

**CITY OF ANTIOCH  
PLANNING COMMISSION**

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

**January 15, 2020  
Antioch Community Center**

Chair Turnage called the meeting to order at 6:30 P.M. on Wednesday, January 15, 2020 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, January 22, 2020.

**ROLL CALL**

Present: Commissioners Parsons, Motts, Soliz, Vice Chair Schneiderman and Chair Turnage  
Absent: Commissioner Martin  
Staff: Director of Community Development, Forrest Ebbs  
Planning Manager, Alexis Morris  
City Attorney, Thomas Lloyd Smith  
Minutes Clerk, Kitty Eiden

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

None.

**CONSENT CALENDAR**

1. Approval of Minutes: November 20, 2019

*On motion by Commissioner Soliz, seconded by Commissioner Motts, the Planning Commission members present unanimously approved the minutes of November 20, 2019, as presented. The motion carried the following vote:*

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

**NEW ITEM**

2. Legislative Update – An update of planning-related legislation, case law and regulations adopted during 2019.

Planning Manager Morris introduced agenda item #2.

Todd Leishman, Of Counsel, from Best Best & Krieger LLP, provided an update of planning-related legislation, case law, and regulations adopted during 2019.

In response to the Commission, Mr. Leishman and staff clarified the following:

Overview: Housing Legislation - Accessory Dwelling Units (ADU) - AB 881, AB 671, AB 587, AB 670

- A garage conversion is a converted ADU
- Portioned off bedrooms and a bathroom is a converted ADU
- A tool shed, pool house or gazebo conversion is a converted ADU
- New construction attached is the second category of ADUs
- New construction detached is the third category of ADUs
- A Junior ADU can be no larger than 500 sq. ft. and there is no size limit on any other converted ADU
- The City may impose size limits on attached and detached ADUs
- Laws took effect January 1, 2020 and primarily apply to new ADU applications and building permit submittals as of January 1, 2020
- There is some amnesty for ADUs that are not compliant
- In the past the City has received approximately 10 ADU applications per year
- Staff has recently received many inquiries regarding new ADU laws
- Two building permit submittals have been received since January 1, 2020 and staff expected many more
- The City may not apply any design or development standards to ADUs
- Only building codes can be applied
- ADUs are allowed on any lot that allows any residential use
- At the most, the City can require one parking space per ADU and no replacement parking if the garage is lost; however, if the ADU is within a half mile walking distance of a transit stop a parking space is not required
- The City should consider whether they want to add to the Building Code that the ADU needs to comply with the Health and Safety Code
- ADUs are allowed in front yards
- Lot size is not a consideration
- Lot coverage can be considered; however, it would not apply to building permit ADUs
- A separate law regulates HOAs and states that any CC&R that unreasonably restricts an ADU is void
- If a garage conversion ADU is built a replacement garage is subject to the normal permitting process
- A company who owns several rental units could pull building permits to convert the garages to additional units, turning single family properties into duplex properties
- A provision allows ADUs to use a bar sink as their sole sink
- Junior ADUs do not have to have their own bathroom facilities
- A conforming Ordinance will come to Planning Commission on February 5, 2020

- The City had 60-days to process ADUs
- Basements can be ADUs
- The AMBAG Regional Housing Needs Allocation Methodology Committee will discuss how ADUs will count toward the housing units each community is expected to build
- Every City that has a housing element has to report annually on each ADU
- Each ADU built as a rental will be required to pay the rental license tax
- ADU 750 feet or smaller are exempt from development impact fees
- ADU larger than 750 feet pay fees proportionate to the size of the ADU relative to the house
- A converted ADU on a single-family lot does not have to pay for direct utility connection and corresponding fees
- Connection fee had to be imposed relative to the relative square footages or the relative number of fixtures under the plumbing code
- A converted detached garage would be exempt from a direct utility connection
- If the City allowed new construction of an ADU on top of a garage they could potentially require a direct utility connection
- No known lawsuits have been filed regarding the new regulations for ADU
- The League of California Cities took a position of watch and oppose, and they will continue to advocate in Sacramento
- It is unknown if an ADU would increase property taxes
- The full impact fee could be charged if the ADU is equal in size to the main house

#### Restrictions on Local Control of Housing Developments - SB 330

- Laws took effect January 1, 2020
- Pre-app streamlining does not apply to any project that is not consistent with the General Plan/Zoning which were most of the large subdivisions currently in process
- Hearing limits include CEQA hearings/scoping sessions
- Development brought forward through a referendum would be subject to SB 330
- A citizen backed ballot initiative that converts residentially designated property to open space may be in conflict with SB 330
- A citizen backed initiative inside the Urban Limit Line occurring after 2018 may be impacted by SB 330
- CEQA applies
- Density could be reduced if it is increased elsewhere (No net loss/reduction)

#### Housing Omnibus Bill - AB 101

- Individual property owners will not be able to apply for grants, but funds will likely trickle down to County/Cities who would have the option of using them to incentivize/subsidize/study/draft plans for ADUs

Density Bonus - AB 1763

- Antioch had no major transit stops
- Quality transit has 15 minute or less headways and most of the schedule for BART in Antioch had 20-minute headways

Other Significant Housing Laws – AB 1255 / SB 6 / AB 1483, Tenant Protection Act - AB 1482, Surplus Land Act – AB 1486

(No questions asked)

What Didn't Pass in 2019 - SB 50, SB 5

- SB 50 – if it passes would apply to vacant lots, an uninhabitable structure or conversion of an existing structure in all single-family zones
- SB50 had to make it out of appropriations and approved on the floor by January 31, 2020 and if it does it will move on to the assembly where there will likely be more amendments
- If it does not get out of the senate it will likely return as another number

In response to Chair Motts, Mr. Leishman stated he would provide the City with a summary of the changes to CEQA.

Chair Turnage thanked Mr. Leishman for the presentation.

**ORAL COMMUNICATIONS**

Planning Manager Morris announced that Commissioner Zacharatos had resigned and the City would be recruiting for the vacancy. She reported that the construction of Council Chambers was expected to be completed in March. She stated that she had emailed information to the Commission regarding the League of California Cities Planning Conference with registration information.

In response to Commissioner Motts, Planning Manager Morris stated the Planning Commission Conference on February 1, 2020 and the League of California Cities Planning Conference in March would be come out of this fiscal year Planning Commission travel budget.

**WRITTEN COMMUNICATIONS**

None.

**COMMITTEE REPORTS**

Commissioner Motts reported that the TRANSPLAN meeting had been cancelled.

**ADJOURNMENT**

*On motion by Commissioner Soliz, seconded by Commissioner Parsons, the Planning Commission members present unanimously adjourned the meeting at 8:02 P.M. The motion carried the following vote:*

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

Respectfully submitted:  
KITTY EIDEN, Minutes Clerk