

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**April 5, 2017
City Council Chambers**

Vice Chair Zacharatos called the meeting to order at 6:30 P.M. on Wednesday, April 5, 2017 in the City Council Chambers. She stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 P.M. on Wednesday, April 12, 2017.

ROLL CALL

Present: Commissioners Parsons, Mason, Turnage, Conley, Vice Chair Zacharatos
Absent: Chair Motts, Commissioner Husary
Staff: Planning Manager Morris, Alexis Morris
Associate Planner, Kevin Scudero
City Attorney, Michael Vigilia
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

- 1. Approval of Minutes** None

CONTINUED PUBLIC HEARING

- 2. Z-17-01 – Tobacco Ordinance Amendment** – The City of Antioch is proposing text amendments to Chapter 16: Drug Paraphernalia, Section 6-8.14-Tobacco Retailer License, Section 9-5.203-Definitions and Section 9-5.3843 Tobacco and Paraphernalia Retailers of the Antioch Municipal Code. The amendments include, but are not limited to, changes to definitions related to tobacco and paraphernalia retailers, the display of tobacco paraphernalia, licenses required for retail tobacco sales, and the prohibition of tobacco and paraphernalia retailers. The proposed ordinance would be applicable city-wide. This project is exempt from the California Environmental Quality Act.

Vice Chair Zacharatos announced staff recommended that this item be continued to May 17, 2017.

On motion by Commissioner Parsons, seconded by Commissioner Conley, the Planning Commission members present unanimously continued Z-17-01 – Tobacco Ordinance Amendment to May 17, 2017. The motion carried the following vote:

AYES: *Parsons, Zacharatos, Mason, Turnage Conley*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Husary, Motts*

- 3. UP-16-15, AR-16-09 Verizon Wireless Telecommunications Facility** – Verizon Wireless requests approval of a Use Permit to construct a new unmanned telecommunications facility consisting of a 62-foot tall “monopine” containing nine panel antennas and a fenced equipment enclosure at the base of the structure. The project site is located at the corner of Contra Loma Boulevard and Putnam Street (APN 076-550-002).

Trip May, Technical and Legal Consultant, gave a brief overview of Telecom law applicable to this project.

Associate Planner Scudero presented the staff report dated March 31, 2017 recommending the Planning Commission deny the application for a use permit and design review for a wireless telecommunication facility in accordance with the findings for denial contained in the staff report’s attached resolution.

In response to Commissioner Turnage, Mr. May explained that both alternatives would be non-compliant; however, staff believed the Somerset alternative was preferable because of opportunities to conceal the facility. He noted that according to the applicant, the site was technically feasible and potentially available.

Vice Chair Zacharatos opened the public hearing.

Michelle Ellis, Complete Wireless Consulting, on behalf of Verizon Wireless, requested the Planning Commission provide feedback on the project design and location details. She stated that the two samples provided this evening were the product colors available. She reported the Somerset location was in a residential zone and there was an interested landlord. She provided photo simulations of the facility on that parcel and noted the area offered was in front of the windows of several of the residences. She reported the proposed facility was designed to look like their previously approved project at Hillcrest Avenue and Wildflower Drive except for the landscaping around the base which if requested by the Planning Commission, could be added. She stated if the Planning Commission was in support of this location, they would request a continuance to fully develop the administrative record.

In response to Commissioner Parsons, Ms. Ellis explained the landlord of the commercial parcel was only willing to provide space on the undeveloped parcel so they located the facility as close to the trees as possible. She noted they would be willing to add additional trees around the base of the fence, if directed by the Commission.

Commissioner Mason responded that he felt adding trees was not a viable alternative as it would take several years for them to be any size of consequence.

Ms. Ellis explained trees at the base of the facility would give it context. She noted the commercial site was more advantageous for radio frequency and had no adjacent residential zoning.

In response to Commissioner Conley, Ms. Ellis explained that they had investigated PG&E tower locations; however, they were unable to obtain an easement or the landlords were not willing to lease the space. She commented that they had been developing the site since 2014 and part of the reason it had taken so long was because of how thorough they vetted the search ring.

Commissioner Turnage stated he felt the commercial location would be in compliance.

Ms. Ellis agreed that the commercial location seemed more appropriate as the Somerset parcel had multiple residences on the property.

In response to Commissioner Parsons, Ms. Ellis explained that the commercial property owner was unwilling to allow them to place their facility on the back parcel. She clarified to adequately address the coverage gap, the antenna would be a maximum of 55 feet with an additionally 7 feet for the crown because anything less would begin to interfere with ground clutter.

Pablo Sanchez Jr., Radio Frequency (RF) Design Engineer representing Verizon, reported coverage was stretched to the limit when he evaluated the project on the 50 foot level. He noted their main objective was to focus on the network performance along Contra Loma Blvd and Highway 4 and this specific location addressed that issue and the gap in coverage for the area. He stated if the tower was lowered, they would need to come back to request an additional site.

Commissioner Conley expressed concern that the applicant had not provided all the information requested by staff.

Ms. Ellis responded that she provided the consultant with details explaining that they did not provide towers below 40 feet because the coverage map software does not address ground clutter. She noted that issue would need to be evaluated by the RF Engineer who was in attendance this evening to speak to those issues. Additionally, she noted that they had not provided the personal contact information for landlords because they did not have permission to disseminate the information. She explained it was not their

practice to do the low level coverage maps solo as they were not feasible and raised safety concerns.

Mr. Sanchez added that predictions of realistic service at 35 feet were not accurate.

In response to the Commission, Ms Ellis responded that the Somerset building appeared structurally sound and they could make the facility stealth on the rooftop; however, the issue was gaining permission from a landlord who had previously denied permission. She added if there was interest from the Commission, she would request a tolling agreement for 3 months to reach out to the landlord to confirm their interest.

Commissioner Turnage confirmed with the applicant that they had not provided information for a tower below 40 feet because they would not build one at that height and they had not provided information from the landlords because it was private and they did not have permission. In addition, the map did not realistically reflect coverage.

Michael Smith, Antioch resident, stated he represented homeowners in the area who were concerned regarding the visual, safety and noise impacts of the proposed project. He reported he had provided photographs for the record and a detailed list of concerns.

Vice Chair Zacharatos closed the public hearing.

Mr. May requested the Planning Commission express the values they were upholding when making their decision on this item.

In response to Commissioner Mason, Planning Manager Morris stated towers had been located in residential neighborhoods. She clarified the antennas were considered utilities which were permitted citywide regardless of the zoning designations thus site specific issues and context were considerations.

Commissioner Parsons stated she would like the Somerset location revisited because she was concerned with the facility being located on the commercial parcel.

In response to Vice Chair Zacharatos, Mr. May explained that staff had been unable to verify the availability of space beneath PG&E towers and in order to rule them out, technical feasibility and a willing landlord needed to be taken into consideration.

Vice Chair Zacharatos stated she was not in support of the Contra Loma Blvd./Putman Street locations.

In response to Commissioner Conley, Planning Manager Morris stated there had been vandalism and theft issues at other wireless locations.

Ms. Ellis added that the facility was maintained and surrounded by a locked security fence which was remotely monitored.

Vice Chair Zacharatos reopened the Public Hearing.

Mr. Sanchez reported they monitored sites 24/7 and there were a variety of alarms. He noted there was also a dedicated cell technician for the area.

Vice Chair Zacharatos closed and reopened the Public Hearing.

Theresa Pedras, Antioch resident, reported her home was directly across the street from the proposed project and she expressed concern regarding vandalism, noise and the impact the project would have on her property values. She suggested the applicant consider an alternative location.

Vice Chair Zacharatos closed the Public Hearing.

In response to Commissioner Parsons, Mr. May stated the evidence had not found that the towers had a significant impact on property values; however, they had not been around long enough to gather adequate data for an analysis.

Commissioner Mason expressed concern regarding the visual impact of the project. He stated he felt the PG&E locations would be the least intrusive and they had not been fully vetted.

Vice Chair Zacharatos re-opened the Public Hearing.

In response to Commissioner Turnage, Ms. Ellis explained the main issue on the PG&E locations was landlord interest. She stated she would like to provide written confirmation from the various property owners; however, there was an issue of being able to get in contact with them, getting them to sign documentation, and obtaining permission to share the information.

Mr. May reported the LDS church location should be eliminated as an option because he had never seen them allow the lease of their property. He noted staff could attempt to get verification from the other PG&E locations. He stated the best use of the three month extension may be to run a drive test that would take into account ground clutter and terrain.

Ms. Ellis stated she may be able to retrieve confirmation that they were unable to obtain easements from PG&E.

In response to Commissioner Mason, Ms. Ellis explained the proposed facility was near the center of the search ring.

Mr. Sanchez added that the driver of the site was what needed to be done to address customer complaints during peak hours.

Commissioner Mason suggested consideration of a rooftop facility at Macy's/Somersville Towne Center.

Mr. Sanchez responded that their target was Contra Loma Blvd. and Route 4.

Vice Chair Zacharatos closed the Public Hearing.

Commissioner Parsons stated she supported Verizon's efforts to improve service; however, she did not like the proposed locations. She noted she may reconsider after she was provided information regarding how the facility would look on the site.

Vice Chair Zacharatos re-opened the Public Hearing.

In response to Commissioner Turnage, Mr. May stated that more information regarding the alternatives would be beneficial to the analysis. He confirmed that the best option would be to give the applicant their list of the Planning Commission's ideas to vet out.

A motion was made by Commissioner Turnage and seconded by Commissioner Parsons, to approve a three month extension and directing staff to provide a list of potential locations to vet out.

The Planning Commission provided the following direction to the applicant and staff:

- Applicant to vet heights starting at 35 feet minimum using a drive test
- Applicant to vet potential rooftop site at Somerset apartments and Macy's
- Further Investigation by staff into the PG&E alternatives with the exception of the LDS Church site

Vice Chair Zacharatos reopened the public hearing.

Ms. Ellis stated that given the number of alternatives and difficulty of arranging the drive test, she was requesting more time. She confirmed that they would agree to a tolling agreement for a period of six months.

Vice Chair Zacharatos closed the public hearing.

Following discussion the previous motion was amended as follows:

On motion by Commissioner Turnage, seconded by Commissioner Parsons, the Planning Commission members present unanimously approved a six month extension and provided the following direction:

- ***Conduct a drive test for a height starting at 35 feet***
- ***Vet rooftop sites at the Somerset Apartments and Somersville Towne Center/Macy's***

- **Further Investigation by staff into the PG&E alternatives with the exception of the LDS Church site**

The motion carried the following vote:

AYES: *Parsons, Zacharatos, Mason, Turnage Conley*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Husary, Motts*

NEW PUBLIC HEARING

- 4. PD-06-04, UP-06-21, AR-06-17** – Ted Liu of Bedrock Ventures, Inc. requests an amendment to condition of approval number 3 from Resolution 2008/29. The amendment would extend the expiration date of the approvals for the Final Planned Development, Use Permit, and design review to March 11, 2019. The project consists of retail and offices, located at Hillcrest Avenue and East Tregallas Road (APN: 052-100-069 and -068).

Associate Planner Scudero presented the staff report dated March 29, 2017, recommending the Planning Commission approve an amendment to City Council resolution 2008/29 to extend the approvals of the final development plan, use permit and design review to March 11, 2019.

Vice Chair Zacharatos questioned if the extension would set precedence.

In response to Vice Chair Zacharatos, Planning Manager Morris explained it was not typical to have several extensions for a commercial development; however, it was not problematic unless there were issues with some of the underlining assumptions the approval was based upon. She noted if not constructed within the next two years, a review of the baseline analysis for the project may be necessary.

In response to Commissioner Conley, Planning Manager Morris stated the requirements for commercial development had not significantly changed in the last 10 years and the conditions of approval would be very similar if the project were brought in today.

In response to Commissioner Mason, Planning Manager Morris explained the use permit goes with the land and could be sold to another entity to build the project, as approved.

In response to Commissioner Parsons, City Attorney Vigilia stated it was up to the Planning Commission's discretion as to whether they wanted to prohibit future extensions.

Vice Chair Zacharatos opened the Public Hearing.

The applicant clarified that due to the change in economics they had not moved forward with the project. He noted they were very interested in building the project or selling it to someone willing to build it out.

Commissioner Mason thanked Mr. Lee for making the investment in Antioch.

Commissioner Mason stated if the extension was granted and the project was not constructed within 2 years, the Planning Commission would still have the opportunity to review the feasibility of granting another extension.

The applicant stated that when they discussed this project with staff, they had indicated they did not want to see a vacant building constructed. He noted his interest is to see the project through and make sure the traffic and interest that eBART brings, will facilitate the project moving forward. He noted he had made a significant financial investment in the project and his hope was that there would be no sunset on the extension.

Commissioner Parsons thanked the applicant for his interest in Antioch.

Vice Chair Zacharatos closed the Public Hearing.

RESOLUTION NO. 2017-06

On motion by Commissioner Mason, seconded by Commissioner Parsons, the Planning Commission members present unanimously approved an amendment to City Council resolution 2008/29 to extend the approvals of the final development plan, use permit and design review to March 11, 2019. The motion carried the following vote:

AYES:	<i>Parsons, Zacharatos, Mason, Turnage and Conley</i>
NOES:	<i>None</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>Husary, Motts</i>

- 5. UP-16-09, AR-16-05, V-16-02 – 4 Star Auto Repair – Kalsoom Bibi Ghafoor is requesting approval of a use permit, design review, and variance application to construct an Auto Repair Shop consisting of four service bays for minor auto repair. The project site is located at 3420 E. 18th Street (APN 051-200-060).**

Associate Planner Scudero presented the staff report dated March 29, 2017, recommending the Planning Commission approve the use permit, design review and variance application subject to the conditions contained in the staff report's attached resolution.

In response to Commissioner Mason, Associate Planner Scudero stated per the conditions of approval, staff was requiring all auto repairs to be conducted inside the buildings and prohibited storage of vehicles in disrepair outside.

Commissioner Parsons voiced her support for the project as presented.

Commissioner Turnage thanked Associate Planner Kevin Scudero for the comprehensive report.

Vice Chair Zacharatos opened the Public Hearing.

In response to Commissioner Conley, the applicant stated they would be performing minor auto repairs.

Carolyn Schwalbeck, Antioch resident, reported she rented the property adjacent to the business and was concerned that they were currently operating the business outside the guidelines. She questioned how the City would guarantee compliance with the conditions of approval. She noted the property was currently blighted and she felt the site was insufficient for a 4 bay repair shop. Additionally, she expressed concern for inadequate parking on site and the tenant's dog coming onto her property. She stated there was also concern that the applicant had not been forthcoming in paying for use of the well and she urged the Planning Commission to deny approval.

Vice Chair Zacharatos closed the Public Hearing.

Vice Chair Zacharatos re-opened the Public Hearing.

Eric Magno, stated he was the current owner who had cleaned up the property and he had never been made aware of his dog leaving the property. He noted they would be installing a new fence to block the view from the neighbors. He clarified that he had never received any complaints from his neighbors.

Sylvie Ly, landlord of the adjacent parcel, agreed with Ms. Schwalbeck. She noted the parking issue had improved although she felt it remained dangerous and would increase with the additional use on site. She reported three parcels shared the well; however, the owner of the subject property had not paid his portion. She noted the tenant was later contacted and paid for their portion.

Vice Chair Zacharatos closed the Public Hearing.

Commissioner Turnage stated he was sorry to hear there was contention among the neighbors; however, with this approval, there would be requirements for the business. He noted if there were problems in the future, they could be reported to Code Enforcement. He further noted the project was in compliance with current zoning and met all requirements.

In response to Commissioner Parsons, Planning Manager Morris clarified there was currently one bathroom on site served by the well. She noted the new building would not have any water or restrooms.

Commissioner Mason stated that after reviewing the aerial photo of the property, he understood the neighbor's complaints regarding the excessive amount of vehicles on the property and noted the proposed privacy fence would improve the current conditions. He suggested that all vehicles in disrepair and unregistered be removed from the site prior to approval of the Use Permit.

Associate Planner Kevin Scudero responded that based on his most recent inspection there were no more vehicles in disrepair parked outside and he had made it clear to applicant that that activity could no longer continue. He went on to further explain that this hearing had been postponed because staff had conveyed to the applicant that they would not bring the project forward until the site was cleaned up.

Vice Chair Zacharatos reopened the Public Hearing.

The applicant stated they would follow the rules set forth by the City.

Vice Chair Zacharatos closed the Public Hearing.

In response to Commissioner Conley, Planning Manager Morris stated the building department had not indicated if the square footage would require fire sprinklers but they would review that issue at building permit submittal.

Associate Planner Kevin Scudero added that the project had been routed to Contra Costa Fire for review and they had not required fire sprinklers.

Planning Manager Morris stated the project was conditioned that if they required any new utility connections for this building they would be required to connect to City water.

In response to Vice Chair Zacharatos, Associate Planner Kevin Scudero explained if approved the project would go through the building permit stage and before they receive a certificate of occupancy, staff will conduct a site inspection. He noted once they receive the certificate of occupancy, compliance with the conditions of approval becomes a code enforcement action.

RESOLUTION NO. 2017-07

On motion by Commissioner Turnage, seconded by Commissioner Parsons, the Planning Commission members present unanimously approved the use permit, design review and variance application subject to the conditions contained in the staff report's attached resolution. The motion carried the following vote:

AYES: *Parsons, Zacharatos, Mason, Turnage and Conley*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Husary, Motts*

ORAL COMMUNICATIONS

Commissioner Parsons reported she had contacted Commissioner Husary who informed her that her absence was due to her recent hospitalization.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

None.

ADJOURNMENT

Vice Chair Zacharatos adjourned the Planning Commission at 8:37 P.M. to the next regularly scheduled meeting to be held on April 19, 2017.

Respectfully Submitted,
Kitty Eiden