

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**February 5, 2020
Antioch Community Center**

Chair Turnage called the meeting to order at 6:32 P.M. on Wednesday, February 5, 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, February 13, 2020.

ROLL CALL

Present: Commissioners Parsons, Motts, Martin, Vice Chair Schneiderman and Chair Turnage
Absent: Commissioner Soliz (arrived at 6:38 P.M.)
Staff: Planning Manager, Alexis Morris
Associate Planner, Zoe Merideth
City Attorney, Thomas Lloyd Smith
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

- 1. Approval of Minutes: None**

NEW PUBLIC HEARING

- 2. Z-19-07 – ZONING ORDINANCE AMENDMENTS FOR ACCESSORY DWELLING UNIT REGULATIONS –** The City of Antioch requests to amend chapter 5 of title 9 of the Antioch Municipal Code. The proposed ordinance would impose new limits on local authority to regulate Accessory Dwelling Units in compliance with the provisions of Government Code sections 65852.2 and 65852.22 as amended by recently approved legislation that took effect on January 1, 2020. The amendment would apply city-wide. The amendment is not considered a project under the California Environmental Quality Act (CEQA), and is therefore, not subject to CEQA.

Associate Planner Merideth presented the staff report dated February 5, 2020 recommending the Planning Commission approve the resolution recommending that the City Council adopt the ordinance (Exhibit 1 to the resolution) repealing and replacing Section 9-5.3805 – Accessory Dwelling Units of the Zoning Ordinance to comply with new state laws relating to Accessory Dwelling Units.

In response to Commissioner Motts, Planning Manager Morris explained that the ordinance would go into effect 30-days from the date of its adoption by the City Council. Associate Planner Merideth clarified that existing ADUs that were legally created would not be subject to new setback requirements.

Chair Turnage opened the public hearing.

Joe Bosman read written comments provided to the Planning Commission regarding the Accessory Dwelling Unit Ordinance which included the following proposed text revisions:

- B (4) Add “or as determined by the Director of Community Development, regardless of State Law”
- C (5) (b) Regarding JADU’s, remove “entirely” since a 150 SF egress passageway may be added
- D (d) 3 Add to, the maximum height above grade is 16’ “for a new conversion only”
- D (d)(2)(b) What are the fees for a “ADU Permit Processing Fee”?
- G(1)(b) Regarding Impact Fees: My Existing primary dwelling unit is 500 SF. If my ADU is 850 SF, will my fees be 170 percent of normal?

Chair Turnage closed the public hearing.

In response to Commissioners, Planning Manager Morris explained that the City’s ADU fees would be a proportionate formula based on the square footage of the main unit. She noted the state did not address what would happen if the second unit was larger than the main unit. She further noted that that issue would be addressed when the fee package goes to the City Council. She explained that the City was waiting to hear from other agencies with regards to the amount of their fees. She stated that she did not believe the spirit of the legislation would be to charge more for the ADU if the square footage was larger than the primary unit. She noted they would have to find a way for the fees to be fair and equitable for all ADUs.

Chair Turnage suggested that language could be added that the ADU fees not exceed the primary residence fees.

Planning Manager Morris stated it was possible to add an exception in the event the second unit was larger than the main unit.

City Attorney Smith added that he liked the idea of proposing a cap; however, given that it was a new law, he would want research the issue. He noted that the Planning

Commission could add that recommendation with the following additional language, “provided that is legally permissible after due diligence on the request”.

Commissioner Soliz apologized for his tardiness this evening. He questioned if there would be any impact on Mello Roos fees.

Planning Manager Morris responded that she did not believe so because the fees were related to utility providers, development impact fees and building permit fees.

RESOLUTION NO. 2020-01

On motion by Chair Turnage, seconded by Commissioner Parsons, the Planning Commission approved the resolution recommending that the City Council adopt the ordinance (Exhibit 1 to the resolution) repealing and replacing Section 9-5.3805 – Accessory Dwelling Units of the Zoning Ordinance to comply with new state laws relating to Accessory Dwelling Units. With the following recommendation: “That provided it is legally permissible, Accessory Dwelling Unit (ADU) fees will not exceed that of the primary dwelling unit.”

The motion carried the following vote:

AYES:	<i>Schneiderman, Motts, Parsons, Martin, Soliz and Turnage</i>
NOES:	<i>None</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>None</i>

NEW ITEM

- 3. ZONING ADMINISTRATOR RESOLUTION** – Resolution designating a Zoning Administrator and an alternate Zoning Administrator.

Planning Manager Morris presented the staff report dated February 5, 2020 recommending the Planning Commission approve the attached resolution designating the Community Development Director or his or her designee as the Zoning Administrator.

In response to Commissioner Parsons, Planning Manager Morris stated it was common that the Director of Community Development serve as the Zoning Administrator.

Following discussion, the Planning Commission agreed that the designee should be familiar with what was being proposed and suggested Planning Manager Morris and another member of the Planning Department staff be designated as the Zoning Administrator, in his absence.

RESOLUTION NO. 2020-02

On motion by Commissioner Soliz, seconded by Commissioner Motts, the Planning Commission unanimously approved the attached resolution designating the Community Development Director adding onto the last clause,

- ***Provided it is A) Planning Manager Morris or B) Planning Department staff member***

The motion carried the following vote:

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

ORAL COMMUNICATIONS

Commissioner Motts reported on his attendance at the Sonoma Planning Conference.

Planning Manager Morris reminded the Commission that the League of California Cities Academy would be held March 4-6, 2020 in Sacramento and the deadline to register was February 11, 2020. She introduced new staff members, Associate Planner Jose Cortez and Community Development Technician Cristina Pfeffer.

WRITTEN COMMUNICATIONS

Commissioner Martin suggested if more than one Commissioner was planning on attending the Planning Conference they could commute together to save money on parking and mileage.

Chair Turnage, Commissioner Parsons and Commissioner Soliz stated that they would be unable to attend the Planning Conference. Commissioner Motts stated he would let Commissioner Martin know if he would be able to attend.

Commissioner Martin commented that anyone interested in going together could contact him and he would coordinate the trips.

In response to Commissioner Soliz, Commissioner Martin stated he would be happy to give an oral report to the Commission on the Planning Conference.

COMMITTEE REPORTS

Commissioner Motts reported that the TRANSPLAN meeting had not met.

ADJOURNMENT

On motion by Commissioner Soliz, seconded by Commissioner Parsons, the Planning Commission unanimously adjourned the meeting at 7:11 P.M. The motion carried the following vote:

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

Respectfully submitted:
KITTY EIDEN, Minutes Clerk