

**CITY OF ANTIOCH  
PLANNING COMMISSION**

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

**March 4, 2020  
Antioch Community Center**

Chair Turnage called the meeting to order at 6:30 P.M. on Wednesday, March 4, 2020 in the Antioch Community Center. 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 Wednesday, March 11, 2020.

**ROLL CALL**

Present: Commissioners Motts, Martin, Soliz, Vice Chair Schneiderman, and Chair Turnage  
Absent: Commissioner Parsons  
Staff: Director of Community Development, Forrest Ebbs  
Planning Manager, Alexis Morris  
Associate Planner, Kevin Scudero  
Contract Planner, Kevin Valente  
City Attorney, Thomas Lloyd Smith  
Minutes Clerk, Kitty Eiden

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

None.

**CONSENT CALENDAR**

1. Approval of Minutes: January 15, 2020  
February 5, 2020

*On motion by Commissioner Soliz, seconded by Commissioner Motts, the Planning Commission approved the minutes of January 15, 2020 as presented. The motion carried the following vote:*

**AYES:** Schneiderman, Motts, Soliz and Turnage  
**NOES:** None  
**ABSTAIN:** Martin  
**ABSENT:** Parsons

*On motion by Commissioner Motts, seconded by Commissioner Soliz, the Planning Commission approved the minutes of February 5, 2020, as presented. The motion carried the following vote:*

**AYES:** *Schneiderman, Motts, Martin, Soliz and Turnage*  
**NOES:** *None*  
**ABSTAIN:** *None*  
**ABSENT:** *Parsons*

### **NEW PUBLIC HEARING**

2. **Z-80-02 - Revocation of Use Permit for Automotive Repair Shop at 901 A Street –**  
The Zoning Administrator of the City of Antioch is requesting that the Planning Commission revoke the Use Permit authorized under Zoning Administrator Resolution 80-2 that permitted, with conditions, an automotive repair shop at 901 A Street. The action is not considered a project under the California Environmental Quality Act (CEQA), and is therefore, not subject to CEQA.

Director of Community Development/Zoning Administrator Ebbs presented the staff report dated February 24, 2020 recommending the Planning Commission consider the revocation of the Use Permit by Zoning Administrator Resolution 80-2 for the operation of an automobile repair shop at 901 A Street. He reported that since the staff report was published; Code Enforcement found the business operator was grading the rear of the site into the slope without permits. He noted the City had issued a stop work notice.

In response to Commissioner Motts, Director of Community Development Ebbs stated grading occurred within their property line and could affect stability of the hillside. He noted engineering needed to review the grading issue to determine a remedy.

In response to Commissioner Martin, Director of Community Development Ebbs stated a broad range of commercial/retail/office uses could go into the building should the use permit be revoked.

In response to Commissioner Soliz, City Attorney Smith stated ability to revoke the use permit was within the Planning Commission's authority.

Vice Chair Schneiderman questioned how confident staff was that the business would comply with a modified use permit.

Director of Community Development Ebbs stated he would not comment on past operators; however, the conditions of approval in a modified use permit would be achievable through normal practices depending on the operator.

City Attorney Smith added that to avoid the speculation component one way to look at it was did past history demonstrated that a modified use permit would be successful.

Director of Community Development Ebbs commented that past operators had not honored their agreements.

Chair Turnage opened the public hearing.

## PROPONENT

Diane Gibson-Gray, Antioch resident, reported she lived on the hill next to the property and read written comment provided to the Planning Commission which indicated that she joined with staff in recommending that the Use Permit for A Street Auto be revoked. She noted the distance from her fence to their fence was 8-10 feet and the noise impacts from the business conducting work outside and afterhours was objectionable. She also voiced concern that grading work could impact the stability of the hill and the foundation of her home. She urged the Planning Commission to revoke the Use Permit.

## OPPONENT

Jerry Underwood, Concord resident, gave a personal history and discussed his ownership of the property. He explained that he had a commercial lease with the current tenant. He agreed that Ms. Gibson-Gray should not be impacted by noise from the business after hours and reported that he had addressed this issue with the current tenant. He explained that the tenant had initially responded; however, Ms. Gibson-Gray had informed him that the noise had reoccurred. He noted he did not believe the tenant was responsible for the noise although he believed he knew who was involved. He commented that he immediately tried to determine if there was a way to break the lease. He noted he was unaware that Director of Community Development Ebbs was working on the same issue. He explained that the lease holder told him he would be selling the business and there were two people interested in purchasing it. He noted he told the tenant that he needed a credit check and references for the potential new tenants. He further noted that three weeks later he received a letter from Director of Community Development Ebbs indicating he would be bringing this item to the Planning Commission. He reiterated that he was attempting to accomplish the same results as staff. He stated when he received the report from staff, he was out of town so he sent his daughter out the next day to resolve as many issues as possible. He stated when he returned the lift had been removed and many of the items had been cleaned up. He urged the Planning Commission to not revoke the use permit because he had a new tenant who he believed would be fine.

Chair Turnage closed the public hearing.

Commissioner Soliz questioned if the applicant had sought legal recourse against the tenant who was breaking the lease.

Chair Turnage reopened the public hearing.

Jerry Underwood responded that he had talked to the lease holder who was willing to give up the lease which was being done. He explained that he could not give a lease to the new tenant until a decision was made regarding the revocation. He expressed a willingness to work with Director of Community Development Ebbs to modify the conditions of approval that would then be built into a new lease. He stated he was unhappy that this issue was occurring on his property. He explained that the new tenant was Spanish speaking which was the problem with the grading on the property. He noted the lease restricted subleasing of the building.

Chair Turnage reclosed the public hearing.

In response to Chair Turnage, Director of Community Development Ebbs explained that grading occurred on an old slope which appeared as though at one point was cut. He noted at its tallest point it was approximately 6-feet tall. He reiterated that the current zoning would not allow for a new auto repair business at this location.

Chair Turnage stated that after reading the information presented this evening, he had heightened concerns that the issues at the property had been taking place for so long that they would continue. He noted the only true way to remove the issues was to revoke the permit. He questioned if the Planning Commission were to issue a new use permit, could a probationary period or immediate revocation be added if the applicant failed to adhere to the conditions of approval.

Director of Community Development Ebbs stated if a new use permit was issued, he could commit to reporting back to the Planning Commission on the status of the property and they could be back before the Planning Commission as soon as appropriate, if conditions of approval were violated.

City Attorney Smith added that the Planning Commission had full authority to revoke the use permit, which was what was being considered this evening. He noted if they chose not to do so and violations continued, the process would be to bring it back to the Planning Commission to consider the revocation.

Director of Community Development Ebbs stated the options available to the Planning Commission this evening were to revoke the use permit or write a new use permit with new conditions of approval. He noted once revoked, they could not create a new use permit. He stated he could not differentiate between one tenant and another because the Use Permit was a function of the property.

Commissioner Motts stated he agreed with Chair Turnage that a revocation could be warranted; however, he was open to modifying the Use Permit with additional conditions of approval to address the concerns.

In response to Commissioner Martin, Director of Community Development Ebbs reported the outside lift had been removed.

Commissioner Martin commented that a lease stated if the tenant was in violation of City, State or Federal codes, the lease could be terminated immediately. He noted it bothered him that there had been continued violations of the City codes and the property owner had not monitored his property.

In response to Chair Turnage, City Attorney Smith explained that a cease and desist decision was not within the purview of the Planning Commission.

Commissioner Soliz commented that the violations had occurred for a long time and there were a lot of these types of examples occurring throughout Antioch. He stated he was not in favor of modifying the use permit and the revocation was an opportunity to put an end to this type of

behavior. He supported the staff report and believed this was an example of an absentee landlord not monitoring his property. He recommended tasking Director of Economic Development Reed to focus his attention on trying to find a replacement use for the property that would be appropriate for zoning and adjacent residential neighborhood.

City Attorney Smith responded the primary responsibility of finding a new tenant fell on the landowner.

Vice Chair Schneiderman reported that she visited the site today, that there were numerous vehicles parked on property, and that they had not attempted to clean up the property. She expressed concern that the applicant would not abide by the conditions of approval if they modified the use permit.

Commissioner Soliz moved to approve resolution of the Planning Commission revoking use permit 80-02 adding a suggestion that the property owner have some access to the City's Economic Development program to find a potential new tenant for the property. Commissioner Martin seconded the motion.

City Attorney Smith commented that access to the City's Economic Development program was at the discretion of the landowner and openly available.

Director of Community Development Ebbs stated he would pass the information on to Director of Economic Development Reed.

Commissioner Soliz amended his motion as follows:

***RESOLUTION NO. 2020-05***

***On motion by Commissioner Soliz, seconded by Commissioner Martin, the Planning Commission revoked the Use Permit by Zoning Administrator Resolution 80-2 for the operation of an automobile repair shop at 901 A Street. The motion carried the following vote:***

<b><i>AYES:</i></b>	<b><i>Schneiderman, Motts, Martin, Soliz and Turnage</i></b>
<b><i>NOES:</i></b>	<b><i>None</i></b>
<b><i>ABSTAIN:</i></b>	<b><i>None</i></b>
<b><i>ABSENT:</i></b>	<b><i>Parsons</i></b>

Director of Community Development Ebbs announced that this action was appealable to the City Council and forms were available at the Community Development Department. He noted the final appeal date was 5:00 P.M. on Wednesday, March 11, 2020.

### NEW ITEMS

3. **AR-19-17 – Georgia Pacific Gypsum Facility Project Design Review** – The applicant, Georgia-Pacific Gypsum LLC, requests design review approval for the construction of two untempered, unconditioned frame-supported fabric enclosures located at the existing Georgia-Pacific Gypsum Facility located at 801 Minaker Drive (APN 065-020-010).

Contract Planner Valente presented the staff report dated March 4, 2020 recommending the Planning Commission approve the Design Review application subject to the conditions contained in the staff reports attached resolution.

In response to Commissioner Martin, Contract Planner Valente explained that one of the measures to prevent Gypsum dust tracking out onto roadways was to hose off vehicle tires before they left the structure. He noted staff was recommending this operation as a condition of approval.

Jameson Torracco, Architectural Designer SM Design & Consulting PC, thanked the Planning Commission for hearing the application this evening. He reported this project was initiated by Georgia Pacific Gypsum LLC in response to recently adopted Bay Area Air Quality Management District regulations (Regulation 6-1, Particulate Matter) which came into effect July 2019. He noted in interests of being in compliant they determined additional dust control measures would be undertaken. He commented that the most robust control measure was to interiorize the piles. He discussed the proposed accessory structures noting that the objective was to maintain daily operations with minimal impacts. He stated the new structures would include a comprehensive scope of civil storm water improvements. He noted once the structures were erected, the non-combustible Gypsum piles would be administered by existing employees within their construction vehicles. He clarified that there was an existing wheel wash station on the facility located toward the Minaker Drive entrance and there would be no individual wheel wash stations within the structures. He noted procedures implemented in the north yard to reduce the track out included compressed stone haul roads. He further noted the implementation of the membrane structure project had been time sensitive with the schedule driven by required compliance, so this project had undergone an at-risk review by City of Antioch Building and Planning Divisions, as well as the Contra Costa County Fire Protection District. He added that Community Development had provided third party review to assist with the process. He reported the Contra Costa County Fire Protection District had approved the use of the proposed membrane structures as conditioned.

In response to Commissioner Motts, Mr. Torracco explained that the bio retention basin was grassed and manmade.

Phillip Marcum, Civil Consultant of Wood Environmental Infrastructure Solutions, responded that the bio retention basin was comprised of an initial filtration area and a basin which was made of several sand filters so the water percolated through and tied into their discharge system.

Commissioner Soliz questioned how long it took to construct a tent structure.

Robert Blush, Clear Span Fabric Structures International, responded that construction would take approximately 8 weeks per building.

Mr. Jameson explained that as of July, the refinements to regulations would be coming into effect and as a preemptive measure they began interiorizing the piles.

A representative from GP Gypsum stated there had been no complaints regarding dust.

In response to Commissioner Martin, Mr. Blush stated the high density polyethylene enclosure material was warranted for 20 years.

Commissioner Martin voiced his support for the project.

Chair Turnage voiced his support for the project.

Commissioner Soliz stated he appreciated the applicant taking proactive steps to be good corporate neighbors.

Commissioner Motts stated he was happy to see a factory that had historically been here remain in Antioch and clean up the environment.

Planning Manager Morris stated based on the applicants presentation, she suggested modifying project Specific Condition I. 3 eliminating “the proposed gypsum ore enclosure and gypsum waste board enclosure” and replacing it with “the property”.

Chair Turnage stated he appreciated the product.

**RESOLUTION NO. 2020-06**

***On motion by Commissioner Motts, seconded by Commissioner Soliz, the Planning Commission members present unanimously approved the Design Review application subject to the conditions contained in the staff reports attached resolution with project specific condition I. 3 revised as follows:***

***I.3 - Eliminating “the proposed gypsum ore enclosure and gypsum waste board enclosure” and replacing it with “the property”.***

***The motion carried the following vote:***

<b>AYES:</b>	<b>Schneiderman, Motts, Martin, Soliz and Turnage</b>
<b>NOES:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>None</b>
<b>ABSENT:</b>	<b>Parsons</b>

Chair Turnage declared a recess at 7:48 P.M. The meeting reconvened at 7:57 P.M. with all Commissioners present with the exception of Commissioner Parsons who was previously noted as absent.

Commissioner Martin reported that he owned a property approximately 1000-2000 feet from the Parkridge location and asked City Attorney Smith if that would constitute a conflict of interest.

City Attorney Smith responded that typically a property within 500-feet would constitute a conflict of interest; therefore, being over 1000 should not be a concern. He questioned if Commissioner Martin would benefit financially from this project.

Commissioner Martin stated that he would not benefit financially from this property.

City Attorney Smith responded that there would be no conflict of interest.

4. **AR-19-18 - Parkridge Phase 3 Design Review** – The applicant, Davidon Homes, is requesting design review approval for Phase 3 of the Park Ridge Subdivision Project, which includes the subdivision and development of 64 single-family residential homes. The project site is located south of Laurel Road between the State Route (SR) 4 Bypass and Canada Valley Road (APN's 053-060-024, 053-060-038, 053-060-039, 053-060-046, 053-060-047, 053-060-048, 053-072-020).

Associate Planner Scudero presented the staff report dated March 4, 2020 recommending the Planning Commission approve the Design Review Application subject to the conditions contained in the staff reports attached resolution.

Dennis Razzari, Davidon Homes, gave a PowerPoint presentation which included a history Davidon Homes projects in Antioch, Park Ridge Vesting Tentative Map, site plan for seven phases as well as the lot plan, plotting mix, architectural design plans, elevations and landscaping features for phase 3.

In response to Commissioner Martin, Mr. Razzari clarified that Country Hills Drive would be completed the first quarter of 2021 with the opening of this project's models and Laurel Road was pending environmental clearances and should also be completed in the first quarter of 2021.

In response to Commissioner Soliz, Mr. Razzari explained that solar was required with the new building code and it would be offered as a lease option or it could be purchased outright.

In response to Commissioner Motts, Mr. Razzari clarified that the outside living area and the separate entry for the generational suite were optional items.

Chair Turnage stated that he believed the floor plans were the best uses of space he had seen in a while.

Commissioner Martin agreed with Chair Turnage and noted he was impressed with streetscape and with the models presented this evening particularly with the multi-generational option.

Vice Chair Schneiderman stated she liked the colors schemes and models presented this evening.



Commissioner Motts concurred with the comments regarding the multigenerational option and outside living areas.

**RESOLUTION NO. 2020-07**

***On motion by Chair Turnage, seconded by Commissioner Soliz, the Planning Commission approved the Design Review Application subject to the conditions contained in the staff reports attached resolution. The motion carried the following vote:***

**AYES:**                 *Schneiderman, Motts, Martin, Soliz and Turnage*  
**NOES:**                *None*  
**ABSTAIN:**            *None*  
**ABSENT:**             *Parsons*

**ORAL COMMUNICATIONS**

Director of Community Development Ebbs announced that he had sent out Public Hearing notices relating to the zoning amendment for the property on Fitzuren Road regarding emergency shelters and that item would be coming to the Planning Commission on March 18, 2020. He stated if any Commissioners had questions regarding this matter they could contact him and he would be happy to discuss it with them.

Chair Turnage, Commissioner Motts and Commissioner Martin stated they were unable to attend the Planning Commission meeting on March 18, 2020.

Director of Community Development Ebbs responded that the Fitzuren Road item would need to be moved to a future agenda since there would not be a quorum for the March 18, 2020 Planning Commission meeting.

Commissioner Martin reported on his attendance at the Planning Commission Academy and ethic training which was held earlier today in Sacramento.

Planning Manager Morris requested Commissioner Martin give his ethics training certificate to the City Clerk.

Chair Turnage suggested Commissioner Martin provide the Planning Commission with a written report for the Planning Commission Academy.

**WRITTEN COMMUNICATIONS**

None.

**COMMITTEE REPORTS**

Commissioner Motts announced he would be attending the TRANSPLAN meeting next week.

**ADJOURNMENT**

*On motion by Commissioner Soliz, seconded by Commissioner Martin, the Planning Commission unanimously adjourned the meeting at 8:24 P.M. The motion carried the following vote:*

**AYES:**                    *Schneiderman, Motts, Martin, Soliz and Turnage*  
**NOES:**                    *None*  
**ABSTAIN:**                *None*  
**ABSENT:**                 *Parsons*

Respectfully submitted:  
KITTY EIDEN, Minutes Clerk