

**CITY OF ANTIOCH
PLANNING COMMISSION MINUTES**

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

**July 20, 2011
City Council Chambers**

CALL TO ORDER

Chairman Westerman called the meeting to order at 6:30 p.m. on Wednesday, July 20, 2011, 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 Thursday, July 28, 2011.

ROLL CALL

Present: Commissioners Westerman, Baatrup, Langford, Azevedo and Johnson
Absent: Commissioners Travers and Manuel
Staff: Community Development Director, Tina Wehrmeister
Assistant Engineer, Harold Jirousky
Economic Development Analyst, Brian Nunnally
City Attorney, Lynn Tracy Nerland
Minutes Clerk, Cheryl Hammers

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. Approval of Minutes: June 15, 2011

On motion by Commissioner Azevedo, and seconded by Commissioner Langford, the Planning Commission approved the Minutes of June 15, 2011.

AYES: Baatrup, Langford, Azevedo and Johnson
NOES: None
ABSTAIN: Westerman
ABSENT: Manuel and Travers

END OF CONSENT CALENDAR

CONTINUED PUBLIC HEARING

2. **Z-11-02, GP-11-01, PW 683, PD-08-03, UP-08-14 – Tierra Villas** – Mission Peak Homes requests approval of an ordinance to rezone from Planned Development to Planned Development and approval of a Vesting Tentative Map, a Final Planned Development, and a Use Permit in order to create 115 lots intended for single family home development. A General Plan amendment is also requested to the Circulation Element to not connect Prewett Ranch Road from its current terminus to Heidorn Ranch Drive. Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Report Program is also being considered. The project is generally located in the southeastern portion of Antioch along the western side of Heidorn Ranch Road, south of Lone Tree Way (**APNs: 056-130-013, -015, -017, and -018**).

Tina Wehrmeister, Community Development Director, provided a summary of the staff report dated July 14, 2011. She stated that Mary Bean, environmental consultant, was available for questions. She said that one letter was received from Discovery Builders which in summary stated that the City did not include analysis of greenhouse gas emissions. However, although not required for in the MND, this was in fact included in the appendix of the document.

Commissioner Langford asked staff if CEQA documents expired to which CDD Wehrmeister stated that CEQA is self regulating in this respect and if the project changed significantly or if there were significant changes in circumstances, a new or subsequent document would need to be prepared.

Vice Chair Baatrup asked if given the long list of actions that proceeded this hearing asking for things to be included in development plans, has the analysis accommodated all of those requests to which CDD Wehrmeister responded that although the applicant can speak more about why they have chosen not to move forward, there were several items that staff felt their proposal did not address and that the most significant change could be larger lots or a smaller number of lots although she cannot see squeezing in more lots into this development.

City Attorney Nerland interjected that there is a way to address changes through the CEQA process and the City is not locked in to project approval.

Vice Chair Baatrup said that in light of the letter from Discovery Builders, they are implying that they be given the same opportunity that this project is getting but given that this project was submitted prior to green house gas emission guidelines being adopted it complied with requirements, when Discovery Builders brings their project in, compliance with guidelines in place at that time would be required and that they cannot reserve the process now without submitting something. CCD Wehrmeister said that all applicants are treated the same and are reviewed pursuant to regulations in place at the time of their submittal.

OPENED PUBLIC HEARING

Applicant, John Wong with Mission Peak Homes spoke to say that their company is dealing with economic disaster, that money is the reason that the project is not moving forward, and that if the market changes they will present a new scenario.

Chairman Westerman asked applicant if there was any timeline anticipated to which applicant stated that they have been processing this project for five years, that their biggest challenge has been the market for the past two years, and that they would like to proceed as soon as they can.

CLOSED PUBLIC HEARING

Commissioner Johnson stated that based on the staff report and the dialogue tonight, that all of his questions have been answered and he is ready to move forward on a motion.

Commissioner Azevedo stated that after looking through the initial study and the MND, that he is satisfied.

Commissioner Langford stated that he too was satisfied with the information received and would move on a motion.

Vice Chair Baatrup stated that all questions have been asked and answered and that he too is ready to move forward.

Chairman Westerman stated that he is satisfied and ready to move ahead.

RESOLUTION NO. 2011-09

On Motion by Commissioner Johnson and seconded by Commissioner Azevedo, the Planning Commission adopted the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Tierra Villas project.

AYES: *Westerman, Baatrup, Langford, Azevedo and Johnson*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Manuel and Travers*

- 3. UP-11-09 – Waldie Plaza Outdoor Dining – Sean McCauley requests the approval of a use permit to install outdoor dining in Waldie Plaza, adjacent to the Casino Building. The use will include tables, chairs and a safety railing. The project is located adjacent to 101 “H” Street (APN: 066-071-017).**

CDD Wehrmeister formally introduced Brian Nunnally, Economic Development Analyst, stating that this was his first visit to the Planning Commission.

EDA Nunnally provided a summary of the staff report dated July 14, 2011.

He stated that given his conversation with the building department, that the safety railing was not required by code and that no building permit was required but that an encroachment agreement was required given that this is property owned by the City of Antioch and that standard condition number 3 should be revised to state:

This approval expires two years from the date of approval (expires July 20, 2013), unless an encroachment agreement has been entered into with the City.

OPENED PUBLIC HEARING

Applicant, Sean McCauley, thanked the Planning Commission for their consideration, stated that staff has been very good to them, that their wish is to help businesses in the downtown area, and that they may only have six tables to start with.

Chairman Westerman confirmed with applicant that they have read and agreed with all conditions.

Commissioner Johnson thanked the applicant and confirmed that the table and chairs were light weight similar to the ones used at Jamba Juice. He asked the applicant if there was a problem with storing the table and chairs indoors instead of locking them outside to which applicant stated that although this was looked at, there is not sufficient indoor storage space and that they would be wiring the table and chairs to the wrought iron fence railing.

Commissioner Azevedo stated his concern with tables getting loose and vandals throwing them into windows and asked applicant to elaborate on the wiring to which applicant stated that they would be using vinyl covered cables with loops to lock them and that the cables would be strong enough to handle that. Commissioner Azevedo expressed concern with vandalism and the tagging of the tables to which applicant stated that if this happens, they receive a call immediately from the tenants and that they have maintenance who come out and correct the graffiti within a day or two. The Applicant also stated that they are installing cameras on top of the building facing the plaza which is monitored through the corporate office in Pittsburg and that the cameras have a thirty day cycle on the DVR.

Commissioner Langford questioned applicant about operation hours and how late in the evenings the deli was open to which applicant stated that the deli generally opens around 8:00 a.m. and closed around 7:00 p.m. or earlier, and that hours may be extended during downtown events such as the Saturday concert series.

CLOSED PUBLIC HEARING

Commissioner Langford stated that he was in favor of the Use Permit, that he liked the idea and hoped that it would generate more business downtown.

Commissioner Johnson stated that he too was in favor of the Use Permit, that his only concern was with vandalism and chairs being used inappropriately or stolen but that he definitely supports the project.

Vice Chair Baatrup stated that this will be an attraction to the area and could attract people downtown.

Commissioner Azevedo stated that many other cities have done wonderful jobs downtown and what they all have in common is the outside dining and that his hope was that we could re-create that here and encourage people to come down. He applauded the applicant for making a difference.

Chairman Westerman agreed with his fellow commissioners, thought that this was a great idea and stated that he supported the project.

CDD Wehrmeister commented that approval would be subject to the amendment to Condition 3.

RESOLUTION NO. 2011-10

On Motion by Commissioner Langford and seconded by Commissioner Johnson, the Planning Commission approves UP-11-09, subject to all conditions and subject to the revision of standard condition 3 as follows:

- 3. This approval expires two years from the date of approval (expires July 20, 2013), unless an encroachment agreement has been entered into with the City.**

AYES: *Westerman, Baatrup, Langford, Azevedo and Johnson*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Manuel and Travers*

- 4. Environmental Hazards Element of the General Plan – The City of Antioch requests that the Planning Commission make a recommendation to the City Council regarding the proposed General Plan Amendments and adoption of a Negative Declaration for the project.**

Tina Wehrmeister, Community Development Director, provided a summary of the staff report dated July 14, 2011 and requested that the language “as resources allow” be added to 11.4.2 f.

Vice Chair Baatrup asked staff if there were any significant changes to the flood hazard map to what was approved in the General Plan in 2003. CDD Wehrmeister stated that although the flood hazard map was in the EIR, the General Plan itself did not include the flood hazard map but that she does not believe that there have been significant changes with the exception of the area just north of Lone Tree Way in the Slatten Ranch/Lowes area which used to be in a flood zone but was taken out when developed. She said that the map was created by GIS which used data from FEMA and that when FEMA proposed new maps, the City's engineering division was able to comment on that. She stated that the Public Works Director is more actively involved but that she was aware of residents who do contact the City to get their property out of flood zones which the City tries to accommodate.

Commissioner Azevedo confirmed with CDD Wehrmeister that given that this is based on FEMA maps, there would be no effect on requirements for homeowners to purchase insurance.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

Commissioner Azevedo stated that this matter appears to be cut and dry being more administrative than anything else and that FEMA is best to determine where zones are.

Commissioner Langford commented that looking at the map, this doesn't appear to affect anyone to which CDD Wehrmeister stated that the City is within the Delta zone and that other delta communities have to do more dealing with issues such as levees, and that this really doesn't have much impact on the City of Antioch but that State law must be complied with.

Commissioner Johnson and Vice Chair Baatrup had no comment.

Chairman Westerman agreed with Commissioner Azevedo and stated that is a fairly routine thing they are required to do.

RESOLUTION NO. 2011-11

On Motion by Commissioner Azevedo and seconded by Commissioner Langford, the Planning Commission recommends that the City Council:

- a. Adopt the proposed Initial Study/Negative Declaration prepared for the amendments to the Environmental Hazards and Land Use Elements of the General Plan.**

- b. Amend the Flood Protection Objective and Policies contained in the Environmental Hazards Element of the General Plan as shown in Exhibit A with the addition of the language "as resources allow" to Section 11.4.2 f.
- c. Amend the notes to Tale 4.A of the Land Use Element of the General Plan as shown in Exhibit B.

AYES: *Westerman, Baatrup, Langford, Azevedo and Johnson*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Manuel and Travers*

ORAL COMMUNICATIONS

Commissioner Johnson stated that Commissioner Travers did communicate with him that he was unable to make the meeting tonight.

Commissioner Langford commented that he and Tina met with Meritage and reviewed plans and that he was comfortable with the upgrades they have done.

Commissioner Azevedo asked staff if there has been any contact with Commissioner Manuel to which CDD Wehrmeister stated that Commissioner Manuel did not intend to return to the Planning Commission and that when recruiting is started in August for the two expiring terms, there will be recruitment for his term as well.

CDD Wehrmeister updated that presently there are two meetings in August and that she will keep them posted of any changes.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Commissioner Azevedo stated that Transplan met on the 14th, that the CCC Bicycle commuter of the year was recognized, and that an update on the construction of Hwy 4 was presented. He stated that rather than bring information tonight, he advised the Commission to go to www.CCTA.net and click on State Route 4 to get the updated information. He said that Transplan has recommended that CCTA continue to fund 511 Contra Costa which is an organization dealing with all things transportation related such as commuting, use of mass transit, and support of traffic updates.

Commissioner Azevedo stated that a couple of months ago money was made available through the safe routes to school program and that they were asked to find approximately \$700,000 worth of projects which were shovel ready and they came up with 3 projects. The first was a streetlight on Balfour and the road just past Heritage High School valued at \$300,000, which they did get. The second was a sidewalk gap

closure project valued at \$50,000 which they did get. The third was for solar batteries to run lights on crosswalks which was not eligible and was not obtained.

City Attorney Nerland stated that if any Planning Commissioners received communication from her recently regarding ethics training, she encouraged them to get that completed.

ADJOURNMENT

Chairman Westerman adjourned the Planning Commission at 7:25 p.m. to the next regularly scheduled meeting on August 3, 2011.

Respectfully Submitted,
Cheryl Hammers