

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**May 18, 2022
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.

1. CALL TO ORDER

Chair Gutilla called the meeting to order at 6:30 P.M. on Wednesday, May 18, 2022. She announced that tonight's meeting was being held in accordance with the Brown Act as currently in effect under AB 361, which allowed members of the Planning Commission, City staff, and the public to participate and conduct the meeting by teleconference. She stated anyone wishing to make a public comment, may do so by using the raise your hand tool or 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 mail or email have been provided to Planning Commissioners.

2. ROLL CALL

Present: Commissioners Schneiderman, Martin, Motts, Lutz, Vice Chair Riley and Chair Gutilla
Absent: Commissioner Hills (arrived at 6:33 P.M.)
Staff: City Attorney, Thomas Lloyd Smith
Planning Manager, Anne Hersch
Director of Public Works/City Engineer, John Samuelson
Assistant City Engineer, Carlton Thompson
Senior Planner, Kevin Scudero
Project Manager, Scott Buenting
Community Development Technician, Hilary Brown
Minutes Clerk, Kitty Eiden

3. PLEDGE OF ALLEGIANCE

Chair Gutilla led the Pledge of Allegiance.

4. EX-PARTE COMMUNICATIONS - None

5. PUBLIC COMMENT – None

6. CONSENT CALENDAR

- 6-1. Extension Request for Project Approvals, Acorn Business Park: PD-18-02, UP-18-09, AR-18-09, PW-357-301-19** - Jim Moita, the project sponsor, requests approval of an extension to the Final Development Plan, Use Permit, and Design Review approval of a business park consisting of commercial, self-storage and light industrial uses. The approval would extend the expiration date of the approvals to May 28, 2024. The project site is located at the Northwest corner of East Eighteenth Street and Drive-In Way.

RESOLUTION NO. 2022-13

On motion by Commissioner Motts, seconded by Vice Chair Riley, the Planning Commission adopted the resolution approving entitlement extensions. The motion carried the following vote:

AYES: *Schneiderman, Martin, Motts, Lutz, Riley, Gutilla*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Hills*

Commissioner Hills arrived at 6:33 P.M.

7. PUBLIC HEARING

- 7.1 Determination of Conformity for the 2022-2027 Capital Improvements Program:** Prior to adoption of the Five-Year Capital Investment Program by City Council, staff is requesting the Planning Commission's concurrence that the proposed program is in conformance to the City of Antioch's General Plan 2025. Projects are City-wide. This is Categorically exempt from CEQA analysis pursuant to Section 15262 Feasibility and Planning Studies.

Assistant City Engineer Thompson presented the staff report dated May 18, 2022, recommending the Planning Commission adopt the Resolution determining conformity between the Capital Improvements Program and the General Plan.

Commissioner Martin stated he preferred to receive the CIP binder because it gave him the opportunity to review past projects. He requested an update on the Hard House renovation project.

Assistant City Engineer Thompson responded that they would be going to Council with the draft CIP on May 24, 2022, and the whole package would be available with that agenda. He noted one challenge was to not preview the entire CIP document for the public, prior to Council review. Speaking to the Hard House item, he commented that there was currently no project at that location, and it would be complicated to deal with a historic building that needed extensive work. He noted they would be engaging Council soon regarding the scope of the project and potential funding.

In response to the Commission, Assistant City Engineer Thompson and Project Manager Buenting provided a detailed explanation of the following CIP Items: 7991 – Nick Rodriguez Community Center Rehab, 7999 – Chain and Flight (new), 8003 – WTP Generator Replacement (new), 8005 – Wi-Fi Installation in Downtown, 8007 – Rivertown Community Space Design, 7922 – Traffic Calming Program, 7363 – Hillcrest Avenue Left Turn at Wild Horse Road and 7745 – Northeast Antioch Annexation Infrastructure.

Chair Gutilla opened and closed the public comment period with no speakers requesting to speak.

Commissioner Martin stated that he was under the impression that a tree replacement program would be discussed with the CIP.

Commissioner Motts stated that Director of Community Development Ebbs investigated the tree replacement program and made proposals. He noted that he was unsure if it should be discussed as part of the CIP or General Plan Update.

Planning Manager Hersch commented that she believed they were looking at a tree replacement policy that could be discussed with the General Plan Update.

RESOLUTION NO. 2022-14

On motion by Commissioner Martin, seconded by Commissioner Schneiderman the Planning Commission unanimously adopted the resolution determining conformity between the Capital Improvements Program and the General Plan. The motion carried the following vote:

AYES:	Schneiderman, Martin, Motts, Hills, Lutz, Riley, Gutilla
NOES:	None
ABSTAIN:	None
ABSENT:	None

8. NEW BUSINESS

- 8-1. 2023-2031 Housing Element Study Session** - The Planning Commission will review and provide preliminary feedback on the 6th Cycle Housing Element for the City of Antioch.

Planning Manager Hersch presented the staff report dated May 18, 2022, recommending the Planning Commission receive the draft presentation & report and provide feedback to staff and the consultant.

Curtis Banks, Project Director and Meredith Rupp, Project Manager, Urban Planning Partners, gave a PowerPoint presentation of the 6th Cycle Housing Element Update.

In response to Commissioner Lutz, Mr. Banks explained that an increase in mortgage rates would affect people's ability to purchase homes, but it would not change the City's RHNA numbers.

Commissioner Martin thanked Mr. Banks for the report. He questioned how they would entice developers to build low and very low-income housing.

Ms. Rupp responded they would study the feasibility of an inclusionary requirement for any project to include affordable units in their developments. She noted they were looking at options to incentivize smaller complexes and further noted diversifying housing types would also help.

Mr. Banks added Accessory Dwelling Units could help provide more affordable housing. He noted it was fortunate Antioch had a large project with an affordable housing developer. He further noted having land identified in the housing element could attract developers. He stated it would be a challenge and it was one of the reasons a buffer was built into the number of units identified.

Commissioner Martin questioned if there was a penalty if the City did not provide the number of units assigned by ABAG.

Mr. Banks responded that if the City did not produce enough housing at certain income levels, a developer providing a specified amount of affordable housing, would be able to do that by right, subject to the objective design standards.

In response to Commissioner Martin, Ms. Rupp stated if a project was developed on a site not identified in the site inventory list, it could still be counted in the RHNA numbers. Planning Manager Hersch confirmed none of the sites identified were the same as those identified in the commercial infill overlay district and noted housing element opportunity sites must be used for housing.

Commissioner Schneiderman questioned if there were material standards for lower income housing.

Ms. Rupp stated that the objective development standards would regulate things such as building materials which would apply to affordable and market rate housing. She noted until the standards were adopted all projects were subject to building and planning code. She further noted that during community outreach there had been residents who had expressed concern regarding the quality of the existing housing stock. She noted they had not discussed what a good housing design would look like, and they could consider that item as they continued to work on the objective design standards.

Commissioner Motts commented there was a requirement regarding the transfer of city owned properties to private development that required they be offered to low-income projects first. He noted there were some City owned properties downtown and this requirement was only applicable if the city was not utilizing the land.

Ms. Ruff commented that she did not believe there were any city owned parcels in the inventory and explained that they did not want to place units downtown because of some of the Environmental Justice considerations.

Chair Gutilla opened the public comment period.

Cecilia Perez, First 5 Contra Costa, stated they were in agreement with the housing element's assertions that the displacement of low-income people of color needed to be addressed. She noted their survey determined that residents were concerned about affordability and unsafe living conditions. She spoke in support of tenant protections being included in the housing element draft such as rent control, just cause and anti-harassment policies.

Brendon, East County Regional Group, spoke in support of including tenant protections in the housing element draft such as rent control, just cause and anti-harassment policies. Additionally, he supported a program to protect tenants from displacement by giving them a right to first refusal

Deborah Polk, Antioch resident, East County Regional Group, spoke in support of including tenant protections in the housing element draft such as rent control, just cause and anti-harassment policies.

Chair Gutilla closed the public comment period.

In response to Commissioner Martin, Ms. Rupp clarified that the affordable housing site located on Wilbur Avenue was located outside of environmental justice areas.

Commissioner Hills questioned if the fair housing classes for landlords would educate them on tenant protections.

Ms. Rupp responded that the hope was that they would address some of those issues including training on AB1482 provisions.

Commissioner Lutz thanked the speakers for their comments. He questioned if the City had a rent control policy.

Planning Manager Hersch confirmed that Antioch did not have a rent control policy; however, she believed there was a state policy related to rent increases. Ms. Rupp added Antioch was subject to AB1482 rent cap provisions.

Commissioner Lutz questioned if rent control, just cause and anti-eviction policies would help Antioch meet fair housing requirements.

Ms. Rupp responded that she believed they would because they had to consider displacement from evictions as a factor.

Commissioner Lutz questioned if there were any current recommendations by the Planning Commission or City Council to enact or study tenant protection policies.

Planning Manager Hersch responded that there had not been any formal policy direction; however, it had been a series of topics that had come up during public comment at City Council.

Commissioner Lutz recommended the Planning Department and/or City Council investigate what impact rent control, just cause and anti-harassment policies would have on the city's ability to meet the new state requirements and whether they should be moved forward.

Commissioner Schneiderman recommended projects with three story apartments above retail development be considered. She suggested apartments being smaller in size to keep the rents lower. She agreed that the City should investigate tenant protection policies. Lastly, she suggested low-income senior housing be located downtown near the senior center.

Commissioner Hills commented that the Economic Development Commission had a study for the costs associated with multi-story developments. She recommended the city pull data from that study because there were viable building sites.

Vice Chair Riley stated that he was supportive of retail development with apartments above; however, Director of Community Development Ebbs had previously commented that the market in Antioch did not warrant that style of housing. He supported Planning staff looking into policies for rent control; however, he did not believe it would be the solution because it did not address housing demand. He stated he believed focusing on the housing stock would be a real solution.

Commissioner Motts agreed with Commissioner Lutz's recommendation regarding tenant protection policies. He explained that they were trying to achieve economic revitalization downtown and it would take strategic planning. He stated he was a proponent of The Yard

effort on the Beede Lumber Yard parcel, and senior housing could be placed at the site, but it would not achieve revitalization that an event center would accomplish. He spoke in support of a balanced approach.

Chair Gutilla expressed concern with the amount of time the Planning Commission had to review the Housing Element Update and requested in the future more time be provided to the Commission. She apologized that she did not have time to review all the information and requested an additional comment period be added to the next Planning Commission meeting.

Planning Manager Hersch stated she would place this item on the June 1, 2022, Planning Commission agenda. She commented that this was the first draft and a second draft in the fall would incorporate public comments.

Chair Gutilla stated she was in favor of considering tenant protection policies for this item. She noted she would also like to investigate cost and benefit analysis for a Right to Legal Counsel ordinance for tenants. She stated making units smaller in size may not be an appropriate solution considering that data showed that most lower income units were for families. She felt it was important to provide reasonably sized units for low-income families and noted smaller units would be appropriate for senior housing. She stated she did not believe rent control had had favorable results for anyone except those in the homes and expressed concern that it reduced options for people. She suggested down payment assistance could be implemented for tenants that paid so much of their income on rent.

Commissioner Schneiderman mentioned that there was a multi-story apartment building on James Donlon that she believed was funded by grants that housed Veterans and Senior tenants. She suggested the consultants look at that project as a potential solution.

Chair Gutilla suggested landlord training involve education on Section 8 and the City provide assistance for landlords who wished to begin the section 8 process.

Commissioner Martin reported he had had section 8 tenants in the past and he did not find it a problem although at the time the County was running a training program for section 8 landlords and tenants, which was very helpful. He stated he had read that rent control decreased the number of available rental units because owners could not make the necessary increases to pay for repairs or taxes.

Chair Gutilla commented that she had read similar studies and believed some cities were trying to roll back rent control provisions because it had had negative impacts on the market as far as reducing rental stock. Additionally, it was also not a long-term solution to keeping things affordable and giving people options. She stated she looked forward to reading the report.

9. ORAL/WRITTEN COMMUNICATIONS

Commissioners Martin, Lutz and Hills reported that they had been unable to forward emails from their City email accounts to their personal email accounts.

10. COMMITTEE REPORTS

Commissioner Motts reported that the TRANSPLAN meeting had been cancelled; however, he believed there was one scheduled for next week. He reported that he had returned from Arizona and was now permanently back in Antioch where he would be finishing his classes online so if it became necessary to hold an in-person meeting, he would be available.

Chair Gutilla congratulated Commissioner Motts for nearing the end of his program.

ADJOURNMENT

On motion by Commissioner Martin, seconded by Vice Chair Riley, the Planning Commission members present unanimously adjourned the meeting at 8:14 P.M. The motion carried the following vote:

<i>AYES:</i>	<i>Schneiderman, Martin, Motts, Hills, Lutz, Riley, Gutilla</i>
<i>NOES:</i>	<i>None</i>
<i>ABSTAIN:</i>	<i>None</i>
<i>ABSENT:</i>	<i>None</i>

Respectfully submitted:
KITTY EIDEN, Minutes Clerk