

**CITY OF ANTIOCH
PLANNING COMMISSION MINUTES**

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

**January 21, 2015
City Council Chambers**

CALL TO ORDER

Chair Hinojosa called the meeting to order at 6:30 p.m. on Wednesday, January 21, 2015, in the City Council Chambers. She stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on Wednesday, January 28, 2015.

ROLL CALL

Present: Commissioners Zacharatos, Miller and Westerman
Chair Hinojosa and Vice Chair Motts
Absent: Commissioner Pinto
Staff: Associate Planner, Alexis Morris
City Attorney, Lynn Tracy Nerland
Minutes Clerk, Cheryl Hammers

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. **Approval of Minutes:** December 17, 2014

On motion by Commissioner Westerman, and seconded by Vice Chair Motts, the Planning Commission approved the Minutes of December 17, 2014.

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

END OF CONSENT CALENDAR

NEW PUBLIC HEARINGS

2. **UP-14-10 – ANTIOCH FELLOWSHIP CHURCH** – requests approval of a Use Permit to establish and operate a church, including administrative offices, meeting rooms, a bookstore, a coffee café, and outdoor play areas. The project

site is located within the former Orchard Supply Hardware (OSH) building located in Williamson Ranch Plaza. No exterior modifications to the building are proposed. The project site is located at 4873 Lone Tree Way (**APN 056-011-041**).

Associate Planner Morris provided a summary of the staff report dated January 8, 2015.

OPENED PUBLIC HEARING

Gary Laski, consultant representing the Church, stated that he had others with him tonight including the project architect, Thomas Bouffard, who were here to answer questions. He thanked staff and gave a brief history of the church. Mr. Laski said that this location is not in a residential neighborhood, that it will not cause traffic issues given the traffic study showing no significant impacts, that the location is easily accessible to church members, that this building has been sitting vacant for some time, and that this allows the church to move into a renovated building rather than constructing a new building. He said that parking and site improvements are already in place and the size of the building allows for the church to use what they need now with the possibility to expand in the future as needed. That this church will draw people to the shopping center on the weekends who will also frequent other stores and shops and he showed slides of other church locations in Vacaville and Fairfield where churches are located within commercial spaces. He said that the church is prepared to start construction drawings immediately and are ready to move forward.

Vice Chair Motts asked if they had spoken with potential neighbors including Staples to which applicants responded that they have a letter from Staples who indicates that the CC&Rs will be redrafted, that Staples will require parking protection but that Staples wants the church to market Staples to its members.

Commissioner Westerman asked about activities during the week, what other activities were anticipated, and will the church always be occupied to which applicant stated that the church will be occupied weekdays 8-5 with services held on the weekends.

Yasmeen Imow stated that staff will be at the church 9-5, a youth group on Wednesday evenings, a prayer meeting on Thursday evenings, and possible special events as requested.

Applicant said that there is a condition that if there is going to be activities beyond what is called out, that the church will have to get a permit from the City and approval to do that.

Gene Quiocito spoke to say that when he and his wife were looking to purchase their first home, Antioch was not on top of the list but after viewing homes and comparing costs, they chose to purchase their first home here. That they attended a church in Oakland and from the first time they visited Fellowship Church they knew it was the church for them. He said that they chose this church because it loves this City and that it has the City's best interests in mind with no strings attached.

Jean Nichols said that she has gone up to a similar church in a shopping center in Vacaville and they spent the day in that plaza which was very convenient. She said that she knows a number of people who have a relationship with this church, that it is a good organization with a good heart and that she would strongly support it.

CLOSED PUBLIC HEARING

Commissioner Westerman said that this proposal appears to be a good fit both for the church and the City, that it provides a permanent home for the church, that it is cost effective, and that it will bring people to the area. He said that as far as the City, it removes one empty building which is a good thing and he supports this project.

Vice Chair Motts stated that in general he likes to see commercial stay commercial but he realizes the challenges in Antioch and asked staff to comment on the viability in terms of commercial.

AP Morris said that staff fields a lot of calls about locations, that they are seeing that type of activity pick up, but that she hasn't seen any big national chain tenants interested in this location.

Vice Chair Motts said that he could support the project given the realities of the situation.

In response to Chair Hinojosa, AP Morris said that the parking there is shared parking, that there are separate parcels but staff looks at all uses and parking is based on totality which was looked at in the traffic study.

Chair Hinojosa said that she questions whether this exact location is best used by a church because it is in the middle of a shopping center but given the fact that this building has been vacant for a number of years, it is better to have a use. She said that she has heard positives and benefits and she can support this project.

Commissioner Miller asked staff about the new building being constructed next to this site to which AP Morris said that the construction is the Walmart expansion which will add additional parking and square footage to their existing building.

Commissioner Zacharatos said that she thinks this would be very good for the Williamson Plaza and for the church and she would like to support it.

RESOLUTION NO. 2015-01

On Motion by Commissioner Westerman and seconded by Commissioner Zacharatos, the Planning Commission approves the use permit (UP-14-10) to allow the establishment and operation of the Fellowship Church located in the Williamson Ranch Plaza, subject to all conditions.

AYES: *Hinojosa, Motts, Zacharatos, Miller and Westerman*
NOES: *None*

ABSTAIN: *None*
ABSENT: *Pinto*

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

Associate Planner Morris provided a summary of the staff report dated January 16, 2015.

In response to Commissioner Zacharatos, AP Morris said that there are no existing requirements on the building for hours of operation.

OPENED PUBLIC HEARING

Applicant, Juanito Valentine, said that he lives three blocks from the proposed location and that he is from the neighborhood having went to school here and church here. He said that he has always been an artist, that he used to work at another tattoo shop in Antioch where he learned the profession and that he is flexible with whatever can be done to make this work. That the hours are not an issue and that he had proposed 10 am to 10 pm for people getting off of work and getting back into Antioch. He said that there is no exception for the youth, that he is not trying to do anything adverse to the community, and that he has walked through his neighborhood and talked to people.

Vice Chair Motts asked about existing customer base to which applicant said that while he has a customer base, he cannot exercise that because he can't do tattoos now given that he doesn't have a shop and can't work out of his house.

Chair Hinojosa asked applicant if scaling back the hours would be hurtful to operations to which applicant said that yes to a degree; that he can scale down the hours during the week, but would ask for more hours on weekends.

In response to Chair Hinojosa, applicant said that he looked at an existing shop in Pittsburg; that he was looking at one unit and they wanted to rent him both units. That he was looking at another spot downtown but in talking to the previous owners, there was floor and mold problems. He said that he is learning the zoning part of it but that location is everything.

Commissioner Zacharatos asked applicant about the square footage and if that was feasible for business to which applicant stated that it was at this moment.

Sandra Kelly, block caption for the C Street area, said that this tattoo parlor came up in one of their meetings, that they did not feel it was a fit for their neighborhood, that it has been a constant battle for them to keep drug and gang problems at bay and that there have been lots of burglaries and several shootings. She said that they are starting to

see more children in the neighborhood again, that they support family friendly businesses and useful businesses to the neighborhood, and that they would like businesses to have reasonable hours. She said that people have signed a petition, that they have concerns of high traffic and for school children, that they are concerned of impacts on Rivertown and they do not feel this is an appropriate use for their neighborhood.

Jean Nichols said that she has been a resident of Antioch for close to 30 years, that within several miles of her home there are bars and other businesses, that if given the choice she would not move into this area, requested that the Planning Commission deny the tattoo parlor, and asked that they not be clustered with some of the others.

Chair Hinojosa said that she received a petition to deny which contained approximately 25 signatures stating "the neighbors in this area feel that the Ink'd Up tattoo parlor is an inappropriate fit for our neighborhood. There are already several businesses of this kind in close proximity to our homes. The proposal calls for the business to be open until ten o'clock, which is too late when it abuts a residence. It is not a business that will be of benefit to local residents, and will attract unwanted outside traffic into our residential neighborhood".

Additionally, attached to the back of the petition is an e-mail sent to staff by Darnelle Shaw stating "I agree with my C Street Neighborhood Watch group who are against having a Tattoo Parlor in our neighborhood. There seems to be plenty of Tattoo Parlors near the area. More traffic in that area, could be disruptive, especially to the residents who live along Seventh Street. I suggest that they look elsewhere, like maybe along the Lone Tree Way Street where other businesses have been growing."

Applicant said that while he can understand from a parent's point of view, he grew up in the neighborhood and is willing to do whatever he needs to do to work this out.

CLOSED PUBLIC HEARING

Vice Chair Motts clarified with staff that there are currently three approved tattoo studios in Antioch with business licenses, that there was a fourth on Sunset which has closed, and that she did not find any evidence of a fifth.

Commissioner Miller asked staff about the standard closing time to which AP Morris said that depends on the business and that there are restaurants, bars, financial institutions, Starbucks, offices and other uses in that area. She said hours are different with some closing later and some closing earlier and that closing hours past 9:00 p.m. are common.

Commissioner Westerman said that at one time many years ago, tattooing had a negative image. He said that he thinks the business is good, that he doesn't think there will be a lot of noise and not a lot of traffic generated. That while this is not a family business and not a place to take the kids, he is not sure what else would go in there and would rather have a tattoo parlor than an empty space; that he is going to wait to see what others have to say.

Commissioner Zacharatos said that she hears the community saying family friendly businesses. That her concern is that it is very close to homes, that she is inclined to side with the community and homeowners, and this should not be at this location.

Vice Chair Motts said that he feels this is not the most appropriate use for this location. That the applicant is very genuine but that this location will be part of the entry to the new revitalized Rivertown area. He said that the community is pretty well served and that another spot would be preferable.

Commissioner Miller said that he thinks it is a great idea, that this does not define the area, that the applicant has passion, and that it is located off of A Street with a lot of small businesses.

Chair Hinojosa said that this is a tough one. She said that she is extremely sympathetic to the community; however, there is a lot of stigmas with tattoo parlors. That you have to have a certain income to afford good art work, that in our generation this appeals to the masses across the board and she is open minded about that, and she thinks that the site is zoned appropriately and it is difficult to find other locations. She said that staff has done a good job conditioning the project, that she doesn't want to do anything with the hours that would impact the business, and that she is inclined to support this project.

Commissioner Westerman said that given the discussion, he is inclined to support the project as well.

Vice Chair Motts said that while he realizes tattoos are mainstream, there is a perception and reality that it is affiliated with gangs, whether reality or not, and that for him, this is not something he could support.

Commissioner Miller made a motion to approve, seconded by Commissioner Westerman. Commissioners Zacharatos and Vice Chair Motts voted no; Commissioner Miller, Commissioner Westerman and Chair Hinojosa voted yes.

CA Nerland said that four votes are needed and that it is up to the Planning Commission is they want to continue the item.

Chair Hinojosa said that maybe commissioners can be persuaded.

Commissioner Miller said that maybe those voting yes can offer some additional insight, that it was pointed out by staff that there weren't any police calls from previous tattoo parlors, that they are not attracting the wrong element, and this could be a positive impact to the neighborhoods near A Street.

Commissioner Westerman said that although there are three already that if there were too many, somebody would go out of business. He said that educated and accomplished people get tattoos and he thinks it is main stream.

Chair Hinojosa commented on the police call statistics indicating no calls for service for any of the other locations and said that in all of the years, A Street has been a commercial area with a diversity of uses. She said for the time being the site is zoned appropriately for this use.

Commissioner Zacharatos said that she has nothing against tattoos but that she wouldn't want it in her neighborhood.

Vice Chair Motts said that it is a matter of perception, that he is in favor of anything that changes that but he is not sure this does. That for him, he has a general concern of what they approve and the direction they take in the City especially as you go north of the freeway.

Chair Hinojosa stated that they are at a standstill and there is an option but to continue for Commissioner Pinto's input.

CA Nerland stated that the majority of the Planning Commission may want to reopen the public hearing and continue for two weeks to February 4th and see if anything changes in meantime. Or there is an option to leave the action where it stands tonight which means the use was not approved.

Chair Hinojosa said that she is inclined to give the applicant a chance.

CA Nerland said that the Planning Commission can make a motion to reopen the hearing and said that given the two items already scheduled for February 4th, feels that the 4th can handle this item as well and doesn't expect those two items to be huge. She clarified that there may be additional information coming forward so she would leave it to the Chair's discretion if people who spoke tonight can speak again on February 4th.

On Motion by Commissioner Miller and seconded by Commissioner Westerman, the Planning Commission reopened the public hearing and continued the item to February 4, 2015.

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

ORAL COMMUNICATIONS

Chair Hinojosa welcomed the new Planning Commission member.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Vice Motts stated that the Transplan meeting was cancelled last week.

ADJOURNMENT

Chair Hinojosa adjourned the Planning Commission at 7:55 p.m.

Respectfully Submitted,
Cheryl Hammers