

**STAFF REPORT TO THE ZONING ADMINISTRATOR
FOR CONSIDERATION AT THE MEETING OF NOVEMBER 18, 2021**

Prepared by: Kevin Scudero, Senior Planner

Approved by: Forrest Ebbs, Community Development Director

Date: November 18, 2021

Subject: HFD Day Program & Fence Variance (UP-21-07, V-21-02)

RECOMMENDATION

It is recommended that the Zoning Administrator **APPROVE** a use permit allowing an adult day program at 1130 A Street and variance allowing a six-foot-tall fence to be placed in the front yard setback, subject to the conditions contained in the attached resolution.

REQUEST

HFD Day Program requests approval of a use permit to operate an adult day program for up to 60 people and a variance to place a 6 foot high fence in the front yard setback. The subject property is located at 1130 A Street (APN 067-092-027).



ENVIRONMENTAL

This project is Categorically Exempt from the provisions of CEQA, pursuant to Section 15301 – Existing Facilities. This section of CEQA exempts projects that:

- Consist of the operation of existing public or private structures.
- Involve negligible or no expansion of an existing use beyond that existing at the time of the lead agency determination.

ANALYSIS

Issue #1: Project Overview

The applicant proposes to operate an adult day program that will provide the following services:

- Site-based day services and community-based day services that offer varying degrees of functional training in community settings, and individualized plans for safety, health and community contribution-volunteer and/or paid work.
- Work activity services that provide paid work training and non-paid work activities geared towards vocational, personal, and social skills development.
- Mental health counseling and/or psychiatric services for adults with a qualifying a mental health diagnosis and developmental disability.
- Senior services to provide leisure, recreational, social and health related activities for older adults with development disabilities.

The program will be licensed for 60 clients through the Department of Social Services – Community Care Licensing. The office hours of operation are 8:00 AM – 5:30 PM Monday through Friday. The majority of the students will be there between the hours of 8:00 AM and 2:00 PM. From the hours of 2:30 PM to 5:30 PM, there will be approximately eight students at the site.

The applicant's project description is provided as Attachment "B".

The General Plan designation of the property site is Commercial, and the site is zoned Commercial Office (C-O). Day care uses are permitted in C-O with the approval of a use permit.

Issue #2: Parking and Circulation

The Antioch Municipal Code § 9-5.1703.1 requires day cares to provide one space per employee on the largest shift plus one space per eight children, which in this case is an

adult participant. Based on the applicants' project description the largest shift will consist of 60 students and 6 teachers which would require a total of 14 parking spaces. In total, the site has 15 on-site spaces which is sufficient to support the proposed use.

Issue #3: Fence Variance

Section 9-5.1602 (c) of the Antioch Municipal Code states that "No fence, wall, hedge or screen planting shall exceed a maximum height of 36 inches in the required front yard." A non-residential use, including a day-care, along A Street, an arterial, has a required front setback of 30 feet.

The applicant is proposing to place the six-foot-tall, black, wrought iron fence at the existing property line. The fence would be stepped in and angled at the corner of A Street and Park Lane in order to provide line of sight requirements. Given that the proposed encroachment into the front setback will not block public sidewalks or line of sight corridors, staff believes that the proposed fencing is in a reasonable location.

Issue #3: Variance Findings

To approve a variance, four findings must be made (Antioch Municipal Code Section 9-5.2703). If an application can meet all four of the findings, then the variance can be granted. Conversely, if any one of the findings cannot be made, the variance should be denied.

- 1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity.**

The steps to the current building are located only 10 feet from the property line and the building is only 20 feet from the property line therefore, it would not be feasible for the perimeter fence to be placed outside the 30-foot required front yard setback

- 2. That the granting of such variance will not be materially detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.**

The granting of the variance will have little or no effect on the surrounding properties. The fence is open, wrought iron construction and creates no line-of-sight issues. The fence is an attractive design and the area around the fence is landscaped.

- 3. That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the zoning provisions is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under the identical zone classifications.**

There are special circumstances applicable to the subject property that would make application of the zoning provision difficult to adhere to. Specifically, the current building does not meet the required 30-foot setback therefore it would not be possible for perimeter fencing to meet the requirement. Placing the fence at the property line would allow adequate security for the proposed use.

4. That the granting of such variance will not adversely affect the comprehensive General Plan.

The applicant's request would not adversely affect the comprehensive General Plan.

ATTACHMENTS

- A. Resolution
- B. Applicant's Project Description
- C. CCCFPD Letter

ATTACHMENT A

CITY OF ANTIOCH ZONING ADMINISTRATOR RESOLUTION NO. 2021-**

RESOLUTION OF THE CITY OF ANTIOCH ZONING ADMINISTRATOR APPROVING A USE PERMIT (UP-21-07, V-21-02) FOR AN ADULT DAY CARE PROGRAM AND VARIANCE FOR A SIX-FOOT-TALL FENCE IN THE FRONT YARD SETBACK LOCATED AT 1130 A STREET

WHEREAS, HFD Day Program request approval of a use permit to operate an adult day care program and a variance to place a six-foot-tall fence in the front setback. The subject property is located 1130 A Street (APN 067-092-027).

WHEREAS, this project is Categorically Exempt from the provisions of CEQA, pursuant to section 15301; and,

WHEREAS, the Zoning Administrator duly gave notice of public hearing as required by law; and,

WHEREAS, the Zoning Administrator on November 18, 2021, duly held a public hearing and received and considered evidence, both oral and documentary; and,

NOW THEREFORE IT BE RESOLVED that the Zoning Administrator does hereby make the following findings for approval of a Use Permit:

1. The granting of such Use Permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

The proposed adult day care will not be detrimental to the surrounding property or improvements. Based upon the conditions imposed, the proposed use will not create adverse impacts to the surrounding businesses and residents.

2. The use applied at the location indicated is properly one for which a Use Permit is authorized.

The site is zoned Commercial Office (C-O). The City of Antioch Municipal Code allows day cares with the approval of a use permit in the Commercial Office District.

3. That the site for the proposed use is adequate in size and shape to accommodate such use, and all parking, and other features required.

The proposed adult day care will take place in an existing commercial building and will not require any alterations to the site. Based on the conditions imposed, the project site provides sufficient off-street parking.

4. That the site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use.

The project site is currently developed and is located on A Street and Park Lane, which are adequate in width and pavement type to carry the traffic generated by the proposed use.

5. The granting of such Use Permit will not adversely affect the comprehensive General Plan.

The use will not adversely affect the comprehensive General Plan because the project is consistent with the General Plan designation for the site of Commercial.

BE IT FURTHER RESOLVED that the Zoning Administrator does hereby make the following findings for the approval of a Variance from the required 30-foot front yard setback:

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity.

The steps to the current building are located only 10 feet from the property line and the building is only 20 feet from the property line therefore, it would not be feasible for the perimeter fence to be placed outside the 30-foot required front yard setback

2. That the granting of such variance will not be materially detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

The granting of the variance will have little or no effect on the surrounding properties. The fence is open, wrought iron construction and creates no line-of-sight issues. The fence is an attractive design and the area around the fence is landscaped.

3. That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the zoning provisions is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under the identical zone classifications.

There are special circumstances applicable to the subject property that would make application of the zoning provision difficult to adhere to. Specifically, the current building does not meet the required 30-foot setback therefore it would not be possible for perimeter fencing to meet the requirement. Placing the fence at the property line would allow adequate security for the proposed use.

4. That the granting of such variance will not adversely affect the comprehensive General Plan.

The applicant's request would not adversely affect the comprehensive General Plan.

NOW THEREFORE BE IT RESOLVED, the Zoning Administrator of the City of Antioch does hereby **APPROVE** UP-21-07, V-21-02, to allow an adult day care program and a six-foot-tall fence in the front setback at 1130 A Street (APN 067-092-027), subject to the following conditions.

A. GENERAL CONDITIONS

1. The project shall comply with the Antioch Municipal Code. All construction shall conform to the requirements of the California Building Code and City of Antioch standards.
2. The applicant shall defend, indemnify, and hold harmless the City in any action brought by a third party to challenge the land use entitlement. In addition, if there is any referendum or other election action to contest or overturn these approvals, the applicant shall either withdraw the application or pay all City costs for such an election.
3. The project shall be implemented as indicated on the application form and accompanying materials provided to the City and in compliance with the Antioch Municipal Code, or as amended by the Zoning Administrator.
4. No building permit will be issued unless the plan conforms to the project description and materials as approved by the Zoning Administrator and the standards of the City.
5. This approval expires two years from the date of approval (expires November 18, 2023), unless an extension has been approved by the Zoning Administrator. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than one one-year extension shall be granted.
6. No permits or approvals, whether discretionary or mandatory, shall be considered if the applicant is not current on fees, reimbursement payments, and any other payments that are due.
7. This approval supersedes previous approvals that have been granted for this site.

B. FIRE REQUIREMENTS

1. All requirements of the Contra Costa County Fire Protection District shall be met, including the comments provided in the District's letter dated September 22, 2021 (Attachment C to the Staff Report).

C. FEES

1. The applicant shall pay all fees as required by the City Council.
2. The applicant shall pay all required fees at the time of building permit issuance.

D. PROPERTY MAINTENANCE

1. No illegal signs, pennants, banners, balloons, flags, or streamers shall be used on this site at any time.
2. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.
3. No signs shall be installed on this site without prior City approval.

E. PROJECT SPECIFIC REQUIREMENTS

1. The use permit applies to an adult day care program with a maximum of 60 adult participants. A supplemental use permit shall be required to serve more than 60 participants.
2. The parking lot shall be used for the dropping off of program participants and staff parking.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Zoning Administrator of the City of Antioch at a regular meeting thereof held on the 18th day of November, 2021.

FORREST EBBS
ZONING ADMINISTRATOR

ATTACHMENT B

REVISION September 16, 2021

USERS PERMIT

INTENDED FOR THIS FACILITY

1130 A street Antioch, Ca 94509

INTRODUCTION

We would like to request a user's permit to be able to start a Day Program for developmentally disabled adults.

SUMMARY OF DAY PROGRAM

DAY PROGRAM:

Site-Based Day Services, Community Based Day Services and Community Access Network offer varying degrees of functional training in community settings, and individualized plans for safety, health, and community contribution-volunteer and/or paid work.

WORK PROGRAM:

Work Activity Services provide paid work training and non-paid work activities geared towards vocational, personal, and social skills development. Local adult education and community college staff provide academic enrichment at most programs. **The Community Employment Program** offers specialized job coaching.

MENTAL HEALTH:

Adults, and senior citizens with a qualifying mental health diagnosis and a developmental disability can receive counseling and/or psychiatric services.

SENIOR:

Senior Services provide leisure, recreational, social and health related activities for older adults (ages 45 and up) with developmental disabilities.

INDEPENDENT LIVING SKILLS TRAINING:

Supported Living Services enables individuals to live safe and healthy lives in their own homes. **Independent Living Services** provides support and skills development for people in their home environment and community.

We want a legacy that will advance their potential and growth.

Diagrams and Photos of Building and Parking Lot

A. Emergency Exit Evacuation and Diagram

C. Parking Lot-Ample enough for staff and clients.

There will be 60 students from 8:00 a.m. 2:00 p.m. which require 8 parking spaces and 6 teachers which require 6 parking spaces which will be a total of 14 spaces and we have 15 spaces available, including a disability space.

D. In the afternoon after 2:30 p.m.- 5:30 p.m. we will have approximately 8 students which require 1 parking space, and about 4 staff, which will require 4 parking spaces. The total being 5 parking spaces needed from 2:30-5:30 p.m.

E. Hours of operation will be Monday thru Friday. We will be closed on Holidays.

F. Restrooms. The building has 6 restrooms. Two are Handicap with holding bars.

G. Wheelchair access. The building has a ramp which is located in the back of building and a second handicap entrance on the side of building (Park Ave).

H. We have already called the Fire Department and they recommended ample fire extinguishers and smoke detectors at door entrances and throughout building. Presently, we have 10 fire extinguishers.

I. We have a nursing station that will offer PPE (masks, gloves, hand sanitizer, soap and towels).

ATTACHMENT C

Contra Costa County



Fire Protection District

September 22, 2021

Mr. Scudero
City of Antioch
Community Development
PO Box 5007
Antioch, CA 94531-5007

Subject: Convert an existing building to an adult day care facility and fence
1130 A Street. Antioch
File # UP-21-07
CCCFPD Project No.: P-2021-05424

Dear Mr. Scudero:

We have reviewed the land use application to establish an adult day care facility in an existing building and construct a fence at the subject location. The following is required for Fire District approval in accordance with the 2019 California Fire Code (CFC), the 2019 California Building Code (CBC), and Local and County Ordinances and adopted standards:

1. Changes of use or occupancy. Changes shall not be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code. (§102.3) CFC
2. A land development permit is required for access and water supply review and approval prior to submitting building construction plans.

The developer shall submit a minimum of two (2) copies of full size, scaled site improvement plans indicating:

All existing or proposed hydrant locations,
Gates, fences, retaining walls, bio-retention basins, any obstructions to access.
Fire apparatus access,
Elevations of building,
Size of building and type of construction,

This is a separate submittal from the tenant improvement plans. These plans shall be approved prior to submitting building plans for review. (501.3) CFC

3. The owner/contractor shall submit a minimum of two (2) complete sets of plans and specifications of the subject project to the Fire District for review and approval **prior to** construction to ensure compliance with minimum requirements related to fire and life safety. Plan review and inspection fees shall be submitted at the time of plan review submittal. (105.4.1) CFC, (107) CBC

4. After the tenant improvement plans are approved, plans and specifications for all deferred submittals shall be submitted, including, but not limited to the following. (105.4.1) CFC, (901.2) CFC, (107) CBC

- Private underground fire service water mains
- Fire sprinklers
- Fire alarm

5. Submit plans to Contra Costa County Fire Protection District at the address below.

Our preliminary review comments shall not be construed to encompass the complete project. Additional plans and specifications may be required after further review.

If you have any questions regarding this matter, please contact this office at (925) 941-3300.

Sincerely,



Todd Schiess
Fire Inspector I

cc; Hoguin/Nevaraz
105 Montevino Ct.
Oakley, CA 94561

File: 1130 A ST-PLN-P-2021-05424