

**ANNOTATED
AGENDA
CITY OF ANTIOCH PLANNING COMMISSION
ANTIOCH COUNCIL CHAMBERS
THIRD & "H" STREETS**

WEDNESDAY, APRIL 16, 2014

6:30 P.M.

**NO PUBLIC HEARINGS WILL BEGIN AFTER 10:00 P.M.
UNLESS THERE IS A VOTE OF THE PLANNING COMMISSION
TO HEAR THE MATTER**

APPEAL

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, APRIL 24, 2014.**

If you wish to speak, either during "public comments" or during an agenda item, fill out a Speaker Request Form and place in the Speaker Card Tray. This will enable us to call upon you to speak. Each speaker is limited to not more than 3 minutes. During public hearings, each side is entitled to one "main presenter" who may have not more than 10 minutes. These time limits may be modified depending on the number of speakers, number of items on the agenda or circumstances. No one may speak more than once on an agenda item or during "public comments". Groups who are here regarding an item may identify themselves by raising their hands at the appropriate time to show support for one of their speakers.

ROLL CALL

6:33 P.M.

| | |
|---------------|--------------------------|
| Commissioners | Hinojosa, Chair |
| | Motts, Vice Chair |
| | Baatrup |
| | Miller (absent) |
| | Westerman |
| | Pinto |

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

CONSENT CALENDAR

All matters listed under Consent Calendar are considered routine and are recommended for approval by the staff. There will be one motion approving the items listed. There will be no separate discussion of these items unless members of the Commission, staff or the public request specific items to be removed from the Consent Calendar for separate action.

1. **APPROVAL OF MINUTES:** April 2, 2014 **APPROVED**

* * * END OF CONSENT CALENDAR * * *

MINUTES

NEW ITEM

2. **PW-150-14 – The City of Antioch** is requesting a determination that the 2014-2019 Capital Improvement Program is consistent with the Antioch General Plan.

DETERMINATION MADE

NEW PUBLIC HEARINGS

STAFF REPORT

3. **UP-13-12 – Mission-Hope Day Program** – Mission-Hope Day Program requests the approval of a use permit to operate an adult day care that provides services for developmentally disabled adults. The project site is located at 10 South Lake Drive (APN 065-235-019).

STAFF REPORT

CONTINUED TO MAY 7, 2014

4. **The City of Antioch** is proposing Zoning Ordinance and General Plan amendments to implement the 2007 – 2014 Housing Element Program. The Planning Commission will consider a recommendation to rezoning several parcels, new Multi-Family Residential Development Standards, updates to Parking and Density Bonus ordinances, and several other amendments related to the implementation of the 2007-2014 Housing Element. In compliance with the California Environmental Quality Act, a Negative Declaration is being proposed for adoption.

STAFF REPORT

RESOLUTION NO. 2014-14
RESOLUTION NO. 2014-15

OTHER ITEM

5. **Election of Chair and Vice Chair.**

CHAIR:

KRYSTAL HINOJOSA

VICE CHAIR:

KERRY MOTTS

ORAL COMMUNICATIONS

STAFF REPORT

WRITTEN COMMUNICATIONS

COMMITTEE REPORTS

ADJOURNMENT (9:52 PM)

Notice of Availability of Reports

This agenda is a summary of the discussion items and actions proposed to be taken by the Planning Commission. For almost every agenda item, materials have been prepared by the City staff for the Planning Commission's consideration. These materials include staff reports which explain in detail the item before the Commission and the reason for the recommendation. The materials may also include resolutions or ordinances which are proposed to be adopted. Other materials, such as maps and diagrams, may also be included.

All of these materials are available at the Community Development Department located on the 2nd floor of City Hall, 3rd and H Streets, Antioch, California, 94509, between the hours of 8:00 a.m. and 11:30 a.m. or by appointment only between 1:00 p.m. and 5:00 p.m. Monday through Thursday for inspection and copying (for a fee). Copies are also made available at the Antioch Public Library for inspection. Questions on these materials may be directed to the staff member who prepared them, or to the Community Development Department, who will refer you to the appropriate person.

Notice of Opportunity to Address the Planning Commission

The public has the opportunity to address the Planning Commission on each agenda item. You may be requested to complete a yellow Speaker Request form. Comments regarding matters not on this Agenda may be addressed during the "Public Comment" section on the agenda.

Accessibility

The meetings are accessible to those with disabilities. Auxiliary aids will be made available for persons with hearing or vision disabilities upon request in advance at (925) 779-7009 or TDD (925) 779-7081.

**CITY OF ANTIOCH
PLANNING COMMISSION MINUTES**

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

**April 2, 2014
City Council Chambers**

CALL TO ORDER

Chair Hinojosa called the meeting to order at 6:30 p.m. on Wednesday, April 2, 2014, in the City Council Chambers. She 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 decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on Thursday, April 10, 2014.

ROLL CALL

Present: Commissioners Pinto, Baatrup and Westerman
Chair Hinojosa and Vice Chair Motts
Absent: Commissioner Miller
Staff: Senior Planner, Mindy Gentry
City Attorney, Lynn Tracy Nerland
Legal Consultant, Trip May
Minutes Clerk, Cheryl Hammers

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

Kevin Dunham spoke regarding a decision made last year approving a dog day care on Devpar Court. He said that he has been in business since 1982 and their front doors and his front door face each other, and that dogs bark non-stop most of the day and increases from 11:30 to 1:00 when they lock the doors for lunch and leave. He said that he helped unload the kennels they use and that the back half is full of cages. He has a tenant in the building who is looking for a new spot after being there for 20 years. He said that he has spoken to Code Enforcement who indicated that they are focused on residential uses.

City Attorney Nerland clarified that Mr. Dunham was both an owner of property there as well as a tenant.

Senior Planner Gentry asked Mr. Dunham to leave his contact information for staff to contact him.

CONSENT CALENDAR

1. **Approval of Minutes:** A. **February 19, 2014**

B. March 5, 2014

On motion by Commissioner Westerman, and seconded by Commissioner Motts, the Planning Commission approved the Minutes of February 19 and March 5, 2014.

AYES: *Hinojosa, Motts, Pinto, Baatrup and Westerman*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Miller*

END OF CONSENT CALENDAR

NEW PUBLIC HEARINGS

- 2. UP-13-11, AR-13-14 – 700 West Eighteenth Street Cell Site** – Streamline Engineering, on behalf of Sprint, requests the approval of a use permit and design review for new and existing telecommunications equipment. The project includes the replacement of three existing antennas with new antennas, the addition of radio remote units on an existing light pole, and an associated equipment shelter. The project site is at Antioch High School, located at 700 West Eighteenth Street **(APN 067-160-005)**.

SP Gentry introduced Tripp May, legal consultant, who gave an overview regarding cell sites.

CA Nerland said that since there hasn't been an application for a free standing cell site before this Planning Commission, she wanted to provide an overview given this is a regulated area of the law and that for general questions, Mr. May has the expertise to answer.

SP Gentry provided a summary of the staff report dated March 27, 2014.

Commissioner Pinto asked staff how many such antennas were currently in the City to which SP Gentry said there although she cannot tell the exact number, there are a lot of them, some of which are on City owned properties or mounted on existing PG&E towers.

In response to Commissioner Westerman and Chair Hinojosa's questions, SP Gentry said that this particular tower is on Antioch School District property who is the underlying leaseholder and that she thinks the reason approval was not obtained previously from the City was that it went before the School District who they believed to have authority.

Chair Hinojosa asked staff if the City ever goes back and reviews land use permits or if there were expiration dates to which SP Gentry said that staff is stretched thin, that the City hasn't put on time restrictions, that for City owned property the City can go back

and visit the site and that the Planning Commission can add timeline provisions if they would like.

OPENED PUBLIC HEARING

Applicant, David Alameda representing Sprint, said that they are looking to modify the existing cell site, to remove and replace three existing antennas, remove three existing cabinets and with two new cabinets. He said that they have read all conditions, that they accept them, and that he is ready for questions.

Vice Chair Motts asked the applicant about there being no significant gap now, would this improve coverage for this area and do they expect outside of the area there to be some spotty improvement. Applicant said that this is a 4G upgrade, that there is coverage there but that this brings the data speeds up and what is shown is what they expect them to cover.

CLOSED PUBLIC HEARING

Commissioner Westerman said that this appears to be a straight forward proposal, that he has no problems with it and that he recommends approval.

RESOLUTION NO. 2014-**

On motion by Commissioner Westerman and seconded by Vice Chair Motts, the Planning Commission approves the use permit and design review (UP-13-11, AR-13-14) to construct a telecommunications site subject to all conditions.

| | |
|-----------------|---|
| AYES: | <i>Hinojosa, Motts, Pinto, Baatrup and Westerman</i> |
| NOES: | <i>None</i> |
| ABSTAIN: | <i>None</i> |
| ABSENT: | <i>Miller</i> |

3. **UP-13-09, AR-13-10 – Sunset Monopole** – Modus Inc., on behalf of AT&T, requests the approval of a use permit and design review to construct a telecommunications facility consisting of 12 antennas on a monopole with an associated equipment shelter. The project site is located at 801 Sunset Drive (APN 068-100-027).

SP Gentry provided a summary of the staff report dated March 27, 2014.

Commissioner Pinto expressed concern over maintenance of the monopine's artificial covering in that it may deteriorate over time and that having a tree in the middle of nowhere may have a negative impact. Commissioner Pinto asked about staff's concern with a metallic pole which the population is used to seeing, and asked about the possibility of reversing the decision against having a pole. He asked staff how many trees are currently existing around or close to the site.

SP Gentry said that applicant would be required to maintain the site as well as the tree, that there are conditions regarding graffiti but if the Commission has concerns they can add another condition saying it should be kept in a certain appearance, that she is not aware of any trees on site but there may be some planted by the freeway and that staff wanted to decrease visual clutter and have it blend into the landscape in that the tree hides the pole.

In response to Chair Hinojosa asking for clarification, Mr. May responded that the applicant hasn't demonstrated a significant gap and that although it is the discretion of the Commission to vote against entirely or seek alternatives, there are time concerns that should be considered.

SP Gentry interjected that they are running up close to the Federal shot clock.

Mr. May added that adding conditions would not stop the shot clock.

Chair Hinojosa asked staff about page E8 of the packet recommending changes which are not contained in the conditions of approval. SP Gentry said that under condition G1 there are design elements included but that the Commission can include those conditions.

Vice Chair Motts asked about the standard height for monopines to which Mr. May said that it is location specific and depends upon surrounding topography.

CA Nerland Lynn clarified the understanding that the conditions to be added as conditions G.1.k and I are:

G.1.k. The applicant shall construct and at all times thereafter maintain the Monopine tree so that all antennas, mounting brackets, electronic equipment located adjacent to the antennas, and cables are fully contained within the faux branch canopy.

G.1.l. All panel antennas shall at all times be covered by "pine needle socks" encasing the panel antennas.

Commissioner Pinto asked staff why this site was picked and if applicant had considered mounting on a building to which SP Gentry stated that although the applicant can better answer, height was needed with a pole and that roof mounted equipment was not sufficient for the desired coverage.

Commissioner Baatrup asked about the process of the shot clock and the consequences of the Commission deciding not to approve or being unable to reach an agreement to approve tonight.

Mr. May said that after a denial or continuance, the applicant can appeal to City Council, that if the shot clock runs out before, the applicant has a right to sue in court unless the applicant and the City come to a mutual decision to extend the time and that the applicant can seek other remedies against the City. He said that if denial is upheld by the City Council, the applicant has other remedies in court.

Commissioner Baatrup asked about there being a question about substantial gap in service to trigger law where they propose to locate and asked Mr. May in his expertise if that is something that will be easily supported or a challenge to be supported when it is challenged.

Mr. May said that based on fact submitted by the applicant, they recommended that the City find that they did not demonstrate a significant gap based on maps provided. That without other facts submitted by the applicant, they recommend that there is no demonstrated significant gap in this application.

Commissioner Baatrup asked staff's position recommending this being approved and other benefits to the City to which SP Gentry said that from staff's perspective, this is more of a legal issue than an aesthetic issue.

In response to Commissioner Pinto's concern with radiation and asking if the City can charge some ongoing fee to have antennas within the City, Mr. May said that the Federal Government has put down a very strict stance regarding radiation, that there are standards for safety, that in this case it is categorically excluded from analysis because the antennas are so high, that the Commission cannot make a decision based on radiation emissions, and that while the City can act as landlord when it owns land under a site as rent but on private property, the City can only recoup its cost for processing the permit application.

OPENED PUBLIC HEARING

Applicant, Jimmy Stillman, Modus Inc., thanked staff and Mr. May. He said that the site is a new 60' monopine to obtain enhanced coverage for AT&T users. That the new site will bring new technology to each site, and that there is an increase in coverage but no gap. There is a need for these types of facilities. He said that they looked for alternative sites and considered roof mounted first but that they needed height around 60' so the monopine was based on that. They submitted for a monopole but that staff wanted more stealth design, that there are no trees on this parcel but there are trees along properties adjacent and that they are 100% ok with adding those conditions. He said that the antennas are within the canopy and socks will further hide and that although trees don't necessarily fade out over time, that they will maintain the tree moving forward.

Chair Hinojosa asked the applicant how they chose the height of the pole given this is a really tall pole and if they would be amenable to a reduction in height. Applicant replied that the engineers take information regarding what height will give the greatest coverage and that 60' is target for most cell sites but if it is located on a hill it would require less height. He said that he would need the engineer to sign off on anything less, that 60' being to the top of the tree that the antennas are lower than that and that he would like to move forward with 60'.

CLOSED PUBLIC HEARING

Vice Chair Motts said that he doesn't have a problem with the height, that it is away from other structures, that the height is probably similar to that of a fully mature redwood tree and that with specific conditions from staff he doesn't have a problem with it.

Chair Hinojosa expressed concern with the height, said she feels like it creates an aesthetic issue being very visible from the highway, that she has never cared for these types of monopines, but would prefer a monopine over the other option with the added conditions.

Commissioner Baatrup stated that he was concerned with the height, that he is not sure that he likes the style of fake trees as ways to hide these things and that he is concerned that this might create a precedent when there is no demonstrated gap that this might open the door for other providers to improve the capacity of their systems by proposing something similar. He said that he does like the idea of keeping up with industry needs for residents of the City but that he has issues that this creates a bad precedence for these types of projects where there is no demonstrated need.

Mr. May stated that the Commission should be aware there is a gray area in the law regarding a significant gap and that he doesn't want the Commission to be under the impression that there is no significant gap possible in this situation. He said that they look at claimed need in the application and that in this case would still say no demonstrated gap but that doesn't mean that they can't show one later and then the City would have to allow them to close that gap. He said that the shot clock does not stop unless the applicant and the City enter into an agreement to extend but that in this case the applicant has agreed to all conditions that have been recommended by staff to bring to the least intrusive means to be aesthetically consistent with its values

CA Nerland stated that Federal Law hurts the cities and takes away a portion of the city's discretion and that there is a different set of rules that we have to play by for this specific industry.

Chair Hinojosa said that she has an issue with the height of the proposed tower at this location, that she is hearing that there is not a lot of flexibility to change that, that she is not sure what the next step will be and asked if any Commissioners support a decrease in the monopole.

Vice Chair Motts stated that they have done their due diligence to find other spots and that he is still ok with the proposal with conditions.

Commissioner Pinto said that he has concern that 60' is too high but that anything less than 60' hinders their ability so obviously suggesting a reduction in height is a moot point.

Commissioner Baatrup asked staff if this applicant determined that the height would be best at 100', where would we stand, how would a City in review of the application evaluate.

Mr. May said that applicant can't come in and get whatever design they want, that there

is a give and take and that a subjective evaluation takes into account a lot of factors.

In response to Commissioner Pinto regarding a possible ordinance for height restrictions, Mr. May said that there is a new statute, Section 6409a, that allows for small modifications to existing facilities, but that it is not clear on if there is a limit to the number of small modifications. He pointed out that it may not be the best time to consider having staff to draft a new ordinance. That it may prove correct that a pre-existing ordinance can be grandfathered in, but that legal nonconforming uses are specifically targeted by the wireless industry. He said that even if there is a height limit, towers may be excluded under Federal law. That when it is something subjective, lawyers have been arguing that those are pre-empted by this statute because the goal of 6409 is to allow unfettered expansion of existing sites; that the City can make an ordinance for brand new sites.

Chair Hinojosa said that there is limited ability to regulate the height, that she doesn't like towers of this height, that she doesn't like the location but that she feels like our hands are tied in that regard.

Vice Chair Motts asked staff if there are other towers of that size to which SP Gentry said that there are some on Walton Lane off Lone Tree Way, there is an oak tree located in the City, and that there are a lot of PG&E towers with this height.

Commissioner Baatrup stated that the one the Planning Commission just approved at Antioch High School is taller than this one. He said that he is not happy with this type of facility but would like to thank staff and Mr. May for their time.

RESOLUTION NO. 2014-**

On motion by Commissioner Motts and seconded by Commissioner Westerman, the Planning Commission approves the use permit and design review (UP-13-09, AR-13-10) to construct a telecommunications site subject to added conditions:

G.1.k. The applicant shall construct and at all times thereafter maintain the Monopine tree so that all antennas, mounting brackets, electronic equipment located adjacent to the antennas, and cables are fully continued within the faux branch canopy.

G.1.l. All panel antennas shall at all times be covered by "pine needle socks" encasing the panel antennas.

| | |
|-----------------|---|
| AYES: | <i>Hinojosa, Motts, Pinto, Baatrup and Westerman</i> |
| NOES: | <i>None</i> |
| ABSTAIN: | <i>None</i> |
| ABSENT: | <i>Miller</i> |

- 4. UP-13-10, AR-13-11 – Fairview Tree Monopole –** Modus Inc. on behalf of AT&T, requests the approval of a use permit and design review to construct a 60' tree monopole telecommunications facility with a total of nine antennas as well as

an associated equipment shelter and an integrated generator. The project site is located at 3215 Fairview Drive (**APN 074-123-009**).

SP Gentry provided a summary of the staff report dated March 27, 2014.

Commissioner Baatrup clarified with staff that this material is the same as the one previous.

OPENED PUBLIC HEARING

Applicant, Eric James, Modus, said that there is a need to provide service to residents in this area, that this is increasing service levels and provides enhanced service, and that there is an existing grove of trees making this monopole a sufficient design.

Chair Hinojosa asked for clarification on the height to which the applicant said that the antennas would be 60', that the tree would taper for 5' for a more natural looking tree so that the total height would be 65'. He said that to make it look natural and not end up with a large antenna at the top that 65' would be needed.

CLOSED PUBLIC HEARING

Chair Hinojosa said that it was her hope given what Mr. James said that the previous approval was a full tree. She said that the previous concerns raised regarding omitted conditions that those conditions are included in this application. She said that she had an opportunity to drive out to the site and that she would like to see a pre-construction survey for nesting birds as it is against Federal and State law to interfere with breeding season.

Mr. May said that it is a violation for construction activities to interfere with nesting birds, but emphasized that it is construction opportunities not antennas. That these projects are exempt from CEQA and that the Commission cannot consider whether emission from antennas would have any affect but that the construction is within Commissions power to control.

Commissioner Westerman said that this whole subject is very complex and that he thinks that most of the comments that were put forth in the previous project are applicable to this one. That it appears the applicant did review other sites, that he thinks this location in terms of the tree is better than the other one as there are other trees in the general location, and that although he doesn't like the height, he understands the need for it. He said that he is prepared to support this project.

Chair Hinojosa said that while nothing for this project is required under CEQA, condition adding is within their purview for a preconstruction survey for nesting birds.

SP Gentry clarified with Chair Hinojosa a time limit of thirty days to complete the survey.

CA Nerland clarified the condition of approval "The applicant shall conduct a preconstruction survey for nesting birds within thirty (30) days of the commencement of

construction to insure construction activities do not disturb nesting birds.”

RESOLUTION NO. 2014-**

On motion by Commissioner Motts and seconded by Commissioner Pinto, the Planning Commission approves the use permit and design review (UP-13-10, AR-13-11) to construct a telecommunications site subject to all conditions and with the addition of B.4. as follows:

B.4. The applicant shall conduct a preconstruction survey for nesting birds within thirty (30) days of the commencement of construction to insure construction activities do not disturb nesting birds.

AYES: *Hinojosa, Motts, Pinto, Baatrup and Westerman*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Miller*

ORAL COMMUNICATIONS

SP Gentry said that City Council approved the Williamson Ranch request and that the Auto Zone project resulted in an approval by City Council as well as the Impact Fee Study and the RDA. She said that the vacancy on the Planning Commission was announced to fill the last seat and applications are being accepted. She said the next meeting will be April 16th.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

None.

ADJOURNMENT

Chair Hinojosa adjourned the Planning Commission at 8:30 p.m.

Respectfully Submitted,
Cheryl Hammers

**STAFF REPORT TO THE CITY OF ANTIOCH PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF APRIL 16, 2014**

PREPARED BY: Ahmed Abu-Aly, Associate Civil Engineer, Capital Improvements Division *AA*
APPROVED BY: Ron Bernal, Director of Public Works/City Engineer *RB for*
DATE: April 7, 2014
SUBJECT: Determination of 2014-2019 Capital Improvement Program Consistency
with the Antioch General Plan, P.W. 150-14

RECOMMENDATION

It is recommended that the Planning Commission determine that the 2014-2019 Capital Improvement Program is consistent with the Antioch General Plan.

BACKGROUND

The Five-Year Capital Improvement Program is updated and revised every two years; during this period, the Planning Commission is asked to determine whether the projects included in the Five-Year Capital Improvement Program (CIP) are consistent with the current Antioch General Plan.

The General Plan may be viewed at the following website:

http://www.ci.antioch.ca.us/CityGov/CommDev/PlanningDivision/docs/Antioch_Adopted_General_Plan.pdf

Staff believes the CIP is consistent with the following General Plan Sections:

| CIP CATEGORY | GENERAL PLAN SECTION |
|---------------------------------|--|
| Community Facilities | Community Facilities Objective (page 8-2) |
| Roadway Improvements | Circulation (page 7-1 to page 7-6) |
| Traffic Signals | Vehicular Circulation Objective (page 7-8) |
| Wastewater & Storm Drain System | Wastewater Management Objective (page 8-3 to page 8-6) |
| Water System | Water Facilities Objective (page 8-3) |

ATTACHMENT

- A. Draft of the 2014-2019 Five Year Capital Improvement Program (To Planning Commission Members only)

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF APRIL 16, 2014**

Prepared by: Mindy Gentry, Senior Planner *MS*
Date: April 10, 2014
Subject: UP-13-12 – Use Permit for Adult Day Program

RECOMMENDATION

It is recommended that the Planning Commission approve a use permit for an adult day program that provides services for developmentally disabled adults (UP-13-12), subject to the conditions contained in the attached resolution.

REQUEST

Juanita Ninifa Ganiez, on behalf of Mission-Hope Day Program, requests the approval of a use permit for an adult day program that provides services for developmentally disabled adults. The use will include living skills training, recreational activities, and outings into the community. The project is located at 10 South Lake Drive (**APN: 065-235-019**).

BACKGROUND

The building was approved in 1972 as a professional office building and has contained a variety of office and retail uses.

ENVIRONMENTAL

The project is Categorically Exempt from the provisions of CEQA, pursuant to section 15301 – Existing Facilities. This section of CEQA exempts projects that involve negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

ANALYSIS

Issue #1: Project Overview

The applicant proposes using the subject site for an adult day program that provides living skills training, recreational activities, and outings into the community for the developmentally disabled. The applicant's project description is included as Attachment "B". Mission-Hope Adult Day Program has other facilities in Hayward, Dublin, Fremont, and Brentwood as well as a facility within the City of Antioch on Verne Roberts Circle

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that has been operating for more than 11 years. The program would be relocating from its location on Verne Roberts Circle to the South Lake Drive location.

The program will provide services to approximately 45 developmentally disabled adults from Monday to Friday from 7:30 AM to 3:30 PM. The facility employs a staff of 20. The recreational activities include handicrafts, artwork, dancing, and aerobic exercise. The facility also provides outings to parks, museums, bowling alleys, malls, movies, restaurants, and grocery stores to name a few.

The site consists of a single story building approximately 4,800 s.f. of which the applicant would occupy the entire building. The floor plan has been broken into different rooms for offices, meetings, art, a library, exercise, relaxation and entertainment. No exterior modifications are being proposed.

Issue #2: General Plan, Zoning Consistency, and Land Use

The General Plan designation of the property is Neighborhood Community Commercial. The site is zoned Convenience Commercial (C-1) and day care requires a use permit in this zoning designation. The surrounding land use designations are as noted below:

| | |
|---------------|---|
| North: | Lake Alhambra, single family homes, and apartments (R-6 and R-20) |
| South: | Various commercial uses and East Eighteenth Street (C-2) |
| East: | Single family homes and apartments (R-20 and C-1) |
| West: | An office building and single family homes (R-6 and C-2) |

Issue #3: Parking

The subject property has a total of 25 parking spaces. There are 20 employees and 8 vans. The vans range in size from 8 to 15 passengers. The parking requirements outlined in the municipal code for day care are 1 space for each employee and 1 per 8 children. While the fit is not exact in regards to the parking requirements in that the clients are adults and not children, staff feels that this parking requirement would still be representative for the parking required for this use.

The vans are dispatched each morning to pick up their clients from their homes or from residential care facilities in the area. Some clients are brought to the facility and others will have outings in the community.

ATTACHMENTS

| | |
|-----------|---------------------|
| A: | Aerial Photo |
| B: | Applicant's Summary |

**CITY OF ANTIOCH PLANNING COMMISSION
RESOLUTION NO. 2014-****

**RESOLUTION OF THE CITY OF ANTIOCH PLANNING COMMISSION
APPROVING A USE PERMIT FOR AN ADULT DAY PROGRAM**

WHEREAS, the City of Antioch received a request from Juanita Ninifa Ganiez, on behalf of Mission-Hope Day Program for a use permit for an adult day program that provides services for developmentally disabled adults. The use will include living skills training, recreational activities, and outings into the community. The project is located at 10 South Lake Drive (**APN: 065-235-019**).

WHEREAS, this project is exempt from the provisions of CEQA pursuant to CEQA Guideline section 15301 – Existing Facilities; and

WHEREAS, the Planning Commission duly gave notice of public hearing as required by law; and,

WHEREAS, the Planning Commission on April 16, 2014, duly held a public hearing, received, and considered evidence, both oral and documentary, and

WHEREAS, the Planning Commission does determine:

1. The granting of such use permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

The use will not be detrimental to the public health or welfare or injurious to the property or improvements because the use will occupy an existing building large enough to accommodate the use.

2. The use applied at the location indicated is properly one for which a use permit is authorized.

The site is zoned Convenience Commercial (C-1) and per the Municipal Code, adult day programs are allowed with a use permit. The use and the site meet the standards of the Antioch Municipal Code.

3. That the site for the proposed use is adequate in size and shape to accommodate such use, and all yards, fences, parking, loading, landscaping, and other features required, to other uses in the neighborhood.

The site is adequate in size and shape to accommodate an adult day program. The site has adequate yards, fences, parking and landscaping to accommodate the proposed use.

4. That the site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use.

The site is located on South Lake Drive, which is adequate in width and pavement type to carry the traffic generated by the use.

5. That the granting of such use permit will not adversely affect the comprehensive General Plan.

The use is considered an adult day program which will not adversely affect the comprehensive General Plan.

NOW THEREFORE BE IT RESOLVED the Planning Commission of the City of Antioch does hereby **APPROVE** the use permit (UP-13-12) for an adult day program, subject to the following conditions and the findings for the conditions, which are attached to this resolution as Exhibit A:

A. GENERAL CONDITIONS

1. The project shall comply with the Antioch Municipal Code.
2. Conditions required by the Planning Commission, which call for a modification or any change to the site plan submitted, be corrected to show those conditions and all standards and requirements of the City of Antioch prior to any submittal for a building permit. No building permit will be issued unless the site plan meets the requirements stipulated by the Planning Commission and the standards of the City.
3. City staff shall inspect the site for compliance with the conditions of approval prior to final building inspection.
4. This approval expires two years from the date of approval (Expires April 16, 2016), unless a building permit has been issued and construction has diligently commenced thereon and has not expired, or an extension has been approved by the Zoning Administrator. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than one, one year extension shall be granted.
5. The applicant shall defend, indemnify and hold harmless the City in any action brought by a third party to challenge the land use entitlement. In addition, if there is any referendum or other election action to contest or overturn these approvals, the applicant shall either withdraw the application or pay all City costs for such an election.

6. No permits or approvals, whether discretionary or mandatory, shall be considered if the applicant is not current on fees, reimbursement payments and any other payments that are due.
7. The applicant shall obtain an encroachment permit for all work to be done within the public right-of-way.
8. This approval supersedes previous approvals that have been granted for this site.
9. All required easements or rights-of-way for off tract improvements shall be obtained by the applicant at no cost to the City of Antioch. Advance permission shall be obtained from any property or easement holders for any work done within such property or easements.

B. CONSTRUCTION CONDITIONS

1. The use of construction equipment shall be restricted to weekdays between the hours 8:00 A.M. and 5:00 P.M., or as approved in writing by the City Manager.
2. The project shall be in compliance with and supply all the necessary documentation for AMC6-3.2: Construction and Demolition Debris Recycling.
3. Building permits shall be secured for all proposed construction associated with this facility, including any interior improvements not expressly evident on the plans submitted.

C. FIRE REQUIREMENTS

1. All requirements of the Contra Costa County Fire Protection District shall be met:
 - a. The developer shall submit three (3) complete sets of plans and specifications of the subject project, including plans for any of the following required submittals, to the Fire District for review and approval prior to construction to ensure compliance with minimum requirements related to fire and life safety. The required resubmittals include tenant improvement plans, fire sprinklers, and fire alarm. (105.4.1) CFC, (901.2) CFC, (107) CBC.
 - b. Plan review and inspection fees shall be submitted at the time of plan review submittal. Checks may be made payable to "CCCYPD" (Contra Costa Fire Protection District).

D. FEES

1. The applicant shall pay all fees as required by the City Council.

E. PROPERTY MAINTENANCE

1. A parking lot sweeping program shall be implemented that, at a minimum, provides for sweeping immediately prior to, and once during, the storm season.
2. The project shall comply with Property Maintenance Ordinance Section 5-1.204. No final landscape and irrigation plan shall be considered to be complete without an approved maintenance agreement reflective of standards contained in Section 5-1.204 (G).
3. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.
4. No signs shall be installed on this site without prior City approval.

F. USE REQUIREMENTS

1. The use permit applies to the service of 45 developmentally disabled adults. A supplemental use permit shall be required to serve more than 45 clients.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 16th day of April 2014.

AYES:

NOES:

ABSTAIN:

ABSENT:

TINA WEHRMEISTER, SECRETARY TO THE
PLANNING COMMISSION

EXHIBIT A

MISSION HOPE ADULT DAY PROGRAM (UP-13-12)

FINDINGS IN SUPPORT OF CONDITIONS OF APPROVAL

A. GENERAL CONDITIONS

1. The City of Antioch has established a Municipal Code to protect the public health, safety, and welfare of the citizens within the City. This condition of approval is necessary for the developer to mitigate any project impacts that may threaten the health, safety, or welfare of its citizens.
- 2-3. In order for the project to be constructed to the City's approved standards, the plans need to adequately reflect the changes made by the Planning Commission and City staff needs to inspect the site for compliance with the conditions of approval prior to final inspection approval. These conditions protects the public safety, health, and general welfare of the residents of the Project and surrounding residential and other uses by providing an adequate reflection of the approved project prior to the issuance of building permits and a follow up site inspection to ensure the Project was built as conditioned.
4. The regulatory environment of land development and base line conditions change frequently; therefore this condition is necessary to ensure any project going forward is subject to the most current regulations in order to promote the public health, safety, and welfare in the City of Antioch.
5. The Project is being pursued by a developer and the City's responsibility is to promote orderly development within the City. This condition is necessary to protect the City from the financial and time expenses for defending challenges to land use entitlements or environmental reviews that are financially benefitting the applicant, particularly given the City's own financial challenges.
- 6-7. The Project takes City time and staff to process development applications through the land use entitlement process. The development of property is at the benefit of the applicant; therefore the conditions are necessary to ensure the applicant pays the expenses to process the application rather than having that burden placed on the taxpayers for another's benefit and satisfies all necessary requirements to make use of public lands that serve the project site.
8. It is necessary to ensure administrative consistency and avoid confusion between plan versions by identifying the most recent entitlements that govern site development and use.

9. The project requires the use of public lands in order to provide access and extend infrastructure to the project site. These conditions are necessary to allow the project sponsors to make use of public lands to benefit the project.

B. CONSTRUCTION CONDITIONS

- 1-3. Construction activities will produce impacts related to noise, dust, vibrations, and traffic that must be addressed and mitigated. In addition, the City is under a State-wide mandate to divert its waste by 50% and thus the City has adopted an ordinance to reduce construction and demolition debris from going to the landfill. The City also has adopted the State of California Building Code; therefore a building permit must be pulled for work performed inside the building even if it is not expressly on the plans. These conditions of approval are necessary to address these impacts from the Project to ensure the public health, safety, and welfare of the Antioch community are protected and that development in the City occurs in an orderly fashion consistent with the City's General Plan and Municipal Code and to not create temporary or permanent nuisances.

C. FIRE REQUIREMENTS

1. The Contra Costa Fire Protection District provides fire services for the City of Antioch and follows the California Fire Code. The conditions of approval are necessary on the Project to protect the public health and provide for the safety and welfare of life and property from fire and explosion hazards or dangerous conditions in new buildings and existing buildings; structures and premises; and to provide safety and assistance to fire fighters and emergency responders during emergency operations.

D. FEES

- 1-5. The City of Antioch provide existing infrastructure such as streets, utilities, traffic signals, schools, public right-of-way, parks, flood mitigation improvements, parks, and police services. The fees required by the condition of approval serve two functions: 1) the funds will provide mitigation for the project's fair share impact and the Project's responsibility of costs for the existing infrastructure due to the increase in population and 2) to mitigate the costs of additional infrastructure and maintenance necessary due to the impact of the Project. The conditions of approval are necessary to mitigate impacts to public infrastructure from deterioration as well as provide additional infrastructure to serve the additional population.

E. PROPERTY MAINTENANCE

- 1-4. These conditions are necessary to ensure that the project site is kept in good working order to ensure adequate trash collection, to avoid localized flooding, reduce fire risks, and ensure the continued health, safety and welfare of the project environs.

F. USE REQUIREMENTS

1. The use contemplated under this use permit only analyzed serving 45 people; additional people could result in impacts not contemplated by this use permit.

ATTACHMENT "A"

Aerial Photo



DEC 19 2013

WHAT MISSION-HOPE DAY PROGRAM IS ALL ABOUTCITY OF ANTIOCH
COMMUNITY DEVELOPMENT

Mission-Hope Adult Day Program Antioch is a facility licensed BY Community Care Licensing and have been currently in operation for more than 11 years across from Costco on Verne Roberts Circle, Antioch, to provide services to 45 developmentally disabled adults, from Monday to Friday, with a daily schedule of 7:30 a.m. to 3:30 p.m., employing 20 personnel, for a 1:3 staff ratio.

Mission-Hope's main office at 7080 Donlon Way, Ste. 209, Dublin, CA 94568, operates our other Mission-Hope Day Programs in Hayward, Dublin, Brentwood and Fremont.

The Regional Center of the East Bay is the non-profit agency that vendors and refer clients/consumers to us and they also continuously and systematically oversees our operation to ensure safety and quality of the services we provide, together with two other agencies, the Area Board 5 and Adult Protective Services. But because of our good reputation, and the much needed services to the most vulnerable members of our society that we provide, we continue to get the support of the Regional Center and the Community Care Licensing and the rest of the advocates for the developmentally disabled, in the community.


The whole building structure will be fully utilized for Activities of Daily Living Skills training and a lot of recreational activities, like doing handicrafts, artworks like painting, drawing, dancing, aerobics exercises. But most of our clients will utilize other community resources like parks, museums, bowling alleys, malls, movie houses, restaurants, banks, grocery stores, laundrymats, recycling centers, fitness clubs, bus, BART, etc. for their daily community integration trainings.

There are 25 parking spaces in the back and on the right side of the building and 3 spots on the street in front which are all enough for our 8 vans that are from small

to medium vans that can hold 8 passengers including driver up to the biggest that can hold 15 passengers and the driver.

Our employees all have fingerprint clearances and have extensive training on providing the services needed by our consumers. We are open when most people in the neighborhood are at their own workplace or in school. Some of our employees ride together in one car as most of them, like some families whose 3 family members are all employees of Mission-Hope. Others are dropped off when they carpool with their friends or family, and few employees ride bikes, walk, or take the bus to work. All of our company vans will leave after 7:30 a.m. to pick-up our clients from their family homes or from residential care facilities around the area, then some will come back, others will go about doing their community integration activities. After 3:30 p.m. the only vehicles parked on the parking lot will be our company vans.

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF APRIL 16, 2014**

Prepared by: Vivian Kahn, FAICP, Dyett & Bhatia
Reviewed by: Tina Wehrmeister, Community Development Director 
Date: April 16, 2014
Subject: **Proposed Zoning and General Plan amendments for 2007 – 2014
Housing Element Implementation Program**

RECOMMENDATION

It is recommended that the Planning Commission conduct a public hearing and adopt a recommendation to the City Council to approve a Negative Declaration and proposed amendments to the City Zoning Ordinance (Antioch Municipal Code Title 9, Chapter 5) and zoning map, as well as a draft amendment to the 2003 General Plan, in order to implement policies of the 2007 – 2014 Housing Element.

BACKGROUND

The City of Antioch has adopted a Housing Element for the 2007 – 2014 planning period as part of its General Plan. The Housing Element establishes a comprehensive program for implementing Antioch's housing policies and bringing the City into full compliance with State law. The actions that the Housing Element proposes to undertake to implement Housing Element policies include a variety of amendments to the Zoning Ordinance (Antioch Municipal Code Title 9, Chapter 5), ranging from relatively straight forward text changes to make the regulations consistent with State density bonus requirements to the establishment of new zoning districts and programs to accommodate new dwelling units.

The City hired Dyett & Bhatia (the Consultant) to translate the specific proposals in the Housing Element program into regulations and procedures. The major objective of the Consultant's work was to create a user-friendly, legally adequate, and effective set of provisions that will accommodate the units needed to meet the City's housing allocation in a manner that will emphasize building placement, the framing of public space, and promoting a pedestrian-oriented environment.

The Consultant conducted a series of interviews with City staff and officials in order to find out what they identify as the major problems with the City's existing land use and development regulations. Opportunities to participate in the interview process through interviews and by e-mail were also extended to a list of developers, property owners, and community groups that City staff identified as having potential interest in the project or relevant expertise.

Based on the input from these interviews, as well as review and analysis of the 2007 – 2014 Housing Element, the current Zoning Ordinance, and the Citywide Design Guidelines, the Consultant prepared a paper identifying issues and proposing recommendations for zoning amendments to address the following matters:

- Adequate Housing Sites
- Design and Development Standards and Guidelines
- Residential Parking Requirements
- Development Bonuses and Incentives
- Emergency, Transitional, and Supportive Housing

For each of these topics, the consultant presented options and approaches for implementing the policies of the Housing Element through the zoning ordinance to be consistent with State law. The Planning Commission considered the various options and made recommendations on each topic at its meeting on February 1, 2011. Based on the Planning Commission's recommendations, the Consultant revised the issues and options paper for the City Council's consideration at its April 10, 2012 meeting. The Council affirmed all of the Planning Commission's recommendations.

The consultant prepared a series of draft zoning amendments to implement the Housing Element policies that were presented to the Planning Commission for review at meetings in 2012 and 2013. The zoning amendments were divided into three components as follows:

- Module 1: Districting Amendments. Two new multi-family residential districts are proposed to be created and mapped in order to provide the housing sites that the City needs to meet its share of the Regional Housing Needs Allocation (RHNA) for lower-income units. In addition, an overlay district is proposed in order to provide adequate sites for emergency shelters as required by State law. In addition, a general plan amendment is proposed to modify the High Density Residential designation of the 2003 General Plan to allow adequate density to accommodate the new multi-family districts.
- Module 2: Use Regulations and Affordable Housing Provisions. These amendments are intended to ensure consistency with State law for protected uses such as transitional and supportive housing. They will also update Articles 34 and 35 of the City's provisions on density bonuses for affordable housing to include a priority list of concessions and incentives that the City deems acceptable and to establish additional procedures for reviewing density bonus proposals as allowed by current State law.
- Module 3: Development Standards. These amendments have been crafted to improve the design compatibility and quality of new residential development and, in particular, development on infill lots. The development standards, many of which would codify policies that are already embodied in the Citywide Design Guidelines Manual, would complement the provisions of Module 1 to allow multi-family residential development by right in certain zones.

The purpose of this meeting is to conduct a public hearing on the proposed general plan and zoning amendments and the proposed determination that the amendments would not have a significant impact on the environment. The environmental determination is based on the initial study supporting the Mitigated Negative Declaration that the City Council approved for the Housing Element in October 2010. A separate ordinance is proposed that specifies changes to the Antioch Zoning Map to accommodate the new districts.

The zoning and general plan text amendments are included as Attachments A and B, respectively, to this report.

Additional explanation of each of these amendments, and how they will serve to implement Housing Element policies and State requirements, follows.

DISCUSSION

1. Redistricting to Accommodate Adequate Housing Sites

To meet the requirements of State law, the City of Antioch needs to demonstrate that it has sufficient sites available to accommodate 1,784 units for lower-income households. The law provides cities with several options for complying with the requirement to accommodate their share of the region's need for lower-income units. One approach is to rezone sufficient land to accommodate their allocation for lower-income units at the so-called "default density," which is 30 units per acre for Antioch and other suburban cities with more than 100,000 population. If a city is unable to identify enough sites where housing could be built to meet its allocation of lower-income units at this density, it must amend its zoning ordinance and map to accommodate 100 percent of the unmet need for low- and very low-income housing on sites where development is allowed by right at a density of 20 units per acre. In addition, at least 50 percent of the very low and low-income need must be on sites zoned exclusively for residential use.

The issues and options paper presented two different approaches that the City could take to accommodate its share of the region's need for lower-income units. The approach that the Planning Commission recommended and the City Council affirmed was to rezone 59.47 acres at a minimum density of 30 units per acre and continue to require a use permit or planned development approval for all or some units. Development on these sites would be subject to approval of a conditional use permit, and could also be subject to design review, but State law would not allow the City to impose conditions of approval on such permits that would reduce densities. After further discussion at a subsequent meeting, the Commission accepted a staff recommendation to rezone three parcels on Wilbur Avenue and Tregallas Road to R-25, which would be a new designation allowing up to 25 units per acre with a minimum of 20 units per acre.

The proposed approach included accommodating a significant proportion of the City's need for affordable housing on sites in the Hillcrest Station Area, which can accommodate up to 38 units per acre as proposed in the Station Area Plan approved in 2009. Developers who include affordable units would be entitled to up to 35 percent higher densities, more than 40 units per acre, under the State's density bonus law.

The Hillcrest Station Area Plan designates 38.2 acres of land as "Residential TOD," a designation that allows residential densities at a minimum of 20 and maximum of 40 units per acre. The site is already zoned P-D, Planned Development District. Pursuant to Article 23 of the Zoning Ordinance, any development on a site zoned P-D requires Planning Commission and City Council approval of a development plan and must also be consistent with any applicable specific plans. No zoning amendments are necessary to allow this site to accommodate the needed residential units but it is included in Table 1 for reference.

The remaining balance of the City's housing need can be accommodated on other sites that would be rezoned to allow multi-family development at densities from 20 to 35 units per acre. The sites are listed in Table 1: Sites Proposed for Rezoning. The Planning Commission recommended and the City Council affirmed the selection of several sites for rezoning to a new minimum-30-units-per-acre residential district. These sites include Site 2 on Holub Lane, and

Sites 3a and 3b at Delta Fair Boulevard and Century Boulevard. In addition to these sites, staff is also recommending rezoning of two adjacent parcels on Delta Fair Boulevard with a total of 17.8 acres (3c) to R-35 and two City-owned parcels bounded by E, Second, B, and Third Streets now zoned RTR 10 to R-20, Medium Density Residential (6). The Planning Commission considered this site several years ago but did not recommend it for rezoning to the City Council. Given the recent upturn in the Bay area housing market, staff recommends that this site, as well as the two on Delta Fair Boulevard, be added to the rezoning list at this time.

The proposed new districts would establish a relatively narrow range of allowable density with 20 to 25 units per acre in the new R-25 High Density District and 30 to 35 in the proposed R-35 High Density District. Both of these districts would establish minimum densities (20 and 30 units per acre respectively) that would constitute the bottom of the range. The names of the new districts conform to the Antioch code's convention of naming residential districts according to the upper end of the allowable density range.

Under the proposed new zoning, development at a density of 20 units per acre would be allowed by right on the three sites rezoned to R-25. This means that the City would not be able to require a use permit if proposed development complied with all applicable standards, but projects would still be subject to design review. Development that includes more than 20 units per acre would require a Use Permit. The proposed rezoning changes detailed in Table 1 and can be summarized as follows:

- Creating a new district that allows multi-family residential development by right at a minimum density of 20 units per acre up to 25 units per acre subject to a Use Permit. Rezoning three sites totaling approximately 7.9 acres to this new zone.
- Creating a new district with a minimum density of 30 units per acre where a use permit or planned development approval is required for all or some units. Rezoning 33.8 acres to this district.
- Creating a new overlay district where emergency shelters would be allowed by right. Applying this district to site two sites: one consisting of 1.6 acres on the northeast corner of Delta Fair and Century Boulevard, and the other occupying 14.8 acres northeast of the intersection of Wilbur Avenue and Fulton Shipyard Road.
- Adding a definition of "emergency shelter" to the ordinance and developing standards that apply to emergency shelters wherever they are permitted or conditionally permitted in the city.
- An amendment to the General Plan to increase the maximum targeted density for the High Density Residential land use designation up to 35 units per acre.

The land area and number of dwelling units that each site could contribute to meeting the City's RHNA is presented in Table 1 below.

TABLE I: SITES PROPOSED TO ACCOMMODATE RHNA

| Site # | Address/ Location | APN | Acres | Current Zoning (and applicable specific plans) | Proposed Zoning | Proposed Zoning Description | Potential Capacity (Units)(A) |
|---------------|---|----------------------------|-------------|--|--|---|-------------------------------------|
| 1 | Hillcrest Station Area Specific Plan (various addresses) | Various | 38.2 | P-D Planned Development District (Residential TOD in Hillcrest Station Area Plan) | P-D Planned Development District (B) | Planned Development consistent with Hillcrest Station Area Specific Plan Residential TOD designation, 20 - 40 du/ac. | 1,016 |
| 2 | 1841 Holub Lane | 051 200 037 | 4.4 | PBC Planned Business Center | R-35 High Density | Residential with CUP. Min. 30 du/ac; max. 35 du/ac. | 453 |
| | Holub Lane | 051 200 038 | 5.0 | | | | |
| | Holub Lane | 051 200 039 | 5.7 | | | | |
| 3a | Delta Fair Blvd. & Century Blvd. | 074 080 034 | 4.8 | MCR Mixed Residential/ Commercial (Western Gateway Focus Area) | R-35 High Density | Residential with CUP. Min. 30 du/ac; max. 35 du/ac. | 144 |
| 3b | Delta Fair Blvd. & Century Blvd. | 074 080 029 | 1.1 | C-3 Regional Commercial District | R-35 Density + ES Overlay | Residential with CUP. Min. 30 du/ac; max. 35 du/ac + Emergency Shelter Overlay (C) | 48 |
| | | 074 080 028 | 0.5 | | | | |
| 3c | Delta Fair Blvd | 074 080 026 | 12.3 | C-3 Regional Commercial District | R-35 | Residential with CUP. Min. 30 du/ac; max. 35 du/ac. | 369 |
| | | 074 080 030 | 5.5 | | | | 165 |
| 4 | 810 Wilbur Avenue | 065 110 006 | 2.9 | R-6 Single Family Residential | R-25 High Density | Residential with 20 du/ac by right. Min. 20 du/ac; max. 25 du/ac. | 108 |
| | 701 Wilbur Avenue | 065 110 007 | 2.5 | | | | |
| 5 | 620 Tregallas Road | 068 251 012 | 2.5 | R-6 Single Family Residential | R-25 High Density | Residential with 20 du/ac by right. Min. 20 du/ac; max. 25 du/ac. | 50 |
| 6 | City-owned block bounded by W 2nd, B, W 3 rd and H Streets. | 066 041 004 066 055 001 | .44 1.38 | RTR-10 Riverside Residential Low- Medium Density | R-20 Medium Density | Residential with CUP. Min. 20 du/ac; max. 25 du/ac. | 36 |
| Totals | | | 87.2 | | | | 2,389 |

Notes:

- A. Capacity estimates assume development at 26 units/acre on Site 1 and minimum density required on Sites 2-6.
- B. No zoning change needed. This site included for reference. Station Area Plan allows 20-40 units per acre.
- C. ES Emergency Shelter Overlay described in subsequent section.

The new R-25 and R-35 high-density residential districts will be affected through amendments not only to the zoning map but also to the text of the zoning ordinance. Section 4 of the proposed ordinance amends Section 9-5.301 (Districts Established and Defined), in Article 3, Establishment of Districts of the Municipal Code to provide purpose statements for the new districts.

Section 5 of the proposed ordinance shows the revisions to the table in Article 6: Height And Area Regulations And Table to Development to establish standards for the new districts. The proposed amendments maintain the same maximum height, 45 feet, used for the existing R-20 District, because this height is more than adequate height to achieve the target densities. Use regulations for the new districts would be established in Article 38, Land Use Regulations. Section 4 adds Article 7, Multi-Family Residential Development Standards, establishing a new set of requirements intended to promote high-quality design and protect the character of adjacent lower-density residential districts. These proposed amendments are described below.

2. General Plan Amendment to Accommodate Adequate Housing Sites

The City of Antioch's 2003 General Plan includes land use designations that establish the land uses and development patterns envisioned for different areas of the city. The plan includes five residential land use designations, the most intensive of which, High Density Residential, allows up to 20 units per gross developable acre. The density range for this designation is not sufficient to accommodate the type of development needed for Antioch to meet its share of the RHNA. The description of the High Density Residential designation in the plan states that typically, residential densities will not exceed 16 to 18 dwelling units per acre for standard apartment projects, though projects with extraordinary amenities may achieve the maximum allowable density.

Section 2 of the proposed ordinance will amend Section 4.4.1.1 (Residential Land Use Designations) of the General Plan revise the High Density Residential designation to include densities of up to 35 units per acre. Such an amendment would not mean that every zoning district that corresponds with High Density Residential has to allow up to 35 units per acre. Rather, specific density ranges within the High Density Residential designation can be established for each zoning district. For example, the existing R-20 district, which references the High Density Residential designation, would continue to have a density limit of 20 units per acre and the new R-25 district would allow a maximum of 25 units per acre, while the new R-35 would allow up to 35 units per acre.

3. Emergency Shelters

SB 2 amended the Government Code to require cities and counties to explicitly recognize emergency, transitional, and supportive housing in their zoning regulations and adopt provisions intended to remove obstacles to providing emergency shelters, transitional housing for those who were formerly homeless, and supportive housing accommodating persons with disabilities. Because Antioch does not have sufficient facilities to meet the need for emergency shelters, it must identify a zone or zones where at least one year-round shelter can be established by right.

The Zoning Ordinance currently allows emergency shelters to be established in industrial districts subject to a use permit. The Housing Element proposed to amend the Ordinance to allow an emergency shelter by right on City-owned land near Delta Fair and Century Boulevard, including a site that the Bay Area Rescue Mission had considered for a transitional housing facility. Based on an estimated density of 200 shelter beds per acre, the three lots that

constitute Site 3, totaling 6.39 acres, could accommodate both the 124 emergency shelter beds that the City needs to meet the State requirement as well as 100 units of transitional housing and associated services.

The option recommended by the Planning Commission and affirmed by the Council is to establish an overlay district where an emergency shelter would be allowed by right at the aforementioned site at Delta Fair and Century Boulevards, reserving one of the parcels for multi-family residential use at 30 units per acre subject to a use permit. The proposed Zoning Map amendments would apply the new R-35 zone to the two parcels on the northeast corner of the intersection that are identified as Site 3b (Figure B). The land area of the two parcels with the ES Overlay totals 1.6 acres. Section 4 of the proposed ordinance describes the purposes of the new ES (Emergency Shelter Overlay) District.

The Planning Commission directed that the overlay district include an additional site or sites in the M-1 (Light Industrial) zone that contain one-half acre or more to accommodate the balance of the need for emergency housing. The code would also continue to allow emergency shelters elsewhere in industrial zones with a use permit.

Staff has identified a set of parcels near the intersection of Wilbur Road and Fulton Shipyard Road as the additional site where the ES Overlay District could be applied (Table 2). The site is referred to as Site 6 in Table 2 and its location is indicated on Figure C attached to the ordinance proposed zoning map amendments. Site 6 comprises 10 parcels ranging in size from 0.2 acres to 2.8 acres and together totaling 14.8 acres. The properties are currently developed with a variety of light industrial, warehousing and auto-related uses, along with surface parking.

The site is considered appropriate to accommodate an emergency shelter because it is a reasonable walking distance from the downtown Antioch and is not surrounded by heavy industrial or 24-hour uses that could negatively impact shelter guests. Because the site does not directly abut any residential properties, potential impact on residential uses will be minimized.

TABLE 2: SITES PROPOSED FOR RE-ZONING TO EMERGENCY SHELTER OVERLAY DISTRICT

| Site # | Address/ Location | APN | Acres | Current Zoning | Proposed Zoning |
|---------------|---|-----------|-------------|----------------------------------|-------------------|
| 3b | Delta Fair & Century Blvds. | 074080029 | 1.1 | C-3 Regional Commercial District | R-35 + ES Overlay |
| | | 074080028 | 0.5 | | |
| 6 | Various parcels northeast of intersection of Wilbur Ave and Fulton Shipyard Road, totaling 14.8 acres and, including: | | | | ES Overlay |
| | 511 Wilbur Ave | 065040031 | 2.8 | M-1 Light Industrial District | ES Overlay |
| | 521 Wilbur Ave | 065040025 | 1.0 | M-1 Light Industrial District | |
| | 607 Wilbur Ave | 065040006 | 5.1 | M-1 Light Industrial District | |
| | 701 Fulton Shipyard Rd | 065040020 | 0.2 | M-1 Light Industrial District | |
| | 715 Fulton Shipyard Rd | 065040021 | 0.3 | M-1 Light Industrial District | |
| | 725 Fulton Shipyard Rd | 065040009 | 1.0 | M-1 Light Industrial District | |
| | 729 Fulton Shipyard Rd | 065040030 | 1.3 | M-1 Light Industrial District | |
| | 801 Fulton Shipyard Rd | 065040018 | 0.7 | M-1 Light Industrial District | |
| | 815 Fulton Shipyard Rd | 065040027 | 1.4 | M-1 Light Industrial District | |
| | Fulton Shipyard Rd | 065040016 | 1.0 | M-1 Light Industrial District | |
| Total: | | | 16.4 | | |

In addition to mapping the new ES Overlay District, a number of zoning text amendments will be necessary to create the new district and establish regulations for it. The next section of this report, which describes proposed amendments to the existing use regulations, provides additional detail about these requirements.

4. Use Regulations and Affordable Housing Provisions

Standards and Requirements for Emergency Shelters

Section 3 of the draft ordinance amending the Municipal Code includes a new definition of “emergency shelter” to be located in Article 2: Definitions. Section 10 amends the Table of Land Use Regulations to add the ES overlay district and to establish standards for emergency shelters to be located in Article 38: Land Use Regulations pursuant to State law. The proposed standards address both the development and operation of shelters, and include:

- Maximum number of beds/residents.
- Minimum area devoted to waiting and intake areas.
- Requirement that the operator submit a management plan.
- Requirement for the presence of management and security personnel whenever a shelter is in operation.
- Limitations on the extent of outdoor activities.
- Basic performance standards for lighting and noise.
- Allowance, but not requirement, that shelters include services and common facilities such as recreation rooms, laundry facilities, cooking areas, childcare facilities, and counseling services.

In addition, automobile and bicycle parking requirements for shelters are included in Article 17, Parking Requirements. The recommended ratios are based on a study and comparison of other cities’ standards and actual parking provision and utilization at several Bay Area shelters.

The proposed development, operational, and parking standards will complement the by-right allowance for emergency shelters in the new overlay zone. They can help ensure that shelters are adequately designed and operated and that impacts on surrounding uses/community are minimized.

Transitional and Supportive Housing

In addition to requiring that municipalities designate a zone or zones where at least one year-round shelter can be establishment to accommodate their unmet need for emergency shelters, SB 2 amended the Government Code to require cities and counties to explicitly recognize transitional, and supportive housing in their zoning regulations and to adopt provisions intended to remove obstacles to providing transitional housing for those who were formerly homeless, and supportive housing accommodating persons with disabilities.

Section 3 of the proposed ordinance adds a definition of “transitional housing” that cross-references the definition in the California Health and Safety Code and also lists transitional housing as a residential use with reference to the new definition. It also amends the zoning

ordinance to define Single Room Occupancy (SRO) units as a form of multi-family housing subject to standards and requirements applicable to comparable multi-unit residential facilities and allow SRO hotels in the Rivertown High Density Residential and Transit-Oriented Residential Districts subject to specific limitations.

The current zoning ordinance identifies residential care facilities, one of the most common forms of supportive housing, as a residential use but does not include a definition for either residential care facility or supportive housing. To comply with State and Federal law, residential care facilities serving six or fewer people (not including the operator or staff who provide services that residents need to sustain daily life) must be treated as a single-family use. Licensed facilities that serve seven or more residents may be subject to a use permit but any standard requirements or conditions imposed on such facilities must be comparable to those imposed on other group residential facilities such as convents and fraternity houses.

State and Federal laws prohibit zoning regulations that distinguish facilities according to the characteristics of occupants but they may enact ordinances that apply to all of the facilities within a use category such as all group living accommodations or all multi-unit housing. To comply with State and federal fair housing laws, the proposed amendments include:

- Identifying the districts where facility types are allowed;
- Specifying the type of approval required to establish facilities;
- Establishing performance requirements applicable to different development types.

As recommended by the Commission, the proposed amendments define and classify a range of supportive housing types and revise use regulations based on the development and operation characteristics of different uses. In addition to establishing new definitions, the proposed amendments identify the districts in which facility types are allowed and specify the type of approval required. The changes would include classifying unlicensed (e.g. “clean and sober”) facilities as Boardinghouses subject to a Use Permit in R-10 and R-20 districts.

Development Bonuses and Incentives

In addition to revising the Zoning Ordinance to be consistent with the State’s density bonus law (Government Code 65915), Sections 8 and 9 of the proposed ordinance amend Articles 34 and 35 to clarify and augment procedures for implementing the State density bonus law. These include procedures that express priorities and clarify expectations for projects that are eligible for density bonuses. The amendments also establish finding for approval, denial and modification of applications for State-mandated density bonuses, concessions, and incentives.

5. Development and Parking Standards and Regulations

The purpose of the proposed amendments to the City’s multi-family development standards is to enhance the new higher-density residential districts, as well as existing multi-family residential districts, through the application of regulations intended to promote more attractive multi-family residential design. The revised multi-family residential development standards that are proposed in Section 6 of the draft ordinance are intended to allow for a wide variety of multi-family residential development types, create walkable streets, and minimize impacts to existing neighborhoods. To achieve these objectives they emphasize building placement and orientation, improving the relationship of buildings to the public realm (streets and public space), and ensuring appropriate transitions from higher density development to adjacent lower-scale development.

The proposed amendments to the multi-family development standards include the following components:

- Reduced street-facing setbacks
- Transition requirements
- Architectural articulation
- Front entryways and connections
- Parking location and frontage
- Driveways
- Usable open space and storage space
- Landscaping; and
- Reduced lot sizes for townhome development

Section 9-5.709 establishes a procedure whereby the Planning Commission may allow modifications to the dimensional requirements, design standards and other requirements when justified by practical difficulties, topography and other physical conditions. The purposes of this new process is to provide a form a relief that does not require approval of a variance in such situations.

The proposed amendments to the parking standards in Section 7 of the draft ordinance provide a set of procedures and findings to allow discretionary reductions to a project's normally required number of parking spaces. Consistent with direction from the Planning Commission and Council to allow modification of parking requirements through a discretionary review process, the code amendment would broaden the authority of the Zoning Administrator and Planning Commission to modify parking requirements when warranted based on specific circumstances.

The proposed amendments will establish criteria for approval of parking reductions. In order to approve a parking reduction, the review authority (Zoning Administrator or Planning Commission) would need to find that the use(s) would be adequately served by the proposed parking and that parking demand generated by the project would not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area. For shared parking facilities, the review authority would need to find that the peak hours of use would not overlap to the degree that the demand will exceed the total supply of spaces.

Section 7 of the draft ordinance also amends the zoning code to include a new section with standards and procedures for off-site parking facilities, such as public parking garages. Standards include a requirement that such garages be within 400 feet of the uses served and connected to such uses via a public walkway. They also include provisions to allow tandem parking in certain circumstances. Tandem parking would only be allowed to serve a single dwelling unit or serve as employee parking for a non-residential establishment, could be no more than two vehicles deep, and could not exceed 50 percent of a project's required parking spaces.

Summary and Recommendations

It is recommended that the Planning Commission conduct a public hearing on the proposed ordinance amending the City of Antioch General Plan, Zoning Ordinance, and Zoning Map and adopt the attached resolution recommending the City Council adopt the amendments.

ATTACHMENTS

A. Recommendation resolution

Exhibit 1: Draft ordinance adopting amendments to the City of Antioch General Plan and Zoning Ordinance to Implement the Housing Element

Exhibit 2: Draft ordinance adopting amendments to the City of Antioch zoning map

B. Adopted 2007-2014 Housing Element available on-line at:

<http://www.ci.antioch.ca.us/CityGov/CommDev/PlanningDivision/Housing-Element-docs.htm>

C. Approved Initial Study/Negative Declaration, City of Antioch Housing Element

<http://www.ci.antioch.ca.us/CityGov/CommDev/PlanningDivision/docs/Housing-Element-ISND.pdf>

ATTACHMENT "A"

RESOLUTION NO. 2014-**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH RECOMMENDING THAT THE CITY COUNCIL ADOPT AMENDMENTS TO THE GENERAL PLAN, ZONING ORDINANCE AND ZONING MAP TO IMPLEMENT THE HOUSING ELEMENT

WHEREAS, the Planning Commission of the City of Antioch did receive an application from the **City of Antioch** ("City") requesting approval of amendments to the Antioch General Plan, Zoning Ordinance, and Zoning Map of the Antioch Municipal Code, which conform to and would implement the General Plan Housing Element; and,

WHEREAS, in October, 2010, the City of Antioch (City) adopted an updated Housing Element in accordance with Government Code Sections 65300, et seq., which the City Council found would not have a significant effect on the environment, based on an Initial Study pursuant to CEQA Statutes Section 21000 et seq. and CEQA Guidelines Section 15070 et seq.; and,

WHEREAS, the Planning Commission duly gave notice of public hearing as required by law; and,

WHEREAS, on April 16, 2014, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission, after reviewing the staff report and considering testimony offered, does hereby recommend that the City Council **ADOPT** the attached ordinances amending the Antioch General Plan and Zoning Ordinance (Exhibit 1) and the Zoning Map (Exhibit 2) to implement the General Plan Housing Element.

* * * * *

I HEREBY CERTIFY the foregoing resolution was duly adopted by the Planning Commission of the City of Antioch, County of Contra Costa, State of California, at a regular meeting of said Planning Commission held on the 16th day of April, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tina Wehrmeister,
Secretary to the Planning Commission

EXHIBIT 1

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH ADOPTING AMENDMENTS TO THE GENERAL PLAN AND ZONING ORDINANCE TO IMPLEMENT THE HOUSING ELEMENT

SECTION 1. Findings. The Antioch City Council hereby finds, determines and declares as follows:

A. The City of Antioch holds the right to make and enforce all laws and regulations not in conflict with general laws, and the City holds all rights and powers established by state law.

B. The Planning Commission conducted a duly noticed public hearing on April 16, 2014 at which time a resolution was approved to recommend to the City Council that this ordinance be adopted. The City Council held a duly noticed public hearing on _____ at which all interested persons were allowed to address the Council regarding adoption of this ordinance.

C. The proposed amendments to the General Plan and Zoning Ordinance are consistent with and would implement the updated Housing Element the City of Antioch (City) adopted in October, 2010, which the City Council, found would not have a significant effect on the environment, based on an Initial Study prepared in accordance with Public Resources Code Section 21000 et seq. and CEQA Guidelines Section 15070 et seq.;

SECTION 2. Section 4.4.1.1 (Residential Land Use Designations) of the City of Antioch General Plan is hereby amended to add the following land use designation:

High Density Residential. High Density Residential densities may range up to ~~twenty (20)~~ thirty-five (35) dwelling units per gross developable acre, with density bonuses available for age-restricted, senior housing projects. Two-story apartments and condominiums with surface parking typify this density, though structures of greater height with compensating amounts of open space would be possible. This designation is intended primarily for multi-family dwellings. As part of mixed-use developments within the Rivertown area and designated transit nodes, residential development may occur on the upper floors of buildings whose ground floor is devoted to commercial use. ~~Typically, residential densities will not exceed sixteen (16) to eighteen (18) dwelling units per acre for standard apartment projects, although projects with extraordinary amenities may achieve the maximum allowable density. However, p~~Permitted densities and number of housing units will vary, depending on topography, environmental aspects of the area, geologic constraints, existing or nearby land uses, proximity to major streets and public transit, and distance to shopping districts and public parks. The Zoning Ordinance will establish specific density limits at or below 35 units per acre for zoning districts that correspond with the High Density Residential designation. Higher densities will be allowed where measurable community benefit is to be derived (i.e., provision of needed senior housing or low and moderate income housing units). In all cases, infrastructure, services, and facilities must be available to serve the proposed density, and the proposed project must be compatible with surrounding land uses.

Appropriate Land Use Types: See Table 4.A

Maximum Allowable Density: ~~Twenty~~ Thirty-five (35) dwelling units per gross developable acre (~~20~~ 35 du/ac) and up to a Floor Area Ratio¹ of 1.5 within areas designed for mixed use or transit-oriented development.

Anticipated Population per Acre: Forty (40) ~~to seventy (70)~~ persons per acre. ~~Within transit-oriented development, up to forty five to sixty (45-60) persons per acre.~~

SECTION 3. Chapter 5, Article 2 (Definitions), of the Antioch Municipal Code is hereby amended to revise Section 9-5.203 DEFINITIONS and add the following definitions, alphabetically listed:

§9-5.203 DEFINITIONS.

The following text below indicates proposed revisions, which include new definitions as well as changes to some definitions that already appear in Article 2. The new and revised definitions further describe the housing types to which the proposed amendments refer and are intended to complement the proposed multi-family standards.

...

ALCOHOLISM OR DRUG ABUSE RECOVERY OR TREATMENT FACILITY. A facility approved and licensed by the State that provides 24-hour residential nonmedical services including alcohol, drug, or alcohol and drug recovery treatment or detoxification services to adults who are recovering from problems related to alcohol, drug, or alcohol and drug misuse or abuse as defined by Section 1502 of the California Health and Safety Code.

BOARDING AND ROOMING HOUSE. A ~~dwelling building~~ other than a hotel or a bed and breakfast establishment, including on-site accessory structures, ~~containing a single dwelling unit in which the house owner or manager resides~~ with no more than five guest rooms where lodging for two or more persons who are not living as a single household is provided ~~and containing not more than two guest rooms in which, for compensation, long term lodging with or without meals is provided for monetary or non-monetary consideration under two or more written or oral agreements or leases for periods of at least 30 days. If more than two such guest rooms exist, then it shall be considered a small or large family care home.~~ This does not include licensed alcoholism or drug abuse recovery treatment facilities, residential care facilities, or foster care homes or bed and breakfast facilities.

BUILDING SITE. A lot or parcel of land in single or joint ownership and occupied, or to be occupied, by a main building and accessory buildings or by a dwelling group and its accessory buildings, together with such open spaces as are required by the provisions of this chapter and having its principal frontage along a street, road, or highway.

BUILDING SITE, INFILL. Any building site of five acres or less that was previously developed for a residential, commercial, retail, institutional or other urban use or is immediately adjacent to parcels that are developed with any previous urban uses.

...

CONVALESCENT AND EXTENDED CARE FACILITIES. The generic name for ~~temporary living arrangements designed to provide~~ facilities providing long-term nursing, dietary, and other medical services to convalescents or invalids in an institutional setting but not providing surgery or primary treatment such as are customarily provided in a hospital. care with 24-hour medical supervision. CARE FACILITIES include the following types:

(1) *Convalescent care facility.* Facility licensed by the state that provides 24-hour nursing care, medical supervision and rehabilitation therapy, room and board, and activities for convalescent residents and those with chronic and/or long-term care illnesses. ~~One step below hospital acute care.~~

(2) *Nursing facility, nursing home.* The generic name for ~~a living arrangement whereby an elderly person pays a fee to live in a facility with skilled nursing services.~~ All eldercare services are provided including living space, meals, laundry, recreation, care giving, and medical care. an establishment licensed as a skilled nursing facility by the California State Department of Health Services providing 24-hour medical, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves, including but not limited to, rest homes and convalescent hospitals, but not Community Care Facilities, Senior Congregate Housing or Hospitals as defined in this Chapter.

(3) *Skilled nursing facility.* Provides 24-hour-a-day nursing services for those who have serious health care needs, but who do not require hospitalization.

DISABILITY, PERSON WITH. An individual who has a physical or mental impairment that substantially limits one or more of the major life activities of individuals, and there is a record of such an impairment or the individual is regarded as having such an impairment. It is the intent of this definition to substantially comply with the term "disability" as defined by the Federal Americans with Disabilities Act of 1990, as may be amended from time to time.

DWELLING. A building or portion thereof designed and used exclusively for residential occupancy, with exception of permitted home occupations, including one-family, two-family, and multiple dwellings, but not including hotels, boarding or lodging houses.

DWELLING, MULTIPLE-FAMILY. ~~A building used and designed as a residence for three or more households living independently of each other with an individual kitchen provided for each household.~~ Multiple-Unit Dwelling. Three or more dwelling units contained within a single building or within two or more buildings on a site or lot. Types of multiple-unit dwellings include garden apartments, senior housing developments, multi-story apartment buildings, and condominiums. (They may include side-by-side units that are configured as a townhome-style development in which multiple units are located on the same lot rather than each occupying an individual lot as in single-family detached.)

DWELLING, SINGLE-FAMILY ATTACHED. A dwelling unit that is designed for occupancy by one household located on a separate lot from any other unit (except a second dwelling unit, where permitted), and attached through common vertical walls to one or more dwellings on abutting lots. An attached single-unit dwelling is sometimes called a "townhouse" or "row house."

DWELLING, SINGLE-FAMILY DETACHED. ~~A detached building designed for and/or occupied exclusively by one household.~~ A dwelling unit that is designed for occupancy by one household, located on a separate lot from any other dwelling unit (except a Second Unit, where permitted), and not attached to another dwelling unit on an abutting lot. This classification includes individual manufactured housing

units installed on a foundation system pursuant to Section 18551 of the California Health and Safety Code.

DWELLING, TWO-FAMILY OR DUPLEX. ~~A building containing not more than two kitchens designed and/or used to house not more than two households living independently of each other.~~ A single building on a separate lot that contains two dwelling units or two single-unit dwellings located on a single lot. This use is distinguished from a Second Unit, which is an accessory residential unit as defined by State law and this Ordinance.

DWELLING UNIT. A room or a suite of interconnecting rooms used for sleeping, eating, cooking, and sanitation, designed or occupied for use as a separate living quarters on a permanent basis for no more than one family. Each unit shall have no more than one kitchen.

EMERGENCY SHELTER. A temporary, short-term residence providing housing with minimal support services for homeless families or individual persons where occupancy is limited to six months or less, as defined in Section 50801 of the California Health and Safety Code. Medical assistance, counseling, and meals may be provided.

...

FAMILY CARE HOME.

...

FAMILY FOSTER CARE HOME. The occupancy of a single-unit by six or fewer foster children living with foster parents, whose care they have been placed, and other family members.

...

GROUP HOUSING. A facility that provides shared living quarters with or without separate kitchen or bathroom facilities for each room or unit, which are used or rented to the public as sleeping rooms for occupancy for a period of more than 30 days including rooming and boarding houses, dormitories, private residential clubs, residential hotels intended for long-term occupancy, halfway houses, board and care homes, clean and sober homes, residential care facilities and similar accommodations. Group housing includes both unlicensed facilities and those licensed or supervised by a federal or State agency. It does not include Small Residential Care Facilities, Bed and Breakfasts, hotels and motels, and other facilities that provide overnight accommodation for payment for periods of 30 consecutive calendar days or less.

HOSPICE. A facility that provides 24-hour non-medical care for terminally ill persons.

...

HOUSEHOLD. See "Family". One or more persons, whether or not related by blood, marriage or adoption, living together in a single dwelling unit in a living arrangement usually characterized by sharing living expenses, such as rent or mortgage payments, food costs and utilities with common access to and common use of all living and eating areas and all areas and facilities for the preparation and storage of food within the dwelling unit and share responsibilities such as meals, chores, expenses, and maintenance of the premises according to a household plan or similar agreement. If all or part of the dwelling unit is rented, lessees jointly occupy the unit under a single written or oral agreement, whether for monetary or non-monetary consideration. Excludes larger institutional group living situations such as dormitories,

fraternities, sororities, monasteries, convents, and commercial group living arrangements such as congregate housing, boardinghouses, and lodging houses.

INFILL SITE. See “Building Site, Infill.”

...

KITCHEN. Any room or space within a building designed to be used or maintained for the cooking and/or preparation of food.

...

MAJOR TRANSIT STOP. Any site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or a bus route with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

...

OPEN SPACE. See “Usable Open Space.” ~~The area of a project (exclusive of the required setback from a public street) which is to be used for leisure, recreational, and/or aesthetic purposes. **OPEN SPACE AREAS** may include those reserved for active and passive recreational uses and park facilities.~~

...

RESIDENTIAL CARE FACILITY. A facility licensed by the State of California and providing permanent living accommodations and 24-hour primarily non-medical care and supervision for persons in need of personal services, supervision, protection, or assistance sustaining the activities of daily living. Living accommodations are shared living quarters with or without separate kitchen or bathroom facilities for each room or unit. This classification includes group homes for minors and for persons with disabilities including people in recovery from alcohol or drug addictions.

...

RESIDENTIAL HOTEL. A building that is a residential hotel as defined in Section 50519 (b)(1) of the California Health and Safety Code that provides six or more guestrooms or efficiency units that are intended or designed to be used, or which are used or rented to the public as sleeping rooms for occupancy for a period of more than 30 days as the primary residence of those occupants. Rooms may have partial kitchen or bathroom facilities. This classification does not include hotels and other transient accommodations that are occupied primarily by guests who maintain a primary residence elsewhere and does not include residential facilities licensed by the State of California.

...

SUPPORTIVE HOUSING. Dwelling units with no limit on length of stay that are occupied by the target population as defined in Section 53260 (d) of the California Health and Safety Code, and that are linked to onsite or offsite services that assist supportive housing residents in retaining the housing, improving their health status, and maximizing their ability to live and, where possible, work in the community. Supportive housing as defined by subdivision (b) of Section 50675.14 may be provided in a multiple-unit structure or group residential facility. Facilities may operate as licensed or unlicensed facilities subject to applicable State requirements.

TRANSITIONAL HOUSING. Dwelling units with a limited length of stay that are operated under a program requiring recirculation to another program recipient at some future point in time. Transitional housing may be designated for homeless or recently homeless individuals or families transitioning to permanent housing as defined in subdivision (h) of Section 50675.2 of the California Health and Safety Code. Facilities may be linked to onsite or offsite supportive services designed to help residents gain skills needed to live independently. Transitional housing may be provided in a variety of residential housing types (e.g., multiple-unit dwelling, single-room occupancy, group residential, single-family dwelling). This classification includes domestic violence shelters.

USABLE OPEN SPACE. Any space that is provided on a lot that is designed and used for active or passive recreational purposes, including but not limited to such uses as outdoor seating, outdoor dining, play lots, playgrounds, swimming pools, tennis courts, bicycle trails.

SECTION 4. Chapter 5, Article 3 (Establishment of Districts), of the Antioch Municipal Code is hereby amended to read as follows:

§9-5.301 DISTRICTS ESTABLISHED AND DEFINED.

(E) *R-20 Medium ~~High and High~~ Density Residential District.* These districts allow multiple-family densities of 11 to 20 dwelling units per gross developable acre respectively. The districts are consistent with the High Density Residential General Plan Designation of up to 20 dwelling units per gross developable acre and with any Focused Planning Area designated by the General Plan. Higher densities may be allowed where measurable community benefit is to be derived such as the provision of senior housing or low to moderate income housing units as specified within this chapter and pursuant to applicable requirements of State law.

(F) *R-25 High Density Residential District.* This district allows multiple-family development at a minimum density of 20 and a maximum density of 25 dwelling units per gross acre. This district is consistent with the High Density Residential General Plan Designation of up to 35 dwelling units per gross developable acre and with any Focused Planning Area designated by the General Plan. Higher densities may be allowed where measurable community benefit is to be derived, such as the provision of senior housing or low to moderate income housing units as specified in this chapter and pursuant to applicable requirements of State law. Typical development would include multiple-family dwellings on sites that create an attractive and high-quality living environment and include amenities such as usable open space.

(G) *R-35 High Density Residential District.* This district allows multiple-family development at a minimum of 30 and maximum of 35 dwelling units per gross acre. This district is consistent with the High Density Residential General Plan Designation of up to 35 dwelling units per gross developable acre and with any Focused Planning Area designated by the General Plan. Higher densities may be allowed where measurable community benefit is to be derived, such as the provision of senior housing or low to moderate income housing units as specified in this chapter and pursuant to applicable requirements of State law. Typical development would include multiple-family dwellings on sites that create an attractive and high-quality living environment and include amenities such as usable open space.

...

(CC) *ES Emergency Shelter Overlay District.* This overlay district provides sites suitable for the development of Emergency Shelters. It allows Emergency Shelters by right when they are developed in

accordance with a set of standards and requirements. The allowance for emergency shelters supersedes any land use regulation for shelters of the base zone; otherwise, all regulations of the base zone apply.

SECTION 5. Chapter 5, Article 6 (Height and Area Regulations and Table), of the Antioch Municipal Code is hereby amended to read as follows:

Article 6 currently consists of a table that provides basic development standards such as minimum lot area, minimum lot width, maximum building height, and minimum setbacks for each zoning district. The table below reflects the existing table with the addition of two proposed new districts, the R-25 and R-35, which are needed to implement the Housing Element. These new districts were presented and preliminarily endorsed by the Planning Commission in August 2012. The proposed new standards for multi-family residential development that have been added to the table in Section 9-5601 would be located in Article 7, which is "reserved" in the current code.

§9-5.601 INTRODUCTION HEIGHT AND AREA REGULATIONS.

The following chart and text are adopted as the city's basic height and area regulations. First, find the appropriate zoning district on the left-hand side of the table. Read across the chart opposite the specific zone in question and the height or area requirement for that zone, or a ~~number~~ letter, will appear in the appropriate column. If a ~~number-letter~~ appears in the column any cell, it refers to the, the requirement is listed by that number in the in the footnotes following listing of footnotes the table.

| HEIGHT, AREA AND SETBACK REGULATIONS FOR PRIMARY STRUCTURE | | | | | | | | | | | |
|--|--|----------------------------|------------------------|-----------|--------------------------------|--|--|------------------------------|--|--------------|---------------------------------|
| Zone | Max. Height Feet ^b | Min. Building Site Sq. Ft. | Min. Lot Width in Feet | | Max. Lot Coverage ^e | Min. Density Required (Units per Gross Developable Acre) | Max. Density Allowed (Units per Gross Developable Acre) ^d | Front Yard Min. ^m | Min. Side Yard Required in Feet ^e | | Min. Rear Yard Required in Feet |
| | | | Corner | Interior | | | | | Corner | Interior | |
| RE | TO BE DETERMINED BY CITY COUNCIL THROUGH PLANNED DEVELOPMENT PROCESS | | | | | | | | | | |
| RR | TO BE DETERMINED BY CITY COUNCIL THROUGH PLANNED DEVELOPMENT PROCESS | | | | | | | | | | |
| R-4 | 35 | 6,000 | 65 | 60 | 40% | NA | 4 du/acre | f | f | 5 ft. | 20 ft. |
| R-6 | 35 | 6,000 | 65 | 60 | 40% | NA | 6 du/acre | f | f | 5 ft. | 20 ft. |
| R-10 | 45 | 6,000 | 65 | 60 | 40% | NA | 10 du/acre | f | f | 5 ft. | 10 ft. |
| R-20 | 45 | 20,000 | 70 | 70 | 40% | NA | 20 du/acre | f | f | 5 ft. | 10 ft. |
| <u>R-25</u> | <u>45</u> | <u>20,000</u> | <u>70</u> | <u>70</u> | <u>50%</u> | <u>20 du/acre</u> | <u>25 du/acre</u> | f | f | <u>5 ft.</u> | <u>10 ft.^m</u> |
| <u>R-35</u> | <u>45</u> | <u>20,000</u> | <u>70</u> | <u>70</u> | <u>50%</u> | <u>30 du/acre</u> | <u>35 du/acre</u> | f | f | <u>5 ft.</u> | <u>10 ft.^m</u> |
| PBC | 35 | 20,000 | 65 | 60 | 35% | NA | 0 | f | f | 0 ft. | 0 ft. |
| C-0 | 35 | 20,000 | 65 | 60 | 35% | NA | 0 | f | f | 0 ft. | 10 ft. |
| C-1 | 35 | 20,000 | 65 | 60 | 35% | NA | 0 | f | f | 0 ft. | 10 ft. |
| C-2 | 35 | 20,000 | 65 | 60 | 35% | NA | 0 | f | f | 0 ft. | 10 ft. |
| C-3 | 70 | 20,000 | 65 | 60 | 35% | NA | 0 | f | f | 0 ft. | 10 ft. |
| MCR ^j | 45 | 6,500 | 65 | 60 | 50% | NA | 20 du/acre | f | f | 5 ft. | 10 ft. |

HEIGHT, AREA AND SETBACK REGULATIONS FOR PRIMARY STRUCTURE

| Zone | Max. Height Feet ^b | Min. Building Site Sq. Ft. | Min. Lot Width in Feet | | Max. Lot Coverage | Min. Density Required (Units per Gross Developable Acre) | Max. Density Allowed (Units per Gross Developable Acre) ^d | Front Yard Min. ^m | Min. Side Yard Required in Feet ^e | | Min. Rear Yard Required in Feet |
|------------------|---|-------------------------------|------------------------|----------|-------------------|--|--|------------------------------|--|----------|---------------------------------|
| | | | Corner | Interior | | | | | Corner | Interior | |
| RTC ^j | 50 | 2,500 | 25 g | 25 g | 100% | NA | 20 h | 0 ⁱ | 0 ⁱ | 0 ft. | 0 ft. |
| RTR-10 | 45 | 3,500 | 45 | 45 | 50% | NA | 12 | 15 | 10 | 5 ft. | 15 ft. |
| RTR-20 | 45 | 20,000 | 100 | 100 | 50% | NA | 20 | 15 | 10 | 5 ft. | 10 ft. |
| WF | 45 | 6,500 | 60 | 60 | 60% | NA | 0 | 0 | 0 | 0 ft. | 0 ft. |
| M-1 | 45 | 40,000 | 100 | 100 | 50% | NA | 0 | f | f | 0 ft. | 0 ft. |
| M-2 | 70 | 40,000 | 100 | 100 | 50% | NA | 0 | f | f | 0 ft. | 0 ft. |
| HPD | TO BE DETERMINED BY CITY COUNCIL THROUGH PLANNED DEVELOPMENT PROCESS | | | | | | | | | | |
| PD | TO BE DETERMINED BY CITY COUNCIL THROUGH PLANNED DEVELOPMENT PROCESS | | | | | | | | | | |
| RRM P | TO BE DETERMINED BY CITY COUNCIL THROUGH PLANNED DEVELOPMENT PROCESS IN A MANNER CONSISTENT WITH ARTICLE 41 OF THE MUNICIPAL CODE | | | | | | | | | | |
| TOD | TO BE DETERMINED BY CITY COUNCIL THROUGH PLANNED DEVELOPMENT PROCESS | | | | | | | | | | |
| H | 70 | SAME AS C-0 ZONE ^k | | | | | | | | | |
| OS | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA | NA |
| S | TO BE DETERMINED BY CITY COUNCIL THROUGH PLANNED DEVELOPMENT PROCESS | | | | | | | | | | |
| SH | SAME AS UNDERLYING BASE ZONE | | | | | | | | | | |
| T | SAME AS UNDERLYING BASE ZONE | | | | | | | | | | |

Notes:

- Where 40% or more of the frontage (excluding reversed frontage lots) in a block has been improved with buildings, the minimum required front yard for main buildings shall be the average of the improved lots if less than the front yard requirements, but not less than six feet from the property line.
- Height shall mean the vertical distance from the average level of the highest and lowest point of that portion of the lot covered by the structure, excluding below ground basements, to the topmost point of the roof. Exceptions to the specified height limitation shall include the spires, belfries, cupolas and domes of churches, monuments, water towers, fire and hose towers, observation towers, distribution and transmission towers, lines and poles, chimneys, smokestacks, flag poles, radio towers, equipment penthouses encompassing less than 20% of total roof area and less than eight feet in height, and parapets less than 30 inches in height, unless otherwise governed by this chapter.
- Minimum lot area in all zones shall not apply to the condominium parcelization of a larger project where land is being divided for individual building envelopes.
- Maximum density allowed is defined in the city General Plan as per the maximum developable gross acreage definition found in this chapter.
- For at least 25% of the lots in a given subdivision, one side yard of an interior lot shall be 10 feet in width and the other side yard can be five feet. The 10 foot side yard area shall remain as unrestricted open area. This shall also apply to all two-story single-family residential lots. On any parcel of land of an average width of less than 50 feet, which parcel was under one ownership or is shown as a lot on any subdivision map filed in the office of the County Recorder prior to April 11, 1950, when the owner thereof owns no adjoining land, the width of each side yard may be reduced to 10% of the width of such parcel, but in no case to less than three feet.

HEIGHT, AREA AND SETBACK REGULATIONS FOR PRIMARY STRUCTURE

| Zone | Max. Height Feet ^b | Min. Building Site Sq. Ft. | Min. Lot Width in Feet | | Max. Lot Coverage | Min. Density Required (Units per Gross Developable Acre) | Max. Density Allowed (Units per Gross Developable Acre ^d) | Front Yard Min. ^m | Min. Side Yard Required in Feet ^e | | Min. Rear Yard Required in Feet |
|------|-------------------------------|----------------------------|------------------------|----------|-------------------|--|---|------------------------------|--|----------|---------------------------------|
| | | | Corner | Interior | | | | | Corner | Interior | |

f. Front yard and street side setbacks shall be reserved for landscaping only, excluding access and egress driveways and shall be determined on a graduated scale based upon type of street and land use as follows:

1. ~~Non-residential and multi-family~~ uses.

Arterial street: minimum 30 foot setback with 30 foot landscaping on all frontages.

Collector street: minimum 25 foot setback with 25 foot landscaping.

Local street: minimum 20 foot setback with 20 foot landscaping.

2. ~~Single-family detached~~ and two-family dwelling uses.

Arterial street: minimum 30 foot setback with 30 foot landscaping on all frontages.

Collector street: minimum 25 foot setback and landscaping for front yard and 10 foot street sideyard setback with landscaping.

Local street: minimum 20 foot front yard setback with 20 foot of landscaping and 10 foot street sideyard with landscaping.

3. Multi-family dwelling uses.

Arterial street: minimum 15-foot setback with 15-foot landscaping on all frontages.

Collector street: minimum 15-foot setback with 15-foot landscaping.

Local street: minimum 10-foot setback with 10-foot landscaping.

g. New construction with frontage in excess of the minimum lot width shall reflect the pattern of building widths in façade design.

h. Within the area bounded by the Burlington Northern Santa Fe Railroad, "I" Street, Second Street, and "E" Street, residential density may be increased to 45 dwelling units per acre provided:

1. The residential use is part of a mixed use development with the entire first floor devoted to commercial use;

2. The proposed development provides public amenities as described in § 4 (relating to residential use in RTC); and

3. The project has received use permit approval from the Planning Commission.

i. Buildings in the RTC district shall be placed on the property line except for:

1. Setbacks to accommodate outdoor dining and plazas, provided that such setbacks do not exceed a depth of one-third of the lot depth;

2. Courtyards, promenades, and plazas located on any portion of the site; and

3. Where a setback is necessary to maintain the uniform setback of building façades.

j. The first floor of a building shall extend from property line to property line except:

1. In setback areas for outdoor dining, plazas; and

2. For required vehicular or pedestrian access.

k. Notwithstanding any other provisions of this chapter for yard requirements, in any residential district the front of any garage shall be not less than 20 feet from the exterior property line on which such garage faces.

l. For projects that consist of attached single-family dwellings (townhomes), in which each dwelling occupies its own lot, the minimum lot area is 1,800 square feet and the minimum required interior side setback is zero.

m. Where a multi-family dwelling abuts a lot that is zoned RR, RE, R4, or R6, a minimum rear yard of 20 feet shall be provided.

SECTION 6. Chapter 5, Article 7 (Reserved), of the Antioch Municipal Code is hereby amended to read as follows:

ARTICLE 7: MULTI-FAMILY RESIDENTIAL DEVELOPMENT STANDARDS
[Reserved]

§ 9-5.701 PURPOSE

The purpose of this article is to promote high-quality design and provide a pleasant residential environment within the context of higher-density development; ensure the provision of amenities for residents of multi-family developments; foster pedestrian access; and create visually attractive street frontages that offer architectural and landscape interest.

§ 9-5.702 APPLICABILITY.

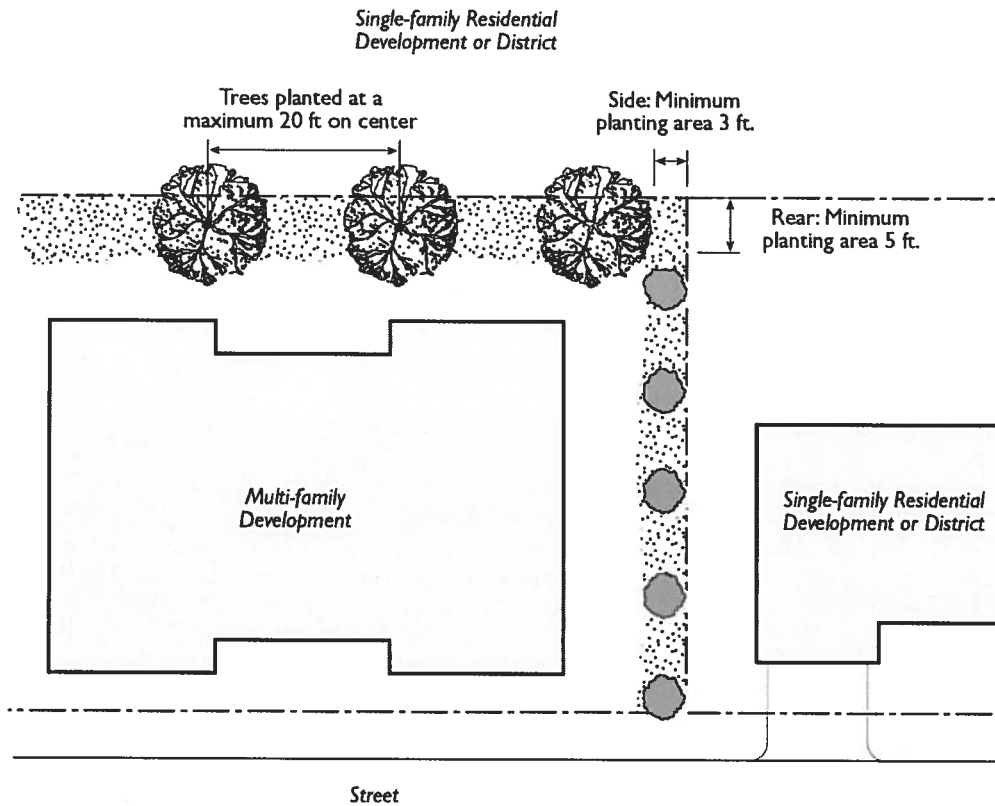
The standards of this article apply to multi-family dwellings in any district in which they are permitted or conditionally permitted.

§ 9-5.703 TRANSITION REQUIREMENTS ADJACENT TO SINGLE-FAMILY RESIDENTIAL.

Wherever a multi-family residential dwelling is located on a lot that directly abuts any lot developed with an existing single-family detached dwelling that is a conforming use or any lot that is zoned RR, RE, R-4, or R-6, the following standards shall apply to the multi-family development.

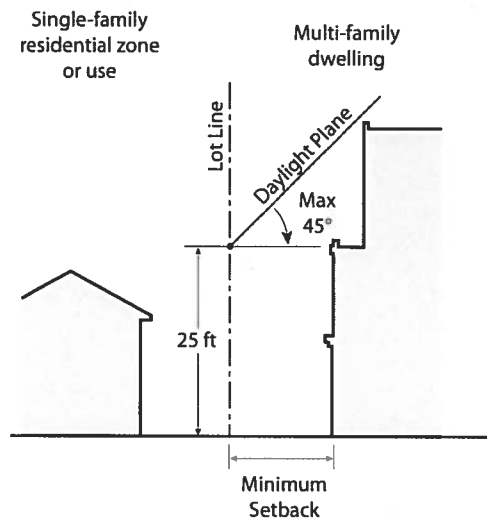
- A. **Rear Setbacks.** Notwithstanding the requirements of the Height, Area, and Setbacks Table of Section 9-5.601, a minimum rear setback of 20 feet is required. For existing substandard lots, a modification to or waiver of the minimum 20-foot setback requirement may be requested, subject to design review.
- B. **Landscape Buffers.** Interior side and rear setbacks that abut single-family residential development or a single-family district shall include the following landscaped areas. These landscaped areas shall be measured from the property line and are included within, and are not additional to, the minimum setbacks required by Table TBD.
 - 1. A landscaped area at least three feet in depth shall be provided along any interior side property line.
 - 2. At least 50 percent of the rear setback shall be a landscaped area at least five feet in depth. Within this landscaped area, trees shall be planted at a maximum distance of 20 feet on center (measured parallel to the rear lot line).

Figure 9-5.703(B): Landscape Buffers



- C. **Required Daylight Plane.** No portion of the building volume shall encroach into a daylight plane starting at a point that is 25 feet above the property line abutting any adjacent lot with a single-family residential use or zone and sloping upward at a 45-degree angle toward the interior of the lot.

Figure 9-5.703(C): Required Daylight Plane



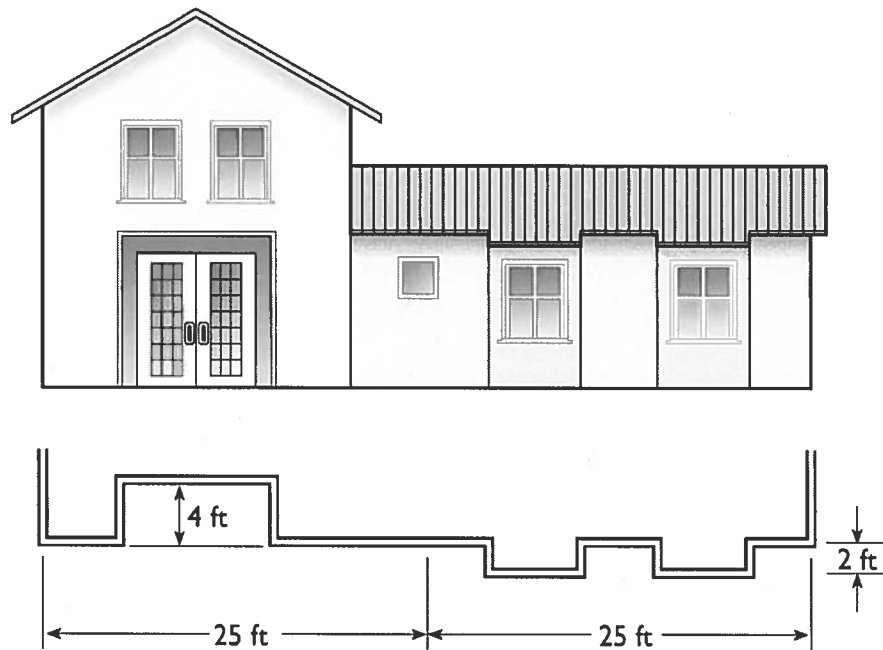
§ 9-5.704 BUILDING FORM.

A. Building Entries.

1. **Orientation.** All units located along public rights-of-way must have a principal entrance that fronts on and is oriented to face the right-of-way. Such entrance shall be clearly visible from the street and shall be connected via pedestrian walkways to the public sidewalk. Exceptions to this requirement may be approved for projects located on arterial streets that carry high traffic volumes and/or streets that do not allow on-street parking. In such cases, a project may be oriented around courtyards with principal entrances facing the courtyards.
2. **Entry Features.** Building entrances must have a roofed projection (e.g., porch) or recess. Such entry features shall have a minimum depth of five feet, measured perpendicular to the façade on which they are located. Entries that serve a single unit shall have a minimum area of 40 square feet while those that serve two or more units shall have a minimum area of 100 square feet.

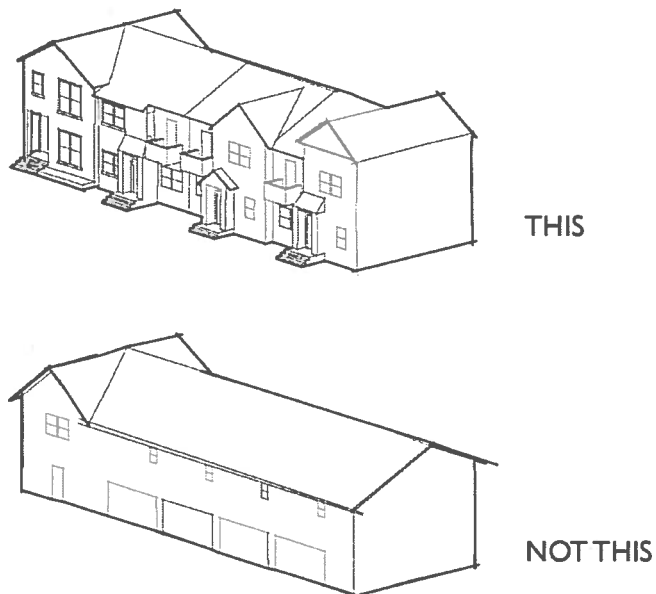
B. Façade Articulation. All street-facing façades must include at least one change in plane (projection or recess) at least four feet in depth, or two changes in plane at least two feet in depth, for every 25 linear feet of wall. Such features shall extend the full height of the respective façade of single-story buildings, at least half of the height of two-story buildings, and at least two-thirds of the height of buildings that are three or more stories in height.

Figure 9-5.704(B): Façade Articulation



- C. **Roof Forms.** Variable roof forms shall be incorporated into the building design, and no more than two side-by-side units may be covered by one unarticulated roof. Variation may be accomplished by changing the roof height, offsets, and direction of slope, and by including elements such as dormers.

Figure 9-5.704(C): Roof Forms



D. Window Design.

1. **Relief.** All windows shall either be recessed or surrounded by trim at least four inches in width and two inches in depth.
2. **Shade Features.** At least 20 percent of all windows on each building shall have exterior sun shades, such as roof overhangs (eaves), awnings, or louvered sunshades.

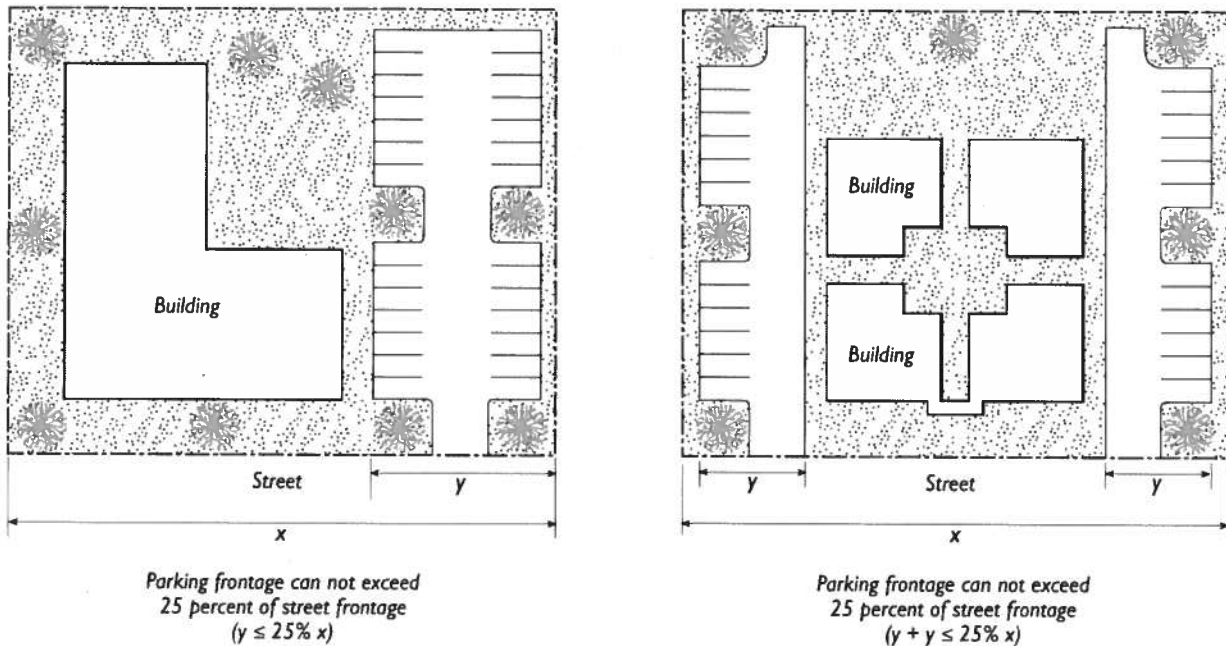
§ 9-5.705 SITE DESIGN FOR PARKING, CIRCULATION, AND ACCESS.

Multi-family dwelling projects shall comply with the regulations of Article 17, Required Parking, as well as the standards of this Section.

A. Parking Location and Frontage.

1. **Maximum Frontage.** The total linear frontage of parking areas visible from the street, including driveways, open parking, carports, and garages, but excluding underground parking and parking located behind buildings, may not exceed 25 percent of the linear street frontage.

Figure 9-5.705(A)(1): Maximum Parking Area Frontage

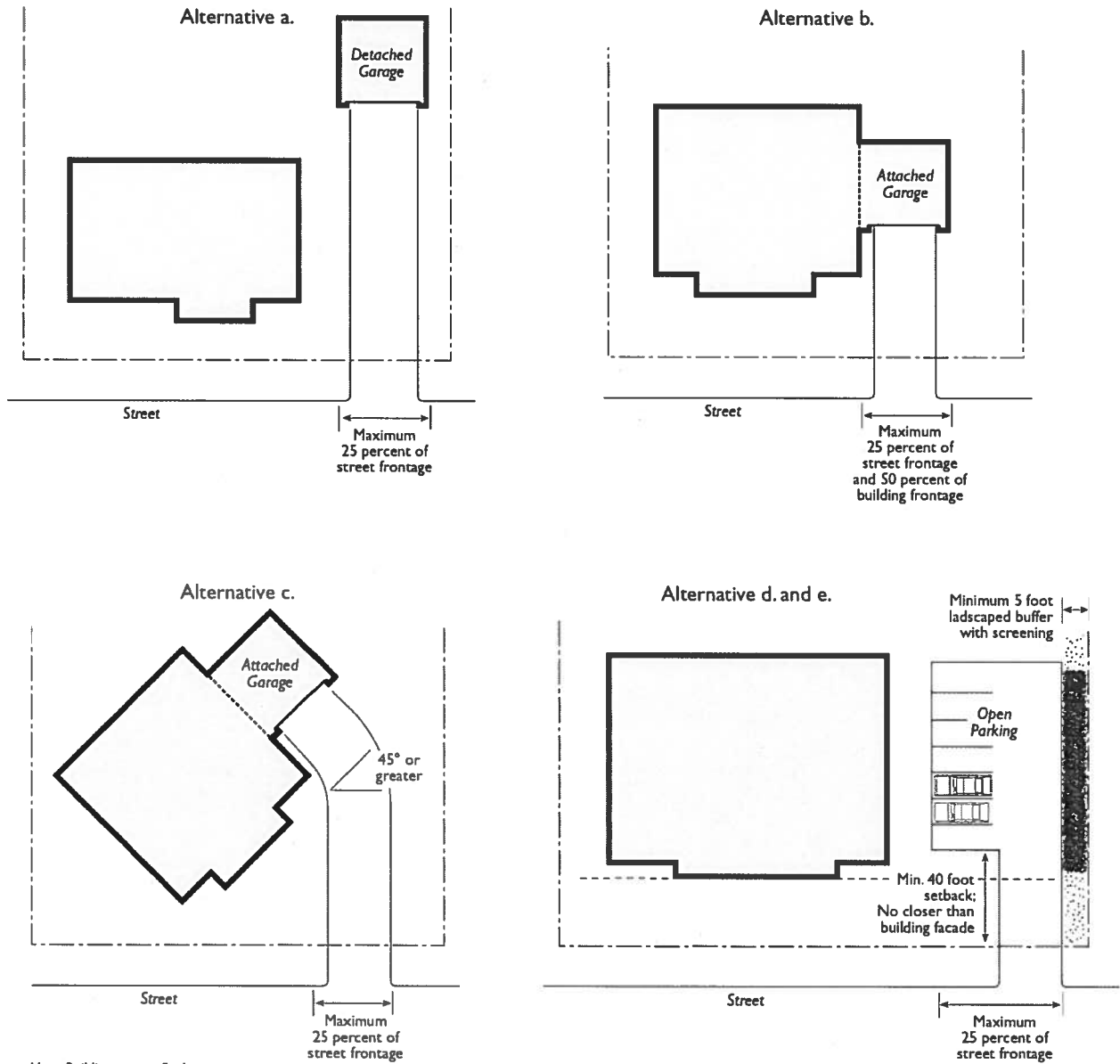


2. **Parking Location.** Parking facilities shall be located according to one or more of the alternatives listed below. This locational requirement applies to parking for both residents and guests, as well as any parking that exceeds the required minimum. In all cases, the requirements of Section 9-5.1703.1, Off-Street Parking Requirements by Use, which establishes the number of required parking spaces and number of covered spaces per unit, must be met. Parking shall be provided in one of the following locations or in a combination of the following locations:

- a. Covered and enclosed parking within a detached garage located to the rear of the residential building in relation to the public street. Such garage may front an alley that is internal to the project. Any garage door visible to any street shall be recessed at least six inches from the surrounding building wall and shall be surrounded by trim of at least two inches in depth.
- b. Covered and enclosed parking integrated into the residential building, in which garage doors are located on the side or rear of the building and not facing a street. For the purposes of this regulation, doors shall be considered not to face a public street if they are oriented 45 degrees or more from parallel with the street.
- c. Covered and enclosed parking integrated into the residential building with garage doors facing or within 45 degrees of parallel with the street. Such garages shall comply with the following standards:
 - i. Maximum Width. Garages shall not exceed 50 percent of the overall width of the building façade of which they are a part. For the purposes of this requirement, garage width is considered the internal width of that portion of a building facade that is backed by a garage space. This dimension is measured from midpoint to midpoint of any enclosing walls that are perpendicular to the garage door or entry.
 - ii. Setback/Recess. Garages shall conform to one of the following setback standards:
 - (1) Garages shall be located at least five feet behind the primary wall of the dwelling. For the purposes of this regulation, "primary wall" shall consist of any wall at least 10 feet in width and one story in height. Garage doors shall be recessed at least six inches from the surrounding wall.
 - (2) Garage space located below living space may be set back the same distance as the remainder of the building façade. Garage doors shall be recessed at least six inches from the surrounding wall.
 - (3) Detailing. Trim of at least two-inch depth shall be provided surrounding garage doors.
- d. Open parking or carports located to the rear of buildings in relation to the street. Such parking facilities must be set back at least 40 feet from any adjacent street, and landscaped according to the standards of Section 9-5.1716, Parking Lot Landscaping; Design Standards. The setback area shall include a landscaped buffer at least five feet in depth (measured perpendicular to the interior lot line) adjacent to any other lot. Parking areas shall be screened from adjacent lots with a solid fence, wall, or dense hedge at least five feet in height.
- e. Open parking located to the side of buildings. Such parking must be set back at least 40 feet from any adjacent street or no closer to the street than the front façade of the residential building, whichever is greater. The setback area shall be landscaped according to the standards of Section 9-5.1716, Parking Lot Landscaping; Design Standards. The setback area shall include a landscaped buffer at least five feet in depth (measured perpendicular to the interior lot line) adjacent to any other lot. Parking areas shall be screened from adjacent lots with

a solid fence, wall, or dense hedge at least five feet in height. Parking area setbacks on corner lots may be modified by the Zoning Administrator when deemed necessary in order to provide adequate visibility for traffic safety.

Figure 9-5.705(A)(2): Parking Location Alternatives



B. Driveways—Number and Width. For lots 75 feet wide or less, a maximum of one driveway per lot is permitted. For lots greater than 75 feet in width, additional driveways are permitted but shall be spaced at least 75 feet apart. No driveway shall exceed 20 feet in width at any property line abutting a street or one-half of the width of the street frontage of the lot, whichever is less.

C. Pedestrian Access.

1. **Connection to Public Sidewalks.** Every multiple-family dwelling shall have a walkway connecting the main building entry to the public sidewalk in the right-of-way on each street frontage. The walkway shall be unobstructed and physically separated from any driveway or off-street parking space by a landscaped buffer with a minimum width of two feet. The walkway shall have an unobstructed width of at least four feet, and shall be of concrete, decorative pavers, or other durable, all-weather surface.
2. **Connection to Parking Areas.** Every multiple-family dwelling shall have a walkway between a building entry and the parking area for the units served by it. The walkway shall be physically separated from any driveway or off-street parking space by a landscaped buffer with a minimum width of two feet. The walkway shall be at least four feet wide, and shall be of a durable, all-weather surface.
3. **Connection to Open Space, Recreation Facilities, and Public Parks.** Walkways shall be provided that connect building entries for the units served to any common usable open space or recreational facilities on site or to any public park facilities located on an adjacent lot.

§ 9-5.706 USABLE OPEN SPACE.

Usable open space to serve multi-family residential dwelling units shall be provided and maintained in compliance with the following table and the requirements of this section.

| TABLE 9-5.706: MINIMUM REQUIRED USABLE OPEN SPACE | | |
|--|------------------|-----------------------------------|
| | <i>R-10 Zone</i> | <i>R-20, R-25, and R-35 Zones</i> |
| Total Usable Open Space per Unit (sq ft) | 250 | 200 |
| Minimum Private Open Space per Unit (sq ft) | 70 | 60 |

- A. **Required Area and Type of Open Space—Multi-Family Dwellings.** All multi-family residential developments shall be provided the minimum private open space area and minimum total open space area stated in Table 9-5.706, according to the number of units in the development. Once the minimum private open space requirement has been met, the remainder of the required total open space for the development may be provided as either private or common open space. Every development that includes five or more residential units shall provide at least one common open space area that meets the standards of Subsection (D) of this Section below.
- B. **Usability.** A surface shall be provided that allows convenient use for residents' outdoor living and/or recreation activities. Such surface shall be any practicable combination of lawn, garden, flagstone, wood planking, concrete, or other serviceable, dust-free surfacing. The slope shall not exceed 10 percent. Off-street parking and loading areas, driveways, and service areas shall not be counted as usable open space. Open space on a roof or deck shall include safety railings or other protective devices that meet but do not exceed the minimum height required by the Antioch Building Code.
- C. **Design Standards—Private Open Space.**
 1. **Accessibility.** Private usable open space shall be accessible to only one living unit by a doorway or doorways to a habitable room or hallway of the unit.

2. **Minimum Dimensions.** Private usable open space located on the ground level (e.g., yards, decks, patios) shall have no horizontal dimension less than 10 feet. Private open space located above ground level (e.g., balconies) shall have no horizontal dimension less than six feet.
3. **Openness.** There shall be no obstructions over ground-level space except for devices to enhance the usability of the space. Above ground-level space shall have at least one exterior side open and unobstructed for at least eight feet above floor level, except for incidental railings and balustrades. No more than 50 percent of the ground-level space may be covered by a private balcony projecting from a higher floor.
4. **Enclosure.** Ground-level space shall be screened from abutting lots, streets, alleys, and paths, from abutting private ways, and from other areas on the same lot by a building wall, by dense landscaping not less than five and one-half feet high and not less than three feet wide, or by a solid or grille, lumber or masonry fence or wall not less than five and one-half feet high, subject to the standards for required landscaping and screening in Chapter TBD. Screening may be reduced to three and one-half feet in height to avoid interfering with a beneficial outward and open orientation or view if there is no building located opposite and within 50 feet of the screening.

D. Design Standards—Common Open Space.

1. **Accessibility.** Common usable open space shall be accessible to all the dwelling units on the lot.
2. **Rooftops.** No more than 20 percent of the total area counted as common open space may be provided on a roof.
3. **Facilities.** Common areas may consist of open landscaped areas and gardens, natural areas with trails, patios, swimming pools, picnic and barbeque areas, playgrounds, community gardens, or other such improvements as are appropriate to enhance the outdoor environment of the development. Required components are as follows:
 - a. **Seating.** Common usable open space shall include seating.
 - b. **Play Areas.** Developments that include 15 or more units of at least one bedroom or more must include children's play areas and play structures. This requirement does not apply to senior housing developments.
4. **Openness and Buildings.** There shall be no obstructions above the open space except for devices to enhance the usability of the space. Buildings and roofed structures with recreational functions (e.g., pool houses, recreation centers, gazebos) may occupy up to 20 percent of the area counted as common open space.
5. **Minimum Dimensions.** Common usable open space located on the ground level shall have no horizontal dimension less than 20 feet. If such ground-level open space is located within 10 feet of a building façade, the minimum dimension shall be no less than the height of the adjacent building. Common upper-story decks shall have no dimension less than 10 feet. Roof decks shall have no horizontal dimension less than 15 feet.
6. **Visibility.** At least one side of the common open space shall border residential buildings with transparent windows and/or entryways.
7. **Pedestrian Pathways.** Pedestrian walkways shall connect the common open space to a public right-of-way or building entrance.

8. **Enclosure.** Common usable open space that is designed as a children's play area or is likely to be used by children shall be screened from abutting streets by dense landscaping up to five and one-half feet high and not less than three feet wide, or by a solid or grille, lumber or masonry fence or wall up to five and one-half feet high, subject to the standards for required landscaping and screening in Chapter TBD. Screening may be reduced to three and one-half feet in height to avoid interfering with a beneficial outward and open orientation or view if the play area is not located on an arterial or collector street and if there is no building located opposite and within 50 feet of the screening.

§ 9-5.707 STORAGE SPACE.

Each unit in a multi-family dwelling shall be provided with a separate, enclosed, lockable storage space reserved for the occupants of the dwelling unit. Such storage space shall be located in a garage, storage building, or enclosed individual storage space. Each storage space shall be at least 250 cubic feet in volume and shall have no interior dimension less than four feet.

§ 9-5.708 LANDSCAPING.

In addition to the standards of Article 10, Landscaping and Irrigation, and the Water-Efficient Landscape Ordinance, multi-family dwellings shall comply with the following standards:

- E. **Minimum Landscaped Area.** A minimum of 25 percent of any building site shall be landscaped.
- F. **Landscaping of Front Yards.** All portions of required front yards, except those areas occupied by pedestrian or vehicular access ways, shall be landscaped.
- G. **Materials.** Landscaping shall include plant materials of varying height and may incorporate a combination of groundcovers, shrubs, vines, trees, and garden areas. Landscaping may also include incidental features such as stepping stones, benches, fountains, sculptures, decorative stones, or other ornamental features, placed within a landscaped setting.
 1. **Ground Cover Materials.** Ground cover shall be of live plant material. Pervious non-plant materials such as permeable paving, gravel, colored rock, cinder, bark, and similar materials shall not cover more than 10 percent of the required landscape area. Mulch must be confined to areas underneath shrubs and trees and is not a substitute for ground cover plants.
 2. **Size and Spacing.** Plants shall be of the following size and spacing at the time of installation:
 - a. **Ground Covers.** Ground cover plants other than grasses must be at least four-inch pot size. Areas planted in ground cover plants other than grass seed or sod must be planted at a rate of at least one per 12 inches on center.
 - b. **Shrubs.** Shrubs shall be a minimum size of one gallon.
 - c. **Trees.** Trees shall be a minimum of 15 gallons in size with a one-inch diameter at breast height (dbh). Specimen trees of 36-inch or greater box size are encouraged. At least one specimen tree with a 24-inch or larger box size shall be planted in the landscaped area of the front setback. Trees (center of trees) shall be located a minimum of six feet from water meters, gas meters and sewer laterals; eight feet from any driveway, fire hydrant, fire sprinkler, or standpole

connection; and 15 feet from any curb return at an intersection, utility pole, or street light.

- H. **Tree Protection.** Newly planted trees shall be supported with double stakes or guy wires. Root barriers shall be required for any tree placed within 10 feet of pavement. (See also 9-5.1210, Regulations on Tree Locations, and 9-5.1208, Definition of Restricted Trees.)

§ 9-5.709 PROCEDURES.

The Planning Commission may allow modifications to the dimensional requirements, design standards, and other requirements of this article when so doing is consistent with the purposes of the General Plan and the district and would, because of practical difficulties, topography, and similar physical conditions, result in better design, environmental protection, and land use planning. Such a modification shall be processed as a use permit pursuant to the procedures of Article 27 of this Code.

- A. **Required Findings for Approval.** In addition to any findings required by Section 9-5.270-3 of this Code, the Planning Commission may only approve a modification to the requirements of this article based on the following findings:

1. The project is consistent with the General Plan and any applicable area or specific plan.
2. The modification meets the intent and purpose of the applicable zone district and is in substantial compliance with the district regulations.
3. The modification is necessary due to the physical characteristics of the property and the proposed use or structure or other circumstances, including, but not limited to, topography, noise exposure, irregular property boundaries, or other unusual circumstance including the architectural or historical significance of the structure, and building or site features that will demonstrably reduce use of nonrenewable energy resources or greenhouse gas emissions.
4. There are no alternatives to the requested modification that could provide an equivalent level of benefit to the applicant with less potential detriment to surrounding owners and occupants or to the general public.
5. The granting of the requested modification will not be detrimental to the health or safety of the public or the occupants of the property or result in a change in land use or density that would be inconsistent with the requirements of this Ordinance.
6. If the modification is requested because it will result in superior or more sustainable design, the review authority must also make the following findings:
 - a. The proposed design is of superior quality or is intended to incorporate features that would demonstrably reduce use of nonrenewable energy resources or greenhouse gas emissions;
 - b. The structure is an existing residential building and the alteration or addition is intended to increase the habitability and function of the structure, is compatible with the existing neighborhood character, will not substantially interfere with the privacy, sunlight, or air available to neighboring residential uses; and
 - c. The proposed design has been reviewed and approved pursuant to Article 26: Design Review Duties and Responsibilities, of this Ordinance.

B. Conditions of Approval. In approving a modification, the Planning Commission may impose reasonable conditions deemed necessary to:

1. Ensure that the proposal conforms in all significant respects with the General Plan and with any other applicable plans or policies adopted by the City Council;
2. Achieve the general purposes of this Ordinance or the specific purposes of the zoning district in which the project is located;
3. Achieve the findings for a modification granted; or
4. Mitigate any potentially significant impacts identified as a result of review conducted in compliance with the California Environmental Quality Act.

C. Appeals, Expiration, Extensions, and Modifications

1. Appeals. The applicant or any other aggrieved party may appeal a decision on a modification in the same manner as .
2. Expiration, Extensions, and Modifications. Modifications granted under this chapter are effective and may only be extended or modified as provided for in Article XX, Common Procedures.

D. Applicability. These procedures are not applicable to a project that is entitled to a density bonus, concession or waiver pursuant to Article 34, Senior Housing Overlay District, or Article 35, Density Bonus Program, of this Code and may not be used to approve an increase in maximum density or reduction in required parking or to approve a use that is not permitted on the site proposed for development.

SECTION 7. Chapter 5, Article 17 (Parking Requirements), of the Antioch Municipal Code is hereby amended to read as follows:

The following text includes only the sections of Article 17, Parking Requirements, to which an amendment is proposed or that help provide context for the proposed amendments. Where sections are omitted from this draft, an ellipsis (...) is used to indicate text omissions.

§ 9-5.1701 PURPOSE

The specific purposes of the off-street parking and loading regulations are to:

- A.** Ensure that off-street parking and loading facilities are provided for new land uses and for enlargements of existing uses in proportion to the need for such facilities created by each use.
- B.** Establish parking standards for commercial uses consistent with need and with the feasibility of providing parking on specific commercial sites.
- C.** Ensure that off-street parking and loading facilities are designed in a manner that will ensure efficiency, protect the public safety, and where appropriate, insulate surrounding land uses from adverse impacts.
- D.** Contribute to a balanced transportation system with a choice of transit, bicycle, pedestrian, and private automobile modes.
- E.** Encourage the use of bicycles by providing safe and convenient places to park bicycles.

- F. Facilitate the development of common parking areas that serve multiple establishments or uses.
- G. Minimize the area of land consumed by parking by allowing reductions to the number of required spaces near major transit stations, for uses with lower parking demand characteristics, and for shared parking facilities serving uses with different peak demand times.

§ 9-5.1702 BASIC REQUIREMENTS.

- A. At the time of initial occupancy of a site, construction of a structure, or alteration or enlargement of a site or structure, off-street parking facilities and off-street loading facilities shall be provided in accord with the regulations prescribed in this chapter. Any building or structure moved from one lot to another shall provide parking as required for a new building.
- B. The number of additional parking spaces or loading berths required for an alteration or enlargement of an existing use or structure, or for a change of occupancy, shall be provided before the alteration, enlargement, or change of occupancy is allowed.
- C. If more than one use is located on a site other than a shopping center, the number of off-street parking spaces and loading berths to be provided shall be equal to the sum of the required spaces prescribed for each use.
- D. Off-street parking and loading facilities required by this article for any use shall not be considered as providing parking spaces or loading berths for any other use except where a shared parking arrangement applies or a joint facility exists. Such a facility shall contain not less than the total number of spaces or berths as required individually, or fewer spaces may be permitted where adjoining uses on the same site have different hours of operation and the same parking spaces or loading berths can serve both without conflict, according to the procedures and required findings of Section 9-5.1704, Parking Reductions. ~~A determination of the extent, if any, to which joint use will achieve the purposes of this chapter shall be made by the Zoning Administrator, who may require the submission of survey data necessary to reach a decision.~~
- E. Parking ratios for shopping center uses shall assume 90 percent of the available spaces are located at the front of a building. No more than 10 percent of the required parking is to be provided at the rear of a building and this parking should be designated and enforced as employee parking.
- F. If, in the application of the requirements of this chapter, a fractional number is obtained, one parking space or loading berth shall be required for a fraction of more than one-half, and no space or berth shall be required for a fraction of one-half or less.
- G. Any off-street parking specifically required for a given use shall be without charge.
- H. Off-street parking must be located on the same site as the use it serves, except where off-site parking has been approved according to the procedures and standards of Section 9-5.1705, Off-Site Parking Facilities.

...

§ 9-5.1703 OFF-STREET PARKING REQUIREMENTS BY USE

The entire existing table of parking ratios is not shown here because the only changes proposed to the parking ratios are the inclusion of the table endnote about the ratio for senior housing, which makes reference to the new parking reduction section, and the new requirements for parking for emergency

shelters. In addition, the following text, which now appears in Section 9-5.1704 would be inserted before the table to explain how the table shall be used.

Off-street motor vehicle parking spaces shall be provided according to the following table. Each land use shall be provided with at least the number of off-street parking spaces stated in the table.

When the table does not list a proposed use, the Zoning Administrator shall determine the most appropriate equivalent use and the number of parking and loading spaces required. In order to make this determination, the Zoning Administrator may require the submission of survey data from the applicant or direct a study to be conducted at the applicant's expense. The Administrator's determination may be based on the most recent data published by the Institute of Transportation Engineers or comparable analyses.

| TABLE 9-5.1703.1 OFF-STREET PARKING REQUIRED | |
|---|--|
| <i>Use Classification</i> | <i>Off-Street Parking Spaces</i> |
| RESIDENTIAL | |
| Multi-family residential | 1.5 spaces per unit up to 2 bedrooms; one space to be covered 2 spaces per unit 3 bedrooms; one space to be covered plus 1 space per 5 units for guest parking (Applies to all multi-family units) |
| Convalescent facilities | 1 per 2 residents |
| Single-family residential (attached) | 2 spaces per unit, one of which must be covered, plus 1 space per 5 units for guest parking |
| Single-family residential (detached) | 2 spaces per unit in a garage, plus one guest parking space on the street within close proximity to the unit served |
| Elderly residential (Senior Housing Overlay) ^A | .75 covered space per unit, plus guest parking as determined during project review |
| PUBLIC AND SEMI-PUBLIC | |
| Clubs and lodges | 1 per 100 sq. ft. of floor area, which is used for assembly purposes |
| <u>Emergency shelters</u> | <u>1 space per employee on the largest shift plus 0.30 spaces per bed</u> |

| TABLE 9-5.1703.1 OFF-STREET PARKING REQUIRED | |
|--|---------------------------|
| Use Classification | Off-Street Parking Spaces |
| <p>Notes:</p> <p>^A Parking for the elderly <u>senior housing projects</u> may be reduced during project review to less than 0.75 space per unit based upon residents' ages and vehicle ownership patterns and must be documented by studies prepared by the project proponents, <u>according to the procedure and findings in Section 9-5.1704, Parking Reductions.</u></p> <p>^B For a service station combined with a food mart, one space per 250 square feet of retail sales area shall be provided (office and bathroom areas may be excluded from calculations) in addition to the required employee parking, and service bay parking, if any. In no case shall there be less than four spaces provided for a service station or six spaces provided for a service station combined with a food mart. If combined with a towing service, in addition to the above requirements, one additional space per towing vehicle shall be provided at the rear of the site.</p> | |

§ 9-5.1704 UNSPECIFIED USES PARKING REDUCTIONS.

~~Where the use is not specified in the table the Zoning Administrator shall determine the probable equivalent use and the number of parking and loading spaces required. In order to make this determination, the Zoning Administrator may require the submission of survey data from the applicant or direct a study to be conducted at the applicant's expense. The use of I.T.E. studies may be incorporated into the analysis.~~

(Ord. 897 C S, passed 10-25-94)

- A. Purpose. The purpose of this section is to establish procedures and criteria for allowing reductions to the number of required automobile parking spaces for projects that are anticipated to generate lower-than-usual parking demand due to factors such as proximity to major transit stops and stations, the characteristics of the use, or implementation of transportation demand management measures, as well as for shared parking facilities serving uses with different peak demand times. These provisions are also intended to allow modifications to parking standards when necessary to preserve the architectural or historical character of a structure or property.
- B. Qualifying Projects. Reduced parking requirements may be considered for the following types of projects:
1. Senior Housing. The required parking for a senior housing development may be reduced below the normally required 0.75 spaces per dwelling unit for projects anticipated to generate lower parking demand due to vehicle ownership patterns of the residents and/or characteristics of the project (e.g., proximity to commercial services, proximity to public transportation systems).
 2. Shared (Joint) Parking Facilities. Parking facilities that are cooperatively established and operated to serve multiple uses and these uses generate parking demands primarily during hours when the remaining uses are not in operation.
 3. Transit-Supportive Development. Residential or mixed-use projects that contain no more than 50 dwelling units and are located within one-half mile of a major transit stop.
 4. Infill Sites. Residential or mixed-use projects that contain no more than 30 dwelling units and are located on infill sites.
 5. Uses Near Public Parking Facilities. Uses located within one-quarter mile of a publicly accessible parking facility, the use of which is not limited to a specific business or

activity during the use's peak parking demand. Such parking facilities shall meet the requirements of Section 9-5.1705, Parking Location/Off-Site Parking Facilities.

6. ***Projects Incorporating TDM Measures.*** Projects for which the developer proposes a set of transportation demand management (TDM) measures—such as rideshare programs, shuttle services, bicycle trip-end facilities, staggered work shifts, and telecommuting programs—projected to reduce parking demand generated by the use. Such projects shall be required to document the implementation and impacts of such programs, as described in subsection (L), Monitoring of TDM Programs, below.
7. ***Historic Structures.*** Projects for which allowing a reduction in the number of required spaces (and/or modifications to dimensional requirements for parking areas) will facilitate the re-use of an existing building that is an historic resource as defined by the State Public Resources Code or is a designated historic building.

C. ***Procedure.*** A request for a reduction to the number of parking spaces consistent with the requirements of this section shall be processed as a use permit, according to the procedures of Article 27. Any parking reduction that is not in accordance with this section (i.e., is not a qualifying project pursuant to subsection (B) or cannot meet the findings for approval in subsection (D)) shall require a variance.

1. ***Application Materials.*** In addition to other application materials required for the consideration of the use permit, the Zoning Administrator may require submission of a parking demand study prepared by an independent traffic engineering professional approved by the City that substantiates the basis for granting a reduction in required parking spaces.
2. ***Parking Demand Study.*** In order to evaluate a proposed project's compliance with the required findings for approval, the Zoning Administrator may require submittal of a parking demand study that substantiates the basis for granting a reduced number of spaces and includes any of the following information:
 - a. Total square footage of all uses within existing and proposed development and the square footage devoted to each type of use.
 - b. A survey of existing on-street and on-site parking within 350 feet of the project site.
 - c. Parking requirements for the net change in square footage and/or change in use, based on the requirements of Section 9-5.1703.1, Off-Street Parking Requirements by Use.
 - d. Estimated net change in parking demand between existing and proposed development, using any available existing parking generation studies from the Institute for Transportation Engineers (ITE) or other sources. If appropriate parking demand studies are not available, the City may require the applicant to conduct a parking demand survey of a development similar to the proposed project.
 - e. Comparison of proposed parking supply with parking requirements and net change in parking demand.
 - f. A shared parking analysis, as appropriate.
 - g. A description of proposed Transportation Demand Management measures, such as preferential carpool spaces, telecommuting or staggered work shifts, provision

of transit passes or other transit incentives for residents or employees, incorporation of spaces for car share vehicles, bicycles, or other measures that will result in reduced parking demand.

h. Other information as required by the City.

D. Required Findings for Approval. In addition to the required findings for approval of any use permit in Section 9-5.2703, Required Findings, an application for a use permit for a parking reduction may only be approved if the Zoning Administrator or the Planning Commission makes all of the findings of this section that are applicable to the particular project, as stated.

1. **All Projects.** For any project for which a parking reduction is requested, the Zoning Administrator or the Planning Commission must make all of the following findings based on information in the record:
 - a. The use will adequately be served by the proposed parking;
 - b. Parking demand generated by the project will not exceed the capacity of or have a detrimental impact on the supply of on-street parking in the surrounding area; and
 - c. If required, a parking demand study prepared by an independent traffic engineering professional approved by the City supports the proposed reduction.
2. **Shared (Joint) Parking.** Where a shared parking facility serving more than one use is proposed, the Zoning Administrator or Planning Commission may only approve a parking reduction if it finds that:
 - a. The peak hours of use will not overlap or coincide to the degree that peak demand for parking spaces from all uses will be greater than the total supply of spaces;
 - b. The proposed shared parking to be provided will be adequate to serve each use;
 - c. A written agreement between landowner(s) and the City, in a form satisfactory to the City Attorney, has been submitted to and approved by the Zoning Administrator. This agreement shall be in a form capable of and subject to being recorded to constitute a covenant running with the land and shall include:
 - i. A guarantee that there will be no substantial alteration in the uses that will create a greater demand for parking;
 - ii. A guarantee among the landowner(s) for access to and use of the shared parking facilities;
 - iii. A provision that the City may require parking facilities in addition to those originally approved upon a finding that adequate parking to serve the use(s) has not been provided; and
 - iv. A provision stating that the City, acting through the Zoning Administrator, may for due cause and upon notice and hearing, unilaterally modify, amend, or terminate the agreement at any time.
3. **Other Parking Reductions.** For applications for a parking reduction that do not involve a shared parking facility, the Zoning Administrator or Planning Commission may only approve a use permit if it finds that special conditions—including, but not limited to, the nature of the proposed operation; proximity to frequent transit service; transportation

characteristics of persons residing, working, or visiting the site; or because the applicant has undertaken a transportation demand management program—will reduce parking demand at the site below the level of the normal requirement.

E. **Monitoring of TDM Programs.** Any project that is granted a parking reduction on the basis of TDM measures that will be incorporated to reduce parking demand shall submit an Annual Status Report to the City. The report shall be in a manner prescribed by the Zoning Administrator, and shall describe the implementation and maintenance of TDM measures and the parking demand generated by the project. Annual Status Reports will be reviewed to determine if property owners have implemented and/or maintained the TDM Program. City staff may request auditable documentation to determine compliance.

1. **Revocations.** A use permit issued to allow a parking reduction may be revoked by the Planning Commission according to the procedure in Section 9-5.2707.1, Violation, Revocation, Fine. After holding a hearing, the Planning Commission may revoke or modify the use permit for a parking reduction if any one (or more) of the following findings are made:
 - a. The use permit was obtained by misrepresentation or fraud.
 - b. The land use for which the permit was granted has ceased or has been suspended for six or more consecutive calendar months.
 - c. The conditions of the permit have not been met, or the permit granted is being or has recently been exercised contrary to the terms of the approval or in violation of a specific statute, ordinance, law or regulation.

§ 9-5.1705 SHARED OFF-SITE PARKING FACILITIES.

Required parking spaces shall be located on the same lot as the use they serve. However, this requirement may be modified to allow a parking facility serving one or more non-residential uses located on a site other than the site of one or more such use(s) according to the requirements of this section. Such a modification shall be processed as a use permit pursuant to the procedures of Article 27, and a decision on the application shall be rendered by the Planning Commission.

A. Standards.

1. **Uses Served.** An off-site parking facility may only serve non-residential uses.
2. **Location.** Any off-site parking facility must be located within 400 feet, along a paved wheelchair-accessible walk, of the principal entrance containing the use(s) served.
3. **Parking Agreement.** A parking agreement subject to review and approval by the City Attorney shall be submitted. The parking agreement shall be in one of the two following forms:
 - a. A covenant running with the land or an easement, subject to the approval of the City Attorney, and recorded in the County Recorder's Office. The owner of record of the proposed off-site parking facility shall submit a title report for the parcel and a covenant running with the land, or an easement, that describes the parcel and obligates it for parking purposes free and clear of exceptions that would interfere with the use, describes the obligation of the party to maintain the parking facility, and describes the parking facility by a parking diagram; or

- b. A parking lease agreement for the proposed off-site parking facility that is signed by both the permittee and property owner or agent of the property owner authorized to bind the owner, subject to the approval of the City Attorney, and recorded in the County Recorder's Office. The parking lease agreement shall run with the use and state the number of spaces subject to the lease and the days and hours of operation when the parking will be leased, term/duration of the lease, and include a description of the facility, including a parking diagram.

B. Findings for Approval. The Planning Commission may only approve a use permit to allow an off-site parking facility to meet the parking requirements for a use if it finds that all of the following are true:

1. The applicant has demonstrated that the off-site parking will be available to the use, and that no substantial conflict will exist in the principal hours or periods of peak parking demands of any uses which are proposed to share the parking.
2. Access to the site is adequate to accommodate the proposed off-site parking and any resulting excess traffic to the facility.
3. The design, location, size and operating characteristics of the proposed off-site parking facility are compatible with the existing and future land uses on-site and in the vicinity of the subject property;
4. The establishment, maintenance, or operation of the proposed parking at the location proposed will not endanger, jeopardize, or otherwise constitute a nuisance for persons residing or working in the neighborhood of the proposed parking lot or structure;
5. Any proposed valet parking use, if included, will not generate excessive traffic on surrounding public streets and will not utilize any residential street.

~~C. A use permit may be approved for shared parking serving more than one use or site and located in a district in which parking for the uses served is a permitted or conditional use. A use permit for shared off-street parking may reduce the total number of spaces required by this chapter if the following findings are made:~~

6. The shared parking spaces will be available for as long as the uses requiring the spaces are in operation;
7. The peak hours of parking demand for all of the uses sharing parking do not conflict so that peak demand is greater than the parking provided;
8. A written agreement between land-owner(s) and the City, in a form satisfactory to the City Attorney, is approved by the Zoning Administrator. This agreement shall be in the form capable of and subject to being recorded to constitute a covenant running with the land. and shall include:
 - a. ~~A guarantee that there will be no substantial alteration in the uses that will create a greater demand for parking;~~
 - b. ~~A guarantee among the land owner(s) for access to and use of the shared parking facilities;~~
 - c. ~~A provision that the city may require parking facilities in addition to those originally approved upon a finding by the Zoning Administrator that adequate parking to serve the use(s) has not been provided; and~~

- d. ~~A provision stating that the City, acting through the Zoning Administrator, may for due cause and upon notice and hearing, unilaterally modify, amend, or terminate the agreement at any time.~~

- C. An applicant for a use permit for shared parking may be required to submit survey data substantiating a request for reduced parking requirements. A use permit for shared parking shall describe the limits of any area subject to reduced parking requirements and the reduction applicable to each use.

§ 9-5.1705.1 TANDEM PARKING.

Tandem parking may be permitted to satisfy the off-street parking requirement in accordance with the following requirements.

- A. No more than two vehicles shall be placed one behind the other.
- B. Both spaces shall be assigned to a single dwelling unit or non-residential establishment.
- C. Tandem parking to meet required parking for non-residential uses may be used for employee parking; the maximum number of tandem parking spaces shall not exceed 50 percent of the total number of spaces. When tandem parking is used to meet retired parking for non-residential uses the applicant shall provide valet parking or establish a system to facilitate retrieval of parked vehicles.
- D. Tandem parking to meet required parking for multi-unit development shall be located within an enclosed structure; the maximum number of tandem parking spaces shall not exceed 50 percent of the total number of spaces.
- E. Tandem parking shall not be used to meet the guest parking requirement.

...

9-5.1707 BICYCLE PARKING.

- A. Bicycle parking spaces shall be provided in all districts as required by this section.
- B. The following minimum off-street bicycle parking facilities shall be required for all new or expanded developments:
1. Office uses. One bicycle parking space for every 15 off-street vehicle parking spaces required.
 2. Commercial, retail, wholesale, and industrial uses. One bicycle parking space for every 25 off-street vehicle parking spaces required.
 3. Restaurant. One bicycle parking space for every 50 off-street vehicle parking spaces required.
 4. Restaurant (fast food). Five bicycle parking spaces per establishment.
 5. Hospitals. One bicycle parking space is required for every 50 off-street vehicle parking spaces required.
 6. Emergency shelters. One bicycle parking space is required for every 10 beds.

- C. For each bicycle parking space required, a stationary object shall be provided to which a user can secure both wheels and the frame of a bicycle with a six-foot cable and lock. The stationary object may be either a freestanding bicycle rack or a wall-mounted bracket, as approved by the Zoning Administrator.
- D. Bicycle parking spaces shall be located near the entrances to major tenants but out of the travelled pathway.

§ 9-5.1717 GARAGE AND CARPORT DESIGN.

A. Residential Garage Design.

1. Minimum dimensions for residential enclosed garage (inside dimensions between walls):

| | |
|---------------------------------|------------------|
| Single-car garage | 10' x 20' |
| Side by Side double-car garage | 20' x 20' |
| Tandem double-car garage | 10' x 40' |

2. Exterior design must be architecturally compatible with the main building.
3. Any garage serving a multi-family dwelling or single-family attached dwelling that is visible from a street shall be limited in width to no more than 50 percent of the width of the façade of the residential dwelling, consistent with Section TBD, Garage Frontage. For the purposes of this requirement, garage width is considered the width of that portion of a building facade that is backed by a garage space. This dimension is measured from midpoint to midpoint of any enclosing walls that are perpendicular to the garage door or entry.

...

SECTION 8. Chapter 5, Article 34 (Senior Housing Overlay District), of the Antioch Municipal Code is hereby amended to read as follows:

§ 9-5.3401 PURPOSE.

The Senior Housing Overlay District (SH) is established to implement the State Density Bonus Law as it applies to senior citizens and to provide additional incentives to implement the General Plan Goals and Policies for the development of senior housing, especially for low and very low income individuals. Through density bonus options and other incentives, this chapter allows higher densities and more flexible design standards, reflecting the unique needs of an elderly population and providing more affordable units to the growing number of senior citizens that live on a small fixed income. The final interpretation of eligibility and applicability of any and all density bonuses is reserved for the City Council. (Ord. 897-C-S, passed 10-25-94)

§ 9-5.3402 DENSITY BONUS AND INCENTIVES PERMITTED.

- A. A developer agreeing to construct ~~at least 50% of a project's total~~ a senior housing development ~~housing units for senior citizens~~ shall be granted an increase of ~~25%~~ 20% above the site's base

density and an additional incentive or financially equivalent incentive(s) pursuant to the requirements of the State Density Bonus Law and Section 9-5.3502 of this Ordinance.

- B. The Senior Housing Overlay District may be combined with single-family, duplex, restricted multiple-family, or multiple-family residential zoning districts and applies to housing developments consisting of five or more dwelling units.

(Ord. 897-C-S, passed 10-25-94; Ord. XXX)

§ 9-5.3403 ADDITIONAL INCENTIVES.

- A. The additional density bonus incentives available to developers of senior housing are presented in Figures 9, 10 and 11 of division (C). Figure 9 of division (C) computes the new base density for each affected residential density including mixed commercial residential. Figure 10 of division (C) lists the base density bonus for senior projects and the additional bonuses for projects including low income and very low income seniors. A 70% maximum density increase is permitted for combined low/very low income project. Figure 11 of division (C) lists density bonus incentives based on lot size and site locational services. Each individual locational service bonus can range from 1%-5% with a combined maximum of 20%.

1. Conditions for additional incentives. The cumulative density bonus for an individual project shall not exceed twice the base density, or a maximum total density of 60 dwelling units per acre, whichever is less. The total percent density bonus shall be determined by the City Council on a case by case basis. To qualify for a senior housing density bonus and additional density bonus incentives, the project must provide a minimum of 50% housing for seniors as defined in Cal. Gov't Code § 65915. The percentages used to determine the density bonus (i.e., percent senior units, percent low income, and percent very low income) are to be reflected in the composition of the total project.
2. Financially equivalent incentives. The Senior Housing Overlay District allows for the "financially equivalent incentive" mandated by the State Density Bonus Law through the increase in the permitted density of the base zoning district and the minimum density bonus illustrated in Figure 10 of division (C). "Financially equivalent incentive" calculations are based only upon the minimum bonus required by the State Density Bonus Law.

- B. Density bonus incentive figures.

FIGURE-9 TABLE 9-5.3403-1: NEW BASE DENSITY

| <i>General Plan Designation</i> | <i>General Plan Density (Dwelling Units/Acre)</i> | <i>New Base Density (Dwelling Units/Acre)</i> |
|---------------------------------|---|---|
| Low | 4 du/ae | 5 du/ae |
| Medium low | 6 | 8 |
| Medium | 10 | 13 |
| Medium high | 15 | 19 |
| High | 20 | 25 |
| Mixed commercial/residential | 20 | 25 |
| Rivertown; Subpart B | 6-25 (45) | 8-25 (45) |

| TABLE 9-5.3403-2: DENSITY BONUS CALCULATIONS FOR ADDITIONAL INCENTIVES | | | | | | | | | | |
|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|------|
| % Senior Units | 10% | 20% | 30% | 40% | 50% | 60% | 70% | 80% | 90% | 100% |
| % Density Bonus | — | — | — | — | 25% | 25% | 25% | 25% | 25% | 50% |
| % Low Income | 10% | 20% | 30% | 40% | 50% | 60% | 70% | 80% | 90% | 100% |
| % Density Bonus | — | 25% | 25% | 30% | 30% | 35% | 35% | 40% | 40% | 50% |
| % Very Low Income | 10% | 20% | 30% | 40% | 50% | 60% | 70% | 80% | 90% | 100% |
| % Density Bonus | 25% | 30% | 35% | 40% | 45% | 50% | 55% | 60% | 65% | 70% |
| 70% maximum density increase permitted for combined low/very low income projects. | | | | | | | | | | |

| FIGURE 11 | |
|--|-----|
| TABLE 9-5.3403-2: DENSITY BONUS | |
| Full block/large parcel | 30% |
| Parcel assembly | 20% |
| Up to 5% density bonus may be granted for the close proximity of each of the following services provided the combined density bonus shall not exceed 20%. Proximity shall be evaluated based upon closeness or convenience of services primarily from <u>from</u> a seniors pedestrian's perspective: | |
| Public transportation | |
| Senior center | |
| Grocery store | |
| Health care | |
| Pharmacy | |
| Church <u>Religious assembly use</u> | |
| Banking services | |
| Retail services | |
| Secured parking on site | |
| Van service on site | |

§ 9-5.3404 DEVELOPMENT STANDARDS.

(A) The Senior Housing Overlay District will comply with the underlying zoning district standards with exceptions permitted regarding parking, site coverage, and building height. The city parking requirement for independent living and congregate care senior housing is .75 parking space per dwelling unit. A reduction in the parking ratio for residential care or convalescent facility projects may be considered. Site coverage and building height are a function of the nature of the surrounding area, the base zoning district, and the number and size of units permitted and will be addressed on a project by project basis. The building height for single-family and duplex projects shall not exceed two stories and the building height for higher density projects shall not exceed three stories.

(B) The desirability of site amenities and architectural treatments such as decks, tile roofs, pools, and air conditioners will also be considered in relation to the affordability of the senior project.

(Ord. 897-C-S, passed 10-25-94) Penalty, see § 9-5.2904

§ 9-5.3405 REVIEW PROCESS.

Applications for senior housing projects will be submitted to the Community Development Department for processing and must include a map indicating the proximity to services specific to senior citizen

needs. In addition to the request for the Senior Housing Overlay District rezoning, all senior housing projects will require use permit and design review approval. Each rezoning and use permit application is reviewed by the Planning Commission, with the Senior Housing Overlay District designation subject to final approval by the City Council. The latter will require a finding that the project is consistent with the intent of the land use and development regulations of the underlying zoning district in relation to the provisions of the Senior Housing Overlay District.

(Ord. 897-C-S, passed 10-25-94)

§ 9-5.3406 SENIOR HOUSING DENSITY BONUS AGREEMENT.

(A) Each senior housing development which receives a bonus density will be required to execute a Senior Housing Density Bonus Agreement pursuant to the requirements of Section 9-5.3503, Density Bonus Agreement, prior to the issuance of building permits, in which the project sponsor will be obligated, on behalf of itself and its successors and assigns, to dedicate a specific number of units to senior housing and, where appropriate, to low and very low income seniors. Where appropriate, rent schedules and sales prices will be required to assure affordability to the targeted income group (i.e., those units targeted for lower income house-holds shall be affordable at a rent that does not exceed 30% of 60% of area median income and those targeted for very low income shall be affordable at a rent that does not exceed 30% of 50% of area median income). The project shall remain available to the respective income group for a period of not less than 30 years or alternatively to a period specified by the financing authority, whichever is lengthier. This agreement will be recorded and enforceable by the city, and will provide prospective future buyers/ assignees with notice that this provision exists.

(B) If at any time in the future a change in the project from senior housing to non-senior housing is anticipated, no entitlement to the existing number of dwelling units shall be assumed, and a new use permit will be required.

(Ord. 897-C-S, passed 10-25-94)

SECTION 9. Chapter 5, Article 35 (Non-Senior Housing Density Bonus Program), of the Antioch Municipal Code is hereby amended to read as follows:

ARTICLE 35: ~~NON-SENIOR HOUSING DENSITY BONUS PROGRAM~~

§ 9-5.3501 PURPOSE.

The Density Bonus Program is intended to implement the State Density Bonus Law in compliance with the requirements of Sections 65915 and 65917 of the California Government Code and the adopted Housing Element of the Antioch General Plan ~~aid the city in meeting its non-senior housing goals~~ by providing incentives which will encourage developers to construct affordable housing to benefit lower income ~~families~~households.

~~(Ord. 897 C S, passed 10-25-94)~~

§ 9-5.3502 DENSITY BONUS AND INCENTIVES PERMITTED.

A. A developer agreeing to construct at least 20% of a project's total housing units for lower-income households or 10% of the total units for very low-income households shall be granted an increase of 5% to 35% over the maximum residential density otherwise permitted, depending on the level

of affordability, the percentage of units that are affordable, and the inclusion of child care facilities in the development project. ~~-25% above the site's base density and an additional incentive or financially equivalent incentive(s).~~ The provisions of this section ~~density bonus~~ shall apply to the construction of projects that include ~~housing units consisting of~~ five or more dwelling units as follows:

1. Very Low- and Lower-Income Housing and Senior Housing. A Residential Development is eligible for a 20 percent Density Bonus if the Builder seeks and agrees to construct at least one of the following:
 - a. Ten percent of the total units as Density Bonus BMR Units affordable to Low-income Households at an Affordable Rent or Affordable Ownership Cost; or
 - b. Five percent of the total units as Density Bonus BMR Units affordable to Very Low-income Households at an Affordable Rent or Affordable Ownership Cost; or
 - c. A Senior Citizen Housing Development.
2. Moderate-Income Housing. A Residential Development is eligible for a five percent Density Bonus if the applicant seeks and agrees to construct 10 percent of the total units as for-sale Density Bonus BMR Units affordable to Moderate-income Households, if the Residential Development also meets all of the following additional criteria:
 - a. The Residential Development is a common interest development as defined by Section 1351 of the California Civil Code;
 - b. All of the dwelling units in the Residential Development are offered to the public for purchase; and
 - c. The Density Bonus BMR Units are offered for sale at Affordable Ownership Cost.
3. Additional Density Bonus. The Density Bonus for which the Residential Development is eligible shall increase if the percentage of Very Low-, Low-, and Moderate-income Density Bonus BMR Units exceeds the base percentage established in subsections (A)(1) and (A)(2) of this section, as follows:

TABLE 9-5.3502: DENSITY BONUS SUMMARY TABLE

| <u>Income Category</u> | <u>Minimum Density Bonus BMR Units</u> | <u>Bonus Granted</u> | <u>Additional Bonus for Each 1% Increase in Density Bonus BMR Units</u> | <u>Density Bonus BMR Units Required for Maximum 35% Bonus</u> |
|--|--|----------------------|---|---|
| <u>Very Low-Income</u> | <u>5%</u> | <u>20%</u> | <u>2.5%</u> | <u>11%</u> |
| <u>Low-Income</u> | <u>10%</u> | <u>20%</u> | <u>1.5%</u> | <u>20%</u> |
| <u>Moderate-Income (for-sale common interest development only)</u> | <u>10%</u> | <u>5%</u> | <u>1%</u> | <u>40%</u> |
| <u>Senior Citizen Housing Development</u> | <u>100%</u> | <u>20%</u> | <u>=</u> | <u>=</u> |

B. Density Bonus for Land Donation, Child Care Facility, or Condominium Conversion.

1. A Residential Development may be eligible for a Density Bonus for land donation pursuant to the requirements set forth in Government Code Section 65915(g).
2. A Residential Development that contains a childcare facility as defined in Government Code Section 65915(h) may be eligible for an additional Density Bonus, Concession, or Incentive pursuant to the requirements set forth in Section 65915(h).
3. Condominium conversions may be eligible for a Density Bonus, Concession, or Incentive pursuant to the requirements of Government Code Section 65915.5 and Article 31 of this chapter.

C. Calculation of Density Bonus

1. Each Residential Development is entitled to only one Density Bonus, which may be selected based on the percentage of either Density Bonus BMR Units affordable to Very Low-income Households, Low-income Households, or Moderate-income Households, or the Residential Development's status as a Senior Citizen Housing Development except as provided in Article 34, Senior Housing Overlay District. Density bonuses from more than one category may not be combined. The City Council, at its own discretion, may grant an additional Density Bonus as an Incentive to a project eligible for such a benefit pursuant to Government Code 65915 (d)(2).
2. When calculating the number of permitted Bonus Units, any calculations resulting in fractional units shall be rounded to the next larger whole number.
3. The Bonus Units shall not be included when determining the number of Density Bonus BMR Units required to qualify for a Density Bonus. When calculating the required number of Density Bonus BMR Units, any calculations resulting in fractional units shall be rounded to the next larger integer.
4. The applicant may request a lesser Density Bonus than the Residential Development is entitled to, but no reduction will be permitted in the minimum percentages of required Density Bonus BMR Units pursuant to subsection A of this section. Regardless of the number of Density Bonus BMR Units, no Residential Development may be entitled to a Density Bonus of more than 35 percent.

§ 9-5.3502.1 STATE MANDATED CONCESSIONS AND INCENTIVES

- A. If an applicant proposes to provide at least one of the percentages of affordable units indicated in Table TBD, the City shall grant one or more concessions or incentives in order to facilitate achievement of the Density Bonus. In addition to the Density Bonus set forth in Section 9-5.3513(A), the City shall provide a Concession or Incentive for qualified projects, unless the City makes a finding that the Concession or Incentive is not necessary as provided in Section 9-5.3516 (E) below. The City shall only consider applications for Concessions or Incentives when a developer is eligible for and also seeks and receives a State Density Bonus pursuant to Section 9-5.3513 (A). Government Code Section 65915 provides that a Residential Development is eligible for Concessions and Incentives as follows:

1. One Concession or Incentive for Residential Developments that include at least 10 percent of the total units as Density Bonus BMR Units affordable to Low-income Households, at least five percent of the total units as Density Bonus BMR Units affordable to Very Low-income Households, or at least 10 percent of the total units in a common interest development as Density Bonus BMR Units affordable to Moderate-income Households.
2. Two Concessions or Incentives for Residential Developments that include at least 20 percent of the total units as Density Bonus BMR Units affordable to Low-income Households, at least 10 percent of the total units as Density Bonus BMR Units affordable to Very Low-income Households, or at least 20 percent of the total units in a common interest development as Density Bonus BMR Units affordable to Moderate-income Households.
3. Three Concessions or Incentives for Residential Developments that include at least 30 percent of the total units as Density Bonus BMR Units affordable to Low-income Households, at least 15 percent of the total units as Density Bonus BMR Units affordable to Very Low-income Households, or at least 30 percent of the total units in a common interest development as Density Bonus BMR Units affordable to Moderate-income Households.

TABLE 9-3502.1: REQUIREMENTS TO QUALIFY FOR STATE MANDATED INCENTIVES/CONCESSIONS

| <u>Income Category</u> | | <u>Percentage of Density Bonus BMR Units to Qualify for Incentives</u> | | |
|--|------------|--|------------|--|
| <u>Very Low-Income</u> | <u>5%</u> | <u>10%</u> | <u>15%</u> | |
| <u>Low-Income</u> | <u>10%</u> | <u>20%</u> | <u>30%</u> | |
| <u>Moderate-Income (for-sale common interest development only)</u> | <u>10%</u> | <u>20%</u> | <u>30%</u> | |
| <u>Allowable Number of Incentive(s)/Concession(s)</u> | <u>1</u> | <u>2</u> | <u>3</u> | |

Notes:

1. A Concession or Incentive may be requested only if an application is also made for a Density Bonus pursuant to Section 18.15.030, State Mandated Density Bonuses.
2. Concessions or Incentives may be selected from only one category (Very Low, Low, or Moderate).
3. No Concessions or Incentives are available for land donation.
4. Condominium conversions and day care centers may have one Concession or a Density Bonus at the City's option, but not both.

B. The development incentive(s) granted shall contribute significantly to the economic feasibility of providing the affordable or senior units.

1. For the purposes of this program, ~~Supplemental~~ concessions or incentives may include consist of any combination of the following:
 - a. ~~R~~eductions in site development standards and/or modifications in zoning district requirements and/or architectural design requirements ~~which~~ that exceed the

minimum building standards established by the State Building Standards Commission in compliance with State law (e.g., including, but not limited to, reductions in setbacks or required parking, increases in permitted lot coverage), which will result in identifiable, financially sufficient, and actual cost reductions, based upon appropriate financial analysis and documentation if required by this section.

- b. Approval of mixed-use zoning if the inclusion of commercial, office, or other land uses will demonstrably reduce the cost of housing development and if the inclusion of non-residential uses is determined to be compatible with existing or planned development in the area where the project is located;
 - c. Other regulatory incentives or concessions the developer or the City proposes that would result in identifiable, financially sufficient, and actual cost reductions or avoidance based upon appropriate financial analysis and documentation if required by this section.
2. Applicants seeking a waiver or modification of development or zoning standards, approval of mixed-use zoning, or other regulatory incentives or concession shall show that such waivers or modifications are necessary to make the housing development economically feasible in accordance with California Government Code Section 65915(f). The applicant shall demonstrate to the City Council through the provision of a pro forma that the requested Concession or Incentive results in identifiable, financially sufficient, and actual cost reductions to the Residential Development. The pro forma shall include: (1) the actual cost reduction achieved through the Concession or Incentive; (2) evidence that the cost reduction allows the applicant to provide Affordable Rents or affordable sales prices; and (3) all other information as may be requested by the Zoning Administrator to ensure that the required findings can be made.
3. Pursuant to Government Code Section 65915(p), if a Residential Development is eligible for a Density Bonus pursuant to sub-section A, the applicant may request an on-site vehicular parking ratio, inclusive of handicapped and guest parking, that does not exceed the following:
- a. Zero to one bedroom dwelling unit: one on-site parking space.
 - b. Two to three bedroom dwelling unit: two on-site parking spaces.
 - c. Four or more bedroom dwelling unit: two and one-half on-site parking spaces.
 - d. On-site parking may include tandem and uncovered parking.
 - e. A developer may request this parking reduction in addition to Concessions and Incentives permitted by subsection A of this section.
4. Additional density bonuses may be awarded by the City Council based on the need for a particular housing type (e.g., three or four bedroom units). (Ord. 897-C-S, passed 10-25-94)

C. Applicants may seek a waiver of any Development Standard that will physically preclude the construction of a Residential Development that is eligible for a Density Bonus pursuant to Section A, Eligibility for Density Bonus, with the Density Bonus or Concessions and Incentives permitted by Section 9-5.3513 (A), or this section. The applicant shall demonstrate that the Development Standards that are requested to be waived will have the effect of physically precluding the

construction of the Residential Development with the Density Bonus or Concessions and Incentives permitted by Section 9-5.3502 (A), or this section.

- D. City Financial Participation Not Required. Nothing in this chapter requires the provision of direct financial Incentives for the Residential Development, including but not limited to the provision of financial subsidies, publicly owned land, fee waivers, or waiver of dedication requirements. The City at its sole discretion may choose to provide such direct financial Incentives.
- E. Prevailing Wages. Financial and certain other Incentives may require payment of prevailing wages by the Residential Development if required by State law.

§ 9-5.3503 DENSITY BONUS AGREEMENT.

To ensure that the parties meet their responsibilities, the city requires that the developer enter into a legally recorded agreement subject to the following:

- A. Occupancy of the units reserved for lower income use shall be limited to families who qualify as lower-income as established by the Department of Housing and Urban Development. These figures are updated from time to time and will be given to the developer or owners as they are made available to the city by HUD. Lower-income families have incomes of up to 80% of the median family income for the region. (Note: Provided that the income restrictions are met, Section 8 certification holders may be qualifying families.)
- B. Rents charged for the reserved units shall be no more than 30% of 60% of the area median income for lower income households and 30% of 50% for very low income households.
- C. In order to comply with the Density Bonus Agreement, a developer wishing to sell the individual units (such as in a condominium project) must first rent out the controlled units for the full length of the agreement before they may be sold.
- D. The developer and/or future owner of the project shall be required to reserve the lower income units at the controlled rents for a minimum of 10 years. Projects receiving a density bonus and at least one additional incentive shall be subject to a 30 year reservation. The Council, at its discretion, may increase the length of the agreement, depending on the size of the project, the number of units, the location, and the density increase requested.
- E. To certify that the current owner has complied with the terms of the agreement, the owner shall file a Certification of Compliance form with the city on an annual basis. A copy of this form is available from the Community Development Department. This form indicates the lessees of the controlled units, their respective unit numbers, monthly rents, household incomes, and phone numbers. Lease agreements for each of the units must also be attached.
- F. Should the owner or developer not be in compliance with the terms of the agreement they shall be subject to a \$50 per day per unit fine and the length of the agreement shall be extended on an equivalent day-for-day basis.
- G. To compensate the city for processing costs, the developer or owner will be required to pay the City ~~the following annual fees:~~ a fee established by the City Council and adopted in the annual Master Fee Schedule.
- H. Applicability. All projects with approved density bonuses prior to the formulation of this policy are subject to the restrictions that were placed on them as conditions of their density bonuses.

Projects that were constructed and occupied prior to the formulation of this policy are exempt from any density bonus restrictions. (Ord. 897-C-S, passed 10-25-94) Penalty, see § 9-5.2904

| <i>Total Units</i> | <i>Annual Processing Fee</i> |
|--------------------|------------------------------|
| Under 20 | \$ 500 |
| 20 to 50 | 1,000 |
| 50 to 100 | 2,500 |
| 100 + | 5,000 |

§ 9-5.3504 APPLICATION PROCESSING PROCEDURES.

- A. Prior to the submittal of any formal permit requests a developer may submit to the city a preliminary proposal for a residential project for which a density bonus is sought. Within 90 days of the receipt of such a preliminary proposal the city shall notify the developer in writing of any density bonuses or incentives for which that the project would be eligible for. A formal request for the density bonus pursuant to the requirements of this Article may then be submitted to the city concurrently with the application(s) for any necessary permits. This request shall be considered by the City Council along with the required Density Bonus Agreement after any necessary permits are approved by the appropriate body (or concurrently if City Council approval is required as well). (Ord. 897-C-S, passed 10-25-94)
- B. All requests for Density Bonuses, Concessions and Incentives, City Incentives, parking reductions, and waivers provided pursuant to Section A, and Section X, State Mandated Concessions and Incentives, shall be submitted with the Below Market Rate (BMR) Housing Plan required by this Section. The Builder shall include the following additional information in the BMR Housing Plan:
1. A site plan depicting the number and location of all Market Rate Units, BMR Units, Density Bonus BMR Units, and Bonus Units.
 2. A calculation of the maximum number of dwelling units permitted by this ordinance and the General Plan, excluding any Density Bonus.
 3. The targeted income level of the proposed Density Bonus BMR Units.
 4. Description of any requested Concessions, Incentives, waivers of Development Standards, or parking reductions requested pursuant to Section 18.15.040, State Mandated Concessions and Incentives.
 5. For all Concessions and Incentives except those listed in Section 18.15.040(C), Concessions Not Requiring Financial Pro Forma from Applicant, a pro forma demonstrating that the requested Concessions and Incentives result in identifiable, financially sufficient, and actual cost reductions. The pro forma shall include: (a) the actual cost reduction achieved through the Concession or Incentive; and (b) evidence that the cost reduction allows the Builder to provide Affordable Rents or affordable sales prices.
 6. For waivers of Development Standards: evidence that the Development Standards for which the waivers are requested will have the effect of physically precluding the

construction of the Residential Development with the Density Bonus, Concessions, or Incentives requested.

7. The Administrator may require that any pro forma submitted pursuant to subsection (A)(5) of this section include information regarding capital costs, equity investment, debt service, projected revenues, operating expenses, and such other information as is required to evaluate the pro forma. The cost of reviewing any required pro forma data, including but not limited to the cost to the City of hiring a consultant to review the pro forma, shall be borne by the Builder.
8. If a mixed use building or development is proposed, the Builder shall provide evidence that nonresidential land uses will reduce the cost of the Residential Development, and the nonresidential land uses are compatible with the Residential Development and existing or planned surrounding development.
9. If a Density Bonus is requested for a land donation, the BMR Housing Plan shall show the location of the land to be dedicated, provide proof of site control, and provide evidence that each of the findings included in Government Code Section 65915(g) can be made.
10. If a Density Bonus or Concession is requested for a child care facility or condominium conversion, the BMR Housing Plan shall provide evidence that the findings in Government Code Section 65915(h) or 65915.5, as appropriate, can be made.

C. City Review of Application for State Mandated Density Bonus, Concessions, and Incentives. Any request for a Density Bonus, Concessions, Incentives, waivers, or parking reductions provided pursuant to Sections 18.15.030, State Mandated Density Bonuses, and 18.15.040, State Mandated Concessions and Incentives, shall be processed, reviewed, and approved or denied by the decision-making body (Planning Commission or City Council) concurrently with the BMR Housing Plan required for the Residential Development. In accordance with State law, neither the granting of a Concession or Incentive, nor the granting of a Density Bonus, shall be interpreted, in and of itself, to require a General Plan amendment, zoning change, or other discretionary approval.

D. Findings for Approval of State Mandated Density Bonus, Concessions, and Incentives. Before approving an application that includes a request for a Density Bonus, Incentive, Concession, waiver, or parking reduction provided pursuant to Sections 18.15.030, State Mandated Density Bonuses, and 18.15.040, State Mandated Concessions and Incentives, the decision-making body shall make the following findings, as applicable:

1. The Residential Development is eligible for a Density Bonus and any Concessions, Incentives, waivers, or parking reductions requested.
2. Any requested Incentive or Concession will result in identifiable, financially sufficient, and actual cost reductions based upon appropriate financial analysis and documentation if required.
3. If the Density Bonus is based all or in part on donation of land, the findings included in Government Code Section 65915(g).
4. If the Density Bonus, Incentive, or Concession is based all or in part on the inclusion of a child care facility, the findings included in Government Code Section 65915(h).
5. If the Incentive or Concession includes mixed-use development, the findings included in Government Code Section 65915(k)(2).

6. If a waiver is requested, the Development Standards for which a waiver is requested would have the effect of physically precluding the construction of the Residential Development with the Density Bonus, Concessions, or Incentives permitted.

E. Findings for Denial of Incentives, Concessions or Waivers.

1. Denial of Concessions and Incentives. If the findings required by subsection C of this section can be made, the decision-making body may deny a Concession or Incentive only if it makes a written finding, supported by substantial evidence, of either of the following:
 - a. The Concession or Incentive is not required to provide for Affordable Rents or Affordable Ownership Costs.
 - b. The Concession or Incentive would have a specific adverse impact upon public health or safety or the physical environment or on any real property that is listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Low- and Moderate-income Households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the Residential Development was deemed complete.
 - c. The Concession or Incentive would be contrary to State or federal law.
2. Denial of Waivers. If the findings required by subsection C of this section can be made, the decision-making body may deny a waiver only if it makes a written finding, supported by substantial evidence, of either of the following:
 - a. The waiver would have a specific adverse impact upon health, safety, or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to Low- and Moderate-income Households. For the purpose of this subsection, "specific adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, and identified, written public health or safety standards, policies, or conditions as they existed on the date that the application was deemed complete.
 - b. The waiver would have an adverse impact on any real property that is listed in the California Register of Historical Resources.
 - c. The waiver would be contrary to State or Federal law.
3. Denial of Incentive or Bonus for Child Care Center. If the findings required by subsection C of this section can be made, the decision-making body may deny a Density Bonus, Incentive, or Concession that is based on the provision of child care facilities only if it makes a written finding, based on substantial evidence, that the City already has adequate child care facilities.

F. Appeals. The developers may appeal the denial of a request for a density bonus or an concession or incentive to the City Council.

SECTION 10. Chapter 5, Article 38 (Land Use Regulations) of the Antioch Municipal Code is hereby amended to read as follows:

Following are code sections to which revisions are proposed.

§ 9-5.3801 SUMMARY OF ZONING DISTRICTS.

The following is a summary of all zoning districts. (*Note: The Study District (S) is not included in the proceeding chart as the ultimate land uses for such a district are not determined until all necessary studies are completed and the appropriate land use designations can be applied.*)

RE Rural Estate District: 0-2 du/acre

RR Rural Residential District: 0-2 du/acre

R-4 Single-Family Low Density Residential District: 2-4 du/acre

R-6 Single-Family Low Density Residential District: 4-6 du/acre

R-10 Medium Density Residential District: 6-10 du/acre

R-20 Medium ~~High~~ Density Residential District: 11-20 du/acre

R-25 High Density Residential District: 20 – 25 du/acre

R-35 High Density Residential District: 30 – 35 du/acre

PBC Planned Business Center District

C-0 Professional Office District

C-1 Convenience Commercial District

C-2 Neighborhood/Community Commercial District

C-3 Regional Commercial District

SP Specific Plan

MCR Mixed Commercial/Residential District

WF Urban Waterfront District

OS Open Space/Public Use District

M-1 Light Industrial District

M-2 Heavy Industrial District

H Hospital/Medical Center Overlay District

RTC Rivertown Retail District

RTR-10 Rivertown Residential Low Medium Density 6-10 du/acre

RTR-20 Rivertown Residential High Density: 13-20 du/acre

PD Planned Development District

HPD Hillside Planned Development District

T Manufactured Housing Combining District

SH Senior Housing Overlay District

ES Emergency Shelter Overlay District

S Study District

MUMF Mixed Use Medical Facility District

(Ord. 897-C-S, passed 10-25-94; Am. Ord. 922-C-S, passed 6-11-96; Am. Ord. 1064-C-S, passed 12-13-05)

§ 9-5.3802 INTRODUCTION TO LAND USE REGULATIONS.

A. The charts and text in § 9-5.3803 are adopted as the city's basic land use regulations. The uses shown in this chart are divided into five groups:

1. Residential;
2. Public and semi-public;
3. Commercial;
4. Industrial; and
5. Temporary uses.

B. To determine in which zone a specific use is allowed:

1. Find the use on the left hand side of the table.
2. Read across the chart until either a number or a letter appears in one of the columns.
3. If a number appears, this means that the use is allowed in the zone represented by that column, but only if certain special requirements are met. The requirements applicable to

that use are listed in this article. The number appearing in the zoning column corresponds to the number of the footnote.

4. If a "P" appears in the column, the use is permitted in that zone by right. If a "U" appears in the column, a use permit is required. If an "A" appears, an administrative use permit is required which can be issued by the Zoning Administrator or designated staff. If no letter or number appears in the column, then the use is not allowed in that zone.
5. The Planning Commission shall interpret the appropriate zone for any land use not specifically mentioned in this chart and not similar to any use listed.
6. If a specific use does not appear in the chart, contact the Community Development Department for assistance.
7. In the Hillside Planned Development (HPD), Planned Development (PD), Combining (B), Manufactured Housing Combining (T), and Senior Housing Overlay (SH) Districts use permit approval is required for all uses.
8. In the Mixed Use Medical Facility (MUF) District, a final development plan and use permit approval is required for all uses. Processing of final development plans and use permits in the MUMF District shall be as outlined in the Planned Development District (PD) section of this chapter.

C. Legend.

- P Permitted by right
- U Use permit
- A Administrative use permit
- (—) Not allowed

(*) Regulations of base zoning district apply

(1 to 29) - See Land Use Footnotes

§ 9-5.3803 TABLE OF LAND USE REGULATIONS.

Proposed revisions to the Table of Land Use Regulations are highlighted and underlined.

| | R E, R | R-4, R-6 | R-1 0 | R-20 | <u>R-25</u> | <u>R-35</u> | PB C | C-0 | C-1 | C-2 | C-3 | MC R | WF | OS | M-1 | M-2 | H | <u>ES</u> ⁹ | R T C | RTR -10 | RTR -20 |
|-------------------------------------|--------------|-------------|----------|----------|-------------|-------------|---------|----------|----------|-----|-----|----------|----|----|-----|-----|-----------------------|------------------------|-------------|------------|------------|
| RESIDENTIAL USES | | | | | | | | | | | | | | | | | | | | | |
| Day-care centers (§ 9-5.3832) | U | U | U | U | <u>U</u> | <u>U</u> | U | U | U | U | U | U | — | — | U | — | U | * — | U | U | U |
| Day-care: large family (§ 9-5.3818) | A | A | A | A | <u>A</u> | <u>A</u> | — | — | — | — | — | — | — | — | — | — | — | * — | — | A | A |
| Day-care: small family (§ 9-5.3817) | P | P | P | P | <u>P</u> | <u>P</u> | — | — | — | — | — | — | — | — | — | — | — | * — | — | P | P |
| Senior Group Housing | U | U | U | U | <u>U</u> | <u>U</u> | — | — | — | — | — | U | — | — | — | — | U | * — | U | U | U |
| Family care home | P | P | P | P | <u>P</u> | <u>P</u> | — | — | — | — | — | U | — | — | — | — | — | * — | — | P | P |
| Fraternity-sorority house/dormitory | U | U | U | U | <u>U</u> | <u>U</u> | — | — | — | — | — | U | — | — | — | — | — | * — | — | U | U |
| Home occupations | A | A | A | A | <u>A</u> | <u>A</u> | | | | | | A | — | — | — | — | — | * — | A | A | A |
| Hospice ¹⁰ | — | — | <u>U</u> | <u>U</u> | <u>U</u> | <u>U</u> | — | <u>U</u> | <u>U</u> | — | — | <u>U</u> | — | — | — | — | <u>U</u> ² | * — | — | <u>U</u> | <u>U</u> |

| | R E, R | R-4, R-6 | R-10 | R-20 | R-25 | R-35 | PB C | C-0 | C-1 | C-2 | C-3 | MC R | WF | OS | M-1 | M-2 | H | ES ⁹ | R T C | RTR -10 | RTR -20 |
|---|--------------|-------------|------|------|----------------|----------------|---------|-----|-----|-----|-----|---------|----|----|-----|-----|----------------|-----------------|-------------|------------|------------|
| Manufactured, modular home; mobile home (§ 9-5.3804) | P | P | P | — | — | — | — | — | — | — | — | — | — | — | — | — | — | * | — | P | — |
| Mobile home park | — | — | U | U | U | U | — | — | — | — | — | — | — | — | — | — | — | * | — | — | U |
| Multiple-family: condominium, apartment, townhouse (§ 9-5.3820) | — | — | U | U | U ¹ | U ¹ | — | — | — | — | — | U | — | — | — | — | U ² | * | — | — | U |
| Recreational vehicle park (§ 9-5.3830) | — | — | — | — | — | — | — | — | — | — | U | — | U | — | — | U | — | * | — | — | — |
| Residential care facility ¹⁰ | — | — | U | U | U | U | — | U | U | — | — | U | — | — | — | — | U ² | * | — | U | U |
| Residential hotel | — | — | U | U | U | U | — | U | U | U | U | U | — | — | — | — | — | * | — | U | P |
| Room & boarding house | U | U | P | P | U | U | — | U | U | U | U | U | — | — | — | — | — | * | — | U | P |
| Second residential unit (§ 9-5.3805) | A | A | A | A | A | A | — | — | — | — | — | — | — | — | — | — | — | * | — | A | — |
| Single-family dwelling | P | P | U | P | P | P | — | — | — | — | — | U | U | — | — | — | — | * | — | P | — |

| | R E, R R | R-4, R-6 | R- 1 0 | R- 20 | R- 25 | R- 35 | PB C | C-0 | C-1 | C-2 | C-3 | MC R | WF | OS | M-1 | M-2 | H | ES ⁹ | R T C | RTR -10 | RTR -20 |
|--|-------------------|-------------|--------------|----------|----------|----------|---------|-----|-----|-----|-----|---------|----|----|-----|-----|---|-----------------|-------------|------------|------------|
| Two- family dwelling | — | — | P | P | P | P | — | — | — | — | — | U | — | — | — | — | — | * | — | — | — |
| PUBLIC AND SEMI-PUBLIC USES | | | | | | | | | | | | | | | | | | | | | |
| Bus & transit maintenan ce facility | — | — | — | — | — | — | — | — | — | — | — | — | U | — | — | U | — | * | — | — | — |
| Bus & train terminal | — | — | — | — | — | — | — | — | — | — | — | — | U | — | — | U | — | * | — | — | — |
| Clubs & Lodges (private & public) | — | U | U | U | U | U | U | U | U | U | U | U | U | — | — | — | U | * | — | — | — |
| Convalesc ent and Extended Care | — | — | U | U | U | U | — | — | — | — | — | U | — | — | — | — | U | — | U | — | — |
| Cultural institutions | — | — | — | — | — | — | U | U | — | — | U | U | U | — | U | U | U | * | — | — | — |
| Homeless Emergenc y shelter | — | — | — | — | — | — | — | — | — | — | — | — | — | — | U | U | — | P | — | — | — |
| Governme nt offices | — | — | — | — | — | — | U | P | P | P | P | U | — | — | U | U | — | * | — | — | — |
| Helipoint (\$ 9-5.3806) | — | — | — | — | — | — | U | — | — | — | — | — | U | — | — | — | U | * | — | — | — |
| Hospitals (\$ 9- 5.3827): | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | * | — | — | — |
| Acute care | — | — | — | — | — | — | U | U | — | — | — | U | — | — | U | — | U | * | — | — | — |

| | R E, R R | R-4, R-6 | R-10 | R-20 | R-25 | R-35 | PB C | C-0 | C-1 | C-2 | C-3 | MC R | WF | OS | M-1 | M-2 | H | ES ⁹ | R T C | RTR -10 | RTR -20 |
|--|-------------------|-------------|------|------|------|------|---------|-----|-----|-----|-----|---------|----|----|-----|-----|---|-----------------|-------------|------------|------------|
| Rehabilitat ion | — | — | — | — | — | — | U | U | — | — | — | U | — | — | U | — | U | * — | — | — | — |
| Psychiatri c/ chemical dependen cy | — | — | — | — | — | — | U | U | — | — | — | U | — | — | U | — | U | * — | — | — | — |
| Medical care— urgent | — | — | — | — | — | — | U | U | — | — | — | U | — | — | P | — | P | * — | — | — | — |
| Parks | P | P | P | P | P | P | P | P | — | U | U | U | P | P | U | U | — | * — | U | U | U |
| Public assembly | U | U | U | U | U | U | U | U | U | U | U | U | U | U | U | U | U | * — | U | U | — |
| Public safety facilities | U | U | U | U | U | U | U | U | U | U | U | U | U | U | U | U | U | * — | — | — | — |
| Public utility yard | — | — | — | — | — | — | — | — | — | — | — | — | U | — | — | — | — | * — | — | — | — |
| Religious assembly ³ (§ 9- 5.3832) | — | U | U | U | U | U | U | U | U | U | U | U | U | — | — | — | U | * — | U | U | U |
| Satellite antenna (§ 9-5.3807) | A | A | A | A | A | A | A | A | A | A | A | A | A | — | A | A | A | * — | A | A | A |
| Schools, private and preschool s | U | U | U | U | U | U | U | U | U | U | — | U | — | — | U | — | U | * — | U | U | U |
| Utility substations | U | U | U | U | U | U | U | U | U | U | U | U | U | U | U | U | U | * — | U | U | U |

| | R E, R | R-4, R-6 | R-1 0 | R-20 | R- 25 | R- 35 | PB C | C-0 | C-1 | C-2 | C-3 | MC R | WF | OS | M-1 | M-2 | H | ES ⁹ | R T C | RTR -10 | RTR -20 |
|---|--------------|-------------|----------|------|----------|----------|---------|-----|-----|-----|-----|---------|----|----|-----|-----|---|-----------------|-------------|------------|------------|
| COMMERCIAL USES | | | | | | | | | | | | | | | | | | | | | |
| Adult book stores, motion picture arcades, and model studios (§ 9-5.3808) | — | — | — | — | — | — | — | — | — | U | U | — | — | — | — | — | — | * | — | — | — |
| Adult entertainment, other (§ 9-5.3808) | — | — | — | — | — | — | — | — | — | U | U | — | — | — | — | — | — | * | — | — | — |
| Agricultural uses (§ 9-5.3809) | P | — | — | — | — | — | — | — | — | — | — | — | — | P | — | — | — | * | — | — | — |
| Appliance maintenance & repair services: | | | | | | | | | | | | | | | | | | | | | |
| Major | — | — | — | — | — | — | — | — | — | P | P | P | — | — | P | P | — | * | — | — | — |
| Minor | — | — | — | — | — | — | — | P | P | P | P | P | — | — | P | P | — | * | P | — | — |
| Amusement center (§ 9-5.3813) | — | — | — | — | — | — | — | — | U | U | U | U | U | — | — | — | — | * | U | — | — |
| Animal hospital veterinary clinics | — | — | — | — | — | — | U | — | U | U | U | U | — | — | U | U | — | * | — | — | — |
| Antique store | — | — | — | — | — | — | — | — | — | P | P | A | U | — | U | — | — | * | P | — | — |
| Auto sales, rental | — | — | — | — | — | — | U | — | — | U | U | U | — | — | — | — | — | * | U | — | — |

| | R E, R R | R-4, R-6 | R-1 0 | R-20 | R- 25 | R- 35 | PB C | C-0 | C-1 | C-2 | C-3 | MC R | WF | OS | M-1 | M-2 | H | ES ⁹ | R T C | RTR -10 | RTR -20 |
|--|-------------------|-------------|----------|------|----------|----------|---------|-----|-----|-----|-----|---------|----|----|-----|-----|---|-----------------|-------------|------------|------------|
| Auto storage | — | — | — | — | — | — | — | — | — | — | — | — | — | — | U | U | — | * — | — | — | — |
| Auto service station (\$ 9-5.3815) | — | — | — | — | — | — | — | — | U | U | U | U | — | — | U | U | — | * — | — | — | — |
| Auto repair: | | | | | | | | | | | | | | | | | | | | | |
| Major | — | — | — | — | — | — | U | — | — | — | U | U | — | — | U | P | — | * — | — | — | — |
| Minor | — | — | — | — | — | — | U | — | U | U | U | U | — | — | P | P | — | * — | — | — | — |
| Bakeries —retail | — | — | — | — | — | — | — | — | P | P | P | P | U | — | P | P | — | * — | P | — | — |
| Bank or savings & loan | — | — | — | — | — | — | P | P | P | P | P | P | — | — | — | — | — | * — | P | — | — |
| Bar (\$ 9-5.3831) | — | — | — | — | — | — | — | — | — | U | U | U | U | — | — | — | — | * — | U | — | — |
| Barber & beauty shop | — | — | — | — | — | — | — | — | P | P | P | P | — | — | — | — | — | * — | P | — | — |
| Bed and breakfast inns (\$ 9-5.3819) | U | U | — | — | — | — | — | — | — | — | — | U | U | — | — | — | — | * — | U | U | — |
| Boat repair | | | | | | | | | | | | | | | | | | | | | |
| Major | — | — | — | — | — | — | U | — | — | — | U | U | U | — | U | P | — | * — | U | — | — |
| Minor | — | — | — | — | — | — | U | — | U | U | U | U | U | — | P | P | — | * — | U | — | — |
| Boat, RV— storage facility (\$ 9-5.3810) | — | — | — | — | — | — | — | — | — | — | U | U | U | — | U | P | — | * — | — | — | — |

| | R E; R R | R-4, R-6 | R- 1 0 | R- 20 | R- 25 | R- 35 | PB C | C-0 | C-1 | C-2 | C-3 | MC R | WF | OS | M-1 | M-2 | H | ES ⁹ | R T C | RTR -10 | RTR -20 |
|--|-------------------|-------------|--------------|----------|----------|----------|---------|-----|-----|-----|-----|---------|----|----|-----|-----|---|-----------------|-------------|------------|------------|
| Bowling alleys (§ 9-5.3831) | — | — | — | — | — | — | — | — | — | U | U | U | — | — | — | — | — | * | — | — | — |
| Car and vehicle wash | — | — | — | — | — | — | — | — | — | U | U | U | U | — | U | U | — | * | — | — | — |
| Card room | — | — | — | — | — | — | — | — | — | U | U | — | — | — | — | — | — | * | — | — | — |
| Catering services | — | — | — | — | — | — | — | — | — | P | P | P | A | — | U | — | — | * | — | — | — |
| Clothing store | — | — | — | — | — | — | — | — | — | P | P | P | A | — | — | — | — | * | — | — | — |
| Combined residential /commercial structure | — | — | — | — | — | — | — | — | — | — | — | U | U | — | — | — | — | * | — | — | — |
| Communica- tion facilities | U | U | U | U | U | U | U | P | P | P | P | P | — | U | P | P | — | * | P | U | U |
| Confection- ery stores | — | — | — | — | — | — | — | — | P | P | P | P | A | — | — | — | — | * | P | — | — |
| Dance hall | — | — | — | — | — | — | — | — | — | U | U | U | — | — | U | — | — | * | U | — | — |
| Drive-up window (all uses) | — | — | — | — | — | — | U | U | U | U | U | U | — | — | U | U | U | * | — | — | — |
| Dry cleaning agencies; pick-up and self serve | — | — | — | — | — | — | — | — | P | P | P | P | — | — | — | — | — | * | P | — | — |
| Florist shop | — | — | — | — | — | — | P | — | P | P | P | P | — | — | — | — | P | * | P | — | — |

| | R E, R | R-4, R-6 | R-1 0 | R-20 | R- 25 | R- 35 | PB C | C-0 | C-1 | C-2 | C-3 | MC R | WF | OS | M-1 | M-2 | H | ES ⁹ | R T C | RTR -10 | RTR -20 |
|----------------------------|--------------|-------------|----------|------|----------|----------|----------------|-----|-----|-----|-----|---------|----|----|----------------|-----|---|-----------------|----------------|------------|------------|
| Food stores (\$ 9-5.3831): | | | | | | | | | | | | | | | | | | | | | |
| Convenience store | — | — | — | — | == | == | — | — | U | U | U | U | U | — | — | — | U | * — | U | — | — |
| Supermarket | — | — | — | — | == | == | — | — | U | P | P | U | — | — | — | — | — | * — | U | — | — |
| Fortune-teller's | — | — | — | — | == | == | — | — | — | U | U | U | — | — | — | — | — | * — | U | — | — |
| Funeral parlor & mortuary | — | — | — | — | == | == | — | — | U | U | U | U | — | — | — | — | — | * — | U ⁴ | — | — |
| Furniture stores | — | — | — | — | == | == | — | — | — | P | P | U | — | — | — | — | — | * — | P | — | — |
| Gift shop | — | — | — | — | == | == | — | — | — | P | P | P | P | — | — | — | — | * — | P | — | — |
| Gun sales (\$ 9-5.3833) | — | — | — | — | == | == | — | — | — | U | U | U | U | — | — | — | — | * — | U | — | — |
| Hardware store | — | — | — | — | == | == | — | — | U | P | P | U | U | — | — | — | — | * — | P | — | — |
| Health club/fitness center | — | — | — | — | == | == | U | — | U | P | P | U | — | — | U | — | U | * — | U | — | — |
| Hotel & motels | — | — | — | — | == | == | U ⁵ | U | — | P | P | P | U | — | U ⁵ | — | U | * — | U | — | — |
| Jewelry store | — | — | — | — | == | == | — | — | — | P | P | P | U | — | — | — | — | * — | P | — | — |
| Kennels | — | — | — | — | == | == | — | — | — | U | U | — | — | — | U | U | — | * — | — | — | — |

| | R E, R R | R-4, R-6 | R-10 | R-20 | R- 25 | R- 35 | PB C | C-0 | C-1 | C-2 | C-3 | MC R | WF | OS | M-1 | M-2 | H | ES ⁹ | R T C | RTR -10 | RTR -20 |
|---|-------------------|-------------|------|------|----------|----------|---------|-----|-----|-----|----------------|---------|----|----|-----|-----|---|-----------------|-------------|------------|------------|
| Laboratories; medical, dental, optical | — | — | — | — | — | — | P | P | U | U | U | U | — | — | U | — | P | * — | U | — | — |
| Lauderette | — | — | — | — | — | — | — | — | P | P | P | P | — | — | — | — | — | * — | P | — | — |
| Liquor stores (§ 9-5.3831) | — | — | — | — | — | — | — | — | U | U | U | U | — | — | — | — | — | * — | U | — | — |
| Live entertainment | — | — | — | — | — | — | — | — | — | U | U | U | U | — | — | — | — | * — | U | — | — |
| Marina | — | — | — | — | — | — | — | — | — | — | — | — | U | — | — | — | — | * — | U | — | — |
| Miniature golf courses | — | — | — | — | — | — | — | — | — | U | U ⁶ | U | — | — | U | — | — | * — | U | — | — |
| Mini- storage | — | — | — | — | — | — | — | — | — | — | — | U | U | — | U | P | — | * — | — | — | — |
| Nurseries (horticulture) (§ 9- 5.3824) | — | — | — | — | — | — | — | — | — | P | P | U | U | — | P | P | — | * — | — | — | — |
| Offices: | | | | | | | | | | | | | | | | | | | | | |
| Business & professional | — | — | — | — | — | — | P | P | U | P | P | P | U | — | — | — | P | * — | U | — | — |
| Medical (includes clinics) | — | — | — | — | — | — | P | P | U | P | P | P | U | — | — | — | P | * — | U | — | — |
| Paint store | — | — | — | — | — | — | — | — | — | P | P | U | — | — | U | — | — | * — | P | — | — |

| | R E, R R | R-4, R-6 | R- 1 0 | R- 20 | R- 25 | R- 35 | PB C | C-0 | C-1 | C-2 | C-3 | MC R | WF | OS | M-1 | M-2 | H | ES ⁹ | R T C | RTR -10 | RTR -20 |
|---|-------------------|-------------|--------------|----------|----------|----------|---------|-----|-----|-----|-----|---------|----|----|-----|-----|---|-----------------|-------------|------------|------------|
| Parking lot (commercial) | — | — | — | — | — | — | A | A | A | A | A | A | A | A | P | P | A | * | A | — | — |
| Pawn shops | — | — | — | — | — | — | — | — | — | U | U | U | — | — | — | — | — | * | U | — | — |
| Pet shop | — | — | — | — | — | — | — | — | P | P | P | P | U | — | — | — | — | * | P | — | — |
| Pharmacy | — | — | — | — | — | — | U | P | P | P | P | P | A | — | P | P | P | * | P | — | — |
| Photograph her | — | — | — | — | — | — | — | P | P | P | P | P | A | — | U | — | — | * | P | — | — |
| Printing & blue printing | — | — | — | — | — | — | — | P | P | U | U | U | — | — | P | P | — | * | U | — | — |
| Radio & TV sales & repair | — | — | — | — | — | — | — | — | U | P | P | P | — | — | — | — | — | * | P | — | — |
| Recycling facilities: | | | | | | | | | | | | | | | | | | | | | |
| Reverse vending machines (\$ 9- 5.3811) | — | — | — | — | — | — | — | — | P | P | P | P | — | — | P | P | — | * | P | — | — |
| Small collection facility (\$ 9-5.3812) | — | — | — | — | — | — | — | — | A | A | A | A | — | — | A | A | — | * | A | — | — |
| Large collection facility (\$ 9-5.3813) | — | — | — | — | — | — | — | — | A | A | A | A | — | — | A | A | — | * | A | — | — |
| Light processin g facility | — | — | — | — | — | — | — | — | — | — | — | — | — | — | U | U | — | * | — | — | — |

| | R E, R R | R-4, R-6 | R-1 0 | R-20 | R- 25 | R- 35 | PB C | C-0 | C-1 | C-2 | C-3 | MC R | WF | OS | M-1 | M-2 | H | ES ⁹ | R T C | RTR -10 | RTR -20 |
|---|-------------------|-------------|----------|------|----------|----------|---------|-----|-----|-----|-----|---------|----------------|----|----------------|-----|---|-----------------|-------------|------------|------------|
| Heavy processin g facility (\$ 9-5.3815) | — | — | — | — | — | — | — | — | — | — | — | — | — | — | U | U | — | * - | — | — | — |
| Repair service | — | — | — | — | — | — | — | — | — | — | U | U | U ⁷ | — | P | P | — | * - | U | — | — |
| Restaurants (§§ 9-5.3823 and 9-5.3831): | | | | | | | | | | | | | | | | | | | | | |
| General | — | — | — | — | — | — | P | P | P | P | P | P | P | — | U ⁵ | — | — | * - | P | — | — |
| Fast food | — | — | — | — | — | — | U | — | — | U | U | U | U | — | U ⁵ | — | — | * - | U | — | — |
| Outdoor seating & food service | — | — | — | — | — | — | U | U | U | U | U | U | U | — | U ⁵ | U | — | * - | U | — | — |
| Take out/deliver y | — | — | — | — | — | — | P | U | P | P | P | P | U | — | U ⁵ | — | — | * - | U | — | — |
| With bar & live entertainm ent | — | — | — | — | — | — | — | — | — | U | U | U | U | — | — | — | — | * - | U | — | — |
| Retail; general and specialty | — | — | — | — | — | — | — | — | P | P | P | P | A | — | — | — | — | * - | P | — | — |
| Secondha nd sales | — | — | — | — | — | — | — | — | — | — | U | U | — | — | — | — | — | * - | U | — | — |
| Shoe repair shop | — | — | — | — | — | — | — | — | P | P | P | P | — | — | — | — | — | * - | P | — | — |
| Sign shop | — | — | — | — | — | — | — | — | — | U | U | — | — | — | U | — | — | * - | — | — | — |

A56

| | R E, R R | R-4, R-6 | R-10 | R-20 | R-25 | R-35 | PB C | C-0 | C-1 | C-2 | C-3 | MC R | WF | OS | M-1 | M-2 | H | ES ⁹ | R T C | RTR -10 | RTR -20 |
|--|-------------------|-------------|------|------|------|------|----------------|-----|-----|-----|-----|---------|----|----|-----|-----|---|-----------------|----------------|------------|------------|
| Studios (e.g., dance, marital arts) | — | — | — | — | — | — | — | — | — | P | P | P | — | — | — | — | — | * — | P | — | — |
| Tailor shop | — | — | — | — | — | — | — | — | — | P | P | P | — | — | — | — | — | * — | P | — | — |
| Tattoo studio | — | — | — | — | — | — | — | — | — | U | U | U | — | — | — | — | — | * — | U | — | — |
| Theaters | — | — | — | — | — | — | — | — | — | U | U | U | U | — | — | — | — | * — | U | — | — |
| Upholstery shop | — | — | — | — | — | — | — | — | — | U | U | U | — | — | U | P | — | * — | U | — | — |
| Variety store | — | — | — | — | — | — | — | — | — | P | P | P | P | — | — | — | — | * — | P | — | — |
| Vehicle/bo at/ equipment sales & rental (\$ 9-5.3825) | — | — | — | — | — | — | U ⁸ | — | — | U | U | U | U | — | U | U | — | * — | U ⁸ | — | — |
| INDUSTRI AL USES | | | | | | | | | | | | | | | | | | | | | |
| Animal rendering | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | U | — | * — | — | — | — |
| Bakery- commerci al | — | — | — | — | — | — | — | — | — | — | — | — | — | — | P | P | — | * — | — | — | — |
| Beverage bottling plant | — | — | — | — | — | — | — | — | — | — | — | — | — | — | U | P | — | * — | — | — | — |
| Boat building | — | — | — | — | — | — | — | — | — | — | — | — | U | — | U | P | — | * — | — | — | — |

| | R E, R R | R-4, R-6 | R- 1 0 | R- 20 | $\frac{R-}{25}$ | $\frac{R-}{35}$ | PB C | C-0 | C-1 | C-2 | C-3 | MC R | WF | OS | M-1 | M-2 | H | <u>ES</u> ⁹ | R T C | RTR -10 | RTR -20 |
|--|-------------------|-------------|--------------|----------|-----------------|-----------------|---------|-----|-----|-----|-----|---------|----|----|-----|-----|---|------------------------|-------------|------------|------------|
| Cement or clay products manufactu ring | — | — | — | — | == | == | — | — | — | — | — | — | — | — | U | U | — | * — | — | — | — |
| Concrete batch plant | — | — | — | — | == | == | — | — | — | — | — | — | — | — | — | U | — | * — | — | — | — |
| Contractor 's storage yard | — | — | — | — | == | == | — | — | — | — | — | — | — | — | U | P | — | * — | — | — | — |
| Dairy products processin g | — | — | — | — | == | == | — | — | — | — | — | — | — | — | U | P | — | * — | — | — | — |
| Dry cleaners processin g | — | — | — | — | == | == | — | — | — | — | — | — | — | — | U | U | — | * — | — | — | — |
| Exterminat or | — | — | — | — | == | == | — | — | — | — | — | — | — | — | U | P | — | * — | — | — | — |
| Finished paper production | — | — | — | — | == | == | — | — | — | — | — | — | — | — | U | U | — | * — | — | — | — |
| Food processin g plant | — | — | — | — | == | == | — | — | — | — | — | — | — | — | U | P | — | * — | — | — | — |
| Fuel yard; bulk petroleum storage | — | — | — | — | == | == | — | — | — | — | — | — | — | — | — | U | — | * — | — | — | — |
| Garment manufactu re | — | — | — | — | == | == | — | — | — | — | — | — | — | — | U | U | — | * — | — | — | — |

| | R E, R R | R-4, R-6 | R- 1 0 | R- 20 | R- 25 | R- 35 | PB C | C-0 | C-1 | C-2 | C-3 | MC R | WF | OS | M-1 | M-2 | H | ES ⁹ | R T C | RTR -10 | RTR -20 |
|---|-------------------|-------------|--------------|----------|----------|----------|---------|-----|-----|-----|-----|---------|----|----|-----|-----|---|-----------------|-------------|------------|------------|
| Hazardous waste facilities (§ 9-5.3826): | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | U | — | * — | — | — | — |
| Small generator (§ 9-5.3826) | — | — | — | — | — | — | — | — | U | U | U | U | — | — | U | U | — | * — | — | — | — |
| Large generator (§ 9-5.3826) | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | U | — | * — | — | — | — |
| Processor (§ 9-5.3826) | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | U | — | * — | — | — | — |
| Household hazardous waste facility (§ 9-5.3826) | — | — | — | — | — | — | — | — | — | — | — | — | — | — | U | U | — | * — | — | — | — |
| Junk yard/auto wrecking yard | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | U | — | * — | — | — | — |
| Lumber yard | — | — | — | — | — | — | — | — | — | — | — | — | — | — | U | U | — | * — | — | — | — |
| Machine shop | — | — | — | — | — | — | — | — | — | — | — | — | — | — | U | P | — | * — | — | — | — |

| | R E, R R | R-4, R-6 | R-10 | R-20 | R- 25 | R- 35 | PB C | C-0 | C-1 | C-2 | C-3 | MC R | WF | OS | M-1 | M-2 | H | ES ⁹ | R T C | RTR -10 | RTR -20 |
|---|-------------------|-------------|------|------|----------|----------|---------|-----|-----|-----|-----|---------|----|----|-----|-----|---|-----------------|-------------|------------|------------|
| Manufacturing or storage of explosives, acid, cement, fertilizer, gas, inflammable fluids, glue, gypsum, lime, plaster of paris | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | U | — | * — | — | — | — |
| Mining & quarry; resource extraction | — | — | — | — | — | — | — | — | — | — | — | — | — | — | U | U | — | * — | — | — | — |
| Oil & gas drilling | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | U | — | * — | — | — | — |
| Oil & gas production | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | U | — | * — | — | — | — |
| Photographic plants | — | — | — | — | — | — | — | — | — | — | — | — | — | — | U | U | — | * — | — | — | — |
| Plastic fabrication | — | — | — | — | — | — | — | — | — | — | — | — | — | — | U | U | — | * — | — | — | — |
| Research & development | — | — | — | — | — | — | U | — | — | — | — | U | — | — | U | U | — | * — | — | — | — |
| Residual repository (§ 9-5.3826) | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | * — | — | — | — |

| | R E, R R | R-4, R-6 | R-1 0 | R-20 | R- 25 | R- 35 | PB C | C-0 | C-1 | C-2 | C-3 | MC R | WF | OS | M-1 | M-2 | H | ES ⁹ | R T C | RTR -10 | RTR -20 |
|---|-------------------|-------------|----------|------|----------|----------|---------|-----|-----|-----|-----|---------|----|----|-----|-----|---|-----------------|-------------|------------|------------|
| Salvage/war surplus yards | — | — | — | — | — | — | — | — | — | — | — | — | — | — | U | U | — | * — | — | — | — |
| Solid waste transfer station | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | U | — | * — | — | — | — |
| Smelting or processing of iron, tin zinc or other ore | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | U | — | * — | — | — | — |
| Stockyard s/ slaughterhouses | — | — | — | — | — | — | — | — | — | — | — | — | — | — | — | U | — | * — | — | — | — |
| Stone monument works | — | — | — | — | — | — | — | — | — | — | — | — | — | — | U | P | — | * — | — | — | — |
| Truck terminal yard | — | — | — | — | — | — | — | — | — | — | — | — | — | — | U | U | — | * — | — | — | — |
| Truck & tractor repair | — | — | — | — | — | — | — | — | — | — | — | — | — | — | U | P | — | * — | — | — | — |
| Warehousing & wholesaling | — | — | — | — | — | — | U | — | — | — | — | — | — | — | U | P | — | * — | — | — | — |
| TEMPORARY USES | | | | | | | | | | | | | | | | | | | | | |

| | R E, R R | R-4, R-6 | R-10 | R-20 | R-25 | R-35 | PB C | C-0 | C-1 | C-2 | C-3 | MC R | WF | OS | M-1 | M-2 | H | ES ⁹ | R T C | RTR -10 | RTR -20 |
|--|-------------------|-------------|------|------|------|------|---------|-----|-----|-----|-----|---------|----|----|-----|-----|---|-----------------|-------------|------------|------------|
| Removal of earth (§ 9-5.3822) | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | * | A | A | A |
| Temporary construction building and uses (§ 9-5.3821) | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | * | A | A | A |
| Outdoor display of merchandise (in conjunction with a non-residential use) | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | * | A | — | — |
| Special outdoor events (§§ 9-5.3828 and 9-5.3831) | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | * | A | A | A |
| Christmas tree and pumpkin sale lots (§ 9-5.3829) | — | — | — | — | — | — | A | A | A | A | A | A | — | — | A | A | — | * | A | — | — |

1. Single family dwellings existing prior to the effective date of this section are permitted uses, conforming to the R-20 zone; however, development of new single family dwelling units, other than replacement of existing single family dwellings, are prohibited within the R-20 zone.

2. Use may be permitted as an ancillary use if it is incidental to an otherwise permitted or conditionally permitted use within this zoning district.
3. Legally established churches existing prior to the effective date of this section are permitted uses, conforming to the PBC, C-0, C-1, C-2, and C-3 zone; however, development of new religious assembly uses, other than replacement of existing uses, is prohibited within these zoning districts.
4. Funeral services are limited to "J" Street, Fourth Street, and the area between Fourth and Fifth Streets.
5. May be located only on sites adjacent to freeway interchanges.
6. May be located along Somersville Road north of the SR-4 freeway.
7. Marine repair only. Permitted as an ancillary service for waterfront activities.
8. Boat sales and repair only.
9. In the case of the E Emergency Shelter Overlay District, where no letter or number is included in the table for a particular land use, the regulations of the base zone apply. Emergency Shelters are permitted by right in the Emergency Shelter Overlay District if they meet all standards of Section 9-5.3835, Emergency Shelters, of this article.
10. Hospices and Residential Care Facilities providing care for up to six patients are a permitted use in any district where residential uses are allowed.
11. Up to 20 units/acre permitted by right subject to compliance with all other applicable standards.

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§ 9-5.3835 BOARDING AND ROOMING HOUSES.

Boarding and rooming houses shall be located, developed, and operated in compliance with the following standards:

- A. Rooms can be let to a minimum of five persons.
- B. Lodging shall be for specified periods of time. Over-night or transient lodging by persons who are not residents are not permitted.
- C. Establishments may, but are not required, to provide meals to persons are lodgers or boarders but not to other members of the public. One common kitchen may be provided but there shall be no separate cooking facilities in rooms.
- D. The owner or a manager who represents the owner shall reside on the premises.
- E. Smoking and the possession or consumption of alcohol shall be prohibited in all indoor common areas and in all outdoor common areas.
- F. A Boarding/Rooming House shall not be located within 300 feet of any other Boarding or Rooming House or Residential Care Facility.
- G. At least 20 square feet of usable open space shall be provided for each person who resides in the facility. Open space shall be designed and screened in compliance with the requirements applicable to multi-family residential development located in the same district.
- H. At least one parking space shall be provided for every two persons who reside in the facility. Parking facilities shall be designed, landscaped, and screened in compliance with the requirements applicable to multi-family residential development located in the same district.
- I. Any boarding/rooming house in a RE, RR, R-4, or R-6 district that was legally established prior to the effective date of this ordinance shall be registered with the City as a nonconforming use. The owner of a rooming house seeking designation under this section as a nonconforming use shall, at the time of registration of the rooming house under this section, appoint an agent who resides within Contra Costa County for the purpose of receiving notices from the City concerning the use of the nonconforming property. The owner shall provide the name, address, and telephone number of the agent. The agent shall be available to be contacted 24 hours a day, 7 days a week, regarding the rooming house.
- J. A rooming house may lose its status as a nonconforming use if the Antioch Police Department confirms that on 3 or more separate occasions within a six-month period, civil or criminal citations have been issued at the address of the rooming house, or the property is determined to be a public nuisance by the XXX pursuant to Article XX of the City Code of Ordinances. Multiple citations issued to different people at a single address at the same time shall not be considered "separate occasions." In determining whether a nonconforming use shall be terminated, citations on matters including, but not limited to, the following provisions of the Antioch Municipal Code and State law shall be considered:
 - 1. Title 4, Chapter 7: Weed and Rubbish Abatement;
 - 2. Title 4, Chapter 9: Littering;
 - 3. Title 5, Chapter 8: Intoxication;
 - 4. Title 4, Chapter 6: Weapons and Fireworks

5. Title 4, Chapter 10: Abandoned, Wrecked, Dismantled or Inoperative Vehicles;
6. Title 5, Chapter 10: Loitering and Indecent Language;
7. Title 5, Chapter 16: Drug Paraphernalia;
8. Title 5, Chapter 17: Disturbing the Peace
9. Title 5, Chapter 18: Public Nudity;
10. Title 5, Chapter 20: Rental Dwelling Unit Maintenance
11. Title 6, Chapter 1: Animals;
12. Title 6, Chapter 3: Solid Waste and Rubbish;
13. Title 6, Chapter 8: Smoking;
14. Compliance with the parking requirements in this Chapter for rooming houses; and
15. State law regarding any of the above topics.

§ 9-5.3836 EMERGENCY SHELTERS.

Emergency shelters shall be located, developed, and operated in compliance with the following standards:

- A. **Number of Residents/Beds.** Each shelter shall contain a maximum of 50 beds and shall serve no more than 50 homeless persons.
- B. **Length of Occupancy.** Occupancy by an individual or family may not exceed 180 consecutive days unless a management plan provides for longer residency by those enrolled and regularly participating in a training or rehabilitation program.
- C. **Hours of Operation.** To limit outdoor waiting, the facility must be open each day for at least eight of the hours between 7:00 a.m. and 7:00 p.m.
- D. **Waiting and Intake Areas.** Each shelter shall include indoor waiting and intake areas for guests. Such intake and waiting areas shall be provided at a rate of 10 square feet per bed and in any case, shall be at least 200 square feet in area. Waiting and intake areas may be used for other purposes as needed during operation of the shelter.
- E. **Common Facilities.** The development may provide one or more of the following specific common facilities for the exclusive use of the residents:
 1. Laundry facilities.
 2. Central cooking and dining room(s).
 3. Recreation rooms.
 4. Counseling centers.
 5. Child care facilities.
 6. Other support services.
- F. **Outdoor Activities.** All functions associated with the shelter, except for children's play areas, outdoor recreation areas, parking, and outdoor waiting must take place within the building

proposed to house the shelter. Outdoor waiting for clients, if any, may not be in the public right-of-way, must be physically separated from the public right-of-way, and must be large enough to accommodate the expected number of clients.

G. **On-Site Parking.** Parking spaces shall be provided according to the standards of Article 17, Parking Requirements.

H. **Lighting.** Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and shall be of an intensity that is comparable to surrounding uses.

I. **On-Site Security.** On-site security must be provided at all times that the emergency shelter is in operation and according to the following standards:

1. A safety and security plan for each shelter shall be submitted to the Community Development Department. The plan shall include information as specified by the Zoning Administrator.
2. Security guards shall be provided at a ratio of at least one guard for every 25 shelter beds.
3. Security guards shall be employed by a Private Patrol Operator (Security Company) that is currently licensed with the California Department of Consumer Affairs. The following information shall be provided to the City: the name of the security company; proof of its liability insurance, including a copy of all exceptions; its State license number; and the guard registration numbers for all employed guards.
4. Digital security cameras shall be installed and capture the activities of the shelter's waiting and intake area, as well as the entrance and exit from the shelter and the shelter parking lot. If the shelter includes a child care area as a common facility, then the child care area shall also be monitored via a digital camera system. Recordings from digital security cameras shall be maintained for no less than 14 days.

J. **Noise.** The use must be conducted in conformance with the City's noise regulations pursuant to Article 19, Noise Attenuation Standards, of this Chapter.

K. **Refuse Storage Areas.** A refuse storage area shall be provided consistent with the standards of Article 14, Refuse Storage Area Design Guidelines.

L. **Emergency Shelter Provider.** The agency or organization operating the shelter shall comply with the following requirements:

1. Staff and services shall be provided to assist residents in obtaining permanent shelter and income.
2. The operator shall not discriminate in any services provided.
3. The operator shall not require participation by residents in any religious or philosophical ritual, service, meeting or rite as a condition of eligibility.
4. The operator of the shelter shall submit a management plan for review by the Zoning Administrator. The plan must address issues identified by the Zoning Administrator, including transportation, client supervision, security, client services, staffing, and good neighbor issues.

§ 9-5.3837 RESIDENTIAL CARE FACILITIES

These requirements apply to Residential Care Facilities for more than six persons. Residential Facilities for six or fewer residents shall be treated as a residential use and subject only to the same requirements as any other permitted residential use of the same housing type that are in the same District.

- A. The minimum distance from any other Residential Facility shall be 300 feet as specified by State Health and Safety Code Section 1267.9 (b).
- B. At least 20 square feet of usable open space shall be provided for each person who resides in the facility. Open space shall be designed and screened in compliance with the requirements applicable to multi-family residential development located in the same district.
- C. At least one parking space shall be provided for every two persons who reside in the facility. Parking facilities shall be designed, landscaped, and screened in compliance with the requirements applicable to multi-family residential development located in the same district.
- D. Smoking and the possession or consumption of alcohol shall be prohibited in all indoor common areas and in all outdoor common areas.
- E. Residential care facilities shall provide smoke-free living quarters for non-smoking residents.
- F. Residential care facilities shall be licensed and certified by the State of California and shall be operated according to all applicable State and local regulations.

§ 9-5.3838 RESIDENTIAL HOTELS

Residential hotels (also called single room occupancy (SRO) hotels) shall be located, developed, and operated in compliance with the following standards:

- A. **Maximum Occupancy.** Each living unit shall be designed to accommodate a maximum of two persons.
- B. **Minimum Size.** A living unit must have at least 150 square feet of floor area, excluding closet and bathroom. No individual unit may exceed 400 square feet.
- C. **Minimum Width.** A unit comprised of one room not including a bathroom shall not be less than 12 feet in width.
- D. **Entrances.** All units must be independently accessible from a single main entry, excluding emergency and other service support exits.
- E. **Cooking Facilities.** Cooking facilities shall be provided either in individual units or in a community kitchen. Where cooking is in individual units, each unit shall have a sink with hot and cold water; a counter with dedicated electrical outlets and a microwave oven or properly engineered cook top unit pursuant to Building Code requirements; a small refrigerator; and cabinets for storage.
- F. **Bathroom.** A unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink and bathtub, shower or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities shall be provided in accordance with the California Building Code for congregate residences with at least one full bathroom per floor.

- G. **Closet.** Each unit shall have a separate closet.
- H. **Common Area.** Four square feet per living unit shall be provided, excluding janitorial storage, laundry facilities and common hallways. At least 200 square feet in area of interior common space provided as a ground floor entry area that provides a central focus for tenant social interaction and meetings.
- I. **Smoking and Alcohol Possession and Consumption.** Smoking and the possession or consumption of alcohol shall be prohibited in all indoor common areas and in all outdoor common areas.
- J. **Tenancy.** Tenancy of residential hotel units shall be limited to 30 or more days.
- K. **Facility management.** An facility with 10 or more units shall provide full-time on-site management. A facility with fewer than 10 units shall provide a management office on-site.
- L. **Management Plan.** A management plan shall be submitted with the permit application for all residential hotel projects. A t minimum, the management plan must include the following:
1. **Security/Safety.** Proposed security and safety features such as lighting, security cameras, defensible space, central access, and user surveillance;
 2. **Management Policies.** Management policies including desk service, visitation rights, occupancy restrictions, and use of cooking appliance;
 3. **Rental Procedures.** All rental procedures, including weekly and monthly tenancy requirements;
 4. **Staffing and Services.** Information regarding all support services, such as job referral and social programs; and
 5. **Maintenance.** Maintenance provisions, including sidewalk cleaning and litter control, recycling programs, general upkeep, and the use of durable materials.

SECTION 11. Publication; Effective Date.

This Ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption by the City Council at a second reading and shall be posted and published in accordance with the California Government Code.

SECTION 12. Severability.

Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

* * * * *

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

AYES:

NOES:

ABSENT:

Wade Harper, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, City Clerk of the City of Antioch

EXHIBIT 2

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH ADOPTING AMENDMENTS TO THE ZONING MAP TO IMPLEMENT THE HOUSING ELEMENT

SECTION 1. Findings. The Antioch City Council hereby finds, determines and declares as follows:

- A. The City of Antioch holds the right to make and enforce all laws and regulations not in conflict with general laws, and the City holds all rights and powers established by state law.
- B. The Planning Commission conducted a duly noticed public hearing on April 16, 2014 at which time a resolution was approved to initiate and recommend to the City Council that this ordinance be adopted. The City Council held a duly noticed public hearing on _____ at which all interested persons were allowed to address the Council regarding adoption of this ordinance.
- C. The proposed amendments to the Zoning Map are consistent with the updated Housing Element the City of Antioch (City) adopted in October, 2010, which the City Council, found would not have a significant effect on the environment, based on an Initial Study prepared in accordance with Public Resources Code Section 21000 et seq. and CEQA Guidelines Section 15070 et seq.;

SECTION 2.

- A. The Zoning Map shall be amended to rezone the real property shown in Figures A, B, C, D, and E and amend the zoning map as follows:
 - APN 051200037, 051200038, 051200039, 074080026, 074080028, 074080029, 074080030 and 074080034 to High Density Residential (R-35);
 - APN 066055001 and the western portion of 066055004 bounded by Second, D (as mapped), Third Streets, and C Streets to Medium Density Residential (R-20);
 - APN 065 110 006, 065 110 007, and 068 251 012 to High Density Residential (R-25).
 - APN 065040006, 065040009, 065040016, 065040018, 065040020, 065040021, 065040025, 065040027, 065040030, 065040031, 074080028, and 74080029 to Emergency Shelter Overlay.
- B. The Development Standards and Zoning Regulations applicable to the subject properties shall be those contained in Chapter 5, Article 3 (Establishment of Districts); Article 6 (Height and Area Regulations and Table); Article 38 (Land Use Regulations), as amended by the City Council on _____.

SECTION 3. PUBLICATION; EFFECTIVE DATE.

This Ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption by the City Council at a second reading and shall be published once within fifteen (15) days upon passage and adoption in the East County Times, a newspaper of general circulation printed and published in the City of Antioch.

SECTION 3. SEVERABILITY.

Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

* * * * *

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

AYES:

NOES:

ABSENT:

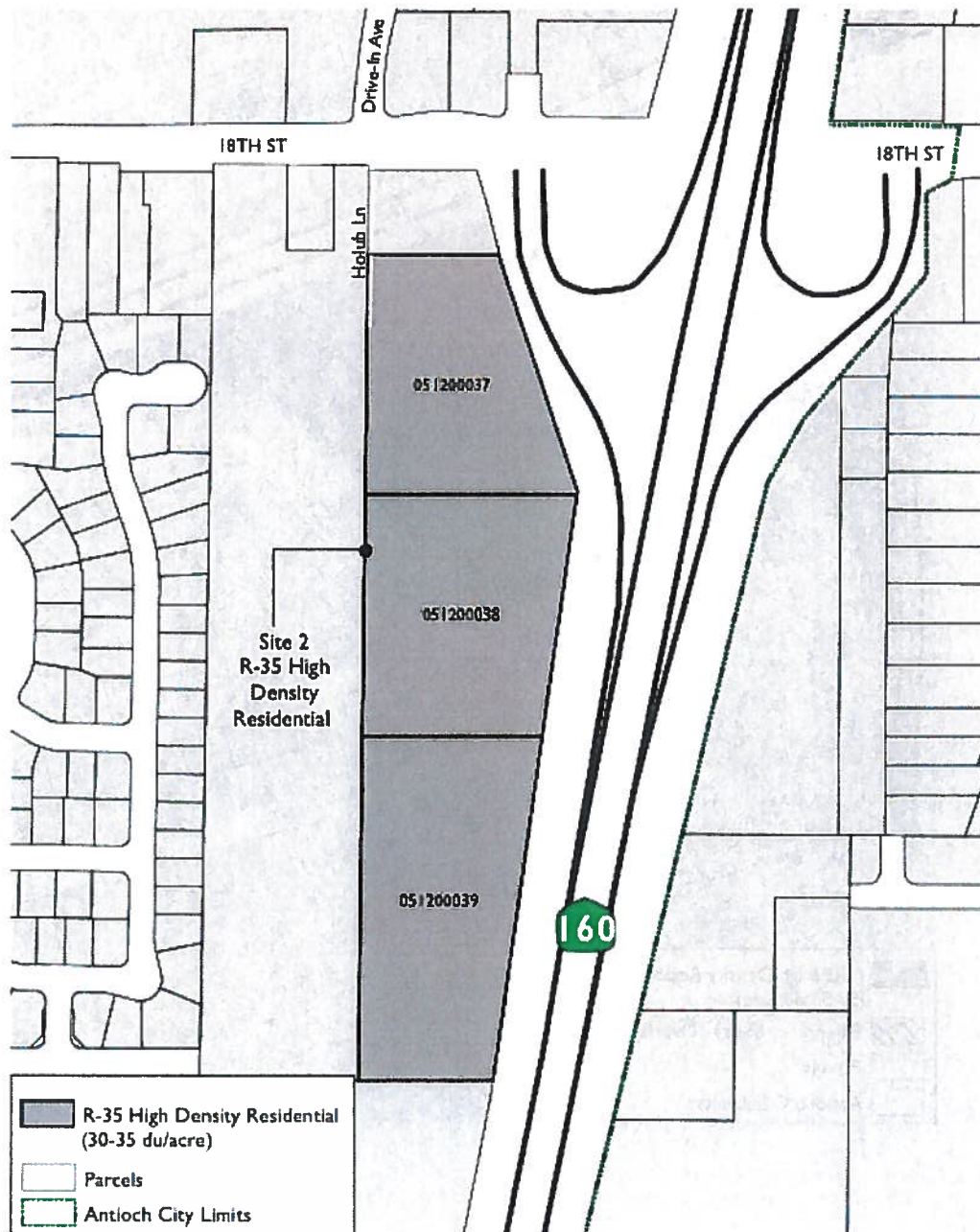
Wade Harper, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, City Clerk of the City of Antioch

A72

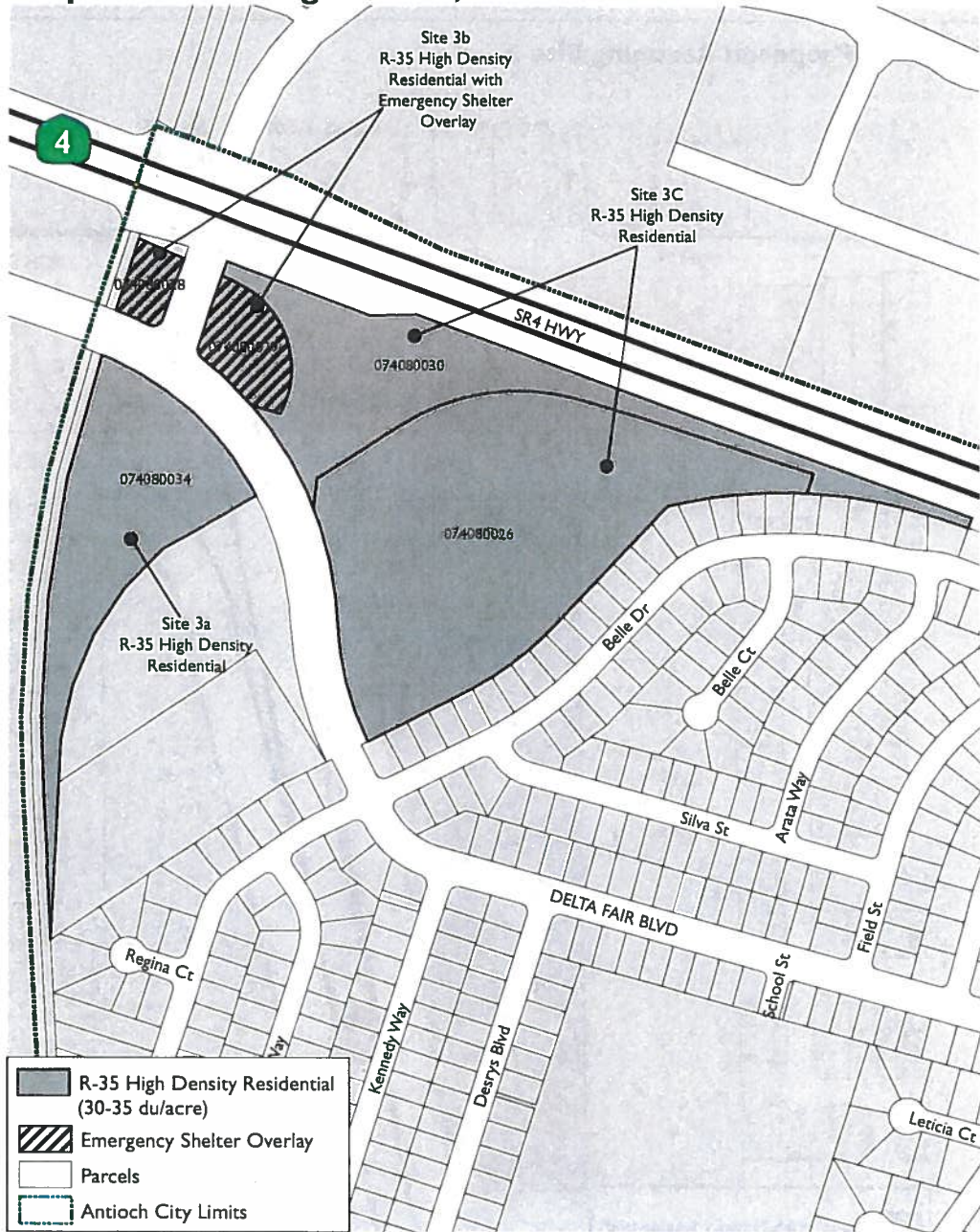
Figure A: Proposed Rezoning Site 2



X

XX-XX-14

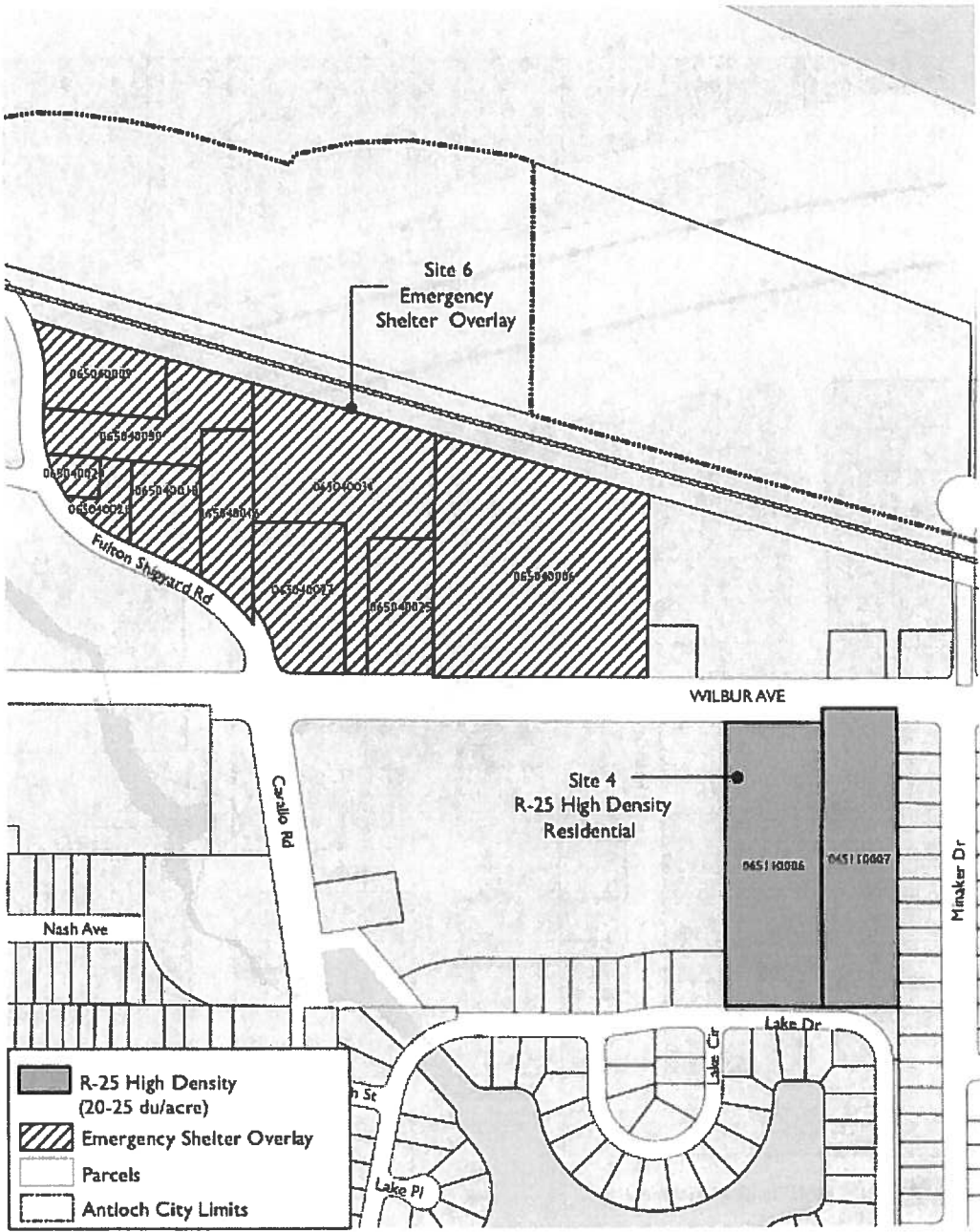
**Figure B:
Proposed Rezoning Sites 3a, 3b & 3c**



X

XX-XX-14

Figure C: Proposed Rezoning Sites 4 & 6



X

XX-XX-14

Figure D: Proposed Rezoning Site 5

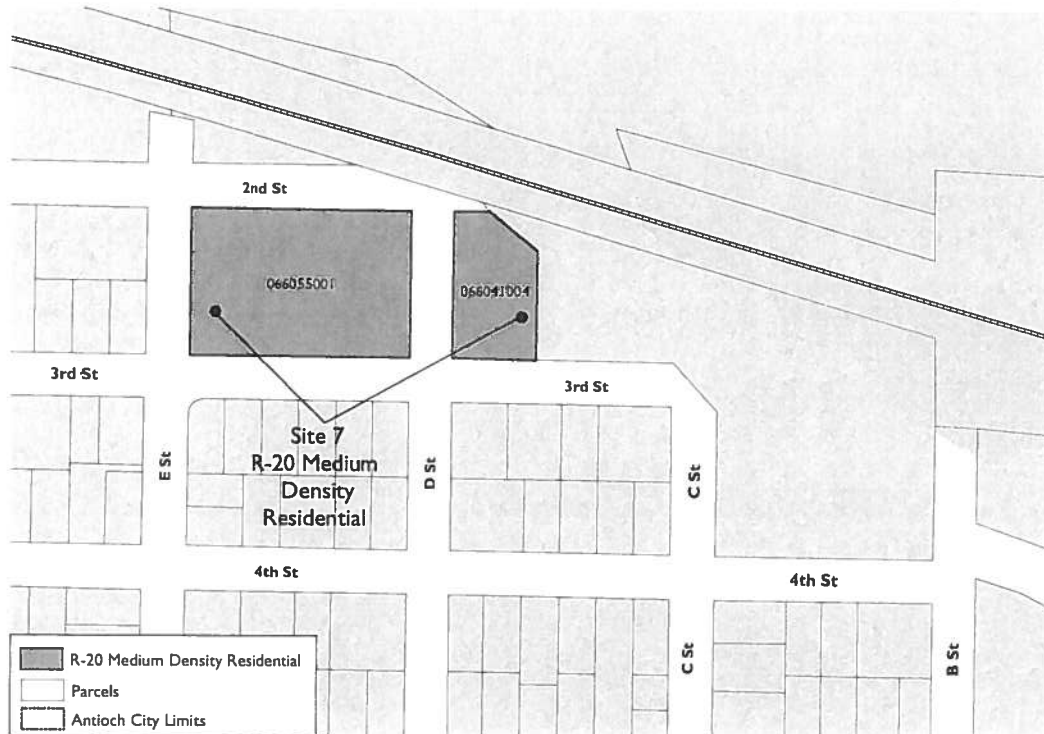


X

XX-XX-14

A76

**Figure E:
Proposed Rezoning Site 7**



X

XX-XX-14

A77

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF APRIL 16, 2014**

Prepared by: Mindy Gentry, Senior Planner *WS*
Date: April 10, 2014
Subject: **Annual Election of Chair and Vice-Chair**

RECOMMENDATION

It is recommended that the Planning Commission nominate and elect a Chair and Vice-Chair.

DISCUSSION

Pursuant to Section 9-5.2506 of the Municipal Code, the Commission shall elect a Chair and Vice-Chair at the last regular meeting of April each year. The new officers will assume their positions the first meeting of May.