

**ANNOTATED
AGENDA
CITY OF ANTIOCH PLANNING COMMISSION
ANTIOCH COUNCIL CHAMBERS
200 "H" STREET**

WEDNESDAY, NOVEMBER 16, 2016

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 **WEDNESDAY, NOVEMBER 23, 2016**.

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

Motts, Chair
Zacharatos, Vice Chair (**absent**)
Parsons
Mason
Hinojosa (**absent**)
Husary
Conley

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:

STAFF REPORT

STAFF REPORT

STAFF REPORT

STAFF REPORT

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END OF CONSENT CALENDAR

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A. May 4, 2016

CONTINUED

B. July 20, 2016

APPROVED

C. August 17, 2016

APPROVED

D. September 7, 2016

CONTINUED

E. October 19, 2016

CONTINUED

NEW PUBLIC HEARING

- 2. Z-16-01 – Second Residential Units Ordinance Amendment** – The City of Antioch is proposing text amendments to Section 9-5.3805-Second Residential Units of the Zoning Ordinance to comply with new state laws relating to Accessory Dwelling Units, including, but not limited to, changes to definitions related to accessory dwelling units, increases in the maximum square footage allowed for accessory dwelling units, and reduction of some parking requirements. The proposed ordinance would be applicable city-wide. This project is exempt from the California Environmental Quality Act.

RESOLUTION NO. 2016-23

STAFF REPORT

NEW ITEM

- 3. General Plan Land Use Element** – Sand Creek Focus Area Update and Administrative Draft

CONTINUED

STAFF REPORT

ORAL COMMUNICATIONS

WRITTEN COMMUNICATIONS

COMMITTEE REPORTS

ADJOURNMENT 8:51 p.m.

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, 200 “H” Street, 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 Friday 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**

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

**May 4, 2016
City Council Chambers**

Vice Chair Zacharatos called the meeting to order at 6:30 P.M. on Wednesday, May 4, 2016 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 date of the decision. The final appeal date of decisions made at this meeting is 5:00 P.M. on Wednesday, May 11, 2016.

ROLL CALL

Present: Commissioners Parsons, Husary, Mason, and Vice Chair Zacharatos
Absent: Commissioner Hinojosa and Chair Motts
Staff: Director of Community Development, Forrest Ebbs
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. Approval of Minutes: April 20, 2016

On motion by Commissioner Parsons, seconded by Commissioner Mason, the Planning Commission approved the minutes of April 20, 2016, as presented. The motion carried the following vote:

AYES: Parsons, Husary, Zacharatos, Mason
NOES: None
ABSTAIN: None
ABSENT: Hinojosa, Motts

NEW PUBLIC HEARING

2. UP-15-13, AR-15-13, V-15-05 – ARCO AM/PM Gas Station/Convenience Store – PM Design Group, applicant, on behalf of Jagdish Kumar Bhalla, property owner, requests Planning Commission approval of a use permit, design review, and a variance for the demolition of the existing gas station and construction of a new gas station with a 3,769 square-foot convenience store.

The variance request would allow the sale of alcoholic beverages within 500' of another alcohol sales outlet, which is ordinarily prohibited by Municipal Code. The project is located at 2610 Contra Loma Boulevard (APN 076-191-038-9).

Director of Community Development Ebbs presented the staff report dated April 27, 2016 recommending the Planning Commission approve UP-15-13, AR-15-13, V-15-05 with the findings and subject to the conditions contained within the staff reports attached resolution.

In response to Commissioner Mason, Director of Community Development Ebbs stated a pole sign would be visible from east bound Highway 4; however, the canopy sign would not.

Vice Chair Zacharatos opened the public hearing.

Ron Jacobs, PM Design Group, representing Jack Bhalla, stated the rebuild of this station would maximize the site and be an enhancement to the area. He discussed the importance of replacing the pole sign as it would allow them to advertise the business to Highway 4. He noted that when Caltrans removed the original sign; it was with the understanding that they would be able to replace it, after the improvements were completed. He stated if the pole sign was not allowed, they would like to bring back a revised sign program.

In response to Commissioner Mason, Mr. Jacobs clarified if they were to revise the signage program, they would add illuminated ARCO letters to the canopy and increase building signage.

In response to Commissioner Parsons, Mr. Jacobs stated the canopy would not be visible from the freeway.

Jody Knight, representing Reuban, Junius & Rose, LLP, stated Jagdish Bahlia would be a good neighbor and strictly enforce the conditions of approval. She noted this business was isolated and not conducive to loitering. She further noted this project would increase employment, upgrade the site, and provide a benefit to the community.

In response to Commissioner Mason, Director of Community Development Ebbs explained highway signage was coordinated through Caltrans.

Commissioner Parsons added no signs were currently planned indicating this off ramp provided services.

Vice Chair Zacharatos closed the public hearing.

Commissioner Parsons spoke in support of the variance for alcohol sales noting this area was unique with no conflicting businesses. Additionally, she noted the signage

should be allowed as it was an established business that previously had a pole sign on their property.

Commissioner Mason stated he felt it was a good project; however, he had reservations for the pole sign as it may set a precedent. He noted the fact there was a pole sign at the business in the past could be justification.

Commissioner Zacharatos spoke in support of allowing the pole sign and the variance for alcohol sales.

Commissioner Husary voiced her support for the pole sign; however, suggested alcohol sales be limited.

Director of Community Development Ebbs stated if the Planning Commission was compelled to support the pole sign, in order to avoid a precedent, language could be added to the finding indicating that this was a unique circumstance as there was a sign on the property that was taken down and there was generally consistency with the General Plan looking at the overall sum of the project. He stated that the Planning Commission could also limit the hours of alcohol sales.

In response to Commissioner Parsons, the applicant indicated he would abide by decisions made by the Planning Commission this evening.

RESOLUTION NO. 2016-08

On motion by Commissioner Parsons, seconded by Commissioner Husary, the Planning Commission members present unanimously approved UP-15-13, AR-15-13, V-15-05 with the findings and subject to the conditions contained within the staff reports attached resolution. With the following revisions:

- A) Adding a finding that the pole sign shall be allowed as it is a replacement for the previous pole sign located at the business.***
- B) Liquor sales shall be allowed from 6:00 A.M. – 12:00 A.M.***

The motion carried the following vote:

AYES:	<i>Parsons, Husary, Zacharatos, Mason</i>
NOES:	<i>None</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>Hinojosa, Motts</i>

ORAL COMMUNICATIONS

Director of Community Development Ebbs reminded the Planning Commission that a General Plan Land Use Element Update would be on the May 18, 2016 agenda.

Vice Chair Zacharatos announced she would not be available for the May 18, 2016 Planning Commission meeting.

Jagdish Bahlia thanked the Planning Commission and staff for allowing him to rebuild his ARCO station and noted it would be the gateway to Antioch.

Vice Chair Zacharatos thanked Mr. Bahlia for his interest in Antioch.

Pastor Henry Kelly, representing Grace Temple Church of God in Christ, reported he had not received a notice regarding this meeting or the variances. He expressed concern for the close proximity of the ARCO station to other businesses selling liquor in the area. He stated they had been attempting to clean up the area; however, it was a challenge with the illegal activity occurring.

Commissioner Parsons responded that a new business opening in the area would create more activity and deter criminal activity.

Director of Community Development Ebbs stated he would be available to discuss this matter with Pastor Kelly after the meeting and reiterated that the business would only be selling beer and wine.

Commissioner Mason added that the business was prohibited from selling single serve beer and wine-derived products.

Pastor Kelly stated he was also concerned with unsafe traffic conditions and the fact that on-street parking had been eliminated in the area.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

None.

ADJOURNMENT

Vice Chair Zacharatos adjourned the Planning Commission at 7:08 P.M. to the next regularly scheduled meeting to be held on May 18, 2016.

Respectfully Submitted,
Kitty Eiden

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**July 20, 2016
City Council Chambers**

Chair Motts called the meeting to order at 6:30 P.M. on Wednesday, July 20, 2016 in the City Council Chambers. He 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 date of the decision. The final appeal date of decisions made at this meeting is 5:00 P.M. on Wednesday, July 27, 2016.

ROLL CALL

Present: Commissioners Parsons, Husary, Mason, Hinojosa and
Chair Motts
Absent: Vice Chair Zacharatos
Staff: City Attorney, Michael Vigilia
Assistant Engineer, Ken Warren
Senior Planner, Alexis Morris
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. Approval of Minutes: May 4, 2016
May 18, 2016

Chair Motts requested the Planning Commission take separate action on the minutes.

On motion by Commissioner Parsons, seconded by Commissioner Mason, the Planning Commission approved the minutes of May 4, 2016, as presented. The motion carried the following vote:

AYES: Parsons, Husary, Mason
NOES: None
ABSTAIN: Motts, Hinojosa
ABSENT: Zacharatos

On motion by Commissioner Hinojosa, seconded by Commissioner Husary, the Planning Commission approved the minutes of May 18, 2016, as presented. The motion carried the following vote:

AYES: *Husary, Mason, Hinojosa, Motts*
NOES: *None*
ABSTAIN: *Parsons*
ABSENT: *Zacharatos*

NEW PUBLIC HEARINGS

- 2. UP-16-04, AR-16-01 – The Habit Burger Grill** is requesting approval of a use permit and design review application to construct an approximately 3,418 square foot restaurant with a drive-thru, including the demolition of the existing building on site. The project site is located at 2430 Mahogany Way (APN 074-370-013).

Senior Planner Morris presented the staff report dated July 15, 2016 recommending the Planning Commission approve the use permit and design review application, subject to the conditions contained in the staff report's attached resolution.

In response to Commissioner Parsons, Senior Planner Morris stated that the applicant had indicated he accepted all of staff's recommendations.

In response to Commissioner Mason, Senior Planner Morris explained the current code requirement was to screen mechanical equipment from the City's right of way.

Chair Motts opened the public hearing.

Christopher Wadleigh Director of Development for Habit Burger Grill, stated they were looking forward to bringing the second restaurant to Antioch.

In response to Commissioner Parsons, Mr. Wadleigh stated he accepted staff's recommendations as presented in the report.

Commissioner Parsons thanked the applicant for building an additional project in Antioch.

In response to Chair Motts, Mr. Wadleigh stated there would be a railing around the patio area and their landscape plan was subject to approval of planning staff.

Commissioner Hinojosa thanked the applicant for his interest in Antioch.

In response to Commissioner Hinojosa, Mr. Wadleigh stated he could accomplish moving the trash enclosure and still meet the parking requirements.

In response to Commissioner Mason, Mr. Wadleigh stated they expected the time of completion to be in the first or second quarter of 2017.

Chair Motts thanked the applicant and closed the public hearing.

RESOLUTION NO. 2016-10

On motion by Commissioner Parsons, seconded by Commissioner Hinojosa, the Planning Commission approved the use permit and design review application, subject to the conditions contained in the staff report's attached resolution. The motion carried the following vote:

AYES:	Parsons, Husary, Mason, Hinojosa, Motts
NOES:	None
ABSTAIN:	None
ABSENT:	Zacharatos

3. **PD-15-03, PW-698 – Laurel Ranch – Strack Farms Land, LLC**, requests approval of an Addendum to the Future Urban Area #2 Specific Plan Environmental Impact Report, a rezone to Planned Development District (PD), a Vesting Tentative Map/Final Development Plan, and a development agreement. The project consists of the development of 180 single family homes and associated improvements on a portion of a 54 acre parcel. The project site is located at the northwest corner of the Highway 4 Bypass and Laurel Road interchange (APN 053-060-031).

Senior Planner Morris presented the staff report dated July 15, 2016 recommending the Planning Commission take the following actions:

1. Approve the resolution recommending approval of the Addendum to the Future Urban Area #2 Specific Plan Final Environmental Impact Report.
2. Approve the resolution recommending approval of a Development Agreement between the City of Antioch and Richland Planned Communities, Inc.
3. Approve the resolution recommending approval of an ordinance rezoning the project site from Planned Development District (PD) to Planned Development District (PD-15-03).
4. Approve the resolution recommending approval of a Vesting Tentative Map/Final Development Plan (PW 698), subject to conditions of approval.

Senior Planner Morris explained modifications to the conditions of approval and development agreement were made subsequent to the publishing of the staff report and those items were provided to the Planning Commission in the Memorandum dated July 19, 2016.

In response to Chair Motts, Senior Planner Morris explained the secondary entry onto Laurel Ranch Road would be exit only and noted a full signalized intersection at this location, would be too close to the existing signal at Country Hills Drive.

In response to Commissioner Parsons, Senior Planner Morris stated the applicant had agreed to the conditions of approval and accepted the changes proposed in the staff report.

In response to Commissioner Mason, Senior Planner Morris explained the original submittal by the applicant had 187 units and they were unable to accomplish lot line adjustments; therefore, they had resubmitted a 180 lot plan.

Commissioner Hinojosa questioned how the applicant was planning to address fitting the three required garbage cans into their designated spaces and accommodate cars on pick up days.

In response to Commissioner Hinojosa, Senior Planner Morris explained options available included restricting parking on garbage pickup days, alternating pickup days throughout the development and multi-family group trash enclosures. She stated the Planning Commission could condition the project to address this issue or request the applicant come back and provide additional materials. In addressing Commissioner Hinojosa's additional concerns, she explained the applicant proposed restricting the percentage of rental units in the project's CC&Rs and his Attorney as well as City Attorney Vigilia felt confident it was legal, enforceable and defensible. She noted it was a condition of the project to be enforced by the HOA and required to be reviewed by the City Attorney and City Engineer. She explained that increased lighting in the courtyards was part of the project description and was shown in their design guidelines. She noted it would be appropriate for the Commission to call out aspects of the Design Review application in the conditions of approval.

Commissioner Hinojosa stated she wanted to ensure courtyard lighting was carried forward and considered when the project was brought forward for Design Review. She reiterated her concerns regarding how the CFD was being developed for Police Services noting there were inconsistencies in the language for the provision within the Aviano and Heidorn Ranch Development Agreements.

Senior Planner Morris explained this Development Agreement was carried forward from the Park Ridge development which predated the Aviano and Heidorn Ranch Development Agreements. She noted the basis was the same with one project creating the Police Facilities District which would then be reimbursed by the other projects. She noted the proposed language did not absolve them from following the formula; it was just not as specific as the language in the other Development Agreement.

City Attorney Vigilia stated he reviewed and was comfortable with the way the Development Agreement had been drafted. In terms of the amount of the fee, he noted there would be a rigorous review and staff would substantiate any fee that was imposed. He further noted the formation of the CFD was entirely a public process as required by State statutes and the public would have the opportunity to provide feedback.

Commissioner Hinojosa spoke to the importance of transparency in the process of forming the CFD noting it had been said in the past that fees could be going toward items that were also included in the developer impact fees.

In response to Commissioner Hinojosa, Mary Bean environmental consultant from First Carbon Solutions, reported a number of plant and animal surveys were conducted for this site and it was well vetted. She noted the applicant was responsible for mitigation and was required to comply with standard practices and protocols.

Chair Motts stated during a tour of the site he noticed the creek area and was pleased it was being mitigated for in the environmental document.

Chair Motts opened the public hearing.

Aaron Ross-Swain representing Richland gave an overhead presentation on the Laurel Ranch project which included: property description, land use, project background, proposed vesting tentative map, landscaping, architecture and project highlights. He shared an exhibit demonstrating how they would handle the placement of garbage bins on pick up day and noted the CC&Rs would address this issue. He further noted there was sufficient curb area in front of each cluster to accommodate three cans per unit and the impact to guest parking was only for a 24 hour period which would be mitigated by an abundance of guest parking throughout the community.

Commissioner Hinojosa thanked Mr. Ross-Swain for addressing the issue and providing the graphic.

Mr. Ross-Swain explained they had reconfigured the conceptual floor plans to provide active living areas on the front of the home to be able to provide some surveillance of the alley.

In response to Commissioner Hinojosa, Senior Planner Morris explained given the small number of lots and challenges of enforcement, staff proposed a general standard that would restrict patio covers and detached accessory structures. She noted the Planning Commission could make an exception specific to particular lots.

Speaking to the HOA, Mr. Ross-Swain explained typically there was a master HOA with a flat fee for the entire community and those who would live in the private alleys would pay slightly higher dues. Additionally he noted, costs associated with the professional management company would be included.

Senior Planner Morris explained that there was not a condition of approval or language in the Development Agreement that required a professional management company for the HOA.

Mr. Ross-Swain further noted it was an industry standard and practice for builders to hire professional management companies.

In response to Chair Motts, Mr. Ross-Swain stated the intent along the main entry was to have separated sidewalks along the edges and landscaping in the center medians. He clarified students from this community would be attending Antioch schools and would not trigger the need for new facilities. He noted they were paying school fees at permit issuance to mitigate for school impacts.

Chair Motts spoke in support of landscaping the private lanes. He thanked the applicant for addressing concerns expressed by the Planning Commission during their review of the preliminary development plan.

In response to Commissioner Mason, Mr. Ross-Swain stated they could look into providing passive solar for street lighting.

Commissioner Mason expressed concern for the limited park space in the development and suggested a larger percentage of single story units be provided.

Mr. Ross-Swain explained they were contributing 15,000 square feet of neighborhood parks and they would be paying a park in lieu fee to mitigate for their impacts. He noted the Park Ridge development to the south would provide larger community parks.

Senior Planner Morris added the Park Ridge development would have a regional size park and it was connected by a trail to this subdivision. She noted this applicant was proposing small private facilities that would be maintained by the HOA in addition to paying the park in lieu fees.

In response to Commissioner Mason, Mr. Ross-Swain stated he would be amiable to increasing the percentage of single family homes to 15% provided there were lots that could fit those homes.

Commissioner Husary spoke in support of installing gates at the entrances.

Chair Motts opened the public hearing.

Chair Motts declared a recess at 8:06 P.M. and reconvened at 8:16 P.M. with all Commissioners present with the exception of Commissioner Zacharatos who was absent. The public hearing remained open.

Allen Payton, Antioch resident, suggested the Planning Commission require the project to be gated and pursue a standard flat fee per unit for the police services fee. He spoke in support of the project and the infrastructure improvements they were providing.

Kevin Van Buskirk, representing Sheet Metals Workers Local 104, spoke in support of the project and in particular the Project Labor Agreement (PLA) that would provide local jobs for local union members. He urged the Planning Commission to approve the project.

Wendi Aghily, Antioch resident, thanked Richland for the presentation and expressed concern that this was another request for an amendment to the plan. She stated she did not support the project as proposed. She provided the Planning Commission with a copy of the HUD report and she urged them to delay this project until after the election.

Chair Motts closed the public hearing

Commissioner Parsons spoke in support of the project and noted it would connect by trail to a large community park. She stated the completion of Laurel Road would provide much needed access to and from the Highway 4 Bypass.

Following discussion, the Planning Commission agreed that for consistency and given the challenges of enforcement, they supported the proposed PD zoning standard for the private lane neighborhood that prohibited patio covers and detached accessory structures. Additionally they agreed to support increasing the single story home product to 15%.

Chair Motts stated he supported the project; however, a strong recommendation to Council would be to focus on Economic Development. He noted this project places higher density housing in an appropriate area, along a transportation corridor. He further noted the developer addressed concerns expressed during the review of the Preliminary Development Plan and they were amiable to the changes proposed this evening. He stated the trail connection was also important as was the completion of Laurel Road and their contribution to Slatten Ranch Road.

Commissioner Hinojosa voiced her support for the project and recognized the applicant for incorporating changes requested by the Planning Commission during the preliminary development plan process. She reiterated that lighting would need to be addressed in the Design Review process. She noted this was a good location for this product type and thanked the applicant for bringing their project to Antioch.

RESOLUTION NO. 2016-11

On motion by Commissioner Parsons, seconded by Commissioner Mason, the Planning Commission approved the resolution recommending approval of the Addendum to the Future Urban Area #2 Specific Plan Final Environmental Impact Report. The motion carried the following vote:

AYES:	<i>Parsons, Husary, Mason, Hinojosa, Motts</i>
NOES:	<i>None</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>None</i>

RESOLUTION NOS. 2016-12, 2016-13, 2016-14

On motion by Commissioner Mason, seconded by Commissioner Parsons, the Planning Commission 1) Approved the resolution recommending approval of a

Development Agreement, as revised in staff's memo dated July 15, 2016, between the City of Antioch and Richland Planned Communities, Inc. 2) Approved the resolution recommending approval of an ordinance rezoning the project site from Planned Development District (PD) to Planned Development District (PD-15-03). 3) Approved the resolution recommending approval of a Vesting Tentative May/Final Development Plan (PW 698), subject to conditions of approval as amended in staff's memo dated July 15, 2016, and amending condition #D 2 to read: A minimum of 15% of the homes in the Conventional Neighborhood shall be single story homes. The motion carried the following vote:

AYES: Parsons, Husary, Mason, Hinojosa, Motts
NOES: None
ABSTAIN: None
ABSENT: None

ORAL COMMUNICATIONS

Senior Planner Morris introduced Kevin Scudero as the City's new Associate Planner.

In response to Commissioner Hinojosa, Senior Planner Morris stated she would email the Planning Commission an update on the Sand Creek Focus area.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Chair Motts reported on his attendance at the Transplan meeting.

ADJOURNMENT

Chair Motts adjourned the Planning Commission at 8:58 P.M. to the next regularly scheduled meeting to be held on August 17, 2016.

Respectfully Submitted,
Kitty Eiden

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**August 17, 2016
City Council Chambers**

Vice Chair Zacharatos called the meeting to order at 6:30 P.M. on Wednesday, August 17, 2016 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 date of the decision. The final appeal date of decisions made at this meeting is 5:00 P.M. on Wednesday, August 24, 2016.

ROLL CALL

Present: Commissioners Parsons, Husary, Mason, Conley and Vice Chair Zacharatos
Absent: Commissioner Hinojosa and Chair Motts
Staff: City Attorney, Michael Vigilia
Director of Community Development, Forrest Ebbs
Contract Planner, Cindy Gnos
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

Gil Murrillo, Antioch resident, expressed concern that minutes from July 20, 2016 had not been posted on the City's website. He requested the Planning Commission agendize a discussion with regards to Future Urban Area 1 (FUA1).

Commissioner Parsons explained that the Commission had not received an update on FUA1 yet; however, when pertinent information was available the item would be agendized.

CONSENT CALENDAR

1. Approval of Minutes: July 20, 2016

On motion by Commissioner Parsons, seconded by Commissioner Mason, the Planning Commission approved the minutes of July 20, 2016, as presented. The motion carried the following vote:

AYES: Parsons, Husary, Mason
NOES: None
ABSTAIN: Conley, Zacharatos
ABSENT: Hinojosa, Motts

Commissioner Parsons noted the Planning Commission had not received an update on FUA#1.

NEW PUBLIC HEARING

2. **AR-14-07 – Park Ridge** – Davidson Homes, requests design review approval for the first phase of the 525 single family Park Ridge development, consisting of 123 single family residential units, as well as the accompanying mailboxes, lighting, landscaping, and sound walls. The proposed project is located south of Laurel Road between the State Route (SR) 4 Bypass and Canada Valley Road (APNs 053-072-016, 053-060-022, and -023).

Contract Planner Gnos presented the staff report dated August 10, 2016, recommending the Planning Commission approve the Design Review application subject to the conditions contained in the staff report's attached resolution with the amended conditions of approval as provided in the memorandum dated August 17, 2016.

Vice Chair Zacharatos opened the public hearing.

Steve Abbs representing Davidson Homes, thanked staff for their review of the design package and introduced their team. He gave a power point presentation which included common area improvements, front yard landscaping, and architecture and elevations for the project. He accepted all the conditions of approval with the exception of J6 that they requested be discussed.

Commissioner Parsons spoke in support of the project and suggested, in the future, the applicant consider providing safe bus transit to park facilities.

Director of Community Development Ebbs explained bus turnouts were typically used in busy corridors and neighborhoods such as this did not require a dedicated pullout.

Vice Chair Zacharatos thanked the developer for including plans with three car garages.

Commissioner Conley suggested a concrete sound wall be installed along houses that back up to the park to provide a sound barrier and privacy for those residents. He also suggested the applicant plant trees in the open space.

In response to Commissioner Conley, Mr. Abbs explained the lots as plotted would accommodate larger floor plans. Additionally, he clarified the CC&Rs would require maintenance for the wood fence. He noted if there was a need to replace the fence, they would do so with the construction of the park. He further noted a concrete wall was not warranted and would be very costly.

Commissioner Conley stated he resided in a neighborhood with an HOA that had not enforced the CC&Rs.

Mr. Abbs stated initially they would be on the Board of the HOA and most likely remain throughout most of the project; therefore, they would control maintenance of the fence for a long period of time. He noted they were confident the HOA would be set up to maintain the neighborhood.

Commissioner Conley stated he remained concerned for homes backing the park and he understood the cost implications; however, he wanted to make Antioch better.

In response to Commissioner Parsons, Director of Community Development Ebbs explained HOA and CCRs were civil contracts between property owners and the City was not party to them.

Commissioner Parsons stated she pays into her HOA yearly and they were actively involved in the maintenance of her neighborhood.

Mr. Abbs explained there would be an active HOA with fees that would be managed by residents.

City Attorney Vigilia stated the scope of the City's ability to enforce maintenance would be based on a public nuisance or a health and safety issue.

Speaking to project specific condition J6, Mr. Abbs requested it be amended to require the accents and trim on the front elevations wrapped around the side of homes 5 feet or to the fence line.

Director of Community Development Ebbs stated from an architectural standpoint, he would support the condition be amended as requested by the applicant.

Commissioner Parsons agreed with Director of Community Development Ebbs.

City Attorney Vigilia stated in the absence of an HOA an individual property owner had the legal right to enforce the CCRs against another property owner.

Commissioner Husary recommended placing people on the Board of the HOA that will live in the development.

Commissioner Conley clarified he was requesting the masonry fence only for the 8-9 homes that abut the park.

Mr. Abbs stated he could not commit to the cost associated with installing a masonry wall. He noted the park would be built in 5 years and at that time if the fence was not in good condition, they could make the improvements.

Vice Chair Zacharatos closed the public hearing.

Speaking to the following motion, Commissioner Mason suggested adding a condition requiring a review of the fencing condition along the park, to determine if masonry fencing was warranted.

A motion was made by Commissioner Parsons, seconded by Commissioner Husary, to approve the Design Review application subject to the conditions contained in the Design Review application subject to the conditions contained in the staff report's attached resolution including the amended conditions as presented in the memorandum dated August 17, 2016 and amending project specific condition J6 to read: All plans shall have the accents and trim on the front elevations wrapped 5 feet or to the fence line on each side at a minimum. Following discussion, the motion was amended as follows:

RESOLUTION NO. 2016-15

On motion by Commissioner Parsons, seconded by Commissioner Husary. the Planning Commission approved the Design Review application subject to the conditions contained in the staff report's attached resolution including the amended conditions as presented in the memorandum dated August 17, 2016 and amending project specific condition J6 to read: "All plans shall have the accents and trim on the front elevations wrapped 5 feet or to the fence line on each side at a minimum"; and, "Concurrent with phase 3 the applicant will provide a fence condition report of all constructed fencing abutting the park indicating any damage and the Planning Commission may receive the report and require certain fences to be replaced with a substitute material."

The motion carried the following vote:

AYES:	<i>Parsons, Husary, Zacharatos, Mason</i>
NOES:	<i>Conley</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>Hinojosa, Motts</i>

Commissioner Parsons stated she hoped the project moved forward quickly for the applicant and thanked him for bringing his project to Antioch.

NEW ITEM

3. PC Training Budget

At the request of Vice Chair Zacharatos, and with agreement from the Commission, the Planning Commission moved this item to the next agenda.

ORAL COMMUNICATIONS

None.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

None.

ADJOURNMENT

Vice Chair Zacharatos adjourned the Planning Commission at 7:29 P.M. to the next regularly scheduled meeting to be held on September 7, 2016.

Respectfully Submitted,
Kitty Eiden

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**September 7, 2016
City Council Chambers**

Chair Motts called the meeting to order at 6:31 P.M. on Wednesday, September 7, 2016 in the City Council Chambers. He 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 date of the decision. The final appeal date of decisions made at this meeting is 5:00 P.M. on Wednesday, September 15, 2016.

ROLL CALL

Present: Commissioners Parsons, Mason, Hinojosa, Vice Chair Zacharatos
and Chair Motts
Absent: Commissioners Husary and Conley
Staff: Director of Community Development, Forrest Ebbs
Contract Planner, Cindy Gnos
Assistant City Engineer, Lynne Filson
City Attorney, Michael Vigilia
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. Approval of Minutes: August 17, 2016

On motion by Commissioner Zacharatos, seconded by Commissioner Parsons, the Planning Commission approved the minutes of August 17, 2016, as presented. The motion carried the following vote:

AYES: Parsons, Zacharatos, Mason
NOES: None
ABSTAIN: Hinojosa, Motts
ABSENT: Husary, Conley

NEW PUBLIC HEARING

2. **PD-16-02, UP-16-06, AR-16-03 – Vineyard Self-Storage** – Reid Hamilton, Hamilton Solar, requests approval of a Mitigated Negative Declaration, a rezone to Planned Development District (PD), a Use Permit, and Design Review for the development and operation of a 1,390 square foot office building, 100,943 square foot of self-storage space, and approximately 70,600 square foot of outdoor boat and RV storage space on approximately 6.68 acres. The proposed project also includes off-site sewer improvements.

Staff recommended that this item be continued to September 21, 2016.

On motion by Commissioner Parsons, seconded by Commissioner Zacharatos, the Planning Commission unanimously continued PD-16-02, UP-16-06, AR-16-03 – Vineyard Self-Storage to September 21, 2016.

AYES: *Parsons, Zacharatos, Mason, Hinojosa and Motts*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Husary, Conley*

3. **UP-15-16 – Delta Courtyard** – Antioch Pacific Companies, requests use permit, design review, and a lot line adjustment approval for the construction of 126-units of affordable rental housing. The project would consist of a three-story and four-story building that combine to house 17 one-bedroom, 38 two-bedroom, 62 three-bedroom units, and 9 four-bedroom units. Based on the R-25 zoning designation, 115 units would be allowed on the site; therefore, the applicant is requesting a density bonus of ten percent in order to allow 126 units. In conjunction with the density bonus, the applicant is requesting approval of an incentive to reduce the required parking from 240 spaces to 187. The proposed project would develop affordable rental housing units on two adjoining parcels located at 701 and 810 Wilbur Avenue (APNs 065-110-006 and -007).

Contract Planner Gnos presented the staff report dated September 2, 2016, recommending the Planning Commission approve the use permit and design review subject to the conditions contained in the staff report's attached resolution. In addition, staff recommended approval of the Density Bonus and would like Planning Commission's further consideration and direction regarding the requested Parking Concession.

In response to Commission Hinojosa, Contract Planner Gnos clarified the property owner to the east has requested a masonry wall along the property line.

Commissioner Hinojosa stated she reviewed the preconstruction survey and there remained a potential for burrowing owls to be present at the time of grading; therefore,

she suggested adding a condition of approval requiring a preconstruction survey and avoidance and minimization measures for the project.

Commissioner Hinojosa suggested the Commission and applicant discuss the potential for adding a gated entry to the project.

In response to Commissioner Hinojosa, Director of Community Development Ebbs cautioned that setbacks for the gate would require careful site planning.

In response to Commissioner Hinojosa, Director of Community Development Ebbs explained requirements necessary to achieve state-mandated concessions. Contract Planner Gnos added that the below market rate housing plan met all the requirements.

Commissioner Mason expressed concern that there was no guest parking and it would be unsafe to park on the other side of Wilbur Avenue as there was no safe crossing. He noted at 28.5 units per acre, this project exceeded the City's requirements per the Municipal Code.

Contract Planner Gnos explained the Density Bonus ordinance allowed the project to reduce the City's parking requirements without a variance as well as exceed the maximum density.

Director of Community Development Ebbs added the Density Bonus was consistent with the provisions in the Municipal Code and the City was compelled to allow the additional units above 25 per acre. In addition, the applicant was allowed to ask for additional concessions, which the City was compelled to give unless the City could make a finding to the contrary.

Vice Chair Zacharatos stated she felt 215-239 parking spaces were reasonable, given the total amount of bedrooms in the project and questioned whether this site was appropriate for housing.

In response to Vice Chair Zacharatos, Director of Community Development Ebbs explained the City was compelled to continually add to their inventory of affordable housing.

Contract Planner Gnos added the Housing Element identified this site for the provision of affordable housing and it was rezoned to R-25 as part of the Housing Element.

In response to Chair Motts and Commissioner Hinojosa's questions regarding the CEQA exemption, Contract Planner Gnos explained criteria used to determine this project as an infill project and noted the project was consistent with the General Plan. Director of Community Development Ebbs added that the City had adopted a community climate action plan, which carried the burden for greenhouse gases through a series of programs and non-development type activities.

In response to Commissioner Hinojosa, Contract Planner Gnos stated the applicant had attempted to mitigate the parking issue through the proposed Parking Management Plan. She noted C3 requirements were State law.

Chair Motts opened the public hearing.

William Spann, Pacific West Communities, Delta Courtyard Apartment Project, presented a PowerPoint presentation which included a background of their company, examples of other projects, overview of amenities, site plan, illustration of materials and project benefits. He explained the Parking Management Plan and discussed the results of the studies that indicated low income families had fewer cars especially in urban areas. He explained funding for the project and noted there was a shortfall and if they were to lose units due to the concern over parking, that shortfall would increase. He noted the installation of a gate would most likely reduce parking spaces; however, he agreed to look at the issue.

In response to Commission Mason, Mr. Spann stated he would discuss a local hire provision with his partner.

Commissioner Mason stated a good faith effort of at least 25% local hire would be preferred.

In response to Commissioner Hinojosa, Mr. Spann explained the onsite property management team enforced provisions of the Parking Management Plan. He discussed their outreach and communication strategies. He expressed concern regarding the requirement to provide bus passes noting he was unaware of the costs associated; however, he offered to research the issue and cooperate if possible.

Director of Community Development Ebbs explained the Antioch Police Department and Code Enforcement would not patrol private property or issue citations for vehicles legally parked on the street; however, if a vehicle was parked in the red zone or on the street for longer than 72 hours, the vehicle could be cited and towed.

Andrew Wheeler, Project Architect, stated onsite managers and maintenance staff lived on the property and their parking would come out of the provided parking.

In response to Chair Motts, Mr. Spann stated they would be amiable to analyzing permeable materials to offset the size of the retention basin and gain more parking area.

Mr. Spann displayed a video flyover of the proposed project.

In response to Commissioner Hinojosa, Mr. Spann explained garages helped the financial performance of the project and physical appearance. He commented that there would be windows so staff could monitor their usage.

In response to Commissioner Mason, Mr. Spann clarified 4-5 managers/maintenance staff would live onsite.

In response to Vice Chair Zacharatos, Mr. Spann explained they had designed a similar project in Gilroy that had comparable parking constraints.

In response to Commissioner Parsons, Assistant City Engineer Filson clarified the project would drain into the C3 basins which then cleaned and slowed down drainage into the public storm drain system. She stated she was unsure if it would drain into Lake Alhambra. She noted the water could not drain any faster and had to be at least as clean as it is in its current undeveloped state. She noted there would not be any impact or deterioration of the existing condition.

Commissioner Parsons spoke in support of increasing the masonry wall height to 8 feet along North Lake Drive.

Andrew Wheeler, Project Architect, explained the project was heavily landscaped on the east elevation as a visual barrier and the majority of the project would be native and drought tolerant plants.

Commissioner Parsons requested the applicant enhance landscaping on the east elevation.

Mr. Spann stated that they could explore planting trees on the Garrow property.

Bill Campbell, Antioch resident, voiced his opposition to the project draining into Lake Alhambra. He suggested draining the project toward Wilbur Avenue and then utilizing the retention basin area for additional parking. He requested an 8 foot masonry wall on North Lake and that the facility is gated. Additionally, he expressed concern for a four story building being constructed adjacent to existing residential development.

Mike Serpa, property owner, discussed the challenges of developing this site. He spoke in support of Pacific West Communities noting they had a reputation for building and managing very successful affordable rental projects. He explained that draining the project toward Wilbur Avenue would not be possible and noted the C3 basin was designed to function efficiently. He offered to fund enhanced landscaping and install an 8 foot masonry wall to address Mr. Campbell's concerns.

Chair Motts closed the public hearing and reopened the public hearing at the request of a speaker.

Greg Piasatelli, expressed concern for the screening of this project from his property along Minaker Drive as well as the project draining into the river. Additionally, he noted he was concerned for parking spilling into the adjacent neighborhood and a low income housing project decreasing his property values. He reported Cupertino Tow utilized Minaker Drive as a main thoroughfare, which was loud and deteriorating the street.

Chair Motts closed the public hearing.

Chair Motts declared a recess at 8:19 P.M. The meeting reconvened at 8:27 P.M. with all Planning Commissioners present with the exception of Commissioners Conley and Husary who were previously noted as absent.

Commissioner Hinojosa listed the following items she would like considered for the conditions of approval:

- Conduct and provide results of a preconstruction survey and implement minimization measures for avoidance for western burrowing owls and nesting birds prior to the grading of the project.
- Installation of an entry gate on site if it could be accommodated and encroachment of the setback would be acceptable without taking away parking
- Submission of an annual report on how the parking management plan is performing, require guest parking passes, and provide bus passes at no cost to the residents
-
- The masonry wall on the North Lake Drive side shall be increased to 8 feet
- The masonry wall shall be installed on the East property line
- The applicant shall provide additional landscape screening along North Lake Drive

Director of Community Development Ebbs speaking to the parking management plan explained additional language could be added; however, this was a permanent project and there would be no recourse if parking became a problem.

Assistant City Engineer Filson stated if parking on the street became a problem, residents could request a permit parking district.

Director of Community Development Ebbs explained a parking district was not available at this time.

Chair Motts agreed with Commissioner Hinojosa and suggested in the future for C.3 compliance, staff consider permeable materials for projects to free up space for parking.

In response to Commissioner Hinojosa, Director of Community Development Ebbs explained the Planning Commission would be approving the Development Plan and the Density Bonus would go to Council to formalize the contract.

In response to Commissioner Parsons, Director of Community Development Ebbs explained C3 requirements.

Assistant City Engineer Filson stated if water drained into Lake Alhambra, it would go into the very outfall on the north end heading into the river.

In response to Commissioner Mason, Director of Community Development Ebbs clarified the nearest bus stop was east bound 250 feet to the west on the south side of Wilbur Avenue. Assistant City Engineer Filson added if an additional bus stop were needed, Tri Delta would provide one. She noted there were signalized crosswalks at Cavallo Road and Minaker Drive.

Commissioner Mason supported installation of an entry gate for the project, bus passes for residents and extension of the masonry wall to 8 feet. He stated he would prefer 200 parking spaces and questioned if motorcycle spaces were included.

Vice Chair Zacharatos concurred with comments made by Commissioners Hinojosa and Mason.

Director of Community Development Ebbs stated the Commission could ask for a yearly review of the Parking Management Plan; however, the City was limited on what could be done if it was not functioning successfully.

Commissioner Hinojosa shared concerns regarding the parking issue; however, she felt the City was obligated due to State requirements linking back to the concessions. She stated she did not know that she could attribute the necessary findings for denial. She noted that while she felt there would not be adequate parking and they were creating a nuisance for the community, she believed there was a moral and legal obligation to meet the affordable housing requirements and the need within the community. She further noted adding more substance to the parking plan may help address these concerns even though enforcement was limited. She stated she felt this location was good for linking to public transit.

Chair Motts added with the sale of the Gaylord property, there may be potential for employment within the neighborhood. He questioned if there was an ability to encroach into the setback to provide space for the gated entry.

Director of Community Development Ebbs stated if there was consensus for the installation of a gate, a condition could be added that the applicant exhaust all measures to install a gate except reducing parking.

In response to Commissioner Parsons, Assistant City Engineer Filson stated the long term plan for Wilbur Avenue was bike lanes for both sides.

Director of Community Development Ebbs clarified the options for the Planning Commission this evening included approving the project with the conditions as amended, directing staff to develop findings for denial or continue the project for redesign to reduce the impact of the concession.

Following discussion, the Planning Commission agreed the garage doors enhanced the design of the project.

In response to Commissioner Hinojosa, Contract Planner Gnos clarified the applicant addressed the majority of revisions requested by Stantec Architects. Director of Community Development Ebbs noted the removal of the basketball court would not result in additional parking spaces.

Following discussion the Planning Commission agreed that staff should work with the applicant to explore the compact spaces to increase parking.

Contract Planner Gnos stated staff would make sure there was adequate guest parking when reviewing the Parking Management Plan.

RESOLUTION NO. 2016-16

On motion by Commissioner Hinojosa, seconded by Vice Chair Zacharatos, the Planning Commission approved the use permit and design review subject to the conditions contained in the staff report's attached resolution. With the following modifications and additions:

- **Modify Condition D3 to eliminate the requirement for the formation of the police services CFD.**
- **Modify Condition J9 to require the installation of entry gates without parking reduction.**
- **Modify Condition J14 to require that garage doors have windows and not be eliminated.**
- **Modify Condition J15 requiring guest parking permits, free bus passes for residents, parking stickers or implement other measures to control parking and require annual monitoring of garages to ensure they are not being used for storage.**
- **Add a Condition requiring preconstruction surveys and minimization and avoidance measures for burrowing owls and nesting birds.**
- **Add a Condition adding two feet on the masonry wall adjacent to N. Lake Drive.**
- **Add a masonry wall along the east side property line.**
- **Add additional landscape screening along N. Lake Drive.**

The motion carried the following vote:

AYES:	<i>Parsons, Zacharatos, Mason, Hinojosa and Motts</i>
NOES:	<i>None</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>Husary, Conley</i>

In response to Commissioner Parsons, Assistant City Engineer Filson stated she would provide her with information as to where the detention basin water was draining. Commissioner Parsons stated she would like the City to pursue a sewage line that does not drain into Lake Alhambra.

NEW ITEM

4. PC Training Budget

Director of Community Development Ebbs reported the training budget for his staff and the Planning Commission was not included in the last budget. He noted the League of California Cities Planning Commissioner's Academy and California Chapter of the American Planning Association Annual Conference would be held in Northern California next fall. He further noted his intent would be to insert at least \$500.00 per Commissioner into next year's budget to ensure they could participate in one of the conferences. He explained that since the local events were not scheduled until next fall, he did not feel it necessary to request a mid-year budget transfer.

Chair Motts reported the American Planning Association held some local weekend training sessions.

Commissioner Hinojosa added that those trainings were free and held in public locations.

Director of Community Development Ebbs encouraged Commissioners to forward any local training opportunities to him so he could disperse the information to other Commissioners.

City Attorney Vigilia added if the Planning Commission were interested in certain training topics, his office could coordinate with outside legal counsel to provide workshops or trainings during a Commission meeting.

Director of Community Development Ebbs added if the Commission had questions regarding the City code or planning issues, he would be happy to provide a report to the Commission.

ORAL COMMUNICATIONS

In response to Commissioner Hinojosa, Director of Community Development Ebbs clarified that Commissioner Conley had been appointed to an unexpired term and his seat was up for reappointment.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

None.

ADJOURNMENT

Chair Motts adjourned the Planning Commission at 9:29 P.M. to the next regularly scheduled meeting to be held on September 21, 2016.

Respectfully Submitted,
Kitty Eiden

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**October 19, 2016
City Council Chambers**

Vice Chair Zacharatos called the meeting to order at 6:30 P.M. on Wednesday, October 19, 2016 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 date of the decision. The final appeal date of decisions made at this meeting is 5:00 P.M. on Wednesday, October 26, 2016.

ROLL CALL

Present: Commissioners Husary, Mason, Conley and Vice Chair Zacharatos
Absent: Commissioner Parsons, Hinojosa and Chair Motts
Staff: Director of Community Development, Forrest Ebbs
Assistant City Engineer, Lynne Filson
Contract Planner, Cindy Gnos
City Attorney, Michael Vigilia
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. Approval of Minutes:
- A. May 4, 2016
 - B. July 20, 2016
 - C. August 17, 2016
 - D. September 7, 2016
 - E. September 21, 2016

A motion was made by Commissioner Mason, seconded by Commission Husary to approve the May 4, 2016 minutes. The motion carried the following vote:

Ayes: Husary, Mason, Zacharatos
Absent: Parsons, Hinojosa, Motts
Abstain: Conley

Due to the lack of members present to vote in the majority, the Minutes of May 4, 2016, July 20, 2016, August 17, 2016, September 7, 2016 and September 21, 2016 were continued to the next meeting.

NEW PUBLIC HEARINGS

2. **AR-16-02 – AVIANO – Aviano Farms, LLC**, requests design review approval and a use permit for phases 2 and 3 of the 533 single family Aviano development, as well as the accompanying mailboxes, landscaping, sound walls, fencing, and entry features. The project site is located west of the current terminus of Hillcrest Avenue, east and north of Dozier Libby Medical High School (APNs 057-050-022 and 057-030-050).

Contract Planner Gnos presented the staff report dated October 14, 2016 recommending that the Planning Commission approve the use permit for phases two and three and the design review application (AR-16-02) for the 533-unit single family subdivision known as Aviano subject to the conditions contained in the attached resolution (see Attachment B).

In response to Commissioner Conley, Director of Community Development Ebbs explained the Antioch Unified School District owned property in the Sand Creek Focus Area, collected fees for school impacts and a school site for this area was in their long range plan.

In response to Commissioner Mason, Director of Community Development Ebbs stated staff felt 42 inches was adequate for fencing around the basins.

Commissioner Mason expressed concern for the height of the fence and the potential of children climbing over it and drowning in the basin.

Assistant City Engineer Filson clarified water would only be in the basin directly after a rain storm; however, the Planning Commission could require the applicant to build a higher fence if they felt it was necessary.

Commissioner Mason stated there were security concerns regarding visibility of the entryways on plan #1 and #4.

Contract Planner Gnos responded that in those instances the applicant had made the front porch larger to enhance visibility. Additionally, the plotting plan indicated the unit with the door on the side would most often be located on a corner lot.

Vice Chair Zacharatos opened the public hearing.

Michael Evans, DeNova Homes Project Manager, gave a brief background of their project and noted this was the final step to entitlement. He reported they had started biological work on the site.

Erik Gellerman, Gates and Associates, gave an overhead presentation of the revised tentative map book which included the illustrative land plan, lifestyle hub and sports zone as well as the landscaping plan and streetscape.

In response to Commissioner Conley, Mr. Evans clarified there would be left and right turn lanes exiting the subdivision.

Steve Bowker, OAG Architects, gave an overhead presentation of the architecture, materials and elevations for the development.

In response to Commissioner Conley, Mr. Bowker stated they would be providing tankless water heaters and air conditioning units would be located in the rear side yards.

In response to Commissioner Mason, Assistant City Engineer Filson explained this was the first project with the new LED street light standard and they would be much brighter.

Mr Bowker noted the new energy code would be implemented in January and the lights in the homes would also be LED.

Vice Chair Zacharatos closed the public hearing.

Vice Chair Zacharatos stated she liked the new elevations and landscaping plan.

Commissioner Husary thanked the applicant for the high quality project and providing options for three car garages and patio covers.

In response to Commissioner Conley, the applicant indicated one HOA would cover the entire development.

Commissioner Mason stated he supported the project and the positive changes brought forth by the applicant. He reiterated his concern regarding the height of the fencing around the basins and requested that they be increased to a minimum of five feet.

In response to Vice Chair Zacharatos, the applicant clarified they were working with the post office for the route and location of the mailboxes.

Commissioner Conley agreed with Commissioner Mason regarding the need to increase the height of fencing around basin.

In response to Commissioner Conley, Michael Evans stated they were in agreement with the conditions of approval including as revised this evening.

A motion was made by Commissioner Conley to approve the use permit for phases two and three and the design review application (AR-16-02) for the 533-unit single family subdivision known as Aviano subject to the conditions contained in the attached

resolution with direction to the applicant to increase the height of the wall adjacent to the detention basins.

Assistant City Engineer Filson explained there were two different types of storm water basins, one to clean the water and one to hold the water. She stated the area being utilized for the dog park, would rarely see standing water of more than 6 inches. She noted the southern basin was anticipated to have more water; however, it was designed for water to soak in or flow out through a pipe during large storm events.

The applicant noted as currently designed all the water in the basin would dissipate within 72 hours.

Following discussion, the motion was revised as follows:

RESOLUTION NO. 2016-21

On motion by Commissioner Conley, seconded by Commissioner Mason, the Planning Commission approved the use permit for phases two and three and the design review application (AR-16-02) for the 533-unit single family subdivision known as Aviano subject to the conditions contained in the attached resolution, adding a condition of approval that the applicant increase the wall adjacent to the southern basin to 60 inches. The motion carried the following vote:

AYES:	<i>Husary, Zacharatos, Mason and Conley</i>
NOES:	<i>None</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>Parsons, Hinojosa and Motts</i>

3. **EMERGENCY SHELTER REZONE** – The City of Antioch is proposing to rezone the 4.89-acre vacant parcel directly south of the intersection of East Leland Road/Delta Fair Boulevard and Century Boulevard from Mixed Commercial/Residential (MCR) District to Mixed Commercial/Residential (MCR) District and Emergency Shelter (ES) Overlay District (APN 074-080-034).

Director of Community Development Ebbs presented the staff report dated October 10, 2016 recommending that the City Council rezone the property denoted as Assessor's Parcel Number 074 - 080-034 from Residential High Density Residential (R-35) to Residential High Density (R-35) and Emergency Shelter (ES) Overlay District.

In response to the Commission, Director of Community Development Ebbs stated staff had not received any applications for a shelter. He noted if another use were approved for this site, the City would be under no obligation to replace it, as they were in compliance; however, they felt this site was much more amenable to a meaningful project.

Vice Chair Zacharatos opened and closed the public hearing with no members of the public requesting to speak.

RESOLUTION NO. 2016-22

On motion by Commissioner Conley, seconded by Commissioner Mason, the Planning Commission recommended that the City Council rezone the property denoted as Assessor's Parcel Number 074 - 080-034 from Residential High Density Residential (R-35) to Residential High Density (R-35) and Emergency Shelter (ES) Overlay District. The motion carried the following vote:

AYES:	<i>Husary, Zacharatos, Mason and Conley</i>
NOES:	<i>None</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>Parsons, Hinojosa and Motts</i>

ORAL COMMUNICATIONS

None.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS


None.

ADJOURNMENT

Vice Chair Zacharatos adjourned the Planning Commission at 7:31 P.M. to the next regularly scheduled meeting to be held on November 2, 2016.

Respectfully Submitted,
Kitty Eiden

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE NOVEMBER 16, 2016**

Prepared by: Alexis Morris, Senior Planner 
Date: November 10, 2016
Subject: Amending Zoning Regulations for Second Residential Units
(Z-16-01)

RECOMMENDATION

It is recommended that the Planning Commission approve the attached resolution recommending that the City Council adopt the ordinance (Exhibit 1 to the resolution) making text amendments to Section 9-5.3805-*Second Residential Units* of the Zoning Ordinance to comply with new state laws relating to Accessory Dwelling Units.

BACKGROUND

On September 27, 2016, Governor Brown signed SB 1069 (Wiecowski) into law to amend Planning and Zoning law in order to make it easier for property owners to create second residential units. The new laws create new requirements for local agencies that must be incorporated into local ordinances by January 1, 2017. The major changes to requirements for second residential units include:

- Replacing the term "second units" with "accessory dwelling units" (ADU).
- ADU applications are now required to be approved or disapproved ministerially within 120 days of receipt.
- ADUs attached to an existing dwelling cannot exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet. ADUs in detached buildings shall not exceed 1,200 square feet of floor space and have no percentage threshold.
- At most, only one space per unit or per bedroom may be required, and the parking requirement may be provided as tandem parking on an existing driveway or in setback areas, unless specific findings are made (e.g., tandem parking is not feasible because of specific topographical conditions or it is not permitted anywhere else in the jurisdiction). No additional parking spaces can be required if the ADU is located: (1) within one-half mile of public transit; (2) in an historic district; (3) in part of an existing primary residence or an existing accessory structure; (4) in an area requiring on-street parking permits but they are not offered to the ADU occupant; or (5) within one block of a car-share vehicle. However "public transit" and "car-share vehicle" are not defined in the new law.

- The law creates a new category for ADUs in an existing dwelling unit, called junior accessory dwelling units. An application for a junior ADU also must be ministerially approved if: (1) the ADU is proposed to be contained within the existing space of a single-family residence or accessory structure; (2) the property is in a single-family residential zone; (3) the ADU has independent exterior access from the existing residence; and (4) the side and rear setbacks are sufficient for fire safety. In addition, junior ADUs are not required to provide fire sprinklers if they are not also required for the primary residence and are not required to install new or separate utility connections.
- ADUs and junior ADUs cannot be considered new residential uses for the purpose of calculating connection fees or capacity charges. However, for ADUs that are not contained in existing structures, a local agency may require new or separate utility connections.

PROPOSED ZONING ORDINANCE

The City of Antioch currently allows residential second units in single-family and multiple-family zoning districts upon approval of an Administrative Use Permit (AUP), which is a ministerial approval that does not require a public hearing or discretionary review. The most substantial changes to the City's current second unit ordinance as a result of the new state law are the increase in the maximum size of an ADU from 700 square feet to 1,200 square feet; the strict limits on the City's ability to require additional parking for a new ADUs; and, the introduction of junior ADUs that can be built entirely within an existing home.

The revised ordinance included as Exhibit 1 to the attached resolution formally codifies the changes required by the new state law. The City's current second unit ordinance is included as Attachment "A" for reference.

ENVIRONMENTAL

Pursuant to Public Resources Code section 21080.17, the adoption of a local ordinance to regulate the construction of second units is exempt from the California Environmental Quality Act (CEQA). The ministerial approval of ADU applications would also not be considered a "project" for CEQA purposes, and environmental review would not be required prior to approving individual applications.

ATTACHMENT

- A. Section 9-5.3805-*Second Residential Units* of the Zoning Ordinance

RESOLUTION NO. 2016-**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE
AMENDING ZONING REGULATIONS FOR
ACCESSORY DWELLING UNITS**

WHEREAS, the Planning Commission of the City of Antioch did receive an application from the City of Antioch requesting text amendments to Section 9-5.3805-*Second Residential Units* of the Zoning Ordinance to comply with new state laws relating to Accessory Dwelling Units (Z-16-01); and,

WHEREAS, Pursuant to Public Resources Code Section 21080.17, the adoption of an ordinance to implement the provisions of Government Code Section 65852.1 and Section 65852.2 is exempt from the California Environmental Quality Act (CEQA); and,

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

WHEREAS, on November 16, 2016, 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 ordinance (Exhibit 1) amending regulations for Accessory Dwelling Units (Z-16-01).

* * * * *

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 November, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Forrest Ebbs
Secretary to the Planning Commission

EXHIBIT 1

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AMENDING
ZONING REGULATIONS FOR ACCESSORY DWELLING UNITS**

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. On June 10, 2003, the City Council adopted Ordinance No. 1006-C-S regulating second residential units within the City of Antioch.

C. On September 27, 2016, Governor Brown signed AB 2s99 (Bloom) and SB 1069 (Wieckowski) into law, amending Government Code section 65852.2 and mandating that all local agencies adopt an Accessory Dwelling Unit ordinance consistent with the new provisions by January 1, 2017.

D. The Planning Commission conducted a duly noticed public hearing on November 16, 2016 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 time all interested persons were allowed to address the Council regarding adoption of this ordinance.

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

SECTION 2. Section 9-5.203 of the Antioch Municipal Code is hereby amended to modify the following definitions, with no other amendments to this Section:

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 an accessory dwelling unit, where permitted), and attached through common vertical walls to one or more dwellings on abutting lots. Two attached single-unit dwellings may be configured as ***TOWNHOUSES*** or ***ROW HOUSES***.

DWELLING, SINGLE-FAMILY DETACHED. A dwelling unit that is designed for occupancy by one household, located on a separate lot from any other dwelling unit (except a second an accessory dwelling 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 Cal. Health and Safety Code § 18551.

DWELLING, TWO-FAMILY OR DUPLEX. 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 an accessory dwelling unit, which is an accessory residential unit as defined by state law and this section.

~~**[DELETED] SECOND DWELLING UNIT.** An additional dwelling unit constructed or adapted within, onto, or detached from an existing dwelling unit on a single-family residential lot. A SECOND UNIT shall have a kitchen, full bathroom and no more than one bedroom.~~

SECTION 3. Section 9-5.3805 is hereby rescinded and reenacted as follows:

9-5.3805 ACCESSORY DWELLING UNITS

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ACCESSORY DWELLING UNIT. An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following: An efficiency unit, as defined in Section 17958.1 of Health and Safety Code; A manufactured home, as defined in Section 18007 of the Health and Safety Code.

ADMINISTRATIVE USE PERMIT. A land use permit defined in § 9-5.2701(E) of this Code, and issued by the Zoning Administrator or his/her designee without notice or public hearing.

JUNIOR ACCESSORY DWELLING UNIT. An accessory dwelling unit that is no more than 500 square feet in size and is contained entirely within an existing single-family structure. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

LIVING AREA. The interior habitable area of a dwelling unit including basements and attics but does not include a garage or any accessory structure.

MAIN UNIT. The existing single-family or multiple-family dwelling unit currently on the lot.

(B) *General Requirements.* An accessory dwelling unit may be allowed by administrative use permit in single-family and multiple-family zoning districts. No building permit shall be issued for an accessory dwelling unit until an administrative use permit has been approved by the Zoning Administrator. A building permit shall be issued within 120 days of receipt of an application if all of the following development standards are met:

- 1) The lot is zoned for single-family or multi-family residential use and is improved with a single-family dwelling unit.
- 2) There shall be no more than one accessory dwelling unit per legal parcel.
- 3) The lot on which the accessory dwelling unit is to be placed shall not be subdivided and neither unit can be sold independently of the other. The city shall require recordation of a deed restriction setting forth this subdivision limitation.
- 4) The lot on which an accessory dwelling unit is to be placed must be able to provide adequate sewer and water services for both the existing primary dwelling unit and the accessory dwelling unit as determined by the City Engineer. Approval by the Contra Costa County Health Department shall be required if a private sewage disposal system or well system is being used.
- 5) The accessory dwelling unit is architecturally compatible with the main unit, and the development of the accessory dwelling unit will maintain the appearance of a single-family residence (if located in a single-family neighborhood or zoning district);
- 6) The total combined maximum lot coverage ratio for the existing dwelling unit and the accessory dwelling unit and all accessory buildings located on the lot shall not exceed 60%;
- 7) The accessory dwelling unit may either be attached to the main unit, located within the living area of the main unit, or be detached from the main unit;
- 8) The floor area of an attached accessory dwelling unit may not exceed 50% of the floor area of the main unit, with a maximum increase in floor area of 1,200 square feet;
- 9) The total floor area for a detached accessory dwelling unit shall not exceed 1,200 square feet.
- 10) The floor area of a junior accessory dwelling unit may not exceed 500 square feet;
- 11) Height, setback, uniform building codes, architectural review, site plan review, and other similar land use requirements of this Code pertaining to main units shall apply to accessory dwelling units. A setback of no more than five feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage. No setback shall be required for an existing garage that is converted to an accessory dwelling unit.
- 12) No passageway shall be required in conjunction with construction of an accessory dwelling unit.
- 13) Junior accessory dwelling units are limited to one per residential lot zoned for single-family residences with a single-family residence already built on the lot.
- 14) Junior accessory dwelling units must be constructed within the existing walls of the structure and must include an existing bedroom.

- 15) Junior accessory dwelling units must include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.
- 16) Junior accessory dwelling units may include separate sanitation facilities, or may share sanitation facilities with the existing structure.
- 17) Junior accessory dwelling units must include an efficiency kitchen, which shall include:
 - a) a sink with a maximum waste line diameter of 1.5 inches;
 - b) a cooking facility with appliances that do not require electrical service greater than 120 volts, or natural gas or propane;
 - c) a food preparation counter and storage cabinets that are of reasonable size in relation to junior accessory dwelling unit.
- 18) Parking.
 - a) One additional standard off street parking space shall be provided per unit or per bedroom. The additional space may be in tandem, or on an existing driveway.
 - b) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, and the those off-street parking spaces are required to be replaced per the requirements of §9-5.1703.1, the replacement spaces may be located in any configuration on the same lot as the accessory dwelling unit, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces.
 - c) The requirement for off-street parking may be waived for an accessory dwelling unit in any of the following instances:
 - i) Lots developed prior to January, 1964, that have a minimum parcel size of less than 6,000 square feet, provided that compliance with the parking requirements of this section could not be accomplished;
 - d) Parking standards shall not be imposed in the following instances:
 - i) The accessory dwelling unit is a Junior Accessory Dwelling as defined in this section or located in an existing accessory structure;
 - ii) The accessory dwelling unit is located within one-half mile of public transit;
 - iii) There is a car share vehicle located within one block of the accessory dwelling unit.
 - iv) The accessory dwelling unit is located within an architecturally and historically significant historic district.
 - v) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- 19) The rear yard setback for accessory dwelling units may be reduced to 10 feet. Either the accessory dwelling unit or the main unit may be permitted to face the rear of the other structure, and the accessory dwelling unit may be permitted closer than 10 feet from the main unit where it can be shown that the site design will be improved;
- 20) Accessory dwelling units are not required to provide fire sprinklers if they are not required for the primary residence;
- 21) The main unit shall comply with applicable Building Code requirements for detached dwellings.
- 22) The accessory dwelling unit shall have a permanent foundation.

(C) *Residential allocation exemption.* The issuance of administrative use permits for accessory dwelling units shall be exempt from the provisions of Article 40 of this Code, and such permits are exempt from any other growth control limits. This provision is a requirement of state law (Chapter 1062 of the 2002 Statutes). If such requirement is rescinded, this exemption may be eliminated by the City Council.

(D) *Occupancy.* The owner of the parcel upon which the accessory dwelling unit or junior accessory dwelling unit is located must occupy either the main unit or the accessory dwelling unit or junior accessory dwelling unit, as applicable. Accessory dwelling units may be used for rentals of terms longer than 30 days. Owner occupancy of a junior accessory dwelling unit shall not be required if the owner is another governmental agency, land trust, or housing organization.

(E) *Deed Restrictions.* Before obtaining a building permit for an accessory dwelling unit, the applicant shall do the following:

- 1) Enter into an agreement of restrictions with the city that refers to the deed under which the property was acquired by the applicant and provides the following:
 - a) The second unit shall not be sold separately;
 - b) The second unit is restricted to the maximum size allowed under Ordinance Code Section § 9-5.3805 (C);
 - c) The restrictions are binding upon any successor in ownership of the property and lack of compliance may result in legal action by the county against the property owner.
- 2) Record the agreement with the county recorder.
- 3) Prepare a disclosure statement that shall be included in any future offer or sale documents. The statement shall read as follows: "You are purchasing a property with a permit for a second residential unit. This permit carries with it certain restrictions that must be met by the owner of the property. You are prohibited from selling the second unit separately. The second unit is restricted to the maximum size allowed under City of Antioch Zoning Ordinance Code Section § 9-5.3805 (C). The permit is available from the current owner or from the City of Antioch Community Development Department."

(F) This section is adopted consistent with, and as required by, state law.

SECTION 5. CEQA.

Pursuant to Public Resources Code section 21080.17, the adoption of an ordinance to implement the provisions of Government Code Section 65852.1 and Section 65852.2 is exempt from the California Environmental Quality Act (CEQA).

SECTION 6. 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 7. 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

ATTACHMENT “A”

ATTACHMENT A

§ 9-5.3805 SECOND RESIDENTIAL UNITS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADMINISTRATIVE USE PERMIT. A land use permit defined in § 9-5.2701(E) of this Code, and issued by the Zoning Administrator or his/her designee without notice or public hearing.

MAIN UNIT. The existing single-family or multiple-family dwelling unit currently on the lot.

SECOND UNIT. An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It includes permanent provisions for living, sleeping, eating, cooking and sanitation on the same parcel as the main unit is situated. The owner of the parcel upon which the second unit is located must occupy either the main unit or the second unit. A second unit also includes: (i) an efficiency unit, as defined in Health & Safety Code § 17958.1; or (ii) a manufactured home, as defined in Health & Safety Code § 18007.

(B) *Administrative use permit required.* A second unit may be allowed by administrative use permit in single-family and multiple-family zoning districts. No building permit shall be issued for a second unit until an administrative use permit has been approved. Permit issuance shall be based upon the criteria of this section.

(C) *Restrictions and regulations.* The Zoning Administrator shall make the following findings before approving an administrative use permit:

(1) The second unit is architecturally compatible with the main unit, and the development of the second unit will maintain the appearance of a single-family residence (if located in a single-family neighborhood or zoning district);

(2) The second unit, when added to the main unit, may not exceed 60%;

(3) The second unit may either be a part of the main unit or be a separate structure;

(4) The floor area of the second unit may not exceed 50% of the floor area of the main unit, nor exceed 700 square feet;

(5) Height, setback, uniform building codes, architectural review, site plan review, fees and other similar land use requirements of this Code pertaining to main units shall apply to second units;

(6) One additional standard off street parking space shall be provided for the second unit, if consistent with neighborhood standards;

(7) The rear yard setback for second units may be reduced to 10 feet. Either the second unit or the main unit may be permitted to face the rear of the other structure, and the second unit may be permitted closer than 10 feet from the main unit where it can be shown that the site design will be improved;

(8) The requirement for off-street parking may be waived for lots developed prior to January, 1964, that have a minimum parcel size of less than 6,000 square feet, provided that compliance with the parking requirements of this section could not be accomplished;


(9) The permit may be conditioned upon the main unit being brought up to Code requirements if the main unit is in disrepair or constitutes a public nuisance.

(D) *Residential allocation exemption.* The issuance of administrative use permits for second units shall be exempt from the provisions of Article 40 of this Code, and such permits are exempt from any other growth control limits. This provision is a requirement of state law (Chapter 1062 of the 2002 Statutes). If such requirement is rescinded, this exemption may be eliminated by the City Council.

(E) This section is adopted consistent with, and as required by, state law (Chapter 1062 of the 2002 Statutes).

(Ord. 897-C-S, passed 10-25-94; Am. Ord. 1006-C-S, passed 6-10-03) Penalty, see § 9-5.2904

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF NOVEMBER 16, 2016**

Prepared by: Forrest Ebbs, Community Development Director 
Date: November 8, 2016
Subject: General Plan Land Use Element – Sand Creek Focus Area Update
and Administrative Draft

RECOMMENDATION

It is recommended that the Planning Commission receive an update on the Sand Creek Focus Area portion of the General Plan Land Use Element and the Administrative Draft, and provide direction to staff.

GENERAL PLAN UPDATE

On May 18, 2016, the Planning Commission continued its discussion of the Sand Creek Focus Area and provided staff with the following direction:

1. Use both a density standard and a minimum/average lot size standard;
2. Identify the Sand Creek Buffer area on the map as Open Space;
3. Identify ridgelines on the map with appropriate development restrictions;
4. Provide a development schedule with minimum lot sizes and an average required lot size;
5. Develop specific standards for senior housing.

On September 21, 2016, the Planning Commission again received an update on the General Plan Land Use Element and provided additional direction. This direction was limited to a request that the hillside designations potentially receive a reduced development yield potential to further discourage development on hillsides.

Total Development Yield – Sand Creek Focus Area

From the very beginning of discussion regarding the Sand Creek Focus Area General Plan Land Use Element Update, the Planning Commission has consistently supported staff's recommendation that the total development yield for the focus area remain unchanged at 4,000 total units. This constraint has posed a consistent challenge as many of the policies in both the current General Plan and the evolving drafts resulted in development yields in excess of 4,000 units, depending on interpretation and application. In addition, the two projects approved to date (Vineyards at Sand Creek and Aviano) both reflect densities that are not sustainable if replicated in future projects.

The current Administrative Draft provides a total development yield of approximately 3,970 units, which can reasonably be rounded to 4,000 units. Whereas the current General Plan does not allocate the placement of the units or provide adequate density standards to predict the allocation of the units, the Administrative Draft is intentionally more specific, providing land use designations consistent with the remainder of the City and reflective of the natural and topographic constraints present in the Sand Creek Focus Area and identified by the Planning Commission. The proposed Land Use Map for the Sand Creek Focus Area uses a total of twelve land use designations, which are as follows:

Land Use Designations - SCFA		
Designation	Description	Density
SC-V	Vineyards at Sand Creek	5.94
SC-AV	Aviano	3.87
SC-MD	Medium Density Residential	3.0
SC-MD-H	Medium Density Residential – Hillside	1.5
SC-LD	Low Density Residential	2.0
SC-LD-H	Low Density Residential - Hillside	1.0
SC-VLD	Very Low Density Residential	1.0
SC-VLD-H	Very Low Density Residential – Hillside	0.5
SC-MU	Mixed Use	6.0
SC-MED	Medical Use	-
SC-OS	Open Space	-
SC-OS-H	Open Space – Hillside	-

Using the above designations and the corresponding land use designation map, the total acreage and unit counts are as follows:

Total Acreage and Units - SCFA			
Designation	Acres	Density	Units
SC-V	108	5.94	641
SC-AV	138	3.87	533
SC-MD	190	3.0	571
SC-MD-H	93	1.5	139
SC-LD	696	2.0	1,393
SC-LD-H	201	1.0	201
SC-VLD	135	1.0	135
SC-VLD-H	69	0.5	34
SC-MU	54	6.0	322
SC-MED	83	-	0
SC-OS	958	-	0
SC-OS-H	56	-	0
Total	2,781	Avg. 1.43	3,970

With the above land use designations in place, the City could reasonably expect to develop the entire 4,000 units in an equitable and predictable manner throughout the Sand Creek Focus Area. The Total Development Yield is an exercise that is intended to generate the total number of units that can be built for a particular project based on the composite of the designated lands contained within its boundaries. The following table represents an example of a project and the results of the Total Development Yield.

Total Development Yield - Example Project			
Designation	Acres	Density	Units
SC-MD	10	3.0	30
SC-MD-H	6	1.5	9
SC-LD	20	2.0	40
SC-LD-H	2	1.0	2
SC-VLD	1	1.0	1
SC-VLD-H	-	0.5	-
SC-MU	2	6.0	12
SC-MED	-	-	-
SC-OS	15	-	-
SC-OS-H	3	-	-
Total	59	Avg. 1.6	94

It is important to note that the Total Development Yield does not dictate where geographically the units must be constructed – the units may be placed on any residential lands. They must, however, conform to the minimum and average lot sizes of the underlying land, which is described below.

Minimum and Average Lot Sizes

In addition to the basic residential densities, which are primarily used to derive a Total Development Yield, the Planning Commission has requested minimum and average lot sizes to guide the character of the neighborhoods in the Sand Creek Focus Area. These lot sizes are as follows:

Minimum and Average Lot Sizes		
Designation	Minimum Lot Size	Average Lot Size (sf)
SC-V	-	-
SC-AV	-	-
SC-MD	4,000 sf	5,000 sf
SC-MD-H		
SC-LD	5,000 sf	7,000 sf
SC-LD-H		
SC-VLD	8,000 sf	12,000 sf
SC-VLD-H		
SC-MU	-	-
SC-MED	1 acre	-

SC-OS	-	-
SC-OS-H	-	-
Senior Housing (all districts)	4,000 sf	-

All units placed within the geographical boundaries of a certain land use designation, as identified on the Land Use Map, must adhere to the minimum and average lot sizes of that district.

Open Space

The Administrative Draft identifies 1,014 acres as either Open Space or Open Space – Hillside. In total, this constitutes 37% of the total land area (2,781 acres) for the Sand Creek of Focus Area. The text of the current General Plan suggests that no less than 25% (695 acres) of the total land area be preserved in open space, exclusive of the golf course. The Administrative Draft increases the amount of preserved open space by 319 acres, or 46%, over the current General Plan. This area consists of protected hilltops, the Sand Creek Corridor, and the area identified by the current General Plan as Open Space in the southwest corner of the Sand Creek Focus Area. This area, commonly identified as the Kit Fox Habitat, is also noted in the East Contra Costa County Habitat Conservation Plan.

In addition, the Administrative Draft imposes a *minimum* setback from the centerline of Sand Creek of 125'. This 250'-wide corridor extends for the entire length of the creek and is designated as Open Space. Within this Open Space corridor, trails and minimal support infrastructure are encouraged and road crossings are discouraged. Additional descriptive text is provided to encourage access, visibility and interaction with Sand Creek.

Senior Housing

The Administrative Draft encourages Senior Housing throughout the Sand Creek Focus Area and offers a reduced minimum lot size of 4,000 square feet for this use. It also omits a required average lot size for Senior Housing. The document does not cap Senior Housing, nor does it prescribe precise locations for it. Rather, it allows for market timing and availability of developable land to determine the location.

Although the Senior Housing provisions allow for a smaller lot size, they do not automatically increase the underlying residential density or Total Development Yield. Rather, the Draft defers to the City's existing Senior Housing and Density Bonus provisions, which automatically provide for increased densities for qualifying projects. The basis for a Density Bonus is, according to State law, the residential density prescribed in the General Plan. The Density Bonus is then layered on top of that figure to determine the final density. A market-rate senior project could expect a Density Bonus of 20%, which would be factored in during the Total Development Yield calculation. To facilitate this, the Draft calls for the forthcoming Zoning Map to

designate the residential lands of the Sand Creek Focus Area with a Senior Housing Zoning Overlay.

Next Steps

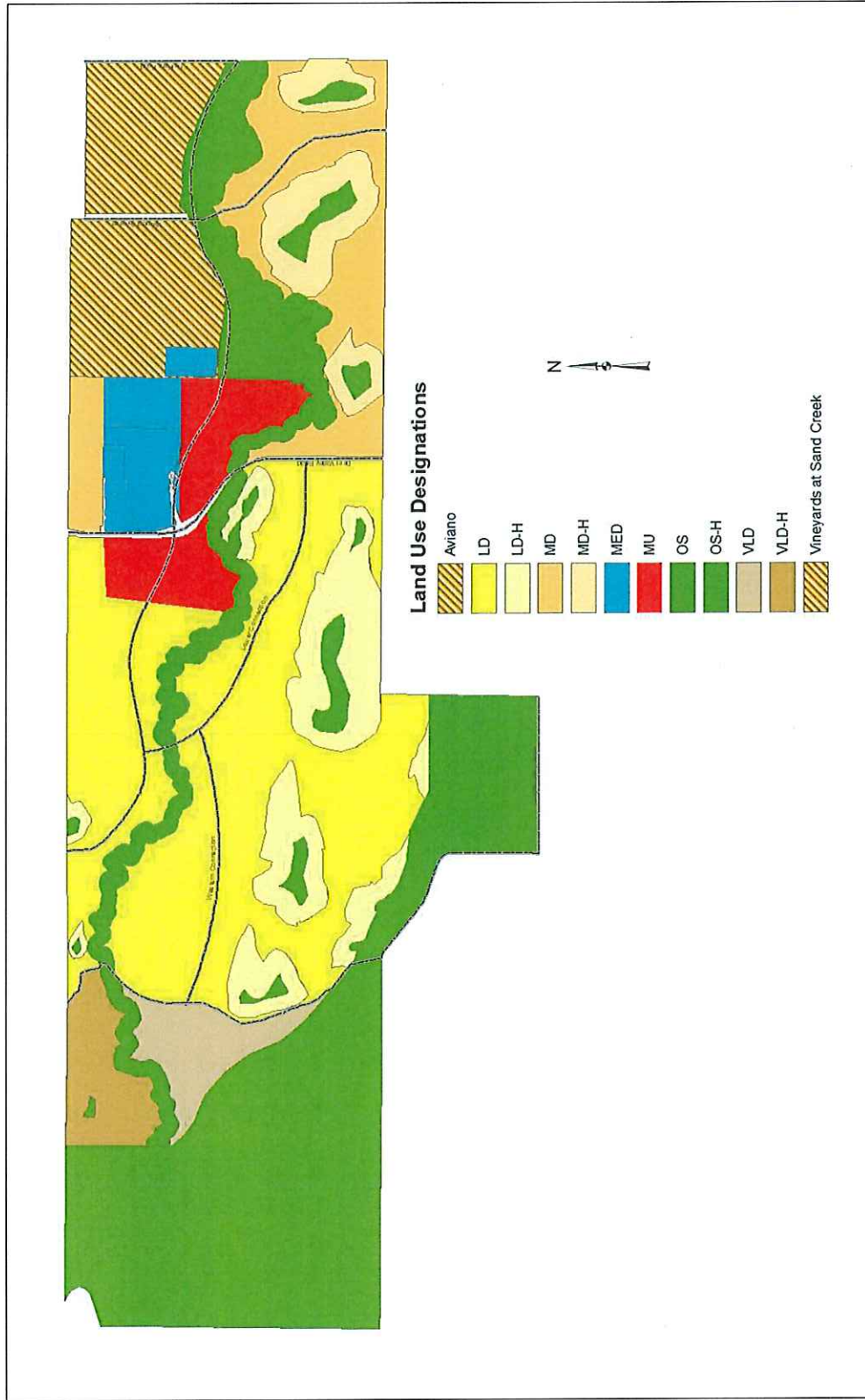
If the Planning Commission concurs with the Administrative Draft, staff will initiate the hiring of a consultant to develop an appropriate document under the California Environmental Quality Act (CEQA). The Final Draft, along with the CEQA document, will then be returned to the Planning Commission for recommendation to the City Council. Staff intends to have the Final Draft before the Planning Commission in January 2017.

Staff has elected to divide the General Plan Land Use Element Update CEQA review and City approval processes. There will be separate CEQA documents and approval processes for the Sand Creek Focus Area and for the Land Use Element pertaining to the remainder of the City. Whereas the Sand Creek Focus Area discussion is complex and includes large undeveloped tracts of land, the remainder of the Land Use Element addresses existing developed areas, which warrant a different and simpler discussion. These two tracts will allow for independent consideration of the two unique efforts. However, both efforts will ultimately be consolidated into a single Land Use Element document to ensure that information is consistent and accessible.

ATTACHMENTS

- A. Sand Creek Focus Area Land Use Map
- B. Administrative Draft of Update to the General Plan Land Use Element for the Sand Creek Focus Area
- C. Copy of Current Sand Creek Focus Area policies

ATTACHMENT “A”



**Land Use Map for the Sand Creek Focus Area
City of Antioch General Plan - 2016**

Date: 11/7/2016

ATTACHMENT “B”

4.4.6.7 Sand Creek. The Sand Creek Focus Area encompasses approximately 2,781 acres in the southern portion of the City of Antioch.

This Focus Area is bounded by existing residential neighborhoods to the north, Black Diamond Mines Regional Preserve to the west, the city limits to the south, and the City of Brentwood to the east. Empire Mine Road and Deer Valley Road run in a general north-south direction through the Focus Area, dividing it roughly into thirds.

a. Purpose and Primary Issues.

Sand Creek, as well as natural hillsides and canyons within the Sand Creek Focus Area, contain habitats for sensitive plant and animal species, as well as habitat linkages and movement corridors. Overall, the western portion of the Focus Area is more environmentally sensitive than the eastern portion in terms of steep topography, biological habitats and linkages, the existence of abandoned coal mines, and proximity to public open space at Black Diamond Mines Regional Preserve. The west end of the Sand Creek Focus Area serves as a linkage between two regionally significant blocks of grassland. Decades of urban and agricultural use have greatly reduced the width of this linkage, substantially increasing the ecological importance of the remaining linkage within the Sand Creek Focus Area. Land has been preserved in regional parks and permanent open space, primarily in extensive grassland to the immediate west and northwest, as well as south of the Sand Creek Focus Area. These preserves represent a significant investment of public resources, and are a valued public asset.

Stream and riparian communities occupy a small portion of the Focus Area, but are widely distributed. Because of their high biotic value, stream and riparian communities within the Focus Area are considered to be a sensitive resource. The Focus Area also includes an oak woodland and savanna community, which, because of its high wildlife value, is considered to be a sensitive resource.

b. Policy Direction.

The environmental sensitivity of portions of the Sand Creek Focus Area has been recognized in the prior General Plans; however, policy direction was very general. The following policy discussion and policies for the Sand Creek Focus Area are intended to provide clear direction for the future development and environmental management of the area.

The Sand Creek Focus Area is intended to function as a large-scale planned community, providing needed housing and support services. Residential development within the Sand Creek Focus Area will provide for a range of housing types, including medium and large-lot single-family homes and senior housing.

The following policies apply to development within the Sand Creek Focus Area.

1. Development Yield

- a. The development yield for the Sand Creek Focus Area shall not exceed 4,000 dwelling units.
- b. The Total Development Yield for an individual development project shall be based on the Land Use Map for the Sand Creek Focus Area and the following policies:
 - i. The Total Development Yield establishes the maximum number of residential units that may be built over a specified geographic area or project site.
 - ii. The Total Development Yield is derived by multiplying the area, in acres, by the specified density for each land use area, or portion thereof, as presented on the Land Use Map for the Sand Creek Focus Area.
 - iii. The Total Development Yield for a project is the sum of the units derived from each land use area contained within the project site.
 - iv. The unit count resulting from the Total Development Yield do not need to be sited within the land use area from where they were derived, but may be located in any residential or mixed use land use area within the project site.
 - v. All units sited within a residential land use area must conform to the underlying minimum lot size and other development standards, if applicable, of that land use area.
 - vi. The following table contains the approximate acreage and anticipated development yield for the various Land Use Designations for the Sand Creek Focus Area. These figures are estimated and may be evaluated with more precision with a project application.

TABLE A: TOTAL DEVELOPMENT YIELD			
Land Use Designation	Acres	Units	Density
SC-AV	138	533	3.9
SC-V	108	641	5.9
SC-MU	54	322	6
SC-MD	190	571	3
SC-LD	696	1393	2
SC-MD-H	93	139	1.5
SC-LD-H	201	201	1
SC-VLD	135	135	1
SC-VLD-H	69	34	0.5
SC-MED	83	0	0
SC-OS	958	0	0
SC-OS-H	56	0	0
Total	2,781	3,970	1.4

2. Land Use Designations

- a. Land Use Designations are intended to provide a basic description of their purpose and basic development standards. The Planned Development (PD) process will determine project-specific standards. The designations are described in the following table:

TABLE B: LAND USE DESIGNATIONS	
Land Use Designation	Description
SC-V	The Vineyards at Sand Creek project was approved in 2016 and is designated as approved. Any changes to the project will require a General Plan amendment.
SC-AV	The Aviano project was approved in 2015 and is designated as approved. Any changes to the project will require a General Plan amendment.
SC-MD	These designations are intended for the development of single-family neighborhoods on mid-size lots with opportunities for clustering or condominium-style development.
SC-MD-H	
SC-LD	These designations are intended for the development of single-family neighborhoods on large lots with associated suburban neighborhood amenities.
SC-LD-H	
SC-VLD	These designations are intended for the development of single-family neighborhoods on very large lots for estate or executive-style properties.
SC-VLD-H	
SC-MU	This designation allows for development of commercial and residential uses in a Town Center environment. Residential uses should occupy no more than 50% of the site, but may be built as attached condominiums or apartments.
SC-MED	This designation reflects the existing Kaiser Permanent Antioch Medical Center and the adjacent medical high school.
SC-OS	These designations identify the various open space and protected natural areas, including the Sand Creek corridor, the sensitive habitat at the southwest corner of the site, the large drainage basin and future regional park, and protected hilltops.
SC-OS-H	

- b. Land Use Designations are assigned based on topography, natural features, and proximity to major transportation routes. These designations, and their corresponding maximum densities, allow for the equitable and predictable disbursement of units to ensure that the total development yield for the Sand Creek Focus Area does not exceed 4,000. As such, any proposed amendment to the General Plan that increases the total development yield of the site will preclude other development sites from reaching their development potential. Such a practice is strongly discouraged and should only be accomplished if development rights are transferred from another parcel. Transferring units from one property owner to another will allow for greater creativity and consolidation of units. The following rules describe how a development transfer might occur:
- i. Owners of both properties must apply concurrently for the development transfer.

- ii. A deed restriction or other legal notice assigned to the deed of the property must be recorded concurrently with the development transfer.
 - iii. The development transfer must be approved concurrently with the approval of the project and the entire action must be considered during the environmental review process.
 - iv. The development transfer may not be used to transfer units obtained through the Density Bonus process. Similarly, the above rules do not preclude ordinary use of the Density Bonus process.
- c. Senior housing is strongly encouraged throughout the Focus Area.
 - i. The Density Bonus process may be used to increase the density for applicable senior projects.
 - ii. Any project providing a minimum of 30% of the total units for Senior Housing may be entitled to a 20% Density Bonus.
 - iii. Senior housing may be developed on smaller lots as described in the Land Use Designation Table for the Sand Creek Focus Area.
- d. The commercial component of the Mixed Use land use designation must conform to the land use standards of the Neighborhood Commercial (C-N) Land Use designation.

TABLE C: DEVELOPMENT STANDARDS		
Designation	Minimum Lot Size	Average Lot Size (sf)
SC-V	-	-
SC-AV	-	-
SC-MD	4,000 sf	5,000 sf
SC-MD-H		
SC-LD	5,000 sf	7,000 sf
SC-LD-H		
SC-VLD	8,000 sf	12,000 sf
SC-VLD-H		
SC-MU	-	-
SC-MED	1 acre	-
SC-OS	-	-
SC-OS-H	-	-
Senior Housing (all districts)	4,000 sf	-

3. Financial Analysis

- a. All non-public projects shall be demonstrated to be financially sustainable and not requiring ongoing expense to the City of Antioch that exceeds tax and other financial benefits from the project . A Fiscal Impact Analysis shall be provided that demonstrates sustainability over 10, 20, and 30-year timeframes.
- b. Private streets and utilities are encouraged to achieve financial sustainability.

4. Open Space and Recreation

- a. A minimum of 30% of the Sand Creek Focus Area shall be dedicated Open Space.
- b. A comprehensive trail system shall be installed throughout the Sand Creek Focus Area that connects to Black Diamond Mines Regional Preserve and, ideally, to other regional trails. The trail system should avoid roadway-adjacent sidewalks and connect neighborhood parks, communities, commercial centers, and other area features. The trail system should follow ridgelines and designated open space areas and should be open to the general public to the greatest extent possible. The trail system should also traverse the Sand Creek corridor.
- c. A public staging area shall be developed as near as possible to Black Diamond Mines Regional Preserve to allow for public access.
- d. All projects should provide full park acreage dedication requirements and in-lieu fees are strongly discouraged. Neighborhood parks should contain a variety of passive and active facilities and should be sited so as to have direct access to the trail system.
- e. The entire length of Sand Creek shall contain a 125'-wide buffer. Development shall be prohibited within this buffer area, with the following exceptions:
 - i. Bridges,
 - ii. Benches, shade structures, interpretive monuments, or similar park features,
 - iii. Trails.
- f. Careful attention should be given to the experience within the Sand Creek corridor and, especially, along the trails. One-sided residential streets with open views to the creek corridor and neighborhood parks are encouraged to be located adjacent to the Sand Creek corridor.
High traffic roadways, residential backyard fences, sound walls, the rear of commercial buildings, or similar offensive features are strongly discouraged adjacent to the Sand Creek corridor.
- g. A viable, continuous grassland corridor between Black Diamond Mines Regional Preserve and Marsh Creek State Park shall be retained using linkages in the southwestern portion of the Lone Tree Valley (within the Sand Creek drainage area), Horse Valley, and the intervening ridge. The primary goal of preserving such a corridor is to allow for wildlife movement between Black Diamond Mines Regional Preserve and Marsh Creek State Park.

Completion of such a corridor is contingent upon the cooperation with the City of Brentwood and Contra Costa County, each of whom may have land use jurisdiction over portions of this corridor. To preserve this corridor and in view of other significant development constraints, certain lands in the southwestern portion of the Focus Area are designated as "Open Space," as depicted in the Land Use Map for the Sand Creek Focus Area.

- h. Each project shall submit an Open Space management plan concurrent with the application indicating how open space lands will be owned, managed, and maintained.
- i. A large regional park or sports complex shall be developed within the detention basin owned by Contra Costa County Flood Control District. The City of Antioch shall work with the District in its development.

5. Circulation

- a. The development of the Sand Creek Focus Area shall contain the roadways identified on the Land Use Map for the Sand Creek Focus Area. The exact alignment of the identified roadways may be altered as long as important connections are ultimately made.
- b. The extension of Dallas Ranch Road shall be called Sand Creek Road for continuity throughout the Focus Area.
- c. Sand Creek Road, Deer Valley Road, and Hillcrest Avenue, at minimum, shall contain adequate turn-outs and similar facilities for bus systems.
- d. Sand Creek Road, Deer Valley Road, and Hillcrest Avenue shall all have paved Class I bike paths, unless an alternate nearby parallel path exists within the broader Open Space trail system.
- e. Sidewalks on Sand Creek Road, Deer Valley Road, and Hillcrest Avenue shall be separated from the back of curb by at least ten feet.
- f. Roundabouts and traffic circles should use wherever practical to avoid unnecessary stops.
- g. Empire Mine Road should be limited to emergency vehicle access and use by pedestrians or cyclists. Through traffic should be absolutely limited to property owners reliant on Empire Mine Road for access.
- h. Bridges over Sand Creek shall be limited and used only where necessary. Consolidation of vehicle bridges is strongly encouraged and bridge locations should be limited to the following:
 - i. Empire Mine Road
 - ii. Southward from Sand Creek Road
 - iii. Deer Valley Road
 - iv. Hillcrest Avenue Extension

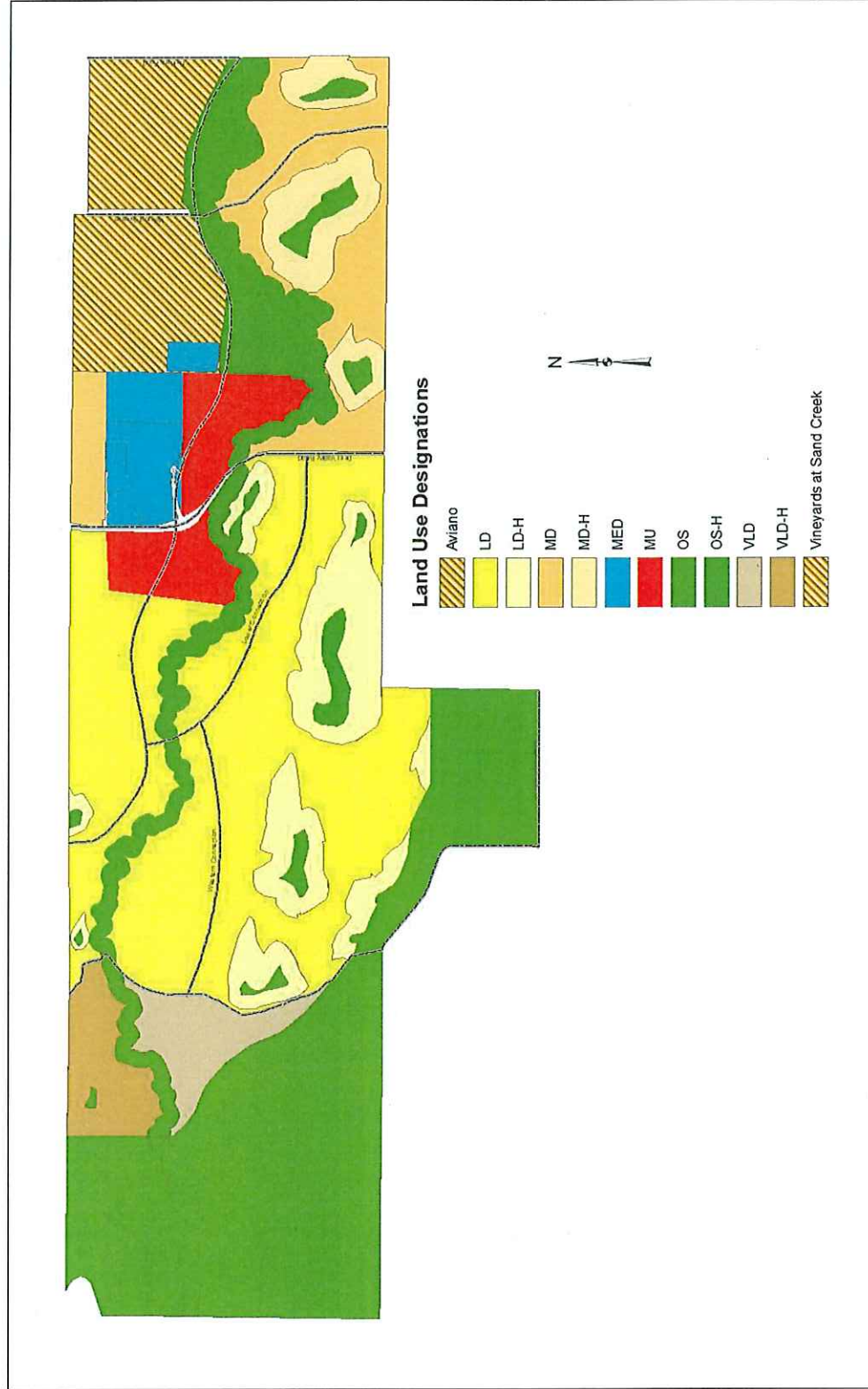
6. Community Design

- a. Neighborhoods, roadways, trails, medians, parks, commercial centers, and other features should reflect a cohesive design theme, which is unique to the Sand Creek Focus Area and reflective of its character.
- b. Individual projects should use similar or identical exterior treatments facing major roadways to avoid non-cohesive or trendy exterior designs.

- c. Drainage facilities should be designed to have a natural appearance and to avoid the appearance of heavy concrete structures.
- d. Water collection/detention basins shall be designed to resemble natural ponds or similar water bodies and shall have irregular shapes and complementary planting. The entire basin shall be designed such that any required fencing is minimally visible or screened by heavy planting.
- e. Chain link fencing may not be used for any purpose throughout the Sand Creek Focus Area. Split-rail or other rustic fencing may be an appropriate material.

7. Hillsides and Hilltops

- a. Hilltop areas designated as Open Space on the Land Use Map for the Sand Creek Focus Area shall be retained in their natural condition. They may not be graded, used for crop production, or otherwise altered.
- b. The precise outlines of the protected Hilltops are provided herein and are approximations based on the best available information. The shapes represent the top 25% of the hill, which is derived from subtracting the base elevation of the hill from the uppermost elevation, finding the upper 25%, and tracing the corresponding topographic mark. More precise shapes may be considered during a project application.
- c. Hillsides, designated with "-H", are available for development, subject to the following:
 - i. All grading and development should use a "landform grading" approach, whereby the terrain can be graded or modified, but the final appearance must be that of a natural hillside with organic contours, inconsistent slopes, curving topography, natural plantings.
 - ii. Disturbed hillsides must be treated with native grasses or similar treatment to avoid run-off or erosion.
 - iii. The planting of oak trees and other native plants is strongly encouraged for modified hillsides.
- d. Where retaining walls are used, the materials must be natural in appearance and stepped to prevent a severe drop-off. A maximum individual wall height of 6' is recommended.
- e. Except where described in this section, the treatment of hillsides should generally adhere to the Hillside Design Policies contained in Section 5.4.14.
- f. Houses or other structures should not be sited so as to create an artificial skyline or profile visible beyond the ridgeline or hilltop.



**Land Use Map for the Sand Creek Focus Area
City of Antioch General Plan - 2016**

Date: 11/7/2016

ATTACHMENT “C”

Future multifamily residential, if provided, is to be developed as part of a mixed-use office/residential development.

- d. Because of the highly visible nature of the Focus Area, office development at the intersection of Delta Fair and Century boulevards should be mid-rise (three to five stories), and display high quality architecture.
- e. Adequate separation shall be maintained between new office and multi-family uses and existing residential neighborhoods. If parking areas are located along the residential edge, sufficient noise mitigation shall be provided.
- f. As part of the development of this Focus Area, community gateway monumentation is to be established at the northwest corner of Delta Fair and Century Boulevards, including distinctive signage and landscaping and expressing the theme of Antioch as "Gateway to the Delta." Such signage and monumentation must portray a high quality design image for the City.¹

4.4.6.7 Sand Creek. The Sand Creek Focus Area encompasses approximately 2,712 acres in the southern portion of the City of Antioch (Figure 4.8).

This Focus Area is bounded by existing residential neighborhoods to the north, Black Diamond Mines Regional Preserve to the west, the city limits to the south, and the City of Brentwood to the east. Empire Mine Road and Deer Valley Road run in a general north-south direction through the Focus Area, dividing it roughly into thirds.

a. Purpose and Primary Issues. The Sand Creek Focus Area combines two existing policy and planning areas identified in the previous General Plan: the southern portion of "Focused Policy Area 18" and the entirety of Future Urban Area 1." Previous General Plan policy tied the timing of development within this Focus Area to progressive build out of the land immediately to the north (the area generally known as Southeast Antioch), and to

agreement on an alignment for the SR-4 bypass.

Through the 1990s, build out of Southeast Antioch was largely completed, an alignment for the SR-4 bypass was selected, and financing for construction of the bypass was developed. As a result, the City stepped up its planning efforts for the Sand Creek Focus Area with area landowners. Because of the multiple ownerships within the Sand Creek Focus Area, detailed coordination of access and infrastructure, along with the establishment of workable financing mechanisms was necessary in addition to land use planning.

Sand Creek, as well as natural hillsides and canyons within the Sand Creek Focus Area, contain habitats for sensitive plant and animal species, as well as habitat linkages and movement corridors. Overall, the western portion of the Focus Area is more environmentally sensitive than the eastern portion in terms of steep topography, biological habitats and linkages, the existence of abandoned coal mines, and proximity to public open space at Black Diamond Mines Regional Preserve. The west end of the Sand Creek Focus Area serves as a linkage between two regionally significant blocks of grassland. Decades of urban and agricultural use have greatly reduced the width of this linkage, substantially increasing the ecological importance of the remaining linkage within the Sand Creek Focus Area. Land has been preserved in regional parks and permanent open space, primarily in extensive grassland to the immediate west and northwest, as well as south of the Sand Creek Focus Area. These preserves represent a significant investment of public resources, and are a valued public asset.

Stream and riparian communities occupy a small portion of the Focus Area, but are widely distributed. Because of their high biotic value, stream and riparian communities within the Focus Area are considered to be a sensitive resource. The Focus Area also includes an oak woodland and savanna community, which, because of its high wildlife value, is considered to be a sensitive resource.

¹ See the Community Image and Design Element.

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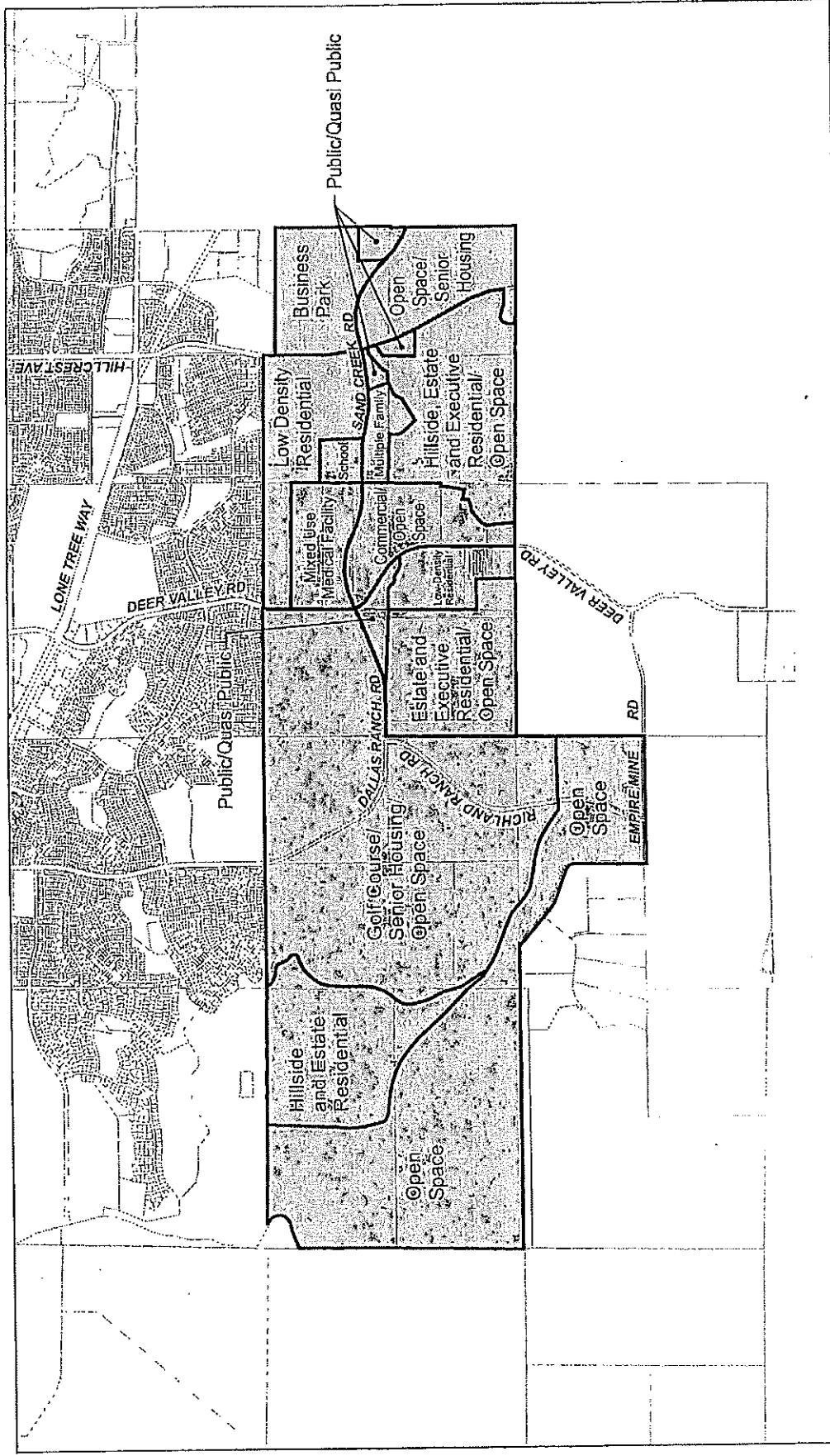
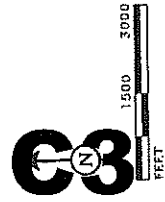


FIGURE 4.8

LSA



City of Antioch
General Plan
Sand Creek Focus Area

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b. Policy Direction. The environmental sensitivity of portions of the Sand Creek Focus Area was recognized in the City's previous General Plan; however, policy direction was very general. As an example, the previous General Plan did not provide any indication of the maximum allowable development intensity for Future Urban Area 1. The previous General Plan also stated that while the area between Contra Loma Boulevard and Empire Mine Road was designated Estate Residential, "the actual density should be based on a development plan that ensures that the special characteristics of the area, including steep slopes, riparian habitat, and other environmental constraints, are accommodated."

The following policy discussion and policies for the Sand Creek Focus Area are intended to provide clear direction for the future development and environmental management of the area.

The Sand Creek Focus Area is intended to function as a large-scale planned community, providing needed housing and employment opportunities. This Focus Area is also intended to provide substantial employment opportunities. Up to approximately 280 acres are to be devoted to retail and employment-generating uses, which will result in the creation of up to 6,500 jobs at build out. Residential development within the Sand Creek Focus Area will provide for a range of housing types, including upper income estate housing, golf course-oriented age-restricted housing for seniors, suburban single-family detached housing, and multifamily development.

The following policies apply to development within the Sand Creek Focus Area.

- a. Prior to or concurrent with approvals of any development applications other than major employment-generating uses (including, but not limited to a medical facility on the Kaiser property), a specific plan or alternative planning process as determined by the City Council, shall be prepared and approved for the Sand Creek Focus Area. Such specific plan or alternative planning process shall identify and provide for project for project-related

land uses, financing of required public services and facilities, open space preservation, community design, recreational amenities, and community improvements within the area proposed for development.

- b. Sand Creek Focus Area development shall make a substantial commitment to employment-generating uses. Up to 280 acres are to be devoted to employment-generating uses within the areas shown for Business Park and Commercial/Open Space, in addition to the area shown as Mixed Use Medical Facility. Appropriate primary land uses within employment-generating areas include:
 - Administrative and Professional Offices
 - Research and Development
 - Light Manufacturing and Assembly
 - Hospital and related medical uses
- c. Secondary, support and ancillary uses within employment-generating areas include:
 - Banks and Financial Services
 - Business Support Services
 - Eating and Drinking Establishments
 - Health Clubs and Spas
 - Lodging and Visitor Services
 - Storage and Distribution – Light
 - Civic Administration
 - Cultural Facilities
 - Day Care Centers
- d. The maximum development intensity for employment-generating lands shall be an overall FAR of 0.5.
- e. A maximum of 95 acres of retail commercial uses designed to service the local community may be developed within the areas shown for Commercial/Open Space, with a maximum overall development intensity of a 0.3 FAR.
- f. Up to 1.24 million square feet of retail commercial uses may be constructed.

- Within areas designated for retail use (areas shown for Commercial/Open Space), office development may be developed at a maximum FAR of 0.5.
- g. Appropriate uses within the retail portions of this Focus Area include:
 - Administrative and Professional Offices
 - Automotive Uses
 - Banks and Financial Services
 - Business Support Services
 - Eating and Drinking Establishments
 - Food and Beverage Sales
 - General Merchandise
 - Health Clubs and Spas
 - Personal Services
 - Personal Instruction
 - Theaters
 - Civic Administration
 - Cultural Facilities
 - Day Care Centers
 - Residential development as part of a mixed-use medical facility
 - h. Commercial areas shall be designed as cohesive centers, and not in narrow corridors or commercial strips.
 - i. Each commercial center shall establish an identifiable architectural theme, including buildings, signage and landscaping.
 - j. Commercial and employment-generating developments shall be designed to accommodate public transit and non-motorized forms of transportation.
 - k. A maximum of 4,000 dwelling units may be constructed within the Sand Creek Focus Area. Appropriate density bonuses may be granted for development of age-restricted housing for seniors; however, such density bonuses may not exceed the total maximum of 4,000 dwelling units for the Sand Creek Focus Area.
 - l. It is recognized that although the ultimate development yield for the Focus Area may be no higher than the 4,000 dwelling unit maximum, the actual development yield is not guaranteed by the General Plan, and could be substantially lower. The actual residential development yield of the Sand Creek Focus Area will depend on the nature and severity of biological, geologic, and other environmental constraints present within the Focus Area, including, but not limited to constraints posed by slopes and abandoned mines present within portions of the Focus Area; on appropriate design responses to such constraints, and on General Plan policies. Such policies include, and but are not limited to, identification of appropriate residential development types, public services and facilities performance standards, environmental policies aimed at protection of natural topography and environmental resources, policies intended to protect public health and safety, and implementation of the Resource Management Plan called for in Policy "t," below.
 - m. As a means of expanding the range of housing choices available within Antioch, three types of "upscale" housing are to be provided, including Hillside Estate Housing, Executive Estate Housing, and Golf Course-Oriented Housing.

Hillside Estate Housing consists of residential development within the hilly portions of the Focus Area that are designated for residential development. Appropriate land use types include Large Lot Residential. Within these areas, typical flat land roadway standards may be modified (e.g., narrower street sections, slower design speeds) to minimize required grading. Mass grading would not be permitted within this residential type. Rough grading would be limited to streets and building pad areas. Residential densities within Hillside Estate Areas are to be limited to one dwelling unit per gross developable acre (1 du/ac), with typical lot sizes ranging upward from 20,000 square feet. The anticipated population density for this land use type is up to four persons per developed acre. Included in this category is

custom home development, wherein semi-improved lots are sold to individuals for construction of custom homes. Approximately 20 percent of Hillside Estate Housing should be devoted to custom home sites.

Executive Estate Housing consists of large lot suburban subdivisions within the flatter portions of the Focus Area. Appropriate land use types include Large Lot Residential. Densities of Executive Housing areas would typically be 2 du/ac, with lot sizes ranging upward from 12,000 square feet. The anticipated population density for this land use type is up to eight persons per developed acre.

Golf Course-Oriented Housing consists of residential dwelling units fronting on a golf course to be constructed within the portion of the Focus Area identified as Golf Course/Senior Housing/Open Space in Figure 4.8. Appropriate land use types include Single Family Detached and Small Lot Single Family detached for lots fronting on the golf course. Maximum densities for golf course-oriented housing would typically be 4 du/ac, with lot sizes as small as 5,000 square feet for lots actually fronting on the golf course. Given the significant environmental topographic constraints in the portion of the focus area west of Empire Mine Road, the minimum lot size for executive estate housing within this area shall be a minimum of 10,000 square feet. This would allow additional development flexibility in situations where executive estate housing needs to be clustered in order to preserve existing natural features. In no case shall the 10,000 square foot minimum lot size constitute more than 20 percent of the total number of executive estate housing units in the area west of Empire Mine Road. The anticipated population density for this land use type is up to eight to twelve persons per acre developed with residential uses. Should the City determine as part of the development review process that development of a golf course within the area having this designation would be infeasible, provision of an alternative open space program may

be permitted, provided, however, that the overall density of lands designated Golf Course/Senior Housing/Open Space not be greater than would have occurred with development of a golf course.

- n. Single-Family Detached housing within suburban-style subdivisions with lot sizes ranging from 7,000 square feet to 10,000 square feet may also be developed within the Sand Creek Focus Area within areas shown as Residential and Low Density Residential in Figure 4.8. The anticipated population density for this land use type is up to eight to twelve persons per acre developed with residential uses.
- o. A total of 25 to 35 acres is to be reserved for multi-family housing to a maximum density of 20 du/ac. Areas devoted to multi-family housing should be located adjacent to the main transportation routes within the Focus Area, and in close proximity to retail commercial areas. The anticipated population density for this land use type is up to forty persons per acre developed with residential uses.
- p. Age-restricted senior housing should be developed within the Focus Area as a means of expanding the range of housing choice within Antioch, while reducing the Focus Area's overall traffic and school impacts. Such senior housing may consist of Single Family Detached, Small Lot Single Family Detached, of Multi-Family Attached Housing, and may be developed in any of the residential areas of the Sand Creek Focus Area. Within areas identified in Figure 4.8 specifically for senior housing, limited areas of non-senior housing may be permitted where environmental or topographic constraints would limit development densities to a range more compatible with estate housing than with senior housing.
- q. Areas identified as Public/Quasi Public and School in Figure 4.8 are intended to identify locations for new public and institutional uses to serve the future development of the Sand Creek Focus Area. Development within these areas is to be consistent with the provisions of the Public/In-

stitutional land use category described in Section 4.4.1.4 of the Land Use Element.

- r. Sand Creek, ridgelines, hilltops, stands of oak trees, and significant landforms shall be preserved in their natural condition. Overall, a minimum of 25 percent of the Sand Creek Focus Area shall be preserved in open space, exclusive of lands developed for golf course use.
- s. Adequate buffer areas adjacent to the top of banks along Sand Creek to protect sensitive plant and amphibian habitats and water quality shall be provided. Adequate buffer areas shall also be provided along the edge of existing areas of permanently preserved open space adjacent to the Sand Creek Focus Area, including but not limited to the Black Diamond Mines Regional Park. Buffers established adjacent to existing open space areas shall be of an adequate width to minimize light/glare, noise, fire safety, public safety, habitat, public access impacts within the existing open space areas, consistent with the provisions of Section 10.5, Open Space Transitions and Buffers Policies of the General Plan.
- t. Because of the sensitivity of the habitat areas within the Sand Creek Focus Area, and to provide for mitigation of biological resources impacts on lands in natural open space, as well as for the long-term management of natural open space, a Resource Management Plan based on the Framework Resource Management Plan attached as Appendix A to this General Plan shall be prepared and approved prior to development of the Sand Creek Focus Area.
- u. A viable, continuous grassland corridor between Black Diamond Mines Regional Preserve and Cowell Ranch State Park shall be retained using linkages in the southwestern portion of the Lone Tree Valley (within the Sand Creek drainage area), Horse Valley, and the intervening ridge. The primary goal of preserving such a corridor is to allow for wildlife movement between Black Diamond Mines Regional Preserve and Cowell Ranch State Park. Completion of such a corridor

is contingent upon the cooperation with the City of Brentwood and Contra Costa County, each of whom may have land use jurisdiction over portions of this corridor.

- To preserve this corridor and in view of other significant development constraints, certain lands in the southwestern portion of the Focus Area shall be designated as "Open Space," as depicted in Figure 4.8. Limited future adjustments to the boundaries of this "Open Space" area may occur as part of the Specific Plan and/or project level environmental review processes, provided that such adjustments: (a) are consistent with the goals and policies outlined in the Framework for Resource Management set forth in Appendix A; (b) are based upon subsequently developed information and data relating to environmental conditions or public health and safety that is available at the Specific Plan stage, the project-level development plan stage, or during the permitting processes with federal, state or regional regulatory agencies; and (c) would not cause the "Open Space" area west of Empire Mine Road to be less than 65 percent of the total lands west of Empire Mine Road. Any open space and otherwise undeveloped areas west of Empire Mine Road that are within the area designated as "Hillside and Estate Residential" shall not count towards meeting this 65 percent minimum "Open Space" requirement.
- All areas designated as "Open Space" within the Focus Area may be utilized for mitigation for loss of grassland and other project-level impacts by projects within the Focus Area.
- Due to the varied and complex topography west of Empire Mine Road the exact boundary between the "Hillside Estate" residential area and "Estate" residential area shall be determined as part of the project-level entitlement process.

- It is anticipated that there will be only minor adjustments to the boundary between the open space area and the hillside and estate residential area shown in Figure 4.8. Minor adjustments may be made to this boundary provided that such adjustments shall not create islands of residential development within the area designated open space in Figure 4.8..
- In order to ensure adequate buffering of the Black Diamond Mines Regional Park from development in the Sand Creek Focus Area, no residential development shall be allowed north of the Sand Creek channel between the area designated "Hillside and Estate Residential" in Figure 4.8 west of Empire Mine Road and the existing Black Diamond Mines Regional Park boundary.
- v. The construction of facilities necessary to ensure adequate public access across Sand Creek west of Empire Mine Road, including the bridging of Sand Creek, an appropriately sized parking lot and staging area, and any trails needed to ensure public access to Black Diamond Mines Regional Park shall be implemented as an infrastructure component of development in the Focus Area.
- w. To mitigate the impacts of habitat that will be lost to future development within the Focus Area, an appropriate amount of habitat shall be preserved on- or off-site per the compensatory provisions of the Framework Resource Management Plan prepared for the Sand Creek Focus Area (attached as Appendix A of the General Plan).
- x. Ponds, wetlands, and alkali grassland associated with upper Horse Creek shall be retained in natural open space, along with an appropriate buffer area to protect sensitive plant and amphibian habitats and water quality. If impacts on the Horse Creek stream and riparian downstream are unavoidable to accommodate infrastructure, appropriate compensatory mitigation shall be required off-site per the provisions of the Resource Management Plan attached as Appendix A to this General Plan.
- y. Chaparral, scrub, and rock outcrop community within the western portion of the Focus Area (west of Empire Mine Road), as well as adjacent grassland community that is suitable habitat for the Alameda whipsnake (*masticophis lateralis euryxanthus*) shall be retained in natural open space. Within other portions of the Focus Area, the chaparral, scrub, and rock outcrop shall be retained in natural open space contiguous to the required grassland linkage to function as a buffer and protect the grassland linkage south of the chaparral, scrub, and outcrop community.
- z. Within the western portion of the Focus Area (west of Empire Mine Road), the oak woodland and savanna community shall be preserved in natural open space. Within other portions of the Focus Area, the oak woodland and savanna community shall be preserved in natural open space where it overlaps the rock outcrop community.
- aa. As appropriate and necessary to protect public health and safety, abandoned mines shall be included within required natural open space areas, along with appropriate buffer areas and measures to prevent unauthorized entry.
- bb. Mass grading within the steeper portions of the Focus Area (generally exceeding 25 percent slopes) is to be avoided.
- cc. Impacts of residential development on the Antioch Unified School District and Brentwood school districts will be mitigated pursuant to a developer agreement with the District.
- dd. Project entry, streetscape, and landscape design elements are to be designed to create and maintain a strong identification of the Sand Creek Focus Area as an identifiable "community" distinct from Southeast Antioch.
- ee. The Sand Creek Focus Area is intended to be "transit-friendly," including appropriate

provisions for public transit and non-motorized forms of transportation.

- ff. subject to its financial feasibility (see Policy "m"), a golf course shall be provided within the Focus Area, designed in such a way as to maximize frontage for residential dwellings. The golf course may also be designed to serve as a buffer between development and open space areas set aside to mitigate the impacts of development.

The golf course shall be designed to retain the existing trail within Sand Creek.

The golf course and Sand Creek corridor shall function as a visual amenity from the primary access road within the Focus Area (Dallas Ranch Road/Sand Creek Road). As part of the golf course clubhouse, banquet and conference facilities shall be provided.

- gg. A park program, providing active and passive recreational opportunities is to be provided. In addition to a golf course and preservation of natural open space within Sand Creek and the steeper portions of the Focus Area, the development shall meet the City's established park standards. A sports complex is to be developed.

A sports complex is to be developed. The sports complex is intended to be located within the Flood Control District's detention basin.

Neighborhood park facilities may be privately maintained for the exclusive use of project residents. The sports complex within the Sand Creek Detention Basin will be maintained by the City.

- hh. Development of an appropriate level of pedestrian and bicycle circulation throughout the community is to be provided, including pathways connecting the residential neighborhoods, as well as non-residential and recreational components of the community. Sand Creek Focus Area development should also provide recreational trail systems for jogging and bicycling, including areas for hiking and mountain biking. Trails along Sand Creek and Horse Valley Creek shall be designed so

as to avoid impacting sensitive plant and amphibian habitats, as well as water quality.

4.4.6.8 East Lone Tree Specific Plan Area.

The East Lone Tree Specific Plan Focus Area encompasses approximately 796 acres in the eastern portion of the City of Antioch. It is bounded by Lone Tree Way on the south, Empire Avenue and the Southern Pacific rail line on the east, the Contra Costa Canal on the north, and existing residential subdivisions on the west (Figure 4.9). The City's previous General Plan identified the East Lone Tree Specific Plan Area as "Future Urban Area 2." The alignment of the SR-4 bypass runs through the center of the Focus Area, with interchanges proposed at Lone Tree Way and at the extension of Laurel Road.

a. Purpose and Primary Issues. City General Plan policy has long held that the lands within the East Lone Tree Focus Area should be developed for employment-generating uses, with the majority of the area developed with suburban-type business parks, incorporating major office complexes and light industrial uses, all developed in accordance with high development standards. The SR-4 By-pass runs through the middle of the Focus area, along the base of rolling hills. The eastern portion of the area is relatively flat, while the western portion of the area consists of rolling hills.

The East Lone Tree Specific Plan was adopted by the City in May 1996. The Specific Plan supports long-standing General Plan goal of a new employment center by devoting the flat eastern portion of the Focus Area to employment-generating uses. At the heart of the employment center is a proposed retail nucleus of restaurants, shops, and service providers. The Specific Plan identifies the purpose of this retail nucleus as providing a "sense of vitality and urbanity to what is otherwise a low, spread-out campus of largely internalized workplaces." The Specific Plan also encourages a commuter rail station along the existing Southern Pacific rail line to link the proposed employment center with the proposed commuter rail system. The