

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**July 1, 2015
City Council Chambers**

Chair Motts called the meeting to order at 6:30 P.M. on Wednesday, July 1, 2015, 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 date of the decision. The final appeal date of decisions made at this meeting is 5:00 P.M. on Thursday, July 9, 2015.

ROLL CALL

Present: Commissioners Zacharatos, Parsons, Mason, Hinojosa, Vice Chair Westerman and Chair Motts
Absent: Commissioner Miller
Staff: Interim City Attorney, Bill Galstan
Director Community Development, Forrest Ebbs
Acting Senior Planner, Alexis Morris
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

- | | |
|--------------------------------|--------------------------|
| 1. Approval of Minutes: | A. April 15, 2015 |
| | B. May 6, 2015 |

Commissioner Parsons requested Consent Calendar item B pulled from the Consent Calendar for separate action.

On motion by Commissioner Hinojosa, seconded by Commissioner Parsons, the Planning Commission approved the minutes of April 15, 2015, as presented. The motion carried the following vote:

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

On motion by Vice Chair Westerman, seconded by Commissioner Zacharatos, the Planning Commission approved the minutes of May 6, 2015, as presented. The motion carried the following vote:

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

NEW PUBLIC HEARING

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

Tripp May, Telecom Law Firm and the City’s Telecommunication Consultant, stated he was present to advise the Planning Commission on technical matters related to wireless facilities. He gave a summary of State and Federal regulations that control local discretion over the permitting of wireless facilities.

In response to Commissioner Hinojosa, Mr. May clarified sites #2 and 9 would require an additional agreement with the property owner for the land under the PG&E towers. He added the carrier had not provided specific details as to why they were unable to obtain a lease on these sites. He explained if there was a shot clock issue, the City would need to acquire a tolling agreement. He stated if the Planning Commission did not like the proposed site and wanted to suggest the applicant look at an alternative, they would need to have a legitimate basis and explain why the analysis had not adequately addressed the sites potential unavailability.

Commissioner Parsons, speaking to the shot clock issue, commented that attachment B28 of the staff report was time stamped April 1, 2015.

Director of Community Development Ebbs presented the staff report dated June 18, 2015 recommending the Planning Commission approve the use permit and design review for the telecommunications facility subject to the conditions of approval contained in the staff reports attached resolution.

In response to Commissioner Hinojosa, Mr. Ebbs clarified that the telecommunication site could potentially impose upon future development opportunities on the parcel; however, it was a challenging location due to difficult access. He explained that the site was large enough to accommodate this use as well as additional development. He stated he was unaware if the City had been contacted regarding leaseability of their parcel.

Michelle Ellis, Verizon Wireless, discussed their efforts to contact the property owners of the PG&E parcels and explained parcel #2 had an access issue. She stated she had reviewed this project with former City staff who provided input into the current design. She clarified they had built the facility at minimum functional height to offload capacity from surrounding sites and provide coverage to address a capacity gap in the area. She stated the antenna would be concealed within the branches and requested condition G1c be revised to eliminate the requirement for the branches to extend an additional two feet from the edge of the tower-mounted equipment. She expressed concern landscaping requirements would be a burden on the landowner and difficult to maintain. In addition, she noted they did not have a landscape easement. She explained they submitted on April 1, 2015 and received a completeness letter on April 27, 2015; therefore, the shot clock had been tolling since April 1, 2015.

Commissioner Mason suggested mini-mesh fencing be used as it allowed for concealment, was non-climbable, and would not provide a solid surface for graffiti.

In response to the Commission, Ms. Ellis agreed to install mini-mesh fencing and clarified the antenna was concealed within the canopy. She explained that other than monthly maintenance checks, their generator would never run at full capacity. She discussed their efforts to contact property owners for the alternative locations.

Chair Motts closed the public hearing.

Commissioner Hinojosa stated she supported the mini-mesh fence product and screening the fence with landscaping.

RESOLUTION NO. 2015-10

On motion by Commissioner Mason, seconded by Commissioner Parsons, the Planning Commission approved the use permit and design review for the telecommunications facility subject to the conditions of approval contained in the staff report's attached resolution with the following changes:

G1c. Striking the third sentence - "The faux-pine branches must extend at least 24 inches from the edge of the tower mounted equipment, including without limitation the antennas."

G1g. revised to read - : "Permittee shall install, and at all times maintain in good condition, a vinyl clad mini-mesh non-climbable fence."

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

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

Acting Senior Planner Morris presented the staff report dated June 18, 2015, recommending the Planning Commission approve the use permit allowing live entertainment at 992 Fitzuren Road subject to the conditions contained in the staff report's attached resolution.

In response to the Commission, Acting Senior Planner Morris explained the applicant was required to abide by the conditions of approval and if there was non-compliance the use permit could be revoked.

Commissioner Parsons suggested adding a condition that required the applicant to inform the City if there was a change in the security company or the insurance provider.

Commissioner Zacharatos expressed concern regarding the noise impacts for residents in the adjacent apartments. She stated she felt the distance measurements provided by the City were inaccurate.

Commissioner Mason commented that there was a condition requiring live entertainment to be inaudible 100 feet from the premises.

Acting Senior Planner Morris stated if the applicant was able to secure additional offsite parking and wished to increase attendance, it would require approval of the Planning Department. She clarified that the customer count had not included staff.

Chair Motts opened the public hearing.

In response to the Commission, applicant stated the hours reflected in the staff report were their current operating hours and that they shared parking with the church. He commented that they had been hosting live entertainment since March and there had been no issues with regards to security. He noted patrons had the opportunity to purchase appetizers after the restaurant closed.

Director of Community Development Ebbs added this restaurant had a type 47 license, which had strict guidelines for restaurants.

Jeannie Hiatt, explained that she was the owner of an apartment complex adjacent to the restaurant and she had not received notification of the application until late Friday. She expressed concern for limited parking in the area and noise impacts from the live

entertainment. She requested the City notify tenants of the apartments to allow them to comment regarding this matter.

Chair Motts closed the public hearing.

Acting Senior Planner Morris explained the City had complied with noticing requirements. She noted the applicant had been having live entertainment on the site since March and that staff was unaware of any complaints regarding the business.

In response to Vice Chair Westerman, Interim City Attorney Galstan clarified that if the applicant violated conditions of approval, Code Enforcement could approach the operator to discuss the issue, citations could be issued, and the ultimate remedy would be a public hearing of the Planning Commission to consider revocation of the use permit.

Chair Motts stated with the successful approach of the applicant since March, he felt he could support the application with the conditions of approval.

Commissioner Hinojosa stated she supported giving the applicant the opportunity to be successful and with the conditions as written, it gave the City the ability to revisit the item if there were issues in the future.

RESOLUTION NO. 2015-11

On motion by Commissioner Parsons, seconded by Commissioner Hinojosa, the Planning Commission approved the use permit allowing live entertainment at 992 Fitzuren Road subject to the conditions contained in the staff report's attached resolution with the following changes:

E7 and E8 – to include the following language – “That should there be a change in the security private patrol operator or in the liability insurance of the applicant, that the City be notified.”

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

ORAL COMMUNICATIONS

Acting Senior Planner Morris announced the Vineyards at Sand Creek Draft EIR was out for public comment for a period of 45 days.

Interim City Attorney Galstan announced with Lynn Tracy Nerland taking another City Attorney position, Antioch had hired the law firm of Cota Cole to provide Interim City Attorney Services. He noted Derik Cole was covering City Council and that he was

covering the Planning Commission and office hours at City Hall. He noted he had been Antioch's City Attorney for years and he was familiar with the operations. He announced recruitment for the new City Attorney was going throughout the summer. He stated any questions could be emailed to cityattorney@ci.antioch.ca.us or by phone.

Director of Community Development Ebbs announced his employment with the City began June 1, 2015 and Senior Planner Gentry had left to take employment with the City of Clayton. He stated they had been very busy and they were using this opportunity to identify best practices and make changes moving forward. He noted they would be recruiting for a vacant Planning position. He encouraged all Commissioners to contact him with any questions or any topic they would like him to report back on. He gave a brief history of his professional background and stated he was honored to be working in Antioch.

Chair Motts welcomed Director of Community Development Ebbs to Antioch and stated he looked forward to the educational component.

Commissioner Parsons requested Director of Community Development Ebbs agendize a presentation from Rich Seithel and Gary Craft regarding the Northern Waterfront Revitalization effort.

Chair Motts wished everyone a Happy 4th of July and encouraged everyone to attend the parade downtown and July 4th event at the Antioch fairgrounds.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Chairperson Motts stated he did not attend the TRANSPLAN meeting; however, they had discussed the same topic as the previous meeting which was to move forward on a transportation expenditure plan for a possible 2016 ballot measure.

ADJOURNMENT

Chair Motts adjourned the Planning Commission at 7:57 P.M. to the next regularly scheduled meeting to be held on July 15, 2015.

Respectfully Submitted,
Kitty Eiden