

**CITY OF ANTIOCH
PLANNING COMMISSION MINUTES**

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

**August 19, 2009
City Council Chambers**

CALL TO ORDER

Chairman Langford called the meeting to order at 6:30 p.m. on Wednesday, August 19, 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 Thursday, August 27, 2009.

ROLL CALL

Present: Commissioners Westerman, Johnson, Brandt, Azevedo, Travers,
Manuel and Chairman Langford
Staff: Senior Planner Morris
Community Development Technician Stahl
Deputy Director Economic Development Carniglia
City Attorney Nerland
Minutes Clerk Lawson

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

- | | | | |
|----|----------------------------|----|----------------------|
| 1. | Approval of Minutes | 1) | June 3, 2009 |
| | | 2) | July 15, 2009 |

Commissioner Brandt pulled the Minutes of July 15, 2009 and noted her abstention.

June 3, 2009

On motion by Commissioner Azevedo, and seconded by Commissioner Brandt, the Planning Commission approved the Minutes of June 3, 2009.

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

July 15, 2009

On motion by Commissioner Azevedo, and seconded by Commissioner Johnson, the Planning Commission approved the Minutes of July 15, 2009.

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

ABSTENTION: ***Travers and Brandt***

END OF CONSENT CALENDAR

CONTINUED PUBLIC HEARING

- 2. UP-08-02 – QIN'S Bistro and Bar requests approval to have live entertainment at an existing restaurant located at 5007 Lone Tree Landing Shopping Center (APN 056-012-024 and 025).**

Community Development Technician (CDT) Stahl provided a synopsis of the Staff Report dated August 13, 2009.

Police Captain Cantando provided additional information regarding calls for service, as well as noting that he had spoken with Qin's regarding alcohol consumption. He felt that a majority of his concerns had been met with recent conversations with representatives from Qin's.

OPENED PUBLIC HEARING

John Davis, Qin's General Manager, felt that the concerns with the Police Department have been met and proceeded to explain that Karaoke would be offered Sunday through Thursday and a DJ would only be playing on Friday and Saturday evenings.

In responding to Commissioner Brandt, Mr. Davis stated that he had read and agreed to the Conditions of Approval as contained within the Staff Report, with the exception of:

- Condition No. 7, and requested that the hours pertaining to Sunday through Thursday be extended to 12:00 midnight.
- That the hours for Condition Nos. 12, 19 and 20 begin at 10:00 p.m.
- That Condition No. 21 be revised to 7 days and not 14 days, due to the limited space on his hard drive.

Police Captain Cantando spoke to Condition No. 21 and felt that alcohol related incidents may not be reported within the 7 days, and felt that the applicant should purchase a larger hard drive to hold additional footage.

CLOSED PUBLIC HEARING

Commissioner Johnson felt this type of establishment was needed within the community and as long as the security is provided and the surrounding neighborhood is agreeable, he could support the 60 day trial period.

Commissioner Brandt stated that she was not comfortable with live entertainment Sunday to Thursday going until 12:00 midnight and felt that 10:00 p.m. would be sufficient, as noted in the Staff Report. She also supported the Police Department in that recordings shall be kept on hand for no less than 14 days.

Per Condition No. 10, Commissioner Azevedo suggested that the noise decibels be lowered, as not to create a nuisance to the surrounding residents. He also felt that he could support the changes to Condition Nos. 20 and 21, per discussions.

Commissioner Travers supported the issue that recordings are kept on hand for 14 days and that the applicant upgrade his equipment. He also concurred with the Commission that the applicant not be allowed to have music to 12:00 midnight, and suggested that the time be changed to 11:00 p.m.

Commissioner Manuel felt that the applicant should be allowed to have music to 12:00 midnight, and felt that due to this being on a trial basis, the Commission could then address this issue when the item comes back for review.

Chairman Langford suggested that the music be extended to 11:00 p.m. due to this issue being in a trial period mode, wherein adjustments could be made at a later date.

RESOLUTION NO. 2009-31

On motion by Commissioner Brandt, and seconded by Commissioner Travers, the Planning Commission approved a Use Permit for Live Entertainment for Qin's Bistro, with the following modifications:

- ***Project Specific Condition No. 7: That the operating times for Sunday through Thursday be changed from 12:00 p.m. to 11:00 p.m., and that this occur through the dinner and karaoke times and that DJ music is permitted only on Friday and Saturdays.***
- ***Project Specific Condition No. 12: That the starting time for security guards be changed to 10:00 p.m.***
- ***Project Specific Condition No. 19: That the time be changed to 10:00 p.m.***
- ***Project Specific Condition No. 20: That for all patrons attending a live entertainment event beginning after 10:00 p.m., identification shall be verified by using a license scanner/reader to ensure patrons are of lawful age and are not using altered or false identification. The scanner database shall be retained for no less than 14 days and shall be made available to the City of Antioch upon demand.***

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- ***Project Specific Condition 21: Digital security cameras shall be installed on the premises at 5007 Lone Tree Way and affixed to capture the viewing angles of the interior of the main restaurant area, interior and exterior of the main entry door, and the main parking lot in front of the business. Said cameras shall record onsite activities. Recordings shall be kept on hand for no less than 14 days and be made available to the City of Antioch upon demand.***

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

NEW PUBLIC HEARINGS

3. **UP-08-03 – Chad Marquardt on behalf of Street Titans, LLC requests a six month review of the Use Permit for live entertainment at Mutiny, m.f.b. The site is located at the northeast corner of F Street and Second Street (APN 066-052-002).**

CDT Stahl provided a synopsis of the Staff Report dated August 14, 2009.

Commissioner Brandt noted that Mutiny did not have a permit for the banner that is hanging at their establishment.

OPENED PUBLIC HEARING

Chad Marquardt, applicant, felt that most of the complaints against Mutiny were for other incidents and that his establishment is the niche for the downtown area to bring business to this area. He expressed concern about the recent closures of businesses within the downtown area and felt that this area needed additional activities to revive the area.

In responding to Commissioner Brandt, Mr. Marquardt stated that the banner was not put outside of his establishment by himself, but was put out by Lumpys Diner who runs their kitchen, and noted that the banner would be taken down due to the City Ordinance.

Police Captain Cantando addressed the calls for service, and noted that the applicant has been responsive to the Police Department. Regarding noise complaints, he felt that the doors to the establishment should be kept closed.

Jeff Wise, resident, stated that he resided within the downtown area and that he felt safe at this establishment.

CLOSED PUBLIC HEARING

Commissioner Manuel felt that the applicant was doing his due diligence in complying with the City and felt comfortable with approving an additional six month review.

Commissioner Azevedo expressed concern to the amount of recent calls for service, but felt that if the applicant would work with the Police Department to reduce the calls for service, they would reduce. He felt he could support an additional six months review and if additional concerns continue, and then further action would then need to be taken.

Commissioner Travers felt the applicant was forthright in his testimony tonight and requested that the establishment keep the doors closed to alleviate any additional concerns.

RESOLUTION NO. 2009-32

On motion by Commissioner Azevedo, and seconded by Commissioner Brandt, the Planning Commission approved to extend the review period for Mutiny m.f.b.'s Live Entertainment Use Permit.

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

- 4. Hillcrest SP Amendments – The City of Antioch requests that the Planning Commission recommend to the City Council adoption of amendments to the Hillcrest Station Area Specific Plan. A Negative Declaration has been prepared for the project. The Hillcrest Station Area Specific Plan encompasses approximately 375 acres, and is located in northeastern Antioch, bounded by Hillcrest Avenue on the west, Highway 4 on the east and Oakley Road on the north.**

Deputy Director of Economic Development (DDE) Carniglia provided a summary of the Staff Report dated August 13, 2009. Mr. Carniglia noted that an e-mail from Mr. Parachini was received and was distributed to the Commission regarding his concerns.

The public hearing was opened and with no comments taken, the public hearing was closed.

RESOLUTION NO. 2009-33

On motion by Commissioner Azevedo, and seconded by Commissioner Brandt, the Planning Commission recommended to the City Council adoption of a Negative Declaration for amendments to the Hillcrest Station Area Specific Plan, with the modification that the City work with Mr. Parachini, per the distributed handout, and;

RESOLUTION NO. 2009-34

That the Planning Commission recommend to the City Council adoption of amendments to the Hillcrest Station Area Specific Plan.

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

- 5. Design Guidelines – The City of Antioch requests that the Planning Commission provide feedback on the Citywide Design Guidelines and a recommendation to the City Council.**

Senior Planner Morris provided a synopsis of the Staff Report and introduced Maryann Marks with Civic Solutions, who then provided a Power Point Presentation regarding the Draft Citywide Design Guidelines.

Commissioner Brandt expressed her appreciation to staff and Downtown Solutions for the work that has been completed.

Commissioner Travers expressed his appreciation to all who worked on this project.

Commissioner Azevedo expressed his appreciation for all who worked on this document and felt that the developers would benefit from this in the future.

Chairman Langford stated his support and recommendation to the City Council.

RESOLUTION NO. 2009-36

On motion by Commissioner Johnson, and seconded by Commissioner Travers, the Planning Commission recommended that the City Council approve the Citywide Design Guidelines and initiating the Ordinance that will be brought to the Council, per the City Attorney's recommendation.

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

ORAL COMMUNICATIONS

Nothing was reported.

WRITTEN COMMUNICATIONS

Nothing was reported.

COMMITTEE REPORTS

Nothing was reported.

ADJOURNMENT:

Chairman Langford adjourned the Planning Commission at 8:17 p.m. to the next regularly scheduled meeting on September 2, 2009.

Respectfully Submitted,

Debra Lawson