

**PLANNING COMMISSION  
RESOLUTION # 2024-01**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH  
APPROVING A USE PERMIT, VARIANCE, AND DESIGN REVIEW FOR THE CHEVRON  
HYDROGEN FUEL DISPENSING FACILITY AT 2413 A STREET  
(UP-2023-0003, VAR2023-0008, DR2023-0006) (APNs 068-132-038, 046, 052, and 053)**

**WHEREAS**, the City of Antioch received an application from Stantec for a Use Permit, Variance, and Design Review for a hydrogen fuel dispensing facility at an existing gas station, consisting of hydrogen storage, associated equipment, two hydrogen dispensers located under a canopy, new landscaping, and stormwater control facilities. The application includes a variance to reduce the minimum setback requirements of the canopy from 20 feet to 10 feet. The project is located at 2413 A Street (APNs 068-132-038, 046, 052, and 053);

**WHEREAS**, the proposed project is Section 15303, New Construction or Conversion of Small Structures. Class 3 consists of construction and location of limited numbers of new, small facilities or structures.;

**WHEREAS**, the Planning Commission duly gave notice of public hearing as required by law;

**WHEREAS**, on January 17, 2024, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary and

**WHEREAS**, the Planning Commission considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission hereby makes the following findings for approval of the requested Use Permit pursuant to Section 9-5.2703 "Required Findings" (B) (1) (a-e) of the Antioch Municipal Code:

- a. That the granting of such use permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

The project has been designed and conditioned to comply with the City of Antioch Municipal Code requirements, except where a variance is granted. The project has been designed to limit signage illumination near residents and would therefore not be detrimental to the public health or welfare and not be injurious to other properties.

- b. That the use applied at the location indicated is properly one for which a use permit is authorized.

Most of the sites are Zoned C-2, Neighborhood/Community Commercial, with a small portion zoned R-6, Single Family Residential. The General Plan designation for the site is A Street Interchange Focus Area with a designation of Commercial/Office within the Focus Area. Per State law, when a General Plan and zoning district are not in

conformance, the General Plan would rule. As such, the C-2 zoning district and the Commercial/Office General Plan designation both allow vehicle service stations.

- c. That the site for the proposed use is adequate in size and shape to accommodate such use, and all yards, fences, parking, loading, landscaping, and other features required.

The project has been designed to be located to the eastern side of the project site, and with the granting of a variance, is able to accommodate the use, landscaping, stormwater control, and other features required for the project.

- d. That the site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use.

The project site is on A Street, Bryan Avenue, and Sunset Drive. A Street is a major arterial and is adequate in width and pavement type to carry the traffic generated by the use. The Engineering Division has analyzed the turning movements of delivery trucks coming to the site from Bryan Avenue and leaving onto Sunset Drive and found the design to be adequate.

- e. That the granting of such use permit will not adversely affect the comprehensive General Plan.

The General Plan designation for the site is A Street Interchange Focus Area with a designation of Commercial/Office within the Focus Area. The project is consistent with the General Plan land use designation and its allowed uses.

**BE IT FURTHER RESOLVED** that the Planning Commission hereby makes the following findings for approval of the requested Variance for a reduction in the setback from 20 feet to 10 feet pursuant to Section 9-5.2703 "Required Findings" (B) (2) (a-d) of the Antioch Municipal Code:

- a. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity.

The subject parcel is an existing gas station at a developed site that is bounded on all four sides by public roadway frontages. Two of these frontages resulted from Highway 4 widening, which is an exceptional circumstance not found elsewhere in the City. The parcel is fronting onto an arterial street, which requires a 30-foot setback, and three local streets, which each require 20 foot setbacks. The 20-foot setbacks on the three local street frontages exceeds the setbacks that would have been required for an interior side and rear yard lot. Section 9-5.3815 of the Antioch Municipal Code requires any service station canopy to be located at least five feet from any interior property line and 20 feet from any street property line. This property is unique because it does not have any interior property lines.

- b. That the granting of such variance will not be materially detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

The granting of the variance will have little or no effect on the surrounding properties because the property is surrounded by public streets on all four sides and located in a commercial area. The project would meet all applicable regulations regarding hydrogen safety.

- c. That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the zoning provisions is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under the identical zone classifications.

There are special circumstances that are applicable to the subject property that make application of the zoning provisions for the canopy setback difficult to meet. Specifically, as discussed above, the constrained site and large setback requirements leave limited space for the proposed improvements, including the fuel canopy, which requires a 20-foot setback from all street property lines. Therefore, the surroundings of the property limit the property from enjoying the privilege of providing a typical service of gas stations.

- d. That the granting of such variance will not adversely affect the comprehensive General Plan.

The applicant's request would not adversely affect the comprehensive General Plan because the existing use of the property, a gas station and convenience store and smog check station, are consistent with the General Plan and this proposal will not change that by adding an additional type of fueling use.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Antioch does hereby APPROVE a Use Permit, Variance, and Design Review application for a hydrogen fuel dispensing facility at an existing gas station, consisting of hydrogen storage, associated equipment, two hydrogen dispensers located under a canopy, new landscaping, and stormwater control facilities. The application includes a variance to reduce the minimum setback requirements of the canopy from 20 feet to 10 feet. The project is located at 2413 A Street (UP-2023-0003, VAR2023-0008, DR2023-0006)) (APNs 068-132-038, 046, 052, and 053), subject to the following conditions in Exhibit A, attached hereto.

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**I HEREBY CERTIFY** that the foregoing resolution was passed and adopted by the Planning Commission of the City of Antioch, at a regular meeting thereof, held on the 17th day of January 2024 by following vote:

**AYES:** Riley, Hills, Jones, Lutz

**NOES:** None

**ABSTAIN:** None

**ABSENT:** Gutilla, Martin

*Kevin Scudero*

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**Kevin Scudero**  
**Secretary to the Planning Commission**

**EXHIBIT A: CONDITIONS OF APPROVAL Chevron Hydrogen Fuel Dispensing Facility**

<b>General Conditions</b>		<b><u>Regulation Source</u></b>	<b><u>Timing/ Implementation</u></b>	<b><u>Enforcement/ Monitoring</u></b>	<b><u>Verification</u> (date and signature)</b>
<b>1.</b>	<b>Project Approval.</b> This Use Permit, Design Review and Variance approval is for 2413 A Street /APNs: 068-132-038, 046, 052, and 053, as substantially shown and described on the project plans, except as required to be modified by conditions herein. Plans date received September 27, 2023, as presented to the Planning Commission on January 17, 2024. For any condition herein that requires preparation of a Final Plan where the project applicant has submitted a conceptual plan, the project applicant shall submit final plan(s) in substantial conformance with the conceptual plan, but incorporate the modifications required by the conditions herein for approval by the City.	City of Antioch	On-Going	Planning Department	
<b>2.</b>	<b>Project Approval Expiration. Project Approval Expiration.</b> This approval expires on January 17, 2026 (two years from the date on which this approval becomes effective) or at an alternate time specified as a condition of approval, unless a building permit has been issued and construction diligently pursued. All approval extensions shall be processed as stated in the Antioch Municipal Code.	City of Antioch	On-Going	Planning Department	

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<p><b>3.</b></p>	<p><b>City Fees.</b> The applicant shall pay any and all City and other related fees applicable to the property, as may be modified by conditions herein. Fees shall be based on the current fee structure in effect at the time the relevant permits are secured and shall be paid before issuance of said permit or before any City Council final action approval. Notice shall be taken specifically of Plan Check, Engineering, Fire and Inspection Fees. The project applicant shall also reimburse the City for direct costs of planning; building and engineering plan check and inspection, as mutually agreed between the City and applicant.</p> <p><i>Discretionary or ministerial permits/approvals will not be considered if the developer is not current on fees, balances, and reimbursement that are outstanding and owed to the City.</i></p>	<p>City of Antioch</p>	<p>On-Going</p>	<p>Community Development Department</p>	
<p><b>4.</b></p>	<p><b>Pass-Through Fees.</b> The developer shall pay all pass-through fees. Fees include but are not limited to:</p> <ul style="list-style-type: none"> <li><b>a.</b> East Contra Costa Regional Fee and Financing Authority (ECCRFFA) Fee in effect at the time of building permit issuance.</li> <li><b>b.</b> Contra Costa County Fire Protection District Fire Development Fee in place at the time of building permit issuance.</li> <li><b>c.</b> Contra Costa County Map Maintenance Fee in affect at the time of recordation of the final map(s).</li> <li><b>d.</b> Contra Costa County Flood Control District Drainage Area fee.</li> <li><b>e.</b> School Impact Fees.</li> <li><b>f.</b> Delta Diablo Sanitation Sewer Fees.</li> <li><b>g.</b> Contra Costa Water District Fees.</li> </ul>	<p>City of Antioch</p>	<p>On-Going</p>	<p>Community Development Department</p>	

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5.	<p><b>Appeals.</b> Pursuant to Section 9-5.2509 of the Antioch Municipal Code, any decision made by the Planning Commission which would otherwise constitute final approval or denial may be appealed to the City Council. Such appeals shall be in writing and shall be filed with the City Clerk within five (5) working days after the decision. All appeals to the City Council from the Planning Commission shall be accompanied by a filing fee established by a resolution of the City Clerk.</p>	City of Antioch	Within 5 Working Days of Planning Commission Action	Planning Department	
6.	<p><b>Requirement for Building Permit.</b> Approval granted by the Planning Commission does not constitute a building permit or authorization to begin any construction or demolish an existing structure. An appropriate permit issued by the Community Development Department must be obtained before constructing, enlarging, moving, converting, or demolishing any building or structure within the City.</p>	City of Antioch	On-Going	Building Department	
7.	<p><b>Modifications to Approved Plans.</b> The project shall be constructed as approved and with any additional changes required pursuant to the Zoning Administrator or Planning Commission Conditions of Approval. Planning staff may approve minor modifications in the project design, but not the permitted land uses. A change requiring discretionary approval and any other changes deemed appropriate by the Planning staff shall require further Planning Commission approval through the discretionary review process.</p>	City of Antioch	On-Going	Planning Department	
8.	<p><b>Compliance Matrix.</b> With the submittal of all grading plans, improvement plans, and building permit plans, the applicant shall submit to the Community Development Department a Conditions and Mitigation Measures Compliance Matrix that lists: each Condition of Approval and Mitigation Measure, the City division responsible for review, and how the applicant meets the Condition of Approval or Mitigation Measure. The applicant shall update the compliance matrix and provide it with each submittal.</p>				

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9.	<b>Hold Harmless Agreement/Indemnification.</b> The applicant (including any agent thereof) shall defend, indemnify, and hold harmless, the City of Antioch and its agents, officers and employees, from any claim, action, or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul the City's approval concerning this application. The City will promptly notify the applicant of any such claim action or proceeding and cooperate fully in the defense.	City of Antioch	On-Going	Planning Department	
<b>Public Works Standard Conditions</b>		<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and signature)</u>
10.	<b>Encroachment Permit and Preconstruction Meeting.</b> The developer shall file an encroachment permit with the City of Antioch public works department for construction of all public improvements being constructed both inside the public right of way and within the site. After the improvement plans are approved and the necessary permit fees are paid a preconstruction meeting with public work inspection shall be scheduled. The developer will provide the City a draft schedule of construction so City staff can anticipate the project in their workload. The developer shall also inform the adjacent property owners to the developing parcel that construction activity is about to begin and will extend to approximate finish date of the project.	City of Antioch	At Building Permit	Public Works Department	
11.	<b>City Standards.</b> All proposed improvements shall be constructed to City standard plans and specifications or as otherwise approved by the City Engineer in writing.	City of Antioch	On-Going	Public Works Department	
12.	<b>Utility Construction.</b> All public and private utilities shown on the site shown on the submitted utility plans shall be constructed to their ultimate size, location and configuration as shown on the approved plans.	City of Antioch	On-Going	Public Works Department	
13.	<b>Utility Undergrounding.</b> All proposed electrical lines to be underground per City of Antioch Municipal code section 7.3	City of Antioch	On-Going	Public Works Department	



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	“Underground utility Districts”. PMH boxes and similar electrical equipment shall be installed below grade or screened from public view by landscaping or other acceptable means as approved by the Engineering Director of Public works.				
14.	<b>Utility Mapping.</b> Prior to acceptance of any public utilities within the site, the developer shall provide CAD as-built drawings of all public utilities located within the site in AutoCAD. This includes all public Water Utility lines and features, sewer collection lines, storm drainage lines, and inverts associated with these utilities. Developer shall also include locations of water meters, light poles, and irrigation controllers. These coordinates must be provided in GIS shapefile format using the NAVD 88 (with conversion information).	City of Antioch	Prior to Acceptance of Public Utilities	Public Works Department	
15.	<b>Sewer.</b> If a new sewage connection is needed, the applicant shall connect to the existing sewer line from the existing building to the manhole by southeast driveway that flows to the sewer line in Bryan street. The proposed fueling facility shall flow by gravity to the intersecting sewer service lateral or manhole located on site.	City of Antioch	On-Going	Public Works Department	
16.	<b>Storm Drain Design/Construction.</b> The developer shall design and construct all storm drain facilities to adequately collect and convey stormwater entering or originating within the site to the nearest man-made drainage facility for a 10 year storm, without diversion of the watershed as modeled by a site drainage study that is reviewed approved by the City Engineer. Drainage flows from the 50 year and 100 year storms shall be handled by overland release off the site at designated location points at the south east corner of the site.  <b>a.</b> The private drainage system, including, catch basins, curb and gutters and valley gutters, trench drains shall be constructed of concrete or city approved pipe. Pipes may	City of Antioch	At the Time of Building occupancy	Public Works Department	

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	<p>be constructed of concrete, or other materials, subject to review and approval by Staff. All proposed open ditches in landscape areas, shall be earth lined ditches or as approved by the City Engineer. Drainage from adjacent right of way properties that naturally drain through the project site shall be captured and routed through the site and discharged to the public drainage system. This drainage from neighboring uphill topographies shall be included in the drainage study and analysis.</p> <p><b>b.</b> All site drainage shall flow by gravity to stormwater treatment facilities as shown on the site grading plan to treat runoff in accordance with provision C.3 of the San Francisco Bay Region NPDES permit. Catch basins shall be installed in each bioretention basin to act as overflow weir to handle larger flows than the basin can filter. These peak 10 year flows shall also flow to the to the closest public drainage system located in the public street.</p> <p><b>c.</b> Due the impervious surfaces on the site, the developer shall detain or retain drainage of the site to discharge at a flow rate that does not exceed capacity of the public storm drain infrastructure.</p> <p><b>d.</b> The detention and bioretention basins shall be designed to provide controlled overland release for the 100 year storm event. An Operations and Maintenance Manual (for each basin) shall be submitted for all basins prior to the issuance of the first building permit stating the capacity of each basin and location of over flow of the 100 year flow event release.</p>				
<p><b>17.</b></p>	<p><b>Hydrology Report.</b> The developer shall submit hydrology and hydraulic calculations, and drainage report as part of the storm water pollution control plan. The analysis shall demonstrate adequacy of the on-site drainage system and with no impacts to the offsite downstream drainage system. The analysis shall be reviewed and approved by Contra Costa County Flood</p>	<p>City of Antioch</p>	<p>Prior to Building Permit</p>	<p>Public Works Department</p>	

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	Control and the City of Antioch. This storm water report shall document the facility and follow the manufacture recommendations in construction and maintenance of the facility. The developer shall prepare an O&M plan for approval of each basin by the city prior to building permit.				
<b>18.</b>	<p><b>Retaining Walls</b></p> <ol style="list-style-type: none"> <li><b>All proposed retaining Walls shall not be in the Public Right of Way.</b> All retaining walls shall not be constructed in City right-of-way or other City maintained parcels unless otherwise approved by the City Engineer.</li> <li><b>2:1 Max Grade transition.</b> Due to difference in grades with adjacent parcels, The developer shall transition grades at a 2:1 max grade slope, and start 1 foot back from the from existing grade to the proposed grade. If this maximum slope grade cannot be maintained, then the developer may need to install gravity retaining walls along the parcel lot lines 1 feet inside the property line to adequately transition grades to the proposed grades of the site.</li> <li><b>Materials.</b> All retaining walls shall be of concrete masonry unit construction.</li> <li><b>Height.</b> All retaining walls shall be reduced in height to the maximum extent practicable and the walls shall meet the height requirements in the frontage and side slope requirements and standard sight distance triangles at intersections as required by the City Engineer.</li> </ol>	City of Antioch	On-Going	Public Works Department	
	<b>Conservation/NPDES</b>	<b><u>Regulation Source</u></b>	<b><u>Timing/ Implementation</u></b>	<b><u>Enforcement/ Monitoring</u></b>	<b><u>Verification</u> (date and signature)</b>

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19.	<p><b>C.3 Compliance.</b> Per State Regulations, all impervious surfaces including off-site roadways to be constructed as part of the project are subject to C.3 requirements.</p>	State of California	On-Going	Public Works Department	
20.	<p><b>NPDES.</b> The project shall comply with all Federal, State, and City regulations for the National Pollution Discharge Elimination System (NPDES) (AMC§6-9). (Note: Per State Regulations, NPDES Requirements are those in affect at the time of the Final Discretionary Approval.)</p> <p>Under NPDES regulations, the project is subject to provision C.3: "New development and redevelopment regulations for storm water treatment."</p> <p><b>a. Requirements.</b> Provision C.3 requires that the project include storm water treatment and source control measures, as well run-off flow controls so that post-project runoff does not exceed estimated pre-project runoff.</p> <p><b>b. Storm Water Control Plan.</b> C.3 regulations require the submittal of a Storm Water Control Plan (SWCP) that demonstrates plan compliance. The SWCP shall be submitted concurrently with the site improvement plans.</p> <p><b>c. Operation and Maintenance Plan.</b> For the treatment and flow-controls identified in the approved SWCP, a separate Operation and Maintenance Plan (O&amp;M) shall be submitted to the Building Department at the time of permit submittal.</p> <p><b>d. Maintenance Agreement.</b> Based on the O&amp;M Plan, a maintenance agreement shall be executed with the City and recorded to the property. The SWCP and O&amp;M plans shall be included as Exhibits.</p>	Federal Government	At the Time of Building Permit Submittal	Public Works	
21.	<p><b>NPDES Plan Submittal Requirements.</b> As applicable, the following requirements of the federally mandated NPDES program (National Pollutant Discharge Elimination System) shall</p>	Federal Government	At the Time of Building Permit Submittal	Public Works	

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	<p>be complied with as appropriate, or as required by the City Engineer:</p> <p><b>a. Application.</b> Prior to issuance of building permits, site improvements, or landscaping, the developer shall submit a permit application consistent with the developer's approved Storm Water Control Plan, and include drawings and specifications necessary for construction of site design features, measures to limit directly connected impervious area, pervious pavements, self-retaining areas, treatment BMPs, permanent source control BMPs, and other features that control storm water flow and potential storm water pollutants.</p> <p><b>b. Certified Professional.</b> The Storm Water Control Plan shall be certified by a registered civil engineer, and by a registered architect or landscape architect as applicable. Professionals certifying the Storm Water Control Plan shall be registered in the State of California and submit verification of training, on design of treatment measures for water quality, not more than three years prior to the signature date by an organization with storm water treatment measure design expertise (e.g., a university, American Society of Civil Engineers, American Society of Landscape Architects, American Public Works Association, or the California Water Environment Association), and verify understanding of groundwater protection principles applicable to the project site (see Provision C.3.i of Regional Water Quality Control Board Order R2 2003 0022).</p> <p><b>c. Final Operation &amp; Maintenance Plan.</b> Prior to building permit final and issuance of a Certificate of Occupancy, the developer shall submit, for review and approval by</p>				
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	<p>the City, a final Storm Water BMP Operation and Maintenance Plan in accordance with City of Antioch guidelines. This O&amp;M plan shall incorporate City comments on the draft O&amp;M plan and any revisions resulting from changes made during construction.</p> <p><b>d. Long Term Management.</b> Prior to building permit final and issuance of a Certificate of Occupancy, the developer shall execute and record any agreements identified in the Storm Water Control Plan which pertain to the transfer of ownership and/or long-term maintenance of storm water treatment or hydrograph modification BMPs.</p> <p><b>e. Design Details.</b></p> <p><b>i.</b> To prevent site or roof drainage from draining across sidewalks and driveways close to the building in a concentrated manner, roof drains shall be piped under/or through the sidewalk/or curb and gutter.</p> <p><b>ii.</b> Install on all catch basins “No Dumping, Drains to River” decal buttons on the top of curb or paving next to the drainage grate.</p> <p><b>f. Hydrology Calculations.</b> Collect and convey all storm water entering, and/or originating from, the site to an adequate downstream drainage facility without diversion of the watershed. Submit hydrologic and hydraulic calculations with the Improvement Plans to Engineering Services for review and approval.</p> <p><b>g. Regional Water Quality Control.</b> Prior to issuance of the grading permit, submit proof of filing of a Notice of Intent (NOI) by providing the unique Waste Discharge</p>				
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	<p>Identification Number (WDID#) issued from the Regional Water Quality Control Board.</p> <p><b>h. SWPP.</b> Submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) for review to the Engineering Department prior to issuance of a building and/or grading permit. The general contractor and all subcontractors and suppliers of materials and equipment shall implement these BMP's. Construction site cleanup and control of construction debris shall also be addressed in this program. Failure to comply with the approved construction BMP may result in the issuance of correction notices, citations, or a project stop work order.</p> <p><b>i. BMP.</b> Install appropriate clean water devices at all private storm drain locations immediately prior to entering the public storm drain system. Implement Best Management Practices (BMP's) at all times.</p> <p><b>j. Erosion Control.</b> Include erosion control/storm water quality measures in the final grading plan that specifically address measures to prevent soil, dirt, and debris from entering the storm drain system. Such measures may include, but are not limited to, hydro seeding, gravel bags and siltation fences and are subject to review and approval of the City Engineer. If no grading plan is required, necessary erosion control/storm water quality measures shall be shown on the site plan submitted for an on-site permit, subject to review and approval of the City Engineer. The developer shall be responsible for ensuring that all contractors and subcontractors are aware of and implement such measures.</p> <p><b>k. On-Going Maintenance.</b></p>				
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	<p><b>i.</b> The developer or owner shall sweep or vacuum the parking lot(s) a minimum of once a month and prevent the accumulation of litter and debris on the site. Corners and hard to reach areas shall be swept manually.</p> <p><b>ii.</b> If sidewalks are pressure washed, debris shall be trapped and collected to prevent entry into the storm drain system. No cleaning agent may be discharged into the storm drain. If any cleaning agent or degreaser is used, wash water shall be collected and discharged to the sanitary sewer, subject to the approval of the sanitary sewer District.</p> <p><b>iii.</b> To ensure that the area surrounding the project such as the streets stay free and clear of construction debris such as silt, dirt, dust, and tracked mud coming in from or in any way related to project construction, the areas that are exposed for extended periods shall be watered regularly to reduce wind erosion. Paved areas and access roads shall be swept on a regular basis. All trucks shall be covered.</p> <p><b>iv.</b> Clean all on-site storm drain facilities a minimum of twice a year, once immediately prior to October 15 and once in January. Additional cleaning may be required if found necessary by City Inspectors and/or City Engineer.</p>				
	<b>Fire Standards</b>	<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and signature)</u>
22.	The applicant shall comply with the conditions provided by the Contra Costa County Fire Protection District in the letter dated November 14, 2023:	Contra Costa Fire Protection District	On-Going	Contra Costa Fire Protection District	



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	<b>Building Permit Submittal</b>	<b><u>Regulation Source</u></b>	<b><u>Timing/ Implementation</u></b>	<b><u>Enforcement/ Monitoring</u></b>	<b><u>Verification(date and Signature)</u></b>
<b>23.</b>	<b>Requirement for One Phase.</b> The project shall be built continuously in one phase. If the project will become a phased project, then the developer shall provide a phasing plan to the Community Development Department.	City of Antioch	At the time of Building Permit Submittal	Community Development Department	
<b>24.</b>	<b>Final Landscape Plans.</b> The applicant shall submit landscape plans that identify specific plant materials to be used, including all shrubs and groundcover, providing both common and botanical names, sizes and quantities at the time of building permit submittal. The project shall emphasize local and native species of plants in the final landscape plans.	City of Antioch	At the time of Building Permit Submittal	Building Department	
<b>25.</b>	<b>Water Efficient Landscape Ordinance.</b> Landscaping for the project shall be designed to comply with the applicable requirements of City of Antioch Ordinance No. 2162-C-S The State Model Water Efficient Landscape Ordinance (MWELo). The applicant shall demonstrate compliance with the applicable requirements of the MWELo in the landscape and irrigation plans submitted to the City.	City of Antioch	At the time of Building Permit Submittal	Community Development Department	
<b>26.</b>	<b>Landscaping.</b> All Landscaping along the project frontage, parking areas, on all slopes, medians, and open space areas shall be approved by the City Engineer and shall be installed at the applicant's expense.	City of Antioch	At the Time of Building Permit Submittal	Public Works Department	
<b>27.</b>	<b>Site Storm Drainage system.</b> The new fuel handling facility shall install a storm drain system that directs water away from the fueling area as approved by the City Engineer. All curb and gutters, valley gutters shall drain south to drench drain located along the southeast entrance to the site and piped under or through the sidewalk so not make for concentrated slippery	City of Antioch	At the Time of Building Permit Submittal	Public Works Department	

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	surface hazardous condition in the public right of way to the satisfaction of the City Engineer.				
<b>28.</b>	<b>Utility Location on Private Property.</b> All domestic and irrigation water meters, sanitary sewer clean outs for the site (water meters, sewer cleanouts, etc.) shall be located along the street frontage just inside the site property line as approved by the City Engineer.	City of Antioch	At the Time of Building Permit Submittal	Public Works Department	
<b>Grading Improvements</b>		<b><u>Regulation Source</u></b>	<b><u>Timing/ Implementation</u></b>	<b><u>Enforcement/ Monitoring</u></b>	<b><u>Verification (date and signature)</u></b>
<b>29.</b>	<b>Requirement for Grading Permit.</b> A grading permit shall be required prior to commencement of any grading operations. The permit shall be obtained for rough and final grading of the site through the City's Building Department subject to review and approval by the City Engineer. The grading plans shall show in detail how the site will be graded and all low spots will have adequate drainage devices installed to drain the site. The submitted plans shall incorporate any modifications required by the Conditions of Approval of the handling the natural drainage.	City of Antioch	At the time of Building Permit Submittal	Public Works	
<b>30.</b>	<b>Soils.</b> Prior to the approval of the grading plan(s), the City Engineer shall determine if a soils or structural engineer, are required to review the building permit plan set submitted for this project. If deemed necessary by the City Engineer, field inspections by such professionals will be required to verify compliance with the approved plans. Costs for these consulting services shall be incurred by the developer.	City of Antioch	At the time of Building Permit Submittal	Public Works	
<b>31.</b>	<b>Off-Site Grading.</b> All off-site grading is subject to the coordination and approval of the City Engineer. The developer shall submit written authorization to "access, enter, and/or grade" adjacent properties prior to issuance of permit and performing any work.	City of Antioch	At the time of Building Permit Submittal	Public Works	

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<b>At the Time of Building Permit Issuance</b>		<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and signature)</u>
<b>32.</b>	<b>Demolition Permit.</b> Site demolition shall not occur until construction permits are issued for the development project. All demolition shall be in accordance with permits issued by the City and Bay Area Air Quality Management District (BAAQMD).	City of Antioch	At the time of Building Permit Issuance	Community Development Department	
<b>33.</b>	<b>Encroachment Permit.</b> The applicant shall obtain an encroachment permit from the Engineering Division before commencing any construction activities within any public right-of-way or easement.	City of Antioch	At the time of Building Permit Issuance	Community Development Department	
<b>At the Time of Construction</b>		<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and signature)</u>
<b>34.</b>	<b>Collection of Construction Debris.</b> The developer shall gather all construction debris on a regular basis and place them in a Waste Management dumpster or other container that is emptied or removed on a weekly basis consistent with the Construction and Demolition Debris Ordinance. When appropriate, use tarps on the ground to collect fallen debris or splatters that could contribute to stormwater pollution.	City of Antioch	On-Going	Building Department	
<b>35.</b>	<b>Construction Hours.</b> Construction activity shall be as outlined in the Antioch Municipal Code. Construction activity is limited to 8:00 AM to 5:00 PM Monday-Friday or as approved in writing by the City Manager. Requests for alternative construction hours shall be submitted in writing to the City Engineer.	City of Antioch	On-Going	Building Department/ Public Works Department	

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36.	<p><b>Demolition, Debris, Recycling.</b> The project shall be in compliance with and supply all the necessary documentation for Antioch Municipal Code § 6-3.2: Construction and Demolition Debris Recycling.</p>	City of Antioch	On-Going	Building Department/ Public Works Department	
37.	<p><b>Filter Materials at Storm Drain Inlet.</b> During construction developer to Install filter materials (such as sandbags, filter fabric, etc.) at the storm drain inlet nearest the downstream side of the project site prior to:</p> <ul style="list-style-type: none"> <li>a) start of the rainy season (October 1);</li> <li>b) site dewatering activities;</li> <li>c) street washing activities;</li> <li>d) saw cutting asphalt or concrete; and</li> <li>e) order to retain any debris or dirt flowing into the City storm drain system.</li> </ul> <p>Filter materials shall be maintained and/or replaced as necessary to ensure effectiveness and prevent street flooding. Dispose of filter particles in the trash.</p>	City of Antioch	On-Going	Building Department	
38.	<p><b>Archeological Remains.</b> In the event subsurface archeological remains are discovered during any construction or preconstruction activities on the site, all land alteration work within 100 feet of the find shall be halted, the Community Development Department notified, and a professional archeologist, certified by the Society of California Archeology and/or the Society of Professional Archeology, shall be notified. Site work in this area shall not occur until the archeologist has had an opportunity to evaluate the significance of the find and to outline appropriate mitigation measures, if deemed necessary. If prehistoric archeological deposits are discovered during development of the site, local Native American organizations shall be consulted and involved in making resource management decisions.</p>	City of Antioch	On-Going	Community Development Department	

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39.	<b>Erosion Control Measures.</b> The grading operation shall take place in one time period, and in a manner, so as not to allow erosion and sedimentation into the public drainage system or publicly maintained surfaces or adjacent properties. The slopes shall be landscaped and reseeded as soon as possible after the grading operation ceases. Erosion measures shall be implemented during all construction phases in accordance with an approved erosion and sedimentation control plan.	City of Antioch	Plans Approved Prior to Building Permit, Monitored During Construction	Public Works	
40.	<b>Dust Control.</b> Standard dust control methods and designs shall be used to stabilize the dust generated by construction activities. The developer shall post dust control signage with a contact number of the developer, City staff, and the air quality control board.	City of Antioch	Prior to Occupancy Permit	Public Works	
41.	<b>Debris Removal.</b> The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times. Truck routes of city streets to the site shall be monitored and periodically cleaned of debris so not to cause a burden of cleaning city streets on city maintenance crews.	City of Antioch	During Construction	Public Works	
<b>Security/Bonding requirements</b>		<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and signature)</u>
42.	<b>Security / Bonding Requirements.</b> The property owner or developer of the parcel shall include all the required security for public improvements described in Title 9, Chapter 4, Article 5: Final Maps, of the Antioch Municipal Code, including, but not limited to: <ul style="list-style-type: none"> <li>a. Improvement security in one of the following forms: <ul style="list-style-type: none"> <li>i. Bond or bonds issued by one or more duly authorized corporate securities in an amount equal to 100% of the total estimated costs of the public improvements for faithful performance, and in an amount</li> </ul> </li> </ul>	City of Antioch	Prior to Encroachment Permit	Public Works	

**EXHIBIT A: CONDITIONS OF APPROVAL Chevron Hydrogen Fuel Dispensing Facility**

	<p>equal to 100% of the total estimated costs of the improvements for labor and materials.</p> <p><b>ii.</b> A deposit, in an amount equal to 100% of the total estimated costs of the public improvements, either with the city or a responsible escrow agent or trust company, at the option of the City Engineer, of money or negotiable bonds of the kind approved for securing deposits of public moneys, in the amounts and for security as specified above, to be released in the same manner as described above for bonds.</p> <p><b>b.</b> An original, signed subdivision agreement, to be executed by the subdivider or his agent, guaranteeing the completion of the construction of the public improvements required by the governing body within a specified time and payment therefore, satisfactory to the City Attorney as to legality and satisfactory to the City Engineer as to amount.</p> <p><b>c.</b> A letter from the Tax Collector showing that all payable taxes have been paid and a bond for the payment of taxes then a lien but not yet payable, as required by the Subdivision Map Act.</p> <p><b>d.</b> A cash payment, or receipt therefore, of all the fees required for the checking and filing of the maps and the inspections of the construction; payment for the street signs to be furnished and installed by the city, if required by the subdivider; a cash deposit for the payment of such fire hydrant rental fees as may be established by the respective fire districts or water company or district having jurisdiction; and any other applicable fees or deposits.</p> <p><b>e.</b> Deeds for the easements or rights-of-way for road purposes map.</p>				
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**EXHIBIT A: CONDITIONS OF APPROVAL Chevron Hydrogen Fuel Dispensing Facility**

	<p><b>f.</b> Written evidence acceptable to the city, in the form of rights of entry or permanent easements across private property outside the subdivision, permitting or granting access to perform the necessary construction work and permitting the maintenance of the facility.</p> <p><b>g.</b> Agreements acceptable to the city, executed by the owners of existing utility easements within the proposed roads rights-of-way, consenting to the dedication of roads or consenting to the joint use of the rights-of-way as may be required by the city for the purpose use and convenience of the roads.</p> <p><b>h.</b> A surety bond acceptable to the city, guaranteeing the payment of the taxes and assessments which will be a lien on the property, as set forth in the Subdivision Map Act, when applicable.</p> <p><b>i.</b> Payment of map maintenance fee.</p> <p><b>j.</b> Payment of the assessment district apportionment fee, if applicable.</p> <p><b>k.</b> Evidence of annexation into Police Services Fee CFD</p> <p><b>l.</b> Evidence of payment of Contra Costa County Flood Control District fees.</p> <p><b>m.</b> A final soil report, prepared by a civil engineer who is registered by the state, based upon adequate test borings or excavations of every subdivision, as defined in Cal. Gov't Code §§ 66490 and 66491. The final soil report may be waived if the City Engineer shall determine that, due to the knowledge of such department as to the soil qualities of the subdivision, no preliminary analysis is necessary.</p>				
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43.	<b>Required Easements.</b> All required access and utility easements over existing and underground public utilities, sidewalks and other installed public improvements shall be granted by the developer at no cost to the City prior to occupancy	City of Antioch	Prior to Occupancy Permit	Public Works	
<b>Prior to Issuance of Occupancy Permit</b>		<u><b>Regulation Source</b></u>	<u><b>Timing/ Implementation</b></u>	<u><b>Enforcement/ Monitoring</b></u>	<u><b>Verification (date and signature)</b></u>
44.	<b>Planning Inspection.</b> Planning staff shall conduct a site visit to review exterior building elevations for architectural consistency with the approved plans and landscape installation (if required). All exterior finishing details including window trim, paint, gutters, downspouts, decking, guardrails, and driveway installation shall be in place prior to scheduling the final inspection.	City of Antioch	Prior to Occupancy Permit	Planning Department	
45.	<b>Debris Removal.</b> All mud, dirt or construction debris carried off the construction site and shall be removed prior to scheduling the final Planning inspection. No materials shall be discharged onto a sidewalk, street, gutter, storm drain or creek.	City of Antioch	Prior to Occupancy Permit	Building Department	
46.	<b>Fire Prevention.</b> A final Fire inspection shall occur to inspect all fire prevention systems constructed as part of the project. Inspections shall occur prior to final occupancy permit issuance.	City of Antioch	Prior to Occupancy Permit	Fire Department	
47.	<b>Damage to Existing Street Improvements.</b> Any damaged existing street improvements along the project frontage before and during construction on or adjacent to the project property, shall be repaired or replaced to the satisfaction of the City Engineer at the full expense of the Developer. This shall include any broken sidewalk, curb and gutter, landscaping, street pavement, landscaping or other existing frontage improvements, as may be required by the City Engineer, shall be improved to city standards. At driveway entrances the pavement conforms shall be designed and constructed to match existing grade and transition as smooth as possible at 1% minimum grade.	City of Antioch	Prior to Occupancy Permit	Public Works	



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48.	<b>Right-of-Way Construction Standards.</b> All improvements within the public right-of-way, including curb, gutter, sidewalks, driveways, paving and utilities, shall be constructed in accordance with approved standards and/or plans and shall comply with the standard plans and specification of the City Antioch to the satisfaction of the City Engineer.	City of Antioch	Prior to Occupancy Permit	Public Works	
49.	<b>Removal of Existing Monitoring Wells.</b> If disturbed, the developer shall remove and abandon any existing monitoring wells in areas of the hydrogen refueling area in the project property in accordance with County of Contra Costa well abandonment standards and construct a new one. This includes the removal of the pumps, pipes, concrete structures, and all existing equipment used to operate the wells and former irrigation system.	City of Antioch	Prior to building permit	Public Works	
50.	<b>Idle Free Signage.</b> Consistent with the City's adopted 2010 Climate Action Plan, the applicant shall install at least one "Idle Free" sign encouraging drivers to refrain from idling in their vehicle, reducing air pollution and greenhouse gas emissions. The sign shall be placed in an area with high visibility where drivers are queued to access the drive through or pick up area. The sign location shall be shown on the construction plans at the time of building permit submittal for review and approval by Planning staff. The sign shall be 12"x 18" and satisfy City requirements for no parking signage, traffic sign mounting, and signage in the right of way. The applicant shall use the Idle Free Bay Area website <a href="https://idlefreebayarea.org/resources/">https://idlefreebayarea.org/resources/</a> as a resource to view a sample bilingual Idle Free sign. The applicant may use this template when designing and printing signage.	City of Antioch	Prior to Occupancy Permit	Planning Division	
<b>Special Conditions</b>		<u>Regulation Source</u>	<u>Timing/ Implementation</u>	<u>Enforcement/ Monitoring</u>	<u>Verification (date and signature)</u>

**EXHIBIT A: CONDITIONS OF APPROVAL Chevron Hydrogen Fuel Dispensing Facility**

51.	<b>Slurry Seal.</b> The Applicant shall recondition the lease area's existing asphalt pavement by installation of asphalt slurry seal in accordance with approved plans to the satisfaction of the City Engineer.	City of Antioch	Prior to Occupancy Permit	Public Works	
52.	<b>CMU Wall.</b> All block CMU walls shall be split faced or decorative color and shown on the building permit plans for review and approval by the Planning Division	City of Antioch	Design Prior to Building Permit, Constructed Prior to Occupancy	Public Works	
53.	<b>Clear Vision Zones at Driveway Entrances.</b> The developer shall comply with clear vision zones with AMC 9-5.1101 that are minimum of 25 feet long at each 30 feet curb returns of all driveway entrances to the site from public streets. All trees shown on the landscape plans shall be clear of these vision zones for adequate sight distance.	City of Antioch	Prior to Occupancy Permit	Public Works	
54.	<b>Geotechnical investigation.</b> The applicant shall prepare a site-specific technical investigation and report to be reviewed and approved by the City prior to building permit. The site-specific Geotechnical report of the proposed project shall include a pavement analysis of the existing parking lots, commercial driveways at the commercial entrance, recommending pavement sections of all proposed roadways and parking within the site. The soils engineer needs to take core samples of the existing driveway to check the stability of the existing road base of the commercial driveway. Geotechnical (Soils) report and existing ground water monitoring wells. This soils report shall identify and locate the existing soil and ground water monitoring wells. What wells will be abandoned and what additional monitoring wells will be constructed. The submitted geotechnical report will identify the investigation of any toxic chemical spills or contaminated soils that need to be cleaned up and mitigated.	City of Antioch	Prior to Building Permit	Public Works	

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55.	<b>Record of Survey.</b> The applicant shall file a record of survey of the existing developed station and all adjacent street right of ways surrounding the project in accordance with state law and signed by registered surveyor. Submitted with the record the record of survey shall be a recent title report of the subject project and the surrounding roadways. If needed the applicant shall file lot line adjustment of existing record boundary to make sure all the existing lot lines are in sufficient detail that the existing lot closes with limits of state surveyors act requirements.	City of Antioch	Prior to Building Permit	Public Works	
56.	<b>Removal of Vacated Easements.</b> All existing easements of record that are no longer required and will affect parcels within this project shall be removed prior to or concurrently with the recordation of the final map or subsequent final maps or separate recorded documents as approved by City Engineer.				
57.	<b>Class 2 Hazardous Material Site Assessment.</b> The project shall undergo a Class 2 site assessment for hazardous materials to be completed on the existing gas station site. Those areas of exiting soil have hazardous materials or contaminated soils shall be cleaned up or removed from the site in accordance with state law to the satisfaction of the City Engineer prior to grading or any site improvements the site. This condition may also be satisfied by providing previously prepared reports, to the satisfaction of the City Engineer.	City of Antioch	Prior to Grading	Public Works	
58.	<b>Signage Illumination.</b> Only the Chevron logo and Chevron wordmark may be illuminated on the north, south and western elevations. No other portion of the canopy shall be illuminated. No part of the eastern elevation canopy, logo, or signage shall be illuminated.	City of Antioch	On-Going	Planning Division	

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<p><b>59.</b></p>	<p>Added by the Planning Commission: The applicant shall work with staff to revise the landscape plans to include native plant species and to add vegetation and native plant species to the screen wall. The revised plans shall be reviewed and approved by the Planning Division.</p>	<p>City of Antioch</p>	<p>Prior to Building Permit Submittal</p>	<p>Planning Division</p>	
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# 2024-01\_Chevron Hydrogen\_DR2023-0006

Final Audit Report

2024-01-23

Created:	2024-01-23
By:	Monique Villagrana (mvillagrana@antiochca.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAfACI90ttma3AfNLaVcUJ3s8yZMjdSTMxK

## "2024-01\_Chevron Hydrogen\_DR2023-0006" History

-  Document created by Monique Villagrana (mvillagrana@antiochca.gov)  
2024-01-23 - 6:08:07 PM GMT
-  Document emailed to Kevin Scudero (kscudero@ci.antioch.ca.us) for signature  
2024-01-23 - 6:08:42 PM GMT
-  Email viewed by Kevin Scudero (kscudero@ci.antioch.ca.us)  
2024-01-23 - 6:22:05 PM GMT
-  Document e-signed by Kevin Scudero (kscudero@ci.antioch.ca.us)  
Signature Date: 2024-01-23 - 6:22:25 PM GMT - Time Source: server
-  Agreement completed.  
2024-01-23 - 6:22:25 PM GMT