

**CITY OF ANTIOCH
PLANNING COMMISSION MINUTES**

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

**July 18, 2012
City Council Chambers**

CALL TO ORDER

Chairman Baatrup called the meeting to order at 6:30 p.m. on Wednesday, July 18, 2012, in the City Council Chambers. He stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on Thursday, July 26, 2012.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

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

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

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

Commissioner Westerman thanked Mr. Travers for his contributions.

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

CONSENT CALENDAR

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

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

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

END OF CONSENT CALENDAR

CONTINUED PUBLIC HEARING

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

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

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

NEW PUBLIC HEARINGS

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

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

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

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

OPENED PUBLIC HEARING

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

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

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

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

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

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

CLOSED PUBLIC HEARING

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

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

RESOLUTION NO. 2012-08

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

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

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

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

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

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

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

OPENED PUBLIC HEARING

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

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

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

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

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

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

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

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

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

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

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

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

CLOSED PUBLIC HEARING

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

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

Vice Chair Bouslog requested that the hearing be reopened.

REOPEN PUBLIC HEARING

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

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

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

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

RECLOSE PUBLIC HEARING

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

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

listen to direction from others on the dais.

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

Chairman Baatrup asked staff if there were other applications providing fencing with screening with something other than cyclone to which SP Gentry said that she hasn't seen anything other than chain link with slats or pickets. She said the only other type would be a masonry wall to achieve aesthetics which you cannot see through.

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

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

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

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

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

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

ORAL COMMUNICATIONS

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

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

WRITTEN COMMUNICATIONS

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

COMMITTEE REPORTS

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

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

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

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

ADJOURNMENT

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

Respectfully Submitted,
Cheryl Hammers