

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**February 4, 2009
City Council Chambers**

CALL TO ORDER

Chairman Azevedo called the meeting to order at 7:30 p.m. on Wednesday, February 4, 2009, in the City Council Chambers. He stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on Wednesday, February 11, 2009.

ROLL CALL

Present: Commissioners Westerman, Johnson, Brandt, Langford, Manuel and Chairman Azevedo
Absent: Commissioner Travers
Staff: Deputy Director of Economic Development Carniglia
Deputy Director of Community Development Wehrmeister
Community Development Technician Stahl
Associate Planner Gentry
City Attorney Nerland
Minutes Clerk Lawson

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

Chairman Azevedo called for any Public Comments not relating to the agenda, wherein there were none.

Chairman Azevedo stated that Oral Communications would be taken at this time, per the request of staff.

ORAL COMMUNICATIONS

5. Report back on City Council action regarding revision to the Design Review process.

Chairman Azevedo welcomed two new Commissioners who were recently appointed to the Planning Commission, Commissioners Manuel and Langford.

Deputy Director of Community Development (DDCD) Wehrmeister reported that the City Council did decide to assign Design Review responsibility to the Planning Commission.

She further spoke to correspondence that was distributed to the Commission and announced that Ron Bernal has recently been promoted to Public Works Director.

CONSENT CALENDAR

1. **Approval of Minutes**
 - a) **December 3, 2008**
 - b) **January 7, 2009**

On motion by Commissioner Brandt, and seconded by Commissioner Westerman, the Planning Commission approved the Minutes of December 3, 2008.

AYES: Brandt, Westerman, Johnson and Azevedo

ABSENT: Travers

ABSTENTION: Manuel and Langford

On motion by Commissioner Brandt, and seconded by Commissioner Westerman, the Planning Commission moved to continue the Minutes of January 7, 2009, to the next regularly scheduled meeting on February 18, 2009.

AYES: Brandt, Westerman, Johnson, Langford, Manuel and Azevedo

ABSENT: Travers

END OF CONSENT CALENDAR

CONTINUED HEARING

2. **UP-08-03 – Chad Marquardt on behalf of Street Titans, LLC requests a six month review of the Use Permit for live entertainment at Mutiny, m.f.b. The site is located at the northeast corner of F Street and Second Street (APN 066-052-002).**

Community Development Technician Stahl provided a synopsis of the Staff Report dated January 30, 2009.

Captain Cantando briefly spoke to the applicant's efforts, in terms of the City's recommendations and new safety measures.

In response to Commissioner Brandt, Captain Cantando stated that he agreed with staff's recommendations, due to the fact that he felt that Mutiny has been working diligently with the City's recommendations.

OPENED PUBLIC HEARING AND WITH NO COMMENTS TAKEN, THE PUBLIC HEARING WAS CLOSED

Commissioner Manuel felt comfortable with Captain Cantado's comments and felt that a six month review period would be adequate. Commissioners Langford, Westerman and Johnson also felt satisfied and comfortable with Captain Cantado's comments.

Chairman Azevedo expressed a concern regarding the police calls that have occurred, but wanted the applicant to understand that these types of incidents should not occur in the future and the applicant would need to step up with his efforts, in terms of securing the establishment. He felt that the establishment should take extra measures to ensure that this business create a safe environment for the surrounding businesses and the public.

Chairman Azevedo commented that due to the applicant not being in attendance, he assumed that the applicant understood all conditions written within the Resolution.

RESOLUTION NO. 2009/01

On motion by Commissioner Johnson, and seconded by Commissioner Brandt, the Planning Commission approved to extend the review period for an additional six months for Mutiny, m.f.b.'s Live Entertainment Use Permit.

AYES: Johnson, Brandt, Westerman, Langford, Manuel and Azevedo
ABSENT: Travers

NEW PUBLIC HEARINGS

3. Public Hearing to receive comments on the Roddy Ranch Project Draft Environmental Impact Report (EIR).

Associate Planner Gentry provided a summary of the Staff Report dated January 30, 2009, and noted that the Planning Commission would only receive public comment on this issue.

OPENED PUBLIC HEARING

Dan Boatwright, representing applicant, wanted to clarify and put into the public record that this would be the last portion of the California Environmental Quality Act (CEQA) documents regarding Roddy Ranch. This is a tier project level EIR and previous CEQA documents include the City's General Plan, EIR from November 2003, and the addendum to the General Plan for the LAFCO Sphere of Influence approvals that was from September/October of 2005. Thirdly, there were the Measure K General Plan Development Agreement Rezoning and Urban Limit Line approvals from the election of November, 2005. Measure K was exempt from CEQA, per state law, but did call for future project level EIR. And then finally, another previous environmental document that this tiers off of is the Roddy Ranch Reorganization EIR, which was for the annexation to the City and to Delta Diablo Sanitation District, and that EIR was from 2006. So those

four items, he wanted to clarify that this EIR is not just a standalone document and that it does tier off of those.

Troy Bristol, Save Mount Diablo, stated for the record that Save Mount Diablo has begun to review the Draft EIR for the Roddy Ranch Project but has not had a chance to review the entire document, so his comments this evening would only be limited to a few subjects. Also, Save Mount Diablo's written comments will be turned in before the March 5 deadline and those comments will be more extensive.

Mr. Bristol felt that the Draft EIR proposes the preservation of 670 acres of the adjacent Deer Valley through a conservation easement to mitigate the negative impacts of the project. While Save Mount Diablo supports the preservation of Deer Valley, they believe that the proposed amount of acreage is not sufficient. The City of Antioch is currently considering the Aviano project located in FUA-1, less than one mile from the Roddy Ranch project. The Draft EIR for the Aviano project made an effort to be consistent with the goals and policies of the East Contra Costa County Habitat Conservation Plan, and as a result propose a 3 to 1 mitigation ratio for a habitat replacement. The City of Antioch should hold the Roddy Development to the same standard. The ratio currently being proposed is 670 acres of preserved land for 392 acres of development, less than a 2 to 1 ratio. Save Mount Diablo currently proposes to either reduce the development footprint of the project or acquiring off-site land.

He stated that additionally preserving land through the conservation easement does not provide strong enough protection for the sensitive resources of Deer Valley. Instead Save Mount Diablo believes that the land should be transferred to the East Bay Regional Park District, wherein this would ensure that the land be preserved in perpetuity and the resources would be managed with the best practices and standards. Both the land preserved, as a result of this project, and the land under easement as part of the mitigation for the Roddy Golf Course, should be transferred to East Bay Regional Park District. The Park District's Master Plan includes a new park in the Deer Valley area and these lands could be the first to be acquired to create this new park.

Lastly, Mr. Bristol stated that the Draft EIR does not take into account, if approved, the Roddy Ranch and Aviano projects, which would have similar build out timeframes resulting in the construction of 1200 units and related infrastructure within one mile of each other over the next six years. Furthermore, the accumulative impacts of these projects will be developed at the same time and should be reviewed through the Development Review process.

Lech Naumovich, California Native Plant Society, stated that he has been following the Roddy Ranch area and has been conducting surveys within this area for 10 years. He stated that the California Native Plant Society's preliminary read of the Draft EIR was fairly good and felt the consultant included some aspects that he approves of and that they used a number of different consultants which proved beneficial.

He wanted to address a few issues; one being the environmentally superior alternative, which he believed was not very environmentally superior. He felt they took a little bit of the icing off the cake and then gave back another very similar cake. What Mr. Naumovich wanted to see in the environmentally superior alternative is use of avoidance of wetlands. He noted there would be 5.2 acres of wetlands that will be impacted on this site, which is as large of a resource as in the City of Antioch. He believed this to be significant and un-mitigable.

Regarding the Mitigation Monitoring and Reporting Plan, Mr. Naumovich stated that he appreciated this and understood that this is to be turned in with the Final EIR and required by CEQA. In that, there must be the agreement and full text for the conservation easement. So when there is consideration of putting an easement on 670 acres, as mitigation for this project, the applicant and City should understand that a formalized agreement needs to be set in place. He felt that the City should not certify an EIR that does not have this agreement and the reason for this is that there are very important aspects; i.e., who is going to manage the land, what kind of funding is going to be there, and what they plan to do about fire breaks. He noted that in looking at the development, it abuts next to a fire prone area. The California Native Plant Society is currently working with Oakland and the East Bay Regional Park District, looking at managing the fire safety on the Urban Wildland Interface (UWI). He felt the key here was that a development was being placed right into an area that contains sage scrub that is considered a high fire environment. State law requires that a buffer be created from 100 to 500 feet from a development, and this area would be an additional impact that needs to be considered and it's an additional cost to the project, in terms of long term maintenance. He felt this issue needed to be considered and was not found within the Draft EIR.

Additionally, in regards to the big tar plant that exists within this area, this plant was a gem for the area and a rare type of species. Its type locality is within this area, meaning, this was one of the first places it was collected. When this type of plant is found it states it is actually from Contra Costa County. When reviewing the mitigation measures, we talk about removing somewhere upwards of 6,000 species and feel this is significant and un-mitigable impacts. Their mitigation includes, and it states this, they're going to go out and look at other areas and if we find 6,000 plants somewhere else, we'll count that as mitigation. Mr. Naumovich felt this was not appropriate and this is a mitigation standard that should be upheld.

Mr. Naumovich stated that he would be providing further written comments and thanked the Commission for their time.

CLOSED PUBLIC HEARING

A brief recess was taken at 8:00 p.m. and reconvened at 8:06 p.m. with all Commissioners present.

4. Study Session on the eBART Ridership Development Plan (RDP) being prepared for the Hillcrest eBART Station Area located in the area bounded by Hillcrest on the west, Highway 4 on the south, Highway 160 on the east and Oakley Road on the north.

Deputy Director of Economic Development (DDED) Carniglia provided an overview of the Staff Report dated January 28, 2009. He further noted that additional correspondence was received and distributed to the Commission.

Leslie Gould, representing Dyett Bhatia Consulting Firm, noted that she had distributed to the Commission a booklet that contained further detail to the Power Point Presentation that she presented and spoke to:

- Planning Process To Date
- Study Session Agenda
- Hillcrest Station Area Specific Plan / Plan Overview
- Hillcrest Station Area Specific Plan / Land Use Plan
- EBART Station Location
- Median Station / Hillcrest Station Area
- Advantages of East Median / Hillcrest Station Area
- Hillcrest Station Area Specific Plan / Open Space Plan
- Road Improvements
- Hillcrest Station Area Specific Plan / Circulation Plan
- Neighborhood Concerns
- Environmental Review
- Cumulative Circulation Issues
- Hillcrest Interchange (improved) Traffic Congestion
- Hillcrest Station Area Specific Plan / Future Noise Contours
- Other Environmental Issues
- Biological Resources
- Swainson's Hawk Policies
- Wetlands Buffer & Trail
- Utilities and Public Services
- Implementation Policies
- Next Steps
- Plan Adoption Hearings

Commissioner Brandt felt that the East Median Station would create a better flow and energy throughout the project. She felt that it would be irresponsible to add additional infrastructure to the Hillcrest Interchange, due to the area currently being congested throughout the day. She felt that if this area is built out, that funding is aggressive in order to alleviate any additional traffic concerns.

Commissioner Langford expressed a concern to the limited commercial developable land within the median station and felt that the east median station would be more beneficial to the project and supported this plan.

OPENED PUBLIC HEARING

Donald Parachini, resident, expressed a concern to the viability of any development within the freeway area. He spoke to the future developable areas and parking and noted that he has submitted his concerns in writing to the City Council.

Discussions ensued between Mr. Parachini and the Commission regarding other scenarios, in terms of developable areas and parking issues. Mr. Parachini wanted to ensure that any developable land be developed to current market conditions.

Charles Wahl, resident, spoke to the current impacts to the Hillcrest Interchange and felt that the future Phillips Lane Interchange would be a regional improvement.

CLOSED PUBLIC HEARING

DDED Carniglia recommended that the February 18 meeting be held Study Session, in regards to the Hillcrest Station Area Specific Plan.

WRITTEN COMMUNICATIONS

5. Committee Appointments

DDED Carniglia requested that the Commission nominate and appoint Commissioners to sit on the Design Guideline and Housing Element Subcommittee.

Commissioner Langford volunteered to sit on the Design Guideline Subcommittee.

Commissioner Manuel volunteered to serve on the Housing Element Subcommittee.

On motion by Commissioner Brandt, and seconded by Commissioner Westerman, the Planning Commission appointed Commissioner Langford to serve on the Design Guideline Subcommittee.

AYES: Brandt, Westerman, Johnson, Manuel and Azevedo
ABSENT: Travers
ABSTENTION: Langford

On motion by Commissioner Brandt, and seconded by Commissioner Westerman, the Planning Commission appointed Commissioner Manuel to serve on the Housing Element Subcommittee.

AYES: Brandt, Westerman, Johnson, Langford and Azevedo
ABSENT: Travers
ABSTENTION: Manuel

COMMITTEE REPORTS

Commissioner Westerman reported no activity relating to the Design Guideline Subcommittee.

Commissioner Brandt reported that the Housing Element Subcommittee held a community meeting regarding current housing element issues.

Chairman Azevedo reported that Transplan will meet in the near future.

ADJOURNMENT:

Chairman Azevedo adjourned the Planning Commission at 9:30 p.m. to the next regularly scheduled meeting on February 18, 2009.

Respectfully Submitted,

Debra Lawson