

**ANNOTATED  
AGENDA  
CITY OF ANTIOCH PLANNING COMMISSION  
ANTIOCH COUNCIL CHAMBERS  
THIRD & "H" STREETS**

**WEDNESDAY, JANUARY 6, 2016**

**6:30 P.M.**

**NO PUBLIC HEARINGS WILL BEGIN AFTER 10:00 P.M.  
UNLESS THERE IS A VOTE OF THE PLANNING COMMISSION  
TO HEAR THE MATTER**

**APPEAL**

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, JANUARY 13, 2016**.

If you wish to speak, either during "public comments" or during an agenda item, fill out a Speaker Request Form and place in the Speaker Card Tray. This will enable us to call upon you to speak. Each speaker is limited to not more than 3 minutes. During public hearings, each side is entitled to one "main presenter" who may have not more than 10 minutes. These time limits may be modified depending on the number of speakers, number of items on the agenda or circumstances. No one may speak more than once on an agenda item or during "public comments". Groups who are here regarding an item may identify themselves by raising their hands at the appropriate time to show support for one of their speakers.

**ROLL CALL**

**6:30 P.M.**

|               |                        |
|---------------|------------------------|
| Commissioners | Motts, Chair           |
|               | Zacharatos, Vice Chair |
|               | Parsons                |
|               | Mason                  |
|               | Miller                 |
|               | Hinojosa               |

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

**CONSENT CALENDAR**

All matters listed under Consent Calendar are considered routine and are recommended for approval by the staff. There will be one motion approving the items listed. There will be no separate discussion of these items unless members of the Commission, staff or the public request specific items to be removed from the Consent Calendar for separate action.

1. **APPROVAL OF MINUTES:**
  - A. October 21, 2015 **APPROVED**
  - B. November 4, 2015 **APPROVED**

\* \* \*

END OF CONSENT CALENDAR

\* \*

MINUTES

## **NEW PUBLIC HEARINGS**

MINUTES

2. **UP-15-12 – Somerville Towne Center** – Kevin Le of Courtney + Le Architects, applicant, on behalf of Times Equities Inc., the property owner, requests a use permit and design review for the construction of two new buildings containing drive-throughs within the existing parking lot at the southeastern corner of the Somersville Towne Center shopping mall complex. The project site is located at 2500 Somerville at the intersection of Fairview Drive (**APN 074-450-036**).

STAFF REPORT

**RESOLUTION NO. 2016-01**

3. **PD-14-03 – Vineyards at Sand Creek Residential Subdivision** – GBN Partners, LLC, requests approval of: an Environmental Impact Report; a General Plan Amendment (GP-14-01) from Business Park, Public/Quasi-Public, and Open Space/Senior Housing to Medium Low Density Residential District; a Master Development Plan, Final Development Plan and Planned Development Rezone (PD-14-03); a Resource Management Plan; a Vesting Tentative Map (Subdivision 9390); and a Development Agreement. The project consists of the development of a gated residential community on 141.6 total acres; including up to 650 single-family residential units, private streets, two parks, a segment of the Sand Creek Regional Trail, two stormwater detention basins, and landscaped and open space areas. The project site is bounded by a residential subdivision to the north, the future extension of Sand Creek to the south, Heidorn Ranch Road and City of Brentwood city limits to the east, and future Hillcrest Avenue extension and vacant residential land to the west (**APNs 057-030-003 and 057-050-007**).

**RESOLUTION NOS. 2016-02, 03, 04, 05 & 06**

## **ORAL COMMUNICATIONS**

STAFF REPORT

## **WRITTEN COMMUNICATIONS**

## **COMMITTEE REPORTS**

## **ADJOURNMENT** (9:14 p.m)

### **Notice of Availability of Reports**

This agenda is a summary of the discussion items and actions proposed to be taken by the

Planning Commission. For almost every agenda item, materials have been prepared by the City staff for the Planning Commission's consideration. These materials include staff reports which explain in detail the item before the Commission and the reason for the recommendation. The materials may also include resolutions or ordinances which are proposed to be adopted. Other materials, such as maps and diagrams, may also be included. All of these materials are available at the Community Development Department located on the 2<sup>nd</sup> floor of City Hall, 3<sup>rd</sup> and H Streets, Antioch, California, 94509, between the hours of 8:00 a.m. and 11:30 a.m. or by appointment only between 1:00 p.m. and 5:00 p.m. Monday through Friday for inspection and copying (for a fee). Copies are also made available at the Antioch Public Library for inspection. Questions on these materials may be directed to the staff member who prepared them, or to the Community Development Department, who will refer you to the appropriate person.

#### **Notice of Opportunity to Address the Planning Commission**

The public has the opportunity to address the Planning Commission on each agenda item. You may be requested to complete a yellow Speaker Request form. Comments regarding matters not on this Agenda may be addressed during the "Public Comment" section on the agenda.

#### **Accessibility**

The meetings are accessible to those with disabilities. Auxiliary aids will be made available for persons with hearing or vision disabilities upon request in advance at (925) 779-7009 or TDD (925) 779-7081.

**CITY OF ANTIOCH  
PLANNING COMMISSION**

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

**October 21, 2015  
City Council Chambers**

Chair Motts called the meeting to order at 6:30 P.M. on Wednesday, October 21, 2015, in the City Council Chambers. He stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 P.M. on Wednesday, October 28, 2015.

**ROLL CALL**

Present: Commissioners Parsons, Zacharatos, Mason, Miller  
Vice Chair Westerman and Chair Motts  
Absent: Commissioner Hinojosa  
Staff: Senior Planner, Alexis Morris  
Interim City Attorney, Bill Galstan  
Minutes Clerk, Kitty Eiden

On behalf of Commissioner Hinojosa, Chair Motts sent her regrets for not being able to attend the meeting this evening as she was out of state attending a family event.

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS**

None.

**CONSENT CALENDAR**

1. **Approval of Minutes:** None

**NEW PUBLIC HEARING**

2. **UP-15-06, V-15-05, AR-15-13 – Chevron Mini Mart** – The applicant, Jeff Orwig and Fortress Asset Group LLC, request approval of a use permit for an automotive service station with a food mart, a variance from the required rear setback and from the minimum food mart size, design review of new architecture and signage for the addition of an approximately 2,720 s.f. Chevron Extra Mile convenience store, and an increase in the number of gas dispensers from four to six. The project site is located at 2701 Contra Loma Boulevard, on the southeastern corner of the intersection of Contra Loma Boulevard and Fitzuren Road (APN 071-011-036).



Senior Planner Morris presented the staff report dated October 16, 2015, recommending the Planning Commission approve a use permit, variance and design review of a new convenience store, canopy and an increase in the number of gas dispensers from four to six, subject to the conditions contained in the staff report's attached resolution.

In response to Chair Motts, Senior Planner Morris explained there was ample recessed lighting to illuminate the property and from staff's perspective the proposed illumination along the perimeter would be additional signage.

Commissioner Parsons stated after review of the project and looking at the property, she would support the variances subject to the conditions of approval.

In response to Vice Chair Westerman, Senior Planner Morris stated that according to the code, alcohol sales were prohibited as this project was within 500-feet of two other retail establishments selling liquor. She stated there was a condition of approval addressing future liquor sales requiring a use permit.

Commissioner Zacharatos stated the project was an enhancement for the area and she could support the variances.

Chair Motts opened the public hearing.

Jeff Orwig, representing Mr. Bhalla, stated the objective of the project was to enhance the area. He noted the project reflected Chevron requirements for the building, canopy, dispensers and signage. He further noted the convenience store would provide residents in the immediate area with an opportunity to shop in their neighborhood. He reviewed the site design and discussed the circulation plan noting it would eliminate the area behind the building which could be a nuisance.

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

Chair Motts encouraged the applicants to consider adding trees to the landscape plan if they could be added without impacting the line of sight for vehicles.

Pastor Henry Kelly, Grace Temple Church, spoke in support of the project and the retail opportunity it would provide for their parishioners.

Chair Motts closed the public hearing.

Commissioner Parsons spoke in support of the project and thanked the applicant for beautifying the City.

Vice Chair Westerman concurred with Commissioner Parsons noting the project would be a great improvement to the area.

Chair Motts concurred and stated it would be a vast improvement and he felt the new site plan with additional lighting would address loitering that occurred in the area.

#### **RESOLUTION NO. 2015-21**

***On motion by Commissioner Parsons, seconded by Commissioner Zacharatos, the Planning Commission approved a use permit, variance and design review of a new convenience store, canopy and an increase in the number of gas dispensers from four to six, subject to the conditions contained in the staff reports attached resolution. The motion carried the following vote:***

|                 |  |
|-----------------|--|
| <b>AYES:</b>    | <b><i>Parsons, Zacharatos, Mason, Miller, Westerman, Motts</i></b> |
| <b>NOES:</b>    | <b><i>None</i></b>   |
| <b>ABSTAIN:</b> | <b><i>None</i></b>   |
| <b>ABSENT:</b>  | <b><i>Hinojosa</i></b>   |

Jagdish Bhalla thanked City staff for their professionalism and the Planning Commission for approving the project.

#### **NEW ITEM**

- 3. AR-15-14 – Buchanan Crossings Shops E** - The applicant, Buchanan Crossings, LLC, is requesting approval of design review for the 5,912 s.f. Shops E building in the Buchanan Crossings shopping center. The project is located at the northwest corner of Somersville Road and Buchanan Road (APN 074-480-005).

Senior Planner Morris presented the staff report dated October 16, 2015, recommending the Planning Commission approve the design review request subject to the conditions contained in the staff report's attached resolution. She noted there was a correction to the resolution because this had to go to the City Council; the resolution should reflect that the Planning Commission recommends approval of the project to the City Council.

Chair Motts suggested the applicant consider additional bike facilities as the area provided the opportunity for increased bike access.

Senior Planner Morris responded that if the Planning Commission felt there was more of a demand for bike parking than code required, they could place a requirement for additional bike parking on the project provided there were no physical constraints to do so.

Chair Motts opened the floor to public comment.

Matt Nohr, Project Manager at The Orosco Group, stated a multi-tenant building was the fourth phase of the project and the architecture was similar to pad C and the Grocery Outlet and CVS buildings. He agreed with the condition requiring the location and the design of the signage for the drive thru to be approved by the Community Development Director.

In response to Commissioner Mason, Mr. Nohr clarified there would be outside seating available on the north side.

In response to Commissioner Parsons, Mr. Nohr stated they were in agreement with the conditions of approval.

In response to Chair Motts, Mr. Nohr clarified that CVS and Grocery Outlet would be opening at the beginning of November and the leasing for Pad "C" was progressing so they would anticipate upon approval, beginning construction on Pad "E" in February of 2016.

Chair Motts encouraged the applicant to consider additional bike facilities due to the alignment and connections of trails system in this area.

Mr Nohr stated they regularly monitor pedestrian and bicycle traffic to evaluate demand and respond appropriately.

Chair Motts closed the floor to public comment.

Chair Motts stated he agreed with the staff recommendations for the project as it was consistent with the design of the entire shopping center.

Commissioner Parsons agreed with the staff recommendations.

Vice Chair Westerman agreed with the staff recommendations and noted much of the discussion on this project was held with the initial site plan for the Buchanan Crossings Shopping Center.

#### **RESOLUTION NO. 2015-22**

***On motion by Commissioner Westerman, seconded by Commissioner Parsons, the Planning Commission approved the resolution recommending approval to the City Council of the design review request subject to the conditions contained in the staff reports attached resolution.***

|                 |  |
|-----------------|--|
| <b>AYES:</b>    | <b><i>Parsons, Zacharatos, Mason, Miller, Westerman, Motts</i></b> |
| <b>NOES:</b>    | <b><i>None</i></b>   |
| <b>ABSTAIN:</b> | <b><i>None</i></b>   |
| <b>ABSENT:</b>  | <b><i>Hinojosa</i></b>   |

Chair Motts stated he was excited to see more retail opportunities in this area of Antioch.

### **ORAL COMMUNICATIONS**

Chair Motts announced it was Vice Chair Westerman's last meeting as a Planning Commissioner and he thanked him for his services.

Interim City Attorney Galstan announced outgoing Commissioners were welcomed to serve until their successors were appointed.

Vice Chair Westerman stated he appreciated the offer; however, he would not be available for the next several meetings as he had planned to travel, so this would be his last.

Commissioner Parsons thanked Vice Chair Westerman for his service.

Chair Motts requested staff look into presenting Vice Chair Westerman with a personalized street sign.

Senior Planner Morris responded that she would discuss this matter with Director of Community Development Ebbs.

### **WRITTEN COMMUNICATIONS**

None.

### **COMMITTEE REPORTS**

Chair Motts reported there was no quorum at the TRANSPLAN meeting; therefore, the meeting was continued to November.

### **ADJOURNMENT**

***Chair Motts adjourned the Planning Commission at 7:10 P.M. to the next regularly scheduled meeting to be held on November 4, 2015.***

Respectfully Submitted,  
Kitty Eiden

**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:***

|                 |  |
|-----------------|--|
| <b>AYES:</b>    | <b><i>Hinojosa, Motts</i></b>                    |
| <b>NOES:</b>    | <b><i>Parsons, Zacharatos, Mason, Miller</i></b> |
| <b>ABSTAIN:</b> | <b><i>None</i></b>                               |
| <b>ABSENT:</b>  | <b><i>None</i></b>                               |

#### **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:***

|                 |  |
|-----------------|--|
| <b>AYES:</b>    | <b><i>Parsons, Zacharatos, Mason, Miller</i></b> |
| <b>NOES:</b>    | <b><i>Hinojosa, Motts</i></b>                    |
| <b>ABSTAIN:</b> | <b><i>None</i></b>                               |
| <b>ABSENT:</b>  | <b><i>None</i></b>                               |

### **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, 2015, 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

**STAFF REPORT TO THE PLANNING COMMISSION  
FOR CONSIDERATION AT THE MEETING OF JANUARY 6, 2016**

**Prepared by:** Forrest Ebbs, Community Development Director 

**Date:** December 14, 2015

**Subject:** UP-15-12 –Use Permit and Design Review for the construction of two buildings containing drive-throughs and fast food restaurants within an existing parking lot at 2500 Somersville Road located in the C-3 (Regional Commercial) Zoning District (APN 074-450-036)

**RECOMMENDATION**

Staff recommends that the Planning Commission approve a use permit and design review for the two drive-through buildings for fast food restaurants subject to the conditions of approval contained in the attached resolution.

**REQUEST**

Kevin Le of Courtney + Le Architects, applicant, on behalf of Times Equities Inc., the property owner, requests a use permit and design review for the construction of two new buildings containing drive-throughs within the existing parking lot at the southeastern corner of the Somersville Towne Center shopping mall complex. The two buildings would be oriented towards Somersville Road and would gain all access from within the existing parking lot - there would be no new driveway connections to Somersville Road.

Building 'A' is 8,000 square feet in size and accommodates two tenants. Building 'B' is 4,500 square feet in size and accommodates a single tenant. The buildings are separated by a 12' wide driveway that serves the drive-through for Building 'B'.

The Antioch Municipal Code requires a use permit for a "Drive-up window (all uses)" or for "Restaurants - Fast food", which is defined as "A relatively high-volume restaurant typically providing seating and drive-through facilities and serving take-out food such as hamburgers, tacos or chicken, generally in disposable containers." Though the exact nature of the end users are unknown at this time, the approval would enable any of the number of fast food restaurants to occupy the space.

**BACKGROUND**

Prior to the early 1990s, the project site contained similar out-buildings, which were demolished. The area has been used as surplus parking since that time.

The property has a General Plan designation of Somersville Road Corridor Focus Area and has a zoning designation of Regional Commercial (C-3).

Surrounding land uses and zoning designations are as noted below:

North: Somersville Towne Center shopping mall  
South: Fairview Drive, Somersville Road, and commercial uses.  
East: Somersville Road and commercial uses.  
West: Somersville Towne Center shopping mall.

## **ENVIRONMENTAL**

The project is Categorically Exempt from the provisions of CEQA, pursuant to section 15303 – New Construction or Conversion of Small Structures. This section of CEQA exempts up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use.

## **ANALYSIS**

The project converts a number of existing parking spaces into buildings and also generates additional parking demand from the new construction. The application examines the overall parking supply for the shopping mall and determines that 1,625 spaces are required for the entire mall and that 2,538 spaces are provided. There is more than adequate parking available to service the project.

The applicant was compelled to provide a traffic study based on the anticipated trips generated by the project. The two new buildings would be accessed entirely from within the existing parking lot without new access driveways from Somersville Road or Fairview Drive. Similarly, departing drive-through trips would recirculate through the existing parking lot. This greatly limits the off-site impacts of the two drive-throughs. The drive-throughs each contain adequate queuing for nine vehicles, which is three more than required by the Municipal Code.

The proposed uses are consistent with the commercial thoroughfare.

## **Design Review**

The buildings convey typical contemporary commercial architecture and complement one another. The basic forms are rectangular with frequent offsets, horizontal projecting awning elements, stone wainscot details, and broad windows across the primary elevations. The buildings contain coordinating light fixtures and intentional sign locations. Pad A contains a rectangular decorative shallow portico at its drive-through. In whole, the building designs are well-considered and consistent with the Citywide Design Guidelines.

## Signs

### **Building Signs**

The proposed building signs are typical in scale and location for commercial buildings and, as mentioned above, are intentionally sited on the building. Staff recommends that the signs be conceptually approved, but that the final signs be reviewed by staff once a tenant is selected.

### **Freestanding Sign**

The proposal also includes a separate monument sign at the southeastern corner of the site. This sign would serve Somerville Town Center shopping mall and would list seven tenants. The sign is 15' wide and 7'6" tall (112 square feet). The sign is consistent with the Municipal Code in terms of location and size. The design of the sign is consistent with the Sign Guidelines. Staff has recommended a condition of approval that would limit the use of internally-illuminated cabinet-style signs. Specifically, the background colors of all tenant sign must be the same color and must be entirely opaque, allowing no light to pass through.

In summary, the proposed project, as conditioned, would be consistent with City standards and would be a strong addition to the City of Antioch. As such, staff recommends approval with conditions.

## **ATTACHMENT**

A: Project Plans dated September 14, 2015

**CITY OF ANTIOCH PLANNING COMMISSION  
RESOLUTION NO. 2016-\*\***

**RESOLUTION OF THE CITY OF ANTIOCH PLANNING COMMISSION  
APPROVING A USE PERMIT FOR THE CONSTRUCTION OF TWO FAST-FOOD  
RESTAURANT BUILDINGS WITH DRIVE-THROUGHS  
AND DESIGN REVIEW (APN 074-450-036)**

**WHEREAS**, the City of Antioch received a request from Kevin Le, on behalf of Times Equities Inc., for a use permit for the construction of two fast food restaurant buildings with drive-throughs and design review at 2500 Somerville Road (**APN 074-450-036**); and,

**WHEREAS**, this project is exempt from the provisions of CEQA pursuant to CEQA Guideline section 15303 – New Construction or Conversion of Small Structures; and

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

**WHEREAS**, the Planning Commission on January 6, 2016, duly held a public hearing, received, and considered evidence, both oral and documentary, and

**WHEREAS**, the Planning Commission does determine:

1. 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 proposed buildings would be located within an existing parking lot and all circulation would be accommodated on-site. The restaurants would provide a convenience and additional services to the area and would complement the commercial thoroughfare where it is located.

2. The use applied at the location indicated is properly one for which a use permit is authorized.

The site is zoned Regional Commercial (C-3), which permits both a fast food restaurant and a drive-up window with a Use Permit.

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

The site is located within the existing parking lot of the Somersville Towne Center shopping mall, which contains a surplus of parking spaces. All other dimensional standards are met by the project.

4. 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 accompanying traffic study determined that the project will not generate inordinate traffic and that the nearby streets are adequate in width to carry the associated traffic.

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

The expansion of commercial uses that complement and support Somerville Towne Center is strongly encouraged in the General Plan. The proposed project is entirely consistent with the General Plan.

**NOW THEREFORE BE IT RESOLVED** the Planning Commission of the City of Antioch, after reviewing the staff report and considering testimony does hereby **APPROVE** the use permit (UP-15-12), to construct two new fast food restaurant buildings with drive-throughs subject to the following conditions and the findings for the conditions:

**A. GENERAL CONDITIONS**

1. The project shall comply with the Antioch Municipal Code. All construction shall conform to the requirements of the California Building Code and City of Antioch standards.
2. This approval expires two years from the date of approval (Expires January 6, 2018), unless the use has been established or a building permit has been issued and construction has diligently commenced thereon and has not expired, or an extension has been approved by the Zoning Administrator. Requests for extensions must be received in writing with the appropriate fees prior to the expiration of this approval. No more than one, one year extension shall be granted.
3. The applicant shall defend, indemnify, and hold harmless the City in any action brought by a third party to challenge the land use entitlement or environmental review. In addition, if there is any referendum or other election action to contest or overturn these approvals, the applicant shall either withdraw the application or pay all City costs for such an election.



4. No permits or approvals, whether discretionary or mandatory, shall be considered if the applicant is not current on fees, reimbursement payments and any other payments that are due.
5. An encroachment permit shall be required for all work in the public right of way.
6. This approval supersedes previous approvals that have been granted for this site.
7. All required easements or rights-of-way for offsite improvements shall be obtained by the applicant at no cost to the City of Antioch. Advance permission shall be obtained from any property or easement holders for any work done within such property or easements.

**B. CONSTRUCTION CONDITIONS**

1. The use of construction equipment shall be restricted to weekdays between the hours 8:00 A.M. and 5:00 P.M., or as approved in writing by the City Manager.
2. The Project shall be in compliance with and supply all the necessary documentation for AMC6-3.2: Construction and Demolition Debris Recycling.

**C. FEES**

1. The applicant shall pay all fees as required by the City Council.
2. The developer shall pay all required fees at the time of building permit issuance.
3. The applicant shall pay the Contra Costa County Fire Protection District Fire Development Fee in place at the time of building permit issuance.

**D. FIRE REQUIREMENTS**

1. The applicant shall comply with all requirements of the Contra Costa County Fire Protection District.

**E. PROPERTY MAINTENANCE**

1. No illegal signs, pennants, banners, balloons, flags, or streamers shall be used on this site at any time.
2. No signs shall be installed on this site without prior City approval.
3. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.

**F. DESIGN REVIEW CONDITIONS**

1. This approval constitutes a conceptual approval of the proposed signs. The applicant shall submit a final sign application for specific tenant signage.
2. The multitenant freestanding monument sign shall be subject to the following restrictions:
  - a. The background for each of the individual tenant signs shall be one uniform color and shall be selected to complement the color palette of the sign structure.
  - b. The background colors shall be entirely opaque allowing no light to pass through. The lettering/logos may be entirely translucent and use unique coloring.
  - c. The sign area may only be used to identify active tenants at the site or within the greater Somersville Town Center shopping mall.

\* \* \* \* \*

**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 6<sup>th</sup> day of January 2016.

AYES:

NOES:

ABSTAIN:

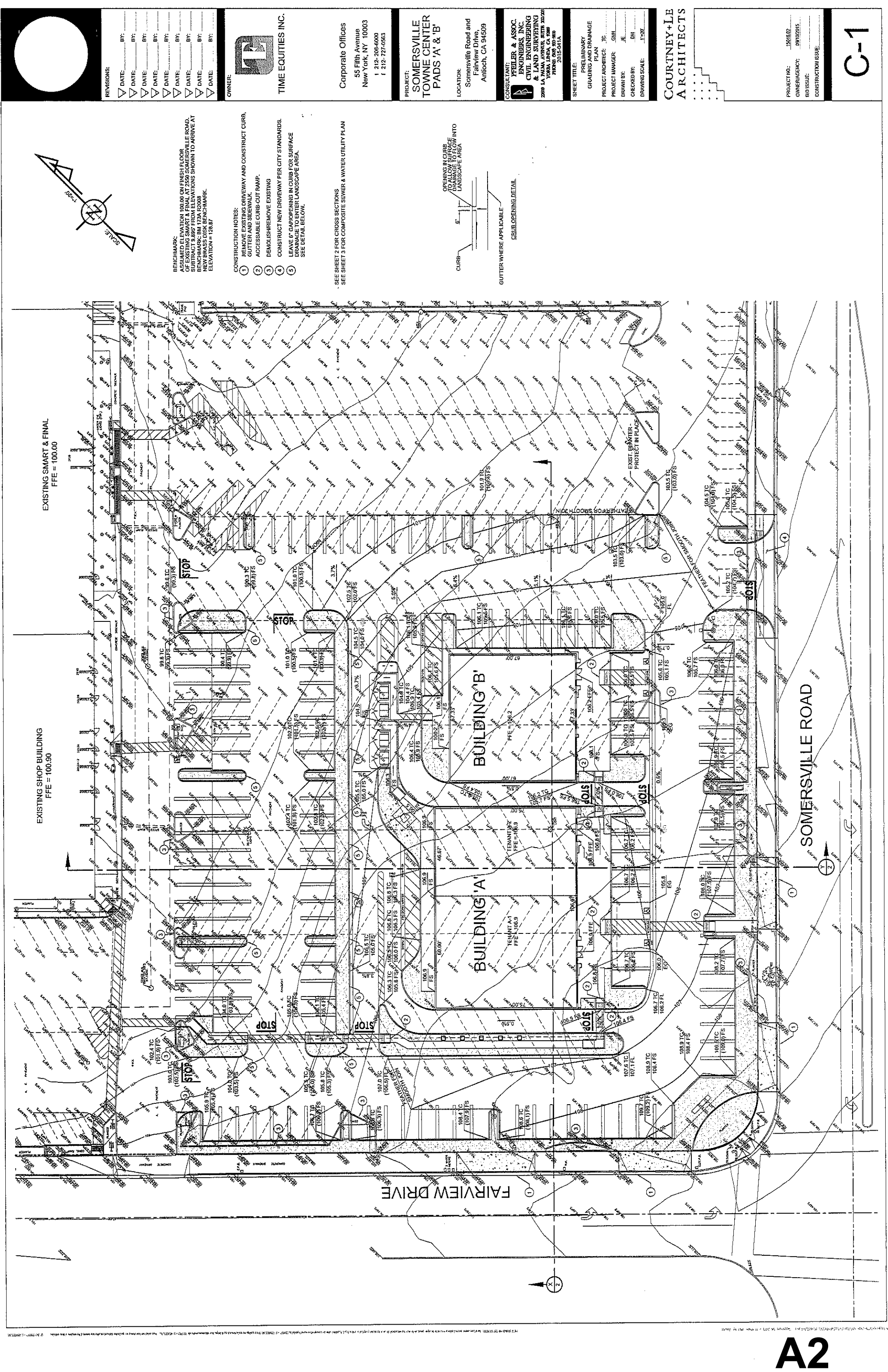
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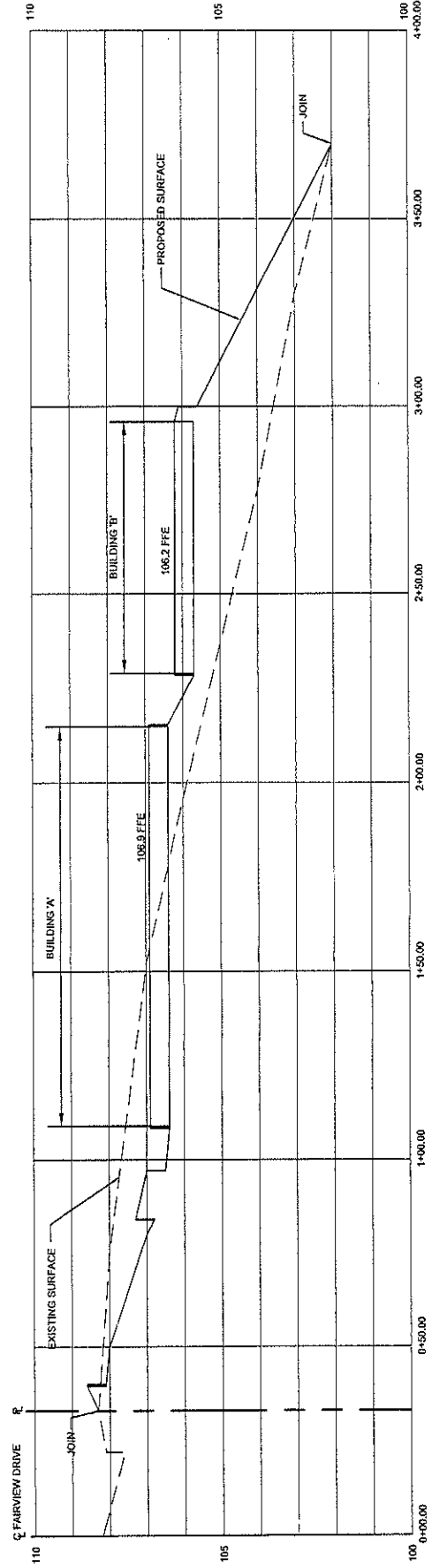
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FORREST EBBS, SECRETARY TO THE  
PLANNING COMMISSION

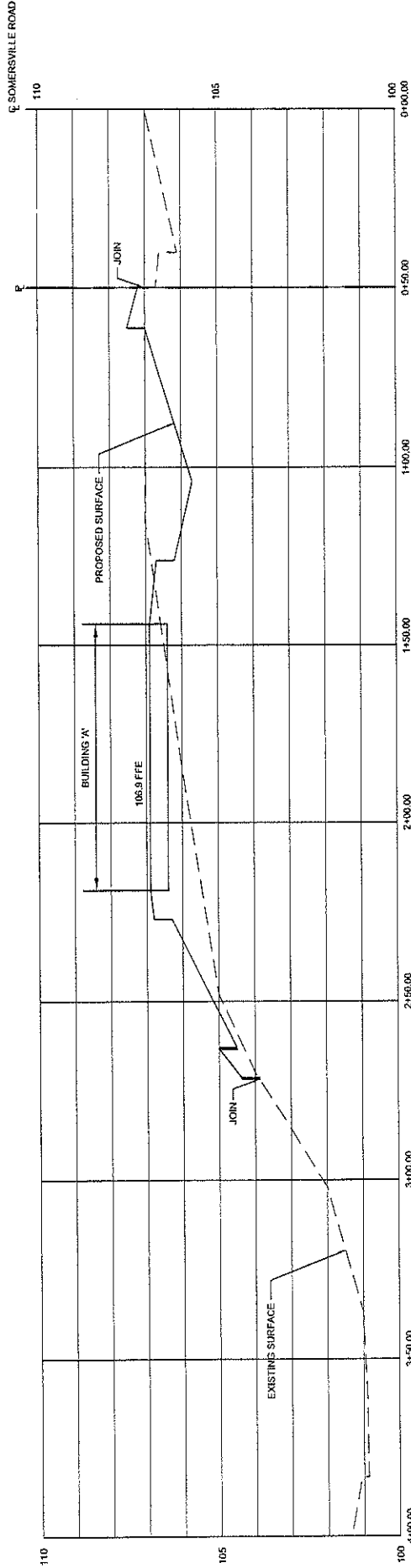
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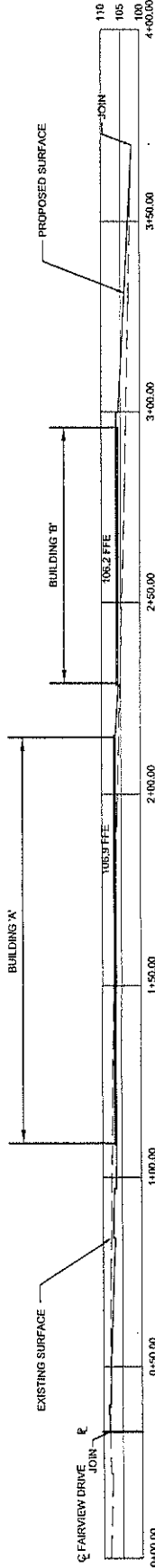




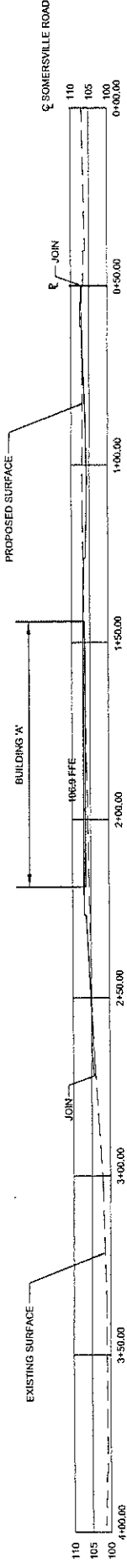
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V: 1" = 2'



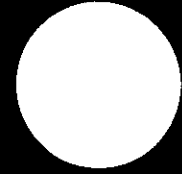
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V: 1" = 2'



SECTION X-X  
H: 1" = 20'  
V: 1" = 2'



SECTION Y-Y  
H: 1" = 20'  
V: 1" = 2'



|            |     |
|------------|-----|
| REVISIONS: |     |
| DATE:      | BY: |
| DATE:      | BY: |
| DATE:      | BY: |
| DATE:      | BY: |
| DATE:      | BY: |
| DATE:      | BY: |
| DATE:      | BY: |

OWNER:

TIME EQUITIES INC.

Corporate Offices  
55 Fifth Avenue  
New York, NY 10003  
t 212-205-6000  
f 212-727-0563

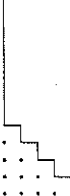
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**SOMERSVILLE  
TOWNE CENTER  
PADS 'A' & 'B'**

LOCATION:  
Somerville Road and  
Fairview Drive,  
Antioch, CA 94509

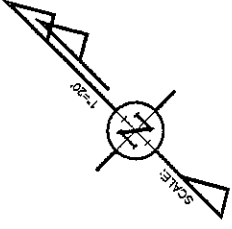
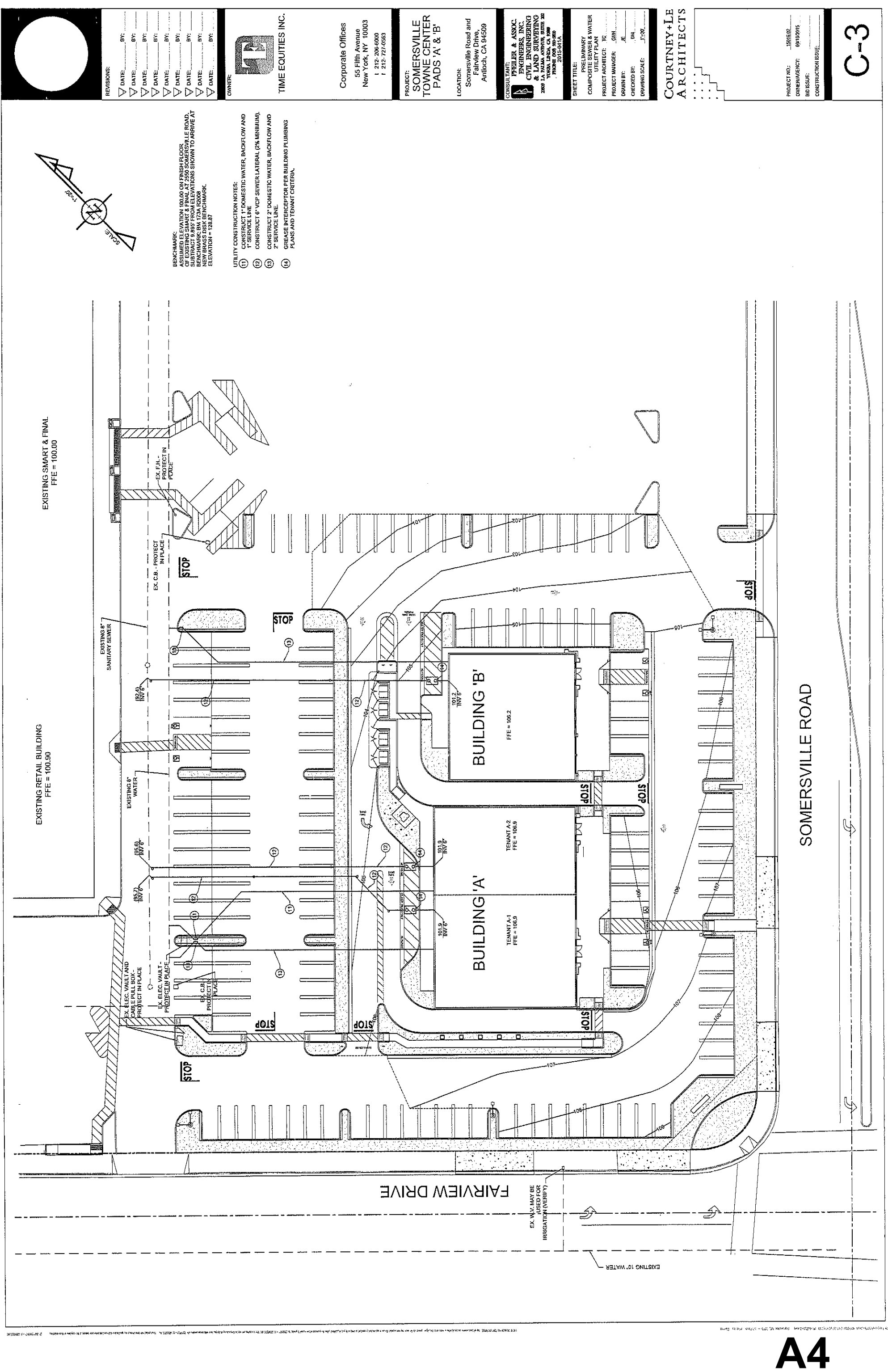
CONSULTANT:  
**FRUTKIN & ASSOC.  
ENGINEERS, INC.**  
CIVIL ENGINEERING  
& LAND SURVEYING  
2509 LA PALMA AVENUE, SUITE 202B  
YORBA LINDA, CA 92686  
PHONE 959-935-2800  
FAX 959-935-2801  
2015-0114

|                    |                |
|--------------------|----------------|
| SHEET TITLE:       |                |
| SITE               | CROSS SECTIONS |
| PROJECT ARCHITECT: | JC             |
| PROJECT MANAGER:   | CH             |
| DRAWN BY:          | JE             |
| CHECKED BY:        | DM             |
| DRAWING SCALE:     | PER PLAN       |

**COURTNEY+LE  
ARCHITECTS**



|                     |           |
|---------------------|-----------|
| PROJECT NO.:        | 19018.02  |
| OWNER/AGENCY:       | 09/102015 |
| DATE:               |           |
| CONSTRUCTION ISSUE: |           |



BENCHMARK:  
ASSUMED ELEVATION 100.00 ON FINISH FLOOR  
OF EXISTING SMART & FINAL AT 2550 SOMERSVILLE ROAD,  
SUBTRACT 9.85' FROM ELEVATIONS SHOWN TO ARRIVE AT  
BENCHMARK BM 173A 12008  
ELEVATION = 128.87

- UTILITY CONSTRUCTION NOTES:
- ① CONSTRUCT 1" DOMESTIC WATER, BACKFLOW AND 1" SERVICE LINE.
  - ② CONSTRUCT 6" VCP SEWER LATERAL (2% MINIMUM).
  - ③ CONSTRUCT 2" DOMESTIC WATER, BACKFLOW AND 2" SERVICE LINE.
  - ④ GREASE INTERCEPTOR PER BUILDING PLUMBING PLANS AND TENANT CRITERIA.

|                       |                       |
|-----------------------|-----------------------|
| REVISIONS:            |                       |
| DATE: _____ BY: _____ | DATE: _____ BY: _____ |
| DATE: _____ BY: _____ | DATE: _____ BY: _____ |
| DATE: _____ BY: _____ | DATE: _____ BY: _____ |
| DATE: _____ BY: _____ | DATE: _____ BY: _____ |
| DATE: _____ BY: _____ | DATE: _____ BY: _____ |
| DATE: _____ BY: _____ | DATE: _____ BY: _____ |



TIME EQUITIES INC.

Corporate Offices  
55 Fifth Avenue  
New York, NY 10003  
T 212-206-6000  
F 212-727-0563

PROJECT:  
SOMERSVILLE  
TOWNE CENTER  
PADS 'A' & 'B'

LOCATION:  
Somerville Road and  
Fairview Drive,  
Aniloch, CA 94509

CONSULTANT:  
PRELLER & ASSOC.  
ENGINEERS, INC.  
CIVIL ENGINEERING  
& LAND SURVEYING  
2800 LA PLATA AVENUE, SUITE 200  
FARMERSVILLE, CA 94535  
PHONE 925-931-2000  
2015-0417A

SHEET TITLE:  
PRELIMINARY  
COMPOSITE SEWER & WATER  
UTILITY PLAN  
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PROJECT MANAGER: GH  
DRAWN BY: JE  
CHECKED BY: DA  
DRAWING SCALE: 1"=50'

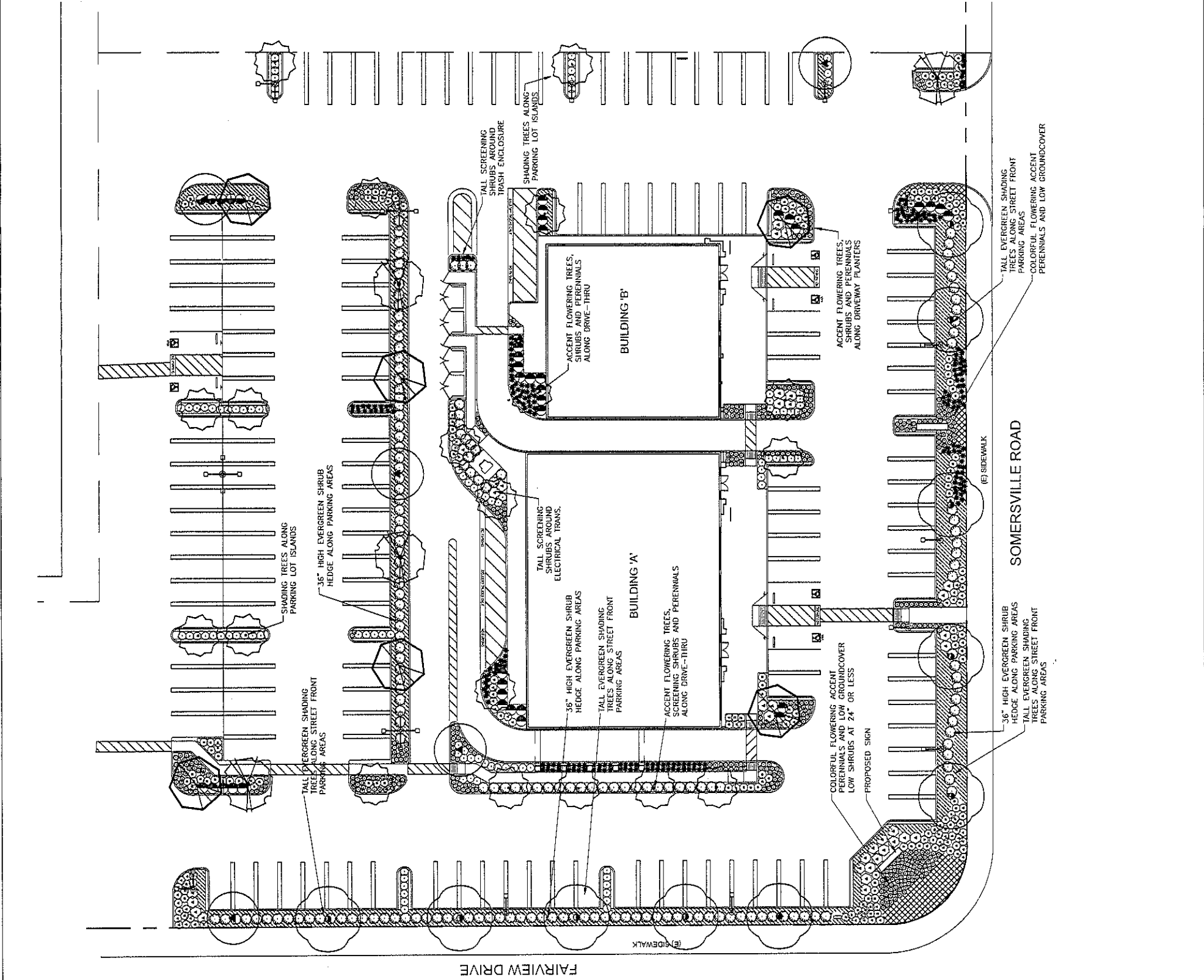
COURTNEY+LE  
ARCHITECTS

PROJECT NO: 15016102  
OWNER/AGENCY: 09/19/2015  
BID ISSUE:  
CONSTRUCTION ISSUE

C-3

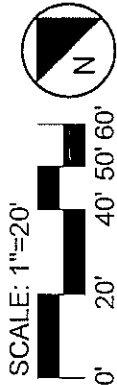
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PLANT LEGEND

| SYMBOL | BOTANICAL NAME                  | COMMON NAME            | SIZE    | QTY. | REMARKS          |
|--------|---------------------------------|------------------------|---------|------|------------------|
|        | <b>TREE</b>                     |                        |         |      |                  |
|        | Arbutus 'Marina'                | NCN                    | 24" box | 19   | STD. TRUNK       |
|        | Fraxinus oxycarpa 'Roywood'     | Roywood Ash            | 24" box | 10   | STD. TRUNK       |
|        | Lagostroemia indica 'Tuscarora' | Pink Crape Myrtle      | 24" box | 4    | STD. TRUNK       |
|        | Lagostroemia indica 'Natchez'   | White Crape Myrtle     | 24" box | 6    | STD. TRUNK       |
|        | Lagostroemia indica 'Bloss'     | Pale Pink Crape Myrtle | 24" box | 5    | STD. TRUNK       |
|        | <b>SHRUB</b>                    |                        |         |      |                  |
|        | Callistemon 'Little John'       | Dwarf Bottlebrush      | 5 gal   | 39   |                  |
|        | Ligustrum japonicum 'Texanum'   | Texas Privet           | 5 gal   | 180  |                  |
|        | Raphiolepis indica 'Ballerina'  | Indian Hawthorn        | 5 gal   | 101  |                  |
|        | Rosa floribunda 'Iceberg'       | White Shrub Rose       | 5 gal   | 34   |                  |
|        | Rosa 'Meidland Red'             | Red groundcover rose   | 5 gal   | 105  | plant @ 35" o.c. |
|        | <b>PERENNIALS</b>               |                        |         |      |                  |
|        | Agapanthus africanus            | Lily of the Nile       | 1 gal   | 255  |                  |
|        | Dielis bicolor                  | Fortnight Lily         | 1 gal   | 123  |                  |
|        | Hemerocallis hybrids            | Daylily                | 1 gal   | 449  | mixed colors     |
|        | <b>GROUNDCOVER</b>              |                        |         |      |                  |
|        | Hypericum calycinum             | Aaron's Beard          | flats   | 54   | plant @ 12" o.c. |
|        | Polygonum persicaria            | Ivy Geranium           | flats   | 12   | plant @ 12" o.c. |



REVISIONS:

|       |     |
|-------|-----|
| DATE: | BY: |
| DATE: | BY: |
| DATE: | BY: |
| DATE: | BY: |
| DATE: | BY: |
| DATE: | BY: |
| DATE: | BY: |

OWNER:  
TIME EQUITIES INC.

Corporate Offices  
55 Fifth Avenue  
New York, NY 10003  
t 212-206-6000  
f 212-727-0563

PROJECT:  
SOMERSVILLE  
TOWNE CENTER

LOCATION:  
Somersville Road and  
Fairview Drive  
Antioch, CA 94503

CONSULTANT:  
PHIL MAY  
LANDSCAPE  
ARCHITECT  
1937 West 98th Street  
Antioch, CA 94501  
Phone: 925-973-1989  
Fax: 925-973-1988

SHEET TITLE:  
PRELIMINARY  
LANDSCAPE  
PLAN

PROJECT ARCHITECT: JC  
PROJECT MANAGER: A  
DRAWN BY: P.M.  
CHECKED BY: P.M.  
DRAWING SCALE: 1" = 20'-0"

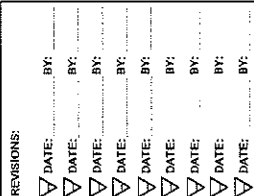
COURTNEY+LE  
ARCHITECTS

801 South Maple Avenue  
Irvine, California 92615  
(949) 275-6600 (949) 275-6601 FAX  
info@courtney+le.com

PROJECT NO.: 15016.02  
OWNER/AGENCY: 9/10/15  
BID ISSUE:  
CONSTRUCTION ISSUE:

L-1





**Corporate Offices**  
55 Fifth Avenue  
New York, NY 10003  
t 212-206-6000  
f 212-727-0563

**LOCATION:**  
Somersville Road and  
Fairview Drive,  
Antioch, CA 94509

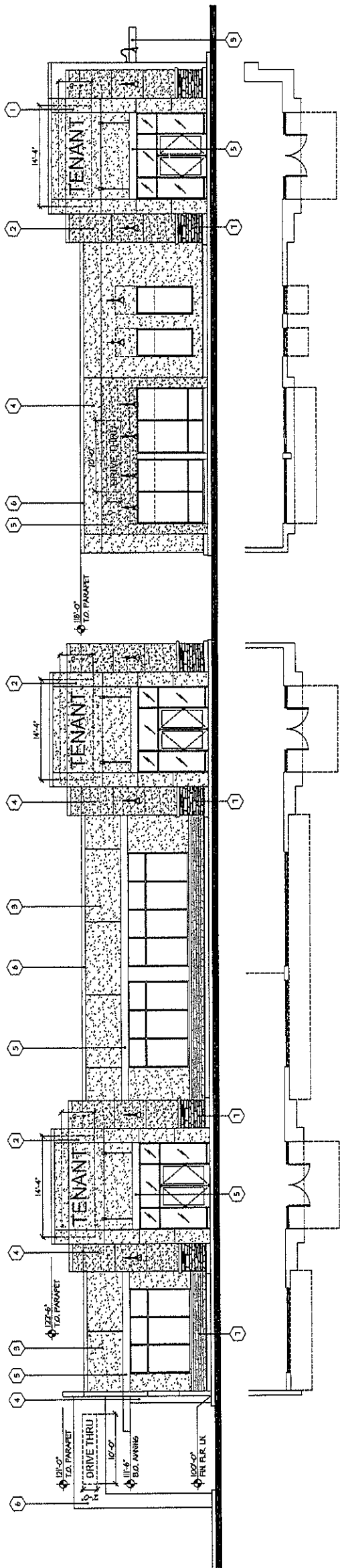
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PROJECT MANAGER: J.  
DRAWN BY: AS  
CHECKED BY: K/ED  
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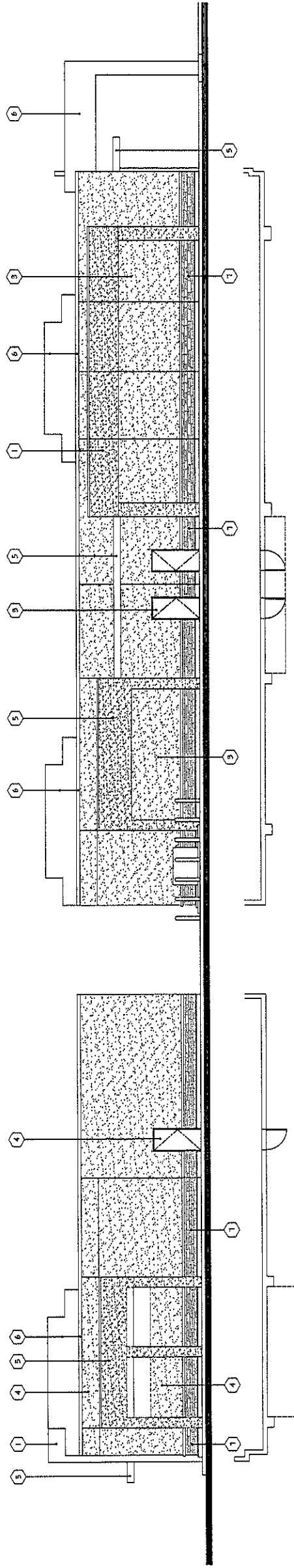
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OWNER/AGENCY:  
BID ISSUE:  
CONSTRUCTION ISSUE:

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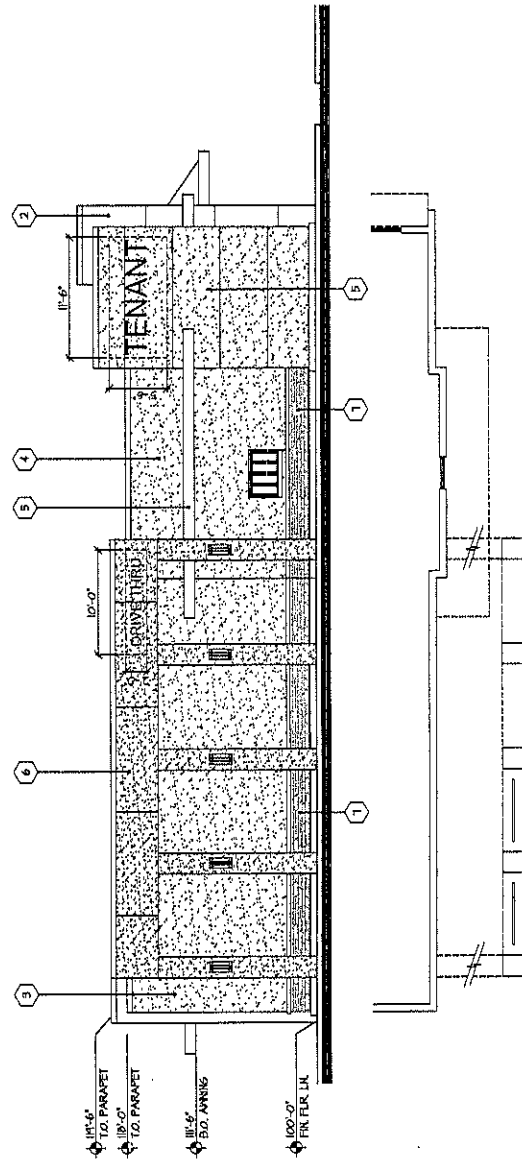
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| 3     | SHERWIN WILLIAMS<br>5M 6076 "TURKISH COFFEE" |
| 4     | SHERWIN WILLIAMS<br>5M 1032 "MAY STONE"      |
| 5     | SHERWIN WILLIAMS<br>5M 6026 "CAJUN RED"      |
| 6     | SHERWIN WILLIAMS<br>5M 1028 "AUGUSTIN"       |
| 7     | BONNEVILLE<br>2011 "BIRD STONE"              |



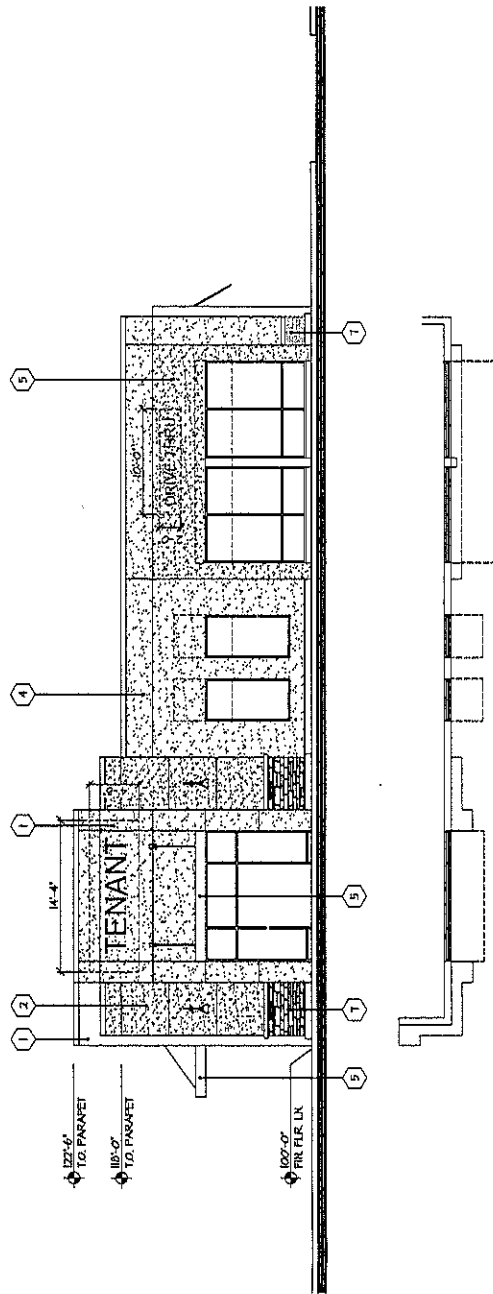
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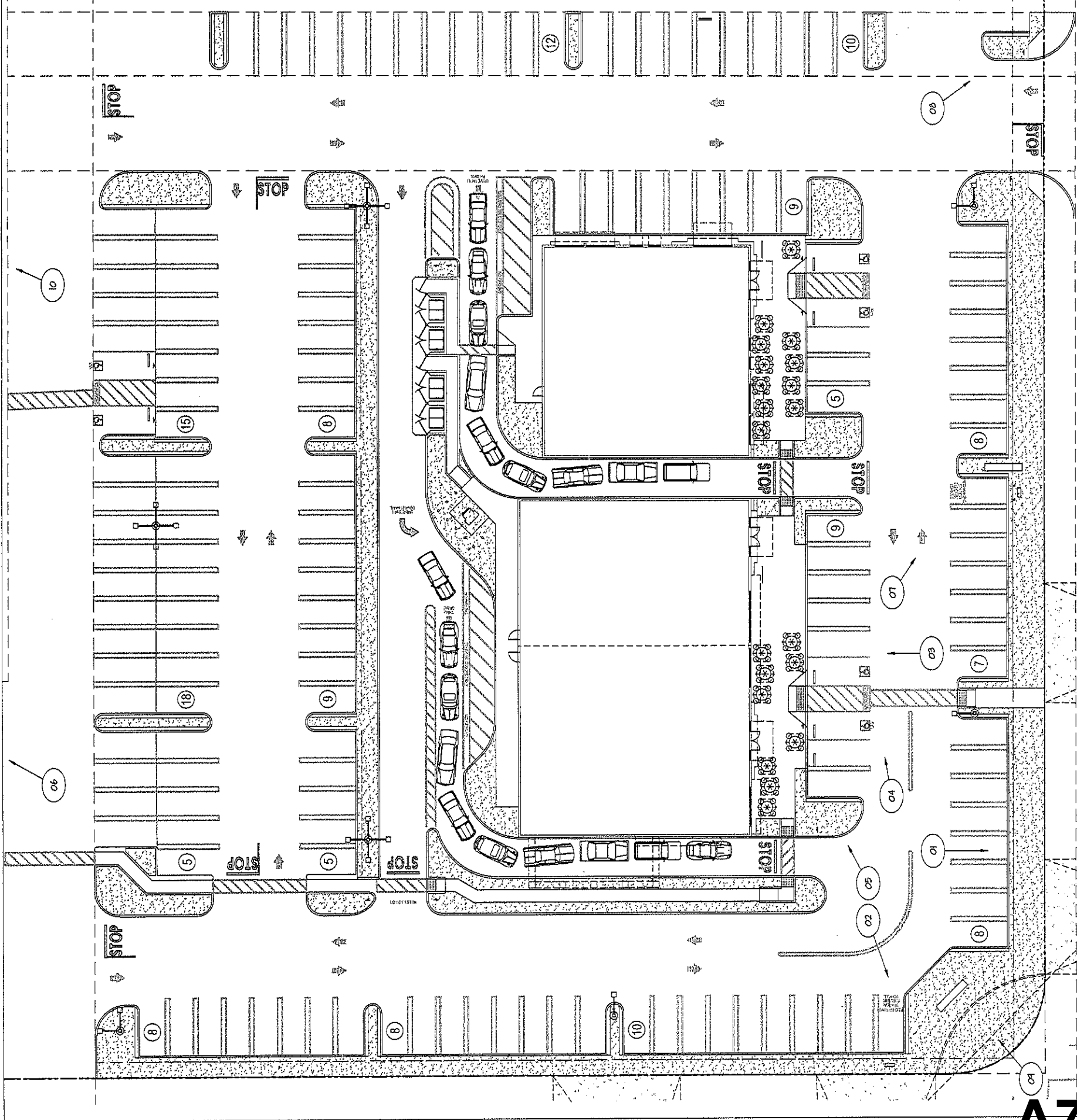
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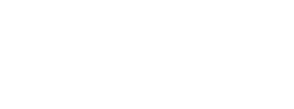
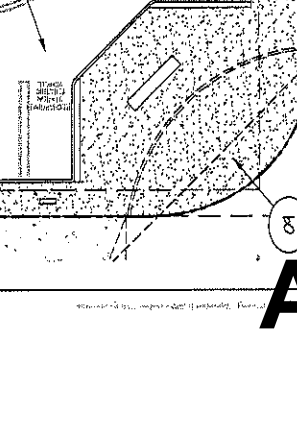
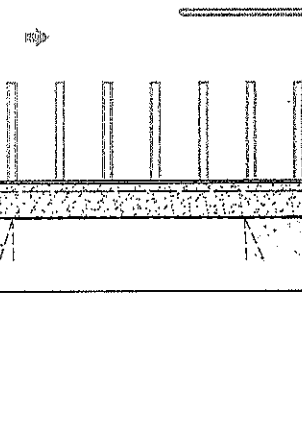
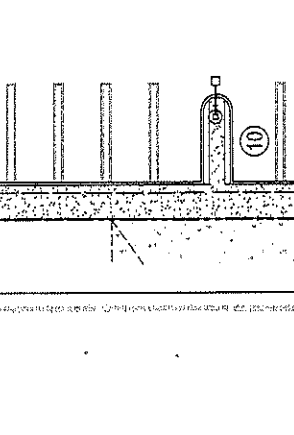
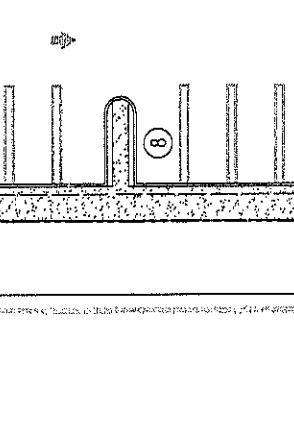
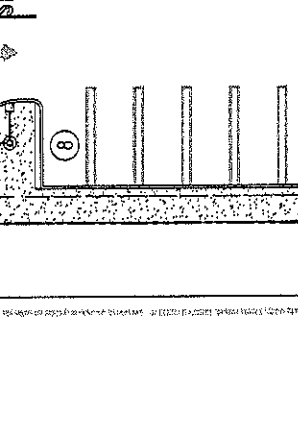
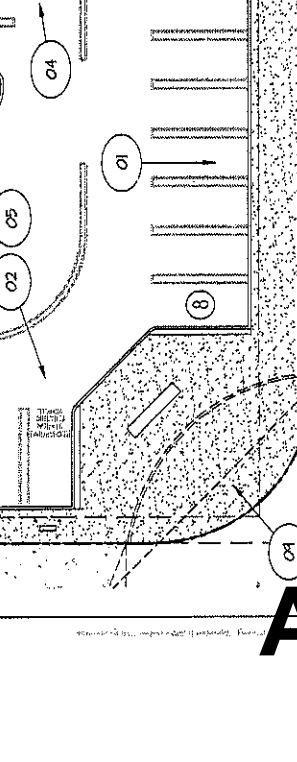
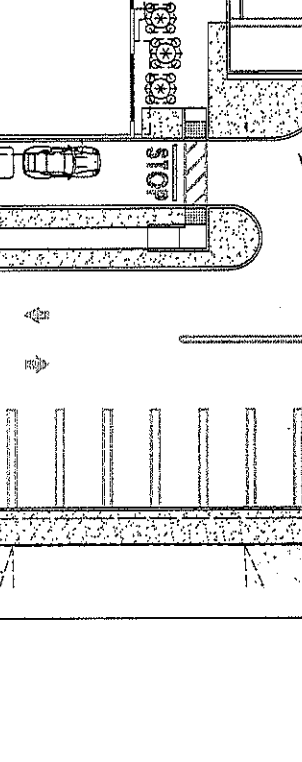
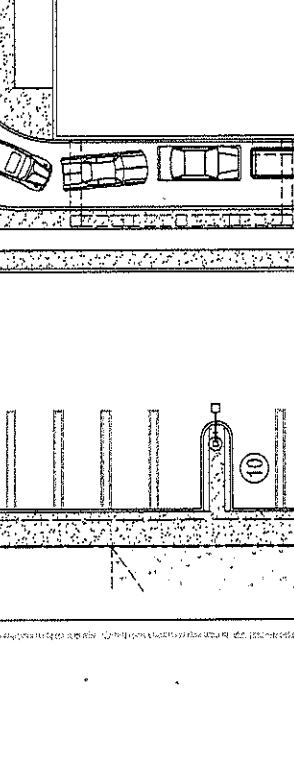
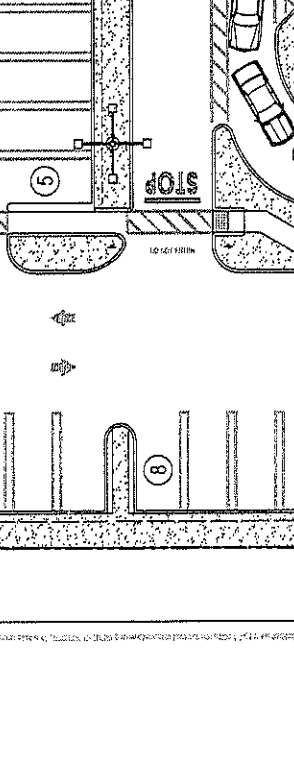
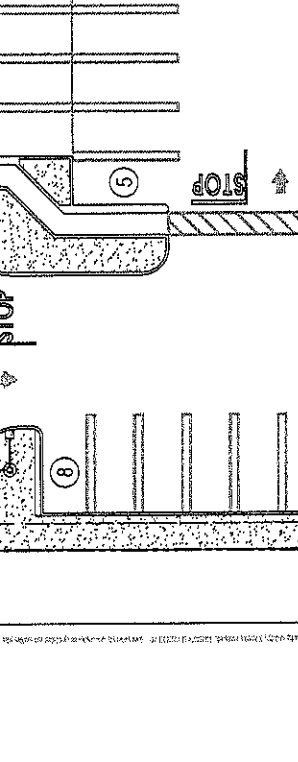
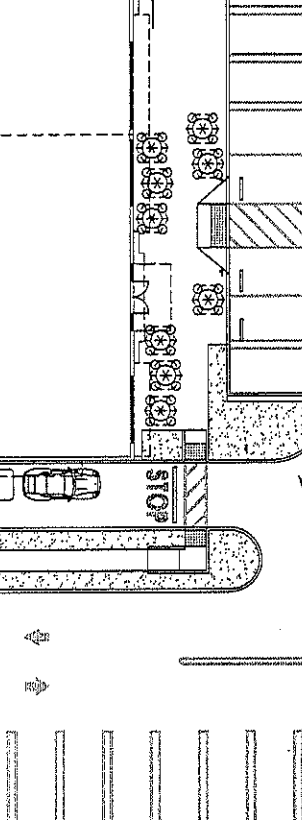
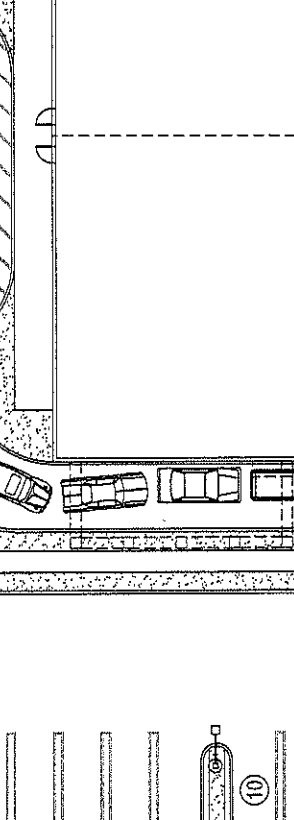
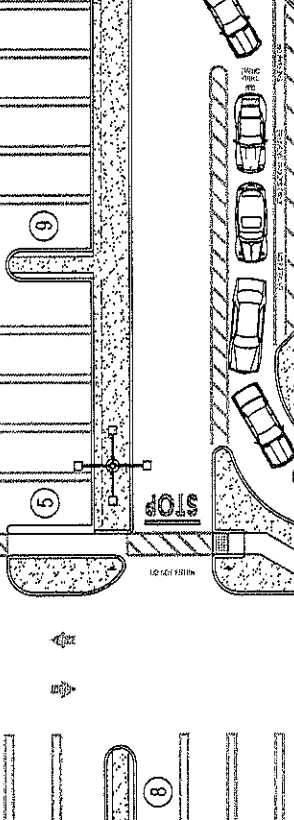
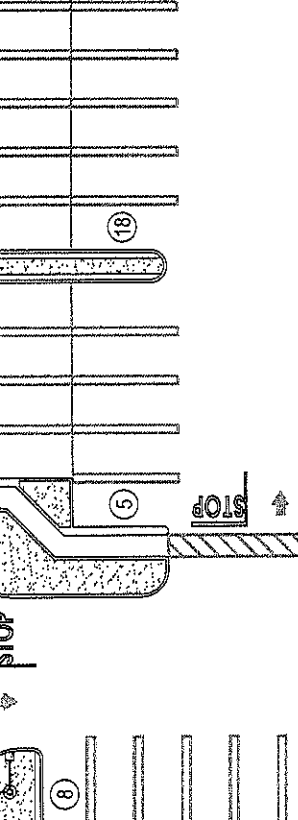
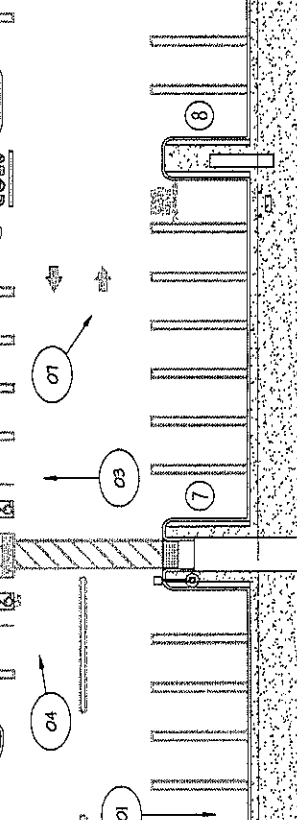
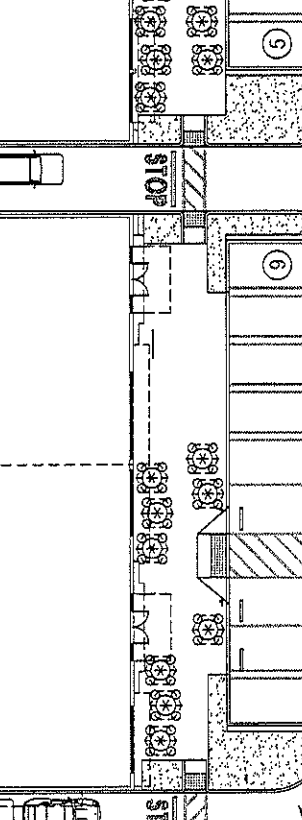
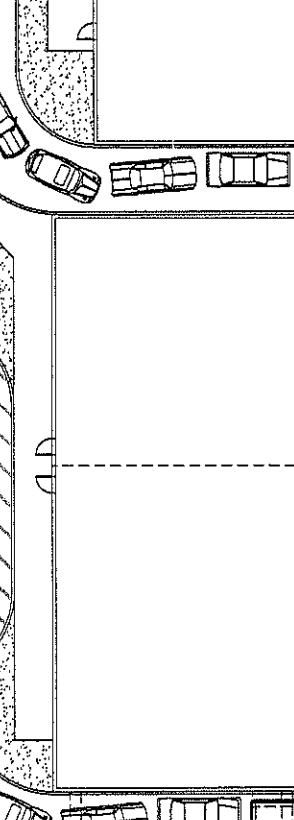
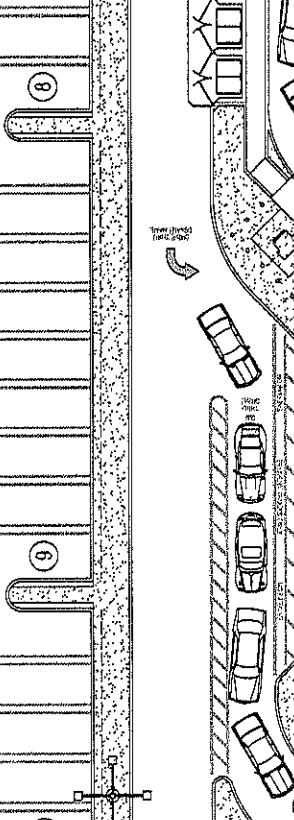
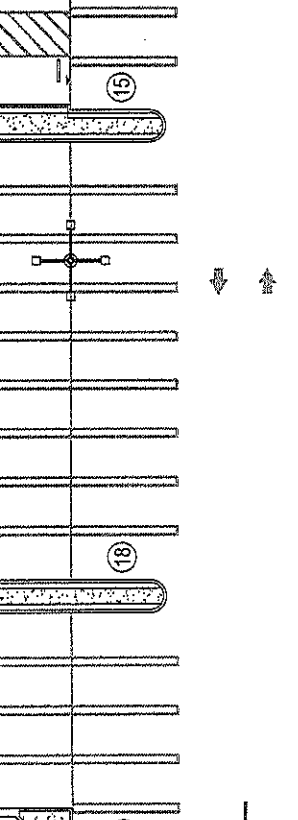
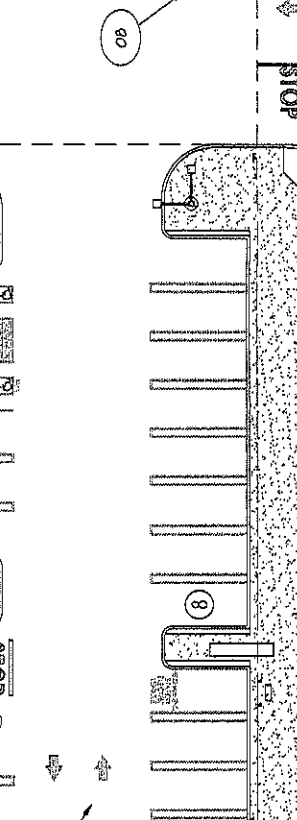
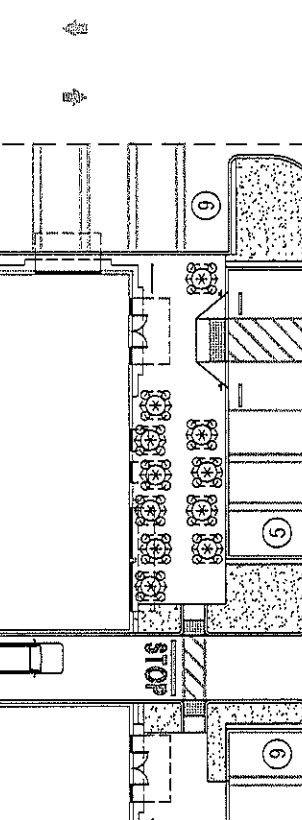
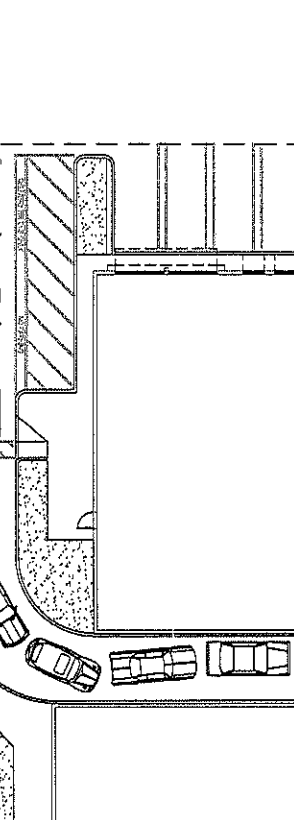
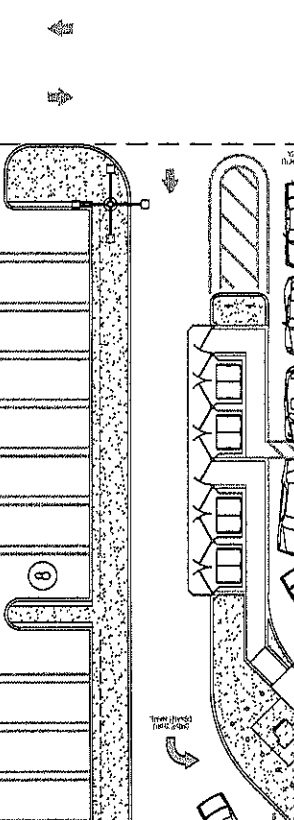
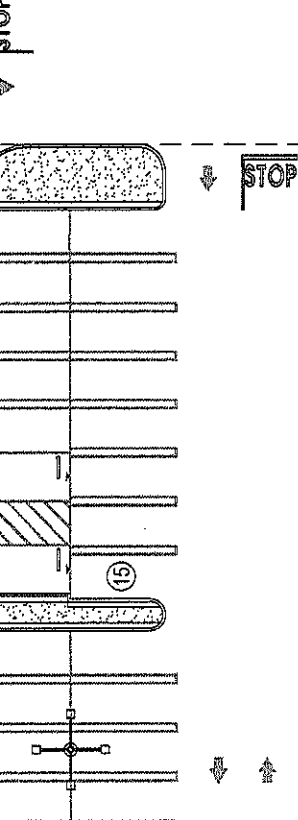
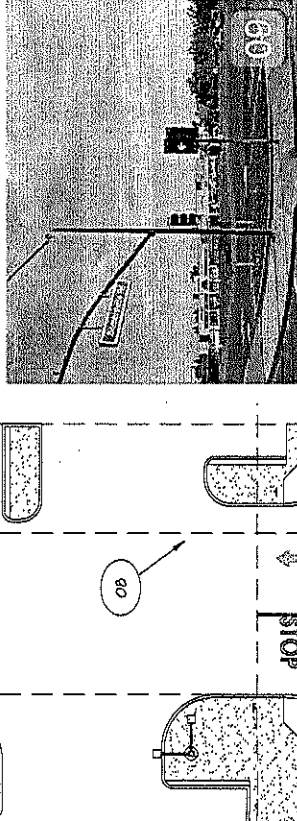
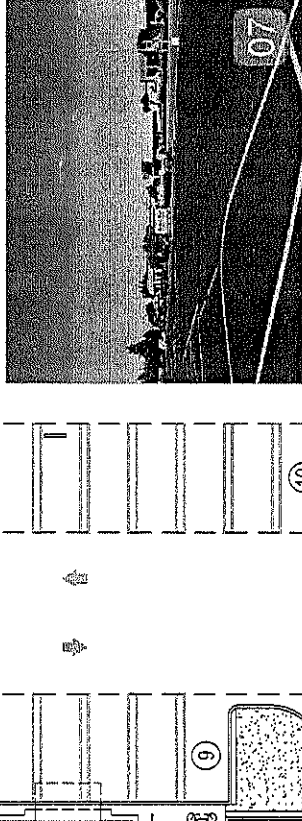
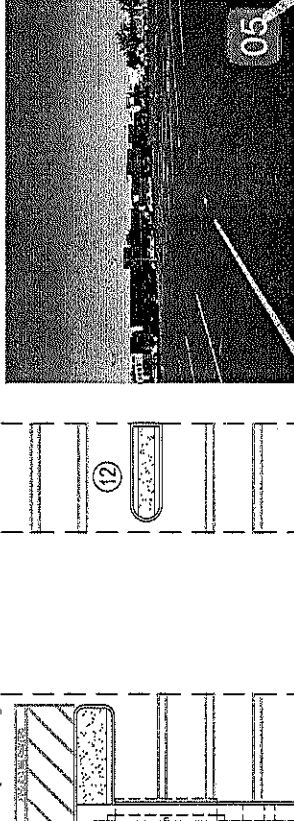
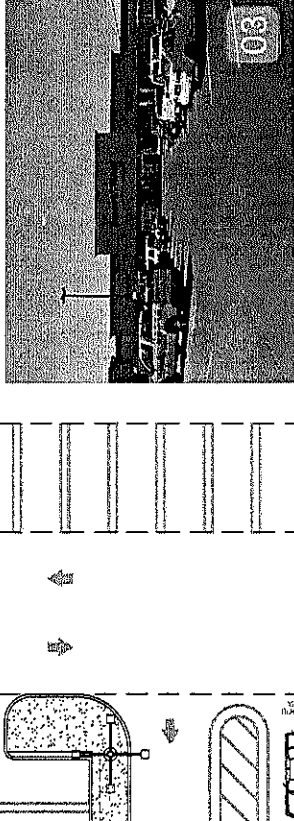
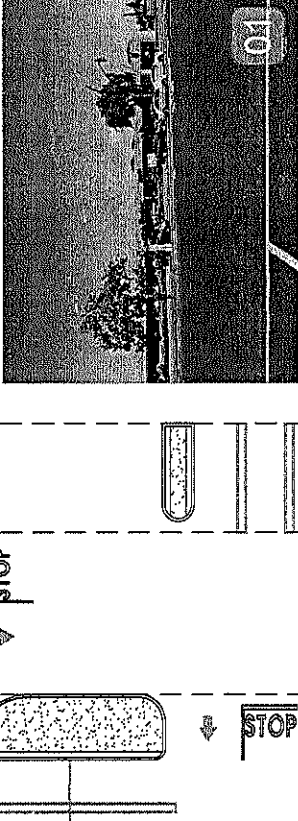
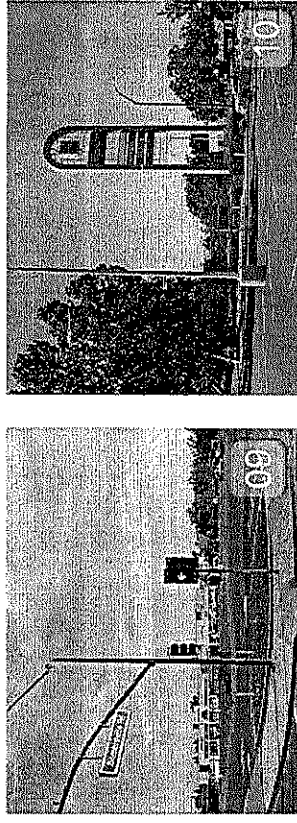
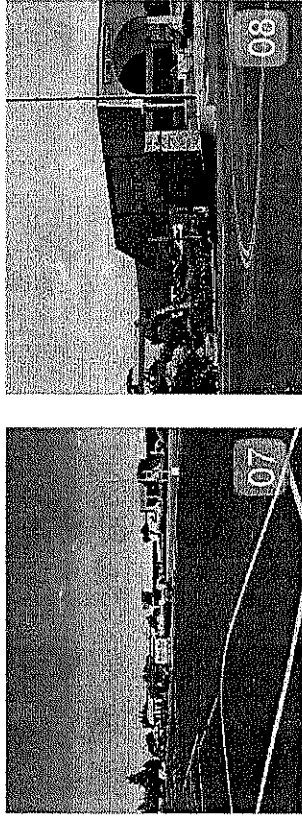
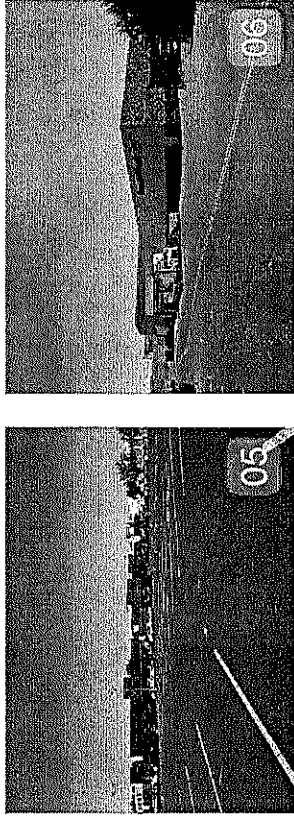
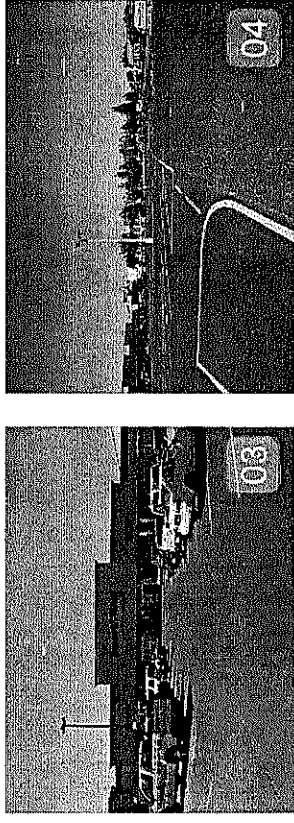
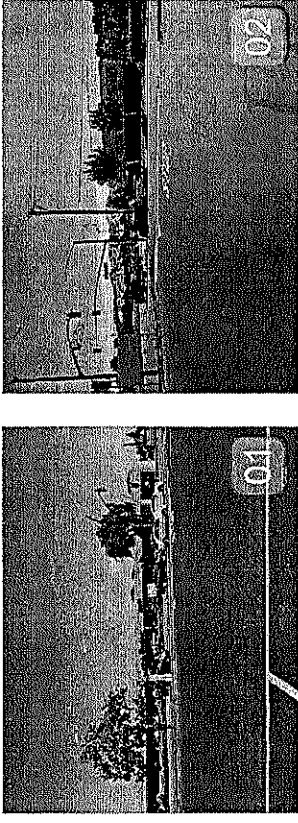


6 RIGHT SIDE (EAST) ELEVATION - BLDG 'B'  
1/8" = 1'-0"



A REFERENCE SITE PLAN  
SCALE: 1/8" = 1'-0"

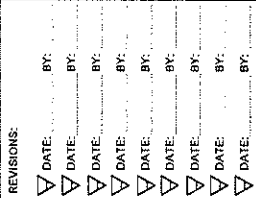
SOMERSVILLE ROAD











TIME EQUITIES INC.

## Corporate Offices

55 Fifth Avenue  
New York, NY 10003  
t 212-206-6000  
f 212-727-0563

PROJECT: SOMERSVILLE  
TOWNE CENTER

**LOCATION:**

Somersville Road and  
Fairview Drive,  
Antioch, CA 94509

**CONSULTANT:**

**BUILDING  
SIGNAGE**

**SHEET TITLE:**

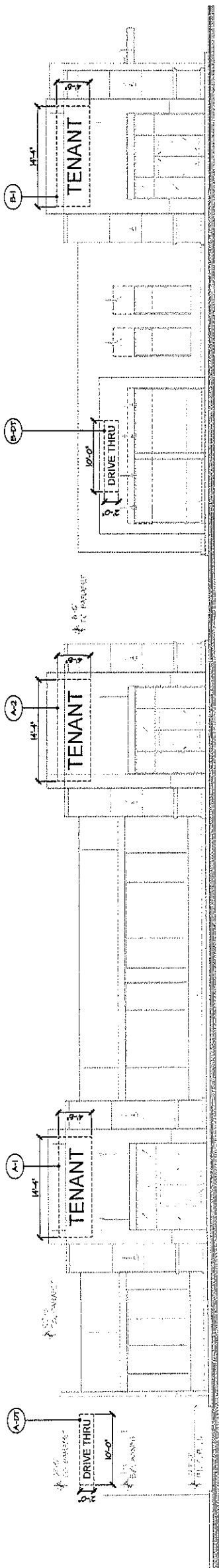
PROJECT ARCHITECT: TC  
PROJECT MANAGER: J  
DRAWN BY: AS  
CHECKED BY: KJED  
DRAWING SCALE: 1/8" = 1'-0"

COURTNEY+LE  
ARCHITECTS

201 South Myrtle Avenue  
Ventura, California 9306  
(805) 735-6000 (805) 735-6001 FAX  
and e-mail: [carney@arcitect.com](mailto:carney@arcitect.com)

PROJECT NO.: 15016.02  
OWNER/AGENCY:  
BID ISSUE:  
CONSTRUCTION ISSUE:

SN-2



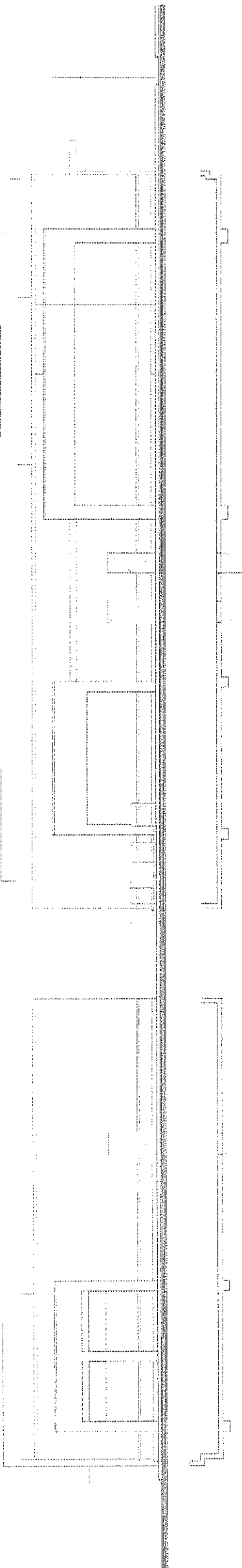
| CALCULATION OF SIGNAGE |          |                            |
|------------------------|----------|----------------------------|
| SIGNAGE:               | 20.0 SF  | FRONT - BLDG 1A            |
| A-DT1                  | 64.9 SF  | FRONTAGE 2,081.0 SF        |
| A-1                    | 64.9 SF  |                            |
| A-2                    | 64.9 SF  |                            |
| TOTAL                  | 150.8 SF | 2,081.0 SF                 |
|                        |          | = .074 X 100%              |
|                        |          | = 7.4% OF SIGNAGE FRONTAGE |

FRONT (SOUTH) ELEVATION - BLDG 'A'



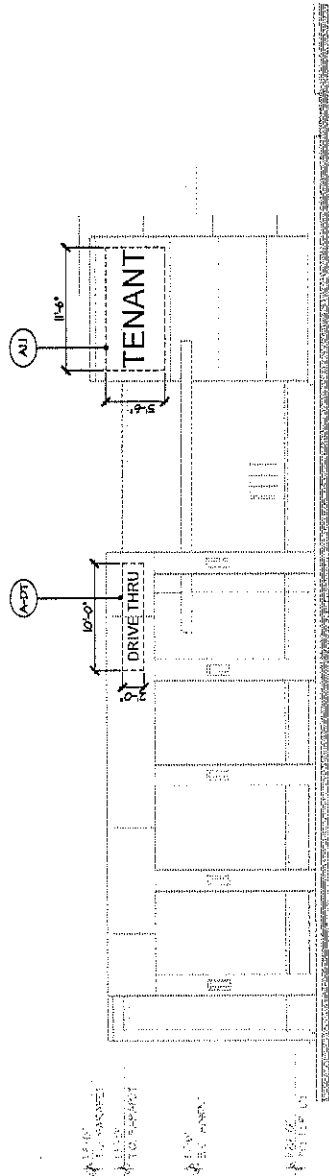
| CALCULATION OF SIGNAGE |         |  |
|------------------------|---------|--|
| SIGNAGE                |         | FRONT - BLDG B;<br>FRONTAGE, 1940.5 SF |
| B-DT:                  | 20.0 SF |  |
| B-I:                   | 66.9 SF |  |
| TOTAL:                 | 86.9 SF | 1940.5 SF                              |
|                        |         | ÷ 0.62 X 100%                          |
|                        |         | = 6.28% OF SIGNAGE FRONTAGE            |

2 FRONT (SOUTH) ELEVATION - BLDG 'B'  
1/b\* = 1'-0"



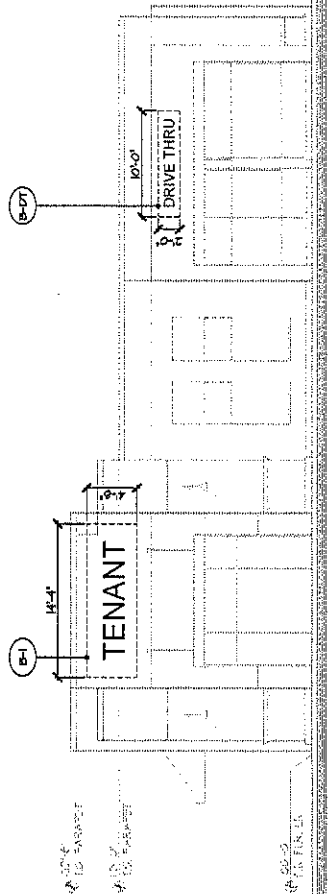
CALCULATION OF SIGNAGE  
 SIGNAGE 0 SF REAR - BLDG 51:  
 FRONTAGE: 1212.0 SF  
 NOTE: THERE IS NO SIGNAGE ON THIS ELEVATION.

**3** REAR (NORTH) ELEVATION - BLDG 'B'  
1/8" = 1'-0"



| CALCULATION OF SIGNAGE |         |  |
|------------------------|---------|--|
| SIGNAGE:               |         |  |
| A-271                  | 20.0 SF | LEFT SIDE - BLDG 'A'   |
| A-11                   | 63.3 SF | FRONTAGE 1506.8 SF   |
| TOTAL                  | 83.3 SF | 1506.8 SF  |
|                        |         | $\frac{83.3}{1506.8} \times 100\%$<br>= 5.5% OF SIGNAGE FRONTAGE |

5 LEFT SIDE (WEST) ELEVATION - BLDG 'A'  
1/8" = 1'-0"



| CALCULATION OF SIGNAGE |                                  |                    |                            |
|------------------------|----------------------------------|--------------------|----------------------------|
| SIGNAGE                | RIGHT SIDE - 72.0'S BY 1317.5' F | FRONTAGE 1317.5' F |                            |
| B-DT1                  | 20.0' F                          |                    |                            |
| B-4                    | 66.9' F                          |                    |                            |
| TOTAL                  | 86.9' F                          | 1317.5' F          |                            |
|                        |                                  |                    | = .066 X 100%              |
|                        |                                  |                    | = 6.6% OF SIGNAGE/FRONTAGE |

6 RIGHT SIDE (EAST) ELEVATION - BLDG 'B'  
1/8" = 1'-0"





|            |     |
|------------|-----|
| REVISIONS: |     |
| DATE:      | BY: |
| DATE:      | BY: |
| DATE:      | BY: |
| DATE:      | BY: |
| DATE:      | BY: |
| DATE:      | BY: |
| DATE:      | BY: |
| DATE:      | BY: |
| DATE:      | BY: |
| DATE:      | BY: |



TIME EQUITIES INC.

Corporate Offices  
55 Fifth Avenue  
New York, NY 10003  
T 212-205-6000  
F 212-272-0563

PROJECT:  
**SOMERSVILLE  
TOWNE CENTER**

LOCATION:  
Somersville Road and  
Fairview Drive,  
Antioch, CA 94509



CONSULTANT:  
**B&A, Inc.**

SHEET TITLE:  
**SITE PLAN - ELECTRICAL**

**COURTNEY+LE  
ARCHITECTS**

80 South Wolfe Avenue  
Berkeley, California 94708  
(415) 275-6800 (415) 275-6801 FAX  
web: courtney-le-architects.com

PROJECT NO.:  
OWNER/AGENCY:  
BID ISSUE:  
CONSTRUCTION ISSUE:

**ES-2.0**

**GENERAL NOTES**

- CONTRACTOR SHALL REMOVE EXISTING SITE LIGHTING FIXTURES, POLES AND ASSOCIATED POLE BASES AFFECTED BY NEW WORK.
- ALL WIRES SHALL BE TWIN CU.
- ALL UNDERGROUND CONDUIT SHALL BE PVC SCH. 40 MINIMUM.
- ROUTE CONDUIT PER FIELD CONDITION.
- ALL WORK EXPOSED TO WEATHER SHALL BE WEATHERPROOF TYPE IN WEA 3R ENCLOSURE.
- CALL DIG ALERT TO VERIFY LOCATION OF UNDERGROUND UTILITIES PRIOR TO TRENCHING. CONTRACTOR TO CONTACT AND OBTAIN ALL NECESSARY RECORDS FOR ALL EXISTING ROAD AND PEDESTRIAN FINISH TO MATCH EXISTING CONDITION.
- ELECTRICAL CONTRACTOR SHALL VERIFY EXISTING FIELD CONDITIONS PRIOR TO BID. NOTIFY ARCHITECT OR OWNER'S REPRESENTATIVE IF DISCREPANCIES ARE FOUND AND CORRECTIONS ARE REQUIRED. NO ADDED EXTRA COST WILL BE CHARGED TO OWNER.
- ELECTRICAL CONTRACTOR SHALL TRACE EXIST UNDERGROUND CONDUIT ROUTING WIRE SIZE AND BRANCH CIRCUIT NUMBER TO PANELBOARD.

**LEGEND**

- INDICATES EXISTING EQUIPMENT/FEEDER TO REMAIN U.O.A.
- INDICATES NEW EQUIPMENT/FEEDER.
- INDICATES UNDERGROUND FEEDER.

**ABBREVIATION**

- (E) EXISTING TO REMAIN
- (N) NEW
- (R) REMOVE AND RELOCATED

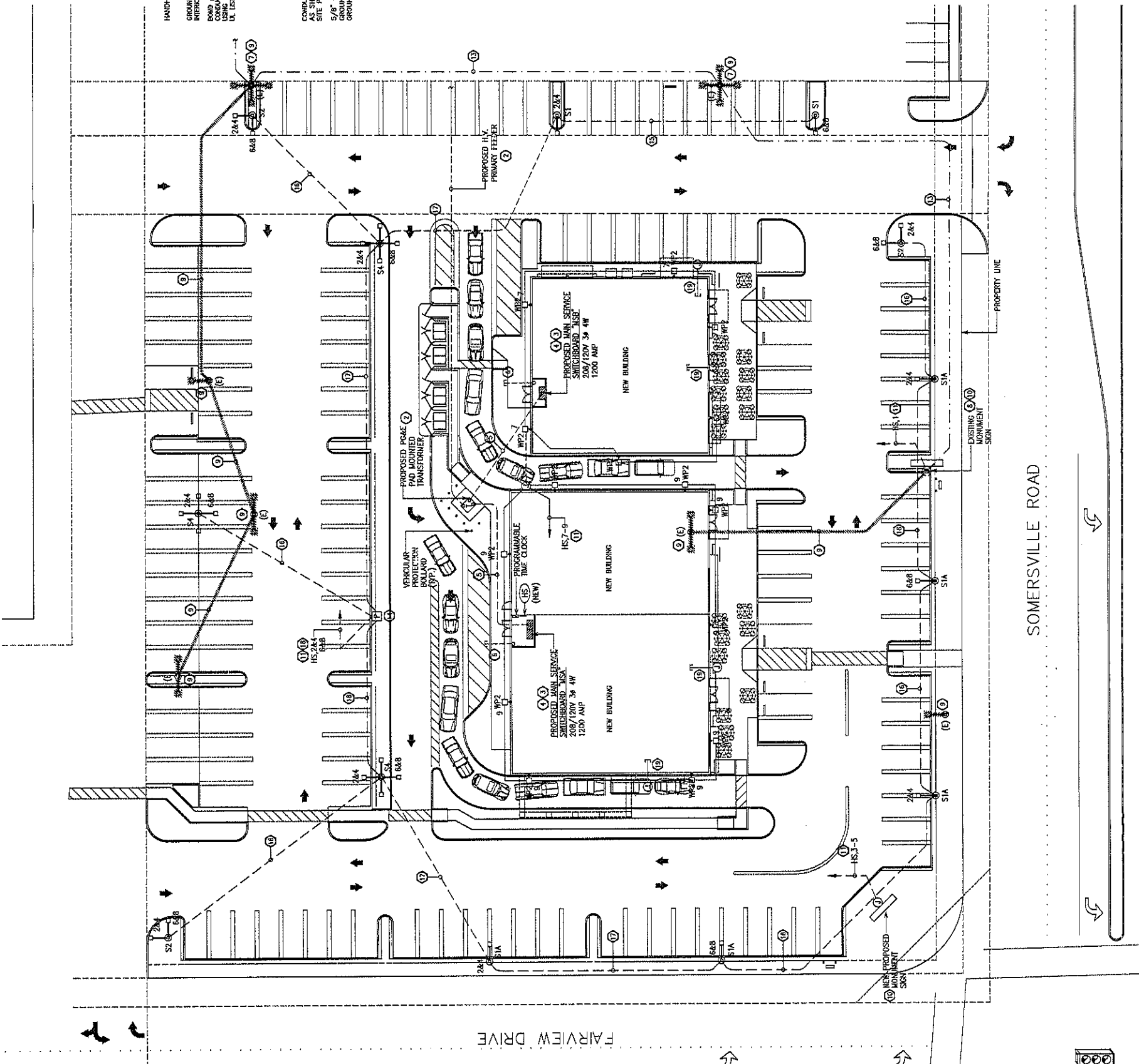
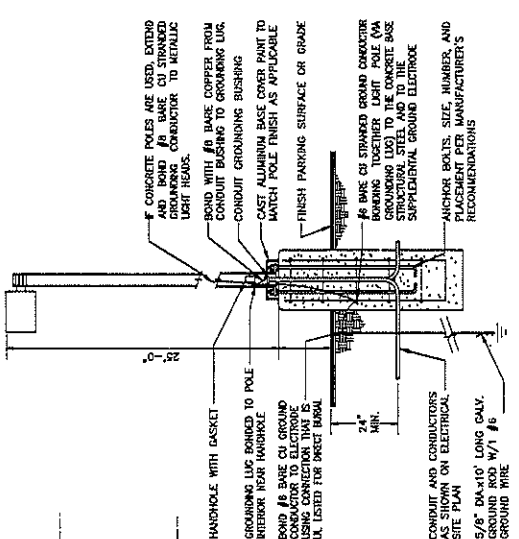
**KEY NOTES:**

- ALL WORK EXPOSED TO WEATHER SHALL BE WEATHERPROOF TYPE IN WEA 3R ENCLOSURE.
- COORDINATE EXIST LOCATION AND REQUIREMENTS WITH PACIFIC GAS AND ELECTRIC COMPANY (PG&E) FOR TYPICAL WORK. SEE PG&E 50-3.0 FOR PROPOSED ROUTING OF UNDERGROUND PRIMARY HIGH VOLTAGE LINE.
- SEE SINGLE LINE DIAGRAM ON SHEET E-5.0 FOR ADDITIONAL INFORMATION AS INDICATED.
- MAIN SERVICE SWITCHBOARD SHALL BE DESIGN FOR A 3'-0" FRONT ACCESS.
- NEW (4) 4" C.O. (PVC) 4#350 MCM, 1#4/0 GRD. EACH.
- STUB-OUT 2" C.O. (PVC) 5'-0" FROM BUILDING EXTERIOR WALL.
- EXISTING POWER POLE TO REMAIN. RETAIN BRANCH CIRCUIT HOMERUN TO HOUSE PANEL UNTIL NEW WORK ARE COMPLETED.
- EXISTING TO REMAIN. MAINTAIN POWER UNTIL NEW SERVICE /HOUSE PANEL ARE INSTALLED AND ENERGIZED.
- DISCONNECT AND REMOVE, SAFE OFF POWER.

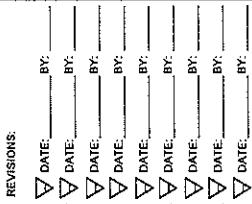
- POWER FOR MONUMENT SIGN, PROVIDE (2) 20A-IP DISCONNECT SWITCH COORDINATE EXIST LOCATION AND REQUIREMENTS WITH SIGN CONTRACTOR.
- ALL BRANCH CIRCUIT SHALL BE CONTROLLED VIA TIME CLOCK.
- SAW CUT, COMPACT SOIL AND BACK FILL TO MATCH (ASPHALT /CONCRETE) EXISTING CONDITION.
- RETAIN POWER (SEE GENERAL NOTE #8 THIS SHEET) UNTIL NEW WORK IS COMPLETED, DISCONNECT AND REMOVE IF NOT AFFECTING CONTINUITY TO OTHER POLE LIGHTING.
- NEW 16" X 12" X 18" DEEP UNDERGROUND CONCRETE PULL BOX, PROVIDE TRAFFIC COVER "ELECTRIC".
- NEW 1" C. (PVC) 2#10, 1#10 GRD.
- NEW 1" C. (PVC) 4#10, 1#10 GRD.
- NEW 1" C. (PVC) 4#8, 1#10 GRD.
- 1 1/4" C. (PVC) 4#6, 1#8 GRD.
- PROPOSED 3/4" C.O. STUB-OUT FOR FUTURE SIGNAGE.

**LOT LIGHT POLE DETAIL**  
NO SCALE

- NOTE:
- DIMENSIONS & DETAIL OF CONCRETE BASE TO BE DETERMINED ON A REGIONAL BASIS. STRUCTURAL ENGINEER SHALL DETERMINE AND SIZE REBAR AND CONCRETE BASED ON REGIONAL WEATHER AND SOIL CONDITIONS.
  - VERIFY EXIST LOCATION, QUANTITY AND METHOD OF WIRING ALL OUTDOOR LIGHTING STANDARDS WITH GENERAL CONTRACTORS AND MANUFACTURER.
  - MAINTAINING HEIGHT OF EXISTING FIXTURE 25'-0" POLE TYPE SSB-18-04-1" SEE DRAWING ES-3.0 (PHOTOMETRIC PLAN)



**SITE PLAN - LIGHTING**  
SCALE: 1/20"=1'-0"



OWNER:  TIME EQUITIES INC.

**Corporate Offices**  
55 Fifth Avenue  
New York, NY 10003  
t 212-206-6000  
f 212-727-0563

PROJECT: SOMERSVILLE  
TOWNE CENTER

**LOCATION:**  
Somerville Road and  
Fairview Drive,  
Antioch, CA 94509

**CONSULTANT:**

**B&A, Inc.**  
Ballesteros & Associates  
Consulting Engineers  
1106 W. Harvard Blvd., Burbank, CA 91506  
Tel: 818/262-7280 Fax: 818/262-0811

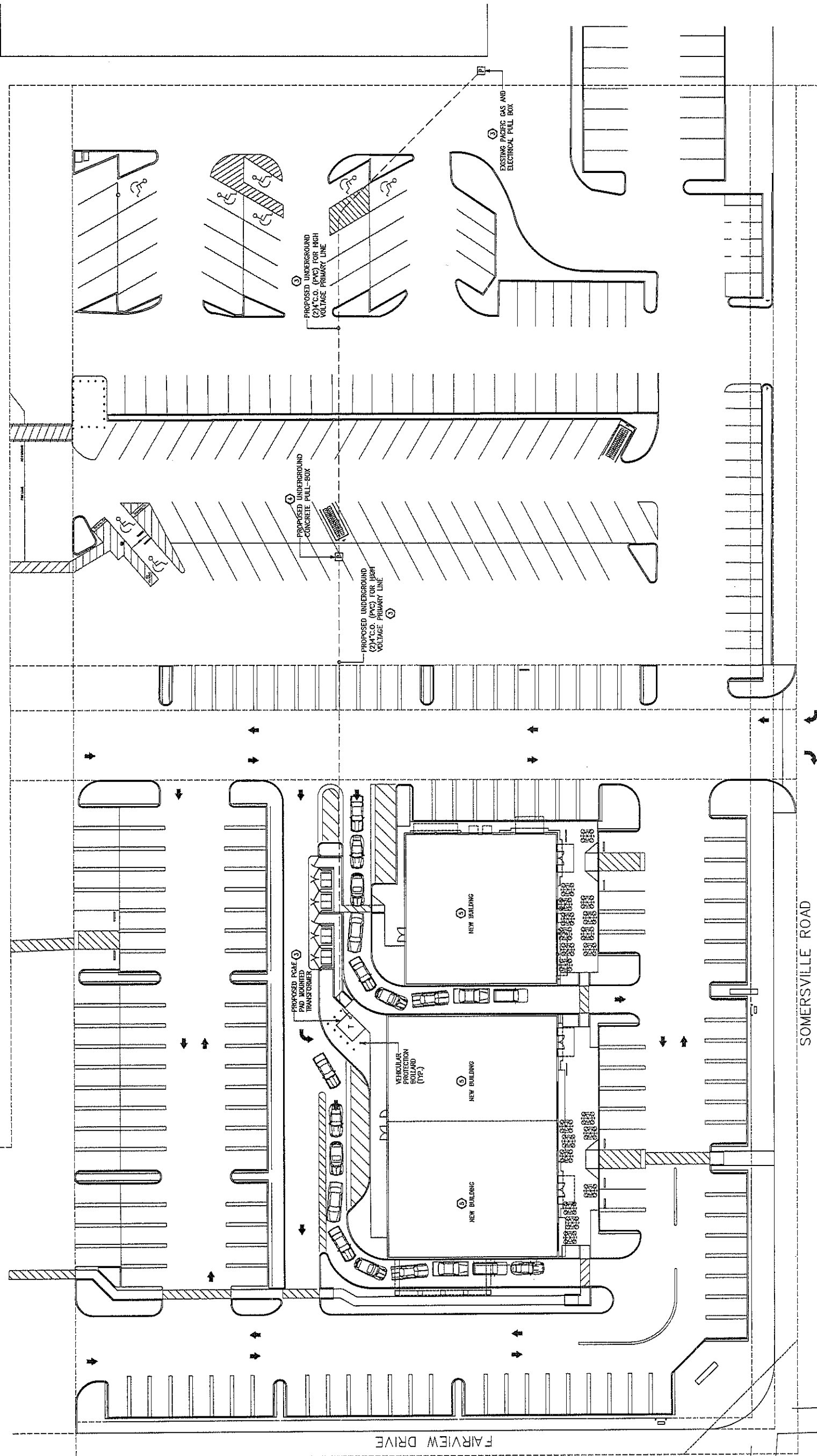
SHEET TITLE: \_\_\_\_\_  
**SITE PLAN - ELECTRICAL**  
 PROJECT ARCHITECT: \_\_\_\_\_  
 PROJECT MANAGER: \_\_\_\_\_  
 DRAWN BY: AIG  
 CHECKED BY: LFE/AYB  
 DRAWING SCALE: AS SHOWN

COURTNEY+LE  
ARCHITECTS

805 South Myrtle Avenue  
Hawthorne, California 91016  
(626) 275-6800 (626) 275-6801 FAX  
intl @ courtney-kennedy.com

PROJECT NO.: \_\_\_\_\_  
OWNER/AGENCY: \_\_\_\_\_  
BID ISSUE: \_\_\_\_\_  
CONSTRUCTION ISSUE: \_\_\_\_\_

**ES-3.0**



② SITE PLAN - ELECTRICAL  
SCALE: 1/20"=1'-0"

### KEY NOTES:

- 1 ALL WORK EXPOSED TO WEATHER SHALL BE WEATHERPROOF TYPE IN NEW 3R ENCLOSURE.
- 2 SEE SHEET ES-2.0 FOR ADDITIONAL INFORMATION.
- 3 COORDINATE EXACT LOCATION AND REQUIREMENTS WITH PACIFIC GAS AND ELECTRIC COMPANY PRIOR TO START OF WORK. SEE SHEET ES-3.0 FOR PROPOSED ROUTING OF UNDERGROUND FRAWLEY HIGH VOLTAGE LINE.
- 4 PROVIDE NEW 32" X 24" X 24" DEEP UNDERGROUND CONCRETE PULL BOX WITH TRAFFIC COVER "ELECTRIC".
- 5 INTERIOR WORK IS BY FUTURE TEAM.

## GENERAL NOTES

1. CONTRACTOR SHALL REMOVE EXISTING SITE LIGHTING FIXTURES, POLES AND ASSOCIATED POLE BASES AFFECTED BY NEW WORK.
2. ALL WIRES SHALL BE THIN CU.
3. ALL UNDERGROUND CONDUIT SHALL BE PVC SCH. 40 MINIMUM.
4. ROUTE CONDUIT PER FIELD CONDITION.

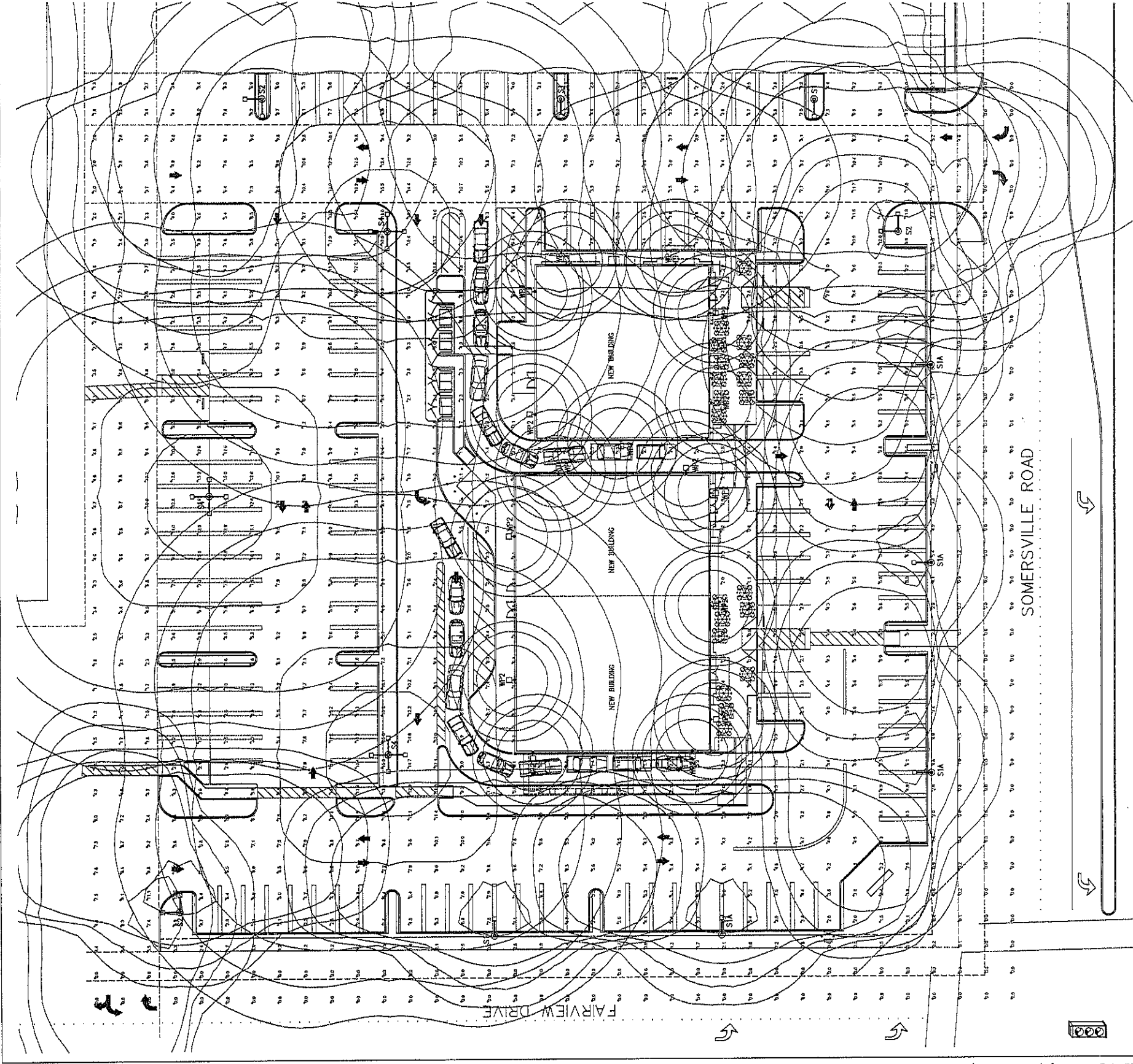
## ABBREVIATION

- | (E) | EXISTING TO REMAIN   |
|-----|----------------------|
| (N) | NEW                  |
| (R) | REMOVE AND RELOCATED |

### LEGEND

- INDICATES EXISTING EQUIPMENT/FEEPER TO REMAIN U.O.N.  
INDICATES NEW EQUIPMENT/FEEPER.  
INDICATES UNDERGROUND FEEPER.





SITE PLAN - LIGHTING PHOTOMETRIC  
SCALE: 1/20"=1'-0"

| LUMINAIRE SCHEDULE |       |     |   |   |                 |        |
|--------------------|-------|-----|---|---|-----------------|--------|
| Symbol             | Label | Qty | Catalog Number  | Description   | Lamp            | Watts  |
|                    | S1    | 2   | DS32 LED 1000 4.2 COB LED LIGHT<br>1000 LUMEN<br>MOUNT    | DS32 LED 1000 4.2 COB LED LIGHT<br>1000 LUMEN<br>MOUNT    | LED             | 357    |
|                    | S1A   | 5   | DS32 LED 1000 4.2 COB LED LIGHT<br>1000 LUMEN<br>MOUNT HS | DS32 LED 1000 4.2 COB LED LIGHT<br>1000 LUMEN<br>MOUNT HS | LED             | 137.46 |
|                    | S2    | 3   | DS32 LED 1000 4.2 COB LED LIGHT<br>1000 LUMEN<br>MOUNT    | DS32 LED 1000 4.2 COB LED LIGHT<br>1000 LUMEN<br>MOUNT    | LED             | 114    |
|                    | S3    | 3   | DS32 LED 1000 4.2 COB LED LIGHT<br>1000 LUMEN<br>MOUNT    | DS32 LED 1000 4.2 COB LED LIGHT<br>1000 LUMEN<br>MOUNT    | LED             | 1428   |
|                    | WP    | 16  | DS32 LED 1000 4.2 COB LED LIGHT<br>1000 LUMEN<br>MOUNT    | DS32 LED 1000 4.2 COB LED LIGHT<br>1000 LUMEN<br>MOUNT    | ONE 35-WATT LED | 8.85   |

| STATISTICS   |        |      |         |        |         |         |
|--------------|--------|------|---------|--------|---------|---------|
| Description  | Symbol | Avg  | Max     | Min    | Max/Min | Avg/Min |
| Circ Zone #1 | +      | 5.46 | 14.0 ft | 0.1 ft | 140:1   | 54:1    |

REVISIONS:

DATE: BY:

DATE: BY:

DATE: BY:

DATE: BY:

DATE: BY:

DATE: BY:

DATE: BY:

OWNER:

TIME EQUITIES INC.

Corporate Offices

55 Fifth Avenue  
New York, NY 10003  
1 212-205-6000  
1 212-727-0563

PROJECT:

SOMERSVILLE  
TOWNE CENTER

LOCATION:

Somersville Road and  
Fairview Drive,  
Antioch, CA 94509

CONSULTANT:

B&A inc.  
B&A inc.  
Consulting Engineers  
1040 E. Highway 99, Suite 100  
Antioch, CA 94509  
Tel: 925-709-1100  
Fax: 925-709-1101  
www.b-a-inc.com

SHEET TITLE:

SITE PLAN - LIGHTING  
PHOTOMETRIC

PROJECT ARCHITECT:

PROJECT MANAGER:

DRAWN BY:

CHECKED BY:

DRAWING SCALE:

COURTNEY+LE  
ARCHITECTS

101 South Hyde Avenue  
Morrisville, California 94556  
(925) 275-4800 (fax) 275-4801 FAX  
info@courtney-le-architects.com

PROJECT NO.:  
OWNER/AGENCY:  
NO ISSUE:  
CONSTRUCTION ISSUE:

ES-4.0

**STAFF REPORT TO THE PLANNING COMMISSION  
FOR CONSIDERATION AT THE MEETING OF JANUARY 6, 2016**

**Prepared by:** Cindy Gnos, Contract Planner  
Raney Planning & Management, Inc.

**Approved by:** Forrest Ebbs, Community Development Director

**Date:** January 6, 2016

**Subject:** Vineyards at Sand Creek Project

**RECOMMENDATION**

It is recommended that the Planning Commission consider the proposed Vineyards at Sand Creek Project and make a recommendation to the City Council.

**ENTITLEMENTS**

The applicant, GBN Partners, LLC requests approval of the Vineyards at Sand Creek Project EIR, a Development Agreement, General Plan Amendment, Planned Development rezone, Resource Management Plan, and a Tentative Map, for the development of a 641 unit residential community on 141.6 acres. The project is located within the northeastern corner of the Sand Creek Focus Area, or Future Urban Area (FUA-1). The site is identified by the following Contra Costa County Assessor's Parcel Numbers (APNs): 057-030-003, 057-030-007. The City of Antioch has discretionary authority and is the lead agency for the proposed project. The project applicant is seeking approval of the following by the City of Antioch at this time:

1. *Development Agreement.* The Development Agreement approval allows the City and an applicant to enter into an agreement, which will assure the City that the proposed project will proceed to its completion in compliance with the plans submitted by the applicant. The Development Agreement for the proposed would include a special tax or other financing mechanism to fund additional police officers needed to serve development.
2. *General Plan Amendment.* The project would require the approval of a General Plan Amendment of the Sand Creek Focus Area of the General Plan from Business Park, Public/Quasi-Public, and Open Space/Senior Housing designations to Medium Low Density Residential and Open Space as well as amendment to the text of the Sand Creek Focus Area of the General Plan.
3. *Planned Development Rezone.* The project would require the approval of a Master Development Plan, Final Development Plan, and Planned Development rezone. The Development Plan and Planned Development district would establish the development standards applicable to the project site, including setbacks, lot sizes, and building heights.

4. *Resource Management Plan.* Pursuant to section 4.4.6.7(t) of the City of Antioch General Plan, the applicant has submitted a Resource Management Plan for City approval.
5. *Tentative Map.* Tentative Map approval is required to authorize the subdivision of the project site into multiple parcels to accommodate up to 641 single-family residential units as well as recreational, parks, and open space parcels.

The proposed project would require the following additional City of Antioch approvals in the future:

- Approval of Final Map(s);
- Approval of a Use Permit for each Phase
- Approval of Design Review;
- Approval of Improvement Plans;
- Approval of a Grading Permit; and
- Approval of Building Permits.

In addition to approvals from the City of Antioch, the proposed project would require the following approvals from other Responsible Agencies:

- US Army Corps of Engineers authorization to proceed under the Clean Water Act Nationwide Permit Program;
- Central Valley Regional Water Quality Control Clean Water Act section 401 Water Quality Certification;
- US Fish and Wildlife Service ESA incidental take authorization; and
- California Department Fish and Wildlife Lake and Streambed Alteration Agreement.

## **BACKGROUND**

The proposed project is located in the southeastern portion of the City of Antioch within the northeastern corner of the Sand Creek Focus Area, which contains lands designated by the Antioch General Plan for open space, residential, business park, commercial, and mixed-use development.

The project site consists of approximately 141 acres of undeveloped, farm land, designated as Business Park (BP), Public/Quasi Public (P/QP), and Open Space/Senior Housing (OS/SH) within the Sand Creek Focus Area of the City of Antioch General Plan. The site is zoned Study Zone (S). The project site is surrounded by a mixture of uses including existing single-family residential uses to the north; the undeveloped but approved Aviano residential project to the west, undeveloped land planned for future residential, mixed use, and commercial development in Brentwood to the east; and Sand Creek, a Pacific Gas & Electric (PG&E) facility, and Sand Creek and undeveloped farm land to the south (planned for future residential in the City of Antioch's General Plan).

The project site consists of both on-site (referred to as the “project site”) and off-site impact areas. Both areas are described in detail below (see Attachment A).

- *Project Site.* The 141.6-acre project site is comprised of two parcels, collectively called the Vineyards at Sand Creek Project. The project site is primarily covered with non-native vegetation and historic aerial photos show the property has been farmed and disked since the 1930’s. The project site previously contained three oil/gas wells that were abandoned by plugging in 1981 and 1991. The site is generally rectangular; however, the southern boundary shifts north and south in an irregular shape. The site’s terrain is generally flat and the existing topography falls from southwest to southeast at approximately one percent slope with elevations ranging from 150 to 175 feet above mean sea level. Sand Creek, a tributary of Marsh Creek, flows in a northeastern direction and is located south of the project site. A 25-foot wide Shell Oil Company easement runs in an east-west direction across the southern portion of the site. An above-ground Calpine dehydration station servicing a 10-inch Calpine gas line is located at the far southeast corner of the Aera property. The dehydration station is active, will remain active, and is regularly checked by Calpine employees. The above-ground facilities at the station include piping and cabinets with an approximate 80-foot by 20-foot footprint, standing approximately five feet tall. An approximately 58-foot wide PG&E pipeline easement with a 36-inch pipeline below ground runs in a north-south direction across the eastern edge of the project site adjacent to Heidorn Ranch Road.
- *Off-Site Impact Areas.* The proposed project would construct off-site improvements (i.e. roadways and utilities) that would affect two off-site, adjacent properties totaling approximately 6.47 acres. One off-site area to the north and east includes an approximately 6.02-acre portion of Heidorn Ranch Road (a dedicated public roadway in Antioch). The proposed project may affect the frontage of five private properties along the roadway alignment. The five adjacent properties are primarily flat and consist of private homes with ornamental plantings and, in one case, land planted in row crops. The second off-site area of approximately 0.4 acres to the southeast includes a portion of Sand Creek. Storm drain lines from the project’s southern detention basin and a new storm drain outfall are proposed within the 0.4-acre off-site area. The off-site area is also primarily flat up to the creek top-of-bank, and a paved PG&E access road to a nearby PG&E facility traverses the alignment south of the site.

## **ENVIRONMENTAL REVIEW**

An Environmental Impact Report (EIR) was prepared for this project in accordance with the California Environmental Quality Act (CEQA). A Notice of Preparation (NOP) for the Draft EIR was released for a 30-day review from September 9, 2014 to October 9, 2014. In addition, a public scoping meeting was held on September 17, 2014 to solicit public comments regarding the scope of the Draft EIR. A Notice of Availability (NOA) of the Draft EIR was distributed and the Draft EIR was sent to the State Clearinghouse for

distribution on June 23, 2015 for the 45-day public review period. Copies of the document were made available at the City of Antioch Community Development Department and on the City's website at: [www.ci.antioch.ca.us](http://www.ci.antioch.ca.us). In addition, a public hearing was held on July 15, 2015 to solicit public comments regarding the Draft EIR. A Final EIR, including response to comments has also been prepared and is located on the City's website.

The EIR concluded that impacts in the following areas would be reduced to a less-than-significant level with the implementation of mitigation measures:

- Aesthetics
- Air quality and greenhouse gas emissions
- Biological resources
- Cultural resources
- Geology, soils and mineral resources
- Hazards and hazardous materials
- Noise
- Public services, recreation, and utilities
- Transportation and circulation

The EIR concluded that the project would not contribute to a significant and unavoidable impact and all impacts that are potentially significant have been mitigated to a less-than-significant level.

## **ANALYSIS**

### **Issue #1: Project Overview**

The applicant is proposing to construct a gated residential development, including up to 641 single-family residential units on 127.5 acres; 31.6 acres of parks and landscaped areas; extension of Heidorn Ranch Road, Hillcrest Avenue, and Sand Creek Road; extension of a portion of the Sand Creek Trail for connection to other City and regional trails with associated parking; and utility improvements.

- *Residential Concept.* The proposed project includes development of up to 641 single-family residential units on approximately 127.5 acres north of the future alignment of Sand Creek Road. The average density of the residential development would be approximately 5.03 units per gross acre. The proposed project would be constructed in two main phases arranged into six neighborhoods. At least six different housing layouts with three different elevations would be constructed on lots ranging from approximately 4,200 to 5,160 square feet. The project would be a gated community with private streets and the applicant is requesting approvals for the proposed project to be either an age-restricted or standard community, at their discretion.

- *Recreation, Landscaping and Open Space.* The proposed project includes the development of recreational, park, and landscape areas within the residential area. The proposed project would include the construction of a detention basin south of the residential area and extension of the Sand Creek Trail, with the remaining acreage as undeveloped open space adjacent to the Sand Creek buffer area. In addition, the proposed project would include a focus on drought-tolerant and adaptive plant species. Approximately 25 percent of the site would be set aside for open space and buffer uses, as described in detail below:
  - *Promenade Central Park.* An approximate 2.1-acre park space would be located in the middle of the project site. Separate parking would also be provided if recreational facilities, such as a community building or pool were incorporated in the Promenade Central Park.
  - *Promenade Southeastern Park.* An approximate 7.5-acre park space with a 3.5-acre detention basin would be located in the southeastern corner of the project site.
  - *Sand Creek Regional Trail.* A segment of the Sand Creek Regional Trail would be constructed within the project site. The trail would connect to the planned trail to the west, by the Aviano Project, and would transition to the public sidewalk to the east along Sand Creek Road.
  - *Southern Detention Basin Surrounding Open Space.* Approximately 5.7 acres of open space would be included around and adjacent to the detention basin located south of Sand Creek Road.
  - *Landscaping.* Landscaping would be provided throughout the project site on a total of approximately 31.6 acres.
- *Project Construction.* Project grading would be balanced on-site. Construction of the proposed project would be conducted in two main phases arranged into six neighborhoods. Phase 1 of the project would most likely commence in 2017; and Phase 2 of construction is expected to be completed in 2022.

## **Issue #2: General Plan Consistency**

The subject site is within the 2,700-acre Sand Creek Focus Area located in the southern portion of the City of Antioch. The General Plan anticipates this Focus Area to evolve into a large-scale planned community that provides a mix of housing and commercial opportunities. The 141.6-acre project site is located within the northeastern corner of the Sand Creek Focus Area, and is designated as Business Park, Public/Quasi Public, and Open Space/Senior Housing (see Attachment B).

### Land Use Element Update

The City embarked on a City-wide General Plan Land Use and Zoning update in September 2014. The process and community outreach continues for the Land Use Element update, including the Sand Creek Focus Area of the General Plan. The Preliminary Development Plan (PDP review for the proposed Vineyards at Sand Creek

project was initiated in May 2014, with a Planning Commission hearing on the PDP in September 2014.

### Sand Creek Focus Area

The subject site is within the 2,700-acre Sand Creek Focus Area (see Attachment B) located in the southern portion of the City of Antioch, and as shown on the City's General Plan Land Use Map. The General Plan anticipates this Focus Area to evolve into a large-scale planned community that provides a mix of housing and commercial opportunities. The Sand Creek Focus Area of the General Plan (Section 4.4.6.7.b.i) states that the ultimate development yield for the Focus Area may be no higher than 4,000 dwelling units, but such a yield is not guaranteed and could be substantially lower. Rather, the General Plan notes that the actual residential development yield will depend on the nature and severity of biological, geologic, and other environmental constraints present. The project site is designated Business Park, Public/Quasi Public, and Open Space/Senior Housing within the Sand Creek Focus Area. These are further discussed below.

### *Business Park (BP)*

The primary purpose of lands designated BP on the Antioch General Plan land use map is to provide for light industrial, research and development, and office-based firms seeking an attractive and pleasant working environment and a prestigious location. BP areas are typically labor-intensive, meaning that the density of employment is higher than areas involving mostly manufacturing or warehouse uses. BP development may occur as a single use, a subdivision wherein individual entities own and operate their businesses, or as multi-tenant complexes. Up to 280 acres within the Sand Creek Focus Area of the General Plan are to be devoted to retail and employment-generating uses which would result in the creation of up to 6,500 jobs at buildout. The BP land use designation has a maximum allowable development intensity of 0.5 Floor Area Ratio (FAR). The project site is the only site within the Sand Creek Focus Area that is designated BP. Kaiser has built on the Mixed Use Medical Facility designated site and the Commercial/Open Space site south of Kaiser remains vacant.

As part of the review of the development application, the City undertook a market analysis to determine the implications of the request to eliminate the BP designation (see Attachment C). According to the analysis, despite the BP General Plan designation, the site location and market conditions reduce the site's desirability as a location for a business park. BP, as well as other types of commercial/office development, is sensitive to optimum location, visibility, and accessibility. The project site is adjacent to residential development and open space. The site would only have freeway visibility if taller buildings were developed on-site. According to the market analysis the City has many other large areas designated for business park development that would better suit the criteria needed and are identified in the Strategic Plan as priority areas for development. Such areas include the Hillcrest Station Specific Plan area which designates 36.6 acres for Office/TOD development and estimates 1,200,000

square feet of office space at buildout. Also included is the remainder of the East Lone Tree Specific Plan area, which has approximately 60 acres of Regional Retail/Employment generating vacant land which could accommodate approximately 1,307,000 square feet of office space. In addition, other areas that could accommodate office development include Rivertown, the Lone Tree Way/A Street corridor, vacant areas around Verne Roberts Circle, the large business park development between Lone Tree Way and Country Hills Drive, and the new Wilbur Annexation area which would likely include supportive or complementary office uses with future industrial development, and the East 18<sup>th</sup> Street corridor just south of the Wilbur area. According to the market analysis the City currently has a significant amount of vacant land/buildings suitable for office and business park development/redevelopment.

#### *Public/Quasi Public (P/QP)*

The P/QP land use designation is used to designate public land and institutional uses, including public and private schools and colleges, public corporation yards, libraries, fire stations, police stations, water treatment facilities, animal shelters, public and private museums churches, and governmental offices. The P/QP land use designation has a maximum allowable development intensity of 0.5 FAR. The existing P/QP designation on the project site is the location of the Aera property which has been purchased by the project applicants. The applicant is requesting the site be redesignated OS to accommodate a private park and a water quality/detention basin.

#### *Open Space/Senior Housing (OS/SH)*

The OS land use designation is intended for areas that include parks, as well as other open space areas. Certain open space areas, such as those that exist to protect sensitive environmental resources, might not be open to public use, while other lands may be owned and managed by private entities, and therefore not open to the general public. The most prevalent public open space uses are City and regional parks, as well as private open space areas within residential developments.

The proposed project is designating the Aera property, described above, as well as the area between Sand Creek and the future Sand Creek Road as OS. The OS area south of the future Sand Creek Road is proposed to include a water quality/detention basin and trails.

Age-restricted senior housing within the Sand Creek Focus Area is intended as a means of expanding the range of housing choice within Antioch, while reducing the Focus Area's overall traffic and school impacts. Such senior housing may consist of Single-family detached, Small Lot Single-family detached, or Multi-family attached housing, and may be developed in any of the residential areas of the Sand Creek Focus Area of the General Plan. Areas identified specifically for senior housing may include limited areas of non-senior housing where environmental or topographic constraints would limit development densities to a range more compatible with estate housing than with senior housing. Although the applicant is not proposing a specific Senior Housing



designation, because senior housing is allowed in any residential designation, the applicant is leaving the possibility open that the proposed gated community can either be standard single family or senior housing.

### *General Plan Amendment*

The proposed project includes the development of up to 641 single-family residential units and 31.6 acres of parks and landscaped areas on lands that are not currently designated for this type of development. As a result, the project requires the approval of a General Plan Amendment of the Sand Creek Focus Area that would change the land use designations from BP, P/QP, and OS/SH designations to Medium-Low Density Residential (MLDR) and OS (see Attachment D).

In addition, the proposed General Plan Amendment includes changes to the text of the Land Use Element (see Attachment E). Section 4.4.6.7 of the Antioch General Plan would be amended to add the MLDR designation to the focus area and allow the development of small lot single-family detached housing within the Sand Creek Focus Area within areas designated as MLDR, resulting in a population density of 14 to 18 persons per acre. The MLDR would result in a higher density and smaller lot size than was originally anticipated for any portions of the Sand Creek Focus Area (see Table 1). The minimum lot size is 60% of the current densest land use designation and the proposed density is 50% higher.

**Table 1  
Existing Sand Creek Focus Area Single-Family Residential Density**

|   | <b>Minimum Lot Size</b>       | <b>Population Density</b>    | <b>Unit Density</b> |
|---|-------------------------------|------------------------------|---------------------|
| <b>Proposed Land Use Designation</b>                              |                               |                              |                     |
| Medium-Low Density Residential                                    | 4,200 sf                      | 14-18 persons/developed acre | 6.0 units/acre      |
| <b>Current Land Use Designations in the Sand Creek Focus Area</b> |                               |                              |                     |
| Low-Density Residential   | 7,000 sf                      | 8-12 persons/developed acre  | 2.7-4.0 units/acre  |
| Hillside and Estate Residential                                   | 10,000 sf; 80% must be larger | 8-12 persons/developed acre  | 2.7-4.0 units/acre  |
| Executive Estate Housing  | 12,000 sf                     | 0-8 persons/developed acre   | 2.0 units/acre      |
| Hillside Estate   | 20,000 sf                     | 0-4 persons/developed acre   | 1.0 unit/acre       |

The Sand Creek Focus Area of the General Plan (Section 4.4.6.7.b.i) states that the ultimate development yield for the Focus Area may be no higher than 4,000 dwelling units, but is not guaranteed and could be substantially lower. To date, 533 dwelling units have been approved within the Sand Creek Focus Area, all as part of the adjacent Aviano project. The proposed project would convert a BP site to MLDR for the

development of 641 units. This project does not increase the 4,000 dwelling unit total, but its units would be deducted from the overall total.

### Fiscal Impact Summary

The General Plan (6.4.2.e.) calls for a fiscal impact analysis to “provide input into assessment of the overall fiscal impact of development within the City, and to determine what costs to the City, if any, should be mitigated. A fiscal impact analysis was prepared for the proposed project by Economic and Planning Systems, under contract with the City (see Attachment F). The analysis included three scenarios: a baseline scenario, a conservative sale price scenario, and an increased baseline costs scenario. All three result in an annual surplus to the City that ranged from \$64,038 to \$151,303. These figures are for the entire project. The per-unit values are \$100 to \$236 annually.

The analysis considered the overall fiscal impact on the City, including the anticipated costs of the City serving the project, the sales tax and other local revenues generated by future residents, and the anticipated police service fee, which offsets the costs of providing police services. This surplus occurs only because of the unique qualities of this project. Specifically, the private ownership and maintenance of the project’s streets and parks relieve the City of its ordinary obligation to forever maintain these elements and the police service fee eliminates that ordinary obligation. Without private ownership and this fee in place, the project would result in a large annual cost to the City. It is also important to note that the City of Brentwood will capture 75% of the sales tax revenue from this project because of its location and land use planning patterns.

### **Issue #3: Vesting Tentative Map**

The Vesting Tentative Map for the proposed project includes development of 641 single-family residential units on approximately 127.5 acres north of the future alignment of Sand Creek Road (see Attachment G). The average density of the residential development would be approximately 5.03 units per gross acre. The proposed project would be constructed in two main phases arranged into six neighborhoods. At least six different housing layouts with three different elevations would be constructed on lots ranging from approximately 4,200 to 5,160 square feet.

### Circulation

Vehicular entrances and exits to the project site would be provided along the east side of the project site by improving Heidorn Ranch Road to a four-lane divided roadway from south of the East Bay Municipal Utility District (EBMUD) Mokelumne Aqueduct right-of-way to the main entrance. In addition, Heidorn Ranch Road would be extended to intersect with Sand Creek Road.

On the west side of the project site, Hillcrest Avenue would be improved as a four-lane divided roadway (previously approved and permitted by the Aviano Residential project) as a second entrance along the westerly boundary of the site.

The Sand Creek Road would be constructed from the boundary of the Cities of Antioch and Brentwood to Hillcrest Avenue. The design shall include an ultimate width of 80 foot curb to curb and 112 foot right-of-way from Hillcrest Avenue to Heidorn Ranch Road with two 12 foot lanes and an 8 foot bike lane in each direction.

Interior vehicular circulation would be provided by a traditional grid pattern of two-way streets that connect back to a wider, central spine entry street, referred to as a Promenade. Each residential unit would have a two-car garage and driveway with additional street parking.

The conditions of approval address the timing of the roadway improvements by each phase in order to ensure adequate access is provided to the project site and the region at the appropriate time.

### Parks and Recreation

The proposed project includes a total of 31.6 acres of private parks, open space, and landscaped areas. The proposed project would include the construction of a water quality/detention basin south of the residential area and extension of the Sand Creek Trail, with the remaining acreage as undeveloped open space adjacent to the Sand Creek buffer area. In addition, the proposed project would include a focus on drought-tolerant and adaptive plant species. Approximately 25 percent of the site would be set aside for open space and buffer uses, as described in detail below. The conditions of approval outline the park improvements necessary for each phase of development.

#### *Central Park*

An approximate 2.1-acre private park space would be located in the middle of the project site. Separate parking would also be provided if recreational facilities, such as a community building or pool were incorporated in the Central Park.

#### *Southeastern Park*

An approximate 7.5-acre private park space with a 3.5-acre water quality/detention basin would be located in the southeastern corner of the project site. A portion of the park space would include a large lawn area for youth playfields, as well as walking paths, a play structure, shade trees, and benches. Agricultural plantings would be used to delineate active areas from open space and provide a screening for the detention basin and Calpine Facility.

#### *Sand Creek Regional Trail*

A segment of the Sand Creek Regional Trail would be constructed within the project site. The trail would connect to the planned trail to the west, by the Aviano residential project, and would transition to the public sidewalk to the east along Sand Creek Road.

Access points would be provided south of Sand Creek Road at Hillcrest Road and at Heidorn Ranch Road.

#### *Southern Detention Basin Surrounding Open Space*

Approximately 5.7 acres of open space would be included around and adjacent to the water quality/detention basin located south of Sand Creek Road.

#### *Landscaping*

Landscaping would be provided throughout the project site on a total of approximately 31.6 acres. Project landscaping would consist of street trees, shrubs, groundcover, agricultural plantings, and open lawn areas. Both entrances to the project site and the main spine street would be landscaped as would the project side of Hillcrest Road, Sand Creek Road and Heidorn Ranch Road including roadway medians. Public spaces, common spaces, and private landscaping areas would have an emphasis on drought-tolerant and adaptive plant species.

According to Section § 9-4.1004 of the Antioch Municipal Code, the amount of land to be dedicated for parks is based on the average number of persons per dwelling unit multiplied by the standard of 5.0 acres per 1,000 persons equals the required number of acres per dwelling unit.

At 641 single-family dwelling units, a minimum of 9.62 acres of parkland must be included in the proposed project (0.015 average requirement per dwelling unit x 641 dwelling units = 9.62 acres). The proposed project includes a total of 31.6 acres of landscaped areas; however, according to Section § 9-4.1010(A) of the Antioch Municipal Code, a maximum credit of 6.75 acres of private parkland would count towards the parkland dedication set forth in Standard 3.5.7.2. Therefore, in addition to the private parkland included in the proposed project, the payment of parkland dedication in-lieu fees will be required consistent with Code.

#### **Issue #4: Zoning and Planned Development Standards**

As described above, the proposed project site is located within the Sand Creek Focus Area of the General Plan and is zoned S. As a result, the proposed project requires the approval of a Master Development Plan, Final Development Plan, and Planned Development rezone. The Master Development Plan and rezone to Planned Development district is intended to set the development standards applicable to the project site, including the maximum density and maximum number of units, minimum lot size, landscape requirements, open space requirements, architectural guidelines, and maximum building heights and lot coverage. The applicant has proposed separate development standards for the project depending upon whether it is built as an active adult or standard single family community. Table 2 outlines the proposed development standards and compares them to the City's standard R-6 zoning requirements.

**Table 2**  
**Planned Development Standards**

| <b>Proposed<br/>Planned<br/>Development<br/>District Standard</b> | <b>Standard R-6<br/>Zoning</b>  | <b>Proposed PD Zoning<br/>for Single-Family<br/>Residential (SF)</b>   | <b>Proposed PD Zoning<br/>for Active Adult<br/>Residential (AA)</b>  |
|---|---|--|--|
| <b>Maximum Density</b>  | 6 dwelling units per gross developable acre   | <u>All Lot Types:</u> 4.6 dwelling units per gross acre (5.5 dwelling units per net developable acre)  | <u>All Lot Types:</u> 4.6 dwelling units per gross acre (5.5 dwelling units per net developable acre)  |
| <b>Maximum Number of Units</b>                                    |   | <u>All Lot Types:</u> 641 Single Family Residences   | <u>All Lot Types:</u> 641 Active Adult Residences  |
| <b>Minimum Lot Size</b>   | 6,000 sq. ft.   | <u>Lot Type A:</u> 45'x80', average Lot Size 4,200 SF<br><br><u>Lot Type B:</u> 50'x80', average Lot Size 4,630 SF<br><br><u>Lot Type C:</u> 50'x90', average Lot Size 5,160 SF  | <u>Lot Type A:</u> 45'x80', average Lot Size 4,200 SF<br><br><u>Lot Type B:</u> 50'x80', average Lot Size 4,630 SF<br><br><u>Lot Type C:</u> 50'x90', average Lot Size 5,160 SF  |
| <b>Minimum Lot Width</b>  | <u>Interior lot:</u> 60 feet.<br><u>Corner lot:</u> 65 feet.  | <u>Lot Type A:</u> All lots shall have a minimum width of 45 feet at a distance of 20 feet from the right-of-way.<br><br><u>Lot Type B and C:</u> All lots shall have a minimum width of 50 feet at a distance of 20-feet from the right of way. | <u>Lot Type A:</u> All lots shall have a minimum width of 45 feet at a distance of 20 feet from the right-of-way.<br><br><u>Lot Type B and C:</u> All lots shall have a minimum width of 50 feet at a distance of 20-feet from the right of way. |
| <b>Minimum Front Yard Setbacks</b>                                | 20 feet (reserved for landscaping only, excluding driveways).   | <u>All Lot Types:</u> 10 foot minimum to porch front, 12 foot minimum to living space, (reserved for landscaping only, excluding driveways).   | <u>All Lot Types:</u> 10 foot minimum to porch front, 12 foot minimum to living space, (reserved for landscaping only, excluding driveways).   |
| <b>Minimum Side Yard Setbacks</b>                                 | <u>Interior lot:</u> 5 feet.<br><u>Corner lot:</u> 10 feet.<br><br>For at least 25% of the lots in a given subdivision, one side yard of an interior lot shall be | <u>Lot Type A Interior lot:</u> 4 foot minimum.<br><br><u>Lot Type A Corner lot:</u> 4 foot interior/9 foot street-side.<br><br><u>Lot Type B and C Interior</u>   | <u>Lot Type A Interior lot:</u> 4 foot minimum.<br><br><u>Lot Type A Interior 'Active Adult' Duet lot:</u> 0 foot minimum (duet) one side and 4 foot minimum alternate side.   |

| Proposed<br>Planned<br>Development<br>District Standard | Standard R-6<br>Zoning                                     | Proposed PD Zoning<br>for Single-Family<br>Residential (SF)   | Proposed PD Zoning<br>for Active Adult<br>Residential (AA)  |
|---|--|---|---|
|   | 10 feet in width and the other side yard can be five feet. | <p><u>lot</u>: 5 foot.</p> <p><u>Lot Type B and C Corner lot</u>: 5 foot interior/10 foot street-side.</p> <p>Architectural pop-outs and encroachments to the front, side and rear shall be allowed pursuant to Municipal Code Section 9-5.801.</p> | <p><u>Lot Type A Corner lot</u>: 4 foot interior/9 foot street-side.</p> <p><u>Lot Type A Corner 'Active Adult' Duet lot</u>: 0 foot minimum interior/9 foot streetside.</p> <p><u>Lot Type B and C Interior lot</u>: 5 foot.</p> <p><u>Lot Type B and C Interior 'Active Adult' Duet lot</u>: 0 foot minimum one side and 5 foot minimum alternate side.</p> <p><u>Lot Type B and C Corner lot</u>: 5 foot interior/10 foot street-side.</p> <p><u>Lot Type B and C Corner 'Active Adult' Duet lot</u>: 0 foot minimum interior/10 foot streetside.</p> <p>Architectural pop-outs and encroachments to the front, side and rear shall be allowed pursuant to Municipal Code Section 9-5.801.</p> |
| <b>Minimum Rear Yard Setbacks</b>                       | 20 feet  | <p><u>Lot Type A, B, and C</u>: 10 foot minimum/12 foot average.</p> <p><u>Additionally, Lot Type C with lots deeper than 95 feet</u>: 15 foot minimum/18 foot average.</p>   | <p><u>All Lot Types</u>: 10 foot minimum/12 foot average.</p> <p><u>Lot Type C with lots deeper than 95 feet</u>: 15 foot minimum/18 foot average.</p>  |

| <b>Proposed<br/>Planned<br/>Development<br/>District Standard</b> | <b>Standard R-6<br/>Zoning</b>   | <b>Proposed PD Zoning<br/>for Single-Family<br/>Residential (SF)</b>   | <b>Proposed PD Zoning<br/>for Active Adult<br/>Residential (AA)</b>   |
|---|--|--|---|
| <b>Accessory<br/>Structure<br/>Setbacks</b>                       | Detached accessory structures shall be located behind the required front yard setback and cover no more than 40% of the required rear yard area. Minimum side yard for is 20 feet on corner lots and zero feet on interior lots. No minimum rear yard setback is required. Attached accessory buildings shall comply with the requirements applicable to the main building. A detached accessory building shall be at least five feet from any building. | <p><u>All Lot Types: Interior lot:</u> side yard and rear yard setback is zero feet.</p> <p><u>All Lot Types: Corner lot:</u> street side yard is 10 feet and rear /interior side yard is zero feet.</p>   | <p><u>All Lot Types: Interior lot:</u> side yard and rear yard setback is zero feet.</p> <p><u>All Lot Types: Corner lot:</u> street side yard is 10 feet and rear /interior side yard is zero feet.</p>  |
| <b>Covered Patio</b>  | May encroach to within 10 feet of rear property line and to within three feet of a side property line.   | <p><u>All Lot Types: Covered Patio/"California Room":</u> A covered area, attached or detached to the main structure, without walls on two or more sides.</p> <p><u>Covered Patio setbacks:</u> 3' minimum to rear and side yard. The wall-less sides of Covered Patios at the rear elevation can encroach further than architectural popouts. A California Room with a solid covered roof (not trellis) is limited to cover no more than 33% of the required rear yard.</p> | <p><u>All Lot Types: Covered Patio/"California Room":</u> A covered area, attached or detached to the main structure, without walls on two or more sides.</p> <p><u>Covered Patio setbacks:</u> 3' minimum to rear and side yard. The wall-less side of Covered Patios at the rear elevation can encroach further than architectural popouts. A California Room with a solid covered roof (not trellis) is limited to no more than 33% of the required rear yard.</p> |
| <b>Maximum Building Height</b>                                    | 35 feet  | <u>All Lot Types:</u> 35 feet for single-story profile and two-story structures.   | <u>All Lot Types:</u> 35 feet for single-story profile and two-story structures.  |

| <b>Proposed<br/>Planned<br/>Development<br/>District Standard</b>   | <b>Standard R-6<br/>Zoning</b>   | <b>Proposed PD Zoning<br/>for Single-Family<br/>Residential (SF)</b>  | <b>Proposed PD Zoning<br/>for Active Adult<br/>Residential (AA)</b>   |
|---|--|---|---|
|   |  | <u>All Lot Types</u> : 25 feet for one-story structures.  | <u>All Lot Types</u> : 25 feet for one-story structures.  |
| <b>Maximum Lot Coverage (gross first floor living plus garage area divided by the lot area and does not include Covered Patios/porches)</b> | 40%  | <u>Lot Type A and B</u> : 60% for single-story homes and 54% for two-story homes. No single-story homes required.<br><br><u>Lot Type C</u> : 60% for single-story or single-story profile homes and 54% for two-story homes. No single-story homes required.  | <u>Lot Type A and B</u> : 60% for single-story; 54% for two-story and single-story profile homes. No two-story homes required.<br><br><u>Lot Type C</u> : 63% for single story homes. 54% for two-story and single-story profile homes. No two-story homes required.<br>If developed as an Active Adult community, all homes are expected to be single-story – either detached or as duets, based upon market preferences. No two-story homes shall be required in an Active Adult community. |
| <b>Parking and Driveways</b>  | 20 feet from property line to front of garage.<br><br>2 spaces per unit in a garage, plus one guest parking space on the street within close proximity to the unit served. | <u>All Lot Types</u> : 20-foot minimum setback to garage door for lots with sidewalk along frontage. 18-foot minimum setback to garage door for lots without sidewalk along frontage<br>Garage provides at least two off-street parking spaces. One on-street parking space must be provided in front of, or for corner lots the parking space may be on the street side yard of - each house (at least 20 feet of curb with exceptions for cul-de-sacs). | <u>All Lot Types</u> : 20-foot minimum setback to garage door for lots with sidewalk along frontage. 18-foot minimum setback to garage door for lots without sidewalk along frontage<br>Garage provides at least two off-street parking spaces. One on-street parking space must be provided in front of, or for corner lots the parking space may be on the street side yard of - each house (at least 20 feet of curb with exceptions for cul-de-sacs).                                     |



| <b>Proposed Planned Development District Standard</b> | <b>Standard R-6 Zoning</b>  | <b>Proposed PD Zoning for Single-Family Residential (SF)</b>  | <b>Proposed PD Zoning for Active Adult Residential (AA)</b>  |
|---|---|---|--|
| <b>Driveway Width</b>                                 | Minimum 10 feet   | <u>Lot Type A:</u> Driveway width not to exceed 45% of lot frontage.<br><br><u>Lot Type B and C:</u> Driveway width not to exceed 40% of lot frontage.  | <u>Lot Type A:</u> Driveway width not to exceed 45% of lot frontage.<br><br><u>Lot Type B and C:</u> Driveway width not to exceed 40% of lot frontage.   |
| <b>Landscape Requirements</b>                         |   | The landscaped setbacks from arterial streets (Hillcrest Avenue, Heidorn Ranch Road and Sand Creek Road) shall be as shown on the project's Vesting Tentative Map 9390 dated February 24, 2015. | The landscaped setbacks from arterial streets (Hillcrest Avenue, Heidorn Ranch Road and Sand Creek Road) shall be as shown on the project's Vesting Tentative Map 9390 dated February 24, 2015.  |
| <b>Private Pool Club and Park</b>                     |   | A private Pool Club and Parks shall be allowed within in the Vineyards at Sand Creek project.   | A private Pool Club and Parks shall be allowed within in the Vineyards at Sand Creek project. If developed as an Active Adult Community, Parcel A Park and Parcel D Park may be adjusted to reflect the Active Adult programming. In no case shall this adjustment result in less park acreage in the gated community. |
| <b>Model Home Complexes</b>                           |   | One or more model home complexes that showcase the different lot sizes and products shall be allowed within the Vineyards at Sand Creek project.  | One or more model home complexes that showcase the different lot sizes and products shall be allowed within the Vineyards at Sand Creek project.   |
| <b>RV Parking</b>                                     | For at least 25% of the lots in a given subdivision, one side yard of an interior lot shall be 10 feet in width and the other side yard can be five feet. | The project shall not be required to provide onsite or offsite RV Parking. This exclusion shall be included in the community's CC&R's.  | The project shall not be required to provide onsite or offsite RV Parking. This exclusion shall be included in the community's CC&R's.   |

| <b>Proposed<br/>Planned<br/>Development<br/>District Standard</b> | <b>Standard R-6<br/>Zoning</b> | <b>Proposed PD Zoning<br/>for Single-Family<br/>Residential (SF)</b>  | <b>Proposed PD Zoning<br/>for Active Adult<br/>Residential (AA)</b>   |
|---|--------------------------------|---|---|
| <b>Private Curbs</b>  |                                | VSC Private Streets shall have the option of providing a beveled-curb as shown on the project's Vesting Tentative Map 9390 dated February 24, 2015. | VSC Private Streets shall have the option of providing a beveled-curb as shown on the project's Vesting Tentative Map 9390 dated February 24, 2015. |

### Vineyards at Sand Creek Design Guidelines

The applicant, GBN Partners, LLC has prepared Design Guidelines for the proposed Vineyards at Sand Creek Project (see Attachment H – noting that they have been distributed to the Planning Commission and are available on the City's website). The intent of the Design Guidelines is to customize the City of Antioch's Residential Design Guidelines for the Vineyards at Sand Creek single-family residential project. These Guidelines, conceptualized with neighborhood landscaping, entry and architectural renderings, are to be used in place of the City Guidelines in evaluating the future neighborhood construction plans. Future Design Review submittals will be reviewed against the Design Guidelines to ensure that this single-family residential development would be consistent.

#### *Design Objectives*

The proposed project is a gated community that incorporates physical and pedestrian connections between internal neighborhoods to help create a unified community. In addition, the project constructs public sidewalks and regional trail connections that will also benefit pedestrians outside the gated community.

#### *Site Planning*

The proposed project creates usable public open space that would provide public access and enjoyment along Sand Creek. The extension and improvement of public roads (Hillcrest Avenue and Heidorn Ranch Road) with sidewalks and bike lanes would give this neighborhood direct access to schools, opens space and the variety of commercial uses located along Lone Tree Way.

#### *Project Entry and Character*

The proposed project would be distinguished at its edges and entries by drought tolerant and vineyard-themed landscaping. The entries would reflect the overall architectural identity and character of the project and be augmented by the use of lighting, larger specimen trees, landscaped medians, natural material wall features, textured asphalts/paving treatments and project signage.

### *Circulation*

The VSC Project circulation system efficiently connects all parts of the neighborhood together and accommodates all modes of transportation (cars, bikes, pedestrian and transit). Behind the gates, the city-standard sized (though private) neighborhood streets allow for parking on both sides, and a generous five-foot sidewalk on one side. All paths lead to the central spine street with its separated 20-foot travel lanes, deep landscaping, and broad sidewalks. Outside the gates, the project improvements would complete the construction and extension of Heidorn Ranch Road, Hillcrest Avenue and Sand Creek Road, all of which have six-foot wide sidewalks and signalized intersections. Pedestrian connections to two regional trails - the Mokelumne Regional Trail to the north and the soon-to-be-constructed Sand Creek Trail to the south - are less than a half mile's walk from the project entries. For longer trips, Tri-Delta Transit bus stops are conveniently located at each entry.

### *Architectural*

The proposed project Architectural Style is generally in keeping with the vineyard theme and the root of this style is found primarily in the wine regions of California. The traditional Californian styles of the "California Vineyard" include Tuscan, Spanish and Monterey. The newer Californian styles include Shingle and American Farmhouse. A minimum of three styles per plan - from a palette of four per product neighborhood (Lot Size Type A, B and C) would be used and would give a very nice mix along any given streetscape. The style will enhance the character of Antioch, and when grouped together, would complement each other and create a unique neighborhood identity.

### *Landscape*

The Design Guidelines intend to use landscaping to define entrances, to provide buffer between incompatible uses, and to provide screening when necessary. The proposed plant palette shall include drought tolerant materials with various, textures, and colors. Large specimen trees within the proposed project shall be strategically located within the development. Potential locations include at the project entries, at the Central Park/Pool Club Area and at the Sports Park. The proposed project tree selections shall consist of high branching species that require minimal maintenance. Drought tolerant trees would consist of natives and adaptive species of low fire values.

## **Issue #5: Infrastructure and Off-Site Improvements**

The project site is currently undeveloped; therefore the project will have to construct the following public utilities and improvements in order to serve the project.

- *Water Service.* Potable water would be distributed to the project site by an existing 12-inch Zone III trunk line beneath Heidorn Ranch Road. The line would be extended within Heidorn Ranch Road south to Sand Creek Road and west

within Sand Creek Road to create a loop to connect with the 16-inch Zone III trunk line in Hillcrest Avenue.

- *Sanitary Sewer.* If not already completed by the adjacent developer (the sewer line was previously approved and permitted for the Aviano Residential project), the proposed project would extend the existing 24-inch sanitary sewer pipe, located at Heidorn Ranch Road, northeast of the project site. The pipe would be extended south along the future alignment of Heidorn Ranch Road to the project entry and west through the Promenade to the Hillcrest Avenue entry.
- *Storm Water.* Approximately one-third of the eastern part of the site (approximately 35 acres) would drain to the smaller proposed stormwater detention/water quality basin located within the Promenade southeastern park. The balance of the site would drain to the larger proposed stormwater detention/water quality basin south of Sand Creek Road. The basins would then drain through engineered outlets to Sand Creek. The basins would provide mitigation for detention, water quality, and hydromodification.
- *Power and Communications.* Electricity to the project site would be provided by PG&E. AT&T provides telephone and internet service and Comcast and Astound provide cable television and internet services city-wide. Dry utilities, electrical, gas, and technology lines would be extended from the existing lines beneath Heidorn Ranch Road and Hillcrest Avenue and looped between the two through Sand Creek Road.

### Off-Site Improvements

The proposed project would construct off-site improvements (i.e. roadways and utilities) that would affect two off-site, adjacent areas totaling approximately 6.47 acres. One off-site area to the north and east includes an approximately 6.02-acre portion of Heidorn Ranch Road. The proposed project may affect the frontage of five private properties along the roadway alignment. The five adjacent properties are primarily flat and consist of private homes with ornamental plantings and, in one case, land planted in row crops. The second off-site area of approximately 0.4 acres to the southeast includes a portion of Sand Creek. Storm drain lines from the project's southern detention basin and a new storm drain outfall are proposed within the 0.4-acre off-site area. The off-site area is also primarily flat up to the creek top-of-bank, and a paved PG&E access road to a nearby PG&E facility traverses the alignment south of the site.

### **Issue #6: Development Agreement**

The approval of the Vineyards at Sand Creek Project includes a Development Agreement between GBN Partners, LLC and the City of Antioch (see the Development Agreement attached to the Planning Commission resolution). The Development Agreement is for a fifteen year term and addresses the provision of police services funding, development fees, reimbursements, potential infrastructure and financing mechanisms.

## **RECOMMENDATION**

The Planning Commission is asked to consider the proposed project and make a recommendation to the City Council.

The Planning Commission may find it helpful to examine the project as two distinct requests, understanding that the second is wholly contingent on the first. The first request is to substitute a residential designation for the business park designation and to allow a project at a higher density than ordinarily allowed in the Sand Creek Focus Area. This request also requires that other text in the General Plan be amended to avoid conflict. Approval of this request would create new policy relative to this property and others in the Sand Creek Focus Area. This new policy addresses land use designation, residential densities, the City's pursuit of employment-generating uses in this area, and comprehensive resource management. As the primary advisory body to the City Council, the Planning Commission should very seriously consider this request in its recommendation. The Planning Commission may recommend all, none, or part of the General Plan amendments.

The second effort addresses the actual mechanics of the project. Because the project is dependent on approval of the General Plan amendments, it cannot be separately approved without all of the other approvals in place. That said, the proposed project, its conditions of approval, the development agreement, and other elements are consistent with the City's best practices and staff recommends their approval should the Planning Commission find in favor of the General Plan amendments.

## **ATTACHMENTS**

- A On and Off-site Project Map
- B Existing General Plan Sand Creek Focus Area Designations
- C Market Analysis
- D Proposed General Plan Sand Creek Focus Area Designations
- E Proposed General Plan Text Amendments
- F Fiscal Impact Analysis
- G Vineyards at Sand Creek Vesting Tentative Map
- H Vineyards at Sand Creek Design Guidelines

## **PLANNING COMMISSION**

### **RESOLUTION NO. 2016-\*\***

#### **RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE ENVIRONMENTAL IMPACT REPORT FOR THE VINEYARDS AT SAND CREEK PROJECT AS ADEQUATE FOR ADDRESSING THE ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT AND ADOPT CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS, MITIGATION MEASURES AND A MITIGATION MONITORING PROGRAM**

**WHEREAS**, the City of Antioch ("City") received an application from GBN Partners, LLC ("Applicant") seeking City approval of the following: a General Plan Amendment of the Sand Creek Focus Area of the General Plan from Business Park, Public/Quasi-Public, and Open Space/Senior Housing designations to Medium Low Density Residential; a Resource Management Plan; a Master Development Plan, Final Development Plan, and Planned Development Rezone; Vesting Tentative Map; and a Development Agreement for the development of up to a 650 unit residential community on approximately 141 acres, which project originally was known as the Promenade and is now known as the Vineyards at Sand Creek Project ("Project").

**WHEREAS**, The Project site is in the southeastern section of the City of Antioch, on the western side of State Route 4 and is within the northeastern corner of the Sand Creek Focus Area east of the current terminus of Hillcrest Avenue, west of Heidorn Ranch Road and north of Sand Creek (APNs 057-030-003, 057-030-007);

**WHEREAS**, the Project consists of a residential development on 141.6 total acres, including up to 650 single-family residential units on 127.5 acres; 31.6 acres of parks and landscaped areas (some of which overlap with the residential area); extension of Heidorn Ranch Road, Hillcrest Avenue, and Sand Creek Road; extension of a portion of the Sand Creek Trail for connection to other City and regional trails; and utility improvements. In addition, the Project would construct off-site improvements (i.e., roadways and utilities) that would affect two adjacent offsite areas totaling approximately 6.47 acres: an area to the north and east that includes an approximately 6.02-acre portion of Heidorn Ranch Road (a dedicated public roadway in Antioch); and a 0.4 acre area to the southeast that includes a portion of Sand Creek in which storm drain lines and a storm drain outfall structure would be constructed. The gated residential Project would be constructed in two main phases arranged into six neighborhoods. The Project could be developed as either a single-family market-rate residential community or as an age-restricted "active adult" residential community. In addition, the Project would include the construction of a detention basin south of the residential area and extension of the Sand Creek Trail, with the remaining acreage as undeveloped open space adjacent to Sand Creek. On-site infrastructure for the Project would consist of private subdivision roads, including curbs, gutters, and sidewalks, and water, sewer, and storm drainage connections and improvements.

**WHEREAS**, the City, as lead agency under the California Environmental Quality Act ("CEQA"), has completed the Final Environmental Impact Report ("Final EIR" or "EIR") for the Project.

**WHEREAS**, this document contains the City's certification of the EIR, its CEQA findings, and its statement of overriding considerations supporting approval of the Project considered in the EIR. The Final EIR has State Clearinghouse No. 2014092010.

**WHEREAS**, a Draft Environmental Impact Report ("Draft EIR") was released for public and agency review on June 23, 2015. The Draft EIR assesses the potential environmental effects of implementation of the Project, identifies means to eliminate or reduce potential adverse impacts, and evaluates a reasonable range of alternatives to the Project.

**WHEREAS**, the Final EIR comprises the Draft EIR together with one additional volume that includes the comments on the Draft EIR submitted by interested public agencies, organizations, and members of the public; written responses to the environmental issues raised in those comments; revisions to the text of the Draft EIR reflecting changes made in response to comments and other information; and other minor changes to the text of the Draft EIR. The Final EIR is hereby incorporated in this document by reference.

**NOW, THEREFORE, BE IT RESOLVED AND DETERMINED**, as follows:

**I. CERTIFICATION OF THE FINAL EIR**

The Planning Commission recommends that the City Council of the City of Antioch (the "City Council") certify that it has been presented with the Final EIR and that it has reviewed and considered the information contained in the Final EIR prior to making the following findings and statement of overriding considerations in Section II, below.

Pursuant to CEQA Guidelines Section 15090 (Title 14 of the California Code of Regulations, Section 15090) the Planning Commission recommends that the City Council certify that the Final EIR has been completed in compliance with CEQA and the State CEQA Guidelines. The Planning Commission recommends that the City Council certify the Final EIR for the Project as described above.

The Planning Commission recommends that the City Council further certify that the Final EIR reflects its independent judgment and analysis.

**II. FINDINGS**

Having received, reviewed, and considered the Final EIR and other information in the record of proceedings, the Planning Commission recommends that the City Council hereby adopt the following findings in compliance with CEQA and the CEQA Guidelines:

Part A: Findings regarding the environmental review process and the contents of the Final EIR.

Part B: Findings regarding the significant environmental impacts of the Project and the mitigation measures for those impacts identified in the Final EIR and adopted as conditions of approval, as well as the reasons that some potential mitigation measures are rejected.

Part C: Findings regarding the reasonableness of the range of alternatives evaluated in the Final EIR.

Because there are no significant impacts of the Project that cannot be reduced to a less-than-significant level through mitigation, the City Council need not adopt findings rejecting alternatives and the City Council need not adopt a Statement of Overriding Considerations.

The Planning Commission recommends that the City Council certify that these findings are based on full appraisal of all viewpoints, including all comments received up to the date of adoption of these findings, concerning the environmental issues identified and discussed in the Final EIR. The Planning Commission recommends that the City Council adopt the findings and the statement in Parts A and B for Project.

In addition to the findings regarding environmental impacts and mitigation measures, Part D, below, identifies the custodian and location of the record of proceedings, as required by CEQA.

Part D describes the Mitigation Monitoring Program for the Project. As described in Part E, the Planning Commission recommends that the City Council hereby adopt the Mitigation Monitoring Program as set forth in Exhibit B to these findings.

**A. Environmental Review Process**

**1. Notice of Preparation and Scoping Meeting**

On September 9, 2014, the City issued a Notice of Preparation announcing the intended preparation of the Draft EIR and describing its proposed scope. The Notice of Preparation had a 30-day review period until October 9, 2014. The City held a public scoping meeting for the Draft EIR on September 17, 2014 for the purpose of informing the public and receiving comments on the scope of the environmental analysis to be prepared for the Project. The scoping meeting was held at the City of Antioch Council Chambers, Third and "H" Streets, Antioch, CA 94509.

The City received four comment letters during the comment period on the Notice of Preparation, from state, regional, and local agencies and organizations.



## **2. Preparation of the EIR**

The City completed the Draft EIR for the Project and, beginning on June 23, 2015, the City made the Draft EIR available for review and comment. A notice of availability was published and the period for receipt of comments on the Draft EIR remained open for 45 days. Copies of the Draft EIR document were made available at the City of Antioch Community Development Department, located at Third and "H" Streets, Antioch, and on the City's website at: [www.ci.antioch.ca.us](http://www.ci.antioch.ca.us). In addition, a public hearing was held on July 15, 2015 to solicit public comments regarding the Draft EIR. During the comment period, the City received seven comment letters, from six state and local agencies and one organization.

The Final EIR was completed and available to commenting public agencies on or before December 28, 2015.

The Final EIR contains all of the comments received during and immediately after the public comment period, together with written responses to significant environmental issues raised in those comments, which were prepared in accordance with CEQA and the CEQA Guidelines.

The Planning Commission recommends that the City Council find and determine that the Final EIR provides adequate, good faith, and reasoned responses to all comments raising significant environmental issues.

## **3. Absence of Significant New Information**

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of the draft EIR but before certification of the final EIR. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The Guidelines provide examples of significant new information under this standard. Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

The Planning Commission recommends that the City Council recognize that the Final EIR incorporates information obtained by the City since the Draft EIR was completed, and contains additions, clarifications, modifications, and other changes. With respect to this information, the Planning Commission recommends that the City Council find as follows:

***Changes to Mitigation Measures.*** As described in the Final EIR (Revisions to the Draft EIR Text) and in the responses to comments, Mitigation Measures 4.3-2 and 4.3-9 have been modified. The modification to Measure 4.3-9 corrects a typographical

error by adding a cross reference to Figure 4.9-2. A new subsection (h), which requires a wood wire view fence along the southern site boundary, was added to Measure 4.3-2 based on discussions with biologist Geoff Monk, to further ensure protection of wildlife using Sand Creek and immediately adjacent land. In addition, Mitigation Measures 4.3-2(b), 4.3-3, 4.3-4(a), 4.3-5, and 4.3-8(b) were modified to add the option of compliance with an interim or adopted HCP should the City of Antioch pursue one. Addition of these measures will not result in a new significant impact or a substantial increase in the severity of a previously disclosed environmental impact. Therefore, in accordance with CEQA and the CEQA Guidelines, no recirculation of the EIR is necessary based on changes or additions to the mitigation measures in the Final EIR.

***Other Changes.*** Various minor changes and edits have been made to the text and tables of the Draft EIR, as described in the Final EIR. These changes are generally of an administrative nature such as correcting typographical errors, making minor adjustments to the data, and adding or changing certain phrases to improve readability. The Planning Commission recommends that the City Council find that these changes are of a minor, non-substantive nature and do not require recirculation of the EIR.

In addition to the changes and corrections described above, the Final EIR provides additional information in response to comments and questions from agencies and the public. The Planning Commission recommends that the City Council find that this additional information does not constitute significant new information requiring recirculation, but rather that the additional information clarifies or amplifies an adequate EIR.

Finally, the Final EIR clarifies that the Project could be developed as either a single-family market-rate residential community or as an age-restricted “active adult” residential community. Recognition of the flexibility to construct age-restricted active adult housing would not result in new significant impacts or a substantial increase in the severity of Project impacts for the following reasons:

**Aesthetics:** Construction of age-restricted active adult units would not increase the height of the proposed housing units, and therefore would not result in a greater effect on scenic views than construction of unrestricted market units. Similarly, age-restricted active adult units would not necessitate removal of a greater number of trees compared to construction of unrestricted market-rate units, would not change the overall visual character of the proposed project, and would not introduce more light and glare than unrestricted market-rate units. There would be no change to the project’s effects on scenic resources, the visual quality of the site and its surroundings, and light and glare.

**Air Quality and Greenhouse Gas Emissions:** Construction of age-restricted active adult units would occur on the same development footprint as the proposed construction of unrestricted market rate units, and would use the same construction techniques. Therefore, there would be no change in project-generated construction emissions. Active adult units tend to be occupied by smaller average households and

tend to generate fewer vehicular trips than unrestricted market rate housing. Accordingly, vehicular emissions, including criteria pollutant emissions, carbon monoxide, toxic air contaminants, and greenhouse gases, associated with age-restricted active adult housing would not be greater than emissions associated with occupancy of unrestricted market-rate housing. New odors would not be introduced by age-restricted active adult units.

Biological Resources: Construction of age-restricted active adult units would not necessitate any change to the proposed project footprint, and therefore would not change the project's effect on biological resources.

Cultural Resources: Construction of age-restricted active adult units would not necessitate any change to the proposed project footprint, and therefore would not change the project's effect on cultural resources.

Geology, Soils & Mineral Resources: Construction of age-restricted active adult units would not necessitate any change to the proposed project footprint, and would not change the applicable building standards that address seismic safety. Therefore, impacts related to geology, soils and mineral resources would not.

Hazards & Hazardous Materials: Construction of age-restrictive active adult units would not result in any change to the transport, use or disposal of hazardous materials, and would not change the project footprint or location. There would be no change to the risk of upset, potential for wildland fires, or emergency access.

Hydrology and Water Quality: Construction of age-restricted active adult units would not necessitate any change to the proposed project footprint or construction techniques, and therefore would not change the project's effect on hydrology and water quality.

Land Use & Planning/ Agricultural Resources: Page 4.8-5 of the Draft EIR recognizes that senior housing may be developed in any of the residential areas of the Sand Creek Focus Area. Construction of age-restricted housing units would not physically divide a community or result in increased incompatibility with adjacent land uses, in comparison to unrestricted market rate housing. Age-restricted housing is consistent with the General Plan and Sand Creek Specific Plan, as recognized on page 4.8-5 of the Draft EIR. There would be no change to the project footprint, and therefore there would be no change to effects on agricultural resources.

Noise: Construction of age-restricted active adult units would not result in changes to noise-generating construction equipment or to noise from project operations.

Public Services, Recreation & Utilities: Age-restricted active adult units tend to be occupied by smaller average households than unrestricted market rate units, and therefore tend to result in lower water demand and sewerage demand than unrestricted market rate units. Age-restricted active adult units also result in substantially less

demand for school facilities. The same amount of park property would be provided by the project, and there would be no change in demand for public services and utilities such that construction of new facilities would be needed.

Transportation and Circulation: Age-restricted active adult units tend to be occupied by smaller average households and tend to generate fewer vehicular trips than unrestricted market rate housing. Accordingly, there would be no increase in transportation and circulation impacts.

In sum, the Planning Commission recommends that the City Council find that the additional information, including the changes described above, does not show that:

- (1) A new significant environmental impact would result from the Project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the Project, but the Project's proponents decline to adopt it.
- (4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Based on the foregoing, and having reviewed the information contained in the Final EIR and in the record of the City's proceedings, including the comments on the Draft EIR and the responses thereto, and the above-described information, the Planning Commission recommends that the City Council hereby find that no significant new information has been added to the Final EIR since public notice was given of the availability of the Draft EIR that would require recirculation of the EIR.

#### **4. Differences of Opinion Regarding the Impacts of the Project**

In making its determination to certify the Final EIR and to approve the Project, the Planning Commission recommends that the City Council recognize that a range of technical and scientific opinion exists with respect to certain environmental issues. The Planning Commission recommends that the City Council acknowledge that it has acquired an understanding of the range of this technical and scientific opinion by its review of the Draft EIR, the comments received on the Draft EIR and the responses to those comments in the Final EIR, as well as testimony, letters, and reports regarding the Final EIR and its own experience and expertise in these environmental issues. The Planning Commission recommends that the City Council acknowledge that it has

reviewed and considered, as a whole, the evidence and analysis presented in the Draft EIR, the evidence and analysis presented in the comments on the Draft EIR, the evidence and analysis presented in the Final EIR, the information submitted on the Final EIR, and the reports prepared by the experts who prepared the EIR, by the City's consultants, and by staff, addressing those comments. The Planning Commission recommends that the City Council acknowledge that it has gained a comprehensive and well-rounded understanding of the environmental issues presented by the Project. The Planning Commission recommends that the City Council acknowledge that in turn, this understanding has enabled the City Council to make its decisions after weighing and considering the various viewpoints on these important issues. The Planning Commission recommends that the City Council accordingly certify that its findings are based on full appraisal of all of the evidence contained in the Final EIR, as well as the evidence and other information in the record addressing the Final EIR.

## **B. Impacts and Mitigation Measures**

The Planning Commission recommends that the City Council acknowledge that these findings provide the written analysis and conclusions of the City Council regarding the environmental impacts of the Project and the mitigation measures identified by the Final EIR and adopted by the City Council as conditions of approval for the Project.

The Planning Commission recommends that the City Council acknowledge that in making these findings, the City Council has considered the opinions of other agencies and members of the public, including opinions that disagree with some of the analysis and significance thresholds used in the EIR. The Planning Commission recommends that the City Council acknowledge that the City Council finds that the determination of significance thresholds is a judgment within the discretion of the City Council; the significance thresholds used in the EIR are supported by substantial evidence in the record, including the expert opinion of the EIR preparers and City staff; and the significance thresholds used in the EIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project.

In particular, the EIR relied on significance criteria for evaluating impacts that are tailored to this type of project. The criteria used in this EIR to determine whether an impact is or is not "significant" are based on (a) CEQA-stipulated "mandatory findings of significance" listed in CEQA Guidelines section 15065; (b) the relationship of the Project effect to the adopted policies, ordinances and standards of the City and of responsible agencies; and (c) commonly accepted practice and the professional judgment of the EIR authors and City staff.

Exhibit A attached to these findings and incorporated herein by reference summarizes the environmental determinations of the Final EIR about the Project's significant impacts before and after mitigation. This exhibit does not attempt to describe the full analysis of each environmental impact contained in the Final EIR. Instead, Exhibit A provides a summary description of each significant impact, describes the applicable mitigation measures identified in the Final EIR and recommended for

adoption by the City Council, and states the City Council's findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Final EIR and these findings hereby incorporate by reference the discussion and analysis in the Final EIR supporting the Final EIR's determinations regarding the Project's impacts and mitigation measures designed to address those impacts. In making these findings, the Planning Commission recommends that the City Council ratify, adopt, and incorporate the analysis and explanation in the Final EIR, and ratify, adopt, and incorporate in these findings the determinations and conclusions of the Final EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

The Planning Commission recommends that the City Council adopt, and incorporate as conditions of approval of the Project, the mitigation measures set forth in the Mitigation Monitoring Program attached to these findings as Exhibit B to reduce or avoid the potentially significant and significant impacts of the Project. The Planning Commission recommends that the City Council acknowledge that in adopting these mitigation measures, the City Council intends to adopt each of the mitigation measures recommended for approval by the Final EIR. Accordingly, in the event a mitigation measure recommended in the Final EIR has inadvertently been omitted from Exhibit B, such mitigation measure is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing a mitigation measure set forth in Exhibit B fails to accurately reflect the mitigation measures in the Final EIR due to a clerical error, the language of the mitigation measure as set forth in the Final EIR shall control, unless the language of the mitigation measure has been specifically and expressly modified by these findings.

The Planning Commission recommends that the City Council hereby find that the adopted mitigation measures are changes or alterations that have been required in, or incorporated into, the Project which mitigate or avoid significant effects on the environment.

In comments on the Draft EIR, various measures were suggested by commenters as proposed additional mitigation measures or modifications to the mitigation measures identified by the EIR. No modifications were made to mitigation measures in response to such comments. Other comments requested minor modifications in mitigation measures identified in the Draft EIR, requested mitigation measures for impacts that were less than significant, or requested additional mitigation measures for impacts as to which the Draft EIR identified mitigation measures that would reduce the identified impact to a less than significant level; these requests are declined as unnecessary.

With respect to the additional measures suggested by commenters that were not added to the Final EIR, the Planning Commission recommends that the City Council hereby adopt and incorporate by reference the reasons set forth in the responses to

comments contained in the Final EIR as its grounds for rejecting adoption of these mitigation measures.

### **C. Alternatives**

#### **1. Summary of Discussion of Alternatives in the Final EIR**

The Final EIR evaluates three potential alternatives to the Project. The EIR examines the environmental impacts of each alternative in comparison with the Project and the relative ability of each alternative to satisfy project objectives.

#### **2. Findings Relating to Alternatives**

In making these findings, the Planning Commission recommends that the City Council certify that it has independently reviewed and considered the information on alternatives provided in the Final EIR, including the information provided in comments on the Draft EIR and the responses to those comments in the Final EIR. The Final EIR's discussion and analysis of these alternatives is not repeated in these findings, but the discussion and analysis of the alternatives in the Final EIR is incorporated in these findings by reference.

The Final EIR describes and evaluates in detail three alternatives to the Project. The Planning Commission recommends that the City Council acknowledge that as set forth in section B above, the City Council has adopted mitigation measures that reduce all of the significant environmental effects of the Project to a less-than-significant level. Accordingly, CEQA does not require the City Council to adopt findings rejecting alternatives to the Project. Nevertheless, The Planning Commission recommends that the City Council acknowledge that the reasons for the City Council's decision to approve the Project instead of the remaining alternatives are presented below. The Planning Commission recommends that the City Council find that the Project would satisfy the Project Objectives, and the remaining alternatives are unable to satisfy the project objectives to the same degree as the Project. The Planning Commission recommends that the City Council further find that, on balance, none of the remaining alternatives has environmental advantages over the Project that are sufficiently great to justify approval of such an alternative instead of the Project, in light of each such alternative's inability to satisfy the project objectives to the same degree as the Project. Accordingly, the Planning Commission recommends that the City Council determine to approve the Project instead of approving one of the remaining alternatives.

##### **a. Description of Project Objectives**

The project objectives are:

- To implement the City's General Plan and Sand Creek Focus Area of the General Plan goals by creating an economically viable project that is capable of providing various infrastructure improvements that are able to serve the project and facilitate service to future planned

development, including trunk line infrastructure that is necessary for the ultimate development of the Sand Creek Focus Area of the General Plan, and public roadway improvements.

- To help the City of Antioch provide its fair share of housing, and help alleviate a regional housing shortage, by providing a mix of housing types and sizes, some moderately affordable, and which can meet the needs of a variety of different and growing household sizes.
- To provide Antioch's first residential gated community, and make it compatible with the surrounding residential uses, yet a visually identifiable community that is at a scale and quality similar to gated residential developments in the greater East Bay.
- To provide onsite amenities and recreational opportunities, such as a pool club and a private sports park, and provide a Sand Creek trail connection.
- To provide housing near major transportation and regional trails connections, with increased land use intensities near regional transportation connections.
- To create a community that is family friendly or that could accommodate senior residents.
- To implement the County's Growth Management Program by providing for urban development within the Urban Limit Line. To contribute to the City of Antioch's economic and social viability by creating a community that attracts investment and positive attention.

**b. Discussion and Findings Relating to the Alternatives Evaluated in the Draft EIR**

Chapter 6 of the Draft EIR evaluates the following three alternatives, which are summarized below:

- No Project (No Build) Alternative;
- Buildout Pursuant to Existing General Plan Alternative; and
- Executive Residential Alternative.

**No Project (No Build) Alternative.**

Under CEQA, a "No-Project Alternative" compares the impacts of proceeding with a proposed project with the impacts of not proceeding with the proposed project. A No-Project Alternative describes the environmental conditions in existence at the time the Notice of Preparation was published, along with a discussion of what would be reasonably expected to occur at the site in the foreseeable future, based on current plans and consistent with available infrastructure and community services.



The No Project (No Build) Alternative is defined in the Draft EIR as the continuation of the existing conditions of the Project site, which is currently disturbed, vacant, agricultural land. Because implementation of the No Project (No Build) Alternative would result in the site remaining under current conditions, physical environmental impacts would not occur. Therefore, implementation of the No Project (No Build) Alternative would result in fewer overall impacts compared to that of the Project. However, the No Project (No Build) Alternative would not meet any of the project objectives.

On balance, the environmental benefits that might be achieved with this alternative are outweighed by its failure to achieve any of the project objectives, and the Planning Commission recommends that the City Council reject this alternative.

#### **Buildout Pursuant to Existing General Plan Alternative.**

The Buildout Pursuant to Existing General Plan Alternative would include the development of 16 two-story office buildings on 131 acres of the 141.6-acre Project site for a total of 2,600,000 sf. The Buildout Pursuant to Existing General Plan Alternative would eliminate the single-family housing units and would include a 2.77-acre park in the center of the site. The buildings and streets would be laid out in a grid-style with predominantly east-west building orientations. Building sizes would average 150,000 sf and would range from 60,000 sf to 280,000 sf. Under the Buildout Pursuant to Existing General Plan Alternative, the centrally located park parcel would be increased from 2.1 acres to 2.77 acres and the water quality detention basin would remain unchanged. Overall, the Buildout Pursuant to Existing General Plan Alternative would eliminate the residential units and introduce business park uses to the site.

The Draft EIR determined that the Buildout Pursuant to Existing General Plan Alternative would achieve few of the Project's objectives. It would also result in greater impacts related to transportation and circulation, noise, and air quality, relative to the Project.

On balance, the environmental benefits that might be achieved with this alternative are outweighed by its failure to achieve any of the project objectives, and the Planning Commission recommends that the City Council reject this alternative.

#### **Executive Residential Alternative.**

The Executive Residential Alternative would include the construction of 232 large-lot single family residences on 131 acres. The Executive Residential Alternative would reduce the total number of dwelling units from 650 to 232, a reduction of approximately 64 percent. This alternative would incorporate two parks on the Project site.

The Draft EIR determined that the Executive Residential Alternative would achieve some of the Project's objectives and would result in fewer impacts than the

Project in several resource areas. On balance, the environmental benefits that might be achieved with this alternative are outweighed by its failure to achieve all of the project objectives. The Planning Commission recommends that the City Council reject this alternative.

**c. Findings Regarding Reasonable Range of Alternatives**

The Planning Commission recommends that the City Council find that the range of alternatives evaluated in the EIR reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the Project's environmental effects, while accomplishing most but not all of the project objectives. The Planning Commission recommends that the City Council find that the alternatives analysis is sufficient to inform the City Council and the public regarding the tradeoffs between the degree to which alternatives to the Project could reduce environmental impacts and the corresponding degree to which the alternatives would hinder the City's ability to achieve the project objectives.

**D. Record of Proceedings**

Various documents and other materials constitute the record upon which the Planning Commission recommends that the City Council base these findings and the approvals contained herein. The location and custodian of these documents and materials is: Forrest Ebbs, Community Development Director, City of Antioch, 200 H Street, Antioch, CA 94509.

**E. Mitigation Monitoring Program**

In accordance with CEQA and the CEQA Guidelines, the City Council must adopt a mitigation monitoring program to ensure that the mitigation measures adopted herein are implemented. The Planning Commission recommends that the City Council hereby adopt the Mitigation Monitoring Program for the Project attached to these findings as Exhibit B.

**NOW THEREFORE BE IT FURTHER RESOLVED** that the Environmental Impact Report for the Promenade/Vineyards at Sand Creek Project is HEREBY RECOMMENDED FOR CERTIFICATION pursuant to the California Environmental Quality Act. All feasible mitigation measures for the Project identified in the Environmental Impact Report and accompanying studies are hereby incorporated into this approval.

\* \* \* \* \*

RESOLUTION NO. 2016-\*\*

JANUARY 6, 2016

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I HEREBY CERTIFY that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 6th day of January, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

FORREST EBBS

Secretary to the Planning Commission

**EXHIBIT A**

**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| TABLE 2-1<br>SUMMARY OF IMPACTS AND MITIGATION MEASURES   |   |  |  |
|---|---|--|--|
| Impact  | Level of Significance Prior to Mitigation | Mitigation Measures  | Level of Significance After Mitigation |
| <b>4.1 Aesthetics</b>   |   |  |  |
| <b>4.1-1</b> Substantial adverse effect on a scenic vista.  | LS  | <i>None required.</i>  | N/A                                    |
| <b>4.1-2</b> Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State scenic highway. | NI  | <i>None required.</i>  | N/A                                    |
| <b>4.1-3</b> Degradation of the existing visual character or quality of the project site and/or the site's surroundings.  | LS  | <i>None required.</i>  | N/A                                    |
| <b>4.1-4</b> Creation of new sources of substantial light or glare that would adversely affect day or nighttime views in the area.                                | PS  | 4.1-4 Prior to approval of Improvement Plans that include street lights, the City of Antioch's Engineering Division shall review and approve the lighting specifications to ensure that lighting fixtures comply with the Zoning Code's requirements for minimum and maximum ground level illumination. In addition, prior to approval of building permits for new structures that include exterior lighting, the City of Antioch's Planning Division shall review and approve the exterior lighting specifications to ensure exterior lighting is of a low profile and intensity. | LS                                     |

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| <b>Impact</b>   | <b>Level of Significance Prior to Mitigation</b> | <b>Mitigation Measures</b>   | <b>Level of Significance After Mitigation</b> |
|---|--|--|---|
| <b>4.1-5</b> Long-term changes in visual character of the region associated with cumulative development of the proposed project in combination with future buildout in the City of Antioch. | LS   | <i>None required.</i>  | N/A   |
| <b>4.2 Air Quality and GHG Emissions</b>  |  |  |   |
| <b>4.2-1</b> Generation of short-term construction-related criteria air pollutant emissions.  | PS   | <p><b>4.2-1</b> Prior to issuance of a grading permit, the project applicant shall show on the grading plans via notation that the contractor shall ensure that:</p> <ul style="list-style-type: none"> <li>• All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded are, and unpaved access roads) shall be watered two times per day.</li> <li>• All haul trucks transporting soil, sand, or other loose material off-site shall be covered.</li> <li>• All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day.</li> <li>• All vehicle speeds on unpaved roads shall be limited to 15 mph.</li> <li>• All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders</li> </ul> | LS  |

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact  | Level of<br>Significance<br>Prior to<br>Mitigation | Mitigation Measures  | Level of<br>Significance<br>After<br>Mitigation |
|---|--|--|---|
|   |  | <p><i>are used.</i></p> <ul style="list-style-type: none"> <li><i>Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes. Clear signage shall be provided for construction visible emissions evaluator.</i></li> <li><i>All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.</i></li> <li><i>Post a publicly visible sign with the telephone number and person to contact at the City of Antioch regarding dust complaints. This person shall be respond and take corrective action within 48 hours. The Air District's phone number shall also visible to ensure compliance with applicable regulations.</i></li> <li><i>All diesel-powered equipment larger than 200 horsepower (i.e., rubber tired dozers, scrapers, and cranes) and diesel-powered graders shall meet USEPA emissions standards for Tier 2 engines or equivalent.</i></li> </ul> <p><i>The grading plans shall be submitted for review and approval by the City Engineer.</i></p> |   |
| <b>4.2-2 Generation of long-term operational criteria air pollutant emissions and a</b> | LS   | None required.   | N/A   |

| TABLE 2-1<br>SUMMARY OF IMPACTS AND MITIGATION MEASURES  |   |  |  |
|--|---|--|--|
| Impact   | Level of Significance Prior to Mitigation | Mitigation Measures  | Level of Significance After Mitigation |
| conflict with or obstruction of implementation of regional air quality plans.                                  |   |  |  |
| 4.2-3 Exposure of sensitive receptors or the general public to substantial levels of pollutant concentrations. | LS  | <i>None required.</i>  | N/A                                    |
| 4.2-4 Creation of objectionable odors affecting a substantial number of people.                                | LS  | <i>None required.</i>  | N/A                                    |
| 4.2-5 Generation of a cumulatively considerable contribution to criteria air pollutant emissions.              | LS  | <i>None required.</i>  | N/A                                    |
| 4.2-6 Generation of a cumulatively considerable contribution to GHG emissions,                                 | LS  | <i>None required.</i>  | N/A                                    |
| 4.3 Biological Resources   |   |  |  |
| 4.3-1 Impacts to special-status plants.  | LS  | <i>None required.</i>  | N/A                                    |
| 4.3-2 Impacts to the California red-legged frog.   | PS  | 4.3-2(a) Prior to the issuance of a grading permit for project site grading and the installation of the outfall structure in Sand Creek, an education program shall be conducted by a qualified biologist to explain the endangered species concerns to contractors/operators working at the project site. This education/training program shall include a description of the frog and its habitat, a review of the Endangered Species Act and the federal listing of the frog, the general protection | LS                                     |



**TABLE 2-1**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures   | Level of Significance After Mitigation |
|--------|---|---|--|
|        |   | <p><i>measures to be implemented to protect the frog and minimize take, and a delineation of the limits of the work area.</i></p> <p><i>4.3-2(b) A qualified 10(a)(1)(A) biologist shall conduct preconstruction surveys of the creek work areas no more than 14 days prior to dewatering and other work activities. If any California red-legged frogs are identified in the work area, the Service and the Department shall be notified and, if permitted, relocated outside of the work area. Alternatively, the project applicant could comply with one of the following:</i></p> <p><i>1) Comply with the applicable terms and conditions of the ECCC 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 ECCC HCP/NCCP Covered Species; or</i></p> <p><i>2) Comply with a habitat conservation plan and/or natural community conservation plan developed and adopted by the City, including payment of applicable fees, provided that</i></p> |  |

**TABLE 2-1**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures   | Level of Significance After Mitigation |
|--------|---|---|--|
|        |   | <p><i>CDFW and FWS have approved the conservation plan.</i></p> <p><i>4.3-2(c) The work areas adjacent to Sand Creek shall be isolated with suitable amphibian exclusion fencing (see below) that would block the movement of California red-legged frogs from entering the work areas. This fence shall be installed prior to the time any site grading or other construction-related activities are implemented. The fence shall remain in place during site grading or other construction-related activities and shall prevent frogs from entering the project site work areas.</i></p> <p><i>While normally California red-legged frog exclusion fencing consists of silt fencing, owing to the duration of the development project, a more weather resilient fence is recommended. The exclusion fence shall consist of a 4-foot wall of 1/4-inch mesh, galvanized wire (i.e., welded wire hardware cloth- no woven wire would be allowed) or other commercially available exclusion fencing (e.g. ERTEC Fence). Initially, staking would be installed along the route of the exclusion fencing in a 4 inch deep trench. Then, the bottom of the fence would be firmly seated in the trench. The fencing above the ground would be anchored to metal staking with wire. Finally, the top 10-inches or less</i></p> |  |

**TABLE 2-1**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures  | Level of Significance After Mitigation |
|--------|---|--|--|
|        |   | <p>would be bent over in a semi-circle towards the outside of the fence to ensure that the fence cannot be climbed. This fence would be expected to last the duration of the construction period for the development project.</p> <p>4.3-2(d) A qualified biologist shall be onsite when grading activities occur within 300 feet of Sand Creek to conduct daily inspections of the fencing and to otherwise ensure that stranded animals are salvaged and relocated back to the stream channel. The biological monitor shall be responsible for ensuring that the wildlife exclusion fencing is not compromised, and shall notify the onsite contractor representative when fencing needs to be repaired.</p> <p>4.3-2(e) All construction work in Sand Creek associated with the outfall structure shall be scheduled for the dry season (May 15 through October 15) and when there is reduced flow in Sand Creek. No work shall occur when water is flowing within the work area. Any necessary in-drainage work when there are flows shall be isolated from flows via the installation of temporary coffer dams that have flow-through bypass pipes. Flows shall be diverted around isolated work areas either by gravity flow or if necessary by pumping water around the work area. No silty water shall be allowed to reenter the</p> |  |

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of<br>Significance<br>Prior to<br>Mitigation | Mitigation Measures   | Level of<br>Significance<br>After<br>Mitigation |
|--------|--|---|---|
|        |  | <p><i>tributary below any in-drainage work area. Methods and materials shall be adapted in the field to match the size, shape, and anticipated flow volume of the drainage, and pre-approved by the biological monitor. All diversions shall conform to the following provisions:</i></p> <ul style="list-style-type: none"> <li><i>• Drainage diversion shall be practiced only where deemed unavoidable by the proposed project engineer and biological monitor.</i></li> <li><i>• Diversion shall be limited to the minimum time period necessary to complete the work and restore the channel.</i></li> <li><i>• Construction equipment would work from above the top-of-bank unless equipment is authorized to operate below the top-of-bank by the Department, Service, USACE, and/or RWQCB pertaining to their respective jurisdictions. Unless permitted by these agencies within their respective jurisdictions, there shall be no vehicle passage, vehicle parking, or materials storage below the top of bank.</i></li> <li><i>• All in-drainage and diversion work plans shall reflect and incorporate standard erosion control measures and BMP's as prescribed in the Project's SWPPP.</i></li> <li><i>• In certain cases where water seeps into the</i></li> </ul> |   |

**TABLE 2-1**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of<br>Significance<br>Prior to<br>Mitigation | Mitigation Measures  | Level of<br>Significance<br>After<br>Mitigation |
|--------|--|--|---|
|        |  | <p>dewatered area, sump pits may be excavated in the work area and seepage water would then be pumped back upstream behind the coffer dam. All discharged water shall be silt free. If silt is a problem, water shall be pumped through a silt sock into baker tank(s) prior to discharge back into the channel.</p> <ul style="list-style-type: none"> <li>• All downstream flows shall be maintained throughout the period that coffer dams are installed.</li> <li>• The entire work area below the top of bank, including the coffer dam location, shall be restored to the approximate pre-construction contours and would be stabilized as necessary to withstand the expected high water flows. All dam materials shall be completely removed from the channel when work is complete, and not be disposed of in or near the channel.</li> <li>• A qualified 10(a)(1)(A) biologist shall conduct preconstruction surveys for California red-legged frog prior to isolating any work area within Sand Creek. If any frogs are found in the work area, the Service and the Department shall be notified, and the frogs shall be moved from the work area to up or downstream areas of Sand Creek, whichever is closest to the capture site. Upon completion of the survey, coffer dams may be installed. Any isolated</li> </ul> |   |

**TABLE 2-1**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of<br>Significance<br>Prior to<br>Mitigation | Mitigation Measures   | Level of<br>Significance<br>After<br>Mitigation |
|--------|--|---|---|
|        |  | <p>water shall be seined by the proposed project biologist to search for frogs prior to pumping water out of the isolated work areas.</p> <ul style="list-style-type: none"> <li>• The project biological monitor shall be present during all in-drainage work. Dewatered work areas shall not result in stranded aquatic wildlife.</li> <li>• All trash that might attract predators to the project site shall be properly contained and removed from the site and disposed of regularly. All construction debris and trash shall be removed from the site when construction activities are complete.</li> <li>• All fueling and maintenance of equipment and vehicles, and staging areas shall be at least 20 meters from Sand Creek. The construction personnel shall ensure that contamination of California red-legged frog habitat does not occur and shall have a plan to promptly address any accidental spills.</li> </ul> <p>4.3-2(f) To mitigate for impacts to federally listed species, including impacts to the California red-legged frog, the applicant shall preserve 272 acres as offsite mitigation (hereinafter called the Marsh Creek Property) located off Marsh Creek Road in eastern Contra Costa County. An alternative mitigation property approved by the Service that</p> |   |

**TABLE 2-1**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of<br>Significance<br>Prior to<br>Mitigation | Mitigation Measures   | Level of<br>Significance<br>After<br>Mitigation |
|--------|--|---|---|
|        |  | <p><i>possesses comparable biological resources for the affected federally listed species may also be used for mitigation in lieu of the Marsh Creek Property. The Marsh Creek Property is located immediately north of and adjacent to East Bay Regional Park District's (EBRPD) Round Valley Regional Preserve. The geographic location of the Marsh Creek Property adjacent to EBRPD Round Valley Regional Park makes it a valuable preservation property that would add permanently preserved acreage to existing regionally significant preserved lands (Round Valley Regional Preserve).</i></p> <p><i>There is a 1982 record for California red-legged frogs along Marsh Creek on the Marsh Creek Property (CNDDDB Occurrence No. 546), and a total of 79 reported occurrences of California red-legged frogs within 5 miles of the property. Hence, the habitat to be preserved at this mitigation property supports grassland habitat that provides upland dispersal habitat and aquatic habitat for California red-legged frogs, and Marsh Creek provides potential breeding habitat for California red-legged frog. The combination of breeding habitat in proximity to suitable upland habitat is most important for the ongoing viability of the California red-legged frog populations.</i></p> |   |

**TABLE 2-1**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of<br>Significance<br>Prior to<br>Mitigation | Mitigation Measures   | Level of<br>Significance<br>After<br>Mitigation |
|--------|--|---|---|
|        |  | <p><i>While the proposed project would not likely impact the California tiger salamander, preservation of the Marsh Creek Property shall nonetheless provide benefits to this salamander. There is a 1982 record for California tiger salamander in a pond in annual grassland adjacent to Marsh Creek, located 0.24 mile upstream from the Marsh Creek Property (CNDDDB Occurrence No. 170), and a total of 69 reported occurrences of California tiger salamanders within 5 miles of the Marsh Creek Property. Owing to the abundance of known California tiger salamander records in the vicinity of the Marsh Creek Property and the presence of a robust California ground squirrel colony within the grasslands on the property, which provide necessary refugia habitats for California tiger salamanders, the Marsh Creek Property would most likely be regarded by the U.S. Fish and Wildlife Service and the Department of Fish and Wildlife as supporting suitable upland over-summering habitat for this salamander. Therefore, the proposed mitigation site would provide appropriate mitigation for impacts to 141.6 acres of long-term disked agricultural land (has been farmed annually since at least 1945 based upon aerial photograph research completed by M&amp;A).</i></p> |   |



**TABLE 2-1**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| <b>Impact</b>                                    | <b>Level of Significance Prior to Mitigation</b> | <b>Mitigation Measures</b>  | <b>Level of Significance After Mitigation</b> |
|--|--|---|---|
|  |  | <p>4.3-2(g) <i>The project proponent shall record a conservation easement over the Marsh Creek Property preserving it in perpetuity as wildlife habitat. The easement shall be granted to a qualified conservation organization such as the EBRPD. The project proponent shall also establish an endowment fund to provide for the long-term management, maintenance, and monitoring of the mitigation site. A Resource Management Plan (RMP) shall be developed for the management of natural resources to be preserved on the Marsh Creek Property.</i></p> <p>4.3-2(h) <i>Prior to approval of Improvement Plans, the City of Antioch's Engineering Division shall review and approve the Improvement Plans to ensure that the Plans show and note that a wood wire view fence shall be constructed along the southern project site boundary. The fence shall be placed on the Sand Creek side of any trail constructed as part of the project, and shall be located at least 100 feet away from the centerline of Sand Creek.</i></p> |   |
| <b>4.3-3 Impacts to the western pond turtle.</b> | PS   | 4.3-3 <i>A qualified biologist shall conduct a preconstruction survey of the work area in Sand Creek, and if a western pond turtle is identified in the work area, the turtle will be relocated to suitable habitat downstream. The work areas adjacent to Sand Creek shall be isolated with</i>  | LS  |

**TABLE 2-1**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of<br>Significance<br>Prior to<br>Mitigation | Mitigation Measures  | Level of<br>Significance<br>After<br>Mitigation |
|--------|--|--|---|
|        |  | <p><i>exclusion fencing that will prevent western pond turtle from entering the work site and accidentally being harmed by construction activities.</i></p> <p><i>The deeply incised channel with steep slopes makes it very unlikely that a western pond turtle would climb up onto the project site to nest. As such, no potential nesting sites are likely to be affected by the proposed project. Regardless, preconstruction surveys for turtle nest sites in uplands adjacent to suitable aquatic habitat during spring and summer months shall be conducted within 30 days prior to beginning any activities. If no nests are found, no further consideration for western pond turtle nests is warranted. If nest sites are located during preconstruction surveys adjacent to a proposed work area, the nest site plus a 50-foot buffer around the nest site shall be fenced where it intersects a project work area to avoid impacts to the eggs or hatchlings which overwinter at the nest site. In addition, if nest(s) are located during surveys, moth balls (naphthalene) should be sprinkled around the vicinity of the nest (no closer than 10 feet) to mask human scent and discourage predators.</i></p> <p><i>Construction at the nest site and within the 50-foot buffer area shall be delayed until the young leave</i></p> |   |

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of<br>Significance<br>Prior to<br>Mitigation | Mitigation Measures  | Level of<br>Significance<br>After<br>Mitigation |
|--------|--|--|---|
|        |  | <p><i>the nest (this could be a period of many months) or as otherwise advised and directed by the Department, the agency responsible for overseeing the protection of the pond turtle. If the Department allows translocation of any nestling pond turtles this shall be completed by a qualified biologist under the direction of the Department.</i></p> <p><i>A 272 acre Mitigation Property shall be preserved along Marsh Creek Road in eastern Contra Costa County (or an alternative mitigation property with comparable biological resource values may also be used for mitigation in lieu of the Marsh Creek Property) to compensate for project related impacts to the California red-legged frog and the San Joaquin kit fox (see mitigation measures for these two species). Marsh Creek runs west to east through the Marsh Creek Property. This creek supports optimal western pond turtle basking pools and supports suitable nesting habitat that can be used by the western pond turtle. Thus, the permanent preservation of the Marsh Creek Property required to compensate for project impacts to the California red-legged frog and the San Joaquin kit fox will also benefit the western pond turtle. Alternatively, the project applicant could comply with one of the following:</i></p> |   |

**TABLE 2-1**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact   | Level of Significance Prior to Mitigation | Mitigation Measures   | Level of Significance After Mitigation |
|--|---|---|--|
|  |   | <p>1) <i>Comply with the applicable terms and conditions of the ECCC 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 ECCC HCP/NCCP Covered Species; or</i></p> <p>2) <i>Comply with a 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.</i></p> |  |
| <b>4.3-4 Impacts to western burrowing owl.</b> | PS  | <p>4.3-4(a) <i>Within 14 days of commencement of ground disturbance, burrowing owl surveys shall be conducted by walking the entire project site and (where possible) in areas within 150 meters (approx. 500 feet) of the proposed project impact zone. The 150-meter buffer zone is surveyed to identify burrows and owls outside of the proposed project area which may be impacted by factors such as noise and vibration (heavy equipment) during project construction.</i></p> <p><i>Pedestrian survey transects shall be spaced to</i></p>   | LS                                     |

**TABLE 2-1**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of<br>Significance<br>Prior to<br>Mitigation | Mitigation Measures  | Level of<br>Significance<br>After<br>Mitigation |
|--------|--|--|---|
|        |  | <p><i>allow 100 percent visual coverage of the ground surface. The distance between transect center lines shall be 7 meters to 20 meters and shall be reduced to account for differences in terrain, vegetation density, and ground surface visibility. Poor weather may affect the surveyor's ability to detect burrowing owls thus, avoid conducting surveys when wind speed is greater than 20 kilometers per hour and there is precipitation or dense fog. To avoid impacts to owls from surveyors, owls and/or occupied burrows shall be avoided by a minimum of 50 meters (approx. 160 ft.) wherever practical to avoid flushing occupied burrows. Disturbance to occupied burrows shall be avoided during all seasons. Alternatively, the project applicant could comply with one of the following:</i></p> <p><i>1) Comply with the applicable terms and conditions of the ECCC 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 ECCC/HCP/NCCP Covered Species; or</i></p> <p><i>2) Comply with a habitat conservation plan</i></p> |   |

**TABLE 2-1**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures  | Level of Significance After Mitigation |
|--------|---|--|--|
|        |   | <p><i>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.</i></p> <p><i>4.3-4(b) If burrowing owls are detected on the site, the following restricted activity dates and setback distances are recommended per the Department's Staff Report (2012):</i></p> <ul style="list-style-type: none"> <li><i>From April 1 through October 15, low disturbance and medium disturbance activities shall have a 200 meter buffer while high disturbance activities shall have a 500 meter buffer from occupied nests.</i></li> <li><i>From October 16 through March 31, low disturbance activities shall have a 50 meter buffer, medium disturbance activities shall have a 100 meter buffer, and high disturbance activities shall have a 500 meter buffer from occupied nests.</i></li> <li><i>No earth-moving activities or other disturbance shall occur within the aforementioned buffer zones of occupied burrows. These buffer zones shall be fenced as well. If burrowing owls were found in the proposed project area, a qualified biologist would also</i></li> </ul> |  |

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| <b>Impact</b>                            | <b>Level of Significance Prior to Mitigation</b> | <b>Mitigation Measures</b>   | <b>Level of Significance After Mitigation</b> |
|--|--|--|---|
|  |  | <p><i>need to delineate the extent of burrowing owl habitat on the site.</i></p> <p><i>4.3-4(c) The proposed preservation of the Marsh Creek Mitigation Property shall preserve 272 acres that will benefit western burrowing owls. The permanent preservation of this mitigation land provides suitable mitigation for impacts that would occur to 141.6 acres of marginal western burrowing owl habitat. The Marsh Creek Property supports grassland habitat and a robust California ground squirrel population that provides suitable habitat for western burrowing owls.</i></p>   |   |
| <b>4.3-5 Impacts to Swainson's hawk.</b> | PS   | <p><i>4.3-5 To avoid impacts to nesting Swainson's hawks, the Department has prepared guidelines for conducting surveys for Swainson's hawk entitled: Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (CDFG 2000). These survey recommendations were developed by the Swainson's Hawk Technical Advisory Committee (TAC) to maximize the potential for locating nesting Swainson's hawks, and thus, reduce the potential for nest failures as a result of project activities and/or disturbances. To meet the Department's recommendations for mitigation and protection of Swainson's hawks in this guideline, surveys shall be conducted by a qualified raptor</i></p> | LS  |

**TABLE 2-1**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of<br>Significance<br>Prior to<br>Mitigation | Mitigation Measures  | Level of<br>Significance<br>After<br>Mitigation |
|--------|--|--|---|
|        |  | <p><i>biologist for a 0.25-mile radius around all project activities and shall be completed for at least two survey periods as is found in the Department's 2000 survey guidelines (CDFG 2000). The guidelines provide specific recommendations regarding the number of surveys based on when the proposed project is scheduled to begin and the time of year the surveys are conducted. A copy of this survey report shall be provided to the City of Antioch prior to starting construction.</i></p> <p><i>The applicant shall prepare a Swainson's Hawk Monitoring and Habitat Management Plan if a qualified raptor biologist determines that a nest site could be impacted or project activities could otherwise cause "take" of the Swainson's hawk, its eggs, or young. If take could occur as determined by a qualified raptor biologist, protective buffers shall be established on the project site that shall prevent such take from occurring. The protective buffer shall be maintained until such time that the Swainson's hawks have completed their nesting cycle as determined by a qualified raptor biologist. The nest protection buffer shall be coordinated with the Department.</i></p> <p><i>In addition, the 272 acre Marsh Creek Mitigation Property (or an alternative mitigation property</i></p> |   |



**TABLE 2-1**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of<br>Significance<br>Prior to<br>Mitigation | Mitigation Measures  | Level of<br>Significance<br>After<br>Mitigation |
|--------|--|--|---|
|        |  | <p><i>with comparable biological resources) shall compensate for project related impacts from the loss of the 141.6 acres of project site farmland that constitutes suitable foraging habitat for the Swainson's hawk. Mitigation that compensates for the loss of suitable Swainson's hawk foraging habitat shall include the preservation of the 272 acre Marsh Creek Property, which supports grasslands that provide suitable foraging habitat for Swainson's hawks. Alternatively, the project applicant could comply with one of the following:</i></p> <ol style="list-style-type: none"> <li><i>1) Comply with the applicable terms and conditions of the ECCC 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 ECCCCHCP/NCCP Covered Species; or</i></li> <li><i>2) Comply with a 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.</i></li> </ol> |   |

**TABLE 2-1**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| <b>Impact</b>                            | <b>Level of Significance Prior to Mitigation</b> | <b>Mitigation Measures</b>   | <b>Level of Significance After Mitigation</b> |
|--|--|--|---|
| <b>4.3-6 Impacts to nesting raptors.</b> | PS   | <p>4.3-6 <i>In order to avoid impacts to nesting raptors, a nesting survey shall be conducted within 14 days prior to commencing with construction if this work would commence between February 1st and August 31<sup>st</sup>. The raptor nesting surveys shall include examination of all trees within 300 feet of the entire project site, not just trees slated for removal.</i></p> <p><i>If nesting raptors are identified during the surveys, the dripline of the nest tree must be fenced with orange construction fencing (provided the tree is on the project site), and a 300-foot radius around the nest tree must be staked with bright orange lath or other suitable staking. If the tree is located off the project site, then the buffer shall be demarcated per above where the buffer intersects the project site. The size of the buffer may be altered if a qualified raptor biologist conducts behavioral observations and determines the nesting raptors are well acclimated to disturbance. If this occurs, the raptor biologist shall prescribe a modified buffer that allows sufficient room to prevent undue disturbance/harassment to the nesting raptors. No construction or earth-moving activity shall occur within the established buffer until it is determined by a qualified raptor biologist that the young have fledged (that is, left</i></p> | LS  |

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| <b>Impact</b>  | <b>Level of Significance Prior to Mitigation</b> | <b>Mitigation Measures</b>  | <b>Level of Significance After Mitigation</b> |
|--|--|---|---|
| <b>4.3-7 Impacts to nesting special-status bird species and nesting common bird species.</b> | PS   | <p><i>the nest) and have attained sufficient flight skills to avoid project construction zones. This typically occurs by August 1st. This date may be earlier or later, and would have to be determined by a qualified raptor biologist. If a qualified biologist is not hired to watch the nesting raptors then the buffers shall be maintained in place through the month of August and work within the buffer can commence September 1st.</i></p> <p><i>4.3-7 If project site disturbance associated with the proposed project would commence between March 1st and September 1st, a preconstruction nesting survey shall be completed in the 14 day period prior to commencing with any proposed project related disturbance on the project site. The nesting survey shall be conducted on the project site and within a zone of influence around the project site. The zone of influence includes those areas off the project site where birds could be disturbed by earth-moving vibrations or noise. Accordingly, the nesting survey(s) must cover the project site and an area around the project site boundary.</i></p> <p><i>If special-status birds are identified nesting on or adjacent to the project site, a non-disturbance buffer of 100 feet shall be established or as otherwise prescribed by a qualified ornithologist. If</i></p> | LS  |

**TABLE 2-1**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of<br>Significance<br>Prior to<br>Mitigation | Mitigation Measures  | Level of<br>Significance<br>After<br>Mitigation |
|--------|--|--|---|
|        |  | <p><i>common (that is, not special-status) birds for example, California towhee, western scrub jay, or acorn woodpeckers are identified nesting on or adjacent to the project site, a non-disturbance buffer of 75 feet shall be established or as otherwise prescribed by a qualified ornithologist. The buffer shall be demarcated with painted orange lath or via the installation of orange construction fencing. Disturbance within the buffer shall be postponed until it is determined by a qualified ornithologist that the young have fledged and have attained sufficient flight skills to leave the area or that the nesting cycle has otherwise completed.</i></p> <p><i>Typically, most passerine birds in the region of the project site are expected to complete nesting by August 1st. However, many species can complete nesting by the end of June or early to mid-July. Regardless, nesting buffers shall be maintained until September 1st unless a qualified ornithologist determines that young have fledged and are independent of their nests at an earlier date. If buffers are removed prior to September 1st, the qualified biologist conducting the nesting surveys shall prepare and submit a report to the City of Antioch that provides details about the nesting</i></p> |   |

**TABLE 2-1**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| <b>Impact</b>                                    | <b>Level of Significance Prior to Mitigation</b> | <b>Mitigation Measures</b>  | <b>Level of Significance After Mitigation</b> |
|--|--|---|---|
| <b>4.3-8 Impacts to the San Joaquin kit fox.</b> | PS   | <p><i>outcome and the removal of buffers. This report shall be submitted prior to the time that nest protection buffers are removed if the date is before September 1st.</i></p> <p><i>4.3-8(a) To compensate for the permanent loss of 141.6 acres of potential San Joaquin kit fox migration habitat, albeit farmed land, the proposed project includes the permanent preservation and protection of the Marsh Creek Property. An alternative mitigation property approved by the United States Fish and Wildlife Service that possesses comparable biological resources may also be used for mitigation in lieu of the Marsh Creek Property. The Marsh Creek Property is 272 acres that will be managed to benefit San Joaquin kit fox and that provides suitable mitigation for the loss of 141.6 acres of farmland that otherwise provides marginal San Joaquin kit fox migration habitat. In addition, there is a 1991 occurrence for San Joaquin kit fox that was recorded approximately 0.50 mile to the east of the Marsh Creek Property (CNDDB Record No. 573), and there are 9 additional reported occurrences of San Joaquin kit fox within 5 miles of the property. Thus, the Marsh Creek Property has moderate value to the San Joaquin kit fox, as compared to the project site, an agricultural property that has marginal value to the kit fox as migration habitat.</i></p> | LS  |

**TABLE 2-1**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures  | Level of Significance After Mitigation |
|--------|---|--|--|
|        |   | <p><i>The East Contra Costa Conservancy in concert with the Service and the Department, in the East Contra Costa county HCP indicate that the Marsh Creek Property is located in an area deemed to have high value for preservation. In the HCP, the property is mapped within an area designated as within the “Medium Level of Acquisition Effort” category in “Suitable Core Habitat” for the San Joaquin kit fox. The mitigation property is also mapped in the HCP as a “Potential Kit Fox Movement Route” indicating that the property has value to the San Joaquin kit fox. The geographic location of the property adjacent to EBRPD Round Valley Regional Park further makes it a valuable mitigation property with significant regional importance as a preservation property.</i></p> <p><i>4.3-8(b) The following measures shall be implemented by a qualified biologist:</i></p> <ul style="list-style-type: none"> <li><i>An education program shall be conducted by a qualified biologist prior to the start of construction to explain the endangered species concerns to contractors working at the project site. The program shall include an explanation of the FESA and CESA and any endangered species concerns in the area.</i></li> </ul> |  |

**TABLE 2-1**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures  | Level of Significance After Mitigation |
|--------|---|--|--|
|        |   | <ul style="list-style-type: none"> <li>• <i>Qualified biologists would conduct preconstruction den surveys no more than 14 days prior to site grading to ensure that potential kit fox dens are not disrupted. If “potential dens” are located, infrared camera stations shall be set up and maintained for 3 consecutive nights at den openings prior to initiation of grading activities to determine the status of the potential dens. If no kit fox is found to be using the den, site grading can proceed unhindered. However, if a kit fox is found using a den site within the project site the Service and the Department shall be notified and consulted before work activities resume. Alternatively, the project applicant could comply with one of the following:</i> <ol style="list-style-type: none"> <li>1) <i>Comply with the applicable terms and conditions of the ECCC HCP/NCCCP, 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 ECCC HCP/NCCCP Covered Species; or</i></li> <li>2) <i>Comply with a habitat conservation plan</i></li> </ol> </li> </ul> |  |

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| <b>Impact</b>   | <b>Level of<br/>Significance<br/>Prior to<br/>Mitigation</b> | <b>Mitigation Measures</b>   | <b>Level of<br/>Significance<br/>After<br/>Mitigation</b> |
|---|--|--|---|
|   |  | <p><i>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.</i></p> <ul style="list-style-type: none"> <li><i>To prevent harm to San Joaquin kit fox, any steep-walled holes and/or trenches excavated on the project site shall be completely covered at the end of each workday, or escape ramps shall be provided to allow any entrapped animals to escape unharmed. All pipe sections stored at the project site overnight that are four inches in diameter or greater shall be inspected for San Joaquin kit fox before the pipes are moved or buried. If San Joaquin kit fox are identified in the work area at any time, the Service and/or the Department shall be notified and consulted before work activities resume. All trash items shall be removed from the site to reduce the potential for attracting predators of San Joaquin kit fox. Contractors shall be prohibited from bringing firearms and pets to the job site.</i></li> </ul> |   |
| <b>4.3-9 Impacts to Waters of the United States and/or State.</b> | PS   | 4.3-9 The applicant is proposing to mitigate for project-related impacts to 0.027 acre of waters of U.S. and a total of 0.11 acre of "waters of the State" via the purchase of 0.20-acre seasonal wetland credits  | LS  |



**TABLE 2-1**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of<br>Significance<br>Prior to<br>Mitigation | Mitigation Measures  | Level of<br>Significance<br>After<br>Mitigation |
|--------|--|--|---|
|        |  | <p><i>from the Cosumnes Mitigation Bank or other Mitigation Bank, or as otherwise required by the USACE and the RWQCB, provided that the mitigation is no less than 1:1 (replacement: impact). The Service Area for the Cosumnes Mitigation Bank covers the project site.</i></p> <p><i>Alternatively, the applicant may create, preserve, and manage new seasonal wetlands at the Marsh Creek Property (or comparable offsite location) at a 2:1 mitigation ratio (acres created and preserved: acre impacted). A project-specific Wetland Mitigation and Monitoring Plan prepared by a qualified restoration ecologist that includes the following information shall be provided to the City/USACE/RWQCB prior to conducting any activity that would result in the placement of any fill material into a water of the U.S. or water of the state: a description of the impacted water; a map depicting the location of the mitigation site(s) and a description of existing site conditions; a detailed description of the mitigation design that includes: the location of the new seasonal wetlands; proposed construction schedule; a planting/vegetation plan; specific monitoring metrics, and objective performance and success criteria, such as delineation of created area as jurisdictional waters using USACE published</i></p> |   |

**TABLE 2-1**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact  | Level of<br>Significance<br>Prior to<br>Mitigation | Mitigation Measures  | Level of<br>Significance<br>After<br>Mitigation |
|---|--|--|---|
|   |  | <p><i>methods; contingency measures if the created wetlands do not achieve the specified success criteria; and short-term and long-term management and monitoring methods.</i></p> <p><i>If the wetland mitigation site is a separate mitigation property that is not subject to mitigation measure BIO-1, the applicant shall grant a conservation easement to a qualified entity, as defined by Section 81.5.3 of the California Civil Code, preserving the created seasonal wetland(s) in perpetuity, and establish an endowment fund to provide for the long-term management, maintenance, and monitoring of the created seasonal wetland(s).</i></p> <p><i>Proof of compliance with the mitigation measure shall be submitted to the Community Development Director prior to the issuance of grading permits.</i></p> |   |
| <b>4.3-10 Impacts to Department of Fish and Wildlife Fish and Game Code Section 1602 jurisdictional area.</b> | PS   | <p><i>4.3-10(a) The applicant shall implement appropriate BMPs to prevent construction related impacts that could introduce de minimus fill or other pollutants into Sand Creek. These measures include the installation of wildlife friendly hay wattles and/or silt fence that shall prevent unintended de minimus fill impact to Sand Creek while the stormwater outfall is constructed. In</i></p>   | LS  |

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| <b>Impact</b>  | <b>Level of Significance Prior to Mitigation</b> | <b>Mitigation Measures</b>  | <b>Level of Significance After Mitigation</b> |
|--|--|---|---|
|  |  | <p><i>addition, orange silt fencing shall be installed at the top-of-bank of Sand Creek to prevent unintended human and equipment traffic in areas that are not relevant to the construction of the proposed project. Finally, the dripline of all protected trees within the footprint of the proposed project including trees that could be impacted by the construction of the outfall structure in Sand Creek shall be protected via the installation of orange construction fencing.</i></p> <p><i>4.3-10(b) The applicant may satisfy this mitigation by providing the City of Antioch with a fully executed copy of a Streambed Alteration Agreement with the Department for the proposed outfall structure that includes these, or other functionally equivalent, BMPs. The implementation of the executed Streambed Alteration Agreement shall become a condition of project approval.</i></p> |   |
| <b>4.3-11 Impacts to wildlife corridors.</b>   | LS   | <i>None required.</i>   | N/A   |
| <b>4.3-12 Impacts to protected trees under the City of Antioch's Tree Preservation and Regulation Ordinance.</b> | PS   | <i>4.3-12(a) The final site plan shall indicate the location of any protected trees within the development footprint that the City has required to be saved as a condition to project approval. Compliance with the City of Antioch's Tree Preservation and Regulation ordinance shall occur as follows:</i>  | LS  |

**TABLE 2-1**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of<br>Significance<br>Prior to<br>Mitigation | Mitigation Measures   | Level of<br>Significance<br>After<br>Mitigation |
|--------|--|---|---|
|        |  | <ul style="list-style-type: none"> <li>• <i>There shall be no excavation within the drip line of any protected trees to be saved unless specific plans are submitted to the Department of Community Development that indicate how grading within the drip line is to be carried out within critically harming the tree. Additional arborist's studies must be provided to support the grading proposed.</i></li> <li>• <i>Prior to the granting of a building permit the Applicant shall post a bond for each protected tree at which grading will occur within the drip line. The bonding schedule will be as listed in Section 9-5.1206 of the Municipal Code. The City will conduct ongoing inspections during the course of the grading to assure adherence to approved plans. Should the protected tree(s) die during the course of property development, the bond shall be forfeited to the city and used for tree replacement. A percentage of the bond will be retained in either case to assure tree survival for up to five years after the issuance of a certificate of occupancy.</i></li> <li>• <i>Unless specific exceptions are granted prior to the initiation of construction, all construction activity and traffic shall be</i></li> </ul> |   |

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of<br>Significance<br>Prior to<br>Mitigation | Mitigation Measures   | Level of<br>Significance<br>After<br>Mitigation |
|--------|--|---|---|
|        |  | <p><i>prohibited from the area within the drip line of a protected tree.</i></p> <ul style="list-style-type: none"> <li>• <i>Should a protected tree be damaged during site development, the Applicant shall administer all reasonable methods of treatments as approved by the Director of Community Development. The repair of the damage shall be at the expense of the Applicant.</i></li> <li>• <i>Any time after initial approval of a site plan, an applicant's request to remove a protected tree as shown on the approved site plan will require a hearing. A new public hearing will be held on the issue of tree removal and the applicant will be required to re-notice the surrounding property owners.</i></li> <li>• <i>All future owners of parcels on which trees were required to be maintained (as a condition of approval) shall be responsible for continued maintenance of such trees. Buyers of property with such trees, as well as buyers of all new single-family homes, shall be given disclosure notices of this requirement, and all other responsibility of tree management and/or preservation as required by the Tree Preservation and Regulation Ordinance.</i></li> </ul> |   |

**TABLE 2-1**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of<br>Significance<br>Prior to<br>Mitigation | Mitigation Measures  | Level of<br>Significance<br>After<br>Mitigation |
|--------|--|--|---|
|        |  | <p>4.3-12(b) To compensate for the loss of up to 34 trees, 136 replacement trees equivalent to a 4:1 mitigation ratio (replacement trees: removed trees) shall be planted as alternatively and equally compliant with the City of Antioch's Tree Preservation and Regulation ordinance as follows:</p> <ul style="list-style-type: none"> <li>• Four 5-gallon potted trees shall be planted for the loss of each "established" or "mature" tree at the Vineyards at Sand Creek Project site. Four 5-gallon potted trees shall be planted for the loss of the one "landmark" tree since the tree is non-native and in poor condition. A 4:1 mitigation ratio (replacement trees: removed trees) is suitable for the loss of the landmark tree at the Vineyards at Sand Creek Project site because the tree is non-native and is in poor health. This landmark tree will decline regardless of treatment.</li> <li>• All of the mitigation trees shall be native trees indigenous to the region. Trees planted as mitigation may be incorporated into the landscape plans.</li> <li>• All planted trees shall be provided with a temporary irrigation system that would be maintained over a minimum three-year</li> </ul> |   |

**TABLE 2-1**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of<br>Significance<br>Prior to<br>Mitigation | Mitigation Measures   | Level of<br>Significance<br>After<br>Mitigation |
|--------|--|---|---|
|        |  | <p><i>establishment period. The irrigation system shall be placed on electric timers so that trees are automatically watered during the dry months of the establishment period. At the end of a suitable establishment period, the irrigation system may be removed.</i></p> <ul style="list-style-type: none"> <li><i>All of these replacement trees shall be monitored annually for a minimum of three years by a qualified biologist or arborist, and an annual monitoring report shall be submitted to the City of Antioch's Planning Department. Maintenance will include measures to minimize predation of planted trees by rodents including, but not limited to, pocket gophers (Thomomys bottae) and/or California ground squirrels (Spermophilus beechyi).</i></li> <li><i>At the end of a three-year monitoring period, at least 75 percent of planted trees should be in good health. If so, yearly monitoring and reporting is complete. If the numbers of planted trees falls below a 75 percent survival rate, additional trees shall be planted to bring the total number of planted trees up to 100 percent of the original number of trees planted, and irrigation, monitoring and reporting to the City shall continue until the survival</i></li> </ul> |   |

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| <b>Impact</b>   | <b>Level of Significance Prior to Mitigation</b> | <b>Mitigation Measures</b>  | <b>Level of Significance After Mitigation</b> |
|---|--|---|---|
|   |  | <i>rate is achieved.</i>  |   |
| <b>4.3-13 Impacts to the Habitat Conservation Plan.</b>   | LS   | <i>None Required.</i>   | N/A   |
| <b>4.3-14 Cumulative loss of biological resources in the City of Antioch and the effects of ongoing urbanization in the region.</b> | PS   | <i>4.4-14 Implement Mitigation Measures 4.3-1 through 4.3-12(b).</i>  | LS  |
| <b>4.4 Cultural Resources</b>   |  |   |   |
| <b>4.4-1 Historic cultural resources.</b>   | LS   | <i>None required.</i>   | N/A   |
| <b>4.4-2 Archaeological resources and human remains.</b>  | PS   | <i>4.4-2(a) In the event of the accidental discovery or recognition of any human remains, further excavation or disturbance of the find or any nearby area reasonably suspected to overlie adjacent human remains shall not occur until compliance with the provisions of CEQA Guidelines Section 15064.5(e)(1) and (2) has occurred. The Guidelines specify that in the event of the discovery of human remains other than in a dedicated cemetery, no further excavation at the site or any nearby area suspected to contain human remains shall occur until the County Coroner has been notified to determine if an investigation into the cause of death is required. If the coroner determines that the remains are Native American, then, within 24 hours, the Coroner must notify the Native American Heritage Commission, which in turn will notify the most likely descendants who</i> | LS  |



**TABLE 2-1**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of<br>Significance<br>Prior to<br>Mitigation | Mitigation Measures  | Level of<br>Significance<br>After<br>Mitigation |
|--------|--|--|---|
|        |  | <p><i>may recommend treatment of the remains and any grave goods. If the Native American Heritage Commission is unable to identify a most likely descendant or most likely descendant fails to make a recommendation within 24 hours after notification by the Native American Heritage Commission, or the landowner or his authorized agent rejects the recommendation by the most likely descendant and mediation by the Native American Heritage Commission fails to provide a measure acceptable to the landowner, then the landowner or his authorized representative shall rebury the human remains and grave goods with appropriate dignity at a location on the property not subject to further disturbances. Should human remains be encountered, a copy of the resulting County Coroner report noting any written consultation with the Native American Heritage Commission shall be submitted as proof of compliance to the City's Community Development Department.</i></p> <p><i>4.4-2(b) If any prehistoric or historic artifacts, or other indications of cultural deposits, such as historic privy pits or trash deposits, are found once ground disturbing activities are underway, all work within the vicinity of the find(s) shall cease and the find(s) shall be immediately evaluated by a qualified</i></p> |   |

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| <b>Impact</b>                           | <b>Level of Significance Prior to Mitigation</b> | <b>Mitigation Measures</b>   | <b>Level of Significance After Mitigation</b> |
|---|--|--|---|
|   |  | <i>archaeologist. If the find is determined to be a historical or unique archaeological resource, contingency funding and a time allotment to allow for implementation of avoidance measures or appropriate mitigation shall be made available (CEQA Guidelines Section 15064.5). Work may continue on other parts of the project site while historical or unique archaeological resource mitigation takes place (Public Resources Code Sections 21083 and 21087).</i>   |   |
| <b>4.4-3 Paleontological resources.</b> | PS   | 4.4-3 <i>The applicant shall retain the services of a professional paleontologist to educate the construction crew that will be conducting grading and excavation at the project site. The education shall consist of an introduction to the geology of the project site and the kinds of fossils that may be encountered, as well as what to do in case of a discovery. Should any vertebrate fossils (e.g., teeth, bones), an unusually large or dense accumulation of intact invertebrates, or well-preserved plant material (e.g., leaves) be unearthed by the construction crew, then ground-disturbing activity shall be diverted to another part of the project site and the paleontologist shall be called on-site to assess the find and, if significant, recover the find in a timely matter. Finds determined significant by the paleontologist shall then be conserved and deposited with a recognized repository, such as the</i> | LS  |

**TABLE 2-1**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| <b>Impact</b>   | <b>Level of Significance Prior to Mitigation</b> | <b>Mitigation Measures</b>   | <b>Level of Significance After Mitigation</b> |
|---|--|--|---|
|   |  | <i>University of California Museum of Paleontology. The alternative mitigation would be to leave the significant finds in place, determine the extent of significant deposit, and avoid further disturbance of the significant deposit. Proof of the construction crew awareness training shall be submitted to the City's Community Development Department in the form of a copy of training materials and the completed training attendance roster.</i>  |   |
| <b>4.4-4 Cumulative loss of cultural resources.</b>   | LS   | <i>None required.</i>  | N/A   |
| <b>4.5 Geology, Soils, and Mineral Resources</b>  |  |  |   |
| <b>4.5-1 Risks to people and structures associated with seismic activity, including ground shaking and ground failures, such as liquefaction or landslides.</b> | PS   | <p><i>4.5-1 Prior to final project design, the project applicant shall submit to the City of Antioch Engineering Department, for review and approval, a design-level geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer. The design-level report shall include measures to address construction requirements to mitigate, at a minimum, slope stability, liquefiable soils, and ground shaking. Measures to address the aforementioned geological concerns shall include, at a minimum, the following:</i></p> <ul style="list-style-type: none"> <li><i>• The use of post-tensioned concrete mat foundations for liquefaction-induced settlement;</i></li> </ul> | LS  |

**TABLE 2-1**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact   | Level of Significance Prior to Mitigation | Mitigation Measures  | Level of Significance After Mitigation |
|--|---|--|--|
| <b>4.5-2 Risks to people and structures associated with expansive soils.</b> | PS  | <ul style="list-style-type: none"> <li>• The over-excavation of a minimum of three feet of soil to remove existing structure foundations and non-engineered fill in order to place the soil back on-site as engineered fill; and</li> <li>• Soil borings and/or cone penetration tests within the development areas and laboratory soil testing to provide data for preparation of specific recommendations regarding grading, foundations, and drainage for the proposed construction.</li> </ul>   |  |
|  | PS  | <p>4.5-2 Prior to final project design, the project applicant shall submit to the City of Antioch Engineering Department, for review and approval, a design-level geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer. The design-level report shall include measures to address construction requirements to mitigate, at a minimum, expansive/unstable soils. Measures to address the aforementioned geological concerns shall include, at a minimum, the following:</p> <ul style="list-style-type: none"> <li>• The use of post-tensioned concrete mat foundations or similarly stiffened foundations systems which are designed to resist the deflections associated with soil expansion. The foundations are anticipated to be 10 to 12 inches thick;</li> </ul> | LS                                     |

**TABLE 2-1**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact   | Level of<br>Significance<br>Prior to<br>Mitigation | Mitigation Measures   | Level of<br>Significance<br>After<br>Mitigation |
|--|--|---|---|
|  |  | <ul style="list-style-type: none"> <li>• The over-excavation of a minimum of three feet of soil to remove existing structure foundations and non-engineered fill in order to place the soil back on-site as engineered fill; and</li> <li>• Soil borings and/or cone penetration tests within the development areas and laboratory soil testing to provide data for preparation of specific recommendations regarding grading, foundations, and drainage for the proposed construction.</li> </ul> <p>All grading and site development plans should be coordinated with the Engineering Geologist and the Geotechnical Engineer to modify plans for the mitigation of known soil and geologic hazards during the planning process. The final 40-scale grading plans for the project site should be reviewed by the Geotechnical Engineer before submittal to the appropriate regulatory agencies in order to develop a corrective grading plan and provide a detailed review.</p> |   |
| <b>4.5-3</b> Risks associated with substantial erosion or loss of topsoil. | PS   | <p>4.5-3 Prior to final project design, the project applicant shall submit, for the review and approval by the City Engineer, an erosion control plan that utilizes standard construction practices to limit the erosion effects during construction of the proposed project. Measures shall include, but are not limited to, the following:</p>  | LS  |

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| <b>Impact</b>  | <b>Level of Significance Prior to Mitigation</b> | <b>Mitigation Measures</b>   | <b>Level of Significance After Mitigation</b> |
|--|--|--|---|
|  |  | <ul style="list-style-type: none"> <li>• <i>Hydro-seeding;</i></li> <li>• <i>Placement of erosion control measures with drainageways and ahead of drop inlets;</i></li> <li>• <i>The temporary lining (during construction activities) of drop inlets with “filter fabric” (a specific type of geotextile fabric);</i></li> <li>• <i>The placement of straw wattles along slope contours;</i></li> <li>• <i>Directing subcontractors to a single designation “wash-out” location (as opposed to allowing them to wash-out in any location they desire);</i></li> <li>• <i>The use of siltation fences; and</i></li> <li>• <i>The use of sediment basins and dust palliatives.</i></li> </ul> |   |
| <b>4.5-4</b> Loss of availability of a known mineral resource that would be of value to the region and the residents of the State or of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. | NI   | <i>None required.</i>  | N/A   |
| <b>4.5-5</b> Cumulative increase in the potential for geological related impacts and hazards.  | LS   | <i>None required.</i>  | N/A   |
| <b>4.6 Hazards and Hazardous Materials</b>   |  |  |   |
| <b>4.6-1</b> The routine transport, use, or disposal of hazardous materials,   | LS   | <i>None required.</i>  | N/A   |

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact   | Level of Significance Prior to Mitigation | Mitigation Measures   | Level of Significance After Mitigation |
|--|---|---|--|
| and/or emitting or handling hazardous materials, substances, or waste within one-quarter mile of a school. |   |   |  |
| 4.6-2 An upset or accidental release of hazardous materials into the environment.                          | PS  | <p>4.6-2(a) Prior to commencement of grading and construction, the construction contractor, a representative from PG&amp;E, Calpine, and a representative from the City's Engineering Department shall meet on the project site and prepare site-specific safety guidelines for construction in the field to the satisfaction of the City Engineer. The safety guidelines and field-verified location of the pipelines shall be noted on the improvement plans and be included in all construction contracts involving the project site.</p> <p>4.6-2(b) All abandoned oil pipelines within the areas of the project site planned for development shall be removed. Any associated apparent soil contamination (soil staining, odors, debris fill material, etc.) shall be properly evaluated and mitigated where necessary, in accordance with Mitigation Measure 4.6-2(c).</p> <p>4.6-2(c) If indicators of apparent soil contamination (soil staining, odors, debris fill material, etc.) are encountered at the project site, specifically in the vicinity of abandoned oil/gas wells or during</p> | LS                                     |

**TABLE 2-1**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| <b>Impact</b>   | <b>Level of Significance Prior to Mitigation</b> | <b>Mitigation Measures</b>  | <b>Level of Significance After Mitigation</b> |
|---|--|---|---|
|   |  | <p>removal of abandoned oil pipelines, the impacted area should be isolated from surrounding, non-impacted areas. The project environmental professional shall obtain samples of the potentially impacted soil for analysis of the contaminants of concern and comparison with applicable regulatory residential screening levels (i.e., Environmental Screening Levels, California Human Health Screening Levels, Regional Screening Levels, etc.). Where the soil contaminant concentrations exceed the applicable regulatory residential screening levels, the impacted soil shall be excavated and disposed of offsite at a licensed landfill facility to the satisfaction of the Contra Costa Environmental Health Department.</p> <p>4.6-2(d) Prior to final map approval, the project applicant shall submit to the City of Antioch Engineering Department, for review and approval, plans which show that inhabited structures will not be located directly over the three on-site abandoned oil/gas wells. The plans shall be completed in compliance with the DOGGR Construction Site Review Program, which includes guidelines and recommendations for setbacks and mitigation measures for venting systems.</p> |   |
| <b>4.6-3 Located on a site included on a list of hazardous materials sites.</b> | NI   | None required.  | N/A   |



**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact  | Level of Significance Prior to Mitigation | Mitigation Measures   | Level of Significance After Mitigation |
|---|---|-----------------------|--|
| 4.6-4 Interference with an adopted emergency response plan or emergency evacuation plan.  | NI  | <i>None required.</i> | N/A                                    |
| 4.6-5 Wildland fires.   | LS  | <i>None required.</i> | N/A                                    |
| 4.6-6 Safety hazards associated with an airport or private airstrip.  | NI  | <i>None required.</i> | N/A                                    |
| 4.6-7 Cumulative increase in the number of people who could be exposed to potential hazards associated with potentially contaminated soil and groundwater and an increase in the transport, storage, and use of hazardous materials from the development of the proposed project in combination with other reasonable foreseeable projects in the region. | LS  | <i>None required.</i> | N/A                                    |
| <b>4.7 Hydrology and Water Quality</b>  |   |                       |  |
| 4.7-1 Substantially alter the existing drainage pattern of the site or area, or create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems.   | LS  | <i>None required.</i> | N/A                                    |
| 4.7-2 Violate any water quality standards or waste discharge requirements, provide substantial additional sources of polluted runoff, or otherwise  | LS  | <i>None required.</i> | N/A                                    |

| TABLE 2-1<br>SUMMARY OF IMPACTS AND MITIGATION MEASURES  |   |                       |  |  |
|--|---|-----------------------|--|--|
| Impact   | Level of Significance Prior to Mitigation | Mitigation Measures   | Level of Significance After Mitigation |  |
| substantially degrade water quality during construction.   |   |                       |  |  |
| 4.7-3 Violate any water quality standards or waste discharge requirements, provide substantial additional sources of polluted runoff, or otherwise substantially degrade water quality during operations.  | LS  | <i>None required.</i> | N/A                                    |  |
| 4.7-4 Substantially deplete groundwater supplies or interfere substantially with groundwater recharge.   | LS  | <i>None required.</i> | N/A                                    |  |
| 4.7-5 Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or flood hazard delineation map, or place within a 100-year floodplain structures which would impede or redirect flood flows. | LS  | <i>None required.</i> | N/A                                    |  |
| 4.7-6 Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.  | LS  | <i>None required.</i> | N/A                                    |  |
| 4.7-7 Inundations by seiche, tsunami, or mudflow.  | NI  | <i>None required.</i> | N/A                                    |  |
| 4.7-8 Cumulative impacts to hydrology and water quality.   | LS  | <i>None required.</i> | N/A                                    |  |

| TABLE 2-1<br>SUMMARY OF IMPACTS AND MITIGATION MEASURES  |   |                       |  |
|--|---|-----------------------|--|
| Impact   | Level of Significance Prior to Mitigation | Mitigation Measures   | Level of Significance After Mitigation |
| 4.8 Land Use and Planning / Agricultural Resources   |   |                       |  |
| 4.8-1 Physical division of an established community.   | LS  | <i>None required.</i> | N/A                                    |
| 4.8-2 Compatibility with surrounding uses.   | LS  | <i>None required.</i> | N/A                                    |
| 4.8-3 Consistency with the Antioch General Plan.   | LS  | <i>None required.</i> | N/A                                    |
| 4.8-4 Consistency with existing zoning.  | LS  | <i>None required.</i> | N/A                                    |
| 4.8-5 Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance ("Farmland"), or involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. | NI  | <i>None required.</i> | N/A                                    |
| 4.8-6 Conflict with agricultural zoning or a Williamson Act contract.  | NI  | <i>None required.</i> | N/A                                    |
| 4.8-7 Conflict with forest land or timberland zoning, or result in the loss of forest land or conversion of forest land to non-forest use.   | NI  | <i>None required.</i> | N/A                                    |

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact   | Level of Significance Prior to Mitigation | Mitigation Measures   | Level of Significance After Mitigation |
|--|---|---|--|
| 4.8-8 Induce substantial population growth.  | LS  | <i>None required.</i>   | N/A                                    |
| 4.8-9 Displace substantial existing housing or substantial numbers of people.  | LS  | <i>None required.</i>   | N/A                                    |
| 4.8-10 Cumulative land use and planning incompatibilities.   | LS  | <i>None required.</i>   | N/A                                    |
| 4.8-11 Impacts related to cumulative loss of agricultural land.  | LS  | <i>None required.</i>   | N/A                                    |
| 4.8-12 Cumulative population and housing impacts.  | LS  | <i>None required.</i>   | N/A                                    |
| <b>4.9 Noise</b>   |   |   |  |
| 4.9-1 Aircraft noise.  | NI  | <i>None required.</i>   | N/A                                    |
| 4.9-2 Impacts related to a substantial temporary or periodic increase in ambient noise levels in the project vicinity. | PS  | <p>4.9-2(a) Noise-generating activities at the construction site or in areas adjacent to the construction site that are associated with the proposed project in any way shall adhere to the requirements of the City of Antioch Zoning Ordinance with respect to hours of operations, subject to review and approval by the City Building Official. Specifically, construction activities shall not occur during the hours specified below:</p> <ul style="list-style-type: none"> <li>• On weekdays prior to 7:00 AM and after 6:00 PM;</li> <li>• On weekdays within 300 feet of occupied dwellings, prior to 8:00 AM and after 5:00 PM; and</li> </ul> | LTS                                    |

**TABLE 2-1**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact | Level of Significance Prior to Mitigation | Mitigation Measures  | Level of Significance After Mitigation |
|--------|---|--|--|
|        |   | <ul style="list-style-type: none"> <li>On weekends and holidays, prior to 9:00 AM and after 5:00 PM, irrespective of the distance from the occupied dwellings.</li> </ul> <p>4.9-2(b) Prior to issuance of the grading permit, the project contractor shall ensure that all intake and exhaust ports on power construction equipment shall be shrouded or shielded from sensitive receptors according to industry best practices, subject to review and approval by the City Building Official.</p> <p>4.9-2(c) Prior to issuance of the grading permit, the project contractor shall designate a disturbance coordinator and conspicuously post the coordinator's number around the project site and in adjacent public spaces, subject to review and approval by the City Building Official. The disturbance coordinator shall receive any and all public complaints about construction noise disturbances and shall be responsible for determining the cause of the complaint and implementing any feasible measures to be taken to alleviate the problem.</p> <p>4.9-2(d) Prior to the issuance of the grading permit, the applicants shall submit a construction-related noise mitigation plan to the City Building Official for review and approval. The plan shall depict the</p> |  |

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact  | Level of<br>Significance<br>Prior to<br>Mitigation | Mitigation Measures   | Level of<br>Significance<br>After<br>Mitigation |
|---|--|---|---|
|   |  | <p><i>location of construction equipment and how the noise from this equipment will be mitigated during construction of the project through the use of such methods as:</i></p> <ul style="list-style-type: none"> <li><i>• The construction contractor shall use temporary noise-attenuation fences, where feasible, to reduce construction noise impacts on adjacent noise sensitive land uses.</i></li> <li><i>• During all project site excavation and grading on-site, the construction contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.</i></li> <li><i>• The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.</i></li> </ul> |   |
| <b>4.9-3 Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.</b> | LS   | None required.  | N/A   |

**TABLE 2-1**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| <b>Impact</b>  | <b>Level of Significance Prior to Mitigation</b> | <b>Mitigation Measures</b>  | <b>Level of Significance After Mitigation</b> |
|--|--|---|---|
| <b>4.9-4 Transportation noise at existing sensitive receptors.</b> | LS   | <i>None required.</i>   | N/A   |
| <b>4.9-5 Transportation noise at new sensitive receptors.</b>      | PS   | <p>4.9-5(a) <i>In conjunction with submittal of Improvement Plans, the applicant shall show on the Improvement Plans that sound walls and/or landscaped berms shall be constructed along Hillcrest Avenue and Sand Creek Road at proposed residential uses. The specific height and location of the noise barrier shall be confirmed based upon the final approved site and grading plans. See Figure 4.9-2 for the recommended noise barrier placement and required wall height. Wall height shown in the aforementioned figure is relative to building pad elevations. Noise barrier walls shall be constructed of concrete panels, concrete masonry units, earthen berms, or any combination of these materials. Wood is not recommended due to eventual warping and degradation of acoustical performance. The Improvement Plans shall be subject to review and approval by the City Engineer.</i></p> <p>4.9-5(b) <i>In conjunction with submittal of Building Plans, the applicant shall show on the plans that mechanical ventilation shall be installed in all residential uses to allow residents to keep doors and windows closed, as desired for acoustical isolation. The building plans shall be subject to review and approval by the City Building Official.</i></p> | LS  |

| TABLE 2-1<br>SUMMARY OF IMPACTS AND MITIGATION MEASURES           |   |  |  |
|---|---|--|--|
| Impact  | Level of Significance Prior to Mitigation | Mitigation Measures  | Level of Significance After Mitigation |
| 4.9-6 Operational noise from activities on-site post development. | LS  | <i>None required.</i>  | N/A                                    |
| 4.9-7 Cumulative impacts on noise-sensitive receptors.            | PS  | 4.9-7 Implement Mitigation Measures 4.9-5(a) and 4.9-5(b).   | LS                                     |
| <b>4.10 Public Services, Recreation, and Utilities</b>            |   |  |  |
| 4.10-1 Result in insufficient water supply.                       | LS  | <i>None required.</i>  | N/A                                    |
| 4.10-2 Wastewater services.                                       | LS  | <i>None required.</i>  | N/A                                    |
| 4.10-3 Solid waste services.                                      | LS  | <i>None required.</i>  | N/A                                    |
| 4.10-4 Adequate fire protection and emergency medical services.   | LS  | <i>None required.</i>  | N/A                                    |
| 4.10-5 Adequate law enforcement protection services.              | LS  | <i>None required.</i>  | N/A                                    |
| 4.10-6 Adequate school capacity.                                  | PS  | 4.10-6 Prior to building permit issuance for any residential development, the developer shall submit to the Community Development Department written proof from the BUSD and the LUHSD that appropriate school mitigation fees have been paid.   | LS                                     |
| 4.10-7 Adequate parks and recreation facilities.                  | PS  | 4.10-7 Per the Antioch Municipal Code, at the time of the filing of the final subdivision map, the subdivider shall provide a combination of parkland dedication and the payment of in-lieu fees into the City of Antioch's Park Fee Trust Fund to the satisfaction of the City Engineer/Director of Public Works. | LS                                     |
| 4.10-8 Adequate library services.                                 | LS  | <i>None required.</i>  | N/A                                    |
| 4.10-9 Adequate electricity and natural gas services.             | LS  | <i>None required.</i>  | N/A                                    |
| 4.10-10 Development of the proposed                               | LS  | <i>None required.</i>  | N/A                                    |



**TABLE 2-1**  
**SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Impact   | Level of Significance Prior to Mitigation | Mitigation Measures  | Level of Significance After Mitigation |
|--|---|--|--|
| project, in combination with future buildout in the City of Antioch, would increase demand for additional public services and utilities. |   |  |  |
| <b>4.11 Transportation and Circulation</b>   |   |  |  |
| <b>4.11-1 Traffic related to construction activities.</b>  | PS  | <p><b>4.11-1</b> Prior to issuance of grading and building permits, the developer shall submit a Traffic Control Plan, subject to review and approval by the City Engineer. The requirements within the Traffic Control Plan shall include, but are not necessarily limited to, the following:</p> <ul style="list-style-type: none"> <li>• Project staging plan to maximize on-site storage of materials and equipment;</li> <li>• A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak hours; lane closure proceedings; signs, cones, and other warning devices for drivers; and designation of construction access routes;</li> <li>• Permitted construction hours;</li> <li>• Identification of parking areas for construction employees, site visitors, and inspectors, including on-site locations; and</li> <li>• Provisions for street sweeping to remove construction-related debris on public streets.</li> </ul> | LS                                     |

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| <b>Impact</b>  | <b>Level of Significance Prior to Mitigation</b> | <b>Mitigation Measures</b>  | <b>Level of Significance After Mitigation</b> |
|--|--|---|---|
| <b>4.11-2 Study roadway intersections and freeway facilities under Existing Plus Project conditions.</b>   | LS   | <i>None required.</i>   | N/A   |
| <b>4.11-3 Study roadway intersections and freeway facilities under Near-Term Plus Project conditions.</b>  | LS   | <i>None required.</i>   | N/A   |
| <b>4.11-4 Alternative transportation facilities.</b>   | LS   | <i>None required.</i>   | N/A   |
| <b>4.11-5 Site access, circulation, and emergency access.</b>  | PS   | <i>4.11-5 Prior to approval of Improvement Plans, the Improvement Plans shall show that the northbound left-turn pocket from Heidorn Ranch Road and the southbound left-turn pocket from Hillcrest Avenue shall be designed to provide approximately 75 to 100 feet of vehicle storage, plus the taper length. The Improvement Plans shall be subject to review and approval by the City Engineer.</i>  | LS  |
| <b>4.11-6 Study roadway intersections and freeway facilities under Cumulative Plus Project conditions.</b> | PS   | <i>4.11-6 Prior to issuance of a building permit, the project applicant shall pay regional transportation impact fees to the East Contra Costa Regional Fee and Financing Authority (ECCRFFA) that would fund construction of additional improvements at the Sand Creek Road interchange, which includes a slip-ramp for the eastbound Sand Creek to southbound State Route 4 movement, eliminating the conflicting left-turn movement at the intersection. Construction of this improvement would result in acceptable operations (as shown in Table 4.11-14).</i> | LS  |

**EXHIBIT B**

**MITIGATION MONITORING & REPORTING PROGRAM**

| MITIGATION MONITORING AND REPORTING PROGRAM<br>VINEYARDS AT SAND CREEK PROJECT |   |   |  |   |          |
|--|---|---|--|---|----------|
| Impact Number  | Impact  | Mitigation Measure  | Monitoring Agency  | Implementation Schedule   | Sign-off |
| <b>4.1 Aesthetics</b>  |   |   |  |   |          |
| 4.1-4  | Creation of new sources of substantial light or glare that would adversely affect day or nighttime views in the area. | <p>4.1-4 Prior to approval of Improvement Plans that include street lights, the City of Antioch's Engineering Division shall review and approve the lighting specifications to ensure that lighting fixtures comply with the Zoning Code's requirements for minimum and maximum ground level illumination. In addition, prior to approval of building permits for new structures that include exterior lighting, the City of Antioch's Planning Division shall review and approve the exterior lighting specifications to ensure exterior lighting is of a low profile and intensity.</p> | <p>City of Antioch Engineering Division</p> <p>City of Antioch Planning Division</p> | <p>Prior to approval of Improvement Plans that include street lights</p> <p>Prior to approval of building permits for new structures that include exterior lighting</p> |          |
| <b>4.2 Air Quality and Greenhouse Gas Emissions</b>                            |   |   |  |   |          |
| 4.2-1  | Generation of short-term construction-related criteria air pollutant emissions.                                       | <p>4.2-1 Prior to issuance of a grading permit, the project applicant shall show on the grading plans via notation that the contractor shall ensure:</p> <ul style="list-style-type: none"> <li>All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.</li> <li>All haul trucks transporting soil,</li> </ul>  | City of Antioch Engineer   | Prior to issuance of a grading permit   |          |

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|  |        | <p>sand, or other loose material off-site shall be covered.</p> <ul style="list-style-type: none"> <li>• All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>• All vehicle speeds on unpaved roads shall be limited to 15 mph.</li> <li>• All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.</li> <li>• Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.</li> <li>• All construction equipment shall</li> </ul> |                   |                         |
|  |        |  |                   | Sign-off                |

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|  |                                      | <p><i>be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.</i></p> <ul style="list-style-type: none"> <li><i>Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</i></li> <li><i>All diesel-powered equipment larger than 200 horsepower (i.e., rubber tired dozers, scrapers, and cranes) and diesel-powered graders shall meet USEPA emissions standards for Tier 2 engines or equivalent.</i></li> </ul> <p><i>The grading plans shall be submitted for review and approval by the City Engineer.</i></p> |                          |                            |          |
| <b>4.3 Biological Resources</b>  |                                      |  |                          |                            |          |
| 4.3-2  | Impacts to the California red-legged | 4.3-2(a) Prior to the issuance of a grading permit for project site grading and the  | City of Antioch Planning | Prior to the issuance of a |          |

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|  | frog.  | <p>installation of the outfall structure in Sand Creek, an education program shall be conducted by a qualified biologist to explain the endangered species concerns to contractors/operators working at the project site. This education/training program shall include a description of the frog and its habitat, a review of the Endangered Species Act and the federal listing of the frog, the general protection measures to be implemented to protect the frog and minimize take, and a delineation of the limits of the work area.</p> <p>4.3-2(b) A qualified 10(a)(1)(A) biologist shall conduct preconstruction surveys of the creek work areas no more than 14 days prior to dewatering and other work activities. If any California red-legged frogs are identified in the work area, the Service and the Department shall be notified and, if permitted, relocated outside of the work area. Alternatively, the project applicant could comply with one of the following:</p> <p>1) Comply with the applicable terms and conditions of the ECCC HCP/NCCCP, as determined in written "Conditions of</p> | <p>Division</p> <p>City of Antioch<br/>Planning Division<br/>USFWS<br/>CDFW</p> | <p>grading permit for project site grading and the installation of the outfall structure in Sand Creek</p> <p>No more than 14 days prior to dewatering and other work activities within Sand Creek</p> |          |

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|  |        | <p><i>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 ECCCHCP/NCCP Covered Species; or</i></p> <p>2) <i>Comply with a 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.</i></p> <p>4.3-2(c) <i>The work areas adjacent to Sand Creek shall be isolated with suitable amphibian exclusion fencing (see below) that would block the movement of California red-legged frogs from entering the work areas. This fence shall be installed prior to the time any site grading or other construction-related activities are implemented. The fence shall remain in place during site grading or other construction-related activities and shall prevent frogs from entering the project site</i></p> | City of Antioch Planning Division | Prior to the time any site grading or other construction-related activities are implemented adjacent to Sand Creek |          |



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|  |        | <p>work areas.</p> <p>While normally California red-legged frog exclusion fencing consists of silt fencing, owing to the duration of the development project, a more weather resilient fence is recommended. The exclusion fence shall consist of a 4-foot wall of 1/4-inch mesh, galvanized wire (i.e., welded wire hardware cloth- no woven wire would be allowed) or other commercially available exclusion fencing (e.g. ERTEC Fence). Initially, staking would be installed along the route of the exclusion fencing in a 4 inch deep trench. Then, the bottom of the fence would be firmly seated in the trench. The fencing above the ground would be anchored to metal staking with wire. Finally, the top 10-inches or less would be bent over in a semi-circle towards the outside of the fence to ensure that the fence cannot be climbed. This fence would be expected to last the duration of the construction period for the development project.</p> |                           |   |          |
|  |        | <p>4.3-2(d) A qualified biologist shall be onsite when grading activities occur within 300 feet of Sand Creek to conduct daily inspections of the fencing and to otherwise ensure that</p>  | City of Planning Division | During grading activities within 300 feet of Sand Creek |          |

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|  |        | <p><i>stranded animals are salvaged and relocated back to the stream channel. The biological monitor shall be responsible for ensuring that the wildlife exclusion fencing is not compromised, and shall notify the onsite contractor representative when fencing needs to be repaired.</i></p> <p>4.3-2(e) <i>All construction work in Sand Creek associated with the outfall structure shall be scheduled for the dry season (May 15 through October 15) and when there is reduced flow in Sand Creek. No work shall occur when water is flowing within the work area. Any necessary in-drainage work when there are flows shall be isolated from flows via the installation of temporary coffer dams that have flow-diverted around isolated work areas either by gravity flow or if necessary by pumping water around the work area. No silty water shall be allowed to reenter the tributary below any in-drainage work area. Methods and materials shall be adapted in the field to match the size, shape, and anticipated flow volume of the drainage, and pre-approved by the biological monitor. All diversions shall conform to the following provisions:</i></p> | <p>City of Antioch Planning Division</p> <p>CDFW, USFWS, USACE, and/or RWQCB (if one or more of these agencies authorizes construction equipment below the top-of-bank)</p> | <p>During construction work in Sand Creek associated with the outfall structure (May 15 through October 15)</p> |          |

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|  |        | <ul style="list-style-type: none"> <li>• <i>Drainage diversion shall be practiced only where deemed unavoidable by the proposed project engineer and biological monitor.</i></li> <li>• <i>Diversion shall be limited to the minimum time period necessary to complete the work and restore the channel.</i></li> <li>• <i>Construction equipment would work from above the top-of-bank unless equipment is authorized to operate below the top-of-bank by the Department, Service, USACE, and/or RWQCB pertaining to their respective jurisdictions. Unless permitted by these agencies within their respective jurisdictions, there shall be no vehicle passage, vehicle parking, or materials storage below the top of bank.</i></li> <li>• <i>All in-drainage and diversion work plans shall reflect and incorporate standard erosion control measures and BMP's as prescribed in the Project's SWPPP.</i></li> <li>• <i>In certain cases where water</i></li> </ul> |                   |                         |          |

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|  |        | <p>seeps into the dewatered area, sump pits may be excavated in the work area and seepage water would then be pumped back upstream behind the coffer dam. All discharged water shall be silt free. If silt is a problem, water shall be pumped through a silt sock into baker tank(s) prior to discharge back into the channel.</p> <ul style="list-style-type: none"><li>• All downstream flows shall be maintained throughout the period that coffer dams are installed.</li><li>• The entire work area below the top of bank, including the coffer dam location, shall be restored to the approximate pre-construction contours and would be stabilized as necessary to withstand the expected high water flows. All dam materials shall be completely removed from the channel when work is complete, and not be disposed of in or near the channel.</li><li>• A qualified 10(a)(1)(A) biologist shall conduct preconstruction surveys for California red-legged frog prior to isolating any work area within Sand Creek. If any</li></ul> |                   |                         |          |

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|  |        | <p><i>frogs are found in the work area, the Service and the Department shall be notified, and the frogs shall be moved from the work area to up or downstream areas of Sand Creek, whichever is closest to the capture site. Upon completion of the survey, coffer dams may be installed. Any isolated water shall be seined by the proposed project biologist to search for frogs prior to pumping water out of the isolated work areas.</i></p> <ul style="list-style-type: none"> <li><i>The project biological monitor shall be present during all in-drainage work. Dewatered work areas shall not result in stranded aquatic wildlife.</i></li> <li><i>All trash that might attract predators to the project site shall be properly contained and removed from the site and disposed of regularly. All construction debris and trash shall be removed from the site when construction activities are complete.</i></li> <li><i>All fueling and maintenance of equipment and vehicles, and</i></li> </ul> |                   |                         |          |

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|  |        | <p>staging areas shall be at least 20 meters from Sand Creek. The construction personnel shall ensure that contamination of California red-legged frog habitat does not occur and shall have a plan to promptly address any accidental spills.</p>   |   |  |          |
|  |        | <p>4.3-2(f) To mitigate for impacts to federally listed species, including impacts to the California red-legged frog, the applicant shall preserve 272 acres as offsite mitigation (hereinafter called the Marsh Creek Property) located off Marsh Creek Road in eastern Contra Costa County. An alternative mitigation property approved by the Service that possesses comparable biological resources for the affected federally listed species may also be used for mitigation in lieu of the Marsh Creek Property. The Marsh Creek Property is located immediately north of and adjacent to East Bay Regional Park District's (EBRPD) Round Valley Regional Preserve. The geographic location of the Marsh Creek Property adjacent to EBRPD Round Valley Regional Park makes it a valuable preservation property that would add permanently preserved acreage to</p> | <p>City of Antioch<br/>Planning<br/>Division<br/><br/>USFWS</p> | <p>Prior to issuance<br/>of a grading<br/>permit</p> |          |

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|  |        | <p>existing regionally significant preserved lands (Round Valley Regional Preserve).</p> <p>There is a 1982 record for California red-legged frogs along Marsh Creek on the Marsh Creek Property (CNDDB Occurrence No. 546), and a total of 79 reported occurrences of California red-legged frogs within 5 miles of the property. Hence, the habitat to be preserved at this mitigation property supports grassland habitat that provides upland dispersal habitat and aquatic habitat for California red-legged frogs, and Marsh Creek provides potential breeding habitat for California red-legged frog. The combination of breeding habitat in proximity to suitable upland habitat is most important for the ongoing viability of the California red-legged frog populations.</p> <p>While the proposed project would not likely impact the California tiger salamander, preservation of the Marsh Creek Property shall nonetheless provide benefits to this salamander. There is a 1982 record for California tiger salamander in a pond in annual grassland adjacent to Marsh Creek, located 0.24</p> |                   |                         |          |

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|  |          | <p><i>mile upstream from the Marsh Creek Property (CNDDB Occurrence No. 170), and a total of 69 reported occurrences of California tiger salamanders within 5 miles of the Marsh Creek Property. Owing to the abundance of known California tiger salamander records in the vicinity of the Marsh Creek Property and the presence of a robust California ground squirrel colony within the grasslands on the property, which provide necessary refugia habitats for California tiger salamanders, the Marsh Creek Property would most likely be regarded by the U.S. Fish and Wildlife Service and the Department of Fish and Wildlife as supporting suitable upland over-summering habitat for this salamander. Therefore, the proposed mitigation site would provide appropriate mitigation for impacts to 141.6 acres of long-term disked agricultural land (has been farmed annually since at least 1945 based upon aerial photograph research completed by M&amp;A).</i></p> |                                   |                                       |          |
|  | 4.3-2(g) | <p><i>The project proponent shall record a conservation easement over the Marsh Creek Property preserving it in perpetuity as wildlife habitat. The easement shall be</i></p>   | City of Antioch Planning Division | Prior to issuance of a grading permit |          |



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|  |                                 | <i>granted to a qualified conservation organization such as the EBRPD. The project proponent shall also establish an endowment fund to provide for the long-term management, maintenance, and monitoring of the mitigation site. A Resource Management Plan (RMP) shall be developed for the management of natural resources to be preserved on the Marsh Creek Property.</i>   |  |  |          |
| 4.3-2(h)   |                                 | <i>Prior to approval of Improvement Plans, the City of Antioch's Engineering Division shall review and approve the Improvement Plans to ensure that the Plans show and note that a wood wire view fence shall be constructed along the southern project site boundary. The fence shall be placed on the Sand Creek side of any trail constructed as part of the project, and shall be located at least 100 feet away from the centerline of Sand Creek.</i> | City of Antioch Engineering Division   | Prior to approval of Improvement Plans                                       |          |
| 4.3-3  | Impacts to western pond turtle. | <i>4.3-3 A qualified biologist shall conduct a preconstruction survey of the work area in Sand Creek, and if a western pond turtle is identified in the work area, the turtle will be relocated to suitable habitat downstream. The work areas adjacent to Sand Creek shall be isolated with exclusion fencing that will prevent western</i>  | City of Antioch Planning Division<br>CDFW (if construction will occur near an active nest) | Prior to grading or construction activities within or adjacent to Sand Creek |          |

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|  |        | <p>pond turtle from entering the work site and accidentally being harmed by construction activities.</p> <p>The deeply incised channel with steep slopes makes it very unlikely that a western pond turtle would climb up onto the project site to nest. As such, no potential nesting sites are likely to be affected by the proposed project. Regardless, preconstruction surveys for turtle nest sites in uplands adjacent to suitable aquatic habitat during spring and summer months shall be conducted within 30 days prior to beginning any activities. If no nests are found, no further consideration for western pond turtle nests is warranted. If nest sites are located during preconstruction surveys adjacent to a proposed work area, the nest site plus a 50-foot buffer around the nest site shall be fenced where it intersects a project work area to avoid impacts to the eggs or hatchlings which over-winter at the nest site. In addition, if nest(s) are located during surveys, moth balls (naphthalene) should be sprinkled around the vicinity of the nest (no closer than 10 feet) to mask human scent and discourage predators.</p> |                   |                         |          |

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|  |        | <p>Construction at the nest site and within the 50-foot buffer area shall be delayed until the young leave the nest (this could be a period of many months) or as otherwise advised and directed by the Department, the agency responsible for overseeing the protection of the pond turtle. If the Department allows translocation of any nestling pond turtles this shall be completed by a qualified biologist under the direction of the Department.</p> <p>A 272 acre Mitigation Property shall be preserved along Marsh Creek Road in eastern Contra Costa County (or an alternative mitigation property with comparable biological resource values may also be used for mitigation in lieu of the Marsh Creek Property) to compensate for project related impacts to the California red-legged frog and the San Joaquin kit fox (see mitigation measures for these two species). Marsh Creek runs west to east through the Marsh Creek Property. This creek supports optimal western pond turtle basking pools and supports suitable nesting habitat that can be used by the western pond turtle. Thus, the permanent preservation of the Marsh Creek Property required to compensate</p> |                   |                         |          |

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|  |                                   | <p>for project impacts to the California red-legged frog and the San Joaquin kit fox will also benefit the western pond turtle. Alternatively, the project applicant could comply with one of the following:</p> <p>1) Comply with the applicable terms and conditions of the ECCCP/NCCCP, 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 ECCCHCP/NCCCP Covered Species; or</p> <p>2) Comply with a 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.</p> |                                   |                                      |          |
| 4.3-4  | Impacts to western burrowing owl. | 4.3-4(a) Within 14 days of commencement of ground disturbance, burrowing owl surveys shall be conducted by walking the   | City of Antioch Planning Division | Within 14 days prior to commencement |          |

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|  |        | <p>entire project site and (where possible) in areas within 150 meters (approx. 500 feet) of the proposed project impact zone. The 150-meter buffer zone is surveyed to identify burrows and owls outside of the proposed project area which may be impacted by factors such as noise and vibration (heavy equipment) during project construction.</p> <p>Pedestrian survey transects shall be spaced to allow 100 percent visual coverage of the ground surface. The distance between transect center lines shall be 7 meters to 20 meters and shall be reduced to account for differences in terrain, vegetation density, and ground surface visibility. Poor weather may affect the surveyor's ability to detect burrowing owls thus, avoid conducting surveys when wind speed is greater than 20 kilometers per hour and there is precipitation or dense fog. To avoid impacts to owls from surveyors, owls and/or occupied burrows shall be avoided by a minimum of 50 meters (approx. 160 ft.) wherever practical to avoid flushing occupied burrows. Disturbance to occupied burrows shall be avoided during all seasons. Alternatively, the project</p> |                   | of ground disturbance   |          |

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|  |        | <p>applicant could comply with one of the following:</p> <p>1) Comply with the applicable terms and conditions of the ECCCP/NCCCP, 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 ECCCHCP/NCCCP Covered Species; or</p> <p>2) Comply with a 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.</p> |                                   |  |          |
|  |        | <p>4.3-4(b) If burrowing owls are detected on the site, the following restricted activity dates and setback distances are recommended per the Department's Staff Report (2012):</p> <ul style="list-style-type: none"> <li>From April 1 through October</li> </ul>   | City of Antioch Planning Division | If burrowing owls are detected on the site |          |

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|  |          | <p>15, low disturbance and medium disturbance activities shall have a 200 meter buffer while high disturbance activities shall have a 500 meter buffer from occupied nests.</p> <ul style="list-style-type: none"> <li>From October 16 through March 31, low disturbance activities shall have a 50 meter buffer, medium disturbance activities shall have a 100 meter buffer, and high disturbance activities shall have a 500 meter buffer from occupied nests.</li> <li>No earth-moving activities or other disturbance shall occur within the aforementioned buffer zones of occupied burrows. These buffer zones shall be fenced as well. If burrowing owls were found in the proposed project area, a qualified biologist would also need to delineate the extent of burrowing owl habitat on the site.</li> </ul> |                                   |                                       |
|  | 4.3-4(c) | The proposed preservation of the Marsh Creek Mitigation Property shall preserve 272 acres that will benefit western burrowing owls. The permanent  | City of Antioch Planning Division | Prior to issuance of a grading permit |
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| 4.3-5  | Impacts to Swainson's hawk. | <p>preservation of this mitigation land provides suitable mitigation for impacts that would occur to 141.6 acres of marginal western burrowing owl habitat. The Marsh Creek Property supports grassland habitat and a robust California ground squirrel population that provides suitable habitat for western burrowing owls.</p> <p>4.3-5 To avoid impacts to nesting Swainson's hawks, the Department has prepared guidelines for conducting surveys for Swainson's hawk entitled: Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (CDFG 2000). These survey recommendations were developed by the Swainson's Hawk Technical Advisory Committee (TAC) to maximize the potential for locating nesting Swainson's hawks, and thus, reduce the potential for nest failures as a result of project activities and/or disturbances. To meet the Department's recommendations for mitigation and protection of Swainson's hawks in this guideline, surveys shall be conducted by a qualified raptor biologist for a 0.25-mile radius around all project activities and shall be completed for at least two survey periods</p> | City of Antioch Planning Division | Prior to start of construction |          |



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|  |        | <p>as is found in the Department's 2000 survey guidelines (CDFG 2000). The guidelines provide specific recommendations regarding the number of surveys based on when the proposed project is scheduled to begin and the time of year the surveys are conducted. A copy of this survey report shall be provided to the City of Antioch prior to starting construction.</p> <p>The applicant shall prepare a Swainson's Hawk Monitoring and Habitat Management Plan if a qualified raptor biologist determines that a nest site could be impacted or project activities could otherwise cause "take" of the Swainson's hawk, its eggs, or young. If take could occur as determined by a qualified raptor biologist, protective buffers shall be established on the project site that shall prevent such take from occurring. The protective buffer shall be maintained until such time that the Swainson's hawks have completed their nesting cycle as determined by a qualified raptor biologist. The nest protection buffer shall be coordinated with the Department.</p> <p>In addition, the 272 acre Marsh Creek</p> |                   |                         |          |

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|  |        | <p>Mitigation Property (or an alternative mitigation property with comparable biological resources) shall compensate for project related impacts from the loss of the 141.6 acres of project site farmland that constitutes suitable foraging habitat for the Swainson's hawk. Mitigation that compensates for the loss of suitable Swainson's hawk foraging habitat shall include the preservation of the 272 acre Marsh Creek Property, which supports grasslands that provide suitable foraging habitat for Swainson's hawks. Alternatively, the project applicant could comply with one of the following:</p> <p>1) Comply with the applicable terms and conditions of the ECCCHCP/NCCCP, 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 ECCCHCP/NCCP Covered Species; or</p> <p>2) Comply with a habitat</p> |                   |                         |          |

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|  |                             | <i>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.</i>   |                                   |   |          |
| 4.3-6  | Impacts to nesting raptors. | <p>4.3-6 <i>In order to avoid impacts to nesting raptors, a nesting survey shall be conducted within 14 days prior to commencing with construction if this work would commence between February 1st and August 31<sup>st</sup>. The raptor nesting surveys shall include examination of all trees within 300 feet of the entire project site, not just trees slated for removal.</i></p> <p><i>If nesting raptors are identified during the surveys, the dripline of the nest tree must be fenced with orange construction fencing (provided the tree is on the project site), and a 300-foot radius around the nest tree must be staked with bright orange lath or other suitable staking. If the tree is located off the project site, then the buffer shall be demarcated per above where the buffer intersects the project site. The size of the buffer may be altered if a qualified raptor biologist conducts behavioral observations and determines</i></p> | City of Antioch Planning Division | Within 14 days prior to commencement of construction between February 1 <sup>st</sup> and August 31 <sup>st</sup> |          |

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|  |   | the nesting raptors are well acclimated to disturbance. If this occurs, the raptor biologist shall prescribe a modified buffer that allows sufficient room to prevent undue disturbance/harassment to the nesting raptors. No construction or earth-moving activity shall occur within the established buffer until it is determined by a qualified raptor biologist that the young have fledged (that is, left the nest) and have attained sufficient flight skills to avoid project construction zones. This typically occurs by August 1st. This date may be earlier or later, and would have to be determined by a qualified raptor biologist. If a qualified biologist is not hired to watch the nesting raptors then the buffers shall be maintained in place through the month of August and work within the buffer can commence September 1st. |                                   |  |          |
| 4.3-7  | Impacts to nesting special-status bird species and nesting common bird species. | 4.3-7<br>If project site disturbance associated with the proposed project would commence between March 1st and September 1st, a preconstruction nesting survey shall be completed in the 14 day period prior to commencing with any proposed project related disturbance on the project site. The nesting survey shall be conducted on the project site and within a zone of   | City of Antioch Planning Division | Within 14 days prior to commencement of construction between March 1 <sup>st</sup> and September 1 <sup>st</sup> |          |

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| Impact Number  | Impact | Mitigation Measure   | Monitoring Agency | Implementation Schedule | Sign-off |
|  |        | <p>influence around the project site. The zone of influence includes those areas off the project site where birds could be disturbed by earth-moving vibrations or noise. Accordingly, the nesting survey(s) must cover the project site and an area around the project site boundary.</p> <p>If special-status birds are identified nesting on or adjacent to the project site, a non-disturbance buffer of 100 feet shall be established or as otherwise prescribed by a qualified ornithologist. If common (that is, not special-status) birds for example, California towhee, western scrub jay, or acorn woodpeckers are identified nesting on or adjacent to the project site, a non-disturbance buffer of 75 feet shall be established or as otherwise prescribed by a qualified ornithologist. The buffer shall be demarcated with painted orange lath or via the installation of orange construction fencing. Disturbance within the buffer shall be postponed until it is determined by a qualified ornithologist that the young have fledged and have attained sufficient flight skills to leave the area or that the nesting cycle has otherwise completed.</p> <p>Typically, most passerine birds in the region of the project site are expected to</p> |                   |                         |          |

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|  |                                     | <i>complete nesting by August 1st. However, many species can complete nesting by the end of June or early to mid-July. Regardless, nesting buffers shall be maintained until September 1st unless a qualified ornithologist determines that young have fledged and are independent of their nests at an earlier date. If buffers are removed prior to September 1st, the qualified biologist conducting the nesting surveys shall prepare and submit a report to the City of Antioch that provides details about the nesting outcome and the removal of buffers. This report shall be submitted prior to the time that nest protection buffers are removed if the date is before September 1st.</i> |  |                                       |          |
| 4.3-8  | Impacts to the San Joaquin kit fox. | 4.3-8(a)<br><i>To compensate for the permanent loss of 141.6 acres of potential San Joaquin kit fox migration habitat, albeit farmed land, the proposed project includes the permanent preservation and protection of the Marsh Creek Property. An alternative mitigation property approved by the United States Fish and Wildlife Service that possesses comparable biological resources may also be used for mitigation in lieu of the Marsh Creek Property. The Marsh Creek Property is 272 acres that will be managed to benefit San Joaquin kit</i>  | City of Antioch Planning Division<br><br>USFWS | Prior to issuance of a grading permit |          |

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|  |        | <p>fox and that provides suitable mitigation for the loss of 141.6 acres of farmland that otherwise provides marginal San Joaquin kit fox migration habitat. In addition, there is a 1991 occurrence for San Joaquin kit fox that was recorded approximately 0.50 mile to the east of the Marsh Creek Property (CNDDDB Record No. 573), and there are 9 additional reported occurrences of San Joaquin kit fox within 5 miles of the property. Thus, the Marsh Creek Property has moderate value to the San Joaquin kit fox, as compared to the project site, an agricultural property that has marginal value to the kit fox as migration habitat.</p> <p>The East Contra County Conservancy in concert with the Service and the Department, in the East Contra Costa county HCP indicate that the Marsh Creek Property is located in an area deemed to have high value for preservation. In the HCP, the property is mapped within an area designated as within the “Medium Level of Acquisition Effort” category in “Suitable Core Habitat” for the San Joaquin kit fox. The mitigation property is also mapped in the HCP as a “Potential Kit Fox Movement Route” indicating that</p> |                   |                         |          |

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| Impact Number  | Impact | Mitigation Measure  | Monitoring Agency   | Implementation Schedule   | Sign-off |
|  |        | <p><i>the property has value to the San Joaquin kit fox. The geographic location of the property adjacent to EBRPD Round Valley Regional Park further makes it a valuable mitigation property with significant regional importance as a preservation property.</i></p> <p>4.3-8(b) <i>The following measures shall be implemented by a qualified biologist:</i></p> <ul style="list-style-type: none"><li><i>An education program shall be conducted by a qualified biologist prior to the start of construction to explain the endangered species concerns to contractors working at the project site. The program shall include an explanation of the FESA and CESA and any endangered species concerns in the area.</i></li><li><i>Qualified biologists would conduct preconstruction den surveys no more than 14 days prior to site grading to ensure that potential kit fox dens are not disrupted. If “potential dens” are located, infrared camera stations shall be set up and maintained</i></li></ul> | <p>USFWS and/or CDFW (if kit fox are identified in the work area)</p> <p>City of Antioch Planning Division</p> <p>City of Antioch Planning Division</p> | <p>Prior to start of construction</p> <p>Within 14 days prior to site grading</p> |          |



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|  |        | <p>for 3 consecutive nights at den openings prior to initiation of grading activities to determine the status of the potential dens. If no kit fox is found to be using the den, site grading can proceed unhindered. However, if a kit fox is found using a den site within the project site the Service and the Department shall be notified and consulted before work activities resume. Alternatively, the project applicant could comply with one of the following:</p> <p>1) Comply with the applicable terms and conditions of the ECCC 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 ECCC HCP/NCCP Covered Species; or</p> <p>2) Comply with a habitat</p> |                   |                         |          |

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|  |        | <p>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.</p> <ul style="list-style-type: none"><li>To prevent harm to San Joaquin kit fox, any steep-walled holes and/or trenches excavated on the project site shall be completely covered at the end of each workday, or escape ramps shall be provided to allow any entrapped animals to escape unharmed. All pipe sections stored at the project site overnight that are four inches in diameter or greater shall be inspected for San Joaquin kit fox before the pipes are moved or buried. If San Joaquin kit fox are identified in the work area at any time, the Service and/or the Department shall be notified and consulted before work activities resume. All trash items shall be removed from the site to reduce</li></ul> | USFWS and/or CDFW (if kit fox are identified in the work area) | During construction     |          |

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| Impact Number  | Impact   | Mitigation Measure   | Monitoring Agency                              | Implementation Schedule               | Sign-off |
| 4.3-9  | Impacts to Waters of the United States and/or State. | <p><i>the potential for attracting predators of San Joaquin kit fox. Contractors shall be prohibited from bringing firearms and pets to the job site.</i></p> <p><i>The applicant is proposing to mitigate for project-related impacts to 0.027 acre of waters of U.S. and a total of 0.11 acre of "waters of the State" via the purchase of 0.20-acre seasonal wetland credits from the Cosumnes Mitigation Bank or other Mitigation Bank, or as otherwise required by the USACE and the RWQCB, provided that the mitigation is no less than 1:1 (replacement : impact). The Service Area for the Cosumnes Mitigation Bank covers the project site.</i></p> <p><i>Alternatively, the applicant may create, preserve, and manage new seasonal wetlands at the Marsh Creek Property (or comparable offsite location) at a 2:1 mitigation ratio (acres created and preserved: acre impacted). A project-specific Wetland Mitigation and Monitoring Plan prepared by a qualified restoration ecologist that includes the following information shall be provided to the City/USACE/RWQCB prior to conducting any activity that would result</i></p> | City of Antioch Community Development Director | Prior to issuance of a grading permit |          |

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|  |        | <p><i>in the placement of any fill material into a water of the U.S. or water of the state: a description of the impacted water; a map depicting the location of the mitigation site(s) and a description of existing site conditions; a detailed description of the mitigation design that includes: the location of the new seasonal wetlands; proposed construction schedule; a planting/vegetation plan; specific monitoring metrics, and objective performance and success criteria, such as delineation of created area as jurisdictional waters using USACE published methods; contingency measures if the created wetlands do not achieve the specified success criteria; and short-term and long-term management and monitoring methods.</i></p> <p><i>If the wetland mitigation site is a separate mitigation property that is not subject to mitigation measure BIO-1, the applicant shall grant a conservation easement to a qualified entity, as defined by Section 81.5.3 of the California Civil Code, preserving the created seasonal wetland(s) in perpetuity, and establish an endowment fund to provide for the long-term management, maintenance, and</i></p> |                   |                         |          |

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|  |   | <p>monitoring of the created seasonal wetland(s).</p> <p>Proof of compliance with the mitigation measure shall be submitted to the Community Development Director prior to the issuance of grading permits.</p>   |                                      |                         |          |
| 4.3-10   | Impacts to Department of Fish and Wildlife Fish and Game Code Section 1602 jurisdictional areas | <p>4.3-10(a) The applicant shall implement appropriate BMPs to prevent construction related impacts that could introduce de minimus fill or other pollutants into Sand Creek. These measures include the installation of wildlife friendly hay wattles and/or silt fence that shall prevent unintended de minimus fill impact to Sand Creek while the stormwater outfall is constructed. In addition, orange silt fencing shall be installed at the top-of-bank of Sand Creek to prevent unintended human and equipment traffic in areas that are not relevant to the construction of the proposed project. Finally, the dripline of all protected trees within the footprint of the proposed project including trees that could be impacted by the construction of the outfall structure in Sand Creek shall be protected via the installation of orange construction fencing.</p> | City of Antioch Engineering Division | During construction     |          |
|  |   | 4.3-10(b) The applicant may satisfy this mitigation   | City of Antioch                      | Prior to issuance       |          |

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|  |  | by providing the City of Antioch with a fully executed copy of a Streambed Alteration Agreement with the Department for the proposed outfall structure that includes these, or other functionally equivalent, BMPs. The implementation of the executed Streambed Alteration Agreement shall become a condition of project approval.   | Engineering Division<br><br>CDFW  | of a grading permit                                    |          |
| 4.3-12   | Impacts to protected trees under the City of Antioch's Tree Preservation and Regulation Ordinance. | 4.3-12(a) The final site plan shall indicate the location of any protected trees within the development footprint that the City has required to be saved as a condition to project approval. Compliance with the City of Antioch's Tree Preservation and Regulation ordinance shall occur as follows: <ul style="list-style-type: none"><li>• There shall be no excavation within the drip line of any protected trees to be saved unless specific plans are submitted to the Department of Community Development that indicate how grading within the drip line is to be carried out within critically harming the tree. Additional arborist's studies must be provided to support the grading proposed.</li></ul> | City of Antioch Planning Division | Prior to Final Map approval<br><br>During construction |          |

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|  |        | <ul style="list-style-type: none"><li>• Prior to the granting of a building permit the Applicant shall post a bond for each protected tree at which grading will occur within the drip line. The bonding schedule will be as listed in Section 9-5.1206 of the Municipal Code. The City will conduct ongoing inspections during the course of the grading to assure adherence to approved plans. Should the protected tree(s) die during the course of property development, the bond shall be forfeited to the city and used for tree replacement. A percentage of the bond will be retained in either case to assure tree survival for up to five years after the issuance of a certificate of occupancy.</li><li>• Unless specific exceptions are granted prior to the initiation of construction, all construction activity and traffic shall be prohibited from the area within the drip line of a protected tree.</li><li>• Should a protected tree be damaged during site development, the Applicant shall</li></ul> |                   |                         |          |

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|  |        | <p>administer all reasonable methods of treatments as approved by the Director of Community Development. The repair of the damage shall be at the expense of the Applicant.</p> <ul style="list-style-type: none"><li>Any time after initial approval of a site plan, an applicant's request to remove a protected tree as shown on the approved site plan will require a hearing. A new public hearing will be held on the issue of tree removal and the applicant will be required to re-notice the surrounding property owners.</li><li>All future owners of parcels on which trees were required to be maintained (as a condition of approval) shall be responsible for continued maintenance of such trees. Buyers of property with such trees, as well as buyers of all new single-family homes, shall be given disclosure notices of this requirement, and all other responsibility of tree management and/or preservation as required by the Tree Preservation and Regulation</li></ul> |                   |                         |          |



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| Impact Number  | Impact | Mitigation Measure  | Monitoring Agency                       | Implementation Schedule                  | Sign-off |
|  |        | <p>4.3-12(b) <i>To compensate for the loss of up to 34 trees, 136 replacement trees equivalent to a 4:1 mitigation ratio (replacement trees; removed trees) shall be planted as alternatively and equally compliant with the City of Antioch’s Tree Preservation and Regulation ordinance as follows:</i></p> <ul style="list-style-type: none"><li>• <i>Four 5-gallon potted trees shall be planted for the loss of each “established” or “mature” tree at the Vineyards at Sand Creek Project site. Four 5-gallon potted trees shall be planted for the loss of the one “landmark” tree since the tree is non-native and in poor condition. A 4:1 mitigation ratio (replacement trees; removed trees) is suitable for the loss of the landmark tree at the Vineyards at Sand Creek Project site because the tree is non-native and is in poor health. This landmark tree will decline regardless of treatment.</i></li><li>• <i>All of the mitigation trees shall be native trees indigenous to the</i></li></ul> | City of Antioch<br>Planning<br>Division | Prior to<br>Improvement<br>Plan approval |          |

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|  |        | <p>region. Trees planted as mitigation may be incorporated into the landscape plans.</p> <ul style="list-style-type: none"><li>All planted trees shall be provided with a temporary irrigation system that would be maintained over a minimum three-year establishment period. The irrigation system shall be placed on electric timers so that trees are automatically watered during the dry months of the establishment period. At the end of a suitable establishment period, the irrigation system may be removed.</li><li>All of these replacement trees shall be monitored annually for a minimum of three years by a qualified biologist or arborist, and an annual monitoring report shall be submitted to the City of Antioch's Planning Department. Maintenance will include measures to minimize predation of planted trees by rodents including, but not limited to, pocket gophers (<i>Thomomys bottae</i>) and/or California ground squirrels (<i>Spermophilus beechyi</i>).</li></ul> |                   |                         |          |

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| Impact Number  | Impact  | Mitigation Measure  | Monitoring Agency   | Implementation Schedule                        | Sign-off |
|  |   | <ul style="list-style-type: none"> <li>At the end of a three-year monitoring period, at least 75 percent of planted trees should be in good health. If so, yearly monitoring and reporting is complete. If the numbers of planted trees falls below a 75 percent survival rate, additional trees shall be planted to bring the total number of planted trees up to 100 percent of the original number of trees planted, and irrigation, monitoring and reporting to the City shall continue until the survival rate is achieved.</li> </ul> |   |  |          |
| 4.2-14   | Cumulative loss of biological resources in the City of Antioch and the effects of ongoing urbanization in the region. | 4.4-14 Implement Mitigation Measures 4.3-1 through 4.3-12(b).   | See Mitigation Measure 4.3-1 through 4.3-12(b)              | See Mitigation Measure 4.3-1 through 4.3-12(b) |          |
| 4.4 Cultural Resources   |   |   |   |  |          |
| 4.4-2  | Archaeological resources and human remains.   | 4.4-2(a) In the event of the accidental discovery or recognition of any human remains, further excavation or disturbance of the find or any nearby area reasonably suspected to overlie adjacent human remains shall not occur until compliance with the provisions of CEQA Guidelines Section 15064.5(e)(1)  | City of Antioch<br>Community Development Department<br>NAHC | During construction                            |          |

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|  |        | <p>and (2) has occurred. The Guidelines specify that in the event of the discovery of human remains other than in a dedicated cemetery, no further excavation at the site or any nearby area suspected to contain human remains shall occur until the County Coroner has been notified to determine if an investigation into the cause of death is required. If the coroner determines that the remains are Native American, then, within 24 hours, the Coroner must notify the Native American Heritage Commission, which in turn will notify the most likely descendants who may recommend treatment of the remains and any grave goods. If the Native American Heritage Commission is unable to identify a most likely descendant or most likely descendant fails to make a recommendation within 24 hours after notification by the Native American Heritage Commission, or the landowner or his authorized agent rejects the recommendation by the most likely descendant and mediation by the Native American Heritage Commission fails to provide a measure acceptable to the landowner, then the landowner or his authorized representative shall rebury the human remains and grave goods with</p> | County Coroner    |                         |          |

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| Impact Number  | Impact          | Mitigation Measure  | Monitoring Agency                                | Implementation Schedule | Sign-off |
|  |                 | <p>appropriate dignity at a location on the property not subject to further disturbances. Should human remains be encountered, a copy of the resulting County Coroner report noting any written consultation with the Native American Heritage Commission shall be submitted as proof of compliance to the City's Community Development Department.</p> <p>4.4-2(b) If any prehistoric or historic artifacts, or other indications of cultural deposits, such as historic privy pits or trash deposits, are found once ground disturbing activities are underway, all work within the vicinity of the find(s) shall cease and the find(s) shall be immediately evaluated by a qualified archaeologist. If the find is determined to be a historical or unique archaeological resource, contingency funding and a time allotment to allow for implementation of avoidance measures or appropriate mitigation shall be made available (CEQA Guidelines Section 15064.5). Work may continue on other parts of the project site while historical or unique archaeological resource mitigation takes place (Public Resources Code Sections 21083 and 21087).</p> | City of Antioch Community Development Department | During construction     |          |
| 4.4-3  | Paleontological | 4.4-3 The applicant shall retain the services of a  | City of Antioch                                  | Prior to initiation     |          |

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|  | resources. | <p>professional paleontologist to educate the construction crew that will be conducting grading and excavation at the project site. The education shall consist of an introduction to the geology of the project site and the kinds of fossils that may be encountered, as well as what to do in case of a discovery. Should any vertebrate fossils (e.g., teeth, bones), an unusually large or dense accumulation of intact invertebrates, or well-preserved plant material (e.g., leaves) be unearthed by the construction crew, then ground-disturbing activity shall be diverted to another part of the project site and the paleontologist shall be called on-site to assess the find and, if significant, recover the find in a timely matter. Finds determined significant by the paleontologist shall then be conserved and deposited with a recognized repository, such as the University of California Museum of Paleontology. The alternative mitigation would be to leave the significant finds in place, determine the extent of significant deposit, and avoid further disturbance of the significant deposit. Proof of the construction crew awareness training shall be submitted to the City's Community Development Department in</p> | Community Development Department | of construction         |          |

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|  |   | <i>the form of a copy of training materials and the completed training attendance roster.</i>  |                                      |                               |          |
| <b>4.5 Geology, Soils, and Mineral Resources</b>                               |   |  |                                      |                               |          |
| 4.5-1  | Risks to people and structures associated with seismic activity, including ground shaking and ground failure, such as liquefaction or landslides. | <p><i>4.5-1 Prior to final project design, the project applicant shall submit to the City of Antioch Engineering Department, for review and approval, a design-level geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer. The design-level report shall include measures to address construction requirements to mitigate, at a minimum, slope stability, liquefiable soils, and ground shaking. Measures to address the aforementioned geological concerns shall include, at a minimum, the following:</i></p> <ul style="list-style-type: none"> <li><i>• The use of post-tensioned concrete mat foundations for liquefaction-induced settlement;</i></li> <li><i>• The over-excavation of a minimum of three feet of soil to remove existing structure foundations and non-engineered fill in order to place the soil back on-site as engineered fill; and</i></li> <li><i>• Soil borings and/or cone penetration tests within the development areas and</i></li> </ul> | City of Antioch Engineering Division | Prior to final project design |          |

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|  |   | <i>laboratory soil testing to provide date for preparation of specific recommendations regarding grading, foundations, and drainage for the proposed construction.</i>  |                                      |                               |          |
| 4.5-2  | Risks to people and structures associated with expansive soils. | <p>4.5-2 Prior to final project design, the project applicant shall submit to the City of Antioch Engineering Department, for review and approval, a design-level geotechnical engineering report produced by a California Registered Civil Engineer or Geotechnical Engineer. The design-level report shall include measures to address construction requirements to mitigate, at a minimum, expansive/unstable soils. Measures to address the aforementioned geological concerns shall include, at a minimum, the following:</p> <ul style="list-style-type: none"> <li>• The use of post-tensioned concrete mat foundations or similarly stiffened foundations systems which are designed to resist the deflections associated with soil expansion. The foundations are anticipated to be 10 to 12 inches thick;</li> <li>• The over-excavation of a minimum of three feet of soil to remove existing structure</li> </ul> | City of Antioch Engineering Division | Prior to final project design |          |



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| Impact Number  | Impact  | Mitigation Measure   | Monitoring Agency                    | Implementation Schedule       | Sign-off |
|  |   | <p><i>foundations and non-engineered fill in order to place the soil back on-site as engineered fill; and</i></p> <ul style="list-style-type: none"> <li>• <i>Soil borings and/or cone penetration tests within the development areas and laboratory soil testing to provide date for preparation of specific recommendations regarding grading, foundations, and drainage for the proposed construction.</i></li> </ul> <p><i>All grading and site development plans should be coordinated with the Engineering Geologist and the Geotechnical Engineer to modify plans for the mitigation of known soil and geologic hazards during the planning process. The final 40-scale grading plans for the project site should be reviewed by the Geotechnical Engineer before submittal to the appropriate regulatory agencies in order to develop a corrective grading plan and provide a detailed review.</i></p> |                                      |                               |          |
| 4.5-3  | Risks associated with substantial erosion or loss of topsoil. | 4.5-3<br><i>Prior to final project design, the project applicant shall submit, for the review and approval by the City Engineer, an erosion control plan that utilizes standard construction practices to limit the erosion</i>  | City of Antioch Engineering Division | Prior to final project design |          |

| MITIGATION MONITORING AND REPORTING PROGRAM<br>VINEYARDS AT SAND CREEK PROJECT |   |  |                                      |   |          |
|--|---|--|--------------------------------------|---|----------|
| Impact Number  | Impact  | Mitigation Measure   | Monitoring Agency                    | Implementation Schedule                           | Sign-off |
|  |   | <p><i>effects during construction of the proposed project. Measures shall include, but are not limited to, the following:</i></p> <ul style="list-style-type: none"> <li>• <i>Hydro-seeding;</i></li> <li>• <i>Placement of erosion control measures within drainageways and ahead of drop inlets;</i></li> <li>• <i>The temporary lining (during construction activities) of drop inlets with “filter fabric” (a specific type of geotextile fabric);</i></li> <li>• <i>The placement of straw wattles along slope contours;</i></li> <li>• <i>Directing subcontractors to a single designation “wash-out” location (as opposed to allowing them to wash-out in any location they desire);</i></li> <li>• <i>The use of siltation fences; and</i></li> <li>• <i>The use of sediment basins and dust palliatives.</i></li> </ul> |                                      |   |          |
| <b>4.6 Hazards and Hazardous Materials</b>                                     |   |  |                                      |   |          |
| 4.6-2  | An upset or accidental release of hazardous materials into the environment. | 4.6-2(a) Prior to commencement of grading and construction, the construction contractor, a representative from PG&E, Calpine, and a representative from the City's Engineering Department shall meet on the project site and prepare site-specific   | City of Antioch Engineering Division | Prior to commencement of grading and construction |          |

| MITIGATION MONITORING AND REPORTING PROGRAM<br>VINEYARDS AT SAND CREEK PROJECT |        |   |  |   |          |
|--|--------|---|--|---|----------|
| Impact Number  | Impact | Mitigation Measure  | Monitoring Agency                            | Implementation Schedule                   | Sign-off |
|  |        | <i>safety guidelines for construction in the field to the satisfaction of the City Engineer. The safety guidelines and field-verified location of the pipelines shall be noted on the improvement plans and be included in all construction contracts involving the project site.</i>   |  |   |          |
|  |        | 4.6-2(b)<br><br>All abandoned oil pipelines within the areas of the project site planned for development shall be removed. Any associated apparent soil contamination (soil staining, odors, debris fill material, etc.) shall be properly evaluated and mitigated where necessary, in accordance with Mitigation Measure 4.6-2(c).   | See Mitigation Measure 4.6-2(c)              | See Mitigation Measure 4.6-2(c)           |          |
|  |        | 4.6-2(c)<br><br>If indicators of apparent soil contamination (soil staining, odors, debris fill material, etc.) are encountered at the project site, specifically in the vicinity of abandoned oil/gas wells or during removal of abandoned oil pipelines, the impacted area should be isolated from surrounding, non-impacted areas. The project environmental professional shall obtain samples of the potentially impacted soil for analysis of the contaminants of concern and comparison with applicable regulatory residential screening levels | Contra Costa Environmental Health Department | During removal of abandoned oil pipelines |          |

| MITIGATION MONITORING AND REPORTING PROGRAM<br>VINEYARDS AT SAND CREEK PROJECT |  |  |                                      |                             |          |
|--|--|--|--------------------------------------|-----------------------------|----------|
| Impact Number  | Impact   | Mitigation Measure   | Monitoring Agency                    | Implementation Schedule     | Sign-off |
|  |  | (i.e., Environmental Screening Levels, California Human Health Screening Levels, Regional Screening Levels, etc.). Where the soil contaminant concentrations exceed the applicable regulatory residential screening levels, the impacted soil shall be excavated and disposed of offsite at a licensed landfill facility to the satisfaction of the Contra Costa Environmental Health Department.  |                                      |                             |          |
|  |  | 4.6-2(d) Prior to final map approval, the project applicant shall submit to the City of Antioch Engineering Department, for review and approval, plans which show that inhabited structures will not be located directly over the three on-site abandoned oil/gas wells. The plans shall be completed in compliance with the DOGGR Construction Site Review Program, which includes guidelines and recommendations for setbacks and mitigation measures for venting systems. | City of Antioch Engineering Division | Prior to Final Map approval |          |
| <b>4.9 Noise</b>   |  |  |                                      |                             |          |
| 4.9-2  | Impacts related to a substantial temporary or periodic increase in ambient noise levels in the project vicinity. | 4.9-2(a) Noise-generating activities at the construction site or in areas adjacent to the construction site that are associated with the proposed project in any way shall adhere to the requirements of the City of Antioch Zoning Ordinance with respect to  | City of Antioch Building Official    | During construction         |          |

| MITIGATION MONITORING AND REPORTING PROGRAM<br>VINEYARDS AT SAND CREEK PROJECT |        |  |                                   |   |          |
|--|--------|--|-----------------------------------|---|----------|
| Impact Number  | Impact | Mitigation Measure   | Monitoring Agency                 | Implementation Schedule                 | Sign-off |
|  |        | <p>hours of operations, subject to review and approval by the City Building Official. Specifically, construction activities shall not occur during the hours specified below:</p> <ul style="list-style-type: none"><li>• On weekdays prior to 7:00 AM and after 6:00 PM;</li><li>• On weekdays within 300 feet of occupied dwellings, prior to 8:00 AM and after 5:00 PM; and</li><li>• On weekends and holidays, prior to 9:00 AM and after 5:00 PM, irrespective of the distance from the occupied dwellings.</li></ul> |                                   |   |          |
|  |        | <p>4.9-2(b) Prior to issuance of the grading permit, the project contractor shall ensure that all intake and exhaust ports on power construction equipment shall be shrouded or shielded from sensitive receptors according to industry best practices, subject to review and approval by the City Building Official.</p>  | City of Antioch Building Official | Prior to issuance of the grading permit |          |
|  |        | <p>4.9-2(c) Prior to issuance of the grading permit, the project contractor shall designate a disturbance coordinator and conspicuously post the coordinator's number around the project site and in</p>   | City of Antioch Building Official | Prior to issuance of the grading permit |          |

| MITIGATION MONITORING AND REPORTING PROGRAM<br>VINEYARDS AT SAND CREEK PROJECT |        |   |                                   |   |          |
|--|--------|---|-----------------------------------|---|----------|
| Impact Number  | Impact | Mitigation Measure  | Monitoring Agency                 | Implementation Schedule                 | Sign-off |
|  |        | <p><i>adjacent public spaces, subject to review and approval by the City Building Official. The disturbance coordinator shall receive any and all public complaints about construction noise disturbances and shall be responsible for determining the cause of the complaint and implementing any feasible measures to be taken to alleviate the problem.</i></p> <p>4.9-2(d) <i>Prior to the issuance of the grading permit, the applicants shall submit a construction-related noise mitigation plan to the City Building Official for review and approval. The plan shall depict the location of construction equipment and how the noise from this equipment will be mitigated during construction of the project through the use of such methods as:</i></p> <ul style="list-style-type: none"><li>• <i>The construction contractor shall use temporary noise-attenuation fences, where feasible, to reduce construction noise impacts on adjacent noise sensitive land uses.</i></li><li>• <i>During all project site excavation and grading on-site, the construction contractors shall</i></li></ul> | City of Antioch Building Official | Prior to issuance of the grading permit |          |

| MITIGATION MONITORING AND REPORTING PROGRAM<br>VINEYARDS AT SAND CREEK PROJECT |  |  |                                      |  |          |
|--|--|--|--------------------------------------|--|----------|
| Impact Number  | Impact   | Mitigation Measure   | Monitoring Agency                    | Implementation Schedule                            | Sign-off |
|  |  | <p>equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers, consistent with manufacturers' standards. The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.</p> <ul style="list-style-type: none"> <li>The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.</li> </ul> |                                      |  |          |
| 4.9-5  | Transportation noise at new sensitive receptors. | <p>4.9-5(a) In conjunction with submittal of Improvement Plans, the applicant shall show on the Improvement Plans that sound walls and/or landscaped berms shall be constructed along Hillcrest Avenue and Sand Creek Road at proposed residential uses. The specific height and location of the noise barrier shall be confirmed based upon the final approved site and grading plans. See Figure 3.9-2 for the recommended noise barrier placement and required wall height. Wall</p>  | City of Antioch Engineering Division | In conjunction with submittal of Improvement Plans |          |

| MITIGATION MONITORING AND REPORTING PROGRAM<br>VINEYARDS AT SAND CREEK PROJECT |  |  |  |   |          |
|--|--|--|--|---|----------|
| Impact Number  | Impact   | Mitigation Measure   | Monitoring Agency                                | Implementation Schedule   | Sign-off |
|  |  | <i>height shown in the aforementioned figure is relative to building pad elevations. Noise barrier walls shall be constructed of concrete panels, concrete masonry units, earthen berms, or any combination of these materials. Wood is not recommended due to eventual warping and degradation of acoustical performance. The Improvement Plans shall be subject to review and approval by the City Engineer.</i> |  |   |          |
|  |  | <i>4.9-5(b) In conjunction with submittal of Building Plans, the applicant shall show on the plans that mechanical ventilation shall be installed in all residential uses to allow residents to keep doors and windows closed, as desired for acoustical isolation. The building plans shall be subject to review and approval by the City Building Official.</i>  | City of Antioch Building Official                | In conjunction with submittal of Building Plans                   |          |
| 4.9-7  | Cumulative impacts on noise-sensitive receptors. | 4.9-7 Implement Mitigation Measures 4.9-5(a) and 4.9-5(b).   | See Mitigation Measures 4.9-5(a) and 4.9-5(b)    | See Mitigation Measures 4.9-5(a) and 4.9-5(b)                     |          |
| 4.10 Public Services, Recreation, and Utilities                                |  |  |  |   |          |
| 4.10-6   | Adequate school capacity.                        | 4.10-6 Prior to building permit issuance for any residential development, the developer shall submit to the Community Development Department written proof from the BUSD and the LUHSD that appropriate school mitigation fees have  | City of Antioch Community Development Department | Prior to building permit issuance for any residential development |          |



| MITIGATION MONITORING AND REPORTING PROGRAM<br>VINEYARDS AT SAND CREEK PROJECT |   |  |   |   |          |
|--|---|--|---|---|----------|
| Impact Number  | Impact                                      | Mitigation Measure   | Monitoring Agency                                   | Implementation Schedule                           | Sign-off |
| 4.10-7   | Adequate parks and recreation facilities.   | <p>4.10-7 <i>Per the Antioch Municipal Code, at the time of the filing of the final subdivision map, the subdivider shall provide a combination of parkland dedication and the payment of in-lieu fees into the City of Antioch's Park Fee Trust Fund to the satisfaction of the City Engineer/Director of Public Works.</i></p>   | City of Antioch Engineer / Director of Public Works | In conjunction with Final Map recordation         |          |
| 4.11 Transportation and Circulation  |   |  |   |   |          |
| 4.11-1   | Traffic related to construction activities. | <p>4.11-1 <i>Prior to issuance of grading and building permits, the developer shall submit a Traffic Control Plan, subject to review and approval by the City Engineer. The Plan shall include, but are not necessarily limited to, the following:</i></p> <ul style="list-style-type: none"><li><i>• Project staging plan to maximize on-site storage of materials and equipment;</i></li><li><i>• A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak hours; lane closure proceedings; signs, cones, and other warning devices for drivers; and designation of construction access routes;</i></li></ul> | City of Antioch Engineering Division                | Prior to issuance of grading and building permits |          |

| MITIGATION MONITORING AND REPORTING PROGRAM<br>VINEYARDS AT SAND CREEK PROJECT |  |   |  |  |          |
|--|--|---|--|--|----------|
| Impact Number  | Impact   | Mitigation Measure  | Monitoring Agency                                | Implementation Schedule                | Sign-off |
|  |  | <ul style="list-style-type: none"> <li>• Permitted construction hours;</li> <li>• Identification of parking areas for construction employees, site visitors, and inspectors, including on-site locations; and</li> <li>• Provisions for street sweeping to remove construction-related debris on public streets.</li> </ul>   |  |  |          |
| 4.11-5   | Site access, circulation, and emergency access.  | 4.11-5 Prior to approval of Improvement Plans, the Improvement Plans shall show that the northbound left-turn pocket from Heidom Ranch Road and the southbound left-turn pocket from Hillcrest Avenue shall be designed to provide approximately 75 to 100 feet of vehicle storage, plus the taper length. The Improvement Plans shall be subject to review and approval by the City Engineer.  | City of Antioch Engineering Division             | Prior to approval of Improvement Plans |          |
| 4.11-6   | Study roadway intersections and freeway facilities under Cumulative Plus Project conditions. | 4.11-6 Prior to issuance of a building permit, the project applicant shall pay regional transportation impact fees to the East Contra Costa Regional Fee and Financing Authority (ECCRFFA) that would fund construction of additional improvements at the Sand Creek Road interchange, which includes a slip-ramp for the eastbound Sand Creek to southbound State Route 4 movement, eliminating the conflicting left-turn movement at the intersection. Construction of this | City of Antioch Community Development Department | Prior to issuance of a building permit |          |

| MITIGATION MONITORING AND REPORTING PROGRAM<br>VINEYARDS AT SAND CREEK PROJECT |        |   |                      |                            |
|--|--------|---|----------------------|----------------------------|
| Impact<br>Number   | Impact | Mitigation Measure  | Monitoring<br>Agency | Implementation<br>Schedule |
|  |        | <i>improvement would result in acceptable<br/>operations (as shown in Table 4.11-14).</i> |                      |                            |
|  |        |   |                      | Sign-off                   |

**PLANNING COMMISSION  
RESOLUTION NO. 2016-\*\***

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH  
RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A GENERAL PLAN  
AMENDMENT FOR THE PROMENADE/VINEYARDS AT SAND CREEK PROJECT**

**WHEREAS**, the City received an application from GBN Partners, LLC for approval of an Environmental Impact Report, a Development Agreement, General Plan Amendment, Planned Development rezone, Resource Management Plan, and a Vesting Tentative Map, for the development of a 650 unit single family residential community on a portion of approximately 141 acres (GP-14-01, PD-14-03, Subdivision 9390). The project is located on the easterly side of the Sand Creek Focus Area, east of the current terminus of Hillcrest Avenue, west of Heidorn Ranch Road and north of Sand Creek (APNs 057-030-003, 057-030-007); and

**WHEREAS**, the City determined that a Final Environmental Impact Report and Mitigation Monitoring and Reporting Program is the appropriate environmental document pursuant to Section 15164 of the Guidelines of the California Environmental Quality Act; and,

**WHEREAS**, Section 65358 of the California Government Code provides for the amendment of all or part of an adopted General Plan; and

**WHEREAS**, in May 2015, the City hired EPS to prepare the "Implications for Economic Development of the Proposed General Plan Amendment for the Promenade/Vineyards at Sand Creek Project" (the "Economic Study"). The Economic Study concluded that: (1) The City currently has workspace development capacity of approximately 23.3 million square feet; (2) On an aggregate basis, the City has substantial development capacity for job growth requiring office/commercial and business park/industrial space; (3) Comparison of available City employment areas indicates that there are areas that are better and will be more competitive in attracting economic development than the Sand Creek Focus Area; and (4) Overall, the proposed change in General Plan designation (from Business Park to Residential) will not negatively affect the City's ability to attract new economic development.

**WHEREAS**, the primary purpose of the General Plan Amendment is to ensure consistency between the City of Antioch General Plan and the Project; and

**WHEREAS**, the proposal to allow small lot single family residential development within the Medium Low Density Residential zone in the Sand Creek Focus Area promotes the City's ability to provide diverse housing types to satisfy the Regional Housing Needs Allocation and fulfill City objectives as expressed in the Housing Element; and

**WHEREAS**, the proposed project site is of adequate size to accommodate the proposed small lot single family residential development; and

**WHEREAS**, the proposed project will provide adequate infrastructure to accommodate the proposed small lot single family residential development; and

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

**WHEREAS**, on January 6, 2016, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

**NOW THEREFORE, BE IT RESOLVED** that the Planning Commission does hereby make the following findings for recommendation to the City Council of approval of the General Plan Amendment:

1. The proposed project conforms to the provisions and standards of the General Plan in that the proposed amendment is internally consistent with all other provisions of the General Plan and does not conflict with any of the previously adopted Goals, Policies and Programs of the General Plan; and
2. The proposed Amendment is necessary to implement the goals and objectives of the General Plan in that it will further implement the City of Antioch Housing Element; and
3. The proposed Amendment will not be detrimental to the public interest, convenience, and general welfare of the City in that the Amendment will result in a logical placement of land uses consistent with the overall intent of the General Plan; and
4. The proposed project will not cause environmental damage in that the project prepared the Vineyards at Sand Creek Final Environmental Impact Report and Mitigation Monitoring and Reporting Program which concluded that the project does not result in any significant or unavoidable impacts; and
5. The Proposed General Plan Amendment will not require changes to or modifications of any other plans that the City Council adopted before the date of this resolution.

**NOW THEREFORE BE IT FURTHER RESOLVED** that the Planning Commission hereby recommends the City Council adopt the General Plan Amendment (GPA-14-01) of the site to the Medium Low Density Residential and Open Space

designation as shown in Exhibit A and an Amendment of the Sand Creek Focus Area General Plan text as shown in Exhibit B.

\* \* \* \* \*

**I HEREBY CERTIFY** that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 6th day of January, 2016, by the following vote:

**AYES:**

**NOES:**

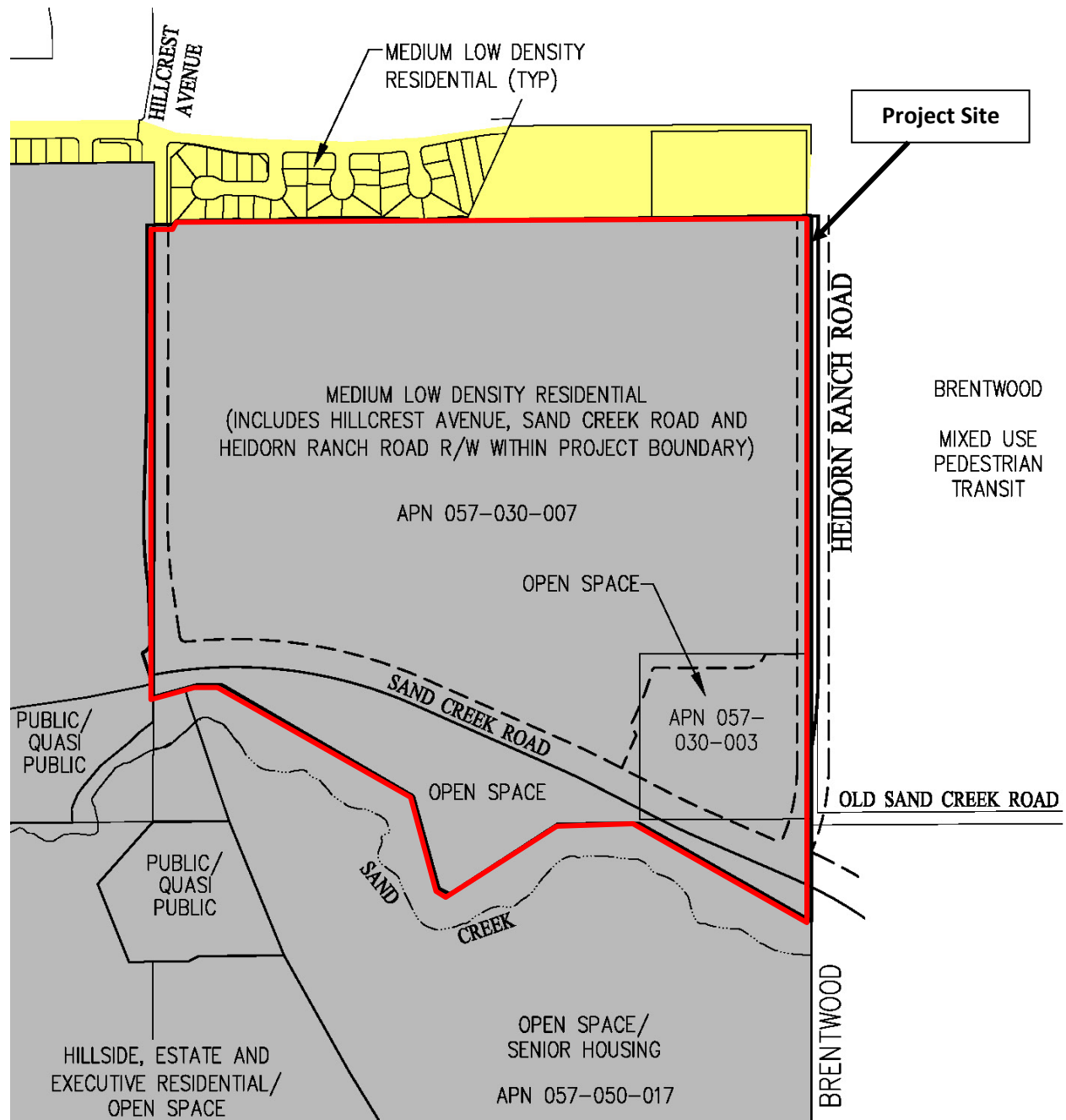
**ABSENT:**

**ABSTAIN:**

---

FORREST EBBS  
Secretary to the Planning Commission

**EXHIBIT A**  
**GENERAL PLAN LAND USE AMENDMENT**



**EXHIBIT B**

**SAND CREEK FOCUS AREA GENERAL PLAN TEXT AMENDMENT**



**4.4.6.7 Sand Creek.** The Sand Creek Focus Area encompasses approximately 2,712 acres in the southern portion of the City of Antioch (Figure 4.8).

This Focus Area is bounded by existing residential neighborhoods to the north, Black Diamond Mines Regional Preserve to the west, the city limits to the south, and the City of Brentwood to the east. Empire Mine Road and Deer Valley Road run in a general north-south direction through the Focus Area, dividing it roughly into thirds.

**a. Purpose and Primary Issues.** The Sand Creek Focus Area combines two existing policy and planning areas identified in the previous General Plan: the southern portion of “Focused Policy Area 18” and the entirety of Future Urban Area 1.” Previous General Plan policy tied the timing of development within this Focus Area to progressive build out of the land immediately to the north (the area generally known as Southeast Antioch), and to agreement on an alignment for the SR-4 bypass.

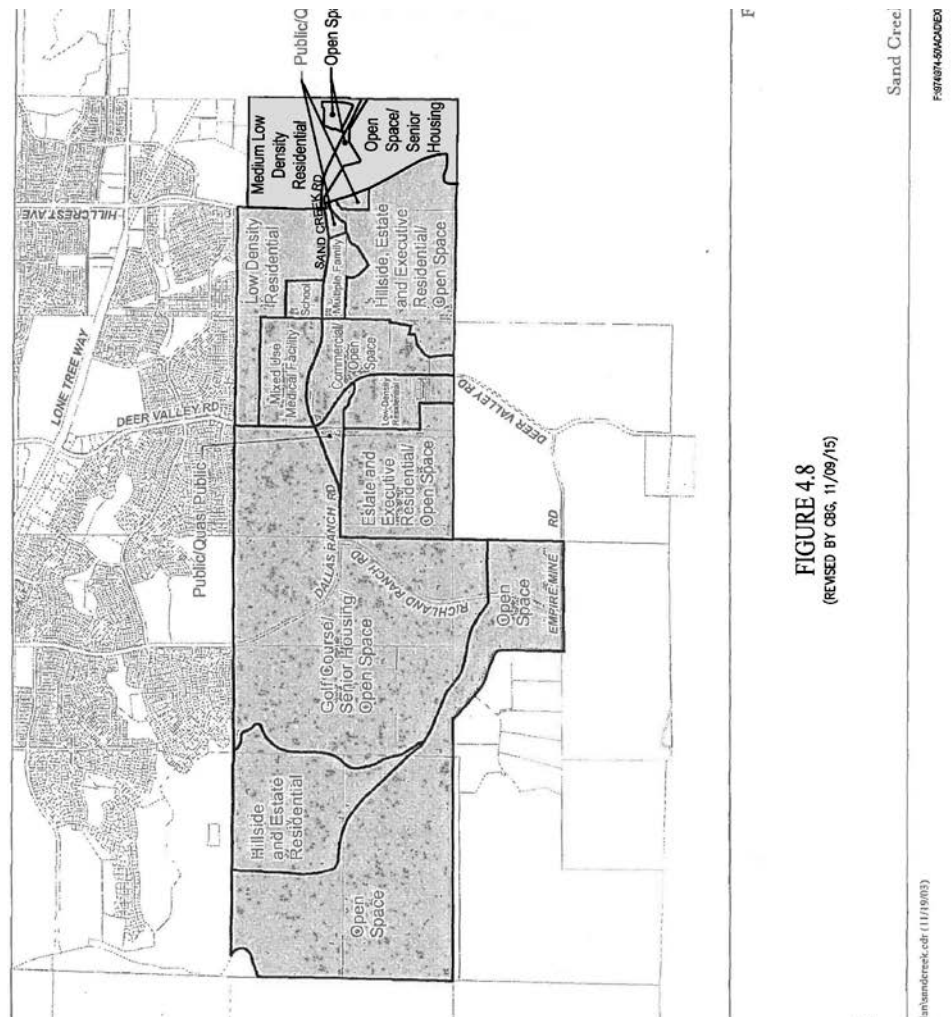
Through the 1990s, build out of Southeast Antioch was largely completed, an alignment for the SR-4 bypass was selected, and financing for construction of the bypass was developed. As a result, the City stepped up its

planning efforts for the Sand Creek Focus Area with area landowners. Because of the multiple ownerships within the Sand Creek Focus Area, detailed coordination of access and infrastructure, along with the establishment of workable financing mechanisms was necessary in addition to land use planning.

Sand Creek, as well as natural hillsides and canyons within the Sand Creek Focus Area, contain habitats for sensitive plant and animal species, as well as habitat linkages and movement corridors. Overall, the western portion of the Focus Area is more environmentally sensitive than the eastern portion in terms of steep topography, biological habitats and linkages, the existence of abandoned coal mines, and proximity to public open space at Black Diamond Mines Regional Preserve. The west end of the Sand Creek Focus Area serves as a linkage between two regionally significant blocks of grassland. Decades of urban and agricultural use have greatly reduced the width of this linkage, substantially increasing the ecological importance of the remaining linkage within the Sand Creek Focus Area. Land has been preserved in regional parks and permanent open space, primarily in extensive grassland to the immediate west and northwest, as well as south of the Sand Creek Focus Area. These preserves represent a significant investment of public resources, and are a valued public asset.

Stream and riparian communities occupy a small portion of the Focus Area, but are widely distributed. Because of their high biotic value, stream and riparian communities within the Focus Area are considered to be a sensitive resource. The Focus Area also includes an oak woodland and savanna community, which, because of its high wildlife value, is considered to be a sensitive resource.

Figure 4.8: Sand Creek



**b. Policy Direction.** The environmental sensitivity of portions of the Sand Creek Focus Area was recognized in the City's previous General Plan; however, policy direction was very general. As an example, the previous General Plan did not provide any indication of the maximum allowable development intensity for Future Urban Area 1. The previous General Plan also stated that while the area between Contra Loma Boulevard and Empire Mine Road was designated Estate Residential, "the actual density should be based on a development plan that ensures that the special characteristics of the area, including steep slopes, riparian habitat, and other environmental constraints, are accommodated.

The following policy discussion and policies for the Sand Creek Focus Area are intended to provide clear direction for the future development and environmental management of the area.

The Sand Creek Focus Area is intended to function as a large-scale planned community, providing needed housing and employment opportunities. This Focus Area is also intended to provide substantial employment opportunities. Up to approximately 280 acres are to be devoted to retail and employment-generating uses, which will result in the creation of up to 6,500 jobs at build out. Residential development within the Sand Creek Focus Area will provide for a range of housing types,

including upper income estate housing, golf course-oriented age-restricted housing for seniors, suburban single-family detached housing [for families or for seniors](#), and multifamily development.

The following policies apply to development within the Sand Creek Focus Area.

- a. Prior to or concurrent with approvals of any development applications other than major employment-generating uses (including, but not limited to a medical facility on the Kaiser property), a specific plan or alternative planning process as determined by the City Council, shall be prepared and approved for the Sand Creek Focus Area. Such specific plan or alternative planning process shall identify and provide for project for project-related land uses, financing of required public services and facilities, open space preservation, community design, recreational amenities, and community improvements within the area proposed for development.
- b. Sand Creek Focus Area development shall make a substantial commitment to employment-generating uses. Up to ~~280~~ [180](#) acres are to be devoted to employment-generating uses within the areas shown for [Business Park and Commercial/Open Space](#), in addition to the area shown as Mixed Use Medical Facility. Appropriate primary land uses within employment-generating areas include:
  - Administrative and Professional Offices
  - Research and Development
  - Light Manufacturing and Assembly
  - Hospital and related medical uses
- c. Secondary, support and ancillary uses within employment-generating areas include:
  - Banks and Financial Services
  - Business Support Services
  - Eating and Drinking Establishments
  - Health Clubs and Spas
  - Lodging and Visitor Services
  - Storage and Distribution – Light
  - Civic Administration
  - Cultural Facilities
  - Day Care Centers
- d. The maximum development intensity for employment-generating lands shall be an overall FAR of 0.5.
  - a. A maximum of 95 acres of retail commercial uses designed to service the local community may be developed within the areas shown for Commercial/Open Space, with a maximum overall development intensity of a 0.3 FAR.
  - f. Up to 1.24 million square feet of retail commercial uses may be constructed. Within areas designated for retail use (areas shown for Commercial/Open Space), office development may be developed at a maximum FAR of 0.5.
  - g. Appropriate uses within the retail portions of this Focus Area include:
    - Administrative and Professional Offices
    - Automotive Uses
    - Banks and Financial Services
    - Business Support Services
    - Eating and Drinking Establishments
    - Food and Beverage Sales
    - General Merchandise
    - Health Clubs and Spas
    - Personal Services
    - Personal Instruction
    - Theaters
    - Civic Administration
    - Cultural Facilities
    - Day Care Centers

- Residential development as part of a mixed-use medical facility
- h. Commercial areas shall be designed as cohesive centers, and not in narrow corridors or commercial strips.
- i. Each commercial center shall establish an identifiable architectural theme, including buildings, signage and landscaping.
- j. Commercial and employment-generating developments shall be designed to accommodate public transit and non-motorized forms of transportation.
- k. A maximum of 4,000 dwelling units may be constructed within the Sand Creek Focus Area. Appropriate density bonuses may be granted for development of age-restricted housing for seniors; however, such density bonuses may not exceed the total maximum of 4,000 dwelling units for the Sand Creek Focus Area.
- l. It is recognized that although the ultimate development yield for the Focus Area may be no higher than the 4,000 dwelling unit maximum, the actual development yield is not guaranteed by the General Plan, and could be substantially lower. The actual residential development yield of the Sand Creek Focus Area will depend on the nature and severity of biological, geologic, and other environmental constraints present within the Focus Area, including, but not limited to constraints posed by slopes and abandoned mines present within portions of the Focus Area; on appropriate design responses to such constraints, and on General Plan policies. Such policies include, and but are not limited to, identification of appropriate residential development types, public services and facilities performance standards, environmental policies aimed at protection of natural topography and environmental resources, policies intended to protect public health and safety, and implementation of the Resource Management Plan called for in Policy “[tu](#),” below.
- m. As a means of expanding the range of housing choices available within Antioch, three types of “upscale” housing are to be

provided, including Hillside Estate Housing, Executive Estate Housing, and Golf Course-Oriented Housing.

Hillside Estate Housing consists of residential development within the hilly portions of the Focus Area that are designated for residential development. Appropriate land use types include Large Lot Residential. Within these areas, typical flat land roadway standards may be modified (e.g., narrower street sections, slower design speeds) to minimize required grading. Mass grading would not be permitted within this residential type. Rough grading would be limited to streets and building pad areas. Residential densities within Hillside Estate Areas are to be limited to one dwelling unit per gross developable acre (1 du/ac), with typical lot sizes ranging upward from 20,000 square feet. The anticipated population density for this land use type is up to four persons per developed acre. Included in this category is custom home development, wherein semi-improved lots are sold to individuals for construction of custom homes. Approximately 20 percent of Hillside Estate Housing should be devoted to custom home sites.

Executive Estate Housing consists of large lot suburban subdivisions within the flatter portions of the Focus Area. Appropriate land use types include Large Lot Residential. Densities of Executive Housing areas would typically be 2 du/ac, with lot sizes ranging upward from 12,000 square feet. The anticipated population density for this land use type is up to eight persons per developed acre.

Golf Course-Oriented Housing consists of residential dwelling units fronting on a golf course to be constructed within the portion of the Focus Area identified as Golf Course/Senior Housing/Open Space in Figure 4.8. Appropriate land use types include Single Family Detached and Small Lot Single Family detached for lots fronting on the golf course. Maximum densities for golf course-oriented housing would typically be 4 du/ac, with lot sizes as small

- as 5,000 square feet for lots actually fronting on the golf course. Given the significant environmental topographic constraints in the portion of the focus area west of Empire Mine Road, the minimum lot size for executive estate housing within this area shall be a minimum of 10,000 square feet. This would allow additional development flexibility in situations where executive estate housing needs to be clustered in order to preserve existing natural features. In no case shall the 10,000 square foot minimum lot size constitute more than 20 percent of the total number of executive estate housing units in the area west of Empire Mine Road. The anticipated population density for this land use type is up to eight to twelve persons per acre developed with residential uses. Should the City determine as part of the development review process that development of a golf course within the area having this designation would be infeasible, provision of an alternative open space program may be permitted, provided, however, that the overall density of lands designated Golf Course/Senior Housing/Open Space not be greater than would have occurred with development of a golf course.
- n. Single-Family Detached housing within suburban-style subdivisions with lot sizes ranging from 7,000 square feet to 10,000 square feet may also be developed within the Sand Creek Focus Area within areas shown as Residential and Low Density Residential in Figure 4.8. The anticipated population density for this land use type is up to eight to twelve persons per acre developed with residential uses.
  - o. [Small Lot Single Family Detached housing within the Vineyards at Sand Creek planned development with lots smaller than 7,000 square feet may be developed in the Sand Creek Focus Area within areas shown as Medium Low Density Residential in Figure 4.8. The anticipated population density for this land use type is fourteen to eighteen persons per acre developed with residential uses.](#)
  - p. A total of 25 to 35 acres is to be reserved for multi-family housing to a maximum density of 20 du/ac. Areas devoted to multi-family housing should be located adjacent to the main transportation routes within the Focus Area, and in close proximity to retail commercial areas. The anticipated population density for this land use type is up to forty persons per acre developed with residential uses.
  - q. Age-restricted senior housing should be developed within the Focus Area as a means of expanding the range of housing choice within Antioch, while reducing the Focus Area's overall traffic and school impacts. Such senior housing may consist of Single Family Detached, Small Lot Single Family Detached, of Multi-Family Attached Housing, and may be developed in any of the residential areas of the Sand Creek Focus Area. Within areas identified in Figure 4.8 specifically for senior housing, limited areas of non-senior housing may be permitted where environmental or topographic constraints would limit development densities to a range more compatible with estate housing than with senior housing.
  - r. Areas identified as Public/Quasi Public and School in Figure 4.8 are intended to identify locations for new public and institutional uses to serve the future development of the Sand Creek Focus Area. Development within these areas is to be consistent with the provisions of the Public/Institutional land use category described in Section 4.4.1.4 of the Land Use Element.
  - s. Sand Creek, ridgelines, hilltops, stands of oak trees, and significant landforms shall be preserved in their natural condition. Overall, a minimum of 25 percent of the Sand Creek Focus Area shall be preserved in open space, exclusive of lands developed for golf course use.
  - t. Adequate buffer areas adjacent to the top of banks along Sand Creek to protect sensitive plant and amphibian habitats and water quality shall be provided. Adequate buffer areas shall also be provided along the edge of existing areas

of permanently preserved open space adjacent to the Sand Creek Focus Area, including but not limited to the Black Diamond Mines Regional Park. Buffers established adjacent to existing open space areas shall be of an adequate width to minimize light/glare, noise, fire safety, public safety, habitat, public access impacts within the existing open space areas, consistent with the provisions of Section 10.5, Open Space Transitions and Buffers Policies of the General Plan.

- u. Because of the sensitivity of the habitat areas within the Sand Creek Focus Area, and to provide for mitigation of biological resources impacts on lands in natural open space, as well as for the long-term management of natural open space, a [project-specific](#) Resource Management Plan based on the Framework Resource Management Plan attached as Appendix A to this General Plan shall be prepared and approved prior to development of the Sand Creek Focus Area [properties](#).
- v. A viable, continuous grassland corridor between Black Diamond Mines Regional Preserve and Cowell Ranch State Park shall be retained using linkages in the southwestern portion of the Lone Tree Valley (within the Sand Creek drainage area), Horse Valley, and the intervening ridge. The primary goal of preserving such a corridor is to allow for wildlife movement between Black Diamond Mines Regional Preserve and Cowell Ranch State Park. Completion of such a corridor is contingent upon the cooperation with the City of Brentwood and Contra Costa County, each of whom may have land use jurisdiction over portions of this corridor.
  - To preserve this corridor and in view of other significant development constraints, certain lands in the southwestern portion of the Focus Area shall be designated as "Open Space," as depicted in Figure 4.8. Limited future adjustments to the boundaries of this "Open Space" area may occur as part of the Specific Plan

and/or project level environmental review processes, provided that such adjustments: (a) are consistent with the goals and policies outlined in the Framework for Resource Management set forth in Appendix A; (b) are based upon subsequently developed information and data relating to environmental conditions or public health and safety that is available at the Specific Plan stage, the project-level development plan stage, or during the permitting processes with federal, state or regional regulatory agencies; and (c) would not cause the "Open Space" area west of Empire Mine Road to be less than 65 percent of the total lands west of Empire Mine Road. Any open space and otherwise undeveloped areas west of Empire Mine Road that are within the area designated as "Hillside and Estate Residential" shall not count towards meeting this 65 percent minimum "Open Space" requirement.

- All areas designated as "Open Space" within the Focus Area may be utilized for mitigation for loss of grassland and other project-level impacts by projects within the Focus Area.
- Due to the varied and complex topography west of Empire Mine Road the exact boundary between the "Hillside Estate" residential area and "Estate" residential area shall be determined as part of the project-level entitlement process.
- It is anticipated that there will be only minor adjustments to the boundary between the open space area and the hillside and estate residential area shown in Figure 4.8. Minor adjustments may be made to this boundary provided that such adjustments shall not create islands of residential development within the area designated open space in Figure 4.8..
- In order to ensure adequate buffering of the Black Diamond Mines Regional



- Park from development in the Sand Creek Focus Area, no residential development shall be allowed north of the Sand Creek channel between the area designated "Hillside and Estate Residential" in Figure 4.8 west of Empire Mine Road and the existing Black Diamond Mines Regional Park boundary.
- w. The construction of facilities necessary to ensure adequate public access across Sand Creek west of Empire Mine Road, including the bridging of Sand Creek, an appropriately sized parking lot and staging area, and any trails needed to ensure public access to Black Diamond Mines Regional Park shall be implemented as an infrastructure component of development in the Focus Area.
  - x. To mitigate the impacts of habitat that will be lost to future development within the Focus Area, an appropriate amount of habitat shall be preserved on- or off-site per the compensatory provisions of the Framework Resource Management Plan prepared for the Sand Creek Focus Area (attached as Appendix A of the General Plan).
  - y. Ponds, wetlands, and alkali grassland associated with upper Horse Creek shall be retained in natural open space, along with an appropriate buffer area to protect sensitive plant and amphibian habitats and water quality. If impacts on the Horse Creek stream and riparian downstream are unavoidable to accommodate infrastructure, appropriate compensatory mitigation shall be required off-site per the provisions of the Resource Management Plan attached as Appendix A to this General Plan.
  - z. Chaparral, scrub, and rock outcrop community within the western portion of the Focus Area (west of Empire Mine Road), as well as adjacent grassland community that is suitable habitat for the Alameda whipsnake (*masticophis lateralis euryxanthus*) shall be retained in natural open space. Within other portions of the Focus Area, the chaparral, scrub, and rock outcrop shall be retained in natural open space contiguous to the required grassland linkage to function as a buffer and protect the grassland linkage south of the chaparral, scrub, and outcrop community.
- aa. Within the western portion of the Focus Area (west of Empire Mine Road), the oak woodland and savanna community shall be preserved in natural open space. Within other portions of the Focus Area, the oak woodland and savanna community shall be preserved in natural open space where it overlaps the rock outcrop community.
  - bb. As appropriate and necessary to protect public health and safety, abandoned mines shall be included within required natural open space areas, along with appropriate buffer areas and measures to prevent unauthorized entry.
  - cc. Mass grading within the steeper portions or the Focus Area (generally exceeding 25 percent slopes) is to be avoided.
  - dd. Impacts of residential development on the Antioch Unified School District and Brentwood school districts will be mitigated pursuant to a developer agreement with the District.
  - ee. Project entry, streetscape, and landscape design elements are to be designed to create and maintain a strong identification of the Sand Creek Focus Area as an identifiable "community" distinct from Southeast Antioch.
  - ff. The Sand Creek Focus Area is intended to be "transit-friendly," including appropriate provisions for public transit and non-motorized forms of transportation.
  - gg. subject to its financial feasibility (see Policy "m"), a golf course shall be provided within the Focus Area, designed in such a way as to maximize frontage for residential dwellings. The golf course may also be designed to serve as a buffer between development and open space areas set aside to mitigate the impacts of development.

The golf course shall be designed to retain the existing trail within Sand Creek.

The golf course and Sand Creek corridor shall function as a visual amenity from the primary access road within the Focus Area (Dallas Ranch Road/Sand Creek Road). As part of the golf course clubhouse, banquet and conference facilities shall be provided.

- hh. A park program, providing active and passive recreational opportunities is to be provided. In addition to a golf course and preservation of natural open space within Sand Creek and the steeper portions of the Focus Area, the development shall meet the City's established park standards. A sports complex is to be developed.

A sports complex is to be developed. The sports complex is intended to be located within the Flood Control District's detention basin.

Neighborhood park facilities may be privately maintained for the exclusive use of project residents. The sports complex within the Sand Creek Detention Basin will be maintained by the City.

- ii. Development of an appropriate level of pedestrian and bicycle circulation throughout the community is to be provided, including pathways connecting the residential neighborhoods, as well as non-residential and recreational components of the community. Sand Creek Focus Area development should also provide recreational trail systems for jogging and bicycling, including areas for hiking and mountain biking. Trails along Sand Creek and Horse Valley Creek shall be designed so as to avoid impacting sensitive plant and amphibian habitats, as well as water quality.



**PLANNING COMMISSION  
RESOLUTION NO. 2016-\*\***

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH  
RECOMMENDING APPROVAL OF A DEVELOPMENT AGREEMENT BETWEEN  
THE CITY OF ANTIOCH AND GBN PARTNERS, LLC, FOR THE VINEYARDS AT  
SAND CREEK PROJECT**

**WHEREAS**, the City received an application from GBN Partners, LLC for approval of an Environmental Impact Report, a Development Agreement, General Plan Amendment, Planned Development rezone, Resource Management Plan, and a Vesting Tentative Map, for the development of a 650 unit single family residential community on a portion of approximately 141 acres (GP-14-01, PD-14-03, Subdivision 9390). The project is located on the easterly side of the Sand Creek Focus Area, east of the current terminus of Hillcrest Avenue, west of Heidorn Ranch Road and north of Sand Creek (APNs 057-030-003, 057-030-007); and

**WHEREAS**, to strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864, *et. seq.* of the Government Code, which authorizes the City of Antioch to enter into an agreement with any person having a legal or equitable interest in real property providing for the development of such property in order to establish certainty in the development process; and

**WHEREAS**, the City of Antioch previously adopted an implementing ordinance (Article 32 of the Zoning Ordinance) authorizing and regulating the use of Development Agreements; and

**WHEREAS**, the City and GBN Partners LLC have negotiated the Development Agreement attached as Exhibit 1 to this resolution; and

**WHEREAS**, the proposed Development Agreement complies with the requirements of Article 32 of the City of Antioch Zoning Code; and

**WHEREAS**, the Planning Commission recommended adoption of the Final Environmental Impact Report ("FEIR") and Mitigation Monitoring and Reporting Program ("MMRP") to the City Council and the proposed Development Agreement and the terms contained therein do not amend the project; therefore, in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15162, a subsequent environmental document is not required; and

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

**WHEREAS**, the Planning Commission on January 6, 2016 duly held a public hearing, received and considered evidence, both oral and documentary; and

**WHEREAS**, the adoption of this Development Agreement will not adversely affect the comprehensive General Plan and it is consistent with the General Plan and carries out the purposes of the General Plan as amended.

**NOW THEREFORE, BE IT RESOLVED** that in recommending approval to the City Council of the Development Agreement between the City of Antioch and GBN Partners, LLC, the Planning Commission makes the following findings, which are based on its review and consideration of the entire record, including the recitals above and any oral or written testimony provided at the hearing:

1. There have been no substantial changes to the project through the Development Agreement. Therefore, the Vineyards at Sand Creek FEIR and MMRP are the appropriate environmental documents for the proposed project.
2. The Development Agreement is consistent with the General Plan, as amended, as it carries out the purposes of the General Plan and is consistent with the land use and development designation in such plans, as amended.

**NOW THEREFORE BE IT FURTHER RESOLVED** that the Planning Commission recommends the City Council approve the Development Agreement between the City of Antioch and GBN Partners, LLC for the Promenade/Vineyards at Sand Creek Project, in the form attached as Exhibit 1, subject to such changes as may be approved by the City Council.

\* \* \* \* \*

**I HEREBY CERTIFY** that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 6th day of January, 2016, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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FORREST EBBS  
Secretary to the Planning Commission

**EXHIBIT 1**  
**DEVELOPMENT AGREEMENT**

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

City of Antioch  
200 H Street  
Antioch, CA 94509  
Attention: City Clerk

(Space Above This Line Reserved For Recorder's Use)  
Exempt from Recording Fees Pursuant to Gov. Code Section 27383

**DEVELOPMENT AGREEMENT  
BETWEEN  
THE CITY OF ANTIOCH  
AND  
GBN PARTNERS, LLC**

THIS DEVELOPMENT AGREEMENT ("**Agreement**") by and between the City of Antioch, a municipal corporation ("**City**") and GBN Partners, LLC, a Delaware limited liability company ("**Developer**") (each a "**Party**" and collectively the "**Parties**"), pursuant to the authority of Division 1, Chapter 4, Article 2.5, Sections 65864 et seq. of the Government Code (the "**Statute**") is entered into as of \_\_\_\_\_, (the "**Effective Date**") in the following factual context:

**A.** To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the California State Legislature enacted the Statute, which authorizes the City to enter into a development agreement with any person having a legal or equitable interest in real property regarding the development of such property.

**B.** Developer is the owner of approximately 142 acres of real property located in the City of Antioch, Contra Costa County more particularly described in ***Exhibit A*** to this Agreement (the "**Property**"), known as Promenade/Vineyards at Sand Creek, which Developer plans to develop as either a single-family market-rate residential community or as an age-restricted Active-Adult residential community (the "**Project**"). The planning, development, construction, operation and maintenance of the Project is more particularly described in, and reviewed and analyzed by, the Environmental Impact Report (SCH # 2014092010, "**EIR**") prepared in conjunction with the Project and its below-described "**Project Approvals**." In accordance with the California Environmental Quality Act (Pub. Res. Code §§ 21000 *et seq.*) and its Guidelines (C.C.R., Title 14 §§ 15000, *et seq.*), as each is amended from time to time (collectively, "**CEQA**"), City certified as adequate and complete the EIR. Pursuant to CEQA, a mitigation/monitoring program for the Project was approved by the City Council. The City has determined that no additional environmental review is necessary in connection with its consideration, approval and execution of this Agreement.

C. The Project has been designed as a private, gated residential community, where housing and recreation are integrated into one cohesive whole. Key components include pedestrian and bicycle friendly streets, private recreational opportunities, a mix of housing opportunities, distinctive architecture and landscape elements, and a vibrant neighborhood community center.

D. As of the execution of this Agreement, various land use regulations, entitlements, grants, permits and other approvals have been adopted, issued, and/or granted by City relating to the Project (collectively, “**Existing Approvals**”, contained in *Exhibit B* to this Agreement), including without limitation, all of the following (including their text, diagrams and conditions of approval):

1. “**EIR**” (defined in Recital B above).
2. “**General Plan Amendment**” (GPA 14-01) - Redesignating the Property from Business Park to Residential, and exempting the Property from the City regulations (including without limitation City Ordinance No. 2005/41) relating to an alternative process for the project applications within the Sand Creek Focus Area (collectively, “**GPA**”).
3. “**Master Development Plan/Planned Development Rezone**” - (PD 14-03) - a Planned Development District with Design Guidelines to guide future development of the community and a Master Development Plan (collectively, the “**Rezoning**”).
4. “**Vesting Tentative Map/Final Development Plan**” – (Subdivision 9390) – Subdivision map and Final Development Plan reflecting roads, infrastructure and up to 650 single-family residential lots, which lots can also be developed as age-restricted units. The Vesting Tentative Map/Final Development Plan will employ multiple (phased) final maps, creating separate phases of the Project (currently approximated at 6 phases) (collectively, the “**VTM**”). The VTM includes a Preliminary Phasing Plan consistent with the VTM to facilitate development of the Property. The Preliminary Phasing Plan is included as part of the VTM approval, including the conditions of approval that accompany the VTM (contained in *Exhibit B* to this Agreement), and shall be included within any reference in this Agreement to VTM.

E. “**Subsequent Approvals**” (each referred to individually as a “**Subsequent Approval**”) shall mean those permits, entitlements, approvals or other grants of authority (and all text, terms and conditions of approval related thereto), that may be necessary or desirable for the development of the Project, that are sought by Developer, and that are granted by City on or after the Effective Date of this Development Agreement. Subsequent Approvals include without limitation new permits, entitlements, approvals or other grants of authority (and all text, terms and conditions of approval related thereto), as well as amendments to Existing Approvals.

F. On \_\_\_\_\_, , at a duly noticed public hearing, the Planning Commission considered and recommended approval of the EIR, GPA, Rezone, VTM and this Agreement to the City Council pursuant to Resolution No. /\_\_\_\_\_.

G. On \_\_\_\_\_, , at a duly noticed public hearing, the City Council certified the EIR pursuant to Resolution No. /\_\_\_\_, approved the GPA pursuant to Resolution No. /\_\_\_\_, approved the Rezone pursuant to Ordinance No.\_\_\_\_, and approved the VTM pursuant to Resolution No. .

H. The City Council has found that, among other things, this Agreement and the Project Approvals, are consistent with its General Plan and has been reviewed and evaluated in accordance with California Government Code §§65864 *et seq.*

I. On \_\_\_\_\_, , at a duly noticed public hearing, the City Council adopted Ordinance No. \_\_\_\_\_ approving this Agreement, a copy of which is attached as *Exhibit C* to this Agreement.

## AGREEMENT

In this factual context and intending to be legally bound, the Parties agree as follows:

### ARTICLE 1 TERM

1.1. The term of this Agreement (“**Term**”) shall commence as of the Effective Date and continue to and including \_\_\_\_\_, 2031. The expiration of the term of this Agreement shall not be interpreted to, and shall not affect, terminate or waive any additional rights that Developer may have that exist independently of this Agreement and derive from common law vesting or other laws or regulations of the State or the City.

1.2. Pursuant to Government Code section 66452.6(a) and this Agreement, in addition to other extensions available under the Subdivision Map Act, the term of the Vesting Tentative Map and any other tentative map, vesting tentative map, tentative parcel map, vesting tentative parcel map, final map or vesting final maps, or any new such map or any amendment to any such map, or any resubdivision (collectively referred to as “**Subdivision Document**”) relating to the Project shall automatically be extended to and until the later of the following:

1.2.1 The Term; or

1.2.2 The end of the term or life of any such Subdivision Document otherwise given pursuant to the “**Subdivision Map Act**” (defined herein) and/or local regulation not in conflict with the Subdivision Map Act.

1.3. If this Agreement terminates for any reason prior to the expiration of the vested rights otherwise given under the Subdivision Map Act to any vesting tentative map, vesting parcel map, vesting final map or any other type of vesting map on the Property (or any portion of the Property) (collectively, “**Vesting Map**”), such termination of this Agreement shall not affect Developer’s right to proceed with development under such Vesting Map in accordance with only

the applicable law so vested under the Vesting Map, for the life of such vested rights given by such Vesting Map.

**1.4.** The term of any and all Project Approvals, including without limitation, all development plans, development permits, or other permit, grant, agreement, approval or entitlement for the general development of all or any part of the Project and Property, shall be to and until the later of the following:

**1.4.1** The Term; or

**1.4.2** The term or life of any Subdivision Document pursuant to the Subdivision Map Act or local regulation not in conflict with the Subdivision Map Act.

## **ARTICLE 2 COVENANTS OF DEVELOPER**

**2.1. Obligations of Developer Generally.** Developer shall have no obligation to proceed with, or complete the Project at any particular time or at all. However, if Developer proceeds, it shall comply the Applicable Law, as defined in this Agreement, including without limitation, Section 2.2. below.

**2.2. Applicable Law.** The rules, regulations and official policies governing permitted uses of the Property, density and improvement requirements applicable to development of the Property shall be the ordinances, rules, regulations, and official policies in force and effect on the Effective Date of this Agreement, except as otherwise provided in the Project Approvals or this Agreement (the “**City Regulations**”). The law applicable to the Project during the Term of this Agreement shall be only the following: (a) the City Regulations; (b) the Project Approvals and (c) this Agreement (collectively, the “**Applicable Law**”). If there is a conflict between this Agreement and the City Regulations or Project Approvals, this Agreement shall control. If there is a conflict between the Project Approvals and the City Regulations, the Project Approvals shall control.

### **2.3. Fees, Taxes and Assessments.**

**2.3.1 Development Fees.** During the Term, Developer shall pay only those City-imposed development fees (collectively, “**Development Fees**”) in force and effect as of the Effective Date. The Project has been approved for development as either a single-family market-rate residential community or as an age-restricted “active-adult” residential community. Developer, in its sole and exclusive discretion shall determine which residential development to pursue. If Developer decides to pursue an age-restricted “active-adult” residential community and if City, in its sole and absolute discretion, has implemented an active adult fee category after completion of a nexus study and adoption of such fees, Developer shall be subject to such fees. Development Fees shall be paid at the rate in effect at the time of building permit issuance.

**2.3.2 Processing Fees.** For the purposes of this Agreement, “Processing Fees” shall mean processing fees and charges of every kind and nature imposed by City, including

planning processing deposits, to cover the actual costs to City for City staff and consultant time and resources spent reviewing and processing Developer's applications for Project Approvals, or for monitoring compliance with and reviewing submittals for any Project Approvals. Developer shall pay all Processing Fees, as such fees and charges are adjusted from time to time.

"Processing Fees" shall not mean and include Development Impact Fees or any other fee, tax or assessment. The foregoing notwithstanding, no fees other than Processing Fees shall be due before approval of the final map, unless earlier payment is expressly required by the Project Approvals.

**2.3.3 Taxes and Assessments.** Except as otherwise provided in this Agreement or the Project Approvals, during the Term, Developer shall pay only those City-imposed land-based taxes and assessments in force and effect as of the Effective Date, except for a tax or assessment agreed upon by Developer, a tax or assessment imposed as a result of the implementation of a financing mechanism to fund improvements or services or a Proposition 218 voter approved assessment.

## **2.4. Construction and Timing of Improvements.**

**2.4.1** Developer shall construct the improvements required by, and more particularly described in, the conditions of approval contained in *Exhibit B*. Developer shall perform the work in accordance with the standards and specifications established by Applicable Law. To the extent there are no such standards or specifications, the work shall be performed in accordance with industry standards and in good and workmanlike manner, as approved by the City Engineer.

**2.4.2** The Parties acknowledge that the Project may be built in phases different from those set forth in the Preliminary Phasing Plan attached in *Exhibit B*. The timing of certain improvements set forth in the conditions of approval were based on the Preliminary Phasing Plan. If the City Engineer approves changes to the phasing of the Project from that in the Preliminary Phasing Plan in a manner that impacts the timing for the construction of the improvements set forth therein, the City Engineer has the authority to change the timing for those improvements to be consistent with the changes to the phasing. Such changes will automatically be incorporated into the Project Approvals and will not require an amendment to the Project Approvals, including this Agreement.

**2.5. Subdivision and Other Agreements; Multiple Final Maps.** Developer shall execute and perform its obligations as set forth in any Subdivision Improvement Agreements required or permitted by Applicable Law to obtain approval of final maps. Developer may file multiple final maps in accordance with 3.5 below.

**2.6. Design Review.** The Project Approvals include Design Review Guidelines but do not include design review approval, which Developer has yet to obtain. Developer's design review applications and submittals shall be consistent with the Vineyards at Sand Creek Design Review Guidelines approved by the City. The designs shall incorporate a level of quality craftsmanship consistent with projects completed in similar regional markets.



**2.7. Sand Creek Focus Area (SCFA) Sewer Trunk Line Improvements.**

Developer shall provide a sewer study and coordinate with the design, rights-of-way and easement needs of the major sewer trunk line through the Property in order to help facilitate the construction of the major sewer trunk line to benefitting properties, as more particularly described in the conditions of approval attached in *Exhibit B* (collectively, “**SCFA Sewer Trunk Line Improvements**”). If desired, the Developer shall create a land-based financing mechanism or participate in another mechanism acceptable to the City that will fairly distribute the cost of formation, design, offsite construction, upsizing and advance funding of the Sewer Trunk Line Improvements amongst the benefitting property owners in and around the Sand Creek Focus Area, as approved by the City Engineer. For property that will benefit from the Sewer Trunk Line Improvements, the City shall require, by imposing a condition of approval, inserting a requirement into a Development Agreement or otherwise, an obligation on that property (and the property’s owner(s)) to reimburse Developer for such other property’s (and its owner(s)) proportional share (fair share) of these identified Sewer Trunk Line Improvements at the earlier of the filing of a final map or issuance of a building permit on the affected property. The City shall collect the reimbursement amounts if and when such properties develop, and distribute that amount to Developer on a quarterly basis. City shall assist Developer as needed, including without limitation, taking those actions set forth in Section 2.14 of this Agreement. Upon acceptance by the City, the SCFA Sewer Trunk Line Improvements shall be maintained by City.

**2.8. Parks, Trail Improvements and Landscaped Areas.** Developer shall, at its sole cost and expense, design, construct and dedicate to the City, Parcel G, located south of the future extension of Sand Creek Road, as more particularly described in the conditions of approval attached in *Exhibit B* (“**Parcel G Water Quality & Detention Basin**”). Upon acceptance by the City, the Parcel G Water Quality & Detention Basin shall be owned by the City and maintained by the Lighting and Landscaping District. Developer shall also, at its sole cost and expense, construct the Sand Creek Regional Trail as more particularly described in the conditions of approval attached in *Exhibit B* (“**Trail Improvements**”). Upon acceptance by the City, the Trail Improvements and open space parcel it travels through, shall be maintained by the City. Developer shall, at its sole cost and expense, design and construct park and landscaped areas, as more particularly described in the conditions of approval attached in *Exhibit B*. The parks identified on Parcel A and Parcel D shall also be designed and landscaped by Developer and shall be dedicated to and maintained by the Homeowners Association (“**Parcel A Park**” and “**Parcel D Park**,” respectively.) Parcel A Park is 2.13 acres and Parcel D Park is 3.47 acres for a combined total park acreage of 5.6 acres, as required by and in conformance with the Antioch Municipal Code.

**2.9. Homeowners Association.** Developer shall establish a Homeowners Association (“**HOA**”) for the Project in conformance with the regulations set forth by the State Bureau of Real Estate.

**2.9.1** Subject to approval by the State, the City Attorney and Community Development Director shall review and approve the HOA’s conditions, covenants and restrictions (“**CC&Rs**”) for conformance with this Agreement and the Project Approvals prior to the issuance of the first building permit for the Project. In addition, the City Attorney and Community Development Director may suggest modifications to the CC&Rs relating to the

maintenance and repair of the property and improvements, including but not limited to landscaping, parking, open space, storm water facilities and the prohibition of nuisances. The applicant shall consider all such City-suggested modifications to such CC&Rs, and shall make those modifications that are reasonable and cost-effective.

**2.9.2** The CC&Rs shall include the following provisions and requirements:

- (a) The City shall have rights of entry to the Project streets and public spaces.
- (b) Any design approvals required by the CC&RS for construction, reconstruction and remodeling are in addition to any approvals needed from the City.
- (c) A homeowner must secure a business license before a home can be rented as required by Municipal Code Section 3-1.217.
- (d) The front yards must be adequately maintained.
- (e) Any modifications to these requirements must be approved in advance by the City.

**2.9.3** The City shall not have the right of enforcement of the CC&Rs, but the City shall have the right of enforcement of all legal and equitable remedies available to the City, including without limitation the following:

- (a) The right to enforce its ordinances and regulations, including without limitation, Antioch Municipal Code Title 4 Chapter 7 (Weed and Rubbish Abatement), Chapter 10 (Abandoned, Wrecked, Dismantled or Inoperative Vehicles), and Chapter 16 (Repair of Vehicles and Boats in Residential Districts); and Antioch Municipal Code Title 5 Chapter 1 (including property/yard maintenance, abatement procedures, and nuisances), Chapter 8 (Public intoxication), and Chapter 20 (Rental Dwelling Unit Maintenance and Inspection Program); and
- (b) The right to refuse to issue building permits for any building or structure that is not in compliance with applicable federal, state or local laws, regulations, permits or approvals.

**2.10. City Services.** City shall provide wastewater collection and police services to the Project (or any and all portions thereof) to the same degree as all other users of such services and facilities in the City.

**2.11. Police Services Funding.**

**2.11.1 Formation or Participation in a Police Services Financing Mechanism.** In order to assist the City in meeting a police force level within a range of 1.2 to 1.5 officers per 1,000 residents as set forth in Performance Standard 3.5.3.1 of the General Plan, at the direction of the City, Developer shall either establish, or participate in (if one has already been established), a land-based financing mechanism in the form of a community facilities district, special tax or other means, as to the Property. The City and Developer shall work cooperatively

in forming such a police services financing mechanism. The costs related to forming such financing mechanism, including consultant costs, shall be paid by Developer (**“Formation Costs”**). It is the intent of the City to require other property, as such other property develops, to annex into or become subject to such financing mechanism. For such other property, the City shall require, by imposing a condition of approval, inserting a requirement in a development agreement, or otherwise, an obligation/requirement on such other property (and the property’s owner(s)) to reimburse Developer for such other property’s (and its owner(s))’ proportional share (fair share) of the Formation Costs (**“Formation Cost Reimbursement”**). The City shall require and collect the Formation Cost Reimbursement at the earlier of the filing of the final map or issuance of a building permit for any such other property on behalf of Developer and distribute that collected amount to Developer on a quarterly basis. Developer shall provide the Formation Costs, with supporting documentation, to the City.

**2.11.2 Financial Obligation of the Developer.** For the Term, the amount of the financial obligation for police services for the Project developed as a single family market rate (non-active adult) residential development (assuming an average of 3.22 persons per dwelling unit) related to police services funding shall not exceed \$445.00 per each Project lot upon which a single-family residential home is constructed, except that commencing one year after the Effective Date of this Agreement, City may increase or decrease, as appropriate, such \$445 maximum pursuant to the Consumer Price Index for the San Francisco Bay Area. However, if the Project is developed as an active adult residential development, then the assumed average occupancy of a dwelling unit shall be 1.8 persons per dwelling unit, and the police services funding shall not exceed \$250 per each Project lot upon which an active adult residential home is constructed, except that commencing one year after the Effective Date of this Agreement, City may increase or decrease, as appropriate, such \$250 maximum owing per active adult residential dwelling pursuant to the Consumer Price Index for the San Francisco Bay Area. The requirements of this Section 2.11.2 shall be waived if the City imposes a special tax or other form of revenue generation on all City residents dedicated specifically for the purpose of funding police services, which shall not include the business license tax approved by voters in 2014 (Measure O) or any additional sales tax or extension of such sales tax.

## **2.12. Establishment of Facilities and Infrastructure Financing Mechanisms.**

**2.12.1** Upon Developer’s request and in connection with the development of any phase of the Project, City shall consider, in its sole and absolute discretion, establishing a mechanism(s) that is legal and available to the City to aid in financing the construction, maintenance, operation of (or other financeable aspect of) **“Facilities and Infrastructure.”** “Facilities and Infrastructure” as used in this Agreement shall mean and include all onsite facilities and infrastructure and all offsite facilities and infrastructure needed for the Project. These mechanisms may include, without limitation, direct funding of condemnation costs and construction costs, acquisition of improvements, establishing reserve accounts to fund capital improvement program projects, Landscaping and Lighting Districts, Mello-Roos Districts, Community Facilities Districts, Infrastructure Finance Districts, special taxes and/or other similar mechanisms (collectively, **“Facilities Financing Mechanism(s)”**), and issuing any debt in connection therewith (**“Debt”**). Included goals of such Facilities Financing Mechanisms shall be to: ensure that each development project using Facilities and Infrastructure pay its proportional share of the cost of providing such Facilities and Infrastructure to such development

project (“**Fair Share Contribution**”), that development projects that advance the construction or funding of the construction of all or a portion of such Facilities and Infrastructure (“**Advancing Projects**”) be reimbursed for that costs of that construction or construction funding that is in excess of such Advancing Projects’ Fair Share Contribution (collectively, “**Reimbursement Amounts**”), and that any and all Reimbursements Amounts owing to Advancing Projects be collected from those other projects that are not Advancing Projects at the earliest stage possible, but no later than building permit issuance.

**2.12.2** Developer’s request that City establish a Facilities Financing Mechanism and issue Debt shall be made to the City Manager in written form, and shall outline the purposes for which the Facilities Financing Mechanism and Debt will be established or issued, the general terms and conditions upon which it will be established or issued and a proposed timeline for its establishment or issuance.

**2.12.3** City’s participation in forming any Facilities Financing Mechanisms approved by City (and its operation thereafter) and in issuing any Debt approved by the City will include all of the usual and customary municipal functions associated with such tasks including, without limitation, the formation and administration of special districts, the issuance of Debt, the monitoring and collection of fees, taxes, assessments and charges such as utility charges, the creation and administration of enterprise funds, the enforcement of debt obligations and other functions or duties authorized or mandated by the laws, regulations or customs relating to such tasks.

### **ARTICLE 3 COVENANTS OF THE CITY**

**3.1. Obligations of City Generally.** The City shall act in good faith to accomplish the intent of this Agreement, to protect Developer’s vested rights provided by this Agreement, and to ensure this Agreement remains in full force and effect. City shall cooperate with Developer so that Developer receives the benefits of and the rights vested by this Agreement, including prompt and timely action and assistance in (a) forming a Communities Facilities District(s) or other appropriate financing district(s) or mechanisms, and (b) obtaining from other governmental entities necessary or desirable permits or other approvals for the Project. To this end, any part of the Applicable Law that involves the exercise of judgment, discretion and/or action by City Staff, the City Planning Commission and/or the City Council shall require that such exercise of judgment, discretion and/or action be done in a reasonable manner.

**3.2. Eminent Domain.** Developer shall purchase any and all real property interests necessary to allow it to construct the public improvements required by the Project Approvals. In the event that an affected property owner has rejected an offer by Developer, based upon fair market value as determined by an appraisal prepared by a City-approved appraiser in cooperation with City, Developer may request City assistance. Provided that Developer provides adequate funding and enters into an agreement with the City setting forth the terms of City’s obligations, in a form approved by City in its reasonable discretion, City shall promptly and timely negotiate and seek the purchase of the necessary property, including the possible consideration of City’s use of its power of eminent domain (condemnation) to acquire such real property interests. Developer shall pay all costs associated with such acquisition or condemnation proceedings.

Nothing herein is intended to or shall prejudice or commit City regarding any findings and determinations required to be made in connection with adoption of a resolution of necessity.

**3.3. Vested Development Rights.** Through this Agreement and the Applicable Law it describes, Developer has the vested right to develop the Property in accordance with the Applicable Law, which Applicable Law includes this Agreement, the City Regulations and the Project Approvals, with the reservations of authority set forth in Section 3.6 below. Any City ordinance, resolution, minute order, rule, motion, policy, standard, specification, or a practice adopted or enacted by City, its staff or its electorate (through their powers of initiative, referendum, recall or otherwise) that is not part of the Applicable Law and that takes effect on or after the Effective Date is hereby referred to as a “**New City Law(s).**” During the Term, no New City Law(s) shall be applied to the Project and/or Property except as otherwise set forth herein, including without limitation, the New City Laws set forth in Section 3.6 below.

**3.4. Permitted Uses.** The permitted uses of the Property; the density and intensity of use of the Property; the maximum height, bulk and size of buildings and other structures, except as such may be limited by any design review approvals yet to be obtained; and provisions for reservation or dedication of land for public purposes and other terms and conditions applicable to the Project/Property shall be those set forth in the Project Approvals, which City confirms and vests by this Agreement. As Subsequent Approvals are adopted and therefore become part of the Applicable Law, the Subsequent Approvals will refine the permitted uses, density and/or intensity of use, maximum height and size of buildings and other structures, provisions for reservation or dedication of land, and other terms and conditions applicable to the Project/Property. City shall not require Developer to reserve or dedicate land for public purposes except as expressly required by the Applicable Law, including without limitation, the Project Approvals.

**3.5. Subdivision and Other Agreements..** The City shall not require Developer to enter into any subdivision or other agreement that is inconsistent with the Applicable Law or that requires more work than is required by the Applicable Law, provided however that the Parties agree and understand that Developer will be required to enter into subdivision improvement agreements as set forth in this Agreement. The City shall allow Developer to file multiple final maps, if Developer desires, in accordance with the Subdivision Map Act, as amended from time to time.

**3.6. City’s Reservations of Authority.** Notwithstanding any other provision of this Agreement to the contrary, the following regulations and provisions shall apply to the development of the Property:

**3.6.1** New City Laws regarding Processing Fees, provided such Processing Fees are adopted pursuant to controlling law and are uniformly applied on a City-wide basis to all substantially similar types of development projects and properties.

**3.6.2** New City Laws relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure, provided such procedures are uniformly applied on a City-wide basis to all substantially similar types of development projects and properties.

**3.6.3** New City Laws governing construction standards and specifications, including (a) City’s building code, plumbing code, mechanical code, electrical code, fire code and grading code, (b) all uniform construction codes applicable in City at the time of building permit issuance, and (c) design and construction standards for road and storm drain facilities; provided any such regulation has been adopted and uniformly applied by City on a citywide basis and has not been adopted for the purpose of preventing or otherwise limiting construction of all or any part of the Project.

**3.6.4** New City Laws that may be in conflict with this Agreement or the Project Approvals but that are necessary to protect persons or property from dangerous or hazardous conditions that create a threat to the public health or safety or create a physical risk, based on findings by the City Council identifying the dangerous or hazardous conditions requiring such changes in the law, why there are no feasible alternatives to the imposition of such changes, and how such changes would alleviate the dangerous or hazardous condition. Changes in laws, regulations, plans or policies that are specifically mandated and required by changes in state or federal laws or regulations that require such to apply to the Project.

**3.6.5** Notwithstanding anything to the contrary provided herein, as provided in the Statute at Section 65869.5: “In the event that state or federal law or regulations, enacted after [this Agreement] has been entered into, prevent or preclude compliance with one or more provisions of [this Agreement], such provisions of [this Agreement] shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations.”

**3.6.6** Notwithstanding anything to the contrary provided herein, Developer shall have the right to challenge in court any New City Laws that would conflict with Applicable Law or this Agreement or reduce the development rights provided by this Agreement, including without limitation any of the items listed in this Section 3.6 (subsections 3.6.1 through 3.6.6).

## **ARTICLE 4 AMENDMENT**

**4.1. Amendment to Approvals.** To the extent permitted by state and federal law, any Project Approval (hereafter in the ARTICLE 4, an “**Approval**”) may, from time to time, be amended or modified in the following manner:

**4.1.1 Administrative Project Amendments.** Upon the written request of Developer for an amendment or modification to an Approval, the Director of Community Development, or his/her designee (collectively “**Authorized Official**”) shall determine: (i) whether the requested amendment or modification is minor when considered in light of the Project Approvals as a whole; and (ii) whether the requested amendment or modification is substantially consistent with Applicable Law. If the Authorized Official finds that the proposed amendment or modification is minor, substantially consistent with Applicable Law, and will result in no new significant environmental impacts, the amendment shall be determined to be an “**Administrative Project Amendment**” and the Authorized Official may, except to the extent otherwise required by law, approve the Administrative Project Amendment, following

consultation with other relevant City staff, without notice and public hearing. Without limiting the generality of the foregoing, lot line adjustments, non-substantial reductions in the density, intensity, scale or scope of the Project, minor alterations in vehicle circulation patterns or vehicle access points, substitutions of comparable landscaping for any landscaping shown on any final development plan or landscape plan, variations in the design and location of structures that do not substantially alter the design concepts of the Project, variations in the location or installation of utilities and other infrastructure connections or facilities that do not substantially alter the design concepts of the Project Approvals, and minor adjustments to the Property diagram or Property legal description shall be treated as Administrative Project Amendments.

**4.1.2 Non-Administrative Amendments.** Any request of Developer for an amendment or modification to an Approval which is determined not to be an Administrative Project Amendment as set forth above shall be subject to review, consideration and action pursuant to the Applicable Law and this Agreement.

**4.1.3 Amendment Exemptions.** Amendment of an Approval requested by Developer shall not require an amendment to this Agreement. Instead, the amendment automatically shall be deemed to be incorporated into the Project Approvals and vested under this Agreement.

**4.2. Amendment of This Agreement.** This Agreement may be amended from time to time, in whole or in part, by mutual written consent of the Parties or their successors in interest, as follows:

**4.2.1 Administrative Amendments.** The City Manager and City Attorney are authorized on behalf of the City to enter into any amendments to this Agreement other than amendments which substantially affect (i) the term of this Agreement (excluding extensions of time for performance of a particular act), (ii) permitted uses of the Property, (iii) provisions for the reservation or dedication of land, (iv) the density or intensity of use of the Property or the maximum height or size of proposed buildings, or (v) monetary payments by Developer. Such amendments (“**Administrative Agreement Amendment**”) shall, except to the extent otherwise required by law, become effective without notice or public hearing.

**4.2.2 Non-Administrative Amendments.** Any request of Developer for an amendment or modification to this Agreement which is determined not to be an Administrative Agreement Amendment as set forth above shall be subject to review, consideration and action pursuant to the Applicable Law and this Agreement.

**4.2.3 Subsequent Approvals.** No amendment of this Agreement shall be required in connection with the issuance/approval of any Subsequent Approval Developer seeks and secures or any New City Laws that Developer elects to be subject to (in Developer’s sole and exclusive discretion) (“**New City Regulation**”). Any such Subsequent Approval or New City Regulation shall be vested into by Developer and City when it becomes effective under controlling law. City shall not amend or issue any Subsequent Approval unless Developer requests such an amendment or issuance from City.

## **ARTICLE 5**

### **ASSIGNMENT, TRANSFER AND MORTGAGEE PROTECTION**

**5.1. Assignment of Interests, Rights and Obligations.** Nothing in this Agreement shall limit the right of Developer to freely alienate, transfer or assign (“**Assign**” or “**Assignment**”) all or any portion of the Property, except that Developer may only Assign all or any portion of its interests, rights or obligations under this Agreement or the Project Approvals, including any amendments thereto, subject to both of the following:

**5.1.1** The requirements of this ARTICLE 5; and

**5.1.2** To a third party who acquires an interest or estate in Developer and/or the Property or any portion thereof including, without limitation, a third party who is a purchaser or ground lessee of lots, parcels or improvements (an “**Assignee**”).

### **5.2. Assignment Agreements.**

**5.2.1 Written Assignment Agreement.** In connection with an Assignment by Developer (other than an Assignment by Developer to an Affiliated Party (as defined below), to a Mortgagee (as defined below in 5.4) or to a Home Purchaser (as defined below in 5.3)), Developer and the Assignee shall enter into a written agreement (an “**Assignment Agreement**”), with City’s consent in writing to such Assignment, which consent shall not be unreasonably withheld, regarding the respective interests, rights, benefits, burdens and obligations (collectively, “benefits and burdens”) of Developer and the Assignee in and under this Agreement and the Project Approvals. Such Assignment Agreement shall (i) set forth the benefits and burdens of this Agreement and/or the Project Approvals that are being assigned to Assignee, (ii) transfer to the Assignee the benefits and burdens of this Agreement and/or the Project Approvals that are being assigned, and (iii) address any other matter deemed by Developer to be necessary or appropriate in connection with the Assignment. Developer shall notify the City in writing that Developer plans to execute a Assignment Agreement at least 30 days in advance of the proposed execution date of the Assignment Agreement, and Developer shall provide City with such information as may be required by City to demonstrate the Assignee’s qualifications (including financial ability) to the Assignment. City shall have 30 days from the date of receipt of such notice from Developer to review the information and to provide City’s determination to Developer regarding City’s consent to the Assignment. City may withhold its consent to the Assignment if the City reasonably determines that the Assignee, or an entity with similar or related ownership or control as Assignee, lacks the financial ability to assume the obligations involved with the Assignment or the Assignment Agreement does not adequately address the division of the obligations and requirements of this Agreement. If City consents to the Assignment, Developer shall be released from its benefits and burdens as set forth in the Assignment Agreement. If City does not consent to the Assignment, City shall provide its reasons in writing and shall meet with Developer in good faith to determine what additional information may be necessary for City to provide its consent. An “**Affiliated Party**” is defined as any corporation, limited liability company, partnership or other entity which is controlling of, controlled by, or under common control with Developer, and “**control**,” for purposes of this definition, means effective management and control of the other entity, subject only to major events requiring the consent or approval of the other owners of such entity.



**5.2.2 Binding.** Upon City approval of, execution and recordation in the Official Records of Contra Costa County of an Assignment Agreement, and a “**Memorandum of Assignment**” (in a form substantially similar to the Memorandum of Assignment set forth in *Exhibit D* to this Agreement), the Assignment Agreement shall be binding on Developer, the City and the Assignee, and shall release Developer from those benefits and burdens of this Agreement and the Project Approvals expressly assigned and transferred in the Assignment Agreement.

**5.3. Home Purchaser.** The burdens, obligations and duties of Developer under this Agreement shall terminate with respect to, and neither an Assignment Agreement nor the City’s consent shall be required in connection with, any single-family residence conveyed to a purchaser or leased to a lessee for a period in excess of one year. The purchaser or lessee in such a transaction and its successors (“**Home Purchaser**”) shall be deemed to have no obligations under this Agreement.

**5.4. Mortgage Protection.** This Agreement shall be superior and senior to any lien placed upon the Property or any portion thereof after the date of recording of this Agreement, including the lien of any deed of trust or mortgage (“**Mortgage**”). The foregoing notwithstanding, no breach of this Agreement shall defeat, render invalid, diminish or impair the lien of any Mortgage made in good faith and for value, but all of the terms and conditions contained in this Agreement (including but not limited to the City’s remedies to terminate the rights of Developer and its successors and assigns under this Agreement, to terminate this Agreement, and to seek other relief as provided in this Agreement) shall be binding upon and effective against any person or entity, including any deed of trust beneficiary or mortgagee (“**Mortgagee**”) who acquires title to the Property, or any portion thereof, by foreclosure, trustee’s sale, deed in lieu of foreclosure, or otherwise.

**5.4.1 Mortgagee Not Obligated.** The provisions of 5.4 notwithstanding, no Mortgagee shall have any obligation or duty under this Agreement to construct or complete the construction of improvements, or to guarantee such construction or completion; provided, however, that a Mortgagee shall not be entitled to devote the Property to any uses or to construct any improvements other than those uses or improvements provided for or authorized by this Agreement, or otherwise under the Project Approvals.

**5.4.2 Notice of Default to Mortgagee.** If the City receives a written notice from a Mortgagee or from Developer requesting a copy of any notice of default given Developer and specifying the address for notice, then the City shall deliver to the Mortgagee at the Mortgagee’s cost, concurrently with delivery to Developer, any notice with respect to any claim by the City that Developer committed an event of default. Each Mortgagee shall have the right during the same period available to Developer to cure or remedy, or to commence to cure or remedy, the event of default claimed or the areas of noncompliance set forth in the City’s notice. The City Manager is authorized on behalf of the City to grant to the Mortgagee an extension of time to cure or remedy, not to exceed an additional 60 days.

## **ARTICLE 6**

### **COOPERATION IN THE EVENT OF LEGAL CHALLENGE; INDEMNITY**

**6.1. Indemnity.** Developer shall defend, indemnify, and hold harmless the City from any legal action brought by any third party concerning: (i) the validity, legality, or constitutionality of any term, condition, obligation, fee, dedication, or exaction required or imposed by this Agreement; (ii) the procedures utilized in or the sufficiency of the environmental review associated with this Agreement; and (iii) the implementation of this Agreement through such further actions, measures, procedures, and approvals as are necessary to satisfy the Agreement's requirements. Developer shall defend the City with qualified legal counsel subject to the approval of the City Attorney, which approval shall not unreasonably be withheld. Developer shall be exclusively responsible for paying all costs, damages, attorney fees, and other court-ordered compensation awarded to any third party (whether awarded against the City, Developer, or any other party) in any legal action in which its Developer' duties to defend, indemnify, and hold the City harmless arise under this Section. City shall promptly notify Developer of any action filed and the Parties shall cooperate fully in the defense of any such action.

**6.2. Limitations on Indemnity.** The parties expressly recognize that the obligations stated in this Article do not require or contemplate that Developer shall indemnify or hold harmless or be responsible for any error, omission, tortious act, intentional act, negligent act, or default of, or any injury caused by, any homeowners association or any City department or dependent special district that is formed by, or that receives funding, as a result of any term or condition of this Agreement.

## **ARTICLE 7**

### **DEFAULT; TERMINATION; ANNUAL REVIEW**

#### **7.1. Default.**

**7.1.1 Remedies In General; No Damages.** City and Developer agree that, as part of the bargained for consideration of this Agreement, in the event of default by either Party, the only remedy shall be declaratory relief or specific performance of this Agreement. In no event shall either Party, or any of their officers, agents, representatives, officials, employees or insurers, be liable to the other Party for damages, whether actual, consequential, punitive or special, for any breach or violation of this Agreement. The Parties agree that any action or proceeding to cure, correct or remedy any default or to enforce any covenant or promise under this Agreement shall be limited solely and exclusively to the remedies expressly provided. Following notice and expiration of any applicable cure periods and completion of the dispute resolution process set forth in ARTICLE 8 below, either Party may institute legal or equitable proceedings to cure, correct, or remedy any default, or to enforce any covenant or promise herein, enjoin any threatened or attempted violation, or enforce by specific performance, declaratory relief or writ of mandate the obligations and rights of the Parties. As noted above, in no event shall either Party be liable for any damages. Any legal action to interpret or enforce the

provisions of this Agreement shall be brought in the Superior Court for Contra Costa County, California.

**7.1.2 Cure Period.** Subject to extensions of time by mutual consent in writing of the Parties, breach of, failure, or delay by either Party to perform any term or condition of this Agreement shall constitute a default. In the event of any alleged default of any term, condition, or obligation of this Agreement, the Party alleging such default shall give the defaulting Party notice in writing specifying the nature of the alleged default and the manner in which such default may be satisfactorily cured (“**Notice of Breach**”). The defaulting Party shall cure the default within 30 days following receipt of the Notice of Breach, provided, however, if the nature of the alleged default is non-monetary and such that it cannot reasonably be cured within such 30-day period, then the commencement of the cure within such time period, and the diligent prosecution to completion of the cure thereafter, shall be deemed to be a cure, provided that if the cure is not diligently prosecuted to completion, then no additional cure period shall be provided. If the alleged failure is cured within the time provided above, then no default shall exist and the noticing Party shall take no further action to exercise any remedies available hereunder. If the alleged failure is not cured, then a default shall exist under this Agreement and the non-defaulting Party may exercise any of the remedies available.

**7.1.3 Procedure for Default by Developer.** If Developer is alleged to be in default hereunder by City then after notice and expiration of the cure period specified above and the dispute resolution process set forth in ARTICLE 8 below, City may institute legal proceedings against Developer pursuant to this Agreement, and/or give notice of intent to terminate or modify this Agreement to Developer pursuant to California Government Code Section 65868. Following notice of intent to terminate or modify this Agreement as provided above, the matter shall be scheduled for consideration and review at a duly noticed and conducted public hearing in the manner set forth in Government Code Sections 65865, 65867 and 65868 by the City Council within 60 calendar days following the date of delivery of such notice (the “**Default Hearing**”). Developer shall have the right to offer written and oral testimony prior to or at the time of said public hearing. If the City Council determines that a default has occurred and is continuing, and elects to terminate the Agreement, City shall give written notice of termination of the Agreement to Developer by certified mail and the Agreement shall thereby be terminated 30 days thereafter; provided, however, that if Developer files an action to challenge City’s termination of the Agreement within such 30-day period, then the Agreement shall remain in full force and effect until a trial court has affirmed City’s termination of the Agreement and all appeals have been exhausted (or the time for requesting any and all appellate review has expired). This Section shall not be interpreted to constitute a waiver of section 65865.1 of the Government Code, but merely to provide a procedure by which the Parties may take the actions set forth in Section 65865.1.

**7.1.4 Procedure for Default by City.** If the City is alleged by Developer to be in default under this Agreement, then after notice and expiration of the cure period and completion of the dispute resolution procedures below, Developer may enforce the terms of this Agreement by an action at law or in equity, subject to the limitations set forth above.

**7.2. Excusable Delay; Extension of Time of Performance.** In addition to specific provisions of this Agreement, neither Party shall be deemed to be in default where delays in

performance or failures to perform are due to, or a necessary outcome of, war, insurrection, strikes or other labor disturbances, walk-outs, riots, floods, earthquakes, fires, casualties, acts of God, enactment or imposition against the Project of any moratorium, or any time period for legal challenge of such moratorium by Developer, or similar basis for excused performance which is not within the reasonable control of the Party to be excused. Litigation attacking the validity of this Agreement or any of the Project Approvals, Subsequent Approvals, or any permit, ordinance, entitlement or other action of a governmental agency other than the City necessary for the development of the Project pursuant to this Agreement, or Developer' inability to obtain materials, power or public facilities (such as water or sewer service) to the Project, shall be deemed to create an excusable delay as to Developer. Upon the request of either Party, an extension of time for the performance of any obligation whose performance has been so prevented or delayed shall be memorialized in writing. The City Manager is authorized on behalf of the City to enter into such an extension. The term of any such extension shall be equal to the period of the excusable delay, or longer, as may be mutually agreed upon.

**7.3. Annual Review.** Throughout the term of this Agreement, at least once every 12 months, Developer shall provide City with a written report in demonstrating Developer's good-faith compliance with the terms and conditions of this Agreement (the "**Written Report**"). City's City Manager and City Attorney shall review the Written Report to determine whether Developer is in good-faith compliance with the terms of the Agreement and, if they have concerns about Developer' compliance, shall schedule a review before the City Council (the "**Periodic Review**"). At least 10 days prior to the Periodic Review, the City shall provide to Developer a copy of any staff reports and documents to be used or relied upon in conducting the review (and, to the extent practical, related exhibits) concerning Developer' performance. Developer shall be permitted an opportunity to respond to the City's evaluation of Developer' performance, either orally at a public hearing or in a written statement, at Developer' election. If before the public hearing, such response shall be directed to the Community Development Director. At the conclusion of the Periodic Review, the City Council shall make written findings and determinations, on the basis of substantial evidence, as to whether or not Developer has complied in good faith with the terms and conditions of this Agreement. If the City Council finds and determines, based on substantial evidence, that Developer has not complied with such terms and conditions, the City Council may initiate proceedings to terminate or modify this Agreement, in accordance with Government Code Section 65865.1, by giving notice of its intention to do so, in the manner set forth in Government Code Sections 65867 and 65868. If after receipt of the Written Report, the City does not (a) schedule a Periodic Review within two months, or (b) notify Developer in writing of the City's determination after a Periodic Review, then it shall be conclusively presumed that Developer has complied in good faith with the terms and conditions of this Agreement during the year covered under the Written Report.

**7.4. Notice of Compliance.** Within 30 days following any written request which Developer or a Mortgagee may make from time to time, the City shall execute and deliver to the requesting party (or to any other party identified by the requesting party) a written "**Notice of Compliance**", in recordable form, duly executed and acknowledged by the City, that certifies: (a) this Agreement is unmodified and in full force and effect, or if there have been modifications, that this Agreement is in full force and effect as modified and stating the date and nature of the modifications; (b) there are no current uncured defaults under this Agreement or specifying the dates and nature of any default; and (c) any other information reasonably requested by Developer

or the Mortgagee. The failure to deliver such a statement within such time shall constitute a conclusive presumption against the City that this Agreement is in full force and effect without modification except as may be represented by Developer and that there are no uncured defaults in the performance of Developer, except as may be represented by Developer. Developer shall have the right, in its sole discretion, to record the Notice of Compliance.

## **ARTICLE 8 DISPUTE RESOLUTION**

**8.1. Dispute; Confidentiality.** Any controversy or dispute arising out of or related to this Agreement, or the development of the Project (a “**Dispute**”), shall be subject to private negotiation among the Parties, and if then not resolved shall be subject to non-binding mediation followed by litigation, if necessary, as set forth below. Each Party agrees that any Dispute, and all matters concerning any Dispute, will be considered confidential and will not be disclosed to any third-party except (a) disclosures to a Party’s attorneys, accountants, and other consultants who assist the Party in the resolution of the Dispute, (b) as provided below with respect to the mediation, and (c) as otherwise required by law, including without limitation, the California Public Records Act or the City’s Municipal Code.

**8.2. Private Negotiation.** If a Dispute arises, the Parties agree to negotiate in good faith to resolve the Dispute. If the negotiations do not resolve the Dispute to the reasonable satisfaction of the Parties within 30 days from a written request for a negotiation, then the Dispute shall be submitted to mediation pursuant to 8.3.

**8.3. Mediation.** Within 15 days following the written request to negotiate, either Party may initiate non-binding mediation (the “**Mediation**”), conducted by JAMS/Endispute, Inc. (“**JAMS**”) or any other agreed-upon mediator. Either Party may initiate the Mediation by written notice to the other Party. The mediator shall be a retired judge or other mediator, selected by mutual agreement of the Parties, and if the Parties cannot agree within 15 days after the Mediation notice, the mediator shall be selected through the procedures regularly followed by JAMS. The Mediation shall be held within 15 days after the Mediator is selected, or a longer period as the Parties and the mediator mutually decide. If the Dispute is not fully resolved by mutual agreement of the Parties within 15 days after completion of the Mediation, then either Party may commence an action in state or federal court. The Parties shall bear equally the cost of the mediator’s fees and expenses, but each Party shall pay its own attorneys’ and expert witness fees and any other associated costs.

**8.4. Injunction.** Nothing in this ARTICLE 8 shall limit a Party’s right to seek an injunction or restraining order from a court of competent jurisdiction in circumstances where such relief is deemed necessary to preserve assets.

## **ARTICLE 9 MISCELLANEOUS**

**9.1. Defined Terms; Citations.** The capitalized terms used in this Agreement, unless the context obviously indicates otherwise, shall have the meaning given them in this Agreement.

Except as otherwise expressly stated, all citations are to the Government Code of the State of California.

**9.2. Enforceability.** As provided in Section 65865.4, this Agreement shall be enforceable by either Party notwithstanding any change enacted or adopted (whether by ordinance, resolution, initiative, or any other means) in any applicable general plan, specific plan, zoning ordinance, subdivision ordinance, or any other land use ordinance or resolution or other rule, regulation or policy adopted by the City that changes, alters or amends the ordinances, rules, regulations and policies included in the Applicable Law, except as this Agreement may be amended or canceled pursuant to Section 65868 or modified or suspended pursuant to Section 65869.5.

**9.3. Other Necessary Acts.** Each Party shall execute and deliver to the other all such other further instruments and documents as may be reasonably necessary to carry out the Project Approvals, Subsequent Approvals or this Agreement and to provide and secure to the other Party the full and complete enjoyment of its rights and privileges under this Agreement.

**9.4. Construction.** Each reference in this Agreement to this Agreement or any of the Project Approvals shall be deemed to refer to this Agreement or the Project Approval, as it may be amended from time to time. This Agreement has been reviewed and revised by legal counsel for both the City and Developer, and no presumption or rule that ambiguities shall be construed against the drafting party shall apply to the interpretation or enforcement of this Agreement.

**9.5. Covenants Running with the Land.** Subject to the Assignment provisions in ARTICLE 5, all of the provisions contained in this Agreement shall be binding upon and benefit the Parties and their respective heirs, successors and assigns, representatives, lessees, and all other persons acquiring all or a portion of, or interest in, the Property, whether by operation of law or in any manner whatsoever. All of the provisions contained in this Agreement shall be enforceable as equitable servitudes and shall constitute covenants running with the land pursuant to California law including, without limitation, Civil Code Section 1468. Each covenant herein to act or refrain from acting is for the benefit of or a burden upon the Property, as appropriate, runs with the Property and is for the benefit of and binding upon the owner, Developer, and each successive owner of all or a portion of the Property, during its ownership of such property.

**9.6. Attorneys' Fees.** If any legal action or other proceeding is commenced to enforce or interpret any provision of, or otherwise relating to, this Agreement, the losing party or parties shall pay the prevailing party's or parties' actual expenses incurred in the investigation of any claim leading to the proceeding, preparation for and participation in the proceeding, any appeal or other post-judgment motion, and any action to enforce or collect the judgment including without limitation contempt, garnishment, levy, discovery and bankruptcy. For this purpose "expenses" include, without limitation, court or other proceeding costs and experts' and attorneys' fees and their expenses. The phrase "prevailing party" shall mean the party which is determined in the proceeding to have prevailed or which prevails by dismissal, default or otherwise.

**9.7. No Agency, Joint Venture or Partnership.** The City and Developer disclaim the existence of any form of agency relationship, joint venture or partnership between the City

and Developer. Nothing contained in this Agreement or in any document executed in connection with this Agreement shall be construed as creating any relationship other than a contractual relationship between the City and Developer.

**9.8. No Third Party Beneficiary.** This Agreement is made solely and specifically among and for the benefit of the Parties, and their respective successors and assigns subject to the express provisions relating to successors and assigns, and no other party other than a Mortgagee will have any rights, interest or claims or be entitled to any benefits under or on account of this Agreement as a third party beneficiary or otherwise.

**9.9. Notices.** All notices, consents, requests, demands or other communications to or upon the respective Parties shall be in writing and shall be effective for all purposes: (A) upon receipt on any City business day before 5:00 PM local time and on the next City business day if received after 5:00 PM or on other than a City business day, including without limitation, in the case of (i) personal delivery, or (ii) delivery by messenger, express or air courier or similar courier, or (B) five days after being duly mailed certified mail, return receipt requested, postage prepaid, all addressed as follows:

|                              |  |
|------------------------------|--|
| If to City:                  | City of Antioch<br>Attention: City Manager<br>200 H Street<br>Antioch, CA 94509<br>Telephone: (925) 779-7011<br>Facsimile: (925) 779-7003  |
| With a mandatory<br>copy to: | City Attorney<br>City of Antioch<br>200 H Street<br>Antioch, CA 94509<br>Telephone: (925) 779-7015<br>Facsimile: (925) 779-7003  |
| If to Developer:             | GBN Partners, LLC<br>Attention: Matthew D. Beinke<br>3820 Blackhawk Road<br>Danville, CA 94506<br>Telephone: (925) 736-1571<br>Facsimile: (925) 736-0309                               |
| With a mandatory<br>copy to: | Nossaman LLP<br>Attention: Michael Patrick Durkee<br>50 California Street, 34 <sup>th</sup> Floor<br>San Francisco, CA 94111<br>Telephone: (415) 398-3600<br>Facsimile: (415) 398-2438 |

In this Agreement “City business days” means days that the Antioch City Hall is open for business and does not currently include Saturdays, Sundays, and federal and state legal holidays. Either Party may change its address by written notice to the other on five business days’ prior notice in the manner set forth above. Receipt of communication by facsimile shall be sufficiently evidenced by a machine-generated confirmation of transmission without notation of error. In the case of illegible or otherwise unreadable facsimile transmissions, the receiving Party shall promptly notify the transmitting Party of any transmission problem and the transmitting Party shall promptly resend any affected pages.

**9.10. Entire Agreement and Exhibits.** This Agreement constitutes in full, the final and exclusive understanding and agreement of the Parties and supersedes all negotiations or previous agreements of the Parties with respect to all or any part of the subject matter of this Agreement. No oral statements or prior written matter not specifically incorporated in this Agreement shall be of any force and effect. No amendment of, supplement to or waiver of any obligations under this Agreement will be enforceable or admissible unless set forth in a writing approved by the City and Developer. The following exhibits are attached to this Agreement and incorporated for all purposes:

|                  |                                |
|------------------|--------------------------------|
| <i>Exhibit A</i> | Property Description.          |
| <i>Exhibit B</i> | Existing Approvals.            |
| <i>Exhibit C</i> | Ordinance Approving Agreement. |
| <i>Exhibit D</i> | Memorandum of Assignment.      |

**9.11. Counterparts.** This Agreement may be executed in any number of identical counterparts and each counterpart shall be deemed to be an original document. All executed counterparts together shall constitute one and the same document, and any counterpart signature pages may be detached and assembled to form a single original document. This Agreement may be executed by signatures transmitted by facsimile, adobe acrobat or other electronic image files and these signatures shall be valid, binding and admissible as though they were ink originals.

**9.12. Recordation of Development Agreement.** Pursuant to Section 65868.5, no later than ten days after the City enters into this Agreement, the City Clerk shall record an executed copy of this Agreement in the Official Records of the County of Contra Costa.



This Agreement has been entered into by and between Developer and the City as of the Effective Date.

**CITY:**

**City of Antioch**, a municipal corporation

By: \_\_\_\_\_,  
\_\_\_\_\_

APPROVED AS TO FORM:

By: \_\_\_\_\_  
\_\_\_\_\_,  
City Attorney

ATTEST:

By: \_\_\_\_\_  
\_\_\_\_\_,  
City Clerk

**DEVELOPER:**

**GBN Partners, LLC**, a Delaware limited liability company

By: \_\_\_\_\_  
Matthew D. Beinke, Partner

APPROVED AS TO FORM:  
Nossaman LLP

By: \_\_\_\_\_  
\_\_\_\_\_  
Attorneys for Developer

***Exhibit A***

**Property Description.**

***Exhibit B***

**Existing Approvals.**

***Exhibit C***

**Ordinance approving this Agreement.**

***Exhibit D***

NO FEE DOCUMENT per Government Code § 6103  
RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

City of Antioch  
200 H Street  
Antioch, CA 94509  
Attention: City Manager and City Attorney

**Memorandum of Assignment**

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This "**Memorandum of Assignment**" (the "**Agreement**") relates to that Development Agreement by and between the City of Antioch and GBN Partners, LLP, dated \_\_\_\_\_, ("Development Agreement") and the recording and use of the Agreement on that certain below-described real property ("Subject Property"). This Agreement is entered into by GBN Partners, LLC, a Delaware limited liability company ("Developer") and \_\_\_\_\_ [owner of Subject Property] ("Assignee"), which Developer and Assignee likewise entered into a "Assignment Agreement" pursuant to Section \_\_\_ of the Agreement.

The Subject Property is more particularly described in *Exhibit* \_\_, attached hereto and incorporated herein by this reference as if set forth in full.

The Subject Property is burdened and benefitted by and otherwise bound and subject to each and every term and condition of the Development Agreement, as more specifically described in this Agreement and the Assignment Agreement, and Developer is released and therefore no longer burdened and benefitted by and otherwise bound and subject to each and every term and condition of the Agreement as relates to the Subject Property.

[Parties to delineate how all obligations, such as parks, roads, etc. are being distributed amongst the Developer and Assignee]

**PLANNING COMMISSION  
RESOLUTION NO. 2016-\*\***

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH  
RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN ORDINANCE TO  
REZONE TO PLANNED DEVELOPMENT DISTRICT (PD-15-\*\*) FOR THE  
VINEYARDS AT SAND CREEK PROJECT**

**WHEREAS**, the City received an application from GBN Partners, LLC for approval of an Environmental Impact Report, a Development Agreement, General Plan Amendment, Planned Development rezone, Resource Management Plan, and a Vesting Tentative Map, for the development of a 650 unit single family residential community on a portion of approximately 141 acres (GP-14-01, PD-14-03, Subdivision 9390). The project is located on the easterly side of the Sand Creek Focus Area, east of the current terminus of Hillcrest Avenue, west of Heidorn Ranch Road and north of Sand Creek (APNs 057-030-003, 057-030-007); and

**WHEREAS**, An Initial Study, a Final Environmental Impact Report and Mitigation Monitoring and Reporting Program was prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15162, and considered by the Planning Commission on January 6, 2016; and

**WHEREAS**, the Planning Commission recommended adoption of the Final Environmental Impact Report and Mitigation Monitoring and Reporting Program to the City Council; and

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

**WHEREAS**, on January 6, 2016, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

**WHEREAS**, in consideration of the rezone, the granting of such rezone will not adversely affect the comprehensive General Plan.

**NOW THEREFORE, BE IT RESOLVED** that the Planning Commission does hereby make the following findings for recommendation to the City Council for approval of the proposed zone change:

1. The public necessity requires the proposed zone change. Each project in the Sand Creek Focus Area of the General Plan is required to rezone to a Planned Development (PD) District and adopt development standards.

2. That the subject property is suitable to the use permitted in the proposed zone change. The subject property is relatively flat, undeveloped land adjacent to existing residential development and is suitable to single family residential development.
3. That said permitted use is not detrimental to the surrounding property. The project is consistent with the adjacent residential development to the north and west and the project will construct infrastructure and improvements that will benefit surrounding properties.
4. That the proposed zone change is in conformance with the Antioch General Plan. The project conforms to the requirements of the General Plan for Medium Low Density Residential Development and the requirements of the General Plan Sand Creek Focus Area.

**NOW THEREFORE BE IT FURTHER RESOLVED** that the Planning Commission does hereby recommend to the City Council APPROVAL of the draft Ordinance (Exhibit A) to rezone the approximately 141 acre project site located on the easterly side of the Sand Creek Focus Area, east of the current terminus of Hillcrest Avenue, west of Heidorn Ranch Road and north of Sand Creek (APNs 057-030-003, 057-030-007).

\* \* \* \* \*

**I HEREBY CERTIFY** that the foregoing recommendation was passed and adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 6<sup>th</sup> day of January, 2016, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

FORREST EBBS

Secretary to the Planning Commission

**EXHIBIT A**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH TO REZONE  
THE APPROXIMATELY 141 ACRE VINEYARDS AT SAND CREEK PROJECT SITE  
(APNs 057-030-003, 057-030-007), FROM STUDY ZONE (S) TO PLANNED  
DEVELOPMENT DISTRICT (PD)**

The City Council of the City of Antioch does ordain as follows:

**SECTION 1:**

The City Council determined on \_\_\_\_\_, that, pursuant to Section 15074 of the Guidelines of the California Environmental Quality Act, and after full consideration of the Environmental Impact Report and Mitigation Monitoring and Reporting Program prepared for project, and on the basis of the whole record before it, the Environmental Impact Report for the Promenade/Vineyards at Sand Creek project should be certified.

**SECTION 2:**

At its regular meeting of January 6, 2016, the Planning Commission recommended that the City Council adopt the Ordinance to rezone the subject property from Study Zone (S) to Planned Development District (PD-14-03) for the Vineyards at Sand Creek Project.

**SECTION 3:**

The real property described in Exhibit A, attached hereto, is hereby rezoned from Study Zone (S) to Planned Development District (PD-14-03) for the Vineyards at Sand Creek Project, and the zoning map is hereby amended accordingly.

**SECTION 4:**

The development standards, as defined below, for the subject property (APNs 057-030-003, 057-030-007), known as The Vineyards at Sand Creek Project, are herein incorporated into this ordinance, and are binding upon said property.



**Development Standards for the Proposed Promenade/Vineyards at Sand Creek  
Planned Development District (PD-14-03)**

| <b>Development Standards for the Proposed Vineyards at Sand Creek Planned Development District</b> | <b>Proposed PD Zoning Standards for Single-Family Residential (SF)</b>   | <b>Proposed PD Zoning Standards for Active Adult Residential (AA)</b>   |
|--|--|---|
| Maximum Density  | <u>All Lot Types:</u> 4.6 dwelling units per gross acre (5.5 dwelling units per net developable acre)  | <u>All Lot Types:</u> 4.6 dwelling units per gross acre (5.5 dwelling units per net developable acre)   |
| Maximum Number of Units  | <u>All Lot Types:</u> 641 Single Family Residences   | <u>All Lot Types:</u> 641 Active Adult Residences   |
| Minimum Lot Size   | <u>Lot Type A:</u> 45'x80', average Lot Size 4,200 SF<br><br><u>Lot Type B:</u> 50'x80', average Lot Size 4,630 SF<br><br><u>Lot Type C:</u> 50'x90', average Lot Size 5,160 SF  | <u>Lot Type A:</u> 45'x80', average Lot Size 4,200 SF<br><br><u>Lot Type B:</u> 50'x80', average Lot Size 4,630 SF<br><br><u>Lot Type C:</u> 50'x90', average Lot Size 5,160 SF   |
| Minimum Lot Width  | <u>Lot Type A:</u> All lots shall have a minimum width of 45 feet at a distance of 20 feet from the right-of-way.<br><br><u>Lot Type B and C:</u> All lots shall have a minimum width of 50 feet at a distance of 20-feet from the right of way. | <u>Lot Type A:</u> All lots shall have a minimum width of 45 feet at a distance of 20 feet from the right-of-way.<br><br><u>Lot Type B and C:</u> All lots shall have a minimum width of 50 feet at a distance of 20-feet from the right of way.      |
| Minimum Front Yard Setbacks  | <u>All Lot Types:</u> 10 foot minimum to porch front, 12 foot minimum to living space, (reserved for landscaping only, excluding driveways).   | <u>All Lot Types:</u> 10 foot minimum to porch front, 12 foot minimum to living space, (reserved for landscaping only, excluding driveways).  |
| Minimum Side Yard Setbacks   | <u>Lot Type A Interior lot:</u> 4 foot minimum.<br><br><u>Lot Type A Corner lot:</u> 4 foot interior/9 foot street-side.<br><br><u>Lot Type B and C Interior lot:</u> 5 foot.<br><br><u>Lot Type B and C Corner lot:</u>                         | <u>Lot Type A Interior lot:</u> 4 foot minimum.<br><br><u>Lot Type A Interior 'Active Adult' Duet lot:</u> 0 foot minimum (duet) one side and 4 foot minimum alternate side.<br><br><u>Lot Type A Corner lot:</u> 4 foot interior/9 foot street-side. |

| Development Standards for the Proposed Vineyards at Sand Creek Planned Development District | Proposed PD Zoning Standards for Single-Family Residential (SF)  | Proposed PD Zoning Standards for Active Adult Residential (AA)   |
|---|--|--|
|   | <p>5 foot interior/10 foot street-side.</p> <p>Architectural pop-outs and encroachments to the front, side and rear shall be allowed pursuant to Municipal Code Section 9-5.801.</p>                     | <p><u>Lot Type A Corner 'Active Adult' Duet lot:</u> 0 foot minimum interior/9 foot streetside.</p> <p><u>Lot Type B and C Interior lot:</u> 5 foot.</p> <p><u>Lot Type B and C Interior 'Active Adult' Duet lot:</u> 0 foot minimum one side and 5 foot minimum alternate side.</p> <p><u>Lot Type B and C Corner lot:</u> 5 foot interior/10 foot street-side.</p> <p><u>Lot Type B and C Corner 'Active Adult' Duet lot:</u> 0 foot minimum interior/10 foot streetside.</p> <p>Architectural pop-outs and encroachments to the front, side and rear shall be allowed pursuant to Municipal Code Section 9-5.801.</p> |
| Minimum Rear Yard Setbacks  | <p><u>Lot Type A, B, and C:</u> 10 foot minimum/12 foot average.</p> <p><u>Additionally, Lot Type C with lots deeper than 95 feet:</u> 15 foot minimum/18 foot average.</p>                              | <p><u>All Lot Types:</u> 10 foot minimum/12 foot average.</p> <p><u>Lot Type C with lots deeper than 95 feet:</u> 15 foot minimum/18 foot average.</p>   |
| Accessory Structure Setbacks  | <p><u>All Lot Types: Interior lot:</u> side yard and rear yard setback is zero feet.</p> <p><u>All Lot Types: Corner lot:</u> street side yard is 10 feet and rear /interior side yard is zero feet.</p> | <p><u>All Lot Types: Interior lot:</u> side yard and rear yard setback is zero feet.</p> <p><u>All Lot Types: Corner lot:</u> street side yard is 10 feet and rear /interior side yard is zero feet.</p>   |
| Covered Patio   | <u>All Lot Types:</u> Covered Patio/"California Room": A   | <u>All Lot Types:</u> Covered Patio/"California Room": A   |

| Development Standards for the Proposed Vineyards at Sand Creek Planned Development District  | Proposed PD Zoning Standards for Single-Family Residential (SF)   | Proposed PD Zoning Standards for Active Adult Residential (AA)   |
|--|---|--|
|  | <p>covered area, attached or detached to the main structure, without walls on two or more sides.</p> <p><u>Covered Patio setbacks:</u> 3' minimum to rear and side yard. The wall-less sides of Covered Patios at the rear elevation can encroach further than architectural popouts. A California Room with a solid covered roof (not trellis) is limited to cover no more than 33% of the required rear yard.</p> | <p>covered area, attached or detached to the main structure, without walls on two or more sides.</p> <p><u>Covered Patio setbacks:</u> 3' minimum to rear and side yard. The wall-less side of Covered Patios at the rear elevation can encroach further than architectural popouts. A California Room with a solid covered roof (not trellis) is limited to no more than 33% of the required rear yard.</p>   |
| Maximum Building Height  | <p><u>All Lot Types:</u> 35 feet for single-story profile and two-story structures.</p> <p><u>All Lot Types:</u> 25 feet for one-story structures.</p>  | <p><u>All Lot Types:</u> 35 feet for single-story profile and two-story structures.</p> <p><u>All Lot Types:</u> 25 feet for one-story structures.</p>   |
| Maximum Lot Coverage (gross first floor living plus garage area divided by the lot area and does not include Covered Patios/porches) | <p><u>Lot Type A and B:</u> 60% for single-story homes and 54% for two-story homes. No single-story homes required.</p> <p><u>Lot Type C:</u> 60% for single-story or single-story profile homes and 54% for two-story homes. No single-story homes required.</p>   | <p><u>Lot Type A and B:</u> 60% for single-story; 54% for two-story and single-story profile homes. No two-story homes required.</p> <p><u>Lot Type C:</u> 63% for single story homes. 54% for two-story and single-story profile homes. No two-story homes required.</p> <p>If developed as an Active Adult community, all homes are expected to be single-story – either detached or as duets, based upon market preferences. No two-story homes shall be required in an Active Adult community.</p> |

| Development Standards for the Proposed Vineyards at Sand Creek Planned Development District | Proposed PD Zoning Standards for Single-Family Residential (SF)   | Proposed PD Zoning Standards for Active Adult Residential (AA)  |
|---|---|---|
| Parking and Driveways   | <p><u>All Lot Types</u>: 20-foot minimum setback to garage door for lots with sidewalk along frontage. 18-foot minimum setback to garage door for lots without sidewalk along frontage. Garage provides at least two off-street parking spaces. One on-street parking space must be provided in front of, or for corner lots the parking space may be on the street side yard of - each house (at least 20 feet of curb with exceptions for cul-de-sacs).</p> | <p><u>All Lot Types</u>: 20-foot minimum setback to garage door for lots with sidewalk along frontage. 18-foot minimum setback to garage door for lots without sidewalk along frontage. Garage provides at least two off-street parking spaces. One on-street parking space must be provided in front of, or for corner lots the parking space may be on the street side yard of - each house (at least 20 feet of curb with exceptions for cul-de-sacs).</p> |
| Driveway Width  | <p><u>Lot Type A</u>: Driveway width not to exceed 45% of lot frontage.</p> <p><u>Lot Type B and C</u>: Driveway width not to exceed 40% of lot frontage.</p>   | <p><u>Lot Type A</u>: Driveway width not to exceed 45% of lot frontage.</p> <p><u>Lot Type B and C</u>: Driveway width not to exceed 40% of lot frontage.</p>   |
| Landscape Requirements  | <p>The landscaped setbacks from arterial streets (Hillcrest Avenue, Heidorn Ranch Road and Sand Creek Road) shall be as shown on the project's Vesting Tentative Map 9390 dated February 24, 2015.</p>  | <p>The landscaped setbacks from arterial streets (Hillcrest Avenue, Heidorn Ranch Road and Sand Creek Road) shall be as shown on the project's Vesting Tentative Map 9390 dated February 24, 2015.</p>  |
| Private Pool Club and Park  | <p>A private Pool Club and Parks shall be allowed within in the Vineyards at Sand Creek project.</p>  | <p>A private Pool Club and Parks shall be allowed within in the Vineyards at Sand Creek project. If developed as an Active Adult Community, Parcel A Park and Parcel D Park may be adjusted to reflect the Active Adult programming. In no case shall this adjustment result in less park acreage in the gated community.</p>   |

| <b>Development Standards for the Proposed Vineyards at Sand Creek Planned Development District</b> | <b>Proposed PD Zoning Standards for Single-Family Residential (SF)</b>  | <b>Proposed PD Zoning Standards for Active Adult Residential (AA)</b>   |
|--|---|---|
| Model Home Complexes   | One or more model home complexes that showcase the different lot sizes and products shall be allowed within the Vineyards at Sand Creek project.    | One or more model home complexes that showcase the different lot sizes and products shall be allowed within the Vineyards at Sand Creek project.    |
| RV Parking   | The project shall not be required to provide onsite or offsite RV Parking. This exclusion shall be included in the community's CC&R's.              | The project shall not be required to provide onsite or offsite RV Parking. This exclusion shall be included in the community's CC&R's.              |
| Private Curbs  | VSC Private Streets shall have the option of providing a beveled-curb as shown on the project's Vesting Tentative Map 9390 dated February 24, 2015. | VSC Private Streets shall have the option of providing a beveled-curb as shown on the project's Vesting Tentative Map 9390 dated February 24, 2015. |

**SECTION 5:**

The City Council finds that the public necessity requires the proposed zone change; that the subject property is suitable to the use permitted in the proposed zone change; that said permitted use is not detrimental to the surrounding property; and that the proposed zone change is in conformance with the Antioch General Plan.

**SECTION 6:**

This ordinance shall take effect and be enforced thirty (30) days from and after the date of its adoption and shall be published once within fifteen (15) days upon passage and adoption in a newspaper of general circulation printed and published in the City of Antioch.

\* \* \* \* \*

**I HEREBY CERTIFY** that the forgoing ordinance was introduced and adopted at a regular meeting of the City Council of the City of Antioch, held on the \_\_\_\_\_ of \_\_\_\_\_, 2016, and passed and adopted at a regular meeting thereof, held on the \_\_\_\_\_ of \_\_\_\_\_, 2016, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

\_\_\_\_\_  
Mayor of the City of Antioch

**ATTEST:**

\_\_\_\_\_  
City Clerk of the City of Antioch

**PLANNING COMMISSION  
RESOLUTION NO. 2016-\*\***

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH  
RECOMMENDING APPROVAL OF A VESTING TENTATIVE MAP/FINAL  
DEVELOPMENT PLAN FOR THE VINEYARDS AT SAND CREEK PROJECT**

**WHEREAS**, the City received an application from GBN Partners, LLC for approval of an Environmental Impact Report, a Development Agreement, General Plan Amendment, Planned Development rezone, Resource Management Plan, and a Vesting Tentative Map, for the development of a 650 unit single family residential community on a portion of approximately 141 acres (GP-14-01, PD-14-03, Subdivision 9390). The project is located on the easterly side of the Sand Creek Focus Area, east of the current terminus of Hillcrest Avenue, west of Heidorn Ranch Road and north of Sand Creek (APNs 057-030-003, 057-030-007); and

**WHEREAS**, a Final Environmental Impact Report and Mitigation Monitoring and Reporting Program was prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15162, and considered by the Planning Commission on January 6, 2016; and,

**WHEREAS**, the Planning Commission recommended adoption of the Final Environmental Impact Report and Mitigation Monitoring and Reporting Program to the City Council; and,

**WHEREAS**, on January 6, 2016, the Planning Commission recommended approval of a Development Agreement between the City of Antioch and GBN Partners, LLC, to the City Council; and,

**WHEREAS**, on January 6, 2016, the Planning Commission recommended approval of a rezone to Planned Development District (PD-14-03) to the City Council; and,

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

**WHEREAS**, on January 6, 2016, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

**NOW THEREFORE BE IT RESOLVED**, that the Planning Commission makes the following required findings for approval of a Final Development Plan:

1. Each individual unit of the development can exist as an independent unit capable of creating an environment of sustained desirability and stability because each

parcel has its own independent parking and access. The uses proposed will not be detrimental to present and potential surrounding uses but instead will have a beneficial effect which could not be achieved under another zoning district due to the General Plan and zoning designations for the project site and the requirement to establish a Planned Development Zoning District and receive approval for a Final Development Plan for each project zoned Planned Development in the City of Antioch;

2. The streets and thoroughfares proposed meet the standards of the City's Growth Management Program and adequate utility service can be supplied to all phases of the development because the project will be constructing all the required streets and utilities to serve the project and the ultimate design, location and size of these improvements will be subject to the approval of the City Engineer;
3. There are no commercial components of the Project;
4. Any deviation from the standard zoning requirements is warranted by the design and additional amenities incorporated in the final development plan which offer certain unusual redeeming features to compensate for any deviations that may be permitted. The project is a small lot subdivision and is substantially in conformance with the applicable zoning requirements for residential development and the Planned Development District development standards established for the project site;
5. The area surrounding the PD district can be planned and zoned in coordination and substantial compatibility with the proposed development because the proposed development is consistent with the General Plan and the area around the Project will also be required to develop according to the General Plan policies; and,
6. The Project and the PD District conform to the General Plan of the City in that the small lot single family residential uses are consistent with the General Plan designation of Medium Low Density Residential for the project site; and,
7. The Conditions of approval protect the public safety, health and general welfare of the users of the project and surrounding area. In addition, the conditions ensure the project is consistent with City standards.

**BE IT FURTHER RESOLVED** that the Planning Commission does hereby make the following findings for approval of a Vesting Tentative Parcel Map:

1. That the subdivision, design and improvements are consistent with the General Plan, as required by Section 66473.5 of the Subdivision Map Act and the City's Subdivision Regulations. The site is has a General Plan Designation of Medium Low Density Residential and is zoned Planned Development and the subdivision



will accommodate uses that are consistent with the General Plan on each of the lots created by the subdivision; and,

2. That the subdivision proposed by the Vesting Tentative Map complies with the rules, regulations, standards and criteria of the City's Subdivision Regulations. The proposed subdivision meets the City's criteria for the map. The City's Planning and Engineering staff have reviewed the Vesting Tentative Map and evaluated the effects of the subdivision proposed and have determined that the Vesting Tentative Map as conditioned complies with and conforms to all the applicable rules, regulations, standards, and criteria of the City's Subdivision Regulations.
3. The Conditions of approval protect the public safety, health and general welfare of the users of the project and surrounding area. In addition, the conditions ensure the project is consistent with City standards.

**NOW THEREFORE BE IT RESOLVED** that the Planning Commission of the City of Antioch does hereby recommend APPROVAL of a vesting tentative map/final development plan (attached Exhibit A), for the development of a 650 unit single family residential community on a portion of approximately 141 acres on the easterly side of the Sand Creek Focus Area, east of the current terminus of Hillcrest Avenue, west of Heidorn Ranch Road and north of Sand Creek (APNs 057-030-003, 057-030-007) subject to the following conditions:

**A. GENERAL CONDITIONS**

1. The development shall comply with the City of Antioch Municipal Code, unless a specific exception is granted thereto, or is otherwise modified in these conditions or in the development agreement.
2. Concurrent with the first submittal of grading or improvement plans, the applicant shall submit a site plan exhibit showing the site plan as modified by conditions and approvals.
3. Architecture, sound walls, fencing, mailboxes, lighting, any accent paving, addressing, and landscaping for the entire project shall be subject to review and approval by the Planning Commission.
4. Sound wall locations and elevations for each phase of the project shall be included on the grading plan(s).
5. This approval expires two years from the date of approval (Expires \_\_\_\_\_, 2018) or alternate date as identified in the signed Development Agreement, pursuant to the Map Act as amended.

6. The applicant shall defend, indemnify, and hold harmless the City in any action brought challenging any land use approval or environmental review for the Project. In addition, applicant shall pay any and all costs associated with any challenge to the land use approval or environmental review for the Project, including, without limitation, the costs associated with any election challenging the Project.
7. Permits or approvals, whether discretionary or ministerial, will not be considered if the applicant is not current on fees, reimbursement and/or other payments that are due the City.
8. All required easements or rights-of-way for improvements shall be obtained by the applicant at no cost to the City of Antioch. Advance permission shall be obtained from any property or, if required from easement holders, for any work done within such property or easements.
9. All easements of record that are no longer required and affect individual lots or parcels within this project shall be removed prior to or concurrently with the recordation of the final map or executed by separate subsequent instrument as approved by the City Engineer.
10. The applicant shall establish a Home Owners Association (HOA) for this project in conformance with the regulations set forth by the State Bureau of Real Estate. The HOA shall be responsible for maintaining:
  - a. All HOA owned parcels (includes private streets and parks).
  - b. Landscaping in City rights-of-way north of the northerly curb line of Sand Creek Road, west of the westerly curb line of Heidorn Ranch Road, and east of the easterly curb line of Hillcrest Avenue.
  - c. Storm drain facilities (pipes, structures, and basins) north of the northerly curb line of Sand Creek Road, west of the westerly curb line of Heidorn Ranch Road, and east of the easterly curb line of Hillcrest Avenue.
  - d. Sound walls.
  - e. The City shall be reimbursed if it maintains landscape, roadway (including striping and signing), concrete (including sidewalk, curb, gutter, and curb ramps), storm drain facilities, street lighting, or all other HOA facilities and amenities that are not maintained by the HOA to an acceptable City level.
11. Prior to issuance of the 1<sup>st</sup> building permit, the applicant shall provide draft CC&R's to the City for review. The applicant shall incorporate City comments into the application to the State or provide documentation acceptable to the City for omitting the comments. Prior to issuance of the 25<sup>th</sup> production building permit or issuance of the 1<sup>st</sup> Certificate of

Occupancy, the applicant shall provide written confirmation of State approval of the CC&R's as outlined in the Development Agreement or as approved by the Community Development Director.

12. All advertising signs shall be consistent with the Sign Ordinance or as approved by the Community Development Director.
13. The property shall annex into or establish and participate in a Lighting and Landscape District (LLD) and accept a level of annual assessments sufficient to maintain:
  - a. The street lights and landscaping adjacent to the project area excluding those areas to be maintained by the HOA (generally medians on Sand Creek Road, half of the median on Heidorn Ranch Road, and half of the median on Hillcrest Avenue).
  - b. The C.3 basin and trails south of Sand Creek Road (Parcel G).
  - c. The annual assessment shall cover the actual annual cost of maintenance as described in the Engineer's Report.

**B. TENTATIVE MAP CONDITIONS**

1. The Tentative Map approval is subject to the time lines established in the State of California Subdivision Map Act, as amended.
2. Approval is based upon substantial conformance with the Vesting Tentative Maps dated May 20, 2015, (Subdivision No. 9390).
3. Approval of this tentative map shall not be construed as a guarantee of future extension or re-approvals of this or similar maps.

**C. CONSTRUCTION CONDITIONS**

1. The use of construction equipment shall be as outlined in the Antioch Municipal Code. Requests for alternative days/time may be submitted in writing to the City Engineer for consideration.
2. The project shall be in compliance with and supply all the necessary documentation for AMC 6-3.2: Construction and Demolition Debris Recycling.
3. Standard dust control methods and designs shall be used to stabilize the dust generated by construction activities. The applicant shall post dust control signage with an applicable contact and phone number, City staff, and the air quality control board.

4. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.

**D. SITE AND PROJECT DESIGN**

1. Provisions for mail delivery in the subdivision area shall be reviewed and approved by staff prior to the approval of the small lot final map(s). Applicant shall install mail box facilities as required by the City Engineer.
2. Prior to the approval of the grading plan(s), the City Engineer shall determine if it is necessary to engage soils and structural engineers, as well as any other professionals, deemed necessary to review and verify the adequacy of the building plans submitted for this project. If deemed necessary by the City Engineer, this condition may include field inspections by such professionals to verify implementation of the plans. Costs for these services shall be borne by the applicant.
3. All proposed improvements shall be constructed to City standards or as approved by the City Engineer.
4. All public streets shall intersect at approximately 90 degrees or as approved by the City Engineer.
5. All driveways shall be perpendicular to the street centerline, or as approved by the City Engineer.
6. All driveways shall be a minimum of five feet from curb return.
7. Monolithic sidewalks with beveled curb shall be 6" thick and reinforced as approved by the City Engineer. Detached sidewalks that will be crossed by vehicles at driveway locations shall be 6" thick and reinforced as approved by the City Engineer. Minimum sidewalks widths shall be as follows:
  - a. Adjacent to beveled curb, 4 feet excluding curb (bevel curb to be 12" deep by 3" high with ½" lip and 18" gutter).
  - b. Adjacent to vertical curb, 4.5 feet excluding curb.
  - c. Detached sidewalk, 5 feet.
8. A minimum of a 20 foot tangent shall extend beyond the return at intersections, or as approved by the City Engineer.
9. All lot sidelines shall be perpendicular or radial to the fronting street centerline, or as approved by the City Engineer.

10. Sight distance triangles shall be maintained per 9-5.1101, Site Obstructions at Intersections of the Antioch Municipal Code or as approved by the City Engineer.
11. Rear and side yard fencing shall be provided for all units. All fences shall be located at the top of slope, or as approved by the City Engineer.
12. In cases where a fence is to be built in conjunction with a retaining wall, and the wall face is exposed to a side street, the fence shall be setback a minimum of three feet (3') behind the retaining wall per 9-5.1603 or as approved by the City Engineer.
13. The applicant shall install streetlights within the project area.
14. Street names shall be as approved by the Planning Commission as shown on Exhibit C. Future changes to street names will require Planning Commission review and approval.
15. The applicant shall provide a "checklist" of universal design accessibility features to home buyers as required by Section 17959.6 of the Health and Safety Code.
16. All improvements for each lot (water meters, sewer cleanouts, etc.) shall be contained outside of the driveway and within the lot and the projection of its sidelines, or as approved by the City Engineer.
17. Cul-de-sac parking shall be provided as required by the City Engineer.
18. One on-street parking space per lot shall be located within close proximity to the unit served as approved by the City Engineer.
19. The applicant and then the HOA, once the CC&Rs are operative, shall maintain all undeveloped areas within this subdivision in a fire-safe and attractive manner.
20. All fencing adjacent to public open space (trails and basins), shall be wrought iron, black vinyl clad chain link with powder coated posts, or other material as approved by the City Engineer.
21. Sound walls shall be constructed along the lots adjoining or adjacent to Sand Creek Road (Parcel C), Hillcrest Avenue (Parcels B & C), Heidorn Ranch Road (Parcel C & F), 'A' Street between Hillcrest Avenue and 'E' Street (Parcels B & C), and 'B' Street between 'Q' Street and Heidorn Ranch Road (Parcels C & F). Fencing/wall/berm along the street side of Parcel E shall be approved by the Planning Commission. Sound walls

along Sand Creek Road shall be a minimum of seven (7) feet high or six (6) feet on a one (1) foot berm in conformance to the sound study. Sound walls at other locations shall be a minimum of six (6) feet high and in conformance to the sound study.

22. All two-car garages shall be a minimum of 20 feet by 20 feet clear inside dimensions or as approved by the Community Development Director.
23. Prior to submitting a final map that creates buildable lots, the applicant shall provide bonding in a sufficient amount to secure all necessary improvements for the phase as described throughout these Conditions of Approval. Such bonds will be released upon satisfactory completion of the corresponding improvements by the applicant.
24. All trails and access roadways shall be constructed as shown on the Tentative Map to the standards for a Class I Bike Path in the 6<sup>th</sup> Edition of the Caltrans Highway Design Manual or as approved by the City Engineer. The basin access roadway/trail, the Calpine facility access roadway, and landscape on Parcel E shall be constructed in conjunction with the basin on Parcel E. The combination trail/access roadway around the basin on Parcel G shall be constructed in conjunction with the basin on Parcel G.
25. Concurrent with the construction of the adjacent roadways, the applicant shall construct bus turnouts, shelters and benches (or lean bar as approved by Tri-Delta Transit) at the following locations or as approved by the City Engineer:
  - a. East side of Hillcrest Avenue north of 'A' Street.
  - b. West side of Heidorn Ranch Road south of 'B' Street.
26. The shelters shall be constructed with the roadway if bus service to the location is anticipated within the next 6 months by Tri-Delta Transit. If bus service is ultimately anticipated, but not within the next 6 months, a deposit of \$6,000 will be made by the applicant to Tri-Delta Transit. If bus service is not provided to the location and the shelter is not constructed within 10 years of the deposit, the \$6,000 will be returned to the applicant.

#### **E. PHASING CONDITIONS**

1. Prior to development of any phase of the subdivision, the applicant shall secure a use permit and design review approval from the Planning Commission for that phase.
2. The order and phasing boundaries of project construction shall conform to the proposed Phasing Plan, dated March 26, 2015, Exhibit B to this resolution. Proposed changes to the Phasing Plan shall be submitted to

the City prior to or in conjunction with the use permit application required for the affected phase(s). Changes to the Phasing Plan are subject to approval by the Zoning Administrator or the Planning Commission. Use permits applications are subject to approval by the Planning Commission.

3. **Phase One:**

Prior to the issuance of the 1<sup>st</sup> building permit within Phase One, the following improvements shall be completed to the satisfaction of the City Engineer:

- a. Heidorn Ranch Road: Heidorn Ranch Road shall be constructed with west side curb and gutter and west side median curb and gutter, utilities to be placed under the west half of the roadway (with needed laterals for street lights, fire hydrants, irrigation, etc. and asphalt for the southbound bike, turn, and travel lanes from approximately the south right of way of East Bay MUD to the south curb returns of 'B' Street. Design shall be coordinated with the City of Brentwood or their designee.

Prior to the issuance of the 25<sup>th</sup> building permit and the 1<sup>st</sup> Certificate of Occupancy for a lot within Phase One, the following improvements shall be completed to the satisfaction of the City Engineer:

- b. Heidorn Ranch Road: Heidorn Ranch Road shall be constructed to the interim configuration with two 12 foot lanes and an 8 foot bike lane southbound and one 12 foot lane and a 4 foot shoulder northbound (or as required by the fire district), landscaped median and western right of way including Parcel F, LED street lights along the western edge of the roadway, turn pockets and other appurtenances, and all utilities to be placed below the surface improvements, including interconnect conduit and pull boxes, from approximately the south right of way of East Bay MUD through the south curb returns of 'B' Street. Improvements shall include conduits and pull boxes for a traffic signal at Heidorn Ranch Road and 'B' Street, all as approved by the City Engineer. Design shall be coordinated with the City of Brentwood or their designee.
- c. Heidorn Ranch Road/'B' Street traffic signal: The applicant shall construct a full traffic signal with interconnect at intersection of Heidorn Ranch Road and 'B' Street. Upon concurrence of the applicant and the City Engineer, the applicant may deposit payment into the City's traffic signal account for the traffic signal design and/or construction if the third leg of the intersection has not been improved. Should the requirement for construction of the Heidorn Ranch Road/'B' Street traffic signal occur simultaneous with the construction of the Heidorn Ranch Road (by others) in Brentwood, the traffic signal shall be installed with each developer (or the City of Brentwood as applicable) paying their fair share of the

improvements as approved by the City Engineer. Should the traffic signal on Heidorn Ranch Road and 'B' Street be constructed by the City of Brentwood or the development in Brentwood adjacent to and east of this project, the applicant shall pay ½ of the cost of the design and construction to the City of Antioch for reimbursement to City of Brentwood or the Brentwood developer(s).

- d. 'B' Street: 'B' Street shall be fully constructed from Heidorn Ranch Road to the easterly curb returns of 'N' Street including lighting and median and right of way landscaping.

4. **Phase Two:**

Prior to the issuance of the 1<sup>st</sup> building permit for a lot within Phase Two, the following shall be completed to the satisfaction of the City Engineer:

- a. Any uncompleted improvements required of Phase One.
- b. 'B' Street extension: Completion of 'B' Street through 'M' Street including lighting and median and right of way landscaping.
- c. Parcel A Park: The park design shall be approved by the Parks and Recreation Commission and/or the Planning Commission.

Prior to the issuance of the 50<sup>th</sup> building permit for a lot within Phase Two, the following shall be completed to the satisfaction of the City Engineer:

- d. Parcel A Park: Park construction.

5. **Phase Three:**

Prior to the issuance of the 1<sup>st</sup> building permit for a lot within Phase Three, the following shall be completed to the satisfaction of the City Engineer:

- a. Hillcrest Avenue: Hillcrest Avenue shall be constructed with east side curb, gutter, sidewalk and landscaping, including Parcel B, east side median curb and gutter, median LED street lights, and utilities to be placed under the east half of the roadway, including interconnect conduit and pull boxes (if proposed for the east side of the roadway) and pavement for the northbound bike, turn, and travel lanes from the existing stub of Hillcrest Avenue to the south curb returns of 'A' Street. The transition from the existing 4-lane section of Hillcrest Avenue shall include a 2" grind and overlay of the existing asphalt south of Prewett Ranch Drive and be as approved by the City Engineer. Improvements shall include conduits and pull boxes for the easterly portion of a traffic signal at Hillcrest Avenue and 'A' Street, all as approved by the City Engineer.
- b. Hillcrest Avenue/'A' Street traffic signal": The applicant shall construct a full traffic signal at the intersection of Hillcrest Avenue and 'A' Street. Upon concurrence of the applicant and the City, the applicant may deposit payment into the City's traffic signal account for the traffic signal design and/or construction if the third leg of the



intersection has not been constructed. Should the requirement for construction of the Hillcrest Avenue/'A' Street traffic signal traffic signal occur simultaneous with the Aviano Farms development, the traffic signal shall be installed with each developer paying their fair share of the improvements as approved by the City Engineer. Should the traffic signal be constructed by the Aviano Farms development, the developer otherwise obligated shall pay ½ of the cost of the design and construction to the City for reimbursement to the Aviano Farms development prior to initiation of the Phase Three.

- c. 'A' Street: 'A' Street shall be fully constructed to the from Hillcrest Avenue to the curb returns of 'H' Street including lighting and median and right of way landscaping.

**6. Phases Four, Five and Six:**

Prior to submittal of a small lot Final Map within Phase Four, Five or Six, the following shall be completed to the satisfaction of the City Engineer. The following improvements shall be made OR a bond shall be provided securing their construction:

- a. Any uncompleted improvements required of Phases One, Two and Three.
- b. Heidorn Ranch Road, Southern Extension: Heidorn Ranch Road shall be constructed at the interim configuration with two 12 foot lanes and an 8 foot bike lane southbound and one 12 foot lane and an 4 foot shoulder (or as required by the fire district) northbound, landscaped median and easterly right of way including the adjacent portion of Parcel C, street lights, turn pockets and other appurtenances, and all utilities, including interconnect conduit and pull boxes, from 'B' Street through and including the intersection with Sand Creek Road. Design shall be coordinated with the City of Brentwood or their designee.
- c. Heidorn Ranch Road/Sand Creek Traffic Signal: A full traffic signal shall be constructed at the intersection of Heidorn Ranch Road and Sand Creek Road. Upon concurrence of the applicant and the City, the applicant may deposit payment into the City's traffic signal account for the traffic signal design and/or construction if the third leg of the intersection has not been constructed. The traffic signal is fee creditable against the project's Traffic Signalization fees.
- d. Sand Creek Road: Sand Creek Road shall be constructed from the boundary of the Cities of Antioch and Brentwood to Hillcrest Avenue. The road shall be constructed to the configuration approved by the City of Antioch Planning Commission and/or City Engineer in coordination with the City of Brentwood. The design shall include an ultimate width of 80 foot curb to curb and 112 foot right-of-way from the centerline of Hillcrest Avenue through the

easterly curb return of Heidorn Ranch Road with two 12 foot lanes and an 8 foot bike lane westbound and two 12 foot lanes and an 8 foot bike lane eastbound with landscaped median and northerly right of way (including the adjacent portion of Parcel C) and southerly right of way, street lights, turn pockets and other appurtenances, and all utilities, including interconnect conduit. Improvements shall include conduits and pull boxes for traffic signals at Sand Creek Road/Hillcrest Avenue and Sand Creek Road/Heidorn Ranch Road, all as approved by the City Engineer.

- e. The multi-use Sand Creek Regional Trail shall be constructed to the west, south and east of the basin, and landscaping installed on Parcel G as approved by the Park and Recreation Commission. If allowed by the resource agencies, the Regional Trail shall be unfenced (on the Sand Creek side) and the surface shall be as required by the City Engineer. The applicant shall coordinate with the Aviano Farms development to the west, and the City of Brentwood to the east, for the location and elevation of connection points.
- f. Hillcrest Avenue, Southern Extension: Hillcrest Avenue shall be constructed with east side curb, gutter, and sidewalk and landscaping, including Parcel C, and east side median curb and gutter, median LED street lights, and utilities to be placed under the east half of the roadway including interconnect conduit and pull boxes (if proposed for the east side of the roadway) and asphalt for the northbound bike, turn, and travel lanes from 'A' Street to Sand Creek Road. Improvements shall include conduits and pull boxes for the easterly portion of a traffic signal at Hillcrest Avenue and Sand Creek Road, interconnect conduit and pull boxes, from 'A' Street thru and including the intersection of Sand Creek Road (if proposed for the east side of the roadway), all as approved by the City Engineer.
- g. Hillcrest Avenue/Sand Creek Road Traffic Signal: A full traffic signal shall be constructed with interconnect at the intersection of Hillcrest Avenue and Sand Creek Road. Upon concurrence of the applicant and the City, the applicant may deposit payment into the City's traffic signal account for the traffic signal design and/or construction if the third leg of the intersection has not been constructed. The traffic signal is fee creditable against the project's Traffic Signalization fees.

7. **Phase Four:**

Prior to the issuance of the 1<sup>st</sup> building permit for a lot within Phase Four, the following shall be completed to the satisfaction of the City Engineer:

- a. Any uncompleted improvements required of Phase One.

Prior to the issuance of the 25<sup>th</sup> building permit for a lot within Phase Four, the following shall be completed to the satisfaction of the City Engineer:

- b. Heidorn Ranch Road, Southern Extension: Heidorn Ranch Road shall be constructed at the interim configuration with two 12 foot lanes and an 8 foot bike lane southbound and one 12 foot lane and an 4 foot shoulder (or as required by the fire district) northbound, landscaped median and easterly right of way including the adjacent portion of Parcel C, street lights, turn pockets and other appurtenances, and all utilities, including interconnect conduit and pull boxes, from 'B' Street through and including the intersection with Sand Creek Road. Design shall be coordinated with the City of Brentwood or their designee.
- c. Heidorn Ranch Road/Sand Creek Traffic Signal: A full traffic signal shall be constructed at the intersection of Heidorn Ranch Road and Sand Creek Road. Upon concurrence of the applicant and the City, the applicant may deposit payment into the City's traffic signal account for the traffic signal design and/or construction if the third leg of the intersection has not been constructed. The traffic signal is fee creditable against the project's Traffic Signalization fees. Should the requirement for construction of the Heidorn Ranch Road/Sand Creek Road traffic signal occur simultaneous with the construction of the Heidorn Ranch Road (by others) in Brentwood, the traffic signal shall be installed with each developer (or the City of Brentwood as applicable) paying their fair share of the improvements as approved by the City Engineer. Should the traffic signal on Heidorn Ranch Road and Sand Creek Road be constructed by the City of Brentwood or the development in Brentwood adjacent to and east of this project, the applicant shall pay ½ of the cost of the design and construction to the City of Antioch for reimbursement to City of Brentwood or the Brentwood developer(s).
- d. Sand Creek Road: Sand Creek Road shall be constructed from the boundary of the Cities of Antioch and Brentwood to the extension of the westerly Phase Four boundary. The road shall be constructed to the configuration approved by the City of Antioch Planning Commission and/or City Engineer in coordination with the City of Brentwood. The design shall include an ultimate width of 80 foot curb to curb and 112 foot right-of-way from the extension of the westerly Phase Four boundary through the easterly curb return of Heidorn Ranch Road with two 12 foot lanes and an 8 foot bike lane westbound and two 12 foot lanes and an 8 foot bike lane eastbound with landscaped median and northerly right of way (including the adjacent portion of Parcel C) and southerly right of way, street lights, turn pockets and other appurtenances, and all utilities, including interconnect conduit. Improvements shall include conduits

and pull boxes for traffic signal at Sand Creek Road/Heidorn Ranch Road, all as approved by the City Engineer.

- e. The multi-use Sand Creek Regional Trail shall be constructed to the west, south and east of the basin, and landscaping installed on Parcel G as approved by the Park and Recreation Commission. If allowed by the resource agencies, the Regional Trail shall be unfenced (on the Sand Creek side) and the surface shall be as required by the City Engineer. The applicant shall coordinate with City of Brentwood to the east, for the location and elevation of the connection point. This condition may be deferred to a by the City Engineer to facilitate construction of the overall trail.

8. **Phase Five:**

Prior to the issuance of the 1<sup>st</sup> building permit for a lot within Phase Five, one of the following shall be completed to the satisfaction of the City Engineer:

- a. Any uncompleted improvements required of Phase Four, OR
- b. Any uncompleted improvements required of Phase Six.

Prior to the issuance of the 50<sup>th</sup> building permit for a lot within Phase Five, the following shall be completed to the satisfaction of the City Engineer:

- c. All of the improvements described in Condition of Approval E.6d and E.6e shall be installed.

9. **Phase Six:**

Prior to the issuance of the 1<sup>st</sup> building permit for a lot within Phase Six, the following shall be completed to the satisfaction of the City Engineer:

- a. Any uncompleted improvements required of Phase Three.

Prior to the issuance of the 25<sup>th</sup> building permit for a lot within Phase Four, the following shall be completed to the satisfaction of the City Engineer:

- b. Hillcrest Avenue, Southern Extension: Hillcrest Avenue shall be constructed with east side curb, gutter, and sidewalk and landscaping, including Parcel C, and east side median curb and gutter, median LED street lights, and utilities to be placed under the east half of the roadway including interconnect conduit and pull boxes (if proposed for the east side of the roadway) and asphalt for the northbound bike, turn, and travel lanes from 'A' Street to Sand Creek Road. Improvements shall include conduits and pull boxes for the easterly portion of a traffic signal at Hillcrest Avenue and Sand Creek Road, interconnect conduit and pull boxes, from 'A' Street thru and including the intersection of Sand Creek Road (if proposed for the east side of the roadway), all as approved by the City Engineer.

- c. Hillcrest Avenue/Sand Creek Road Traffic Signal: A full traffic signal shall be constructed with interconnect at the intersection of Hillcrest Avenue and Sand Creek Road. Upon concurrence of the applicant and the City, the applicant may deposit payment into the City's traffic signal account for the traffic signal design and/or construction if the third leg of the intersection has not been constructed. The traffic signal is fee creditable against the project's Traffic Signalization fees.
- d. Sand Creek Road: Sand Creek Road shall be constructed from the Hillcrest Avenue intersection to the extension of the easterly Phase Six boundary. The road shall be constructed to the configuration approved by the City of Antioch Planning Commission and/or City Engineer in coordination with the Aviano development. The design shall include an ultimate width of 80 foot curb to curb and 112 foot right-of-way from the westerly curb return of Hillcrest Avenue through the extension of the easterly Phase Six boundary with two 12 foot lanes and an 8 foot bike lane westbound and two 12 foot lanes and an 8 foot bike lane eastbound with landscaped median and northerly right of way (including the adjacent portion of Parcel C) and southerly right of way, street lights, turn pockets and other appurtenances, and all utilities, including interconnect conduit. Improvements shall include conduits and pull boxes for traffic signal at Sand Creek Road/ Hillcrest Avenue, all as approved by the City Engineer.
- e. The multi-use Sand Creek Regional Trail shall be constructed to the west, south and east of the basin, and landscaping installed on Parcel G as approved by the Park and Recreation Commission. If allowed by the resource agencies, the Regional Trail shall be unfenced (on the Sand Creek side) and the surface shall be as required by the City Engineer. The applicant shall coordinate with the Aviano development to the east, for the location and elevation of the connection point. This condition may be deferred to a by the City Engineer to facilitate construction of the overall trail.

**F. UTILITIES**

- 1. Public utilities shall be constructed to their ultimate size and configuration with the road construction in which they are to be located.
- 2. All existing and proposed utilities shall be undergrounded (e.g. transformers and PMH boxes) and subsurface in accordance with the Antioch Municipal Code and as approved by the City Engineer. Existing overhead utilities on arterial streets shall be undergrounded.

3. Underground utilities shall be designed to flow approximately parallel to the centerline of the street, or as approved by the City Engineer.
4. All sewage shall flow by gravity to the intersecting street sewer main.
5. All public utilities shall be installed in streets avoiding between-lot locations unless approved by the City Engineer.
6. Prior to the recordation of the first final map, the applicant shall submit hydrology and hydraulic analyses with a storm water control plan to the City for review and approval and to Contra Costa County Flood Control for review at no cost to the City as directed by the City Engineer.
7. The applicant shall provide adequate water pressure and volume to serve this development. This will include a minimum residual pressure of 20 psi with all losses included at the highest point of water service and a minimum static pressure of 50 psi or as approved by the City Engineer. See Fire Requirements 3.c. for additional water flow conditions.
8. The houses shall contain rain gutters and downspouts that direct water away from the foundation as approved by the City Engineer.
9. Recycled water mains shall be constructed in arterial roadways and internal streets with significant right of way, park, or other landscaping as approved by the City Engineer. This development is subject to State Laws which may require recycled water to all landscaped area.
10. Prior to recordation of the first final map, the applicant shall submit the completed draft sewer study for the Sand Creek Focus Area to the general concurrence of the City Engineer. Prior to recordation of the first final map creating residential lots, the final version of the sewer study for the Sand Creek Focus Area shall be completed to the approval of the City Engineer. The applicant shall extend the existing sanitary sewer main trunk line from the stub in Heidorn Ranch Road at no cost to the City. (Note: If the draft and/or final sewer study for the Sand Creek Focus Area has been submitted to the City in conjunction with other development, it will be used to fulfill the applicable portion(s) of this condition.)
11. The applicant may form (if not already formed) or shall annex (if already formed) into a benefit district or participate in another mechanism acceptable to the City that fairly distributes the cost of upsizing of utilities amongst the befitting property owners in and around the Sand Creek Focus Area as approved by the City Engineer.

**G. LANDSCAPING**

1. All right-of-way landscaping (excluding adjacent to front and side yards), medians, private parks, water quality & detention basins, and open space areas north of the northerly curb line of Sand Creek Road, east of the easterly curb line of Hillcrest Avenue and west of the westerly curb line of Heidorn Ranch Road shall be installed by the applicant and maintained by the applicant or HOA.
2. Parcel G shall be landscaped by the applicant and maintained by the LLD.
3. A minimum of one 15 gallon tree shall be located within 10' of the sidewalk, or within 10' of the back of curb at locations without sidewalk, in the front yard of each lot and the side yard of corner lots prior to the issuance of the certificate of occupancy. The type and location of the tree shall be as approved by the City Engineer.
4. Based on drought conditions, the City Engineer has the authority to delay some or all of the landscape conditions of approval.

**H. FIRE REQUIREMENTS**

1. All weather access roads and a water supply shall be provided prior to commencing any combustible construction, as required by the Fire Chief.
2. Street widths shall be subject to approval by the Contra Costa County Fire Protection District and the City Engineer.
3. The applicant shall comply with the following conditions provided by the Contra Costa County Fire Protection District:
  - a. Access roadways of less than 28-feet unobstructed width shall have NO PARKING – FIRE LANE signs posted or curbs painted red with the words NO PARKING – FIRE LANE clearly marked, per 22500.1 CVC.
  - b. The cul-de-sacs or turnarounds shall have an outside turning radius of a minimum of a 45' or as approved by the City Engineer. Should the sidewalk be included in the turning radius, it shall be clear of street lights, fire hydrants and other obstructions.
  - c. The applicant shall provide an adequate reliable water supply for fire protection with a minimum fire flow of 1750 GPM. Required flow shall be delivered from not more than one hydrant flowing simultaneously for the duration of 120 minutes while maintaining 20-pounds residual pressure in the main. (508.1), (B105) CFC
  - d. The applicant shall provide hydrants of the East Bay type, which shall be maintained by the City. Approximate hydrant locations will

be determined by the Fire District and approved by the City Engineer.

- e. Emergency apparatus access roadways and hydrants shall be installed, in service, and inspected by the Fire District prior to construction or combustible storage on site. (501.4) CFC. Gravel roads are not considered all-weather roadways for emergency apparatus access. The first lift of asphalt concrete paving shall be installed as the minimum sub base materials and capable of supporting the designated gross vehicle weight specified above.
  - f. Premises identification shall be provided. Such numbers shall contrast with their background and be a minimum of four inches high with ½-inch stroke or larger as required to be readily visible from the street. (505.1) CFC, (501.2) CBC
  - g. Plan review and inspection fees shall be submitted at the time of plan review submittal. Checks may be made payable to Contra Costa County Fire Protection District (CCCFPD).
4. Submit plans to: Contra Costa County Fire Protection District, 2010 Geary Road, Pleasant Hill, CA 94523.

**I. FEES**

- 1. The applicant shall pay all City fees which have been established by the City Council and as required by the Antioch Municipal Code and the Development Agreement.
- 2. The applicant shall pay all pass through fees. Fees include but are not limited to
  - a. East Contra Costa Regional Fee and Financing Authority (ECCRFFA) Fee in effect at the time of building permit issuance.
  - b. Contra Costa County Fire Protection District Fire Development Fee in place at the time of building permit issuance. (See G.3.g.)
  - c. Contra Costa County Map Maintenance Fee in affect at the time of recordation of the final map(s). (currently \$50 per lot or parcel).
  - d. Contra Costa County Flood Control District Fees.
  - e. School Impact Fees.
  - f. Delta Diablo Sewer Fees.
  - g. Contra Costa Water Fees.
- 3. Prior to filing of the first final map for recording, the applicant shall establish (or annex into an existing) a police financing district and shall agree to accept a level of annual assessments (with a CPI escalator) or provide an additional funding source, excluding tax measures and acceptable to the City, sufficient to fund police to the level identified in the General Plan.



**J. MODEL HOMES**

1. Prior to the placement of any sales trailers, plans shall be submitted to the Engineering Department for review and approval. Any trailer shall be placed out of the public right-of-way and shall have its own parking lot.
2. The model home complex parking lot location and design shall be subject to City Engineer approval.
3. The model home landscaping shall be drought tolerant, with total area of spray irrigation for the complex not to exceed 50 percent of the landscaping area.

**K. GRADING**

1. The grading operation shall take place at a time, and in a manner, so as not to allow erosion and sedimentation. 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.
2. All lots and slopes shall drain to approved drainage facilities as approved by the City Engineer.
3. All grading shall be accomplished in a manner that precludes surface water drainage across any property line.
4. All lots shall be graded to drain positively from the rear to the street or as approved by the City Engineer.
5. The swales adjacent to the house structure shall have a minimum of a one (1) percent slope or as directed by the City Engineer.
6. The applicant shall make a good faith effort to coordinate the grading along the project borders with affected property owners. All off-site grading is subject to the approval of the affected property owners and the City Engineer. The applicant shall submit written authorization to "access, enter, or grade" adjacent properties prior to performing any work.
7. Any sale of a portion (or portions) of this project to other developers shall include the necessary agreement and/or grading easements to assure that project-wide grading conforms to the approved map and conditions of this resolution.

8. The grading plan for this development shall be approved by the City Engineer.
9. All elevations shown on the improvement plans shall be on the USGS 1929 sea level datum or as approved by the City Engineer.
10. Retaining walls shall not be constructed in City right-of-way or other City maintained parcels unless approved by the City Engineer.
11. All retaining walls shall be of masonry construction.
12. All retaining walls shall be reduced in height to the maximum extent practicable and the walls shall meet the height requirements in the front yard setback and sight distance triangles as approved by the City Engineer.
13. The back to back or side to side grading transitions from lot to lot shall have a maximum slope of 2:1, and shall be accommodated entirely on the lower lot or as approved by the City Engineer.
14. The minimum concrete gutter flow slope shall be 0.75%.
15. All property lines shall be located at the top of slope.

**L. CONSERVATION/NPDES**

1. Water conservation measures, including low volume toilets, flow restrictors in showers and the use of drought tolerant landscaping, shall be used.
2. The Project shall meet or exceed Tier 1 of the CALGreen Building Code.
3. 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.) Under NPDES regulations, the project is subject to provision C.3: New development and redevelopment regulations for storm water treatment. 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. C.3 regulations require the submittal of a Storm Water Control Plan (SWCP) that demonstrates how compliance will be achieved. The SWCP shall be submitted simultaneously with the project plans. For the treatment and flow-controls identified in the approved SWCP, a separate Operation and Maintenance Plan (O&M) shall be submitted and approved before the Building Department will issue

Certificate of Occupancy permits. Both the approved SWCP and O&M plans shall be included in the project CC&Rs. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall execute any agreements identified in the Storm Water Control Plan that pertain to the transfer of ownership and/or long-term maintenance of storm water treatment or hydrograph modification BMPs. Already stated in COAs below, 5.c and 5.h.w.

4. The applicant shall comply with the Storm Water Treatment Plan dated \_\_\_\_\_.
5. The following requirements of the federally mandated NPDES program (National Pollutant Discharge Elimination System) shall be complied with as appropriate, or as required by the City Engineer:
  - a. Prior to issuance of permits for building, site improvements, or landscaping, the applicant shall submit a permit application consistent with the applicant'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.
  - 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).
  - c. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant shall submit, for review and approval by the City, a final Storm Water BMP Operation and Maintenance Plan in accordance with City of Antioch guidelines. This O&M plan shall incorporate City comments on the draft O&M plan and any revisions resulting from changes made during construction. The O&M plan shall be incorporated into the CC&Rs for the Project.

- d. Prior to building permit final and issuance of a Certificate of Occupancy, the applicant 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.
  - e. Prevent site drainage from draining across sidewalks and driveways in a concentrated manner.
  - f. 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.
  - g. Prior to issuance of the grading permit, submit proof of filing of a Notice of Intent (NOI) by providing the unique Waste Discharge Identification Number (WDID#) issued from the Regional Water Quality Control Board.
- 6. 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.
- 7. 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.
- 8. Install on all catch basins "No Dumping, Drains to River" decal buttons.
- 9. 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.
- 10. 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 applicant shall be responsible for ensuring that all contractors and subcontractors are aware of and implement such measures.

11. 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.
12. 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. 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.
13. 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.
14. Per State Regulations, all impervious surfaces including off-site roadways to be constructed as part of the project, are subject to C.3 requirements.

**M. FINAL EIR AND MITIGATION MONITORING AND REPORTING PROGRAM**

1. The applicant shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program.
2. The applicant shall mitigate any impacts on wildlife, including State and Federally listed threatened and endangered species, and their habitat by compliance with one of the following:
  - a. 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 & 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
  - b. Complying with applicable terms and conditions of the ECCC 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 ECCCHCP/NCCP Covered Species; or

- c. Complying with a 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.

\* \* \* \* \*

**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 6th day of January, 2016.

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

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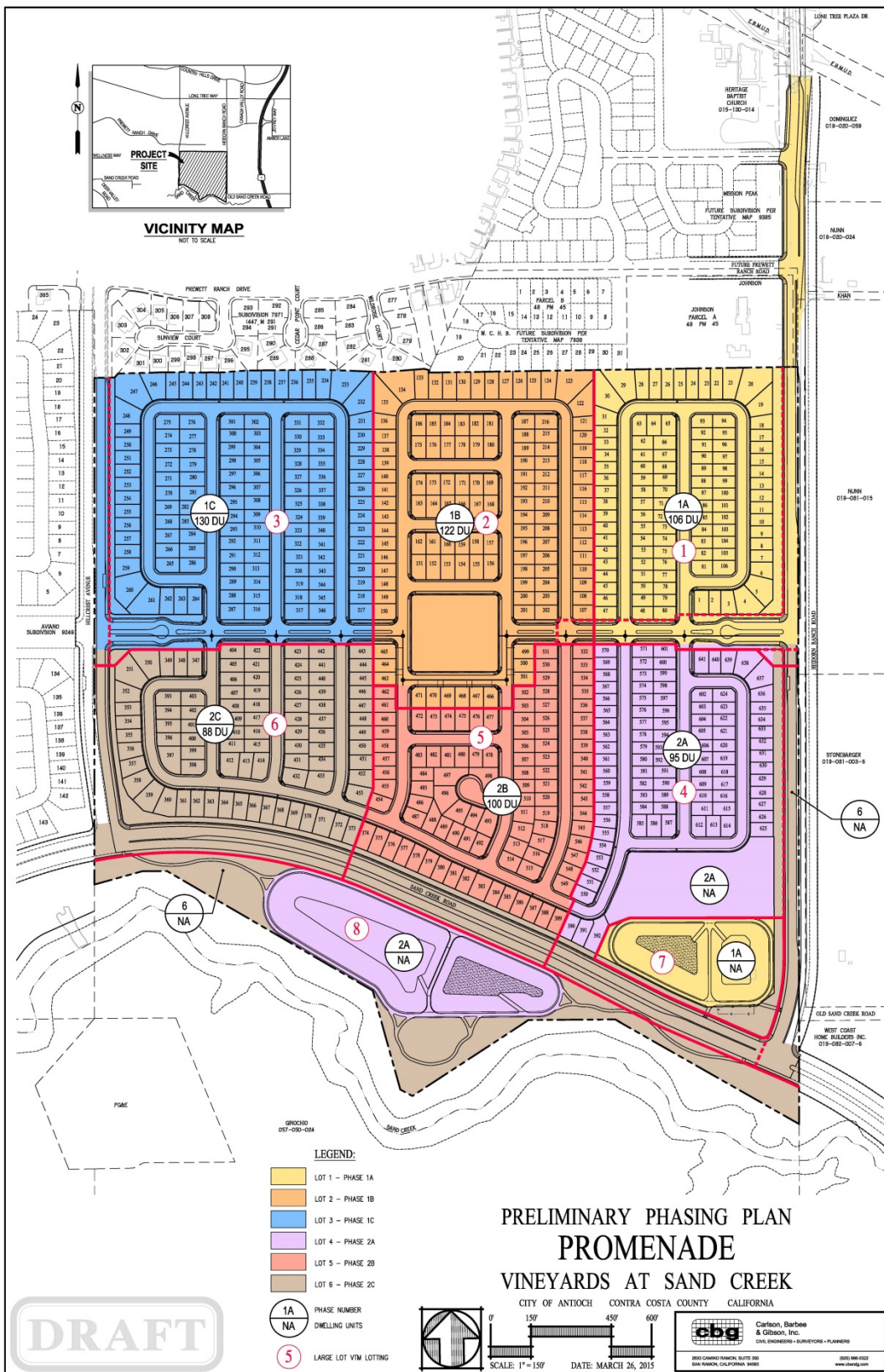
FORREST EBBS,  
Secretary to the Planning Commission

**EXHIBIT A**  
**VESTING TENTATIVE MAP**





**EXHIBIT B**  
**PHASING PLAN**



## EXHIBIT C

### STREET NAMES

Street Names List for the Promenade/Vineyards at Sand Creek Project, Antioch CA  
**Theme: California Wine Regions** **Need: 25 to 30 names**

Alexander Valley

Alta Mesa

Anderson Valley

Benmore Valley

Bennett Valley

Borden Ranch

Shenandoah Valley

Capay Valley

Central Coast

Chalk Hill

Chalone

Chiles Valley

Clement Hills

Cole Ranch

Covelo

Dunnigan Hills

Fair Play

Fiddletown

Guenoc Valley

Hames Valley

High Valley

Howell Mountain

Knights Valley

Lime Kiln Valley

~~Madera~~—deleted by APD 3/2/15 and CCCFPD 4/29/15

McDowell Valley

Mount Veeder

Mount Harlan

Pacheco Pass

Potter Valley

Ramona Valley

Red Hills Lake

Redwood Valley

River Junction

Rockpile

Saddle Rock

Salado Creek

San Bernabe

~~San Lucas~~ *deleted by CCCFPD 4/29/15*

Sierra Foothills

Sloughhouse

Spring Mountain

Trinity Lakes

~~Wild Horse Valley~~ *deleted by APD 3/2/15 and CCCFPD 4/29/15*

~~Willow Creek~~ *deleted by CCCFPD 4/29/15*

York Mountain

Yorkville Highlands

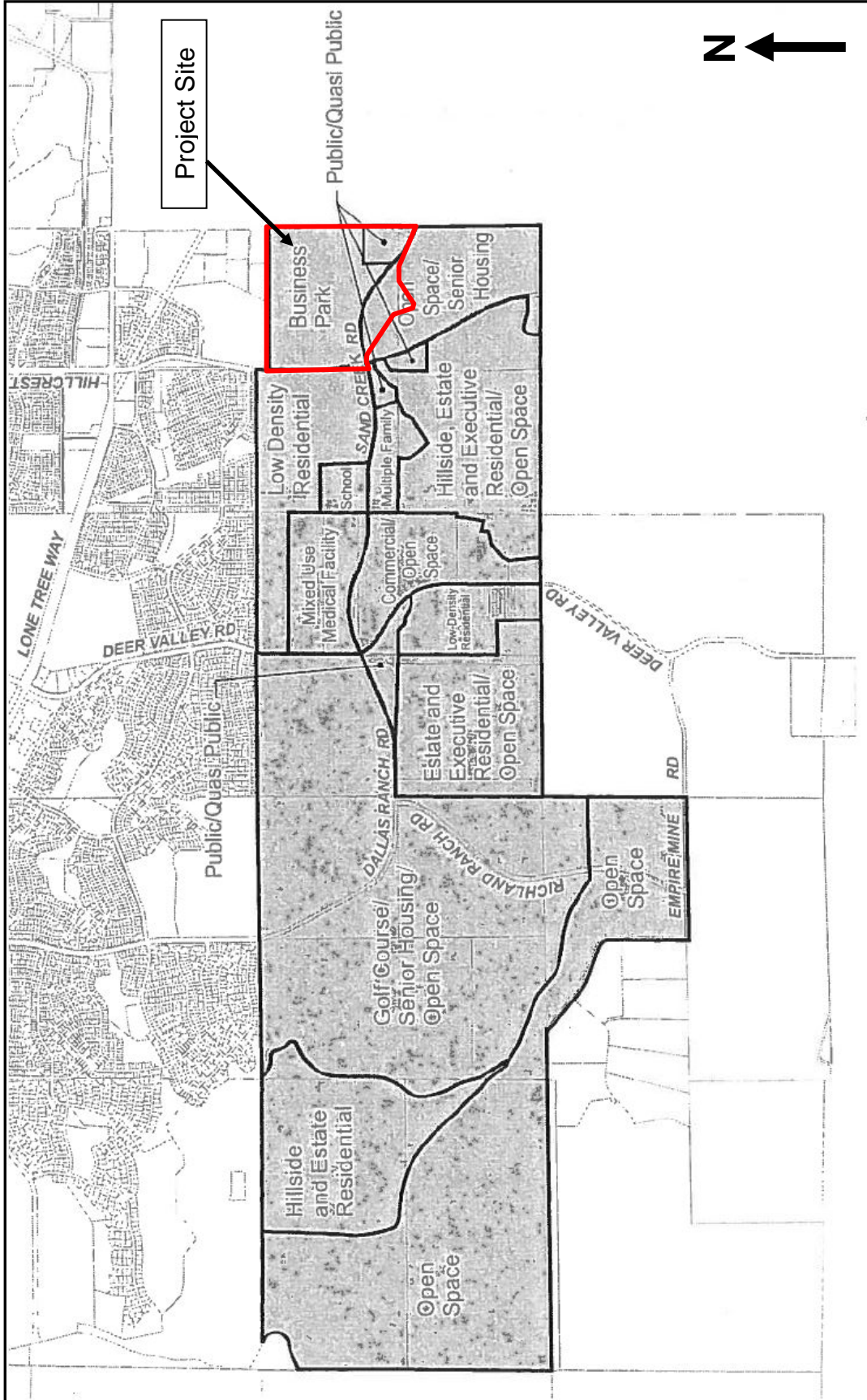
Submitted February 18, 2015 *updated with deletions 12/21/15*

**ATTACHMENT A**  
**ON & OFF-SITE PROJECT MAP**



**ATTACHMENT B**  
**GENERAL PLAN SAND CREEK FOCUS AREA**  
**MAP**







**ATTACHMENT C**  
**MARKET ANALYSIS**

*The Economics of Land Use*



## **MEMORANDUM**

To: Alexis Morris, City of Antioch  
Cindy Gnos, Raney Management

From: Teifion Rice-Evans and Claire Walker

Subject: Implications for Economic Development in the City of Antioch  
of the Proposed General Plan Amendment for the  
Promenade/Vineyards at Sand Creek Project; EPS #151006

Date: May 1, 2015

The proposed Promenade/Vineyards at Sand Creek Project (the Project) is seeking a General Plan Amendment to a 141-acre undeveloped site in the Sand Creek Focus Area of the City of Antioch. The amendment would change the General Plan land use designation from a combination of Business Park, Public, Quasi Public, and Open Space Senior Housing to Residential and Open Space land use designations. As part of its Project review, the City of Antioch asked Economic & Planning Systems, Inc. (EPS) to assess whether this change in land use designation would affect the City's ability to attract new economic development (in the form of new industrial/business park development) to the City.

This memorandum describes the assessment and its conclusions. As described below the assessment considers: (1) the potential demand for new workspace in the City of Antioch; (2) the areas in the City available for workspace development; and, (3) the relative competitiveness of the Sand Creek Focus Area (and the project site specifically) relative to other potential workspace development areas in the City.

The memorandum is divided into five primary sections. The first describes the location of the Project; the second summarizes the City's Policy Framework for economic development to set the context for the assessment; the third describes key job forecasts for the City, identifies their differences, and translates them into an estimate of workspace demand; the fourth provides an overview of the key areas in the City for future economic development; and the fifth provides the conclusions of the assessment.

*Economic & Planning Systems, Inc.  
One Kaiser Plaza, Suite 1410  
Oakland, CA 94612-3604  
510.841.9190 tel  
510.740.2080 fax*

*Oakland  
Sacramento  
Denver  
Los Angeles*

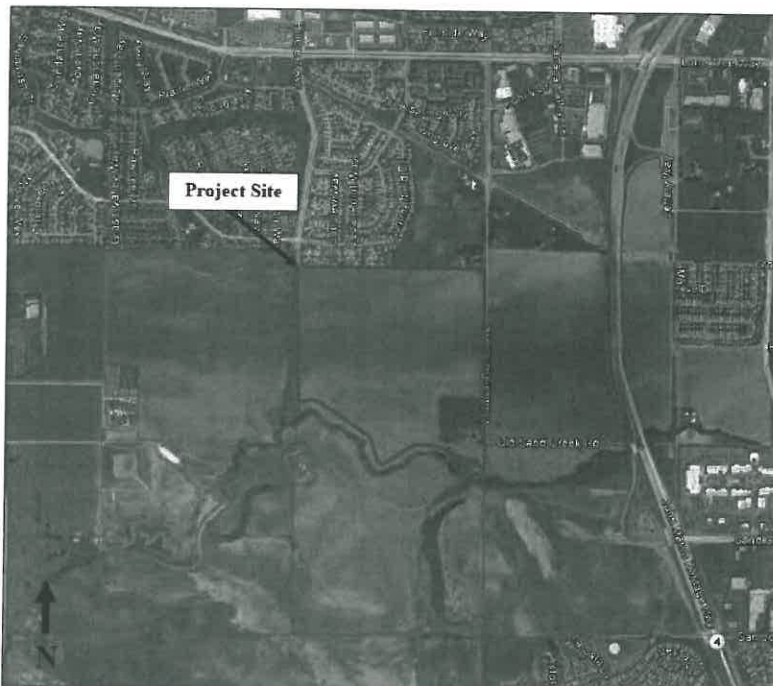
**www.epsys.com**

# C1

The Project Site is located in the Sand Creek Focus Area as shown in **Figure 1**. The Sand Creek Focus Area covers approximately 2,712 acres in the southern portion of the City of Antioch. As shown in **Figure 2**, the Project Site covers 141 acres of vacant farmland in the northeastern corner of the Sand Creek Focus Area of the Antioch General Plan.

[illegible]

## Figure 2 Project Site



# C2

## Policy Context

The City of Antioch is committed to attracting new economic development and jobs to the City. The Economic Development Element and Land Use Element of the General Plan emphasize the importance of economic development and job growth along with the complementary importance of ensuring appropriately designated land is available to capture a diverse range of businesses from different industry sectors.

The Land Use Element, for example, notes that the “overall the land use pattern defined in this element, along with the aggressive economic development program called for in the General Plan, is designed to achieve a balance between local housing and employment.” More specifically, the City’s Economic Development Element sets several specific “Commercial and Industrial Land Availability” objectives and policies including:

- **Commercial and Industrial Land Availability Objective (6.3.4):** Provide adequate land to accommodate planned development, with office, business park, industrial, and commercial areas complementing residential and public development in location, access, mix of uses, attractiveness, and design quality.
- **Commercial and Industrial Land Availability Policies (6.3.5):**
  - Maintain a mix of uses on the General Plan land use map, providing a balance of housing types, commercial development, and employment-generating uses.
  - Work toward redevelopment of existing heavy industrial areas along Wilbur Road and Fourth Street to increase their overall employment density
  - Maintain an inventory of turnkey sites for commercial and employment-generating development, complete with appropriate zoning, in-place infrastructure, and environmental clearances.
  - Maintain space in business parks for distribution and research uses. Attract a wide range of industries, which serve local and regional needs and contribute to the community’s economic vitality, and at the same time protect the local environment and quality of life.

## Job Growth and Workspace Demand

Similar to other East Contra Costa County cities, the City of Antioch experienced substantial residential development in recent decades (before the “Great Recession” of 2007-2009) as it became an increasingly attractive place of residence for the growing Bay Area workforce. The increasing numbers of households also attracted substantial new retail development, though other workspace development was more modest. By 2010, there were about 102,000 residents in the City, 32,000 households, and 19,000 jobs in the City of Antioch, with a substantial number of employed residents commuting to jobs elsewhere in Contra Costa County and other counties in the metropolitan region.

As described in recent assessments of the economic development prospects for East Contra Costa County, the four cities and connected unincorporated communities include a skilled workforce employed in a range of occupations and industry sectors. As noted above, the City of Antioch, similar to the other cities in East Contra Costa County, is seeking to attract

new economic development and businesses to the City to support its financial and fiscal strength, to provide a greater balance between jobs and housing, and to moderate commute times for its residents.

### Job Growth Forecasts

Future workspace demand in the City of Antioch will be driven by job growth and there are a range of job forecasts available for the City of Antioch that use differing methodologies, models, and datasets. As part of its One Bay Area plan, the Association of Bay Area Governments produced some initial forecasts that were reviewed by counties and jurisdictions. The feedback from the local jurisdictions—that placed more emphasis on local and subregional economic development efforts, development capacity, and potential investments in infrastructure—resulted in the development of an alternative jobs forecast developed by the Contra Costa Transportation Authority and termed the Current Regional Plan (CRP). The CRP job forecasts, as described further below, are substantially greater than Association of Bay Area Government's One Bay Area/2013 job forecasts.

For the purposes of this analysis, both the higher forecasts under the CRP and the lower ABAG forecasts are considered, though the CRP forecasts are the predominant focus. Due to its higher forecast, the CRP focus ensures that this analysis is appropriately conservative in its approach to considering General Plan land use designations changes. Furthermore, this forecast, based on local jurisdictional input, has more acceptance as a local policy-making tool than other forecasts.

**Table 1** shows the Contra Costa Transportation Authority's (CCTA) Current Regional Plans (CRP) job projections from 2010 to 2040.<sup>1</sup> As shown, the CRP job forecasts indicate a potential growth of 17,150 jobs in the City of Antioch between 2010 and 2040, an increase of about 90 percent over the 2010 job level of about 19,350 jobs, equivalent to an annual growth rate of 2 percent each year. As shown, about 45 percent of new jobs are associated with services; 17 percent with manufacturing, wholesale, and transportation; 17 percent with retail; and 21 percent with other industry sectors. By contrast, ABAG's 2013 projections show an increase of about 6,050 jobs in the City of Antioch between 2010 and 2040, about 35 percent of the CRP total for the same period.

### Workspace Demand

Job forecasts by industry sector were converted to workspace demand using typical job allocations by workspace type and typical square feet requirements per job.<sup>2</sup> **Tables 2 and 3** show the allocation of jobs by industry sector to one of four workspace types: office, industrial, retail, and other. The industrial category is a broad category including R&D flex, manufacturing, and warehouse, assembly and logistics. The other category includes jobs that do not typically require private workspace, including public (e.g., schools) and "non-space" jobs (e.g., work from home, construction workers etc.) As shown in **Table 3**, about 12,580 new jobs are expected to require new private office, industrial, or retail workspaces. **Table 4** translates these workspace needs into a workspace building square foot demand of about 6.0 million square feet, including about 1.5 million square feet in office space, 3.5 million square feet in industrial space, and 1.0

<sup>1</sup> CCTA's projections are based on Standard Industrial Classification (SIC) codes, which EPS translated into North American Industry Classification System (NAICS) codes.

<sup>2</sup> EPS eliminated Agriculture and Natural Resources, which showed negligible growth over the time period in question.

million square feet in retail space. These estimates do not include the needs for institutional/public space. **Table 5** also shows the typical land area associated with these workspace needs based on typical floor area ratios, indicating a potential demand for about 600 acres of appropriately designated land.<sup>3</sup>

## Workspace Development Capacity Assessment

The City of Antioch's General Plan provides an estimate of the City of Antioch workspace capacity for commercial/office development and business park/industrial development, including retail and institutional/public space. **Table 6** provides a summary of this information, but excludes the institutional workspace capacity to be consistent with the workspace demand approach (where public/institutional space demand was also excluded). **Table 6** also shows the development capacity associated with the recently (2013) annexed areas in the Eastern Waterfront Employment Area.

As shown, the City's current buildout capacity for private workspace development totals 38.7 million square feet, including about 13.7 million square feet of commercial/office development and 25.0 million square feet of business park/industrial development space. The Hillcrest Station Area and the Somersville Road Corridor provide the highest buildout capacity for commercial/office development, while the Eastern Employment Areas and Rivertown/Urban Waterfront provide the highest buildout capacity for business park/industrial development. The Sand Creek Focus Area, in total, includes about 10 percent of capacity, including about 10 percent of commercial/office development capacity and about 10 percent of business park/industrial capacity.

Available development capacity was calculated by subtracting existing square footage from the buildout capacity, as shown in **Table 7**. Based on existing workspace development estimated by the City of Antioch for the 2014 Citywide Development Impact Fee Study and adding in existing square footage in the annexed portion of the Eastern Employment Area, EPS calculated an existing nonresidential development of 15.4 million square feet. Subtracting this from the buildout capacity indicates a remaining workspace development capacity of about 23.3 million square feet. Translating this capacity into available land area, assuming an average Floor-Area-Ratio of 0.25, indicates available land capacity for new workspace development of about 2,140 acres.

## Comparison of Workspace Development Areas

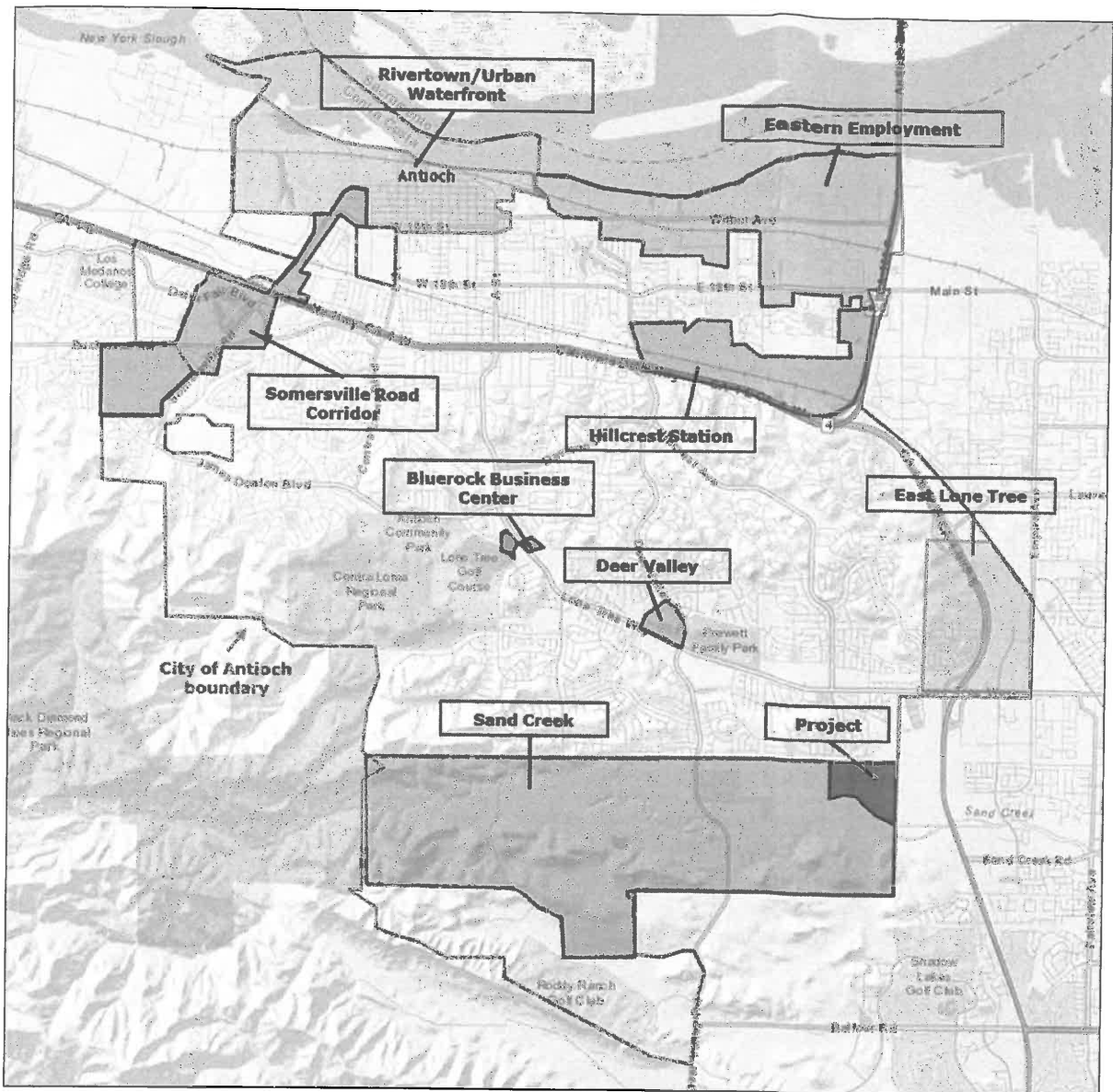
As discussed further below, the assessment of whether the re-designation of the project site would negatively affect economic development in the City of Antioch depends both on a comparison of available development capacity with workspace demand and the relative importance of future employment areas to capturing different types of economic development. The characteristics of the primary future employment areas are briefly described below, and their boundaries are shown in **Figure 3**.

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<sup>3</sup> To the extent new workers are accommodated in existing, vacant building space, smaller amounts of new workspace will be required. Similarly, to the extent vacant/underutilized buildings are redeveloped, smaller amounts of new land area may be required.



**Figure 3 Primary Future Employment Areas**



Sources: ESRI; City of Antioch General Plan; Economic & Planning Systems

### **Eastern Waterfront Employment Focus Area**

In 2013, LAFCO approved the City's annexation of 678 acres northeast of the City along the San Joaquin River north of the BNSF rail line in the vicinity of Wilbur Avenue to further expand the Eastern Employment Area. The majority of the area was zoned by Contra Costa County as Heavy Industrial, but also includes light industrial, manufacturing, open space (including the Antioch Dunes National Wildlife Refuge), agriculture, and residential designations.<sup>4</sup> The areas are currently developed with industrial/commercial and residential uses (approximately 125 dwelling

<sup>4</sup> City zoning for this area is pending

units), though many of the heavy industrial uses have closed or scaled back operations. The City's General Plan states: "The Primary function of this area is to provide employment opportunities and to assist Antioch in achieving its goal of a balance between local housing and employment. The majority of the employment opportunities created within this area will continue to be industrial in character, and will reflect lighter industrial uses than are now present."

This area contains the largest portion of the City's business park/industrial capacity and is adjacent to existing industrial areas. With access to the BSNF rail line, SR-160, and State Route 4, this area provides a good location for new business park/industrial uses.

### **Rivertown/Urban Waterfront**

The Rivertown/Urban Waterfront Area encompasses 963 acres and contains 13 percent of the commercial/office and business park/industrial buildout capacity in the City. The Plan Area contains existing commercial and residential uses, including the "Rivertown" downtown area, residential/commercial development along Wilbur Avenue, and medium density housing between the two commercial areas. Land designated for commercial/office uses is largely developed, however, a large swath of Business park/Industrial lands to the West of Rivertown remains vacant.

Approximately 1.12 million square feet of industrial space currently exists within the Industrial and Business Park areas, including older industrial buildings such as Bond Manufacturing, Bay Indoor RV and Boat Storage, Antioch Marina Business Park, and Pacific Pride Distribution. These uses exist mainly in the eastern tip of the Industrial and Business Park lands while the western portion of Business Park/Industrial land is largely vacant, offering approximately 2.4 million square feet of additional building capacity. This area also represents a good location for new business park/industrial uses. However, the business park/industrial development potential of the area could change with policy changes in the City. Antioch is currently in the process of developing a new Downtown Specific Plan that could re-zone portions of the area's waterfront business park/industrial areas as residential zones. The Specific Plan will be completed in about a year.

### **Hillcrest Station Area**

Anticipated e-BART service and frontage on both SR-4 and SR-160 make the Hillcrest Station area a desirable location for office and business park uses. According to the Hillcrest Station Area Specific Plan, the Area is anticipated to attract a substantial proportion of the future office growth in Antioch. The Area is currently largely vacant and includes some existing industrial uses, including a car towing and storage yard and an aluminum casting facility (operations ended in January 2008) as well as some retail uses and a church. These uses amount to approximately 37,000 existing square feet, leaving the majority of the area's 2.5 million square feet of buildout capacity available to new development. The area is planned to contain office transit-oriented development and high-intensity pedestrian oriented uses such as retail, restaurants, entertainment, and hotels.

### **East Lone Tree Specific Plan Area**

The East Lone Tree Specific Plan Area is designated for employment-generating uses including suburban-type business parks, major office complexes, and light industrial uses. The area contains 3,287,200 square feet of commercial and business park/industrial uses, comprising 9 percent of the City's commercial and business park/industrial capacity. The SR-4 bypass bisects the Plan Area, with proposed interchanges at Lone Tree Way and at the extension of



Laurel Road. A potential future e-BART extension would further enhance the desirability of this area for business park uses. The southeastern corner of the Plan Area features regional retail centers such as JC Penney, Hobby Lobby, Slatten Ranch Shopping Center, Barnes & Noble, and Empire Shopping Center, while the southwestern portion includes existing residential development. The northern half of the Plan Area remains undeveloped.

### **Deer Valley Area**

Deer Valley Business Park fronts Lone Tree Way at the intersection of Deer Valley and Country Hills. The Business Park currently offers a commercial hub within a few miles of the Project site. The Park currently includes approximately 35,000 square feet of office and medical office space as well as a 92,000 square foot assisted living facility. Plans include a project consisting of 16 build-to-suit flex space buildings ranging in size from 1,800 to 7,000 square feet which was approved in 2007 and is being built in multiple phases. The area also includes vacant office buildings such as the former Long's office building at 5065 Deer Valley Road (approximately 55,000 square feet) and 5201 Deer Valley Road (approximately 40,000 square feet), as well as undeveloped business park designated parcels fronting Lone Tree Way.

### **Bluerock Business Center/Lakeview Center**

Located at Bluerock Drive and Lone Tree Way, Bluerock Business Center is currently under construction, with 101,256 square feet built of the 122,856 square feet of approved office and retail space. Two of the three office/business park entitled buildings have been completed while approximately 30,000 square feet of office space is still available for development. Across Lone Tree Way along Golf Course Road, Lakeview Center received a Final Development Plan approval for a phased project consisting of approximately 50,000 square feet of retail space and approximately 150,000 square feet of office space.

### **Sand Creek/Project Site**

The Sand Creek Focus Area as a whole comprises 10 percent of the City's commercial and business park/industrial capacity. The workspace buildout capacity is estimated at about 3.84 million square feet. Of the Sand Creek Focus Area buildout capacity, up to 1.24 million square feet may be constructed as retail. According to CoStar, the Kaiser Hospital building is approximately 660,000 square feet, leaving approximately 2 million square feet of additional non-retail, workspace capacity in the Sand Creek area. At a total of 141 acres, the Project Site could accommodate about 1.54 million developable building square feet at an FAR of 0.25 with corresponding increases/decreases at different FAR's.

In terms of overall competitiveness, the Project Site currently has residential development to its north with residential development also planned (designated) to its west and south in the Sand Creek Focus Area. As such, the Project Site is somewhat isolated from similar use types and also has more limited access to the regional transportation infrastructure.

### **Conclusions**

The City of Antioch has a strong set of policy goals focused on attracting new economic development to the City. The City, both individually and in conjunction with the other East Contra Costa County jurisdictions, is undertaking a number of economic development efforts and continues to collaborate in regional efforts to invest in transportation infrastructure. As a result of these efforts and the growing pool of skilled workers resident in the City and East Contra Costa County as whole, the City expects substantial job growth in the coming decades. This

assessment considered whether the proposed change in land use designation associated with the Promenade/Vineyards at Sand Creek Project would affect the City's ability to attract new economic development (in the form of new industrial/business park development) to the City. Key conclusions are provided below:

- Between 2010 and 2040, there will be a potential demand for about 6.0 million square feet in workspace demand (for office, industrial, and retail space). The City's job forecast indicates the potential to attract about 17,150 jobs. About 12,580 of these jobs will require new office, industrial, or retail space, representing a potential demand for 1.5 million square feet of office space, 3.5 million square feet of industrial space, and 1 million square feet of retail space. ABAG 2013 job forecasts for the City of Antioch and corresponding workspace demands are considerably lower than the CCTA/City of Antioch forecasts.
- **The City currently has workspace development capacity of about 23.3 million square feet.** With about 15.4 million square feet in existing workspace development and an overall development capacity of about 38.7 million square feet, excluding institutional development capacity, there is an additional workspace capacity of about 23.3 million square feet to accommodate the 6.0 million square feet of demand; a ratio between demand and additional capacity of 26 percent, as shown in **Table 8**.
- **On an aggregate basis, the City has substantial development capacity for job growth requiring office/commercial and business park/industrial space.** The proposed change in land use designation would reduce additional capacity in the City to about 21.8 million square feet and would change the demand to additional capacity ratio to about 28 percent. On an aggregate basis then, the City would still retain substantial capacity.
- **Comparison of City employment areas indicates that there are more competitive areas than the Sand Creek Focus Area to attract economic development.** While the attraction of employment uses to the Sand Creek Area could provide some balance between jobs and housing in this area, the locations, adjacent uses, and access to transportation infrastructure will bring office and industrial development to other areas before the Sand Creek Focus Area. In particular, the Eastern Employment Areas and sections of the Rivertown/Urban Waterfront are competitive for industrial uses, while the existing business parks, the Hillcrest Station Area, and the Somersville Road Corridor are competitive for office uses.
- **Overall, based on this assessment, the proposed change in General Plan designation is not expected to affect the City's ability to attract new economic development.** The City of Antioch has substantial development capacity for office/commercial and business/industrial park uses. Given that the workspace demand associated with job forecasts for the City is expected to require less than 30 percent of remaining development capacity, the proposed land use re-designation will not affect the City's ability to accommodate new job growth in the coming decades. In addition, the Project site is less competitive than many of the other available areas in the City for office, business park, and industrial uses, further suggesting that the proposed re-designation will not constrain the City's economic development efforts.

**Table 1**  
**Antioch Job Projections**

| Industry Sector                             | Jobs          |               | Job Growth    |             |
|---|---------------|---------------|---------------|-------------|
|   | 2010          | 2040          | Total         | Percent     |
| Agriculture and Natural Resources           | 19            | 21            | 2             | 0%          |
| Manufacturing, Wholesale and Transportation | 1,499         | 4,334         | 2,835         | 17%         |
| Services <sup>1</sup>                       | 9,391         | 17,145        | 7,754         | 45%         |
| Retail                                      | 3,965         | 6,860         | 2,895         | 17%         |
| <u>Other</u>                                | <u>4,478</u>  | <u>8,139</u>  | <u>3,661</u>  | <u>21%</u>  |
| <b>Total</b>                                | <b>19,353</b> | <b>36,500</b> | <b>17,147</b> | <b>100%</b> |

(1) Includes Financial and Professional Services and Health, Educational, and Recreational Services

Sources: Contra Costa Transportation Agency; Economic & Planning Systems, inc.

**Table 2**  
**Industry/Land Use Matrix**

| Industry Sector                             | Land Use   |        |        |                    | Total |
|---|------------|--------|--------|--------------------|-------|
|   | Industrial | Office | Retail | Other <sup>2</sup> |       |
| Manufacturing, Wholesale and Transportation | 85%        | 15%    |        |                    | 100%  |
| Retail                                      |            | 10%    | 90%    |                    | 100%  |
| Services <sup>1</sup>                       | 20%        | 40%    |        | 40%                | 100%  |
| Other                                       | 30%        | 30%    |        | 40%                | 100%  |

(1) Includes Financial and Professional Services and Health, Educational, and Recreational Services

(2) Includes jobs in Institutional/Public land uses, non-space jobs (such as construction), and home-based jobs

Source: Economic & Planning Systems, Inc.

**Table 3**  
**New Jobs (2010-2040) by Land Use**

| Industry Sector                             | Land Use     |              |              |                    | Total         | Total (Private) <sup>3</sup> |
|---|--------------|--------------|--------------|--------------------|---------------|------------------------------|
|   | Industrial   | Office       | Retail       | Other <sup>2</sup> |               |                              |
| Manufacturing, Wholesale and Transportation | 2,410        | 425          | 0            | 0                  | 2,835         | 2,835                        |
| Retail                                      | 0            | 290          | 2,606        | 0                  | 2,895         | 2,895                        |
| Services <sup>1</sup>                       | 1,551        | 3,102        | 0            | 3,102              | 7,754         | 4,652                        |
| Other                                       | <u>1,098</u> | <u>1,098</u> | <u>0</u>     | <u>1,464</u>       | <u>3,661</u>  | <u>2,196</u>                 |
| <b>Total Jobs</b>                           | <b>5,059</b> | <b>4,915</b> | <b>2,606</b> | <b>4,566</b>       | <b>17,145</b> | <b>12,579</b>                |
| <b>% of Total</b>                           | <b>30%</b>   | <b>29%</b>   | <b>15%</b>   | <b>27%</b>         | <b>100%</b>   | <b>73%</b>                   |

(1) Includes Financial and Professional Services and Health, Educational, and Recreational Services

(2) Includes jobs in Institutional/Public land uses, non-space jobs (such as construction), and home-based jobs

(3) Excludes "Other" job category

Sources: Contra Costa Transportation Agency; Economic & Planning Systems, Inc.

**Table 4**  
**New Private Building Square Footage Demanded by Land Use**

| Industry Sector                             | Private Building Square Footage Demanded |                  |                  |                  |
|---|--|------------------|------------------|------------------|
|   | Industrial                               | Office           | Retail           | Total            |
| <i>Sq.Ft. Per Employee</i>                  | <i>700</i>                               | <i>300</i>       | <i>400</i>       | <i>--</i>        |
| Manufacturing, Wholesale and Transportation | 1,686,974                                | 127,586          | 0                | 1,814,560        |
| Retail                                      | 0  | 86,850           | 1,042,200        | 1,129,050        |
| Services <sup>1</sup>                       | 1,085,553                                | 930,474          | 0                | 2,016,027        |
| <u>Other</u>                                | <u>768,768</u>                           | <u>329,472</u>   | <u>0</u>         | <u>1,098,240</u> |
| <b>Total</b>                                | <b>3,541,295</b>                         | <b>1,474,382</b> | <b>1,042,200</b> | <b>6,057,877</b> |

(1) Includes Financial and Professional Services and Health, Educational, and Recreational Services

Sources: Contra Costa Transportation Agency; Economic & Planning Systems, Inc.

**Table 5**  
**New Private Land Acreage Demanded by Land Use**

| Industry Sector                             | Private Land Acreage Demanded |              |             |              |
|---|-------------------------------|--------------|-------------|--------------|
|   | Industrial                    | Office       | Retail      | Total        |
| <i>FAR</i>                                  | <i>0.20</i>                   | <i>0.30</i>  | <i>0.30</i> | <i>--</i>    |
| Manufacturing, Wholesale and Transportation | 193.6                         | 9.8          | 0.0         | 203.4        |
| Retail                                      | 0.0                           | 6.6          | 79.8        | 86.4         |
| Services <sup>1</sup>                       | 124.6                         | 71.2         | 0.0         | 195.8        |
| <u>Other</u>                                | <u>88.2</u>                   | <u>25.2</u>  | <u>0.0</u>  | <u>113.5</u> |
| <b>Total</b>                                | <b>406.5</b>                  | <b>112.8</b> | <b>79.8</b> | <b>599.1</b> |

(1) Includes Financial and Professional Services and Health, Educational, and Recreational Services

Sources: Contra Costa Transportation Agency; Economic & Planning Systems, Inc.

**Table 6**  
**Land Use Build-Out Capacity**

| Land Use Category                     | Commercial/Office<br>Development<br>Square Feet | Business<br>Park/Industrial<br>Development<br>Square Feet | Total<br>Square Feet | % of Total  |
|---------------------------------------|---|---|----------------------|-------------|
| <b>General Plan Areas</b>             |   |   |                      |             |
| Convenience Commercial                | 277,900   | --  | 277,900              | 1%          |
| Neighborhood Commercial               | 1,781,100                                       | --  | 1,781,100            | 5%          |
| Service Commercial                    | 776,680   | --  | 776,680              | 2%          |
| Commercial Office                     | 1,482,650                                       | --  | 1,482,650            | 4%          |
| Business Park                         | --  | 3,353,210   | 3,353,210            | 9%          |
| Mixed Use                             | --  | <u>324,950</u>  | <u>324,950</u>       | <u>1%</u>   |
| Sub Total 2003 General Plan           | 4,318,330                                       | 3,678,160   | 7,996,490            | 21%         |
| <b>Focus Areas</b>                    |   |   |                      |             |
| "A" Street Interchange                | 894,960   | --  | 894,960              | 2%          |
| East Lone Tree Specific Plan          | 1,135,000                                       | 2,152,300   | 3,287,300            | 8%          |
| Eastern Employment Areas <sup>1</sup> | 25,000  | 13,064,000  | 13,089,000           | 34%         |
| Rivertown/Urban Waterfront            | 1,028,325                                       | 3,489,100   | 4,517,425            | 12%         |
| Hillcrest Station Area                | 2,500,000                                       | --  | 2,500,000            | 6%          |
| Sand Creek                            | 1,240,000                                       | 2,600,000   | 3,840,000            | 10%         |
| Somersville Road Corridor             | 2,045,530                                       | --  | 2,045,530            | 5%          |
| Western Gateway                       | <u>560,350</u>                                  | <u>--</u>   | <u>560,350</u>       | <u>1%</u>   |
| Sub Total Focus Areas                 | 9,429,165                                       | 21,305,400  | 30,734,565           | 79%         |
| <b>Total</b>                          | <b>13,747,495</b>                               | <b>24,983,560</b>   | <b>38,731,055</b>    | <b>100%</b> |

(1) Includes build-out capacity for section of unincorporated Eastern Employment Areas annexed in 2013

Source: City of Antioch General Plan 2003



**Table 7**  
**Existing and Projected Non-Residential Development**

| Item  | Existing   | New        | Buildout   |
|---|------------|------------|------------|
| <b>Pre-Annexation Non-Residential Development<sup>1</sup></b>                   |            |            |            |
| Building Square Feet  | 14,966,714 | 16,626,466 | 31,593,180 |
| Land Acres <sup>3</sup>   | 1,374      | 1,527      | 2,901      |
| <b>Northeast Area Non-Residential Development<sup>2</sup></b>                   |            |            |            |
| Building Square Feet  | 444,335    | 6,693,540  | 7,137,875  |
| Land Acres <sup>3</sup>   | 41         | 615        | 655        |
| <b>Total City Non-Residential Development</b>                                   |            |            |            |
| Building Square Feet  | 15,411,049 | 23,320,006 | 38,731,055 |
| Land Acres <sup>3</sup>   | 1,415      | 2,141      | 3,557      |
| <b>Total City Non-Residential Development with Proposed General Plan Change</b> |            |            |            |
| Building Square Feet  | 15,411,049 | 21,784,516 | 37,195,565 |
| Land Acres <sup>3</sup>   | 1,415      | 2,000      | 3,416      |

(1) Existing square footage based on City of Antioch GIS Division estimates of existing business park/ industrial and office/ commercial building square feet in City as well as expected non-residential development at buildout, as estimated in the City of Antioch Development Impact Fee Study (2014)

(2) Existing square footage estimated from CoStar and build-out estimated from General Plan estimates for annexed portion of the Eastern Waterfront Employment Area

(3) Assumes an FAR of 0.25

Sources: City of Antioch; CoStar; Economic & Planning Systems, Inc.

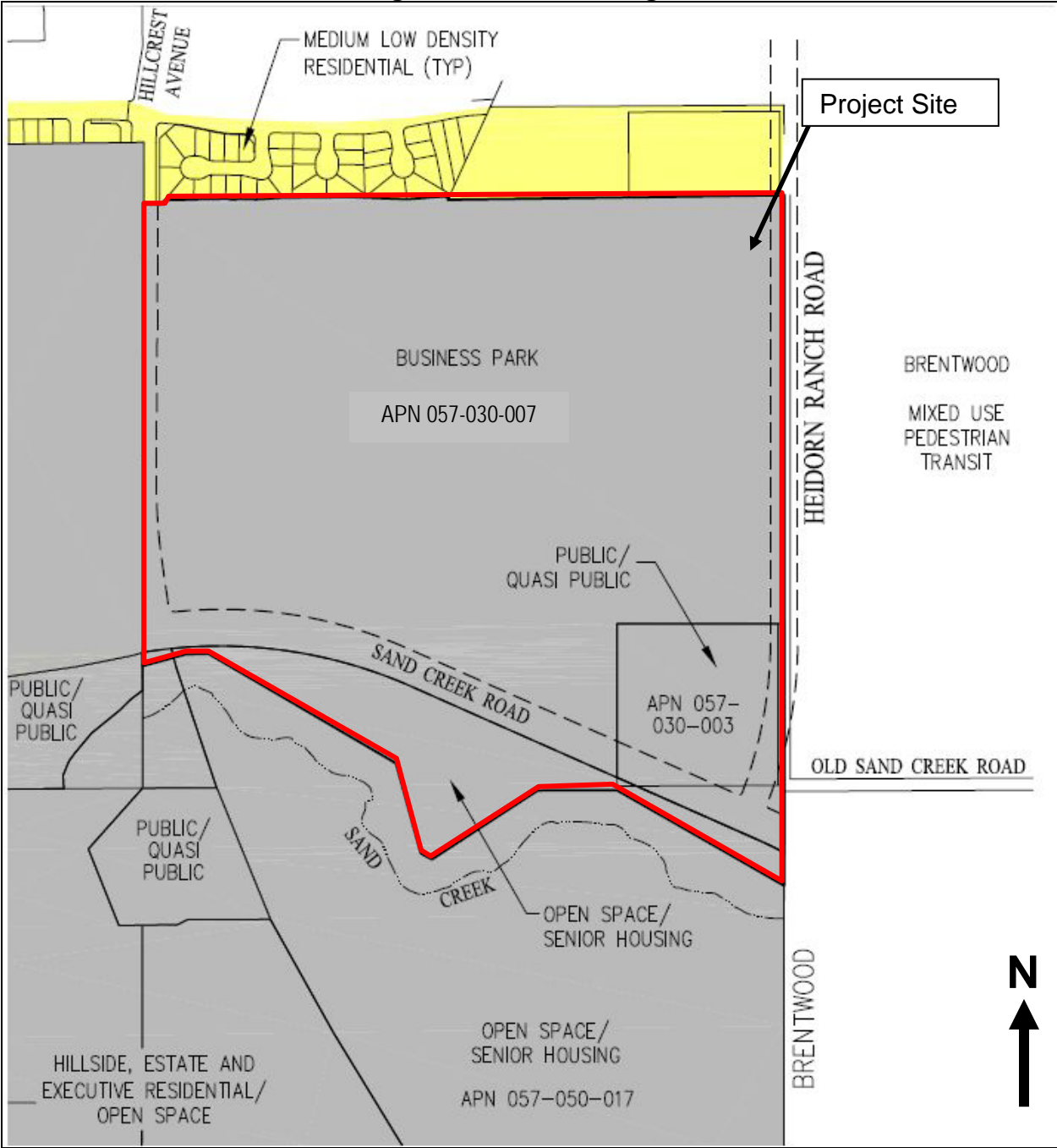
**Table 8**  
**Demand and Capacity Summary**

| <b>Item</b>                          | <b>Commercial/<br/>Industrial<br/>Square Feet</b> | <b>Demand/<br/>Capacity Ratio</b> |
|--------------------------------------|---|-----------------------------------|
| Demand from Future<br>Employment     | 6,057,877   | --                                |
| Existing Capacity                    | 23,320,006  | 26%                               |
| Capacity Excluding<br>Promenade Site | 21,784,516  | 28%                               |

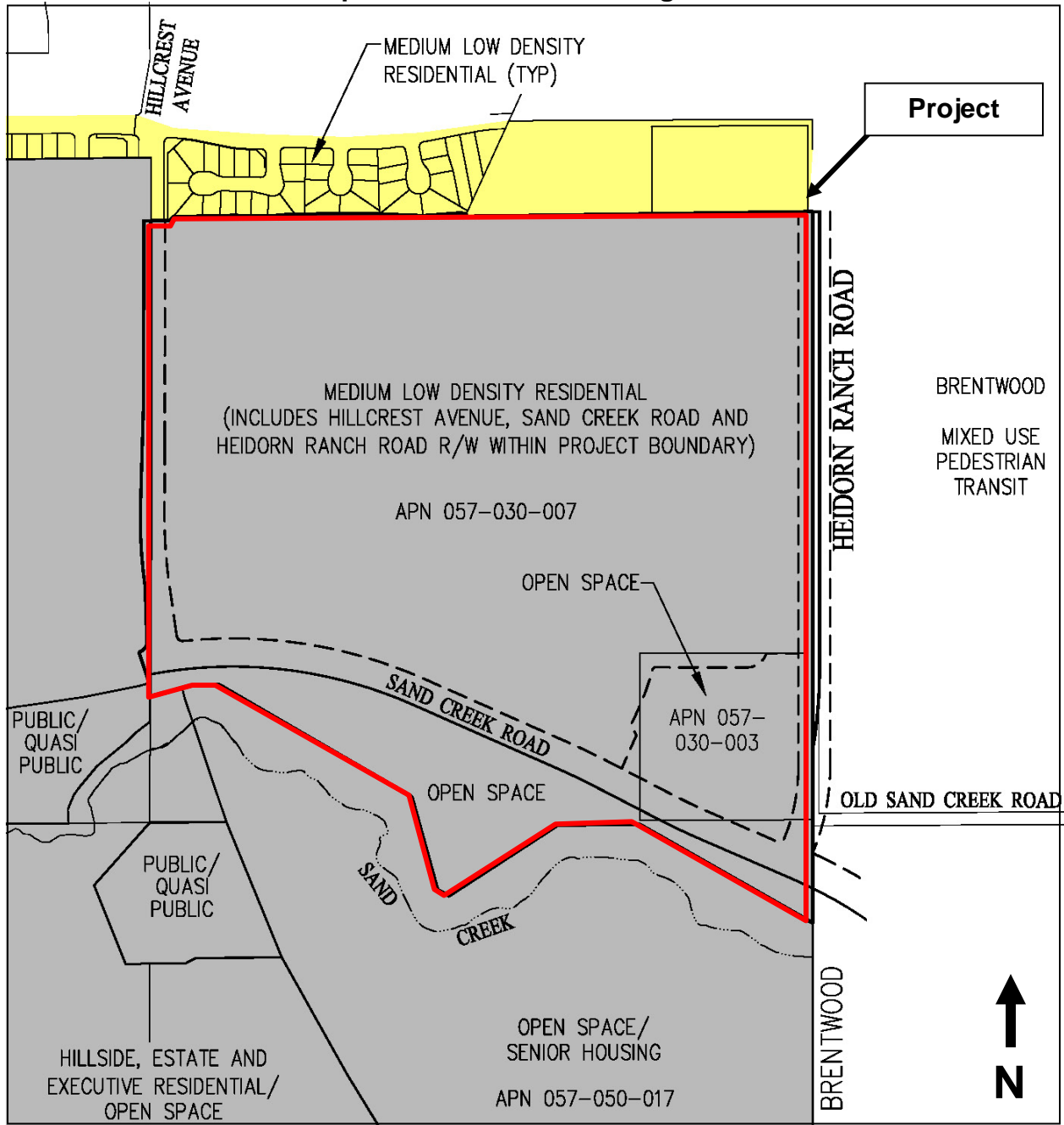
Source: Economic & Planning Systems, Inc.

**ATTACHMENT D**  
**GENERAL PLAN AMENDMENT**

Existing General Plan Designations



## Proposed General Plan Designations



**ATTACHMENT E**  
**GENERAL PLAN TEXT AMENDMENT**

Proposed new text is double underlined> and deleted text is ~~struck through~~.

**4.4.6.7 Sand Creek.** The Sand Creek Focus Area encompasses approximately 2,712 acres in the southern portion of the City of Antioch (Figure 4.8).

This Focus Area is bounded by existing residential neighborhoods to the north, Black Diamond Mines Regional Preserve to the west, the city limits to the south, and the City of Brentwood to the east. Empire Mine Road and Deer Valley Road run in a general north-south direction through the Focus Area, dividing it roughly into thirds.

**a. Purpose and Primary Issues.** The Sand Creek Focus Area combines two existing policy and planning areas identified in the previous General Plan: the southern portion of “Focused Policy Area 18” and the entirety of Future Urban Area 1.” Previous General Plan policy tied the timing of development within this Focus Area to progressive build out of the land immediately to the north (the area generally known as Southeast Antioch), and to agreement on an alignment for the SR-4 bypass.

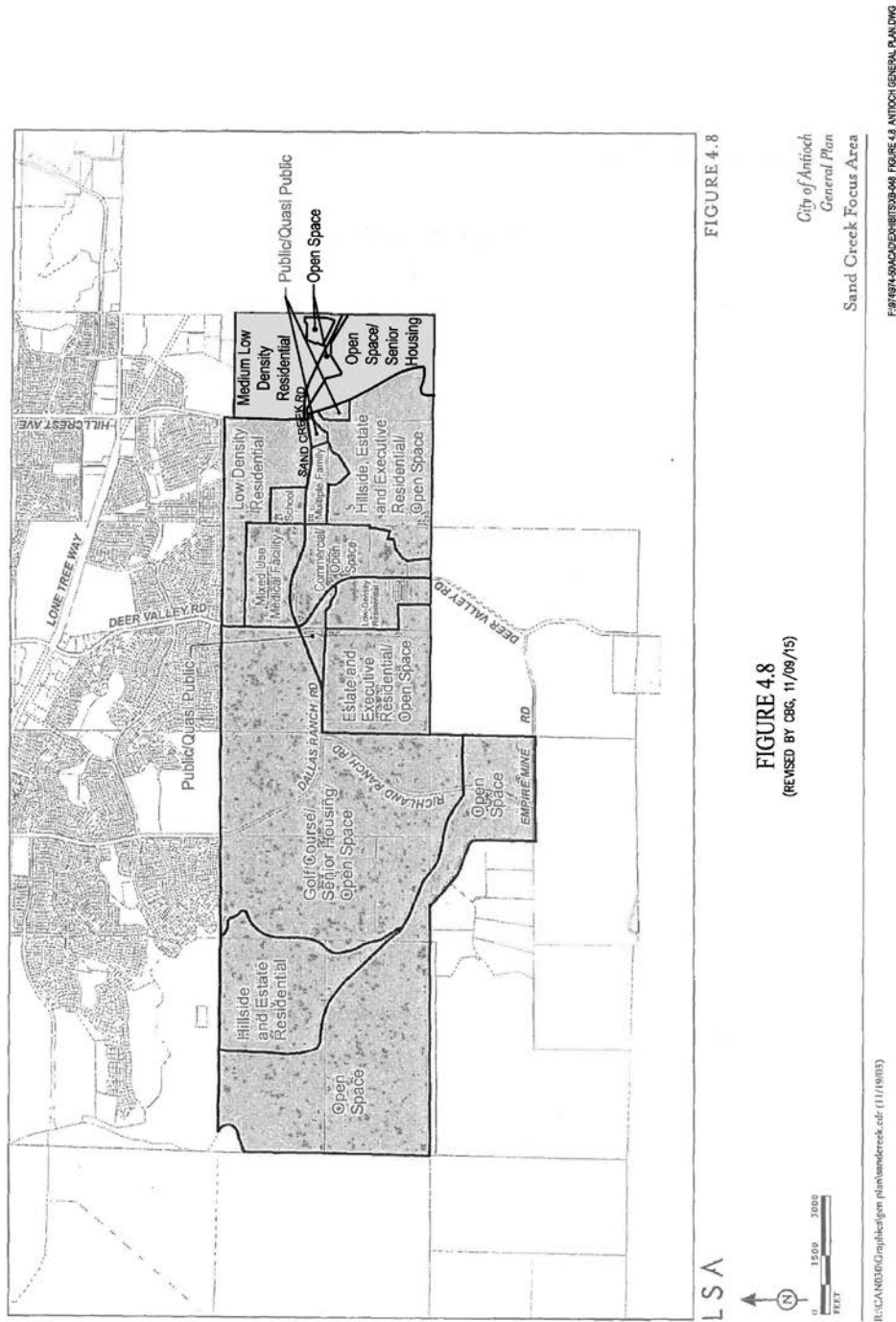
Through the 1990s, build out of Southeast Antioch was largely completed, an alignment for the SR-4 bypass was selected, and financing for construction of the bypass was developed. As a result, the City stepped up its planning efforts for the Sand Creek Focus Area with area landowners. Because of the

multiple ownerships within the Sand Creek Focus Area, detailed coordination of access and infrastructure, along with the establishment of workable financing mechanisms was necessary in addition to land use planning.

Sand Creek, as well as natural hillsides and canyons within the Sand Creek Focus Area, contain habitats for sensitive plant and animal species, as well as habitat linkages and movement corridors. Overall, the western portion of the Focus Area is more environmentally sensitive than the eastern portion in terms of steep topography, biological habitats and linkages, the existence of abandoned coal mines, and proximity to public open space at Black Diamond Mines Regional Preserve. The west end of the Sand Creek Focus Area serves as a linkage between two regionally significant blocks of grassland. Decades of urban and agricultural use have greatly reduced the width of this linkage, substantially increasing the ecological importance of the remaining linkage within the Sand Creek Focus Area. Land has been preserved in regional parks and permanent open space, primarily in extensive grassland to the immediate west and northwest, as well as south of the Sand Creek Focus Area. These preserves represent a significant investment of public resources, and are a valued public asset.

Stream and riparian communities occupy a small portion of the Focus Area, but are widely distributed. Because of their high biotic value, stream and riparian communities within the Focus Area are considered to be a sensitive resource. The Focus Area also includes an oak woodland and savanna community, which, because of its high wildlife value, is considered to be a sensitive resource.

Figure 4.8: Sand Creek





**b. Policy Direction.** The environmental sensitivity of portions of the Sand Creek Focus Area was recognized in the City's previous General Plan; however, policy direction was very general. As an example, the previous General Plan did not provide any indication of the maximum allowable development intensity for Future Urban Area 1. The previous General Plan also stated that while the area between Contra Loma Boulevard and Empire Mine Road was designated Estate Residential, "the actual density should be based on a development plan that ensures that the special characteristics of the area, including steep slopes, riparian habitat, and other environmental constraints, are accommodated."

The following policy discussion and policies for the Sand Creek Focus Area are intended to provide clear direction for the future development and environmental management of the area.

The Sand Creek Focus Area is intended to function as a large-scale planned community, providing needed housing and employment opportunities. This Focus Area is also intended to provide substantial employment opportunities. Up to approximately 280 acres are to be devoted to retail and employment-generating uses, which will result in the creation of up to 6,500 jobs at build out. Residential development within the Sand Creek Focus Area will provide for a range of housing types, including upper income estate housing, golf course-oriented age-restricted housing for seniors, suburban single-family detached housing for families or for seniors, and multifamily development.

The following policies apply to development within the Sand Creek Focus Area.

- a. Prior to or concurrent with approvals of any development applications other than major employment-generating uses (including, but not limited to a medical facility on the Kaiser property), a specific plan or alternative planning process as determined by the City Council, shall be prepared and approved for the Sand Creek Focus Area. Such specific plan or

alternative planning process shall identify and provide for project for project-related land uses, financing of required public services and facilities, open space preservation, community design, recreational amenities, and community improvements within the area proposed for development.

- b. Sand Creek Focus Area development shall make a substantial commitment to employment-generating uses. Up to ~~280~~180 acres are to be devoted to employment-generating uses within the areas shown for Commercial/Open Space, in addition to the area shown as Mixed Use Medical Facility. Appropriate primary land uses within employment-generating areas include:
  - Administrative and Professional Offices
  - Research and Development
  - Light Manufacturing and Assembly
  - Hospital and related medical uses
- c. Secondary, support and ancillary uses within employment-generating areas include:
  - Banks and Financial Services
  - Business Support Services
  - Eating and Drinking Establishments
  - Health Clubs and Spas
  - Lodging and Visitor Services
  - Storage and Distribution – Light
  - Civic Administration
  - Cultural Facilities
  - Day Care Centers
- d. The maximum development intensity for employment-generating lands shall be an overall FAR of 0.5.
  - a. A maximum of 95 acres of retail commercial uses designed to service the local community may be developed within the areas shown for Commercial/Open Space,

- with a maximum overall development intensity of a 0.3 FAR.
- f. Up to 1.24 million square feet of retail commercial uses may be constructed. Within areas designated for retail use (areas shown for Commercial/Open Space), office development may be developed at a maximum FAR of 0.5.
  - g. Appropriate uses within the retail portions of this Focus Area include:
    - Administrative and Professional Offices
    - Automotive Uses
    - Banks and Financial Services
    - Business Support Services
    - Eating and Drinking Establishments
    - Food and Beverage Sales
    - General Merchandise
    - Health Clubs and Spas
    - Personal Services
    - Personal Instruction
    - Theaters
    - Civic Administration
    - Cultural Facilities
    - Day Care Centers
    - Residential development as part of a mixed-use medical facility
  - h. Commercial areas shall be designed as cohesive centers, and not in narrow corridors or commercial strips.
  - i. Each commercial center shall establish an identifiable architectural theme, including buildings, signage and landscaping.
  - j. Commercial and employment-generating developments shall be designed to accommodate public transit and non-motorized forms of transportation.
  - k. A maximum of 4,000 dwelling units may be constructed within the Sand Creek Focus Area. Appropriate density bonuses may be granted for development of age-restricted housing for seniors; however, such density bonuses may not exceed the total maximum of 4,000 dwelling units for the Sand Creek Focus Area.
  - l. It is recognized that although the ultimate development yield for the Focus Area may be no higher than the 4,000 dwelling unit maximum, the actual development yield is not guaranteed by the General Plan, and could be substantially lower. The actual residential development yield of the Sand Creek Focus Area will depend on the nature and severity of biological, geologic, and other environmental constraints present within the Focus Area, including, but not limited to constraints posed by slopes and abandoned mines present within portions of the Focus Area; on appropriate design responses to such constraints, and on General Plan policies. Such policies include, and but are not limited to, identification of appropriate residential development types, public services and facilities performance standards, environmental policies aimed at protection of natural topography and environmental resources, policies intended to protect public health and safety, and implementation of the Resource Management Plan called for in Policy "tu," below.
  - m. As a means of expanding the range of housing choices available within Antioch, three types of "upscale" housing are to be provided, including Hillside Estate Housing, Executive Estate Housing, and Golf Course-Oriented Housing.
 

Hillside Estate Housing consists of residential development within the hilly portions of the Focus Area that are designated for residential development. Appropriate land use types include Large Lot Residential. Within these areas, typical flat land roadway standards may be modified (e.g., narrower street sections, slower design speeds) to minimize required grading. Mass grading would not be permitted within this residential type. Rough grading would be limited to streets and building pad areas. Residential densities within Hillside Estate Areas are to be limited to one dwelling unit per gross developable acre (1 du/ac), with typical lot sizes ran-

ging upward from 20,000 square feet. The anticipated population density for this land use type is up to four persons per developed acre. Included in this category is custom home development, wherein semi-improved lots are sold to individuals for construction of custom homes. Approximately 20 percent of Hillside Estate Housing should be devoted to custom home sites.

Executive Estate Housing consists of large lot suburban subdivisions within the flatter portions of the Focus Area. Appropriate land use types include Large Lot Residential. Densities of Executive Housing areas would typically be 2 du/ac, with lot sizes ranging upward from 12,000 square feet. The anticipated population density for this land use type is up to eight persons per developed acre.

Golf Course-Oriented Housing consists of residential dwelling units fronting on a golf course to be constructed within the portion of the Focus Area identified as Golf Course/Senior Housing/Open Space in Figure 4.8. Appropriate land use types include Single Family Detached and Small Lot Single Family detached for lots fronting on the golf course. Maximum densities for golf course-oriented housing would typically be 4 du/ac, with lot sizes as small as 5,000 square feet for lots actually fronting on the golf course. Given the significant environmental topographic constraints in the portion of the focus area west of Empire Mine Road, the minimum lot size for executive estate housing within this area shall be a minimum of 10,000 square feet. This would allow additional development flexibility in situations where executive estate housing needs to be clustered in order to preserve existing natural features. In no case shall the 10,000 square foot minimum lot size constitute more than 20 percent of the total number of executive estate housing units in the area west of Empire Mine Road. The anticipated population density for this land use type is up to eight to twelve persons per acre developed with residential uses. Should the City determine as part of the development

review process that development of a golf course within the area having this designation would be infeasible, provision of an alternative open space program may be permitted, provided, however, that the overall density of lands designated Golf Course/Senior Housing/Open Space not be greater than would have occurred with development of a golf course.

- n. Single-Family Detached housing within suburban-style subdivisions with lot sizes ranging from 7,000 square feet to 10,000 square feet may also be developed within the Sand Creek Focus Area within areas shown as Residential and Low Density Residential in Figure 4.8. The anticipated population density for this land use type is up to eight to twelve persons per acre developed with residential uses.
- o. Small Lot Single Family Detached housing within the Vineyards at Sand Creek planned development with lots smaller than 7,000 square feet may be developed in the Sand Creek Focus Area within areas shown as Medium Low Density Residential in Figure 4.8. The anticipated population density for this land use type is fourteen to eighteen persons per acre developed with residential uses.
- p. A total of 25 to 35 acres is to be reserved for multi-family housing to a maximum density of 20 du/ac. Areas devoted to multi-family housing should be located adjacent to the main transportation routes within the Focus Area, and in close proximity to retail commercial areas. The anticipated population density for this land use type is up to forty persons per acre developed with residential uses.
- q. Age-restricted senior housing should be developed within the Focus Area as a means of expanding the range of housing choice within Antioch, while reducing the Focus Area's overall traffic and school impacts. Such senior housing may consist of Single Family Detached, Small Lot Single Family Detached, of Multi-Family Attached Housing, and may be developed in any of the residential areas of the Sand Creek Focus Area. Within areas identified in Figure 4.8 specifically for senior

- housing, limited areas of non-senior housing may be permitted where environmental or topographic constraints would limit development densities to a range more compatible with estate housing than with senior housing.
- r. Areas identified as Public/Quasi Public and School in Figure 4.8 are intended to identify locations for new public and institutional uses to serve the future development of the Sand Creek Focus Area. Development within these areas is to be consistent with the provisions of the Public/Institutional land use category described in Section 4.4.1.4 of the Land Use Element.
  - s. Sand Creek, ridgelines, hilltops, stands of oak trees, and significant landforms shall be preserved in their natural condition. Overall, a minimum of 25 percent of the Sand Creek Focus Area shall be preserved in open space, exclusive of lands developed for golf course use.
  - t. Adequate buffer areas adjacent to the top of banks along Sand Creek to protect sensitive plant and amphibian habitats and water quality shall be provided. Adequate buffer areas shall also be provided along the edge of existing areas of permanently preserved open space adjacent to the Sand Creek Focus Area, including but not limited to the Black Diamond Mines Regional Park. Buffers established adjacent to existing open space areas shall be of an adequate width to minimize light/glare, noise, fire safety, public safety, habitat, public access impacts within the existing open space areas, consistent with the provisions of Section 10.5, Open Space Transitions and Buffers Policies of the General Plan.
  - u. Because of the sensitivity of the habitat areas within the Sand Creek Focus Area, and to provide for mitigation of biological resources impacts on lands in natural open space, as well as for the long-term management of natural open space, a project-specific Resource Management Plan based on the Framework Resource Management Plan attached as Appendix A to this General Plan shall be prepared and approved prior to development of the Sand Creek Focus Area properties.
  - v. A viable, continuous grassland corridor between Black Diamond Mines Regional Preserve and Cowell Ranch State Park shall be retained using linkages in the southwestern portion of the Lone Tree Valley (within the Sand Creek drainage area), Horse Valley, and the intervening ridge. The primary goal of preserving such a corridor is to allow for wildlife movement between Black Diamond Mines Regional Preserve and Cowell Ranch State Park. Completion of such a corridor is contingent upon the cooperation with the City of Brentwood and Contra Costa County, each of whom may have land use jurisdiction over portions of this corridor.
    - To preserve this corridor and in view of other significant development constraints, certain lands in the southwestern portion of the Focus Area shall be designated as "Open Space," as depicted in Figure 4.8. Limited future adjustments to the boundaries of this "Open Space" area may occur as part of the Specific Plan and/or project level environmental review processes, provided that such adjustments: (a) are consistent with the goals and policies outlined in the Framework for Resource Management set forth in Appendix A; (b) are based upon subsequently developed information and data relating to environmental conditions or public health and safety that is available at the Specific Plan stage, the project-level development plan stage, or during the permitting processes with federal, state or regional regulatory agencies; and (c) would not cause the "Open Space" area west of Empire Mine Road to be less than 65 percent of the total lands west of Empire Mine Road. Any open space and otherwise undeveloped areas west of Empire Mine Road that are within the area designated as "Hillside and Estate Residential" shall not count towards meeting this 65 percent minimum "Open Space" requirement.

- All areas designated as “Open Space” within the Focus Area may be utilized for mitigation for loss of grassland and other project-level impacts by projects within the Focus Area.
  - Due to the varied and complex topography west of Empire Mine Road the exact boundary between the “Hillside Estate” residential area and “Estate” residential area shall be determined as part of the project-level entitlement process.
  - It is anticipated that there will be only minor adjustments to the boundary between the open space area and the hillside and estate residential area shown in Figure 4.8. Minor adjustments may be made to this boundary provided that such adjustments shall not create islands of residential development within the area designated open space in Figure 4.8..
  - In order to ensure adequate buffering of the Black Diamond Mines Regional Park from development in the Sand Creek Focus Area, no residential development shall be allowed north of the Sand Creek channel between the area designated “Hillside and Estate Residential” in Figure 4.8 west of Empire Mine Road and the existing Black Diamond Mines Regional Park boundary.
- w. The construction of facilities necessary to ensure adequate public access across Sand Creek west of Empire Mine Road, including the bridging of Sand Creek, an appropriately sized parking lot and staging area, and any trails needed to ensure public access to Black Diamond Mines Regional Park shall be implemented as an infrastructure component of development in the Focus Area.
- x. To mitigate the impacts of habitat that will be lost to future development within the Focus Area, an appropriate amount of habitat shall be preserved on- or off-site per the compensatory provisions of the Framework Resource Management Plan prepared for the Sand Creek Focus Area (attached as Appendix A of the General Plan).
- y. Ponds, wetlands, and alkali grassland associated with upper Horse Creek shall be retained in natural open space, along with an appropriate buffer area to protect sensitive plant and amphibian habitats and water quality. If impacts on the Horse Creek stream and riparian downstream are unavoidable to accommodate infrastructure, appropriate compensatory mitigation shall be required off-site per the provisions of the Resource Management Plan attached as Appendix A to this General Plan.
- z. Chaparral, scrub, and rock outcrop community within the western portion of the Focus Area (west of Empire Mine Road), as well as adjacent grassland community that is suitable habitat for the Alameda whipsnake (*masticophis lateralis euryxanthus*) shall be retained in natural open space. Within other portions of the Focus Area, the chaparral, scrub, and rock outcrop shall be retained in natural open space contiguous to the required grassland linkage to function as a buffer and protect the grassland linkage south of the chaparral, scrub, and outcrop community.
- aa. Within the western portion of the Focus Area (west of Empire Mine Road), the oak woodland and savanna community shall be preserved in natural open space. Within other portions of the Focus Area, the oak woodland and savanna community shall be preserved in natural open space where it overlaps the rock outcrop community.
- bb. As appropriate and necessary to protect public health and safety, abandoned mines shall be included within required natural open space areas, along with appropriate buffer areas and measures to prevent unauthorized entry.
- cc. Mass grading within the steeper portions or the Focus Area (generally exceeding 25 percent slopes) is to be avoided.

- dd. Impacts of residential development on the Antioch Unified School District and Brentwood school districts will be mitigated pursuant to a developer agreement with the District.
- ee. Project entry, streetscape, and landscape design elements are to be designed to create and maintain a strong identification of the Sand Creek Focus Area as an identifiable “community” distinct from Southeast Antioch.
- ff. The Sand Creek Focus Area is intended to be “transit-friendly,” including appropriate provisions for public transit and non-motorized forms of transportation.
- gg. subject to its financial feasibility (see Policy “m”), a golf course shall be provided within the Focus Area, designed in such a way as to maximize frontage for residential dwellings. The golf course may also be designed to serve as a buffer between development and open space areas set aside to mitigate the impacts of development.

The golf course shall be designed to retain the existing trail within Sand Creek.

The golf course and Sand Creek corridor shall function as a visual amenity from the primary access road within the Focus Area (Dallas Ranch Road/Sand Creek Road). As part of the golf course clubhouse, banquet and conference facilities shall be provided.

- hh. A park program, providing active and passive recreational opportunities is to be provided. In addition to a golf course and preservation of natural open space within Sand Creek and the steeper portions of the Focus Area, the development shall meet the City’s established park standards. A sports complex is to be developed.

A sports complex is to be developed. The sports complex is intended to be located within the Flood Control District’s detention basin.

Neighborhood park facilities may be privately maintained for the exclusive use of project residents. The sports complex within the Sand Creek Detention Basin will be maintained by the City.

- ii. Development of an appropriate level of pedestrian and bicycle circulation throughout the community is to be provided, including pathways connecting the residential neighborhoods, as well as non-residential and recreational components of the community. Sand Creek Focus Area development should also provide recreational trail systems for jogging and bicycling, including areas for hiking and mountain biking. Trails along Sand Creek and Horse Valley Creek shall be designed so as to avoid impacting sensitive plant and amphibian habitats, as well as water quality.

**ATTACHMENT F**  
**FISCAL IMPACT ANALYSIS**

**Table S1**  
**Fiscal Impact Summary**  
**Vineyards at Sand Creek Project Fiscal Analysis; EPS #151127**

| <b>Revenue / Expense Category</b>               | <b>Fiscal Impact<br/>at Project Buildout</b> |
|---|--|
| <b><u>General Fund Expenditures</u></b>         |  |
| General Government <sup>1</sup>                 | \$16,040                                     |
| Community Development                           | \$40,154                                     |
| Recreation/Community Services                   | \$18,700                                     |
| Public Works                                    | \$104,667                                    |
| <u>Police Services</u>                          |  |
| Police Services Cost <sup>2</sup>               | \$693,091                                    |
| (less) Police Services Fee Revenue <sup>3</sup> | -\$288,450                                   |
| (less) Sales Use Tax Measure C <sup>4</sup>     | -\$16,438                                    |
| Net Police Services Cost                        | \$388,203                                    |
| <b>Total Expenditures</b>                       | <b>\$567,764</b>                             |
| <b><u>General Fund Revenues</u></b>             |  |
| Property Tax                                    | \$365,600                                    |
| Property Tax In-Lieu of VLF                     | \$233,203                                    |
| Property Transfer Tax                           | \$14,102                                     |
| Franchise Taxes                                 | \$53,476                                     |
| Sales and Use Tax                               | \$32,875                                     |
| Motor Vehicle In-Lieu Fees                      | \$762  |
| Licenses, Permits, Fines, & Penalties           | \$19,049                                     |
| <b>Total Revenues</b>                           | <b>\$719,068</b>                             |
| <b>Net Annual Fiscal Balance</b>                | <b>\$151,303</b>                             |

(1) General Government includes Legislative and Administrative, Finance, and Non-Departmental expenditures

(2) Includes Police Services, Police Services - Measure C, Police Service - Animal Support, and Code Enforcement - Measure C

(3) Assumes adoption of police services tax of \$450 per unit per year

(4) Measure C revenues fund Code Enforcement and a portion of Police Services

Sources: Economic & Planning Systems, Inc.



**Table S2**  
**Fiscal Impact Summary**  
**Vineyards at Sand Creek Project Fiscal Analysis; EPS #151127**

| Revenue / Expense Category                      | Fiscal Impact<br>at Project Buildout |                                       |  |
|---|--------------------------------------|---------------------------------------|--|
|   | Scenario 1<br>Baseline               | Scenario 2<br>Conservative Sale Price | Scenario 3<br>Increased Baseline Costs |
| <b><u>Scenario Assumptions</u></b>              |                                      |                                       |  |
| Home Sale Price                                 | \$500,000                            | \$450,000                             | \$500,000                              |
| Cost Baseline                                   | 100%                                 | 100%                                  | 110%                                   |
| <b><u>General Fund Expenditures</u></b>         |                                      |                                       |  |
| General Government <sup>1</sup>                 | \$16,040                             | \$16,040                              | \$17,644                               |
| Community Development                           | \$40,154                             | \$40,154                              | \$44,170                               |
| Recreation/Community Services                   | \$18,700                             | \$18,700                              | \$20,570                               |
| Public Works                                    | \$104,667                            | \$104,667                             | \$115,134                              |
| <u>Police Services</u>                          |                                      |                                       |  |
| Police Services Cost <sup>2</sup>               | \$693,091                            | \$693,091                             | \$762,400                              |
| (less) Police Services Fee Revenue <sup>3</sup> | -\$288,450                           | -\$288,450                            | -\$288,450                             |
| (less) Sales Use Tax Measure C <sup>4</sup>     | -\$16,438                            | -\$14,794                             | -\$16,438                              |
| Net Police Services Cost                        | \$388,203                            | \$389,847                             | \$457,512                              |
| <b>Total Expenditures</b>                       | <b>\$567,764</b>                     | <b>\$569,408</b>                      | <b>\$655,030</b>                       |
| <b><u>General Fund Revenues</u></b>             |                                      |                                       |  |
| Property Tax                                    | \$365,600                            | \$329,040                             | \$365,600                              |
| Property Tax In-Lieu of VLF                     | \$233,203                            | \$209,882                             | \$233,203                              |
| Property Transfer Tax                           | \$14,102                             | \$12,692                              | \$14,102                               |
| Franchise Taxes                                 | \$53,476                             | \$53,476                              | \$53,476                               |
| Sales and Use Tax                               | \$32,875                             | \$29,588                              | \$32,875                               |
| Motor Vehicle In-Lieu Fees                      | \$762                                | \$762                                 | \$762                                  |
| Licenses, Permits, Fines, & Penalties           | \$19,049                             | \$19,049                              | \$19,049                               |
| <b>Total Revenues</b>                           | <b>\$719,068</b>                     | <b>\$654,490</b>                      | <b>\$719,068</b>                       |
| <b>Net Annual Fiscal Balance</b>                | <b>\$151,303</b>                     | <b>\$85,081</b>                       | <b>\$64,038</b>                        |

(1) General Government includes Legislative and Administrative, Finance, and Non-Departmental expenditures

(2) Includes Police Services, Police Services - Measure C, Police Service - Animal Support, and Code Enforcement - Measure C

(3) Assumes adoption of police services tax of \$450 per unit per year

(4) Measure C revenues fund Code Enforcement and a portion of Police Services

Sources: Economic & Planning Systems, Inc.

**F2**

**Table 1**  
**Project Description**  
**Vineyards at Sand Creek Project Fiscal Analysis;**  
**EPS #151127**

| Item                     | Value         |
|--------------------------|---------------|
| Units                    | 641           |
| Persons per HH           | 3.22          |
| Total Project Population | 2,064         |
| Average Home Sale Price  | \$500,000     |
| Total Property Value     | \$320,500,000 |

Sources: Blackhawk Services; California Department of Finance; Economic & Planning Systems, Inc.

**Table 2**  
**Antioch Assumptions, 2015**  
**Vineyards at Sand Creek Project Fiscal Analysis; EPS #151127**

| Item                   | Citywide Amount | Sources       |
|------------------------|-----------------|---------------|
| Housing Units          | 35,750          | DOF 2015      |
| Occupied Households    | 33,151          | DOF 2015      |
| Population             | 108,298         | DOF 2015      |
| Persons/Household      | 3.22            | DOF 2015      |
| Jobs (2010)            | 19,353          | ABAG          |
| Daytime Population (1) | 117,975         | DOF 2015/ABAG |

(1) Daytime population is calculated by adding total residential population and half of total employment.

Sources: Association of Bay Area Governments; Department of Finance; Economic & Planning Systems, Inc.

**Table 3**  
**General Fund Budget Summary**  
**Vineyards at Sand Creek Project Fiscal Analysis; EPS #151127**

| Item                             | FY2015-16<br>Proposed Budget |              | % Variable<br>(1) | Allocation Factor              |
|----------------------------------|------------------------------|--------------|-------------------|--------------------------------|
| <b>General Revenues</b>          |                              |              |                   |                                |
| Property Tax <sup>1</sup>        | \$9,448,914                  | See Table 5  | 11.41%            | of base property tax rate (1%) |
| Property Tax In-Lieu of VLF      | \$6,475,750                  | See Table 5  | 3.60%             | net assessed value increase    |
| Franchise Taxes                  | \$2,805,878                  |              |                   | \$25.91 per capita             |
| Business License Taxes           | \$3,751,000                  | not affected | --                |                                |
| Property Transfer Tax            | \$330,000                    | See Table 8  | \$0.55            | per \$1,000 in AV              |
| Sales and Use Tax <sup>2</sup>   | \$13,039,684                 | See Table 7  | 1%                | of estimated taxable sales     |
| Sales Tax Measure C              | \$4,646,890                  | See Table 7  | 0.5%              | of estimated taxable sales     |
| Transient Occupancy Tax          | \$80,000                     | not affected | --                |                                |
| Motor Vehicle In-Lieu Fees       | \$40,000                     |              | \$0.37            | per capita                     |
| Licenses and Permits             | \$957,500                    |              | \$8.84            | per capita                     |
| Fines and Penalties              | \$42,000                     |              | \$0.39            | per capita                     |
| Use of Money & Property          | \$503,410                    | not affected | --                |                                |
| Revenue from Other Agencies      | \$792,673                    | not affected | --                |                                |
| Service Charges                  | \$2,194,744                  | not affected | --                |                                |
| Other Revenue                    | \$802,540                    | not affected | --                |                                |
| Transfers In                     | \$3,699,075                  | not affected | --                |                                |
| <b>Total Revenues</b>            | <b>\$49,610,058</b>          |              |                   |                                |
| <b>General Fund Expenditures</b> |                              |              |                   |                                |
| Legislative & Administrative     | \$727,984                    | See Table 11 | 50%               |                                |
| Finance                          | \$14,139                     | See Table 11 | 50%               |                                |
| Nondepartmental                  | \$941,108                    | See Table 11 | 50%               |                                |
| Public Works                     | \$7,322,417                  | See Table 12 | 75%               |                                |
| Police Services                  | \$29,260,562                 | See Table 9  | 100%              |                                |
| Police Services - Measure C      | \$6,434,518                  | See Table 9  | 100%              |                                |
| Police Services - Animal Support | \$508,521                    | See Table 9  | 100%              |                                |
| Recreation/Community Services    | \$981,170                    | See Table 10 | 100%              |                                |
| Community Development            | \$2,809,167                  | See Table 13 | 75%               |                                |
| Code Enforcement - Measure C     | \$162,498                    | See Table 9  | 100%              |                                |
| Capital Improvement              | \$0                          | not affected |                   |                                |
| <b>Total Expenditures</b>        | <b>\$49,162,084</b>          |              |                   |                                |

(1) Includes Property Tax - Secured, Property Tax - Unsecured, Property Tax - Other, Other In Lieu Taxes, Unitary Tax,  
(2) Includes Sales and Use Tax, Sales Tax In Lieu/Swap, Sales & Use Tax P.S. Allocation, and Motor Vehicle In Lieu Fees

Sources: City of Antioch FY2015-17 Adopted Operating Budget; Economic & Planning Systems, Inc.

**Table 4**  
**Project Cost Summary**  
**Vineyards at Sand Creek Project Fiscal Analysis; EPS #151127**

| Item  | Annual Total     |
|---|------------------|
| <b><u>General Government</u><sup>1</sup></b>            |                  |
| FY15/16 Budget  | \$1,683,231      |
| % Variable  | 50%              |
| Cost per Population                                     | \$7.77           |
| Project-Related Population Increase                     | 2,064            |
| <b>Total Project General Government Cost</b>            | <b>\$16,040</b>  |
| <b><u>Community Development</u></b>                     |                  |
| FY15/16 Budget  | \$2,809,167      |
| % Variable  | 75%              |
| Cost per Population                                     | \$19.45          |
| Project-Related Population Increase                     | 2,064            |
| <b>Total Project Community Development Cost</b>         | <b>\$40,154</b>  |
| <b><u>Recreation/Community Services</u></b>             |                  |
| FY15/16 Budget  | \$981,170        |
| % Variable  | 100%             |
| Cost per Population                                     | \$9.06           |
| Project-Related Population Increase                     | 2,064            |
| <b>Total Project Recreation/Community Services Cost</b> | <b>\$18,700</b>  |
| <b><u>Public Works</u></b>                              |                  |
| FY15/16 Budget  | \$7,322,417      |
| % Variable  | 75%              |
| Cost per Population                                     | \$50.71          |
| Project-Related Population Increase                     | 2,064            |
| <b>Total Project Public Works Cost</b>                  | <b>\$104,667</b> |
| <b><u>Police</u><sup>2</sup></b>                        |                  |
| FY15/16 Budget  | \$36,366,099     |
| % Variable  | 100%             |
| Cost per Population                                     | \$335.80         |
| Project-Related Population Increase                     | 2,064            |
| <b>Total Project Police Cost</b>                        | <b>\$693,091</b> |

(1) General Government includes Legislative and Administrative, Finance, and Non-Departmental expenditures

(2) Includes Police Services, Police Services - Measure C, Police Service - Animal Support, and Code Enforcement - Measure C

Sources: City of Antioch; Economic & Planning Systems, Inc.

**Table 5**  
**Project Property Tax Revenues**  
**Vineyards at Sand Creek Project Fiscal Analysis; EPS #151127**

| Item   | Assumption / Factor             | Annual Total     |
|--|---------------------------------|------------------|
| <u>Property Tax</u>                            |                                 |                  |
| Net New Taxable Value Increase                 |                                 | \$320,500,000    |
| Property Tax                                   | 1.0%                            | \$3,205,000      |
| <b>Antioch General Fund Share (1)</b>          | 11.4% of the new value increase | <b>\$365,600</b> |
| <u>Property Tax In Lieu of VLF</u>             |                                 |                  |
| Existing Citywide Property Tax in Lieu of VLF  |                                 | \$6,475,750      |
| Citywide Assessed Value (2)                    |                                 | \$8,899,889,890  |
| Project Net Assessed Value Increase (3)        | 3.60%                           |                  |
| <b>Net New Property Tax In Lieu of VLF (4)</b> |                                 | <b>\$233,203</b> |

(1) Based on project TRA.

(2) Reflects Antioch's FY2014-15 secured roll as reported by the Contra Costa County Assessor.

(3) Calculated by dividing net value increase by citywide assessed value.

(4) Calculated by multiplying existing property tax in lieu of VLF by project net assessed value increase.

Sources: City of Antioch; Economic & Planning Systems, Inc.

**F7**

**Table 6**  
**Documentary Transfer Tax Estimates**  
**Vineyards at Sand Creek Project Fiscal Analysis; EPS #151127**

| Item                                  | Assumption / Factor             | Annual Total    |
|---------------------------------------|---------------------------------|-----------------|
| Net New Assessed Value                |                                 | \$320,500,000   |
| Annual Turnover Value                 | 8% per year                     | \$25,640,000    |
| <b>Total Documentary Transfer Tax</b> | <b>\$0.55 per \$1,000 in AV</b> | <b>\$14,102</b> |

Sources: City of Antioch; Economic & Planning Systems, Inc.

**Table 7**  
**Project Median Income Calculation**

**Vineyards at Sand Creek Project Fiscal Analysis; EPS**  
**#151127**

| Item                        | Assumption | Value     |
|-----------------------------|------------|-----------|
| Home Value                  |            | \$500,000 |
| Down Payment                | 20%        | \$100,000 |
| Principal Loan Amount       |            | \$400,000 |
| Annual Interest Rate        |            | 5.0%      |
| Monthly payment             |            | \$2,147   |
| Monthly Income <sup>1</sup> | 30%        | \$7,158   |
| Annual Income               |            | \$85,891  |

(1) Assumes 30% of gross income is spent on mortgage costs. Excludes property taxes, utilities, and other housing costs.

Source: Economic & Planning Systems, Inc.



**Table 8**  
**Antioch Taxable Sales per Household**  
**Vineyards at Sand Creek Project Fiscal Analysis; EPS #151127**

| Spending Category                     | Consumer Expenditure Survey <sup>1</sup> |                 |                  | Antioch <sup>2</sup> |                  |
|---------------------------------------|--|-----------------|------------------|----------------------|------------------|
|                                       | % Taxable                                | Total Spending  | Taxable Spending | Share of Spending    | Taxable Spending |
| Income before taxes                   |  | \$88,881        |                  | 100%                 | \$85,891         |
| Food                                  |  |                 |                  |                      |                  |
| Food at home                          | 0%                                       | \$5,006         | \$0              | 0%                   | \$0              |
| Food away from home                   | 100%                                     | \$3,624         | \$3,624          | 4%                   | \$3,502          |
| Alcoholic beverages                   | 100%                                     | \$596           | \$596            | 1%                   | \$576            |
| Housing                               |  |                 |                  |                      |                  |
| Shelter                               | 0%                                       | \$12,291        | \$0              | 0%                   | \$0              |
| Utilities, fuels, and public services | 0%                                       | \$4,696         | \$0              | 0%                   | \$0              |
| Household operations                  | 0%                                       | \$1,407         | \$0              | 0%                   | \$0              |
| Housekeeping supplies                 | 100%                                     | \$888           | \$888            | 1%                   | \$858            |
| Household furnishings and equipment   | 100%                                     | \$2,058         | \$2,058          | 2%                   | \$1,989          |
| Apparel and services                  | 100%                                     | \$2,203         | \$2,203          | 2%                   | \$2,129          |
| Transportation                        |  |                 |                  |                      |                  |
| Vehicle purchases (net outlay)        | 100%                                     | \$4,310         | \$4,310          | 5%                   | \$4,165          |
| Gasoline and motor oil                | 100%                                     | \$3,325         | \$3,325          | 4%                   | \$3,213          |
| Other vehicle expenses                | 50%                                      | \$3,308         | \$1,654          | 2%                   | \$1,598          |
| Public and other transportation       | 0%                                       | \$649           | \$0              | 0%                   | \$0              |
| Healthcare                            | 0%                                       | \$5,470         | \$0              | 0%                   | \$0              |
| Entertainment                         | 0%                                       | \$3,301         | \$0              | 0%                   | \$0              |
| Personal care products and services   | 50%                                      | \$848           | \$424            | 0%                   | \$410            |
| Reading                               | 100%                                     | \$132           | \$132            | 0%                   | \$128            |
| Education                             | 50%                                      | \$1,352         | \$676            | 1%                   | \$653            |
| Tobacco products and smoking supplies | 100%                                     | \$350           | \$350            | 0%                   | \$338            |
| Miscellaneous                         | 100%                                     | \$989           | \$989            | 1%                   | \$956            |
| Cash contributions                    | 0%                                       | \$2,233         | \$0              | 0%                   | \$0              |
| Personal insurance and pensions       |  |                 |                  |                      |                  |
| Life and other personal insurance     | 0%                                       | \$426           | \$0              | 0%                   | \$0              |
| Pensions and Social Security          | 0%                                       | \$7,595         | \$0              | 0%                   | \$0              |
| <b>Total</b>                          |  | <b>\$67,057</b> | <b>\$21,229</b>  |                      | <b>\$20,515</b>  |

(1) Consumer Expenditure Survey provides detail of average spending for households with income of \$88,881

(2) Applies share of spending as shown in Consumer Expenditure Survey to the project's estimated average household income of \$85,891 as estimated in Table 7

Sources: BLS Consumer Expenditure Survey; Economic & Planning Systems, Inc.

**F10**

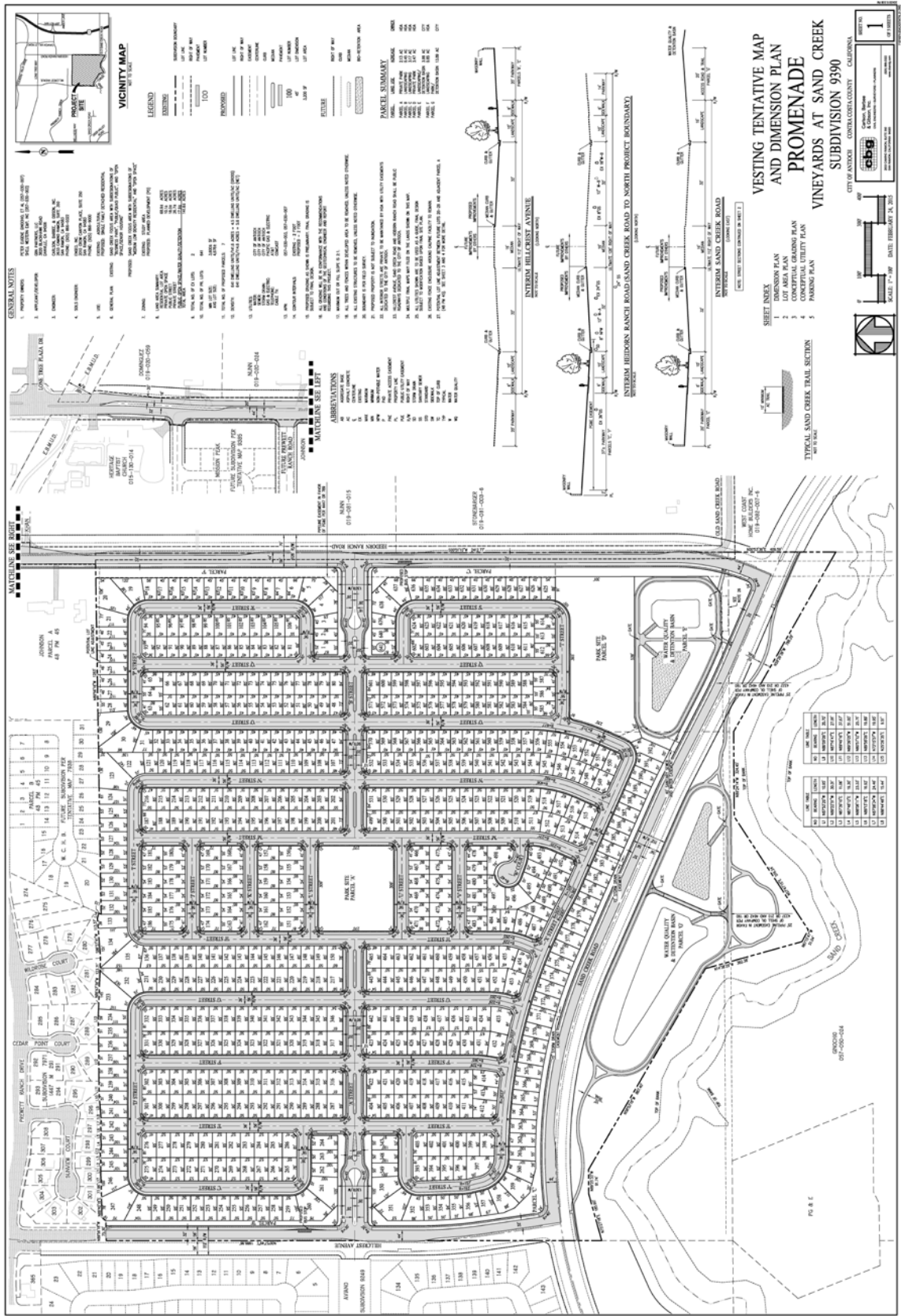
**Table 9**  
**Project Sales Tax Revenue**  
**Vineyards at Sand Creek Project Fiscal Analysis;**  
**EPS #151127**

| Item                         | Value           |
|------------------------------|-----------------|
| Taxable Spending per HH      | \$20,515        |
| New Households               | 641             |
| Total Taxable Spending       | \$13,150,087    |
| Antioch Capture <sup>1</sup> | \$3,287,522     |
| <b>Sales and Use Tax</b>     | <b>\$32,875</b> |
| <b>Sales Tax Measure C</b>   | <b>\$16,438</b> |

(1) Due to leakage of taxable spending to Brentwood and other regional locations, EPS assumes a capture rate of 25%

Source: Economic & Planning Systems

**ATTACHMENT G**  
**VESTING TENTATIVE MAP**



## **ATTACHMENT H DESIGN GUIDELINES**

**The full size Design Guidelines Booklet was distributed to Planning Commission and a copy is available on the City of Antioch website.**