

**PLANNING COMMISSION
RESOLUTION # 2023-19**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING THAT THE CITY COUNCIL ADOPT THE ORDINANCE AMENDING
§ 9-5.2609 OF THE ANTIOCH MUNICIPAL CODE REGARDING DESIGN GUIDELINES
(LA2023-0002)**

WHEREAS, Chapter 5, Article 26 of the Antioch Municipal Code (“AMC”) establishes the design review responsibilities and duties within the City of Antioch;

WHEREAS, § 9-5.2609 regulates design guidelines within the City by stating that City Council may approve design guidelines to establish criteria for site planning, landscape treatment, building design, and signs;

WHEREAS, the proposed ordinance expands design guidelines to also include objective design standards, clarifies which chapters of the current Citywide Design Guidelines are applicable, codifies that Council may approve objective design standards, and outlines an exception process for object design standards;

WHEREAS, the ordinance is not considered a project under the California Environmental Quality Act under the commonsense exemption (CEQA Guidelines 150361(b)(3)) because it will not have a direct or reasonably foreseeable indirect physical change or effect on the environment;

WHEREAS, a public hearing notice was published in the East County Times and posted in three public places pursuant to California Government Code Section 65090 on July 7, 2023, for the public hearing held on July 19, 2023; and

WHEREAS, the Planning Commission held a public hearing and considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Antioch hereby **RECOMMENDS** that the City Council adopt the proposed ordinance, attached hereto as Exhibit A, amending § 9-5.2609 of the Antioch Municipal Code.

* * * * *

I HEREBY CERTIFY the foregoing resolution was duly adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 19th day of July 2023.

AYES: Schneiderman, Motts, Lutz, Gutilla

NOES: None

ABSTAIN: None

ABSENT: Hills, Martin, Riley

Kevin Scudero
Kevin Scudero (Sep 15, 2023 12:53 PDT)
Kevin Scudero
Secretary to the Planning Commission
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EXHIBIT “A”

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AMENDING § 9-5.2609 OF THE ANTIOCH MUNICIPAL CODE REGARDING DESIGN GUIDELINES (LA2023-0002)

The City Council of the City of Antioch does ordain as follows:

SECTION 1:

The City Council is committed to taking the steps necessary to promote and protect the public health, safety and general welfare. The City of Antioch has the authority to make and enforce within its limits all ordinances and regulations not in conflict with general laws. (Cal. Const. art. XI § 7) including, but not limited to, all rights and powers that are expressly granted and necessarily or fairly implied by state law.

SECTION 2:

The City Council finds that the public necessity requires the proposed zoning ordinance amendments to impose requirements within the City of Antioch that are consistent with State law; said amendments are not detrimental to properties within Antioch, and that the proposed zoning ordinance amendment is in conformance with the Antioch General Plan.

SECTION 3:

At its regular meeting of July 19, 2023, the Planning Commission recommended that the City Council adopt the Ordinance amending § 9-5.2609 of the Antioch Municipal Code.

SECTION 4:

§ 9-5.2609 is amended as follows:

§ 9-5.2609 DESIGN GUIDELINES AND OBJECTIVE DESIGN STANDARDS.

(A) The Planning Commission shall have the authority to develop and recommend for Council approval design guidelines and objective design standards to establish criteria for the review of those matters required to come before the Commission. The guidelines and standards may include criteria for site planning, landscape treatment, building design, and signs.

(B) The Citywide Design Guidelines, with the exception of Chapter 6 – Residential Design Guidelines prepared by Downtown Solutions and dated October 2009, are herein incorporated by reference.

(C) New construction and exterior remodels of residential uses are subject to the Single Family and Missing Middle Objective Design Standards and the Multi-Family Objective Design Standards, which may be adopted, amended, and repealed by City Council resolution.

(D) The Zoning Administrator, the Planning Commission and the City Council shall adhere to the adopted guidelines and standards, as amended, in site plan and design review as required in § 9-5.2607, and no such application shall be approved, unless it complies with the adopted guidelines and, unless findings can be made pursuant to

division (~~GG~~) of this section. Findings are not required to be made for development applications deemed complete prior to the adoption of this section.

(E) Ministerial residential projects shall be subject to the adopted standards and shall be reviewed against the adopted standards at building permit submittal. Findings are not required to be made for development applications deemed complete prior to the adoption of this section.

(F) In circumstances where conflicts arise between the design guidelines and standards and specific requirements of the zoning ordinance, then the design guidelines zoning ordinance shall supersede the zoning ordinance design guidelines and standards requirements.

(GG) In order to grant a waiver from adopted design guidelines and objective standards for projects, except as pursuant to division (H), the Zoning Administrator, Planning Commission or the City Council shall find at least one of the following:

(1) That because of special circumstances applicable to the subject property, including, but not limited to, size, shape, topography, location or surroundings, the strict application of the design guidelines is not feasible; or

(2) That the overall project has a quality design, the majority of the project is consistent with the design guidelines and minor discrepancies with the design guidelines will not create a development that is undesirable or unsightly; or

(3) That the project features a unique theme or style that is not addressed in the design guidelines, but the overall project is of such extraordinary design quality that the project will not create a development that is undesirable or unsightly.

(H) In order to allow modifications to the adopted Multi-family Objective Design Standards, the Zoning Administrator, Planning Commission or City Council shall follow the procedure set forth in § 9-5.702.

SECTION 5: Severability.

If any section, subsection, provision or part of this ordinance, or its application to any person or circumstance, is held to be unconstitutional or otherwise invalid, the remainder of this ordinance, and the application of such provision to other person or circumstances, shall not be affected thereby and shall remain in full force and effect and, to that end, the provisions of this ordinance are severable.

SECTION 6. CEQA.

The above amendments to the City's Municipal Code are not considered a project under the California Environmental Quality Act under the common sense exemption (CEQA Guidelines §15061(b)(3) because the proposed amendments will not have a direct or reasonably foreseeable indirect physical change or effect on the environment.

SECTION 7: Publication; Effective Date

This ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption and shall be published once within fifteen (15) days upon passage and adoption in a newspaper of general circulation printed and published in the City of Antioch.

* * * * *

I HEREBY CERTIFY that the forgoing ordinance was introduced and adopted at a regular meeting of the City Council of the City of Antioch, held on the ____ of ____ 2023, and passed and adopted at a regular meeting thereof, held on the ____ day of ____ 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

LAMAR A. THORPE
MAYOR OF THE CITY OF ANTIOCH

ATTEST:

ELIZABETH HOUSEHOLDER
CITY CLERK OF THE CITY OF ANTIOCH

Resolution 2023-19 LA2023-0002 Design Guideline Amendment

Final Audit Report

2023-09-15

Created:	2023-09-15
By:	Monique Villagrana (mvillagrana@antiochca.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAKbU_o8SrLKdRUyBZ_tHByMvKW5PIW0tZ

"Resolution 2023-19 LA2023-0002 Design Guideline Amendment" History

 Document created by Monique Villagrana (mvillagrana@antiochca.gov)

2023-09-15 - 7:46:45 PM GMT

 Document emailed to kscudero@antiochca.gov for signature


2023-09-15 - 7:47:06 PM GMT

 Email viewed by kscudero@antiochca.gov

2023-09-15 - 7:52:30 PM GMT

 Signer kscudero@antiochca.gov entered name at signing as Kevin Scudero

2023-09-15 - 7:53:44 PM GMT

 Document e-signed by Kevin Scudero (kscudero@antiochca.gov)

Signature Date: 2023-09-15 - 7:53:46 PM GMT - Time Source: server

 Agreement completed.

2023-09-15 - 7:53:46 PM GMT