the number of speakers, number of items on the agenda or circumstances. No one may speak more than once on an agenda item or during “public comments”. Groups who are here regarding an item may identify themselves by raising their hands at the appropriate time to show support for one of their speakers.

**ROLL CALL**

**6:30 P.M.**

Commissioners	Turnage, Chair
	Schneiderman, Vice Chair
	Motts
	Martin
	Parsons
	Soliz
	Zacharatos

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

**CONSENT CALENDAR**

All matters listed under Consent Calendar are considered routine and are recommended for approval by the staff. There will be one motion approving the items listed. There will be no separate discussion of these items unless members of the Commission, staff or the public request specific items to be removed from the Consent Calendar for separate action.

**1. APPROVAL OF MINUTES:**

- A. May 1, 2019** **APPROVED**
- B. May 15, 2019** **APPROVED**
- C. June 5, 2019** **APPROVED**

**Minutes**

**Minutes**

**Minutes**

- 2. Private Street Name Change** – Trellis Real Estate Group, owner of TreVista Senior Living & Memory Care facility, requests that the private street/driveway known as “Angelina Rose Place” located at 3950 Lone Tree Way be changed to “TreVista Place”.

**RESOLUTION NO. 2019-19**

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END OF CONSENT CALENDAR

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**STAFF REPORT**

**NEW PUBLIC HEARING**

- 3. UP-19-01, V-19-02, AR-19-02– Jack In The Box** – Jack In The Box requests approval of a use permit, variance and design review to demolish their existing building and construct a new Jack In The Box restaurant. This project has been found to be Categorical Exempt for the requirements of the California Environmental Quality Act The subject property is located at 2505 A Street (APN’s **068-142-022**).

**RESOLUTION NO. 2019-20**

**ORAL COMMUNICATIONS**

**STAFF REPORT**

**WRITTEN COMMUNICATIONS**

**COMMITTEE REPORTS**

**ADJOURNMENT (6:51 pm)**

**Notice of Availability of Reports**

This agenda is a summary of the discussion items and actions proposed to be taken by the Planning Commission. For almost every agenda item, materials have been prepared by the City staff for the Planning Commission’s consideration. These materials include staff reports which explain in detail the item before the Commission and the reason for the recommendation. The materials may also include resolutions or ordinances which are proposed to be adopted. Other materials, such as maps and diagrams, may also be included. All of these materials are available at the Community Development Department

located on the 2<sup>nd</sup> floor of City Hall, 200 “H” Street, Antioch, California, 94509, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday for inspection and copying (for a fee) or on our website at:

<https://www.antiochca.gov/fc/community-development/planning/Project-Pipeline.pdf>

Copies are also made available at the Antioch Public Library for inspection. Questions on these materials may be directed to the staff member who prepared them, or to the Community Development Department, who will refer you to the appropriate person.

### **Notice of Opportunity to Address the Planning Commission**

The public has the opportunity to address the Planning Commission on each agenda item. You may be requested to complete a yellow Speaker Request form. Comments regarding matters not on this Agenda may be addressed during the “Public Comment” section on the agenda.

### **Accessibility**

The meetings are accessible to those with disabilities. Auxiliary aids will be made available for persons with hearing or vision disabilities upon request in advance at (925) 779-7009 or TDD (925) 779-7081.

**CITY OF ANTIOCH  
PLANNING COMMISSION**

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

**May 1, 2019  
City Council Chambers**

Chair Turnage called the meeting to order at 6:30 P.M. on Wednesday, May 1, 2019 in the City Council Chambers. He 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 8, 2019.

**ROLL CALL**

Present: Commissioners Motts, Parsons, Martin, Soliz, Vice Chair  
Schneiderman and Chair Turnage  
Absent: Commissioner Zacharatos  
Staff: Director of Community Development, Forrest Ebbs  
Senior Civil Engineer, Ken Warren  
Planning Manager, Alexis Morris  
Associate Planner, Kevin Scudero  
City Attorney, Thomas Smith

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

None.

**CONSENT CALENDAR**

1. **Approval of Minutes: None**

**CONTINUED PUBLIC HEARING**

2. **PD-18-02, UP-18-09, AR-18-09, PW-357-301-19 – Acorn Business Park**– Jim Moita, requests approval of an Initial Study / Mitigated Negative Declaration and Mitigation Monitoring and Report Program for the Project, a rezone to Planned Development District (PD), Use Permit, Design Review, and Minor Subdivision approval of a business park consisting of commercial, self-storage and light industrial uses. The project site is located at the Northwest corner of East Eighteenth Street and Drive-In Way (APNs 051-052-112 and 051-052-113).

Staff recommends that this item be continued to May 15, 2019.

***On motion by Commissioner Parsons, seconded by Commissioner Martin, the Planning Commission continued PD-18-02, UP-18-09, AR-18-09, PW-357-301-19 – Acorn Business Park to May 15, 2019. The motion carried the following vote:***

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

### **NEW PUBLIC HEARING**

- 3. Z-18-01, UP-18-04, AR-18-06, PW-357-RA-57– AMCAL Family/Senior Apartments** – AMCAL Multi-Housing, requests approval of an Initial Study / Mitigated Negative Declaration and Mitigation Monitoring and Report Program for the Project, a rezone to High Density Residential (R-25) and Senior Housing Overlay District (SH), Use Permit, Design Review, and Lot Merger approval of an affordable multi-family housing complex consisting of family and senior apartments. The project site is located at the Southwest corner of East Eighteenth Street and Holub Lane (APNs 051-200-025 and 051-200-026).

Associate Planner Scudero presented the staff report dated April 26, 2019 recommending the Planning Commission take the following actions: 1) Adopt the resolution recommending that the City Council approve the AMCAL Family/Senior Apartment Project Initial Study/ Mitigated Negative Declaration and Mitigation Monitoring and Report Program for the Project; 2) Adopt the resolution recommending that the City Council approve an ordinance rezoning the project site from Planned Development (PD-08-06) to High Density Residential (R-25) and Senior Housing Overlay District (SH); and 3) Adopt the resolution recommending that the City Council approve a senior housing density bonus, lot merger, use permit, and design review for multi-family development, subject to conditions of approval.

In response to Commissioner Martin, Planning Manager Morris explained that the gates were located on private driveways and the extension of Holub Lane would be used to access future projects to the east. Associate Planner Kevin Scudero clarified there were no active enforcement mechanisms for the senior housing density component; however, they were required to deed restrict the property and there was an agreement with the City that it remain senior housing for a minimum of 30-years. He noted if the applicant wanted to change it to all ages, they would be required to go through a Use Permit process. He explained that the accent color would be applied to buildings visible from the public right-of-way within the City; however, if the Planning Commission wished, they could modify the language that all buildings have an accent color.

Commissioner Motts expressed concern that the open space and outdoor amenities would not be in a central location for ease of access for all tenants.

Associate Planner Kevin Scudero responded that there was required open space per unit; however, city code did not address placement.

In response to Commissioner Soliz, Associate Planner Kevin Scudero explained that this site was previously entitled with a business park which contained a mix of commercial and light industrial with a self-storage.

Commissioner Soliz expressed concern for the amount of high density housing in Antioch and the potential impact of this project to the degradation of property values. He complimented staff on the comprehensive report.

In response to Commissioner Parsons, Associate Planner Kevin Scudero confirmed that there were conditions of approval addressing the traffic signal. Planning Manager Morris added that this project would be responsible for 25% of those costs.

Alex Pratt, Vice President of Development of AMCAL Multi-housing, discussed the history of their company. He explained that this was a tax credit project so there would be covenants and an annual review of all of the units to assure that they were certified to be in the proper manner. He gave a PowerPoint presentation of their project including the development/management team, company portfolio, identification of project site, public outreach, site plan, community amenities and landscape materials.

In response to Commissioner Parsons, Mr. Pratt confirmed that bocce courts had been included as an amenity.

In response to Vice Chair Schneiderman, Mr. Pratt explained that the rent had to be a minimum of 10% below the overall market and the market in Antioch tended to be approximately 80% of area median income.

In response to Commissioner Soliz, Mr. Pratt stated that section 8 voucher holders could apply for a unit; however, they did not have an overall section 8 project on this property. He noted their tenant selection criteria included rental history, as well as criminal backgrounds and verification of incomes.

In response to Commissioner Martin, Mr. Pratt explained that their reputation spoke to their ability to maintain a quality project and by maintaining ownership of the property they had an innate interest in maintaining quality. He noted they worked with a large property management company and they had asset managers that oversee the property managers. Additionally, with a tax credit project, there was an investor that had an interest in making sure the level of quality was maintained.

Mr. Pratt thanked staff for all of their assistance in bringing their project forward.

Lewis Broschard, Contra Costa County Fire Department, expressed concern that the proposed project could not be appropriately or adequately served by the Fire District. He noted the location at the eastern edge of the City limits, places it at the furthest point from any staffed fire station in Antioch; further, the location was approximately 12 minutes from the nearest staffed ladder truck posing a significant risk and an inability for the fire district to provide adequate fire and emergency response. He commented that the Antioch General Plan stated grow management in the City was to insure development paid its own way and sufficient public services were available to support new development. In addition, Measure U called for the City to enforce public services and facilities performance standards. He commented that they had provided the City with written letters outlining their inability to properly respond to this project, due to its location and multi-story configuration.

Chair Turnage thanked Mr. Wells for his time and serving the community.

Vincent Wells, Fire Captain, President of Firefighters Local 1230, reported that Antioch was one of the busiest areas within the District and they were currently understaffed. He urged the Planning Commission to place more emphasis on the recommendations coming from Chief Broschard as far as assuring that mitigation was in place to adequately serve the community.

Chair Turnage thanked Mr. Wells for his time and serving the community.

Chair Turnage closed the Public Hearing.

Commissioner Parsons reported that fire station #81 had a large area to service and questioned if there would be a way to mitigate the impacts of the project.

Director of Community Development Ebbs explained that the City had an adopted fire protection facilities fee for the purpose of funding new fire stations and apparatus. He stated that the City relied on the Fire District to provide them with the nexus study to justify increasing the fee and staff had been openly supportive of that action. Additionally, he noted that fire district revenues come from property taxes and the proportionate of property taxes the City received rarely paid for the impacts on City services. He explained that a CFD was an option and the Planning Commission could communicate to Council that they should be open to bringing a CFD forward and increasing the fees. He stated with regards to this project, they could only ask for their proportionate share.

Chair Turnage questioned if it was possible, in the future, to augment ambulance services especially when addressing a senior community.

Director of Community Development Ebbs responded that it can be looked at in terms of a CFD to address their proportionate impacts.

Commissioner Soliz thanked staff for the comprehensive report. He agreed that the tools to help the fire department were available; however, the City had not taken advantage and gone through the process. He questioned if it was feasible to continue the project until the infrastructure was in place.

Director of Community Development Ebbs reported that this project depended on funding cycles and he did not believe continuing this item was a viable option.

Commissioner Soliz stated he would like the tools in place prior to future projects coming before the Commission because this issue has been brought forward in the past and needed to be addressed.

Commissioner Parsons asked that the City consider the public safety as new projects come forward.

Director of Community Development Ebbs stated if there was a consensus this evening, as part of the motion, the Planning Commission could direct Council to study this issue. He noted staff would convey the Commission's concerns to Council.

Commissioner Parsons stated that she believed Council felt public safety of citizens was important.

Commissioner Motts stated he supported the project and agreed with placing strong recommendations in the motion for Council to consider and study the impacts to emergency services, as soon as possible.

Vice Chair Schneiderman stated she believed it was a good project and noted that there was a high demand for affordable housing. She noted that she agreed with the fire department and their concerns regarding their ability to provide adequate services, especially for senior residents.

In response to Chair Turnage, Planning Manager Morris clarified that staff summarized the Planning Commission discussion and recommendations when the project was taken to Council. She noted if there was a majority or several Planning Commission members who strongly encouraged Council to consider funding of fire services in the immediate future, it would be reflected in the staff report summary.

Commissioner Parsons stated that she believed public safety should be at the paramount in all decision made on behalf of the citizens of Antioch.



**RESOLUTION NO. 2019-11A**

***On motion by Commissioner Motts, seconded by Commissioner Schneiderman, the Planning Commission adopted the resolution recommending that the City Council approve the AMCAL Family/Senior Apartment Project Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Report Program for the Project.***

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

**RESOLUTION NO. 2019-11B**

***On motion by Commissioner Martin, seconded by Commissioner Motts, the Planning Commission adopted the resolution recommending that the City Council approve an ordinance rezoning the project site from Planned Development (PD-08-06) to High Density Residential (R-25) and Senior Housing Overlay District (SH). The motion carried the following vote:***

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

**RESOLUTION NO. 2019-11C**

***On motion by Commissioner Martin, seconded by Commissioner Motts, the Planning Commission adopted the resolution recommending that the City Council approve a senior housing density bonus, lot merger, use permit, and design review for multi-family development, subject to conditions of approval. The motion carried the following vote:***

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

Chair Turnage suggested each Planning Commissioner in support of the creation of a CFD send an email to each Councilmember.

In response to Commissioner Parsons, City Attorney Smith stated that fire and emergency services was within the broader scope of the subject matter being discussed so they could add it into the motion.

*On motion by Commissioner Parsons, seconded by Commissioner Martin, the Planning Commission suggested to the City Council that they take under advisement to look into a fire and safety CFD, in the immediate future, via action taken on a Council agenda.*

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

**ORAL COMMUNICATIONS**

None.

**WRITTEN COMMUNICATIONS**

None.

**COMMITTEE REPORTS**

Commissioner Motts reported that the TRANSPLAN meeting would be held next week.

**ADJOURNMENT**

*Chair Turnage adjourned the Planning Commission at 7:45 P.M. to the next regularly scheduled meeting to be held on May 15, 2019.*

Respectfully submitted  
KITTY EIDEN, Minutes Clerk

**CITY OF ANTIOCH  
PLANNING COMMISSION**

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

**May 15, 2019  
City Council Chambers**

Chair Turnage called the meeting to order at 6:30 P.M. on Wednesday, May 15, 2019 in the City Council Chambers. He 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 22, 2019.

**ROLL CALL**

Present: Commissioners Motts, Martin, Zacharatos, Soliz, Vice Chair  
Schneiderman and Chair Turnage  
Absent: Commissioner Parsons  
Staff: Director of Community Development, Forrest Ebbs  
Senior Civil Engineer, Ken Warren  
Planning Manager, Alexis Morris  
Associate Planner, Kevin Scudero  
Associate Planner, Zoe Merideth  
City Attorney, Thomas Smith  
Minutes Clerk, Kitty Eiden

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

None.

**CONSENT CALENDAR**

1. Approval of Minutes: April 17, 2019

*On motion by Commissioner Zacharatos, seconded by Commissioner Martin, the Planning Commission approved the minutes of April 17, 2019, as presented. The motion carried the following vote:*

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

## **CONTINUED PUBLIC HEARING**

2. **PD-18-02, UP-18-09, AR-18-09, PW-357-301-19 – Acorn Business Park**– Jim Moita, requests approval of an Initial Study / Mitigated Negative Declaration and Mitigation Monitoring and Report Program for the Project, a rezone to Planned Development District (PD), Use Permit, Design Review, and Minor Subdivision approval of a business park consisting of commercial, self-storage and light industrial uses. The project site is located at the Northwest corner of East Eighteenth Street and Drive-In Way (APNs 051-052-112 and 051-052-113).

Associate Planner Scudero presented the staff report dated May 10, 2019 recommending the Planning Commission 1) Approve the resolution recommending that the City Council approve the Acorn Business Park Initial Study/Mitigation Negative Declaration, Mitigation Monitoring and Reporting Program and Errata; 2) Approve the resolution recommending that the City Council approve an ordinance rezoning the project site from Planned Business Center (PBC) and Regional Commercial (C-3) to Planned Development District (PD-18-02); 3) Approve a resolution recommending that the City Council approve a Vesting Tentative Map/Final Development Plan, Use Permit for Subsection B, and Design Review subject to conditions of approval (UP-18-09), AR-18-09, PW-357-301-19).

In response to Commissioner Martin, Associate Planner Scudero explained that if the wireless ordinance is adopted within the current timeframes, any application coming forward would be subject to the ordinance. He noted staff recommended establishing the cell tower height for this project at 50-feet.

In response to Commissioner Motts, Associate Planner Scudero stated this project as well as the apartment project directly across the street would be required to contribute toward the traffic signal and whoever developed first would construct it, with reimbursement conditions. He noted this site would contribute and it would be up to the developer to determine how to distribute those costs to future developers.

In response to Vice Chair Schneiderman, Associate Planner Scudero stated the applicant would develop and operate the self-storage facility, and market the other sections, to future developers. He noted the sites were designed to function independently of each other.

In response to Commissioner Zacharatos, Associate Engineer Warren explained that the costs of traffic lights were divided based on the traffic study.

Planning Manager Morris added that both traffic studies conducted a signal warrant analysis based on project trips and the traffic analysis determined that this project on the north side was large enough to warrant 50% of the signal.

Commissioner Soliz questioned why the applicant requested a cell tower at the height proposed.

Associate Planner Kevin Scudero deferred to the applicant.

Chair Turnage opened the public hearing.

George Cardinale, provided a history of his business transactions in Antioch and his involvement in marketing the project. He gave a PowerPoint presentation which included the current condition of property, vision and layout, planned development, design review, elevations, roof solar and letter in support of the project from Pittsburg's Police Chief.

Vince Moita thanked staff for their support during the application process. He explained that a cell tower at the storage facility would be 150-feet behind the street and their goal was to put it high enough to service a larger area. He noted their goal was to find a hotel user in the front and maintain the sight line between the cell tower and across the street, to service a larger area.

In response to Commissioner Motts, Vince Moita confirmed that their request for the cell tower was 110-feet.

Jim Moita, applicant, reported that they reached out to Crown Castle who is the largest cell operator in the United States and they had explained that the mass of a hotel building would block line of sight for 5G. He noted they were looking at nesting the carriers together so they would be located at 85, 75, 65 and 55 feet. He further noted the higher the tower the more they could project.

Chair Turnage stated that it was his understanding that the cell tower was for each carrier and it needed a line of sight for projection over the mass of the hotel building.

Mr. Moita added that each carrier wanted to be at least 10-feet above the mass of the hotel building.

Chair Turnage closed the public hearing.

In response to Commissioner Motts, Planning Manager Morris stated it was common for cell towers to be located on top of buildings or on facades. She noted they could put architectural features on the hotel to accommodate cell installations.

Commissioner Motts stated there was no guarantee of a hotel and 110-feet was double what the City had proposed.

Planning Manager Morris stated if the wireless ordinance was approved and this ordinance was adopted with a different standard, this ordinance would apply and be unique to this project.

**RESOLUTION NO. 2019-12**

***On motion by Commissioner Martin, seconded by Commissioner Zacharatos, the Planning Commission unanimously approved the resolution recommending that the City Council approve the Acorn Business Park Initial Study/Mitigation Negative Declaration, Mitigation Monitoring and Reporting Program and Errata. The motion carried the following vote:***

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

**RESOLUTION NO. 2019-13**

***On motion by Commissioner Martin, seconded by Commissioner Motts, the Planning Commission unanimously approved the resolution recommending that the City Council approve an ordinance rezoning the project site from Planned Business Center (PBC) and Regional Commercial (C-3) to Planned Development District (PD-18-02). The motion carried the following vote:***

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

**RESOLUTION NO. 2019-14**

***On motion by Commissioner Martin, seconded by Commissioner Zacharatos, the Planning Commission unanimously approved a resolution recommending that the City Council approve a Vesting Tentative Map/Final Development Plan, Use Permit for Subsection B, and Design Review subject to conditions of approval (UP-18-09, AR-18-09, PW-357-301-19). The motion carried the following vote:***

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

### **NEW PUBLIC HEARING**

- 3. Z-18-07 – Establishing Regulations for Wireless Communications Facilities**  
– The City of Antioch is proposing amendments to Chapter 5 of Title 9 of the Antioch Municipal Code to establish regulations for wireless communications facilities. The ordinance would regulate the deployment, construction, installation collocation, modification, operation, relocation, and removal of wireless communication facilities within the City, consistent with and to the extent permitted under federal and California state law. The proposed ordinance would be applicable city-wide. This ordinance has been determined to not be subject to the California Environmental Quality Act (CEQA).

Associate Planner Merideth and Michael Johnston, Telecom Law Firm, presented the staff report and PowerPoint presentation dated May 10, 2019 recommending the Planning Commission approve the resolution recommending that the City Council adopt the ordinance amending chapter 5 of title 9 of the Antioch Municipal Code establishing regulations for wireless communications facilities (WCFs).

In response to Commissioner Motts, Mr. Johnston explained that there was a new set of regulations that applied to small wireless facilities in the public right-of-way and those regulations stated that all the esthetic regulations had to be objective, reasonable, and no more burdensome than those imposed on other infrastructure deployments and published in advanced. He noted it had been in effect for one-month and was currently under challenge in the 9<sup>th</sup> Circuit Court of Appeals. He stated they had proposed objective standards that were reasonable and carriers had consistently deployed facilities in accordance with those standards.

Commissioner Martin questioned if the City would need to amend the ordinance if some other type of cell facility came online that was not defined by those listed in the ordinance.

Mr. Johnston stated that the ordinance and policy may potentially need to be amended; however, it was currently drafted to cover all of the regulatory classifications that the FCC had defined. He noted if the FCC created a new regulatory classification or technology developed a new facility, the standards in the policy could be amended for future use through a City Council resolution.

Commissioner Martin expressed concern that engineering studies regarding the maximum load capacity for street light/utility poles had not been required.

Mr. Johnston responded that the policy was not drafted to require a structural analysis as part of the discretionary review because the expectation was that it would occur through the encroachment permit process. He noted the CPUC regulated in this field and required applicants show that the new facility would not overload the pole. He further noted to address Commissioner Martin's concern; it could be added to the policy as part of the application process.

Commissioner Martin commented that he felt it would be appropriate to add the requirement.

In response to Vice Chair Schneiderman, Associate Planner Merideth explained that the current cell towers were regulated through Planning for private property and Engineering for public property.

Mr. Johnston added that cell facilities were subject to Use Permit and their firm helped evaluate some projects for compliance with Use Permit standards. He noted the policy before the Planning Commission provided specific standards for wireless facilities to help guide applicants and staff.

Commissioner Soliz stated that he appreciated the attempt to standardize the camouflaging of the antennas. He questioned how many small cell sites were located in Antioch.

Mr. Johnston responded that the majority of wireless deployment was occurring in the public right-of-way and small cells. He noted the engineering department had two existing agreements for deployment of these facilities on City owned street lights. He further noted the FCC restricted the amount of money the City could charge for access to that infrastructure.

Associate Engineer Warren added that there were four existing and four more approved facilities, on City owned street lights.

Chair Turnage opened the public hearing.

Cris Villegas, Global Network and Technology Verizon Wireless, thanked staff for their development of the ordinance and reported that their outside legal counsel had reviewed the document and provided comments. He gave a PowerPoint presentation which highlighted the discrepancies they found between the document and Federal as well as State law. He requested the Planning Commission make the following revisions to the ordinance:

- At most, notice should be provided to neighboring property owners for informational purposes only.
- That the right-of-way structure preferences simply favor the existing structures in the proposed list over new poles.
- That the City should permit up to five cubic feet of accessory equipment on the side of city owned assets and up to nine cubic feet on wood utility poles.
- That the City must allow new poles with antennas and small radio boxes mounted onto the pole, or, at a minimum, consult with Verizon Wireless regarding the integrated pole dimensions.
- That the cumulative volume limit be stricken.



- That they encourage the City to adopt a small cell permit fee that complies with the FCC's standards.

Mr. Villegas also provided examples of their small cell wireless facilities and the benefits of 5G technology. He requested the Planning Commission direct City staff to incorporate the proposed changes highlighted in the letter from Mackenzie & Albritton LLP on behalf of Verizon Wireless, provided to the Commission in the Memorandum dated May 14, 2019. He stated he looked forward to continuing to negotiate with the City, to enter into a master license agreement that will allow them to attach to their facilities.

In response to Commissioner Soliz, Mr. Villegas clarified that soliciting public comment would open the process up to subjectivity. Speaking to the examples of wireless facilities, he explained that they would be interested in attaching their equipment onto existing poles.

Commissioner Soliz questioned if it would be appropriate for the cell carriers to install street poles.

Mr. Villegas responded that they would like to have that conversation with staff so they could determine the exact dimensions for a street pole. Speaking to 5G service, he noted the first step would be to enter into a Master License Agreement with the City and then they would notify their engineers and it would be placed on a priority list.

In response to Commissioner Zacharatos, Mr. Villegas explained that they were launching 4G and 5G technology throughout California; however, there was more opposition in the western states.

In response to Chair Turnage, Mr. Johnston stated that Verizon was a regulated telephone corporation under State law and they would have the same rights as other carriers.

Chair Turnage closed the public hearing.

In response to Commissioner Motts, Mr. Johnston stated that requests from Verizon were not necessarily in the best interest of the City as the City was looking for a long-term plan to regulate esthetics. He noted the reason the ordinance was presented was that if limitations were insufficient, they could make changes almost immediately. He stated that Verizon was more actively engaged than other carriers at this stage of the process and they raised legal questions that had a different interpretation of the law than local governments. Speaking to whether the City could require Verizon to install a new street light, he explained that City's had esthetic discretion and in the absence of any state preemption that specifically said that they could not require them to deploy a street light facility; they assume they have the authority. Additionally, a standard was present in the event there was no other existing infrastructure to deploy; however, there was an exception that if a street light was inappropriate for the location, they could install an

integrated pole specifically designed as a standalone small cell. He concluded it was an esthetic regulation of last resort that would very rarely come into play and it was a questionable legal argument Verizon raised with respect to this standard. He noted there was an exception that they could install their own style of pole if it was more consistent with the surrounding area.

Chair Turnage stated that it seemed that the requested changes were due to interpretation of law that has been on the books for about a month and there is still review occurring.

Mr. Johnston explained that there were hundreds of municipal governments currently appealing the order of the 9th circuit and they expected a decision in 2020. Once that was done, the City could make a change quickly to comply with new law or revert to old law.

**RESOLUTION NO. 2019-15**

***On motion by Commissioner Martin, seconded by Commissioner Motts, the Planning Commission approved the resolution recommending that the City Council adopt the ordinance amending chapter 5 of title 9 of the Antioch Municipal Code establishing regulations for wireless communications facilities (WCFS) including adding a requirement for an engineering study on the feasibility as to whether poles would handle the load . The motion carried the following vote:***

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

- 4. Z-19-02 – Ordinance Prohibiting the Conversion of Mobilehome Parks from Senior Only to All-Ages Housing** – The City of Antioch is proposing amendments to Chapter 5 of Title 9 of the Antioch Municipal Code to prohibit the conversion of mobilehome parks from senior-only housing to all-ages housing. A moratorium on such conversion has been in place since August 8, 2017. The proposed ordinance would be applicable city-wide. This ordinance has been determined to not be subject to the California Environmental Quality Act (CEQA).

City Attorney Smith presented the staff report dated May 10, 2019 recommending that the Planning Commission adopt the resolution recommending approval of an ordinance prohibiting the conversion of senior mobilehome parks.

Commissioner Martin questioned if an ordinance needed to be drafted that would protect seniors in townhouses and condominiums.

City Attorney Thomas responded that an ordinance regulating townhouses falls outside the scope of this agenda item; however, he would be happy to look into it. He noted mobilehomes and mobilehome parks are a distinct entity and they were covered under mobile home laws. He further noted this was a price sensitive population and seniors were often well represented among those who are residents of mobile home parks. He stated he would not expand the case for discrimination beyond mobile home parks. He noted the question of whether it would be valid in other settings would require research. He further noted the City had discretion under its police powers to make these types of decisions around mobilehome parks and in this case when looking at senior only parks, they were in the current status of serving this population. He noted the question this evening was whether they should continue to provide that service to the senior only population because if not, it was likely there would be a lot of seniors without housing.

Chair Turnage opened the closed the public hearing with no requests to speak.

**RESOLUTION NO. 2019-16**

***On motion by Commissioner Martin, seconded by Commissioner Soliz, the Planning Commission adopted the resolution recommending approval of an ordinance prohibiting the conversion of senior mobilehome parks. The motion carried the following vote:***

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

5. **PD-06-04, UP-06-21, AR-06-17 – Ted Liu of Bedrock Ventures, Inc.** requests an amendment to condition of approval number 3 from Resolution 2008/29. The amendment would extend the expiration date of the approvals for the Final Planned Development, Use Permit, and design review to March 20, 2021. The project consists of retail and offices, located at Hillcrest Avenue and East Tregallas Road (APN: 052-100-069 and -068).

Planning Manager Morris presented the staff report dated May 10, 2019 recommending the Planning Commission deny request to extend the approvals of the Final Development Plan, Use Permit and Design Review for the Hillcrest Summit project.

In response to Commissioner Martin, Planning Manager Morris explained that zoning would not expire.

Commissioner Motts stated that he was in agreement with the recommendation from staff.

Chair Turnage opened the Public Hearing.

Ted Liu of Bedrock Ventures, Inc., gave a history of his application process. He noted that due to the downturn in the economy he could not build the project. He further noted that the only interest he received was from a self-storage facility; however, the City discouraged that type of project, at this location. He stated once eBART was completed they actively marketed the property. He noted he was working with a broker and they were meeting with potential joint venture development partners who were seriously interested in building out the project. He further noted he was sensitive to staff's point of view and explained that his intent was to ask for one last extension and he was willing to impose that this would be the final. He stated he was grateful that the Planning Commission chose not to limit the amount of extensions the last time they came before the Commission.

In response to Commissioner Soliz, Mr. Liu explained a one-year extension would be difficult due to the amount of time it would take to pull a building permit.

Commissioner Martin expressed concern for allowing another extension without proper mitigation for pollution, traffic and an updated environmental study that addresses current requirements.

Mr. Liu stated that his understanding was that if there was a denial of the extension this evening, he would have to start from the beginning and he had already invested well over \$300k and 2-years. He noted when he bought the property in 2006; he addressed the neighbors concerns and worked cooperatively with staff; however, when completed it was around the downturn in the economy. He expressed concern that if he started the process over and he may run into another downturn in the economy. He stated that currently the economy was good and he had an opportunity. He noted he was unsure of the financial impact if the City needed to revisit CEQA or traffic studies.

Commissioner Motts stated that he had no concern with the project; however, he was concerned with how to accomplish the project and meet new requirements.

Planning Manager Morris stated if the Planning Commission directed staff to bring back a resolution to extend the approvals it is arguable that that action was subject to CEQA so there would have to be CEQA findings to exempt that continuance or do CEQA, on that action. She noted if they updated or amended the original MND, the challenge with the way the ordinance was drafted was that if those mitigations resulted in significant changes to the development plan, that in itself could trigger a rezone because the project was no longer consistent with the original approvals. She noted anything considered a significant revision to the original approved project would trigger a rezone per the municipal code.

Chair Turnage closed the Public Hearing.

In response to Commissioner Soliz, Planning Manager Morris explained that if the project was extended for two-years and they came back with something other than what was originally proposed it would be a new project and new environmental analysis would be required.

In response to Chair Turnage, Planning Manager Morris clarified that if the original approvals were extended, the Planning Commission could modify conditions; however, they were discretionary acts that may be subject to CEQA. She noted that her understanding of CEQA was that if the Planning Commission had discretion and it was a discretionary action as defined as a project, it would be subject to CEQA. She further noted if it was the Planning Commissions direction to continue the item and pursue and extension, they could come back with whether it would be subject to CEQA.

Chair Turnage stated that the City wanted to make sure that all new projects would meet today's requirements and they did not want to see someone who invested in the City lose \$300k so if there was a way to satisfy both sides it would be worth continuing to get the answers.

Planning Manager Morris cautioned that if the Planning Commission added a condition that the project comply with current storm water regulations, those would require so much space that they could change the site and landscape plan, as well as the underlining design of the project because of site constraints. She noted staff has looked at a solution and they were fairly confident the extension would be subject to CEQA but they could confirm that for the Planning Commission.

Commissioner Soliz stated he would like to allow additional time for staff to determine if bringing the project into compliance with current regulations would trigger CEQA.

***On motion by Commissioner Soliz, seconded by Vice Chair Schneiderman, the Planning Commission continued PD-06-04, UP-06-21, AR-06-17 – Ted Liu of Bedrock Ventures, Inc. The motion carried the following vote:***

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

### **ORAL COMMUNICATIONS**

Commissioner Motts and Chair Turnage announced that they would not be in attendance at the June 5, 2019 Planning Commission meeting.

### **WRITTEN COMMUNICATIONS**

None.

**COMMITTEE REPORTS**

Commissioner Motts reported on his attendance at the TRANSPLAN meeting.

**ADJOURNMENT**

***Chair Turnage adjourned the Planning Commission at 8:25 P.M. to the next regularly scheduled meeting to be held on June 5, 2019.***

Respectfully submitted:

KITTY EIDEN, Minutes Clerk

**CITY OF ANTIOCH  
PLANNING COMMISSION**

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

**June 5, 2019  
City Council Chambers**

Vice Chair Schneiderman called the meeting to order at 6:30 P.M. on Wednesday, June 5, 2019 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, June 12, 2019.

**ROLL CALL**

Present: Commissioners Parsons, Soliz, Martin and Vice Chair Schneiderman  
Absent: Commissioners Motts, Zacharatos and Chair Turnage  
Staff: Senior Civil Engineer, Ken Warren  
Planning Manager, Alexis Morris  
Associate Planner, Zoe Merideth  
City Attorney, Thomas Smith  
Lieutenant, Desmond Bittner  
Minutes Clerk, Kitty Eiden

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

None.

**CONSENT CALENDAR**

1. **Approval of Minutes:** **None**

**NEW PUBLIC HEARING**

2. **UP-18-13 – Delta Dispensary Cannabis Dispensary** – Delta Dispensary is requesting a Use Permit for a cannabis dispensary with delivery. The project site is located at 2101 West Tenth Street. This project has been found to be Categorically Exempt from the requirements of the California Environmental Quality Act (APN 074-051-005).

Associate Planner Merideth presented the staff report dated May 31, 2019 recommending the Planning Commission approve the Use Permit (UP-18-13) for cannabis dispensary with delivery.

Rick, Dustin and Richard Hoke, Richards Construction and Business Park, gave a PowerPoint presentation of their project and discussed the medicinal benefits of cannabis use. They thanked the Planning Commission for consideration of their application and staff for their hard work, and recommendation.

Commissioner Martin thanked the applicant for providing the Commission with a floor plan of the project.

In response to Commissioner Martin, Mr. Hoke stated his family would be running the business, and they would be selling salves, lotions and cannabis.

Commissioner Soliz questioned if the applicant had any idea of what their ongoing benefit would be for Antioch and noted that this was an issue because the City was looking for ways to mitigate any potential impacts to police services. He expressed concern regarding the location of this business due to its close proximity to the Babe Ruth fields where children congregate and suggested the applicant mitigate that issue or relocate to a more appropriate location.

Commissioner Parsons commented that she looked at the separation issue and if you drew a circle around the project area, it would be within 600-feet of the sports fields; however, by means of travel it was not within the separation area. She stated she did not believe this project would impact children.

Vice Chair Schneiderman asked if Mr. Hoke had an advisor or consultant and if hours of operation would conflict with when children would be present at adjacent religious facilities.

Mr. Hoke responded that his consultant, Jason Teramoto, was present this evening. He reported that he has had conversations with the church and they had come to an agreement on how they would work around their service times.

Vice Chair Schneiderman opened the public hearing.

Fredric Webster, Attorney representing Masjid AbuBakr Muslim Community Center, stated their facility was 100-150-feet from this proposed operation and they were opposed to the opening of this cannabis dispensary. He reported they had approximately 400 members and he presented letters of objection to the Planning Commission signed by approximately 325 people. He noted section 9-5.3845 of the Antioch Municipal Code stated that a cannabis business shall be located no closer than 600-feet from a private/public school serving students Kindergarten through High School. He noted that they run a school in the context of teaching religion and therefore feel that they fall within that exception that there should be no close cannabis dispensary near them. He referenced the City's rules regarding tobacco and alcohol use permits, noting that they indicated that no use permit shall be issued within 500-feet of any school, park, recreational center, child care center or similar use. He commented that their Community Center was a similar use. He stated they were objecting to the issuance of any permits



with respect to this facility based on the fact that they had a community of 350-400 which included children that were present on a consistent basis. He noted they were also concerned about odors, traffic generation, and the hours of operation conflicting with their facility. In summary, he noted this application was not in conformance with the tenor and aspects with what the City wanted with respect to a cannabis dispensary being isolated away from members of the community and families. He reported that many members of the Community Center were present this evening because they did not want this business near their facility. He clarified that the Islamic religion did not support the use of alcohol or cigarettes and families would be able to witness this use next door to their Community Center.

In response to Vice Chair Schneiderman, Mr. Webster confirmed that the Muslim Community Center was gated; however, he noted that they participated in the surrounding area.

Commissioner Parsons stated that she had visited mosques and observed that they were not allowed to disseminate to the exterior of the facility. She questioned if it was the proximity or the use of the business that was objectionable. She explained that the business was prohibited from having any odor.

Mr. Webster explained that once the business was permitted, it was a difficult issue to marginalize and eliminate. He noted that it would be a taking without compensation which would be difficult and expensive for members of the Mosque should they wish to proceed in that direction. He clarified that the objection was the business being within 100-125 feet of their facility. He commented that the members of their community would have exposure to the dispensary and their customers as they arrived and left their facility. He questioned if vaping products would be subject to the Tobacco Use Ordinance. Additionally, he questioned what would prevent customers from consuming products outside of the business.

Commissioner Parsons explained that the business was prohibited from allowing the use of cannabis outside and if there was cannabis use outside of the business, they would be in violation of their Use Permit, and could be shut down. She encouraged Mr. Webster to wait to see if violations occurred and if so, voice objections at that time.

Mr. Webster stated that he felt it was too optimistic to believe that violations would not occur.

Commissioner Parsons stated that there were laws that prohibited violations and currently cannabis dispensaries were allowed in this area. She noted that the children who attended her church would not be wandering into the dispensary area and she would not allow her great grandchildren to wander beyond a barrier. She stated that she believed the two uses could work cooperatively.

Mr. Webster stated he believed Commissioner Parsons was being very optimistic and noted that not all parents were as vigilant with respect to their children. Additionally, he questioned why Community Center attendees would suddenly have to be vigilant, when this business would be changing their lives in violation of the intent and purpose of the City Ordinance. He stated he understood that it was an area designated for cannabis dispensaries; however, they were asking for compliance with the separation requirement and that it be located at least 600-feet from a Community Center where families congregated.

Commissioner Parsons stated that the cannabis business had the right to be at this location and the Community Center had control over their attendees.

Mr. Webster reiterated that he did not believe the cannabis business had the right to be located within 600-feet of where families participate in religious activities. He stated the City was now asking them to change their lifestyle so that they did not go near a business that was 125-feet away and in violation of the Antioch Municipal Code.

Commissioner Parsons stated that she understood Mr. Webster's concerns; however, she believed his argument was with the City Council who set parameters that did not include religious facilities. She stated Council provided the rules that the Planning Commission were guided by and they were not allowed to deny the Use Permit based on this location.

Mr. Webster stated if the Commission would not issue a permit for a smoke shop within 500- yards of a Child Care Center or similar use, how could they now say they were authorized to approve a cannabis dispensary within 125-feet of the Community Center.

Commissioner Parsons reiterated that the Planning Commission was authorized to recommend to the City Council that they approve this cannabis use under the rules that were given.

Amer Abusafieh, Walnut Creek resident, stated he stood in opposition to the dispensary noting the location being within 100-feet of the Muslim Community Center was unacceptable. He noted approximately 100 children played in the yard in celebration of Ramadan. He stated it was within the Planning Commission's purview to accept or reject this use permit. He announced that they would have 20-times more people at the next meeting, on this issue, to stand in opposition.

Tangir Choudhary, Brentwood resident, stated that they did not just stay indoors at the Community Center because they came there to socialize and the children came to learn. He noted the children were allowed to play in the parking lot and he was concerned that they could witness someone from the dispensary, partaking in the item they just purchased and leaving the area intoxicated.

Richard Azhammour, Antioch resident, stated that if they had a Cannabis use next door to their Mosque, they would have to change their ways and place cameras on the property to prove when violations occurred. He questioned if Mr. Hoke discussed their project with the Mosque. He reiterated that children used the outdoor area for play and the fence was shared with the Cannabis Dispensary property. He questioned what the policy was for dispensary patrons using their products outside on the property.

Commissioner Parsons reiterated that Council had not included churches in their parameters and the next step would be for the Mosque to voice their concerns to the City Council.

City Attorney Smith mentioned that during public comment a brief response was acceptable; however, they wanted to allow speakers to provide their comments without engaging in extensive dialogue.

Armando Cableron, Antioch resident, discussed his criminal history and noted that he was reformed which he attributed to the Muslim Community Center. He noted placing this business next to a place of worship was unacceptable because of potential crimes that it may bring. He further noted that in the past he had witnessed criminal activity occurring at cannabis clubs. He stated he was opposed to having this business 100-feet from the Community Center.

Mohammad Musazay, Antioch resident, stated he was speaking in opposition to the Use Permit. He noted that it was a very active Community Center and his child was present most of the time.

Vice Chair Schneiderman questioned if the Community Center was a school.

Mr. Musazay responded that his child attended the Community Center during the summer time.

Sammy Natshah provided written comment explaining that he believed the dispensary was too close to the Muslim Community Center.

Omar Alsugire, Antioch resident, stated it was his understanding that there were two dispensaries next to the Mosque and economically he did not know how this dispensary would help the community. He suggested the space be utilized as a supermarket.

Jason Teramoto, Lead Consultant for the Hoke family, discussed his professional history. In responding to previous comments, he clarified the dispensary would be a family operated business and products would include vaping, flowers, edibles, and tinctures. He noted the public benefit was included in the Development Agreement and the framework for it had been established. He provided a diagram of the 600-foot radius and noted that the Babe Ruth field was outside the 600-foot radius and the path to get there was prohibitive. He stated they have had an open door policy to address complaints since the application was filed and he had just found out about the Community Center's grievances

on June 3, 2019. He reported that he made an attempt to introduce himself to them today. He commented that at no point during the process did they receive any concerns from the Community Center and they would be happy to discuss any mitigating factors to address their concerns. He commented that they would be providing public information on drug diversion and rehabilitation programs. He mentioned that he was included in one of the drafting groups for Proposition 64.

Vice Chair Schneiderman closed the public hearing.

In response to Commissioner Parsons, Lieutenant Bittner reported that the security plan was reviewed by Captain Morefield and determined to be adequate for the site.

Vice Chair Schneiderman questioned if a wall placed between the Community Center and the Cannabis Dispensary would mitigate the potential impacts.

Lieutenant Bittner stated that he was not familiar enough with site to comment.

Commissioner Parsons suggested that the applicant discuss the use of landscaping material to block the view between the uses with members of the Mosque.

In response to Commissioner Martin, City Attorney Smith clarified that Mosques and religious institutions were not included in the protected uses that would be within the 600-foot separation requirement. Planning Manager Morris responded that as conditioned they could make the findings to approve the Use Permit and determine that it was consistent with the Antioch Municipal Code. City Attorney Smith reported that this use was legal and the applicant was required to have a security plan. Senior Planner Morris stated this application would not be the approval of the sale of illegal drugs and the security plan was subject to an annual audit. She noted any illegal activities would be subject to law enforcement. She confirmed that this hearing was properly noticed.

Commissioner Soliz stated rules were set forth by Council to assure that these businesses did not locate in close proximity to children; however, this project was 280-feet from the Babe Ruth fields and within 150-feet from the Mosque, and Victory Outreach Church. He noted that even though the Ordinance as written may not specifically say to keep it away from these uses, that was where it was going. He explained that cannabis dispensaries remained illegal under Federal law, which superseded State law. He stated he believed there were major issues that needed to be addressed in this proposal and building a wall or planting landscaping would not mitigate the fact that it was located in close proximity to where children congregate. He stated he believed there were probably better places for this facility. He voiced his support for having this item go to the City Attorney's office for further clarification, as to whether the sports fields qualified as a park and whether the congregations of people at the Mosque and Victory Outreach were a violation of the Ordinance. He stated if it went forward to Council, they would not take the time to review the outstanding issues and valid points were raised that warranted further discussion. He reiterated that he was very concerned with the business being in close proximity to children and that the applicant had not addressed the economic benefit to the

City. He questioned if Council had provided the parameters with regards to which taxation rate would apply to these businesses. He commented that a Development Agreement was not included in the proposal.

Planning Manager Morris clarified that the Planning Commission this evening was making a recommendation and regardless of the outcome of the vote, this item would go to Council.

City Attorney Smith clarified that the ordinance applied to city-owned parks; therefore, the Babe Ruth Sports fields would not be included.

Vice Chair Schneiderman reported that she had driven by the property and witnessed children playing in the parking lot. She noted that she would support mitigation to satisfy the speakers concerns with regards to the children at the adjacent Mosque and church.

Commissioner Parsons stated that Council should review the parameters defined of the Ordinance because child care centers within churches and mosques were not defined.

In response to Commissioner Parsons, Planning Manager Morris explained that the Planning Commission was being asked to make a recommendation to the City Council on the Use Permit application which was the land use entitlement to allow the operation of a cannabis dispensary at this location. She noted in order for the City Council to approve the project, they would have to make the findings that were no negative impacts of this project on the City and that it was consistent with the City's codes and requirements.

A motion was made by Commissioner Soliz to deny the Use Permit (UP-18-13) for the cannabis dispensary with delivery. The motioned died for the lack of a second.

**RESOLUTION NO. 2019-17**

***On motion by Commissioner Martin, seconded by Commissioner Parsons, the Planning Commission recommended the City Council approve the Use Permit (UP-18-13) for cannabis dispensary with delivery. The motion carried the following vote:***

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

Commissioner Martin stated he made the previous motion with the understanding that the applicant followed the requirements. He suggested Council revisit whether there should be other exceptions within the overlay district. He questioned whether a second formal recommendation could be made to the Council.

City Attorney Smith responded that Commissioner Martin's concern regarding the overlay district would likely be taken up by Council; however, if he wanted to make a separate recommendation, he asks that it be condensed so specific concerns were noted.

***On motion by Commissioner Martin, seconded by Commissioner Parsons, the Planning Commission recommended the City Council review all of the restrictions that may need to be reconsidered in the cannabis overlay district and not just those currently listed. The motion carried the following vote:***

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

**ORAL COMMUNICATIONS**

None.

**WRITTEN COMMUNICATIONS**

None.

**COMMITTEE REPORTS**

None.

**ADJOURNMENT**

***On motion by Commissioner Martin, seconded by Commissioner Parsons, the Planning Commission adjourned the meeting. The motion carried the following vote:***

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

***The meeting was adjourned at 7:49 P.M. to the next regularly scheduled meeting on June 19, 2019 at 6:30 P.M.***

Respectfully submitted:  
KITTY EIDEN, Minutes Clerk

**STAFF REPORT TO THE PLANNING COMMISSION  
FOR CONSIDERATION AT THE MEETING OF JULY 17, 2019**

**Prepared by:** Ken R. Warren, Project Manager *kw*  
**Approved by:** Jon Blank, Public Works Director/City Engineer *JB*  
**Subject:** Resolution Approving a Private Street Name Change from "Angelina Rose Place" to "TreVista Place"

**RECOMMENDATION**

It is recommended that the Planning Commission approve a resolution changing a private street name from "Angelina Rose Place" to "TreVista Place".

**BACKGROUND INFORMATION**

Trellis Real Estate Group, owner of TreVista Senior Living & Memory Care facility, has requested that the private street/driveway known as "Angelina Rose Place" located at 3950 Lone Tree Way be changed to "TreVista Place".

The proposed new street name has been reviewed and approved by the City Engineer, the Fire Department and the Police Department, and complies with Antioch Code of Ordinances §9-4.615.1.

Should the Planning Commission approve the street name change, Government Code §34091.1 requires that the City Council adopt a resolution approving the street name change. A public hearing is not required. Should the City Council adopt the resolution, Government Code §34092 requires that the City Clerk promptly forward a copy of the resolution to the Board of Supervisors.

Approval of this street name change will not affect the addresses of any existing businesses or properties.

**FINANCIAL IMPACT**

None. The costs associated with processing this request and constructing the new street name sign are being paid by the applicant.

**ATTACHMENTS**

A: Resolution  
B: Vicinity Map

# ATTACHMENT "A"



**RESOLUTION NO. 2019-\*\***

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH  
APPROVING A PRIVATE STREET NAME CHANGE FROM “ANGELINA ROSE  
PLACE” TO “TREVISTA PLACE”**

**WHEREAS**, the Planning Commission received a request from Trellis Real Estate Group, owner of TreVista Senior Living & Memory Care facility, to change a private street/driveway known as “Angelina Rose Place” located at 3950 Lone Tree Way to “TreVista Place”.

**NOW THEREFORE BE IT RESOLVED** that the Planning Commission of the City of Antioch does hereby **APPROVE** the request to change the private street/driveway name from “Angelina Rose Place” to “TreVista Place”.

\* \* \* \* \*

**I HEREBY CERTIFY** that the foregoing resolution was passed and adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 17<sup>th</sup> day of July 2019.

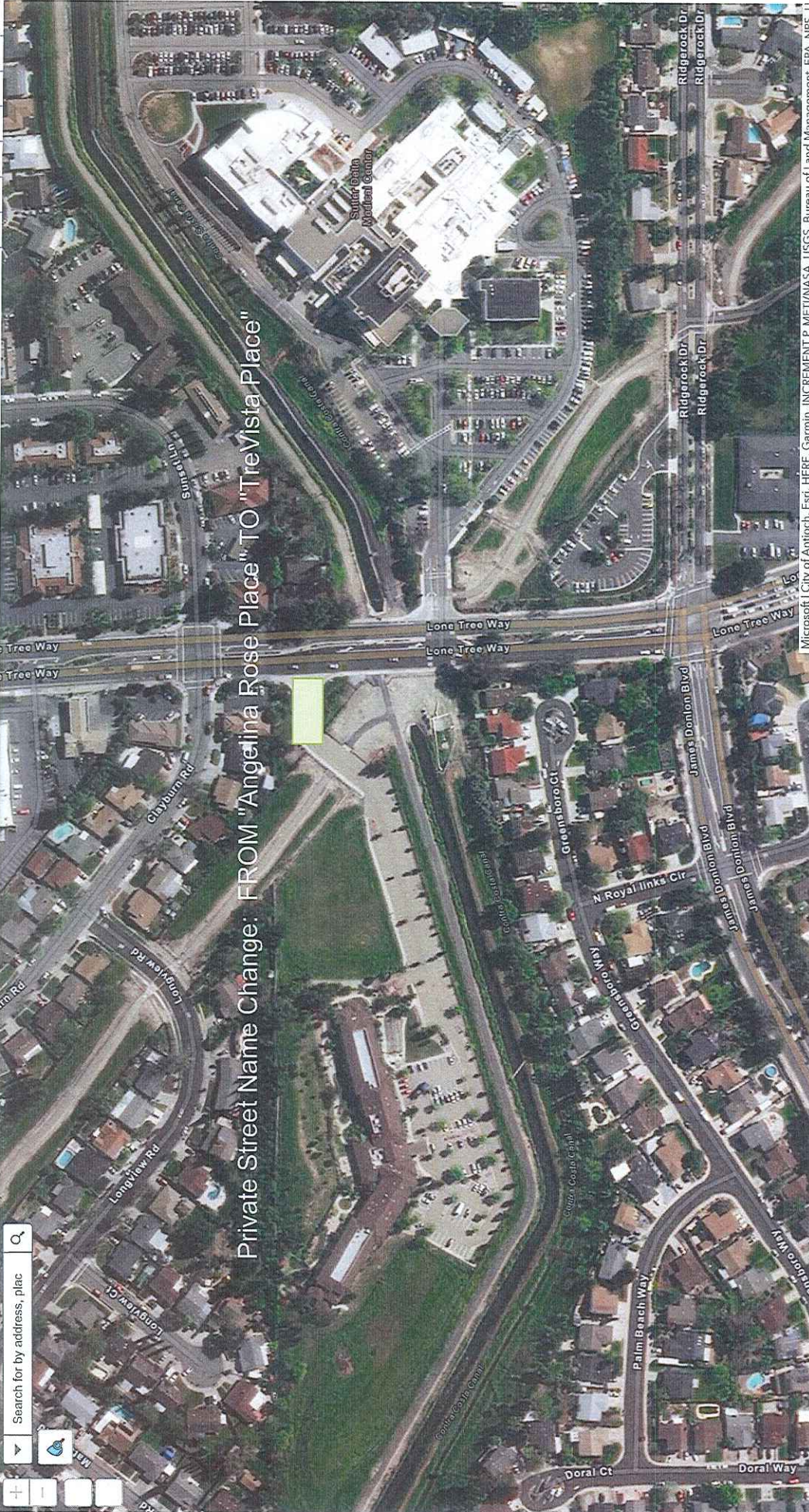
**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

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FORREST EBBS,  
Secretary to the Planning Commission

# ATTACHMENT “B”





Private Street Name Change: FROM "Angelina Rose Place" TO "TreVista Place"



**STAFF REPORT TO THE CITY OF ANTIOCH PLANNING COMMISSION  
FOR CONSIDERATION AT THE MEETING OF JULY 17, 2019**

**Prepared by:** Kevin Scudero, Associate Planner *8*  
**Reviewed by:** Alexis Morris, Planning Manager *9*  
**Date:** July 12, 2019  
**Subject:** UP-19-01, V-19-02, AR-19-02 Jack In The Box

**RECOMMENDATION**

It is recommended that the Planning Commission **APPROVE** a use permit, variance and design review application allowing the construction of a new Jack In The Box restaurant, located at 2505 A Street, subject to the conditions contained in the attached resolution.

**REQUEST**

Jack In The Box requests approval of a use permit, variance and design review application to demolish their existing building and construct a new Jack In The Box restaurant on the site. The subject property is located at 2505 A Street (APN 068-142-222) (UP-19-01, V-19-02, AR-19-02).



## **ENVIRONMENTAL**

This project has been deemed categorically exempt from the provisions of CEQA pursuant to Article 19, Section 15302 – Replacement or Reconstruction of Existing Structures.

## **ANALYSIS**

### **Issue #1: Project Overview**

The proposed project includes the demolition of the existing 2,175 square foot Jack In The Box restaurant and construction a new 2,847 square foot restaurant in its place. The project requires a variance to place the building in the required front yard setback. As part of the new building layout, the existing outdoor dining patio will be removed and additional landscaping will be added to the site. The applicant's project description is included as Attachment B.

### **Issue #2: General Plan, Zoning Consistency and Land Use**

The General Plan designation of the property site is Neighborhood Commercial. The site is zoned Neighborhood/Community Commercial (C-2), which is intended to accommodate various types of retail and commercial uses. A drive thru restaurant requires the approval of a use permit

The surrounding land uses and land use designations are as noted below:

North: Chevron Gas Station / Neighborhood Community Commercial District(C-2)  
South: State Route 4  
East: Multi-Family Housing / Medium Density Residential District (R-20)  
West: A St., Church / Single Family Residential District (R-6)

### **Issue #3: Site Plan, Circulation and Parking**

The proposed site plan is essentially unchanged from how the site currently functions. The new building takes up a slightly larger footprint as the existing building and the driveways, drive aisles and parking spaces are in the same location. Section 9-5.1703.1 of the Antioch Municipal code requires fast food restaurants to have 1 parking space per 50 square feet of dining area, as well as one space per employee on the largest shift. The restaurant has 843 square feet of dining space and eight employees on the largest shift which results in 25 required parking spaces. The site plan proposed by the applicant has 25 parking spaces thereby meeting the Municipal Code requirements for off-street parking. In addition to off street parking, drive-thru lanes have to provide a minimum of 6 queuing spaces for vehicles. The site as proposed provides queuing space for eight cars, which exceeds the Municipal Code requirements.

#### **Issue #4: Architecture, Design & Landscaping**

The proposed building design has a contemporary, clean feel that will enhance the overall look of the site. The finishes on the exterior will be a mixture of stucco, tile and branding panels. According to the applicant, the branding panels are a Jack In The Box trademark look which have colored backlighting that creates a “soft glow” appearance, and the color can be changed based on the time of day. The main stucco colors are “Mindful Gray” and “Red Bay” with “Black Fox” as an accent color and the tile color is “Sweet Georgia Brown.” The height of the parapet walls will vary to provide variation in the roof lines, as well as providing screening of the rooftop equipment.

#### Signage

The proposed building signage shows four “Jack In The Box” logo signs. The signs are located on the north, south, east, and west elevations. Section 9-5.512 of the Antioch Municipal Code only allows signage to be placed on the sides of the building that have street frontage. Therefore, staff has conditioned that the sign on the east elevation be removed and the signs that front Bryan Avenue, A Street, and the Highway 4 off-ramp will remain. No changes to the existing monument sign are being proposed; however, the material at the base of the monument sign is not architecturally compatible with the new building materials. Staff has added a condition that the material at the base of the monument sign be changed to be architecturally compatible with the new building.

The applicant is also proposing two display poster panels on the west building elevation facing A Street. Section 7.3.1a of the Citywide Design Guidelines limits building signage to “only the name or nature of the business and/or a highly recognizable logo” therefore staff has conditioned that the display poster panels be removed.

#### Trash Enclosure and Masonry Wall

The existing trash enclosure on site is not being relocated as part of the project. The trash enclosure is constructed of solid masonry material with heavy gauge metal gates and a roof that covers the entire enclosure which meets the refuse storage area design guidelines outlined in Section 9-5.1401 of the Antioch Municipal Code. The project is proposing a stucco finish over the existing trash enclosure to match the building. Staff has conditioned that the stucco finish on the trash enclosure and the masonry wall along the east property line be painted “Mindful Gray” to match the building.

#### Branding Panels

In addition to the stucco and tile exterior finishes the applicant is also proposing branding panels along the north, south and west elevations. The design of the branding panels is acceptable, but there are concerns regarding the illumination of the panels and how much light they will emit. Staff requested additional information from the applicant about how bright the illumination will be to ensure that the panels would not have an adverse effect on surrounding residential properties. The applicant was unable to provide any additional

lighting information; therefore, staff is recommending that the branding panels not be illuminated. A photo of the illuminated branding panels is included as attachment “D” to the staff report.

### Landscaping

The project includes new landscaping in the front and rear of the new building, as well as around the base of the existing monument sign. The proposed landscaping is a mix of drought tolerant trees, shrubs and ground cover that are consistent with the Citywide Design Guidelines. No changes are being proposed to the existing landscape strip along the A Street frontage which currently contains two flowering pear trees and assorted shrubs. Staff has conditioned that two additional flowering pear trees be added to the southern end of the landscape strip.

### **Issue #5: Variance Request**

The applicant is requesting a variance from the required front yard setback specified in the Antioch Municipal Code. Section 9-5.601 of the Antioch Municipal Code requires non-residential uses in the C-2 zoning district fronting a local street to have a 20-foot setback reserved for landscaping. The proposed site plan has a 7-foot landscape frontage with a 7-foot patio area which results in the building being setback 14 feet from the property line. The current building at the site has no landscape frontage and the patio extends all the way to the property line.

To approve a variance, four findings must be made (Antioch Municipal Code Section 9-5.2703). If an application can meet all four of the findings, then the variance can be granted. Conversely, if any one of the findings cannot be made, the variance should be denied.

The four findings and their applicability to the variance request for an encroachment into the required front yard setback are as follows:

- 1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity.**

This is a pre-existing small lot with limited ability to fit the building, parking and landscaping on the site. The existing facility was originally approved with a dining patio in the required front yard setback and extended all the way to the property line with little negative impact to adjacent properties. The new building layout adds landscaping to the frontage while reducing the patio area and eliminating the outdoor dining.

2. **That the granting of such variance will not be materially detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.**

The proposed building will not adversely affect the property because it will create a safer environment. The abandoned patio area has become a place where people congregate after business hours. This problem will be reduced with the added landscape to the frontage and the elimination of the outdoor dining patio.

3. **That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the zoning provisions is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under the identical zone classifications.**

In order to preserve the required drive-thru stacking, the building had to be oriented as shown on the site plan. This also helps the overall circulation of the site and removes the area available for people to congregate after hours.

4. **That the granting of such variance will not adversely affect the comprehensive General Plan.**

The proposed use of the project site is consistent with the General Plan designation of Neighborhood Commercial. The applicant's request would not adversely affect the comprehensive General Plan.

## **ATTACHMENTS**

- A: Resolution
- B: Project Description
- C: Elevations
- D: Lighted Branding Panels



# ATTACHMENT "A"

**CITY OF ANTIOCH PLANNING COMMISSION  
RESOLUTION NO. 2019-\*\***

**WHEREAS**, the Planning Commission for the City of Antioch did receive a request for approval of a use permit, variance and design review application from Jack In The Box to demolish their existing restaurant and construct a new 2,847 square foot restaurant on their site. The project site is located at 2505 A Street (APN 068-142-222) (UP-19-01, V-19-02, AR-19-02).

**WHEREAS**, this project has been deemed Categorical Exempt from CEQA under Article 19, Section 15302 – Replacement or Reconstruction of Existing Structures; and,

**WHEREAS**, the Planning Commission duly gave notice of public hearing as required by law; and,

**WHEREAS**, the Planning Commission on July 17, 2019, duly held a public hearing, received and considered evidence, both oral and documentary; and,

**NOW THEREFORE IT BE RESOLVED** that the Planning Commission does hereby make the following findings for approval of a Use Permit:

1. The granting of such Use Permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

The site is currently developed with a Jack In The Box restaurant and the use of the site is not changing. Adequate parking and vehicle queuing for the proposed use is provided on-site. The proposed project will not be detrimental to the public health or welfare or injurious to the property or improvements.

2. The use applied at the location indicated is properly one for which a Use Permit is authorized.

The site is zoned Neighborhood Commercial (C-2) which allows drive-thru restaurants with a Use Permit.

3. The site for the proposed use is adequate in size and shape to accommodate such use, and all parking, and other features required.

The project has been designed to accommodate ordinary vehicle traffic and meets the required parking for the proposed use. Further, the queue for the drive-thru meets the Municipal Code requirements.

4. That the site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use.

The project site is located at the corner of A Street and Bryan Avenue. Both streets are adequate in width and pavement type to carry the traffic generated by the proposed use.

5. The granting of such Use Permit will not adversely affect the comprehensive General Plan.

The use will not adversely affect the comprehensive General Plan because the project is consistent with the General Plan designation for the site of Neighborhood Commercial.

**BE IT FURTHER RESOLVED** that the Planning Commission does hereby make the following findings for the approval of a Variance from the required 20-foot front yard setback:

1. **That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity.**

This is a pre-existing small lot with limited ability to fit the building, parking and landscaping on the site. The existing facility was originally approved with a dining patio in the required front yard setback and extended all the way to the property line with little negative impact to adjacent properties. The new building layout adds landscaping to the frontage while reducing the patio area and eliminating the outdoor dining.

2. **That the granting of such variance will not be materially detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.**

The proposed addition will not adversely affect the property because it will create a safer environment. The abandoned patio area has become a place where people congregate after business hours. This problem will be reduced with the added landscape to the frontage and the elimination of the outdoor dining patio.

3. **That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the zoning provisions is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under the identical zone classifications.**

In order to preserve the required drive-thru stacking, the building had to be oriented as shown on the site plan. This also helps the overall circulation of the site and removes the area available for people to congregate after hours. This property is located in an older area where several other properties in the vicinity do not meet the current required front yard setback.

**4. That the granting of such variance will not adversely affect the comprehensive General Plan.**

The applicant's request would not adversely affect the comprehensive General Plan.

**NOW THEREFORE BE IT RESOLVED** that the Planning Commission of the City of Antioch does hereby **APPROVE** UP-19-01, V-19-02, AR-19-02 to allow the construction of a new Jack In The Box drive-thru restaurant located at 2505 A Street (APN 068-142-222) subject to the following conditions:

**A. GENERAL CONDITIONS**

1. The project shall comply with the Antioch Municipal Code. All construction shall conform to the requirements of the California Building Code and City of Antioch standards.
2. The applicant shall defend, indemnify, and hold harmless the City in any action brought by a third party to challenge the land use entitlement. In addition, if there is any referendum or other election action to contest or overturn these approvals, the applicant shall either withdraw the application or pay all City costs for such an election.
3. The project shall be implemented as indicated on the application form and accompanying materials provided to the City and in compliance with the Antioch Municipal Code, or as amended by the Planning Commission.
4. No building permit will be issued unless the plan conforms to the project description and materials as approved by the Planning Commission and the standards of the City.
5. This approval expires two years from the date of approval (expires July 17, 2021), unless a building permit has been issued and construction has diligently commenced thereon and has not expired, or an extension has been approved by the Zoning Administrator. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than one, one-year extension shall be granted.

6. 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.
7. This approval supersedes previous approvals that have been granted for this site.
8. The general contractor shall install and maintain the erosion and sedimentation devices around the work premises per NPDES law
9. All required easements or rights-of-way shall be obtained by the applicant at no cost to the City of Antioch. Advance permission shall be obtained from any property or easement holders for any work done within such property or easements.
10. City staff shall inspect the site for compliance with conditions of approval prior to final inspection approval.
11. The applicant shall obtain an encroachment permit for all work to be done within the public right-of-way or easement, and peak commute-hour traffic shall not be impeded by construction-related activity.
12. All existing easements shall be identified on the site plan and all plans that encroach into existing easements shall be submitted to the easement holder for review and approval, and advance written permission shall be obtained from any property owner or easement holder for any work done within such property or easement.

**B. CONSTRUCTION CONDITIONS**

1. The use of construction equipment shall be restricted to weekdays between the hours of 8:00 a.m. and 5:00 p.m., or as approved in writing by the City Manager.
2. The project shall be in compliance with and supply all the necessary documentation for AMC 6-3.2: Construction and Demolition Debris Recycling.
3. Driveway access to neighboring properties shall be maintained at all times during construction.
4. Standard dust control methods shall be used to stabilize the dust generated by construction activities.

**C. PROPERTY MAINTENANCE**

1. A parking lot sweeping program shall be implemented that, at a minimum, provides for sweeping immediately prior to the storm season and prior to each storm event.
2. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.
3. No signs shall be installed on this site without prior City approval.
4. All cracked, broken or damaged concrete curb, gutter and/or sidewalks in the public right-of-way along the project frontage shall be removed and replaced as required by the City Engineer and at no cost to the City.
5. Any undeveloped areas on-site shall be maintained in an attractive manner which ensures fire safety and prevents any runoff onto the adjacent sidewalks.

**D. AGENCY REQUIREMENTS**

1. All requirements of the Contra Costa County Fire District shall be met.

**E. FEES**

1. The applicant shall pay all fees as required by the City Council.
2. The developer shall pay all required fees at the time of building permit issuance.

**F. GRADING**

1. The grading operation shall take place at a time, and in a manner, so as not to allow erosion and sedimentation. Erosion measures shall be implemented during all construction phases in accordance with an approved erosion and sedimentation control plan.
2. The final grading plan for this development shall be approved by the City Engineer and signed by a California licensed civil engineer. No grading is allowed without a grading permit issued by the Building Department.
3. All elevations shown on the grading and improvement plans shall be on the USGS 1929 sea level datum or NAVD 88 with conversion information, or as approved by the City Engineer.

**G. UTILITIES**

1. All existing and proposed utilities (e.g. transformers and PMH boxes) shall be undergrounded and subsurface in accordance with the Antioch Municipal Code, except existing P.G.& E. towers, if any, or as approved by the City Engineer.
2. All storm water flows shall be collected onsite and discharged into an approved public storm drain system.
3. Trash enclosures shall drain to sanitary sewer and shall incorporate methods to contain runoff at the front-gate and pedestrian access point to prevent storm water from entering the enclosure.
4. The sewer collection system shall be constructed to function as a gravity system.
5. A reduced pressure backflow preventer assembly shall be installed on all City water meter services.
6. Double detector check fire line backflow assemblies shall be enclosed within an easement granted to the City, as needed, and at no cost to the City.
7. The developer shall provide adequate water pressure and volume to serve this development, as approved by the City Engineer. This will include a minimum residual pressure of 20 psi with all losses included at the highest point of water service and a minimum static pressure of 50 psi.
8. All onsite utilities shall be privately maintained and connected to public facilities in accordance with City Standards, or as approved by the City Engineer.
5. All proposed drainage facilities, including open ditches, shall be constructed of Portland Concrete Cement or as approved by the City Engineer.

**H. LANDSCAPING**

1. Sight distance triangles shall be maintained per AMC § 9-5.1101, Site Obstructions at Intersections, or as approved by the City Engineer. Landscaping and signage shall not create a sight distance problem.
2. Detailed landscaping and irrigation plans for the entire site shall be submitted to the City for review and approval. All landscaping and irrigation shall be installed in accordance with approved plans prior to the issuance of certificates of occupancy for this building.

3. Landscaping for the project shall be designed to comply with the applicable requirements of City of Antioch Ordinance No. 2162-C-S The State Model Water Efficient Landscape Ordinance (MWELo). Prior to issuance of a building permit, the applicant shall demonstrate compliance with the applicable requirements of the MWELo in the landscape and irrigation plans submitted to the City.
4. Landscape shall show immediate results. Landscaped areas shall be watered, weeded, pruned, fertilized, sprayed, and/or otherwise maintained as necessary. Plant materials shall be replaced as needed to maintain the landscaping in accordance with the approved plans.
5. All trees shall be a minimum 15-gallon size and all shrubs shall be a minimum 5-gallon size.
6. Two additional flowering pear tree shall be added to the southern end of the landscape strip along A Street.

**I. PROJECT SPECIFIC CONDITIONS**

1. This use permit, variance and design review approval applies to the construction of a new 2,847 square foot Jack In The Box Drive-Thru Restaurant at 2505 A Street as depicted on the project plans submitted to the City of Antioch on February 14, 2019.
2. The proposed “Jack In The Box” sign on the east elevation and the display poster panels on the west elevation shall be removed.
3. The branding panels located on the building shall not be illuminated.
4. The existing trash enclosure shall be covered with stucco and painted “Mindful Gray” to match the building. The fence privacy slats around the trash enclosure and roof shall also be painted “Mindful Gray” to match the building. The black metal gate shall remain as is.
5. The masonry wall on the east property line shall be painted “Mindful Gray” to match the building.
6. The parking lot shall be slurry sealed and re-stripped to the satisfaction of the City Engineer. Parking spaces shall be double-striped per AMC § 9-5.1719.
7. The rear of all parapets shall be finished in same colors and materials as the exterior of building.



8. Any cracked or broken sidewalks shall be replaced as required by the City Engineer.
9. All rooftop mechanical equipment shall be screened from the public right-of-way and the residential properties to the west of the subject property. A line of sight study shall be submitted with the building permit submittal confirming the equipment is screened.
10. Asphalt paving shall have a minimum slope of two percent (2%), concrete paving shall have a minimum slope of 0.75%, except asphalt paving for identified accessible parking stalls and access routes shall have a minimum slope of 1.5% and a maximum slope of 2%, or as approved by the City Engineer.
11. All on-site curbs, gutters and sidewalks shall be constructed of Portland cement concrete.
12. The materials at the base of the monument sign shall be changed to be architecturally compatible with the new building. A revised monument sign plan shall be submitted with the permit submittal and be subject to the review and approval of the Zoning Administrator.

\* \* \* \* \*

**I HEREBY CERTIFY** the foregoing resolution was duly adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 17th day of July 2019.

---

**Forrest Ebbs**  
**Secretary to the Planning Commission**

# ATTACHMENT "B"

February 13, 2019

Kevin Scudero  
City of Antioch Planning  
200 H Street  
Antioch, CA 95677

RE: Jack in the Box; 2505 A Street - Project Description

Dear Mr. Scudero:

Jack in the Box completed an interior tenant improvement project at this site in early 2010. In 2017 they secured Planning and Building permits for exterior façade improvements which included an addition to the existing building, which required a Variance, as well as a complete interior reimage. Prior to beginning construction Jack in the Box determined that completely demolishing the existing building and rebuilding a newer more contemporary building in its place would create a more desirable site environment for Jack in the Box, their customers, and the City of Antioch. The new look has a contemporary clean feel that will enhance the experience of the patrons and the appearance of the overall neighborhood. All ADA aspects of the site and building will be brought up to current code requirements.

The project proposes demolishing the existing 2,175 sq. ft. building and constructing a new 2,847 sq. ft. building in its place. The larger building will encroach into the required building setback along Bryan Ave. which will require a Variance for approval. The finishes on the exterior will be a mixture of stucco, tile, and branding panels. These branding panels are a Jack in the Box trademark look which have colored backlighting that creates a soft “glow” appearance, and the color can be changed based on the time of day. The parapets will be built to a height to screen the existing rooftop equipment. The height will vary to give the building additional dimension. New updated LED lights will also add to the appeal of the new elevations. New ADA accessible parking stalls and path of travel from the public right-of-way will also be installed.

The proposed project will not change the overall site circulation, and parking lot and landscape area will be modified as necessary. The new building will be placed in the same basic location and orientation and the old. We believe the proposed project will greatly enhance the site visually, and create a more appealing and inviting environment for the neighborhood

Thank you,  
Greg Borchardt  
PM Design Group

# ATTACHMENT “C”



**in the box.**  
 1500 JACKSON ST.  
 SAN DIEGO, CA 92103  
 © 2007 Jack in the Box Inc.  
 All rights reserved. No part of this document may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or by any information storage and retrieval system, without the prior written permission of Jack in the Box Inc.

DATES	
RELEASE:	021. 02. 2017
PAL. UPDATES:	SEP. 26. 2018
SUBMITTAL DATE:	
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REVISIONS	
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**PJM DESIGN**  
 Architectural  
 Solutions Group  
 6909 GARDENWAY  
 ROCKLAND, CA 95477  
 (714) 833-5338  
 info@pjm-design.com  
 100% Paperless Practice

SITE INFORMATION	
MARK TYPE:	MODEL: MD
JOB #:	2505
ADDRESS:	2505 A STREET IRVING, CA 94039
DRAWN BY:	
PROJECT #:	JL1818077.0
SCALE:	AS NOTED

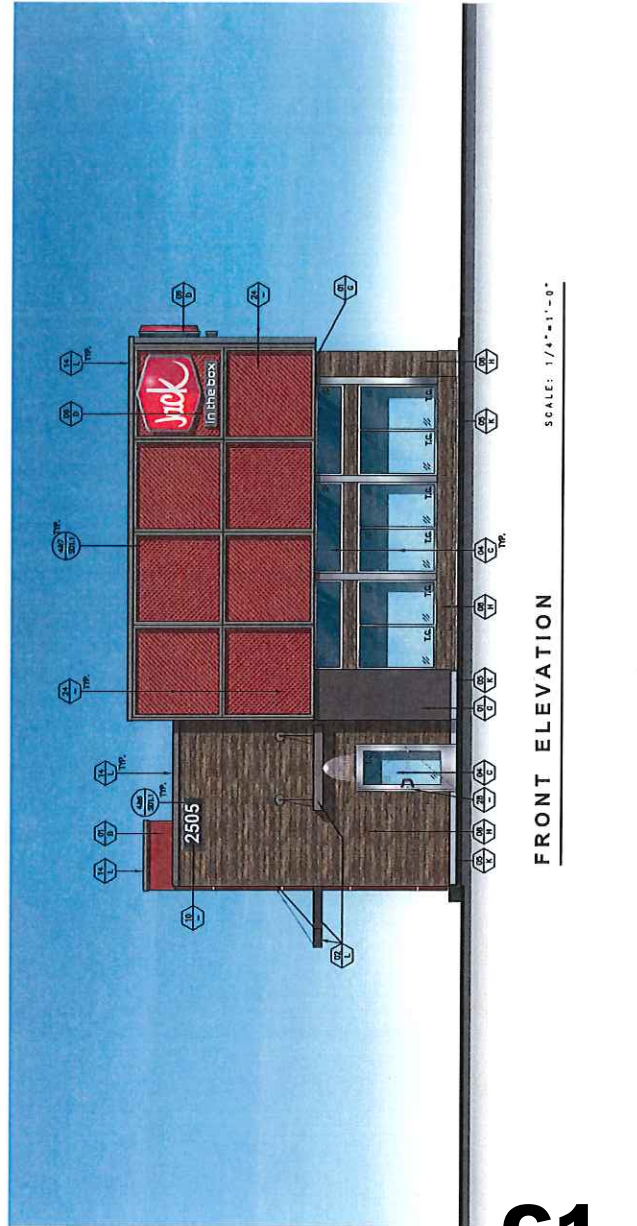
**EXTERIOR ELEVATIONS**  
**A4.0**



**LEFT ELEVATION**

**EXTERIOR FINISH SCHEDULE** USE CHECKED BOX ONLY

01 EXTERIOR COBALT PLASTER - SAND FLOAT FINISH  
 02 SHERWIN WILLIAMS SHERLOCK 100% ACRYLIC ELASTOMERIC COATING  
 03 SHERWIN WILLIAMS SHERLOCK 100% ACRYLIC ELASTOMERIC COATING  
 04 ALUMINUM STRENGTH SYSTEM (SEE SPECS FOR MORE INFORMATION)  
 05 1" CLEAR INSULATED GLASS  
 06 1" CLEAR INSULATED GLASS  
 07 SOLARBAN 700L COATING  
 08 ANTI-GRAFFITI FILM  
 09 EXTERIOR COBALT PLASTER FINISH COAT OVER CONCRETE CURB  
 10 INTERNALLY ILLUMINATED SIGNAGE  
 11 8" PORTLAND CEMENT MORTAR  
 12 LOCKABLE, IRREGULAR CONTROL PANEL  
 13 MAIN ELECTRICAL SERVICE  
 14 ALUMINUM CORNING  
 15 COE FULL BOX METAL COVER  
 16 MOUNT LIGHTING FIXTURE WITHIN CANOPY  
 17 FEATURE WINDOW POP OUT W/ ALUMINUM BREAK METAL PANELS  
 18 DISPLAY METER PANEL & SURROUND  
 19 EXTERIOR WALL PACK LIGHT FIXTURE  
 20 CORRELATED WALL PANELS  
 21 PRER COBALT SIGNING PANEL  
 22 INTERIOR FINISH CONTROL PANEL  
 23 STEEL PANEL W/ CENTRAL LIGHT FIXTURE AND BANNER  
 24 DOOR FALL  
 25 SHERWIN WILLIAMS SW 7020 "BLACK FOX"  
 26 SHERWIN WILLIAMS SW 622 "FEBDAY"  
 27 SHERWIN WILLIAMS SW 622 "FEBDAY"  
 28 WHITE TEXT ON RED BACKGROUND  
 29 CLEAR ANODIZED MATCH ADJUSTIT SIGNAGE  
 30 SHERWIN WILLIAMS SW 7020 "BLACK FOX"  
 31 CRESSVILLE SPEAKEASY ATREX SHEET GEORGIA BROWN, WITH SAND BEDE H448 GROUT  
 32 NATURAL CONCRETE, GRAY  
 33 RAL-7023 QUARTZ GREY  
 34 RAL-7022 UBERA GREY



**FRONT ELEVATION**

SCALE: 1/4" = 1'-0"





in the box.  
SHERWIN WILLIAMS  
SAN DIEGO, CA 92108  
© 2007 Jack in the Box, Inc.  
All other trademarks, trade names, and service marks are the property of their respective owners. All rights reserved.

DATES	
RELEASE:	OCT. 02, 2017
P.L. UPDATE:	SEP. 28, 2018
SUBMITAL DATE:	
1:	
2:	
3:	
REVISIONS	
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**PM DESIGN**  
Architectural  
Solutions Group  
6960 DELWOOD DRIVE  
RIVERDALE, CA 94707  
TEL: 415.413.8338  
DESIGN@PMD.COM  
P.O. BOX 145625

**SITE INFORMATION**  
JOB NAME: UNISD ADJ  
JOB #: 502  
ADDRESS:  
2502 A STREET  
ANTHONY, CA 94509

DRAWN BY:  
PROJECT #: 18178077.0  
SCALE:  
SHEET NO.:  
**EXTERIOR  
ELEVATIONS**  
**A4.1**



RIGHT ELEVATION  
SCALE: 1/4" = 1' - 0"

**EXTERIOR FINISH SCHEDULE**      USE CHECKED BOX ONLY

1. MATERIAL/FINISH       ANTI-GRAFFITI COATING: DOMINO CP847 GRAFFITI BARRIER  
                                  WATER/WEAR RESISTANT SEALER: UNISOL 810  
                                  COLOR: CLEAR

**MATERIALS/FINISH:**

01 EXTERIOR COUERT PLAGSTER- SAND FLAT FINISH  
 INTERIOR COLOR  
 SHERWIN WILLIAMS SHERLASTIC 100X ACRYLIC ELASTOMERIC COATING  
 EXTERIOR INSULATION FINISHING SYSTEM (EIFS) WITH 1" MINIMUM THICKNESS  
 IN LIEU OF EXTERIOR COUERT PLASTER

02 AWNING/CANOPY & SUPPORTS (BY SIGN CONTRACTOR)  
GREASE TRAP / BULK OIL SYSTEM BOX

04 EXTERIOR FINISH (SEE SPECS FOR MORE INFORMATION)  
 1" CLEAR INSULATED GLASS  
 1/2" CLEAR INSULATED GLASS  
 1/2" SOLARBAN 70XL COATING  
 1/2" SOLARBAN 60 COATING  
 ANTI-GRAFFITI FILM

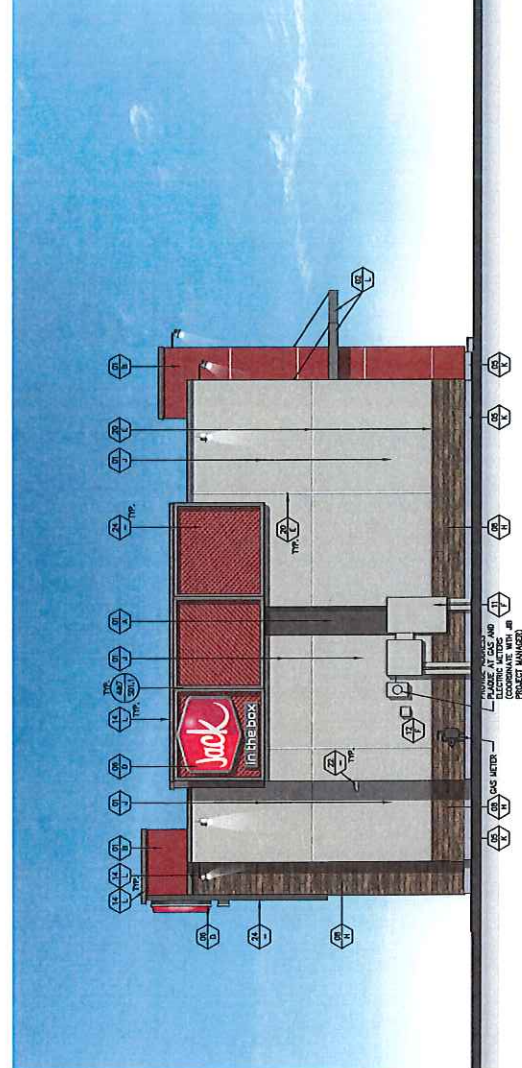
05 EXTERIOR COUERT PLASTER FINISH COAT OVER CONCRETE CURB  
INTERNALLY ILLUMINATED SIGNAGE  
06 EXTERIOR COUERT PLASTER FINISH COAT OVER CONCRETE CURB  
07 8" PERFORATED METAL TUBING

08 RECESSED, LOCKABLE, NON-FREEZE HOSE-IBB ENCLOSURE  
10 MAN RATED AND LOCKED WITH 12" HIGH LETTERS (AS REQUIRED PER LOCAL JURISDICTION)  
12 LOCKABLE, BREVETATION CONTROL PANEL  
13 HOLLOW METAL DOORS AND FRAMES, MISCELLANEOUS TRIM  
15 CO2 FILL BOX METAL COVER  
16 UNISOL 810 UNISOL

17 WORKING THROUGH WINDOW WITHIN CANOPY  
18 1/2" ALUMINUM PLASTER REVEAL  
19 3/4" ALUMINUM PLASTER REVEAL  
20 3/4" ALUMINUM PLASTER REVEAL  
21 3/4" ALUMINUM PLASTER REVEAL  
22 EXTERIOR WALL PACK LIGHT FEATURE  
23 CABLE RAILING SYSTEM  
24 EXTERIOR WALL PACK LIGHT  
25 FIBER COUERT SOUND PANEL  
26 SMOOTH FINISH CONCRETE BASE  
27 2" ALUMINUM TRIM  
28 CURB RAIL

**COLOR:**

A SHERWIN WILLIAMS SW 7002 "BLACK FOX"  
B SHERWIN WILLIAMS SW 6321 "REDBAY"  
C UNISOL 810 UNISOL  
D WHITE TEXT ON RED BACKGROUND  
E CLEAR ANODIZED  
F 303/304/316L STAINLESS STEEL  
G SHERWIN WILLIAMS SW 7016 "MINDFUL GRAY"  
H SHERWIN WILLIAMS SW 7009 "QUARTZ GREY"  
I RAL-7022 LIMBA GREY  
J RAL-7022 LIMBA GREY  
K RAL-7022 LIMBA GREY  
L RAL-7022 LIMBA GREY



REAR ELEVATION  
SCALE: 1/4" = 1' - 0"

# ATTACHMENT “D”



RECEIVED

FEB 14 2019



EXAMPLE OF LIGHTED BRANDING PANELS

**D1**