

**CITY OF ANTIOCH  
PLANNING COMMISSION  
REGULAR MEETING**

**Regular Meeting  
7:30 p.m.**

**August 6, 2008  
City Council Chambers**

**CALL TO ORDER**

Chairman Azevedo called the meeting to order at 7:35 p.m. on Wednesday, August 6, 2008, in the City Council Chambers.

**ROLL CALL**

Present: Commissioners Westerman, Johnson, Travers, Trail, Delgadillo  
(arrived at 8:20 p.m.), Brandt and Chairman Azevedo  
Staff: Senior Planner Oshinsky  
Assistant Engineer Jirousky  
Community Development Technician Stahl  
Deputy City Attorney Hawkins  
Minutes Clerk Lawson

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

None.

**CONSENT CALENDAR**

1. Approval of Minutes: June 18, 2008

*On motion by Commissioner Brandt, and seconded by Commissioner Travers, the Planning Commission approved the Minutes of June 18, 2008, as presented.*

**AYES:** Brandt, Travers, Westerman, Johnson, Trail and Azevedo

**ABSENT:** Delgadillo

**END OF CONSENT CALENDAR**

**NEW PUBLIC HEARINGS**

2. PW 357-301-08 – Kier & Wright on behalf of John I. Esterkyn, DDS requests approval of a tentative map for the resubdivision of Parcel “E” of Parcel Map 357-302-06 of the Deer Valley Business Park into a maximum of 5

---

**commercial condominiums located at 2390 Country Hills Drive (APN 055-071-090 portion).**

Assistant Engineer Jirousky provided a summary of the Staff Report dated July 31, 2008, and recommended approval per a revised Resolution that was presented to the Commission on the dais.

Commissioner Brandt stated for the record that a family member currently receives dental care from the applicant's office.

**OPENED PUBLIC HEARING**

Timothy Kelly, representing Dr. Esterkyn, introduced himself and briefly explained the proposed project, per the tentative map. Per the request of Commissioner Brandt, Mr. Kelly stated that he had read, understood and approved the revised resolution with the amended conditions.

**CLOSED PUBLIC HEARING**

**RESOLUTION NO. 2008-17**

***On motion by Commissioner Brandt, and seconded by Commissioner Travers, the Planning Commission approved the Vesting Tentative Map to create a maximum of five commercial condominiums with modified conditions.***

**AYES: Brandt, Travers, Westerman, Johnson, Trail and Azevedo**

**ABSENT: Delgadillo**

- 3. UP-08-03 – Chad Marquardt on behalf of Street Titans, LLC requests a sixty (60) day review of the Use Permit for live entertainment at Mutiny, m.f.b. The site is located at the northeast corner of F Street and Second Street (APN 066-052-002).**

Community Development Technician Stahl provided a summary of the Staff Report dated August 1, 2008.

***The public hearing was opened and with no comments heard, the public hearing was closed.***

**RESOLUTION NO. 2008-18**

---

***On motion by Commissioner Travers, and seconded by Commissioner Brandt, the Planning Commission finds Mutiny M.F.B. in good faith compliance with the conditions of Planning Commission Resolution No. 2008-12.***

**AYES:** Travers, Brandt, Westerman, Johnson, Trail and Azevedo  
**ABSENT:** Delgadillo

4. **UP-08-09 – Gurnam Rasila on behalf of BG Market, Inc., requests approval of a Use Permit for the operation of a 4,393 square foot convenience store selling items such as grocery and packaged goods, including up to 10% alcoholic beverages in the Lone Tree Landing retail center located at 5005 Lone Tree Way (APN 056-470-001).**

Senior Planner Oshinsky provided a summary of the Staff Report dated August 1, 2008.

Per the request of Commissioner Brandt, Police Captain Cantando stated that it was the feeling of the police department that when there are multiple liquor establishments located within the same proximity, safety issues arise. He expressed concern to the selling of alcohol at this proposed site and felt it could impact the nearby restaurants and from a public safety prospective, he felt the existing area already had ample establishments to purchase liquor. Commissioner Brandt requested the police department's calls of service within the last year for the 7-11 Store on Wildhorse Drive be provided.

**OPENED PUBLIC HEARING**

Gurnam Singh Raslia, applicant, stated that he also owned the 7-11 Store on Wildhorse Drive and added that in response to the concerns expressed, he stated that he has not had any violations in regards to cigarette or alcohol sales to minors.

Commissioner Brandt felt there would be inadequate parking in front of this establishment and felt that any additional parking would be taken by the adjacent restaurants and businesses, thereby reducing the parking. Commissioner Brandt commended Mr. Raslia's existing 7-11 Store for its cleanliness, but expressed concern to the sale of alcohol, per the Staff Report. Mr. Raslia stated that if he could not sell wine, beer or liquor he would not be able to open this establishment, in terms of financial issues.

Per the request of Chairman Azevedo, Mr. Raslia stated that he had read and approved the proposed Resolution and conditions.

Santina Derosé, speaking on behalf of the landlord for Lone Tree Landing, provided a synopsis of the proposed convenience store and felt that this business would not thrive without the sale of alcohol. Furthermore, he felt that there would be adequate parking for employees and patrons.

Commissioner Brandt wanted to ensure that two large garbage containers would be placed in front of the store and maintained.

A partner of Lone Tree Landing Center commented that designated parking could be created to alleviate any concerns by the Commission. He requested that this business be approved.

Steve Rusher, Real Estate agent representing landlord, stated that he felt that Mr. Raslia would be an excellent tenant based on past business experiences and requests approval of the BG Market.

### **PUBLIC COMMENT**

Alma Medina, owner of Cocina Medina, stated that she was not opposed to the convenience store itself, but was opposed to the sale of alcohol at the BG Market. She felt this would create problems, in terms of individuals purchasing alcohol at the nearby businesses where alcohol could be transferred from one establishment to the other. She also expressed concern to non-patrons of her restaurant coming into her restaurant requesting the use of her restrooms. Ms. Medina also spoke to vandalism in this center and wanted to ensure that any new business would not create additional crime. She also expressed a concern to the fact that her business was family-orientated and she did not want to deter any customers from her restaurant that felt it was not a family-orientated atmosphere. Deputy City Attorney Hawkins interjected that Ms. Medina had delivered a letter to the Commission and it was received and entered into the record.

Robert Kilbourne, resident, expressed a concern to what the percentage of hard liquor and cigarettes would be sold and felt this was a large issue that could affect the existing businesses, as well as this proposed business. He further questioned how parking and security issues would be handled. He felt that the present Ordinance should be reviewed, in terms of opening liquor stores near day care centers and schools.

Mr. Derosé addressed security and parking issues and stated that he would be open to any new conditions that would address the concerns expressed by the public and Commission.

Commissioner Trail expressed concern to the fact that Ms. Medina would not sign on to her establishment if a convenience store would be placed in close proximity to her restaurant. Mr. Derosé stated that he did not negotiate a lease with Ms. Medina and felt that if this was a fact, this issue would have been contained in his lease for Mr. Raslia's proposed store. In response to Commissioner Trail, Mr. Derosé stated that he could not promise that there would be any additional convenience or grocery stores coming into this area because it is a permitted use of the shopping area.

### **CLOSED PUBLIC HEARING**

Commissioner Travers felt that due to the poor economic times this business would only bring in additional customers to the existing business center and felt that the applicant would bring pride in ownership to this business. He also felt that the existing businesses would thrive with additional surrounding businesses and with the landlords adding additional amenities that would satisfy the concerns heard tonight. With this, he stated his support of the proposed project.

Commissioner Trail felt that she could support this proposed business with the condition that a six month review be conducted, due to the concerns expressed by Ms. Medina of Cocina Medina.

Commissioner Westerman stated his support of the project.

Commissioner Johnson felt that if the precedent is set in this area that loitering or any other concerns expressed are not allowed at this proposed site, he felt the applicant's business would work, but requested that a condition be placed on the project with a six month review.

Commissioner Brandt felt that it was not her responsibility to approve the project based on the economic factors of the landlord, but approve projects on the basis of the City's Ordinances and existing Codes. She expressed concern to the fact of alcohol sales within 500 feet from an existing liquor establishment and felt she could not support the project and supported staff's recommendation to deny the request of the applicant.

Chairman Azevedo expressed concern to the sales of alcohol in close proximity to City parks and felt that he could not overrule the existing City Ordinance. He also felt that the mixture of alcoholic beverages between this business and the existing establishments could create significant safety issues and stated that he could not support this request of the applicant.

Commissioner Travers stated that in conferring with the Deputy City Attorney, he did not have to recuse himself due to the fact that he was once a tenant of Lone Tree Landing.

#### **RESOLUTION NO. 2008-XX**

***On motion by Commissioner Travers, and seconded by Commissioner Westerman, the Planning Commission approved a request to include off-site alcohol sales at a proposed 4,393 square foot convenience store with the added conditions:***

- ***Adding Project Specific Condition No. 7 to read: "That the applicant be brought back to the Planning Commission for a six-month review of the operation to ensure that Cocina Medina or Qin's is not affected from alcohol consumption from BG Market."***
- ***Adding Project Specific Condition No. 8 to read: "That public restroom facilities be added to the project."***

- **Adding Project Specific Condition No. 9 to read: “That the two garbage containers located in front of BG Market be kept clean and maintained.”**
- **Adding Project Specific Condition No. 10 to read: “That no pipes or illegal smoking paraphernalia be sold or used at BG Market.”**

**THE PUBLIC HEARING WAS RE-OPENED**

Chairman Azevedo re-opened the public hearing before the motion was finalized and asked Mr. Raslia if he approved of the proposed conditions as stated in the motion. Mr. Raslia stated that he approved and agreed.

**THE PUBLIC HEARING WAS CLOSED**

***The motion was taken:***

**AYES:** Travers, Westerman and Trail  
**NOES:** Brandt and Azevedo  
**ABSTENTION:** Delgadillo and Johnson

Due to the lack of a quorum, the motion failed.

***On motion by Commissioner Brandt, and seconded by Chairman Azevedo, the Planning Commission moved to deny a request to include off-site alcohol sales at a proposed 4,393 square foot convenience store.***

**AYES:** Brandt and Azevedo  
**NOES:** Westerman, Travers and Trail  
**ABSTENTION:** Delgadillo and Johnson

Due to the lack of a quorum, the motion failed.

Commissioner Trail suggested that this item be revisited in one month and encouraged the landlord and applicant to further study the footprint of the establishment to find other spaces that could be allocated for the BG Market.

**THE PUBLIC HEARING WAS RE-OPENED**

***On motion by Commissioner Trial, and seconded by Commissioner Johnson, the Planning Commission moved to continue this item to August 20, 2008, and instructed staff to meet with the applicant to further study the footprint of the establishment to find other spaces that could be allocated for the BG Market.***

**AYES:** Trail, Johnson, Westerman, Travers, Brandt and Azevedo  
**ABSTENTION:** Delgadillo

**ORAL COMMUNICATIONS**

None.

**WRITTEN COMMUNICATIONS**

Chairman Azevedo reviewed the correspondence that was received.

**COMMITTEE REPORTS**

None.

**ADJOURNMENT:**

Chairman Azevedo adjourned the Planning Commission at 9:40 p.m. to the next regularly scheduled meeting on August 20, 2008.

Respectfully Submitted,

Debra Lawson