

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

WEDNESDAY, AUGUST 21, 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 **THURSDAY, AUGUST 29, 2013**.

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 under Public Comments and 3 minutes on non-public hearing agenda items. During public hearings, each side is entitled to one "main presenter" who may have not more than 10 minutes; all other speakers during a public hearing item are entitled to a maximum of 5 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	Sanderson, Chair
	Hinojosa, Vice-Chair
	Motts
	Baatrup
	Miller
	Azevedo
	Westerman

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

CONSENT CALENDAR

1. **APPROVAL OF MINUTES:** June 5, 2013 ***APPROVED***

* * * END OF CONSENT CALENDAR * * *

2. **SLATTEN RANCH ROAD NAME CHANGE – Sunset Drive (east of Hillcrest Avenue) to Slatten Ranch Road** - The City Engineer requests a street name change for Sunset Drive (east of Hillcrest Avenue) to “Slatten Ranch Road”.

RESOLUTION 2013-11

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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.**

**June 5, 2013
City Council Chambers**

CALL TO ORDER

Chair Sanderson called the meeting to order at 6:32 p.m. on Wednesday, June 5, 2013, in the City Council Chambers. She stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on Thursday, June 13, 2013.

ROLL CALL

Present: Commissioners Azevedo, Motts, and Baatrup
Vice Chair Hinojosa and Chair Sanderson
Absent: Commissioners Miller and Westerman
Staff: Community Development Director, Tina Wehrmeister
City Engineer, Ron Bernal
City Attorney, Lynn Tracy Nerland
Minutes Clerk, Cheryl Hammers

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. Approval of Minutes: May 15, 2013

On motion by Commissioner Azevedo, and seconded by Commissioner Baatrup, the Planning Commission approved the Minutes of May 15, 2013.

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

END OF CONSENT CALENDAR

NEW PUBLIC HEARINGS

2. **DAVIDON HOMES** is requesting approval of a Development Agreement applicable to the approximately 170 acre property generally located east of Canada Valley Road and west of State Route 4 (bypass). Davidon Homes has entitlements to develop the subject property with 525 single family homes.

CDD Wehrmeister provided a summary of the staff report dated May 30, 2013, and introduced Karen Murphy, Consulting Land Use Attorney.

OPENED PUBLIC HEARING

Applicant, Jeff Thayer, thanked staff for completing the development agreement and stated that he was present to answer questions.

Commissioner Baatrup asked applicant that presuming this item gets passed to the City Council what was the time frame involved as well as what are the details on Laurel Road. Mr. Thayer responded that final engineering is a big undertaking which will take nine to twelve months and then they need to firm up with CFD. He said the market is improving and if it keeps improving, this will help them get started as quickly as possible. That they can go up to 123 units and upon 124 units are obligated to be done with engineering on Laurel Road to get it finished. He said that once under way, he can see the project moving through steadily.

Commissioner Baatrup then asked applicant his perspective on improvement of housing movement and the lack of supply for the demand to which Mr. Thayer said that this was a horrible recession but for the first time in five years there are a lot of positive indicators. He said that a lot of people were on the fence but now prices seem to be going up.

CLOSED PUBLIC HEARING

Commissioner Baatrup asked staff about the term of the agreement extending out to 2027 and asked if this 15 years was a typical duration for these agreements.

CDD Wehrmeister responded that with some historic agreements they have frequently seen 15 years or longer terms and that this is the norm in her experience.

Ms. Murphy interjected that given the recent market conditions, this is an appropriate term and that she has seen longer recently.

Commissioner Baatrup stated that he has seen this project before and there was good input at that time.

RESOLUTION NO. 2013-**

On motion by Commissioner Baatrup and seconded by Commissioner Azevedo, the Planning Commission recommends to the City Council approval of the Development Agreement between the City of Antioch and Davidon Homes for the Park Ridge Subdivision Project.

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

3. **UP-13-05 – EDWARD GIVANS** requests approval of a Use Permit to establish a martial arts and tutoring center. Hours of operation would be Monday through Friday from 3:45 P.M. to 9 P.M and Saturday from 10 A.M. to 3:00 P.M. The project site is located at 4851 Lone Tree Way, Suite A1, in the Williamson Ranch Plaza (APN 056-011-048).

CDD Wehrmeister provided a summary of the staff report dated May 30, 2013.

Vice Chair Hinojosa asked staff if there was anything in the Zoning Code about combined uses to which CDD Wehrmeister said that there was not .

Vice Chair Hinojosa said that it is hard to understand the attachments regarding the combined uses but that if they were to approve the project, would this use be locked in at this location and be allowed to stay indefinitely.

CDD Wehrmeister responded that the use runs with the land so it would be specific to that space. That if this tenant left and another tenant came in with the exact business model, the business could establish there as well.

Commissioner Motts asked staff if another business came in with a mixed use of a different kind, would they require a different use permit to which CDD Wehrmeister said that with this use is specific to martial arts, they would consider possibly a dance studio the same use but not something completely different.

Commissioner Baatrup asked staff about the visit to the site and if the business looks primarily martial arts, primarily tutoring or physical therapy.

CDD Wehrmeister responded that it appeared to be primarily martial arts, that there was no separate tutoring area but that applicant was present to discuss the floor layout tonight.

Commissioner Baatrup asked staff about the primary use and if that was open to discretion to which CDD Wehrmeister said that was open to discretion and that there were a variety of factors to consider such as the amount of square feet taken up by the use. With martial arts needing a large floor space and tutoring needing less, there is discretion there.

Chair Sanderson questioned staff about the provision of physical therapy requiring some sort of license to which CDD Wehrmeister said that she doesn't have knowledge of specific requirements but would assume that a physical therapist does need a license.

Chair Sanderson then confirmed with staff that there were previously real estate offices at that location and the uncertainty as to how long that space has been vacant.

OPENED PUBLIC HEARING

Applicant, Edward Givans, said that he started the program in 2003, that he has been in Antioch for ten years, and that in this facility there could be two sides of the building, one for martial arts and the other side would be individual rooms for tutoring and physical therapy. He said that the physical therapy would be to help kids get back into sports through stretching and that the tutoring part would be older kids helping younger kids. He said that he hasn't moved forward with the other side of the project until this issue was resolved with the use permit. That the property has been vacant for eight years and that there are about eight spaces still empty.

Commissioner Azevedo asked applicant that given he is not a licensed physical therapist if he would be working with a therapist and treating injuries to which Mr. Givans clarified that students would go to physical therapy and would then come there for rehab such as stretching and flexing to get back on track but that they don't treat injuries.

Commissioner Azevedo asked applicant about the students tutoring other students on homework and if anyone not part of the martial arts was tutored to which applicant said that in addition to students some of the teachers are Antioch teachers and that they do offer the tutoring to siblings of students as well.

Commissioner Azevedo then clarified with applicant that the physical therapy stretching was only offered to martial arts students.

Commissioner Baatrup asked applicant about staffing to which Mr. Givans said that he was the main instructor, that he has two front desk people, that there are parents to assist kids and that some students who are very smart are in his honor roll program which entails keeping track of kids with report cards and helping them if they fall behind.

Commissioner Baatrup asked applicant how long he has been in the space and was he aware that the studio was inconsistent with zoning.

Mr. Givans said that he has been there sixty or ninety days; that yes he was aware of that but he used bad judgment in listening to a real estate company who gave him bad advice.

Vice Chair Hinojosa clarified with applicant that his intent is to own and build his own facility someday but that this location is the best location for now and he does intend to stay until he builds or finds another suitable location.

Chair Sanderson asked applicant about his previous Bluerock space to which Mr. Givans said that space was too small, only 1400 sf, and that they needed more space for the tutoring aspect.

Chair Sanderson then clarified with applicant that kids come anywhere from 45 minutes to an hour early for tutoring and that the total time spent at the facility varied anywhere from an hour to three hours. Applicant stated that his business has grown from 15 to 200 kids in the last five years. Mr. Givans said that he originally started in the Somersville Mall and had to move due to the Chinese buffet, that parents wanted a space closer to where the homes are located and that it has been very hard to find a space large enough to do what they would like.

Chair Sanderson then clarified with applicant that the term of his lease was a maximum of nine years but that he can terminate in three.

Commissioner Motts asked applicant if there was space dedicated for physical therapy to which applicant said not right now but that the other side is an empty space and they would like to put in massage chairs and different things to help them.

Commissioner Baatrup clarified with applicant that their matted area for stretching is approximately 1500 sf, that they have a front area and that the back area for homework is about 600 sf.

Commissioner Azevedo confirmed with applicant that he has read and agrees with the resolution for approval.

CLOSED PUBLIC HEARING

Commissioner Azevedo stated that he was struggling with this, that this project comes across as Taekwondo with some ancillary activities and that they are not able to meet item 2. He said that it is a stretch to say that this business meets this finding and that unless he is convinced otherwise by fellow commissioners, he is leaning toward denial.

Commissioner Baatrup questioned staff about properties in the 2500 sf range located in appropriate zones and if there was a barrier for martial arts in Antioch.

CDD Wehrmeister responded that she has had conversations with Mr. Givans, that there is significant vacancy in appropriate zones, that there is a particular corridor Mr. Givans wants making it difficult with his parameters but that there was quite a lot of space available.

Commissioner Baatrup stated that he was also struggling with this proposal being against the standard established for that area. That although Mr. Givans is doing a great service, there is also a need to be careful how we view where people locate uses in order to be consistent and fair, but that this looks like an exception.

Commissioner Motts clarified with staff that no comments were received from the surrounding businesses.

Vice Chair Hinojosa said that she too is struggling, that she cannot see how the current business fits into the type of uses intended for this area, and that she is hung up on the clause that uses similar to those may be approved or permitted by the planning department. That the Commission could condition the business to allow them to use the space for the next three years or to try to condition the business to more closely align with permitted uses in this area but that the business plan needs to have a licensed physical therapist.

CDD Wehrmeister said that applicant has mentioned the space next door which is vacant and that time can be given for him to expand his lease and establish components that could be conditions of approval.

Vice Chair Hinojosa stated that applicant also mentioned licensed massage therapy and stated that he can come back with a stronger business plan to prevent a complete denial.

Chair Sanderson said that looking just at the tutoring element asked staff what tutoring services in general would be consistent with the use list to which CCD Wehrmeister gave the example of the Sylvan Learning Center which was located in the Venture Commerce Center, not the Williamson Ranch Center, but had been established in a professional business center and that use would be considered appropriate for the zone.

Commissioner Azevedo stated that this is trying to take a square business and put it in a round hole, that right now their hands are tied but that possibly another avenue to follow would be either changing the uses permitted there or adjusting them to accept a health and exercise center. That he doesn't believe this fits now but maybe they could look at health and exercise fitting into medical office.

CDD Wehrmeister stated that the Planning Commission can recommend to the City Council a zoning change. She said that option was discussed with applicant but that his desire was to attempt to address this issue without bringing in the landlord but that may be a conversation that needs to happen with his landlord and address paying for changing the zoning at that site.

Chair Sanderson clarified with staff that there is an option to continue the hearing to give applicant a chance to beef up the tutoring services and to speak with his landlord regarding the zone change. She said that she is having a hard time with the information before them to make findings in the resolution for approval. That she is a fan of the business but at the same time can't throw the zoning code out the window.

Commissioner Baatrup questioned staff about if we follow this path of revising the zoning, what does that do with current efforts under way of getting two nonconforming businesses to locate where they do meet requirements and that if it were changed for martial arts, would it be changed for other uses thereby boxing them in to consider them equally.

CDD Wehrmeister said if this was the route decided, she would imagine that the Planning Commission would make findings as to what appropriate uses would be in a professional office which would be compatible with those uses, and that perhaps retail would not be compatible as would health in medical zones.

Vice Chair Hinojosa clarified with staff that the cost for a zoning change would require the same deposit, that applicant would still be charged for time and materials but that the time is inherently longer depending on how controversial and how much staff time is needed.

Vice Chair Hinojosa clarified with staff that there is sufficient stock for these businesses in the City and that they would not be taking away from potential opportunities in this area if they could go in another area.

Commissioner Baatrup asked if a martial arts studio would fit into the zoning at the Venture Commerce Center to which CDD Wehrmeister said that all centers have they own master use list and that has not been studied.

Chair Sanderson said that if the Planning Commission were to continue the hearing, applicant could be given the options to withdraw, beef up their business plan to provide evidence that they meet the current uses, or could pursue a change to the zoning code. She asked staff what the proper amount of time would be to which CDD Wehrmeister said that the next hearing has been cancelled, that they will not be a meeting on July 3rd due to the holiday, so the next meet would be the second meeting in July. She said that if the continuation was due to clarification it could be continued to a date specific but that if it was due to a zoning change, it would need to be renoticed. She said there was no penalty to continue the business while this is pending. Chair Sanderson said that perhaps we are just postponing a difficult decision.

City Attorney Nerland said that if the Planning Commission denies this request, another option is that applicant can appeal to the City Council.

Commissioners Azevedo, Baatrup and Chair Sanderson all agreed that the request needs to be denied but that direction has been given to applicant on different ways to address and Commissioner Baatrup made a motion to deny.

Commissioner Azevedo asked if the hearing could be reopened for comment from the applicant.

REOPEN PUBLIC HEARING

Applicant asked for clarification that if his program had a bigger after school program that is more in line with criteria of zoning. He said that he is very workable, that the tutoring center is part of their actual plan and why they moved there and that he can put in a larger tutoring center offered to everyone and secondarily can do martial arts.

Commissioner Azevedo stated that if tutoring was more the primary use and more robust, if they advertised for tutoring, not part of martial arts and just not a service for martial arts students with teachers overseeing and charge for it, it could fit into existing zoning or they can get zoning changes to include health and exercise businesses.

RECLOSE PUBLIC HEARING

CA Nerland reminded the Planning Commission that there was a motion pending.

RESOLUTION NO. 2013-**

On motion by Commissioner Baatrup and seconded by Commissioner Motts, the Planning Commission denied UP-13-05 for a martial arts and tutoring center.

AYES:	<i>Sanderson, Hinojosa, Azevedo, Motts, Baatrup</i>
NOES:	<i>None</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>Miller, Westerman</i>

ORAL COMMUNICATIONS

Vice Chair Hinojosa clarified that the next Planning Commission meeting would be the second meeting in July which is the third Wednesday.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS


None..

ADJOURNMENT

Chair Sanderson adjourned the Planning Commission at 7:45 p.m.

Respectfully Submitted,
Cheryl Hammers

**STAFF REPORT TO THE ANTIOCH PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF AUGUST 21, 2013**

Prepared by: Ken Warren, Assistant Engineer 
Approved by: Ron Bernal, Public Works Director/City Engineer
Date: August 5, 2013
Subject: Resolution Approving a Street Name Change for Sunset Drive, east of Hillcrest Avenue, to Slatten Ranch Road

RECOMMENDATION

It is recommended that the Planning Commission approve the attached resolution approving a street name change for Sunset Drive, east of Hillcrest Avenue, to Slatten Ranch Road.

BACKGROUND

Sunset Drive is located east of Hillcrest Avenue and currently extends from Bryan Avenue near A Street approximately one and one quarter miles to approximately 800 feet east of Hillcrest Avenue. Slatten Ranch Road is shown on the 2003 General Plan as a major collector road from Hillcrest Avenue to Laurel Road. From Laurel Road to Lone Tree Way, it is shown as an arterial roadway named Slatten Ranch Road. The existing portion of Sunset Drive east of Hillcrest Avenue proposed to be renamed Slatten Ranch Road is shown as Attachment "A".

When the Slatten Ranch Commercial Center was proposed for development in the early 2000's, the extension of Sunset Lane to Lone Tree Way was proposed to be named Slatten Ranch Road. During the subdivision of this area, the Planning Commission approved the name Slatten Ranch Road for this section of roadway with the understanding that the balance of the road, both existing and future would have the same name. Although the west end of this proposed road at Hillcrest Avenue already had a short section named Sunset Drive, the intention has been to change this to Slatten Ranch Road to create a continuous street between two of Antioch's primary arterial streets.

With the new eBART station and the need to establish an address for this project as well as the street name signage for the Highway 4 widening and Hillcrest Avenue interchange improvements, now is the appropriate time to make this name change official to eliminate the high cost of making such a change in the future.

A duly noticed public hearing is scheduled at the Planning Commission when considering a street name change for a developed street with existing fronting residents. An existing house located at 1072 Sunset Drive has been removed for construction of new on- and off-

ramps from the State Route 4 (SR4) Segment 3B (Hillcrest Avenue) Widening Project to the new eBART station and parking lot currently under construction. The Tri-Delta Transit Park and Ride lot located at the southeast corner of Hillcrest Avenue and Sunset Drive will be similarly relocated. Approval of this name change will not affect the street address of any existing business or property on Sunset Drive.

As part of SR4 and eBART construction activities, Slatten Ranch Road improvements will be extended from Hillcrest Avenue east across the eBART parking lot where it will terminate into a private road that will serve the eBART service yard. As development proceeds to the east, the street will continue to be extended up to the ultimate plan of having it connect to the existing portion of the street which terminates just north of Wicklow Way, approximately 1,800 feet east of the existing cul-de-sac bulb terminus of Sunset Drive to the new eBART maintenance facility service road. SR4 highway signage will identify the new roadway improvements as Slatten Ranch Road.

This street name change proposal has been reviewed and approved by the Antioch Police Department and the Contra Costa Fire Protection District and is in compliance with Antioch Municipal Code §9-4.615.1.

According to Government Code §34091.1 the City Council must adopt a resolution when approving street name changes, but a public hearing is not required. Upon Council approval of the resolution, Government Code §34092 requires the City Clerk to forward a copy of the resolution to the County Board of Supervisors.

FINANCIAL IMPACT

Staff time to prepare this report will be paid for by Measure J Funds.

OPTIONS

None considered.

ATTACHMENT

A: Vicinity Map

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

WHEREAS, the Planning Commission has been provided a request from City staff to change the street name of Sunset Drive, east of Hillcrest Avenue, to Slatten Ranch Road; and

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

WHEREAS, on August 21, 2013 the Planning Commission held a public hearing wherein it received and considered evidence, both oral and documentary.

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Antioch does hereby **APPROVE** the request to change the street name of Sunset Drive, east of Hillcrest Avenue, to Slatten Ranch Road.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and 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 21st day of August, 2013.

AYES:

NOES:

ABSTAIN:

ABSENT:

TINA WEHRMEISTER, SECRETARY TO
THE PLANNING COMMISSION

ATTACHMENT "A"

Proposed Street Name Change:
Sunset Drive to Slatten Ranch Road



Proposed Street Name Change: Slatten Ranch Road

ATTACHMENT "A"

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF AUGUST 21, 2013**

Prepared by: Pacific Municipal Consulting
Reviewed by: Tina Wehrmeister, Community Development Director
Date: August 15, 2013
Subject: UP-13-02– Kelly's Card Room

REQUEST

The applicant, Anthony Keslinke, has applied for a Use Permit to continue operation of a 6-table card room pursuant to Section 9-5.3803 of the Municipal Code and a shared parking arrangement per Section 9-5.1705 of the Municipal Code. The Use Permit is required to reopen the historic use, due to a lapse of operation, and to allow for shared parking to satisfy City parking requirements. The card room will be regulated by both the City of Antioch and the California Gambling Control Commission. Both the City Council and California Gambling Control Commission will separately consider whether to grant a license to operate a card room separate from the land use issues to be considered with the use permit application. The site location is 408 O Street, south of W 4th Street (APN: 074-130-012) (see Attachment B).

RECOMMENDATION

Use Permit: It is recommended that the Planning Commission approve the Use Permit subject to the conditions contained in the attached resolution. The applicant has requested 24 hours a day, 7 days a week as the operating hours. Staff has questions whether the hours should be curtailed from 2:00 AM to 6:00 AM given the requirement that the card room operation be ancillary to the restaurant. The Planning Commission will want to review and consider the conditions of approval, which have laid out options in regards to the hours of operation.

Categorical Exemption: Staff further recommends that the Planning Commission find the project to be Categorically Exempt from environmental review pursuant to Section 15332, Infill Development, per the California Environmental Quality Act.

BACKGROUND

The above recommendations are supported by the following discussion of the two actions/entitlements before the Planning Commission.

Use Permit

1. A Use Permit is required to operate a card room in the C-2 (Neighborhood/Community Commercial) zone, according to Municipal Code Section 9-5.3803. Whether the City agrees to enter into a shared parking agreement will be separately considered by the City Council.
2. A Use Permit is also required under Section 9-5.1705 for shared parking serving more than one use or site and located in a district in which parking for the uses is a condition of a permitted use.

The California Gambling Control Act requires card rooms and other gambling establishments to maintain a valid state gambling license issued by the Bureau of Gambling Control (Bureau) and the California Gambling Control Commission (Commission). Kelly's Card Room has an application to own and operate a card room pending with the Bureau. The Bureau is awaiting local approval from the City of Antioch before completing their final application review. The Antioch Municipal Code also contains local licensing requirements, which will be considered by the City Council after Planning Commission action on the subject land use permit (AMC Title 5, Chapter 4). A condition of this Use Permit requires the operator to obtain both State and local licenses.

ENVIRONMENTAL

A Categorical Exemption has been prepared for the project in conformance with the California Environmental Quality Act (CEQA). A draft Notice of Exemption has also been prepared and is attached as Attachment C.

Staff is recommending that the Planning Commission determine the project is Categorically Exempt per CEQA Section 15332 (Infill Development), because it complies with all of the conditions described in the resolution approving the project.

ANALYSIS

Issue #1: Project Overview

The project site contains a 7,100-square-foot structure that presently houses a restaurant and bar. The project proposes to restore a 6-table card room consistent with the historic operations at the site. Pursuant to Section 5-4.05 of the Antioch Municipal Code, the card room must be located within an established business of sufficient size and volume such that the card room is not the primary or "major" business on the premises. The gaming area occupies approximately 2,000-square-feet or 28% of the structure and is not the primary business on the premises.

The previous card room management had licensing and enforcement issues with the California Bureau of Gambling Control and the Department of Justice that led to the eventual revocation of the State license. The previous management will not be involved with the card room business in the future. The applicant anticipates that the card room will employ 34 full-time and part-time employees once it is fully operational. The restaurant/bar will employ an additional 15 persons and will be the major business on the property in compliance with Section 5-4.05. The card room's hours of operation are requested to be 24 hours a day, 7 days a week. The restaurant portion of the business would be required to have extended hours to serve card players; however, the bar will close at 2:00 AM. A question for the Planning Commission is whether these are appropriate operational hours, given that the Municipal Code requires the card room to be ancillary to the restaurant use.

Though the card room began operations in the late 1970s, when no Use Permit was required, zoning changes implemented in 1994 now require Use Permit approval to operate a card room in a C-2 zoning district. Consequently, a Use Permit is required to re-open the card room after having ceased operation for more than 6 months. Table 1 describes the permit history at this site.

Table 1: Entitlement History

Permit/Use Activity	Date
Kelly's Card Room Established	Late 1970s
Card Room Operation Ceased	Late 2012
State License Renewed	2/2010
State License Revoked	3/2012
State License Renewal Application	Filed and pending DOJ review

As stated previously, the California Gambling Control Act requires card rooms and other gambling establishments to maintain a valid state gambling license issued by the Bureau and the Commission. As of July 1, 2013, the California Department of Justice (DOJ) is performing the review of licenses and background checks, and will report back to the Bureau. The business currently has a pending activation with the State to own and operate a card room;¹ however, due to the recent processing changes, the Bureau is awaiting local approval from the City before finalizing their review. Once all the appropriate paperwork and background checks have been conducted, a state gambling license would be cleared and reissued. In order for the application to move forward, staff is recommending a condition of approval that provisionally approves the Use Permit, subject to the Bureau reissuing the gambling license.

Subject to a separate review process under Title 5, Chapter 4 of the Municipal Code, the applicant would be required to apply for and secure all necessary approvals, licenses and permits from the City for the operation of the card room. The current

¹ <http://oag.ca.gov/gambling/cardroomlist>

application before the Planning Commission is for the Use Permit only, which is a land use entitlement and not the same as a City-issued card room license.

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

The General Plan designation for the site is Neighborhood Commercial and the zoning is C-2 (Neighborhood/Community Commercial). The Zoning Code acknowledges that card rooms are appropriate uses within the Commercial designation, and the proposed use would be allowed with a Use Permit in the C-2 zone pursuant to the Table of Land Use Regulations contained in Section 9-5.3803 of the Municipal Code. The site is currently developed and operates as a restaurant and cocktail lounge.

The surrounding land use designations are:

North:	East County MSC Shelter (C-2, Neighborhood/Community Commercial)
South:	Vacant Building and former location of International Christian Ministry (M-1, Light Industrial)
East:	Creek and former Angelica Textile Services (C-2, Neighborhood/Community Commercial)
West:	Scotto's Auto Body & Paint (M-1, Light Industrial)

The proposed use is consistent with several policies of the Antioch General Plan:

- Policy 4.3.2.b: Give priority to new development utilizing existing and financially committed infrastructure systems over development needing financing and construction of new infrastructure systems.
- Policy 5.4.11.a: Infill development should appear to be an integral part of the intended character of the neighborhood.
- Policy 6.4.2.b: Encourage the establishment and expansion of local businesses and development of commercial and other properties producing retail sales taxes, transient occupancy taxes, and high assessed valuation by providing assistance with financing, local processing, and environmental permitting.

The proposed project would resume historic use of a site that presently contains all of the necessary infrastructure to support development. General Plan Policy 5.4.11.a encourages the use of infill development that appears as an integral part of the surrounding community. As an already established restaurant and cocktail lounge/bar, the card room portion of the site would mix well with the existing uses while utilizing currently unused space within the existing building. General Plan Policy 6.4.2.b calls for the development and expansion of local commercial businesses. The proposed use would do just that by adding a new business element within an already established development.

The subject property is located just outside of the Rivertown/Urban Waterfront focus area, which has an associated initial planning study from August 2006. As an outlying site, the policies and directives established in the Rivertown/Urban Waterfront planning study do not directly affect the site and proposed card room. However, issuance of the proposed Use Permit would support the business development, unique commercial opportunity, and high-revenue goals established in the plan.

Issue #3: Parking and Traffic

The site has a single existing point of ingress and egress on O Street. The on-site parking lot can currently accommodate approximately 27 parking spaces, with the possibility to add an additional 3 spaces through restriping of the existing lot. The proposed use requires 70 parking spaces per the Antioch Municipal Code. The applicant proposes to provide 27 spaces on-site and to utilize 43 spaces within the road right-of-way. The application is seeking approval for shared parking pursuant to Section 9-5.1705 to satisfy the remaining parking requirements. While the City is amenable to providing parking flexibility given conditions in the project vicinity and the following discussion, it is inappropriate to rely on parking within the public right-of-way as the sole means of satisfying overflow parking demand.

Additive Parking

The project site contains three separate uses within the same establishment: (1) restaurant, (2) cocktail lounge/bar, and (3) the proposed card room. If taken as separate uses, Municipal Code Section 9-5.1703.1 requires restaurants to provide 1 off-street parking space per 3 seats and cocktail lounge/bars to provide 1 off-street parking space per 2.5 seats. Also, as an eating and drinking establishment, the site must provide 1 off-site parking space per employee on the largest shift. The site has 49 seats in the restaurant and 35 seats in the cocktail lounge/bar area; on the largest shift, there are 16 employees working. Therefore, the total number of off-site parking spaces required for employees and patrons of the restaurant and cocktail lounge/bar is 46.

There are no specific parking requirements in Section 9-5.1703.1 for card rooms. Therefore, utilizing the guidance in Section 9-5.1704, it is assumed that the "probable equivalent use" of the card room is an "electronic game center." The off-street parking requirement for an electronic gaming center is 1 space per 2 machines. It is assumed that with each machine there is an associated seat. Therefore, the probable equivalent parking requirement for the card room is 1 space per 2 seats. The proposed card room will have 6 tables, each capable of seating 8 patrons. Therefore, the required number of off-street parking spaces for the card room is 24. This brings the total number of required off-street parking spaces to 70, which is approximately 2.5 times the maximum possible capacity of the on-site parking lot.

To establish a basis for comparison, staff investigated card room parking requirements in other jurisdictions. Though few jurisdictions specified parking requirements, those that did required far less parking than the approach adopted for discussion in this

analysis. Table 2 provides a comparison of the various parking standards. To allow for apples-to-apples comparison, we have converted the requirement into equivalent spaces at Kelly's Card Room using the estimate that there are 2,500 square feet of gross area and 2,000 square feet of gaming area in the card room.

Table 2: Parking Requirement Comparison

Jurisdiction	Standard	Equivalent Parking at Kelly's
American Canyon	1 space/100 gross s.f.	25 spaces
City of Antioch	1 space/2 seats	24 spaces
City of Sacramento	1 space/500 gross s.f.	5 spaces
City of San Jose	1 space/40 s.f. gaming area	50 spaces
<i>Average</i>		<i>26 spaces</i>

Because few communities have card room parking standards and because there is such variance between the standards we found, it appears that card rooms occur infrequently enough that no reliable standardized approach has emerged and communities are left with trying to establish reasonable requirements based on site and project specifics. The City has the advantage of being able to observe the historic use at this site to understand how effectively parking functioned to serve the use. Anecdotal evidence suggests that parking functioned adequately most of the time, with periods of peak demand that exceeded on-site parking capacity. The applicant proposes to utilize on-street parking to address peak period demand, similar to what has occurred historically.

Shared Parking

When the card room operation at the project site is viewed as a part of the whole land use, it is appropriate to recognize that visitors to the property will likely take advantage of more than one component of the land use (e.g., some bar patrons are also likely to be restaurant patrons). Unless the components are treated as parts of a land use that shares parking, the City runs the risk of double counting patrons and inflating parking demand estimates. In fact, Antioch Municipal Code Section 5-4.02 requires that card rooms be ancillary to another use. Arguably, the parking requirements should also be ancillary to those provided for another use.

As a small facility with about 7,100 square feet of space, it is reasonable to assume that patrons of one activity in the building (restaurant, cocktail lounge/bar, and card room) will also patronize one or more of the others. These overlapping uses warrant consideration of shared parking as provided for in Section 9-5.1705 to reduce the parking required on-site. This reduction is particularly appropriate in this neighborhood where a city operated parking lot is available to accommodate demand for up to 36 parking spaces should peak period parking need exceed on-site capacity.

Staff is recommending conditions of approval that require the applicant to comply with the requirements listed below in order to ensure adequate parking is available to patrons.

1. Restripe the on-site off-street parking lot to add 3 new parking spots to bring the total number of off-street spots to 30 (see Attachment E).
2. Enter into an agreement with the City, pending approval by the City Council, to secure use of the City owned lot for overflow and employee parking and to offset any public costs associated with use of this facility or a similar arrangement acceptable to the Community Development Director.

Issue #4: Security and Surveillance

As part of the license application process with the Bureau and Commission, the Applicant has prepared a Security and Surveillance Plan, which has been redacted, (see Attachment E) to ensure operations are safe and controlled at all times. The Security and Surveillance Plan (Plan) outlines the steps and procedures in place to closely monitor and control all gambling activity and has been reviewed and approved by the Antioch Police Department. Elements in the Plan include but are not limited to:

1. Monitoring and control of access to restricted areas such as cages and vaults
2. On-site closed circuit video recording
3. Adequate indoor and outdoor security lighting throughout the site
4. Procedures for securing and protecting persons, assets, and records associated with gambling activities
5. Proper age verification procedures
6. Establishment of professional relationships with local law enforcement agencies

Staff training will be provided for employees that have been assigned duties outlined in the Plan. This training program will ensure that employees have a grasp of their specific duties and a general understanding of the security and surveillance procedures in place. The same training will be conducted with each new employee to guarantee every employee has an understanding of the Plan.

In addition to the staff training procedures in place, the management will annually review the Plan and provide updates if required by changes to State guidance. Similarly, management may revise the Plan anytime to ensure accuracy and compliance with any state or local mandates. At the completion of the management's annual review, management will provide the City a written report of any changes to the operation or procedures.

Issue #5: General Site Development Issues

The following issues were considered and found to be inconsequential or to be issues that would be addressed through the standard ministerial permit review process as described below:

- Air Quality/GHG Emissions – The proposed project is restoring the previous use of the site and will not generate greater trip traffic or generate more emissions than historic uses.
- C-3 Development Standards – Other than resurfacing and restriping the parking lot, there is no new site development or building expansion proposed by the project and C-3 standards will not be triggered.
- Signs – Any new sign program will be consistent with the sign standards in the Zoning Code.
- Access – Any upgrades to the building to meet Title 24 accessibility requirements will be implemented through the tenant improvement plan check for building permits.

ATTACHMENTS

- A. Aerial Photo
- B. Draft Notice of Exemption
- C. Applicant's Summary
- D. Redacted Security and Surveillance Plan
- E. Parking Lot Restriping Plan

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

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
ADOPTING A CATEGORICAL EXEMPTION AND USE PERMIT FOR KELLY'S CARD
ROOM LOCATED AT 408 O STREET**

WHEREAS, the City of Antioch received an application from Anthony Keslinke for a Use Permit to operate a 6-table card room pursuant to Section 9-5.3803 of the Municipal Code and a shared parking arrangement under Section 9-5.1705 of the Municipal Code. The Use Permit is required to reopen the historic use, due to a lapse of operation. Both the City of Antioch and the California Gambling Control Commission will regulate the card room. The site location is 408 O Street, south of W 4th Street (APN: 074-130-012).

WHEREAS, the City determined that the project is Categorically Exempt from environmental review pursuant to Section 15332 of the California Environmental Quality Act Guidelines, as follows:

CEQA Section 15332 Findings	Project Applicability
a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.	The proposed use is consistent with the C-2 zoning designation and supports General Plan Policies 4.3.2.b, 5.4.11.a, and 6.4.2.b.
b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.	The project site is located within city limits at 408 O Street, and the parcel, APN 074-130-012, is 0.528 acres in size.
c) The project site has no value as habitat for endangered, rare or threatened species.	The site is located within an already developed mixed-use area with a preponderance of light industrial uses. The project site is almost entirely paved, and no vegetation would be removed as the result of this project.
d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.	The proposed use is resuming historic use of the site and will not result in traffic, noise, or emissions that substantially differ from the historic use.
e) The site can be adequately served by all required utilities and public services.	The site currently serves as a restaurant and bar, and has adequate utilities and public serves to support the card room.

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

WHEREAS, the Planning Commission on August 21, 2013, duly held a hearing, received and considered evidence, both oral and documentary.

NOW THEREFORE BE IT RESOLVED that the Planning Commission does hereby adopt the Categorical Exemption for the Kelly's Card Room project; and

BE IT FURTHER RESOLVED that the Planning Commission does hereby make the following findings for approval of a Use Permit for the card room and shared parking:

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 card room is an ancillary use to the current establishment, which is a restaurant and bar/lounge, is consistent with historic use of the site, and will not be detrimental to the public health or welfare or injurious to the property or improvements in the project vicinity in a way that differs from prior use of the site. The application also incorporates security and surveillance provisions designed to improve site safety consistent with City standards. The use is compatible with the surrounding neighborhood and will provide additional entertainment services for the community at the subject site.

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

The General Plan designation is Neighborhood Commercial and the zoning is C-2 (Neighborhood/Community Commercial). The use of a card room is allowed under the General Plan and Zoning Code upon approval of a Use Permit.

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

The site is currently used as a restaurant and cocktail lounge/bar and is adequate in size and shape to accommodate the proposed use. Secondly, the site has operated as a card room in the past and is currently applying for a renewal for the state permit granted to operate a card room.

The proposed card room would occupy approximately 2,000 square feet, or 28% of the existing 7,100 square foot facility, and is ancillary to the primary use of the site as a restaurant and bar. There is adequate space on-site and in a City owned parking lot near the project site to accommodate the shared parking demand from existing uses as well as the Card Room if the applicant enters into an agreement with the City for additional parking or a similar arrangement as required by the conditions of approval. All yards, fences, parking, loading, landscaping, and other required features meet the requirements of the Zoning Code and are comparable to the surrounding uses in the neighborhood.

4. The project site, in combination with available on-street parking, contains adequate area to meet the City's parking requirements due to the overlap in parking demand that results from shared use of the site. As conditioned by project approval, there is sufficient on- and off-site parking available to support a shared parking arrangement pursuant to Municipal Code Section 9-5.1705.

5. 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 has a single existing point of ingress and egress on O Street, and the on-site parking lot can currently accommodate approximately 30 parking spaces through restriping of the lot. Currently, there is a lack of sufficient on-site parking according to the Antioch Zoning Code pending compliance with one of the project-specific conditions of approval below.

6. The granting of such Use Permit will not adversely affect the comprehensive General Plan.

The General Plan designation is Neighborhood Commercial, which allows eating and drinking establishments as a primary use and classifies a card room as indoor recreation that is accessory to the primary use consistent with the General Plan.

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Antioch does hereby **APPROVE** UP-13-02 subject to the following conditions:

STANDARD CONDITIONS

1. The City of Antioch Municipal Code shall be complied with.

2. Conditions required by the Planning Commission, which call for a modification or any change to the Use Permit application submitted, will be corrected to show those conditions and all standards and requirements of the City of Antioch prior to any issuance of a Business License. No Business License will be issued unless the application 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 August 21, 2015), unless a building permit has been issued and construction has diligently commenced thereon and has not expired, an occupancy permit has been granted for the Card Room, 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 (1) one-year extension shall be granted.
4. City staff will inspect the site to confirm compliance with the conditions of approval before the Card Room is allowed to open for business.
5. Any revisions to the building exterior materials, paint colors, and/or overall color scheme shall require a new application and shall be subject to Design Review approval.
6. Any required easements or rights-of-way for off-site improvements shall be obtained by the applicant, at no cost to the City of Antioch.
7. Advance permission shall be obtained from any property or easement holders for any work done within such property or easements.
8. The applicant shall obtain an encroachment permit for all work to be done within the public right-of-way.
9. This approval supersedes previous approvals that have been granted for this site.
10. Any extension in hours of operation, increase in number of employees, or change in other aspects of the proposed that deviate from the proposed project shall be brought back to the Planning Commission for review and approval.
11. Building permits shall be secured for any interior improvements not expressly evident in the materials submitted.

12. The applicant shall defend, indemnify, and hold harmless the City in any action brought by a third party to challenge the land use entitlement and shall enter into an agreement to effectuate this condition of approval as required by the City. Applicant shall also be responsible for any election costs if a referendum petition is presented.
13. All requirements of the Contra Costa Environmental Health Department shall be met.

Site Maintenance

14. No illegal signs, pennants, banners, balloons, flags, or streamers shall be used on this site at any time.
15. No signs shall be installed on this site without prior City approval.
16. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.
17. Standard dust control methods shall be used to stabilize the dust generated by construction activities.

Fees

18. 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.

Landscaping

19. Landscaped areas shall be watered, weeded, pruned, fertilized, sprayed, and/or otherwise maintained as necessary. Plant materials shall be replaced as needed to maintain the landscaping in accordance with the approved plans.
20. Landscaping and signage shall not create a sight distance problem.
21. A minimum of five (5) feet shall be kept clear between any proposed trees and any concrete or asphalt paving within the City right-of-way. Trees closer than ten (10) feet to such concrete or asphalt paving shall use approved root guards.

PROJECT-SPECIFIC CONDITIONS

22. Prior to occupancy of the card room, the project applicant must comply with the following to ensure adequate parking is available on- and off-site to support the use:

- a) Restripe the on-site off-street parking lot to add 3 new parking spots to bring the total number of off-street spots to 30 (see Parking Lot Restriping Plan).
 - b) Enter into an agreement with the City to secure use of the City owned lot for overflow and employee parking and to offset any public costs associated with use of this facility or enter into a similar arrangement acceptable to the Community Development Director.
23. The Use Permit approval is contingent upon the applicant receiving a gaming license from the State of California and a Card Room License from the City of Antioch. A copy of the State license or other approval must be submitted to the City within 10 days of receipt by the applicant. The Use Permit shall become null and void if the gaming license is not issued.
24. The site shall be operated in conformance with the following provisions:
- a) The owner shall provide the City with an annual report of the review and changes to any operational or procedural changes made during their annual review.
 - b) The owner shall maintain, update, and implement the Security and Surveillance Plan submitted in conjunction with this application to the satisfaction of the Chief of Police.
 - c) Restaurant shall be fully operational during hours of operation of the card room.
 - d) *The card room may operate 24 hours a day 7 days a week.*

The card room shall operate 7 days a week from 6:00 AM to 2:00 AM.

* * * * *

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 21st day of August, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

TINA WEHRMEISTER, Secretary to the
Planning Commission

ATTACHMENT "A"



Source: Google Earth

ATTACHMENT "B"

Notice of Exemption

To: ☐ Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: Antioch Development Agency
City Hall, Third and H Streets
Antioch, CA 94509

☒ County Clerk-Recorder
County of Contra Costa
555 Escobar Street
Martinez, CA 94553

Project Title: Use permit to continue operation of Kelly's Card Room, a 6-table card room.

Project Location – Specific: 408 O Street, south of W 4th Street in the City of Antioch, County of Contra Costa, APN 074-130-012

Project Location – City: City of Antioch

Project Location – County: Contra Costa

Description of Project: Kelly's Card Room has applied for a Use Permit to continue operation of a 6-table card room within the City of Antioch. The Use Permit is required to reopen the historic use, due to a lapse of operation, and to allow for shared parking to satisfy City parking requirements. The card room will be regulated by both the City of Antioch and the California Gambling Control Commission.

Name of Public Agency Approving Project: City Council of the City of Antioch.

Name of Person or Agency Carrying Out Project: Anthony Keslinke, Owner of Kelly's Card Room

Exempt Status: (*check one*)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);
- ☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));
- ☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- ☒ Categorical Exemption.
- ☐ Statutory Exemptions. State code number: Affordable Housing and Infill (Sec. 15194 and Sec. 15195);
- ☐ Not a "Project" as defined in Section 15378.

Reasons why project is exempt:

The project constitutes an infill project pursuant to Section 15332, Infill Development, of the California Environmental Quality Act.

Lead Agency

Contact Person Tina Wehrmeister

Area Code/Telephone/Extension 925-779-7013

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: _____
Tina Wehrmeister
Director of Community Development

Date: _____ **Title:** _____

☒ Signed by Lead Agency

☐ Signed by Applicant

Date received for filing at OPR: _____

B1

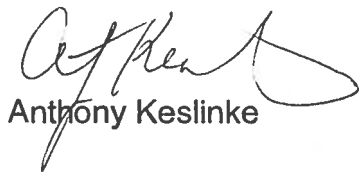
ATTACHMENT "C"

Project Description

2/20/2013

The current application for a use permit proposes to reopen the Kelly's Cardroom in a manner consistent with its historic operation. The business has been run as a cardroom since 1978 and has been regulated by the City of Antioch during that time. It also has been regulated by the State of California Gambling Control Commission since the passage of the California Gambling Control Act in 1997. The applicant anticipates that the cardroom will employ 34 full and part-time employees once it is fully operational to its historic level of 6 operational gaming tables. Further, the associated Kelly's Restaurant and Bar are anticipated to employ an additional 15 employees. The hours of operation will be consistent with its previous operational status and will operate 24 hours a day 7 days a week. The existing building covers 31.4% of the existing lot and has 26 parking spaces behind the building which includes 2 handicapped spaces. The number of parking spaces could be increased by increasing the efficiency of the striping pattern of the parking lot.

Sincerely,



Anthony Keslinke

ATTACHMENT "D"

KELLY'S CARDROOM

SECURITY & SURVEILLANCE PLAN

Purpose: The purpose of this plan is to provide for the close monitoring and control of all gambling activity; close monitoring and control of access to restricted areas of the gambling establishment that include, but are not limited to, cages, count rooms, vaults, security offices and surveillance rooms; surveillance procedures, including video recording requirements, as applicable; lighting in and around the gambling establishment; specific conditions, procedures and instructions for reporting suspected criminal incidents or activity to state and/or local law enforcement agencies; and procedures for securing or protecting persons, property, assets and records.

General Security and Surveillance Policy Statement

It is the policy of Kelly's Cardroom to provide surveillance coverage of its entire facility and operations to maintain safety for patrons and employees; ensure regulatory compliance and gaming integrity and to prevent potential criminal activity; ensure access to restricted areas of the gambling establishment are closely controlled and limited to authorized personnel in the performance of their duties; and for the purpose of video surveillance recordings, provide adequate lighting of all public areas, entrances and exits. Kelly's shall be responsible and liable for its patrons' safety and security in and around the card room and will adopt this plan to provide for the safety and security of patrons, after the plan has been approved by the Chief of Police and the State of California.

Security and Surveillance Plan Submission:

1. Kelly's Cardroom will submit as an attachment to this Security and Surveillance Plan, copies of identified, applicable local ordinances and any locally-issued certificate of compliance with those ordinances.
2. Kelly's Cardroom will submit to the Commission one copy of the current Security and Surveillance Plan as required.
3. If this plan is revised as a result of the addition of permanent tables, or as a result of any change to the physical premises which alters the locations or configurations of any restricted areas, or which alters or affects any security or surveillance capabilities or procedures, Kelly's Cardroom will submit one copy of the revised Security and Surveillance Plan with the first biennial license renewal application submitted immediately following any revision the plan.
4. Since Antioch Police Department must approve this Security and Surveillance Plan, Kelly's Cardroom shall send documentation of the areas reviewed and whether or not they approved those areas of the security and surveillance plan under their authority's jurisdiction. If the Bureau of Gambling Control determines that it does not address the proper elements, then the Bureau

may issue a determination identifying the deficiencies and specifying a time certain within which those deficiencies shall be cured.

Security

One of the primary responsibilities of the employees at Kelly's Cardroom is to maintain order and security inside and outside the casino, provide a safe and secure environment for the customers and fellow employees of Kelly's Cardroom entering and leaving the casino, greet customers in a professional manner when arriving and leaving, detect, report and deter suspected illegal activity, and escort customers to their vehicles when leaving and arriving if able, which will be done by keeping them in view. During any period of time, between one-half hour before or after sunset and one-half hour before or after sunrise, in which Kelly's Cardroom is open for business or patrons are present on the premises, Kelly's shall have at least one uniformed security officer on duty, who shall periodically patrol the exterior of the gambling establishment, including all adjoining and adjacent parking areas owned, operated or otherwise controlled by Kelly's for use by its patrons. Any security officer, whether an employee, agent or contractor of the licensee, who is a gambling enterprise employee, agent or contractor of the licensee, who is a gambling enterprise employee, shall be required to hold a work permit. Any contract security officer whose scope of employment is limited to performance of his or her duties exclusively outside Kelly's Cardroom shall not be required to hold a work permit.

Restricted Areas

Access to restricted areas of the gambling establishment, including but not limited to the cages/count room and surveillance room, shall be limited to authorized personnel in the performance of their duties and shall be closely controlled.

Lighting Plan

1. For the purpose of video surveillance recordings, Kelly's Cardroom provides adequate lighting of all public areas, entrances and exits, and for all adjoining parking areas owned, operated or otherwise controlled by Kelly's Cardroom for use by its patrons.
2. The interior of Kelly's Cardroom is illuminated by a number of direct fluorescent lights. The lighting is sufficient to provide visual inspection, surveillance recording and routine operations. In addition to general lighting, Kelly's Cardroom has installed a generator which will restore electricity and illuminate the premises in the event of a power failure.
3. The exterior of Kelly's Cardroom is illuminated with several lights including lights on the building and lights on the Grange building for the leased parking lot and street lights near all parking lots.

General Safety Awareness

The primary security duty for employees is to observe and report. For their safety and the safety of all others, it is imperative that they advise the casino manager or key employee on duty of all activity they feel may be suspicious or detrimental to casino operations and always be aware of their surroundings.

Age Verification

1. All patrons ordering drinks must be 21 years of age or older and patron identification in must be checked in a courteous and respectful manner.
2. If an employee suspects any person in the gaming area is underage, they will notify the casino manager or key employee on duty and their ID will be checked. Anyone who looks under 30 years of age should be asked for ID.
3. Any person attempting to enter Kelly's Cardroom premises that is under 21 years of age or appears to be under 21 without valid photo identification will be denied entry and asked to leave the premises immediately.

Inspection of the Parking Lot

At regular intervals security, the casino manager or key employee on duty should make visual inspections of Kelly's Cardroom parking lot. Any suspicious activity observed should be monitored or reported the Antioch Police Department.

Monitoring of Equipment and Safety Hazards

1. The casino manager or key employee should check fire extinguishers on a regular basis for proper operation. Any problem with any equipment must be reported for corrective action.
2. If a safety hazard is identified outside, isolate the problem area so that patrons and employees are aware that a hazard exists. If necessary, stand by at the site of the hazard until it is repaired or the situation is resolved.

Assistance to Others

1. Employees and/or security guards should respond and assist Kelly's Cardroom patrons and other staff during emergency situations, which may include accidents on the premise requiring medical attention, physical altercations, detentions and removal of patrons who may be intoxicated or otherwise disruptive, if requested by the Kelly's Cardroom casino manager or key employee on duty.
2. Any situation requiring assistance of law enforcement, medical response or assistance of other security personnel should be documented.

Alcohol Consumption

1. Kelly's Cardroom allows the service of alcohol to its patrons pursuant to a California ABC license. **It is Kelly's Cardroom policy to comply fully at all times with any and all regulations associated with that license.** Employees should familiarize themselves with restrictions on the serving of alcohol to the general public and notify management of any possible acts of non-compliance.
2. The casino manager or key employee on duty should be notified by staff whenever a card room patron has been cut off from alcohol consumption and becomes a problem. The notification should include the table number of the seated player or the location of the patron in the bar. If an employee observes the customer attempting to consume more alcohol, he should notify management so that they can contact the person and resolve the situation.
3. Staff should monitor alcohol consumption during "last call" and should notify management or other staff about any attempted acts of non-compliance with Alcohol Beverage Control (ABC) rules. Drinking of alcoholic beverages in the parking lot is prohibited. Consumption of alcoholic beverages is only permitted inside the club.
4. Person(s) found drinking alcoholic beverages in the parking will be told by management not to do so. Management has the following options: Ask the person(s) to stop drinking or escort them off the property.

Control of Disputes

1. It is Kelly's Cardroom's intent to provide a fun, safe environment for all patrons of its facility. From time to time disputes can and may occur and management should take immediate but restrained attempts to resolve the situation peacefully.
2. If a dispute occurs, management should intervene to prevent escalation. If a dispute between patrons or staff escalates to a physical altercation, management, with the assistance of security if needed, will make a safe attempt to stop it, separate the involved parties and have the nearest staff member call the Antioch Police Department to report the altercation.
3. The casino manager or key employee on duty is responsible for completing an Incident Report and should attempt to obtain the parties involved identification for an Incident Report if it is not on file.
4. If the Antioch Police Department is called, management should obtain the responding officer(s) names and badge numbers along with a case number or event number to be included as necessary information for an Incident Report.
5. Any employee who intervenes in physical disputes should make a note and document specifically any and all injuries a detained person may have and who caused the injuries. Kelly's Cardroom maintains constant video surveillance of its facility. Any incident should be supported with recorded video or photographs from the surveillance system.

Removal of Persons

1. The California Gambling Control Act (Business and Profession Code, Section 19845) gives Kelly's Cardroom, the authority to remove a person from the premise who has engaged in various acts of disorderly or disruptive conduct and other acts deemed to be of a threatening or dangerous nature.
2. Persons removed under the authorities listed above should be identified by name, date of birth, address and surveillance photo. If possible, management should get a copy of photo identification. An Incident Report of the removal along with a copy of the surveillance photo should be kept on file.
3. Persons removed will be informed by management of a specific time period that they may re-enter the premises.

Former Employees

Any employee of Kelly's Cardroom who is terminated for cause shall not be allowed to return to the premises without approval of management.

Incident Reports

1. Kelly's Cardroom will complete an internal Incident Report that accurately documents events of any security-related situation at Kelly's Cardroom. These reports are an official record of events and may be used by management to review and resolve security-related issues. They may also be used to review the execution of organizational policy and procedures.
2. In the event that any key employee or casino manager suspects any of the activities listed below, he/she must complete and file an Incident Report with the Criminal Intelligence Unit of the Bureau of Gambling Control within five (5) days of the incident.

:

Activities

1. Violations of the Penal Code that pertain to gambling.
2. Violations of the Gambling Control Act.
3. Violations of BGC or CGCC regulations.
4. Loan-sharking.
5. Illegal possession or distribution of controlled substances or dangerous drugs.
6. Money laundering.
7. Robbery
8. Assault with a deadly weapon
9. Pimping
10. Pandering

11. Prostitution
12. Burglary
13. Forgery
14. Fraud
15. Grand theft
16. Petty theft
17. Embezzlement
18. Extortion
19. Commercial bribery
20. Counterfeit currency
21. Loiter for prostitution
22. Prostitution

3. The incident report for BGC shall include, when available and applicable, the following information:

- a. The date and time of the incident or event;
- b. The identity of each perpetrator or suspect, including full name, address, date of birth and driver license or identification card number
- c. Law enforcement report number of any responding law enforcement personnel;
- d. Detailed description of the event or suspected incident, including an identification of any witnesses and a description of any evidence.

4. Incident reports may be subject to subpoena for both civil and criminal action. It is imperative, therefore, that incidents reports be as truthful, accurate and impartial as possible with detailed names, dates, times and contact info for all involved parties. Incident reports must be sent to the Casino manager for review before being sent to BGC.

5. Incident Reports will remain on file and maintained for a period of 3 years.

Fire and Other Emergencies

1. All employees should know the locations of Kelly's Cardroom's exits, the location of the fire extinguishers, and the location of the fire alarms.

2. All employees shall be familiar with Kelly's Cardroom's Emergency Preparedness and Evacuation Plan.

3. In the event of an emergency that requires evacuation, employees will follow the instructions of the casino manager or key employee on duty who may ask for assistance in helping all customers and employees exit the building through the nearest door marked exit.

4. Once safely outside the facility, all staff and customers should wait for instructions from emergency personnel. They have sole responsibility to allow people to return to Kelly's Cardroom.

Armed Robbery

1. In the event of an armed robbery, all employees should comply with any demands by the intruders to minimize the risk of harm to patrons or employees. An employee should not attempt an apprehension of a robbery suspect at any time. The safety of employees and patrons is the most important aspect of this type event.
2. When it is safe to do so call 911 to report the incident. Employees are encouraged to call 911 only when it is safe for them to do so, which may be at the conclusion of the robbery.
3. The casino manager or key employee on duty should make contact with employees to obtain a description of the suspect, his/her weapon (if any) and last known direction of travel. This info should be given to the City of Antioch Police Department Dispatch Center so that responding officers can approach the facility with due caution.

Power Outages/Gas Leaks

1. In the event of a **power outage**, the emergency lights will illuminate the restaurant and card room.
2. In the event of an outage, management should be notified as soon as possible. The casino manager or key employee on duty should also ensure someone contacts PG&E to confirm that they are aware of the problem and to determine if they have an estimate time for resolving the outage.
3. In the event of a **gas leak**, evacuate the premises and call PG&E.
4. In the event of a gas leak, **DO NOT** smoke or otherwise use matches, lighters, etc.

Drop Box Collection

1. Kelly's Cardroom surveillance system will record all drop box collections and counting procedures.
2. Kelly's Cardroom drop boxes are numbered for video and table tracking.

Surveillance Equipment

1. Kelly's Cardroom has a surveillance system, with video recording and closed circuit television (CCTV) monitoring capabilities, to record critical activities related to gambling operations. The surveillance system records with reasonable coverage and clarity the gambling operation, the payment of player drop fees, the collection of drop boxes, the drop count processes, cage and cashier activities, gambling equipment storage areas (except for furniture storage areas), and the interior of entrances and exits.

2. The video recording equipment includes date and time generators which display the current date and time of recorded events on videotape or digital recordings. The displayed date and time do not significantly obstruct the view of recorded images.
3. All surveillance recordings are made in real time mode, or at a speed sufficient to capture and record with reasonable completeness the actions of all individuals being observed, except that any recordings of the gambling establishment parking areas, and the gambling establishment entrances and exits may be recorded in time-lapse mode, at a minimum speed of 15 frames per second.
4. All video surveillance cameras shall be installed in a manner that prevents them from being intentionally obstructed, tampered with or disabled by patrons or employees, to the extent reasonably possible. All recording and monitoring equipment shall be located in secure rooms or areas of the gambling establishment so that access is controlled.
5. Kelly's Cardroom has installed approximately 15 surveillance cameras in a variety of locations on the premises including the cardroom, and cage/count room.
6. Kelly's Cardroom has also installed 2 digital video recorders (DVR) to record and maintain video surveillance from the above-referenced cameras. It is Kelly's Cardroom policy to keep recorded video for a minimum of fourteen (14) days unless otherwise requested.
7. The DVR's and video monitors of the surveillance cameras are located in the cage. Access to the system's control capabilities is restricted to authorized personnel.
8. A sign is prominently displayed at both entrances, in a manner conspicuous to all patrons entering and exiting the gambling establishment and is of sufficient size to be visible and readable stating: **"All Public Areas, Entrances and Exits of This Establishment are Subject to Surveillance and Video Recording."** The lettering and background shall be of contrasting colors, and the sign shall comply in all respects with applicable signage requirements, if any, of the local jurisdiction.

Camera Coverage

1. The Kelly's Cardroom Surveillance System has been designed to provide for coverage of all areas located within property boundaries. All cameras required under the regulations and the Internal Control Standards are installed and are operational.
2. Cameras are placed at all entrances to the Card club in order to insure there is a recording of all guests, staff and vendors entering and exiting the property. All count room activities are viewed & recorded as required.
3. All cameras have the ability to provide still images that can be printed for law enforcement or management use during investigations.
4. The Kelly's Cardroom provides one (1) overhead fixed camera for each card table.

5. The Kelly's Cardroom's surveillance system has the capability to monitor and record.

Camera Coverage – Cage

The Kelly's Cardroom surveillance system has cameras that monitor and record all general cage activities. The cameras monitor and record all activities, with sufficient clarity to identify all employees within the cage, employees at the counter area, and patrons at the cage window. The cashier cage window has a dedicated camera that will monitor & record every transaction that takes place at each cage.

Camera Coverage – Count Room

Kelly's Cardroom's count room is monitored and recorded at all times during each daily chip count. The count room counting station is monitored and recorded by a fixed color overhead camera during the entire daily chip count.

Surveillance Equipment and Maintenance

The surveillance system operation shall be checked daily by the casino manager or key employee on duty to ensure that all surveillance equipment is functioning properly and reasonable efforts shall be made to repair malfunctioning surveillance equipment within 72 hours of the discovery of the malfunctions.

Key Employee On Duty

During all hours of operation, a Kelly's Cardroom casino manager or key employee will be on duty who has the ability to access live video from surveillance cameras and previous surveillance video recordings.

Digital Video Recording (DVR) System

1. If a digital video recording (DVR) system is utilized, the system shall meet the following standards:

a. The DVR system shall have a failure notification system that, at a minimum, provides a visual notification of any failure in the surveillance system or the DVR media storage system.

b. The DVR system shall have a media storage system that is configured so that a failure of any single component will not result in the loss of any data from the media storage system.

c. The DVR system shall have the capability to reproduce or copy all or any portion of the stored data from the media storage system to a digital video disk (DVD).

d. A single DVR system shall not have more than 8 cameras required by the standards of this section, unless the DVR system has an appropriate backup system to ensure that there is no loss

of data in the event of a failure of the primary DVR system or any single component of that system.

e. Videotapes or other recording media shall be marked or coded to denote the activity recorded.

Access Control

Routine access and entry into the office with surveillance equipment shall be limited to casino managers, shift supervisors and other employees of the gambling establishment who hold a valid gambling license or work permit for the purpose of performing their duties. Other persons may be granted limited access to the surveillance room for educational, investigative or maintenance purposes, if accompanied at all times by a Kelly's Cardroom employee. The equipment is secured in a locking cabinet.

Dedicated Camera Malfunction Procedure

In the event of a dedicated camera malfunction:

1. Provide alternative camera coverage if possible to protect the subject activity.
2. Contact the casino manager or key employee on duty and advise him/her of the malfunction.
3. Enter all malfunction information into a report.

Surveillance System Malfunction Procedure

In the event of a malfunction of any surveillance system equipment required by the Minimum Internal Control Standards, follow the steps below:

1. Correct or repair the malfunction.
2. Contact the casino manager or key employee on duty, to advise him/her of the malfunction and any corrective action taken.
3. Contact the equipment maintenance vendor to advise them of the malfunction.
4. Enter all malfunction information into a report.

NOTE: Reasonable effort is made to correct or repair each malfunction of the surveillance system equipment within seventy two (72) hours after the malfunction is discovered.

Cooperation With Regulatory Agencies

1. It is required by regulation that the Kelly's Cardroom cooperate with the Bureau of Gambling Control and local law enforcement. It is also in the best interests of the Kelly's Cardroom to cooperate with other law enforcement agencies and to provide aid whenever possible.

2. For the purpose of enforcing the provisions of the Gambling Control Act, and all state gambling regulations, Bureau staff, with the approval of their chief, may, at any time during Kelly's Cardroom's actual hours of operation, demand immediate access to the surveillance room and any area of the casino where surveillance equipment is installed or maintained or where surveillance video recordings are stored, and such access shall be provided.

3. The Bureau may take custody of and remove the original of any video recording, or a copy of any digital recording, required to be made and maintained pursuant to the Act or state gambling regulations. Upon reasonable request, a copy of the recordings shall be made and left on the premises if copying equipment is available to enable Bureau staff to make copies. If copying equipment is not available to Bureau staff, upon reasonable request, a copy of the recordings will be provided at our expense, unless the Bureau expressly waives its costs of providing the copies.

4. When enforcement agents request surveillance recordings, or a required report is to be submitted, the casino manager or key employee on duty is contacted before notification is processed. **No information** is to be passed to law enforcement agencies without notifying the casino manager or key employee on duty beforehand.

Law Enforcement DVD Request

1. When such a request is made, locate the digital image file in question and ask the requestor if they need the entire file or if a lift of a specific time frame will suffice. Inform the requestor of the time needed to make the copy and notify the casino manager or key employee on duty of the request.

2. If a situation occurs in which it is imperative for law enforcement to see a DVD in order to properly evaluate a situation or incident, they are allowed to review the file in question prior to a copy being made. The casino manager or key employee must be notified.

3. After the file is reviewed, and the decision has been made, copies are produced. Kelly's Cardroom has the right to retain any image file and no exceptions to this rule are made without the approval of the casino manager. Any file provided to law enforcement or any outside agency is copied on to DVDs. No DVDs are to be released without completed notification and/or review of the casino manager or key employee on duty.

4. These same rules apply to written or typed information. All requests for information in any form, including verbal is referred to the casino manager or key employee on duty.

Training

1. Kelly's Cardroom shall, at least annually, provide for a review of the requirements of the Security and Surveillance Plan with those employees that have been assigned duties under the plan, ensuring that each employee has a general understanding of the provisions of the plan applicable to his or her position and understands his or her specific duties under the plan. This annual review shall be scheduled in advance and documented, including a signature from each

employee indicating that they have participated in the review and a signature from the person who provided the review.

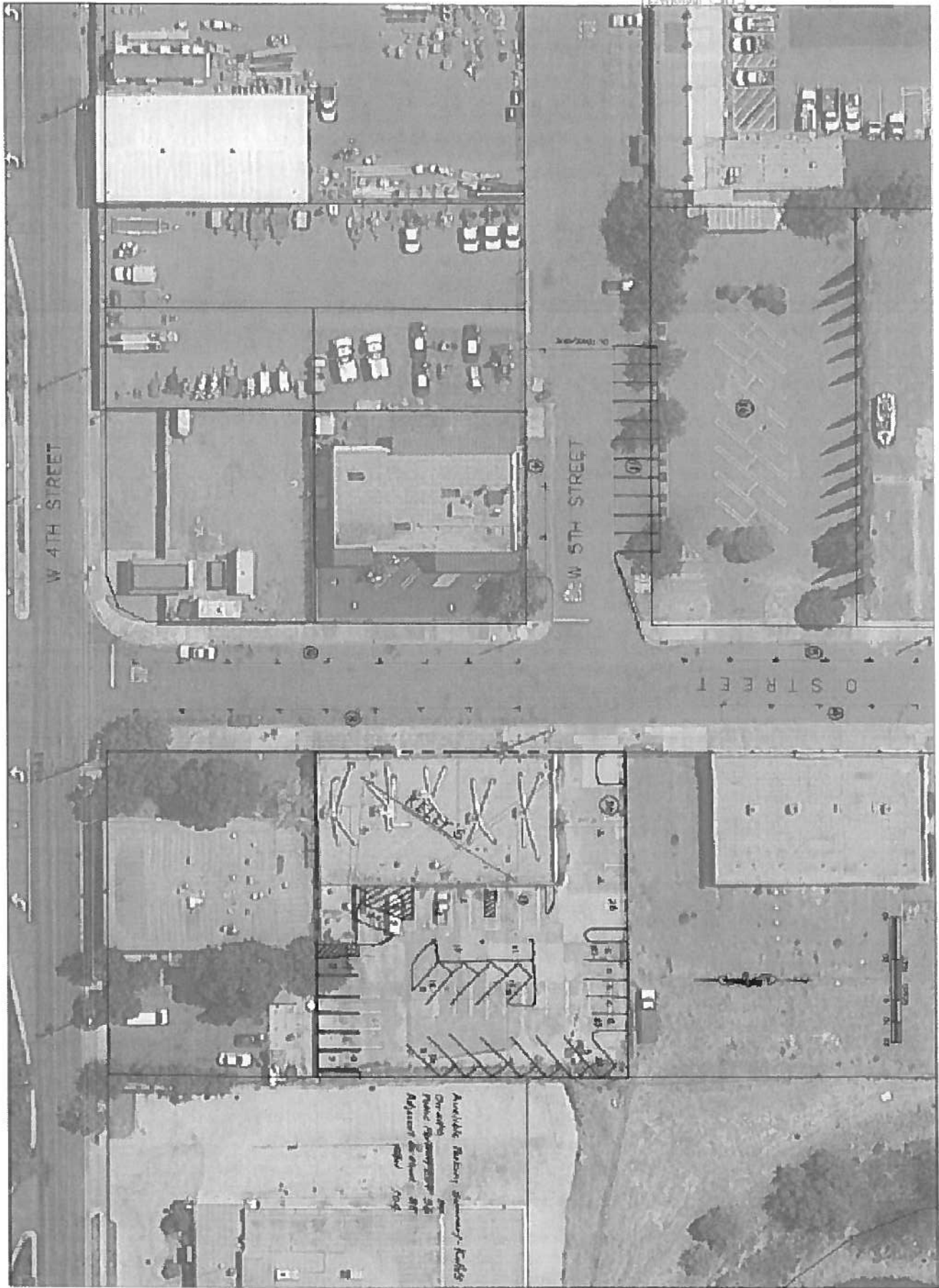
2. When a new employee begins work, Kelly's Cardroom shall provide for a review of the requirements of the Security and Surveillance Plan with the new employee, ensuring that each new employee has a general understanding of the provisions of the plan applicable to his or her position and understands his or her specific duties under the plan. This initial review shall be documented as provided above.

Review of Security Policies and Procedures

1. Kelly's Cardroom Management will review this plan and provide updates if warranted by procedural changes. In addition, management will complete an annual review of this Security and Surveillance Plan for updates and revisions where appropriate.

2. Kelly's Cardroom Management may make revisions to this manual any time during the year to ensure accuracy and compliance with any state or local mandate or Kelly's Cardroom procedural change.

ATTACHMENT "E"



11/11/2011 10:00 AM

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