

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

WEDNESDAY, MARCH 18, 2015

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 **WEDNESDAY, MARCH 25, 2015**.

If you wish to speak, either during "public comments" or during an agenda item, fill out a Speaker Request Form and place in the Speaker Card Tray. This will enable us to call upon you to speak. Each speaker is limited to not more than 3 minutes. During public hearings, each side is entitled to one "main presenter" who may have not more than 10 minutes. These time limits may be modified depending on the number of speakers, number of items on the agenda or circumstances. No one may speak more than once on an agenda item or during "public comments". Groups who are here regarding an item may identify themselves by raising their hands at the appropriate time to show support for one of their speakers.

ROLL CALL

6:30 P.M.

Commissioners	Hinojosa, Chair
	Motts, Vice Chair
	Miller
	Westerman
	Zacharatos
	Parsons

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:**
 - A. February 4, 2015
 - B. February 18, 2015

MINUTES

* * * END OF CONSENT CALENDAR * * *

NEW PUBLIC HEARINGS

- 2. **PD-06-04, UP-06-21, AR-06-17** – Ted Liu of Bedrock Ventures, Inc. requests an amendment to condition of approval number 3 from Resolution 2008/29. The amendment would extend the expiration date of the approvals for the Final Planned Development, Use Permit, and design review to March 11, 2017. The project consists of retail and offices, located at Hillcrest Avenue and East Tregallas Road (APN: 052-100-069 and -068).
- 3. The City of Antioch is proposing to adopt the Housing Element Update for the 2015-2023 planning period. The Planning Commission will consider whether to recommend that the City Council adopt the 2015-2023 Housing Element. The Housing Element is available for review on the City’s website at <http://ci.antioch.ca.us/CityGov/CommDev/PlanningDivision/>. In compliance with the California Environmental Quality Act, a Negative Declaration is being proposed for adoption.

ORAL COMMUNICATIONS

WRITTEN COMMUNICATIONS

COMMITTEE REPORTS

ADJOURNMENT

Notice of Availability of Reports

This agenda is a summary of the discussion items and 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 Friday 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.

Notice of Opportunity to Address the Planning Commission

The public has the opportunity to address the Planning Commission on each agenda item. You may be requested to complete a yellow Speaker Request form. Comments regarding matters not on this Agenda may be addressed during the "Public Comment" section on the agenda.

Accessibility

The meetings are accessible to those with disabilities. Auxiliary aids will be made available for persons with hearing or vision disabilities upon request in advance at (925) 779-7009 or TDD (925) 779-7081.

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**February 4, 2015
City Council Chambers**

Chairman Hinojosa called the meeting to order at 6:32 P.M. on Wednesday, February 4, 2015 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 date of the decision. The final appeal date of decisions made at this meeting is 5:00 P.M. on Wednesday, February 11, 2015.

ROLL CALL

Present: Commissioners, Miller, Westerman, Zacharatos and Chairman Hinojosa
Absent: Commissioner Motts
Staff: City Attorney, Lynn Tracy Nerland
Director Community Development, Tina Wehrmeister
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

Chairperson Hinojosa presented former Commissioner Baatrup with an honorary street name plaque recognizing his years of service on the Planning Commission. She stated it was pleasure to have served with him on the Commission and he would be missed.

Commissioner Westerman stated he enjoyed working with former Commissioner Baatrup. He recognized his professionalism while serving on the Commission and stated he would be missed.

Commissioner Miller thanked Former Commission Baatrup for his service and stated it was pleasure to have served with him on the Commission.

Director of Community Development Wehrmeister thanked former Commissioner Baatrup for his service and professionalism.

Former Commissioner Baatrup thanked the City of Antioch and Planning Commission for the presentation and stated it was a great experience. He recognized the professionalism of City staff and encouraged the Commission to continue to improve Antioch.

CONSENT CALENDAR

1. Approval of Minutes: January 21, 2015

On motion by Commissioner Westerman, seconded by Commissioner Miller, the Planning Commission approved the minutes of January 21, 2015, as presented. The motion carried the following vote:

AYES: Hinojosa, Zacharatos, Miller and Westerman

NOES: None

ABSTAIN: None

ABSENT: Motts

CONTINUED PUBLIC HEARING

- 2. UP-14-13 – INK'D UP TATTOO** – Juanito Valentine requests approval of a use permit to operate a tattoo studio employing three to four people with hours of operation from 10:00 am to 10:00 pm daily. The proposed studio is located in an existing commercial development and no exterior modifications to the building are proposed. The project site is located at 1614 A Street, on the northwest corner of 17th and A Streets (APN 067-360-002).

Chairperson Hinojosa announced the applicant had appealed this item to the City Council and no further action was necessary at this time.

Director of Community Development added that this item was tentatively scheduled to be heard by the City Council at their February 24, 2015 meeting.

NEW PUBLIC HEARING

- 3. Z-13-04 – The City of Antioch** requests approval of a Zoning Ordinance text amendment to establish regulations regarding the location of tobacco and paraphernalia retailers. The proposed ordinance would be applicable city-wide.

Director of Community Development Wehrmeister presented the staff report dated January 29, 2015 recommending the Planning Commission approve the attached resolution recommending that the City Council adopt the ordinance (Exhibit 1 to the resolution) establishing zoning regulations for Tobacco and Paraphernalia Retailers within the City of Antioch.

In response to Chairperson Hinojosa, Director of Community Development Wehrmeister explained the Zoning Ordinance and General Plan did not define sensitive uses however typically the ordinance itself defined it. She added a senior center was considered recreational and would be a sensitive use; however a senior apartment complex would not fall under the definition by virtue of the age of the population.

In response to Commissioner Westerman, Director of Community Development Wehrmeister explained the five hundred (500) foot buffer would be between any establishment that falls under the definition of a tobacco and paraphernalia retailer.

In response to Chairperson Hinojosa, Director of Community Development Wehrmeister stated Code Enforcement would follow up on businesses found to be in violation; however she did not have the status of each case.

In response to Commissioner Zacharatos, Director of Community Development Wehrmeister clarified offenses would be remedied by the Code Enforcement Department.

Director of Community Development Wehrmeister stated almost all retailers the City inspected had issues.

Chairperson Hinojosa opened the closed the public hearing with no speakers requesting to speak.

Following discussion, Planning Commission consensus supported the zoning ordinance as written and directed staff to provide a list to the City Council of the existing businesses that would be grandfathered in by the ordinance.

RESOLUTION NO. 2015-**

On motion by Commissioner Westerman, seconded by Commissioner Zacharatos, the Planning Commission approved the resolution recommending that the City Council adopt the ordinance (Exhibit 1 to the resolution) establishing zoning regulations for Tobacco and Paraphernalia Retailers within the City of Antioch.

AYES: *Hinojosa, Zacharatos, Miller and Westerman*

NOES: *None*

ABSTAIN: *None*

ABSENT: *Motts*

Director of Community Development Wehrmeister stated that due to the time constraints the list of grandfathered business may not be included in the staff report; however, a list would be provided to the City Council at the February 10th meeting for entry into the record.

Chairperson Hinojosa requested a notation be added to the staff report that the Planning Commission provided this direction.

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- 4. Z-15-01 – The City of Antioch** requests approval of a Zoning Ordinance text amendment to establish regulations regarding the location of bingo operations. The proposed ordinance would be applicable city-wide.

Director of Community Development Wehrmeister presented the staff report dated January 27, 2015 recommending the Planning Commission approve the attached resolution recommending the City Council adopt the ordinance (Exhibit 1 to the proposed resolution that is Attachment A) establishing zoning regulations for Bingo Operations within the City of Antioch.

In response to Chairperson Hinojosa, City Attorney Nerland explained the issue before the Planning Commission was regarding zoning and land use issues. She noted the restrictions on the business pursuant to the penal code would be heard by the City Council.

In response to Chairperson Hinojosa, Director of Community Development Wehrmeister explained bingo operations would be ancillary to other operations that had their own use permit requirements. She added bingo operations were not intended to be a stand-alone use or business; therefore they were not separately identified to require a use permit. She noted bingo operators were typically a third party vendor that worked with non-profits and when they applied for a business license through the City, staff would be able to determine if the location was in compliance with the zoning ordinance.

City Attorney Nerland added that the challenge was to have a mechanism to deal with the 24/7 bingo use without burdening the limited police department staffing or requiring every church and school to obtain a use permit when the City had received no complaints on those uses.

In response to Chairperson Hinojosa, Director of Community Development Wehrmeister stated that one of the applications for a bingo hall operation was withdrawn and staff had not heard from the other applicant. She noted if City Council adopted the ordinance, they would be able to respond to that applicant, close the application and return her deposit. She added that many statements made by the applicant regarding their application contradicted the penal code.

In response to Commissioner Zacharatos, Director of Community Development Wehrmeister explained that when applicants applied for a business license, they typically provided documentation of their charitable status.

Chairperson Hinojosa opened and closed the public hearing with no speakers requesting to speak.

Following discussion the Planning Commission consensus supported the ordinance as written.

RESOLUTION NO. 2015-**

On motion by Commissioner Miller, seconded by Commissioner Westerman, the Planning Commission approved the attached resolution recommending the City Council adopt the ordinance (Exhibit 1 to the proposed resolution that is Attachment A) establishing zoning regulations for Bingo Operations within the City of Antioch.

AYES: Hinojosa, Zacharatos, Miller and Westerman

NOES: None

ABSTAIN: None

ABSENT: Motts

ORAL COMMUNICATIONS

Chairperson Hinojosa announced Commissioner Pinto had resigned and it had been a pleasure to have served with him. She recognized Director of Community Development Wehrmeister for her years of service with the City of Antioch. She stated it was a pleasure working with her and she had served the City well and would be missed.

Director of Community Development Wehrmeister stated it was great working with the Planning Commission and they would be missed.

Commissioner Westerman thanked Director of Community Development Wehrmeister for all her hard work and it had been a pleasure working with her. He stated she had done a tremendous job working for the City of Antioch.

Commissioner Miller agreed and wished Director of Community Development Wehrmeister well in her new position.

Commissioner Zacharatos stated it was great working with Director of Community Development Wehrmeister and congratulated her on her new employment opportunity.

City Attorney Nerland added that in addition to being an incredible Director of Community Development, during the downturn of the economy she was also responsible for the Parks and Recreation Department which she had handled with grace and optimism. She added that she would be sorely missed.

Director of Community Development Wehrmeister thanked everyone for their kind words and introduced Kitty Eiden as the Minutes Clerk.

Chairperson Hinojosa welcomed Ms. Eiden and stated she looked forward to working with her.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

None.

ADJOURNMENT

Chairman Hinojosa adjourned the Planning Commission meeting at 7:13 P.M.

Respectfully Submitted,
Kitty Eiden