

**CITY OF ANTIOCH
PLANNING COMMISSION MINUTES**

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

**November 18, 2009
City Council Chambers**

CALL TO ORDER

Chairman Langford called the meeting to order at 6:30 p.m. on Wednesday, November 18, 2009, 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 Tuesday, December 1, 2009.

ROLL CALL

Present: Commissioners Langford, Westerman, Johnson, Azevedo, and Travers
Absent: Commissioner Manuel
Staff: Code Enforcement Manager Graham
Community Development Technician Stahl
Assistant City Engineer Warren
City Attorney Nerland
Minutes Clerk Hammers

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

- | | | | |
|----|----------------------|----|-------------------|
| 1. | Approval of Minutes: | 1A | September 2, 2009 |
| | | 1B | October 21, 2009 |

Commissioner Azevedo pulled Item 1A, September 2, 2009, stating that he was not present for that meeting.

September 2, 2009:

On motion by Commissioner Travers, and seconded by Vice Chair Johnson, the Planning Commission approved the Minutes of September 2, 2009.

AYES: *Langford, Westerman, Johnson and Travers*
NOES: *None*
ABSTAIN: *Azevedo*
ABSENT: *Manuel*

October 21, 2009:

On motion by Commissioner Azevedo, and seconded by Commissioner Johnson, the Planning Commission approved the Minutes of October 21, 2009.

AYES: *Langford, Westerman, Johnson, Azevedo and Travers*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Manuel*

END OF CONSENT CALENDAR

NEW PUBLIC HEARINGS

- 2. UP-09-07 – Babiji University –** Guru Thalapaneni requests the approval of a use permit for a university offering Masters and PhDs in Yoga Science. The use will include a yoga studio, two classrooms, a library, eating area, and offices, which consists of approximately 12,600 s.f. The project site is located at 3501 Lone Tree Way (**APN 071-151-012**).

Kim Stahl, Community Development Technician, provided a summary of the Staff Report dated November 12, 2009, and called attention to the memo on the dais pertaining to Specific Condition 26.

OPENED PUBLIC HEARING

Applicant, Guru Thalapaneni, stated that he came to the United States in 1981 and bought property in Antioch with his main goal to train teachers in ancient yoga from all over the world. He stated that the concern with parking was not necessary as the students would be using buses and that the parking lot is not used. He stated that his main objective was to get the school started and he gave an overview of the teachings which are one of a kind in the world and very unique.

Commissioner Langford asked applicant if he had read through all of the conditions to which applicant stated that he was fine with all conditions except perhaps Condition 26 which he had just received this evening. He stated that his goal was to begin the school in March and that he cannot market the school and would not have students. It was his opinion that there was plenty of parking available for the site.

Commissioner Azevedo questioned the applicant as to the length of the program to which applicant stated that the term would be one year with three semesters. Commissioner Azevedo then clarified with the application was for 55 students per year and asked the applicant how long he had owned the property to which applicant responded that he bought the property in 2000 or 2001. Commissioner Azevedo asked if he had any type of geotechnical survey done to which applicant responded that yes, when the parking lot was built a geotechnical study was done the parking lot was built according to the report three or four years ago and that he has no problem with the condition.

Commissioner Azevedo then questioned staff about the parking survey and asked if the applicant would be responsible for paying that cost to which Community Development Technician Stahl indicated that although the City would have some approval level on who does the survey, the applicant would be responsible for paying for the survey and then would submit it to the City. Commissioner Azevedo further asked staff if applicant would have control over the timing in that he would not have to wait for the City to which CDT Stahl stated that this would need to be completed prior to the City issuing a Certificate of Occupancy.

Vice Chair Johnson questioned the applicant if the students would be fifty percent foreign to which applicant stated that is what they are expecting and that their goal is for corporate housing or apartments to alleviate the parking issues.

Commissioner Westerman clarified with the applicant that he in fact owned both buildings. He then questioned applicant about Condition No. 21 referencing trash enclosures and clarified that there are two enclosures to which applicant stated that it would not be a problem to comply with the conditions for both structures. Commissioner Westerman then stated that one of the enclosures has a metal utility shed next to it which is unsightly to which applicant responded that they could probably move it somewhere else.

Commissioner Travers asked applicant if the school would be accredited and how long this might take and the general age of the students to which applicant stated that accreditation would take a minimum of two years and that most students would probably be between 40-55 years old. Commissioner Travers then stated that he would envision the students renting space close by so that they could walk to the school wherein applicant stated that in the long run they would like to buy land nearby and build dormitories for the students. He further clarified with the applicant that the only criteria for the students would be Bachelors Degree and that anyone with a Bachelors Degree could join the program and that although this is their first site, their goal is to place these facilities around the world.

Applicant then stated that the school is a non-profit organization and that they do not intend to make money on the school.

Chairman Langford indicated that he had visited the site and had some concern with the landscaping and questioned applicant if there was someone responsible for the maintenance to which applicant stated that although he did have a landscaper, he realized that the landscaping was in poor condition and there was a need for more planting and more watering to make the landscaping more attractive. Applicant stated that this would be taken care of.

CLOSED PUBLIC HEARING

Commissioner Travers stated that he was excited that this would be a starting point for this type of world schooling and felt that since anyone with a Bachelors Degree could enter the school that it would be good in bringing people in from different walks of life and that it would be a nice addition to Antioch. He further stated that he was willing to support the proposition.

Commissioner Azevedo stated that his only concern is obviously with the stability of the ground under the parking lot, the amount of parking spaces and the importance of maintaining the parking standards within the City. He stated that if the applicant was in agreement with all of the conditions, that he would support the project.

Chairman Langford stated that his concern was with Specific Conditions 21 and 27 in that they both detail the same thing to which CDT Stahl indicated that Specific Condition 21 could be stricken in that Condition 27 was more inclusive. Chairman Langford stated that additional language would need to be added to Condition 27 indicating that there are two refuse containers there and add to that that design be approved by staff. CDT Stahl reiterated that Condition 27 does state that it would be approved by staff.

Commissioner Travers interjected to add ~~all~~ refuse containers+.

Chairman Langford stated that Specific Condition 25 referencing the geotechnical report needs to state that the geotechnical report needs to be done prior to occupancy. He further stated that it was his hope that staff would take a careful look at the landscaping plan since this has been an issue on this property and the parking issues as well. CDT Stahl interjected that engineering would of course review and approve it. Chairman Langford went on to say that as long as all conditions can be met that he felt it was a great project and that he supports the project 100%.

RESOLUTION NO. 2009/47

On motion by Commissioner Travers, and seconded by Commissioner Azevedo, the Planning Commission approves UP-09-07 with the following changes:

- ***Delete Specific Condition No. 21.***
- ***Change Specific Condition 27 to state "The applicant shall install a sloped roof over all refuse containers and areas to prevent rain and water from entering the area and the roof shall be approved by staff".***

-
- ***Specific Condition 26 be approved as noted on the dais “If the parking analysis indicates that there is not adequate parking, then no building or other permit shall be issued and the applicant will be required to decrease the number of students or otherwise modify the application as approved by the Community Development Director or apply for a variance”.***
 - ***Modify the second sentence of Specific Condition 25 to state “The applicant shall follow and institute all recommendations made by the geotechnical report, prior to occupancy”.***

AYES: Langford, Westerman, Johnson, Azevedo and Travers
NOES: None
ABSTAIN: None
ABSENT: Manuel

3. **UP-08-21 – Cortel LLC**, on behalf of AT&T, requests approval of a use permit to allow construction of a wireless telecommunications facility at the PG&E tower located off Wildflower Road (**APN 052-140-002**).

Kim Stahl, Community Development Technician, provided a summary of the Staff Report dated November 12, 2009.

OPENED PUBLIC HEARING

Applicant, Alex Horner with Cortel, LLC, stated that he felt that the staff report was very well detailed and that he had no concerns.

Commissioner Travers questioned applicant about when the tower was built if they envisioned adding another 12 to 20 feet on top of that to which applicant stated that the top hat came much later. Commissioner Travers then asked applicant if the footing and base were built to a standard to which applicant stated that they had and that it has to be engineered to clear the primary power lines.

Commissioner Azevedo asked applicant if he had read all of the conditions and if he was in full agreement with those conditions, to which applicant stated that they were.

Chairman Langford asked applicant if on the 4 foot microwave dish, if there was any reason why it could not be mounted within the tower structure instead of on the side sticking out to which applicant stated that to move the dish to the center would involve beaming signal through a steel structure, which he had not seen done before. Commissioner Langford asked applicant if they had done any screening for the dishes to which applicant stated they had not and added that they most likely would not install the microwave dish but ask for approval as backup just in case they can't connect to a hard line for the telephone service.

CLOSED PUBLIC HEARING

Commissioner Westerman stated that he felt this was conventional and a straight forward installation which is seen all over and that he had no problems with the project.

Commissioner Azevedo commended applicant for picking an existing structure instead of putting up another tower and stated it was better to maximize the use of existing towers since P G & E had to be there. He stated that he felt that the conditions set forth will help aesthetically to minimize this and thanked applicant for choosing to piggyback on an existing tower and stated he would support the project.

Commissioner Travers stated that this tower will surely boost the range and signal strength of AT&T users and please many folks.

RESOLUTION NO. 2009/48

On motion by Commissioner Johnson, and seconded by Commissioner Travers, the Planning Commission approved UP-08-21 as conditioned in the resolution.

AYES: *Langford, Westerman, Johnson, Azevedo and Travers*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Manuel*

ORAL COMMUNICATIONS

None.

WRITTEN COMMUNICATIONS

Nothing was reported.

COMMITTEE REPORTS

None.

ADJOURNMENT:

Chairman Langford adjourned the Planning Commission at 7:05 p.m. to the next regularly scheduled meeting on December 2, 2009.

Respectfully Submitted,
Cheryl Hammers