

**CITY OF ANTIOCH
PLANNING COMMISSION**

**Regular Meeting
7:30 p.m.**

**February 18, 2009
City Council Chambers**

CALL TO ORDER

Chairman Azevedo called the meeting to order at 7:30 p.m. on Wednesday, February 18, 2009, in the City Council Chambers. He stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on Wednesday, February 25, 2009.

ROLL CALL

Present: Commissioners Westerman, Johnson, Brandt, Langford, Manuel,
Travers and Chairman Azevedo
Staff: Deputy Director Economic Development Carniglia
Senior Planner Morris
Junior Planner Tagas
City Attorney Nerland
Assistant Engineer Warren
Police Captain Cantando
Minutes Clerk Lawson

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS None

CONSENT CALENDAR

1. Approval of Minutes a) January 7, 2009

On motion by Commissioner Travers, and seconded by Commissioner Brandt, the Planning Commission approved the Minutes of January 7, 2009.

AYES: ***Travers, Brandt, Westerman and Azevedo***

ABSTENTION: ***Johnson, Langford and Manuel***

END OF CONSENT CALENDAR

NEW PUBLIC HEARINGS

1. UP-08-22 –Flying Dutchman – Colby Protsman requests approval of a Use Permit to establish a tattoo shop at 310 G Street (APN 066-062-001).

Junior Planner Tagas provided an overview of the Staff Report dated February 10, 2009.

In responding to Commissioner Brandt, Captain Cantando spoke to Project Specific Condition No. 14 and stated that it was a concern of the Police Department that large groups of individuals do not loiter outside of the business.

OPENED PUBLIC HEARING

Colby Protsman, applicant, explained his business expectations and goals of the business and added that he had spoken to adjacent businesses regarding good neighbor policies. Regarding the loitering aspect, he stated that scheduling would be of the utmost importance and would ensure that he would mitigate the concern of the Police Department. He further spoke to the configuration of the waiting area, scheduling of patrons, type of apparel that would be for sale, type of artwork, sanitation procedures and the expectations that are placed on patrons, in terms of dress code and substance abuse.

Per Commissioner Westerman, Mr. Protsman stated that he concurred with all conditions, as noted within the Staff Report.

Commissioner Langford expressed a concern to the measurements of the establishment, in terms of meeting ADA requirements. He advised the applicant to contact and work with the City to ensure that all measurements would be taken to adequately meet all ADA requirements.

Commissioner Brandt raised the question of children being allowed in the establishment, wherein Mr. Protsman stated that all minors would need to be accompanied by an adult and that any small child would not be allowed in the waiting room.

In speaking to Project Specific Condition No. 11, Chairman Azevedo asked Mr. Protsman if he had read City of Antioch Code Section 9-5.203 Definitions, Adult Entertainment Business (9), wherein Mr. Protsman stated that he had read and agreed with it.

Katie Cook, resident, asked if the City had an ordinance that would limit an over-concentration of businesses within a specific area. Senior Planner Morris stated that this type of ordinance did not exist and that the Planning Commission or City Council would need to initiate this type of action to move it forward to an Ordinance.

CLOSED PUBLIC HEARING

Commissioners Johnson and Travers stated their support.

Commissioner Travers asked if gang-type tattoos would be an issue, wherein Captain Cantando stated that the Police Department's gang unit would be aware of any type of situation, and he also hoped that the owners would be responsible in their business and aware of this type of situation.

THE PUBLIC HEARING WAS RE-OPENED

Mr. Protsman interjected that being in the business for quite some time, he was aware of gang-type tattoos and did not support these types of tattoos that are affiliated with any type of gangs.

THE PUBLIC HEARING WAS CLOSED

Commissioner Brandt expressed a concern to this type of business within the Rivertown Business District, in terms of the preservation of a family-type atmosphere within the downtown area. She noted that she did not oppose the applicants themselves, but opposed the type of business.

Chairman Azevedo stated that he had confidence in the applicant's business plan, due to the conditions placed upon it. He requested that the applicant operate this business with high expectations and that it blend in with the existing businesses.

Commissioner Travers asked if a six month review could be placed within the conditions, wherein City Attorney Nerland noted that staff would review this business after a six-month time period and notify the Commission of their findings.

RESOLUTION NO. 2009-02

On motion by Commissioner Travers, and seconded by Commissioner Westerman, the Planning Commission approved a Use Permit at 310 G Street for a Tattoo and Piercing Shop, with the amended changes:

- ***Add Condition No. 23 to read: "That a six-month review will be conducted by the Planning Division staff."***
- ***That the words "or tattoos" be added to Project Specific Condition No. 17 on the first line after the word "apparel".***

AYES: ***Westerman, Johnson, Travers, Manuel and Azevedo***

NOES: ***Brandt and Langford***

2. **UP-08-24 – 3 Star Tattoo – Vincent Valenzuela requests approval of a Use Permit to establish a tattoo shop at 418 W 2nd Street (APN 066-052-002).**

Junior Planner Tagas provided an overview of the Staff Report dated February 10, 2009.

OPENED PUBLIC HEARING

Vincent Valenzuela, applicant, explained his background and experience and noted that he also has owned three other tattoo shops in the past. He further spoke to the layout of his business, in terms of the waiting room, sanitation procedures, loitering and the scheduling of patrons. He stated his opposition to the gang-type tattoos and stated that his preference was the old-style tattoos from the 40s and 50s, which separated him from the other tattoo establishments within the area. There would be two independent tattoo artists working with him and added that there would be no body piercing performed or retail sold in his establishment. He further noted that he has hired an independent contractor that was certified in the laser removal of tattoos at his business.

Per Commissioner Brandt, Mr. Valenzuela stated that no children would be allowed and that he would not tolerate any type of inappropriate behavior from the public.

Chairman Azevedo expressed a concern to the removal of gang tattoos, wherein Mr. Valenzuela stated that in working in the past with the State of California Department of Corrections in Sacramento, he felt there would not be any ramifications in providing these services to the public.

Per Chairman Azevedo, Mr. Valenzuela stated that he had read and agreed with all conditions, as stated within the Staff Report, and also agreed to the following changes:

- A change within the Resolution to remove the word "Piercing".
- A change in Condition No. 17 to add the words "or tattoos" on the first line after the word "apparel".
- Adding a condition to conduct a six month administrative review.

Mr. Dodson, resident of Rivertown District, expressed concern to the hours of operation of the 3 Star Tattoos business, due to his residence being in close proximity. He felt that due to the adjacent business "Mutiny" having had recent problems, he was concerned with this type of business being an impact to the neighborhood and local businesses. In speaking to the preservation of the Rivertown District, he wanted to ensure that these types of establishments would not impact the neighborhood in a negative manner. He fully supported the six month review and requested that the hours of operation be limited.

Mr. Furey, co-owner of Mutiny, stated that he would be employed by 3 Star Tattoo and stated his support of the hours of operation. He added that no intoxicated individual would be allowed to leave Mutiny and enter this establishment.

Per Commissioner Johnson, Mr. Furey stated that he would not be against a closing time of 9:00 p.m., if the Commission chose to change the hours of operation.

Dr. Roberts, Chiropractor, felt that this business would be an asset to the revitalization of the downtown area.

CLOSED PUBLIC HEARING

RESOLUTION NO. 2009-03

On motion by Commissioner Travers, and seconded by Commissioner Johnson, the Planning Commission approved a Use Permit at 418 W 2nd Street for a Tattoo Shop with the following changes:

- ***Delete the word "Piercing" within the title of the Resolution.***
- ***That Project Specific Condition No. 11 be deleted and put in its place: "That tattoo removal will be permitted and made a part of the operation."***
- ***That the words "or tattoos" be added to Project Specific Condition No. 17 on the first line after the word "apparel".***
- ***The hours of operation shall be changed to: Sunday through Thursday 12:00 p.m. to 9:00 p.m. and Friday and Saturday 12:00 p.m. to 10:00 p.m.***
- ***Add Project Specific Condition No. 23: "That a six-month review will be conducted by the Planning Division staff."***

AYES: Travers, Johnson, Westerman, Manuel and Azevedo
NOES: Brandt and Langford

A break was taken at 9:00 p.m. and reconvened at 9:05 p.m. with all Commissioners present.

3. **Public Hearing to receive public comments on the Draft Environmental Impact Report for the Hillcrest Station Area Specific Plan, and Study Session on the Hillcrest Station Area Specific Plan.**

Deputy Director of Economic Development (DDED) Carniglia provided an overview of the Staff Report dated February 5, 2009.

THE PUBLIC HEARING WAS OPENED AND WITH NO COMMENTS TAKEN, THE PUBLIC HEARING WAS CLOSED

DDED Carniglia stated that this item would be returning to the Commission on March 4, 2009, with additional components for the Commission's review.

4. **Z-09-01 – The City of Antioch requests consideration of revisions to Section 9.5 Article 27 in order to assign design review duties to the Planning Commission.**

Senior Planner Morris provided a synopsis of the Staff Report dated February 11, 2009, and noted that a memo was on the dais with a corrected Resolution. She further spoke to the proposed Design Review process.

Discussions ensued regarding the types of items that would be sent to the Zoning Administrator versus the Planning Commission, wherein there was a consensus amongst the Commission to have some type of written information provided to the Commission regarding the actions taken by the Zoning Administrator.

OPENED PUBLIC HEARING AND WITH NO COMMENTS TAKEN, THE PUBLIC HEARING WAS CLOSED

Commissioner Travers stated that he wanted to ensure that the perception of Antioch is changed to reflect the surrounding communities, in terms of Antioch being a business friendly community.

RESOLUTION NO. 2009-04

On motion by Commissioner Manuel, and seconded by Commissioner Westerman, recommended approval of an amendment to Sections 2-5.102 and 9.5-2508, and Article 26 of the Antioch Municipal Code to amend the Design Review process and assign Design Review duties to the Planning Commission.

AYES: *Manuel, Westerman, Johnson, Brandt, Travers, Langford and Azevedo*

ORAL COMMUNICATIONS

Nothing was reported.

WRITTEN COMMUNICATIONS

Chairman Azevedo reviewed correspondence received from the Greenbelt Alliance.

COMMITTEE REPORTS

Nothing was reported.

ADJOURNMENT:

Chairman Azevedo adjourned the Planning Commission at 9:30 p.m. to the next regularly scheduled meeting on March 4, 2009.

Respectfully Submitted,

Debra Lawson