

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

WEDNESDAY, SEPTEMBER 18, 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, SEPTEMBER 26, 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. 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 | Sanderson, Chair (absent) |
| | Hinojosa, Vice-Chair |
| | Motts |
| | Baatrup |
| | Miller (absent) |
| | Azevedo |
| | Westerman |

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:

August 21, 2013

MINUTES

APPROVED

* * * END OF CONSENT CALENDAR * * *

NEW PUBLIC HEARING

- 2. Z-13-05 – The City of Antioch** requests that the Planning Commission recommend adoption of an ordinance creating an Exclusive Parking District and amending the zoning map to designate specified parcels that are currently parking lots in Rivertown as Exclusive Parking (P) (APN 066-052-003, 066-053-002, 066-061-009, 066-061-010, 066-062-016, 066-071-005, 066-072-020, 066-082-005, 066-082-006, 066-082-007, 066-107-001, 066-107-003, 066-107-010, 066-107-011).

RESOLUTION NO. 2013-13

ORAL COMMUNICATIONS

STAFF

WRITTEN COMMUNICATIONS

COMMITTEE REPORTS

ADJOURNMENT (6:58 p.m.)

Notice of Availability of Reports

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

**CITY OF ANTIOCH
PLANNING COMMISSION MINUTES**

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

**August 21, 2013
City Council Chambers**

CALL TO ORDER

Chair Sanderson called the meeting to order at 6:30 p.m. on Wednesday, August 21, 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, August 29, 2013.

ROLL CALL

Present: Commissioners Azevedo, Motts, Miller, Westerman
Vice Chair Hinojosa and Chair Sanderson
Absent: Commissioner Baatrup
Staff: Community Development Director, Tina Wehrmeister
Assistant Engineer, Ken Warren
City Attorney, Lynn Tracy Nerland
Minutes Clerk, Cheryl Hammers
Staff Consultant, Scott Davidson

PLEDGE OF ALLEGIANCE

CDD Wehrmeister explained the new technology upgrade with new microphones and new voting platforms.

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. **Approval of Minutes:** June 5, 2013

On motion by Commissioner Azevedo, and seconded by Commissioner Motts, the Planning Commission approved the Minutes of June 5, 2013.

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

END OF CONSENT CALENDAR

NEW PUBLIC HEARINGS

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”.

AE Warren provided a summary of the staff report dated June 15, 2013.

OPENED PUBLIC HEARING

With no one wishing to speak, the hearing was closed.

CLOSED PUBLIC HEARING

RESOLUTION NO. 2013-**

On motion by Commissioner Westerman and seconded by Commissioner Azevedo, the Planning Commission approved the change of the street name of Sunset Drive, east of Hillcrest Avenue, to Slatten Ranch Road.

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

3. **UP-13-02 – ANTHONY KESLINKE** has applied for a Use Permit to allow operation of a 6 table card room and a shared parking arrangement pursuant to Section 9-5.1705 of the Municipal Code. The use permit is required to reopen the historic use, due to the lapse of operation. The card room will be regulated by both the City of Antioch and the California Gambling Control Commission. The site location is 408 O Street, south of W. 4th Street (**APN 074-130-012**).

City Attorney Nerland went over the speaker protocol with applicant having ten minutes to speak, any identified opponent have ten minutes to speak and all other speakers having three minutes to speak. She said that these times can be limited by the Commission if desired given time restraints.

CDD Wehrmeister introduced Scott Davidson of the consulting firm, Pacific Municipal Consulting. She clarified that this approval process is a two step process involving land use and then a separate City licensing requirement through the Police Department and City Council, and said that the State also has its own licensing procedures.

Scott Davidson provided a summary of the staff report dated August 15, 2013.

CDD Wehrmeister acknowledged the letter received on August 20, 2013 from Remcho, Johansen & Purcell which was distributed to the Commission and applicant prior to

meeting and said that the letter does not state who they represent. Copies of the letter were available in the Chambers for the public.

OPENED PUBLIC HEARING

Applicant, Anthony Keslinke, asked the Commission for approval to reopen Kellys Restaurant and Card Room. He said that due to the owner's declining health, the card room closed in July 2012 and that in October 2012, he went before the Gambling Commission and received unanimous support to allow Kellys to remain active pending City of Antioch approval. He said that this is not a request for a new business but is simply restoring the historic Kelly's to its original use: the facility is 7100 square feet, that 28% of the square footage houses six card tables and that 72% will be dedicated to fine dining and the cocktail lounge which is the same as it has been for 35 years. Mr. Keslinke said that reopening Kelly's will create new jobs and that they have a security and surveillance plan with indoor and outdoor security. He said that Kelly's has ample parking, that they have parking in their lot and an abundance of on street parking. He indicated that there are benefits of restoring Kelly's such as taking a partially vacant building and returning it to a productive use, a place for residents to frequent as they have for the last 35 years, to drive crime out of the area and to fill the need for thriving businesses. He said that he enjoyed taking dilapidated buildings and bringing them back to life. He left letters for the Commission from citizens who could not be here tonight.

As no one identified as a spokesperson for the opposition, Chair Sanderson began to call individual speakers.

Ken Gray said that he is a downtown resident living in town since 1984, that he supports the project which will bring jobs and people to downtown, that he knows Tony, and that he is asking for the Commission's support to give downtown a chance to come back to life.

Edna Esposito said that she lives downtown as a resident for over 35 years, that she has always enjoyed Kelly's which is within walking distance to her home, that she asks the Commission to support this project as the downtown has become a lot of vacant buildings, and that this will bring businesses back and will bring back revenue for the Police Department.

Martha Parsons said that she is supportive of Kelly's reopening and that she used to dine there for 35 years. She read letters from people who couldn't be here tonight from Chiropractor Dr. Sean Wright, Nancy Kelly and Brian Bellante. She left letters she did not have time to read from Kermit Schayltz, Hans Ho and Joy Motts.

Martha Rosales working with the First 5 Center said that their business represents many families of over 150 in the community, that opening the restaurant will bring opportunity for fine dining, that Tony has provided help to the center, and that opening the restaurant is going to help local people have somewhere to go for fine dining.

Joseph Adebayo said that he is on the side of the people and that he supports the project which will bring more jobs.

Ade Adeyemi said that he has a business on A Street, that Tony has done a good job on the ABC building having known him for the past 7 years, that he has lived in Antioch since 1991, and that he is in support of reopening Kelly's.

Rev. Joseph Langston said that this land use is already zoned for the area, that he values relationships, that he has been a pastor for 13 years and has known Tony for 13 years and values his relationship. He said that he is here to offer his 100% support for reopening Kelly's as it employs people and people in his Church need jobs. Rev. Langston said that Tony has brought back the ABC building, that he has been involved in building a home for the sick, and that the City needs people who are involved in the Antioch area who are concerned about the City like Tony, who is an honest man.

Jason Gonzalez said that he knows Tony who has been a blessing to him and his family, that his son has not been able to get a job and that Tony has offered him a job as soon as it opens up. He said he owns a business for security, that they have seen businesses like La Plaza and Humphreys who have closed their doors, and that he is very supportive of this project.

Keith Pace, owner of a business in the ABC building, said that he has admired Tony for over 10 years, that they became friends and when his business failed, Tony helped him out. He said he used to play at Kelly's, that parking was not an issue when Kelly's was open, that the business will be bringing jobs to the community, and that he supports Tony 150%.

Myron Bell, owner of a business, said that he gives support to Tony to reopen Kelly's who is genuine and caring. He said that Tony has helped to grow his business and that Tony is an outstanding businessman who will make all of us proud.

Ramesh Suman, real estate broker, said that he moved to Antioch about 20 years ago, that in looking for a building to rent went to the ABC building and left and that last year when he looked at the building again he was blown away with the brand new appearance of the building. He said that Tony will do an equally good job on the Kelly's Restaurant and Cardroom which will create more jobs but needs the support of the Commission. He said that he is staying in Antioch and would like to see it flourish.

Kimberly Kittell, salon owner, said that Tony gave her a chance to start her business in the ABC building and with the fire had to relocate for a little while. She said the business is very successful and that she supports Tony who has helped her and has always been 100% to help businesses in the community.

Joy Motts, lifelong resident of Antioch and representing the Rivertown Preservation Society, said that she was here tonight to give support for the reopening of Kelly's, that they have frequented Kelly's for years, that Tony is a successful businessman who has a passion for Antioch and will encourage other businesses to follow in his footsteps. She said she has never found Kelly's to be a cause for heightened crime in

neighborhoods and that reopening would take away a vacant and unkept building. Mr. Motts said that she has never heard about the Protect Antioch organization which opposes the use project and when visiting the website, the only issue that they find concerning is the reopening of Kelly's. She said she is in support of reopening Kelly's.

Bill Cook, 30 years resident of Antioch, said that he attends four to six neighborhood watch meetings a week, that he hears nothing negative at meetings about Kelly's, that he has met Tony who does quality work and talks to people and that he would bet that Tony has talked to residents around Kelly's. He said that Tony comes to Antioch willing to invest here although he doesn't live here.

James Phillips spoke to say that Tony is superman. He said that he has lived in Antioch for 23 years, that he owns a business on O Street and that when they come to work they have to run people off their doorstep and clean up. He said that they have met with Tony, that they have read through the use permit, and ask that the Planning Commission to approve Tony's request to remain open 24 hours a day given that criminals don't like light or security.

Tom Grossi, owner of a pharmacy on A Street, said that when he purchased his building, there were a lot of buildings in disrepair and the parking lot was used as a homeless encampment for a time. Tony offered him valuable advice about how to remodel his building, that Tony vastly improved his business and that Tony drove him around Kelly's and expressed his passion for redeveloping this part of Antioch one building at a time. He said the Planning Commission should approve this project.

Ruthie Evans of Scotto's Auto Body across the street from Kelly's, said that their concern is with the homeless and the problems that come with that. She said they are lifetime residents of Antioch, patronized Kelly's, live in that area and have had a firsthand view of what Kelly's was like full swing and then watched the decline. Ms. Evans said that Kelly's has never been a problem in the community, that it enhanced their business and hopes the Commission will support it.

Diane Gibson-Gray said that she has lived here for over 50 years, that she works downtown where there is a problem with homeless who take over sleeping there and using the property for a toilet, and that anytime you can have a business that thrives, you prevent that from happening. She said she was flabbergasted by the website and the mailer and that the only thing they were offering was free food. She hopes the Commission approves the project.

Vince Fletcher, property owner on C Street, said he supports the reopening of Kelly's.

Kay Power, resident, said that she remembers Kelly's and that their food was excellent. She never saw problems and this would be a nice asset to Antioch. She said that they have remodeled the Historical Society which is just down the block from Kelly's and that Tony is miracle worker.

Karen Outlaw said that Tony is her landlord and that Kelly's should reopen.

Samuel Gbilila, local real estate broker on A Street, said that he started business in 1989, that he supports this project and that he asked the Commission to approve it.

Sean Wright, local resident and chiropractor, said that he supports this endeavor and that Tony has helped so many including himself. He said when he moved to Antioch he had no money, Tony answered the phone, he went in to the ABC building and Tony said if you sign a six year lease I will build it out at no cost. Mr. Wright said he was there until the fire and that he has now been able to buy his own building. He said that Tony has created business, has not asked for thank yous, that this room is filled with people who have been blessed by Tony and that this is a huge opportunity for Antioch to have this developer work here.

Gustavio Orocio, resident for over 20 years, spoke to say that he is an investor in Antioch, that he is here to support Tony, that he is impressed by how many people are in support of him and that he has helped him as well. He said that he owns a sweeping business and that he sweep streets but does not get paid for it. He is in favor of Tony as a friend and as a business owner and is here to support him.

Jeffrey Belle, resident of Antioch, said that he is pro business, that he supports Tony but has experience working with the tribal gaming and knows that when you mix business and gaming, it is a very interesting mixture. He has seen the results and would caution that there are some issues with business and gaming but is supportive of business in Antioch.

Chair Sanderson then read comments of people not wishing to speak:

Kay Porter: "As a business owner I support business downtown. I always enjoyed taking clients for dinner at Kelly's and hope for more of the same. I think you should allow this business to re-open and not allow fear to make your decision. I support the re-opening of Kelly's."

Juan: "Why is it that every comment is about the restaurant? Lets talk about the card club. If gambling is harmless entertainment, then why does it destroy so many families. Crime will not rise. Gamblers don't win/house does that. Means that gamblers will need to get the money lost by any means necessary."

Dorothy March: "At a time of financial crisis we need positive business not ways to lose money so many don't have. We do not need a heavier load on our understaffed police force. Please contact me if you would like more input as I was one of the four women who founded the Antioch Citizens for Clean Air and Water in 1973. Thank you."

Ajit Singh Sooch: "Against Kelly's cardroom."

Rita Estrada: "I am one of the persons who knows Mr. Tony Keslinke. He is a very honest and very good person. I highly recommend him. If you have any questions, please call me."

Roger Estrada: "I give my sincere recommendation to Mr. Tony Keslinke. He is a wonderful person. I know him for ten years. He is honest and correct person."

Charles Davis, resident, said that from a business side, he doesn't know much but as a person he came here from out of prison lost but always knew construction. He said that Tony gave him a chance when nobody else would and that he is fully support of whatever Tony is doing as he will bring jobs to Antioch.

CLOSED PUBLIC HEARING

The Planning Commission took a recess.

MEETING RESUMED AT 8:07 PM

Commissioner Westerman stated that there has been a good deal of talk about parking, and asked about only one handicap space behind the building and if there was a requirement for more to which CDD Wehrmeister said that the business would comply with all ADA disability parking requirements.

Vice Chair Hinojosa asked staff to go over Attachment E to clarify the picture and the parking spaces and asked if the figure was to scale.

Consultant Davidson went over the attachment noting that although it is not to scale, that the striping plan in black creates diagonal spaces to pick up additional spaces and that the white lines are existing spaces.

Vice Chair Hinojosa asked if the proposed parking plans were reviewed to satisfy turning radius to accommodate 30 spaces and that they could say with certainty that 30 spaces could be on site to which Mr. Davidson said that this a plan level drawing with basic dimensions of site, could not say with certainty and that a more detailed plan will be provided later to confirm that.

Vice Chair Hinojosa asked what happens if they are not able to support 30 stalls to which Consultant Davidson said that overall parking included the parking lot across the street which they felt would allow the facility to function adequately.

Vice Chair Hinojosa asked about loading spaces and the right of way not being acceptable for loading spaces to which the Consultant said loading would occur from the curb in front of the building. CDD Wehrmeister said that loading needs to be accommodated on site and in the event of large vehicles coming in, vehicles would be able to pull in at a time specified so as not to cause disruption. CDD Wehrmeister said that applicant would enter into an agreement with the City for the parking lot across the street to accommodate overflow parking and that there is on street parking but that the actual required spaces would be in the parking lot.

Vice Chair Hinojosa asked applicant about lighting not shining directly onto adjacent property, and is wondering if any considerations have been made to deal with lights in the parking lot, particularly with the shelter which shares a wall. The Consultant

responded that this would typically be accomplished through shielding of the light for overfill and that there can be a condition to specify that.

Vice Chair Hinojosa asked staff if this project triggers landscaping requirements which would compromise parking spaces in the back to which CDD Wehrmeister said that because the site is not being demolished or renovated, what was there would be grandfathered in and no space would be lost to landscaping. Consultant Davidson said that the diagonal spaces would create islands for landscaping opportunities.

Vice Chair Hinojosa asked about the section of the Municipal Code dealing with card rooms noting the hours be approved by the Chief of Police and questioned if that was reviewed for 24 hours 7 days a week, or to close 2:00 a.m or 6:00 a.m.

Commissioner Motts questioned staff about the fee charged per table per card room to which CA Nerland said that there are historical inconsistencies with business license tax revenue but as part of the license application from City Council there would be further discussions about the business license tax.

Commissioner Azevedo confirmed with staff that regardless of the lounge hours, the business would continue to follow ABC requirements and that applicant could clarify the hours of the restaurant.

Commissioner Miller asked staff if given the 24/7 operation if there were discussions or proposals limiting parking on the street to allow for street cleaning to which CDD Wehrmeister said that the Commission can condition the applicant to install signage on the street.

REOPENED PUBLIC HEARING

Commissioner Motts said that a speaker had mentioned having security and customer presence could be a benefit for a 24 hour operation and asked applicant if there were other reasons to which applicant said that the area is safer and better attended when Kelly's is open with onsite security and surveillance. Mr. Keslinke replied that from a business prospective, another cardroom is open 24 hours which does not have kitchen services and Kelly's would have kitchen services but possibly a limited menu during the wee hours. He said that at minimum he thinks having a 24 hour operation Thursday through Saturday and possibly Sunday through Wednesday best serves the community.

Vice Chair Hinojosa asked applicant to walk through the site plan attached to the application to try to get a sense of the cardroom location and ratio of uses. Applicant responded that the lower left is the cardroom, the middle is the restaurant and kitchen, the cocktail lounge and dancing is to the right and that the office and bathrooms are in the upper left.

Vice Chair Hinojosa stated that looking at site plan, it appeared that the cardroom looked bigger than the restaurant and asked applicant if food would be served in the cocktail lounge to which applicant responded that they are looking for an open scheme and will work with building but envision improvements to allow all the elements to work

together instead of segmented areas.

Vice Chair Hinojosa asked applicant about ingress and egress to which he responded that the cocktail has its own entrance on the northeasterly portion of the building, then proceeding south is the next entrance which leads to the cocktail and into the restaurant area, then proceeding further south on O street there is another dedicated entrance into the card room. He said that the main portal into the building goes into the restaurant and there are three egresses in the rear, all functional.

Vice Chair Hinojosa confirmed with applicant that the entrance used by people under 21 was just for the restaurant from the rear and O Street. She then asked applicant how he was going to deal with loitering, noise and criminal activity to which applicant responded that he likes to give solutions and consequences for actions, that he understands concerns and needs and does his very best to support the efforts going on there, being very clear about boundaries.

Chair Sanderson asked applicant if he had read all conditions to which he responded that he had. She then confirmed with applicant that the Use Permit is contingent upon receiving a gaming license from the State. Applicant added that the business still has an active gaming license from the State as of today showing Kelly's license to be active.

RECLOSE PUBLIC HEARING

Commissioner Azevedo stated that in looking through the staff report and trying to resolve issues that he is feeling much better about Kellys. He said that people will ask why you made this decision and that he has a laundry list of why he is going to support this project, that he feels that parking and hours of operation issues can be worked out and he thanked applicant for making a difference in our community.

Commissioner Westerman stated that over the years he has gone to Kellys although he has never been to the cardroom, that he has always had a good experience, that this is a great asset to that area and that he is glad to see Kellys is coming back.

Commissioner Motts concurred with the other commissioners. He said that he is a resident of downtown, that he has never had a problem with the previous Kellys, that he anticipates better things here with this project, and that he hopes that all stipulations can work to make it a positive venture.

Vice Chair Hinojosa stated that she is torn on this project and that she has serious concerns about this project meeting the parking requirements and some of the other issues raised in the report. She said that she is not the kind of person who believes we should tear down and build parking lots but the code is the code. She is also concerned that no issues in the staff report have been raised with attractive nuisances such as loitering and noise and that some conditions can be added to the project to prohibit loitering on the sidewalks and streets around the establishment. She said that she did not see anything in the report for designated smoking areas for patrons and she would like to see the location where that is proposed. She said it would also be nice to have a condition that live or recorded music not be audible beyond the property lines. She said

that based on the materials before the Planning Commission today and with testimony received that she has a hard time to say that the project how it stands meets the use permit requirements and that she would like to see the item continued to address items, specifically parking issues.

CA Nerland interjected that Captain Orman of the Police Department was present and available to address the Commission's questions

Commissioner Miller stated that his only concern is time of operation being open 24/7 and that he could support being open 24/7 from Thursday to Saturday but being closed between 2 AM and 6 AM and Sunday through Wednesday to give the area time to rest and to maintain for street cleaning or whatever.

Chair Sanderson asked Captain Orman if keeping the business open 24/7 with enhanced security is safer to which Captain Orman responded that while this may deter some issues with loiterers, there are other issues and concerns such as DUI accidents, fights and robberies which are very taxing on resources given staffing levels being very low at certain times of the night.

In response to Chair Sanderson's inquiry, CA Nerland stated that depending upon what the Planning Commission desires to do about the hours that the City license process would rest with the City Council following a report and recommendation from the Chief of Police.

Chair Sanderson respectfully disagreed with Vice Chair Hinojosa on parking and said that there are contingencies that even if the Planning Commission approved, the application would still have to meet requirement to get the use permit and would have to enter into an agreement with the City to cover any overflow parking issues. She said that she feels that deficiencies have been addressed in paragraph 22 of the proposed resolution. She said that there are going to be security problems, that criminal activity can happen anywhere and that she is open to passing the 24/7 operation and approving the resolution.

Commissioner Azevedo clarified with staff that there is one other card room in town which can operate 24/7 but that games generally break around 2 to 3 o'clock in the morning.

Chair Sanderson clarified with CA Nerland that the Planning Commission has two options, to move for a continuance to allow staff to provide an updated report, or to make a motion with revisions as follows:

Changing Condition 22b to add "Enter into an agreement consistent with the Municipal Code".

Add to Condition 24c that the card room shall be an ancillary use to the establishment.

Condition 24d that whatever hours of operation the Planning Commission requires to be approved by the Chief of Police, with the most restrictive prevailing

Commissioner Motts made a motion to approve.

CA Nerland stated that there is still an open question regarding hours of operation to which Commissioner Motts stated the motion would include a request for 24/7 operation with review by City Council and the Chief of Police.

Vice Chair Hinojosa stated that she is still not satisfied with the parking issue, that she would like to see an extension to submit materials and that she will not vote in favor.

Commissioner Azevedo stated that regarding parking, there is a history of entering into shared parking agreements, that historically speaking parking has not been an issue and that he is comfortable that the parking situation with the shared agreement is contingent upon that.

Commissioner Miller seconded the motion.

RESOLUTION NO. 2013-**

On motion by Commissioner Motts and seconded by Commissioner Miller, the Planning Commission approved UP-13-02, subject to all conditions with the following changes:

22b. to read "Enter into an agreement consistent with the Municipal Code and 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."

24c. to read "The card room shall be an ancillary use to the establishment and the restaurant shall be fully operational during hours of operation of the card room."

24d. to read "The card room may operate 24 hours a day 7 days a week, or whatever hours are approved by the City Council and the Chief of Police, with the card room license whichever is more restrictive."

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

ORAL COMMUNICATIONS

CDD Wehrmeister stated that there does appear to be a quorum for the September 4th meeting and she wanted to let the Commission know that there will be a regular agenda with an item dealing with the Housing Element. She said that the City Council is currently embarking on a strategic plan and would like to meet with all of the boards and commissions which may in fact occur on the 4th in which case the regular meeting would be cancelled to allow the Commissioners to attend that session.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Commissioner Azevedo stated that Transplan did not meet in August.

CA Nerland echoed the invitation and stated her strong hope that the Planning Commission will join the City Council with feedback in the strategic planning.

ADJOURNMENT

Chair Sanderson adjourned the Planning Commission at 9:12 p.m.

Respectfully Submitted,
Cheryl Hammers

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF SEPTEMBER 18, 2013**

Prepared by: Mindy Gentry, Senior Planner 

Date: September 12, 2013

Subject: Exclusive Parking District

RECOMMENDATION

The City of Antioch requests that the Planning Commission adopt the attached resolution recommending that the City Council adopt an ordinance creating the Exclusive Parking District zoning designation and amending the zoning map to designate specified parcels as Exclusive Parking (P).

BACKGROUND

In the 1950's, the City of Antioch established a parking assessment district downtown which assessed certain properties in order to purchase and construct parking lots to serve the Rivertown area. This assessment district has since expired; however, over the succeeding years several properties were purchased and constructed as parking lots (see ordinance Exhibit A). The Antioch Development Agency (redevelopment agency) was created in the 1970's and the subject parking lot parcels ultimately came under Agency ownership. Many parcels, including the subject parcels, were held by the Agency as they functionally served a supportive purpose to the overall redevelopment future of the project area. In addition, under the City's zoning ordinance, development downtown has none or reduced on-site parking requirements with the understanding that public parking was being provided. This allowed existing buildings to be renovated or reoccupied without tearing down older (some historic) Rivertown buildings to provide parking.

ENVIRONMENTAL

The proposed ordinance impacts lots that are already developed as parking facilities and would restrict other types of development on those parcels in the unlikely event that they are purchased by an entity other than the City. There are two parcels that are not paved; however, a future pavement project itself would be exempt from CEQA. Construction of a parking structure would require a Use Permit and separate CEQA review as a discretionary project. For these reasons, adoption of the proposed ordinance is exempt from CEQA subject to the exemption contained in CEQA Guidelines section 15061 (b) (3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

PROPOSED ORDINANCE

The proposed ordinance is fairly simple in that it creates a new zoning district that allows parking lots as the sole permitted use with structured parking allowed as a discretionary use with approval of a Use Permit. The ordinance also modifies the zoning map to identify the existing parking lots that are proposed to be rezoned. No lots that are in private ownership or not currently used for parking are proposed to be rezoned to the Exclusive Parking District (P).

RESOLUTION NO. 2013-**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE CREATING
THE EXCLUSIVE PARKING DISTRICT ZONING DESIGNATION AND AMENDING
THE ZONING MAP TO DESIGNATE SPECIFIED PARCELS AS
EXCLUSIVE PARKING (P)**

WHEREAS, the Planning Commission of the City of Antioch did receive an application from the **City of Antioch** requesting approval of an amendment to the Zoning Ordinance of the Antioch Municipal Code to create the Exclusive Parking District (P) and amending the zoning map to designate specified parcels as Exclusive Parking (Z-13-05); and,

WHEREAS, Pursuant to CEQA Statutes Section 15061(b) (3), the proposed amendments to the Antioch Municipal Code are exempt from CEQA because it can be seen with certainty to have no possibility of a significant effect on the environment; and,

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

WHEREAS, on September 18, 2013, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission, after reviewing the staff report and considering testimony offered, does hereby recommend that the City Council **ADOPT** the attached ordinance amending the Antioch Municipal Code to create the Exclusive Parking District (P) and amending the zoning map to designate specified parcels as Exclusive Parking (Z-13-05).

* * * * *

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 18th day of September, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tina Wehrmeister, Secretary to the
Planning Commission

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH CREATING THE
EXCLUSIVE PARKING DISTRICT ZONING DESIGNATION AND AMENDING THE ZONING
MAP TO DESIGNATE SPECIFIED PARCELS AS EXCLUSIVE PARKING (P)**

SECTION 1. **Findings.** The Antioch City Council hereby finds, determines and declares as follows:

A. The City of Antioch holds the right to make and enforce all laws and regulations not in conflict with general laws, and the City holds all rights and powers established by state law.

B. The Planning Commission conducted a duly noticed public hearing on September 18, 2013 at which it recommended to the City Council that this ordinance be _____. The City Council held a duly noticed public hearing on _____ at which all interested persons were allowed to address the Council regarding adoption of this ordinance.

C. The City Council finds that the public necessity requires the proposed zoning ordinance text and map changes and that the subject properties are suitable to the use permitted in the proposed zone change that said permitted use is not detrimental to the surrounding property, and that the proposed zone change is in conformance with the Antioch General Plan.

SECTION 2. Section 9-5.301 of the Antioch Municipal Code is hereby amended to add the Exclusive Parking District as follows:

(AA) *P Exclusive Parking District.* This district designates parcels that are to be used exclusively for parking purposes in the Rivertown area.

SECTION 3. Section 9-5.3801 of the Antioch Municipal Code is hereby amended to add the following to the summary list of zoning districts:

P Exclusive Parking District

SECTION 4. Section 9-5.3803 Table of Land Use Regulations is hereby amended to reference Section 9-5.3836 under the Parking lot use as follows:

Parking lot (Commercial)
(§9-5.3836)

SECTION 5. Section 9-5.3836 is hereby added to the Antioch Municipal Code:

9-5.3836 EXCLUSIVE PARKING DISTRICT (P)

(A) Within the "P" Exclusive Parking District, the principally permitted use is a public parking lot constructed in conformance with the development standards set forth in this Chapter.

(B) Construction of a parking structure requires a Use Permit.

SECTION 6. The real property shown in Exhibit A, attached hereto, is hereby rezoned to the Exclusive Parking District (P) and the zoning map is hereby amended accordingly.

SECTION 7. The City Council finds that the public necessity requires the proposed zone change; that the subject property is suitable to the use permitted in the proposed zone change; that said permitted use is not detrimental to the surrounding property; and that the proposed zone change is in conformance with the Antioch General Plan.

SECTION 8. CEQA.

This Ordinance is subject to the CEQA exemption contained in CEQA Guideline section 15061 (b) (3) because it can be seen with certainty to have no possibility of a significant effect on the environment. The proposed ordinance restricts future use of existing developed parking lots.

SECTION 9. Publication; Effective Date.

This Ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption by the City Council at a second reading and shall be published once within fifteen (15) days upon passage and adoption in the East County Times, a newspaper of general circulation printed and published in the City of Antioch.

SECTION 10. Severability.

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

* * * * *

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

AYES:

NOES:

ABSENT:

Wade Harper, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, City Clerk of the City of Antioch

EXHIBIT "A"

APN 066-052-003

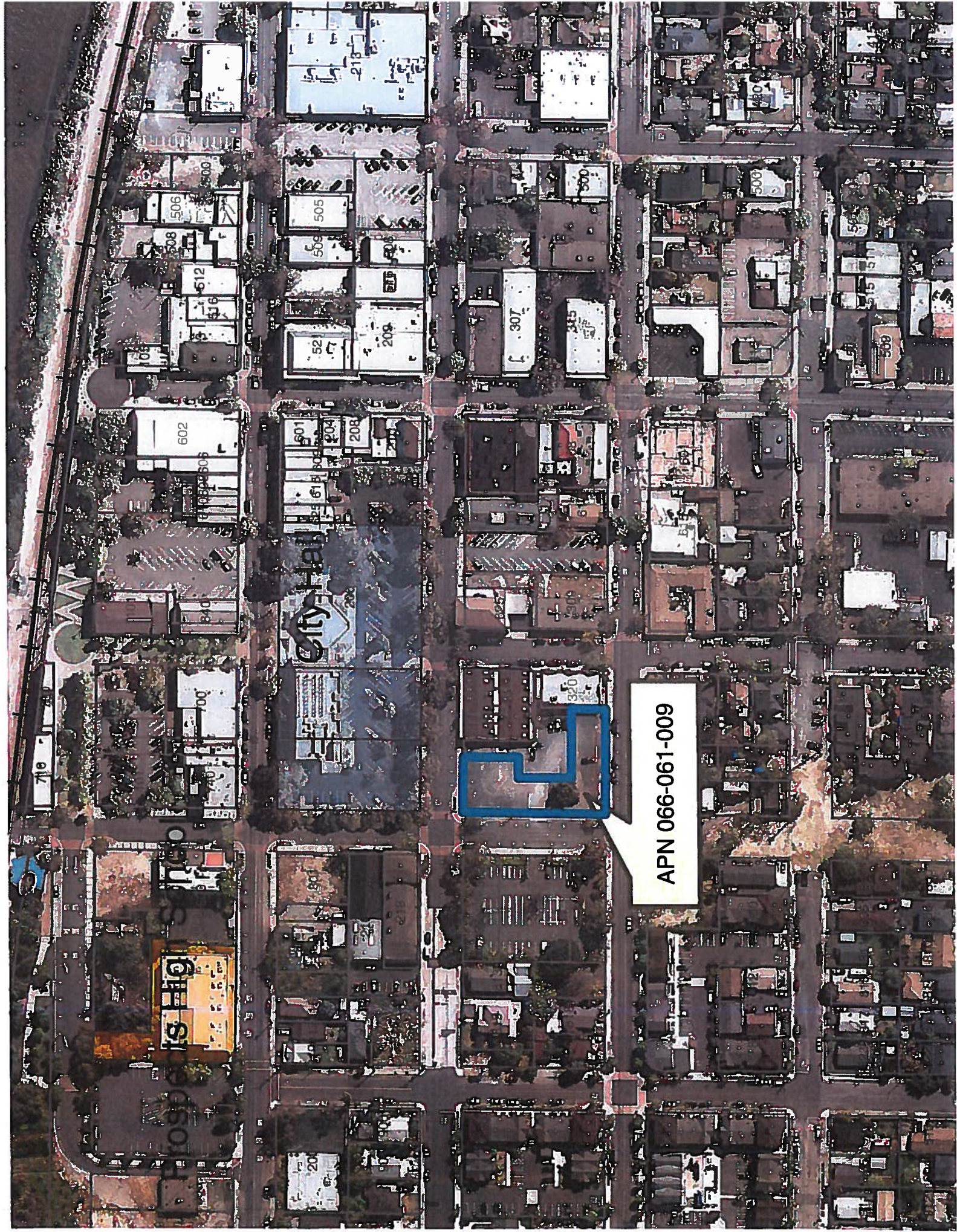
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APN 066-062-016



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