

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**July 15, 2020
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.

Chair Schneiderman called the meeting to order at 6:30 P.M. on Wednesday, July 15, 2020 in the City Council Chambers. She announced that because of the shelter-in-place rules issued as a result of the coronavirus crisis, tonight's meeting was being held in accordance with the Brown Act as currently in effect under the Governor's Executive Order N-29-20, which allowed members of the Planning Commission, City staff, and the public to participate and conduct the meeting by electronic conference. She stated anyone wishing to make a public comment, may do so by 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 email have been provided to the Planning Commissioners. She 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, July 22, 2020.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

NEW PUBLIC HEARINGS

- 1. Z-20-02 - Density Bonus Ordinance Amendments** – The City of Antioch requests a zoning text amendment, which would apply city-wide, to amend Title 9 of Chapter 5 of the Antioch Municipal Code related to residential density bonuses in order to comply with recent changes in State Density Bonus law. This zoning text amendment is exempt from the requirements of the California Environmental Quality Act (CEQA).

Associate Planner Merideth presented the staff report dated July 15, 2020, recommending the Planning Commission approve the resolution recommending that the City Council adopt an ordinance amending Title 9 of Chapter 5 of the Antioch Municipal Code related to residential density bonuses.

In response to Vice Chair Martin, Associate Planner Merideth clarified that currently the City Ordinance references a senior project having 105 units; however, State law referenced 35 units, which was the recommended change proposed this evening. Additionally, under State law a senior for a senior housing development with 35 units would be 55 years of age. She explained that senior housing bonuses typically attached to a project for 55 years; however, there were different terms for different projects.

Vice Chair Martin stated he was concerned with placing a great deal of low income or non-market rate housing and senior housing, in one area.

Associate Planner Merideth responded that the ordinance did not change where housing development or density bonuses could be located; the only change was that projects with market rate and affordable units would have to be intermixed.

In response to Commissioner Motts, Associate Planner Merideth clarified that the Ordinance would not change existing or recently approved projects because they had already entered into their density bonus agreements; however, it would affect future project expansions or projects that would be removed and replaced.

In response to Commissioner Soliz, Planning Manager Morris commented that if The Ranch were approved it would have a significant amount of market rate senior housing units. She noted there were no other projects in the pipeline that were proposing affordable or market rate senior housing.

Chair Schneiderman opened and closed the public hearing with no members of the public requesting to speak.

Vice Chair Martin stated he believed this was an excellent way to increase the number of non-market rate and senior housing units. He noted his biggest concern was that a developer would not meet their requirements once they received their density bonus.

Commissioner Motts agreed with Commissioner Martin and stated he felt it was important for the City to align with the State.

Commissioner Barrow commended staff on the report.

In response to Commissioner Barrow, Associate Planner Merideth explained that the base densities would be raised for a project that met the State density requirements. She clarified that density bonus referred to the density of the number of units allowed per acre.

RESOLUTION NO. 2020-18

On motion by Vice Chair Martin, seconded by Commissioner Barrow, the Planning Commission unanimously approve the resolution recommending that the City Council adopt an ordinance amending Title 9 of Chapter 5 of the Antioch Municipal Code related to residential density bonuses. The motion carried the following vote:

AYES: *Motts, Soliz, Barrow, Martin and Schneiderman*

NOES: *None*

ABSTAIN: *None*

ABSENT: *Parsons*

- 2. PDP-20-01 - United Pacific Gas Station** – Embree Asset Group, Inc. requests the review of a preliminary development plan, which is not an entitlement, to construct a gas station, car wash and convenience store. This project is a preliminary submittal only. The purpose of this submittal is to gather feedback about any potential concerns or issues for the applicant to become aware of prior to the submittal of entitlements. The project would require the following entitlements in the future: a General Plan Amendment, a Planned Development Rezone, a Use Permit, a Variance, and Design Review. The project site is located at 5200 Lone Tree Way (APN 056-270-059).

Associate Planner Scudero presented the staff report dated July 15, 2020, recommending the Planning Commission provide feedback to staff regarding the proposal and provide direction to the applicant for any future entitlement submittal.

In response to Commissioner Motts, Associate Planner Scudero explained that existing gas stations in residential areas were developed pre-1970 so he is unaware if any mitigation measures were placed on those projects. He noted that some of them could have been built prior to the residential.

Planning Manager Morris added that gas stations built in the 1960s were pre-CEQA and she doubted there were any official mitigation measures other than what was required by the municipal code.

In response to Vice Chair Martin, Planning Manager Morris stated that if this area had been planned for commercial at the time of the residential development, the homes may have been oriented so backyards would not be directly behind the property.

Vice Chair Martin questioned if there were options for separating the commercial from the residential that could allow the development to go forward.

Commissioner Soliz questioned if discussions were held with nearby residents regarding this proposal and presuming impacts could be mitigated, could the design of the service station incorporate the existing barn structure or the architectural elements existing on the property.

Associate Planner Scudero explained that all property owners within 300-feet of the project site were notified of the Public Hearing this evening. As far as the design, it would be up the Planning Commission to provide direction as to whether the project should maintain the historic nature of the site.

Planning Manager Morris added that incorporating the materials from the barn in the new structure was discussed with the applicant. She explained from the State's perspective any time a historic resource was modified it was a potential impact so that would only be for aesthetic reasons since it would not address CEQA impacts.

In response to Commissioner Motts, Associate Planner Scudero confirmed that this property was privately owned.

Commissioner Barrow congratulated staff for the comprehensive report and noted he agreed with staff's concerns. He suggested gathering feedback from Antioch Police Department on public safety related to the 24-hour operations and suggested that the hours may need to be scaled back. He expressed concern regarding the saturation of gas stations in this area.

In response to Chair Schneiderman, Associate Planner Kevin Scudero stated that if an application came forward for this project, staff could request feedback from the Antioch Police Department including calls for service at other 24-hour gas stations in Antioch.

Chair Schneiderman opened the public hearing.

Jeff Farrell, Project Manager for Embree Asset Group, Inc., representing United Pacific Gas Station/Convenience Store/Car Wash, introduced their development team and stated he appreciated the opportunity to come before the Planning Commission this evening. He noted that he looked forward to their feedback and addressing their concerns. He gave a history of United Pacific Gas and explained that this location was selected after market research which had determined viability was high for this site. He stated they looked forward to working with the City and surrounding community to create

a business that would provide employment, essential services, additional tax revenue, and create vitality for an under-utilized parcel of commercial land.

Joel Keller explained that they had noticed residents within 300-foot of the site and he had visited each of the homes backing up to the property and approximately one-half of the other homes in the neighborhood. Additionally, he visited the condominium offices and the apartment complex in the area. He noted the comments he had heard were not positive toward the existing use of the site because of the construction vehicles and an RV parked on the property. He reported that he had talked to the Assistant Manager of the apartment complex who felt the convenience store would be an asset for her tenants. He commented that some of the residents had questions that would be reviewed and addressed by the design team as the project moved forward. He stated Code Enforcement and the Antioch Police Department had started an investigation of the site 2-years ago, which resulted in criminal charges filed against the user of the property. He reported the person charged of those crimes was committed to prison for 2 years. He noted they intended to clean up the property and be considerate of the neighbors by moving the site plan as far away from the property line as possible. He noted the neighbors immediately adjacent to the site had been provided with the preliminary site plan and generally felt it would be an improvement over what was currently on the site.

Pete Tobin, Regional Manager at Barghausen Consulting Engineers, gave a PowerPoint presentation on the site plan and circulation plan. He noted the underground storage tanks would be placed at the intersection so tanker trucks would be away from customers. He noted the larger canopies with more fueling positions would get the customers on and off the site faster, minimizing congestion. He commented that the canopy lights would be recessed, and they could install motion detectors so they could be dimmed when not in use. He noted the exit of the carwash was directed toward the intersection and away from the residential. He offered to work with the City Engineer regarding the driveway location. He agreed to move the parking and trash enclosure to the west to further buffer the residential area to the south. He explained that the volume of fuel would be under 3.6M gallons per year and they would look at increasing the landscape buffer. With regards to the 24-hour use, he stated that they would work with the Antioch Police Department and incorporate their comments and requirements in their application. He stated they appreciated the City's detailed comments and he was available to answer any questions.

In response to Commissioner Soliz, Mr. Farrell stated that they were prepared to do the studies that were required and noted that most of the comments they had received were workable. In terms of the existing structures on the site, he commented that they would be willing to determine if they were historically significant. He noted they could not make any promises regarding the aesthetics of the building until they talked with their client to determine what could be accomplished. He reiterated that they believed the volume of fuel was overstated in their application and so they should be under the limits.

In response to Commissioner Barrow, Mr. Tobin explained that there was a California requirement that they had to provide a space for electrical vehicle charging stations and

by the time the project would receive approvals, they may be required to be installed. He explained that there was a phase 2 vapor recovery system on the nozzles. He stated they proposed two 20,000-gallon fuel tanks, which was typical capacity. He noted if the site were sold in the future, he believed there was a requirement that if it remained vacant for a period, the previous owner would have to remove the tanks. Austin Colley responded that this would be their first gas station in Antioch; however, United Pacific operated over 400 gas stations and were a well-known operator.

Commissioner Barrow stated the site was currently unsecured and he applauded the applicant on their proposal and staff on their report. He suggested the applicant consider the staff recommendations.

Commissioner Motts commended the applicant on their community outreach efforts. He questioned if he had discussed emissions with the people he had contacted from the neighborhood.

Mr. Keller reported that he had visited the adjacent property owners twice, the first time to gather their concerns related to the existing site and the second to provide them with a site plan. He noted they had asked various questions and he had informed them that if the project moved forward, he would provide them with responses to those questions. He noted he had not specifically discussed emissions.

Vice Chair Martin questioned how the applicant would address concerns regarding noise from the carwash, benzine and the lack of a masonry wall on west side of project. He also questioned if a higher masonry wall would address some of the concerns. He stated he did not believe the issue could be resolved regarding the sale of alcohol close to a park. He questioned if the applicant could address why the City needed to make a General Plan change and if they could adapt to the City of Antioch's requirements.

Mr. Tobin responded that they would be required to install a minimum 6-foot masonry wall. In terms of the noise from the carwash, he noted there was insulation equipment around the dryer as well as other ways to mitigate noise. He explained when they did their acoustical study, they would address that issue. In terms of the benzine, they reiterated that they could be under 3.6M gallons per year. With regards to the other requirements, they would be discussing them with United Pacific and Embree.

Commissioner Motts stated that he believed the deceleration lane would be important.

Chair Schneiderman closed the public hearing.

Chair Schneiderman stated that she liked the idea of having a gas station in the area noting she believed it was needed. She commented that she liked the design, however, the idea of making it historical in nature would be her preference. She stated her concerns related to 24-hour noise impacts for the existing residents as well as ingress and egress to the site.

Commissioner Soliz reiterated his preference for incorporating the ranch theme. He commended the applicant for their outreach efforts and he encouraged the community to offer their feedback. He stated he was concerned regarding the benzine and suggested incorporating mitigation. He agreed with Commissioner Motts on the importance of a deceleration lane.

Vice Chair Martin stated that he believed the project was a needed resource for this area and noted there were code enforcement issues currently on the property. He stated he was unsure if the City could make the findings to support a General Plan amendment. He noted that with staff working with the applicant he hoped some of the issues related to state requirements could be mitigated.

Commissioner Motts stated that staff's concerns were important, and he agreed that it was a needed resource in the area. He noted that the deceleration lane and mitigation measures to address emissions should be addressed. Additionally, he felt criminal intent and gathering in the area should also be considered. He suggested the applicant consider motion sensor peripheral lighting and security cameras. He stated if all his concerns were addressed, he could be in favor of the project moving forward.

Commissioner Barrow reiterated that he supported the staff recommendations. He stated he was concerned for public safety issues arising from 24-hour alcohol sales and the long-term effects of the release of the emissions. He noted if the applicant could meet the criteria set out by staff, he may support the project. He advised the applicant to take under consideration all of staff's concerns.

In response to Commissioner Barrow, Associate Planner Scudero confirmed there was a 7/11 approximately $\frac{1}{4}$ mile to the west and clarified that ABC restricted alcohol sales between the hours of 2:00 A.M.– 6:00 A.M.

Associate Planner Kevin Scudero asked the Planning Commission for feedback regarding the variance for alcohol sales.

Following discussion, the Planning Commission recommended staff gather feedback from the Antioch Police Department regarding the variance for alcohol sales.

Mr. Colley reported that their proposal was for the sale of beer and wine only.

Chair Schneiderman thanked the applicant for coming to the Planning Commission and wished them luck working with the Planning Department to address their concerns. She thanked them for investing in Antioch.

The applicant thanked the Planning Commission for their time.

ORAL COMMUNICATIONS

Commissioner Barrow recognized Antioch City Attorney Thomas Lloyd Smith for recently being elected to the Harvard Kennedy School of Government Alumni Board.

City Attorney Smith thanked Commissioner Barrow for the recognition.

The Planning Commission congratulated City Attorney Smith.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Commissioner Motts reported that the TRANSPLAN meeting was cancelled due to the lack of a quorum. The next meeting will be held in August.

Chair Schneiderman thanked Director of Community Development Ebbs for facilitating the Zoom meeting this evening.

ADJOURNMENT

On motion by Commissioner Barrow, seconded by Commissioner Soliz, the Planning Commission unanimously adjourned the meeting at 8:07 P.M. The motion carried the following vote:

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

Respectfully submitted:
KITTY EIDEN, Minutes Clerk