

**CITY OF ANTIOCH
PLANNING COMMISSION
REGULAR MEETING**

Regular Meeting
6:30 p.m.

July 21, 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.

Chairperson Schneiderman called the meeting to order at 6:30 P.M. on Wednesday, July 21, 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, Gutilla, Vice Chairperson Martin and Chairperson Schneiderman
Absent: Commissioner Parsons, Riley
Staff: City Attorney, Thomas Lloyd Smith
Director of Community Development, Forrest Ebbs
Senior Planner, Zoe Merideth
Engineering Consultant, Jon Crawford
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS - None

CONSENT CALENDAR

1. Approval of Minutes: May 19, 2021

June 16, 2021

On motion by Vice Chair Martin, seconded by Commissioner Barrow the Planning Commission approved the minutes of May 19, 2021 and June 16, 2021 as presented. The motion carried the following vote:

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

CONTINUED PUBLIC HEARINGS

2. **Deer Valley Estates Project PD-19-03, UP-19-12, AR-19-19** -- The applicant, Blue Mountain Communities, requests certification of an Environmental Impact Report and approval of the following entitlements: Vesting Tentative Map, Final Development Plan, Use Permit, and Design Review for the Deer Valley Estates Project. The project would subdivide two undeveloped parcels totaling 37.56 acres to construct 121 new single family homes along with new infrastructure, parking, detention basins, lighting, landscaping, and a private park. The Project is located at 6100 Deer Valley Road (APNs 055-071-026 and 057-022-013). This item was continued from the June 16, 2021 Planning Commission meeting. An Environmental Impact Report (EIR) has been prepared pursuant to the California Environmental Quality Act (CEQA).

Senior Planner Merideth presented the staff report dated July 21, 2021 recommending that the City Council approve a Vesting Tentative Subdivision Map, Final Development Plan, Use Permit, and Design Review subject to conditions of approval (PD-19-03, UP-19-12, AR-19-19).

In response to Chairperson Schneiderman, Associate Planner Merideth explained that the City believed the mitigation measures in the EIR regarding site safety and preconstruction addressed previous concerns related to the pipelines.

Director of Community Development Ebbs added the City of Antioch was not the primary regulator of the pipelines; state and federal agencies were responsible. He noted there were many pipelines throughout the community and there was no reason to believe they were unsafe and, as such, staff recommended deferring to those agencies charged to evaluate them. He further noted they removed the easements from backyards so if they needed to be accessed for maintenance, they would not need to work within someone's yard. He explained easements pre-dated most of Antioch and he believed the applicant had done their best to work around them.

In response to Commissioner Motts, Senior Planner Merideth explained both pipelines were contained within the easements which were within the HOA parcels.

In response to Vice Chair Martin, Director of Community Development Ebbs stated to his knowledge the City did not have a policy regarding pipelines and noted the General Plan update would be a good place to create that policy.

Aaron McAlister, Deputy Fire Chief for Contra Costa County Fire District, reported a site security plan was developed with the applicant and the pipeline was included. He commented that he did not see language in the resolution that was agreed upon by the applicant requiring the project to participate in a CFD specific to Contra Costa County Fire.

Senior Planner Merideth responded that project specific condition I.1.a. included the language received from the Contra Costa County Fire District's comment letter.

Mr. McAlister commented that the condition was satisfactory.

Commissioner Barrow concurred with Director of Community Development Ebbs with regards to his explanation regarding the pipelines and believed the applicant took all matters into consideration.

In response to Commissioner Gutilla, Director of Community Development Ebbs explained procedurally, how to add conditions of approval to a motion.

In response to Vice Chair Martin, Senior Planner Merideth referencing an email sent to the Commission from Bree Simpson, commented that staff believed the project followed City policy as it related to sound walls and fencing. In terms of traffic calming, Engineering believed the project was designed to minimize cut through traffic and keep traffic speeds low, so additional traffic calming measures would not be necessary.

In response to Commissioner Gutilla, Director of Community Development Ebbs explained that when a project backed open space, the City standard was open chain-link fencing and masonry walls were only used for sound attenuation.

Mike Harlan, Deer Valley Estates, gave a PowerPoint of the Deer Valley Estates project that included the following:

- Project Contributions
- Project Area Map
- Planning Commission Previous Motion – Existing Utility Pipeline Information – Traffic Calming, Non-Invasive Plants, Solar Photovoltaic Standard, All Electric vs Natural Gas, Second Access Point from Wellness Way
- Pipeline Map
- Natural pipeline mapping system
- Required Construction Safety Plan

Commissioner Motts questioned if spacing to the nearest property lines were the same between the two pipelines.

Mr. Harlan explained that everything they had planned would be located outside of the easements and the pipelines were typically located in the center. He continued with a PowerPoint of the Deer Valley Estates project that included the following:

- Traffic Calming
- City of Antioch Traffic Calming Policy
- Traffic Calming Speed Humps
- Traffic Study
- Invasive plants
- Solar Photovoltaic State Mandate 150.1-C 14
- All Electric Energy Homes
- Second Entrance to Wellness Way
- Access to Kaiser Hospital During Site Development
- Other Information – Street Circulation and Police
- Neighborhood Comments – Traffic Signal at Prewett & Deer Valley, Schools

In conclusion, Mr. Harlan stated that given that the project complied with General Plan objectives, zoning, and subdivision standards, they request the Planning Commission recommend approval of the project to the City Council but in any event, they request a decision/recommendation regarding the project this evening.

Chairperson Schneiderman opened the public hearing.

In response to Vice Chair Martin, Director of Community Development Ebbs explained clarifications listed by the applicant this evening could be read under the existing conditions of approval. In terms of plant selection, he noted the Commission may want to reference the applicant's offer to work with an expanded plant list. Regarding traffic calming, he recommended deferring to the administrative process. Director of Public Works/City Engineer Samuelson added there was a process and standard with regards to traffic calming and staff did not believe it was needed for this project because it was designed to avoid speeding problems. He noted it would not be appropriate to install traffic calming in an existing neighborhood, as part of this project.

Commissioner Barrow reported staff had worked with the applicant for a significant period of time and he appreciated the applicant taking under consideration concerns from the community, Commission and staff. He encouraged the applicant to stay the course. He commented the project contributions were significant and he was satisfied with the mitigation monitoring plan. He explained that with a life expectancy for solar being 20-25 years, he agreed with staff, and the developers position regarding the matter. Additionally, he believed natural gas was appropriate. He mentioned the Antioch Police Department was responsible for the law enforcement perspective. Lastly, he agreed with Director of Public Works/City Engineer Samuelson regarding traffic calming for this project. In closing, he noted staff was commendable in clarifying the issues and acknowledged the applicant for their response to the Commission's concerns.

City Attorney Smith commented that the Planning Commission should move to public comment at this time.

Chairperson Schneiderman opened the public hearing.

Community Development Technician Brown read written comment from an individual who was not identified stating they disagreed with the EIR, specifically with the traffic analysis, and requested the Planning Commission vote no in approving the development until their concerns were addressed.

Chairperson Schneiderman closed the public hearing.

In response to Commissioner Gutilla, Community Development Technician Brown clarified that the letter received from Bree Simonsen prior to 3:00 P.M. had been forwarded to the Planning Commission and they also had the option to read those comments during the meeting. She clarified she had not requested the email be read during public comment and it was sent into the general email address. Director of Community Development Ebbs added that the letter would be part of the public record.

Commissioner Gutilla stated if someone was planning to make a motion to approve the project, she requests a condition of approval be added for excluding invasive plant species.

In response to Vice Chair Martin, Director of Community Development Ebbs explained that the City had not historically dealt with the wording of disclosures. City Attorney Smith added that the Planning Commission could require that a notice be required.

Vice Chair Martin requested the motion include a condition of approval requiring disclosure of the pipeline and the Kaiser heliport.

In response to Commissioner Motts, Senior Planner Merideth explained that the park design would go as originally proposed with the project plans in the staff report and the conditions of approval recommended by the Director of Public Works/City Engineer Samuelson and the Parks and Recreation Commission.

In response to Chairperson Schneiderman, Director of Community Development Ebbs clarified that the pipeline plan would be a condition of their fire permit that would be considered by the fire district.

A motion made by Commissioner Barrow to adopt the resolution failed due to the lack of a second.

On motion by Vice Chair Martin, seconded by Commissioner Barrow the Planning Commission adopted the resolution recommending that the City Council approve a Vesting Tentative Subdivision Map, Final Development Plan, Use Permit, and Design Review subject to conditions of approval (PD-19-03, UP-19-12, AR-19-19 with the addition of project specific conditions 1) That non-invasive plants would be used by the developer per their referenced material, and 2) Requiring disclosure to residents of the pipeline through the property. The motion carried the following vote:

AYES: ***Motts, Barrow, Gutilla, Martin, and Schneiderman***

NOES: *None*
ABSTAIN: *None*
ABSENT: *Parsons, Riley*

Chairperson Schneiderman thanked the applicant for their presentation this evening.

NEW PUBLIC HEARING

- 3. PW 357-303-21 – Trevista Lot Split** – The applicant, TREG Antioch I Prop, LP requests approval of a Tentative Minor Parcel Map of a 3-lot minor subdivision for an approximately 9.22-acres commercial parcel. The parcel is currently serving as a site for an assisted living facility. The parcel is located at 3950 Lone Tree Way (APN: 072-011-052).

Engineering Consultant Crawford presented the staff report dated July 21, 2021 recommending the Planning Commission adopt a resolution approving Tentative Parcel Map (PW 357-303-21) for a 3-lot minor subdivision of Trevista Senior Living Facility parcel (APN: 072-011-052) located at 3950 Lone Tree Way.

Chairperson Schneiderman questioned which lot would be used for the medical office and which one would be used for senior housing.

Engineering Consultant Crawford deferred to the developer.

In response to Vice Chair Martin, Engineering Consultant Crawford noted lot number 2 was the existing facility.

Chairperson Schneiderman opened the public hearing.

Forrest Westin stated he was available to answer any questions and noted their request was for a simple lot split. He confirmed that lot 2 was the existing assisted living facility developed in 1999. He reported they purchased the property four years ago and the original development was part of a planned use development that contemplated a medical office building on parcel 1 and independent apartments on parcel 3.

In response to Chairperson Schneiderman, Mr. Westin confirmed the first parcel would be a medical office.

Chairperson Schneiderman stated that she believed the medical offices were in a good location as they were adjacent to the hospital.

Commissioner Barrow congratulated the applicant noting he believed it was a good use of the land.

In response to Commissioner Barrow, Mr. Westin clarified that lot #3 would be independent living and they had not completed a market study to determine the number of units; however, the original proposal was for approximately 100 senior units.

In response to Commissioner Gutilla, Mr. Westin stated they had not determined if the project would be single or multistory independent living units.

Chairperson Schneiderman closed the public hearing. She stated that she felt the proposal from the applicant was a good use of the property.

On motion by Commissioner Gutilla, seconded by Commissioner Barrow the Planning Commission adopted a resolution approving Tentative Parcel Map (PW 357-303-21) for a 3-lot minor subdivision of Trevista Senior Living Facility parcel (APN: 072-011-052) located at 3950 Lone Tree Way. The motion carried the following vote:

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

- 4. UP-21-06 – Delta Labs, Inc** – The applicant, Rick Hoke/Delta Labs Inc, requests approval of a Use Permit for a cannabis operation of a non-hydrocarbon (non volatile) extraction lab that produces THC concentrate. The proposed project would consist of operating out of an existing suite and occupy is less than 2,000 sf and located on the southwest corner of the building. The operations would include using cold extraction equipment to produce the product. The Project is located at 2101 W. 10th Street (APNs 074-051-005). This project has been found Categorically Exempt from the requirements of the California Environmental Quality Act.

Chairperson Schneiderman announced staff was recommending the Planning Commission continue this item to a date uncertain.

On motion by Commissioner Motts, seconded by Vice Chair Martin the Planning Commission continued this item to a date uncertain. The motion carried the following vote:

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

- 5. Strategic Infill Housing Study** -- The City of Antioch received a grant from the State of California to pursue rezoning up to 10 commercial sites to allow infill housing and/or mixed use development and to develop objective development standards for those sites. The City and its consultants have been studying the development potential of the sites and will be presenting their initial findings from the study.

Director of Community Development Ebbs introduced Bruce Brubaker, PlaceWorks and Matt Fairris, MCP, Senior Associate representing BAE who presented the staff report and PowerPoint

presentation of the Draft Feasibility Study dated July 21, 2021 recommending the Planning Commission receive the presentation.

Chairperson Schneiderman mentioned that there had been discussions that Target would go into the In-Shape lot and the St. Mary's College Study indicated that Somersville Towne Center would be developed as a distribution hub. She noted there was also an application for a condominium conversion project at Delta Fair Blvd. and Buchanan Road. She stated she was excited for the project and noted she believed the Somersville area was in the most need.

Commissioner Motts stated he understood the need to streamline the process and questioned if the City would lose discretion on decisions for individual properties.

Bruce Brubaker commented that one of the benefits of the project was that the City along with public input would get to determine the vision for the sites and they could write standards to shape any project coming forward to ensure it responded to that vision.

Director of Community Development Ebbs added the state was pressing this because in many communities, every infill project was opposed by neighborhood groups. He stated the opportunity was that the City would not need to negotiate every project because they could set a high bar to begin with and developers would need to comply. Speaking to the Somersville Towne Center, he noted ownership was beginning to work together and a partnership was being formed. He stated he expected the City to receive a substantial application in the next few months.

Mr. Brubaker commented in the analysis of all the sites, the Somersville site was the most challenging because of all the property owners, size, and complexity. He noted the property may benefit from a separate process.

Commissioner Motts commented a Somersville BART station would have changed development in the entire area. He stated he was happy to see something being done proactively.

Chairperson Schneiderman agreed with Commissioner Motts with regards to the BART station.

Commissioner Barrow spoke in support of the proposal.

In response to Commissioner Barrow, Director of Community Development Ebbs clarified that currently the City did not allow residential on commercial sites. He noted this process would recommend a density and the City wanted to zone properties for success.

Commissioner Barrow stated if the City moved forward on the underutilized commercial sites it would contribute to meeting the City's RHNA goals. He reported Pittsburg had residential housing in a commercial zone that created a mixed-use identity that could lead to commercial revitalization. He commented that it was important market rates were inline with wage rates.

Chairperson Schneiderman questioned if the City would increase the number of stories allowable for apartment buildings.

Director of Community Development Ebbs responded that they most likely would; however, there was a market cap because anything over three stories was very expensive.

Commissioner Gutilla voiced her support of infill development that did not displace existing residents. She commented that areas identified as #6,7,8 and 9 near Delta Fair Blvd. were in areas with a lot of multi-family housing and there was not a lot of community enhancement in those areas. She questioned if there was a way to attract a home feeling to the area.

In response to Commissioner Gutilla, Mr. Brubaker explained that the discussion was that this would be an optional overlay so the underlying zoning would remain commercial and be flexible if a developer wanted to trigger the overlay for residential development. Director of Community Development Ebbs added that existing commercial would go through the normal process in place according to the General Plan and if a developer chose to activate the overlay, they would have a separate set of requirements to meet.

Vice Chair Martin reported he had attended the January stakeholder's meeting. He stated some sites had blocked out for existing business; however, there were two businesses in the northeast corner of Somersville Towne Center that were not excluded.

Mr. Brubaker clarified sites were determined by who controlled the property.

Vice Chair Martin agreed that the constraints on the Somersville Towne Center were significant. He questioned what compensation would be given to the residents of the area when their one-of-a-kind service was taken away. He agreed that areas #7 and 9 needed improvements. He questioned if there would be compensation for successful businesses in these areas.

Director of Community Development Ebbs clarified the City would not require anyone to leave and noted it would give the property owner the opportunity to make a change when the timing was right. He further noted that would typically occur when the building was so vacant, they could no longer retain it. He commented that the City would not be involved in compensation.

Commissioner Barrow commented there would be a height limitation. He reported Council had tabled the Delta Fair shopping center project. He stated he agreed with Mr. Brubaker and Director of Community Development Ebbs that something needed to be done with the deserted shopping centers that did not generate revenue and depleted neighborhoods of resources. He stated if multifamily residential units were included at the locations identified it would attract commercial/retail activity.

Vice Chair Martin noted except for area 4, none of these areas were close to public transportation and his concern was the City giving too much to stakeholders and forgetting those who needed to use vehicles to get to their destinations. He cautioned staff that when they develop the parking requirements, they consider the lack of public transportation.

Commissioner Barrow commented transportation agencies made necessary adjustments to provide services for new communities.

Chairperson Schneiderman opened the public hearing.

Ted Liu, Stakeholder and Property Owner of site #4, reported that they received approval in 2007 for their commercial development and since that time they had struggled with vacancies. He noted in 2018 they determined the site would be ideal for residential multi-family development because eBART was in the area and they had quite a bit of interest; however, developers backed out because a General Plan Amendment and Zoning change was prohibitive, and they were not willing to take a risk. He stated they were pleased to hear they were included in the study. He noted to own a property that would be suitable to provide housing to ease the housing crisis and to not have viable candidates was disheartening and a financial struggle. He spoke in support of the overlay and noted it would be a boom to the stakeholders and provide much needed housing development for the community.

Director of Community Development Ebbs stated he would take the comments from this evening and continue to work on the Study.

Chairperson Schneiderman thanked staff for the study and noted it would be positive for Antioch.

ORAL COMMUNICATIONS

In response to Vice Chair Martin, City Attorney Smith explained the public records act as it related to emails and reported each Commissioner was provided a City email account to use exclusively for all of their official business as Planning Commissioners.

Vice Chair Martin added that if Commissioners used their personal email addresses for City business, there may be an issue if someone requested public records.

City Attorney Smith reiterated that all Planning Commission business should be conducted through the email accounts provided by the City.

Director of Community Development Ebbs added that the use of the City email accounts should just be used for City business and suggested it be used as if anyone could log in and read everything sent and received.

Director of Community Development Ebbs announced that Zoe Merideth and Kevin Scudero had been promoted to Senior Planners.

WRITTEN COMMUNICATIONS – None

COMMITTEE REPORTS

Commissioner Motts reported that the TRANSPLAN meeting had been cancelled.

ADJOURNMENT

On motion by Commissioner Barrow, seconded by Commissioner Gutilla the Planning Commission unanimously adjourned the meeting at 9:00 P.M. The motion carried the following vote:

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

Respectfully submitted:

Kitty Eiden
KITTY EIDEN, Minutes Clerk