

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**November 16, 2016
City Council Chambers**

Chair Motts called the meeting to order at 6:30 P.M. on Wednesday, November 16, 2016 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, November 23, 2016.

ROLL CALL

Present: Commissioners Parsons, Husary, Mason, Conley and
Chair Motts
Absent: Commissioner Hinojosa and Vice Chair Zacharatos
Staff: Senior Planner, Alexis Morris
Director of Community Development, Forrest Ebbs
Assistant City Engineer, Lynne Filson
City Attorney, Michael Vigilia
Assistant City Manager/Public Works Director/City Engineer, Ron
Bernal
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. **Approval of Minutes:**
 - A. May 4, 2016**
 - B. July 20, 2016**
 - C. August 17, 2016**
 - D. September 7, 2016**
 - E. October 19, 2016**

On motion by Commissioner Parsons, seconded by Commissioner Mason, the Planning Commission approved the minutes of July 20, 2016, as presented. The motion carried the following vote:

AYES: Parsons, Husary, Mason and Motts
NOES: None
ABSTAIN: Conley
ABSENT: Zacharatos, Hinojosa

On motion by Commissioner Parsons, seconded by Commissioner Husary, the Planning Commission approved the minutes of August 17, 2016, as presented. The motion carried the following vote:

AYES: Parsons, Husary, Mason and Conley
NOES: None
ABSTAIN: Motts
ABSENT: Zacharatos, Hinojosa

Due to the lack of members present to vote in the majority, the Minutes of May 4, 2016, September 7, 2016 and October 19, 2016 were continued to the next meeting.

NEW PUBLIC HEARING

- 2. Z-16-01 – Second Residential Units Ordinance Amendment** – The City of Antioch is proposing text amendments to Section 9-5.3805-Second Residential Units of the Zoning Ordinance to comply with new state laws relating to Accessory Dwelling Units, including, but not limited to, changes to definitions related to accessory dwelling units, increases in the maximum square footage allowed for accessory dwelling units, and reduction of some parking requirements. The proposed ordinance would be applicable city-wide. This project is exempt from the California Environmental Quality Act.

Senior Planner Morris presented the staff report dated November 10, 2016, recommending the Planning Commission approve the attached resolution recommending that the City Council adopt the ordinance (Exhibit 1 to the resolution) making text amendments to section 9-5.3905-*Second Residential Units* of the Zoning Ordinance to comply with new state laws relating to Accessory Dwelling Units.

In response to the Commission, Senior Planner Morris explained this action would not change how connection fees were calculated. She noted there was a process to apply for an administrative use permit to legalize non-permitted second units. She further noted under the new law a garage could be converted to a second unit on the condition that parking could be provided somewhere else on the lot. She stated living requirements needed to be provided and the unit needed to be brought up to code for the habitable space.

Director of Community Development Ebbs added the cities could no longer require covered parking for residential units.

Chair Motts opened and closed the public hearing with no members of the public requesting to speak.

Director of Community Development Ebbs stated that 70 sq. ft. per person was required for living space and it could not consist of areas utilized for kitchens, bathrooms or hallways.

Senior Planner Morris stated the City could not ask who was living in a unit other than specifying one of the units was required to be owner occupied.

Chair Motts spoke in support of the state law relating to Accessory Dwelling Units.

RESOLUTION NO. 2016-23

On motion by Commissioner Conley, seconded by Commissioner Parsons, the Planning Commission unanimously approved the attached resolution recommending that the City Council adopt the ordinance (Exhibit 1 to the resolution) making text amendments to section 9-5.3905-Second Residential Units of the Zoning Ordinance to comply with new state laws relating to Accessory Dwelling Units.

The motion carried the following vote:

AYES:	<i>Parsons, Husary, Mason, Conley and Motts</i>
NOES:	<i>None</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>Zacharatos and Hinojosa</i>

NEW ITEM

3. General Plan Land Use Element – Sand Creek Focus Area Update and Administrative Draft

Director of Community Development Ebbs gave a Power Point presentation and presented the staff report dated November 8, 2016, recommending the Planning Commission receive an update on the Sand Creek Focus Area portion of the General Plan Land Use Element and the Administrative Draft and provide direction to staff.

In response to Commissioner Conley, Director of Community Development Ebbs explained fire road access in the open space would be addressed in the project development stage.

In response to Commissioner Parsons, Director of Community Development Ebbs explained if land west of Empire Mine Road was acquired by the Parks District and they surrendered development rights, it would free up 169 units that could be reallocated.

In response to Chair Motts, Director of Community Development Ebbs explained cities do not generally use their power of land use authority to convert private property and take away development rights. He noted acquiring the area would improve the goal of the HCP to protect the habitat; however, the City allowing limited development of the site would not be inconsistent with an HCP. He noted funds generated through other participants in the HCP could be utilized to acquire the land and turn it into open space. He clarified if a developer submitted an application prior to an HCP being in place, there would be a full environmental review and if an HCP was in place, it would compare the impacts and the City would need to be consistent with the plan. He reported they were in the process of moving forward with the HCP with the conservancy and County; however, State and Federal agencies indicated their contribution would take approximately 2-3 years. He stated as an interim solution they had proposed allowing development to piggyback on the East Contra Costa HCP; however, their response was that they did not have time to consider that option. He stated the goal was to fund local acquisitions.

Director of Community Development Ebbs continued with the staff report by providing an overview of an example project.

Commissioner Mason requested units derived from the senior bonus be required to be additional senior units.

In response to Chair Motts, Director of Community Development Ebbs explained backing out open space and imposing a minimum lot size created a hybrid of gross and net density for the project area. He stated what was before the Commission was more conclusive and effective at achieving open space goals.

Director of Community Development Ebbs completed the presentation by providing the next steps in the process.

In response to Commissioner Conley, Director of Community Development Ebbs explained that the City collected a General Plan maintenance fee from all development specifically for the purpose of updating the General Plan.

Commissioner Parsons stated she supported Commissioner Mason's request that units derived from the senior bonus be required to be additional senior units.

Chair Motts opened the public hearing.

Erwin Mendoza, Antioch resident, speaking on behalf of Antioch residents and 77 citizens who signed a petition in opposition to The Ranch Project, stated they were opposed to the development due to increased crime rate, shortage of police staffing,

increased traffic congestion, and a shortage of schools. He stated the project also contradicted recommendations in the staff report pertaining to hillside development and increased the risk of soil erosion. He encouraged the Planning Commission to listen to the residents and resolve their concerns.

Chair Motts clarified the preliminary development plan for The Ranch project was considered at the last Planning Commission meeting.

Director of Community Development Ebbs added that The Ranch project was subject to a full project review and would provide the public with an opportunity to speak when they submit a formal application.

Jenny Tsagris, Antioch resident, spoke in opposition to The Ranch project noting the take away of open space would negatively affect property values of existing homes. She expressed concern for noise impacts and suggested an open space buffer between the project and existing development.

Evan Gorman, Antioch resident, questioned why the General Plan designated 4000 units for the Sand Creek Focus Area and why multifamily density was decreased. He stated he appreciated the discussion on open space.

Karen Whitestone, California Native Plant Society, stated she appreciated the discussion this evening related to open space and considerations for future environmental analysis and the HCP. She offered their resources and data basis for analysis. She stated this area overlapped with botanical priority protection area and it would be very important to provide a corridor between the hilltops for the projection of species. She noted preservation of the open space over urban park development was preferred. She further noted locally rare plants offered unique characterizations and incorporating them into local development would be a great opportunity. She offered to work directly with the Planning Commission and provide resources for their consideration.

Chair Motts encouraged Ms. Whitestone to contact members of the Planning Commission.

In response to Chair Motts, Ms. Whitestone stated there were some areas on the botanical priority protection area map that show sandy/alkaline soils indicative of unique species. She recommended the Planning Commission focus on those areas.

Juan Pablo Galvan, Save Mt Diablo, stated he appreciated the Commission's input and staff's work on the General Plan update. He discussed the HCP and the highest acquisition priority areas impact on future development of the area west of Empire Mine Road. He stated the current Administrative Draft did not indicate how the creek setback was determined and suggested increasing the creek buffer to 200 feet on either side. He noted the plan also lacked the hillside transfer policy. He encouraged the City to match the southwest open space corridor to the current designated highest acquisition

priority lands in the East Contra Costa HCP. He provided land use maps that show exact lines of the corridors. He stated the land west of Empire Mine Road was the most diverse and biologically sensitive. He suggested that it could serve as a natural buffer of the highest acquisition priority lands designated by the HCP.

Joel de Valcourt, Greenbelt Alliance, stated he appreciated staff providing information on the Sand Creek Focus Area. He expressed concern regarding how the plan compared with the General Plan and suggested alternative scenarios and the HCP process be incorporated. He questioned how the removal of acreage dedicated for employment uses would affect the City's jobs/housing ratios. He expressed concern that the administrative draft removed all language related to public transportation and transit oriented development densities, which may result in CEQA issues. He suggested the City reach out to residents south of Lone Tree Way to receive their input.

Greg Souza, Antioch resident, suggested a minimum of a 300 foot buffer along Sand Creek and preserving 75% of the tops of the hills. He stated the 4000 maximum unit count should be reduced with the removal of Kaiser, PG&E and Contra Costa property.

Wendi Aghily, Antioch resident, in response to a previous speaker explained The Ranch project had not provided a buffer between their project and the existing development. She stated the 30% open space included the Sand Creek buffer which was required. She reminded the Planning Commission that they were appointed and asked the Commission when they would be considering what the local residents wanted. She requested the Planning Commission suspend their decision and allow the new Mayor the opportunity to provide input.

Gil Murillo, Antioch resident, stated there would be approximately 8000 housing starts approved in the region, which would add to the freeway congestion. He discussed the importance of seeking input from the community and outside agencies to obtain information. He expressed concern with the removal of job generation area and suggested postponing the decision until the new Council is seated and public outreach was conducted.

Director of Community Development Ebbs thanked Juan Pablo Galvan for providing details on the HCP. In regards to development west of Empire Mine Road, he noted it was not the role of staff to determine if it was feasible. He agreed that any development on the parcel would be difficult and challenged; however, current policy assigned some level of development in the area. He stated it was premature to predict the demise of a project that may exist and set policy based on that. He stated the General Plan called for 280 acres of employee producing uses; however, the City Council made a policy shift and elected to convert 108 acres of Business Park to housing, which resulted in this plan being short 35 acres. He reported there had been interest from job producers in the Wilbur Avenue and 18th Street areas and the City was committed to finding strategic ways to bring jobs into the City.

Chair Motts closed the public hearing.

In response to Commissioner Parsons, Director of Community Development Ebbs explained there was no legal deadline to complete this process; however, it was Council's direction to proceed with it.

Commissioner Parsons suggested postponing this item until the new City Council was seated.

City Attorney Vigilia stated it was up to the Commission on how they would like to proceed; however, they were not bound by the preliminary results of the election.

Commissioner Parsons stated she felt the residents should be heard and there needed to be more discussion.

Chair Motts agreed with Commissioner Parsons noting change of the City Council would be occurring soon. He spoke in support of more formal public outreach efforts with the stakeholders. Additionally, he noted the discussion was never finalized regarding gross and net density. He expressed concern for any development west of Empire Mine Road and voiced his support for the HCP process moving forward. He stated he supported this item being continued to January, 2017.

Commissioner Conley stated the City Council would be involved in the process and provide their feedback. He stated he supported the project moving forward through the process as the public would have the opportunity to provide feedback through the CEQA review and public hearing process for the Planning Commission and City Council. He stated he was a strong believer in property rights and owners had a fundamental right to develop.

Commissioner Husary stated there were too many unknowns for her to make a decision on a project of this magnitude and she would like more public engagement through workshops. She stated she would like more open space and voiced her support for the hybrid density calculation, taking out areas that are undevelopable and decreasing the total unit count.

Chair Motts reiterated it was premature for an Administrative Draft and there would be no harm in continuing the item. He recommended a structure for discussion and a formal process for the stakeholders.

Commissioner Mason stated he believed the Administrative Draft could be refined further; however, he did not want the process stalled. He noted the scheduling of community input meetings should be considered and afterward they could determine if the Administrative Draft should be modified.

Director of Community Development Ebbs stated it appeared the majority of the Commission supported delaying this process until the new Council was seated. He noted he did not have staff or the budget to create a large public outreach program. He

clarified this was a public meeting with a public comment period to offer the opportunity for residents to provide feedback. He requested further direction from the Planning Commission.

Commissioner Parsons requested the maps of the overlay be provided to the Planning Commission.

Director of Community Development Ebbs discouraged the Planning Commission from taking the East Contra Costa HCP, which the City intentionally chose not to participate in, and applying its policies into the General Plan. He noted the HCP would play itself out with the State and Federal Agencies. He stated he understood the sensitivity of everything west of Empire Mine Road; however, the City was not charged with requiring it to be sold to East Bay Regional Parks. He noted calling it all open space may be forcing it to happen and an argument could be made that it was set up as a taking. He clarified when the project application comes in for the site, there would be a site specific biological analysis that would dictate what could occur in the area. He noted policy could be made with regards to developing in the areas of the mines.

In response to Commissioner Parsons, Director of Community Development Ebbs stated that if Planning Commission decided to move forward with the process, the environmental document would come back in a formal version which would be up for public review and then the Planning Commission would make a recommendation to the City Council. He offered to bring the Administrative Draft to the City Council for their review.

Chair Motts stated he did not believe the discussion regarding the hillside transfer policy, Sand Creek buffer, gross density, housing/jobs ratios and traffic were completed and he supported allowing more time for the public and new Council to weigh in on the issues.

In response to Commissioner Husary, Director of Community Development Ebbs explained that members of the public could host forums and he would provide information requested. He noted Commissioners could be involved to a limited extent relative to the Brown Act.

On motion by Chair Motts, seconded by Commissioner Parsons, the Planning Commission continued this item to January, 2017.

The motion carried the following vote:

AYES:	<i>Parsons, Husary, Mason and Motts</i>
NOES:	<i>Conley</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>Zacharatos and Hinojosa</i>

Director of Community Development Ebbs agreed to present this item to Council after the January meeting.

ORAL COMMUNICATIONS

City Attorney Vigilia stated if there were independent town hall type meetings on the previous item and Commissioners wanted to participate, he would caution a quorum participating to avoid violating the Brown Act. He noted if the Commission had any questions regarding this issue, he would be available to discuss the issues.

Chair Motts announced his granddaughter was born last night.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Chair Motts reported on his attendance at the Transplan meeting.

ADJOURNMENT

Chair Motts adjourned the Planning Commission at 8:51 P.M. to the next regularly scheduled meeting to be held on December 7, 2016.

Respectfully Submitted,
Kitty Eiden