

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**May 4, 2022
Meeting Conducted Remotely**

The City of Antioch, in response to the Executive Order of the Governor and the Order of the Health Officer of Contra Costa County concerning the Novel Coronavirus Disease (COVID-19), held Planning Commission meetings live stream (at <https://www.antiochca.gov/community-development-department/planning-division/planning-commission-meetings/>). The Planning Commission meeting was conducted utilizing Zoom Audio/Video Technology.

1. CALL TO ORDER

Chair Gutilla called the meeting to order at 6:30 P.M. on Wednesday, May 4, 2022. She announced that tonight's meeting was being held in accordance with the Brown Act as currently in effect under AB361, which allowed members of the Planning Commission, City staff, and the public to participate and conduct the meeting by teleconference. She stated anyone wishing to make a public comment, may do so by using the raise your hand tool or submitting their comments using the online public comment form at www.antiochca.gov/community-development-department/planning-division/planning-commission-meetings/. Public comments that were previously submitted by mail or email have been provided to the Planning Commissioners.

2. ROLL CALL

Present: Commissioners Schneiderman, Martin, Hills, Lutz, Vice Chair Riley and Chair Gutilla
Absent: Commissioner Motts
Staff: City Attorney, Thomas Lloyd Smith
Planning Manager, Anne Hersch
Senior Planner, Kevin Scudero
Community Development Technician, Hilary Brown
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

Chair Gutilla led the Pledge of Allegiance.

1. EX-PARTE COMMUNICATIONS

None.

2. PUBLIC COMMENT

None.

3. CONSENT CALENDAR

6-1. Minutes of the March 16, 2022 Planning Commission Meeting

6-2. Minutes of the April 6, 2022 Planning Commission Meeting

6-3. Laurel Ranch Street Name Amendment – Amend the approved Street Name list for Laurel Ranch to include Country Hills Lane pursuant to City Council policy.

On motion by Commissioner Martin, seconded by Commissioner Schneiderman, the Planning Commission members present unanimously approved the minutes of April 6, 2022. The motion carried the following vote:

AYES: Schneiderman, Martin, Hills, Lutz, Riley, and Gutilla
NOES: None
ABSTAIN: None
ABSENT: Motts

Item 6-1 was removed for further discussion.

Item 6-1 – Commissioner Martin requested the following amendment to the March 16, 2022, minutes:

- Page 1 - **4. EX- PARTE COMMUNICATIONS** – the last sentence to read: “She clarified that ex-parte communications pertained to items only on the agenda.”

On motion by Commissioner Martin, seconded by Commissioner Schneiderman, the Planning Commission members present unanimously approved the minutes of March 16, 2022, as amended. The motion carried the following vote:

AYES: Schneiderman, Martin, Hills, Lutz, Riley, and Gutilla
NOES: None
ABSTAIN: None
ABSENT: Motts

RESOLUTION NO. 2022-08

On motion by Commissioner Martin, seconded by Commissioner Schneiderman, the Planning Commission members present unanimously approved the revised street name list for the Laurel Ranch Subdivision. The motion carried the following vote:

AYES: **Schneiderman, Martin, Hills, Lutz, Riley, and Gutilla**
NOES: **None**
ABSTAIN: **None**
ABSENT: **Motts**

7. PUBLIC HEARING

7-1. UP-22-03 & Design Review T-Mobile El Campanil Wireless Facility-

The applicant is seeking approval of a Use Permit and Design Review for a new roof-mounted wireless facility at 602 W 2nd St. (El Campanil Theater). The subject site is .28 acres with an existing 10,936 sq. ft. theater built in 1928. The project scope includes two new 98 sq. ft. roof enclosures with a total of six (6) new panel antennas. The enclosures are proposed to face east and west and are 10 ft. in height. The enclosures have been designed to match the existing building. Supporting equipment is proposed to be ground mounted at the rear of the building and screened.

Chair Gutilla announced staff recommended the Planning Commission continue the project to a date certain of May 18, 2022.

Chair Gutilla opened and closed the comment period with no members of the public requesting to speak.

Planning Manager Hersch requested that this item be tabled to allow staff time to work with the applicant on a minor amendment to the application request. She stated they would be sending out new public hearing notices and anticipate bringing this item back in early June.

On motion by Commissioner Riley, seconded by Commissioner Martin, the Planning Commission unanimously tabled the Use Permit and Design Review for the T-Mobile El Campanil Wireless Facility. The motion carried the following vote:

AYES: **Schneiderman, Martin, Hills, Lutz, Riley, and Gutilla**
NOES: **None**
ABSTAIN: **None**
ABSENT: **Motts**

- 7-2. GP-21-01, PD-21-01, UP-21-02, AR-21-03 – United Pacific Gas Station –**
The applicant is requesting approval of a Mitigated Negative Declaration, General Plan Amendment, Rezone to Planned Development, Final Development Plan, Use Permit and Design Review for the development of a Gas Station, Car Wash and Convenience Store at 5200 Lone Tree Way. The subject site is approximately 2 acres and is located at the southwest corner of Lone Tree Way and Vista Grande Drive. There are existing, unoccupied buildings onsite which are proposed to be demolished and a new 3,500 sq. ft. convenience store, 1,125 sq. ft. carwash and eight (8) gas pumps (16 fuel stations total) are proposed. Site improvements, fencing and landscaping are also proposed.

Planning Manager Hersch presented the staff report dated May 4, 2022, recommending the Planning Commission adopt the following resolutions recommending the City Council approve the following: Mitigated Negative Declaration, General Plan Amendment, Rezone to Planned Development and Final Development Plan including a Use Permit and Design Review request.

In response to Commissioner Martin, Senior Planner Scudero confirmed that there was a business park to the north of this project. With regards to the restricted left hand turn on Vista Grande Drive, he explained a center median would restrict left hand turns. Environmental Consultant Trevor Macenski explained that a turning radius template prepared as part of the site plan, displayed the circulation plan for the site.

In response to Commissioner Schneiderman, Senior Planner Scudero stated the most recent use permits for gas stations with convenience stores were 24-hour operations; however, they were not located near residential development. He noted there were different standards when the older stations were approved next to residential areas.

Commissioner Schneiderman felt the convenience store next to the apartments would be convenient for tenants and suggested an 11:00 P.M. closure may be more appropriate.

In response to Commissioner Schneiderman, Senior Planner Scudero explained that a noise analysis was done as part of the environmental review.

Trevor Macenski explained the carwash orientation directed the blowers toward the public roadway. He noted the block wall on the north and west side also provided acoustical retention.

In response to Commissioner Lutz, Senior Planner Scudero stated he did not know why the property was not sold as part of the adjacent residential development. Trevor Macenski added that based on records and an evaluation provided by a historian it was determined the existing structure added no significant value to the cultural heritage of the community.

In response to Commissioner Hills, Trevor Macenski explained the turning movement analysis as it related to ingress and egress. He also noted a turn pocket on Lone Tree Way would allow for a U-turn.

In response to Vice Chair Riley, Trevor Macenski explained the purpose of the raised curb to the west side was for emergency vehicle travel. He noted there was nothing on the site plan that would prohibit non-emergency vehicular traffic from utilizing the area.

Vice Chair Riley stated he liked that the vegetation plan on the south side of the property would provide residents with a green fence.

Jeff Ferrell, Project Manager for Embree Asset Group, Inc., introduced Joel Keller, Pete Tobin, and Austin Colley as members of their development team. He gave a history of the project and stated they were appreciative of the city's willingness to work with them to bring their application forward.

Joel Keller gave an overview of their community outreach efforts. He reported that neighbors voiced concerns regarding the current condition of the site, and he discussed Code Enforcement and the Antioch Police Department's efforts to address the previous tenant. He noted the property would be improved as a result of this project moving forward.

Pete Tobin, Barghausen Engineers and Architects, displayed and reviewed the site, circulation, landscape, and lighting plans for the project.

Austin Colley, Director of Development for Embree Asset Group, Inc., stated they had chosen this site because of the demand for the services in the area and to help the City capture tax revenue. He stated they had included several mitigation measures for noise and designed the site to have great access.

Chair Gutilla opened the public comment period.

Carol, Local Realtor, stated she was an immediate neighbor and concerned the project would generate noise as well as vehicle and pedestrian traffic in her neighborhood.

Chair Gutilla closed the public comment period.

In response to Commissioner Martin, Senior Planner Scudero explained it was up to the discretion of the City Engineer to determine when work could occur on roadways and typically, they did not allow construction to shut down lanes during commute hours.

Commissioner Martin suggested the Planning Commission add a project specific condition limiting the hours of construction in the right-of-way to non-commute hours.

Planning Manager Hersch responded that it would be appropriate to include a recommendation that the City Engineer consider limiting work in the right of way during commute hours.

In response to Commissioner Martin, Mr. Tobin explained dirt removed for the storage tanks would be relocated offsite.

Commissioner Schneiderman stated this project would be an improvement and appropriate for the area. She suggested the Planning Commission consider revising the hours of operation to allow the convenience store to remain open until 11:00 P.M. She noted the applicant had mitigated noise impacts and with the existing roadway noise, she did not feel this project would negatively impact residents.

Commissioner Lutz stated he appreciated the work that went into the design of this project; however, he was concerned the gas station would be located adjacent to residential properties, and it may set precedents for future applicants. He stated he patronized gas stations in the area and questioned if there was demand for another one in the neighborhood.

Vice Chair Riley commented that there was a bike trail in the area and suggested adding a project specific condition to include a bicycle repair stand and pump for public use.

Chair Gutilla thanked the Planning Department and applicant for the presentation this evening. She stated that she believed the site could benefit from some type of development; however, she felt a gas station was not appropriate next to residential development. She also expressed concern regarding noise, odor and trash impacts. She stated if approved she would support security patrol of the property during off hours and limiting the convenience store and carwash hours to 10:00 P.M. She felt people would be tempted to make illegal U-turns in the neighborhood.

Commissioner Martin expressed concern that the service station would be opened 24-hours without an attendant.

Senior Planner Scudero responded that it would be appropriate for the Planning Commission to add a project specific condition that an attendant be on site for the gas station.

Vice Chair Riley supported reducing the gas station hours to match the convenience store.

Chair Gutilla stated that even if the hours were reduced, she would still want security to monitor the area during off hours.

Vice Chair Riley stated he did not feel security patrol was necessary because it was well lit and on a major thoroughfare. He felt the Antioch Police Department could address any security issues.

City Attorney Smith commented that private businesses were responsible for their own security.

Chair Gutilla commented that the Antioch Police Department response times could not address some activities that were short in duration but had long lasting effects to those in the surrounding neighborhoods.

In response to Commissioner Martin, City Attorney Smith clarified that all four recommended actions were required for the project to move forward.

Anne Hersch added CEQA approval would allow them to approve the other entitlements before the Commission this evening and noted the CEQA analysis was specific to this project.

In response to Vice Chair Riley, Commissioner Schneiderman stated she would be agreeable to the gas station and convenience store closing at 10:00 P.M.

Commissioner Hills commented that Walmart was opened until 11:00 P.M. and Chevron on Lone Tree and Deer Valley, AM/PM on Hillcrest and the Brentwood Chevron were opened 24 hours.

Chair Gutilla commented that those businesses did not border residential development.

Commissioner Lutz stated he lived close to the 7/11 on Hillcrest/Lone Tree Way and there had been police activity in the area. Additionally, the Chevron by In and Out had been a location for sideshow activity.

Vice Chair Riley stated he did not like the idea of a gas station; however, it was a vacant property and the developer had followed the correct steps and brought forward a project that met the requirements. He agreed that the hours should be reduced to 11:00 P.M.

RESOLUTION NO. 2022-09

On motion by Commissioner Martin, seconded by Commissioner Hills, the Planning Commission adopted the following resolution recommending approval of the United Pacific Gas Station Initial/Study/Mitigated Negative Declaration IS/MND and the Mitigation Monitoring and Reporting Program MMRP. The motion carried the following vote:

AYES:	Schneiderman, Martin, Hills, Riley
NOES:	Lutz, Gutilla
ABSTAIN:	None
ABSENT:	Motts

RESOLUTION NO. 2022-10

On motion by Commissioner Martin, seconded by Commissioner Schneiderman, the Planning Commission adopted the following resolution recommending approval of the United Pacific Gas Station General Plan Amendment (GP-21-01) changing the land use designation from Commercial Office to Convenience Commercial. The motion carried the following vote:

AYES: Schneiderman, Martin, Hills, Riley
NOES: Lutz, Gutilla
ABSTAIN: None
ABSENT: Motts

RESOLUTION NO. 2022-11

On motion by Commissioner Martin, seconded by Commissioner Schneiderman, the Planning Commission adopted the resolution recommending approval of an ordinance for a zoning map amendment from Planned Development District (PD) to Planned Development District PD-21-01. The motion carried the following vote:

AYES: Schneiderman, Martin, Hills, Riley
NOES: Lutz, Gutilla
ABSTAIN: None
ABSENT: Motts

RESOLUTION NO. 2022-12

On motion by Commissioner Martin, seconded by Commissioner Schneiderman, the Planning Commission adopted the resolution recommending approval of a final development plan, use permit and design review, subject to conditions of approval PD-21-01, UP-21-02, AR-21-03 with the following modifications:

- ***Work will only occur in the public right of way during non-commute hours (9:00 A.M. - 3:00 P.M.)***
- ***Hours of operation: Convenience Store and Gas Pumps - 4:00 A.M. to 10:00 P.M. and Carwash - 7:00 A.M. – 9:00 P.M.***
- ***The applicant shall provide a bicycle repair stand and air pump for public use.***
- ***The applicant shall provide a drive-by security guard during off hours.***

The motion carried the following vote:

AYES: Schneiderman, Martin, Hills, Riley
NOES: Lutz, Gutilla
ABSTAIN: None
ABSENT: Motts

Chair Gutilla congratulated the applicant and thanked them for choosing to do business in Antioch.

8. ORAL/WRITTEN COMMUNICATIONS

Commissioner Martin reported he had not received zoom invitations for the last three Planning Commission meetings. He noted Commissioner Schneiderman had also reported this concern.

Community Development Technician Brown acknowledged that something with the zoom site or IS was preventing invitations from being sent. She stated she would work on the issue and may be sending test invitations prior to the next meeting.

Commissioner Martin added that he was having difficulty forwarding his zoom invitations. Additionally, when sending emails from his private email to city staff they were not going through. He reported that he had received a questionable email from the City and was unsure of the intent.

Chair Gutilla stated that she had also received a questionable email from the City asking that she click on a url to activate an account.

Planning Manager Hersch reported that staff had received a subsequent email from IS and it appeared that that email had not been sent to Commissioners. She confirmed that the email could be deleted.

Senior Planner Scudero stated they would inform IS that non-city employees had not received the follow up email.

In response to Commissioner Martin, City Attorney Smith encouraged him to follow up with him tomorrow regarding information for Ethics training.

Planning Manager Hersch stated she would be following up on the Ethics Training requirements and explained that it was required every two-years.

Vice Chair Riley commended Commissioners for being cautious and not clicking on suspicious emails. He noted cyber warfare was on the rise and encouraged Commissioners to turn on two-factor authentication.

COMMITTEE REPORTS

None.

ADJOURNMENT

On motion by Vice Chair Riley, seconded by Commissioner Martin, the Planning Commission unanimously adjourned the meeting at 8:15 P.M. The motion carried the following vote:

AYES: **Schneiderman, Martin, Hills, Lutz, Riley, and Gutilla**
NOES: **None**
ABSTAIN: **None**
ABSENT: **Motts**

Respectfully submitted:
KITTY EIDEN, Minutes Clerk