

INITIATIVE ORDINANCE NO. _____
(Voter Approved on November ____, 2016)

AN ORDINANCE OF THE PEOPLE OF THE CITY OF ANTIOCH
DESIGNATING THE OLD BEEDE LUMBERYARD SITE AS A TOWN SQUARE

WHEREAS, the People of the City of Antioch wish to preserve that triangle-shaped lot, commonly known as the old Beede Lumberyard Site, located between "E" Street, West 2nd Street and West Third Street in Antioch, California, with Assessor's Parcel Number 066-055-001, [the Yard] for use by the general public as a town square;

WHEREAS, the Antioch General Plan designation for the Yard is "Rivertown / Urban Waterfront" which designation encourages the maintenance of sufficient waterfront amenities in the original downtown (sometimes called "Rivertown") to attract visitor trade;

WHEREAS, the general plan designation also encourages the creation as one such amenity of a traditional town square with a large gazebo or similar amenity along the river, or with a view of the river, which town square could be the site of summer concerts and other performances;

WHEREAS, said general plan designation also encourages recreational uses such as bocce ball and lawn bowling courts; provision for family activities for all ages; and an emphasis on historical recognition;

WHEREAS, a city is specifically authorized pursuant to Government Code Section 65850 to designate public parks, buildings and grounds, and establish regulations for them, in addition to doing so through its existing zoning powers; and

WHEREAS, the People wish to pass this ordinance in order to assure that the Yard parcel is preserved for use as a town square;

NOW, THEREFORE, the People of the City of Antioch do ordain as follows:

Section 1. Title. This Ordinance shall be known and referred to as the "Rivertown Town Square Ordinance."

Section 2. Purpose. This Ordinance is adopted to assure that the Old Beede Lumberyard Site [Yard] with Assessor's Parcel Number 066-055-001 is preserved as a town square, as that term is contemplated herein.

Section 3. Zoning Amendments. The following amendments to the city's zoning ordinance are adopted to preserve the Yard parcel as a town square:

A. Section 9-5.301 (T) is hereby amended to read in its entirety as follows:

“(T) *RT Rivertown District.* This zoning district specifically applies Planned Development Standards, including those contained in Section 9-5.301(T)(3) where indicated, to the downtown area identified in the General Plan as the Rivertown Focused Planning Area. This district allows uses which are supportive of a village setting. Mixes of commercial, retail, employment-generating and residential uses are generally encouraged, except when otherwise indicated. The following are sub-zoning designations of the RT Rivertown District.”

B. Section 9-5.301(T)(3) is hereby added to the Antioch Municipal Code to read in its entirety as follows:

“(3) *RTS (SUPD) Rivertown Town Square – Specific Use Planned Development.* The town square concept contemplates a flexible space which is capable of holding a number of events and activities throughout the year, while creating a unique retreat for the downtown shopper, worker and adjacent resident. A good example is the Ontario, California Town Square, circa 2016. Typical uses include concerts, car shows, art displays, street fairs, performing arts productions, Farmers’ Markets, 4th of July celebrations and other public, social and community events. Pursuant to Section 9-5.2302(D), the specific uses and amenities on parcels zoned Rivertown Town Square - Specific Use Planned Development, are limited to a combination of some or all of the following: an outdoor event center / stage area with or without permanent seating; an area with benches and tables; a lawn and/or garden area; a children’s play area; a palm court; bocce ball and lawn bowling courts; exercise stations; public restrooms; a pedestrian promenade providing access to onsite amenities and/or to the river and adjacent Rivertown; a historical plaza, monument and/or display; a gazebo or similar retreat, a central feature such as a clock tower or other monument reflective of Rivertown’s identity or past; a town square sign, entry pillars, bollards, public art, and other architectural accent features commonly found in typical town square settings. Other amenities may be allowed onsite, to the extent they are clearly ancillary to those listed above, and necessary in order to allow the site to function as a town square. No other uses shall be allowed, including any residential, office or commercial uses. Property which is zoned Rivertown Town Square - Specific Use Planned Development must comply with the requirements of this zoning, and is subject to the planned development permit process, whether it is owned in whole or part, by the city, another public entity or a private individual or entity.”

C. Section 9-5.2302(D) of the Antioch Municipal Code is hereby added to read in its entirety as follows:

“(D) *Specific Use Planned Development (SUPD) Districts.*

(1) The intent of the SUPD District is to allow a variety of uses, amenities and standards to be proposed, which will become the actual zoning upon approval, but which uses and amenities must comply with pre-established parameters contained in a particular SUPD District. For example, the *Rivertown Town Square – Specific Use Planned Development* zoning contains specific parameters designed to assure that the any site so zoned is maintained solely as a town square.

(2) SUPD Districts shall have no minimum area requirements.

(3) SUPD District uses and amenities shall share a similar theme and maximize pedestrian access.”

Section 4. Rezoning. That triangle-shaped vacant lot commonly known as the old Beede Lumberyard Site, located between “E” Street, West 2nd Street and West Third Street in Antioch, California, with Assessor’s Parcel Number 066-055-001, [the Yard], is hereby re-zoned Rivertown Town Square - Specific Use Planned Development, as that zone is defined and described in Section 9-5.301(T)(3) of the Antioch Municipal Code.

Section 5. Map Amendment. The official Zoning Map for the City of Antioch, California, is hereby amended to designate the zoning for the above-described Yard property as Rivertown Town Square - Specific Use Planned Development.

Section 6. General Plan Consistency. The *Rivertown Town Square – Specific Use Planned Development* zoning is consistent with the Antioch General Plan designation for the Yard site, which was in effect when this initiative was submitted to the City of Antioch pursuant to Elections Code § 9201. If that General Plan designation was thereafter changed, in a manner which would create an illegal inconsistency between this *Rivertown Town Square – Specific Use Planned Development* zoning, and the General Plan designation for the Yard site, then upon the effective date of this Ordinance, the General Plan designation shall be changed back to that which was in effect when this initiative was submitted; and thereafter, may only be changed by a vote of the people, except to the extent necessary to insure consistency between said zoning and said general plan designation.

Section 6. Effective Date. This Ordinance shall take effect retroactively on January 1 2016, unless that is not allowed by law, in which case, it shall go into effect ten (10) days after the date on which the election results are declared by the City Council.

Section 7. Construction.

To the maximum extent authorized by law, this Ordinance shall be interpreted in a manner consistent with the right of initiative reserved to the people by the California Constitution. Without limiting the foregoing, nothing in this Ordinance is intended nor shall be

construed to supersede, diminish or otherwise conflict with applicable requirements of state or federal law.

Section 8. Future Amendments.

Pursuant to Article II, Section 10(c) of the California Constitution, the provisions contained in this Ordinance may be amended by a four-fifths vote of the City Council only to the extent, and in the least restrictive manner, reasonably necessary to accomplish implementation of this Ordinance in a legal manner. All other amendments or any proposed repeal of the provisions contained in this Ordinance shall become effective only when approved by the voters.

Section 9. Severability.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that determination of invalidity shall not affect other provisions or application of the Ordinance that can be given effect without the invalid provision, and to this end the provisions of this Ordinance are severable. The voters of the city hereby declare that they would have adopted this Ordinance and each portion thereof regardless of the fact that an invalid portion or portions may have been present in the Ordinance.

ADOPTED by the vote of the people of the City of Antioch on November __, 2016 at a General Municipal Election as certified by the City Council of the City of Antioch on the ____ day of _____, 2016, this Ordinance is retroactively effective on January 1, 2016 or, in the event that date is not permitted under law, 10 days after _____, 2016, which is the date the vote was certified by City Council.

ATTEST:

City Clerk of the City of Antioch

STATE OF CALIFORNIA)
CONTRA COSTA COUNTY) SS
CITY OF ANTIOCH)

I, Arne Simonsen, City Clerk of the City of Antioch, DO HEREBY CERTIFY that the foregoing Ordinance was adopted by the voters of the City of Antioch as an initiative measure at an election held on November __, 2016, as certified by the City Council of the City of Antioch on ____th day of ____, 2016, and that this Ordinance is retroactively effective on January 1, 2016, or if that date is not permitted by law, ten days after _____, 2016, which is the date the vote was certified by City Council.

City Clerk of the City of Antioch