

**CITY OF ANTIOCH  
PLANNING COMMISSION**

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

**November 5, 2008  
City Council Chambers**

**CALL TO ORDER**

Chairman Azevedo called the meeting to order at 7:30 p.m. on Wednesday, November 5, 2008, 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 Wednesday, November 12, 2008.

**ROLL CALL**

Present: Commissioners Westerman, Johnson, Brandt, Delgadillo, Trail and  
Chairman Azevedo  
Absent: Commissioner Travers  
Staff: Deputy Director of Community Development Wehrmeister  
Senior Planner Oshinsky  
Associate Planner Gentry  
Traffic Engineer Bernal  
Deputy City Attorney Hawkins  
Minutes Clerk Lawson

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

None.

**CONSENT CALENDAR**

1. Approval of Minutes: None

**END OF CONSENT CALENDAR**

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**CONTINUED PUBLIC HEARING**

2. **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 with up to 10% of the retail floor area dedicated to alcohol sales. The convenience store will also sell items such as groceries and packaged goods. The Planning Commission is also asked to make a recommendation on Amendments to Section 9-5.3831 of the Municipal Code. The project site is an in-line tenant space in the Lone Tree Landing retail center located at 5005 Lone Tree Way (APN 056-470-001).**

Senior Planner Oshinsky provided an overview of the Staff Report dated October 31, 2008, and noted that revisions to the Staff Report were distributed to the Commission in regards to Attachment E and Exhibit A, dated November 5, 2008.

Chairman Azevedo announced that Commissioner Johnson would abstain from this item, due to a conflict of interest.

**OPENED PUBLIC HEARING**

Santino DeRose, representing the applicant, stated that the applicant's proposed business should not be labeled a liquor store, but a convenience market, and 90 percent of the sales will be produce and household goods. Mr. DeRose stated that he could not operate this market without the liquor aspect and that only 10 percent of the floor space would be dedicated to the sale of alcoholic beverages. He also felt that vacant spaces within any shopping area are at higher risk, in terms of security issues.

Mr. Singh, applicant, stated that he presently owns a 7-11 Market on Wild Horse Road and Hillcrest Avenue with his family and since 2002 there have been no City violations at this business. He requested the approval of the Commission and stated that he would hold this business to the highest standards.

In responding to Commissioner Brandt, Mr. DeRose explained the types of items that would be displayed for sale, as well as the conceptual architectural design and traffic circulation issues.

Nancy Fernandez, resident, representing Cocina Medina, stated Cocina Medina's opposition, as well as her own and expressed concern to the placement of this convenience store in this area and felt that it would create additional crime to the shopping center and area. She stated that she agreed with the Police Department's concerns, in terms of statistical crime rates and that she did not want the Market to sell any type of adult magazines, videos, Ziploc bags or paper cigarette sales and requested that the hours of operation be changed to 8:00 a.m. to 10 p.m.

Martin Fernandez, resident, expressed concern to this type of establishment going into this area, in terms of crime, minor alcohol sales and paraphernalia items that would be sold. If this project is approved, he requested the hours be reduced.

Mr. DeRose felt these concerns expressed by the public could be addressed by the Commission and that he would be amenable to any changes in order that the market could comply. Mr. Singh interjected that his 7-11 Store sales located on Hillcrest Avenue have decreased, due to the opening of Bypass 4, and promised that he would hold this store to the highest standard.

Sherman Cowley, resident, felt that specific provisions could be placed on this business, such as placing a condition on the applicant that no alcohol sales would be conducted after 10 p.m. or in the vicinity to this timeframe.

### **CLOSED PUBLIC HEARING**

Commissioner Trail felt that she would be inclined to approve a reduction in alcohol sales to eight (8) percent and it should be the goal of the City to provide businesses with financial strength, due to the present economy. She also felt that the existing businesses would benefit with this type of business and stated that she was inclined to support the Use Permit.

Commissioner Delgadillo stated that he would be in favor of restricting the sale to only beer and wine, and not hard liquor, with a slight reduction in hours. He proposed to stop the sale of liquor at 10:00 p.m. or 11:00 p.m., and felt that he could then support the Use Permit.

Commissioner Westerman supported a compromise, in terms of reducing the hours of operation and felt the Market would bring additional foot traffic into this center.

Commissioner Brandt expressed concerns to the existing convenience stores located near the Deer Valley High School and did not want an additional one added to this area. She also felt that if the City's Ordinance was changed, it would affect the community as a whole in terms of possible higher crime rates. Commissioner Brandt also understood the concerns of the adjacent existing businesses and felt their sales could suffer and questioned if other possible impacts to the City would be created.

Chairman Azevedo expressed a concern to the type of clientele this market would bring in if liquor were to be sold and felt that liquor could be taken into the adjacent parking lots, as well as nearby City parks. He spoke to additional alcohol sales that exist in this area and the existing problems that could occur and did not want to add to any additional health and safety issues to the community. He felt that he could not support this type of establishment in this location.

**RESOLUTION NO. 2008-XX**

***On motion by Commissioner Delgadillo, and seconded by Commissioner Trail, the Planning Commission moved to recommend a revision to Zoning Ordinance §9-5.3831 Liquor Establishments.***

**ORDINANCE NO. 2008-XX**

***On motion by Commissioner Delgadillo, and seconded by Commissioner Trail, the Planning Commission moved to rescind and re-enact Article 31 of Title 9, of the Antioch Municipal Code 9-5.3831 Liquor Establishments, as contained within the Staff Report.***

Through discussions, Commissioner Trail moved to amend the motion to read: Retail markets having a minimum 4,000 square feet of floor area which devote no more than 8 percent of such floor area to the sale, display and storage of alcoholic beverages. to the proposed Ordinance contained within the Staff Report.

As maker of the motion, Commissioner Delgadillo stated that he would not accept Commissioner Trail's amendment.

**AYES:** *Westerman and Trail*  
**NOES:** *Brandt, Azevedo and Delgadillo*  
**ABSENT:** *Travers*  
**ABSTENTION:** *Johnson*  
***The motion did not carry, due to lack of a majority vote.***

Chairman Azevedo stated that there was no formal recommendation by this body the project will move forward to the City Council.

**NEW PUBLIC HEARING**

- 3. UP-08-11/V-08-03/AR-08-11 – Black Dot Wireless on behalf of AT&T and Sprint/Nextel requests approval of a Use Permit to install a new multi-tenant wireless communication facility and a variance to construct a 75 foot freeway oriented sign to house the new antennas. The project site is located at 2436 Mahogany Way (APN 074-370-022).**

Staff recommended that this item be continued to November 19, 2008.

***On motion by Commissioner Brandt, and seconded by Commissioner Westerman, Item No. 3 was continued to November 19, 2008.***

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

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- 4. RDA-07-03 – Roddy Ranch PBC, LLC requests approval of 647.88 residential development allocations over five years to develop approximately 392 acres on a 540 site. The project site is located in the southern portion of Antioch, more specifically, west and southwest of the intersection of Deer Valley Road and Empire Mine Road (APN's 075-190-012, 057-070-003, -004, -005, -009, -010, -011, 057-060-017 and -022).**

Associate Planner Gentry provided a synopsis of the Staff Report dated October 31, 2008.

**OPENED PUBLIC HEARING**

Dan Boatwright, representing the applicant, briefly spoke to the benefit of the project and requested its recommendation. Per the request of Commissioner Brandt, he also spoke to the architectural aspects of the project, in terms of secondary units and miscellaneous conceptual designs.

Chairman Azevedo asked Mr. Boatwright if he had read and agreed with all the Conditions of Approval contained within the Staff Report. Mr. Boatwright stated that he had read and agreed with the Conditions of Approval.

Troy Bristol, Save Mount Diablo, suggested that if this project is approved that other conditions be added:

- 1) That the project is consistent with the goals and policies of the East Contra Costa Habitat Conservation Plan.
- 2) That the open space provided by the project be located close to other existing open spaces such as Black Diamond Mine Regional Preserve in order to properly buffer between the project and any other open spaces that already exist.
- 3) That the project includes an extensive trail system which connects to the nearby open spaces to allow the residents of the project easy access to the open spaces.

Sherman Cowley, resident, questioned how the Planning Commission would address this type of high end development, due to the existing housing crisis. Chairman Azevedo felt that this was a different type of product that is not available in Antioch at this time and this project is only at the planning stage and these allocations are not in the near future.

Lech Nanmovich, East Bay Chapter of the Plant Society, requested that the Planning Commission deny this approval and stated that he felt that the Roddy Ranch development has not been responsible for its present development, in terms of environmental issues. He felt the area was sensitive and of high conservation value and would not want the natural habitat to be damaged.

Chairman Azevedo read a prepared statement submitted by Antioch resident Suzanne Gilmore of the California Department of Fish and Game and noted that this would be entered into the record.

### **CLOSED PUBLIC HEARING**

Commissioner Trail felt that this type of housing was needed within the community and welcomed Roddy Ranch to work with the City on this project.

Commissioner Johnson stated that while he was sensitive to the existing environmental issues, he did favor the project.

Commissioner Brandt felt that this type of development would benefit the community, as well as the surrounding communities. She noted that she was aware of the environmental issues and felt they would be addressed through the appropriate channels. She encouraged the conceptual project at this time and supported this recommendation to move on to the City Council.

Chairman Azevedo expressed his enthusiasm of this type of project for the community and felt that all issues would be fully explored as this project moves forward.

### ***RESOLUTION NO. 2008-26***

***On motion by Commissioner Brandt, and seconded by Commissioner Delgadillo, the Planning Commission recommended the approval to the City Council of 647.88 Residential Development Allocations for the Roddy Ranch Project.***

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

***ABSENT: Travers***

### **ORAL COMMUNICATIONS**

Nicholas Tagas was introduced as a new Junior Planner.

Deputy City Attorney Hawkins announced that he would be leaving the City and expressed his appreciation to the Planning Commission.

### **WRITTEN COMMUNICATIONS**

None.

### **COMMITTEE REPORTS**

Commissioners Trail and Brandt noted their attendance at a recent Housing Subcommittee meeting.

**ADJOURNMENT:**

Chairman Azevedo adjourned the Planning Commission at 9:30 p.m. to the next regularly scheduled meeting on November 19, 2008.

Respectfully Submitted,

Debra Lawson