

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**October 5, 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, October 5, 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, Motts, Hills, Lutz, Vice Chair Riley and Chair Gutilla
Staff: Director of Public Works/City Engineer Samuelson
Planning Manager, Anne Hersch
Senior Planner, Kevin Scudero
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

Commissioner Martin requested items 6-1 and 6-2 be pulled from the Consent Calendar for separate action. He stated he would abstain from item 6-1 as he was absent for the August 17, 2022, meeting.

6-1. Planning Commission Meeting Minutes August 17, 2022

On motion by Commissioner Hills, seconded by Commissioner Schneiderman, the Planning Commission members present unanimously approved the Minutes of August 17, 2022. The motion carried the following vote:

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

- 6-2. **Contd. from September 7, 2022** 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.

Planning Manager Hersch presented a summary of the staff report dated October 5, 2022.

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

Diane Gibson Gray explained that her request for the removal of the trees was related to safety only. She noted as the property owner, she was responsible for property and civil damages that would likely occur. She gave a history of the property and discussed the sidewalk hazards created by the trees. She reported there were empty concrete planters and new trees planted throughout the neighborhood. She stated if the decision of the Planning Commission was to have the second tree remain, she wanted to go on record that per the arborist report, there were current and foreseeable safety concerns, and she was prevented from taking corrective action to mitigate the issues; therefore, liability should shift to the City or appellant.

In response to Commissioner Schneiderman, Planning Manager Hersch explained the action this evening related to authorizing the removal of the trimmed tree and maintaining the existing intact tree.

Vice Chair Riley stated he had proposed the original motion to approve the removal of Tree B and deny the removal of Tree A; however, after reading the comment letter submitted by Ms. Gibson-Gray he was reconsidering her application for the removal of both trees due to evidence showing significant damages and safety concerns.

Commissioner Schneiderman stated trees causing uneven sidewalks was a public safety concern. She questioned if the exorbitant costs of keeping the trees was fair to the homeowner. She commented that the area was too narrow for large trees. She believed City staff should be responsible for deciding public safety issues not the Planning Commission.

Commissioner Lutz sympathized with the applicant but felt if the tree was not protected then anyone could remove landmark trees that caused sidewalk or sewer line issues. He noted it was the homeowner's responsibility to maintain the sidewalk and trees. He further noted if the applicant purchased the property in 2014, she had to be aware of the issue. He felt the decision to keep one tree and remove the other was a fair compromise.

Commissioner Hills stated she agreed with Vice Chair Riley and questioned who would be liable if someone tripped on the sidewalk and harmed themselves.

Director of Public Works/City Engineer Samuelson responded the property owner was responsible for maintenance of the sidewalk and would be legally responsible if someone tripped and harmed themselves. He reported the City split the cost for sidewalk repairs at this location with the property owner.

Chair Gutilla stated if branches fell from the tree, they could cause significant damage and noted the trees proximity to the water meter was also concerning. She commented that the goal of tree preservation was to make it difficult for homeowners to remove them because there was value in maintaining them. She noted it should have been obvious when the home was purchased that there were ongoing issues with the tree and the homeowner became aware of the severity of those damages once they owned the home. She commented that given the additional information and supporting photographs she felt it was reasonable to remove both trees and replace them with more appropriately sized and less root demanding trees.

In response to Vice Chair Riley, Planning Manager Hersch stated if the direction of the Planning Commission was to support the removal of both trees, they could stipulate the street trees be replaced with appropriate tree plantings from the approved street tree list. She added that this item could be continued to October 19, 2022, and staff could provide findings that reflected the direction to allow for the removal of both trees. She stated she would provide the Commission with the approved street tree list.

Following discussion, consensus of the Planning Commission supported removing both trees and replacing them with plantings from the street tree list.

Commissioner Lutz stated his position remained unchanged and he was in support of removing one tree and keeping the other.

Vice Chair Riley stated for the record that it was unfortunate that Tree B was removed because had the proper path been taken, he believed Tree A could have been removed because it was responsible for causing the damage to the water lines and Tree B, being more distant, could have been saved.

On motion by Commissioner Schneiderman, seconded by Commissioner Hills, the Planning Commission continued Consent Calendar Item 6-2 to October 19, 2022, and directed staff to provide findings to support removal of both trees. With the addition of a condition that required the replacement of street trees with trees from the City's approved street tree list. The motion carried the following vote:

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

Commissioner Martin and Motts returned to the meeting prior to Public Hearing Item 7-1.

7. PUBLIC HEARING

- 7-1. PD-22-03, UP-22-08, AR-22-07: Travis Credit Union at 3500 Hillcrest-**
The applicant is seeking Planned Development Rezone, Final Development Plan, Use Permit and Design Review approval for the construction of a new Travis Credit Union and associated site improvements at 3500 Hillcrest Avenue. The subject site is a 1.48-acre vacant parcel. The project scope includes the construction of new 3,525 square foot bank building with a drive-up ATM. Site improvements include the construction of a new parking lot, site lighting, landscaping and stormwater detention basins. The site will have twenty-seven (27) off-street parking spaces. Operating hours are proposed to be 10 am-5:30 pm, Monday - Friday, 10 am – 2 pm on Saturday and closed on Sundays. There will be a total of 11 full-time employees on a typical shift.

Senior Planner Scudero presented the staff report recommending the Planning Commission adopt the Resolution recommending City Council approve the entitlements request for Travis Credit Union subject to the findings and Conditions of Approval.

Jason Patty thanked the Planning Commission for reviewing the project. He noted they had started incorporating the comments from the conditions of approval into their plans. He stated that they looked forward to building in Antioch.

Chair Gutilla opened and closed the public hearing with no speakers requesting to speak. In response to Commissioner Martin, Mr. Patty confirmed that this project would replace an existing location.

In response to Commissioner Martin, Senior Planner Scudero confirmed that there were two monument signs and project specific condition #25 could be deleted as it did not apply to this project. He explained the retaining wall would be approved by the Zoning Administrator.

Mr. Patty confirmed that the road to the west of this location had access to the property.

Tony Perfetto added that there were CC&Rs for the neighboring property that allowed for cross access from the road, and they planned to record a reciprocal access easement for the property to the east.

Commissioner Martin stated he liked the design of the project

Chair Gutilla stated she was pleased that the sidewalks would be widened on Hillcrest Avenue. She questioned if Antioch had a reclaimed water condition of approval.

Director of Public Works/City Engineer Samuelson stated that he did not believe reclaimed water was available in this area.

In response to Chair Gutilla, Mr. Patty explained the drive through canopy would cover the drive for access to an ATM outside the building. He noted no enhanced drive-up services would be available.

In response to Commissioner Martin's earlier question, Mr. Patty explained the wall would be a keystone retaining wall in line with the surrounding area.

Chair Gutilla commented dwarf fountain grass was on a potentially invasive list for the state and recommended it be replaced with Pink Muhly or Oriental Fountain Grass.

Commissioner Motts spoke in support of the project.

Vice Chair Riley welcomed the new Travis Credit Union location to Antioch and stated it was a great project.

RESOLUTION NO. 2022-25

On motion by Commissioner Martin, seconded by Commissioner Schneiderman, the Planning Commission unanimously adopted the Resolution recommending to the City Council approval of an Ordinance to Rezone to Planned Development District for the Travis Credit Union Project Located at 3500 Hillcrest Avenue (PD-22-03) (APN: 052-370-010). The motion carried the following vote:

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

Speaking to the following motion: Senior Planner Scudero stated with a clarification that there would be access to the west of this project, no conditions of approval needed to be added regarding that item.

RESOLUTION NO. 2022-26

On motion by Commissioner Martin, seconded by Commissioner Motts, the Planning Commission unanimously adopted the Resolution recommending City Council approve a Final Development Plan, Use Permit, and Design Review for the Travis Credit Union Project located at 3500 Hillcrest Avenue subject to the Findings and Conditions of Approval (PD-22-03) (UP-22-08) (AR-22-07) (APN:052-370-010) with the following revisions:

- ***Eliminate project specific condition #25***
- ***The applicant shall eliminate dwarf fountain grass and replace it with Pink Muhly or Oriental Fountain Grass.***

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 thanked them for investing in Antioch.

The applicants thanked the Planning Commission for their approval.

Commissioner Martin thanked the applicant for bringing a new project to Antioch.

- 7-2 Z-22-05: Buchanan Crossings Parcel 7 Rezone, Buchanan Road-** The City of Antioch is proposing to rezone Parcel 7 of the Buchanan Crossings project to include the Commercial Infill Housing (CIH) Overlay Zoning District. The CIH Overlay District will allow residential development on the subject site. The adjacent parcel was rezoned to include the CIH Overlay District on April 26, 2022 (Ord. No. 2210-C-S).

Planning Manager Hersch presented the staff report recommending the Planning Commission adopt the Resolution recommending City Council approve the rezone request for Buchanan Crossings Parcel 7.

Commissioner Motts reported the State just passed two bills regarding the conversion of unused and vacant commercial property into infill housing. He questioned if this item was related to that action.

Planning Manager Hersch explained that this item was directly related to the effort the City undertook using SB2 funds. She noted she was familiar with the new State laws and one of the key requirements was prevailing wage and the City did not have that requirement locally.

Commissioner Martin questioned if adding this property changed the analysis given for Bucannon Crossings.

Planning Manager Hersch explained that this site was not a housing element opportunity site. She noted all the CIH zoned parcels still retained underlying commercial zoning with flexibility to be redeveloped for residential uses, so they were not counted in the housing element. She further noted this was proceeding independent of the element update.

Vice Chair Riley questioned if any developers were looking at this parcel.

Planning Manager Hersch commented that she spoke to a developer in June who was interested in potentially pursuing a project; however, it was not financially viable because of this exclusion. She noted there was also another developer who may pursue development once this rezone was approved.

Chair Gutilla opened the public comment period.

Andrew Becker stated he felt infill parcels for housing was a great opportunity to bring mixed use; however, his concern was that staff had moved quickly and encouraged developers without addressing inclusionary zoning, in lieu or linkage fees to address the City's low-income affordable housing needs.

Chair Gutilla closed the public comment period.

Commissioner Motts agreed with Mr. Becker's comments. He noted there may be a need for commercial development in this area so the City could capture sales tax dollars.

RESOLUTION NO. 2022-27

On motion by Commissioner Martin, seconded by Vice Chair Riley, the Planning Commission unanimously adopted the Resolution recommending City Council approve the Ordinance to rezone Parcel 7 of Buchanan Crossings to include the Commercial Infill Housing (CIH) Overlay District (APN: 074-480-007) (Z-22-05). The motion carried the following vote:

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

- 7-3. Z-22-06: Lakeview Center Parcel 5 Rezone, Lone Tree Way and Golf Course Road** - The City of Antioch is proposing to rezone Parcel 5 of the Lakeview Center project to include the Commercial Infill Housing (CIH) Overlay District to the subject site. The CIH Overlay District allows residential development to occur on the parcel. Three vacant parcels in the development were rezoned to include the CIH Overlay District on April 26, 2022 (Ord. No. 2210-C-S).

Planning Manager Hersch presented the staff report recommending the Planning Commission adopt the Resolution recommending City Council approve the rezone request for Lakeview Center Parcel 5.

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

Commissioner Martin commented that he hoped developing housing was not eliminating retail projects that supported the City.

RESOLUTION NO. 2022-28

On motion by Commissioner Martin, seconded by Commissioner Motts, the Planning Commission unanimously adopted the Resolution recommending City Council approve the Ordinance to rezone Parcel 5 of Lakeview Center to include the Commercial Infill Housing (CIH) Overlay District (Z-22-06). The motion carried the following vote:

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

8. ORAL/WRITTEN COMMUNICATIONS

Planning Manager Hersch reminded Commissioners to complete Ethics Training. She thanked Commissioner Martin and Chair Gutilla for completing training. She reported she attended the State Planning Conference and presented on Commercial Infill Housing.

Commissioner Martin questioned if there were any plans from the City to update the Ordinance dealing with Tree Preservation and Regulations, including the appeals process.

Planning Manager Hersch responded that there had been no formal direction to do so; however, it could be brought forward in the future to determine which process would work best to address the removal of street trees

Commissioner Martin recommended staff begin looking into this matter because he felt ill at ease that the Planning Commission was policing this process.

Commissioner Martin questioned if there had been discussions with regards to adding regulations for inclusionary housing. He commented that he had visited the East 18th Street property which was a great project and noted that he would like to see more of those types of projects; however, he would have liked the project to have included solar. He requested staff start looking at more of these types of developments to help the City meet State requirements.

Commissioner Hills reported she had not received the zoom link for this and the last Planning Commission meetings.

Chair Gutilla reported she also did not receive the zoom links; however, she realized that a past link could be used to log into the meeting.

Planning Manager Hersch confirmed that the meetings were held as recurring webinars, so the link remained the same.

Commissioner Hills and Chair Gutilla reported they had not received any information regarding the Planning Commission Training Seminar that would be occurring October 21, 2022.

Planning Manager Hersch responded that she would reach out to get more information for Commissioners.

Commissioner Lutz stated he planned to sign up and attend the seminar.

In response to Chair Gutilla, Planning Manager Hersch stated Commissioners were welcomed to carpool to the event.

Commissioner Motts stated he was in support of staff addressing inclusionary housing and all aspects of the tree ordinance as well as a policy for supporting tree planting and preservation of landmark/old growth trees.

Commissioner Lutz agreed and stated he did not feel it was appropriate for the Planning Commission to rule on trees. He suggested staff look at other cities that have effective tree policies.

Commissioner Schneiderman commented that the tree issue should have been a staff function. She reported that she frequently walked to the park in the evening near the soccer fields on James Donlon Blvd and players at night were not using the bathroom to relieve themselves. She suggested the City install a portable toilet or build a bathroom by the turf fields.

Director of Public Works/City Engineer Samuelson responded that he would investigate how they could mitigate this problem.

Commissioner Hills questioned if the Planning Commission could form an Ad Hoc Committee to discuss a tree policy.

Planning Manager Hersch stated staff could agendaize this item for future discussion and determine if more conversation was warranted. She stated she understood the Planning Commissioner's concerns.

Chair Gutilla stated she looked forward to a future agenda item regarding a tree policy.

9. COMMITTEE REPORTS -

Commissioner Motts reported that the TRANSPLAN meeting had been cancelled.

10. NEXT MEETING: October 19, 2022

Chair Gutilla announced the next Planning Commission meeting would be held on October 19, 2022.

11. ADJOURNMENT

On motion by Commissioner Lutz, seconded by Commissioner Martin, the Planning Commission members present unanimously adjourned the meeting at 8:01 P.M. The motion carried the following vote:

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

Respectfully submitted:
KITTY EIDEN, Minutes Clerk