

**CITY OF ANTIOCH  
PLANNING COMMISSION**

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

**August 15, 2007  
City Council Chambers**

Chairman Travers called the meeting to order at 7:35 p.m. on Wednesday, August 15, 2007, in the City Council Chambers.

Chairman Travers 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 date of the decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on Wednesday, August 22, 2007.

**ROLL CALL**

Present: Commissioners Martin, Azevedo, Brandt, Delgadillo (arrived at 7:40 p.m.) and Chairman Travers  
Staff: Deputy Director of Community Development Wehrmeister  
Senior Planner Morris  
Junior Planner Pease  
Traffic Engineer Bernal  
City Attorney Nerland  
Minutes Clerk Lawson

**PLEDGE OF ALLEGIANCE**

Chairman Travers presented past Commissioner Henry with a street sign named in his honor for his community service to the City.

Mr. Henry expressed his appreciation to the City and Commission.

**PUBLIC COMMENTS**

None.

**CONSENT CALENDAR**

**1. APPROVAL OF MINUTES:**

None.

**END OF CONSENT CALENDAR**

---

## **NEW PUBLIC HEARINGS**

- 2. UP-07-09 – THRESHING FLOOR TABERNACLE. Threshing Floor Tabernacle requests approval of a Use Permit application to conduct religious assembly in an existing building. The project site is located at 2738A West Tregallas Road (APN 071-050-044).**

Junior Planner Pease presented the Staff Report dated August 10, 2007.

Commissioner Martin noted for the record that all doors located on the north side of the building swing outward with a push bar and therefore, a push bar as proposed by Staff should not be required on the east door location.

Commissioner Azevedo stated that according to the City's Planning and Zoning Code, newly established churches are not permitted within the C-2 area. He understood that this application would replace an existing church and asked if a Use Permit was issued for the previous church applicant. Deputy Director of Community Development (DDCD) Wehrmeister verified that a church was previously located in this location without a Use Permit.

## **OPENED PUBLIC HEARING**

Mike Kee, Architect for the applicant, spoke briefly to the architectural aspects of the project and stated that he agreed with the proposed conditions, but requested that Condition No. 10 be modified to read: "That the site immediately adjacent to the tenant space be kept clean of all debris (boxes, junk, garbage, etc.) at all times". Also, that Condition No. 17 is modified to read: "That the project shall comply with ADA requirements and shall provide Title 24 accessibility, as required by the California Building Code."

In speaking to Condition No. 10, Commissioner Azevedo requested that wording pertaining to said property be kept, wherein DDCD Wehrmeister interjected the condition could be modified as requested by the applicant, and that a sentence be added to state: "That debris found in other locations on the site that are attributable to this business shall be removed by the applicant". Mr. Kee concurred.

Commissioner Martin suggested to the applicant that the hours of operation be conditioned from 8:00 a.m. to 9:00 p.m. Through Mr. Kee, Pastor Henry Killings stated that he concurred.

## **CLOSED PUBLIC HEARING**

In speaking to the proposed Use Permit application, Commissioner Martin questioned why a non permitted use would be followed with an allowed use permit. City Attorney Nerland stated that Staff reviewed the uses allowed that would be described as public

assembly uses in the same districts, given past issues that the City has recently encountered regarding religious uses.

**RESOLUTION NO. 2007-19**

***On motion by Commissioner Martin, and seconded by Commissioner Brandt, the Planning Commission approved a request from Threshing Floor Tabernacle for approval of a Use Permit assembly for religious purposes in an existing building. The project site is located at 2738A West Tregallas Road (APN 071-050-044) with the following amendments and the addition of Condition No. 22:***

- ***Amend Condition No. 10 to read: “That the site immediately adjacent to the tenant space be kept clean of all debris (boxes, junk, garbage, etc.) at all times. That the site be kept clean of all debris found in other locations that are attributable to this business and that it shall be removed by the applicant.”***
- ***Amend Condition No. 17 to read: That the project shall comply with ADA requirements and shall provide Title 24 accessibility as required by the Title 24 of the California Building Code.”***
- ***Add a Condition No. 22 to read: “Hours of operation shall be from 8:00 a.m. to 9:00 p.m.”***

**AYES: Martin, Brandt, Azevedo, Delgadillo and Travers**

3. **UP-07-09 – LAUREL RANCH SUBDIVISION. R.W. Hertel & Sons, Inc., requests approval of a Use Permit to construct a 209 lot medium density residential subdivision. The project site is generally located at the north end of the East Lone Tree Specific Plan area, west of the future Highway 4 Bypass (APN 053-060-015).**

Senior Planner Morris provided an overview of the Staff Report dated August 10, 2007, and noted that per a distributed memorandum, that proposed Project Specific Condition No. 59 be amended. Furthermore, per the City Attorney, that a change also be made to the second “Whereas”, as contained in the proposed Resolution, as contained in the memorandum.

Commissioner Martin suggested that wording be added to Project Specific Condition No. 93 to state that all retaining walls be made of decorative masonry construction, rather than plain masonry.

**OPENED PUBLIC HEARING**

Mary Grace Houlihan, R.W. Hertel & Sons, Inc., applicant, spoke briefly to the project’s amenities and conceptual design.

Chris Kelly, KTG Co., applicant, provided a power point presentation and both spoke to the architectural and landscaping features of the project.

Pam Jones, HWA Landscape Architects, spoke to the landscaping elements of the project.

Commissioner Martin asked the applicant if they would agree to all conditions, as proposed within the Staff Report, as well as the amended changes, per Staff's memorandum regarding Condition No. 59, the second recital within the proposed Resolution and his suggestion to amend Project Specific Condition No. 93. Ms. Jones stated that the applicant would agree.

In responding to Commissioner Brandt regarding shared use easements, Ms. Houlihan stated that it would be explained to the potential buyer, per a plot plan and a visual model, and the rules and regulations for these areas will also be contained within the CC&R's.

Commissioner Brandt expressed concern to the proposed shared use easements and felt that perspective buyers may not fully understand its exact meaning. She suggested that a condition to the project be added that a single disclosure be given to the buyers in plain and simple language with the meaning of a shared use easement, and that the buyer be required to sign. Commissioner Brandt also suggested that a condition be added to place obscured windows in the bathrooms, due to the closeness of the homes. Ms. Houlihan requested that it read an "obscured or high window" to allow flexibility to maintain the integrity of the architecture.

Commissioner Brandt further expressed concern to the small area allowed for the garbage cans and the designed aesthetics of the development along Laurel Road, in terms of the homes being close together and designed in a cookie cutter fashion.

Chairman Travers expressed a concern to the small area allowed for trash cans.

## **CLOSED PUBLIC HEARING**

### **RESOLUTION NO. 2007-20**

***On motion by Commissioner Martin, and seconded by Commissioner Azevedo, the Planning Commission approved a request from R.W. Hertel and Sons, Inc., on behalf of PIH-Antioch, LLC for approval of a Use Permit to construct a 205 lot medium-density residential subdivision. The project site is generally located at the north end of the East Lone Tree Specific Plan area, west of the future Highway 4 Bypass (APN 053-060-015)(PW 670), with the amended changes to:***

- ***The Second Recital in the Resolution be replaced with the following language: "WHEREAS, in accordance with CEQA Guidelines Section 15164, the City, as the lead agency, prepared an Addendum to the Future***

**Urban Area #2 Specific Plan Environmental Impact Report for this project which was adopted by the City Council on May 10, 2005. As described below, the City finds and determines that based on substantial evidence in the light of the whole record that the approval of this Use Permit will result in none of the conditions described in CEQA Guidelines Section 15162 requiring the preparation of a subsequent EIR or negative declaration: (a) no substantial changes are proposed in the Laurel Ranch project that will require major revisions of the FUA #2 EIR; (b) there have been no substantial changes in circumstances relating to the project that require the preparation of a subsequent or supplemental EIR; and (c) there is no new information available, which was not known and could not have been known with the exercise of reasonable diligence at the time the FUA #2 EIR was certified as complete, that requires the preparation of a subsequent or supplemental EIR.**

- **Project Specific Condition No. 59 to read: "That all parcels provide satisfactory access to the driveways and garages using standard automobile templates. Access to any lot that requires unusual or illegal maneuvers may result in modification or elimination of these lots, as approved by the City Engineer."**
- **Project Specific Condition No. 93 to read: "That all retaining walls shall be of decorative masonry construction."**
- **Add Project Specific Condition No. 102 to read: "That a single disclosure in plain language regarding the shared use easement be presented for signature by the initial Buyers of the property ."**
- **Add Project Specific Condition No. 103 to read: "That the placement of bathroom windows will be such that they will either be obscured or give no direct site from one home's window to another home's window."**

**AYES: Martin, Azevedo, Delgadillo and Travers**

**NOES: Brandt**

### **ORAL COMMUNICATIONS**

Commissioner Martin requested that Staff review the width of the existing parking spaces at Skipolini's restaurant.

Commissioner Azevedo expressed concern to the condition of the landscaping at a convenience store located on 18<sup>th</sup> Street and requested that Staff contact Code Enforcement.

### **WRITTEN COMMUNICATIONS**

Chairman Travers reported that correspondence was received from the League of Women Voters of the Bay Area and that updated General Plan insert pages were distributed to the Commission.

## **COMMITTEE REPORTS**

Commissioner Azevedo reported that the Transplan meeting for August has been cancelled.

## **ADJOURNMENT**

***Chairman Travers adjourned the Planning Commission at 9:00 p.m. to the next regularly scheduled meeting to be held on September 5, 2007.***

Respectfully Submitted,

Debra Lawson