## ANNOTATED

AGENDA
CITY OF ANTIOCH PLANNING COMMISSION
ANTIOCH COMMUNITY CENTER
4703 LONE TREE WAY, COMMUNITY HALL A
WEDNESDAY, NOVEMBER 20, 2019
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 27, 2019.

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
Commissioners

6:33 P.M.
Turnage, Chair (absent)
Schneiderman, Vice Chair
Motts
Martin
Parsons (absent)
Soliz
Zacharatos

## 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:
A. August 21, 2019
B. September 4,2019

END OF CONSENT CALENDAR

## NEW PUBLIC HEARING

APPROVED APPROVED

MINUTES

MINUTES
2. Z-19-05 - Zoning Ordinance Amendments for Family Daycare Homes and Planning Application Withdrawals - The City of Antioch requests minor zoning ordinance amendments. The first amendment would update the zoning code for family daycare homes to comply with SB 234 signed by Governor Newsom. The second amendment would regulate the withdrawal of planning applications and automatically deem incomplete applications withdrawn if resubmittals are not received in a timely manner. Both zoning ordinance amendments would apply citywide. Both ordinance amendments are not considered projects under the California Environmental Quality Act (CEQA), and are, therefore, not subject to CEQA.

RESOLUTION NOS. 2019-26/2019-27
3. AR-19-13 - Quail Cove Design Review - The applicant, Albert D. Seeno Construction, requests Design Review approval of architecture for the Quail Cove subdivision.

RESOLUTION NO. 2019-28
ORAL COMMUNICATIONS
STAFF REPORT

## WRITTEN COMMUNICATIONS

## COMMITTEE REPORTS

ADJOURNMENT 7:15 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 $2^{\text {nd }}$ floor of City Hall, 200 "H" Street, Antioch, California, 94509, between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday for inspection and copying (for a fee) or on our website at:
https://www.antiochca.gov/fc/community-development/planning/Project-Pipeline.pdf
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

In accordance with the Americans with Disabilities Act and California law, the City of Antioch offers its public programs, services and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation, please contact the ADA Coordinator at the number or email address below at least 72 hours prior to the meeting or when you desire to receive services. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility. The City's ADA Coordinator can be reached @ Phone: (925) 779-6950 and e-mail: publicworks@ci.antioch.ca.us.

# CITY OF ANTIOCH <br> PLANNING COMMISSION 

Regular Meeting
August 21, 2019
6:30 p.m.
Antioch Community Center
Chair Turnage called the meeting to order at 6:30 P.M. on Wednesday, August 21, 2019 in the Antioch Community Center. 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, August 28, 2019.

## ROLL CALL

Present: Commissioners Parsons, Martin, Soliz, Vice Chair Schneiderman and Chair Turnage
Absent: Commissioners Motts and Zacharatos
Staff: Planning Manager, Alexis Morris
Associate Planner, Zoe Merideth
City Attorney, Thomas Smith
Captain, Tony Morefield
Minutes Clerk, Kitty Eiden

## PLEDGE OF ALLEGIANCE

## PUBLIC COMMENTS

None.

## CONSENT CALENDAR

1. Approval of Minutes:

July 17, 2019
On motion by Commissioner Martin, seconded by Commissioner Soliz the Planning Commission approved the July 17, 2019 Minutes as presented. The motion carried the following vote:

A YES: Schneiderman, Parsons, Martin, Soliz and Turnage
NOES: None
ABSTAIN: None
ABSENT: Motts and Zacharatos
2. PW 357-301-17- Extension of Almond Knolls' Tentative Parcel Map for Condominium Purposes- The Grupe Company requests approval of an extension of a tentative parcel map for condominium purposes for Almond Knolls, a gated community comprised of five multi-story buildings, to allow for potential future sale of the 58 proposed residential units. The subject project is located on Worrell Road, southeast of the intersection of Worrell Road and Lone Tree Way (APN 071-072-015).

RESOLUTION NO. 2019-22
On motion by Commissioner Martin, seconded by Commissioner Soliz, the Planning Commission recommended to the City Council approval of a one-year extension of the existing tentative parcel map for condominium purposes for Almond Knolls (PW 357-30117), which would expire on July 25, 2020 if not acted upon. The motion carried the following vote:

| AYES: | Schneiderman, Parsons, Martin, Soliz and Turnage |
| :--- | :--- |
| NOES: | None |
| ABSTAIN: | None |
| ABSENT: | Motts and Zacharatos |

## NEW PUBLIC HEARING

3. Contra Costa Farms Cannabis Business - UP-18-23, AR-18-24, V-19-03 - Contra Costa Farms, LLC, requests approval of an Initial Study / Mitigated Negative Declaration, Use Permit, and Design Review for a cannabis business consisting of cultivation, manufacturing, distribution, and a retail dispensary with delivery. The project would consist of the demolition of one existing building, renovations to two existing buildings, and the construction of four new buildings, new parking areas, and other associated improvements. A variance is also requested for a fence in the required front landscaped setback. The project site is located at 3400 Wilbur Avenue (APNs 051-051-021).

Associate Planner Merideth presented the staff report dated August 16, 2019 recommending the Planning Commission 1) Approve the resolution recommending that the City Council approve the Contra Costa Farms Initial Study/Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program; 2) Approve the resolution recommending that the City Council approve a Use Permit, Design Review and Variance request subject to the conditions of approval (UP-1823, V-19-03, AR-18-24).

In response to Commissioner Martin, Associate Planner Merideth explained that project specific condition \#39 was grammatically incorrect and would be modified to only include the name of the business, prior to the project going before the City Council.

Commissioner Soliz questioned if the Planning Commission would be able to review the project detailed description of the business.

Associate Planner Merideth responded that the Commission was provided with the main points of the plan; however, the entire packet was not provided due to security concerns. She noted the City Attorney had allowed the security plans to remain private given their sensitive nature.

Planning Manager Morris added that the bulk of the plan was security information that they were keeping confidential and the relevant points were attached to the staff report.

Martin and Chuck Wesley, Managing Members, gave a PowerPoint presentation which included the following:
> Mission Statement
> Managing Members
> Experience
> Accomplishments and Contributions
> Proposal/Site Plan
> Overview of CoCo Farms
> Positive Community Impact
> Benefits for Antioch
> Addressing Concerns
> Risks
They requested the following items be clarified:
> Pertaining to the Development Agreement (DA) - request that a Certificate of Occupancy (CO) be granted without a DA and that the eventual DA be applied retroactive to the CO date
> Septic - Request to use the existing septic tanks until new construction is complete
> Remodel - Confirm that "construction" does not include remodeling activities
> Existing Pavement - Confirm that "ground disturbing activities" do not include the repair or replacement of existing pavement
> Engineer's Report - Confirm that it applies
In response to Chair Turnage, Martin Wesley clarified that employees would go through a California State DOJ background check and then proceed to work; however, if it was determined at a later time that they did not pass the background check, they would be put on administrative leave until the Chief of Police and City Manager could consider approval of their employment.

In response to Commissioner Soliz, Martin Wesley stated he believed their project would enhance the City's image by providing taxes, fees and good paying jobs with benefits for employees, and their families.

In response to Commissioner Schneiderman, Martin Wesley explained that once the facility was fully online, they would produce approximately one-thousand pounds of cannabis every nine days, which would be distributed to dispensaries throughout California. He noted 1-2\% of the product would be sold in Antioch.

Chris Churchill, Marketing Director for Rio Vista Farms, reported that they were the lead sponsor for on the Bass Derby and Hot August Bites. Additionally, they support and encourage participation with all other businesses throughout the community.

In response to Chair Turnage, Captain Morefield reported that he had met with the applicant who was responsive to all security requests from the Antioch Police Department (APD). He noted APD would inspect the business prior to allowing them to operate and they would have access to inspect the facility whenever needed. Additionally, the business was required to have annual security audits by an outside agency who was required to report back to APD to insure they were meeting all standards set forth.

In speaking to the applicant's previous request for clarification, Planning Manager Morris explained that the remodel of the existing structure would not be considered new construction. Additionally, she noted the pavement improvements could be considered ground disturbance if they were deconstructing the pavement, stripping it out down to the dirt to put in new fill and applying asphalt. She noted repair, patching or replacing a small segment of pavement in the overall area would not be considered ground disturbing. She further noted ground disturbing activities would be determined when their paving plan was submitted with their building permit. She added that etching the asphalt and applying a slurry coat with restriping would not be considered ground disturbing.

Public Works Director/City Engineer Blank stated that if the County and City codes allowed for the septic system to be used, then it would be allowed for the remodeling phase of the project. He noted new lines were being laid in the area and they were not functioning yet.

City Attorney Smith explained that prior cannabis project applicants were aware the DA was coming and it would not apply to them because their applications were vested; however, they had all volunteered to participate. He noted it was unclear whether this applicant was volunteering to participate and if that was the case, he stated the Commission had the ability to put a condition on the permit that required a DA in protection of the health, safety and welfare of the people and it would be because they believed that without it, there was no tool to insure they would be acting in conformity with the conduct that was expected. He stated the Commission may like clarification that they would voluntarily participate in the DA and if that was not the case, they could add a condition requiring them to do so.

Mr. Wesley volunteered to participate in the DA; however, since they were deemed complete before the change they were asking for the latitude to allow to open and once the DA was approved, apply it retroactively to the Certificate of Occupancy.

City Attorney Smith responded that Mr. Wesley's request had not been granted to the other candidates. He reported that the City Council Ad Hoc Committee had been meeting to determine how to streamline the process so some of the concerns may soon be addressed by the City Council. In terms of conformity with past practice, he noted to let them open the business without a DA would take away a measure of protection and he further noted the retroactive piece had not been agreed to by prior applicants.

Chuck Wesley asked if language could be included in the conditional use permit, that at whatever time the DA was approved, it was applied retroactively.

City Attorney Smith reiterated that it would be out of conformity of what was done for other applicants and the City Council Ad Hoc Committee was looking at options to streamline the process, so it may not be necessary. He noted a recommendation could be made by the Planning Commission; however, the final decision would be made by the City Council. He explained that there was no obligation for the previous applicants to agree to a DA; however, they had volunteered to do so and this being the fourth cannabis project, was asking for something different.

In response to Commissioner Parsons, City Attorney Smith stated that the fact that the City did not have a DA in place had not stopped any applicants from opening.

Commissioner Soliz questioned if it was possible to include a restriction on the applicant from contributing to local political campaigns.

City Attorney Smith responded that the DA negotiated was a two part effort, one part being the City and the other part being the applicant. He stated he did not believe anyone from the City would be looking at this restriction because it was focused on what the contribution would be to the City in terms of benefits; therefore, he did not believe it would occur and he did not believe it was necessary.

In response to Chair Turnage, Associate Planner Merideth explained that the front fence would have been limited to 3 -feet so the variance was required to extend it to 8 -feet. She noted it would be located 17 -feet from the property line and would add security. She confirmed that it would be constructed of wrought iron, attractive, and would not cause safety concerns.

A motion was made by Commission Martin to approve the resolution recommending that the City Council approve the Contra Costa Farms Initial Study/Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program; and, approve the resolution recommending that the City Council approve a Use Permit, Design Review and Variance request subject to the conditions of approval (UP-18-23, V-19-03, AR-18-24).

Discussion ensued regarding the motion with Commissioner Parsons requesting the motion be amended to recommend that the City Council allow the applicant to apply the DA retroactively to the date of the Certificate of Occupancy.

Commissioner Martin agreed to the amendment.
RESOLUTION NO. 2019-23
On motion by Commissioner Martin, seconded by Commissioner Parsons, the Planning Commission approved the resolution recommending that the City Council approve the Contra Costa Farms Initial Study/Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program. The motion carried the following vote:

| A YES: | Schneiderman, Parsons, Martin and Turnage |
| :--- | :--- |
| NOES: | Soliz |
| ABSTAIN: | None |
| ABSENT: | Motts and Zacharatos |

RESOLUTION NO. 2019-24
On motion by Commissioner Martin, seconded by Commissioner Parsons, the Planning Commission approved the resolution recommending that the City Council approve a Use Permit, Design Review and Variance request subject to the additional language added to Condition 34 that the applicant shall be allowed to open for business if the DA has not been approved and once approved, it shall be made retroactive from the date of occupancy (UP-18-23, V-19-03, AR-18-24). The motion carried the following vote:

| A YES: | Schneiderman, Parsons, Martin and Turnage |
| :--- | :--- |
| NOES: | Soliz |
| ABSTAIN: | None |
| ABSENT: | Motts and Zacharatos |

## ORAL COMMUNICATIONS

Commission Martin questioned what an RGM ordinance was to which Planning Manager Morris explained that it was the Residential Growth Management Program.

## WRITTEN COMMUNICATIONS

None.

## COMMITTEE REPORTS

None.

## ADJOURNMENT

On motion by Chair Turnage, seconded by Commissioner Parsons, the Planning Commission unanimously adjourned the meeting at 7:21 P.M. The motion carried the following vote:

| AYES: | Schneiderman, Parsons, Martin, Soliz and Turnage |
| :--- | :--- |
| NOES: | None |
| ABSTAIN: | None |
| ABSENT: | Motts and Zacharatos |

Respectfully submitted:
KITTY EIDEN, Minutes Clerk

# CITY OF ANTIOCH PLANNING COMMISSION 

Regular Meeting
September 4, 2019
6:30 p.m.
Antioch Community Center
Vice Chair Schneiderman called the meeting to order at 6:30 P.м. on Wednesday, September 4, 2019 in the Antioch Community Center. She stated that all items that can be appealed under 95.2509 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 11, 2019.

## ROLL CALL

Present: Commissioners Schneiderman, Martin, Zacharatos
Absent: Commissioners Parsons, Soliz (arrived at 6:34 P.m.) and Chair Turnage
Staff: Director of Community Development, Forrest Ebbs
Senior Civil Engineer, Ken Warren
Planning Manager, Alexis Morris
Associate Planner, Kevin Scudero
Minutes Clerk, Kitty Eiden

## PLEDGE OF ALLEGIANCE

## PUBLIC COMMENTS

None.
Commissioner Soliz arrived at 6:34 Р.м.

## CONSENT CALENDAR

## 1. Approval of Minutes: <br> August 7, 2019

On motion by Commissioner Zacharatos, seconded by Commissioner Martin, the Planning Commission approved the minutes of August 7, 2019, as presented. The motion carried the following vote:

| AYES: | Schneiderman, Motts, Martin, Soliz, Zacharatos |
| :--- | :--- |
| NOES: | None |
| ABSTAIN: | None |
| ABSENT: | Parsons and Turnage |

## NEW PUBLIC HEARINGS

2. PDP-19-01 - Sorrento Village Preliminary Development Plan - Albert D. Seeno Construction Company requests the review of a preliminary development plan, which is not an entitlement, for the development of 93 single family homes on approximately 20.24 acres. The purpose of a preliminary development plan is to gather feedback from the Planning Commission and others in order for the applicant to become aware of concerns and/or issues prior to final development plan submittal. The project would require the following entitlements: a General Plan amendment, a Planned Development Rezone, a Use Permit and Design Review. The project site is located at the intersection of James Donlon Boulevard and Pintail Drive on the north side of James Donlon Boulevard (APNs 076-021-017 and 076-021-018).

Associate Planner Scudero presented the staff report dated August 30, 2019 recommending the Planning Commission provide feedback to staff regarding the proposal and direction to the applicant for the Final Development Plan submittal.

In response to Commissioner Motts, Associate Planner Kevin Scudero confirmed that the project site was to the east of Somersville Road.

Commissioner Soliz apologized for being tardy this evening. He questioned if there was an inventory or what was present at the landfill and if radioactive materials had been discovered.

Associate Planner Kevin Scudero responded that he was unaware of what was on the site; however, a representative from GBF Holdings indicated that the site was under active remediation monitoring.

Commissioner Soliz questioned what the Economic Development staff envisioned for the commercial site.

Associate Planner Kevin Scudero explained that the land use designation for the site was commercial/office which was adopted with the 2003 General Plan. He commented that they had had no conversations with Economic Development regarding the site. He reported the applicant was going to make the case that they did not believe commercial/office is a viable use of the site. He encouraged the Planning Commission to consider that the future James Donlon Blvd extension could make the site more viable from a commercial standpoint.

Vice Chair Schneiderman opened the public hearing.
Brian Kesler, Project Manager for Sorrento Village Project for the Albert Seeno Construction Company, gave a brief introduction explaining that it was a small lot project for buyers who wanted minimal lot space. He reported that they had spent many years studying the possible effects of the landfill on their property and the State had indicated that their project would not be impacted. He turned the presentation over to Doug Mesner.

Doug Messner, President of Sierra Pacific Properties, gave a history of their commercial properties in Contra Costa County. He presented a PowerPoint which included a letter from TRI indicating that the highest and best use for the site was residential development. Also included were existing vacant commercial spaces in the Antioch/Pittsburg area that would be available for office or mixed use. He discussed site constraints and the decreased demand for office space.

Commissioner Soliz stated he appreciated the developer's involvement in the community. He questioned how the applicant was attempting to fill their existing commercial vacancies.

Mr. Messner reported they had converted an office building into eighteen apartment units and similar conversions, as well as mixed use could be looked at for some of the larger scale areas.

Vice Chair Schneiderman questioned if the applicant had considered Starbucks or a gas station as a use for this parcel.

Mr. Messner responded that they had marketed the site for several years and it was difficult to get interest in an area that was not a primary roadway.

Commissioner Motts commented that the extension of James Donlon Boulevard would increase traffic flow in the area and questioned what the timeline was for the project.

Planning Manager Morris responded that the extension was in the early planning stages and the ECCRAFA fee would be going toward that project; however, it would be many years before it would be funded and constructed.

William Bunting, Antioch resident, stated he did not believe there was appropriate noticing for residents that would be affected by the project. He noted the staff report did not address public safety, schools or traffic impacts.

Vice Chair Schneiderman closed the public hearing.
Commissioner Martin stated that he did not support amending the General Plan. He noted unknown problems could occur in the future so placing houses and having children play in an area next to a hazardous waste site and municipal landfill would not be appropriate. He further noted it would be very difficult to prevent people, bicycles and motorcycles from trespassing on the landfill site. Additionally, there were relatively unsightly off gas facilities, one of which is a burner for methane gas, and there was a potential for it to become a hazard. Regarding the design, he commented that the houses were too large, and the lots were too small. He expressed concern that the project did not follow the City's design guidelines. He commented that if housing were approved for the site, he would support medium density and he would want them to follow the design guidelines to minimize the amount of people that could be impacted. He agreed with the staff recommendation for a park or some other open space to be included. He suggested the applicant consider a convenience store, service station or storage facility for this site. He stated he liked the design of the project and if it moved forward, he would like to see the floor plans prior to approval.

Commissioner Zacharatos stated she had lived in the area and reported there was a lot of traffic and noise in the area. She noted she could not support residents living on the land because she believed it was contaminated. Additionally, she did not support amending the General Plan. She spoke in support of a minimum lot size of 6000 square feet and a sizeable park for this development. She questioned if a homebuyer would purchase a 3500 square foot home on a 5000 square foot lot. She felt there were better uses for the land, so she wanted it to remain commercial.

Commissioner Soliz agreed with Commissioner Martin's concerns regarding children playing on the landfill site and commented that the property was not within the City of Antioch's jurisdiction so the ability to enforce no access to the area would be limited. He supported the overall design of the project; however, he did not believe it was the right location. He concurred that the General Plan should not be modified, and the property needed to remain a commercial designation. He noted when James Donlon Boulevard was extended, it would increase activity along the street and the road was not very safe. He stated regardless of the letter from the Department of Toxic Substance Control, he was concerned with potential future risks in the area.

Commissioner Motts stated that he believed staff did a great job identifying issues and concerns regarding this project. He expressed concern regarding the visual impact from the layout. He stated he was not in favor of placing residential in this form on the site. He expressed concern for the small lot sizes, narrow streetscapes, lack of a park, one entry being the entry for the landfill, and for the project failing to meet RL6 development standards. He agreed that there was a market for this type of a home; however, he did not believe this was the appropriate location. He stated he would consider mixed use development for this property to lessen the visual impact. He noted there may be a time that this site becomes unsafe and he believed it would be irresponsible to build the proposed project. He commented that he would not be in favor of amending the General Plan for this development.

Vice Chair Schneiderman stated she could not envision placing children around a former landfill with so many unknown factors so she would oppose a residential designation. She agreed that a storage facility, gas station or Starbucks would be a more appropriate use for the site with the increased traffic along James Donlon Boulevard. She spoke in support of the project design; however, she felt it was in the wrong location.

Commissioner Motts added that with traffic increasing in the area, commercial may be much more viable in this location. He noted that the City's efforts had been focused on getting people to live and work in Antioch.

Director of Community Development Ebbs in referencing the letter from GBF Holdings, LLC, reported that the owner of the landfill had conceded that conditions at the landfill may change in the future and suggested an engineering solution which may or may not be adequate to elevate the Commission's concerns. Additionally, he explained that General Plans were 20-year planning documents and encouraged the Commission to look long term in their decisions. He noted that the General Plan update would be taking place in the near future.

Planning Manager Morris added that part of the General Plan update would be looking at underperforming, underutilized or vacant commercial sites to see what the constraints or
opportunities were to transition to other uses. She commented that this was a discussion item and there was no need for a motion.

Commissioner Martin stated if the project did move forward, he felt it was appropriate for the developer to place a large disclosure sign in the CCRs and title that the houses were located adjacent to a landfill.

Associate Planner Kevin Scudero added that GBF Holdings had made a similar recommendation.

Vice Chair Schneiderman stated she also did not feel it would be good for Antioch's image to have a subdivision adjacent to the landfill.
3. Residential Growth Management Ordinance Amendment - City staff is recommending that the Title 9, Chapter 5, Article 40 "Residential Growth Management" be amended to replace the annual maximum allocation limit with a rolling 5-year average and replace the one-year maximum development standard with a two-year maximum development standard. This project has been found to be Categorically Exempt from the requirements of the California Environmental Quality Act.

Director of Community Development Ebbs presented the staff report dated August 15, 2019 recommending the Planning Commission adopt the resolution recommending approval of an ordinance to amend Title 9, Chapter 5, Article 40 "Residential Growth Management".

Commissioner Motts stated he believed the amendment to the ordinance was reasonable.
Commissioner Martin suggested adding a description of how the City determined the rolling 5year average. He questioned if the ordinance would be affected by the State's support of residential growth.

Director of Community Development Ebbs explained that the State had made a strong commitment to increasing housing production and they were looking at communities who had resisted in the past. He noted that Antioch did not have that legacy. He explained that there were no immediate conflicts and he did not believe the State would be critical of the ordinance.

In response to Commissioner Martin, Director of Community Development Ebbs stated he used a five-year average because it reflected what was used in the Residential Development Allocation.

Commissioner Martin expressed concern if the City was fulfilling the desires of the community to slow growth if they increased it to 1200 units for a two-year period. He suggested decreasing it to 900 units over two years.

Vice Chair Schneiderman stated that with the possible rehabilitation of commercial buildings into apartments, more building permits may be required.

Director of Community Development Ebbs explained that those types of conversions would take from the pool of residential units. He reported the City was seeing more infill higher density projects.

Vice Chair Schneiderman questioned if staff had a way of projecting how many future permits would be needed to rehab buildings.

Planning Manager Morris responded that the type of projects that would replace commercial buildings would be demolition of existing buildings and a new building constructed in its place.

Vice Chair Schneiderman encouraged staff to consider the possibility of these projects.
Director of Community Development Ebbs added that the General Plan update would have a growth management chapter which would address infill projects. He noted there may be an exemption for infill recognizing that it would be a reuse of a site. He stated it was important to address this issue now because he did not want to have to partially approve the AMCAL project.

Vice Chair Schneiderman stated she believed the residents wanted vacant buildings to be utilized.

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

Commissioner Zacharatos stated she supported the amendment to the ordinance; however, she would like the total number of units to be decreased from 1200 to 800 units. She reported the community approached her regularly regarding managing growth with infrastructure. She supported updating the General Plan and noted it would be good to benchmark infill projects to determine how they were affecting infrastructure.

Commissioner Soliz reported that he was involved in Measure U discussions and metering growth was primarily related to residential development coinciding with infrastructure and job development. He noted he was inclined not to expand the number of units permitted because if AMCAL wanted to pull more permits it would require a variance hearing at the City Council level which would involve the public. He further noted amending the ordinance would create administrative level control. He commented if the Planning Commission chose to lower the number, he could probably support it; however, he did not believe the potential for one project to exceed the numbers was a reason to manipulate the ordinance as recommended.

In response to Commissioner Zacharatos, Director of Community Development Ebbs stated that the City had the residential growth management ordinance in the zoning ordinance which was basically a placeholder because once the City exceeded 500 units, they had to develop a new program.

Commissioner Motts stated he would support lowering the number. He agreed that infill projects may present an issue in the future. He noted that he understood Commissioner Soliz's concern that it would create an administrative level of control; however, in the future it may be warranted with some of the infill projects.

Vice Chair Schneiderman stated she could support lowering the total number of units to 900 or exempting the AMCAL affordable housing project.

Director of Community Development Ebbs stated if the ordinance exempted 100\% affordable projects, it would take AMCAL off the table and keep the numbers in line and nothing else would need to be changed. He noted it would also make a statement for the city's support of affordable housing.

Vice Chair Schneiderman stated that the AMCAL project was very positive and had minimal impacts. She agreed to exempt affordable housing from the Residential Growth Management Ordinance.

Commissioner Soliz stated backing out affordable housing projects would keep everything in place until Council and the Commission could develop a new growth management plan.

Commissioner Motts commented that the courts had forced part of the Sand Creek Development onto the ballot so the voice of the people would be heard.

Commissioner Martin stated that he was unsure if he supported exemptions because Measure $U$ was intended to control growth, and this could cause an imbalance.

Director of Community Development Ebbs responded that affordable housing projects were looking for high density property and there were less than five sites zoned for that use. He noted that it would be a very small risk.

In response to Commissioner Motts, Director of Community Development Ebbs explained that Regional Housing Needs Assessment (RHNA) assigned each jurisdiction numbers of goals for housing production in different categories and those fed into the housing element which picked the sites. He added that they were zoned high density to make them more attractive to affordable builders.

Commissioner Martin questioned if part of the General Plan and Zoning updates would be to designate more places for affordable housing.

Planning Manager Morris responded that it could be; however, the city did not have their new RHNA numbers yet. She noted in the next five years there would be General Plan, Zoning Ordinance and Housing Element updates. She further noted the new RHNA numbers would be provided and the assumption was that they would be much higher than previous cycles for all categories. She explained that the City would have to find the sites to accommodate that type of housing. She added that part of the housing element certification process was whether the City had unreasonable constraints that constrain affordable housing construction.

In response to Commissioner Martin, Planning Manager Morris stated if the City kept their numbers reasonable with market rates and tied to infrastructure and growth, it would most likely not be considered a constraint. Additionally, exempting affordable housing would not be considered a constraint.

Commissioner Martin stated that with Director of Community Development Ebbs explanation, he had no objection to keeping the numbers as they were and exempting affordable housing from the list.

RESOLUTION NO. 2019-25
On motion by Commissioner Martin, seconded by Commissioner Soliz, the Planning Commission amended the "Residential Growth Management" exempting affordable housing projects. The motion carried the following vote:

AYES: Schneiderman, Motts, Martin, Soliz, Zacharatos
NOES: None
ABSTAIN: None
ABSENT: Parsons and Turnage

## ORAL COMMUNICATIONS

Director of Community Development Ebbs announced that the Planning Commission had been invited to a Boards and Commissions appreciation dinner at 6:30 p.m. on October 24, 2019. He noted formal invitations would be sent out from the City Manager's office.

## WRITTEN COMMUNICATIONS

None.

## COMMITTEE REPORTS

None.

## ADJOURNMENT

On motion by Commissioner Martin, seconded by Vice Chair Schneiderman, the Planning Commission unanimously adjourned the meeting at 8:06 P.M. The motion carried the following vote:

| AYES: | Schneiderman, Motts, Martin, Soliz, Zacharatos |
| :--- | :--- |
| NOES: | None |
| ABSTAIN: | None |
| ABSENT: | Parsons and Turnage |

Respectfully submitted:
KITTY EIDEN, Minutes Clerk

## STAFF REPORT TO THE PLANNING COMIMISSION

 FOR CONSIDERATION AT THE MEETING OF NOVEMBER 20, 2019Prepared by: Zoe Merideth, Associate Planner $\mathcal{M}$<br>Reviewed by: Alexis Morris, Planning Managerf<br>Date: November 15, 2019<br>Subject: Zoning Ordinance Amendments for Family Day Care Homes and Planning Application Withdrawals

## RECOMIMENDATION

It is recommended that the Planning Commission:

1. Approve the attached resolution recommending that the City Council adopt the ordinance (Exhibit 1 to the resolution) making text amendments to chapter 5 of title 9 of the Antioch Municipal Code regulating family day care homes.
2. Approve the attached resolution recommending that the City Council adopt the ordinance (Exhibit 1 to the resolution) adding language to chapter 5 of title 9 of the Antioch Municipal Code regulating planning application withdrawals.

## ENVIRONMENTAL

Pursuant to California Environmental Quality Act ("CEQA") Guidelines § 15378 and California Public Resources Code § 21065, the ordinances are not a "project" because their adoption is not an activity that has the potential for a direct physical change or reasonably foreseeable indirect physical change in the environment. Accordingly, this Ordinance is not subject to CEQA.

Even if these ordinances and resolution qualified as a "project" subject to CEQA, pursuant to CEQA Guidelines § 15061(b)(3) (or the so-called "common sense exemption"), there is no possibility that this project will have a significant impact on the physical environment. The ordinances do not directly or indirectly authorize or approve any actual changes in the physical environment. Accordingly, the ordinances would be exempt from CEQA under the common-sense exemption.

Pursuant to CEQA Guidelines § 15274, the establishment of family day care homes are statutorily exempt from CEQA.

## ANALYSIS

The City of Antioch has undertaken minor zoning ordinance updates in order to comply with a new state law regarding family day care homes and to regulate the withdrawal of planning applications and actions.

## Family Day Care Homes

The California Health and Safety Code regulates family day cares homes, which are facilities providing day care services to children in the providers' own homes. State law distinguishes a small family day care home, which is a facility with eight or fewer children, including children under 10 years of age who reside at the home, from a large family day care home, which is a facility with seven to fourteen children, inclusive, including children under 10 years of age who reside at the home. Based on these definitions, State law is ambiguous as to whether day care homes with seven or eight children should be classified as small or large family daycare homes. In this ordinance update, staff has tried to clarify this confusion by defining a large day care home as a facility having nine to fourteen children.

Currently, local jurisdictions must consider small family day care homes to be a residential use of property and are prohibited from requiring small family day care homes from obtaining zoning permits, business licenses, or any fees. Local jurisdictions have historically been permitted to regulate large family day care homes and require zoning permits, business licenses, and fees. The City of Antioch has required large family day care homes to obtain an Administrative Use Permit from the Planning Division and a business license from Finance. Planning staff evaluates a proposed facility's compliance with the zoning ordinance, including that the facility's layout minimizes noise and traffic impacts.

Governor Newsom signed SB 234 (Skinner) into law on September 5, 2019. SB 234 amends the Health and Safety Code to treat large family day care homes as a residential use of property, which is the same way a small family day care home is currently treated. Local jurisdictions are now prohibited from requiring zoning permits, such as an Administrative Use Permit, or business licenses for large family day care homes. As such, the City of Antioch is proposing to amend the zoning ordinance regulating family day care homes to comply with SB 234. This change does not affect the city's ability to regulate commercial day care centers at a commercial property, such as KinderCare, which require approval of a use permit prior to operation.

## Planning Application Automatic Withdrawal

The City of Antioch is also proposing to amend the zoning ordinance to regulate the withdrawal of planning applications and actions. Currently, the zoning code does not regulate the amount of time an applicant has to resubmit additional materials to the City after receiving a notice of incomplete application. Staff sends these notices to applicants if their submitted documents and plans do not meet the application submittal requirements. Staff has an obligation to process applications efficiently and make timely decisions. This is difficult for staff to accomplish when an application remains incomplete without a resubmittal for months or even years at a time. During this time, fees and
regulations affecting the applications may change and staff must balance project workloads. This affects workloads because staff cannot know when to expect the timing of a resubmittal that could come months later versus a submittal that with some certainty will be coming within 120 days.

The City of Antioch is proposing to require applicants to resubmit application materials within 120 calendar days following the date of a notice of incomplete application. In cases where unavoidable delays occur, an applicant may request an extension for up to 90 calendars days. If an applicant resubmits in a timely fashion and receives a second notice of incomplete application, the applicant will have another 120 calendar days to submit the requested information or request an extension. If a resubmittal is not received or an extension requested by the deadline, then the application shall be automatically deemed withdrawn. If the applicant would like the City to consider the project in the future, a new application and current application fee would be required.

The Planning Commission recently recommended approval of this standard in the Wireless Communications Facilities City Council Policy. The City Council subsequently adopted the Policy. The Policy shortens the resubmittal time frame to 90 days for wireless communications facilities due to the federal "shot clocks" that limit processing time. This ordinance update would not affect the timeframes in the Wireless Communications Facilities City Council Policy. Staff is recommending the 120-calendar day timeframe for other types of applications to account for large, complex projects that can require time intensive resubmittals. The 120 -calendar day timeframe should be ample time to resubmit application materials for the typical applicant that is diligently processing their application.

## ATTACHMENTS

A. Current Antioch Municipal Code Sections Regulating Family Day Care Homes<br>B. Resolution Regulating Family Day Care Homes<br>C. Resolution Regulating Planning Application Withdrawals

## ATTACHMENT "A"

## ATTACHMENT "A"

## § 9-5.203 DEFINITIONS. (Excerpted)

FAMILY DAY CARE HOME (SMALL). A home which provides family day care to eight or fewer children, inclusive on a less than 24 hour-a-day basis, including children under the age of 12 who reside in the home.

FAMILY DAY CARE HOME (LARGE). A home which provides family day care to nine to 14 children, inclusive, on a less than 24 hour-a-day basis, including children under the age of 12 who reside in the home.
§ 9-5.3803 TABLE OF LAND USE REGULATIONS. (Excerpted)


## § 9-5.3817 SMALL FAMILY DAY CARE.

The use of single-family residences as small family day care homes shall be considered a residential use of property. No business license fee or tax shall be imposed for the privilege of operating a small family day care home. Also, such use of a residence shall not constitute a change of occupancy for the purposes of the Uniform Building Code, however, small family day care homes shall contain a fire extinguisher or smoke detector device, or both, which meets standards established by the State Fire Marshal.
(Ord. 897-C-S, passed 10-25-94) Penalty, see § 9-5.2904

## § 9-5.3818 LARGE FAMILY DAY CARE.

(A) Large family day care homes shall be allowed in single-family residences located on residentially zoned lots provided an administrative use permit is first obtained from the Zoning Administrator before such use shall be authorized.
(B) The requirements for the issuance of an administrative use permit are as follows:
(1) The fees imposed for the permit shall not exceed the costs of the permit review process. The Director of Development Services is authorized to establish the fee, and amend it from time to time, to reflect such actual cost.
(2) Site factors to be considered shall include, but not be limited to, available play area, local traffic and street design, and impacts on surrounding land uses.
(3) No administrative use permit shall be issued if there is another approved large family day care home operating adjacent to the proposed site or if the granting of the
permit will result in a residence being bounded on more than one side by a large family day care facility.
(4) If the operator is to have more than one employee or care provider other than himself or herself, off-street parking shall be provided for each such additional employee or provider.
(5) Garages shall be prohibited for use as a family day care area.
(6) The Zoning Administrator shall determine that the layout of the site, particularly the location of the outdoor play areas, minimize any noise impact on surrounding residences. In addition, the playing of any radio, stereo, cassette deck, phonograph, or other musical device or instrument in a loud or disturbing manner shall be prohibited. Upon the receipt of complaints regarding noise from neighbors, the Zoning Administrator shall have the authority to begin revocation proceedings as specified in this chapter for use permits, or the Zoning Administrator may impose reasonable requirements for sound attenuation, such as the construction of sound-buffering walls or fences.
(7) There shall be no sign or other exterior evidence identifying the day care operation.
(a) Upon the Zoning Administrator determining that the applicant meets the standards set forth above he or she shall issue the administrative use permit without a hearing or notice.
(b) Large family day care homes shall be subject to state laws and to the regulations adopted by the State Fire Marshal but shall not be subject to the requirements of the California Environmental Quality Act. The use of a single-family home for a large family day care home shall not constitute a change of occupancy for the purposes of local Uniform Building Codes, except to the extent of any additional standards designed to promote the fire and life safety of children adopted by the State Fire Marshal.
(c) Nothing in this section shall be deemed to preclude the city from abating a public nuisance.
(d) This section shall apply to large family day care homes which have not been issued a license from the state on or before April 10, 1986.
(Ord. 897-C-S, passed 10-25-94) Penalty, see § 9-5.2904

## § 9-5.3832 CHURCHES, PRESCHOOLS, PRIVATE ELEMENTARY, MIDDLE AND HIGH SCHOOLS, AND DAY CARE CENTERS IN RESIDENTIALLY ZONED DISTRICTS.

(A) Location.
(1) Required use permits for churches, preschools. Private elementary schools, private middle and high schools, and day care centers may be approved only if the proposed facility is:
(a) Located on an arterial or collector street where single family homes are not fronting the street; and
(b) At the periphery of neighborhoods where traffic through the residential neighborhood can be minimized and adequate buffers between the use and the neighborhood can be maintained.
(c) Use permits may be issued for churches notwithstanding divisions (b) and (c) if conditions are imposed to mitigate potential impacts.
(2) Subject to required administrative use permits, large family day care homes and permitted small family day care homes may be located within residential zones, as outlined in § 9-5.3803.
(B) Buffering. All churches, preschools, private elementary schools, private middle and high schools, and day care centers shall be provided with an adequate buffer along any common boundaries with residential uses, and shall be subject to a use permit.
(C) Lighting. All exterior lighting shall be reflected away from public thoroughfares and adjacent residential properties.
(D) Public schools are regulated by the state, and are therefore exempt from the preceding requirements. Public schools do, however, need to be consistent with the city's General Plan.
(Ord. 1064-C-S, passed 12-13-05)

ATTACHMENT "B"

## RESOLUTION NO. 2019-**

## RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING ZONING REGULATIONS FOR FAMILY DAY CARE HOMES

WHEREAS, the Planning Commission of the City of Antioch did receive an application from the City of Antioch requesting text amendments to chapter 5 of title 9 of the Antioch Municipal Code regulating family day care homes in order to comply with Senate Bill 234 (SB 234) (Skinner, Chapter 244);

WHEREAS, pursuant to California Environmental Quality Act ("CEQA") Guidelines § 15378 and California Public Resources Code § 21065, this Ordinance is not a "project" because its adoption is not an activity that has the potential for a direct physical change or reasonably foreseeable indirect physical change in the environment. Accordingly, this Ordinance is not subject to CEQA. Even if this Ordinance qualified as a "project" subject to CEQA, pursuant to CEQA Guidelines § 15061 (b)(3), (the so called "common sense exemption") there is no possibility that this project will have a significant impact on the physical environment. This Ordinance merely amends the Antioch Municipal Code and does not directly or indirectly authorize or approve any actual changes in the physical environment;

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

WHEREAS, on November 20, 2019, 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 family day care homes.

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 $20^{\text {th }}$ day of November, 2019, by the following vote:

## AYES:

NOES:
ABSENT:
ABSTAIN:

## EXHIBIT 1

## ORDINANCE NO.

# AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH AMENDING SECTIONS 5.203, 5.3817, AND 5.3832, AMENDING TABLE 5.3803, AND REPEALING SECTION 5.3818 OF TITLE 9 OF THE ANTIOCH MUNICIPAL CODE RELATING TO SMALL AND LARGE FAMILY DAY CARE HOMES 

WHEREAS, on September 5, 2019, Governor Newsom signed Senate Bill 234 ("SB 234") (Skinner, Chapter 244) into law, amending the Health and Safety Code relating to family day care homes, including requiring all local ordinances to treat family day care homes as a residential use of property;

WHEREAS, pursuant to Health and Safety Code section 1597.45(a), a small or large family day care home shall be considered a residential use of property for all City ordinances, including zoning ordinances;

WHEREAS, pursuant to Health and Safety Code section 1597.45(b), the City cannot impose a business license, fee, or tax on a small or large family day care home;

WHEREAS, the use of a home as a small or large family day care home does not constitute a change of occupancy for purposes of the State Housing Law or local building codes;

WHEREAS, this Ordinance would conform the Antioch Municipal Code to SB 234, which takes effect on January 1, 2020;

WHEREAS, Health and Safety Code section 1596.78 defines a "large family daycare home" to mean a "facility that provides care, protection, and supervision for 7 to 14 children..." and a "small family daycare home" to mean a "facility that provides care, protection, and supervision for eight or fewer children...";

WHEREAS, Health and Safety Code section 1596.78 is ambiguous as to whether day care homes with 7 or 8 children should be classified as a small or large family day care home;

WHEREAS, the City wishes to clarify this confusion by defining a "large family day care home" to apply to facilities with 9 to 14 children;

WHEREAS, the Planning Commission conducted a duly noticed public hearing on November 20, 2019 at which time a resolution was approved to initiate and recommend to the City Council that this ordinance be adopted; and

WHEREAS, the City Council held a duly noticed public hearing [insert date] at which time all interested persons were allowed to address the City Council regarding adoption of this ordinance.

NOW, THEREFORE, the City Council of the City of Antioch, California, does hereby ordain as follows:

SECTION 1. Recitals. The above recitals are incorporated by reference as though set forth in this section.

SECTION 2. Section 5.203 of Title 9 of the Antioch Municipal Code is hereby amended, in part, to revise the following definitions to read as follows:

FAMILY DAY CARE HOME (LARGE). A dwelling which provides licensed care, protection and supervision for 9 to 14 children, including children under the age of 10 who reside at the home, for periods of less than 24 hours per day.

FAMILY DAY CARE HOME (SMALL). A dwelling which provides licensed care, protection and supervision for eight or fewer children, including children under the age of 10 who reside at the home, for periods of less than 24 hours per day.

SECTION 3. Table 5.3803 of Title 9 of the Antioch Municipal Code is hereby amended, in part, to read as follows:


SECTION 4. Section 9-5.3817 of Title 9 of the Antioch Municipal Code is hereby amended to read as follows:

## § 9-5.3817 SMALL AND LARGE FAMILY DAY CARE HOMES.

The use of a dwelling as a small or large family day care home shall be considered a residential use of property. No business license fee or tax shall be imposed by the City for the privilege of operating a small family or large family day care home. Also, such use of a residence shall not constitute a change of occupancy for the purposes of the State Housing Law and the Uniform Building Code.

Small and large family day care homes shall comply with all building code standards, standards established by the State Fire Marshal, and state licensing requirements.

SECTION 5. Section 5.3818 of Title 9 of the Antioch Municipal Code is hereby repealed.

SECTION 6. Section 5.3832 of Title 9 of the Antioch Municipal Code is hereby amended to read as follows:

## § 9-5.3832 CHURCHES, PRESCHOOLS, PRIVATE ELEMENTARY, MIDDLE AND HIGH SCHOOLS, AND DAY CARE CENTERS IN RESIDENTIALLY ZONED DISTRICTS.

(A) Location.
(1) Required use permits for churches, preschools. Private elementary schools, private middle and high schools, and day care centers may be approved only if the proposed facility is:
(a) Located on an arterial or collector street where single family homes are not fronting the street; and
(b) At the periphery of neighborhoods where traffic through the residential neighborhood can be minimized and adequate buffers between the use and the neighborhood can be maintained.
(c) Use permits may be issued for churches notwithstanding divisions (b) and (c) if conditions are imposed to mitigate potential impacts.
(2) Small and large family day care homes may be located within residential zones, as outlined in § 9-5.3803.
(B) Buffering. All churches, preschools, private elementary schools, private middle and high schools, and day care centers shall be provided with an
adequate buffer along any common boundaries with residential uses, and shall be subject to a use permit.
(C) Lighting. All exterior lighting shall be reflected away from public thoroughfares and adjacent residential properties.
(D) Public schools are regulated by the state, and are therefore exempt from the preceding requirements. Public schools do, however, need to be consistent with the city's General Plan.

SECTION 7. CEQA. Pursuant to pursuant to Health and Safety Code section 1597.45 (d), small or large family day care homes are not subject to the California Environmental Quality Act.

Pursuant to the California Environmental Quality Act ("CEQA") Guidelines § 15378 and California Public Resources Code § 21065, the City Council finds that this Ordinance is not a "project" because its adoption is not an activity that has the potential for a direct physical change or reasonably foreseeable indirect physical change in the environment. Accordingly, this Ordinance is not subject to CEQA.

Even if this Ordinance qualified as a "project" subject to CEQA, the City Council finds that, pursuant to CEQA Guidelines § 15061(b)(3), (the so called "common sense exemption") there is no possibility that this project will have a significant impact on the physical environment. The withdrawal of planning applications does not directly or indirectly authorize or approve any actual changes in the physical environment.

SECTION 8. Conflicts with Prior Ordinances. If the provisions in this Ordinance conflict in whole or in part with any other City regulation or ordinance adopted prior to the effective date of this section, the provisions in this Ordinance will control.

SECTION 9. 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.

SECTION 10. Publication; Effective Date. This Ordinance shall take effect and be enforced within 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.

I, Arne Simonsen, City Clerk of the City of Antioch, 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 [ ] 2019 and passed and adopted at a regular meeting thereof held on the [__] day of [__], 2019, by the following vote:

## AYES:

## NOES:

## ABSENT:

## ABSTAIN:

## Sean Wright, Mayor

## ATTEST:

## Arne Simonsen, City Clerk

ATTACHMENT "C"

RESOLUTION NO. 2019-**

## RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE <br> AMENDING CHAPTER 5 OF TITLE 9 OF THE ANTIOCH MUNICIPAL CODE TO REGULATE PLANNING APPLICATION WITHDRAWALS

WHEREAS, the Planning Commission of the City of Antioch did receive an application from the City of Antioch requesting an amendment to chapter 5 of title 9 of the Antioch Municipal Code to regulate planning application withdrawals;

WHEREAS, pursuant to California Environmental Quality Act ("CEQA") Guidelines § 15378 and California Public Resources Code § 21065, this Ordinance is not a "project" because its adoption is not an activity that has the potential for a direct physical change or reasonably foreseeable indirect physical change in the environment. Accordingly, this Ordinance is not subject to CEQA. Even if this Ordinance qualified as a "project" subject to CEQA, pursuant to CEQA Guidelines § 15061(b)(3), (the so called "common sense exemption") there is no possibility that this project will have a significant impact on the physical environment. This Ordinance merely amends the Antioch Municipal Code and does not directly or indirectly authorize or approve any actual changes in the physical environment;

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

WHEREAS, on November 20, 2019, 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 chapter 5 of title 9 of the Antioch Municipal Code to regulate planning application withdrawals.

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 $20^{\text {th }}$ day of November, 2019, by the following vote:

## AYES:

NOES:
ABSENT:
ABSTAIN:

## EXHIBIT 1

## ORDINANCE NO.

## AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH ADDING SECTION 5.3847 TO TITLE 9 OF THE ANTIOCH MUNICIPAL CODE RELATING TO AUTOMATIC WITHDRAW ALS OF PLANNING APPLICATIONS AND ACTIONS


#### Abstract

WHEREAS, the City of Antioch ("City") regularly receives incomplete applications for planning approvals;

WHEREAS, the City Council wishes to impose a deadline that would cause incomplete planning applications to be deemed withdrawn without prejudicing the applicant's ability to file a new application;


WHEREAS, applying such a deadline to incomplete applications would promote efficient review and timely decisions, and would mitigate unreasonable delays caused by chronically incomplete applications;

WHEREAS, the Planning Commission conducted a duly noticed public hearing on November 20, 2019 at which time a resolution was approved to initiate and recommend to the City Council that this Ordinance be adopted; and

WHEREAS, the City Council held a duly noticed public hearing on [insert date] at which time all interested persons had an opportunity to address the City Council concerning the adoption of this Ordinance.

NOW, THEREFORE, the City Council of the City of Antioch, California, does hereby ordain as follows:

SECTION 1. Recitals. The above recitals are incorporated by reference as though set forth in this section.

SECTION 2. Amendment. Section 5.3847 is hereby added to Title 9 of the Antioch Municipal Code to read in full as set forth below:
§ 9-5.3847 WITHDRAWALS OF PLANNING APPLICATIONS AND ACTIONS.
All planning applications and actions shall be automatically deemed withdrawn, without any further action by the Community Development Department, when the applicant fails to tender a substantive response to the Community Development Department within 120 calendar days following the date of the written notice of an incomplete application. The Zoning Administrator, may in the Zoning Administrator's discretion, grant a written extension for up to an additional 90 calendar days when the applicant submits a written request prior to the 120th day that shows good cause to grant the extension. Delays due to circumstances
outside the applicant's reasonable control will be considered good cause to grant the extension.

When an application is deemed withdrawn, or has been withdrawn by the applicant, the Zoning Administrator shall return the entire application package to the applicant, including accompanying information and any portion of the filing fee not used in processing up to the point of withdrawal. The return application shall also be accompanied by a letter explaining the requirements for refiling. A withdrawn application may be refiled at any time, provided the withdrawn applicant submits a new application and associated application fees.

SECTION 3. CEQA. Pursuant to the California Environmental Quality Act ("CEQA") Guidelines § 15378 and California Public Resources Code § 21065, the City Council finds that this Ordinance is not a "project" because its adoption is not an activity that has the potential for a direct physical change or reasonably foreseeable indirect physical change in the environment. Accordingly, this Ordinance is not subject to CEQA.

Even if this Ordinance qualified as a "project" subject to CEQA, the City Council finds that, pursuant to CEQA Guidelines § 15061(b)(3), (the so called "common sense exemption") there is no possibility that this project will have a significant impact on the physical environment. The withdrawal of planning applications does not directly or indirectly authorize or approve any actual changes in the physical environment.

SECTION 4. 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.

SECTION 5. Publication; Effective Date. This Ordinance shall take effect and be enforced within 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.

I, Arne Simonsen, City Clerk of the City of Antioch, 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 [ $\qquad$ ] 2019 and passed and adopted at a regular meeting thereof held on the [ ] day of $\qquad$ ], 2019, by the following vote:

## AYES:

## NOES:

## ABSENT:

ABSTAIN:

## Sean Wright, Mayor

## ATTEST:

## Arne Simonsen, CMC, City Clerk

## STAFF REPORT TO THE PLANNING COMIMISSION

FOR CONSIDERATION AT THE MEETING OF NOVEMBER 20, 2019


Date: November 12, 2019

## Subject: Quail Cove Design Review

## RECOMMENDATION

It is recommended that the Planning Commission approve AR-19-13, subject to the conditions in the attached resolution.

## REQUEST

The applicant, Albert D. Seeno Construction, requests Design Review approval of architecture for the Quail Cove subdivision.

## ENVIRONMENTAL

Pursuant to the California Environmental Quality Act (CEQA) and City implementing procedures, this project has been deemed to be consistent with CEQA Article 12, Section 15182 (a), Residential Projects Pursuant to a Specific Plan, and an additional environmental document is not required per CEQA Article 11, Section 15162.

## BACKGROUND

The Quail Cove residential development contains 30 lots and is located on Prewett Ranch Drive to the west of its termination at Heidorn Ranch Road. The project contains just one phase and was approved by the City Council on October 23, 2018. The applicant now requests approval of the architectural and landscape designs for the project. With Design Review approval, the applicant could pursue building permits and construct the project.

## ANALYSIS

## Issue \#1: Project Overview

The Monterra development contains 30 residential lots and a detention basin on 5.59 acres. The lots range in size from 4,007 square feet to 12,931 square feet on 145 acres. The project is designed in a dog-bone layout with dual cul-de-sacs.

## Issue \#2: Architecture

The applicant is proposing four home plans ranging in size from 1,620 square feet to 3,417 square feet of living area, including one one-story plan and three two-story plans. The plans have been distributed throughout the site as described on the Master Plotting Plan. Each plan includes three variations in architectural style, including Spanish, Cottage, and Traditional. The entire architectural booklet is attached and available at: https://www.antiochca.gov/fc/community-development/planning/Project-Pipeline.pdf

The proposed designs are generally consistent with the Citywide Design Guidelines and with past conditions of approval applicable to this project. Some notable design elements include:

- The plans include faux stone veneer on most elevations. In cases where the veneer extends to the outside corner of a house, it is wrapped rearward to the intersection with the fence, rather than stopping abruptly at the corner. This results in an improved and more authentic appearance.
- The previous conditions of approval required a 5'x10' storage area for trash containers. The applicant has met this requirement by providing these storage areas adjacent to the garage. The minimum side setback is otherwise 4', which would have prohibited the convenient storage of trash containers, leading to them being kept in the garage and displacing cars or in front of the fence and visible to the public.
- Another condition of approval required that each architectural style include a variation that uses a material besides stucco on at least $75 \%$ of the front elevation. The applicant has met this requirement by using horizontal and board-and-batten style cement fiber siding. As a result, the houses have more character and variation.
- The applicant has intentionally sited the one-story plans on the outside corners of the subdivision. This eliminates the view of the broad unadorned side of a twostory house, which typically lacks the architectural interest. In addition, the onestory units are designed to have modulation across this exposed side to break up the mass and create a recess.
- The applicant proposes a series of building materials and colors and each plan style and variation including a brick or stone detail and concrete tile roofs.
- All garage doors include windows as a standard.
- The proposal includes a monument sign wall adjacent to the detention basin that will identify the neighborhood and screen the basin.
- The basin will be surrounded by square tube-style steel fencing painted black. The residential fencing will be typical 5' redwood fencing with a 12" lattice panel, for a total height of 6'. No residential fences will face public streets.
- The applicant has provided detailed landscape plans that conform to the City's Water Efficient Landscape Ordinance (WELO). These plans include one Raywood Ash in each front yard and Chinese Pistache trees at the entry approach. Typical landscape plans have been provided for the project.

In summary, the proposed plans generally conform to the Citywide Design Guidelines and are consistent with or superior to architectural designs of similar neighborhoods in the area. As such, staff recommends adoption of the resolution approving Design Review for this project.

## ATTACHMENTS

## A: Resolution

B: Design Plans

## ATTACHMENT "A"

## RESOLUTION NO. 2019-**

## RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH APPROVING THE DESIGN REVIEW OF THE QUAIL COVE SUBDIVISION

WHEREAS, the City received a request from Albert D. Seeno Construction for Design Review approval of the Quail Cove subdivision (AR-19-13), for the development of 30 single-family homes and landscaping generally located on Prewett Ranch Drive, near the termination with Heidorn Ranch Road (multiple APNs); and,

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and City implementing procedures, this project has been deemed to be consistent with CEQA Article 12, Section 15182 (a), Residential Projects Pursuant to a Specific Plan, and an additional environmental document is not required per CEQA Article 11, Section 15162; and,

WHEREAS, the Planning Commission on November 20, 2019, duly held a hearing, received and considered evidence, both oral and documentary; and,

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Antioch does hereby APPROVE the design review of the Quail Cove subdivision, consisting of 30 single-family homes and landscaping generally located on Prewett Ranch Drive, near the termination with Heidorn Ranch Road (multiple APNs), subject to the following conditions:

## A. GENERAL CONDITIONS

1. The applicant shall defend, indemnify, and hold harmless the City in any action brought by a third party to challenge the land use entitlement. In addition, if there is any referendum or other election action to contest or overturn these approvals, the applicant shall either withdraw the application or pay all City costs for such an election.
2. The project shall be implemented as indicated on the application form and accompanying materials dated September 12, 2019, provided to the City and in compliance with the Antioch Municipal Code, or as amended by the Planning Commission.
3. No building permit will be issued unless the plan conforms to the site plan as approved by the Planning Commission and the standards of the City.

Page 2
4. This approval expires two years from the date of approval (expires November 20, 2021), unless a building permit has been issued and construction has diligently commenced thereon and has not expired, or an extension has been approved by the Zoning Administrator. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than one oneyear extension shall be granted by the Zoning Administrator. Subsequent extensions require Planning Commission approval.
5. City staff shall inspect the site for compliance with conditions prior to final inspection approval.
6. No permits or approvals, whether discretionary or mandatory, shall be considered if the applicant is not current on fees, reimbursement payments, and any other payments that are due.

## B. CONSTRUCTION CONDITIONS

1. The use of construction equipment shall be restricted to weekdays between the hours of 8:00 a.m. and 5:00 p.m., or as approved in writing by the City Manager. Requests for alternative days/time may be submitted in writing to the City Engineer for consideration.
2. The project shall be in compliance with and supply all the necessary documentation for AMC 6-3.2: Construction and Demolition Debris Recycling.
3. Building permits shall be secured for all proposed construction associated with this facility, including any interior improvements not expressly evident on the plans submitted.

## C. FIRE REQUIREMENTS

1. All requirements of the Contra Costa County Fire Protection District shall be met.
D. FEES
2. The applicant shall pay all fees as required by the City Council.

## E. PROPERTY MAINTENANCE

1. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.
2. No signs shall be installed on this site or elsewhere in the City of Antioch without prior City approval.

RESOLUTION NO. 2019-**
November 20, 2019
Page 3
3. All chipped, broken and/or cracked curb, gutter, sidewalk and driveway approaches, whether existing or generated during construction, shall be repaired by applicant and approved by the City Engineer.

## F. LANDSCAPING

1. Landscaping shall show immediate results and be permanently maintained.

## G. PROJECT SPECIFIC CONDITIONS

1. This design review approval applies to the construction of 30 single-family homes, landscaping, fencing, and other associated improvements as depicted on the plans submitted to the City of Antioch on September 12, 2019.
2. All conditions of the subdivision and planned development (PD-15-02) shall be complied with.
3. All street trees shall be planted no closer than 10 feet from the sidewalk and outside the clear vision zone.
4. The location and number of any additional gang mailboxes shall be reviewed and approved by the Engineering Division and the United States Post Office
5. Houses shall be sited according to the approved Master Plotting Plan. Any exception shall be submitted for approval by the Community Development Director.
6. The houses shall feature rain gutters and downspouts, with the downspouts and runoff of water adjacent to the foundations being collected into an underground conduit and discharged as approved by the City Engineer. The design and location of these gutters and downspouts shall be complementary to the house that they are installed upon, as approved by staff.
7. Windows on all elevations shall be articulated with built out trim and sills, as required for the design, that are compatible with the architectural style of the building.

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 20th day of November, 2019, by the following vote:

## AYES:

NOES:
ABSENT:
ABSTAIN:

ATTACHMENT "B"







Roof Plan 'B'

(

|  |
| :---: |
|  |  |


B12


B14


Rear









|  | Site Plan - Elevation C <br> Plan 4 <br> Site Plan <br> QUAIL COVE <br> D D ISCOVERY <br> $\xrightarrow[\mathbf{G}_{\text {roup }}]{\mathbf{D}_{\text {esign }}}$ West Coast Home Builders, Inc D A T E 09/12/19 |
| :---: | :---: |



Floor Plan - Elevation B Plan 4
Second Floor Plan -
West Coast Home Builders, Inc.
D A T E 09/12/19




| SCHEME | VILLA TILE | BODY 1 | BODY 2 | TRIM | ACCENT | BRICK |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| SCHEME 1 "SPANISH" |  | KMW28-1 CLAM | KM57843 CREEK BAY | KM5792-3STACKED STONE | KM4582 BEAVER BELT |  |
| SCHEME 2 <br> "SPANISH" |  | KMW10-1 POGP SANDS |  | KM5777 CANNERY PARK | KM4897-5 YIN MIST |  |
| SCHEME 3 "SPANISH" |  | KM46342 COMMUNTIT | ${ }^{\text {KM4630-3 HowLING COYOTE }}$ | KM46 ACOUSTIC WHite | KMA66-5 PINYON PINE | MOROCCAN SAND |
| SCHEME 4 <br> "SPANISH" |  | KM5710 SUNDAY DRIVE | 232 ToscANA | KM5706 BONNIE'S BENCH | KM4812 JUNGLE Cover |  |



[^0]B30
SUBDIVISION: QUAIL COVE

| SCHEME | FLAT TILE | BODY 1 | BODY 2 | TRIM | ACCENT | STONE |
| :---: | :---: | :---: | :---: | :---: | :---: | :---: |
| $\begin{aligned} & \text { SCHEME } 7 \\ & \text { "COTTAGE" } \end{aligned}$ |  | KM4566-3 CTYY LoFT | KM4559-3 MINK | KMSEOOS SAUSEATOROROEEE | KMA66-5 SANTANA SOUL |  |
| SCHEME 8 <br> "COTTAGE" | 1 1FBCF 1430 Charcoall bleno | KM4908-1 BASHFUL EMU | KMA896-3 STONE HEART | kM49 ANTIQUE WHITE | KMA82-5LAMP POST |  |


SUBDIVISION 7938
LANDSCAPE CONSTRUCTION DOCUMENTS
DISCOVERY BUILDERS, INC.




| $\begin{array}{r} \text { w } \\ 0 \\ 0 \\ 0 \\ 0 \\ 0 \\ 0 \\ 3 \\ 3 \\ 4 \\ 3 \end{array}$ | 号 | 3 |
| :---: | :---: | :---: |
| $\stackrel{\stackrel{\rightharpoonup}{*}}{\omega}$ | $\begin{aligned} & \times \underset{\sim}{o} \\ & \stackrel{\sim}{\sim} \end{aligned}$ |  |
| $\begin{aligned} & \text { 唇\| } \\ & \sum_{0}^{2} \\ & \sum_{0}^{0} \\ & \mid \end{aligned}$ |  |  |
|  |  |  |
|  |  |  |


| SITE LEGEND: |  |
| :---: | :---: |
| (1) | MAIL BOX CLUSTER: SALSBURY INDUSTRIES, CLASSIC MODEL16-DOOR CLUSTER MAILBOX ( 2 - 16 DOOR UNITS) SET AT BACK OF WALKWAY (TYPICAL OF 2 BOXES SET TOGETHER) COLOR: TAN (SEE DETAIL 1/L-1.2 |
| (2) | 6 FT. HEIGHT METAL PICKET SECURITY FENCE AT BIORETENSION BASIN ALONG RIGHT-OF-WAY (SEE DETAIL 4L-1.2). |
|  | 6 FT. HEIGHT WOOD FENCE WITH LATTICE TOP (SEE DETALL 2L-1.2). |
| (4) | maintenance access gate at bioretention basin (see detall 4l-1.2) |
|  | Low monument entry wall with signage (SEE detall 3/-12.) |

B34


B35


B36







B39




|  |  |
| :---: | :---: |



TYPICAL SUBDIVIIION INTERIOR FRONT YARD CONDITIONS




TYPICAL PARKWAY PLANTER AT FRONT YARD CONDITIONS ALONG PREWETT RANCH DRIVE
WATER EFFICIINT LANDSCAPE WORKSHEET- CORNER CONDITION Reference Evapotranspraraton EToi $\triangle 4$ 48






Etaf calculatons:

$\qquad$ 3
$\qquad$

B41




|  organic amendment, $2 / 3$ amended topsoil as noted above. <br> TREE PLANTING: The trees are to be planted as per detail on plan. Trees shall typically be located a minimum of 4 feet from curbs, walks, headers, buildings, overheads, and other trees within the project. backfill shall be the 'Pit Planting Mix' as noted above. All trees shall receive organic fertilizer 'Phyta boost' $7-1-2$ avail. from California Fertilizer Company Inc.(or equal) for 15 gallon trees: 1 cup, for 5 gallon trees and shrubs: $1 / 2$ cup. Thoroughly water trees immediately after planting. <br> ROOT BARRIERS: All trees planted within 5 ' of a paved surface shall receive a linear type root barrier $18^{\prime \prime}$ deep and $10^{\prime}$ long along adjacent paving edges, centered on the tree trunk. (See detail) <br> SHRUB PLANTING: The shrubs shall be spotted as per plan and the locations approved prior to the digging of the holes. Shrub backfill shall be the 'Pit Planting Mix' as noted in 'Backfill soil mixes'. All shrubs shall receive 'Phyta-Boost' $7-1-2$ organic fertilzer avail from California Fertiizer Company Inc.(or equal) at the following rates: For 5 gallon shrubs: $1 / 2$ cup for, 1 gallon shrubs:1/4 cup. avail from California Fertilizer Company Inc.(or equal) at the following rates: For 5 gallon shrubs: $1 / 2 \mathrm{cup}$ for Thoroughly water shrubs immediately after planting. Do not plant any plant within $2^{2} 0$ of any building wall. <br> MULCHING: Mulch all planting areas, having a slope less than $2: 1$ with a 3 inch minimum depth of recycled wood fiber, UV stabilized,dyed-colorfast black with a PH of no higher than 5.0. and free of noxious weeds and foreign materials. \#135 Black Chip from 'Re-User Inc.' or approved equal. <br> MAINTENANCE: The Contractor shall maintain the project for 90 days (or as requested by owner) following the approval to begin the maintenance period. During the entire maintenance period, watering, cultivating, weeding, mowing, repairttightening of stakes the maintenance period. During the entire maintenance period, watering, cultivating, weeding, mowing, repair/tightening of stakes and ties, restoration of basins, provision of supplemental water by hand in addition to irrigation system as necessary. No pre-emergence herbicides shall be applied- hand remove weeds. Only organic fertilizers shall be applied such as those specified all plant material is to be in a healthy, thriving condition. Integrated pest management practices shall be implemented. SUBSTITUTIONS: Requests for substitutions of plant varieties shall be made to the Landscape Architect within 15 days after signing of contract. GUARANTEE: All construction, trees and shrubs by the Landscape Contractor and/or his subcontractors shall be guaranteed for (1) one year after beginning of maintenance period. The contractor shall replace, at no expense to the Owner, any and all landscape materials that are in an unacceptable condition for time of use, and trees or shrubs that are dead or not in a vigorous, healthy materials that are in an unacceptable condition for time of use, and trees or shrubs that are dead or not in a vigorous, healthy growing condition; within two weeks of notification of such condition. Replacement shall be of the same kind and size as the originally specified item and shall be replaced as originally described on the drawings. The Contractor shall not be held liable for Contractor, his agents and employees. <br> CLEAN UP: At the end of each work day, at the inspection for substantial completion and before acceptance of project, clean paved areas that are dirtied or stained by construction operations, by sweeping or washing, and remove defacements and stains. Remove construction equipment, excess materials and tools. Haul from Owners property the debris resulting from construction, and dispose of legally. Remove remaining temporary protection at time of acceptance by Owner unless otherwise agreed. |
| :---: |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |




[^0]:    ROOFING: BORAL CONCRETE TILE OR EQUIVALENT
    STONE: BORAL CULTURED STONE/CULTURED BRICK EQUIVALENT
    PAINT: KELLY MOORE OR EQUIVALENT

