

**CITY OF ANTIOCH  
PLANNING COMMISSION**

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

**February 15, 2023  
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, February 15, 2023. She announced that tonight's meeting was being held in accordance with the Brown Act as currently in effect under AB 361, 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/](http://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 Planning Commissioners.

**2. ROLL CALL**

Present: Commissioners Schneiderman, Martin, Motts, Hills, Lutz, Vice Chair Riley and Chair Gutilla

Staff: Director of Community Development, Forrest Ebbs  
Planning Manager, Anne Hersch  
Senior Planner, Zoe Merideth  
Senior Planner, Kevin Scudero  
Minutes Clerk, Kitty Eiden

**3. PLEDGE OF ALLEGIANCE**

Commissioner Riley led the Pledge of Allegiance.

**4. EX-PARTE COMMUNICATIONS - None**

**5. PUBLIC COMMENT – None**

**6. CONSENT CALENDAR**

**6-1. Planning Commission Meeting Minutes January 4, 2023**

Commissioner Martin, Commissioner Motts and Commissioner Lutz announced that they would be abstaining from the motion to approve the minutes due to their absence at the January 4, 2023, Planning Commission meeting.

***On motion by Commissioner Schneiderman, seconded by Vice Chair Riley, the Planning Commission approved the Minutes of January 4, 2023. The motion carried the following vote:***

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

## **7. PUBLIC HEARING**

- 7-1. PDP-22-01 Laurel Ranch Gas Station (SW Corner of Laurel Rd. & Country Hills Drive/APN: 053-060-064)** - The applicant is requesting a Preliminary Development Plan review for a proposed gas station with an automatic carwash and convenience store. The subject site is a vacant 1.35-acre parcel. The proposal includes site improvements and landscaping. The objective of this review is to provide feedback about any potential concerns or issues prior to the submittal of entitlements. If a formal application is filed, project entitlements would include Environmental Review, Planned Development Rezone, Final Development Plan, Use Permit, and Design Review. This is a preliminary submittal only.

Senior Planner Merideth presented the staff report dated February 15, 2023, recommending the Planning Commission provide feedback to the applicant and staff. This is a preliminary review and formal action is not required.

Julio Tinajero, Milestone Associates, gave an overview of the project and discussed their efforts to address staff's initial concerns. He explained that due to size and setbacks it was difficult to work with the property; however, they had been able to work out a site plan that was acceptable by the end user. He noted they had provided a traffic analysis showing that customers would be able to come in from the north driveway and exit from the south driveway. He reported this location had been studied by fuel and carwash companies who saw it as a prime location based on demographics, potential competitors, and freeway access. He commented that any noise from the project would not affect surrounding residential since they were located higher and there was an existing screen wall. He agreed with the staff report and stated they were open to revising the project, as required.

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

Commissioner Martin stated that he agreed that there was a need for a gas station in this area; however, he did not believe this location was appropriate because it was too small of a lot, and it would be located adjacent to residential development. He noted past experience had proven that having one employee to monitor the business would be insufficient. He further noted

pollution including light and noise were concerns. He stated if the Planning Commission decided to support the project, he would request a light and noise study as well as a health risk analysis. Additionally, he requested a deceleration lane on Laurel Road, increased parking, limiting the hours from 6:00 A.M. – 6:00 P.M. and requiring three employees be present at all times.

Commissioner Lutz commended staff for the comprehensive report. He stated he would not support this project due to its location next to residential development and traffic concerns. He noted site size was also insufficient. He commented that he expected a gas station in the general area; however, not so close to existing homes. He stated if the project were to move forward, he would support Commissioner Martin's recommendations; however, he would slightly extend operating hours.

Commissioner Hills stated she agreed with the previous concerns related to pollution and lot size. Additionally, she noted a service station was inappropriate next to residential. She commented that she believed Councilmember Wilson had been advocating against gas stations. She noted if the project proceeded forward, she would also support limiting hours of operation.

Director of Community Development Ebbs reported Council had not acted on limiting gas stations and that item was beyond this agenda.

Commissioner Motts commented that if a deceleration lane was required it may be difficult to preserve the bike lane and sidewalk.

Commissioner Schneiderman suggested the applicant reduce the size of the store and setback to improve circulation. She also suggested reversing the direction of the cars entering the carwash. She stated she would support reducing hours to close at 11:00 P.M.

Commissioner Riley stated he would not approve this project and suggested if it were to move forward that the applicant relocate, reduce or eliminate the vacuum canopy. Additionally, he felt the carwash should be eliminated. He stated that it appeared to be a Chevron station from the renderings and he believed a premium fuel brand would produce less traffic. He stated less parking and increasing the size of the store would be a better use of the land. He commented that he would fear a deceleration lane would reduce the size of the bicycle lane.

Chair Gutilla stated she would not support a gas station on this lot. She felt it was inappropriate and too close to residential. Additionally, she felt it was not in line with City and State environmental goals.

Mr. Tinajero thanked the applicant for their feedback and stated he would discuss it with the applicant to determine how to move forward.

- 7-2 UP-22-18, AR-22-16 Delta Bowl Billboard 3300 Delta Fair Boulevard-** The applicant is seeking a Use Permit and Design Review approval for the construction of a new digital billboard and associated site improvements at 3300 Delta Fair Boulevard. The subject site is a 3.34-acre parcel developed with a bowling alley and parking lot. The project scope includes the construction of a new 70 ft. tall 14ft. x 48ft. (672 sq. ft.) double sided digital billboard mounted on a 3 ft. diameter support column.

Senior Planner Merideth presented the staff report dated February 15, 2023, recommending the Planning Commission adopt the Resolution approving the Use Permit and Design Review for a new digital billboard at 3300 Delta Fair Boulevard.

Alex Belenson, Project Applicant, reported they had worked with CALTRANS to identify a location for a billboard sign that would meet state code and support Delta Bowl by increasing revenue.

Chair Gutilla opened the public comment period.

Kathryn Wade asked what would be displayed on the billboard.

Mr. Belenson responded that the billboard would be a mix of national, regional and local advertising including public service messaging, as well as promotions for Delta Bowl. Additionally, he noted emergency messaging and emergency alerts would be displayed.

Kathryn Wade expressed concern that emergency alerts would distract drivers. She asked if the advertisements would be related to the local community. She stated she supported advertisements related to resources and supportive services provided to the community.

Mr. Belenson responded all items mentioned would be eligible to be included.

Jazz Toor stated most billboards were funded by businesses with large budgets for marketing and advertising. He questioned what criteria would be used to meet compliance with the community's needs and awareness around public services.

Chair Gutilla closed the public comment period.

Mr. Belenson responded that it was rare that signage would be sold out so there was always space available for community organizations.

In response to Commissioner Martin, Mr. Belenson clarified that the 14x48 billboard was standard size. He stated that they would be in full compliance with state and federal laws related to the billboards proximity to the utility poles in the area. He explained that they serviced the sign from the inside.

In response to Vice Chair Riley, Mr. Belenson clarified that Delta Bowl would have approximately 10% of the time dedicated to advertising their business. He noted there was not a fixed percent for the County because it related to unsold space and increments allotted to various advertisers.

Vice Chair Riley spoke in support of local communities and non-profits having space for community announcements. He commented that Delta Bowl was a longtime recreational organization and he spoke to the importance of having a safe recreational place available for youth and families. He noted if this project was beneficial to Delta Bowl, then he was supportive.

Commissioner Schneiderman agreed with Vice Chair Riley. She noted Delta Bowl was a part of Antioch's history and she supported a project that would provide income for the business.

Commissioner Lutz agreed with Vice Chair Riley and noted Delta Bowl was the main reason he would approve this item.

In response to Commissioner Lutz, Mr. Belenson clarified that they would lease the space from Delta Bowl, and they would build, operate, and maintain the sign. He noted it would be all risk on their side and all revenue for Delta Bowl.

Commissioner Lutz commented that he did not want more billboards in Antioch; however, he wanted the business to be successful and if this helped, he would approve the application. He noted he would like a portion of the advertising to be made available to the City or non-profits for public service announcements.

Mr. Belenson stated he would have to review the numbers to determine what was available.

Director of Community Development Ebbs stated that he appreciated the dialog; however, there was a concept in land use law as it related to signs, and content was surrendered to the applicant. He added that this applicant had indicated that they operated with a model in place where they work with those groups.

Commissioner Motts agreed with Commissioner Lutz and noted with existing billboards there was a model in place whereby a certain percentage was allotted to the community. He noted sometimes these signs were so bright they distracted drivers. He further noted he was in favor of the project and the community aspect of advertising.

Mr. Belenson commented there were two ways to control lighting for the billboard and the entitlement would limit ambient lighting.

Chair Gutilla stated she was supportive of Delta Bowl.

Ken Melton, Owner and Operator of Delta Bowl, reported he had worked on the sign project for over 10 years and found the right company to accomplish the project. He noted it would provide revenue to allow them to continue to invest in the bowling alley. He further noted the marketing piece was more important and their time on the sign was the biggest value.

Commissioner Martin spoke in support of Delta Bowl and stated his children loved the establishment. He thanked the applicant for continuing to do business in Antioch and wished him luck in remaining successful.

**RESOLUTION NO. 2023-07**

***On motion by Commissioner Martin, seconded by Commissioner Schneiderman, the Planning Commission unanimously adopted the Resolution approving the Use Permit and Design Review for a new digital billboard at 3300 Delta Fair Boulevard subject to the conditions of approval. The motion carried the following vote:***

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

Chair Gutilla congratulated Delta Bowl and the billboard company and thanked them for investing in Antioch.

**7-3. UP-22-17 Somersville Plaza Liquor Store 2651 Somersville Rd, Suite D** - The applicant is seeking Use Permit approval for the operation of a new liquor store with a Type 21-Off-Sale General license from Alcoholic Beverage Control (ABC). The subject site is a 2.02-acre parcel developed with a commercial center and parking lot. The liquor store is proposed to sell beer, wine, liquor, drinks, snacks, and similar items. The applicant is proposing to operate from 7am to 12am, 7 days a week. Four (4) employees will work at the store.

Senior Planner Merideth presented the staff report dated February 15, 2023, recommending the Planning Commission adopt the Resolution approving the Use Permit to allow a liquor store at 2651 Somersville Rd, Suite D subject to the findings and Conditions of Approval.

A speaker for Gurmej Singh, Somersville Liquor Store, thanked everyone for hosting and attending the meeting. He announced they were looking to open a new store on Somersville Road and reported that he had been in the liquor business for 35 years with an existing store in Antioch for the last 10 years. He noted they were looking to expand which was why they were applying for a new location with an experienced staff who would provide the same level of customer service. He further noted they would create job opportunities for residents and contribute to the growth of the community. He stated that they understood the concerns related to the impact of alcohol outlets on crime rates; however, the proposed store would operate within local and state laws and regulations. He noted there had been no problems with their existing location in Antioch. He further noted he understood concerns related to Prop 31; however, if approved their business would not sell menthol cigarettes or flavored tobacco products. Regarding concerns related to density of alcohol establishments in the area, and potential impact on crime rates, he clarified the proposed store would have a positive impact on the community by providing a valuable service as a convenience store, creating jobs and generating tax revenue. He noted they believed in giving back to the community as much as possible through donations to local police and fire departments, schools and more. He further noted they wanted to help the City grow and leave a positive impact just as they had been doing with their other locations. He commented based on 35 years of experience in the industry, the store would be operated responsibly and with the community in mind and they would take steps to prevent underage sales, limit the sales of certain products, and work with local law enforcement to ensure the store was not a source of criminal activity. He stated they were open to reducing their hours of operation to eliminate late night traffic. He noted their stores were well lit, secure, and well maintained. He committed to being a good neighbor and working with the local community to address any other concerns. He reassured the Commission that they took their responsibility as a business seriously and they would work with the community to make sure the store operated

in a safe and responsible manner. He requested the Planning Commission carefully consider their application.

Chair Gutilla opened the public comment period.

Dominique King, Antioch resident, spoke in opposition of a new liquor store noting that this area was oversaturated with businesses selling alcohol and believed it was an inappropriate use for an underserved area of the City. Additionally, she noted it would not elevate Antioch's marketability for other businesses.

Diego Irigoven, current tenant of Somerville Plaza, reported the area was often vandalized and felt the addition of a liquor store may make matters worse. He noted there were plenty of these types of businesses in the area.

Joe, 360 Auto Repair, spoke in opposition to the liquor store noting that they had witnessed vandalism and transient behavior in the area. He further noted the area was oversaturated with businesses selling liquor.

Kathryn Wade, Antioch resident, spoke in opposition to the liquor store and noted businesses in the area were dealing with the mentally ill and shoplifting. She requested more businesses be provided that would improve and underserved area of the community. She expressed concern the area was oversaturated with businesses selling alcohol and urged the Planning Commission to deny the application.

Andre Casanova stated he opposed another liquor store in Antioch.

Chair Gutilla thanked everyone from the public who participated in the discussion and closed the public comment period.

Vice Chair Riley stated he agreed with the public comments and did not support the Use Permit because it was not a good use of the land. He noted there were sufficient businesses selling liquor in the area.

In response to Commissioner Martin, Senior Planner Merideth provided a definition of on-sale and off-sale liquor establishments. She explained that in the City code there was an exemption for retail markets having a minimum of 10,000 square feet of floor area that devoted no more than 5% of the floor area to alcoholic beverages and grocery stores met that exemption. She noted historically they had not categorized grocery stores as a liquor establishment. She confirmed that this business was proposed to be in the middle suite of the shopping center. She reported Food and Liquor, service stations, Buzi Mart and Grocery Outlet sold liquor in the area; however, none were within the 500-feet that code required.

Commissioner Lutz questioned how many liquor stores were located in Antioch.

Senior Planner Merideth responded that they did not keep records for liquor stores; however, she ran a report for type 20 beer and wine and type 21 beer wine and liquor stores through ABC,

and there were 52 active licenses in Antioch. She noted 20 out of the 57 were drug and grocery stores and 8 were 7/11 convenience stores and gas stations.

Commissioner Lutz stated he was not opposed to liquor stores; however, he was concerned about the issues raised by the public. He commended the applicant for currently owning a well-run store. He commented that this neighborhood did not need another liquor store and noted that there may be another area that may not be as sensitive. He further noted that he would be voting against the project.

Commissioner Motts stated he agreed with most comments who opposed the project and noted Antioch was already saturated with liquor stores.

Commissioner Hills thanked the applicant for their efforts to address some concerns; however, she believed the area to be oversaturated. She thanked everyone for their time.

Commissioner Schneiderman commented that the Planning Commission had approved several dispensaries, and no one had complained. She noted liquor was available in many locations and another store would not increase consumption. She further noted the building was empty and vacancies were a concern.

In response to Chair Gutilla, Senior Planner Merideth reported Antioch Police Department did not provide any comments related to the condition regarding surveillance of the property. She noted the applicant had experience and could provide comments.

A speaker for Mr. Singh reported their current location had over 20 surveillance cameras that monitored the street, parking lot, cash register, employee entrances, back entrances, and every aisle inside the store. He stated they were open to placing just as many or more at their new location. He reported the current location opened at the same time as the other businesses in the area and closed at 12:00 A.M., which was the same time as another liquor store across the street. He agreed to close at 9:00 P.M. or 10:00 P.M. to reduce late-night traffic.

Chair Gutilla stated she was conflicted on this project because she had not seen anything negative associated with the applicant's current location. She noted having a business in the area may attract other businesses. She further noted it was the Planning Commission's role to represent the community in what they were asking for at this location. She stated there were community concerns related to sensitive populations and the lack of family-oriented businesses in the area. She noted the applicant who was already a successful business owner may have an advantage in creating something different for the location that would serve the community better, such as focusing on the convenience store aspect. She stated she would support the City working with the applicant for something more suitable for the area.

A speaker for Mr. Singh responded that their current store was more convenience store oriented.

Chair Gutilla asked what the store would be called, noting that that would make a difference in the community.



A speaker for Mr. Singh responded that they were open to changing the name to Gary's Liquor and Food or Gary's Liquor and Snacks.

Commissioner Martin stated having liquor in the name implied something that was inappropriate for the area. He reported he had been to various liquor stores in Antioch who had a business model that resembled a convenience store. He noted changing the name could give the area some class. He further noted the shopping center needed a tenant that would pull in future development. He commented that when Seeno decided to move forward with their project, there would be a lot of new residents in the area.

Commissioner Lutz stated he believed changing the name was a good recommendation; however, if the applicant had come forward asking to open a grocery store in this location it would have changed the complexion of what was being discussed. He noted if liquor was the main product, people would still identify it as a liquor store. He further noted the applicant had been successful at owning a liquor store, and he could use the same expertise to run a grocery establishment.

Commissioner Schneiderman noted when she looked at the floor plan it was dedicated to grocery type items. She spoke in support of changing the name of the store.

In response to Chair Gutilla, Director of Community Development Ebbs stated changing the name could make a difference; however, if the business were to be sold the City could not control the next business name. He explained that if the Planning Commission did not want the preponderance of goods to be liquor, they could add a condition that no more than 25% of the floor area be dedicated to the sale of liquor. He noted that that condition would carry onto a change of ownership.

A speaker representing Mr. Singh commented that their current location had approximately 30% of their store dedicated to liquor with the remainder being grocery items.

Director of Community Development Ebbs added that the Planning Commission could also limit the cooler space.

Commissioner Schneiderman stated that she supported limiting the space dedicated to liquor to 30%. She suggested the applicant consider a name that did not include alcohol.

In response to Commissioner Lutz, Director of Community Development Ebbs confirmed that beer and wine would be included in the area designated for liquor.

A speaker representing Mr. Singh stated they only had alcoholic beverages behind the counter and beer in the cooler.

Commissioner Lutz stated he wanted to see a grocery store; however, he was concerned that people would recognize this business as a liquor store. He stated he would feel more comfortable if only beer and wine were sold along with the convenience store items.

Commissioner Motts stated he could support the application with the recommendations made this evening. He stated that he would also prefer the store to be limited to beer and wine sales. He commented that a convenience store would not fulfil a need for quality food items.

**RESOLUTION NO. 2023-08**

***On motion by Commissioner Martin, seconded by Commissioner Schneiderman, the Planning Commission adopted the Resolution approving the Use Permit to allow a liquor store at 2651 Somersville Rd, Suite D subject to the findings and Conditions of Approval with the following additions:***

- ***Limiting store hours from 7:00 A.M. – 10:00 P.M.***
- ***No more than 25% of the floor area be allocated to alcoholic beverages***
- ***Recommending the applicant consider a name that does not include alcohol in the title.***

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

<b>AYES:</b>	<b>Schneiderman, Martin, Motts, Gutilla</b>
<b>NOES:</b>	<b>Hills, Lutz, Riley</b>
<b>ABSTAIN:</b>	<b>None</b>
<b>ABSENT:</b>	<b>None</b>

Chair Gutilla congratulated the applicant and stated she appreciated them doing business in Antioch. She commented that she hoped this business would be fruitful for the applicant and beneficial to the surrounding community.

- 7-4. UP-22-14, AR-22-14 Delta Courtyard Apartments 810 Wilbur Ave.-** The applicant is seeking Use Permit and Design Review approval for the construction of a new 74-unit apartment complex at 810 Wilbur Avenue. The subject site is a 2.86-acre vacant parcel. The project scope includes the construction of two apartment buildings with a mix of one, two and three bedroom apartments, resulting in 74 units total with 4 very low-income units. Site improvements include the construction of a new parking lot, lighting, landscaping, outdoor open space and stormwater detention basins. The applicant has also applied for a Density Bonus to increase the base density of the project from 71.5 units to 74 units.

Senior Planner Scudero presented the staff report dated February 15, 2023, recommending the Planning Commission adopt the Resolution approving the Use Permit, Design Review, and Density Bonus for 810 Wilbur (Delta Courtyard Apartments) subject to the findings and Conditions of Approval.

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

Commissioner Motts questioned if staff could respond to the correspondence from Mr. Bosman.

Senior Planner Scudero stated that staff received the letter late today and he could answer any specific questions. He reported engineering did not require a transportation impact analysis and he assumed that had to do with the fact that a much larger version was previously approved and no offsite traffic improvements were conditioned with that project.

Commissioner Motts questioned if the telephone poles would be undergrounded and if a security gate would be required.

Senior Planner Scudero responded there was nothing in the City's objective standards for multifamily that required gated developments. He noted if the applicant came back with a proposal to gate the project, it would not be difficult, and they would be required to fulfill the fire department requirements.

Commissioner Motts questioned if there was a fuel tank buried on the property.

Senior Planner Scudero stated he was not familiar with a fuel tank on the property. He reported the letter writer was part of the previous approval in 2016, and it was not mentioned in that staff report.

Mike Serpa, Delta Courtyard Apartments, added that the letter writer was part of the prior approval that included his property and none of the issues he was raising now were a concern. He reported that he had been developing property in Antioch for several years and he had a 15-year history with this particular property. He noted it had been challenging and he took every recommendation seriously. He commented that he was not concerned about any of the issues raised by the letter writer and noted through all the studies conducted an underground tank was not identified. He further noted if one existed, they would not be able to develop the property until it was in an appropriate condition for them to do so. He stated they were very proud of this project. Additionally, he noted if traffic was not an issue with the prior development which was significantly larger, it would not be a concern for this project. He commented that they would like to move forward with the property they owned and controlled.

In response to Commissioner Motts, Senior Planner Scudero responded that there was no standard requiring a masonry wall between this project and the adjacent property. He also explained that landscaping of the median on Wilbur Avenue was the City's responsibility.

Commissioner Martin recommended the applicant consider gating the project. He questioned if there was room for the fire equipment to turn around on site.

Senior Planner Scudero responded that the applicant had done their due diligence with the fire department.

Jake Himmel responded that the project had been thoroughly vetted by the fire department and explained there was a turnaround provided that met the requirements. Additionally, he noted there would be fire hydrants and ladder access. He noted the fire department's conditions of approval were standard. He stated he believed the existing curb cut would be widened for the entrance to this project.

Senior Planner Scudero stated there would be a 6-foot wood privacy fence. He explained that the intent of the condition requiring signage specifying when trash collection would occur was to make sure no one would impede access to the trash enclosure.

Mr. Himmel added that "no parking" markings along the inner alleyway were required for the fire department.

Commissioner Hills stated she was excited about this project. She questioned how large the loading zone was for Tri Delta Transit.

Mr. Himmel responded that he believed they could accommodate Tri Delta buses without any issue.

In response to Chair Gutilla, Mr. Serpa described the natural tot lot play area. He commented that he would gate the project if it was the direction from staff or the Planning Commission; however, queuing along Wilbur Avenue may be dangerous and there were potential maintenance issues. He noted this was a narrow site so he would prefer not to gate the project.

Commissioner Martin commented from a security point of view that he believed it may be advantageous to install a gate.

In response to Chair Gutilla, Planning Manager Hersch commented that there had been a change in the code, and they now required a certain percentage of EV charging stations on site for multi-family.

Chair Gutilla requested potentially invasive plant species be eliminated from the landscape list, specifically *Erigeron Karvinskianus* (Santa Barbara Daisy/Mexican Daisy/Mexican Fleabane) and *Carex Divulsa* (European Grey Sedge).

Vice Chair Riley stated he felt this was a good project and he was happy to see an increase in higher density multi-family housing.

Commissioner Schneiderman agreed with Vice Chair Riley and noted she liked that this project had 2 and 3 bedroom options for families.

Commissioner Lutz stated he was happy to see this project moving forward and he encouraged the applicant to work with Tri-Delta to make it easy for residents to access public transit.

**RESOLUTION NO. 2023-09**

***On motion by Vice Chair Riley, seconded by Commissioner Motts, the Planning Commission unanimously adopted the Resolution approving the Use Permit, Design Review, and Density Bonus for 810 Wilbur (Delta Courtyard Apartments) subject to the findings and Conditions of Approval with the following changes:***

- ***Eliminating the following potentially invasive plant species from the landscape list – Erigeron Karvinskianus (Santa Barbara Daisy/Mexican Daisy/Mexican Fleabane) and Carex Divulsa (European Grey Sedge)***

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

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

Chair Gutilla congratulated the applicant and stated they appreciated them for investing in Antioch and bringing much needed housing.

Mr. Serpa and Mr. Himmel thanked the Planning Commission for their time.

- 7-5. Appeal of Street Tree Permit at 411 W. 5<sup>th</sup> St.-** The appellant has filed an appeal of the Tree Committee’s decision approving a street tree removal permit request to remove two (2) London Plane trees at 411 W. 5<sup>th</sup> St. The appeal cites aesthetic concerns, violation of existing tree policy, and states that the removal is unnecessary and a detriment to the quality of life in the downtown neighborhood.

Commissioners Motts and Martin recused themselves from this item and turned off their video/audio.

Director of Community Development Ebbs presented the staff report dated February 15, 2023, recommending the Planning Commission adopt the Resolution approving removal of both street trees based on Planning Commission direction from October 5, 2022.

Joy Motts read a written statement pertaining to this agenda item and requested the Planning Commission reverse their decision approving the removal of the London Plane Landmark Trees on publicly owned land in front of 411 W. 5th Street.

Diane Gibson Gray expressed concern regarding the risk of someone getting hurt from branches breaking off the existing street trees due to heartrot decay. She commented that the City did not have a street tree policy that was consistent and equitable. She requested addressing this issue by removing and replacing the existing trees. With regards to a suggestion that she pay for the pruning of the trees next door, she requested the Planning Commission not require her to pay for that work.

Chair Gutilla opened the public comment period.

Sheri Thompson reported the previous owner maintained the trees which had helped eliminate the loss of tree limbs and part of the problem was that the trees were no longer regularly maintained. She commented that power lines were located on the opposite side of the street. She reported approximately 2 years ago, the sewer lines at this address were cleaned out and no roots were found in the sewer system. She expressed disappointment that the original decision was overturned at a meeting when Ms. Motts was not in attendance as she was participating in a debate. She suggested a fine be imposed for illegally cutting the trees down.

Planning Manager Hersch displayed a comment received online for review.

Chair Gutilla closed the public comment period.

Commissioner Schneiderman stated they had had an extensive discussion regarding this item in October and she was not inclined to change her vote. She stated she believed staff had presented compelling evidence to support the removal of the trees. She noted her parents had had experience regarding the removal of several trees in their neighborhood.

Commissioner Lutz stated that this would set precedent and his position had not changed. He noted regardless of what was decided this evening, the City needed to create a tree policy that could be applied consistently.

Commissioner Hills stated her position was the same because of the poor condition of these street trees. She asked if there was clarity on what a tree policy would look like and how it would be applied.

Director of Community Development Ebbs stated the street tree policy would be a new initiative that the Council would typically initiate. He noted at some point there would be General Plan and Zoning Ordinance updates where this item would be addressed. He explained the tree committee's decision in this case was based on potential for damage. He commented that London Plane Trees were beautiful; however, they were not designed for three-foot planter strips next to a sidewalk because they had aggressive roots and required a lot of water. He noted he would be surprised if there were any issues with the replacement trees.

Chair Gutilla reported that several Commissioners had agreed in the past that this matter did not seem like something that should be coming before the Planning Commission. She questioned how the City would be addressing the Planning Commission not mediating disputes between neighbors about tree policy.

Director of Community Development Ebbs stated this was a unique circumstance and he did not see it as a pattern. He noted as a Planning Commission some of their duties were to arbitrate some disagreements whether about gas stations or street trees.

**RESOLUTION NO. 2023-10**

***On motion by Commissioner Schneiderman, seconded by Commissioner Hills, the Planning Commission adopted the Resolution denying the appeal and approving removal of both street trees based on Planning Commission direction from October 5, 2022. The motion carried the following vote:***

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

Commissioners Martin and Motts returned to the meeting.

**8. ORAL/WRITTEN COMMUNICATIONS**

- 8-1. March 1, 2023 Planning Commission meeting canceled.**
- 8-2. Return to in-person Planning Commission meetings.**

Planning Manager Hersch announced the next Planning Commission meeting for March 1, 2023, was cancelled and the Planning Commission would return to in-person meetings on March 15, 2023. She questioned if Planning Commissioners would need an iPad or printed packets for future meetings. She confirmed that previously Commissioner Schneiderman and Chair Gutilla indicated they preferred paper packets and Commissioner Hills and Martin had preferred Ipads.

Commissioners Lutz and Martin stated they would be using their own personal devices.

Commissioner Motts stated he preferred paper packets.

Vice Chair Riley stated he would prefer utilizing an Ipad.

Commissioners Schneiderman and Motts stated they would print out and bring what they wanted from the agenda packets.

Planning Manager Hersch announced that she had accepted a position with the City of Dublin, and this was her last Planning Commission meeting. She expressed her appreciation to the Planning Commission for their kindness and professionalism. She thanked them for the opportunity to serve as their liaison.

Chair Gutilla thanked Planning Manager Hersch for everything she had done and stated it had been a pleasure. She wished her good luck in Dublin.

Director of Community Development Ebbs thanked Planning Manager Hersch for her work with the Planning Commission.

Commissioner Martin congratulated Planning Manager Hersch and thanked her for all her help. He questioned if the Housing Element was submitted to Sacramento.

Planning Manager Hersch announced the Housing Element had been approved prior to the deadline. She reported there had been a follow-up meeting with HCD and they were on track to certification within the timeframes. With regards to future in-person meetings, she noted there were technological issues that would have to be examined.

Director of Community Development Ebbs added that in-person meetings would start very basic and as resources and comfort grows, they may add some features. He noted they did not anticipate taking public comments via zoom initially. He further noted a new system had been installed since COVID.

Chair Gutilla questioned who would be staffing future meetings.

Director of Community Development Ebbs commented that Senior Planners Scudero and Merideth and Associate Planner Cortez would be filling the gap and the General Plan Update may be delayed until a Planning Manager was hired. He commented that there was a lot of competition for HR recruiting resources and noted they would be working to balance priorities within their department.

## 9. COMMITTEE REPORTS

Commissioner Motts reported on his attendance at the TRANSPLAN meeting.

## 10. NEXT MEETING: March 15, 2023

Chair Gutilla announced the next Planning Commission meeting was March 15, 2023, and was planned to be in-person.

## 11. ADJOURNMENT

*On motion by Commissioner Martin, seconded by Commissioner Lutz, the Planning Commission unanimously adjourned the meeting at 9:53 P.M. The motion carried the following vote:*

<b>AYES:</b>	<b>Schneiderman, Martin, Motts, Hills, Lutz, Riley, Gutilla</b>
<b>NOES:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>None</b>
<b>ABSENT:</b>	<b>None</b>

Respectfully submitted:  
KITTY EIDEN, Minutes Clerk