

**CITY OF ANTIOCH
PLANNING COMMISSION MINUTES**

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

**December 5, 2012
City Council Chambers**

CALL TO ORDER

Commissioner Westerman called the meeting to order at 6:30 p.m. on Wednesday, December 5, 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, December 13, 2012.

ROLL CALL

Present: Commissioners Motts, Azevedo, Sanderson, Westerman
Absent: Chair Baatrup
Staff: Senior Planner, Mindy Gentry
Assistant Engineer, Harold Jirousky
City Attorney, Bill Galstan
Minutes Clerk, Cheryl Hammers

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. Approval of Minutes: November 7, 2012

On motion by Commissioner Azevedo, and seconded by Commissioner Sanderson, the Planning Commission approved the Minutes of November 7, 2012.

AYES: Motts, Azevedo, Sanderson and Westerman
NOES: None
ABSTAIN: None
ABSENT: Baatrup

END OF CONSENT CALENDAR

NEW PUBLIC HEARING

2. Catholic Funeral and Cemetery Services, the applicant, is proposing a 10,600 square foot funeral center, associated parking, sewer and water connections and landscaping at Holy Cross Cemetery located between the existing Delta Villa mobile home park to the west, an existing cemetery to the east, and East 18th Street to the north (**APNs: 051-170-056 & 057**). A Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program will be considered for adoption.

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

Commissioner Motts questioned staff about the use of bioswales, if there were mediations for them, if collection was just off the parking area and redistributed into recycled water, and if it was anticipated for collection to feed into the bioswale.

SP Gentry responded that they would be used to collect storm water from impervious surfaces and to filter out contaminants and meter flow where it would then be conveyed into the City storm drain system. She said that they are required to mitigate from all impervious surfaces including the roof.

OPENED PUBLIC HEARING

Deacon Dave Holland of Holy Cross spoke to say that Holy Cross has been a part of the community since 1870, originally on the north side of 18th Street, has grown with the community to meet the needs of the population and that they serve eight different parishes. He said that the last mausoleum has a cemetery and a chapel for services but that they are outgrowing that chapel and need to expand. He said given that cremation has become a large part with over 50% of funerals being cremation now in California, that the chapel has space for caskets but not for cremated remains. He said that they believe everyone should be buried in a cemetery but if people can't afford, they want to help and that they take cremated remains free of charge. It is their hope that this development will allow them to continue this and to provide a one stop location.

Steven Oliver, construction manager, spoke to ask that the commission consider amendments to four conditions: Condition 51 regarding completion of the lot merger before the building permit, they would like to get going and have it to say before issuing a Certificate of Occupancy. Condition 55 regarding the pitch of the roof, that their proposed pitch would allow equipment to be placed out of view and the building would have the same roof slope as the existing building to the east. Condition 63 requesting powder coating on the fence along the front, that given the fence has a historical element and is installed in concrete and to remove it would destroy it, they would like to change this to painted with regular maintenance of painting. Condition 64 for the trash enclosure, that they have agreed to enclose in a maintenance yard where it would be installed but do not want to spend \$20,000.00 to enclose given it will only be seen when the gates are open.

Commissioner Westerman confirmed with applicants that they were in agreement with all others conditions.

Commissioner Azevedo questioned applicant regarding Condition 51, if the reason to delay was so that they could start construction as soon as possible to which Mr. Oliver said that they are five months behind schedule, that it would take two months for the merger and they would like to get to work.

Commissioner Azevedo clarified with applicant that the HVAC units are in the attic area and the pitch allows them to be enclosed. He also clarified that the fence was done under the auspices of Frank Lloyd Wright and that they would like to maintain that fence.

Commissioner Azevedo confirmed with applicant that the trash enclosure would only be visible when the gates were open and that the gates would be closed. He clarified with staff that the enclosure would be plumbed to the sanitation system. Staff indicated that an overhang would prevent rain water from getting into the sanitary sewer and applicant confirmed that would not be a problem.

Commissioner Sanderson asked about the maintenance of the wrought iron fence, said she assumed it is painted and would therefore be repainted and stated that staff feels it is not being maintained. SP Gentry stated that the paint has deteriorated. Mr. Oliver said that part of the work has been done.

Commissioner Sanderson said that in Condition 58 there are three options to meet the parking requirement to which Mr. Oliver indicated that it is their preference to add one additional space.

Commissioner Motts asked staff if there was any problem with the roof pitch or if it was purely design to which SP Gentry said that this came from peer review, that it is purely design and that if it matches the existing and hides the HVAC this may outweigh those benefits.

Commissioner Westerman asked staff if delaying the lot merger presents a problem to which SP Gentry said that the only potential issue is using this as a carrot to complete the merger in that the Certificate of Occupancy wouldn't be issued but that this hasn't stopped people in the past. She said that this is more of an engineering issue than planning.

Assistant Engineer Jirousky said that they can submit the application for the merger with the construction documents so that they are received at the same time. Mr. Oliver said that they took the risk of submitting the construction plans four months ago so they don't have that luxury, that they can certainly get the application when they pick up the building permit and that they can submit it tomorrow.

SP Gentry stated for a point of clarification that the plans are in review, that they will have to be changed pursuant to tonight's actions and that there is an eight to twelve week plan check turnaround time.

Commissioner Azevedo clarified with staff that it will be awhile before they can start construction even if the Commission agrees, but that an at-risk grading permit may be obtained. SP Gentry said that the worst case scenario would anticipate issuing a building permit sometime in the spring.

Commissioner Westerman said that the bottom line is to submit as soon as you can. SP Gentry said that they could submit the applicant prior to the building permit issuance and have it recorded prior to the Certificate of Occupancy.

Commissioner Westerman stated that the Mitigated Negative Declaration had not been discussed and asked if the Commission or anyone in the room had comments or questions.

Nicholas Wellsenbach from Higgins asked what the time frame would be for construction to which Mr. Oliver said that it would be twelve months or so.

Commissioner Westerman said that he recalled seeing that the construction may be in phases to which Mr. Oliver said that there is a secondary phase to build and that eventually there would be a third but that they would go back through the process again.

CLOSED PUBLIC HEARING

Commissioner Motts stated that applicants were complying with most of the issues.

Commissioner Azevedo said that he is comfortable that most of the items have been mitigated and that four issues were brought up. That he is ok with submitting the lot merger before the building permit is issued; that the pitch of the roof makes sense to allow the HVAC which also matches; and that the trash enclosure shall be properly plumbed with an overhang. He said that he is a little concerned about the fence; by applicant's own omission it has fell into a state of disrepair but they are now promising to maintain it. He said that he thinks it is important that the foundation design be kept and would hate to see that destroyed by pulling out the concrete but if it is allowed to be painted instead of powder coating that comes with a higher degree of responsibility to maintain. He said that he is personally comfortable with the painted fence, that the addition of the additional parking would be appropriate and that he could support this project.

Commissioner Sanderson agreed and said that if Condition 63 were amended to require painting instead of powder coating, that language should be added to regularly maintain. She said that regarding the lot merger, it would be sufficient to submit the application prior to the building permit and record prior to issuance of the occupancy permit. She said that with those comments included, she could support.

Commissioner Westerman stated that he concurred with the prior comments. He said that he liked the design the way it is, is in favor of this project and supports it.

RESOLUTION NO. 2012-13

On motion by Commissioner Azevedo and seconded by Commissioner Motts, the Planning Commission approved PW371-RA-51, UP-11-11, AR-11-08, subject to all conditions with the following changes:

- Condition 51 to read “The lot merger application shall be submitted prior to building permit issuance and the lot merger shall be recorded prior to issuance of the Certificate of Occupancy.”
- Delete Condition 55.
- Condition 58: Leave as is noting that their preference is the second one.
- Condition 63 to read “The existing wrought iron fence along the property frontage adjacent to the new building, as well as the middle section of the property where the two new monument signs will be located, shall be painted black with regular maintenance in lieu of the powder coating requirement.”
- Condition 64, the first sentence changed to read “The applicant shall install a trash enclosure within the maintenance yard area which shall be constructed of chain link material, subject to staff review and approval.”

AYES: *Motts, Azevedo, Sanderson and Westerman*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Baatrup*

CONTINUED PUBLIC HEARING

3. **UP-12-09** – Farid Gulyar of Kabul Market requests a use permit to operate a convenience store, selling Persian food, household items, dairy products, dried fruits, breads, and meat. The project is located at 2521 San Jose Drive (**APN: 076-440-006**).

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

Commissioner clarified with staff that this was the location of the previous sports bar which will now be a market and a restaurant. He asked staff if the existing restrooms located in the market area would be used and that they would not be relocated in the restaurant to which SP Gentry said that this should not be an issue as there was a door between the two.

OPENED PUBLIC HEARING

Hasid spoke on behalf of the applicant to say that everything was contained in the report and was there to answer any questions.

Commissioner Westerman confirmed with applicant that there are three doors in the front.

Commissioner Azevedo asked if all three doors were entrance, exit or emergency to which applicant said that two would be for entrance and one for emergency.

Commissioner Motts asked if ordering of food in the restaurant would be done at the counter, in the store or would there be waiters to which applicant said that there is a kitchen for food preparation and that they would have a waiter to take orders.

Commissioner Azevedo clarified with the applicant that the convenience store will sell meat but that the kitchen will have their own product.

Commissioner Azevedo asked applicant if other than the one door that connects the market to the restaurant, if there was another door behind the deli to the kitchen area, thereby sharing the walk-in cooler. Applicant responded that there are two walk-in coolers, one for the meat department and one for the restaurant and that there would be no cross contamination.

Commissioner Azevedo confirmed that applicant had read all conditions and were in agreement.

CLOSED PUBLIC HEARING

Commissioner Azevedo stated that the application is an appropriate use of the building, that it was much better than leaving the building vacant, that he appreciated the applicant coming forward and attempting to make a go of a restaurant with diversity, and that he was happy to support this proposal.

Commissioner Motts clarified with staff that the Municipal Code has exemptions regarding serving alcohol for restaurants and that they can have package alcohol for the store.

Commissioner Azevedo clarified with staff that as long as they are not within 500 feet of others selling alcohol that they could come back to apply for the permit.

Commissioner Sanderson said that she was excited to see this project, that she liked the convenience store/restaurant combo and that she was happy to approve it.

Commissioner Westerman concurred and said that it was a good use of that building and that he is all for it.

RESOLUTION NO. 2012-14

On motion by Commissioner Sanderson and seconded by Commissioner Motts, the Planning Commission approved UP-12-09, subject to all conditions.

AYES: Motts, Azevedo, Sanderson and Westerman
NOES: None
ABSTAIN: None
ABSENT: Baatrup

NEW ITEM

4. Election of Vice-Chair

Commissioner Westerman opened up for nominations.

Commissioner Motts stated that he felt one of the two senior commissioners should be appointed.

Commissioner Sanderson nominated Commissioner Azevedo for Vice Chair.

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

AYES: *Motts, Azevedo, Sanderson and Westerman*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Baatrup*

ORAL COMMUNICATIONS

SP Gentry said that applications were being received for the vacant Commission seats and there should be new commissioners by the first part of the year.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Commissioner Azevedo said that he will hold off reporting on Transplan until he consults with staff to understand exactly what he can report on the City of Pittsburg lawsuit.

ADJOURNMENT

Commissioner Westerman adjourned the Planning Commission at 7:35 p.m.

Respectfully Submitted,
Cheryl Hammers