

**ANNOTATED
AGENDA
CITY OF ANTIOCH PLANNING COMMISSION
ANTIOCH COUNCIL CHAMBERS
THIRD & "H" STREETS**

WEDNESDAY, JANUARY 16, 2013

6:30 P.M.

**NO PUBLIC HEARINGS WILL BEGIN AFTER 10:00 P.M.
UNLESS THERE IS A VOTE OF THE PLANNING COMMISSION
TO HEAR THE MATTER**

APPEAL

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 **MONDAY, JANUARY 28, 2013.**

ROLL CALL **6:30 P.M.**

Commissioners Baatrup, Chair
 Azevedo, Vice-Chair
 Westerman
 Motts
 Sanderson

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

CONSENT CALENDAR

All matters listed under Consent Calendar are considered routine and are recommended for approval by the staff. There will be one motion approving the items listed. There will be no separate discussion of these items unless members of the Commission, staff or the public request specific items to be removed from the Consent Calendar for separate action.

1. APPROVAL OF MINUTES: December 5, 2012 *APPROVED*

* * * END OF CONSENT CALENDAR * * *

NEW PUBLIC HEARINGS

2. **UP-12-10** – Jay Dynes of Building the Cross Ministries requests the approval of a use permit for religious assembly. The use will include church gatherings, worship, Bible studies, and the teaching of life building skills. The project is located at 300 H Street (**APN: 066-061-012**).

RESOLUTION 2013-01

3. **UP-12-11** – David and Kerry Dorn of Delta Dog Day Camp request a use permit to operate a dog day camp with training and overnight boarding. The project is located at 2400 Devpar Court (**APN: 068-300-010**).

RESOLUTION 2013-02

4. **Z-12-03** – The City of Antioch requests approval of amendments to Section 9-5.901 of the Antioch Municipal Code which regulates Home Occupations. The proposed amendments would be applicable city-wide.

RESOLUTION 2013-03

NEW ITEM

5. Community Development Update – this will be an oral presentation.

ORAL COMMUNICATIONS

WRITTEN COMMUNICATIONS

COMMITTEE REPORTS

ADJOURNMENT 7:48 p.m.

Notice of Availability of Reports

This agenda is a summary of the actions proposed to be taken by the Planning Commission. For almost every agenda item, materials have been prepared by the City staff for the Planning Commission's consideration. These materials include staff reports which explain in detail the item before the Commission and the reason for the recommendation. The materials may also include resolutions or ordinances which are proposed to be adopted. Other materials, such as maps and diagrams, may also be included. All of these materials are available at the Community Development Department located on the 2nd floor of City Hall, 3rd and H Streets, Antioch, California, 94509, between the hours of 8:00 a.m. and 11:30 a.m. or by appointment only between 1:00 p.m. and 5:00 p.m. Monday through Thursday for inspection and copying (for a fee). Copies are also made available at the Antioch Public Library for inspection. Questions on these materials may be directed to the staff member who prepared them, or to the Community Development Department, who will refer you to the appropriate

person.

**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 Wellenbach 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-**

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-**

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

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF JANUARY 16, 2013**

Prepared by: Mindy Gentry, Senior Planner ~~MA~~
Date: January 10, 2013
Subject: **UP-12-10 – Use Permit for Building the Cross Ministries**

RECOMMENDATION

It is recommended that the Planning Commission approve a use permit for religious assembly (UP-12-10), subject to the conditions contained in the attached resolution.

REQUEST

Jay Dynes of Building the Cross Ministries, the applicant, requests the approval of a use permit for religious assembly. The use will include church gatherings, worship, Bible studies, and the teaching of life building skills. The project is located at 300 H Street (APN: 066-061-012).

BACKGROUND

The subject building has been a variety of office and retail uses. In 2007, the Planning Commission approved a tentative map for condominium purposes. The building has also been seismically retrofitted for earthquakes.

ENVIRONMENTAL

The project is Categorically Exempt from the provisions of CEQA, pursuant to section 15301 – Existing Facilities. This section of CEQA exempts projects that involve negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

ANALYSIS

Issue #1: Project Overview

The applicant proposes using the building for worship services including classes, workshops, and Bible study/youth groups. The applicant's project description is included as Attachment "B". The services are proposed to be conducted on Sunday from 8:00 AM to 2:00 PM, with the occasional Sunday service from 6:00 PM to 9:00 PM, and Bible study on Thursday from 6:00 PM to 9:00 PM. Classes would also be offered throughout the week to assist families and youth by teaching life skills. Staff has added a condition of approval that allows the services and classes to be conducted until 9:00

PM. Any activities beyond the designated hours of operation can be approved by staff through an administrative use permit.

The site consists of a one-story brick building and the applicant would be occupying one tenant space within the building that is approximately 1,355 s.f. The applicant is proposing to utilize approximately 880 s.f. for the auditorium, 187 s.f. for a play room, and 150 s.f. for an office. No exterior modifications are being proposed.

Issue #2: General Plan, Zoning Consistency, and Land Use

The General Plan designation of the property is Commercial within the Rivertown/Urban Waterfront Focus Area. The site is zoned Rivertown Commercial (RTC) and religious assemblies require a use permit in this zoning designation. The surrounding land use designations are as noted below:

- North:** City Hall and various commercial uses, Rivertown Commercial (RTC)
- South:** Delta Beauty College and residential uses, Rivertown Commercial (RTC)
- East:** Various commercial uses, Rivertown Commercial (RTC)
- West:** A vacant lot and a parking lot, Rivertown Commercial (RTC)

Issue #3: Parking

The subject property is located within the downtown parking district which provides sufficient parking for the proposed use as well as other uses in the district.

ATTACHMENTS

- A: Aerial Photo
- B: Applicant's Summary

**CITY OF ANTIOCH PLANNING COMMISSION
RESOLUTION NO. 2013-****

**RESOLUTION OF THE CITY OF ANTIOCH PLANNING COMMISSION
APPROVING A USE PERMIT FOR RELIGIOUS ASSEMBLY**

WHEREAS, the City of Antioch received a request from Jay Dynes of Building the Cross Ministries for a use permit for religious assembly. The use will include church gatherings, worship, Bible studies, and the teaching of life building skills at 300 H Street (APN: 066-061-012).

WHEREAS, this project is exempt from the provisions of CEQA pursuant to CEQA Guideline section 15301 – Existing Facilities; and

WHEREAS, the Planning Commission duly gave notice of public hearing as required by law; and,

WHEREAS, the Planning Commission on January 16, 2013, duly held a public hearing, received, and considered evidence, both oral and documentary, and

WHEREAS, the Planning Commission does determine:

1. The granting of such use permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

The assembly use will not be detrimental to the public health or welfare or injurious to the property or improvements because the use will occupy an existing building large enough to accommodate the use.

2. The use applied at the location indicated is properly one for which a use permit is authorized.

The site is zoned Rivertown Commercial (RTC) and per the Municipal Code, religious assemblies are allowed with a use permit. The use and the site meet the standards of the Antioch Municipal Code.

3. That the site for the proposed use is adequate in size and shape to accommodate such use, and all yards, fences, parking, loading, landscaping, and other features required, to other uses in the neighborhood.

The site is adequate in size and shape to accommodate a religious assembly use. The site does not have a yard, fences or parking, which is standard in the RTC district and will not prevent the site from being adequate to accommodate the proposed use. Further, the building already

exists and the downtown parking district provides ample parking to accommodate such a use.

4. That the site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use.

The site is located on H and Third Streets, which are adequate in width and pavement type to carry the traffic generated by the use.

5. That the granting of such use permit will not adversely affect the comprehensive General Plan.

The use is considered a religious assembly which will not adversely affect the comprehensive General Plan.

NOW THEREFORE BE IT RESOLVED the Planning Commission of the City of Antioch does hereby **APPROVE** UP-12-10, subject to the following conditions:

STANDARD CONDITIONS

1. The project shall comply with the Antioch Municipal Code.
2. Conditions required by the Planning Commission, which call for a modification or any change to the site plan submitted, be corrected to show those conditions and all standards and requirements of the City of Antioch prior to any submittal for a building permit. No building permit will be issued unless the site plan meets the requirements stipulated by the Planning Commission and the standards of the City.
3. This approval expires two years from the date of approval (Expires January 16, 2015), unless a building permit has been issued and construction has diligently commenced thereon and has not expired, or an extension has been approved by the Zoning Administrator. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than one, one year extension shall be granted.
4. City staff shall inspect the site for compliance with the conditions of approval prior to final building inspection.
5. Any required easements or rights-of-way for off-site improvements shall be obtained by the developer, at no cost to the City of Antioch.
6. Advance permission shall be obtained from any property or easement holders for any work done within such property or easements.

7. The developer shall pay all required fees at the time of building permit issuance.
8. This approval supersedes previous approvals that have been granted for this site.
9. Building permits shall be secured for all proposed construction associated with this facility, including any interior improvements not expressly evident on the plans submitted.
10. All construction shall conform to the requirements of the California Building Code and City of Antioch standards.
11. The use of construction equipment shall be restricted to weekdays between the hours of 8:00 AM to 5:00 PM or as approved by the City Manager or his designee.
12. The project shall be in compliance with and supply all the necessary documentation for AMC6-3.2: Construction and demolition debris recycling.
13. The applicant shall defend, indemnify and hold harmless the City in any action brought by a third party to challenge the land use entitlement.
14. No permits or approvals, whether discretionary or mandatory, shall be considered if the applicant is not current on fees, reimbursement payments and any other payments that are due.
15. No illegal signs, pennants, banners, balloons, flags, or streamers shall be used on this site at any time.
16. No signs shall be installed on this site without prior City approval.
17. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.
18. All requirements of the Contra Costa County Fire Protection District shall be met:
 - a. The applicant/contractor shall submit three (3) complete sets of plans and specifications of the subject project to the Fire District for review and approval prior to construction to ensure compliance with minimum requirements related to fire and life safety. A minimum 2-hour separation is required between an A occupancy and a B occupancy in a non-sprinklered building. Plan review and inspection fees shall be submitted at the time of plan review submittal. (105.4.1) CFC, (107) CBC.
 - b. Submit plans to: Contra Costa County Fire Protection District, 2010 Geary Road, Pleasant Hill, CA 94523.

PROJECT SPECIFIC CONDITIONS

- 19. The use permit applies to religious assembly and related functions only, such as weddings, memorials, services, and church related classes. The applicant shall not operate a school, day care facility, food distribution program or other use not set forth in the application. The hours of operation for assembly activities will be 8:00 AM to 9:00 PM on Friday, Saturday, and Sunday and 12:00 PM to 9:00 PM on Tuesday, Wednesday, and Thursday. Funerals and weddings will be conducted as needed. All activities outside the designated hours of operation can be approved by staff through an administrative use permit.
- 20. The floor plan shall remain substantially as proposed. An increase in the floor area dedicated to congregation seating shall be subject to City review.
- 21. All building modifications that are necessary for the assembly occupancy type shall be completed, with building permits, prior to occupancy, subject to the approval of the Chief Building Official.
- 22. Amplified music shall be contained within the building and shall not emanate outside of it. Doors shall remain closed during services.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 16th day of January 2013.

AYES:
NOES:
ABSTAIN:
ABSENT:

TINA WEHRMEISTER, SECRETARY TO THE
PLANNING COMMISSION

ATTACHMENT "A"

Aerial Photo



ATTACHMENT "B"

Building the cross ministry, inc.

A summery of what we want to accomplish.

We want to start a church here in down town Antioch. There is a large amount of people in the community who need help and support. I have lived here for the last 30 years and I have always tried to help Antioch to be one of the best places to live. Building the cross ministry has a vision to help people through the tough times along with showing them that life is worth living,

We hope to have church services on Sunday mornings starting the day around 8am and ending most Sundays around 2pm,
occasional Sunday evening services starting around 6pm and ending around 9pm.

With a mid-week bible study/youth night on Thursdays from 6pm to 9pm

After we get started we would like to have classes through the week to help families, youth and whoever needs our help in learning the basics they may need to grow and to be productive members to our community.

The building want to use has been recently remodeled and seismically retrofitted to code. It is located across the street from city hall on the corner of H. street and 3rd st. The portion we are wanting to lease is unit F. located in the north, west corner (front right if your looking from 3rd st) on the right side there is a public gravel parking lot.

At this time we have no paid staff only volunteers' even my self as a ordained minister. We have and will maintain liability insurance. I am a small business owner and we know if we hire any employees we will need to have workers comp insurance.

Building The Cross ministry is incorporated as a non-profit 501c3. In the state of California.

Thank you.

Pastor Jay & Alana Dynes and, Building the Cross Ministry.

Mission Statement

Building the Cross Ministry

We are here to serve,

Our goal is to have a church that can help change a community through education and hard work,

They say “you can give a man a fish and feed him for a night or teach a man to fish and feed him for a lifetime”.

Teaching people life skills: Parenting, anger management, filling out a work application, looking for work, balancing a check book, budgeting their money, how to start and run a business, basic educational need.

Building People up: We will teach and encourage self worth, by giving them hope and a better outlook on life through biblical teachings. Showing people they are important and helping them to be an asset to there families and community. Providing them the tools and resources they need to be successful both physically and spiritually.

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF JANUARY 16, 2013**

Prepared by: Mindy Gentry, Senior Planner 

Date: January 10, 2013

Subject: UP-12-11 – Delta Dog Camp

RECOMMENDATION

It is recommended that the Planning Commission **APPROVE** UP-12-11, subject to the conditions contained in the attached resolution.

REQUEST

The applicant, David and Kerry Dorn of Delta Dog Camp, is requesting Planning Commission approval of a use permit to operate a dog day camp with training and overnight boarding. The project is located at 2400 Devpar Court (**APN: 068-300-010**).

BACKGROUND

The building was constructed in 1977. The subject site has had a variety of different businesses such as mobile marine repair, garage door installation, equipment rental, and software development.

ENVIRONMENTAL

The project is Categorical Exempt from the provisions of CEQA, pursuant to section 15301 – Existing Facilities. This section of CEQA exempts projects that involve negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

ANALYSIS

Issue #1: Project Overview

The applicant is proposing a dog day care facility which includes training and overnight boarding within a 4,000 s.f. building. The facility would include three different play areas, an office, an indoor boarding area, and an outdoor dog run. Delta Dog Camp currently has a facility in Oakley which provides overnight boarding, light grooming, and training. The proposed Antioch location would be in addition to the facility in Oakley to meet the business's growing needs.

The facility will have separate spaces for both large dogs and small dogs to play. Dogs can also be left overnight for 24 hour care. There are 25 large private "condos" for all sized dogs and if you have multiple pets, they are able to share a suite. The facility will also offer canine obedience training including specialized problem solving. The proposed use will also provide a service for dogs that have special needs such as the administering of medications, physical recovery assistance from surgery, light grooming, and diet and exercising training. The business plan also includes providing a pet taxi.

While the facility provides 24 hour care through either onsite staff and/or monitored via CCTV, there are designated hours of operation for pick-up and drop-off, which are as follows: Monday through Friday from 7:00 A.M. to 11:30 A.M. and 1:30 P.M. to 7:00 P.M.; Saturday from 8:00 A.M. to 11:30 A.M. and 1:30 P.M. to 5:00 P.M.; and Sunday from 3:00 P.M. to 5:00 P.M. In addition to these hours, onsite staff will also be on the premises on Sunday to let the dogs outside from 8:00 A.M. to 11:00 A.M. and 2:00 P.M. to 6:00 P.M. The outside areas will be utilized during these times and one final bathroom break from 9:00 P.M. to 10:00 P.M.

Issue #2: General Plan, Zoning Consistency, and Land Use

The General Plan designation for the subject property is Neighborhood Commercial. The zoning designation is Neighborhood/Community Commercial (C-2), which kennels are allowed, contingent upon the approval of a use permit. The surrounding land use designations are noted below:

North: Various industrial uses and a railroad line (C-2)

South: Vacant lot, Sunset Drive, and State Route 4 (C-2)

East: Various light industrial type uses (C-2)

West: Various light industrial type uses (C-2)

Issue #3: Access and Parking

The ingress and egress from the property is at one point from Devpar Court where it is currently controlled by a chain link electric gate. The gate will be open during the hours of operation and closed the remainder of the time. A temporary fence is proposed to be installed along the side of the building and along the backside of the building. Staff has a concern regarding the temporary fence along the side of the building due to the restriction of the drive aisle. The fence needs to be moved closer to the building in order to maintain a 26' drive aisle, and a condition of approval has been added to reflect this.

For animal boarding and grooming, the code requires one parking stall per 400 s.f. of gross floor area, which equates to a total of 11 parking spaces. The site plan shows 12, which meets the minimum standard.

Issue #4: Other Issues

Fencing:

The site is currently surrounded by a chain link fence. The applicant is proposing additional fencing to separate the public off-street parking area from the dog play area. The fence would begin at the electronic gate and head westward encompassing the entire building and then turn to the south to meet up with the southernmost property line. As stated earlier though, staff does have concerns with the driveway width, so the fence will have to be moved close to the building in order to maintain the length of the parking stalls and the width of the drive aisle. The ultimate location will be subject to staff review and approval. The proposed temporary fencing would consist of either a steel chain link style on t-posts or steel 2"X3" square horse gauge wire with a privacy cloth.

Noise:

The proposed use would be utilizing the entire building; therefore, the noise from the dogs will not disturb any businesses within the building. The applicant has indicated that the procedure is to keep dogs calm when they are outside and instances where a dog is uncontrollably noisy, the dog will not be able to play outside. Further, the majority of the boarded dogs will be provided with one on one outside time and not all dogs will participate in outdoor play.

Safety:

All dogs are evaluated by the trained and experienced staff prior to entrance into any of the dog areas. Based on observations of the staff, the dog's behavior will be evaluated and determined which activities they will be able to participate in. Any dogs showing any signs of aggression towards humans will not be allowed within the facility.

Trash Enclosure:

Currently the site does not have a trash enclosure. The applicant would be responsible to construct a trash enclosure on site as required by the AMC. The City's code requires trash enclosures to be constructed of a solid masonry material at least six feet in height with a decorative exterior finish, such as split face. The other design features of the trash enclosure shall include solid heavy gauge metal gates and a roof to match the design of the buildings served. Since the building is existing and extensive construction will not occur, staff is not recommending connection to the sanitary sewer. A condition of approval has been added addressing these issues.

ATTACHMENTS

- A: Aerial Photo
- B: Applicant's Summary

**CITY OF ANTIOCH PLANNING COMMISSION
RESOLUTION NO. 2013-****

**RESOLUTION OF THE CITY OF ANTIOCH PLANNING COMMISSION
APPROVING A USE PERMIT FOR A DOG DAY CARE FACILITY WITH OVERNIGHT
BOARDING**

WHEREAS, the Planning Commission of the City of Antioch did receive a request from Dave and Kerry Dorn of Delta Dog Camp for approval of a use permit for the establishment of a dog day care facility with overnight boarding located at 2400 Devpar Court (**APN: 068-300-010**); and

WHEREAS, this project is exempt from the provisions of CEQA pursuant to CEQA Guideline section 15301 – Existing Facilities; and

WHEREAS, the Planning Commission duly gave notice of public hearing as required by law; and,

WHEREAS, the Planning Commission on January 16, 2013, duly held a public hearing, received, and considered evidence, both oral and documentary; and

WHEREAS, the Planning Commission does determine:

1. The granting of such use permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

The use of a dog day care facility with overnight boarding will not be detrimental to the public health or welfare or injurious to the property or improvements because the use will be located in an existing building without the potential to affect any surrounding businesses or properties. The use will provide a service for pet owners for dog day care.

2. The use applied at the location indicated is properly one for which a use permit is authorized.

The site is zoned Neighborhood Commercial and per section 9-5.3803 *Table of Land Use Regulations* of the Antioch Municipal Code, kennels are allowed with a use permit.

3. That the site for the proposed use is adequate in size and shape to accommodate such use, and all yards, fences, parking, loading, landscaping, and other features required, to other uses in the neighborhood.

The building is 4,000 s.f. in size and the site is .78 acres, both of which provide adequate area for the proposed use of a dog day care facility with

overnight boarding. The building and site features such as parking, fences, yards, and landscaping currently exist and are adequate for the use.

4. That the site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use.

The site is located on Devpar Court, a two lane road, which is adequate in width and pavement type to carry the kind of traffic generated by the proposed use.

5. That the granting of such use permit will not adversely affect the comprehensive General Plan.

The use is considered a dog day care facility with overnight boarding and will not adversely affect the comprehensive General Plan.

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Antioch does hereby **APPROVE** UP-12-11 for a dog day care with overnight boarding subject to the following conditions:

STANDARD CONDITIONS

1. The project shall comply with the Antioch Municipal Code.
2. Conditions required by the Planning Commission, which call for a modification or any change to the site plan submitted, be corrected to show those conditions and all standards and requirements of the City of Antioch prior to any submittal for a building permit. No building permit will be issued unless the site plan meets the requirements stipulated by the Planning Commission and the standards of the City.
3. This approval expires two years from the date of approval (Expires January 16, 2015), unless a building permit has been issued and construction has diligently commenced thereon and has not expired, or an extension has been approved by the Zoning Administrator. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than one, one year extension shall be granted.
4. City staff shall inspect the site for compliance with the conditions of approval prior to final building inspection.
5. Any required easements or rights-of-way for off-site improvements shall be obtained by the developer, at no cost to the City of Antioch.
6. Advance permission shall be obtained from any property or easement holders for any work done within such property or easements.

7. The developer shall pay all required fees at the time of building permit issuance.
8. This approval supersedes previous approvals that have been granted for this site.
9. Building permits shall be secured for all proposed construction associated with this facility, including any interior improvements not expressly evident on the plans submitted.
10. All construction shall conform to the requirements of the California Building Code and City of Antioch standards.
11. The use of construction equipment shall be restricted to weekdays between the hours of 8:00 AM to 5:00 PM or as approved by the City Manager or his designee.
12. The project shall be in compliance with and supply all the necessary documentation for AMC6-3.2: Construction and demolition debris recycling.
13. The applicant shall defend, indemnify and hold harmless the City in any action brought by a third party to challenge the land use entitlement.
14. All parking and access shall meet the ADA/Title 24 requirements as determined by the Chief Building Official using Checklist #1, Parking, CA Title 24, Sections 1129B.1 and 1130B. The location of such spaces shall provide safe and convenient access to the building as determined by the Chief Building Official.
15. No permits or approvals, whether discretionary or mandatory, shall be considered if the applicant is not current on fees, reimbursement payments and any other payments that are due.
16. No illegal signs, pennants, banners, balloons, flags, or streamers shall be used on this site at any time.
17. No signs shall be installed on this site without prior City approval.
18. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.
19. All requirements of the Contra Costa County Fire Protection District shall be met:
 - a. The developer shall submit three (3) complete sets of plans and specifications of the subject project, including plans for any of the following required deferred submittals, to the Fire District for review and approval prior to construction to ensure compliance with minimum requirements

related to fire and life safety. Plan review and inspection fees shall be submitted at the time of plan review submittal. (105.4.1) CFC, (107) CBC.

- b. Submit plans to: Contra Costa County Fire Protection District, 2010 Geary Road, Pleasant Hill, CA 94523.

PROJECT-SPECIFIC CONDITIONS

- 20. The applicant shall submit a site plan showing at least 11 parking spaces striped to the City of Antioch standard and an adequate width for the drive aisle with review and approval by staff.
- 21. The electronic gate shall be kept open during the hours of operation.
- 22. No outdoor dog play time shall occur after 7:00 P.M. and no dogs shall be outside after 10:00 P.M.
- 23. No washing or grooming of dogs shall occur outdoors.
- 24. A lighting and photometric plan shall be submitted with a minimum of two-foot candles as outlined in the City of Antioch Municipal Code. The parking area lighting fixture heights shall be determined by their relationship to surrounding uses and lighting shall not shine directly onto an adjacent street or property. The lighting and photometric plan shall be reviewed and approved by staff.
- 25. A trash enclosure shall be constructed on site with the location subject to staff review and approval. The enclosure shall be constructed of decorative masonry, heavy gauge metal doors, and shall be architecturally compatible with the building, subject to staff review and approval. The trash enclosure shall be sized to accommodate recycling as well as the volume of refuse produced by the use.

* * * * *

I HEREBY CERTIFY the foregoing resolution was duly adopted by the Planning Commission of the City of Antioch, County of Contra Costa, State of California, at a regular meeting held thereof on January 16, 2013, by the following vote:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

TINA WEHRMEISTER, Secretary to the Planning Commission

ATTACHMENT "A"

Aerial Photo



ATTACHMENT "B"

Delta Dog Camp LLC

Delta Dog Camp (DDC) is an active business, currently located at 1315 Main Street Oakley, Ca. providing Doggie Day Care and Dog Overnight Boarding, light grooming and training. DDC has been providing services to the community since 2009. To accommodate its ever-growing client base, DDC is in need to expand the business to a second facility location.

At the proposed property, which is located at 2400 Devpar Court Antioch, Ca. (off Hillcrest Drive, Parallel and on the North side of Hwy 4). DDC will continue to provide high customer satisfaction by rendering excellent service, quality pet care, and furnishing a fun, sanitary, safe, enjoyable environment at an acceptable price. DDC will maintain a friendly creative work environment, which respects diversity, ideas, and hard work.

The timing is right for starting this new location. Canines' are playing a larger role in peoples' lives, and the working professionals are choosing to provide them with a good life. Loving families with active dogs and an active conscience are in search of better lives for their pets and peace of mind for themselves, causing busy dog lovers to flock to an ever-growing number of doggie day care facilities across the nation. For customer convenience, in addition to day care, Delta Dog Camp will also include overnight dog boarding. Also, provided will be several options for dog obedience classes. All of these services provided at the same place. The DDC 4000 sq. ft climate controlled facility will provide security for the pets from the harsh summer and winter environments.

David and Kerry Dorn, the owners, made promises to themselves to attend every dog psychology, behavior, and training seminar/conference they could in able to find a better way to understand, communicate and train animals. Additionally, they visited other pet care facilities from all over the United States in search for the best national methods and practices in facilitating dog care. These best methods and practices have been adopted at DDC.

David has been around dogs his entire life. Growing up his father worked for the Contra Costa County Animal Control Services. David has worked in Law Enforcement for over 17 years. During the past 14 years he has worked for the San Francisco Sheriffs Department, where he currently handles, trains and supervises, as a Sergeant in the Canine Unit. David implemented the Canine Unit in 1998. Today, he trains and consults other agencies in implementing, managing and maintaining their Canine Units. He is also a Law Enforcement Certified Canine Team Evaluator and Trainer. David also works with local dog rescue groups, evaluating, consulting and assisting in the placement of canines that meet the requirement and standards to be Law Enforcement Service Dogs.

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CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

Delta Dog Camp LLC

Kerry has worked in high a paced company focused on customer service and management at the same company for 17 years and, prior to that was always in a customer service based environment. She has earned the respect of her colleagues through her hard work, dedication, skills and willingness to always be there. Growing up around animals, Kerry learned to become an assertive pack leader and to gain the respect of animals through leadership and positive reinforcement. Over the past 12 years Kerry has raised, trained, and bred show ring dogs, as well as handled them in the AKC show ring herself. In addition, she has worked with her husband, David, training and working with civilian and Law Enforcement service dogs as well as helping find working homes for several rescue dog groups.

DDC Mission:

To provide excellent dog care in a pet friendly atmosphere while ensuring our customers, both canine and owners, receive excellent service in a playful, safe and sanitary environment.

DDC Services:

Delta Dog Camp wants to continue to set itself apart from other doggie daycare and boarding facilities. When researching the surrounding facilities and talking with other pet owners, we came to realize that there is a desire for the services we are proposing. Not only is there a desire for the services, but a desire for a convenient facility location. Most of the surrounding businesses were found out of the way of the working persons already log commute. The focus of Delta Dog Camp is day care and overnight boarding care. However, the services we provide will be above and beyond what our competition will offer.

Our business atmosphere will continue to be safe, sanitary and friendly, a place where our customers will be comfortable leaving their pets. Our climate controlled facility will offer a clean, temperature controlled environment for the pets to play and rest. We will offer a personal touch to the customer for no extra charge, such as birthday cards and a daily report card, for there owners, on each pets daily behavior. We will also continue to have discounts for customers who purchase multi-visit passes and who have multi-dog households. Our business provides 24 hour services to our client pets.

Delta Dog Camp LLC

Services Description:

Delta Dog Camp will continue to be considered an upscale day care, overnight care and training facility. Services are as follows:

- **Day Care:** Provide 4,000 sq. ft. of indoor and outdoor fun. A safe, clean & sanitary atmosphere for dogs to spend the day exercising and enjoying the company of other dogs. Large dogs and small dogs have their own areas to play with others their size. (DDC Policy is every dog will be evaluated prior to entering into the area of other dogs).
- **Overnight Care:** Leave your pet for as long as necessary for 24 hour care. 25 large condos are available for all sizes. If you have more than one dog they can share a suite to feel more at home or have their own private suite too relax after a day of play. Overnight care, includes the day care play time too.
- **Training:** We offer basic to advanced dog obedience training and other specialized, problem solving training upon request.
- **Special Requests:** Provide service for dogs with special needs, including but not limited to administering oral medications. Physical recovery assistance from surgery, diet and exercise training, light grooming, and a lot of TLC.
- **Pet Taxi:** *COMING SOON* Expect to offer this service by the end of 2012.

DDC Summary:

Delta Dog Camp LLC, providing services to the community since 2009. DDC is a family owned and operated business, which has employed persons from the community.

The company will continue to provide high-level dog care and customer service in the following categories:

- Day care
- Overnight care
- Canine training classes
- Special requests
- Special events
- 24 hour care

What set Delta Dog Camp apart is our commitment to provide these services in a convenient location and a well cared for facility.

Awards and Recognitions received by Delta Dog Camp:

BBB, invitation and recognition since 2011

Best of City of Oakley – Gold Medal for Pet care and Boarding 2011 & 2012

Recognition from HALO Animal Rescue Group 2010

Recognition from Shake Wiggle & Roll Animal Rescue Group 2010, 2011 & 2012.

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF JANUARY 16, 2013**

Prepared by: Tina Wehrmeister, Community Development Director *tw*

Date: January 10, 2013

Subject: **Amendments to the Municipal Code Regarding
Home Occupation Use Permits**

RECOMMENDATION / REQUEST

The City of Antioch requests that the Planning Commission recommend approval of the attached amendments to the Municipal Code regarding Home Occupation Use Permits.

BACKGROUND

In September 2012 Assembly Bill 1616 was approved, known as the California Homemade Food Act. This bill requires local agencies to allow certain types of food preparation as a home business. The City is required to amend the Home Occupation Use Permit ordinance which currently does not allow food preparation. The County Environmental Health Department will continue to be responsible for regulating food safety. More information can be found on the County Health Department website at: <http://cchealth.org/eh/retail-food/>.

The City is also requesting amendments to clarify the number of licenses, customers, employees, and vehicles allowed in association with a home based business.

ENVIRONMENTAL

The proposed ordinance amendment is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that it may have a significant effect on the environment.

ANALYSIS

Issue #1: California Home Made Food Act

As discussed above, the City is required to amend its ordinance to allow home based food preparation businesses that comply with the Act. The following language is proposed:

Food preparation shall comply with Section 51035 of the Government Code and requirements of the Health Department.

Issue #2: Number of Licenses

Currently the ordinance limits the number of Home Occupation licenses to one per person and allows multiple licenses per household, assuming each adult could have their own license. Staff has noted an increase in requests for multiple licenses from individuals. It is apparently not uncommon for an individual to have multiple computer and internet based businesses that would each need a separate home occupation / business license. As such, staff has recommended ordinance amendments that allow an individual to have multiple licenses while continuing to limit the number of employees and commercial vehicles to one per household in order to maintain the residential nature of a home with multiple licenses.

Issue # 3: In-Home Lessons

The Planning Commission may consider revisiting the number of students allowed in association with in-home lessons. Currently the ordinance allows no more than six children at any one time. Although not currently an issue, this could be interpreted to allow several sessions of lessons, each with six children attending. This potential scenario would have an impact on traffic in a neighborhood and general noise impacts.

The ordinance as currently worded is generous. Surrounding cities such as Oakley and Concord allow a total of six students, one student at a time, for in-home lessons. Staff has not amended the attached ordinance pending the Commission's discussion of this issue.

ATTACHMENT

A. Redline version of proposed ordinance amendments

RESOLUTION NO. 2013-xx

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING THE CITY COUNCIL APPROVE AN AMENDMENT TO SECTION
9-5.901 OF THE ANTIOCH MUNICIPAL CODE REGARDING
HOME OCCUPATION USE PERMITS**

WHEREAS, the Planning Commission of the City of Antioch did receive an application from the **City of Antioch** requesting approval of an amendment to Section 9-5.901 of the Antioch Municipal Code regarding Home Occupation Use Permits (Z-12-03); and,

WHEREAS, Pursuant to CEQA Guidelines Section 15061(b)(3), the proposed amendment to the Antioch Municipal Code is exempt from CEQA because it can be seen with certainty that there is no possibility that it may have a significant effect on the environment; and,

WHEREAS, the Planning Commission duly gave notice of public hearing as required by law; and,

WHEREAS, on January 16, 2013, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission, after reviewing the staff report and considering testimony offered, does hereby recommend that the City Council **APPROVE** an amendment to Section 9.5-901 of the Antioch Municipal Code regarding Home Occupation Use Permits, attached as Exhibit 1 (Z-12-03).

* * * * *

I HEREBY CERTIFY the foregoing resolution was duly adopted by the Planning Commission of the City of Antioch, County of Contra Costa, State of California, at a regular meeting of said Planning Commission held on the 16th day of January, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Tina Wehrmeister, Secretary to the
Planning Commission

EXHIBIT 1

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF ANTIOCH AMENDING SECTION 9-5.901 OF THE ANTIOCH MUNICIPAL CODE REGARDING HOME OCCUPATION USE PERMITS

The City Council of the City of Antioch does ordain as follows:

SECTION 1. Amendment to the Municipal Code. Section 9-5.901 is amended to read as follows:

9-5.901 Home Occupation Use Permits

(A) *Requirements.* Home occupation use permits may be issued by the Zoning Administrator or his designee provided the proposed home occupation meets the requirements set forth in this section.

(1) The home occupation shall be incidental and subordinate to the use as a residence as determined by the Zoning Administrator.

(2) The appearance of the structure in no way shall be altered, nor shall the occupation be conducted in a manner which would cause the residence to differ from its original residential character, either by the use of colors, materials, construction, lighting, or signs. There shall be no outside display or storage of goods or materials.

(3) There shall be no significant interior physical alteration associated with the use of the dwelling for a home occupation.

(4) The use of a garage for the purpose of a home occupation shall not decrease the amount of off-street parking required for the residence.

(5) The occupation shall not create any noise, vibration, fumes, odors, dust, or electrical interference which is detectable to the normal senses;

(a) Off the lot if the occupation is conducted in a single-family dwelling unit;
or

(b) Outside the dwelling unit if the occupation is conducted in other than a single-family dwelling unit.

(6) There shall be no excessive use of, or unusual discharge into, any one or more of the following utilities: water, sewers, electrical, garbage, or storm drains.

(7) Employees working or meeting at the site shall be limited to persons who reside in the unit and one nonresident, inclusive of all Home Occupation Use Permits issued for the premises.

(8) Delivery vehicles shall be limited to those types of vehicles which typically make deliveries to single-family neighborhoods, such as the United States Postal Service, United Parcel Service, pickup trucks, and light vans.

(9) There shall be no manufacturing of any kind, except for arts, crafts, and hobbies.

(10) There shall be no repair of large appliances, internal combustion engines, automobiles or motorcycles at the home.

(11) Not more than one commercial vehicle shall be permitted, inclusive of all Home Occupation Use Permits issued for the premises, the maximum size thereof not exceeding one ton.

(12) Food preparation shall comply with Section 51035 of the Government Code and requirements of the Health Department.

(13) Home occupation use permits apply to a specific site and owner and shall not be transferrable to different persons or to different locations.

(14) No customers or clients shall be permitted to visit the home at any time in conjunction with the home occupation, however, in-home lessons shall be allowed for no more than six children at any one time.

(B) *Prohibited uses.* Inappropriate home occupations shall include, but not be limited to, the following and similar types of uses:

(1) Beauty parlors, barber shops and haircut salons.

(2) Retail sales.

(3) Restaurants.

(4) Funeral chapels, funeral homes, and taxidermists.

(5) Stables, kennels, and animal breeding, except dog fanciers as authorized by the code.

(6) Veterinary clinics.

(7) Mechanical and automobile repair and servicing.

(8) Any business that may cause customers or clients to visit the home, with the exception of in-home lessons for six or fewer children.

(C) *Application.*

(1) Applications for home occupation use permits shall require both the applicant's and the property owner's signatures and shall be accompanied by a fee as specified by resolution. Proof of any licenses/registrations required by the home occupation shall be submitted with the application. The applicant shall furthermore agree to comply with all applicable federal, state and local regulations pertaining to the home occupation.

(2) Issuance of a home occupation use permit shall be an administrative action. The applicant must agree to comply with all of the requirements for a home occupation and sign a statement to that effect. Once the application is completed, the Zoning Administrator or his/her designee may issue the home occupation use permit. No public hearing shall be required, unless the Zoning Administrator's decision is appealed, as provided for in division (E) of this section.

(3) Notices will be sent out to adjacent homes informing them that a home occupation use permit has been issued and include information on whom they can contact if there are any problems.

(4) More than one home occupation use permit may be allowed per household, provided each application can meet the requirements stipulated in division (A) of this section.

(D) *Transferability.* An existing home occupation may be changed by reapplying for a new home occupation use permit under the requirements of this chapter. Approval of a new home occupation use permit automatically voids any previously approved home occupation use permit for any given individual.

(E) *Appeals.* In the event a home occupation use permit is denied, the applicant may appeal in writing to the Planning Commission. Such appeal shall be accompanied by the fee specified by resolution.

(F) *Revocation.* The Zoning Administrator may revoke or suspend any home occupation use permit if the provisions of this code have been violated.

SECTION 2. CEQA. This Ordinance amendment is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that it may have a significant effect on the environment.

SECTION 3. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 4. Effective Date. This Ordinance shall take effect thirty (30) days after adoption as provided by Government Code Section 36937.

SECTION 5. Publication; Certification. The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was introduced at adjourned regular meeting of the City Council of the City of Antioch held on the ___ day of ___ 2013 and passed and adopted at a regular meeting thereof, held on ___ day of ___ 2013, by the following vote:

AYES:

NOES:

ABSENT:

Wade Harper, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, City Clerk of the City of Antioch

ATTACHMENT "A"

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF ANTIOCH AMENDING SECTION 9-5.901 OF THE ANTIOCH MUNICIPAL CODE REGARDING HOME OCCUPATION USE PERMITS

The City Council of the City of Antioch does ordain as follows:

SECTION 1. Amendment to the Municipal Code. Section 9-5.901 is amended to read as follows:

9-5.901 Home Occupation Use Permits

(A) *Requirements.* Home occupation use permits may be issued by the Zoning Administrator or his designee provided the proposed home occupation meets the requirements set forth in this section.

(1) The home occupation shall be incidental and subordinate to the use as a residence as determined by the Zoning Administrator.

(2) The appearance of the structure in no way shall be altered, nor shall the occupation be conducted in a manner which would cause the residence to differ from its original residential character, either by the use of colors, materials, construction, lighting, or signs. There shall be no outside display or storage of goods or materials.

(3) There shall be no significant interior physical alteration associated with the use of the dwelling for a home occupation.

(4) The use of a garage for the purpose of a home occupation shall not decrease the amount of off-street parking required for the residence.

(5) The occupation shall not create any noise, vibration, fumes, odors, dust, or electrical interference which is detectable to the normal senses;

(a) Off the lot if the occupation is conducted in a single-family dwelling unit;
or

(b) Outside the dwelling unit if the occupation is conducted in other than a single-family dwelling unit.

(6) There shall be no excessive use of, or unusual discharge into, any one or more of the following utilities: water, sewers, electrical, garbage, or storm drains.

(7) Employees working or meeting at the site shall be limited to persons who reside in the unit and one nonresident, inclusive of all Home Occupation Use Permits issued for the premises.

(8) Delivery vehicles shall be limited to those types of vehicles which typically make deliveries to single-family neighborhoods, such as the United States Postal Service, United Parcel Service, pickup trucks, and light vans.

(9) There shall be no manufacturing of any kind, except for arts, crafts, and hobbies.

(10) There shall be no repair of large appliances, internal combustion engines, automobiles or motorcycles at the home.

(11) Not more than one commercial vehicle shall be ~~used in conjunction with the requested use or be permitted, inclusive of all Home Occupation Use Permits issued for the premises on the premises~~, the maximum size thereof not exceeding one ton.

(12) ~~There shall be no cooking or food preparation shall comply with Section 51035 of the Government Code and at the site for the purpose of retail sales from a vehicle and any permitted food preparation shall first receive a permit from requirements of~~ the Health Department.

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(13) Home occupation use permits apply to a specific site and owner and shall not be transferrable to different persons or to different locations.

(14) No customers or clients shall be permitted to visit the home at any time in conjunction with the home occupation, however, in-home lessons shall be allowed for no more than six children at any one time.

(B) *Prohibited uses.* Inappropriate home occupations shall include, but not be limited to, the following and similar types of uses:

- (1) Beauty parlors, barber shops and haircut salons.
- (2) Retail sales.
- (3) Restaurants.
- (4) Funeral chapels, funeral homes, and taxidermists.
- (5) Stables, kennels, and animal breeding, except dog fanciers as authorized by the code.
- (6) Veterinary clinics.
- (7) Mechanical and automobile repair and servicing.

(8) Any business that may cause customers or clients to visit the home, with the exception of in-home lessons for six or fewer children.

(C) *Application.*

(1) Applications for home occupation use permits shall require both the applicant's and the property owner's signatures and shall be accompanied by a fee as specified by resolution. Proof of any licenses/registrations required by the home occupation shall be submitted with the application. The applicant shall furthermore agree to comply with all applicable federal, state and local regulations pertaining to the home occupation.

(2) Issuance of a home occupation use permit shall be an administrative action. The applicant must agree to comply with all of the requirements for a home occupation and sign a statement to that effect. Once the application is completed, the Zoning Administrator or his/her designee may issue the home occupation use permit. No public hearing shall be required, unless the Zoning Administrator's decision is appealed, as provided for in division (E) of this section.

(3) Notices will be sent out to adjacent homes informing them that a home occupation use permit has been issued and include information on whom they can contact if there are any problems.

(4) ~~Only one home occupation use permit shall be allowed any member of a household.~~ More than one home occupation use permit may be allowed per household, provided each applicant application can meet the requirements stipulated in division (A) of this section.

(D) *Transferability.* An existing home occupation may be changed by reapplying for a new home occupation use permit under the requirements of this chapter. Approval of a new home occupation use permit automatically voids any previously approved home occupation use permit for any given individual.

(E) *Appeals.* In the event a home occupation use permit is denied, the applicant may appeal in writing to the Planning Commission. Such appeal shall be accompanied by the fee specified by resolution.

(F) *Revocation.* The Zoning Administrator may revoke or suspend any home occupation use permit if the provisions of this code have been violated.

SECTION 2. CEQA. This Ordinance amendment is subject to the CEQA exemption contained in CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that it may have a significant effect on the environment.

SECTION 3. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 4. Effective Date. This Ordinance shall take effect thirty (30) days after adoption as provided by Government Code Section 36937.

SECTION 5. Publication; Certification. The City Clerk shall certify as to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

* * * * *

I **HEREBY CERTIFY** that the foregoing ordinance was introduced at adjourned regular meeting of the City Council of the City of Antioch held on the ___ day of ___ 2013 and passed and adopted at a regular meeting thereof, held on ___ day of ___ 2013, by the following vote:

AYES:

NOES:

ABSENT:

Wade Harper, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, City Clerk of the City of Antioch

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