

**PLANNING COMMISSION
RESOLUTION # 2023-13**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
APPROVING A USE PERMIT AND DESIGN REVIEW FOR THE SUNSET BILLBOARD AT
1202 SUNSET DRIVE
(UP-22-05, AR-22-09) (APN: 068-253-011)**

WHEREAS, the City of Antioch received an application from Mesa Outdoor on March 31, 2022 for a Use Permit and Design Review for the development of a billboard and associated site improvements at 1202 Sunset Drive (UP-22-05, AR-22-09) (APN: 068-253-011);

WHEREAS, the proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) under Article 19, Section 15332 Infill Development. Class 32 consists of projects characterized as in-fill development;

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 May 5, 2023 for the Planning Commission public hearing held on May 17, 2023;

WHEREAS, on May 17, 2023, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary 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 AND DETERMINED 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. That 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 project has been designed to conditioned to comply with the City of Antioch Municipal Code requirements. The project has been conditioned with operational conditions, such as conditioning the maximum level of light the billboard may emit, in order to reduce impacts to surrounding properties. Based upon the conditions imposed, the billboard will not be detrimental to the public health or welfare or injurious to the property.

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

Finding: The property is Zoned C-2 "Neighborhood/Community Commercial District" The zoning district allows billboards with a use permit.

- 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.

Finding: The project has been designed to be located at the rear of the lot with enough clearance under the sign to allow truck and equipment under the sign. The lot is used for storage and the project will not disrupt this use.

- 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: The project site is located on Sunset Drive. The road is adequate to support the traffic generated from the use.

- e. That the granting of such use permit will not adversely affect the comprehensive General Plan because the proposed uses and design are consistent with the General Plan.

Finding: The General Plan designation for project site is because the project is consistent with the General Plan land use designation of Neighborhood Community Commercial.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Antioch does hereby APPROVE a Use Permit and Design Review for the development of a billboard and associated site improvements at 1202 Sunset Drive (UP-22-05, AR-22-09) (APN: 068-253-011), subject to the following conditions in Exhibit A.

* * * * *

I HEREBY CERTIFY that the foregoing recommendation was passed and adopted by the Planning Commission of the City of Antioch, at a regular meeting thereof, held on the 17th day of May 2023 by following vote:

AYES: Gutilla, Martin, Motts, Riley, Schneiderman

NOES: Lutz

ABSTAIN:

ABSENT: Hills

Forrest B Ebbs

Forrest B Ebbs (May 25, 2023 12:00 PDT)

FORREST EBBS
Secretary to the Planning Commission

EXHIBIT A: CONDITIONS OF APPROVAL - UP-22-05, AR-22-09 Sunset Billboard

General Conditions		<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
1.	Project Approval. This Use Permit and Design Review approval for a new digital billboard is for 1202 Sunset Drive, as substantially shown and described on the project plans, except as required to be modified by conditions herein. Plans date received on May 19, 2022, as presented to the Planning Commission on May 17, 2023 ("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 and Design Review approval expires on May 24, 2025 (two years 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	

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3.	<p>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	
4.	<p>Pass-Through Fees. The developer shall pay all pass-through fees. Fees include but are not limited to: East Contra Costa Regional Fee and Financing Authority (ECCRFFA) Fee in effect at the time of building permit issuance. Contra Costa County Fire Protection District Fire Development Fee in place at the time of building permit issuance. Contra Costa County Map Maintenance Fee in affect at the time of recordation of the final map(s). Contra Costa County Flood Control District Drainage Area fee. School Impact Fees. Delta Diablo Sanitation Sewer Fees. Contra Costa Water District Fees.</p>	City of Antioch	On-Going	Community Development Department	
5.	<p>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 - UP-22-05, AR-22-09 Sunset Billboard

6.	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. An appropriate permit issued by the Community Development Department must be obtained before constructing, enlarging, moving, converting, or demolishing any building or structure within the city.	City of Antioch	On-Going	Building Department	
7.	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.	City of Antioch	On-Going	Planning Department	
8.	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.	City of Antioch	On-Going	Planning Department	
	Public Works Standard Conditions	<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
9.	City Standards. All proposed improvements shall be constructed to City standards or as otherwise approved by the City Engineer in writing.	City of Antioch	On-Going	Public Works Department	

EXHIBIT A: CONDITIONS OF APPROVAL - UP-22-05, AR-22-09 Sunset Billboard

Fire Standards		<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
10.	The applicant shall comply with all Contra Costa County Fire Protection District requirements.	Contra Costa Fire Protection District	On-Going	Contra Costa Fire Protection District	
Building Permit Submittal		<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
11.	Existing Improvements. All existing improvements that are disturbed shall be relocated within the site and replaced as approved by the City Engineer and property owner and utility owner.	City of Antioch	At the Time of Building Permit Submittal	Public Works Department	
Grading Improvements		<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
12.	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	
13.	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	
At the Time of Construction		<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>

EXHIBIT A: CONDITIONS OF APPROVAL - UP-22-05, AR-22-09 Sunset Billboard

14.	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	
15.	Construction Hours. Construction activity shall be as outlined 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 for approval. Days/times are restricted to the hours of 8:00 a.m. to 6:00 p.m.	City of Antioch	On-Going	Building Department/ Public Works Department	
16.	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	
17.	Filter Materials at Storm Drain Inlet. Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to: a) start of the rainy season (October 1). b) site dewatering activities. c) street washing activities. d) saw cutting asphalt or concrete; and e) in order to retain any debris or dirt flowing into the city stormdrain system. Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding and erosion of soil on City streets and storm drain system. Dispose of used filter particles in the trash or at local approved landfill facility.	City of Antioch	On-Going	Building Department	
18.	Archeological Remains. In the event subsurface archeological remains are discovered during any construction or preconstruction activities on the site, all land alteration work	City of Antioch	On-Going	Community Development Department	

EXHIBIT A: CONDITIONS OF APPROVAL - UP-22-05, AR-22-09 Sunset Billboard

	within 100 feet of the find shall be halted, the Community Development Department notified, and a professional archeologist, certified by the Society of California Archeology and/or the Society of Professional Archeology, shall be notified. Site work in this area shall not occur until the archeologist has had an opportunity to evaluate the significance of the find and to outline appropriate mitigation measures, if deemed necessary. If prehistoric archeological deposits are discovered during development of the site, local Native American organizations shall be consulted and involved in making resource management decisions.				
19.	Erosion Control Measures. The grading operation shall take place at a time, and in a manner, so as not to allow erosion and sedimentation. The slopes shall be landscaped and reseeded as soon as possible after the grading operation ceases. Erosion measures shall be implemented during all construction phases in accordance with an approved erosion and sedimentation control plan.	City of Antioch	On-Going	Community Development Department	
20.	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	Community Development Department	
21.	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	
	Prior to Issuance of Occupancy Permit	<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>

EXHIBIT A: CONDITIONS OF APPROVAL - UP-22-05, AR-22-09 Sunset Billboard

22.	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	
23.	Debris Removal. All mud, dirt or construction debris shall be 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	
24.	Damage to Site Improvements. Any damage to the existing site improvements during construction on or adjacent to the subject property, shall be repaired to the satisfaction of the City Engineer at the full expense of the applicant. This shall include sidewalk repair, slurry seal, street reconstruction or others, as may be required by the City Engineer.	City of Antioch	Prior to Occupancy Permit	Building Department	
	Special Conditions of Approval	<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
26.	Signage Lighting. The proposed Lighting levels of the billboard sign of 0.3 foot candles at 250 feet shall be maintained and not be exceeded.	City of Antioch	On-Going	Community Development Department	
27.	Signage Restrictions. No other signage may be affixed to the billboard column or onto the billboard at a later time.	City of Antioch	On-Going	Community Development Department	

EXHIBIT A: CONDITIONS OF APPROVAL - UP-22-05, AR-22-09 Sunset Billboard

28.	<p>Ad Spot for Antioch. At the applicant's request, the applicant shall grant the City of Antioch one free spot (out of 16) on the sign in order to promote City of Antioch events and initiatives. Any changes shall be reviewed and approved by the Zoning Administrator.</p>	City of Antioch	On-Going	Community Development Department	
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Resolution 2023-13 Sunset Billboard

Final Audit Report

2023-05-25

Created:	2023-05-25
By:	Kevin Scudero (kscudero@ci.antioch.ca.us)
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"Resolution 2023-13 Sunset Billboard" History

-  Document created by Kevin Scudero (kscudero@ci.antioch.ca.us)
2023-05-25 - 6:49:36 PM GMT- IP address: 173.167.110.141
-  Document emailed to febbs@antiochca.gov for signature
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2023-05-25 - 7:00:27 PM GMT- IP address: 104.47.65.254
-  Signer febbs@antiochca.gov entered name at signing as Forrest B Ebbs
2023-05-25 - 7:00:39 PM GMT- IP address: 50.232.22.142
-  Document e-signed by Forrest B Ebbs (febbs@antiochca.gov)
Signature Date: 2023-05-25 - 7:00:41 PM GMT - Time Source: server- IP address: 50.232.22.142
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