

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

WEDNESDAY, MAY 15, 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 23, 2013**.

If you wish to speak, either during "public comments" or during an agenda item, fill out a Speaker Request Form and place in the Speaker Card Tray. This will enable us to call upon you to speak. Each speaker is limited to not more than 3 minutes under Public Comments and 3 minutes on non-public hearing agenda items. During public hearings, each side is entitled to one "main presenter" who may have not more than 10 minutes; all other speakers during a public hearing item are entitled to a maximum of 5 minutes. These time limits may be modified depending on the number of speakers, number of items on the agenda or circumstances. No one may speak more than once on an agenda item or during "public comments". Groups who are here regarding an item may identify themselves by raising their hands at the appropriate time to show support for one of their speakers.

ROLL CALL

6:30 P.M.

Commissioners	Sanderson, Chair
	Hinojosa, Vice-Chair - Absent
	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:

A. **April 17, 2013**

B. **May 1, 2013**

APPROVED

APPROVED

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END OF CONSENT CALENDAR

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DRAFT MINUTES

CONTINUED PUBLIC HEARING

DRAFT MINUTES

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).

RESOLUTION 2013-06

NEW ITEM

STAFF REPORT

3. **PW-150-13 – The City of Antioch** is requesting a determination that the 2013-2018 Capital Improvement Program is consistent with the Antioch General Plan.

NEW PUBLIC HEARING

STAFF REPORT

4. **Z-13-03** – The City of Antioch is requesting a recommendation of approval from the Planning Commission to the City Council for the rezoning of Northeast Antioch Area. There are three subareas considered for rezoning, which are all located within unincorporated Contra Costa County, consisting of approximately 678 acres. The zoning for Area 1 (470 acres) is being proposed as Heavy Industrial and Open Space, Area 2a as Urban Waterfront, (94 acres), and Area 2b (103 acres) as a Study zone. The three subareas are located generally south of the Sacramento County line along the San Joaquin River in the vicinity of Wilbur Avenue, west of the City of Oakley, north and east of the boundaries of the City of Antioch. A Mitigated Negative Declaration is also being considered for adoption.

RESOLUTION 2013-07

RESOLUTION 2013-08

ORAL COMMUNICATIONS

STAFF REPORT

WRITTEN COMMUNICATIONS

STAFF REPORT

COMMITTEE REPORTS

ADJOURNMENT 8:15 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.

**CITY OF ANTIOCH
PLANNING COMMISSION MINUTES**

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

**April 17, 2013
City Council Chambers**

CALL TO ORDER

Chairman Baatrup called the meeting to order at 6:30 p.m. on Wednesday, April 17, 2013, in the City Council Chambers. He stated that 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 decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on Thursday, April 25, 2013.

ROLL CALL

Present: Commissioners Motts, Sanderson, Westerman, Miller, Hinojosa
Chairman Baatrup and Vice-Chair Azevedo
Absent: None
Staff: Community Development Director, Tina Wehrmeister
APD Captain, Steve McConnell
City Attorney, Lynn Nerland
Minutes Clerk, Cheryl Hammers

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

NEW ITEM

Presentation to Mike Langford

CONSENT CALENDAR

1. Approval of Minutes: February 20, 2013

On motion by Commissioner Westerman, and seconded by Vice Chair Azevedo, the Planning Commission approved the Minutes of February 20, 2013.

AYES: Baatrup, Azevedo, Motts, Sanderson, Westerman, Miller,
Hinojosa
NOES: None
ABSTAIN: None
ABSENT: None

END OF CONSENT CALENDAR

NEW PUBLIC HEARING

2. **Z-13-02** – The City of Antioch is proposing to amend the Zoning Ordinance in order to regulate Community Supervision Programs. Regulations would be applicable City-wide. This project is exempt from the California Environmental Quality Act.

Community Development Director, Tina Wehrmeister provided a summary of the staff report dated April 11, 2013. She added that on the dais there was also a letter from Supervisor Federal Glover dated April 17, 2013, a memorandum from Jessie Warner dated April 16, 2013, and a letter from the American Civil Liberties Union (ACLU) dated April 17, 2013, which came in right before 5:00 pm today.

Commissioner Hinojosa asked staff to define recreation center under Section 9 to which CDD Wehrmeister said that when the section was drafted staff had in mind City run community centers and recreation centers.

Commissioner Motts clarified with staff that agencies currently in place could continue but could not expand if they were nonconforming uses unless they meet requirements and that the \$2,000.00 deposit is for all use permits which covers time and materials pursuant to the hourly rate contained in the master fee schedule.

Commissioner Sanderson clarified that Section 9-5.3836 subsection C3 was aimed more at smoking than resting and CDD Wehrmeister responded in the affirmative.

Commissioner Baatrup stated that the difficult thing is that they don't want to exacerbate crime, that other communities also struggle with this and asked staff if this was compared with what other counties are proposing. CDD Wehrmeister said that to her knowledge, she is not aware of another city currently proposing this type of ordinance but that there may be ones who already have regulations in place.

Commissioner Miller asked staff if the things contained in the letter from Supervisor Glover such as items 1, 2 and 3 on page 4 had been researched. CDD Wehrmeister responded that while these letters did come in with short notice, that the Planning Commission has the ability to go through the ordinance and make changes to what staff has recommended.

CA Nerland said that as to item 3, she is not aware of any other agencies who have blanket fee waivers for non-profits, that the City is not in the profit making business and that the fee covers expenses to process use permits including staff time.

Vice Chair Azevedo asked staff if the transferees were actually returning to the community where they lived prior to convictions or is this for anyone who chooses to move to the community after their release. CDD Wehrmeister said that the probation representative here tonight may be able to answer more accurately but that any

programs established in this community would be available to previously incarcerated individuals living anywhere in the county provided that their terms of release would allow them to travel to Antioch.

Chairman Baatrup asked staff about options tonight being to adopt the ordinance as recommended, make changes to the ordinance or postponing to address concerns and the consequences of that option.

CDD Wehrmeister stated that they can make a recommendation to City Council to adopt, to not adopt or if more information is needed, the item could be continued. However City Council has adopted an urgency ordinance effective for a 45 day period. She said that if the Planning Commissioners continue the item, staff would recommend that the City Council extend the urgency ordinance. The City Council could choose not to extend the urgency ordinance and the City would be without regulations in place.

Commissioner Motts asked staff about the existing facilities such as the one on 4th Street. Captain McConnell said that individuals are released back to the County of their last legal residence prior to their incarceration. Therefore, if the individual resided in Antioch prior to incarceration, they are generally released back to Antioch and the services in Antioch would benefit those released to Antioch.

Commissioner Westerman said that with respect to the 1500' separation from public or private schools and parks, drawing a radius around each one would seem to not leave much left.

CDD Wehrmeister said that staff can prepare a radius map.

Chairman Baatrup clarified with staff that there are currently restrictions on uses around schools and parks such as adult oriented uses and liquor establishments.

Commissioner Sanderson clarified with Captain McConnell that the current AB-109 releases are non-violent offenders.

Commissioner Hinojosa asked staff if other sites were considered appropriate with a use permit other than the three being recommended to which CDD Wehrmeister said that several were considered but that these three stood out to have the least potential impact to sensitive uses.

Chairman Baatrup clarified with staff that they could locate in the three places without a conditional use permit but could locate in other places if they go through the use permit process.

Vice Chair Azevedo asked staff if parolees have restrictions put on them for travel distance as conditions of parole to which Captain McConnell said that parolees sign a contract upon release into the Post Release Community Supervision program and there is a stipulation that the individual not travel more than 50 miles from their residence without approval.

Commissioner Motts confirmed that conditions can be placed on use permit requests for Community Supervision Programs for whatever unique circumstances are applicable to that location.

Commissioner Westerman clarified with staff that facilities under the Community Supervision Program could provide a variety of things including mentoring, group instruction or support services, one-on-one counseling, resume and job counseling and “one-stop shopping” for someone requiring a variety of services.

Vice Chair Azevedo asked staff about the RFP for housing counseling. Staff responded that the RFP was unclear regarding group homes, that it appeared to be more focused on services not actual housing arrangements, but the question could be redirected to County Probation.

OPENED PUBLIC HEARING

Jessie Warner, Contra Costa County Probation Coordinator, explained that County Probation was expanding services. She reminded the Commission that these are individuals who are already in the community and are returning to their homes. She said that their goal is to come up with the best way to help individuals successfully re-enter communities and not commit new crimes, engaging them in employment, substance abuse, counseling and stable housing. She said that the vast majority of individuals in the program are on regular adult supervision and that there are about 100 people in Antioch under AB109 supervision. Ms. Warner said that there are dozens of providers in the area doing their part for public safety but that transportation is a big issue for people. She said that Antioch was the only City in the county and possibly the state that is considering an ordinance like this.

Commissioner Hinojosa asked Ms. Warner if the program was optional or mandatory and if individuals are opting in or is it a requirement of their probation.

Ms. Warner responded that AB109ers would be offered these services and that if they are referred they are required to make an attempt. She said that they want to encourage the City to open doors to these services and for individuals to have access due to barriers created by past felonies.

Commissioner Miller asked Ms. Warner if their position is against amending the ordinance to provide any restrictions for services.

Ms. Warner said that County Probation’s preference in general would be no restrictions so programs would be available; that individuals are asking for services and they want to make them accessible. She stated that there would definitely be classrooms, workshops, and transitional employment opportunities.

Vice Chair Azevedo asked staff if the ordinance takes place would it allow transitional employment or limit employment of individuals only in zones specified.

CDD Wehrmeister said that the intent of the ordinance is to regulate the actual Community Supervision Program office but not to restrict local employers from hiring previously incarcerated individuals. She said for background, this came to staff's attention when a vendor funded by Probation to provide job education services to medium/high risk offenders came to ask about a location next to the Senior Center. The County Probation Department refused to be involved in discussions with this vendor. From staff's perspective, County Probation was not providing guidance to vendors about selecting appropriate locations for program success. When staff was notified of the County RFP release, staff decided to ask the City Council if they would like staff to draft regulations since County Probation was not actively involved in locating the programs which they are funding.

Ms. Warner responded that probation was awarded a grant from the Department of Justice to engage people prior to release. That this carries a lot of factors, including past crimes, behaviors, substance abuse and issues with past employment which are all factored in. The Probation Department started a program teaching people to think differently and that they have graduated three classes thus far.

Chairman Baatrup stated that if the goal is for individuals to be successful and to steer them away from crimes, this ordinance gives the opportunity to steer vendors away from areas of high crime and help in the planning process for use permits to allow them to be more successful.

Ms. Warner stated that was a good way to think of it and it hadn't been presented that way.

Commissioner Motts asked Ms. Warner if it was true that the largest impact is parole violations as opposed to worse crime to which she said that violators of parole are going to jail instead of prison. She thanked the Commission for time to consider the ordinance and said that they will be doing a more complete presentation at the City Council meeting.

Jolene Forman with ACLU of Northern California went over the main points of their letter which was provided on the dais. She said that are gravely concerned about the potential ordinance and that they strongly urge the commission to reject the ordinance which is contrary to the public safety realignment legislation. She said they also have concerns that this may be in violation of state and federal law. She said that once you take into consideration parks and schools and one another there are very limited areas. Ms. Forman said that the staff report has flawed justification for the ordinance and that these services have been proven to reduce recidivism. She said that not making these services available will make the community less safe and that there is not an influx of people coming to Antioch to utilize services but that they are coming back to Antioch and would be here anyway and not accessing services. Ms. Forman stated her concerns that the ordinance will disproportionately impact African Americans and could be in violation of state and federal laws. She asked that the Planning Commission not adopt this ordinance and that facts be reviewed to make adjustments. She said that they did look at a map of parks in the City, that these service providers would be limited to where buses don't go and individuals would have to take multiple buses making it

very hard for people to access services. Ms. Forman said that the three areas that are non use permit areas are very limited in accessibility and one area doesn't have an office area on it but is just an empty lot. She is concerned about costs and that the anti-loitering is broad and vague and organizations won't know how to comply with them.

Discussion ensued between Commissioner Sanderson and Ms. Forman regarding the suggested disproportionately impact to African Americans.

There was discussion between Vice Chair Azevedo and Ms. Forman regarding addressing zoning concerns and making services accessible.

Ms. Forman asked that they reject the resolution or to take time to do a strong analysis before moving forward. She said that the staff report is not accurate.

Commissioner Azevedo said that it is responsible for the City to look at those things and Ms. Forman stated that the more accessible these services are, the more likely people will graduate making the community safer.

Commissioner Hinojosa clarified with Ms. Forman the 149 number given on page 3 represented the total since created and that the number for Antioch was just over 100.

David Fraser with the Supervisor's office spoke to say that there is actually only two locations proposed and that the third is a county facility which is completely full. He said that it is not practical for services to end at 7:00 p.m. and that the \$2,000.00 permit fee is a lot of money to many organizations and that services are needed to be provided to all AB109ers. He asked that the City make it so that some can be placed in this community without too many restrictions or too much expense.

Commissioner clarified with Mr. Fraser that closing should be extended past 7:00 p.m.

Commissioner Motts said that if the City has no say in placement of services, then the hours become more of an issue but that 7:00 p.m. is restrictive. Mr. Motts said that most people feel that they don't have control over where things are located.

Mr. Fraser stated that he has received emails reflecting misperceptions from the community over this, that he doesn't believe group homes are part of this and that maybe we need to look at where the middle of the road is: create well being but not make restrictions so difficult to address the other side.

Chairman Baatrup: said that there appears to be urgency to take action and that the RFPs appear to have grant funding to 2014.

Ms. Warner stated that the County operates on a fiscal year and if passed and accepted would be funded.

CLOSED PUBLIC HEARING

CA Nerland clarified the comment regarding recidivism rate and that what has happened with extreme court system budget cuts that prosecutors will recommend probation be revoked rather than expend the cost to try an individual for a new crime. Therefore, the public comment that California's high recidivism rate is only due to previously incarcerated individuals going back to prison for "only drug offenses or missing meetings" was misleading. She said in response to the attorney for ACLU who referenced the case against Antioch regarding the City's community policing efforts that the ACLU did not win their case.

Commissioner Miller clarified with staff that the medium to high risk term refers to their risk of reoffending not necessarily the type of crime they would commit.

Vice Chair Azevedo said that he thinks this ordinance is a responsible act for the City of Antioch. He said that we zone certain areas for certain uses to mitigate issues that can arise regarding types of zoning. He thinks these programs are important to prevent people from returning to prison and that there is need to help them but that he does not find the ordinance to be onerous. He said that things can be changed like extending the hours of operation and finding an alternative to the county building given the City's size. Mr. Azevedo said he would have no problem recommending to City Council that they implement this ordinance with a few changes that will help the Community Supervision Program to be successful.

Commissioner Miller agreed that the ordinance is needed with changes.

Commissioner Sanderson agreed with the Commissioners but agreed with Mr. Fraser that a balance needs to be struck. She said that as to locations, she doesn't know if there is enough information with regard to public transportation to get to the locations. She said that if an entity wants they can apply for a use permit, that she understands the costs for a use permit can be expensive but at the same time if the fees are waived for these nonprofits, there will be many others asking for waivers as well. She feels it is not unfair to ask them to cover expenses to operate outside the three locations. She said that there is a needed change to the ordinance regarding time to extend operating hours to 10:00 pm. She said that to the third requirement regarding smoking, that she suggest they discourage smoking. As to the 1500' distance requirement there has been a lot of good argument but she is interested in the opinions of the other commissioners. Ms. Sanderson stated that with those provisions, she can support the ordinance.

Chairman Baatrup stated that a lot of parks are located in residential areas and would not impact these facilities.

CA Nerland pointed out that there is a map behind the dais which shows parks in green but that parks are usually created with subdivisions.

Commissioner Hinojosa clarified with staff that the 10th Street corridor which is mixed use would be allowed by a use permit as long as the distance restriction is met that the Commission chooses.

Discussion ensued between the Commissioners concerning the definition provided in the Ordinance specifically referencing the inclusion of AB109.

CA Nerland requested a ten to fifteen minute recess for an opportunity to confer with staff.

Recess 8:30-8:40 p.m.

CA Nerland stated that she has spoken with CDD Wehrmeister and APD Captain McConnell and stated that there are two options. Both options include deleting from the definition "Community Supervision Programs may also be known as AB109 Post Release Community Supervision Programs"; recommending the hours of operation 8:00 am to 10:00 pm; leaving section (B)(2) the same; and deleting "rest area" from section (B) (3). Then as to the location of the use, one option was that these uses are permitted by right in three locations and a use permit would be required in Business and Professional Office zones. The second option was to allow in Business and Professional Office zone unless within 1500 feet of schools, parks, recreation centers, senior living facilities or other Community Supervision Program uses at which point they would need a conditional use permit and not be allowed within 500 feet of schools, parks, recreation centers, senior living facilities or other Community Supervision Program uses.

Commissioner Hinojosa said that revising the language makes sense, keeping a minimum radius of 500 feet. She said that Council considers seniors to be sensitive uses and wonders if that should be added. She was also worried about allowing Community Supervision Programs in a mixed commercial district which is very different than a commercial district.

CA Nerland said that with regard to the mixed use zoning, if the Planning Commission is ready tonight to recommend an Ordinance, it can be requested that staff bring more information to City Council next Tuesday.

CDD Wehrmeister said that mixed use locations are primarily limited to the 10th street corridor, downtown, and the entire area near E-Bart.

Commissioner Hinojosa made a motion adopting the resolution recommending the City Council adopt the ordinance with modifications to include:

Section 9-5.203, the definition be revised to remove "Community Supervision Programs may also be known as AB109 Post Release Community Supervision Programs".

In Section 3, Subsection (C) (1) to extend the hours of operation to 8:00 am to 10:00 pm.

In Section 3, Subsection (D) to obtain a conditional use permit within 1500 feet of parks, schools, recreational centers, senior living facilities or other Community Supervision uses and banned if within 500 feet of those uses.

Commissioner Miller added that Section 3, Subsection (C) (3) to delete "and rest area".

CA Nerland clarified that the use be permitted and may be allowed in Business and Professional Office zones but would be required to obtain a conditional use permit within 1500 feet of parks, schools, recreational centers, senior living facilities or other Community Supervision Program uses and banned if within 500 feet of those uses.

RESOLUTION NO. 2013-**

On Motion by Commissioner Hinojosa and seconded by Vice Chair Azevedo, the Planning Commission recommended that the City Council adopt the Ordinance amending the Antioch Municipal Code dealing with Community Supervision Programs with the following changes:

- Section 2 9-5.203, the definition be revised to remove "Community Supervision Programs may also be known as AB109 Post Release Community Supervision Programs".
- Section 3, Subsection (C) (1) to extend the hours of operation to 8:00 am to 10:00 pm.
- Section 3, Subsection (C) (3) to delete "and rest area".
- Section 3, Subsection (D) to state "Community Supervision Programs shall be allowed in Business and Professional Office zones but would be required to obtain a conditional use permit if located within 1500 feet of parks, schools, recreation centers, senior living facilities or other Community Supervision Program uses and banned if within 500 feet of those uses."

AYES: *Baatrup, Azevedo, Westerman, Motts, Sanderson, Hinojosa, and Miller*

NOES: *None*

ABSTAIN: *None*

ABSENT: *None*

3. Election of Chair and Vice Chair

Chairman Baatrup opened up for nominations.

Vice Chair Azevedo nominated Commissioner Motts for Chair and Commissioner Sanderson for Vice Chair. Commissioner Miller seconded the motion.

Commissioner Motts declined and Vice Chair Azevedo retracted the motion.

Vice Chair Azevedo nominated Commissioner Sanderson for Chair and Commissioner Hinojosa for Vice Chair.

There was a brief discussion regarding expiration of terms.

On motion by Vice Chair Azevedo, seconded by Commissioner Miller, the Planning Commission members present appointed Virginia Sanderson as Chair and Krystal Hinojosa as Vice-Chair.

AYES: *Baatrup, Azevedo, Westerman, Motts, Sanderson, Hinojosa and Miller*

NOES: *None*

ABSTAIN: *None*

ABSENT: *None*

CA Nerland asked to re-open the public hearing for clarification.

REOPEN PUBLIC HEARING

CA Nerland wanted to clarify that when the commission talked about the distance requirements that it also intended to include other Community Supervision Programs as a "sensitive use" to which Chairman Baatrup said that it would carry that over from the original language.

Vice Chair Azevedo stated that it is limiting areas that can be zoned and permitted, specifying these three areas but that they can't be close to each other.

CA Nerland said that these uses could go anywhere where Business and Professional Offices are permitted if they follow requirements but that they would need a Conditional Use Permit within 1500' of schools, parks, recreation centers, senior facilities or other Community Supervision Programs and let the Conditional Use Permit process determine whether that makes sense.

Commission Sanderson confirmed that the previous motion maintained the original language that the ban include not only public or private school, park, recreation center and senior facility but also any other Community Supervision Program within those requirements.

On Motion by Commissioner Sanderson and seconded by Vice Chair Azevedo, the Planning Commission confirmed the concentration restriction was part of the prior action related to the proposed Ordinance for Z-13-02:

Section 9-5.3836

- **(D) Community Supervision Programs shall be allowed in Business and Professional Office zones but would be required to obtain a conditional use permit if located within 1500 feet of parks, schools, recreation centers, senior living facilities, or other Community Supervision Programs and banned if within 500 feet of those uses. This distance shall be a radial distance measured from property line to property line.**

AYES: *Baatrup, Azevedo, Westerman, Motts, Sanderson, Hinojosa, and Miller*

NOES: *None*

ABSTAIN: ***None***
ABSENT: ***None***

ORAL COMMUNICATIONS

None.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

None.

ADJOURNMENT

Chairman Baatrup adjourned the Planning Commission at 9:08 p.m.

Respectfully Submitted,
Cheryl Hammers

**CITY OF ANTIOCH
PLANNING COMMISSION MINUTES**

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

**May 1, 2013
City Council Chambers**

CALL TO ORDER

Chair Sanderson called the meeting to order at 6:30 p.m. on Wednesday, May 1, 2013, in the City Council Chambers. She stated that 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 decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on Thursday, May 9, 2013.

ROLL CALL

Present: Commissioners Azevedo, Motts, Miller, Baatrup, Westerman
Chair Sanderson and Vice-Chair Hinojosa
Absent: None
Staff: Senior Planner, Mindy Gentry
City Attorney, Lynn Nerland
Minutes Clerk, Cheryl Hammers

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. **Approval of Minutes:** **None**

END OF CONSENT CALENDAR

NEW PUBLIC HEARINGS

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**).

Senior Planner Gentry provided a summary of the staff report dated April 25, 2013.

Vice Chair Hinojosa clarified with staff that the Municipal Code allows extensions up to two years but that the Planning Commission has discretion to extend to whatever time they desire.

Commissioner Baatrup clarified with staff that there is not a limit on the times that conditions can be extended. Also that historically extensions longer than two years have not been done. SP Gentry did note that the architecture of this project was praised by the Planning Commission when originally approved and that nothing stands out in the conditions to provide concern to staff.

OPENED PUBLIC HEARING

There was no one in the audience wishing to speak on this matter. The applicant was not present although staff was expecting him to attend.

Commissioner Azevedo said that it may be advisable to move this matter down on the agenda to allow applicant to attend and that if he doesn't show that the matter can be continued.

On motion by Commissioner Azevedo and seconded by Commissioner Miller, the Planning Commission continued this item to the end of the agenda.

AYES:	<i>Sanderson, Hinojosa, Azevedo, Motts, Miller, Baatrup, and Westerman</i>
NOES:	<i>None</i>
ABSTAIN:	<i>None</i>
ABSENT:	<i>None</i>

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**).

Senior Planner Gentry provided a summary of the staff report dated April 25, 2013.

OPENED PUBLIC HEARING

Cheryl Amand, on behalf of Scott Broder, said that she is familiar with Mr. Broder's plans, that she is also a resident of the Golden Bow Estates and that her residence is currently under construction. She distributed a letter to the Planning Commissioners from James Koch and Tulsie Gottfredson, who own property on the south side of Scott Broder's property. She said that the Golden Bow community was requested by council to be a development of custom homes. Scott has plans for his dream home but he does have sensitivity to the concerns heard about privacy for neighbors and that on the north side facing South Francisco, Scott will have no view of any residences. She said that he has designed his home so that the lower portion is on the south side and closer to Ram Court.

Commissioner Azevedo clarified with Ms. Amand that Mr. Broder has seen the resolution and that he is in agreement.

Commissioner Azevedo mentioned that there were previous concerns about privacy with lots 696, 697 and 698. He was concerned with the window for lot 698 and the line of sight looking into that backyard. He discussed with Ms. Amand the importance of planting and maintaining the trees to serve as a buffer.

Commissioner Miller expressed that the trees should be evergreen and not trees where the leaves would fall off to which Ms. Amand said that the applicant is happy to put in what the Commission desired.

SP Gentry said that it was recommended that the trees have a more rounded canopy than the trees proposed and that they be evergreen. She said that the applicant would be working with staff for the selection of the trees.

Vice Chair Hinojosa asked Ms. Amand about this being proposed as a partial two-story. Ms. Amand said that the part of the home on the north side will be one story, that the rise of the home will be on his property closest to Ram Court and that he is proposing not to have any view of homes to the north of him through trees and construction.

Vice Chair Hinojosa referenced the site plan and confirmed with SP Gentry that the window would be recessed on the north side and not entirely flush with the wall on that side. SP Gentry said that the home plans are very preliminary at this point and that staff is recommending no balconies on the north side.

Commissioner Motts clarified with Ms. Amand that the window feature was for light, not viewing, and that there is no hall or room connected with it.

Michael Hechathorn spoke to say that he has an office in town and has reviewed these plans. He said that they look pretty all inclusive, removing any visual issues with surrounding houses.

Chris Beckwith, resident at 3334 South Francisco, said that his home is directly over the fence and down the hill from the property in question. He said that the homes were proposed as one story, that he has been against this, that people visiting his property don't have anything good to say about the custom homes and that he is concerned about the visual issues. He said that he does not want to see a two story behind him, that a one story is tall enough and feels this will make it difficult for him to sell his home.

Commissioner Miller clarified with Mr. Beckwith that 3334 South Francisco would be lot number 698.

William Saunders said that while he wants to be a good neighbor, his yard level is 12 to 15 feet lower than the level they are building on. He said that this is a pretty intrusive structure, that he does not wish to look at it every day and that people living on his side of the street are not happy to face that big wall. He said that the owner of the home

between Chris and himself is on the road six days a week and that he is probably not aware of the issue and how it will affect their property values. He said the tree that they have already causes them nightmares with droppings and damaging root systems. He stated his concern that in the future what happens if Mr. Broder chooses to remodel and that it would be unfair to the people who already live there without some restrictions.

Commissioner Motts discussed with Mr. Saunders the view consideration.

Commissioner Miller confirmed with Mr. Saunders that his address is 3326 South Francisco.

CLOSED PUBLIC HEARING

Commissioner Baatrup discussed with staff the easement shown, the type of easement not known and that there are probably restrictions to prevent things from being built on top of it.

REOPEN PUBLIC HEARING

Mr. Hechathorn said that this easement is a private water supply easement for water well on lot 2 that feeds the 12 houses and the church facility down the hill for irrigation only with backflow preventers. He said to address the previous concerns that a house up the street sold recently for ten to twenty thousand over the asking price with multiple offers.

RECLOSE PUBLIC HEARING

Commissioner Baatrup expressed his general concern with planting trees in easements and he is opposed to planting large trees in this easement. He said that by planting trees to alleviate the imposition to neighbors, that there is an acknowledgement of privacy. He asked staff about the architectural design and the flat roofs jumping out as inconsistent and going against design guidelines established for communities.

SP Gentry said that there is no design review for custom single family homes and that although the original plans were reviewed by an architect, she would have to check to see if a staff level review was done as well. She said that this is not your typical subdivision.

Commissioner Azevedo said that given previous discussions regarding keeping homes to single story and the considerations of fences, trees and all kinds of things, he has not heard anything to overturn that and that he will not be supporting this amendment.

Commissioner Motts discussed with SP Gentry that the house would be subject to review by staff including the 40% lot coverage, the appropriate setbacks, and compliance with all requirements.

Commissioner Baatrup clarified with staff that out of the 12 lots there are only 3 single stories. SP Gentry said that prior to the previous Planning Commission approval, there

were community meetings and that although they were to use as many single story homes as possible that if a homeowner wanted to come back through the process to remove the restriction that it would be on a case by case basis.

Commissioner Baatrup said that with only 3 out of 12 single stories, that he cannot support this change.

Vice Chair Hinojosa said that as a policy matter she does not feel that the Commission should undermine predecessor decisions. She does not feel that this proposed project has evidence enough to overturn the previous decision and that she is inclined to deny the recommendation by staff.

CA Nerland confirmed that there would be a unanimous motion to deny but that this would be a recommendation to the City Council to deny, that this would be heard by City Council on May 28th and that all parties would be given notice.

RESOLUTION NO. 2013-**

On motion by Commissioner Azevedo and seconded by Commissioner Baatrup, the Planning Commission recommended to City Council that PW 652 be denied.

AYES: Sanderson, Hinojosa, Azevedo, Motts, Miller, Baatrup and Westerman
NOES: None
ABSTAIN: None
ABSENT: None

ITEM 2 REOPENED

SP Gentry requested that the item be continued to a date certain to the next Planning Commission meeting of May 15, 2013.

On motion by Commissioner Azevedo and seconded by Commissioner Baatrup, the Planning Commission continued this item to May 15, 2013.

AYES: Sanderson, Hinojosa, Azevedo, Motts, Miller, Baatrup, and Westerman
NOES: None
ABSTAIN: None
ABSENT: None

ORAL COMMUNICATIONS

Commissioner Westerman said that he will not be present for either meeting in June.

Commissioner Miller said that he will not be present for the first meeting in June but should be back for the second meeting.

CA Nerland apologized for her lateness to the meeting. She said that the City Council approved introduction of the Community Supervision Ordinance but changed the 1500' requirement to 1000'.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS


Commissioner Azevedo said that Transplan met April 10. That they discussed Pittsburg rejoining ECCRFFA. That they received update on approved grants and money spent at the various schools. He said they also discussed SR239 which is the area between Brentwood and Tracy.

ADJOURNMENT

Chair Sanderson adjourned the Planning Commission at 7:37 p.m.

Respectfully Submitted,
Cheryl Hammers

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF MAY 15, 2013**

Prepared by: Mindy Gentry, Senior Planner 
Date: May 9, 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.

On May 1, 2013, this item was continued by the Planning Commission.

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 continued the item; and

WHEREAS, 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 15th day of May, 2013.

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 to 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.

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.

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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.

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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.

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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

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.

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 *MG*

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:

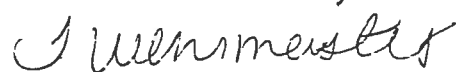
1. That the granting of such use permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity because the project has been designed to be sensitive to the surrounding community by having a large setback between the commercial buildings 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.

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

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 CITY OF ANTIOCH PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF MAY 15, 2013**

PREPARED BY: Ahmed Abu-Aly, Associate Civil Engineer, Capital Improvements Division AA-
APPROVED BY: Ron Bernal, Director of Public Works/City Engineer REB
DATE: May 8, 2013
SUBJECT: Determination of 2013-2018 Capital Improvement Program Consistency
with the Antioch General Plan, P.W. 150-13

RECOMMENDATION

It is recommended that the Planning Commission determine that the 2013-2018 Capital Improvement Program is consistent with the Antioch General Plan.

BACKGROUND

The Five-Year Capital Improvement Program is updated and revised every two years; during this period, the Planning Commission is asked to determine whether the projects included in the Five-Year Capital Improvement Program (CIP) are consistent with the current Antioch General Plan.

The General Plan may be viewed at the following website:
http://www.ci.antioch.ca.us/CityGov/CommDev/PlanningDivision/docs/Antioch_Adopted_General_Plan.pdf

Staff believes the CIP is consistent with the following General Plan Sections:

CIP CATEGORY	GENERAL PLAN SECTION
Community Facilities	Community Facilities Objective (page 8-2)
Roadway Improvements	Circulation (page 7-1 to page 7-6)
Traffic Signals	Vehicular Circulation Objective (page 7-8)
Wastewater & Storm Drain System	Wastewater Management Objective (page 8-3 to page 8-6)
Water System	Water Facilities Objective (page 8-3)

ATTACHMENT

- A. Draft of the 2013-2018 Five Year Capital Improvement Program (To Planning Commission Members only)

RB/lm

3
5-15-13

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF MAY 15, 2013**

Prepared by: Mindy Gentry, Senior Planner *MS*

Date: May 9, 2012

Subject: **Z-13-03** - Prezoning for Area 1, 2a, and 2b of the Northeast Antioch Annexation Area consisting of approximately 678 acres located primarily north of Wilbur Avenue and west of Hwy 160

RECOMMENDATION

It is recommended that the Planning Commission recommend to the City Council adoption of the Mitigated Negative Declaration, along with a Mitigation Monitoring and Reporting Program, and deem it as adequate to address the environmental impacts of the proposed prezoning, and to adopt an ordinance to prezone Areas 1, 2a, and 2b.

REQUEST

The City of Antioch is initiating the prezoning of Areas 1, 2a, and 2b, which includes a total of approximately 678 acres, which is proposed to be annexed into the City and to Delta Diablo Sanitation District. The proposed prezoning designations for the subareas are as follows: Area 1 as Heavy Industrial (M-2) and Open Space (OS); Area 2a as Urban Waterfront (WF) and Regional Commercial (C-3), and Area 2b as a Study District (S) (Attachment "F"). The prezoning area is located generally south of the Sacramento County line along the San Joaquin River in the vicinity of Wilbur Avenue, west of the City of Oakley, north and east of the boundaries of the City of Antioch (Attachment "C").

BACKGROUND INFORMATION

The City has initiated with LAFCO the reorganization (annexation) of three subareas within Northeast Antioch. In order for an area to be annexed to the City, it first must be prezoned. The term "prezoning" refers to the City zoning districts that will become applicable once the area in question is annexed to the City. In effect, the City's prezoning designations will replace the County's existing zoning upon annexation. LAFCO is the agency responsible for overseeing growth and development, including the extension of government services. As part of LAFCO's responsibilities of overseeing growth and development, they are the agency that reviews proposed annexations, and in this case reorganizations. Reorganizations consist of boundary changes involving multiple jurisdictions (in this case the City of Antioch and DDSD), where annexations only involve boundary changes affecting a single jurisdiction. The proposed action by LAFCO would be a reorganization because it involves boundary changes for both the City and DDSD. In this report, you will see the term annexation used interchangeably with the term reorganization.

The City first applied to LAFCO to annex Area 1 in 2007. The almost six year period from the time City Council initiated the annexation until now, can be largely attributed to the challenges the City and the County faced in reaching an agreement on the terms of a document known as a Tax Transfer Agreement, and determining the fiscal responsibility of each party for the needed infrastructure. The Tax Transfer Agreement determines how existing and future tax revenues will be split between the City and the County after annexation. The Tax Transfer Agreement will be considered by the City Council concurrently with City Council action on the rezoning. A City Council hearing on the rezoning and Tax Transfer Agreement, along with an Infrastructure Funding Agreement has been tentatively scheduled for late June or early July 2013. The Board of Supervisors will consider the Tax Transfer Agreement and the Infrastructure Funding Agreement once action has been taken by the City Council.

On March 27, 2012, the City Council considered the adoption of an April 2010 Mitigated Negative Declaration and the rezoning of Area 1. As part of this process, a letter was received from Kristina Lawson of the Manatt law firm representing West Coast Home Builders alleging a number of inadequacies with the environmental documentation prepared for the annexation and rezoning. After reviewing the relevant information, staff recommended that Council continue the rezoning to allow time to respond to the comments received. After further review by the City Attorney and the City's consulting attorney, it was recommended that the most appropriate course of action was to update the environmental documentation and continue action on the rezoning.

In May of 2012, the City received a letter from LAFCO recommending that the City also submit reorganization applications for Areas 2a and 2b, in addition to the pending application for Area 1 (Attachment "B"), and suggesting that any approval by LAFCO of the Area 1 annexation would be conditioned upon the City's annexation of Areas 2a and 2b. Given the importance of the annexation of Area 1 to the City, the City Council directed City staff to submit the annexation applications for Areas 2a and 2b as requested by LAFCO, and directed City staff to update and re-circulate the MND. As part of the discussion on the LAFCO letter, City Council members stated that they supported allowing the residents and property owners within Areas 2a and 2b to vote on the question of whether Areas 2a and 2b would be annexed to the City, assuming such a vote would be consistent with the requirements of LAFCO's Cortese-Knox-Hertzberg Act (the "Act"). However, LAFCO staff in reviewing the relevant requirements of the Cortese Knox Hertzberg Act subsequently determined that Area 2b is an "island" under the applicable provisions of the Act and local LAFCO policies. As a result, City staff understands that LAFCO staff will be recommending that LAFCO waive the applicable protest procedures for annexation of Area 2B.

Community Outreach

City staff held an informational meeting concerning the rezoning with property and business owners from Area 1 on February 23, 2012. A number of property/business owners attended this meeting, with the primary concern expressed being the fiscal implications of annexation on their properties. The City during 2012 also conducted

outreach of the yacht/boat clubs containing the majority of the registered voters within Area 2a.

City staff also held informational meetings for the residents of Area 2b on February 27, 2013 and April 17, 2013, with another scheduled for May 22, 2013. The majority of the residents that spoke at these meetings expressed the desire not to have their property annexed into the City. A key concern that was raised was the relatively high cost (\$18,000 to \$20,000/unit) of paying connection fees and related costs to hook up to the City's proposed sewer/water system. During the community meetings, some residents of Area 2b questioned LAFCO staff's determination that Area 2b is an "island" and argued that they must be given the opportunity to vote on the reorganization of Area 2b, or that they be allowed to vote on the annexation of the entire 678 acre area.. City staff also provided at these meetings information regarding the rezoning process and the installation of City infrastructure.

ENVIRONMENTAL

In compliance with the California Environmental Quality Act, the City prepared an Initial Study (IS) and Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) for the rezoning and reorganization of Areas 1, 2a, and 2b. The IS/MND is intended to cover not only LAFCO's approval of reorganization of all three subareas, including the rezoning, but also the City's and County's approval and execution of the Tax Transfer Agreement and an Infrastructure Funding Agreement for the installation of infrastructure in Area 2b, consisting of municipal water, wastewater, and storm drain systems/services. The IS/MND was circulated for a 30-day public review period from February 1, 2013 to March 4, 2013. The IS/MND, MMRP, and the response to comments were provided to the Planning Commission electronically, are available for review on the second floor of City Hall in the Community Development Department, and can also be found on the City's website at: <http://www.ci.antioch.ca.us/CityGov/CommDev/PlanningDivision/Environmental-docs.htm>

The IS/MND determined the following environmental factors could be potentially affected by the project, involving at least one impact that is "Potentially Significant": air quality, biological resources, cultural resources, hazards and hazardous materials, and noise. Mitigation measures have been provided for each potential significant impact, reducing all potential impacts to a less-than significant level. These are described in detail in the environmental document.

On February 20, 2013, the Planning Commission received oral comments on the IS/MND; there were a total of seven individuals that commented during the February 20th hearing and a total of ten written letters were submitted during the public comment period. While it is not necessary for the City to respond to comments received on the IS/MND, the City has carefully considered and fully responded to and addressed all comments received on the environmental document.

ANALYSIS

Issue #1: Project Overview

The City has initiated with LAFCO the reorganization (annexation) of all three subareas within Northeast Antioch. If approved by LAFCO, all three areas would become part of the City of Antioch and the Delta Diablo Sanitation District. LAFCO requires that lands proposed for annexation or reorganization into a City first be assigned a “prezoning” designation by the City into which the lands would be annexed. The City proposes prezoning that would effectively perpetuate existing County zoning within Areas 1, 2a, and 2b, with modifications to the zoning that would be substantially similar or that would increase the ultimate zoning conformity of existing uses, lots, and structures.

The subareas have been within the City of Antioch’s Sphere of Influence for over 30 years and Antioch began its efforts in 2005 to annex the three subareas. During the community meetings, the question came up as to how the City arrived at the three subareas 1, 2a, and 2b. This is a complex issue as the boundaries of the three separate areas were determined to a large extent by existing land use patterns and by how the annexation process evolved over time, as described below:

Land Use/Boundaries: Area 1 contains almost entirely industrial type uses with no residential development and is well defined geographically being clearly bound by the San Joaquin River and to the north and Wilbur Avenue to the south. Areas 2a and 2b are also well defined geographically, being bounded by the San Joaquin River, State Route 160, and the Burlington Northern rail lines. In addition, Area 2b is almost completely (over 90%) surrounded by the existing City limits of the City of Antioch. Areas 2a and 2b were also divided based on their distinct land uses within each area. In the case of Area 2b, the area is almost entirely residential, while Area 2a is occupied largely by marinas, storage, and water related uses.

Evolution of Annexation Process: Based on discussions with the property owners within Area 1, it was determined that a clear majority of property owners in Area 1 supported annexation to the City. In addition, the City of Antioch currently provides services to the two power plants in Area 1 based on two Out of Agency Services Agreements approved by LAFCO. The owners of these power plants, which represent the majority of the assessed value within Area 1, agreed to annex to the City as a condition of the Out of Agency Agreements. As part of the application process for Area 1, the City polled the residents/property owners of Area 2a and 2b, and this polling determined that the property owner/residents in these two areas did not support annexation to the City. Based on this polling, the City decided not to submit applications for Areas 2a and 2b to LAFCO. However, as described above, LAFCO subsequently “encouraged” the City to submit annexation applications for Areas 2a and 2b through a letter strongly suggesting the City submit annexation applications for these areas.

AREA 1 Description/Prezoning

Area 1 is an approximately 481 acre area predominately occupied by heavy industrial uses. Area 1 also includes the Antioch Dunes National Wildlife Refuge, a resource conservation area generally not open to the public. Area 1 is located south of the San Joaquin River, west of State Route 160, and north of the Burlington Northern Santa Fe (BNSF) railroad (Attachment "C"). The current County zoning for this entire subarea is "Heavy Industrial", including the area comprising the Antioch Dunes National Wildlife Refuge (Attachment "D"). The City's General Plan designations for Area 1 are General Industrial, Rail-Served Industrial and Open Space within the Eastern Waterfront Employment Focus Area (Attachment "E"). The City proposes to prezone the area with Heavy Industrial (M-2) and Open Space (OS) designations which are consistent with the City's General Plan (Attachment "F"). As part of the requirements for prezoning, the General Plan must be consistent with the proposed prezoning.

During the community meeting, property owners in Area 1 asked how the prezoning would affect the existing land uses. As mentioned above, the City is proposing the Heavy Industrial (M-2) zoning designation, which is very similar to the County's existing zoning designation. Attachment "G" contains a description of all City zoning designations proposed for all three subareas.

AREA 2A Description and Prezoning

Area 2a is a 94 acre area located east of Area 1, north of Wilbur Avenue, and west of State Route 160 and the Antioch Bridge (Attachment "C"). Area 2a is currently occupied by predominately marina, commercial, and storage uses, along with incidental uses. The existing County zoning designation for this area is also Heavy Industrial (Attachment "D"). The City's General Plan designation for this subarea is Marina/Support Uses and Commercial (Attachment "E"). The City is proposing the "Urban Waterfront" zoning designation and Regional Commercial (C-3), which reflects the existing uses currently in the subject area, which consist of marinas, commercial uses, and storage (Attachment "F"). The "Urban Waterfront" and "Regional Commercial" zoning designations are also consistent with the General Plan designation.

AREA 2B Description and Prezoning

Area 2b is approximately 103 acres, south of Wilbur Avenue and north of East Eighteenth Street, roughly centered on Viera Avenue (Attachment "C"). Area 2b contains 120 existing residential units, nearly all of which obtain water from individual domestic wells and dispose of wastewater in individual domestic septic systems. The streets in the area are in poor condition and lack storm water drainage systems, as they are largely gravel and dirt roads. The area also includes limited commercial and industrial uses, a cemetery, and agricultural lands. The County's zoning designations for the area are: Single Family Residential, General Agriculture, Controlled Manufacturing, Heavy Industrial, and Two Family Residential (Attachment "D"). The City's General Plan designations for the area are Medium Low Density Residential,

Open Space, Medium Density Residential, and Business Park (Attachment "E"). Area 2b is primarily characterized by residential properties that do not fit within any of the City's existing standard residential zoning designations. Therefore, the City is proposing rezoning with the designation of "Study (S)" district, which will allow the City to develop a zoning category that will be the best fit for that area (Attachment "F"). Until the specific zoning requirements are formulated as part of the "Study District" process, the City will utilize the existing County zoning requirements that currently apply to Area 2b.

Issue #2: Area 2b Study District Goals

The proposed "Study District" for Area 2b will allow staff to examine the existing uses, structures, and needs of the community since the City does not have a zoning designation that will appropriately fit the rural character of the area. As part of the rezoning, staff wanted to request feedback and direction from the Planning Commission regarding the goals of this potential future zoning district to address resident's concerns, as well as to set the frame work for moving forward with the appropriate zoning for the area. Based on the summaries below and the goals outlined in Exhibit 2 of the draft ordinance (Attachment "A"), staff is requesting feedback from the Planning Commission on the recommendations for the goals of the proposed study district for Area 2b.

Sewer Connection

Area 2b currently relies on private septic systems and wells for sewer and potable water; however, due to the age of the existing systems and the fact that many of the existing drinking water wells do not appear to meet County Health's minimum separation requirements from existing septic fields, the City has developed a detailed plan for the extension of the municipal water, sewer, and storm drain systems. The City would not install the sewer and water lines in areas where there are private roads unless an easement was granted by the property owners. The City is proposing to install \$8 to \$10 million dollars worth of infrastructure to serve Area 2b. The City anticipates these costs will be jointly funded by both the City and County. However, the costs of infrastructure installation would not cover connection fees or the individual laterals to serve each property, and these costs would be borne by the property owner or resident. The estimated costs for connection fees, septic tank abandonment, installation of the lateral, and other costs associated with connection of water and sewer are estimated between \$18,000 to \$20,000. The City is exploring ways to possibly fund these costs.

There is a provision in the City's Municipal Code requiring connection to the municipal sewer system if there is a plumbing outlet within 200 feet of the property. Considering the unique situation of the area with so many existing properties on septic systems and the costs the property owner's would have to shoulder, the City staff is proposing to waive the requirement for the properties to connect to the system if the septic and well systems are in proper working order as determined by County Health. The connection to the City's sewer system would only be required if an available sewer system

connection is within 300 feet; the septic system was not functioning properly; and would require a major repair, such as septic tank replacement. In the case of minor repairs, connection to the sewer system would not be required. The City does not have a municipal code requirement triggering a connection to the City's water system.

Zoning Code/Development Standards/Home Occupational Use Permits

As mentioned above, the City does not have an appropriate zoning designation to encompass the existing uses and structures within Area 2b. Staff's recommended goal is to use the two year study period to examine the existing structures, uses, and businesses and to come up with a recommendation for the best fit to reduce or eliminate any potential nonconformities. As part of this process, the City would examine the County's existing zoning standards for the designations within Area 2b and compare those to the existing structures and uses, and solicit input from the community about the resident's needs and issues relating to zoning standards. Further, any legally existing structures and uses would be proposed to be "grandfathered" into the City, with the understanding that the minimum parameters for fire, life, health, and safety would be met.

The City and County both have similar requirements for home based businesses. Staff's recommendation is to "grandfather" all legally existing home based businesses and to not make any changes to the City's zoning ordinance in regards to home based businesses.

Agriculture Uses/Livestock

During the two year study period, staff would examine any existing agricultural uses as well as investigate the needs of the community in regards to continued agricultural uses. Based on the findings from the study period, staff would develop recommendations to the Planning Commission and the Council regarding the adoption of any new zoning designations.

The City currently allows livestock and animals on residentially zoned property, in a similar manner as the County. The City allows for horses, mules, sheep, goats, pigs, or other animals on property with at least $\frac{3}{4}$ of an acre (32,670 square feet) with the consent of the Animal Control Officer, while the County allows animals on parcels at least 40,000 square feet, with at least 40,000 square feet for each two head of livestock. Since the City and the County are similar pertaining to the keeping of animals, staff is recommending the City's ordinance remain untouched and to "grandfather" any existing animals provided the conditions are safe and sanitary.

Streets

Due to the rural character of the area, the streets currently do not meet the City standard in width or design. Given this rural character the City has no rationale or incentive to modify the streets within Area 2b to comply with City standards, which are intended for a more "suburban" level of development. In any case, any attempt to widen

the streets would be prohibitively expensive as it would likely require removal of structures and encroachment into private property. Staff is proposing, during the two year study period, to develop a rural street standard for the area to reflect the existing streets. The private roads in Area 2b will remain private, and the City would not propose or support extending or connecting any of the existing streets, to streets outside of Area 2b.

ATTACHMENTS

- A: Ordinance
- B: Letter from LAFCO dated May 11, 2012
- C: Map of the three Subareas
- D: Contra Costa County Zoning Designations
- E: City of Antioch General Plan Designations
- F: Proposed Rezoning Designations
- G: City of Antioch Rezoning Designation Descriptions

RESOLUTION NO. 2013/**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING ADOPTION TO THE CITY COUNCIL OF THE NORTHEAST
ANTIOCH REORGANIZATION MITIGATED NEGATIVE DECLARATION AND
MITIGATION MONITORING AND REPORTING PROGRAM FOR THE PREZONING
AND REORGANIZATION OF AREAS 1, 2A, AND 2B OF THE NORTHEAST
ANTIOCH AREA, LOCATED GENERALLY SOUTH OF THE SACRAMENTO
COUNTY LINE ALONG THE SAN JOAQUIN RIVER IN THE VICINITY OF WILBUR
AVENUE, WEST OF THE CITY OF OAKLEY, NORTH AND EAST OF THE
BOUNDARIES OF THE CITY OF ANTIOCH**

WHEREAS, the City Council on June 26, 2007 authorized City staff to submit an annexation application for Area 1 of the Northeast Antioch Area, which consists of approximately 481 acres located north of Wilbur Avenue, east of Fulton Shipyard, and west of SR 160; and

WHEREAS, LAFCO, in a letter dated May 11, 2012, requested the City initiate the annexation of Areas 2a and 2b; and

WHEREAS, the City Council on June 12, 2012 authorized City staff to submit annexation applications for Area 2a and 2b of the Northeast Antioch Area with the understanding that the procedures contained in State law governing annexations provide property owners and residents the opportunity for input into the annexation process. Area 2a consists of approximately 94 acres located north of Wilbur Avenue, and West of State Route 160 and the Antioch Bridge. Area 2b consists of approximately 103 acres located south of Wilbur Avenue and north of East Eighteenth Street, roughly centered on Viera Avenue; and

WHEREAS, the City's General Plan designates Area 1 for Rail-Served Industrial, General Industrial, and Open Space; Area 2A for Marina Support Uses and Commercial; and Area 2B as Medium Low Density Residential, (up to 6 units per acre), Medium Density Residential (up to 10 units per acre), Business Park, and Open Space; and

WHEREAS, the prezoning districts are compatible with the City's General Plan. The districts are as follows: Area 1 consists of Heavy Industrial (M-2) and Open Space (OS), Area 2a consists of Urban Waterfront (WF) and Regional Commercial (C-3), and Area 2b consists of a Study (S) zone; and

WHEREAS, the City prepared an Initial Study to evaluate the potential environmental impacts of the Reorganization of the Northeast Antioch Area project, including the proposed annexations, prezoning, and the approval and execution of associated Tax Transfer and Infrastructure Funding Agreements (collectively, the "Project") in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines") and, based on that Initial Study, determined that the Project could be approved in compliance with the California Environmental Quality

Act ("CEQA") by adopting a Mitigated Negative Declaration as provided by Section 15074 of the CEQA Guidelines; and

WHEREAS, a draft Initial Study and Mitigated Negative Declaration ("IS/MND") was circulated for a 30-day review period, with the public review period commencing on February 1, 2013 and ending on March 4, 2013;

WHEREAS, the Planning Commission has reviewed the IS/MND for this Project and the comments received during the comment period as well as the Response to Comments; and

WHEREAS, following the close of the comment period, the City prepared (i) written responses to all comments received on the Draft IS/MND, (ii) a Final IS/MND that addressed comments received during the comment period, and (iii) a Mitigation Monitoring and Reporting Program ("MMRP") incorporating mitigation measures to be imposed on the Project; and these materials were released to the public; and

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

WHEREAS, on May 15, 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

1. The Planning Commission of the City of Antioch hereby **FINDS**, on the basis of the whole record before it (including the Initial Study and all comments received) that:

- a. There is no substantial evidence that the Project will have a significant effect on the environment; and
- b. The Initial Study and Mitigated Negative Declaration reflect the City's independent judgment and analysis.

2. The Planning Commission hereby **RECOMMENDS** that City Council of the City of Antioch **APPROVE AND ADOPT** the Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Report Program for the Project .

* * * * *

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 15th day of May, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

TINA WEHRMEISTER,
Secretary to the Planning
Commission

ATTACHMENT "A"

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF ANTIOCH INTRODUCING THE PREZONING FOR THE APPROXIMATELY 678 ACRES OF UNINCORPORATED LAND, REFERRED TO AS AREAS 1, 2A, AND 2B OF THE NORTHEAST ANTIOCH ANNEXATION AREA, WHICH IS GENERALLY LOCATED SOUTH OF THE SACRAMENTO COUNTY LINE ALONG THE SAN JOAQUIN RIVER IN THE VICINITY OF WILBUR AVENUE, WEST OF THE CITY OF OAKLEY, NORTH AND EAST OF THE BOUNDARIES OF THE CITY OF ANTIOCH

SECTION 1. Findings.

- A. The City Council in June 2007 adopted a resolution directing City staff to submit to the Local Agency Formation Commission (LAFCO) an annexation application for Area 1 of the Northeast Antioch Area. This application was subsequently submitted by City staff to LAFCO in September 2007. Area 1 is located within the City's Sphere of Influence and is also located within the City's Urban Limit Line (ULL) as approved by Antioch voters.
- B. Prezoning is required by State law prior to an annexation being considered for action by LAFCO.
- C. In processing the annexation as initiated by City Council in June 2007, concurrence was not reached in concept between the City and the County on the key provisions of the Tax Exchange Agreement until January 2012. This concurrence has allowed the prezoning and annexation process to move forward.
- D. Based on formal direction provided by LAFCO via a letter dated May 11, 2012, the City Council, on June 12, 2012, initiated the annexation of Areas 2a and 2b.
- E. The City Council has considered the Final Initial Study and Mitigated Negative Declaration for the Northeast Antioch Area Reorganization, dated February 2013 and adopted by the City Council on _____ of 2013 (the "Final MND"), and has considered all comments received both during and after the close of the public comment period on the draft IS/MND. The City Council hereby finds that, as of the date of this Ordinance, the Final MND reflects the City Council of the City of Antioch's independent judgment and analysis, and that, on the basis of the entire record before it, including but not limited to the Final MND, including the associated initial study, and the comments received thereon, there is no substantial evidence in the record that the prezoning of Areas 1, 2a, and 2b as described in the Staff Report and the MND and as would be implemented by this Ordinance would have a significant effect on the environment.

- F. The City Council finds the rezoning is consistent with the City of Antioch General Plan, and with the General Plan land use designations as contained in the "Eastern Waterfront Employment Focus Area".
- G. The City Council finds the rezoning is consistent with the requirements of the Transportation Sales Tax Initiative, Measure J.
- H. The rezoning for Area 1 consists of primarily the (M-2) "Heavy Industrial" zoning district and (OS) "Open Space" proposed for the existing Federal Wildlife Preserve located on the north side of Wilbur Avenue. The rezoning for Area 2a consists of the Urban Waterfront (WF) and Regional Commercial (C-3) zoning districts and 2b consists of a Study (S) district. The geographic locations of the proposed rezoning districts for Areas 1, 2a, and 2b are depicted in Exhibit 1.
- H. The City Council developed Goals, attached as Exhibit 2, for the City's "Study" rezoning designation of Area 2b. The Goals as contained in Exhibit 2 address zoning standards, development standards, streets, sewer and water connections, livestock, home occupations, and other issues. It is the City Council's intent that the zoning designations ultimately developed as part of the Study zone process will implement the Goals contained in Exhibit 2.
- I. The Planning Commission on May 15, 2013 recommended that City Council adopt the rezoning and approve and adopt the IS/MND and associated Mitigation Monitoring and Reporting Program ("MMRP") by a ___-___ vote.

SECTION 2. The Final MND and the associated MMRP are hereby adopted to comply with the requirements of the California Environmental Quality Act and support, among other things, the rezoning of Area 1, 2a, and 2b as described and introduced by this Ordinance. These documents, together with the remaining materials constituting the record of proceedings for the rezoning of Areas 1, 2a, and 2b, along with the Final MND and MMRP are available for inspection and review at City Hall, 2nd Floor, Community Development Department, located at 200 "H" Street, Antioch CA. The rezoning of Area 1, 2a, and 2b which consist of the zoning districts as depicted in Exhibit 1 of this Ordinance and defined in the Antioch Municipal Code, is hereby introduced.

SECTION 3. This Ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption by the City Council at a second reading and shall be published once within fifteen (15) days upon passage and adoption in the East County Times, a newspaper of general circulation printed and published in the City of Antioch.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was introduced at adjourned regular meeting of the City Council of the City of Antioch held on the ____ day of ____ and passed and introduced at a regular meeting thereof, held on the ____ day of _____, by the following vote:

AYES:

NOES:

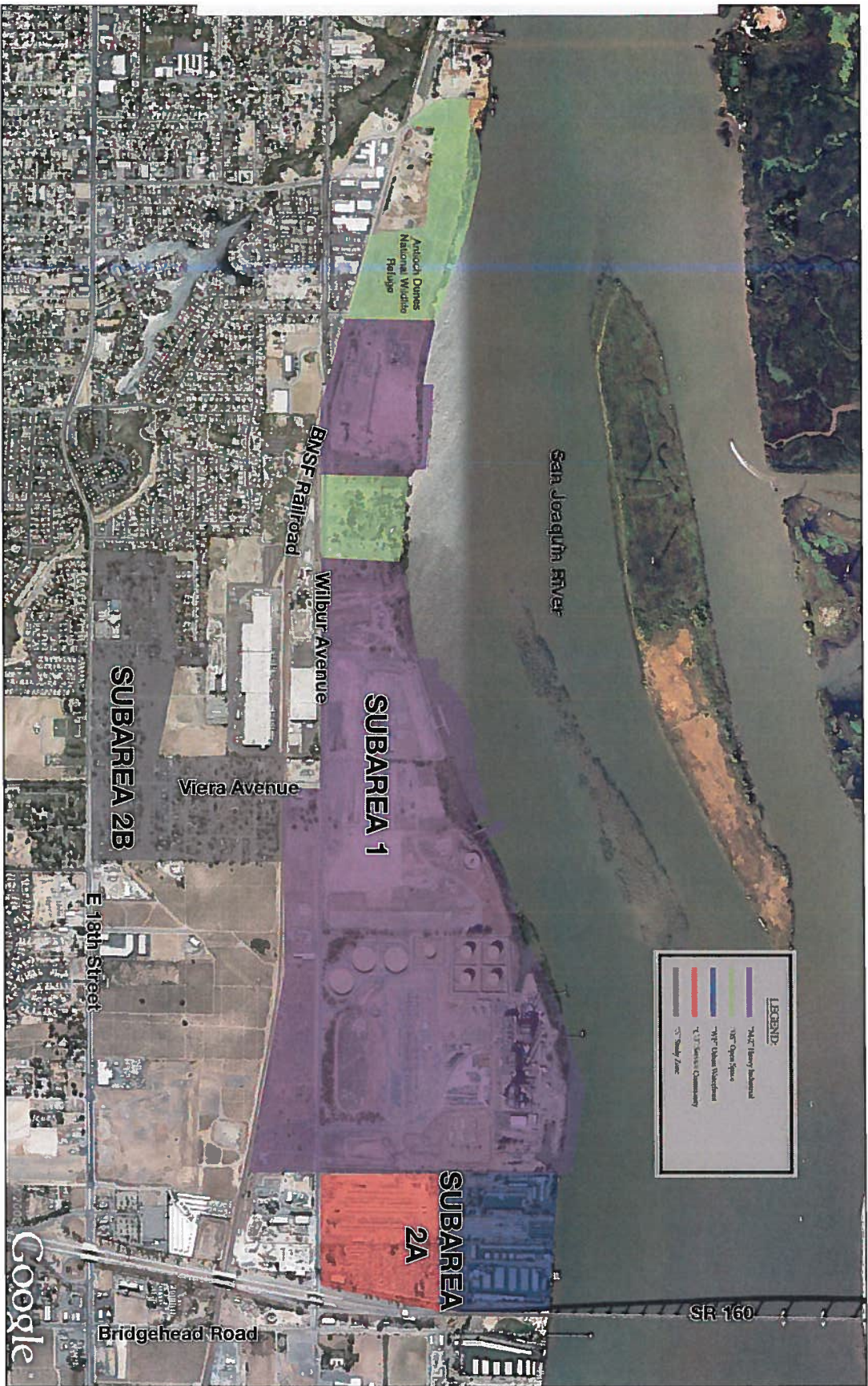
ABSENT:

Wade Harper, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, City Clerk of the City of Antioch

EXHIBIT 1



Source: Google Earth, 2009.

Proposed City of Antioch Rezoning

Figure

EXHIBIT 2

City of Antioch Northeast Reorganization

Zoning Goals for Area 2b to be Implemented Through the "S" Study District Process (Z-13-03)

The following are the goals the City intends to implement as part of the "S" Study District rezoning process for Area 2b of the Northeast Antioch Annexation. These goals may be implemented through the Zoning Ordinance, or through other pertinent sections of the City Code. The "S" Study District will give the City up to two years to develop appropriate zoning designation(s) to apply to Area 2b. The intended overall goal of this "S" Study District process will be the creation of new or modified City zoning designations that will appropriately accommodate existing and planned land uses and development for Area 2b. The following are the specific goals the City intends to implement within Area 2b:

Development Standards

- Develop zoning regulations and development standards that best fit/accommodate existing structures, uses, and lots in order to minimize to the extent practical the number of non conforming buildings and uses, with the caveat that protection of public health and safety shall take precedence over ensuring zoning conformity.
- Implement zoning development standards applicable to Area 2b will be prepared in such a manner as to preserve the rural character of the area.
- Develop an agricultural overlay zone to protect and maintain the existing agricultural uses in the area, including the extensive vintage grape vines. Allow all existing agricultural uses to continue by "grandfathering" the existing agricultural uses upon annexation into the City.
- The keeping of boats, trailers, and other vehicles within Area 2b will be regulated as currently allowed by County requirements, and not by current City standards.
- Allow for building additions and other expansions of existing structures for properties where connections have been made to the City sewer/water system and meet the relevant zoning requirements.
- Consider subdivisions in cases where properties meet minimum lot size and other relevant requirements, and have connections to City sewer/water systems.

Sewer and Water Connection

- Waive the City code requirement to connect to the City sewer system for the residential and commercial uses located in Area 2b that are within 200 feet of a sewer connection, provided the septic system is functioning properly as determined by the County Environmental Health Department.
- A sewer connection within Area 2b would be required as dictated by the County Environmental Health code. It is the City's understanding that County Environmental Health would require a sewer connection in the event all of the following circumstances apply; 1) there is an available sewer within 300 feet, and 2) the septic system is not functioning properly, and 3) the septic system will require a major repair as determined by County Environmental Health.
- Maintain the City municipal code regarding water connections, which are not triggered by City Code but are made at the discretion of the property owner.

Streets

- Develop a City of Antioch standard street section applicable to Area 2b that takes into account the existing street network, widths, and drainage. Such a modified street section would permit narrower streets without the standard requirements for curb/gutter/sidewalk along the entire street frontage.

Exhibit 2

- The City would not propose or support extending any of the existing streets public or private within Area 2b to connect with/or extend to streets outside of Area 2b.
- The City has no interest in acquiring, condemning, or otherwise taking over ownership of any part or portion of the many private streets located within Area 2b. The City will not install infrastructure within privately owned streets unless and until all of the owners of that privately owned street voluntarily agree to grant the City right of way in which to install the infrastructure.

Livestock

- Maintain the existing municipal code requirements pertaining to livestock. In cases where the City ordinance is more restrictive than the County regarding the keeping of animals, the City will “grandfather” animals allowed under the County, provided the conditions are safe and sanitary.

Home Occupations

- Maintain the existing municipal code requirements for home occupational use permits. In cases where the City ordinance is more restrictive than the County regarding home based businesses, the City will “grandfather” any home based business allowed under the County.

ATTACHMENT "B"



CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
651 Pine Street, Sixth Floor • Martinez, CA 94553-1229
e-mail: LTexe@lafco.cccounty.us
(925) 335-1094 • (925) 335-1031 FAX

Lou Ann Texeira
Executive Officer

MEMBERS

Federal Glover
County Member
Michael R. McGill
Special District Member
Dou Blubaugh
Public Member

Dwight Meadows
Special District Member
Rob Schroder
City Member
Don Tatzli
City Member

Gayle B. Ullkema
County Member

ALTERNATE MEMBERS

Sharon Burke
Public Member
Tom Bull
City Member

George H. Schmidt
Special District Member
Mary N. Piepho
County Member

May 11, 2012

Jim Jakel, City Manager
City of Antioch
200 H Street
Antioch, CA 94509

David Twa, County Administrator
Contra Costa County
651 Pine Street, 10th Floor
Martinez, CA 94553

Dear Jim and David,

The purpose of this letter is to encourage the City and County to accelerate and complete the property tax transfer agreement for Northeast Antioch (Areas 1, 2a and 2b), and move forward with the annexation of these areas to the City of Antioch.

Over the past several months, the Commission has received monthly reports from the City and County indicating that the parties are close to reaching agreement on the property tax exchange. At both the March and April 2012 LAFCO meetings, the Commission expressed concern with the lack of progress on the tax exchange agreement.

While there has been considerable delay, we believe there is commitment by the parties to annex Northeast Antioch to the City; as well, there are various incentives to move forward with the annexation in an expeditious manner.

In August 2007, the City of Antioch submitted an application to LAFCO to annex Area 1. The proposal is currently incomplete, mainly due to the fact that the City and County have not reached agreement on the property tax transfer.

Since 2007, the City applied to and received approval from the Commission to extend out of agency water and sewer services to two industrial properties (PG&E - 2008 and GenOn Energy - 2011) located in Area 1. In accordance with State law, LAFCO granted the out of agency service approval in anticipation of and commitment from the City that it would annex Northeast Antioch. In conjunction with LAFCO's approval of the out of agency service in 2011, GenOn pledged to the City and the County that it would provide \$1 million to each party if the annexation of Northeast Antioch is complete by December 2012.

The City also declared that it would annex Northeast Antioch in 2009, in the wake of the Jaycee Dugard kidnapping.

In addition to these commitments and incentives, there is an impending deadline with critical LAFCO statutes scheduled to sunset. Area 2b is a small island that is substantially surrounded by the City of Antioch. Government Code section 56375.3 currently provides an expedited process to allow the City to annex this island without a protest proceeding provided the boundary change proposal is submitted to LAFCO by January 1, 2014.

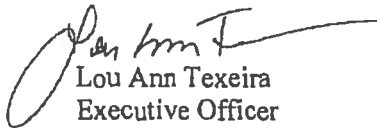
As indicated above, to date, LAFCO had received an annexation application for Area 1, and has not yet received applications to annex Area 2a and 2b to the City.

As previously discussed with the City and County, and at the Northeast Antioch Subcommittee meetings, LAFCO staff urges the City to annex all of Northeast Antioch (Areas 1, 2a and 2b).

The Commission has broad conditioning authority. For example, the Commission could condition the annexation of Area 1 on the City annexing Area 2b, and on the completion of the annexation process for Area 2a (Government Code section 56885.5). Because the time required to prepare and process both annexation applications can be lengthy, we encourage the City to submit its applications to annex Areas 2a and 2b as soon as possible.

Again, we believe the parties are committed to the annexation of Northeast Antioch, and strongly encourage the City and the County to complete the property tax exchange agreement as soon as possible.

Sincerely,

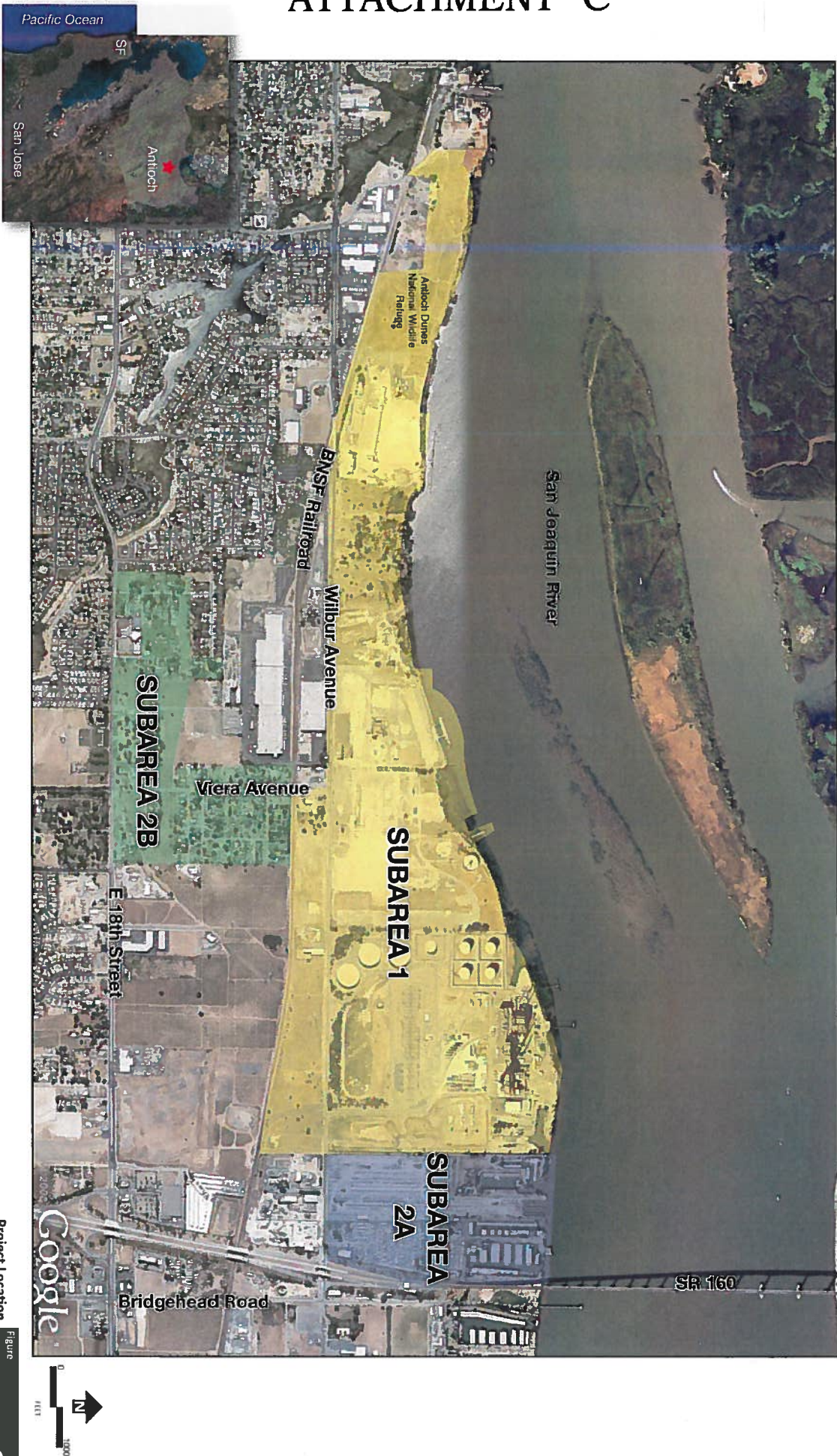


Lou Ann Teixeira
Executive Officer

c: Each Member, Contra Costa LAFCO
Supervisor Federal Glover
Supervisor Mary Piepho
Each Member, Antioch City Council

ATTACHMENT "C"

Northeast Antioch Reorganization



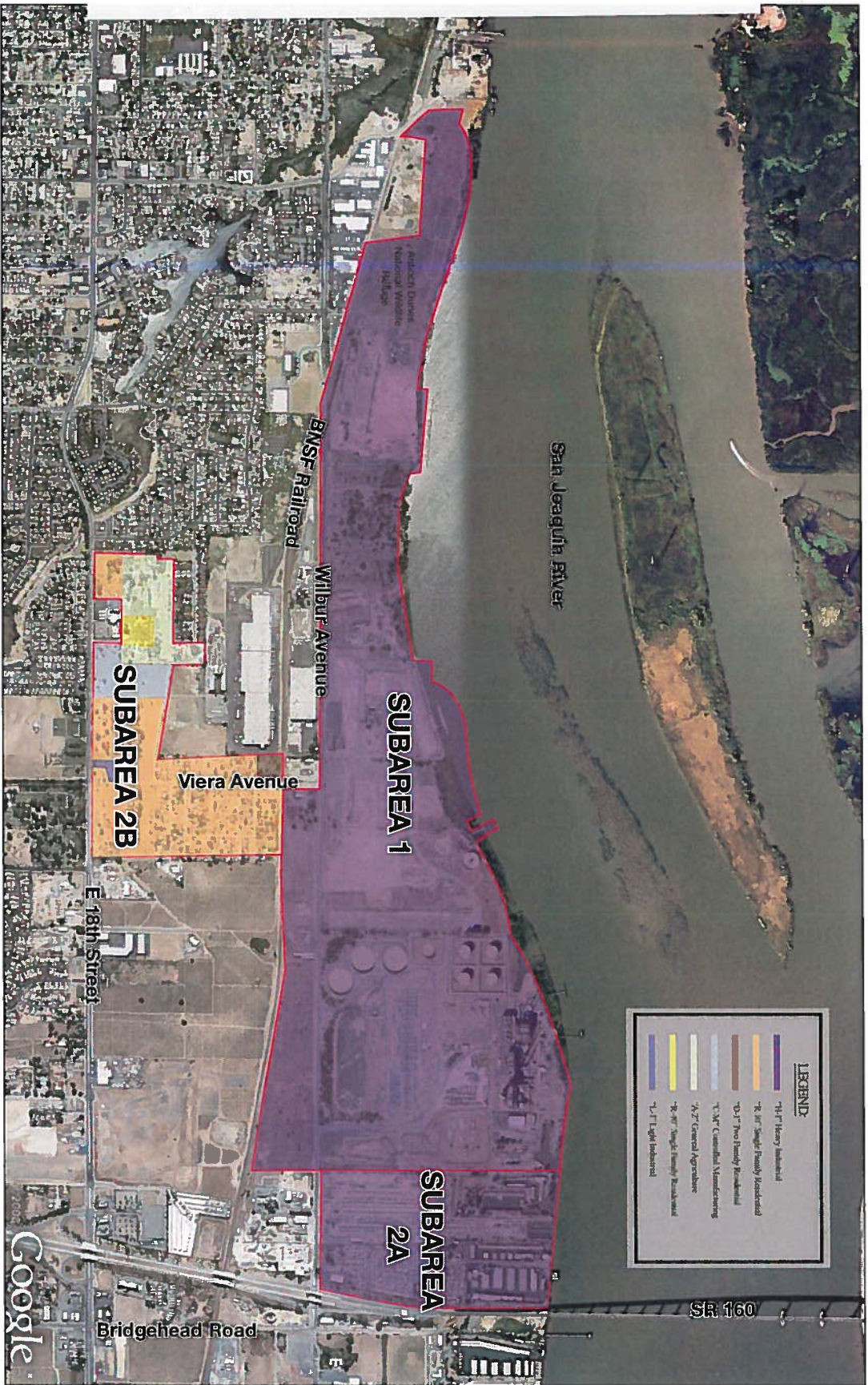
Source: Google Earth, 2005

Project Location

Figure

9

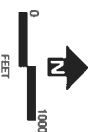
ATTACHMENT "D"



Source: Google Earth, 2009

Contra Costa County Zoning Designations

Figure



ATTACHMENT "E"



Source: Google Earth, 2009

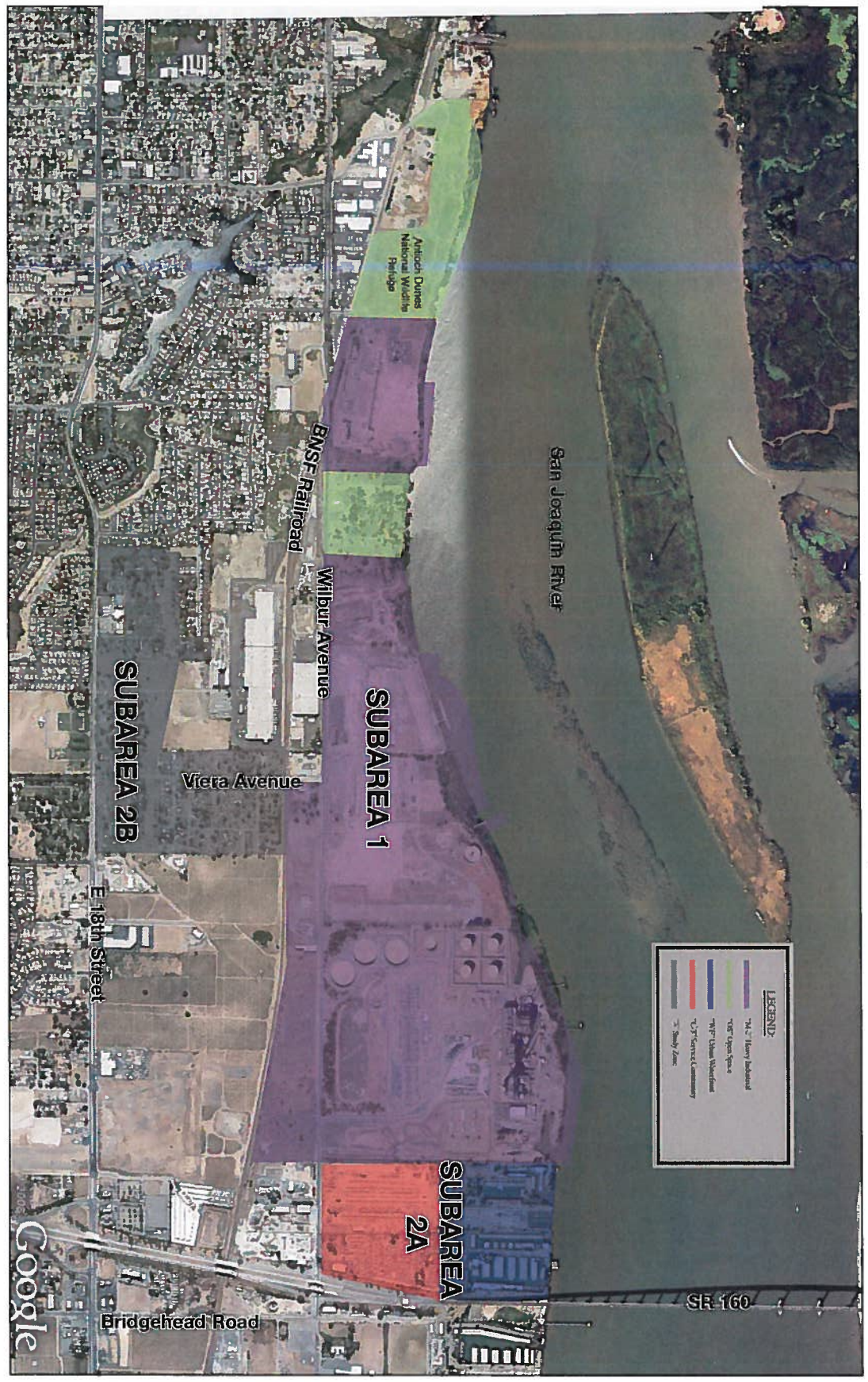
City of Antioch General Plan Designations

Figure

E1

ATTACHMENT "F"

Northeast Antioch Reorganization



Source: Google Earth, 2009

Proposed City of Antioch Rezoning

Figure

F1

ATTACHMENT "G"

Attachment G

City of Antioch Rezoning Designation Descriptions

AREA 1

M-2 Heavy Industrial District. This district allows heavy industrial uses which may generate adverse impacts on health or safety. This zone applies primarily to existing heavy industrial uses. The district is consistent with the General and Rail-Served Industrial General Plan Designations. Uses include production of and extraction of metals or chemical products from raw materials, steel works and finishing mills, chemical or fertilizer plants, petroleum and gas refiners, paper mills, lumber mills, asphalt, concrete and hot mix batch plants, power generation plants, glassworks, textile mills, concrete products manufacturing and similar uses.

OS Open Space/Public Use District. This district allows undeveloped public open space and areas for public use where shown on the General Plan and in Specific Plans. This zone also can apply to public utility easements for electrical lines, gas lines and canals to prevent encroachment by urban development. This district is consistent with the Public/Institutional and Open Space General Plan Designations, as well as within Focused Planning Areas.

AREA 2a

WF Urban Waterfront District. This district applies specifically to the Rivertown/Urban Waterfront and Eastern Employment Area Focused Planning Areas shown on the General Plan. Uses could include a mix of commercial and industrial uses generally restricted to those which are thematically compatible with a waterfront setting. Water related uses include marinas, and boat sales, and maintenance in conjunction with a marina and compatible public uses. This district is consistent with the Urban Waterfront General Plan Designation. Retail uses could include restaurants commercial, recreation, and other water oriented uses. Public open space, walkways and other elements are also allowed to provide access to the river.

C-3 Regional Commercial District. This district provides for retail and service commercial uses of a regional nature, including those in and adjacent to large centers with one or more full-time department stores with a typical minimum of 75,000 square feet of floor area. Regional commercial uses typically serve a population residing within an eight to 20-mile radius and occupy 30 to 50 acres or more. This district also provides for highway or travel-oriented functions along freeways, major thoroughfares, and major roadways. This district is consistent with the Regional Commercial, and Transit-Oriented Development General Plan Designations, as well as with Somersville Road Corridor Focused Planning Area and other Focused Planning Areas permitting the types of commercial uses intended for this district.

AREA 2b

S Study District. This district is intended as an interim designation which is utilized until all necessary detailed land use studies are completed for a given area. This district is most appropriately applied to properties at the time that they are rezoned prior to annexation by the city.

**SUPPLEMENTAL STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF MAY 15, 2013**

Prepared by: Mindy Gentry, Senior Planner 

Date: May 15, 2013

Subject: **Z-13-03** - Prezoning for Area 1, 2a, and 2b of the Northeast Antioch Annexation Area consisting of approximately 678 acres located primarily north of Wilbur Avenue and west of Hwy 160

OVERVIEW

This staff report is supplemental to the one released on May 9, 2013 regarding the prezoning of Areas 1, 2a, and 2b in the Northeast Antioch Area and summarizes the recommended procedural changes on this item. A resolution recommending the Planning Commission recommend approval to the City Council of the prezoning ordinance was inadvertently left out of the staff report and is now attached to this supplemental report. The Planning Commission does not have the authority to approve ordinances, therefore requiring a resolution to accompany the ordinance to the City Council. A resolution recommending approval of the prezoning ordinance has been provided with this staff report.

Further, it is staff's preference to attach the draft "Goals for the Annexation of Area 2b to be Implemented Through the "S" Study District Process (13-03)" document as an exhibit to the resolution recommending approval of the prezoning ordinance rather than attach it to the ordinance itself. Therefore, an updated ordinance, which resulted in the deletion of Section 1.H, removing references to Exhibit 2, "Zoning Goals for Area 2b to be implemented through the "S" Study District Process (13-03)", has also been provided.

Lastly, there have been some minor language changes in the draft "Goals for the Annexation of Area 2b to be Implemented Through the "S" Study District Process (13-03)" in order to fully reflect staff's recommendations and to address the issue that some of the goals will not be able to be accomplished through the City's zoning code. Staff also wants to reiterate that direction and feedback are being sought from the Planning Commission on the goals outlined in the aforementioned document.

ATTACHMENT

A: Ordinance

RESOLUTION NO. 2013/**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING TO THE CITY COUNCIL ADOPTION OF AN ORDINANCE TO
PREZONE AREAS 1, 2A, AND 2B OF THE NORTHEAST ANTIOCH AREA,
LOCATED GENERALLY SOUTH OF THE SACRAMENTO COUNTY LINE ALONG
THE SAN JOAQUIN RIVER IN THE VICINITY OF WILBUR AVENUE, WEST OF THE
CITY OF OAKLEY, NORTH AND EAST OF THE BOUNDARIES OF THE CITY OF
ANTIOCH**

WHEREAS, the City Council on June 26, 2007 authorized City staff to submit an annexation application for Area 1 of the Northeast Antioch Area, which consists of approximately 481 acres located north of Wilbur Avenue, east of Fulton Shipyard, and west of SR 160; and

WHEREAS, LAFCO, in a letter dated May 11, 2012, requested the City initiate the annexation of Areas 2a and 2b; and

WHEREAS, the City Council on June 12, 2012 authorized City staff to submit annexation applications for Area 2a and 2b of the Northeast Antioch Area with the understanding that the procedures contained in State law governing annexations provide property owners and residents the opportunity for input into the annexation process. Area 2a consists of approximately 94 acres located north of Wilbur Avenue, and West of State Route 160 and the Antioch Bridge. Area 2b consists of approximately 103 acres located south of Wilbur Avenue and north of East Eighteenth Street, roughly centered on Viera Avenue; and

WHEREAS, the City's General Plan designates Area 1 for Rail-Served Industrial, General Industrial, and Open Space; Area 2A for Marina Support Uses and Commercial; and Area 2B as Medium Low Density Residential, (up to 6 units per acre), Medium Density Residential (up to 10 units per acre), Business Park, and Open Space; and

WHEREAS, the prezoning districts are compatible with the City's General Plan. The districts are as follows: Area 1 consists of Heavy Industrial (M-2) and Open Space (OS), Area 2a consists of Urban Waterfront (WF) and Regional Commercial (C-3), and Area 2b consists of a Study (S) zone; and

WHEREAS, the City prepared an Initial Study/Mitigated Negative Declaration to evaluate the potential environmental impacts of the Reorganization of the Northeast Antioch Area project, including the prezoning and,

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

WHEREAS, on May 15, 2013, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the Planning Commission recommended to the City Council adoption of the Final IS/MND and the MMRP based on the whole record before it and found no substantial evidence the project will have a significant effect on the environment and the IS/MND reflected the City's independent judgment and analysis; and

WHEREAS, the Planning Commission provided direction to staff on the goals of the rezoning for Area 2b, which is attached as Exhibit 1; and

NOW THEREFORE BE IT RESOLVED, the Planning Commission hereby recommends that City Council of the City of Antioch **ADOPT** the ordinance to prezone Areas 1, 2a, and 2b of the Northeast Antioch Area.

* * * * *

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 15th day of May, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

TINA WEHRMEISTER,
Secretary to the Planning
Commission

EXHIBIT 1

City of Antioch Northeast Reorganization:

Goals for Annexation Area 2b to be implemented through the "S" Study District Process (Z-13-03), or alternate means, such as General Plan changes or modifications to other Sections of the City Code

The following are the goals the City intends to implement as part of the "S" Study District rezoning process for Area 2b. These goals may be implemented through the Zoning Ordinance, or by General Plan amendments, or through modifications to other pertinent sections of the City's Municipal Code and/or other City requirements. The "S" Study District will give the City up to two years to develop appropriate zoning designation(s) to apply to Area 2b. The intended overall goal of this "S" Study District process will be the creation of new or modified City zoning designations that will appropriately accommodate existing and planned land uses and development for Area 2b. The following are the Goals that the City Council is directing City staff to address and otherwise incorporate into the zoning code and other City regulations and requirements pertinent to Annexation Area 2b.

Development Standards

- Develop zoning regulations and development standards that best fit/accommodate existing structures, uses, and lots within Area 2b in order to minimize to the extent practical the number of non conforming buildings and uses, with the caveat that protection of public health and safety shall take precedence over ensuring zoning conformity.
- Develop zoning development standards applicable to Area 2b in such a manner as to preserve the existing rural character of the area.
- Develop an agricultural overlay zone to protect and maintain the existing agricultural uses in the area, including the extensive vintage grape vines. Allow existing agricultural uses to continue by "grandfathering" the existing agricultural uses upon annexation into the City.
- Address the keeping of boats, trailers, and other vehicles within Area 2b by formulating regulations that incorporate and reflect, to the extent practical, the current County requirements, as opposed to current City requirements concerning the keeping of boats, trailers, and other vehicles.
- Allow for building additions and other expansions of existing structures for properties where connections have been made to the City's sewer system, and where such additions/expansions meet the relevant zoning requirements applicable to Area 2b.
- Consider subdivisions in cases where properties meet minimum lot size and other relevant requirements, and have connections to City sewer systems.

Sewer and Water Connection

- Address the City's existing code requirement mandating the connection to the City sewer system for residential and commercial uses that are within 200 feet of a City sewer system, by preparing a modified standard applicable specifically to Area 2b that would waive the distance requirement for a mandatory sewer connection in the event the septic system is functioning properly, as determined by the County Environmental Health Department.
- Acknowledge that within Area 2b sewer connections will be required as dictated by the County Environmental Health Code, and not by the City's 200 foot distance standard. It is the City's understanding that County Environmental Health requires a residence/business to connect to an existing sewer system in the event all of the following circumstances apply; 1) there is an available sewer within 300 feet, and 2) the septic system is not functioning properly as determined by County Environmental Health, and 3) the septic system will require a major repair as determined by County Environmental Health.

Exhibit 1

- It is the City's intent that the City's current lack of regulations regarding water connections will be applicable to Area 2b. The City currently does not require a property relying on a well for potable water to connect to an available City water system. Any such connections to a City water system will be made at the discretion of the Area 2b resident/property owner. Additionally, any residents/property owners that choose to hook up to the City's potable water system, may continue to use their well water for non potable purposes such as irrigation, subject to the installation of valves and other devices as required by the City Engineer.

Streets

- Develop a City of Antioch standard street section applicable to Area 2b that takes into account the existing street network, widths, and drainage. Such a modified street section will permit narrower streets without the standard requirements for curb/gutter/sidewalk along the entire street frontage.
- The City has no interest in proposing or supporting extending any of the existing streets, public or private, within Area 2b to connect with/or extend to streets outside of Area 2b, as such connections are not needed for circulation purposes, with the possible exception for emergency vehicle only access.
- The City has no interest in acquiring, condemning, or otherwise taking over ownership of any part or portion of the many private streets located within Area 2b. The City will not install infrastructure or make any improvements within privately owned streets unless and until all of the owners of that privately owned street voluntarily agree to grant the City the necessary rights of way/easements in which to install the infrastructure.

Livestock

- Utilize the existing municipal code requirements pertaining to livestock. In cases where the City requirements are more restrictive than the County regarding the keeping of animals, then the City will "grandfather" animals allowed under the County, provided the conditions are determined safe and sanitary by the City.

Home Occupations

- Utilize the existing municipal code requirements for home occupational use permits. In cases where the City's Home Occupation ordinance is more restrictive than the County regarding home based businesses, the City will "grandfather" any home based business legally established and allowed under the County.

ATTACHMENT "A"

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF ANTIOCH INTRODUCING THE PREZONING FOR THE APPROXIMATELY 678 ACRES OF UNINCORPORATED LAND, REFERRED TO AS AREAS 1, 2A, AND 2B OF THE NORTHEAST ANTIOCH ANNEXATION AREA, WHICH IS GENERALLY LOCATED SOUTH OF THE SACRAMENTO COUNTY LINE ALONG THE SAN JOAQUIN RIVER IN THE VICINITY OF WILBUR AVENUE, WEST OF THE CITY OF OAKLEY, NORTH AND EAST OF THE BOUNDARIES OF THE CITY OF ANTIOCH

SECTION 1. Findings.

- A. The City Council in June 2007 adopted a resolution directing City staff to submit to the Local Agency Formation Commission (LAFCO) an annexation application for Area 1 of the Northeast Antioch Area. This application was subsequently submitted by City staff to LAFCO in September 2007. Area 1 is located within the City's Sphere of Influence and is also located within the City's Urban Limit Line (ULL) as approved by Antioch voters.
- B. Prezoning is required by State law prior to an annexation being considered for action by LAFCO.
- C. In processing the annexation as initiated by City Council in June 2007, concurrence was not reached in concept between the City and the County on the key provisions of the Tax Exchange Agreement until January 2012. This concurrence has allowed the prezoning and annexation process to move forward.
- D. Based on formal direction provided by LAFCO via a letter dated May 11, 2012, the City Council, on June 12, 2012, initiated the annexation of Areas 2a and 2b.
- E. The City Council has considered the Final Initial Study and Mitigated Negative Declaration for the Northeast Antioch Area Reorganization, dated February 2013 and adopted by the City Council on _____ of 2013 (the "Final MND"), and has considered all comments received both during and after the close of the public comment period on the draft IS/MND. The City Council hereby finds that, as of the date of this Ordinance, the Final MND reflects the City Council of the City of Antioch's independent judgment and analysis, and that, on the basis of the entire record before it, including but not limited to the Final MND, including the associated Initial Study, and the comments received thereon, there is no substantial evidence in the record that the prezoning of Areas 1, 2a, and 2b as described in the Staff Report and the MND and as would be implemented by this Ordinance would have a significant effect on the environment.
- F. The City Council finds the prezoning is consistent with the City of Antioch General Plan, and with the General Plan land use designations as contained in the "Eastern Waterfront Employment Focus Area".

G. The City Council finds the rezoning is consistent with the requirements of the Transportation Sales Tax Initiative, Measure J.

H. The rezoning for Area 1 consists of primarily the (M-2) "Heavy Industrial" zoning district and (OS) "Open Space" proposed for the existing Federal Wildlife Preserve located on the north side of Wilbur Avenue. The rezoning for Area 2a consists of the Urban Waterfront (WF) and Regional Commercial (C-3) zoning districts and 2b consists of a Study (S) district. The geographic locations of the proposed rezoning districts for Areas 1, 2a, and 2b are depicted in Exhibit 1.

I. The Planning Commission on May 15, 2013 recommended that City Council approve and adopt the IS/MND and associated Mitigation Monitoring and Reporting Program ("MMRP") and adopt the rezoning by a ___-___ vote.

SECTION 2. The Final MND and the associated MMRP are hereby adopted to comply with the requirements of the California Environmental Quality Act and support, among other things, the rezoning of Area 1, 2a, and 2b as described and introduced by this Ordinance. These documents, together with the remaining materials constituting the record of proceedings for the rezoning of Areas 1, 2a, and 2b, along with the Final MND and MMRP are available for inspection and review at City Hall, 2nd Floor, Community Development Department, located at 200 "H" Street, Antioch CA. The rezoning of Area 1, 2a, and 2b which consist of the zoning districts as depicted in Exhibit 1 of this Ordinance and defined in the Antioch Municipal Code, is hereby introduced.

SECTION 3. This Ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption by the City Council at a second reading and shall be published once within fifteen (15) days upon passage and adoption in the East County Times, a newspaper of general circulation printed and published in the City of Antioch.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was introduced at adjourned regular meeting of the City Council of the City of Antioch held on the ____ day of ____ and passed and introduced at a regular meeting thereof, held on the ____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

Wade Harper, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, City Clerk of the City of Antioch

A2



Source: Google Earth, 2009

Proposed City of Antioch Rezoning