

**CITY OF ANTIOCH
PLANNING COMMISSION**

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

**November 4, 2015
City Council Chambers**

Chair Motts called the meeting to order at 6:30 P.M. on Wednesday, November 4, 2015 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 date of the decision. The final appeal date of decisions made at this meeting is 5:00 P.M. on Thursday, November 12, 2015.

ROLL CALL

Present: Commissioners Parsons, Zacharatos, Mason, Miller, Hinojosa, and Chair Motts
Absent: None
Staff: Director of Community Development, Forrest Ebbs
Senior Planner, Alexis Morris
Assistant City Engineer, Lynne Filson
Interim City Attorney, Bill Galstan
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. Approval of Minutes: October 7, 2015

On motion by Commissioner Zacharatos, seconded by Commissioner Parsons, the Planning Commission unanimously approved the minutes of October 7, 2015, as presented. The motion carried the following vote:

AYES: Parsons, Zacharatos, Mason, Miller, Hinojosa, Motts
NOES: None
ABSTAIN: None
ABSENT: None

NEW PUBLIC HEARING

2. **PD-14-02, UP-14-08, AR-14-03, PW 695** – Heidorn Village – Douglas Krah requests approval of a Mitigated Negative Declaration, a rezone to Planned Development District (PD), a Vesting Tentative Map/Final Development Plan, a Use Permit, Design Review, and a Development Agreement for the development of 117 single family homes on approximately 20.3 acres. The project site is located on the west side of Heidorn Ranch Road, at the eastern terminus of Prewett Ranch Drive (APNs 056-130-013, -015, -017, -018).

Senior Planner Morris presented the staff report dated October 30, 2015, recommending the Planning Commission: 1) Approve the resolution recommending approval of the Heidorn Village Initial Study and Mitigated Negative Declaration; 2) Approve the resolution recommending approval of a Development Agreement between the City of Antioch and Mission Peak Homes, Inc.; 3) Approve the resolution recommending approval of an ordinance rezoning the project site from Planned Development District (PD) to Planned Development District (PD-14-02); 4) Approve the resolution recommending approval of a Vesting Tentative Map/Final Development Plan (PW 695, a Use Permit (UP-14-08), and Design Review (AR-14-03), subject to conditions of approval. She reported staff had inadvertently omitted a condition of approval for the last resolution and on the dais was a memo detailing that condition.

In response to Commissioner Hinojosa, Senior Planner Morris stated staff would review the CCRs as the HOA would address parking restriction for garbage pickup days. She noted the applicant had submitted a parking plan and the project provided approximately 1.5 spaces per unit. Speaking to the requirement for chain link fencing, Senior Planner Morris explained fences were six (6) feet high and adjacent property was landscaping and an internal street.

Commissioner Mason speaking to park amenities, expressed concern that the project was not meeting the requirements per the subdivision ordinance which in turn would reduce the quality of the project. He requested clarification from staff with regards to the average lot coverage.

Senior Planner Morris explained 55% was maximum lot coverage and the average for this project was in the 40% range.

Commissioner Mason spoke in support of increasing the number of single story units in the project.

Senior Planner Morris responded it was within the Planning Commission's purview to make recommendations or alterations to the proposed PD standards.

In response to Chair Motts, Senior Planner Morris stated the applicant proposed a gated connection on the northern boundary in the location recommended by the Planning Commission.

Douglas Krah, applicant, thanked staff for their effort and diligence in review of the project. Additionally, he thanked the Heritage Baptist Academy for their cooperation. He provided a brief summary of their project which included the location, product type and the issues that had been resolved. He reported that they developed a trash can plan and reviewed the parking plan. He clarified the condition of approval for fencing was correct and it would be constructed of tubular steel. Speaking to the park, he stated it was large enough to be manageable and allow for the HOA to maintain it. He noted they would also be paying \$175k in park in lieu fees. He further noted lot coverage for this project was at 40.6%. He reported the single story lots were larger and 10% was a representative mix which was typical for the smallest product type. He clarified there were a total of nine (9) houses that shared driveways.

In response to Commissioner Mason, Mr. Krah clarified twenty (20) houses primarily on one street would not have a sidewalk in front of them. He stated signs and paint would delineate street side parking restrictions. He noted disclosures and plot plans would be given to homebuyers. He further noted the day of walk thru, buyers were allowed to cancel their contract to purchase. He clarified the City required projects provide two (2) covered, enclosed spaces and one (1) space on the street. He noted they provided two (2) enclosed and one and a half (1.5) spaces on the street.

In response to Commissioner Hinojosa, Mr. Krah stated they estimated the HOA fees to be \$160.00 - \$165.00 per month.

In response to Commissioner Parsons, Mr. Krah stated he was in agreement with the conditions of approval.

Richard Johnson, stated he owned the property to the south of the project and expressed concern for the residents purchasing homes backing Heidorn Ranch Road noting a wood fencing could deteriorate and allow children to access a heavily traveled roadway and the storm basin. He stated he felt parking in the area was insufficient and too many homes were planned for the area. He questioned if a masonry soundwall would be provided adjacent to his property and if the roadway would encroach onto his land.

Mr. Krah responded a masonry wall would be built along Heidorn Ranch Road and Prewett Ranch Drive, the storm water basin would be fenced, and they would not be developing on Mr. Johnson's property.

Assistant City Engineer Filson stated Prewett Ranch Drive was anticipated to be one lane in each direction and a left hand turn pocket would be added at a signalized intersection at Heidorn Ranch Road.

Chair Motts closed the public hearing.

RESOLUTION NO. 2015-23

On motion by Commissioner Parsons, seconded by Commission Zacharatos. the Planning Commission unanimously approved the resolution recommending approval of the Heidorn Village Initial Study and Mitigated Negative Declaration.

AYES: Parsons, Zacharatos, Mason, Miller, Hinojosa, Motts
NOES: None
ABSTAIN: None
ABSENT: None

RESOLUTION NO. 2015-24

On motion by Commissioner Parsons, seconded by Commissioner Zacharatos, the Planning Commission unanimously approved the resolution recommending approval of an ordinance rezoning the project site from Planned Development District (PD) to Planned Development District (PD-14-02).

AYES: Parsons, Zacharatos, Mason, Miller, Hinojosa, Motts
NOES: None
ABSTAIN: None
ABSENT: None

RESOLUTION NO. 2015-25

On motion by Commissioner Parsons, seconded by Commission Zacharatos, the Planning Commission unanimously approved the resolution recommending approval of a Vesting Tentative Map/Final Development Plan (PW 695, a Use Permit (UP-14-08), and Design Review (AR-14-03) subject to conditions of approval and with the addition of the following condition of approval:

- 1) Implementing, or making enforceable commitments to implement, all applicable mitigation measures in the project environmental documents, as well as any additional measures as may be required by the California Department of Fish & Wildlife (CDFW) or the U.S. Fish and Wildlife Service (FWS), and obtaining a letter(s) from CDFW and FWS stating that the project has fulfilled the requirements of applicable State and Federal wildlife protection laws and regulations; or***
- 2) Complying with applicable terms and conditions of the ECC HCP/NCCP, as determined in written "Conditions of Coverage" by the East Contra Costa County Habitat Conservancy (Conservancy), provided that the City has first entered into an agreement with the Conservancy for coverage of impacts to the ECCCHCP/NCCP Covered Species; or***
- 3) Complying with the habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment***

of applicable fees, provided that CDFW and FWS have approved the conservation plan.

AYES: *Parsons, Zacharatos, Mason, Miller, Hinojosa, Motts*
NOES: *None*
ABSTAIN: *None*
ABSENT: *None*

Commissioner Hinojosa expressed concern with the police services funding item added to the Development Agreement. She stated she did not support the way it had been handled with the developers and she did not agree with the costs that were being passed to the homeowners. Additionally, she did not believe there had been transparency with regards to what those costs included and she believed some items may be duplicative of development impact fees. She noted for those reasons she would not be supporting the Development Agreement this evening. She stated she had submitted a letter to staff regarding these concerns and had yet to receive any outreach to discuss them. She noted until she received an explanation she would continue to take issue with the way it was proposed. She clarified that she did not have any issues with the development of the community facilities district or providing funding for police staffing; her issue was with implementation and calculated costs.

Commissioner Parsons stated she respected Commissioner Hinojosa's concerns; however, she had not met with any developers that were arguing the issue. She noted time was money and she felt holding up the project for this reason was not appropriate; therefore, she would support it this evening.

Commissioner Hinojosa responded that every developer she had met with had an issue with the police services funding.

Chair Motts stated he shared Commissioner Hinojosa's concerns and questioned what she would deem appropriate.

Commissioner Hinojosa responded her expectation would be that a formal public process of developing the community facilities district would be carried out and considered by the City Council with a clear understanding of what was included in the costs.

Director of Community Development Ebbs stated in an ideal world the CFD would have preceded development; however, there would be no need for a CFD if not for development. He noted the General Plan stated the City would provide a certain level of staffing and property tax alone was not sufficient to cover an adequate level of policing. He noted the City needed a mechanism to fill the gap and this concept was the logical way to do so.

Interim City Attorney Galstan stated the cities of Brentwood and Oakley used this technique.

Director of Community Development Ebbs clarified in terms of transparency, when the first developer created the CFD, there would be hearings before the City Council and a complete analysis would be provided by staff. He noted that specifics were yet to be determined.

Assistant City Engineer Filson clarified she had discussed the issue of duplicative fees with Finance Director Merchant who indicated the dollar value being asked for in the CFD was for personnel and operational expenses. She noted development impact fees were for capital improvements.

Chair Motts agreed with Commissioner Hinojosa regarding transparency.

Director of Community Development Ebbs stated whoever was the first developer to come in for the building permit would need to create the CFD and they would be reimbursed by those who joined later.

Commissioner Hinojosa stated she would benefit from a conversation with staff regarding what was to be covered by the CFD. She reiterated that she would not support the recommendation to approve the DA to City Council. She clarified the following motion was a recommendation to Council and the intent was not to hold the project up, but to make a statement on their concerns regarding the Development Agreement.

A motion was made by Commissioner Hinojosa, and seconded by Chair Motts, to approve a resolution recommending the City Council deny the Development Agreement between the City of Antioch and Mission Peak Homes, Inc. The motion failed by the following vote:

AYES: Hinojosa, Motts
NOES: Parsons, Zacharatos, Mason, Miller
ABSTAIN: None
ABSENT: None

RESOLUTION 2015-26

On motion by Commissioner Parsons, seconded by Commissioner Miller, the Planning Commission approved the resolution recommending approval of a Development Agreement between the City of Antioch and Mission Peak Homes, Inc. The motion carried the following vote:

AYES: Parsons, Zacharatos, Mason, Miller
NOES: Hinojosa, Motts
ABSTAIN: None
ABSENT: None

NEW ITEM

3. Election of Vice Chair

On motion by Commissioner Hinojosa, seconded by Commissioner Parsons, the Planning Commission unanimously appointed Commissioner Zacharatos as Vice Chair of the Planning Commission.

AYES: Parsons, Zacharatos, Mason, Miller, Hinojosa, Motts
NOES: None
ABSTAIN: None
ABSENT: None

ORAL COMMUNICATIONS

Director of Community Development Ebbs requested the Planning Commission consider hosting a Public Workshop on FUA1 Sand Creek Focus Area for January 20, 2016, at Prewett Park Community Center. He noted they would be asking for a commitment from the Planning Commission regarding this meeting in the future.

Chair Motts announced he had received an email indicating the cancellation of the November 18, 2015 and December 16, 2015 Planning Commission meetings. He noted he would be returning from out of the Country on December 2, 2015 and was uncertain on his attendance for that meeting.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

None.

ADJOURNMENT

Chair Motts adjourned the Planning Commission at 7:33 P.M. to the next regularly scheduled meeting to be held on December 2, 2015.

Respectfully Submitted,
Kitty Eiden