

**CITY OF ANTIOCH
PLANNING COMMISSION MINUTES**

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

**January 16, 2013
City Council Chambers**

CALL TO ORDER

Chairman Baatrup called the meeting to order at 6:30 p.m. on Wednesday, January 16, 2013, 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 decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on Monday, January 28, 2013.

ROLL CALL

Present: Commissioners Motts, Sanderson, Westerman
Chair Baatrup and Vice-Chair Azevedo
Absent: None
Staff: Director of Community Development, Tina Wehrmeister
Senior Planner, Mindy Gentry
City Attorney, Lynn Nerland
Minutes Clerk, Cheryl Hammers

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. Approval of Minutes: December 5, 2012

On motion by Vice Chair Azevedo, and seconded by Commissioner Motts, the Planning Commission approved the Minutes of December 5, 2012.

AYES: Azevedo, Motts, Sanderson and Westerman
NOES: None
ABSTAIN: Baatrup
ABSENT: None

END OF CONSENT CALENDAR

NEW PUBLIC HEARINGS

2. **UP-12-10** . Jay Dynes of Building the Cross Ministries requests the approval of a use permit for religious assembly. The use will include church gatherings, worship, Bible studies, and the reaching of life building skills. The project is located at 300 H Street (**APN: 066-061-012**).

Senior Planner Gentry provided a summary of the staff report dated January 10, 2013.

OPENED PUBLIC HEARING

Applicant, Jay Dynes, said that their goal is to help people better themselves offering life skills.

Vice Chair Azevedo confirmed with applicant that they had read all conditions and were in agreement, including Condition 19 stating that they would not operate a school, day care facility or food distribution program and permit weddings and funerals as needed.

Applicant clarified that while they want to use the office and have normal functions on Mondays and earlier hours each day, that for assembly purposes they do not intend to have any assembly activities during the day or on Monday evenings. He said that if that becomes necessary in the future for a special event, they will come back and request that.

Commissioner Motts asked the applicant if their intent was to have assembly on Friday and Saturdays to which Mr. Dynes said that while it is not planned at this point in time, as they grow and reach out to the community, if people need help that they want to have that time available just in case.

Chairman Baatrup asked the applicant if this was a new ministry or one that was relocating from another location. Mr. Dynes said that while he was involved in another Church in Antioch which he left approximately three years ago, he became an ordained minister and this is a new church.

CLOSED PUBLIC HEARING

Commissioner Motts said that he lives in the Rivertown District and while he is not sure this is the best use of commercial properties in downtown, feels that given the lack of commercial presently, he does not see that it causes a problem.

RESOLUTION NO. 2013-01

On motion by Commissioner Westerman and seconded by Vice Chair Azevedo, the Planning Commission approved UP-12-10, subject to all conditions.

AYES: *Baatrup, Azevedo, Motts, Sanderson and Westerman*
NOES: *None*
ABSTAIN: *None*
ABSENT: *None*

3. **UP-12-11** . David and Kerry Dorn of Delta Dog Day Camp request a use permit to operate a dog day camp with training and overnight boarding. The project is located at 2400 Devpar Court (**APN: 068-300-010**).

Senior Planner Gentry provided a summary of the staff report dated January 10, 2013, and gave a summary of the memo which was placed on the dais for this item.

Commissioner Westerman said that he was uncertain as to the purpose of the temporary fence and asked if that at some point this fence will be permanent given that the property is currently surrounded by a fence.

SP Gentry said that the temporary fence was only for the dog run and that this was highlighted on the plan.

Commissioner Sanderson questioned staff about the memo and asked what about the existing trash enclosure was unacceptable to which SP Gentry said that Condition 25 contains detail requirements per code such as heavy gauge metal doors and decorative masonry.

Commissioner Sanderson asked staff if the issue with the drive aisle had been added as a condition to which SP Gentry said that the second part of Condition 20 addressed that issue.

Chairman Baatrup questioned staff about the fence and storage issues. SP Gentry said that there are currently storage containers on site which per Code need to be removed or concealed from public view. She said that while there is currently an electric gate, there are no vinyl slats and the storage is visible and would need to be concealed with an opaque fence or wall or it would have to be removed.

Vice Chair Azevedo asked if they would need to replace the slats on the gate to which SP Gentry said that slats would create a visual obstacle for vehicles.

Commissioner Motts asked staff about requirements for extra insulation from surrounding properties to which SP Gentry said that based on location, the single use occupancy and considering that there would be no outdoor dog times after 7:00 p.m., that staff is not concerned with noise.

Chairman Baatrup asked about animal waste and whether they were hosing down and draining to the sewer to which SP Gentry said that she would leave that for the applicant to answer.

OPENED PUBLIC HEARING

Applicants, David Dorn and Kerry Dorn, stated that they are residents of Antioch, that they currently have a similar operation in Oakley for the past three years which is a family run business and that they have grown to over 900 clients necessitating an expansion as they continue to grow. They said that there is currently not one of these in Antioch and one is needed, that there are structures already inside the facility for insulation for noise and that the fence is temporary so that it can be moved if needed since they don't own the building. They said that with respect to Condition 25 on the trash enclosure, that the current dumpster is an acceptable spot per Allied Waste, that the carts which are similar to those used at homes are kept inside of that and that to knock down and rebuild the structure would be a hardship in both time and expense. They said that all waste is picked up, that they wash down the exterior and that they are a dry facility inside and that urine is not rinsed down drains.

Commissioner Sanderson confirmed with applicant that they had read all conditions and that the only problem is with Condition 25 requesting demolishing the existing trash structure and asked applicants if they would be amenable to a compromise and be willing to replace the current door with heavy gauge doors.

Applicants said that the existing lighting can be dealt with by the property owner but that the existing trash enclosure can accommodate recycling, that it will rarely fill up, that there is currently a solid door on the structure and that they would prefer that it be grandfathered in.

Commissioner Sanderson stated that it appears that there will not be staff on site 24 hours a day and that there are periods at night that would be monitored. Applicants said that the facility is monitored 24 hours a day, that there is security that can visually see them exteriorly on site but that their research in Oakley found that to have someone inside at night caused the animals to not rest.

Commissioner Motts asked applicants if there are particular materials that they use where the dogs go to which applicants said that the site is paved and there is some gravel and that they may put football grass on top of the gravel that is there.

Vice Chair Azevedo said that in looking at the photos, the structure which appears to be masonry with a wood fascia may be used for storage and do the trash cans fit inside. Applicants said that they are not at the site yet pending the outcome of this hearing, that all three cans will fit and that they will have indoor storage.

Vice Chair Azevedo stated that staff would prefer that the trash enclosure be relocated and confirmed with applicants that they had read the additional condition 26.

Chairman Baatrup clarified with applicants that they would only be performing light grooming such as brushing and would not be washing. He also confirmed with applicants that they occasionally transport dogs and that they are covered under their automobile insurance.

CLOSED PUBLIC HEARING

Commissioner Westerman said that he thinks that this is a good use for this location, that it is convenient, and that there are no residential areas close by. He said that if the applicants were doing a major modification to the building he could see replacing the trash enclosure but since they are not, he feels it is satisfactory the way it is with possibly changing the doors to metal. He said that he is in favor of this project.

Commissioner Sanderson said that she agrees with Commissioner Westerman, that she is a dog owner who commutes west and that she likes this location which is convenient to the highway, the park and ride and the future eBART station. She is in agreement to let applicants leave the trash enclosure as is given that they don't own the property and that most of the motivation behind this requirement is decorative but the current doors seem to fit well and are solid. She said that she is inclined to agree to remove that condition from the project.

Vice Chair Azevedo said that he is in agreement with most but disagrees about the trash enclosure and thinks it needs to be somewhat improved for aesthetics. He said that the doors concern him, with wood dogs could urinate there and that he would prefer a metal door and repairs to the fascia around the top. He said that he doesn't have a problem with the project, that there is a need and that he is ok with leaving the structure there with improvements.

Commissioner Motts stated that this is a much needed project, that he is in agreement with Commissioner Azevedo, and he is in favor given an upgrade to the door on the enclosure.

Chairman Baatrup said that his comments are the same as the other Commissioners and feels this is a good service which is needed.

Vice Chair Azevedo made a motion to approve with modifications as follows:

24. To remain requiring lighting.
25. Leave as is, negating the demolition, but require heavy gauge metal doors and room for three bins, one of which would be recycling.
26. Changed per memo.

RESOLUTION NO. 2013-02

On motion by Vice Chair Azevedo and seconded by Commissioner Motts, the Planning Commission approved UP-12-11, subject to the following modification:

- 25. The trash enclosure doors shall be replaced with heavy gauge metal doors and shall be architecturally compatible with the building subject to staff review and approval. The trash enclosure shall accommodate all three bins, one of which shall be recycling.***

And the addition of:

- 26. All illegal signage must be removed prior to issuance of the certificate of occupancy and all exterior storage be removed or screened from the public right-of-way with a minimum six foot tall fence or wall constructed of an opaque material with review and approval by staff prior to the issuance of the certificate of occupancy.**

AYES: *Baatrup, Azevedo, Motts, Sanderson and Westerman*
NOES: *None*
ABSTAIN: *None*
ABSENT: *None*

- 4. Z-12-03 .** The City of Antioch requests approval of amendments to Section 9-5.901 of the Antioch Municipal Code which regulates Home Occupations. The proposal includes, but is not limited to: 1) amendments necessary to comply with the California Home Made Food Act; and 2) clarification regarding number of licenses, customers, employees, and vehicles allowed. The proposed amendments would be applicable city-wide.

Director of Community Development Wehrmeister provided a summary of the staff report dated January 10, 2013.

Commissioner Sanderson asked staff about Section 1D regarding transferability and said that the second sentence seems to conflict with the desire to permit multiple licenses. CDD Wehrmeister stated this was a good catch and that this was written when intent was one per person. She said that the Commission may want to strike that altogether.

City Attorney Nerland said that this may be a provision that if someone moves to another house, they would need to get another permit. CDD Wehrmeister clarified that if they moved, they would need to get a new permit.

CA Nerland said that a sentence saying HOUP is not transferrable to another individual or to another location would be appropriate.

Commissioner Motts commented on the direction on the number of students which is issue 3 and staff's feeling that wording is too generous and asked if this needs to be restricted.

CDD Wehrmeister said that this stood out to staff as too generous, and although they haven't had any complaints they have researched neighboring communities and those ordinances typically specify one at a time, six per day. She said that it doesn't have to be changed but staff felt it was appropriate to bring this to the attention of the Commission.

CA Nerland said that in another community, the use morphed into something where multiple classes were coming in creating issues with the neighborhood.

Chairman Baatrup said that you could potentially have six people leaving and six people coming with traffic.

Vice Chair Azevedo stated that could say no more than six at a time and no more than six in a day.

Chairman Baatrup asked staff for more explanation on the food act.

CDD Wehrmeister said that it has become trendy now making food, canning, and growing vegetables. She said that in Contra Costa County you could not do that from your home and you would have to work with a commissary or commercial kitchen. She said that this would now allow certain food items to be prepared in the home for sale elsewhere.

Chairman Baatrup asked if this would provide an opportunity to have a food truck and make the food at home to which CDD Wehrmeister said that would not be permissible and that a permit would still be required through Environmental Health who would regulate these businesses.

OPENED PUBLIC HEARING

No public was present wishing to speak.

CLOSED PUBLIC HEARING

Commissioner Sanderson stated for in home lessons that the code would not have to state no more than six children at any one time but to say no more than six children in any one day.

Vice Chair Azevedo asked if they would need to define a day to which CA Nerland said that the Planning Commission can certainly be more restrictive and limit to day time hours or specify students or children.

Commissioner Sanderson stated that is should say students and that if it says children, they could have as many adults as they want given this was not included.

Commissioner Motts stated that it would be a bit restrictive to put a time.

Chairman Baatrup clarified with staff that there is an existing code on noise nuisance for say guitar lessons.

Commissioner Sanderson made a motion with the following changes:

Section 1(A)(14) to say ~~No~~ customers or clients shall be permitted to visit the home at any time in conjunction with the home occupation, however, in-home lessons shall be

allowed for no more than six students in any 24 hour period.+

Section 1(D) to say ~~%~~ home occupation use permit is not transferrable to another individual or site. An existing home occupation may be changed by reapplying for a new home occupation use permit under the requirements of this chapter.+

Section 1(B)(8) to say: ~~%~~any business that may cause customers or clients to visit the home, with the exception of in-home lessons for six or fewer students.+

RESOLUTION NO. 2013-03

On motion by Commissioner Sanderson and seconded by Vice Chair Azevedo, the Planning Commission approved Z-12-03, subject to the following changes:

Section 1(A)(14) to say “No customers or clients shall be permitted to visit the home at any time in conjunction with the home occupation, however, in-home lessons shall be allowed for no more than six students in any 24 hour period.”

Section 1(D) to say “A home occupation use permit is not transferrable to another individual or site. An existing home occupation may be changed by reapplying for a new home occupation use permit under the requirements of this chapter.”

Section 1(B)(8) to say: “Any business that may cause customers or clients to visit the home, with the exception of in-home lessons for six or fewer students in any 24-hour period.”

AYES: Baatrup, Azevedo, Motts, Sanderson and Westerman
NOES: None
ABSTAIN: None
ABSENT: None

NEW ITEM

5. Community Development Update

CDD Wehrmeister gave a power point presentation with statistics on the Community Development Department including residential and commercial building permit history;, forward planning and staff; and transportation update with Route 4, e-Bart and the Ferry terminal.

CA Nerland said that the Appellate Court approved the expansion of Walmart and that decision has now been appealed to the Supreme Court which may or may not elect to hear the case. She said that City Council has heard a ban on marijuana dispensaries and next week will be hearing an extension to the moratorium on internet gaming.

CA Nerland said that regarding short range transportation, the ferry terminal planning document now recognizes capital infrastructure costs for the Antioch ferry and that there will be a brief presentation next week and a larger presentation to Council on February 8th.

ORAL COMMUNICATIONS

CA Nerland said litigation regarding Pittsburg participation in ECCRFFA was dismissed but the dispute continues in the political context.

SP Gentry said that there are no scheduled meetings coming up but that she will be getting things on the agenda soon. She said that they have received five applications in the recruitment for the two vacancies and interviews should be conducted at the end of January.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Vice Chair Azevedo said that notice was received from Transplan that CCTA wants to meet with Transplan and there will be some discussions/workshop in February.

ADJOURNMENT

Chairman Baatrup adjourned the Planning Commission at 7:48 p.m.

Respectfully Submitted,
Cheryl Hammers