

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**June 15, 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, June 15, 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 Martin, Lutz, Vice Chair Riley and Chair Gutilla
Absent: Commissioners Schneiderman, Motts and Hills
Staff: City Attorney, Thomas Lloyd Smith
Director of Community Development, Forrest Ebbs
Lieutenant, Desmond Bittner
Planning Manager, Anne Hersch
Senior Planner, Kevin Scudero
Community Development Technician, Hilary Brown

3. PLEDGE OF ALLEGIANCE

Vice Chair Riley led the Pledge of Allegiance.

4. EX-PARTE COMMUNICATIONS - None

5. PUBLIC COMMENT – None

6. CONSENT CALENDAR

6-1. Planning Commission Meeting Minutes May 4, 2022

On motion by Commissioner Martin, seconded by Commissioner Lutz, the Planning Commission members present unanimously approved the Minutes of May 4, 2022. The motion carried the following vote:

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

7. PUBLIC HEARING

7-1. Proposed Code Amendments for Off-Street Motor Vehicle & Recreational Vehicle Parking- The Planning Commission will review draft amendments to Title 9, Chapter 5 (Zoning Ordinance) of the Antioch Municipal Code regarding the off-street parking of motor vehicles, including recreational vehicles, on residentially zoned parcels. The proposed ordinance would permit the parking of motor vehicles, including recreational vehicles, on residential parcels without a City-issued permit. Standards are proposed that regulate location/setbacks, maintenance, paved parking surfaces, and other site and operational requirements.

Director of Community Development Ebbs presented the staff report dated June 15, 2022, recommending the Planning Commission adopt the Resolution recommending City Council amend Section 9-5.203 "DEFINITIONS" and Section 9-5.3830 "RECREATIONAL VEHICLES" of the Antioch Municipal Code.

In response to Commissioner Martin, Director of Community Development Ebbs clarified that the Ordinance, "Rear Yard subsection (C)" would be corrected to read; "Rear and Side Yard subsection (C)."

In response to Chair Gutilla, Director of Community Development Ebbs explained the ordinance would not impact commercial vehicles or vehicles over 1-ton payload except for recreational vehicles.

Commissioner Martin commented that the ordinance would be problematic for anyone owning a truck since many trucks had a payload of over 1-ton.

Director of Community Development Ebbs clarified that 1-ton was the classification system not payload and he would work with Code Enforcement Manager Michael to determine if there was a better way to phrase what was intended.

Commissioner Martin commented that he was not in favor of adding a second curb cut because it would eliminate some on street parking.

In response to Vice Chair Riley, Director of Community Development Ebbs commented that unauthorized curb cuts were not permitted.

Vice Chair Riley stated that he agreed with Commissioner Martin with regards to the elimination of on street parking. He noted that it may be feasible to allow temporary ramps; however, he understood staff's concern.

Chair Gutilla stated she believed parking an RV in the driveway would be appropriate; however, parking it directly in front of a house should not be allowed.

Commissioner Martin agreed with Chair Gutilla and noted that he did not support parking on lawns or directly in front of houses because it was not esthetically pleasing. He supported parking in the front yard if the parking pad was located next to a driveway.

Commissioner Lutz agreed with Chair Gutilla and Commissioner Martin and stated he supported the options depicted in figures 1 and 2 and the right side depicted in figure 3. He expressed concern that a gravel pad may allow for oil to seep into soil, so he requested surfaces be paved.

Director of Community Development Ebbs stated it was currently written gravel surfaces could be used in the backyard; however, they were not permitted in front yards.

In response to Commissioner Martin, Director of Community Development Ebbs clarified that the Ordinance required the motor vehicle to be parked on a surface paved with concrete or similar materials, or on pervious gravel.

Commissioner Martin requested truck bed campers such as cabover and slide in campers be added to the definition of recreational vehicle.

Commissioner Lutz questioned if there were outstanding fines for recreational vehicles that would otherwise be allowed under the new Ordinance and if so, what action would be taken to address them, if the Ordinance were approved.

Director of Community Development Ebbs reported staff suspended enforcement of this section when the item went to Council and there were no outstanding fines related directly to the registration system. He noted citations for an unregistered or inoperable recreational vehicle would not be given amnesty because those same rules still applied.

Director of Community Development Ebbs stated the following revisions to the ordinance would reflect the Planning Commissions direction this evening.

- Section (A) (4) Improve terminology regarding one ton payload that speaks to residential grade of truck versus commercial grade.
- Section (B) (2) (d) Detached parking pads are prohibited. One secondary access drive may be permitted to access authorized parking in the rear of side yard.
- (C) "Rear Yard" – would be revised to read "Rear and Side Yard" in all instances.
- Definition of Recreational Vehicle would include truck bed mounted and slide in campers.

Commissioner Martin questioned if developers were required to provide 25% side yard access for recreational vehicles.

Director of Community Development Ebbs responded that issue had been looked at on a case-by-case basis and with lots getting smaller there had been less required.

Commissioner Martin stated given previous discussion, he was comfortable with Director of Community Development Ebbs revising the definition of payload.

Chair Gutilla opened the floor to public comment.

Michelle Barlow thanked the Commission for hearing this item and staff for bringing the item forward. She questioned if boats were included in the definition of recreational vehicles.

Chair Gutilla read the proposed language for the definition of recreational vehicle which included boats.

Michelle Barlow stated she supported the Ordinance revisions.

Marlene Hartigan requested clarification with regards to residents being able to park their Recreational Vehicle in the third car garage area in front of their residence.

City Attorney Smith explained that during public comment the speakers may ask their questions and make comments; however, whether the Commission wanted to answer those questions was up to the discretion of the Planning Commission after the public comment period closed.

Chair Gutilla thanked the public speakers for their participation.

Roshon spoke in support of the Ordinance with the amendments mentioned by the Commission this evening.

Chair Gutilla closed the public comment period.

In response to Chair Gutilla, Director of Community Development Ebbs stated recreational vehicles could be parked in front of garage doors provided they met the standards outlined in the Ordinance.

RESOLUTION NO. 2022-18

On motion by Commissioner Martin, seconded by Commissioner Lutz, the Planning Commission members present unanimously adopted the resolution recommending City Council adopt the Ordinance amending Title 9, Chapter 5 of the Antioch Municipal Code regarding the regulation of the parking of motor vehicles including recreational vehicles on residential parcels with the following additions:

- ***(C) "Rear Yard" – would be revised to read "Rear and Side Yard" in all instances.***
- ***Section (A) (4) Improve terminology regarding one ton payload that speaks to residential versus commercial grade of truck.***
- ***Section (B) (2) (d) Detached parking pads are prohibited. One secondary access drive may be permitted to access authorized parking in the rear of side yard.***

The motion carried the following vote:

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

7-2. UP-22-10 Executive Inn Transitional Housing Use Permit, 515 E. 18th Street-

The applicant is seeking Use Permit approval for Transitional Housing in the existing motel building located at 515 E. 18th Street (APNs 065-143-018, 19). The subject site is .72 acres with an existing 24,829 sq. ft. building built in 1964. The property was recently rezoned to Transitional Housing Overlay as part of Ord No. 2208-C-S which allows for transitional housing subject to approval of a use permit.

Planning Manager Hersch and Assistant City Manager Bayon Moore presented the staff report dated June 15, 2022, recommending the Planning Commission adopt the resolution approving a use permit to allow transitional housing and supportive services at 515 E. 18th Street. They introduced Unhoused Resident Coordinator Ridley, Megan Kurteff-Schatz and Vanessa Fenley, Focus Strategies and Jonathan Russell, Bay Area Community Services.

Megan Kurteff-Schatz, President and CEO of Focus Strategies, gave a brief overview of their experience and specific key strategies relative to the Executive Inn Transitional Housing Use Permit.

Jonathan Russell, Chief Strategy Officer for Bay Area Community Services, gave a brief overview of their experience and specific strategies relative to the Interim Housing Program.

Chair Gutilla opened the public comment period.

Andrew Becker, representing Here Today Home Tomorrow and California Modular, stated he believed the process was flawed because creating a transitional housing overlay was outside the boundaries of state requirements that allowed by right transitional housing in residentially zoned communities. He stated the City should have amended their land use table to reflect transitional housing and permanent supportive housing as permitted in all residentially zoned communities. He noted the City instead created a restrictive transitional housing overlay with a conditional use permit requirement; however, state law required the City to remove all governmental constraints. He clarified Project Homekey provided land use exemptions so a conditional land use permit would not come into play. He reported Here Today Home Tomorrow/California Modular brought a developer to the City of Antioch who discussed possible Homekey and transitional housing opportunities which had not been brought forward or acknowledged. He suggested the City at the direction of the Planning Commission request Council rezone the 18th Street site to R-35. He commented that he agreed with the proposal for this project; however, the process was important because other communities were looking at Antioch as an example.

Chair Gutilla thanked Mr. Becker for his comments and participating in the meeting.

Chair Gutilla closed the public comment period.

Commissioner Lutz appreciated Mr. Becker's comments and asked staff to address them. He questioned if the City was going about this proposal in the correct manner and if there would be any liability on the City's part if the Use Permit were approved.

Planning Manager Hersch explained SB 2 allowed transitional housing in residentially zoned properties by right; however, because the underlying zoning for this parcel was commercial it would not allow for housing. She noted the purpose of the overlay district was to allow transitional housing within commercial districts subject to a Use Permit which allowed the public and Commission the opportunity to comment on the proposal. She displayed the site map showing the property was located on a major thoroughfare surrounded by commercial uses. She commented rezoning it to residential would be considered spot zoning, which typically resulted in legal challenges. She commented the Overlay District Use Permit would allow the use and maintain zoning that was consistent with adjoining properties.

In response to Commissioner Martin, Jonathan Russell, Chief Strategy Officer for Bay Area Community Services, gave a brief overview of their safety training plan including crisis de-escalation, conflict resolution, mental health first aid, basic first aid and Narcan training. He noted there would 12-13 onsite staff including residential councilors, care coordinators, employment coordinator, site manager and housing locators. He further noted there would be at least 2 staff members onsite for all shifts. He confirmed that there would be a fence around the property with monitored gate access. He clarified that 24/7 monitoring meant staff would be onsite actively supporting the site and engaging individuals, including regular wellness checks in the overnight hours, security of the site and ensuring needs were being met.

Commissioner Martin stated safety was a concern because of the location and he wanted the use permit to be an upward trend in improving the neighborhood. He questioned if there were specific ordinances that addressed how transitional housing should be conditioned.

Planning Manager Hersch stated as specific requests were presented the Planning Commission had the opportunity to look at operating parameters unique and specific to the proposed use and project sponsor.

Director of Community Development Ebbs added there were no specific standards for transitional housing except that it required a use permit.

Planning Manager Hersch explained the intent was to give the Commission broad discretion when evaluating the proposed use.

Director of Community Development Ebbs added that transitional housing came in many different forms, so they wanted the flexibility to evaluate each on their own merits.

Commissioner Martin questioned why there was no fixed time limit for staying in the facility.

Director of Community Development Ebbs stated they were deferring to the operators because each program and participant had their own unique circumstances.

Commissioner Martin questioned the intent behind project specific condition #15.

Planning Manager Hersch responded that once there was a contract between the City and the operator, if there were any additional terms they would be incorporated by reference.

Commissioner Lutz stated he supported bridge housing; however, he was aware of some programs where the property was allowed to deteriorate. He questioned who would be responsible for maintaining the property.

Assistant City Manager Bayon Moore stated the action tonight addressed the leasing period. She explained the lease phase had two solicitation processes one being the master lease and the other being the RFP that involved Bay Area Community Services. She noted the final contract going before Council would clearly define daily duties and ongoing maintenance. She further noted if they received an award from the state that allowed for acquisition, there would be further improvements to the property that would be connected to that financing.

Commissioner Lutz asked when and how often the property would be inspected by City staff once it was established.

Assistant City Manager Bayon Moore reported a third party performed a property conditions assessment. She noted the property owner would be required to comply with all conditions that were imposed by the fire district as well as the building official, so a certificate of occupancy could be issued prior to the building being occupied. She further noted they anticipated sprinkler improvements would be necessary.

Commissioner Lutz questioned if there would be ongoing inspections.

Director of Community Development Ebbs clarified the primary goal of the use permit was to ensure that if they were to operate the project, it would not be detrimental to the public, so they were looking to focus the Planning Commission on offsite impacts. He noted operation of the program was Assistant City Manager Bayon Moore's responsibility. He further noted they would not have cause to inspect the property except for basic compliance with the conditions of approval. He explained that the building's condition would be the operator's responsibility.

Commissioner Lutz suggested Council consider yearly inspections to maintain the quality of the project.

Director of Community Development Ebbs responded that he could include the suggestion as part of the discussion between the operator and the City.

Assistant City Manager Bayon Moore clarified the RFP looked at a two-year leasing period with the potential for two, two-year approvals so if they remained in the leasing mode, they were contemplating 6-years. She noted if they were successful with the application to the State for acquisition, the minimum time would be 15-years and the City would have a vested interest in

the condition of the property and program outcomes because they would be pledging significant dollars toward an operational subsidy.

Chair Gutilla stated she believed with the amount of contact tenants would be receiving from wrap around services it would be less likely that there would be long standing issues with individual rooms.

Mr. Russell explained that the model of the program was predicated upon intensive engagement, support and relationship development.

Chair Gutilla questioned how meals would be provided to tenants.

Mr. Russell stated if they continued as they had historically, they would be working with a third-party vendor to produce and deliver individually packaged meals as needed.

Chair Gutilla spoke in support of the City providing a safe supportive area for people to move into a better phase of life. She noted it would improve the area by assisting people off the streets.

Vice Chair Riley stated knowing there were organizations that were passionate and skilled in dealing with this critical societal situation was helpful and he appreciated being educated in this meeting.

Commissioner Martin, stated for the record, he would not be making the motion as stated on the agenda since it talked about the cannabis permit for One Plant distribution.

Planning Manager Hersch commented that the recommended action error was corrected and posted on the City's website.

RESOLUTION NO. 2022-19

On motion by Commissioner Martin, seconded by Vice Chair Riley, the Planning Commission adopted the resolution approving a use permit (UP-22-10) to allow transitional housing and supportive services at 515 E. 18th Street (APN 065-143-018,19). The motion carried the following vote:

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

8. ORAL/WRITTEN COMMUNICATIONS

8-1. Planning Commission Meeting Canceled: July 6, 2022

Planning Manager Hersch announced that the July 6, 2022, Planning Commission meeting would be canceled.

9. COMMITTEE REPORTS - None

10. NEXT MEETING: July 20, 2022

Chair Gutilla announced the next Planning Commission meeting would be held on July 20, 2022.

11. ADJOURNMENT

On motion by Commissioner Martin, seconded by Vice Chair Riley, the Planning Commission members present unanimously adjourned the meeting at 8:21 P.M. The motion carried the following vote:

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

Respectfully submitted:
KITTY EIDEN, Minutes Clerk