

**CITY OF ANTIOCH
PLANNING COMMISSION MINUTES**

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

**October 21, 2009
City Council Chambers**

CALL TO ORDER

Chairman Langford called the meeting to order at 6:30 p.m. on Wednesday, October 21, 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, October 29, 2009.

ROLL CALL

Present: Commissioners Westerman, Brandt, Johnson, Azevedo, Travers, and Chairman Langford
Absent: Commissioner Manuel
Staff: Community Development Director, Tina Wehrmeister
Community Development Technician, Kim Stahl
Project Manager Lonnie Karste
Minutes Clerk Hammers

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

Fred Hoskins, resident of Antioch for 75 years, invited the Planning Commission and all citizens to attend the eBART forum meeting tomorrow evening at 6:00 p.m. He indicated that anyone wishing to speak will be heard. He also wanted to comment on Qins which he saw on the agenda. Chairman Langford stated that he would be able to speak when this item comes up on the Agenda.

Community Development Director Tina Wehrmeister introduced Cheryl Hammers to the Planning Commission as the new minutes clerk.

CONSENT CALENDAR

1. **Approval of Minutes August 19, 2009**

On motion by Commissioner Azevedo, and seconded by Commissioner Westerman, the Planning Commission approved the Minutes of August 19, 2009.

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

END OF CONSENT CALENDAR

CONTINUED PUBLIC HEARING

2. **UP-08-25 – Anthony Nathaniel on behalf of Shadows of the Knight Motorcycle Club** requests a six month review of the Use Permit for the purpose of holding club meetings and other non-profit functions. The site is located at 2101 W. 10th Street (**APN 074-051-005**).

Kim Stahl, Community Development Technician, provided a synopsis of the Staff Report dated October 15, 2009.

OPENED PUBLIC HEARING

Anthony Nathaniel, speaking on behalf of Shadows of the Knight Motorcycle Club, stated that he had read the staff report and feels that they have abided by and will continue to abide by what is in report and the Use Permit. He also said he wanted to thank everyone for the opportunity to conduct business in the City of Antioch.

Commissioner Travers asked applicant if he had read all of the conditions to which applicant stated that he had.

Chairman Langford asked if anyone else had comments. Seeing none, he closed the public hearing.

CLOSED PUBLIC HEARING

RESOLUTION NO. 2009-43

On motion by Commissioner Azevedo, and seconded by Commissioner Travers, the Planning Commission finds that the Shadows of the Knight Motorcycle Club is in good faith compliance with the conditions of Planning Commission Resolution No. 2009-11.

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

NEW PUBLIC HEARINGS

- 3. UP-08-20 – QIN's Bistro and Bar** requests a sixty day review of their use permit for live entertainment at the existing restaurant located at 5007 Lone Tree Way in the Lone Tree Landing Shopping Center (**APN 056-470-009**).

Kim Stahl, Community Development Technician, provided a synopsis of the Staff Report dated October 15, 2009, and stated that Captain Cantando was also available to answer any questions.

OPENED PUBLIC HEARING

John Davis, on behalf of Qins, stated that he had read the report and that he wanted to thank the commission for the opportunity for the review and stated that they were doing everything in their power to keep their establishment safe.

Commissioner Travers asked applicant if they had updated their security camera recordable hard drive to which applicant stated that they had.

Commissioner Brandt asked the applicant about their feelings on the incidents that have taken place and for their take on things. Applicant stated that they are trying to please everyone and that nightlife has many variables. He also stated that they work closely with security and feel they are keeping things under control. He indicated that there are always going to be minor issues but that they haven't seen much change.

Commissioner Azevedo asked applicant if he had read the staff report and agreed with all of the conditions, specifically, Project Specific Condition No. 23 that says % the Police Department must respond to this property as a result of incidents related to the live entertainment and they determine that the conditions of approval are not met or the use has become a public nuisance or otherwise a threat to public health, safety, or welfare that they can immediately shut you down+, to which applicant stated that he had.

A resident of Antioch, Fred Hoskins then spoke to the Commission and stated that he believed the Planning Commission and the Police Department's security requirements are excessive and creates a bad image in the neighborhood. He stated that the presence of too many security guards paints a negative image that violence exists around the premises. He stated that he feels six guards are excessive and that three guards would be sufficient. Mr. Hoskins said that he has observed Mutiny on West Second Street and that they use their own employees, who are not visible, and he feels this is inappropriate treatment. He went on to say that Qins management needs to instruct the California Safety Services to respect citizens' rights. Mr. Hoskins stated that on October 11th, he was assaulted without just cause resulting in personal injury and loss of property which was in full view of Qins management without intervention. He suggested that Qins display a warning sign to say % selective trespassing may be applied+ and that he had no awareness that he could not be there. He stated that his damages occurred as a result of his discussing dress codes without any threats or

aggressive behavior. He wanted to make a recommendation to convey to the police to place something there to let the citizens know.

Commissioner Travers asked Mr. Hoskins where he lived and if he lived in proximity to Qins to which Mr. Hoskins stated that he lived on Beede Way. Mr. Hoskins then stated that security needs to be under control and of concern to him is that there is no need to make an armed camp.

Applicant was asked if he wished to respond to Mr. Hoskins to which applicant stated that since a lawsuit was pending, he could not comment on record.

Commissioner Brandt then asked Captain Cantando whether the calls in question were initiated by police officers or if the police officers were on their own time off and circling the parking lot.

Captain Cantando stated that officers were working so patrons would realize that there were police nearby and that for a successful bar nightlife, this would go beyond officers just getting out and making arrests.

Commissioner Travers questioned Captain Cantando if the drug dealings and fights were in fact Antioch residents to which Cantando stated that this varies. He stated that security is doing the best that they can.

Captain Cantando also stated that in dealing with Mr. Hoskins, he was arrested on a citizen's arrest which is the general course of action. He further stated that as business grows, he feels that the reputation will get out and that this behavior will diminish.

Chairman Langford asked the applicant if the business was continuing to grow wherein applicant stated that the nightclub aspect is doing well, that the restaurant has slowed down and they began closing at lunch in August.

Commissioner Travers asked the applicant if the nightclub aspect has allowed Qins to stay open to which applicant stated that it had.

Commissioner Azevedo asked if the security guards were peace officers or military and whether or not they were armed to which applicant stated that they are ex military and ex police, that all are armed and have permits to carry the guns legally.

Commissioner Travers asked if they carried concealed weapons permits to which Captain Cantando stated that they all have exposed weapons and that he had previously met with Community Development Technician Stahl and security and that security was licensed with the State but were officers who were moonlighting and they were covered both ways.

CLOSED PUBLIC HEARING

Commissioner Azevedo stated that he was a little disappointed not in management of Qins but in their clientele and that so much illegal activity is going on that requires the police. He stated that he thinks a review in 90 days not 180 is more appropriate. Commissioner Azevedo stated that this may not be a path they want to go down and that time will tell but that 180 days is too long. He stated that he would support the extension but at 90 days.

Commissioner Brandt agreed with Azevedo and reiterated that as stated by Qins, without the nightlife the restaurant would be closed. She felt that it was important that they stay open and appreciated the security and the police working together. Commissioner Brandt was supportive of the extension and review in 90 days.

Vice Chair Johnson stated that he also supported the 90 day review. He stated that while he realizes the nature of these businesses, he would venture to say some of the people are probably not customers of Qins and that he supports the review and stated that Antioch needs this type of restaurant and entertainment.

Commissioner Travers agreed with Vice Chair Johnson, and stated that the food is excellent, that he felt that 7 calls were average and that it is difficult to control people who come to your establishment. He stated that in six months, people will have an impression of the nightlife and having six security guards and police presence will deter people. Commissioner Travers supported the 90 day review.

Chairman Langford stated that he felt this would work itself out in the next 90 days, that they will have the opportunity to make decisions at that time and that he hoped Qins would do well.

RESOLUTION NO. 2009-44

On motion by Commissioner Travers, and seconded by Commissioner Johnson, the Planning Commission approved to extend the review period for an additional 90 days as conditioned.

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

NOES: None

ABSTAIN: None

ABSENT: Manuel

- 4. Lindsey and Sand Creek Basin Facilities** – The City of Antioch requests that the Planning Commission review and comment on the updated master plans for both the Lindsey and Sand Creek Basins.

Project Manager Lonnie Karste provided a summary of the Staff Report dated October 9, 2009.

Gail Donaldson presented a power point presentation detailing Lindsey and Sand Creek Basins and all of the amenities.

Commissioner Azevedo questioned if there would be permanent backstops and if there was consideration made to portable backstops to which Gail indicated that they had. He also questioned Gail about the walkways on both being asphalt and if asphalt is better to hold up under water without damage. Gail stated that asphalt has been used successfully in other parks and that concrete is more expensive.

Commissioner Johnson questioned Gail about if spectator standing room was adequate for several families at one time. Gail stated that these are large parks and that there are ten yards around the edge for parents, lawn chairs, and benches.

Commissioner Brandt thanked Gail for the update and mentioned that the tennis courts had disappeared from the plans to which Lonnie Karste stated that there is presently more tennis facilities in Antioch than are presently used. He stated that Deer Valley High School has tennis with not much use and that the goal was to maximize parking and that they did have to make some compromises which reduced the tennis courts.

Commissioner Brandt then asked if there was a sound wall on Highway 4 at that point for Lindsey Basin to which Lonnie Karste stated that the sound wall does not cover the basin and that you can actually see all the way down the basin from the bypass. Commissioner Brandt went on to say that it being right next to the bypass, some type of sound barrier on the roadway would be nice.

Lonnie Karste indicated that additional trees can minimize the sound and they can look at future plans for the bypass.

Gail stated that the places you would stop would have willows and is a fair distance away. She went on to say that it would be more pleasant without the freeway but will be lower and more things can be planted and berming put in.

Commissioner Johnson asked if these types of basins are irrigated and mowed to which Gail responded that they are.

Commissioner Westerman questioned the source of the irrigated water and if it was in fact reclaimed water. Lonnie Karste responded that they are working on the reclaimed water issue but are not sure how far it will go and that there is a possibility it will be quite costly so they are evaluating all of the options of reclaimed water.

Commissioner Travers asked about the pathways which are ten feet wide and the use of decomposed granite on the side of the paths to which Gail responded that this would create a more comfortable surface.

Chairman Langford asked whether there would be lighting to which Gail indicated that the fields would be lit, that the fixtures can be waterproofed and that they are not located at the bottom of the basin but farther up.

Gail also stated that the Parks and Recreation Committee suggested more portable restrooms and they are presently making adjustments for that and are considering storage.

ORAL COMMUNICATIONS

Chairperson Langford recognized Commissioner Brandt indicating that this was her last meeting and thanked her for her service on the commission. Community Development Director Tina Wehrmeister also thanked Commissioner Brandt and indicated that she would be further recognized at a later date and presented with her street sign.

WRITTEN COMMUNICATIONS

Nothing was reported.

COMMITTEE REPORTS

Commissioner Azevedo stated that Transplan had a very light agenda and therefore cancelled the meeting.

Chairman Langford noted that at the next meeting on November 4 that he will be out of town.

ADJOURNMENT:

Chairman Langford adjourned the Planning Commission at 7:40 p.m. to the next regularly scheduled meeting on November 4, 2009.

Respectfully Submitted,

Cheryl Hammers