

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

**WEDNESDAY, JUNE 4, 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, JUNE 12, 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**                      **6:30 P.M.**

Commissioners	Hinojosa, Chair
	Motts, Vice Chair
	Baatrup
	Miller
	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 16, 2014

MINUTES

\* \* \* END OF CONSENT CALENDAR \* \* \*

### **PUBLIC HEARING**

2. **PW 371-RA-52 – Lot Merger at Deer Valley Business Park** – Country Hills Antioch Medical Center, LLC requests the approval of a lot merger of the current 13 parcels into 4 new parcels. The project site is located on the north side of Country Hills Drive between Lone Tree Way and Deer Valley Road (**APNs 055-740-001 thru 013**).

STAFF REPORT

### **NEW ITEM**

3. **Bedford Center** - Determination of General Plan consistency for the sale of 1811 “C” St. to Rehabilitation Services of Northern California.

STAFF REPORT

### **ORAL COMMUNICATIONS**

### **WRITTEN COMMUNICATIONS**

### **COMMITTEE REPORTS**

### **ADJOURNMENT**

#### **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 2<sup>nd</sup> floor of City Hall, 3<sup>rd</sup> 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 16, 2014  
City Council Chambers**

**CALL TO ORDER**

Chair Hinojosa called the meeting to order at 6:33 p.m. on Wednesday, April 16, 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 24, 2014.

**ROLL CALL**

Present: Commissioners Pinto, Baatrup and Westerman  
Chair Hinojosa and Vice Chair Motts  
Absent: Commissioner Miller  
Staff: Community Development Director, Tina Wehrmeister  
City Engineer, Ron Bernal  
Associate Engineer, Ahmed Abu-Aly  
City Attorney, Lynn Tracy Nerland  
Minutes Clerk, Cheryl Hammers

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

None.

**CONSENT CALENDAR**

1. Approval of Minutes: April 2, 2014

*On motion by Commissioner Baatrup, and seconded by Commissioner Westerman, the Planning Commission approved the Minutes of April 2, 2014.*

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

**END OF CONSENT CALENDAR**

## **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.

Ron Bernal introduced Associate Engineer Ahmed Abu-Aly who provided a summary of the staff report dated April 7, 2014, the Supplemental staff report dated April 16, 2014, and the 2014-2019 CIP program.

In response to Commissioner Pinto, AE Abu-Aly stated that gas tax funds are used to fund street maintenance, signals, etc and that the General Fund is not used for these purposes.

In response to Chair Hinojosa, CE Bernal said that the Black Diamond will widen Somersville Road by the end of this year.

In response to Chair Hinojosa, CE Bernal responded that the funds for improvements in the NE Annexation area will come from \area property tax revenue, \$300,000 per year according to the City/County agreement, and that the City is also looking into grant funding to subsidize upgrades.

In response to Commissioner Baatrup, CE Bernal said that all improvements in the Annexation area could take up to five years as funding is obtained and that meetings were held with residents during the annexation process and that connection costs were a concern to residents.

In response to Vice Chair Motts, regarding funding for parks and trails, CE Bernal stated that CDBG funds are mostly focused toward non-profits, that Public Works received some for streets in the downtown area, that all WW funds were expended and that they can look at BTA funds in the next cycle.

Commissioner Baatrup discussed with CE Bernal the water system sources with the City pumping 30% from the river and 70% from the Contra Costa Water District and recycled water opportunities.

In response to Chair Hinojosa, CE Bernal said that currently four parks and the golf course are irrigating with recycled water and that it may be possible to tie in medians in the future.

Vice Chair Motts reiterated his concern regarding parks and trails in the City given the dangerous shape of some trails and recommended prioritizing future funding/grant opportunities in the future.

***On motion by Commissioner Baatrup and seconded by Commissioner Pinto, the Planning Commission determined that the City of Antioch 2014-2019 Capital***

***Improvement Program is consistent with the Antioch General Plan, noting comments provided.***

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

### **NEW PUBLIC HEARINGS**

- 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).

CDD Wehrmeister provided a summary of the staff report dated April 10, 2014.

In response to Commissioner Baatrup, CDD Wehrmeister stated that some business licenses are still active but the most recent business may have closed in this last year.

In response to Commissioner Pinto, CDD Wehrmeister said that the project meets parking requirements and that the applicant can speak to whether the vans are mobile or parked.

In response to Commissioner Pinto, CDD Wehrmeister said that there are no plans to modify the existing landscaping but that the Municipal Code has provisions to require adequate maintenance.

Vice Chair Motts clarified with staff that there are specific conditions contained in the staff report.

Chair Hinojosa asked staff about calls for service at the Verne Roberts location, whether the majority of the activities occur at the facility, and if bike parking is required. CDD Wehrmeister said that while she did not check with the police department, there have been no complaints received by Community Development, that it is her understanding that activities will occur in the building as well as clients shuttled to different activities, and that given this is an older building it is reasonable to add a condition to add bicycle parking.

### **OPENED PUBLIC HEARING**

Applicant, Juanita Nanifa Ganiez, said that they have been in business for many years, that they provide independent living skills training for individuals in our community, that they provide employment in the community, that they try to co-exist in any community they are in to be an asset, and that they have respect for traffic and the neighborhood.

Vice Chair Motts questioned applicant about the timing of people coming in. Applicant said that staff is available from 7:30 a.m. to 3:30 p.m., that there are staggered

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schedules, that drivers work eight hours while other staff works six hours and that some of the activities are offsite to movies, concerts, etc. She said that their Brentwood and Hayward locations are in a semi-residential and commercial location while their Dublin location is a more commercial area.

Commissioner Pinto asked applicant the reason for moving and the funding for these services. Applicant said that they are taking advantage of low rates and prices of property right now and that they are funded by the State.

Chair Hinojosa asked applicant to elaborate on the circulation route for buses and the hours of operation. Ms. Ganiez said that they will be using Highway 4, taking the back road to Pittsburg, and using Alhambra to 18<sup>th</sup> Street. She said that everyone leaves at 3:30 p.m.

Commissioner Westerman clarified with the applicant that some clients use other transit but most utilize the vans.

Chair Hinojosa read a letter into the record from Jason Brown:

"The Lake Alhambra Property Owners Association, which consists of 246 individual association members, would like a fair and equal opportunity to voice its opposition to the adult day care facility planned to replace the existing small businesses in the commercial office building located at 10 S. Lake Drive. Although the site is located in the midst of the Lake Alhambra Property Owners Association and directly across the street from the Association's primary common area and feature amenity – the boat launch and picnic area, neither the Association's Manager nor any member of the Association's Board of Directors received notice of the planned conversion or the hearing to be held this evening. Thus, the Association respectfully requests that their Board of Directors be allowed an opportunity to meet and discuss the matter so that the Association may provide a thoughtful and detailed statement as to their opposition to this proposed conversion."

Chair Hinojosa read a comment into the record from Jane Shearrer:

"This is residential area. To add more traffic and people would be detrimental to our way of life. Also a danger to the children that walk and ride their bikes on our streets. I am against, against, against. We have an association that sees to most of our activities. Why wasn't they presented to them before this meeting?"

Martha Parsons said that she is very upset, that to grant a use permit will not preserve the comfort or wellbeing of Lake Alhambra, that increased traffic will make the streets unsafe with the vans on the streets and that those who walk will be in harm's way. She said that there are narrow streets, that their biggest van is equivalent to a Tri Delta Transit dial a ride bus, that the previous uses have been low impact businesses, and that she is asking that the Planning Commission deny the project.

Richard Guadagni agreed with Martha, said that these people are going to be walking around their lake, that there are narrow streets and that they have enough in their area.

Applicant said that there is a misconception in the neighborhood, that they have a 1 to 3 ratio and that these are the most vulnerable members of the community.

Commissioner Pinto asked applicant how many trips do vans make a day, do all eight vans leave at the same time, are the bus drivers class B or C at the current location, how often in the middle of the day do you have to take someone back home, and in the last twelve months how many moving citations have been received.

Applicant stated that one bus is going out and one bus is coming back, that they leave one by one, that most drivers are Class C but the two big vans are Class B, and that she is not aware of any moving citations.

Vice Chair Motts asked applicant if they had the opportunity to talk to the residents. Applicant said that she did not know of the Homeowners Association but that they did provide envelopes to staff for noticing purposes.

### **CLOSED PUBLIC HEARING**

In response to Chair Hinojosa regarding noticing, CDD Wehrmeister said that the notice was published in the newspaper and notice was sent to residents in a 300' radius around the parcel.

In response to Commissioner Pinto, CDD Wehrmeister stated that the building is very recently vacant, that she is not aware of any complaints, that the uses included offices, tax preparation, a surveyors office and a beauty salon and that the site is zoned C-1 with quite a variety of uses that could go in there.

Commissioner Baatrup asked staff if a condition could be added to require access to the site via Alhambra Drive. CDD Wehrmeister responded in the affirmative.

Vice Chair Motts said that he has concerns that the public feels that there wasn't the opportunity to talk about issues beforehand, that he doesn't think there is an issue with safety for people in the area, that it seems like a large change in the use and wondered if a continuation is possible for the chance for residents to speak with the applicant. He said that he would like to get the other Commissioners feelings on that.

Commissioner Westerman said that this project does present some dilemmas, that this particular building has no separation from the residential area, that he is not sure that this is the best fit for this particular building and could support a proposal to delay this and allow others to speak.

In response to Commissioner Baatrup and Chair Hinojosa's questions regarding current zoning, CDD Wehrmeister stated that this type of daycare center requires a use permit but that there are a variety of commercial uses that could go in without a use permit requirement, including appliance repair, bank, barber shop, book store, various retail stores, laundry, pharmacy, photography, general restaurant and take out restaurant. She said that when this building was built and put into the C1 District it should have conformed to the parking at that time.

Commissioner Pinto questioned staff about a location on the map and the possibility of creating a separate entrance and exit. CDD Wehrmeister stated that area was private property. Chair Hinojosa responded that based on the photographs, the parking lot for this building is only used by tenants of this building and there is no way for different access.

Commissioner Pinto said that some of the previous businesses generated traffic, that they do not know of any complaints, and that none of the clients of this project will be driving with vans coming in and out. He said that it appears that the true hours of operation for vans leaving and coming back are well into non-commute traffic hours and no later than 3:30 p.m., that it appears there would be less traffic on Alhambra, and that with a condition imposed to force the new operator to have their vans use Alhambra Drive to East 18<sup>th</sup> Street there should not be an issue with traffic.

Chair Hinojosa clarified that a condition could regulate operating hours of business.

Vice Chair Motts said that given the concerns raised, there is credence to further discussion with the applicant, and that he is still in favor of a continuation to pursue issues.

CDD Wehrmeister recommending continuing to a date certain with the next meeting date being May 7th.

Commissioner Pinto clarified with staff that noticing was provided ten days prior to the meeting.

Vice Chair Motts asked staff if further communication would be arranged by staff or on their own to which CDD Wehrmeister said that they can do on their own, that staff can offer a conference room and attend, and then write a report and report back.

Chair Hinojosa said that she is sympathetic to the concerns of residents, that it sounds like there was not enough outreach and that while she is open to the idea of continuing the item she is not sure what kind of resolution would be made with a meeting.

***On motion by Commissioner Motts and seconded by Commissioner Westerman, the Planning Commission continued this item to May 7, 2014, to include reopening the public hearing.***

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

**RECESS TAKEN**

4. **The City of Antioch** is proposing Zoning Ordinance and General Plan amendments to implement the 2007 – 2014 Housing Element Program. The

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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.

CA Nerland stated that since the report was prepared, it has come to staff's attention that Commissioner Motts has a conflict of interest on Site 6 of table 5. She proposed that the Planning Commission act on parcels 1-5 on page 5 and Commissioner Motts can participate; then Commissioner Motts will recuse himself and the Planning Commission will take up site 6, the Antioch Lumber property, and take action separately.

CDD Wehrmeister introduced Vivian Kahn, Dyett & Bhatia, who presented the staff report. She said that there are three groups of changes before the Commission tonight: districting amendments, amendments to Affordable Housing Provisions, and new Development Standards.

Chair Hinojosa discussed with Vivian Kahn the confusion of densities, sites for zoning changes, and sites that accommodate low housing affordable housing.

In response to Chair Hinojosa regarding how sites were chosen, Ms. Kahn stated that the Planning Commission had selected sites at the time the Housing Element was written, that they started off with a list, that there was miscalculation in the Housing Element and they went through it again and some were taken off the table downtown. She said that they worked with an architectural firm for feedback and came up with the list.

Commissioner Baatrup discussed with Ms. Kahn R-25 zones and density bonuses by right as opposed to requiring a conditional use permit.

Vice Chair Motts asked about the consequences if they fall short on RHNA to which Ms. Kahn said that all development can be shut down pursuant to case law.

Vice Chair Hinojosa discussed with Ms. Kahn the process if the Commission has concerns with the proposed sites, proposed emergency shelter locations at Delta Fair and Fulton Shipyard and confusion with the numbers for shelters and transitional housing .

CDD Wehrmeister said that there was a previous proposal to put a shelter in that location.

Commissioner Baatrup discussed with Ms. Kahn overlay districts, shelters and transitional/emergency shelters.

Commissioner Pinto discussed with Ms. Kahn transitional housing contained in areas of residential uses.

Chair Hinojosa clarified transitional housing, with Ms. Kahn who explained the definition of a household.

CA Nerland said that non profits are required to register but that they do not pay a business license and that boarding houses would trigger a business license.

**OPENED PUBLIC HEARING**

Joe Bosman, owned 701 Wilbur, said that he has put a lot of time and effort into his parcel and that he is hearing a lot of careful manipulation with the code to manipulate a perfect product for the City. That in 2004, the City Council denied their housing project and that since then the lots have had a lot of issues with homeless, drug addicts, etc. He said that he doesn't understanding the difference of by right and a use permit, doesn't understand the process, and it is frustrating to him.

In response to Commissioner Pinto asking why his previous project was denied, Mr. Bosman said that it was a not in my backyard kind of attitude but that all conditions were met.

In response to Commissioner Baatrup asking Mr. Bosman for clarification, Mr. Bosman said that he is for it on his property but that he is hearing a lot of things that are cleverly crafted.

**CLOSED PUBLIC HEARING**

CA Nerland stated that there are two actions, one recommending Zoning ordinance changes and the other recommending general plan for sites 1-5.

**RESOLUTION NO. 2014-\*\***

***On motion by Commissioner Baatrup and seconded by Commissioner Pinto, the Planning Commission recommends 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 excluding Figure E (Antioch Lumber yard)<sup>1</sup>.***

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

**Site 6 on table 1:**

Vice Chair Motts recued himself.

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<sup>1</sup> Site references were not consistent between the staff report and ordinance maps. The Antioch Lumber yard parcels were shown on Figure E in the ordinance that the Commission considered. The staff report referenced the same location at site 6.

CDD Wehrmeister provided background on the site.

Ms. Kahn stated that they had sufficient capacity before this site was added to the list.

Commissioner Westerman discussed with CDD Wehrmeister the location of the parcel.

Commissioner Baatrup discussed with CDD Wehrmeister the total units for the site and the density.

### **OPENED PUBLIC HEARING**

Chair Hinojosa read a letter submitted by Joette and Don Bright:

"We believe this parcel should keep the current zoning status for medium housing until such time as the community has an opportunity to discuss the best future use of the property. A specific plan for re-development of the downtown is warranted and we have been assured that this will happen in the near future. There is no rush to change this zoning nor should there be. Given our experience as residents of Antioch for over 39 years, our own opinion is that a high density zoning is equitable with low income housing. We believe that the historic downtown is not the right place for such a project. We would like to see a vibrant downtown with a business friendly atmosphere. Why would anyone on staff or this commission even consider a high density designation for one of Antioch's most pristine and scenic areas? We would like this area and the river views to remain as an asset for all of Antioch's citizens to enjoy. We're confident that you as Planning Commissioners, guardians of the public trust, decision makers for the future, wouldn't want a high density zoning change for this site to be your legacy, rather your legacy could be that you forever protected this asset for all of Antioch. Your decision will certainly be remembered. We urge you to wait, and proceed with caution on this matter. Once this property is developed, it stays developed, like the housing development on Sycamore Drive and the Wildflower housing project on Davidson Drive, just to name a few poor legacy decisions."

Joy Motts, lifelong resident, said that it was irresponsible not to talk to Rivertown and that this lot has tremendous views of the delta which needs to be protected. She said that she does not believe that a high density project is the best use and the City should be thoughtful in the development of rivertown and find a way to use this parcel with possibly a park or create something to enjoy for many years to come. She said that Parcel 6 should be removed from this proposal.

Rick Stadlander, resident for 23 years, said that the proposal to change zoning to high density would be problematic, that the best use for this parcel should be a park setting or memorial and that it has a spectacular delta view. He said that there are many other vacant parcels that have no use that are appropriate for this use.

### **CLOSED PUBLIC HEARING**

Chair Hinojosa asked staff if the Rivertown society had been consulted and if the City can currently meet its RHNA without this site. CDD Wehrmeister said that there was a

discussion at one meeting with the new City Manager regarding this parcel, and that RHNA has been met.

Commissioner Westerman said that given that the City can meet its requirement without this parcel, he would elect to exclude this parcel from approval.

Commissioner Pinto said that he does believe that downtown needs development, but this is not the lot that should be rezoned. He said that he supports Westerman's comments and thinks they should approve table 1 sites 1-5 but not 6; that his recommendation is to remove 6 from the list.

Chair Hinojosa agreed this is not the best use for this site, that it has a gorgeous view, that there is a better use for this site. She said that higher density does not fit into the existing neighborhood and that she would not support a rezone at this site.

Commissioner Baatrup said that he feels this is a piecemeal of development, that he doesn't that he has a comprehensive plan to follow, and that he is not willing to support changing the zoning on site 6.

**RESOLUTION NO. 2014-\*\***

***On motion by Commissioner Baatrup and seconded by Commissioner Pinto, the Planning Commission recommends that the City Council remove Figure E (Antioch Lumber yard) from 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.***

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

Vice Chair Motts rejoined the group.

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

**On motion by Vice Chair Motts, seconded by Commissioner Baatrup, the Planning Commission members present appointed Krystal Hinojosa as Chair.**

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

**On motion by Commissioner Baatrup, seconded by Commissioner Westerman, the Planning Commission members present appointed Kerry Motts as Vice-Chair.**

**AYES:** *Hinojosa, Motts, Pinto, Baatrup and Westerman*

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**NOES:** *None*  
**ABSTAIN:** *None*  
**ABSENT:** *None*

### **ORAL COMMUNICATIONS**

CDD Wehrmeister asked the Commissioners if they would like to meet on July 2<sup>nd</sup> and it was decided that the July 2<sup>nd</sup> meeting would be cancelled.

Vice Chair Motts informed the Commission about his meeting on the art feature for Buchanan Crossings.

### **WRITTEN COMMUNICATIONS**

None.

### **COMMITTEE REPORTS**

Vice Chair Motts said that the Transplan meeting was cancelled last month.

### **ADJOURNMENT**

Chair Hinojosa adjourned the Planning Commission at 9:52 p.m.

Respectfully Submitted,  
Cheryl Hammers

**STAFF REPORT TO THE PLANNING COMMISSION  
FOR CONSIDERATION AT THE MEETING OF JUNE 4, 2014**

**Prepared by:** Harold Jirousky, Assistant Engineer *HJJ*  
**Approved by:** Lynne Filson, Assistant City Engineer *LBF*  
**Date:** May 22, 2014  
**Subject:** Country Hills Antioch Medical Center, LLC is requesting the lot merger of 13 parcels, Deer Valley Business Park Parcel Map 357-303-06 [207PM34], into 4 parcels new parcels (PW 371-RA-52).

**RECOMMENDATION**

It is recommended that the Planning Commission APPROVE the merger of 13 parcels created by Parcel Map 357-303-06 into new 4 parcels (PW 371-RA-52).

**BACKGROUND**

The owner, Country Hills Medical Center, LLC, requests approval of a lot merger to eliminate parcels no longer needed within Deer Valley Business Park Parcel Map 357-303-06 [207 PM 34].

On August 2, 2006, the Planning Commission adopted Resolution No. 2006-23 approving the Tentative Parcel Map for Deer Valley Business Park 357-303-06 to create 17 parcels and construct 16 buildings. The new owner of Parcels A thru M is proposing to construct 4 buildings. These buildings would be crossing over existing parcel lines and would not be in conformance with the Building Code. The lot lines for Parcels J, L, and M have been adjusted per Lot Line Adjustment PW443-02-14 which was approved at staff level. The merger would combine Parcels A thru E into a new Parcel 1, Parcel F thru H into a new Parcel 2, Parcel I and K into a new Parcel 3 and Lot Line adjusted Parcels 1 thru 3 (the remaining area) into a new Parcel 4. The Vicinity Map is provided as Attachment 'A'. The Lot Line Adjustment is provided as Attachment 'C'. The parcel map for Deer Valley Business Park PW357-303-06 was recorded on July 12, 2012 [207 PM 34] and is provided as Attachment 'D'.

The Subdivision Map Act 66499.20.3 authorizes a City Ordinance to approve the merger of contiguous parcels under common ownership. Antioch Municipal Code § 9-4.1302 does require that the parcels are contiguous and are under common ownership for the Commission to approve a lot merger.

## **FINANCIAL IMPACT**

The developer will pay for all staff time to process this action.

## **OPTIONS**

No options were considered.

## **ATTACHMENTS**

- A: Vicinity Map
- B: Lot Merger plat
- C: Lot Line Adjustment
- D: Parcel Map 357-303-06

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

**WHEREAS**, the City of Antioch received a request from Country Hills Antioch Medical Center, LLC for a lot merger of Parcels A thru E into new Parcel 1, Parcels F thru H into new Parcel 2, Parcels I and K into new Parcel 3 and Lot Line adjustment Parcels 1 thru 3 (the remaining area) into new Parcel 4 (Deer Valley Business Park 357-303-06 [207 M 34]). The subject properties are generally located on the north side of Country Hills Drive and south of Deer Valley Road; and

**WHEREAS**, the Planning Commission on June 4, 2014, duly held a public hearing, received and considered evidence, both oral and documentary;

**WHEREAS**, the Planning Commission finds that the parcels are under common ownership and are contiguous parcels;

**WHEREAS**, the Planning Commission specifically finds that the merger will not result in a violation of the City of Antioch Municipal Code, and that the merger will be consistent with the purposes and intent of Title 9, Chapter 4 of said code and the Subdivision Map Act.

**NOW THEREFORE BE IT RESOLVED** that the Planning Commission hereby approves a merger of contiguous parcels generally located north of County Hills Drive and south of Deer Valley Road and does hereby direct the City Engineer to record a certificate evidencing said merger.

\* \* \* \* \*

**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 4<sup>th</sup> day of June, 2014.

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

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**TINA WEHRMEISTER, SECRETARY TO  
THE PLANNING COMMISSION**

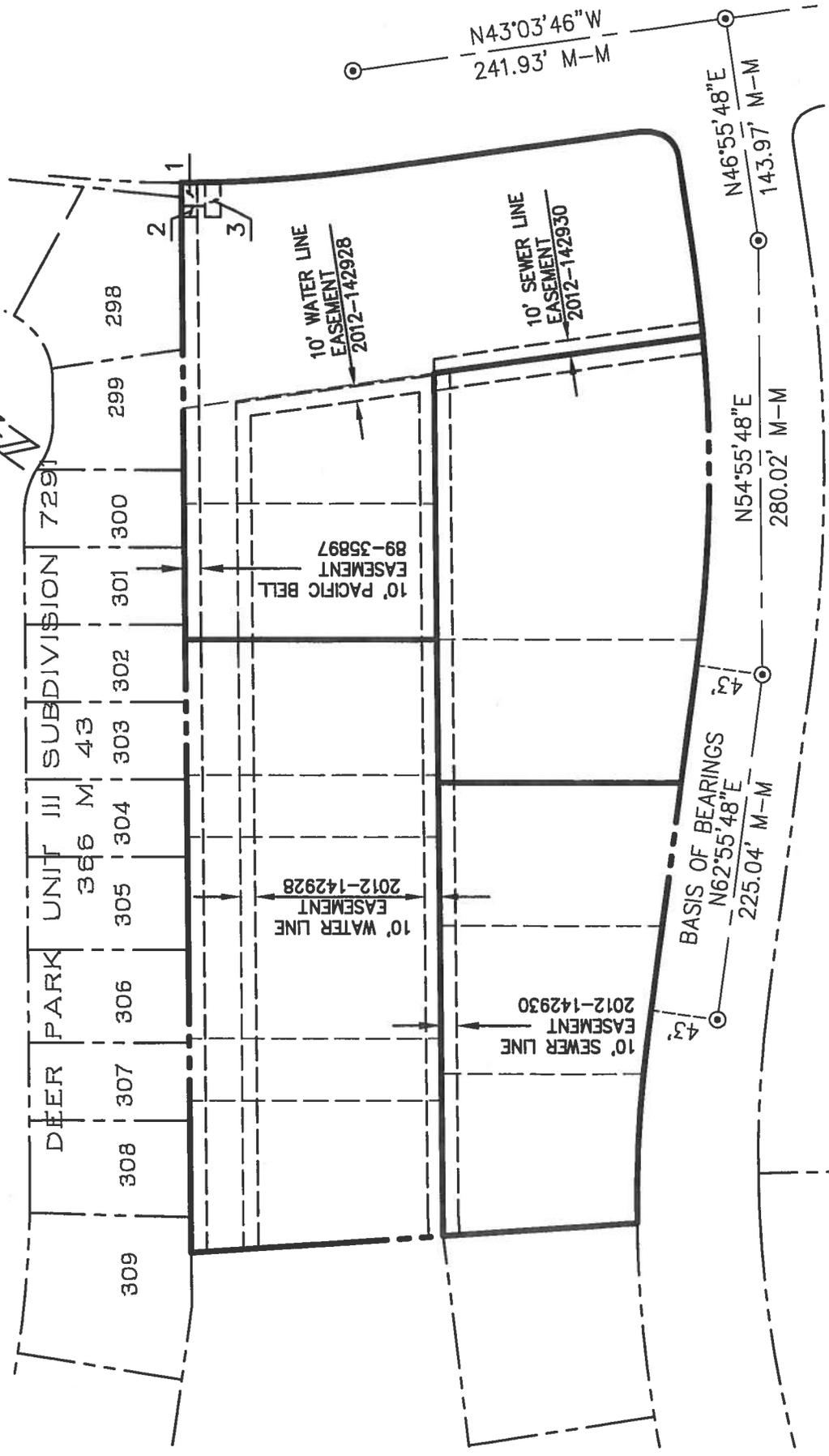
# ATTACHMENT "A"

## VICINITY MAP





- 1 PACIFIC BELL EASEMENT INSTRUMENT NO. 89-110574 (15131 O.R. 795)
- 2 PACIFIC BELL EASEMENT INSTRUMENT NO. 90-188968 (16118 O.R. 625)
- 3 PACIFIC BELL EASEMENT INSTRUMENT NO. 96-137617

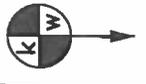


SCALE	1" = 10'
JOB NO.	A11585-4
BY	JT/CH
DATE	APRIL 2014
SHEET	3 OF 3

**LOT MERGER**  
**PARCELS A-M, PARCEL MAP M.S. 357-303-06**  
**DEER VALLEY BUSINESS PARK**

ANTIOCH, CALIFORNIA

**KIER & WRIGHT**  
 CIVIL ENGINEERS & SURVEYORS, INC.  
 Phone 925-245-8788  
 2850 Collier Canyon Road  
 Livermore, California 94551  
 Fax 925-245-8796



# ATTACHMENT "C"

RECORDING REQUESTED BY

WHEN RECORDED MAIL TO:  
Country Hills Antioch Medical Center  
1755 Reliez Valley Road  
Lafayette, CA 94549

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**LOT LINE ADJUSTMENT  
Parcels J, L, M of MS 357-303-06  
Deer Valley Business Park  
Antioch, CA**

**APN 055-740-010, 055-740-012 and 055-740-013**

C1

**CERTIFICATE OF APPROVAL**

This is to state that the attached minor lot line adjustment is in compliance with the Subdivision Map Act, Antioch Municipal Code, and Antioch General Plan.

Dated: 5/13/14

  
\_\_\_\_\_  
ROWLAND E. BERNAL, JR  
Public Works Director/City Engineer

  
\_\_\_\_\_  
CHRISTINE WEHRMEISTER  
Community Development Director

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT**

State of California

County of Contra Costa

On 5/13/14 before me, Sharon P. Daniels, Notary Public, personally appeared Christine Wehmeister who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Sharon P. Daniels  
Sharon P. Daniels



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT**

State of California

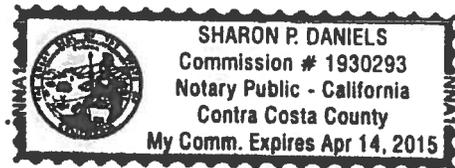
County of Contra Costa

On 5/13/14 before me, Sharon P. Daniels, Notary Public, personally appeared Rowland Eugene Bernal who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Sharon P. Daniels  
Sharon P. Daniels



C4

OWNER'S STATEMENT

THE UNDERSIGNED PROPERTY OWNER(S) HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS LOT LINE ADJUSTMENT.

COUNTRY HILLS ANTIOCH MEDICAL CENTER, LLC, A LIMITED LIABILITY COMPANY

BY: B  
ITS: Managing Member  
BY: BIMAL CAHEL  
NAME

BASIS OF BEARINGS

THE BEARING OF NORTH 62° 55' 48" EAST BETWEEN FOUND MONUMENTS IN COUNTRY HILLS DRIVE, AS SHOWN ON THAT CERTAIN PARCEL MAP NO. 357-303-06 FILED FOR RECORD ON JULY 12, 2012 IN BOOK 207 OF PARCEL OF MAPS AT PAGE 34, OFFICIAL RECORDS OF CONTRA COSTA COUNTY WAS TAKEN AS THE BASIS FOR ALL BEARINGS SHOWN HEREON.

PREPARED UNDER THE DIRECTION OF

Joe Thompson 5-6-14  
JOSEPH D. THOMPSON, P.L.S. 8121  
LICENSE EXPIRES: 12-31-14



OWNER'S ACKNOWLEDGMENT:

STATE OF California  
COUNTY OF Contra Costa

88

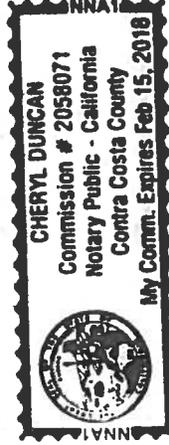
ON 5/5/2014 BEFORE ME, Cheryl Duncan

A NOTARY PUBLIC PERSONALLY APPEARED Bimal Patel WHO PROVED TO ME ON THIS BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/ THEY EXECUTED THE SAME IN HIS/HER/ THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/ THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE [Signature]



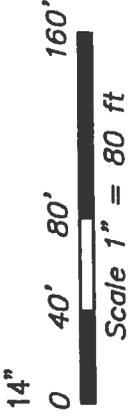
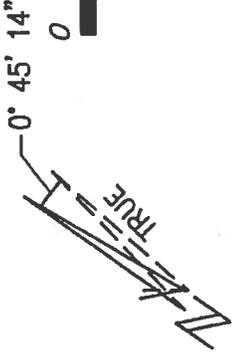
**KIER & WRIGHT**  
CIVIL ENGINEERS & SURVEYORS, INC.  
2850 Collier Canyon Road  
Livermore, California 94551  
Phone 925-245-8788  
Fax 925-245-8796

**LOT LINE ADJUSTMENT**  
**PARCELS J,L,M-PARCEL MAP M.S. 357-303-06**  
**DEER VALLEY BUSINESS PARK**

ANTIOCH,

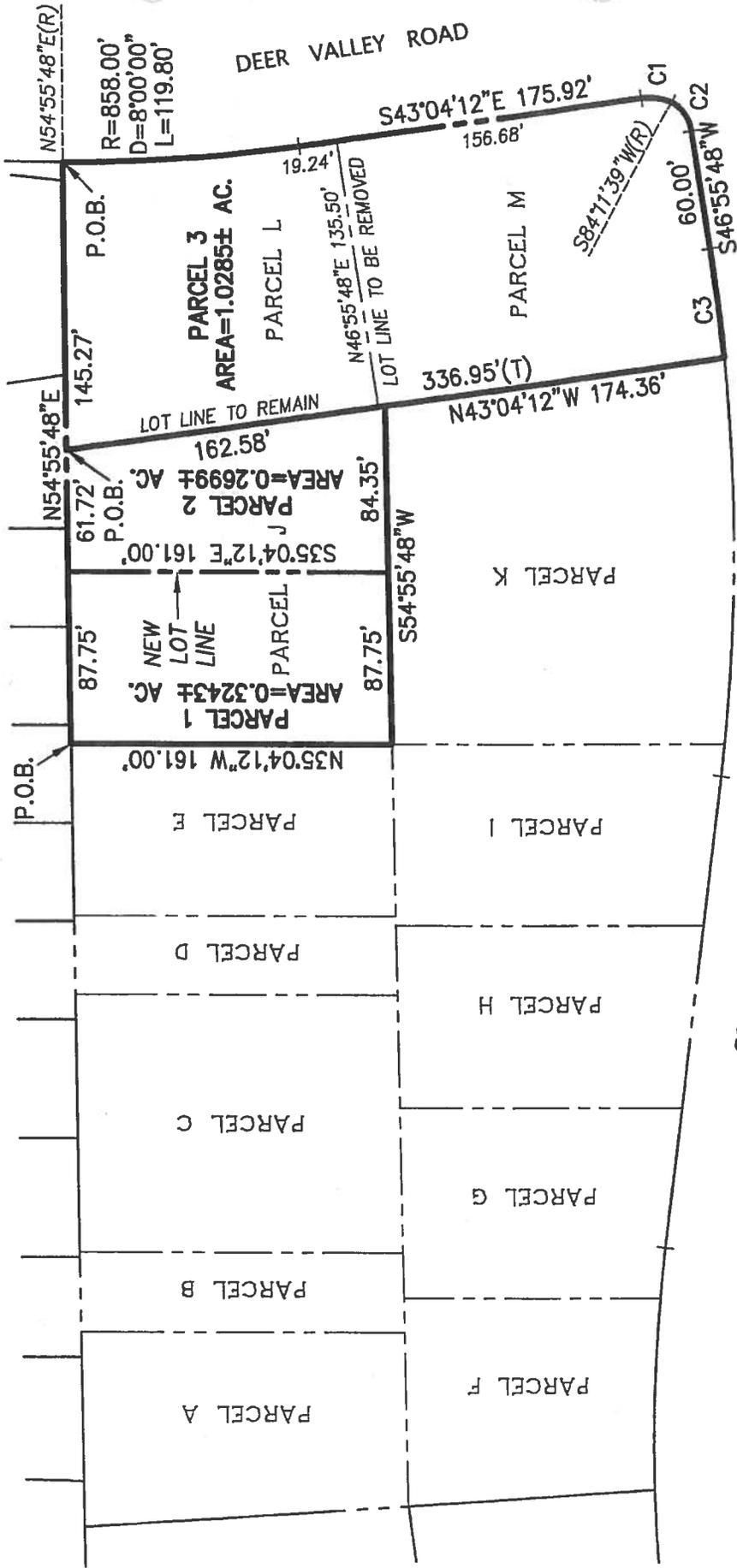
CALIFORNIA

SCALE	NONE
JOB NO.	A11585-4
BY	JT/CH
DATE	APRIL 2014
SHEET	1 OF 3



**CURVE TABLE:**

C#	RADIUS	DELTA	LENGTH
C1	30.00'	30°14'33"	15.83'
C2	20.00'	52°44'09"	18.41'
C3	963.00'	3°18'15"	55.53'



COUNTRY HILLS DRIVE

**KIER & WRIGHT**  
 CIVIL ENGINEERS & SURVEYORS, INC.  
 2850 Collier Canyon Road  
 Livermore, California 94551  
 Phone 925-245-8788  
 Fax 925-245-8796

**LOT LINE ADJUSTMENT**  
**PARCELS J, L, M - PARCEL MAP M.S. 357-303-06**  
**DEER VALLEY BUSINESS PARK**

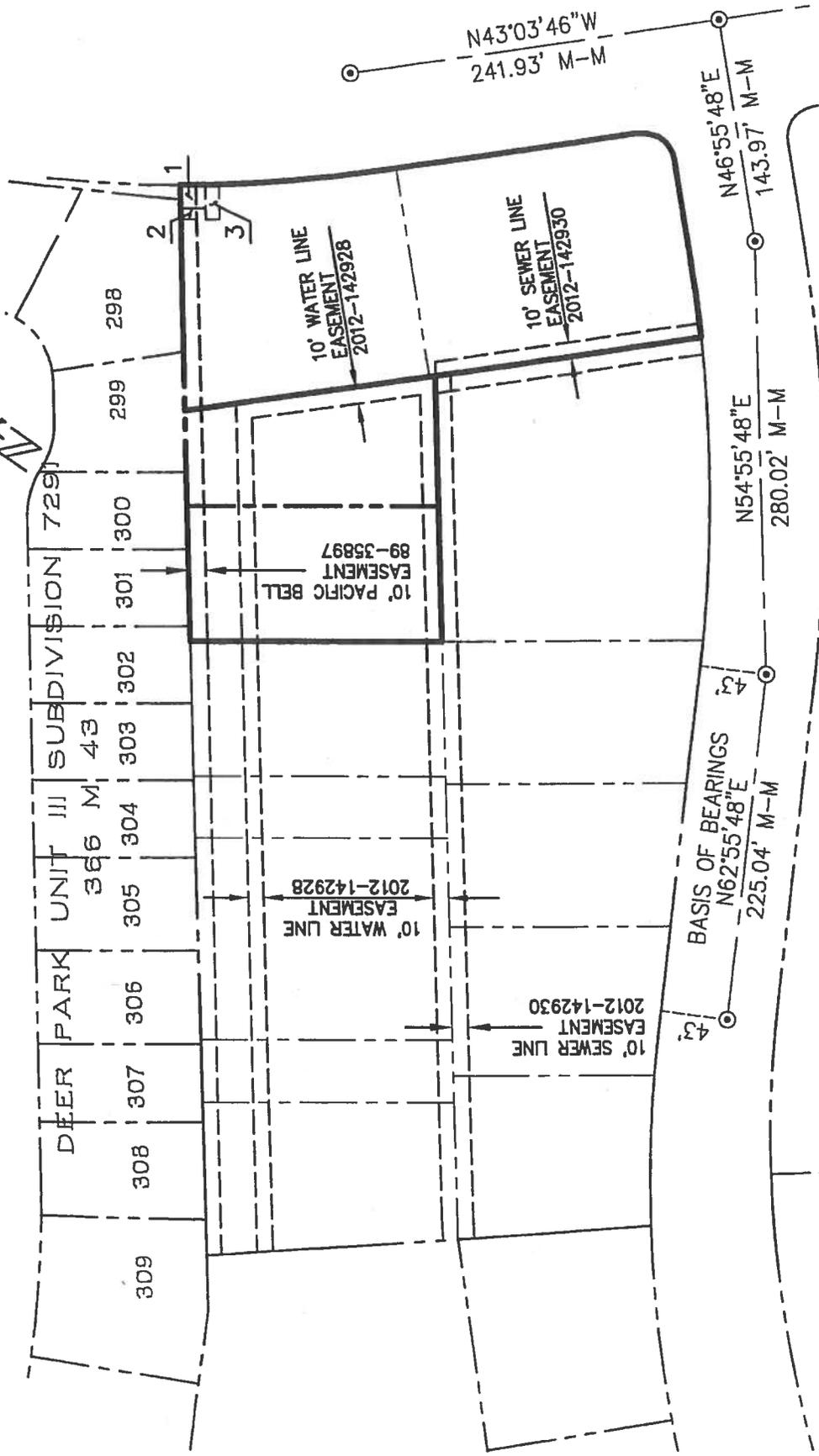
ANTIOCH,

CALIFORNIA

SCALE	1" = 80'
JOB NO.	A11585-4
BY	JT/CH
DATE	APRIL 2014
SHEET	2 OF 3

92

- 1 PACIFIC BELL EASEMENT INSTRUMENT NO. 89-110574 (15131 O.R. 795)
- 2 PACIFIC BELL EASEMENT INSTRUMENT NO. 90-188968 (16118 O.R. 625)
- 3 PACIFIC BELL EASEMENT INSTRUMENT NO. 96-137617



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**LOT LINE ADJUSTMENT**  
**PARCELS J,L,M-PARCEL MAP M.S. 357-303-06**  
**DEER VALLEY BUSINESS PARK**  
 ANTIOCH,  
 CALIFORNIA

SCALE	1" = 10'
JOB NO.	A11585-4
BY	JT/CH
DATE	APRIL 2014
SHEET	3 OF 3

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**LOT LINE ADJUSTMENT**  
**PARCEL 1**

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF ANTIOCH, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCEL J AS SHOWN ON THAT CERTAIN PARCEL MAP M.S. 357-303-06, FILED FOR RECORD ON JULY 12, 2012 IN BOOK 207 OF PARCEL MAPS, AT PAGE 34, OFFICIAL RECORDS OF CONTRA COSTA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING AT THE WESTERN CORNER OF SAID PARCEL J;**

**THENCE ALONG THE NORTHWEST LINE OF SAID PARCEL J, NORTH 54° 55' 48" EAST, 87.75 FEET;**

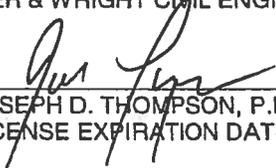
**THENCE LEAVING SAID LINE, SOUTH 35° 04' 12" EAST, 161.00 FEET TO A POINT ON THE SOUTHEAST LINE OF SAID PARCEL J;**

**THENCE ALONG SAID LINE, SOUTH 54° 55' 48" WEST, 87.75 FEET TO A POINT ON THE SOUTHWEST LINE OF SAID PARCEL;**

**THENCE ALONG SAID LINE, NORTH 35° 04' 12" WEST, 161.00 FEET TO THE POINT OF BEGINNING.**

**CONTAINING 0.3243 ACRES OF LAND, MORE OR LESS.**

KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC.

  
\_\_\_\_\_  
JOSEPH D. THOMPSON, P.L.S. 8121  
LICENSE EXPIRATION DATE: 12-31-2014

5-6-14  
DATE



**EXHIBIT "A"  
LEGAL DESCRIPTION  
LOT LINE ADJUSTMENT  
PARCEL 2**

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF ANTIOCH, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCEL J AS SHOWN ON THAT CERTAIN PARCEL MAP M.S. 357-303-06, FILED FOR RECORD ON JULY 12, 2012 IN BOOK 207 OF PARCEL MAPS, AT PAGE 34, OFFICIAL RECORDS OF CONTRA COSTA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING AT THE NORTHERN CORNER OF SAID PARCEL J;**

**THENCE ALONG THE NORTHEAST LINE OF SAID PARCEL J, SOUTH 43° 04' 12" EAST, 162.58 FEET TO A POINT ON THE SOUTHEAST LINE OF SAID PARCEL J;**

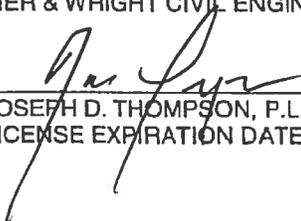
**THENCE ALONG SAID LINE, SOUTH 54° 55' 48" WEST, 84.35 FEET;**

**THENCE LEAVING SAID LINE, NORTH 35° 04' 12" WEST, 161.00 FEET TO A POINT ON THE NORTHWEST LINE OF SAID PARCEL J;**

**THENCE ALONG SAID LINE, NORTH 54° 55' 48" EAST, 61.72 FEET TO THE POINT OF BEGINNING.**

**CONTAINING 0.2699 ACRES OF LAND, MORE OR LESS.**

KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC.

  
\_\_\_\_\_  
JOSEPH D. THOMPSON, P.L.S. 8121  
LICENSE EXPIRATION DATE: 12-31-2014

5-6-14  
DATE



**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**LOT LINE ADJUSTMENT**  
**PARCEL 3**

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF ANTIOCH, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING ALL OF PARCELS L AND M AS SHOWN ON THAT CERTAIN PARCEL MAP M.S. 357-303-06, FILED FOR RECORD ON JULY 12, 2012 IN BOOK 207 OF PARCEL MAPS, AT PAGE 34, OFFICIAL RECORDS OF CONTRA COSTA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING AT THE NORTHERN CORNER OF SAID PARCEL L;**

**THENCE ALONG THE NORTHEAST LINE OF SAID PARCELS L AND M, THE FOLLOWING FOUR (4) COURSES:**

- 1) ALONG THE ARC OF A 858.00 FOOT RADIUS NON-TANGENT CURVE TO THE LEFT, THE CENTER OF WHICH CURVE BEARS NORTH 54° 55' 48" EAST, THROUGH A CENTRAL ANGLE OF 8° 00' 00", AN ARC LENGTH OF 119.80 FEET,
- 2) SOUTH 43° 04' 12" EAST, 175.92 FEET,
- 3) ALONG THE ARC OF A 30.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 30° 14' 33", AN ARC LENGTH OF 15.83 FEET,
- 4) ALONG THE ARC OF A 20.00 FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT, THE CENTER OF WHICH CURVE BEARS SOUTH 84° 11' 39" WEST, THROUGH A CENTRAL ANGLE OF 52° 44' 09", AN ARC LENGTH OF 18.41 FEET TO A POINT ON THE SOUTHEAST LINE OF SAID PARCEL M, SAID POINT ALSO BEING ON THE NORTHERN RIGHT-OF-WAY LINE OF COUNTRY HILLS DRIVE AS SHOWN ON SAID MAP (207 PM 34);

THENCE ALONG SAID LINE THE FOLLOWING TWO (2) COURSES:

- 1) SOUTH 46° 55' 48" WEST, 60.00 FEET,
- 2) ALONG THE ARC OF A 963.00 FOOT RADIUS CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 3° 18' 15", AN ARC LENGTH OF 55.53 FEET TO A POINT ON THE SOUTHWEST LINE OF SAID PARCEL M;

THENCE ALONG SAID LINE, NORTH 43° 04' 12" WEST, 336.95 FEET TO A POINT ON THE NORTHWEST LINE OF SAID PARCEL L;

THENCE ALONG SAID LINE, NORTH 54° 55' 48" EAST, 145.27 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.0285 ACRES OF LAND, MORE OR LESS.

KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC.

  
JOSEPH D. THOMPSON, P.L.S. 8121  
LICENSE EXPIRATION DATE: 12-31-2014

5-6-14  
DATE







**STAFF REPORT TO THE PLANNING COMMISSION FOR CONSIDERATION  
AT THE PLANNING COMMISSION MEETING OF JUNE 4, 2014**

**PREPARED BY:** Brian Nunnally, Economic Development Program Manager 

**APPROVED BY:** Tina Wehrmeister, Community Development Director 

**DATE:** May 29, 2014

**SUBJECT:** General Plan Consistency Determination for Conveyance of 1811  
“C” St. to Rehabilitation Services of Northern California

**RECOMMENDATION:**

Adopt the attached resolution finding the conveyance of 1811 “C” St. consistent with the City’s General Plan.

**SUMMARY:**

*Rehabilitation Services of Northern California* (“RSNC”), a 501(c)(3) non-profit, has requested that the City of Antioch convey its real property interests in 1811 “C” St. (a.k.a. “The Bedford Center”) (APN 067-262-002-8) for expansion of its existing use, which is providing Adult Day Health Care services to disabled seniors, particularly those suffering from Alzheimer’s disease and related dementia. RSNC currently leases approximately half of the building, and purchase of the entire building would allow RSNC to expand its program into the remaining portion of the building to serve additional clients.

**BACKGROUND:**

Now known as The Bedford Center, the East County Senior Day Care Center (ECSDCC) began operating at the Concordian Lutheran Church in 1980 and moved to the 1811 “C” St. property in 1984. In 1986, ECSDCC purchased the building using federal Community Development Block Grant (CDBG) funding approved by Contra Costa County as the funding jurisdiction, and in 1989 the City of Antioch bought the building from ECSDCC for \$1 in return for providing property management and in consideration of ECSDCC paying an escalating monthly lease amount to the City of Antioch (“City”) that began at \$100 per month and peaked out at \$1000 per month in 2008. In 1995, RSNC received its license to assume the operations from ECSDCC and currently serves 40 clients.

There exists a Deed of Development Rights in favor of Contra Costa County (“CCC”) as the funding jurisdiction, which essentially states that in the event the property ceases to be utilized for a CDBG-eligible use and is sold, any proceeds at or below the amount originally granted from the CDBG program to the funding sub-recipient – and any other CDBG-eligible organization that may assume use of the property – must be returned to

CCC's CDBG funding pool. In addition, per terms of the pending *Purchase and Sale Agreement* between RSNC and the City, the City has requested that there be a deed restriction limiting the use of the facility to the existing Adult Day Health Care use and that the City be granted an option to purchase the property back from RSNC for \$1 in the event RSNC desired to sell the property within ten years from conveyance from the City to RSNC.

The issue before the Planning Commission is consistency with the General Plan. The parcel's designation under the General Plan is R-6, Medium-Low Density Residential. The site's historical use is as an Adult Day Health Care facility, and the "Social and Institutions Policies" set forth in section 8.12.2(c) of the General Plan calls for the City to, "Facilitate the provision of safe, affordable, and quality child and senior care services and facilities by providing a reasonable range of sites where such facilities would be permitted within the City," while acknowledging that, "Although the City does not control the provision of these services, City actions can have the effect of facilitating or hindering provision of these services." Beyond the General Plan's goal of facilitating senior care services, it also states that, "many of the services are provided by private businesses and non-profit institutions," which is the case with the Bedford Center. Finally, the property is located immediately west of the Antioch Square Shopping Center, a retail center located at the corner of W. Eighteenth and "A" Streets, and the Adult Day Health Care Use has little-to-no impact to the existing nearby residences.

The subject site's zoning is Single Family (R-6) which allows Day Care Centers with approval of a Use Permit.

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

**RESOLUTION OF THE CITY OF ANTIOCH PLANNING COMMISSION  
DETERMINING THAT THE PROPOSED 1811 "C" ST. CONVEYANCE IS  
CONSISTENT WITH THE GENERAL PLAN**

**WHEREAS**, the City of Antioch received a request from Rehabilitation Services of Northern California to convey the City's real property interests in the Bedford Center property located at 1811 "C" St. (APN 066-262-002-8) for continued use as an Adult Day Health Care facility; and

**WHEREAS**, the proposed continued use as an Adult Day Health Care facility furthers the Social and Institutions Services Policies identified in Chapter 8 of the General Plan; and

**WHEREAS**, the historical use and proximity to an existing retail center has little-to-no impact on the R-6 Medium-Low Density designation of the General Plan and is allowed in the R-6 zoning district with approval of a Use Permit.

**NOW THEREFORE BE IT RESOLVED** that the Planning Commission of the City of Antioch hereby finds that the Adult Day Health Care use is consistent with the objectives of the City's General Plan.

\* \* \* \* \*

**I HEREBY CERTIFY** that the foregoing resolution was passed and adopted by the Planning Commission of the City of Antioch at a regular meeting of said Planning Commission held on the 4<sup>th</sup> day of June 2014.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
TINA WEHRMEISTER, SECRETARY TO THE  
PLANNING COMMISSION