

**CITY OF ANTIOCH
PLANNING COMMISSION
REGULAR MEETING**

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

**November 4, 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.

Vice-Char Martin called the meeting to order at 6:40 P.M. on Wednesday, November 4, 2020 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 date of the decision. The final appeal date of decisions made at this meeting is 5:00 P.M. on Thursday, November 12, 2020.

ROLL CALL

Present: Commissioners Parsons, Soliz, Barrow and Vice-Char Martin
Absent: Commissioner Motts and Chairperson Schneiderman

Staff: City Attorney, Thomas Lloyd Smith
Director of Community Development, Forrest Ebbs
Associate Planner, Zoe Merideth
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS - None

CONSENT CALENDAR

1. Approval of Minutes: None

Vice Vice-Char Martin 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/.

NEW PUBLIC HEARING

2. **V-20-01, AR-20-09– 76 Gas Station Propane Tank** - Barghausen Consulting Engineers Inc. requests a variance and design review to make improvements to the existing 76 Gas Station. The request is to install a new above-ground propane tank for retail sales, relocate the air/water unit, install a new ADA accessible van parking stall, and install landscaping around the proposed improvements. A variance is requested because the proposed improvements will be located within in the required 30-foot front setback from Fitzuren Road. This project has been found to be Categorically Exempt for the requirements of the California Environmental Quality Act. The project site is located at 2701 Contra Loma Blvd (APN 071-011-036).

Associate Planner Merideth presented the staff report dated November 4, 2020 recommending the Planning Commission approve the variance and design review request subject to the conditions contained in the staff reports attached resolution.

In response to Vice-Chair Martin, Associate Planner Merideth explained that the propane tank would be setback from the road and a landscape buffer would be installed. She clarified that the air/water unit would be relocated and there would be an underground storage tank.

In response to Commissioner Barrow, Associate Planner Merideth explained that the propane tank would be screened from view by landscaping and bollards would be installed. She stated it would also be closer to the existing convenience store and much further back than the existing air/water unit. She commented that there were no requirements in the City's codes regarding the distance for a propane tank from a multifamily structure; however, when the project was submitted for a building permit, staff would ensure it met building code requirements.

Commissioner Barrow stated he had concerns regarding the proximity of the propane tank to a multifamily residential structure and a high visibility intersection.

In response to Commissioner Barrow, Associate Planner Merideth explained that they routed the plans to the Contra Costa County Fire District (CCFD), and they did not have any concerns. She noted that their comments were listed as conditions of approval in the resolution. She further noted the applicant would be required to meet the Fire District's conditions and the building code. She responded that a representative from CCFD was not present this evening and it was not typical that they attend Planning Commission meetings. She stated they had not provided response times and it was not a typical response in their request for comments. She explained that this site was an existing gas station and propane tanks were a normal feature of gas stations, and she reiterated that CCFD had no concerns regarding locating a propane tank at the site.

Commissioner Barrow commented that there was a lot of activity at the intersection and reiterated his concern for the multifamily being in close proximity to a propane tank.

Director of Community Development Ebbs stated that he had experience in working on an EIR for a large propane farm where he had learned that propane was very stable and safe. He noted the proposed tank had check valves in place. He added that propane tanks were not placed

next to buildings due to carbon monoxide issues and propane was only flammable when under pressure. He commented that CCFD would permit the project according to fire code. Commissioner Barrow stated if the tank did not pose a health and safety risk it may change his mind regarding the application. He reiterated that he would like verification from CCFD that their concerns were addressed and response times would be sufficient, should something occur with the propane tank.

Associate Planner Merideth reiterated that CCFD responded to their request for comments about this project and did not have any concerns regarding safety, the use or response times. She noted their comments were standard comments about meeting the fire code and the applicant would be submitting it to fire for review and approval. She noted if CCFD had concerns regarding the location of the propane tank, they would have included it in their letter.

Director of Community Development Ebbs added that the Planning Commission was here to consider the land use impacts and they deferred judgement on safety to CCFD and their codes.

In response to Commissioner Barrow, Associate Planner Merideth explained that normally the Planning Commission would not be seeing an application for a propane tank; however, because it involved a variance, it was being brought to the Commission to consider design review and the variance.

Commissioner Barrow stated his concerns related to the life and safety of residents.

Commissioner Parsons commented that the service station at 18th Street and Hillcrest Avenue had a similar traffic situation and was closer to houses without the benefit of a wall and there had been no incidents even though there had been several accidents in the area.

Commissioner Soliz added that a fire station was located within 1/2 a mile from this location so it was reasonable to assume a short response time should there be an incident.

Vice-Chair Martin opened the public hearing.

The following public comment was made by an individual utilizing Zoom Audio/Video Technology.

Caitlin Hepworth representing Barghausen Consulting Engineers, Inc. gave a PowerPoint presentation of the 76 Gas Station Propane Tank and Parking Addition which included the existing site, project details, existing site photos, proposed equipment location, as well as their need for the variance.

In response to Commissioner Soliz, the applicant explained that the purpose of the large propane tank was to refill portable tanks.

Vice-Chair Martin closed the public hearing.

Commissioner Barrow stated he would be voting against the motion based on the proximity of the propane tank to a multifamily residential structure and public right-of-way as well as the lack of bollards or protective devices along Fitzuren Road to address potential life and safety issues. He also noted he had questions for CCFD that were not addressed by the Planning Department.

A motion made by Commissioner Soliz, seconded by Commissioner Parsons to approve the variance and design review request subject to the conditions contained in the staff reports attached resolution failed by the following vote:

AYES: Parsons, Soliz and Martin
NOES: Barrow
ABSTAIN: None
ABSENT: Motts and Chairperson Schneiderman

Director of Community Development Ebbs explained that the motion failed; however, the Planning Commission had the option to continue the item to the next meeting when a more complete Commission was present. He noted they may be able to have CCFD in attendance at a continued meeting to answer any questions related to fire code.

Commissioner Barrow stated it was wise to consult the CCFD on projects that dealt with life and safety. He recognized the applicant for their efforts to improve the property.

A motion was made by Commissioner Parsons and seconded by Commissioner Barrow to continue the item to the next scheduled Planning Commission meeting.

Commissioner Soliz, speaking to the previous motion, commented that Commissioner Barrow suggested having a representative from CCFD be present at the next meeting and questioned if that direction should be added to the motion.

City Attorney Smith responded that direction could be given in the motion; however, the Planning Commission could motion to rescind the previous action and then move to continue so this decision was not final, and the applicant did not have to file an appeal.

Commissioner Barrow stated he would like to rescind the vote and carry this item to the next Planning Commission meeting and have representatives from CCFD present to give a detailed explanation for life and safety.

Commissioner Parsons withdrew her motion to continue the item to the next meeting. Commissioner Barrow withdrew the second.

On motion by Commissioner Barrow, seconded by Commissioner Soliz the Planning Commission members present unanimously rescinded the previous motion and continued V-20-01, AR-20-09– 76 Gas Station Propane Tank to the next Planning Commission meeting with direction to staff to have a representative from CCFD present. The motion carried the following vote:

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

Director of Community Development Ebbs commented that he would do everything in his power to have a representative from CCFD present at the next Planning Commission meeting.

ORAL COMMUNICATIONS - None

WRITTEN COMMUNICATIONS – None

COMMITTEE REPORTS – None

ADJOURNMENT

On motion by Commissioner Soliz, seconded by Commissioner Parsons the Planning Commission unanimously adjourned the meeting at 7:33 P.M. The motion carried the following vote:

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

Respectfully submitted:

Kitty Eiden
KITTY EIDEN, Minutes Clerk