

**CITY OF ANTIOCH
PLANNING COMMISSION MINUTES**

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

**April 4, 2012
City Council Chambers**

CALL TO ORDER

Vice Chair Baatrup called the meeting to order at 6:30 p.m. on Wednesday, April 4, 2012, 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 Thursday, April 12, 2011.

ROLL CALL

Present: Commissioners Azevedo, Bouslog, Langford, Travers
and Vice Chair Baatrup
Absent: Chairman Westerman and Commissioner Douglas-Bowers
Staff: Senior Planner, Mindy Gentry
Administrative Analyst, Phil Hoffmeister
City Attorney, Lynn Tracy Nerland
Minutes Clerk, Cheryl Hammers

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. Approval of Minutes: March 7, 2012

On motion by Commissioner Langford, and seconded by Commissioner Travers, the Planning Commission approved the Minutes of March 7, 2012.

AYES: Baatrup, Azevedo, Langford, Travers and Bouslog
NOES: None
ABSTAIN: None
ABSENT: Westerman and Douglas-Bowers

END OF CONSENT CALENDAR

NEW PUBLIC HEARING

2. **UP-11-16** – Olayemi Oyinkansola requests the approval of a use permit for the RCCG Jesus House religious assembly. The use will include a sanctuary, offices, a library, and restrooms. The project is located in an existing building at 2013 C Street (**APN: 067-266-002**).

Senior Planner Gentry provided a summary of the staff report dated March 29, 2012.

Commissioner Langford clarified with staff that activities such as additional weddings which exceed normal hours would fall under Condition 20 and applicant would come in to obtain permit through staff.

OPENED PUBLIC HEARING

Applicant and Pastor, Olayemi Oyinkansola, stated that churches help in the community and better the City and requested that the Planning Commission approve their application.

Commissioner Azevedo discussed with applicant the concerns with holding services until 1:00 a.m. to which applicant stated that this request is for one Friday a month for a prayer meeting, that there is no noise, that they don't open the doors and that they come as a family in a church bus.

Commissioner Azevedo asked the applicant if they were agreeable with all other conditions and asked if the condition limiting the hours to 10:00 p.m. would be a show stopper to which applicant stated they were agreeable to all conditions desired by the Planning Commission.

Commissioner Travers clarified with applicant that the prayer meeting until 1:00 a.m. on Fridays was in fact once a month.

Charles Bloom, resident who lives across the street from the proposed site spoke to say that he does not have an issue with the church and that the way the street is built with commercial down Railroad, only two homes would be impacted and that anything to 1:00 a.m. would not bother the residents.

CLOSED PUBLIC HEARING

Commissioner Travers asked staff if the church, which has operated for three years on A Street, had any incidents to which SP Gentry said none that she was aware of.

Commissioner Travers stated that he was not opposed to the project and said that a condition could be put in to stipulate that if there were no incidents within six months, would come back to the Planning Commission or that they could change the time. He stated his concern that if the church should leave and another tenant comes in that the

neighbors may not be happy with that. He clarified with SP Gentry that another business of this type could go in with the same conditions.

Vice Chair Baatrup clarified with SP Gentry that even if they are granted the ability to meet until 1:00 a.m. there is always the opportunity to review if it is beyond regular operation and that if they cause disruption or violations of any condition, this could be brought back to the Planning Commission.

Commissioner Travers commented that this is beneficial for the applicant and that neighbor doesn't have a problem with it.

Commissioner Langford expressed his concern with parking limited to 17 spaces with the lack of on street parking and that as they grow they may grow out of the parking situation.

City Attorney Nerland interjected that given staffing resources, if the Planning Commission wants to deal with the hours so that it would not require it to come back to the Planning Commission, could phrase it that the congregation could meet until 1:00 a.m. unless complaints from the neighbors are received and then time would revert back to 10:00 p.m. or can meet until 10:00 a.m. and if no complaints till 1:00 a.m.

Commissioner Travers motioned for approval stipulating to 1:00 a.m. one day a month and if there are complaints within first six months of operation, can be taken care of at staff level and not come back to the Planning Commission.

Commissioner Azevedo seconded with stipulated change to remove the six month time frame given that if a different tenant comes in and your time frame has expired, nothing can be done.

CA Nerland interjected that this would be a revision to Condition 20 allowing time once a month to 1:00 a.m. unless complaints are received and if so the Community Development Director has the authority to eliminate this approval.

RESOLUTION NO. 2012-04

On Motion by Commissioner Travers and seconded by Commissioner Azevedo, the Planning Commission approved UP-11-16, subject to a change to Specific Condition 20 as follows:

- 20. The use permit applies to religious assembly and related functions only, such as weddings, memorials, services, and church related classes. The applicant shall not operate a school, day care facility, food distribution program or other use not set forth in the application. The hours of operation for assembly activities will be 8:00 AM – 10:00 PM on Fridays, Saturdays and Sundays and 12:00 PM to 10:00 PM on Tuesdays and Wednesdays. In addition one Friday per month, hours shall be extended to**

1:00 a.m. and if complaints are received, the Community Development Director has the authority to eliminate this portion of the condition. Funerals and weddings will be conducted as needed. All activities outside the designated hours of operation can be approved by staff through an administrative use permit.

AYES: *Baatrup, Azevedo, Bouslog, Langford, and Travers*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Westerman and Douglas-Bowers*

NEW ITEMS:

- 3. AR-10-04** – Brennan Rose requests the approval of an amendment to the approved landscape plan at Mike’s Auto Body. The project is located at 1001 Auto Center Drive (**APN: 074-160-022**).

Senior Planner Gentry provided a summary of the staff report dated March 29, 2012. She said that there was also a memo on the dais this event eliminating Project Specific Condition No. 7.

Commissioner Travers questioned staff about putting a cement barrier on the grass edging to which SP Gentry said that there is a curb there now with inlets cut to allow runoff but in the event those inlets are plugged she is not sure of the direction of runoff and that looking at the slope and given that it is a higher grade than the sidewalk, the water would pond over the sidewalk.

Commission Langford asked staff is this was part of C.3 requirements to which SP Gentry answered that this project is exempt from C.3 but that a condition was added for nonconforming uses to comply. Commissioner Langford then asked why the trash enclosure issue was not picked up prior to the Certificate of Occupancy to which SP Gentry stated that the project has not been finalled yet because of the lack of the conditions.

Vice Chair Baatrup questioned staff about the synthetic turf and asked if native grasses were put in would they be irrigated to which SP Gentry said that if the turf is removed, drought tolerate landscaping would be put in.

Commissioner Azevedo clarified with staff that although irrigation is not needed for the synthetic turf, native grasses would not necessarily need irrigation.

Vice Chair Baatrup clarified with staff that there is one row of shrubbery along Auto Center Drive with irrigation.

Commissioner Travers asked staff if tenant could cut out areas of the synthetic turf and put in shrubbery to which SP Gentry said that staff is recommending that the landscape plan be as approved.

Vice Chair Baatrup stated that the original plan showed a hedge to screen parking in between the palms, that it appears that this has been done and that between the hedge and the sidewalk is synthetic turf. SP Gentry confirmed that there is a row of shrubbery next to the synthetic turf.

Commissioner Travers asked staff if there was anything to permit the synthetic turf to which SP Gentry said that there was nothing stated but that this was not an approved landscaping material under the Design Guidelines.

OPENED PUBLIC HEARING

Applicant, Brennan Rose, one of the owners of Mike's Auto Body spoke to say that he is frustrated, that they have made some changes on the site for the better and that it cost them a lot of money to put in the synthetic turf to cut down on landscape costs. He went on to say that they did not need to comply with C.3 and that the water runs through the turf and goes back into the earth. He said that the site has a containment unit with recycling on site, that it is a sealed unit, that the roof would have to be sixteen to eighteen feet in the air and that they are looking for flexibility due to the present economy. Mr. Rose stated that he brought his landscape architect, Tom Holloway, and that this parcel was an old auto dealership with no landscaping. He said that as far as the drainage component, the curb cuts provide for gravel filled dry wells with 18" cut into the curb to pick up nuisance water. He said that the synthetic turf is considered to be a landscape element and that they view this as an upgrade to the site. He clarified that on the original plans, along the Auto Center frontage there was to be a curb, a hedge and star jasmine, not native grasses. He said that that the synthetic turf replaced the ground cover star jasmine and that irrigation is not needed for the turf. He went on to say that they did not install some trees given the existing trees on the neighboring property and the handicapped stalls needing more concrete and less planter space. He said that the perimeter wall on the South and the East have been upgraded to a textured color wall.

Commissioner Azevedo asked the applicant why he made changes to 25% of the specific and standard conditions without contacting the City to find out whether these were acceptable changes. Applicant said that this was their fault, that they made a snap decision but that in their eyes, the synthetic turf was drought resistant with no maintenance.

Commissioner Azevedo clarified with the architect that the changes to synthetic turf double the cost, that the change to the wall was a substantial upgrade and that the use of the palm trees is also very costly.

Mr. Brennan said that they own all of their properties and that they want them to look nice but that they should have called the City.

Commissioner Bouslog agreed and stated his concern that if applicant was allowed to not follow the plan that the next person may request that also and where does it stop to which applicant replied that he could understand that if they had done bad things but has a hard time with that given what they have done and that while they are willing to bend they want to be reasonable.

Commissioner Travers told the applicant that they did a tremendous job, that they are here because they said they would do one thing and then did what was not approved and the Planning Commission is trying to protect the City and is concerned that the next person may do a lousy job. He went on to say that there is no wiggle room for the trash enclosure given the code.

The architect stated that although they screwed up and to please not close their minds to what has been presented just because it was not what was installed. He said that they have no intention to do a bait and switch and would like the Planning Commission to look at it as a new project that is acceptable and beneficial to the community.

Commissioner Travers asked the architect to elaborate on the switch.

The architect said that on the original plan there is a zone along the sidewalk with planted ground cover and 2" bark mulch incorporated in and stated that whole zone would have bark put right up to the sidewalk which would look great in a couple of years.

Vice Chair Baatrup stated that while he can get over the removal of some trees, that although synthetic turf saves water and helps with maintenance, turf is not as attractive as native grasses and feels it degrades the appearance of the site.

City Attorney Nerland interjected that the Commission may want to close the public hearing, bring the discussion to the dais and let the applicant sit down to which Commissioner Azevedo said that the Commission has not closed the public hearing.

Commissioner Langford asked the applicant where the garbage is kept to which Mr. Rose said that there is a twenty yard garbage compactor on site and bins separating recycled material and then the garbage put into the compactor which is picked up once a month.

Vice Chair Baatrup clarified with applicant that the compactor is a sealed unit.

Commissioner Azevedo clarified with applicant that they use compactors at six of their eight facilities.

CLOSED PUBLIC HEARING

Commissioner Langford asked staff about the compactor being sealed to which SP Gentry said that compactors should be self contained but they do leak. She said that a roof structure prevents runoff from the garbage from getting into the storm drains but that it is not required to be plumbed to the sanitary sewer.

Commissioner Azevedo stated that conditions are put in for a reason, changes may or may not end up being beneficial, that guidelines are put in place for a reason, that it appears the applicant decided it better to ask for forgiveness instead of permission, that staff has made reasonable requests and that he is not a big fan of synthetic turf.

Commissioner Langford stated that while he loves what applicant has done with the building and that it is an asset to the City, it has put the Commission in a hard spot and he hopes it works out that there are things that the applicant can live with.

Vice Chair Baatrup stated that there are two options and it was decided that the Commission would take a short recess.

Roll call was taken with all Commissioners present.

Commissioner Azevedo made a motion with the following changes to Project Specific Conditions:

2. Delete.
3. Leave in.
4. Delete.
7. Delete.
8. Delete last part of last sentence "west of the building as reflected in the plan set that was approved on August 10, 2010 and is dated July 13, 2010 and replace with "as approved by staff".
9. Delete.

All other conditions to remain the same.

Commissioner Travers seconded.

Vice Chair Baatrup interjected that he has been advised by counsel that four affirmative votes would be needed to pass this item.

AYES:	<i>Azevedo, Bouslog and Travers</i>
NOES:	<i>Baatrup and Langford</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>Westerman and Douglas-Bowers</i>

Vote did not pass.

Commissioner Langford clarified with Commissioner Azevedo keeping Project Specific Condition 10 for the trash enclosure pursuant to this being a code item. Commissioner Langford clarified with staff that trash enclosures are required any time there is a compactor on site for commercial uses.

Applicant said that this would create a giant eyesore for the neighbors.

Commissioner Langford commented that he can go along with the trees, that he has a problem with the synthetic turf and would prefer changing the turf out to natural landscaping.

SP Gentry asked the applicant to come forward and asked if they could use smaller containers to which Mr. Rose said that they have already been purchased.

SP Gentry stated that compactors do leak, and that per the code roofs are required and that possible solutions would be to move them inside, or to relocate them.

Commissioner Azevedo asked staff about secondary containment to which SP Gentry said that it could be plumbed to the sewer.

REOPEN HEARING

Applicant stated that changing out the compactor was not a pliable option.

Commissioner Azevedo asked applicant if it could be plumbed to which applicant responded that it could not.

SP Gentry stated that a sanitary sewer lateral could be put in with a curb and drain in the slab but that their paved parking lot would be torn up.

Applicant stated that the compactor is a seal unit and leakage is so minimal to which Commissioner Azevedo responded that there is rain water and that when moisture gets in there it rusts, corrodes and creates small leaks. Applicant said that at that point, it would not be compliant with garbage requirements.

Vice Chair Baatrup stated that given the limited resources of the City, it is difficult to police property owners for full compliance absent what is required by the code and property facilities would need to be put in.

SP Gentry interjected that the code states that existing facilities can be required to be plumbed but at a minimum a roof is required over the top. She said that Costco has the same compactor with a tall roof. She said a potential suggestion for applicant to consider would be to move parking to the south side of the building and build the structure on the south side which would blend in better.

The applicant stated that the truck would not have access to get in.

Commissioner Langford stated that pursuant to the drawing, it appears to be a straight shot and asked the applicant if a tall roof could be placed over it. Applicant responded that it could but would be a giant eyesore.

Commissioner Bouslog questioned the architect about suggestions to make synthetic turf more eye appealing to which architect responded that he would recommend taking the row of rocks out which would make the areas blend better. He also suggested to maintain a swale in the shrub area and that pulling out the synthetic turf and redoing it would be expensive and putting in medium range plants to soften.

RECLOSE HEARING

Commissioner Azevedo stated that he did not think four votes could be obtained for the synthetic turf.

Commissioner Travers asked if the applicant would have the ability to decide to go along with what the Planning Commission decided, to which CA Nerland said that they have appeal rights. She said that a motion could be made, that a clear record could be given to City Council and if there are not four votes to deny, existing approval stands.

Vice Chair Baatrup made a motion with changes to Specific Conditions as follows:

2. Leave in with addition: "except as modified by the Planning Commission".
3. Leave in.
4. Leave in.
7. Delete.
8. Delete latter half of second sentence "west of the building as reflected in the plan set that was approved on August 10, 2010 and is dated July 13, 2010, and insert "as approved by staff."
9. Delete.
10. Leave in.

RESOLUTION NO. 2012-05

On Motion by Commissioner Baatrup and seconded by Commissioner Langford, the Planning Commission Approved amendments to the landscape plan (AR-10-04), subject to the following:

2. **Add "except as modified by the Planning Commission".**
7. **Delete.**
8. **Delete latter half of second sentence "west of the building as reflected in the plan set that was approved on August 10, 2010 and is dated July 13, 2010", and insert "as approved by staff".**
9. **Delete.**

AYES: *Baatrup, Azevedo, Bouslog, Langford, and Travers*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Westerman and Douglas-Bowers*

4. **S-12-01** – Brennan Rose, the applicant, requests the approval of a monument sign at Mike’s Auto Body. The project is located at 1001 Auto Center Drive (APN: 074-160-022).

Senior Planner Gentry provided a summary of the staff report dated April 1, 2012.

Commissioner Azevedo clarified with staff that staff has concerns with this proposal which need to be addressed.

Commissioner Travers asked staff if this was stone or brick to which SP Gentry stated it was stone veneer.

OPENED PUBLIC HEARING

The applicant, Brennan Rose, spoke to say that driving down the street they want you to see their sign and if the existing sign encroaches, they have no problem pulling it back but an eight foot sign doesn’t do much good.

Commissioner Travers clarified with the applicant that they are amenable to moving back four feet or so into the parking lot.

Vice Chair Baatrup clarified with applicant that their request was for a 16’ sign which is larger than the 8’ maximum height.

Commissioner Travers asked the applicant if they were amenable to putting brick or stone on the bottom of the sign to which applicant said that there is no brick on the building, that it is currently stuccoed to match the building but if stone is requested, they are not opposed. Commissioner Travers clarified with SP Gentry that design guidelines do require it.

Commissioner Langford stated that he doesn’t have a problem with matching the stucco on the building but he is concerned that the footing of the sign be engineered to support a sign of this size and suggested putting in an additional concrete base.

CLOSED PUBLIC HEARING

Commissioner Langford stated that in past tall signs this height have not been allowed, saying yes to a 16’ sign is a tough decision but that he liked the design of it if they agree to push it back out of the right of way.

Commissioner Travers stated that given the other car dealerships down the street that it would look odd if the sign was much lower given the general area.

Commissioner Azevedo stated that there is a reason for guidelines to have control over aesthetics and that if it were agreed that aesthetically a 16' sign was good, that they could consider this height unless there are issues staff is aware of.

SP Gentry stated that staff is merely taking into consideration the guidelines and the 8' requirement for a ground sign.

Commissioner Bouslog stated that this sign aesthetically makes sense given the area and other signage on Auto Center Drive.

Commissioner Langford stated that if the commission agreed with the height that space be made available on this base for other tenants and that he would not want to see another sign on that property.

Commissioner Langford made a motion with the following changes to Conditions:

1-12. To stay.

13. Changed to say "Sign to be built per design submitted except for the base to be a concrete base underneath the sign to match the footprint of the base and engineered if necessary. The bottom base of the sign to be constructed of materials to match the building making allowance for future tenants on the same sign."

14. Delete.

CA Nerland clarified that the plans are specific on height to which Commissioner Langford stated that this is based on 193".

RESOLUTION NO. 2012-06

On Motion by Commissioner Langford and seconded by Commissioner Azevedo, the Planning Commission Approved S-12-01, a monument sign on the corner of West Tenth Street and Auto Center Drive, subject to the following changes:

13. Changed to say "Sign to be built per the design submitted, except for the base, which shall be a concrete base underneath the sign to match the footprint of the base. The sign and base shall be engineered if necessary. The bottom base of the sign shall be constructed of materials to match the building and making an allowance for future tenants on the same sign."

14. Delete.

AYES: *Baatrup, Azevedo, Bouslog, Langford, and Travers*
NOES: *None*

ABSTAIN: *None*
ABSENT: *Westerman and Douglas-Bowers*

5. Election of Chair and Vice Chair

Vice Chair Baatrup opened up for nominations.

Commissioner Langford nominated Commissioner Baatrup for Chair

On motion by Commissioner Langford, seconded by Commissioner Travers, the Planning Commission members present appointed Vice Chair Baatrup as Chair.

AYES: *Baatrup, Azevedo, Bouslog, Langford, and Travers*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Westerman and Douglas-Bowers*

Commissioner Azevedo nominated Commissioner Bouslog as Vice Chair.

On motion by Commissioner Azevedo, seconded by Commissioner Travers, the Planning Commission members present appointed Commissioner Bouslog as Vice Chair.

AYES: *Baatrup, Azevedo, Bouslog, Langford, and Travers*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Westerman and Douglas-Bowers*

ORAL COMMUNICATIONS

SP Gentry announced that there would be a ribbon cutting for the Antioch Boat Launch Facility on April 7.

CA Nerland said that the RDA extension ordinance was introduced to the City Council and the City Council continued the matter.

Ms. Nerland stated that the rezoning of the northeast annexation was also continued by City Council to allow responses.

She said that City Council adopted operating regulations for the computer gaming and internet access businesses and that staff is still looking at issues of land use.

CA Nerland said that the rezoning for the Housing Element sites is going to the City Council on Tuesday night.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Commissioner Azevedo stated that Transplan met and that there was a presentation on the proposed ferry service. He said that several cities along the river are being considered and Antioch is one of them, but there are concerns about ridership, 840 trips per day to San Francisco and back which is 400 riders and they are not sure that kind of ridership warrants a ferry. He went on to say that we are about the only spot along the river without dredging issues and that there are two spots down by Humphreys on the east side of the fishing pier and down by Riverview Lodge on the east side of L Street. He said that no decisions have been made.

ADJOURNMENT

Vice Chair Baatrup adjourned the Planning Commission at 8:45 p.m.

Respectfully Submitted,
Cheryl Hammers