

**CITY OF ANTIOCH PLANNING COMMISSION
RESOLUTION NO. 2024-10**

**RESOLUTION OF THE CITY OF ANTIOCH PLANNING COMMISSION
APPROVING A USE PERMIT (UP2024-0002) FOR PUBLIC ASSEMBLY AND LIVE
ENTERTAINMENT AND A VARIANCE FROM SEPERATION REQUIREMENTS
BETWEEN TWO ON-SALE ALCOHOL LOCATIONS FOR INTENTIONAL EVENT
SPACES LOCATED AT 3658 LONE TREE WAY**

WHEREAS, Intentional Event Spaces LLC requests approval of a Use Permit to operate a private event venue with live entertainment, and a Variance from separation requirements between two on-sale alcohol locations. The subject property is located within the Raley's Shopping Center at 3658 Lone Tree Way (APN 071-181-031); and

WHEREAS, this project is Categorically Exempt from the provisions of CEQA, pursuant to sections 15301 and 15332;

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

WHEREAS, on April 25, 2024, the Zoning Administrator duly held a public hearing and received and considered evidence, both oral and documentary;

WHEREAS, on April 25, 2024, the Zoning Administrator referred the project to the Planning Commission;

WHEREAS, the Planning Commission duly gave notice of public hearing as required by law;

WHEREAS, on May 15, 2024, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the Planning Commission considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission hereby makes the following findings for approval of the requested Use Permit pursuant to Section 9-5.2703 "Required Findings" (B) (1) (a-e) of the Antioch Municipal Code:

- a. 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.

Amplified live entertainment will be permitted within the building only; no live entertainment, amplified or non-amplified, will be permitted outdoors or in

parking lot areas. Private security will be required on site for events at night. Based upon the conditions imposed, the proposed use will not create adverse impacts to the surrounding businesses and residents.

- b. The use applied at the location indicated is properly one for which a Use Permit is authorized.

The site is zoned Neighborhood/Community Commercial (C-2). The City of Antioch Municipal Code allows public assembly with the approval of a use permit in the Neighborhood Community Commercial District.

- c. That the site for the proposed use is adequate in size and shape to accommodate such use, and all parking, and other features required.

The proposed public assembly will take place in an existing commercial building and will not require any alterations to the site. The project site is an existing commercial shopping center, and it contains sufficient off-street parking.

- d. 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 project site is in an existing shopping center on Lone Tree Way, which is adequate in width and pavement type to carry the traffic generated by the proposed use.

- e. The granting of such Use Permit will not adversely affect the comprehensive General Plan.

The use will not adversely affect the comprehensive General Plan because the project is consistent with the General Plan designation for the site of Neighborhood/Community Commercial. It is located within an existing commercial center.

AND, BE IT FURTHER RESOLVED that the Planning Commission hereby makes the following findings for approval of the requested Variance pursuant to Section 9-5.2703 "Required Findings" (B) (2) (a-d) of the Antioch Municipal Code:

- a. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity.

The variance would allow alcohol as an ancillary use to the primary business purpose of hosting private events. The business is not seeking to

directly sell or otherwise provide alcohol and all on-site consumption would be provided through licensed 3rd-party caterers. The purpose of the 500-foot buffer from other on-site or off-site liquor businesses is to prevent overconcentration of such businesses in a particular area. The event venue serves a different purpose than the nearby bar, in that it provides a rental space for private events as opposed to being a place where the general public would come to consume alcohol.

- b. That the granting of such variance will not be materially detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

The project, as conditioned, would ensure that the use of alcohol at the site does not become detrimental to the public health or welfare. This includes a requirement for private security at nighttime events. Additionally, Alcoholic Beverage Control (ABC) would need to permit each event that serves alcohol. ABC allows a maximum of 36 catered events serving alcohol at any given address, and this limit is also specified in the conditions of approval. Should the Police Department need to respond to complaints at the site, the applicant would be subject to a Planning Commission hearing that may result in imposition of a fine, or revocation of the use permit.

- c. That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the zoning provisions is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under the identical zone classifications.

The activity at the subject property would be private events, which would not be open to the general public and therefore would serve a different function than that of the nearby bar. Certain events may desire to serve beer and wine, while others would not. Approving a zoning variance to allow some degree of flexibility for serving the needs of these different kinds of events would allow the applicant to utilize the property consistent with other commercially zoned event spaces.

- d. That the granting of such variance will not adversely affect the comprehensive General Plan.

The granting of the variance will not adversely affect the General Plan because the subject property falls within the Neighborhood/Community Commercial designation. Neighborhood/Community Commercial areas are envisioned to be the major commercial nodes of activity serving neighborhoods and community areas. Allowing for an event venue that can

accommodate a variety of different types of events to serve the local community's needs is consistent with the General Plan.

AND, BE IT FURTHER RESOLVED, that the Planning Commission of the City of Antioch does hereby **APPROVE**, a Use Permit to operate a private event venue with live entertainment, and a Variance from separation requirements between on-sale alcohol locations, subject to the conditions in Exhibit A, attached hereto. The subject property is located within the Raley's Shopping Center at 3658 Lone Tree Way (APN 071-181-031).

* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 15th day of May 2024, by the following vote:

AYES: Commissioners Gutilla, Riley, Jones, Lutz, Martin, Webber

NOES: None

ABSTAIN: None

ABSENT: Commissioner Hills

Kevin Scudero

KEVIN SCUDERO
Secretary to the Planning Commission

EXHIBIT A
CONDITIONS OF APPROVAL
INTENTIONAL EVENT SPACES (UP2024-0002)

A. GENERAL CONDITIONS

1. The project shall comply with the Antioch Municipal Code. All construction shall conform to the requirements of the California Building Code and City of Antioch standards. Applicant shall apply for Building Permits from the City of Antioch as necessary for all tenant improvements.
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. In addition, if there is any referendum or other election action to contest or overturn these approvals, the applicant shall either withdraw the application or pay all City costs for such an election.
3. The project shall be implemented as indicated on the application form and accompanying materials provided to the City of Antioch and in compliance with the Antioch Municipal Code, or as amended by the Zoning Administrator or Planning Commission.
4. No building permit will be issued unless the plan conforms to the project description and materials as approved by the Planning Commission and the standards of the City.
5. This approval expires two years from the date of approval (expires May 15, 2026), unless operations have commenced, 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. 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.
7. This approval supersedes previous approvals that have been granted for this site.

B. CONSTRUCTION CONDITIONS

1. The use of construction equipment shall comply with AMC § 5-17.04 and 5-17.05, or as approved in writing by the City Manager.
2. The project shall be in compliance with and supply all the necessary documentation for AMC § 6-3.2: Construction and Demolition Debris Recycling.
3. Building permits shall be secured for all proposed construction associated with this facility.

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4. Standard dust control methods shall be used to stabilize the dust generated by construction activities.

C. AGENCY REQUIREMENTS

1. All requirements of the Contra Costa County Fire Protection District shall be met.
2. All requirements of the Contra Costa Environmental Health Division (CCEHD) shall be met.

D. FEES

1. The applicant shall pay all fees as required by the City Council.
2. The applicant shall pay all required fees at the time of building permit issuance.

E. PROPERTY MAINTENANCE

1. No illegal signs, pennants, banners, balloons, flags, or streamers shall be used on this site at any time.
2. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.
3. No signs shall be installed on this site without prior City approval.

F. USE REQUIREMENTS

1. This use permit applies to public assembly, including ancillary live entertainment, conducted at Intentional Event Spaces at 3658 Lone Tree Way, as indicated on the application form and accompanying materials provided to the City of Antioch. Approved live entertainment activities include live DJ's or bands ancillary to other events occurring at the event venue.
2. Only beer and wine may be served at the site, and only by licensed caterers with valid California ABC event permits and any other permits that may be required by law. Beer and wine shall only be served in conjunction with an event that serves food. Hard liquor shall not be permitted at any time. There is a limit of 36 events per year that serve alcohol. This Use Permit does not permit the applicant to sell or otherwise provide alcohol themselves for distribution at events on site.
3. The public assembly events held at the property are intended to be private events only. No events may be held that allow members of the general public to attend, either with or without charging a cover fee. Nothing in this section shall prevent

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members of the public from patronizing the “selfie-studio” portion of the business when open.

4. Beer and wine service shall cease one hour prior to the event end time.
5. All events Sunday – Thursday shall end by 10:00pm. All events on Friday and Saturday shall end by midnight.
6. Audible music or other noise shall not be heard outside the premises. All doors and windows shall remain closed to minimize the noise impacts during events. Music and all other noise shall be kept within decibel limits required by the City of Antioch Municipal Code.
7. All activities shall be conducted entirely inside the building. Loitering shall be prohibited. Conspicuously placed “No Loitering, No Open Containers and No Drinking” signs shall be posted on site.
8. No less than one uniformed security guard, who is employed by a Private Patrol Operator (Security Company) currently licensed with the California Department of Consumer Affairs shall be provided from one hour prior to event start time, to one hour after event end, during any public assembly and live entertainment events beginning after 5pm. Event security requirements may be modified on a case-by-case basis subject to the approval of the Zoning Administrator.
9. The name of the Security Company, their State license number, and a copy of the contract with the Security Company shall be provided to the Community Development Department prior to issuance of a City of Antioch Business License and commencement of the first event. Should there be a change in the Private Patrol Operator or in the liability insurance of the applicant, the Community Development Department shall be notified within 5 business days.
10. The applicant shall be subject to a Planning Commission hearing, per Section 9-5.2707.1 of the City of Antioch Municipal Code, if the Antioch Police Department must respond to this property as a result of complaints received due to incidents related to public assembly and live entertainment or any other police response issues related to the operation of public assembly and live entertainment at 3658 Lone Tree Way. If the Planning Commission determines 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, it can result in revocation of the Use Permit or imposition of a fine.
11. If the Antioch Police Department must respond to this property as a result of incidents related to the public assembly or live entertainment and they determine that the conditions of approval are not met, or the use has become a public

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nuisance or otherwise a threat to public health, safety, or welfare they may immediately shut down the event and/or impose a fine.

12. At no time shall the posted occupancy limit be exceeded.
13. No "Adult Entertainment" (as defined in Antioch Municipal Code section 9-5.203) shall be permitted on site. This is to include, but not limited to, "go-go" dancers, exotic dancers, strippers, lingerie shows, etc.
14. No "Bingo Operations" (as defined in Antioch Municipal Code section 9-5.3844) shall be permitted on site.
15. No "Temporary Cannabis Events" (as defined in Antioch Municipal Code section 9-5.3848) shall be permitted on site.
16. Applicant shall not permit any "bring your own beer" type events. Clients may not supply their own alcohol for any events; all alcohol must be provided and served by licensed caterers.






2024-10_Intentional Event Spaces Resolution

Final Audit Report

2024-05-20

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