

**CITY OF ANTIOCH  
PLANNING COMMISSION MINUTES**

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

**December 17, 2014  
City Council Chambers**

**CALL TO ORDER**

Chair Hinojosa called the meeting to order at 6:33 p.m. on Wednesday, December 17, 2014, 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 decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on Tuesday, December 30, 2014.

**ROLL CALL**

Present: Commissioners Miller and Westerman  
Chair Hinojosa and Vice Chair Motts  
Absent: Commissioner Pinto  
Staff: Senior Planner, Mindy Gentry  
City Attorney, Lynn Tracy Nerland  
Minutes Clerk, Cheryl Hammers

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

None.

**CONSENT CALENDAR**

1. **Approval of Minutes:**                   A. November 19, 2014  
  B. December 3, 2014

***On motion by Commissioner Westerman, and seconded by Vice Chair Motts, the Planning Commission approved the Minutes of November 19, 2014 and December 3, 2014.***

***AYES:                   Hinojosa, Motts, Miller and Westerman  
NOES:                 None  
ABSTAIN:            None  
ABSENT:             Pinto***

**END OF CONSENT CALENDAR**

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## **CONTINUED PUBLIC HEARING**

- 2. PDP-12-01 - Black Diamond Unit 4 Preliminary Development Plan –** Discovery Builders requests the review of a preliminary development plan, which is not an entitlement, for the development of 17 single family homes on approximately 20.98 acres. The project is generally located west of the intersection of Somersville Road and James Donlon Boulevard (**APN 089-160-010**).

Senior Planner Gentry provided a summary of the staff report dated December 11, 2014.

Vice Chair Motts clarified with staff that the language in the staff report “to rezone the property from Hillside Planned Development (HPD) to Hillside Planned Development (HPD)” was not a typo.

Chair Hinojosa requested the fellow Planning Commissioners’ input as to whether we should go forward with the item or continue it given the applicant’s absence to which Commissioner Miller stated that since there is an audience the project should not be continued.

In response to Chair Hinojosa, SP Gentry stated that this PDP is to get feedback and then the applicant can provide a final submittal, that applicant can be directed to provide further information, and that staff will provide a full analysis of proposed grading and whether it meets the City’s policies and zoning ordinance. She said that staff is looking for feedback on the location of the homes and if this is acceptable plotting given staff’s concerns with maximizing views to and from the project.

Chair Hinojosa said that she noticed that the resolution that was passed in 2005, 2005-133, was not included in this packet but was provided previously. Also, that under item 1 it says “that the applicant shall make an irrevocable offer of dedication to the City of Antioch of the owner/developer remainder parcel” and wondered why this resolution hasn’t been looked at again. She said that it seems that there is disregard to the original resolution and that she would like the question put forward to the City Council if we are within the guidelines to allow them to come back to propose another project and that this needs to be looked at in more detail.

SP Gentry responded that when the City Council denied the previous project, they did not provide information on whether another application could be considered and that the applicant went ahead and submitted and now staff is following the processes and procedures. She said that essentially the property lines go back to the existing homes on Countryside, that staff would want to reduce the downward slope so that the HOA has control over maintenance, and that the concern is an aesthetic impact. That access to the property would be provided to the HOA to maintain it.

In response to Vice Chair Motts, SP Gentry said that the grading is significantly reduced with the peak elevation 404 feet.

In response to Commissioner Miller, SP Gentry said that it is the intent of the Facilities District to offset police staffing. That whichever developer goes first would establish it and if already established, they would be required to participate.

### **OPENED PUBLIC HEARING**

Applicant, Louis Parsons, said that they have reviewed the report and have spoken to Mindy. He said that the proposed concept now is to look at items identified with as minimal grading as possible, that the grading they are doing is at most 20 feet, that the proposed lots on the hill would be customs or split level built into the typography and that the grading is substantially less. He said that some of the lots will be integrated into the existing Black Diamond Ranch Subdivision. That he thinks there is a way to accommodate pedestrians, that he doesn't have an issue with the private road being maintained by the HOA, that he understands staff's comments, and that he is looking forward to getting feedback from the Planning Commission and the City Council and going from there to submit the actual final development plan.

Commissioner Westerman said that it would be very helpful if they had something to give us a better idea of where these houses are and what the whole thing looks like.

Chair Hinojosa agreed and said that it is really hard to provide feedback when they don't have anything fundamental to go on. She asked applicant to speak to building into the typography and whether they are proposing flat slabs or stepped pads.

Applicant said that they need to bring access up to the homes and that there us a requirement that the homes be built into the typography, such as lot 13 where the house would be built into a split level house which is consistent with that type of hillside development. He said that Lot 2 and Lots 3-7 are largely graded but are relatively flat pads. Also that they have not developed architecture yet. He said that the lots on the hill would be flat as there is basically limited areas for driveways and that the houses would have custom foundations using piers which is much more difficult. That each house is going to be unique for typography. Applicant said that the maximum pad elevations range from 415 at the top and that they are only taking down a maximum of twenty feet and in some cases only eight, ten or twelve feet.

Chair Hinojosa said that she did not see any proposal for a tot lot and asked applicant if they would be paying park mitigation fees to which applicant stated that they are not proposing any open space with this proposal as the slopes are pretty deep.

In response to Commissioner Miller, applicant said that they are looking for Community Facilities Districts that new project will pay into, that he is not exactly sure what the CFD is paying for whether it be police staffing, facilities or equipment but that any new residential project will have to facilitate forming the CFD or participate in the CFD.

SP Gentry said that the primary intent is for staffing.

Darcy Johnson read a letter stating that she is very interested in Discovery Homes' proposal, that she was opposed to their earlier proposal but finds this proposal more

acceptable. That she has a house next door and paid a premium for a lot on a cul de sac, not a through street, and that she is opposed to changing Torgenson Court to Torgenson Drive and making it the sole point of access for new homes to be built on the hill. She said that she does not believe there is sufficient available curb space for both a driveway and a private street originating on Torgensen Court. That she does not object to adding one or two homes to the end of Torgensen Court but is opposed to putting the only access to several additional homes higher on the hill on Torgensen Court and that access to those homes should be from Sky Ranch. She said that should the City ultimately approve some form of this development proposal, that she requests strict work rules that would ensure the quality of life for residents during a defined and limited construction period.

Michael Mikel spoke to say that he was here a year ago and that he spoke in opposition to the previous project. He mentioned that a large majority of the neighborhood opposed it and the City voted it down. He said that he thought that was the end of it, that the hillside was to revert back to open space and that he is at a loss how we are now talking about another development. That he is not speaking against this development, that it is a vast change from before and much better, but the bottom line is that when they purchased their property that hill was to be open space. He asked the Planning Commission to keep in mind that there are two entities, Antioch and the homeowners, and that the hill dominates the neighborhood. He said that the Developer has never contacted their neighborhood and he asked the Planning Commission to keep in mind that they are a major stakeholder that should be consulted and have a seat at the table.

Robert Williams said that this is the second or third time they are arbitrating on this mountain, that when he bought his home nothing was going on with the mountain, that he thought it was over and that they didn't plan to do this again. He questioned if they put a road and drainage in, what the cost will be and if applicant has a detailed plan on how much dirt they will be taking away. He said that he is strictly opposed to it and asked what effect this will have on their taxes as well as the whole community. Also, what will happen to the animals and insects if they tear the hill down. He asked the Planning Commission to vote against it.

Keith Johnson said that he had anticipated that it would be built on sooner or later but that he has two concerns: that the only reason for doing anything on the hill in Antioch is to complement the development in Pittsburg and that when this process begins that work rules Monday through Friday 9 to 5 are established addressing impacts to Torgensen Court.

Juan Pablo Galvan, representing Save Mount Diablo, opposed the project as this is promised open space. He said that the Hillside District should be adhered to and more slope analysis is needed. That looking at the PDP more information is needed and that he doesn't see any public benefit component. He commented that the last project for this site tried to get through a mitigated negative declaration and he thinks for this one an environmental impact report would be needed.

**CLOSED PUBLIC HEARING**

Chair Hinojosa mentioned that this is not an entitlement action at this point; that it is a Preliminary Development Plan which will go next to the City Council and then the applicant may submit a Final Development Plan.

Vice Chair Motts said that he thinks there were fundamental things raised, that he questions why this did not divert back to open space, and that there are other questions about entry. That maybe they can reach out to neighbors but that it doesn't seem that this is generating the same response as the previous proposal. That being said, he does think great effort has been made and staff has done a great job putting in conditions to conform to the Hillside Development. That it would really help if the Planning Commission had a 3D representation to see the elevations and pads. But thinks in general this does seem like something that could work. He said that there is a chance to widen the path and provide a meandering bike lane that would enhance the development.

Chair Hinojosa agreed with the trail connection which applicant should consider for community benefit.

Commissioner Westerman thanked the speakers and reiterated his previous comment that it is hard to visualize what this will look like. He said that he is concerned about when approaching this area from Somersville, you now see a hill and that if after this goes in what will you see. He said that he thought the idea of hillside grading was that basic site lines and view of the hillside should remain unchanged, that if we build houses on top that won't happen and that he is a little concerned about connection of the private drive and the court. That one of the solutions may be to build Lots 2-10 and leave the hill as is.

Commissioner Miller said that he appreciated the great comments but that he doesn't know what we are doing destroying this beautiful hill. That they keep hearing promises of open space and now we are building on it. He said that a lot of questions need to be answered and that he thinks we need more information as to what this will look like and why is it beneficial to the community.

Chair Hinojosa said that with the previous entitlement, they were asked to waive the Hillside Planned Development requirements, and she wants to make it clear that she will not support any waiver from those requirements if any entitlement was to be submitted. That with the provision that talks about hardships, she is open to entertaining a fair argument about what it would be but needs a more clear picture in accordance with the rules. That she thinks there is a concern with the aesthetic impact of the proposed development on the north facing slope going down James Donlon. That regarding slopes and grading, she thinks that we need to further explore the potential for landslides and flooding, and need to explore how those impacts are going to be avoided. She said that she wishes they could see a visualization of this moving forward. That she is less concerned about Lots 1-10, but that Lots 8, 9, and 10 would have issues with grading. For visual impacts, she is more concerned with Lots 11-13 than 14, 15, 16 and 17. That she is very happy to find out they are looking at stepped foundations and that she encourages staff to come up with a reasonable building

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envelope on those parcels. That she encourages outreach to the community.

Vice Chair Motts asked for clarification on open space to which SP Gentry said that this is not necessarily public access but privately maintained and owned by the HOA.

City Attorney Nerland clarified with staff that applicant has agreed that this will go on to City Council, which is optional, sometime after the new year and that it will be noticed, placed on the agenda and on the City website.

### **ORAL COMMUNICATIONS**

SP Gentry said that the City Council did appoint a new Planning Commissioner last night and that at the next hearing there will be a new commissioner and they have started advertising to fill Commissioner Baatrup's vacancy.

CA Nerland confirmed with staff that nothing is presently scheduled for the January 7<sup>th</sup> meeting. She confirmed with the Commissioners that all four of them could attend if a meeting was held on January 7<sup>th</sup>.

### **WRITTEN COMMUNICATIONS**

None.

### **COMMITTEE REPORTS**

Vice Chair Motts reported on the December 11th Transplan meeting.

### **ADJOURNMENT**

Chair Hinojosa adjourned the Planning Commission at 7:40 p.m.

Respectfully Submitted,  
Cheryl Hammers