

NEW PUBLIC HEARINGS

2. **UP-12-04** – Trillium Consulting on behalf of AT&T requests the approval of a use permit and design review for additional equipment on an existing telecommunications facility on a water tower, which includes the replacement of two faux antennas with two panel antennas, the addition of one new panel antenna, the addition of six remote radio units (RRUs), and the addition of three surge suppressors which is to be supported by additional equipment within the enclosure. The project site is located at 2300 Wilbur Avenue **(APN: 051-100-021)**.
3. **UP-12-05** – Colby Protsman of Flying Dutchman Studio requests a use permit for a tattoo studio to be located at 608 West Second Street **(APN: 066-071-003)**.

STAFF REPORT

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 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 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.**

**August 15, 2012
City Council Chambers**

CALL TO ORDER

Chairman Baatrup called the meeting to order at 6:30 p.m. on Wednesday, August 15, 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, August 23, 2012.

ROLL CALL

Present: Commissioners Langford, Azevedo, Motts, Sanderson
Vice Chair Bouslog and Chairman Baatrup
Absent: Commissioner Westerman
Staff: Director of Community Development, Tina Wehrmeister
Senior Planner, Mindy Gentry
City Attorney, Lynn Tracy Nerland
Minutes Clerk, Cheryl Hammers

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. Approval of Minutes: August 1, 2012

On motion by Commissioner Azevedo, and seconded by Commissioner Langford, the Planning Commission approved the Minutes of August 1, 2012.

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

END OF CONSENT CALENDAR

CONTINUED PUBLIC HEARING

3. 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).

Receiving speaker cards for this item, Chairman Baatrup announced that although the 7-Eleven project is being continued tonight that if speakers were present and wished to speak tonight that they could.

Dick Augusta, lifetime Antioch resident, spoke to say that he is in opposition of allowing a 7-Eleven at 18th & A given that this is a heavily congested area, that 7-Eleven will multiply problems in the area and increase crime. He said that 7-Elevens are conducive to robberies.

Sandra Kelly, Block Captain for the C Street area, spoke to say that she is opposed to the 7-Eleven and that Antioch already has seven 7-Elevens all of which are located within five miles from her house. She said that she has concerns that this will add an overburden to the police as it will bring crime to the neighborhood. She said that in the past 18 months, the current 7-Elevens have generated nearly 1200 calls for service. She said that she is also concerned about traffic, that students walk home from school and that this will create an environmental nightmare due to the increased garbage in the area. She provided a stack of petitions from neighbors for the Commission.

City Attorney Nerland announced that staff does not have a report available tonight, that this matter is being continued and that if speakers are not able to speak at the continued date, they can speak tonight but that they are only able to speak on this matter at one meeting.

Jacquelyn Higgins, resident of Antioch for 12 years, stated that she has worked for 7-Eleven and that although she can say that their standards are very high, her issue is with image. She said that Antioch has crime and that there is no need to perpetuate that image. She said that she has e-mailed three reports to Mindy and that convenience stores have the highest violence behind taxi drivers.

Ken Petersen, resident, spoke to say that he opposes any 24 hour convenience store due to crime issues, burglaries and vandalism. He said that 17th Street is a popular short cut which is seldom patrolled by police and is concerned with inviting speeders on a street where speed bumps are not allowed. He said that any 24 hour convenience store will expand issues about safety. He is concerned that traffic that can't make a left turn will be forced to use 17th Street.

CA Nerland said that if this matter is not heard on the 5th, that it may need to be re-noticed.

Commissioner Langford said that he was in favor of re-noticing given that he is not sure it will happen September 5th.

Senior Planner Gentry said that staff is getting close to ironing out the final issues, that neighbors will be renoticed, and that they will try to bring the project to the Commission on the 5th.

A poll was taken of the Commission for a quorum for September 5th and Commissioners Motts and Langford said that they will not be in attendance.

Community Development Director Wehrmeister said that the 2nd meeting in September, September 19th, would be preferable.

On motion by Commissioner Azevedo, and seconded by Commissioner Langford, the Planning Commission continued UP-12-01 to September 19, 2012.

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

NEW ITEM

2. The City of Antioch requests the Planning Commission receive public comment and provide direction for drafting amendments to the City Zoning Ordinance and the 2003 General Plan in order to implement policies of the 2007 – 2014 Housing Element.

CDD Wehrmeister introduced Vivian Kahn from Dyett & Bhatia.

Vivian Kahn provided a power point presentation on the following topics:

- Agenda for this evening
- Meeting Objectives – GP amendment, new base districts, new overlay district, new definition of “Emergency Shelter”, standards
- Site proposed for rezoning
- RHNA rezoning sites table, going over sites listed
- Showed sites & list of emergency shelter overlay sites
- Next steps

Chairman Baatrup questioned Ms. Kahn about proposed standards for emergency shelters to which Ms. Kahn directed the Commission to pages A23 and A24 of the staff report which listed these standards.

Chairman Baatrup then asked Ms. Kahn about review the next time for the housing element and how they project whether there will be more sites suggesting larger amount of housing fitting affordable standards. Ms. Kahn said that she does not know but that they are seeing numbers which may be lower next time due to the economy.

CDD Wehrmeister said that numbers were provided in updates that she has sent out, that the draft numbers are out and that in November ABAG will be adopting them.

Commissioner Azevedo asked staff if ABAG comes up with a number and we have access, can we go back and modify what we are doing this time to which CDD Wehrmeister said that she believes we can.

Ms. Kahn said that the City's share is 1784 units, that there will be lower numbers in the future and that there won't be much trouble identifying sites.

Commissioner Azevedo stated that methodology could change and would the City have the ability to go back and reduce to which Ms. Kahn said that credit would be given for units constructed or in the pipeline which could be subtracted out and that if someone builds affordable housing on a different site, some of these sites could be used for something else.

CDD Wehrmeister commented that the City presently has a Neighborhood Stabilization Program funded with ARRA money which works with non-profits to rehab and resell foreclosed properties.

Vice-Chair Bouslog asked staff how Antioch rates compared to surrounding communities to which CDD Wehrmeister said that 30% of Antioch's numbers are in affordable ranges acknowledging construction of affordable units and that some other communities range from 50% to 60%.

Commissioner Azevedo asked Ms. Kahn if it were decided to rezone an area and to approve a project, if the City was responsible for immediately designating land to which she said that if a site is rezoned which was included in the housing element, then it would need to be replaced in about a year. She said that there would always need to be an equivalent number of sites but that Antioch has enough other sites.

Commissioner Azevedo asked what were the consequences of not meeting the numbers to which Ms. Kahn said that the City could be subject to litigation and could lose eligibility for grants and other funds.

Chairman Baatrup stated that the Commission has received the report, that there is no one in the audience for public comment, and that given there are no more comments from the Commissioners, that direction has been provided.

ORAL COMMUNICATIONS

CDD Wehrmeister gave an update to the Commission stating that single family home permits are picking up, that 183 residential permits have been issued as of August 2nd, and that commercial projects are moving along with Auto Zone, the Chase ATM and Hobby Lobby taking over the old Mervyns building.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Commissioner Azevedo said that Transplan met last Thursday, he gave a brief update on WETA and said that litigation is still pending with City of Pittsburg with nothing to report out on that at this time.

ADJOURNMENT

Chairman Baatrup adjourned the Planning Commission at 7:45 p.m.

Respectfully Submitted,
Cheryl Hammers

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF SEPTEMBER 5, 2012**

Prepared by: Mindy Gentry, Senior Planner *MA*
Date: August 30, 2012
Subject: **UP-12-04, AR-12-01 – Use Permit and Design Review for a
Telecommunications Site**

RECOMMENDATION

It is recommended that the Planning Commission approve a use permit and design review for additional equipment to an existing telecommunications facility on a water tower (UP-12-03, AR-12-01), subject to the conditions contained in the attached resolution.

REQUEST

Trillium Consulting, the applicant, on behalf of AT&T, requests the approval of a use permit and design review for additional equipment on an existing telecommunications facility on a water tower, which includes the replacement of two faux antennas with two panel antennas, the addition of one new panel antenna, the addition of six remote radio units (RRUs), and the addition of three surge suppressors which is to be supported by additional equipment within the enclosure. The project site is located at 2300 Wilbur Avenue (APN: 051-100-021).

BACKGROUND

The 11.4 acre site contains a large warehouse, approximately 170,000 s.f., with several light manufacturing businesses. The existing water tank is located on the northeastern portion of the property. The water tower contains existing telecommunications equipment, consisting of nine various antennas. The project originally did not have a use permit; however had a building permit, which was issued in 1997.

The property has a General Plan designation of Rail-Served Industrial and has a zoning designation of Planned Business Center (PBC).

Surrounding land uses and zoning designations are as noted below:

North: Contra Costa County with a land use designation of Heavy Industrial
South: Various industrial uses (PBC)
East: Contra Costa County with a land use designation of Residential
West: Various industrial uses (PBC)

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

Issue #1: Project Overview

The applicant proposes to replace two faux antennas with two panel antennas, the addition of one new panel antenna, the addition of six remote radio units (RRUs), and the addition of three surge suppressors which is to be supported by additional equipment within the enclosure adjacent to the base of the water tower. The antennas would be located on the hand railing of the catwalk, on the side of the water tower. The cabling would run down the side of the water tower's access ladder and along a waveguide bridge to the equipment shelter. One GPS antenna is proposed on the top of the equipment shelter.

The panel antennas are 51" in length, 12" in width, and 6" in depth. The RRUs are 17.8" in height, 17.3" in width, and 7.2" in depth and the surge protectors are 10.75" in height, 10.38" in width, and 6.29" in depth.

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 AND DESIGN REVIEW FOR A
TELECOMMUNICATIONS SITE**

WHEREAS, the City of Antioch received a request from Trillium Consulting for a use permit and design review for additional equipment on an existing telecommunications facility on a water tower, which includes the replacement of two faux antennas with two panel antennas, the addition of one new panel antenna, the addition of six remote radio units (RRUs), and the addition of three surge suppressors which is to be supported by additional equipment within the enclosure. The project site is located at 2300 Wilbur Avenue (**APN: 051-100-021**); 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 September 5, 2012, 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 occupy an existing water tower with telecommunications equipment already on the subject site. 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 AT&T customers.

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

The site is zoned Planned Business Center (PBC) 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 telecommunications site on a water tower with an existing equipment shelter. 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 Wilbur Avenue, with access from Wilbur Lane which are both adequate in width and pavement type to carry the traffic generated by the use.

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.

NOW THEREFORE BE IT RESOLVED the Planning Commission of the City of Antioch does hereby **APPROVE** UP-12-04, AR-12-01, 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 September 5, 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.

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. All requirements of the Contra Costa County Fire Protection District shall be met.

PROJECT SPECIFIC CONDITIONS

21. The developer shall install a plaque on or near the access location on the exterior of the equipment shelter that shall identify the subject leaseholder and provide emergency contact information. No other signs shall be installed on this site without prior Planning approval.
22. The antennas and supports shall be treated with a permanent, non-reflective finish that matches the supporting members and that all cables and wiring shall be concealed in an enclosed trough mounting ("cable chase") that matches the supporting member or is attached to the interior of the supporting member, so that no cables or wires are visible to public view.
23. All utilities shall be undergrounded or screened from public view, as approved by the Director of Community Development.
24. Additional equipment or antennas, or a change in antennas shall be subject to City staff approval.
25. The improvements shall be completed as shown on the plans date stamped June 27, 2012, photo simulations and other material samples provided. Any deviations from these approved plans, photos, or material samples shall be approved by City staff prior to construction.
26. The applicant shall maintain all of applicant's 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.
27. 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 AT&T personnel and/or their contractor are present at the site.

* * * * *

RESOLUTION NO. 2012-**

September 5, 2012

Page 5

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 5th day of September 2012.

AYES:

NOES:

ABSTAIN:

ABSENT:

TINA WEHRMEISTER, SECRETARY TO THE
PLANNING COMMISSION

ATTACHMENT "A"

Aerial Photograph



ATTACHMENT "B"



Trillium Consulting

Planning Department
City of Antioch
P.O. Box 5007
Antioch, CA 94531

RECEIVED

APR 02 2012

CITY OF ANTIOCH
BUILDING DIVISION

Re: Proposed AT&T LTE Modification at 2300 Wilbur Ave
Site Address: 2300 Wilbur Ave, Antioch, CA 94509
AT&T Site ID: CCL04345
APN: 051-100-021

RECEIVED

MAY 10 2012

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

Dear Planning Department,

This letter and attached materials are to apply for the appropriate permitting process to accomplish the above referenced and below-described modification to the existing AT&T telecommunications site on a 2300 Wilbur Ave. The following is an explanation of the existing site, a project description of the modifications, the project purpose and justifications in support of this proposal.

A. Project Description:

The existing site consists of eight panel antennas mounted at a 126-foot centerline on an existing water tank at 2300 Wilbur Ave. The equipment is supported by an equipment shelter near the water tank in an approximate 330-square foot lease area surrounded by landscaping.

AT&T proposes to swap two existing antennas with LTE panel antennas, add one new LTE panel antenna (one antenna per sector), and add six remote radio units ("RRUs") and one surge suppressor to the existing water tank. These items will be painted to match the surrounding environment, and will be supported by additional equipment installed behind the existing equipment, shielded from view by surrounding landscaping.

B. Project Purpose

The purpose of this project is to upgrade AT&T's existing site to incorporate the latest fourth generation ("4G") technology which will be implemented by AT&T's Long Term Evolution ("LTE") system. The new technology will allow for faster wireless data transfers and overall improved wireless services to the area. These wireless services include mobile telephone service, emergency 911 services, data transfer, electronic mail, internet and web browsing, as well as video streaming. The area is already covered by AT&T voice and data service via its third generation (3G) wireless network, but there is

currently no 4G/LTE service is in place. In other words, the proposed site modification will provide entirely new LTE wireless service in this area.

C. Project Justification, Design and Placement

This site is located in City of Antioch. This area contains an existing wireless installation for AT&T as well as other wireless carrier equipment. The proposed modifications are to provide LTE service to the surrounding coverage area. The site modification is designed to mirror the existing AT&T equipment and will have very limited visual impacts on the surrounding area as shown in the plan sets.

Included with this zoning submittal are the following materials:

1. Completed permit application
2. Lease Agreement showing rights to modify
3. Filing fee
4. (4) full sized and (1) reduced plan sets.

Please feel free to contact me if you have any questions.

Regards,

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF SEPTEMBER 5, 2012**

Prepared by: Mindy Gentry, Senior Planner *MS*
Date: August 30, 2012
Subject: **UP-12-05 – Use Permit for Flying Dutchman Tattoo Shop**

RECOMMENDATION

It is recommended that the Planning Commission **APPROVE UP-12-05** subject to the conditions in the attached resolution.

REQUEST

Colby Protsman of the Flying Dutchman Studio is requesting a use permit for a tattoo studio in an existing building located at 608 West Second Street (**APN: 066-071-003**).

BACKGROUND

The applicant proposes to occupy a 1,400 square foot retail store in a two-story commercial/residential mixed-use building located at 608 West Second Street. The building previously housed a screen printing business and before that an office.

The Flying Dutchman tattoo studio originally received a use permit from the City of Antioch on February 18, 2009, to locate their business at 310 "G" Street (Attachment "B"). The applicant is now looking to relocate to 608 West Second Street in order to expand the business to meet the demands of their clients.

ENVIRONMENTAL

The project is Categorical Exempt from the provisions of CEQA, pursuant to section 15301 – Existing Facilities.

ANALYSIS

Issue #1: Project Overview

The applicant proposes using the space as a tattoo studio and will be eliminating the retail clothing and the piercing service aspects of their business. The applicant's hours of operation would be from 11 AM to 9 PM Monday-Saturday and 11 AM to 8 PM on Sundays.

**CITY OF ANTIOCH PLANNING COMMISSION
RESOLUTION NO. 2012/****

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
APPROVING A USE PERMIT AT 608 WEST SECOND STREET FOR A TATTOO
STUDIO**

WHEREAS, the City of Antioch received a request from Colby Protsman of the Flying Dutchman for approval of a Use Permit to allow a tattoo studio in an existing building. The project site is located at 608 West Second Street (**APN 066-071-003**); and,

WHEREAS, pursuant to the California Environmental Quality Act, the project has been deemed categorically exempt pursuant to 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 September 5, 2012, 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 with the conditions set forth within this staff report and because of strict health and safety requirements that must be adhered to as set by the State of California and Contra Costa County Health Department for body art;
2. The use applied at the location indicated is properly one for which a use permit is authorized as stated in the Antioch Municipal Code section 9-5.3803 *Table of Land Use Regulations*;
3. That the site for the proposed use is adequate in size and shape to accommodate such a use as a tattoo studio given the suite size is 1,400 sq. ft. which is adequate for a retail use such as a tattoo studio;
4. The project site is currently developed and is located on 608 West Second Street, which is adequate in width and pavement type to carry the traffic generated by this use; and
5. That the granting of such use permit will not adversely affect the comprehensive General Plan as the Table of Land Use Regulations allows for a tattoo studio with a Use Permit within the Rivertown Commercial (RTC) District.

12. 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.
13. The project shall be in compliance with and supply all the necessary documentation for AMC6-3.2: Construction and demolition debris recycling.
14. No signs shall be installed on this site without prior City approval.
15. All requirements of the Contra Costa County Fire Protection District shall be met:
 - a. The applicant/contractor shall submit three (3) complete sets of tenant improvement plans and specifications of the subject project 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, (107) CBC
 - b. Submit plans to: Contra Costa County Fire Protection District
 2010 Geary Road
 Pleasant Hill, CA 94523
16. All requirements of the Contra Costa County Health Department and State of California shall be met.

PROJECT SPECIFIC CONDITIONS

17. Music shall not be amplified nor emanate from the subject suite into adjoining suites or outside.
18. Smoking by tenant, employees, and/or customers shall only be permitted at the rear of the property with the installation of a cigarette receptacle.
19. The hours of operation shall be from 11:00 AM to 9:00 PM Monday through Saturday and 11:00 AM to 8:00 PM on Sundays.
20. Loitering shall be prohibited on or around the premises, and any area under the control of the owner applicant.
21. The owner or applicant shall conspicuously place on the outside of the premises a professional quality sign that shall be at least two (2) square feet with a white background and with prohibited activities written in black two (2) inch block lettering that reads as follows:

* * * * *

I HEREBY CERTIFY the foregoing resolution was duly adopted by the Planning Commission of the City of Antioch, County of Contra Costa, State of California, at a regular meeting of said Planning Commission held on the 5th of September, 2012.

AYES:

NOES:

ABSENT:

ABSTAIN:

Tina Wehrmeister
Secretary to the Planning Commission

ATTACHMENT "B"

STAFF REPORT TO THE PLANNING COMMISSION FOR CONSIDERATION AT THE MEETING OF FEBRUARY 18, 2009

Prepared by: Nicholas Tagas, Junior Planner *NT*
Reviewed by: Tina Wehrmeister, Deputy Director of Community Development *TW*
Date: February 10, 2009
Subject: UP-08-22 – Use Permit for Flying Dutchman Tattoo Shop

RECOMMENDATION

It is recommended that the Planning Commission **APPROVE UP-08-22** subject to the conditions in the attached resolution.

REQUEST

The applicant requests approval of a Use Permit to establish a tattoo and art studio to be called the Flying Dutchman in an existing building located at 310 G Street.

BACKGROUND

The applicant proposes to occupy a 1,700 square foot first floor retail store front space in a 10,062 square foot, two-story commercial/residential mixed-use building located at 310 G Street. All of the suites are accessed independently from the front (east side) of the building. Previously, the subject suite was used as a clothing store, The Old Tux Shoppe.

ENVIRONMENTAL

The project is Categorically Exempt from the provisions of CEQA, pursuant to section 15301 – Existing Facilities.

ANALYSIS

Issue #1: Project Overview

The applicant proposes using the space as a tattoo and art studio, also carrying clothing and accessories attributed with tattoo and piercing services. The applicant's hours of operation would be from 11 am to 9 pm Monday-Saturday and 11 am to 8 pm on Sundays.

The subject property is zoned Rivertown Retail District (RTC). A use permit is required for tattoo studios in an RTC zone. Surrounding businesses are as noted below:

2
2-18-09

B 1

North: Delta Ballet Academy, Antioch Medical Supply, and Mary Maries Salon;
South: Fine Things, and Chamber of Commerce;
East: Family Stress Center, Rivertown Antiques, and Federal Credit Union;
West: Iglesia La Palabra de Dios.

Issue #2: Type of Use

In the past, the tattoo and piercing use has been considered controversial. However public perceptions have changed, especially with several reality TV shows focusing on tattoo studios, and this type of use can be viewed by some as an artistic outlet. It is staff's opinion that, with adherence to the recommended conditions and any others considered appropriate by the Planning Commission, this use will not have a detrimental impact.

Issue #3: Parking

The subject property is located within the downtown parking district which provides sufficient parking for the proposed use as well as other uses in the district.

Issue #4: Background Music

There is a residence located above the subject suite. Therefore, there is a probability that amplified music at this location may cause unwanted disturbances to the tenant. Music if played at this location shall not be amplified or be projected outside for the purpose of outdoor listening or for advertising.

Issue #5: Smoking

Due to the subject suites location and connectivity to the surrounding tenants along G Street, smoking outside could affect the use and enjoyment of the surrounding businesses by tenants and the general public. Therefore, smoking shall only be allowed at the rear of the property with the installation of a cigarette receptacle.

ATTACHMENT

A: Vicinity Map

**CITY OF ANTIOCH PLANNING COMMISSION
RESOLUTION NO. 2009/02**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
APPROVING A USE PERMIT AT 310 G STREET FOR A TATTOO AND PEIRACING
SHOP**

WHEREAS, the City of Antioch received a request from Colby Protsman of the Flying Dutchman for approval of a Use Permit to allow a tattoo and piercing shop in an existing building. The project site is located at 310 G Street (APN 066-062-001); and,

WHEREAS, pursuant to the California Environmental Quality Act, the project has been deemed categorically exempt pursuant to 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 February 18, 2009, 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 with the conditions set forth within this staff report and because of strict health and safety requirements that must be adhered to as set by the State of California and Contra Costa County Health Department for body art and/or body piercing;
2. The use applied at the location indicated is properly one for which a use permit is authorized as stated in the Antioch Municipal Code section 9-5.3803 *Table of Land Use Regulations*;
3. That the site for the proposed use is adequate in size and shape to accommodate such a use as a tattoo and piercing shop given the suites size is 1,700 sq. ft. which is adequate for a retail use such as a tattoo and piercing shop;
4. The project site is currently developed and is located on 310 G Street. which is adequate in width and pavement type to carry the traffic generated by this use; and
5. That the granting of such use permit will not adversely affect the comprehensive General Plan as the Table of Land Use Regulations allows for tattoo and piercing shops with a Use Permit within the (RTC) District.

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Antioch does hereby **APPROVE UP-08-22**, a Use Permit application to allow a tattoo and piercing shop, subject to the following conditions:

STANDARD CONDITIONS

1. That the applicant shall defend, indemnify and hold harmless the City in any action brought by a third party to challenge the land use entitlement.
2. That the project shall comply with the Antioch Municipal Code.
3. That City staff shall inspect the site for compliance with conditions of approval prior to final inspection approval.
4. That the site be kept clean of all debris (boxes, junk, garbage, etc.) at all times.
5. That no illegal signs, pennants, banners, balloons, flags, or streamers are to be used on this site at any time.
6. That no signs be installed on this site without prior City approval.
7. That all requirements of the Contra Costa County Fire Protection District be met.
8. That all requirements of the Contra Costa County Health Department shall be met.

PROJECT SPECIFIC CONDITIONS

9. That music shall not be amplified nor emanate from the subject suite into adjoining suites or outside.
10. That smoking by tenant, employees, and/or customers shall only be permitted at the rear of the property with the installation of a cigarette receptacle.
11. There shall be no piercing of specified anatomical areas of the body as defined in section 9-5.203 Definitions, Adult Entertainment Business (9).
12. That the hours of operation shall be from 11 am to 9 pm Monday through Saturday and 11 am to 8 pm on Sundays.
13. Loitering shall be prohibited on or around the premises, and any area under the control of the owner applicant.

14. The owner or applicant shall conspicuously place on the outside of the premises a professional quality sign that shall be at least two (2) square feet with a white background and with prohibited activities written in black two (2) inch block lettering that reads as follows:

NO LOITERING – NO LITTERING.
VIOLATORS ARE SUBJECT TO ARREST.

15. The owner or applicant shall be responsible for maintaining the area surrounding the premises or area under their control and ensuring that the site is free from litter.
16. The owner or applicant shall not display, sell, or offer for sale, any controlled substance or tobacco paraphernalia such as, cigarette papers, blunts/cigar papers or any other instrument or drug paraphernalia which is intended for use or designed for use in processing, weighing, preparing, packaging, re-packaging, storing, containing, injecting, ingesting, inhaling or introducing a controlled substance into the human body.
17. The owner or applicant shall not display, sell, or offer for sale, any apparel or tattoos that could be construed to be gang related, including, but not limited to the following: sports jerseys or logos, t-shirts, sweatshirts, hooded sweatshirts, belts, bandanas, handkerchiefs, or any type of headwear including, but not limited to: hats, baseball caps, beanies, knit caps, watch caps, ski caps, etc. that indicate an affiliation with a group or gang.
18. No beverages or food shall be sold on the premises with the exception of complementary beverages or snacks for customers.
19. The applicant must register with the Contra Costa County Health Department before obtaining a business license from the City of Antioch.
20. That plans and a building permit will be required if applicant removes any walls, adds walls, and/or adds electrical wiring or plumbing subject to the approval of the Chief Building Official.
21. That the project shall comply with ADA requirements and shall provide Title 24 accessibility as required by the California Building Code.
22. The owner/applicant shall submit three (3) complete sets of plans and specifications of the subject project, including any built-in fire protection systems to the Fire District for review and approval *prior* to any improvements to insure compliance with minimum requirements related to fire and life safety subject to the approval of the Contra Costa County Fire Protection District.

23. That a six month review will be conducted by the Planning Division staff.

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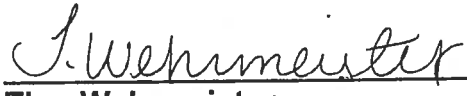
I HEREBY CERTIFY the foregoing resolution was duly adopted by the Planning Commission of the City of Antioch, County of Contra Costa, State of California, at a regular meeting of said Planning Commission held on the 18th of February, 2009.

AYES: Westerman, Johnson, Travers, Manuel and Azevedo

NOES: Brandt and Langford

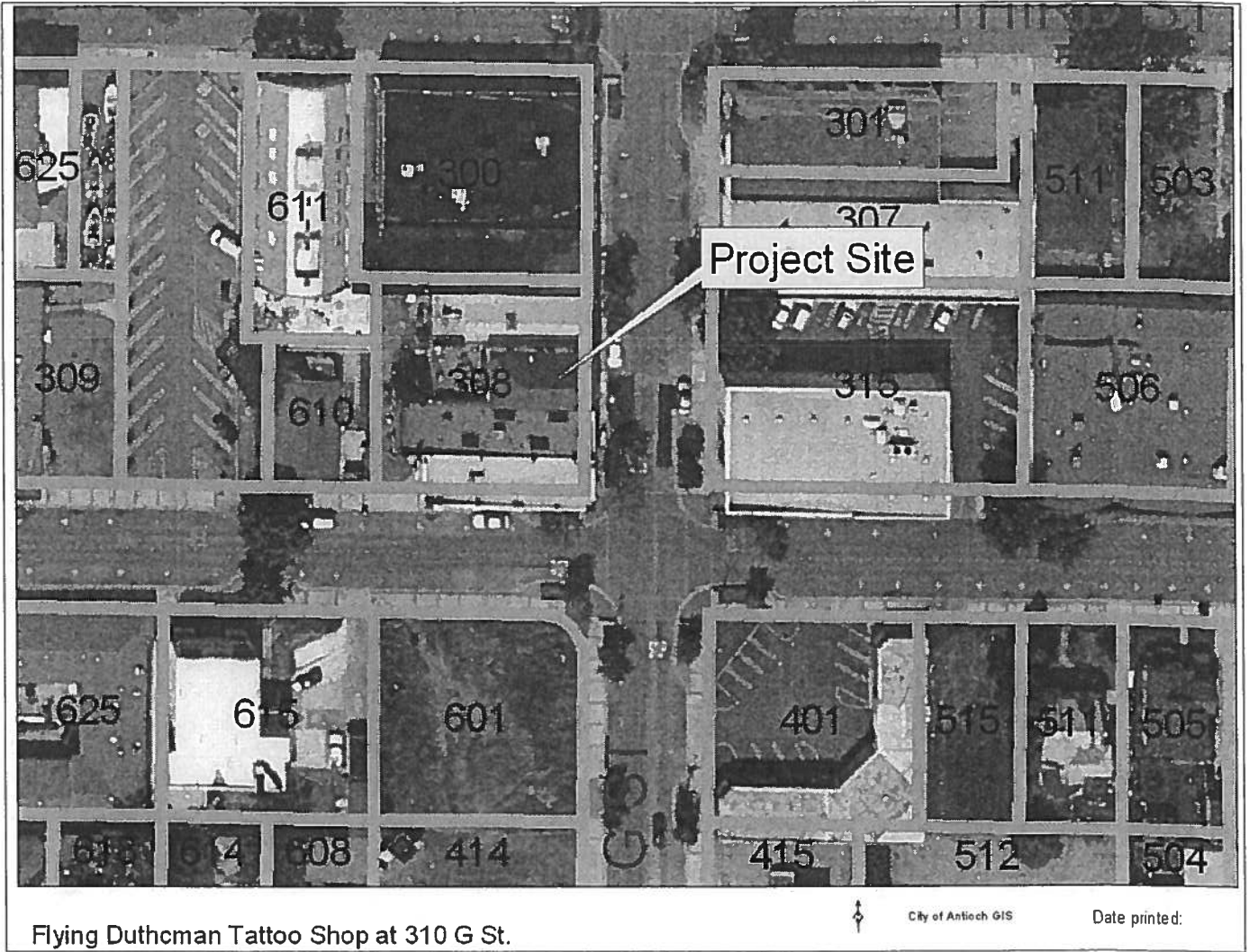
ABSENT: None

ABSTAIN: None



Tina Wehrmeister
Secretary to the Planning Commission

○ ATTACHMENT "A" ○



Flying Dutchman Tattoo Shop at 310 G St.



City of Antioch GIS

Date printed:

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NEW PUBLIC HEARINGS

1. **UP-08-22 –Flying Dutchman – Colby Protsman requests approval of a Use Permit to establish a tattoo shop at 310 G Street (APN 066-062-001).**

Junior Planner Tagas provided an overview of the Staff Report dated February 10, 2009.

In responding to Commissioner Brandt, Captain Cantando spoke to Project Specific Condition No. 14 and stated that it was a concern of the Police Department that large groups of individuals do not loiter outside of the business.

OPENED PUBLIC HEARING

Colby Protsman, applicant, explained his business expectations and goals of the business and added that he had spoken to adjacent businesses regarding good neighbor policies. Regarding the loitering aspect, he stated that scheduling would be of the utmost importance and would ensure that he would mitigate the concern of the Police Department. He further spoke to the configuration of the waiting area, scheduling of patrons, type of apparel that would be for sale, type of artwork, sanitation procedures and the expectations that are placed on patrons, in terms of dress code and substance abuse.

Per Commissioner Westerman, Mr. Protsman stated that he concurred with all conditions, as noted within the Staff Report.

Commissioner Langford expressed a concern to the measurements of the establishment, in terms of meeting ADA requirements. He advised the applicant to contact and work with the City to ensure that all measurements would be taken to adequately meet all ADA requirements.

Commissioner Brandt raised the question of children being allowed in the establishment, wherein Mr. Protsman stated that all minors would need to be accompanied by an adult and that any small child would not be allowed in the waiting room.

In speaking to Project Specific Condition No. 11, Chairman Azevedo asked Mr. Protsman if he had read City of Antioch Code Section 9-5.203 Definitions, Adult Entertainment Business (9), wherein Mr. Protsman stated that he had read and agreed with it.

Katie Cook, resident, asked if the City had an ordinance that would limit an over-concentration of businesses within a specific area. Senior Planner Morris stated that this type of ordinance did not exist and that the Planning Commission or City Council would need to initiate this type of action to move it forward to an Ordinance.

CLOSED PUBLIC HEARING

Commissioners Johnson and Travers stated their support.

Commissioner Travers asked if gang-type tattoos would be an issue, wherein Captain Cantando stated that the Police Department's gang unit would be aware of any type of situation, and he also hoped that the owners would be responsible in their business and aware of this type of situation.

THE PUBLIC HEARING WAS RE-OPENED

Mr. Protsman interjected that being in the business for quite some time, he was aware of gang-type tattoos and did not support these types of tattoos that are affiliated with any type of gangs.

THE PUBLIC HEARING WAS CLOSED

Commissioner Brandt expressed a concern to this type of business within the Rivertown Business District, in terms of the preservation of a family-type atmosphere within the downtown area. She noted that she did not oppose the applicants themselves, but opposed the type of business.

Chairman Azevedo stated that he had confidence in the applicant's business plan, due to the conditions placed upon it. He requested that the applicant operate this business with high expectations and that it blend in with the existing businesses.

Commissioner Travers asked if a six month review could be placed within the conditions, wherein City Attorney Nerland noted that staff would review this business after a six-month time period and notify the Commission of their findings.

RESOLUTION NO. 2009-02

On motion by Commissioner Travers, and seconded by Commissioner Westerman, the Planning Commission approved a Use Permit at 310 G Street for a Tattoo and Piercing Shop, with the amended changes:

- ***Add Condition No. 23 to read: "That a six-month review will be conducted by the Planning Division staff."***
- ***That the words "or tattoos" be added to Project Specific Condition No. 17 on the first line after the word "apparel".***

AYES: Westerman, Johnson, Travers, Manuel and Azevedo
NOES: Brandt and Langford

2. UP-08-24 – 3 Star Tattoo – Vincent Valenzuela requests approval of a Use Permit to establish a tattoo shop at 418 W 2nd Street (APN 066-052-002).

ATTACHMENT "C"

Flying Dutchman Studio Written Summary

The purpose of this application is to obtain a conditional use permit to relocate the Flying Dutchman from 310 G Street to 608 W 2nd St.

Our number one goal is to expand our existing capability to meet client demands. Our goal is too maintain a clean, friendly, upscale, inviting atmosphere that is appealing to people of all walks of life.

Location

The proposed new address for the Flying Dutchman Studio would occupy an approximate 1400-square-foot first floor retail storefront space in a two-story, commercial/residential mixed-use building located at 608 W 2nd Street in Antioch, California.

Hours of Operation

Our hours of operation will be from 11 am to 9 pm Monday-Saturday and 11 am to 8 pm Sundays

RECEIVED

JUN 12 2017

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT