

**CITY OF ANTIOCH PLANNING COMMISSION
RESOLUTION NO. 2022-15**

**RESOLUTION OF THE CITY OF ANTIOCH PLANNING COMMISSION
APPROVING A USE PERMIT, VARIANCE, AND DESIGN REVIEW (UP-22-02, VAR-22-02)
FOR A NEW T-MOBILE ROOF-MOUNTED WIRELESS TELECOMMUNICATIONS FACILITY
AT 602 W. 2nd STREET (EL CAMPANIL THEATER)**

WHEREAS, the City of Antioch received a Use Permit and Variance request for a new roof mounted wireless facility at 602 W. 2nd St. (El Campanil Theater) on February 3, 2022 on behalf of T-Mobile; and

WHEREAS, the application was deemed complete on April 14, 2022; and

WHEREAS, the proposed scope includes two new 98 sq. ft. east and west facing roof enclosures containing a total of six (6) new panel antennas; and

WHEREAS, the proposed facility is a macro installation and will provide stand-alone service for T-Mobile; and

WHEREAS, the subject site is MU-Mixed Use and is located in the Downtown Specific Plan Area which allows for wireless facilities subject to a Use Permit; and

WHEREAS, a use permit is required for the operation and maintenance of the wireless facility; and

WHEREAS, a variance is required to allow an exception to the height standards for the proposed wireless facility in the Downtown Specific Plan Area; and

WHEREAS, the project is Categorically Exempt from the California Environmental Quality Act Guidelines (CEQA) pursuant to Section 15303, "New Construction or Conversion of Small Structures" of the CEQA Guidelines, which allows the construction small facilities or structures; and

WHEREAS, a public hearing notice was published in the East County Times and posted in three public places pursuant to California Government Code Section 65090 on April 22, 2022 for the public hearing held on May 4, 2022; and

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

NOW THEREFORE THE CITY OF ANTIOCH PLANNING COMMISSION DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1

FINDINGS FOR APPROVAL PURSUANT TO SECTION 9-5.2703 (B) (1) "REQUIRED FINDINGS" FOR USE PERMITS 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.

Finding: The telecommunications site will not be detrimental to the public health or welfare or injurious to the property or improvements. The installation has been designed to match existing architectural details of the building and antennas will be stealthed from public view. Ground-mounted equipment will be screened by fencing to mitigate visual impacts and secure equipment. In addition, the proposed facility demonstrates compliance with applicable Federal Communications Commission regulations for exposure to radio frequency emissions. The subject site will benefit public welfare by providing improved wireless services to the area, such as mobile telephone services, emergency 911 services, data transfer, electronic mail, internet and web browsing, as well as video streaming for T-Mobile customers.

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

Finding: The site is zoned MU- Mixed Use and per the Municipal Code, telecommunications sites are allowed with a use permit approved by the Planning Commission.

- c. 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.

Finding: The site is adequate in size and shape to accommodate a roof-mounted telecommunications facility. All buildings and site features are adequate for this use because the proposed use is an unattended wireless facility that will not require additional 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.

Finding: It is anticipated that the use, an unattended wireless facility, will generate very little traffic and would only result in the occasional maintenance of the equipment and the shelter. The site is located at 602 W. 2nd St. which is both adequate in width and pavement type to carry the traffic generated by the use.

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

Finding: The use is considered a telecommunications site and will not adversely affect the comprehensive General Plan because the proposed facility meets the applicable standards in the Municipal Code and, as conditioned, will incorporate appropriate camouflaging and concealment elements that are compatible with immediate surrounding area.

SECTION 2

FINDINGS FOR APPROVAL PURSUANT TO SECTION 9-5.2703 (B) (2) “REQUIRED FINDINGS” FOR VARIANCES 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;

Finding: The existing structure pre-dates current Zoning and Specific Plan regulations

- 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;

Finding: The proposed installation is proposed to be roof mounted and will have restricted access with limited visibility. Adverse impacts are not expected with this project request.

- 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;

Finding: A strict interpretation of the Zoning code would effectively prohibit any installation on the property due to the existing conditions including zero lot lines on the east, west, and south elevations as well as building height. Without an exception to height limit, the installation would be limited to the building exterior resulting in visual impacts and reduced cellular coverage.

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

Finding: The proposed variance does not conflict any General Plan policies.

SECTION 3

FINDINGS FOR APPROVAL PURSUANT TO THE ANTIOCH WIRELESS POLICY

- a. **Required Findings for a Limited Exception.** The Planning Commission shall not grant any limited exception unless the applicant shows that:

- i. the proposed wireless facility qualifies as a “personal wireless service facility” as defined in 47 U.S.C. § 332(c)(7)(C)(ii), as may be amended or superseded; and

Finding: The proposed project scope qualifies as a “personal wireless service facility” as it will provide additional support for the use of personal wireless devices including voice and data coverage.

- ii. the applicant has provided the Planning Commission with a reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility; and

Finding: The applicant has provided letter stating their need to establish improved wireless voice and data coverage in the Rivertown area of Antioch. (See Attachment B)

iii. the applicant has provided the Planning Commission with a written statement that contains a detailed and fact-specific explanation as to why the proposed wireless facility cannot be deployed in compliance with the applicable provisions in this policy; and

Finding: The applicant has provided a planning justification supplemental report (See Attachment G). The applicant has identified the entirety of Rivertown as a service area with a deficit of coverage. Locating outside of the Rivertown area would locate a new facility in close proximity to existing facilities and would result in reduced coverage for the area. The central location of the El Campanil Theater will provide expansive coverage.

iv. the applicant has provided the Planning Commission with a meaningful comparative analysis with the factual reasons why all alternative locations and/or designs identified in the administrative record (whether suggested by the applicant, the City, public comments or any other source) are not technically feasible or potentially available to reasonably achieve the applicant's reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility; and

Finding: The applicant states in their justification (See Attachment H) that other buildings within the coverage area have insufficient height to achieve coverage in the Rivertown area. The height of the El Campanil Theater will result in coverage that will serve T-Mobile customers in the Rivertown area. In order to achieve broad coverage, the facility must be located at a higher height. The El Campanil building is 60 ft. tall

v. the applicant has demonstrated to the Planning Commission that the proposed location and design is the least non-compliant configuration that will reasonably achieve the applicant's reasonable and clearly defined technical service objective to be achieved by the proposed wireless facility, which includes without limitation a meaningful comparative analysis into multiple smaller or less intrusive wireless facilities dispersed throughout the intended service area.

Finding: T-Mobile has identified the service area to be the entirety of the Rivertown area which currently has limited service. The proposed location and roof-top installation provides the most expansive coverage due the building height and central location. The applicant has designed the proposed facility to be integrated into the existing architecture of the building by matching stucco materials and banding. Additionally, ground equipment is proposed to be screened and include mesh fencing.

NOW THEREFOR BE IT RESOLVED the Planning Commission of the City of Antioch, after reviewing the staff report and considering testimony does hereby **APPROVE** the use permit (UP-22-03), Variance (VAR-02-02) and Design Review allowing the construction of new a wireless telecommunications at 602 W. 2nd Street subject to Exhibit A Conditions of Approval.


I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 1st day of June 2022.

AYES: Gutilla, Lutz, Martin, Motts, Schneiderman

NOES:

ABSTAIN:

ABSENT: Hills, Riley


Forrest Ebbs (Jun 29, 2022 09:48 PDT)

**FORREST EBBS,
SECRETARY TO THE PLANNING COMMISSION**

EXHIBIT A: CONDITIONS OF APPROVAL: 602 W. 2nd St. (T-Mobile)

		<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	General Conditions				
1.	Project Approval. This Use Permit, Variance and Design Review approval is for 602 W. 2 nd St. (APN 066-071-013), as substantially shown and described on the project plans, except as required to be modified by conditions herein. Plans date received March 24, 2022, as presented to the Planning Commission on June 1, 2022 ("Approval Date."). For any condition herein that requires preparation of a Final Plan where the project applicant has submitted a conceptual plan, the project applicant shall submit final plan(s) in substantial conformance with the conceptual plan, but incorporate the modifications required by the conditions herein for approval by the City.	City of Antioch	On-Going	Planning Department	
2.	Project Approval Expiration. This Use Permit approval expires on June 8, 2023 (one year from the date on which this approval becomes effective) or at an alternate time specified as a condition of approval, unless a building permit has been issued and construction diligently pursued. The approval may be renewed by the Community Development Director for a period up to an additional two (2) years, provided that, at least ten (10) days before expiration of one (1) year from the date when the approval becomes effective, an application for renewal of the approval is filed with the Community Development Department. The Community Development Director may grant a renewal of an approval where there is no change in the original application, or there is no request to change any condition of approval for up to two additional years from the expiration date.	City of Antioch	On-Going	Planning Department	

EXHIBIT A: CONDITIONS OF APPROVAL

	<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
<p>3. City Fees. The applicant shall pay any and all City and other related fees applicable to the property, as may be modified by conditions herein. Fees shall be based on the current fee structure in effect at the time the relevant permits are secured and shall be paid before issuance of said permit or before any City Council final action approval. Notice shall be taken specifically of Plan Check, Engineering, Fire and Inspection Fees. The project applicant shall also reimburse the City for direct costs of planning; building and engineering plan check and inspection, as mutually agreed between the City and applicant.</p> <p><i>Discretionary or ministerial permits/approvals will not be considered if the developer is not current on fees, balances, and reimbursement that are outstanding and owed to the City.</i></p>	City of Antioch	On-Going	Community Development Department	
<p>4. Appeals. Pursuant to Section 9-5.2509 of the Antioch Municipal Code, any decision made by the Planning Commission which would otherwise constitute final approval or denial may be appealed to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk within five (5) working days after the decision. All appeals to the City Council from the Planning Commission shall be accompanied by a filing fee established by a resolution of the City Clerk.</p>	City of Antioch	Within 5 Days of Planning Commission Action	Planning Department	

EXHIBIT A: CONDITIONS OF APPROVAL

5.	<p>Requirement for Building Permit. Approval granted by the Planning Commission does not constitute a building permit or authorization to begin any construction or demolish an existing structure. A building permit issued by the Community Development Department must be obtained before constructing, enlarging, moving, converting, or demolishing any building or structure within the City.</p>	City of Antioch	On-Going	Building Department	
6.	<p>Modifications to Approved Plans. The project shall be constructed as approved and with any additional changes required pursuant to the Zoning Administrator or Planning Commission Conditions of Approval. Planning staff may approve minor modifications in the project design, but not the permitted land uses. A change requiring discretionary approval and any other changes deemed appropriate by the Planning staff shall require further Planning Commission approval through the discretionary review process.</p>	City of Antioch	On-Going	Planning Department	
7.	<p>Hold Harmless Agreement/Indemnification. The applicant (including any agent thereof) shall defend, indemnify, and hold harmless, the City of Antioch and its agents, officers and employees, from any claim, action, or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul the City's approval concerning this application. The City will promptly notify the applicant of any such claim action or proceeding and cooperate fully in the defense.</p>	City of Antioch	On-Going	Planning Department	

EXHIBIT A: CONDITIONS OF APPROVAL

		<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	Operational Conditions				
8.	Debris Removal. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.	City of Antioch	On-Going	Community Development Department	
9.	Prohibited Signage. Illegal signs, banners, balloons, flags, or streamers are prohibited on-site at any time.	City of Antioch	On-Going	Community Development Department	
10.	Requirements for Signage. No signs shall be installed on site without prior to City approval.	City of Antioch	On-Going	Community Development Department	
11.	Restricted Site Access. The applicant shall keep all access points to the equipment enclosure locked at all times, except when active maintenance is performed.	City of Antioch	On-Going	Community Development Department	
12.	RF Signage. The applicant shall install and at all times maintain in good condition an "RF Notice" sign and a network operations center sign adjacent to all access points of the equipment enclosure. The signs required in this condition must be placed in a location where they are clearly visible to a person approaching the access point(s) whether in the open or closed positions.	City of Antioch	On-Going	Community Development Department	
13.	Requirements for RF Signage. The permittee shall ensure that all signage complies with FCC OET Bulletin 65 and ANSI C95.2 for color, symbol, and content conventions. All such signage shall	City of Antioch	On-Going	Community Development Department	

EXHIBIT A: CONDITIONS OF APPROVAL

	at all times provide a working local or toll-free telephone number to its network operations center, and such telephone number shall be able to reach a live person who can exert transmitter shut-down control over this site as required by the FCC.				
	Fire Standards				
14.	<p>The applicant shall comply with the following conditions provided by the Contra Costa County Fire Protection District:</p> <ul style="list-style-type: none"> a. The applicant shall submit two (2) complete sets of building plans and specifications to the Fire District for review and approval prior to installation. Plan review and inspection fees shall be submitted at the time of plan review submittal. b. Submit plans to: Contra Costa Fire Protection District 2010 Geary Rd. Pleasant Hill, CA 94523 	Contra Costa Fire Protection District	Timing Required	Contra Costa Fire Protection District	

EXHIBIT A: CONDITIONS OF APPROVAL

		<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
	At the Time of Building Permit Issuance				
15.	Demolition Permit. Site demolition shall not occur until construction permits are issued for the development project. All demolition shall be in accordance with permits issued by the City and Bay Area Air Quality Management District (BAAQMD).	City of Antioch	At the time of Building Permit Issuance	Community Development Department	
16.	Encroachment Permit. The applicant shall obtain an encroachment permit from the Engineering Division before commencing any construction activities within any public right-of-way or easement.	City of Antioch	At the time of Building Permit Issuance	Community Development Department	

EXHIBIT A: CONDITIONS OF APPROVAL

		<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	At the Time of Construction				
16.	Collection of Construction Debris. Gather all construction debris on a regular basis and place them in a Waste Management dumpster or other container that is emptied or removed on a weekly basis consistent with the Construction and Demolition Debris Ordinance. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.	City of Antioch	On-Going	Building Department	
17.	Construction Hours. Construction activity shall be as outlined in in the Antioch Municipal Code. Construction activity is limited to 8:00 AM to 5:00 PM Monday-Friday or as approved in writing by the City Manager. Requests for alternative construction hours shall be submitted in writing to the City Engineer. days/times restricted to the hours of 8:00 a.m. to 6:00 p.m.	City of Antioch	On-Going	Building Department/ Public Works Department	
18.	Demolition, Debris, Recycling. The project shall be in compliance with and supply all the necessary documentation for Antioch Municipal Code § 6-3.2: Construction and Demolition Debris Recycling.	City of Antioch	On-Going	Building Department/ Public Works Department	
19.	Dust Control. Standard dust control methods and designs shall be used to stabilize the dust generated by construction activities. The developer shall post dust control signage with a contact number of the developer, City staff, and the air quality control board.	City of Antioch	On-Going	Building Department/ Public Works Department	

EXHIBIT A: CONDITIONS OF APPROVAL

	Prior to Issuance of Occupancy Permit	<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement /Monitoring</u>	<u>Verification (date and Signature)</u>
53.	Planning Inspection. Planning staff shall conduct a site visit to review exterior building elevations for architectural consistency with the approved plans and landscape installation (if required). All exterior finishing details including window trim, paint, gutters, downspouts, decking, guardrails, and driveway installation shall be in place prior to scheduling the final inspection.	City of Antioch	Prior to Occupancy Permit	Planning Department	
54.	Debris Removal. All mud, dirt or construction debris carried off the construction site and shall be removed prior to scheduling the final Planning inspection. No materials shall be discharged onto a sidewalk, street, gutter, storm drain or creek.	City of Antioch	Prior to Occupancy Permit	Building Department	
55.	Fire Prevention. A final Fire inspection shall occur to inspect all fire prevention systems constructed as part of the project. Inspections shall occur prior to final occupancy permit issuance.	Contra Costa Fire District	Prior to Occupancy Permit	Fire Department	





Resolution 2022-15 UP-22-02 VAR 22-02 T-Mobile

Final Audit Report

2022-06-29

Created:	2022-06-29
By:	Anne Hersch (ahersch@antiochca.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAAy_Yyutr1D65DunpU4oY7SIEgfM_KuN

"Resolution 2022-15 UP-22-02 VAR 22-02 T-Mobile" History

-  Document created by Anne Hersch (ahersch@antiochca.gov)
2022-06-29 - 4:37:49 PM GMT
-  Document emailed to Forrest Ebbs (febbs@ci.antioch.ca.us) for signature
2022-06-29 - 4:40:18 PM GMT
-  Email viewed by Forrest Ebbs (febbs@ci.antioch.ca.us)
2022-06-29 - 4:40:27 PM GMT
-  Document e-signed by Forrest Ebbs (febbs@ci.antioch.ca.us)
Signature Date: 2022-06-29 - 4:48:33 PM GMT - Time Source: server
-  Agreement completed.
2022-06-29 - 4:48:33 PM GMT