

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**September 4, 2019
Antioch Community Center**

Vice Chair Schneiderman called the meeting to order at 6:30 P.M. on Wednesday, September 4, 2019 in the Antioch Community Center. She stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 P.M. on Wednesday, 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 P.M.

CONSENT CALENDAR

1. **Approval of Minutes: 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 5-year 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