

**CITY OF ANTIOCH
PLANNING COMMISSION MINUTES**

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

**May 1, 2013
City Council Chambers**

CALL TO ORDER

Chair Sanderson called the meeting to order at 6:30 p.m. on Wednesday, May 1, 2013, in the City Council Chambers. She stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on Thursday, May 9, 2013.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

- 1. Approval of Minutes: None**

END OF CONSENT CALENDAR

NEW PUBLIC HEARINGS

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

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

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

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

OPENED PUBLIC HEARING

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

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

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

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

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

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

OPENED PUBLIC HEARING

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

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Motts discussed with Mr. Saunders the view consideration.

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

CLOSED PUBLIC HEARING

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

REOPEN PUBLIC HEARING

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

RECLOSE PUBLIC HEARING

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

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

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

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

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

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

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

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

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

RESOLUTION NO. 2013-05

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

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

ITEM 2 REOPENED

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

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

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

ORAL COMMUNICATIONS

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

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

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

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

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

ADJOURNMENT

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

Respectfully Submitted,
Cheryl Hammers