

**CITY OF ANTIOCH
PLANNING COMMISSION
REGULAR MEETING**

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

**May 15, 2024
City Council Chambers**

1. CALL TO ORDER

Chairperson Gutilla called the meeting to order at 6:30 P.M. on Wednesday, May 15, 2024, in Council Chambers.

2. ROLL CALL

Present: Commissioners Jones, Lutz, Martin, Webber, Vice Chairperson Riley and Chairperson Gutilla

Absent: Commissioner Hills

Staff: Assistant City Attorney, Brittany Brace
Planning Manager, Zoe Merideth
Associate Planner, Nathan Tinclair
Acting Public Works Director/Public Works, Scott Buenting
Minutes Clerk, Kitty Eiden

3. PLEDGE OF ALLEGIANCE

Chairperson Gutilla led the Pledge of Allegiance.

4. PUBLIC COMMENT – None

5. CONSENT CALENDAR

5-1. Planning Commission Meeting Minutes March 20, 2023

5-2. Acorn Extension It is recommended that the Planning Commission adopt a resolution approving a two-year extension of the Final Development Plan, Use Permit and Design Review approvals for the Acorn Business Park project.

On motion by Commissioner Martin, seconded by Commissioner Riley the Planning Commission members present unanimously approved the Consent Calendar. The motion carried the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: Hills

6. NEW PUBLIC HEARING

- 6-1. Intentional Event Spaces | UP2024-0002| 3658 Lone Tree Way:** - Intentional Event Spaces LLC requests approval of a use permit and zoning variance to operate a private event venue with live entertainment that allows the provision of alcohol by licensed caterers for private events. The subject property is located within the Raley's Shopping Center at 3658 Lone Tree Way (APN 071-181-031).

Associate Planner Tinclair presented the staff report dated May 15, 2024, recommending the Planning Commission approve a Use Permit and Zoning Variance allowing public assembly, live entertainment and consumption of alcohol during catered private events for Intentional Event Spaces at 3658 Lone Tree Way, subject to the conditions contained in the staff reports attached resolution.

Chairperson Gutilla opened the public comment period.

Lashunda McDowell, Applicant, provided her personal and professional background, and read a letter giving a brief overview of the proposed operations. She requested the Planning Commission approve the use permit and zoning variance.

Frank McDowell, Antioch resident, Porshe Taylor, Antioch resident / Prison from the Inside Out, Charles Murphy, Antioch resident, Deanna Donaldson, Antioch resident and Leslie May spoke in support of the project and urged the Planning Commission to approve the use permit and zoning variance.

Chairperson Gutilla closed the public comment period.

In response to Commissioner Martin, Ms. McDowell clarified clients could bring in their own food; however, they were prohibited by contract from bringing in any alcohol. She noted alcohol was required to be provided by a licensed caterer/bartender and those vendors would be prohibited from selling alcoholic beverages. She reviewed their floor plan, business plan and hours of operation.

In response to Commissioner Martin, Planning Manager Merideth reviewed how maximum occupancy was calculated in the fire and building code. She explained the complaint and hearing procedures should there be violations of the conditions of approval.

In response to Commissioner Webber, Ms. McDowell reviewed her business model for the event center.

Commissioner Webber explained that he supported the project; however, he was concerned with parties of 180 only having two security guards present especially since the project was located adjacent to a bar.

Ms. McDowell explained that security and capacity would prevent her clients from moving onto the adjacent property once events concluded. Additionally, she noted that the demographic of her clientele would be different than the bar patrons, and maximum capacity on her contract was 150 with two security guards.

In response to Commissioner Jones, staff clarified that ABC would track events by the physical address.

In response to Commissioner Lutz, Ms. McDowell confirmed that the selfie studio would have additional staff. She stated staff would also be onsite during all events.

In response to Commissioner Lutz, Associate Planner Tinclair explained that there was no metric in the municipal code for parking requirements at an event venue, so they did the comparison using the closest category which was a shopping center. He stated there were several hundred parking spaces within the center, so they did not anticipate any issues.

In response to Commissioner Lutz, Planning Manager Merideth reported that she was not aware of any noise complaints for any businesses that resulted in a revocation hearing.

Associate Planner Tinclair added that there had been one noise call within the last year for Legends. He added that Legend's Use Permit allowed for live entertainment; however, it included a condition that no music or amplified noise be heard outside of the building.

In response to Commissioner Lutz, Ms. McDowell stated live bands would be permitted; however, she would inform them that they could only have one speaker. She noted that there would be security cameras located around the facility and the contract strictly enforced that if outside alcohol was brought in by the client, they could lose their deposit and the party could be cancelled.

Commissioner Riley stated he was moved by those who spoke in support of the project, and he thanked staff for the comprehensive staff report.

In response to Chairperson Gutilla, Ms. McDowell confirmed that music would be required to end an hour prior to the event and the 6-hour block of time for events included time for set-up and cleanup. She noted that customers could charge for their events; however, they would remain private. She commented that one of the security guards would be shared within the shopping center and Legends had their own security guard as well.

In response to Chairperson Gutilla, Planning Manager Merideth stated the condition regarding noise complaints had been placed on other permitted event spaces. She noted separately the municipal code addressed hearing options for violations of conditions of approval.

Chairperson Gutilla stated she was grateful for the public comments and noted that she believed this business would serve a different clientele than Legends. Additionally, she noted 36 events a year would have minimal impact on the surrounding neighbors.

In response to Chairperson Gutilla, Planning Manager Merideth stated that the Commission could add a condition lowering maximum capacity to 150; however, it would be easier for the City to enforce capacity determined by the fire code.

In response to Commissioner Jones, Ms. McDowell confirmed that due to the layout of the buildings, if there were noise complaints it would be easy to determine the source.

Commissioner Martin stated he would like to make a motion and include conditions lowering maximum occupancy to 150 and prohibiting clients from bringing in their own alcohol.

Following discussion, the Planning Commission consensus supported adding a condition prohibiting customers from bringing in their own alcohol; however, they felt the condition addressing occupancy could be modified in the future if violations occurred.

Planning Manager Merideth confirmed that if this item came back for a hearing, the Planning Commission could modify conditions of approval in the future.

A motion was made by Commissioner Martin to approve a resolution approving a Use Permit and Zoning Variance allowing public assembly, live entertainment and consumption of alcohol during catered private events for Intentional Event Spaces at 3658 Lone Tree Way, subject to the conditions contained in the staff reports attached resolution with the following additional condition to read:

#16. The applicant will not allow Bring Your Own (BYOB) alcohol.

Commissioner Webber suggested modifying a condition of approval requiring a second security guard for events serving alcohol.

Following discussion, the Planning Commission consensus agreed that a condition requiring a second security guard could be added in the future if there were issues.

Commissioner Lutz seconded the previous motion.

The motion carried the following vote:

AYES:	<i>Jones, Lutz, Martin, Webber, Riley, Gutilla</i>
NOES:	<i>None</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>Hills</i>

Chairperson Gutilla wished the applicant the best of luck.

Chairperson Gutilla declared a recess at 7:42 P.M. The meeting reconvened at 7:48 P.M. with all Commissioners present with the exception of Commissioner Hills who was previously noted as absent.

7. REGULAR ITEM

- 7-1. Determination of the 2024-2029 Capital Improvement Program Consistency with the Antioch General Plan | PW 150-24** It is recommended that the Planning Commission determine that the 2024-2029 Capital Improvement Program is consistent with the Antioch General Plan including a determination that any acquisition or disposition of property identified in the project description for each project in the Capital Improvement Program is consistent with the General Plan.

Acting Director of Public Works/City Engineer Buenting presented the staff report dated May 15, 2024.

Chairperson Gutilla opened and closed the public comment period with no members of the public requesting to speak.

Commissioner Martin thanked staff for the comprehensive report. He expressed concern about the condition of Fitzuren Road since the installation of the discharge line for the desalination project and Delta Fair Blvd. at Kendree Street following street repairs.

Acting Director of Public Works/City Engineer Buenting stated he would investigate Fitzuren Road and determine how to proceed.

In response to Commissioner Martin, Acting Director of Public Works/City Engineer Buenting reviewed the following:

- Project #7941 Roadway Improvements – Streetlighting Improvements
- Project #8018 Community Facilities – Zero Emission Vehicle Transition
- Former Project - West Antioch Creek Project
- Project #7948 Community Facilities - Restoration of Public Art
- Project #7954 Community Facilities - Murals

In response to Commissioner Jones, Planning Manager Merideth explained that the General Plan did not expire; however, it was approaching the end of its life so that was why the city was moving forward with the update. She noted the general plan update was a multi-year project so the CIP projects would be different when the General Plan update occurred.

In response to Commissioner Jones, Acting Director of Public Works/City Engineer Buenting explained the unfunded projects and how items were added to the program.

In response to Commissioner Lutz, Acting Director of Public Works/City Engineer Buenting reviewed the following:

- Development Impact Fees and Park In-Lieu Fees Projects
- Traffic Calming Program
- Project #7984 Parks & Trails – Community Park Synthetic Turf Replacement

In response to Commissioner Webber, Acting Director of Public Works/City Engineer Buenting reviewed the following:

- The New Public Safety and Community Resources Department Facility

In response to Commissioner Riley, Acting Director of Public Works/City Engineer Buenting reviewed the following:

- Project #7952 Water System – Parallel Raw Water Pipeline

In response to Commissioner Jones, Acting Director of Public Works/City Engineer Buenting stated that the supreme court ruling regarding capping impact fees would have no effect on the CIP.

In response to Commissioner Lutz, Acting Director of Public Works/City Engineer Buenting explained the City would be improving security measures to protect the water system.

Chairperson Gutilla thanked Acting Director of Public Works/City Engineer Buenting for the report and his vast knowledge of all the projects within the CIP.

In response to Chairperson Gutilla, Acting Director of Public Works/City Engineer Buenting reviewed the following:

- Project #7358 Roadway Improvements - Sidewalk Repair Program
- Project #7750 Wastewater & Storm Drain System – Trash Capture Devices
- Project #7943 Roadway Improvements – Median Island Improvements
- Project #8005 Community Facilities - Wi-Fi Installation in Downtown

In response to Chairperson Gutilla, Planning Manager Merideth stated the native plant item remained on the City Council's future agenda request list.

On motion by Commissioner Martin, seconded by Commissioner Jones the Planning Commission members present unanimously determined that the 2024-2029 Capital Improvement Program is consistent with the Antioch General Plan including a determination that any acquisition or disposition of property identified in the project description for each project in the Capital Improvement Program is consistent with the General Plan. The motion carried the following vote:

AYES: Jones, Lutz, Martin, Webber, Riley, Gutilla
NOES: None
ABSTAIN: None
ABSENT: Hills

7-2. Election of Chair and Vice Chair

Planning Manager Merideth presented the staff report dated May 15, 2024, recommending the Planning Commission nominate and elect a Chair and Vice-Chair.

Chairperson Gutilla opened and closed the public comment period with no members of the public requesting to speak.

Chairperson Gutilla stated that since her term and Commissioner Riley's term expired in October, it may make sense to appoint someone else since reappointment was not a guarantee.

Commissioner Jones recommended Commissioner Lutz and Commissioner Martin be appointed as Chair and Vice Chair.

Commissioner Lutz stated he did not believe he was prepared to serve as Chair at this time.

Commissioner Martin stated he had served as Chair twice; however, at this time for medical reasons he would decline the recommendation.

Following discussion, Commissioner Riley offered to serve as Chair and Commissioner Webber offered to serve as Vice Chair.

On motion by Commissioner Jones, seconded by Commissioner Martin the Planning Commission members present unanimously approved the appointment of Commissioner Riley as Chair and Commissioner Webber as Vice Chair of the Planning Commission. The motion carried the following vote:

AYES: Jones, Lutz, Martin, Webber, Riley, Gutilla
NOES: None
ABSTAIN: None
ABSENT: Hills

8. ORAL/WRITTEN COMMUNICATIONS

Planning Manager Merideth announced the June 19, 2024, and July 3, 2024, Planning Commission meetings were cancelled due to holidays. She noted the next Planning Commission meeting was scheduled on June 5, 2024; however, it would also likely be cancelled. She reported that Council had not yet appointed Commissioner Jones to the TRANSPLAN subcommittee.

9. COMMITTEE REPORTS - None

10. NEXT MEETING: June 5, 2024

Chairperson Gutilla announced the next Planning Commission meeting was currently scheduled for June 5, 2024.

11. ADJOURNMENT

On motion by Commissioner Martin, seconded by Commissioner Jones, the Planning Commission members present unanimously adjourned the meeting at 8:45 P.M. The motion carried the following vote:

AYES: Jones, Lutz, Martin, Webber, Riley, Gutilla
NOES: None
ABSTAIN: None
ABSENT: Hills

Kitty Eiden

KITTY EIDEN, Minutes Clerk