

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**September 7, 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, September 7, 2022. 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/. Public comments that were previously submitted by mail or email have been provided to Planning Commissioners.

2. ROLL CALL

Present: Commissioners Schneiderman, Martin, Hills, Lutz, Vice Chair Riley and Chair Gutilla
Absent: Commissioner Motts
Staff: Legal Counsel, Ruthann Ziegler
Director of Community Development, Forrest Ebbs
Director of Public Works/City Engineer, John Samuelson
Planning Manager, Anne Hersch
Associate Planner, Jose Cortez
Community Development Technician, Hilary Brown
Minutes Clerk, Kitty Eiden

3. PLEDGE OF ALLEGIANCE

Chair Gutilla led the Pledge of Allegiance.

4. EX-PARTE COMMUNICATIONS - None

5. PUBLIC COMMENT – None

6. CONSENT CALENDAR

6-1. Planning Commission Meeting Minutes June 15, 2022

On motion by Commissioner Martin, seconded by Commissioner Lutz, the Planning Commission members present approved the Minutes of June 15, 2022. The motion carried the following vote:

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

7. PUBLIC HEARING

- 7-1. UP-21-13, AR-21-12 Mahogany Car Wash at 2410 Mahogany Way-** The applicant is seeking Use Permit, and Design Review approval for a new automated car wash at 2410 Mahogany Way. The subject site is 0.81 acres and partially developed with a parking lot and building pad. The site was previously a restaurant use. The building was demolished in 2019. The project scope includes construction of an automated 3,628 sq. ft. car wash, with development of the parking lot to include vacuum stalls. The building will be comprised of “Mindful Gray” painted stucco in, “Mindful Gray” color, “sealskin” trim, brick veneer, and a prefab metal roof. Hours of operation are proposed to be 7 AM to 9 PM, 7 days a week. There will be 2 shifts and 2 employees per shift during business hours.

Associate Planner Cortez presented the staff report dated September 7, 2022, recommending the Planning Commission adopt the Resolution approving development of a new carwash at 2410 Mahogany Way subject to the findings and Conditions of Approval.

Sean Singh, Co-Owner of Mahogany Carwash, thanked Associate Planner Cortez and the Planning Department for the staff report. He gave a background of his business experience and a brief overview of the express tunnel carwash project. He explained that this project would include pet wash services. He stated they would hire local and employ 2-3 employees per shift, which could increase depending on volume. He explained the business would be eco-friendly. He announced that they would work with CCWD to provide coupons for Antioch residents.

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

In response to the Commissioner Schneiderman, Mr. Singh reviewed site security.

Commissioner Schneiderman stated she believed this carwash would be a good addition to Antioch and wished Mr. Singh good luck with his project.

Commissioner Martin congratulated Mr. Singh on his presentation. He questioned the cost of the carwash service and asked the applicant to describe the dog wash area. Mr. Singh stated that he anticipated the cost would be \$10.00 - \$18.00 depending on the level of carwash service. He displayed the layout and gave a brief description of the dog wash area.

Commissioner Hills spoke in support of the dog wash feature.

In response to Commissioner Hills, Mr. Singh stated that they intended to be the operator for the carwash, and they were in the process of developing a brand image.

Commissioner Lutz stated this business would be a great fit for this area. He questioned if the dog wash would be coin operated and if any other items would be sold on site.

Mr. Singh confirmed that the dog wash would be coin operated and self-contained. He noted employees would be on site if anyone needed assistance with this feature. He clarified that they may sell items in their lobby depending on customer's needs.

Vice Chair Riley spoke in support of the outdoor commercial dog wash area.

Mr. Singh stated they were willing to add more dog wash stations if needed and explained that different payment methods would be available.

Commissioner Martin stated the addition of this business would improve the area.

In response to Commissioner Martin, Associate Planner Cortez stated the location of the trash container was conditioned by the City's Engineering Division to address garbage pickup maneuverability on the site

Commissioner Martin stated it looked like it would be more convenient and esthetically pleasing to locate the trash container on the southeast area of the property. He requested the engineering department consider that option.

Associate Planner Cortez added that one of the primary concerns was the location of the bio retention basin.

Planning Manager Hersch stated they met with the Engineering Division who looked closely at this project and their recommendations were based on regulatory compliance.

Commissioner Martin questioned what would occur if Caltrans did not approve the location of the retaining wall.

Associate Planner Cortez commented that Engineering's recommendation was to reach out to Caltrans to see what they would allow. He noted the applicant did their due diligence regarding the location of retaining walls.

Planning Manager Hersch stated staff would work the applicant and Caltrans to find a solution if the retaining wall location was not approved. She noted it would not prevent the project from being built.

Commissioner Martin stated he liked the project and felt it was a good fit for the area.

In response to Chair Gutilla, Mr. Singh stated there would be no access to the property once the business was closed. In terms of the dog wash, if needed they would be willing to invent some other security measures such as a locked gate or on-site security.

RESOLUTION NO. 2022-24

On motion by Commissioner Martin, seconded by Commissioner Schneiderman, the Planning Commission members present unanimously adopted the Resolution approving development of a new carwash at 2410 Mahogany Way subject to the findings and Conditions of Approval. The motion carried the following vote:

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

- 7-2. Appeal of Tree Committee Approval Granting a Street Tree Removal Permit at 411 W. 5th 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. 5th St. The appeal cites aesthetic concerns, violation of existing tree policy, and the removal is unnecessary and a detriment to the quality of life in the downtown neighborhood.

Commissioner Martin recused himself from Public Hearing 7-2 and turned off his audio and video for the meeting.

Director of Community Development Ebbs presented the staff report dated September 7, 2022, recommending the Planning Commission adopt the Resolution upholding the Tree Committee's approval to remove two street trees at 411 W. 5th St.

In response to Commissioner Lutz, Director of Community Development Ebbs explained the Board of Administrative Appeals was cited in the Zoning Ordinance as the appellant body; however, another section of that document stated any appeal of Zoning Ordinance items shall go to the Planning Commission. He commented the City Attorney determined that this item needed to go before the Planning Commission since they had authority over

the Zoning Ordinance, and the Board of Administrative Appeals should have never been referenced.

At the request of Diane Gibson-Gray, Applicant, and in consultation with Director of Community Development Ebbs, Chair Gutilla stated the Commission would hear Public Comment first and the Applicant and Appellant comments would follow.

Chair Gutilla opened the public comment period.

Andrew Becker stated he was disheartened to hear how this issue came forward and expressed concern that the applicant and appellant were not focused on more important issues.

Chair Gutilla reminded speakers to direct their comments to the Planning Commission.

Sheri Thompson, Antioch resident, stated she lived in the area and had a similar situation with tree roots raising the sidewalk and entering the sewer system. She noted this issue was part of being a property owner downtown. She reported the tree that was pruned had survived and looked beautiful.

Rick Stadlander stated the trees were healthy and suggested a permanent solution would be to install a modern sewer line. He proposed that neighbors could share in the expense and labor for the new sewer line. He stated he felt property values and the quality of life would be negatively affected with removal of these trees.

Rachel Motts, speaking on behalf of keeping the legacy trees safe on 5th Street in downtown Antioch, recommended these trees be preserved.

Molly Ayres, Antioch resident, spoke in support of allowing the trees to remain. She reported that after the City stopped the applicant from removing the trees, neighbors received notifications from the City that roots were lifting sidewalks. She requested the City work with the homeowner to allow her to retain the trees and repair the sewer line. If the trees were removed, she suggested they be replaced with fast-growing trees.

Chair Gutilla closed the public comment period.

Diane Gibson-Gray, Applicant, reported the tree roots had caused \$6000 in sewer line repairs and she also replaced the sidewalk. She explained when she applied for the permit, her sidewalk along with other neighborhood sidewalks in need of repairs were tagged by Code Enforcement. She clarified that the arborist and City provided compelling reasons to remove the trees. She stated that her intention was to remove and replace the trees with city approved trees and repair the sidewalk to prevent future problems.

Joy Motts, Appellant, spoke in support and discussed the benefits of maintaining tree-lined streets in downtown Antioch. She stated the unpermitted attempt to remove these trees was arbitrary, unnecessary and a determinant to the City. She noted the repair of

sidewalks and public infrastructure was the responsibility of the homeowner. She requested the Planning Commission deny this application, protect the landmark trees and allow them to hire their own arborist.

In response to Chair Gutilla, Director of Community Development Ebbs stated that he believed the times allowed for public comment satisfied the City's need to allow for rebuttals.

Commissioner Schneiderman commented that the landscape strip was insufficient for a large tree and replacing them with crepe myrtle trees would be appropriate since the existing trees were unhealthy. She expressed concern that raised sidewalks were a public safety concern and agreed with the City's recommendations.

In response to Commissioner Hills, Director of Community Development Ebbs displayed photographs provided by the appellant of the current condition of trees A and B as well as the arborist report.

In response to Commissioner Lutz, Director of Community Development Ebbs explained that the trees were in the public right of way; however, the City ordinance indicated that the responsibility to maintain sidewalk, trees, and landscaping fell on the adjacent property owner.

Commissioner Lutz stated this was a complicated issue and difficult decision. He stated he did not understand why this item was before the Planning Commission since it was not a planning issue. He believed this was a City issue since they initially planted the trees. He spoke in support of the formation of a tree committee, the development of a tree policy and hiring of a city arborist. He suggested removing only the tree that was in poor condition.

Chair Gutilla agreed with Commissioner Lutz that the decision was complicated and may set precedent. She stated based on the arborist report, photos, and unpermitted pruning, she supported the removal of tree B. She also supported reversing the decision for tree A since it had several years of life left. She noted the arborist recommendation for pruning may preserve or extend the longevity of that tree. She further noted leaving tree A would have a lesser water demand and provide shade which would help establish the tree B replacement. She suggested staggering replacement of street trees to provide a more cohesive look. She commented that the existing trees were inappropriately sized for their location. She suggested replacing tree B with a more appropriately sized drought tolerant tree. She also felt tree A should be trimmed by a licensed arborist.

Commissioner Hills questioned if there was a current program the City could offer for tree pruning.

Director of Public Works/City Engineer Samuelson explained the City had a cost sharing program for sidewalk repairs; however, it did not apply to trees and the City did not provide

recommendations for arborist due to liability issues. He added that power line issues were deferred to PG&E for their recommendations.

Commissioner Hills questioned where the public could go to have their future tree concerns addressed.

Director of Community Development Ebbs referred them to the planning division who were experts on the city's tree preservation policies contained within the Zoning Ordinance.

Director of Public Works/City Engineer Samuelson reported staff received several requests for tree removals and permits were not uncommon. He noted that typically public works did the evaluations; however, in certain cases they hired an arborist. He explained that this item was before the Commission because the decision was appealed.

In response to Commissioner Schneiderman, Director of Community Development Ebbs clarified that staff did not require people to trim their trees.

In response to Chair Gutilla, Director of Public Works/City Engineer Samuelson stated because of the narrow nature of the area, there were a couple of options for replacement trees. He noted Public Works staff could work with residents to determine an appropriate replacement.

Following discussion, Director of Community Development Ebbs stated if the Planning Commission majority wanted to keep one tree and allow removal of the other, they could provide that direction to staff and they would return at the next Planning Commission meeting with a formal resolution that reflected that direction.

In response to Vice Chair Riley, Director of Public Works/City Engineer Samuelson confirmed they have had problems with the sewer lateral being clogged from the roots of this tree.

Commissioners Lutz and Hills stated they supported the removal of tree B and retaining tree A.

Commissioner Schneiderman stated she supported staff's recommendation for removal of both trees.

Vice Chair Riley supported the removal of tree B and retaining and possibly pruning tree A. He sympathized with the homeowner regarding the impact to the sewer and water lines.

Outside Legal Counsel Ziegler suggested with a majority of the Commission in support of removing tree B and retaining tree A, the motion could be to direct staff to bring back a resolution granting the appeal in part and denying the appeal in part. As a result, they

would be granting the appeal as to tree A and denying the appeal as to tree B, and staff would bring back findings to support a resolution.

Planning Manager Hersch also recommended the item be continued to October 5, 2022.

On motion by Vice Chair Riley, seconded by Commissioner Lutz, the Planning Commission directed staff to bring back a resolution, granting the appeal in part and denying the appeal in part, granting the appeal for street tree A and denying the appeal for street tree B, with the findings to support a resolution and continued to October 5, 2022. The motion carried the following vote:

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

Commissioner Martin returned to the meeting.

8. ORAL/WRITTEN COMMUNICATIONS

8-1. Planning Commissioner Meeting Canceled September 21, 2022

Planning Manager Hersch announced the September 21, 2022, Planning Commission meeting was canceled. She reported that she had emailed all Planning Commissioners information on ethics training, and she encouraged Commissioners to complete it when they had time available. She noted best practice was to complete it every two years.

9. COMMITTEE REPORTS - None

10. NEXT MEETING: October 5, 2022

Chair Gutilla announced the next Planning Commission meeting would be held on October 5, 2022.

11. ADJOURNMENT

On motion by Commissioner Schneiderman, seconded by Commissioner Hills, the Planning Commission members present unanimously adjourned the meeting at 8:06 P.M. The motion carried the following vote:

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

Respectfully submitted:
KITTY EIDEN, Minutes Clerk