

**ANNOTATED
AGENDA
CITY OF ANTIOCH PLANNING COMMISSION
ANTIOCH COUNCIL CHAMBERS
THIRD & "H" STREETS**

WEDNESDAY, MAY 1, 2013

6:30 P.M.

NO PUBLIC HEARINGS WILL BEGIN AFTER 10:00 P.M.
UNLESS THERE IS A VOTE OF THE PLANNING COMMISSION
TO HEAR THE MATTER

APPEAL

All items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on **THURSDAY, MAY 9, 2013.**

ROLL CALL **6:30 P.M.**

Commissioners	Sanderson, Chair
	Hinojosa, Vice-Chair
	Motts
	Baatrup
	Miller
	Azevedo
	Westerman

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

CONSENT CALENDAR

All matters listed under Consent Calendar are considered routine and are recommended for approval by the staff. There will be one motion approving the items listed. There will be no separate discussion of these items unless members of the Commission, staff or the public request specific items to be removed from the Consent Calendar for separate action.

1. APPROVAL OF MINUTES: None

* * * END OF CONSENT CALENDAR * * *

NEW PUBLIC HEARINGS

STAFF REPORT

2. **PD-06-04, UP-06-21, AR-06-17** – Ted Liu of Bedrock Ventures, Inc. requests an amendment to condition of approval number 3 from Resolution 2008/29. The amendment would extend the expiration date of the approvals for the Final Planned Development, Use Permit, and design review to March 11, 2015. The project consists of retail and offices, located at Hillcrest Avenue and East Tregallas Road (APN: 052-100-069 and -068).

Continued to May 15, 2013

3. **PW 652** – Scott Broder requests an amendment to condition of approval number 60e from City Council Resolution 2001/38 to remove the single story restriction from Lot 4 of the Golden Bow Estates. The amendment would allow the construction of single family home up to 35' in height. The project is located at 3501 Ram Court (APN: 076-680-004).

**Denial Recommended to City Council
RESOLUTION 2013-05**

ORAL COMMUNICATIONS

STAFF REPORT

WRITTEN COMMUNICATIONS

COMMITTEE REPORTS

ADJOURNMENT (7:37 pm)

Notice of Availability of Reports

This agenda is a summary of the actions proposed to be taken by the Planning Commission. For almost every agenda item, materials have been prepared by the City staff for the Planning Commission's consideration. These materials include staff reports which explain in detail the item before the Commission and the reason for the recommendation. The materials may also include resolutions or ordinances which are proposed to be adopted. Other materials, such as maps and diagrams, may also be included. All of these materials are available at the Community Development Department located on the 2nd floor of City Hall, 3rd and H Streets, Antioch, California, 94509, between the hours of 8:00 a.m. and 11:30 a.m. or by appointment only between 1:00 p.m. and 5:00 p.m. Monday through Thursday for inspection and copying (for a fee). Copies are also made available at the Antioch Public Library for inspection. Questions on these materials may be directed to the staff member who prepared them, or to the Community Development Department, who will refer you to the appropriate person.

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF MAY 1, 2013**

Prepared by: Mindy Gentry, Senior Planner *MG*

Date: April 25, 2013

Subject: PD-06, UP-06-21, AR-06-17 – Hillcrest Summit Amendment

RECOMMENDATION

It is recommended that the Planning Commission approve an amendment to City Council Resolution 2008/29 to extend the approvals of the Final Development Plan, Use Permit, and design review for the Hillcrest Summit project.

REQUEST

Ted Liu of Bedrock Ventures, Inc. requests an amendment to condition of approval number 3 from City Council Resolution 2008/29. The amendment would extend the expiration date of the approvals for the Final Planned Development, Use Permit, and design review to March 11, 2015. The project consists of retail and offices, located at Hillcrest Avenue and East Tregallas Road (**APN: 052-100-069 and -068**). (Attachment "A").

BACKGROUND

On January 16, 2008, the Planning Commission recommended (7-0 vote) that the City Council approve the Hillcrest Summit project and adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

On January 23, 2008, the Design Review Board reviewed and approved (3 ayes, 1 no, and 1 absent) the subject project. The majority of the Board members lauded the architecture and design of the project.

On March 11, 2008, the City Council approved (3 ayes, 1 absent, and 1 recused) a rezone to Planned Development, a Final Development Plan, a Use Permit, and design review to construct a mixed use development consisting of offices and retail on approximately 4.94 acres. The proposed development includes 15,000 s.f. of retail and 35,000 s.f. of office (Attachment "B").

On April 6, 2011, the Planning Commission considered and approved (6 ayes and 1 absent) an amendment to the conditions of approval extending the project approvals until March 11, 2013.

ENVIRONMENTAL

On March 11, 2008, the City Council adopted a Mitigated Negative Declaration (MND) with a Mitigation Monitoring and Reporting Program for this project in conformance with the California Environmental Quality Act. Mitigation measures are proposed for impacts relating to air quality, historical and archeological resources, biological resources, soil erosion, noise, and traffic. All potential impacts are mitigated to a less than significant level. A subsequent environmental document does not need to be prepared because 1) no changes to the project are proposed requiring revisions to the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, 2) no substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and 3) no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence or at the time the previous MND was adopted.

ANALYSIS

Issue #1: Project Overview

The project consists of three buildings, one containing multi-tenant retail which is 15,000 s.f. and two buildings containing offices totaling 35,000 s.f. The total square footage is proposed at 50,000 s.f. The proposed retail building is closest to Hillcrest Avenue providing tenant desired visibility, while the two office buildings sit back from Hillcrest Avenue. One is located in the eastern corner of the site while the other is located closer to Shaddick Drive.

The subject property is zoned Planned Development (PD). The surrounding land uses and zoning designations are as noted below:

North:	A gas station and State Route 4 (C-1)
South:	Single family residential (R-6)
West:	Single family residential (R-6)
East:	Commercial shopping center with various inline retail and a gas station (C-2)

Issue #2: Approval Expiration

In April 2011, the Planning Commission approved a two year extension of the subject project approvals by modifying the City Council Resolution, which extended the project approvals until March 11, 2013 (Attachment "C"). The applicant is now returning to the Planning Commission to request an additional two year extension of the project

approvals, which would extend them until March 11, 2015. The additional two year extension is a similar request to the State's legislative changes for the Subdivision Map Act. While this project is not subject to the State's Subdivision Map Act's timeline extensions because a map was not part of this project, staff feels the request has similar objectives such as providing additional time to the applicant due to the unfavorable economic conditions. The additional time will allow the applicant to secure financing for the project as well as time for the commercial/retail market to recover. The current and ongoing economic conditions have tightened the credit market and have prevented the applicant from obtaining financing for the project. The applicant believes that the additional time will allow a better financial market and more positive economic conditions especially with the completion of the eBART station (Attachment "D").

The Antioch Municipal Code allows the final development plan approval to be extended by the Planning Commission for up to two years or an alternate time specified as a condition of approval. A use permit and design review expires after one year from the date of approval or at an alternative time specified as a condition of approval.

ATTACHMENTS

- A: Vicinity Map
- B: Staff Report and Minutes from the March 11, 2008 City Council Meeting
- C: Staff Report and Minutes from the April 6, 2011 Planning Commission Meeting
- D: Applicant's Request

**CITY OF ANTIOCH PLANNING COMMISSION
RESOLUTION NO. 2013-****

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
APPROVING AN AMENDMENT OF CONDITION OF APPROVAL NUMBER 3 OF
CITY COUNCIL RESOLUTION 2008/29**

WHEREAS, the City of Antioch did receive a request from Ted Liu of Bedrock Ventures, Inc. for an amendment to condition of approval number 3 from City Council Resolution 2008/29. The amendment would extend the expiration date of the approvals for the Final Planned Development, Use Permit, and design review to March 11, 2015. The project consists of retail and offices, located at Hillcrest Avenue and East Tregallas Road. (APN: 052-100-069 and -068) and,

WHEREAS, a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program was prepared and adopted by the City Council on March 11, 2008 in conformance with CEQA; and

WHEREAS, a subsequent environmental document does not need to be prepared because 1) no changes to the project are proposed requiring revisions to the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, 2) no substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and 3) no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence or at the time the previous MND was adopted.

WHEREAS, on March 11, 2008 the City Council duly held a public meeting, received and considered evidence, both oral and documentary; and

WHEREAS, the City Council was able to make all of required findings for a Final Planned Development and Use Permit; and

WHEREAS, on April 6, 2011, the Planning Commission duly held a public meeting, received and considered evidence, both oral and documentary; and

WHEREAS, the Planning Commission approved a two-year extension of the project approvals to March 11, 2013 by modifying City Council Resolution 2008/29; and

WHEREAS, the Planning Commission duly gave notice of public hearing as required by law; and,

WHEREAS, on May 1, 2013, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

NOW THEREFORE BE IT RESOLVED, that the Planning Commission of the City of Antioch can still make the following required findings for approval of a Final Planned Development:

1. Each individual unit of the Hillcrest Summit development can exist as an independent unit capable of creating an environment of sustained desirability and stability because each building has independent access and parking. The uses proposed in the Master Use List will not be detrimental to present and potential surrounding uses but instead will have a beneficial effect which could not be achieved under another zoning district due to allowing the encumbered site flexibility in setbacks while providing uses that are compatible with the surrounding commercial area and the General Plan. In addition, the project will have the convenience of having established uses allowing for tenants with approved uses not to spend the time going through a public hearing; and
2. The project site is served by streets and thoroughfares that meet the standards of the City's Growth Management Program and adequate utility service can be supplied to all phases of the development because the project is an infill development with access to existing utilities; and
3. The commercial components of the Hillcrest Summit project are justified economically at the location proposed because they are consistent with the General Plan; and
4. Any industrial component conforms to applicable desirable standards and will constitute an efficient, well-organized development with adequate provisions for railroad and/or truck access and necessary storage and will not adversely affect adjacent or surrounding development; and
5. Any deviation from the standard zoning requirements is warranted by the compatible design of the encumbered site and additional amenities such as a pedestrian walkway and seating areas have been incorporated in the final development plan which offer certain unusual redeeming features to compensate for any deviations that may be permitted; and
6. The area surrounding the Hillcrest Summit project can be planned and zoned in coordination and substantial compatibility with the proposed development because the development is in line with the surrounding neighborhood and has a Master Use List compatible with the General Plan; and

7. The Project conforms to the General Plan of the City because the proposed use is commercial and the General Plan designation is Neighborhood Commercial.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Antioch can still make the following required findings for approval of a Use Permit:

1. That 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 because the project has been designed to be sensitive to the surrounding community by having a large setback between the commercial buildings and the adjacent residential uses and the project complies with the City of Antioch requirements;
2. That the commercial use applied for at the location indicated is properly one for which a use permit is authorized because the General Plan designation is Neighborhood Commercial;
3. That 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, to other uses in the neighborhood. The site plan complies with the City standards and where they have deviated has been compensated by the design and additional amenities;
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 site abuts to both a local street and an arterial street, which meet the City standard for width and are paved with an all weather surface; and
5. That the granting of use permit will not adversely affect the comprehensive General Plan because the proposed uses and design are compatible with the General Plan.

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Antioch does hereby **APPROVE** an amendment to condition of approval number 3 of City Council Resolution 2008/29 for the Hillcrest Summit project, extending the Final Planned Development, Use Permit, and design review until March 11, 2015.

* * * * *

I HEREBY CERTIFY the foregoing resolution was duly adopted by the Planning Commission of the City of Antioch, County of Contra Costa, State of California, at a regular meeting of said Planning Commission held on the 1st day of May, 2013.

RESOLUTION NO. 2013-**

May 1, 2013

Page 4

AYES:

NOES:

ABSTAIN:

ABSENT:

Tina Wehrmeister
Secretary to the Planning Commission

ATTACHMENT "A"

VICINITY MAP



ATTACHMENT "B"

STAFF REPORT TO THE CITY COUNCIL FOR CONSIDERATION AT THE MEETING OF MARCH 11, 2008

Prepared by: Mindy Gentry, Associate Planner

Reviewed by: Tina Wehrmeister, Deputy Director of Community Development

Approved by: Joseph G. Brandt, Director of Community Development

Date: March 7, 2008

Subject: PD-06-04, UP-05-31 – Final Development Plan, and Use Permit for Retail and Offices

RECOMMENDATION

It is recommended that the City Council take the following actions:

1. Motion to approve the resolution adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; and,
2. Motion to read the ordinance by title only; and,
3. Motion to introduce the ordinance rezoning 4.94 acres making up the project site to the Planned Development District (PD); and,
4. Motion to adopt the resolution approving the Final Development Plan and Use Permit.

REQUEST

Bedrock Ventures, Inc. requests approval of a rezone to Planned Development and approval of a Final Development Plan and Use Permit to construct a mixed use development consisting of offices and retail on approximately 4.94 acres. The proposed development includes 15,000 s.f. of retail and 35,000 s.f. of office. The project site is located approximately 250 feet south of the intersection of Hillcrest Avenue and East Tregallas Road (APN: 052-100-055 and -056).

Each requested entitlement is discussed below:

Rezone to Planned Development district (PD): The project site is within an existing Planned Development District. It is therefore required that the project site be rezoned as its own PD according to the Planned Development review process established by the Municipal Code.

3-11-08

B1

Approval of a Final Development Plan: Approval of a Final Development Plan goes hand in hand with the rezoning described above. The Final Development Plan and the PD district effectively become the zoning code for the project area. In this case, the Final Development Plan would allow for the construction of one 15,000 s.f. retail building and two office buildings, one 25,000 s.f. and the other 10,000 s.f.

Use Permit: The applicant is requesting approval of a Use Permit. The requested uses are attached (Attachment "C").

BACKGROUND INFORMATION

On January 16, 2008, the Planning Commission recommended (7-0 vote) the City Council approve the subject project and adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. The only concern raised by the Planning Commission was the circular drive aisle between Buildings 'A' and 'B' being a one way (Attachment "D"). The applicant has modified the plan so the circular drive aisle can now accommodate a two way traffic flow.

On January 23, 2008, the Design Review Board reviewed and approved (3 ayes, 1 no, and 1 absent) the subject project (Attachment "E"). The majority of the Board members lauded the architecture and design of the project.

ENVIRONMENTAL

A Mitigated Negative Declaration (MND) with a Mitigation Monitoring and Reporting Program has been prepared for this project in conformance with the California Environmental Quality Act (Attachment "B"). The public review period was from January 11, 2008 to January 30, 2008. The Community Development Department did not receive any comments on the MND. Mitigation measures are proposed for impacts relating to air quality, historical and archeological resources, biological resources, soil erosion, noise, and traffic. All potential impacts are mitigated to a less than significant level.

ANALYSIS

Issue #1: Project Overview

The applicant is proposing to construct three buildings, one containing multi-tenant retail which is 15,000 s.f. and two containing offices totaling 35,000 s.f. The total square footage is proposed at 50,000 s.f. The proposed retail building is closest to Hillcrest Avenue providing tenant desired visibility, while the two office buildings sit back from Hillcrest Avenue. One is located in the eastern corner of the site while the other is located closer to Shaddick Drive.

The front setback at the smallest distance is approximately 19 feet from the Hillcrest Avenue property line. Due to the configuration of the site, the 19 foot setback is only at one point and the setback increases in size to the south and the north, with an average

setback of 33 feet. The roof of Building 'A' is setback 20 feet from the Hillcrest Avenue property line and again because of the site configuration the setback increases to the north and the south. Typically, the required setback for an arterial street such as Hillcrest Avenue is 30 feet. The setback on Shaddick Drive is approximately 15 feet from the property line. The typical setback on Shaddick Drive would be 20 feet. Since the project is a Planned Development, it allows for more flexibility in the setback requirements. Staff feels the proposed setbacks on the site are appropriate because of the site's unusual shape and the steep hillside along the rear of the property. The applicant has taken into consideration the building layout, site circulation, and parking which has produced a design that Staff believes works well for the encumbered site.

The applicant is proposing to construct the project in three phases, which are as follows:

Phase 1: Q4 2008 – Q1 2009

- Project site work, parking lot, landscaping
- Building A

Phase 2: Q4 2009 – Q1 2010

- Building B

Phase 3: Q4 2010 – Q1 2011

- Building C

The subject property is zoned Planned Development (PD). The surrounding land uses and zoning designations are as noted below:

North:	A gas station and State Route 4 (C-1)
South:	Single family residential (R-6)
West:	Single family residential (R-6)
East:	Commercial shopping center with various inline retail and a gas station (C-2)

Issue #2: General Plan, Zoning Consistency, and Land Use

The General Plan designation is Neighborhood Commercial and the zoning designation is Planned Development (PD). Neighborhood Commercial allows for office and retail uses; therefore, the project is consistent with the General Plan. Since the project is Planned Development, the applicant has provided a proposed list of uses for both the office and retail components. The proposed uses are included as Attachment "C".

Staff has a few concerns regarding the proposed uses for the office component and one concern on the retail component of the Master Use List. Staff concerns are with the animal hospitals/veterinary clinics and any type of assembly use which could potentially include clubs, lodges, churches, and cultural institutions. Animal hospitals and veterinary clinics typically board animals overnight and tend to be louder than a typical office use. Assembly uses have different requirements in the building code than office

uses and many have unique operating characteristics such as late hours and music. Therefore, staff is recommending that animal hospitals/veterinary clinics and assembly uses or uses with assembly as part of the use be subject to a supplemental use permit with approval from the Planning Commission. The supplemental use permit will allow for further review of these particular uses and provide the opportunity to add conditions of approval if necessary. The last concern of staff relating to office uses is day-care centers. Day-care centers require outdoor space and Staff feels it is not appropriate at this location; however Staff would be supportive of adding a tutoring center to replace day-care. A condition of approval has been added reflecting this. See condition numbers 75 and 76 regarding the discussion above.

The concern that Staff has regarding the retail uses is the Food Stores which encompass both convenience stores and grocery stores. The Zoning Ordinance defines a convenience store as an establishment with a sales area of 5,000 s.f. or less which sells primarily food, household items, and personal convenience items. Since the applicant is only providing 15,000 s.f. of retail, a convenience store will be more likely than a grocery store to locate in this project.

The City Council amended the Zoning Ordinance in April of 2005 as it pertains to Convenience Stores and required a Use Permit for such uses. Staff feels that Council's intent is to review each convenience store independently. Therefore staff recommends that Convenience Stores wishing to locate in this development require a supplemental use permit. If Council feels it is appropriate, they may also strike Food Stores from the Master Use List. Staff has placed a condition of approval (condition number 75) stating that convenience stores will require a supplemental use permit with review and approval by the Planning Commission.

Issue #3: Parking and Circulation

Per the Zoning Ordinance, the parking requirement for retail is 5 spaces per 1,000 s.f. of gross floor area, which equates to 75 parking spaces for the retail portion (15,000 s.f.) of the project. For business and professional office, the requirement is 250 s.f. of gross floor area which equates to 140 parking spaces; however, the applicant has identified medical and dental office as a potential use. The parking requirement for medical office is 1 space per 225 s.f. of gross floor area. During the Planning Commission hearing the applicant agreed to add additional parking to accommodate medical office uses. The original parking count only allowed for professional offices. The applicant added a total of 5 parking spaces after the Planning Commission hearing, which allows for 12,465 s.f. of medical office space. A condition of approval has been placed on the project restricting the amount of medical office space to 12,465 s.f. due to the limited number of parking spaces (condition number 74).

There are two driveways proposed to serve the subject site. One driveway is on Hillcrest Avenue. The driveway will be a right in and right out. The second ingress and egress is located on Shaddick Drive, which allows vehicles to enter from either direction on Shaddick Drive and depart the site in either direction.

Delivery trucks serving the site are not expected to be larger than a 30' box truck; therefore, the driveways and turns must have adequate radii to accommodate the trucks. The applicant has provided a truck turning template showing that a 30' box truck can successfully navigate the site.

The traffic study has also indicated the applicant will be responsible for the following mitigation measures:

- Payment of the proportionate fair share for the improvements to the intersections of Hillcrest Avenue and State Route 4 westbound ramps and Hillcrest Avenue, Davison Drive, and Deer Valley Road, which will be satisfied through the traffic fees paid at the time of building permit issuance.
- Payment of the proportionate fair share for the lengthening of the Hillcrest Avenue northbound left-turn pocket. Based on an estimated construction cost of \$100,000, the project's 18.9% share is \$18,900.
- Payment of the proportionate fair share to widen East Tregallas Road to accommodate a left-turn lane to total 275 feet. The signal timing shall also be modified for protected left-turn phasing for the East Tregallas Road/Larkspur Drive approaches. Based on an estimated construction cost of \$150,000 the project's 28.6% share is \$42,900.

In a letter provided by Tri Delta Transit (Attachment "F"), they have recommended adding a bus turnout or adding a wide right turn lane into the development on Hillcrest Avenue; either option will provide the opportunity for buses to pull out of flow of traffic to load and unload passengers. Tri Delta Transit is requesting either of these options due to the increase of traffic on Hillcrest Avenue. Staff has not added the bus turnout as a condition of approval because the traffic in lane three on Hillcrest Avenue is lighter than the other two lanes as most vehicles are making their way over to either make a left and continue on Hillcrest Avenue or to continue straight on Deer Valley Road. To verify the numbers, the City of Antioch Traffic Division conducted a study to get accurate counts during the AM and PM peak. This study was done before the Bypass was opened which is important to note since the traffic on Hillcrest further to the south has been measured as reduced by almost 50%. During the AM peak, which was from 7:30 AM to 9:19 AM, 173 vehicles were in lane three as opposed to 601 in lane two and 733 in lane one. During this time, no buses made a stop at the bus stop in front of the subject property. During the PM peak, 4:30 PM to 6:00 PM, 377 cars utilized lane three while 1,058 vehicles were in lane two and 1,137 vehicles in lane one. Five buses made stops in front of the subject property during the PM peak. Furthermore, approximately 14 feet behind the property is a retaining wall 6' in height. If a bus stop was added to the project, the retaining wall would significantly increase in height by cutting into the slope for the bus stop. The heightened wall would be adjacent to Hillcrest Avenue, an arterial street, and would decrease the landscaped area. If the City Council feels it is appropriate, they may add a condition of approval to have the applicant construct the bus turnout as well as dedicate the land required for the bus turnout to the City of Antioch.

Issue #4: Grading and Retaining Walls

There are five proposed retaining walls on site. There are three on the backside of the project due the steep slope between the residential properties and the proposed development. The retaining wall that is closest to the residential properties ranges in height from approximately 0.5 feet on the eastern end to a maximum of 6.75 feet and then declines again to 0.5 feet in height. The wall runs a total of 565 lineal feet. The middle retaining wall ranges from 0.5 feet to a maximum height of 6.7 and then descends to 1 foot in height. The third retaining wall or the one closest to the proposed development ranges in height from approximately 0.5 feet to a maximum of 6.7 feet in height and then descends to a height of 3 feet. The middle retaining wall runs a total of 620 lineal feet and the third retaining wall runs a total of 640 lineal feet. The retaining walls located on the backside will mainly be hidden by the buildings and are not expected to be very visible from the street. The three retaining walls provide for a terraced hillside and prevent higher walls from being constructed.

The fourth retaining wall on site, which runs for 250 lineal feet, faces Hillcrest Avenue and then wraps around to face the ingress and egress as well as part of the parking area. The retaining wall ranges in height from less than a foot to 6 feet in height. The fifth retaining wall runs a total of 418 lineal feet and starts adjacent to the northeastern side of the ingress and egress on Shaddick Drive. The wall continues northeast along Shaddick Drive and then wraps around the perimeter of the property parallel with the property line for the Valero gas station. The wall ranges in height from approximately one foot to 4.5 feet. The project has been conditioned to locate all retaining walls outside of the street right-of-way and to minimize the height of the walls to the maximum extent practicable.

The design of the retaining walls consists of a keystone wall. The color of the wall is a gray stone motif. There are four different stone sizes the wall is comprised of, a large, medium, and small unit as well as a cap.

Issue #5: Architecture and Landscaping

The architecture of the buildings is in the Craftsman style with materials consisting of composition roof shingles, cement board siding, and stucco. The retail building uses an 8' wide arcade along the façade of the building to create a comfortable pedestrian walkway. The office buildings have a 5' wide arcade on the front and side of the buildings (Attachment "G").

The applicant is proposing a combination of small decorative trees and large street trees. The interior of the site contains the small decorative trees and in the parking lot, away from the buildings larger trees such as Sequoia Sempervirens (Coast Redwood) are used.

The hillside between Buildings 'A' and 'B' and the residential homes contains a variety of trees and shrubs. As the vegetation gets closer to the fence line of the homes, the

tree type is smaller and more shrubs and groundcover are used so as not to obstruct the view of the residences. The tree that is utilized is a Rhus Lancea (African Sumac), which reaches a maximum height of 30' and due to the grade change, will not impact the view.

Tree Removal

According to the biological assessment, there are five small coast live oaks and one big leaf maple present on the site. The biological assessment does not say how large the trees are; however, the assessment recommends the trees be retained as part of the site's landscape. According to the applicant, there is only one tree to be removed from the site because it is located where the driveway is proposed. Prior to the issuance of building permits the applicant shall provide documentation identifying the tree type and size. The tree that is to be removed, or if any others will be removed during construction, shall be replaced with two 24" box trees. The remainder of the trees shall be protected through the setup of an exclusion zone or orange barrier fencing around the tree at a distance greater than the drip line of the tree. No heavy machinery should pass through or park within this zone and debris or materials should not be placed within the exclusion zone around the drip line or leaning against the trunk.

Issue #6: Other Issues

Lot Line Adjustment or Lot Merger

Currently the proposed project spans over two separate properties which are owned by the same entity. Because one of the parcels could theoretically be sold to another owner, the development would not be sustainable the way the current property lines fall. The applicant will be required to process a lot line adjustment to the satisfaction of the City Engineer prior to the issuance of building permits.

Another option would be to merge the two lots, which is currently not proposed and would need the Planning Commission's approval. Since this option has not been brought forward by the applicant, the project has been conditioned to process a lot line adjustment. If the applicant decides a lot merger is appropriate it will be required to be heard before the Planning Commission.

Refuse Enclosure

There are three refuse enclosures, one for each proposed building. The trash enclosures have been architecturally incorporated into the buildings. The roofline has been extended from the buildings to appear the enclosure is part of the building architecturally.

Community Meeting

On January 3, 2008, the applicant held a community meeting for the adjacent residential property owners in order to address any concerns or to hear feedback from the neighbors. Two residents were in attendance and had questions regarding the potential impacts to their homes. The homeowners were satisfied with the applicant's response regarding their concerns. The homeowners were concerned with the obstruction of the

views by the proposed buildings, the architecture of the buildings, and the proposed uses.

FINANCIAL IMPACT

The project will result in additional sales tax revenue for the City of Antioch.

OPTIONS

1. Continue the project with direction to staff regarding additional information.
2. Deny the project.

ATTACHMENTS

- A: Vicinity Map
- B: Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan
(This attachment was distributed only to the City Council members due to size.
A copy is available for public review at the Community Development Department.)
- C: Applicant's List of Proposed Uses
- D: Staff Report and Minutes from the January 16, 2008 Planning Commission Hearing
- E: Staff Report and Minutes from the January 23, 2008 Design Review Board Hearing
- F: Letter from Tri Delta Transit dated August 3, 2006
- G: Applicant's Project Description

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL REZONING 4.94 ACRES, MAKING UP THE HILLCREST SUMMIT PROJECT SITE, TO THE PLANNED DEVELOPMENT DISTRICT (PD)

The City Council of the City of Antioch does ordain as follows:

SECTION 1:

The City Council determined on March 11, 2008 that, pursuant to Section 15074 of the Guidelines of the California Environmental Quality Act, and after full consideration of the Initial Study prepared for the project, and on the basis of the whole record before it, the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Hillcrest Summit project should be adopted.

SECTION 2:

At its regular meeting of January 16, 2008, the Planning Commission recommended that the City Council adopt the Ordinance to rezone the subject property to the Planned Development District (PD).

SECTION 3:

The real property described in Exhibit A, attached hereto, is hereby rezoned to, and the zoning map is hereby amended accordingly, Planned Development District (PD). The Final Development Plan, with attachments consisting of various maps, written documents, and renderings of the proposed development along with all conditions imposed by the City of Antioch are hereby incorporated by reference and made a part of this zoning change. These documents are on file at the City of Antioch Community Development Department.

SECTION 4:

This ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption and shall be published once within fifteen (15) days upon passage and adoption in a newspaper of general circulation printed and published in the City of Antioch.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was introduced at a regular meeting of the City Council of the City of Antioch, held on the 11th day of March and passed and adopted at a regular meeting thereof, held on the ___ day of ___, 2008 by the following vote:

AYES:

NOES:

ABSENT:

Mayor of the City of Antioch

ATTEST:

City Clerk of the City of Antioch

Exhibit A

RESOLUTION NO. 2008/29

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM AND APPROVING A FINAL PLANNED DEVELOPMENT AND USE PERMIT FOR THE HILLCREST SUMMIT PROJECT

WHEREAS, the City Council of the City of Antioch received a request from Bedrock Ventures, Inc. for approval of a planned development rezone, a final planned development and use permit to construct one 15,000 s.f. retail building and two office buildings totaling 35,000 s.f. on a vacant 4.94 acre parcel. The project site is located approximately 250 feet south of the intersection of Hillcrest Avenue and East Tregallas Road (Z-08-01, PD-06-04, UP-06-21) (APN: 052-100-055 and -056); and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan has been prepared and duly circulated for a period of 20 days from January 11 to January 30, 2008. All potential impacts were identified and mitigated to a less-than-significant level; and

WHEREAS, the Planning Commission on January 16, 2008, duly held a noticed public hearing, received and considered evidence, both oral and documentary, and recommended approval of the project to the City Council; and

WHEREAS, the Design Review Board on January 23, 2008 duly held a public hearing, received and considered evidence, both oral and documentary, and recommended approval of the project to the City Council; and

WHEREAS, the City Council duly gave notice of public hearing as required by law; and,

WHEREAS, on March 11, 2008 the City Council duly held a public meeting, received and considered evidence, both oral and documentary; and,

WHEREAS, the City Council did consider the request to rezone the project site to Planned Development (PD).

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Antioch makes the following required findings for approval of a Final Development Plan:

1. Each individual unit of the Hillcrest Summit development can exist as an independent unit capable of creating an environment of sustained desirability and stability because each building has independent access and parking. The uses proposed in the Master Use List will not be detrimental to present and potential surrounding uses but instead will have a beneficial effect which could not be achieved under another zoning district due to allowing the encumbered site flexibility in setbacks while providing uses that are compatible with the surrounding commercial area and the General Plan. In addition, the project will have the convenience of having established uses allowing for tenants with approved uses not spend the time going through a public hearing; and
2. The project site is served by streets and thoroughfares that meet the standards of the City's Growth Management Program and adequate utility service can be

supplied to all phases of the development because the project is an infill development with access to existing utilities; and

3. The commercial components of the Hillcrest Summit project are justified economically at the location proposed because they are consistent with the General Plan; and
4. Any industrial component conforms to applicable desirable standards and will constitute an efficient, well-organized development with adequate provisions for railroad and/or truck access and necessary storage and will not adversely affect adjacent or surrounding development; and
5. Any deviation from the standard zoning requirements is warranted by the compatible design of the encumbered site and additional amenities such as a pedestrian walkway and seating areas have been incorporated in the final development plan which offer certain unusual redeeming features to compensate for any deviations that may be permitted; and
6. The area surrounding the Hillcrest Summit project can be planned and zoned in coordination and substantial compatibility with the proposed development because the development is in line with the surrounding neighborhood and has a Master Use List compatible with the General Plan; and
7. The Project conforms with the General Plan of the City because the proposed use is commercial and the General Plan designation is Neighborhood Commercial.

BE IT FURTHER RESOLVED that the City Council does hereby make the following findings for approval of a Use Permit:

1. That 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 because the project has been designed to be sensitive to the surrounding community by having a large setback between the commercial buildings and the adjacent residential uses and the project complies with the City of Antioch requirements;
2. That the commercial use applied for at the location indicated is properly one for which a use permit is authorized because the General Plan designation is Neighborhood Commercial;
3. That 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, to other uses in the neighborhood. The site plan complies with the City standards and where they have deviated has been compensated by the design and additional amenities;
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 site abuts to both a

local street and an arterial street, which meet the City standard for width and are paved with an all weather surface; and

5. That the granting of use permit will not adversely affect the comprehensive General Plan because the proposed uses and design are compatible with the General Plan.

BE IT FURTHER RESOLVED that the City Council, after reviewing the staff report and considering testimony offered, does hereby adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and APPROVE the request for a Final Development Plan and Use Permit to allow the construction of three buildings, 15,000 square feet of retail and 35,000 square feet of office, totaling 50,000 square feet, located approximately 250 feet south of the intersection of Hillcrest Avenue and East Tregallas Road, subject to the following conditions:

STANDARD CONDITIONS

1. That the project shall comply with the Antioch Municipal Code.
2. That conditions required by the Planning Commission or City Council, which call for a modification or any change to the site plan submitted, be corrected to show those conditions and all standards and requirements of the City of Antioch prior to any submittal for a building permit. No building permit will be issued unless the site plan meets the requirements stipulated by the Planning Commission and the standards of the City.
3. That this approval expires two years from the date of approval (Expires: March 11, 2010), unless a building permit has been issued and construction has diligently commenced thereon and has not expired, or 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.
4. That City staff inspect the site for compliance with conditions of approval prior to final building inspection.
5. That the applicant obtains an encroachment permit for all work to be done within the public right-of-way.
6. That any required easements or rights-of-way for off-site improvements are to be obtained by the developer, at no cost to the City of Antioch.
7. That advance permission be obtained from any property or easement holders for any work done within such property or easements.
8. That the developer pay all fees required by the City Council.
9. That the building be clearly identified and an exterior lighting plan be submitted for Police Department review and approval.

RESOLUTION NO. 2008/29

March 11, 2008

Page 4

10. That this approval supersedes previous approvals that have been granted for this site.
11. That building permits shall be secured for all proposed construction associated with this facility, including any interior improvements not expressly evident on the plans submitted.
12. That all construction conform to the requirements of the Uniform Building Code and City of Antioch standards.
13. That the Regional Traffic Impact Fee be paid, as well as all other applicable fees.
14. That the developer pay all required City fees at the time of building permit issuance.
15. That the use of construction equipment be restricted to weekdays between the hours of 8:00 am to 5:00 pm or as approved by the City Engineer.
16. That traffic signal fees be paid.
17. That the project be in compliance with and supply all the necessary documentation for AMC6-3.2: Construction and demolition debris recycling.
18. That the applicant shall defend, indemnify and hold harmless the City in any action brought by a third party to challenge the land use entitlement.
19. No buildings or refuse enclosures shall be built on any easements.
20. That any work that would obstruct a City street not be conducted during peak commute hours, as approved by the City Engineer.
21. That landscaping and signing not create a sight distance problem.
22. That there be a minimum of five (5) feet clear between any proposed trees and any concrete or asphalt paving belonging to the City of Antioch. Trees closer than ten (10) feet to such concrete or asphalt paving shall use approved root guards.
23. That detailed landscaping and irrigation plans for the entire site shall be submitted to the City for review and approval. All landscaping and irrigation shall be installed in accordance with approved plans prior to the issuance of certificates of occupancy for this building.
24. That asphalt paving shall have a minimum slope of 2%, and concrete paving have a minimum slope of 0.75%.
25. That all on site curbs, gutters, and sidewalks shall be constructed of Portland cement concrete.
26. That all mechanical and roof equipment be screened from public view.

27. That all parking lot dimensions and striping shall meet City standards.
28. That all parking and access meet the ADA/Title 24 requirements as determined by the Chief Building Official using Checklist #1, Parking, CA Title 24, Sections 1129B.1 and 1130B. The location of such spaces shall provide safe and convenient access to the building as determined by the Chief Building Official.
29. That any cracked or broken sidewalks be replaced as required by the City Engineer.
30. That the City Engineer shall determine if it is necessary to engage soils and structural engineers as well as any other professionals deemed necessary to review and verify the adequacy of the building plans submitted for this project. If deemed necessary by the City, this may be extended to include field inspections by such professional to verify implementation of the plans. Cost of these services shall be born by the developer.
31. That a lighting plan be submitted to staff for review and approval prior to the issuance of building permits. All lighting shall be installed on site in accordance with approved plans, and prior to the issuance of certificates of occupancy for this building.
32. All existing and proposed public utilities (e.g. transformers, PMH boxes) shall be placed underground and subsurface or screened from public view 30' from the property line, in accordance with the Antioch Municipal Code or as approved by the City Engineer.
33. That all storm water flows be collected on site and discharged into an approved public storm drain system.
34. That a reduced backflow prevention device be installed on all City water meter services.
35. That the applicant shall comply with all requirements and conditions, and pay all fees set forth by the Delta Diablo Sanitation District.
36. That street lighting shall be provided in accordance with the Antioch Municipal Code.
37. That improvements and fees that are required by the Contra Costa County Flood Control District be implemented, as approved by the City Engineer.
38. That the developer shall provide adequate water pressure and volume to serve this development, as approved by the City Engineer.
39. That the sewer collection system be constructed to function as a gravity system.
40. That a parking lot sweeping program be implemented which provides for sweeping, at minimum immediately prior to and once during, storm season.
41. That standard dust control methods be used to stabilize the dust generated by construction activities.
42. That no illegal signs, pennants, banners, balloons, flags, or streamers are to be used on this site at any time.

43. That no signs be installed on this site without prior City approval.
44. That the site be kept clean of all debris (boxes, junk, garbage, etc.) at all times.
45. The project shall conform to Antioch Municipal Code Section 9-5.1001.1 concerning the landscape maintenance of non-residential projects. In addition, all landscape areas shall be maintained at Level A.
46. That water conservation measures, including low volume toilets and the use of drought tolerant landscaping be used.
47. That a trash enclosure is required. The trash enclosure shall be covered by a roof structure to prevent runoff and that the interior be plumbed to the sanitary sewer.
48. That the project shall comply with all Federal, State and City regulations for the National Pollution Discharge Elimination System (NPDES) (AMC§6-9). Under those NPDES regulations, this project is subject to provision C.3: New development and redevelopment regulations for storm water treatment. As such, a Storm Water Control Plan is required to be submitted simultaneously with project plans.
49. That the following requirements of the Federally mandated NPDES program be complied with, or as required by the City Engineer:
 - a) That an application for a State of California "General Construction Activity Storm Water Permit" be submitted to the Regional Resources Control Board, and a copy of the Notice of Intent be submitted to the City, prior to any construction activity on this site;
 - b) Limiting construction access routes and stabilizing access points;
 - c) Stabilizing areas denuded due to construction (prior to wet season, October 1 through May 1) by using suitable practices including, but not limited to, temporary or permanent seeding, mulching, sod stabilization, vegetative buffer strips, protection of trees, plastic covering, application of ground base on areas to be paved;
 - d) Protecting adjacent properties by appropriate use of vegetative buffer strips, sediment barriers or filters, dikes or mulching, or by a combination of these measures or other appropriate measures;
 - e) Delineating clearing limits, easements, setbacks, sensitive or critical areas and their buffers, trees and drainage courses by marking them in the field;
 - f) Stabilizing and preventing erosion from temporary conveyance channels and outlets;
 - g) Using sediment controls and filtration to remove sediment from water generated by dewatering;

- h) Using proper construction materials and construction waste storage, handling and disposal practices;
 - i) Using proper vehicle and equipment cleaning, fueling and maintenance practices;
 - j) Controlling and preventing discharge of all potential pollutants, including but not limited to, pesticides, petroleum products, nutrients, solid wastes, and construction chemicals, that occur on site during construction;
 - k) Preparing a contingency plan in the event of unexpected rain or BMP failure including but not limited to, an immediate response plan, storing extra or alternative control materials on-site (stakes, fences, hay bales), notifying the local agency, etc.;
 - l) Education and Training – For developments with no property owner association or community association, practical information materials on good housekeeping of hazardous products, proper use and disposal for hazardous products, and prohibited discharge practices and materials must be provided, initially by the developer, to the first occupant/tenants, and thereafter by the City public education program.
 - m) Labeling Storm Drain Facilities – The phrase “No Dumping – Drains to River” must be embossed/stamped on all new storm drain inlets to alert the public to the destination of storm water and to prevent direct discharge of pollutants into the storm drain. Water courses should be similarly labeled by posting signs.
 - n) Runoff Control – To the extent practicable, maintain post-development peak runoff rate and average volume of runoff at levels that are similar to pre-development levels. The developer must design the proposed project accordingly.
50. All requirements of the Contra Costa County Health Department shall be met.
51. That all requirements of the Contra Costa County Fire Protection District be met.
52. That the applicant shall pay the Contra Costa Fire Protection District Fire Development fee in place at the time of permit issuance.
53. The applicant shall comply with the following conditions provided by the Contra Costa County Fire District:
- a) Provide emergency apparatus access roadways with all-weather driving surfaces of not less than 20-feet unobstructed width, and not less than 13 feet 6 inches of vertical clearance, to within 150 feet of travel distance to all portions of the exterior walls of every building. Access roadways shall not exceed 16% grade, shall have a minimum outside turning radius of 45 feet, and an inside turning radius of 25 feet, and must be capable of supporting the imposed loads of fire apparatus, i.e., 37 tons. (902.2) CFC, 22500.1 CVC

- i) Access roadways of less than 28 feet unobstructed width shall have NO PARKING – FIRE LANE signs posted and curbs painted red with the words NO PARKING – FIRE LANE clearly marking.
 - ii) Access roadways of 28 feet or greater, but less than 36 feet unobstructed width shall have NO PARKING – FIRE LANE signs posted, allowing for parking on one side only and curbs painted red with the words NO PARKING – FIRE LANE clearly marked.
 - iii) Access roadways 36 feet or greater of unobstructed width allowing for parking on both sides.
- b) Emergency apparatus access roadways and hydrants shall be installed, in service, and inspected by the Fire District prior to construction or combustible storage on site. (8704.1) CFC. Gravel roads are not considered all-weather roadways for emergency apparatus access. A minimum of the first lift of asphalt concrete paving (with curb and gutter if proposed) shall be installed as the minimum subbase material and capable of supporting the designated gross vehicle weight specified above.
- c) Premises identification shall be provided. Such numbers shall contrast with their background and be a minimum of four inches high with ½ -inch stroke or larger as required to be readily visible from the street. (901.4.4) CFC.
- d) The developer shall provide traffic signal pre-emption systems (Opticom) on any new or modified traffic signals installed with the development. (21351) CVC.
- e) The developer shall provide fire hydrants of the East Bay type. Hydrant locations will be determined by this office upon submittal of three copies of complete site improvement plans or utility plans. (903.3) CFC. Hydrants shall be spaced a maximum of 300 feet on center.
- f) The developer shall provide an adequate and reliable water supply for fire protection with a minimum flow of 4,000 GPM. Required flow shall be delivered from not more than four hydrants flowing simultaneously for duration of 240 minutes while maintaining 20-pounds of residual pressure in the main. (903.3) CFC. This includes the reduction for the installation of automatic fire sprinklers.
- g) The developer shall submit three copies of site improvement plans indicating all existing or proposed utilities, turnaround and turnout areas, and fire apparatus access roadways for review and approval prior to construction. Indicate any water mains to be installed in any of the newly aligned roadways. (902.2.2.1) CFC. This submittal shall be used to locate the above required hydrants.
- h) The buildings shall be protected with an approved automatic sprinkler system if require by the California Building Code. Submit three sets of plans to this office for review and approval prior to installation. (1003.1) CFC.

- i) The developer shall provide an adequate and reliable water supply for fire protection with a minimum fire flow of 2,750 GPM. Required flow shall be delivered from not more than three (3) hydrants flowing simultaneously for a duration of 240 minutes while maintaining 20-pounds residual pressure in the main. This includes the reduction for the installation of automatic fire sprinklers. (903.3) CFC
- j) The developer shall submit three complete sets of plans and specifications of the subject project, including any of the following required built-in fire protection systems, 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 fees will be assessed at that time. (103.3.2.4) CFC, (106.3.2) CBC
 - i. Private underground fire service water mains
 - ii. Building construction plans
 - iii. Fire sprinklers
 - iv. Fire alarm
 - v. Commercial kitchen hood extinguishing systems
- k) Plan review and inspection fees shall be submitted at the time of plan review submittal. Checks may be made payable to Contra Costa County Fire Protection District (CCCFPD).
- l) Submit plans to: Contra Costa County Fire Protection District
2010 Geary Road
Pleasant Hill, CA 94523
- m) To schedule field inspections and tests call (925) 941-3323 prior to 3 p.m. a minimum of two working days in advance.

PROJECT SPECIFIC CONDITIONS

- 54. A lot line adjustment shall be processed to the satisfaction of the City Engineer prior to the issuance of building permits.
- 55. The applicant shall submit a final plan showing the delivery truck route and turning radii on the site plan demonstrating that the trucks can successfully enter, exit, and maneuver on the site, as approved by the City Engineer.
- 56. Bicycle racks shall be installed per the City of Antioch Municipal Code.
- 57. Retaining walls shall be prohibited within the street right-of-way and shall be reduced in height to the maximum extent practical on-site as required by the City Engineer.
- 58. Truck deliveries shall be limited to 7:00 AM to 7:00 PM.
- 59. No overnight parking of vehicles shall be allowed on site.

60. That no outdoor storage shall be allowed.
61. No outdoor sales or display of merchandise shall occur on the site without a supplemental administrative use permit, in accordance with the City of Antioch Municipal Code.
62. The light standards shall be limited to a maximum height of 25 feet and light shall not spill from the subject site onto adjacent roadways and properties.
63. A photometric plan shall be submitted for Staff review and approval.
64. That the project C-3 drainage collection system be connected to the City storm drain system at a new or existing catch basin.
65. That the project shall comply with all mitigation measures identified in the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.
66. Existing trees that are to be removed shall be replaced at a ratio of 2:1 with the replacement trees being 24" box in size. Prior to the issuance of building permits, the trees to be removed shall be identified with an indication of the species and size. The trees that are to remain onsite shall be protected as recommended in the biological assessment or as approved by the City Engineer.
67. The existing fire hydrant on Hillcrest Avenue shall be relocated outside the new driveway to the satisfaction of the City Engineer.
68. Public sewer and water easements shall be provided for each parcel or provision of separate laterals with meters and cleanouts to each building.
69. Compact parking spaces shall not be clustered or as approved by the City Engineer.
70. The applicant shall prepare and record Conditions, Covenants, & Restrictions (CC&R's) that provide among other City requirements: common access and parking easements, compliance with Antioch Municipal Code Section 5-1.204, "Commercial Property Maintenance," a joint landscape contractor, and compliance with the operating and maintenance requirements of the Stormwater Pollution Prevention Program/NPDES. The CC&R's shall be subject to review and approval of the City Attorney and Community Development Director and shall be recorded prior to the issuance of the certificate of occupancy.
71. The driveway on Hillcrest Avenue shall be a right in/right out with the appropriate directional signage placed in the median as required by the City Engineer.
72. Grading contours shall transition smoothly into existing slopes.
73. The project shall connect to the drain inlet on Hillcrest Avenue southeast of the property line, as approved by the City Engineer.

74. Medical offices uses shall be limited to 12,465 s.f.
75. Animal hospitals/veterinary clinics, food stores (including convenience stores), assembly uses, and uses with assembly components such as clubs/lodges, churches, and cultural institutions shall require a supplemental use permit from the Planning Commission.
76. Tutoring centers shall replace day-care centers on the office portion of the Master Use List.
77. The applicant shall submit a revised Master Use List as directed by the City Council which shall be reviewed and approved by staff prior to the issuance of the certificate of occupancy, with such list attached and incorporated as exhibit "A" Permitted Uses in the conditions of approval.
 - Prohibit retail establishments that primarily sells tobacco, tobacco related products and paraphernalia
 - Prohibit check cash store
 - Eliminate Variety Store
 - Prohibit Adult Boutiques
78. The applicant shall pay their proportionate fair share of the mitigation measures for the transportation issues as outlined in the CEQA document, including:
 - a. Payment of the proportionate fair share for the improvements to the intersections of Hillcrest Avenue and State Route 4 westbound ramps and Hillcrest Avenue, Davison Drive, and Deer Valley Road, which will be satisfied through the traffic fees paid at the time of building permit issuance;
 - b. Payment of the proportionate fair share for the lengthening of the Hillcrest Avenue northbound left-turn pocket. Based on an estimated construction cost of \$100,000, the project's 18.9% share is \$18,900, which shall be paid prior to the issuance of building permits; and
 - c. Payment of the proportionate fair share to widen East Tregallas Road to accommodate a left-turn lane to total 275 feet. The signal timing shall also be modified for protected left-turn phasing for the East Tregallas Road/Larkspur Drive approaches. Based on an estimated construction cost of \$150,000, the project's 28.6% share is \$42,900, which shall be paid prior to the issuance of building permits.
79. The applicant shall enter into an agreement with the City for the operation and maintenance of the stormwater treatment facilities which are required under the C.3 provision

* * * * *

I HEREBY CERTIFY that the foregoing resolution was duly passed and adopted by the City Council of the City of Antioch, California, at a regular meeting thereof held on the 11th day of March 2008, by the following vote:

AYES: Council Member Davis, Simonsen and Mayor Freitas

NOES: None

ABSENT: Council Member Moore

RECUSED: Council Member Kalinowski

L. JOLENE MARTIN, City Clerk

RESOLUTION NO. 2008/29

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH ADOPTING THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM AND APPROVING A FINAL PLANNED DEVELOPMENT AND USE PERMIT FOR THE HILLCREST SUMMIT PROJECT

WHEREAS, the City Council of the City of Antioch received a request from Bedrock Ventures, Inc. for approval of a planned development rezone, a final planned development and use permit to construct one 15,000 s.f. retail building and two office buildings totaling 35,000 s.f. on a vacant 4.94 acre parcel. The project site is located approximately 250 feet south of the intersection of Hillcrest Avenue and East Tregallas Road (Z-08-01, PD-06-04, UP-06-21) (APN: 052-100-055 and -056); and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan has been prepared and duly circulated for a period of 20 days from January 11 to January 30, 2008. All potential impacts were identified and mitigated to a less-than-significant level; and

WHEREAS, the Planning Commission on January 16, 2008, duly held a noticed public hearing, received and considered evidence, both oral and documentary, and recommended approval of the project to the City Council; and

WHEREAS, the Design Review Board on January 23, 2008 duly held a public hearing, received and considered evidence, both oral and documentary, and recommended approval of the project to the City Council; and

WHEREAS, the City Council duly gave notice of public hearing as required by law; and,

WHEREAS, on March 11, 2008 the City Council duly held a public meeting, received and considered evidence, both oral and documentary; and,

WHEREAS, the City Council did consider the request to rezone the project site to Planned Development (PD).

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Antioch makes the following required findings for approval of a Final Development Plan:

1. Each individual unit of the Hillcrest Summit development can exist as an independent unit capable of creating an environment of sustained desirability and stability because each building has independent access and parking. The uses proposed in the Master Use List will not be detrimental to present and potential surrounding uses but instead will have a beneficial effect which could not be achieved under another zoning district due to allowing the encumbered site flexibility in setbacks while providing uses that are compatible with the surrounding commercial area and the General Plan. In addition, the project will have the convenience of having established uses allowing for tenants with approved uses not spend the time going through a public hearing; and
2. The project site is served by streets and thoroughfares that meet the standards of the City's Growth Management Program and adequate utility service can be

supplied to all phases of the development because the project is an infill development with access to existing utilities; and

3. The commercial components of the Hillcrest Summit project are justified economically at the location proposed because they are consistent with the General Plan; and
4. Any industrial component conforms to applicable desirable standards and will constitute an efficient, well-organized development with adequate provisions for railroad and/or truck access and necessary storage and will not adversely affect adjacent or surrounding development; and
5. Any deviation from the standard zoning requirements is warranted by the compatible design of the encumbered site and additional amenities such as a pedestrian walkway and seating areas have been incorporated in the final development plan which offer certain unusual redeeming features to compensate for any deviations that may be permitted; and
6. The area surrounding the Hillcrest Summit project can be planned and zoned in coordination and substantial compatibility with the proposed development because the development is in line with the surrounding neighborhood and has a Master Use List compatible with the General Plan; and
7. The Project conforms with the General Plan of the City because the proposed use is commercial and the General Plan designation is Neighborhood Commercial.

BE IT FURTHER RESOLVED that the City Council does hereby make the following findings for approval of a Use Permit:

1. That 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 because the project has been designed to be sensitive to the surrounding community by having a large setback between the commercial buildings and the adjacent residential uses and the project complies with the City of Antioch requirements;
2. That the commercial use applied for at the location indicated is properly one for which a use permit is authorized because the General Plan designation is Neighborhood Commercial;
3. That 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, to other uses in the neighborhood. The site plan complies with the City standards and where they have deviated has been compensated by the design and additional amenities;
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 site abuts to both a

local street and an arterial street, which meet the City standard for width and are paved with an all weather surface; and

5. That the granting of use permit will not adversely affect the comprehensive General Plan because the proposed uses and design are compatible with the General Plan.

BE IT FURTHER RESOLVED that the City Council, after reviewing the staff report and considering testimony offered, does hereby adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and APPROVE the request for a Final Development Plan and Use Permit to allow the construction of three buildings, 15,000 square feet of retail and 35,000 square feet of office, totaling 50,000 square feet, located approximately 250 feet south of the intersection of Hillcrest Avenue and East Tregallas Road, subject to the following conditions:

STANDARD CONDITIONS

1. That the project shall comply with the Antioch Municipal Code.
2. That conditions required by the Planning Commission or City Council, which call for a modification or any change to the site plan submitted, be corrected to show those conditions and all standards and requirements of the City of Antioch prior to any submittal for a building permit. No building permit will be issued unless the site plan meets the requirements stipulated by the Planning Commission and the standards of the City.
3. That this approval expires two years from the date of approval (Expires: March 11, 2010), unless a building permit has been issued and construction has diligently commenced thereon and has not expired, or 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.
4. That City staff inspect the site for compliance with conditions of approval prior to final building inspection.
5. That the applicant obtains an encroachment permit for all work to be done within the public right-of-way.
6. That any required easements or rights-of-way for off-site improvements are to be obtained by the developer, at no cost to the City of Antioch.
7. That advance permission be obtained from any property or easement holders for any work done within such property or easements.
8. That the developer pay all fees required by the City Council.
9. That the building be clearly identified and an exterior lighting plan be submitted for Police Department review and approval.

10. That this approval supersedes previous approvals that have been granted for this site.
11. That building permits shall be secured for all proposed construction associated with this facility, including any interior improvements not expressly evident on the plans submitted.
12. That all construction conform to the requirements of the Uniform Building Code and City of Antioch standards.
13. That the Regional Traffic Impact Fee be paid, as well as all other applicable fees.
14. That the developer pay all required City fees at the time of building permit issuance.
15. That the use of construction equipment be restricted to weekdays between the hours of 8:00 am to 5:00 pm or as approved by the City Engineer.
16. That traffic signal fees be paid.
17. That the project be in compliance with and supply all the necessary documentation for AMC6-3.2: Construction and demolition debris recycling.
18. That the applicant shall defend, indemnify and hold harmless the City in any action brought by a third party to challenge the land use entitlement.
19. No buildings or refuse enclosures shall be built on any easements.
20. That any work that would obstruct a City street not be conducted during peak commute hours, as approved by the City Engineer.
21. That landscaping and signing not create a sight distance problem.
22. That there be a minimum of five (5) feet clear between any proposed trees and any concrete or asphalt paving belonging to the City of Antioch. Trees closer than ten (10) feet to such concrete or asphalt paving shall use approved root guards.
23. That detailed landscaping and irrigation plans for the entire site shall be submitted to the City for review and approval. All landscaping and irrigation shall be installed in accordance with approved plans prior to the issuance of certificates of occupancy for this building.
24. That asphalt paving shall have a minimum slope of 2%, and concrete paving have a minimum slope of 0.75%.
25. That all on site curbs, gutters, and sidewalks shall be constructed of Portland cement concrete.
26. That all mechanical and roof equipment be screened from public view.

27. That all parking lot dimensions and striping shall meet City standards.
28. That all parking and access meet the ADA/Title 24 requirements as determined by the Chief Building Official using Checklist #1, Parking, CA Title 24, Sections 1129B.1 and 1130B. The location of such spaces shall provide safe and convenient access to the building as determined by the Chief Building Official.
29. That any cracked or broken sidewalks be replaced as required by the City Engineer.
30. That the City Engineer shall determine if it is necessary to engage soils and structural engineers as well as any other professionals deemed necessary to review and verify the adequacy of the building plans submitted for this project. If deemed necessary by the City, this may be extended to include field inspections by such professional to verify implementation of the plans. Cost of these services shall be born by the developer.
31. That a lighting plan be submitted to staff for review and approval prior to the issuance of building permits. All lighting shall be installed on site in accordance with approved plans, and prior to the issuance of certificates of occupancy for this building.
32. All existing and proposed public utilities (e.g. transformers, PMH boxes) shall be placed underground and subsurface or screened from public view 30' from the property line, in accordance with the Antioch Municipal Code or as approved by the City Engineer.
33. That all storm water flows be collected on site and discharged into an approved public storm drain system.
34. That a reduced backflow prevention device be installed on all City water meter services.
35. That the applicant shall comply with all requirements and conditions, and pay all fees set forth by the Delta Diablo Sanitation District.
36. That street lighting shall be provided in accordance with the Antioch Municipal Code.
37. That improvements and fees that are required by the Contra Costa County Flood Control District be implemented, as approved by the City Engineer.
38. That the developer shall provide adequate water pressure and volume to serve this development, as approved by the City Engineer.
39. That the sewer collection system be constructed to function as a gravity system.
40. That a parking lot sweeping program be implemented which provides for sweeping, at minimum immediately prior to and once during, storm season.
41. That standard dust control methods be used to stabilize the dust generated by construction activities.
42. That no illegal signs, pennants, banners, balloons, flags, or streamers are to be used on this site at any time.

43. That no signs be installed on this site without prior City approval.
44. That the site be kept clean of all debris (boxes, junk, garbage, etc.) at all times.
45. The project shall conform to Antioch Municipal Code Section 9-5.1001.1 concerning the landscape maintenance of non-residential projects. In addition, all landscape areas shall be maintained at Level A.
46. That water conservation measures, including low volume toilets and the use of drought tolerant landscaping be used.
47. That a trash enclosure is required. The trash enclosure shall be covered by a roof structure to prevent runoff and that the interior be plumbed to the sanitary sewer.
48. That the project shall comply with all Federal, State and City regulations for the National Pollution Discharge Elimination System (NPDES) (AMC§6-9). Under those NPDES regulations, this project is subject to provision C.3: New development and redevelopment regulations for storm water treatment. As such, a Storm Water Control Plan is required to be submitted simultaneously with project plans.
49. That the following requirements of the Federally mandated NPDES program be complied with, or as required by the City Engineer:
 - a) That an application for a State of California "General Construction Activity Storm Water Permit" be submitted to the Regional Resources Control Board, and a copy of the Notice of Intent be submitted to the City, prior to any construction activity on this site;
 - b) Limiting construction access routes and stabilizing access points;
 - c) Stabilizing areas denuded due to construction (prior to wet season, October 1 through May 1) by using suitable practices including, but not limited to, temporary or permanent seeding, mulching, sod stabilization, vegetative buffer strips, protection of trees, plastic covering, application of ground base on areas to be paved;
 - d) Protecting adjacent properties by appropriate use of vegetative buffer strips, sediment barriers or filters, dikes or mulching, or by a combination of these measures or other appropriate measures;
 - e) Delineating clearing limits, easements, setbacks, sensitive or critical areas and their buffers, trees and drainage courses by marking them in the field;
 - f) Stabilizing and preventing erosion from temporary conveyance channels and outlets;
 - g) Using sediment controls and filtration to remove sediment from water generated by dewatering;

- h) Using proper construction materials and construction waste storage, handling and disposal practices;
 - i) Using proper vehicle and equipment cleaning, fueling and maintenance practices;
 - j) Controlling and preventing discharge of all potential pollutants, including but not limited to, pesticides, petroleum products, nutrients, solid wastes, and construction chemicals, that occur on site during construction;
 - k) Preparing a contingency plan in the event of unexpected rain or BMP failure including but not limited to, an immediate response plan, storing extra or alternative control materials on-site (stakes, fences, hay bales), notifying the local agency, etc.;
 - l) Education and Training – For developments with no property owner association or community association, practical information materials on good housekeeping of hazardous products, proper use and disposal for hazardous products, and prohibited discharge practices and materials must be provided, initially by the developer, to the first occupant/tenants, and thereafter by the City public education program.
 - m) Labeling Storm Drain Facilities – The phrase “No Dumping – Drains to River” must be embossed/stamped on all new storm drain inlets to alert the public to the destination of storm water and to prevent direct discharge of pollutants into the storm drain. Water courses should be similarly labeled by posting signs.
 - n) Runoff Control – To the extent practicable, maintain post-development peak runoff rate and average volume of runoff at levels that are similar to pre-development levels. The developer must design the proposed project accordingly.
50. All requirements of the Contra Costa County Health Department shall be met.
51. That all requirements of the Contra Costa County Fire Protection District be met.
52. That the applicant shall pay the Contra Costa Fire Protection District Fire Development fee in place at the time of permit issuance.
53. The applicant shall comply with the following conditions provided by the Contra Costa County Fire District:
- a) Provide emergency apparatus access roadways with all-weather driving surfaces of not less than 20-feet unobstructed width, and not less than 13 feet 6 inches of vertical clearance, to within 150 feet of travel distance to all portions of the exterior walls of every building. Access roadways shall not exceed 16% grade, shall have a minimum outside turning radius of 45 feet, and an inside turning radius of 25 feet, and must be capable of supporting the imposed loads of fire apparatus, i.e., 37 tons. (902.2) CFC, 22500.1 CVC

- i) Access roadways of less than 28 feet unobstructed width shall have NO PARKING – FIRE LANE signs posted and curbs painted red with the words NO PARKING – FIRE LANE clearly marking.
 - ii) Access roadways of 28 feet or greater, but less than 36 feet unobstructed width shall have NO PARKING – FIRE LANE signs posted, allowing for parking on one side only and curbs painted red with the words NO PARKING – FIRE LANE clearly marked.
 - iii) Access roadways 36 feet or greater of unobstructed width allowing for parking on both sides.
- b) Emergency apparatus access roadways and hydrants shall be installed, in service, and inspected by the Fire District prior to construction or combustible storage on site. (8704.1) CFC. Gravel roads are not considered all-weather roadways for emergency apparatus access. A minimum of the first lift of asphalt concrete paving (with curb and gutter if proposed) shall be installed as the minimum subbase material and capable of supporting the designated gross vehicle weight specified above.
- c) Premises identification shall be provided. Such numbers shall contrast with their background and be a minimum of four inches high with ½ -inch stroke or larger as required to be readily visible from the street. (901.4.4) CFC.
- d) The developer shall provide traffic signal pre-emption systems (Opticom) on any new or modified traffic signals installed with the development. (21351) CVC.
- e) The developer shall provide fire hydrants of the East Bay type. Hydrant locations will be determined by this office upon submittal of three copies of complete site improvement plans or utility plans. (903.3) CFC. Hydrants shall be spaced a maximum of 300 feet on center.
- f) The developer shall provide an adequate and reliable water supply for fire protection with a minimum flow of 4,000 GPM. Required flow shall be delivered from not more than four hydrants flowing simultaneously for duration of 240 minutes while maintaining 20-pounds of residual pressure in the main. (903.3) CFC. This includes the reduction for the installation of automatic fire sprinklers.
- g) The developer shall submit three copies of site improvement plans indicating all existing or proposed utilities, turnaround and turnout areas, and fire apparatus access roadways for review and approval prior to construction. Indicate any water mains to be installed in any of the newly aligned roadways. (902.2.2.1) CFC. This submittal shall be used to locate the above required hydrants.
- h) The buildings shall be protected with an approved automatic sprinkler system if require by the California Building Code. Submit three sets of plans to this office for review and approval prior to installation. (1003.1) CFC.

- i) The developer shall provide an adequate and reliable water supply for fire protection with a minimum fire flow of 2,750 GPM. Required flow shall be delivered from not more than three (3) hydrants flowing simultaneously for a duration of 240 minutes while maintaining 20-pounds residual pressure in the main. This includes the reduction for the installation of automatic fire sprinklers. (903.3) CFC
- j) The developer shall submit three complete sets of plans and specifications of the subject project, including any of the following required built-in fire protection systems, 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 fees will be assessed at that time. (103.3.2.4) CFC, (106.3.2) CBC
 - i. Private underground fire service water mains
 - ii. Building construction plans
 - iii. Fire sprinklers
 - iv. Fire alarm
 - v. Commercial kitchen hood extinguishing systems
- k) Plan review and inspection fees shall be submitted at the time of plan review submittal. Checks may be made payable to Contra Costa County Fire Protection District (CCCFPD).
- l) Submit plans to: Contra Costa County Fire Protection District
2010 Geary Road
Pleasant Hill, CA 94523
- m) To schedule field inspections and tests call (925) 941-3323 prior to 3 p.m. a minimum of two working days in advance.

PROJECT SPECIFIC CONDITIONS

- 54. A lot line adjustment shall be processed to the satisfaction of the City Engineer prior to the issuance of building permits.
- 55. The applicant shall submit a final plan showing the delivery truck route and turning radii on the site plan demonstrating that the trucks can successfully enter, exit, and maneuver on the site, as approved by the City Engineer.
- 56. Bicycle racks shall be installed per the City of Antioch Municipal Code.
- 57. Retaining walls shall be prohibited within the street right-of-way and shall be reduced in height to the maximum extent practical on-site as required by the City Engineer.
- 58. Truck deliveries shall be limited to 7:00 AM to 7:00 PM.
- 59. No overnight parking of vehicles shall be allowed on site.

RESOLUTION NO. 2008/29

March 11, 2008

Page 10

60. That no outdoor storage shall be allowed.
61. No outdoor sales or display of merchandise shall occur on the site without a supplemental administrative use permit, in accordance with the City of Antioch Municipal Code.
62. The light standards shall be limited to a maximum height of 25 feet and light shall not spill from the subject site onto adjacent roadways and properties.
63. A photometric plan shall be submitted for Staff review and approval.
64. That the project C-3 drainage collection system be connected to the City storm drain system at a new or existing catch basin.
65. That the project shall comply with all mitigation measures identified in the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.
66. Existing trees that are to be removed shall be replaced at a ratio of 2:1 with the replacement trees being 24" box in size. Prior to the issuance of building permits, the trees to be removed shall be identified with an indication of the species and size. The trees that are to remain onsite shall be protected as recommended in the biological assessment or as approved by the City Engineer.
67. The existing fire hydrant on Hillcrest Avenue shall be relocated outside the new driveway to the satisfaction of the City Engineer.
68. Public sewer and water easements shall be provided for each parcel or provision of separate laterals with meters and cleanouts to each building.
69. Compact parking spaces shall not be clustered or as approved by the City Engineer.
70. The applicant shall prepare and record Conditions, Covenants, & Restrictions (CC&R's) that provide among other City requirements: common access and parking easements, compliance with Antioch Municipal Code Section 5-1.204, "Commercial Property Maintenance," a joint landscape contractor, and compliance with the operating and maintenance requirements of the Stormwater Pollution Prevention Program/NPDES. The CC&R's shall be subject to review and approval of the City Attorney and Community Development Director and shall be recorded prior to the issuance of the certificate of occupancy.
71. The driveway on Hillcrest Avenue shall be a right in/right out with the appropriate directional signage placed in the median as required by the City Engineer.
72. Grading contours shall transition smoothly into existing slopes.
73. The project shall connect to the drain inlet on Hillcrest Avenue southeast of the property line, as approved by the City Engineer.

B32

74. Medical offices uses shall be limited to 12,465 s.f.
75. Animal hospitals/veterinary clinics, food stores (including convenience stores), assembly uses, and uses with assembly components such as clubs/lodges, churches, and cultural institutions shall require a supplemental use permit from the Planning Commission.
76. Tutoring centers shall replace day-care centers on the office portion of the Master Use List.
77. The applicant shall submit a revised Master Use List as directed by the City Council which shall be reviewed and approved by staff prior to the issuance of the certificate of occupancy, with such list attached and incorporated as exhibit "A" Permitted Uses in the conditions of approval.
 - Prohibit retail establishments that primarily sells tobacco, tobacco related products and paraphernalia
 - Prohibit check cash store
 - Eliminate Variety Store
 - Prohibit Adult Boutiques
78. The applicant shall pay their proportionate fair share of the mitigation measures for the transportation issues as outlined in the CEQA document, including:
 - a. Payment of the proportionate fair share for the improvements to the intersections of Hillcrest Avenue and State Route 4 westbound ramps and Hillcrest Avenue, Davison Drive, and Deer Valley Road, which will be satisfied through the traffic fees paid at the time of building permit issuance;
 - b. Payment of the proportionate fair share for the lengthening of the Hillcrest Avenue northbound left-turn pocket. Based on an estimated construction cost of \$100,000, the project's 18.9% share is \$18,900, which shall be paid prior to the issuance of building permits; and
 - c. Payment of the proportionate fair share to widen East Tregallas Road to accommodate a left-turn lane to total 275 feet. The signal timing shall also be modified for protected left-turn phasing for the East Tregallas Road/Larkspur Drive approaches. Based on an estimated construction cost of \$150,000, the project's 28.6% share is \$42,900, which shall be paid prior to the issuance of building permits.
79. The applicant shall enter into an agreement with the City for the operation and maintenance of the stormwater treatment facilities which are required under the C.3 provision

* * * * *

I HEREBY CERTIFY that the foregoing resolution was duly passed and adopted by the City Council of the City of Antioch, California, at a regular meeting thereof held on the 11th day of March 2008, by the following vote:

AYES: Council Member Davis, Simonsen and Mayor Freitas

NOES: None

ABSENT: Council Member Moore

RECUSED: Council Member Kalinowski

L. JOLENE MARTIN, City Clerk

Mayor Freitas declared a recess at 7:24 P.M. The meeting reconvened at 7:31 P.M. with all Councilmembers present with the exception of Councilmember Moore who was excused.

2. **HILLCREST SUMMIT / BEDROCK VENTURES, INC. REQUESTS APPROVAL OF A PLANNED DEVELOPMENT REZONE AND USE PERMIT FOR A MIXED USE DEVELOPMENT CONSISTING OF RETAIL AND OFFICES 15,000 S.F. OF RETAIL AND 35,000 S.F. OF OFFICES ON FIVE (5) ACRES LOCATED APPROXIMATELY 250 FEET SOUTH OF THE INTERSECTION OF HILLCREST AVENUE AND EAST TREGALLAS ROAD. (APN'S: 052-100-055 AND -056). ADOPTION OF A MITIGATED NEGATIVE DECLARATION WILL ALSO BE CONSIDERED. ON JANUARY 16, 2008 THE PLANNING COMMISSION VOTED 7-0 TO RECOMMEND ADOPTION OF THE MITIGATED NEGATIVE DECLARATION, MITIGATION MONITORING AND REPORTING PLAN, APPROVAL OF THE PLANNED DEVELOPMENT REZONE AND USE PERMIT. FILE: PD-06-04, UP-06-21, AR-06-17, S-08-01 (#202-03)**

Mayor Freitas announced Councilmember Kalinowski had indicated he had a conflict of interest with the item and would recuse himself from the item. Councilmember Kalinowski left the dais.

Associate Planner Gentry presented the staff report dated March 7, 2008 recommending the City Council: 1) adopt the Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program; 2) introduce the ordinance by title only; 3) introduce the ordinance rezoning 4.94 acres making up the project site to the Planned Development District (PD); and, 4) adopt the resolution approving the Final Development Plan and Use Permit.

Mayor Freitas opened the Public Hearing.

Ted Lui, applicant, introduced himself and his associates.

William Wood, Project Architect, gave a brief history of the project and explained the architectural design of the building plan.

Jim Diggins, Civil Engineer, reported they had prepared the preliminary grading and drainage plan as well as the C3 drawing in compliance with standard codes.

Mr. Lui stated he was in agreement with all project specific conditions except #74, which limits the office use to medical.

Mayor Freitas closed the public hearing.

In response to Mayor Freitas, Associate Planner Gentry stated in terms of the retail building the applicant had indicated he was going to attempt to do his best to bring in "high-end" tenants. Furthermore, in terms of restricting Check Cashing establishments, the Council could put a restriction on that specific use.

Mayor Freitas stated he was willing to put a moratorium on all PD development until the City Council resolved the issue.

B35

Associate Planner Gentry clarified the applicant could provide enough parking for 12,465 s.f. of medical offices and if the applicant wanted more medical office space, he could request a variance.

Mayor Freitas stated as a policy issue, he was opposed to compact parking spaces.

Councilmember Simonsen requested the wording in Project Specific Condition #62 indicating the light standards shall be limited to less than 25 feet.

City Attorney Nerland, addressing *Attachment "C" Antioch Commons - Proposed Uses*, indicated should Council object to a specific use, they could call the use out and subject it to a use permit.

Mr. Lui stated he would not object to specifically prohibiting tobacco stores, check cashing and adult boutiques noting it was his intent to bring in higher classed tenants.

Councilmember Simonsen stated he would support granting a variance for parking to allow for more medical office uses.

Mayor Freitas stated he would oppose granting of a variance as he felt the City codes should be adhered to as adopted:

- Prohibit retail establishments that primarily sells tobacco, tobacco related products and paraphernalia
- Prohibit check cash store
- Eliminate Variety Store
- Prohibit Adult Boutiques

Mayor Freitas declared a recess at 8:17 P.M. The meeting reconvened at 8:21 P.M. with all Councilmembers present, with the exception of Councilmember Moore who was excused, and Councilmember Kalinowski who had recused himself from the item.

Mr. Lui acknowledged the changes to conditions # 70, 78(b), 78(c), and 79 as indicated on the memorandum dated March 11, 2008 as being acceptable.

RESOLUTION NO. 2008/29

On motion by Councilmember Simonsen, seconded by Councilmember Davis the City Council 1) adopt the Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program; 2) introduce the ordinance by title only; and, 3) introduce the ordinance rezoning 4.94 acres making up the project site to the Planned Development District (PD); and, 4) adopt the resolution approving the Final Development Plan and Use Permit. With the amendments submitted by staff dated March 11, 2008 to project specific conditions #70, 78(b), 78(c), and 79 and project specific condition #77 revised to read:

#77 The applicant shall submit a revised Master Use List as directed by the City Council which shall be reviewed and approved by staff prior to the issuance of the certificate of occupancy, with such list attached and incorporated as exhibit "A" Permitted Uses in the conditions of approval.

- Prohibit retail establishments that primarily sells tobacco, tobacco related products and paraphernalia
- Prohibit check cash store
- Eliminate Variety Store
- Prohibit Adult Boutiques

The motion carried by the following vote:

Ayes: Freitas, Simonsen, Davis

Absent: Moore

Recused: Kalinowski

COUNCIL REGULAR AGENDA

4. INFORMATIONAL PRESENTATION ON YOUTH INTERVENTION NETWORK #1301-01

Chief Hyde presented the staff report dated March 4, 2008 recommending the City Council receive and file the report.

Iris Archeletta reported Dr. Simms, Superintendent of Antioch Schools, was unable to attend the meeting, due to a conflicting obligation. She gave a brief overhead presentation of the Youth Intervention Network – A Comprehensive Strategy for Antioch and East County updating the following items:

- Network growth
- Funding and partnerships
- Philosophical approach
- Community and Agency Facilitation
- Data collection and case management methodology
- Data collection progress and commitments

Councilmember Kalinowski stated he was impressed, adding the information presented had provided some optimism there would be progress in the community. He voiced his appreciation to Iris and Keith Archeletta for their dedication to the program and offered his support.

Councilmember Davis thanked Ms. Archeletta for the presentation and stated he had faith the program would succeed.

Councilmember Simonsen suggested the program consider youth attending Antioch schools but live in other cities as well as youth living in Antioch who had issues in other jurisdictions. He spoke in support of the YIN and strategies set forth.

ATTACHMENT "C"

STAFF REPORT TO THE PLANNING COMMISSION FOR CONSIDERATION AT THE MEETING OF APRIL 6, 2011

Prepared by: Mindy Gentry, Acting Senior Planner *MA*

Date: March 31, 2011

Subject: PD-06, UP-06-21, AR-06-17

RECOMMENDATION

It is recommended that the Planning Commission approve an amendment to City Council Resolution 2008/29 to extend the approvals of the Final Development Plan, Use Permit, and design review for the Hillcrest Summit project.

REQUEST

Ted Liu of Bedrock Ventures, Inc. requests an amendment to condition of approval number 3 from City Council Resolution 2008/29. The amendment would extend the expiration date of the approvals for the Final Planned Development, Use Permit, and design review to March 11, 2013. The project consists of retail and offices, located at Hillcrest Avenue and East Tregallas Road. (APN: 052-100-069 and -068). (Attachment "A").

BACKGROUND

On January 16, 2008, the Planning Commission recommended (7-0 vote) that the City Council approve the Hillcrest Summit project and adopt the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.

On January 23, 2008, the Design Review Board reviewed and approved (3 ayes, 1 no, and 1 absent) the subject project. The majority of the Board members lauded the architecture and design of the project.

On March 11, 2008, the City Council approved a rezone to Planned Development, a Final Development Plan, a Use Permit, and design review to construct a mixed use development consisting of offices and retail on approximately 4.94 acres. The proposed development includes 15,000 s.f. of retail and 35,000 s.f. of office (Attachment "B").

ENVIRONMENTAL

On March 11, 2008, the City Council adopted a Mitigated Negative Declaration (MND) with a Mitigation Monitoring and Reporting Program for this project in conformance with the California Environmental Quality Act. Mitigation measures are proposed for impacts relating to air quality, historical and archeological resources, biological resources, soil

erosion, noise, and traffic. All potential impacts are mitigated to a less than significant level. A subsequent environmental document does not need to be prepared because 1) no changes to the project are proposed requiring revisions to the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, 2) no substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and 3) no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence or at the time the previous MND was adopted.

ANALYSIS

Issue #1: Project Overview

The project consists of three buildings, one containing multi-tenant retail which is 15,000 s.f. and two containing offices totaling 35,000 s.f. The total square footage is proposed at 50,000 s.f. The proposed retail building is closest to Hillcrest Avenue providing tenant desired visibility, while the two office buildings sit back from Hillcrest Avenue. One is located in the eastern corner of the site while the other is located closer to Shaddick Drive.

The subject property is zoned Planned Development (PD). The surrounding land uses and zoning designations are as noted below:

North:	A gas station and State Route 4 (C-1)
South:	Single family residential (R-6)
West:	Single family residential (R-6)
East:	Commercial shopping center with various inline retail and a gas station (C-2)

Issue #2: Approval Expiration

The applicant is currently requesting an amendment to condition of approval number 3 of City Council Resolution 2008/29 (Attachment "C"). The condition of approval states, "That this approval expires two years from the date of approval (Expires: March 11, 2010), unless a building permit has been issued and construction has diligently commenced thereon and has not expired, or 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." The one year extension has been granted with project approvals expiring March 11, 2011. The proposed amendment would be an extension of the project approvals for an additional two years, which, according to the applicant will allow time to secure financing for the project. The revised condition would allow the project approvals to continue until March 11, 2013. The current ongoing economic

conditions, which have tightened the credit market, have prevented the applicant from obtaining financing for the project. The applicant believes that the additional time will allow a better financial market and more positive economic conditions.

The Antioch Municipal Code allows final development plan approvals to be extended by the Planning Commission for up to two years or can have an alternate time specified as a condition of approval. A use permit and design review expires after one year from the date of approval or at an alternative time specified as a condition of approval.

ATTACHMENTS

A: Vicinity Map

B: Staff Report and Minutes from the March 11, 2008 City Council Meeting

C: Applicant's Request

**CITY OF ANTIOCH PLANNING COMMISSION
RESOLUTION NO. 2011-02**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
APPROVING AN AMENDMENT OF CONDITION OF APPROVAL NUMBER 3 OF
CITY COUNCIL RESOLUTION 2008/29**

WHEREAS, the City of Antioch did receive a request from Ted Liu of Bedrock Ventures, Inc. for an amendment to condition of approval number 3 from City Council Resolution 2008/29. The amendment would extend the expiration date of the approvals for the Final Planned Development, Use Permit, and design review to March 11, 2013. The project consists of retail and offices, located at Hillcrest Avenue and East Tregallas Road. (APN: 052-100-069 and -068) and,

WHEREAS, a Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program was prepared and adopted by the City Council on March 11, 2008 in conformance with CEQA; and

WHEREAS, a subsequent environmental document does not need to be prepared because 1) no changes to the project are proposed requiring revisions to the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, 2) no substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and 3) no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence or at the time the previous MND was adopted.

WHEREAS, on March 11, 2008 the City Council duly held a public meeting, received and considered evidence, both oral and documentary; and

WHEREAS, the City Council was able to make all of required findings for a Final Planned Development and Use Permit; and

WHEREAS, the Planning Commission duly gave notice of public hearing as required by law; and,

WHEREAS, on April 6, 2011, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

NOW THEREFORE BE IT RESOLVED, that the Planning Commission of the City of Antioch can still make the following required findings for approval of a Final Planned Development:

1. Each individual unit of the Hillcrest Summit development can exist as an independent unit capable of creating an environment of sustained desirability and stability because each building has independent access and parking. The uses proposed in the Master Use List will not be detrimental to present and potential surrounding uses but instead will have a beneficial effect which could not be achieved under another zoning district due to allowing the encumbered site flexibility in setbacks while providing uses that are compatible with the surrounding commercial area and the General Plan. In addition, the project will have the convenience of having established uses allowing for tenants with approved uses not to spend the time going through a public hearing; and
2. The project site is served by streets and thoroughfares that meet the standards of the City's Growth Management Program and adequate utility service can be supplied to all phases of the development because the project is an infill development with access to existing utilities; and
3. The commercial components of the Hillcrest Summit project are justified economically at the location proposed because they are consistent with the General Plan; and
4. Any industrial component conforms to applicable desirable standards and will constitute an efficient, well-organized development with adequate provisions for railroad and/or truck access and necessary storage and will not adversely affect adjacent or surrounding development; and
5. Any deviation from the standard zoning requirements is warranted by the compatible design of the encumbered site and additional amenities such as a pedestrian walkway and seating areas have been incorporated in the final development plan which offer certain unusual redeeming features to compensate for any deviations that may be permitted; and
6. The area surrounding the Hillcrest Summit project can be planned and zoned in coordination and substantial compatibility with the proposed development because the development is in line with the surrounding neighborhood and has a Master Use List compatible with the General Plan; and
7. The Project conforms to the General Plan of the City because the proposed use is commercial and the General Plan designation is Neighborhood Commercial.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Antioch can still make the following required findings for approval of a Use Permit:

1. That 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 because the project has been designed to be sensitive to the surrounding community by having a large setback between the commercial buildings and the adjacent residential uses and the project complies with the City of Antioch requirements;
2. That the commercial use applied for at the location indicated is properly one for which a use permit is authorized because the General Plan designation is Neighborhood Commercial;
3. That 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, to other uses in the neighborhood. The site plan complies with the City standards and where they have deviated has been compensated by the design and additional amenities;
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 site abuts to both a local street and an arterial street, which meet the City standard for width and are paved with an all weather surface; and
5. That the granting of use permit will not adversely affect the comprehensive General Plan because the proposed uses and design are compatible with the General Plan.

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Antioch does hereby **APPROVE** an amendment to condition of approval number 3 of City Council Resolution 2008/29 for the Hillcrest Summit project, extending the Final Planned Development, Use Permit, and design review until March 11, 2013.

* * * * *

I HEREBY CERTIFY the foregoing resolution was duly adopted by the Planning Commission of the City of Antioch, County of Contra Costa, State of California, at a regular meeting of said Planning Commission held on the 6th day of April, 2011.

AYES:	Westerman, Langford, Travers, Baatrup, Azevedo and Manuel
NOES:	None
ABSTAIN:	None
ABSENT:	Johnson



Tina Wehrmeister
Secretary to the Planning Commission

NEW PUBLIC HEARINGS

2. **UP-11-02** – Henry Killings requests the approval of a use permit for the Threshing Floor Tabernacle religious assembly. The use will include a sanctuary, offices, a multipurpose room, and restroom. The project is located in an existing building at 1787 and 1793 Vineyard Drive (**APN: 051-052-102**).

Staff recommended that this item be continued to April 20, 2011.

On motion by Commissioner Langford, seconded by Commissioner Travers, the Planning Commission members present unanimously continued UP-11-02 to April 20, 2011.

3. **PD-06-04, UP-06-21, AR-06-17** – Ted Liu of Bedrock Ventures, Inc. requests an amendment to condition of approval number 3 of City Council Resolution 2008/29. The amendment would extend the expiration date of the approvals for the Final Planned Development, Use Permit, and design review to March 11, 2013. The project consists of retail and offices, located at Hillcrest Avenue and East Tregallas Road (**APN: 052-100-069 and -068**).

Mindy Gentry, Acting Senior Planner, provided a summary of the staff report dated March 31, 2011.

Commissioner Langford confirmed with staff that included in this request was the Final Planned Development, the Use Permit and the design review.

Vice Chair Westerman clarified with staff that this in fact was for a time extension.

Commissioner Baatrup confirmed with staff that there are no competing projects to be processed on this property at this location.

OPENED PUBLIC HEARING

The applicant, Ted Liu, stated that they have worked diligently to obtain entitlements, which included two years for planning and another three years getting ready for building permits. He said that financing was lined up but that the credit markets have dried up and that building today is not economically viable. Given that they do not want to end up with an empty building with no tenants, they are now asking that the Commission allow the extension so that they can build the project and save their investment.

CLOSED PUBLIC HEARING

Commissioner Travers stated that he is inclined to give Mr. Liu the extension in light of the economic situation and the vacancy rate.

Commissioner Azevedo stated that given the information provided to the Commission regarding building permits, he is not surprised to see people requesting extensions and indicated that he is inclined to vote for the extension.

C7

Commissioner Langford concurred with the comments.

Commissioner Baatrup said he had nothing to add.

Vice Chair Westerman stated that he remembered seeing this project and given that it would be good for the area, he could approve the extension.

RESOLUTION NO. 2011-02

On Motion by Commissioner Azevedo and seconded by Commissioner Travers, the Planning Commission approved an amendment to condition of approval number 3 of City Council Resolution 2008/29 for the Hillcrest Summit project, extending the Final Planned Development, Use Permit, and design review until March 11, 2013.

AYES:	<i>Westerman, Langford, Travers, Baatrup, Azevedo and Manuel</i>
NOES:	<i>None</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>Johnson</i>

NEW ITEM

- 4. Initial Vision Scenario** – provide feedback on the document prepared by ABAG and MTC.

Community Development Director, Tina Wehrmeister presented the staff report.

Commissioner Travers asked staff what measurements for growth or guide did they use and did they factor in the economic climate to which CDD Wehrmeister stated that ABAG memos explaining forecast methodology were attached to the staff report.

Commissioner Azevedo expressed concern that these numbers are not realistic and that given the economic climate and the situation with real estate, job growth is not going to happen and that realistic numbers are needed to prepare an intelligent plan and provide intelligent feedback.

Commissioner Travers stated that some growth can be realized from E-Bart which is a catalyst for the area.

Commissioner Baatrup questioned page 2 of their document stating that transit systems are financially unsustainable. He asked staff what the end product would be when this report is done and what impact it has to the City once done and accepted as prepared.

CDD Wehrmeister stated that ABAG/MTC will take the comments, factor in constraints, and then release detail scenarios and allow time for further comment. The end product will be the Sustainable Communities Strategy. She stated that while there is no

ATTACHMENT "D"

Bedrock Ventures, Inc.

409 Inspiration Court • Alamo • California • 94507
Phone: (O) 510-435-7850 • (F) 925-287-0405
E-mail: bedrockventures@gmail.com

February 19, 2013

Mindy Gentry
Senior Planner
City of Antioch
200 H Street
Antioch, CA 94509

Dear Ms. Gentry:

I am writing to request an amendment to Condition of Approval No. 3 from Resolution 2008/29 for the *Hillcrest Summit* project (APN: 052-100-055, 056; PD-06-04, UP-06-21, AR-06-07, S-08-01). The original expiration date of the Condition was March 11, 2010, with a one-year extension allowed. We have since been granted an additional extension that will expire on March 11, 2013. We hereby request another 2-year extension to be granted to expire on March 11, 2015.

The reasons for our request are three-fold:

1. While the general economy has certainly improved over the past two years, the commercial/retail sector has not recovered to the point where we are comfortable with building a project of this size on speculation. While we have diligently tried to secure an "anchor" tenant over the past two years, no retailer has been willing to make the necessary investment to allow us to proceed with project construction.
2. Credit for commercial development remains tight, especially with respect to speculative projects; even if we were able to secure financing for construction, chances are that we would experience high vacancy in the foreseeable future, until the retail/commercial environment in Antioch improves enough to meaningfully lower vacancy rates.
3. We expect the undergoing eBART project to bring significant positive impact to our location. The close proximity of our project site to eBART's Hillcrest Avenue station will make our project financially viable and highly desirable for prospective tenants and consumers alike. eBART's planned completion date is 2015.

I do hope and believe that a two-year extension will provide enough time for the local economy to further improve and for our project to begin deriving benefit from the eBART project. We have invested a great deal of capital into this project and continue to believe firmly in Antioch's long-term prospects. I humbly ask that you grant this extension request in order to keep this project alive and allow us to be poised to break ground, without delay, as soon as it's economically feasible.

Sincerely,

Ted J. Liu
President

D1

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF MAY 1, 2013**

Prepared by: Mindy Gentry, Senior Planner *MS*

Date: April 25, 2013

Subject: PW 652 – Golden Bow Estates (Dhyanyoga)

RECOMMENDATION

It is recommended that the Planning Commission recommend approval to the City Council of an amendment to City Council Resolution 2001/38 to remove the restriction allowing only a single story home on Lot 4 of the Golden Bow Estates.

REQUEST

Scott Broder requests an amendment to condition of approval number 60e from City Council Resolution 2001/38 to remove the single story restriction from Lot 4 of the Golden Bow Estates. The amendment would allow the construction of single family home up to 35' in height. The project is located at 3501 Ram Court (**APN: 076-680-004**). (Attachment A).

BACKGROUND

In 2001, the City Council approved a tentative subdivision map to subdivide the subject property and the surrounding property into thirteen lots, twelve custom single-family home lots and one lot for a spiritual facility (Attachment B). The conditions of approval contained a provision restricting six of the twelve lots to single story homes.

In July of 2003, the applicant requested a one-year extension of the approval for the tentative map (Attachment C). The request also included removing the single story restriction on Lots 9, 10, and 11 (Attachment D). The request for removal of the single story restriction was based on the new information due to the completion of the civil engineering drawings. The final grade for Lots 9, 10, and 11 was lower than originally anticipated and would now allow for the construction of the two story homes that would not impact the privacy of the existing residential neighborhood.

	Proposed Finished Pad Elevation	Existing Lot Elevation – Adjacent Residences
Lot 9	97.0	105.7
Lot 10	99.2	105.8
Lot 11	100.7	110.4

The final map was recorded on the property on July 19, 2004. Subsequently, two building permits for homes on Lots 3 and 6 have been issued.

ENVIRONMENTAL

On April 24, 2001, the City Council adopted a Negative Declaration (ND) for this project in conformance with the California Environmental Quality Act. Based on the Initial Study, it was determined that the project was not going to have any impacts to the environment. The project originally contemplated 12 parcels with custom single family homes. A subsequent environmental document does not need to be prepared because 1) no changes to the project are proposed requiring revisions to the previous ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, 2) no substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and 3) no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence or at the time the previous ND was adopted.

ANALYSIS

Issue #1: Project Overview

The applicant is requesting an amendment to the conditions of approval on the tentative map for the Golden Bow Estates (Attachment E). The applicant is requesting the single story restriction be removed from Lot 4 to reduce the overall footprint of the house and to provide more space for landscaping. Lot 4 is located on Ram Court and shares a fence with 3330 and a small part of 3326 S. Francisco Way. The subject lot size is approximately 9,351 square feet. The final grade elevation on the subject lot is 106 feet and the adjacent property, 3330 S. Francisco Way, has a finished grade of 98 feet, which is a difference of 8 feet. There is an existing pine tree with a diameter of 42 feet and an overall height of 65 feet (Attachment F). The applicant is proposing a conceptual two story house on Lot 4 with an overall height of 25'4" with an architectural element consisting of a clerestory window for lighting purposes at a height of 30'4".

During the public hearing process for the Golden Bow Estates, the architect indicated that during the community meetings, the residents were informed that they would use as many single-story homes as possible, especially on the north end of the site abutting the residential neighborhood (Attachment G). There was also a discussion in the minutes from the Planning Commission hearing in regards to the procedure for the individual lot owners to request an amendment to the conditions of approval to build a two-story home if the owners were interested in pursuing removing the one-story restriction.

Based on the 2003 tentative map extension approval, three of the lots had the single-story provision removed, leaving Lots 2, 3, and 4 for single-story homes. The owner of Lot 2 has not been in contact with the City thus far for a building permit and Lot 3 currently has a single story home in the final stages of being constructed. Lot 6 is under construction with a two-story home.

Issue #2: Land Use

The subject property has a General Plan designation of Medium Low Density Residential and a zoning designation of Planned Development (PD). The surrounding land uses and zoning designations are as noted below:

North: Single family residential (PD)
South: Single family residential – Golden Bow Estates (PD)
West: Dhyanyoga spiritual facility (PD)
East: Single family residential (PD)

Issue #3: Proposed House Design

The main reason to the single-story restrictions on the subject lot was due to neighbor's concerns regarding the loss of privacy and the finished height of the pads. The home being proposed on Lot 4 is proposed to be constructed on the southern side of the property with a detached garage on the northwestern side. The second story of the home is recessed from the single story footprint along the northern fence line. The applicant has provided a line of site study from a window on the north elevation, illustrating the viewer has a restricted line of sight to the house and backyard of 3330 S. Francisco Way. There is a large pine tree that would obscure the line of site as well. The applicant is also proposing planting nine (9) coniferous 36" box trees to alleviate any potential concerns from the neighbors regarding the loss of privacy. Due to the pyramidal shape of the conifers, staff is recommending that the coniferous trees be replaced with evergreen trees that have a substantial rounded canopy. Based on the placement of the house and the proposed landscaping, staff is comfortable with the request with the addition of conditions memorializing the location of the home on the southern property line, no balconies shall be constructed on the north side of the house, and at a minimum nine (9) evergreen trees be planted along the northern and eastern property line. The evergreen tree species will be reviewed and approved by staff.

ATTACHMENTS

- A: Aerial Photo
- B: Staff Report and Minutes from the April 24, 2001 City Council Meeting
- C: Staff Report and Minutes from the July 22, 2004 City Council Meeting
- D: Project Architect's Request from 2003 Tentative Map Request Removing the Single-Story Restrictions from Lots 9, 10, and 11
- E: Lot 3 Owner's Request to Remove the Single-Story Restriction
- F: Site Photos
- G: Planning Commission Minutes Excerpt from the June 4, 2003 Hearing

**CITY OF ANTIOCH PLANNING COMMISSION
RESOLUTION NO. 2013-****

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING APPROVAL TO THE CITY COUNCIL FOR AN AMENDMENT TO
THE CONDITIONS OF APPROVAL OF RESOLUTION 2001/38**

WHEREAS, the City of Antioch did receive a request from Scott Broder for an amendment to condition of approval number 60e from City Council Resolution 2001/38 to remove the single story restriction from Lot 4 of the Golden Bow Estates. The amendment would allow the construction of single family home up to 35' in height. The project is located at 3501 Ram Court (**APN: 076-680-004**) and,

WHEREAS, a Negative Declaration was prepared and adopted by the City Council on April 24, 2001 in conformance with CEQA; and

WHEREAS, a subsequent environmental document does not need to be prepared because 1) no changes to the project are proposed requiring revisions to the previous ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, 2) no substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revisions of the previous ND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects, and 3) no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence or at the time the previous ND was adopted.

WHEREAS, on April 24, 2001 the City Council duly held a public meeting, received and considered evidence, both oral and documentary; and

WHEREAS, the City Council was able to make all of required findings for approval of a Tentative Subdivision Map; and

WHEREAS, on July 22, 2003, the City Council duly held a public meeting, received and considered evidence, both oral and documentary; and

WHEREAS, the City Council was able to make all of required findings for approval of an amendment to a Tentative Subdivision Map; and

WHEREAS, the final map for the Golden Bow Estates was recorded on July 19, 2004; and

WHEREAS, the Planning Commission duly gave notice of public hearing as required by law; and,

WHEREAS, on May 1, 2013, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Antioch does hereby recommend **APPROVAL** to the City Council of an amendment to the conditions of approval for PW 652, subject to the conditions of the original approval contained in City Council Resolution 2001/38 with the following modifications:

1. Lot 4 may be developed with a two-story home.
2. The house on Lot 4 shall be located on the southern property line as shown on the Broder Residence plans, dated December 20, 2012, with review and approval by staff.
3. No balconies shall be constructed on the north elevation of the home on Lot 4.
4. Nine (9) or more 36" evergreen box trees shall be planted along the northern and eastern property lines. Placement and species shall be subject to staff review and approval.

* * * * *

I HEREBY CERTIFY the foregoing resolution was duly adopted by the Planning Commission of the City of Antioch, County of Contra Costa, State of California, at a regular meeting of said Planning Commission held on the 1st day of May, 2013.

AYES:

NOES:

ABSTAIN:

ABSENT:

Tina Wehrmeister
Secretary to the Planning Commission

ATTACHMENT "A"

AERIAL PHOTO



ATTACHMENT "B"

STAFF REPORT TO THE CITY COUNCIL FOR CONSIDERATION AT THE COUNCIL MEETING OF APRIL 24, 2001

PREPARED BY: Tina Wehrmeister, Assistant Planner *tw*

APPROVED BY: Victor Carniglia, Deputy Director of Community Development *VC*

DATE: April 19, 2001

SUBJECT: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH APPROVING A TENTATIVE MAP FOR THE VICINITY OF THE WEST SIDE OF CONTRA LOMA BLVD., APPROXIMATELY 1,100 FEET NORTH OF JAMES DONLON BLVD. (PW-652)

RECOMMENDATION

It is recommended that the City Council:

1. Adopt the Negative Declaration; and
2. **APPROVE** the proposed Tentative Major Subdivision Map to subdivide two parcels into thirteen parcels subject to the conditions contained in the attached resolution.

BACKGROUND

The Planning Commission considered this item at the regular meeting of April 4, 2001. After holding the public hearing and considering all testimony, the Planning Commission voted 5 – 0 with two Commissioners absent, to recommend approval of this project to the City Council. A copy of the staff report and minutes from this meeting are attached for the Council's review.

ENVIRONMENTAL

A Negative Declaration is proposed for adoption. A copy of the Initial Study is attached. The Planning Commission reviewed the Negative Declaration and Initial Study at the April 4, 2001 meeting and recommended adoption.

ANALYSIS

The applicant requests approval of a tentative subdivision map that would subdivide two existing parcels into thirteen parcels. Twelve parcels will be custom single-family residential lots and the thirteenth parcel will be developed with a proposed spiritual facility pending use permit approval. The property has a General Plan designation of Medium Low Density Residential. The site is located on the west side of Contra Loma

Blvd., approximately 1,100 feet north of James Donlon Blvd. At the April 4, 2001 meeting, the Planning Commission voted, 5-0 to recommend approval of this project to the City Council.

The Planning Commission staff report for this project is attached, dated April 4, 2001. Please refer to this staff report as it includes the information necessary to review this proposal. The following bullet items outline the key issues brought up at the Commission meeting and identify changes the Commission made to the conditions of approval.

- **Architectural Guidelines:** The applicant is proposing architectural guidelines for the subdivision in order to ensure a high quality development. The draft guidelines are attached to the Planning Commission staff report. The Commission approved the following changes to the conditions relating to the architectural guidelines:

60b) The minimum house size for this subdivision shall be ~~2,000~~ 1,700 sq. ft.

60c) Roofing material shall be concrete tile or composition shingle roofing. Buildings shall be finished in stucco or ~~hardboard~~ real wood siding.

60g) One member of the architectural review committee shall be a licensed architect.

- **Masonry Wall:** Staff has recommended a condition requiring that the developer install a masonry wall on the east property lines of lots 4 through 9. This condition will avoid a patchwork of fencing which would be visible from Contra Loma Blvd. Masonry walls along the north and south property lines of the lot designated for the spiritual center will be conditioned as part of the use permit. There was some concern from the public regarding proper construction of masonry walls associated with this project. To address this concern, the Commission amended condition #54 and added condition #65 as follows:

54) A decorative masonry wall is required on the east property lines of lots 4 through 9. The wall shall be located at the top of the adjacent down slope. The applicant shall construct the wall at the time of construction of infrastructure improvements for the subdivision. The design and engineering of the wall shall be subject to staff approval.

65) Any masonry wall constructed as a result of this project shall be subject to staff design and engineering review.

- **Almond Trees:** The owner of lot 87 located in the Centennial Park subdivision, expressed her concern regarding the potential loss of existing almond trees near her property line. The Commission directed staff and the applicant to try to come up with a solution to preserve these trees. Staff met with the property owner, the project engineer, the architect, and a representative of Dhyanyoga Centers, Inc. at

the project site and determined that the trees can be preserved. The said trees are located directly adjacent to the rear property line of lot 87 in an area that will not require grading. Staff has added the following condition to address this issue:

66) The almond trees located adjacent to lot 87, located in the Centennial Park subdivision, shall be preserved and not removed or damaged as a result of nearby grading.

FINANCIAL IMPACT

None. The developer and/or, in the case of custom lots, future homeowners, are required to pay all fees and will pay for all costs of construction and maintenance until the City Council accepts the improvements.

ATTACHMENTS

- Attachment A: April 4, 2001 Planning Commission Staff Report, Architectural Guidelines, and Initial Study
- Attachment B: April 4, 2001 Planning Commission Minutes
- Attachment C: Traffic Study

OPTIONS

1. Approve the project. A resolution to approve this project is attached.
2. Deny the project. A resolution to deny this project is also attached.

RESOLUTION NO. 2001/38

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
APPROVING A TENTATIVE MAP FOR THE VICINITY OF THE WEST SIDE OF
CONTRA LOMA BLVD., APPROXIMATELY 1,100 FEET NORTH OF JAMES
DONLON BLVD. (PW 652)**

WHEREAS, on April 4, 2001, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, regarding a Tentative Map to allow the subdivision of two lots into thirteen lots, twelve custom family lots and one 3.44 acre lot and voted 5-0 to recommend approval to the City Council; and

WHEREAS, on April 24, 2001, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, regarding a Tentative Map to allow the subdivision of two lots into thirteen lots, twelve custom single family lots and one 3.44 acre lot; and

WHEREAS, based on the traffic study, the project's impacts do not exceed the level of service requirement for traffic and other infrastructure established by Measure "C" (Contra Costa County Sales Tax/Transportation Initiative).

WHEREAS, the proposal is as follows:

To **APPROVE** the proposed Tentative Major Subdivision Map to subdivide two parcels into thirteen parcels, 12 custom single-family lots and one 3.44 acre lot located on the west side of Contra Loma Blvd., approximately 1,100 feet north of James Donlon Blvd (PW-652).

NOW THEREFORE BE IT RESOLVED, pursuant to the California Environmental Quality Act and City implementing procedures, the City Council does adopt a Negative Declaration for this project; and

BE IT FURTHER RESOLVED that the City Council of the City of Antioch does hereby make the following required findings for a Tentative Subdivision Map:

- 1) That the subdivision, design and improvements are consistent with the General Plan (Government SS 66473.5);
- 2) That the subdivision complies with the Housing Element as it relates to regional and local needs (Government SS 66412.3);
- 3) That the subdivision will comply with future passive or natural heating or cooling opportunities as required by Government SS 66473.1; and
- 4) That the subdivision complies with local ordinances.

BE IT FURTHER RESOLVED that the City Council of the City of Antioch, after reviewing the staff report and considering testimony offered, approve the Tentative Subdivision Map for 6.82 acres of land located on the west side of Contra Loma Blvd., approximately 1,100 feet north of James Donlon Blvd (PW-652), subject to the following conditions:

STANDARD CONDITIONS

- 1) That the lots and improvements within the development comply with the City of Antioch Municipal Code, unless a specific exception is granted thereto.
- 2) That approval of this tentative map shall not be construed as a guarantee of future extension or re-approvals of this or similar maps, nor is it an indication of future availability of water or sewer facilities or permission to develop beyond the capacities of these facilities.
- 3) That approval of this tentative map shall not constitute the approval of any improvements shown on the tentative map.
- 4) That the developer pay any acreage and utility connection fees which have been established by the City Council prior to the filing of the final map and as required by the Antioch Municipal Code.
- 5) That all street intersections meet the requirements of Caltrans Highway Design Manual for Intersection Design Standards (Topic 405).
- 6) That the developer pay traffic signal fees as adopted by the City Council.
- 7) That the developer submit a drainage study outlining what facilities are to be constructed and how they will function as a part of the Drainage District, and that the improvements to mitigate the increased downstream runoff be constructed as required by the County Flood Control and the City Engineer.
- 8) That improvements and fees that are required by the Contra Costa County Flood Control District be implemented, as approved by the City Engineer.
- 9) That the developer provide adequate water pressure and volume to serve this development, as approved by the City Engineer. This will include a minimum residual pressure of 20 psi with all losses included at the highest point of water service and a minimum static pressure of 50 psi.
- 10) That all streets intersect at 90 degrees.
- 11) That all driveways be perpendicular to the street centerline for a minimum distance of 20 feet behind the curb, or as approved by the City Engineer.

- 12) That the property owner agrees to participate in the Streetlight and Landscape District and to accept a level of annual assessments sufficient to maintain the street lights and landscaping within the project area at the buildout of the project area. It is currently estimated that such an assessment is approximately \$210/unit/year.
- 13) That the slopes, medians, and any open space areas be developed by the developer as required by the City Engineer and maintained by a landscape maintenance district at no cost to the City.
- 14) That all fencing adjacent to public areas (open space, right-of-way, etc.) be chain link, masonry, or other substantial material as approved by the City Engineer.
- 15) That a 15-foot wide tree planting easement be provided across the front of all single family lots and that one 15 gallon tree be located within such easement prior to building final. The City Engineer shall determine type and location of the tree.
- 16) That fire hydrants be furnished and installed, of a type and at a location approved by the City Engineer.
- 17) That provisions for mail delivery in the subdivision area be worked out by staff and the developer prior to the approval of the final map (developer to install mail box posts).
- 18) That the grading plan for this development be approved by the City Engineer.
- 19) That all elevations shown on the improvement plans be on the USGS 1929 sea level datum.
- 20) That use of construction equipment be restricted to weekdays between the hours 8:00 A.M. and 5:00 P.M., or as approved in writing by the City Engineer.
- 21) That the grading operation shall take place at a time, and in a manner, so as not allow erosion and sedimentation. The slopes shall be landscaped and reseed as soon as possible after the grading operation ceases. Erosion measures shall be implemented during all construction phases in accordance with an approved erosion and sedimentation control plan.
- 22) That all lots and slopes drain to approved drainage facilities as approved by the City Engineer.
- 23) That standard dust control methods and designs be used to stabilize the dust generated by construction activities.

- 24) That energy conservation methods and designs be used in the planning and construction of these homes.
- 25) That water conservation measures, including low volume toilets, flow restrictors in showers and in the use of drought tolerant landscaping be used.
- 26) That the roof drain collection system be connected to an underground drainage system and be discharged through curb drains.
- 27) That all weather access roads and water supply be provided prior to commencing any combustible construction, as required by the Fire Chief.
- 28) That a Conditional Letter of Map Revision be obtained from FEMA prior to recording the final map for any lot located within a flood hazard zone and that as built and additional information required by FEMA as a prerequisite to issuance of a Letter of Map Revision be submitted prior to City acceptance of subdivision improvements for maintenance.
- 29) That all required easements or rights-of-way for off tract improvements be obtained by the developer at no cost to the City of Antioch.
- 30) The Tentative Map approval is subject to the time lines established in the State of California Subdivision Map Act.
- 31) That conditions required by the City Council, which call for a modification or any change to the site plan submitted, be corrected to show those conditions and all standards and requirements of the City of Antioch prior to any submittal for a building permit. No building permit will be issued unless the site plan meets the requirements stipulated by the City Council and the standards of the City.
- 32) That all existing and proposed utilities be undergrounded in accordance with the Antioch Municipal Code, except existing P.G. & E. towers, if any.
- 33) That all two-car garages be 20 feet wide, clear inside dimensions.
- 34) That all lots have a minimum of one on-street parking space located in front of the lot or in the cul-de-sac parking island.
- 35) That underground utilities be designed to flow approximately parallel to the centerline of the street, or as approved by the City Engineer.
- 36) That all road right-of-way be located 10 feet behind each face-of-curb

- 37) That a minimum of 20 feet of tangent behind the intersecting face of curb be provided at all roadway intersections.
- 38) That all grading be accomplished in a manner that precludes surface water drainage across any property line.
- 39) That all lots be graded to drain positively from the rear to the street as approved by the City Engineer.
- 40) That all lot sidelines shall be perpendicular to the fronting street centerline, or as approved by the City Engineer.
- 41) That all underground utilities be rerouted as required to run under public roadways or through public open parcels, or as approved by the City Engineer.
- 42) That all proposed drainage facilities, including open ditches, be constructed of Portland Concrete Cement.
- 43) That all easements of record, which affect individual parcels within this project, be removed prior to recordation of the final map.
- 44) That the houses contain rain gutters and downspouts, with the downspouts and runoff of adjacent water to foundations being collected into an underground conduit, and be discharged as approved by the City Engineer.
- 45) That proposed street names be submitted for review and approval by the Planning Commission.
- 46) That the Regional Traffic Impact Fee be paid, as well as all other applicable fees.
- 47) That any drainage concerns expressed by Flood Control are complied with.

PROJECT SPECIFIC CONDITIONS

- 48) A use permit application is required to review the spiritual facility proposal. Approval of a use permit by the Planning Commission, and approval of architectural elevations by the Design Review Board are required prior to the issuance of either a grading and/or building permit for the spiritual facility location.
- 49) Development of the custom single-family lots shall be consistent with the requirements of the R-6 Zoning District (Single-Family Low Density Residential).
- 50) That all off-site grading is subject to the approval of the adjacent property owners, and the City Engineer.

- 51) That the following requirements of the federally mandated NPDES program (National Pollutant DISCHARGE Elimination System) be complied with, or as required by the City Engineer:
- a) That an application for a State of California "General Construction Activity Storm Water Permit" be submitted to the Regional Resources Control Board, and a copy of the Notice of Intent be submitted to the City, prior to any construction activity on this site.
 - b) Limiting construction access routes and stabilizing access points.
 - c) Stabilizing areas denuded due to construction (prior to the wet season, October 1 through May 1) by using suitable practices including, but not limited to temporary or permanent seeding, mulching, sod stabilization, vegetative buffer strips, protection of trees, plastic covering, application of ground base on areas to be paved.
 - d) Protecting adjacent properties by appropriate use of vegetative buffer strips, sediment barriers or filters, dikes or mulching, or by a combination of these measures and other appropriate measures.
 - e) Delineating clearing limits, easements, setbacks, sensitive or critical areas and their buffers, trees and drainage courses by marking them in the field.
 - f) Stabilizing and preventing erosion from temporary conveyance channels and outlets.
 - g) Using sediment controls and filtration to remove sediment from water generated by dewatering.
 - h) Using proper construction material and construction waste storage, handling and disposal practices.
 - i) Using proper vehicle and equipment cleaning, fueling and maintenance practices.
 - j) Controlling and preventing discharge of all potential pollutants, including, but not limited to, pesticides, petroleum products, nutrients, solid wastes, and construction chemicals, that occur on site during construction.
 - k) Preparing a contingency plan in the event of unexpected rain or BMP failure including, but not limited to, an immediate response plan, storing extra or alternative control materials on-site (stakes, fences, hay bales), notifying the local agency, etc.

- l) Education and Training - For developments with no property owner association or community association, practical information materials on good housekeeping of hazardous products, proper use and disposal for hazardous products, and prohibited discharge practices and materials must be provided, initially by the developer, to the first residents/occupants/tenants, and thereafter by the City public education program.
 - m) Labeling Storm Drain Facilities - The phrase "No Dumping - Drains to River" must be embossed/stamped on a new storm drain inlets to alert the public to the destination of storm water and to prevent direct discharge of pollutants into the storm drain. Watercourses should be similarly labeled by posting signs.
 - n) Runoff Control - to the extent practicable, maintain post-development peak runoff rate and average volume of runoff at levels that are similar to pre-development levels. The developer must design the proposed project accordingly.
- 52) That the following requirements of the Contra Costa County Fire Protection District be met, or as approved by the District and City staff:
- a) That the developer shall provide an adequate and reliable water supply for fire protection with a minimum fire flow of 2000 GPM. Required flow shall be delivered from not more than 1 hydrant flowing while maintaining 20 pounds residual pressure in the main.
 - b) That the developer shall provide hydrants as approved by the City Engineer. Number of hydrants and locations will be determined by the office upon submittal of 3 copies of a tentative map or site plan.
 - c) Provide access roadways with all-weather driving surfaces of not less than 36 feet unobstructed width, and not less than 13 feet - 6 inches of vertical clearance, to within 150 feet of travel distance to all portions of the exterior walls of every building. Access roads shall not exceed 16 percent grade, shall have a minimum outside turning radius of 32 feet, and must be capable of supporting the imposed loads of fire apparatus.
 - d) Access roads and hydrants as required above shall be installed and in service prior to combustible construction.
 - e) Approved premises identification shall be provided. Such numbers shall contrast with their background and be readily visible from the street.
 - f) A pro-rata fee of \$235.00 per house shall be assessed to partially offset expenditures for additional necessary fire services.

B10

- g) The developer shall provide roof coverings with a minimum Class C rating. Untreated wood shake or shingles are not allowed.
 - h) The developer shall remit all required fees and assessments to the Fire District for review of the subdivision/development plan application.
- 53) That any sale of a portion (or portions) of this project to multiple developers include the necessary agreement and/or grading easements to assure that project-wide grading conforms to the approved map and conditions of this resolution.
- 54) A decorative masonry wall is required on the east property lines of lots 4 through 9. The wall shall be located at the top of the adjacent down slope. The applicant shall construct the wall at the time of construction of infrastructure improvements for the subdivision. The design and engineering of the wall shall be subject to staff approval.
- 55) That a final landscape plan for the project be submitted for review and approval. This plan shall show the extent of landscaping for all open space parcels and landscaping within the public right-of-way.
- 56) That all sewerage flow by gravity to intersecting street or as approved by the City Engineer.
- 57) That the required 50 foot sight distance triangles be maintained at all intersections and that no object greater than 3 feet in height be placed in that triangle.
- 58) That the main commercial site entrance at the intersection of Contra Loma Blvd. and Gatter Drive shall be a street type entrance with 30-foot radius curb returns or as approved by the City Engineer.
- 59) That a center cul-de-sac parking area be provided in each cul-de-sac.
- 60) That the architectural guidelines for this subdivision be modified to address the following conditions. The final wording shall be reviewed and approved by staff.
- a) That existing trees on the property protected by the Tree Preservation Ordinance be protected from damage during all site improvements. Homes on lots containing protected trees shall be developed in such a manner as to preserve said trees unless the property owner obtains a permit for removal as required by the Ordinance.

B(1)

- b) The minimum house size for this subdivision shall be 1,800 sq. ft. for up to four lots and 2,000 sq. ft. for the remaining six lots. Lots three and four the minimum square footage will be 1,600 – 1,800 sq. ft.
 - c) Roofing material shall be concrete tile or high definition composition shingle roofing. Buildings shall be finished in stucco or real wood siding.
 - d) Landscape requirements shall be included in the CC&R's for this subdivision. Landscaping shall substantially conform to existing landscaping in Centennial Park.
 - e) Lots 2, 3, 4, 9, 10, and 11 shall be restricted to single story homes.
 - f) Community Development Department staff shall review and approve architectural and landscaping plans at the time of building permit submittal.
 - g) One member of the architectural review committee shall be a licensed architect.
- 61) A Lot Line Adjustment shall be required should proposed fencing not be placed on the existing property line in order to maintain the existing yards of homes in the Mira Vista subdivision. The subdivider shall be responsible for all work and cost involved with this action.
- 62) The CC&R's for this subdivision shall reflect all applicable conditions and shall be subject to staff review and approval prior finalization.
- 63) The subdivision shall be required to join Mello Roos District 94-1 or provide alternate school mitigation as determined by the Antioch Unified School District.
- 64) The applicant shall pay an economic development fee as required by the Measure U Urgency Ordinance or any subsequent extension or replacement ordinance.
- 65) Any masonry wall constructed as a result of this project shall be subject to staff design and engineering review.
- 66) The almond trees located adjacent to lot 87, located in the Centennial Park subdivision, shall be preserved and not removed or damaged as a result of nearby grading.
- 67) The applicant will work with staff to negotiate a development agreement to determine an allocation to be granted as well as contribution toward Prewett Park, prior to the final map being submitted to the City Council.

* * * * *

I **HEREBY CERTIFY** that the foregoing resolution was adopted by the City Council of the City of Antioch at a regular meeting thereof, held on the 24th day of April, 2001, by the following vote:

AYES: Council Member Davis, Kalinowski, Conley, Simonsen and Mayor Freitas

NOES: None

ABSENT: None


L. JOLENE MARTIN, City Clerk

through state and federal grants as well as contributions and donations. They felt other organizations were in greater need of the CDBG funds.

Mayor Freitas thanked Councilmembers Simonsen and Davis for their consideration and recommendations regarding the CDBG funds.

City Manager Ramsey recommended Council consider funding the Senior Citizen's Center from the General Fund, which would free up \$10,000 that could be allocated to other services.

Following discussion, the Council reviewed the summary of CDBG applications and agreed to allocate funds to the Rape Crisis Center as well as additional funds to STAND.

Councilmember Davis requested Council review the criteria for CDBG grant program and provide direction.

Upon making the motion, Mayor Freitas passed the gavel to Mayor Pro Tem Kalinowski to conduct the completion of Council's action.

RESOLUTION NO. 2001/37

On motion by Mayor Freitas, seconded by Councilmember Kalinowski, the Council unanimously adopted the resolution approving the PY 2001-2002 Annual Action Plan with the following changes: 1) Bay Area Legal Aid funding amount be reduced to \$3,000; 2) Contra Costa County Homeless Shelter Services funding amount be reduced to \$6,000; 3) Senior Citizen Center funding amount be reduced to \$0, with \$10,000 to be funded out of the General Fund for this fiscal year; 4) Rape Crisis Center be increased by \$10,000; and, 5) STAND be increased by \$6,000.

- 5. DHYANYOGA CENTERS, INC. REQUESTS APPROVAL OF A MAJOR SUBDIVISION TO SUBDIVIDE TWO EXISTING PARCELS INTO THIRTEEN LOTS, INCLUDING TWELVE SINGLE FAMILY LOTS AND ONE 3.44 ACRE LOT WHICH WILL HOUSE A FUTURE SPIRITUAL FACILITY PENDING USE PERMIT APPROVAL. THE PROJECT SITE IS LOCATED ON THE WEST SIDE OF CONTRA LOMA BLVD., APPROXIMATELY 1,100 FEET NORTH OF JAMES DONLON BLVD. (PW-652) #802-02**

Assistant Planner Wehrmeister presented the staff report dated April 19, 2001, recommending the City Council: 1) Adopt the Negative Declaration; and 2) Approve the proposed Tentative Map to subdivide two parcels into thirteen parcels subject to conditions contained in the staff reports and the resolution.

Councilmember Conley expressed his concern regarding the City being protected for their portion of the funding for Prewett Park. Director of Community Development Ward clarified

814

this project would not be subject to Prewett Park fees. City Attorney Galstan added the City and developer could negotiate a development agreement to address funding for Prewett Park.

Councilmember Simonsen requested project specific condition #64 be amended to include language for a future economic development fee.

Councilmember Davis expressed concern Measure U had not been applied to this project. Community Development Director Ward clarified the impacts from this project were deemed insignificant through the Negative Declaration process.

Mayor Freitas opened the public hearing.

Bernard Mosbacher, speaking on behalf of the applicant, reviewed the proposed project. He stated the intent was to create 12 upscale custom home lots to be sold individually. He clarified the builder had requested a reduction in square footage to provide an opportunity for elderly who would be downsizing their homes for retirement. He stated a higher end and diverse architecture would maintain the property values in the area. He also explained the applicant was willing to provide an entryway monument to designate this project as a separate development, noting they were working with neighbors to preserve as many trees as possible on the property. He further noted they were in agreement with all conditions contained in the staff report and were willing to work with the City to mitigate any concerns regarding Measure U.

With no further speakers, Mayor Freitas closed the public hearing.

Councilmember Kalinowski expressed concern regarding the square footage reduction as well as the Council assuring funding was at the correct level regarding Measure U.

Mr. Mosbacher clarified the applicant did not want to be limited to higher square footage adding it was possible to make a 1700 square foot home look and fit into the concept of this subdivision using creative, upscale architecture. He stated he had designed parking in accordance with City standards.

In response to Councilmember Conley, Assistant Planner Wehrmeister clarified under the ordinance, single infill lot development does not require Design Review Board consideration and the architectural review guidelines will insure the development would have a high quality design.

Councilmember Conley voiced his support of Design Review Board review for approval of these homes. Mr. Mosbacher requested should these homes go before the Design Review Board, they be accompanied by their architectural guidelines to insure standards were maintained.

B15

City Engineer Brandt clarified the cul-de-sacs have parking islands providing six parking spaces.

RESOLUTION NO. 2001/38

On motion by Councilmember Kalinowski, seconded by Councilmember Conley, the Council unanimously adopted the resolution and the negative declaration, with project specific conditions # 34 and 59, 60b, 60c and 64 amended to read:

#34 That all lots have a minimum of one on-street parking space located in front of the lot or in the cul-de-sac parking island.

#59 That a center cul-de-sac parking area be provided in each cul-de-sac.

#60b The minimum house size for this subdivision shall be 1800 square feet for up to four lots and 2000 square feet for the remaining six lots. Lots three and four the minimum square footage will be 1600–1800 square feet.

#60c Roofing material shall be concrete tile or high definition composition shingle roofing. Buildings shall be finished in stucco or real wood siding.

#64 The applicant shall pay an economic development fee as required by the Measure U Urgency Ordinance or any subsequent extension or replacement ordinance.

And the addition of project specific condition # 67 to read:

#67 The applicant will work with staff to negotiate a development agreement to determine an allocation to be granted as well as a contribution toward Prewett Park, prior to the final map being submitted to the City Council.

**3. FUNDING FOR COMMUNITY NEEDS ASSESSMENT FOR NEW PUBLIC LIBRARY
#1406-01**

City Manager Assistant Gegg presented the staff report dated April 11, 2001, recommending the City Council request \$30,400 to be allocated from Community Facility District 89-1 funding for Community Needs Assessment of a new library.

On motion by Councilmember Conley, seconded by Councilmember Simonsen, the Council unanimously approved requesting \$30,400 to be allocated from Community Facility District 89-1 funding for Community Needs Assessment of new library.

B16

ATTACHMENT "C"

STAFF REPORT TO THE CITY COUNCIL FOR CONSIDERATION AT THE MEETING OF JULY 22, 2003

Prepared by: Tina Wehrmeister, Associate Planner
Reviewed by: Victor Carniglia, Deputy Director of Community Development
Approved by: Joseph Brandt, Director of Community Development
Date: July 10, 2003
Subject: Tentative Subdivision Map Extension for Dhyanyoga Center Subdivision (PW 652)

RECOMMENDATION

It is recommended that Council approve a one-year time extension for the Dhyanyoga Center Subdivision subject to the conditions contained in the attached resolution.

BACKGROUND INFORMATION

In April of 2001 the City Council approved a tentative subdivision map to subdivide the property located on the west side of Contra Loma Blvd, 1,100 feet north of James Donlon Blvd. into thirteen lots, twelve custom single-family lots and one 3.44-acre lot proposed to contain a spiritual facility. This project was subject to the Measure U interim ordinance. The project was conditioned to negotiate a Development Agreement to determine an allocation to be granted as well as a contribution toward Prewett Park prior to the final map being submitted to the City Council as a mechanism for complying with Measure U. Alternatively, the applicant applied for a residential allocation through the RDA process and was granted a full allocation by the Council on July 8, 2003.

In order to address this project's community park contribution this extension has been conditioned to require payment of a fee equal to an interim fee currently in place (about \$4,000 / unit) or an adopted community park fee, which the Council is expected to act on in the next several months. The Council required a contribution to community parks because the Mello Roos district that this subdivision will annex into has no community park contribution component. The condition added to this extension is a clarification of the condition placed on the tentative map and is consistent with conditions placed on other residential projects that either do not have a community park contribution as a part of their Mello Roos assessment or are not within the Antioch School District boundaries.

TW:tll

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7-22-03

The applicant maintains that the \$6,000 per unit community benefit fee offered as a community benefit under the Residential Development Allocation (RDA) process should be considered adequate to address the community park contribution required of the tentative map.

It is staff's opinion that the intent of the tentative map condition is to require a fee that would specifically contribute to Prewett Park. The monetary contribution offered as a community benefit during the RDA process is not directed towards particular community improvement(s) or program(s). Therefore it is staff's recommendation that the project pay a community park fee in addition to the community benefit fee offered during the RDA proceedings.

The applicant is requesting that the single story height restriction on Lots 9, 10, and 11 be removed. Since approval of the tentative map, civil engineering drawings have been tentatively completed and submitted to the Engineering Division for plan check. The final grade of the lots in question is lower than originally anticipated and would allow for construction of two story homes on the lots that would not impact the privacy of the existing residential neighbors (see profiles attached to the May 28th letter).

	Proposed Finished Pad Elevation	Existing Lot Elevation – Adjacent Residences
Lot 9	97.0	105.7
Lot 10	99.2	105.8
Lot 11	100.7	110.4

Staff has reviewed the grading plans and profiles and is not opposed to the applicant's request. The granting of the request would also allow larger homes in terms of overall square footage to be constructed on the lots. Minimum home size was a concern at the tentative map stage and the project was conditioned to not allow homes smaller than 1,700 s.f. In fact, a 1,700 s.f. single story home could be difficult to place on the lots in question due to their unique shape and/or tree preservation requirements.

After considering the proposal, the Planning Commission voted to recommend approval of the one year map extension with conditions requiring payment of a community park fee in addition to the \$6,000 fee offered during the RDA proceedings and allowing Lots 9, 10, and 11 to be developed with two story dwellings.

FISCAL IMPACT

The additional funds generated by the Community Park Fee will assist in further development of Prewett Park.

Should the Council accept the applicant's proposal and only collect the \$6,000 per unit community benefit (RDA) then there could be a potential reduction in the overall budget to construct Prewett Park.

OPTIONS

1. Approve the map extension with modifications to the recommended conditions of approval.
2. Deny the map extension.

ATTACHMENTS

- A. Reduced copy of the Tentative Map
- B. Letter from applicant dated May 28, 2003
- C. Background minutes, staff reports and resolutions

RESOLUTION NO. 2003/100

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
APPROVING A ONE YEAR TIME EXTENSION AND AMENDMENT TO
CONDITIONS FOR THE DHYANYOGA CENTERS, INC. TENTATIVE MAP
(PW 652)**

WHEREAS, the City of Antioch received a request from DYHANYOGA CENTERS, INC. for approval of a one year time extension and amendment to conditions for a Tentative Map to allow the subdivision of two lots into thirteen lots containing twelve custom family lots and one 3.44 acre lot (APN 076-031-036 and -038) **(PW 652)**; and

WHEREAS, in compliance with the California Environmental Quality Act and City implementing procedures, the City Council did adopt a Negative Declaration for the project; and

WHEREAS, the City Council duly gave notice of public hearing as required by law; and

WHEREAS, the City Council on July 22, 2003 duly held a public hearing, received and considered evidence, both oral and documentary; and

WHEREAS, the City Council makes the following required findings for approval of a Tentative Subdivision Map:

1. That the subdivision, design and improvements are consistent with the General Plan (Government SS 66473.5);
2. That the subdivision complies with the Housing Element as it relates to regional and local needs (Government SS 66412.3);
3. That the subdivision will comply with future passive or natural heating or cooling opportunities as required by Government SS 66473.1; and
4. That the subdivision complies with local ordinances.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Antioch does hereby **APPROVE** a one year time extension and amendment to conditions for PW 652, subject to the conditions of the original approval contained in City Council resolution number 2001/38 with the following modifications:

1. That a community park fee shall be paid in addition to the agreed upon RDA proposal prior to the issuance of residential building permits for this

RESOLUTION NO. 2003/100

July 22, 2003

Page 2

subdivision. The fee shall be equal to the interim fee or future adopted community park fee approved by City Council.

2. That Lots 9, 10, and 11 may be developed with two story dwellings.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Antioch at a regular meeting thereof, held on the 22nd day of July, 2003, by the following vote:

AYES: Council Member Kalinowski, Conley, Simonsen and Mayor Freitas

NOES:

ABSENT: Council Member Davis

L. JOLENE MARTIN, City Clerk

CS

RESOLUTION NO. 2003/100

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
APPROVING A ONE YEAR TIME EXTENSION AND AMENDMENT TO
CONDITIONS FOR THE DHYANYOGA CENTERS, INC. TENTATIVE MAP
(PW 652)**

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WHEREAS, in compliance with the California Environmental Quality Act and City implementing procedures, the City Council did adopt a Negative Declaration for the project; and

WHEREAS, the City Council duly gave notice of public hearing as required by law; and

WHEREAS, the City Council on July 22, 2003 duly held a public hearing, received and considered evidence, both oral and documentary; and

WHEREAS, the City Council makes the following required findings for approval of a Tentative Subdivision Map:

1. That the subdivision, design and improvements are consistent with the General Plan (Government SS 66473.5);
2. That the subdivision complies with the Housing Element as it relates to regional and local needs (Government SS 66412.3);
3. That the subdivision will comply with future passive or natural heating or cooling opportunities as required by Government SS 66473.1; and
4. That the subdivision complies with local ordinances.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Antioch does hereby **APPROVE** a one year time extension and amendment to conditions for PW 652, subject to the conditions of the original approval contained in City Council resolution number 2001/38 with the following modifications:

1. That a community park fee shall be paid in addition to the agreed upon RDA proposal prior to the issuance of residential building permits for this

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RESOLUTION NO. 2003/100

July 22, 2003

Page 2

subdivision. The fee shall be equal to the interim fee or future adopted community park fee approved by City Council.

2. That Lots 9, 10, and 11 may be developed with two story dwellings.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Antioch at a regular meeting thereof, held on the 22nd day of July, 2003, by the following vote:

AYES: Council Member Kalinowski, Conley, Simonsen and Mayor Freitas

NOES:

ABSENT: Council Member Davis


L. JOLENE MARTIN, City Clerk

- 3. CENTRAL SELF STORAGE: THE PEGASUS GROUP REQUESTS APPROVAL TO AMEND THE SOUTHEAST AREA SPECIFIC PLAN FROM MEDIUM DENSITY RESIDENTIAL TO MIXED COMMERCIAL / RESIDENTIAL (MCR), AMEND THE GENERAL PLAN DESIGNATION FROM LOW DENSITY RESIDENTIAL TO MIXED COMMERCIAL / RESIDENTIAL (MCR), REZONE FROM PLANNED DEVELOPMENT (PD) TO PLANNED DEVELOPMENT (PD), AMEND THE DIABLO WEST FINAL DEVELOPMENT PLAN BY RE-DESIGNATING A 2.9 ACRE CHURCH SITE TO A 2.9 ACRE MINI-STORAGE FACILITY SITE AND A USE PERMIT APPROVAL TO CONSTRUCT AND OPERATE THE APPROXIMATELY 92,000 SQUARE FOOT MINI-STORAGE FACILITY ON THE APPROXIMATELY 2.9 ACRE SITE. THE PROJECT SITE LOCATED ON THE WEST SIDE OF MOKELUMNE DRIVE, APPROXIMATELY 300 FEET SOUTH OF LONE TREE WAY (APN 055-071-091). THE ADEQUACY OF A NEGATIVE DECLARATION (ND) WILL ALSO BE CONSIDERED AT THIS TIME. FILE: SP-2002-03, GP-2002-03, PD-2002-03
#202-07**

Following discussion, Council agreed to table the item rather than continue with staff's recommendation at that time.

Mayor Freitas requested City Attorney Galstan provide clarification as to which Councilmembers would be eligible to request the item be re-agendized. Specifically, which Councilmembers would be eligible to request the item be brought back, those who voted in the affirmative or those who voted in the negative.

On motion by Councilmember Conley, seconded by Councilmember Simonsen the Council unanimously tabled the item.

- 4. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH APPROVING A ONE YEAR TIME EXTENSION AND AMENDMENT TO CONDITIONS FOR THE DHYANYOGA CENTERS, INC. TENTATIVE MAP (APN 076-031-036 AND -038) (PW 652)
#802-02**

Associate Planner Wehrmeister presented the staff report dated July 10, 2003 recommending the City Council approve a one-year extension for the Dhyanyoga Center Subdivision subject to the conditions contained in the staff report and resolution.

Mayor Freitas opened the public hearing.

Bernard Mosbacher, representing the applicant, discussed their request for removal of the single story height restriction on lots 9-11. He stated due to the minimal number of lots on the project they would have a difficult time passing on the fees and still maintain the \$6,000 per unit community benefit fee, as offered under the Residential Development Allocation process, which should be considered adequate to address the community park contribution required of the tentative map.

Charlene Wadsworth and Carmen Antari, Antioch residents, requested Lexington Way remain closed to through traffic with the development of the property.

City Engineer/Community Development Director Brandt clarified the road would not be opened up through to Contra Loma Boulevard.

Mayor Freitas closed the public hearing.

Councilmember Simonsen stated he felt the Council should establish an interim park fee and suggested discussion on the item be agendaized. He further voiced his support of the following motion noting the impact to the community would be the same for those houses.

City Attorney Galstan stated should the City Council approve the updated master plan for community parks the costs could be estimated and staff could return to the City Council with nexus formulas to calculate the park fees, which could be formally adopted for uniformed application for the projects not paying the component of the Mello Roos District.

RESOLUTION NO. 2003/100

On motion by Councilmember Conley, seconded by Councilmember Simonsen the Councilmembers present unanimously approved the resolution.

- 5. PROPOSED UPDATE TO THE PREWETT PARK MASTER PLAN AND A MASTER PARK PLAN FOR THE LINDSEY BASIN AND SAND CREEK BASIN. PREWETT PARK IS LOCATED AT THE NORTHEAST CORNER OF LONE TREE WAY AND DEER VALLEY ROAD. LINDSEY BASIN IS LOCATED IN THE EAST LONE TREE SPECIFIC PLAN AREA ON THE WEST SIDE OF NEROLY ROAD., APPROXIMATELY 2,500 FT. NORTHWEST OF EMPIRE AVENUE. SAND CREEK BASIN IS LOCATED IN THE FUA 1 PLANNING AREA ON THE EAST SIDE OF DEER VALLEY ROAD**

#1402-03

Associate Planner Wehrmeister presented the staff report dated July 10, 2003 recommending the City Council approve the update to the Prewett Park Master Plan and master park plans for the Lindsey and Sand Creek Basins.

David Gates and Gayle Donaldson, landscape architects, presented the master park plan for the Lindsey Basin.

In response to Mayor Freitas, City Engineer/Community Development Director Brandt clarified the site to the north was owned by the County and had been planned as a court complex, which was a long-term item.

David Gates and Gayle Donaldson, landscape architects, presented the master park plan for the Sand Creek Basin.

ATTACHMENT "D"
Bernard A. Mosbacher Jr., Architect



May 28, 2003

Tina Wehrmiester, Planner
Community Development
City of Antioch
P.O. Box 5007
Antioch, CA 94531-5007

Re; Amendment request to condition 60e. of the Planning Commission tentative map approval

Tina,

We are requesting an amendment to the above-mentioned condition to delete the single story restriction on lots 9, 10 and 11. The civil engineering plans have been prepared and submitted for final map approval and the grading in the area of these lots is now to be closer to the existing grade than originally anticipated. The original intent was if these lots were to be graded at the same grade or higher than the adjacent Centennial Park homes that the proposed homes would not look down into the existing yards. In reality just the opposite is happening at these lots. The existing homes are at a higher elevation than the new homes. The new homes pad elevations range from 7 feet to 11 feet below the existing homes pad elevations. This is nearly a floor level to more than a floor level below the adjacent homes.

This has all been shown in the attached lot profiles we have provided. Please note that lot 9 falls centered on the property line between the two adjacent lots and would not have a great impact on the homes on those lots. The same condition also happens on lot 10 and actually has far less impact since the existing cul-de-sac is within 20 feet of the property. Lot 11 has the requirement of the existing trees along the fence line to be saved and will act as a barrier between the two parcels. This lot is also the one, which has the greatest elevation differential between the existing and the proposed.

In closing we feel this request is fair and we are not asking for any more entitlements than are already realized by the existing homes. We are not blocking any views nor will we be encroaching on the privacy of the adjacent homeowners any more than they do on their existing neighbors or would on the proposed project.

Respectfully,

Bernard Mosbacher

01

ATTACHMENT "E"

RECEIVED

JAN 28 2013

**CITY OF ANTIOCH
COMMUNITY DEVELOPMENT**

TO: City Of Antioch

FROM: Scott Broder

RE: Lot 4 Ram Court Antioch, CA

To Whom It May Concern,

I am looking to receive approval to change the one story requirement to allow for a partial two story to be built. By allowing for the partial two story, the size of the foundation and therefore the lot coverage can be reduced leaving far more green space. In addition, aesthetically the two houses to the south are both two stories. If an approval is granted with the plans I have submitted, the house will form a gradual increase from the one story to the left of this property to the two stories to the right. Please see the submitted drawings to understand the design and how this will flow from left to right.

More green space, reduced concrete foundation, and better aesthetics are all in line with the town's vision. It is my sincere hope that the town will approve this request.

Sincerely,


Scott Broder
Owner

E1

ATTACHMENT "F"

ATTACHMENT F

Site Photos



ATTACHMENT F



ATTACHMENT "G"

Regular Meeting
7:30 p.m.

June 4, 2003
Council Chambers

ANTIOCH PLANNING COMMISSION MINUTES

Chairperson Weber called the meeting to order at 7:30 p.m. on Wednesday June 4, 2003 in the City Council Chambers.

ROLL CALL

Present: Commissioners Berglund, Henry, Moore, Azevedo, Long, Vice Chairperson Martin and Chairperson Weber

Staff: Assistant City Engineer, Ron Bernal
Capital Improvement Director, Steve Scudero
Senior Planner, Nina Oshinsky
Associate Planner, Tina Wehrmeister
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None

CONSENT CALENDAR

Approval of Minutes: May 14, 2003
May 21, 2003

On motion by Commissioner Berglund, seconded by Commissioner Martin the minutes of May 14, 2003 were unanimously approved as written.

On motion by Commissioner Azevedo, seconded by Commissioner Berglund the minutes of May 21, 2003 were approved as written. The motion carried the following vote:

Ayes: Long, Henry, Weber, Berglund, Azevedo, Moore

Noes:

Abstain: Martin

CONTINUED PUBLIC HEARINGS

2. **PW 652 – DHYANYOGA CENTERS, INC.** requests approval of a one year tentative map extension. The approved tentative map allows the

subdivision of thirteen lots, twelve custom family lots and one 3.44 acre lot. The applicant is also requesting a modification of the conditions of approval to allow two story homes on certain lots that were previously restricted to single story homes. The project site is located on the west side of Contra Loma Blvd., approximately 1,100 feet north of James Donlon Blvd. (APN 076-031-036 and -038)

Associate Planner Wehrmeister presented the staff report dated May 29, 2003 recommending that the Planning Commission recommend that the City Council approve a one year extension for PW 652 subject to the conditions contained in the staff report's attached resolution.

In response to Commissioner Martin, Associate Planner Wehrmeister clarified that this is an extension for PW 652, which implies that the original conditions are applicable to the project.

Bernard Mosbacher, Architect representing Dhyanyoga Center stated that they are requesting a change to the requirement on the single story building heights on lots #9-11 due to the fact that the final grade of the lots in question is lower than originally anticipated and would not impact the privacy of the existing residential neighbors. He clarified when they went into the RDA hearings they originally had an agreement for \$3000.00 per lot community benefit fee and it was increased to \$6000.00 per lot. He noted they feel that the \$6000.00 per unit fee should be adequate to address the community park contribution required of the tentative map. He noted the addition of a \$4000.00 per lot park fee would burden the project due to the fact that they do not have the number of lots to spread the extra costs to. He further noted Dhyanyoga Center is developing this property to sell of the lots to help build the church facility. He stated when they had development agreement discussions with staff and the park fees were for \$1800.00 per lot.

In response to Commissioner Henry, Mr. Mosbacher stated that with the cost of the bare land and the increased construction costs for custom homes, the additional \$4000.00 would make it difficult to market the lots.

Associate Planner Wehrmeister clarified that \$4000.00 per unit is the higher end of the interim park fee and it is based on square footage of the homes and comparable to the Mello Roos District fee. She noted that the applicant proposed the \$6000.00 per unit community benefit fee. She added that it is staff's position that the proposed RDA benefit for this project is comparable to what the other applications have proposed

Chairperson Weber reminded the Commission that this is an application for a 1-year extension on a previously approved tentative map.

Commissioner Moore stated that when they considered the community benefits fees at the RDA committee level it was his understanding that the park fees were not included in the package.

Mr. Mosbacher stated that they were informed during the RDA committee process to provide a community benefit in which the city would decide where the fees would be distributed.

In response to Chairperson Weber, Senior Planner Oshinsky clarified that the City Council would ultimately determine if the community benefit fee will include the parks fee and how that fee will be divided.

Chairperson Weber reminded the Commission that item #1 of the resolution provides the City Council the ability to address the issue of the park fee for this application.

Commissioner Azevedo stated that he feels it is important to for the Planning Commission to determine if the applicant will be paying a park fee in addition to their RDA community benefit fee.

In response to Commissioner Moore, Mr. Mosbacher clarified that the they would not want the Planning Commission to impose a condition that the City Council can not reverse.

Senior Planner Oshinsky clarified that the park fee was part of the original tentative map approval and item #1 of the resolution before the Planning Commission this evening indicates that the park fee would be determined by the City Council.

William Saunders, Antioch resident, stated that they were guaranteed that the applicant would not build two-story homes adjacent to their neighborhood and expressed concern that they would impact their quality of life and decrease their property values.

Associate Planner Wehrmeister clarified that if the resolution is approved tonight per staff's recommendation, the only single story lots would be #2-4, which are adjacent to previous speakers property.

Chris Beckwith expressed concern regarding the impact of the dust from this property on his residence and noted it may take 10 years for the development of these individual lots. He stated church members would be developing some of these lots and questioned whether there is an ordinance prohibiting them from developing a commune type setting.

Bernard Mosbacher clarified that they did inform the residents at the community meeting that they would use as many single-family homes as possible especially on the north end of the site abutting the residential neighborhood. He noted the remaining two story lots would not impact the adjacent residential development. He noted that over 1 year ago they put fill on the site, which the city is aware of and when they do their grading it will be pulled and engineered fill. He clarified that these will be custom homes and they have no control over when they will be built. He clarified that some of the church members would be buying and developing lots as their personal residences and they are not a cult. He noted there are design guidelines on the structures as well as guidelines for maintenance for each individual lot.

In response to Commissioner Moore, Mr. Mosbacher stated that the individual lot owners could request an amendment to the resolution to build a two-story house and it would be up to the Planning Commission to approve or deny that request.

In response to Commissioner Martin, Mr. Mosbacher stated that they addressed the dust issue per the city's request when they brought the fill in.

Chairperson Weber closed public hearing.

In response to Commissioner Moore, Associate Planner Wehrmeister clarified that she believes the intent of project specific condition #67 of Resolution 2001/38 was that the fee was to go toward community parks.

Commissioner Moore stated he is not prepared to support the language in the resolution as it pertains to the parks fee noting that he feels the fee should be above and beyond the normal fees paid for development.

A motion was made by Commissioner Long, seconded by Commissioner Berglund to recommend that the City Council approve PW 652 a one year tentative map extension subject to the conditions contained in the staff reports attached resolution. Modifying condition #1 to read:

- #1 That a community park fee shall be paid prior to the issuance of residential building permits for this subdivision. The fee shall be equal to the interim fee or future adopted community park fee at the City Council's discretion

Following discussion the Planning Commission members were in support of the City Council imposing an additional park fee, equal to the interim fee or the future adopted community park fee in addition to the \$6000.00 community benefit fee.

In response to Commissioner Martin, Commissioner Moore suggested that the resolution should clearly indicate that the RDA community benefit fee can not be used to satisfy condition #67 of the previous resolution.

In response to Commissioner Moore, Associate Planner Wehrmeister clarified that if there is a request from the lot owners to modify the conditions of approval they would have to renotice and the request would come before the Planning Commission for a public hearing.

Following discussion Commissioner Long with acceptance from Commissioner Berglund amended the previous motion to include the following language:

On motion by Commissioner Long, seconded by Commissioner Berglund, the Planning Commission recommended the City Council approve PW 652 a one year tentative map extension subject to the conditions contained in the staff reports attached resolution. Modifying condition #1 to read:

- #1 That a community park fee shall be paid in addition to the agreed upon RDA proposal prior to the issuance of residential building permits for this subdivision. The fee shall be equal to the interim fee or future adopted community park fee at the City Council's discretion.

The motion carried the following vote:

Ayes: Commissioners Long, Berglund, Henry, Martin, Azevedo and Chairperson Weber

Noes: Commissioner Moore

Chairperson Weber declared a recess at 8:36 p.m. The meeting reconvened at 8:43 p.m. with all Commissioners present.

NEW PUBLIC HEARING

- 3. CAPITAL IMPROVEMENT PROGRAM** – Staff recommends that the Planning Commission determine that the 2003-2008 Capital Improvement Program (CIP) is consistent with the December 1988 Antioch General Plan.

Capital Improvement Director Scudero and Associate Civil Engineer Abu-Aly presented the staff report dated May 21, 2003 recommending that the Planning Commission determine that the 2003-2008 Capital Improvement Program (CIP) is consistent with the December 1988 Antioch General Plan.