

**CITY OF ANTIOCH  
PLANNING COMMISSION MINUTES**

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

**September 3, 2014  
City Council Chambers**

**CALL TO ORDER**

Vice Chair Motts called the meeting to order at 6:30 p.m. on Wednesday, September 3, 2014, 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 11, 2014.

**ROLL CALL**

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

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

None.

**CONSENT CALENDAR**

1. **Approval of Minutes:** August 6, 2014

***On motion by Commissioner Baatrup, and seconded by Commissioner Westerman, the Planning Commission approved the Minutes of August 6, 2014.***

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

**END OF CONSENT CALENDAR**

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## **NEW PUBLIC HEARINGS**

2. **UP-14-02 – ABC Foodmart** – Gurinder Singh requests the approval of a use permit for a 4,100 square foot convenience store. The business would sell household items, alcohol, lotto/lottery tickets, food, and other miscellaneous items as well as provide money orders and check cashing services. The project site is located at 1201 Auto Center Drive (**APNs 074-160-013**).

Senior Planner Gentry provided a summary of the staff report dated August 28, 2014.

In response to Commissioner Westerman, SP Gentry said that essentially the census tract population establishes what the ABC considers an appropriate amount of licenses, and that now there are currently 11 active offsale licenses which exceeds the 5 allowed by ABC.

Commissioner Miller asked about the other items the store would be selling besides selling tobacco and alcohol being available at any other stores around there to which SP Gentry said that there aren't any in the immediate vicinity.

In response to Commissioner Baatrup, SP Gentry said that the Planning Commission can make a finding of public convenience or necessity but that applicant would have to go through ABC to sell alcohol.

City Attorney Nerland stated that the City's process through the Planning Commission is focused on land use and that the ABC process requires a finding that public convenience and necessity could warrant having this use in this vicinity. She said that Police Captain Orman is here also. She also said that the process stops with ABC if the City doesn't approve.

Commissioner Baatrup asked staff when the tobacco moratorium ends to which SP Gentry said that it was extended on April 22 for up to a year from that date unless City staff brings back an Ordinance to the City Council earlier.

Commissioner Motts asked staff about the area of undue concentration to which SP Gentry said that this is based on the census tract, that parts of Antioch are included, but that she is not sure of the exact boundaries.

Commissioner Pinto asked staff if the applicant, as part of the application, submitted fiscal analysis showing revenue from alcohol and tobacco to which SP Gentry said that Community Development Department does not require that information for a land use application.

In response to Commissioner Pinto, Captain Orman said that they did not do an analysis of crime for that particular area but that he can say that there would be an assumption that area meets the undue concentration or is very close based on crime occurring in that zone. He said it would appear to him that it would have to be verified crime being the average number of reported crimes, not just calls for service.

### **OPENED PUBLIC HEARING**

Applicant, Gurinder Singh, said that he went on the ABC site, that some of the licenses issued belonged to Target, that Johnny's Market is closed, that the International Wine and Liquor he believes closed last year, but that ABC is still counting them. He said that leaves 8 active licenses. Also, that he will not be selling any tobacco paraphernalia, only cigarettes. He said that he has a gas station in Oakley with no single crime problem and that although crime cannot be stopped, it can be controlled with a conditional license for liquor, with no drinking in the parking lot and alcohol sold in specific sizes.

Vice Chair Motts read Richard Kenji Freitas's letter into the record: "We live in the quiet neighborhood directly behind where the proposed convenience store is to be located. We are opposed to the business because of the crime that will likely follow once the store is open. Every other convenience/liquor store in Antioch is frequently associated with robberies, stabbings and shootings and loitering. We don't want that in our neighborhood. We have a toddler and there are lots of other families with children here. There are plenty of other convenient stores located within a two mile radius that people can go to instead."

Karl Dietzel spoke to say that he would like the Planning Commission to deny the application and that he took notes but that the staff report is excellent. He said that this is a high crime area, that there are strip malls with constant crime and that there is no need for this kind of store north of Highway 4. He said that we need to stop building convenience stores and that within a half mile in both directions there are three gas stations that sell whatever you want. We need to reduce those stores if we are serious about fixing Antioch.

Vicky Galloway said that she lives right around the corner from this proposed site, and she works on Second Street and she drives past the Bonfare Market which is disgusting. She said that if you put this store on Auto Center, it will be the same garbage as the Bonfare Market. She said that there are not enough police officers and no more liquor stores or Dollar Trees are needed.

Vice Chair Motts asked the applicant if alcohol and tobacco were a major part of his business plan to which applicant said that beer is the number one seller for a convenience store.

### **CLOSED PUBLIC HEARING**

Commissioner Baatrup said that he has a hard time thinking about approving the project given that it doesn't meet ABC requirements, that a tobacco moratorium still exists, and is uncertain of that outcome and where it will leave the City. He doesn't see the urgency for this project and that he is not inclined to support this project and use permit. He is prepared to deny it.

Commissioner Westerman concurred with Commissioner Baatrup. He said that he doesn't think the applicant has demonstrated necessity or public convenience and that given that this kind of store does generate some demands for police service, with current staffing, he is inclined not to support this project.

Commissioner Pinto said that while he is all for business in Antioch, when it comes to stores that sell alcohol and tobacco in violation of ordinances and state mandates, it is difficult to support. He wished applicant the best but said that applicant should be looking at some other type of business and he said that he will not support this project.

Vice Chair Motts agreed with the other Commissioners. He said that while he is sympathetic to the need for stores in the downtown area, he doesn't feel that convenience marts fill that need. Given the moratorium and the inability to make 3 of the 5 findings, approval of this project would not be appropriate.

### **RESOLUTION NO. 2014-20**

***On Motion by Commissioner Baatrup and seconded by Commissioner Westerman, the Planning Commission denies the Use Permit (UP-14-02) for a 4,100 square foot convenience store.***

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

- 3. UP-14-04 – Cole Vocational Services Expansion** – Danny Aranda, on behalf of Cole Vocational Services, requests the approval of a use permit for a 1,000 square foot expansion of an adult day care facility. The business provides vocational and independent living training programs for up to 60 adults with developmental disabilities. The project site is located at 2352 Buchanan Road, in an approximately 5,000-square foot retail in the Orchard Square Shopping Center (**APN 076-432-027**).

SP Gentry provided a summary of the staff report dated August 28, 2014.

In response to Commissioner Pinto, SP Gentry said that the facility has been at this location since 2002 or 2003 and that she is not aware of any issues.

In response to Vice Chair Motts, SP Gentry said that while she was unable to find an original use permit, they do have a valid business as they have a business license with the City, and that a use permit is required for this expansion.

### **OPENED PUBLIC HEARING**

The applicant, Danny Aranda, said that they have been at their current location since 2000. The use serves people with disabilities and they currently have 43 clients and

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there is a demand for more clients so they are looking to expand to move up to 60 clients.

In response to Commissioner Pinto, the applicant said that this expansion will increase their need for staff to maybe ten staff members.

SP Gentry stated that this shopping center is mostly retail with most business conducted on the weekends. She said that this project's program hours are more your typical 9 to 5 office use and that she does not think it will not create a conflict with parking.

Applicant said that part of the program is that clients do go out for outings and staff accompanies them; therefore, staff is not there all day.

In response to Commissioner Pinto, applicant stated that they currently have one van and the Regional Director of the Cole Vocational Services said that there are actually three vans but that two have tie downs for wheelchairs with the biggest capacity being six people. She said that occasionally the vans are parked there over night.

In response to Commissioner Baatrup the Regional Director said that their license with the state is based on restrooms and that this expansion is due to supply and demand.

Commissioner Miller asked staff if the expansion would allot extra parking spaces to which SP Gentry said that parking is based on square footage and applicant has indicated that they will need 25 spaces.

In response to Commissioner Pinto, the Regional Director clarified that they would be looking to hire 3 to 5 additional staff members.

**CLOSED PUBLIC HEARING**

Commissioner Westerman said that this looks like a fairly straight forward request and they have been doing business there a long time. They are just enlarging the space and he is in support of this proposal.

Commissioner Pinto said that he supports this request to expand the business by 1000 s.f., and he thinks this business has been a very good business for Antioch. He thinks that the services they provide are important services, and that he is in 100% support of the project.

Vice Chair Motts said that he feels the same as Commissioners Baatrup and Pinto and that he is in support of this project.

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**RESOLUTION NO. 2014-21**

***On Motion by Commissioner Miller and seconded by Commissioner Baatrup, the Planning Commission approves the Use Permit (UP-14-04) for an adult day program, subject to all conditions.***

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

Commissioner Baatrup expressed his concern that the City will lose opportunities for retail in these locations. He said that there are market drivers for lots of things that may not be good for the City and that perhaps we should begin to question allowing some of these non retail uses in retail spaces in the City.

SP Gentry Mindy said that from Community Development's perspective, there are lots of vacancies and if retailers want to come in, there are many spaces for them to locate. There will be a market demand which will determine where retail will go. She said that this question might be something the City would want to entertain when vacancies are hard to come by but that she doesn't think that it is an issue currently. The role of the Commission is to determine if a use is an appropriate use for a particular location.

CA Nerland added that this is a frustration throughout California and that it is more challenging in California to weight land uses.

Vice Chair Motts said that he thinks Commissioner Baatrup's comments are well taken, that Chair Hinojosa had asked about a venue for Planning Commission, Council and staff to explore some of these issues for direction, that it seems like we could come up with a way to streamline what we are looking at, and that he would hope that we may be able to go forward.

SP Gentry said that they are currently talking to Chair Hinojosa regarding a subcommittee but have nothing to report back yet. She said that it is somewhat out of staff's hands regarding variances and that applicant can make an application which staff analyzes and brings forward. She said that the City is currently starting to work on a downtown specific plan, as well as a land use update to the General Plan, which could assist with direction and streamlining.

**ORAL COMMUNICATIONS**

None.

**WRITTEN COMMUNICATIONS**

None.

## **COMMITTEE REPORTS**

Vice Chair Motts said that there was a Transplan meeting was held on August 16, and that the Contra Costa Transportation Plan is calling for input on what we want to see in Countywide transportation.

CA Nerland said that the Lake Alhambra residents appealed the Mission-Hope use permit and it will be heard by City Council on September 23. She said that City Council approved a moratorium extended for another year for entrepreneurial bingo operations.

Commissioner Baatrup asked staff about the status of Walmart to which SP Gentry said that they have addressed the burrowing owl issue and should be pursuing a building permit soon. CA Nerland said that they already had use rights for the expansion and it was just the design that was contemplated by the City. The appellate court found in favor of the City.

## **ADJOURNMENT**

Vice Chair Motts adjourned the Planning Commission at 7:35 p.m.

Respectfully Submitted,  
Cheryl Hammers