

**PLANNING COMMISSION
RESOLUTION # 2022-21**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
APPROVING A USE PERMIT AND DESIGN REVIEW APPLICATION FOR RESIDENTIAL
ARCHITECTURE AT THE DEER VALLEY ESTATES SUBDIVISION (UP-22-12, AR-22-08)**

WHEREAS, the City of Antioch (“City”) received an application from Meritage Homes on May 25, 2022 for a Use Permit and Design Review for new home architecture for the previously approved Deer Valley Estates which consists of 121 new single family homes on two undeveloped parcels totaling 37.56 acres (UP-22-12, AR-22-08). The Project is located at 6100 Deer Valley Road (APNs 055-071-026 and 057-022-013); and

WHEREAS, a Final Environmental Impact Report and Mitigation Monitoring and Reporting Program was prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15162, and introduced to the Planning Commission on May 19, 2021, but the item was continued until June 16, 2021;

WHEREAS, on June 16, 2021, the Planning Commission recommended adoption of the Final Environmental Impact Report based on the findings of fact and adopting a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program to the City Council; and

WHEREAS, on August 10, 2021, the City Council certified the Final Environmental Impact Report, based on findings of fact and adopting a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program;

WHEREAS, on August 10, 2021, the City Council certified the Final Environmental Impact Report, based on findings of fact and adopting a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program;

WHEREAS, on November 19, 2020, the Parks and Recreation Commission considered the Deer Valley Estates Project and recommended to the Planning Commission that the project be obligated to pay \$181,500 in parkland dedication in lieu fees;

WHEREAS, a public hearing notice was published in the East County Times and posted in three public places pursuant to California Government Code Section 65090 on July 1, 2022 for the public hearing held on July 20, 2022;

WHEREAS, the Planning Commission held a public hearing and considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request.

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, that the Planning Commission hereby make the following findings for approval of the requested Use Permit pursuant to Section 9-5.2703 “Required Findings” (B) (1) of the Antioch Municipal Code:

- a. 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.

Finding: The project has been designed to comply with the City of Antioch Municipal Code requirements. The new residential architecture adheres to the standards outlined in the Planned Development District, and Citywide Design Guidelines.

- b. The use applied at the location indicated is properly one for which a use permit is authorized.

Finding: The property is designated residential, and the new residential architecture is appropriate for the location. The City of Antioch Zoning Ordinance requires a use permit for home size modifications that are considered major changes. The new residential architecture is considered a major change.

- c. The site for the proposed use is adequate in size and shape to accommodate such use, and all yards, fences, parking, loading, landscaping, and other features required.

Finding: The project has been designed to adequately provide space for the use and related improvements. The new residential architecture will not impact the other uses in the neighborhood. The site plan complies with the Planned Development standards established for the project's Planned Development District.

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

Finding: The project site will upgrade Wellness Way and serve as the project entrance. The street extensions are designed to meet City standards for adequate width and pavement.

- e. The granting of such use permit will not adversely affect the comprehensive General Plan because the proposed uses and design are consistent with the General Plan.

Finding: The General Plan designation for project site is Sand Creek Focus Area - Low Density Residential, which allows for the type of residential development proposed by the project. The new residential architecture proposed by this project does not adversely affect the General Plan, in addition, the conditions ensure the project is consistent with City standards.

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Commission hereby adopts the Use Permit and Design Review from Meritage Homes for the new residential architecture for the Deer Valley Estates project located at 6100 Deer Valley Road (APNs 055-071-026 and 057-022-013) subject to Exhibit A Conditions of Approval and Exhibit B Project Plans.


I HEREBY CERTIFY that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 20th day of July, 2022, by the following vote:

AYES: Gutilla, Hills, Lutz, Martin, Motts, Riley, Schneiderman

NOES:

ABSENT:

ABSTAIN:


Forrest Ebbs (Jul 21, 2022 08:53 PDT)

FORREST EBBS
Secretary to the Planning Commission

**EXHIBIT A
CONDITIONS OF APPROVAL
(SEPARATE PAGE)**

EXHIBIT A: CONDITIONS OF APPROVAL

		<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and Signature)</u>
	General Conditions				
1.	Project Approval. This Use Permit and Design Review approval is for 6100 Deer Valley Rd, APN: 055-071-026, 057-022-013 (UP-22-12, AR-22-08), as substantially shown and described on the project plans, except as required to be modified by conditions herein or in the Development Agreement. Plans date received May 25, 2022, as presented to the Planning Commission on July 20, 2022 (“Approval Date.”). For any condition herein that requires preparation of a Final Plan where the project applicant has submitted a conceptual plan, the project applicant shall submit final plan(s) in substantial conformance with the conceptual plan, but incorporate the modifications required by the conditions herein for approval by the City.	City of Antioch	On-Going	Planning Department	
2.	Project Approval Expiration. This Use Permit and Design Review approval expires on July 20, 2024 (two years from the date on which this approval becomes effective) or at an alternate time specified as a condition of approval, unless a building permit has been issued and construction diligently pursued. The approval may be renewed by the Zoning Administrator for a period up to an additional one (1) year, provided that, at least ten (10) days before expiration an application for renewal of the approval is filed with the Community Development Department. The Zoning Administrator may grant a renewal of an approval where there is no change in the original application, or there is no request to change any condition of approval. No more than two (2) one (1) year extensions may be granted.	City of Antioch	On-Going	Planning Department	

EXHIBIT A: CONDITIONS OF APPROVAL

	Regulation Source	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
<p>3. City Fees. The applicant shall pay any and all City and other related fees applicable to the property, as may be modified by conditions herein. Fees shall be based on the current fee structure in effect at the time the relevant permits are secured and shall be paid before issuance of said permit or before any City Council final action approval. Notice shall be taken specifically of Plan Check, Engineering, Fire and Inspection Fees. The project applicant shall also reimburse the City for direct costs of planning; building and engineering plan check and inspection, as mutually agreed between the City and applicant.</p> <p><i>Discretionary or ministerial permits/approvals will not be considered if the developer is not current on fees, balances, and reimbursement that are outstanding and owed to the City.</i></p>	City of Antioch	On-Going	Community Development Department	
<p>4. Pass-Through Fees. The developer shall pay all pass-through fees. Fees include but are not limited to:</p> <ul style="list-style-type: none"> East Contra Costa Regional Fee and Financing Authority (ECCRFFA) Fee in effect at the time of building permit issuance. Contra Costa County Fire Protection District Fire Development Fee in place at the time of building permit issuance. Contra Costa County Map Maintenance Fee in affect at the time of recordation of the final map(s). Contra Costa County Flood Control District Drainage Area fee. School Impact Fees. Delta Diablo Sanitation Sewer Fees. Contra Costa Water District Fees. 	City of Antioch	On-Going	Community Development Department	

EXHIBIT A: CONDITIONS OF APPROVAL

		Regulation Source	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
5.	Appeals. Pursuant to Section 9-5.2509 of the Antioch Municipal Code, any decision made by the Planning Commission which would otherwise constitute final approval or denial may be appealed to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk within five (5) working days after the decision. All appeals to the City Council from the Planning Commission shall be accompanied by a filing fee established by a resolution of the City Clerk.	City of Antioch	Within 5 Days of Planning Commission Action	Planning Department	
6.	Requirement for Building Permit. Approval granted by the Planning Commission does not constitute a building permit or authorization to begin any construction or demolish an existing structure. An appropriate permit issued by the Community Development Department must be obtained before constructing, enlarging, moving, converting, or demolishing any building or structure within the City.	City of Antioch	On-Going	Building Department	
7.	Modifications to Approved Plans. The project shall be constructed as approved and with any additional changes required pursuant to the Zoning Administrator or Planning Commission Conditions of Approval. Planning staff may approve minor modifications in the project design, but not the permitted land uses. A change requiring discretionary approval and any other changes deemed appropriate by the Planning staff shall require further Planning Commission approval through the discretionary review process.	City of Antioch	On-Going	Planning Department	

EXHIBIT A: CONDITIONS OF APPROVAL

		Regulation Source	Timing/ Implementation	Enforcement/ Monitoring	Verification (date and Signature)
8.	Acquisition of Easements and Right of Way. All required easements or rights-of-way shall be obtained by the applicant at no cost to the City of Antioch. Advance permission shall be obtained from any property or easement holders for any work done within such property or easements.	City of Antioch	On-Going	Planning Department	
9.	Signs. No signs shall be installed on this site without prior City approval.	City of Antioch	On-Going	Planning Department	

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		<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification</u> (date and Signature)
	Project Specific Conditions				
1.	<p>Previous Approval Compliance. This development shall comply with all previous project conditions of approval and mitigation measures adopted for the Deer Valley Estates Project, including those found in the following adopted City Council resolutions:</p> <p>Resolution No. 2021/135: Resolution adopting Environmental Impact Report (EIR), California Environmental Quality Act Findings, Statement of Overriding Considerations, and Mitigation Measures and a Mitigation Monitoring and Reporting Program (MMRP); and</p> <p>Resolution No. 2021/136: Resolution approving a Vesting Tentative Map, Final Development Plan, Use Permit, and Design Review for the Deer Valley Estates Project.</p>	City of Antioch	On-Going	Planning Department	
2.	<p>Final Landscape Plans. The applicant shall submit final landscape plans that identify specific plant materials to be used, including all shrubs and groundcover, providing both common and botanical names, sizes, locations and quantities at the time of building permit submittal.</p>	City of Antioch	At the Time of Building Permit Submittal	Planning Department	

EXHIBIT A: CONDITIONS OF APPROVAL

3.	Landscaping Compliance. Landscaping for the project shall be designed to comply with the City of Antioch Water Efficient Landscape Ordinance (WELO). The applicant shall demonstrate compliance with the applicable requirements of the WELO in the landscape and irrigation plans submit plans to the City at the time of Building Permit submittal.	City of Antioch	At the Time of Building Permit Submittal	Planning Department	
4.	Facade Materials. Materials located on the front façade, including but not limited to stone veneer and belly bands, shall be wrap around to side elevations, up to the fence post location. Details shall be shown on plans at the time of the building permit submittal.	City of Antioch	At the Time of Building Permit Submittal	Planning Department	






Resolution 2022-21 Deer Valley UP AR SFD

Final Audit Report

2022-07-21

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