

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

WEDNESDAY, NOVEMBER 6, 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 **MONDAY, NOVEMBER 18, 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. During public hearings, each side is entitled to one "main presenter" who may have not more than 10 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	Hinojosa, Chair
	Motts
	Baatrup
	Miller
	Westerman
	Pinto

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:

October 16, 2013

MINUTES

* * * END OF CONSENT CALENDAR * * *

NEW PUBLIC HEARING

2. Discovery Builders requests the approval of a General Plan amendment (GPA) from Low Density Residential to inclusion in the Somersville Road Corridor Focus Area and to add language to the General Plan waiving the requirements of certain applicable sections of the General Plan related to hillside development; a rezone from Hillside Planned Development (HPD) District to Planned Development (PD) District; an amendment to the zoning ordinance to provide the City Council with the discretion to determine if the Hillside Planned Development policies apply to a project; a Vesting Tentative Map; a Final Plan Development; and a Use Permit in order to create 60 lots intended for single family homes. The project is generally located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-010). An Initial Study and Mitigated Negative Declaration are also being considered for adoption.

STAFF

NEW ITEMS

3. Election of Vice Chair

STAFF

4. Appointment to Trans Plan

STAFF

STAFF

ORAL COMMUNICATIONS

WRITTEN COMMUNICATIONS

COMMITTEE REPORTS

ADJOURNMENT

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.

On motion by Commissioner Baatrup, and seconded by Vice Chair Hinojosa, the Planning Commission approved the Minutes of September 18, 2013 with the correction to the last sentence of the last page as follows:

“Vice Chair Hinojosa adjourned the Planning Commission at 6:58 p.m.”

And the Minutes of September 9, 2013 with the correction on page two as follows:

“Planning Commissioners Present: Chair Virginia Sanderson, Krystal Hinojosa, Kerry Motts, Greg Baatrup and Thomas Westerman.”

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

END OF CONSENT CALENDAR

NEW PUBLIC HEARING

- 2. UP-13-03 – Panda Express** requests a use permit for a 2,230 sf freestanding restaurant building with a drive-thru that would be located on a 29,622 sf site carved out of the northwest corner of the existing Lowe’s Home Improvement Warehouse Store parking lot, including a request for a Tentative Minor Subdivision Map, a Use Permit and Design Review for the proposed drive-thru restaurant. The project is located north of State Route 4 at the northeastern corner of the intersection of Somersville Road and Mahogany Way (APN 074-370-029). An Initial Study/Mitigated Negative Declaration is also proposed for adoption.

City Attorney Nerland stated that there is a supplemental item on the dais modifying conditions of approval number 15 and 61 for this item and she confirmed with the applicant that it was ok to proceed with this item without an audio recording.

Contract Planner Cindy Gnos provided a summary of the staff report dated October 10, 2013.

Commissioner Pinto asked staff if it is possible to tie some kind of condition to this project that a percentage of the employees are residents of Antioch to which CA Nerland responded that the applicant may want to expand about hiring but that the City’s ability to have an ordinance regarding social policies is limited and that this is certainly not something the City has done previously.

Commissioner Baatrup asked the consultant if she could elaborate on the trash enclosure not meeting the design review conditions to which Ms. Gnos said that guidelines require that the trash enclosure be covered which was not proposed.

Vice Chair Hinojosa asked staff if there was a drain inside the trash enclosure to which SP Gentry said that would be caught in the plan check process; however it was in the Commission's purview to add it as a condition.

Vice Chair Hinojosa asked if the lack of compliance was due to site constraints to locate the drive thru away from the street frontage, to screen the drive thru by a low wall or vegetation and about the bio swale proposed. The Consultant responded that the bio swale would incorporate the two together with shrubs and a berm and that the wall can be designed for drainage.

Commissioner Baatrup asked if the routing of the drive thru away from the street was due to space issues to which the consultant stated that although the parking lot is big enough, the drive thru locations are existing and that the engineer can explain in detail.

Commissioner Baatrup stated that there is a loss of aesthetic value looking from the road, that perhaps outdoor dining can be put in, and said that he will ask the applicant.

OPENED PUBLIC HEARING

Applicant, Lupe Sandoval, introduced herself as representing Panda Express and said that she could answer any questions.

Commissioner Baatrup questioned applicant about the location of the drive thru being located near the main road instead of the parking lot area. Ms. Sandoval responded that the corner is set by the existing driveway and the existing pylon sign, that this works best with the circulation of Lowes and that they do have a proposed exterior patio with a red canopy.

Commissioner Baatrup stated that it appears hidden where people won't notice it and questioned how much work went into finding a design to meet the conditions given that this is a premier corner and not taking advantage of that.

Commissioner Motts confirmed with the applicant that there are existing Panda Express locations with a drive thru.

Commissioner Pinto asked applicant if architects had looked at turning the building around for the drive thru to be on the inside and the patio on the outside. Ms. Sandoval responded that they would have to go back and look at it to see if that would work; that it is a challenging process negotiating with Lowe's.

Commissioner Miller questioned applicant about the proposed landscaping to which Ms. Sandoval stated that the landscaping plan provided is what is proposed.

Vice Chair Hinojosa discussed the site plan showing the subdivision of the parcel with the applicant and clarified that this is the initial layout which was discussed with SP Gentry.

Commissioner Motts confirmed with applicant that traffic flow was the constraint of putting the drive thru in the back.

Commissioner Baatrup clarified with applicant that the north elevation would be the parking lot. Commissioner Baatrup said that the south elevation has the highest volume of regular traffic, that he does not see that the treatment of the wall is aesthetically pleasing and that he cannot support this type of treatment for this corner. He said that if this were to be brought back, applicant may want to come back with color selections and finishes. He said that the west elevation fronting Somersville Road needs additional treatments as it looks like the back of the building facing a highly traveled road.

Commissioner Miller asked applicant if there were any proposals or thoughts of foregoing the drive thru altogether to which Ms. Sandoval responded that the drive thru was needed.

CLOSED PUBLIC HEARING

Commissioner Motts said that he believes the drive thru is essential, that he is ok with the landscaping and the small wall to block it from public view given different treatments on the wall and the building and other than that he is inclined to be in favor of the project.

Commissioner Baatrup asked staff if the approvals can be broken up to which SP Gentry stated that applicant can be asked if this could be continued to the next hearing on November 6th, that the project was presented as one resolution and therefore difficult to carve out and that it would be staff's recommendation to continue to the next hearing.

CA Nerland said that the drive thru is an issue which could affect the map, and if this were continued the City would appreciate as much direction as possible.

Commissioner Baatrup clarified with staff that alternatives to the proposed drive thru were discussed but that applicant did not want to relocate the drive thru and that site circulation and queuing were issues as well.

Vice Chair Hinojosa confirmed with staff that there would be no variance required and the drive thru is proposed to increase the customer base.

Commissioner Pinto asked about the distance from Auto Center Drive to the edge of the curb of the drive thru.

REOPENED PUBLIC HEARING

Rod Scacalosi, Landscape Architect, said that the distance is approximately 18 to 20 feet and on Mahogany 16 feet would be the shortest location. He said that there will be shrubs with minimal berming, that there are existing utility boxes and existing trees, that he can understand why the drive thru is where it is and that this is the best layout.

Commissioner Pinto clarified with applicant that the slope for the sidewalk to the drive thru lane curb is a maximum 3 to 1 slope. Commissioner Pinto said that graffiti is an issue with walls, walls can collapse, he does not favor a tall wall and there may be a solution with changing the types of plants. Applicant responded that increasing the amount of plants could be negotiated with Lowe's.

RECLOSED PUBLIC HEARING

Vice Chair Hinojosa asked staff if applicant is given more time for alternate designs, will this affect CEQA and the traffic study if a different layout is a substantial change. SP Gentry said that traffic won't change but that hopefully the design is similar and staff can fit the new design into the current CEQA rather than recirculate the document for public comment. She said that for CEQA this would have to be a new significant impact to trigger another review depending on what they propose but that staff would attempt to work with the applicant to not extend timelines.

Commissioner Baatrup said that there are three options available: to approve the resolution as presented with minor changes, to continue to a future date, or to deny the resolution. He asked if there was a sense of timing or concern of which is more desirable.

SP Gentry said that applicant can best answer.

CA Nerland interjected that this is not a recommendation to City Council and if it were denied, it could be appealed to City Council.

REOPENED PUBLIC HEARING

Applicant said that she would need to report back to Panda but that most likely a continuance would be best and that she is estimating the time frame to address the concerns to be one to two months.

RECLOSED PUBLIC HEARING

Commissioner Motts said that the applicant had a valid concern with reorienting the drive thru, that he is ok with the efforts made to enhance the view and space between the drive thru and Somersville Road, and that a continuance would be ok for some of the other concerns.

Vice Chair Hinojosa thanked applicant and said that she liked the design in terms of scheme and uniqueness with the bamboo. She said that she thinks there could be more treatments to elevations especially fronting major roadways, that she is happy with the addition of the condition for a roof and an independent drain to the trash enclosure and screening of the drive thru with vegetation and a low wall. She said that she is concerned that the Commission is asking the applicant to go back which could affect other documents.

Commissioner Miller stated that he thinks that moving the drive thru is going to break up

the flow but possibly Panda can get enough land to move back and that they could get more vegetation.

Commissioner Baatrup said that he is a little concerned that the architect can only limit the berm with constraints they are confronting, that it doesn't meet the guidelines, and that he would like to see more effort to be consistent with that given that many businesses put drive thrus around the back side of buildings. He said that this is a prominent corner and there are strong reasons why he thinks it should be brought back.

Commissioner Pinto said that he could support this project with the condition that they relocation of the drive thru and moving it away 20 to 25 feet which would improve the visual affect from Auto Center Drive or by improving the landscaping which competitors have done.

Commissioner Baatrup said that he saw a design for a Chick-Fil-A in Fairfield with a double drive thru lane not passing through the front of the building to circulate traffic, and that it can be done.

Vice Chair Hinojosa said that she supports a continuation.

RESOLUTION NO. 2013-**

On motion by Commissioner Baatrup and seconded by Commissioner Pinto, the Planning Commission continued the item to November 20, 2013.

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

3. **UP-13-07 – Mesa Outdoor** requests the approval of a Use Permit to construct a billboard. The billboard is proposed to be 48 feet in length and 14 feet wide on a 46 foot tall cylindrical column, which would have an overall height of 60 feet from finished grade. The project site is located on the northeast corner of Delta Fair Boulevard and Century Way (APN 074-080-029). The project is exempt from the California Environmental Quality Act.

CA Nerland confirmed with applicant that it was ok to continue without an audio recording.

SP Gentry provided a summary of the staff report dated October 10, 2013.

Commissioner Baatrup clarified with staff that the current zoning is Regional Commercial and there is currently a lease with ABC farms for pumpkins and Christmas trees but there has not been any developers pursuing that parcel, and that any future site designs would incorporate that area into landscaping or a parking area.

Commissioner Pinto clarified with staff that there is no sunset date for installation. SP Gentry went on to say that the use permit is in perpetuity and that if Mesa sells or abandons, the use permit is still valid.

Commissioner Pinto asked that since this is a very long term is there any way for revenue sharing for advertising on this billboard and if the type of advertising would come through the City for approval to which CA Nerland responded that this does have revenue generation abilities in the context of a lease for City Council to consider, that there is a mechanism to buy out if conflicting plans appear, and that advertising would be under the purview of a lease not a land issue.

Vice Chair Hinojosa asked staff why the billboard is located where it is so far from the freeway and inset in the parcel to which SP Gentry said that while the applicant is better suited to answer that question, the City does not own the property to the north and that there are certain CalTrans regulations and permit requirements for outdoor displays.

OPENED PUBLIC HEARING

Applicant, Mike McCoy with Mesa Outdoor, said that they are a regional company which started business five years ago and that they have a 30 year draft City lease which has been reviewed by Economic Development and the City Attorney. He said that there is a revenue sharing agreement for \$3,000.00 a month or 25% of the revenue whichever is greater, which will grow over time, and an additional \$100,000.00 construction bonus the City will receive. Mr. McCoy said that there are content restrictions for the sign and that they try to blend the design of the sign in as much as possible with wood skirting and an illuminated sign with solar panels and LED lights. He said that the proposal for 60 feet was due to the 175 foot setback from the freeway and the CalTrans requirement of 500 feet from another sign.

Commissioner Baatrup asked applicant if the sign was going to be illuminated with flashing videos and bright lights or were they are just applying a picture posted onto a large screen illuminated by LED. Mr. McCoy said that this will not be a digital sign but that the sign will be wrapped onto the billboard.

Commissioner Baatrup clarified with applicant that the section in the report referencing conveying information on a daily basis was in error; that they were exploring a digital sign previously and that this was probably left the application materials.

Commissioner Motts asked applicant if the support poles interfere with the seasonal usage to which applicant said that the post is located behind the pumpkin area, and that the lights use one-quarter of the energy which last longer maintenance free.

Commissioner Pinto asked why the applicant chose to not use the portion of the property closer to the freeway requiring the condition to 50 feet to which Mr. McCoy said that while they prefer to locate the sign in the northwestern corner, they must meet the spacing requirement of 500 feet away from the other sign and had to move it further east.

Commissioner Pinto then asked the life span of the wood and how often it would have to have to be maintained to which applicant said that they may need to power wash the sign and refinish the wood every 10 years which would amount to approximately 3 times during the lease.

Vice Chair Hinojosa discussed with applicant the triangular shape being backed in corrugated metal with colors and textures to match the internal support.

Commissioner Pinto clarified with applicant that the 35 foot gap on the Delta Fair side would not have advertising.

CLOSED PUBLIC HEARING

Vice Chair Hinojosa asked staff if under the City's code proposing a maximum of 50 feet would a variance be required to which SP Gentry responded that the code allows for 25 feet above the highway, but staff is recommending a little lower similar to Pittsburg.

Vice Chair Hinojosa said that while the location of the sign on the parcel is odd, she understands the constraints, does not have any major problems with it and is inclined to support staff's recommendation of the 50 foot height.

CA Nerland clarified that this motion is pursuant to staff's conditions including the 50 foot height.

RESOLUTION NO. 2013-**

On motion by Commissioner Pinto and seconded by Commissioner Motts, the Planning Commission approves UP-13-07 approving a freeway billboard on the northwest corner of Delta Fair Boulevard and Century Way, subject to all conditions.

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

- 4. Z-13-06 – The City of Antioch** requests that the Planning Commission recommend adoption of an ordinance amending the zoning code to allow fortunetellers to be permitted by right in certain commercial zoning districts. This ordinance is exempt from the California Environmental Quality Act.

SP Gentry provided a summary of the staff report dated October 10, 2013.

Commissioner Motts confirmed with staff that this is needed for compliance and to reduce the City's legal exposure.

Commissioner Pinto asked how many fortunetelling businesses were in town and if this could be operated from a residence to which SP Gentry said that she is aware of one

wanting to locate on Lone Tree Way but no others currently in town, and the use would have to fit into the recommended zoning districts and part of the Home Occupation Use Permit regulations prohibit clients from coming to the residence.

OPENED PUBLIC HEARING

No comments.

CLOSED PUBLIC HEARING

No discussion.

RESOLUTION NO. 2013-**

On motion by Commissioner Baatrup and seconded by Commissioner Miller, the Planning Commission recommends that the City Council adopt the ordinance amending the Antioch Municipal Code to permit fortunetellers by right in certain zoning districts (Z-13-06).

AYES: *Hinojosa, Motts, Baatrup, Miller and Pinto*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Westerman*

5. **Z-12-02 – The City of Antioch** requests that the Planning Commission recommend adoption of an ordinance establishing zoning regulations for computer gaming and internet access businesses. This ordinance is exempt from the California Environmental Quality Act.

SP Gentry provided a summary of the staff report dated October 10, 2013.

Commissioner Motts asked staff if the Commission was just changing zoning and asked if it is known how other cities are handling this situation.

CA Nerland said that these have been a use that has caused a significant impact on the police and while many cities have been influx on how to deal with these issues and have taken different approaches, Antioch is looking at the middle road.

Commissioner Motts clarified with staff that the proposed usage in C3 zoning is in some of the highest crime areas. Staff clarified C3 zoning is on major arterials in regional retail areas, which draw consumers from beyond Antioch and are also located near freeways, and the desire is not to locate these uses in neighborhood commercial areas.

Commissioner Pinto discussed with the City Attorney incorporating language from the State to be sure applicants know the consequences and what is prohibited. CA Nerland said that there are two places in the Municipal Code that would address this and that the City wants to keep the definition broad.

Commissioner Pinto then asked if as a City can there be a policy for the total number that will be issued to which CA Nerland said that while this is a possibility, zoning is restrictive enough.

Commissioner Pinto asked staff about the 500 foot buffer zone to which CA Nerland said that the 500 foot buffer zone is used with other challenging uses and trying to walk that fine line between respecting first amendment rights and addressing impacts with the businesses in the City.

Commissioner Baatrup stated that he was surprised that there is no one in the audience to weigh in.

CA Nerland said that the two business previously located in Antioch have lost their leases and are no longer located here.

Vice Chair Hinojosa and CA Nerland discussed computer gaming uses being ancillary to other businesses, non-profit definitions and sensitive uses being defined in the Code. CA Nerland said that the actual ordinance language is contained after the staff report.

OPENED PUBLIC HEARING

Captain Orman stated that everything had been covered sufficiently.

Commissioner Motts asked Captain Orman if he felt this resolution would help with control to which Captain Orman said that yes, while there is a memo in there with calls for service, it does not capture surrounding impacts at other addresses.

Commissioner Pinto asked staff how Pittsburg is getting away with banning to which CA Nerland said that they have not been challenged yet. She went on to say that if this was not approved that the moratorium would lapse, the City would have no land use regulations, and that the City would have licensing requirements but nothing indicating where these businesses could go.

CLOSED PUBLIC HEARING

Commissioner Motts said that this is a good step in the right direction which allows the City more control and that he is in favor of the resolution.

Vice Chair Hinojosa said that she is happy to have an ordinance regulating these things and that she is definitely in support of the ordinance.

Commissioner Pinto said that he is in support as well.

RESOLUTION NO. 2013-**

On motion by Commissioner Pinto and seconded by Commissioner Baatrup, the Planning Commission recommends that the City Council adopt the ordinance

establishing regulations for Computer Gaming and Internet Access Businesses (Z-12-02).

AYES: *Hinojosa, Motts, Baatrup, Miller and Pinto*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Westerman*

NEW ITEM

6. Election of Chair

Commissioner Motts nominated Hinojosa and Commissioner Miller seconded the motion.

Vice Chair Hinojosa said that she would like to have a good vice chair due to her traveling.

CA Nerland said that the vice chair can be decided at the next Planning Commission meeting, as well as the appointment of a representative for Transplan.

The Commissioners and staff discussed meetings for December currently being the first and third Wednesday of every month, with meetings scheduled for December 4th and 18th.

CA Nerland said that she would expect that there would not be a meeting on January 1st.

Vice Chair Hinojosa said that she will be out of town on November 20th.

On motion by Commissioner Motts, seconded by Commissioner Miller, the Planning Commission members present appointed Vice Chair Hinojosa as Chair.

AYES: *Hinojosa, Motts, Baatrup, Miller and Pinto*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Westerman*

ORAL COMMUNICATIONS

City Attorney Nerland stated that the City Council approved the Exclusive Parking District ordinance.

SP Gentry said that there is still one vacancy on the Planning Commission and that she will keep the Commission posted.

Vice Chair Hinojosa said that Gil Azevedo was awarded a plaque for his service on Transplan.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

None.

ADJOURNMENT

Vice Chair Hinojosa adjourned the Planning Commission at 9:09 p.m.

Respectfully Submitted,
Cheryl Hammers



**DEPARTMENT OF
COMMUNITY DEVELOPMENT
MEMORANDUM**

TO: Planning Commissioners

FROM: Mindy Gentry, Senior Planner *MG*

DATE: October 31, 2013

SUBJECT: Agenda Item #2 – GP-13-02, Z-13-07, PD-08-01, PW 608, UP-08-01 –
The Pointe

The public comment period for the IS/MND ended on October 28, 2013 and due to the publication timeline for the staff report, the comment letters were not able to be included; therefore staff has attached them under cover of this memorandum. Further, the City's environmental consultant has not been available to respond to the comment letters; consequently the City does not currently have a formal written response to the letters received on the environmental document.

ATTACHMENTS

- A: Letter from Keith and Darcy Johnson
- B: Letter from Black Diamond Estates and Terraces at Black Diamond Homeowners
- C: Letter from Save Mt. Diablo
- D: Letter from East Bay Regional Park District

2a

11-06-13

ATTACHMENT "A"

Keith and Darcy Johnson
3615 Torgensen Court
Antioch, CA 94509
October 27, 2013

RECEIVED

OCT 28 2013

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

Ms. Mindy Gentry, Senior Planner
mgentry@ci.antioch.ca.us
City of Antioch
Community Development Department, Planning Division
P.O. Box 5007
3rd and H Streets
Antioch, CA 94531-5007

Re: Project Name: The Pointe Project Subdivision, Antioch ("Project")
 Applicant: Discovery Builders, Inc. ("Applicant")
 Description: 60 Homes on 21-Acre Open Space Hillside
 Public Hearing: November 6, 2013, 6:30 p.m.
 Concerning: Intent to Adopt A Mitigated Negative Declaration

Dear Ms. Gentry:

We live at 3615 Torgensen Court in Antioch California. We are writing today in reference to the proposed project called "The Pointe, Antioch", to be developed by Discovery Builders. While the project will drastically alter the "rolling hills" nature of our neighborhood, development was always anticipated and this project is not entirely objectionable. In the interest of full disclosure, our home is on lot 282 of the Black Diamond Estates, adjacent to Lot 60 of the proposed project. The concerns we have do reflect the fact that this is literally right next door.

Torgensen Court, as part of the Black Diamond Estates development, was proposed and planned to be a residential cul-de-sac with 14 homes. Approved by the City of Antioch Planning Commission and City Council as such, the homes were purchased by families like ours with the understanding that only 14 homes would be built on our street. When we asked if any other homes would be built at the end of our street, we were told no, the hill next to us was outside the development boundary. We were told the hill top might someday be developed, but there would be a buffer between the developments. This was important to us for privacy. As a matter of fact, privacy and the view were the reasons we felt the \$50,000 premium we paid for our lot was justified.

We have no objections to the general plan of The Pointe. We do think that a gated community within an open neighborhood is of questionable taste, but that's just us. However, in talking with our neighbors, it has been pointed out that homeowner's associations do not necessarily guarantee maintenance costs can be met. Infrastructure problems like streets, drainage, landscaping, and slippage will have a direct impact on us. The financial stability of the proposed HOA consisting of only 51 homes is questionable unless the developer pre-funds the association with adequate reserves to assure the HOA is equipped to handle potential issues.

We can understand the necessity of a secondary access road for emergency situations. While we do not think a residential cul-de-sac is the proper location for an Emergency Vehicle Access road, we can see that Torgensen Court is probably the best and only choice for an EVA. That said, the drawing from the EIR shows the EVA to have two 90 degree turns. If you want to get fire engines into a gated community through a back door, why make it a curvy road? We think the planned EVA should be modified to be a straight line from the end of Torgensen Court to Summit Place, passing between lots 10 and 11. As

drawn, the EVA runs through the present street light. Rerouting the EVA will allow the streetlight to remain in its present (already approved safety) location. Connecting the EVA to Torgensen Court will result in the loss of one on street parking space, but we think the present population can accommodate the loss.

On the other hand, we do have significant concerns and objections to the development of Lot 60. The proposal is to build a 15th house on Torgensen Court. Not only is this a major change from the original plan for 14 homes, it also eliminates the promised buffer between us and any new development. It will create increased traffic flow and the need for additional parking. While increasing the demand for parking, the driveway for the house will cause the loss of at least two "on street" parking spaces. The Torgensen Court frontage for Lot 60 is approximately 50 feet, not much space to accommodate the emergency vehicle access road, the driveway, a fire hydrant (not noted in the EIR renderings of Torgensen Court) and the street light. Because the addition of the house proposed for Lot 60 confuses the route of the EVA, increases the traffic on a residential street, likely removes 3 parking places while increasing the demand for parking, we believe the development of Lot 60 should be removed from the project plan.

Another concern we have is that the developer and his contractors will use Torgensen Court as access into the project and as a delivery and staging area for materials. Torgensen Court has been finished as planned, and is now a quiet residential cul-de-sac for 14 families with kids. While the initial grading and site preparation for The Pointe will create a disturbance, that disturbance will be short lived. The EVA will be installed with the streets, no extra bother there. But, build a house on lot 60 and a whole new level of intrusion is created. Deliveries of supplies and materials, workers and their equipment, lunch trucks and noise will descend on Torgensen Court. Not only for lot 60, but potentially for all the lots at that end of Summit Place, lots 7 through 18. If the project is approved, we ask the Planning Commission to consider work rules that prohibit any and all use of Torgensen Court for construction purposes.

The Pointe is described as a project to build 60 homes, 51 within a gated community, 9 along the project perimeter, integrated into the existing Black Diamond Estates neighborhood. Of the 9, all but Lot 60 are on Countryside Way, and it was evident to all that they would be developed some day. Lot 60 on the other hand is at the end of a "finished" street and was promised never to be built upon. Rather than being integrated into the neighborhood, Lot 60 feels more like it is being imposed upon its neighbors.

We also have concerns in regards to traffic. The EIR references a traffic study conducted in 2010. That study does not reflect the reality of the traffic situation as it exists today at the intersection of James Donlan and Somersville Rd. Since that study was done there has been a significant increase in traffic at that intersection. As a matter of fact the disclosure statement in our purchase agreement from earlier this year states:

"Buchanan Road and James Donlon Boulevard tend to have congestion at certain peak times. Even with the implementation of these planned improvements, current studies forecast that significant traffic congestions will remain in the future."

The current intersection is dangerous especially for those coming from the Terraces. There is no signal light and the road has not yet been widened to four lanes as has been promised. The intersection as currently structured grants right of way to traffic coming from the freeway and Buchanan road through the intersection with no stops required. Traffic from the Terraces must stop before proceeding either directly through or making a turn. Traffic coming from Antioch must stop if going through the intersection and is supposed to yield when making a right turn onto Somersville. What this means is that in the morning, the Antioch traffic blows through the yield sign endangering those making the left from the Terraces. There is no recognition of or compliance with the Yield sign. In fact, friends who commute

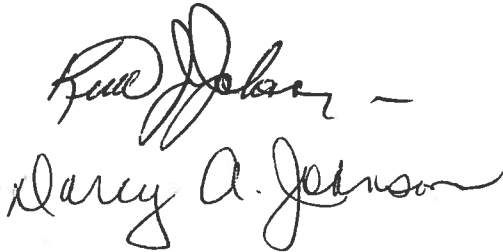
from east Antioch report being harassed when they actually slow down and yield. In the afternoon making a left from the Terraces onto Somersville is next to impossible because there is rarely a break in the oncoming traffic from the freeway/Buchanan Rd. We suggest that improving this intersection and widening the road should be a prerequisite to any further development that would be accessed via James Donlon, specifically either The Pointe or Sky Ranch.

We have read the draft letter being circulated by some of our neighbors and agree with some of the concerns expressed. Specifically, we believe The Pointe may:

- Have an adverse seismic impact to our home and concrete surfaces, cracking inside and out caused by the vibrations during extreme grading.
- Cause a loss of protection from the wind afforded us by existing hills.

We hope to attend the November 6 Planning Commission meeting, but are submitting this letter to ensure our concerns are presented to you and the Planning Commission. Thank you for your attention to our concerns.

Sincerely,


Gary A. Johnson

BLACK DIAMOND ESTATES HOMEOWNERS
TERRACES AT BLACK DIAMOND HOMEOWNERS

c/o 3555 Country Side Way
Antioch, California 94509
Email: rsjmikel@hotmail.com

ATTACHMENT "B"

October 27, 2013

VIA EMAIL and PERSONAL DELIVERY

Ms. Mindy Gentry, Senior Planner
mgentry@ci.antioch.ca.us
City of Antioch
Community Development Department, Planning Division
P.O. Box 5007
3rd and H Streets
Antioch, CA 94531-5007

Re: Project Name: The Pointe Project Subdivision, Antioch
Parcel: APN-089-160-010
Applicant: Discovery Builders, Inc.
Description: 60 Homes on 21-Acre Central Open Space Hillside
Public Hearing: November 6, 2013, 6:30 p.m.
Concerning: Intent to Adopt A Mitigated Negative Declaration

Dear Ms. Gentry:

In an effort to save time, a group of Black Diamond Estates Homeowners and Terraces at Black Diamond Homeowners (collectively, "**BDEHS**") are responding in one communication to:

- (1) the Initial Study ("**Study**") prepared by Douglas Herring & Associates concerning The Pointe Project Residential Subdivision ("**Project**");
- (2) **Oppose** the City of Antioch's proposed **General Plan Amendment ("GPA")** waiving requirements, including but not limited to, any GPA amendments **that pertain to waiving requirements for development on steep sites**, among other things, as follows:

"The proposed project would include General Plan amendments (GPA) to include the project site and surroundings in the Somersville Road Corridor Focus Area and to waive the requirements of General Plan Section 5.4.14 for residential properties within the focus area subject to the Planned Development process. The GPA would also exempt the project from provisions of General Plan Section 4.4.1.1. and Policy 10.3.2-e which both pertain to development on steep sites, among other things."

(3) **Oppose Zoning Text Amendment to Article 24 of the City of Antioch Municipal Code (Hillside Planned Development District Ordinance)** to allow residential properties located within the Somersville Road Corridor to be processed in accordance with the Planned Development process pursuant to Article 23 of the Antioch Municipal Code rather than processed pursuant to Article 24 as it currently stands concerning Hillside Planned Development.

(4) to submit written comments by October 28, 2013, pursuant to the Public Hearing Notice and Notice of Intent to Adopt A Mitigated Negative Declaration, dated October 8, 2013;

Additional Time to Submit Comments and Updated Pictures

BDEHs would like additional time after the November 6, 2013 meeting to consider and further respond to the Project's Study due to the Study's length and complexity. We would like to submit updated pictures to reflect the current landscapes, skylscapes and views of Black Diamond Estates today. The pictures shown in the study are not current. The simulated pictures do not accurately reflect what the neighborhood will look like after the grading is completed. (see AES1 and AES2, Study, pp. 23-24.)

Applicant's Zoning Designation Application from Low Density Hillside to Owner/Developer Remainder.

The Antioch City Council ("ACC") approved Discovery Builders, Inc.'s ("*Applicant*") application for converting the Black Diamond General Plan zoning designation of "Low Density Residential" and "Hillside Planned Development" into "Owner/Developer Remainder" for the remaining open space at Black Diamond Estates without notice or an opportunity for BDEHs to respond.

BDEHs object to the ACC's approval of Applicant's application for "Owner/Developer Remainder" zoning designation. BDEHs would like to take steps to restore the original zoning designation and to keep our hills as "Remaining Opening Space" as they are now.

Proposed Grading of Hills Eliminates A Natural Shelter from Antioch's High Winds and Extreme Temperatures During Summer Months; We Have No Trees That Provide Shade

"Implementation of the proposed Project would have two rather dramatic effects on the visual character of the site and the scenic vista of which it is a contributing component. First the proposed grading would eliminate the top of the hill."

We are vehemently opposed to transforming the remaining hillside on Countryside and Summit (and surrounding hills) from "open space" to a "residential subdivision. (See Study, p. 20, ¶ 1.) which would change the look of our entire community and expose us to Buchanan Road and the Antioch Focus Corridor, both unattractive.

Removing that 125 feet of the hill would expose homeowners and homes to even higher winds and temperatures during summer months. We have no shade trees currently in our newly-developed neighborhood. The grading would have a detrimental effect on ALL Black Diamond wildlife which most of us enjoy.

Grading these hills will generate negative seismic activity on lots in and around the Project. BDEHs are also concerned with what the seismic effect of the Project's extreme grading will be on retaining walls already in place, we feel it will cause cracks in the dirt, sink holes, cracks to concrete, and general instability of surrounding hills and land, as well as causing our homes to shift and crack.

The exact location, design and grading plans for the remaining nine custom homes that are not in the Project's gated community but will be developed behind Torgensen Court is not clear nor discussed in detail in the Study. We do not want steep grades or any GPA requirements waived, or Zoning Amendments approved for the hill behind Torgensen Ct.

Grading the hill will destroy Black Diamond's skylines and beautiful mountain scapes that BDEHs currently enjoy and that should be protected under Article 24 of Antioch's Municipal Code. *The hill, as it appears now*, is the main reason we all decided to purchase our Black Diamond homes. The hill is a part of the beauty of Antioch, the personality and charm of our neighborhood and needs to remain its current state indefinitely for all to enjoy.

Project's Proposed Gated Community and Emergency Access Road to be Maintained By A Homeowners Association

The Project will have an adverse effect on the neighborhood as a whole because the proposed gated community to be maintained by a homeowner's association ("HOA") lies directly in the center of an established, ungated community that is not maintained by an HOA. BDEHs feels that an HOA of any sort is not a good fit. Many of us purchased our Black Diamond homes *specifically* because there is no HOA. We want our community to remain beautiful with an open feel, not an urban feel. We do not want a fenced community within our established, friendly community.

Additionally, HOAs do not work in today's economy because there are members that do not pay their monthly dues causing the HOA's paying members the burden of carrying non-paying members. There is always animosity amongst neighbors. HOAs are very expensive to maintain because of the legally required yearly reserve studies, operating fees, requisite management company, liability insurance, bank accounts, etc. Lenders will not finance HOA properties with under-funded reserves and most of today's HOAs are under-funded.

If a construction defect is identified within the Project after it is completed, this would be detrimental to the Project's HOA reserves and that would snowball into our community.

The Project's proposed emergency access road will become a negative activity travel path generating unwanted vehicles, graffiti, noise, guests, and loss of quiet enjoyment thus reducing property values and quality of life.

Residents Were Told That The Hill Was To Remain Open Space and Would Be Left That Way

BDEHs were under the impression that the majority of the Project space was to remain Wildlife Remaining Open Space when we purchased our homes. We feel the Project will have

an adverse effect on the look and personality of our community as a whole, and expose homeowners on Torgensen to views of Buchanan and the Antioch Focus Corridor. It will have a negative impact on the wildlife that most of us enjoy. It will destroy our beautiful hillsides, and could expose us to increased heat and wind damage due to hill grading, resulting in loss of property values.

Pocket Park Is Not An Activity Park

Most of the Project's remaining open space would comprise Parcels A and B, the majority of which is steep sloped and shouldn't be considered any kind of pocket park because it cannot be used for exercise, walking or recreation.

Currently, there is no proposed bicycle routes or friendly walking areas to local shopping and coffee throughout our community or the Antioch Focus Corridor.

The Study's Traffic/Density and Pollution

We feel the ABAG statistics are under-stated so the figures contained in the Study's Explanation under Section XII that the population will only increase by 185 residents is not accurate, Study, p. 90. BDEHs feel this is understated based on occupants per household living in our community now. Traffic is currently a nightmare on Somersville and Buchanan Road. The James Donlon Bypass should be completed to relieve this. Traffic is on overload with no relief in sight.

Environmental Concerns

BDEHs would like to add to the Project Study's list of "Environmental Factors Potentially Affected List" on Study page 16, with additional categories: Greenhouse Gas Emissions, Transportation/Traffic, Population/Housing, and Recreation to the list of factors potentially affected by the Project.

We also have other environmental concerns such as the additional heat and wind our community will endure if the hill on Country Side is graded 125 feet and a road constructed. The only landscaping planned is for low-growing trees and plants. The summers are very hot in Antioch and we also have high winds (like today) that are derailed somewhat by the hills. We do not have any shade trees in our community currently.

Landscaping Concerns

Applicant currently uses ground cover on their homes in the form of brown wood chips that blow right off the lots, into the street gutters, and then into the storm drains because of the high winds in Black Diamond. The Study says that Applicant intends to use this same type of ground cover for landscaping for the Project which is of concern. It is also very unattractive.

The fact that Applicant only wants to plant low growing trees and plants to preserve views for The Pointe homeowners, is unacceptable.

Ms. Mindy Gentry, Senior Planner
City of Antioch
October 27, 2013
Page 6 of 6

BDEHs All Thought That After the Final Terraces Release That Construction Would Conclude and Applicant Would Leave Our Community

BDEHs thought construction would be completed after the final Terraces release (construction now in progress) was finished. The Project will generate much noise and inconvenience to homeowners with dust generated from grading causing breathing difficulties to residents with asthma, noise and toxic materials from construction of additional roads.

We are tired of the Builder and want them to leave. Discovery Builders have been doing construction in the neighborhood for a solid five years and BDEHs deserve a break from the noise, dust, dirt and other negative and inconvenient activity constructing homes produces.

Clarification of Notice's Last Paragraph



















BDEHs need further clarification on the Notice's last paragraph and hope that further clarification can be provided:

"If you challenge the action of the Planning Commission on this matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice, or in written correspondence delivered to the City concerning the Public Hearing."

Sincerely,

BLACK DIAMOND ESTATES HOMEOWNERS
AND TERRACES AT BLACK DIAMOND
HOMEOWNERS

BLACK DIAMOND ESTATES & TERRACES HOMEOWNERS AT BLACK DIAMOND

	First Name (Print)	Last Name (Print)	Street Address	Contact Phone Number	Signature
1	AUDRES	TEJADA	WIND CHIME ST.	(925)	
2	Patrick	HANAVAN	Markley Creek Dr.	(925)	
3	han	hee	" "	" "	
4	Nick	Pandeli	Merley Court D	925	
5	ARNA	Correa	WIND CHIME ST	925	
6	Craig	Kalakis	Wind Chime St	925	
7	Andrade	Victor	Wind Chime St	925	
8	Ray	Norwood	Windchime St	415	
9	Aegina	Norwood	Windchime St	415	
10	Paul	WESTCORN	WIND CHIME ST	925	
11	Riley	Melvin	Country Side	510	
12	Sonia	ORTEGA	Country Side	(925)	
13	Anne	Huang	Oak Knoll St	925	
14	Kenice	Rossu	Oak Knoll St	925	
15	Michael	Platt	Oak Knoll St	(925)	
16	BO	PALCYNIA	OAK KNOLL ST	925	
17	Alice	RAGANIO	Oak Knoll St.	925	
18	ELVESTER	WOODS	Markley Creek Dr.	925	

Elvester Woods at OCT


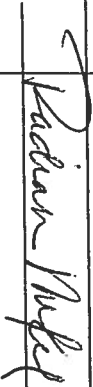
BLACK DIAMON ESTATES & TERRACES HOMEOWNERS AT BLACK DIAMOND

First Name (Print)	Last Name (Print)	Street Address	Contact Phone Number	Signature
ANGELICO	MIRANDA	BORN HOLLOW WAY	9125	Francine
ANGELA	MIRANDA	COUNTRYSIDE WAY	9125	Francine
MICHAEL	VILLANUEVA	COUNTRYSIDE WAY	9125	Francine
EVA	GARCIA	Born Hollow Way	9125	Francine
CLAYTON	HINDEN	Born Hollow Way	9125	Francine
KEVIN	WONG	ROBERTS CT	9225	Francine
LAKESTER	SMITH	King Ct	925	Francine
MARIA	ALVAREZ	Countryside Way	925	Francine
YANIS	ALVAREZ	Countryside Way	925	Francine
SHAWN	TIMS	ROBERTS CT	925	Francine
ROBERT	KARL	ROBERTS CT	925	Francine
ROBERT	MARTIN	ROBERTS CT	925	Francine
JOHN	ROBERT	Sun Crest St	925	Francine
MARIA	RODRIGUEZ	Sun Crest	925	Francine
SANH	TEANG	Sun Crest	925	Francine
WILLIAM	LIGARD	Sun Crest St	925	Francine
EDGAR	CRANFORD	Sun Crest St	925	Francine

BLACK DIAMON ESTATES & TERRACES HOMEOWNERS AT BLACK DIAMOND

First Name (Print)	Last Name (Print)	Street Address	Contact Phone Number
1	MOSIEN	AMIRFATAHI	Torgensen CT (925)
2	COLMAR	PARYZ I	"
3	Robert d.	Williams	Countryside Way 925-
4	Daniel	Hayes	Countryside Way 925-
5	Jim Hyatt	Bimbova	Countryside Way 925-
6	Donna Smith		
7	David Sosie	TALCOT	Countryside Way 925-
8	E. Street Erick	Cuey	County Side Way 415-
9	Alicia	Hayes	Countryside Way 925-
10	Barbara	Mikel	Countryside Way 925-
11	Ramon	Vicki	Markley Creek 925-
12			
13			
14			
15			
16			
17			

BLACK DIAMON ESTATES & TERRACES HOMEOWNERS AT BLACK DIAMOND

	First Name (Print)	Last Name (Print)	Street Address	Contact Phone Number	Signature
19	Alicia	Hayes	Country Side Way	925	
20	Margaret E.	Vertin	Torgensen Ct	925-	
21	Radhak	Mikel	Country Side Way	(925)	
22					
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36					

ATTACHMENT "C"

October 25, 2013

Ms. Mindy Gentry
Senior Planner
Community Development Department
City Hall
Third and "H" Streets
P.O. Box 5007
Antioch, CA 94531-5007

RECEIVED

OCT 29 2013

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

Subject: The Proposed Pointe Project on a 21-acre hillside site located at the western edge of the City of Antioch, conditioned to be dedicated to the City as "Open Space" as part of the adjacent Black Diamond Ranch development

Dear Ms. Gentry:

Thank you for the opportunity to provide additional comments on this application, originally proposed in 2007, and now being resubmitted in 2013.

Save Mount Diablo's Position

Save Mount Diablo is opposed to this project given that it would destroy open space supposedly preserved for public trust benefits—aesthetics, wildlife, recreation, etc. or mitigation-- as a condition of the previous surrounding project, and hand it back to the developer as a windfall profit. It is an extremely bad precedent—the promise of open space or public benefit in any future Antioch projects, such as at FUA#1, will lack credibility.

The removal of the entire hillside associated with the proposed Pointe residential development would result in a wide range of significant environmental impacts that have not been adequately mitigated in the Point Initial Study/Mitigated Negative Declaration (March 2013). Further, Save Mount Diablo believes that approval of General Plan Amendments that allow the applicant to waive compliance with many general plan policies (many of which are written as performance standards to avoid significant impacts), would result in significant environmental impacts. The impacts associated with waiving the City's requirements have not been studied as part of the proposed project. While the general plan amendments might reduce plan-level impacts associated with the project, they would exacerbate the physical environmental impacts that the policies are designed to avoid or mitigate.

The CEQA Analysis is Inadequate

The California Environmental Quality Act (CEQA) requires that an EIR be prepared if there is a "fair argument" that the project would result in significant environmental impacts (Laurel Heights Improvement Assoc. v. U.C. Regents (1993) 47 Cal.4th 376). If a fair argument can be raised on the basis of "substantial evidence" in the record that the project may have a significant

adverse environmental impact-even if evidence also exists to the contrary – then an EIR is required.

A Mitigated Negative Declaration can only be adopted if (1) “There is no substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment.” “Or (2) An initial study identifies potential significant effects on the environment, but (A) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (B) there is no substantial evidence, in light of the whole record before the lead agency, that the project, as revised, may have a significant effect on the environment”. (*Public Resources Code, § 21080(c)(1) and (2)*)

Clearly, the whole record related to the Pointe Project documents extreme concern about project impacts related to massive grading of an entire hill and disregard for the city’s general plan and development requirements. “If there is substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment, an environmental impact report shall be prepared”(Public Resources Code, § 21080(d)).

Removing an entire hillside, in conflict with the City’s General Plan Hillside Design Policies, and Article 24 of the zoning ordinance related to the Hillside Development District, would result in significant impacts related to aesthetics, geology, soils and seismicity, land use and planning, greenhouse gases, transportation, biological resources, hydrology and noise. In this case, developing a property that had been dedicated as Open Space would also result in impacts related to recreation. Impacts identified in the Initial Study/Mitigated Negative Declaration do not reduce impacts related to removal of an entire hill to less-than-significant levels. For many environmental issue areas, the environmental document relies on waiving requirements as part of a general plan amendment, instead of identifying adequate mitigation measures. Waiving the City’s General Plan policy requirements that were generally developed to function as performance standards would in fact result in significant environmental impacts. Examples are included below:

Aesthetics and Visual Quality: In analyzing visual impacts related to removal of the hill, the Initial Study notes that: “While both the Antioch General Plan and the City’s Hillside Planned Development District Ordinance specifically provide for protection of views of the hills in the adjacent project area, with approval of the proposed General Plan and zoning text amendments, the project would be exempt from those policies. (The Pointe Initial Study/Mitigated Negative Declaration, March 2013, p. 22). The potential impact related to a substantial adverse effect on a scenic vista is identified as less than significant, with no mitigation identified.

Land Use and Planning: “Absent approval of the General Plan amendments that are components of the proposed project, the project’s conflict with Low Density Residential designation would be a significant adverse impact. However, with approval of these amendments, there would be no conflicts with the General Plan. For purposes of this analysis, approval of the amendments is assumed. There would be no impact related to a conflict with the City of Antioch General Plan.” (The Pointe Initial Study/Mitigated Negative Declaration, March 2013, p. 71)

Similarly, the need to comply with policies related to Hillsides and the requirement to prepare a Resource Management Plan would be waived with the General Plan Amendment. “Although the project could conflict with Hillside Design Policies 5.414-b, 5.4.14-I, and 5.4.14-o and Open

Space Policy 10.3.2-g, as noted above, approval of the proposed General Plan amendments is assumed for purposes of this analysis, which would grant the project an exemption from the policies. There would therefore be no impact related to a conflict with policies promulgated in the City of Antioch General Plan.”

The CEQA Process is Inadequate

While the Initial Study/Mitigated Negative Declaration is dated March 2013, it was not released for public review until October 8, 2013. A twenty (20)-day public review period is inadequate for a project of this magnitude that warrants close scrutiny by State Agencies. Given issues related to biological resources, geology, soils and seismicity, and hydrology and water quality, it is critical that the project be reviewed by the California Department of Fish and Wildlife, the State Water Quality Control Board/Regional Water Quality Control Board and other State agencies.

Geology and Soils: “Because the project would occur on a large, steep site, and would require significant grading entailing movement of large amounts of soil, the potential for erosion during project construction is extremely high”. Yet, mitigation measures are limited to “restricting grading activities to the summer construction season or compliance with more stringent restrictions imposed by other regulatory agencies such as California Department of Fish and Game if applicable”, and preparation of a Stormwater Pollution Prevention Plan and Stormwater Control Plan. (The Pointe Initial Study/Mitigated Negative Declaration, March 2013, pp. 58-59) With a 20-day review period, it is not clear whether the California Department of Fish and Wildlife or Regional Water Quality Control Board is even being given the opportunity to review the document to determine whether more stringent mitigation is warranted. Plus the mitigation is vague and conditional; there is no guarantee it will in fact decrease impacts to less than significant.

General Plan and Hillside Planned Development Ordinance

Similar to the 2007 proposal, the project would violate grading, slope and contouring requirements created to protect Antioch’s hills. The application is inconsistent with the City of Antioch General Plan and the City’s Hillside Planned Development Ordinance. The plans submitted for review include cuts of up to 125 feet. Nearly the entire site has slopes over 25 percent, and slopes covering much of the area are over 35 percent.

Save Mount Diablo is opposed to this project given that it would destroy open space supposedly preserved as a condition of the previous project, and is an extremely bad precedent—the promise of public benefit in any future Antioch projects will lack credibility.

However, if any development is allowed on this “Open Space” site, we agree with direction provided by staff on the first three submittals in the staff report dated June 4, 2007:

- That the plan be substantially revised so that the form of the existing hill is largely retained. The existing hill may not be reduced in total height.
- Mass grading of the site is not allowed. Grading shall be limited to the creation of building pads, and not for the purpose of creating flat yard areas. Split pads are encouraged to reduce pad grading.
- Slopes between building pads and between lots shall be left ungraded.

- That the environmental review process for any future entitlement application include a detailed visual and slopes analysis to determine how any proposed plan complies with all of the City's General Plan and Zoning hillside development requirements.
- That the site plan shall be redesigned to comply with the General Plan Hillside Design Policies and Article 24 of the zoning ordinance related to the Hillside Development District.

The current plan, evaluated in the March 2013 Initial Study/Mitigated Negative Declaration, completely ignores all of this direction and would result in significant, and possibly, unavoidable impacts related to, at minimum: Aesthetics; Air Quality, Biological Resources, Geology & Soils, Hydrology, Planning and Land Use; and Cumulative Impacts related to Open Space resources. An EIR is clearly required to analyze potentially significant impacts and alternatives that may be available to reduce potential impacts to less than significant levels, as is required by the California Environmental Quality Act (CEQA).

The City has repeatedly expressed its concern with the project's inconsistencies with the General Plan and the Hillside Planned Development Ordinance throughout the application process. Over time, the Planning Commission, Residential Development Allocation Committee, and City Staff have all recommended that the application be denied unless the applicant revises the proposal to be in compliance with the General Plan. Despite such clear direction from the City, the applicant has not modified its plans. In fact, from the visual simulations, it appears that the majority of the hill would be removed to develop the project. The applicant has requested an exemption from provisions of the General Plan that relate to development on steep hillsides.

We have consistently supported both the Staff's and the Planning Commission's unanimous recommendation to deny the proposal. We continue to share the sentiment expressed six years ago by Mayor Don Freitas at the June 12, 2007 City Council meeting that *the proposal—to reward the destruction of promised open space—is an "abomination."*

At this juncture, we encourage the City of Antioch Planning Commission to stand up for its own planning process and development requirements.

Open Space Designation

The 21 acres proposed for development were originally designated as Open Space as part of the applicant's previous Black Diamond Ranch development. The applicant requested re-designation of the Open Space to allow for further development. Allowing re-designation and development of the parcel suggests that any Open Space designated parcel, whether required by a project's conditions of approval as mitigations, or otherwise, can be set aside if a developer requests this change. The proposal would have significant cumulative and growth inducing impacts on the area, because it suggests that all "Open Space" designated parcels in the city are ultimately available for development.

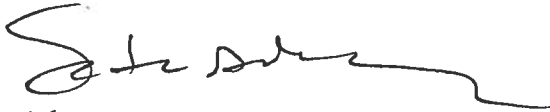
Approval of this application would set a terrible precedent that the General Plan can easily be overridden and that Open Space designations in the City of Antioch are meaningless.

Our Recommendation

Save Mount Diablo urges the Planning Commission not to adopt the Mitigated Negative Declaration and to deny this project which has been designed in a manner that is blatantly

inconsistent with the City's General Plan Hillside Design Policies and Article 24 of the zoning ordinance relating to the Hillside Planned Development District. Save Mount Diablo supports the City of Antioch in standing up to maintain its planning and regulatory framework. If the city chooses to continue consideration of the project, an Environmental Impact Report must be prepared.

Thank you for your consideration.

A handwritten signature in black ink, appearing to read 'Seth Adams', with a long horizontal flourish extending to the right.

Seth Adams
Land Programs Director

Cc: Meredith Hendricks, Senior Land Programs Manager

ATTACHMENT "D"



2950 PERALTA OAKS COURT P.O. BOX 5381 OAKLAND CALIFORNIA 94605-0381 T: 1-888-EBPARKS F: 510-569-4319 TDD: 510-633-0460 WWW.EBPARKS.ORG

October 28, 2013

City of Antioch
Planning Division
Mindy Gentry, Senior Planner
P.O. Box 5007
Antioch, CA 94531

RE: Black Diamond Mines Regional Preserve. "The Pointe Residential Subdivision"
Mitigated Negative Declaration

Dear Ms. Gentry:

East Bay Regional Park District ("District") has received the proposed Mitigated Negative Declaration (MND) for The Pointe Residential Subdivision ("Project") in the City of Antioch. The District operates Black Diamond Mines Regional Preserve ("Preserve") located south of the Project site. As described in our Master Plan, we support the protection of open space and scenic resources, including the open space now proposed for development.

The District is under contract to acquire the Antioch Unified School District (AUSD) property, also known as Moller Ranch. This property abuts the southern boundary of Black Diamond Ranch. The Project area is approximately 700 feet north of this boundary. See *Exhibit 1*. The District submitted comments on the Project on January 4, 2007 and July 24, 2007 (see *Exhibits 2 and 3*) encouraging the City to deny the applicant's request to change land use designations and subdivide the open space dedication parcel associated with the Black Diamond Ranch project.

We submit these comments regarding the proposed general plan amendments and MND. In our opinion the City cannot make the findings required to support the proposed general plan amendments and approve the MND. Our conclusion is based upon the following:

- 1.) Project description lacks sufficient detail for impact analysis
- 2.) Significant impacts to land use, aesthetics and recreation are not considered
- 3.) Does not comply with the requirements of the California Environmental Quality Act
- 4.) Does not comply with the requirements of State General Plan Policies

Proposed General Plan Amendment, Project Description and Land Use Impact Analysis: The project description and land use impact analysis misleads the reader to believe that impacts of the proposed general plan amendments are merely procedural legislative actions for which environmental impact analysis is not required. The MND inappropriately proposes general plan amendments as mitigation measures for significant land use impacts, yet fails to address the individual and cumulative impacts of these amendments on the environment. A general plan is intended to be a self-mitigating document through adopted policies; however, the MND does

Board of Directors

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DI

not disclose or analyze how amending the policies will affect the original impact analysis contained in the General Plan EIR.

Pursuant to Government Code Sections 65350-65362 the MND should provide the legislative body with sufficient information to answer the fundamental questions required for a general plan amendment:

- 1.) Is the amendment in the public interest (i.e., it advances community goals, describes a community interest, etc.)
- 2.) Is the amendment consistent with all other parts of the general plan?
- 3.) If the amendment requires other changes to the plan, are those changes considered?
- 4.) Will the amendment necessitate changes in zoning or other ordinances, and are those changes to be considered within a reasonable time?
- 5.) Have adequate mitigation measures been incorporated into the amendment?

In its current form, we do not believe that the MND answers any of the five questions required for a general plan amendment and doesn't comply with State General Plan Policies or CEQA.

Aesthetics: The MND provides two visual simulations of potential impacts that are taken from public roadways. It does not contain a visual impact simulation of views from the Preserve. Instead it provides a narrative description of visual impacts; however, there is no visual impact simulation to substantiate the conclusions in the MND that there would be no potential significant visual impacts to the Preserve.

In the absence of a visual simulation in the MND, the District has prepared its own. The MND contains a statement that the project area will be substantially graded and lowered to approximately 315 feet. This elevation was utilized to calculate a footprint that was used to prepare Exhibit 4 that shows an oblique angle view of the Project area from the Preserve.

The District is developing a trail that will run along the ridgeline of the former AUSD property (see *Exhibit 1*). A key view point looking north from this trail is located at an elevation of 560 feet. As previously noted, project grading may be as low as 315 feet. This means that the view point in the Preserve is 245 feet higher in elevation than the Project area. Approximately 75% of Project grading will be visually prominent from the Preserve and will significantly disrupt views from the Preserve of an undisturbed ridge top (aka "The Pointe"). There are no visual obstructions between the view point and the Project area (~1,500 feet due north). This significant visual impact is not identified, evaluated or mitigated in the MND. We believe that the impact can be mitigated by removing the proposed units from the ridge top. This would protect its scenic qualities, including a spine of rock outcrops and south facing grasslands.

Figure 4 in the MND shows a landscaping plan that contains two major east-to-west terraces that are used to buttress the houses along the ridgeline above. Removal of the housing units above these terraces would substantially reduce the visual impacts as seen from the Preserve. At a minimum this would include elimination of units 19 through 34, as shown on Figure 4 of the MND. This would also require removal of "B Drive" and changing the plant materials in the proposed terraces to native grasses so they blend with the undisturbed slopes above.

Recreation: The MND references a conversation with Ms. Linda Chavez, a retired District planner, stating that Project “would not create a significant impact on the regional park”. Written communication from Ms. Chavez does not support this conclusion (see Exhibits 2 and 3). There have been significant changes in circumstances since 2007, including the District’s acquisition of the AUSD property. Based on our review of the MND, it appears that the Project will have significant impacts to the Preserve.

CEQA requires project-level analysis of impacts to public parks. The lead agency must determine the extent to which population increases from new housing will impact use of adjacent regional parks (*City of Hayward v. Board of Trustees of the California State University, 2012*). The MND fails to evaluate this potentially significant impact in violation of CEQA.

Any disruption or deterioration of park users experience while engaging in park activities, such as nature appreciation, hiking, biking, equestrian use, camping, picnicking, photography, painting, and birding is of concern to the District. The MND does not analyze these potential impacts. For example, the MND aesthetics analysis does not evaluate or disclose how diminished scenic value resulting from the Project may deteriorate the recreational experience at the Preserve.

For the reasons outlined in this letter we request that the proposed MND for the Project be denied, and that the City either modify the Project to ensure it will have no significant environmental impacts or prepare a full EIR. Thank you for your review and consideration of our comments. Please notify us of any public meetings or hearings for the Project and include us on any distribution list for CEQA notices or associated documents for the Project. If you have any questions, please contact me at (510) 544-2622 or via email at bolson@ebparks.org.

Sincerely,



Brad Olson
Environmental Programs Manager

Attachments: Exhibit 1 – Project Area Map
Exhibit 2 - Letter From Linda Chavez to Mindy Gentry dated January 4, 2007
Exhibit 3 - Letter from Linda Chavez to Victor Carniglia dated July 24, 2007
Exhibit 4 – Visual impact simulation of Project

CC. District Board of Directors
Robert E. Doyle, General Manager
Bob Nisbet, Assistant General Manager



EAST BAY REGIONAL



PARK DISTRICT

January 4, 2007

Ms. Mindy Gentry
City of Antioch
Community Development
P.O. Box 5007
Antioch, CA 94531

RE: **Black Diamond Regional Preserve**
PDP-06-03 Discovery Builders/The Pointe

Dear Ms. Gentry,

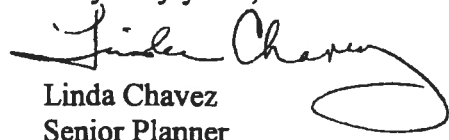
Sorry for the delay in returning this letter to you and respectfully request that the City consider the Park District's comments. I had expected to respond back by the December 27th deadline, however, my father passed away during my time off and I have just now returned to work.

The Park District is opposed to development of the open space parcel, which resulted from the approved Black Diamond Ranch located west of the Somersville Road / James Donlan Blvd. This parcel was designated as an open space parcel to be dedicated to the City. This open space provided a visual break in the development while protecting the hill tops and the visual back drop that leads up to Kreiger Peak. Why is this open space parcel even being considered for development? If the City is unable to accept the maintenance responsibility of the parcel it should remain with the development as an HOA maintained open space parcel, not fill it in with housing.

The proposal is also a 72-lot cul-de-sac with one way in and out. This is not good planning. It appears to be a last minute idea to place as many housing units on an open space parcel, to fill up an open space, rather than viewing the open space parcel as an asset to the surrounding development.

Thank you for the opportunity to comment on this project.

Very truly yours,


Linda Chavez
Senior Planner

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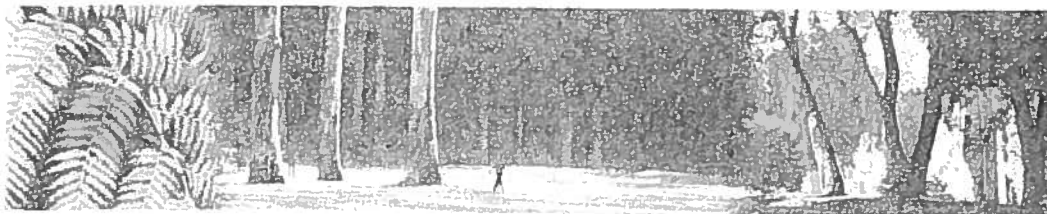
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July 24, 2007

Mr. Victor Carniglia
City of Antioch
Community Development Department
P.O. Box 5007
Antioch, CA 94531

RE: Black Diamond Ranch
The Pointe – Preliminary Development Plan

Dear Mr. Carniglia,

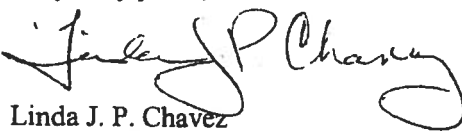
The East Bay Regional Park District previously submitted a comment letter dated January 4, 2007 (see attached) regarding this proposed preliminary development plan for 72 units on land that was committed to be an open space dedication to the City within an approved subdivision. The Park District wants to reiterate its opposition to this proposal to put housing within the previously approved open space dedication parcel.

The District is quite concerned that this potential action would set a terrible precedent for developers to make requests to the City to change the designation on approved open space lands in order to increase their housing units. Discovery Builder purchased an approved project with designated land uses and a specific unit count. Modifying the product line to increase or decrease the density within the designated residential land use area to address market demand is not that uncommon. However, to change an open space designation to residential development would not be good community planning and development. They had full knowledge of the approved project with its commitment to keeping this area as open space. The proposal to change the open space dedication parcel to consider additional housing would make a mockery of the public planning process. It would not be consistent with the policies of the City's General Plan and Hillside Planned Development Ordinance. It would not be consistent with the commitment to keep the area as open space.

The Park District urges the City Council to support their City staff's and Planning Commission's recommendation to deny this request.

Park District requests to be on the mailing list to receive referrals, additional information and notices of the public hearing for this proposal.

Very truly yours,

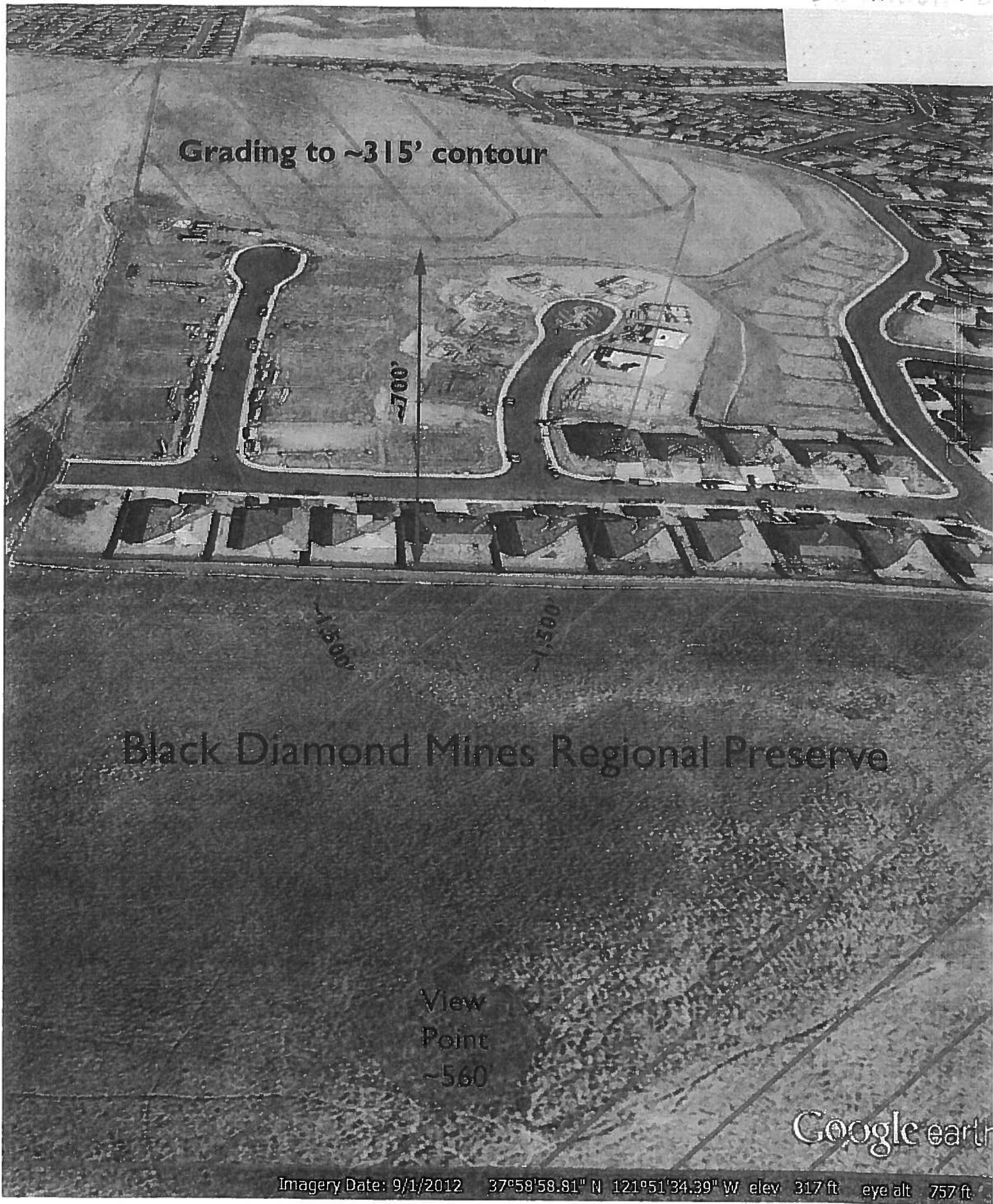

Linda J. P. Chavez
Senior Planner

cc: Mayor Freitas and City Council members

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DV



Grading to ~315' contour

~700'

~1,500'

~1,550'

Black Diamond Mines Regional Preserve

View
Point
~560

Google earth

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF NOVEMBER 6, 2013**

Prepared by: Mindy Gentry, Senior Planner *MG*
Approved by: Tina Wehrmeister, Community Development Director
Date: October 31, 2013
Subject: GP-13-02, Z-13-07, PD-08-01, PW 608, UP-08-01 – The Pointe
Subdivision 9017 ("Pointe Project")

ACTIONS

First, staff recommends the Planning Commission recommend to the City Council adoption of the environmental document (Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program) for the Pointe Project (Attachment "A").

Second, the Planning Commission needs to consider the Pointe Project.

If the Planning Commission desires to recommend approval of the Project to the City Council, then the Planning Commission should approve Attachment "B".

1. Resolution recommending approval of the General Plan amendments.
2. Resolution recommending approval of the initiation of amendments to Title 9 of the Municipal Code, "Planning and Zoning" for a rezone of the subject property from Hillside Planned Development (HPD) to Planned Development (PD).
3. Resolution recommending approval to the City Council of the Vesting Tentative Map, Final Development Plan, and Use Permit for 60 single family units.

Or

If the Planning Commission desires to recommend denial of the Project to the City Council, then the Planning Commission should approve Attachment "C". However, if the Planning Commission's action is to deny the project then staff recommends action not to be taken on the environmental document.

1. Resolution recommending denial of the General Plan amendments.
2. Resolution recommending denial of the initiation of amendments to Title 9 of the Municipal Code, "Planning and Zoning" for a rezone of the subject property from Hillside Planned Development (HPD) to Planned Development (PD).
3. Resolution recommending denial to the City Council of the Vesting Tentative Map, Final Development Plan, and Use Permit for 60 single family units.

APPLICATION

Discovery Builders, a company run by Albert Seeno III, requests approval of a General Plan amendment (GPA) from Low Density Residential to inclusion in the Somersville Road Corridor Focus Area and to add language to the General Plan waiving the requirements of certain applicable sections of the General Plan related to hillside development; a rezone from Hillside

Planned Development (HPD) District to Planned Development (PD) District; an amendment to the zoning ordinance to provide the City Council with the discretion to determine if the Hillside Planned Development policies apply to a project; a Vesting Tentative Map; a Final Plan Development; and a Use Permit in order to create 60 lots intended for single family homes. The project is generally located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-010) ("Pointe Project") (Attachment "D").

Each requested action/entitlement is discussed below:

IS/MND & MMRP: An Initial Study/Mitigated Negative Declaration has been prepared for the project and it was available for public review from October 8, 2013 to October 28, 2013.

General Plan Amendment: The applicant is requesting a General Plan amendment to change the General Plan designation from Low Density Residential to include the Pointe Project site and the Black Diamond Ranch subdivision into the Somersville Road Corridor Focus Area as well as waive the requirements of the General Plan Section 5.4.14 for residential properties within the Somersville Road Corridor Focus Area subject to the Planned Development process.

While the applicant did not request this, staff is recommending the Planning Commission also consider adding the following to the applicant's request: adding a Residential designation to the Project site and to the Black Diamond Ranch subdivision in order to maintain consistency within the Focus Area as well as add General Plan Section 4.4.1.1 and Policy 10.3.2, which pertain to development on steep sites, to the aforementioned waiver language.

Rezone to Planned Development (PD) District: The project site is currently zoned with a designation of Hillside Planned Development (HPD) and the proposed rezoning is to Planned Development (PD).

Amendment to the Zoning Ordinance: The applicant is proposing to add language to Section 9-5.24 of the Zoning Ordinance to provide the City Council with the discretion to determine if the provisions of the Hillside Planned Development policies apply to a project. This amendment would not be necessary if the project is rezoned to Planned Development (PD), which is discussed in further detail below.

Vesting Tentative Subdivision Map (PW 608): A major subdivision is being requested to create the lots for the 60 single-family dwelling units and additional common/residual parcels.

Approval of Final Development Plan: Approval of the 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 will be for 60 single family homes, which includes 51 lots in a gated community and nine lots within the existing Black Diamond Ranch subdivision. The plan also includes an approximate 10,000 square foot pocket park and two open space parcels (Parcel A – 2.5 acres and Parcel B – 1.4 acres), which are to be maintained by the Homeowners Association (HOA).

Use Permit: Per the Zoning Code, in order to implement the Final Development Plan a use permit is required. The developer is requesting a use permit for 60 single-family homes, a pocket park, and two open space parcels.

The design and architectural elements, including landscaping, are not being considered at this time. The developer will seek design review approval from the Planning Commission subsequently.

BACKGROUND

The subject site was originally part of the Black Diamond Ranch subdivision, which is the adjacent 286 unit single family housing development with lots ranging in size between 4,000 to 6,000 s.f. with publicly maintained roads. The subject site had a designation of "Open Space" on the Black Diamond Ranch tentative map and was to be deeded to the City. In 2005, the applicant requested the opportunity to develop "executive/estate" housing on this parcel and, in November 2005, the City Council re-designated the Open Space area as "Owner/Developer Remainder Parcel" (Attachment "E"). The reclassification of the parcel did not require the developer to dedicate it to the City; and it did not guarantee developer rights either. One of the conditions of approval on the reclassification of the parcel was the applicant make an irrevocable offer of dedication to the City; however should a future development proposal on this parcel be approved then dedication shall be declined. If the development proposal was denied then the City shall consider acceptance of the dedication. The other condition of approval required a development application to be submitted within three years of the date of the City Council approving the re-designation to "Owner/Developer Remainder Parcel" otherwise the Council would consider acceptance of the offer of dedication.

Preliminary Development Plan (PDP)

The applicant originally provided a Preliminary Development Plan with 72 lots for single family homes; however based on direction provided by the Planning Commission on February 21, 2007 and staff, the applicant resubmitted a preliminary development plan for a 60 lot subdivision. The direction from the Planning Commission was to redesign the site and to take the Hillside Planned Development policies into consideration: the streets shall follow the natural contours of the hillside and the lots should be larger with more useable space, to name a few (Attachment "F").

The Council provided feedback on the 60 residential units PDP on June 12, 2007 and directed staff to take the project through the RDA process, a process that has been substantially modified since then. (Attachment "G").

Residential Development Allocation (RDA)

On August 20, 2007, the Residential Development Allocation Committee, based on a satisfactory score of 308.8 points (Attachment "H"), recommended approval of 60 residential development allocations (Attachment "I"). On September 19, 2007, the Planning Commission heard the applicant's request for 60 allocations and subsequently recommended denial of the project to the City Council (5-0, with 2 absent). The Planning Commission's reasons for denying the project were as follows: violation of the General Plan and Hillside Planned Development Ordinance, the layout and small lots were not typical of executive housing, lack of amenities, and the dislike of the architectural features and design. While the Planning Commissions' reasons for denial varied, the majority stated the project was in violation of the General Plan and Hillside Planned Development Ordinance (Attachment "J").

On January 22, 2008 the City Council heard and approved the applicant's request for 60 residential development allocations. Following the Planning Commission hearing, the applicant

had revised the offered community benefits, which are reflected in the Council resolution included as Attachment "K". Since the RDA process has changed considerably since the approval in 2008 and the fact that City staff is currently working on a Development Impact Fee study; a condition has been added to the project, that the applicant either pay all financial contributions as approved in 2008 or to pay the Development Impact Fee.

Final Planned Development, Use Permit, and Design Review Application/CEQA Document

Subsequent to the City Council hearing, on January 29, 2008, the applicant submitted an application for a Final Planned Development, Vesting Tentative Map, Use Permit, and design review. Since that time, City staff has been working with the applicant to usher the project through the California Environmental Quality Act (CEQA) process. In May 2010, the City's environmental document consultant determined through the Initial Study process there would be significant and unavoidable impacts to Aesthetics and Land Use Planning; therefore an Environmental Impact Report would be required, which City staff agreed to absent project modifications. On August 2, 2010, Staff provided the applicant with three options of moving forward: 1) proceed with the project as proposed, finalize the Initial Study and prepare an EIR, 2) submit General Plan and Zoning Code amendment applications for the project, which could address the significant impacts that are triggering the EIR, or 3) amend the project such that all significant unavoidable impacts are avoided and the Initial Study would be revised accordingly.

On August 11, 2010, the applicant filed an appeal of the staff decision regarding the requirement of preparing an EIR to address the significant and unavoidable impacts. As allowed per the Municipal Code, Mayor Davis appealed the matter directly to the City Council. While the appeal was pending, meetings and other communications occurred with the applicant, resulting in the applicant deciding to amend their project and file General Plan and Zoning Code amendments in December 2011. Following the amendments, the Initial Study/Mitigated Negative Declaration was revised and completed in March 2013. Following completion of the environmental document, staff has been attempting to address concerns regarding the site plan. The applicant did address issues in regards to the storm water facilities; however, the applicant requested the remaining issues be address via the conditions of approval.

ENVIRONMENTAL

In compliance with the California Environmental Quality Act, an Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared for the project. The IS/MND was circulated for a 20-day public review period from October 8, 2013 to October 28, 2013. The IS/MND was provided to the Planning Commission electronically and is available 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 identified the following as environmental factors that would be potentially affected by the proposed project: Aesthetics, Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Hydrology/Water Quality, Land Use/Planning, Noise, Public Services, Utilities/Service Systems, and Mandatory Findings of Significance. Mitigation measures have been provided reducing all project impacts to a less-than-significant level and a Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the project. These are described in detail in the environmental document.

At the close of the comment period on October 28, 2013, the City received four comment letters on the IS/MND, but due to the timeline for getting the staff report to publication, the City has not

formally responded to these letters by the release of the staff report. The letters will be provided under a separate document to the Planning Commission prior to the public hearing.

ANALYSIS

Issue #1: Project Overview

The proposed project consists of 60 single family one-story and two-story homes to be constructed on an approximately 21 acre site at the western edge of the City and adjacent to the Black Diamond Ranch subdivision. The majority of these homes, 51, would be located within a gated community accessed from the neighboring Black Diamond Ranch subdivision via Summit Way. The remaining 9 homes would be incorporated into the Black Diamond Ranch subdivision, interspersed with the homes along Country Side Way and Torgensen Court. The 51 homes are separated from the rest of Black Diamond Ranch by two open space parcels, A and B. The two parcels circumvent the base of the hillside in three directions, where parcel A is approximately 2.6 acres and Parcel B is approximately 1.4 acres.

The project would require extensive grading of the site, requiring cuts up to 104 feet and fills of less than 10 feet. Approximately 16.7 acres of the 21 acre site would be developed with roads and homes, with about a 50 to 100 foot buffer encircling the gated community, and a centrally located park, totaling about 4.3 acres.

The proposed parcels within the private community would have an average size to 10,537 square feet (s.f.) and would range in size from 10,000 s.f. to 14,371 s.f., while the nine lots in Black Diamond Ranch would average 10,004 s.f. and range from 6,616 s.f. to 21,495 s.f. The proposed development, according to the applicant, would result in an overall density of 2.9 acres, however, that calculation includes developable and undevelopable land. The General Plan considers any lands generally over a 25 percent slope to be undevelopable, so the density would be considerably higher if undevelopable land was not included in the calculation because 78 percent of the project site has slopes that exceed 25 percent. The request to waive the requirements of this section of the General Plan is discussed in further detail below.

Lot 60, located on Torgensen Court, would be the largest lot at 21,495 s.f. but would also contain the emergency vehicle access easement and road connecting Torgensen Court with Summit Place to provide secondary emergency access to the 51 gated homes.

The private subdivision, of 51 homes, would be configured on three terraced levels, each served by a private street, which would be maintained by the HOA. Each street, separated by a grade difference of about 20 vertical feet, would terminate in a cul-de-sac.

The surrounding land uses are as follows:

- North: Single family residential subdivision (Black Diamond Ranch)
- South: Single family residential subdivision (Black Diamond Ranch) and undeveloped land within the East Bay Regional Park District - Black Diamond Mines
- West: City of Pittsburg - Undeveloped land, however Sky Ranch II, a 415 unit single family subdivision has been entitled
- East: Single family residential (Black Diamond Ranch)

Issue #2: General Plan Amendments

The current General Plan designation for the subject property is Low Density Residential, which is generally characterized by single family homes in traditional subdivisions and is located in areas with gently rolling terrain with no or few geological or environment constraints (Attachment "L"). The applicant is proposing to change the General Plan designation of the subject site and the Black Diamond Ranch subdivision to be located within the Somersville Road Corridor Focus Area (Attachment "M"). The Somersville Road Corridor Focus Area is the location of the main tax generators, automobile dealerships of the City and is also home to other retail businesses, mainly providing regional level retail services. This amendment would also require the addition of a Residential designation within the Focus Area and to the map in Figure 4.3.

Staff is proposing the following language in Section 4.4.6.2b,

- d. Areas designated "Residential" in Figure 4.3 shall consist of single family homes and the design shall be determined through the Planned Development process with approval by the City Council.*

See Exhibit "A" of the resolution recommending approval to the City Council of the General Plan Amendments, which is contained in Attachment "B", for the proposed redline changes. The addition of the aforementioned language would be consistent with not only the Somersville Road Corridor Focus Area but also with other Focus Areas within the General Plan.

The applicant's proposed General Plan Amendment (GPA) would also include waiving the requirements of General Plan Section 5.4.14 (Attachment "N") for residential properties within the Somersville Road Corridor Focus Area that are subject to the planned development process. General Plan Section 5.4.14 pertains to Hillside Design Policies, which contains provisions and policies about developing in hillside areas. The applicant is proposing to add the following language to General Plan Section 4.4.6.2.b:

- j. In order to provide continued support to sales tax generating uses, properties designated residential with the Focus Area will be allowed to maximize development density through the Planned Development process contained within the Zoning Ordinance. As such, the requirements of Section 5.4.14, if applicable, of the General Plan shall be waived if it is shown that development conditions will be safe and in harmony with surrounding development patterns and uses.*

As stated above, the Somersville Road Corridor Focus Area mainly encompasses regional retail uses, with only one residentially zoned area after the developer passed a ballot measure to move the area known as the Chevron property from the City of Antioch's Sphere of Influence to the City of Pittsburg's Sphere of Influence. The developer is still awaiting final LAFCO approval; however the City of Antioch is not currently contesting this measure and application. The only residential area is High Density Residential and is located on the southwest corner of Somersville Road and Buchanan Road. The area includes the Chateau Mobile Home Park and apartments. The Chevron property envisioned a combination of Business Park, single family detached homes, and multi-family development, consistent with Medium Density Residential, which are overall a much higher density and usage than Black Diamond Ranch and the subject development.

Staff has identified some issues for the Planning Commission to consider with the request to place the subject project and Black Diamond Ranch into the Somersville Road Corridor Focus Area.

- The Somersville Road Corridor Focus Area does not put an emphasis on lower density residential uses and would be the only area with single family home development; however the Focus Area does emphasize a strong regional retail area with tax revenue generating uses because the intention is to create an area with strong commercial base.
- The issue of precedence is something to consider when approving General Plan amendments. This approval, which would result in removing approximately 104 vertical feet of hillside, could have future repercussions for hillside developments within the City, potentially jeopardizing the community's intentions of promoting a harmonious visual and functional relationship between natural and built environments.
- The project would not be adhering to many of the hillside development policies put in place within the General Plan to prevent projects of this nature from being built and to preserve the natural ridgelines within the City.
- If the Sphere of Influence change for the Chevron property is approved by LAFCO then the inclusion of Black Diamond Ranch and the Pointe will result in an area that is not contiguous, which is not consistent with the other focus areas within the General Plan (Attachment "O").

On the other hand, the applicant will be bringing in an executive/estate type housing, which can be argued will have disposable income to spend within the Somersville Road Corridor Focus Area, which will produce additional tax revenue. However, according to the Association of Bay Area Governments (ABAG) the projected population increase is 3.08 persons per dwelling unit or 185 total people, which equates to only be a .18 percent change in population, so the scale of the additional revenue and above moderate income housing needs to be weighed with the impacts of proposed development on the City's hillside development policies and the inconsistencies with the General Plan.

Secondly, as stated above, the applicant is proposing to waive General Plan Section 5.4.14 (Attachment "N"), which is the City's Hillside Design Policies. The policies discuss specifics on the City's expectations and goals when it comes to hillside development which has an emphasis placed on sensitivity to existing terrain, views, and natural landforms. The majority of the project site currently has slopes over 25 percent and the applicant is proposing to remove approximately 104 vertical feet from the hillside for the project, which does not meet many of the hillside policies, which has been outlined in detail in the IS/MND. Approving such a request could provide a pathway for other developers to make similar requests for larger undeveloped areas where the terrain is equally as hilly, such as the Sand Creek Focus Area, rather than just on an isolated 21 acre parcel. An argument could be made that the difference between the subject project and the Sand Creek Focus Area is that the project site is isolated and considered infill because it is substantially surrounded by existing or entitled development, which includes the Black Diamond Ranch project and the future Sky Ranch II project, a 415 single-family home development in Pittsburg. Executive/estate housing has not been readily developed in the City of Antioch and this product type could further the General Plan's goals of providing more of a jobs and housing balance by encouraging businesses to locate in Antioch by providing executives with a desirable housing product. The Planning Commission needs to

consider if the request of waiving the Hillside Design Policies is in the best public interest and in the interest of the community. The amendment to the General Plan would provide a vehicle for the project to move forward without an unworkable inconsistency or a conflict with the General Plan.

As part of their application, the applicant did not include in their application an exemption from the provisions of General Plan Section 4.4.1.1 (Attachment "P") and Section 10.3.2 (Attachment "Q"), which both have elements related to development on steep sites. Section 4.4.1.1 has the following language:

Density is assumed to accrue only to lands that are "developable." Developable acres are those that are not encumbered by prior dedications of easements or rights-of-way, and are not so steep (generally 25%), unstable, flood-prone or subject to other hazards as to be unable to submit new development.

Section 10.3.2 discusses the City's Open Space Policies, some of which pertain to development on steep slopes. These two exemptions would also have to be included in the waiver request because they are applicable to the subject project and are necessary to remove any inconsistencies with the General Plan that could transpire. Staff has included these two Sections in the language in the General Plan amendment approval recommendation to the City Council should that be the Commission's desire.

Issue#3: Zoning Code Amendment and Rezone

The subject site is currently zoned Hillside Planned Development (HPD) and the applicant is proposing a rezone to Planned Development (PD) and the addition of language to the Municipal Code to allow City Council to have the discretion on residential properties located within the Somersville Road Corridor Focus Area to be exempt from the Hillside Planned Development District. The purpose of the HPD zoning district is to promote a harmonious visual and functional relationship between natural and built environments, more specifically the zoning code has laid out specific development parameters required to build on a hillside (Attachment "R"). The applicant's proposed project does not comply with many of the goals; therefore the applicant is requesting the PD zoning designation. The second part of the applicant's request regarding the addition of language to provide the City Council with discretion whether the Hillside Planned Development District policies apply to a particular project is not really necessary because the applicant is proposing a rezone from HPD to PD. The rezone from HPD to PD will no longer subject the property to the HPD policies and will provide the applicant development flexibility through the PD zoning designation. Similar to the General Plan amendment, the Planning Commission must consider whether to grant the applicant's request to grade the hillside not in conformance with the currently zoning designation of Hillside Planned Development District.

Each residential PD District that is established shall include specific development standards designed for that particular district, which shall include minimum lot sizes, setbacks, maximum building heights, lot coverages, and open space requirements. Per the code, in establishing these standards, the requirements for existing zoning and PD Districts may be reviewed and modifications to these standards may be appropriate. Once approved as part of the final development plan, these standards effectively become the zoning standards, which are tied to the approved plan, unless formally amended by the City Council. The intent of the residential PD district is to create a wider variety of densities, product types and setbacks than would otherwise be possible under conventional residential zoning.

Staff is proposing the following zoning standards for this project if the project is approved:

**Development Standards for
The Pointe Planned Development District**

Standard	Required for Project
Minimum Lot Size	Lots 1 – 51 and 60: 10,000 sq. ft. 52-59: 6,000 sq. ft.
Minimum Lot Width	Per the vesting tentative map date stamped on October 17, 2013.
Maximum Lot Coverage	40%
Front/Street Side Yard Minimum (shall be reserved for landscaping)	Front: 20 ft setback from the right of way to the face of garage door, or 15 feet to a side entry garage (e.g. accessed by a swing driveway). The front yard dimensions shall be varied by increasing the front yard setback by up to 25 ft. and staggering the varied setbacks. Side: 15 ft setback for the primary structure from the right of way line. Approved architectural elements may encroach 2 ft.
Side Yard – Interior	5 ft. with 4 ft of flat useable area with 25% of the lots having a 10 foot side setback on one side. The 10 feet must remain as unrestricted open area.
Minimum Rear Yard	15 ft minimum of flat usable space and a 20 ft. setback from the rear property line. A single story portion of the main structure shall be allowed 10 ft from the property line provided the width of that portion of the main structure does not exceed 50% of the buildable width of the lot. Approved architectural elements may encroach 2 ft.
Maximum Building Height	35 ft.
Parking	2 spaces per unit in a garage, plus one guest parking space on the street within close proximity to the unit served.
Driveways/Drive Aisles	Per the vesting tentative map date stamped on October 17, 2013.
Roadways	Per the vesting tentative map date stamped on October 17, 2013.
Landscape Requirements	Summit Way – 10 ft landscape median. Parcels A and B.
Architectural Requirements	As approved by the Planning Commission (PC). Any substantial deviations from approved architectural plans will require review and approval by PC.

Issue #4: Grading and Storm Water

Grading: The proposed project site encompasses approximately 21 acres of land. The hilly site ranges in elevation from about 230 feet on the northeastern periphery of the site to 335 feet on the southern periphery. The peak elevation is southwest of the approximate center at 440 feet. The site is steeply sloped, with over 78 percent of the site having a gradient in excess of 25 percent, while only about 6 percent of the property having a gradient of less than 10 percent; most of the flat area within the project site is located along the periphery of the project site.

The applicant is proposing to extensively grade the project site and create three terraced levels within the gated community to maximize views and minimize street slopes. To maximize views, each terrace would terminate in a cul-de-sac, with each terraced level varying by approximately 20 feet. The maximum pad elevation of 336.5 feet (Pad 14), and the existing topography as high as 440 feet, the project would require grading cuts of up to 104 feet; fill depths would be under 10 feet, and retaining walls up to 6 feet in height. The retaining walls would be utilized throughout the site to provide structural support to grade separations and to provide useable private outdoor space. Excess soil would need to be transported offsite.

Site grading would create a maximum slope of 2:1 between the proposed homes. Slopes on the open space buffers would also generally be 2:1 gradients. Grading would result in street slopes of up to 15 percent with the terminating cul-de-sacs serving as emergency vehicle access turnarounds, would be limited to slopes of 2.0 to 2.6 percent, in accordance with the Contra Costa Fire Protection District (CCCFPD) requirements. Straight street segments near the cul-de-sacs would have grades of about 4 to 5 percent, while steeper grades of the 6 to 15 percent would be located on the easterly stretch of Summit Place and Summit Way, just west of the site entrance.

The proposed grading does not conform to the General Plan or the Hillside Planned Development District zoning ordinance. However the applicant is seeking amendments to the General Plan and the zoning ordinance to make an exception for the project because it would be considered infill based on the surrounding Black Diamond Ranch project as well as Pittsburg's entitled project, Sky Ranch II. Further, the applicant is making the argument that the project would be furthering the goals of the Somersville Road Corridor Focus Area by increasing the population, therefore increasing the tax revenue, which is one of the overall goals for the Focus Area. The Planning Commission has to consider if these are appropriate findings in order to approve the project.

Storm Water: The applicant is proposing two bio retention areas to manage the storm water from the project and to meet the requirements of C.3 in the California Regional Water Quality Control Board's Municipal Regional Permit (Attachment "S"). The C.3 requirements treat and meter flow of storm water to match predevelopment conditions. One existing basin is located within the Black Diamond Ranch subdivision at the terminus of Crescent Court, adjacent to Markley Creek Park, which is being proposed to be retrofitted to accommodate the additional flow from the proposed project. The applicant is proposing to make the basin deeper rather than larger to make that accommodation. This basin would be maintained by the Street, Lighting, and Landscape District (SLLD). The other basin is also located within the Black Diamond Ranch subdivision at the intersection of James Donlon Boulevard and Metcalf Street. The parcel currently is vacant and has high powered electrical lines that run above it, therefore limiting the usage of the parcel. The basin will have to be sized appropriately to accommodate the flows from the project and will be maintained by the HOA. Staff prefers the proposed basins because it eliminates the need for numerous small bio retention areas within a homeowner's yard or other areas within the project and presents only two locations that need to be monitored and verified they are functioning properly, which is required by the California State Regional Water Quality Control Board. If approved, staff has conditioned the project to appropriately size the basins to accommodate the storm water flows and that the basin at the terminus of Crescent Court will be maintained by the SLLD while the other basin at Metcalf Street and James Donlon Boulevard will be maintained by the Home Owners Association and both will be required to be landscaped.

Issue #5: Traffic, Circulation, and Parking

According to the project's traffic study, the project would generate 576 daily vehicle trips, with 46 occurring in the AM peak hour and 61 trips occurring in the PM peak hour. Based on the criteria set forth in both the General Plan and the CEQA, the project would not create significant traffic impacts or create any significant hazards in design.

The nine homes interspersed in Black Diamond Ranch will be accessed by the existing streets, Country Side Way and Torgensen Court. The gated entrance at Summit Way would have a 62 foot wide ROW, with a 24 foot wide entrance way providing two 12 foot travel lanes: one for guests stopping at an entry keypad/intercom and one through lane for residents. A 10 foot wide landscaped median would separate the entrance lanes from a 20 foot wide exit lane and a 5 foot sidewalk.

The 51 homes would be accessed through three terraced streets (terminating in cul-de-sacs) via a gated extension of the current southern terminus of Summit Way. Each of the streets would have a 35 foot right-of-way (ROW), including a 28 foot roadway (two 14-foot travel lanes) and a 4-foot wide sidewalk on one side. According to the Vesting Tentative Map, a total of 54 guest parking spaces would be provided through controlled on-street parking on one-side of the each street. The three cul-de-sacs have an outside turning radius of 35 feet and an inside turning radius of 15 feet, which is not in accordance with the Contra Costa Fire Protection District (CCCYPD) requirements, which require an outside turning radius of 45 feet and an inside turning radius of 25 feet; however the applicant has indicated that through rolled curbs and a reinforced sidewalk the Fire District will approve this approach. The streets do not meet the City standards; however the Planning Commission may consider since the streets will be private and maintained by the HOA that this may be an appropriate approach. A condition of approval has been added that the development shall meet all of the requirements of the CCCYPD. As long as the streets meet the minimum in terms of emergency vehicle access, staff does not see an issue with having narrower streets in a community with slopes. A condition of approval has been added to the reflecting the project must meet the requirements of the CCCYPD.

The applicant has proposed 54 on-street parking spaces. The parking ordinance requirement for single family residential (detached) is one guest parking space on the street within close proximity to the unit served. The applicant is 6 spaces short of meeting the ordinance requirement and a condition of approval has been added that the project must meet the minimum parking requirements or process a variance if approved.

Issue #6: Other Issues

Pedestrian Path: The project contains a proposed pedestrian pathway on each of the three terraces. The pathway runs from north to south between lots 42 and 41; 28 and 29; 26 and 25; and 14 and 15. Staff has concerns about pedestrians crossing adjacent to the backyards of homes and privacy issues therefore has added a condition of approval to remove the pedestrian path.

Homeowners Association (HOA): The applicant is proposing to establish an HOA with CC&Rs. HOAs are organizations comprised of homeowners in a particular housing development and are regulated by the California Department of Real Estate. The HOA will be formed to own common property and to conduct maintenance of the private infrastructure including, but not limited to, the storm water basin at Metcalf and James Donlon Boulevard; storm water lines, mains, and inlets; streets; street lights; common area landscaping; and the pocket park including the water

feature. The maintenance will be funded through HOA dues established when the HOA is formed.

Park-in-Lieu Fees/Park Benefit District: The Municipal Code requires that a subdivider dedicate land or pay an in lieu fee or both at the option of the City. The applicant is proposing an approximate 10,000 s.f. pocket park, which will be private and maintained by the Home Owners Association, so the applicant will be required to pay the park in lieu fee in place at the time of final map recordation.

Street Names: The proposed street names are: Summit Way, Summit Place, and Altamont Court. The alternative names are: Alpine Way, Terrace Place, Vista Place, Highland Way, Ridgeview Place, and Skyview Place.

Community Letters: The City has received two letters of opposition in addition to the letters received on the IS/MND (Attachment "T").

Issue #7: Findings for the Conditions of Approval

A. GENERAL CONDITIONS

1. The City of Antioch has established a Municipal Code to protect the public health, safety, and welfare of the citizens within the City. This condition of approval is necessary for the developer to mitigate any project impacts that may threaten the health, safety, or welfare of its citizens.
- 2-3. In order for the project to be constructed to the City's approved standards, the plans need to adequately reflect the changes made by the Planning Commission (and City Council if applicable) and City staff needs to inspect the site for compliance with the conditions of approval prior to final inspection approval. These conditions protects the public safety, health, and general welfare of the residents of the Project and surrounding residential and other uses by providing an adequate reflection of the approved project prior to the issuance of building permits and a follow up site inspection to ensure the Project was built as conditioned.
4. The project will be adding structures to the landscape of the City and those structures should be harmonious and orderly with the surrounding neighborhood as well as aesthetically pleasing. Therefore, the condition is necessary to have the Planning Commission review the design since it is not being considered as part of this project.
5. The regulatory environment of land development and base line conditions change frequently as well as thresholds established by the California Environmental Quality Act; therefore this condition is necessary to ensure any project going forward is subject to the most current regulations in order to promote the public health, safety, and welfare in the City of Antioch.
6. The Project is being pursued by a developer and the City's responsibility is to promote orderly development within the City. This condition is necessary to protect the City from the financial and time expenses for defending challenges to land use entitlements or environmental reviews that are financially benefitting the applicant, particularly given the City's own financial challenges.
7. The City is granting approval to construct 60 single family homes and does not want more than one valid approval on the same piece of the property. This condition is preventing City

actions from becoming injurious to the subject property or the surrounding community by granting more than one land use entitlement.

8. The Project takes City time and staff to process development applications through the land use entitlement process. The development of property is at the benefit of the applicant; therefore the condition is necessary to ensure the applicant pays the expenses to process the application rather than having that burden placed on the taxpayers for another's benefit.

9-11. The development of this Project could require construction within the public right-of-way and/or private and public easements. These conditions are necessary to protect private and public property interests, as well as the traveling public, by requiring the applicant to obtain permission prior to entering, accessing, or making modifications to property not owned by the applicant.

12-13. The applicant is proposing having private areas of the development such as the streets, common areas, street lights, the pocket park with water feature, landscaping, open space areas and amenities including storm water control facilities. These private areas will be owned in common and thus will be required to be maintained by a Homeowners Association. These conditions are necessary because the Homeowners Association will be ensuring the health, safety, and welfare of the Project area, which will result in fire safety, security, and a more aesthetic community. The City will need to ensure that the obligations of the HOA are clear through the recorded CC&Rs to ensure the conditions of approval are met.

B. TENTATIVE MAP CONDITIONS

1-6. The City is subject to the State of California Subdivision Map Act and the City's own Subdivision provisions in the Antioch Municipal Code, which set forth conditions of approval to govern the subdivision's design (lots, streets, rights-of-way, drainage, sewer, etc.) and to ensure that a subdivider will properly complete the areas dedicated for public purposes to not become an undue burden upon the taxpayers of the community. The vesting tentative map provides a framework of the design and improvements for the subdivider to propose a project to the approving bodies of the City for consideration as an entitlement action. These conditions are necessary to ensure the subdivider is going to build what the City reviewing bodies considered as part of the project, as well as to ensure the subdivider will construct the required infrastructure in an orderly manner. The conditions are necessary to prevent an undue burden on the City of Antioch because of the Project.

C. CONSTRUCTION CONDITIONS

1-3. The construction of the Project will span approximately one year and will include site preparation, earthmoving, and general construction, which includes the development of buildings, structures, and facilities. Construction activities will produce impacts related to noise, dust, vibrations, and traffic that must be addressed and mitigated. In addition, the City is under a State-wide mandate to divert its waste by 50% and thus the City has adopted an ordinance to reduce construction and demolition debris from going to the landfill. These conditions of approval are necessary to address these impacts from the Pointe Project to ensure the public health, safety, and welfare of the Antioch community are protected and that development in the City occurs in an orderly fashion consistent with the City's General Plan and Municipal Code and to not create temporary or permanent nuisances.

D. SITE AND PROJECT DESIGN CONDITIONS

The Project is proposing to construct 60 single family homes, two open space parcels, two storm water basins, a pocket park with a water feature, and related infrastructure.

1-2. The Project will have impacts associated with mail delivery and the potential construction of second units and in order to promote harmonious development to preserve the health, safety, and welfare of the residents of this Project and the mail carriers, these conditions are necessary.

3. The Project requires extensive grading of the hillside due to the removal 104 vertical feet from the project site, which will have impacts on the final elevations for the overall development and the adjacent properties. It may be necessary for the City to engage professionals to verify the adequacy of the plans in order to preserve the health, safety, and welfare of the residents of this Project, the surrounding neighborhood, and the construction workers, therefore this condition is necessary.

4-12. The Project will be constructing streets and driveways to serve the Project and in order to maintain the health, safety, and welfare of the residents and those that will visit this Project; the streets and driveways need to be adequately designed for safe travel and maneuverability. Therefore these conditions are necessary for the Project.

13-14. The Project is required to construct fences on all rear and side yards. In order to preserve the health, safety, and welfare of the residents of this Project; fencing provides a barrier to pedestrian and vehicular trespassing, provides privacy, and a barrier for children and pets these conditions are necessary.

15. The installation of street lights is required for the project to enhance the health, safety, and welfare of the residents of this Project by providing lighting to increase security of both people and property as well as to provide illumination to see at night; therefore this condition is necessary. The project has two open space parcels, front yards, a pocket park, and storm water basins that will be graded and will require landscaping. These conditions are necessary to promote the health, safety and general welfare of the citizens of the City of Antioch by preserving and enhancing the City's natural environment; to facilitate the creation of a convenient, attractive, and harmonious community; to minimize erosion and disturbed lands through revegetation; to conserve energy by the provision of shade trees over streets, sidewalks, and other paved areas; to reduce the risk of fire by the management of flammable vegetation; to improve the appearance of the built environment; and to encourage the appropriate use of and orderly development of land.

16-17. Street names and addresses are utilized in navigating the proposed Project by the residents, visitors, mail delivery, and emergency responders. The street names may be rejected by the emergency responders due to duplication or other reasons; therefore requiring backup names. Addresses need to be clearly indicated or there may be issues trying to locate the physical address. These conditions of approval are necessary to the health, safety and general welfare of the citizens of the City of Antioch to successfully navigate and locate a physical address.

18. The State mandates any new for-sale housing developments provide a list to buyers of universal accessibility features that would make the home entrance, interior routes of travel, the kitchen, and the bathrooms fully accessible to persons with disabilities. Universal design

provides a safer and easier to use home for persons who are aging or frail, or who have certain temporary or permanent activity limitation or disabilities. The condition is necessary to meet State law and to promote the safety of the residents of the Project.

19-20. To improve accessibility of the development, the Project is required to install a five foot monolithic sidewalk. The sidewalk will promote the harmonious development of the project as well as the health, safety and general welfare by providing an accessible path of travel as well as increase the walkability of the neighborhood.

21. All improvements shall be contained in each lot and the projections of its sidelines will promote harmonious development within the City. By having the improvements contained in each lot, the owner will not have to access the public right-of-way or another person's property for maintenance or to fix an issue on his or her property. This will make maintenance as well as emergency repairs easier and more likely to be accomplished to the benefit of the owner and neighboring properties; therefore this condition is necessary.

22-23. The applicant is not proposing a City standard cul-de-sac, which provides additional parking due to limited street parking on a cul-de-sac because of the design. The applicant is currently not meeting the City's on-street parking requirements; therefore additional parking may have to be provided in the cul-de-sac. If the parking requirements are not met there could be impacts to the health, safety, and welfare of the residents as well as the surrounding neighborhood; therefore these conditions are necessary.

24-25. The Project contains a pocket park and undeveloped areas, which are to be private. Because the areas will be private, it will require ownership and maintenance by a Homeowners' Association. The condition is necessary because the Homeowners' Association will be ensuring the health, safety, and welfare of the Project area, which will result in fire safety and a more aesthetic community.

26-27. The Project will be adding structures to the landscape of the City and those structures should be harmonious and orderly with the surrounding neighborhood as well as aesthetically pleasing. Therefore, these conditions are necessary to have the Planning Commission review the design since it is not part of this project.

28. The Project is proposing a gate, which will have impacts that need to be mitigated through this condition of approval. The gate is required to be at least 20' from the entrance at Country Side Drive, in order to not block any traffic. The gate will be private and maintained by the HOA, which is ensuring the health, safety, and welfare of the Project area, which will result in a more aesthetically pleasing and harmonious community.

29. The proposed pedestrian path has impacts associated with it that cannot be mitigated such as privacy issues with the lots immediately adjacent to the path. These issues will detract from a harmonious and safe development; therefore this condition is necessary.

E. UTILITIES

1. The Project will require electrical, water, sewer, and storm drain facilities. The Antioch Municipal Code requires all utility facilities (including, but not limited to, electric, communication, and cable television lines) which are located on-site or adjacent to the subdivision shall be placed underground. In order to minimize visual clutter utilities should be placed underground or subsurface. This condition is necessary to promote the desirability of the City through the

minimization of visual clutter and to maintain the aesthetics of the City as well as adherence to the Antioch Municipal Code.

2-16. The City of Antioch owns the sewer conveyance lines within the City and also provides water service to residents within the city limits. In order to maintain these lines, the City requires easements as well as the orderly development of public utilities to ensure the lines are installed in an appropriate manner. The City is also required to comply with the California Regional Water Quality Control Board storm water control permit for managing storm water flows. These conditions are necessary to ensure the Pointe Project infrastructure and facilities are constructed in a manner to minimize maintenance, are easily accessible, and will function appropriately. These conditions are also necessary to ensure the public health, safety, and welfare of the residents of the Project as well as to ensure adequate capacity to serve the Project with the existing infrastructure and not compromising the service of the existing users.

F. LANDSCAPING CONDITIONS

1-4. The project has two open space parcels, front yards, a pocket park, and storm water basins that will be graded and will require landscaping. The City has also adopted Citywide Design Guidelines, which sets standards for streetscape design in regards to landscaping. These conditions are necessary to promote the health, safety and general welfare of the citizens of the City of Antioch and adhering to the Design Guidelines by preserving and enhancing the City's natural environment to facilitate the creation of a convenient, attractive, and harmonious community; to minimize erosion and disturbed lands through revegetation; to conserve energy by the provision of shade trees over streets, sidewalks, and other paved areas; to reduce the risk of fire by the management of flammable vegetation; to improve the appearance of the built environment; and to encourage the appropriate use of and orderly development of land.

G. FIRE REQUIREMENTS

1-4. The Contra Costa Fire Protection District provides fire services for the City of Antioch and follows the California Fire Code. The conditions of approval are necessary on the Project to protect the public health and provide for the safety and welfare of life and property from fire and explosion hazards or dangerous conditions in new buildings and existing buildings; structures and premises; and to provide safety and assistance to fire fighters and emergency responders during emergency operations.

H. FEES

1-9. The City of Antioch, the Contra Costa Flood Protection District, and the Antioch Unified School District provide existing infrastructure such as streets, utilities, traffic signals, schools, public right-of-way, parks, flood mitigation improvements, parks, and police services. The fees required by the conditions of approval serve two functions: 1) the funds will provide mitigation for the project's fair share impact and the Project's responsibility of costs for the existing infrastructure due to the increase in population and 2) to mitigate the costs of additional infrastructure and maintenance necessary due to the impact of the Project. The conditions of approval are necessary to mitigate impacts to public infrastructure from deterioration as well as provide additional infrastructure to serve the additional population.

I. MODEL HOMES

1-3. Applicants will construct model homes to provide customers with a sample of the product, which assists with the sale of their housing products. The models homes are a temporary commercial use, so special consideration must be given through the conditions of approval. The conditions are necessary to ensure the models will not adversely affect the character of the surrounding residential neighborhoods or to create a public nuisance.

J. GRADING

1-21. The project requires extensive grading of the hillside due to the removal 104 vertical feet from the project site, which will have impacts on the final elevations for the overall development and the adjacent properties. These final elevations of the project site are important to drainage, sewer installation, roadway slopes, lot design, promoting harmonious design, and retaining wall height. These conditions are necessary to ensure public health, safety, and welfare because the grading has to be designed and approved by a licensed geotechnical engineer. The licensed geotechnical engineer is responsible for the development of a plan detailing the site conditions, design, and construction recommendations based on specific information on subsurface soil, rock, and water conditions. The impacts of the grading will be mitigated by the conditions of approval to ensure slope stability, appropriately functioning utilities, and the development will be in accordance with the surrounding properties.

K. CONSERVATION/NPDES

1. The Project is proposing to create 60 homes, open spaces, two storm water basins, and a park all with landscaping. The condition of approval pertaining to water conservation measures is necessary to reduce the amount of water used since water is a finite resource and to protect aquatic resources. The condition of approval protects the general welfare of the State to use water resources efficiently and to not waste water.

2a-o. The Project is proposing to create impervious surface as well as engage in land disturbing construction activities which will lead to increase storm water runoff. The City is under Federal and State mandate to control water pollution by regulating point sources that discharge into local water bodies. Point sources are discrete conveyances such as pipes or man-made ditches. The Project is proposing two storm water control basins and a variety of conveyances to handle the storm water from the development. These conditions of approval are necessary to address these impacts from the Pointe Project to ensure the public health, safety, and welfare of the Antioch community is protected by control point source pollutants.

L. FINAL IS/MND AND MITIGATION MONITORING AND REPORTING PROGRAM

1. As required by the State of California, through the California Environmental Quality Act, an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared for the Pointe Project. The impacts of the Project were identified to produce significant environmental impacts without mitigations. With the implementation of the mitigation measures, it reduces the project's impact to a less-than-significant level. The condition of approval is necessary to ensure the project complies with all mitigation measures so the Project does not create a significant environmental impact. The mitigation measures will ensure provision of a high quality environment with acknowledgement of the relationship to the

general welfare of the people of the State. The capacity of the environment is limited and CEQA maintains thresholds for the health and safety of the people and take necessary action to prevent such thresholds from being reached. Lastly, the environmental document is to regulate activities which affect the quality of the environment so that major consideration is given to preventing environmental damage, while providing a decent home and satisfying living environment.

M. RESIDENTIAL DEVELOPMENT ALLOCATIONS

1. The Project was awarded 60 Residential Development Allocations in 2008 by the City Council. The purpose of the Residential Development Allocations process was to implement the General Plan, to regulate growth, to ensure the City's infrastructure kept pace with development, to ensure the City met its Regional Housing Needs Allocation, and to encourage reinvestment in older neighborhoods. This condition of approval is necessary to reiterate the 2008/11 conditions of approval are still applicable to fulfill the purpose of the Residential Development Allocation process; however the regulatory environment has changed since the allocation approval. Therefore the City is providing an option to the applicant to pursue another means of paying their fair share of Project impacts through the yet to be established development impact fees.

ATTACHMENTS

- A: Resolution Recommending Adoption the IS/MND and MMRP
- B: Actions to Recommend Approval of the Project to the City Council:
 - 1. Resolution Recommending Approval of the General Plan Amendments
 - 2. Resolution Recommending Approval of the Initiation of a Rezone from HPD to PD
 - 3. Resolution Recommending Approval of the Final Development Plan, Vesting Tentative Map, and Use Permit
- C: Actions to Recommend Denial of the Project to the City Council:
 - 1. Resolution Recommending Denial of the General Plan Amendments
 - 2. Resolution Recommending Denial of the Initiation of a Rezone from HPD to PD
 - 3. Resolution Recommending Denial of the Final Development Plan, Vesting Tentative Map, and Use Permit
- D: Aerial Photograph
- E: Staff Report and Minutes from the November 22, 2005 City Council Hearing
- F: Staff Report and Minutes from the February 21, 2007 Planning Commission Hearing on the Preliminary Development Plan for the Pointe
- G: Staff Report and Minutes from the June 12, 2007 City Council Hearing on the Preliminary Development Plan for the Pointe
- H: RDAC Score Sheet
- I: Staff Report from the August 20, 2007 Residential Development Allocation Committee Hearing
- J: Staff Report and Minutes from the September 17, 2007 Planning Commission Hearing on Residential Development Allocations
- K: Staff Report and Minutes from the January 22, 2008 City Council Hearing on Residential Development Allocations
- L: Excerpt from the General Plan for Low Density Residential
- M: Excerpt from the General Plan for the Somersville Road Corridor Focus Area
- N: Excerpt from the General Plan for the Hillside Planned Design Policies
- O: Chevron Property Location Map
- P: Excerpt from the General Plan for Residential Land Use Designations

Q: Excerpt from the General Plan for Open Space Policies
R: Article 24 – Hillside Planned Development District
S: Basin Locations
T: Opposition Letters

ATTACHMENT "A"

RESOLUTION NO. 2013/**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH RECOMMENDING ADOPTION TO THE CITY COUNCIL OF A FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE POINTE PROJECT

WHEREAS, the City of Antioch did receive a request from Discovery Builders to construct 60 single family homes, two open space parcels, two storm water basins, and a pocket park with a water feature, which also includes associated infrastructure improvements on an approximately 21 acre property, dated January 29, 2007, January 15, 2008, April 2, 2008, December 21, 2010, August 30, 2013, and October 17, 2013 and incorporated by reference. The project includes General Plan amendments from Low Density Residential to inclusion within the Somersville Road Corridor Focus Area and the addition of language to the General Plan waiving the requirements of the hillside development policies, a rezone from Hillside Planned Development District to Planned Development District, a Final Development Plan, Vesting Tentative Map, and a Use Permit. The project is generally located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-010) (the "Project").

WHEREAS, on October 25, 2005 and November 22, 2005, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved a re-designation of the subject parcel from "Open Space" to "Owner/Developer Remainder Parcel"; and

WHEREAS, on February 21, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan for the Project; and

WHEREAS, on May 8, 2007 and June 12, 2007, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on August 20, 2007, the Residential Development Allocation Committee duly held a public hearing, received and considered evidence, both oral and documentary, and based on a satisfactory score of 308.8 recommended approval of 60 residential development allocations; and

WHEREAS, on September 17, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and recommended denial to the City Council of the 60 residential development allocations; and

WHEREAS, on January 22, 2008, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved 60 residential development allocations; and

WHEREAS, the City prepared an Initial Study to evaluate the potential environmental impacts of the Pointe Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

WHEREAS, a draft Initial Study and Mitigated Negative Declaration ("IS/MND") was circulated for a 20-day review period, with the public review period commencing on October 8, 2013 and ending on October 28, 2013; and

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November 6, 2013

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

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

WHEREAS, on November 6, 2013, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary and recommended adoption to the City Council of the Final IS/MND and MMRP; and

WHEREAS, the custodian of the Final IS/MND is the Community Development Department and the Final IS/MND is available for public review on the second floor of City Hall in the Community Development Department, Monday – Thursday 8:00 am – 11:30 am and the MMRP is attached as Exhibit 1 to this document.

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. The City of Antioch exercised overall control and direction over the CEQA review for the Project, including the preparation of the Final Initial Study and Mitigated Negative Declaration, and independently reviewed the Final Initial Study and Mitigated Negative Declaration; and
 - b. There is no substantial evidence that the Project will have a significant effect on the environment once mitigation measures have been followed and assuming approval of the General Plan and Zoning Ordinance amendments; and
 - c. The Final 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 Planning Commission of the City of Antioch at a regular meeting thereof held on the 6th day of November, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

TINA WEHRMEISTER,
Secretary to the Planning
Commission

ATTACHMENT "B"

RESOLUTION NO. 2013/**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH RECOMMENDING TO THE CITY COUNCIL APPROVAL OF GENERAL PLAN AMENDMENTS FOR THE POINTE PROJECT

WHEREAS, the City of Antioch did receive a request from Discovery Builders to construct 60 single family homes, two open space parcels, two storm water basins, and a pocket park with a water feature, which also includes associated infrastructure improvements on an approximately 21 acre property, dated January 29, 2007, January 15, 2008, April 2, 2008, December 21, 2010, August 30, 2013, and October 17, 2013 and incorporated by reference. The project includes General Plan amendments from Low Density Residential to inclusion within the Somersville Road Corridor Focus Area and the addition of language to the General Plan waiving the requirements of the hillside development policies, a rezone from Hillside Planned Development District to Planned Development District, a Final Development Plan, Vesting Tentative Map, and a Use Permit. The project is generally located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-010) (the "Project").

WHEREAS, on October 25, 2005 and November 22, 2005, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved a re-designation of the subject parcel from "Open Space" to "Owner/Developer Remainder Parcel"; and

WHEREAS, on February 21, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan on the Project; and

WHEREAS, on May 8, 2007 and June 12, 2007, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on August 20, 2007, the Residential Development Allocation Committee duly held a public hearing, received and considered evidence, both oral and documentary, and based on a satisfactory score of 308.8 recommended approval of 60 residential development allocations; and

WHEREAS, on September 17, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and recommended denial to the City Council of the 60 residential development allocations; and

WHEREAS, on January 22, 2008, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved 60 residential development allocations; and

WHEREAS, the City prepared an Initial Study, which included amendments to the General Plan, to evaluate the potential environmental impacts of the Pointe Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

WHEREAS, the Planning Commission has recommended to the City Council to approve and adopt the Final IS/MND; and

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WHEREAS, Section 65358 of the California Government Code provides for the amendment of all or part of an adopted General Plan; and

WHEREAS, the primary purpose of the General Plan amendments is to ensure consistency between the City of Antioch General Plan and the Pointe Project. The GPAs as described in Exhibit A, would revise several sections of the Land Use Element of the General Plan, which would include amendments to: the map in Figure 4.3; additional language in Section 4.4.6.2.b, which would provide the City Council with the ability waive the requirements of Sections 4.4.1.1, 5.4.14, and 10.3.2; and add language to Section 4.4.6.2 to reflect the appropriate land use of the project.

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

WHEREAS, on November 6, 2013, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

NOW, THEREFORE BE IT RESOLVED, that based on the oral and written record and the findings established in this resolution, the recommended adoption of the Final IS/MND and MMRP to the City Council, the Planning Commission hereby recommends to the City Council adoption of the amendments shown to the General Plan in Exhibit A pursuant to the following findings:

- a. The project is considered infill development and is substantially surrounded by the adjacent Black Diamond Ranch project, a 286-single family detached subdivision and the entitled Sky Ranch II project, a 415-single family detached subdivision within the City of Pittsburg.
- b. The estate/executive housing will help to fulfill the commercial and tax revenue generating goals of the Somersville Road Corridor Focus Area by providing an additional population with disposable income.
- c. The estate/executive housing will provide a housing type that has not been readily developed within Antioch and will further the General Plan's goals of providing more of a job and housing balance by encouraging businesses to locate in Antioch by providing executives with a desirable housing type.
- d. The General Plan Amendments provide for the continuing internal consistency between each of the General Plan's elements, as required by Government Code Section 65300.5.
- e. As required by Government Code Section 65358(a), the proposed General Plan Amendments are in the public interest of the people of the City of Antioch.

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* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 6th day of November, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

TINA WEHRMEISTER,
Secretary to the Planning
Commission

EXHIBIT A

4.4.6.2 Somersville Road Corridor. This Focus Area encompasses the commercial areas along Somersville Road from SR-4 north to Fourth Street, as well as the commercial areas south of the freeway, up to and including the Chevron property. The General Plan intends that existing auto dealerships be retained and revitalized along Somersville Road. If the existing dealers ultimately decide to relocate from Somersville Road, the City should work with the dealers to secure alternative locations within the City of Antioch. Potential alternative locations include the Regional Commercial area within the East Lone Tree Specific Plan Focus Area and between SR 4 and the railroad in the Hillcrest Station Area.

a. Purpose and Issues. The Somersville Road corridor is one of Antioch's primary sales tax generators, encompassing automobile dealerships, the Somersville Towne Center mall, and other retail businesses. Uses along this corridor are aging, and in need of improvement. In addition, the Somersville Road interchange is heavily congested. Interchange capacity will be increased as part of improvements for SR-4. Interchange improvements could impact adjacent existing hotel uses.

- Automobile dealerships exist along Somersville Road. The City has worked in the past to improve the design of Somersville Road, and to assist existing dealerships to modernize their facilities. Relocating the dealerships to another location within Antioch could reduce the amount of land available for industrial use, and may or may not be desirable for the dealerships. The dealerships have generated a customer base in their present location, though they do not have freeway visibility.
- South of the freeway is Somersville Towne Center, formerly known as County East Mall. The center was an open air complex, and was enclosed in the 1970s. The mall has not provided the level of retailers, mix of uses (e.g., restaurants), or design interest that could be supported by the community. In addition, vehicular access to the mall from Somersville Road is difficult due to limited parking. Pedestrian entry along the easterly side of the mall is awkward due to the presence of commercial uses with access directly from the parking lot.

There have been discussions in the past regarding adding another anchor tenant. However, the present design of the mall, with a series of tenants having their entries open to the parking lot along Somersville Road, limits simple design solutions. As a result, there have been suggestions that the mall be revitalized as a mixed-use specialty retail, entertainment, office, and residential project.

- The Focus Area's commercial uses are auto-oriented, and its general character is that of a typical older suburban community. Improvements to signage, streetscapes, and building façades are needed throughout the developed portion of this Focus Area, along with improved pedestrian linkages in the mall area.
- At the southern end of this Focus Area is the Chevron property, which is a 193-acre relatively flat, vacant parcel south of Buchanan Road. It is an unincorporated island surrounded by the cities of Antioch and Pittsburg, and is within Antioch's sphere of influence. The site has been extensively disturbed as the result of its previous use as an oil storage facility. With the extension of James Donlon Road, the Chevron property will become an important gateway into west Antioch.

b. Policy Direction. Efforts should be continued to keep existing automobile dealerships in their present locations, and to upgrade their facilities. Somersville Towne Center should be improved and expanded into a cohesive mixed-use retail, retail, entertainment, and residential center. Pedestrian and other urban design improvements need to be provided to increase linkages between the mall and adjacent uses. Special effort should be undertaken to improve access to the mall site from Somersville Road, and to improve the distribution of parking around the mall.

The following policies apply to the Somersville Road Corridor Focus Area.

- a. Areas designated "*Commercial*" on Figure 4.3 shall comply with the provisions of the Somersville Road Commercial land use category (see Table 4.A).
- b. Areas designated "*Regional Commercial*" on Figure 4.3 shall comply with the provisions of the Regional Commercial land use category (see Table 4.A).

c. Areas designated "High Density Residential" in Figure 4.3 shall comply with the provisions of the High Density Residential land use category (see Table 4.A).

e.d. Areas designated "Residential" in Figure 4.3 shall consist of single family homes and the design shall be determined through the Planned Development process with approval by the City Council.

Expansion of Somersville Towne Center is encouraged, including new and expanded retail, particularly addition of new anchor tenants (department stores), higher end specialty retail, and sit-down restaurants. As shown in Figure 4.3, the General Plan permits expansion of the mall to the west. Expansion of the mall could also occur vertically by adding a second story of shops. Also permitted is the conversion of the existing mall into a mixed-use commercial, office, and residential complex. Revitalization of the mall into a mixed use concept could occur alongside expansion of the existing mall itself through development of multi-story office buildings, either free-standing or attached to the mall.

d.e. In cooperation with the City of Pittsburg, work to extend Century Boulevard to Buchanan Road as a two-lane arterial, with a connection to Los Medanos College.

e.f. The development of the "Chevron property," located on the west side of Somersville Road, south of Buchanan Road, shall comply with the following provisions.

- The primary land use intent for this site is a mix of low-rise business park and medium density residential housing products.

For illustrative purposes, Figure 4.3 shows the property divided into business park and residential portions. The specific development design of the site shall be determined through approval of a planned development for the site. A minimum of 40 percent of the site is to be devoted to business park and related commercial and open space uses.

- Business Park and related commercial uses shall front along the entire length of Somersville. Although it would be desirable to have business park and related commercial uses fronting along Buchanan Road at least as far west as the flood control channel, residential uses may front along Buchanan Road. The Business Park areas shall comply with the provisions of the Business Park land use category.
- Development of the site should be heavily landscaped. Business park and related commercial uses should be one or two stories, and clustered in a park-like setting.
- A common design theme for business park and residential uses within the 193-acre site is to be provided, including compatible architectural, landscaping, and signage.
- Residential uses within the Chevron site may consist of a combination of small lot single family detached and multi-family development, and shall be consistent with the provisions of the Medium Density Residential land use category.
- Adequate separation shall be maintained between new office and multi-family uses and existing residential neighborhoods. If parking areas are located along the residential edge, sufficient noise mitigation shall be provided.
- As part of site development, a community gateway monument shall be provided, including distinctive signage and landscaping at the northwest corner of the site, expressing the theme of Antioch as "Gateway to the Delta." Such signage and monumentation must portray a high quality design image for the City.
- The City should work with the owner of the Chevron property to annex it into Antioch.

f.g. An urban design plan should be prepared for the entire Somersville Road Corridor. The design plan should define a design theme; set specific architectural, sign, landscape, and streetscape design standards for the corridor; and select specific designs for public improvements such as street lighting, special paving sections at intersections, and street furniture.

h. A façade improvement program should also be undertaken for existing commercial uses within this Focus Area, with assistance from the Antioch Redevelopment Agency.

g-i. In order to provide continued support to sales tax generating uses, properties designated residential with the Focus Area will be allowed to maximize development density through the Planned Development process contained within the Zoning Ordinance. As such, the requirements of Sections 4.4.1.1, 5.4.14, and 10.3.2 if applicable, of the General Plan shall be waived if it is shown that development conditions will be safe and in harmony with surrounding development patterns and uses.

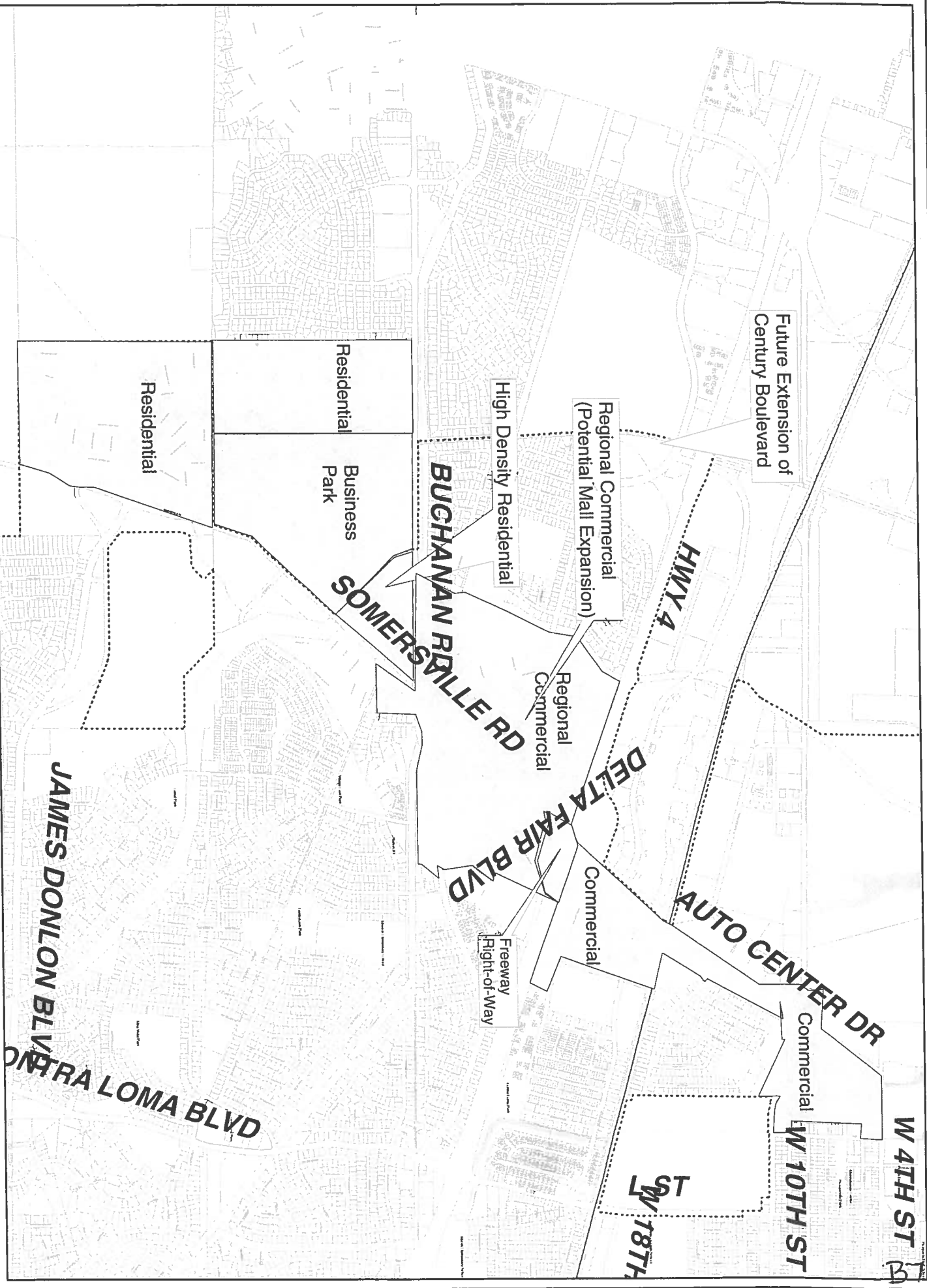


Figure 4.3

RESOLUTION NO. 2013/**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH INITIATING AMENDMENTS TO TITLE 9 OF THE ANTIOCH MUNICIPAL CODE "PLANNING AND ZONING" AND RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE REZONING APPROXIMATELY 21 ACRES COMPRISING THE POINTE PROJECT FROM HILLSIDE PLANNED DEVELOPMENT (HPD) TO PLANNED DEVELOPMENT (PD)

WHEREAS, the City of Antioch did receive a request from Discovery Builders to construct 60 single family homes, two open space parcels, two storm water basins, and a pocket park with a water feature, which also includes associated infrastructure improvements on an approximately 21 acre property, dated January 29, 2007, January 15, 2008, April 2, 2008, December 21, 2010, August 30, 2013, and October 17, 2013 and incorporated by reference. The project includes General Plan amendments from Low Density Residential to inclusion within the Somersville Road Corridor Focus Area and the addition of language to the General Plan waiving the requirements of the hillside development policies, a rezone from Hillside Planned Development District to Planned Development District, a Final Development Plan, Vesting Tentative Map, and a Use Permit. The project is generally located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-010) (the "Project").

WHEREAS, on October 25, 2005 and November 22, 2005, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved a re-designation of the subject parcel from "Open Space" to "Owner/Developer Remainder Parcel"; and

WHEREAS, on February 21, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on May 8, 2007 and June 12, 2007, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on August 20, 2007, the Residential Development Allocation Committee duly held a public hearing, received and considered evidence, both oral and documentary, and based on a satisfactory score of 308.8 recommended approval of 60 residential development allocations; and

WHEREAS, on September 17, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and recommended denial to the City Council of the 60 residential development allocations; and

WHEREAS, on January 22, 2008, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved 60 residential development allocations; and

WHEREAS, the City prepared an Initial Study, which included amendments to the General Plan, to evaluate the potential environmental impacts of the Pointe Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

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

WHEREAS, on November 6, 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 has recommended to the City Council to approve and adopt the Final IS/MND; and

WHEREAS, the Planning Commission has recommended to the City Council to implement General Plan Section 4.4.6.2b which provides City with the option to waive the requirements of Sections 4.4.1.1, 5.4.14, and 10.3.2 if the project can be shown that development conditions will be safe and in harmony with the surrounding development patterns and uses; and

WHEREAS, the Planning Commission has recommended to the City to approve the amendments to the General Plan; and

NOW, THEREFORE BE IT RESOLVED, based on the oral and written record; the recommendation of adoption of the Final IS/MND and MMRP; and recommendation of the General Plan amendments to the City Council, the Planning Commission makes the following findings:

- a. The Final IS/MND and MMRP determined the Project will have a less-than-significant impact to the environment.
- b. The project is considered infill development and is substantially surrounded by the adjacent Black Diamond Ranch project, a 286-single family detached subdivision and the entitled Sky Ranch II project, a 415-single family detached subdivision within the City of Pittsburg.
- c. The Project is similar in nature to the surrounding development and consists of the same uses therefore the project is not detrimental to the surrounding properties.
- d. The estate/executive housing will help to fulfill the commercial and tax revenue generating goals of the Somersville Road Corridor Focus Area by providing an additional population with disposable income.
- e. The estate/executive housing will provide a housing type that has not been readily developed within Antioch and will further the General Plan's goals of providing more of a jobs and housing balance by encouraging businesses to locate in Antioch by providing executives with a desirable housing type.
- f. The rezone is in conformance with the City of Antioch General Plan.

BE IT FURTHER RESOLVED, the Planning Commission hereby recommends to the City Council initiation of an amendment to Title 9 of the Antioch Municipal Code "Planning and Zoning" and recommending adoption of the ordinance to rezone approximately 21 acres, known

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as the Pointe Project, from Hillside Planned Development (HPD) to Planned Development (PD), generally located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-010).

* * * * *

I **HEREBY CERTIFY** that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 6th day of November, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

TINA WEHRMEISTER,
Secretary to the Planning
Commission

ORDINANCE NO.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH APPROVING
A REZONING OF APPROXIMATELY 21 ACRES REFERRED TO AS THE POINTE PROJECT
FROM HILLSIDE PLANNED DEVELOPMENT (HPD) TO PLANNED DEVELOPMENT (PD)**

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

SECTION 1. Findings. The Antioch City Council hereby finds, determines and declares as follows:

A. The City of Antioch holds the right to make and enforce all laws and regulations not in conflict with general laws, and the City holds all rights and powers established by state law.

B. The Planning Commission conducted a duly noticed public hearing on November 6, 2013 at which it adopted a resolution to initiate and recommend approval to the City Council of this ordinance regarding rezoning approximately 21 acres from Hillside Planned Development (HPD) to Planned Development (PD). The City Council held a duly noticed public hearing on _____ at which all interested persons were allowed to address the Council regarding adoption of this ordinance.

C. The City prepared an IS/MND and MMRP to evaluate the potential environmental impacts of the Pointe Project, including this Ordinance, in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"). The City Council deemed the Final IS/MND to be adequate on _____.

D. The Final IS/MND and MMRP determined the project would have a less-than-significant impact on the environment.

E. The City Council implemented General Plan Section 4.4.6.2b which provides City with the option to waive the requirements of General Plan Sections 4.4.1.1, 5.4.14, and 10.3.2 if the project can be shown that development conditions will be safe and in harmony with the surrounding development patterns and uses. The rezone is in conformance with the City of Antioch General Plan.

F. The project is considered infill development and is substantially surrounded by the adjacent Black Diamond Ranch project, a 286-single family detached subdivision and the entitled Sky Ranch II project, a 415-single family detached subdivision within the City of Pittsburg.

G. The Project is similar in nature to the surrounding development and consists of the same uses therefore the project is not detrimental to the surrounding properties.

H. The estate/executive housing will help to fulfill the commercial and tax revenue generating goals of the Somersville Road Corridor Focus Area by providing an additional population with disposable income.

I. The estate/executive housing will provide a housing type that has not been readily developed within Antioch and will further the General Plan's goals of providing more of

jobs and housing balance by encouraging businesses to locate in Antioch by providing executives with a desirable housing type.

SECTION 2. The real property described in Exhibit A, attached hereto, is hereby rezoned from Hillside Planned Development District (HPD) to Planned Development (PD) and the zoning map is hereby amended accordingly. 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 3. The permitted uses shall be those proposed: 60 single-family homes, a pocket park with a water feature, open space, two storm water basins, and other associated infrastructure improvements as shown on the Vesting Tentative Map date stamped October 17, 2013.

SECTION 4. Development Standards for the Pointe Planned Development District:

Standard	Required for Project
Minimum Lot Size	Lots 1 – 51 and 60: 10,000 sq. ft. 52-59: 6,000 sq. ft.
Minimum Lot Width	Per the vesting tentative map date stamped on October 17, 2013.
Maximum Lot Coverage	40%
Front/Street Side Yard Minimum (shall be reserved for landscaping)	Front: 20 ft setback from the right of way to the face of garage door, or 15 feet to a side entry garage (e.g. accessed by a swing driveway). The front yard dimensions shall be varied by increasing the front yard setback by up to 25 ft. and staggering the varied setbacks. Side: 15 ft setback for the primary structure from the right of way line. Approved architectural elements may encroach 2 ft.
Side Yard – Interior	5 ft. with 4 ft of flat useable area with 25% of the lots having a 10 foot side setback on one side. The 10 feet must remain as unrestricted open area.
Minimum Rear Yard	15 ft minimum of flat usable space and a 20 ft. setback from the rear property line. A single story portion of the main structure shall be allowed 10 ft from the property line provided the width of that portion of the main structure does not exceed 50% of the buildable width of the lot. Approved architectural elements may encroach 2 ft.
Maximum Building Height	35 ft.
Parking	2 spaces per unit in a garage, plus one guest parking space on the street within close proximity to the unit served.
Driveways/Drive Aisles	Per the vesting tentative map date stamped on October 17, 2013.
Roadways	Per the vesting tentative map date stamped on October 17, 2013.
Landscape Requirements	Summit Way – 10 ft landscape median. Parcels A and B.

Architectural Requirements	As approved by the Planning Commission (PC). Any substantial deviations from approved architectural plans will require review and approval by PC.
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SECTION 5. Publication; Effective Date.

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 ____ day of _____ and passed and adopted at a regular meeting thereof, held on the ____ day of _____, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Mayor of the City of Antioch

ATTEST:

City Clerk of the City of Antioch

Exhibit A
LEGAL DESCRIPTION

RESOLUTION NO. 2013/**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING APPROVAL TO THE CITY COUNCIL OF A FINAL PLANNED
DEVELOPMENT, VESTING TENTATIVE MAP, AND A USE PERMIT FOR 60 SINGLE-
FAMILY HOMES, TWO OPEN SPACE PARCELS, AND A POCKET PARK**

WHEREAS, the City of Antioch did receive a request from Discovery Builders to construct 60 single family homes, two open space parcels, two storm water basins, and a pocket park with a water feature, which also includes associated infrastructure improvements on an approximately 21 acre property, dated January 29, 2007, January 15, 2008, April 2, 2008, December 21, 2010, August 30, 2013, and October 17, 2013 and incorporated by reference. The project includes General Plan amendments from Low Density Residential to inclusion within the Somersville Road Corridor Focus Area and the addition of language to the General Plan waiving the requirements of the hillside development policies, a rezone from Hillside Planned Development District to Planned Development District, a Final Development Plan, Vesting Tentative Map, and a Use Permit. The project is generally located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-010) (the "Project").

WHEREAS, on October 25, 2005 and November 22, 2005, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved a re-designation of the subject parcel from "Open Space" to "Owner/Developer Remainder Parcel"; and

WHEREAS, on February 21, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on May 8, 2007 and June 12, 2007, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on August 20, 2007, the Residential Development Allocation Committee duly held a public hearing, received and considered evidence, both oral and documentary, and based on a satisfactory score of 308.8 recommended approval of 60 residential development allocations; and

WHEREAS, on September 17, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and recommended denial to the City Council of the 60 residential development allocations; and

WHEREAS, on January 22, 2008, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved 60 residential development allocations; and

WHEREAS, the City prepared an Initial Study, which included amendments to the General Plan, to evaluate the potential environmental impacts of the Pointe Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

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

WHEREAS, on November 6, 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 has recommended to the City Council to approve and adopt the Final IS/MND; and

WHEREAS, the Planning Commission has recommended to the City Council to approve the amendments to the General Plan; and

WHEREAS, the Planning Commission has recommended to the City Council to implement General Plan Section 4.4.6.2b which provides City with the option to waive the requirements of Sections 4.4.1.1, 5.4.14, and 10.3.2; and

WHEREAS, the Planning Commission has initiated an amendment to Title 9 of the Antioch Municipal Code "Planning and Zoning" and made a recommendation to the City Council to approve an ordinance to rezone the subject parcel from Hillside Planned Development District (HPD) to Planned Development District (PD); and

NOW THEREFORE BE IT RESOLVED, that the Planning Commission does hereby make the following required findings for approval of a Final Development Plan:

FINDING 1: Each individual unit of the development can exist as an independent unit capable of creating an environment of sustained desirability and stability, and the uses proposed 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.

EVIDENCE: The Project is located within an area designated for residential development in the General Plan. After approval of the General Plan amendments and the rezone, the project is consistent with the policies of both the General Plan and zoning code. Each unit within the subdivision can exist independently. The project site is surrounded by existing, developing, and entitled residential lands therefore the project will not be detrimental to the surrounding uses, rather it will further the commercial and tax revenue generating goals of the Somersville Road Corridor Focus Area by providing an additional population with disposable income. The estate/executive housing product type will also help further the goals of the General Plan by offering a desirable product to executives, therefore decreasing the disparity in jobs and housing balance.

FINDING 2: The streets and thoroughfares proposed meet the standards of the City's Growth Management Program and adequate utility service can be supplied to all phases of the development.

EVIDENCE: The City commissioned PHA Transportation Consultants to prepare a traffic study to estimate and evaluate the amount of traffic that may be generated by the Pointe Project. A copy of the report is included in the Appendices to the Pointe Final IS/MND. The report evaluated the most recent traffic data and projections for the project area and the region, and found that the project satisfies the standards of the City's Growth Management Program

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and meets current design criteria. Adequate utility service, including electricity, water, and sewer service can be supplied to all phases of development by existing utility service providers.

FINDING 3: The commercial components of the Project are justified economically at the location proposed.

EVIDENCE: No commercial components are proposed.

FINDING 4: Any residential component will be in harmony with the character of the surrounding neighborhood and community and will result in densities no higher than that permitted by the General Plan.

EVIDENCE: The proposed residential subdivision will continue the residential uses and will be similar in character of the surrounding neighborhood. The approval of the General Plan amendment and rezone will result in densities no higher than permitted by the General Plan.

FINDING 5: 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.

EVIDENCE: There are no industrial components to the Pointe Project.

FINDING 6: Any deviation from the standard zoning requirements is warranted by the design and additional amenities incorporated in the final development plan which offers certain unusual redeeming features to compensate for any deviations that may be permitted.

EVIDENCE: The rezoning of the property from Hillside Planned Development to Planned Development allows for flexibility of the project's design. The project is located on an area with slopes steeper than 25%, which make it difficult to develop. The estate/executive housing could be considered a community amenity because the product type not readily available or commonly built in the City; therefore the project will be offering a wider variety of housing than currently exists and attempting to equal the jobs and housing balance.

FINDING 7: The area surrounding the Project can be planned and zoned in coordination and substantial compatibility with the proposed development.

EVIDENCE: The area surrounding the Project is already developed with homes or has been entitled by the City of Pittsburg.

FINDING 8: The project conforms with the General Plan of the City.

EVIDENCE: The approval of the General Plan amendments will result in a project that conforms with the General Plan.

BE IT FURTHER RESOLVED that the Planning Commission does hereby make the following findings for approval of a Vesting Tentative Map:

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FINDING 1: That the subdivision, design and improvements are consistent with the General Plan, as required by Section 66473.5 of the Subdivision Map Act and the City's Subdivision Regulations.

EVIDENCE: The subdivision proposed by the Vesting Tentative Map is consistent with the Antioch General Plan after approval of the GPAs. The General Plan now designates this parcel as Residential with the Somersville Road Corridor Focus Area, which allows for low density single family residential. Therefore, the subdivision proposed by the Vesting Tentative Map is consistent with the General Plan.

FINDING 2: That the subdivision complies with the Housing Element as it relates to the regional needs and complies with Section 66412.3 of the Subdivision Map Act.

EVIDENCE: The Planning Commission has considered the potential effect of the subdivision proposed by the Vesting Tentative Map on the housing needs of the City and the region, and finds that the subdivision will promote the City's goal of achieving a greater balance between residential and employment-generating uses within the City because the project will be providing estate/executive homes, which will provide a place for executives to locate and in turn bring in businesses. The increase in business will promote the City's goal of achieving a greater balance by providing a catalyst for commercial and employment generating uses to locate in the City of Antioch. Furthermore it will fulfill the need of above moderate income Regional Housing Needs Assessment, which the City has 1,046 allocations for 2007-2014. The project also complies with Section 66412.3 of the Subdivision Map Act.

FINDING 3: That the subdivision proposed by the Vesting Tentative Map has, to the maximum extent feasible, considered and provided opportunities for future passive or natural heating or cooling of the structures within the subdivision, as required by Government Code §66473.1.

EVIDENCE: The subdivision design provides for future passive or natural heating or cooling opportunities to the extent feasible in light of the need to accommodate physical, infrastructure and topography of the site, as well as CEQA mitigation measures and design features. The majority of the site contains slopes in excess of 25% and is surrounded on all four sides by other developed or entitled projects, which limits the design capabilities. The project will meet or exceed the energy efficient requirements and will have conservation features included and available to the public to purchase as upgrades.

FINDING 4: That the subdivision proposed by the Tentative Map complies with the rules, regulations, standards, and criteria of the City's Subdivision Regulations.

EVIDENCE: The subdivision proposed by the Vesting Tentative Map complies with the rules, regulations, standards, and criteria of the City's Subdivision Regulations as conditioned.

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

FINDING 1: Granting the use permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

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EVIDENCE: The project will create a 60 lot residential subdivision. The project site is located in the Somersville Road Corridor Focus Area, and is designated for residential and open space uses. The surrounding neighborhood is single family residential similar in nature to the project. After approval of the General Plan Amendments and the rezone, the development proposed by the project is consistent with the uses permitted under the General Plan and the proposed zoning for the project site.

FINDING 2: That the use applied for at the location indicated is properly one for which a use permit is authorized.

EVIDENCE: The General Plan designates the area encompassing the project site as Residential within the Somersville Road Corridor Focus Area which allows low and medium low density residential and open space uses as proposed.

FINDING 3: The project site is adequate in size and shape to accommodate its proposed uses, and all yard spaces, walls, fences, parking, loading, landscaping, and other features required, without interfering with other uses in the neighborhood.

EVIDENCE: The project is designed to comply with the zoning development standards that were established for the Planned Development (PD) District specifically for this project. The zoning accommodates yard spaces, walls, fences, parking, landscaping and other features without interfering with other uses in the neighborhood.

FINDING 4: The streets and highways that abut the project site are adequate in width and pavement type to carry the kind of traffic generated by proposed use.

EVIDENCE: The City commissioned Fehr and Peers to prepare a traffic study to estimate and evaluate the amount of traffic that may be generated by the Pointe Project. The traffic study concluded that the road improvements either proposed by the developer or required by the City are adequate in width and pavement type to carry the kind of traffic that will be generated by the project.

FINDING 5: The granting of such use permit will not adversely affect the comprehensive General Plan.

EVIDENCE: The Pointe Project is consistent with the General Plan designation for the project area, which is Residential in the Somersville Road Corridor Focus Area and will not adversely affect the comprehensive General Plan.

BE IT FURTHER RESOLVED that the Planning Commission, after reviewing the staff report and considering testimony offered, does hereby recommend to the City Council APPROVAL of the Final Development, Vesting Tentative Map, and Use Permit (PD-08-01, PW 608, and UP-08-01) to construct 60 single-family homes including associated infrastructure improvements, an approximately 10,000 s.f. pocket park and two open space parcels, subject to the following conditions:

A. GENERAL CONDITIONS

1. The City of Antioch Municipal Code shall be complied with.
2. Conditions required by the Planning Commission (and the City Council if applicable), which call for a modification or any change to the site plan shall be submitted, and shall 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 City Council if applicable) and the standards of the City.
3. City staff shall inspect the site for compliance with conditions of approval prior to final inspection approval.
4. Design review approval is required prior to development of any phase of the subdivision.
5. That this approval expires two years from the date of approval (Expires November 6, 2015), 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.
6. The applicant shall defend, indemnify, and hold harmless the City in any action brought by a third party to challenge the land use entitlement or environmental review. In addition, if there is any referendum or other election action to contest or overturn these approvals, the applicant shall either withdraw the application or pay all City costs for such an election.
7. This approval supersedes previous approvals that have been granted for this site.
8. No permits or approvals, whether discretionary or mandatory, shall be considered if the applicant is not current on fees, reimbursement payments and other fees that are due.
9. All required easements or rights-of-way for off tract improvements shall be obtained by the applicant at no cost to the City of Antioch. Advance permission shall be obtained from any property or easement holders for any work done within such property or easements.
10. The applicant shall obtain an encroachment permit for all work to be done within the public right-of-way.
11. All easements of record, which affect individual parcels within this project shall be removed prior to or concurrently with the recordation of the final map.

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12. The applicant shall establish a Home Owners Association (HOA) for this project in conformance with the regulations set forth by the State Department of Real Estate. The HOA shall be responsible for owning and maintaining all private common areas, streets, street lights, the pocket park with water feature, landscaping, open space areas and amenities including storm water control facilities. The City shall review and approve the CC&Rs for the Homeowners Association prior to the recording of the first final map. The CC&Rs shall include restrictions providing for the development and maintenance of manufactured and landform graded slopes.
13. The CC&Rs shall include a provision indicating that the City of Antioch is named as a third-party beneficiary with the right, but not the obligation, to enforce the provisions of the CC&Rs relating to the maintenance and repair of the property and improvements, including but not limited to landscaping, parking, main utilities, open space, storm water and the prohibition of nuisances. The City shall have the same rights and remedies as the Association, Manager or Owners are afforded under the CC&Rs, including but not limited to rights of entry. This right of enforcement is in addition to all other legal and equitable remedies available to the City, including the right to refuse to issue building permits for any building or structure that is not in compliance with applicable federal, state or local laws, regulations, permits or approvals. Neither action nor inaction by the City shall constitute a waiver or relinquishment of any rights or remedies. In addition, the CC&Rs shall include a provision that any design approvals required by the CC&Rs for construction, reconstruction and remodeling are in addition to any approvals needed from the City as well. Further, the CC&Rs cannot be terminated or amended materially without the prior written consent of the City Manager and City Attorney of the City of Antioch. Material changes are those that would change the fundamental purpose of the development; City approvals of uses or external modifications; property ownership or maintenance obligations including but not limited to common areas, storm water and landscaping; and Community Police Financing District or similar mechanism.

B. TENTATIVE MAP CONDITIONS

1. The Tentative Map approval is subject to the time lines established in the State of California Subdivision Map Act.
2. The lots and improvements within the development shall comply with the City of Antioch Municipal Code, unless a specific exception is granted thereto.
3. Approval of this tentative map shall not constitute the approval of any improvements shown on the tentative map.
4. All lot areas shall conform to the general lot areas proposed, and approved, on the tentative map.
5. Approval of this tentative map shall not be construed as a guarantee of future extension or re-approvals of this or similar maps, nor is it an indication of future availability of water or sewer facilities or permission to develop beyond the capacities of these facilities.

6. A lot line adjustment and/or lot merger shall be processed prior to the recordation of the Final Map between the project and Lots 172-174 of the Black Diamond Ranch, Subdivision 8585, to accommodate for Summit Way, as directed by the City Engineer.

C. CONSTRUCTION CONDITIONS

1. The use of construction equipment shall be restricted to weekdays between the hours 8:00 A.M. and 5:00 P.M., or as approved in writing by the City Manager.
2. The project shall be in compliance with and supply all the necessary documentation for AMC6-3.2: Construction and Demolition Debris Recycling.
3. Standard dust control methods and designs shall be used to stabilize the dust generated by construction activities. The applicant shall post dust control signage with a contact number of the applicant, City staff, and the air quality control board.

D. SITE AND PROJECT DESIGN

1. Provisions for mail delivery in the subdivision area shall be reviewed and approved by staff prior to the approval of the final map. Applicant shall install mail box facilities as required by the City Engineer.
2. Any conversion of the homes to allow for a second unit shall be subject to a use permit for such a conversion, in conformance with the City's "Second Unit" provisions of the Zoning Ordinance.
3. Prior to the approval of the final subdivision map, 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 professionals to verify implementation of the plans. Costs for these services shall be borne by the applicant.
4. All public street intersections shall meet the requirements of Caltrans Highway Design Manual for Intersection Design Standards (Topic 405), and private streets to the extent practicable, or as approved by the City Engineer.
4. All proposed improvements shall be constructed to City standards.
5. All public streets shall intersect at 90 degrees and private streets to the extent practicable, or as approved by the City Engineer.
6. All driveways shall be perpendicular to the street centerline for a minimum distance of 20 feet behind the curb, or as approved by the City Engineer.

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7. Driveways for three car garages shall flare to the third garage only or as approved by City staff.
8. Full curb cuts shall be used for all three-car driveways on lots that are at least 60 feet in width or as approved by City staff.
9. All driveways shall be a minimum of five feet from curb return.
10. A minimum of a 20 foot tangent shall extend beyond the return at intersections, or as approved by the City Engineer.
11. All lot sidelines shall be perpendicular or radial to the fronting street centerline, or as approved by the City Engineer.
12. The required 50 foot sight distance triangles shall be maintained at all intersections and that no object greater than 3 feet in height shall be placed in that triangle. All fencing, landscaping, signage, and slopes shall also not restrict sight distance.
13. Rear and side yard fencing shall be provided for all units. All fences shall be located at the top of slope, or as approved by staff.
14. In cases where a fence is to be built in conjunction with a retaining wall, and the wall face is exposed to a side street, the fence shall be setback a minimum of three feet (3') behind the retaining wall.
15. The applicant shall install streetlights and landscaping within the project area at no cost to the City. The Homeowners Association shall be responsible for owning and maintaining the streetlights and landscaping. The design of the streetlights, locations, and landscaping shall be reviewed and approved by the Planning Commission prior to the issuance of any building permit for the project.
16. The proposed street names shall be utilized in the development. If the applicant wants to change any of the street names not included in the staff report then the request will have to go back to the Planning Commission for approval.
17. All homes shall be identified by a decorative addressing method easily visible from the roads within the project in order to aid emergency responders. This method shall be reviewed by the Antioch Police Department and the Planning Commission.
18. The applicant shall provide a "checklist" of universal design accessibility features to home buyers as required by Section 17959.6 of the Health and Safety Code.
19. The sidewalk on Summit Place and Altamont court shall be a five foot monolithic.
20. An accessible path of travel shall be provided to the pocket park.

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21. All improvements for each lot (water meters, sewer cleanouts, driveway curb cuts, etc.) shall be contained within the lot and the projection of its sidelines, or as approved by the City Engineer.
22. Cul-de-sac parking shall be provided as required by the City Engineer.
23. One on-street parking space per lot shall be located within close proximity to the unit served or shall process a variance.
24. The applicant and then the HOA, once the CC&Rs are operative, shall maintain all undeveloped areas within this subdivision/unit in an attractive manner, which shall also ensure fire safety.
25. The approximately 10,000 s.f. pocket park, which shall be owned and maintained by the HOA, design including the water feature shall be reviewed and approved by the Planning Commission.
26. The architecture, sound walls, fencing, mailboxes, lighting, any accent paving, addressing, and landscaping for the entire project shall be subject to review and approval by the Planning Commission prior to application for building and/or grading permits for the project.
27. A masonry wall shall be constructed for the entry at Summit Way adjacent to lots 172 and 174. The design shall be reviewed and approved by the Planning Commission prior to the recordation of the final map.
28. The gate to the entrance of the development shall be located a minimum distance of 20 feet from the intersection of Country Side Drive. The gate shall swing into the development. The gate shall be owned and maintained by the HOA.
29. The pedestrian path between Lots 42 and 41; 28 and 29; 26 and 25; and 14 and 15 shall be removed from the plans.

E. UTILITIES

1. All existing and proposed utilities shall be undergrounded (e.g. transformers and PMH boxes) and subsurface in accordance with the Antioch Municipal Code, except existing P.G.& E. towers, if any or as approved by the City Engineer.
2. No fire hydrant or electrolier shall be located in the front yard of a corner lot.
3. Underground utilities shall be designed to flow approximately parallel to the centerline of the street, or as approved by the City Engineer.
4. All proposed drainage facilities, including open ditches, shall be constructed of Portland Concrete Cement.
5. All sewage shall flow by gravity to the intersecting street sewer main or as approved by the City Engineer.

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6. All public utilities shall be installed in streets avoiding between lot locations unless approved by the City Engineer.
7. All facilities collecting or conveying storm water from open space parcels shall be owned and maintained by a Home Owners Association, at no expense to the City.
8. The applicant shall submit hydrology and hydraulic analysis with a storm water control plan to the City for review and approval prior to the recordation of the final and to Contra Costa County Flood Control for review at no cost to the City as directed by the City Engineer.
9. An analysis of the City's Water Supply Zone IV shall be submitted to the City prior to the recordation of the final map to determine whether a hydro pneumatic booster pumping station (BPS) would be required to provide water supply delivery pressure to the project.
10. A public utilities easement that encompasses public utilities shall be provided as directed by the City Engineer.
11. All open space storm water shall be collected via V-ditches prior to being discharged into the City storm drain system.
12. The existing storm drain easement on lot 172 shall be vacated at no cost to the City and the storm drain shall be maintained by the HOA.
13. The storm water basin at the terminus of Crescent Court shall be maintained by the SLLD and the basin located at Metcalf Street and James Donlon Boulevard shall be maintained by the HOA.
14. The applicant shall submit a drainage study, prior to the recordation of the final map, outlining what facilities are to be constructed and how they will function as a part of the Drainage District, and that the improvements to mitigate the increased downstream runoff be constructed as required by the County Flood Control District and the City Engineer.
15. The applicant shall provide adequate water pressure and volume to serve this development, as approved by the City Engineer. This will include a minimum residual pressure of 20 psi with all losses included at the highest point of water service and a minimum static pressure of 50 psi.
16. The roof drain collection system shall be connected to an underground drainage system and be discharged through curb drains. The houses shall contain rain gutters and downspouts, with the downspouts and runoff of adjacent water to foundations being collected into an underground conduit, and be discharged, as approved by the City Engineer.

F. LANDSCAPING

1. The slopes, medians, and any open space areas be developed and managed by the applicant as required by the City Engineer and be maintained at no cost to the City.
2. A 10-foot wide tree planting easement shall be provided across the front of all single family lots and that one 15 gallon tree shall be located within such easement prior to building final. The City Engineer shall determine type and location of tree.
3. The Summit Way median and Summit Way shall be landscaped with design review approval subject to the Planning Commission.
4. The Home Owners Association shall provide for reimbursement of City maintenance of landscaped areas that are not maintained to an acceptable standard by the HOA.

G. FIRE REQUIREMENTS

1. Fire hydrants shall be furnished and installed, of a type and at a location approved by the City Engineer.
2. All weather access roads and a water supply shall be provided prior to commencing any combustible construction, as required by the Fire Chief.
3. Street widths shall be subject to approval by the Contra Costa County Fire Protection District and the City Engineer.
4. The applicant shall comply with the following conditions provided by the Contra Costa County Fire Protection District:
 - a. Access roadways of less than 28-feet unobstructed width shall have NO PARKING – FIRE LANE signs posted or curbs painted red with the words NO PARKING – FIRE LANE clearly marked, which shall be maintained by the HOA. 22500.1 CVC
 - b. The cul-de-sacs or turnarounds shall have an outside turning radius of a minimum of a 45' or as approved by the Fire District.
 - c. A minimum of two emergency apparatus access roadways are required when serving 26 or more dwelling units. The proposed 20-foot wide EVA, located adjacent to lot 60, appears to comply with Fire District requirements. The proposed EVA shall have an all-weather driving surface with a maximum allowable grade of 16%. (503.1.2) CFC
 - d. The applicant shall provide an adequate reliable water supply for fire protection with a minimum fire flow of 1750 GPM. Required flow shall be

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delivered from not more than one hydrant flowing simultaneously for the duration of 120 minutes while maintaining 20-pounds residual pressure in the main. (508.1), (B105) CFC

- e. The applicant shall provide seven hydrants of the East Bay type, which shall be maintained by the City. Hydrant locations will be determined by the Fire District.
- f. 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. (501.4) CFC. Gravel roads are not considered all-weather roadways for emergency apparatus access. The first lift of asphalt concrete paving shall be installed as the minimum sub base materials and capable of supporting the designated gross vehicle weight specified above.
- g. 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. (505.1) CFC, (501.2) CBC
- h. The applicant shall submit three copies of site improvement plans indicating all existing or proposed fire apparatus access for review and approval prior to construction. (501.3) CFC
- i. The applicant shall submit three copies of a 300-foot scale parcel map indicating approved fire hydrant locations, street names, and addresses to the Fire District for mapping purposes. These maps are required prior to Fire District signing for final improvement plans. (Mylar)
- j. 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).
- k. Submit plans to: Contra Costa County Fire Protection District, 2010 Geary Road, Pleasant Hill, CA 94523.

H. FEES

- 1. The applicant shall pay utility connection fees which have been established by the City Council prior to the filing of the final map and as required by the Antioch Municipal Code.
- 2. The applicant shall pay traffic signal fees as adopted by the City Council.
- 3. The applicant shall pay the Regional Traffic Impact Fee as well as all other applicable fees, including any future increase in the Regional Traffic Impact Fee.
- 4. The applicant shall pay the Contra Costa County Fire Protection District Fire Development Fee in place at the time of building permit issuance.

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5. Prior to filing of the first final map for recording, the applicant shall pay all costs associated with having an engineer's report prepared and shall annex the property into the existing Landscape and Lighting District 2A-10. The applicant shall agree to accept a level of annual assessments sufficient to maintain improvements including but not limited to street lights, parks, drainage, and landscaping as identified in the Engineer's Report at no cost to the City.
6. The project is subject to the current Community Park Fee and future Community Park Fees as established and levied by the City Council.
7. Improvements and fees that are required by the Contra Costa County Flood Control District shall be implemented, as approved by the City Engineer.
8. The applicant shall pay all required school impact fees, fire facility, and sewer fees.
9. The applicant shall annex the project into the Community Police Financing District once it has been established or if the project is first to build, the applicant shall establish the District or similar land-based financing mechanism approved by the City for police services. The applicant shall agree to accept a level of annual assessments sufficient to maintain police services for the project's direct proportional impact of the General Plan performance standard of a range of 1.2 officers to 1.5 officers, including community service officers assigned to community policing and prisoner custody, per 1,000 population.

I. Model Homes

1. Prior to the placement of any sales trailers, plans shall be submitted to the Engineering Department for review and approval. Any trailer shall be placed out of the public right-of-way and shall have its own parking lot with a minimum of ten (10) full-sized parking spaces.
2. The model home complex parking lot location and design shall be subject to staff approval. This complex shall feature a minimum of ten (10) full-sized parking spaces.
3. The model home landscaping shall be drought tolerant, with total area of spray irrigation for the complex not to exceed 50 percent of the landscaping area. The landscaping shall be reviewed by the Planning Commission.

J. Grading

1. The grading operation shall take place at a time, and in a manner, so as not to allow erosion and sedimentation. The slopes shall be landscaped and reseeded as soon as possible after the grading operation ceases. Erosion measures shall be implemented during all construction phases in accordance with an approved erosion and sedimentation control plan.
2. All lots and slopes shall drain to approved drainage facilities as approved by the City Engineer.

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3. All grading shall be accomplished in a manner that precludes surface water drainage across any property line.
4. All lots shall be graded to drain positively from the rear to the street or as approved by the City Engineer.
5. The swales adjacent to the house structure shall have a minimum of a 2 percent slope or as directed by the City Engineer.
6. All off-site grading is subject to the coordination and approval of the adjacent property owners, and the City Engineer. The applicant shall submit written authorization to "access, enter, or grade" adjacent properties prior to performing any work.
7. Any sale of a portion (or portions) of this project to multiple developers include the necessary agreement and/or grading easements to assure that project-wide grading conforms to the approved map and conditions of this resolution.
8. The grading plan for this development shall be approved by the City Engineer.
9. The final grading plan for this development shall be signed by a California licensed geotechnical engineer and approved by the City Engineer.
10. All elevations shown on the improvement plans shall be on the USGS 1929 sea level datum.
11. The grading operation shall take place at a time, and in a manner, so as not to allow erosion and sedimentation. The slopes shall be landscaped and reseeded as soon as possible after the grading operation ceases. Erosion measures shall be implemented during all construction phases in accordance with an approved erosion and sedimentation control plan.
12. The applicant shall submit a program for preventative maintenance of major manufactured slope areas, which must be reviewed and approved by staff prior to approval of the final map, and shall include homeowner slope maintenance requirements and guidelines.
13. No retaining walls shall be constructed in City right-of-way or other City maintained parcels unless approved by the City Engineer.
14. All retaining walls shall be of masonry construction.
15. All retaining walls shall be reduced in height to the maximum extent practicable and that the walls meet the height requirements in the front yard setback as required by the City Engineer.
16. On Parcels A and B, manufactured slopes in excess of five feet shall be landform graded. The landform grading shall create slopes with curves and various slope ratios in the horizontal and vertical planes to simulate the appearance of natural terrain, as directed by the City Engineer.

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17. Street slopes across intersections shall not exceed 6 percent and street slopes shall not exceed 15% or as approved by the City Engineer.
18. Building pads abutting Sky Ranch II, Subdivision 8475, shall be constructed at an elevation above or equal to the Sky Ranch II subdivision.
19. The back to back or side to side grading transitions from lot to lot shall have a maximum slope of 2:1, and shall be accommodated entirely on the lower lot or as approved by the City Engineer.
20. The minimum concrete gutter flow slope shall be 0.75%.
21. All property lines shall be located at the top of slope.

K. CONSERVATION/NPDES

1. Water conservation measures, including low volume toilets, flow restrictors in showers and the use of drought tolerant landscaping shall be used.
2. The project shall comply with all Federal, State, and City regulations for the National Pollution Discharge Elimination System (NPDES) (AMC§6-9). Under NPDES regulations, the project is subject to provision C.3: New development and redevelopment regulations for storm water treatment. Provision C.3 requires that the project include storm water treatment and source control measures, as well run-off flow controls, so that post-project runoff does not exceed estimated pre-project runoff. C.3 regulations require the submittal of a Storm Water Control Plan (SWCP) that demonstrates how compliance will be achieved. The SWCP shall be submitted simultaneously with the project plans. An Operation and Maintenance Plan (O&M) for the treatment and flow-controls in the approved SWCP shall be submitted and approved before the Building Department will issue Certificate of Occupancy permits and shall be included in the project CC&Rs. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall execute any agreements identified in the Storm Water Control Plan that pertain to the transfer of ownership and/or long-term maintenance of storm water treatment or hydrograph modification BMPs.
3. That the applicant shall comply with the Storm Water Treatment Plan dated August 30, 2013.
4. The following requirements of the federally mandated NPDES program (National Pollutant DISCHARGE Elimination System) shall be complied with as appropriate, or as required by the City Engineer:
 - a. Prior to issuance of permits for building, site improvements, or landscaping, the applicant shall submit a permit application consistent with the applicant's approved Storm Water Control Plan, and include drawings and specifications necessary for construction of site design features, measures to limit directly connected impervious area, pervious pavements, self-retaining areas, treatment BMPs, permanent source control BMPs, and other features that control storm water flow and potential storm water pollutants.

- b. The Storm Water Control Plan shall be certified by a registered civil engineer, and by a registered architect or landscape architect as applicable. Professionals certifying the Storm Water Control Plan shall be registered in the State of California and submit verification of training, on design of treatment measures for water quality, not more than three years prior to the signature date by an organization with storm water treatment measure design expertise (e.g., a university, American Society of Civil Engineers, American Society of Landscape Architects, American Public Works Association, or the California Water Environment Association), and verify understanding of groundwater protection principles applicable to the project site (see Provision C.3.i of Regional Water Quality Control Board Order R2 2003 0022).
- c. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall submit, for review and approval by the City, a final Storm Water BMP Operation and Maintenance Plan in accordance with City of Antioch guidelines. This O&M plan shall incorporate City comments on the draft O&M plan and any revisions resulting from changes made during construction. The O&M plan shall be incorporated into the CC&Rs for the Project.
- d. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall execute and record any agreements identified in the Storm Water Control Plan which pertain to the transfer of ownership and/or long-term maintenance of storm water treatment or hydrograph modification BMPs.
- e. Prevent site drainage from draining across sidewalks and driveways in a concentrated manner.
- f. Collect and convey all storm water entering, and/or originating from, the site to an adequate downstream drainage facility. Submit hydrologic and hydraulic calculations with the Improvement Plans to Engineering Services for review and approval.
- g. Prior to issuance of the grading permit, submit proof of filing of a Notice of Intent (NOI) by providing the unique Waste Discharge Identification Number (WDID#) issued from the Regional Water Quality Control Board.
- h. Submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) for review to the Engineering Department prior to issuance of a building and/or grading permit. The general contractor and all subcontractors and suppliers of materials and equipment shall implement these BMP's. Construction site cleanup and control of construction debris shall also be addressed in this program. Failure to comply with the approved construction BMP may result in the issuance of correction notices, citations, or a project stop work order.

- i. Install appropriate clean water devices at all private storm drain locations immediately prior to entering the public storm drain system. Implement Best Management Practices (BMP's) at all times.
- j. Install on all catch basins "No Dumping, Drains to River" decal buttons.
- k. If sidewalks are pressure washed, debris shall be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged into the storm drain. If any cleaning agent or degreaser is used, wash water shall be collected and discharged to the sanitary sewer, subject to the approval of the sanitary sewer District.
- l. Include erosion control/storm water quality measures in the final grading plan that specifically address measures to prevent soil, dirt, and debris from entering the storm drain system. Such measures may include, but are not limited to, hydro seeding, gravel bags and siltation fences and are subject to review and approval of the City Engineer. If no grading plan is required, necessary erosion control/storm water quality measures shall be shown on the site plan submitted for an on-site permit, subject to review and approval of the City Engineer. The applicant shall be responsible for ensuring that all contractors and subcontractors are aware of and implement such measures.
- m. Sweep or vacuum the parking lot(s) a minimum of once a month and prevent the accumulation of litter and debris on the site. Corners and hard to reach areas shall be swept manually.
- n. Ensure that the area surrounding the project such as the streets stay free and clear of construction debris such as silt, dirt, dust, and tracked mud coming in from or in any way related to project construction. Areas that are exposed for extended periods shall be watered regularly to reduce wind erosion. Paved areas and access roads shall be swept on a regular basis. All trucks shall be covered.
- o. Clean all on-site storm drain facilities a minimum of twice a year, once immediately prior to October 15 and once in January. Additional cleaning may be required if found necessary by City Inspectors and/or City Engineer.

L. FINAL IS/MND AND MITIGATION MONITORING AND REPORTING PROGRAM

- 1. The applicant shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program.

M. RESIDENTIAL DEVELOPMENT ALLOCATIONS

- 1. All Residential Development Allocation conditions in City Council resolution 2008/11 shall be adhered to except conditions number 9 – 12, which pertain to financial contributions. If at the time of first building permit issuance, the City has not adopted revised and additional development impact fees or those fees have

RESOLUTION NO. 2013/**

November 6, 2013

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been legally challenged and there is not a decision by a final court with jurisdiction, then the applicant shall comply with conditions number 9-12 in City Council resolution 2008/11.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Planning Commission of the City of Antioch at a regular meeting thereof, held on the 6th day of November, 2013.

AYES:

NOES:

ABSTAIN:

ABSENT:

TINA WEHRMEISTER, SECRETARY TO THE
PLANNING COMMISSION

ATTACHMENT "C"

RESOLUTION NO. 2013/**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH RECOMMENDING TO THE CITY COUNCIL DENIAL OF GENERAL PLAN AMENDMENTS FOR THE POINTE PROJECT

WHEREAS, the City of Antioch did receive a request from Discovery Builders to construct 60 single family homes, two open space parcels, two storm water basins, and a pocket park with a water feature, which also includes associated infrastructure improvements on an approximately 21 acre property, dated January 29, 2007, January 15, 2008, April 2, 2008, December 21, 2010, August 30, 2013, and October 17, 2013 and incorporated by reference. The project includes General Plan amendments from Low Density Residential to inclusion within the Somersville Road Corridor Focus Area and the addition of language to the General Plan waiving the requirements of the hillside development policies, a rezone from Hillside Planned Development District to Planned Development District, a Final Development Plan, Vesting Tentative Map, and a Use Permit. The project is generally located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-010) (the "Project").

WHEREAS, on October 25, 2005 and November 22, 2005, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved a re-designation of the subject parcel from "Open Space" to "Owner/Developer Remainder Parcel"; and

WHEREAS, on February 21, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on May 8, 2007 and June 12, 2007, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on August 20, 2007, the Residential Development Allocation Committee duly held a public hearing, received and considered evidence, both oral and documentary, and based on a satisfactory score of 308.8 recommended approval of 60 residential development allocations; and

WHEREAS, on September 17, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and recommended denial to the City Council of the 60 residential development allocations; and

WHEREAS, on January 22, 2008, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved 60 residential development allocations; and

WHEREAS, the City prepared an Initial Study, which included amendments to the General Plan, to evaluate the potential environmental impacts of the Pointe project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

WHEREAS, Section 65358 of the California Government Code provides for the amendment of all or part of an adopted General Plan; and

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WHEREAS, the primary purpose of the General Plan amendments is to ensure consistency between the City of Antioch General Plan and the Pointe project; and

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

WHEREAS, the Planning Commission has recommended to the City Council to approve and adopt the Final IS/MND; and

WHEREAS, on November 6, 2013, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

NOW, THEREFORE BE IT RESOLVED, that based on the oral and written record, the Planning Commission hereby determines:

1. The General Plan Amendments could potentially result in an area not contiguous within the Somersville Road Corridor Focus Area.
2. The Somersville Road Corridor Area policies and goals do not emphasize lower density residential uses, but rather commercial tax revenue generating uses and the Pointe Project would be the only single family home development in the Somersville Road Corridor Focus Area.
3. The Project undermines the efforts contained in the City's General Plan and Municipal Code to preserve natural ridgelines within the City of Antioch. The removal of 104 vertical feet of hillside does not meet the intent of the hillside development policies or meet the definition of developable land as outlined in the General Plan.
4. The approval of the project would set a precedence of future hillside development in the City of Antioch.

Therefore, the Planning Commission cannot make findings that the proposed General Plan Amendments are in the public interest of the people and hereby recommends to the City Council denial of the amendments to City of Antioch's General Plan.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 6th day of November, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

TINA WEHRMEISTER,
Secretary to the Planning
Commission

02

RESOLUTION NO. 2013/**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH NOT INITIATING AMENDMENTS TO TITLE 9 OF THE ANTIOCH MUNICIPAL CODE "PLANNING AND ZONING" AND RECOMMENDING THAT THE CITY COUNCIL DENY THE ADOPTION AN ORDINANCE REZONING APPROXIMATELY 21 ACRES COMPRISING THE POINTE PROJECT FROM HILLSIDE PLANNED DEVELOPMENT (HPD) TO PLANNED DEVELOPMENT (PD)

WHEREAS, the City of Antioch did receive a request from Discovery Builders to construct 60 single family homes, two open space parcels, two storm water basins, and a pocket park with a water feature, which also includes associated infrastructure improvements on an approximately 21 acre property, dated January 29, 2007, January 15, 2008, April 2, 2008, December 21, 2010, August 30, 2013, and October 17, 2013 and incorporated by reference. The project includes General Plan amendments from Low Density Residential to inclusion within the Somersville Road Corridor Focus Area and the addition of language to the General Plan waiving the requirements of the hillside development policies, a rezone from Hillside Planned Development District to Planned Development District, a Final Development Plan, Vesting Tentative Map, and a Use Permit. The project is generally located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-010) (the "Project").

WHEREAS, on October 25, 2005 and November 22, 2005, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved a re-designation of the subject parcel from "Open Space" to "Owner/Developer Remainder Parcel"; and

WHEREAS, on February 21, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on May 8, 2007 and June 12, 2007, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on August 20, 2007, the Residential Development Allocation Committee duly held a public hearing, received and considered evidence, both oral and documentary, and based on a satisfactory score of 308.8 recommended approval of 60 residential development allocations; and

WHEREAS, on September 17, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and recommended denial to the City Council of the 60 residential development allocations; and

WHEREAS, on January 22, 2008, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved 60 residential development allocations; and

WHEREAS, the City prepared an Initial Study, which included amendments to the General Plan, to evaluate the potential environmental impacts of the Pointe project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

RESOLUTION No. 2013/**

November 6, 2013

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

WHEREAS, on November 6, 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 has recommended to the City Council to approve and adopt the Final IS/MND; and

WHEREAS, the Planning Commission has recommended to the City Council denial of the requested GPAs; and

NOW, THEREFORE BE IT RESOLVED, that based on the oral and written record, the Planning Commission determines to deny the request to initiate the amendments to Title 9 "Planning and Zoning" and is recommending denial to the City Council of a rezone of the subject project because it would result in the loss 104 vertical feet of hillside, which does not promote the harmonious visual and functional relationship between the natural and built environments; therefore not meeting the intent of the Hillside Planned Development District. In addition, the approval of the project would set a precedence of future hillside development. Further, the Planning Commission cannot make findings that the proposed amendments to the General Plan are in the public interest of the people and thus the zoning amendments would be inconsistent with the General Plan. Therefore the Planning Commission hereby recommends to the City Council denial of the amendments and rezone to City of Antioch's zoning code found in Title 9 of the Antioch Municipal Code.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 6th day of November, 2013 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

TINA WEHRMEISTER,
Secretary to the Planning
Commission

RESOLUTION NO. 2013/**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING DENIAL TO THE CITY COUNCIL OF A FINAL PLANNED
DEVELOPMENT, VESTING TENTATIVE MAP, AND A USE PERMIT FOR 60 SINGLE-
FAMILY HOMES, TWO OPEN SPACE PARCELS, AND A POCKET PARK**

WHEREAS, the City of Antioch did receive a request from Discovery Builders to construct 60 single family homes, two open space parcels, two storm water basins, and a pocket park with a water feature, which also includes associated infrastructure improvements on an approximately 21 acre property, dated January 29, 2007, January 15, 2008, April 2, 2008, December 21, 2010, August 30, 2013, and October 17, 2013 and incorporated by reference. The project includes General Plan amendments from Low Density Residential to inclusion within the Somersville Road Corridor Focus Area and the addition of language to the General Plan waiving the requirements of the hillside development policies, a rezone from Hillside Planned Development District to Planned Development District, a Final Development Plan, Vesting Tentative Map, and a Use Permit. The project is generally located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-010) (the "Project").

WHEREAS, on October 25, 2005 and November 22, 2005, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved a re-designation of the subject parcel from "Open Space" to "Owner/Developer Remainder Parcel"; and

WHEREAS, on February 21, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on May 8, 2007 and June 12, 2007, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and provided direction and feedback to the applicant on the Preliminary Development Plan; and

WHEREAS, on August 20, 2007, the Residential Development Allocation Committee duly held a public hearing, received and considered evidence, both oral and documentary, and based on a satisfactory score of 308.8 recommended approval of 60 residential development allocations; and

WHEREAS, on September 17, 2007, the Planning Commission duly held a public hearing, received and considered evidence, both oral and documentary, and recommended denial to the City Council of the 60 residential development allocations; and

WHEREAS, on January 22, 2008, the City Council duly held a public hearing, received and considered evidence, both oral and documentary, and approved 60 residential development allocations; and

WHEREAS, the City prepared an Initial Study, which included amendments to the General Plan, to evaluate the potential environmental impacts of the Pointe project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

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

RESOLUTION No. 2013/**

November 6, 2013

Page 2

WHEREAS, on November 6, 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 has recommended to the City Council to approve and adopt the Final IS/MND; and

WHEREAS, the Planning Commission has recommended to the City Council denial of the requested General Plan Amendments; and

WHEREAS, the Planning Commission has denied initiating amendments to Title 9 "Planning and Zoning" and has recommended denial to the City Council of an ordinance to rezone the subject parcel from Hillside Planned Development District (HPD) to Planned Development District (PD); and

NOW THEREFORE BE IT RESOLVED, that the Planning Commission does hereby make the following findings for a recommendation of denial of a Final Planned Development to the City Council, as set for in Section 9-5.2308 of the Antioch Municipal Code:

FINDING 1: Each individual unit of the development can exist as an independent unit capable of creating an environment of sustained desirability and stability, and the uses proposed 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.

EVIDENCE: The Project is located in an area designated Hillside Planned Development District, which has policies outlining the goals of developing on a hillside. The project does not meet the majority of these policies therefore does not meet the City's intent and will not have a beneficial effect to the surrounding uses.

FINDING 2: The streets and thoroughfares proposed meet the standards of the City's Growth Management Program and adequate utility service can be supplied to all phases of the development.

EVIDENCE: The streets associated with the project are supposed to be designed in a way to conform to the natural terrain according to the City's hillside development policies, which was not achieved in this project. The project is proposing to remove 104 vertical feet of hillside, which does not conform to the existing natural terrain. The streets do not meet the City's current standards including the widths, sidewalks on only one side of the street, cul-de-sac design, rolled curbs, and the turning radius for the Fire Department turnaround. Further, the project does not meet the minimum on-street parking requirements.

Adequate utility service, including electricity, water, and sewer service can be supplied to all phases of development by existing utility service providers.

FINDING 3: The commercial components of the Project are justified economically at the location proposed.

EVIDENCE: No commercial components are proposed.

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FINDING 4: Any residential component will be in harmony with the character of the surrounding neighborhood and community and will result in densities no higher than that permitted by the General Plan.

EVIDENCE: The project is not designed to be in harmony with the character of the surrounding neighborhood. The project would be removing a substantial portion of a hillside to build 60 homes. The project has not been designed with maintaining the natural terrain and topography of the area. The density does not conform to the General Plan as the General Plan defines density on developable acreage. Developable acreage constitutes slopes 25 percent or less and close to 78 percent of the hillside exceeds the 25 percent slope.

FINDING 5: 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.

EVIDENCE: There are no industrial components to the Pointe project.

FINDING 6: Any deviation from the standard zoning requirements is warranted by the design and additional amenities incorporated in the final development plan which offers certain unusual redeeming features to compensate for any deviations that may be permitted.

EVIDENCE: The project does not conform to the hillside development policies in the General Plan or the Hillside Planned Development District. The project is not offering unusual redeeming features or amenities to warrant deviations from the standard zoning requirements. The project consists of more single family housing on flattened hillside with manufactured slopes that does not promote harmonious development between the natural and the built environment.

FINDING 7: The area surrounding the Project can be planned and zoned in coordination and substantial compatibility with the proposed development.

EVIDENCE: The area surrounding the Project is already developed with homes or have been entitled by the City of Pittsburg. The commercial property to the north does not coordinate with the proposed development.

FINDING 8: The project conforms with the General Plan of the City.

EVIDENCE: The project does not conform with the General Plan's land use designation of Low Density Residential, the hillside development policies, the developable acreage, and the Open Space policies.

BE IT FURTHER RESOLVED that the Planning Commission does hereby make the following findings for a recommendation of denial to the City Council of a Vesting Tentative Map as set forth in the Subdivision Map Act and based on Section 9-4 of the Antioch Municipal Code:

FINDING 1: That the subdivision, design and improvements are consistent with the General Plan, as required by Section 66473.5 of the Subdivision Map Act and the City's Subdivision Regulations.

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EVIDENCE: The subdivision proposed by the Vesting Tentative Map is not consistent with the Antioch General Plan. The project does not conform with the General Plan's land use designation of Low Density Residential, the hillside development policies, the developable acreage, and the Open Space policies.

FINDING 2: That the subdivision complies with the Housing Element as it relates to the regional needs and complies with Section 66412.3 of the Subdivision Map Act.

EVIDENCE: The subdivision complies with the Housing Element by providing 60 units of the 1,046 required of above moderate income housing for the Regional Housing Needs Assessment for 2007 – 2014. Adhering to Section 66412.3 of the Subdivision Map Act, the Planning Commission has considered the effects of this action and has determined the hillside constitutes an environmental resource and the benefits of the housing do not outweigh the loss of this resource.

FINDING 3: That the subdivision proposed by the Vesting Tentative Map has, to the maximum extent feasible, considered and provided opportunities for future passive or natural heating or cooling of the structures within the subdivision, as required by Government Code §66473.1.

EVIDENCE: The subdivision did not take into account the natural terrain of the existing hillside and could further take opportunities for passive heating and cooling into consideration as part of the development.

FINDING 4: That the subdivision proposed by the Tentative Map complies with the rules, regulations, standards, and criteria of the City's Subdivision Regulations.

EVIDENCE: The subdivision proposed by the Vesting Tentative Map does not comply with the rules, regulations, standards, and criteria of the City's Subdivision Regulations. The City requires the subdivision to be consistent with the General Plan and be consistent with the zoning provisions. The Project, as designed, is not compliant with the General Plan or consistent with the zoning. The project does not adhere to the density requirements of the General Plan, the hillside development policies, open space policies, and grading policies. The project does not comply with the zoning designation of Hillside Planned Development District (HPD) nor does it meet the minimum parking requirements for single family homes.

BE IT FURTHER RESOLVED that the Planning Commission does hereby make the following findings for a recommendation of denial to the City Council of a Use Permit based on Section 9-5.27 of the Antioch Municipal Code:

FINDING 1: Granting the use permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

EVIDENCE: The proposed project is injurious to the property as it would be removing 104 vertical feet from the existing hillside. The project was not designed in harmony with the natural and built environment as set forth by the hillside development policies.

FINDING 2: That the use applied for at the location indicated is properly one for which a use permit is authorized.

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EVIDENCE: The use does not conform to the General Plan or to the zoning code; therefore is not a use that is authorized.

FINDING 3: The project site is adequate in size and shape to accommodate its proposed uses, and all yard spaces, walls, fences, parking, loading, landscaping, and other features required, without interfering with other uses in the neighborhood.

EVIDENCE: The project did not take the Hillside Planned Development District policies into consideration. The project is only providing 54 on-street parking spaces, which is 6 less than the required amount, therefore not meeting the minimum standards, which could affect the surrounding neighborhood.

FINDING 4: The streets and highways that abut the project site are adequate in width and pavement type to carry the kind of traffic generated by proposed use.

EVIDENCE: The streets were not designed with the natural contours of the existing terrain. However, the City commissioned Fehr and Peers to prepare a traffic study to estimate and evaluate the amount of traffic that may be generated by the Pointe project. The traffic study concluded that the road improvements either proposed by the developer or required by the City are adequate in width and pavement type to carry the kind of traffic that will be generated by the project.

FINDING 5: The granting of such use permit will not adversely affect the comprehensive General Plan.

EVIDENCE: The project does not comply with the General Plan; therefore granting the use permit would affect the comprehensive General Plan.

BE IT FURTHER RESOLVED that the Planning Commission, after reviewing the staff report and considering testimony offered, does hereby recommend to the City Council DENIAL of the Final Development, Vesting Tentative Map, and Use Permit (PD-08-01, PW 608, and UP-08-01) to construct 60 single-family homes including associated infrastructure improvements, an approximately 10,000 s.f. pocket park and two open space parcels.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Planning Commission of the City of Antioch at a regular meeting thereof, held on the 6th day of November, 2013.

AYES:

NOES:

ABSTAIN:

ABSENT:

TINA WEHRMEISTER, SECRETARY TO THE
PLANNING COMMISSION

ATTACHMENT "D"

Aerial Photograph



ATTACHMENT "E"

STAFF REPORT TO THE CITY COUNCIL FOR CONSIDERATION AT THE MEETING OF NOVEMBER 22, 2005

Prepared by: Tina Wehrmeister
Acting Deputy Director of Community Development

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

Date: November 17, 2005

Subject: Amendment to the Black Diamond Ranch Tentative
Subdivision Map (PW 512)

RECOMMENDATION

The Planning Commission has recommended that the City Council deny the requested map amendment.

REQUEST

The applicant, Discovery Builders, Inc., is requesting an amendment to the designation of lands within the Black Diamond Ranch subdivision (formerly Sky Ranch). The approved tentative subdivision map designates the 21.2 acre Parcel A as "Open Space." The project is conditioned to require dedication of open space to the City with final map recordation. The applicant is requesting that the designation of Parcel A be amended to "Owner/Developer Remainder Parcel" in order to allow final maps to continue to be recorded within the Black Diamond Ranch subdivision while a future application for development of Parcel A is studied.

BACKGROUND / DISCUSSION

The City Council considered this item on October 25, 2005. The staff report from this meeting is included as Attachment A and contains staff's analysis. The City Council continued this item and directed staff to address the status of the remainder parcel in the event a future development application is denied. The City Attorney has provided a method of addressing this issue, (Attachment B). In his memo, the City Attorney suggests requiring an offer of dedication from the applicant which can be declined or accepted depending on the City Council's decision to approve or deny a future development application. This has been incorporated into the alternative resolution for approval.

At the October meeting the City Council also directed staff to provide a time limit for a development proposal to come forward. The alternative approval resolution provides a time period of two years. The condition stipulates that the Council "may consider acceptance of the offer of dedication" at the end of two years if no development proposal has been brought forward.

TW:tl

11-22-05

E1

FINANCIAL IMPACT

None.

OPTIONS

1. Approve the applicant's request (an alternative resolution is provided)
2. Continue the item with direction to staff

ATTACHMENTS

- A. October 25, 2005 staff report
- B. Memo from the City Attorney dated November 1, 2005

RESOLUTION NO. 2005/133

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
APPROVING THE REQUEST FROM DISCOVERY BUILDERS, INC. TO AMEND THE
DESIGNATION OF LANDS WITHIN THE BLACK DIAMOND RANCH SUBDIVISION
(APN 089-160-008)(PW-512)**

WHEREAS, the City of Antioch received a request from Discovery Builders, Inc. to amend the designation of lands within the Black Diamond Ranch subdivision. The project site is located on the west side of Somersville Road, west of the Somersville Road / James Donlon Road intersection (APN 089-160-008) (PW - 512); and

WHEREAS, in accordance with the requirements of the California Environmental Quality Act, a Supplemental EIR and Mitigated Negative Declaration previously adopted for this project; and

WHEREAS, notice of public hearing was given as required by law; and

WHEREAS, the City Council on October 25 and November 22, 2005 duly held a public hearing, received and considered evidence, both oral and documentary; and

WHEREAS, re-designation of Parcel A to "remainder" does not provide future development rights of the parcel.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Antioch does hereby **APPROVE** re-designation of Parcel A from "Open Space" to "Owner/Developer Remainder Parcel" subject to the following conditions of approval:

1. That the applicant shall make an irrevocable offer of dedication to the City of Antioch of the "Owner/Developer Remainder Parcel." Should a future development proposal of this parcel be approved, then the dedication shall be declined. If the development proposal is denied, then the City shall consider acceptance of the dedication.
2. Should an application for development of the "Owner/Developer Remainder Parcel" fail to be submitted within three years of the date of this resolution, the Council may consider acceptance of the offer of dedication.

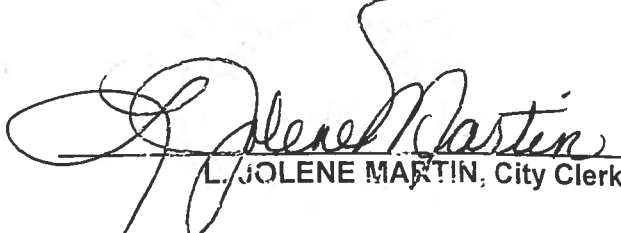
* * * * *

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 22nd day of November, 2005 by the following vote:

AYES: Council Member Kalinowski, Conley and Simonsen

NOES: Mayor Freitas

ABSENT: Council Member Davis


L. JOLEENE MARTIN, City Clerk

On motion by Councilmember/Agencymember Conley, seconded by Councilmember/Agencymember Simonsen, the City Council and Antioch Development Agency adopted the resolutions approving a Disposition, Development, and Loan Agreement by and between the Antioch Development Agency and Mt. Diablo Habitat for Humanity for the development of four single-family homes located at 5th and "K" Streets.

Mayor/Chairperson Freitas adjourned to the City Council.

COUNCIL REGULAR AGENDA

- 6. BLACK DIAMOND RANCH / DISCOVERY BUILDERS, INC. REQUESTS APPROVAL OF AN AMENDMENT OF A PREVIOUSLY APPROVED TENTATIVE MAP FOR 286 SINGLE FAMILY LOTS. THE PROPOSAL IS TO AMEND LANDS CURRENTLY DESIGNATED "OPEN SPACE" TO THE DESIGNATION OF "REMAINDER" LOCATED ON THE WEST SIDE OF SOMERSVILLE ROAD, WEST OF SOMERSVILLE RD. / JAMES DONLON RD (PW-512) #802-02**

Acting Community Development Deputy Director Wehrmeister presented the staff report dated November 17, 2005, with a recommendation from the Planning Commission for the City Council to deny the requested map amendment.

Council approved the following resolution, which Acting Community Development Deputy Director Wehrmeister presented to the City Council at the meeting.

RESOLUTION NO. 2005/133

On motion by Councilmember Kalinowski, seconded by Councilmember Simonsen the City Council approved the resolution as presented. The motion carried by the following vote:

Ayes: Kalinowski, Conley, Simonsen

Noes: Freitas

Mayor Freitas declared a recess at 8:12 P.M. The meeting reconvened at 8:23 P.M. with all Councilmembers present with the exception of Councilmember Davis who was excused.

- 7. PRESENTATION ON PROPOSED LOCATION OF THE E-BART LOCATED AT NEROLY AND EMPIRE AVENUE SITE #1107-03**

Deputy Director of Community Development Deputy Director Carniglia presented the staff report dated November 15, 2005 recommending that the City Council receive the presentation.

Ellen Smith, BART and Trent Lethco, ARUP gave a brief overhead presentation on the history, timeline and details for the proposed E-BART station and site.

Councilmember Simonsen requested the power point presentation be made available to city staff for the City Council. He expressed concern the MTC policy would impede Council efforts to

ATTACHMENT "F"

STAFF REPORT TO THE CITY OF ANTIOCH PLANNING COMMISSION FOR CONSIDERATION AT THE MEETING OF FEBRUARY 21, 2007

Prepared by: Mindy Gentry, Assistant Planner *MA*
Approved by: Tina Wehrmeister, Deputy Director of Community Development *TW*
Date: February 16, 2007
Subject: Preliminary Development Plan for The Pointe Subdivision
(PDP-06-03)

RECOMMENDATION

It is recommended that the Planning Commission provide feedback to the applicant and staff regarding the proposal, and adopt the resolution providing direction to the applicant for the Final Development Plan submittal.

REQUEST

The applicant is requesting preliminary plan review of a proposal to develop a 72 unit residential subdivision on 21.0 acres. The project site is located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-009) (Attachment "A").

The purpose of a preliminary plan is to gather feedback from the Planning Commission and outside agencies in order for the applicant to become aware of concerns and/or issues prior to final development plan submittal. As standard practice, preliminary plans are not conditioned; rather a list of needed items, information, and issues to be addressed is compiled for the applicant to address prior to a final plan hearing.

BACKGROUND

In the past, proposed residential development has gone through the Residential Development Allocation (RDA) process prior to processing a Preliminary Development Plan (PDP) application. However, the voter approved initiative Measure K does not permit the approval of new RDA allocations until 2008. Because the Municipal Code does not specify the order of the Preliminary Planned Development in relation to the RDA application, the Council approved an RDA process for 2007 that allows the processing of Preliminary Development Plan applications prior to the RDA application.

ENVIRONMENTAL

Preliminary plan review is a non-entitlement action and does not require environmental review. The Final Development Plan will require compliance with the California Environmental Quality Act (CEQA).

ANALYSIS

Issue #1: Project Overview

The adjacent development, Black Diamond Ranch has gone through a series of modifications and subsequent public review dating back to the early 1980's. The Final Development Plan and Vesting Tentative Map was approved with 286 homes, a 0.8 commercial site, a portion of a 10 acre park, and 43.9 acres of open space.

On October 5, 2005, the Planning Commission (Attachment "B") heard the applicant's request to change the subject parcel's (part of the Black Diamond Ranch open space) designation from "Open Space" to "Owner/Developer Remainder Parcel". The staff report references discussions with the applicant, who intended to propose "executive/estate" housing for the remainder parcel. A condition of approval for the map of the neighboring development, Black Diamond Ranch, was the portion identified as open space must be dedicated to the City. By reclassifying the parcel, it did not require the developer to dedicate it to the City; however, it did not guarantee development rights upon the subject parcel. The Planning Commission's recommendation to the City Council was denial.

The reclassification of the subject parcel was heard by the City Council on October 25, 2005 (Attachment "C"); however, was continued to November 22, 2005, by directing staff to address the status of the remainder parcel in the event that a future development application is denied. On November 22, 2005, the City Council (Attachment "D") heard the applicant's request to change the designation on the subject parcel and not dedicate the land to the City of Antioch. The City Council approved the request for the reclassification of the subject parcel; however, one of the conditions of approval stated, "That the applicant shall make an irrevocable offer of dedication to the City of Antioch of the "Owner/Developer Remainder Parcel." Should a future development proposal of this parcel be approved, then the dedication shall be declined. If the development proposal is denied, then the City shall consider acceptance of the dedication."

The applicant is now proposing a project consisting of 72 single family homes. The lots range in size from 7,000 s.f. to 17,383 s.f. with an average lot size of 8,849 s.f. The project also includes two open space parcels which are 2.7 acres and 1.8 acres in size. The applicant has not submitted information regarding the architecture, landscaping, or floor plans for the proposed homes. The applicant's project description of the overall development is provided as Attachment "E".

The applicant has not developed a product for this subdivision. The units plotted on the map are the Crystal Ranch product (City of Concord) for illustrative purposes only. The sample product results in the following setbacks: front yard setbacks on average are around 17 feet with some having a setback of only 13 to 14 feet. The side yard setbacks are a minimum of five feet. The rear yard setbacks are less than 20 feet on

many lots, and the majority of the backyards will be sloped resulting in a large portion of the backyard or side yard that would not be usable. The size of the lots and the setbacks are not conducive to executive/estate lots which typically leave ample yard areas for pools, enhanced landscape features, and increased privacy. Additionally, the subdivision layout does not respect the grading of the hillside. Staff recommends larger lots and diminishing density as the hillsides become steeper.

A homeowner's association (HOA) will be required for the project, which will be responsible for maintaining all open space, streets, street lighting, and storm water pollution devices.

Issue #2: Consistency with General Plan and Zoning Ordinance

The General Plan designation for the project site is Low Density Residential which allows a maximum density of four units an acre. Typically Low Density Residential is located on flat or gently rolling terrain with little or no geological or environmental constraints. In this particular instance, the project is an atypical Low Density Residential project with it being proposed on dramatic topography. The zoning designation is Hillside Planned Development (HPD). The proposed land use is consistent; however, the design and layout are not consistent with the General Plan and Zoning Ordinance because it does not meet the identified goals and policies for hillside development.

The proposed project density is consistent with the maximum density allowed under the General Plan. However, according to the General Plan:

"Developable acres are those that are not encumbered by prior dedications of easements or rights-of-way, and are not so steep (generally over 25%), unstable, flood prone or subject to other hazards as to be unable to support new development. "

In addition, in 1981, the City of Antioch enacted the Hillside Planned Development Ordinance to protect hillsides, ridges, and ridgelines within the City. The ordinance was eventually revised and adopted within the Zoning Ordinance.

According to the Zoning Ordinance, a Hillside Planned Development (HPD), is "intended to promote a more harmonious visual and functional relationship between the natural and built environments." There are certain goals within the HPD, such as preservation of significant features of hillside areas (i.e. steep slopes, ridgelines, rock outcroppings), encouragement of alternative and varied development to provide maximum safety and human enjoyment while utilizing opportunities present by the natural terrain, compliance with the land use densities specified in the General Plan with the understanding that in areas featuring steeper slopes densities shall decrease, and minimization of grading and cut and fill operations.

The applicant is proposing 72 homes, creating three terraces by removing a minimum of 103 feet from the top of the hillside to the highest pad elevation. The hillside is currently

approximately 445 feet in height and the highest pad elevation is 342 feet. Staff believes the applicant's grading plan and subdivision design does not fit within the aforementioned goals of the Hillside Planned Development. As stated earlier, developments within the HPD are to create a visual and harmonious relationship with the hillside. In this instance the applicant is proposing to heavily grade the parcel into three terraced levels. Staff feels the applicant should redesign the development with the goals of the General Plan and the Zoning Ordinance in mind.

Issue #3: Site Plan

The site plan calls for an entry feature into the subdivision from Black Diamond Ranch through Summit Way. The subdivision features three private roads with the majority of the houses facing onto the street with the exception of lots 64-72. Lots 64-72 are proposed to blend into the adjacent Black Diamond Ranch development. There is the potential that lot 72 will have to be removed or redesigned to provide emergency vehicular access.

The three private drives have a width of 28 feet with a 5 foot sidewalk on one side of the street and curb and gutter on both sides for a total of 35 feet. On-street parking will be available on only one side of the street. The three drives end with cul-de-sacs to the west. The cul-de-sacs are not the City of Antioch standard and will also have to be approved by the Contra Costa County Fire Protection District (CCCFPD). The HPD district provides flexibility with street widths and sidewalks to accommodate the natural contours and unique design and layout. Although the applicant is requesting an accommodation of narrower streets, Staff feels the narrower streets do not fulfill the intent of the Hillside Planned Development by not following the natural contours or retaining the visual character of the existing hillside.

Developments that are located on hillsides typically compensate for the steep slopes and ridgelines with higher densities on the less steep areas and diminishing density as the slope of the terrain increases. A HPD project shall also be based on how the proposal relates to the natural topography, the degree to which grading and cut and fill operations are minimized, and the degree to which unique features such as steep slopes are preserved. This project does not incorporate any of the above design features. Instead the majority of the plan features major grading with small lots. The sizes of the lots are typical of low density residential; however, the majority of backyards in many cases are largely unusable due to the terrain. The potential homeowners that are attracted to executive/estate development will be interested in building pools and patios, which are not easy or are impossible to facilitate in the proposed backyards. Staff envisions much larger lots with estate type housing taken into consideration, as was discussed with the applicant prior to the reclassification from Open Space to Remainder, as well as taking into consideration reduced densities and amended grading.

Most of the home layouts provide a driveway apron of less than 20 feet, which is too narrow. The City standard is 20 feet. In addition, some of the driveways are not radial

to the right of way. Having a driveway apron of less than 20 feet and not radial to the right of way will make it difficult for the homeowners to maneuver in and out of their homes. Staff recommends that the homes feature the 20 foot required driveway apron and that all driveways shall be radial to the street.

All of the homes are placed in a relatively straight line, with the exception of a couple around the cul-de-sacs, with front setbacks of less than 20 feet. Staff recommends that the site plan stagger the placement of the homes with at least a 20 foot setback to provide a more varied streetscape. Providing a varied front setback is consistent with General Plan Community Image and Design policy 5.4.7 b: *Provide recognizable variations in front and side yard setbacks within single-family residential neighborhoods.*

Issue #4: Open Space

The applicant is proposing two open space parcels of 2.7 acres (Parcel "A") and 1.4 acres (Parcel "B"). The open space areas are proposed as a vegetative buffer zone between Black Diamond Ranch and the adjacent subdivision, as well as containing a vegetative swale to comply with the C.3 provision of the National Pollution and Discharge Elimination System (NPDES) pertaining to storm water runoff. The existing concrete v-ditch will not comply with the C.3 requirements; the applicant will have to redesign the area to be in full compliance with NPDES. According to the applicant's project description, there will be natural landscaping in the open space consisting primarily of trees.

Issue #5: Parking and Circulation

The proposed plan features private streets with sidewalks and parking on one side of the street. Access to the development is through Black Diamond Ranch via Summit Way. As discussed earlier, since there is only one small access point, lot 72 will have to be eliminated or redesigned to provide an emergency vehicular access point.

The project is providing two parking spaces in a garage for each unit. The Zoning Ordinance requires one on-street guest parking space per unit. The ordinance does not specify the placement of the spaces, but subdivisions are typically conditioned to provide a guest parking space in front of or within 150-200 feet of the unit it is serving. Since there is only parking on one side of the street and the cul-de-sac design reduces the number of on-street parking spaces, Staff is recommending adding City standard cul-de-sacs, which contain additional parking spaces.

The Zoning Ordinance also requires unrestricted access to the rear yard for recreational vehicles for 25% of single family lots. Per the Zoning Ordinance, there shall be a minimum of a 10 foot wide side yard setback to allow unrestricted access to the rear yard. The applicant's proposed site plan with retaining walls and limited side yard setbacks make it difficult to provide the required number of RV parking spaces. It is likely that the target demographic will own RV's and/or boats and will need storage areas.

Issue #6: Grading

The highest grade currently on the hillside is approximately 445 feet. The applicant is proposing to remove approximately a minimum of 103 feet of the hill with the highest pad elevation being at 342 feet. The subdivision is proposed to have three terraced levels with each street at a different grade level with a difference of approximately 20 feet between each. The idea is to stagger the houses in order to obtain houses on at least one side of the street with a view of the City and the delta.

The highest pad levels are on the southwest side on A Drive. The pad levels for those particular homes range from 342 feet to 311 feet. From the southwest side, the grade travels downward in a south and easterly direction. The mid level terrace on B Drive has pad elevations ranging from 324 feet to 276 feet and the last level or C Drive has pad elevations ranging from 304 feet to 270 feet.

The City of Pittsburg, which is adjacent to the subject parcel, is currently processing a proposal for the Sky Ranch subdivision immediately west of the project. The grading plan received from the City of Pittsburg for Sky Ranch has the adjacent home levels approximately six feet above the houses in The Pointe. The applicant has indicated that Pittsburg is requiring Sky Ranch to meet the grades of the Antioch projects. The applicant must demonstrate this in their Final Planned Development / Tentative Map proposal.

In addition, as Sky Ranch moves toward the west, the pad elevations become considerably higher than the Pointe pad elevations. There are instances of pad levels at 428 feet in elevation which is 86 feet higher than the highest pad elevation at the Pointe. The current hillside with a height of 445 feet will block the view of the City of Pittsburg's housing development.

Issue # 7: Other Issues

Infrastructure

The developer is required to provide all infrastructure necessary to serve the site. This includes utility tie ins such as water, sanitary sewer and storm drainage systems.

Outside Agency Comments

Comments from the Contra Costa Flood Control District are attached (Attachment "F"). The applicant should address these comments with the Final Development Plan submittal. In addition, a letter of opposition was received from the East Bay Regional Park District (Attachment "G").

Provision C.3 of the National Pollution Elimination Discharge System

The applicant has provided preliminary design documents for dealing with storm water runoff; however, these currently do not fully comply with requirements. Lots 64-72 are not C.3 compliant and the existing concrete ditch does not qualify for compliance. The

HOA will be responsible for all storm water pollution devices and the developer will have to become C.3 compliant with the Final Development Plan.

ATTACHMENTS

- A. Vicinity Map
- B. October 5, 2005, Planning Commission Meeting Staff Report and Minutes
- C. October 25, 2005, City Council Meeting Staff Report and Minutes
- D. November 22, 2005, City Council Meeting Staff Report and Minutes
- E. Applicant's Proposal
- F. CCFCD Letter
- G. EBRPD Letter of Opposition

**CITY OF ANTIOCH PLANNING COMMISSION
RESOLUTION NO. 2007/04**

WHEREAS, the City of Antioch received a request from Discovery Builders, Inc. for approval of a Preliminary Development Plan for the development of 72 single family homes on approximately 21 acres located west of the intersection of Somersville Road and James Donlon Boulevard (**APN: 089-160-009**); and

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

WHEREAS, on February 21, 2007, the Planning Commission duly held a public hearing, and received and considered evidence, both oral and documentary; and

WHEREAS, a Preliminary Development Plan is a non-entitlement application and is therefore not subject to the California Environmental Quality Act.

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Antioch does hereby provide the following direction to the applicant for PDP-06-03:


1. That the Final Development Plan submittal shall incorporate / address issues brought up by the Commission at the February 21, 2007, meeting, as well as those addressed in the staff report.
2. That the developer shall have a front yard setback of not less than 20 feet and shall stagger the front yard setbacks of adjacent lots to provide for a varied streetscape.
3. That each home shall include at least a 20 foot wide driveway apron.
4. That an HOA shall be established for the project and will be responsible for maintaining all open space, streets, street lighting, and storm water pollution devices.
5. That the project shall provide guest parking spaces within 150-200 feet of the unit each space serves and City standard cul-de-sacs, which include parking.
6. That the site plan shall be redesigned to take the Hillside Planned Development goals and policies into consideration.
7. That the streets shall follow the natural contours of the hillside.
8. That the lots shall be larger with more usable areas in the back and side yards.
9. That 25% of the lots shall have a minimum side yard setback of 10 feet without a retaining wall for RV parking.

10. That the applicant shall demonstrate how project grading and the grading of the adjacent subdivision to the west are compatible.
11. That parking will be allowed on both sides of the street throughout the development.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Planning Commission of the City of Antioch at a regular meeting thereof, held on the 21st day of February, 2007.

AYES: Henry, Travers, Brandt, and Long
NOES: None
ABSTAIN: Delgadillo
ABSENT: Azevedo and Martin


TINA WEHRMEISTER, SECRETARY TO
THE PLANNING COMMISSION

On motion by Commissioner Henry and seconded by Commissioner Brandt, the Planning Commission approved the Minutes of January 17, 2007.

AYES: *Henry, Brandt, Travers and Long*
ABSENT: *Delgadillo, Martin and Azevedo*

Commissioner Henry stated that he would abstain from the Minutes of December 20, 2006, and January 31, 2007, due to his absence from the meetings.

NEW PUBLIC HEARINGS

2. **PDP-06-02 – Quail Cove Preliminary Development Plan – Discovery Builders, Inc., requests approval of a Preliminary Development Plan, which is not an entitlement, for the development of 27 single family homes on approximately 5.48 acres. The project site is located on the west side of Heidorn Ranch Road, southeast of the eastern terminus of Prewett Ranch Drive. (APN 056-130-012)**

Chairperson Long reported that the applicant has requested that this item be removed from the agenda, per an attached letter, in order to rework the site plan. When the revised submittal is complete, the item will be re-noticed and placed on a future agenda.

On motion by Vice Chairman Travers and seconded by Commissioner Henry, the Planning Commission removed Item No. 2 from the Agenda.

AYES: *Travers, Henry, Brandt and Long*
ABSENT: *Azevedo, Martin and Delgadillo*

3. **PDP-06-03 – The Pointe Preliminary Development Plan – Discovery Builders, Inc., requests approval of a Preliminary Development Plan, which is not an entitlement, for the development of 72 single family homes on approximately 21 acres. The project site is located east of the intersection of Somersville Road and James Donlon Boulevard. (APN 089-160-009).**

Assistant Planner Gentry provided a summary of the Staff Report dated February 16, 2007.

Opened Public Comment

Louis Parsons, representing Discovery Builders, provided background information on the preliminary development plan and referenced displayed wall maps that depicted schematic site plans. He also spoke to landscaping and grading plans.

Commissioner Henry expressed concern to the small size of the proposed homes and felt they were also spaced too close together. He understood the intent of the applicant to provide views, but stated his dislike to the extensive grading of the hillsides and the upslope to backyards leaving this area unusable.

Vice Chairman Travers stated that he had a concern as to the small lots that have been proposed and the EVA access, in terms of not having enough turning radius. He expressed concern to grading and questioned if some homes could be taken out of the plan, in order to provide larger back and side yards.

Commissioner Brandt expressed concern to the development of homes on this hillside. She felt that this development, being that it is an estate-g geared subdivision, should have parking on both sides of the street, contain three car garages, maintain room to maneuver three large garbage cans, and be designed to accommodate RV parking. She felt that estate lots should not contain up sloped backyards because of landscaping that could obstruct views for nearby neighbors. She wanted to ensure that the homeowners who purchase their lots with views would be able to maintain the views, and expressed concern to neighboring landscaping issues that could restrict views in the future.

Delgadillo arrived at 8:03 p.m.

Chairperson Long stated that Commissioner Delgadillo would abstain from Item No. 3, due to his late arrival.

Chairperson Long stated her disagreement to parking on one side of the street and suggested that the number of homes be reduced to provide additional acreage on side yards. She expressed concern to the proposed grading plan, in terms of high slopes, and the traffic circulation of the plan, in conjunction with the proposed narrow streets.

Chairperson Long requested that the applicant take the concerns heard here tonight into consideration and provide feedback to the Commission in the future.

Through discussions amongst the Commission, it was requested that the number of units be reduced, and it was felt that Condition No. 8 satisfied this concern. Moreover, Commissioner Brandt requested that a Condition No. 11 be added to state that "parking shall be allowed on both sides of the street".

In responding to Commissioner Brandt regarding maintaining view lots, Deputy Director of Community Development (DDCD) Wehrmeister felt it would be appropriate when the final development plan is approved, to place this requirement upon the Homeowner's Association.

RESOLUTION NO. 2007/04

On motion by Commissioner Henry, and seconded by Vice Chairman Travers, the Planning Commission approved a request from Discovery Builders, Inc., for approval of a Preliminary Development Plan for the development of 72 single family homes on approximately 21 acres located west of the intersection of Somersville Road and James Donlon Boulevard (APN 089-160-009) with the addition of:

- ***Condition No. 11 to read: "That parking will be allowed on both sides of the street throughout the development."***

AYES: Henry, Travers, Brandt and Long

ABSTENTION: Delgadillo

ABSENT: Azevedo and Martin

4. **PDP-06-05 – Tierra Villas Preliminary Development Plan – Mission Peak Homes, Inc., requests approval of a Preliminary Development Plan, which is not an entitlement, for the development of 122 single family homes on approximately 20.3 acres. The project site is located on the west side of Heidorn Ranch Road, at the eastern terminus of Prewett Ranch Drive. (APN's 056-130-013, 015 and 017)**

Assistant Planner Morris provided a summary of the Staff Report dated February 16, 2007.

Opened Public Comment

Steve Allen and Jill Williams of Mission Peak Homes, provided a power point presentation that depicted a conceptual site, landscaping plans and architectural elements.

Commissioner Henry stated that he preferred to have one large proposed open space area, as opposed to two open space parcels and was slightly concerned about the proposed parking.

Vice Chairman Travers suggested that lot numbers 53 through 57 be removed and replaced with open space for the whole project, as well as the pathway being located behind lot numbers 31 and 32 which would connect to the walkways. Also, the two open space parcels shown on the plan be designated for a particular residence.

Commissioner Brandt expressed concern to the homes being too close together in proximity and did not want to see a window-to-window design. She stated that she would review the site plan and elevations to review this issue as the plan moves forward, as well as review lighting issues. She further expressed a concern to the 5 ft.

ATTACHMENT "G"

STAFF REPORT TO THE CITY COUNCIL FOR CONSIDERATION AT THE MEETING OF JUNE 12, 2007

Prepared by: Victor Carniglia, Deputy Director of Community Development

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

Date: June 4, 2007

Subject: Preliminary Development Plan for The Pointe Project
(PDP-06-03)

RECOMMENDATION

It is recommended that the City Council provide feedback to the applicant regarding the Preliminary Development Plan submittal for The Pointe Project as summarized in the "Conclusion" section of this staff report.

BACKGROUND INFORMATION

The site being considered under this Preliminary Development Plan is a 21 ± acre hilltop that was previously designated "Open Space" on the tentative map for Black Diamond Ranch. The applicant previously requested the opportunity to develop Estate housing on this parcel and, in November 2005, Council redesignated the Open Space area as "Other Lands of Developer" to allow the applicant to develop a plan for that Estate housing. The surrounding Black Diamond Ranch development is a standard residential subdivision with 4,000, 5,000 and 6,000 nominal single family lots and publicly maintained roads.

This Preliminary Development Plan was continued from the City Council meeting of May 8, 2007. At the May 8, 2007 Council meeting the applicant stated in their presentation that they had submitted a revised plan to the City which the applicant felt addressed many of the issues raised in the staff report. Due to the fact that this revised plan was not included in the Council packet, staff was directed by City Council to bring the revised plan back to Council on June 12, 2007, along with a staff report addressing the revised plan.

On June 4, 2007, as this staff report was being finalized, the applicant submitted yet another revised plan for the Pointe project. Also submitted with the plans was a letter from the applicant describing the latest plan revisions (Attachment "A"). Due to the timing of this submittal, this latest plan was not able to be addressed in detail in this staff report.

With this new submittal, the City now has three separate plans for The Pointe project, namely the "original" plan (the plan that was distributed for the May 8, 2007 Council meeting), the "revised" plan (the plan the applicant referenced as

addressing staff's issues at the May 8, 2007 Council meeting), and now the plan just submitted, referred to as the "latest" plan. Included in the Council packet are copies of all three plans suitably marked with the preceding names.

Attachment "B" provides minutes of the May 8, 2007 City Council meeting, while Attachment "C" provides the May 8, 2007 Council staff report as background information about the project. Attachment "G" of the May 8, 2007 staff report provides a detailed summary of General Plan and zoning requirements pertinent to this project.

ANALYSIS

Comparison of the Preliminary Development Plan Submittals: The presence of three separate development plans creates a challenge in analyzing the proposed project. However, this challenge is simplified to some extent by the fact that all three plans proposed by the applicant utilize a very similar approach to grading the site. As a result, the concerns expressed in this staff report over the lack of consistency between the proposed project grading and the City's adopted goals and policies are essentially equally applicable to all three plans. The following is a summary of the key similarities and differences between the three plans:

1. When the three plans are unfolded and laid out "side by side" it is clear that the three plans are in essence variations on a single plan. The basic development concepts behind this single plan are 1) to grade down and remove the majority of the hill, 2) to create large flat areas on which to place buildings, with some terraces between the flat areas, and 3) to construct three "double loaded" streets parallel through the site on the largely flat "plateaus" created by the grading.
2. Where the three plans differ is the number of units. The "original" plan had 72 units; the "revised" plan reduced this to 66 units, with the "latest" plan now down to 60 units. The reduction in units in the "revised" plan was largely achieved by eliminating one lot from each side of the three parallel streets running through the project. The reduction in the "latest" plan was made in a similar manner by eliminating two lots from each side of the three parallel streets.
3. The "revised" plan actually appears to increase the depth of overall site grading by cutting an additional 4 to 5 ft. from the hill as compared to the "original" plan. As a result, the "revised" plan has a maximum cut of 131 vertical feet, as compared to 125 vertical feet in the "original" plan. The grading in the "latest" plan, based on the limited grading information provided by the applicant, appears to be similar to the "revised" plan.
4. The height of most of the project's retaining walls has been reduced in the "revised" plan. In most instances lowering retaining walls would be considered to be a positive outcome. However, in this case the lowering of retaining walls was accomplished, not by modifying the plan to better fit the

existing hill, but instead by increasing the amount of vertical cut. In essence, the "revised" plan makes the hill "flatter" than proposed in the "original" plan. The flatter the site, the fewer retaining walls are needed between lots. Retaining walls are not shown on the "latest" plan.

5. The size of the typical usable yard area was increased in both the "revised" and the "latest" plan. This increase was largely due to the deletion of the lots. The average and minimum lot size was also increased, once again due to the deletion of lots.

It is important to note that while both the "revised" plan and the "latest" plan are improvements over the "original" plan submittal (due largely to the decrease in units and an increase in average lot size), the key point to emphasize is that the significant inconsistencies between the proposed grading and the City's various hillside preservation policies in the General Plan and Zoning Ordinance are essentially unchanged for all three plans. The reason for this situation is simple, namely that all three plans are all "variations" on the same theme from a grading perspective. What is needed is a truly new plan. This need for a new plan is discussed later in this staff report, and information on how such a new plan might be prepared will be presented at the Council meeting.

Planning Commission Direction to Applicant: The Preliminary Development Plan application was reviewed by the Planning Commission on February 21, 2007. At that meeting the Planning Commission gave direction to the applicant concerning changes to make to the plan. Included with the attached May 8, 2007 City Council report is a copy of the February 21, 2007 Planning Commission report, which includes the direction given by the Commission to the applicant. At the May 8, 2007 Council meeting the applicant stated that he felt that the "revised" plan addressed the direction given by the Commission. This assertion by the applicant warrants some clarification. The first thing to note is that the direction provided by the Planning Commission at their February 21, 2007 meeting was for the most part very broad, and did not direct specific changes be made to the site plan. The following are some examples of the broad direction made by the Planning Commission to the developer at the February 21, 2007 Commission meeting:

- *"That the site plan shall be redesigned to take the Hillside Planned Development goals and policies into consideration".*
- *"That the streets shall follow the natural contours of the land."*
- *"That the Final Development Plan submittal shall incorporate/address issues brought up by the Commission at the February 21, 2007 meeting, as well as those addressed in the staff report."*

The Planning Commission direction also included some more detailed provisions concerning certain performance standards. These included the following provisions:

- *"That the lots be larger with more usable areas in the back and side yards."*
- *"That 25% of the lots shall have a minimum side yard setback of 10 feet without a retaining wall for RV parking".*
- *"That each home shall have a 20 foot wide driveway apron."*

What appears to have happened is that the applicant in the "revised" plan addressed the more detailed direction provided by the Planning Commission, but appears to have neglected the broader direction. This may explain the applicant's apparently sincere belief that the "revised" plan addressed the issues raised by the Commission.

While it could be argued that broad general direction is appropriate for a non entitlement action like a Preliminary Development Plan, it can lead to a misunderstanding as appears to have happened in this case. In the future, staff will work with the Commission to provide more explicit direction about changes that need to be made to a plan. If City Council feels the need to clarify the intent of the Planning Commission's direction further, then the Council could refer the item back to the Commission for additional review.

General Plan Consistency: The issue of General Plan consistency was raised by the applicant at the May 8, 2007 Council meeting, with the assertion that the project as proposed is consistent with the General Plan due to the fact that the density proposed complies with the maximum allowed by the Medium Low Density Residential designation of the General Plan. The density proposed at approximately 2 units/gross acre in the latest plan appears to fall well within the allowed maximum. Nevertheless, a General Plan consistency determination involves much more than referring to the General Plan land use map. The following are points the Council needs to consider on the question of the proposed project's compliance with the General Plan:

- The City's General Plan, which was comprehensively updated in November 2003, has language specifically intended to clarify the kind of questions raised by a project of this type. Section 4.4.1.1 of the General Plan states that density is based on the concept of "net developable" acre, and that land encumbered by steep slopes (generally over 25%) are not counted when determining "net developable" acreage. Given that virtually the entire Pointe project site is occupied by slopes exceeding 25%, the net developable area would only be a fraction of the total 21 acres the applicant seeks to develop.
- The General Plan is implemented by considering all the relevant goals and policies pertinent to a development, and not just by looking at the land use map or selectively picking and choosing which policies to apply. While this may be cumbersome, and puts a burden on decision makers, it is the most appropriate way to effectively regulate something as complex as the development of land. Aside from this, State law specifically requires that in making decisions that the General Plan be looked at as a whole, including all relevant maps and policies.

- The General Plan map is not intended to be parcel specific or to distinguish individual terrain features within its land use designations. If the General Plan land use map had to contain that level of detail, then a City would be forced to do detailed site planning for every single parcel just to complete a General Plan map. This is neither practical nor desirable. The solution is to do a broad based map combined with goals and policies.
- The issue of "precedence" is important when interpreting the General Plan. The various goals and policies contained in the General Plan need to be implemented uniformly throughout the City, unless the General Plan has language establishing different standards and/or policy exemptions for different parts of the City. The General Plan policies concerning hillside development and grading do not differentiate between the area where the proposed "Pointe" is located and other undeveloped areas of the City, such as the Sand Creek Focus area (FUA#1) and the recently annexed Roddy Ranch property. As a result, it is conceivable that if the type of grading being requested by the applicant for the Pointe project is considered to be consistent and appropriate under the General Plan, then a future developer in FUA#1, Roddy or other area may make a similar request expecting a similar answer.

As previously discussed, Attachment "G" of the May 8, 2007 Council report provides a detailed comparison of the proposed project to the City's relevant General Plan policies.

Consistency with General Plan and Hillside Zoning Requirements: While much of the preceding discussion has focused on why staff feels the proposed Preliminary Development Plan does not comply with the City's various General Plan and Zoning requirements, it is appropriate to describe the type of development that would be consistent with the City's requirements. While it is not appropriate for staff to design a plan for the property owner, the following is a brief description of some of the characteristics of such a plan:

- The existing hill would not be mass graded and the summit would not be lowered. Grading for roads would be largely limited to that needed to construct narrow private roads accessing development sites.
- The road system accessing the building sites would to the extent practical follow the existing contours of the hill. The roads themselves would be private, with the minimum width necessary for access and safety.
- The development sites would be graded only as needed for the footprint of homes. Stepped foundations would be utilized so that structures better fit the existing hill form.
- Slopes between building pads would be left ungraded.

The closest local example of the type of development that would be appropriate for the Pointe property is the Sierra Vista project south of the Mira Vista development, which will be under construction in the near future. As a point of

comparison, the Sierra Vista project consists of 50 custom home sites on a roughly 150 acre parcel. This contrasts with the 60 lots on the 21 acre "Pointe" as proposed in the revised Preliminary Development Plan.

CONCLUSION:

As documented in this staff report and related attachments, the project as proposed is inconsistent with the General Plan and the City's hillside development policies. In order to proceed with development in the project area the applicant would need to substantially modify the plan. As discussed previously, some ideas on how such a modified plan might be prepared will be presented at the Council meeting.

Staff recommends that the City Council provide the following direction to the applicant for the "Pointe" Preliminary Development Plan application:

1. That the Final Development Plan submittal shall address issues brought up by the Council at the June 12, 2007 City Council meeting.
2. That the plan be substantially revised so that the form of the existing hill is largely retained. The existing hill may not be reduced in total height.
3. Mass grading of the site is not allowed. Grading shall be limited to the creation of building pads, and not for the purpose of creating flat yard areas. Split pads are encouraged to reduce pad grading.
4. Slopes between building pads and between lots shall be left ungraded,
5. That the environmental review process for any future entitlement application include a detailed visual and slope analysis to determine how any proposed plan complies with all of the City's General Plan and Zoning hillside development requirements.
6. The road system accessing the building sites would to the extent practical following the existing contours of the hill. The roads themselves will be private, with the minimum width necessary for access and safety, as determined by the City Engineer.
7. That the ultimate unit count will be reduced as necessary as part of any future entitlement process to comply with the City's General Plan and Zoning hillside development requirements.
8. That each home shall include a maximum of an 18 foot wide driveway apron.
9. That a Home Owners Association (HOA) shall be established for the project and will be responsible for maintaining all open space, streets, street lighting, and storm water pollution devices.

10. That the project shall provide guest parking spaces within 150-200 feet of the unit each space serves.
11. That the site plan shall be redesigned to comply with the General Plan Hillside Design Policies and Article 24 of the zoning ordinance relating to the Hillside Planned Development District.
12. That the lots shall be larger with more usable areas in the back and side yards.
13. That 25% of the lots shall have a minimum side yard setback of 10 feet without a retaining wall for RV parking.
14. That the applicant shall demonstrate how project grading and the grading of the adjacent subdivision to the west is compatible.

As a final note, the inconsistencies between the proposed plan and the City's General Plan and zoning requirements will need to be addressed before any request for a Residential Development Allocation (RDA) can be acted on.

FINANCIAL IMPACT

This is a non-entitlement Preliminary Planned Development application and as such, no financial impacts have been identified at this time.

OPTIONS

None. The purpose of this item is to provide feedback regarding the proposal

ATTACHMENTS

- A. Applicant's letter dated June 4, 2007
- B. Minutes of May 8, 2007 Council meeting
- C. Staff report for May 8, 2007 Council meeting

- K. **RESOLUTION NO. 2007/43 ACCEPTING WORK AND DIRECTING CITY ENGINEER TO FILE A NOTICE OF COMPLETION AND AUTHORIZING FINAL PAYMENT TO PACIFIC STATES ENVIRONMENTAL CONTRACTORS, INC FOR THE INTERIM SITE STABILIZATION WORK FOR MARKLEY CREEK #814-03**
- L. **APPROVAL TO COMPLETE REPAIR WORK ON SIERRA CRETE CATEGORY II STREETS, (PW 392-23) #1102-04**
- M. **CONSIDERATION OF BIDS FOR THE LANDSCAPE IMPROVEMENTS AT VARIOUS LOCATIONS WITHIN THE CITY OF ANTIOCH (PW 225-L) #806-03 - *Rejected***

On motion by Councilmember Davis, seconded by Councilmember Simonsen, the Council members present unanimously approved the Council Consent Calendar with the exception of Item A, which was removed for further discussion.

Item A – Mayor Freitas stated he would abstain from the vote on the item due to his absence from the April 24, 2007 City Council meeting.

On motion by Councilmember Simonsen, seconded by Councilmember Moore, the City Council approved item A. The motion carried by the following vote:

Ayes: Davis, Moore, Simonsen

Absent: Kalinowski

Abstain: Freitas

PUBLIC HEARINGS

2. **THE POINTE PRELIMINARY DEVELOPMENT PLAN – DISCOVERY BUILDERS, INC. REQUESTS REVIEW OF A PRELIMINARY DEVELOPMENT PLAN FOR THE DEVELOPMENT OF UP TO 72 SINGLE FAMILY HOMES ON APPROXIMATELY 21 ACRES LOCATED WEST OF THE INTERSECTION OF SOMERSVILLE ROAD AND JAMES DONLON BOULEVARD (APN: 089-160-009) PDP-06-03 #202-03**

Community Development Deputy Director Carniglia presented the staff report dated June 4, 2007 recommending the City Council provide direction to the applicant regarding the Final Development Plan submittal.

Mayor Freitas opened the Public Hearing.

Louis Parsons, representing Discovery Builders, gave a brief overhead presentation of subsequent iterations of their site planning and the rationale for the design.

Wilson Wendt, Attorney representing Discovery Builders, stressed the application was a preliminary development plan and as part of the process there would be a CEQA analysis to address the projects impacts and conformity between the general plan and zoning provisions. He urged the City Council to let the process move forward and allow for the appropriate analysis. He felt no precedence would be set with approval of the development.

Mayor Freitas closed the Public Hearing.

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Councilmember Simonsen stated he was disappointed in the staff report, noting he felt staff had not provided Council with all the options. It was, in his opinion, biased. He expressed concern staff had not carried out the City Council's established policy. Speaking to staff's recommendations #1-14 within the staff report he suggested the following changes to items #2-4, 6, 7, 11-14:

- #2 The site plan as shown is in compliance with Council direction for large usable lots
- #3 Grading of the site as shown is permitted. Grading shall be limited to the creation of building pads, and not for the purpose of creating flat yard areas. Split pads are encouraged to reduce pad grading.
- #4 Allow for slopes to be graded between pads necessary to provide views and landscaping for lots.
- #6 The location of the road grades shall be designed to provide practical feasible access to the units as shown on the site plan that meets the Contra Costa Consolidated Fire Department standards.
- #7 Units have been reduced from 63 units to 51 units on the hill at the direction of City Council. This reduction in unit count has provided for increased lot size, more outdoor usable space, RV parking, pedestrian access and a small community feature pocket park.
- #11 That the site has been redesigned to comply with the general plan and the Hillside Planned Development District and Article 24.
- #12 The minimum lot size on the hill will be no less than 10,000 square feet.
- #13 No comments made
- #14 That the applicant has demonstrated how project grading and the grading of the adjacent subdivision to the west is compatible.

Councilmember Moore stated he was in substantial agreement with Councilmember Simonsen's comments and looked forward to staff working with the applicant to develop a project that would benefit Antioch.

Councilmember Davis requested to see Councilmember Simonsen's recommendations in writing to give him an opportunity to review them and requested staff recommendation #2 be stricken. Additionally, he noted the applicant had responded to the requests from Council and he looked forward to the project coming back.

Mayor Freitas stated he felt the proposal was an abomination of the City Council. He noted staff had responded to the City Council's request to outline the policy issues. He further noted this was not an infill project and the area should remain open space, however, if the majority of the City Council felt it should be developed, they should require the applicant to follow the hillside ordinance. Furthermore, he felt they should be custom designed lots. He stated the proposal to grade the project 100 feet was significant and should be rejected. Additionally, he noted the project was precedence setting and would influence future development. He urged the City Council to reject the proposal based on its non-compliance to the Council approved policies or bring the general plan and hillside ordinance policies back for revisions.

Mayor Freitas declared a recess at 8:58 P.M. The meeting reconvened at 9:12 P.M. with all Councilmembers present.

Following discussion, Council agreed to move agenda item #4 to the next item of business.

RDA Committee Meeting
Project:

ATTACHMENT "H"

CATEGORY	POSSIBLE POINTS	COMMITTEE MEMBER SCORES					FINAL SCORES
A. PHYSICAL IMPROVEMENTS	200 POINTS POSSIBLE	Travers	Kalinowski	Freitas	Azevedo	AVERAGE	
A-1 Traffic and Transportation	75 points	60	55	60	60	58.8	
A-2 Utilities and Infrastructure	75 points	60	55	60	50	56.3	
A-3 Open Space and Parks	25 points	15	18	15	15	15.8	
A-4 Natural Features	25 points	10	0	0	5	3.8	
SUB-TOTAL		145	128	135	130	134.5	
B. DESIGN	100 POINTS POSSIBLE	Travers	Kalinowski	Freitas	Azevedo	AVERAGE	
B-1 Site Design	25 points	23	20	15	20	19.5	
B-2 Architecture and Design Quality	25 points	22	17	15	20	18.5	
B-3 Energy and Efficiency	25 points	15	17	10	10	13.0	
B-4 Public Safety	25 points	23	17	18	20	19.5	
SUB-TOTAL		83	71	58	70	70.5	
C. ADDITIONAL COMMUNITY BENEFITS AND CONTRIBUTIONS	200 POINTS POSSIBLE	Travers	Kalinowski	Freitas	Azevedo	AVERAGE	
C-1 School Mitigation	60 points	40	40	40	40	40.0	
C-2 Economic Development Benefits	60 points	40	20	30	35	31.3	
C-3 Contributions to Special Projects	80 points	50	20	25	35	32.5	
SUB-TOTAL		130	80	95	110	103.8	
TOTAL POINTS	500 POSSIBLE	358	279	288	310	308.8	

ATTACHMENT "I"

STAFF REPORT TO THE RDA COMMITTEE FOR CONSIDERATION AT THE MEETING OF AUGUST 20, 2007

Prepared by: Mindy Gentry, Assistant Planner *MG*
Reviewed by: Tina Wehrmeister, Deputy Director of Community Development
Date: August 17, 2007
Subject: RDA-07-02 – The Pointe

PROJECT INFORMATION

Applicant: Discovery Builders, Inc.
Owner: Discovery Builders, Inc.
Location: The project site is located east of the intersection of James Donlon Boulevard and Somersville Road (APN: 089-160-009) (Attachment "A")
General Plan / Zoning: The General Plan designation for the project site is Low Density Residential, which allows a maximum density of four units per acre. The zoning designation is Hillside Planned Development (HPD).
Requested Allocations: The applicant is requesting that 60 single-family residential units be allocated in 2008. The project is not being phased.

DISCUSSION

On July 30, 2007, the RDA Committee heard and continued the project and now the applicant is returning with revised benefits and contributions. The previous staff report is provided as Attachment "B". This staff report will address the project changes and summarize the community benefits that have been proposed by the applicant.

In the applicant's summary and revised site plan, they have indicated that a single story home has been added to the development (Attachment "C"). A revised floor plan has not been received by staff, although the applicant has indicated the single story home was derived from floor plan 1 which had a loft incorporated. The developer has eliminated the two upstairs bedrooms and bathroom. The square footage of the four homes now range from 2,616 s.f. to 3,951 s.f. with options ranging to 4,102 s.f.

ANALYSIS

Physical Improvements

The developer is proposing all private roads which will be maintained by the Homeowners Association. The necessary roadways to access the development have already been constructed or are planned for construction as part of the previously approved Black Diamond Ranch.

The developer will be required to provide the infrastructure necessary to serve the site and will be required to pay fair share costs for all infrastructure improvements. This includes utility tie-ins such as water, sanitary sewer, and storm drainage systems. The applicant is not proposing any public improvements to utilities or infrastructure. Additionally, the project will be annexed into SLLMD 2A-10 which is responsible for the ongoing maintenance of streets, landscaping, and lighting improvements to Somersville Road, James Donlon Boulevard, and Markley Creek Park.

The applicant is proposing approximately 4 acres of open space (about 20% of the overall site). The open space, Parcel A and Parcel B, are located at the rear of the houses on the upslope from Black Diamond Ranch. The applicant has provided a conceptual landscape plan for open space parcels. Furthermore, the applicant is providing a pedestrian path between the three terraces and a pocket park approximately 10,836 s.f. in size. Maintenance of all common areas, open space, front yard landscaping, the community pocket park, entry features, and landscaping in the common space will be the responsibility of the project's Homeowner's Association (HOA).

Site Plan, Architecture and Landscaping

All the lots except for 53-59 are 10,000 s.f. or larger. The site is zoned Hillside Planned Development (HPD), which allows for flexibility in setbacks and lot sizes. The design of the development has utilized the topography to maximize unobstructed views of the City of Antioch and the delta for many of the homes.

There are four proposed base floor plans ranging from 2,616 s.f. to 3,951 s.f. with options ranging to 4,102 s.f. There are several options for room arrangements and a mix of garage approaches from side to front load configurations. The themes of the proposed homes are Craftsman, Spanish, and Monterey which will be finished in stucco and accented by wood shutters, divided-lite windows, iron metal ornamentation, stone veneer, wood braces and concrete tile roofing.

The proposed landscape plan offers a wide variety of drought tolerant landscaping, a City standard requirement.

The applicant states that all the homes will meet or exceed energy efficient requirements and will have the appropriate conservation features included and available for the public to purchase as upgrades. The applicant has not identified the type of

appropriate conservation features that will be offered. It would be a benefit to the future homeowners if these energy efficient features were standard on all homes.

The majority of the proposed project is within a gated community with Lots 52 – 60 incorporated into Black Diamond Ranch and not gated. Security systems and alarms are offered with all homes, but are not included as standard.

Community Wide Benefits

The applicant has identified in their summary of benefits that the applicant will provide \$450,000 for additional permanent classrooms at the John Turner Elementary School and Antioch High School. This monetary contribution is to be made at the issuance of the 20th building permit. Furthermore, it is typical of new subdivisions to be required to annex into a Mello Roos District for the purpose of mitigating any school impacts.

For Economic Development Benefits and Contributions to Special Projects, the applicant is offering a monetary contribution of \$300,000 toward the City of Antioch monument entry signs. This contribution is to be made at the issuance of the 40th building permit. Furthermore, the applicant is offering a monetary contribution of \$300,000 towards the Community Center at Prewett Park. This contribution will be made at the issuance of the 60th building permit.

Overall, the financial contribution totals \$1,050,000 which equates to \$17,500 per lot. Staff has prepared a proforma based on similar proformas prepared on all properties in Future Urban Area 1 and outlining the approximate cost of the development, as well as the profits of the project (Attachment "C"). The proforma provides general numbers for the entire project with all the homes slated at 3,000 s.f., 3,500 s.f., or 4,000 s.f. The profit for the three generic homes sizes is approximately \$8,400,000, \$10,600,000, and \$13,000,000 respectively. The typical profit margin for a residential housing project is approximately 9% to 14%; however, the projected profit margin for this project is between 22% and 29%. The profit over and above the typical 9% to 14%, calculated at 12%, equates to approximately \$3,900,000, \$5,800,000, and \$7,600,000. Staff feels that because of this larger profit the economic and community benefits may not be equitable to the profits being generated.

The aforementioned proforma was provided to the applicant two weeks prior to the hearing. Staff asked that the applicant provide comments regarding the assumptions made in the proforma. At the time this staff report was prepared, feedback had not been received from the applicant.

SUMMARY OF PROJECT BENEFITS

Below is a brief description of the community benefits provided by the project and their timing organized by each evaluation category approved by the City Council. The maximum possible points for each category are shown in the table, but no points have been assigned. The applicant's description of the project's benefits to the community is attached (Attachment "D").

The Committee should use the table below to score the project prior to the RDAC meeting on August 20, 2007.

CATEGORY	POINTS POSSIBLE	COMMITTEE NOTES
A. PHYSICAL IMPROVEMENTS	200 POINTS	NOTES
A-1 Traffic and Transportation	75 points	
<ul style="list-style-type: none"> Streets within the project will be private and will be maintained by the Home Owners Association at no cost to the City. 		
A-2 Utilities and Infrastructure	75 points	
<ul style="list-style-type: none"> The project will be annexed into the SLLMD 2A-10, which maintains the landscaping and lighting for Somersville Road, James Donlon Boulevard, and Markley Creek Park. 		
A-3 Open Space and Parks	25 points	
<ul style="list-style-type: none"> The project includes 4 acres of private open space area and pedestrian paths between the three terraces. The project includes a 10,836 s.f. community pocket park with a water feature and pedestrian pathways between the three terraces. 		
A-4 Natural Features	25 points	
<ul style="list-style-type: none"> The project is not preserving the natural features of the hillside. 		
B. DESIGN	100 POINTS	
B-1 Site Design	25 points	
<ul style="list-style-type: none"> The majority of the lots in the project have a 10,000 or larger s.f. lot. There are unobstructed views of the City of Antioch and the delta from many of the homes. 		
B-2 Architecture and Design Quality	25 points	
<ul style="list-style-type: none"> The houses will be accented with wood shutters, divided-lite windows, iron metal ornamentation, stone veneer, wood braces, and concrete tile roofing. The landscape plan provides a wide variety of landscaping. 		
B-3 Energy and Efficiency	25 points	

CATEGORY	POINTS POSSIBLE	COMMITTEE NOTES
<ul style="list-style-type: none"> The homes will incorporate standard conservation features as well as upgraded energy efficient features. 		
B-4 Public Safety	25 points	
<ul style="list-style-type: none"> The majority of the community is gated. 		
C. ADDITIONAL COMMUNITY BENEFITS AND CONTRIBUTIONS	200 POINTS	
C-1 School Mitigation	60 points	
<ul style="list-style-type: none"> The applicant is proposing contributing \$450,000 at the issuance of the 20th building permit for permanent classrooms at Turner School and Antioch High School. The project will be required to annex into a Mello Roos district. 		
C-2 Economic Development Benefits	60 points	
<ul style="list-style-type: none"> The applicant is proposing contributing \$300,000 at the issuance of the 40th building permit toward the City of Antioch monument entry signs. 		
C-3 Contributions to Special Projects	80 points	
<ul style="list-style-type: none"> The applicant is proposing a financial contribution of \$300,000 at the issuance of 60th building permit towards the Community Center at Prewett Park. 		
TOTAL POINTS (500 points possible)		

RECOMMENDATION

It is recommended that the RDAC score the application and if the application meets the 50% threshold, decide if the project shall receive a recommendation of allocations. If the RDAC does recommend an allocation, such allocation should be contingent on compliance with the Antioch General Plan. A resolution of approval has been prepared; however, if the RDAC feels a denial resolution is appropriate, staff will prepare one accordingly.

ATTACHMENTS

- A. Vicinity Map
- B. Staff Report from the July 30, 2007 Residential Development Allocation Committee Hearing
- C. Proforma Prepared by Staff
- D. Letter from the Applicant Outlining Financial Contributions and the Project Description

ATTACHMENT "J"

STAFF REPORT TO THE PLANNING COMMISSION FOR CONSIDERATION AT THE MEETING OF SEPTEMBER 19, 2007

Prepared by: Mindy Gentry, Assistant Planner *MG*

Reviewed by: Tina Wehrmeister, Deputy Director of Community Development *TW*

Date: September 14, 2007

Subject: RDA-07-02 – The Pointe

RECOMMENDATION

It is recommended that the Planning Commission approve the attached resolution recommending the City Council approve 60 Residential Development Allocations (RDA-07-02).

REQUEST

Discovery Builders Inc., the applicant, requests approval of 60 single family residential development allocations for 2008 for an approximately 21 acre site. The project is generally located east of the intersection of James Donlon Boulevard and Somersville Road (APN: 089-160-009).

BACKGROUND / DISCUSSION

On February 21, 2007, the applicant presented a Preliminary Development Plan containing a 72 unit development to the Planning Commission. The staff report and minutes are provided from that meeting as Attachment "B". The Planning Commission provided the following direction to the applicant:

- Reduce the number of houses and create larger lots,
- Provide larger useable back and side yards,
- Accommodate boat and RV parking,
- Provide parking on both sides of the street,
- Protection of views through the CC&R's, and
- Modify the grading to bring it inline with the goals and policies of Hillside Planned Developments.

Following the Planning Commission hearing, the applicant submitted the subject RDA application in which the site plan was reduced to 66 units from the 72 unit Preliminary Development Plan. The reduction in units came about due to the feedback received from the Planning Commission. The Preliminary Development Plan subsequently went to the City Council where it was continued at the May 8, 2007 hearing. The May 8, 2007 staff report is an attachment to the June 12, 2007 staff report (Attachment "C").

On June 12, 2007, the project went back to the City Council with another revised plan that contained 60 units. As stated in the June 12th Council report the project, in staff's opinion, is not in compliance with the General Plan and Hillside Planned Development goals and policies. The majority of the City Council members present at the hearing were supportive of the presented 60 unit plan and directed staff to take the project through the RDA process.

On July 30, 2007, the RDA Committee heard and continued the project due to a lack of information from the applicant in the various scoring categories. The staff report for the July 30, 2007, hearing is an attachment to Attachment "E". On August 20, 2007, the RDAC heard the subject project and based on the project's satisfactory score, recommended approval of 60 residential development allocations; however, approval of the allocation was contingent upon compliance with the General Plan (Attachment "D"). In addition, based on feedback provided by the RDAC, the applicant added a single story floor plan, as well as a water feature, in the community pocket park. The applicant has provided a summary of community benefits (Attachment "F").

The project received 308.8 points from the RDAC. Amendments from the proposed community benefits and contributions that were agreed to by the applicant during the RDAC hearing were as follows:

- Install security systems in all homes as a standard feature;
- \$450,000 monetary contribution for an all season sports field, the location to be determined by the City Council, at the issuance of the first building permit;
- \$300,000 monetary contribution towards economic development projects deemed appropriate by the City Council at the issuance of the 20th building permit;
- \$300,000 monetary contribution towards the Community Center at Prewett Park at the issuance of the 40th building permit.

ATTACHMENTS

- A: Vicinity Map
- B: Staff Report and Minutes from the February 21, 2007 Planning Commission Hearing
- C: Staff Report and Minutes from the June 12, 2007 City Council Hearing
- D: RDAC Score Sheet
- E: Staff Report from the August 20, 2007 Residential Development Allocation Committee Hearing
- F: Summary of Community Benefits Provided by the Applicant

**CITY OF ANTIOCH PLANNING COMMISSION
RESOLUTION NO. 2007-23**

WHEREAS, the City of Antioch received a request from Discovery Builders, Inc. for the approval of 60 residential development allocations in 2008 for an approximately 21 acre site. The project is generally located east of the intersection of James Donlon Boulevard and Somersville Road (**APN: 089-160-009**) (RDA-07-02); and,

WHEREAS, the Planning Commission did receive a recommendation for approval of residential allocations for this project from the Residential Development Allocation Committee; and;

WHEREAS, the allocation process is not subject to the provisions of the California Environmental Quality Act; and

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

WHEREAS, on September 19, 2007, the Planning Commission duly held a public meeting, received and considered evidence, both oral and documentary; and

NOW THEREFORE BE IT FURTHER RESOLVED that the Planning Commission does hereby recommend denial to the City Council of 60 residential development allocations.

* * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Planning Commission of the City of Antioch of the County of Contra Costa, State of California at a regular meeting of said Planning Commission held on the 19th day of September, 2007 by the following vote.

AYES: Azevedo, Martin, Delgadillo, Brandt and Travers

NOES: None

ABSTAIN: None

ABSENT: None


TINA WEHRMEISTER, SECRETARY TO THE
PLANNING COMMISSION

**CITY OF ANTIOCH
PLANNING COMMISSION
REGULAR MEETING**

**Regular Meeting
7:30 p.m.**

**September 19, 2007
City Council Chambers**

Chairman Travers called the meeting to order at 7:30 p.m. on Wednesday, September 19, 2007, in the City Council Chambers.

Chairman Travers 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 date of the decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on Wednesday, September 26, 2007.

ROLL CALL

Present: Commissioners Martin, Brandt, Delgadillo (arrived at 7:35 p.m.),
Vice Chairman Azevedo and Chairman Travers
Staff: Senior Planner Morris
Assistant Planner Gentry
Assistant City Attorney Hawkins
Minutes Clerk Lawson

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

None.

END OF CONSENT CALENDAR

NEW PUBLIC HEARINGS

2. **RDA-07-02 – The Pointe – Discovery Builders, Inc., requests approval of 60 residential development allocations for a single-family subdivision on approximately 21 acres. The project site is located west of the intersection of James Donlon Boulevard and Somersville Road (APN 089-160-009).**

Associate Planner Gentry provided an overview of the Staff Report dated September 14, 2007.

OPENED PUBLIC HEARING

Louis Parsons, Discovery Builders, provided a PowerPoint presentation that depicted a brief overview of the site plan, as well as various amenities within the project.

Dana Owyong, Project Architect, Discovery Builders, spoke to the architectural details of the project, per displayed wall maps.

Troy Bristol, representing Save Mount Diablo, distributed and made a part of the record, a letter dated July 20, 2007, stating their opposition to this project. He felt the proposed project would have significant impacts on this area and furthermore that the project plan was inconsistent with the City of Antioch's General Plan, as well as the City's Hillside Plan Development Ordinance. He felt that by allowing this project to move forward, it would set a negative precedent by the City and felt it should be denied.

Mr. Parsons stated that when the project's plans were originally submitted in 2005, a request was made before the City Council for an amendment to the designation of the Black Diamond Ranch project which was approved in November of 2005 to designate the property as owner developer remainder parcel. Therefore at present, it has a land use designation for residential development as approved by the City Council, and the parcel is shown as a remainder parcel with applicable residential zoning and general plan designations.

Commissioner Martin asked Mr. Parsons if he agreed with all the conditions as stated within the proposed Resolution, wherein Mr. Parsons concurred.

CLOSED PUBLIC HEARING

Commissioner Delgadillo asked staff if the project met the specifications for hillside development, wherein Assistant Planner Gentry stated that it was staff's opinion that it was not in compliance with the City's General Plan or the Hillside Plan Development Ordinance.

Commissioner Martin stated that he felt this project was in violation of the City's General Plan and Hillside Planned Development Ordinance and felt that development should not move forward in this particular area. He personally felt that if this project were to move forward, it would set a precedent for the south side of Antioch to open up to additional development on the hillsides. Furthermore, he appreciated the monetary contributions offered within the RDA process and approved of the architectural elements of the project, but felt he could not move forward with an approval because he did not want to violate the City's General Plan and the Hillside Planned Development Ordinance. Commissioner Martin stated that he would be voting against this project.

Commissioner Brandt stated that she was disappointed in the proposed plans, in terms of the proposed hillside development's vision on the part of the applicant. She further

expressed disappointment in the proposed architectural plans, in that she felt the layout of the homes and the small lots were too ordinary and not what an executive-type home should be, as seen in other communities. She felt that the applicant did not take the City's Hillside Planned Development Ordinance seriously and felt the proposed plan did not meet the intent of the Ordinance, in terms of blending homes into the hillside.

Commissioner Delgadillo stated that he disagreed with the architectural type features that have been proposed by the applicant and that they were too similar with what already existed within the community. In terms of executive style homes, he expected the applicant to propose more amenities, features and larger lot sizes. Moreover, he felt the project did not meet the requirements of the City's Hillside Planned Development Ordinance and felt this area should remain as open space and remain consistent with the City's original intent.

Commissioner Azevedo stated that he did not feel the proposed executive style homes were exceptional in design and in speaking to the points received from the RDAC, he did not agree with the City Council's decision and could not support the applicant's proposal. He suggested that the applicant bring this project back with a plan that could meet the Planning Commission's concerns and standards.

Chairman Travers stated his disappointment in the RDAC's decision and felt this project could be constructed in a manner to meet the Planning Commission's concerns. He approved of the proposed elevations and articulations of the architectural designs, but felt that the executive homes should be larger with larger size lots. He recommended that the project be improved upon to meet the concerns of the Commission.

Chairman Travers stated for the record that he agreed with Save Mount Diablo's comments here tonight, but due to the fact that they have not voiced their opinion earlier in this process, he recommended that they be more expeditious in stating their beliefs at future meetings.

RESOLUTION NO. 2007-23




On a motion by Commissioner Azevedo and seconded by Commissioner Martin, the Planning Commission DENIED a request from Discovery Builders, Inc., to recommend approval to the City Council of 60 residential development allocations in 2008 for an approximately 21 acre site.

AYES: ***Azevedo, Martin, Delgadillo, Brandt and Travers***

3. **RDA-06-01 – Tierra Villas – Mission Peak Homes, Inc., requests approval of 115 residential development allocations over a three year period. The project site is located on the west side of Heidorn Ranch Road, at the eastern terminus of Prewett Ranch Drive (APN's 056-013-013, -015, -107 and -018).**

ATTACHMENT "K"

STAFF REPORT TO THE CITY COUNCIL FOR CONSIDERATION AT THE MEETING OF JANUARY 22, 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: January 18, 2008
Subject: Residential Development Allocation – The Pointe (RDA-07-02).

RECOMMENDATION

The Planning Commission has recommended that the City Council deny the requested 60 residential development allocations for The Pointe project.

REQUEST

Discovery Builders Inc., the applicant, requests approval of 60 single family residential development allocations for 2008 for an approximately 21 acre site. The project is generally located west of the intersection of James Donlon Boulevard and Somersville Road (APN: 089-160-009).

BACKGROUND INFORMATION

On February 21, 2007, the applicant presented a Preliminary Development Plan containing a 72 unit development to the Planning Commission. The staff report and minutes are provided from that meeting as Attachment "B". The Planning Commission provided the following direction to the applicant:

- Reduce the number of houses and create larger lots,
- Provide larger useable back and side yards,
- Accommodate boat and RV parking,
- Provide parking on both sides of the street,
- Protection of views through the CC&R's, and
- Modify the grading to bring it inline with the goals and policies of Hillside Planned Developments.

Following the Planning Commission hearing, the applicant submitted the subject RDA application in which the site plan was reduced to 66 units from the 72 unit Preliminary Development Plan. The Preliminary Development Plan subsequently went to the City Council where it was continued at the May 8, 2007 hearing. On June 12, 2007, the project went back to the City Council with another revised plan that contained 60 units.

01-22-08

K1

The May 8, 2007 staff report and the June 12, 2007 staff report are attached (Attachment "C" and "D"). As stated in the June 12th Council report the project, in staff's opinion, is not in compliance with the General Plan and Hillside Planned Development goals and policies. The majority of the City Council members present at the hearing were supportive of the presented 60 unit plan and directed staff to take the project through the RDA process.

On July 30, 2007, the RDA Committee heard and continued the project due to a lack of information from the applicant in the various scoring categories (Attachment "E"). On August 20, 2007, the RDAC heard the subject project and based on the project's satisfactory score, recommended approval of 60 residential development allocations. Approval of the allocation was contingent upon compliance with the General Plan (Attachment "F"). In addition, based on feedback provided by the RDAC, the applicant added a single story floor plan, as well as a water feature, in the community pocket park.

The project received 308.8 points from the RDAC (Attachment "G"). Amendments to the proposed community benefits and contributions that were agreed to by the applicant during the RDAC hearing were as follows:

- Install security systems in all homes as a standard feature;
- \$450,000 monetary contribution for an all season sports field, the location to be determined by the City Council, at the issuance of the first building permit;
- \$300,000 monetary contribution towards economic development projects deemed appropriate by the City Council at the issuance of the 20th building permit;
- \$300,000 monetary contribution towards the Community Center at Prewett Park at the issuance of the 40th building permit.

On September 19, 2007, the Planning Commission heard the applicant's request for 60 residential development allocations and subsequently recommended denial of the project to the City Council (0-5 with 2 absent). The Planning Commission's reasons for denying the project were as follows: violation of the General Plan and Hillside Planned Development Ordinance, the layout and small lots were not typical of executive housing, lack of amenities, and dislike of the architectural features and design. While the Planning Commissioners' reasons for denial varied, the majority stated the project was in violation of the General Plan and Hillside Planned Development Ordinance (Attachment "H").

After the Planning Commission hearing, the Community Development Department received an amended list of community benefits from the applicant. The list had been modified with an additional contribution of \$10,000 per lot to be allocated to the Economic Development Job Creation Fund for a total of \$600,000 as an additional contribution (Attachment "I").

ENVIRONMENTAL

The Residential Development Allocation process is a non-entitlement action and does not require environmental review. The Final Development Plan will require compliance with the California Environmental Quality Act (CEQA).

PROJECT OVERVIEW

The proposed project consists of 60 single family homes. All the lots except for 53-59 are 10,000 s.f. or larger. The square footage of the four homes range from 2,616 s.f. to 3,951 s.f. with options ranging to 4,102 s.f. The site plan calls for an entry feature into the subdivision from Black Diamond Ranch through Summit Way. The subdivision features three private roads with the majority of the houses facing onto the street with the exception of lots 64-72. Lots 64-72 are proposed to blend into the adjacent Black Diamond Ranch development.

The subdivision is proposed to have three terraced levels with each street at a different grade level with a difference of approximately 20 feet between each. The applicant is also proposing two open space parcels of 2.7 acres (Parcel "A") and 1.4 acres (Parcel "B"). The open space areas are proposed as a vegetative buffer zone between Black Diamond Ranch and the adjacent subdivision (Attachment "J").

RDA EXPIRATION: The project does not currently have an expiration date associated with the residential development allocations. If the Council feels it is appropriate to add an expiration date, staff recommends adding, "The applicant shall submit a tentative map to the City within two years of the date of approval of RDA Allocations by the City Council. These RDA Allocations shall expire upon expiration of the underlying Tentative Subdivision Map." Staff would note that whatever action Council takes on this project with respect to an expiration of the RDA allocations will set precedent for future project allocations.

General Plan and Hillside Planned Development Ordinance Consistency: The subject project, in staff's opinion, is still not compliant with the General Plan and Zoning Ordinance's Hillside Planned Development. If, at the time a Development Plan and Tentative Map are processed, Council feels the project does comply with the General Plan and Zoning Ordinance, they will need to make a determination the project is compliant with the General Plan and Zoning Ordinance based on specific findings.

Opposition Letters

A letter of opposition was received from the East Bay Regional Park District as well as from Save Mount Diablo. (Attachment "K").

FINANCIAL IMPACT

Denial of the application would eliminate the potential of the offered financial contribution of \$1,650,000 from the applicant.

OPTIONS

The City Council may approve the 60 requested allocations contingent on a future finding of consistency with the General Plan and Hillside Planned Development Ordinance. A resolution for approval has been included with condition number 13 addressing the requirement for consistency.

The City Council may direct the applicant to revise the project to be consistent with the General Plan and Hillside Planned Development Ordinance.

ATTACHMENTS

- A: Vicinity Map
- B: February 21, 2007 Planning Commission Meeting Staff Report and Minutes
- C: May 8, 2007 City Council Meeting Staff Report and Minutes
- D: June 12, 2007 City Council Meeting Staff Report and Minutes
- E: July 30, 2007 RDA Committee Staff Report
- F: August 20, 2007 RDA Committee Staff Report
- G: RDAC Score Sheet
- H: September 19, 2007 Planning Commission Staff Report and Minutes
- I: Applicant's Revised Financial Contributions
- J: Applicant's Project Description
- K: EBRPD and Save Mount Diablo Letters of Opposition

RESOLUTION NO. 2008/11

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANTIOCH APPROVING 60 SINGLE FAMILY RESIDENTIAL DEVELOPMENT ALLOCATIONS FOR AN APPROXIMATELY 21 ACRE PROPERTY GENERALLY LOCATED WEST OF THE INTERSECTION OF JAMES DONLON BOULEVARD AND SOMERSVILLE ROAD (APN: 089-160-009).

WHEREAS, the City Council of the City of Antioch did receive a request from the Discovery Builders, Inc. requesting approval of 60 single family residential development allocations on an approximate 21 acre property. The project site is generally located west of the intersection of James Donlon Boulevard and Somersville Road (APN: 089-160-009); and

WHEREAS, the Planning Commission on September 19, 2007, duly held a noticed public hearing, received and considered evidence, both oral and documentary, and recommended denial of the allocations to the City Council; and,

WHEREAS, the City Council duly gave notice of public hearing; and,

WHEREAS, on January 22, 2008 the City Council duly held a public meeting, received and considered evidence, both oral and documentary; and,

NOW THEREFORE BE IT RESOLVED that the City Council does hereby APPROVE the request of 60 single family residential development allocations, subject to the following items and community benefits that the applicant has agreed to provide:

1. The project amenities shall be substantially in conformance with the applicant's project description, dated August 9, 2007 and their letter regarding community contributions, dated November 23, 2007.
2. Local streets within the project shall be private and shall be maintained by the Homeowners Association, at no cost to the City.
3. The project shall be annexed into a Street, Lighting, Landscaping, and Maintenance District (SLLMD).
4. The homes shall incorporate appropriate conservation measures as standard equipment and not as options or upgrades.
5. The project will include approximately 4 acres of private open space area, a pedestrian path between the three terraces, and a community pocket park with a water feature.
6. The homes shall be finished with wood shutters, divide-lite windows, iron metal ornamentation, stone veneer, wood braces, and concrete tile roofing.
7. All lots except lots 53 to 59 shall be 10,000 s.f. or larger.
8. The community shall be gated except for the lots that will blend into the Black Diamond Ranch subdivision.

9. A financial contribution of \$450,000 shall be made toward the establishment of an all season sports field, the location to be determined by the City Council, at the issuance of the 1st building permit.
10. A financial contribution of \$300,000 shall be made toward the City of Antioch for economic development projects deemed appropriate by the City Council at the issuance of the 20th building permit.
11. A financial contribution of \$300,000 shall be made toward the Community Center at Prewett Park at the issuance of the 40th building permit.
12. Upon approval of the Vesting Tentative Map, a financial contribution of \$10,000 per lot, for a total of \$600,000, shall be given to the Economic Development Job Creation Fund.
13. Allocations allowed under this resolution are contingent upon the Antioch City Council finding the project Development Plan and Tentative Map to be consistent with the General Plan and Zoning Ordinance.
14. The applicant shall submit a tentative map to the City within two years of the date of approval of RDA Allocations by the City Council. These RDA Allocations shall expire upon expiration of the underlying Tentative Subdivision Map

* * * * *

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 22nd day of January 2008, by the following vote:

AYES: Council Members Kalinowski, Davis, Moore and Simonsen

NOES: Mayor Freitas

ABSENT: None


L. JOLENE MARTIN, City Clerk

Steve Allen, representing the Mission Peak Company, gave a brief overview of the project and modifications made to incorporate direction received during the Preliminary Development Plan. He requested consideration of more than a 4-year timeframe for the allocations.

Mayor Freitas reviewed the RDA benefits proposed.

Following discussion, Mr. Allen requested the timing of the allocations be revised to 2009, 2010 and 2011.

Mayor Freitas closed the public hearing.

Councilmember Moore commended the applicant for bringing forward a green project.

Councilmember Kalinowski stated he felt the project was not consistent with the City's planning and vision for high density projects.

RESOLUTION NO. 2008/10

On motion by Councilmember Simonsen, seconded by Councilmember Moore the City Council approved the resolution with the following revisions:

The table of residential development allocations over three years were amended as follows:
2009 – 35, 2010 – 40 and 2011 – 40.

#10. The applicant shall submit a tentative map to the City within two years of the date of approval of RDA Allocations by the City Council. These RDA Allocations shall expire upon expiration of the underlying Tentative Subdivision Map.

#11. The addition of *Build it Green* standards.

The motion carried by the following vote:

Ayes: Simonsen, Moore, Davis

Noes: Freitas, Kalinowski

Mayor Freitas declared a recess at 8:50 P.M. The meeting reconvened at 9:02 P.M. with all Councilmembers present.

6. **DISCOVERY BUILDERS, INC. / THE POINTE REQUESTS APPROVAL OF 60 RESIDENTIAL DEVELOPMENT ALLOCATIONS FOR A SINGLE-FAMILY HOME SUBDIVISION ON APPROXIMATELY 21 ACRES LOCATED EAST OF THE INTERSECTION OF JAMES DONLON BOULEVARD AND SOMERSVILLE ROAD. (APN: 089-160-009). FILE: RDA-07-02 #204-05**

Associate Planner Gentry presented the staff report dated January 18, 2008 recommending the City Council approve the Planning Commission's recommendation and adopt the resolution denying the requested 60 Residential Development Allocations for the project.

Mayor Freitas opened the public hearing.

Louis Parsons, representing Discovery Builders Inc., gave a general project overview outlining the grading approach, site plan and community benefits for the project.

Dana Owyong, Project Architect, gave a brief overhead presentation of the project architecture.

Troy Bristol, representing Save Mt. Diablo, stated it was their position the project, as presented, was in violation of the City's General Plan and as well as being inconsistent with the Antioch's Hillside Planned Development Ordinance; therefore, the Save Mt. Diablo Organization urged the Council to uphold the recommendation of both the Planning Commission and City staff, and deny the appeal.

Barbara Sobalvarro, speaking on behalf of herself voiced her support for the Planning Commission's recommendation for denial of the project and discussed the importance in preserving hillsides and respecting the environment.

Mayor Freitas closed the Public Hearing.

Councilmember Simonsen stated the project was consistent with the other RDA requests,

Councilmember Kalinowski stated due to the City's inability to maintain open space and the fact the project was consistent with surrounding properties, he felt an exception should be made for the project. He highlighted the modifications and contribution submitted by the applicant.

Councilmember Moore stated the applicant had addressed the concerns of Council as the project had moved forward and the RDA contributions would improve the quality of life for Antioch residents.

Mayor Freitas stated while he liked the project, he felt it was moving in the wrong direction. He further noted grading the hill would not only be a violation of the General Plan and Hillside Planned Development Ordinance, it would also set precedence.

RESOLUTION NO. 2008/11

On motion by Councilmember Simonsen, seconded by Councilmember Moore the City Council adopted the resolution, approving 60 single family residential development allocations with the following revisions:

- #12 - Upon approval of the Vesting Tentative Map, a financial contribution of \$10,000 per lot, for a total of \$600,000, shall be given to the Economic Development Job Creation Fund.

- #14 - The applicant shall submit a tentative map to the City within two years of the date of approval of RDA Allocations by the City Council. These RDA Allocations shall expire upon expiration of the underlying Tentative Subdivision Map

The motion carried by the following vote:

Ayes: Simonsen, Moore, Kalinowski, Davis

Noes: Freitas

COUNCIL REGULAR AGENDA

7. APPOINTMENT TO EBART SUBCOMMITTEE #302-10

Community Development Director Brandt presented the staff report dated January 15, 2008, recommending the City Council confirm the Mayor's appointment.

Mayor Freitas nominated Councilmember Simonsen.

On motion by Councilmember Moore, seconded by Councilmember Davis, the City Council accepted the Mayor's nomination and appointed Councilmember Simonsen to the eBART Subcommittee.

The motion carried by the following vote:

Ayes: Freitas, Davis, Moore, Simonsen

Noes: Kalinowski

8. APPOINTMENT TO CRIME PREVENTION COMMITTEE FOR 1 (ONE) UNEXPIRED TERM #302- 01

Mayor Freitas nominated Daniel Campbell to the Antioch Police Crime Prevention Commission.

On motion by Councilmember Kalinowski, seconded by Councilmember Davis, the City Council unanimously approved the Mayor's nomination and appointed Daniel Campbell to the Police Crime Prevention Commission.

9. REPORT FROM THE ADHOC SUBCOMMITTEE REGARDING ANIMAL SERVICES #302-10

Lieutenant Welch presented the staff report dated January 14, 2008, recommending the City Council accept the report and provide direction to staff.

Councilmember Simonsen stated if the hiring of a consultant and an additional Animal Control Officer were to be approved, he was prepared to direct City staff to contact other jurisdictions with nonprofit animal shelters for budget, operational comparison purposes.

ATTACHMENT "L"

General Plan land use map or in Focus Area policies. Overall, residential developments within the Estate Residential land use category should provide large lots, and project a semi-rural character.

Neighborhood entry signage is encouraged to create a sense of community, and define Estate Residential neighborhoods as special places. Within hillside areas, dwelling units should be clustered on land that is relatively flat, and no development should occur on slopes exceeding 20 percent. Due to the unique nature of these areas, a clustering of units may be needed to accommodate the unit yield and still maintain the topographic uniqueness of the area. Developments in these areas should be oriented around a major amenity that increases public exposure to the more hilly terrain. Examples of such amenities include golf courses and equestrian centers.

- *Appropriate Land Use Types:* See Table 4.A
- *Maximum Allowable Density:* One dwelling unit per developable acre (1 du/ac) or two dwelling units per developable acre (2 du/ac)
- *Anticipated Population per Acre:* Four (4) to eight (8) persons per acre

Low Density Residential. These areas are generally characterized by single-family homes in traditional subdivisions. Areas designated Low Density Residential are typically located on gently rolling terrain with no or few geological or environmental constraints. The residential neighborhoods of southeast Antioch reflect this residential density.

- *Appropriate Land Use Types:* See Table 4.A
- *Maximum Allowable Density:* Four dwelling units per gross developable acre (4 du/ac)
- *Anticipated Population per Acre:* Twelve (12) to Fourteen (14) persons per acre

~~**Medium Low Density.** These areas are generally characterized by single-family~~

~~homes in typical subdivision development, as well as other detached housing such as zero lot line units and patio homes. Duplex development would generally fall into this development density. Areas designated Medium Low Density are typically located on level terrain with no or relatively few geological or environmental constraints. Older subdivisions within the northern portion of Antioch reflect this residential density.~~

- *Appropriate Land Use Types:* See Table 4.A
- *Maximum Allowable Density:* Six dwelling units per gross developable acre (6 du/ac)
- *Anticipated Population per Acre:* Fourteen (14) to Eighteen (18) persons per acre

Medium Density Residential. A wide range of living accommodations, including conventional single-family dwellings, small lot single-family detached dwellings, mobile homes, townhouses, and garden apartments, characterizes the Medium Density land use designation. Development in these areas can be expected to be a maximum of two (2) stories, and include generous amounts of public or open space for active and passive recreational uses. Lands adjacent to parks, commercial uses, transit routes and rail stations, and arterial roadways would be appropriate for the upper end of the allowable development intensity for this category. Other lands would serve as a buffer or transition between lower density residential areas and higher density residential and commercial areas, as well as areas exhibiting greater traffic and noise levels.

At the higher end of the density range for this category, multi-family townhouse and apartment development is expected to be predominant. Where the Medium Density land use designation serves as a transition or buffer, lower density townhouse and small lot, single-family development would be the predominant uses.

- *Appropriate Land Use Types:* See Table 4.A

ATTACHMENT "M"

area for family-oriented use, including both private development and public open spaces.

- z. The revitalization and redevelopment of Rodgers Point should include improved boat launch facilities, unless provision is made to provide a municipal boat launch at a different location in the community. Along with improved boat launch facilities, opportunities should be provided for the establishment of privately operated stackable dry boat storage.
- aa. Prior to or concurrent with approvals of any development applications at Rodgers Point, a Master Plan for the area shall be prepared and approved by the City. The Master Plan shall provide detailed guidance for environmental review, project-related land use, provision and financing of required public services and facilities, open space preservation, community design, recreational amenities, and community improvements.
- bb. "Anchor" commercial facilities such as restaurants or lodging/visitor services should be developed at Rodgers Point as part of the area's revitalization.
- cc. The distinctive streetscape existing within the downtown area should be expanded to encompass the all of the commercial and residential portions of the Rivertown/Urban Waterfront Focus Area. Entry monummentation, including signage, special landscaping, and, potentially, an overhead structure spanning the street, should be placed at the following locations:
 - Fourth Street at "L" Street
 - "L" Street at 10th Street
 - "A" Street at 6th Street
 - 10th Street at "L" Street.

4.4.6.2 Somersville Road Corridor. This Focus Area encompasses the commercial areas along Somersville Road from SR-4 north to Fourth Street, as well as the commercial areas south of the freeway, up to and including the Chevron property. The General Plan intends that existing auto dealerships be retained and revitalized along Somersville

Road. If the existing dealers ultimately decide to relocate from Somersville Road, the City should work with the dealers to secure alternative locations within the City of Antioch. Potential alternative locations include the Regional Commercial area within the East Lone Tree Specific Plan Focus Area and the SR-4 Frontage Focus Area.

a. Purpose and Issues. The Somersville Road corridor is one of Antioch's primary sales tax generators, encompassing automobile dealerships, the Somersville Towne Center mall, and other retail businesses. Uses along this corridor are aging, and in need of improvement. In addition, the Somersville Road interchange is heavily congested. Interchange capacity will be increased as part of improvements for SR-4. Interchange improvements could impact adjacent existing hotel uses.

- Automobile dealerships exist along Somersville Road. The City has worked in the past to improve the design of Somersville Road, and to assist existing dealerships to modernize their facilities. Relocating the dealerships to another location within Antioch could reduce the amount of land available for industrial use, and may or may not be desirable for the dealerships. The dealerships have generated a customer base in their present location, though they do not have freeway visibility.
- South of the freeway is Somersville Towne Center, formerly known as County East Mall. The center was an open air complex, and was enclosed in the 1970s. The mall has not provided the level of retailers, mix of uses (e.g., restaurants), or design interest that could be supported by the community. In addition, vehicular access to the mall from Somersville Road is difficult due to limited parking. Pedestrian entry along the easterly side of the mall is awkward due to the presence of commercial uses with access directly from the parking lot.

There have been discussions in the past regarding adding another anchor tenant. However, the present design of the mall,

with a series of tenants having their entries open to the parking lot along Somersville Road, limits simple design solutions. As a result, there have been suggestions that the mall be revitalized as a mixed-use specialty retail, entertainment, office, and residential project.

- The Focus Area's commercial uses are auto-oriented, and its general character is that of a typical older suburban community. Improvements to signage, street-scapes, and building façades are needed throughout the developed portion of this Focus Area, along with improved pedestrian linkages in the mall area.
- At the southern end of this Focus Area is the Chevron property, which is a 193-acre relatively flat, vacant parcel south of Buchanan Road. It is an unincorporated island surrounded by the cities of Antioch and Pittsburg, and is within Antioch's sphere of influence. The site has been extensively disturbed as the result of its previous use as an oil storage facility. With the extension of James Donlon Road, the Chevron property will become and important gateway into west Antioch.

b. Policy Direction. Efforts should be continued to keep existing automobile dealerships in their present locations, and to upgrade their facilities. Somersville Towne Center should be improved and expanded into a cohesive mixed-use retail, retail, entertainment, and residential center. Pedestrian and other urban design improvements need to be provided to increase linkages between the mall and adjacent uses. Special effort should be undertaken to improve access to the mall site from Somersville Road, and to improve the distribution of parking around the mall.

The following policies apply to the Somersville Road Corridor Focus Area.

- a. Areas designated "*Commercial*" on Figure 4.3 shall comply with the provisions of the Somersville Road Commercial land use category (see Table 4.A).

- b. Areas designated "*Regional Commercial*" on Figure 4.3 shall comply with the provisions of the Regional Commercial land use category (see Table 4.A).
- c. Areas designated "*High Density Residential*" in Figure 4.3 shall comply with the provisions of the High Density Residential land use category (see Table 4.A).
- d. Expansion of Somersville Towne Center is encouraged, including new and expanded retail, particularly addition of new anchor tenants (department stores), higher end specialty retail, and sit-down restaurants. As shown in Figure 4.3, the General Plan permits expansion of the mall to the west. Expansion of the mall could also occur vertically by adding a second story of shops. Also permitted is the conversion of the existing mall into a mixed-use commercial, office, and residential complex. Revitalization of the mall into a mixed use concept could occur alongside expansion of the existing mall itself through development of multi-story office buildings, either free-standing or attached to the mall.
- e. In cooperation with the City of Pittsburg, work to extend Century Boulevard to Buchanan Road as a two-lane arterial, with a connection to Los Medanos College.
- f. The development of the "Chevron property," located on the west side of Somersville Road, south of Buchanan Road, shall comply with the following provisions.
 - The primary land use intent for this site is a mix of low-rise business park and medium density residential housing products.

For illustrative purposes, Figure 4.3 shows the property divided into business park and residential portions. The specific development design of the site shall be determined through approval of a planned

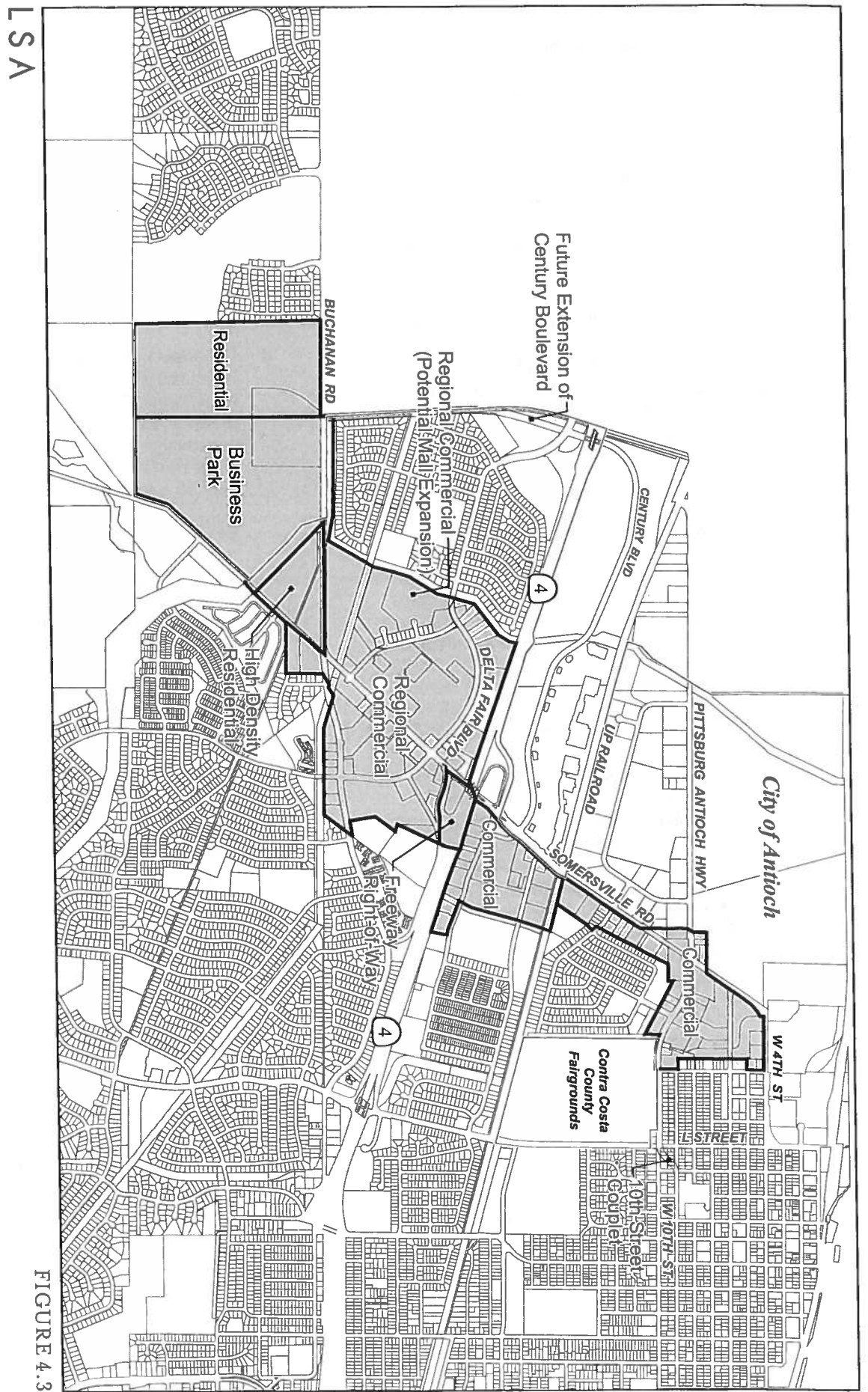


FIGURE 4.3

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ANTIOCH CITY LIMITS

City of Antioch
General Plan
Somersville Road Corridor
Focus Area

development for the site. A minimum of 40 percent of the site is to be devoted to business park and related commercial and open space uses.

- Business Park and related commercial uses shall front along the entire length of Somersville. Although it would be desirable to have business park and related commercial uses fronting along Buchanan Road at least as far west as the flood control channel, residential uses may front along Buchanan Road. The Business Park areas shall comply with the provisions of the Business Park land use category.
- Development of the site should be heavily landscaped. Business park and related commercial uses should be one or two stories, and clustered in a park-like setting.
- A common design theme for business park and residential uses within the 193-acre site is to be provided, including compatible architectural, landscaping, and signage.
- Residential uses within the Chevron site may consist of a combination of small lot single family detached and multi-family development, and shall be consistent with the provisions of the Medium Density Residential land use category.
- Adequate separation shall be maintained between new office and multi-family uses and existing residential neighborhoods. If parking areas are located along the residential edge, sufficient noise mitigation shall be provided.
- As part of site development, a community gateway monument shall be provided, including distinctive signage and landscaping at the northwest corner of the site, expressing the theme of Antioch as "Gateway to the Delta." Such signage and monumentation must portray a high quality design image for the City.

- The City should work with the owner of the Chevron property to annex it into Antioch.
- g. An urban design plan should be prepared for the entire Somersville Road Corridor. The design plan should define a design theme; set specific architectural, sign, landscape, and streetscape design standards for the corridor; and select specific designs for public improvements such as street lighting, special paving sections at intersections, and street furniture.
- h. A façade improvement program should also be undertaken for existing commercial uses within this Focus Area, with assistance from the Antioch Redevelopment Agency.

4.4.6.3 Eastern Waterfront Employment Area. This Focus Area encompasses the industrial areas in the northeastern portion of the City and its General Plan study area, south of the San Joaquin River, west of the SR-160 freeway. The Eastern Waterfront Employment Area is approximately 474 acres in size, and lies partly within the City of Antioch and partly within unincorporated territory.

a. Purpose and Primary Issues. As a result of shifts in the national and regional economy, several of the heavy industrial uses located along the San Joaquin River have closed, or have significantly scaled back their operations. Thus, it is necessary to plan for revitalization of former heavy industrial lands along the river, including transition to other uses. This may include environmental clean up of brownfields resulting from years of heavy industrial use. To the east of Fulton Shipyard and south of the Antioch Dunes National Wildlife Refuge is the abandoned City Sewage treatment plant site. The development feasibility of this site may depend in part upon the clean up and improvement of nearby areas.

A large portion of this Focus Area, primarily north of Wilbur Avenue and the BNSF rail line, is within unincorporated territory, and would need to be annexed if Antioch is to have any control over future land use. Portions of this area are rail-served, which provides

ATTACHMENT "N"

City of Antioch General Plan

5.0 Community Image and Design

- are to be designed to communicate clearly, and are to be integrated into the overall design of the project.
- g. Pole signs are not to be permitted. Signs are to be designed to reflect the general low-rise character of the City. Low monument-type signs are appropriate for identifying freestanding commercial uses, shopping centers, and business/office complexes. Where roof signs are permitted, they are to be architecturally integrated with the overall building design.
 - h. Individual tenant signs within centers should be designed as part of an overall sign program, integrating all signs with the architectural design of the project.
 - i. "Corporate" and "franchise" signage is discouraged, unless it is blended into the overall design theme of the center within the sign is located.
 - j. Gas station canopies with corporate colors, logos, and signs are discouraged unless their design is blended into the overall design of the adjacent structure.

5.4.14 Hillside Design Policies

- a. Design hillside development to be sensitive to existing terrain, views, and significant natural landforms and features.
- b. Projects within hillside areas shall be designed to protect important natural features and to minimize the amount of grading. To this end, grading plans shall conform to the following guidelines.
 - *Slopes less than 25%:*
Redistribution of earth over large areas may be permitted.
 - *Slopes between 25% and 35%:*
Some grading may occur, but landforms need to retain their natural character. Split-level designs and clustering are encouraged as a means of avoiding the need for large padded building areas.
 - *Slopes between 35% and 50%:*
- c. Manufactured slopes in excess of five vertical feet (5') shall be landform graded. "Landform grading" is a contour grading method which creates artificial slopes with curves and varying slope ratios in the horizontal and vertical planes designed to simulate the appearance of surrounding natural terrain. Grading plans shall identify which slopes are to be landform graded and which are to be conventionally graded.
- d. The overall project design/layout of hillside development shall adapt to the natural hillside topography and maximize view opportunities to, as well as from the development.
- e. Grading of ridgelines is to be avoided wherever feasible, siting structures sufficiently below ridgelines so as to preserve unobstructed views of a natural skyline. In cases where application of this performance standard would prevent construction of any structures on a lot of record, obstruction of views of a natural skyline shall be minimized through construction techniques and design, and landscaping shall be provided to soften the impact of the new structure.
- f. Hillside site design should maintain an informal character with the prime

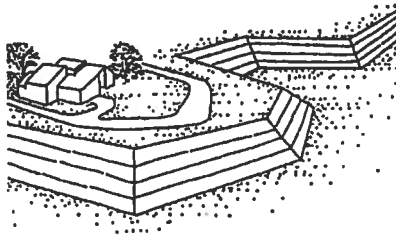
Development and limited grading can occur only if it can be clearly demonstrated that safety hazards, environmental degradation, and aesthetic impacts will be avoided. Structures shall blend with the natural environment through their shape, materials and colors. Impact of traffic and roadways is to be minimized by following natural contours or using grade separations. Encouraged is the use of larger lots, variable setbacks and variable building structural techniques such as stepped or post and beam foundations are required.

- *Slopes greater than 50%:*

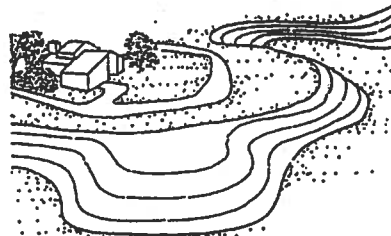
Except in small, isolated locations, development in areas with slopes greater than 50% should be avoided.

determinant being the natural terrain. This can be accomplished by:

- utilizing variable setbacks and structure heights, innovative building techniques, and retaining walls to blend structures into the terrain, and
 - allowing for different lot shapes and sizes.
- g. Buildings should be located to preserve existing views and to allow new dwellings access to views similar to those enjoyed from existing dwellings.
- h. Streets should follow the natural contours of the hillside to minimize cut and fill, permitting streets to be split into two one-way streets in steeper areas to minimize grading and blend with the terrain. Cul-de-sacs or loop roads are encouraged where necessary to fit the terrain. On-street parking and sidewalks may be eliminated, subject to City approval, to reduce required grading.



Unacceptable



Acceptable

- i. Clustered development is encouraged as a means of preserving the natural appearance of the hillside and maximizing the amount of open space. Under this concept, dwelling units are grouped in the more level portions of the site, while steeper areas are preserved in a natural state.
- j. Project design should maximize public access to canyons, overlooks, and open space areas by:
- providing open space easements between lots or near the end of streets or cul-de-sacs; and
 - designating public pathways to scenic vistas.
- k. Permit the use of small retaining structures when such structures can reduce grading, provided that these structures are located and limited in height so as not to be a dominant visual feature of the parcel.
- Where retaining walls face public streets, they should be faced with materials that help blend the wall into the natural character of the terrain.
 - Large retaining walls in a uniform plane should be avoided. Break retaining walls into elements and terraces, and use landscaping to screen them from view.
- l. Lot lines shall be placed at the top of slopes to facilitate maintenance by the down slope owner, who has the greater "stake" in ensuring the continued integrity of the slope.
- m. The overall scale and massing of structures shall respect the natural surroundings and unique visual resources of the area by incorporating designs which minimize bulk and mass, follow natural topography, and minimize visual intrusion on the natural landscape.
- The overall height of a building is an important aspect of how well it fits into

- the existing character of the neighborhood and its hillside environment. Houses should not be excessively tall so as to dominate their surroundings or create a crowded appearance in areas of small lots. Structures should generally be stepped down hillsides and contained within a limited envelope parallel to the natural grade, rather than "jutting out" over natural slopes.
- Building forms should be scaled to the particular environmental setting so as to complement the hillside character and to avoid excessively massive forms that fail to enhance the hillside character.
 - Building facades should change plane or use overhangs as a means to create changing shadow lines to further break up massive forms.
 - Wall surfaces facing towards viewshed areas should be minimized through the use of single story elements, setbacks, roof pitches, and landscaping.
- n. Collective mass rooflines and elements should reflect the naturally occurring ridgeline silhouettes and topographical variation, or create an overall variety, that blends with the hillside.
- o. Based upon the graphic principle that dark colors recede and light colors project, medium to dark colors which blend with the surrounding environment should be used for building elevations and roof materials in view-sensitive areas.
- p. Architectural style, including materials and colors, should be compatible with the natural setting. The use of colors, textures, materials and forms that will attract attention by contrasting or clashing with other elements in the neighborhood is to be avoided. No one dwelling should stand out.
- q. The interface between development areas and open space is critical and shall be given special attention. Slope plantings should create a gradual transition from developed slope areas into natural areas. By extending fingers of planting into existing and sculptured slopes, the new landscape should blend in with the natural vegetation.
- r. Planting along the slope side of a development should be designed to allow controlled views out, yet partially screen and soften the architecture. In general, 50 percent screening with plant materials should be accomplished.
- Trees should be arranged in informal masses and be placed selectively to reduce the scale of long, steep slopes.
 - Shrubs should be randomly spaced in masses.
 - Skyline planting should be used along recontoured secondary ridgelines to recreate the linear silhouette and to act as a backdrop for structures. Trees should be planted to create a continuous linear silhouette since gaps in the planting will not give the desired effect.
 - Trees that grow close to the height of structures should be planted between buildings to eliminate the open gap and blend the roof lines into one continuous silhouette.
 - For fire prevention purposes, a fuel modification zone shall be provided between natural open space and development.
- s. New development within hillside areas shall be conditioned upon:
- the preparation and recordation of a declaration of covenants, conditions and restrictions providing for the development and maintenance of manufactured slopes;
 - in the case of a parcel map or subdivision, the subdivider's supplying a program and/or staff for preventive maintenance of major manufactured slope areas. Such program must be approved prior to approval of a final map, and shall include homeowner slope maintenance requirements and

guidelines to be incorporated into the declaration of covenants, conditions, and restrictions.

5.4.15 Landscaping

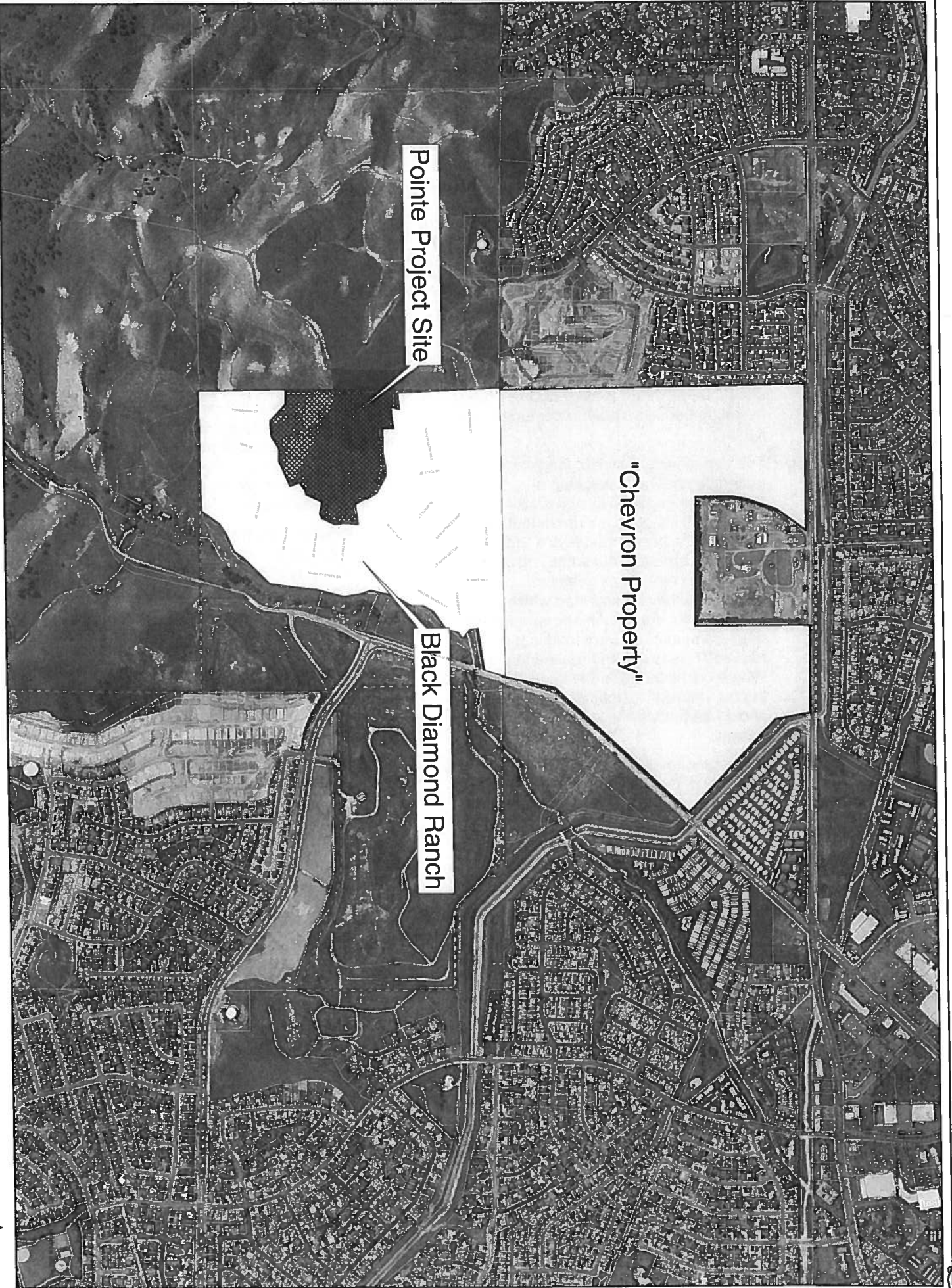
- a. Landscape design should accent the overall design theme and help to reinforce the pedestrian scale of the project. This could be accomplished through the use of structures, arbors, and trellises that are appropriate to the particular architectural style of the project. Pedestrian amenities should be provided throughout the project including benches, trash receptacles, and lighting.
- b. The use of water efficient landscape materials and the installation of appropriate irrigation systems are required. This does not mean that the landscape is brown, displays a "desert" theme, or is devoid of plants. However, it does mean that a well designed landscape shall be provided which produces the same lush appearance as other non-water efficient landscapes, but requires less water and maintenance. Where consistent with the site's design theme, native and naturalized species should be featured in the site's landscape design.
- c. Whenever landscaping of the public parkway is required it should be designed in coordination with the project's on-site landscaping to provide an integrated design concept along street frontages.
- d. Project entries should be designed as special statements reflective of the character of the project in order to establish identity for tenants, and visitors. Accent planting, specimen trees, enhanced paving, and project entry signs should be used to reinforce the entry statement.
- e. Landscaping should be designed as an integral part of the overall site plan design. Landscaping and open spaces should not be relegated to pieces of the site left over after buildings, parking, and circulation have been laid out.

5.4.16 Civic Arts Policies

- a. Support the efforts of the Civic Arts Organization to provide cultural and civic activities to residents and visitors, including such activities as art shows, school competitions, public exhibitions, art in public places, musical performances, dance recitals, plays, film festivals, and artists in residence.
- b. Pursue the establishment of facilities for the arts, including a museum; gallery space; and outdoor amphitheater for community events, musical performances, and plays; storage space for local arts groups; an indoor performance facility in addition to the Antioch community Center; and work space for both professional and amateur artists.
- c. Provide incentives to developments for the provision of outdoor art in public places in a variety of forms, such as stationary and kinetic sculptures, commemorative plaques, and murals. Such incentives could include, but are not necessarily limited to, credits for the provision of open space, density bonuses, or considerations in the City's residential development allocation system.

ATTACHMENT "O"

Chevron Property Location



4.4.1 Land Use Designations

4.4.1.1 Residential Land Use Designations.

Six residential land use designations are set forth to provide for development of a full range of housing types, in conjunction with residential development within General Plan Focus Areas. Permitted maximum land use and anticipated population densities are described for each designation. Densities are stated as the maximum permissible number of dwelling units per net acre that exists within the project site *prior* to any new dedication requirements. Density is assumed to accrue only to lands that are "developable."

Developable acres are those that are not encumbered by prior dedications of easements or rights-of-way, and are not so steep (generally over 25%), unstable, flood-prone or subject to other hazards as to be unable to support new development. Achievement of the maximum allowable density is neither guaranteed nor implied by the General Plan. The final density of any particular residential development type is dependent upon development design; any physical, geological, or environmental constraints that might be present within the site; available infrastructure and services; and other factors. The development standards that are established in the Antioch zoning ordinance might also limit attainment of maximum allowable densities.

Second units on a residential lot and home occupations are permitted by local regulation. Provision of density bonuses as allowed by State law and City ordinance may result in development densities in excess of the nominal maximum density for any land use designation.

Estate Residential. Estate Residential land uses are planned as a transition between urban and rural areas, and for areas that are not suited for a more intensive form of development because of topography, geologic conditions, or urban service limitations. Estate Residential areas will also serve to provide "executive" housing on large lots, thereby expanding the community's range of housing types.

On designated lands where topography is not limiting, the representative form of development would be single-family homes on lots that average one acre in size. For properties so designated that are situated in steeper hillside settings, clustering of units and utilization of other hillside development techniques are anticipated and encouraged. The final approved and built density on lands in the Estate Residential land use designation should reflect the location of these lands as low-density residential transition areas between the urbanized Antioch and the undeveloped Mount Diablo Range of hills.

Since this designation is planned at the urban/non-urban interface, the type and level of development may require different construction standards, such as narrower street widths with parking along only one side of the street or no on-street parking, greater setbacks, limited sidewalk areas, etc. Development may require a different level of services than that required for strictly urban land uses. Projects that minimize the demand for urban services and provide major funding for construction of needed service facilities would be appropriate.

Environmental constraints such as steep slopes, riparian habitats, unstable soil conditions, sensitive flora and fauna, and visual prominence are often found on lands with the Estate Residential designation. These constraints may make development of these areas extremely sensitive, and could require creative and imaginative site planning in all projects. The steepness of the slopes and the visual prominence of these areas make many of these resources important public amenities to be preserved for all of the citizens of Antioch. Finally, as these areas will serve as a buffer between the urbanized City of Antioch and the undeveloped open space to the southwest, development must be at a level, which serves as an appropriate transition between urban and non-urban environments.

Development in this category is generally limited to a maximum of one (1) unit per gross developable acre, unless a density of two (2) units per developable acre is specified on the

with views to the north and east. To preserve open space and views along the River, and to attract residents down to the area, the City has developed projects such as the Municipal Public Marina (built in 1988) and the Antioch Riverfront Promenade.

In 1981, the City enacted the Hillside Planned Development (HPD) Ordinance to protect hillsides, ridges, and ridgelines within the City. The Ordinance was revised and adopted in 1994 as part of the Zoning Ordinance and applies to those hillside areas in which one or more of the following apply:

- A predominant portion of the area has slopes in excess of 10 percent;
- A significant area of slopes of 25 percent or greater; or
- A significant ridgeline, hilltop, or exposed slope is located in the area.

The purpose of the Ordinance is to promote a more harmonious visual and functional relationship between the natural and built environments. The HPD Districts are reserved for residential uses that are clustered in a manner that will preserve significant features of hillside areas, such as drainage swales, streams, steep slopes, ridgelines, rock outcroppings, and native vegetation.

As of 1998, the City had three HPD Districts located in the south and southwest portions of the City. This land could be developed or redeveloped at any time with uses as specified in the General Plan or Zoning Ordinance. Areas designated, currently or in the future, as HPD Districts will be developed and should not be considered permanent passive open space. However, these areas will be developed in a manner which preserves valued open space characteristics.

10.3.1 Open Space Objective

Maintain, preserve and acquire open space and its associated natural resources by providing parks for active and passive recreation, trails, and by preserving natural, scenic, and other open space resources.

10.3.2 Open Space Policies

- a. Establish a comprehensive system of open space that is available to the public, including facilities for organized recreation; active informal play; recreational travel along formal, natural, and riverfront trails; passive recreation; and enjoyment of the natural environment.
- b. Implement the design standards of the Community Image and Design Element so as to maintain views of the San Joaquin River, Mount Diablo and its foothills, Black Diamond Mines Regional Preserve and other scenic features, and protect the natural character of Antioch's hillside areas as set forth in the Community Image and Design Element¹.
- c. Maintain the shoreline of the San Joaquin River as an integrated system of natural (wetlands) and recreational (trails and viewpoints) open space as set forth in the Land Use Element and Public Services and Facilities Element.
- d. Where significant natural features are present (e.g., ridgelines, natural creeks and other significant habitat areas, rock outcrops, and other significant or unusual landscape features), require new development to incorporate natural open space areas into project design. Require dedication to a public agency or dedication of a conservation easement, preparation of maintenance plans, and provision of appropriate long-term management and maintenance of such open space areas.
- e. Require proposed development projects containing significant natural resources (e.g. sensitive or unusual habitats, special-status species, habitat linkages, steep slopes, cultural resources, wildland fire hazards, etc.) to prepare Resource Management Plans to provide for their protection or preservation consistent with the provisions of the Antioch General

¹ Policies related to viewshed protection are set forth in Section 5.4.2, General Design Policies. Hillside design policies are found in Section 5.4.14.

Plan, other local requirements, and the provisions of State and Federal law. The purpose of the Resource Management Plan is to look beyond the legal status of species at the time the plan is prepared, and provide a long-term plan for conservation and management of the natural communities found onsite. Resource Management Plans shall accomplish the following.

- Determine the significance of the resources that are found onsite and their relationship to resources in the surrounding area, including protected open space areas, habitat linkages and wildlife movement corridors;
 - Define areas that are to be maintained in long-term open space based on the significance of onsite resources and their relationship to resources in the surrounding area, and
 - Establish mechanisms to ensure the long term protection and management of lands retained in open space.
- f. Encourage public access to creek corridors through the establishment of trails adjacent to riparian resources, while maintaining adequate buffers between creeks and trails to protect sensitive habitats, special-status species and water quality to the maximum extent feasible.
- g. Where feasible, incorporate preserve and protect significant existing natural features as part of the design of new development projects rather than removing them. Where preservation of natural features is not feasible, introduce natural elements into project design. Impacts to significant natural features that cannot be preserved or reintroduced into the project design on-site shall be mitigated off-site.

10.4 BIOLOGICAL RESOURCES OBJECTIVE AND POLICIES

Although it is largely urbanized, portions of remaining undeveloped lands contain vegetation and habitat types the California Department of Fish and Game considers rare

and worthy of consideration in the California Natural Diversity Database:

- Native grasslands
- Vernal pools
- Stabilized interior dunes
- Seasonal wetlands
- Freshwater seeps
- Freshwater marshes
- Coastal brackish marshes
- Alkaline floodplains
- Alkali seeps
- Valley oak woodlands
- Riparian woodland

Grassland. Native grasslands have been reduced to 90 percent of their former area in California. Native grassland in the Antioch Planning Area would be dominated by purple needlegrass (*Nassella puchra*). A variety of spring wildflowers are also found in native grasslands. Because of the rarity of this once abundant vegetation type, the California Department of Fish and Game may request mitigation for projects that impact native grasslands. Additionally, special-status plants are more likely to be found in undisturbed native vegetation. Native grasslands are most likely to be found scattered in the southern part of the Antioch Planning Area. A number of special-status species has been identified in certain native and non-native grassland habitats within and adjacent to Antioch, including San Joaquin kit fox (*Vulpes macrotis*), California tiger salamander (*Ambystoma californiense*), American badger (*Taxidea taxus*), western burrowing owl (*Athene cunicularia hypugea*), and golden eagle (*Aquila chryseatos*).

Vernal Pools. Vernal pools are seasonal wetlands typically occurring in depressions in grasslands. These depressions collect water during the winter and spring rains, and dry once the rains cease. As the ponds dry in the spring, a succession of different plant species bloom around the edges of the pool. A high-quality vernal pool will display concentric rings

ATTACHMENT "R"

ARTICLE 24: HILLSIDE PLANNED DEVELOPMENT DISTRICT

§ 9-5.2401 PURPOSE.

(A) The Hillside Planned Development District (HPD) is intended to promote a more harmonious visual and functional relationship between the natural and built environments.

(B) The district shall provide for the following:

(1) The preservation of significant features of hillside areas, such as drainage swales, streams, steep slopes, ridgelines, rock outcroppings and native vegetation;

(2) The encouragement in hillside areas of an alternative and varied development approach that would provide the maximum in safety and human enjoyment while utilizing the opportunities presented by the natural terrain;

(3) The concentration of dwelling units and other structures through clustering so as to preserve the most sensitive terrain in its natural state;

(4) A mixture of housing stock so as to provide variation in appearance;

(5) Compliance with the land use densities specified in the General Plan with the understanding that in areas featuring steeper slopes, densities shall diminish as the slope of the terrain increases;

(6) Consistency with the Open Space Element of the General Plan and evidence that detailed and effective arrangements for the preservation, maintenance and control of open space and recreational lands are provided;

(7) The minimization of grading and cut and fill operations consistent with the retention of the natural character of the terrain; and

(8) The minimization of water runoff and soil erosion problems in the modification of the terrain to meet on-site and off-site development needs.

(Ord. 897-C-S, passed 10-25-94)

§ 9-5.2402 GENERAL PROVISIONS.

(A) This section shall apply to those hillside areas in which one or more of the following apply:

(1) A predominant portion of the area has slopes in excess of 10%;

(2) A significant area of slopes of 25% or greater are located in the area; or

(3) A significant ridgeline, hilltop, or exposed slope is located in the area.

(B) Applicability for a particular area shall be determined by the Zoning Administrator and may be appealed to the Planning Commission and City Council. The provisions of this section shall not apply to those parcels of record for which a tentative map or final development plan has been approved and for which a plan or map has not expired. All such parcels of record shall be

permitted at least one dwelling unit unless such right is or has been previously waived by scenic easement, deed of development rights, or other device.

(Ord. 897-C-S, passed 10-25-94)

§ 9-5.2403 RELATIONSHIP TO LAND SUBDIVISION.

In situations where a subdivision of land (e.g., a tentative map) is undertaken in conjunction with the establishment or implementation of a P-D District, such subdivisions shall be processed concurrently and approved under the same resolution of approval.

(Ord. 897-C-S, passed 10-25-94)

§ 9-5.2404 USES PERMITTED.

An HPD District shall generally be reserved for residential uses; however, other uses may be permitted in accordance with the General Plan or any approved Specific Plan and provided such uses are shown on the approved final development plan for that district.

(Ord. 897-C-S, passed 10-25-94)

§ 9-5.2405 RELATIONSHIP TO EXISTING PLANS.

All standards, requirements, densities, land use designations and other contents of an approved final development plan shall be in substantial conformance with the General Plan and any applicable Specific Plan.

(Ord. 897-C-S, passed 10-25-94)

§ 9-5.2406 ESTABLISHMENT AND DEVELOPMENT.

(A) A Hillside Planned Development District may be established upon an application of the property owner or owners or upon the initiative of the city.

(B) Prior to the extensive preparation or submittal of detailed plans and information the applicant is required to submit a preliminary proposal to the Community Development Department so that the applicant may be informed of possible environmental concerns, General Plan and engineering requirements, circulation, siting and design criteria and other factors that may affect the proposal.

(C) A preliminary development plan for a proposed HPD District shall be submitted for Planning Commission approval. In considering the preliminary development plan at its public hearing, the Commission shall determine its appropriateness based on its ability to meet the purpose of this article. In no case shall approval of the preliminary development plan constitute an endorsement of the proposal's precise location, extent of uses, configuration of parcels or engineering feasibility.

(D) Once a preliminary development plan has been approved by the Planning Commission a final development plan may be submitted to the city. The review and approval procedure and findings for a final development plan for a HPD District shall be the same as that for a P-D

District. If approved the property shall be rezoned as an HPD District and so indicated on the zoning map of the city.

(E) A use permit shall be required prior to the construction of any phase of an approved HPD District and shall follow the same review and approval procedure as outlined for P-D Districts.

(F) The required submittal materials for HPD District approval shall be as listed in the application package available from the Community Development Department.

(Ord. 897-C-S, passed 10-25-94)

§ 9-5.2407 DEVELOPMENT STANDARDS AND CRITERIA.

(A) The development standards and criteria set forth in this section are the minimum necessary to insure that the intent of this article is achieved. Such standards and criteria recognize the unique nature of hillside areas and are designed to provide greater flexibility so that more innovative development schemes are possible. Despite the intended flexibility, there may arise unique circumstances in which the development standards and criteria set forth in this section may result in severe hardship or produce results counter to the stated intent of this chapter. Where these circumstances are proven to exist, exceptions to such standards may be permitted coincidental with the approval of the Hillside Planned Development District.

(B) It is the expressed intent of this section that innovative development techniques be utilized in hillside areas, therefore flexible lot standards shall be allowed. To this end, minimum yard or lot areas, lot widths, lot depths, distances between buildings, maximum lot coverage and/or rear yard access requirements shall be specific for each HPD District and approved with the final development plan and use permit for each project. This provision shall be consistent with any and all fire, building or other safety codes.

(C) In approving an HPD, the degree to which the proposed lot specifics meet the intent of this chapter shall be evaluated based on the following:

- (1) The manner in which the proposal relates to the natural topography;
- (2) The degree to which grading and cut and fill operations are minimized;
- (3) The stability of the soil and underlying geology;
- (4) The degree to which unique natural features, such as rock outcroppings, ravines, creeks, and steep hill faces, are preserved;
- (5) The effect on native vegetation and the extent to which landscaping enhances the characteristics of the area;
- (6) The vehicular accessibility;
- (7) The extent to which parking areas are well-designed and functional;
- (8) The degree to which dwelling units relate to recreational and natural areas;
- (9) The degree to which individual privacy is provided for; and

(10) The degree to which the project relates to adjacent existing and future developments.

(D) The design of building, fences, and other structures shall be in harmony with and enhance natural site characteristics in regard to height, massing, texture, color, reflective properties, roof characteristics, and setbacks. Fences shall not extend vertically into any areas where the visual quality of a hillside would be disrupted nor shall the roofing of any structure be situated so as to visually extend above any significant ridgeline when viewed from off-site.

(E) (1) Hillside streets should reflect a rural rather than an urban character. Curbs and gutters will be required, unless it can be shown that an alternative pavement treatment will permit adequate drainage and will not adversely impact the roadway base.

(2) Horizontal and vertical street alignments should relate to the natural contours of the site. Proposed street designs shall minimize grading to the extent feasible and shall account for the following:

- (a) The steepness of the terrain;
- (b) The depth of the cut, the amount of cut and fill required and the height and appearance of required retaining walls;
- (c) The ability to grade required cut and fill areas to give the appearance of natural slopes;
- (d) The provision of off-street parking to compensate for any inability to provide on-street parking;
- (e) The provision of adequate turnouts;
- (f) The adequacy of site distances provided;
- (g) The safety of driveway entrances;
- (h) The maximum number of dwelling units which can ultimately be served by the streets;
- (i) The length of the street and its potential to become a through street; and
- (j) The provision of access for emergency vehicles.

(3) To better match a project's streets with its natural setting, varied right-of-way widths, off-street rather than on-street parking, split level streets and a variety of street designs (e.g., cul-de-sac, hammerheads, short loop streets) may be considered. Private streets or lanes may be allowed where they will create a more desirable living environment and result in a more effective use of hillside amenities.

(4) Street lighting used in an HPD District shall be low profile, unobtrusive, and designed to enhance the rural character of the area while providing adequate safety and security.

(F) (1) A pedestrian circulation plan shall be provided to ensure adequate separation between vehicular and pedestrian traffic. The need for public sidewalks shall be determined by their expected levels of use and may be waived where appropriate. Private walkways/paths connecting dwelling units with each other and with various components of the HPD District may

be utilized and shall be the responsibility of a homeowners' association or other maintenance mechanism.

(2) Bicycle and equestrian trails, if provided, shall be integrated into an overall plan for the HPD District and, where possible, provide linkage to a city-wide and/or regional trail system.

(G) (1) Where the General Plan and/or an adopted Specific Plan designates any portion of an area as open space, it shall be reflected in the proposed development plan. Any area not previously designated as open space but which lends itself to such use should be similarly identified on the development plan. Areas proposed as open space should include irreplaceable natural features such as stream beds, significant stands of trees, individual trees of significant size, age and/or appearance, exposed or steep slopes, significant ridgelines and rock outcroppings. Natural features of lesser significance which nonetheless are aesthetically important shall be preserved.

(2) Dedication of open space as a part of a public open space or park system may be required. Where such offer of dedication is not accepted, the development shall provide for the maintenance and preservation of such open space through covenants or other legal arrangements acceptable to the Council. Common private open space which is permanently maintained as a landscaped park or recreational area may be eligible for credit toward the development's park dedication requirements.

(H) All new utilities shall be installed under-ground and shall conform to the rules and regulations of the State Public Utilities Commission. Drainage and flood control devices shall be integrated into the landscape and, where feasible, natural-appearing drainage ways shall be used.

(I) A Stormwater Control Plan shall be prepared by an engineer, or equally qualified professional as determined by the City Engineer. The City Engineer may require that the Stormwater Control Plan be prepared by a licensed civil engineer. All architectural, civil engineering, and landscape site plans shall be consistent with the storm water control plan.

(Ord. 897-C-S, passed 10-25-94; Am. Ord. 1064-C-S, passed 12-13-05) Penalty, see § 9-5.2904

§ 9-5.2408 GRADING.

(A) Any parcel of land subject to this article shall not be graded unless such grading is specifically shown on an approved final development plan. Grading shall be planned so that it blends into the natural landscape of the site and lessens any associated negative visual impacts from such grading. The use of 2:1 slopes shall be avoided, as shall the use of benches. Where allowed, 2:1 slopes and benches shall be of limited height and designed so that they are situated and/or screened by structures to minimize visibility from public rights-of-way and off-site properties. While mass grading is generally prohibited, the grading of less significant land forms is allowable, as is the grading of more significant natural features, provided such modifications will result in an improvement of the overall project and are in keeping with the overall intent of this article.

(B) In steeper areas and areas of greater visibility, grading should generally be limited to that portion of the site required for the structure and limited associated outdoor area. The use of retaining walls, terracing, platform structures, and stepped or post and beam construction shall be used to minimize the impacts of grading on steeper slopes. In areas of lesser slopes, limited

padding may be allowed where it could provide for the clustering of development and would otherwise promote the intent of this article.

(C) Grading plans shall be reviewed to ensure that any land form modifications will not adversely impact adjacent property owners and that proposed grading will be able to blend into any existing and future development on adjacent parcels.

(Ord. 897-C-S, passed 10-25-94) Penalty, see § 9-5.2904

§ 9-5.2409 LAPSE OF APPROVAL.

A final development plan shall expire two years after date of approval or at an alternate date specified as a condition of approval, unless there has been any activity in that HPD District (e.g., a use permit has been approved or a building permit issued for any development phase of the HPD) or an extension has been granted.

(Ord. 897-C-S, passed 10-25-94)

§ 9-5.2410 EXTENSION AND RENEWAL.

A final development plan approval may be extended by the Planning Commission for a two-year period without notice or public hearings, if the findings required remain valid. The Planning Commission may modify the final development plan and/or add conditions of approval at this time based on this review.

(Ord. 897-C-S, passed 10-25-94)

§ 9-5.2411 CHANGED PLANS AND NEW APPLICATIONS.

(A) A request for modifications to the conditions of approval for a final development plan shall be treated as a new application, unless the Zoning Administrator finds that the changes proposed would be non-controversial, minor, do not involve substantial alterations or additions to the plan, and are consistent with the intent of the original approval.

(B) If an application for a final development plan is denied, no new application for the same, or substantially the same, final development plan shall be filed within one year of the date of last denial, unless the denial was made without prejudice.

(Ord. 897-C-S, passed 10-25-94)

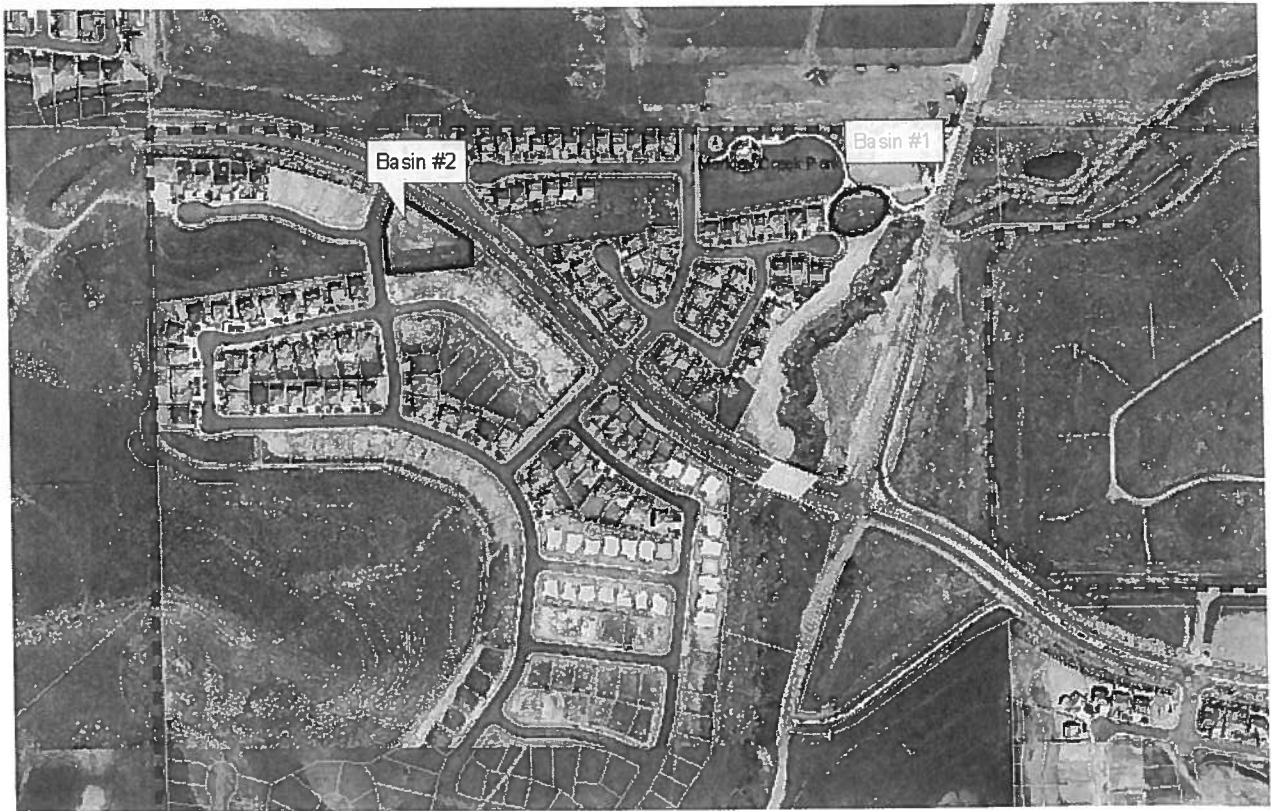
§ 9-5.2412 HPD DISTRICTS APPROVED PRIOR TO ADOPTION.

Final development plans approved by the City Council prior to adoption of this chapter shall not be subject to these provisions.

(Ord. 897-C-S, passed 10-25-94)

ATTACHMENT "S"

Basin Aerial



ATTACHMENT "T"

Gentry, Mindy

From: Peggy Vertin [moonwork_04@comcast.net]
Sent: Saturday, October 12, 2013 10:03 AM
To: Gentry, Mindy
Subject: Objection to The Pointe Development Rezoning Request and Mitigated Negative Declaration

Dear Mindy:

I am receipt of your notice of intent to amend the negative declaration concerning The Pointe developed and file a mitigated negative declaration. I strongly object that Discovery Builders is allowed not comply with environmental policies and requirements that we voters have in place out here. I just bought my home and was told no one would be building above or I would not have bought my home. I was those were part of Black Diamonds wildlife refuge and no one would be building above. This will seismic issues for all of us which some people are already experiencing with their new homes.

Someone posted on nextdoor.com that Mr. Seeno plans to completely bulldoze our hills and I see he wants the zoning changed so it is for a Planned Community instead of a Hillside Community.

I will hire an attorney. My purchase was misrepresented and I will be down there to read the papers and attend the meeting. Mr. Seeno should not be given carte blanche to kill the environment out here. I was really disgusted to see all that grading at Blue Ridge they did. I've lived Contra Costa County since 1965 and Antioch should be ashamed at what it is letting these developers do. We need to maintain the beauty of Contra Costa while doing some development too but like out what they did at Blue Ridge.

I will be down there to review those papers at my earliest opportunity. I'm not going down without a fight on this.

Peggy Vertin

Gentry, Mindy

From: kathy roberson [kardpr@att.net]
Sent: Sunday, October 27, 2013 7:34 PM
To: Gentry, Mindy
Subject: the pointe by discovery builders

Hello I'm writing you to tell you my concerns about this development, there is already enough congestion on somersville rd, pretty much enough in antioch as it is, the roads are not very good, when we bought our house this was not mentioned to us, if we would of known this we would have definitely purchased our home else where, it is sickening to think that the city would ok with something like this just to make a buck, and not take care of the people who pay their paycheck. our little community has already been a victim of many crimes and still not enough protection from the police because to little of them are to busy with the scum on the other side of antioch, which then brings me to the other development that discovery plans on doing again we would not have purchased our home if knowing that we would have "low income" which most of the time translates to welfare, drug dealers, which than brings their friends from other crappy neighborhoods than leads to crime because what else do they have to do but steal from hard working tax paying abiding citizens like myself ,my family, and my neighbors in the terraces. if this was disclosed in the paperwork at the time of purchasing our home (it wasn't) we would have gone to another city to purchase our home. it's really sad to feel this way but i wish we wouldn't have purchased here and gone somewhere else...I thought the city of antioch was trying to revive the city to make it a better place??? chopping down hillsides to cram more people in, to congest the roads even more than what they are, or have crime spike WAY more than it already is, is not my ida of making antioch a better place. i have told my friends who were potentially wanting to purchase here in antioch not to because you aren;t being told the truth you think you are purchasing a beautiful home in a quiet community and than they're disregarding it to pile more people on top of you.

Thank you for your time
kathy roberson

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF NOVEMBER 6, 2013**

Prepared by: Mindy Gentry, Senior Planner *ms*

Date: October 31, 2013

Subject: Appointment to TRANSPLAN

RECOMMENDATION

It is recommended that the Planning Commission appoint a Commissioner to serve on the TRANSPLAN Committee.

ATTACHMENTS

A: TRANSPLAN Committee Summary

The **TRANSPLAN** *Committee*
 Coordinating the transportation interests of eastern Contra Costa County, California

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For the latest on East
 County transportation
 issues see the News
 Digest...

The TRANSPLAN Committee coordinates the transportation interests of the communities in eastern Contra Costa County, California.

This region, known locally as "East County," has been one of the fastest growing residential areas in California for more than a decade. With its population now approaching a third of a million people and still growing, the region's infrastructure is overburdened, particularly the transportation system. In addition to local transportation needs within East County, there is a heavy out-commute every day from East County's residential areas to job centers that are miles away in Concord, Livermore, Pleasanton, Silicon Valley and elsewhere in the Bay Area and beyond. This has created a need for major improvements to the transportation system.

Since our transportation system hasn't kept up with this surging population, East County is working on numerous efforts to expand its system of streets and highways, public transportation and bikeways.

The pages in this website provide information about TRANSPLAN and the transportation needs of eastern Contra Costa County. If you need additional information, please contact us. Check our [regional map](#) for the location of eastern Contra Costa County within the greater San Francisco Bay Area.

The TRANSPLAN Committee gratefully acknowledges the web hosting services provided by [511 Contra Costa](#). The TRANSPLAN Transportation Demand Management Program implements vehicle trip reduction programs using the '511 Contra Costa' brand. Programs include Employer Outreach to assist employers with development of trip reduction programs, bicycle programs, carpool and transit incentive programs and other projects to encourage commuters and students to try an alternative to driving alone to work, or school. Visit www.511contracosta.org for more details.



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**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF NOVEMBER 6, 2013**

Prepared by: Mindy Gentry, Senior Planner *MG*

Date: October 31, 2013

Subject: Election of Vice Chair

RECOMMENDATION

It is recommended that the Planning Commission nominate and elect a Vice Chair.