

**PLANNING COMMISSION
RESOLUTION # 2023-10**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
APPROVING A TREE REMOVAL PERMIT FOR THE REMOVAL OF TWO STREET TREES
AT 411 W. 10th ST. (APN: 066-148-013)**

WHEREAS, Antioch Municipal Code Section 9-5.12 “Tree Preservation and Regulation” establishes permit requirements for tree removal in the City of Antioch; and

WHEREAS, the City of Antioch (“City”) received an application for a Tree Removal Permit on February 23, 2022 for the property located at 411 W 10th St. requesting approval to remove two (2) London Plane street trees; and

WHEREAS, the Tree Committee approved the Tree Removal Permit on April 1, 2022 based on findings prepared by an Arborist Report; and

WHEREAS, the appellant filed an appeal of the Tree Committee’s action to approve the Tree Removal Permit on April 8, 2022; and

WHEREAS, the City, as lead agency under the California Environmental Quality Act (“CEQA”), has determined the project to be Categorical Exempt from CEQA pursuant to Section 15304 “Minor Alterations to Land;” and

WHEREAS, a public hearing notice was published in the East County Times and posted in three public places pursuant to California Government Code Section 65090 on August 25, 2022 for the public hearing held on September 7, 2022; and

WHEREAS, the Planning Commission held a public hearing on September 7, 2022 and considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request; and

WHEREAS, the Planning Commission moved by a 5-0 vote to continue the matter to a date certain of October 5, 2022 and directed staff prepare findings partially approving the Tree Removal Permit; and

WHEREAS, the Planning Commission held a public hearing on October 5, 2022 and considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request;

WHEREAS, the Planning Commission moved by a 5-0 vote to continue the matter to a date certain of October 19, 2022 and directed staff to prepare findings authorizing the removal of both trees and requiring the planting of two new street trees from the approved street tree list;

WHEREAS, a public hearing notice was published in the East County Times and posted in three public places pursuant to California Government Code Section 65090 on February 3, 2023 for the public hearing held on February 15, 2023; and

WHEREAS, the Planning Commission held a public hearing on February 15, 2023 and considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, that the Planning Commission hereby make the following findings:

1. **Tree Committee Findings.** The Tree Committee acted to approve the Tree Removal Permit based on an independent analysis prepared by a licensed arborist and submitted as a formal Arborist Report. The Committee made findings pursuant to Antioch Municipal Code Section 9-5.1203 (B) (2) (b) "Criteria."
2. Pursuant to Section 9-5.1203 (B) (2) (b) "Criteria," the Planning Commission also finds that the removal of the tree satisfies the criteria as follows:
 - a. The condition of the tree(s) with respect to its health, proximity to existing structure(s), and the likelihood of future damage to said structure(s) and nearby utilities should the tree(s) not be removed.

Finding: The trees were found to be in fair condition and in poor condition by the Arborist Report. The root structure of the trees has caused damage to nearby sewer systems and has uplifted the adjacent sidewalk. Continued damage is expected if the trees are not removed.

- b. The necessity to remove the tree(s) for reasonable use and/or enjoyment of the property.

Finding: The use of the property is not impacted by these trees, though the continuing damage to sewer lines will impact enjoyment of the property due to the cost of necessary repairs.

- c. The aesthetic impacts of tree removal in relation to the size and species of the subject and nearby tree(s). Typically the city will encourage the preservation of uniform street tree patterns where such patterns have long been established.

Finding: The trees were heavily pruned prior to application for a Tree Removal Permit. As such, aesthetic impacts have already occurred. The current trees and their anticipated growth are not expected to produce a balanced or handsome tree coverage. The applicant is required to replace these two trees with two new specimens that are appropriately sized for this location and thrive in this environment. Ultimately, the new trees will be an aesthetic improvement

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Commission hereby upholds the decision of the Tree Committee with the following Conditions of Approval:

1. **Street Tree Replacement.** Street trees shall be replaced with two new street trees. The tree species shall be selected from the Approved Street Tree List.

2. **Maintenance.** The owner of the adjacent property shall be responsible for maintenance of the replacement tree as required by the Antioch Municipal Code.


I **HEREBY CERTIFY** that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 15th day of February, 2023, by the following vote:

AYES: Gutilla, Hills, Riley, Schneiderman

NOES: Lutz

RECUSED: Martin, Motts

ABSTAIN:


Forrest Ebbs (Feb 16, 2023 10:15 PST)

FORREST EBBS
Secretary to the Planning Commission






Resolution 2023-10 Appeal of Street Tree Removal Permit

Final Audit Report

2023-02-16

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