

**CITY OF ANTIOCH  
PLANNING COMMISSION MINUTES**

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

**August 6, 2014  
City Council Chambers**

**CALL TO ORDER**

Chair Hinojosa called the meeting to order at 6:30 p.m. on Wednesday, August 6, 2014, in the City Council Chambers. She 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, August 14, 2014.

**ROLL CALL**

Present: Commissioners Pinto, Baatrup and Westerman  
Chair Hinojosa and Vice Chair Motts  
Absent: Commissioner Miller  
Staff: Senior Planner, Mindy Gentry  
Assistant Engineer, Harold Jirousky  
City Attorney, Lynn Tracy Nerland  
Minutes Clerk, Cheryl Hammers

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

None.

**CONSENT CALENDAR**

1. **Approval of Minutes:**                   A. June 4, 2014  
  B. June 18, 2014

***On motion by Commissioner Westerman, and seconded by Commissioner Pinto, the Planning Commission approved the Minutes of June 4, and June 18, 2014.***

**AYES:**                    ***Hinojosa, Motts, Pinto, Baatrup and Westerman***  
**NOES:**                   ***None***  
**ABSTAIN:**               ***None***  
**ABSENT:**               ***Miller***

**END OF CONSENT CALENDAR**

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**NEW PUBLIC HEARINGS**

2. **UP-13-12 – Mission Hope Day Program** – Mission-Hope Day Program requests the approval of a use permit to operate an adult day care that provides services for developmentally disabled adults. The Planning Commission continued the project at the April 16, 2014 meeting. The project site is located at 10 South Lake Drive (**APNs 065-235-019**).

Senior Planner Gentry provided a summary of the staff report dated July 31, 2014.

Vice Chair Motts asked staff if the alternatives listed in the letter were viable to which SP Gentry said that they have no control over providing access via 18<sup>th</sup> Street and that staff did look at the distance the vans travel.

Commissioner Baatrup asked about the nature of the topics of the meeting between the applicant and the residents to which SP Gentry responded it was to get an idea of how they ran the facility and to address traffic concerns

Chair Hinojosa asked staff if 40 trips indicated in the traffic study was typical and asked given the study was not conducted during the normal school year how the extra counts were calculated. SP Gentry said that the General Plan provides a threshold of 50 peak trips and if that was exceeded it would require an environmental study. She stated that a formula is used for calculations.

In response to Vice Chair Motts, SP Gentry said that most of the trips would be leaving via East 18<sup>th</sup> Street, that a left hand turn only sign could be posted.

In response to Chair Hinojosa asking staff about the previous meeting minutes, SP Gentry said that they don't have control over the property adjacent to them but that a condition can be put in saying the vans would have to access the site through Alhambra Drive.

Commissioner Baatrup added that his thought was that they would leave the site turning left instead of winding through the Lake Alhambra community.

In response to Commissioner Pinto, SP Gentry said that the distance from 18<sup>th</sup> Street to the site via Alhambra Drive was approximately 800 feet.

**OPENED PUBLIC HEARING**

Applicant, Guy Houston representing Mission Hope, said that Mission Hope has been in existence since 2001 and is currently located on Verne Roberts Circle. At the meeting in April, the biggest concerns were parking and traffic and that they supported the recommendation for a traffic study and are pleased with the results. That they feel that they don't have an overall undue impact in the area and that they want to make it clear that at no time would they ever drop off clients on South Lake Drive. He said that they are great neighbors, that after 3:30 pm during the week, on weekends and on holidays there is zero traffic. That during the day when people are at work is the time with the

most intense traffic. He said that they would not be turning right into the neighborhood, unless they were picking up a client and that there is no reason to turn right and go through the neighborhood; exiting onto Alhambra is common sense. He said that regarding the traffic report and the issue of school year trips, that with their clientele there are no school children and no trips generated from that.

In response to Vice Chair Motts, applicant said that they have two larger buses that will be phased out over time but that at no time will they be parking on South Lake.

In response to Commissioner Pinto asking about entertainment, applicant said that their program is community based, that while one-third of the clients remain at Mission Hope, many are out in the community bowling, shopping and visiting parks. He said that they are supervised with the requirement being one supervisor for three clients. Applicant stated that most groups consist of three, four or five at a time except for an occasional BBQ or picnic at various parks in the City of Antioch.

Martha Parsons spoke to say that she was at the meeting, that they were told that the vans went out once a day to pick up clients and bring clients back and then leave again to take them home. She said that she is assuming that the traffic control person was told the same thing and 40 trips is not true. That Lake Alhambra has a park that they use, that school children have to go through narrow streets, and that if someone parks on South Lake Drive, you have to stop. She said that some schools start at 8:00 and others start at 9:00 a.m. That this is a well established neighborhood with 50% of the residents being seniors and retired that use the walkway all the time. She said that in addition to the small vans they have buses. That for their private park most of the residents use that parking lot to park and that they have always co-existed with all businesses at that location but now they are being told no. She said that they are not good neighbors, that they want to keep the residential area residential and that while 800 feet doesn't sound like much, kids are on that every day. That it is just not feasible to have vans, buses and 20 cars coming in and out of the residential area; that it doesn't make sense.

Commissioner Westerman confirmed with Ms. Parsons that the park is straight across the street from the site.

William Leroy spoke to say that he had a son going to Mission Hope, that he has been in the facility, that those vans go in and out all day long, and that his son was half beat to death while at the site. He said that while he loves the kids and that the kids should have some place to go, this is all about saving money and that the kids deserve a better location. He said that there is no way for buses to go in and out without disruption and congestion.

Applicant responded that these are serious accusations about the beating, that if it happened a report should be filed and that they don't condone that at their facilities. He said that regarding the traffic study, the consultant did not just take their word and that they did onsite reports. That regarding the park across the street and parking, that if there is a special event such as National Night Out, they can accommodate the local community as long as it doesn't interfere with their operations during the day. He said

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that if the park is a private HOA park, it would not be on their roster of sites they would use and that for larger events they obtain permits from the City. He said that they drop off internally and that there will not be a time when they stop in the street to drop off.

In response to Chair Hinojosa, applicant said that they can put together a parking agreement for special events such as National Night Out and that while their hours are 7:30 a.m. to 3:30 p.m., they do park their vehicles there after hours. They are not against a condition regulating operating hours from 7:00 a.m. to 4:00 p.m. and that at this time they have two larger buses that they are phasing out but that larger ones are needed for wheel chairs.

In response to Vice Chair Motts, applicant said that some employees are dropped off, some carpool, and others will park internally. He said that there is no reason for anyone to park on South Lake and at no time is there maximum potential to have 20 cars and buses there.

In response to Commissioner Pinto's concern with temporary parking on South Lake, applicant said that they have nine vans, that Mission Hope encourages car pooling, that the nature of their operation is picking up and that the traffic study states there is adequate parking on site.

Martha Parsons spoke again to say that there are not enough parking spaces and they will have to park on South Lake Drive. The applicant can't require the employees to carpool, and that they must provide spaces for every employee and every bus. She said that if this use permit is allowed, the complaint will be that a child was hit or a senior was hit which is a travesty. She said that they are ok with a restaurant or other businesses going in and that they have always co-existed with all businesses.

Chair Hinojosa read parts of a letter from Jimmy Bean stating his concerns with traffic and parking problems and encouraging the Planning Commission not to approve the use permit.

### **CLOSED PUBLIC HEARING**

Chair Hinojosa asked staff about the parking requirement calculations, wanted to confirm with staff that the project is able to meet the onsite parking requirements and asked about the enforceability of car pooling.

SP Gentry said that according to the traffic study there would not be a parking issue, that the City found the closest comparable use which was child care, that the study drilled it down and that the traffic engineer went out to their Brentwood facility and concluded that there was adequate parking. She said that parking onsite is adequate with potential overflow on the street. That while the issue of car pooling is not enforceable, applicant can encourage employees on an honor system and that if the City gets complaints they can be proactive.

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In response to Commissioner Westerman, SP Gentry said that other types of businesses that can go in there would include medical offices by right, restaurant uses, and neighborhood oriented business with smaller commercial uses overall.

Commissioner Baatrup asked about a use by right, if that meant no restrictions on clients coming through car pooling, buses, ride sharing, etc.

SP Gentry said that by right means that they can just come in for a business license with no conditions on limitations of travel on South Lake Drive to this site.

In response to Commissioner Pinto's concern with parking, SP Gentry said that streets are public right of way available for public parking. She said that a condition can be put in requiring employees to park in the onsite parking lot and that applicant can provide a transportation plan for employees which staff can review.

Chair Hinojosa interjected that the Brentwood location did not require a use permit.

Commissioner Pinto said that the street is very narrow, that he is not sure there is any way to ensure that employees are prohibited from parking on South Lake Drive, but that is very hard to enforce.

Vice Chair Motts said that the community has become used to using those parking spaces and he is thinking that the applicant has stated they can use the parking lot for special events, and with a sign for a left turn only out of the parking lot, that it seems that some of those concerns might have been addressed.

Chair Hinojosa said that she has given this project a lot of thought and that she was very hopeful that allowing the HOA meeting with the applicant would have resolved issues. She is very sympathetic to the HOA but they have done due diligence and the traffic study and they meet onsite parking. She is prepared to put forward additional conditions.

Commissioner Baatrup confirmed with staff that this project meets the code.

Chair Hinojosa said she would like to see conditions indicating operating hours being between 7:00 a.m. to 4:00 p.m. Monday through Friday, the installation of bicycle stalls, encouraging carpooling, that all company vehicles must access the site via Alhambra with no access through the residential neighborhood, that there be no loitering with a break or smoking area behind the building, and that all parking needs to be met onsite and not on the street.

Commissioner Baatrup said that while he likes those conditions, he is not excited about limiting their operating hours. He said that he remembers going through the hearing on Auto Zone where the Planning Commission had very serious reservations about traffic issues with it being very unsafe and that they had others telling them this was not business friendly. That here is an applicant not seeking any variances and matching zoning, and that by turning it down we are being unfriendly to developmentally disabled adults.

Commissioner Westerman concurred and said that there is no telling what else may move in or maybe no one if this project is denied which could leave the building empty. He said that with the conditions discussed earlier, that they could also put conditions about residents using the parking lot and that the tenant and residents arrive at some sort of agreement for use on weekends and special events.

Chair Hinojosa said that given this is private parking she is not sure the Planning Commission can condition that.

Commissioner Pinto said that currently the building is empty, and that once applicant takes over the property, they would be subject to any liability that could occur on their property. He said that while he appreciates the conditions suggested, prohibiting employees from parking on the street is very difficult to monitor and enforce which leaves a big void for him.

Chair Hinojosa confirmed with staff that it is on the applicant to address the enforceability.

Commissioner Baatrup stated that the use permit is a revocable permit and that if the user is not complying it can be brought back and be subject to revocation or change.

CA Nerland interjected that staff has a revision to Condition F1 and SP Gentry stated the change would be to add ~~per~~ per day+to the end of the first sentence.

Commissioner Pinto clarified that the business could come back to expand the business and the conditions could be different, and that perhaps if applicant is amenable to put a condition that no buses but only vans can be used at this location.

Vice Chair Motts said that in general this use is fairly non invasive and given the suggested conditions he could support it.

Chair Hinojosa said that she had a reservation about the operating hours and is prepared to make a motion including operating hours.

Commissioner Westerman said that including operating hours in the motion is fine.

Chair Hinojosa made a motion to approve the project, subject to the following:

- Operating hours 7:00 a.m. to 4:00 p.m. Monday through Friday.
- Installation of bike racks or stalls pursuant to requirement of the Code and staff approval.
- All company vehicles will use Alhambra Avenue only.
- No vehicles shall travel through the residential neighborhood.
- Applicant shall design a smoking break area in the back of the building and discourage loitering in front of the building.
- All van parking must be onsite with no street parking.
- Eliminate buses and only use vans.

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- Modifying Conditions F1 to add ~~per~~ day+to the end of the first sentence.

Commissioner Baatrup stated his reservation that the buses are used for wheelchair and he is not sure that vans can accommodate that.

Chair Hinojosa rescinded that condition from her motion.

Applicant stated that he will put together a transportation plan for staff and will propose a parking agreement with the HOA.

**RESOLUTION NO. 2014-18**

***On Motion by Commissioner Hinojosa and seconded by Commissioner Baatrup, the Planning Commission approves the Use Permit (UP-13-12) for an adult day program, subject to additions and changes as follows:***

***Modifying Condition F1 to read:***

- F.1. The use permit applies to the service of 45 developmentally disabled adults per day. A supplemental use permit shall be required to serve more than 45 clients.**

***And adding Conditions:***

- F.4. Operating hours shall be 7:00 a.m. to 4:00 p.m. Monday through Friday.**
- F.5. The applicant shall install bike racks or stalls pursuant to Code requirements and staff approval.**
- F.6. All company vehicles shall use Alhambra Drive only.**
- F.7. No company vehicles shall travel through the residential neighborhood, except to drop off or to pick up a client.**
- F.8. Applicant shall design a smoking break area in the back of the building and shall discourage loitering in the front of the building.**
- F.9. All company vehicle parking shall be onsite.**

**AYES:** *Hinojosa, Motts, Baatrup and Westerman*  
**NOES:** *Pinto*  
**ABSTAIN:** *None*  
**ABSENT:** *Miller*

3. **UP-14-03 – Antioch Produce** – Haroon Sherzai requests approval of a use permit for the Antioch Produce Market to sell locally grown fruits and vegetables seven days a week from 8:00 a.m. to 8:00 p.m. The business will also offer a variety of juices, snacks, and other general items. No alcohol, cigarettes, or tobacco will be sold at the store. The project site is located at 1625 A Street, in an approximately 3,500 square foot retail unit in the Antioch Square Shopping Center on the northeast corner of A Street and East 18<sup>th</sup> Street (**APN 065-183-035**).

SP Gentry provided a summary of the staff report dated July 31, 2014. She stated that the applicant was not present at the meeting.

CA Nerland said that the Planning Commission can take action unless it is felt that information is needed from the applicant.

In response to Vice Chair Motts asking if this project would sell convenience store items, SP Gentry said that this location would mainly contract with local produce suppliers and be a produce market.

**OPENED PUBLIC HEARING**

**CLOSED PUBLIC HEARING**

Commissioner Baatrup motioned for approval.

Commissioner Pinto asked staff if the second sentence on Condition F.1. could be eliminated. SP Gentry responded that the condition was needed to make it 100% clear, that currently there is a moratorium and by eliminating you would be removing their right to come back.

CA Nerland said that the second statement is a true statement but does not see a problem with deleting the second sentence.

Vice Chair Motts said that it was fine either way.

Chair Hinojosa said that given the applicant is not proposing to sell those things, she does not see any harm in leaving it in there.

**RESOLUTION NO. 2014-19**

***On Motion by Commissioner Baatrup and seconded by Commissioner Westerman, the Planning Commission approves the Use Permit (UP-14-03) for the Antioch Produce Market, subject to all conditions.***

**AYES:** *Hinojosa, Motts, Pinto, Baatrup and Westerman*  
**NOES:** *None*  
**ABSTAIN:** *None*  
**ABSENT:** *Miller*



- 4. PDP-14-04 – Oakley Knolls Preliminary Development Plan –** Discovery Builders requests the review of a preliminary development plan, which is not an entitlement, for the development of 31 single family homes on approximately 5.56 acres. The project site is located on the north side of Oakley Road approximately 875 feet east of Willow Avenue (**APNs 051-430-001, -002, -003, -004, -005, -006, -007, -008, -009, -010, -011, -012, -013, -014, -015 and -016**).

SP Gentry provided a summary of the staff report dated July 31, 2014.

In response to Commissioner Motts, SP Gentry said that there is no particular definition for transitional development but that this project is going to be adjacent to the Hillcrest Specific Plan area and eBART and smaller higher density lots would be transitional. She said that this site is already an approved development and that PD zoning is needed for resubdivision of this property.

Commissioner Pinto asked staff about percentages for low income to which SP Gentry said that there is a regional allocation number provided by ABAG which is mandated by the State but that cities have limited control.

Chair Hinojosa asked staff about the Community Facilities District and asked if that requirement was contained in previous reports for PDPs to which SP Gentry confirmed that it was.

Chair Hinojosa asked staff about the water line terminating at Honeynut being pretty far from the project to which SP Gentry said that the City requires that the water system be looped and that as future development comes in, reimbursement agreements can be approved by City Council.

#### **OPENED PUBLIC HEARING**

Applicant, Louis Parsons, stated that he read the report and that their request is to get feedback on their site plan which is an approved project for 16 lots. He said that going with this density is more consistent with what is out there and would provide houses up to 3000 sf, maximum. He said that he does recognize the water connection which is a considerable expense. He said under conclusion in the report, item 6 indicates a recommendation that the project's CCRs not allow RVs, boats or jet skis and that he wanted to clarify this being for recreational vehicles. He said that item 7 talks about diversion of the watershed and the possible need to divert unless otherwise approved by the County. On item 8 he understands the need however still preliminary. He said he understands the need to eliminate the retaining wall but wants to mention that they have the right from the property owner to access the adjacent property to make improvements the City approves. He said that C3 is challenging and there are some other alternatives they can look at. For setbacks, they have no issues except providing useable backyard on all lots, and wondered if there is any latitude just for single story homes. He is seeking input on density and looking forward to comments.

Commissioner Pinto asked the applicant about solar panels and landscaping. Applicant said that they will be pre-wiring for solar and making it an option. For landscaping, there are State guidelines for drought tolerant landscaping and C3 areas receive runoff to minimize irrigation.

Commissioner Pinto said that going forward they should think about alternative landscaping with maybe rocks.

Vice Chair Motts said that maybe the best way would be to use native California plants which are drought tolerant. The applicant said that he is open to any suggestions.

Chair Hinojosa asked the reason for capping the storm drain until future use to which applicant responded that as far as design, the storm drain is coming in on Oakley Road and there will be future connections to it. He said that staff's concern is that C3 is on one side but their C3 is just preliminary at this time.

Chair Hinojosa asked applicant if there are any projects that use bio retention on lots to which applicant said that yes they do have natural facilities in front yards but when you have these C3 systems, you have to develop a plan which gets a little cumbersome so they try to centrally locate them.

Chair Hinojosa asked about lot 19 or 20 showing something going through it to which applicant said that was just a slope with a grade difference.

In response to Chair Hinojosa, applicant said that they have kept the same roadway alignment. Also, it gets tough to sell single stories with limited square footage and that they would like latitude to go to 15 foot setbacks for single stories or possibly locate on lots that don't have minimum depth.

Jeff Denny, resident for over 30 years with 18 years in the Almondridge subdivision, said that they want to put 30 houses on 5 acres with current marginal services being provided by the City. He said that he was robbed two years ago, that he called the police three times and that it took four and a half hours for an officer to arrive. That this is complete madness and that he has concerns about the dust, elevations, and construction hours.

Duane Shoemaker said he has been in the area his whole life, living on his three acre property next door since 1978. He said that this doesn't blend in with the community that is already there; there is a lot of violence in the area; and that he has had to call the police many times. He said that he can live with 16 lots but high density doesn't belong in this area. He said that some concerns were addressed by staff but that he saw a 6+ sewer line for those houses which doesn't make sense. He also doesn't see a mention of the jogging trail which is not being maintained by the City.

Chair Hinojosa said that the Commission is not taking any action this evening and that the project has existing entitlements for the 16 lots at this time.

**CLOSED PUBLIC HEARING**

Vice Chair Motts said that both speakers make a compelling argument, that there has been too many houses built without infrastructure and that economic development needs to be a part of the equation.

Commissioner Pinto said that based upon the two speakers, he thinks maybe the developer may want to take into consideration reducing the number of homes proposed here.

Chair Hinojosa said that it seems like given the conditions and requirements that some of the density may have to go down.

Commissioner Westerman concurred with Commission Pinto and said that it may be worthwhile to look at reducing the density, making this a true transitional community. He said that there are design guidelines that should be taken into account with such things as varying setbacks.

Commissioner Baatrup reiterated his concern with small lots and trying to squeeze too many residents into the area now that the market has changed. He doesn't think as a community we should suffer with a lower standard. He said that he continues to support the concept that these are too small and that it doesn't make sense to reduce back yard space and that maybe they should plot the homes to larger lots for single story homes.

Chair Hinojosa said that this project is close to the Hillcrest Specific Plan which envisions mixed uses and that they need to be open minded.

### **ORAL COMMUNICATIONS**

SP Gentry said that the next meeting is August 20 and that nothing is currently on the agenda and the meeting after that will be September 3<sup>rd</sup>. She announced that the new planner is starting on Monday.

CA Nerland said that the City Council has adopted a moratorium on large 24/7 bingo halls.

She said that Council member Agopian passed away, that funeral services will be 2:00 p.m. this Saturday, and that there will be a memorial for him next Tuesday at the City Council meeting.

Chair Hinojosa suggested adjourning tonight's meeting in his honor.

Commissioner Westerman said that he thinks Mr. Agopian was the only council member that came to a meeting just to say hello and meet them.

Chair Hinojosa said that at the last meeting she had mentioned a land use committee and said that she would like staff to consider and to come back with options for that.

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SP Gentry said that City staff is in the process of hiring a consultant for the General Plan update and that she was unaware of the suggested land use committee.

**WRITTEN COMMUNICATIONS**

None.

**COMMITTEE REPORTS**

Vice Chair Motts said that Transplan was cancelled.

**ADJOURNMENT**

Chair Hinojosa adjourned the Planning Commission at 8:53 p.m. in honor of Council Member Gary Agopian.

Respectfully Submitted,  
Cheryl Hammers