

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**October 17, 2007
City Council Chambers**

Chairman Travers called the meeting to order at 7:30 p.m. on Wednesday, October 17, 2007, in the City Council Chambers.

Chairman Travers 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, October 24, 2007.

ROLL CALL

Present: Commissioners Martin, Brandt, Delgadillo, Vice Chairman Azevedo and Chairman Travers
Staff: Deputy Director Community Development Wehrmeister
Senior Planner Morris
Junior Planner Pease
Assistant City Attorney Hawkins
Minutes Clerk Lawson

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

NEW ITEMS

Deputy Director of Community Development (DDCD) Wehrmeister presented Delores Long with a street sign honoring her for her years of service on the Planning Commission and time given to the community.

Delores Long expressed her appreciation to the Commission and City.

CONSENT CALENDAR

1. **Approval of Minutes:**
 - A) **August 15, 2007**
 - B) **September 5, 2007**

Commissioner Brandt pulled the Minutes of September 5, 2007, and requested that the audio tape pertaining to Item No. 3 be reviewed by the Minutes Clerk, in terms of the addition of Project Specific Condition No. 95. She stated that she requested that the

shopping cart corrals be provided in “every isle”, and not “every other isle”, as noted in the Minutes.

Commissioner Martin pulled the Minutes of August 15, 2007, and requested that on page 2, paragraph 2, be changed to read: “Commissioner Martin noted for the record that all doors located on the north side of the building swing outward with a push bar and therefore, a push bar as proposed by Staff should not be required on the east door location.”

On motion by Commissioner Martin, and seconded by Commissioner Azevedo, the Planning Commission approved the Minutes of August 15 and September 5, 2007, with the amended changes.

AYES: Martin, Azevedo, Delgadillo, Brandt and Travers

END OF CONSENT CALENDAR

CONTINUED PUBLIC HEARINGS

- 2. UP-07-12 – RCCG Jesus House Antioch – RCCG Jesus House requests approval of a Use Permit application to conduct religious assembly in an existing building. The project site is located at 1904 A Street (APN 067-251-005).**

Junior Planner Pease provided a brief summary of the Staff Report dated October 5, 2007.

In response to a comment made by Commissioner Martin in regards to Condition No. 19, Junior Planner Pease stated that this condition was to mean that the word “amplified” would refer to sound and not just music.

Commissioner Martin questioned if there would be adequate parking for adjacent businesses. DDCD Wehrmeister stated that Staff had taken a conservative approach to the calculation of parking spaces for the overall area and noted that even with all suites occupied within the shopping center; there would be adequate parking available. Commissioner Martin wanted to ensure that the Church parking would not impact the surrounding businesses and neighbors.

OPENED PUBLIC HEARING

Michael Key, Project Architect, requested that Condition No. 17 be worded to read: *“That the project shall comply with ADA requirements and shall provide Title 24 accessibility as required by the California Building Code.”* He also requested that Condition No. 19 be reconsidered and stated that the applicant could mitigate sound by constructing a wall that separates the assembly area to limit sound penetration.

In responding to a request of Commissioner Martin regarding the amount of church services, Pastor Oyimkan stated that the church has signed a two year lease and if the congregation increases, future plans would include two services on Sundays. The first service would be from 8:00 a.m. to 10:00 a.m. and the second from 11:00 a.m. to 1:00 p.m.

Carol Gwen, Realtor representing the landlord, stated that all businesses in this complex are provided a key to the back gate, which is required to be open during normal business hours. The gate is currently being left open 24/7 and the landlord would request that it be closed at night. Furthermore, the landlord is aware of a certain tenant that is creating additional trash in this area, and that the property manager has been made aware of this situation.

Commissioner Martin requested that the applicant request that his congregation park in the rear, as to not place additional impacts on A Street, in terms of safety issues. Pastor Oyimkan agreed.

Commissioner Brandt commented on Condition No. 19, wherein Pastor Oyimkan stated that he would request that this condition be modified because he would be using a microphone, CD or audio recorder, which would create a low sound. He requested that this condition be revised to accommodate this request. Commissioner Brandt stated that she did not want the level of sound to disturb the adjacent neighborhood and businesses and wanted the sound to be mitigated in some manner.

DDCD Wehrmeister stated that the intent of Condition No. 19 was that instruments and a choir would be emanating sound and she felt that the size of the suite was such that the Church could hear the sound without amplification being necessary. Also, if a microphone were to be used, it might emanate beyond the walls. Through discussions, Chairman Travers stated to Pastor Oyimkan that the Commission is concerned about music spilling over to the adjacent businesses and residences and that if amplified sound is to be requested, the applicant would need to mitigate the effect in some manner.

Martin Ajayiobe, member of the RCCG Jesus House Antioch, stated that the amount of power that the amplifier will produce would not cause significant noise issues and that the church is sensitive to the concerns of the adjacent businesses and neighbors.

CLOSED PUBLIC HEARING

In responding to Commissioner Martin, DDCD Wehrmeister stated that she did not have an objection to the applicant's proposed change to Condition No. 17.

In regards to Condition No. 19, DDCD Wehrmeister suggested that the wording be changed to read: *"That sound shall not emanate from the subject suite into adjoining suites and that doors and windows shall remain closed during church services."* She further suggested that a Condition No. 20 be added to read: *"That common walls shall*

be designed with resilient channels and filled with insulation to reduce noise transition subject to approval with the Building Official and that this improvement shall be completed prior to certificate of occupancy.”

Commissioner Martin stated that he felt uncomfortable with the proposed hours of operation, wherein DDCD Wehrmeister stated that a condition be added to read: *“That the hours of operation shall be: Sunday Family Service 8:00 a.m. to 1:30 p.m., Tuesday Prayer Meeting 7:00 p.m. to 8:30 p.m., once a month Holy Ghost Night (prayer meeting) 7:30 p.m. to 10:30 p.m. and Church office hours Monday through Saturday 10:00 a.m. to 5:30 p.m., as noted in Attachment B1 of the Staff Report.”*, per the Staff Report.

Commissioner Delgadillo spoke to Condition No. 10 and requested that it be modified to note that the church be responsible for all areas associated with the church, as well as the area between the parking and A Street.

RESOLUTION NO. 2007-25

On motion by Commissioner Martin, and seconded by Commissioner Azevedo, the Planning Commission approved a request from Redeemed Christian Church of God, Jesus House – Antioch for approval of a Use Permit to assemble for religious purposes in an existing building. The project site is located at 1904 A Street (APN 067-251-005), with the following changes and additions:

- ***Amend Condition No. 10 to read: “That the site immediately adjacent to the tenant space be kept clean of all debris (boxes, junk, garbage, etc.) at all times. The entire site shall be kept clean of debris found in other locations that are attributable to this business. Debris shall be removed by the applicant.”***
- ***Amend Project Specific Condition No. 17 to read: “That the project shall comply with ADA requirements and shall provide Title 24 accessibility as required by the California Building Code.”***
- ***Amend Project Specific Condition No. 19 to read: “That sound shall not emanate from the subject suite into adjoining suites and that doors and windows shall remain closed during church services. Amplified sound shall be limited to Sunday Services only.”***
- ***Add Project Specific Condition No. 20 to read: “That common walls shall be designed with resilient channels and filled with insulation to reduce noise transmission subject to approval with the Building Official and that this improvement shall be completed prior to certificate of occupancy.”***
- ***Add Project Specific Condition No. 21 to read: “That the hours of operation shall be: Sunday Family Service 8:00 a.m. to 1:30 p.m., Tuesday Prayer Meeting 7:00 p.m. to 8:30 p.m., once a month Holy Ghost Night (prayer meeting) 7:30 p.m. to 10:30 p.m. and Church office hours Monday through Saturday 10:00 a.m. to 5:30 p.m., as noted in Attachment B1 of the Staff Report.”***

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- **Add Project Specific Condition No. 22 to read: “That a notice will be provided to all church members instructing them to park behind the building on 20th Street.”**

AYES: Martin, Azevedo, Delgadillo, Brandt and Travers

3. **UP-05-31 – Consolidated Development Services, Inc., requests approval of a Use Permit to construct a 1,727 s.f. drive through Starbucks Coffee, a 5,000 s.f. bank, and approximately 12,000 s.f. of retail. A Mitigated Negative Declaration is proposed for adoption. The project site is located at the corner of Hillcrest Avenue and Wildflower Drive (APN 052-460-011).**

Staff recommended that this item be continued to November 7.

On motion by Commissioner Azevedo, and seconded by Commissioner Martin, the Planning Commission continued Item No. 3 to the meeting of November 7, 2007.

AYES: Azevedo, Martin, Delgadillo, Brandt and Travers

NEW PUBLIC HEARING

4. **UP-05-31 – Markstein Distribution Center – ARCO National Construction Company requests that the Planning Commission review a Final Development Plan (PD), PD rezone, and Use Permit for an office/warehouse distribution center to be constructed in two phases totaling 135,888 s.f. The project site is located on undeveloped land west of Highway 160 at the northern terminus of Drive-In Way. (APN 051-052-110)**

Senior Planner Morris provided a summary of the Staff Report dated October 11, 2007.

Commissioner Martin requested that within Project Specific Condition No. 50, that last sentence be modified to change the word “may” to “**shall**”.

OPENED PUBLIC HEARING

Bob Markstein, Owner, stated his appreciation to the City for their cooperation.

Ted Heathorn, Construction Manager, stated that he had reviewed the site specific conditions and have already begun to incorporate those changes into the drawings, pending the project’s approval. In responding to Commissioner Martin, Mr. Heathorn stated that he agreed to Staff’s memorandum regarding Project Specific Condition Nos. 42(n) and 57, as well as the conditions contained within the Staff Report.

CLOSED PUBLIC HEARING

Commissioner Brandt stated her approval of the project and felt it was a welcomed addition to the community.

Commissioner Martin welcomed the relocation of this business and stated his appreciation to the applicant for their business.

RESOLUTION NO. 2007-26

On motion by Commissioner Azevedo, and seconded by Commissioner Martin, the Planning Commission approved an Ordinance to rezone 11.04 acres, making up the Markstein Distribution Center Project site to Planned Development District (PD), with the following changes and additions:

- ***Amend Condition No. 42(n) to read: “Runoff Control – demonstrate compliance with Contra Costa County Clean Water Program’s Hydrograph Modification Management Standard. The developer must design the proposed project accordingly.”***
- ***Amend Project Specific Condition No. 50, last sentence that the word “may” be changed to “shall”.***
- ***Add Project Specific Condition No. 57 to read: “That the developer shall reimburse the City of Antioch for the property’s proportionate cost of the sewer line and associated easement located in Sakurai Street. A benefit district shall be established to determine each benefiting property’s associated cost. The reimbursement shall be made prior to issuance of the building permit or as approved by the City Engineer.”***

AYES: ***Azevedo, Martin, Delgadillo, Brandt and Travers***

WRITTEN COMMUNICATIONS

DDCD Wehrmeister provided the Commission with a Staff Report dated October 10, 2007, regarding the replacement of Commissioner Bob Martin. Through discussions, the Commission continued this to the next meeting on November 7, 2007.

Each Commissioner expressed their appreciation to Commissioner Martin for his time served on the Commission.

Commissioner Martin expressed his appreciation to the Commission and stated that he has enjoyed his past Planning Commission experience. He noted that he would remain serving on the Design Standard Subcommittee as a member of the public, and not as a Planning Commissioner.

Chairman Travers noted that correspondence was received from the Legal Woman Voter's and a Groundbreaking Ceremony for Mt. Diablo Center on Loveridge Road on November 1.

ORAL COMMUNICATIONS

Per the request of Commissioner Azevedo, DDCD Wehrmeister explained a situation of an individual who had applied for a home occupational use permit for a floral business. She noted that staff is in the process of investigating this situation and is fully aware of concerns expressed by competing businesses. An administrative decision will be made in the near future.

Commissioner Martin reported that the lights located within the road were out in the area across the A Street crosswalk, and noted that Coast to Coast Motors on 18th Street were parking vehicles within the "ingress" area. He requested that staff research these issues.

DDCD Wehrmeister introduced newly appointed Planning Commissioner Tom Westerman.

COMMITTEE REPORTS

Commissioner Brandt reported that a Highway 4 design review was held and that Commissioner Martin provided the architectural aesthetics for sound walls from Somersville Road out to Hillcrest Avenue. She also reported that she had recently attended a field trip to the Almaden Community Center/Library in San Jose.

ADJOURNMENT

Chairman Travers adjourned the Planning Commission at 9:15 p.m. to the next regularly scheduled meeting to be held on November 7, 2007.

Respectfully Submitted,

Debra Lawson