

**CITY OF ANTIOCH
PLANNING COMMISSION MINUTES**

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

**September 15, 2010
City Council Chambers**

CALL TO ORDER

Chairman Johnson called the meeting to order at 6:30 p.m. on Wednesday, September 15, 2010, 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, September 23, 2010.

ROLL CALL

Present: Commissioners Johnson, Westerman, Langford, Baatrup and Travers
Absent: Commissioners Manuel and Azevedo
Staff: Community Development Director Tina Wehrmeister
City Attorney, Lynn Tracy Nerland
Minutes Clerk Cheryl Hammers

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. Approval of Minutes None

END OF CONSENT CALENDAR

NEW PUBLIC HEARINGS

2. **UP-10-03 – International Christian Ministry** requests approval of a use permit for religious assembly at 426 O Street (**APN 074-130-011**).

Tina Wehrmeister, Community Development Director, provided a summary of the staff report dated September 2, 2010.

Commissioner Travers questioned staff about the demising wall and if this was three hour rated to which CDD Wehrmeister stated that this would be reviewed when the tenant improvements come into the building department. Commissioner Travers then clarified with CDD Wehrmeister that this would not inhibit any other tenants who may move into the adjoining space.

A speaker in the audience stated that he did not understand the communications between staff and the Commission to which Commissioner Travers clarified his comments.

Commissioner Langford questioned staff about the parking lot improvements and whether the parking lot would be repaved, overlaid or slurry sealed to which CDD Wehrmeister stated that engineering would also review this when the tenant improvements came in through the building department.

Chairman Johnson clarified that the only issue before the Commission tonight would be the Use Permit and that the tenant improvements and parking lot issues would be resolved with building permit review.

OPENED PUBLIC HEARING

Applicant, Tuma Johnson, senior pastor of the Church spoke to say that this congregation was started in 2004 consisting of a majority of Africans being relocated and this congregations was set up to meet their needs which continues to be their primary focus. He stated that they are currently located in Pittsburg in a smaller space with three different Churches occupying the space.

Commissioner Travers asked applicant how long they had been in Pittsburg to which applicant stated since February of 2004. He further clarified with the applicant that although the current congregation is approximately 55 members per week that if the congregation continued to grow that there may be further expansion into the other side of the building.

Chairman Johnson asked the applicant if there would be any sports activities at the facility to which applicant stated that there may be in conjunction with the youth program such as putting a basketball hoop in the parking lot or kickball.

Commissioner Johnson then asked applicant if he had read all of the conditions and agreed with all of them to which applicant stated that he did and that he has been working with the landlord who is also present tonight.

Commissioner Langford clarified with applicant that although youth sports may be included, that these activities would take place during the time frames outlined. Commissioner Langford then stated his concern that there could be a conflict should other businesses move into the site.

Commissioner Travers questioned the applicant about whether they anticipated feeding the public at the facility, such as a soup kitchen to which applicant stated not at the present time but that they are trying to meet the needs of the community and this could be discussed with staff at a later time. Commissioner Travers then reiterated to the applicant that providing other services would have to get Use Permit approval.

The applicant stated that staff did a fantastic job listing items in Condition 23 to which Commissioner Travers stated that he just wanted to be sure that all conditions had been read.

Chuck Scotto, resident in the area, spoke to say that although he is not against religion, he does have a list of things of concern to him. He stated his concerns with parking problems in the area and with the addition of youth sports activities, the parking situation getting out of control. He went on to say that he had questions concerning the wrought iron fencing and the property being in a flood plain. He stated that his concern with this project is with eliminating commercial property sales tax and that the property will become of no income value to the City. Mr. Scotto also stated that he concerned with safety in the area given the special needs facility currently at the north corner of O Street creating very odd foot and car traffic.

Chairman Johnson asked the applicant to come forward to clarify parking or address comments.

The applicant stated that the project site had ample land available for required parking, he has met with the building department, feels that this project will increase income for the City given that most of their members live in Antioch and Pittsburg and that more members of the community can come to this location instead of traveling out of the area. He went on to state that he believed there would be more foot traffic than people driving to the Church.

Chairman Johnson clarified with applicant that the majority of the congregation would be coming on Sundays but that during the week certain families would be attending evening functions.

Commissioner Langford asked if the landlord would like to speak on the flood issue to which he stated that he would not as this was the City's problem.

CLOSED PUBLIC HEARING

Chairman Johnson asked if staff would like to address some of the issues to which CDD Wehrmeister stated that with respect to the parking problem they are required to provide all necessary parking for the facility. She said that given the concern that members would choose to park on the street and that the basketball hoops might impede parking, she said that the Commission might want to condition the project ~~that~~ that the Church management shall ask all congregation members to park in the on-site parking lot. Any occasional leisure activities on site shall not impede the use of the parking lot. The

congregation shall be reminded of this condition on a regular basis.+ CDD Wehrmeister went on to say that with respect to traffic control and safety issues, there are folks walking around but there are not a lot of people and that obeying the laws of the road should take care of that. She stated that traffic control is required when construction may impede the roadway but that she does not anticipate a large amount of work in the street, if any. She went on to clarify that the flood control channel adjacent to the property is a County Flood Control District facility.

City Attorney Nerland added that the Flood Control District is staffed out of the County and that they have been looking into making improvements which unfortunately cost a lot more money than what is currently available and are working with adjacent property owners. She also stated that she did not believe the facility referred to on O Street is a City facility.

Commissioner Langford stated that his only concern would be to give the Use Permit a trial run to get feedback and to give other residents comfort.

Commissioner Baatrup had no comment.

Vice Chair Westerman stated that he believed all concerns had been addressed, that a trial run for three to six months might be in order although not totally necessary, and that he is supportive of this proposal.

Commissioner Travers stated that he is supportive of the project, that he believed that good work was being done providing a good service to help make better citizens, believed that the flood issue was not their issue but a bigger issue, and that he would not be opposed to a three to six month review to come back for unconditional approval.

Chairman Johnson stated that he feels that the project has met all the issues that have been brought up, that he is not opposed to a review but did not feel it was necessary and that he is able to support the project subject to a special condition regulating the parking situation as proposed by staff.

Commissioner Baatrup questioned staff about the possibility of agendizing the project in the future if the applicant was not complying with the conditions to which CDD Wehrmeister stated that there were provisions in the Municipal Code to bring back a Use Permit for possibly revocation.

Commissioner Travers stated that if this was already in the book, a stipulation would not need to be made.

Chairman Johnson stated that he did not believe that a review period was needed on the basis of parking since parking requirements are based on the square footage of the site.

Commissioner Travers interjected that the applicant could not obtain a Certificate of Occupancy is that was not met.

Commissioner Baatrup stated his concern that having more people than permitted would be a violation of the Fire Code.

City Attorney Nerland commented to say that there was a distinction between the Use Permit being brought forward for review for cause when they are not doing what they said they would do and that this is built into the Code to consider suspension or revocation. Planning Commission bringing a project back for review would be for a new use, if they are unsure whether all issues are addressed.

There was discussion as to members parking onsite and reminding membership where they can park on a regular basis and that this should be placed into a new Specific Condition 24.

RESOLUTION NO. 2010-27

On Motion by Commissioner Travers, and seconded by Commissioner Baatrup, the Planning Commission approves UP-10-03, subject to the additional Specific Condition as follows:

- 24. That the Church management shall ask all congregation members to park in the on-site parking lot. Any occasional leisure activities on site shall not impede the use of the parking lot. The congregation shall be reminded of this condition on a regular basis.**

AYES: *Langford, Johnson, Westerman, Baatrup, and Travers*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Manuel and Azevedo*

- 3. GP-10-01 – The City of Antioch** requests that the Planning Commission make a recommendation to the City Council regarding adoption of the 2007-2014 Housing Element and adoption of a Negative Declaration for the project.

Tina Wehrmeister, Community Development Director, stated that there was a letter from CalTrans in front of the Commissioners and that she would like to reintroduce Christy Wheeler who presented the staff report.

Chairman Johnson asked Ms. Wheeler if it was common for the Housing Element to go through several rounds of comments with the State. Ms. Wheeler stated that it is common but that this review was a little intense because the City did not previously have a certified Housing Element. As to the Caltrans letter, Ms. Wheeler stated that a zoning revision and possibly specific housing projects would follow adoption of the

Housing Element at which time specific traffic impacts would be addressed with the CEQA document for those projects.

Commissioner Travers stated that the Department of Transportation letters speak to a twenty year study and that many things will happen in the area. He asked if the City is obligated for fifteen to twenty years to which Ms. Wheeler stated that the Housing Element is one document and that there will also be rezoning and projects subject to CEQA.

CDD Wehrmeister interjected that it is common for large agencies to make broadly worded comments such as with the Caltrans letter.

Commissioner Travers confirmed with Ms. Wheeler that the City is short 1700 units to meet the RHNA allocation which are primarily low, very low and extremely low income. Commissioner Travers stated that he thought that areas for low income had already been identified to which CDD Wehrmeister clarified that the sites that Planning Commission and City Council had recommended were incorporated into the Housing Element and that these locations provided the necessary area for the 1700 units.

Commissioner Langford confirmed that any parcels that are developed would have to meet zoning requirements and be built in accordance with the Housing Element.

CDD Wehrmeister stated that the zoning ordinance would need to be updated and would come back to the Planning Commission and while this is a lengthy process for the City, it will be more expeditious for developers once adopted.

OPENED PUBLIC HEARING

After clarifying with City Attorney Nerland that this item was noticed as a public hearing, Chairman Johnson asked if anyone wanted to speak and seeing no one closed the public hearing.

CLOSED PUBLIC HEARING

Chairman Johnson stated that the work has been done, that the Housing Element has been verified by the State and feels comfortable voting to recommend to the City Council.

RESOLUTION NO. 2010-28

On Motion by Commissioner Langford and seconded by Commissioner Westerman, the Planning Commission approved the resolution making necessary findings and recommending that the City Council adopt the Negative Declaration and 2007-2014 Housing Element.

AYES: *Langford, Johnson, Westerman, Baatrup and Travers*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Manuel and Azevedo*

ORAL COMMUNICATIONS

CDD Wehrmeister stated that both agendas were full for the two meetings in October.

City Attorney Nerland stated that the City Council has approved the rezoning of Mikes Auto Body and that Walmart is coming back before the City Council on September 28th. She also stated that since the Walmart project was before the Planning Commission there has been further appellate court guidance and that the City Council has asked for more information on that case for impacts on the decision before them.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

None.

ADJOURNMENT

Chairman Johnson adjourned the Planning Commission at 7:25 p.m. to the next regularly scheduled meeting on October 6, 2010.

Respectfully Submitted,
Cheryl Hammers