

**CITY OF ANTIOCH
PLANNING COMMISSION MINUTES**

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

**April 16, 2014
City Council Chambers**

CALL TO ORDER

Chair Hinojosa called the meeting to order at 6:33 p.m. on Wednesday, April 16, 2014, in the City Council Chambers. She stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on Thursday, April 24, 2014.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. Approval of Minutes: April 2, 2014

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

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

END OF CONSENT CALENDAR

NEW ITEM

- 2. PW-150-14 – The City of Antioch** is requesting a determination that the 2014-2019 Capital Improvement Program is consistent with the Antioch General Plan.

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

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

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

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

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

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

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

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

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

On motion by Commissioner Baatrup and seconded by Commissioner Pinto, the Planning Commission determined that the City of Antioch 2014-2019 Capital Improvement Program is consistent with the Antioch General Plan, noting comments provided.

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

NEW PUBLIC HEARINGS

- 3. UP-13-12 – Mission Hope Day Program** – Mission-Hope Day Program requests the approval of a use permit to operate an adult day care that provides services for developmentally disabled adults. The project site is located at 10 South Lake Drive (**APN 065-235-019**).

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

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

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

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

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

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

OPENED PUBLIC HEARING

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

Vice Chair Motts questioned applicant about the timing of people coming in. Applicant said that staff is available from 7:30 a.m. to 3:30 p.m., that there are staggered schedules, that drivers work eight hours while other staff works six hours and that some of the activities are offsite to movies, concerts, etc. She said that their Brentwood and

Hayward locations are in a semi-residential and commercial location while their Dublin location is a more commercial area.

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

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

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

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

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

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

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

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

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

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

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

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

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

CLOSED PUBLIC HEARING

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

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

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

Vice Chair Motts said that he has concerns that the public feels that there wasnq the opportunity to talk about issues beforehand, that he doesnq think there is an issue with safety for people in the area, that it seems like a large change in the use and wondered if a continuation is possible for the chance for residents to speak with the applicant. He said that he would like to get the other Commissioners feelings on that.

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

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

Commissioner Pinto questioned staff about a location on the map and the possibility of creating a separate entrance and exit. CDD Wehrmeister stated that area was private

property. Chair Hinojosa responded that based on the photographs, the parking lot for this building is only used by tenants of this building and there is no way for different access.

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

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

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

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

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

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

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

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

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

RECESS TAKEN

- 4. The City of Antioch** is proposing Zoning Ordinance and General Plan amendments to implement the 2007 . 2014 Housing Element Program. The Planning Commission will consider a recommendation to rezoning several parcels, new Multi-Family Residential Development Standards, updates to Parking and Density Bonus ordinances, and several other amendments related

to the implementation of the 2007-2014 Housing Element. In compliance with the California Environmental Quality Act, a Negative Declaration is being proposed for adoption.

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

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

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

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

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

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

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

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

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

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

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

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

OPENED PUBLIC HEARING

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

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

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

CLOSED PUBLIC HEARING

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

RESOLUTION NO. 2014-14

On motion by Commissioner Baatrup and seconded by Commissioner Pinto, the Planning Commission recommends that the City Council adopt the attached ordinances amending the Antioch General Plan and Zoning Ordinance (Exhibit 1) and the Zoning Map (Exhibit 2) to implement the General Plan Housing Element excluding Figure E (Antioch Lumber yard)¹.

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

Site 6 on table 1:

Vice Chair Motts recued himself.

CDD Wehrmeister provided background on the site.

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

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

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

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

OPENED PUBLIC HEARING

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

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

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

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

CLOSED PUBLIC HEARING

Chair Hinojosa asked staff if the Rivertown society had been consulted and if the City can currently meet its RHNA without this site. CDD Wehrmeister said that there was a discussion at one meeting with the new City Manager regarding this parcel, and that RHNA has been met.

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

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

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

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

RESOLUTION NO. 2014-15

On motion by Commissioner Baatrup and seconded by Commissioner Pinto, the Planning Commission recommends that the City Council remove Figure E (Antioch Lumber yard) from the attached ordinances amending the Antioch General Plan and Zoning Ordinance (Exhibit 1) and the Zoning Map (Exhibit 2) to implement the General Plan Housing Element.

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

Vice Chair Motts rejoined the group.

5. Election of Chair and Vice Chair:

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

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

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

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

ORAL COMMUNICATIONS

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

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

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

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

ADJOURNMENT

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

Respectfully Submitted,
Cheryl Hammers