

**ANNOTATED
AGENDA
CITY OF ANTIOCH PLANNING COMMISSION
ANTIOCH COUNCIL CHAMBERS
THIRD & "H" STREETS**

WEDNESDAY, JULY 1, 2015

6:30 P.M.

**NO PUBLIC HEARINGS WILL BEGIN AFTER 10:00 P.M.
UNLESS THERE IS A VOTE OF THE PLANNING COMMISSION
TO HEAR THE MATTER**

APPEAL

All items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on **THURSDAY, JULY 9, 2015.**

If you wish to speak, either during "public comments" or during an agenda item, fill out a Speaker Request Form and place in the Speaker Card Tray. This will enable us to call upon you to speak. Each speaker is limited to not more than 3 minutes. During public hearings, each side is entitled to one "main presenter" who may have not more than 10 minutes. These time limits may be modified depending on the number of speakers, number of items on the agenda or circumstances. No one may speak more than once on an agenda item or during "public comments". Groups who are here regarding an item may identify themselves by raising their hands at the appropriate time to show support for one of their speakers.

ROLL CALL

6:30 P.M.

Commissioners	Motts, Chair
	Westerman, Vice Chair
	Zacharatos
	Parsons
	Mason
	Miller (absent)
	Hinojosa

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

MINUTES

CONSENT CALENDAR

MINUTES

All matters listed under Consent Calendar are considered routine and are recommended for approval by the staff. There will be one motion approving the items listed. There will be no separate discussion of these items unless members of the Commission, staff or the public request specific items to be removed from the Consent Calendar for separate action.

- | | | | | |
|----|-----------------------------|----|----------------|------------------------|
| 1. | APPROVAL OF MINUTES: | A. | April 15, 2015 | <i>APPROVED</i> |
| | | B. | May 6, 2015 | <i>APPROVED</i> |

* * * END OF CONSENT CALENDAR * * *

NEW PUBLIC HEARINGS

STAFF REPORT

2. **UP-15-02 - VERIZON WIRELESS TELECOMMUNICATIONS FACILITY** – Verizon Wireless requests approval of a Use Permit to construct a new telecommunications facility consisting of a 62-foot tall “monopine” containing nine panel antennas and a fenced equipment enclosure at the base of the structure. The project site is located at the western intersection of Hillcrest Avenue and Wildflower Drive (APN 052-460-011).

RESOLUTION NO. 2015-10

3. **UP-15-05 - LAS TARASCAS LIVE ENTERTAINMENT** – Jose Meza requests approval of a Use Permit for live entertainment activities at Las Tarascas Restaurant and Bar. Live entertainment is proposed to take place Fridays and Saturdays from 9:00 pm to 1:00 am and Sundays from 2:00 pm to 6:00 pm. Proposed live entertainment activities include Karaoke with a live DJ and Mariachi bands. The project site is located at 992 Fitzuren Rd. (APN 067 342 004).

RESOLUTION NO. 2015-11

ORAL COMMUNICATIONS

STAFF REPORT

WRITTEN COMMUNICATIONS

COMMITTEE REPORTS

ADJOURNMENT (7:57 p.m.)

Notice of Availability of Reports

This agenda is a summary of the discussion items and actions proposed to be taken by the Planning Commission. For almost every agenda item, materials have been prepared by the City staff for the Planning Commission’s consideration. These materials include staff

reports which explain in detail the item before the Commission and the reason for the recommendation. The materials may also include resolutions or ordinances which are proposed to be adopted. Other materials, such as maps and diagrams, may also be included. All of these materials are available at the Community Development Department located on the 2nd floor of City Hall, 3rd and H Streets, Antioch, California, 94509, between the hours of 8:00 a.m. and 11:30 a.m. or by appointment only between 1:00 p.m. and 5:00 p.m. Monday through Friday for inspection and copying (for a fee). Copies are also made available at the Antioch Public Library for inspection. Questions on these materials may be directed to the staff member who prepared them, or to the Community Development Department, who will refer you to the appropriate person.

Notice of Opportunity to Address the Planning Commission

The public has the opportunity to address the Planning Commission on each agenda item. You may be requested to complete a yellow Speaker Request form. Comments regarding matters not on this Agenda may be addressed during the "Public Comment" section on the agenda.

Accessibility

The meetings are accessible to those with disabilities. Auxiliary aids will be made available for persons with hearing or vision disabilities upon request in advance at (925) 779-7009 or TDD (925) 779-7081.

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**April 15, 2015
City Council Chambers**

Chair Hinojosa called the meeting to order at 6:30 P.M. on Wednesday, April 15, 2015 in the City Council Chambers. She stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 P.M. on Wednesday, April 22, 2014.

ROLL CALL

Present: Commissioners Parsons and Zacharatos,
Vice Chair Motts and Chair Hinojosa
Absent: Commissioners Miller and Westerman

Staff: City Attorney, Lynn Tracy Nerland
Acting Senior Planner, Alexis Morris
Associate Civil Engineer, Ahmed Abu-Aly
Assistant City Engineer, Lynne Filson
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. **Approval of Minutes:** None

NEW PUBLIC HEARING

2. **UP-14-07, AR-14-02 – CITY SPORTS CLUB** – The applicant, Fitness International, LLC, requests approval of a Design Review Permit (AR-14-02) and a Use Permit (UP-14-07) for the construction and operation of a new fitness center – “City Sports Club” - in the Lone Tree Landing retail center. The project consists of a 38,000-square-foot fitness center, 444 parking spaces, and associated utilities and landscaping improvements on an approximately 2.5-acre vacant area in an existing 9.5-acre retail center. A lot merger request is also being proposed to merge Parcels 2 and 3 of Parcel map MS-357-303-05 into one parcel.

Acting Senior Planner Morris presented the staff report dated April 6, 2015 recommending the Planning Commission take the following actions: 1) Approve a Use Permit (UP-14-07) allowing the establishment and operation of a fitness center in the Lone Tree Landing retail center; 2) Approve a lot merger (PW-371-RA-53) of Parcels 2 and 3 of Parcel Map MS-357-303-05 filed for the record on July 6, 2007, in book 200 of the Parcel Maps at page 39 to be one parcel; 3) Approve Design Review (AR-14-02) for construction of a new 38,000 square-foot fitness center and associated site improvements located at the northeast corner of Lone Tree Way and Hillcrest Avenue in the Lone Tree Landing retail center (APN 056-470-002 through -004).

In response to Chair Hinojosa, Acting Senior Planner Morris explained a condition of approval required the trash enclosure to be roofed with heavy gage metal gates and match existing trash enclosures. Additionally, she noted the landscape plan would have to comply with the City's design guidelines and State Water Efficient Landscape Ordinance (WELO).

Chair Hinojosa questioned if the City would be further amending landscape requirements given the Governor's executive order for 25% cutback in water usage.

Acting Senior Planner Morris stated she was unaware of any citywide efforts to do so at this time; however, if the WELO changed the City would have to follow suit. She noted at the time the application was submitted, it complied with current best practices.

Commissioner Parsons suggested the applicant sweep their lot more often than once per month, if needed and add trash receptacles in front of their building.

Chair Hinojosa opened the public hearing.

Jim Kessler, Stonehedge Property Group, gave an overhead presentation of the project site plan, elevations, architecture, landscape plan and materials as well as amenities within the facility.

Vice Chair Motts encouraged the applicant to install more bicycle stalls.

Mr. Kessler responded that there could be additional bicycle parking and they could place trash receptacles on either side of entry. He stated at this time the facility would be opened from 5:00 A.M. - 12:00 A.M.; however if membership requested, they could convert to a 24/7 operation with a review by the Planning Commission in one year to determine if a reduction in hours was needed.

Chair Hinojosa encouraged the applicant to include a recycle receptacle and supported Vice Chair Motts suggestion for more bicycle stalls.

In response to Chair Hinojosa, Mr. Kessler clarified bioretention areas were located around the building and met the requirements. With regards to the graphic panels, he stated they would be clarifying with staff how the frames were attached to the structure

and how the graphic panels were affixed. He noted they would be remotely illuminated with pendent lights. He stated they had read and understood all the conditions of approval.

In response to Commissioner Parsons, Acting Senior Planner Morris stated there had been no other discussion with regards to changing the access to the shopping center off of Hillcrest Avenue.

Terry Ramus, Antioch resident and business/property owner adjacent to the project, stated he supported this development as he felt it would increase foot traffic and allow for opportunities in the retail project. He requested the City verify that the lighting plan would be sufficient to deter crime. He suggested the City require the garbage bin enclosure be locked and address access to the rear of the development. He questioned if the dirt area next to the pizza parlor would be included in the parking lot improvements. He voiced his support for the City requiring the review process for converting the business to a 24/7 establishment. He suggested the design of the building not be constrained by the look of current retail area.

The applicant confirmed the area next to the pizza establishment was included in the parking lot improvements.

Wayne Butler, business owner adjacent to the development, voiced his support for the project. He stated he had purchased a premium lot and with this development eliminating the original roadway and pushing the building forward, his office would no longer be visible. He suggested moving the larger parking area to the right side of the building to help resolve the situation. He cautioned that there was a congestion issue with ingress and egress from the driveway along Lone Tree Way.

Chair Hinojosa closed the public hearing.

In response to Chair Hinojosa, Acting Senior Planner Morris explained submitting a photometric plan with the building permit was conditioned in the staff report. She noted if the Commission chooses, they could require the photometric plan be reviewed by the Antioch Police Department; however, generally the Antioch Police Department only reviews the lighting plan if there was a specific concern.

For the record, Chair Hinojosa requested there be some consideration with regards to lighting at this location and emphasized the northern portion of the project site was isolated from public view. She stated that whatever could be done from a design perspective to help enhance security would be appreciated.

In response to Commissioner Parsons, Acting Senior Planner Morris clarified parking in the rear was for employees and they had lighting directed to those spaces for security.

Commissioner Parsons expressed concern that areas behind shopping centers become sites for illegal dumping and discussed the possibility of adding a condition to require

that the area be gated. She voiced her appreciation to the applicant for bringing the project to Antioch.

City Attorney Nerland reported as currently conditioned, the project had the right to 24 hour operations. She noted if the Planning Commission wanted to be clearer as to what their or staff's authority would be to reduce the hours, if it became a problem, it should be built into the conditions of approval.

Vice Chair Motts supported clarifying the language in a way that was acceptable to all parties. He also supported the awnings as proposed by the applicant and encouraged more bicycle stalls be installed beyond minimum requirements.

Commissioner Parsons stated she also liked the awnings as proposed by the applicant.

For the record, Vice Chair Motts stated staff did an excellent job addressing all the issues with the conditions of approval and he supported most of their recommendations.

In response to Chair Hinojosa, Acting Senior Planner Morris stated at the time of building permit issuance, applicants were required to provide receipts and evidence of where their garbage was going and how much was recycled or diverted to the landfill. Additionally, she noted building permits were not issued until they submitted their program to the City.

For the record, Chair Hinojosa speaking to the environmental document stated she believed avoidance was not an adequate mitigation measure and she would be looking closely at that when the Planning Commission considered projects in the future.

Chair Hinojosa reopened the public hearing.

Len Gonzales, Fitness International, stated their normal business hours were 5:00 A.M. - 12:00 A.M. however they would be open to staff drafting language that would give them flexibility for a 24/7 operation.

City Attorney Nerland suggested if the condition of approval regarding the hours of operation was an issue for the Planning Commission, they could take a recess so that she could draft language to give the City more authority while allowing the applicant to run their business, as needed.

Chair Hinojosa declared a recess with the Public Hearing opened at 7:32 P.M. The meeting reconvened at 7:37 P.M. with all Commissioners present.

City Attorney Nerland reported that after consultation with staff and the applicant, the proposed revision for project specific condition J1 would read:

"This use permit applies to the operation of a fitness center in a 38,000 square-foot building operating from 5:00 A.M. – Midnight. The Planning Commission delegates to

the Community Development Director following consultation with the Police Chief the authority to allow 24/7 operations if requested by the applicant. In his or hers sole authority, the Community Development Director may require the matter to be heard by the Planning Commission following a noticed public hearing.”

The applicant indicated that they supported the amended language for project specific condition J1.

Chair Hinojosa closed the public hearing.

In response to Chair Hinojosa, City Attorney Nerland, speaking to the amended language, explained that the City was attempting to be sensitive to a legitimate business wishing to operate from Midnight at 5:00 A.M. while creating a balance with the Antioch Police Department to address crime during hours when staffing was the lowest. She noted if 24/7 operations were allowed and become a problem; a discussion would occur between staff and the business owner and if not addressed, there was a formal process by which the City would follow with the public hearing process.

Chair Hinojosa stated she supported the revised language and staff’s recommendation for the awnings; however, if the applicant’s design were approved she would not object.

Vice Chair Motts suggested adding security cameras to the rear of the building.

Commissioner Zacharatos stated she supported a condition of approval requiring security cameras and staff’s recommendation for the awning design.

Commissioner Parsons also supported security cameras for the back of the building and adding a requirement that the trash enclosure gates be locked.

Chair Hinojosa reopened the public hearing.

Len Gonzalez stated the safety of members and staff was a high priority; therefore, if the Planning Commission deemed it necessary that they provide security cameras, they would be in support. He stated they would comply with monitoring requirements and the camera would be both recorded and monitored.

Chair Hinojosa closed the public hearing.

Chair Hinojosa voiced her support for security cameras for safety and to deter loitering and dumping in the area. She suggested videos be kept for a minimum of 6 days.

RESOLUTION NO. 2015-07

On motion by Commissioner Parsons, seconded by Vice Chair Motts, the Planning Commission members present unanimously 1) Approved a Use Permit (UP-14-07) allowing the establishment and operation of a fitness center in the

Lone Tree Landing retail center; 2) Approved a lot merger (PW-371-RA-53) of Parcels 2 and 3 of Parcel Map MS-357-303-05 filed for the record on July 6, 2007, in book 200 of the Parcel Maps at page 39 to be one parcel; 3) Approved Design Review (AR-14-02) for construction of a new 38,000 square-foot fitness center and associated site improvements located at the northeast corner of Lone Tree Way and Hillcrest Avenue in the Lone Tree Landing retail center (APN 056-470-002 through -004), with the following revisions to project specific conditions #J1, J6, J8 and the addition of project specific condition J16 to read:

Modify project specific conditions J1 and J6 to read:

J1. “This use permit applies to the operation of a fitness center in a 38,000 square-foot building operating from 5:00 A.M. – Midnight. The Planning Commission delegates to the Community Development Director, following consultation with the Police Chief, the authority to allow 24/7 operations if requested by the applicant. In his or hers sole authority, the Community Development Director may require the matter to be heard by the Planning Commission following a noticed public hearing.”

J6. “The awning design as proposed by applicant for the front elevation shall be incorporated into the plans submitted for a building permit.”

Add the following language in project specific condition J8.

J8. “The trash enclosure shall be locked.”

Add project specific condition J16 to read:

J16. “The applicant shall install digital security cameras in the back of the building. Said cameras shall record onsite activities. The location and number of security cameras shall be subject to the approval of the Community Development Director.”

AYES:	Hinojosa, Motts, Parsons and Zacharatos
NOES:	None
ABSTAIN:	None
ABSENT:	Miller and Westerman

Chair Hinojosa thanked the developer for bringing his project to Antioch and welcomed him to the City.

NEW ITEMS

3. PW-150-15 – THE CITY OF ANTIOCH is requesting a determination that the 2015-2020 Capital Improvement Program is consistent with the Antioch General Plan.

Associate Civil Engineer, Capital Improvement Division Abu-Aly presented the staff report dated April 10, 2015 recommending the Planning Commission determine that the 2015-2020 Capital Improvement Program is consistent with the Antioch General Plan, which includes 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.

In response to Vice Chair Motts, Associate Civil Engineer, Capital Improvement Division Abu-Aly explained the budget for capital improvement projects was for FY 2015-2017 and anything beyond that was for planning purposes.

Vice Chair Motts suggested, for safety reasons, the hand railing on the west side of Second Street next to the Beede Lumber Company property be completed.

Associate Civil Engineer Abu-Aly stated he would discuss the hand railing project with the Director of Public Works/City Engineer Bernal.

In response to Commissioner Parsons, Associate Civil Engineer Abu-Aly clarified all Mello Roos funds would be expended in FY 2015-2016 and the fund would sunset. He noted the funds budgeted for the northeast annexation area, were for the planning process. He further noted property tax and other funds would be paying for infrastructure in the area. He clarified the County received T-21 funds which were allocate to the transportation authority and through that process the City applied for the grant.

In response to Vice Chair Motts, Associate Civil Engineer Abu-Aly reported the City aggressively pursued grant opportunities every year.

In response to Chair Hinojosa, Associate Civil Engineer Abu-Aly stated project #7745 funds were for the design.

Lynne Filson, Assistant City Engineer added that it was her understanding the agreements made with the annexation required the County to give the City money every year for infrastructure improvements in the annexation area. She stated it was also her understanding that when houses in the area wanted to connect to sewer or water, connecting to the City's main line would be at the property owner's expense. Additionally, she noted requirements for sanitary sewer hookups would come from County health.

City Attorney Nerland stated she would have to confirm; however, she believed the municipal code required that if the septic was failing or if the property was within 200 feet of the water or sewer connection, they were mandated to hook up. She noted this would not be an issue until water and sewer lines were installed in the area. She further noted there were no general fund monies to provide grants or subsidies and if the proposed water and sewer rates were adopted, there was not adequate funding to

provide financial assistance to properties owners. She stated grant opportunities could be explored when the project came forward.

Chair Hinojosa expressed concern for residents being required to connect and not having the money to do so.

City Attorney Nerland stated presumably property values would increase significantly once they were connected to water and sewer rather than relying on failing septic and potentially contaminated well water.

Commissioner Parsons reported many of the leech lines in the area were too close to the wells which had contaminated water. She requested Viera Avenue spelling be corrected in the document.

In response to Chair Hinojosa, Associate Civil Engineer Abu-Aly stated the West Antioch Creek Channel Improvements were in the preliminary phase and the City was looking at grant options.

Lynne Filson, Assistant City Engineer, added the City had some permits in hand for the West Antioch Creek Channel Improvements.

Chair Hinojosa speaking to project #7750, announced there were grant opportunities for trash capture projects.

Associate Civil Engineer Abu-Aly stated there were several studies for the water treatment plant to insure it was in compliance, which would be under the purview of the City's water agency. He noted the recycled water project had been completed for the golf course and some parks. He further noted when more funds become available they would pursue other options.

Chair Hinojosa questioned if there would be recycled water lines installed for the landscaping for future developments located in Southeast Antioch.

Assistant City Engineer Filson stated there were conditions of approval proposed for all new development that require the purple pipe run from the roadway improvements to any significant landscape areas on their properties and they would be subject to current State regulation regarding this matter.

In response to Vice Chair Motts, Assistant City Engineer Filson explained many acquisitions of property for the West Antioch Creek Channel were for easements during construction.

Commissioner Parsons speaking to page #31 of the Capital Improvement Program stated the Antioch/Pittsburg Highway to the Dow Wetlands was not Somerville Road.

RESOLUTION NO. 2015-08

On motion by Vice Chair Motts, seconded by Commissioner Zacharatos, the Planning Commission members present unanimously determined that the 2015-2020 Capital Improvement Program is consistent with the Antioch General Plan.

AYES: *Hinojosa, Motts, Parsons and Zacharatos*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Miller and Westerman*

Chair Hinojosa thanked staff for the comprehensive report.

4. Election of Chair and Vice Chair.

Vice Chair Motts requested this item be continued to the next meeting when more Commission members would be present.

Commissioner Parsons informed the Commission that she would be out of town and unable to attend a Planning Commission meeting on May 6, 2015.

On motion by Vice Chair Motts, seconded by Commissioner Parsons, the Planning Commission unanimously continued the Election of Chair and Vice Chair to the May 6, 2015 Planning Commission meeting.

AYES: *Hinojosa, Motts, Parsons and Zacharatos,*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Miller and Westerman*

ORAL COMMUNICATIONS

Vice Chair Motts announced Keep Antioch Beautiful Day would be held on April 18, 2015 and he encouraged everyone to participate.

Commissioner Parsons suggested a presentation by the County staff focused on the new Northern Waterfront Economic Development Initiative be given to the Planning Commission.

Chair Hinojosa supported Commissioner Parsons suggestion.

City Attorney Nerland stated staff would discuss this request and get back to the Planning Commission.

Chair Hinojosa stated she had requested follow up from staff regarding the Housing Element as it related to the Smith Parcel designated as study area.

Acting Senior Planner Morris stated she had scheduled a time to discuss this matter with Senior Planner Gentry and she would provide an update.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Commissioner Motts reported on his attendance at the TRANSPLAN subcommittee meeting.

ADJOURNMENT

Chair Hinojosa adjourned the Planning Commission at 8:35 P.M. to the next regularly scheduled meeting to be held on May 6, 2014.

Respectfully Submitted,
Kitty Eiden

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**May 6, 2015
City Council Chambers**

Chair Hinojosa called the meeting to order at 6:30 P.M. on Wednesday, May 6, 2015 in the City Council Chambers. She stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 P.M. on Wednesday, May 13, 2015.

ROLL CALL

Present: Commissioners Zacharatos, Mason, Westerman
Chair Hinojosa and Vice Chair Motts
Absent: Commissioners Parsons and Miller
Staff: Senior Planner, Mindy Gentry
Assistant City Engineer, Lynne Filson
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. Approval of Minutes: March 18, 2015

On motion by Commissioner Westerman, seconded by Commissioner Zacharatos, the Planning Commission approved the minutes of March 18, 2015, as presented. The motion carried the following vote:

AYES: Hinojosa, Motts, Zacharatos, Mason and Westerman
NOES: None
ABSTAIN: None
ABSENT: Parsons, Miller

NEW PUBLIC HEARING

- 2. UP-14-14, V-15-01, AR-14-08 TACO BELL** – Taco Bell requests approval of a Use Permit for a 1,822 square foot fast food restaurant with a drive-thru; a Variance to reduce the A Street and 18th Street setbacks; a Variance to modify parking standards; and Architectural Review. The project site contains an existing 3,200 square foot building which will be demolished. The project site is located at 1706 A Street (APN 067-243-031).

Commissioner Mason reported he had attended the community meeting and took a position on the project prior to it coming to the Planning Commission. He recused himself and left Council Chambers.

Senior Planner Gentry presented the staff report dated May 1, 2015, recommending the Planning Commission approve the Use Permit, Variances and Design Review subject to the conditions contained in the staff reports attached resolution. She noted on the dais this evening was a memo with an attached letter that was inadvertently left out of the staff report.

In response to the Commission, Senior Planner Gentry explained that staff had concerns regarding trees growing into metal slats adjacent to the drive-thru; therefore, they recommended removing and replacing them with vines. She confirmed there were eighteen (18) parking stalls proposed on site and the applicant was required to install bicycle parking, per the City zoning code.

Chair Hinojosa questioned when the grease interceptor would be serviced.

SG Ellison, First Street Development, representing Taco Bell/Golden Gate Bell, gave a history of the project and their community outreach efforts. He noted through the process of working with staff, as well as the neighbors, they feel they have come up with a solution for redevelopment of the site. He reviewed the building design and site plan. He stated he was in support of staff's recommendation regarding the removal and replacement of the trees adjacent to the drive-thru. He noted the grease interceptor was typically serviced between 5:00 A.M. - 6:00 A.M. and took approximately 30 minutes. He requested that project specific condition J7, requiring signage and indicating there was no drive-thru access from East 18th Street, be deleted. With the exception of that item, he noted they were in agreement with the conditions of approval.

Phillip Moss, Project Architect, clarified landscaping along East 18th Street was a combination of vines and shrubs. He proposed moving the two trees out to the sidewalk. He commented that it was a pleasure working with City staff. He noted the parking lot layout was consistent with a majority of their projects and Taco Bell who was conservative with their layouts, had already approved the project moving forward pending Planning Commission approval.

Sandra Kelly, Antioch resident representing the “C” Street Neighborhood Watch group, commended the applicant for conducting community outreach and addressing resident’s concerns. She noted they had unanimously agreed to support the project and they also supported the applicant’s request for removal of the project specific condition requiring signage indicating no drive-thru access from East 18th Street.

Chair Hinojosa announced the Planning Commission had received a letter in support of the project from Ms. Kelly on behalf of the “C” Street Neighborhood Watch group.

John Rexroth, Antioch resident, stated his home was adjacent to the project and he was concerned for the noise, light and traffic impacts as well as the homeless using the parking lot. He questioned if employees would be on site 24/7 for food preparation.

Jean Nichols, Antioch resident, reported that she was in support of the project and felt it would be a great improvement to the neighborhood. She commended the applicant for being community minded and providing employment opportunities for youth in the area.

Cindy Simon, Antioch resident, questioned what the hours of operation would be for the business and when construction would begin. She stated she was concerned with debris littering the neighborhood and grease extraction and delivery services occurring at 5:00 A.M. Additionally, she noted with several schools in the area, it may become problematic when children gather in the area.

REBUTTAL

SG Ellison, responded that the homeless issue with the current dilapidated building was much greater than it would be when they were on site. He apologized that they had not had a chance to address all of the neighbor’s issues and noted they would continue to respond to their specific concerns. He further noted they would be hiring 35-40 employees, some being local students and they want to be a good member of the community.

Monica Schneider, Golden Gate Bells Chief Operating Officer, gave a brief history of their business model and stated they were very committed to the community. In response to the neighbors concerns, she clarified the intent was to have employees on site one hour before opening and one hour after closing. She stated partnering with the local law enforcement will help manage issues related to homeless and students loitering in the area. She noted the dining room would be closed at 10:00 P.M. She clarified that their properties were well lit and lights were focused on the parking lot. She commented that Taco Bell had strong procedures and they wanted to be good partners in the community so they were very aggressive with patrolling the parking lot and if needed the neighborhood to assure their image was well represented. She reported they had never had a complaint regarding servicing grease interceptors; however, she would attempt to change the time to 7:00 A.M. Lastly, she reported she had met with the community and provided personal contact information and if there were issues, she would work proactively to resolve them.

In response to Chair Hinojosa, Ms. Schneider stated they opened at 7:00 A.M. and employees would arrive at 6:00 A.M. She offered to speak with the vendors serving the grease interceptors to determine who would be able to meet their needs. She noted typically bathrooms were not locked; however, they could be secured if it became necessary. She further noted monitoring the business and manager walks were the best preventative for loitering and vandalism. She added that any graffiti would be immediately removed.

In response to Vice Chair Motts, Ms. Schneider stated they could partner with the neighbors to address monitoring neighboring properties, if it became necessary.

Chair Hinojosa closed the public hearing.

Commissioner Westerman thanked the neighbors for their comments and Taco Bell for their community outreach efforts. He noted this site was difficult due to size and access; however, this project had done a good job with making it fit in the location. He suggested deleting the directional sign condition (J7) noting if it became a problem it could be addressed in the future. He added that whether the sign was there or not, people would use that entrance to access the drive-thru. He noted this project was a significant improvement over what was currently there and he supported the approval.

In response to Chair Hinojosa, Senior Planner Gentry stated light spilling onto adjacent properties had been considered and full cutoff lights would focus lighting downward to minimize impacts.

Chair Hinojosa discussed the importance of minimizing glare and spillover onto adjacent properties.

In response to the Commission, Senior Planner Gentry stated Antioch Police Department reviewed the application and did not have any safety concerns regarding site design. Additionally, she noted there was a condition of approval to address the turning radius to assure there was adequate space to maneuver within the site.

Assistant City Engineer Filson added that if the Planning Commission was considering removing the condition requiring directional signage, she would suggest staff be directed to work with the applicant to adjust curb locations and landscaping to improve access to the drive-thru aisle.

Vice Chair Motts stated the applicant had done a good job working with the community and designing a project within a limited space. He supported the variances and commended the applicant for offering manager walks of the area. He voiced his support for the condition addressing runoff and for the proposed lighting design. He stated the project was located in a commercial area and consistent with businesses in the area.

In response to Vice Chair Motts, Senior Planner Gentry stated the street trees were shown on the perspective but not on the landscape plan and since they were located in the sidewalk they would require approval by Director of Public Works/City Engineer Bernal. She reviewed the photometric plan in the revised submittal and noted there were no light poles located along the property line.

With concurrence of the Planning Commission, Chair Hinojosa reopened the public hearing to request clarification from the applicant.

Phillip Moss reported they had modified the lighting to LED, which were directed downward to minimize the light spread and they would meet the California Green Code. He noted they had added more heads, with full cutoff shields on the lights, to illuminate the entire lot. He further noted they would submit the revised photometric plan when they provided the final construction documents for approval.

Chair Hinojosa thanked Mr. Moss for the clarification.

Mr. Moss added that the lighting layout met City's requirements and the building lights would be mounted at 9-feet and directed downward. Additionally, he noted the pad would be graded down.

Chair Hinojosa closed the public hearing.

Following discussion, Vice Chair Motts and Chair Hinojosa concurred with Assistant City Engineer Filson who suggested the Planning Commission direct staff to work with the applicant regarding the internal curb line to allow for a u-turn for access to the drive-thru aisle.

Chair Hinojosa commended the developer for the community oriented approach and investing in the community. She stated valid concerns were expressed; however, she felt a majority of the issues had been adequately addressed by staff in the conditions of approval. She recognized the applicant for indicating they would secure restrooms, should it become an issue with the transient community. She urged staff to be very attentive in their final review of the photometric plan. She commented the hours proposed were consistent with other Taco Bell restaurants in the vicinity. For the record, she noted the Century Blvd. location closed at 1:30 A.M. every night. She suggested serving of the grease inceptor be concurrent with the opening time of the restaurant. For the record, she stated she was particular about approving variances; however, with this being a substandard lot with constraints inhibiting it from meeting requirements for setbacks, parking and landscaping, she was in support of the findings drafted by staff. She stated she was in support of approving the project with those considerations.

Commissioner Zacharatos thanked Taco Bell for their community outreach and their willingness to hire local students. She voiced her support for the project noting it was a vast improvement over what was currently occurring on the site.

A motion made by Vice Chair Motts to approve the project subject to the standard conditions and adding a condition to move deliveries to the opening hour, was withdrawn at the request of the applicant and with concurrence of the Commission, to reopen the public hearing.

Chair Hinojosa reopened the public hearing.

SG Ellison stated they were willing to work with staff to address the servicing of the grease interceptor and delivery hours. He reiterated his request to delete project specific condition J7 noting they were willing to work with staff to improve access to the drive-thru aisle.

Chair Hinojosa closed the public hearing.

Assistant City Engineer Filson reiterated that if the Planning Commission removed the condition of approval requiring the signage as proposed by the applicant, staff could be given the flexibility to work with the applicant to adjust the curb lines to improve access to the drive-thru.

Senior Planner Gentry suggested the Planning Commission could add a project specific condition that the curb line adjustments be reviewed and approved by the City Engineer.

RESOLUTION NO. 2015-09

On motion by Vice Chair Motts, seconded by Commissioner Zacharatos, the Planning Commission approved the Use Permit, Variances and Design Review subject to the conditions contained in the staff reports attached resolution. With the following changes:

Delete project specific condition J7 and replace it with the following:

J7. The applicant shall work with staff to modify the curbs in order to adequately service the drive-thru with regards to the right hand turn subject to review and approval of the City Engineer.

Add project specific condition J12 as follows:

J12. That deliveries and serving of the grease inceptor shall be concurrent with the opening hours.

The motion carried the following vote:

AYES:	<i>Zacharatos, Motts, Westerman and Hinojosa</i>
NOES:	<i>None</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>Parsons, Miller, Mason</i>

Chair Hinojosa noted that Commissioner Mason would not be returning to the meeting following his recusal.

CONTINUED ITEM

3. Election of Chair and Vice Chair

Chair Hinojosa nominated Vice Chair Motts as Chair.

On motion by Chair Hinojosa, seconded by Commissioner Westerman, the Planning Commission appointed Vice Chair Motts as Chair.

The motion carried the following vote:

AYES:	<i>Zacharatos, Motts, Westerman and Hinojosa</i>
NOES:	<i>None</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>Parsons, Miller, Mason</i>

Chair Hinojosa congratulated Vice Chair Motts.

Vice Chair Motts expressed his appreciation to Chair Hinojosa for serving in the capacity as Chair and thanked the Commission for their vote of confidence.

Vice Chair Motts nominated Commissioner Westerman as Vice Chair.

On motion by Commissioner Motts, seconded by Commissioner Zacharatos, the Planning Commission appointed Commissioner Westerman as Vice Chair.

The motion carried the following vote:

AYES:	<i>Zacharatos, Motts, Westerman and Hinojosa</i>
NOES:	<i>None</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>Parsons, Miller, Mason</i>

Chair Hinojosa stated it was an honor to serve the community in this capacity.

The Commission thanked Chair Hinojosa for her hard work serving as Chair.

ORAL COMMUNICATIONS

Senior Planner Gentry announced the May 20, 2014 Planning Commission meeting was cancelled and staff would inform the Commission when the next meeting would be scheduled. She stated the staff report for the June 2, 2015 Study Session for the Downtown Specific Plan would be ready for pickup tomorrow and that meeting was scheduled from 6:00 P.M. – 9:00 P.M. at the Nick Rodriguez Community Center. She stated there would be an additional Study Session on June 17, 2015 focused on the General Plan Land Use Element and Zoning Ordinance update. She noted both meetings would be joint meetings with the City Council and Economic Development Commission.

Chair Hinojosa apologized and noted that due to a work obligation she may not be able to attend the June 2, 2015 Study Session.

Senior Planner Gentry stated any written feedback could be submitted to staff.

Chair Hinojosa suggested staff schedule a training session on the Brown Act, procedures, rules and regulations for the Planning Commission. She stated it was unfortunate City Attorney Nerland had taken a new position and was leaving the City.

Senior Planner Gentry stated staff could explore scheduling the training session once the City hired new legal Counsel. She reported the City had hired two interim City Attorneys.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS


None.

ADJOURNMENT

Chair Hinojosa adjourned the Planning Commission at 8:01 P.M.

Respectfully Submitted,
Kitty Eiden

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF JULY 1, 2015**

Prepared by: Alexis Morris, Acting Senior Planner 
Date: June 18, 2015
Subject: Las Tarascas Live Entertainment (UP-15-05)

RECOMMENDATION

It is recommended that the Planning Commission APPROVE a use permit allowing live entertainment at 992 Fitzuren Road subject to the conditions contained in the attached resolution.

REQUEST

Jose Meza requests approval of a use permit to conduct live entertainment activities at Las Tarascas Restaurant and Bar. Live entertainment is proposed to take place Fridays and Saturdays from 9:00 pm to 1:00 am and Sundays from 2:00 pm to 6:00 pm and 9:00 pm to 12:00 am. Proposed live entertainment activities include Karaoke with a live DJ and Mariachi bands. The project site is located at 992 Fitzuren Rd (APN 067 342 004).

BACKGROUND

The applicant has applied for, and been granted, administrative use permits for individual live entertainment events at Las Tarascas since March of 2015. The applicant wishes to make this a permanent part of his business model; therefore, a use permit is required. The previous operator of the restaurant was also granted administrative use permits to conduct live entertainment on multiple weekends in 2014.

ENVIRONMENTAL

This project is Categorically Exempt from the provisions of CEQA, pursuant to Section 15301 – Existing Facilities. This section of CEQA exempts projects that:

- Consist of the operation of existing public or private structures.
- Involve negligible or no expansion of an existing use beyond that existing at the time of the lead agency determination.

ANALYSIS

Issue #1: Project Overview

The applicant proposes to conduct live entertainment such as a DJ with Karaoke with full bar service on Fridays and Saturdays from 9:00 pm to 1:00 am. The kitchen will be closed during Friday entertainment and will remain open during Saturday entertainment until 11:00 pm. Live entertainment on Sunday will consist of Mariachi bands from 2:00 pm to 6:00 pm during normal restaurant operations and DJ and Karaoke from 9:00 pm to 12:00 am.

Las Tarascas Restaurant and Bar is located on the eastern end of an approximately 9,100 s.f. shopping center. The other tenants include a liquor store, a gift shop and a hair salon. The liquor store closes at midnight on Fridays and Saturdays and 11:00 pm the rest of the week. The business hours of the hair salon and gift shop were not posted.

The applicant's project description is provided as Attachment "B".

The General Plan designation of the property site is Neighborhood Commercial. The site is zoned Neighborhood Community Commercial (C-2). Restaurants with a bar and live entertainment are permitted in C-2 with approval of a use permit.

The surrounding land uses and zoning designations are:

North:	Highway 4 / Freeway
South:	Multi-Family residential, church / C-2
East:	Car wash / C-2
West:	Retail store (Kelly Moore) / C-2

Issue #2: Parking

There are no parking requirements specifically for restaurants with live entertainment in the Zoning Ordinance. Restaurants are required to provide one parking space for every three seats plus one per employee on the largest shift. All parking is required to be provided on-site unless a business has entered into an off-site parking agreement per the requirements of Section 9-5.1705 of the Zoning Ordinance.

The shopping center was built with 52 parking spaces for all four tenants. In addition to the 52 spaces on site, there is street parking available on Fitzuren Road in front of the shopping center. The applicant estimates that there will be 11 staff and up to 120 people in the restaurant on Saturday nights, which would require 51 parking spaces. However, the applicant indicates that the restaurant is allocated 35 parking spots by the property owner.

If the restaurant is restricted to using only 35 of the 52 spaces on site, the restaurant's peak hours of parking demand will likely exceed capacity of the parking lot. In order to provide enough parking on-site and to avoid impacting adjacent businesses and

property owners, staff recommends that attendance at live entertainment events be limited to a maximum of 100 customers, or alternatively the applicant can enter into an off-site parking agreement to accommodate events for larger numbers of customers. A condition to this effect is included in the attached resolution.

Issue #3: Noise and Security

The main issues surrounding live entertainment use permit requests are typically impacts to adjacent uses and public safety. There are residential properties located within approximately 150-200 feet south of the project site. With proper measures in place, any potential noise and vibration impacts to the residential properties should be minimized. Staff has included conditions in the attached resolution requiring all live entertainment to be conducted within the building and that all the windows and doors are to remain closed during the live entertainment. As stated above, the applicant has hosted live entertainment on weekends since March and the City has not received any complaints to date.

Staff also discussed the application with the Police Department and they confirmed that they have not received excessive calls for service related to live entertainment at this location. In order to minimize any potential impacts to public safety, staff has included a condition in the attached resolution requiring at least two uniformed security guards to be present during any live entertainment events. The applicant stated that they have hired Elite Risk Management to provide security for their live entertainment events. The attached resolution includes a condition to provide a copy of that contract to the Community Development Department and the Police Department for review and approval prior to initiation of any further live entertainment at the restaurant.

ATTACHMENTS

- A. Aerial Photo
- B. Applicant's Project Description

**CITY OF ANTIOCH PLANNING COMMISSION
RESOLUTION NO. 2015-****

**RESOLUTION OF THE CITY OF ANTIOCH PLANNING COMMISSION
APPROVING A USE PERMIT (UP-15-05) FOR LIVE ENTERTAINMENT AT LAS
TARASCAS RESTAURANT AND BAR**

WHEREAS, the City of Antioch received a request from Jose Meza for approval of a use permit to conduct live entertainment activities at Las Tarascas Restaurant and Bar. Live entertainment is proposed to take place Fridays and Saturdays from 9:00 pm to 1:00 am and Sundays from 2:00 pm to 6:00 pm and 9:00 pm to 12:00 am. The project site is located at 992 Fitzuren Rd. (APN 067 342 004); and

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

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

WHEREAS, the Planning Commission on July 1, 2015, duly held a public hearing and received and considered evidence, both oral and documentary; and

WHEREAS, the Planning Commission does determine:

1. 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.

The proposed live entertainment consists of live bands, karaoke, and DJs. Amplified live entertainment will be permitted within the restaurant only; no live entertainment, amplified or non-amplified, will be permitted outdoors or in parking lot areas. Based upon the conditions imposed, the proposed entertainment use will not create adverse impacts to the surrounding businesses and residents.

2. 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 live entertainment with the approval of a use permit in the Neighborhood Community Commercial District.

3. 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 live entertainment will take place in an existing restaurant building and will not require any alterations to the site. Based on the conditions imposed, the project site provides sufficient off-street parking.

4. 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 currently developed and is located on Fitzuren Road, which is adequate in width and pavement type to carry the traffic generated by the proposed use.

5. 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 and is located in an existing retail center.

WHEREAS, the Planning Commission does determine that the following findings support the Conditions of Approval.

A. GENERAL CONDITIONS

1. The City of Antioch has established a Municipal Code and City standards and the State of California has established a Building Code to protect the public health, safety, and welfare of the citizens within the City and the State respectively. This condition of approval is necessary for the developer to mitigate any project impacts that may threaten the health, safety, or welfare of its citizens.

2. The Project is being pursued by a developer and the City's responsibility is to promote orderly development within the City. This condition is necessary to protect the City from the financial and time expenses for defending challenges to land use entitlements or environmental reviews that are financially benefitting the applicant, particularly given the City's own financial challenges.

3-4. In order for the project to be implemented according to the City's approved standards, the plans need to adequately reflect the changes made by the Planning Commission and City staff needs to inspect the site for compliance with the conditions of approval prior to final inspection approval. These conditions protect the public safety, health, and general welfare of the residents of the Project and surrounding residential and other uses by providing an adequate reflection of the approved project prior to the

issuance of building permits and a follow up site inspection to ensure the Project was implemented as conditioned.

5. The regulatory environment of land development and base line conditions change frequently as well as thresholds established by the California Environmental Quality Act; therefore, this condition is necessary to ensure any project going forward is subject to the most current regulations in order to promote the public health, safety, and welfare in the City of Antioch.

6. The Project takes City time and staff to process development applications through the land use entitlement process. The development of property is at the benefit of the applicant; therefore, the conditions are necessary to ensure the applicant pays the expenses to process the application rather than having that burden placed on the taxpayers for another's benefit.

7. It is necessary to ensure administrative consistency and avoid confusion between plan versions by identifying the most recent entitlements that govern site development and use.

B. FIRE REQUIREMENTS

1. The Contra Costa Fire Protection District provides fire services for the City of Antioch and follows the California Fire Code. The conditions of approval are necessary on the Project to protect the public health and provide for the safety and welfare of life and property from fire and explosion hazards or dangerous conditions in new buildings and existing buildings; structures and premises; and to provide safety and assistance to fire fighters and emergency responders during emergency operations.

C. FEES

1-2. The City of Antioch provide existing infrastructure such as streets, utilities, traffic signals, public right-of-way, parks, flood mitigation improvements, parks, and police and fire services. The fees required by the conditions of approval serve two functions: 1) the funds will provide mitigation for the project's fair share impact and the Project's responsibility of costs for the existing infrastructure due to the increase in population and 2) to mitigate the costs of additional infrastructure and maintenance necessary due to the impact of the Project. The conditions of approval are necessary to mitigate impacts to public infrastructure from deterioration as well as provide additional infrastructure to serve the additional population.

E. PROPERTY MAINTENANCE

1-3. These conditions are necessary to ensure that the project site is kept in good working order to ensure adequate trash collection, to avoid localized flooding, reduce fire risks, and ensure the continued health, safety and welfare of the project environs.

F. USE REQUIREMENTS

1-3. The use contemplated under this use permit is based upon the applicant's representation of the number of customers and schedule of events at the restaurant. These limitations ensure that adequate on-site parking is available for the restaurant.

4-6. These conditions are necessary because amplified noise or music emanating from the restaurant could result in noise impacts not contemplated by this use permit.

7-13. These conditions are necessary to ensure the use contemplated under this use permit is operated in compliance with the Municipal Code and City standards and does not become a public nuisance or otherwise a threat to public health, safety, or welfare.

NOW THEREFORE BE IT RESOLVED, the Planning Commission of the City of Antioch does hereby **APPROVE** UP-15-05, to allow live entertainment at Las Tarascas Restaurant and Bar located at 992 Fitzuren Road (APN 067 342 004), subject to the following conditions.

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.
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 and in compliance with the Antioch Municipal Code, or as amended by the 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 July 1, 2017), unless 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. FIRE REQUIREMENTS

1. All requirements of the Contra Costa County Fire Protection District shall be met, including:
 - a. Business Owner shall contact Fire District Code Enforcement, Fire Inspector Ryan Bain at (925) 941-3533 and obtain an inspection and current Operational Fire Permit.

C. FEES

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

D. 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.

E. USE REQUIREMENTS

1. This use permit applies to live entertainment conducted at Las Tarascas Restaurant and Bar at 992 Fitzuren Road on Fridays and Saturdays from 9:00 pm to 1:00 am and Sundays from 2:00 pm to 6:00 pm and 9:00 pm to 12:00 am. Proposed live entertainment activities include Karaoke with a live DJ and Mariachi bands.

2. Attendance at live entertainment events shall be limited to a maximum of 100 customers. Attendance may be increased upon approval of an off-site parking agreement per the requirements of Section 9-5.1705 of the Antioch Municipal Code.
3. Live entertainment and/or amplified music may occur pursuant to the following schedule and shall not occur on any other day or time not listed below. Any live entertainment event held outside the parameters of this approval shall require an Administrative Use Permit.
 - Fridays and Saturdays from 9:00 p.m. until 1:00 a.m.
 - Sundays from 2:00 pm to 6:00 pm and 9:00 pm to 12:00 am
4. Music and all other noise shall be kept within the 80 decibel limit and at the property line cannot exceed 75 decibels as required by the City of Antioch Municipal Code. Audible music should not be heard further than 100 feet outside the premises.
5. All doors and windows shall remain closed to minimize the noise impacts during the entertainment.
6. 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.
7. That no less than two uniformed security guards who are employed by a Private Patrol Operator (Security Company) who is currently licensed with the California Department of Consumer Affairs shall be provided from 8:00 p.m. until 3:00 a.m. during any live entertainment events. A copy of the contract with the Security Company shall be provided to the Community Development Director for review and approval prior to commencement of live entertainment at Las Tarascas Restaurant and Bar.
8. The name of the Security Company, proof of liability insurance including a copy of all exceptions, their State license number and the guard registration numbers for the employed guards shall be provided to the Community Development Department.
9. 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 live entertainment or any other police response issues related to the operation of Las Tarascas Restaurant and Bar. 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.

10. If the Antioch Police Department must respond to this property as a result of incidents related to the live entertainment and they determine 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 they may immediately shut down the event and/or impose a fine.
11. At no time shall the posted occupancy limit be exceeded.
12. Identification of all patrons attending the event shall be verified by the contracted security guards. The security guards shall utilize a license scanner/reader to ensure patrons are of lawful age and are not using altered or false identification. The license scanner database shall be retained for no less than 14 days subsequent to each live entertainment event, and this database shall be made available to the City of Antioch upon demand.
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.

* * * * *

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 July, 2015.

AYES:

NOES:

ABSTAIN:

ABSENT:

FORREST EBBS, SECRETARY TO THE
PLANNING COMMISSION

ATTACHMENT “A”

VICINITY MAP



ATTACHMENT “B”

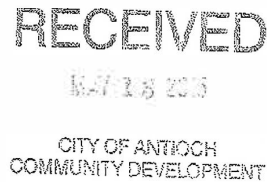
May 8, 2015

City of Antioch Community Development Dept.

Attn: Alexis Morris

200 H St

Antioch CA 94531



Re: Use Permit for live entertainment at Las Tarascas Restaurant (992 Fitzuren Rd.)

Dear Ms. Morris

Thank your contacting me regarding Las Tarascas Restaurant & Bar.

I will try my best to summarize the characteristics of and propose use of my restaurant.

The proposed use permit petition is to have entertainment as follows:

- 1- Fridays after the restaurant is closed I will have Karaoke from 9:00 pm to 1:00am. There will be full bar service. I anticipate having no more than 100 customers at any given time. The maximum allowed by the Fire Marshall for this activity is 140. I will be staffed as follows: 1 cook to prepare appetizers, 3 waiters, 2 bartenders, a Dee jay and myself. I will have a minimum of 2 security officers at the premises from 8:00 pm to 2:00am per your guidelines. There are 35 parking spots, and also there are over 40 off street parking spaces. If I use the formula of 2:1 we have more than enough parking for this activity.
- 2- On Saturdays. I will keep the kitchen open until 11:00 pm. We will be staffed with 2 cooks, 3 waiters, 2 bartenders, me, 3 security guards, and extra help if we feel it is needed. There will be live music from 9:00 pm to 1:00am. I will have full service bar. For this event I expect to have up to 120 people. The available parking remains the same 35 spots and 40 off street parking spots. Using the same formula of 2:1 there is enough parking for this activity even counting all the personnel and musicians.
- 3- On Sundays I plan to have Mariachi bands from 2:00 pm to 6:00pm. I will be serving our full menu during this period. I will expect to have 80 to 100 customers. I will staff the restaurant as follows, 2 cooks, 3 waiters, 2 bartenders, and me.
- 4- Also on Sunday at 9:00 pm the restaurant will be closed, and I will have Karaoke from 9:00 pm to 12:00am. For this second activity I will have 1 cook to prepare appetizers, 2 waiters, 2 bartenders, one Dee jay, 2 security guards, and me. I will expect to have 40 to 60 customers. Using the same formula for parking 2:1 we have more than enough parking with 35 spots on our lot, and 40 off street parking spots.

As you are aware the restaurant business is not an easy or profitable business. A good example of that is the recent closure of four major restaurants in the city: Chicago Uno, Johnny Carino's, Schooners Grill & Brewery, and Sizzler.

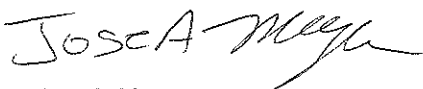
When I first was offered the opportunity to become part of a failing restaurant, I got really excited as I have always wanted to have my own restaurant. I am experienced in food service since I have been catering for weddings and Quinceañeras for over 20 years on weekends. I have had a full time job for 23 years with the Orinda School District as the Ground maintenance; however I recently (4/1/2015) took a 6 month leave of absence to run this new business.

I have a financial partner and together we are determined to make this restaurant one of the best in Antioch and make it financially successful. I like the location because it backs up to open space and there are very few residents within a 300 foot radius, and also I believe that the new on and off freeway ramps access will be a plus to my business. There is plenty of parking for the activities planned with 35 parking spaces on our lot, and there are at least 40 more parking on the street. The restaurant is the right size as it can accommodate 140 customers per the fire Marshall.

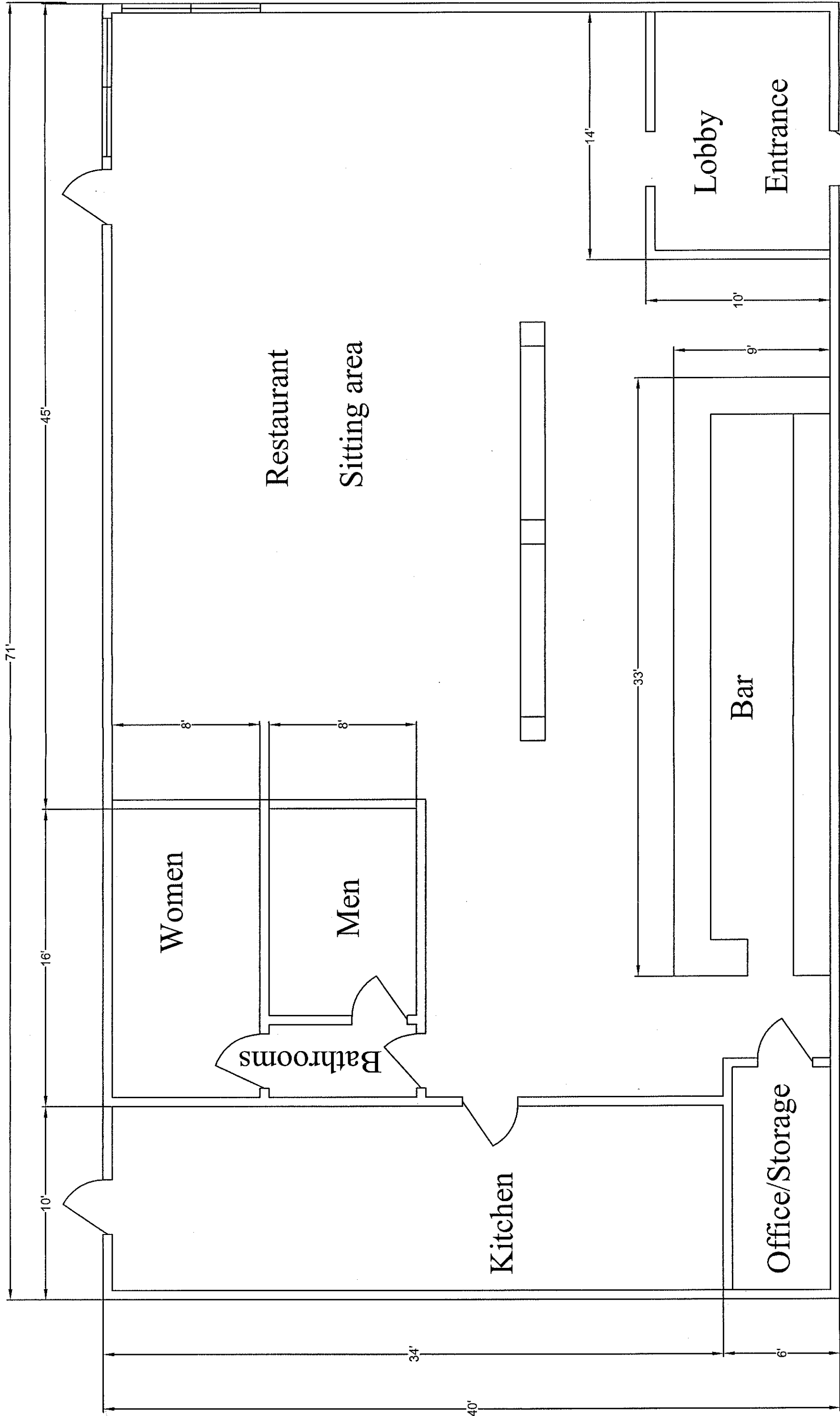
I took possession of the restaurant over a month ago, and ever since I have combined great food with live music and Karaoke. As you know I have been obtaining weekly permits but I would like to make this use permit permanent. I strongly believe that live entertainment in the city is a great thing for our patrons as there is a lack of live entertainment options in Antioch. And this additional activity will make a big difference in making our business successful for us and our employees. We currently have up 7 part time employees and hope to have more as the business increases in popularity.

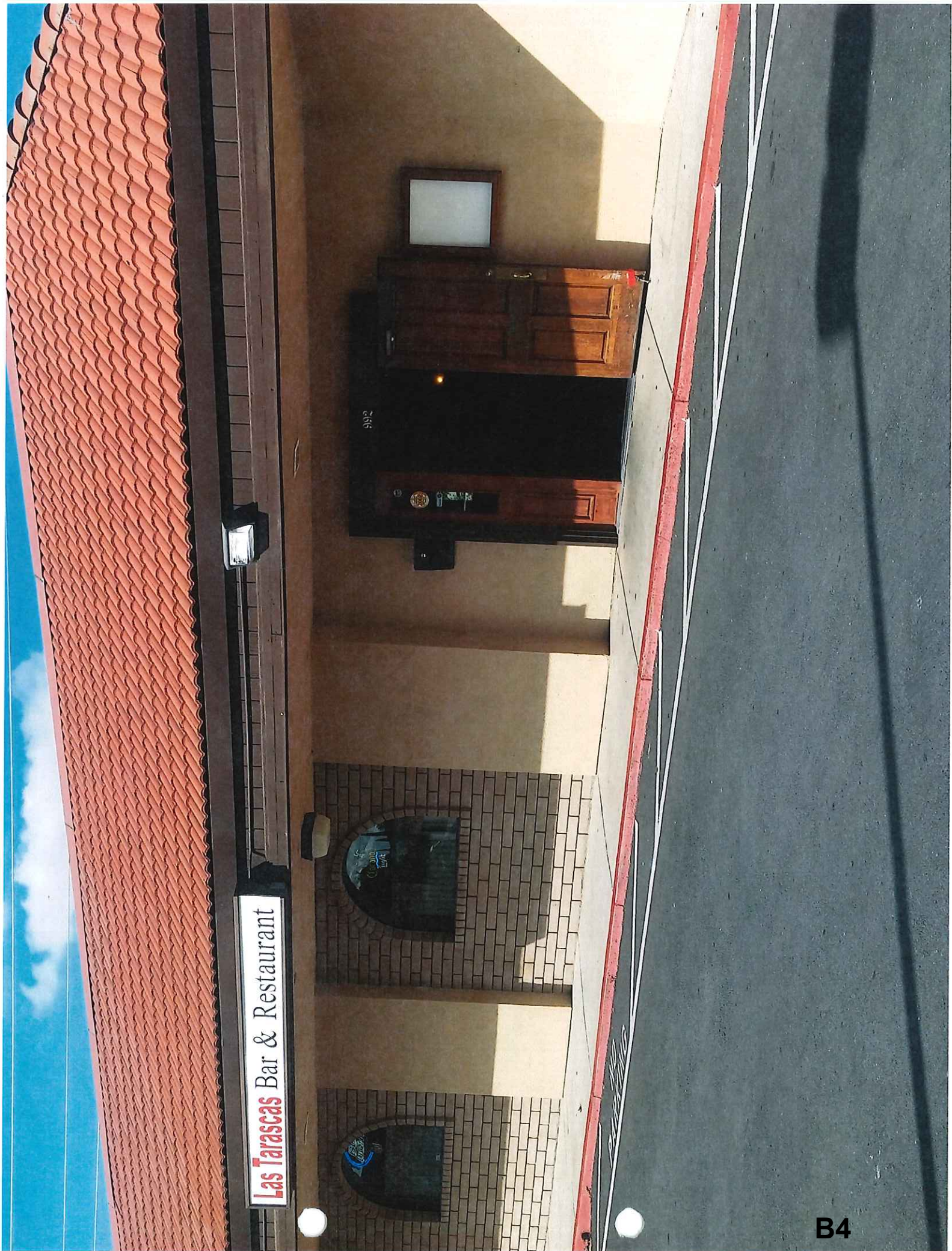
I have hired one of the best security companies to provide security inside and outside the building. Elite Risk Management is owned by a former Contra Costa deputy sheriff and they have experience with providing security for this type of business. I want to make sure that my patrons are safe at all times with great security while they are enjoying good authentic Mexican food and/or quality entertainment. I believe this will be a win-win situation for the City of Antioch, our business and for the community that will now have a place to have fun after a hard working week.

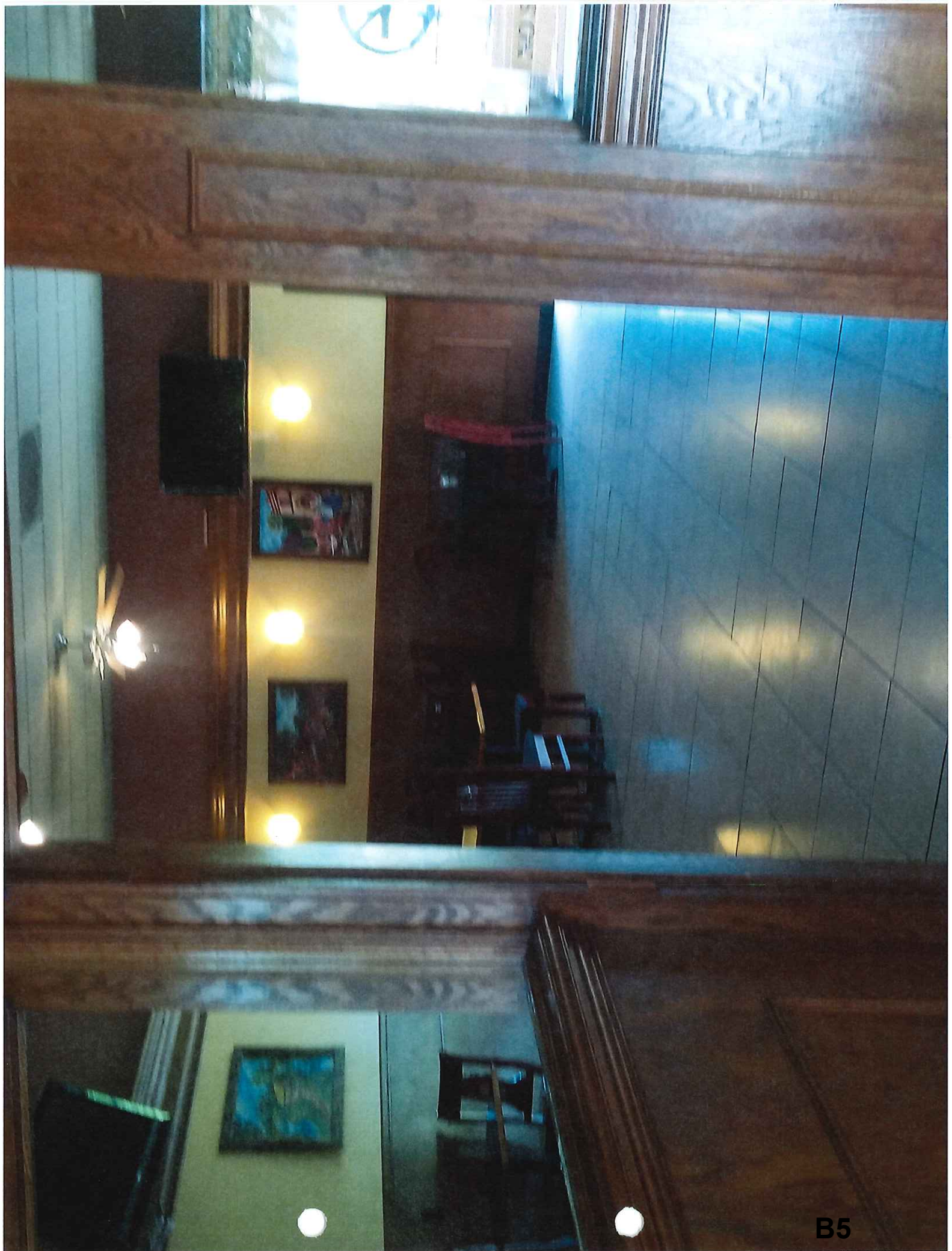
Respectfully,

A handwritten signature in black ink, appearing to read "Jose A. Meza". The signature is stylized with a large, sweeping "J" and a cursive "Meza".

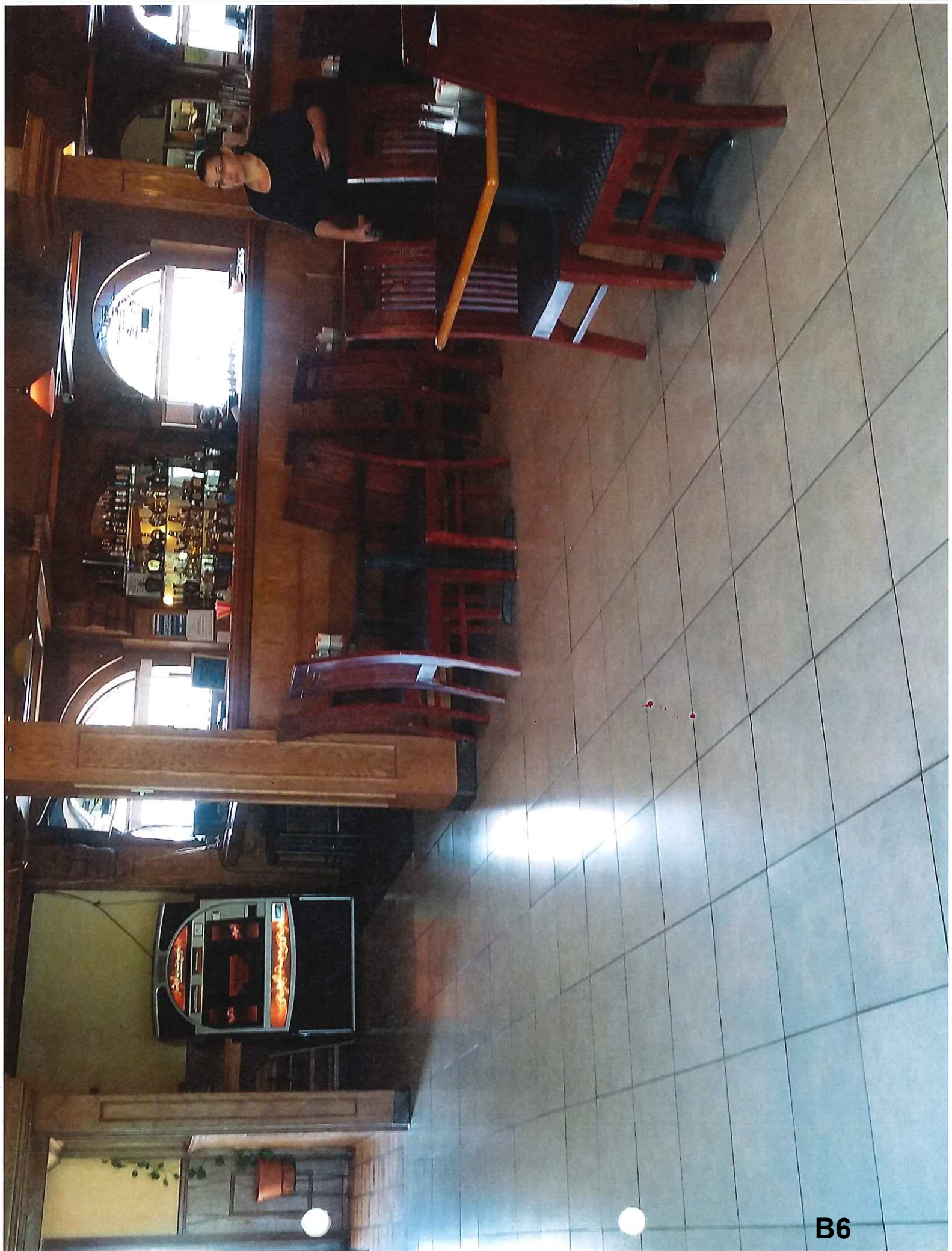
Jose A. Meza



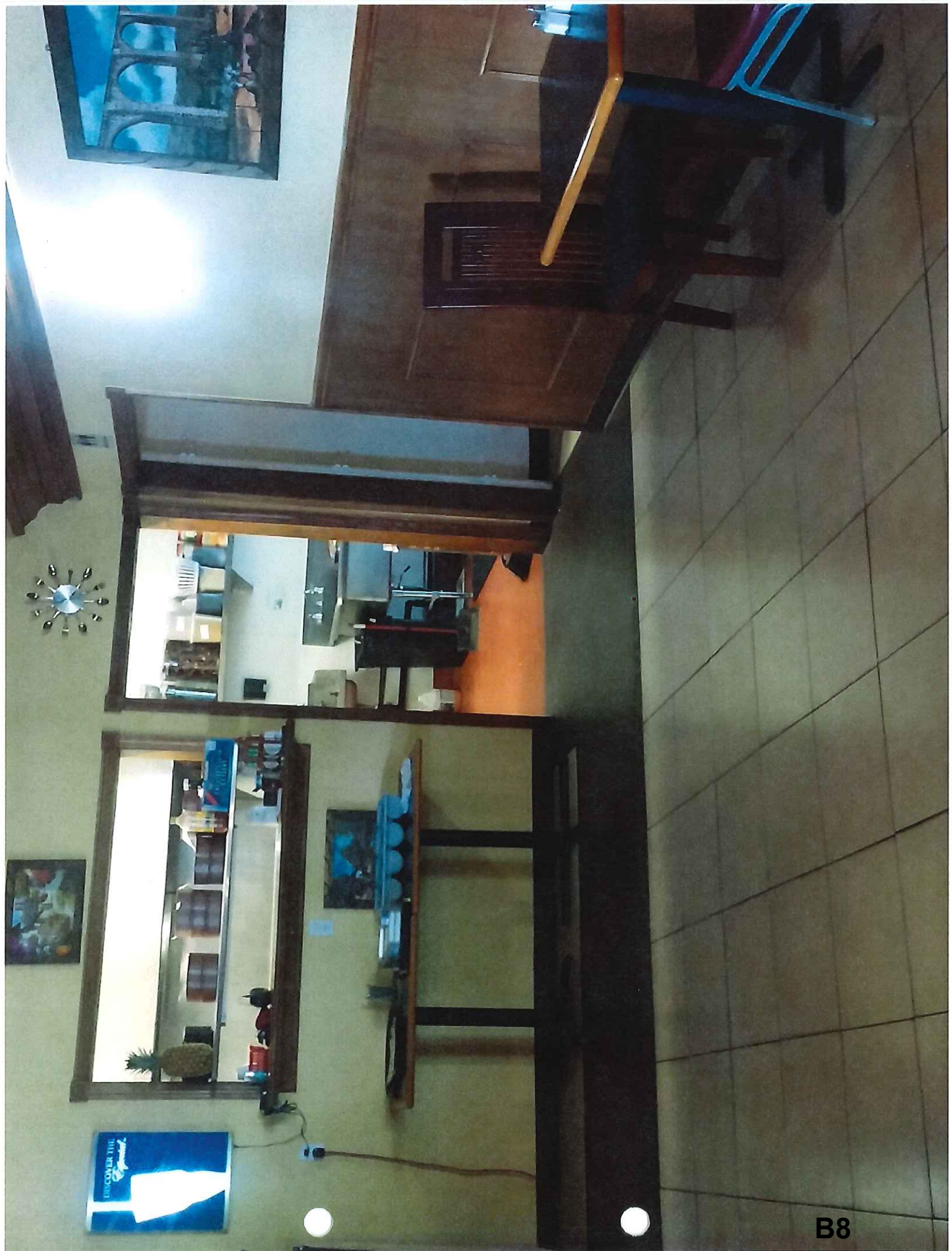


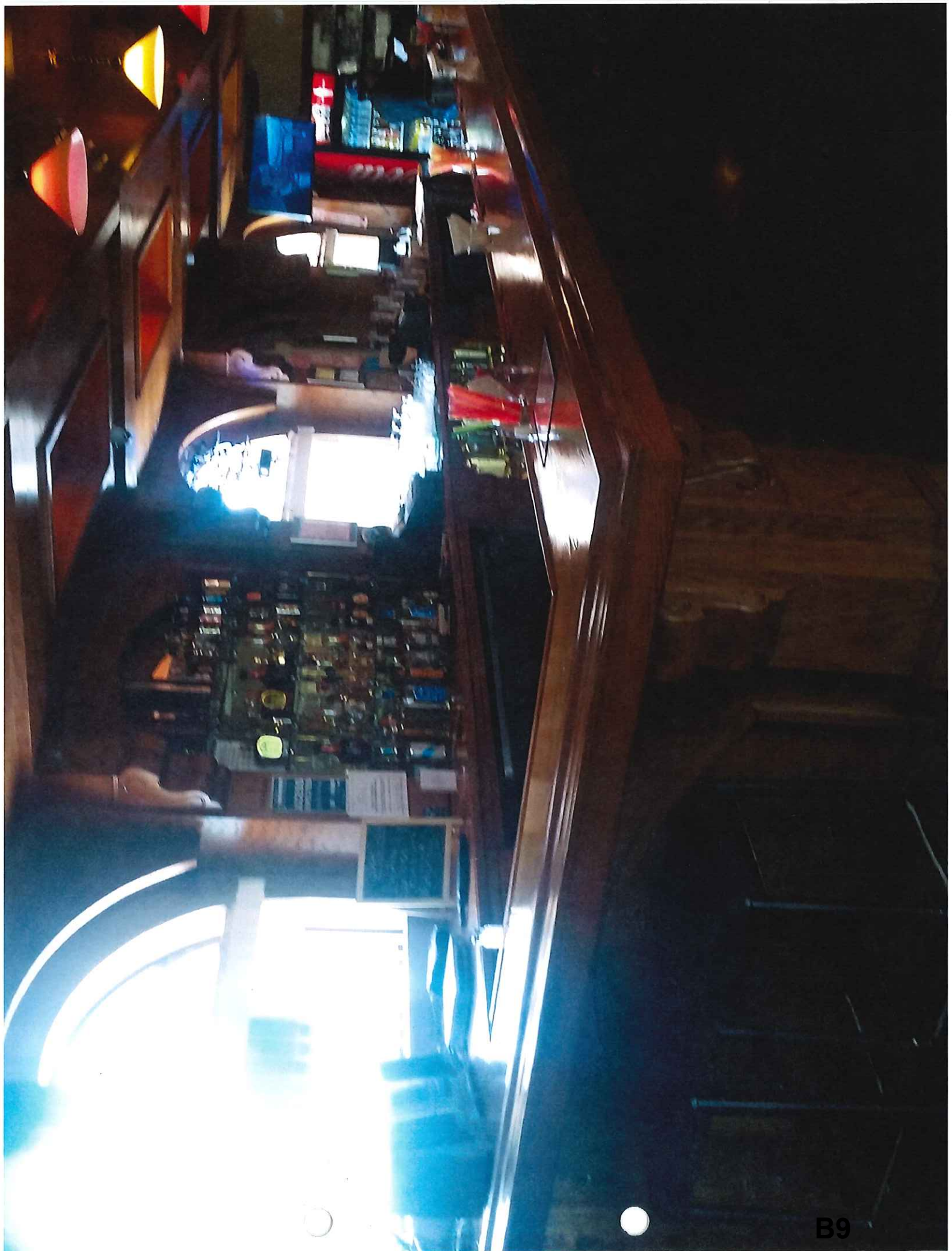


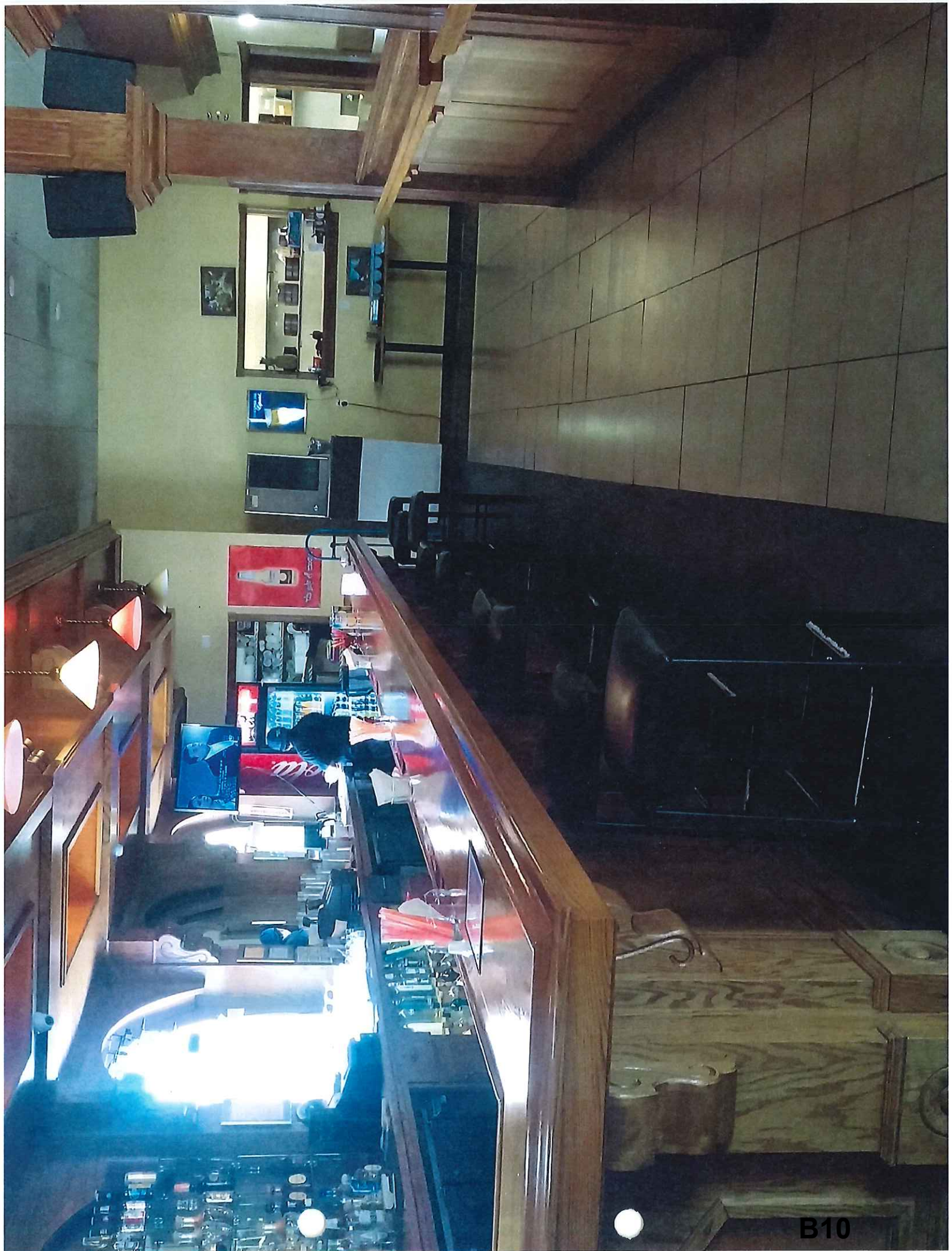
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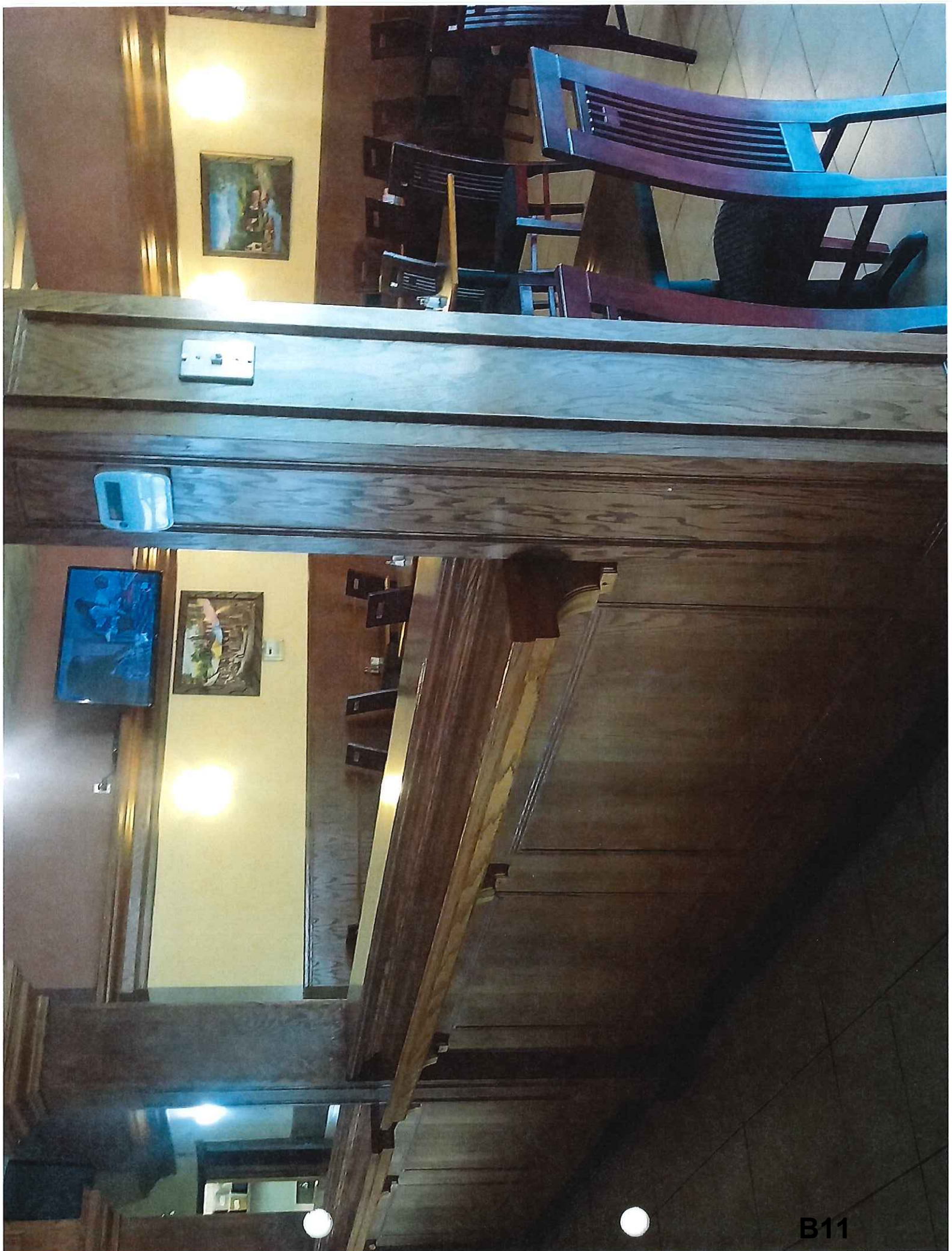




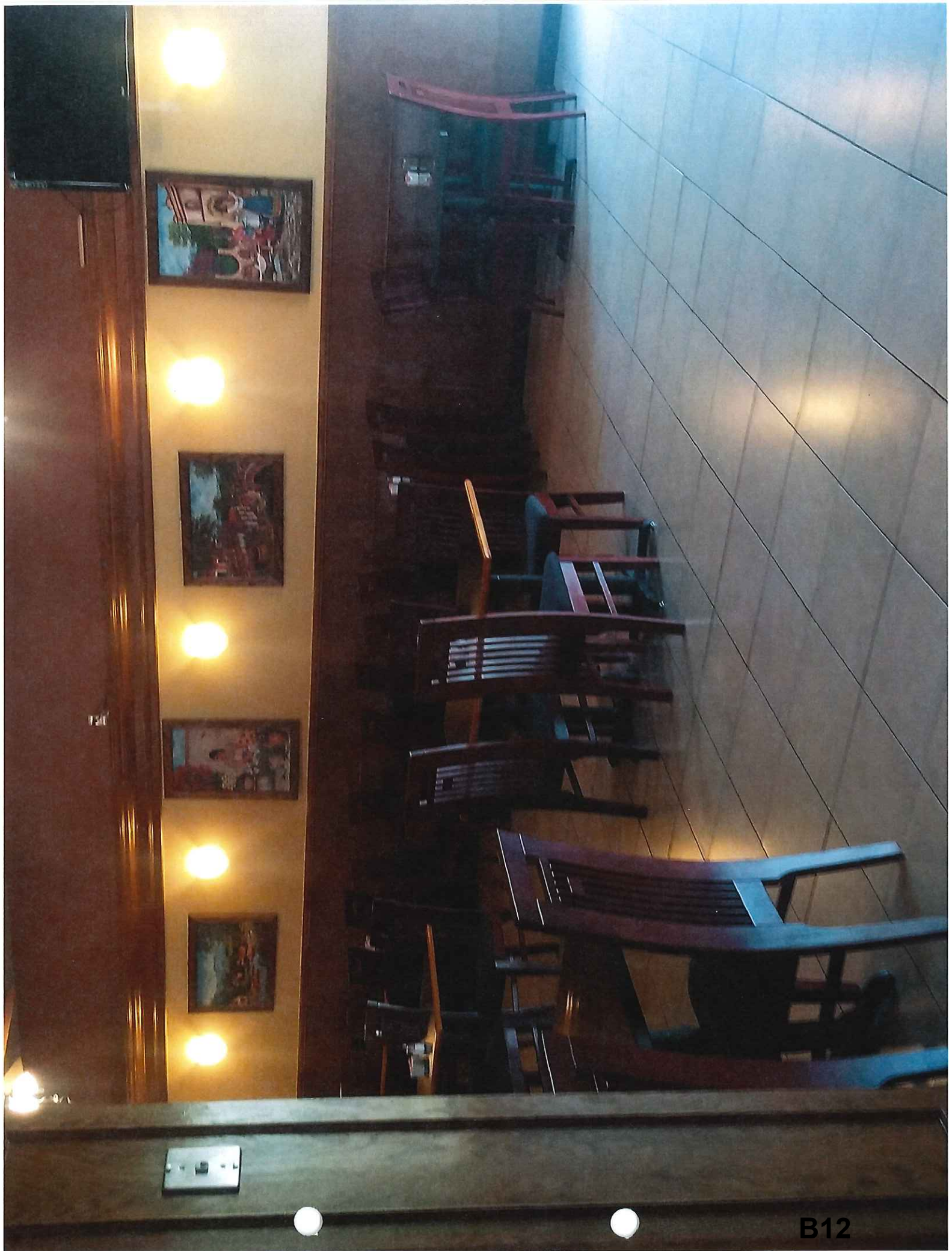




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**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF JULY 1, 2015**

Prepared by: Forrest Ebbs, Community Development Director *FE*
Date: June 17, 2015
Subject: **UP-15-02 – Use Permit and Design Review for a
Telecommunications Site at the southwest Corner of Hillcrest
Avenue and Wildflower Road**

RECOMMENDATION

Staff recommends that the Planning Commission approve a use permit and design review for a telecommunications facility subject to the conditions of approval contained in the attached resolution.

REQUEST

GETE Mobilnet of California, the applicant, on behalf of Verizon Wireless, requests the approval of a use permit and design review for a telecommunications facility consisting of a 62-foot tall *Monopine* structure containing nine (9) panel antennas and associated support equipments, as well as a ground-mounted equipment structure, diesel generator, and 6-foot tall perimeter chain-link fence topped with barbed wire and containing vinyl privacy slats. The project site is located at the southern portion of the vacant lot located at the southwest corner of the intersection of Hillcrest Avenue and Wildflower Drive (APN: 052-460-011).

BACKGROUND

The project site is currently vacant and contains approximately three acres. The proposed telecommunications facility would occupy approximately 4,146 square feet of the parcel at the southern portion of the site adjacent to Wildflower Drive.

The property has a General Plan designation of Neighborhood Community Commercial and has a zoning designation of Neighborhood/Community Commercial (C-2).

Surrounding land uses and zoning designations are as noted below:

North: Hillcrest Avenue and vacant parcels
South: Wildflower Drive and office uses (P-D)
East: Wildflower Drive and commercial uses (P-D)
West: The Crossing Shopping Center, commercial uses (P-D)

ENVIRONMENTAL

The project is Categorically Exempt from the provisions of CEQA, pursuant to section 15303 – New Construction or Conversion of Small Structures. This section of CEQA exempts projects that involve construction of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

ANALYSIS

The applicant submitted an Alternatives Site Analysis that supports the installation of telecommunication equipment at this site. The analysis found that project site was preferable to alternative sites in the immediate area and would best meet the applicant's objectives. Further, the applicant submitted a frequency analysis and noise analysis to support the project and to confirm compliance with City standards.

A technical and legal analysis of the project was conducted by the Telecom Law Firm PC. The analysis evaluated the project and supporting documents and determined that the project is not the "least intrusive means", but that it could be improved through ten recommended conditions of approval. These conditions have been included in the attached resolution.

In summary, the proposed project, as conditioned, would be consistent with City standards and the established design character of the immediate area. As such, staff recommends approval with conditions.

ATTACHMENTS

- A: Telecom Law Firm Report
- B: Project Plans dated April 1, 2015

**CITY OF ANTIOCH PLANNING COMMISSION
RESOLUTION NO. 2015-****

**RESOLUTION OF THE CITY OF ANTIOCH PLANNING COMMISSION
APPROVING A USE PERMIT AND DESIGN REVIEW FOR A
TELECOMMUNICATIONS SITE AT THE SOUTHWEST CORNER OF HILLCREST
AVENUE AND WILDFLOWER DRIVE (APN 052-460-011)**

WHEREAS, the City of Antioch received a request from GET Mobilnet of California, on behalf of Verizon Wireless, for a use permit and design review for a telecommunications facility consisting of 9 panel antennas and associated equipment on a 62-foot *Monopine* with an associated equipment shelter. The project site is located at the southwest corner of the intersection of Hillcrest Avenue and Wildflower Drive (APN: 052-460-011); and,

WHEREAS, this project is exempt from the provisions of CEQA pursuant to CEQA Guideline section 15303 – New Construction or Conversion of Small Structures; and

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

WHEREAS, the Planning Commission on July 1, 2015, duly held a public hearing, received, and considered evidence, both oral and documentary, and

WHEREAS, the Planning Commission does determine:

1. 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.

The telecommunications site will not be detrimental to the public health or welfare or injurious to the property or improvements because the use will be stealth by utilizing a Monopine that will hide the antennas. The subject site will provide 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 customers.

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

The site is zoned Regional Commercial (C-3) and per the Municipal Code, telecommunications sites are allowed with a use permit.

3. 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.

The site is adequate in size and shape to accommodate a telecommunications site as it is currently a commercial use with an unimproved vacant area at the northern end of the site. All buildings and site features are adequate for this use.

4. 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 site is located on Fairview Drive which is both adequate in width and pavement type to carry the traffic generated by the use. It is anticipated that the use will generate very little traffic and would only result in the maintenance of the equipment and the shelter.

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

The use is considered a telecommunications site and will not adversely affect the comprehensive General Plan.

WHEREAS, the Planning Commission does determine that the following findings support the Conditions of Approval.

A. GENERAL CONDITIONS

1. The City of Antioch has established a Municipal Code and City standards and the State of California has established a Building Code to protect the public health, safety, and welfare of the citizens within the City and the State respectively. This condition of approval is necessary for the developer to mitigate any project impacts that may threaten the health, safety, or welfare of its citizens.

2-3. In order for the project to be constructed to the City's approved standards, the plans need to adequately reflect the changes made by the City Council and City staff needs to inspect the site for compliance with the conditions of approval prior to final inspection approval. These conditions protects the public safety, health, and general welfare of the residents of the Project and surrounding residential and other uses by providing an adequate reflection of the approved project prior to the issuance of building permits and a follow up site inspection to ensure the Project was built as conditioned.

4. The regulatory environment of land development and base line conditions change frequently as well as thresholds established by the California Environmental Quality Act; therefore this condition is necessary to ensure any project going forward is subject to the most current regulations in order to promote the public health, safety, and welfare in the City of Antioch.

5. The Project is being pursued by a developer and the City's responsibility is to promote orderly development within the City. This condition is necessary to protect the City from the financial and time expenses for defending challenges to land use entitlements or environmental reviews that are financially benefitting the applicant, particularly given the City's own financial challenges.

6-7. The Project takes City time and staff to process development applications through the land use entitlement process. The development of property is at the benefit of the applicant; therefore the conditions are necessary to ensure the applicant pays the expenses to process the application rather than having that burden placed on the taxpayers for another's benefit and satisfies all necessary requirements to make use of public lands that serve the project site.

8. It is necessary to ensure administrative consistency and avoid confusion between plan versions by identifying the most recent entitlements that govern site development and use.

9. The project requires the use of public lands in order to provide access and extend infrastructure to the project site. These conditions are necessary to allow the project sponsors to make use of public lands to benefit the project.

B. CONSTRUCTION CONDITIONS

1-3. The construction of the Project will span approximately one year and will include site preparation, earthmoving, and general construction, which includes the development of buildings, structures, and facilities. Construction activities will produce impacts related to noise, dust, vibrations, and traffic that must be addressed and mitigated. In addition, the City is under a State-wide mandate to divert its waste by 50% and thus the City has adopted an ordinance to reduce construction and demolition debris from going to the landfill. These conditions of approval are necessary to address these impacts from the Project to ensure the public health, safety, and welfare of the Antioch community are protected and that development in the City occurs in an orderly fashion consistent with the City's General Plan and Municipal Code and to not create temporary or permanent nuisances.

C. FEES

1-3. The City of Antioch and the Contra Costa Fire Protection District provide existing infrastructure such as streets, utilities, traffic signals, public right-of-way, parks, flood mitigation improvements, parks, and police and fire services. The fees required by the conditions of approval serve two functions: 1) the funds will provide mitigation for the project's fair share impact and the Project's responsibility of costs for the existing infrastructure due to the increase in population and 2) to mitigate the costs of additional infrastructure and maintenance necessary due to the impact of the Project. The conditions of approval are necessary to mitigate impacts to public infrastructure from deterioration as well as provide additional infrastructure to serve the additional population.

D. FIRE REQUIREMENTS

1. The Contra Costa Fire Protection District provides fire services for the City of Antioch and follows the California Fire Code. The conditions of approval are necessary on the Project to protect the public health and provide for the safety and welfare of life and property from fire and explosion hazards or dangerous conditions in new buildings and existing buildings; structures and premises; and to provide safety and assistance to fire fighters and emergency responders during emergency operations.

E. PROPERTY MAINTENANCE

1-3. These conditions are necessary to ensure that the project site is kept in good working order to ensure adequate trash collection, to avoid localized flooding, reduce fire risks, and ensure the continued health, safety and welfare of the project environs.

F. UTILITIES

1. The Project will require electrical facilities. The Antioch Municipal Code requires all utility facilities (including, but not limited to, electric, communication, and cable television lines) which are located on-site or adjacent to the subdivision shall be placed underground. In order to minimize visual clutter utilities should be placed underground or subsurface. This condition is necessary to promote the desirability of the City through the minimization of visual clutter and to maintain the aesthetics of the City as well as adherence to the Antioch Municipal Code.

G. SITE AND PROJECT DESIGN

1. This condition is necessary to ensure harmonious development and appropriate building design as established by the City's Design Guidelines.

2. This condition is necessary to notify the public of radio frequency (RF) emissions that emanate from cell tower equipment.

NOW THEREFORE 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 and design review (UP-15-02), to construct a telecommunications site subject to the following conditions and the findings for the conditions, which are attached as Exhibit A:

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.
2. Conditions required by the Planning Commission, which call for a modification or any change to the site plan submitted, be corrected to show those conditions and all standards and requirements of the City of Antioch prior to any submittal for a building permit. No building permit will be issued unless the site plan meets the requirements stipulated by the Planning Commission and the standards of the City.
3. City staff shall inspect the site for compliance with the conditions of approval prior to final building inspection.
4. This approval expires two years from the date of approval (Expires July 1, 2017), unless a building permit has been issued and construction has diligently commenced thereon and has not expired, 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.
5. The applicant shall defend, indemnify, and hold harmless the City in any action brought by a third party to challenge the land use entitlement or environmental review. 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.
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. An encroachment permit shall be required for all work in the public right of way.
8. This approval supersedes previous approvals that have been granted for this site.
9. All required easements or rights-of-way for offsite improvements shall be obtained by the applicant at no cost to the City of Antioch. Advance permission shall be obtained from any property or easement holders for any work done within such property or easements.

B. CONSTRUCTION CONDITIONS

1. The use of construction equipment shall be restricted to weekdays between the hours 8:00 A.M. and 5:00 P.M., or as approved in writing by the City Manager.
2. The Project shall be in compliance with and supply all the necessary documentation for AMC6-3.2: Construction and Demolition Debris Recycling.
3. Standard dust control methods and designs shall be used to stabilize the dust generated by construction activities. The applicant shall post dust control signage with a contact number of the applicant, City staff, and the air quality control board.
4. The applicant shall conduct a preconstruction survey for nesting birds within thirty (30) days of the commencement of construction to insure construction activities do not disturb nesting birds.

C. FEES

1. The applicant shall pay all fees as required by the City Council.
2. The developer shall pay all required fees at the time of building permit issuance.
3. The applicant shall pay the Contra Costa County Fire Protection District Fire Development Fee in place at the time of building permit issuance.

D. FIRE REQUIREMENTS

1. The applicant shall comply with the following conditions provided by the Contra Costa County Fire Protection District:
 - a. Flammable or combustible liquid storage tanks shall not be located on the site without obtaining approval and necessary permits from the Fire District. (3401.4) CFC

- b. The applicant/contractor shall submit three (3) complete sets of building plans and specifications of the subject project, including plans for the following required deferred submittal, to the Fire District for review and approval prior to construction to ensure compliance with minimum requirements related to fire and life safety. Plan review and inspection fees shall be submitted at the time of plan review submittal. (105.4.1) CFC (901.2) CFC, (107) CBC

E. PROPERTY MAINTENANCE

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

F. UTILITIES

1. All existing and proposed utilities shall be undergrounded (e.g. transformers and PMH boxes) and subsurface in accordance with the Antioch Municipal Code, except existing P.G.& E. towers, if any or as approved by the City Engineer.

G. SITE AND PROJECT DESIGN

1. The following design conditions shall be demonstrated on the plans submitted for Building Permits.
 - a. Permittee shall install, and at all times maintain in good condition, three-dimensional bark cladding on the entire vertical support structure.
 - b. Permittee shall paint all mounts, arms, brackets and other support equipment with flat natural colors that resemble pine tree branches and/or needles. Permittee shall maintain all such paint in good condition at all times.
 - c. Permittee shall install, and at all times maintain in good condition, at least 3.5 faux-pine branches per vertical foot. Such branches must commence at approximately 12 feet above ground level and naturally taper towards the top. The faux-pine branches must extend at least 24 inches from the edge of the tower-mounted equipment, including without limitation the antennas. The minimum branch per-vertical foot requirement does not apply to the faux-pine "crown" placed above the vertical support structure.

- d. Permittee shall paint all tower-mounted equipment, including without limitation all antennas, remote radio-units/heads, DC power equipment, tower-mounted amplifiers, cables, wires and other connections, with flat natural colors that resemble pine tree branches and/or needles. Permittee shall maintain all such paint in good condition at all times.
- e. Permittee shall install, and at all times maintain in good condition, faux-pine needle socks over all antennas, remote radio units/heads and other similar tower-mounted equipment.
- f. Permittee shall not install any barbed wire, razor wire or other similar wires on the fence.
- g. Permittee shall install, and at all times maintain in good condition, green vertical slats throughout the entire chain-link fence.
- h. Permittee shall paint the equipment shelter and ICE bridge with flat colors that blend with the surrounding environment. Permittee shall maintain all such paint in good condition at all times.
- i. Permittee shall develop a landscape plan with native, drought-resistant plants that will effectively screen the chain-link fence when viewed from the public rights-of-way. The plants required under this condition must screen at least four vertical feet at the time Permittee installs them, and must screen the entire fence height when fully matured. Permittee shall implement such landscape plan and at all times maintain the landscaping in good condition.
- j. Permittee acknowledges that the City specifically includes these conditions of approval as concealment elements of the support structure designed to mimic the natural trees the surrounding environment. Permittee further acknowledges that the City finds the approved location, design and structure height contribute to the concealment and are themselves concealment elements of the support structure. Any future modifications to the site must maintain or improve all concealment elements.
- k. The applicant shall maintain all of facilities free from all graffiti and damage caused by vandalism, accidents, etc. Said graffiti abatement and/or maintenance shall be performed within two (2) business days of first being reported, where reasonably possible.
- l. No external light fixtures shall be permitted except a switch-operated light at the equipment cabinet. The light shall be in the "off" position except when personnel and/or their contractor are present at the site.

- m. Applicant shall install and at all times maintain in good condition an RF Notice sign on the entry gate of the fenced enclosure at least five feet (5') above the ground. The signage shall comply with FCC OET Bulletin 65 or ANSI C95.2 for color, symbol, and content conventions. The signage shall 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 power-down control over this site as required by the FCC.

* * * * *

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 July 2015.

AYES:

NOES:

ABSTAIN:

ABSENT:

FORREST EBBS, SECRETARY TO THE
PLANNING COMMISSION

ATTACHMENT “A”

WIRELESS PLANNING MEMORANDUM

TO: Mindy Gentry
FROM: Robert C. May
REVIEWER: Jonathan L. Kramer
DATE: May 15, 2015

RE: UP-15-02 (Verizon Wireless)
Use Permit Application for a New Monopine Wireless Site

The City of Antioch (the “City”) requested a review of the Verizon Wireless (“Verizon”) proposal to construct and operate a new monopine wireless site located near Hillcrest Avenue and Wildflower Drive.

1. Project Description

Verizon proposes to construct a new 62-foot above ground level (“AGL”) monopine and an above-ground adjacent equipment shelter. This section briefly describes the proposed project as depicted in the plans dated February 10, 2015 and submitted with the permit application.

On the monopine, Verizon proposes to install nine panel antennas center-mounted at approximately 50 feet AGL and remote radio heads (“RRHs”) mounted behind the antennas and “raycaps” mounted on antenna standoff.¹ At ground level, Verizon proposes to install an equipment shelter. The shelter would house a generator, various equipment and battery racks, two GPS antennas, two air conditioners, one ICE bridge, one diesel-powered backup generator and various panels for electrical and telephone utilities.

2. Section 6409(a) Analysis

As a threshold matter, the City must determine whether federal law mandates approval for this permit application. Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 requires that State and local governments “may not deny, and shall approve” an “eligible facilities request” so long as the proposal does not result in a “substant[ial] change.”² On October 17, 2014, the Federal Communications Commission (the “FCC”) adopted rules to interpret and

¹ “Raycap” is the trade name for a manufacturer that produces DC power surge suppressors typically installed on wireless sites.

² See Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156. (Feb. 22, 2012) (codified as 47 U.S.C. § 1455(a)).

implement Section 6409(a), which became effective on April 9, 2014.³ The applicant bears the burden to prove that its proposal qualifies.

Section 6409(a)(2) defines an “eligible facilities request” as a request to collocate, remove or replace transmission equipment on an existing wireless tower or base station.⁴ This definition necessarily excludes permit requests for new facilities. Thus, no matter how large or small, the statute does not mandate approval for a permit to construct an entirely new wireless site.

Here, Section 6409(a) does not mandate permit approval because Verizon did not submit an eligible facilities request. Rather than collocate on an existing wireless tower or base station, Verizon seeks to construct an entirely new site at a location where none presently exists. Accordingly, the City can conclude that Section 6409(a) does not mandate permit approval on this basis alone and without any “substantial change” analysis.

This conclusion does not necessarily mean the City may deny the permit. Rather, the City simply possesses its normal land-use discretion subject to other State and federal regulations.

3. Significant Gap and Least Intrusive Means Analysis

Under the federal Telecommunications Act of 1996 (the “**Telecom Act**”), State and local governments cannot prohibit or effectively prohibit personal wireless communication services.⁵ The United States Court of Appeals for the Ninth Circuit holds that a single permit denial can violate the Telecom Act when the applicant demonstrates that (1) a “significant gap” in its own service coverage exists and (2) its proposed site constitutes the “least intrusive means” to mitigate that significant gap.⁶ This section discusses both issues as related to the present application.

3.1. Significant Gap

The Ninth Circuit does not precisely define what a “significant gap” in service coverage means because this “extremely fact-specific [question] def[ies] any bright-line legal rule.”⁷ Although sometimes courts find that weak service coverage constitutes a significant gap, the Ninth Circuit also holds that “the [Telecommunications Act] does not guarantee wireless service providers

³ See *In the Matter of Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies*, Report and Order, 29 FCC Rcd. 12864 (Oct. 17, 2014) (codified as 47 C.F.R. §§ 1.40001, *et seq.*).

⁴ See 47 U.S.C. § 1455(a)(2).

⁵ See Section 704 of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (codified as 47 U.S.C. § 332(c)(7)(B)(i)(II)).

⁶ See *MetroPCS, Inc. v. City and County of San Francisco*, 400 F.3d 715, 733 (9th Cir. 2005).

⁷ See *id.*



coverage free of small ‘dead spots’”⁸ Accordingly, whether a gap rises to a legally significant gap depends on the contextual factors in each individual application.⁹

To guide the analysis, the Ninth Circuit suggests that applicants and localities should focus on “context-specific factors” such as: (1) whether the gap affects a significant commuter thoroughfare; (2) how many users the alleged gap affects; (3) whether the proposed site will fill a complete void or merely improve weak signal; (4) whether the alleged gap affects a commercial area; (5) whether the alleged gap threatens public safety; and (6) whether the applicant presented empirical or merely predictive evidence.¹⁰ The Ninth Circuit identifies these factors as relevant but does not explicitly limit the analysis to these factors or consider any particular factor more important than the others.

Here, Verizon does not allege that a significant gap exists in its application materials. The City should take the application at face value and assume that Verizon does not intend this proposed site to address a significant gap in its service coverage.

The fact that Verizon does not allege (or demonstrate) a significant gap does not necessarily mean that the City must (or even should) refuse to grant the permit. The City simply possesses its traditional land-use discretion as authorized under the Antioch Municipal Code (the “Code”) and preserved in the Telecom Act. Accordingly, the City should evaluate the Verizon proposal against the established standards in the Code.

3.2. Least Intrusive Means

Even when an applicant demonstrates a significant gap, the Telecom Act does not grant the applicant rights to build whatever site in whatever location it chooses. State and local jurisdictions may require wireless applicants to adopt the “least intrusive means” to achieve their technical objectives.¹¹ This balances the national interest in wireless services with the local interest in planned development.

In the Ninth Circuit, the least intrusive means refers to the technically feasible and potentially available alternative design and location that most closely conforms to the local values a permit denial would otherwise serve.¹² A “technically feasible and potentially available alternative” means that the applicant can reasonably (1) meet their demonstrated service needs and (2) obtain a lease or other legal right to construct the proposed site at the proposed location.¹³

⁸ See *id.*

⁹ See *Sprint PCS Assets, LLC v. City of Palos Verdes Estates*, 583 F.3d 716, 727 (9th Cir. 2009) (citing *San Francisco*, 400 F.3d at 733).

¹⁰ See *id.* (collecting cases that examine each enumerated factor).

¹¹ See, e.g., *American Tower Corp. v. City of San Diego*, 763 F.3d 1035, 1056 (9th Cir. 2014).

¹² See *id.*; see also *T-Mobile USA, Inc. v. City of Anacortes*, 572 F.3d 987, 995 (9th Cir. 2009).

¹³ See *Anacortes*, 572 F.3d at 996–999.



The process to determine whether a proposal constitutes the least intrusive means involves “burden-shifting” framework. First, the applicant establishes a presumption that it proposes the least intrusive means when it submits an alternative sites analysis. Localities can rebut the presumption when it proposes other alternatives. Applicants may then rule-out proposed alternatives when it provides a “meaningful comparative analysis” for why such alternative is not technically feasible or potentially available.¹⁴ This back-and-forth continues until either the jurisdiction fails to propose a technically feasible or potentially available alternative, or the applicant fails to rule-out a proposed alternative.¹⁵

Applicants cannot rule-out potential alternatives on the ground that it believes its preferred site is subjectively “better” than the jurisdiction’s preferred alternative.¹⁶ Only the local government can decide which among several feasible and available alternatives constitutes the best option. Similarly, an applicant cannot rule-out a proposed alternative based on a bare conclusion that it is not technically feasible or potentially available—it must provide a meaningful comparative analysis that allows the jurisdiction to reach its own conclusions.¹⁷

3.2.1. Least Intrusive Location

Here, the City might in its discretion find the proposed location unobjectionable. The Code would allow a wireless site on this parcel subject to a Use Permit, several mature trees would help blend a monopine into the environment and commercial uses flank the proposed location. Moreover, Verizon submitted an *Alternative Site Analysis* that identifies the proposed location as the presumptively least intrusive location.

However, in the event that the City finds some other alternative location less intrusive, it should require Verizon to produce a more detailed analysis to address specific weaknesses in the *Alternative Site Analysis*. The following describes some specific concerns.

First, the *Alternative Site Analysis* does not offer a meaningful comparative analysis for why the reduced height at the Public Storage collocation renders the site technically infeasible. Although Verizon asserts that it cannot meet its technical objectives at 40 feet AGL, it neither clearly identifies those objectives nor provides coverage or capacity comparisons between its preferred location and this collocation site. For these reasons, and based on the currently submitted

¹⁴ See *American Tower Corp.*, 763 F.3d at 1056.

¹⁵ Compare *id.* (upholding a permit denial because the applicant failed to rule-out the technical feasibility or potential availability of proposed alternatives), with *Anacortes*, 572 F.3d at 999 (invalidating a permit denial because the city insisted on an unavailable location). These cases provide a guide for planners on how to evaluate alternative sites analyses. Planners should also note that a strong administrative record is essential to this analysis.

¹⁶ See *American Tower Corp.*, 763 F.3d at 1057 (finding that the applicant “did not adduce evidence allowing for a meaningful comparison of alternative designs or sites, and the [c]ity was not required to take [the applicant]’s word that these were the best options”).

¹⁷ See *id.*



materials, the City should not consider a collocation at Public Storage a technically infeasible alternative at this time.

Moreover, the relatively skeletal *Alternative Site Analysis* also causes some potential concerns about whether some discarded alternatives might be potentially available. For example, the *Alternative Site Analysis* rules out six sites based solely on the assertion that the owner expressed “no interest” in a lease with Verizon, but includes no information is provided about who Verizon contacted, when it contacted that person or whether any response was ever received. Verizon also ruled out two alternatives in the public rights-of-way on availability grounds, even though California state law grants telephone corporations like Verizon with a state-wide franchise to access the public rights-of-way.¹⁸ In total, Verizon ruled out 13 of its 15 alternatives due to availability concerns with mostly conclusory statements as a factual basis.

Accordingly, to the extent that the City prefers any ruled-out alternative over the proposed site, the City may wish to require a meaningful comparative analysis with concrete facts rather than bare conclusions. Although the conclusions in the *Alternative Site Analysis* may ultimately be found valid after a more thorough investigation, the City is not required to merely take Verizon’s word that these options are infeasible or unavailable.

3.2.2. Least Intrusive Design

Code section 9-5.601 limits structures in a C-2 zone to 35 feet from the average lot elevation to the topmost point on the structure.¹⁹ Footnote “b” to section 9-5.601 contains an exception to the height limit for “radio towers,” but does not explicitly describe how much additional height the Code permits. Additionally, the Code prohibits barbed or razor wire fences unless approved with a special exception.²⁰ Chain-link fences adjacent to a public street or park must be clad in vinyl.²¹

Here, the Code does not clearly describe how high the exception to the zone height for radio towers allows. Verizon’s proposed design exceeds the default zone height limit in this district by approximately 27 feet. Moreover, Verizon did not provide any technical justification for this height other than the conclusory statement that a 50-foot centerline is “required.” To the extent that the Code would not permit the additional height, the City should require Verizon to provide a meaningful comparative analysis between the service levels it could provide at a height that complies with the Code and its currently proposed height.

Aside from the overall height, other aesthetic aspects should be improved. To promote the least intrusive design, the City should include the following conditions of approval:

¹⁸ See Cal. Pub. Utils. Code § 7901.

¹⁹ See Antioch, Cal., Code § 9-5.601.

²⁰ See Antioch, Cal., Code § 9-5.1601(B).

²¹ See Antioch, Cal., Code § 9-5.1601(C).



1. Permittee shall install, and at all times maintain in good condition, three-dimensional pine bark cladding on the entire vertical support structure.
2. Permittee shall paint all mounts, arms, brackets and other support equipment with flat natural colors that resemble pine tree branches and/or needles. Permittee shall maintain all such paint in good condition at all times.
3. Permittee shall install, and at all times maintain in good condition, at least 3.5 faux-pine branches per vertical foot. Such branches must commence at approximately 12 feet above ground level and naturally taper towards the top. The faux-pine branches must extend at least 24 inches from the edge of the tower-mounted equipment, including without limitation the antennas. The minimum branch per-vertical foot requirement does not apply to the faux-pine "crown" placed above the vertical support structure.
4. Permittee shall paint all tower-mounted equipment, including without limitation all antennas, remote radio units/heads, DC power equipment, tower-mounted amplifiers, cables, wires and other connections, with flat natural colors that resemble pine tree branches and/or needles. Permittee shall maintain all such paint in good condition at all times.
5. Permittee shall install, and at all times maintain in good condition, faux-pine needle socks over all antennas, remote radio units/heads and other similar tower-mounted equipment.
6. Permittee shall not install any barbed wire, razor wire or other similar wires on the fence.
7. Permittee shall install, and at all times maintain in good condition, green vertical slats throughout the entire chain-link fence.
8. Permittee shall paint the equipment shelter and ICE bridge with flat colors that blend with the surrounding environment. Permittee shall maintain all such paint in good condition at all times.
9. Permittee shall develop a landscape plan with native, drought-resistant plants that that will effectively screen the chain-link fence when viewed from the public rights-of-way. The plants required under this condition must screen at least four vertical feet at the time Permittee installs them, and must screen the entire fence height when fully matured. Permittee shall implement such landscape plan and at all times maintain the landscaping in good condition.
10. Permittee acknowledges that the City specifically includes these conditions of approval as concealment elements of the support structure designed to mimic the natural trees in



surrounding environment. Permittee further acknowledges that the City finds the approved location, design and structure height contribute to the concealment and are themselves concealment elements of the support structure. Any future modifications to the site must maintain or improve all concealment elements.

Although Verizon already proposes to incorporate some of the recommended concealment techniques, the City should explicitly include all concealment techniques as a condition of approval to preserve the aesthetic benefit throughout future modifications. The FCC generally exempts Section 6409(a) modifications from compliance with subjective aesthetic code requirements, but requires compliance with conditions of approval related to concealment elements.²² Thus, the conservative approach would be to condition approval on adoption and maintenance of specific concealment techniques.

4. Planned RF Compliance Evaluation

State and local governments cannot regulate wireless sites based on the environmental effects from radiofrequency (“RF”) emissions to the extent that such emissions comply with applicable FCC regulations.²³ The FCC occupies the field with respect to RF emissions regulation with comprehensive rules for maximum permissible exposure (the “FCC Rules”).²⁴ State and local governments cannot establish their own RF standards—whether more strict, more lenient or even the same. However, State and local governments may require an applicant to demonstrate “planned compliance” with the FCC Rules.²⁵

The FCC “categorically excludes” wireless facilities from routine RF exposure analysis when virtually inaccessible to the general public. A site qualifies for the categorical exclusion when its antennas are mounted (1) to structure solely or primarily built to support wireless antennas and (2) more than 10 meters above ground level.²⁶ The FCC Rules presume that these sites will not expose the general public to emissions that exceed the maximum permissible exposure level.

Here, the FCC Rules would categorically exclude the proposed transmitters because Verizon proposes to mount them on a structure solely intended to support wireless transmission equipment and above 10 meters AGL. Accordingly, the City may generally presume that the site will demonstrate planned compliance.

²² See 47 C.F.R. § 1.40001(b)(7).

²³ See 47 U.S.C. § 332(c)(7)(B)(iv).

²⁴ See 47 C.F.R. § 1.1307 *et seq.*; see also FCC Office of Engineering and Technology Bulletin 65.

²⁵ See *In re Procedures for Reviewing Requests for Relief from State and Local Regulations Pursuant to Section 332(c)(7)(B)(iv) of the Communications Act of 1934*, *Report and Order*, 15 FCC Rcd. 22821, 22828–22829 (Nov. 13, 2000) (declining to adopt rules that limit demonstrations of compliance).

²⁶ See 47 C.F.R. § 1.1307(b)(1).



Verizon also submitted a compliance evaluation conducted by Hammett & Edison, Inc. and dated March 23, 2015 (the "**H&E Report**"), which concludes that the proposed Verizon transmitters will demonstrate planned compliance with the FCC Rules. Based on the transmitter frequencies and power levels disclosed by Verizon and reproduced in the H&E Report, the Verizon antennas will create a "controlled access zone" that extends approximately 46 feet from the face of the antennas at approximately the same height as the emissions center (approximately 50 feet AGL). The controlled access zone extends horizontally from the antennas with very little emissions that stray in any other direction, including towards ground level.

The fact that a site creates a controlled access zone does not necessarily mean that it violates the FCC Rules. Rather, a controlled access zone means that the carrier must affirmatively restrict public access to that area so that members of the general population (including trespassers) cannot unknowingly enter and be exposed to radio emissions in excess of those allowed by the FCC.

11. Permittee shall keep the fenced equipment area locked at all times except when active maintenance is performed on the site.
12. Permittee shall install and at all times maintain in good condition a "Network Operations Center Information" sign at the access point(s) to the fenced equipment area. Permittee shall install the signs required under this condition so that a person may clearly see and understand the sign before he or she accesses the fenced equipment area.
13. Permittee shall install and at all times maintain in good condition an "RF Notice" sign on the base of the monopine. Permittee shall install the sign required under this condition so that a person may clearly see and understand the sign as he or she approaches the monopine.
14. Permittee shall ensure that all signage complies with FCC OET Bulletin 65 or ANSI C95.2 for color, symbol, and content conventions. All such signage shall 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 power-down control over this site as required by the FCC.

5. Conclusion


Although Verizon does not necessarily proposed the least intrusive means, the City can substantially improve the design with conditions of approval. Subject to the recommendations in this memorandum, the site will demonstrate planned compliance with the FCC Rules and the City should advance this project to the next stage in the review process.

RM/jlk



ATTACHMENT “B”

ZD DRAWING SIGN-OFF

DATE	TIME	%	CHK-PLEASE RETURN BY:
			
SIGNATURE		DATE	
SITE ACQUISITION: _____			
PLANNING: _____			
CONSTRUCTION: _____			
MANAGEMENT: _____			

verizon WIRELESS

CONSTRUCTION:	SIGNATURE	DATE
REAL ESTATE:		
RF ENGINEER:		
EQUIPMENT ENGINEER:		
W/ ENG./TRANSPORT:		



verizon WIRELESS

2785 Mitchell Drive, Walnut Creek, CA 94598

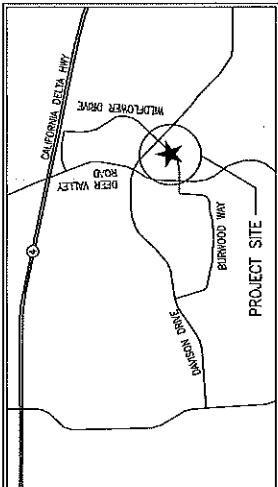
HILLCREST DEER VALLEY

HILLCREST AVE. & WILDFLOWER DRIVE

ANTIOCH, CA

APN: 052-460-011

LOCATION #: 299355



LOCATION PLAN

DIRECTIONS

FROM VERIZON OFFICE, 8-2785 MITCHELL DRIVE, WALNUT CREEK, CA 94598:

1. Turn left onto Yonkers Valley Rd.
2. Continue onto Kiefer Pass Rd.
3. Continue onto Railroad Ave.
4. Turn right onto Hillcrest Ave.
5. Take the Hillcrest Ave exit.
6. Follow Lathrop Dr. to Wildflower Dr.
7. Turn right onto Hillcrest Ave.
8. Turn left onto Wildflower Dr.
9. Turn right onto Wildflower Dr.

INDEX OF DRAWINGS

1.	T1-1	TITLE SHEET, LOCATION PLAN, PROJECT DATA
2.	A1-1	OVERALL SITE PLAN
3.	A1-2	ENLARGED SITE LAYOUT PLAN
4.	A2-1	EQUIPMENT LAYOUT PLAN
5.	A2-2	PROJECT ELEVATIONS
6.	A3-1	PROJECT ELEVATIONS

PROJECT DIRECTORY

APPLICANT: VERIZON WIRELESS 2785 MITCHELL DRIVE WALNUT CREEK, CA 94598	LANDLORD: JAWA ACQUISITION COMPANY 0045, LLC C/O GUGGENHEIM RETAIL REAL ESTATE PARTNERS, INC. 1500 PARK DRIVE FARMACIA, TX 75034 214-872-4015
ARCHITECT: MST ARCHITECTS 1520 PARK DRIVE SACRAMENTO, CA 95815 mstarchitects.com	CONSTRUCTION MANAGER: COMPLETE WIRELESS CONSULTING, INC. 2009 V STREET SACRAMENTO, CA 95818 mcs@completewireless.net

PROJECT SUMMARY

ASSESSOR'S PARCEL NUMBER: 052-460-011
MUNICIPALITY: CITY OF ANTIOCH
OCCUPANCY: U (UNMANNED TELECOMMUNICATIONS FACILITY)
TYPE OF CONSTRUCTION: V-P
ZONING: C-2 (NEIGHBORHOOD/COMMUNITY COMMERCIAL)

CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE DESIGNED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES:

1. 2013 CALIFORNIA ADMINISTRATIVE CODE (CAC) (INCL. TITLE 24 & 25)
2. 2013 CALIFORNIA ELECTRICAL CODE (CEC)
3. 2013 CALIFORNIA MECHANICAL CODE (CMC)
4. 2013 CALIFORNIA PLUMBING CODE (CPC)
5. 2013 CALIFORNIA FIRE CODE (CFC)
6. 2013 CALIFORNIA ENERGY CODE (CEC)
7. 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE (CALGREEN CODE)
8. 2013 CALIFORNIA REFERENCE STANDARDS CODE
9. LOCAL COUNTY OR CITY ORDINANCES
10. ALL APPLICABLE STATE AND FEDERAL STANDARDS

THE PROJECT SITE IS LOCATED WITHIN AN UNINCORPORATED AREA OF THE STATE OF CALIFORNIA. ACCESSIBILITY REQUIREMENTS: THIS FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. ACCESSIBILITY NOT REQUIRED IN ACCORDANCE WITH THE 2013 CBC 119-203.3, AND 119-202.4 EXCEPTION 7.

PROJECT DESCRIPTION

PROPOSED VERIZON WIRELESS UNMANNED TELECOMMUNICATIONS FACILITY INCLUDING:

- A 4146 SQUARE FOOT LEASE AREA
- A FENCE & LEASE AREA PERMITTER
- A PRE-FABRICATED EQUIPMENT SHELTER
- POWER & TELCO UTILITIES BROUGHT TO FACILITY
- A STANDBY GENERATOR
- A CABLE ICE BRIDGE
- ANTENNAS W/ ASSOCIATED TOWER MOUNTED EQUIPMENT MOUNTED ON A PROPOSED MONOPILE

PROJECT MILESTONES

11/29/2014	90% ZONING DOCUMENTS
02/07/2015	100% ZONING DOCUMENTS
02/07/2015	100% ZONING DOCUMENTS REVISION 1
XX/XX/XXXX	80% CONSTRUCTION DOCUMENTS
XX/XX/XXXX	100% CONSTRUCTION DOCUMENTS

MST ARCHITECTS

3115 KENNESAW AVENUE, SUITE 200
 FARMACIA, TX 75034
 214-872-4015

COMPLETE WIRELESS

3115 KENNESAW AVENUE, SUITE 200
 FARMACIA, TX 75034
 214-872-4015


verizon WIRELESS

HILLCREST DEER VALLEY
 HILLCREST AVE. & WILDFLOWER DR.
 ANTIOCH, CA

SHEET TITLE: TITLE SHEET, LOCATION PLAN, PROJECT DATA

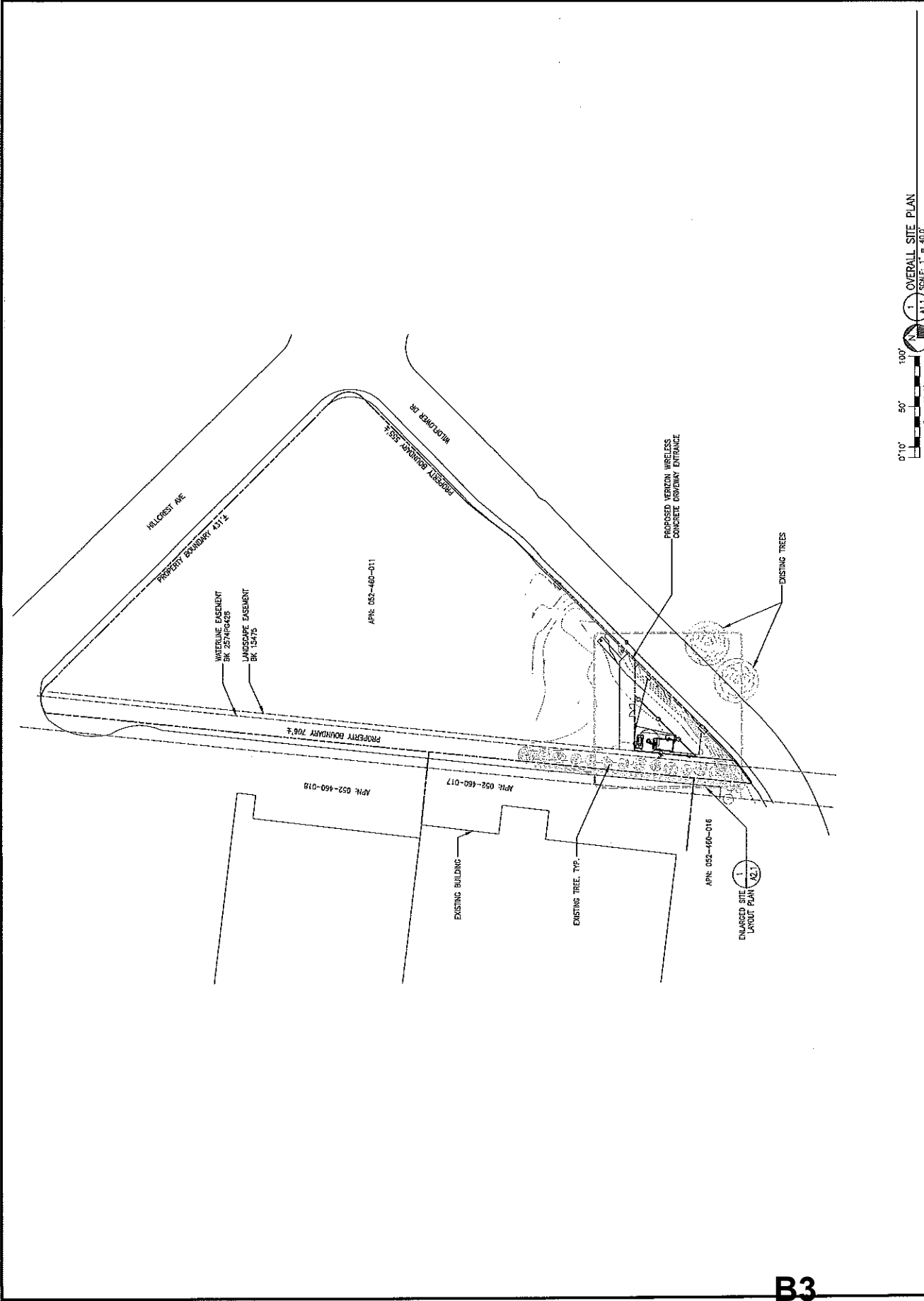
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 LCB: NO. 124200


MST ARCHITECTS
 1500 AVENUE 100, SUITE 100, SAN ANTONIO, TX 78203
 TEL: 214.597.0430
 FAX: 214.597.0430
 WWW.MSTARCHITECTS.COM
 COMPLETE
 VERIZON COMMUNICATIONS, INC.

Verizon WIRELESS
 HILLCREST DEER VALLEY
 HILLCREST AVE. & WILDFLOWER DR.
 ANTIPOCH, CA
 OVERALL SITE PLAN
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 DATE: 07/20/15



JOB NO. 102.104

DATE 10/27/15

SCALE AS SHOWN

CHECKED BY: NS

DATE 10/27/15

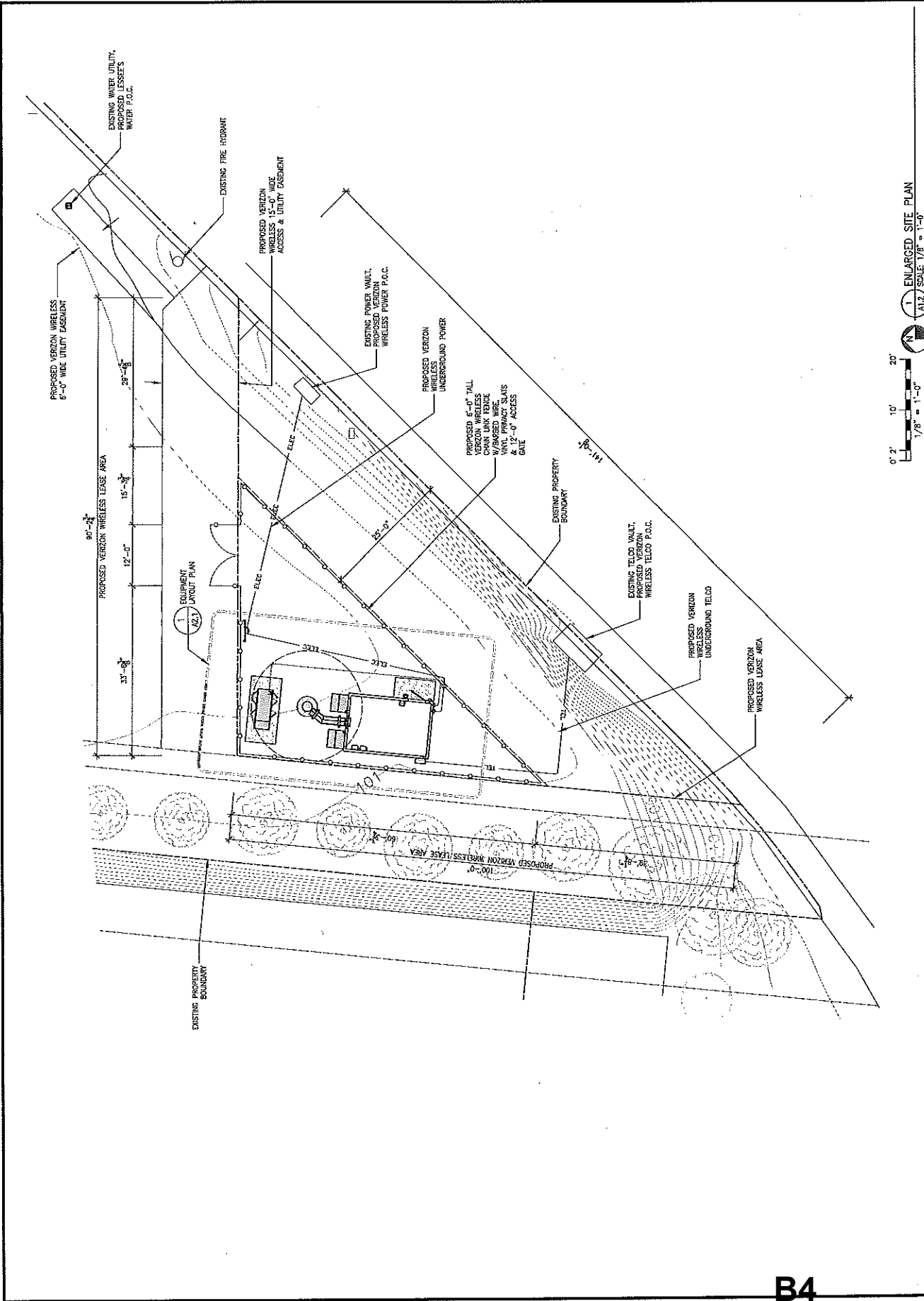
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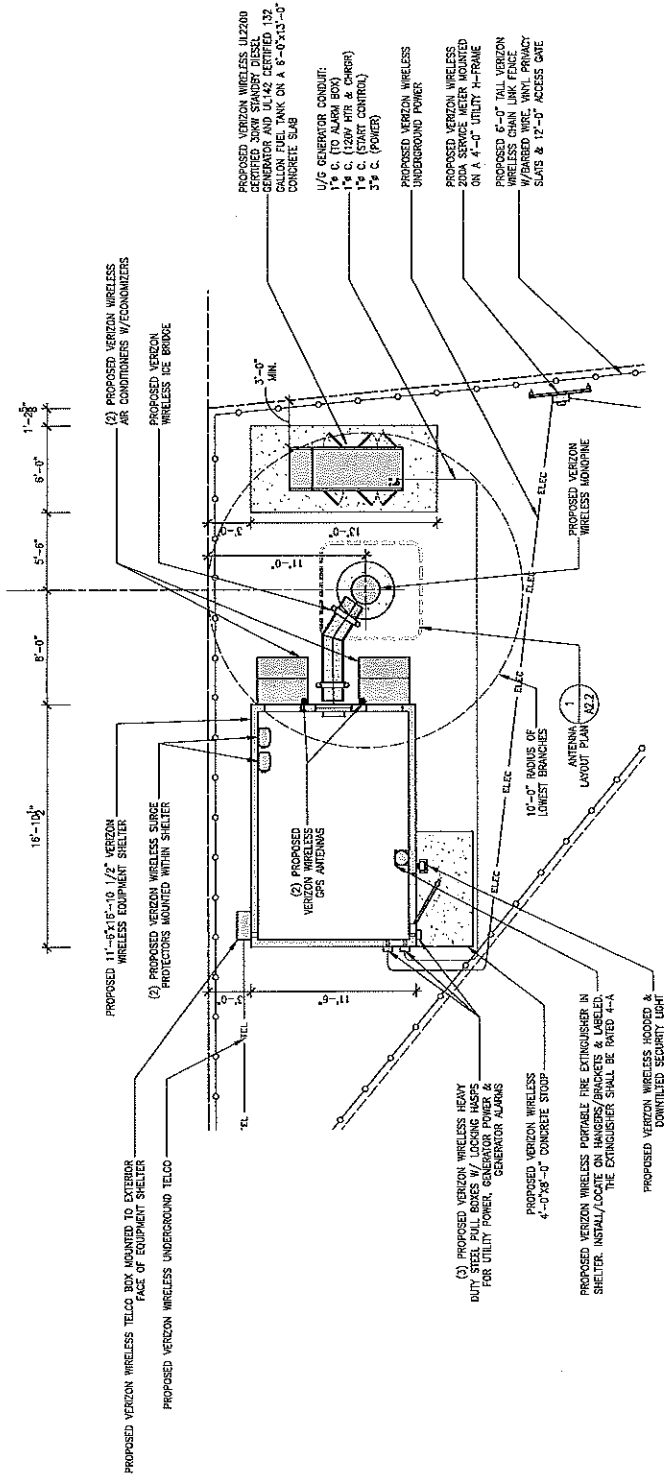
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ANTIOCH, CA
HILLCREST AVE. & WILDFLOWER DR.
ENLARGED SITE PLAN

MST ARCHITECTS
1515 54TH AVE., SUITE 100
ANTIOCH, CA 94509
TEL: 925-417-4550
WWW.MSTARCHITECTS.COM

COMPLETE
MST ARCHITECTS, INC.
1515 54TH AVE., SUITE 100
ANTIOCH, CA 94509
TEL: 925-417-4550
WWW.MSTARCHITECTS.COM





MST ARCHITECTS
5150 KYLE PARK DRIVE, SUITE 100
SAN ANTONIO, TEXAS 78215
TEL: 214.343.1234
WWW.MSTARCHITECTS.COM

COMPLETE
WIRELESS COMMUNICATIONS

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verizon WIRELESS
HILLCREST AVE. & WILDFLOWER DR.
ANTIOCH, CA

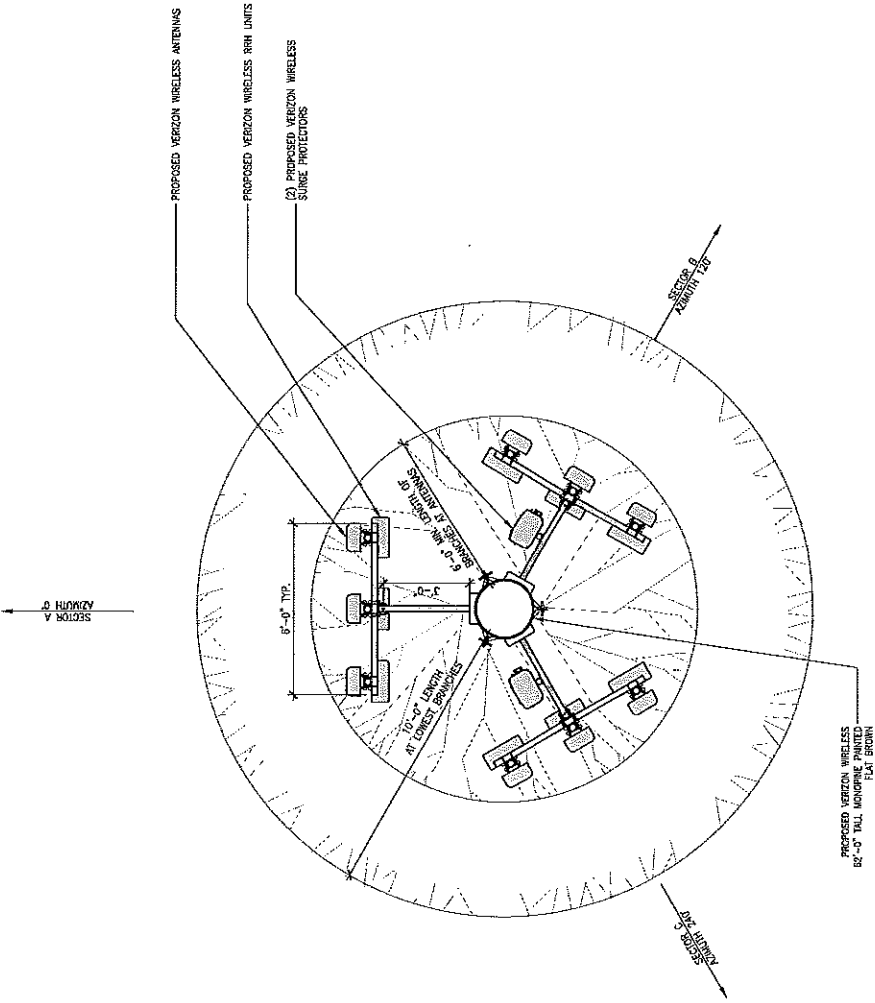
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DATE: 08/17/2010
BY: J. J. JONES
CHECKED BY: J. J. JONES
PROJECT NO.: 10116622-00
SHEET NO.: 02.2

4500 N.W. 101.100

A2.2






EQUIPMENT SCHEDULE					
EQUIPMENT	DESCRIPTION	QUANTITY			TOTAL
		SECTOR A	SECTOR B	SECTOR C	
ANTENNA	SRHRH-10650	3	3	3	9
RH	RHUS12	3	3	3	9
TRIA OR DIPLEXER	N/A	-	-	-	-
SURGE PROTECTOR/HYBRID	RANCAP DCS315 / HYBRID TRUNK CABLE	-	-	-	2/2
COAXIAL CABLE	N/A	-	-	-	-
RECT CABLE	N/A	-	-	-	-



0' 1' 5' 10'


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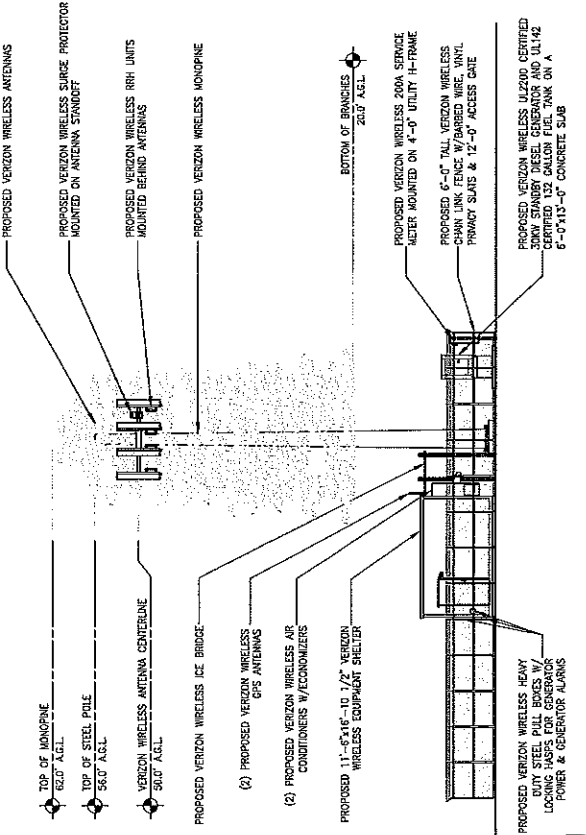
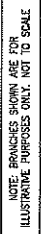
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Revisions:	
	02/10/15
	
	
	
	

Continued on p. 46

PROJECT ELEVATIONS


MST ARCHITECTS
 1150 BAYVIEW PARKWAY, SUITE 200, VANCOUVER, CANADA V6E 2A4
 TEL: 604-681-0800
 WWW.MST-ARCHITECTS.COM
 COMPLETE CONCEPTS

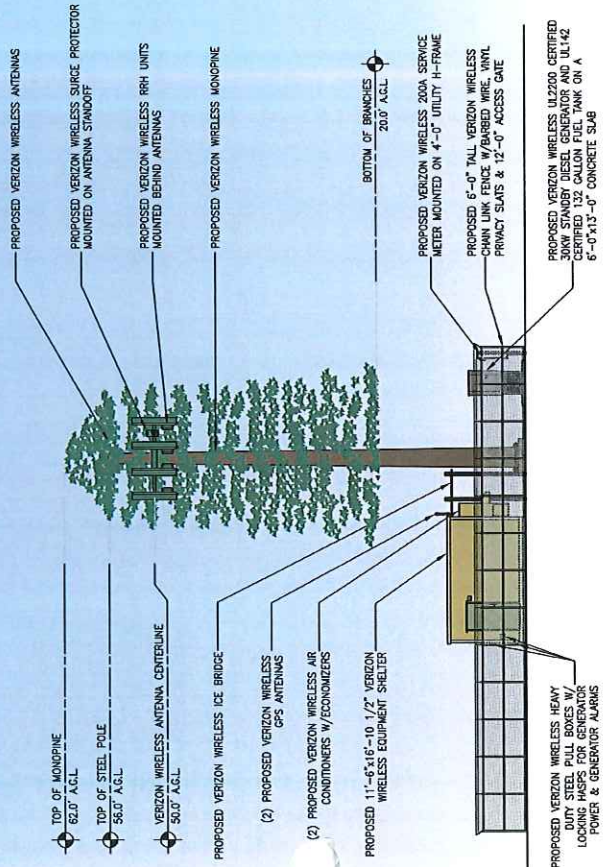



B7

RECEIVED
APR 0
CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

NOTE: VERIZON WIRELESS TO INSTALL "LEAF SOCKS" ON ALL PROPOSED PANEL ANTENNAS & RHU UNITS. LEAF SOCKS & EQUIPMENT TO BE PAINTED FLAT GREEN.

NOTE: BRANCHES SHOWN ARE FOR ILLUSTRATIVE PURPOSES ONLY. NOT TO SCALE



2 EAST ELEVATION
A3.1 SCALE: 1/8" = 1'-0"

B8

MST ARCHITECTS
1510 BROADWAY DRIVE, SUITE 200, ANTIPOCH, CA 94509
916.524.4400
www.mstarchitects.com

COMPLETE
Architectural Consulting, Inc.

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PROJECT ELEVATIONS

Verizon WIRELESS
HILLCREST DEER VALLEY
ANTIOCH, CA
HILLCREST AVE. & WILDFLOWER DR.

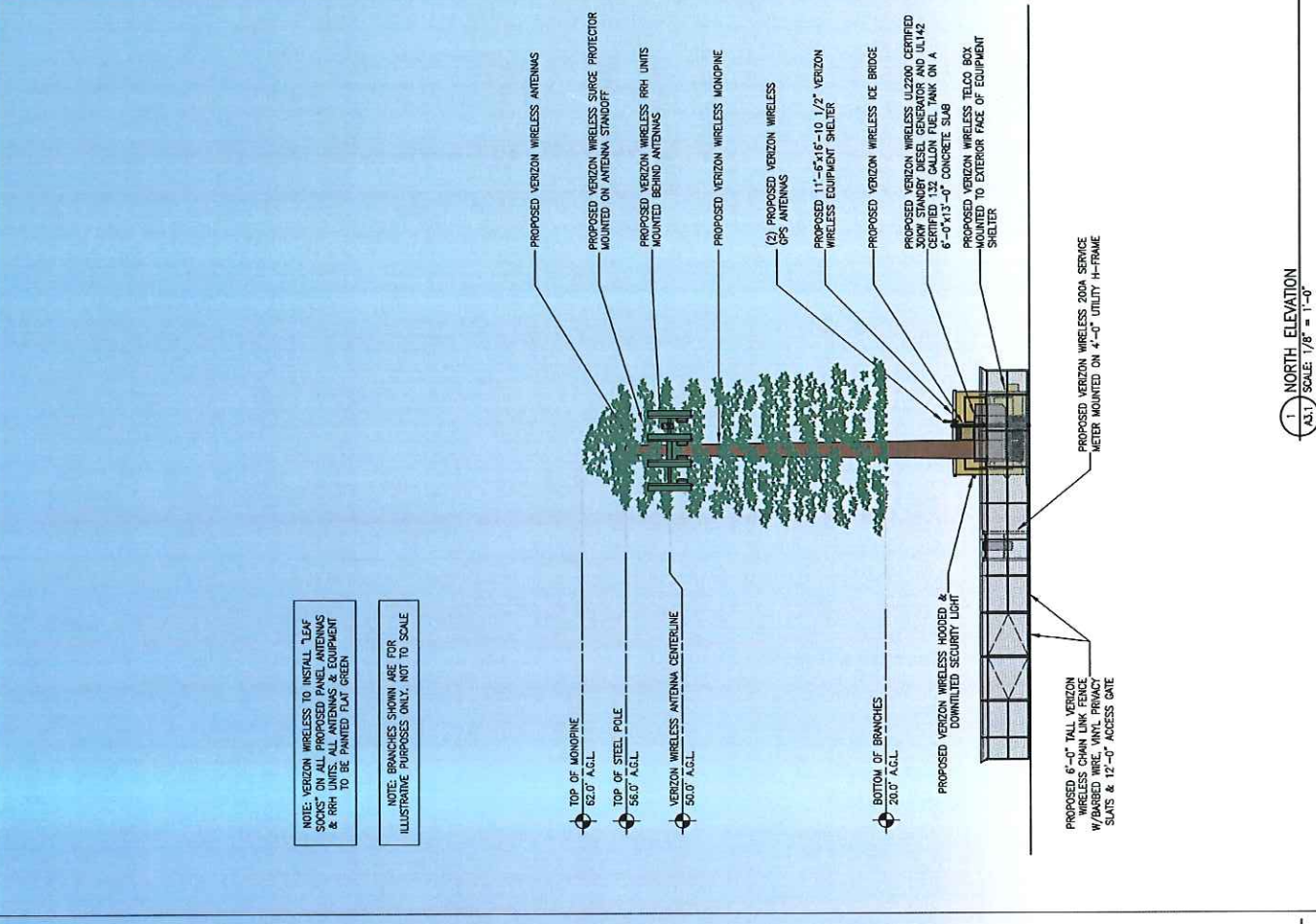
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File: 142-100001.dwg
Date: 02/07/15

Job No. 142-1000



1 NORTH ELEVATION
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Site Photos - Verizon Wireless 'Hillcrest Deer Valley'



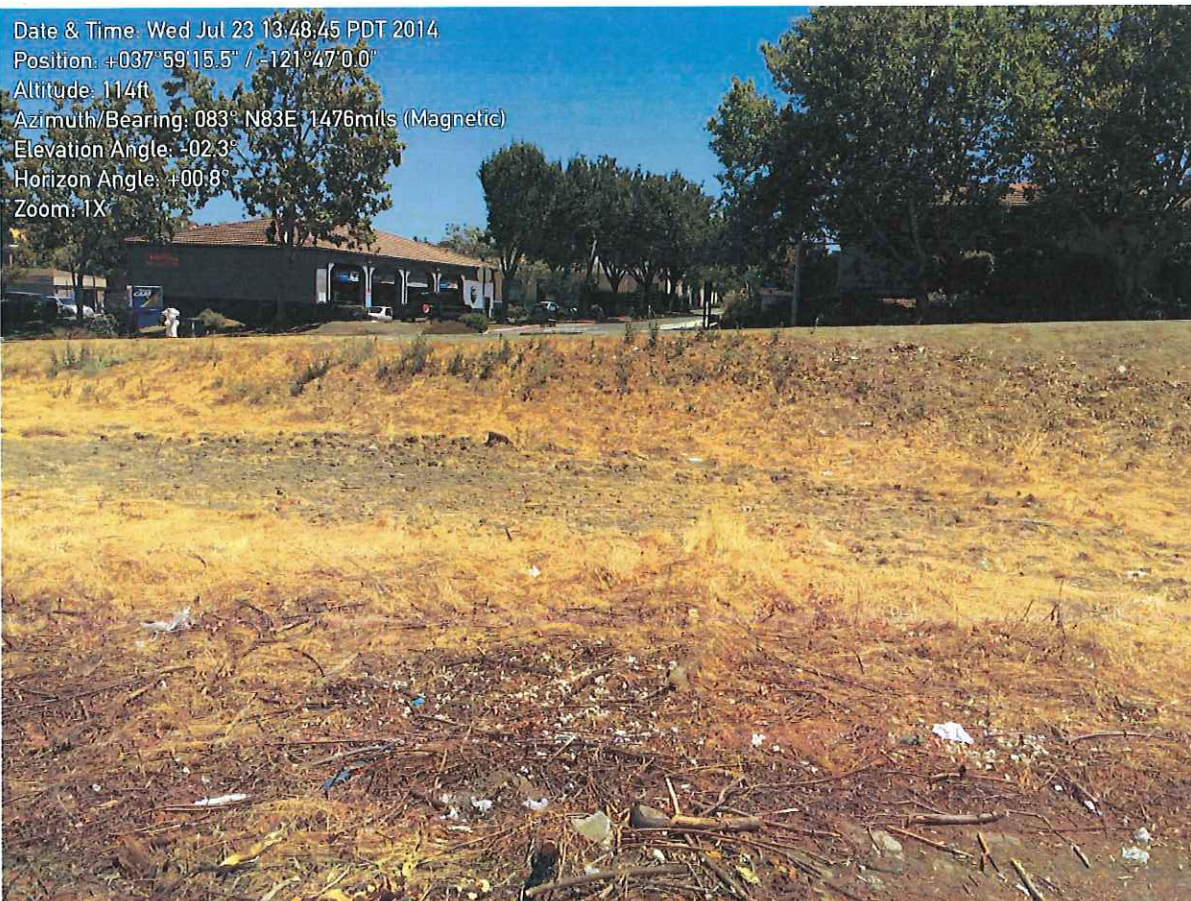
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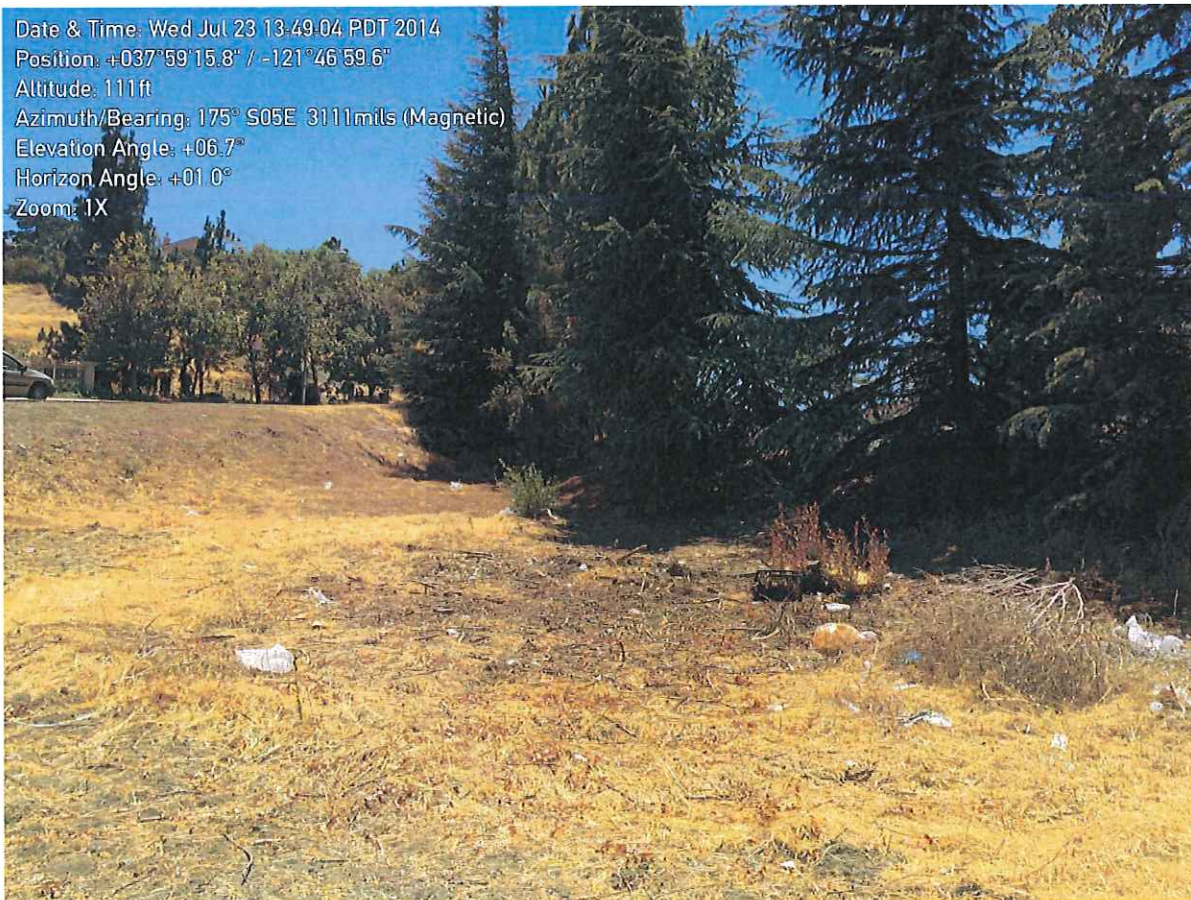
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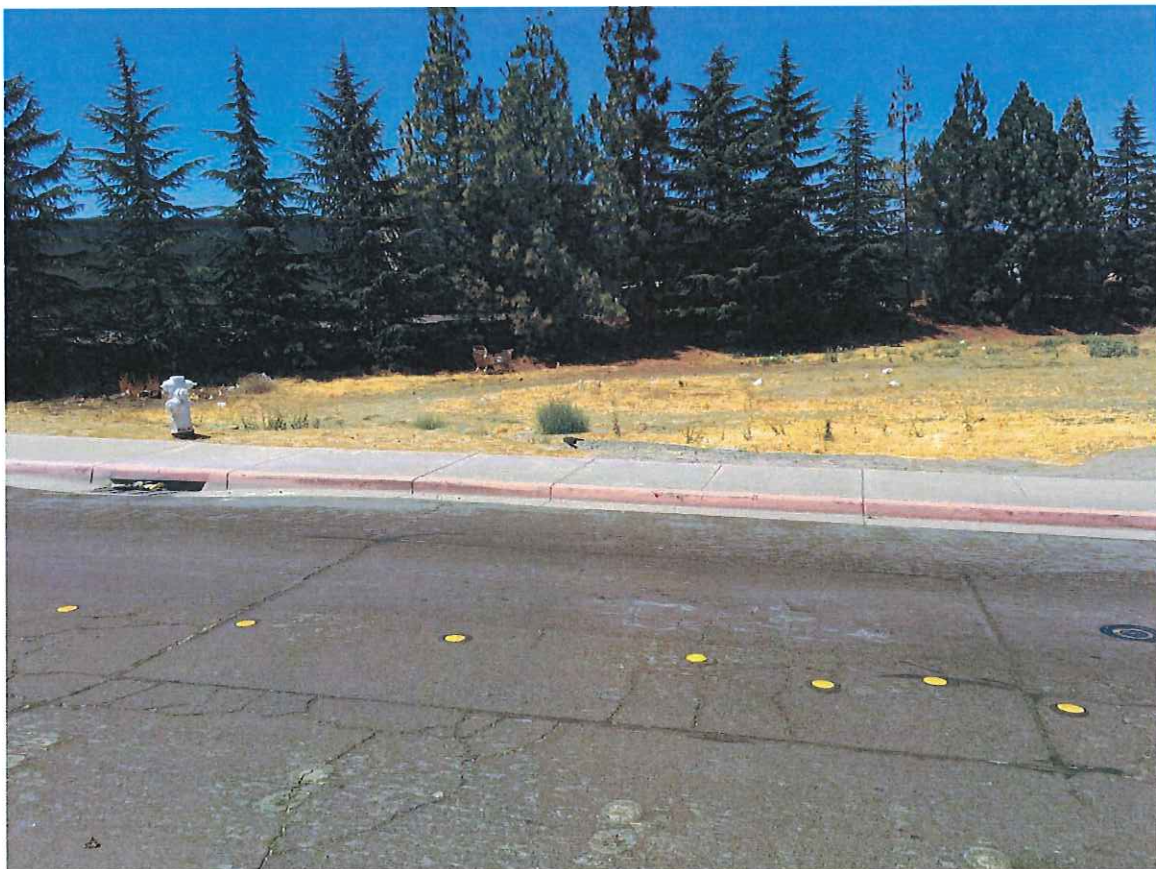
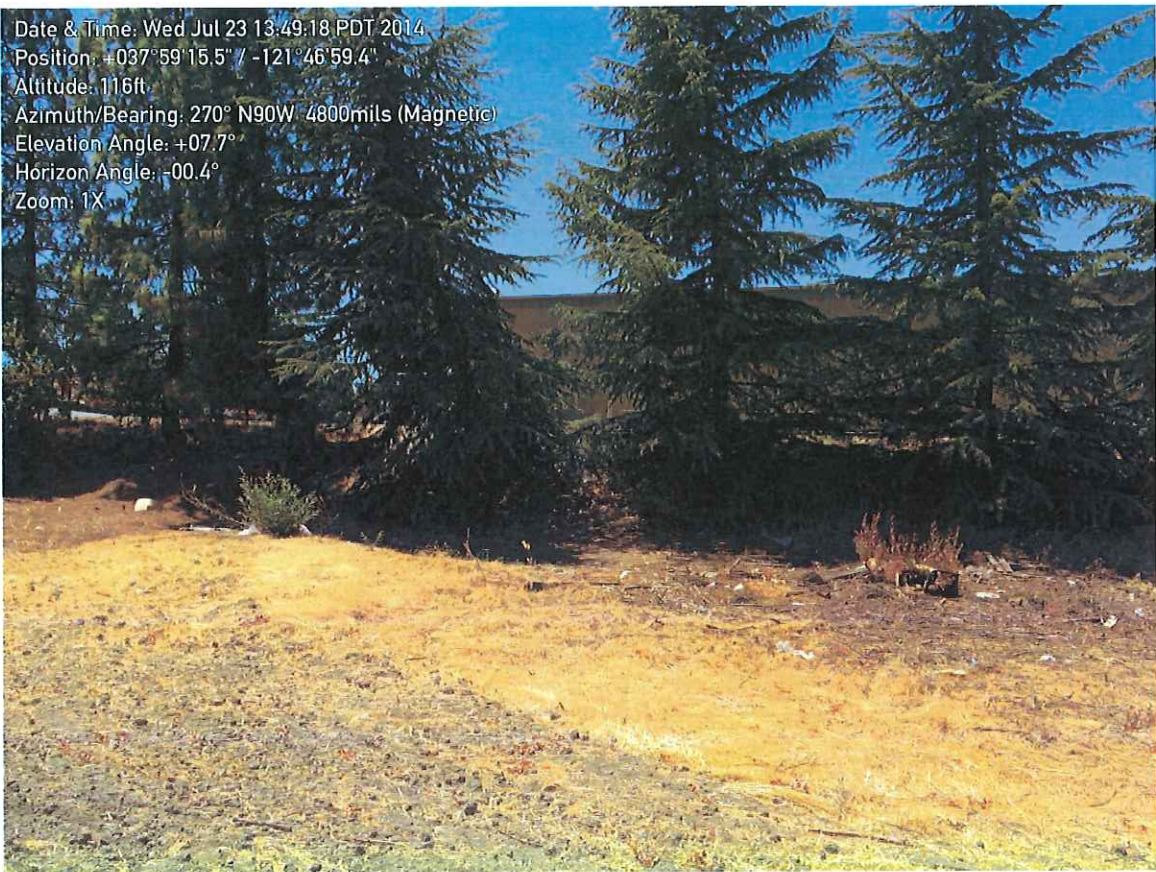
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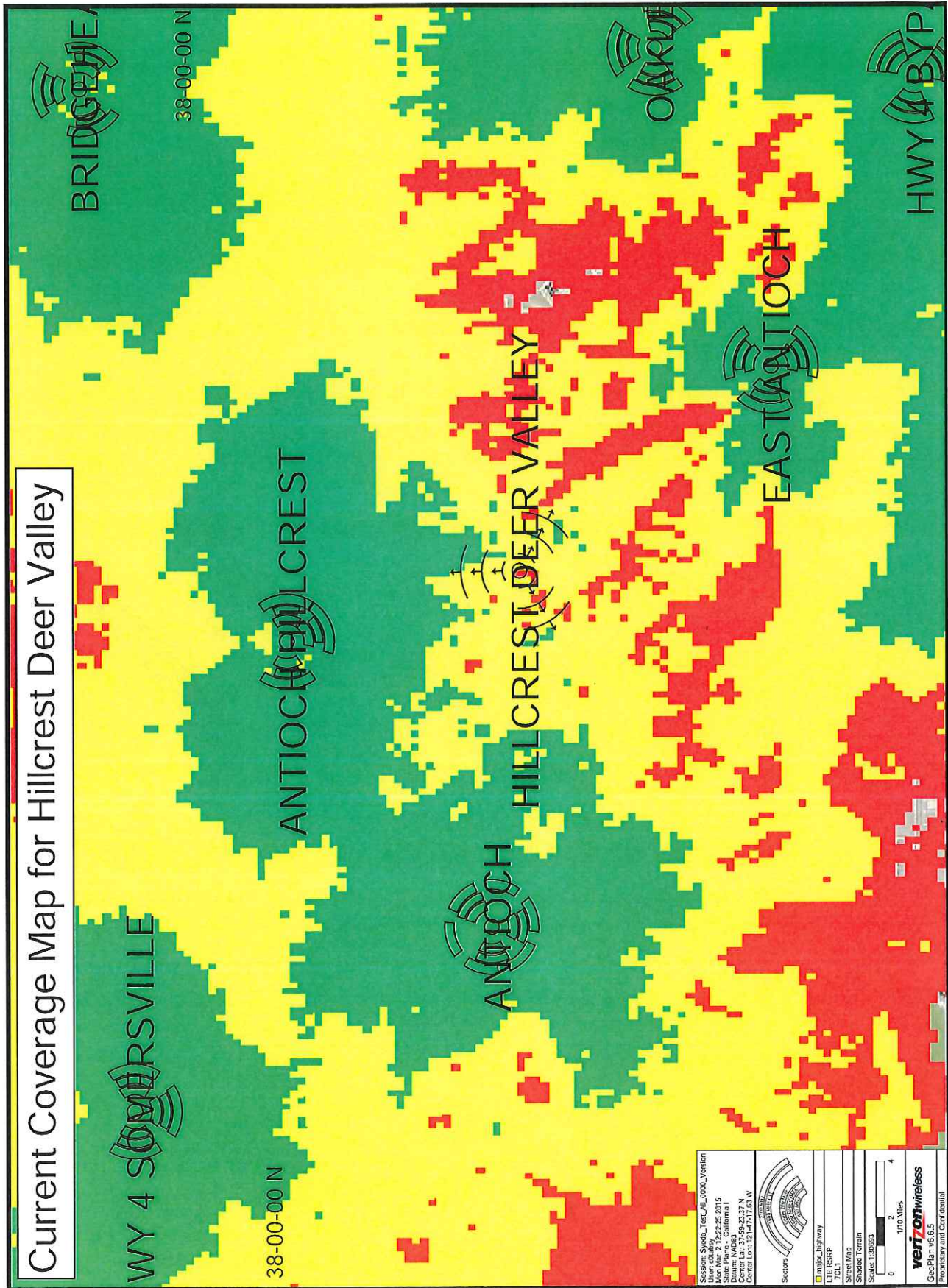
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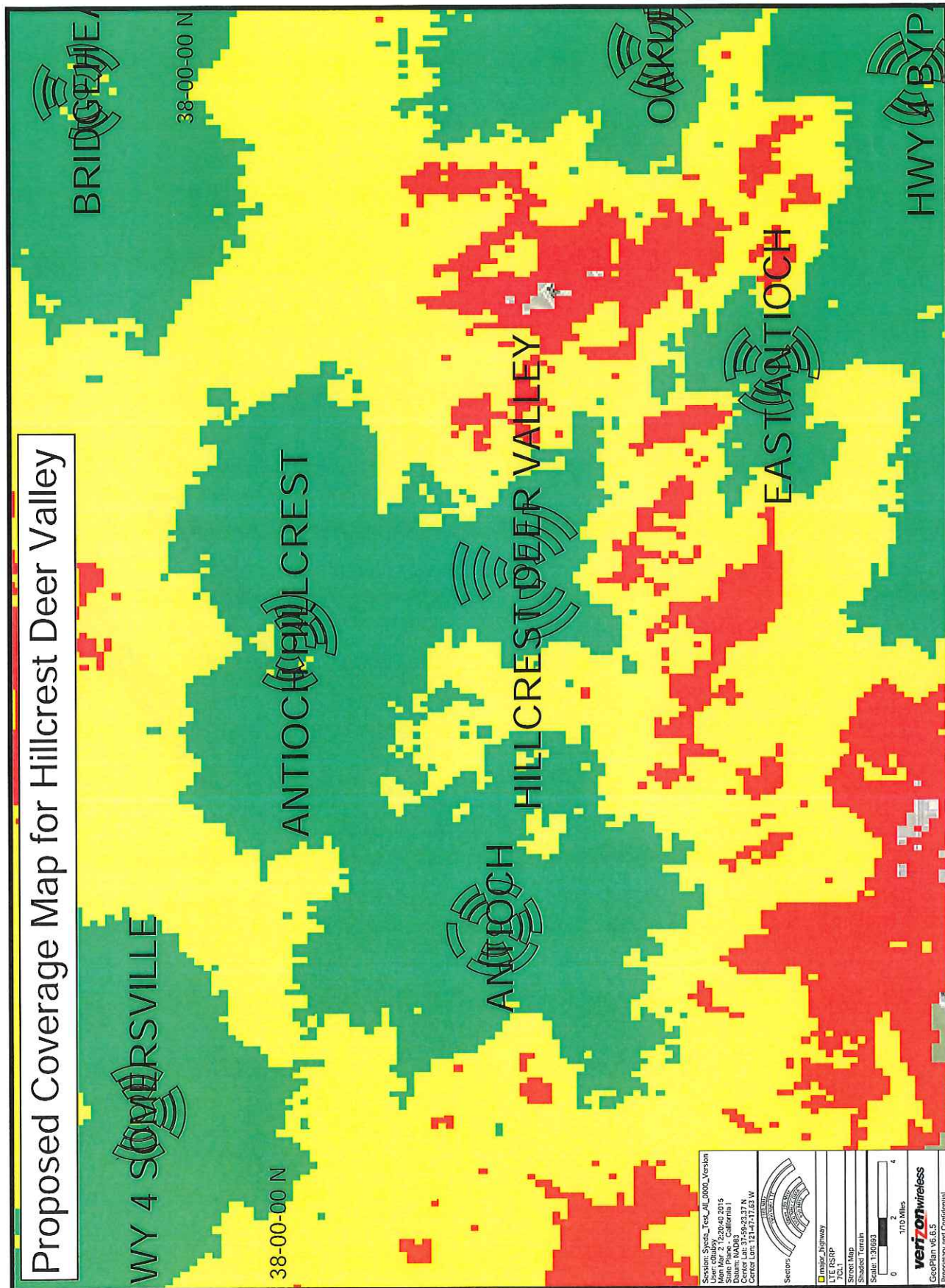
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Horizon Angle: -00.4°
Zoom: 1X



Current Coverage Map for Hillcrest Deer Valley



Proposed Coverage Map for Hillcrest Deer Valley



Existing

Photosimulation of the view looking southwest along Wildflower Drive at Terrace View Ave.

Hillcrest Deer Valley

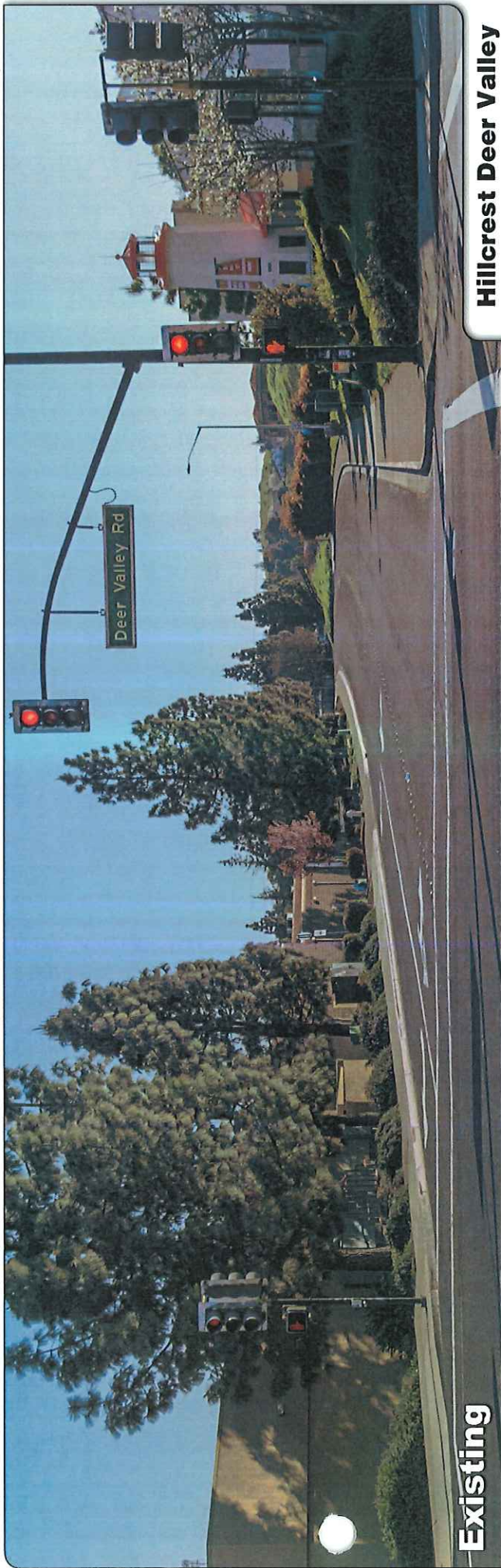
Wildflower Drive
Antioch CA 94531

verizonwireless

Proposed 62 ft monopine

Proposed

B14



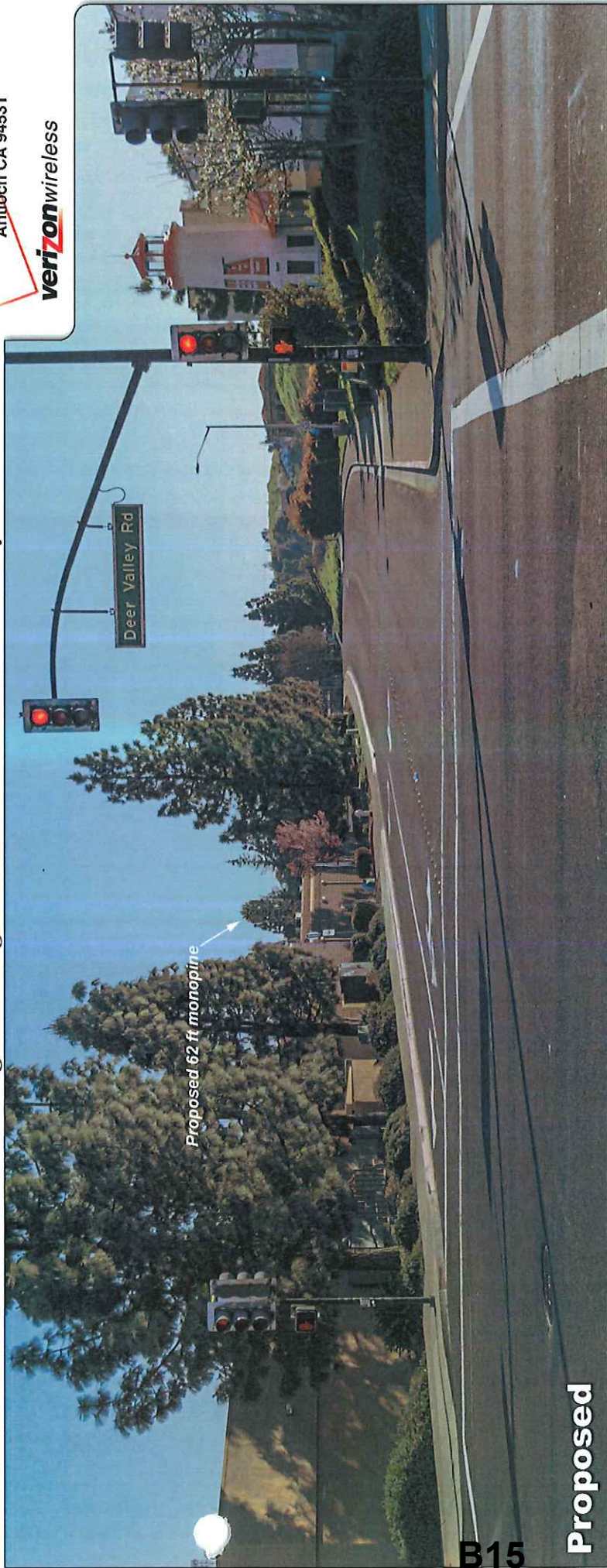
Existing

Photosimulation of the view looking east along Wildflower Drive from Deer Valley Road.

Hillcrest Deer Valley

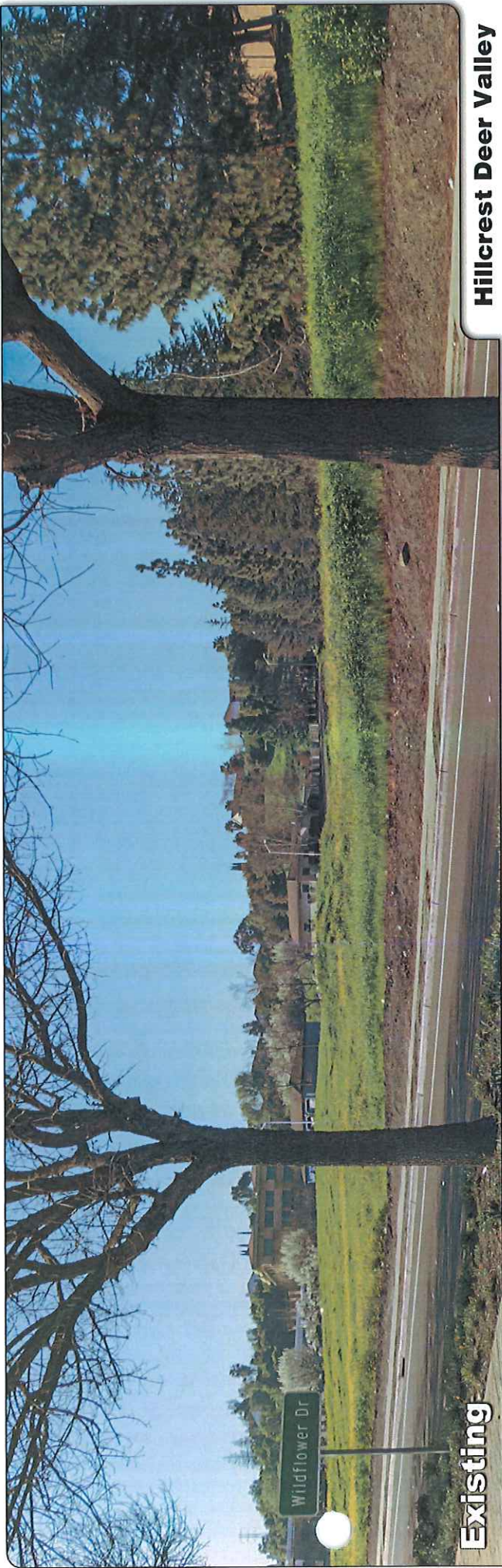
Wildflower Drive
Antioch CA 94531

verizonwireless



B15

Proposed

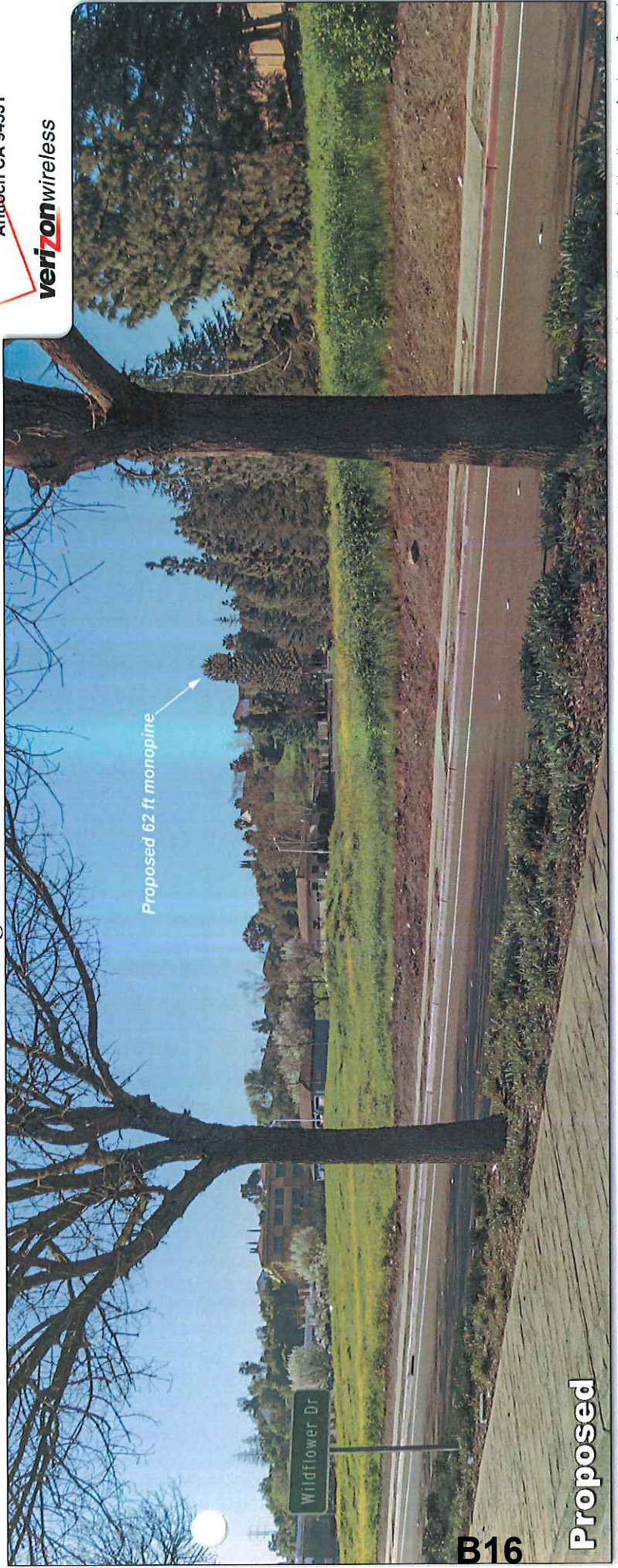


Existing

Photosimulation of the view looking south from Hillcrest Avenue.

Hillcrest Deer Valley

Wildflower Drive
Antioch CA 94531



B16

Proposed

Introduction

The Hillcrest Deer Valley Verizon Wireless Unmanned Telecommunications Facility Project (project) proposes the installation of antenna sectors mounted on a proposed monopine, a pre-fabricated equipment shelter, and an emergency diesel standby generator inside a fenced area located at Hillcrest Avenue and Wildflower Drive in Antioch, California. The external HVAC units of the cellular equipment shelter and the emergency diesel standby generator have been identified as primary noise sources associated with the project. Please see Figure 1 for the general site location. The studied site design is dated February 6, 2015.

Bollard Acoustical Consultants, Inc. has been contracted by Complete Wireless Consulting, Inc. to complete an environmental noise assessment regarding the proposed project cellular equipment operations. Specifically, the following addresses daily noise production and exposure associated with operation of the project emergency generator and external HVAC equipment.

Please refer to Appendix A for definitions of acoustical terminology used in this report.

Criteria for Acceptable Noise Exposure

City of Antioch General Plan

The City of Antioch General Plan identifies noise sensitive land uses within the city as all single- and multi-family residential uses, schools, and long-term care medical facilities, such as hospitals and rest homes. The noise section of the Environmental Hazards Element identifies goals and policies to protect the residents of Antioch from the harmful effects of exposure to excessive noise and attempt to protect areas within the city where the present noise environment is considered acceptable. Specifically, the General Plan applies a noise level standard of 60 dB CNEL for residential land uses.

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CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

Figure 1
Hillcrest Deer Valley Cellular Facility - Antioch, California
Proposed Cellular Facility Lease Area and Nearest Noise-Sensitive Receivers



Project Noise Generation

Sources and Reference Noise Levels

Noise exposure from the proposed project HVAC units is expected to be approximately 67 dB (L_{eq}) at a distance of 10 feet from the equipment. This reference noise level of 67 dB at 10 feet is based on a Bard WA3S1 Wall-Mount Step Capacity Air Conditioner, which is reportedly similar to the type of equipment being proposed at the project site.

The generator which is proposed at this site would only operate during emergencies (power outages) and brief daytime periods for periodic maintenance/lubrication. A Generac Industrial Power Systems Model SD030 is proposed for use at this facility to maintain cellular service during emergency power outages. The noise emissions of this generator vary depending on the type of enclosure provided with the generator. The following reference noise levels at a measurement distance of 23 feet from the operating generator are provided by the equipment manufacturer (see Appendix B):

- Open Set 82 dBA
- Standard Enclosure 77 dBA
- Level 1 Acoustic Enclosure 70 dBA
- Level 2 Acoustic Enclosure 68 dBA

The project emergency generator would be tested during daytime hours only, and even then only for brief periods of time. The emergency generator would only operate at night during power outages. It is expected that nighttime operation of the project emergency generator would be exempt from the City's exterior noise exposure criteria due to the need for continuous cellular service provided by the project equipment. For the purpose of this analysis, the generator was assumed to be equipped with the standard enclosure, resulting in a reference noise level of 77 dB at 23 feet.

Predicted Facility Noise Levels at Nearby Sensitive Receptors

As indicated in Figure 1, the project equipment maintains a separation of 375-740 feet from the nearest noise-sensitive land uses identified as receivers 1-3. Assuming standard spherical spreading loss (-6 dB per doubling of distance), project-equipment noise exposure at the closest residential receivers was calculated and the results of those calculations are presented in Table 1.

In order to calculate project-related noise generation relative to the City of Antioch CNEL noise level standard, the number of hours the equipment is in operation must be known. For the purpose of this analysis, the HVAC units of the equipment shelter were conservatively assumed to be operating continuously for 24 hours. Additionally, the proposed generator was assumed to be operating continuously for a one hour period during daytime hours for routine testing and maintenance. The project applicant has indicated that routine testing and maintenance of generator is limited to daytime hours, twice per month, for a duration of less than 15 minutes. As a result, the assumption of one hour of generator operation during daytime hours is considered conservative.

Table 1 Summary of Project-Related Noise Exposure at Nearest Residences Hillcrest Deer Valley Verizon Wireless Telecommunications Facility Project				
Nearest Receiver ¹	Distance from Cellular Equipment (feet)	Predicted Noise Levels, CNEL (dBA)		
		HVAC ²	Generator ^{3,4}	Combined
1	560	39	35	40
2	375	42	39	44
3	740	36	33	38
Notes: 1. Receiver locations can be seen in Figure 1. 2. HVAC units were assumed to be running continuously for 24 hours. 3. Generator equipped with Standard Enclosure noise levels were utilized for this analysis (77 dB at 23 feet). 4. Generator was assumed to be running continuously for 1 daytime hour for routine testing and maintenance.				

The predicted HVAC noise levels of 36-42 dB CNEL would satisfy the City of Antioch 60 dB CNEL noise level standard applied to residential land uses. The predicted generator noise levels of 33-39 dB CNEL would also satisfy the City of Antioch 60 dB CNEL noise level standard. Furthermore, the combined project noise exposure at the nearest noise-sensitive locations was calculated and determined to satisfy the City of Antioch General Plan criteria.

Conclusions

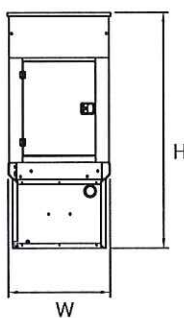
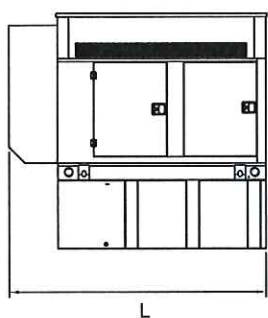
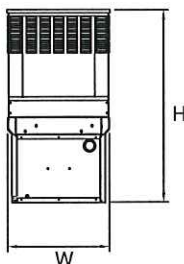
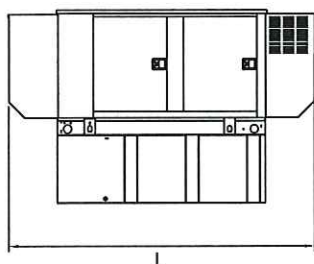
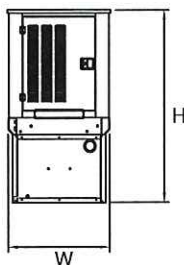
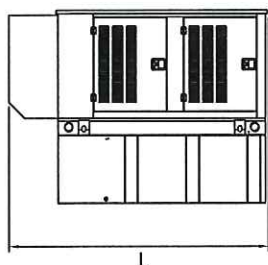
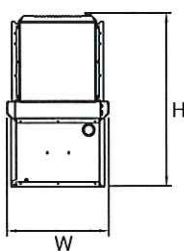
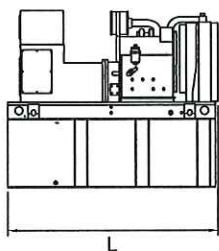
Based on the equipment noise level data and analyses presented above, project-related equipment noise exposure is expected to satisfy the applicable City of Antioch noise exposure limits at the closest residential receivers. As a result, no additional noise mitigation measures would be warranted for this project.

This concludes our environmental noise assessment for the proposed Hillcrest Deer Valley Cellular Facility in Antioch, California. Please contact BAC at (916) 663-0500 or paulb@bacnoise.com with any questions or requests for additional information.

Appendix A Acoustical Terminology

Acoustics	The science of sound.
Ambient Noise	The distinctive acoustical characteristics of a given space consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.
Attenuation	The reduction of an acoustic signal.
A-Weighting	A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.
Decibel or dB	Fundamental unit of sound, A Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell.
CNEL	Community Noise Equivalent Level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by a factor of three and nighttime hours weighted by a factor of 10 prior to averaging.
Frequency	The measure of the rapidity of alterations of a periodic signal, expressed in cycles per second or hertz.
L_{dn}	Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.
L_{eq}	Equivalent or energy-averaged sound level.
L_{max}	The highest root-mean-square (RMS) sound level measured over a given period of time.
Loudness	A subjective term for the sensation of the magnitude of sound.
Masking	The amount (or the process) by which the threshold of audibility for one sound is raised by the presence of another (masking) sound.
Noise	Unwanted sound.
Peak Noise	The level corresponding to the highest (not RMS) sound pressure measured over a given period of time. This term is often confused with the Maximum level, which is the highest RMS level.
RT₆₀	The time it takes reverberant sound to decay by 60 dB once the source has been removed.
Sabin	The unit of sound absorption. One square foot of material absorbing 100% of incident sound has an absorption of 1 sabin.
SEL	A rating, in decibels, of a discrete event, such as an aircraft flyover or train passby, that compresses the total sound energy of the event into a 1-s time period.
Threshold of Hearing	The lowest sound that can be perceived by the human auditory system, generally considered to be 0 dB for persons with perfect hearing.
Threshold of Pain	Approximately 120 dB above the threshold of hearing.



SD030**dimensions, weights and sound levels****OPEN SET**

RUN TIME HOURS	USABLE CAPACITY (GAL)	L	W	H	WT	dBA*
NO TANK	-	76	38	46	2060	82
20	54	76	38	59	2540	
48	132	76	38	71	2770	
77	211	76	38	83	2979	
109	300	93	38	87	3042	

STANDARD ENCLOSURE

RUN TIME HOURS	USABLE CAPACITY (GAL)	L	W	H	WT	dBA*
NO TANK	-	95	38	50	2362	77
20	54	95	38	63	2842	
48	132	95	38	75	3072	
77	211	95	38	87	3281	
109	300	95	38	91	3344	

LEVEL 1 ACOUSTIC ENCLOSURE

RUN TIME HOURS	USABLE CAPACITY (GAL)	L	W	H	WT	dBA*
NO TANK	-	113	38	50	2515	70
20	54	113	38	63	2995	
48	132	113	38	75	3225	
77	211	113	38	87	3434	
109	300	113	38	91	3497	

LEVEL 2 ACOUSTIC ENCLOSURE

RUN TIME HOURS	USABLE CAPACITY (GAL)	L	W	H	WT	dBA*
NO TANK	-	95	38	62	2520	68
20	54	95	38	75	3000	
48	132	95	38	87	3230	
77	211	95	38	99	3439	
109	300	95	38	103	3502	

*All measurements are approximate and for estimation purposes only. Weights are without fuel in tank. Sound levels measured at 23ft (7m) and does not account for ambient site conditions.

Tank Options

<input type="radio"/> MDEQ	OPT
<input type="radio"/> Florida DERM/DEP	OPT
<input type="radio"/> Chicago Fire Code	OPT
<input type="radio"/> IFC Certification	CALL
<input type="radio"/> ULC	CALL

Other Custom Options Available from your
Generac Industrial Power Dealer

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Specification characteristics may change without notice. Dimensions and weights are for preliminary purposes only. Please consult a Generac Power Systems Industrial Dealer for detailed installation drawings.

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**Verizon Wireless • Proposed Base Station (Site No. 299355 “Hillcrest Deer Valley”)
Hillcrest Avenue and Wildflower Drive • Antioch, California**

Statement of Hammett & Edison, Inc., Consulting Engineers

The firm of Hammett & Edison, Inc., Consulting Engineers, has been retained on behalf of Verizon Wireless, a personal wireless telecommunications carrier, to evaluate the base station (Site No. 299355 “Hillcrest Deer Valley”) proposed to be located at Hillcrest Avenue and Wildflower Drive in Antioch, California, for compliance with appropriate guidelines limiting human exposure to radio frequency (“RF”) electromagnetic fields.

Executive Summary

Verizon proposes to install directional panel antennas on a tall pole, configured to resemble a pine tree, to be sited at Hillcrest Avenue and Wildflower Drive in Antioch. The proposed operation will comply with the FCC guidelines limiting public exposure to RF energy.

Prevailing Exposure Standards

The U.S. Congress requires that the Federal Communications Commission (“FCC”) evaluate its actions for possible significant impact on the environment. A summary of the FCC’s exposure limits is shown in Figure 1. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. The most restrictive FCC limit for exposures of unlimited duration to radio frequency energy for several personal wireless services are as follows:

Wireless Service	Frequency Band	Occupational Limit	Public Limit
Microwave (Point-to-Point)	5–80 GHz	5.00 mW/cm ²	1.00 mW/cm ²
WiFi (and unlicensed uses)	2–6	5.00	1.00
BRS (Broadband Radio)	2,600 MHz	5.00	1.00
WCS (Wireless Communication)	2,300	5.00	1.00
AWS (Advanced Wireless)	2,100	5.00	1.00
PCS (Personal Communication)	1,950	5.00	1.00
Cellular	870	2.90	0.58
SMR (Specialized Mobile Radio)	855	2.85	0.57
700 MHz	700	2.40	0.48
[most restrictive frequency range]	30–300	1.00	0.20

General Facility Requirements

Base stations typically consist of two distinct parts: the electronic transceivers (also called “radios” or “channels”) that are connected to the traditional wired telephone lines, and the passive antennas that send the wireless signals created by the radios out to be received by individual subscriber units. The transceivers are often located at ground level and are connected to the antennas by coaxial cables. A small antenna for reception of GPS signals is also required, mounted with a clear view of the sky.



HAMMETT & EDISON, INC.
CONSULTING ENGINEERS
SAN FRANCISCO

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**Verizon Wireless • Proposed Base Station (Site No. 299355 “Hillcrest Deer Valley”)
Hillcrest Avenue and Wildflower Drive • Antioch, California**

Because of the short wavelength of the frequencies assigned by the FCC for wireless services, the antennas require line-of-sight paths for their signals to propagate well and so are installed at some height above ground. The antennas are designed to concentrate their energy toward the horizon, with very little energy wasted toward the sky or the ground. This means that it is generally not possible for exposure conditions to approach the maximum permissible exposure limits without being physically very near the antennas.

Computer Modeling Method

The FCC provides direction for determining compliance in its Office of Engineering and Technology Bulletin No. 65, “Evaluating Compliance with FCC-Specified Guidelines for Human Exposure to Radio Frequency Radiation,” dated August 1997. Figure 2 attached describes the calculation methodologies, reflecting the facts that a directional antenna’s radiation pattern is not fully formed at locations very close by (the “near-field” effect) and that at greater distances the power level from an energy source decreases with the square of the distance from it (the “inverse square law”). The conservative nature of this method for evaluating exposure conditions has been verified by numerous field tests.

Site and Facility Description

Based upon information provided by Verizon, including zoning drawings by MST Architects, Inc., dated February 6, 2015, it is proposed to install nine Andrew Model SBNHH-1D65B directional panel antennas on a new 56-foot steel pole, configured to resemble a pine tree, to be installed in the southern corner of the property located at Hillcrest Avenue and Wildflower Drive in Antioch. The antennas would be mounted with up to 4° downtilt at an effective height of about 50 feet above ground and would be oriented in groups of three at about 120° spacing, to provide service in all directions. The maximum effective radiated power in any direction would be 11,800 watts, representing simultaneous operation at 4,460 watts for AWS, 4,160 watts for PCS, 1,360 watts for cellular, and 1,820 watts for 700 MHz service. There are reported no other wireless telecommunications base stations at the site or nearby.

Study Results

For a person anywhere at ground, the maximum RF exposure level due to the proposed Verizon operation is calculated to be 0.028 mW/cm², which is 2.9% of the applicable public exposure limit. The maximum calculated level at any nearby building* is 2.8% of the public exposure limit. The maximum calculated level at any two-story residence† is 1.9% of the public exposure limit. It should

* Located at least 100 feet away, based on photographs from Google Maps.

† Located at least 430 feet away, based on photographs from Google Maps.



**Verizon Wireless • Proposed Base Station (Site No. 299355 "Hillcrest Deer Valley")
Hillcrest Avenue and Wildflower Drive • Antioch, California**

be noted that these results include several "worst-case" assumptions and therefore are expected to overstate actual power density levels from the proposed operation.

No Recommended Mitigation Measures

Due to their mounting location and height, the Verizon antennas would not be accessible to the general public, and so no mitigation measures are necessary to comply with the FCC public exposure guidelines. It is presumed that Verizon will, as an FCC licensee, take adequate steps to ensure that its employees or contractors receive appropriate training and comply with FCC occupational exposure guidelines whenever work is required near the antennas themselves.

Conclusion

Based on the information and analysis above, it is the undersigned's professional opinion that operation of the base station proposed by Verizon Wireless at Hillcrest Avenue and Wildflower Drive in Antioch, California, will comply with the prevailing standards for limiting public exposure to radio frequency energy and, therefore, will not for this reason cause a significant impact on the environment. The highest calculated level in publicly accessible areas is much less than the prevailing standards allow for exposures of unlimited duration. This finding is consistent with measurements of actual exposure conditions taken at other operating base stations.

Authorship

The undersigned author of this statement is a qualified Professional Engineer, holding California Registration Nos. E-13026 and M-20676, which expire on June 30, 2015. This work has been carried out under his direction, and all statements are true and correct of his own knowledge except, where noted, when data has been supplied by others, which data he believes to be correct.

March 23, 2015




William F. Hammett, P.E.
707/996-5200



HAMMETT & EDISON, INC.
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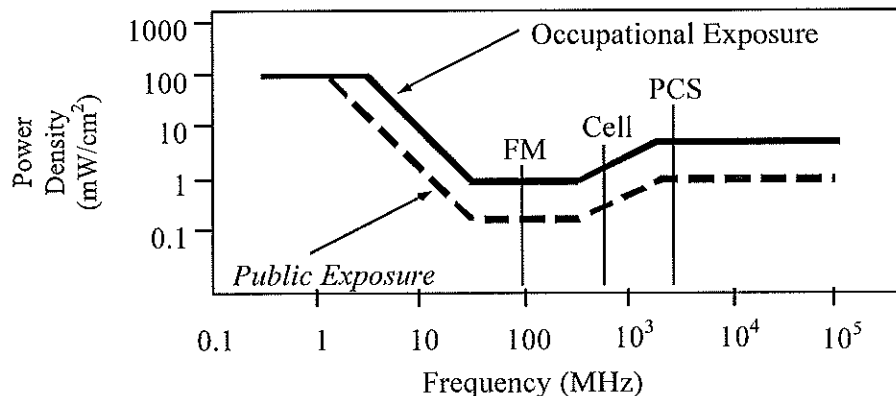
B25

FCC Radio Frequency Protection Guide

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission ("FCC") to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The FCC adopted the limits from Report No. 86, "Biological Effects and Exposure Criteria for Radiofrequency Electromagnetic Fields," published in 1986 by the Congressionally chartered National Council on Radiation Protection and Measurements ("NCRP"). Separate limits apply for occupational and public exposure conditions, with the latter limits generally five times more restrictive. The more recent standard, developed by the Institute of Electrical and Electronics Engineers and approved as American National Standard ANSI/IEEE C95.1-2006, "Safety Levels with Respect to Human Exposure to Radio Frequency Electromagnetic Fields, 3 kHz to 300 GHz," includes similar limits. These limits apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

As shown in the table and chart below, separate limits apply for occupational and public exposure conditions, with the latter limits (in *italics* and/or dashed) up to five times more restrictive:

Frequency Applicable Range (MHz)	Electromagnetic Fields (f is frequency of emission in MHz)					
	Electric Field Strength (V/m)		Magnetic Field Strength (A/m)		Equivalent Far-Field Power Density (mW/cm ²)	
0.3 – 1.34	614	<i>614</i>	1.63	<i>1.63</i>	100	<i>100</i>
1.34 – 3.0	614	<i>823.8/f</i>	1.63	<i>2.19/f</i>	100	<i>180/f²</i>
3.0 – 30	1842/f	<i>823.8/f</i>	4.89/f	<i>2.19/f</i>	900/f ²	<i>180/f²</i>
30 – 300	61.4	<i>27.5</i>	0.163	<i>0.0729</i>	1.0	<i>0.2</i>
300 – 1,500	3.54√f	<i>1.59√f</i>	√f/106	<i>√f/238</i>	f/300	<i>f/1500</i>
1,500 – 100,000	137	<i>61.4</i>	0.364	<i>0.163</i>	5.0	<i>1.0</i>



Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits, and higher levels also are allowed for exposures to small areas, such that the spatially averaged levels do not exceed the limits. However, neither of these allowances is incorporated in the conservative calculation formulas in the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) for projecting field levels. Hammett & Edison has built those formulas into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radio sources. The program allows for the description of buildings and uneven terrain, if required to obtain more accurate projections.



RFR.CALC™ Calculation Methodology

Assessment by Calculation of Compliance with FCC Exposure Guidelines

The U.S. Congress required (1996 Telecom Act) the Federal Communications Commission (“FCC”) to adopt a nationwide human exposure standard to ensure that its licensees do not, cumulatively, have a significant impact on the environment. The maximum permissible exposure limits adopted by the FCC (see Figure 1) apply for continuous exposures from all sources and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health. Higher levels are allowed for short periods of time, such that total exposure levels averaged over six or thirty minutes, for occupational or public settings, respectively, do not exceed the limits.

Near Field.

Prediction methods have been developed for the near field zone of panel (directional) and whip (omnidirectional) antennas, typical at wireless telecommunications base stations, as well as dish (aperture) antennas, typically used for microwave links. The antenna patterns are not fully formed in the near field at these antennas, and the FCC Office of Engineering and Technology Bulletin No. 65 (August 1997) gives suitable formulas for calculating power density within such zones.

For a panel or whip antenna, power density $S = \frac{180}{\theta_{BW}} \times \frac{0.1 \times P_{net}}{\pi \times D \times h}$, in mW/cm²,

and for an aperture antenna, maximum power density $S_{max} = \frac{0.1 \times 16 \times \eta \times P_{net}}{\pi \times h^2}$, in mW/cm²,

where θ_{BW} = half-power beamwidth of the antenna, in degrees, and
 P_{net} = net power input to the antenna, in watts,
 D = distance from antenna, in meters,
 h = aperture height of the antenna, in meters, and
 η = aperture efficiency (unitless, typically 0.5-0.8).

The factor of 0.1 in the numerators converts to the desired units of power density.

Far Field.

OET-65 gives this formula for calculating power density in the far field of an individual RF source:

power density $S = \frac{2.56 \times 1.64 \times 100 \times RFF^2 \times ERP}{4 \times \pi \times D^2}$, in mW/cm²,

where ERP = total ERP (all polarizations), in kilowatts,
RFF = relative field factor at the direction to the actual point of calculation, and
D = distance from the center of radiation to the point of calculation, in meters.

The factor of 2.56 accounts for the increase in power density due to ground reflection, assuming a reflection coefficient of 1.6 (1.6 x 1.6 = 2.56). The factor of 1.64 is the gain of a half-wave dipole relative to an isotropic radiator. The factor of 100 in the numerator converts to the desired units of power density. This formula has been built into a proprietary program that calculates, at each location on an arbitrary rectangular grid, the total expected power density from any number of individual radiation sources. The program also allows for the description of uneven terrain in the vicinity, to obtain more accurate projections.



**ALTERNATIVE SITE ANALYSIS
VERIZON WIRELESS**

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COMMUNITY DEVELOPMENT

SITE NAME: HILLCREST DEER VALLEY

LOCATION: Hillcrest Avenue & Wildflower Drive, Antioch, CA 94531

APN: 052-460-011

The selection of a location for a wireless telecommunications facility that is needed to improve service and provide reliable coverage is dependent upon many factors, such as: topography, zoning regulations, existing structures, collocation opportunities, available utilities, access, and the existence of a willing landlord. Wireless communication utilizes line-of-sight technology that requires facilities to be in relative close proximity to the wireless handsets to be served. Each proposed site is unique and must be investigated and evaluated on its own terms.

The proposed coverage area consists of commercial and residential uses in Antioch. Verizon strives to minimize visual and acoustic impacts for each facility and seeks to incorporate ways to preserve the local community character to the greatest extent feasible at all stages of site selection and design process.

The proposed facility will consist of Verizon panel antennas mounted on a 62' stealthed monopine. The equipment cables will be run underground in order to minimize visual impact and equipment will be screened within a prefabricated equipment shelter, and surrounded by a chain link fence with privacy slats and barbed wire. Of fifteen candidates considered, the proposed site was selected by Verizon Wireless as the best option to minimize visual impacts while achieving its wireless service objectives.

The facility is needed to offload capacity from Verizon facilities nearby and to improve coverage in eastern Antioch, along Hillcrest Avenue. The proposed location best serves the interest of Antioch and the local community because it is the least intrusive means available to improve service to the area. The process that Verizon implements to identify the least intrusive location is outlined below.

Alternative Site Analysis – Verizon Wireless ‘Hillcrest Deer Valley’

necessary to achieve Verizon’s coverage objectives in this search ring. This candidate was not selected due to the lower antenna centerline available at this site.

2. PG&E Tower #002/017 – Hillcrest Avenue, APN: 052-140-009-3

This candidate offered a collocation on an existing PG&E tower, with antennas mounted at a 50’ centerline. Due to delays and other difficulties in acquiring adequate ground space and obtaining an easement to access the facility, this candidate was not selected by Verizon.

3. Antioch Unified School District #1 – Deer Valley Road, APN: 052-460-027-7

This candidate was not selected because the property owner was unable to confirm space availability.

4. Antioch Unified School District #2 – 3450 Deer Valley Road, APN: 052-460-029-3

This candidate was not selected because the property owner was unable to confirm space availability.

5. Antioch Unified School District #3 – 3440 Deer Valley Road, APN: 052-460-026-9

This candidate was not selected because the property owner was unable to confirm space availability.

6. CCP Shurgard – 3501 Deer Valley Road, APN: 052-460-014-5

This candidate was considered for a rooftop build above the Frazee Paint store at this location, but was not selected because no interest was expressed by the property owner.

7. Public Right of Way – Deer Valley Road, between Wildflower Drive and Carpinteria Drive

Verizon attempted to investigate two different sites at this location, but the property was not available.

8. Antioch Crossings Retail Center – 3365 Deer Valley Road, APN: 052-460-017-8

This candidate was considered for a rooftop build, but was not selected because the property owner was not interested in leasing this type of space.

9. PG&E Tower #002/016 – Wildflower Drive, APN: 052-140-002-8

Verizon visited this site with a PG&E representative and considered it a strong candidate, but was unable to obtain a response from the owner of the requisite ground space (Meadow Creek Group, see #10) despite several attempts.

10. Meadow Creek Group – Wildflower Drive, APN: 052-140-002-8

This candidate was considered for a new build, but was not selected because no interest was expressed by the property owner.

Alternative Site Analysis – Verizon Wireless ‘Hillcrest Deer Valley’

11. Hillcrest Professional Center – 3428 Hillcrest Avenue, APN: 052-530-032-3, 052-370-023-5

This candidate was considered for a rooftop build, but was not selected because no interest was expressed by the property owner.

12. Kaiser Foundation – 3454 Hillcrest Avenue, APN: 052-370-025-0, 052-370-011-0

This candidate was considered for a rooftop build, but was not selected because no interest was expressed by the property owner.

13. CKZ Group LLC – 3500 Hillcrest Avenue, APN: 052-370-010-2

This candidate was not selected because no interest was expressed by the property owner.

14. PG&E Tower #002/018 – Banbury Way, APN: 052-333-020-7

Verizon visited this site with a PG&E representative, but this candidate was not pursued due to a lack of adequate ground space available for Verizon’s equipment.

The map below shows the locations of each of the properties listed above.

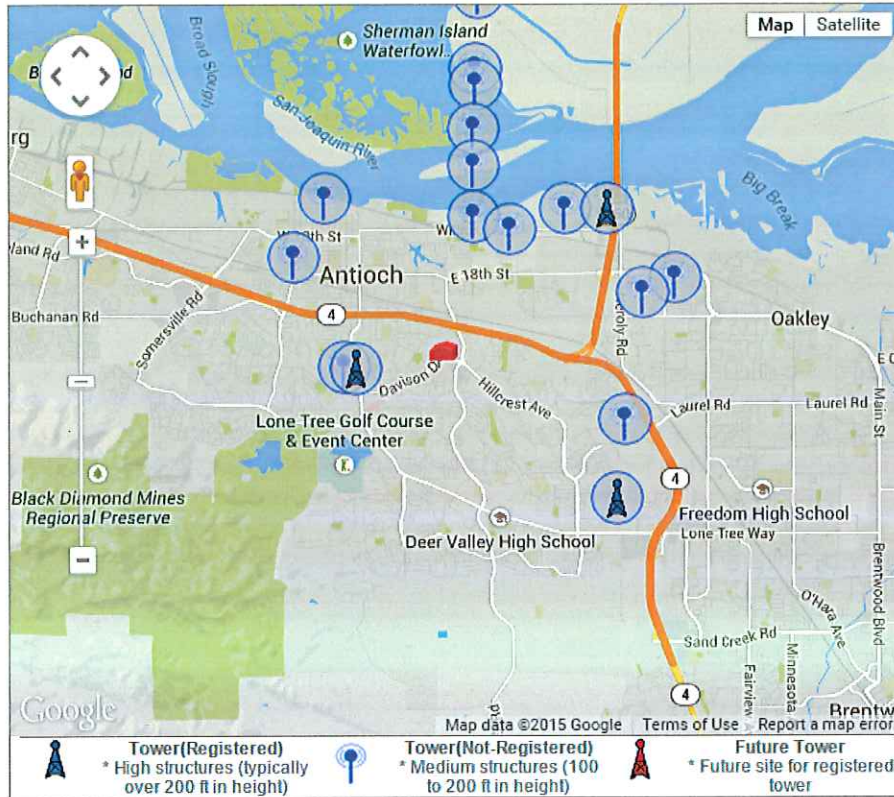


The proposed candidate, labeled on the map above as “Java Acquisition Co 0049 LLC,” offered the best available lease area, a willing landlord, and was preferred by Verizon’s Radio Frequency engineer. A monopine design was chosen with input from the landlord; the faux pine tree is similar in height and character to existing trees in the area and blends in with existing trees along the western property line.

Alternative Site Analysis – Verizon Wireless ‘Hillcrest Deer Valley’

The image below provides a visual representation of the closest existing towers, and all towers in a four mile radius of the proposed site.

Tower Structures - (3365 Deer Valley Rd, Antioch, CA 94531)



Tower Search Results!

Alert! 17 Towers (3 Registered, 14 Not Registered) found within 4.00 miles of 3365 Deer Valley Rd, Antioch, CA 94531.

Info! The NEAREST Tower is 1.32 miles away and is owned by American Towers, LLC.

Ok! No Applications for Future Towers detected as of 03/06/15.

Tower Type	ID Num	Site Owner	Height	Dist
Registered	(1)	American Towers, LLC	142 feet	1.32 miles
	(2)	American Towers, LLC	159 feet	2.52 miles
	(3)	Sba 2012 Tc Assets, LLC	93 feet	2.62 miles
Not Registered	(1)	Cellular One	41 feet	1.46 miles
	(2)	Pacific Gas & Elec. Co.	338 feet	1.61 miles
	(3)	Cellular One	160 feet	1.63 miles
	(4)	Pacific Gas & Elec. Co.	392 feet	2.14 miles
	(5)	Blank	135 feet	2.22 miles
	(6)	Crown Castle - West Area - Deedee Stout	102 feet	2.31 miles
	(7)	American Tower-schaumburg, IL	100 feet	2.43 miles
	(8)	Nextel Communications	78 feet	2.48 miles
	(9)	Pacific Gas & Elec. Co.	278 feet	2.53 miles
	(10)	American Tower	130 feet	2.60 miles
	(11)	Pacific Gas & Elec. Co.	225 feet	2.97 miles
	(12)	Horizon Tower, LLC	85 feet	3.05 miles
	(13)	Pacific Gas & Elec. Co.	235 feet	3.15 miles
	(14)	Pacific Gas & Elec. Co.	233 feet	3.93 miles
Future	(No Towers Detected)			