

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**December 1, 2021
Meeting Conducted Remotely**

The City of Antioch, in response to the Executive Order of the Governor and the Order of the Health Officer of Contra Costa County concerning the Novel Coronavirus Disease (COVID-19), held Planning Commission meetings live stream (at <https://www.antiochca.gov/community-development-department/planning-division/planning-commission-meetings/>). The Planning Commission meeting was conducted utilizing Zoom Audio/Video Technology.

Chair Schneiderman called the meeting to order at 6:30 P.M. on Wednesday, May 19, 2021. She announced that because of the shelter-in-place rules issued as a result of the coronavirus crisis, tonight's meeting was being held in accordance with the Brown Act as currently in effect under the Governor's Executive Order N-29-20, which allowed members of the Planning Commission, City staff, and the public to participate and conduct the meeting by electronic conference. She stated anyone wishing to make a public comment, may do so by submitting their comments using the online public comment form at www.antiochca.gov/community-development-department/planning-division/planning-commission-meetings/. Public comments that were previously submitted by email have been provided to the Planning Commissioners.

ROLL CALL

Present: Commissioners Motts, Barrow, Riley, Gutilla, Vice Chair Martin and Chair Schneiderman
Absent: Commissioner Parsons
Staff: City Attorney, Thomas Lloyd Smith
Assistant City Manager, Rosanna Bayon Moore
Director of Community Development, Forrest Ebbs
Unhoused Resident Coordinator, Jazmin Ridley
Contract Engineer, Jon Crawford
Senior Planner, Zoe Merideth
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

NEW PUBLIC HEARINGS

- 1. Wild Horse Multifamily Project (PD-20-01, GP-20-03, AR-21-17)** – The applicant, CCP-Contra Costa Investor, LLC, is seeking approval of an EIR Certification, General Plan Amendment, Rezone to Planned Development District, Vesting Tentative Map, Final

Development Plan, and Design Review for the development of a 126 multifamily unit residential community and associated improvements on an approximately 11.72 acre project site, known as the Wild Horse Multifamily Project (PD-20-01, GP-20-03, AR-21-17). The project site is located at the terminus of Wild Horse Road, between Le Conte Circle and State Route (SR) 4 and is identified as Assessor Parcel Number (APN) 041-022-003.

Senior Planner Merideth presented the staff report dated December 1, 2021, recommending the Planning Commission 1) Adopt the resolution recommending certification of the Wild Horse Multifamily Project Environmental Impact Report (EIR). 2) Adopt the resolution recommending approval of the Wild Horse Multifamily Project General Plan Amendment (GP-20-03) changing the land use designation from Low Density Residential to High Density Residential. 3) Adopt the resolution recommending approval of an ordinance for a zoning map amendment from Planned Development District (PD) to Planned Development District (PD-20-01). 4) Adopt the resolution recommending approval of a Vesting Tentative Map, Final Development Plan, and Design Review, subject to conditions of approval (PD-20-01, AR-21-17).

In response to Vice Chair Martin, Senior Planner Merideth explained the applicant was requesting a condominium map this evening.

Vice Chair Martin reported the draft EIR link did not work and should be corrected for the staff report in the future.

In response to Vice Chair Martin, Senior Planner Merideth commented the fire district's letter was attached to the staff report and there had not been subsequent discussions that would require a second entrance to the project.

Jon Crawford, Contract Engineer, stated they anticipated the Wildhorse extension to be opened in the spring of 2022 prior to the first permit for this project.

Senior Planner Merideth clarified that the applicant's design guidelines would meet the City's design guidelines and standards. She added that the landscaping plans were included in this project and the architecture would come back for a subsequent design review. She noted there was not a requirement for front yard fencing.

Director of Community Development Ebbs added that once constructed the units would be deducted from the overall RHNA numbers; however, the category was to be determined.

In response to Commissioner Gutilla, Senior Planner Merideth explained that it was determined that the senior project alternative would not meet the applicant's project goals, so it was not feasible.

Commissioner Barrow stated he was pleased with the project.

In response to Commissioner Barrow, Contract Engineer Crawford reported staff would be reviewing the grading, improvement plans and monitoring the maps. He stated the project as conditioned meets the criteria.

Phillip Su, Project Applicant, provided a history of the project and introduced their consultant team. He requested the Planning Commission's approval of the project. He noted the application was conceptual and it would be sold to the builders to develop a project that the market could bare at the time. He further noted they were proposing alternative products to what was currently on the market.

In response to Vice Chair Martin, Mr. Su explained that the builder that purchases the property would decide if the project would be developed as townhouses or condominiums.

Vice Chair Martin thanked the applicant for amending their plans to remove buildings 21 and 22 from the south side of Wildhorse Road.

Scott Harstein, DK Engineering, explained that there were studies within staff's analysis, and it showed that no mitigation was required for any sound from the highway.

Senior Planner Merideth added that there were two noise mitigation measures in EIR to ensure the project would meet the General Plan.

Scott Harstein provided a brief history of the project. He stated based on their efforts to be cooperative with the city, he was requesting the elimination of project specific conditions P5 and P6 and modifications to D1 and D2 to ensure the project would have public roads maintained by the City.

Contract Engineer Crawford responded that the roads within this development were private driveways that would be built to public road standards. With regards to project specific condition #5, he noted this condition would cover any tie ins if necessary for the Wildhorse improvements. Additionally, he explained that project specific condition #6 related to signage and was required of all developments that were located along this type of roadway.

Commissioner Barrow stated he appreciated Mr. Su's perseverance with this project and thanked the applicant for choosing Antioch. He stated he agreed with the public works department with regards to the applicant's request to modify conditions of approval.

Scott Harstein stated based on current housing, they anticipated the first houses would be constructed in 2-3 years and they would break ground 12-months from approval. He noted the project would be purchased by a developer and he believed they would design something similar and attempt to stay within substantial conformance with the approved plan. He further noted if the plans were modified, they would need to come back to the City for an alternative approval.

Director of Community Development Ebbs stated that he would like to keep the Planning Commission focused on the entitlement before them this evening.

Commissioner Barrow reiterated that he appreciated the applicant's perseverance and commitment to this project.

In response to Commissioner Gutilla, Jeff Potts, SDG Architects, confirmed that the garages and EV chargers would be based on Title 24 California Green Code standards that were in place at the time of building permits being pulled. He believed the current code required one EV charging apparatus. He also confirmed that the intent was that each home would have their own trash receptacles.

Commissioner Gutilla commended the applicant on their emphasis for water efficient plans; however, she supported a preference for native species and the exclusion of invasive and possibly invasive species. She requested the exclusion of the Mexican daisy and cotoneaster for anywhere in the project.

Ross Wells responded that they would remove the Mexican daisy and cotoneaster plants from the landscape plans.

In response to Commissioner Gutilla, Mr. Potts clarified the intent with the style options were for the developer to choose one style and follow the guidelines to develop architecture that met the city's design guidelines and engineering for the site.

Director of Community Development Ebbs confirmed that the architecture would come back to the Planning Commission for final approval.

In response to Commissioner Gutilla, Mr. Harstein stated the project was designed to accommodate a gated entry if desired.

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

Chair Schneiderman commended the applicant on his patience.

Commissioner Riley stated as a neighbor of this project he was excited to see it coming to fruition and he was in support of the approval this evening.

Commissioner Gutilla agreed with Commissioner Riley. She spoke in support of maintaining the project specific conditions as written in the staff report and adding a condition for the removal of invasive and potentially invasive species from the landscape plan.

Commissioner Motts spoke in support of the project and noted it was needed in the community.

RESOLUTION NO. 2021-26

On motion by Vice Chair Martin, seconded by Commissioner Gutilla, the Planning Commission unanimously adopted the resolution recommending certification of the Wild Horse Multifamily Project Environmental Impact Report (EIR). The motion carried the following vote:

AYES: Motts, Barrow, Riley, Gutilla, Martin and Schneiderman
NOES: None
ABSTAIN: None
ABSENT: Parsons

RESOLUTION NO. 2021-27

On motion by Vice Chair Martin, seconded by Commissioner Motts, the Planning Commission unanimously adopted the resolution recommending approval of the Wild Horse Multifamily Project General Plan Amendment (GP-20-03) changing the land use designation from Low Density Residential to High Density Residential. The motion carried the following vote:

AYES: Motts, Barrow, Riley, Gutilla, Martin and Schneiderman
NOES: None
ABSTAIN: None
ABSENT: Parsons

RESOLUTION NO. 2021-28

On motion by Vice Chair Martin, seconded by Commissioner Motts, the Planning Commission adopted the resolution recommending approval of an ordinance for a zoning map amendment from Planned Development District (PD) to Planned Development District (PD-20-01). The motion carried the following vote:

AYES: Motts, Barrow, Riley, Gutilla, Martin and Schneiderman
NOES: None
ABSTAIN: None
ABSENT: Parsons

RESOLUTION NO. 2021-29

On motion by Vice Chair Martin, seconded by Commissioner Barrow, the Planning Commission unanimously adopted the resolution recommending approval of a Vesting Tentative Map, Final Development Plan, and Design Review, subject to conditions of approval (PD-20-01, AR-21-17). With the addition of the following project specific condition:

- *That the applicant will use noninvasive drought tolerant plants.*

The motion carried the following vote:

AYES: Motts, Barrow, Riley, Gutilla, Martin and Schneiderman
NOES: None
ABSTAIN: None
ABSENT: Parsons

2. **Transitional Housing Zoning Overlay District Update** -- The City of Antioch proposes to amend Title 9, Chapter 5 of the Antioch Municipal Code to establish a Transitional Housing (TH) Zoning Overlay District and to apply the proposed TH Zoning Overlay District to the property at 515 E. 18th Street (APN 065-143-018).

Director of Community Development Ebbs presented the staff report dated December 1, 2021, recommending the Planning Commission 1) Approve the resolution recommending: a. that the City Council adopt the ordinance amending Title 9: Chapter 5 of the Antioch Municipal Code (Zoning Ordinance) to create a Transitional Housing Overlay District; and b. That the City Council adopt the ordinance amending the zoning of the parcel at 515 E. 18th Street (APN 065-143-018) to be located within the Transitional Housing Zoning Overlay District; and c. that the City Council approve a Use Permit for Transitional Housing at 515 E. 18th Street.

Chair Schneiderman questioned if there was a screening process for people living in the transitional housing and if there would be security for this property.

Assistant City Manager Bayon Moore explained the program intended to address the needs of unhoused adults in the community. She noted they would have the opportunity to reside in a location with access to wrap-around services. She further noted it would be staffed and program oversight would be provided 24-hours a day. She stated the provider would be able to link all participants with a wide variety of services throughout Contra Costa County. She explained that security would be a safety monitoring activity and they were in the process of defining the exact scope and arrangements with the provider. She noted the agreement including all measures that would be taken onsite to secure the physical environment would be part of Council action after the land use related decision. She further noted it was likely that there would be an improvement that would limit access with a controlled entry and exit to the property.

In response to Chair Schneiderman, Assistant City Manager Bayon Moore explained as part of their outreach efforts they had participated in a facilitated conversation with the parent group at the school site on Cavallo and this public hearing was noticed. She noted they were opened to continuing that dialog.

In response to Commissioner Motts, Director of Community Development Ebbs clarified that the overlay district applied only to this property. Speaking to trailers the city received from the state for the unhoused, he noted they had pivoted their approach to the motel model, and he did not believe they would be going back to the trailer program at this time.

In response to Commissioner Barrow, Director of Community Development Ebbs provided a definition of transitional housing and noted that this location was a primary transit route.

Vice Chair Martin expressed concern that a project and operational details had not been provided. He noted it was difficult to understand the impacts to the area without the above-mentioned items.

Director of Community Development Ebbs responded that once updated, the zoning ordinance would provide the stipulations, standards, and opportunities for transitional housing. He noted there was not enough experience to develop standards and guidelines to apply to these types

of projects. He further noted this item would be a recommendation to the City Council so if there were areas of concern, the Planning Commission could forward recommendations to address those items.

Chair Schneiderman stated that she believed there should be rules for people living in transitional housing and circumstances identified for losing the housing. Additionally, she noted the neighborhood, nearby schools and public safety needed to be considered. She noted the project needed to be safe for everyone including those in transitional housing. She reported drug trafficking occurred in the area and it may be a temptation for someone living in transitional housing with an addiction issue.

Vice Chair Martin stated he would like to see the rules and regulations for the transitional housing project, prior to consideration of the use permit.

Commissioner Gutilla stated she was also concerned that the use permit was not for a specific project.

Director of Community Development Ebbs explained that exhibit 2 to attachment A was the resolution containing the use permit which deferred the project specific details to the City Council. He noted in the past these types of operations were not administered under the city's authority. He commented if it was the desire for the Planning Commission to be more involved in reviewing the use permit conditions of approval, they could recommend the City Council remand the use permit back to the Planning Commission. He clarified the city would be a partner in the program with regards to the operations and financials, and a use permit would enable them to hold themselves to use permit standards. He stated staff was asking the Planning Commission to approve the use permit and then the City Council would address the operational concerns. He noted the importance of the use permit process was that it required notification to the neighborhood.

Commissioner Gutilla expressed concern that the use permit process seemed vague and spoke in support of transitional housing at this location.

Commissioner Motts stated the Planning Commission could request the City Council send the use permit back to the Planning Commission, once all the details were provided.

Chair Schneiderman stated she supported the Planning Commission making recommendations for the use permit to ensure the safety of the neighborhood and unhoused residents.

Director of Community Development Ebbs stated if there was consensus the Planning Commission could take the first two actions and on the third, they could recommend remanding the use permit back to the Planning Commission for a final resolution.

Commissioner Barrow stated he concurred with Vice Chair Martin and suggested tabling this item and requiring clarification on the criteria for the project. He discussed the benefits of transitional housing and the importance of ensuring that it is compatible with the surrounding neighborhood.

Commissioner Riley stated he believed in the purpose of transitional housing. He noted this program was the beginning of the process and they were considering the overlay and use permit and not the program or clientele. He stated he was concerned for the placement of the overlay in this area because of surrounding uses and schools.

Director of Community Development Ebbs responded that the objective was to make sure any potential impacts from this land use was properly conditioned or mitigated. He noted the goal was not to exclude a use because the neighborhood would be detrimental to the new project but instead make sure the new use would not be detrimental to the neighborhood.

Chair Schneiderman stated they wanted the project to be successful and the neighborhood to feel safe.

Director of Community Development Ebbs explained that the City had multiple areas of control including the use permit and the city's participation in the program. He noted there would be every effort to make sure it was impactful. He further noted ancillary crime or loitering would be addressed in the operational process.

Commissioner Gutilla stated some of the items of concern were also some of the things that made this area ideal for transitional housing. She stated she did not understand what they would be approving if the Planning Commission moved forward with the approval of the use permit because the definition of transitional housing was so broad.

Assistant City Manager Bayon Moore responded that the action before the Planning Commission related to expanding definitions within the Municipal Code and a use permit shall be connected to this activity; however, that permit was subject to approval of the City Council, and it was not a component that required Planning Commission action. She noted they were not approving an actual use permit but a structured process to be established that would be subject to the City Council's future action. Additionally, a future action item would begin with the recommendation from this body that would be agendaized for the Council to hear and act upon for the transitional housing overlay. She noted after the land use decision was made by Council there would be a subsequent action that would be before the body associated with RFPs the City had undertaken related to the master occupancy and lease of the property. She further noted there was a third item tied to the support services provider. She announced they were in the process of negotiating what items would be best carried by the property owner and program provider. She concluded that Council would be the body that would ultimately act on defining the details of the operating agreement or use permit. She clarified that the program as currently conceived for this property would be adult only non-congregate bridge housing devoted to single or coupled adults.

Vice Chair Martin stated he supported transitional housing; however, it would be difficult to determine this project would not be detrimental to the neighborhood without definitions and conditions for the use permit.

Commissioner Barrow agreed with Vice Chair Martin and reiterated his support to table this item with direction to staff to bring back a site-specific application for Planning Commission consideration.

Chair Schneiderman opened the public hearing.

Andrew Becker stated he appreciated the discussion this evening and expressed concern regarding this specific site. He discussed legislation that allowed transitional housing projects in residentially zoned areas and amendments to the housing element law. He noted exhibit A attachment A of the staff report did not list transitional housing as a permitted use in residentially zoned areas. He reported the City had allocated property on Delta Fair Boulevard to the County for emergency/transitional housing and his organization was looking at that property for a transitional housing project.

Chair Schneiderman closed the public hearing.

In response to the Commission, Director of Community Development Ebbs stated he appreciated Mr. Becker's comments; however, they did not relate to this specific project and there were no proposals within a residential area. In referencing page A7 of the staff report, he clarified that there was a typographical error and under Transitional Housing, the last box of column "TH", should display a "U" meaning it would be allowed with a use permit.

In response to Commissioner Barrow, Director of Community Development Ebbs stated that because this project was coming forward with the enabling language within the ordinance changes, staff had brought all items forward at the same time. He reiterated that if consensus of the Planning Commission wanted the final use permit review to come back after the details were worked out, they could build that direction into their recommendation this evening. He did not recommend tabling the whole effort because the first two actions had merit on their own.

A motion was made by Commissioner Gutilla, and seconded by Commissioner Motts, to approve the resolution the resolution recommending 1) The City Council adopt the ordinance amending Title 9: Chapter 5 of the Antioch Municipal Code (Zoning Ordinance) to create a Transitional Housing Overlay District; and 2) The City Council adopt the ordinance amending the zoning of the parcel at 515 E. 18th Street (APN 065-143-018) to be located within the Transitional Housing Zoning Overlay District.

Vice Chair Martin speaking to the motion requested an amendment to the Table of Land Use Page A7 under transitional housing, in column TH (the final box) to display a "U" for use permit.

The maker of the motion and seconder accepted the amendment.

On motion by Commissioner Gutilla, seconded by Commissioner Motts, the Planning Commission unanimously approved the resolution recommending 1) The City Council adopt the ordinance amending Title 9: Chapter 5 of the Antioch Municipal Code (Zoning Ordinance) to create a Transitional Housing Overlay District; and 2) The City Council adopt the ordinance amending the zoning of the parcel at 515 E. 18th Street (APN 065-143-018) to be located within the Transitional Housing Zoning Overlay District amending Page A7 - Table of Land Use under transitional housing, in column TH (the final box) to display a "U" for use permit. The motion carried the following vote:

AYES: *Motts, Barrow, Riley, Gutilla, Martin and Schneiderman*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Parsons*

In response to Commissioner Gutilla, Director of Community Development Ebbs suggested the Planning Commission might phrase their motion to request the City Council remand the use permit back to the Planning Commission for final approval.

City Attorney Smith confirmed that the Planning Commission could make that request.

Commissioner Gutilla stated the Planning Commission wanted to see the use permit once the details were flushed out.

Vice Chair Martin clarified that the Planning Commission was not approving the use permit at this time.

Director of Community Development Ebbs stated it was not necessary to table the use permit because when it came back to the Planning Commission there would be a new public hearing notice for the item.

Commissioner Riley made a motion that the City Council come back to the Planning Commission with details for the Use Permit for transitional housing at 515 E. 18th Street.

City Attorney Smith questioned if the motion was direction for City Council or Planning Staff.

Commissioner Riley rephased his motion as follows:

RESOLUTION NO. 2021-30

On motion by Commissioner Riley, seconded by Commissioner Gutilla, the Planning Commission unanimously directed Planning Staff add additional details and come back to the Planning Commission with a Use Permit for Transitional Housing at 515 E. 18th Street. The motion carried the following vote:

AYES: *Motts, Barrow, Riley, Gutilla, Martin and Schneiderman*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Parsons*

NEW ITEM

3. **Discussion on Virtual vs. In-Person Planning Commission Meetings** – A discussion on continuing virtual meetings or implementing in-person meetings beginning 2022.

Director of Community Development Ebbs announced that Council Chambers renovations have been completed and he asked the Planning Commission if they wanted to remain conducting virtual meetings or move forward with in-person meetings.

Following discussion, the Planning Commission consensus directed staff to continue with virtual only meetings at this time through March 2022, at which time they would revisit the item.

ORAL COMMUNICATIONS

Director of Community Development Ebbs announced that a new Planning Manager would begin employment with the city on January 3, 2022. He also announced the next Planning Commission meeting would take place on December 15, 2021.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

None.

ADJOURNMENT

On motion by Commissioner Motts, seconded by Commissioner Riley, the Planning Commission unanimously adjourned the meeting at 8:50 P.M. The motion carried the following vote:

AYES:	<i>Motts, Barrow, Riley, Gutilla, Martin and Schneiderman</i>
NOES:	<i>None</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>Parsons</i>

Respectfully submitted:
KITTY EIDEN, Minutes Clerk