

**CITY OF ANTIOCH
PLANNING COMMISSION MINUTES**

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

**June 16, 2010
City Council Chambers**

CALL TO ORDER

Chairman Johnson called the meeting to order at 6:30 p.m. on Wednesday, June 16, 2010, 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 Thursday, June 24, 2010.

ROLL CALL

Present: Commissioners Johnson, Westerman, Langford, Azevedo, Baatrup and Travers
Absent: Commissioner Manuel
Staff: Senior Planner Morris
Community Development Technician Stahl
Minutes Clerk Hammers

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None

CONSENT CALENDAR

1. Approval of Minutes May 5, 2010

On motion by Commissioner Travers, and seconded by Commissioner Westerman, the Planning Commission approved the Minutes of May 5, 2010.

AYES: Westerman, Johnson, Langford, Azevedo, Travers, Baatrup
NOES: None
ABSTAIN: None
ABSENT: Manuel

END OF CONSENT CALENDAR

CONTINUED PUBLIC HEARING

2. **UP-08-20 – Qin’s Bistro and Bar** requests a sixty day review of their use permit for live entertainment at the existing restaurant at 5007 Lone Tree Way in the Lone Tree Landing Shopping Center. The Planning Commission will consider revocation, modification, or affirmation of the existing use permit (**APN 056-012-024,025**).

Kim Stahl, Community Development Technician, provided a summary of the staff report dated June 10, 2010.

Commissioner Travers asked staff if there was any reason why Qin’s failed to show up at the last Planning Commission meeting where their item was noticed, to which CDT Stahl stated that the owner was apparently out of town and unable to attend but that this was not brought to her attention prior to the hearing.

OPENED PUBLIC HEARING

Applicant, Brandon Dow, assistant manager at Qin’s, stated that they were in agreement with the staff report and resolutions and would abide by them.

Commissioner Travers asked Mr. Dow how long he has been in the food and beverage industry to which he stated three years, two years with this company and one year down south. He went on to say that he is the assistant manager, that there is a general manager and that the owner is now more hands off.

Commissioner Travers questioned applicant about the security system and whether it was working to which Mr. Dow stated that the hard drive had been confiscated by the Police Department as evidence and has not yet been returned. He clarified that although there is no surveillance, that there are two cameras above the bar which are linked to the owners at home.

CDT Stahl interjected that Qin’s has been trying to get the security equipment back as they are concerned about not having the equipment.

Commissioner Baatrup stated that over the last two or three weeks, there has been a banner at Qin’s announcing live entertainment on Fridays and Saturdays to which applicant replied that this is for a live band that provides background type music such as jazz but that is nothing louder than the restaurant speakers and that they are not returning to a club like environment.

Commissioner Travers clarified with applicant that Qin’s broke ties with the Wednesday night bikers group several months ago due to the nuisances it was creating such as parking on the sidewalks. Commissioner Travers then asked applicant if Qin’s was utilizing the outside seating to which Mr. Dow stated that only when it was requested by patrons which was not often.

Chairman Johnson questioned applicant about the live entertainment to which applicant stated that the bands, which provided generally background music and music accompanying dinner, plays from 8:00 p.m. to 11:00 p.m., that after 9:00 p.m. the music picks up a little playing classical rock and popular music.

Commissioner Azevedo clarified with applicant that they had read all conditions and agreed with them.

Chairman Johnson clarified with staff that there was nothing prohibiting dancing during the times of live entertainment.

Commissioner Travers asked applicant if security was still being used to which applicant stated that it was their belief that security was only needed when they had a DJ and since they no longer have a DJ, security was not being used. CDT Stahl stated that one security guard needed to be in place regardless of having a DJ or just live entertainment.

Chairman Johnson clarified with applicant that although security should have been provided until this time, it has not been provided.

Commissioner Langford clarified with applicant that Condition number 4 provides that there be no illegal signs and banners and that Qinc\$ must obtain permits for any banners even though neighboring businesses such as the yogurt shop also have illegal banners.

Chairman Johnson expressed his concern that Mr. Dow is present tonight as the assistant manager, given Qinc\$ has been on thin ice and the commission has never met any of the owners of Qinc\$. Chairman Johnson also stated that Qinc\$ is doing things that do not coincide with the conditions, such as not providing security.

Commissioner Azevedo questioned staff about the time frame when the security cameras might be returned to which CDT Stahl stated that although she did not have a time frame, she has been working with the Police Department on a weekly basis to get them released and reinstalled.

Chairman Johnson asked Captain Cantando about the eleven calls for service since the last meeting to which he stated that these calls were insignificant, not related to the live entertainment but to surrounding areas, and the calls were nothing like they were before.

Commissioner Travers asked Captain Cantando if he knew if Qinc\$ would get their equipment back in the next 30 days to which he stated that this equipment was taken for evidence as the result of a shooting on the freeway that started in Qinc\$ parking lot, that they were surprised that the equipment had to be sent back to New York to retrieve the data, that they would like to see a more updated security system and that since they are working with the District Attorney, they did not have a time estimate for the return of the equipment. Commissioner Travers then confirmed with Captain Cantando that

given the reduced calls to the Police Department that the clientele of Qinç and the entertainment aspects have changed.

CLOSED PUBLIC HEARING

Commissioner Travers expressed his concern that although the owners have been notified of the hearings, that they have not come to the meetings and have proven that they donç believe the City is serious which he is not happy about. He stated that there needs to be a condition that Qinç obtain an updated security system.

Commissioner Langford agreed with Commissioner Travers and supported adding a condition to upgrade the equipment, giving them thirty days. He also stated that all banners need to be removed until permits are obtained.

Vice Chair Westerman also agreed with Commissioner Travers to modify Condition 22 to require an updated security system and to work with staff for an acceptable system.

Chairman Johnson stated that given the reduction in service calls, Qinç is moving in a positive direction. He stated that he could support approving the resolution with the change to Condition 22. He also stated that given that no live entertainment should be conducted until cameras are in place, that new equipment may need to be purchased. He stated he could support the project with this change and with the removal of the conditions suggested by staff.

The Planning Commission concurred with staff that Conditions 6, 16, and 17 should be eliminated from Resolution 2010-05.

RESOLUTION NO. 2010-20

On Motion by Commissioner Travers, and seconded by Commissioner Baatrup, the Planning Commission finds that Qin’s Bistro and Bar has shown good faith compliance with Resolution 2010-05, and hereby allows live entertainment to continue with the following changes:

- **Change Condition 21 to read “Digital security cameras and recording devices shall be installed on the premises before live entertainment resumes. Said cameras shall record onsite activities. Recordings shall be kept on hand for no less than 30 days and shall have the ability to be viewed through the internet and be made available to the City of Antioch upon demand. No live entertainment shall be permitted until the cameras and recording devices have been inspected and approved by Antioch Police Department staff.”**

AYES: *Langford, Johnson, Westerman, Baatrup, Azevedo, and Travers*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Manuel*

NEW PUBLIC HEARING

3. **UP-10-01 – Reza Mahmoodi** requests use permit approval to allow a U-Haul truck rental facility on a site containing an existing Valero service station and mini mart located at 1801 Hillcrest Avenue (**APN 051-272-035**).

Kim Stahl, Community Development Technician, provided a summary of the staff report dated June 10, 2010.

Commissioner Baatrup clarified with staff that rental equipment would include trailers as well as trucks. He then asked staff about the renting of vehicles until 10:00 p.m. and the noise this may create for neighbors to which CDT Stahl stated that although they had contemplated adding conditions regarding this issue, that they did not see a huge problem with this given the very strict rental guidelines and the necessity of dropping off trucks at odd times. Commissioner Baatrup clarified with staff that although times could be limited if that was the Commissioner's desire, noise for neighbors was not anticipated to be a problem.

Commissioner Langford confirmed with staff that adjacent property owners were notified of the project and that no one had called to oppose. However, CDT Stahl stated that she did receive a letter from the property owner supporting the project.

Commissioner Langford clarified with staff that no signage was being proposed.

Commissioner Baatrup questioned staff about recourse being available in the event noise became an issue for the neighbors and how many calls would need to be received to which CDT Stahl stated that although there is not a specific number set for complaints, that any Use Permit could be revoked and that there is a mechanism in place to address complaints received to bring the project back to the Planning Commission to consider revocation or modification.

City Attorney Nerland clarified that prior to the City's involvement in conflicts between residences and businesses, it would be encouraged that they talk with each other. If that failed, the City could call the business to inform them of complaints received.

OPENED PUBLIC HEARING

Applicant, Reza Mahmoodi, stated he would be happy to answer any questions.

Chairman Johnson asked applicant the reason for the request to which applicant stated that business is tough especially in the gas industry, that he took over this location as a project and made many changes and given that he has a one year lease with a nine year option, he would like to make this business successful in the first year. He also stated that although his other locations generally add car washes to increase income, this was not an option for this location and with traffic noise already existing, the addition of U-Haul would add another income stream.

Commissioner Travers confirmed with applicant that he had read and agreed with all conditions. He questioned applicant about no trucks being over 17qlong to which applicant stated that although U-Haul does have a 24qtruck, that given that this truck is too large for gas stations, would take too much space and is not in high demand, he would not be getting any trucks over 17qlong. He also stated that no trailers but only trucks would be at this location.

Chairman Johnson questioned applicant about the signage issue to which applicant stated that given that people go to the website to look for locations of U-hauls and the fact that the U-haul trucks are present on site and very visible, there was not a need for signage.

Commissioner Langford asked applicant when the landscaping upgrades would be completed to which applicant stated that the landscaping was upgraded the first month and that it is now much nicer than it was. Commissioner Langford stated that Condition 11 provided that landscaping be planted as originally proposed and that he was not impressed with the changes thus far. Applicant stated that plantings, as well as bark, have been put in but that automatic irrigation has been fixed and all of the bushes needed to grow.

Commissioner Langford clarified with CDT Stahl that staff would be going out to look at the site.

CLOSED PUBLIC HEARING

Commissioner Baatrup suggested clarifying the condition of having no more than six trucks or trailers at any time.

Chairman Johnson reopened the hearing to ask applicant what would happen if six trucks were already there and someone needed to drop off one more to which applicant stated that a person would have to call to confirm that there is room before making a drop-off. He also said that when arrangements are made even for one way trips, a destination has to be selected which could accommodate the vehicle.

Chairman Johnson confirmed with applicant that he would be agreeable to six trucks or six trailers although trailers are not anticipated.

RESOLUTION NO. 2010-21

On Motion by Commissioner Azevedo and seconded by Commissioner Baatrup, the Planning Commission approves the use permit to allow a U-Haul truck rental facility on a site containing an existing service station and mini mart, located at 1801 Hillcrest Avenue, subject to the following change:

- 9. That the U-Haul facility shall have no more than a total of six (6) trucks/trailers stored on this site at any time. Any future requests for additional trucks may require additional parking spaces and other modifications as determined by the Community Development Director.**

AYES: *Langford, Johnson, Westerman, Baatrup, Azevedo, and Travers*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Manuel*

ORAL COMMUNICATIONS

Alexis Morris stated that there will not be a meeting on July 7th. She also stated that tonight is CDT Kim Stahl's last meeting as she has accepted a position with Central Sanitation District.

Chairman Johnson congratulated Kim, said that she will be missed, and wished her the best of luck.

WRITTEN COMMUNICATIONS

Chairman Johnson stated that he received a newsletter from the League of Women Voters and that it is available should anyone wish to see it.

COMMITTEE REPORTS

Commissioner Azevedo stated that he attended a meeting for Transplan. He stated that the \$10 registration fee for automobiles would hit the ballot in November and that CCTA has decided that each sub region will get money attributed to their area to be spent on road improvements, transportation programs, and bicycle and pedestrian improvements.

He stated that the Parks District is also proposing an \$18 registration fee on top of the \$10 fee.

Commissioner Azevedo stated that he had an update on the major projects in East Contra Costa County which included the highway widening and the state route expressway which will be scanned by staff and sent to the Commission.

Commissioner Langford stated that he attended the ground breaking ceremony for the Highway 4 expansion and that he will provide the list of specific dates to the Planning Commissioners.

ADJOURNMENT

Chairman Johnson adjourned the Planning Commission at 7:25 p.m. to the next regularly scheduled meeting on July 22, 2010.

Respectfully Submitted,
Cheryl Hammers