

## AGENDA

### CITY OF ANTIOCH ZONING ADMINISTRATOR

THURSDAY, SEPTEMBER 13, 2012  
3:00 P.M.

### REGULAR MEETING

ANTIOCH CITY COUNCIL CHAMBERS  
THIRD & "H" STREETS

### APPEAL

All items that can be appealed under Section 9-5.2705 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 PM on **MONDAY, September 24, 2012.**

### PUBLIC COMMENTS

### NEW PUBLIC HEARING

1. **UP-12-07 – Jose Luis Queiroz**, of Scooteround requests the approval of a use permit to sell new motor scooters, ATVs, Go-karts, trikes and dirt bikes. The project is located in an existing building at 520 West Second Street (**APN: 066-051-006**).

STAFF REPORT

### ORAL COMMUNICATIONS

### WRITTEN COMMUNICATIONS

### ADJOURNMENT

### Notice of Availability of Reports

This agenda is a summary of the actions proposed to be taken by the Zoning Administrator. For almost every agenda item, materials have been prepared by the City staff for the Zoning Administrator's consideration. These materials include staff reports which explain in detail the item before the Zoning Administrator and the reason for the recommendation. The materials may also include resolutions or ordinances which are proposed to be adopted. Other materials, such as maps and diagrams, may also be included. All of these materials are available at the Community Development Department located on the 2<sup>nd</sup> floor of City Hall, 3<sup>rd</sup> and H Streets, Antioch, California, 94509, between the hours of 8:00 a.m. and 11:30 a.m. or by appointment only between 1:00 p.m. and 5:00 p.m. Monday through Thursday for inspection and copying (for a fee). Questions on these materials may be directed to the staff member who prepared them, or to the Community Development Department, who will refer you to the appropriate person.

**STAFF REPORT TO THE ZONING ADMINISTRATOR  
FOR CONSIDERATION AT THE MEETING OF SEPTEMBER 13, 2012**

**Prepared by:** Mindy Gentry, Senior Planner ~~MT~~

**Date:** September 6, 2012

**Subject:** UP-12-07 – Use Permit for Scooteround

**RECOMMENDATION**

It is recommended that the Zoning Administrator APPROVE UP-12-07, subject to the conditions contained in the attached resolution.

**REQUEST**

Jose Luis Queiroz, the applicant, requests approval of a use permit to sell new motor scooters, ATVs, Go-karts, trikes and dirt bikes. The project is located in an existing building at 520 West Second Street (**APN: 066-051-006**).

**BACKGROUND**

The applicant proposes to occupy a 1,800 s.f. retail store in a single story building located at 520 West Second Street. The building previously housed a hair salon and a retail store. The sale of motor vehicles requires a use permit per the Antioch Municipal Code.

The site's zoning designation is Rivertown Commercial (RTC), and the General Plan designation is Commercial within the Rivertown/Urban Waterfront Focus Area.

Surrounding land uses and zoning designations are as noted below:

North: City owned parking lot and the railroad tracks (RTC)  
South: Miscellaneous commercial and retail (RTC)  
East: Miscellaneous commercial and retail (RTC)  
West: El Campanil and miscellaneous commercial and retail (RTC)

**ENVIRONMENTAL**

The project is Categorical Exempt from the provisions of CEQA, pursuant to section 15301 – Existing Facilities. This section of CEQA exempts projects that involve negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

## **ANALYSIS**

### **Issue #1: Project Overview**

The applicant proposes to sell new motor scooters, ATVs, Go-karts, trikes and dirt bikes. The use would also include the retail sales of parts and accessories for these motorized vehicles. The applicant's business plan also includes the renting of 50cc scooters. The proposed hours of operation are Tuesday through Friday from 10:00 AM to 7:00 PM, Saturday from 9:00 AM to 6 PM, Sunday 9:00 AM to 5:00 PM and will be closed on Mondays.

The applicant plans on employing two sales people and one mechanic.

The applicant has indicated that no test driving will occur, which is a common industry practice due to liability and theft reasons. A condition of approval has been placed on the use permit to not allow test drives because of the concerns regarding noise and non-street legal vehicles being sold.

### **Issue #2: Parking**

The subject property is located within the downtown parking district which provides sufficient parking for the proposed use as well as other uses in the district.

## **ATTACHMENTS**

A: Aerial Map

B: Applicant's Summary

**CITY OF ANTIOCH ZONING ADMINISTRATOR  
RESOLUTION NO. 2012-\*\***

**RESOLUTION OF THE ZONING ADMINISTRATOR OF THE CITY OF ANTIOCH  
APPROVING A USE PERMIT TO SELL NEW MOTOR SCOOTERS, ATVS, GO-  
KARTS, TRIKES, AND DIRT BIKES**

**WHEREAS**, the City of Antioch has received a request from Jose Luis Queiroz for a use permit to sell new motor scooters, ATVs, Go-karts, trikes and dirt bikes. The project is located at 520 West Second Street (APN: 066-051-006) (UP-12-07); and

**WHEREAS**, pursuant to the California Environmental Quality Act and City implementing procedures, the project has been deemed categorically exempt pursuant to Section 15301, Existing Facility, Class 1; and

**WHEREAS**, the Zoning Administrator duly gave notice of public hearing as required by law; and

**WHEREAS**, on September 13, 2012, the Zoning Administrator duly held a public hearing, received and considered evidence, both oral and documentary.

**WHEREAS**, the Zoning Administrator does determine:

1. The granting of such use permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

The proposed use will not be detrimental to the public health or welfare or injurious to the property or improvements because the proposed use is the sale of motor scooters, ATVs, Go-karts, trikes and dirt bikes within an existing building. The proposed use does not contain any aspects that would be detrimental to the public health or welfare. The building is already designated for retail uses within the appropriate zoning designation.

2. The use applied at the location indicated is properly one for which a use permit is authorized.

The zoning designation for the area encompassing the project site is Rivertown Commercial; the General Plan designation for the area is Commercial within the Rivertown Focus Area. The use proposed for this site is allowed in the zoning designation with a use permit and is considered compatible with the designated land uses contingent upon the approval of a use permit.

3. That the site for the proposed use is adequate in size and shape to accommodate such use, and all yards, fences, parking, loading, landscaping, and other features required, to other uses in the neighborhood.

The site is adequate in size and shape, and all yards, fences, parking, loading, landscaping and other features can accommodate the proposed use. The use will be contained entirely within the building and there are no onsite yards, fences, parking, loading, or landscaping. The building is located within a downtown parking district and does not require a yard, fences, or landscaping. The type of use will not require a loading zone due to the infrequency of deliveries.

4. That the site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use.

The building is located on West Second Street which is adequate in width and pavement to carry the traffic generated by the proposed use.

5. That the granting of such use permit will not adversely affect the comprehensive General Plan.

The General Plan designation is Commercial and the proposed use is commercial and will not adversely affect the comprehensive General Plan.

**NOW THEREFORE BE IT RESOLVED** that the Zoning Administrator of the City of Antioch does hereby APPROVE the use permit to allow the selling of motor scooters, ATVs, Go-karts, trikes and dirt bikes at 520 West Second Street, subject to the following conditions:

#### **STANDARD CONDITIONS**

1. The project shall comply with the Antioch Municipal Code.
2. The applicant shall defend, indemnify and hold harmless the City in any action brought by a third party to challenge the land use entitlement.
3. No permits or approvals, whether discretionary or mandatory, shall be considered if the applicant is not current on fees, reimbursement payments, and any other payments that are due.
4. City staff shall inspect the site for compliance with conditions of approval prior to final inspection approval.

5. This approval expires two years from the date of approval (Expires September 13, 2014), unless a building permit has been issued and construction has diligently commenced thereon and has not expired, or an extension has been approved by the Zoning Administrator. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than one, one year extension shall be granted.
6. Conditions required by the Zoning Administrator, which call for a modification or any change to the site plan submitted, shall be corrected to show those conditions and all standards and requirements of the City of Antioch prior to any submittal for a building permit. No building permit will be issued unless the site plan meets the requirements stipulated by the Zoning Administrator and the standards of the City.
7. All construction shall conform to the requirements of the California Building Code and City of Antioch standards.
8. An encroachment permit shall be required for all work in the public right of way.
9. Advance permission shall be obtained from any property or easement holders for any work done within such property or easements.
10. The project shall be in compliance with and supply all the necessary documentation for AMC6-3.2: Construction and demolition debris recycling.
11. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.
12. This approval supersedes previous approvals that have been granted for this site.
13. Standard dust control methods shall be used to stabilize the dust generated by construction activities. Said methods shall be noted on the building plan submittal.
14. The use of construction equipment shall be restricted to weekdays between the hours of 8:00 A.M. to 5:00 P.M. or as approved in writing by the City Engineer.
15. Building permits shall be secured for all proposed construction associated with this facility, including any interior improvements not expressly evident on the plans submitted.
16. No illegal signs, pennants, banners, balloons, flags, or streamers shall be used on this site at any time.
17. Any cracked or broken sidewalks shall be replaced as required by the City Engineer.

18. The applicant shall comply with the requirements of the Contra Costa County Fire District.

**PROJECT SPECIFIC CONDITIONS**

19. The display of any merchandise, including any motor vehicles, shall be contained entirely within the building. There shall be no outdoor sales without an administrative use permit from the City.
20. The applicant shall obtain a vehicle dealer's license from the Department of Motor Vehicles.
21. The applicant shall not allow test drives of the motor vehicles.

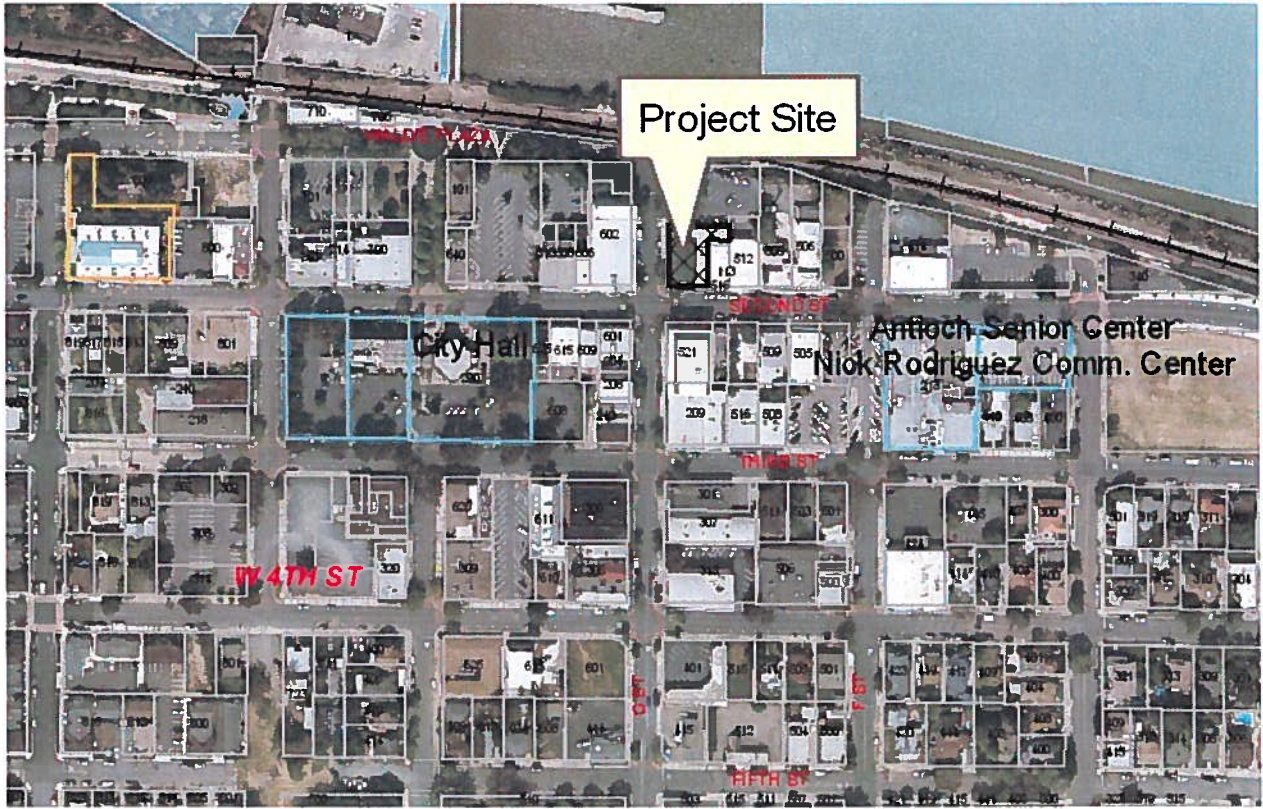
\* \* \* \* \*

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Zoning Administrator of the City of Antioch, County of Contra Costa, State of California at a regular meeting of said Zoning Administrator held on the 13th day of September.

\_\_\_\_\_  
Tina Wehrmeister,  
Secretary to the Zoning Administrator

# ATTACHMENT "A"

Aerial Photograph





# ATTACHMENT "B"

## Scooteround LLC Business Proposal

Scooteround is an LLC business owned solely by Mr. Jose Luiz Queiroz. The objective of Scooteround is to sell new Motor Scooters, ATVs, GoKarts, Trikes, Dirt Bikes and Mobility Scooters in the City of Antioch.

Besides selling vehicles, our goal is also to sell parts and accessories and in the future also rent the 50CC Motor Scooters to people to enjoy our beautiful downtown.

We propose to occupy the 1,800sq store front space located at 520 W Second St in the hart of the Antioch River Town District. This location have been inactive for the past 9 years and we do believe that our type of business will attract the right kind of foot traffic so needed in our downtown and hopefully bringing new costumers to our establish neighborhood business as well. We also believe that by bringing our business to Antioch we are contributing in a small part to stimulate our city's economy.

- The initial propose hours of operation will be Tue - Fri: 10am/7pm, Sat: 9am/6pm and Sun: 9am/5pm. Store will be close on Mondays.
- The store will be employing 2 sales people and 1 mechanic.
- We have planting of parking spaces at Second St, G St and 20 car parking spaces behind the store at the end of G St to the right.

About the owner:

Mr. Jose Luiz Queiroz was born in Rio de Janeiro Brazil in 1959, graduate with BA in Bradcast Eng. and moved to the US in 1988. He became an American Citizen in 1993.

In Brazil Mr. Queiroz worked for the two major broadcast companies in the City of Rio de Janeiro and became fluent in 4 languages.

In US Mr. Queiroz worked in the capacity of Sr. Audiovisual Manager for Microsoft, Sun Microsystems, Juniper Networks and Agilent Technologies. He also owned Spectrum Video Productions from 1991/1999 and Audio Visual Specialists from 2009 to present.

Mr. Queiroz presently owns an Auto Mechanic and body shop in the City Rio de Janeiro, Brazil with his cousin that manages the business.

For this new proposed business Mr. Queiroz consulted with and got trained by his business mentor and friend that owns a Scooter store in the City of Alameda for the past 7 years and also owns a branch store in LA.

Mr. Queiroz is a 10 year resident of Antioch and is a very active volunteer for the US Coast Guard Auxiliary, VIPS program with Antioch Police Department and one of the Crime Prevention Commissioners for the City of Antioch.