



Associate Planner Gentry presented the staff report dated May 15, 2009 recommending the Planning Commission approve S-09-02.

In response to Chairperson Langford, Associate Planner Gentry clarified per the Municipal Code that 100 feet of landscaping around the monument sign is required and can be reaffirmed by adding a condition of approval.

Chairperson Langford opened the public hearing.

Mike Curry of United Sign Systems provided a summary of their request for approval of a modification to the sign program at the Lone Tree Landing Shopping Center.

Chairperson Langford closed the public hearing.

Following discussion, the Planning Commission consensus supported the monument sign placement. Chairperson Langford stated he would support the signage; however, he feels visibility will be limited with the placement of the trees.

In response to the Commission, Mr. Curry stated he has read and is in agreement with the conditions of approval and would support adding a condition requiring a concrete foundation to the monument sign.

#### **RESOLUTION NO. 2009/20**

**On motion by Commissioner Azevedo, seconded by Commissioner Brandt, the Planning Commission approved S-09-02 with standard conditions #1-7 as written, project specific conditions #9-14 as written and the addition of project specific conditions #15 and 16 to read:**

- #15 That the monument sign shall have landscaping at the base as approved by staff.**
- #16 That a concrete footing be required at the base of the 12 foot sign, at a minimum equal to the size of the base of the sign.**

**The motion carried the following vote:**

**Ayes: Langford, Azevedo, Brandt, Manuel**  
**Noes: None**  
**Abstain: Johnson**  
**Absent: Travers and Westerman**

Commissioner Johnson returned to the dais.

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3. **UP-09-02/AR-09-03/V-09-04 – AD Seeno Construction** requests approval of the integration of the previously approved single family residential units for the Mira Vista Hills 13 subdivision into the remaining 54 lots of the Mira Vista Hills 16 subdivision. The variance is to reduce the required setbacks in the front and rear yards from 20 feet to 15 feet. The project site is located off of Mallard Way just south of James Donlon Boulevard off of Pintail Drive.

Community Development Technician Stahl presented the staff report dated May 15, 2009, recommending the Planning Commission: 1) Make a recommendation to the City Council on the request to integrate the previously approved single family residential units for the Mira Vista Hills 13 subdivision into the remaining 54 lots of the Mira Vista Hills 16 subdivision based upon the evidence, both oral and written 2) Deny the variance for the reduction in rear yard setbacks and approve the variance for the reduction in front yard setback for V-09-04, subject to the conditions in the staff report attached resolution.

Chairperson Langford opened the public hearing.

Louis Parsons, representing AD Seeno Construction, thanked staff for the report and explanation of their requests. He clarified that they are requesting the modification to be able to respond to market demand. He announced at this time that they are withdrawing their request for the rear yard setback variance and he understands and is in agreement with all the conditions of approval.

However, in response to Commissioner Brandt, Mr. Parsons stated he does not support staff's recommendation to add rock and brick finishes to the front elevation of Mira Vista Hills #13.

Chairperson Langford closed the public hearing.

Speaking to the applicant's desire to withdraw the request for the rear yard setback variance, City Attorney Nerland stated that if it were the Planning Commission's desire to support the project and the applicant's request, they could incorporate language reflecting the withdrawal in the resolution and delete findings pertaining to the issue.

Commissioner Manuel and Azevedo stated with the withdrawal from the applicant of the variance for the rear yard setbacks that they support the request for integration of the previously approved single-family residential units and the front yard setback variance for Mira Vista Hills 13 (MVH 13) into the remaining lots of Mira Vista Hills 16 (MVH 16).

Commissioner Brandt speaking to the Municipal Code provisions regarding home size modifications (Article 22 of Chapter 5 of Title 9) expressed concern that there is nothing being offered by the applicant to meet the criteria for affordability or the housing needs of the elderly. Additionally, she noted that there is no indication of what product will be built as the plotting is not being provided.

Chairperson Langford voiced his support for integration of the previously approved project for MVH 13 into MVH 16; however, he noted he does not support a variance for the reduction in front yard setbacks.

### **RESOLUTION NO. 2009/21**

**On motion by Commissioner Johnson, seconded by Commissioner Azevedo, the Planning Commission approved the resolution recommending that the City Council approve the request of the AD Seeno Construction Company to integrate the housing product for Mira Vista Hills 13 subdivision into the Mira Vista Hills 16 development.**

**The motion carried on the following vote:**

**Ayes: Langford, Johnson, Azevedo, Manuel  
Noes: Brandt  
Abstain: None  
Absent: Travers, Westerman**

**A motion was made by Commissioner Azevedo, seconded by Commissioner Manuel, to: 1) Approve the resolution from the City of Antioch Planning Commission approving a variance for the reduction in front yard setbacks from 20 feet to 15 feet; 2) Including: "Whereas the applicant has withdrawn the request for a variance in the rear yard setbacks"; 3) Deleting all references to the rear yard setbacks in the findings, and 4) Adding a condition of approval #12 requiring the applicant to provide written withdrawal of the verbal request for the rear yard setback.**

**The motion failed by the following vote:**

**Ayes: Azevedo, Manuel  
Noes: Brandt, Johnson, Langford  
Absent: Travers, Westerman**

**A motion was made by Commissioner Johnson, seconded by Commissioner Brandt, to deny the request for the variances for the front and rear yard setbacks for the Mira Vista 16.**

**The motion failed by the following vote:**

**Ayes: Langford, Johnson, Brandt  
Noes: Azevedo, Manuel  
Absent: Travers, Westerman**

However, City Attorney Nerland stated the request to approve the variance was not approved as there were not four votes in the majority

4. **UP-09-03/AR-09-02 – Discovery Builders** requests approval of modifications to the single family home products for the remaining 155 units of the Black Diamond Ranch subdivision, a 286-unit subdivision located west of the Somersville Road and James Donlon Boulevard intersection.

Community Development Technician Stahl presented the staff report dated May 15, 2009, recommending that the Planning Commission make a recommendation to the City Council based upon the evidence, both oral and written.

Chairperson Langford opened the public hearing.

Louis Parsons, representing Discovery Builders, thanked staff for the report and clarified that their request is to add two additional product types to Black Diamond Estates. He requested the Planning Commission approve the changes as proposed.

Dana Owyong, representing Discovery Builders, provided the Planning Commission with a packet detailing plans 2142 and 2555 and reviewed their request.

Chairperson Langford closed the public hearing.

Commissioner Johnson stated he does not feel the new product offerings match the existing development, in style and detail.

Commissioner Brandt agreed that the artistic renditions of the proposed plans are lacking in architectural details. She voiced her support for staff recommendations for additional architectural elements being incorporated into the conditions of approval for the project.

Chairperson Langford agreed with Commissioners Brandt and Johnson and voiced his appreciation to staff for developing the recommendations to enhance the architecture to blend with the existing product.

In response to Commissioner Azevedo, Mr. Parsons indicated that he is not in agreement with adding staff's recommendations for additional architectural features to their project.

**On motion by Commissioner Brandt, seconded by Commissioner Johnson, the Planning Commission moved to: 1) Recommend to the City Council approval of the request of Discovery Builders for modification to the floor plan size and unit mix for Black Diamond Ranch Development; 2) Modifying the first finding last sentence to read: "The proposed homes, while smaller than the two floor plans they are modifying, are still relatively large homes.", and 3) Adding conditions of approval #26 – 32 as follows reflecting the staff report recommendations of the original architectural features for the proposed elevations.**

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26. **Porch railings (recommended add to Elevation D of Plan 8)**
  27. **Window planter boxes (recommended add to Elevation B and C of Plan 8; Elevation C of Plan 9)**
  28. **Additional stone and brick detail added to the front, garage and side elevations (recommended add to Elevation B and D of Plan 8)**
  29. **Window detail around the front entry doors shown on Plan 7 all elevation (recommended add to Plan 8 elevations; all or some)**
  30. **Stone detail added to front, garage and sides elevations to add architectural interest (consider Elevation A and E of Plan 8; Elevation A and C of Plan 9)**
  31. **Shutter details added to the first floor of Plan 9 (recommended add to Elevation A and C)**
  32. **Incorporate detail from Plan 7 Elevation A-Alt into an elevation for Plan 9 and possibly even Plan 8 (including horizontal siding, wood rail, and window boxes)**

**The motion failed by the following vote:**

**Ayes:** Langford, Brandt, Johnson  
**Noes:** Azevedo, Manuel  
**Absent:** Travers, Westerman

**Commissioner Azevedo clarified that while he does not support the request from Discovery Builders, had the applicant agreed to improve the architectural details he would have voted to approve the request.**

**On motion by Commissioner Azevedo, seconded by Commissioner Manuel, the Planning Commission moved to recommend to the City Council denial of the request of Discovery Builders for modification to the floor plan size and unit mix for Black Diamond Ranch Development.**

**The motion failed by the following vote:**

**Ayes:** Johnson, Azevedo, Manuel  
**Noes:** Brandt, Langford  
**Absent:** Travers, Westerman

5. **GP-07-01, PD-09-01, SP-07-01, UP-08-17, AR-08-14 – Lakeview Center - Reynolds and Brown requests approval of a General Plan Amendment, a Specific Plan amendment, a rezone, a Final Development Plan/Vesting Tentative Map, a Use Permit, and design review to allow a phased project consisting of retail and office space. An addendum to the Final Bluerock Business Center EIR will also be considered. The subject property is approximately 12.94 acres and is located at the southwest corner of Lone Tree Way and Golf Course Road (APN 072-012-087).**

Senior Planner Morris presented the staff report dated May 8, 2009, recommending the Planning Commission recommend approval of GP-07-01 (General Plan Amendment), SP-07-01, (Specific Plan amendment), PD-09,01 (rezone to Planned Development and Final Development Plan), PW 357-301-09 (Vesting Tentative Map), UP-08-17 (use permit), and AR-08-14 (design review) subject to the conditions in the staff report\$ attached resolution.

Chairperson Langford opened the public hearing.

Drew Mickel, representing Reynolds and Brown, gave a brief overhead presentation of their company and the proposed project site plan and elevations. He discussed their community outreach efforts and introduced the development team for the project. In addressing the conditions of approval, he provided the following feedback:

- 17a. He requested this condition be modified to require three fire hydrants in phase one and revisit the need for additional hydrants with phase 2.
62. He addressed their desire to create a plaza that overlooks the reservoir and Mount Diablo for community events and requested the vinyl fence along the property line be replaced with a lower and more architecturally pleasing fence product. He offered to work with the City to thin out some of the trees along the reservoir and hydroseeding the dirt area. He stated they would provide an access point through the fence similar in design and that they accept responsibility for maintenance.
68. He discussed Fresh and Easy's desire to increase the alcohol sale area to 10% of floor area.

James Robinson, representing Fresh and Easy, stated they do not sell singles, 40s, fortified malt beverages, hard alcohol or distilled spirits. He clarified that they only sell beer in six packs or larger containers and wine in 750 liter bottles, with the exception of a few dessert wines. He stated the reason they are requesting 10% of the sales floor is to provide flexibility for display.

Chairperson Langford closed the public hearing.

Following a request from the public to speak, Chairperson Langford reopened the public hearing.

Sharon Bryant, Antioch resident, read her email (attachment D) opposing the project and questioned the plans for phase two of the center. She expressed concern that the applicant had requested her insurance information to repair a fence that had burned down.

Mr. Mickel, in response to Ms. Bryant, clarified plans for phase two are unknown; however, it is zoned office and they will not be changing the use. He noted they will be

conducting public outreach when they come back with their proposal. He reported that they agreed to share in the cost of replacing the fence; however, the neighbors then felt Reynolds and Brown should cover all the cost. He stated he is willing to do what the City determines is appropriate regarding this issue. Additionally, he noted it is not their intent to erect a fence in their backyard as they have shown by moving the property line in the tentative map to its current location.

Bill McDermott, Armstrong Development Properties, representing CVS Pharmacy announced the proposed store is identified as a new store location.

In response to Commissioner Brandt, Mr. Mickel reviewed the preliminary grading plan and stated he is in agreement with the condition requiring a masonry fence.

Chairperson Langford closed the public hearing.

Senior Planner Morris clarified that if the Planning Commission recommends approval of the project, the resolution needs to be amended to include a recital that the Specific Plan as amended is consistent with the General Plan as amended.

Commissioners Azevedo, Brandt and Manuel spoke in support of the project layout as proposed. Commissioner Azevedo suggested additional landscaping be provided in the northwest corner of the parking area.

In response to Commissioner Manuel, Senior Planner Morris reported the City Engineer has reviewed the plans and potential conflicts related to ingress and egress have been considered.

Chairperson Langford spoke in support of the land use and suggested additional traffic calming to deter cut through traffic. He stated he would support subdividing the first phase at this time and subdividing the second parcel at the time it comes back for a use permit.

Following discussion, the Planning Commission agreed to amend project specific conditions #17a to read: The developer shall provide 10 hydrants of the East Bay type unless otherwise approved by the fire district and #32 . That trees along the frontage of the project site be 24 inch box.

Drew Mickel stated they have added angled stalls to slow traffic through the project and if needed, they would add speed bumps.

Commissioner Azevedo stated if additional traffic calming is needed, he would suggest the applicant consider alternatives to speed bumps. He also suggested walkways to facilitate pedestrian traffic. He voiced his support for increasing alcohol sales area to 10% of the floor space for Fresh and Easy and the live entertainment use coming back to the Planning Commission for a use permit.

City Attorney Nerland clarified land use runs with the property and if the Planning Commission were to increase the floor area for alcohol sales for Fresh and Easy, it should be memorialized in detail in the conditions of approval. She discussed staff's recommendation for two fences along the property line to provide added protection of the City's water source.

Commissioner Brandt stated that she feels a more decorative fence is appealing adjacent to open space and voiced her support for allowing the City Engineer to determine which fence type is more appropriate.

Senior Planner Morris stated that the purpose of a 6 foot high vinyl clad chain link fence is more cost efficient, typically used adjacent to open space, and will prevent people and cars from entering the area. She noted that if the applicant is willing to provide a more decorative 6 foot fence, it would serve the same purpose.

Mr. Mickel stated the fence is an important issue for them as the purpose is to have a plaza that looks out over the reservoir as the centerpiece for the project. He noted a chain link fence currently runs along the reservoir and provides a secure area.

Following discussion, Planning Commission consensus was to eliminate 24 hour businesses at this location.

Chairperson Langford requested the monument sign design return to the Planning Commission for review and approval.

Commissioner Brandt and Chairperson Langford expressed concern that the east elevation of Fresh and Easy facing Golf Course Road is lacking in architectural interest.

Terry Flynn, Project Architect, discussed their efforts to break up the façade with different plains of materials. She stated she would be willing to look at the issue and return to staff with ideas to address the concerns. She noted the east building elevation would be a filtered view through a large landscaped area.

David Gates, Landscape Architect, reviewed the landscape plan for the east elevation of the Fresh and Easy building. He noted that the sycamore trees would be pulled away from building to allow for full maturity in 7-10 years.

In response to Chairperson Langford, Mr. Mickel clarified marketability of the site is easier if it is parceled out at this time and phase 2 will have all the underlying requirements of the office designation.

#### **RESOLUTION NO. 2009/22**

**On motion by Commissioner Azevedo, seconded by Commissioner Johnson, the Planning Commission members present unanimously approved the resolution recommending adoption of the addendum to the Bluerock Business Center EIR.**

### RESOLUTION NO. 2009/23

On motion by Commissioner Brandt, seconded by Commissioner Azevedo, the Planning Commission members present unanimously approved the resolution recommending approval of a General Plan Amendment, an Ordinance to rezone approximately 12.94 acres from low density residential (R-6) to Planned Development District (PD), an amendment to the Southeast Area Specific Plan, a Tentative Map/Final Development Plan, Use Permit and Design Review for the Lakeview Center Project (APN: 072-021-087) with the following additions:

- #17a That the developer shall provide 10 hydrants of the East Bay type, unless otherwise approved by the Fire Protection District.
- #32 That all trees shall be a minimum 15-gallon size and that all shrubs be a minimum 5-gallon size, with the exception that trees along the frontage of the project site shall be 24 inch box.
- #62 That a 48 inch high wood fence as shown by the applicant at the May 20, 2009 Planning Commission meeting shall be installed along the property line between the project and the City of Antioch parcel to the southwest, subject to the approval of the City Engineer. The 48 inch high fence along the property line shall provide an access gate to allow the City access to the easement subject to the approval of the Director of Public Works.
- #68 That the permitted and conditionally permitted uses for the parcels 1-4 and 7 (the southeastern +/- 6.44 acres of the project site) shall conform to the requirements of the Neighborhood Community Commercial (C-2) zoning district per the P-D zone approved for the site by the City Council. Permitted uses include a drive-thru pharmacy, restaurant with bar, outdoor seating and food service and incidental off-sale alcohol sales for two tenants with a grocery, supermarket, or pharmacy provided the area devoted to alcoholic beverage sale and display is no more than 5% of the total gross floor area of the store for the drugstore tenant in Parcel 1 and shall be no more than 10% of the gross floor area for the grocery store in Parcel 2. Parcel 2 shall be limited to beer and wine sales only with no singles, forty-ounce containers, or fortified alcohol sales allowed.
- #70 Delete the condition.
- #74 The applicant shall submit detailed plans of the proposed monument sign at the corner of Lone Tree Way and Golf Course Road for review and approval by the Planning Commission.
- #80 That live music and/or entertainment shall require a use permit subject to the approval of the Planning Commission.

And adding the following to the resolution: "That the amendment to the Southeast Area Specific Plan is consistent with the General Plan as amended."

### ORAL COMMUNICATIONS

City Attorney Nerland clarified voting procedure and apologized for any confusion this evening.

**WRITTEN COMMUNICATIONS**                      None

**COMMITTEE REPORTS**

Chairperson Azevedo announced Transplan met on May 14, 2009, and he updated the Planning Commission on the status of various transportation projects throughout the region and the development proposed at the Concord Naval Weapons Station.

**ADJOURNMENT**

***Chairman Langford adjourned the Planning Commission at 10:23 p.m. to the next regularly scheduled meeting to be held on June 3, 2008.***

Respectfully Submitted,

Kitty Eiden