

**CITY OF ANTIOCH
PLANNING COMMISSION MINUTES**

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

**May 6, 2009
City Council Chambers**

CALL TO ORDER

Chairman Langford called the meeting to order at 6:30 p.m. on Wednesday, May 6, 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, May 13, 2009.

ROLL CALL

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

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

Commissioner Brandt pulled the Minutes of March 18 and April 15, 2009, stating that she would abstain.

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| 1. Approval of Minutes | A. March 18, 2009
B. April 15, 2009 |
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On motion by Commissioner Azevedo, and seconded by Commissioner Travers, the Planning Commission approved the Consent Calendar.

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

END OF CONSENT CALENDAR

CONTINUED HEARING

- 2. V-09-01 – A.D. Seeno Construction requests approval of a variance for the Mira Vista Hills 13 Subdivision. The variance is to reduce the required setbacks in the front and rear yards. The 95 unit subdivision is located north of Cambridge Drive.**

Community Development Technician (CDT) Stahl provided a synopsis of the Staff Report dated May 1, 2009.

OPENED PUBLIC HEARING

Louis Parsons, representing the Applicant, noted for the record that the Staff Report was wrong, wherein within the body of the Resolution it should read APN 075-610-021 . . . and not APN 076-610-021 . . ., wherein CDT Stahl agreed. He stated that the remaining APNs were correct as written within the Resolution. Mr. Parsons stated that of the lots requested within the proposed Variance, there were seven lots where he could not apply a single story home and they were Lot Nos. 49, 75, 84, 85, 86, 87 and 88. He distributed to the Commission a map that further depicted the conceptual lot configurations and requested the Commission take into consideration that Lot Nos. 84, 86 and 88 be reduced to 15 foot rear yard setbacks, with the remaining lots as requested by staff.

Tim Donahue, resident, questioned the dollar price of the homes that are being proposed by the applicant. He felt that due to the number of homes that are in foreclosure throughout the City at this time, that there was not a demand or need for any new additional homes. He expressed concern to the smaller size of these proposed homes and felt they represented a condominium, in terms of size, rather than a single story-type home.

Mr. Parsons stated that through their market analysis, single story homes are in greater demand in this type of market and all single story units are sold out in this development's current phase.

CLOSED PUBLIC HEARING

Commissioner Westerman felt that he could support the lot reduction in terms of Lot Nos. 84, 86 and 88 as proposed by the applicant.

Commissioner Brandt expressed concern to the reduction of the setbacks in the front yard and due to the slopes in the lots, felt it would pose landscaping challenges. She also expressed concern to traffic safety issues due to the sloped street configurations. She expressed a concern to setting a precedent in this neighborhood as it would relate to other neighborhoods that are equally challenged with sloped streets and lots.

Commissioner Johnson expressed concerns to the reduction of the rear yard size, and felt there was currently an over abundance of smaller homes throughout the community.

Commissioner Travers stated that he was not concerned with a reduction in front yard setback but did express a concern to the rear yard setback, in terms of sloped hills. He supported the applicant's request for a lot reduction relating to Lot Nos. 84, 86 and 88, due to the lots being flat and supported single story homes on these lots as well.

Commissioner Azevedo felt a large number of the lots in this development were already too small and expressed concern to placing a larger home on these smaller lots. He understood the current market conditions, but felt that a product should not be built for short term demand. He stated that he could not support the applicant's request.

Commissioner Langford felt that if a single story were to be placed on Lot Nos. 84, 86 and 88, the views from the adjacent homes would still have obstructed views. He expressed concern to setting a precedent of changing the setbacks and felt he could not support the applicant.

RESOLUTION NO. 2009-16

On motion by Commissioner Brandt, and seconded by Commissioner Azevedo, the Planning Commission denied the applicant's application by denying a Variance for the reduction in setbacks for Mira Vista Hills #13, based on there were no findings that were no exceptional or extraordinary circumstances to justify the variance, that it would be materially detrimental to promote the health and welfare to the property improvements, and there are no special circumstances to justify the variance, and granting of such variances would adversely affect the comprehensive General Plan.

AYES: Brandt, Azevedo, Johnson, Manuel and Langford

NOES: Travers and Westerman

NEW PUBLIC HEARINGS

- 3. AR-09-01 – Valley Mountain Homeowners Association requests approval of the remodel of the existing carport structures at the Valley Mountain Condominium Complex located at 3309 Sunset Lane (068-321-088).**

CDT Stahl provided a summary of the Staff Report dated May 1, 2009.

OPENED PUBLIC HEARING

Karen Talamentez, applicant, spoke to the condition of the units in terms of maintenance and safety issues, and noted that the boarded-up units were currently in foreclosure. For the record, she stated that these units were not Townhomes but PUD's, per the Staff Report. In terms of maintenance, she addressed the following:

- She questioned the use of stucco, in terms of costs.
- Per Condition No. 19, the interior walls were installed, along with the carports being converted into garages, without proper consent or approval from the City.
- Per Condition No. 21, lighting cannot be added to the garage units, due to the power being the responsibility of each homeowner. She felt that additional research could be done to satisfy this condition.

Commissioner Brandt expressed her appreciation to the applicant for her efforts put forth to date but expressed concern to the maintenance issues that have been going on for quite some time. She also questioned why maintenance had not been performed over the past years.

Commissioner Brandt asked Ms. Talamentez if she had read and agreed to all of the proposed conditions, wherein Ms. Talamentez stated that she disagreed with the conditions relating to the walls between the parking for each housing unit and the lighting issues.

Cary Smitz, Draeger Construction, spoke to electrical issues in terms of providing additional security lighting. Through discussions, Community Development Director (CDD) Brandt requested that Project Specific Condition No. 19 be subject to the requirements of the California Building Code.

Commissioner Johnson expressed concern to the complex's present condition and questioned if the Homeowner's Association (HOA) could conduct some type of back collection of dues. He also expressed concern to its present landscaping condition and wanted to ensure that it is properly maintained at all times and that the applicant adheres to the conditions of approval.

CLOSED PUBLIC HEARING

Commissioner Azevedo stated that he was pleased to see some type of action being taken on these structures and felt that realistically, landscaping should be maintained at least at a level ~~B+~~.

Commissioner Westerman felt that improvements were essential for this complex.

Commissioner Brandt stated that she appreciated Ms. Talamentez's comments, but expressed concern to Condition No. 21 in terms of the security lighting and felt it was still unresolved through discussions with the applicant. She expressed concerns to safety issues and felt that security lighting was important.

Commissioner Johnson stated his appreciation to the applicant for the proposed improvements and suggested that Project Specific Condition No. 21 be worded to state that the lighting be installed within one year.

Commissioner Travers suggested that Condition No. 16, in terms of landscaping, be changed to Level B and that Condition No. 19, in terms of the demising walls, be clarified by staff. CDT Stahl advised that Condition No. 19 remain with wording added that it be subject to the California Building Code.

Chairman Langford stated his appreciation to the applicant and requested that security lighting be installed within some type of time frame and felt this was important, in terms of security issues.

RESOLUTION NO. 2009-17

On motion by Commissioner Azevedo, and seconded by Commissioner Brandt, the Planning Commission approved a remodel of the Valley Mountain Condominiums garages, with the following changes:

- ***On Project Specific Condition No. 16, the level of landscaping be changed from "A" to "B".***
- ***Project Specific Condition No. 19, that wording be added to read: "That it be subject to the California Building Code."***
- ***Add a Project Specific Condition No. 22, to read: "That the building materials be changed as specific by the contractor."***

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

- 4. V-08-08 – Shell Oil Products requests a variance for reduction of the required setback for the placement of remediation equipment at 2838 Lone Tree Way (APN 071-102-055).**

CDT Stahl provided a synopsis of the Staff Report dated May 1, 2009, and noted that there was a mistake on the submitted site plans, in that when considering the northwest corner the storm drain easement it was identified at the far end of the parcel. After further research by City staff, it was determined that the storm drain was actually located along the rear property line. A letter was distributed to the Commission and entered into the record from Mr. Mark Jordan.

OPENED PUBLIC HEARING

A representative with Delta Consultants stated that he agreed with staff's recommendation and stated that a vacuum pump will be placed on the northeast side to accommodate the station owner and that additional noise reduction remedies could be initiated, if needed.

Mr. Simonsen, resident, requested that all notations to Putnam Avenue be changed to Putnam Street and stated his support for this equipment. He also stated his support of Shell Oil for being pro-active in the placement of this equipment.

CLOSED PUBLIC HEARING

RESOLUTION NO. 2009-18

On motion by Commissioner Manuel, and seconded by Commissioner Westerman, the Planning Commission approved a request from Shell Oil Products, US for a variance to reduce the required side yard setback from 25 feet to 10 feet for the placement of remediation equipment at the Shell Oil Service Station located at 2838 Lone Tree Way, with the amended changes, per staff and to change all mention of Putnam Avenue to Putnam Street.

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

- 5. UP-08-23, AR-08-26 – Deer Valley Animal Hospital – Howard Schutzman requests approval of a Use Permit and design review to allow a 5,892 s.f. animal hospital in an approved planned development. The subject property is approximately 1.02 acres and is located on the southeast corner of the intersection of Deer Valley Road and Marita Drive (APN 055-170-005).**

Associate Planner Gentry provided a synopsis of the Staff Report dated May 1, 2009, and noted a distributed memorandum to the Commission that requested changes to the conditions of approval.

OPENED PUBLIC HEARING

Howard Schutzman, applicant, stated his appreciation to staff and requested the Commission's approval.

Don Stirling, Stirling Architects, explained the changes that would be made to the dog run area and stated that he was in total agreement with all conditions. He stated that they would prefer the submitted design rather than the recommendations of the architectural peer review, but would not have an issue doing the redesign if that is what the Commission decided upon. He also distributed a conceptual drawing of the proposed project from the architectural peer review comments.

CLOSED PUBLIC HEARING

Commissioner Westerman stated his approval of the project.

Commissioner Brandt stated her appreciation to the type of animal hospital that is being proposed as well as the architectural design of the project.

Commissioner Johnson felt that the design as suggested by the architectural peer review would be better suited to the area.

Commissioner Manuel felt that the design originally submitted would be better suited to the area and also stated that he approved of the proposed parking area.

Commissioner Travers approved of the proposed parking area and stated that he approved of the original architectural design submitted, as seen on the wall.

Commissioner Azevedo approved of the original submittal.

Chairman Langford approved of the original submittal.

Commissioner Brandt requested that the architect review the dog run with staff.

RESOLUTION NO. 2009-19

On motion by Commissioner Azevedo, and seconded by Commissioner Travers, the Planning Commission approved a request from Howard Schutzman for approval of a Use Permit and design review to construct a 5,893 s.f. animal hospital on a vacant 1.02 acre parcel within an approved final development plan. The project site is located on the southeast corner of the intersection of Deer Valley Road and Marita Drive, with the amended changes:

- ***That Project Specific Condition Nos. 67 and 68 be deleted.***
- ***That Project Specific Condition No. 84 be deleted.***
- ***That a new Project Specific Condition No. 84 be added to read: “Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall execute any agreements identified in the Stormwater Control Plan which pertain to the transfer of ownership and/or long-term maintenance of storm water treatment or hydrograph modification BMP’s.”***
- ***That a new Project Specific Condition No. 85 be added to read: “That modifications to the dog run shall be approved by staff.”***

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

6. **UP-09-04 – RAAMP Charter Academy requests approval of a Use Permit to temporarily modify the location (on-site) of a previously approved private school for a period not to exceed five (5) years. The project site is located at 3415 Oakley Road (APN 051-200-065).**

DDCD Wehrmeister stated that this application has been withdrawn and no further action is necessary on this item, per the Staff Report dated April 27, 2009.

ORAL COMMUNICATIONS

None.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

None.

ADJOURNMENT:

Chairman Langford adjourned the Planning Commission at 9:00 p.m. to the next regularly scheduled meeting on May 20, 2009.

Respectfully Submitted,

Debra Lawson