

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

**WEDNESDAY, AUGUST 1, 2012**

**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, AUGUST 9, 2012.**

**ROLL CALL**                      **6:30 P.M.**

Commissioners	Baatrup, Chair
	Bouslog, Vice Chair
	Langford
	Azevedo
	Westerman
	Motts
	Sanderson

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

**CONSENT CALENDAR**

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:                      July 18, 2012**

**MINUTES**

\*   \*   \*                      END OF CONSENT CALENDAR                      \*   \*   \*

**CONTINUED PUBLIC HEARINGS**

- 2. **UP-12-01** - Compass Commercial requests a use permit for a 24 hour convenience store located at 1708 – 1710 A Street **(APN: 067-243-031)**.

STAFF REPORT

**Staff recommends that this item be continued to August 15, 2012.**

- 3. **UP-12-03** – Fernandes Towing requests a use permit for a towing storage yard and pickup facility for vehicles located at 437 “O” Street **(APN: 066-124-003)**.

STAFF REPORT

**ORAL COMMUNICATIONS**

**WRITTEN COMMUNICATIONS**

**COMMITTEE REPORTS**

**ADJOURNMENT**

**Notice of Availability of Reports**

This agenda is a summary of the 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 2<sup>nd</sup> floor of City Hall, 3<sup>rd</sup> 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 Thursday 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.

**CITY OF ANTIOCH  
PLANNING COMMISSION MINUTES**

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

**July 18, 2012  
City Council Chambers**

**CALL TO ORDER**

Chairman Baatrup called the meeting to order at 6:30 p.m. on Wednesday, July 18, 2012, in the City Council Chambers. He 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 decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on Thursday, July 26, 2012.

**ROLL CALL**

Present: Commissioners Azevedo, Westerman  
Vice Chair Bouslog and Chairman Baatrup  
Absent: Commissioner Langford  
Staff: Senior Planner, Mindy Gentry  
City Attorney, Lynn Tracy Nerland  
Minutes Clerk, Cheryl Hammers

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

Chairman Baatrup announced to the audience that item 2 for the 7-Eleven was being continued tonight in the event there were persons wanting to speak on that item.

Chairman Baatrup presented Stanley Travers with a street sign honoring him for his years of service on the Planning Commission and time given to the community.

Commissioner Azevedo said that he appreciated the time spent on the commission with Mr. Travers, appreciated his insight to items, and wished him the best of luck.

Commissioner Westerman thanked Mr. Travers for his contributions.

Stanley Travers thanked staff, the City Attorney and fellow Commissioners and said that he has learned a lot.

**CONSENT CALENDAR**

- 1. Approval of Minutes: May 16, 2012**

---

***On motion by Commissioner Westerman, and seconded by Commissioner Azevedo, the Planning Commission approved the Minutes of May 16, 2012.***

***AYES:***                    ***Bouslog, Baatrup, Azevedo, Westerman***  
***NOES:***                    ***None***  
***ABSTAIN:***                ***None***  
***ABSENT:***                 ***Langford***

**END OF CONSENT CALENDAR**

**CONTINUED PUBLIC HEARING**

2.        **UP-12-01** – Compass Commercial is requesting a use permit for a 24 hour convenience store located at 1708 – 1710 A Street (**APN: 067-243-031**).

**On a motion by Commissioner Azevedo and seconded by Commissioner Westerman, the Planning Commission continued UP-12-01 to August 1, 2012.**

***AYES:***                    ***Baatrup, Bouslog, Azevedo, Westerman***  
***NOES:***                    ***None***  
***ABSTAIN:***                ***None***  
***ABSENT:***                 ***Langford***

**NEW PUBLIC HEARINGS**

3.        **UP-12-02** – Complete Wireless requests the approval of a use permit and design review for a telecommunications facility on an existing PG&E tower, which includes a 12 foot addition to the top of the tower with six panel antennas, an emergency diesel generator, and an equipment enclosure. The project site is located approximately 750 south of the intersection of Wilbur Avenue and Bridgehead Road (**APN: 051-051-024**).

Senior Planner Gentry provided a summary of the staff report dated July 12, 2012.

Commissioner Westerman said that although it is our decision since this project is located in Antioch, given that this site is surrounded on three sides by Oakley were comments received from Oakley. SP Gentry stated that plans were routed to Oakley with no response.

Chairman Baatrup asked staff if applicant obtained Delta Diablo's approval to which SP Gentry stated that even though they are still negotiating a lease with applicant that they are well aware of this application.

**OPENED PUBLIC HEARING**

Applicant, Andrew Lesa, representing Verizon, said that Verizon is undertaking a large

expansion and maintains a strong customer base. He said that their goal is to improve coverage for customers and to improve public safety. He said that this will be an unmanned facility, that this site will serve as backup for landline service in the area and that it will aid travelers on 160 filling the wireless gap.

Commissioner Azevedo confirmed with applicant that they have read all conditions and are in agreement with them.

Vice Chair Bouslog questioned applicant about the fuel tank and whether it was above or below the ground to which applicant answered that the generator and the fuel tank are above ground and that they have received approval from fire.

Commissioner Azevedo confirmed with applicant that although there is not a secondary containment, the containment is dual walled with a catchman system underneath.

Chairman Baatrup questioned applicant about the impact on the facilities relating to Delta Diablo and P G & E to which applicant stated that they are working with them currently, that they have an agreement with P G & E, and that there is no impact. Chairman Baatrup then questioned applicant about addressing issues with constraints on contractors to which applicant said that he is unsure what requests would be at this point, but that they will be agreeable to the Sanitation Districts requests. Chairman Baatrup asked applicant if they would be willing to agree to a condition to comply with Delta Diablo's constraints at this location to which applicant said that given he has not conferred with Verizon, he would be reluctant to agree to that.

Ms. Houston with Delta Diablo spoke to say that they are almost complete with negotiations and that everything will be outlined and stamped by their engineer. She said that they will ensure there is no interference with the existing facility and the Board has been authorized to enter into an agreement.

### **CLOSED PUBLIC HEARING**

Commissioner Westerman stated that he has no problems with the proposal, that the tower is in an isolated area and that although towers are necessary but unsightly, adding 12 feet won't make a difference. He said that provided agreements are in place, he felt this project should be approved.

Chairman Baatrup asked if this approval should contain conditions pertaining to an agreement with Delta Diablo to which SP Gentry said that Delta Diablo retains rights as the property owner.

### **RESOLUTION NO. 2012-\*\***

***On motion by Commissioner Azevedo and seconded by Vice Chair Bouslog, the Planning Commission approved UP-12-02, subject to all conditions.***

---

**AYES:** *Baatrup, Bouslog, Azevedo, Westerman*  
**NOES:** *None*  
**ABSTAIN:** *None*  
**ABSENT:** *Langford*

4. **UP-12-03** – Fernandes Towing is requesting a use permit for towing storage yard and pickup facility for vehicles located at 437 O Street (**APN: 066-124-003**).

Senior Planner Gentry provided a summary of the staff report dated July 12, 2012.

Commissioner Azevedo expressed his concern with the possibility of stacking cars and his preference that this location not turn into a junk yard and clarified with staff that there is not a maximum time that autos can be left in impound and that they could be stored as long as need be. SP Gentry stated that the Commission could place conditions to limit time cars could be kept on site and also not allowing stacking of cars. Commissioner Azevedo stated that although applicant is fixing paving, fencing and landscaping that the building is in disrepair to which SP Gentry said that applicants will be replacing windows and doors.

Chairman Baatrup clarified with staff that although they have a contract to provide services to the Antioch Police Department who requires that the impound area be in Antioch, that they are open to store other vehicles. Chairman Baatrup confirmed with staff that although they specify 5,000 sf for vehicle storage, that the site is 20,000 sf and there could be storage beyond the 5,000 sf.

Vice Chair Bouslog clarified with staff that the display area would not be for car sales and that although there are set office hours, there could be calls in the middle of the night for pickup of cars which is consistent with other yards in the City.

#### **OPENED PUBLIC HEARING**

Applicant, Mike Fernandes said that he presently has an auto dismantling yard in Pittsburg which has plenty of room, that he is in escrow now to buy this property and that being the property owner he will be improving this site.

Commissioner Westerman clarified with applicant that the second building on the site would probably be torn down to make the site neater.

Chairman Baatrup clarified with applicant that they will be using the full property, placing cars inside the building as well as outside the building.

Vice Chair Bouslog asked applicant to address the plans for the building itself to which applicant said that they plan to fix the roof, put in a sidewalk, put in fencing, pave the parking, paint and take out the yucca plants. He also clarified with applicant that this site will be for PD towing only and that he will not be working on vehicles or selling

---

vehicles from this site.

Chairman Baatrup confirmed with applicant that the fence would be replaced and not repaired.

Vice Chair Bouslog asked about City ordinances for lighting given that there is a park across the street and homes back up to the site. SP Gentry said that the City's maintenance yard and the parking lot were behind the building and that the Commission can require a lighting plan to be submitted to prevent light spillage. Applicant stated that they would be using the existing lighting.

Commissioner Azevedo again expressed his concern that the site not take on the look of a junkyard and would propose a condition to not stack cars to which applicant responded that they would not be stacking cars at this location. Applicant also stated that car storage would probably be a thirty day maximum.

Commissioner Azevedo expressed concern environmentally with leaking of fluids to which applicant stated that they place plans to collect fluids under each car which they do at all other yards.

City Attorney Nerland said that a condition can be added that fluids be disposed of properly.

Commissioner Westerman clarified with applicant that only one tow truck would be kept on site, behind the fence.

Chuck Scotto spoke to say that although he is not for or against this project, that he wants to be sure that the same conditions are put on the subject project that were put on his back in 1991. He said that he was conditioned that no auto parts would be sold, no cars would be dismantled, no cars kept temporarily on the streets and requiring three off street parking spaces. He said that at the time of any remodel or new use permit, the City required that all fencing facing a street be ornamental iron and not cyclone fencing. He said that several locations have now put up cyclone fencing including the City's corporation yard and that he was required to spend money to take out cyclone fencing.

SP Gentry stated that the Municipal Code does have a parking requirement.

### **CLOSED PUBLIC HEARING**

Commissioner Azevedo asked for clarification from staff if there has been recent change of direction for the City. SP Gentry stated that this area is zoned light industrial and there is nothing in the Code prohibiting chain link fencing within the City. She said that they push for decorative fencing but given the area staff does not see an issue with chain link fencing. She went on to say that she is not quite sure what Mr. Scotto is referring to given the lack of documentation.

Commissioner Azevedo questioned staff what type of ornamental fencing would be required if so determined. SP Gentry said that typically ornamental fencing is see through but that having a fence with slats would hide cars.

Vice Chair Bouslog requested that the hearing be reopened.

### **REOPEN PUBLIC HEARING**

Vice Chair Bouslog questioned applicant if he was opposed to having iron fence on the visible side of O Street toward the park to which applicant said that he is opposed because he does not want people to see in but plans to keep the site very clean.

Mr. Scotto said that he had cyclone fencing all around his property but was made by the City to take it out. SP Gentry said that the current Antioch Municipal Code does not prevent cyclone fencing.

Chairman Baatrup responded to applicant that the City is operating under current Codes and requirements and that they cannot speak to previous requirements 20 years ago in 1991 but that there may be different requirements today. He said that today the rules do not prohibit cyclone fencing and that staff could have researched the issue and been prepared to answer if information was provided before tonight.

Commissioner Westerman asked applicant if there would be any security for the site to which applicant stated that they could use an alarm company but that he had planned to alarm the building given that high value cars would be placed inside.

### **RECLOSE PUBLIC HEARING**

Commissioner Westerman said that this property is an ideal location for this business, which is a definite improvement given the run down state of the property and that he is in support.

Commissioner Azevedo stated that he thinks this is a good use for this property but that he has a dilemma based on prior questions and would have to weigh having nice ornamental fencing allowing run down cars to be seen and which would allow the thing he is against versus his concern of a junk yard in a residential area and putting in chain link fence with vinyl slats to screen the autos from view. He said that he would like to listen to direction from others on the dais.

Vice Chair Bouslog said that while he thinks this is a good area for cars to come and go, that standards should be raised to improve the City requiring ornamental fencing and not chain link fencing in residential areas.

Chairman Baatrup asked staff is there were other applications providing fencing with screening with something other than cyclone to which SP Gentry said that she hasn't



seen anything other than chain link with slats or pickets. She said the only other type would be a masonry wall to achieve aesthetics which you cannot see through.

Chairman Baatrup said that he was struggling with a solution; considering a chain link but not degrading aesthetics by putting in an ornamental fencing. He said that he did not like either option.

Commissioner Westerman said a possible solution would be chain link with slats with a planting strip which could shield and soften it.

SP Gentry said that it is possible to continue this item to the next hearing to allow staff to work with applicant for other ideas for fencing to deal with aesthetics and hiding of vehicles.

Vice Chair Bouslog said that if we do that he would like to see a landscaping plan as well. He said that given that the applicant is in the process of purchasing the building, meeting the deadline of August 1<sup>st</sup> which is the next Planning Commission meeting would help the applicant out.

#### **RESOLUTION NO. 2012-\*\***

**On Motion by Commissioner Azevedo and seconded by Commissioner Westerman, the Planning Commission continued UP-12-03 to August 1, 2012.**

**AYES:** *Bouslog, Baatrup, Azevedo, Westerman*  
**NOES:** *None*  
**ABSTAIN:** *None*  
**ABSENT:** *Langford*

#### **ORAL COMMUNICATIONS**

CA Nerland gave the Commission an update on discussions at the City Council level with the Friends of the Hard House, considerations to the City Council regarding Kelly's Card room and an agreement with NextG being looked at by the City Council next Tuesday.

SP Gentry said that interviews will take place for Planning Commission vacancies next Monday night and CA Nerland said that appointments for these vacancies are on the agenda for City Council next Tuesday.

#### **WRITTEN COMMUNICATIONS**

Chairman Baatrup stated that he has a newsletter, the Bay Area Monitor, for anyone who wants to review it.

#### **COMMITTEE REPORTS**

Commissioner Azevedo stated that Transplan cancelled their July meeting but should be meeting in August.

CA Nerland said that there have been articles regarding the state suspending the Brown Act to eliminate City reimbursements but that the City is continuing to put out agendas and posting, etc.

CA Nerland stated she would like to be sure we have a quorum for the August 1<sup>st</sup> hearing and advised Commissioners to let staff know if they could not attend.

Vice Chair Bouslog asked if there was an update on Code Enforcement to which CA Nerland responded that the position was filled with one person from a contract firm.

### **ADJOURNMENT**

Chairman Baatrup adjourned the Planning Commission at 7:57 p.m.

Respectfully Submitted,  
Cheryl Hammers

**STAFF REPORT TO THE PLANNING COMMISSION  
FOR CONSIDERATION AT THE MEETING OF AUGUST 1, 2012**

**Prepared by:** Mindy Gentry, Senior Planner ~~NA~~

**Date:** July 26, 2012

**Subject:** 7 Eleven – UP-12-01

**RECOMMENDATION**

It is recommended that the Planning Commission continue this item to August 15, 2012.

**STAFF REPORT TO THE PLANNING COMMISSION  
FOR CONSIDERATION AT THE MEETING OF AUGUST 1, 2012**

**Prepared by:** Mindy Gentry, Senior Planner *MG*

**Date:** July 26, 2012

**Subject:** UP-12-03 – Tow Yard at 437 “O” Street

**RECOMMENDATION**

It is recommended that the Planning Commission approve a use permit for a tow yard and pickup facility for vehicles (UP-12-03), subject to the conditions contained in the attached resolution.

**REQUEST**

Fernandes Towing, the applicant, requests the approval of a use permit for a towing storage yard and pickup facility for vehicles located at 437 “O” Street (APN: 066-124-003).

**BACKGROUND**

The Planning Commission originally heard the subject project on July 18, 2012, where it was continued due to concerns raised regarding the proposed fencing (Attachment B). The applicant proposed a chain link fence with vinyl slats; however, a member of the public voiced a concern regarding conditions imposed by the City back in 1991 when he opened an adjacent auto body repair (Attachment C). According to the member of the public’s testimony, he was required by the City to install a wrought iron fence in place of the existing chain link and he wanted to see similar conditions imposed on the subject project. The Planning Commission chose to continue the item to allow the applicant and staff to work together to find additional fencing ideas to address both aesthetic issues. The issues being: 1) the ability to see through a wrought iron fence into the vehicle storage yard and 2) to provide a visually pleasing fence adjacent to a residential neighborhood and park in lieu of chain link fence with vinyl slats.

In addition to the fence, the Planning Commission also brought up several concerns during the July 18<sup>th</sup> hearing, such as car stacking, auto sales and repair occurring on site, leaking fluids from the vehicles, and the parking of vehicles in the street. Staff has added conditions of approval to address these issues.

**ENVIRONMENTAL**

The project is Categorical Exempt from the provisions of CEQA, pursuant to section 15301 – Existing Facilities. This section of CEQA exempts projects that involve

negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

## **ANALYSIS**

### **Issue #1: Fencing**

At the direction of the Planning Commission, the applicant has provided additional fencing ideas for the Planning Commission to review, which are discussed in the order of the applicant's preference. The applicant is still requesting the Planning Commission to consider the option of the installation of a chain link fence with vinyl slats. The applicant feels this is the best option for security while also concealing the vehicle storage area. The next option the applicant has proposed is a wrought iron type fence with curved pickets towards the top foot of the fence (Attachment D). The fence would also have 24 gauge panels with large holes, 3/32" with staggered centers, attached to the pickets. The panels would create a visual obstacle and would be six feet in height; therefore concealing the stored vehicles; however addressing the concerns raised by the member of the public at the last meeting. Lastly, another fence option would be a vinyl fence, similar in style to what is found in a residential neighborhood (Attachment E).

A condition of approval regarding the Planning Commission's preference on the fence type needs to be added to the resolution.

### **Issue #2: Landscaping**

At the Planning Commission's direction the applicant has provided a landscape plan for review. The only landscape area is a strip on the south side of the property the length of the property line. The planter is approximately 2 feet wide and currently contains various types of vegetation, with the majority being Yucca plants. The applicant is proposing to remove the vegetation and replace it with new landscaping as well as drip irrigation.

The applicant is proposing Dwarf Italian Cypress, rose hybrids, Creeping Rosemary, and Boxwoods. The landscape plan does not address the existing trees, which seem to provide a good canopy as they are well established. A standard condition of approval requires trees to not be planted within five feet of the public right of way, which is to prevent roots from impacting the sidewalk. The existing sidewalk on the south side of the property is currently not being affected by the trees, therefore staff recommends eliminating the Dwarf Italian Cypress and to retain the existing trees. Further, the landscape plan shows screen walls with vines to be planted. The applicant is now proposing not to provide this element of the landscape plan due to a miscommunication with the applicant's architect and the time constraint to make the Planning Commission hearing. Lastly, the landscape plan did not specify the size of the landscaping, however typically all trees are 15 gallon, shrubs and vines are 5 gallon, and groundcover are 1 gallon. These should be the minimum size of the vegetation upon planting.

## **ATTACHMENTS**

- A: Aerial Photo
- B: Staff Report and Minutes from the July 18, 2012 Planning Commission Hearing
- C: Chuck & Donna Scotto's Letter Presented at the July 18, 2012 Planning Commission Hearing
- D: Ornamental Iron Fencing Proposal
- E: Vinyl Fence Proposal

**CITY OF ANTIOCH PLANNING COMMISSION  
RESOLUTION NO. 2012-\*\***

**RESOLUTION OF THE CITY OF ANTIOCH PLANNING COMMISSION  
APPROVING A USE PERMIT FOR A TOW YARD AT 437 "O" STREET**

**WHEREAS**, the City of Antioch received a request from Fernandes Tow for the approval of a use permit for a towing storage yard and pickup facility for vehicles. The project is located at 473 "O" Street (**APN: 066-124-003**); and,

**WHEREAS**, this project is exempt from the provisions of CEQA pursuant to CEQA Guideline section 15301 – Existing Facilities; and

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

**WHEREAS**, the Planning Commission on July 18, 2012, duly held a public hearing, received, and considered evidence, both oral and documentary, and continued the item;

**WHEREAS**, the Planning Commission on August 1, 2012, duly held a public hearing, received, and considered evidence, both oral and documentary, and

**NOW THEREFORE BE IT RESOLVED** the Planning Commission of the City of Antioch does hereby **APPROVE** the use permit (UP-12-03), subject to the following conditions:

**STANDARD CONDITIONS**

1. The project shall comply with the Antioch Municipal Code.
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.
3. 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.

4. This approval expires two years from the date of approval (Expires August 1, 2014), 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. City staff shall inspect the site for compliance with the conditions of approval prior to final building inspection.
6. Any required easements or rights-of-way for off-site improvements shall be obtained by the developer, at no cost to the City of Antioch.
7. An encroachment permit shall be required for all work in the public right of way.
8. Advance permission shall be obtained from any property or easement holders for any work done within such property or easements.
9. The developer shall pay all required fees at the time of building permit issuance.
10. This approval supersedes previous approvals that have been granted for this site.
11. Building permits shall be secured for all proposed construction associated with this facility, including any interior improvements not expressly evident on the plans submitted.
12. All construction shall conform to the requirements of the California Building Code and City of Antioch standards.
13. The use of construction equipment shall be restricted to weekdays between the hours of 8:00 AM to 5:00 PM or as approved by the City Manager or his designee.
14. The project shall be in compliance with and supply all the necessary documentation for AMC6-3.2: Construction and demolition debris recycling.
15. 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.
16. That standard dust control methods shall be used to stabilize the dust generated by construction activities. Said methods shall be noted on the building plan submittal.



RESOLUTION NO. 2012-\*\*

August 1, 2012

Page 3

17. No illegal signs, pennants, banners, balloons, flags, or streamers shall be used on this site at any time.
18. No signs shall be installed on this site without prior City approval.
19. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.
20. The landscaping and signing shall not create a sight distance problem.
21. There shall be a minimum of five (5) feet clear between any proposed trees and any concrete or asphalt paving within the City right-of-way. Trees closer than ten (10) feet to such concrete or asphalt paving shall use approved root guards.
22. All mechanical and roof equipment shall be screened from public view.
23. All parking lot dimensions and striping shall meet City standards.
24. Any cracked or broken sidewalks shall be replaced as required by the City Engineer.
25. All parking and access meet the ADA/Title 24 requirements as determined by the Chief Building Official using Checklist #1, Parking, CA Title 24, Sections 1129B.1 and 1130B. The location of such spaces shall provide safe and convenient access to the building as determined by the Chief Building Official.
26. A trash enclosure is required. The trash enclosure shall be covered by a roof structure to prevent runoff.
27. All requirements of the Contra Costa County Fire Protection District shall be met:
  - a) The applicant shall submit three (3) complete sets of tenant improvement plans and specifications of the subject project, including plans for the diesel generator, which has been deferred, to the Fire District for review and approval prior 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, (107) CBC.
  - b) Submit plans to: Contra Costa County Fire Protection District  
2010 Geary Road  
Pleasant Hill, CA 94523

**PROJECT SPECIFIC CONDITIONS**

- 28. Prior to the issuance of a certificate of occupancy, final landscaping and irrigation plans shall be submitted for staff review and approval. The landscaping plans shall address any areas visible from the public right-of-way and shall show the removal of the Yucca plants and stumps as well as any other landscaping that is dead or dying. The landscape plan shall provide new plantings to replace the removed landscaping.
- 29. The driveway on "O" Street shall be removed and replaced.
- 30. The vehicular gate on "O" Street shall be relocated to be at least 20' behind the sidewalk.
- 31. No automotive repair, dismantling, or automotive sales shall be conducted onsite.
- 32. Directional signage and striping shall be provided as approved by the City Engineer.
- 33. The public parking area and drive aisle shall be repaved and striped, subject to approval by staff.
- 34. Vehicles shall not be stacked so as to be seen over the fence.
- 35. No vehicles shall remain on the site longer than 30 days.
- 36. No towed vehicles or tow trucks shall be parked on City streets.
- 37. Vehicles leaking fluids shall be handled in a manner according to federal, state, and local regulations.

\* \* \* \* \*

**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 August, 2012.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
TINA WEHRMEISTER, SECRETARY TO THE  
PLANNING COMMISSION

# ATTACHMENT "A"

Aerial Photo



# ATTACHMENT "B"

## STAFF REPORT TO THE PLANNING COMMISSION FOR CONSIDERATION AT THE MEETING OF JULY 18, 2012

**Prepared by:** Mindy Gentry, Senior Planner *MS*

**Date:** July 12, 2012

**Subject:** UP-12-03 – Tow Yard at 437 "O" Street

### RECOMMENDATION

It is recommended that the Planning Commission approve a use permit for a tow yard and pickup facility for vehicles (UP-12-03), subject to the conditions contained in the attached resolution.

### REQUEST

Fernandes Towing, the applicant, requests the approval of a use permit for a towing storage yard and pickup facility for vehicles located at 437 "O" Street (APN: 066-124-003).

### BACKGROUND

The subject site previously had been a dairy distribution facility and offices.

The General Plan designation of the property is Medium Density Residential within the Rivertown/Urban Waterfront Focus Area. The site has a zoning designation of Light Industrial (M-1) and tow yards require a use permit within this designation.

The surrounding land use designations are as noted below:

**North:** City of Antioch Maintenance Yard parking lot (M-1)  
**South:** Prosserville Park (RTR-10)  
**East:** City of Antioch Maintenance Yard (M-1)  
**West:** Various commercial uses and a church (M-1)

### ENVIRONMENTAL

The project is Categorical Exempt from the provisions of CEQA, pursuant to section 15301 – Existing Facilities. This section of CEQA exempts projects that involve negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

## **ANALYSIS**

### **Issue #1: Project Overview**

The applicant proposes utilizing the building and site for a tow yard and car storage facility. The site is approximately 0.47 acres and contains a 3,300 s.f. building. The proposed hours of operation are from 9:00 AM to 4:30 PM and there would be two employees onsite. There is no proposed vehicle repair as part of this application. The site circulation consists of vehicles entering the property via the gate on "O" Street and exiting the gate on Sixth Street. The entry gate on "O" Street will need to be moved to allow for 20' of vehicular queue space starting from the back of sidewalk. The applicant is also proposing a roll up door on the back side of the building for access to additional car storage space within the building.

### **Issue #2: Parking**

The City of Antioch Municipal Code requires one off-street parking space per 4,000 s.f. of outdoor vehicular storage and one parking space per 250 s.f. of office. The proposed square footage for storage of the vehicles is 5,000 s.f., which would require two off-street parking spaces and the office component would require four spaces. The submitted plans show a parking ratio of one parking space per 400 s.f. of outdoor display area, which is well over the municipal code requirement. If the applicant desires to expand the outdoor display area, then staff will work with the applicant to ensure the parking ratios are met for the size of the outdoor storage area. Staff is also recommending a condition of approval to repave the public parking spaces and drive aisle due to the failure of the pavement.

The proposed parking spaces are adjacent to the property line; however, the parking needs to be moved 20' from the property line so as not to encroach on the required setback.

### **Issue #3: Other Issues**

Landscaping and Fencing: The landscaping onsite is in a state of disrepair. For example, the Yucca plants along the periphery of the site adjacent to the public right-of-way need to be removed and many have been cut back leaving just the stumps. Staff has conditioned the applicant to submit a landscape plan that shows the removal of the Yucca plants and any plants that may need to be removed that are considered dead or dying. The landscape plan should also show the new landscaping replacing all of the removed vegetation as well as any areas that are currently void of landscaping. All areas visible from the public right-of-way need to be landscaped and irrigated. An irrigation plan shall also be submitted.

Currently there is a chain link fence with barbed wire on top around the periphery of the site. The chain link fence is adjacent to the public right-of-way and per the AMC, the

fence fabric, posts, top rails, and hardware shall be vinyl clad. A condition of approval has been added to replace the chain link fence to be vinyl clad as outlined in the municipal code. Further, the applicant is proposing vinyl slats to place within the fence to provide screening of the stored vehicles as well as removal of the barbed wire.

**ATTACHMENTS**

- A: Aerial Photo
- B: Applicant's Summary

**CITY OF ANTIOCH PLANNING COMMISSION  
RESOLUTION NO. 2012-\*\***

**RESOLUTION OF THE CITY OF ANTIOCH PLANNING COMMISSION  
APPROVING A USE PERMIT FOR A TOW YARD AT 437 "O" STREET**

**WHEREAS**, the City of Antioch received a request from Fernandes Tow for the approval of a use permit for a towing storage yard and pickup facility for vehicles. The project is located at 473 "O" Street (APN: 066-124-003); and,

**WHEREAS**, this project is exempt from the provisions of CEQA pursuant to CEQA Guideline section 15301 – Existing Facilities; and

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

**WHEREAS**, the Planning Commission on July 18, 2012, duly held a public hearing, received, and considered evidence, both oral and documentary, and

**NOW THEREFORE BE IT RESOLVED** the Planning Commission of the City of Antioch does hereby **APPROVE** the use permit (UP-12-03), subject to the following conditions:

**STANDARD CONDITIONS**

1. The project shall comply with the Antioch Municipal Code.
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.
3. 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.
4. This approval expires two years from the date of approval (Expires July 18, 2014), 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.

B4

5. City staff shall inspect the site for compliance with the conditions of approval prior to final building inspection.
8. Any required easements or rights-of-way for off-site improvements shall be obtained by the developer, at no cost to the City of Antioch.
9. An encroachment permit shall be required for all work in the public right of way.
6. Advance permission shall be obtained from any property or easement holders for any work done within such property or easements.
7. The developer shall pay all required fees at the time of building permit issuance.
8. This approval supersedes previous approvals that have been granted for this site.
9. Building permits shall be secured for all proposed construction associated with this facility, including any interior improvements not expressly evident on the plans submitted.
10. All construction shall conform to the requirements of the California Building Code and City of Antioch standards.
11. The use of construction equipment shall be restricted to weekdays between the hours of 8:00 AM to 5:00 PM or as approved by the City Manager or his designee.
12. The project shall be in compliance with and supply all the necessary documentation for AMC6-3.2: Construction and demolition debris recycling.
13. The applicant shall defend, indemnify and hold harmless the City in any action brought by a third party to challenge the land use entitlement.
14. 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.
15. That standard dust control methods shall be used to stabilize the dust generated by construction activities. Said methods shall be noted on the building plan submittal.
16. No illegal signs, pennants, banners, balloons, flags, or streamers shall be used on this site at any time.
17. No signs shall be installed on this site without prior City approval.



18. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.
19. The landscaping and signing shall not create a sight distance problem.
20. There shall be a minimum of five (5) feet clear between any proposed trees and any concrete or asphalt paving within the City right-of-way. Trees closer than ten (10) feet to such concrete or asphalt paving shall use approved root guards.
21. All mechanical and roof equipment shall be screened from public view.
22. All parking lot dimensions and striping shall meet City standards.
23. Any cracked or broken sidewalks shall be replaced as required by the City Engineer.
24. All parking and access meet the ADA/Title 24 requirements as determined by the Chief Building Official using Checklist #1, Parking, CA Title 24, Sections 1129B.1 and 1130B. The location of such spaces shall provide safe and convenient access to the building as determined by the Chief Building Official.
25. A trash enclosure is required. The trash enclosure shall be covered by a roof structure to prevent runoff.
26. All requirements of the Contra Costa County Fire Protection District shall be met:
  - a) The applicant shall submit three (3) complete sets of tenant improvement plans and specifications of the subject project, including plans for the diesel generator, which has been deferred, to the Fire District for review and approval prior 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, (107) CBC.
  - b) Submit plans to: Contra Costa County Fire Protection District  
2010 Geary Road  
Pleasant Hill, CA 94523

**PROJECT SPECIFIC CONDITIONS**

27. Prior to the issuance of a certificate of occupancy, landscaping and irrigation plans shall be submitted for staff review and approval. The landscaping plans shall address any areas visible from the public right-of-way and shall show the removal of the Yucca plants and stumps as well as any other landscaping that is dead or dying. The landscape plan shall provide new plantings to replace the removed landscaping.

- 28. The driveway on "O" Street shall be removed and replaced.
- 29. The vehicular gate on "O" Street shall be relocated to be at least 20' behind the sidewalk.
- 30. The parking spaces shall be located 20' from the property line.
- 31. The chain link fence shall be replaced and shall have vinyl clad fence fabric, posts, top rails, and hardware. The barbed wire shall be removed and vinyl slats shall also be placed within the chain link fence to provide screening from the public right-of-way.
- 32. No automotive repair shall be conducted onsite.
- 33. Directional signage and striping shall be provided as approved by the City Engineer.
- 34. The public parking area and drive aisle shall be repaved and striped subject to approval by staff.

\* \* \* \* \*

**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 18<sup>th</sup> day of July 2012.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
TINA WEHRMEISTER, SECRETARY TO THE  
PLANNING COMMISSION

# ATTACHMENT "A"

Aerial Photo



B8  
A1



Nelda Braver  
925.947.1519  
nbraver@  
comcast.net

June 6, 2012

Mindy Gentry, Senior Planner  
c/o Community Development Department  
P.O. Box 5007  
Antioch, CA 94509

RE: 437 "O" Street Tow Yard (UP-12-03)  
Project Description

Dear Ms. Gentry:

The applicant would like to clean up and renovate the existing building and yard at 437 "O" Street to become a storage yard for the impounded vehicles for the Antioch Police department.

- There will be only 2 employees.
- The hours will be from 9 a.m. to 4:30 p.m.
- There will be no repair of vehicles on this site.
- There will be tow trucks bringing in vehicles through the "O" Street gate and exiting the 6<sup>th</sup> Street gate.
- See Site Plan for building coverage and parking.
- The applicant will be repairing holes in the stucco of the building and painting the exterior.
- One garage door will be installed at the rear of the building.
- A new fence will be placed around the property. Vinyl slates will be placed in the fencing to make the towed cars less visible, if required by the City of Antioch.
- Lot is 20,000 s.f.
- Building is 2,416 s.f. at rear, Office area is 816 s.f.
- Vehicle storage is limited, 5,000 s.f.
- Number of spaces is 13 at 1:400 s.f. requirements.
- Parking spaces will be painted to comply with the City standards, placed in the booklet submitted with the Site Plan.
- Also see notes on the elevation photos submitted with Site Plan.

Please call with any questions,

A handwritten signature in black ink that reads "Nelda H. Braver". The signature is written in a cursive, flowing style.

Nelda H. Braver, Architect, LEED-AP,  
CGBP and Green Point Rater  
CA 18132, Exp. 01-31-2013

**Braver Designs, Inc. 296 Apollo Way Pleasant Hill, CA 94523-2060**

B9  
BT

---

**AYES:** *Baatrup, Bouslog, Azevedo, Westerman*  
**NOES:** *None*  
**ABSTAIN:** *None*  
**ABSENT:** *Langford*

4. **UP-12-03** – Fernandes Towing is requesting a use permit for towing storage yard and pickup facility for vehicles located at 437 O Street (**APN: 066-124-003**).

Senior Planner Gentry provided a summary of the staff report dated July 12, 2012.

Commissioner Azevedo expressed his concern with the possibility of stacking cars and his preference that this location not turn into a junk yard and clarified with staff that there is not a maximum time that autos can be left in impound and that they could be stored as long as need be. SP Gentry stated that the Commission could place conditions to limit time cars could be kept on site and also not allowing stacking of cars. Commissioner Azevedo stated that although applicant is fixing paving, fencing and landscaping that the building is in disrepair to which SP Gentry said that applicants will be replacing windows and doors.

Chairman Baatrup clarified with staff that although they have a contract to provide services to the Antioch Police Department who requires that the impound area be in Antioch, that they are open to store other vehicles. Chairman Baatrup confirmed with staff that although they specify 5,000 sf for vehicle storage, that the site is 20,000 sf and there could be storage beyond the 5,000 sf.

Vice Chair Bouslog clarified with staff that the display area would not be for car sales and that although there are set office hours, there could be calls in the middle of the night for pickup of cars which is consistent with other yards in the City.

#### **OPENED PUBLIC HEARING**

Applicant, Mike Fernandes said that he presently has an auto dismantling yard in Pittsburg which has plenty of room, that he is in escrow now to buy this property and that being the property owner he will be improving this site.

Commissioner Westerman clarified with applicant that the second building on the site would probably be torn down to make the site neater.

Chairman Baatrup clarified with applicant that they will be using the full property, placing cars inside the building as well as outside the building.

Vice Chair Bouslog asked applicant to address the plans for the building itself to which applicant said that they plan to fix the roof, put in a sidewalk, put in fencing, pave the parking, paint and take out the yucca plants. He also clarified with applicant that this site will be for PD towing only and that he will not be working on vehicles or selling

vehicles from this site.

Chairman Baatrup confirmed with applicant that the fence would be replaced and not repaired.

Vice Chair Bouslog asked about City ordinances for lighting given that there is a park across the street and homes back up to the site. SP Gentry said that the City's maintenance yard and the parking lot were behind the building and that the Commission can require a lighting plan to be submitted to prevent light spillage. Applicant stated that they would be using the existing lighting.

Commissioner Azevedo again expressed his concern that the site not take on the look of a junkyard and would propose a condition to not stack cars to which applicant responded that they would not be stacking cars at this location. Applicant also stated that car storage would probably be a thirty day maximum.

Commissioner Azevedo expressed concern environmentally with leaking of fluids to which applicant stated that they place plans to collect fluids under each car which they do at all other yards.

City Attorney Nerland said that a condition can be added that fluids be disposed of properly.

Commissioner Westerman clarified with applicant that only one tow truck would be kept on site, behind the fence.

Chuck Scotto spoke to say that although he is not for or against this project, that he wants to be sure that the same conditions are put on the subject project that were put on his back in 1991. He said that he was conditioned that no auto parts would be sold, no cars would be dismantled, no cars kept temporarily on the streets and requiring three off street parking spaces. He said that at the time of any remodel or new use permit, the City required that all fencing facing a street be ornamental iron and not cyclone fencing. He said that several locations have now put up cyclone fencing including the City's corporation yard and that he was required to spend money to take out cyclone fencing.

SP Gentry stated that the Municipal Code does have a parking requirement.

### **CLOSED PUBLIC HEARING**

Commissioner Azevedo asked for clarification from staff if there has been recent change of direction for the City. SP Gentry stated that this area is zoned light industrial and there is nothing in the Code prohibiting chain link fencing within the City. She said that they push for decorative fencing but given the area staff does not see an issue with chain link fencing. She went on to say that she is not quite sure what Mr. Scotto is referring to given the lack of documentation.

B11

Commissioner Azevedo questioned staff what type of ornamental fencing would be required if so determined. SP Gentry said that typically ornamental fencing is see through but that having a fence with slats would hide cars.

Vice Chair Bouslog requested that the hearing be reopened.

**REOPEN PUBLIC HEARING**

Vice Chair Bouslog questioned applicant if he was opposed to having iron fence on the visible side of O Street toward the park to which applicant said that he is opposed because he does not want people to see in but plans to keep the site very clean.

Mr. Scotto said that he had cyclone fencing all around his property but was made by the City to take it out. SP Gentry said that the current Antioch Municipal Code does not prevent cyclone fencing.

Chairman Baatrup responded to applicant that the City is operating under current Codes and requirements and that they cannot speak to previous requirements 20 years ago in 1991 but that there may be different requirements today. He said that today the rules do not prohibit cyclone fencing and that staff could have researched the issue and been prepared to answer if information was provided before tonight.

Commissioner Westerman asked applicant if there would be any security for the site to which applicant stated that they could use an alarm company but that he had planned to alarm the building given that high value cars would be placed inside.

**RECLOSE PUBLIC HEARING**

Commissioner Westerman said that this property is an ideal location for this business, which is a definite improvement given the run down state of the property and that he is in support.

Commissioner Azevedo stated that he thinks this is a good use for this property but that he has a dilemma based on prior questions and would have to weigh having nice ornamental fencing allowing run down cars to be seen and which would allow the thing he is against versus his concern of a junk yard in a residential area and putting in chain link fence with vinyl slats to screen the autos from view. He said that he would like to listen to direction from others on the dais.

Vice Chair Bouslog said that while he thinks this is a good area for cars to come and go, that standards should be raised to improve the City requiring ornamental fencing and not chain link fencing in residential areas.

Chairman Baatrup asked staff is there were other applications providing fencing with screening with something other than cyclone to which SP Gentry said that she hasn't

seen anything other than chain link with slats or pickets. She said the only other type would be a masonry wall to achieve aesthetics which you cannot see through.

Chairman Baatrup said that he was struggling with a solution; considering a chain link but not degrading aesthetics by putting in an ornamental fencing. He said that he did not like either option.

Commissioner Westerman said a possible solution would be chain link with slats with a planting strip which could shield and soften it.

SP Gentry said that it is possible to continue this item to the next hearing to allow staff to work with applicant for other ideas for fencing to deal with aesthetics and hiding of vehicles.

Vice Chair Bouslog said that if we do that he would like to see a landscaping plan as well. He said that given that the applicant is in the process of purchasing the building, meeting the deadline of August 1<sup>st</sup> which is the next Planning Commission meeting would help the applicant out.

**RESOLUTION NO. 2012-\*\***

**On Motion by Commissioner Azevedo and seconded by Commissioner Westerman, the Planning Commission continued UP-12-03 to August 1, 2012.**

**AYES:** *Bouslog, Baatrup, Azevedo, Westerman*  
**NOES:** *None*  
**ABSTAIN:** *None*  
**ABSENT:** *Langford*

**ORAL COMMUNICATIONS**

CA Nerland gave the Commission an update on discussions at the City Council level with the Friends of the Hard House, considerations to the City Council regarding Kelly's Card room and an agreement with NextG being looked at by the City Council next Tuesday.

SP Gentry said that interviews will take place for Planning Commission vacancies next Monday night and CA Nerland said that appointments for these vacancies are on the agenda for City Council next Tuesday.

**WRITTEN COMMUNICATIONS**

Chairman Baatrup stated that he has a newsletter, the Bay Area Monitor, for anyone who wants to review it.

**COMMITTEE REPORTS**



# ATTACHMENT "C"

page #1

To : City Of Antioch Planning Commission  
From : Chuck & Donna Scotto  
Owners of 415 O St.

I am not for or against UP-12-03.

I am listing the requirements by the city put on my property by the city, when it was used as a towing facility.

#1 The cyclone fence had to be slated to block the wreacking yard appearance.

#2 No car could be dismantled, no auto parts could be sold and no car could be left on the city street even temporarily.

#3 Tow trucks had to be parked inside of the lot, except during towing.

#4 Had to furnish three off street parking spots for customers picking up autos or personal property.

C1

page #2

We are also inquiring about cyclone fencing facing the street. We were required to remove cyclone fence and replace with ornamental fencing. I was told any remodel, new use permit or new building was to be required to do the same. Since then two other properties and the city of Antioch have not met the same standards. Here's a list of the cyclone fences installed after mine was forced to be changed.

#1) 600 O Street

#2) 423 O Street (remodeled)

#3) 424 O Street (remodeled)

#4) 1323 4th. Street (new ownership)

#5) City of Antioch M St to 1311 4th. St

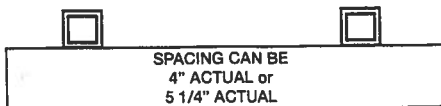
Question to the City of Antioch regarding a safety issue: entering or exiting on 6th St. due to the fact there's a city park with lots of children.

# ATTACHMENT "D"

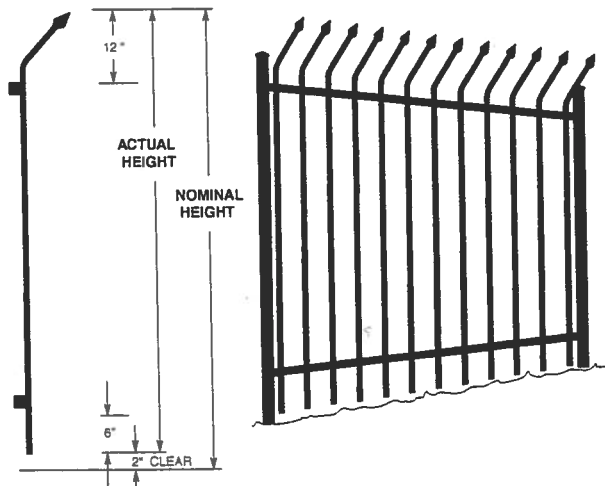
## BFC Ornamental Iron

HEAVY GUARDIAN  
Galva-Guard I

### PICKET POSITION



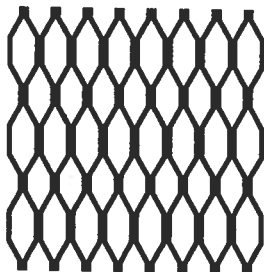
- 1 1/2" Square Top & Bottom Rail, 14 ga.
- 3/4" Square Pickets, 16 ga.
- 4" or 5 1/4" Spacing between Pickets
- Tubing Galvanized before Fabrication
- Power Washed for Paint Preparation
- One Spray Coat High Solids Primer
- One Spray Coat Polyurethane Black
- Custom Colors Available at Additional Cost
- Choose from 14 Standard Colors — add 5%



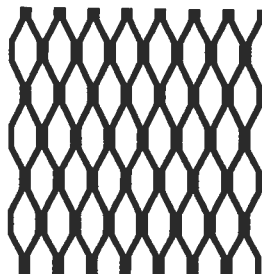
### HEAVY GUARDIAN, Galva-Guard I

PRE-GALVANIZED TUBING & POLYURETHANE PAINTED

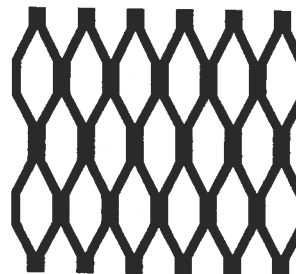
# BFC Accessories



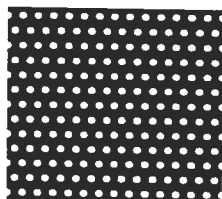
- #16 thickness
- 1/2" diamond
- Flattened



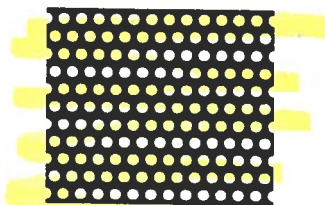
- #13 thickness
- 1/2" diamond
- Flattened



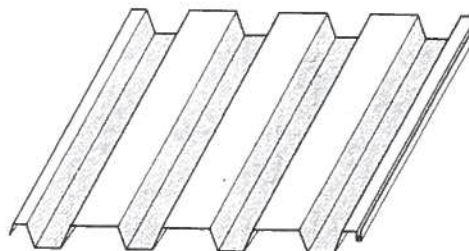
- #9 thickness
- 3/4" diamond
- Flattened



- Small hole — 1/16"
- 1/8" staggered centers
- 24 gauge thickness



- Large hole — 3/32"
- 3/16" staggered centers
- 24 gauge thickness



- Galvanized decking

ATTACHMENT "E"

