

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

WEDNESDAY, JANUARY 15, 2014

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 **MONDAY, JANUARY 27, 2014**.

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	Hinojosa, Chair
	Motts, Vice Chair
	Baatrup
	Miller
	Westerman
	Pinto

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. November 6, 2013 **APPROVED**
 - B. November 20, 2013 **APPROVED**
 - C. December 4, 2013 **APPROVED**

* * * END OF CONSENT CALENDAR * * *

MINUTES MINUTES MINUTES

CONTINUED ITEM

2. The City of Antioch is proposing General Plan and zoning ordinance amendments to revise the Residential Development Allocation Program. This item was continued from November 20, 2013.

RESOLUTIONS 2014-01 & 02

NEW PUBLIC HEARING

STAFF REPORT

3. AutoZone proposes to amend the General Plan from High Density Residential to Neighborhood Commercial and the East Lone Tree Specific Plan from Medium High Density Residential (R_H) to Community Retail, to rezone the property to Planned Development (PD), and to secure approval of a Final Development Plan, variance, use permit, and design review to develop a 7,928-square-foot AutoZone store. The proposed commercial building is 26 feet in height and would include an 8-foot monument sign with a stone veneer to match the building. The project would also include 22 on-site parking spaces, an 8,274-square-foot loading area, 5,222 square feet of formal landscaping, and 1,443 square feet of sidewalks.

CONTINUED TO FEB. 5, 2014

ORAL COMMUNICATIONS

STAFF REPORT

WRITTEN COMMUNICATIONS

COMMITTEE REPORTS

ADJOURNMENT

Notice of Availability of Reports

This agenda is a summary of the 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 2nd floor of City Hall, 3rd 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 Thursday 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.

**CITY OF ANTIOCH
PLANNING COMMISSION MINUTES**

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

**November 6, 2013
City Council Chambers**

CALL TO ORDER

Chair Hinojosa called the meeting to order at 6:30 p.m. on Wednesday, November 6, 2013, in the City Council Chambers. She stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on Monday, November 18, 2013.

ROLL CALL

Present: Commissioners Pinto, Motts, Baatrup and Westerman
Chair Hinojosa
Absent: Commissioner Miller
Staff: Community Development Director, Tina Wehrmeister
Senior Planner, Mindy Gentry
Public Works Director/City Engineer, Ron Bernal
City Attorney, Lynn Tracy Nerland
Minutes Clerk, Cheryl Hammers

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. **Approval of Minutes:** October 16, 2013

On motion by Commissioner Motts, and seconded by Commissioner Pinto, the Planning Commission approved the Minutes of October 16, 2013.

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

END OF CONSENT CALENDAR

City Attorney Nerland gave an overview regarding making public comments with the applicant having 10 minutes to speak, the opposition having 10 minutes to speak, and each additional speaker having 3 minutes to speak. She indicated there were speaker cards available and requested that speakers come to the podium to speak, mentioning the warning signal light. She said that there may be questions for staff and the applicant, that the hearing would then be closed for the commission to deliberate, and that there would need to be four affirmative votes to recommend approval of the project.

NEW PUBLIC HEARING

2. Discovery Builders requests the approval of a General Plan amendment (GPA) from Low Density Residential to inclusion in the Somersville Road Corridor Focus Area and to add language to the General Plan waiving the requirements of certain applicable sections of the General Plan related to hillside development; a rezone from Hillside Planned Development (HPD) District to Planned Development (PD) District; an amendment to the zoning ordinance to provide the City Council with the discretion to determine if the Hillside Planned Development policies apply to a project; a Vesting Tentative Map; a Final Plan Development; and a Use Permit in order to create 60 lots intended for single family homes. The project is generally located west of the intersection of Somersville Road and James Donlon Boulevard (APN: 089-160-010). An Initial Study and Mitigated Negative Declaration are also being considered for adoption.

City Attorney Nerland reviewed the speaker rules for the Public Hearing, Chair Hinojosa introduced item #2 and Senior Planner Gentry presented the staff report dated October 31, 2013.

City Attorney Nerland

And just before any questions. I would just like the public to know that there are copies of the letter that came in after the staff report was published and posted on the internet. So those are in the back for members of the public and on the dais obviously for the Planning Commission. And the applicant had already received copies of that letter.

Chair Hinojosa

Thank you Ms. Gentry for that staff report. I'd like to ask my fellow Commissioners if they have any questions for staff at this time, Commissioner Pinto.

Commissioner Pinto

The question I have is, even though we were not required to submit the project information to the State. What negative impact would it have by not doing so? Even though they are not required to do so?

Senior Planner Gentry

There wouldn't be any negative impact. It would have extended the public review timeline by ten (10) days, which isn't necessarily a negative thing. And now that the public hearing or the public comment period is closed the City would have to go back out again and reopen the environmental document for a thirty (30) day period.

Commissioner Pinto

Thank you.

Chair Hinojosa

Do any of the other Commissioners have questions for staff at this time?

Commissioner Baatrup

Madam Chair, I have one or a couple of questions.

Chair Hinojosa

Commissioner Baatrup.

Commissioner Baatrup

As I read this and listened to the description, it seemed there was something related to CEQA that happened in March of 2013 and then the circulation of the ISMMD was in early October through late October. Can you describe what was going on in March and why nothing really happened until October, in terms of a formal circulation?

Senior Planner Gentry

When the document was completed in March, City staff was still working with the applicant to address concerns that staff had regarding the site plan and seeing that the applicant essentially ended up addressing the storm water concerns, staff made the decision at that time to also go forward, bring the item to the Commission and address any other concerns that staff had through the conditions of approval.

Commissioner Baatrup

Repeat that last part one more time. I didn't follow.

Senior Planner Gentry

So essentially the applicant addressed staff's concerns regarding storm water control issues and then at the applicant's request, city staff went forward with addressing further staff concerns through the conditions of approval.

Commissioner Baatrup

And once all of those had reached its conclusion, then the initial study, Mitigated Negative Declaration was deemed ready to be published and you did all the correct publishing on that.

Senior Planner Gentry

At that time, staff made the determination that it was ready to go to hearing so therefore decided to release the document for public circulation.

Commissioner Baatrup

Okay. Forgive me if I'm the only one and I apologize if I received it but I don't remember receiving or reading this document. Can you refresh my memory when that was distributed to the Commission?

Senior Planner Gentry

I believe it was distributed a few months ago but there was a link that was included in the staff report if there were any questions regarding the environmental document.

Commissioner Baatrup

And then lastly, the document that I see, there are several of them sitting up here on the dais when we came in. I'd noticed that the summary page isn't signed, I assume Mr. Herring prepared this and who would be the one that actually declares that the Mitigated Negative Declaration is the appropriate document for this project?

Senior Planner Gentry

The hearing bodies of the City make that determination, essentially City staff eventually does sign it but it's based on action that is done by others at the Planning Commission or in this case, the City Council.

Commissioner Baatrup

That's all my questions right now.

Chair Hinojosa

Ok, not seeing any other questions from my fellow Commissioners, I have a couple for staff. I was wondering if you feel comfortable with the amenities that are being proposed and whether there is an opportunity to include more amenities at this site.

Senior Planner Gentry

What amenities do you have in mind?

Chair Hinojosa

So for example the pedestrian path that was being proposed was taken out of the project due to privacy issues and so I'm wondering if there has been any talks about how to include more recreation on site or an increase in parks on the project site?

Senior Planner Gentry

Overall, it's not a huge project. It does only contain twenty-one (21) acres and which the majority of it is slopes, over twenty-five (25) percent. So I think it would be kind of hard to, perhaps expansion of the pocket park or something along those lines would be an amenity for consideration. You know it would be maintained by the HOA so it is a private park and the applicant will be responsible for paying the, you know, park in-lieu fees that are required as part of the City code.

Chair Hinojosa

Ok, and also if you can just tell the Commission what were the significant issues that were triggering the need for an EIR?

Senior Planner Gentry

Essentially they pertained to aesthetics and land use.

Chair Hinojosa

And then also have a question about staff's recommended language to the General Plan amendment. I'm trying to get clarification here about what is being requested. It says that the staff recommendation is to add a residential designation to the site and to the Black Diamond Ranch subdivision and add General Plan section 4.4.11 and policy 10.3.2 pertaining to development on steep slopes. It is unclear to me if the Commission is asking to add that as waiver language, as part of this request.

Senior Planner Gentry

Essentially the language that staff is requesting being included in the General Plan amendment will eliminate any inconsistencies or conflicts with the General Plan. Does that clarify?

Chair Hinojosa

I think that's clear. So you are asking to include that as part of the waiver.

Senior Planner Gentry

Correct.

Chair Hinojosa

Okay, and then the request by the applicant for the General Plan amendment to waive section 5.4.14, if applicable, if it is shown that development conditions will be safe and in harmony with surrounding development patterns and uses. I'm just wondering how staff envisions determining compliance with this specific finding and whether that has actually been considered as part of this application package, if there have been specific determinations made about this finding, whether if you are changing the zoning designation, whether the project as it's being proposed meets the requirements to be safe and in harmony with the surrounding development patterns and uses.

Senior Planner Gentry

I think that it would be, you know the geotechnical reports would be looked at for safety purposes and an argument could be made that the homes blend in with the existing Black Diamond Ranch community.

Chair Hinojosa

And I have one last question and this is regarding the slope stability and the CEQA document. In reviewing the CEQA document it states that the proposed grading envelop will encroach into existing cut slope buttresses and sub drains systems of the existing Black Diamond Ranch subdivision and that, I quote, "the current grading plan indicated it incorporates cuts and fills slopes that are higher than recommended and are steeper than recommended in the design report" further it states grading improvements could "contribute to instability if not properly evaluated, engineered and designed" This section also states that landslides have the potential to affect roads, utilities and structures if not appropriately characterized and mitigated. I was just wondering if you could talk about the concerns that are being raised here in the CEQA document regarding the potential for landslides and instability of the hillside with such steep grading proposed to occur.

Senior Planner Gentry

Since this question pertains to the CEQA document, I'd defer to our environmental consultant to answer that question.

Chair Hinojosa

Ok

Consultant Doug Herring

Good evening Commissioners. I'm Doug Herring, Douglas Herring and Associates. I think essentially that the remedial grading and corrective grading measures that would be required as mitigation measures would address those stability concerns. It would require a registered engineering geologist to confirm in the field, both in terms of the design and then verifying in the field, that they are able to mitigate those issues.

Chair Hinojosa

So in looking at the section of the CEQA document related to geology and soils one of the measures that you are talking about which is meant to minimize this significant impact is for the applicant to prepare a report to address stability, buttress issues, sub drainage systems, grading, drainage foundations, landslides, utilities, roads etcetera. What happens if after they do that investigation report it is determined some of the lots are instable or not safe for development or the grading could potentially compromise the subdivision below it?

Consultant Doug Herring

If they were unable to remediate that, then that would essentially be a point at which the City would need to step in and halt the development. The mitigation measures are essentially conditions of approval to allow the development to proceed in mitigating those impacts and the mitigation monitoring and reporting program insures compliance with all of them and if any of them are not complied with and that would include adequate corrective grading techniques and foundation design, so forth, then that would be a bases for either restricting development on those lots or if it was site wide, halting the whole development.

Chair Hinojosa

Is that typical of a project like this on a hillside to have a mitigation measure that basically says, you are going to do a report and studies and essentially figure it out later?

Consultant Doug Herring

It's very common; you essentially establish performance standards in the mitigation that have to be met. It's not really deferring the analysis but its establishing performance standards. It's very common at this stage of development and very typically these kinds of concerns can be engineered. It may end up being a question of whether or not the applicant wants to, you know, if the remedial grading is so extensive, it may be a cost issue for the applicant to make a decision on but usually it's feasible to address these issues.

Chair Hinojosa

So the issues that have been raised in this section of the document were not related to the requirement to prepare and Environmental Impact Report.

Consultant Doug Herring

No.

Chair Hinojosa

Ok, I think that concludes my questions, thank you.

Consultant Doug Herring

You're welcome.

Chair Hinojosa

And if none of the other Commissioners have questions for staff, I will go ahead and open the Public Hearing. If a member of the audience would like to speak, please fill out a speaker card. I have several of them here. The hearing is now open and I would like to invite the applicant to come forward and please address the Commission.

Louis Parsons

Hi, my name is Louis Parsons. I'm with Discovery Builders. I'd like to thank the Commissioners for letting me speak on this item tonight. I'd first like to start off by thanking Mindy for a thorough report. This project we've been processing for quite a while, so I'm glad that all the background was provided. And, I'd like to thank the CEQA consultant for all his work on this project, so far. So I've got a brief PowerPoint presentation and then I can answer questions and then I know there seems like there is a lot of public speakers but any time you'd like to ask a question while I'm presenting or afterward, just let me know.

Mr. Parsons reviewed the PowerPoint presentation.

Louis Parsons

I wanted to touch on a few things that were brought up about timing with the CEQA document and to where we are now. We've been meeting with staff on the conditions and so on and so forth and one of the items was that the new clean water requirements and so coming up with a design that City staff was comfortable with that we can make work those standards are complicated and difficult but we've been able to work and provide studies from her engineering that City staff was comfortable with so that was part of the process. And then every time once the CEQA document was drafted you go through the process and staff drafts the conditions of approval, we meet and so the fact that this document was put together in March or April and it got circulated four or five months later, I find that pretty typical of the process. I also wanted to mention that an Environmental Impact Report on a 20 acre site with 60 lots, I mean some of the analysis that we've done, the primary thing in the document was land-use consistency. And the way we address that is that we request an exception to those items which Mindy laid out, so that addressed land use consistency. And then esthetics as Mandy pointed out that's very subjective. And I don't think what we're doing when you look at the context of the Black Diamond Ranch project and you consider what's already approved and going to be built to the west of this project I don't think it's a significant unavoidable impact. I guess that's my time but I'm here to answer questions. We're excited about

this project. We hope, as staff's recommendation is to recommend approval of attachment B to the City Council so we're hopeful that's the direction you go in. I'm here to answer questions and thank you so much for letting me speak on this.

Chair Hinojosa

Thank you, Mr. Parsons. Do any of the Commissioners have any questions for the applicant?

Commissioner Motts

Yes.

Chair Hinojosa

Yes, Commissioner Motts.

Commissioner Motts

You were saying after grading is done it will be contiguous with Sky Ranch II. Is that, I realized that this project is somewhat in the view shed from East Bay Regional Park, is Sky Ranch II in that view shed too. Is that something you would see when standing at the entry of the park?

Louis Parsons

Sky Ranch II project, yeah it's immediately adjacent to the west. So Sky Ranch II is a much larger project. I think it is 150, 160 acres, which is going to involve similar grading, similar type of lot layout immediately to the west of this and it abuts the Moller Ranch project to the south and East Bay Regional Park District. So absolutely and probably very same, almost the same thing as to what's occurring to the 150 acres to the west.

Commissioner Motts

With substantially less grading I would imagine within Sky Ranch II.

Louis Parsons

No, Sky Ranch II has substantial grading throughout the entire site.

Commissioner Motts

Okay, thank you.

Commissioner Baatrup

Can I follow up on that?

Chair Hinojosa

Yes, please.

Commissioner Baatrup

Sky Ranch II has a lot of flat area from my observation so the southern part of that project has a significant amount of grading? That's what I would interpret what you said.

Louis Parsons

Sky Ranch II does not have a lot of flat topography; there is a lot of significant topography on Sky Ranch II. I want to make sure we're talking about the same thing. The topography for Sky Ranch II to the west is this area right here that is unbuilt. So this is Sky Ranch II, this is Highlands Ranch, this is what's referred to as the Chevron property, and then this is Sky Ranch II. And so the topography for this area it's up-and-down, rolling hills and so right now there is an approved project for 415 units that will be built on this project in the City of Pittsburg. It's going to involve quite a lot of grading, similar to the grading for The Pointe.

Commissioner Baatrup

And what is the greatest cut of hillside that you're taking down in Sky Ranch II.

Louis Parsons

Probably, I'm actually just thinking, probably 120 feet, 130 feet and then we have place water tanks and so on and so forth so just because the slope of your roads coming in there, you've got this max 16% in a lot of cities I think Antioch included only want you to max out at 12 as much as you can so when you have that topography with a residential density and you come up with the site plan there's not a lot of options except grading and so it's a big cut and a big fill. The one thing on The Pointe is that it's pretty much all a cut so a lot of the grading concerns, the questions about the grading that came up is we have reconnaissance reports, we do all the time but we have a detailed, we primarily use NGO and we have a detailed remedial grading plan that's completed, our remedial grading plan get submitted, it gets peer-reviewed by the City, sometimes the City has an outside consultant peer-review our remedial grading plans and you know this is a tentative approval so until such time City staff or the City Engineer or the City's third-party geotechnical consultant approves the grading approach were taking we can't get a permit to move forward and we can't record our final map. So this is a tentative map approval until we comply with the conditions of approval and comply with the mitigation measures.

Commissioner Baatrup

Thank you for letting me follow-up. I'll have some other questions.

Chair Hinojosa

Sure I believe Commissioner Pinto actually wanted to ask a question.

Commissioner Pinto

Thank you Madame Chair. The traffic study I believe was conducted in 2010 and traffic conditions in that area have significantly changed since then and so the question is, was any recent study conducted to mitigate those issues.

Louis Parsons

I don't know what, I don't think any new traffic analysis has been done but I think that the analysis that was completed showed, I mean I think that was 60 lots, I mean I know CCTA doesn't even require you to do a traffic study if you are less than 100 trips but I think the City of Antioch have something that you do a traffic study if you are more than 50 trips. I think that's in the transportation section so, but no I don't think a new study has been done since 2010 but if memory serves in reviewing the CEQA document I think that additional traffic to the intersections and things, I think the increase was negligible but I don't think anything has been done since the original traffic study that was done by the CEQA consultant.

Commissioner Pinto

And I do have a follow-up question, Madame Chair and that question is about that grading of the hill. What steps have been taken that I'm maybe not aware of at the present time to ensure that there are no landslides or a shifting of any of the soil during minor earthquakes, what have you. In recent years we have had issues in Pittsburg where homes have slid down due to unstable ground conditions. Could you address that please, if you can today?

Louis Parsons

Have we gone out and done additional recon other than what is in CEQA document, no we haven't.

Commissioner Pinto

Thank you.

Albert Seeno

If I could step up to the podium, Albert Seeno with Discovery Builders, let me answer that question real quick for you, a little more clear. Yes, we have remediated all the soils conditions on that site. If you look at The Pointe site when we built Black Diamond Ranch we had to look at the upslope conditions were all these houses are built all along these areas. And we went in and did all the, I'm going to call it the open heart surgery. Where you go in and remove all the slides and anything that would affect the down

slope conditions. We took care of all that. And I think that Louis is trying to say, Mr. Parsons is, when we come in, if we do come in, if this project does get approved, we will be making the cuts necessary, we will actually be offloading some of the unstable soils, if there is any better in the center of the hill, so to speak and as you make the cuts then we'll take care at any other remedial grading that's necessary but once the houses are built there won't be any slides, there will be no sloughing, it will actually be flat pads, very stable just like (inaudible) and Black diamond Ranch. And actually Black Diamond Ranch had cuts and fills of well over 40 feet. So even though that sounds like a lot as you get to the top of the hill and you're taking down so much and it's getting larger and larger, you're making the pads for the homes. But Black Diamond Ranch with the approved Sky Ranch there will be 10 to 12 times the amount of grading that'll be needed for that Black Diamond Pointe on the next-door neighboring property and also within Black Diamond Ranch we did all the grading necessary there, which was for this part of Antioch was pretty extreme, in those times, which is 04-05, so hopefully that addresses some of the concerns there.

Commissioner Pinto

Yes it did thank you. And whenever last question from me is, the existing retaining walls that are there, will there be any kind of impact of this grading to those retaining walls? And if so any steps that would be.

Albert Seeno

There will be no impact to those retaining walls. All the retaining walls in the rear yards where I think you're talking about, in this area right here, there are those three-tier walls, there will be no impact to those walls. Those all have what's called geo grid and that goes into the hillside, you know, the block itself is more than just a façade so that looks nice, but geo grid is like a fabric that is laid in layers every so many feet and then compacted engineered fill is placed and then another layer of grid and that stabilizes those slopes before we made the cuts for those specific lots in that area. Another thing is, if you look in this area and I probably don't have that best slide, I'm not sure exactly how to go back, if you look in this area, right in here, these lots were left out years ago when we purchased this project it was already entitled by previous developer through the City and they left these lots out. They didn't leave them out for a specific reason other than it was always somewhat contemplated that something would go here. And that was going to the access to get up to the property. They left out so many because they didn't know if the street was going to lineup with, I think this is Suncrest Drive and Countryside Way I believe, or Street, and so what we did, we haven't built on a couple of these lots over in this area so we can come through and actually make the alignment in this area here but at one time there was an alignment that was proposed for this area so I'm not to put words in anybody's mouth but there was always some type of contemplation that something was going to happen with this and that's when we were able to get the approval to move forward with rezoning the property from the open space to designated developer remainder parcel. So if there's any other questions.

Chair Hinojosa

I actually do have a question, thank you. Some of the features, the debris benches, head walls, drum water diversion pipe line, the v-ditches, regraded slopes etc., just to name a few, would warrant long-term maintenance and repair and to ensure their continuing function. I'm just wondering if you can explain how you propose to maintain these features and ensure that they're functioning properly?

Albert Seeno

Sure, on all the ditches and retaining walls that are in actual Black Diamond Ranch property rear yards, those will be maintained, if they're not maintained by the City, they are going to be maintained by those property owners. Everything within a heavy black line on this side of the property will be maintained by the Homeowners Association so there will be a Maintenance Association to cut the lawn on the tot lot, they will also go through and clean any v-ditches that get debris or leaves from trees and the catch basins etcetera, very similar to any HOA that is in this City or neighboring cities. That is very typical they will go through and clean out the sub drains every year for winter time and make sure everything is properly functioning and I think there's an engineer's report and a cost center that everybody will have to pay into. To a certain extent, we try to keep it very nominal because we don't want to overburden the homeowners but we'll try to put everything in here to where it is very easy to maintain and the Homeowners Association doesn't have to spend a lot of money doing that and they're long-lasting and have life expectancies of 25 to 30 years, things like that.

Chair Hinojosa

One of the concerns that was raised in the letter from the Black Diamond Ranch community was whether the HOA could continue to provide the necessary funding to maintain the infrastructure on-site. I'm just wondering if you are planning to provide some pre-funding or if there's been a considerations made on how to start that HOA and help fund it from the get.

Albert Seeno

Well sure we do many HOAs, none have to be pre-funded. You know usually there's a phasing plan and being that this doesn't have clubhouse and swimming pool, even though they are Maintenance Associations because that's really what they are because they are not that's what they are they are really providing a service where there's a lifeguard on duty or somebody that's turning on the lights inside of a community center or something like that but here it will be very nominal. I don't know what the cost would be but I'm sure it's probably well less than \$100 a month or something like that. Don't hold me to that figure but we try to keep it down to \$65-\$70 a month or something like that, in that range.

Chair Hinojosa

Thank you. Are there any other questions of Mr. Seeno? Commissioner Westerman.

Commissioner Westerman

Speaking of the HOA, the streets in this project are privately owned by the HOA also right?

Albert Seeno

Proposed, yes sir.

Commissioner Westerman

So then the HOA would be responsible for any maintenance of the streets, storm water drains, pocket park, water retention basin. It seems like a lot to me, it could be a fairly heavy burden on the HOA particularly when the time comes when you might need to resurface the streets or something like that and you mentioned that you're trying to keep it under \$100.00 per month. I mean do you have any better estimate, you know maintaining streets can be an expensive process after a bit of time.

Albert Seeno

And so what we do on these types of streets, we usually have a thicker section than what is the city standards and I don't know the city standard, I believe it's like 3 inches of asphalt over 8 inches or 9 inches of asphalt-base rock and then usually they have a fabric or what not and so what we'll do is we usually go a little bit thicker on that so the maintenance doesn't have to, that's all I have to do is slurry seal that every few years and they won't have to do actual asphalt repairs. The City will have, the way will propose it is, the City will have an easement to take care of any City water lines or sewer lines and then if the City doesn't want the storm drain the HOA will take that over also and there's very little storm drain here, a couple catch basin and everything usually flows down to City facilities and ties into the existing infrastructure within the Black Diamond Ranch property.

Commissioner Westerman

Okay so this is a gated community which of course means there's going to be a gate. It's going to be a card operated access, this is not going to be a manned gate is it?

Albert Seeno

No we will propose they have like a card access or they'd have like key fobs, You know they'll either pull out and flash that or it will be with the garage door opener clicker system or a punch code, if you have visitors. They can call and get a code or call one of the residents and so we'll usually put all those in together and then give that to the HOA manager and they'll program, and as we sell homes, they will have all the paperwork for the different codes for inputting and what not.

Commissioner Westerman

Okay. Thank you.

Chair Hinojosa

Are there any additional questions for the applicant? Yes, Commissioner Pinto please.

Commissioner Pinto

So what is the life expectancy of the asphalt that you're going to be using, the thickness included, the sub-base, the entire package? What is your life expectancy of this road base that you're going to be building here?

Albert Seeno

I think roadways on this obviously will last 25 years. I'm not telling you that there won't be some maintenance just like any city streets the more traffic and you have to do crack sealing and you'll have to do some type of a seal coat or slurry but if you take care of that and to take care of any maintenance issues that go along with that it will last, you know, you have some roads in the city that, I'm sure have probably lasted 25 - 35 years.

Commissioner Pinto

Okay and also will the developer provide the maintenance requirements, the rotation, how often it has to be sealed and what have you? The HOA members are not necessarily going to be engineers and construction.

Albert Seeno

Correct. So we will get Homeowners Association or a person that will come in and they will create a range of assessments. It will be a book and it will talk about the roads, it will talk about sidewalks, it will talk about the gate, the motors, if there's lights on gates, you know, how many times they will have to change the lightbulbs, or if there's lightbulbs on the gates or if there's pathway lighting or if there's the pathways. It will tell you every year, what the frequency is and how much the cost would be. And so as the money accumulates upon the 60 people living there the money will go into a kitty and then that'll be used and appropriated as needed to take care of those items.

Commissioner Pinto

Okay, thank you.

Albert Seeno

Yes sir.

Commissioner Motts

Madam Chair

Chair Hinojosa

Commissioner Motts

Commissioner Motts

Yes I have several concerns relating to some of the issues that have been brought up by the City and also by then citizens, which I think we'll probably hear. But mainly from and I'm not sure if you were provided with the documents from Save Mount Diablo and also East Bay Regional Parks. I am concerned with that view shed there with the acquisition of Moller Ranch at the entry to Black Diamond Mines Regional Park becoming what I believe to be their new headquarters for the park and the substantial change in the view from that area with this project and they outline some of the things in their letter here that would make it more acceptable and I don't know if you had a chance to take a look at those. I could read it real quick if you want.

Albert Seeno

If you'd like, go ahead.

Commissioner Motts

They're fairly major but I wanted to get your take on what that would be. Three or four of the Mitigated Negative Declaration shows and landscaping plan that contains two major east to west terraces that are used to buttress the houses along that ridgeline above. Removal of the housing units above these terraces would substantially reduce the visual impacts as seen from the preserve. At a minimum this would include elimination of units 19 through 34, as shown on figure 4 of the MMD. This would also require the removal of b drive and changing the plant materials in the proposed terraces to native grasses so they blend with the undisturbed slopes above. I just wanted to see how you.

Albert Seeno

All I can be is pretty honest with you. I'm a homebuilder we are on one side of the fence and you know the Save Mount Diablo and East Bay Regional Park, I think they do a good job. They are good custodians of their property. We have a lot of properties where we neighbor each other and I think the Moller Ranch was a beautiful gift that was given by the Williamsons to them which they don't own yet and I know that they are anticipating that they are going to be the custodians of that property and you know I just like Black Diamond Ranch they had opposition letters on that and Sky Ranch and all the other properties that we've built and I think we just have to work together. I don't want to lose any units, you know I've reduced the property and scaled down the project over the years and the property has been in process for, I want to say for about nine years

now, eight and a half years since the inception of starting to talk about what we are going to do and obviously the downturn in the economy might have slowed things down just a little bit but we have continued to process and so hopefully that's somewhat of a forthright answer that I can give you. I'd like to build the project and obviously I can't do it if there's 40 lots and it gets to the point where, I don't want to talk economics but you can't put in all that streets and do all the infrastructure, you just eventually if it doesn't work out, I don't know what you do, you move on, so.

Commissioner Motts

Thank you.

Albert Seeno

Yes sir.

Chair Hinojosa

Are there any more questions for the applicant at this time from the Commission? Seeing no additional questions, thank you Mr. Seeno and Mr. Parsons. Okay, now we are moving along to the public hearing portion of the agenda. I would now like to invite members of the audience to speak. I have several speaker cards here and I'm going to begin with calling those who people who indicated they would like to get up and speak. I will begin with Robert Williams, followed by Michael Mikel.

Robert Williams

Good evening my name is Robert L Williams and I live at Black Diamond Ranch and I have a couple of questions for the committee and for you. The developer must address these concerns and these concerns are we had a meeting in the Black Diamond in the terrace area this evening and that's why some of us are here and so I would like to give you this questions, okay? The safety mechanisms are in place for fire and emergencies, the question is, in the area now where are the fire department, the police department or any medical facilities there. Where are they located? Okay this is a safety hazard. If you build, where are you going to put the firehouse, the ambulance, the something for the children and the residents in this area? Second question, what is constructed type of a good neighborhood wall? We are talking a construction type wall? Is it going to be a T or an L? Okay L for water going one-way or another or just a T. And that is construction for you. Okay. Next question, what is the plan for inclusion of the safe walking way and sidewalks coming into the Black Diamond area there is no sidewalks at all. Several people have been killed; you can see the flowers out there, alright. Some of the animals have been killed, okay. Going into James Donlon highway okay coming from, I'm new in this area now, I've only been here since January 30th, so Somersville and James Donlon Boulevard there are no sidewalks at all, No stoplights, no sidewalks, no safety precautions but yet you want to build a new residential area with one road in. Where is another road out for emergencies? If James Donlon and Somerville, there's a bad accident what happens to the people that are already there in Black Diamond? Okay, nothing has been addressed to this. Utoh.

Chair Hinojosa

That indicates that you're running out of time, please go ahead and finish your thought.

Robert Williams

Okay, let me move on real quick. I've got three more to go. Okay, what plan is improved to be made for the existing community? What construction plans are in place to allow the current residence of the Black Diamond Terrace community function without encumbrance the construction company or already negative impact area? The last one, the community impact study that reflects the current population must be complete by 2013, information I got from the City Hall to reflect the existing families and functions. In other words all of us okay, what have you (inaudible) fire department. I have a personal question where is the fire department in that area? That's it.

Chair Hinojosa

Thank you Mr. Williams. Next up is Michael Mikel and following will be Roy Norwood. Mr. Mikel.

Michael Mikel

Hello and thank you Commissioners for the opportunity to address you. My name is Michael Mikel I live at 3555 Countryside Way. Me and my wife bought our property in 2007. At that time it was a tough road in order to make, I know you remember in 2007 it was the height of the building industry at that time. And houses were expensive but we were able to scrape the money together and we bought that house in that development because we were hoping to not just live in the neighborhood but to live in a community. And over the last seven years that is pretty much what we have developed. We have neighbors that we know, we have neighbors from all walks of life and these neighbors over the last few years we have come together picnics, community meetings, where we block off the street and meet each other. We had a social website that we developed where we can keep each other up on what is going on in the neighborhood. This all came about through an effort and the reason we did this is because we wanted more than just the neighborhood we wanted a community and part of the problem, we have a number problems we have with the development that we are seeing. By the way, we have approximately 50 people that we were able to get in the short time that we had to sign on to our letter that you guys have and part of that is because of this community that we developed. And but we really want to make sure that you understand is that Black Diamond and Terrace development here is not just a number of homes they are a community and now we find out, just in the last few weeks really, I believe it was October 8th we got the letter that Seeno homes wants to put a gated community in the midst of our community. Now this is a gated community that we had no idea what's coming. When we bought our property in 2007 we were told that that hill was gonna remain open space. A number of people who were on that list, that signed petition, were told that that area was not going to be developed, ever. As a matter of fact, a number of people that bought homes there paid a premium for the lot because of the

view of the hillside. Okay, then out of the blue, as far as we're concerned, they want to put this giant community and I say giant because they claim it's going to be executive homes, these will be large homes, but I don't consider them executive. As mentioned there's no swimming pool there, there's no extra amenities at all. It's just big homes in a gated community, which will mean that they are going to separate us by design from everyone else in the community. We are not going to be able to meet these people. We are going to see them driving in and driving out, so the number one thing I wanted to make sure I got across to you is that we didn't have a chance to really have any input in this decision, up until now. I think if Discovery Homes wanted to build something in the midst of our community they would've taken the time, It would've been smart to take the time to talk to the community and let us know what they planned and get some feedback from us. We think that the Environmental Impact Report is a must. We need to have that. Everything else of these guys are coming up with is speculation but we are here to tell you the reality is that these are people living together trying to create community and it's going to be decimated by this development. Put in like an apartheid system between us and the rest these people. It's not necessary and I hope that you guys will take the time or at least allow us more opportunity to get some studies that we can present. Because again, I say we just didn't have the time. We were in shock basically when we found out about it.

Chair Hinojosa

Thank you Mr. Mikel we appreciate your comments. I'd like to just turn for a second to Ms. Nerland, I wanted to just confirm a time limit is three minutes for comments. I know I have a lot of speaker cards here and I want to make sure that everyone has the opportunity.

City Attorney Nerland

Correct, the typical time limit is three minutes. It is obviously the discretion of the Chair with her to allow people to extend, it's usually protocol to let people wrap up their comments but I think the Commission certainly wants to hear from everybody that you have speaker cards from.

Chair Hinojosa

Absolutely thank you. Okay so you are Roy Norwood?

Roy Norwood

I am.

Chair Hinojosa

Welcome.

Roy Norwood

Good afternoon my name is Roy Norwood. I'm resident of Black Diamond and I'm here to just simply say that I ask that you deny Discovery Builders request to build homes in our community. As the gentleman stated before, well first of all, I have heard nothing to suggest that they have done anything. There have been no environmental reviews on how it would affect anything and for anything to be built on that hill there should be Environmental Review Impact Study. I mean, first and foremost they have not given any guarantees on the hill if it would be any sliding, which it will be. As stated before I am a resident there and there are slides in the Black Diamond resident as we speak now. Homes are cracking and so forth. Also, should they be allowed, which if the rules are followed the way they should, they should not be allowed to build there. There is also the issue, as a gentleman stated earlier, of the emergency needs. If a major disaster happened anywhere up in a particular area there is no way out of the area. There is one way in and there's one way out. As far as the traffic, traffic is just, I called the city and they said the builders responsible for the roads, the sidewalks, stoplights, for any more homes to be built up there all these things need and should be taken into consideration. There are no lights, no sidewalks, major accidents. And listening to the gentleman from Discovery and stated that one location would have no more grading and other, that's totally incorrect. Sky Pointe.II is relatively flat. I suggested the members go to each of the sites to view them and judge for themselves which ones going to need a considerable amount of grading and which one is not. And with that being said, I would just like to reiterate that it is clear that no guarantees have been given as far as impact or any studies that would have on the hill itself and with the residents that are living there now and there has been no guarantees. Thank you.

Chair Hinojosa

Ok Thank you Mr. Norwood for your comments. Our next speaker is Regina Norwood, opps, sorry, I'm sorry. Okay, Nancy Woldering.

Nancy Woldering

Hi Chair Hinojosa and Commissioners. My name is Nancy Woldering and I represent save Mount Diablo. Save Mount Diablo is really concerned about this project because the open space was set aside and if a developer can simply say later oh now we want to build that area we feel as though it sets of really bad precedent and I think East Bay Regional Parks echoes that concern. So that's the number one concern. And we're also very concerned that the project represents massive grading. You have a General Plan that says avoid massive grading. The project involves massive grading. The General Plan, it's an interesting General Plan and it's a good General Plan and it involves a lot of policies that basically function as mitigation. But the problem is this kind of proposal where they're asking you to waive the policies, if you have policies that avoid significant impacts, if you waive the policies, what are you left with but significant impacts. And so, we highly, we strongly believe an EIR should be prepared for the project because we don't think the impact has been looked at of what happens when you waive these policies and I think and actually your EIR consultant has done a good job at identifying a number of these issues like for land-use planning, absent approval of

the General Plan amendments there are components of the proposed project, the project's conflict with low density residential designation would be a significant adverse impact. So please waive the requirement, that doesn't make sense. The CEQA process does allow, through any EIR, for you to decide you're going to adopt a statement of overriding considerations. Where you say, oh this is so valuable that we understand these impacts but other than that you are required to mitigate significant impacts and I would argue that there are many issue areas. It is unheard of that grading, of, I've heard 104 feet, I've heard 125 feet I think in the environmental document, that a project of that magnitude does not go to the State clearinghouse so Fish and Game, so the Regional Water Quality Control Board and other agencies have the opportunity to review it and comment. And Save Mount Diablo really does not recommend development but should this site be developed, you as staff and as Commissioners have provided really strong guidance to the applicant by saying that the plan be substantially revised so that the form of the existing hills are largely retained and these are in the staff comments from 2007. That mass grading of the site not be allowed. That slopes between building pads and building lots left ungraded. That the environmental review process for any future entitlement application include a detailed visual and slopes analysis to determine how any proposed plan complies with all the city's General Plan and zoning and hillside development requirements. But in fact, you're looking at a plan that ignores all of your direction and as a result would result in many significant environmental impacts. And so I think you're being asked with this proposal is, are you willing to waive your planning framework. A planning framework that was developed to protect your community and if so what kind of precedent does that set. Thank you.

Chair Hinojosa

Thank you Ms. Woldering for your comments. Okay are there any other members of the public that wish to speak on the item this evening please come forward. If you could had your form please to the secretary.

John Neal

My name is John Neal. I live in the Black Diamond Estates area. I live on Roberts Court, 4020. I'm at the bottom end of the proposed summit entrance to the development. Currently I've had to invest approximately \$10,000 in regrading french drains, ground compaction. Within the last three years, my property has flooded, all three years during the high point of the storm seasons. This hill, if they take the top of the hill down is going to increase the runoff to the three stages of properties that are built above mine for two blocks and as well as my property itself I've already incurred a settlement of 4 to 6 inches from one point to the other, hence the additional soil being brought in and impaction, compaction and such to try and correct the flooding issues. I've see no reports of any kind as to what they would do to either mitigate or control additional runoff from the hillside. Another concern is all the construction going in and out is directly be behind our property. Is it going to be any kind durations or control of the vehicles in and out through there? We've had several accidents with construction vehicles, water tankers and such. I myself was almost hit three days ago with my daughter in the sidewalk by a water tanker it was not paying attention and ran through

the stop sign. We have no control of the traffic in and out from Somersville to James Donlon connection right there and that's also been a safety concern for families. And those are my concerns.

Chair Hinojosa

Thank you Mr. Neal for your comments, next I have Larry Tong Inter-agency Plan.

Larry Tong

Good evening Chairperson and Commissioners. My name is Larry Tong. I am the Inter-agency Planning Manager with the East Bay Regional Park District. As stated in our October 28, as indicated in your packet the East Bay Regional Park District believes that the city cannot make the findings needed to support the General Plan amendment, the rezoning, the tentative map, and the Mitigated Negative Declaration. I would not reiterate what is indicated in our letter but I would add in particular that the proposed removal of 104 vertical feet of hillside is the equivalent in height of 9-10 story building. That proposed project is simply not consistent with your General Plan. The Mitigated Negative Declaration does not adequately address the significant adverse impacts specifically land-use and aesthetics. The General Plan provisions regarding the community image and design are critical components of your quality of life. They should not be waived, they should not be ignored. Regarding the Seenos, the Park District has worked cooperatively with Seenos on other development project. This one we feel should not be approved. Thank you very much and I'd be happy to answer any questions you might have.

Chair Hinojosa

Thank you Mr. Tong I appreciate it. I'll bring you back up if we have any more questions. Thank you. Next I have Marty Fernandez.

Marty Fernandez

Commissioners I don't even live close to that area, I live off Gentrytown. But in the morning it's a madhouse. We don't have bus service for the kids. This area is going to be in our School District, so they'll be 60, 70, 80 parents bringing their kids to Mission School, which is just a mess in the morning. This morning I was going down Somersville. I was wondering why on the new freeway on the on ramp off Somersville there are three lanes. They were backed up all the way through the intersection all the way past Lowes and we're gonna put 60 more houses up there? It's just ridiculous. This item, you shouldn't even be considering it. Two Mayors ago, this was taken care of. They had their lawyers here, they had their planners here, they had everything and they were turned down, so turn them down again, thank you.

Chair Hinojosa

Thank you Mr. Fernandez for your comments. I have some additional comment letters here that was to be read into the record. Am I allowed to state the names of the persons commenting?

City Attorney Nerland

Yes, typically, you state the name and the comment can be ready in three minutes. You could read it, if your voice gets hoarse I'm sure we could take over or one of your colleagues can take over.

Chair Hinojosa

Okay thank you. So this comment is from Regina Norwood, she says my main concern is safety we need more lanes on Somersville, a light signal placed at James Donlon and Somersville and buses that run up to Somersville to Black Diamond Estates. Enough deaths already, one is too many. Our kids walk to Gentrytown 1 to 2 miles just to take the bus to school. Traffic is horrible during commute hours on Somersville. No more houses until safety issues are fixed.

Another comment here from Darryl Parker. The comment is: when we bought our house the builder told us that the area will be open space. This is the main reason we bought our house.

Next comment from Margaret Ellen Verbin: Comment #1 Extreme grading will expose Torgensen Court for views of factories by California Avenue and Pittsburg Antioch Highway. #2 Not clear what intention is with Torgensen Court other than EVA; object to grading of hill behind my home. #3 would like more time to respond in writing to study etcetera if appropriate and further action is warranted.

And lastly, Radiah Mikel: And the comment is, this is not good. We purchased our home with Discovery and was told the hill will remain open wildlife space. The community does not want this to happen

And that is all the comment letters I have, I have an additional comment letter here from Louis Parsons but I think that was speaking on behalf of the project as the applicant. Are there any more public wishing to comment on the project at this time? Okay, seeing none. Actually I would like to ask if it was appropriate, since the public hearing is open to ask a question some of the speakers? Is that acceptable protocol? Okay. I'm curious and I'm not really sure you can address this question but this is regarding the letter received from Black Diamond Ranch Homeowners Association. I'm just curious if the CC&Rs have been reviewed to confirm that developer had promised to keep this area as open space? If anybody could address that question.

Michael Mikel

I can't directly address that CC&Rs but I can tell you for certain the majority of the people that signed the petition told me that the salespeople told them that that area was open space. Looking at this brochure that we got, I can see now that at time that we purchased our home they were already beginning to try to get the change over from open-space to allowing the development. They never told us that and everybody that I talk to has said the same thing. Basically that this space would be open as I've mentioned earlier, some people bought lots at a higher price, a premium lot with the idea that they would have a view of the mountain or the hill, okay. Never did anybody and I believe a number of the terraces who bought homes in the last few years were also told that that was open space. So if we had more time we could get a list of the people this was told to but I can tell you that some of the people that I talk to, it's a large majority of the people who've purchased homes and for myself and my wife that was a determining factor of the lot that we bought. Because we are at 3555 Countryside, we are directly facing the hill and we are two houses to the right of the Summit Way that they are now planning to cut into the mountain. I just want to bring one other thing up. I don't know if you been out there lately it really windy out there. We have lost the number of fences in the area, we're constantly fixing them up because of the shoddy fencing that they have there but the wind comes down from the mountain pretty strong and I don't know what effect that's going to have when they cut 125 feet off that mountain but at the very least we need to get some input from those who have the responsibility to do the environmental reports so that we as a community know what is happening in our community. Instead of just, you know, here this is a fait accompli, take it or leave it.

City Attorney Nerland

Could you just state your name for the record? I know you did before.

Michael Mikel

Michael Mikel

City Attorney Nerland

Thank you.

Chair Hinojosa

Yes Mr. Parsons.

Louis Parsons

I would just like to address that really quick. You know the CC&Rs, there is a section on future development that talks about that Sky Ranch II project today west but then there's the separate entire section in which talks about the remainder property and it says that there is an approximately 21.03 acres of undeveloped land located within the boundaries of the subdivision. The remainder properties surrounds portions of unit two and three located within the Black Diamond Ranch project. The remainder property is

not open space, will not be available or accessible to the public for public use. The remainder property will be developed for up to 100 future homes including grading and improvements. Access points will be provided through existing two and three of the Black Diamond Ranch project these access locations will provide ingress and egress to the proposed subdivision on the remainder property existing streets and courts within units two and three of the Black Diamond Ranch project will be modified to provide access to remainder properties. These access locations are not known at this time. Owners of units one, two and three of the Black diamond ranch project may experience dust, noise, additional traffic due to future development and the construction of the remainder property. That's from the recorded CC&Rs and I can send those to city staff so they have copies of it.

Chair Hinojosa

Thank you Mr. Parsons. I appreciate you addressing the Commission on that. Yes do we have somebody else?

Robert Williams

I stay at 3518 Countryside Way. I just bought my home, January 31st and the real estate people said there will be nothing on this mountain. They should know because I asked them are you going to build anything on this mountain, no we're not, it's gonna be free. I'm from the City and the cows and chickens and so forth I enjoyed seeing it and you got long rabbits with long ears and so far and so forth but that's immaterial but what I'm saying is they told me no and I bought this house because it had a nice hillside and it was nice and quiet. Now you're going to tear it down and the man says he's gonna put a 9 foot, all this dirt is going to be 9 foot. This faces my backyard, okay, you should all come up there and see what they're going to do if you don't live up there at all, we'd be glad to have you and show you around, okay. Like I said I'm new and this is my first public speaking and I'm a little nervous okay but I want to thank you very much.

Chair Hinojosa

We appreciate you coming out and commenting. Do any of the Commissioners have any questions for any of the public speakers? I would actually like to ask Mr. Tong back up to the podium please, from East Bay Regional Park District to address the Commission. Thank you for coming to speak on behalf of this project. In the letter provided to the city on the project and environmental document, it's indicated here that a visual study was done from the proposed Moller Hill into and covering the Pointe project and I would just wondering if you mind explaining that a little bit more to the Commission?

Larry Tong

Yes as indicated in exhibit one there's a visual identifying the viewpoint on our proposed trail which is on the so called Moller property. So that trail will be an integral part of Black Diamond preserve. So that basically indicates that this Pointe area will be highly visible from the regional park and we feel that it will have a significant adverse impact as

viewed from our park site. I would also reference exhibit 2 which is a letter from January of 2007 which highlights that the parcel in question this evening was designated as an open space parcel to be dedicated to the city of Antioch and that was also followed up by July 2007 letter which again indicated that the land was committed to be open space dedicated to the city within an approved subdivision. I'm sure that a review of the staff records of the approved subdivision will bear that out.

Chair Hinojosa

Thank you. And just to clarify you are stating here that from the proposed trail on Moller Hill that the proposed project once developed will disturb a view shed and that has not adequately been considered within the existing environmental document?

Larry Tong

Yes.

Chair Hinojosa

Okay and your suggestion is that that needs to be evaluated in an environmental impact report or in a revised version of the environmental document?

Larry Tong

Yes

Chair Hinojosa

Okay, great those are my questions does any of the other Commissioners have any questions, no, thank you.

Larry Tong

Thank you very much.

Chair Hinojosa

Okay, seeing that there are no other speakers at this time I would like to go ahead and close the public hearing and actually take a ten minute recess if that is appropriate. So we will come back shortly after 8:25, if I could see the clock correctly from here. So public hearing is closed and we will adjourn to recess.

CLOSED PUBLIC HEARING

Chair Hinojosa

Okay we will reconvene the meeting at this time. Before we went to recess we closed the public hearing and believe that the item is now on the dais for consideration. I

believe staff is going to put up the slide which presents that options that Ms. Gentry talked about doing her staff report. Since there is a lot of content to wade through here I'd like to suggest that we share any general thoughts and comments and then we can deliberate perhaps on the items individually working our way through the requested actions and entitlements as outlined on page 2, with the first a deliberation item being the environmental document. My fellow Commissioners, what is the pleasure of the Commission. Would you like to kick it off?

Commissioner Motts

Madam Chair, actually I wanted to ask a couple questions of staff before we got into that. A lot of what was put forth by the community here seemed to be safety concerns. Do you anticipate that the expansion of Somersville Road and then the eventual completion of James Donlon if it connects the way it's proposed will alleviate some of those issues as far as access to that area?

Senior Planner Gentry

I'm going to defer to Mr. Bernal to discuss the widening of Somersville and the James Donlon extension.

Ron Bernal

So the Somersville Road widening is scheduled to be completed by the end of next year so by the end of 2014 and what that would involve, as it currently stands, would be four laning Somersville Road, traffic signal at James Donlon and Somersville and sidewalk down the west side of Somersville so that's what's proposed by the end of next year. Regarding the James Donlon extension that's a further out project that is in the regional plan but probably won't be done for several years. So that connection, that second way out will take a while. The Chevron property to the north has a road that would connect into this development, when that's developed but that that is probably a few years out, as well. So as far as having a secondary access it's probably not to happen in the near future.

Commissioner Motts

Thanks Ron. One other question, the original switch from open space to residual development property. The reasoning behind that was it just that the developer has requested the possibility of developing that land or was there another? I know this goes back a few years but I'm assuming some of you might have been here.

Senior Planner Gentry

The original proposal included the subject parcel be dedicated to the city as open space, however in 2005 the applicant requested that they open space designation be changed to remainder parcel under the auspice that they were going to propose executive estate housing on that parcel.

Commissioner Motts

Okay, thank you.

Chair Hinojosa

Yes, Commissioner Pinto, please.

Commissioner Pinto

Did the developer meet the three-year requirement that was from the original approval? They had to resubmit?

Senior Planner Gentry

They had to submit a development proposal within three years and they did meet that requirement, yes.

Commissioner Pinto

Okay and the delays that occurred with this whole project that has come up to 2013 is due to all the other city initiated mitigation issues?

Senior Planner Gentry

There has been a variety of different review processes that the project has undergone from the preliminary development plan, to that residential development allocations, to the CEQA document, to staff analysis of the project, working with the applicant to get a site plan that the city could work with in terms of providing conditions of approval as recommendation for the Planning Commission. So it's not an overnight process to say the least, it's been a long process to bring it to tonight, to bring it here.

Commissioner Pinto

And one question of staff is; the community that is going to be impacted with this project and I've seen a lot of speakers here today, tonight I should say, and the question is did we have any kind of Townhall meetings or any other community outreach.

Senior Planner Gentry

The city was not involved in any type of community outreach meetings I'm not sure if the applicant did any on their own. Maybe they can answer that question if they did do that with the community.

Commissioner Pinto

And so before we even ask them to answer if they choose to, so the community basically based on statements made this evening did not know much about this project until the letter that they got just a few weeks ago?

Senior Planner Gentry

That's correct. The city followed the proper legal noticing procedures for the project.

Commissioner Pinto

Sure, but no special outreach?

Senior Planner Gentry

No.

Commissioner Pinto

Okay, thank you.

Commissioner Baatrup

Madam Chair.

Chair Hinojosa

Yes, Commissioner Baatrup.

Commissioner Baatrup

A question for staff on the process first. It seems that there's a 1 and a 2A and a 2B I'll say. One would be the approval or the acceptance of the initial study, mitigated negative declaration but it doesn't seem that if we don't approve that that we can approve then go 2A item. Am I correct in my interpretation here?

Senior Planner Gentry

Essentially the environmental document needs to have a positive recommendation to Council of it being deemed adequate in order for the Planning Commission to act on any type of approval for the project. Does that answer your question?

Commissioner Baatrup

I wanted to just clarify that and I think you did, yes, thank you. Secondly, you mentioned in your staff report that there was conversation from earlier in the year until the release of the document of aesthetic conversations you were working out with

applicant. Can you elaborate a little bit more on where you were having to work out with the applicant aesthetic issues that were covered by the document unless I misunderstood what you said.

Senior Planner Gentry

Because the potential of the environmental document to have a significant and unavoidable impact due to aesthetics. Is that the part of the staff report that you're referring to?

Commissioner Baatrup

That part, yes.

Senior Planner Gentry

Okay essentially staff recommended that applicant submit in a General Plan and zoning amendments with their application, to address these aesthetic and other potential significant and unavoidable impacts. However I also wanted to point out that not like the other sections included in the CEQA checklist, the aesthetics section is a little bit more subjective. It's kind of a little more of a judgment call. There is no clear threshold to point to, so that's why the staff is kind of putting it before the Commission at this point to make a determination, in regards to that.

Commissioner Baatrup

Were there specific issues that he felt needed to be addressed either in the General Plan zoning that really were not, we're more subjective for initial study analysis, were their specifics you were concerned about? Or did you just felt that the materials were clear enough to convey the aesthetic impacts?

Senior Planner Gentry

I don't think that the analysis is substandard in anyway that is contained in the environmental document. However, it is more of a judgment call in regards to the aesthetics.

Commissioner Baatrup

Right but you brought that up as an issue. Were there specific issues that you felt you needed to bring that up that weren't addressed adequately or you felt needed to be brought out more for consideration? You raised an aesthetic issue that he felt had to be addressed but were there specifics of that?

Senior Planner Gentry

I mean I think that there could be an argument made in the aesthetics section, you know removing 100 vertical feet of the hillside could be an impact in the aesthetic section.

They were all analyzed in the environmental document and brought forward however they were deemed to be less than significant.

Commissioner Baatrup

Okay, switching subjects a little bit. Now, if one brings forward a project that requires a General Plan amendment, how frequently does it warrant taking it to an Environmental Impact Report versus covering it through some sort of ISMMD?

Senior Planner Gentry

I don't think there's any, I mean maybe, I don't think there's anything clearly that we can point to necessarily.

Commissioner Baatrup

And I'm not absolute I'm just saying generally half, some, a few, never?

Senior Planner Gentry

The city can only essentially entertain or approve four General Plan amendments in one year so we don't see a whole lot of this request come through and I think you have to look at a project as a whole and what kind impacts the projects is going to have and whether or not an EIR is the appropriate document or whether an MMD is the appropriate document. An ambiguous answer I know but it's kind of on a case-by-case basis.

Commissioner Baatrup

As typical with the CEQA. There's a lot of ambiguity that you have to work through the result what makes the most sense for your particular agency. I get that. I think that's all I have questions for right at the moment, thank you.

Commissioner Motts

Madam Chair.

Chair Hinojosa

Yes, Commissioner Motts.

Commissioner Motts

For myself given the background of just the issues that staff raised in consideration of the identified issues that could be a problem onto the more of the specific issues raised through Save Mount Diablo and East Bay Regional Park concerns, I can't see where it rises to a place for amending the General Plan at least initially here because even in your own discussion of, I know the general plan talks about a desire for upscale housing

but the analysis there is that it's a very little impact as far as affecting the economy in that locality. So I'm not sure that it rises to, for myself, to that level and within the choices that we have here I think that it might be appropriate to recommend for the Environmental Impact Report. It might identify a lot of these other issues that everybody has been talking about and alleviate some of the concerns and then possibly move forward in a new way. Thank you.

Chair Hinojosa

Thank you, Commissioner Motts.

Commissioner Baatrup

Madam Chair, I'll offer some comments now. I guess I'm not comfortable that the Mitigated Negative Declaration is an appropriate document for this project in the severity of the construction that's necessary and the exceptions that are necessary to meet General Plan and zoning conditions that have been established by the city and so I can't get on board to recommend adoption of a Mitigated Negative Declaration or at least what's in front of us tonight. I think there are too many significant exceptions to what has been put in place under the General Plan through the hillside ordinances or hillside policies that are out there through the General Plan and Hillside Development District. There is just too many exceptions here. I think the project comes forward to us in 2005 where it was proposed, at that time as open space. After 2005, sometime between that and February 2008 the property owner decided that it would be an opportunity to develop the project and I understand that it's perfectly within a right to do so but I think some of these property owners who bought in the 2007 time period were under the reliance of what had been approved which was either up in space or that the applicant could come back at some future time. And I think that there is a necessity to vet this a little bit better through an Environmental Impact Report is probably a more appropriate approach and I think that construction is just too severe so I think the actions that I would be willing to support is to not recommend that the City Council adopted Mitigated Negative Declaration and deny the project to the City Council at this time.

Chair Hinojosa

Thank you Commissioner Baatrup. With any of the other Commissioners like to make a comment? Yes, Commissioner Pinto.

Commissioner Pinto

Thank you Madam Chair. I am all for development and construction which creates jobs in the local community however I think this project as presented tonight and over several years is not something that I can support and for the following reasons. The issues are the traffic flow on Somersville and James Donlon especially one way in and one way out, two lane of roadway at the present time which could be extended I hope by completion of the 2014 project, the widening. That's an issue for me as is for the residents. The fact that the air-quality board did not review or be part of the EIR is also

an issue for me. The bigger one is the hillside grading as proposed especially with the removal of I guess 104 feet of the hill. And last but not least, the kids who will be moving into this development if it proceeded, as is, some of them are going end up at Mission School so again traffic issues as presented will arise and I think this project is a good project however not very well thought out. And last but not least, is that the community was not involved in the decision-making process. They never got a chance to comment on their views of this project. I think an outreach should have been initiated either by the city and or the developer and none of that actually happened and I don't it's fair to the local residents to have a major project like this occur in their backyard, literally, with no input from these residents. So I will not be able to support this project as presented.

Chair Hinojosa

Thank you Commissioner Pinto. Commissioner Westerman would you like to make a comment?

Commissioner Westerman

Yeah it seems to me that the normal way of doing a project, is that you design the project so that it conforms to the various requirements and to zoning and to guidelines and that sort of thing. So the guidelines, you know all of this kind of defines with the project is. It seems like in this case the project came first and then we want to change guidelines and requirements and zoning to fit the project and I don't think that the proper way to go. Particularly with the General Plan and paragraph 5.4.14 that has to do with hillsides. You know I think if we would approve this it would be setting a precedent that would be undesirable, could result in other projects coming along and people saying well you approved for these guys, you should approve it for us. And that puts us in kind of a precarious position. So anyway to make short story long or vice versa I'm not supporting this project.

Chair Hinojosa

Well it seems that all the Commissioners have spoke. So I guess I will go next. First, I would actually like to thank the applicant for the interest in our community. I really like the proposal for executive and estate type housing and I believe that this type of development would be an asset to our community. The proposed project is in a beautiful area with the surrounding hills and East Bay Regional Park District however I just really wish that the applicant was proposing a development plan that is sensitive to the existing terrain, views, and natural land forms surrounding the site. I do agree with some of the arguments that were made that when you take a step back and look at this project and regional scale not just with what's happening in Antioch but also immediately adjacent to the site in the city of Pittsburg for the Sky Ranch property, that it's a little bit easier to place this project into kind of a regional perspective. The staff report points out that the site could be considered an infill parcel because it's surrounded by existing and entitled development, including the Sky Ranch project which proposes to be built at similar elevations as the proposed Pointe site. In essence, putting aside the massive grading and elimination of the ridge top and hillside policy

issues, the project appears to be consistent with regional development plans. I think that kind of stepping back from it you need to look at the bigger picture in terms of what's happening through this corridor and the project at this site is not too unlike what is happening at Sky Ranch including a lot of the cut and fill and development of the site on ridges and hillsides. I do think that by creating a Planned Development Community the applicant is afforded greater density it allows for more flexibility in planning. Including to be able to be more compatible with the existing and the proposed development on surrounding properties. I like the idea of a Planned Development to allow more flexibility at the site. There are some constraints with hillside development policies. I'm not saying I don't agree with all of them, in fact I very much support all of our hillside development policies, but I do believe that it's hard when you have such a constrained site to apply all the requirements. I do really struggle as to whether or not supporting this project should come on the back of exercising kind of freedoms and liberalities with the city's land-use plans and policies. In essence by allowing developers to pick and choose when certain regulations apply. I simply do feel like I can just not outright support a waiver of the hillside development policies. I really do believe that waiving these policies is not in the best interest of the community. So hearing the recommendations from my fellow Commissioners, we seem to have a couple statements to be outright denial with Commissioner Motts stating that, and please correct me if I'm wrong, that you would consider supporting an Environmental Impact Report be conducted for this project.

Commissioner Motts

Yeah, if I'm understanding the way this is written here that it's not requesting an Environmental Impact Report is not considered a denial and that would accomplish I think most of the things that we're talking about here. I would be in support of that.

Chair Hinojosa

Thank you for clarifying. This issue as indicated in packet we have all the history here on the various times it's come to the Planning Commission and time and time again the Planning Commissioners have indicated concerns with the lack of compliance with the Hillside Development District as well as policies. And there have been some modifications made to the proposed development plans to address some of those concerns but the most glaring and obvious being the steep grading and just not complying with all of the plans and its totality. I would like to give a developer the opportunity to pursue the project by preparing an Environmental Impact Report. Having the opportunity for the people who have submitted comment letters, on behalf of the project, to have their concerns also addressed adequately within an environment document. And so rather than outright deny a project, I would like to allow applicant if they so choose to prepare an Environmental Impact Report be it on the proposed project in front of us or if they'd like to go back to the drawing board and deal with the existing zoning and General Plan designations in place.

City Attorney Nerland

So if I might, through the Chair. You had a number of possible resolutions for action. What you don't have before you but we can work on language would be a resolution recommending the denial of the Mitigated Negative Declaration and direction that an Environmental Impact Report would be appropriate. However I would say that if a majority of you feel, fundamentally CEQA is about providing information and if a majority of you feel tonight that there really isn't likely going to be more information that could be brought forward to support why a General Plan or rezoning would be appropriate then the alternative approach would be, not to take action on the environmental review and to recommend denial of the project, which is denial of the General Plan amendments, denial of the zoning and denial of the vesting tentative map. So, I think as the Chair indicated some of you have expressed thoughts one way and some have expressed the other but those are kind of the two approaches at this point based on what the Commission has indicated.

Chair Hinojosa

Thank you, Ms. Nerland. If I could just clarify if we were to recommend denial of the MMD but determined that an EIR would be appropriate, that would require them to go back, prepare an EIR and then come back to the Commission for consideration, But what I'm hearing you say if some of the fellow Commissioners feel like after preparing an EIR we are going to get much farther or different answers or be able to address the significant concerns then what's the point of doing that.

City Attorney Nerland

Right and then you then would be making a recommendation to the city Council which is the final approval body. So, exactly.

Chair Hinojosa

What I'm also concerned about is if we recommend denial of the project outright tonight then the project can be appealed to the City Council and then what is going to happen is the City Council has the opportunity to act on the item and to overturn the decision by the Planning Commission.

City Attorney Nerland

I would clarify that your action tonight is a recommendation so the City Council was always going to have final approval authority of this project.

Chair Hinojosa

But if we decide, if we were to move the direction of allowing additional environmental review that would be something that wouldn't move forward to the Council level until that was done.

City Attorney Nerland

I'm not sure whether the applicant would except your action as final.

Commissioner Pinto

Madam Chair.

Chair Hinojosa

Commissioner Pinto, please, yes.

Commissioner Pinto

If I may comment. Based upon the last information the City Attorney just provided us which is that the applicant may not necessarily be satisfied with the decision that we make tonight which is anything other than approving the project and then they can appeal before the Council. My recommendation would be and I'm willing to change the recommendation into a motion to take the second option as presented by staff and deny the project.

City Attorney Nerland

And if I may just clarify the applicant is here and certainly can be asked if they would be willing to consider an Environmental Impact Report given the public testimony at this point. I did not mean to speak on behalf of them I was just sort of laying out the options as I saw them.

Chair Hinojosa

I appreciate that. If we were to ask the applicant to address the Commission we would need to reopen the public hearing?

City Attorney Nerland

Yes and then just close it again.

Chair Hinojosa

Can I get a nod whether or not you would like to speak to this and I will be open the public hearing. Okay, we will reopen the public hearing to allow the applicant to address the Commission.

Louis Parsons or Albert Seeno

Just very briefly I'm not going to belabor this, we believe and we've conveyed to staff that this project does not warrant the preparation of an Environmental Impact Report.

So we would not be amenable to funding and preparing an Environmental Impact Report for consideration of this project.

Chair Hinojosa

Okay we'll go ahead and close a public hearing.

Commissioner Baatrup

I'd like to make a motion.

Chair Hinojosa

Yes, Commissioner Baatrup.

Commissioner Baatrup

I'm going to follow the action that was recommended for consideration in a staff report that says we would not take action on the environmental document and we would pass a resolution recommending the denial of the General Plan amendment. We would adopt a resolution recommending denial of the amendments, zoning amendments and that we would recommend the denial of the vesting tentative map.

City Attorney Nerland

As well as the final development plan and use permit as set forth in the three resolutions as attachment C?

Commissioner Baatrup

Yes, thank you for that clarification.

Chair Hinojosa

Thank you Commissioner Baatrup. We have a motion do we have a second to the motion for denial of the project as outlined in attachment C.

Commissioner Westerman

I will second that motion.

Chair Hinojosa

We have a second on the motion for denial of the project. We have the motion on the floor, I guess that nobody else wants to deliberate before we cast vote. Although, the vote has already been cast a half of one of the Commissioners. I just want to make sure that nobody else has any additional questions before we call for the vote. Okay

seeing none, please cast your vote. Okay and the vote is five votes unanimous denial of the project as outlined in attachment C of the staff report.

City Attorney Nerland

Which again is a recommendation to the City Council for denial so this matter will be going to the City Council. I just want to make sure there is an understanding on that.

RESOLUTION NO. 2013-**

On Motion by Commissioner Baatrup and seconded by Commissioner Westerman, the Planning Commission recommends to the City Council denial of the amendments to the City of Antioch's General Plan.

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

RESOLUTION NO. 2013-**

On Motion by Commissioner Baatrup and seconded by Commission Westerman, the Planning Commission recommends to the City Council denial of the amendments and rezone to City of Antioch's zoning code found in Title 9 of the Antioch Municipal Code.

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

RESOLUTION NO. 2013-**

On Motion by Commissioner Baatrup and seconded by Commissioner Westerman, the Planning Commission recommends to the City Council denial of the Final Development, Vesting Tentative Map, and Use Permit (PD-08-01, PW 608, and UP-08-01) to construct 60 single family homes including associated infrastructure improvements, an approximately 10,000 s.f. pocket park and two open space parcels.

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

NEW ITEMS

3. Election of Vice Chair

SP Gentry said that with one member of the Commission absent, this item can be postponed to the next meeting.

Commissioner Baatrup said that it would be worthwhile for all to participate and he would like to continue to the next meeting.

Commissioner Motts confirmed with staff that the recruitment is still in process.

Commissioner Pinto recommended that the Commission proceed in selecting the Vice Chair.

Commissioner Westerman said that he agreed with Commissioner Baatrup and that it was a good idea to wait until the next meeting.

On motion by Commissioner Westerman, seconded by Commissioner Motts, the Planning Commission members present continued the appointment of a Vice Chair to the next meeting.

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

4. Appointment to Trans Plan

SP Gentry said that it would be a good idea to appoint rather than continue to the next meeting.

On motion by Chair Hinojosa, seconded by Commissioner Baatrup, the Planning Commission members present appointed Commissioner Motts to serve on the Transplan Committee.

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

ORAL COMMUNICATIONS

Commissioner Motts said that Measure C passed which is a huge step for Antioch.

SP Gentry said that the next meeting will be November 20th.

There was a discussion of December meetings and that although both dates are anticipated, that two of the Commissioners will be doing some traveling during the month of December.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

None.

ADJOURNMENT

Chair Hinojosa adjourned the Planning Commission at 9:13 p.m.

Respectfully Submitted,
Cheryl Hammers

**CITY OF ANTIOCH
PLANNING COMMISSION MINUTES**

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

**November 20, 2013
City Council Chambers**

CALL TO ORDER

Chair Hinojosa called the meeting to order at 6:30 p.m. on Wednesday, November 20, 2013, in the City Council Chambers. She stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on Tuesday, December 3, 2013.

ROLL CALL

Present: Commissioners Pinto, Motts, Miller, and Westerman
Chair Hinojosa
Absent: Commissioner Baatrup
Staff: Community Development Director, Tina Wehrmeister
Public Works Director/City Engineer, Ron Bernal
City Attorney, Lynn Tracy Nerland
Minutes Clerk, Cheryl Hammers

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

Community Development Director Wehrmeister recognized former Planning Commissioner Gil Azevedo for his many years of service beginning in 2003 serving on the Parks and Recreation Commission, the Planning Commission and various subcommittees including RDA and Transplan.

Commissioner Westerman said that it has been a pleasure working with Mr. Azevedo who always came to the meetings well prepared with good questions. He said that Mr. Azevedo was always willing to tackle difficult motions and wished him luck.

Commissioner Motts said that he dittos those remarks and asked that Mr. Azevedo keep the phone lines open.

Commissioner Pinto said that although he didn't have a privilege of working with Mr. Azevedo, he thanked him for his dedicated service.

Commissioner Miller said that he learned a lot from Mr. Azevedo and thanked him for his input.

Chair Hinojosa said that it was a pleasure serving with Mr. Azevedo and said that she hopes that he comes back to see the commission.

Gil Azevedo thanked everyone for the kind words and the sign momento. He said that as he looks back he has two perspectives: that ten years went by fast and secondly that it seems like a lifetime ago. He said that he remembers his first meeting where they had seven developers with RDA applications and that this was a good time for Antioch before the recession hit. He said that as he finishes his time here, he wants to leave the commission with something to remember: that while you are here serving, remember that is what your job is to serve the community.

CONSENT CALENDAR

- 1. Approval of Minutes:** November 6, 2013

Chair Hinojosa stated that staff has requested that this item be continued.

CDD Wehrmeister said that since the agenda was published there have been requests for copies of the audio and that they would like to continue to December 4th to allow time to prepare a verbatim transcript.

On motion by Commissioner Westerman, and seconded by Commissioner Motts, the Planning Commission continued the Minutes of November 6, 2013 to December 4, 2013.

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

END OF CONSENT CALENDAR

CONTINUED PUBLIC HEARING

- 2. UP-13-03 – Panda Express** requests a use permit for a 2,230 sf freestanding restaurant building with a drive-thru that would be located on a 29,622 sf site carved out of the northwest corner of the existing Lowe's Home Improvement Warehouse Store parking lot, including a request for a Tentative Minor Subdivision Map, a Use Permit and Design Review for the proposed drive-thru restaurant. The project is located north of State Route 4 at the northeastern corner of the intersection of Somersville Road and Mahogany Way (**APN: 074-370-029**). An initial Study/Mitigated Negative Declaration is also proposed for adoption.

Chair Hinojosa opened the hearing to allow the public to speak. She said that the request is to continue this item to December 4th and at that time the hearing will be reopened to allow for further public testimony.

City Attorney Nerland clarified that the hearing would remain open until Dec. 4th.

On Motion by Commissioner Westerman and seconded by Commissioner Miller, the Planning Commission continued this item to December 4, 2013.

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

NEW ITEMS

3. American Sign Installation requests the approval to amend the Master Sign Program for the Crossings Shopping Center, located at the intersection of Deer Valley Road and Hillcrest Avenue (**APN: 052-460-020**).

CDD Wehrmeister provided a summary of the staff report dated November 14, 2013.

Commissioner Pinto said if the request is approved it would definitely be stepping outside the boundaries on signage by allowing a different wider sign which is breaking the trend and establishing new criteria and asked staff if this would be a conflict with other signs that were existing.

CDD Wehrmeister clarified that the Municipal Code does contain criteria, that developments may have their own sign programs, that the precedence setting would be for this development only and changing the sign program would be allowing this to apply to other storefronts in the center.

Commissioner Pinto had a concern with the last sentence on page 2 of the staff report and asked if we allow one to change, how is it going to impact other requests throughout the City.

CDD Wehrmeister responded that this may encourage requests in other shopping centers but it would not change their sign programs and that they would have to make a formal request.

Chairman Hinojosa asked staff if the Sally Beauty located in the Target shopping center has a program with similar dimensions to which CDD Wehrmeister said that she will do some research and get an answer to that question.

OPENED PUBLIC HEARING

Applicant, Lonnie Franklands with American Sign Installation, said that this is an extremely old sign program, that the majority of shopping centers they work with allow for dimensions, and that this is the first time in 35 years that they have had specific sizes for stacked letters. She said that they are always able to include their logo and that this request would allow other companies to have more flexibility and allow their business to stand out a bit.

Commissioner Miller said he was trying to visualize placement on the building to which applicant responded that this would be the only wall sign on the building.

Commissioner Pinto confirmed with applicant that they are the sign installer for Sally Beauty, that the size of the sign being requested is a standard size for Sally Beauty and that while they want to stay within the rules, Sally Beauty can't change the logo.

Commissioner Westerman confirmed with applicant that this store is fairly comparable to other stores and that while there are two versions being proposed, one for 16' wide and one for 14' wide, applicant would prefer the larger one.

Chairman Hinojosa clarified with applicant that reducing the size to the 20" proposed would destroy the logo and confirmed that she is amenable to reducing the size to 70%.

Chairman Hinojosa then asked staff if the stacked signs have to meet the 12" requirement would this be 12 total or 18" for non stacked signage to which CDD Wehrmeister responded that the way the program is written the letter height shall be a maximum of 12" so it would be 12" and 12" and 18" for non stacked.

Chairman Hinojosa said that if applicant could reduce the overall height to 24" tall that she is comfortable keeping in the City's parameters to stay within that just not equally proportioned.

Commissioner Pinto asked applicant about the night time lighting of the sign and whether with the alphabet being larger on the sign the store front would be brighter to which applicant stated that the only concern would be if there was residential across the street which she does not believe there is and that with the low consumption of energy and the dark red lettering the sign will not transmit much light.

CLOSED PUBLIC HEARING

CDD Wehrmeister stated that she did call up the sign program for Slatten Ranch which allows one sign for every store frontage with 75% of the storefront and that there is a matrix for maximum letter height.

Chair Hinojosa clarified with staff that there was nothing about stacked signs, but that there are factors limiting signage with the maximum letter height being three feet.

Commissioner Motts asked staff if procedurally would this be a compromise or this would constitute a denial of their request for amendment to the sign program if reducing the size to what applicant is agreeable to. CDD Wehrmeister said no, that she thinks the resolution can be revised to reflect the commissioners' desires.

Commissioner Westerman said that he thinks this ought to be looked at as a whole unit and not one word on top of another. He said he likes the smaller 14' on the store front and feels that 14' would be a good compromise.

CDD Wehrmeister said that she would suggest 14' which would meet the 70% criteria and would suggest revising the resolution to revise the master sign program, the last sentence to state "the overall width of the sign shall not exceed 24'" and eliminating the discussion about stacked signage.

Commissioner Miller said that he agrees that stacked signage is throwing everyone off and said they should just look at the size of the sign.

Chair Hinojosa said that she agrees with the fellow commissioners, that removing the language about the stacked signage but that the overall height of the sign shall not be more than 24".

Commissioner Pinto said that he agrees with the height not to exceed 2' and getting away from the stacking of the sign.

Commissioner Westerman asked about the width of 14'.

Chair Hinojosa said that applicant is actually agreeable to the 2' x 14' that would match up with what we are proposing and that they would do away with the stacked signage with a 2' overall height.

REOPEN PUBLIC HEARING

Applicant said that she believes the email was rounding off on the size but that they would be more than happy to go with a 2' overall height. She said that if approved, they will change to 24" overall and would send new paperwork.

RECLOSE PUBLIC HEARING

Commissioner Motts clarified with staff that this would be applicable to just this development.

Commissioner Pinto made a motion to amend the resolution to incorporate 2' height and 14' width that only applies to this development.

Chair Hinojosa clarified that this would be approving the item with 14' in length and the overall percentage of 2'.

Commissioner Pinto said that the language submitted in Attachment C would be 2' by 14' within that space and the designers would come back with sizes of the letters.

CDD Wehrmeister said that unless appealed the resolution would be a final action by the Planning Commission and suggested amending 2d to say that "stacked signage would be allowed only for tenants with store fronts 20 feet or less in width. Overall height of the sign shall not exceed 24" in height", that 2g would be deleted and that there would be no further changes needed to the program.

Commissioner Pinto clarified with staff that the width does not need to be addressed at all.

CDD Wehrmeister said to applicant that they may submit a revised building permit to building but could not be approved until after appeal period has ended.

RESOLUTION NO. 2013-**

On motion by Commissioner Pinto and seconded by Commissioner Miller, the Planning Commission hereby approves S-13-01 and amends Design Review Board Resolution 89-54 as follows:

2d. Stacked signage will be allowed only for tenants with store fronts 20 feet or less in width. Overall height of the sign shall not exceed 24”.

2g. Deleted.

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

4. Election of Vice Chair

Commissioner Westerman nominated Commissioner Motts for Vice Chair.

On motion by Commissioner Westerman, seconded by Commissioner Pinto, the Planning Commission members present appointed Commissioner Motts as Vice Chair.

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

5. The City of Antioch is proposing General Plan and zoning ordinance amendments to revise the Residential Development Allocation Program and to adopt Development Impact Fees pursuant to Government Code 66000 et. Seq. The Planning Commission will hold a study session and accept public comments.

CDD Wehrmeister provided a summary of the staff report dated November 14, 2013, including background, summary of the RDA and summary of the proposed program. She indicated that a representative of Economic and Planning Systems was present who would be presenting a power point presentation and that she will be pausing during the presentation to allow for questions. She said that public comments will then be opened, the hearing will be closed and direction to staff received.

CDD Wehrmeister asked if there were questions about the history of the ordinance.

Chair Hinojosa asked staff about the scoring process on proposed capital improvements with fees from developer per unit.

CDD Wehrmeister asked Public Works Director Bernal for input.

PWD Bernal said that examples of improvements would be traffic signals, road improvements and improvements to school parking lots. He said that Discovery Builders proposed improvements to drainage facilities and offsite improvements to Somersville Road but that this varies from project to project with some projects being cash only.

Chair Hinojosa asked about the impact fee study estimating fees as high as \$10,000 per unit to which PWD Bernal said that his recollection is that they were in excess of \$10,000.00 per unit.

Commissioner Pinto asked staff about Attachment B to which CDD Wehrmeister said that this is an example of the criteria in the old RDA process and that the format is not going to be used in the future.

Chair Hinojosa asked staff how the housing was allocated before Measure U to meet residential housing needs.

CDD Wehrmeister responded that there was no growth metering process in Antioch prior to Measure U. The City has not had an issue meeting moderate to above moderate RHNA goals but has not been able to meet lower income category construction goals.

CDD Wehrmeister then moved to the summary of the revised ordinance and asked for questions.

Chair Hinojosa referenced page D2 letter E and asked why the process has been changed to which CDD Wehrmeister said that one of the practical problems with the way the old RDA ordinance was implemented is developers were asking for allocations for development that was years away and that they were asked to project years into the future.

Chair Hinojosa clarified with staff that this created a problem with allocations already issued so far in advance.

CA Nerland said that under state law development entitlements is an issue whether it should be built and the growth management question is when does it get to be built. She said need to ask the question first is it going to be built, then you get into when it is going to be being built.

Chair Hinojosa asked staff about the scaling back from the original ordinance exemption to only three exemptions in the new ordinance.

CDD Wehrmeister stated that the committee felt all units should be counted so the original exemption categories were moved to the Guidelines and made priorities for granting allocations.

Commissioner Motts asked staff about an exemption for the Rivertown area being centered around the train and ferry to which CDD Wehrmeister said that it is not exempt but is listed as a priority factor in considering allocations.

Chair Hinojosa asked staff to explain what the thought process was behind some of the original exemptions and what has changed to now moving toward all units should be counted in metering program.

CDD Wehrmeister said that the old RDA ordinance was drafted before she came to the City but that the committee felt that all units should be counted, although this is an item the commission can discuss and can add to or amend.

Commissioner Pinto asked about Measure J on page F2 dictating what can be modified. CDD Wehrmeister said that not related to RDA specifically; that Measure J is a County wide measure, that this is not changing but that this is just eliminating references to the old RDA ordinance which would not impact Measure J compliance.

Commissioner Pinto referenced page B1 referring to projects that meet the City's infill criteria being exempt and asked staff to explain the infill criteria. CDD Wehrmeister said that the committee or council created a map of areas of infill.

Chair Hinojosa asked staff about the pros and cons of rationale behind changing from RDA committee to staff. CDD Wehrmeister said that this is an attempt to make the process less subjective and therefore felt that looking at the General Plan and the standards and criteria that are set out that staff would be able to make a recommendation to the Planning Commission. She said that this also a practical matter with having limited staff.

CA Nerland said that the development community also was not thrilled with having three bodies of public officials to go through which extended the process.

CDD Wehrmeister said that Economic and Planning Systems has a presentation and said that while it is not typical for the Planning Commission to make recommendations on fee items, she thought it would be valuable to have input on this. She said that this is the first study session before taking it to the City Council, that there will be a plan for the fee study, that comments will be received, that the fee study will be brought back to the City Council and that items for General Plan, zoning ordinance and guidelines will be brought back to the Planning Commission.

Walter Kieser with EPS gave a power point presentation including overview, development impact fees, mitigation fee act, common development impact fees, economic considerations, Antioch's development impact fee, development impact fee adoption process, fee study results, technically supported fee schedule, required funding from other sources, and next steps.

Commissioner Pinto asked Mr. Kieser if other cities include fees for public works and parks and recreation to which he said that there are fees being recommended for police, parks and recreation although there are no current charges for those. He said that there are a range of things that can be funded as part of this process.

Commissioner Motts asked if the system we had in place is common and would this be considered streamlining.

Mr. Kieser said that the current system is not common, that the norm for funding is through impact fees like those being considering this evening and that Antioch is a bit unusual. He said that this helps with streamlining and normalizing in that you increase certainty of the process.

Chair Hinojosa asked Mr. Kieser to go over page G4 regarding proportionate share allocation.

Mr. Kieser said that proportionate share means various things like having to identify what share of cost should be paid by development or whomever. He said the first thing is to figure out the share for new development versus the existing. That some of that proportionality should be paid by existing residents and some new development, trying to balance out to be sure everyone is paying a proportionate share and proportioning between single family and multi-family with multi-family typically have lower household sizes.

Chair Hinojosa questioned if the City can be in trouble meeting infrastructure if they get lower fees than proposed and supporting fee reductions.

Mr. Kieser said that these are political choices made by Council at their discretion, that fees are regular and certain and these fee levels are in the range and do not stress feasibility.

Chair Hinojosa asked about changing growth projections to which Mr. Kieser said that it is never known what is going to happen in the future but that annual reporting and updating of fees help if conditions change dramatically.

Chair Hinojosa asked about the periodic updates and how often updates are done to which Mr. Kieser said it is published annually, that the fee report would be made prior to the fiscal year and incorporated into the budget, and that it would be automatic requiring no council action as long as the ordinance prescribes this to be done. He said that when the development impact fee is at a stage to move to City Council that they will work with staff to incorporate a schedule for update.

CDD Wehrmeister said that annual updates occur with master fee schedule adoption.

In response to Chair Hinojosa's questions about Page G10, Mr. Keiser said that it is not uncommon in ordinances for there to be a provision for exemptions or possibility of waivers and that ordinance language specifies the terms. That there is an absolute

reduction of revenue so typically this would require findings that when that was done the Council would find a way to back fill for money they did not get through that exemption.

In response to Commissioner Pinto's concern of surplus funds and the impact of AB1600, Mr. Keiser said that since AB1600 was adopted, they try to construct ordinances to have a broad enough definition so there is no such thing as surplus funds. They will be allocated to uses that meet the test of the fee study and if there was a surplus, this could be subject to reimbursement. He said that if properly set up and administered that won't happen.

In response to Chair Hinojosa questions about alternate funding sources and moving from an allocation program to adopting an impact fee, Mr. Keiser said that they are not talking about replacing the allocation system but talking about one piece of it.

CDD Wehrmeister said that this would replace capital financing and that there would be a metering process.

CA Nerland said that the growth metering aspect of the former RDA is when development could be built, and the prior RDA contained a financial component to pay for infrastructure that development needed and that financial component is being taken out of the RDA process by council direction to be the more common impact fee under state law. She said that this is ultimately a council decision and is being brought to the Planning Commission for context of how this is moving forward.

In response to Commissioner Pinto's question if the metering program is needed, CA Nerland said that this is a policy decision and not mandated by law to have a metering program except to the extent of Measure J.

In response to Chair Hinojosa's wondering if the allocation process helps further goals of the General Plan and maintain consistency and explanation of how the metering process helps to meet goals within the regional housing allocations, CDD Wehrmeister said that this is a proposed process to provide the Planning Commission with general plan consistency and that the process speaks specifically to the growth management element of the General Plan. She said do we need the allocation process to meet the General Plan, no we don't; if it is the desire of the City Council with the recommendation of the Planning Commission that you feel the metering will help us meet goals, then yes it would help. She said that the question if it meets our goals is subjective and more for the policy makers.

Chair Hinojosa asked staff how or in what way does a sustainable community strategy have a role in a metering program to which CDD Wehrmeister said not directly.

OPENED PUBLIC HEARING

CDD Wehrmeister stated that there was a letter on the dais from the Building Industry Association of the Bay Area and an e-mail from Mike Serpa, which she read.

CLOSED PUBLIC HEARING

Commissioner Westerman said that he thought the metering portion should be separate from the developer fees. He said at this point it doesn't seem like we need metering; that if the economy turns around we could. He said he would like to see some kind of a trigger to reintroduce the metering system. Also with respect to issues that are discussed in the evaluation criteria for metering, if we don't have metering these things will still be looked at by staff and by the commission. He said that just because we don't have metering doesn't mean these things won't be considered.

Commissioner Pinto referred to pages B2 and B3 and questioned staff about moving points to which CDD Wehrmeister said that at this point attachment B was a reference point for the previous RDA process and is not recommending continuation of this system.

CA Nerland said that there are school impact fees in place under state law.

Commissioner Westerman said that it seems to him that some of the things that are addressed in the old RDA in Section C, will be replaced with development fees.

Chair Hinojosa said that in looking at the letter from the Building Industry Association, feels like we should engage a larger audience on this conversation and discussion with stakeholders; for input on development fees so process would be to instruct staff to hold a community type meeting to engage and get feedback and then to come back to the commission and then the commission can provide a recommendation.

CDD Wehrmeister responded that this meeting was noticed, the notice was put out fourteen days prior to this hearing which is longer than typical, that notices were sent out to those who filed a request with the City Clerk to be notified and that the staff report was released in the normal time frame. She said that even though this is a study session, all required noticing was done. Having said that, between this hearing and the next hearing, we will certainly make further outreach in the community to incorporate comments.

Commissioner Motts said he would support that position and staff to hold stakeholder meeting if that doesn't delay the process.

CDD Wehrmeister said that it is helpful to staff to get some feedback on growth metering in general, that she is pretty sure that the development community doesn't want it and that it would be helpful to know how the commissions initial direction.

Commissioner Motts said he would be inclined to say if metering stopped at this time if there is a process to reinstitute that would be fine with him.

Commissioner Pinto concurred and said that he liked the proposal that we do away with metering for now, however have a triggering mechanism that would automatically reinstate the metering once that standard has been reached.

Chair Hinojosa asked the commission if they agree that the City should engage in meetings with stakeholders but to discontinue with the metering program.

Commissioner Westerman said to do away with for now but maintain a mechanism to reinstate if necessary; to encourage developers for low income housing.

CA Nerland said that something for the Planning Commission to think about is the triggering concept; doing away with the metering, then if growth picks up, come back. She said that part of the issue is the process to adopt an ordinance doesn't happen overnight and is a minimum six month period. Staff has struggled with timing practicalities; perhaps instead of doing away with metering completely, try to foresee and have a process in place so time wouldn't be lost.

Commissioner Pinto said he thinks the goal should be to establish what that triggering point will be so it is built in to automatically come back.

Commissioner Miller asked if there was a way to have a stay of the growth metering program, to be held off for a period of time then see if we need to extend longer so we wouldn't have to worry about not having it just suspending it.

Chair Hinojosa said that she likes the direction we are going, wants to engage stakeholders and would like to keep in place but allow metering not allowed certain times. Separate from development fees.

Chair Hinojosa asked staff what type of meeting with stakeholders to which CDD said that she would set up a meeting with the Building Industry Association. She said that this staff report went out to all home builders who are actively pulling permits in the City and those that have maps approved and haven't received any feedback or comment except from Serpa and the Building Industry. That there has been outreach just not much interest and will continue to make that outreach and entertain any meetings with ones who are interested.

The item was continued to January 15, 2014.

ORAL COMMUNICATIONS

CDD Wehrmeister said that on the consent calendar item there were requests for minutes transcriptions. That this brought a question up in staff's mind, if we could move toward a more abbreviated minutes and prepare a summary of action and record the meetings. That way if anyone wants to review them, they can get the audio recording to listen to. This would be easier for staff and this would avoid the situation of missing things in transcription. She asked how the Commission felt.

Commissioner Miller clarified with staff that there would be audio and that on consent would be a summary of action only showing the motion, the second and the vote.

Commissioner Pinto said that there may be a legal question on how this would work for a public records request.

CA Nerland said that there would be a hard copy of audio which is currently public record; that members can request the audio and we would continue to put annotated or action recap minutes onto the City's website.

Commissioner Pinto then asked how we would deal with disability issues to which CA Nerland said that if someone has an issue and wants more than the agenda provided, we might need to consider whether we need to transcribe it.

Commissioner Motts said that the minutes are valuable to look back at and helps at times. He said that he is not sure they need to be verbatim but just a general description of the conversation.

CA Nerland said that this is the current process but with summarizing something may not be put down correctly. She said that this is staff's best attempt to condense the meeting.

CDD Wehrmeister said that the current minutes have more detail than previously and that maybe the direction should be to be more general and sensitivity wouldn't be an issue. That there will still be written minutes if the Commission considers them helpful.

Chair Hinojosa said that she has strong feelings about this. That she feels like the minutes capture what happens at meetings which helps her. She said that looking at previous minutes she finds them very helpful and she does not agree with moving toward action minutes. She said while she is sympathetic to how much time is involved, it is important when you summarize to not lose content. She said she is all for keeping the status quo.

CA Nerland gave updates on the computer gaming ordinance, the fortunetelling ordinance and Kelly's.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Commissioner Motts reported that Transplan met on November 14 with a presentation on County wide goals and received updates.

ADJOURNMENT

Chair Hinojosa adjourned the Planning Commission at 9:30 p.m. with the next meeting to be held on December 4, 2013.

Respectfully Submitted,
Cheryl Hammers

**CITY OF ANTIOCH
PLANNING COMMISSION MINUTES**

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

**December 4, 2013
City Council Chambers**

CALL TO ORDER

Vice Chair Motts called the meeting to order at 6:30 p.m. on Wednesday, December 4, 2013, 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 decision. The final appeal date of decisions made at this meeting is 5:00 p.m. on Thursday, December 12, 2013.

ROLL CALL

Present: Commissioners Pinto, Miller, Baatrup and Westerman
Vice Chair Motts
Absent: Chair Hinojosa
Staff: Senior Planner, Mindy Gentry
City Engineer, Ron Bernal
City Attorney, Lynn Tracy Nerland
Minutes Clerk, Cheryl Hammers
Contract Planner, Cindy Gnos

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

CONSENT CALENDAR

1. **Approval of Minutes:** None

END OF CONSENT CALENDAR

CONTINUED HEARING

2. **UP-13-03 – Panda Express** requests a use permit for a 2,230 sf freestanding restaurant building with a drive-thru that would be located on a 29,622 sf site carved out of the northwest corner of the existing Lowe's Home Improvement Warehouse Store parking lot, including a request for a Tentative Minor Subdivision Map, a Use Permit and Design Review for the proposed drive-thru restaurant. The project is located north of State Route 4 at the northeastern corner of the intersection of Somersville Road and Mahogany Way (APN 074-370-029). An Initial Study/Mitigated Negative Declaration is also proposed for adoption.

Contract Planner Cindy Gnos provided a summary of the staff report dated November 26, 2013.

OPENED PUBLIC HEARING

Applicant, Lupe Sandoval, asked the Planning Commission to consider the original site plan layout with modifications closing access to Auto Center Drive to allow better traffic flow. She said that they also provided site alternatives but that there are issues with traffic flow and configuration of each one. When the building is pulled away from the street and the drive thru is placed closer to the Lowes building, it affects the main parking serving Lowes. Also parking frontage creates an open funky area closer to the building.

In response to Commissioner Miller, applicant said that they have been working with Lowes, have worked out the boundaries, and that a representative of Lowes was here tonight.

In response to Commissioner Baatrup's request that applicant better describe the uniqueness of alternatives 1 and 2, Ms. Sandoval said that the drive access through the area is very open but that Lowes is not happy with the layout. Commissioner Baatrup stated that he likes the open feeling, likes the area to maneuver and feels this is less confining.

In response to Commissioner Pinto, applicant said that parking calculations are on the site plan and that on Alternative 2, Lowes would be under parked and Panda would be over parked. Commissioner Pinto stated that he is leaning toward Alternative 1.

Commissioner Motts asked applicant the main difference of the revised from the original, which applicant stated that the closed off access on Auto Center Drive, they have provided four stalls and the trash enclosure, and added additional parking in front of the building where the trash enclosure was located.

Lowes representative Monty Smith spoke to say that their biggest concern is that the building in both alternatives encroaches too much into Lowe's parking lot and that they lose considerable prime parking spaces.

Michael Cadell, construction manager for Panda Express said that they have worked extensively to come up with alternatives and have presented a couple different plans. He said that they were open to the possibility and just needed to get Lowes approval. They were ok with the parking but property lines have to be pulled out so much Panda is taking their prime parking and square footage. He said that they decided that they need to go back to the Planning Commission with the original site plan. Mr. Cadell said that this is their new prototype which is a new look for them, that they are trying to come up with a product that is just not selling food but selling the experience and that he hopes the Planning Commission will consider the submittal.

In response to Commissioner Pinto's question about the square footage with Alternatives 1 and 2, Mr. Cadell said that one of the issues with Alternative 2 is trying to bring the parcel out, which projects more into the Lowes parking lot, but even more challenging is the side parking on the northwest. Commissioner Pinto said that since there is no fence separating the businesses that people will park anywhere they want and that he is more inclined towards Alternative 2 after the square footages have been explained to him.

CLOSED PUBLIC HEARING

Commissioner Westerman said that the problem he has with both alternatives is that much of the pedestrian traffic has to interact with cars that are in the queue which he doesn't like. He said that he also concerned with putting the drive thru toward the rear. That in most cases in Antioch where there is fast food and large parking lots serving other business, drive thrus are on the street side such as Starbucks on Somersville, restaurants on Lone Tree Way such as Taco Bell, Starbucks and McDonalds which are all on the street side. He said that he thinks the guidelines are looking at those situations where a restaurant is all by itself and it makes sense to put the drive thru in the rear. That he likes the revised original plan on the dais which puts the drive thru queue away from pedestrian traffic, minimizes intrusion into the parking area in front of Lowes and in his opinion is the best of the options

Commissiner Pinto questioned staff about the hash marked area on the plans going across the drive thru to which SP Gentry said that this is the path of travel which allows accessibility access from the restaurant to the street.

Commissioner Baatrup stated that this location is one of the premiere corridors in Antioch and that the guidelines are there to give them the opportunity as a City a way to provide the best customer experience for the long term which he does not think the initial proposal did. Having the drive thru between the road and the building even with the attempted improvements with short walls or detail isn't the best sell to the customers. While he appreciates the compromise by Lowes, having open space on the front side of the building gives an inviting appearance with less congestion. With that he is not sure if he is favoring Alternative 1 or 2 but that he can't support the revised original proposed. That looking down Mahogany, McDonalds, Kentucky Fried Chicken and the pizza place drive thrus go around the back of the building and that the drive thrus on Lone Tree Way don't look attractive.

Vice Chair Motts said that the limiting factor is placement within existing business and while he liked Alternative 1, he agrees with Commissioner Baatrup that it has a nice open feeling. He said that he is concerned that pedestrians have to maneuver through the drive thru. There are restaurants in Pittsburg where drive thrus come up to Century Boulevard. He said it is nice to see Alternative 1 but he is not sure it is the safest for people and it does cause traffic flow problems for Lowes.

Vice Chair Motts said that the Planning Commission needs to consider options on elevations for design review and the need to specify which one the commissioners liked.

Commissioner Baatrup said that his opinion about architecture is that it will be changed with whichever alternative they select and that it is more practical to consider the alternatives chosen to approve and then what might be chosen to enhance the view. He said that people going from Lowes to Panda would have to go through the parking lot and that he is more fearful of traffic maneuvers than someone waiting in the drive thru.

In response to Commissioner Pinto's question to staff about main entrances into Lowes, SP Gentry directed this to the applicant.

REOPENED PUBLIC HEARING

Mr. Cadell said that they have been at this for a year and a half and that there are things to consider such as location, visibility, and working with traffic flow. That they have done carve outs on different lots but with this one is different having two side streets and pushing it back does not give it an inviting feel. He said that there has been some changes internally with Lowes, that they have presented ten or fifteen possibilities but that this is the only one they agreed to move forward with.

Vice Chair Motts asked Mr. Cadell if he feels these options are game changers to which he said that while he was unable to make the last meeting, it was suggested that they come up with alternatives which work better with the guidelines. He said that they came up with alternatives but that this is possibly a game changer as he is not sure what Lowes is prepared to do, that Panda is prepared either way but that Lowes is their partner in this.

In response to Commissioner Miller, Mr. Cadell said that Lowe's concern was customers coming in to turn into the drive thru which would inhibit people entering into Lowes. That going back to the original plan, they integrated Lowe's considerations. He said that part of the conditions is to beef up the landscaping screening between the drive thru and the street.

Rod Scaccalosi, landscape architect, said that there is quite a bit of landscape area between the drive thru aisle and the right of way on the revised original, that he is confident that they can provide screening to any level required, and that there is a lot more area to work with on this project.

In response to Vice Chair Motts, Mr. Scaccalosi said that the landscaping will screen lights and vehicle height.

RECLOSE PUBLIC HEARING

Commissioner Westerman said that his first choice would be the revised original and that his second choice would be Alternative 1.

Commissioner Miller said he likes the revised as his first choice and Alternative 2 as his second choice.

Commissioner Pinto clarified with staff that on the revised plan, the length of the drive thru is approximate 200 feet. Commissioner Pinto said that with the maximum number of cars in view if driving on Somersville would be approximately 4 to 5 cars, he is beginning to like the revised original. He said his first preference is Alternative 2 and second is the revised original plan.

Vice Chair Motts stated that the first motion would be needed for approval of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and there is not much of a change by way of environmental impact on any of these options.

RESOLUTION NO. 2013-**

On motion by Commissioner Pinto and seconded by Commissioner Miller, the Planning Commission approves and adopts the Final Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the project.

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

Vice Chair Motts stated that his preference is the revised original and Alternative 2 for design review.

CA Nerland said that the Planning Commission resolution and findings were for minor subdivision, use permit and design all together and that those are not separate. She said perhaps a straw poll could be made on the site plan if they are not ready to make a motion on the entire thing.

SP Gentry clarified that when a motion is made, it would help staff to add conditions of approval for site plan and elevations stating the option selected.

Commissioner Baatrup pointed out and clarified Standard Condition 2.

A straw poll was conducted.

CA Nerland stated that four votes are needed and she is not sure there is a consensus.

Commissioner Pinto stated that he is willing to change his alternative to the revised original which was his second choice given that it has become clear to him that not all 10 cars will be visible.

Commissioner Baatrup clarified that this is not going on to City Council but would be decided tonight unless it is appealed to the City Council.

RESOLUTION NO. 2013-**

On motion by Commissioner Pinto and seconded by Commissioner Westerman, the Planning Commission approves a minor subdivision, use permit and design review for the Panda Express project on an approximately 11.2 acre parcel located at 1951 Somersville Road (Auto Center Drive) (APN 074-370-029), approving the revised original site plan date stamped December 3, 2013, approving option 2 elevation, subject to all conditions.

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

ORAL COMMUNICATIONS

SP Gentry Mindy said that the next two Planning Commission meetings are cancelled and the next meeting will be January 15th.

CA Nerland said that City Council approved the computer gaming ordinance, that City Council introduced the zoning ordinance for fortunetelling uses which will be considered Tuesday night, and that the Pointe project that Planning Commission heard will be heard by City Council this Tuesday as well.

CA Nerland explained the voting process dealing with the state wide law.

SP Gentry said that given the ongoing annexation process, the Planning Commission seat may not be filled for awhile to allow applications from that area.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

None.

ADJOURNMENT

Vice Chair Motts adjourned the Planning Commission at 7:45 p.m.

Respectfully Submitted,
Cheryl Hammers

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF JANUARY 15, 2014**

Prepared by: Tina Wehrmeister, Community Development Director *fw*

Date: January 9, 2014

Subject: Amendments to the Growth Management Program

RECOMMENDATION

It is recommended that the Planning Commission adopt the attached resolutions recommending that the City Council 1) adopt an amended Residential Growth Management Ordinance (currently known as Residential Development Allocation ordinance – RDA) and 2) adopt General Plan Growth Management Element amendments.

BACKGROUND

In November, the Planning Commission heard a study session item on the suggested amendments to the Residential Development Allocation Ordinance and the draft Development Impact Fee Study. The November 20, 2013 staff report is attached to this document and the minutes from this meeting are included in the Commission packet under the consent item. Direction was provided to staff which included 1) revising the ordinance to not require growth metering at this time but provide a trigger mechanism in the event of a large increase in new residential construction; and 2) meet with stakeholders, in particular the Building Industry Association, to get feedback on the proposals.

The Planning Commissions comments on the Draft Impact Fee Study will be addressed and incorporated into the presentation to City Council.

DISCUSSION

Stakeholder Feedback

In addition to forwarding information, notices, and requests for comments to residential developers active within the City, staff met with a representative of the Building Industry Association (BIA), which represents a majority of homebuilders in the area. The BIA is very concerned with processes that create uncertainty for developers. The BIA representative agreed with Planning Commission comments that metering does not appear to be necessary at this time.

Revisions to the Ordinance

The attached ordinance has been revised to reflect the Planning Commission's direction to not meter growth at this time but create a trigger mechanism. The ordinance would require staff to present an annual report on housing development and start the process of creating guidelines for metering once 500 units/year has been reached with metering in place by the 600 units/year threshold. The trigger of 600 units was selected because this is the annual limit in the current (although sunsetted) RDA ordinance. The 500 unit trigger for staff to start drafting the guidelines addresses the need for time to allow for public, Commission, and Council input on the guidelines prior to reaching the 600 unit/year threshold.

General Plan Growth Management Element

The proposed amendments eliminate language that is inconsistent with the proposed ordinance amendments and removes implementing language which is more properly contained in the Municipal Code.

ATTACHMENT

A. November 20, 2013 staff report

RESOLUTION NO. 2014-**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE REPEALING
AND REENACTING TITLE 9, CHAPTER 5, ARTICLE 40 OF THE ANTIOCH
MUNICIPAL CODE REGARDING RESIDENTIAL GROWTH MANAGEMENT**

WHEREAS, the Planning Commission of the City of Antioch did receive an application from the **City of Antioch** requesting approval of an amendment to Title 9, Chapter 5, Article 40 of the Antioch Municipal Code; and,

WHEREAS, pursuant to CEQA Statutes Section 15061(b)(3), the proposed amendment to the Antioch Municipal Code is exempt from CEQA because it can be seen with certainty to have no possibility of a significant effect on the environment; and,

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

WHEREAS, on November 20, 2013 the Planning Commission held a study session on this matter, provided direction to staff, and continued the item to January 15, 2014; and,

WHEREAS, on January 15, 2014, the Planning Commission duly held a public hearing on the matter, and received and considered testimony, both oral and documentary.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission, after reviewing the staff report and considering testimony offered, does hereby recommend that the City Council **ADOPT** the attached ordinance amending Title 9, Chapter 5, Article 40 of the Antioch Municipal Code.

* * * * *

I HEREBY CERTIFY the foregoing resolution was duly adopted by the Planning Commission of the City of Antioch, County of Contra Costa, State of California, at a regular meeting of said Planning Commission held on the 15th day of January, 2014, by the following vote:

**AYES:
NOES:
ABSENT:
ABSTAIN:**

Tina Wehrmeister, Secretary to the
Planning Commission

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH
REPEALING AND REENACTING TITLE 9, CHAPTER 5, ARTICLE 40 OF THE
ANTIOCH MUNICIPAL CODE**

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

SECTION 1. The City Council finds as follows:

A. The City of Antioch holds all rights and powers established by state law and holds the right to make and enforce all laws and regulations not in conflict with the general laws.

B. The City's growth control ordinance, Antioch Municipal Code Title 9, Chapter 5, Article 40, was adopted in 2002 in response to the Antioch electorate's approval of Measure U in 1998, which stated: "Shall the City of Antioch, when considering approval of residential development, be instructed to phase the rate through land-use planning with concurrent financial planning to provide adequate schools, street improvements and highway 4 improvements for a sustained high quality of life, by making new growth pay its own way through maximizing fees, assessment districts, matching fund programs and any other means effective to expedite the construction of needed infrastructure?"

C. Measure U has been incorporated into the City's current General Plan as part of the Growth Management Element of the General Plan.

D. The U.S. Census Bureau has reported that Antioch's population more than doubled between 1970 and 1990 from 28,060 to 63,062 residents and then increased another 30% percent in ten years to 90,532 residents in 2000, and increased another 12% in ten years to 102,372 residents in 2010.

E. The number of households in Antioch also increased from 1990 by 55% to 33,090 households in 2005, with the U.S. Census Bureau reporting that there were 35,252 households in Antioch in 2010, a 9% increase since 2000.

F. ABAG (Association of Bay Area Governments) Projections 2009 also indicated that the number of persons living in a household was higher in Antioch than the rest of Contra Costa County as a whole due to a larger percentage of households with children, which can cause strain on the public school district both as to facilities and providing educational services, as well as City recreational programs and spaces.

G. From 1989 to 1998 there were 7,197 new single family residential units constructed in Antioch. In the prior RHNA ("Regional Housing Needs Allocation") cycle

from 1999 to 2006, 4,937 new residential units were constructed in Antioch (4,390 single family units and 547 multi-family units) and in the RHNA cycle of 2007 - 2013, 672 new residential uses were constructed despite the unprecedented housing market collapse and economic recession.

H. The housing market collapse and national economic recession contributed to median housing prices in Antioch falling by 36% to 68% between 2006 and 2010 and over 500 Antioch homeowners per month receiving notices of default and significant numbers of foreclosure filings in Antioch for several years.

I. There remains plenty of housing stock available in Antioch, with approximately half of the single family homes being built since 1989.

J. The Contra Costa Transportation Authority in "The 2000 Update, Contra Costa Countywide Comprehensive Transportation Plan" indicated that in 1990 that the "out commute" from East Contra Costa County along State Route 4 was 44,000 persons, in 2000 was 54,000 persons, and was expected to grow to 77,000 persons in 2010.

K. "The 2009 Update, Contra Costa Countywide Comprehensive Transportation Plan" indicated that State Route 4 in Antioch would experience a 77% traffic volume increase and other areas in Antioch would experience over a 100% increase in traffic volume.

L. Although improvements to State Route 4 are occurring, they are not complete and it continues to be a highly congested freeway, which means greater congestion on local roads as commuters look for shortcuts to State Route 4, as well as the congestion of more drivers returning to more homes in Antioch.

M. As set forth in State Assembly Bill 32 (2006) and State Senate Bill 375 (2008), increased traffic volumes and congestion increase greenhouse gases and other toxic air emissions leading to health and climate change concerns.

N. With the economic recession and decline in property tax revenues, the City of Antioch's budget has been reduced by one-third and staffing levels have been reduced from 30-50% depending on department and thus property tax revenues from new residential uses are not sufficient to cover the cost of municipal services and facilities at the level provided in 2002 and standards set forth in the General Plan and in City Council policy.

O. As indicated in the adoption of the Residential Development Allocation Ordinance in 2002, the City has had, and continues to have, difficulty in funding sufficient police resources to keep pace with the rapidly-expanding population raising questions regarding the City's ability to meet police service levels for new residents and residential developments.

P. The City's General Plan calls for police staffing between 1.2 and 1.5 sworn officers for every 1000 residents and with a current population of approximately 102,000 residents, the City is not meeting this service level in the City's General Plan.

Q. The City has received and anticipates additional requests for the construction and development of new residential uses within the City.

SECTION 2. Title 9, Chapter 5, Article 40 of the Antioch Municipal Code is hereby repealed and reenacted to read as follows:

ARTICLE 40: RESIDENTIAL GROWTH MANAGEMENT

§ 9-5.4001 CITATION.

This article may be known and be cited as the "Residential Growth Management Program Ordinance" of the City of Antioch.

§ 9-5.4002 PURPOSE.

The following are the purposes and goals of this article:

(A) To implement Measure "U" (a 1998 voter advisory initiative) through these procedures in order to regulate the rate of residential growth within the city.

(B) To implement the city's General Plan.

(C) To help ensure that the city's infrastructure, public facilities, and ability to provide services keep pace with the demands created by new residential development.

(D) To ensure that the city meets its Regional Allocation of Housing Needs (RHNA) determined by the Association of Bay Area Governments (ABAG).

§ 9-5.4003 NUMERICAL LIMITS ON RATE OF GROWTH

In January of each year, the Community Development Department shall document the number of residential building permits issued in the preceding year. If the total number of permits issued in the preceding year provides for the construction of five hundred (500) or more residential units (whether comprised of single-family structures, multi-family structures, or both), the Community Development Department shall develop and promulgate a growth metering process and guidelines which shall be reviewed and recommended by the Planning Commission and approved by City Council. Unless and until the process and guidelines described herein are approved by the City Council, the City shall not, in any single calendar year, issue building permits to allow construction of

more than six hundred (600) residential units during such year (whether comprised of single-family structures, multi-family structures, or both).

§ 9-5.4004 EVALUATION OF GROWTH LIMITS

The growth metering process and guidelines promulgated and approved pursuant to § 9-5.4003 above may be amended by the City Council from time to time, as deemed necessary for the above purposes.

SECTION 3. CEQA. This Ordinance is subject to the CEQA exemption contained in CEQA Guideline section 15061(b)(3) because it can be seen with certainty to have no possibility of a significant effect on the environment.

SECTION 4. Effective Date. This Ordinance shall take effect thirty (30) days after adoption as provided by Government Code Section.

SECTION 5. Publication; Certification. The City Clerk shall certify to the adoption of this Ordinance and cause same to be published in accordance with State law.

* * * * *

I HEREBY CERTIFY that the foregoing Ordinance was introduced on the__ day of ____, 2012 and adopted at a regular meeting of the City Council of the City of Antioch on _____, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Wade Harper, Mayor of the City of Antioch

ATTEST:

Arne Simonsen, City Clerk of the City of Antioch

RESOLUTION NO. 2014-**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
AMENDING THE GROWTH MANAGEMENT ELEMENT OF THE GENERAL PLAN TO
REFLECT UPDATES TO THE RESIDENTIAL GROWTH MANAGEMENT
ORDINANCE**

WHEREAS, pursuant to Resolution No. 2003/134 dated November 24, 2003, the City of Antioch adopted its latest General Plan, following certification of an Environmental Impact Report; and

WHEREAS, the City of Antioch has initiated an amendment to the Growth Management Element of the General Plan consistent with proposed amendments to the Residential Growth Management Ordinance; and

WHEREAS, pursuant to CEQA Guidelines Section 15061(b)(3), the proposed amendment to the Antioch General Plan is exempt from CEQA because it can be seen with certainty to have no possibility of a significant effect on the environment; and,

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

WHEREAS, on November 20, 2013 the Planning Commission held a study session on this matter, provided direction to staff, and continued the item to January 15, 2014; and,

WHEREAS, on January 15, 2014, the Planning Commission duly held a public hearing on the matter, and received and considered testimony, both oral and documentary.

NOW THEREFORE BE IT RESOLVED that the Planning Commission hereby adopts the findings below in support of the approval of the proposed amendments to the Growth Management Element of the General Plan:

1. **Finding:** The proposed amendments ensure and maintain internal consistency with all the goals, policies and programs of all elements of the General Plan and any applicable specific plan.

Evidence: This finding is supported by the discussion contained in the Planning Commission staff report prepared for the November 20, 2013 and the January 14, 2014 meeting. The Growth Management Element amendments are consistent with goals, policies, and discussion in the General Plan and will also ensure consistency with the Zoning Ordinance.

- 2 **Finding:** The proposed amendments would not be detrimental to the public interest, health, safety, convenience or welfare of the City.

Evidence: This finding is supported by the discussion contained in the Planning Commission staff report prepared for the November 20, 2013 and the January 14, 2014 meeting. The proposed General Plan amendments will not be detrimental to the public interest, health, safety, convenience or welfare of the City.

BE IT FURTHER RESOLVED that the Planning Commission hereby recommends that the City Council amend sections 3.3.1 and 3.6 of the Growth Management Element of the General Plan as shown in Exhibit A (incorporated herein by reference).

* * * * *

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 15th day of January, 2014.

AYES:

NOES:

ABSENT:

3.0 Growth Management

3.1 INTRODUCTION AND PURPOSE

The premise of growth management in the City of Antioch has long been to ensure that development paid its own way, and that sufficient public services and facilities were available to support new development. The City defined the desired pattern of land uses, and proactively assisted in setting up funding mechanisms for expansion of infrastructure designed to ensure that the costs of capital facilities needed to support growth were paid for by new development. As individual development came forward, the emphasis was on mitigating the impacts of proposed growth. Today, one of the key themes of the Antioch General Plan is that new growth and development be directed toward the achievement of the community vision set forth in the General Plan. New development needs to make a positive contribution to the community, and not just avoid or mitigate its impacts.

Antioch will face a number of difficult growth management challenges over the next 20 years as it moves from a bedroom suburb to a full service city. Key among these challenges is the need to effectively address nagging traffic congestion problems in the East County region in the face of rapid residential growth forecasts. In response, Antioch has committed to expand local employment opportunities and reduce the need for Antioch residents to commute long distances to work. The desire to revitalize Antioch's Rivertown area, its riverfront, and its older areas; to enhance municipal income streams through expanded retail opportunities, and the need to expand both upper end and affordable housing opportunities also need to be factored into the community's growth management strategy.

New growth and development within Antioch will increase the demand for infrastructure and services provided by the City and other agencies. In addition, future land use and

development decisions will have an effect on municipal costs and revenues. As long as Antioch continues to grow in population and expand its economic base, the City's operating and capital budgets will have to respond to increased demands for services and facilities. Since the fiscal burden of providing expanded infrastructure is beyond the normal capacity of municipal revenues, it is imperative that the expansion of the City's residential and non-residential sectors occur such that a burden is not placed on the community's resources.

As discussed in Section 3.1.2, Antioch voters passed an advisory growth control measure. Measure U calls for the City to not only enforce public services and facilities performance standards during the review of individual development proposals, but also to phase the rate of new development to ensure the continuing adequacy of those services and facilities. Managing the *rate* of growth adds a new challenge. To implement annual growth limits in addition to the public services and facilities performance standards that the City has been implementing, along with large-scale assessment districts to provide up-front financing of infrastructure, requires that care be taken to ensure the viability of such infrastructure financing mechanisms.

It is the purpose of this Element of the General Plan to bring together those portions of the General Plan that address various aspects of growth management, and thereby set forth a comprehensive strategy to manage the location and rate of future growth and development. It is also the purpose of the Growth Management Element to implement the provisions of countywide Measure J and the City's Measure U (see Sections 3.1.1 and 3.1.2, below). The Growth Management Element thus sets forth performance standards for key community services and facilities, thereby establishing a clear linkage between future growth and the adequacy of community services and facilities.

3.1.1 Contra Costa County Measure J Requirements

- One purpose of the Growth Management Element is to comply with the requirements of the Measure J Growth Management Program (GMP), adopted by the voters of Contra Costa County in November 2004. The GMP requires each local jurisdiction to meet the six following requirements: Adopt a development mitigation program;
- Address housing options;
- Participate in an ongoing cooperative, multi-jurisdictional planning process;
- Adopt an Urban Limit Line (ULL);
- Develop a five-year capital improvement program; and,
- Adopt a transportation systems management (TSM) ordinance or resolution.

Measure J (2004) is a 25-year extension of the previous Measure C Contra Costa Transportation Improvement and Growth Management Program approved by the voters in 1988.

Both programs include a ½ percent transportation and retail transactions and use tax intended to address existing major regional transportation problems. The Growth Management component is intended to assure that future residential business and commercial growth pays for the facilities required to meet the demands resulting from that growth.

Compliance with the GMP is linked to receipt of Local Street Maintenance and Improvement Funds and Transportation for Livable Community funds from the Transportation Authority. The Growth Management Program defined by the original Ordinance 88-01 continues in effect along with its linkage to Local Street maintenance and improvement funds through March 31, 2009. Beginning on April 1, 2009, the Measure J CMP requirements take effect.

Measure J eliminates the previous Measure C requirements for local performance standards

and level-of-service standards for non-regional routes. Measure J also adds the requirement for adoption of a voter-approved ULL.

3.1.2 Antioch's Advisory Measure U

In November 1998, Measure U was approved by a large majority of Antioch voters (69 percent). Measure U was an advisory measure calling for the City to phase the rate of new development to:

“Provide adequate schools, street improvements, and Highway 4 improvements for a sustained high quality of life, by making new growth pay its own way through maximizing fees, assessment districts, matching fund programs, and any other means effective to expedite the construction of needed infrastructure.”

A series of community workshops were conducted during early 1999, leading to an interim ordinance.

The interim ordinance was subsequently replaced by a permanent ordinance that is consistent with the provisions of the General Plan Element.

3.2 GOALS OF THE GROWTH MANAGEMENT ELEMENT

To provide for a sustained high quality of life and ensure that new development occurs in a logical, orderly, and efficient manner, it is the goal of the Growth Management Element to accomplish the following:

- *Maintain a clear linkage between growth and development within the City and expansion of its service and infrastructure systems, including transportation systems; parks, fire, police, sanitary sewer, water, and flood control facilities; schools; and other essential municipal services, so as to ensure the continuing adequacy of these service facilities.*

This goal is cornerstone of the Growth Management Element. The quantified

public services and facilities performance standards delineated in this Element set a benchmark for quantifying the impacts of new development, and also represent the measuring tool by which mitigation of those impacts will be required by the City. Implementation of these performance standards is thus designed to mitigate the impacts of growth, and ensure that new development pays its own way in terms of the capital costs associated with needed expansion of public services and facilities. The provisions of the Growth Management Element are also intended to address efficiency in the provision of public services and facilities. By moderating the rate of new residential growth, consistent with the ability of the City and service agencies to keep pace, the cost of providing public services can be maintained at reasonable rates.

“Efficiency” in the provision of public services and facilities often also means constructing large-scale capital facilities at the initial phase of new development to avoid interim periods of inadequate service. The City of Antioch recognizes that that it is sometimes necessary to construct large-scale infrastructure ahead of development, possibly making financing difficult for individual developments. Where financing required large-scale capital facilities is needed, but beyond the ability of individual developments, many communities permit the construction of interim facilities. However, maintenance of such interim facilities is often costly, and in the end more expensive than constructing the ultimate facilities up front. As a result, Antioch strives to avoid the use of interim facilities, and supports the establishment of land-based financing mechanisms in the form of assessment districts to facilitate the financing of large-scale capital facilities. Policies related to interim facilities and financing of capital facilities is contained in the Public Services and Facilities Element.

- *Maintain a moderate rate of residential growth to ensure that the expansion of public services and facilities keeps pace.*

This goal recognizes that there is a limit to the rate at which public services and facilities can reasonably be expanded. Because of long lead times for the construction of regional highway improvements, schools, and large-scale flood control facilities, the provision of some critical facilities can fall behind rapid residential growth, even if new development does ultimately pay its own way. By moderating residential growth rates, potential lag times between project approvals and housing occupancy can be minimized or eliminated.

- *Recognize the ultimate buildout of future development within the City of Antioch and its Planning Area that is established in the General Plan Land Use Element.*

The land use map and policies contained in the Land Use Element define the City’s future land use pattern, along with maximum appropriate development intensities throughout the Antioch Planning Area. As a result, the General Plan Land Use Element establishes an ultimate buildout for the General Plan. The policies of the Growth Management Element are intended to recognize that build out of the General Plan will occur as the result of numerous individual development decisions and numerous incremental improvements to the public services and facilities serving Antioch. In setting forth public services and facilities and defining the responsibility of individual developments to mitigate impacts and pay their own way, the Growth Management Element is intended to provide a system for the expansion of infrastructure that will support build out of the General Plan as expressed by the ultimate buildout established in the Land Use Element.

- *Manage the City’s growth in a way that balances the provision of diverse housing options with local employment opportunities and provides sufficient municipal revenues to cover the cost of high quality municipal services and facilities.*

Achievement of a balance between local jobs and housing was a key factor in the implementation of the City's advisory Measure U, and a key component of Antioch's vision as expressed in Chapter 2, Community Vision, of the General Plan. The General Plan recognizes sustaining a high quality of life for Antioch residents necessarily involves reducing the need for long commutes to work, and that "balancing" jobs and housing means much more than just having an appropriate number of employment and housing opportunities within the community. "Balancing" jobs and housing means providing a range of housing types appropriate for the types of employment opportunities found in Antioch. Conversely, "balancing" jobs and housing means providing the employment –generating lands that will provide the employment opportunities appropriate to Antioch residents. This Element is intended to assist in the financing of infrastructure needed to develop job-producing uses. It accomplishes this purpose by establishing achievable performance standards and considering the feasibility financing infrastructure expansion.

- *Improve regional cooperation in relation to mitigating the regional impacts of new development.*

Some of the services and facilities (e.g., fire protection, schools, and sewage treatment) provided to Antioch residents and businesses are provided by special districts, and not by the City. Effective management of growth, including mitigation of impacts and expansion of services and facilities to support future growth requires the cooperation of the City and outside agencies providing local services. The provisions of the Growth Management Element, along with the provisions of the Public Services and Facilities Element, are intended to provide for such coordination.

For many issues (e.g., transportation, air quality, and economic development), a cooperative regional approach to problem solving is the only effective means. Traffic

congestion resulting from home-to-work trips is primarily a regional problem resulting from regional imbalances of employment and housing, and can only be solved by concerted efforts at both ends of existing problematic commutes.

The impacts of new development are not always restricted to the municipal boundaries of the jurisdiction approving the development. Often, developments approved by one community impact other communities. In the case of development projects that will exacerbate regional jobs-housing imbalances, the traffic, noise, and air quality impacts of such developments can manifest themselves at some distance away from the development itself. "Equitable" mitigation involves not only that projects pay their own way within the jurisdiction where they are approved, but may also mean mitigating impacts in other jurisdictions.

The Growth Management Element seeks to establish a basis for communities to jointly provide mitigation for impacts occurring in other jurisdictions, as well as a basis for regional cooperation to address regional issues. Antioch recognizes that the effectiveness of its Growth Management Element ultimately relies on the extent to which active partnerships with other jurisdictions can be formed and maintained to address the regional aspects of mitigating development impacts.

3.3 GENERAL PLAN APPROACH

3.3.1 Growth Management Provisions in the General Plan

Antioch's growth strategy is to undertake a comprehensive program to accommodate planned economic and population growth in a manner consistent with community values and the lifestyles of existing and future residents. Thus, growth management is central to the General Plan, and "growth management" provisions appear throughout the General

Plan. In effect, the various elements of the General Plan each address specific aspects of managing growth within Antioch, and are intended to work together to function as a comprehensive growth management program. The specific growth management roles of individual General Plan elements are described below.

- The *Growth Management Element* implements the provisions of countywide Measure J, and provides supporting policies for implementation of Antioch's advisory Measure U. This Element establishes a ~~quantified annual~~ cap on residential growth, and sets forth roadway and highway level of service standards, as well as public services and facilities performance standards. This Element also implements the provisions of Measure J by providing general policy direction for achieving a balance between local jobs and housing, as well as for City participation in regional transportation planning efforts.
- The *Land Use Element* defines acceptable locations and the appropriate intensity for new development, and sets forth policies regarding development design and land use compatibility. By defining acceptable locations and appropriate intensities for new development, the Land Use Element establishes the maximum allowable development intensity for the City at "build out" of the Antioch Planning Area. Incorporated into the Land Use Element are the provisions of a boundary agreement Antioch maintains with the City of Brentwood. The agreement is intended to establish an agreed upon boundary between the two cities, and provide for compatible land uses along the cities' mutual boundary¹.

This element also addresses the effect of the urban limit line established by the Voter-Approved Urban Limit Line (Figure 4.12) and directs new development to

occur within the Voter-Approved Urban Limit Line, thereby achieving a compact form of community.

The Land Use Element specifically delineates lands set aside for the development of employment-generating uses, and defines the types of employment-generating uses appropriate for each area so designated. 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. Overall, the Land Use Element sets for smart growth concepts, including providing for a close relationship between land use and transportation facilities (e.g., public transit, bicycle and pedestrian transportation, higher density development nodes at transportation centers).

- The *Circulation and Transportation Element* directly addresses the provision of the new and expanded transportation facilities that are needed to support development of the land uses delineated in the Land Use Element, consistent with the level of service standards set forth in the Growth Management Element. This Element defines the specific improvements that will be made over time to the City's roadway and highway systems in order to maintain the level of service standards set forth in the Growth Management Element.
- The *Public Services and Facilities Element* directly addresses the provision of the new and expanded public services and facilities that are needed to maintain the performance standards set forth in the Growth Management Element. This Element defines the responsibilities of new development projects for the provision of expanded services and facilities, and provides policy direction for the manner in which expansion of public services and facilities will be financed. This element also addresses avoidance of interim facilities and the financing of large-scale

¹ The provisions of the boundary agreement permit either city to terminate the agreement upon notice to the other city.

facilities needed to maintain the performance standards set forth in the Growth Management Element.

- The *Resource Management Element* provides policy direction for the management of open space, hillside development, biological resources, water resources and quality, cultural and historical resources, and energy resources in relation to new growth and development.
- The *Environmental Hazards Element* addresses the constraints on growth presented by natural and man-made hazards.
- A *Development Review Program* is included as part of General Plan implementation programs. The Development Review Program is a compilation of General Plan policies affecting the review of individual development projects. This portion of the General Plan presents a comprehensive definition of the General Plan performance standards that will be used to review new development proposals in order to implement the policies of the General Plan. Thus, the Development Review Program sets forth the specific criteria that will be used to determine the consistency of proposed new developments with the General Plan.

In addition to the Development Review Program, General Plan implementation programs include Follow-up Studies, Intergovernmental Coordination, and General Plan Maintenance. These sections set forth requirements for monitoring and coordination of the City's Growth Management Element, including monitoring of compliance with stated performance standards and coordination with the City's Capital Improvement Program.

- The *Housing Element* delineates the specific programs that the City of Antioch will implement to ensure housing opportunities for all economic segments of

the economy. The Housing Element, unlike the balance of the General Plan, is intended by state law to be short-term, setting forth a five-year program. As a result, the Housing Element is required to be updated every five years. This Element sets forth specific policies and programs designed to ensure opportunities for the development of upper end housing, and for housing for service workers who could not otherwise afford for-sale housing within Antioch. State law requires that the California Department of Housing and Community Development review local Housing Elements to determine whether they meet the applicable legal requirements.

The Measure J Growth Management Program requires jurisdictions to report on their progress towards Housing Element compliance. The City must prepare a biennial report of the implementation of actions outlined in the City's Housing Element, for submittal to CCTA as part of the biennial GMP Compliance Checklist. The report will demonstrate reasonable progress using one of the following three options:

- a. Comparing the number of housing units approved, constructed or occupied within the City over the preceding five years with the number of units needed on average every year to meet the housing objectives established in the City's Housing Element; or,
- b. Illustrating how the City has adequately planned to meet the existing and projected housing needs through the adoption of land use plans and regulatory systems which provide opportunities for, and do not unduly constrain, housing development; or,
- c. Illustrating how the City's General Plan and zoning regulations facilitate the improvement and development of sufficient housing to meet those objectives.

3.3.2 Growth Management Provisions Outside of the General Plan

3.3.2.1 Capital Improvements Program.

The City of Antioch maintains a five-year capital improvements program (CIP) that lists projects, along with their costs and funding sources. The CIP identifies proposed capital improvements for parks and trails, roadway improvements, traffic signal projects, water and wastewater system improvements, and community facilities projects (e.g., community center, art in public places, Antioch Marina, police facility, city hall, fishing pier, library). This program defines priorities for public improvements throughout the community.

3.3.2.2 Transportation Systems Management Ordinance. The City of Antioch has adopted, and is implementing a Transportation Systems Management Ordinance to promote maximum efficiency in the existing transportation system, and to further the transportation goals of Measure J and the provisions of Contra Costa County's Congestion Management Program. The ordinance achieves these goals by:

- Promoting and encouraging the use of transit, ridesharing, bicycling, walking, flexible work hours, and telecommuting.
- Incorporating these features into the land use review process.
- Developing transportation systems management and demand management proactive programs and projects.
- Where feasible, incorporating technology in the transportation system to facilitate traffic flow, provide transit and highway information, and provide trip generation alternatives.

3.3.2.3 Participation in Regional

Transportation Planning. Antioch is an active participant in regional transportation planning efforts, including the TRANSPLAN Committee. The TRANSPLAN Committee was formed in 1991 to serve as a transporta-

tion planning and coordinating group for the eastern portion of Contra Costa County. TRANSPLAN, whose members include the cities of Antioch, Brentwood, Oakley, and Pittsburg, as well as Contra Costa County, coordinates and represents East County's interests in the Measure J transportation planning and growth management process. TRANSPLAN projects include regional bikeway plans, East County Traffic Management Study, State Route 4 East Rail Transit Study, and the State Route 239 Interregional Corridor Study.

Members of the City Council also serve in active roles on the boards of the Contra Costa Transportation Authority and Tri-Delta Transit.

Participation In Other Regional Programs.

The City of Antioch participates in a number of other regional planning programs. These include the following:

- ABAG (regional land use and transportation planning for the San Francisco Bay Area);
- Community Advisory Board – San Francisco Bay Water Transit Authority (water-based transit);
- East Bay Division, League of California Cities (coordination regarding issues of mutual interest in relation to statewide issues and state legislation);
- East Contra Costa Regional Fee and Financing Authority (areawide financing of major transportation improvements);
- Mayor's Conference (forum for discussion of issues of mutual interest for cities within Contra Costa County); and
- State Route 4 By-Pass Authority (financing and construction of the State Route 4 by-pass east of State Route 160).

3.4 SERVICE STANDARDS FOR TRANSPORTATION FACILITIES

This portion of the Growth Management Element sets level of service¹ standards for roadways within the City of Antioch Planning Area, along with policies to ensure that these standards are maintained. These standards form the basis for the City's circulation policies, and for the ways in which land use and circulation will be correlated with each other. Roadways are grouped into two categories: "Routes of Regional Significance" and "Basic Routes."

Policies and programs to define the responsibilities of new development projects for the provision of expanded roadway facilities are provided in Chapter 7.0 of the General Plan (Circulation Element). Policy direction addressing the manner in which expansion of roadways and other public services and facilities will be financed is provided in Section 8.13 (Public Services and Facilities Element).

3.4.1 Routes of Regional Significance

"Routes of Regional Significance" include state highways and other major roadways that carry a significant amount of through traffic, and link Antioch to neighboring jurisdictions. Routes of Regional Significance are subject to implementation of "Action Plans," which are a set of programs and policies that are developed with other jurisdictions in the County to address traffic impacts along these regional routes. Development projects that may impact regional routes are required to comply with adopted Action Plans. These Action Plans are described in the Circulation Element.

¹ Traffic levels of service (LOS) are expressed in terms of volume-to-capacity ratios to estimate the delay experienced by drives at intersections. They are expressed as the letters A-F with A representing free flow (volumes less than 60% of capacity, and F representing gridlock (volumes greater than 100% of capacity).

The following are officially designated as routes of regional significance.

- State Route 4, including freeway interchanges and the State Route 4 bypass
- State Route 160, including freeway interchanges
- Lone Tree Way
- Hillcrest Avenue
- Deer Valley Road
- Delta Fair Boulevard, west of Sommersville Road
- Buchanan Road, west of Sommersville Road
- James Donlon Boulevard
- Somersville Road
- Sand Creek/Dallas Ranch Road
- Standard Oil Road

While it may be desirable to add new roadways to this list, to do so in the absence of preparing and adopting "Action Plans" would leave such additional routes without enforceable performance standards. The Antioch Circulation Element identifies roadways that should be added to the County's list of Routes of Regional Significance, including 18th Street, Wilbur Avenue, Sunset Avenue, Oakley Avenue, and the Pittsburg-Antioch Highway. Each of these roadways provides access between Antioch and other communities. A program to prepare Action Plans and have these roadways designated as Routes of Regional Significance is included in Chapter 12, Implementation.

3.4.1.1 Performance Standards for Routes of Regional Significance.

Discretionary projects that impact Routes of Regional Significance shall comply with the requirements of the adopted Action Plans. The improvements proposed for each of these routes are described in the Circulation Element.

Table 3.A – Level of Service Traffic Standards

Land Use	Level of Service (LOS)	Range of Volume-to-Capacity Ratios (V/C)
Rural	Low – C	0.70 – 0.74
Semi-Rural	High-C	0.75 – 0.79
Suburban	Low-D	0.80 – 0.84
Urban	High-E	0.85 – 0.89
Central Business District	Low-E	0.90 – 0.94

3.4.2 Basic Routes

This Growth Management Element requires consistency with the following traffic standards for Basic Routes, which are defined as all local roads not otherwise designated as Routes of Regional Significance. The standards are defined for various land uses, as illustrated in Table 3.A.

3.4.2.1 Performance Standards for Basic Routes. The minimum acceptable operating levels of service on arterials, collectors, and intersections during peak hours shall be as follows.

- a. Regional commercial portions of the Antioch Planning Area; intersections within 1,000 feet of a freeway interchange: Low “E” (v/c = 0.90-0.94)
- b. Residential and commercial portions of the Rivertown Focus Area; freeway interchanges: High “D” (v/c = 0.85-0.89)
- c. Residential and arterial roadways in non-Regional Commercial areas: Mid-range “D” (v/c = 0.83-0.87)

The locations of each of these types of routes is illustrated in the Circulation Element Map. For school facilities, the applicable performance standard is design of facilities to avoid impeding traffic on public streets before, during, and after normal school days.

3.4.3 Transportation Facilities Objective

Maintain acceptable traffic levels of service on City roadways through implementation of Transportation Systems Management, Growth

Management, and the City’s Capital Improvement Program, and ensure that individual development projects provide appropriate mitigation for their impacts.

3.4.4 Transportation Facilities Policies

- a. Place ultimate responsibility for mitigating the impacts of future growth and development, including construction of new and widened roadways with individual development projects. The City’s Capital Improvements Program will be used primarily to address the impacts of existing development, and to facilitate adopted economic development programs.
- b. Continue to develop and implement action plans for routes of regional significance (see Circulation Element requirements).
- c. Ensure that development projects pay applicable regional traffic mitigation fees and provide appropriate participation in relation to improvements for routes of regional significance (see also Circulation Element Policy 5.3.1f).
- d. Consider level of service standards along basic routes to be met if 20-year projections based on the City’s accepted traffic model indicate that conditions at the intersections that will be impacted by the project will be equivalent to or better than those specified in the standard, *or* that the proposed project has been required to pay its fair share of the improvement costs needed to bring operations at impacted intersections into conformance with the applicable performance standard.

- e. The policy set forth in Paragraph d, above, is based on *projected, with project* traffic conditions and is a more stringent standard than that required by Measure J, which does not require jurisdictions to adopt local LOS standards. In cases where the standard set forth in paragraph d, above, is not met in the *no project* condition (i.e., projected traffic will not meet the applicable standard, even if the proposed project is not built), General Plan traffic standards for Basic Routes will be considered to be met if (1) the proposed project has been required to pay its fair share of the improvement costs needed to bring operations at impacted intersections into conformance with the applicable performance standard and actual physical improvements will be provided by the project so as to not result in a further degradation of projected level of service at affected intersections.

3.4.5 Transportation Systems Management (TSM) Policies

- a. Continue to implement the City's TSM program to reduce trip generation and maximize the carrying capacity of the area's roadway system.
- b. Work to establish rail transit service within Antioch.
- c. Work with Tri-Delta Transit and other service providers to promote regional transit service. Refer proposed development projects to Tri-Delta Transit, and require the provision of bus turnouts and bus stops in locations requested by the agency, where appropriate.
- d. Maintain a comprehensive system of bicycle lanes and routes as specified in the Circulation Element.
- e. Synchronize traffic signals where feasible to improve the flow of through traffic.

3.5 SERVICE STANDARDS FOR OTHER COMMUNITY SERVICES

This section of the Growth Management Element sets forth performance standards for public services and facilities other than the transportation network. Descriptions of current facilities serving Antioch and its Planning Area, as well as plans and programs for expansion of facilities maintained by the City and the special districts serving the City are described in the Public Services and Facilities Element.

Standards are presented for services and facilities provided by the City of Antioch, as well as those provided by Special Districts other than the City, including fire protection services provided by the Contra Costa County Fire Protection District, school facilities provided by the Antioch Unified School District¹, and sewage treatment facilities provided by the Delta Diablo Sanitation District. In addition to the fire, police, water, sanitary sewer, flood control, and park performance standards that are set forth in the Growth Management Element, standards are also provided for community centers, schools, and general public services and facilities. The inclusion of these additional standards recognizes the crucial role that community centers, schools and other governmental facilities will play in ensuring a high quality of life for Antioch residents.

Policies and programs to define the responsibilities of new development projects for the provision of expanded public services and facilities needed to meet the performance objectives and stated that follow are provided in the Public Services and Facilities Element of the General Plan. Policy direction addressing the manner in which expansion of roadways and other public services and facilities will be financed is provided in Section 8.13 (Public Services and Facilities Element).

¹ A small portion of the Antioch Planning Area is located within the boundaries of the Brentwood School District and the Liberty Union High School District. Standards and policies for schools will apply to each school district serving the Planning Area.

3.5.1 Community Centers¹

3.5.1.1 Performance Objective. Ensure that community centers provide sufficient space to conduct civic meetings, recreational programs, and social activities to meet the needs of Antioch residents.

3.5.1.2 Performance Standard. Maintain a minimum of 750 square feet of community center space per 1,000 population.

3.5.2 Fire Protection Facilities

3.5.2.1 Performance Objective. Maintain competent and efficient fire prevention and emergency fire, medical, and hazardous materials response services with first responder capability in order to minimize risks to life and property.

3.5.2.2 Performance Standard. Prior to approval of discretionary development projects, require written verification from the Contra Costa County Fire Protection District that a five minute response time (including three minute running time) can be maintained for 80 percent of emergency fire, medical, and hazardous materials calls on a citywide response area basis.

3.5.3 Police Service

3.5.3.1 Performance Objective. Maintain an active police force, while developing programs and police facilities that are designed to enhance public safety and protect the citizens of Antioch by providing an average response time to emergency calls of between seven and eight minutes from the time the call is received to the time an officer arrives.

3.5.3.1 Performance Standard. Maintain a force level within a range of 1.2 to 1.5 officers,

¹ Community centers consist of buildings, other than City Hall, designed for community meetings, indoor recreational and instructional programs, and social activities. Included in the definition of community centers are such specialized facilities as senior centers, youth centers, and gymnasiums. Existing facilities include the Nick Rodriguez Community Center, Prewitt Family Park Center, and the Antioch Senior Center.

including community service officers assigned to community policing and prisoner custody details, per 1,000 population. The ratio of community service officers assigned to community policing and prisoner custody details to sworn officers shall not exceed 20 percent of the total number of sworn officers.

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3.5.4 Water Storage and Distribution²

3.5.4.1 Performance Objective. Maintain a water system that is capable of meeting the daily and peak demands of Antioch residents and businesses, including the provision of adequate fire flows and storage for drought and emergency conditions.

3.5.4.2 Performance Standard. Adequate fire flow as established by the Contra Costa County Fire Protection District, along with sufficient storage for emergency and drought situations and to maintain adequate service pressures.

3.5.5 Sanitary Sewer Collection and Treatment Facilities¹

3.5.5.1 Performance Objective. A wastewater collection, treatment, and disposal system that is capable of meeting the daily and peak demands of Antioch residents and businesses.

3.5.5.2 Performance Standards.

- a. Sanitary sewers (except for force mains) will exhibit unrestricted flow in normal and peak flows.
- b. Prior to approval of discretionary development projects, require written verification from the Delta Diablo Sanitation District that the proposed project will not cause the rated capacity of

² The performance objectives and standards for water storage and distribution relate to the provision of capital facilities. Policies related to water conservation and the use of reclaimed wastewater are contained in the Open Space/Conservation Element.

treatment facilities to be exceeded during normal or peak flows.

3.5.6 Flood Control

3.5.6.1 Performance Objective. Ensure adequate facilities to protect Antioch residents and businesses from damaging flood conditions.

3.5.6.2 Performance Standard. Provide sufficient facilities development to protect structures for human occupancy and roadways identified as evacuation routes from inundation during the 100-year flood event.

3.5.7 Parks and Recreational Facilities

3.5.7.1 Performance Objective. A system of park, recreational, and open space lands of sufficient size and in the appropriate locations, including provision of a range of recreational facilities, to serve the needs of Antioch residents of all ages.

3.5.7.2 Performance Standard. Provide five acres of improved public and/or private neighborhood parks and public community parkland per 1,000 population, including appropriate recreational facilities.

3.5.8 Schools

Recognizing that provision of school facilities is the responsibility of the school district, as set forth in State law (SB50). The intent of the General Plan in setting forth objectives and a performance standard for school facilities to require the maximum mitigation allowable by law.

3.5.8.1 Performance Objective. Provision of schools in locations that are readily accessible to student populations, along with sufficient facilities to provide educational services without overcrowding.

3.5.8.2 Performance Standard. Require new development to provide necessary funding and/or capital improvements to mitigate projected impacts on school facilities,

as determined by the responsible school district.

3.5.9 Entitlement Process and Capital Improvements Program

3.5.9.1 Entitlement Process and Capital Improvements Program Objective. To ensure the attainment of public services and facilities standards through the City's development review process, Capital Improvements Program, and a variety of funding mechanisms.

3.5.9.2 Entitlement Process and Capital Improvements Program Policies

- a. Ensure that discretionary development projects comply with the City's performance standards, by approving such projects only after making one or more of the following findings.
 - The City's adopted performance standards will be maintained following project occupancy; or
 - Project-specific mitigation measures or conditions of approval have been incorporated into the project.
- b. Require new development to fund public facilities and infrastructure, either directly or through participation in a land-based financing district, as necessary to mitigate the impacts of new development on public services and facilities.
- c. Levy mitigation requirements in proportion to each development's anticipated impacts. Where infrastructure is required to be installed in excess of a development's proportional mitigation requirement, utilize benefit districts over the area to be benefited by the infrastructure or provide reimbursement to the development for excess cost.
- d. Maintain a Five-Year Capital Improvement Program, designed, in part, to ensure that traffic and other public service performance standards are met and/or maintained, and to address the needs of

existing development. Update capital improvement plans as part of the annual budget process.

3.6 MANAGING THE RATE OF GROWTH

3.6.1 Rate of Growth Objectives

- a. Provide for a reasonable rate of residential growth that ensures the ability of the City to provide housing opportunities for all economic segments of the community as required by State Housing Element law, and that facilitates the ability of public services and facilities provided by the City and outside agencies to expand at a commensurate rate.
- b. Encourage reinvestment in older neighborhoods in order to increase the efficiency and reduce the costs of providing public services, stabilize older residential neighborhoods, and revitalize the Rivertown area.

3.6.2 Rate of Growth ~~Policies~~Policy

- a. ~~Prohibit the granting of new residential development allocations for the calendar years 2006 and 2007. For the five-year period from 2006 to 2010, no more than 2,000 development allocations may be issued. Thereafter, limit the issuance of development allocations as required by the Residential Growth Management Ordinance and adopted Guidelines, to a maximum annual average of 600, recognizing that the actual rate of growth will vary from year to year. Thus, unused development allocations issued after December 31, 2010 may be reallocated in subsequent years, and development allocations may be moved forward from future years, provided that the annual average of 600 development allocations may not be exceeded during any given five-year period (i.e., no more than 3,000 development allocations may be issued for any given five-year period).~~

- b. ~~To move development allocations forward from future years, the following finding must be made:~~

~~The constraints posed by needed infrastructure phasing or capital facilities financing require that development allocations be moved forward from future years to avoid jeopardizing the feasibility of existing infrastructure financing mechanisms or the financing of infrastructure for the development allocations that would otherwise be granted during the calendar year.~~

- c. ~~To facilitate the development of housing required to meet the needs of all economic segments of the community and special needs groups identified in the Housing Element, age-restricted housing and multiple-family dwellings shall be counted as less than one single family dwelling unit for the purposes of residential development allocations. The relationship between an allocation for a single-family dwelling and an allocation for age-restricted housing and multiple-family dwellings shall be based on such factors as differences in traffic generation, school impacts, and demand for new recreation facilities.~~

- d. ~~In order to avoid a predominance of any one housing type, limits shall be placed on the number of annual allocations that may be granted to age-restricted senior housing, single family detached housing, and multifamily housing.~~

- e. ~~Permit residential projects that are subject to limitations on development allocations to proceed with other necessary approvals not directly resulting in the division of land or construction of residential dwelling units (e.g., General Plan amendments, rezoning, environmental review, annexation, etc.). The processing of such applications is not, however, a commitment on the part of the City that the proposal will ultimately receive development entitlements or allocations.~~

f. To facilitate the development of housing required to meet the needs of all economic segments of the community and special needs groups identified in the Housing Element, exempt the following types of developments from limitations on the annual issuance of development allocations, whether for single-family or multi-family residential development. Dwelling units approved pursuant to the following exemptions shall not be counted against the established maximum annual development allocation:

- (1) Income-restricted housing needed to meet the quantified objectives for very low and low income housing set forth in the Housing Element, along with "density bonus" dwelling units approved pursuant to the provisions of the Housing Element and the City's Density Bonus ordinance.
- (2) Dwelling units designed for one or more Special Needs Groups, as defined in the Housing Element (i.e., handicapped, income-restricted senior housing), pursuant to programs set forth in the Housing Element as needed to meet the Housing Element's quantified objectives for housing of special needs groups.
- (3) Dwelling units within development projects having vested rights through a valid (unexpired¹) development agreement or vesting map.
- (4) Construction of a single dwelling unit by or for the owner of the lot of record on which the dwelling unit is to be constructed.
- (5) Construction of a second dwelling unit on a lot of record.
- (6) Development of a project of four or fewer dwelling units.

(7) Development projects within the Rivertown Focused Planning Area.

(8) Smart growth, transit-oriented development projects.

(9) Properties outside the City limits, as shown on the General Plan Land Use Map, that subsequently annex to the City and otherwise provide positive impacts to the City consistent with this article. Approval of such an exemption shall be at the sole discretion of the Council, and the details shall be memorialized by a statutory development agreement or other binding instrument. However, residential development in Roddy Ranch shall be subject to the residential development allocation program.

3.6.3—Development Allocation Policies

a. Development allocations shall constitute a right, granted by the City Council, to apply for building permits for lots within an approved tentative map, subject to recordation of the map and conformance with all conditions of approval placed on the tentative tract map.

b. Development allocation reservations shall constitute a "set aside" of a portion of the maximum annual number of development allocations in future years for dwelling units within an approved large-scale development project (e.g., Specific Plan, Planned Development) for which a tentative map has not yet been approved.

c. At least once during each fiscal year, the City will grant development allocations for approved and proposed projects based upon the extent to which such projects meet or are consistent with the objectives set by the City Council for the following allocation period and, if appropriate, for succeeding allocation periods.

d. Development objectives shall be adopted by the City Council following public hearing. In defining development

¹ The majority of existing development agreements expired on December 31, 2002.

objectives, the City Council shall provide an indication to the development community of the City's expectations for residential development for the allocation period.

Base development objectives on the need to implement the provisions of the Antioch General Plan, public service and facilities capacities, recommendations of the City's Capital Improvements Program, environmental constraints, and other relevant factors.

Formulate development objectives so as to facilitate comparative review of development projects and thereby allow the City to appropriately limit the number of development allocations at times when requests for such allocations would exceed the specified annual average, or the number of allocations assigned to any given time period.

Incorporate identification of development projects providing net benefits to the community into development objectives, thereby providing such project with a priority for the granting of development allocations.

e. Permit requests for development allocations (either tentative maps or other applicable approval for residential projects not requiring a land division) in excess of the limitations on annual allocations described above, provided that the project is phased so that the no single phase exceeds the number of allocations granted to the project for a given year. Thus, development projects may be granted development allocations for use in up to four years subsequent to the original allocation⁴.

f. Permit development projects to carry over unused development allocations into subsequent years.

⁴ For example, a 250-dwelling-unit residential development project may, at one time, be granted 50 development allocations per year for a five-year period.

g. Upon expiration of a development entitlement, the development allocations and reservations associated with the expired entitlement shall be automatically rescinded, and may be reallocated to other development projects, consistent with the annual limits set forth above.

3.7 REGIONAL COOPERATION

3.7.1 Regional Cooperation Objectives

- a. Resolution of regional and multi-jurisdictional transportation issues for the maintenance of regional mobility as required by Measure J Growth Management Program and the Contra Costa Congestion Management Program.
- b. A regional approach to regional issues that recognizes and respects Antioch's local interests.
- c. Establishment of a system of development review within Antioch *and* surrounding communities based on the principle that the impacts of new development must be mitigated or offset by project-related benefits within *each* of the jurisdictions in which the impacts will be experienced.

3.7.2 Regional Cooperation Policies

- a. Continue participation in regional transportation planning efforts, including the Contra Costa Transportation Authority, Eastern Contra Costa Transit Authority (Tri-Delta Transit), and TRANSPLAN.
- b. As part of the evaluation of individual development projects, address and provide appropriate mitigation for impacts on regional and local transportation facilities.
- c. Maintain ongoing communications with agencies whose activities affect and are affected by the activities of the City of Antioch (e.g., cities of Brentwood, Oakley and Pittsburg; Contra Costa County;

Antioch Unified School District; Contra Costa County Fire Protection District; Delta Diablo Sanitation District). The primary objective of this communication will be to:

- (1) Identify opportunities for joint programs to further common interests in a cost efficient manner;
 - (2) Assist outside agencies and the City of Antioch to understand each other's interests, needs, and concerns; and
 - (3) Resolve differences in these interests, needs, and concerns between Antioch and other agencies in a mutually beneficial manner.
- d. Support and promote inter-jurisdictional programs to integrate and coordinate the land use and circulation plans of area municipalities and the County, and to establish an ongoing inter-jurisdictional process for reviewing development proposals and mitigating their inter-jurisdictional impacts based on the principle that it is not appropriate for a jurisdiction, in approving a development project, to *internalize* its benefits and *externalize* its impacts.
- e. Continue to refer major planning and land use proposals to all affected jurisdictions for review, comment, and recommendation.

- a. Maintain an inventory of employment-generating lands, providing for a variety of office-based, industrial, and commercial (retail and service) employment opportunities.¹
- b. Maintain an inventory of residential lands that provides for a broad range of housing types including executive housing in both urban and rural settings, traditional single family neighborhoods, middle to upper end attached housing products, and affordable housing².
 - (1) Provide a balance between the types and extent of employment-generating lands planned within the City of Antioch with the types and intensity of lands planned for residential development.
 - (2) Encourage businesses to locate and expand within Antioch through an aggressive economic development program that provides essential information to prospective developers and businesses, along with tangible incentive programs for new and expanding businesses.

3.8 BALANCING EMPLOYMENT AND HOUSING OPPORTUNITIES

3.8.1 Employment and Housing Balance Objective

Achievement of a balance between housing and employment opportunities within Antioch, providing the opportunity for households of all income levels to both live and work in Antioch.

3.8.2 Employment and Housing Balance Policies

¹ This inventory, including identification of locations for employment-generating uses and the types and intensity of development appropriate for each location, is provided in the Land Use Element.

² The Land Use Element delineates the inventory of residential lands, and defines appropriate housing types and development intensities. One of the primary objectives of the Land Use Element is to increase opportunities for local employment for existing and future residents. Specific plans and programs to accomplish this objective are set forth in that Element. The primary objective of the Housing Element is to provide housing opportunities at all income levels.

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ATTACHMENT "A"

STAFF REPORT TO THE PLANNING COMMISSION FOR CONSIDERATION AT THE MEETING OF NOVEMBER 20, 2013

Prepared by: Tina Wehrmeister, Community Development Director 

Date: November 14, 2013

Subject: Amendments to the Growth Management Program and
Draft Development Impact Fee Report

RECOMMENDATION

It is recommended that the Planning Commission hold a public hearing and study session, receive comments, and provide direction to staff regarding the following items:

1. Revisions to the Residential Development Allocation Ordinance.
2. New Growth Management Program Guidelines.
3. Revisions to the General Plan Growth Management Element.
4. Draft Development Impact Fee Report and proposed Impact Fees.

The background and draft proposals are fairly complex and new to the majority of the Planning Commission. This report and attachments serve as a primer for the discussion on November 20th when staff and the Commission will discuss the various components of the Growth Management Program in greater detail.

BACKGROUND

In 1998 Antioch's electorate approved Measure U, which stated the following:

"Shall the City of Antioch, when considering approval of residential development, be instructed to phase the rate of growth through land-use planning with concurrent financial planning to provide adequate schools, street improvements and highway 4 improvements for a sustained high quality of life, by making new growth pay its own way through maximizing fees, assessment districts, matching fund programs and any other means effective to expedite the construction of needed infrastructure?"

The City Council implemented this advisory measure by adopting the Residential Development Allocation Program Ordinance (RDA) in 2002 and incorporated a Growth Management Element into the comprehensive General Plan update in 2003. The RDA ordinance has been amended since 2002 and the current version is attached as Attachment A.

The RDA Ordinance established numerical limits on the rate of growth and was implemented by requiring an application for RDA allocations prior to submission of a tentative map for a residential development project. The RDA applications were reviewed by a standing committee and the Planning Commission with recommendations made to the City Council for final approval. The ordinance stipulates that allocations are not considered land use entitlements. In order to receive an approval recommendation, applicants were required to demonstrate how the project met objectives defined by the City Council. A sample application rating sheet is attached (Attachment B). The RDA process was criticized by some developers as being subjective without clear project nexus links.

Staff and the RDA subcommittee (comprised of two Council members and two Planning Commissioners) were tasked with recommending amendments to the RDA program and process. Two major areas of program amendments were discussed by the committee and are now proposed for consideration and discussed below.

REVISIONS TO THE GROWTH METERING PROCESS

Residential Development Allocation Ordinance

The goal of the RDA Ordinance is to meter residential growth. When initially drafted, the findings codified in the ordinance echo the Measure U language in that metering was desired to ensure that growth keep pace with provision of adequate school, street, and highway improvements. In the ensuing years, growth slowed considerably and major highway and regional transportation improvements are funded and currently under construction or completed. In addition, AUSD is no longer reporting impaction issues district wide. Therefore, the first issue for the Commission to consider is whether or not growth metering should continue. A table of new residential building permits issued by year is provided under Attachment C.

As the Commission and the community are aware, the City has not been able to maintain an adequate ratio of police officers to population. The recent passage of Measure C will help to alleviate this situation for the current populous; however, this may not be sufficient to serve future growth. The impact fees discussed below may be used for capital expenditures but not for staffing costs. Staff has begun requiring new development to create or enter into a Community Facilities District which would fund police staffing costs.

If the Commission would like to recommend continuation of a growth metering program, staff has prepared a revised Residential Growth Management ordinance (Attachment D). Changes from the current ordinance include:

- §9-5.4003: Guidelines are proposed to be adopted by ordinance and are discussed below.

- §9-5.4004: The timing of allocation issuance has been moved to building permit, after all entitlements have been received.
- §9-5.4005: The numerical limits on the rate of growth have been adjusted to be consistent with the City's Regional Housing Needs Allocation (RHNA). For the next RHNA cycle, 2014 to 2022, the City's allocation by income level is as follows:

Very Low 0-50%	Low 51-80%	Moderate 81-120%	Above Moderate 120+%	Total
349	205	214	680	1,448

Growth Management Program Guidelines

Draft Growth Management Guidelines are provided under Attachment E. Under the Guidelines, allocations will be considered in July of each year for the upcoming calendar year. The Community Development Director and Public Works Director shall review the applications and make a recommendation to the Planning Commission. The Commission will make a recommendation to City Council for final approval. For years where the City's RHNA requirement has not yet been met, requested allocations will automatically be granted. For years when demand exceeds available allocations, the criteria provided in section C.2 of the Guidelines shall be applied in consideration of the requests. The criteria has been divided into two income level categories.

General Plan Growth Management Element

The proposed amendments eliminate language that is inconsistent with the proposed RDA ordinance amendments and removes implementing language which is more properly contained in the Municipal Code and guidelines document (Attachment F). The Service Standards would remain and would become the basis for allocation recommendations under the Growth Management Program Guidelines.

Suggested Discussion Items:

- 1. Should Antioch continue to have a growth metering program?**
- 2. The RDA Committee recommended that RHNA numbers should be the trigger for the allocation program. In other words, no metering until Antioch's regional need is met. Given the recent number of building permits pulled (Attachment C) in the moderate and above moderate income categories, the need for metering can be reasonably assumed. Comments or concerns?**
- 3. Comments regarding the proposed criteria to evaluate allocation requests and order of priority (Guidelines, C.2).**

DRAFT DEVELOPMENT IMPACT FEE STUDY

The draft Development Impact Fee study (Attachment G) was prepared by Economic & Planning Systems (EPS) and provides the analysis required by the Mitigation Fee Act in order to adopt fees (Government Code Section 66000 et seq). EPS will be present at the meeting and will provide a presentation on impact fees and the specific recommendations prepared for the City of Antioch. In summary, impact fees are one-time charges on new development collected and used by the City to cover the cost of capital facilities and infrastructure that are required to serve new growth and are typically collected upon issuance of a building permit.

The fee study also includes growth estimates and fee recommendations for non-residential development as this type of growth also requires capital facilities and infrastructure improvements. The proposed fees can be found in Attachment G, Tables 15 and 16. A comparison of neighboring jurisdiction fees can be found in Attachment G, Table 17.

The Planning Commission does not typically make recommendations regarding fees; however, given the relationship to the growth management process staff felt that Commission feedback would be valuable. Also, many of the developers and community members interested in the growth management program would most likely also want to review and comment on the draft impact fees. Therefore, the Planning Commission meeting will also serve as a study session on the proposed fees prior to the formal Council hearing required under the Mitigation Fee Act.

Suggested Discussion Items:

- 1. Receive comments from the Commission and public on the study assumptions and findings.**
- 2. Receive comments from the Commission and public on the proposed fee schedule.**

ATTACHMENTS

- A. Current RDA Ordinance
- B. Sample RDA rating sheet
- C. New residential building permits
- D. Revised Growth Management Ordinance
- E. Growth Management Program Guidelines
- F. General Plan Growth Management Element – redline version
- G. Draft Development Impact Fee Study



ATTACHMENT "A"

Antioch, CA Code of Ordinances

ARTICLE 40: RESIDENTIAL DEVELOPMENT ALLOCATION

§ 9-5.4001 CITATION.

This article may be known and be cited as the "Residential Development Allocation Program Ordinance" of the City of Antioch.

(Ord. 995-C-S, passed 5-14-02; Am. Ord. 1044-C-S, passed 4-12-05; Am. Ord. 1071-C-S, passed 6-13-06; Am. Ord. 1072-C-S, passed 6-27-06)

§ 9-5.4002 PURPOSE.

The following matters are the purposes and goals of this article:

- (A) To implement Measure "U" (a 1998 voter advisory initiative) through these procedures in order to regulate the rate of residential growth within the city.
- (B) To implement the city's General Plan.
- (C) To help ensure that the city's infrastructure and public facilities keep pace with the demands created by new residential development.
- (D) To provide for a reasonable rate of residential growth that ensures the ability of the city to provide housing opportunities for all economic segments of the community.
- (E) To ensure that the city meets its regional allocation of housing needs.
- (F) To encourage reinvestment in older neighborhoods in order to increase the efficiency and reduce the costs of providing public services, stabilize older neighborhoods and revitalize the Rivertown area.

(Ord. 995-C-S, passed 5-14-02; Am. Ord. 1044-C-S, passed 4-12-05; Am. Ord. 1071-C-S, passed 6-13-06; Am. Ord. 1072-C-S, passed 6-27-06)

§ 9-5.4003 PRECEDENCE OVER OTHER PROVISIONS.

This article and its provisions shall take precedence and shall pre-empt other sections of this Code and provisions of Title 9 which may be inconsistent with this article. In the event of any conflict among or between provisions of this Code, the provisions of this article shall take precedence.

(Ord. 995-C-S, passed 5-14-02; Am. Ord. 1044-C-S, passed 4-12-05; Am. Ord. 1071-C-S, passed 6-13-06; Am. Ord. 1072-C-S, passed 6-27-06)

§ 9-5.4004 FINDINGS.

The Council hereby makes the following legislative findings:

(A) The Council has considered the effect of this article on the housing needs of the region and balances those needs against the public service needs of the city's residents and available fiscal and environmental resources.

(B) The voters of the city have passed an advisory initiative, Measure "U", which instructs the Council to consider the timing of new residential development with the provision of infrastructure, including highway improvements and school capacity issues.

(C) The Contra Costa Transportation Authority, in its "The 2000 Update, Contra Costa Countywide Comprehensive Transportation Plan" contains several facts which document the significant and increasing congestion on State Route 4 ("SR4"), as follows:

(1) The Association of Bay Area Governments forecast that East County will add 42,000 households by 2020, a 56% increase over the current base. This will result in 62,800 new employed residents. Each year, 3,000 new employed residents will come to live in East County, and only 2,000 new jobs will be created. Therefore, it is expected that each year, 1,000 more people will have to commute out of East County for work.

(2) In 1990, the "out commute" was 44,000 persons; in 2000, the "out commute" is 54,000 persons; in 2020, the "out commute" is expected to be 77,000 persons.

(3) There is significant and rising congestion on SR4. Peak hour delays, pursuant to 1990 data, were one hour and 45 minutes. This is expected to increase to three hours. Duration of congestion is a definitive measure of a highway's effectiveness.

(4) The SR4 corridor is one of the fastest-growing commutes in the Bay Area and one of the most congested in Contra Costa County. Housing growth in East County will lead to increases in demand. The daily traffic volume will increase between 60 and 75%.

(D) The Antioch School District has experienced difficulties in having new schools on line in time for new residential development. As a consequence, students have been required to be bused out of their projected attendance areas and some classrooms have experienced overcrowding.

(E) The city has had difficulty in adding sufficient police resources to keep pace with its rapidly-expanding population. The State Commission on Police Standards and Training has identified a shortage of sworn police officers to service the needs of the community. (Report of POST Survey of Antioch Police Department, a copy of which is on file in the Office of the Police Chief.) However, development fees may not be charged for the ongoing costs of police services. Property tax rates have not been sufficient to maintain the city's General Fund with sufficient revenues to hire the necessary additional officers, and the city is experiencing a significant loss of potential sales taxes to other communities, particularly in the Central County area where many of the commuters work. Thus municipal revenue increases have not kept pace with residential growth and are not sufficient to fund the police services deemed needed by the community. A number of constraints exist in state law regarding the collection of new or additional revenues for the General Fund.

(F) The regional housing need which has been determined for the city is approximately 600 residential units annually. This article will allow the approval of housing units to meet the regional need, while at the same time addressing the pace of residential development. The restrictions contained in the article are deemed necessary to address the SR4 congestion, school capacity, and police protection needs as recited in the foregoing findings. The Council therefore finds that while addressing the city's regional housing needs, the regulations contained herein are needed to promote the health, safety and welfare concerns specified, and the regulations contained herein and the associated health, safety and welfare concerns justify reducing the overall housing opportunities of the region, while meeting the city's designated regional needs.

(Ord. 995-C-S, passed 5-14-02)

(G) The provisions of this article are consistent with the city's 2003 General Plan, and Council finds that this article implements the goals and policies of growth management element of the General Plan.

(Ord. 995-C-S, passed 5-14-02; Am. Ord. 1044-C-S, passed 4-12-05; Am. Ord. 1071-C-S, passed 6-13-06; Am. Ord. 1072-C-S, passed 6-27-06)

§ 9-5.4005 ESTABLISHMENT OF OBJECTIVES.

Residential housing objectives shall be adopted and updated annually by the Council on or about August 1 for each upcoming fiscal year, following a public hearing. The objectives will be used by the city to help with comparative review of residential development projects by outlining the city's expectations and desires and defining the positive contribution that residential development will make to the community. Development objectives will be based on the need for projects to implement provisions of the General Plan, the availability of public service and facilities capacities, and environmental constraints.

(Ord. 995-C-S, passed 5-14-02; Am. Ord. 1044-C-S, passed 4-12-05; Am. Ord. 1071-C-S, passed 6-13-06; Am. Ord. 1072-C-S, passed 6-27-06)

§ 9-5.4006 GUIDELINES FOR OBJECTIVES.

(A) Examples of the types of characteristics that the Council may include within the objectives, and the types of positive impacts that may be enjoyed by the community, include, but are not limited to:

(1) Residential development projects that create full-time medical, office, industrial or non-retail commercial service employment opportunities, either on-site or offsite, provided that the development of the employment-generating use occurs prior to or concurrent with the residential use. Development of employment-generating uses will help alleviate the overcrowding condition on SR4;

(2) In 1990, the "out commute" was 44,000 persons; in 2000, the "out commute" is 54,000 persons; in 2020, the "out commute" is expected to be 77,000 persons.

(3) Developments that would fill in critical gaps in existing infrastructure;

(4) Development on sites where public services and facilities are available at the time of the allocation request, and do not need to be expanded to meet applicable performance standards. This includes projects that can be served by the existing roadway system;

- (5) Development on sites located in close proximity to existing parks or recreation facilities, public transit, or that have convenient access to special services and facilities, such as libraries, day care, and neighborhood shopping;
- (6) Development within large-scale projects where construction has already begun pursuant to existing city approvals, or projects subject to existing infrastructure financing mechanisms, such as assessment districts;
- (7) Mixed-use, or transit-oriented development;
- (8) Development projects that provide private open space, recreational facilities, streets or other features, thereby reducing the city's maintenance costs and allowing resources to be used for police and other services;
- (9) Development within a previously- approved Specific Plan or Planned Development;
- (10) Projects providing unique water or energy conservation features;
- (11) Projects providing unique public safety/police features.
- (B) If the Council should fail to adopt development objectives for any relevant fiscal year, then the objectives specified in this section shall be deemed to be the objectives to be used.
- (Ord. 995-C-S, passed 5-14-02; Am. Ord. 1044-C-S, passed 4-12-05; Am. Ord. 1071-C-S, passed 6-13-06; Am. Ord. 1072-C-S, passed 6-27-06)

§ 9-5.4007 DEVELOPMENT ALLOCATION PROCESS.

- (A) Development allocation requests shall be considered by the Council prior to approval of a tentative subdivision map or vesting tentative subdivision map, use permit, or design review approval for residential units containing no more than the number of residential units allocated to the project pursuant to this article.
- (B) On a semiannual basis, the Council shall consider development allocations for proposed projects based upon the extent to which such projects meet or are consistent with the development allocation objectives set by the Council for the period.
- (C) The Council may issue all, some, or none of the available development allocations to a given project based on the Council's determination of the proposed project's ability to meet the city's objectives. These allocations may be issued over a single- or multi-year period at the discretion of the Council. Although it is the Council's intent to address its regional housing objectives by providing for the possible development of a maximum annual average of 600 allocations, the goal of the Council shall be to meet such objective by averaging the units allocated over any five-year period rather than meeting the objective on an annual basis.
- (D) The Director of Community Development shall promulgate the application submittal requirements for allocation requests, which will include information necessary for the Council to determine whether the proposed project meets the established objectives of the allocation system.
- (E) Applications for development allocations may be submitted only for properties located within the existing Antioch city limits, and which have General Plan, Specific Plan (if applicable), and zoning

designations consistent with the type of land use, development standards, and density of development being requested in the RDA application. Any inconsistencies between the RDA request and the underlying General Plan, Specific Plan, and zoning requirements must be resolved prior to the submittal of an RDA application.

(F) The issuance of any development allocation does not represent a land use entitlement. No concurrent processing of tentative maps or final development plans, and development allocations is permitted. Development allocations must be acted on by the city before any application for tentative maps, final development plans, use permit approvals or similar entitlements may be accepted as complete by the city.

(G) If development entitlements, such as tentative maps or final development plans expire, the allocations shall be automatically rescinded and may be reallocated to other development projects, consistent with the annual limits set forth herein.

(H) Development allocations may not be transferred from one project to another.

(I) The planning process for General Plan amendments, zone changes, specific plans, and other legislative acts may proceed unaffected by the regulations of this article. The approval of any such legislative act is not a commitment on the part of the city that the proposal will ultimately receive allocations.

(J) The issuance of an allocation under this article is not a "project" as defined by the California Environmental Quality Act, as the issuance of an allocation does not grant an entitlement, but rather gives an applicant the ability to request approval of an entitlement. Such a request for entitlement would require its own CEQA review.

(Ord. 995-C-S, passed 5-14-02; Am. Ord. 1044-C-S, passed 4-12-05; Am. Ord. 1071-C-S, passed 6-13-06; Am. Ord. 1072-C-S, passed 6-27-06)

§ 9-5.4008 NUMERICAL LIMITS ON RATE OF GROWTH.

(A) The granting of new residential development allocations shall be prohibited for the calendar years 2006 and 2007. For the five-year period from 2006 to 2010, no more than 2,000 development allocations may be issued. Thereafter, the issuance of allocations shall be limited to a maximum annual average of 600 residential allocations. The annual average may vary, but it shall not exceed the 600 allocation restriction for any continuous, sequential five-year period, i.e. no more than 3,000 allocations may be issued for any given five-year period.

(B) If any part of the 600 unit allocation issued after December 31, 2010 remains unused, then such unused allocations shall be reallocated, subject to the Council's exercise of its discretion under § 9-5.4007(C), providing that the five-year maximum is not exceeded.

(C) Single-family dwellings shall be counted as one unit allocation. An age restricted-senior housing unit shall be counted as 0.5 unit allocations, given the reduced impacts on traffic congestion and schools created by such units. Multi-family units shall be counted as 0.63 unit allocations, based on the ratio of average persons per dwelling unit in multi-family dwellings to single-family dwellings from the parkland dedication section of the Subdivision Ordinance.

(D) In order to not create a predominance of any one housing type, during any five-year period, not more than 200 of the 600 average annual allocations (an average of 400 actual units per year) may be granted to market rate age restricted-senior housing; not more than 500 average annual allocations may be granted to single-family detached housing; and not more than 75 average annual allocations may be granted to multi-family detached housing (an average of 119 actual allocations per year).

(Ord. 995-C-S, passed 5-14-02; Measure K Initiative, adopted 11-8-05; Am. Ord. 1044-C-S, passed 4-12-05; Am. Ord. 1071-C-S, passed 6-13-06; Am. Ord. 1072-C-S, passed 6-27-06)

§ 9-5.4009 EXEMPTIONS.

The following housing types are exempt from the requirements of this article:

(A) Income-restricted housing needed to meet the quantified objectives for very low and low income housing, set forth in the Housing Element, as well as density bonus dwelling units approved pursuant to the density bonus provisions of this chapter.

(B) Dwelling units intended especially for one or more special needs groups, i.e. handicap, income-restricted senior housing, etc., as defined in the Housing Element. This exemption does not apply to market rate age restricted-senior housing.

(C) Projects with unexpired vesting tentative maps approved prior to the adoption of this article, unless such map had a condition that the development be subject to an allocation regulation.

(D) Projects with unexpired development agreements restricting the ability of the city to impose allocation systems of the type created by this article.

(E) Construction of a single dwelling unit by or for the owner of the lot of record on which the unit is to be constructed.

(F) Construction of a second unit on a parcel as authorized by the second unit provisions of this Chapter.

(G) Development of a project of four or fewer dwelling units.

(H) Development projects within the Rivertown/Urban Waterfront Focus Area, as designated in the 2003 General Plan.

(I) Development projects that are outside the city limits that are pursuing annexation may be exempt from the RDA process through mutually agreed upon provisions in a development agreement with the city.

(J) Properties outside the city limits at the time of adoption of this ordinance (March 22, 2005), that subsequently annex to the city and otherwise provide positive impacts to the city consistent with this article. Approval of such an exemption shall be at the sole discretion of the Council, and the details shall be memorialized by a statutory development agreement or other binding instrument. However, residential development in Roddy Ranch shall be subject to the residential development allocation program.

(K) Smart growth, transit-oriented development projects.

(Ord. 995-C-S, passed 5-14-02; Am. Ord. 1044-C-S, passed 4-12-05; Measure K Initiative, adopted

11-8-05; Am. Ord. 1071-C-S, passed 6-13-06; Am. Ord. 1072-C-S, passed 6-27-06)

§ 9-5.4010 SPECIAL ALLOCATIONS.

The Council may grant allocations to any project demonstrating that it was subject to an assessment district created prior to the adoption of this article and that the application of this article to such project would create an unfairness or significant financial detriment to such project. In making such a determination the project receiving the special allocation would be exempt from the competitive development allocation process as described in § 9-5.4007. Such special allocation would count toward the numerical limits on growth established in § 9-5.4008.

(Ord. 995-C-S, passed 5-14-02; Am. Ord. 1044-C-S, passed 4-12-05; Am. Ord. 1071-C-S, passed 6-13-06; Am. Ord. 1072-C-S, passed 6-27-06)

§ 9-5.4011 EVALUATION OF GROWTH LIMITS.

The growth limits contained in this article may be evaluated by the Council from time to time to determine their effectiveness in accomplishing the objectives stated herein and complying with State regulations. The Council may make such amendments to this article from time to time as are deemed necessary for the above purposes.

(Ord. 995-C-S, passed 5-14-02; Am. Ord. 1044-C-S, passed 4-12-05; Am. Ord. 1071-C-S, passed 6-13-06; Am. Ord. 1072-C-S, passed 6-27-06)

§ 9-5.4012 SUNSET OF ARTICLE.

This article shall have no further validity or effectiveness following May 1, 2012. At that time, the City Council shall re-examine the factors leading to the adoption of this article, as specified in §§ 9-5.4002 and 9-5.4004. If such factors continue to exist at that time, the Council may adopt an ordinance re-enacting and/or amending this article.

(Ord. 1071-C-S, passed 6-13-06; Am. Ord. 1072-C-S, passed 6-27-06; Am. Ord. 2038-C-S, passed 3-23-10; Am. Ord. 2046-C-S, passed 3-22-11)

ATTACHMENT "B"



RDA PROJECT EVALUATION CRITERIA

SUMMARY

The Residential Development Allocation Ordinance (RDA) was adopted May 14, 2002 by the City Council (Attachment A). It requires that allocations be obtained prior to receiving residential development entitlements and ultimately, the issuance of building permits for residential projects. A Development Allocation is the right to proceed, subject to all applicable requirements to obtain entitlements. Certain projects are exempt such as housing for Special Needs Groups and small projects of four units or less. **The approval of a Development Allocation does not represent a land use entitlement** and as such does not require CEQA review. No concurrent processing of entitlements, such as tentative maps or final development plans, is permitted.

PROJECT EVALUATION

The attached checklist is used to evaluate Residential Development Allocation (RDA) applications. The checklist is divided into three main categories: A) Physical Improvements; B) Design; C) Additional Community Benefits and Contributions. Each main category contains several sub-categories assigned point values. There are 500 total points available. The City is looking for well rounded projects with points distributed in all three categories. **A project must score 250 points, or 50%, to be considered for allocations.** Projects that meet the City's infill criteria are exempt from this requirement. (A map outlining the infill areas of the City is attached to the RDA application.)

In all categories, projects are evaluated based on how the proposed improvements and amenities go above and beyond normal requirements and/or the demand for services created by the project. For example, a project that installed a wider street or larger storm drain line than is necessary to serve their project may be eligible for points because this is considered a community benefit to other City developments, both existing and proposed. Conversely, if a developer needs to construct a traffic signal or storm drain line in order to provide necessary capacity or safety to their project, regardless if other projects might benefit from these improvements, it is not considered a community benefit.

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RDA PROJECT EVALUATION CRITERIA

Projects must score at least 50% of the possible points, or 250 points, to be considered for allocations. Projects that meet the city's infill criteria are exempt from this requirement.

CATEGORY AND EXAMPLES

POINTS

A. PHYSICAL IMPROVEMENTS	200 POINTS POSSIBLE
A-1 Traffic and Transportation	75 points
<i>For Example:</i> <ul style="list-style-type: none"> • Contributes to improvements in the local and regional transportation system, above and beyond what is required. • Incorporates features that promote alternate transportation, such as bike lanes/trails and bus shelters. 	
A-2 Utilities and Infrastructure	75 points
<i>For Example:</i> <ul style="list-style-type: none"> • Project provides for utilities in addition to its actual demand or beyond the project boundaries. • Location provides infill development of an existing neighborhood. • Contributes to one of the City's "backlogged" road improvement projects. 	
A-3 Open Space and Parks	25 points
<i>For Example:</i> <ul style="list-style-type: none"> • Open space areas are provided and maintained within the project, beyond adopted standards. • Recreational facilities are provided, over and above City requirements. 	
A-4 Natural Features	25 points
<i>For Example:</i> <ul style="list-style-type: none"> • Conforms to the natural topography. • Minimizes grading and tree removal. • Preserves natural and cultural resources. 	
B. DESIGN	100 POINTS POSSIBLE
B-1 Site Design	25 points
<i>For Example:</i> <ul style="list-style-type: none"> • Provides a variety of housing unit types. • Provides lots larger than the required minimum lot size. • Incorporates "Smart Growth" principles in site design. 	
B-2 Architecture and Design Quality	25 points
<i>For Example:</i> <ul style="list-style-type: none"> • Demonstrates high quality architecture. • Demonstrates use of high quality materials, including landscaping and plants. 	
B-3 Energy and Efficiency	25 points
<i>For Example:</i> <ul style="list-style-type: none"> • Incorporates additional site and architectural design features capable of conserving energy; such as additional insulation; low-E glass windows; energy efficient furnaces, air conditioners and appliances. • Utilizes water conservation methods through irrigation, landscaping and/or plumbing; such as zeroscape landscaping. • All in home/on lot features are standard, not upgrades. 	

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B-4 Public Safety	25 points
<i>For Example:</i> <ul style="list-style-type: none"> • Provides a combination of design and equipment to reduce the potential for criminal activity; such as security alarm systems, security lighting, a gated community, private security. • Provides enhanced fire hazard reduction measures, beyond those required by Code; such as automatic fire sprinkler systems, fire suppression equipment, escape ladders for upper floor bedrooms. 	
G. ADDITIONAL COMMUNITY BENEFITS AND CONTRIBUTIONS	200 POINTS POSSIBLE
C-1 School Mitigation	60 points
<i>For Example:</i> <ul style="list-style-type: none"> • Project exceeds SB 50 mitigation requirements for projected K-12 student generation. • Dedicates a school site or provides early funding for construction of new school facilities. 	
C-2 Economic Development Benefits	60 points
<i>For Example:</i> <ul style="list-style-type: none"> • Project is a mixed-use development that directly results in the creation of full-time employment opportunities in the non-retail, non-service sectors. 	
C-3 Contributions to Special Projects	80 points
<i>For Example:</i> <ul style="list-style-type: none"> • Contributes financially or makes other contributions to community enhancement projects, as determined by the City Council. 	
TOTAL POINTS (500 points possible)	

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ATTACHMENT "C"

**SINGLE FAMILY DWELLING PERMITS ISSUED
CALENDAR YEAR**

**MULTI-FAMILY
BLDGS UNITS**

1989	903		
1990	754		
1991	701		
1992	770		
1993	824		
1994	706		
1995	601		
1996	691		
1997	619		
1998	628		
1999	686		
2000	1157		
2001	1005	37	365
2002	663	1	2
2003	233		
2004	124	17	140
2005	350		
2006	172		40 West Rivertown Phase II
2007	154		
2008	116		
2009	119	1	8 Seventh Day Adventis 8 Plex
2010	93		
2011	131		
2012	263		
2013	189 a/o 10/31/2013		



ATTACHMENT "D"

ARTICLE 40: RESIDENTIAL GROWTH MANAGEMENT

§ 9-5.4001 CITATION.

This article may be known and be cited as the "Residential Growth Management Program Ordinance" of the City of Antioch.

§ 9-5.4002 PURPOSE.

The following matters are the purposes and goals of this article:

- (A) To implement Measure "U" (a 1998 voter advisory initiative) through these procedures in order to regulate the rate of residential growth within the city.
- (B) To implement the city's General Plan.
- (C) To help ensure that the city's infrastructure, public facilities, and ability to provide services keep pace with the demands created by new residential development.
- (D) To provide for a reasonable rate of residential growth that ensures the ability of the city to provide housing opportunities for all economic segments of the community.
- (E) To ensure that the city meets its regional allocation of housing needs.
- (F) To encourage reinvestment in older neighborhoods in order to increase the efficiency and reduce the costs of providing public services, stabilize older neighborhoods and revitalize the Rivertown area.

§ 9-5.4003 ESTABLISHMENT OF GROWTH MANAGEMENT GUIDELINES

Growth management guidelines shall be adopted by resolution of the Council and updated as necessary. The guidelines will be used to review requests for residential growth allocations.

§ 9-5.4004 RESIDENTIAL GROWTH ALLOCATION PROCESS.

- (A) Residential growth allocation requests shall be considered by the Council, with a recommendation from the Planning Commission, prior to application and approval of building permits for new residential structures.

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(B) The Council shall consider requests for residential growth allocations based upon the extent to which such requests are consistent with the residential growth allocation guidelines set by the Council.

(C) The Council may issue all, some, or none of the available residential growth allocations to a given project. These allocations may be issued over a single- or multi-year period at the discretion of the Council.

(D) The Director of Community Development shall promulgate the application submittal requirements for residential growth allocation requests, which will include information necessary for the Council to determine whether the proposed project meets the established residential growth allocation guidelines adopted by City Council.

(E) An application for residential growth allocations may be submitted only for a residential development project that has received approval of all entitlements necessary to qualify the project for issuance of a building permit, which entitlements include any necessary legislative amendments, tentative map, use permit and design review.

(F) If a residential development project is issued one or more residential growth allocations, and following the issuance of such residential growth allocations any entitlements necessary to develop the project expire, the residential growth allocations issued to the project shall be automatically rescinded and may be reallocated to other residential projects, consistent with the annual limits set forth herein.

(G) Residential growth allocations may not be transferred from one project or property to another project or property.

§ 9-5.4005 NUMERICAL LIMITS ON RATE OF GROWTH.

(A) It is the Council's intent to address its regional housing objectives by providing for the possible development of the total Regional Housing Needs Allocation (RHNA) for the City of Antioch. The goal of the Council shall be to meet such objective by averaging the units allocated over any RHNA period rather than meeting the objective on an annual basis.

(B) The Council may increase the number of allocations available in a given year beyond the RHNA requirement if it is determined that such action will further the goals of the General Plan and better enable the City to meet its RHNA objectives.

(C) Single-family dwellings shall be counted as one unit allocation. An age restricted-senior housing unit shall be counted as 0.5 unit allocations, given the reduced impacts on traffic congestion and schools created by such units. Multi-family units shall be counted as 0.63 unit allocations, based on the ratio of average persons per dwelling unit in multi-family dwellings as compared to single-family dwellings, which was taken from the parkland dedication section of the Subdivision Ordinance.

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§ 9-5.4006 EXEMPTIONS.

The following housing types are exempt from the requirements of this article but shall be counted when calculating the numerical limit on growth as provided in Sec. 9-5.4005:

- (1) Construction of a single dwelling unit by or for the owner of the lot of record on which the unit is to be constructed.
- (2) Construction of a second unit on a parcel as authorized by the second unit provisions of this Chapter.
- (3) Development of a project of four or fewer dwelling units

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ATTACHMENT "E"

Residential Growth Management Program Ordinance Guidelines

- A. Overview and Purpose. The Guidelines are intended to implement the City's Residential Growth Management Program (RGMP) Ordinance by addressing the following:
- System for allotment of Residential Development Allocations (Allocations) and Building Permits
 - Allocation application requirements, deadlines, expirations, extensions, etc.
 - Allocation and residential building permit tracking, forecasting, and annual report.
- B. Applications. All applications for Allocations shall meet all requirements of the RGMP Ordinance and these Guidelines.
1. Applicability; Application Contents. Every residential project is subject to these Guidelines unless specifically exempted under the RGMP Ordinance. The Community Development Department Director shall promulgate a RGMP application requiring, at a minimum, the following information: (1) a detailed description of the project which is the subject of the application; (2) the name and address of the applicant; (3) the names and addresses of all property owners; (4) the total number of dwelling units proposed to be included in the project; (5) the number of any previous Allocations issued for the project and the property; (6) the number of constructed residential units on or issued building permits for the project and the property, if applicable; and (7) the number of requested Allocations.
 2. Application Dates. Applications for Allocations to be issued during any given year shall be submitted to the Community Development Department not later than July 1 (or if July 1 falls on a weekend or holiday, on the first working day thereafter) of the preceding calendar year.
- C. Evaluation of RGMP Allocation Applications. All applications will be evaluated for conformance with the RGMP Ordinance and these Guidelines. A RGMP Application Committee consisting of the Community Development Director and Public Works Director shall make a recommendation regarding the application to the Planning Commission. The Planning Commission will hold a public hearing to consider the Committee's recommendation and make a recommendation to the City Council which will also hold a public hearing and issue the final Allocations. Evaluation of applications shall be in accordance with the following:
1. Those application periods where supply of Allocations exceeds demand for Allocations as set by the RGMP Ordinance, applicants will automatically be granted Allocations.

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2. For periods where demand for Allocations exceeds supply of Allocations as set by the RGMP Ordinance, the following criteria will be used to determine which projects will have priority to receive Allocations:

Moderate (Between 80 and 120 percent of Median Income) & Above Moderate (Above 120 percent of Median Income) units (in order of priority)

- a. The City's ability to meet service standards contained in the Growth Management Element of the General Plan.
- b. Projects with previous RDA approvals that are in compliance with all conditions of approval.
- c. Phases of projects that have previously received allocations (in progress, building permits pulled and under construction)
- d. Projects demonstrating that they are subject to an assessment district created prior to the adoption of Article 40 of Chapter 5 of Title 2 of the Antioch Municipal Code.
- e. In-fill projects (less than 5 acres and surrounded by development on three sides, as determined by the Community Development Director)
- f. Development projects within the Rivertown/Urban Waterfront Focus Area, as designated in the General Plan.
- g. Development projects within the Hillcrest Station Area Specific Plan.

Very-low (Up to 50 percent of Median Income) and Low income (Between 50 and 80 percent of Median Income) units (in order of priority)

- a. The City's ability to meet service standards contained in the Growth Management Element of the General Plan.
- b. Projects providing housing that meets the quantified objectives for very low and low income housing as set forth in the Housing Element.
- c. Projects providing qualifying in-house support services such as home work assistance, day care, job training/location assistance, senior services (as determined by the Community Development Director)
- d. Projects providing units intended especially for one or more special needs groups, i.e. handicapped, income-restricted senior housing, etc., as described in the Housing Element of the General Plan.
 1. Projects providing 100% age-restricted units for seniors
 2. Phases of projects that have previously received allocations (in progress, building permits pulled and under construction)
- e. Projects demonstrating that they are subject to an assessment district created prior to the adoption of Article 40 of Chapter 5 of Title 2 of the Antioch Municipal Code.
- f. In-fill projects (less than 5 acres and surrounded by development on three sides, as determined by the Community Development Director)

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- g. Development projects within the Rivertown/Urban Waterfront Focus Area, as designated in the General Plan.
- h. Development projects within the Hillcrest Station Area Specific Plan.

D. Expirations and extensions.

- 1. Expirations. Allocations shall be valid only for the calendar year designated on the Allocations. Allocations associated with a pulled building permit shall expire concurrently with building permit expiration.
- 2. Extensions. Extensions of the Allocations may be granted in accordance with the timelines for building permit extension as set forth in the Uniform Building Code.

E. Previously Approved Allocations. Projects with existing allocations under the previous Residential Development Allocation ordinance that wish to amend their Allocation requirements may do so via a request to amend conditions on the Tentative Map or a Development Agreement, which will be processed in accordance with Title 9 of the Antioch Municipal Code.

F. Processing Fees. The applicant shall maintain a deposit account to pay all costs for staff time and materials required to process the application in accordance with City policy and the Master Fee Schedule.

G. Building Permit Issuance. The City shall not issue any building permits in excess of the limitations set forth in the RGMP Ordinance and Guidelines.

H. Periodic Revisions. The City Council shall undertake periodic revisions of these Guidelines to reflect changes in the General Plan, the RGMP Ordinance, or land use decisions as necessary to implement City policies. Each City approval of a tentative subdivision map or vesting tentative subdivision map shall contain a provision stating that these Guidelines are subject to change and those in effect at the time of application for RGMP Allocations shall control.

I. Annual Report on Residential Building Activity and Projections/Forecast. An annual report and a RGMP Allocation recommendation shall be prepared by staff and presented to the Planning Commission and City Council with the recommendation for issuance of allocations. This annual report shall serve as the tracking system for the RGMP and shall include permit activity from previous years as well as update the annual average/maximums of the RGMP. In addition, the Annual Report shall serve as the official forecast for the purposes of planning the next calendar year's RGMP Allocations by identifying various residential projects in the process.

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ATTACHMENT "F"

3.0 Growth Management

3.1 INTRODUCTION AND PURPOSE

The premise of growth management in the City of Antioch has long been to ensure that development paid its own way, and that sufficient public services and facilities were available to support new development. The City defined the desired pattern of land uses, and proactively assisted in setting up funding mechanisms for expansion of infrastructure designed to ensure that the costs of capital facilities needed to support growth were paid for by new development. As individual development came forward, the emphasis was on mitigating the impacts of proposed growth. Today, one of the key themes of the Antioch General Plan is that new growth and development be directed toward the achievement of the community vision set forth in the General Plan. New development needs to make a positive contribution to the community, and not just avoid or mitigate its impacts.

Antioch will face a number of difficult growth management challenges over the next 20 years as it moves from a bedroom suburb to a full service city. Key among these challenges is the need to effectively address nagging traffic congestion problems in the East County region in the face of rapid residential growth forecasts. In response, Antioch has committed to expand local employment opportunities and reduce the need for Antioch residents to commute long distances to work. The desire to revitalize Antioch's Rivertown area, its riverfront, and its older areas; to enhance municipal income streams through expanded retail opportunities, and the need to expand both upper end and affordable housing opportunities also need to be factored into the community's growth management strategy.

New growth and development within Antioch will increase the demand for infrastructure and services provided by the City and other agencies. In addition, future land use and

development decisions will have an effect on municipal costs and revenues. As long as Antioch continues to grow in population and expand its economic base, the City's operating and capital budgets will have to respond to increased demands for services and facilities. Since the fiscal burden of providing expanded infrastructure is beyond the normal capacity of municipal revenues, it is imperative that the expansion of the City's residential and non-residential sectors occur such that a burden is not placed on the community's resources.

As discussed in Section 3.1.2, Antioch voters passed an advisory growth control measure. Measure U calls for the City to not only enforce public services and facilities performance standards during the review of individual development proposals, but also to phase the rate of new development to ensure the continuing adequacy of those services and facilities. Managing the *rate* of growth adds a new challenge. To implement annual growth limits in addition to the public services and facilities performance standards that the City has been implementing, along with large-scale assessment districts to provide up-front financing of infrastructure, requires that care be taken to ensure the viability of such infrastructure financing mechanisms.

It is the purpose of this Element of the General Plan to bring together those portions of the General Plan that address various aspects of growth management, and thereby set forth a comprehensive strategy to manage the location and rate of future growth and development. It is also the purpose of the Growth Management Element to implement the provisions of countywide Measure J and the City's Measure U (see Sections 3.1.1 and 3.1.2, below). The Growth Management Element thus sets forth performance standards for key community services and facilities, thereby establishing a clear linkage between future growth and the adequacy of community services and facilities.

3.1.1 Contra Costa County Measure J Requirements

- One purpose of the Growth Management Element is to comply with the requirements of the Measure J Growth Management Program (GMP), adopted by the voters of Contra Costa County in November 2004. The GMP requires each local jurisdiction to meet the six following requirements: Adopt a development mitigation program;
- Address housing options;
- Participate in an ongoing cooperative, multi-jurisdictional planning process;
- Adopt an Urban Limit Line (ULL);
- Develop a five-year capital improvement program; and,
- Adopt a transportation systems management (TSM) ordinance or resolution.

Measure J (2004) is a 25-year extension of the previous Measure C Contra Costa Transportation Improvement and Growth Management Program approved by the voters in 1988.

Both programs include a ½ percent transportation and retail transactions and use tax intended to address existing major regional transportation problems. The Growth Management component is intended to assure that future residential business and commercial growth pays for the facilities required to meet the demands resulting from that growth.

Compliance with the GMP is linked to receipt of Local Street Maintenance and Improvement Funds and Transportation for Livable Community funds from the Transportation Authority. The Growth Management Program defined by the original Ordinance 88-01 continues in effect along with its linkage to Local Street maintenance and improvement funds through March 31, 2009. Beginning on April 1, 2009, the Measure J CMP requirements take effect.

Measure J eliminates the previous Measure C requirements for local performance standards

and level-of-service standards for non-regional routes. Measure J also adds the requirement for adoption of a voter-approved ULL.

3.1.2 Antioch's Advisory Measure U

In November 1998, Measure U was approved by a large majority of Antioch voters (69 percent). Measure U was an advisory measure calling for the City to phase the rate of new development to:

“Provide adequate schools, street improvements, and Highway 4 improvements for a sustained high quality of life, by making new growth pay its own way through maximizing fees, assessment districts, matching fund programs, and any other means effective to expedite the construction of needed infrastructure.”

A series of community workshops were conducted during early 1999, leading to an interim ordinance.

The interim ordinance was subsequently replaced by a permanent ordinance that is consistent with the provisions of the General Plan Element.

3.2 GOALS OF THE GROWTH MANAGEMENT ELEMENT

To provide for a sustained high quality of life and ensure that new development occurs in a logical, orderly, and efficient manner, it is the goal of the Growth Management Element to accomplish the following:

- *Maintain a clear linkage between growth and development within the City and expansion of its service and infrastructure systems, including transportation systems; parks, fire, police, sanitary sewer, water, and flood control facilities; schools; and other essential municipal services, so as to ensure the continuing adequacy of these service facilities.*

This goal is cornerstone of the Growth Management Element. The quantified

public services and facilities performance standards delineated in this Element set a benchmark for quantifying the impacts of new development, and also represent the measuring tool by which mitigation of those impacts will be required by the City. Implementation of these performance standards is thus designed to mitigate the impacts of growth, and ensure that new development pays its own way in terms of the capital costs associated with needed expansion of public services and facilities. The provisions of the Growth Management Element are also intended to address efficiency in the provision of public services and facilities. By moderating the rate of new residential growth, consistent with the ability of the City and service agencies to keep pace, the cost of providing public services can be maintained at reasonable rates.

"Efficiency" in the provision of public services and facilities often also means constructing large-scale capital facilities at the initial phase of new development to avoid interim periods of inadequate service. The City of Antioch recognizes that that it is sometimes necessary to construct large-scale infrastructure ahead of development, possibly making financing difficult for individual developments. Where financing required large-scale capital facilities is needed, but beyond the ability of individual developments, many communities permit the construction of interim facilities. However, maintenance of such interim facilities is often costly, and in the end more expensive than constructing the ultimate facilities up front. As a result, Antioch strives to avoid the use of interim facilities, and supports the establishment of land-based financing mechanisms in the form of assessment districts to facilitate the financing of large-scale capital facilities. Policies related to interim facilities and financing of capital facilities is contained in the Public Services and Facilities Element.

- *Maintain a moderate rate of residential growth to ensure that the expansion of public services and facilities keeps pace.*

This goal recognizes that there is a limit to the rate at which public services and facilities can reasonably be expanded. Because of long lead times for the construction of regional highway improvements, schools, and large-scale flood control facilities, the provision of some critical facilities can fall behind rapid residential growth, even if new development does ultimately pay its own way. By moderating residential growth rates, potential lag times between project approvals and housing occupancy can be minimized or eliminated.

- *Recognize the ultimate buildout of future development within the City of Antioch and its Planning Area that is established in the General Plan Land Use Element.*

The land use map and policies contained in the Land Use Element define the City's future land use pattern, along with maximum appropriate development intensities throughout the Antioch Planning Area. As a result, the General Plan Land Use Element establishes an ultimate buildout for the General Plan. The policies of the Growth Management Element are intended to recognize that build out of the General Plan will occur as the result of numerous individual development decisions and numerous incremental improvements to the public services and facilities serving Antioch. In setting forth public services and facilities and defining the responsibility of individual developments to mitigate impacts and pay their own way, the Growth Management Element is intended to provide a system for the expansion of infrastructure that will support build out of the General Plan as expressed by the ultimate buildout established in the Land Use Element.

- *Manage the City's growth in a way that balances the provision of diverse housing options with local employment opportunities and provides sufficient municipal revenues to cover the cost of high quality municipal services and facilities.*

Achievement of a balance between local jobs and housing was a key factor in the implementation of the City's advisory Measure U, and a key component of Antioch's vision as expressed in Chapter 2, Community Vision, of the General Plan. The General Plan recognizes sustaining a high quality of life for Antioch residents necessarily involves reducing the need for long commutes to work, and that "balancing" jobs and housing means much more than just having an appropriate number of employment and housing opportunities within the community. "Balancing" jobs and housing means providing a range of housing types appropriate for the types of employment opportunities found in Antioch. Conversely, "balancing" jobs and housing means providing the employment –generating lands that will provide the employment opportunities appropriate to Antioch residents. This Element is intended to assist in the financing of infrastructure needed to develop job-producing uses. It accomplishes this purpose by establishing achievable performance standards and considering the feasibility financing infrastructure expansion.

- *Improve regional cooperation in relation to mitigating the regional impacts of new development.*

Some of the services and facilities (e.g., fire protection, schools, and sewage treatment) provided to Antioch residents and businesses are provided by special districts, and not by the City. Effective management of growth, including mitigation of impacts and expansion of services and facilities to support future growth requires the cooperation of the City and outside agencies providing local services. The provisions of the Growth Management Element, along with the provisions of the Public Services and Facilities Element, are intended to provide for such coordination.

For many issues (e.g., transportation, air quality, and economic development), a cooperative regional approach to problem solving is the only effective means. Traffic

congestion resulting from home-to-work trips is primarily a regional problem resulting from regional imbalances of employment and housing, and can only be solved by concerted efforts at both ends of existing problematic commutes.

The impacts of new development are not always restricted to the municipal boundaries of the jurisdiction approving the development. Often, developments approved by one community impact other communities. In the case of development projects that will exacerbate regional jobs-housing imbalances, the traffic, noise, and air quality impacts of such developments can manifest themselves at some distance away from the development itself. "Equitable" mitigation involves not only that projects pay their own way within the jurisdiction where they are approved, but may also mean mitigating impacts in other jurisdictions.

The Growth Management Element seeks to establish a basis for communities to jointly provide mitigation for impacts occurring in other jurisdictions, as well as a basis for regional cooperation to address regional issues. Antioch recognizes that the effectiveness of its Growth Management Element ultimately relies on the extent to which active partnerships with other jurisdictions can be formed and maintained to address the regional aspects of mitigating development impacts.

3.3 GENERAL PLAN APPROACH

3.3.1 Growth Management Provisions in the General Plan

Antioch's growth strategy is to undertake a comprehensive program to accommodate planned economic and population growth in a manner consistent with community values and the lifestyles of existing and future residents. Thus, growth management is central to the General Plan, and "growth management" provisions appear throughout the General

Plan. In effect, the various elements of the General Plan each address specific aspects of managing growth within Antioch, and are intended to work together to function as a comprehensive growth management program. The specific growth management roles of individual General Plan elements are described below.

- The *Growth Management Element* implements the provisions of countywide Measure J, and provides supporting policies for implementation of Antioch's advisory Measure U. This Element establishes a ~~quantified annual~~ cap on residential growth based on the Regional Housing Needs Allocation, and sets forth roadway and highway level of service standards, as well as public services and facilities performance standards. This Element also implements the provisions of Measure J by providing general policy direction for achieving a balance between local jobs and housing, as well as for City participation in regional transportation planning efforts.
- The *Land Use Element* defines acceptable locations and the appropriate intensity for new development, and sets forth policies regarding development design and land use compatibility. By defining acceptable locations and appropriate intensities for new development, the Land Use Element establishes the maximum allowable development intensity for the City at "build out" of the Antioch Planning Area. Incorporated into the Land Use Element are the provisions of a boundary agreement Antioch maintains with the City of Brentwood. The agreement is intended to establish an agreed upon boundary between the two cities, and provide for compatible land uses along the cities' mutual boundary¹.

This element also addresses the effect of the urban limit line established by the Voter-Approved Urban Limit Line (Figure

4.12) and directs new development to occur within the Voter-Approved Urban Limit Line, thereby achieving a compact form of community.

The Land Use Element specifically delineates lands set aside for the development of employment-generating uses, and defines the types of employment-generating uses appropriate for each area so designated. 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. Overall, the Land Use Element sets for smart growth concepts, including providing for a close relationship between land use and transportation facilities (e.g., public transit, bicycle and pedestrian transportation, higher density development nodes at transportation centers).

- The *Circulation and Transportation Element* directly addresses the provision of the new and expanded transportation facilities that are needed to support development of the land uses delineated in the Land Use Element, consistent with the level of service standards set forth in the Growth Management Element. This Element defines the specific improvements that will be made over time to the City's roadway and highway systems in order to maintain the level of service standards set forth in the Growth Management Element.
- The *Public Services and Facilities Element* directly addresses the provision of the new and expanded public services and facilities that are needed to maintain the performance standards set forth in the Growth Management Element. This Element defines the responsibilities of new development projects for the provision of expanded services and facilities, and provides policy direction for the manner in which expansion of public services and facilities will be financed. This element also addresses avoidance of interim

¹ The provisions of the boundary agreement permit either city to terminate the agreement upon notice to the other city.

facilities and the financing of large-scale facilities needed to maintain the performance standards set forth in the Growth Management Element.

- The *Resource Management Element* provides policy direction for the management of open space, hillside development, biological resources, water resources and quality, cultural and historical resources, and energy resources in relation to new growth and development.
- The *Environmental Hazards Element* addresses the constraints on growth presented by natural and man-made hazards.
- A *Development Review Program* is included as part of General Plan implementation programs. The Development Review Program is a compilation of General Plan policies affecting the review of individual development projects. This portion of the General Plan presents a comprehensive definition of the General Plan performance standards that will be used to review new development proposals in order to implement the policies of the General Plan. Thus, the Development Review Program sets forth the specific criteria that will be used to determine the consistency of proposed new developments with the General Plan.

In addition to the Development Review Program, General Plan implementation programs include Follow-up Studies, Intergovernmental Coordination, and General Plan Maintenance. These sections set forth requirements for monitoring and coordination of the City's Growth Management Element, including monitoring of compliance with stated performance standards and coordination with the City's Capital Improvement Program.

- The *Housing Element* delineates the specific programs that the City of Antioch will implement to ensure housing

opportunities for all economic segments of the economy. The Housing Element, unlike the balance of the General Plan, is intended by state law to be short-term, setting forth a five-year program. As a result, the Housing Element is required to be updated every five years. This Element sets forth specific policies and programs designed to ensure opportunities for the development of upper end housing, and for housing for service workers who could not otherwise afford for-sale housing within Antioch. State law requires that the California Department of Housing and Community Development review local Housing Elements to determine whether they meet the applicable legal requirements.

The Measure J Growth Management Program requires jurisdictions to report on their progress towards Housing Element compliance. The City must prepare a biennial report of the implementation of actions outlined in the City's Housing Element, for submittal to CCTA as part of the biennial GMP Compliance Checklist. The report will demonstrate reasonable progress using one of the following three options:

- a. Comparing the number of housing units approved, constructed or occupied within the City over the preceding five years with the number of units needed on average every year to meet the housing objectives established in the City's Housing Element; or,
- b. Illustrating how the City has adequately planned to meet the existing and projected housing needs through the adoption of land use plans and regulatory systems which provide opportunities for, and do not unduly constrain, housing development; or,
- c. Illustrating how the City's General Plan and zoning regulations facilitate the improvement and development of sufficient housing to meet those objectives.

3.3.2 Growth Management Provisions Outside of the General Plan

3.3.2.1 Capital Improvements Program.

The City of Antioch maintains a five-year capital improvements program (CIP) that lists projects, along with their costs and funding sources. The CIP identifies proposed capital improvements for parks and trails, roadway improvements, traffic signal projects, water and wastewater system improvements, and community facilities projects (e.g., community center, art in public places, Antioch Marina, police facility, city hall, fishing pier, library). This program defines priorities for public improvements throughout the community.

3.3.2.2 Transportation Systems

Management Ordinance. The City of Antioch has adopted, and is implementing a Transportation Systems Management Ordinance to promote maximum efficiency in the existing transportation system, and to further the transportation goals of Measure J and the provisions of Contra Costa County's Congestion Management Program. The ordinance achieves these goals by:

- Promoting and encouraging the use of transit, ridesharing, bicycling, walking, flexible work hours, and telecommuting.
- Incorporating these features into the land use review process.
- Developing transportation systems management and demand management proactive programs and projects.
- Where feasible, incorporating technology in the transportation system to facilitate traffic flow, provide transit and highway information, and provide trip generation alternatives.

3.3.2.3 Participation in Regional

Transportation Planning. Antioch is an active participant in regional transportation planning efforts, including the TRANSPLAN Committee. The TRANSPLAN Committee

was formed in 1991 to serve as a transportation planning and coordinating group for the eastern portion of Contra Costa County. TRANSPLAN, whose members include the cities of Antioch, Brentwood, Oakley, and Pittsburg, as well as Contra Costa County, coordinates and represents East County's interests in the Measure J transportation planning and growth management process. TRANSPLAN projects include regional bikeway plans, East County Traffic Management Study, State Route 4 East Rail Transit Study, and the State Route 239 Interregional Corridor Study.

Members of the City Council also serve in active roles on the boards of the Contra Costa Transportation Authority and Tri-Delta Transit.

Participation In Other Regional Programs.

The City of Antioch participates in a number of other regional planning programs. These include the following:

- ABAG (regional land use and transportation planning for the San Francisco Bay Area);
- Community Advisory Board – San Francisco Bay Water Transit Authority (water-based transit);
- East Bay Division, League of California Cities (coordination regarding issues of mutual interest in relation to statewide issues and state legislation);
- East Contra Costa Regional Fee and Financing Authority (areawide financing of major transportation improvements);
- Mayor's Conference (forum for discussion of issues of mutual interest for cities within Contra Costa County); and
- State Route 4 By-Pass Authority (financing and construction of the State Route 4 by-pass east of State Route 160).

3.4 SERVICE STANDARDS FOR TRANSPORTATION FACILITIES

This portion of the Growth Management Element sets level of service¹ standards for roadways within the City of Antioch Planning Area, along with policies to ensure that these standards are maintained. These standards form the basis for the City's circulation policies, and for the ways in which land use and circulation will be correlated with each other. Roadways are grouped into two categories: "Routes of Regional Significance" and "Basic Routes."

Policies and programs to define the responsibilities of new development projects for the provision of expanded roadway facilities are provided in Chapter 7.0 of the General Plan (Circulation Element). Policy direction addressing the manner in which expansion of roadways and other public services and facilities will be financed is provided in Section 8.13 (Public Services and Facilities Element).

3.4.1 Routes of Regional Significance

"Routes of Regional Significance" include state highways and other major roadways that carry a significant amount of through traffic, and link Antioch to neighboring jurisdictions. Routes of Regional significance are subject to implementation of "Action Plans," which are a set of programs and policies that are developed with other jurisdictions in the County to address traffic impacts along these regional routes. Development projects that may impact regional routes are required to comply with adopted Action Plans. These Action Plans are described in the Circulation Element.

¹ Traffic levels of service (LOS) are expressed in terms of volume-to-capacity ratios to estimate the delay experienced by drives at intersections. They are expressed as the letters A-F with A representing free flow (volumes less than 60% of capacity, and F representing gridlock (volumes greater than 100% of capacity).

The following are officially designated as routes of regional significance.

- State Route 4, including freeway interchanges and the State Route 4 bypass
- State Route 160, including freeway interchanges
- Lone Tree Way
- Hillcrest Avenue
- Deer Valley Road
- Delta Fair Boulevard, west of Sommersville Road
- Buchanan Road, west of Sommersville Road
- James Donlon Boulevard
- Somersville Road
- Sand Creek/Dallas Ranch Road
- Standard Oil Road

While it may be desirable to add new roadways to this list, to do so in the absence of preparing and adopting "Action Plans" would leave such additional routes without enforceable performance standards. The Antioch Circulation Element identifies roadways that should be added to the County's list of Routes of Regional Significance, including 18th Street, Wilbur Avenue, Sunset Avenue, Oakley Avenue, and the Pittsburg-Antioch Highway. Each of these roadways provides access between Antioch and other communities. A program to prepare Action Plans and have these roadways designated as Routes of Regional Significance is included in Chapter 12, Implementation.

3.4.1.1 Performance Standards for Routes of Regional Significance.

Discretionary projects that impact Routes of Regional Significance shall comply with the requirements of the adopted Action Plans. The improvements proposed for each of these routes are described in the Circulation Element.

Table 3.A – Level of Service Traffic Standards

Land Use	Level of Service (LOS)	Range of Volume-to-Capacity Ratios (V/C)
Rural	Low – C	0.70 – 0.74
Semi-Rural	High-C	0.75 – 0.79
Suburban	Low-D	0.80 – 0.84
Urban	High-E	0.85 – 0.89
Central Business District	Low-E	0.90 – 0.94

3.4.2 Basic Routes

This Growth Management Element requires consistency with the following traffic standards for Basic Routes, which are defined as all local roads not otherwise designated as Routes of Regional Significance. The standards are defined for various land uses, as illustrated in Table 3.A.

3.4.2.1 Performance Standards for Basic Routes. The minimum acceptable operating levels of service on arterials, collectors, and intersections during peak hours shall be as follows.

- a. Regional commercial portions of the Antioch Planning Area; intersections within 1,000 feet of a freeway interchange: Low "E" (v/c = 0.90-0.94)
- b. Residential and commercial portions of the Rivertown Focus Area; freeway interchanges: High "D" (v/c = 0.85-0.89)
- c. Residential and arterial roadways in non-Regional Commercial areas: Mid-range "D" (v/c = 0.83-0.87)

The locations of each of these types of routes in illustrated in the Circulation Element Map. For school facilities, the applicable performance standard is design of facilities to avoid impeding traffic on public streets before, during, and after normal school days.

3.4.3 Transportation Facilities Objective

Maintain acceptable traffic levels of service on City roadways through implementation of Transportation Systems Management, Growth

Management, and the City's Capital Improvement Program, and ensure that individual development projects provide appropriate mitigation for their impacts.

3.4.4 Transportation Facilities Policies

- a. Place ultimate responsibility for mitigating the impacts of future growth and development, including construction of new and widened roadways with individual development projects. The City's Capital Improvements Program will be used primarily to address the impacts of existing development, and to facilitate adopted economic development programs.
- b. Continue to develop and implement action plans for routes of regional significance (see Circulation Element requirements).
- c. Ensure that development projects pay applicable regional traffic mitigation fees and provide appropriate participation in relation to improvements for routes of regional significance (see also Circulation Element Policy 5.3.1f).
- d. Consider level of service standards along basic routes to be met if 20-year projections based on the City's accepted traffic model indicate that conditions at the intersections that will be impacted by the project will be equivalent to or better than those specified in the standard, or that the proposed project has been required to pay its fair share of the improvement costs needed to bring operations at impacted intersections into conformance with the applicable performance standard.

- e. The policy set forth in Paragraph d, above, is based on *projected, with project* traffic conditions and is a more stringent standard than that required by Measure J, which does not require jurisdictions to adopt local LOS standards. In cases where the standard set forth in paragraph d, above, is not met in the *no project* condition (i.e., projected traffic will not meet the applicable standard, even if the proposed project is not built), General Plan traffic standards for Basic Routes will be considered to be met if (1) the proposed project has been required to pay its fair share of the improvement costs needed to bring operations at impacted intersections into conformance with the applicable performance standard and actual physical improvements will be provided by the project so as to not result in a further degradation of projected level of service at affected intersections.

This section of the Growth Management Element sets forth performance standards for public services and facilities other than the transportation network. Descriptions of current facilities serving Antioch and its Planning Area, as well as plans and programs for expansion of facilities maintained by the City and the special districts serving the City are described in the Public Services and Facilities Element.

Standards are presented for services and facilities provided by the City of Antioch, as well as those provided by Special Districts other than the City, including fire protection services provided by the Contra Costa County Fire Protection District, school facilities provided by the Antioch Unified School District¹, and sewage treatment facilities provided by the Delta Diablo Sanitation District. In addition to the fire, police, water, sanitary sewer, flood control, and park performance standards that are set forth in the Growth Management Element, standards are also provided for community centers, schools, and general public services and facilities. The inclusion of these additional standards recognizes the crucial role that community centers, schools and other governmental facilities will play in ensuring a high quality of life for Antioch residents.

3.4.5 Transportation Systems Management (TSM) Policies

- a. Continue to implement the City's TSM program to reduce trip generation and maximize the carrying capacity of the area's roadway system.
- b. Work to establish rail transit service within Antioch.
- c. Work with Tri-Delta Transit and other service providers to promote regional transit service. Refer proposed development projects to Tri-Delta Transit, and require the provision of bus turnouts and bus stops in locations requested by the agency, where appropriate.
- d. Maintain a comprehensive system of bicycle lanes and routes as specified in the Circulation Element.
- e. Synchronize traffic signals where feasible to improve the flow of through traffic.

Policies and programs to define the responsibilities of new development projects for the provision of expanded public services and facilities needed to meet the performance objectives and stated that follow are provided in the Public Services and Facilities Element of the General Plan. Policy direction addressing the manner in which expansion of roadways and other public services and facilities will be financed is provided in Section 8.13 (Public Services and Facilities Element).

3.5 SERVICE STANDARDS FOR OTHER COMMUNITY SERVICES

¹ A small portion of the Antioch Planning Area is located within the boundaries of the Brentwood School District and the Liberty Union High School District. Standards and policies for schools will apply to each school district serving the Planning Area.

3.5.1 Community Centers¹

3.5.1.1 Performance Objective. Ensure that community centers provide sufficient space to conduct civic meetings, recreational programs, and social activities to meet the needs of Antioch residents.

3.5.1.2 Performance Standard. Maintain a minimum of 750 square feet of community center space per 1,000 population.

3.5.2 Fire Protection Facilities

3.5.2.1 Performance Objective. Maintain competent and efficient fire prevention and emergency fire, medical, and hazardous materials response services with first responder capability in order to minimize risks to life and property.

3.5.2.2 Performance Standard. Prior to approval of discretionary development projects, require written verification from the Contra Costa County Fire Protection District that a five minute response time (including three minute running time) can be maintained for 80 percent of emergency fire, medical, and hazardous materials calls on a citywide response area basis.

3.5.3 Police Service

3.5.3.1 Performance Objective. Maintain an active police force, while developing programs and police facilities that are designed to enhance public safety and protect the citizens of Antioch by providing an average response time to emergency calls of between seven and eight minutes from the time the call is received to the time an officer arrives.

3.5.3.1 Performance Standard. Maintain a force level within a range of 1.2 to 1.5 officers,

¹ Community centers consist of buildings, other than City Hall, designed for community meetings, indoor recreational and instructional programs, and social activities. Included in the definition of community centers are such specialized facilities as senior centers, youth centers, and gymnasiums. Existing facilities include the Nick Rodriguez Community Center, Prewitt Family Park Center, and the Antioch Senior Center.

including community service officers assigned to community policing and prisoner custody details, per 1,000 population. The ratio of community service officers assigned to community policing and prisoner custody details to sworn officers shall not exceed 20 percent of the total number of sworn officers.

3.5.4 Water Storage and Distribution²

3.5.4.1 Performance Objective. Maintain a water system that is capable of meeting the daily and peak demands of Antioch residents and businesses, including the provision of adequate fire flows and storage for drought and emergency conditions.

3.5.4.2 Performance Standard. Adequate fire flow as established by the Contra Costa County Fire Protection District, along with sufficient storage for emergency and drought situations and to maintain adequate service pressures.

3.5.5 Sanitary Sewer Collection and Treatment Facilities¹

3.5.5.1 Performance Objective. A wastewater collection, treatment, and disposal system that is capable of meeting the daily and peak demands of Antioch residents and businesses.

3.5.5.2 Performance Standards.

- a. Sanitary sewers (except for force mains) will exhibit unrestricted flow in normal and peak flows.
- b. Prior to approval of discretionary development projects, require written verification from the Delta Diablo Sanitation District that the proposed project will not cause the rated capacity of

² The performance objectives and standards for water storage and distribution relate to the provision of capital facilities. Policies related to water conservation and the use of reclaimed wastewater are contained in the Open Space/Conservation Element.

treatment facilities to be exceeded during normal or peak flows.

as determined by the responsible school district.

3.5.6 Flood Control

3.5.9 Entitlement Process and Capital Improvements Program

3.5.6.1 Performance Objective. Ensure adequate facilities to protect Antioch residents and businesses from damaging flood conditions.

3.5.9.1 Entitlement Process and Capital Improvements Program Objective. To ensure the attainment of public services and facilities standards through the City's development review process, Capital Improvements Program, and a variety of funding mechanisms.

3.5.6.2 Performance Standard. Provide sufficient facilities development to protect structures for human occupancy and roadways identified as evacuation routes from inundation during the 100-year flood event.

3.5.9.2 Entitlement Process and Capital Improvements Program Policies

3.5.7 Parks and Recreational Facilities

- a. Ensure that discretionary development projects comply with the City's performance standards, by approving such projects only after making one or more of the following findings.
 - The City's adopted performance standards will be maintained following project occupancy; or
 - Project-specific mitigation measures or conditions of approval have been incorporated into the project.
- b. Require new development to fund public facilities and infrastructure, either directly or through participation in a land-based financing district, as necessary to mitigate the impacts of new development on public services and facilities.
- c. Levy mitigation requirements in proportion to each development's anticipated impacts. Where infrastructure is required to be installed in excess of a development's proportional mitigation requirement, utilize benefit districts over the area to be benefited by the infrastructure or provide reimbursement to the development for excess cost.
- d. Maintain a Five-Year Capital Improvement Program, designed, in part, to ensure that traffic and other public service performance standards are met and/or maintained, and to address the needs of

3.5.7.1 Performance Objective. A system of park, recreational, and open space lands of sufficient size and in the appropriate locations, including provision of a range of recreational facilities, to serve the needs of Antioch residents of all ages.

3.5.7.2 Performance Standard. Provide five acres of improved public and/or private neighborhood parks and public community parkland per 1,000 population, including appropriate recreational facilities.

3.5.8 Schools

Recognizing that provision of school facilities is the responsibility of the school district, as set forth in State law (SB50). The intent of the General Plan in setting forth objectives and a performance standard for school facilities to require the maximum mitigation allowable by law.

3.5.8.1 Performance Objective. Provision of schools in locations that are readily accessible to student populations, along with sufficient facilities to provide educational services without overcrowding.

3.5.8.2 Performance Standard. Require new development to provide necessary funding and/or capital improvements to mitigate projected impacts on school facilities,

existing development. Update capital improvement plans as part of the annual budget process.

3.6 MANAGING THE RATE OF GROWTH

3.6.1 Rate of Growth Objectives

- a. Provide for a reasonable rate of residential growth that ensures the ability of the City to provide housing opportunities for all economic segments of the community as required by State Housing Element law, and that facilitates the ability of public services and facilities provided by the City and outside agencies to expand at a commensurate rate.
- b. Encourage reinvestment in older neighborhoods in order to increase the efficiency and reduce the costs of providing public services, stabilize older residential neighborhoods, and revitalize the Rivertown area.

3.6.2 Rate of Growth ~~Policies~~Policy

- a. ~~Prohibit the granting of new residential development allocations for the calendar years 2006 and 2007. For the five-year period from 2006 to 2010, no more than 2,000 development allocations may be issued. Thereafter, limit the issuance of development allocations as required by the Residential Growth Management Ordinance and adopted Guidelines, to a maximum annual average of 600, recognizing that the actual rate of growth will vary from year to year. Thus, unused development allocations issued after December 31, 2010 may be reallocated in subsequent years, and development allocations may be moved forward from future years, provided that the annual average of 600 development allocations may not be exceeded during any given five-year period (i.e., no more than 3,000 development allocations may be issued for any given five-year period).~~

- ~~a. b. To move development allocations forward from future years, the following finding must be made:~~

~~— The constraints posed by needed infrastructure phasing or capital facilities financing require that development allocations be moved forward from future years to avoid jeopardizing the feasibility of existing infrastructure financing mechanisms or the financing of infrastructure for the development allocations that would otherwise be granted during the calendar year.~~

- ~~c. To facilitate the development of housing required to meet the needs of all economic segments of the community and special needs groups identified in the Housing Element, age-restricted housing and multiple-family dwellings shall be counted as less than one single-family dwelling unit for the purposes of residential development allocations. The relationship between an allocation for a single-family dwelling and an allocation for age-restricted housing and multiple-family dwellings shall be based on such factors as differences in traffic generation, school impacts, and demand for new recreation facilities.~~

- ~~d. In order to avoid a predominance of any one housing type, limits shall be placed on the number of annual allocations that may be granted to age-restricted senior housing, single-family detached housing, and multifamily housing.~~

- ~~e. Permit residential projects that are subject to limitations on development allocations to proceed with other necessary approvals not directly resulting in the division of land or construction of residential dwelling units (e.g., General Plan amendments, rezoning, environmental review, annexation, etc.). The processing of such applications is not, however, a commitment on the part of the City that the proposal will ultimately receive development entitlements or allocations.~~

~~f. To facilitate the development of housing required to meet the needs of all economic segments of the community and special needs groups identified in the Housing Element, exempt the following types of developments from limitations on the annual issuance of development allocations, whether for single-family or multi-family residential development. Dwelling units approved pursuant to the following exemptions shall not be counted against the established maximum annual development allocation.~~

- ~~(1) Income-restricted housing needed to meet the quantified objectives for very low and low-income housing set forth in the Housing Element, along with "density bonus" dwelling units approved pursuant to the provisions of the Housing Element and the City's Density Bonus ordinance.~~
- ~~(2) Dwelling units designed for one or more Special Needs Groups, as defined in the Housing Element (i.e., handicapped, income-restricted senior housing), pursuant to programs set forth in the Housing Element as needed to meet the Housing Element's quantified objectives for housing of special needs groups.~~
- ~~(3) Dwelling units within development projects having vested rights through a valid (unexpired¹) development agreement or vesting map.~~
- ~~(4) Construction of a single dwelling unit by or for the owner of the lot of record on which the dwelling unit is to be constructed.~~
- ~~(5) Construction of a second dwelling unit on a lot of record.~~
- ~~(6) Development of a project of four or fewer dwelling units.~~

- ~~(7) Development projects within the Rivertown Focused Planning Area.~~
- ~~(8) Smart growth, transit-oriented development projects.~~
- ~~(9) Properties outside the City limits, as shown on the General Plan Land Use Map, that subsequently annex to the City and otherwise provide positive impacts to the City consistent with this article. Approval of such an exemption shall be at the sole discretion of the Council, and the details shall be memorialized by a statutory development agreement or other binding instrument. However, residential development in Roddy Ranch shall be subject to the residential development allocation program.~~

3.6.3 Development Allocation Policies

- ~~a. Development allocations shall constitute a right, granted by the City Council, to apply for building permits for lots within an approved tentative map, subject to reoordation of the map and conformance with all conditions of approval placed on the tentative tract map.~~
- ~~b. Development allocation reservations shall constitute a "set aside" of a portion of the maximum annual number of development allocations in future years for dwelling units within an approved large-scale development project (e.g., Specific Plan, Planned Development) for which a tentative map has not yet been approved.~~
- ~~c. At least once during each fiscal year, the City will grant development allocations for approved and proposed projects based upon the extent to which such projects meet or are consistent with the objectives set by the City Council for the following allocation period and, if appropriate, for succeeding allocation periods.~~
- ~~d. Development objectives shall be adopted by the City Council following public hearing. In defining development~~

¹ The majority of existing development agreements expired on December 31, 2002.

~~objectives, the City Council shall provide an indication to the development community of the City's expectations for residential development for the allocation period.~~

~~Base development objectives on the need to implement the provisions of the Antioch General Plan, public service and facilities capacities, recommendations of the City's Capital Improvements Program, environmental constraints, and other relevant factors.~~

~~Formulate development objectives so as to facilitate comparative review of development projects and thereby allow the City to appropriately limit the number of development allocations at times when requests for such allocations would exceed the specified annual average, or the number of allocations assigned to any given time period.~~

~~Incorporate identification of development projects providing net benefits to the community into development objectives, thereby providing such project with a priority for the granting of development allocations.~~

~~e. Permit requests for development allocations (either tentative maps or other applicable approval for residential projects not requiring a land division) in excess of the limitations on annual allocations described above, provided that the project is phased so that the no single phase exceeds the number of allocations granted to the project for a given year. Thus, development projects may be granted development allocations for use in up to four years subsequent to the original allocation⁴.~~

~~f. Permit development projects to carry over unused development allocations into subsequent years.~~

⁴ For example, a 250-dwelling unit residential development project may, at one time, be granted 50 development allocations per year for a five-year period.

~~g. Upon expiration of a development entitlement, the development allocations and reservations associated with the expired entitlement shall be automatically rescinded, and may be reallocated to other development projects, consistent with the annual limits set forth above.~~

3.7 REGIONAL COOPERATION

3.7.1 Regional Cooperation Objectives

- a. Resolution of regional and multi-jurisdictional transportation issues for the maintenance of regional mobility as required by Measure J Growth Management Program and the Contra Costa Congestion Management Program.
- b. A regional approach to regional issues that recognizes and respects Antioch's local interests.
- c. Establishment of a system of development review within Antioch *and* surrounding communities based on the principle that the impacts of new development must be mitigated or offset by project-related benefits within *each* of the jurisdictions in which the impacts will be experienced.

3.7.2 Regional Cooperation Policies

- a. Continue participation in regional transportation planning efforts, including the Contra Costa Transportation Authority, Eastern Contra Costa Transit Authority (Tri-Delta Transit), and TRANSPLAN.
- b. As part of the evaluation of individual development projects, address and provide appropriate mitigation for impacts on regional and local transportation facilities.
- c. Maintain ongoing communications with agencies whose activities affect and are affected by the activities of the City of Antioch (e.g., cities of Brentwood, Oakley and Pittsburg; Contra Costa County;

Antioch Unified School District; Contra Costa County Fire Protection District; Delta Diablo Sanitation District). The primary objective of this communication will be to:

- (1) Identify opportunities for joint programs to further common interests in a cost efficient manner;
 - (2) Assist outside agencies and the City of Antioch to understand each other's interests, needs, and concerns; and
 - (3) Resolve differences in these interests, needs, and concerns between Antioch and other agencies in a mutually beneficial manner.
- d. Support and promote inter-jurisdictional programs to integrate and coordinate the land use and circulation plans of area municipalities and the County, and to establish an ongoing inter-jurisdictional process for reviewing development proposals and mitigating their inter-jurisdictional impacts based on the principle that it is not appropriate for a jurisdiction, in approving a development project, to *internalize* its benefits and *externalize* its impacts.
 - e. Continue to refer major planning and land use proposals to all affected jurisdictions for review, comment, and recommendation.
- a. Maintain an inventory of employment-generating lands, providing for a variety of office-based, industrial, and commercial (retail and service) employment opportunities.¹
 - b. Maintain an inventory of residential lands that provides for a broad range of housing types including executive housing in both urban and rural settings, traditional single family neighborhoods, middle to upper end attached housing products, and affordable housing².
 - (1) Provide a balance between the types and extent of employment-generating lands planned within the City of Antioch with the types and intensity of lands planned for residential development.
 - (2) Encourage businesses to locate and expand within Antioch through an aggressive economic development program that provides essential information to prospective developers and businesses, along with tangible incentive programs for new and expanding businesses.

3.8 BALANCING EMPLOYMENT AND HOUSING OPPORTUNITIES

3.8.1 Employment and Housing Balance Objective

Achievement of a balance between housing and employment opportunities within Antioch, providing the opportunity for households of all income levels to both live and work in Antioch.

3.8.2 Employment and Housing Balance Policies

¹ This inventory, including identification of locations for employment-generating uses and the types and intensity of development appropriate for each location, is provided in the Land Use Element.

² The Land Use Element delineates the inventory of residential lands, and defines appropriate housing types and development intensities. One of the primary objectives of the Land Use Element is to increase opportunities for local employment for existing and future residents. Specific plans and programs to accomplish this objective are set forth in that Element. The primary objective of the Housing Element is to provide housing opportunities at all income levels.

ATTACHMENT "G"

Report

The Economics of Land Use

City of Antioch Development Impact Fee Study



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1. INTRODUCTION AND RESULTS

This Antioch Development Impact Fee Report provides the City of Antioch with the necessary technical documentation to support the adoption of an updated Citywide Development Impact Fee Program and Quimby Act Parkland In-Lieu Fee. It was originally prepared by Economic & Planning Systems, Inc. (EPS) with input from City staff in April 2013 and was recently updated in August 2013. Impact fees are one-time charges on new development collected and used by the City to cover the cost of capital facilities and infrastructure that are required to serve new growth. The fees are typically collected upon issuance of a building permit.

The Fee Program described in this Report is based on growth projections and infrastructure requirements and is consistent with the most recent relevant case law and the principles of AB 1600 (the Mitigation Fee Act)/Government Code Section 66000 et seq (except where specific citations are provided, this statute will be referred to in this Report as AB 1600). New public facilities and infrastructure will be necessary to accommodate growth in the City. This report quantifies the proportionate share allocation of the proposed capital facilities to new growth in the City of Antioch. The capital facility requirements and their costs are based on capital needs associated with adequate City staffing levels.¹

This Report provides the nexus findings and analysis and the associated calculations of the maximum supportable citywide fees that could be charged. The City may elect to adopt fees below the maximum supportable level based on economic or policy considerations. For example, the City may choose to reduce the fees in specific locations or on certain types of uses to encourage new development in underutilized areas or to promote certain residential densities. Such fee reductions would either require a reduction in the overall capital facilities standards or the identification of alternative sources of capital funding.

Report Organization

Following this introductory chapter, **Chapter 2** discusses the development capacity estimates and forecasts used in this analysis. **Chapter 3** provides the necessary nexus findings for the different sets of capital facilities and cost estimates, and describes the allocation of costs between existing and new development. **Chapter 4** describes the allocation of parkland costs to new development under the Quimby Act. **Chapter 5** shows the resulting maximum fee schedule by land use consistent with AB1600 and the Quimby Act. It also presents a comparison of the City development impact fees with those in selected other jurisdictions.

Report Background and Legal Context

This Report is designed to provide the necessary technical analysis supporting a schedule of fees to be established by an Impact Fee Ordinance and Resolution and through the Quimby Act. The City currently has an Impact Fee Ordinance that enables the collection of fees for traffic and

¹ Because of the current economic downturn, City staffing levels and some capital equipment levels are below the levels required to serve the City's existing residents and businesses.

neighborhood parks and recreation. The updated Fee Schedule, if approved, will need to be enacted through the adoption of a new City Ordinance(s) supporting the update of the parks in-lieu fee and adding new fee categories for general government/administration, public works facilities, police, and a community parks and recreation fee. This analysis does not include an update to the City's existing traffic signal fee. The new enabling Ordinance would allow the City to adopt, by Resolution, a fee schedule consistent with the supporting technical analysis and findings provided in this Report. The Resolution approach to setting the fee allows periodic adjustments of the fee amount that may be necessary over time, without amending the enabling Ordinance.

The Fee Program developed in this Report is designed to fund a portion of the capital facilities costs associated with citywide administration, public works, police, and parks and recreation. The key requirements of AB 1600 that determine the structure, scope, and amount of the proposed Fee Program are as follows:

- **Collected for Capital Facility, Equipment, and Infrastructure Improvements.** Impact fee revenue can be collected and used to cover the cost of constructing capital facilities and infrastructure improvements required to serve new development and growth in the City. However, impact fee revenue cannot be used to cover the operation and maintenance costs of these or any other facilities and infrastructure.
- **Cannot Fund Existing Needs.** Impact fee revenue cannot be collected or used to cover the cost of existing needs/deficiencies in City capital facilities or infrastructure. Thus, the cost of capital projects or facilities designed to meet the needs of the City's existing population must be funded through other sources. The costs associated with improvements that serve the needs of both new development and the existing development are split on a "fair share" basis according to the proportion attributable to each. Thus, Fee Program funding may need to be augmented by other revenue sources to meet overall funding requirements.
- **Must Be Based on a Rational Nexus.** An impact fee must be based on a reasonable nexus, or connection, between new growth and development and the need for a new facility or improvement. As such, an impact fee must be supported by specific findings that explain or demonstrate this nexus. In addition, the impact fee amount must be structured such that the revenue generated does not exceed the cost of providing the facility or improvement for which the fee is imposed.

In addition, the in-lieu parkland fee was developed and refined in this report consistent with the requirements of the Quimby Act.

This report was originally prepared by EPS in April 2013 and was based on a range of data and estimates developed in the 2011-2012 timeframe. It has subsequently been revised to exclude the development of Roddy Ranch due to the site's sale to the East Bay Regional Park District. The analysis was also adjusted from 2012 to 2013 dollars for certain construction and equipment costs².

² EPS inflated general cost estimates based on the consumer price index (CPI) for the San Francisco Metropolitan Statistical Area reported by the Bureau of Labor Statistics. The CPI rate is similar to the

Key Issues and Assumptions

The results of this analysis are based on a variety of conditions and assumptions regarding facility costs, service standards, growth projections, and facility demand. Assumptions are covered in detail in later chapters, though some of the key issues are summarized below:

- **Service Standards.** As part of this analysis, EPS estimates projected growth will generate demand for public facilities using existing or policy-defined "service standards". Service standards relate the required infrastructure/capital facility to the categories (residents, employees) that represent the primary source of demand for the facility in question. Service standards differ by the type of infrastructure/capital facility. For example, Community Center demand is primarily generated by residential development, so this report calculates the "existing Community Center space per 1,000 population" as the relevant service standard. Given the current economic downturn, some of the City's existing provision of services and associated capital facilities fall below the level required to adequately serve the population. This report quantifies the gap in capital facilities provision associated with existing development, where appropriate, as well as the new cost to be funded by new development.
- **Capital Improvement Program.** Based on the service standards and identified capital facility needs, the City of Antioch adopted *the City of Antioch 5-Year Capital Improvements Program 2012-2017* report that includes a specific listing of development impact fee-eligible projects as a basis for the fee calculation. These individual projects may be altered or replaced over time (with other qualifying projects).
- **Cost Estimates.** The fee calculations embody facility cost and land value assumptions that have been developed based on City staff and engineer estimates, EPS research and prior experience, County Assessor records, and real estate broker interviews and sale listings. All figures are provided in constant 2013 dollars. In some cases, the estimates reflect data from other cities or previous projects developed in Antioch.
- **Cost Allocation.** This analysis allocates the cost of future capital improvements and facilities between new and existing development as appropriate. It also allocates costs between single-family, multifamily, and nonresidential land use categories. The cost allocation estimates are based on the relative demand or fair share contribution of each land use category to the need for the facilities included. For parks and recreation facilities and parkland acquisition/Quimby Act costs demand is population-driven with costs allocated between residential development land use categories only. For other capital facilities, costs are also allocated to nonresidential development as businesses/employees will comprise a portion of facility demand.
- **Socioeconomic Data and Projections.** The impact fee calculations were based on residential and nonresidential development projections provided by City staff. The development forecasts reflect potential new development within the City limits through

construction cost index over the last 12 months reported by Engineering News Record, a 20-city cost index often used for inflating construction-related costs. Some cost estimates were not adjusted, e.g. police station and land value acquisition estimates, where the existing cost estimates were considered appropriate.

buildout based on the City of Antioch Adopted General Plan.³ Capital improvement program requirements were tied to or based on these development forecasts to ensure correspondence between new capital facilities and new development. Estimates of existing and new residents and jobs were derived based on these development forecasts and population and employment density factors determined using the Department of Finance (DOF) and the Association of Bay Area Governments (ABAG) population and jobs data. If the growth projections do not materialize as expected, the corresponding facilities will not be needed or impact fee revenue will not be sufficient to pay for facilities that were built in advance to accommodate projected future needs. Consequently, the estimates of development and population should be periodically reviewed and updated.

Summary of Fee Program

Updated Development Impact Fees

Table 1 shows the existing City development impact fee/park in-lieu fee schedule and the updated maximum fee schedule based on the nexus findings and analysis contained in this report. Fees apply to new development inside the City limits. The existing fee structure is nuanced given the City of Antioch's enacted Residential Development Allocation Ordinance in 2002, requiring developers to obtain allocations for residential units before granting entitlements and building permits. The nexus-based approach outlined in this analysis is designed to amend the existing fee structure, including the residential development allocation process, with a more streamlined development implementation in the City.

As shown in **Table 1**, the traffic signal fee has not been updated. New fees have been introduced for general administration, public works, police, and parks and recreation facilities (separate from Quimby Act/park in-lieu fees). The new fee schedule includes a maximum of \$7,198 per single-family unit, \$4,692 per multifamily unit, and \$0.77 per non-residential square foot. This fee schedule represents a maximum increase of \$5,786 per single-family unit, \$3,665 per multifamily unit, and \$0.31 per nonresidential square foot of new building space. The nonresidential category covers office/commercial and business park/industrial development. The cost of administering the Fee Program reflected in the fee schedule is based on 3 percent of the cost, which falls within a reasonable range typically charged through development impact fees for administrative expenses.⁴

³ November 24, 2003, page 4-15.

⁴ The 3 percent administration cost is designed to cover the costs of preparation of the development impact fee and subsequent updates as well as the required reporting, auditing, collection and other annual administrative costs involved in overseeing the program. Development impact fee programs throughout California have applied additional administrative charges similar to the one proposed here; applies to general administration, public works, police, and parks and recreation fees.

**Table 1
Existing and Maximum Updated Fee Schedule
Antioch Development Impact Fee Study; EPS# 20001**

Item	Single Family (per unit)	Multifamily (per unit)	Non-Residential (per sq.ft.)
Existing City Fees			
Traffic Signal	\$362	\$362	\$0.46 (1)
Park In-Lieu Fee	\$1,050	\$665	\$0.00
Total	\$1,412	\$1,027	\$0.46
Maximum Updated City Fee			
Traffic Signal (2)	\$362	\$362	\$0.46
General Administration (3)	\$458	\$290	\$0.07
Public Works (3)	\$443	\$281	\$0.06
Police (3)	\$1,186	\$752	\$0.18
Parks and Recreation (3)	\$3,249	\$2,057	\$0.00
Park In-Lieu/ Quimby Act	\$1,500	\$950	\$0.00
Subtotal	\$6,836	\$4,330	\$0.31
Total	\$7,198	\$4,692	\$0.77
Overall Maximum City Fee Increase Net Increase	\$5,786	\$3,665	\$0.31

(1) Traffic signal fee varies by non-residential land use. Illustrative fee level shown is potential trip-based fee for office development.
(2) Traffic signal fee was not part of update so no change was made.
(3) An administrative fee cost of 3% is included.

Source: City of Antioch; Economic & Planning Systems, Inc.

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As stated above, these new fee increases will be introduced along with a proposal to amend the current Residential Development Allocation Ordinance and associated development charges. The fees summarized above are the maximum fees that the City may levy, as calculated in this analysis. As described in later sections, however, the City may voluntarily reduce any or all of the fees based on policy considerations.

Implementation and Administration

Annual Review

This Report and the technical information it contains should be maintained and reviewed periodically by the City as necessary to ensure Impact Fee accuracy and to enable the adequate programming of funding sources. To the extent that improvement requirements, costs, or development potential changes over time, the Fee Program will need to be updated. Specifically, AB 1600 (at Gov. C. §§ 66001(c), 66006(b)(1)) stipulates that each local agency that requires payment of a fee make specific information available to the public annually within 180 days of the last day of the fiscal year. This information includes the following:

- A description of the type of fee in the account
- The amount of the fee
- The beginning and ending balance of the fund
- The amount of fees collected and interest earned
- Identification of the improvements constructed
- The total cost of the improvements constructed
- The fees expended to construct the improvement
- The percentage of total costs funded by the fee

If sufficient fees have been collected to fund construction of an improvement, the agency must specify the approximate date for construction of that improvement. Because of the dynamic nature of growth and infrastructure requirements, the City should monitor development activity, the need for infrastructure improvements, and the adequacy of the fee revenues and other available funding. Formal annual review of the Fee Program should occur, at which time adjustments should be made. Costs associated with this monitoring and updating effort are included in the Impact Fee and are assumed at 3 percent of costs.

Credits, Reimbursement, and Exemptions

It is recommended that, under certain and limited circumstances as determined by the City, the Impact Fee Ordinance allow developers subject to the fee to obtain credits, reimbursements, or exemptions. Fee credits, reimbursements, or exemptions should not be allowed by right but rather should be subject to a case-by-case review by City staff and Council to ensure that such credits or reimbursements are warranted and appropriate.

A fee credit – as defined by an annual cost review or other recent evaluation of cost – may be allowed if a developer provides a particular off-site facility or improvement that is of citywide benefit. For example, the City may elect to offer a fee credit to developers who provide park and recreation facilities of citywide benefit. In the event there is a discrepancy between the estimated and actual costs of construction for a project where a fee credit is being provided, if the actual construction costs are less than the estimate, the City will not reimburse the

developer for any difference between the actual and estimated costs; and if the actual construction costs are more than the estimate, the City will not provide any additional funding to the developer.

Reimbursements should be considered for developers who contribute more funding and/or build and dedicate infrastructure items that exceed their proportional obligation if the project funded is of high priority. Such reimbursements should be provided as fee revenue becomes available and should include a reasonable factor for interest earned on the reimbursable amount. It should not compromise the implementation of other priority capital projects. A provision for including such interest payments as additional costs in subsequent fees can be included in the Ordinance. Reimbursements would be granted on a discretionary basis only and not granted as a right.

The City may also elect not to impose fees for certain categories of development, though alternative funding sources to offset a loss in fee revenue would need to be provided. Fee exemption could apply if a Development Agreement would be implemented exempting all or a portion of the City fees. For example, the City may elect to exempt developers from paying fees on any affordable housing units they build. Likewise, the City may enter into a Development Agreement that specifically exempts all or a portion of the City fees.

Surplus Funds

AB 1600 also requires that if any portion of a fee remains unexpended or uncommitted in an account for five years or more after deposit of the fee, the City Council shall make findings once each year: (1) to identify the purpose to which the fee is to be put, (2) to demonstrate a reasonable relationship between the fee and the purpose for which it was charged, (3) to identify all sources and amounts of funding anticipated to complete financing of incomplete improvements, and (4) to designate the approximate dates on which the funding identified in (3) is expected to be deposited into the appropriate fund (§66001(d)).

If adequate funding has been collected for a certain improvement, an approximate date must be specified as to when construction of the improvement will begin. If the findings show no need for the unspent funds, or if the conditions discussed above are not met, and the administrative costs of the refund do not exceed the refund itself, the local agency that has collected the funds must refund them (Gov. C §66001(e)(f)).

Periodic Updates

Updates will include both an automatic annual update as well as a more periodic update of this Development Impact Fee study. It is recommended that the Impact Fee Ordinance allows for an automatic annual adjustment to the fees based on the Engineering News Record Construction Cost Index, or a similar inflation factor. Over time, development forecasts, capital facility needs, and capital facility costs will change and evolve, making periodic technical updates prudent. This fee program is based on forecasts of future development in the City as well as specific capital programs developed by the City comprised of a listing of development impact fee eligible projects. These individual projects may be altered or replaced over time (with other qualifying projects) as the City administers the Development Impact Fee Program and builds the infrastructure needed to serve new development.

Securing Supplemental Funding

The Impact Fee is not appropriate for funding the full amount of all capital costs identified in this report. The City will have to identify funding and pay for improvements related to existing and new developments and improvements not funded by the Fee Program or any other established funding source. Indeed, as part of adoption of the fee, the City is likely to adopt a finding that it will obtain and allocate funding from various other sources for the fair share of the costs of improvements identified in this report that are not funded by the Fee Program. Examples of such sources include the following:

- **General Fund Revenues.** In any given year, the City could allocate a portion of its General Fund revenues for discretionary expenditures. Depending on the revenues generated relative to costs and City priorities, the City may allocate General Fund revenues to fund capital facilities costs not covered by the Fee Program or other funding sources.
- **Infrastructure Financing Districts.** The dissolution of California Redevelopment Agencies has removed tax increment financing as a method for infrastructure financing. The City could establish an Infrastructure Financing District (IFD) to issue bonds to fund infrastructure and capital improvement projects. The IFD bonds would be backed by diverted property tax increment revenues from the City's share of property tax. The City Council would need to approve the establishment of the IFD and the majority of voters/landowners in the district must approve. An IFD, unlike a redevelopment area, does not require the property to be blighted, though it cannot overlap with a redevelopment area. As is the case with redevelopment areas, the diversion of property tax has implications for the fiscal impact of new district development on the City's General Fund. While becoming more common, the procedural steps to implementation are cumbersome, though bills designed to simplify the process are under review by the California legislature.
- **Assessments and Special Taxes.** The City could fund a portion of capital facilities costs using assessments and special taxes. For example, the establishment of a Community Facilities District would allow the City to levy a special tax to pay debt service on bonds sold to fund construction of capital facilities or to directly fund capital facilities.
- **State or Federal Funds.** The City might seek and obtain grant of matching funds from State and Federal sources to help offset the costs of required capital facilities and improvements. As part of its funding effort, the City should research and monitor these outside revenue sources and apply for funds as appropriate.
- **Other Grants and Contributions.** A variety of grants or contributions from private donors could help fund a number of capital facilities. For example, private foundations and/or charity organizations may provide money for certain park and recreation or cultural facilities.

2. DEVELOPMENT FORECAST

This chapter presents estimates of existing and future development in the City of Antioch, and associated demographic and job growth that support the development impact fee calculations. Estimates of existing and new development were provided by the City and converted into population and job estimates based on established sources as described below. These estimates were also used to drive specific cost allocations in the fee calculations. Key components of these estimates are described below.

Residential Development and Population Growth

As shown in **Table 2**, residential development in the City is expected to increase from about 34,000 units to 44,800 units, a growth of about 10,800 units through General Plan buildout. The residential growth is expected to include about 5,900 single-family units and 4,900 multifamily units. Residential growth assumptions were developed by the City of Antioch based on existing development capacity for residential uses, including the buildout of the Hillcrest Station Area⁵. Overall, 80 percent of the total capacity was assumed to materialize to account for uncertainties in site-specific development opportunities.⁶ **Table 3** provides the detailed estimates of residential development capacity. The City recognizes that this forecast is substantially higher than ABAG's 2012 Adopted Draft SCS Household Projections for the City of Antioch through 2040 and is based on the City's General Plan projections and regulatory framework rather than ABAG's regional allocation methodology.

Table 2 also shows estimates of existing and new population associated with the residential development. Existing population is based on California Department of Finance 2013 data and future population is projected based on future household size assumptions from the adopted General Plan and subsequent Specific Plans. As shown, a total of about 26,900 persons are expected to be associated with the new residential development, representing a 25.6 percent increase over the current population and 20.4 percent of the estimated buildout population. Based on current projections, about 65 percent of the new population is expected to occupy new single-family development and 35 percent to occupy new multifamily development.

⁵ Roddy Ranch is excluded from the future development capacity due to the site's recent sale to the East Bay Parks District.

⁶ The City has indicated this is a conservative assumption designed to reflect the fact that the City's major residential projects may result in a lower number of units relative to the maximum total because of various site-specific and broader constraints and economic issues.

**Table 2
Existing and Projected Housing and Population Growth
City of Antioch Development Impact Fee Study; EPS #20001**

Item	Existing	New		Buildout	Increase	
		Total	Distribution		Buildout over Existing	New over Existing
Housing Units (1)						
Single Family	28,140	5,859		33,999	120.8%	20.8%
Multifamily	<u>5,861</u>	<u>4,904</u>		<u>10,765</u>	<u>183.7%</u>	<u>83.7%</u>
Total	34,001	10,763		44,764	131.7%	31.7%
Persons per Household (2)						
Single Family	na	3.0		na	na	na
Multifamily	na	<u>1.9</u>		na	na	na
Total	3.1	2.5		2.9	na	na
Population						
Single Family	na	17,578	65%	na	na	na
Multifamily	na	<u>9,318</u>	<u>35%</u>	na	na	na
Total	105,117	26,896	100%	132,013	125.6%	25.6%
Allocation (3)	79.6%	20.4%		100%		

(1) Excludes mobile homes; [see Table 3]; projections for new growth are based on the Adopted General Plan.

(2) Persons per household assumptions for new development are based on the Antioch Municipal Code.

(3) Varies from the increase over existing estimate as allocation is calculated on a future base rather than existing population total.

Sources: California Department of Finance, City of Antioch, and Economic & Planning Systems, Inc.

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Table 3
Antioch's Residential Development Capacity Estimate
City of Antioch Development Impact Fee Study; EPS #20001

Item	Single Family	Multifamily	Total
2003 General Plan Buildout	33,012	13,821	46,833
Hillcrest E-BART Station Specific Plan	<u>0</u>	<u>2,500</u>	<u>2,500</u>
Subtotal	33,012	16,321	49,333
Adjustment (1)	4,330	(4,330)	0
Adjusted Total	37,342	11,991	49,333
(less) Existing Units (2)	28,140	5,861	34,001
Total Development Capacity	9,202	6,130	15,332
(less) Vested Units	1,878	0	1,878
Subtotal	7,324	6,130	13,454
(less) Undeveloped Factor (3)	<u>1,465</u>	<u>1,226</u>	<u>2,691</u>
Net Remaining Capacity	5,859	4,904	10,763

(1) Reflects a density adjustment from multifamily to single family units for the medium density designation.

(2) Estimate of existing units based on County Assessor parcel information and the City's GIS program.

(3) Reflects 80 percent of the total development capacity likely to materialize. This is a conservative assumption that reflects that the City's major residential projects may result in a lower number of units relative to the maximum total due to various site-specific and other external factors.

Sources: DOF, City of Antioch, and Economic & Planning Systems, Inc.

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Nonresidential Development and Job Growth

As shown in **Table 4**, existing nonresidential development, including office/commercial and business park/industrial development, is estimated at 15.0 million square feet. According to ABAG, there are currently about 20,160 jobs, implying an overall average of about 742 square feet per job. The City has also forecast future nonresidential development of about 22.6 million square feet based on a review of development opportunities and capacity. Assuming a similar average square feet per job, an additional 30,400 jobs could be accommodated in the City through buildout. This represents a growth of 151 percent in jobs with new jobs representing 60.2 percent of total jobs at buildout. The City recognizes this forecast is substantially higher than ABAG's 2012 Adopted Draft SCS Job Projections for the City of Antioch through 2040 due to differences in forecasting methodology.⁷

Existing and New Service Population

Service population is a service measure commonly used to incorporate job as well as resident growth into allocations of capital facilities demand and associated costs. Employees tend to demand a smaller set of services than residents and, as such, their demand weighting is typically discounted. Service population estimates for the City of Antioch were derived based on a weighting of one for residents and one-third for employees⁸. As shown in **Table 4**, this results in a current service population of about 112,000 with a forecast increase of about 37,000. This increase represents a 33.1 percent increase over existing service population and 24.9 percent of estimated buildout service population.

Allocation Factors

Allocations of new development's fair share cost between different land use categories are based on different metrics of capital facilities demand. As shown in **Table 5**, service population is used as the allocation methodology for general administration, public works, and Police capital facilities. Demand for these facilities will be driven by both new residential and nonresidential development. Population is used as the measure of demand for parks and recreation as new residents will drive the primary need for these new facilities. Similarly, consistent with the Quimby Act, the parkland in-lieu fee is based on population growth. These factors are applied in the fee calculations presented in subsequent chapters.

⁷ The City's forecast is based on City development capacity and City growth expectations. By comparison, ABAG's regional growth allocation forecasts and the associated geographic focus of jobs are expected to under-estimate future job growth in the City.

⁸ Service population is a commonly used measure that estimates service needs based on relative demand generated by residents and employees.

**Table 4
Existing and Projected Job Estimates and Service Population Estimates
City of Antioch Development Impact Fee Study; EPS #20001**

Item	Existing	New	Buildout	Increase	
				Buildout over Existing	New over Existing
Non-Residential Development/ Jobs					
Non-Residential Development (1) Building Square Feet	14,966,714	22,594,816	37,561,530	251.0%	151.0%
Average Square Feet per Job (2)	742.4	742.4	742.4		
Jobs (3)	20,160	30,435	50,595	251.0%	151.0%
Allocation (4)	39.8%	60.2%	100%		
Service Population by Land Use Category (5)					
Single Family Population (6)	105,117	17,578	47%		
Multi Family Population (6)		9,318	25%		
Non-Residential Employees	<u>6,720</u>	<u>10,145</u>	<u>27%</u>		
Service Population (5)	111,837	37,040	148,877	133.1%	33.1%
Allocation (4)	75.1%	24.9%	100%		

(1) 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.

(2) Average square feet per job is derived based on the ABAG Projections 2009 job estimate for 2010 and City estimate of existing building square feet.

(3) Existing jobs from ABAG Projections 2009. New jobs estimated by applying existing square feet per job to City forecast of new building square feet.

(4) Varies from the increase over existing estimate as allocation is calculated on a future base rather than existing population total.

(5) Service population is based on the following ratios: 1 resident = 1 service person; 1 employee = 1/3 service person. Service population is used as a standard for cost allocation when capital facilities serve both residents and employees.

(6) Existing single family and multi-family population grouped together and equal 105,117 as shown in Table 2.

Sources: City of Antioch; ABAG 2009 Projections; Economic & Planning Systems, Inc.

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**Table 5
 Cost of New Development Fair Share Cost by Land Use
 City of Antioch Development Impact Fee Study; EPS #20001**

Item	Allocation Methodology	Residential Development		Non-Residential Development	Total
		Single Family	Multi Family		
General Administration	Service Population	47.4%	25.2%	27.4%	100.0%
Public Works	Service Population	47.4%	25.2%	27.4%	100.0%
Police	Service Population	47.4%	25.2%	27.4%	100.0%
Parks and Recreation	Population	65.4%	34.6%	0.0%	100.0%
Parkland (Quimby Act)	Population	65.4%	34.6%	0.0%	100.0%

Sources: City of Antioch; and Economic & Planning Systems, Inc.

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3. AB1600 NEXUS FINDINGS AND COST ALLOCATIONS

This chapter is divided into four sections corresponding to the following capital facilities categories:

- General Administration
- Public Works
- Police Facilities and Equipment
- Parks and Recreation Facilities

For each development impact fee category, the necessary "nexus" between new development in Antioch and the proposed capital facilities is described, as required under Government Code Section 66000 (AB1600). Nexus findings address: 1) the **purpose** of the fee and a related description of the facility for which fee revenue will be used; 2) the specific **use** of fee revenue; 3) the **relationship** between the facility and the type of development; 4) the relationship between the **need** for the facility and the type of development; and 5) the relationship between the amount of the fee and the **proportionality** of cost specifically attributable to new development. In addition, the methodology and technical calculations for determining existing deficiencies and future needs and the associated "fair share" allocation of costs to new development are provided. **Chapter 5** builds from these findings and analyses to estimate maximum supportable development impact fees. Parkland in-lieu fees under the Quimby Act are addressed in **Chapter 4**.

General Administration

The General Administration development impact fee will cover new development's share of the costs associated with new administrative facilities, land acquisition, general vehicles, and information technology equipment. New capital facilities will be required as the City's service population increases. The subsections below describe the nexus findings and the technical cost allocation analysis for the proposed General Administration capital facilities fee category.

Nexus Findings

Purpose

The fee will help maintain adequate levels of general administration service in the City of Antioch, including adequate City Hall and Council Chamber space and associated land needs as well as adequate service vehicles and technology utilized by the general government staff.

Use of Fee

Fee revenue will be used to fund expansion of civic space, acquisition of vehicles and technology, and land purchase for new public space attributed to demand from new growth.

Relationship

New development in Antioch will increase the City's demand for City Hall and Chamber space and associated land needs as well as service vehicles and information technology. Fee revenue will be used to fund the expansion of these facilities.

Need

Each new development project will add to the incremental need for general administration facilities described above. Improvements considered in this study are estimated to be necessary to maintain the City's effective service standard (i.e., ratio of general administration to service population).

Proportionality

The new facilities and costs allocated to new development are based on the existing ratio between the City's service population and its current General Administration capital facilities, vehicles, and equipment. In other words, the scale of the capital facilities and associated costs are directly proportional with the expected levels of new development and the existing relationship between service population and General Administration facilities. For general administration vehicles, a similar approach is utilized, but is based on the City's required number of vehicles rather than the existing number. Because of the current fiscal conditions, the City's existing vehicle fleet falls below the adequate level with the City intending to purchase an additional five vehicles when fiscal conditions improve. The cost of the vehicles required to backfill the City's existing deficiency is not allocated to be funded by new development.

Cost Allocation Analysis

The expected demand for additional administrative facilities, associated land, and vehicles is shown in **Table 6**, along with associated cost estimates and cost allocations to new development. As shown, a total of \$5.5 million in costs can be allocated to new development in the City of Antioch. Approximately \$90,000 will be required through other funding sources to address existing vehicle deficiencies.

- **Facilities.** The City owns its City Hall and Council Chamber that comprise about 32,700 square feet. It is assumed that demand for new space will be proportional to service population growth, an increase of 33.1 percent, as shown in **Table 4**. As a result, a nearly 10,800 square feet of new facility space will be required through buildout. The development cost, for new facility space, estimated based on comparable jurisdictions, is around \$460 per square foot, resulting in the new facility cost of \$5.0 million attributed to the impact fee.
- **Land Acquisition.** In addition to development of new facilities, the City will need to acquire land for these facilities. This analysis assumes that new space would have an average density of 0.3 floor-to-area ratio (FAR), resulting in the need for an additional 0.83 acres of land⁹. Based on an average nonresidential land value of approximately \$150,000 per acre, this results in a land acquisition cost of about \$124,000 attributable to new development.

⁹ While FAR's vary, an FAR of 0.3 reflects a typical nonresidential building density average.

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**Table 6
General Administration Capital Facilities Improvement and Costs
City of Antioch Development Impact Fee Study; EPS #20001**

Item	Existing	Buildout (1)	New (2)	New Allocated to New Development (3)	Unit Cost	Cost Allocated to New Dev't (rounded)
<u>Facilities (sq. ft.)</u>						
City Hall	32,675	43,497	10,822	10,822	\$460 per sq.ft.	\$4,978,000
<u>Land Purchase (acres)</u>	2.50	3.33	0.83	0.83	\$150,000 per acre (4)	\$124,000
<u>Vehicles</u>	28 (5)	37	9	9	\$17,900 per vehicle	\$161,000
<u>Information Technology (6)</u>						
Servers	20	25	5	5	\$12,200 per item	\$61,000
Data/phone network switches	41	45	4	4	\$8,250 per item	\$33,000
Data/phone UPS units	30	35	5	5	\$2,000 per item	\$10,000
Network routers/firewalls	5	7	2	2	\$8,000 per item	\$16,000
Data tape backup units	8	10	2	2	\$5,000 per item	\$10,000
Network /disk based data backup units	3	5	2	2	\$30,500 per item	\$61,000
Data network storage devices	3	6	3	3	\$15,333 per item	\$46,000
Subtotal	110	133	23	23		\$237,000
Total Cost						\$5,500,000

(1) Buildout estimates are either estimated based on the proportionate projected service population increase by buildout of 33.1 percent, as shown in Table 4, or on specific buildout needs provided by City departments.

(2) Represents the difference between "Buildout" and "Existing".

(3) Represents the quantity of new capital facilities that can be allocated to new development. In cases where the provision of proposed new facilities will increase the service standards for existing residents/ businesses, the "new allocated to new development" will be less than the total "new".

(4) Reflects commercial land value based on review of land sales data from CoStar, County Assessor, Loopnet, real estate broker interviews.

(5) Represents the level of vehicles required to support existing population. However, due to the current fiscal conditions the City currently has 23 vehicles. The City intends to buy an additional 5 vehicles (estimated at \$89,500) when fiscal conditions improve. This cost cannot be charged to new development.

(6) City staff have indicated that the existing equipment is sufficient to serve needs of existing service population and new IT equipment will be required to serve new development. City staff also indicated that IT items listed have a life span of at least 5 years.

Sources: City of Antioch and Economic & Planning Systems, Inc.

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- **Vehicles.** The demand for vehicles generated by future growth is calculated based on existing vehicle inventory requirements. The City currently needs 28 vehicles. However, the City has 23 vehicles, below the desired existing requirement because of the current fiscal conditions. While the City will have to fund the service improvement for five vehicles from non-impact fee sources, new growth would contribute to additional demand for ten new vehicles based on its fair share of service population increase. Based on the market cost of new vehicles provided by the Fleet Supervisor of the Public Works Department, these vehicles will result in a new cost of \$161,000 attributed to the development impact fee, with an additional \$90,000 associated with the City's existing deficiency that will need to be funded through other funding sources.
- **Information Technology (IT).** The City will need to acquire new equipment to provide services to new residents.¹⁰ The City has provided the set of equipment required to serve new service population growth. This level of new equipment does not represent an increase in overall information technology service standards and can be fully applied to new development. As shown in **Table 4**, an additional cost of \$237,000 is attributed to the impact fee.

Public Works

The Public Works development impact fee will cover new developments' share of the costs associated with new/expanded corporation yard, building space, a garbage ramp, and Public Works vehicles. New capital facilities will be required as service population increases. The subsections below describe the nexus findings and the cost allocation analysis for the proposed Public Works capital facilities fee category. The City is funding a proportional share of increase in capacity expansion of the Contra Costa County Water District's Randall-Bold water treatment plant. The impact of this expansion is not included in this analysis as the capital and operating cost increase is likely to be recovered through user fees.

Nexus Findings

Purpose

The fee will help maintain adequate levels of Public Works service in the City of Antioch, including adequate corporation yard space and facilities as well as a garbage ramp and vehicles necessary for Public Works operation.

Use of Fee

Fee revenue will be used to fund the expansion of corporation yard space, facilities, garbage ramp, and vehicles.

¹⁰ Equipment includes servers, data/phone network switches, data/phone UPS units, network routers/firewalls/data tape backup units, network/disk-based data backup units, and data network storage devices.

Relationship

New development in Antioch will increase demand for Public Works Department services and the associated capital facilities and equipment.

Need

Each new development project will add to the incremental need for Public Works services associated with new roadways, sidewalks, medians, and trees. Current Public Works capacity is only adequate for existing residents so the City must acquire new facilities and equipment to continue to provide the same level of service. The improvement costs included in this study are necessary for the City to maintain its current levels of service.

Proportionality

The costs allocated to new development are based on the expected level of new development and the existing ratio between yard space, building space and garbage ramp costs, and service population. In other words, the scale of the capital facilities and associated costs are directly proportional with the expected levels of new development and the existing relationship between service population and Public Works costs. For vehicles, a similar approach is utilized, but is based on the City's required number of vehicles rather than the existing number. Because of the current fiscal conditions, the City's existing vehicle fleet falls below the adequate level with the City intending to purchase an additional six vehicles when fiscal conditions improve. The cost of the vehicles required to backfill the City's existing deficiency is not allocated to be funded by new development.

Cost Allocation Analysis

The expected demand for additional Public Works yard, building space, a garbage ramp, and vehicles is shown in **Table 7**, along with associated cost estimates and cost allocations to new development. As shown, a total of \$5.3 million in costs can be allocated to new development in Antioch. About \$379,000 will be required from other funding sources to cover existing garbage ramp and vehicle deficiencies as well as existing development's fair share of the proposed bucket truck.

- **Corporation Yard and Building Space.** Existing facilities consist of a corporation yard and the Department's buildings. Service standards are established using the existing service population factor described above to estimate future needs associated with new growth with costs provided by the City staff. These assumptions result in the need for an additional 6.1 acres of land and about 12,500 square feet of building space. An assumed nonresidential land value of \$150,000 per acre and an estimate of facility space development costs of \$205 per square foot based on comparable jurisdictions yield a total cost of \$914,000 for the yard and \$2.6 million for building space, all allocable to new development.
- **Garbage Ramp.** The City will need four garbage ramps at buildout in order to serve existing and new development. While the City currently has two garbage ramps, this analysis assumes that new development will be responsible for its fair share of the total cost at buildout based on service population. This results in the cost of \$102,000 allocated to new development with the remaining \$102,000 to be covered through other funding sources.

**Table 7
Public Works Capital Improvement Needs
City of Antioch Development Impact Fee Study, EPS #20001**

Item	Existing	Buildout (1)	New (2)	New Development (3)	Unit Cost	Cost Allocated to New Dev't (rounded)
Yard Area (acres)	18.40	24.49	6.09	6.09	\$150,000 per acre (4)	\$914,000
Building Space	37,843	50,377	12,534	12,534	\$205 per sq.ft. (5)	\$2,568,000
Garbage Ramp (6)	2.00	4.00	2.00	1.00	\$102,000 per unit	\$102,000
Public Works Vehicles (7)						
General	169	225	56	56	\$22,000 per vehicle	\$1,232,000
Utility Truck (8)	40	45	5	5	\$41,000 per vehicle	\$205,000
10-Wheel Dump Truck (8)	6	7	1	1	\$102,000 per vehicle	\$102,000
Backhoe (8)	3	4	1	1	\$102,000 per vehicle	\$102,000
Pickup (8)	16	18	2	2	\$22,000 per vehicle	\$44,000
Bucket Truck (9)	1.00	2.00	1	0.50	\$92,000 per vehicle	\$46,000
Subtotal	235	301	66	65.50		\$1,731,000
Total Cost						\$5,315,000

(1) Buildout estimates are either estimated based on the proportionate projected service population increase by buildout of 33.1 percent, as shown in Table 4, or on specific buildout needs provided by City departments.

(2) Represents the difference between "Buildout" and "Existing".

(3) Represents the quantity of new capital facilities that can be allocated to new development. In cases where the provision of proposed new facilities will increase the service standards for existing residents/ businesses, the "new allocated to new development" will be less than the total "new".

(4) Reflects commercial land value based on review of land sales data from CoStar, County Assessor, Loopnet, real estate broker interviews.

(5) Reflects typical development cost per square foot (excluding land cost) for Class B office space.

(6) City has indicated that two additional garbage ramps are required to meet the needs of buildout development. Based on the current numbers of garbage ramps per service population, not all of the cost of the two new garbage ramps can be allocated to new development. As shown, the equivalent of 1.0 garbage ramps can be allocated to new development, while the remaining 1.0 (\$102,000) is attributable to existing development.

(7) "Existing" represents the level of vehicles required to support existing service population. Due to the current fiscal conditions the City has six fewer vehicles than shown here. The City intends to buy these additional six vehicles (2 general, 1 utility truck, 1 10-Wheel Dump Truck, and 2 pickups) (estimated at \$231,000) when fiscal conditions improve. This cost cannot be charged to new development.

(8) Net new vehicle estimates are based on input from City staff; these estimates are below those proportionally supported by service population growth due to the current fiscal conditions and the City having fewer vehicles than shown here.

(9) City has indicated that one additional bucket truck is required to meet the needs of buildout development. Based on the current numbers of garbage trucks per service population, not all of the cost of the new bucket truck can be allocated to new development. As shown, the equivalent of 0.48 bucket trucks can be allocated to new development, while the remaining 0.52 (about \$48,000) is attributable to existing development.

Sources: City of Antioch and Economic & Planning Systems, Inc.

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- **Vehicles.** The demand for general Public Works vehicles generated by future growth is calculated based on existing inventory requirements and is increased in proportion to service population growth. The City currently needs 235 vehicles (including general and specialized vehicles), though because of current fiscal conditions, has only 229 vehicles. While the City will have to fund the existing deficiency of 6 vehicles from other funding sources, a total of 65.5 new general vehicles will be attributable to new growth through buildout. For general vehicles, utility trucks, 10-wheel dump trucks, backhoe, and pickup trucks, the need for additional vehicles is greater than the proportional service population increase attributable to new development. For bucket trucks, which will be required to serve existing and new development, the new development's cost share is estimated based on its service population at buildout. The resulting vehicle acquisition cost to the development impact fee is approximately \$1.7 million.

Police Facilities and Equipment

The Police Facilities development impact fee will cover new development's share of the costs associated with a range of capital facilities, including Police stations, vehicles and other equipment. New capital facilities will be required as the City's service population increases. The subsections below describe the nexus findings and the technical cost allocation analysis for the proposed Police capital facilities fee category.

Nexus Findings

Purpose

The fee will help maintain adequate levels of Police facilities, vehicles, and other equipment necessary for adequate Police service provision in the City of Antioch.

Use of Fee

Fee revenue will be used to fund expansion of existing Police station and animal services facilities and acquire new vehicles and specialized equipment attributable to demand from new development.

Relationship

New development in Antioch will increase the City's demand for Police service. Fee revenue will be used to fund additional capacity that will facilitate expansion of these items.

Need

Each new development project will add to the incremental need for Police facilities, vehicles, and equipment. Improvements considered in this study are estimated to be necessary to maintain the City's effective service standard (i.e., ratio of Police facilities to service population).

Proportionality

The new facilities and costs allocated to new development are based on the existing ratio between the City's service population and its current Police capital facilities, vehicles, and equipment. In other words, the scale of the capital facilities and associated costs are directly

proportional with the expected levels of new development and the existing relationship between service population and Police facilities. For Police vehicles, a similar approach is utilized, but is based on the City's required number of vehicles rather than the existing number. Because of the current fiscal conditions, the Police Department's existing vehicle fleet falls below the adequate level, with the City intending to purchase an additional three vehicles when fiscal conditions improve. The cost of the vehicles required to backfill the City's existing deficiency is not allocated to new development. In addition, the need for a new SWAT vehicle and a mobile command post will improve service to both existing and new service population, so costs are allocated proportionally.

Cost Allocation Analysis

The expected demand for additional Police facilities, vehicles, and equipment is shown in **Table 8**, along with associated cost estimates and cost allocations to new development. As shown, a total of \$14.2 million in costs can be allocated to new development in Antioch. About \$463,000 will be required from other funding sources to fund existing vehicle deficiencies as well as existing development's fair share of the additional SWAT vehicle and mobile command post.

- **Facilities.** The Police Department identified a need to expand existing facilities, including its station and animal services space. EPS used building space at existing facilities (including the Community Center substation) to establish a share of new space to be funded by the proposed fee. EPS estimated the incremental new facilities attributable to new development based on the expected increase in service population, at 33.1 percent. These facilities reflect an average development cost of \$500 per square foot based on comparable projects, as shown in **Table 9**. This estimate results in the Police facility cost of approximately \$11.9 million attributed to the development impact fee.
- **Vehicles.** The demand for general Police vehicles generated by future growth is calculated based on existing vehicle inventory requirements. The City currently has 82 general vehicles, below the needed level of 85 vehicles as indicated by the Antioch Police Department. While the City will have to fund the service improvement for 3 vehicles from non-impact fee sources, new growth would require an additional demand for 25 new general vehicles based on its fair share of service population increase. Based on the market cost of new vehicles provided by the Police Department (of \$39,000 per vehicle), about \$975,000 in general vehicle costs can be attributed to new development, while about \$114,000 will be associated with the City's existing deficiency that will need to be funded through other funding sources. In addition, the Police Department will require a new SWAT vehicle to serve new development, though because it will also improve the service level to existing and new development, the cost will be allocated to both existing and new development.
- **Other.** The City will also require a mobile command post and specialized equipment, such as portable radios, guns, and technology equipment associated with new growth in the City. The mobile command post will serve existing and new development, and so it will require funding from both new development and other sources. The costs of the other specialized equipment developed by the Police Department covers only the costs associated with serving new development. These items result in the Police cost of nearly \$1.3 million attributed to the development impact fee.

Table 8
Police Capital Improvement Needs and Costs
City of Antioch Development Impact Fee Study; EPS #20001

Item	Existing	Buildout (1)	New (2)	New Allocated to New Development (3)	Unit Cost (4)	Cost Allocated to New Dev't (rounded)
<u>Police Department Facility (sq.ft.)</u>						
Police Department Portion	63,300 (5)	84,265	20,965	20,965		
Animal Services Portion	8,700	11,581	2,881	2,881		
Subtotal	72,000	95,846	23,846	23,846	\$500 per sq.ft.	\$11,923,000
<u>Vehicles</u>						
General	85 (6)	110	25	25	\$39,000 per vehicle	\$975,000
SWAT Vehicle (7)	1.00	2.00	1.00	0.50	\$154,000 per unit	\$77,000
Subtotal						\$1,052,000
<u>Other</u>						
Mobile Command Post (8)	0	1.00	1.00	0.25	\$359,000 per item	\$90,000
Other (9)						\$1,170,000
Subtotal						\$1,260,000
Total Cost						\$14,235,000

(1) Buildout estimates are either estimated based on the proportionate projected service population increase by buildout of 33.1 percent, as shown in Table 4, or on specific buildout needs provided by City departments.

(2) Represents the difference between "Buildout" and "Existing".

(3) Represents the quantity of new capital facilities that can be allocated to new development. In cases where the provision of proposed new facilities will increase the service standards for existing residents/ businesses, the "new allocated to new development" will be less than the total "new".

(4) Facility cost is estimated based on comparable projects as shown in Table 9; other unit costs were provided by City staff based on historic spending inflated to \$2013.

(5) Includes a 5,000 square foot community center substation.

(6) Represents the level of vehicles required to support existing population. However, due to the current fiscal conditions the City has 82 vehicles. The City intends to buy an additional 3 vehicles (estimated at \$117,000) when fiscal conditions improve. This cost cannot be charged to new development.

(7) City has indicated that one additional SWAT vehicle is required to meet the needs of buildout development. Based on the current numbers of SWAT vehicles per service population, not all of the cost of the new SWAT vehicle can be allocated to new development. As shown, the equivalent of 0.5 SWAT vehicles can be allocated to new development, while the remaining 0.5 (\$77,000) is attributable to existing development.

(8) City will purchase one mobile command post to serve new and existing development. As a result, and as shown, the equivalent of 0.25 mobile command posts can be allocated to new development, while the remaining 0.75 (\$269,000) is attributable to existing development.

(9) Includes mobile data equipment, intersection / park cameras, patrol car video cameras, and enduro motorbikes. City staff indicated that this equipment is needed specifically to serve new development.

Sources: City of Antioch and Economic & Planning Systems, Inc.

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**Table 9
Recent Police Station Building Development Costs in California
City of Antioch Development Impact Fee Study; EPS #20001**

Item	Total Cost	Total Sq. Ft.	Cost Per Sq.Ft.	Floors
Corte Madera	\$14,000,000	18,000	\$778	2
Los Angeles	\$34,000,000	54,000	\$630	na
American Canyon	\$8,500,000	16,894	\$503	na
Inglewood	\$23,000,000	33,750	\$681	na
Bakersfield	\$3,300,000	8,000	\$413	na
Lompoc	\$3,900,000	12,581	\$310	na
Los Angeles	\$35,000,000	50,000	\$700	2
Canoga Park	\$24,000,000	53,000	\$453	na
San Diego	\$13,000,000	23,760	\$547	na
Los Angeles	\$30,000,000	50,000	\$600	na
Los Angeles	\$3,100,000	9,206	\$337	na
Loyalton	\$480,000	1,560	\$308	na
Torrance	\$700,000	2,800	\$250	na
Oxnard	\$2,800,000	12,000	\$233	na
Visalia	\$7,200,000	8,000	\$900	na
San Mateo	\$41,000,000	55,000	\$745	na
Williams	\$3,300,000	12,000	\$275	na
Rampart	\$23,000,000	57,100	\$403	na
Hawthorne	\$26,000,000	108,000	\$241	na
Average (rounded)		31,000	\$500	

Sources: Reed Construction Data, Construction Cost Consultants, C.P. O'Halloran Associates, and Economic & Planning Systems, Inc.

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Parks and Recreation Facilities

The Park and Recreation impact fee is designed to cover the costs associated with new parks and recreation facilities and equipment required to serve future growth in Antioch. It covers the appropriate share of the costs of developing new parks, Community Centers and facilities, library, and associated capital equipment (the park in-lieu fee under the Quimby Act, described in the next chapter, provides revenues based on parkland needs and costs). New capital facilities will be required as the City's population increases. The subsections below describe the nexus findings and the technical cost allocation analysis for the proposed Parks and Recreation capital facilities fee category.

Nexus Findings

Purpose

The fee will help provide adequate levels of parks and recreation facilities, Community Center, and library space.

Use of Fee

Fee revenue will contribute funding towards parks and recreational facilities in a number of community parks as well as an additional 20,172 square feet of community facility space and new library.

Relationship

New development in Antioch will increase the City's demand for park and recreation facilities, though existing population will also benefit from improvement in these capital facilities. Fee revenue will be used to increase the availability of parks and recreation facilities consistent with the needs of new population growth.

Need

Each new development project will add to the incremental need for park and recreation facilities, Community Center space, and library space. As a result, improvements considered in this study are estimated to be necessary to meet the City's service provision goals without adversely affecting the existing level of service.

Proportionality

Parks and recreation facilities in community parks and a new City-owned library facility will serve both new and existing development. As a result, the costs of these facilities are allocated between existing and new development based on the existing City population and the new, expected population through City buildout. Because the City has an existing Community Center, the majority of the new Community Center cost is apportioned to new development. However, because the new Community Center will increase the overall Community Center space standard in the City, a portion of the cost is apportioned to existing development.

Cost Allocation Approach

- **Parks.** The City owns and maintains a number of parks of various sizes and uses. The City's staff identified that Linsey Basin, Sand Creek Basin, and Prewett Park improvements would be needed in the foreseeable future. These improvements are estimated to cost approximately \$35.8 million, as shown in **Table 10**. Given that all Antioch residents would benefit from these improvements, including existing residents, only the cost attributable to new population as a share of the buildout total is allocated to the impact fee. This represents about 20 percent of the total cost or \$7.3 million.
- **Community Center Facilities.** New Community Center space will be predominantly required to maintain service standards as City population grows. While the General Plan specifies a Community Center service standard of 750 square feet per 1,000 residents, the current standard provided is below this level.¹¹ As a result, a 18 percent portion of the cost of developing new facilities to meet the City's preferred standard must be attributed to offsetting the existing deficiency for existing population, while the remaining 82 percent of costs are attributable to new development's impact on Community Center needs. The need for future space is estimated at about 20,170 square feet based on the City's preferred service standard, as shown in **Table 11**. The actual Community Center expansion cost of \$685 per square foot is based on a recently completed Community Center and is inflated to 2013 dollars. This results in a Community Center development cost of \$17.8 million with \$14.5 million eligible for funding from development impact fees.
- **Library.** The City staff estimates that a new 48,000 square foot library would be needed through buildout with a cost of \$31.9 million. The City would own the library and would be responsible for funding it. Similar to park space, existing and new City population will benefit from the library addition. Based on the projected population growth, this analysis assumes that 20 percent of the library development cost, or \$6.5 million, could be funded through impact fees.

¹¹ General Plan performance objective 3.5.1.1.

**Table 10
Parks and Recreation Capital Facilities and Costs
City of Antioch Development Impact Fee Study; EPS #20001**

Item	Total Program Cost (1) (rounded)	Proportionate Allocation (2)		Cost Allocation	
		Existing Development	New Development	Existing Development (rounded)	New Development (rounded)
<u>Park and Recreation Facilities</u>					
Linsey Basin	\$11,661,071	79.63%	20.37%	\$9,286,000	\$2,375,000
Sand Creek Basin	\$18,018,116	79.63%	20.37%	\$14,348,000	\$3,670,000
Prewett Park:					
Western area completion	\$3,750,104	79.63%	20.37%	\$2,986,000	\$764,000
Pool and diving well	\$2,343,687	79.63%	20.37%	\$1,866,000	\$477,000
Subtotal	\$35,772,978			\$28,486,000	\$7,286,000
<u>New Community Center Facilities (3)</u>	\$17,761,000	18.37%	81.63%	\$3,263,000	\$14,498,000
<u>Library</u>	\$31,872,296	79.63%	20.37%	\$25,380,000	\$6,492,000
Total Facilities	\$85,406,274			\$57,129,000	\$28,276,000

(1) Costs based on engineer estimates with the exception of the Community Center which is based on the City's actual cost estimate for the recently built community center.
 (2) This analysis assumes that all new parks and recreation facilities, with the exception of the Community Center expansion, will equally serve existing and new City residents. As a result, the costs are allocated based on existing and new development shares estimated in Table 2.
 (3) Reflects new development's fair share of the 20,172 square foot facility expansion cost that would bring the City consistent with its community center General Plan standard at buildout, as shown in Table 11.

Sources: City of Antioch and Economic & Planning Systems, Inc.

A67 630

**Table 11
Community Center Analysis
City of Antioch Development Impact Fee Study; EPS #20001**

Item	Existing Development	New Development	Buildout
Population (1)	105,117	26,896	132,013
Existing Community Center Sq. Ft.	74,300	--	--
Existing Service Standard [sq.ft. per 1,000 residents]	706.8		
General Plan Service Standard [sq.ft. per 1,000 residents]	750.0	750.0	750.0
New Community Center Facilities (2) to meet General Plan Service Standard	4,538	20,172	24,710
Community Center Costs (3) Distribution	\$3,262,000 18.37%	\$14,499,000 81.63%	\$17,761,000 100%

(1) From Table 2.
 (2) The 3,575 sq. ft. are required to bring the existing community center space standard up to the General Plan development standard of 750 sq.ft. per 1,000 residents.
 (3) Rounded; based on the City's actual cost estimate of \$685 per square foot for the recently built community center inflated to \$2013.

Sources: City of Antioch and Economic & Planning Systems, Inc.

A68 637

4. PARKLAND IN-LIEU FEE COST ALLOCATION

This chapter provides the technical analysis required to support the refinement of the park in-lieu fee. Under the Quimby Act, the City has a park in-lieu fee under its adopted standard of 5.0 acres per 1,000 persons.¹² This chapter determines the parkland cost that can be attributed to the expected new residential development in the City of Antioch based on this standard and the estimated value of parkland. Calculation of the maximum parkland in-lieu fee is presented in **Chapter 5**.

Under the Quimby Act, the park in-lieu fee is based on the estimated cost of acquiring residential land. Residential land cost has fluctuated substantially over the last several years. In addition to economic and real estate market cycles, acquisition costs can vary significantly based on the characteristics of individual properties. EPS reviewed available land transactions since 2009 from a range of data sources and concluded that the use of an average land acquisition cost of \$100,000 per acre represents a reasonable and conservative estimate for fee calculation.¹³

As shown in **Table 12**, under the adopted standard, new residential development will be required to cover the cost of about 134 acres of parkland, based on the 5.0 acres per 1,000 standard and the expected addition of about 26,900 residents through General Plan buildout. At \$100,000 per acre, this represents a \$13.4 million cost allocation to new residential development.

¹² See Municipal Code section 9-4.1003.

¹³ Data sources include CoStar, County Assessor data, Loopnet, and real estate broker interviews.

**Table 12
Parkland Acquisition Costs
City of Antioch Development Impact Fee Study; EPS #20001**

Item	New
Parkland Standard (per 1,000 population) (1)	5 acres
Estimate New Population (2)	26,896
Required Parkland (acres)	134.48
Parkland Acquisition Cost (Quimby Act) (3)	\$13,448,000

(1) Based on the City Municipal Code section 9-4.1003.

(2) See Table 2.

(3) Reflects a land value of \$100,000 per acre based on available residential land sale data and on real estate broker interviews.

Sources: City of Antioch and Economic & Planning Systems, Inc.

A70 G33

5. DEVELOPMENT IMPACT FEE CALCULATION, PROGRAM ADMINISTRATION, AND COMPARISON

This chapter describes the development fee recommendations (development impact and Quimby Act fees) and documents the magnitude of the fees by type. In addition, this chapter provides a comparison of the current and maximum potential development impact fees in the City of Antioch with development impact fees charged by selected other cities.

Development Impact Fees by Type

Total capital facilities costs attributed to new development is summarized in **Table 13**. As shown, future infrastructure cost associated with continued growth in the City is \$124.8 million. However, only \$66.8 million, or roughly 53 percent of this cost, could be attributed to new growth based on its fair share of the overall demand for capital facilities. The remaining \$58.0 million is allocated to existing development and reflects a shortfall in existing citywide needs. The cost allocated to existing development is predominantly comprised of parks and recreation uses, which would enhance the level of service to the City's existing and new residents. The City will need to find other non-development impact fee-related mechanisms to fund the costs apportioned to existing development.

Fees are calculated by allocating costs attributable to growth among single-family residential, multifamily residential, and nonresidential uses, as shown in **Table 14**. For most capital facilities types, as previously shown in **Table 5**, this allocation is based on future service population growth, with 51 percent associated with single-family units, 31 percent with multifamily units, and 10 percent with nonresidential development (for parks and recreation facilities and parkland that primarily serve new residential development, the allocation is based on future population growth). The allocated costs by land use are then divided by the number of new units/nonresidential square feet projected through buildout in Antioch to calculate the estimated fee. This calculation results in a maximum impact fee of \$6,680 for single-family units, \$4,232 for multifamily units, and \$0.30 per nonresidential square foot, before considering an administration cost factor. These fees are illustrated in **Table 15**.

The provisions of AB 1600 allow jurisdictions to include the costs of administering the Impact Fee Program in the fee amount. Administration requirements include collecting and allocating impact fee revenue, record keeping and reporting of fund activity, and periodic updates to the Fee Program. This analysis assumes that administrative costs of 3.0 percent of the total Fee Program cost will be applied to reflect the City's overhead and administration burdens. As shown in **Table 16**, this would increase the maximum development impact fee to \$6,836 for single-family units, \$4,330 for multifamily units, and \$0.31 per nonresidential square foot. While actual Impact Fee Program administration costs will vary from year-to-year depending on development activity and other program requirements, it is important to note that the administrative fee is not applied to the parkland in-lieu, East Contra Costa Regional Fee & Financing Authority or traffic signal fees.

Table 13
Summary of Capital Facilities Cost Allocation Between New and Existing Development (rounded)
City of Antioch Development Impact Fee Study; EPS #20001

Item	Cost Allocated to Existing Development (1)	Cost Allocated to New Development (2)	Total Cost
General Administration	\$90,000	\$5,500,000	\$5,590,000
Public Works	\$379,000	\$5,315,000	\$5,694,000
Police	\$463,000	\$14,235,000	\$14,698,000
Parks and Recreation	\$57,129,000	\$28,276,000	\$85,405,000
Parkland (Quimby Act)	\$0	\$13,448,000	\$13,448,000
Total	\$58,061,000	\$66,774,000	\$124,835,000

(1) To be funded by non-fee sources.
(2) Eligible to be funded by development impact fees/ Quimby Act fees.

Source: Economic & Planning Systems, Inc.

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**Table 14
New Development Maximum Cost Allocation by Land Use (rounded, no administration cost)
City of Antioch Development Impact Fee Study; EPS #20001**

Item	Cost Allocated to New Development	Residential Development		Non-Residential Development
		Single Family	Multi Family	
General Administration	\$5,500,000	\$2,604,800	\$1,383,800	\$1,506,500
Public Works	\$5,315,000	\$2,517,200	\$1,337,300	\$1,455,800
Police	\$14,235,000	\$6,741,700	\$3,581,500	\$3,899,000
Parks and Recreation	\$28,276,000	\$18,478,400	\$9,794,800	\$0
Parkland In-Lieu/ Quimby Act	<u>\$13,448,000</u>	<u>\$8,788,300</u>	<u>\$4,658,400</u>	<u>\$0</u>
Total Distribution	\$66,774,000 100%	\$39,130,400 59%	\$20,755,800 31%	\$6,861,300 10%

Source: Economic & Planning Systems, Inc.

A73 636

Table 15
Maximum Fee by Land Use (rounded, no administration cost)
City of Antioch Development Impact Fee Study; EPS #20001

Item	Residential Development (per unit)		Non-Residential Development (per sq.ft.)
	Single Family	Multi Family	
General Administration	\$445	\$282	\$0.07
Public Works	\$430	\$273	\$0.06
Police	\$1,151	\$730	\$0.17
Parks and Recreation	\$3,154	\$1,997	\$0.00
Parkland In-Lieu/ Quimby Act	<u>\$1,500</u>	<u>\$950</u>	<u>\$0.00</u>
Total	\$6,680	\$4,232	\$0.30

Source: Economic & Planning Systems, Inc.

A74 637

**Table 16
Maximum Fee by Land Use with 3% Administration Cost (rounded) (1)
City of Antioch Development Impact Fee Study; EPS #20001**

Item	Residential Development (per unit)		Non-Residential Development (per sq.ft.)
	Single Family	Multi Family	
General Administration	\$458	\$290	\$0.07
Public Works	\$443	\$281	\$0.06
Police	\$1,186	\$752	\$0.18
Parks and Recreation	\$3,249	\$2,057	\$0.00
Parkland In-Lieu/ Quimby Act	<u>\$1,500</u>	<u>\$950</u>	<u>\$0.00</u>
Total	\$6,836	\$4,330	\$0.31

(1) The fee of 3% falls within a reasonable range typically charged through development impact fees for administrative expenses. No administrative fee is added for Quimby Act/ Park-in-lieu fee.

Source: Economic & Planning Systems, Inc.

A75 G38

Development Impact Fee Comparison

EPS prepared a development impact fee comparison for selected cities before 2012 based on available fee schedules. The findings of this fee comparison are described in this section and presented in **Table 17**. Inevitably, changes have continued to be made to fee schedules over the last two years, though the fee comparison has not been updated. **Table 17** provides a comparison of the existing and potential maximum new development impact fees in the City of Antioch with the fee levels in the cities of Brentwood, Oakley, Pittsburg, Concord, and Tracy. The purpose of this comparison was to provide some context for fee refinement decisions in the City of Antioch. It is important to note that development impact fee levels are continuously changing. Fees shown are long-term/underlying fee levels and are not intended to show the temporary fee reductions that some Cities have chosen to put in place. For example, the City of Oakley has recently extended its 2-year fee reduction through June of 2015¹⁴.

One particular complexity in considering the fee levels in the City of Antioch is the expected ending of the Residential Development Allocation system. This system historically resulted in significant per unit payments by developers (as high as \$10,000 per unit) at the peak of the market. With the ending of this program, new residential development in the City of Antioch will effectively face a substantive decrease in one-time per unit charges, though the precise dollar reduction cannot be specified as the per unit payment depended on an auctioning system.

For all citywide development fee comparisons, there are a number of additional issues that affect the implications of the relative fee levels. For example, some cities focus more on requiring project-specific or area-specific exactions/fees for infrastructure improvements as part of the development approval. As a result, some projects occurring in cities with lower citywide development impact fees still pay higher fees, when project-specific or area-specific charges are included. Furthermore, some cities, on a case-by-case basis, are providing discounts or exemptions on some or all of their fees to certain new developments. This represents a *de facto* temporary fee reduction that is not reflected in the fee schedules.

Fee Comparison

Table 17 provides a snapshot of development impact fees for five comparison cities and the City of Antioch for consistent, prototype single-family units. The fees are grouped into three categories, including water/sewer fees, other fees charged by other entities, and other City development impact/one-time fees. The fee groups are distinguished as follows:

- **Sewer/water**— typically set to cover the costs of providing water and sewer facilities/infrastructure to comply with State standards
- **Other entity fees**—fees set by other school district or regional/subregional entities
- **Other City fees**—the fees over which the City has primary control

¹⁴ The City's temporary fee reduction, originally implemented in 2011, reduced the overall development impact fee by approximately 40 percent below that shown in this analysis.

**Table 17
Citywide Development Impact Fees by Comparable City (per single family unit)
Antioch Development Impact Fee Study; EPS #20001**

Fee	Selected Cities						Tracy
	Antioch Existing	Antioch Proposed	Brentwood	Oakley	Pittsburg	Concord	
Sewer/Water Fees	\$18,087	\$18,087	\$11,752	\$27,156	\$17,201	\$26,834	\$8,832
Other Entity Fees (1)							
Regional/ County Traffic Fees (2)	\$18,710	\$18,710	\$18,710	\$18,710	\$18,897	\$0	\$0
School District	\$5,940	\$5,940	\$8,700	\$9,954	\$5,346	\$5,940	\$10,640
Subtotal	\$24,650	\$24,650	\$27,410	\$28,664	\$24,243	\$5,940	\$10,640
Other City Fees							
Fire (3)	\$591	\$591	\$781	\$749	\$633	\$591	\$0
Drainage	\$1,911	\$1,911	\$882	\$990	n/a	\$642	\$4,512
Traffic/ Transit (4)	\$362	\$362	\$10,746	\$12,258	\$7,123	\$3,166	\$12,185
Parks	\$1,050	\$4,749	\$7,199	\$8,567	\$9,857	\$16,691	\$6,596
Police/Public Facilities/Capital Improvements	\$0	\$2,087	\$3,660	\$2,701	\$0	\$0	\$3,951
Subtotal	\$3,914	\$9,699	\$23,268	\$25,265	\$17,613	\$21,090	\$27,244
Total	\$46,651	\$52,436	\$62,430	\$81,085	\$59,057	\$53,864	\$46,716

- (1) Does not include special district fees.
(2) The fees are temporarily reduced by 50% due to the recent economic slowdown, and the fees for Pittsburg, Concord and Tracy differ because these cities are not members of the East Contra Costa Regional Fee & Financing Authority.
(3) Reflect a combination of city or special district fees.
(4) The City of Antioch is aware of the large difference between its Traffic/Transit fees in relation to the comparison cities and plans to undertake a future Traffic/Transit fee study as resources allow.

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As shown, the City of Antioch currently has the lowest "Other City" development impact/one-time fees—\$3,900 per single-family unit—when the Residential Development Allocation charge is not included¹⁵. The inclusion of the Residential Development Allocation charge—even at its highest level—still leaves existing fee levels at the lower end of the range, at \$13,900 per unit. The maximum potential "other city fee" levels identified in this report for Antioch (in combination with the ending of the Residential Development Allocation system) would result in a total of \$9,700 per single-family unit. This is below all other cities reviewed. The primary reason for the lower fees in the City of Antioch (even after upward adjustment) is the low traffic/transit fees relative to all the other comparison cities. On an aggregate basis, when significant variations in sewer/water fees as well as regional transportation and school district fees are considered, the City of Antioch's fees fall in a similar range to the long-term/underlying fees in other cities considered.

¹⁵ Based on the FY2011 fee schedule.

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF JANUARY 15, 2014**

Prepared by: Scott Davidson, Contract Planner
Reviewed by: Mindy Gentry, Senior Planner ~~AK~~
Date: December 18, 2013
Subject: **AutoZone (GP-13-01, SP-13-01, Z-13-01, PD-13-02, V-13-01, UP-13-04, AR-13-04)**

RECOMMENDATION

Staff recommends that the Planning Commission deny the application to construct an AutoZone retail store at the corner of Lone Tree Way and Fairside Way. Staff is recommending denial because the Project would result in spot zoning; create the potential for land use conflicts; is incompatible with the surrounding community; and overburdens property that has inadequate land area to accommodate Project components and to incorporate necessary design amenities on-site. These conditions are such that staff is unable to make positive findings to approve the Project.

The City has prepared an Initial Study/Mitigated Negative Declaration (IS/MND) to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"). Pursuant to CEQA Guidelines Section 15270, staff recommends that the Planning Commission take no action on the IS/MND.

REQUEST

Stantec, on behalf of, AutoZone, Inc. submitted a proposal to develop a 7,928 sq. foot retail store (AutoZone Store – Store #4166) on a 24,590 square foot vacant lot located on the northeast corner of Lone Tree Way and Fairside Way (APN: 056-120-086) (Attachment "A"). The proposed Project consists of an AutoZone store, master use list for the site, monument sign, parking lot, loading area, site improvements and landscaping on a vacant 0.56 acre lot. The Project includes applications for approval of amendments to the General Plan and to the East Lone Tree Specific Plan, a rezoning to Planned Development, a final development plan, a variance, a conditional use permit, and design review (Attachment "B").

PROJECT DESCRIPTION

The proposed Project consists of a commercial building that is 23' in height and would be accompanied by an 8' monument sign that is designed using stone veneer that matches the building. The Project would include 23 on-site parking spaces and a

loading area on approximately 8,274 square feet, formal landscaping on 5,222 square feet, and sidewalks on 1,443 square feet.

To accommodate operations, the Project proposes to provide two driveways, one on Fairside Way and one on Lone Tree Way, to provide access to the parking lot. These improvements would also accommodate internal circulation, vehicle queuing at Project driveways, delivery truck access and circulation (loading and unloading), and pedestrian and bicycle access and circulation.

The application does not propose limitations on the hours of operation. The applicant indicates that peak hours of operation occur Monday-Friday between 6:00 PM and 8:00 PM, Saturday from 10:00 AM to 1:00 PM and Sunday from 1:00 PM to 3:00 PM. During these peak periods, the maximum number of customers and employees that would be on-site is estimated to be 18. According to AutoZones' websites, the two existing AutoZone Stores in Antioch are open between 7:30 AM and 9:00 PM Monday through Saturday and between 8:00 AM and 8:00 PM on Sunday.

The General Plan designation for the site is High Density Residential within the East Lone Tree Focus Area and the zoning designation is Specific Plan District (SP). The East Lone Tree Specific Plan designates the site as Medium High Residential (R_H). The surrounding land uses and zoning designations are:

- North: Multi-family and Single Family Residential (Planned Development - PD)
- South: Commercial (City of Brentwood)
- West: Single Family Residential (Planned Development – PD)
- East: Multi-family Residential (Planned Development – PD)

Land Use Changes and Proposed Actions

In February, 2013, applications were filed for a General Plan amendment, Specific Plan amendment, rezone, final development plan, variance, use permit, and design review. These independent applications/entitlements are summarized in Table 1 and discussed in greater detail below.

Table 1 – Application Components

Application	Current	Proposed
General Plan Amendment	High Density Residential	Neighborhood Commercial
East Lone Tree Specific Plan Area Amendment	Medium High Density Residential (R _H)	Regional Retail
Rezoning	SP (Specific Plan District)	PD (Planned Development)
Final Development Plan	None	7,928 s.f. building and associated Project components
Variance	39 parking spaces required	23 (2 ADA)
Conditional Use Permit	None	Allow for AutoZone and a master use list
Design Review	Required	Required

More specifically, these applications are required for the reasons described below.

- General Plan Amendment: The Project proposes to change the General Plan land use designation from High Density Residential in the East Lone Tree Focus Area to Neighborhood/Community Commercial. The changes to both the General Plan and the East Lone Tree Specific Plan land use designations are necessary to allow commercial use of the site.
- Specific Plan Amendment - The Project site is located in the 796 acre East Lone Tree Specific Plan area (adopted in May, 1996). The Project proposes a change to the East Lone Tree Specific Plan land use designation from Medium High Density Residential (R_H) to Community Retail (C_N). The designation of the subject site was Public Facility, but because the Fire District decided not to pursue a fire station at this location the designation was changed to Medium High Density Residential (R_H) as discussed in the Specific Plan.
- Rezoning: The Project proposes changing the zoning from SP (Specific Plan) to PD (Planned Development) to allow for a mix of retail uses to provide goods to the immediate residential neighborhood area as well as flexible development standards to attempt to appropriately integrate the Project into the surrounding setting.
- Final Development Plan: Approval of the final development plan goes hand in hand with the rezoning described above. The final development plan and the PD district effectively become the zoning code for the Project area. In this case, the final development plan will be for a 7,928 s.f. building, parking lot, landscaping, infrastructure, master use list, and other Project components.
- Use Permit: The project is subject to a use permit pursuant to Section 9-5.2307(C)(1) of the Municipal Code to clarify the details of the development phase and to ensure that each component complies with the established provisions of the district.
- Variance: The applicant requests a variance from the number of required parking spaces as well as the design requirements for the parking lot. The parking variance is to allow for a reduction to 23 (21 standard and 2 handicapped accessible) parking spaces from the 39 spaces required by Section 9-5.1703.1 of the Zoning Ordinance (1 space per 200 square feet of gross floor area). The design standard variance is required to waive the requirement for a 10-foot landscape buffer adjacent to residential development north of the Project site, to reduce the 10-foot landscape buffer to approximately 5 feet adjacent to residential property to east of the Project site, and to waive the requirement for two landscape islands within the parking lot.

- Design Review: The Project is subject to Design Review pursuant to Article 26 of Municipal Code for the purpose of promoting orderly and harmonious development within the City, the stability of land values and investments, and the general welfare, and to encourage the highest quality of design and site planning.

ENVIRONMENTAL

An Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring and Reporting Program (MMRP) have been prepared for the Project in conformance with the California Environmental Quality Act (CEQA). The MND and MMRP are available for review at the City's Community Development Department.

The MND finds that impacts in the following areas would be significant without the implementation of mitigation measures:

- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Noise
- Transportation Traffic

The IS/MND was circulated for a 20 day public review period commencing on December 12, 2013 and ending January 2, 2014. The IS/MND was provided to the Planning Commission electronically and is available on the second floor of City Hall in the Community Development Department, and can also be found on the City's website (<http://www.ci.antioch.ca.us/CityGov/CommDev/PlanningDivision/Environmental-docs.htm>). Staff received one comment letter during the public review period (Attachment "C").

ANALYSIS

Issue #1: General Plan – Land Use

The General Plan expresses the community's vision for Antioch and is the result of extensive community input. The general plan serves as a blueprint that "guides the physical development of the city and any land outside its boundaries which bears relation to its planning" (Gov't Code Section 65302). As a "constitution for future development", the City's General Plan expresses Antioch's development goals and creates a framework for public policy relative to the distribution of future land uses, both public and private. As a plan that reflects the long-term goals of the community, the City does not modify the plan to respond to the interests of specific development proposals unless there are compelling reasons and substantial benefit to the public. In fact, State Law prohibits the City from amending the General Plan more than 4 times in a calendar year.

The current General Plan designation for the subject property is High Density Residential within the East Lone Tree Focus Area. The applicant has requested a change in the land use designation to Neighborhood/Community Commercial. Areas that are given the Neighborhood/Community Commercial designation typically represent an integrated shopping center or an aggregate of parcels around an intersection, which create an identifiable commercial center or area (§4.4.1.2 – Attachment “D”).

The Project is not consistent with other elements of the General Plan and the proposed amendment would create internal conflicts within the General Plan as discussed in greater detail below:

- a) The General Plan Housing Element indicates that the City has a shortage of sites available to satisfy the Regional Housing Needs Allocation (RHNA) (Attachment “E”). To facilitate a broad array of housing types (Goal 2), the Housing Element calls for rezoning property to higher density residential. The General Plan and Specific Plan designations for the subject property partially address the City’s need to provide residential property with density standards that permit at least 16 units per acre. The proposal to amend the General Plan to Neighborhood/Community Commercial would eliminate this site from the City’s inventory of eligible housing sites contrary to Housing Element Goal 2 which is inconsistent with the City’s housing objectives as expressed in the General Plan.
- b) The Land Use Element of the General Plan establishes Commercial Land Use Policies (§4.4.3.2- Attachment “D”) that require commercial development to be designed in a manner that complements and does not conflict with residential uses. The proposed Project includes commercial activities that will generate truck traffic and noise on-site and on local streets that have the potential to detract from the use and enjoyment of neighboring residential uses. The commercial activity would occur during hours when residential uses typically enjoy quiet (e.g. during dinner). The Project does not provide adequate screening or buffering, as established in the General Plan and Zoning Code, between the proposed use and neighboring homes to ensure the continued use and enjoyment of the adjoining residential property.
- c) The Community Image and Design Element of the General Plan establishes Community Design Policies (§5.4.12 – Attachment “D”) that have the goal of ensuring adequate buffering in the design of new development proposed along a boundary between residential and non-residential uses.

The burden for providing such buffers and transitions belongs to the second use to be developed. The Project fails to accomplish this objective because it:

- Does not include a heavily landscaped screen along common property lines separating residential and non-residential uses and

- Locates noise-generating activities (e.g. parking areas, loading docks, outdoor storage, and trash collection areas) in close proximity to neighboring residential uses.

Given the constraints of the site, the above discussed General Plan inconsistencies do not appear to be resolvable through redesign or re-siting of the proposed facilities. This creates the potential for unavoidable land use conflicts that are inconsistent with General Plan goals. Staff is recommending denial of the proposed General Plan amendment because it would interfere with the City's ability to accomplish Housing Element Goal number 2, and the proposed Project overburdens the site resulting in inconsistencies with General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12.

Issue # 2: Specific Plan Amendment

The East Lone Tree Specific Plan (ELTA) implements the provisions of the General Plan. The current Specific Plan designation is Medium High Density Residential (R_H). The application for the amendment proposes to change this designation to Community Retail (C_R) to accommodate the Project. Similar to the General Plan inconsistencies discussed above, the proposed Specific Plan amendment would result in conflicts with the Housing Element, neighboring residential uses, and the City's design standards. Specifically, staff is recommending denial of the proposed Specific Plan amendment because it would not be consistent with Housing Element Goal number 2, General Plan Land Use Policy 4.4.3.2 and Community Image, and Design Policy 5.4.12.

Issue # 3: Rezoning and Final Development Plan

The Project site is currently zoned Specific Plan (SP) and the applicant is proposing a rezone to Planned Development (PD) to allow for Neighborhood/Community Commercial (C-2) uses and project specific development standards for the subject property. The PD districts are intended to accommodate a wide range of land uses which are mutually supportive and compatible with existing and proposed development. PD districts also allows for more flexible development standards designed to appropriately integrate a project into its natural and/or man-made setting. The PD districts are also used to implement Specific Plans and once established, in effect, become the zoning code for the area.

The applicant proposes to allow the principally permitted and conditionally permitted uses as established for the C-2 zoning district in compliance with the Table of Land Use Regulations for the C-2 Zone.

Proposed Development Standards for the Project

Standard	Required
Minimum Building Site	20,000 sq. ft
Minimum Lot Width	100' (Interior) 100' (Corner)
Maximum Height	26', with exceptions to architectural features encompassing less than 20% of the total roof area and less than 8 feet in height and parapets less than 30 inches in height.
Maximum Lot Coverage	35%
Minimum Front and Side Yard	Reserved for landscaping only, excluding access and egress driveways and shall be determined on a graduated scale based upon type of street and land use as follows: Arterial street: Minimum 8-foot setback with landscaping on all frontages. Local street: Minimum 11-foot setback
Minimum Interior Yard	3-foot minimum setback
Minimum Rear Yard	3-foot minimum setback
Architectural Requirements	As approved by the Planning Commission (PC). Any substantial deviations from approved architectural plans will require review and approval by PC.
Parking Lot Design	As approved by the Planning Commission (PC), parking lot landscape buffers may be as little as 3 feet and no landscape islands are required within the parking lot.

The proposed rezoning would create a 0.56-acre site with unique development standards that are specific to the Project and do not exist elsewhere in the City. While the proposed land uses would be comparable to those allowed in other C-2 districts in the City, no such zoning exists on the north side of Lone Tree Way in the vicinity of the Project site. This condition results in the application of zoning to a specific parcel of land within a larger zoned area that is at odds with a City's General Plan and current zoning restrictions ("spot zoning"). The rezoning would be for the benefit of a particular developer (AutoZone) and would create unique administrative processes, development standards, and land uses that are inconsistent and incompatible with those established for surrounding properties and have the potential to result in development and uses that are inconsistent with what neighboring property owners could reasonably expect at the time they purchased their property. The findings described above in the General Plan amendment analysis and below in the Design Review analysis, would likely apply to many other development scenarios that could occur under the proposed zoning. In particular, the potential traffic generation and limited buffering (setback) between development at the Project site and adjoining residential uses have the potential to detract from the use and enjoyment of the neighborhood.

Further, while PD districts allow for more flexible development standards, the applicant has tried to place a building and use on a parcel that has been slated for residential development and is essentially too small for the Project. The landscape setback on

Lone Tree Way is proposed at 8', which is a much smaller setback than the 30' setback that is required for other zoning districts within the City of Antioch. Further, the building has been set so close to the intersection that the building had to be angled in order to meet the sight vision triangle requirements to prevent any visual obstacles for vehicular traffic. PD districts also require the land uses to be mutually supportive and compatible with existing and proposed development on surrounding properties. The applicant has not been able to design the Project in a way that provides a buffer or is compatible with the surrounding residential properties.

Staff is recommending denial of the proposed zone change because it would result in spot zoning on an infill Project that would conflict with the surrounding single family residential (directly west) and multi-residential uses (directly north and east). This proposal would create its own specific design standards (as noted above) on this small isolated property without any substantial public purpose or benefit.

Issue #4: Use Permit

A use permit for the Project application is required in Antioch's Zoning Ordinance. The use permit is required prior to the construction of any phase of an approved PD District to clarify the details of the development phase. Staff is unable to conclude that the General Plan, Specific Plan, rezoning, or variance findings can be made to approve the Project; therefore, no findings or conditions have been identified in conjunction with the recommendation of denial for the use permit.

Issue #5: Circulation

The two proposed Project driveways, one each on Lone Tree Way and Fairside Way, are unsignalized and right-in/right-out only.

The Traffic Impact Study prepared by Kimley Horn and Associates (Attachment "E") identified conditions that result in access and circulation issues related to the Project.

- The median on Fairside Way would divert traffic exiting the Project site through the neighboring residential neighborhood. This condition would affect traffic associated with construction and operations that has the potential to impact neighboring homes.
- Vehicles exiting the Project site onto Lone Tree Way can only make a right turn and would be required to make a u-turn at the Vista Grande/Lone Tree Way intersection in order to travel east toward State Route 4. The Vista Grande/Lone Tree Way intersection is inadequate to accommodate large vehicles making a u-turn. All vehicles exiting the Project site onto Lone Tree Way will be inclined to attempt crossing travel lanes to make a u-turn at Fairside Way rather than traveling further west to make a u-turn in order to travel east on Lone Tree Way.

In addition to potential traffic impacts, the City Engineer has further concluded that right-turning movements from Lone Tree Way into the Project site have the potential to interfere with vehicles traveling at permitted speeds on Lone Tree Way unless a deceleration lane were constructed. Because there is inadequate land within the right-of-way to construct a deceleration lane, the City Engineer does not support a right turn from Lone Tree Way into the Project site.

While the potential impacts associated with the above-described constraints may be reduced to a less than significant level through mitigation, the traffic patterns that would result from the mitigations would not be intuitive or convenient and are likely to result in unsafe turning movements on both exits for vehicles that want to travel east on Lone Tree Way. Staff is recommending against amending the City's planning documents and relaxing City standards in order to create conditions that could result in unsafe traffic movements from Project traffic.

Issue #6: Variance - Parking

Variance approval is required in order to reduce on-site parking from 39 spaces required by the Zoning Code to 23 (21 standard and 2 accessible) and to deviate from Parking Lot Landscaping Design standards established by Municipal Code Section 9-5.1716. The design standard variance is required to waive the requirement for a 10-foot landscape buffer adjacent to residential development north of the Project site, to reduce the 10-foot landscape buffer to approximately 5 feet adjacent to residential property to the East of the Project site, and to waive the requirement for two landscape islands within the parking lot.

In order to approve the variance, the City must find that there is some unique condition at the Project site that deprives the subject property of privileges enjoyed by similar properties and that the granting of a variance will not be injurious to property in the vicinity. Because the site is regularly configured, relatively flat, and compatible in size with other properties in similar zones and in the Project vicinity, such findings are difficult to make. Further, as discussed above in the above General Plan amendment analysis and below in the Design Review analysis, the proposed variances from parking lot design (e.g. reduced landscape buffers and elimination of landscape islands) will exacerbate the potential for land use conflicts and compatibility issues that may lessen the use and enjoyment of surrounding properties.

Issue #7: Design Review

The Project has been designed primarily to satisfy the functional requirements of the business. As a consequence, the focus of the design is on improving operational and construction efficiency rather than on providing building articulation or architectural or site planning elements that provide adequate buffers to adjoining properties or that acknowledge the importance of this site as a corner lot. The City's consulting architect has reviewed the Project (Attachment "F") for consistency with Chapter 3.0, Commercial

Design Guidelines of the City of Antioch Citywide Design Guidelines, and found the Project to be inconsistent with the City's design standards as described below.

- 3.1.2 Design Objectives: The building lacks any real articulation and tries to satisfy this basic requirement through the use of plan-on types of building plan changes. The Project fails to comply with the general goals of this section.
- 3.1.3B Land Use Buffering: The trash enclosure and the driveway at the northern side of the property are both located immediately adjacent to an existing residential building. To comply with paragraph 4 of this section, the Project would need to incorporate a larger landscape buffer along the northern property line. Given the site geometry, there doesn't appear to be adequate space to accommodate this needed design amenity.
- 3.1.3C Building Siting: The Project fails to comply with paragraph 2 of this section. While the building corner has been angled to provide vehicle site distance at the intersection, this section of the design guidelines is intended to "celebrate" or address the corner condition by orienting active areas to the street.
- 3.1.3D Site Amenities: To comply with this section, decorative paving and more urban landscape treatments (e.g. tree grates within the paved area of the south eastern corner of the building) should be used to create a more attractive project.
- 3.1.3E Site Utilities and Mechanical Equipment: It is not clear if there are site utilities, utility connections for the building or mechanical equipment that need to be screened from public view in compliance with this section. The applicant would need to provide additional architectural and site plan information to address this issue.
- 3.1.3F Trash and Storage Areas: Additional architectural and site plan information would need to be provided demonstrating compliance with this section.
- 3.1.4A Architectural Imagery: This Project does not embrace any particular style of architecture and does not comply with this section.
- 3.1.4B Building Form and Mass: The Project does not comply with this section. Barely 50% of the building facing Lone Tree Way (South Elevation) and none of the building facing Fairside Way (West Elevation) have glazing. The decorative metal accents provided are an attempt to break up the substantially flat façade of this building and the applied stone does not do anything to comply with this section. There are no dimensions provided to the 'applied' pilasters to the building but it would appear that there is less than a six (6) inch differential between surfaces which is inadequate to meet the requirement that "new structures shall be designed to avoid blank facades, particularly on major streets".

- 3.1.4C Wall Articulation: The proposed design does not comply with this section of the guidelines. Paragraph 1b requires that in order to break the long, flat, monolithic wall façade, columns shall be 8 inches deep. There are columns on the western side of the building that seem to meet the minimum standard, but not on the western face of the building which faces the street.
- 3.1.4D Roofs: The submitted design does not include gabled, hipped or shed roofs that are “encouraged” by this section. The parapet roof that is proposed is compliant with the requirement that the parapet not be unbroken for more than 75 feet.
- 3.1.4E Materials/Colors: The proposed stucco finish is not indicated on the plans so compliance with paragraph 1a cannot be determined.
- 3.1.4F Building Equipment and Utility Screening: Key Note 15 indicates that a new transformer would be installed on a concrete pad, but the placement and need for screening could not be determined without additional architectural and site planning details.
- 3.1.7 Landscaping: There is no connection between the public sidewalk and the building to provide pedestrian access to the site except via the driveway. There should be at least one entrance for pedestrians onto the site via a walk.
- 3.1.8 Lighting: There are two 20’ high yard parking lot lights proposed on the plan but more detailed information about the lights would need to be provided before compliance can be determined.

While the Project is inconsistent with the individual Design Guidelines described above, staff is also recommending denial of the Design Review application because the Design Guidelines are intended to discourage the use of corporate architecture and the proposed Project does not comply with or address this goal.

Just prior to this staff report being released, the applicant provided revised plans; however, staff has not had the time to analyze these plans for consistency with the City’s Design Guidelines and other design policies as discussed in the General Plan and the City’s Zoning Code. The applicant desired to keep the hearing date on January 15th which did not provide adequate time for staff to provide an analysis to the Commission. The plans, date stamped January 6, 2014, have been provided to the Planning Commission for reference.

Issue #8: Comment Letters

Attachment “D” contains the comment letter received on the Initial Study/Mitigated Negative Declaration including a response from the City. Attachment “G” contains comment letters received on the overall Project.

OPTIONS

Should the Planning Commission find that the merits of the Project provide a compelling reason to support project approval and that substantial benefits result from the Project such that modifying City policy documents and standards is appropriate, staff recommends that the Planning Commission continue the item and direct staff to draft approval resolutions along with conditions of approval for the Project.

ATTACHMENTS

- A: Aerial Photo
- B: Applicant's Summary Documentation
- C: IS/MND Comment Letter and City Response
- D: General Plan Excerpts
- E: Traffic Impact Study
- F: Architect's Peer Review
- G: Comment Letters

RESOLUTION NO. 2014-**
RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING TO THE CITY COUNCIL DENIAL OF GENERAL PLAN
AMENDMENT FOR THE AUTOZONE PROJECT

WHEREAS, the City of Antioch received a request from AutoZone to construct a 7,928 sq. foot retail store, parking lot, landscaping, and associated infrastructure along with a master use list on a 24,590 square foot vacant lot located on the northeast corner of Lone Tree Way and Fairside Way (APN: 056-120-086) (the "Project"). The Project includes a General Plan amendment from High Density Residential to Neighborhood/Community Commercial, a Specific Plan amendment from Medium High Density Residential (R_H) to Community Retail (C_N), a rezone from Specific Plan (SP) to Planned Development (PD), a final development plan, a variance, a use permit, and design review; and

WHEREAS, the City prepared an Initial Study/Mitigated Negative Declaration, which included the amendment to the General Plan, to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

WHEREAS, the Planning Commission did not act on the Initial Study/Mitigated Negative Declaration; and

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

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 eliminate the existing high-density residential designation could interfere with 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 Project site is not large enough to accommodate site improvements to comply with City codes and standards or to include amenities necessary to avoid land use conflicts between residential and non-residential uses and to conform with General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12; and

WHEREAS, the proposed Project has the potential to detract from the orderly development in the City of Antioch; and

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

WHEREAS, on January 15, 2014, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

NOW, THEREFORE BE IT RESOVED, that the Planning Commission does hereby make the following findings for recommendation of denial of the General Plan amendment:

1. The proposed General Plan Amendment is not in the public's interest, and would inhibit the City's ability to satisfy other General Plan objectives. The proposed General Plan Amendment would eliminate a site with the potential for high-density residential development that could thwart City efforts to fulfill the goals and objectives of the General Plan Housing Element.
2. The proposed General Plan Amendment would not be consistent with General Plan Land Use Policy 4.4.3.2 or Community Image and Design Policy 5.4.12. The Project does not provide adequate screening or buffering between the residential and non-residential uses to ensure the continued use and enjoyment of the adjoining residential property, and site constraints do not allow for design solutions to these conflicts.
3. The proposed General Plan amendment would be detrimental to the public's health, safety, and welfare. The Project site is not physically suitable for the proposed development, does not provide adequate parking on-site to comply with City parking standards, requires substantial modification to the existing road network in order to accommodate safe vehicular circulation and creates the potential for conflict between residential and non-residential uses due to hours of commercial operation and activity that could detract from the quiet enjoyment of neighboring residential properties.
4. The General Plan amendment would conflict with the East Lone Tree Specific Plan. The Project would result in a small isolated commercial property that is not contiguous to other commercial sites and in conflict with the East Lone Tree Specific Plan Focus Area policies and goals that support a scale and character of development that complements and enhances single family residential neighbors.

NOW, THEREFORE BE IT RESOLVED, the Planning Commission cannot make findings that the proposed General Plan Amendment is in the public interest of the people and hereby recommends to the City Council denial of the amendment to City of Antioch's General Plan.

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RESOLUTION NO. 2014-**

January 15, 2013

Page 3

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 15th day of January, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

TINA WEHRMEISTER,
Secretary to the Planning Commission

RESOLUTION NO. 2014-**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING TO THE CITY COUNCIL DENIAL OF AN AMENDMENT TO THE
EAST LONE TREE SPECIFIC PLAN FOR THE AUTOZONE PROJECT**

WHEREAS, the City of Antioch received a request from AutoZone to construct a 7,928 sq. foot retail store, parking lot, landscaping, and associated infrastructure along with a master use list on a 24,590 square foot vacant lot located on the northeast corner of Lone Tree Way and Fairside Way (APN: 056-120-086) (the "Project"). The Project includes a General Plan amendment from High Density Residential to Neighborhood/Community Commercial, a Specific Plan amendment from Medium High Density Residential (R_H) to Community Retail (C_N), a rezone from Specific Plan (SP) to Planned Development (PD), a final development plan, a variance, a use permit, and design review; and

WHEREAS, the City prepared an Initial Study/Mitigated Negative Declaration, which included the amendment to the Specific Plan, to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines");

WHEREAS, the Planning Commission did not act on the Initial Study/Mitigated Negative Declaration; and

WHEREAS, Section 65359 of the California Government Code provides for the amendment of all or part of an adopted East Lone Tree Specific Plan as affected by a General Plan amendment; and

WHEREAS, the primary purpose of the Specific Plan amendment is to ensure consistency between the City of Antioch East Lone Tree Specific Plan, the Project, and the General Plan; and

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

WHEREAS, on January 15, 2014, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the Planning Commission has recommended to the City Council denial of the requested General Plan amendment; and

NOW, THEREFORE BE IT RESOVED, that the Planning Commission does hereby make the following findings for recommendation of denial of the Specific Plan amendment;

1. The proposed Specific Plan amendment is not consistent with the General Plan. The proposed amendment would eliminate the existing Medium High Density Residential (R_H) designation and replace it with a commercial designation, which could interfere with the City's ability to provide diverse housing types to satisfy the Regional Housing Needs Allocation and fulfill City objectives as expressed in the General Plan's Housing Element.
2. The proposed Specific Plan amendment would be detrimental to the public interest, health, safety, convenience, or welfare of the City. The proposed amendment would be detrimental to the public interest and create the potential for conflict by allowing commercial operations that, due to hours of operation, traffic, and noise generation, have the potential to detract from the quiet enjoyment of neighboring residential properties. The Project site is not large enough to accommodate site improvements to comply with City codes and standards or to include amenities necessary to avoid land use conflicts between residential and non-residential uses and to conform to General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12.
3. The subject property is not physically suitable for the requested Specific Plan designation and the proposed land use development. The proposed Project has the potential to detract from orderly development by allowing uses at a site that is not physically suitable for the intensity of use contemplated by the Project. The Project site does not provide adequate parking on-site to comply with City parking standards, requires substantial modification to the existing road network in order to accommodate safe vehicular circulation, and cannot provide adequate buffering which has the potential to generate use conflicts with neighboring homes.
4. The Project is inconsistent with provisions of the East Lone Tree Specific Plan that are designed to ensure orderly development which is harmonious with existing and proposed development in the surrounding neighborhood. The East Lone Tree Specific Plan's policies and goals support development that has a scale and character that complements and enhances the surrounding residential neighborhoods and the proposed amendment would allow for use of the property that results in inadequate buffering, site improvements, and traffic circulation that would disrupt surrounding residential uses.

NOW, THEREFORE BE IT RESOLVED, that based on the oral and written record, the Planning Commission cannot make findings that the proposed Specific Plan amendment is in the public interest of the people and hereby recommends to the City Council denial of the amendments to the East Lone Tree Specific Plan.

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RESOLUTION NO. 2014-**

January 15, 2013

Page 3

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 15th day of January, 2014 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

TINA WEHRMEISTER,
Secretary to the Planning Commission

RESOLUTION NO. 2014-**

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH NOT INITIATING AMENDMENTS TO TITLE 9 OF THE ANTIOCH MUNICIPAL CODE "PLANNING AND ZONING" AND RECOMMENDING THAT THE CITY COUNCIL DENY THE ADOPTION OF AN ORDINANCE REZONING THE AUTOZONE PROJECT FROM SPECIFIC PLAN (SP) TO PLANNED DEVELOPMENT (PD)

WHEREAS, the City of Antioch received a request from AutoZone to construct a 7,928 sq. foot retail store, parking lot, landscaping, and associated infrastructure along with a master use list on a 24,590 square foot vacant lot located on the northeast corner of Lone Tree Way and Fairside Way (APN: 056-120-086) (the "Project"). The Project includes a General Plan amendment from High Density Residential to Neighborhood/Community Commercial, a Specific Plan amendment from Medium High Density Residential (R_H) to Community Retail (C_N), a rezone from Specific Plan (SP) to Planned Development (PD), a final development plan, a variance, a use permit, and design review; and

WHEREAS, the request for a zone change is from Specific Plan (SP) to Planned Development (PD) with Neighborhood/Community Commercial (C-2) land use regulations as outlined in Section 9-5.3803 – Table of Land Use within the Antioch Municipal Code and the following development standards:

Development Standards for the Project:

Standard	Required
Minimum Building Site	20,000 sq. ft
Minimum Lot Width	100' (Interior) 100' (Corner)
Maximum Height	26', with exceptions to architectural features encompassing less than 20% of the total roof area and less than 8 feet in height and parapets less than 30 inches in height.
Maximum Lot Coverage	35%
Minimum Front and Side Yard	Reserved for landscaping only, excluding access and egress driveways and shall be determined on a graduated scale based upon type of street and land use as follows: Arterial street: Minimum 8-foot setback with landscaping on all frontages. Local street: Minimum 11-foot setback
Minimum Interior Yard	3-foot minimum setback
Minimum Rear Year Yard	3-foot minimum setback
Architectural Requirements	As approved by the Planning Commission (PC). Any substantial deviations from approved architectural plans will require review and approval by PC.
Parking Lot Design	As approved by the Planning Commission (PC), parking lot landscape buffers may be as little as 3 feet and no landscape islands are required within the parking lot.

WHEREAS, the City prepared an Initial Study/Mitigated Negative Declaration, which included the rezone, to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

WHEREAS, the Planning Commission did not act on the Initial Study/Mitigated Negative Declaration; and

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

WHEREAS, on January 15, 2014, the Planning Commission held a duly noticed public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the Planning Commission has recommended to the City Council denial of the requested General Plan amendment; and

WHEREAS, the Planning Commission has recommended to the City Council denial of the requested Specific Plan amendment.

NOW, THEREFORE BE IT RESOLVED, that based on the oral and written record, the Planning Commission determines to deny the request to initiate the amendment to Title 9 "Planning and Zoning" and is recommending denial to the City Council of a rezone of the Project because it cannot make the findings for approval.

1. The proposed zone reclassification will allow uses that are not suitable for the area. The Project will not promote a harmonious visual and functional relationship between commercial and non-commercial uses. The proposed rezoning would create a 0.56-acre site with unique development standards that do not exist elsewhere in the City. While the proposed land uses would be comparable to those allowed in other C-2 districts in the City, no such zoning exists on the north side of Lone Tree Way in the vicinity of the Project site. This condition results in the application of zoning to a specific parcel of land within a larger zoned area that is at odds with a City's General Plan and current zoning restrictions ("spot zoning"). The rezoning would be for the benefit of a particular developer (AutoZone), and would create unique administrative processes, development standards, and land uses that are inconsistent and incompatible with those established for surrounding properties and have the potential to result in development and uses that are inconsistent with what neighboring property owners could reasonably expect at the time they purchased their property.
2. The uses permitted by the proposed rezoning will be detrimental to adjacent or surrounding properties. The Project site is not physically suitable for the proposed development, does not provide adequate parking on-site to comply with City parking standards, requires substantial modification to the existing

road network in order to accommodate safe vehicular circulation and creates the potential for conflict between residential and non-residential uses due to the hours of commercial operation and activity that could detract from the quiet enjoyment of neighboring residential properties.

3. No evidence has been presented to demonstrate that changes in the Project area have altered the overall vision presented in the General or Specific Plans or that the use of other properties in the Project Area has changed in a way that warrants reconsideration of the land use or zoning for the Project site. Similarly, there have been no changes in the surrounding community that have rendered the existing land use or zoning obsolete or incompatible with adjoining uses or that warrant a change of zoning on this property.
4. The requested zone change is in conflict with the General Plan and the East Lone Tree Specific Plan. The proposed zoning is inconsistent with the General Plan and the Specific Plan because it would eliminate a residential designation which will interfere with 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. The Project site is also not large enough to accommodate site improvements to comply with City codes and standards or to include amenities necessary to avoid land use conflicts between residential and non-residential uses and to conform to General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12.

NOW THEREFORE BE IT RESOLVED, that the Planning Commission hereby recommends to the City Council denial of the change to the City of Antioch's zoning code found in Title 9 of the Antioch Municipal Code.

* * * * *

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 15th day of January, 2014 by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

TINA WEHRMEISTER,
Secretary to the Planning Commission

RESOLUTION NO. 2014-**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING DENIAL TO THE CITY COUNCIL OF A FINAL
DEVELOPMENT PLAN, VARIANCE, USE PERMIT AND DESIGN REVIEW FOR THE
AUTOZONE PROJECT**

WHEREAS, the City of Antioch received a request from AutoZone to construct a 7,928 sq. foot retail store, parking lot, landscaping, and associated infrastructure along with a master use list on a 24,590 square foot vacant lot located on the northeast corner of Lone Tree Way and Fairside Way (APN: 056-120-086) (the "Project"). The Project includes a General Plan amendment from High Density Residential to Neighborhood/Community Commercial, a Specific Plan amendment from Medium High Density Residential (R_H) to Community Retail (C_N), a rezone from Specific Plan (SP) to Planned Development (PD), a final development plan, a variance, a use permit, and design review; and

WHEREAS, the City prepared an Initial Study/Mitigated Negative Declaration to evaluate the potential environmental impacts of the Project in conformance with Section 15063 of Title 14 of the California Code of Regulations (the "CEQA Guidelines"); and

WHEREAS, the Planning Commission did not act on the Initial Study/Mitigated Negative Declaration; and

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

WHEREAS, on January 15, 2014, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

WHEREAS, the Planning Commission has recommended that the City Council deny the proposed amendments to the General Plan and East Lone Tree Specific Plan; and

WHEREAS, the Planning Commission has not initiated an amendment to Title 9 of the Antioch Municipal Code "Planning and Zoning" and made a recommendation to the City Council to deny a proposal to rezone the subject parcel from Specific Plan (SP) to Planned Development District (PD).

NOW THEREFORE BE IT RESOLVED, that the Planning Commission does hereby make the following findings for a recommendation of denial of a final development plan to the City Council, as set for in Section 9-5.2308 of the Antioch Municipal Code:

SECTION 9-5.2308(A): Each individual unit of the development can exist as an independent unit capable of creating an environment of sustained desirability and stability, and 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.

PLANNING COMMISSION'S DETERMINATION: The proposed project would eliminate an existing high-density residential designation which could interfere with the City's ability to provide diverse housing types to satisfy the Regional Housing Needs Allocation and fulfill the City's objectives as expressed in the Housing Element. The project site is not large enough to accommodate site improvements to comply with City codes and standards or to include amenities necessary to avoid land use conflicts between residential and non-residential uses and to conform to General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12.

SECTION 9-5.2308(B): 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.

PLANNING COMMISSION'S DETERMINATION: The streets and thoroughfares are not adequate to serve the Project. Existing roadways that serve the Project site would result in traffic patterns that are not intuitive or convenient and are likely to result in unsafe turning movements at both exits from the Project site; in particular for vehicles wanting to travel east on Lone Tree Way. The Planning Commission does not want to amend the City's planning documents and relaxing City standards which could create conditions that result in unsafe traffic movements.

SECTION 9-5.2308(C): The commercial components of the Project are justified economically at the location proposed.

PLANNING COMMISSION'S DETERMINATION: The City's General Plan and zoning designations identify a number of properties that are better suited to support commercial activity such as that proposed for the Project site without resulting in the potential for conflict with non-commercial uses. There is no evidence of public benefit, including economic benefit that justifies activities that have the potential to conflict with the use and enjoyment of neighboring residential uses.

SECTION 9-5.2308(D): Any residential component will be in harmony with the character of the surrounding neighborhood and community and will result in densities no higher than that permitted by the General Plan.

PLANNING COMMISSION'S DETERMINATION: There are no residential components to the project.

SECTION 9-5.2308(E): That any industrial component conforms to applicable desirable standards and will constitute an efficient, well-organized development with adequate provisions for railroad and/or truck access and necessary storage and will not adversely affect adjacent or surrounding development.

PLANNING COMMISSION'S DETERMINATION: There are no industrial components to the Project.

SECTION 9-5.2308(F): Any deviation from the standard zoning requirements is warranted by the design and additional amenities incorporated in the final development plan which offers certain unusual redeeming features to compensate for any deviations that may be permitted.

PLANNING COMMISSION'S DETERMINATION: The Project does not conform to the development policies in the General Plan or the East Lone Tree Specific Plan. The project is not offering unusual redeeming features or amenities to warrant deviations from the standard zoning requirements. The project consists of more commercial improvements that do not promote harmonious development between the commercial and residential uses.

SECTION 9-5.2308(G): That the area surrounding the Project can be planned and zoned in coordination and substantial compatibility with the proposed development.

PLANNING COMMISSION'S DETERMINATION: The area surrounding the Project is already developed with homes and the proposed commercial use is not complementary with the existing development.

SECTION 9-5.2308(H): The P-D district conforms to the General Plan of the City.

PLANNING COMMISSION'S DETERMINATION: The Project is not consistent with Housing Element Goal number 2, General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12. The Planning Commission did not recommend approval of the required General Plan amendment to the City Council; therefore the use would not be in conformance with the General Plan.

BE IT FURTHER RESOLVED that the Planning Commission is not able to recommend that the City Council approve the variance application based on the following findings:

SECTION 9-5.2703(B)(2)(a): That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity.

PLANNING COMMISSION'S DETERMINATION: Approval of the variance would constitute a grant of special privileges inconsistent with the limitations of other properties in the vicinity and zoning district in which it is located. Approving a 40% reduction of the parking requirements as set out in the zoning ordinance would constitute a grant of special privileges.

SECTION 9-5.2703(B)(2)(b): That the granting of such variance will not be materially detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

PLANNING COMMISSION'S DETERMINATION: The project would be inconsistent with the limitations of other properties in the vicinity and the residential zoning district in which it is located, would not comply with Chapter 3.0, Commercial Design Guidelines of the City of Antioch Citywide Design Guidelines, and would interfere with the use and enjoyment of other properties in the surrounding community.

SECTION 9-5.2703(B)(2)(c): That because of special circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, the strict application of the zoning provisions is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under the identical zone classifications.

PLANNING COMMISSION'S DETERMINATION: There are no special circumstances related to size, shape, topography, location, or surroundings of this parcel such that the strict application of zoning ordinance development standards would deprive the property of privileges enjoyed by other properties in similar circumstances in the same zoning district. The shape is rectangular and typical of the majority of the parcels in the neighborhood. The topography of the site is typical of other properties in the area.

SECTION 9-5.2703(B)(2)(d): That the granting of such variance will not adversely affect the comprehensive General Plan.

PLANNING COMMISSION'S DETERMINATION: The Project is not consistent with Housing Element Goal number 2, General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12; therefore would adversely affect the General Plan.

BE IT FURTHER RESOLVED that the Planning Commission is not able to recommend approval of a Use Permit to the City Council based on the following findings:

SECTION 9-5.2703(B)(1)(a): That the granting of such use permit will not be detrimental to the public health or welfare or injurious to the property or improvements in such zone or vicinity.

PLANNING COMMISSION'S DETERMINATION: The Project is not compatible with the City of Antioch's long-term vision established in the General Plan that the properties in this area be established as residential. The Project will be detrimental to the public health and welfare by creating a conflict with the adjacent residential properties due to the hours of operation, traffic, and noise generation. Further, the Project is not consistent with Housing Element Goal number 2, General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12.

SECTION 9-5.2703(B)(1)(b): That the use applied for at the location indicated is properly one for which a use permit is authorized.

PLANNING COMMISSION'S DETERMINATION: The Project would not meet the Land Use and Community design policies as set out in the General Plan, Municipal Code, and design guidelines resulting in the potential for conflicts between commercial and non-commercial uses.

SECTION 9-5.2703(B)(1)(c): That the site for the proposed use is adequate in size and shape to accommodate such use, and all yard spaces, walls, fences, parking, loading, landscaping, and other features required, to other uses in the neighborhood.

PLANNING COMMISSION'S DETERMINATION: The project site is not physically suitable for the proposed development and has inadequate land area to accommodate project components and to incorporate necessary design amenities on-site to address the potential for conflict between residential and non-residential uses due to hours of commercial operation and activity that could detract from the quiet enjoyment of neighboring residential properties.

SECTION 9-5.2703(B)(1)(d): That the site abuts streets and highways adequate in width and pavement type to carry the kind of traffic generated by the proposed use.

PLANNING COMMISSION'S DETERMINATION: The project site is not physically suitable for the proposed development, does not provide adequate parking on-site to comply with City parking standards, requires substantial modification to the existing road network in order to accommodate safe vehicular circulation.

SECTION 9-5.2703(B)(1)(e): That the granting of such use permit will not adversely affect the comprehensive General Plan.

PLANNING COMMISSION'S DETERMINATION: The project is not consistent with Housing Element Goal number 2, General Plan Land Use Policy 4.4.3.2 and Community Image and Design Policy 5.4.12; therefore will adversely affect the General Plan.

BE IT FURTHER RESOLVED that the Planning Commission is not able to recommend that the City Council approve the design review application based on the following findings:

1. The Project does not articulate building forms and elevations to create varied rooflines, building shapes, and patterns of shade and shadow and provide site access, parking, and circulation that are arranged in a logical and safe manner for pedestrians and vehicles. The architectural form is inconsistent with the Design Guidelines 3.1.2 and 3.1.4C because the building lacks any real articulation and tries to satisfy this basic requirement through the use of plan-on types of building plan changes.
2. That corner buildings shall include angled or sculpted building corners or an open plaza located near the corner. The corner treatment does not conform to design standard 3.3.1C. The building corner has been angled to provide vehicle site distance at the intersection, this section of the design guidelines is intended orient structures to corner conditions by orienting active areas to the street. No such building orientation is provided in the building design.
3. When commercial buildings abut residential projects or open space, the rear setback area shall be landscaped to be functionally and/or visually combined with the residential open space where possible. The Project does not conform to design standard 3.3.1B in that the trash enclosure and the driveway at the northern side of the property are both located immediately adjacent to an existing residential building, and the Project would need to incorporate a larger landscape buffer along the northern property line than the property appears able to accommodate.
4. Trash enclosures shall be located away from sensitive uses, such as residences or schools, to minimize nuisance for adjacent property owners as well as utility and mechanical equipment (e.g. electric and gas meters, electrical panels, and junction boxes) shall be screened from the view of public streets and neighboring properties. The Project does not conform to design standard 3.3.1B in that the trash enclosure and the driveway at the northern side of the property are both located immediately adjacent to an existing residential building.
5. All areas not covered by structures, service yards, walkways, driveways, and parking spaces shall be landscaped while encouraging pedestrian enhancements. To comply with section 3.1.3D, the Project would need to incorporate decorative paving and more urban landscape treatments (e.g. tree grates within the paved area of the south eastern corner of the building). To comply with section 3.1.7, the project would need to be revised to include a pedestrian connection between the public sidewalk and the building that is independent of the driveway.

6. Corporate architecture and generic redesigns are not recommended. The design of each project shall create a pedestrian-scale atmosphere and provide a clear appearance and theme. The Project proposes corporate architecture and fails to comply with or address the City's Design Review Guidelines.

BE IT FURTHER RESOLVED that the Planning Commission, after reviewing the staff report and considering testimony offered, does hereby recommend to the City Council DENIAL of the final development plan, variance, use permit, and design review applications proposed by the Project.

* * * * *

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 15th day of January, 2014.

AYES:
NOES:
ABSTAIN:
ABSENT:

TINA WEHRMEISTER,
SECRETARY TO THE
PLANNING COMMISSION

ATTACHMENT "A"

Aerial Photo



ATTACHMENT "B"



123 South Front Street, Memphis, TN 38103 Phone (901)

AutoZone Inc. has performed over its history numerous of studies to identify the number of customers and employees for an average \$1.6 million in annual sales AutoZone Store at any given time. The studies looked at timed cash register receipts for the (3) three busiest months of the year for numerous of AutoZone Stores.

The maximum number of customers and employees summary is shown in the table below:

Maximum Number of Customers and Employees for an average \$1.6 million in annual sales AutoZone Auto Parts Store

<i>Day</i>	<i>Peak Time</i>	<i>Maximum Number of Customers and Employees</i>
Monday	6 p.m. – 8 p.m.	11 – 12
Tuesday	6 p.m. – 8 p.m.	9 – 10
Wednesday	6 p.m. – 8 p.m.	9 – 10
Thursday	6 p.m. – 8 p.m.	9 – 10
Friday	5 p.m. – 8 p.m.	12 – 13
Saturday	10 a.m. – 1 p.m.	16 – 18
Sunday	1 p.m. – 3 p.m.	13 – 14
<i>Average Time Customer spends in store = 10 – 15 minutes</i>		

As shown in the table above, the maximum number of customers and employees in the store at any given time for an average \$1.6 million in annual sales AutoZone Store is 18 people on Saturday from 10 a.m. to 1:00 p.m.

The proposed AutoZone Store in Antioch, CA has a sales projection of 1.583 million. And will have a total of 7,928 square feet, which requires 39 parking spaces per strict reading of the City's Zoning Ordinance ("1 spaces per 200 square feet of gross floor area"). The actual gross "Retail Floor Area" of this facility is only 3636 sf and at 1 space per 200 would only require 18 parking spaces. If you take into account the fact that a percentage of those customers will be more than one customer per car. (i.e. carpooling) and a small percentage walk up or pedestrian oriented traffic along with the historical data and research provided, AutoZone can feel comfortable that the 23 parking spaces shown is more than adequately sufficient to serve our customers at this location and maintain the profitability requirements as noted.

Please call me if you have any questions or if there are any problems.

Sincerely,

Mitch

Mitch Bramlitt
Assistant Design Manager
901-495-8714 fax 901-495-8991
Mitch.Bramlitt@AutoZone.com

Attachment to Environmental Assessment Form – Lone Tree AutoZone

GENERAL INFORMATION

No. 1 – Project approvals include: General Plan Amendment; Rezone; CUP & Design Review; Variance (parking) and; subsequent building permits.

No. 15 – A variance is required due to the limited number of parking spaces proposed. Rezoning is required from Residential to PD in order to allow the commercial use and facilitate reduced setbacks.

No. 24 – The AutoZone store will store/sell materials that would qualify as hazardous and/or flammable. A complete list of such materials (an HMMP) can be provided upon request.

No. 28 – The site as it exists before the project is currently vacant, save for some small ornamental trees and vegetation. The topography is relatively flat, soils are stable (geotech report attached) and there are no known animals inhabiting the site. Likewise, there are no known cultural, historical or scenic aspects particular to this site. Photos are attached.

No. 29 – The site is bordered by multi-story to the north, east and southwest. To the west there is single-family residential and to the south is commercial/retail development. Street setbacks for the residential developments appear to vary between 15' and 30'. The commercial setbacks to the south appear to be 15' to 20'. Photos are attached.

Description of the proposal and discussion of merit (General Plan Amendment/Rezone

The proposal is to amend the General Plan and rezone the property in order to facilitate development of a 7,928 square foot AutoZone store. The project would result in development of a corner parcel that is otherwise undersized for other types of the development. The project would include 22 on-site parking spaces and formal landscaping of nearly 23% of the site, including both currently unimproved frontages. The \$1.5 million project would result in 20 to 30 new construction jobs and 15 new permanent jobs. At an estimated \$1.6 million in annual sales, the project will bring in approximately \$16,000.00 in annual sales tax revenue to the City of Antioch. Additionally, the sale of the property for commercial development will generate needed funds for the Liberty Union High School District.

Summary explaining the need for the variance and statements regarding the four necessary findings

- (a) Exceptional or extraordinary circumstances or conditions: At 24,590 square feet, the site is considerably smaller that would be required to achieve high-density residential development consistent with that of the properties to the north and east. The corner location at a signalized intersection on a major arterial roadway is ideally suited for a small commercial use.
- (b) A commercial use at the scale of which is proposed will in no way be detrimental to the public health or welfare. The hours of the use – primarily daytime – are complimentary with the residential nature of the surrounding parcels and the physical improvements proposed – particularly the new perimeter landscaping – will provide a “finished” look to what is otherwise a vacant, unimproved entry to the neighboring residential developments.
- (c) Due to its limited size, strict application of the parking ordinance would effectively prohibit all but smallest of developments. Other developments in the immediate area have had the benefit of much larger parcels on which to design. Additionally, the reduction in parking is congruent with the nature of the single-use project proposed since much of the gross floor area provided is used for storage and parts stock – not direct retail merchandising.
- (d) Granting of the variance will not adversely affect the comprehensive General Plan in that it will result in small scale non-residential development where such development had previously been considered (as evidenced by the owner by the school district and consideration of a municipal – fire house – use).

ATTACHMENT "C"



The Law Offices of
Gagen, McCoy, McMahon, Koss
Markowitz & Raines
A Professional Corporation

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December 31, 2013

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Of Counsel
Linn K. Coombs

Please Reply To:
Danville

Via E-mail

Mindy Gentry
Senior Planner
City of Antioch
200 H Street
Antioch, CA 94509

Re: Notice of Intent to Adopt a Mitigated Negative Declaration/Lone Tree Way
AutoZone #4166

Dear Mindy:

Our offices represent Mark Marcotte, owner of the Bella Rose Apartments, located adjacent to the northeast corner of Lone Tree Way and Fairside Way.

We understand that AutoZone has submitted a project application for a new AutoZone store, located on the corner of Lone Tree Way/Fairside Way. We further understand that the project application includes: (i) a General Plan Amendment, from High Density Residential, to Neighborhood Commercial; (ii) a Specific Plan Amendment from High Density Residential to Community Retail; (iii) a rezone of the property to Planned Development; (iv) a variance for parking; (iv) a use permit; and (v) design review (together "Project").

We understand that comments on the proposed Mitigated Negative Declaration (MND) are due on January 2, 2014, and a public hearing on the Project by the Planning Commission will be held on January 15, 2014.

Please consider this letter Mr. Marcotte's written comments on the MND, in response to the City's Notice of Intent to Adopt a Mitigated Negative Declaration.

I. General Comments

As stated in the MND, the Project site is in a location virtually surrounded by residential uses: the northeast corner of Lone Tree Way/Fairside Way is high density residential (including the Bella Rose Apartments); to the west is single family homes; and to the southwest is additional multi-family residential development.

All of these surrounding landowners have for years relied on the General Plan and Specific Plan designations for the area. The General Plan is the "constitution" for the City, and has been recognized as the single most important planning document. (See Curtin's California Land Use and Planning Law, 29th Ed.). The General Plan is required by state law to include a "long-term plan" for the development of the City -- a plan which can be relied on by its citizens.

We understand that in some cases an amendment to a General Plan is required to address changes in the City's priorities, or to address changes that have already occurred. However, that is not the case here. Instead, in this case AutoZone is proposing an entirely different land use (commercial/retail) in an area virtually surrounded by residential uses.

We believe that under all of these circumstances the proposed amendments to the General Plan, Specific Plan, and zoning ordinance are not warranted here, and create conflicts between the existing residential uses and the new, commercial Project.

II. Specific Comments

The MND, after performing an environmental review, indicates that (with proposed mitigation measures) there are no significant impacts on the environment from the proposed Project. We believe there will be significant impacts, as follows:

*We believe the Project, even if the GPA and related amendments are approved, will conflict with the adjacent residential land uses of the site. The adjacent residential users will be impacted by the traffic, parking (see below), noise and related impacts of a commercial/retail use in the middle of a residential neighborhood. We note in this regard that the Project will require Design Review approvals -- those approvals will require consideration of the stability of adjacent land values and investments. Clearly, the introduction of commercial uses into residential neighborhoods will have an adverse impact on land values and investments.

*The introduction of a commercial/retail Project into the residential neighborhood will create a "precedent," allowing other commercial uses to apply for similar General Plan Amendments in the area.

*The Project requests a significant parking space variance -- a reduction to only 22 spaces for a Project that requires 39 spaces. This again shows that the Project is really forcing a "square peg into a round hole." There is simply not enough space on the site to allow for adequate parking. Clients of the new Project may attempt to park in the surrounding residential neighborhoods.

*We note that the MND states that the proposed project "would result in new development consistent with the character of the surrounding area." We believe this is simply not true -- the new development would be utterly inconsistent with the residential character of the surrounding area.

*The Land Use and Planning section of the MND states that there are no significant impacts related to Land/Use Planning. Respectfully, we disagree. The proposal will in effect "divide" the existing community of residential neighborhoods -- by introducing the commercial/retail use in an area that for decades has been residential. The General Plan requires the maintenance of a pattern of land uses that "minimizes conflicts between various land uses." Clearly, the introduction of commercial/retail uses into residential neighborhoods is not consistent with the General Plan. Existing residential neighborhoods are not protected by this proposal - they are in fact threatened by the Project.

*The MND states that there will be no noise impacts from the Project. Introduction of a commercial/retail use Project will create noise impacts above and beyond those associated with a neighborhood. Customers, cars, forklifts, parking lot activities, delivery truck and supply loading; etc. are all potential noise sources that will conflict with neighborhood uses. We note in this regard that the MND does not appear to focus or address the impacts of the commercial uses on the neighborhoods.

*We believe the traffic that comes in to a commercial/retail store is entirely different, and is inconsistent with, associated neighborhood traffic. The Project will attract regional traffic to an established, localized neighborhood area.

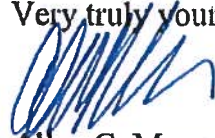
III. Conclusion

We believe that introducing the proposed commercial/retail use into existing residential neighborhoods will create a significant impact. We believe that, under all of these circumstances, a MND is not the appropriate environmental document, and instead a full Environmental Impact Report should be prepared prior to consideration of a Project that includes changing the General Plan, Specific Plan, and zoning designations.

We greatly appreciate your review and consideration of these comments.

Mindy Gentry
December 31, 2013
Page 4

Very truly yours,



Allan C. Moore

cc: Marc Marcotte

City of Antioch Response to Comments on the Initial Study/Mitigated Negative Declaration for the AutoZone Project

Pursuant to CEQA Guidelines Section 15073, the City circulated an Initial Study/Mitigated Negative Declaration (IS/MND) for the Project on December 12, 2013 for a 20-day public review period. During that review period, the City received one comment letter, from the law offices of Gagen MacCoy representing Mark Marcotte. The environmental issues addressed in that letter are summarized below, with a response following. The information in the comments or responses does not change any conclusions in the IS/MND. The proposed Project would not result in any significant impacts and preparation of an Environmental Impact Report, as suggested in the comment, is not required.

Gagen MacCoy Comment Letter

Comment: The Project will require a design review, which “will require consideration of the stability of adjacent land values and investments” and the Project “will have an adverse impact on land values and investments.”

Response: The purpose of the California Environmental Quality Act (CEQA) is to disclose if a project would have an adverse effect on the physical environment. Effects on property values are, therefore, not addressed in a CEQA document.

Comment: The Project will create precedent for General Plan Amendments for other commercial uses adjacent to residential.

Response: The City does not currently prohibit commercial uses adjacent to residential. A General Plan amendment is a discretionary project pursuant to Public Resources Code (PRC) Section 21080, thus, would be subject to CEQA review. Therefore, any future proposal for a General Plan amendment would be subject to project-specific environmental review, including public review.

Comment: There is not enough space on the site for adequate parking.

Response: The Antioch Municipal Code does not have a specific category that applies to parking for automobile parts sales. Section 9-5.1703.1 (Off-Street Parking Requirements by Use) indicates that retail sales not listed under another use classification requires five parking spaces for every 1,000 square feet, or 39 spaces for the proposed Project, where 23 spaces are proposed. Because non-compliance with a code standard does not necessarily result in environmental impacts, the Antioch Municipal Code Section 9-5.1704 (Specific Design Standards) also indicates that “where the use is not specified in the table, the Zoning Administrator shall determine the probable equivalent use and the number of parking and loading spaces required. The use of ITE studies may be incorporated into the analysis.” The parking study for the Project (see Initial Study Appendix E) indicates that, based on ITE data for Automobile Part Sales (Land Use 843), the Project on average would be expected to generate a peak parking demand of 17 parking spaces. Given the Project proposes 23 parking spaces, the Project would provide adequate parking to accommodate demand without resulting in parking conditions that would result in spill-over that could impact safe circulation or use of the public right-of-way.

Comment: The Project would be inconsistent with the residential character of the area.

Response: The Project site is located on Lone Tree Way, a six-lane, divided arterial roadway. While the Project site would be adjacent to multi-family residential use, there is a large commercial shopping center located south of the Project site across Lone Tree Way. Given the arterial classification of Lone Tree Way and the presence of the shopping center south of the Project as well as other non-residential uses along Lone Tree Way, the Project would not be inconsistent with nearby land uses.

Comment: The Project would divide the existing community of residential neighborhoods.

Response: The land use threshold used in the Initial Study is taken from CEQA Guidelines Appendix G, which questions whether the Project would “physically divide an established community.” The Project site is located on a corner and is separated from the adjacent multi-family development by a six-foot concrete wall. The Project does not include any components that would separate or reduce connectivity between existing residential areas.

Comment: Noise from customers, cars, parking lot activities, and deliveries and loading activities will conflict with neighborhood uses.

Response: Pages 56 through 64 of the Initial Study address project-generated noise and specifically address building mechanical equipment, parking lot activities (including car alarms, doors closing, tire squeal, and human voices), and delivery activities (including idling of trucks, the sounding of backup alarms, and material handling). With implementation of Mitigation Measure NOI-1 identified in the Initial Study, which prohibits forklifts and idling of trucks and limits hours of loading operations, noise levels would not exceed City standards.

Comment: Retail traffic is different from residential traffic and the Project will attract regional traffic.

Response: The traffic study prepared for the proposed Project takes the land use into consideration when determining traffic generated by the Project. Trip generation for the Project was calculated based on rates contained in the Institute of Transportation Engineer’s publication, *Trip Generation 9th Edition*. The classification used for the Project is Automobile Parts Sales (ITE Land Use 843). Therefore, while the traffic generated by the Project would differ from that of a residential development, the Initial Study accurately depicts the traffic by the Project’s land use. Regarding the comment that the Project would attract regional traffic, the Project is not sized for a regional store and there are several other auto parts stores in the City of Antioch as well as stores located in the surrounding cities. Therefore, the Project would not be a regional draw.

ATTACHMENT "D"

- *Maximum Allowable Density:* Ten dwelling units per gross developable acre (10 du/ac)
- *Anticipated Population per Acre:* Twenty (20) to Twenty-five (25) persons per acre

High Density Residential. High Density Residential densities may range up to twenty (20) dwelling units per gross developable acre, with density bonuses available for age-restricted, senior housing projects. Two-story apartments and condominiums with surface parking typify this density, although structures of greater height with compensating amounts of open space would be possible. This designation is intended primarily for multi-family dwellings. As part of mixed-use developments within the Rivertown area and designated transit nodes, residential development may occur on the upper floors of buildings whose ground floor is devoted to commercial use. Typically, residential densities will not exceed sixteen (16) to eighteen (18) dwelling units per acre for standard apartment projects, although projects with extraordinary amenities may achieve the maximum allowable density. However, permitted densities and number of housing units will vary, depending on topography, environmental aspects of the area, geologic constraints, existing or nearby land uses, proximity to major streets and public transit, and distance to shopping districts and public parks. Higher densities will be allowed where measurable community benefit is to be derived (i.e., provision of needed senior housing or low and moderate income housing units). In all cases, infrastructure, services, and facilities must be available to serve the proposed density, and the proposed project must be compatible with surrounding land uses.

- *Appropriate Land Use Types:* See Table 4.A
- *Maximum Allowable Density:* Twenty dwelling units per gross developable acre (20 du/ac) and up to a Floor Area Ratio¹ of

¹ Floor Area Ratio (FAR) represents the ratio between allowable floor area on a site and the size of the site. For example, an FAR of 1.0 permits one square foot of building floor area (excluding garages and parking) for each square foot of land within the development site, while an

1.25 within areas designed for mixed use or transit-oriented development.

- *Anticipated Population per Acre:* Forty (40) persons per acre. Within transit-oriented development, up to forty-five to sixty (45-60) persons per acre

Residential TOD. This mixed-use classification is intended to create a primarily residential neighborhood within walking distance to the eBART station, with complementary retail, service, and office uses. Residential densities are permitted between a minimum of 20 and a maximum of 40 units per gross acre. A range of housing types may be included in a development project, some of which may be as low as 10 units per acre, provided the total project meets the minimum density standard. Up to 100 square feet of commercial space such as retail, restaurant, office, and personal services are permitted per residential unit.

Residential units should be at least 300 feet away from rail and freeway rights-of-way, or should incorporate construction measures that mitigate noise and air emission impacts. Retail, restaurants, commercial services, and offices are allowed on the ground floor and second floor, particularly on pedestrian retail streets and adjacent to Office TOD designations. Low intensity stand-alone retail or restaurant uses with surface parking are not permitted. Fee parking in surface parking lots is not permitted as a primary use.

- *Minimum housing density:* 20 acres per gross acre
- *Maximum housing density:* 40 units per gross acre

4.4.1.2 Commercial Land Use

Designations. The General Plan land use map identifies two commercial land use designations, which, along with commercial development within Focus Areas, will provide a broad range of retail and commercial services for existing and future residents and businesses. Permitted maximum land use

FAR of 0.5 permits ½ square foot of building area for each square foot of land within the development site.

intensities are described for each designation. Maximum development intensities are stated as the maximum floor area ratio (FAR) within the project site. "Floor area ratio" is determined by dividing the total proposed building area of a development project by the square footage of the development site *prior* to any new dedication requirements.

Convenience Commercial. This designation is used to include small-scale retail and service uses on small commercial lots, generally ranging up to one to four acres in size. Total gross leasable area within Convenience Commercial areas typically ranges from about 10,000 to 40,000 square feet. Typical uses may include convenience markets, limited personal services, service stations, and commercial services. This designation is often located on arterial or collector roadway intersections in otherwise residential neighborhoods and, thus, requires that adequate surface parking be included to ensure against any potential circulation difficulties affecting adjacent residences. Design features need to be included in these centers to ensure that convenience commercial developments are visually compatible with and complementary to adjacent and nearby residential and other less intensive uses. The type and function of uses in convenience commercial areas are generally neighborhood serving, and need to be carefully examined to ensure compatibility with nearby uses. This land use designation may also be applied to small freestanding commercial uses in the older portions of Antioch.

While some areas may be designated on the Land Use Plan for Convenience Commercial use, this does not preclude small freestanding commercial uses from being zoned for such a use provided the above parameters are adhered to through adopted performance standards. Such a rezoning would be considered to be consistent with the General Plan, and not require a General Plan amendment.

- *Appropriate Land Use Types:* See Table 4.A

- *Maximum Allowable Development Intensity:* Floor Area Ratio (FAR) of 0.4 for new development within centers, and 0.6 FAR for small, freestanding uses.

Neighborhood/Community Commercial.

The intent of the General Plan is to service residential areas in an efficient manner by avoiding the creation of new strip commercial areas. Toward this end, the General Plan designates major commercial nodes of activity based on the need to serve defined neighborhood and community areas. Each area designated Neighborhood/Community Commercial would typically represent an integrated shopping center or an aggregate of parcels around an intersection, which create an identifiable commercial center or area.

The common denominator within this designation is that each neighborhood commercial node will have sufficient acreage to meet the commercial needs of one or more neighborhoods. A neighborhood center typically ranges from 30,000 - 100,000 square feet of floor area on about 3 to 12 acres, anchored by a major supermarket and/or drug store. A community center may range from 100,000 to 250,000 square feet on 10 to 20 acres or more, and be anchored by a major retailer. Because of its size, a neighborhood center would typically locate at the intersection of a collector and an arterial. A community center is more likely to be found at major arterial intersections.

Typical spacing between community centers should be approximately 1.5 to 3.0 miles, with approximately one mile between neighborhood centers. Exact spacing depends on the nature and density of nearby development, and on the location of major roadways.

- *Appropriate Land Use Types:* See Table 4.A
- *Maximum allowable development intensity:* FAR of 0.4.

Regional Commercial. The primary purpose of areas designated "Regional Commercial" on the General Plan land use map is to provide areas for large-scale retail commercial

- d. Design new residential development with identifiable neighborhood units, with neighborhood shopping facilities, parks and recreational facilities, and schools provided as an integral component of neighborhood design.
- *Streets.* Street design should route through traffic around, rather than through new neighborhoods. Neighborhood streets should be quiet, safe, and amenable to bicycle and pedestrian use. Within new subdivisions, single-family residences should be fronted on short local streets, which should, in turn, feed onto local collectors, and then onto master planned roadways.
 - *Schools, Parks, and Recreation Areas.* Elementary schools, as well as parks and recreational areas should be contained as near the center of the neighborhood they are as is feasible.
 - *Neighborhood Commercial Areas.* Neighborhood commercial centers should be located at the periphery of residential neighborhoods, and be designed such that residents can gain vehicular, bicycle, and pedestrian access to the centers directly from the neighborhood.
 - *Connections.* Individual neighborhoods should be provided with pathways and open spaces connecting residences to school and recreational facilities, thereby facilitating pedestrian and bicycle access.
 - *Neighborhood Character.* Residential neighborhoods should be designed to maintain a distinct character through the use of neighborhood signage, streetscapes, architectural styles and variations, natural topographic variations, and landscape buffers.
- e. Provide recognizable variations in front and side yard setbacks within single-family residential neighborhoods.
- f. To reduce architectural massing, orient the shortest and lowest side of a corner residential dwelling unit toward the side street.
- g. Within multi-family and small lot single-family developments, cluster residential buildings around open space and/or recreational features.
- h. In higher density project with tuck-under parking and/or opposing garages, avoid the monotony of long parking corridors by turning individual units and/or staggering and landscaping parking areas.
- i. Provide each unit of a multi-family development project with some unique elements to create a sense of place and identity.
- Individual units within a project should be distinguishable from each other, and should have separate entrances and entry paths, where feasible.
 - The common space of each cluster of dwelling units should be designed to provide differences in size, dimensions, grading, and site furniture.
 - Every dwelling unit shall be provided with a usable private garden area, yard, patio, or balcony.

4.4.3 Commercial Land Uses

4.4.3.1 Commercial Land Use Objective.

Provide conveniently located, efficient, and attractive commercial areas to serve regional, community, and neighborhood functions and meet the retail and commercial needs of Antioch residents and businesses.

4.4.3.2 Commercial Land Use Policies.

The following policies apply to land designated for commercial uses on the General Plan land use map and by Focus Area policies.

- a. Design commercial and office developments in such a manner as to complement and not conflict with adjacent residential uses, and provide these developments with safe and easy vehicular, pedestrian, and bicycle access.

- b. Orient commercial development toward pedestrian use.
 - Commercial buildings should provide a central place of main focus.
 - Buildings should be designed and sited so as to present a human-scale environment, including identifiable pedestrian spaces, seating areas and courtyards.
 - Uses within pedestrian spaces should contribute to a varied and lively streetscape.
 - Buildings facing pedestrian ways and plazas should incorporate design features that provide visual interest at the street level.
- c. Building setbacks along major streets should be varied to create plaza-like areas, which attract pedestrians whenever possible.
- d. Provide for reciprocal access, where feasible, between commercial and office parcels along commercial corridors to minimize the number of drive entries, reduce traffic along commercial boulevards, and provide an orderly streetscape.
- e. Design internal roadways so that direct access is available to all structures visible from a particular parking area entrance in order to eliminate unnecessary vehicle travel, and to improve emergency response.

4.4.4 Employment - Generating Land Uses

4.4.4.1 Employment-Generating Land Use Objective. Provide a mix of employment-generating uses supporting a sound and diversified economic base and ample employment opportunities for the citizens of Antioch through a well-defined pattern of manufacturing, warehousing and distribution, professional services, and office-based uses.

4.4.4.2 Employment-Generating Land Use Policies. The following policies apply to land designated for commercial uses on the

General Plan land use map and by Focus Area policies.

- a. Focus the use of employment-generating lands on high value and high employment-generating uses (e.g., office environments, manufacturing and assembly).
- b. Provide for an appropriate mix of uses within employment-generating lands, including commercial and commercial service uses.
- c. Take advantage of existing rail facilities within the community by permitting the development of rail-served industrial uses.
- d. Ensure appropriate separation and buffering of manufacturing and industrial uses from residential land uses.
- e. All manufacturing and industrial uses shall be adequately screened to reduce glare, noise, dust, and vibrations.
- f. Office uses shall comply with the design policies set forth for commercial uses landscape (see Community Image and Design Element).
- g. Business park and office environments should blend well-designed and functional buildings with landscape (see Community Design Image and Element).

4.4.5 Community and Public Land Uses

4.4.5.1 Community and Public Land Use Objective. Maintain an adequate inventory of lands for the conduct of public, quasi-public, and institutional activities, including protection of areas needed for future public, quasi-public, and institutional facilities.

4.4.5.2 Community and Public Land Use Policies. The following policies apply to land designated for commercial uses on the General Plan land use map and by Focus Area policies.

The development and design of public office developments should comply with the General Plan provisions for commercial and office development.

coordinated to create an overall sign theme for the project.

- h. Adequate lighting shall be required to provide adequate lighting for the security and safety of on-site parking, loading, shipping and receiving, and pedestrian and working areas.

5.4.11 Infill Development

- a. Unless the specific purpose is to change the visual appearance of an area due to its outdated or deteriorated character:
 - The scale of proposed infill development should not overpower neighboring developments.
 - The perceived intensity and character of infill buildings should be similar to that of the existing neighborhood.
 - Infill development should appear to be an integral part of the intended character of the neighborhood.
- b. Where single family residences dominate the existing street scene, infill development should feature single family elements along the street, with additional density behind.
- c. Setbacks for infill development should respect existing street setbacks.
- d. By using variations in building height, roof lines, façade articulation, grade definition, the overall perceived mass of proposed infill projects can be effectively reduced to be compatible with existing development. Other techniques to provide appropriate scale relationships include:
 - Vary building setbacks and massing of large structures along major streets to provide visual interest.
 - Detail multi-story buildings so as to reduce their vertical appearance.
 - Provide a greater level of architectural detailing at the ground level than at upper levels.

5.4.12 Development Transitions and Buffering Policies¹

- a. Minimize the number and extent of locations where non-residential land use designations abut residential land use designations. Where such land use relationships cannot be avoided, strive to use roadways to separate the residential and non-residential uses².
- b. Ensure that the design of new development proposed along a boundary between residential and non-residential uses provides sufficient protection and buffering for the residential use, while maintaining the development feasibility of the non-residential use. The burden to provide buffers and transitions to achieve compatibility should generally be on the second use to be developed. Where there is bare ground to start from, both uses should participate in providing buffers along the boundary between them.
- c. Provide appropriate buffering to separate residential and non-residential uses, using one or more of the following techniques as appropriate.
 - Increase setbacks along roadways and common property lines between residential/non-residential uses.
 - Provide a heavily landscaped screen along the roadway or common property line separating residential and non-residential use.
 - Locate noise-generating activities such as parking areas; loading docks; and service, outdoor storage, and trash collection areas as far from residential uses as possible.

¹ These policies are focused on protecting existing and planned residential uses from the effects of adjacent land uses. Policies to provide similar buffers between existing and proposed developments and existing open space and agricultural areas are set forth in Section 10.5 of the Resource Management Element.

² It is recognized that residential and non-residential properties will sometimes abut along a common property line (such as between neighborhood shopping centers and adjacent neighborhoods).

- Where a multifamily residential use is located adjacent along a common property line with a non-residential use, locate the noise-generating activities of both uses (e.g., parking areas; loading docks; and service, outdoor storage, and trash collection areas) along the common property line.
 - Design the residential area with cul-de-sacs running perpendicular to and ending at the non-residential use, facilitating greater separation of residential and non-residential structures than would be possible if residential streets ran parallel to the boundary of the non-residential use.
- d. Where a difference in residential density is indicated on the General Plan land use map, the size of parcels and character of development facing each other across a street or along a common property line should be similar, creating a transition between the densities in each area.
- e. Where multi-family development is located adjacent to a single-family neighborhood, appropriate buffering is to be provided.
- Increase setbacks for multi-family development along common property lines with single family development.
 - Provide a heavy landscaped screen along the property line of the multi-family use.
 - Locate noise-generating activities such as parking and trash collection areas as far from the single family neighborhood area as possible.
- f. The transition from lower to higher residential density should occur within the higher density area.
- g. Uninterrupted fences and walls are to be avoided, unless they are needed for a specific screening, safety, or sound attenuation purpose.
- h. Where they are needed, fences or walls should relate to both the site being developed and surrounding developments, open spaces, streets, and pedestrian ways.
- i. Fencing and walls should respect existing view corridors to the greatest extent possible.
- j. Fencing and walls should incorporate landscape elements or changes in materials, color, or texture in order to prevent graffiti, undue glare, heat, or reflecting, or aesthetic inconsistencies.

5.4.13 Signs

- a. Prohibit offsite signs¹, except for offsite signs identifying subdivisions and signs along freeways for the purpose of providing motorists with advanced notice of services available at an upcoming freeway interchange.
- b. Encourage theme-based signage integrated with building designs within multi-tenant commercial and office developments.
- c. Limit the size of signs to that necessary to adequately provide identification and direction.
- d. Users of freeway advanced identification signs are limited to those types of business providing services to the motoring public (i.e. hotels/motels, restaurants, vehicle service). Information provided on the sign should be limited to company names and/or logos only.
- e. Although the City may establish detailed guidelines for the design of freeway advanced identification signs, each sign should be individually designed to be compatible with its own unique setting.
- f. Onsite signs (those which identify uses and businesses that are located on the same site) are to be permitted for the sole purpose of identifying businesses located on the same site as the sign. Such signs are to be designed to communicate

¹ Off-site signs are those identifying uses and businesses at a location different from that of the sign, and signs advertising products or services on a commercial basis that are not available at the same location.



5. HOUSING POLICY PROGRAM

Responsible Agency: City of Antioch CDBG & Housing Programs

Implementation Schedule: Ongoing as funding allows, pursuant to NSP requirements

Non-Quantified Objective: Implementation of the Neighborhood Stabilization Program

Funding Source: NSP, CDBG, ADA

1.1.10 Foreclosure Counseling and Prevention: Continue and expand partnerships between various governmental, public service and private agencies and advocacy organizations to provide ongoing foreclosure counseling services, workshops and written materials to aid in the prevention of foreclosures. The City will continue to provide information about foreclosure resources on the City website and at City Hall. The City will also continue to refer persons at-risk of foreclosure to public and private agencies that provide foreclosure counseling and prevention services. In addition, the City will provide homebuyer pre-purchase counseling through the First Time Homebuyer program in conjunction with the NSP activities in Program 1.1.9 to educate homebuyers and prevent foreclosures in the future.

Responsible Agency: City of Antioch CDBG & Housing Programs

Implementation Schedule: Ongoing

Non-Quantified Objective: Foreclosure counseling and foreclosure prevention

Funding Source: CDBG, ADA

Goal 2

Facilitate the development of a broad array of housing types to accommodate a diversity of new Antioch citizens in terms of age and socioeconomic background.

Policy 2.1

Provide adequate residential sites for the production of new for-sale and rental residential units for existing and future residents.

Implementing Programs

2.1.1 Inventories: Using the City's GIS database, maintain an ongoing identification of sites planned and zoned for residential development for which development projects have yet to be approved. This database shall also have the ability to



5. HOUSING POLICY PROGRAM

identify sites that have the potential for development into emergency shelters, farm worker housing, or mixed use areas.

Responsible Agency: Community Development Department (GIS staff)

Implementation Schedule: Ongoing following adoption of the Housing Element

Non-Quantified Objective: Maintenance of an inventory of available sites for use in discussions with potential developers and evaluating the City's ability to meet projected future housing needs.

Funding Source: General Fund, ADA

- 2.1.2 Adequate Sites for Housing:** The City has a remaining lower-income growth need of 1,784 dwelling units (including a shortfall of 1,380 units from the 1996-2005 Housing Element planning period) based on the analysis conducted in Appendix B of this Housing Element. To accommodate the remaining lower-income growth need, the City shall rezone a minimum of 59.47 acres to permit by-right single and multi-family, rental and ownership residential development at a minimum net density of 30 du/ac. Of the rezoned land, a minimum of 18.07 acres will permit exclusively by-right residential use to ensure a minimum of 50 percent of the City's lower-income need is accommodated on sites designated for exclusive residential use. The rezoned land shall accommodate the remaining lower-income housing need on sites with densities and development standards that permit at a minimum 16 units per site. The City will ensure that zoning and development standards for the candidate sites within the proposed new multi-family zones encourage and facilitate the development of housing, particularly affordable to lower-income households. Candidate sites identified for rezoning are listed in Table B-4 of this Housing Element.

The City understands that large sites have additional considerations when providing housing affordable to lower-income households, including the availability of State and federal resources for larger developments. For larger sites identified to accommodate the City's remaining lower-income need, the City will encourage and facilitate development of housing for lower-income households through specific plan development, further lot subdivision and/or other methods.

Responsible Agency: Community Development Department (Planning Division)

Implementation Schedule: June 2011

Non-quantified Objective: Rezone a minimum of 59.47 acres to permit a minimum density of 30 du/ac.



5. HOUSING POLICY PROGRAM

Funding Source: General Fund

- 2.1.3 Meet with Potential Developers:** Meet with prospective developers as requested, both for profit and non-profit, on the City of Antioch's residential development allocation (growth management), development review, and design review processes, focusing on City requirements and expectations. Discussion will provide ways in which the City's review processes could be streamlined without compromising protecting the public health and welfare, and funding assistance available in the event the project will meet affordable housing goals.

Responsible Agency: Community Development Department, City Manager

Implementation Schedule: Ongoing meetings as requested

Non-Quantified Objective: To facilitate the development review process by ensuring a clear understanding on the part of developers as to City expectations for their projects and timeline. Discussion is also anticipated to function as a feedback loop, and assist the City in minimizing the costs of the development review process to new residential development.

Funding Source: General Fund

- 2.1.4 Executive Housing:** Facilitate the development of housing appropriate for executives of businesses seeking to expand within or relocate to Antioch to meet the need for providing above-moderate income housing. Where appropriate, provide requirements in outlying focus areas for the development of executive and upper end housing with appropriate amenities.

Responsible Agency: Community Development Department, City Manager.

Implementation Schedule: Ongoing, project-based

Non-Quantified Objective: To facilitate the development of needed above moderate-income housing.

Funding Source: General Fund.

Policy 2.2

Facilitate the development of new housing for all economic segments of the community, including lower income, moderate-, and above moderate-income households.

ATTACHMENT "E"

TRAFFIC IMPACT STUDY - FINAL REPORT

AUTOZONE ANTIOCH, CA



3 October 2013

Prepared for:

PMC and
City of Antioch, CA

Prepared by:



Kimley-Horn
and Associates, Inc.

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E4



INTRODUCTION

Kimley-Horn and Associates, Inc. was retained by PMC to prepare a traffic study for the proposed AutoZone in Antioch, CA. The proposed 7,928 square foot AutoZone is to be constructed in the vacant lot located on the northeast corner of the intersection of Lone Tree Way and Fairside Way. **Figure 1** illustrates the location of the project site in relation to the City of Antioch.

This traffic study was prepared based on discussions with, and criteria set forth by, the City of Antioch and Contra Costa Transportation Authority (CCTA). This study addresses the traffic and transportation effects of the proposed auto parts store in order to assist the project applicant and the City in project planning and determining conditions of approval for the project.

Study Methodology

Development Conditions

The AutoZone traffic study was based on the following development conditions:

- Existing (2013) conditions – Based on current traffic counts in 2013 and existing roadway geometry and traffic control.
- Existing (2013) Plus Project conditions – Based on current traffic counts and existing roadway geometry and traffic control, plus the traffic generated by the AutoZone project.

Operating Conditions and Criteria

Analysis of project effects at intersections is based on the concept of Level of Service (LOS). The LOS of an intersection is a qualitative measure used to describe operational conditions. LOS ranges from A (best), which represents minimal delay, to F (worst), which represents heavy delay and a facility that is operating at or near its functional capacity. Levels of Service for this study were determined using methods defined in the *Highway Capacity Manual, 2000* (HCM) and appropriate traffic analysis software.

The HCM included procedures for analyzing side-street stop-controlled (SSSC), all-way stop-controlled (AWSC), and signalized intersections. The SSSC procedure defines LOS as a function of average control delay for each minor street approach movement. Conversely, the AWSC and signalized intersection procedures define LOS as a function of average control delay for the intersection as a whole. **Table 1** relates the operational characteristics associated with each LOS category for signalized and unsignalized intersections.



Table 1 – Intersection Level of Service Definitions

Level of Service	Description	Signalized (Avg. control delay per vehicle sec/veh.)	Unsignalized (Avg. control delay per vehicle sec/veh.)
A	Free flow with no delays. Users are virtually unaffected by others in the traffic stream	≤ 10	≤ 10
B	Stable traffic. Traffic flows smoothly with few delays.	> 10 – 20	> 10 – 15
C	Stable flow but the operation of individual users becomes affected by other vehicles. Modest delays.	> 20 – 35	> 15 – 25
D	Approaching unstable flow. Operation of individual users becomes significantly affected by other vehicles. Delays may be more than one cycle during peak hours.	> 35 – 55	> 25 – 35
E	Unstable flow with operating conditions at or near the capacity level. Long delays and vehicle queuing.	> 55 – 80	> 35 – 50
F	Forced or breakdown flow that causes reduced capacity. Stop and go traffic conditions. Excessive long delays and vehicle queuing.	> 80	> 50

Sources: Transportation Research Board, *Highway Capacity Manual 2000*, National Research Council, 2000 and Transportation Research Board, *Highway Capacity Manual 2010*, National Research Council, 2010

According to the CCTA requirements, Lone Tree Way is classified as a route of regional significance. Routes of regional significance are governed by the CCTA Technical Procedures, which has a level of service requirement of LOS D or better. These requirements would apply to the two study intersections on Lone Tree Way.

For study intersections in the City of Antioch and not associated with routes of regional significance, the City has a level of service requirement of LOS “High D” or better.

Project impacts are determined by comparing conditions with the proposed project to those without the proposed project. Significant impacts for intersections are created when traffic from the proposed project causes the LOS to fall below a specific threshold. Mitigation may be required when traffic from the project causes the intersection to operate below acceptable levels of traffic operation.

The effects of vehicle queuing were also analyzed and the 95th percentile queue is reported for all study intersections. The 95th percentile queue length represents a condition where 95 percent of the time during the peak period, traffic volumes and related queuing will be at, or less, than the queue length determined by the analysis. This is referred to as the “95th percentile queue.” Average queuing is generally less.



Queuing is considered a potentially significant impact since queues that exceed the turn pocket length can create potentially hazardous conditions by blocking or disrupting through traffic in adjacent travel lanes. However, these potentially hazardous queues are generally associated with left-turn movements. Locations where the right turn pocket storage is exceeded are not considered potentially hazardous because the right turn movement may go at the same time as the through movement and the additional vehicles that spill out over the turn pocket will not be hindering or disrupting the adjacent through traffic as would be the case in most left turn pockets. Thus, for purposes of this analysis, a queuing impact was considered to occur under conditions where project traffic causes the queue in a left turn pocket to extend beyond the turn pocket by 25 feet or more (i.e., the length of one vehicle) into adjacent traffic lanes that operate (i.e., move) separately from the left turn lane. Where the vehicle queue already exceeds that turn pocket length under pre-project conditions, a project impact would occur if project traffic lengthens the queue by 25 feet or more.

Study Intersections Included in Analysis

The proposed project will generate new vehicular trips that will increase traffic volumes on the nearby street network. To assess changes in traffic conditions associated with the project, the following intersections, illustrated in **Figure 1**, were selected for evaluation in this traffic study:

1. Lone Tree Way/Fairside Way
2. Fairside Way/North Project Driveway
3. Lone Tree Way /East Project Driveway

EXISTING (2013) CONDITIONS

Existing Site Uses

The AutoZone is proposed to be built on the vacant lot on the northeast corner of the intersection of Lone Tree Way and Fairside Way.

Existing Uses in Vicinity of Site

The project site is surrounded by residential homes to the west, on the opposite side of Fairside Way, as well as to the north and east. To the south, on the opposite side of Lone Tree Way is Lone Tree Plaza, which includes a gas station, retail, and restaurant uses. Deer Valley High School is about one mile to the west of the project site.

Existing Roadway Network

Below is a description of the principal roadways included in this study.



Fairside Way

Fairside Way is currently a two-lane undivided local street, with sidewalks and parking for a majority of the roadway. As Fairside Way nears Lone Tree Way, there is an existing raised median separating the northbound and southbound travel lanes. Fairside Way provides access to residential homes from Vista Grande Drive in the west to Lone Tree Way in the east, near the proposed project site. The speed limit on Fairside Way is not posted.

Heidorn Ranch Road

Heidorn Ranch Road is currently a four-lane divided roadway with a landscaped median, left turn lanes, and restricted parking from Lone Tree Way to the EBMUD aqueduct. North of Lone Tree Way Heidorn Ranch Road is currently a two-lane roadway. The speed limit on Heidorn Ranch Road is 45 mph south of Lone Tree Way.

Lone Tree Way

Lone Tree Way is an arterial roadway that joins Antioch with the City of Brentwood. Through the project study area, Lone Tree Way is a six-lane divided roadway with a landscaped median, left turn bays, and restricted parking. The speed limit on Lone Tree Way is posted at 45 mph in the study area.

Existing Site Access

There are currently no driveways for access to the existing vacant lot as shown in Figure 2.

Existing (2013) Lane Configurations and Traffic Control

Existing intersection lane configurations and traffic controls are illustrated in Figure 3. Traffic signals in the study area are located only at the intersection of Lone Tree Way and Fairside Way. The two proposed project driveways will be controlled by stop signs on the driveway approaches. It should be noted that the two proposed project driveways do not exist as current intersections and were therefore not analyzed in the without project condition.

Existing (2013) Peak Hour Turning Movement Volumes

Weekday intersection turning movement volumes were collected at project study area intersections in July 2013. Volumes were collected during the AM (7:00 AM to 9:00 AM) and PM (4:00 PM to 6:00 PM) peak periods of the weekday. However, since the volumes were collected in July, when school is off for summer vacation, the volumes were compared to seasonal information. After comparing volumes on State Route 4 throughout the year, it was determined that a typical July volume is significantly lower than the annual average. Therefore, volumes collected in March 2013 were used. These volumes were collected during the weekday when school was in session and not near any major holidays.



AM and PM peak one-hour volumes are shown in **Figure 4**. Traffic volume data sheets are shown in the **Appendix**.

Existing Transit Facilities

Tri-Delta Transit provides bus service in Antioch. Routes 380, 383, and 385 pass directly adjacent to the project site, connect to the Hillcrest park-and-ride and the Bay Point BART station in Pittsburg, and provide convenient connections to many locations in the City and connections to other local and regional transit routes.

Route 380 operates between the Pittsburg/Bay Point BART Station to the Tri Delta Transit station. Near the project site, route 380 runs along Lone Tree Way. This route operates on weekdays from 3:15 AM to 11:30 PM on a frequency of 10-minute to 120-minute headways. There exists a transit stop along westbound Lone Tree Way, just east of the project site. This transit stop has a bus shelter. There also exists a bus turnout, so when a bus arrives, it does not block any of the travel lanes. There exists another transit stop along eastbound Lone Tree Way, just east of the project site. This transit stop has a bus shelter. There is no bus turnout, so when a bus arrives, it temporarily blocks the right turn lane into Lone Tree Plaza.

Route 383 operates between the Antioch Park and Ride along Hillcrest to the Delta Vista Middle School. Near the project site, route 383 runs along Lone Tree Way. This route operates on weekdays from 6 AM to 5:20 PM on a frequency of 45-minute to 145-minute headways.

Route 385 operates between the Antioch Park and Ride along Hillcrest to the Brentwood Park and Ride. Near the project site, route 385 runs along Lone Tree Way. This route operates on weekdays from 6:15 AM to 8:15 PM on a frequency of 24-minute to 135-minute headways.

Route 383 and Route 385 use the same transit stops along westbound Lone Tree Way and eastbound Lone Tree Way as Route 380.

Existing Bicycle and Pedestrian Facilities

Sidewalks provide walking facilities between the AutoZone store, nearby transit stops, and the adjacent residential and commercial land uses. Throughout the study area there are paved sidewalks present along Lone Tree Way, Fairside Way, and Heidorn Ranch Road. Adjacent to the proposed site, there are existing sidewalk facilities along Lone Tree Way and Fairside Way.

A Class I paved bike trail is present north of Lone Tree Way and runs parallel to Fairside Way. There are no Class II bike lanes directly adjacent to the project site.



There are Class II bike located nearby on Heidorn Ranch Road, Canada Valley Road, Hillcrest Avenue, Vista Grande Drive, and Country Hills Drive.

Existing (2013) Levels of Service at Study Intersections

Traffic operations were evaluated at the study intersections under existing traffic conditions.

Results of the analysis are presented in **Table 2**, along with the minimum jurisdictional standard for acceptable levels of service (as previously described in Operating Conditions and Criteria). Additional detail of the analysis is provided in the **Appendix**.

All the study intersections satisfy operational standards of LOS D or better.

Table 2 – Existing (2013) Level of Service Summary

#	Intersection	LOS Criteria	Intersection Control ¹	Existing (2013)			
				AM Peak		PM Peak	
				LOS	Delay	LOS	Delay
1	Lone Tree Way / Fairside Way	D	Signal	A	9.2	A	9.5
2	Future Project Intersection <i>Worst Approach</i>	D	SSSC				
3	Future Project Intersection <i>Worst Approach</i>	D	SSSC				

¹ Each study intersection is controlled by either a traffic signal or side-street stop-controlled (SSSC).

Note: Intersections that are operating below acceptable levels are shown in **BOLD**.

AUTOZONE PROJECT

Proposed Site Uses

As noted previously, the proposed AutoZone store will be constructed in the vacant lot on the northeast corner of the intersection of Lone Tree Way and Fairside Way. The proposed store will be a 7,928 square foot automobile parts sales store.

Project Trip Generation

Trip generation for development projects is typically calculated based on rates contained in the Institute of Transportation Engineer’s publication, *Trip Generation 9th Edition*¹. *Trip Generation* is a standard reference used by jurisdictions throughout the country for the estimation of trip generation potential of proposed developments.

¹ *Trip Generation, 9th Edition*, Institute of Transportation Engineers, 2012.

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A trip is defined in *Trip Generation* as a single or one-directional vehicle movement with either the origin or destination at the project site. In other words, a trip can be either “to” or “from” the site. In addition, a single customer visit to a site is counted as two trips (i.e., one to and one from the site).

For purposes of determining the worst-case impacts of traffic on the surrounding street network, the trips generated by a proposed development are typically estimated between the hours of 7:00-9:00 AM and 4:00-6:00 PM. While the project itself may generate more traffic during some other time of the day such as around noon, the peak of “adjacent street traffic” represents the time period when the uses generally contribute to the greatest amount of congestion, with the PM peak commonly being the greatest congestion period. For this reason, this evaluation focused on the weekday AM and PM peaks. This methodology is in harmony with the City’s standard for the preparation of traffic impact studies.

The proposed AutoZone store is most appropriately classified as an Automobile Parts Sales (ITE Land Use 843).

Internal Capture

Internal capture reductions were considered, but since the project site will only be used for the AutoZone store and no other land uses, no internal capture reductions were taken.

Project Trip Pass-By

The AutoZone store will create a specific number of vehicle trips; nevertheless, many of the trips will already be on the road and will likely stop as they pass by the site. Some vehicles are likely to stop as they pass by the store as a matter of convenience on their path to another destination. These are not new vehicle trips but are considered to be pass-by trips. Pass-by trips were calculated based on data published in ITE’s *Trip Generation Handbook, 2nd Edition*² which includes weekday AM and PM information. To be consistent with the trip generation assumptions noted earlier, weekday PM pass-by reductions were based on Automobile Parts Sales (Land Use 843) for the proposed AutoZone store. The following pass-by rates were used in the analysis:

- AM Pass-by Rate – 0% (Automobile Parts Sales)³
- PM Pass-by Rate – 43% (Automobile Parts Sales)

Trip generation was calculated based on the previous discussions and is reported in **Table 3**. Additional trip generation calculations are contained in the **Appendix**.

² *Trip Generation Handbook, 2nd Edition*, Institute of Transportation Engineers, June 2004.

³ ITE data not available for AM peak; therefore, pass-by was conservatively assumed to be 0%.



Table 3 – AutoZone Trip Generation

TIME PERIOD	LAND USE	Trip Rate			Trips		
		In	Out	Total	In	Out	Total
AM Peak	Automobile Parts Sales (7.928 KSF)	1.13	1.08	2.21	9	9	18
	Automobile Parts Sales Pass-by (0%)				0	0	0
	Net New Vehicle Trips				9	9	18
PM Peak	Automobile Parts Sales (7.928 KSF)	2.93	3.05	5.98	23	24	47
	Automobile Parts Sales Pass-by (43%)				(10)	(10)	(20)
	Net New Vehicle Trips				13	14	27

As noted in **Table 3**, the project will generate approximately 18 new peak AM trips and approximately 27 new peak PM trips. (Additional driveway trips also occur as a result of pass-by trips.)

Project Trip Distribution and Assignment

Because of the nature of the development, most customers to the AutoZone store are expected to travel from nearby locations in Antioch and Brentwood, with additional trips originating in Pittsburg, Oakley and unincorporated Contra Costa County.

A project distribution was developed based on distributions prepared in previous traffic reports, existing traffic count information, and the general orientation of population sources to the site. **Figure 5** shows the traffic distribution assumed in this traffic report.

Based on the assumed trip distribution, new vehicle trips generated by the AutoZone store were assigned to the street network as shown in **Figure 6**. **Figure 7** shows the pass-by trips expected at the project driveways and **Figure 8** shows the total project vehicle trips.

E12



EXISTING (2013) PLUS PROJECT LOS TRAFFIC CONDITIONS

Project traffic was added to the existing volumes at the study intersections and the volumes are shown in **Figure 9**. Traffic operations were evaluated under the Existing (2013) Plus Project Traffic Conditions. Results of the analysis are presented in **Table 4**. Additional detail is provided in the **Appendix**.

As shown in **Table 4**, all intersections function within acceptable standards due to the AutoZone project. All intersections operate at LOS B or better, which is below the LOS D threshold.



Table 4 – Existing (2013) Plus Project Level of Service Summary

#	Intersection	LOS Criteria	Intersection Control ¹	Existing (2013)				Existing (2013) + Project					
				AM Peak		PM Peak		AM Peak		PM Peak			
				LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay		
1	Lone Tree Way / Fairside Way	D	Signal	A	9.2	A	9.5	A	9.4	0.2	B	11.1	1.6
2	Fairside Way / North Project Driveway	D	SSSC					A	1.1	1.1	A	1.4	1.4
	<i>Worst Approach</i>							A	8.4	8.4	A	8.6	8.6
3	Lone Tree Way / East Project Driveway	D	SSSC					A	0.0	0.0	A	0.0	0.0
	<i>Worst Approach</i>							A	8.8	8.8	A	8.9	8.9

¹ Each study intersection is controlled by either a traffic signal or side-street stop-controlled (SSSC).

Note: Intersections that are operating below acceptable levels are shown in **BOLD**.

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VEHICLE QUEUING FOR ALL SCENARIOS

As congestion increases it is common for traffic at signals and stop signs to form lines of stopped (or queued) vehicles. Queue lengths were determined for each lane and measure the distance that vehicles will backup in each direction approaching an intersection. Synchro software calculates the queues based on HCM 2000 methodology. The 95th percentile queue is calculated by using 95th percentile traffic to account for fluctuations in traffic and represents a condition where 95 percent of the time during the peak period, traffic volumes and related queuing will be at, or less, than determined by the analysis and is used as the benchmark for impacts as a standard transportation engineering practice. Average queuing is generally less. Ninety-fifth percentile queuing was estimated under the various development conditions and in consideration of the planned intersection and signal timing improvements.⁴ A typical vehicle length of 25 feet is used in the queuing analysis. As stated in the Operating Conditions and Criteria, a significant impact was assumed to occur if the queue increases by one or more vehicles and the vehicle queue exceeds the turn pocket length. A summary of the queuing results is included in the **Appendix**. The results indicated instances where queuing in the dedicated turn lanes may exceed the storage limits of the turn pockets.

Since there are no locations where the queuing exceeds the existing turn pockets with and without the project, there are no significant queuing impacts.

POTENTIAL EFFECTS ON TRANSIT, BICYCLE, AND PEDESTRIAN MOBILITY

The project was evaluated to determine if it would likely conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks) or generate pedestrian, bicycle, or transit travel demand that would not be accommodated by transit, bicycle, or pedestrian facilities and plans.

Patrons to AutoZone have the option of driving, taking transit, walking or bicycling. For those taking transit, they can reach the site via Routes 380, 383, and 385 of the Tri-Delta Transit system.

For all transit routes, the nearest transit stop is along Lone Tree Way in the westbound direction, just east of the project. This stop can be accessed by the paved sidewalk along the north side of Lone Tree Way. Another transit stop exists on eastbound Lone Tree Way, just east of the project. This stop can be accessed by the crosswalk at the intersection of Lone Tree Way and Fairside Way and the paved sidewalk along the south side of Lone Tree Way.

⁴ Existing queuing was calibrated in the Synchro model based on existing signal timing parameters and field observations.



According to the 2010 U.S. Census⁵, 5.5% of Antioch residents use transit to travel to work. This typically represents the highest level of transit ridership during the day, with other periods being lower, such as when shoppers commonly travel to the store. If it is conservatively assumed that 5.5% of the customers associated with the AutoZone store will use transit during the peak hours of the day, it represents approximately one passenger in the weekday AM and two passengers in the weekday PM peak periods.

Data was not readily available for peak hour ridership levels on the Tri-Delta Transit system but during the weekday periods, the routes operate as often as every 20 minutes and observations indicate that sufficient capacity exists on the buses to accommodate the potential additional transit demand. Furthermore, dispersion of the project-generated riders to the bus routes would result in a minimal effect on transit capacity. Thus the project impact on transit service is determined to be less than significant.

There are adequate pedestrian walkways from the project site to the existing sidewalks on Lone Tree Way, Fairside Way, and Heidorn Ranch Road within the study area. Furthermore, pedestrians will be able to use the continuous sidewalk facilities within the neighborhoods and on streets adjacent to the AutoZone site. This will allow AutoZone patrons and employees to conveniently walk from nearby destinations or access transit services. Pedestrian crosswalks are present on approaches at signalized intersections near the project site.

Cyclists will be able to use the Class I paved bike trail north of Lone Tree Way to travel from residential neighborhoods to the east and west of the project site. Class II bicycle facilities (i.e., striped bike lanes) are also available on Hillcrest Avenue, Vista Grande Drive, Heidorn Ranch Road, and Canada Valley Road as well as several other streets outside the study area. This extensive bicycle network allows patrons and employees living within biking distance to travel to and from the project.

The City's Municipal Code requires one bicycle parking space for every 25 off-street vehicle parking spaces required. The bicycle rack should be fastened to the ground to help prevent theft of bicycles and to make it more secure. Bicyclists shall be able to secure both wheels and the frame of a bicycle with a six-foot cable and lock. Bicycle parking spaces should be located near the entrances to the store, but out of the travelled pathway.

There are adequate transit facilities adjacent to the project site with continuous sidewalks and ramps to the transit stop locations. Therefore the AutoZone's impact on transit, pedestrian, or bicycle facilities is determined to be less than significant.

⁵ *American Factfinder*, U.S. Census Bureau, 2010.



SITE ACCESS AND CIRCULATION

On-site circulation was evaluated at the project's two driveways and within the project site. **Figure 2** shows the project site plan.

Each of the proposed project driveways are unsignalized and right-in/right-out only driveways. Along Lone Tree Way, there is a raised, landscaped median adjacent to the project driveway, restricting left turns in and left turns out. Along Fairside Way, there is also a raised, landscaped median adjacent to the project driveway, restricting left turns in and left turns out. Each driveway provides single ingress and egress access.

The proposed configuration of the site assumes that drivers exiting the AutoZone would have to make U-Turns to travel to destinations east of the store. For example, drivers exiting onto Lone Tree Way, that wish to get back to SR-4, would need to cut across multiple lanes of traffic to get into the westbound left turn lane at the Lone Tree Way/Fairside Way intersection. Given the short distance between the driveway and intersection, this could be a potentially hazardous maneuver especially if heavy traffic is present on Lone Tree Way. From the turn lane, drivers can make a U-Turn back towards SR-4.

Drivers that exit from the Fairside Way driveway would make a right turn out of the driveway, and then make a U-Turn around the adjacent center median to travel southbound to the Lone Tree Way/Fairside Way intersection. From there they can turn left back towards SR-4 or other easterly destinations. The street width in this area is sufficiently wide to allow full size passenger cars, SUVs, and light pick-up trucks to make the U-Turn but larger vehicles could not make the movement and may attempt to drive along Fairside Way which is undesirable.⁶ The U-Turn location is near a curve in Fairside Way but sufficient sight distance is available for the movement.⁷

Semi-trucks making deliveries to the store are proposed to enter the site from the Fairside driveway and exit onto Lone Tree Way. However, their wheelbases are too long to make U-Turns from Lone Tree Way back towards SR-4 without encroaching into other travel lanes or driving on the curb.⁸ As a result they may attempt to use Fairside Way to Vista Grande Drive as a more convenient route to return to the freeway. Trucks or non-neighborhood trips should be prevented from using this route to maintain the quality of life for residents living along Fairside Way.

To address the above access issues, it is recommended that the median on Fairside Way be modified to allow passenger vehicles and large trucks to make left turns directly

⁶ See **Figure 10** for U-Turn movement by passenger cars, SUV, and light pick-up trucks.

⁷ Stopping sight distance is 125 feet per Caltrans Highway Design Manual Table 201.1 assuming speed along the curve is 20 mph or less. Actual sight distance is 135 feet.

⁸ See **Figure 11** for U-Turn movement by large semi-truck. Similar turn constraints are present at other locations along Lone Tree Way.



from the driveway without having to make U-turns around the end of the median.⁹ The median opening should be configured to prevent southbound left turns from Fairside Way into the AutoZone driveway along with a NO LEFT TURN sign prohibiting the movement.¹⁰ Traffic volumes on this leg of Fairside Way are very low so relaxing the access control at this location is not expected to have any adverse effect on traffic safety or intersection operation.

A sign should also be posted at the Fairside driveway exit indicating trucks and non-local traffic are not permitted on Fairside Way north of the site. As an alternative, the exit should be signed to prohibit right turns from the site.

AutoZone should provide a map to truck drivers illustrating acceptable routes along major streets and that also indicates that truck traffic is not allowed on Fairside Way (north of the site). Truck deliveries should be limited to non-peak daytime hours to minimize disruption to other street traffic and nearby uses.

The proposed project throat depths at the site driveways are as follows:

- Lone Tree Way/South driveway entrance – 15 feet
- Fairside Way/West driveway entrance – 100 feet

Blocked parking aisles can generate on-site congestion and inhibit efficient parking lot circulation. An analysis of on-site queuing with the AutoZone indicates that vehicles are not expected to queue up beyond the depth of the driveway throats.

The AutoZone store is proposing 21 standard parking spaces and two accessible parking spaces. The City's Municipal Code does not have a specific category that applies to automobile parts sales. However, Section 9-5.1004 says that "where the use is not specified in the table the Zoning Administrator shall determine the probable equivalent use and the number of parking and loading spaces required. The use of ITE studies may be incorporated into the analysis."

Since a specific category for this use is not specified in the Code, data from the Institute of Transportation Engineers was consulted to determine the appropriate number of parking spaces the site should provide. According to ITE data for Automobile Part Sales (Land Use 843), the project on average would be expected to generate a peak parking demand of 17 parking spaces.¹¹ Therefore, the site is expected to have sufficient on-site parking. Parking calculations are included in the **Appendix**.

⁹ Modification of the median will also require elimination of some median landscaping to provide adequate operation and safety.

¹⁰ See **Figure 12** for a conceptual layout of the recommended median modification.

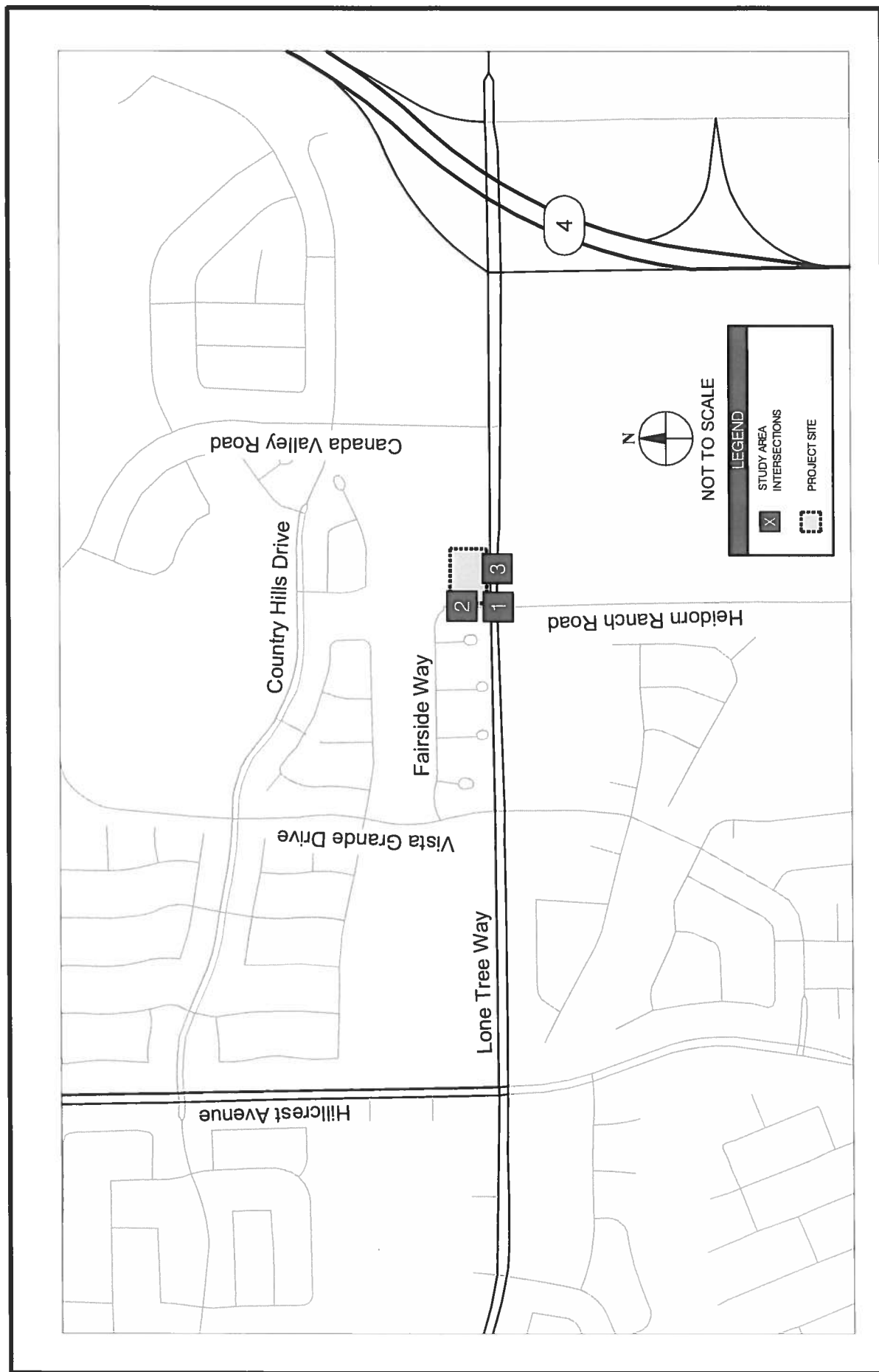
¹¹ *Parking Generation 4th Edition*, Institute of Transportation Engineers, 2010.



SUMMARY OF IMPACTS AND RECOMMENDED MITIGATION

Based on the results of the traffic analysis and evaluation of the proposed site plan, the project is not expected to have any significant impacts.

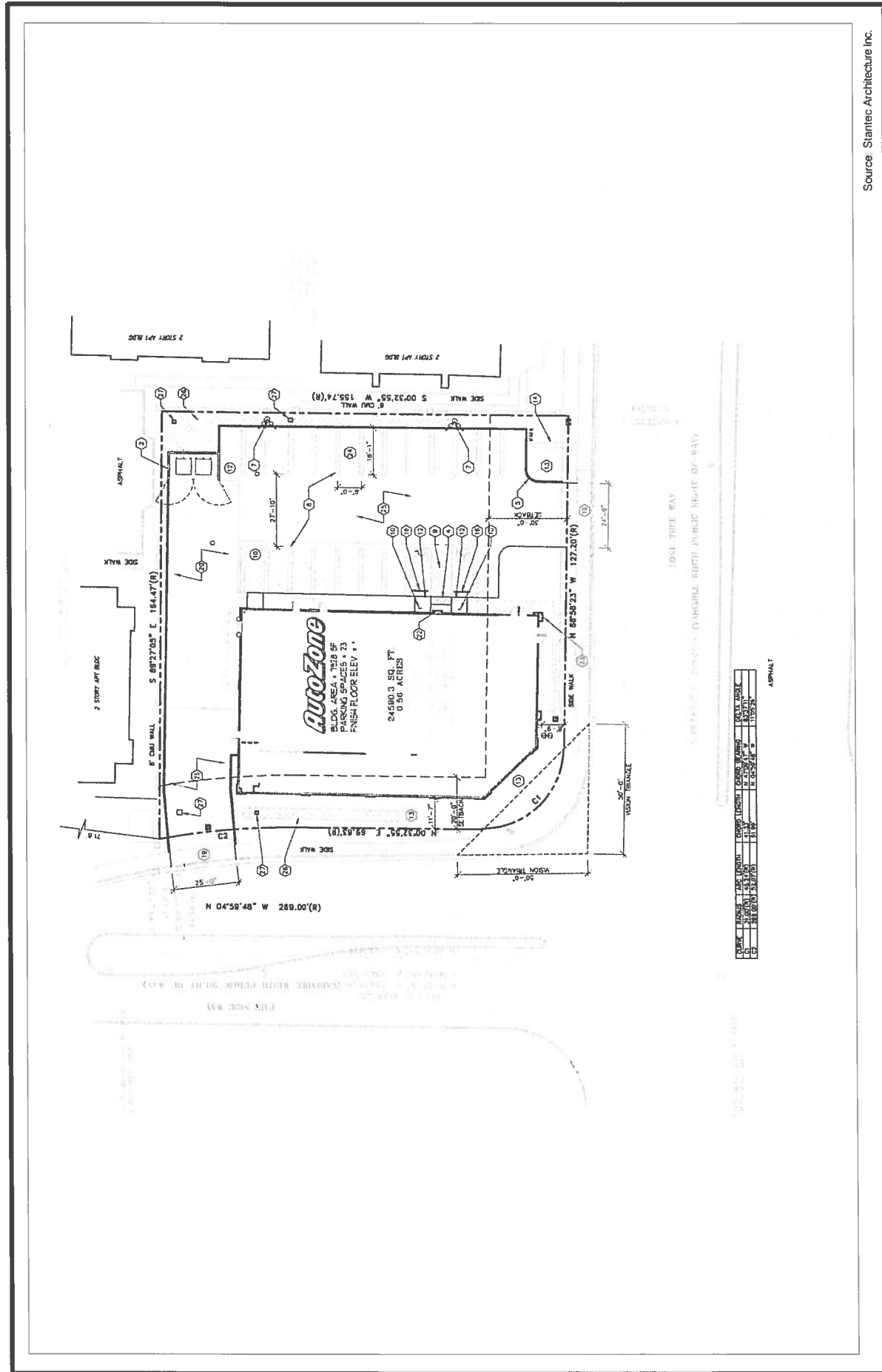
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FIGURE 1
PROJECT LOCATION AND STUDY INTERSECTIONS



Source: Stantec Architecture Inc.

FIGURE 2
SITE PLAN

ANTIOCH AUTOZONE TRAFFIC IMPACT STUDY



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JW-097658001

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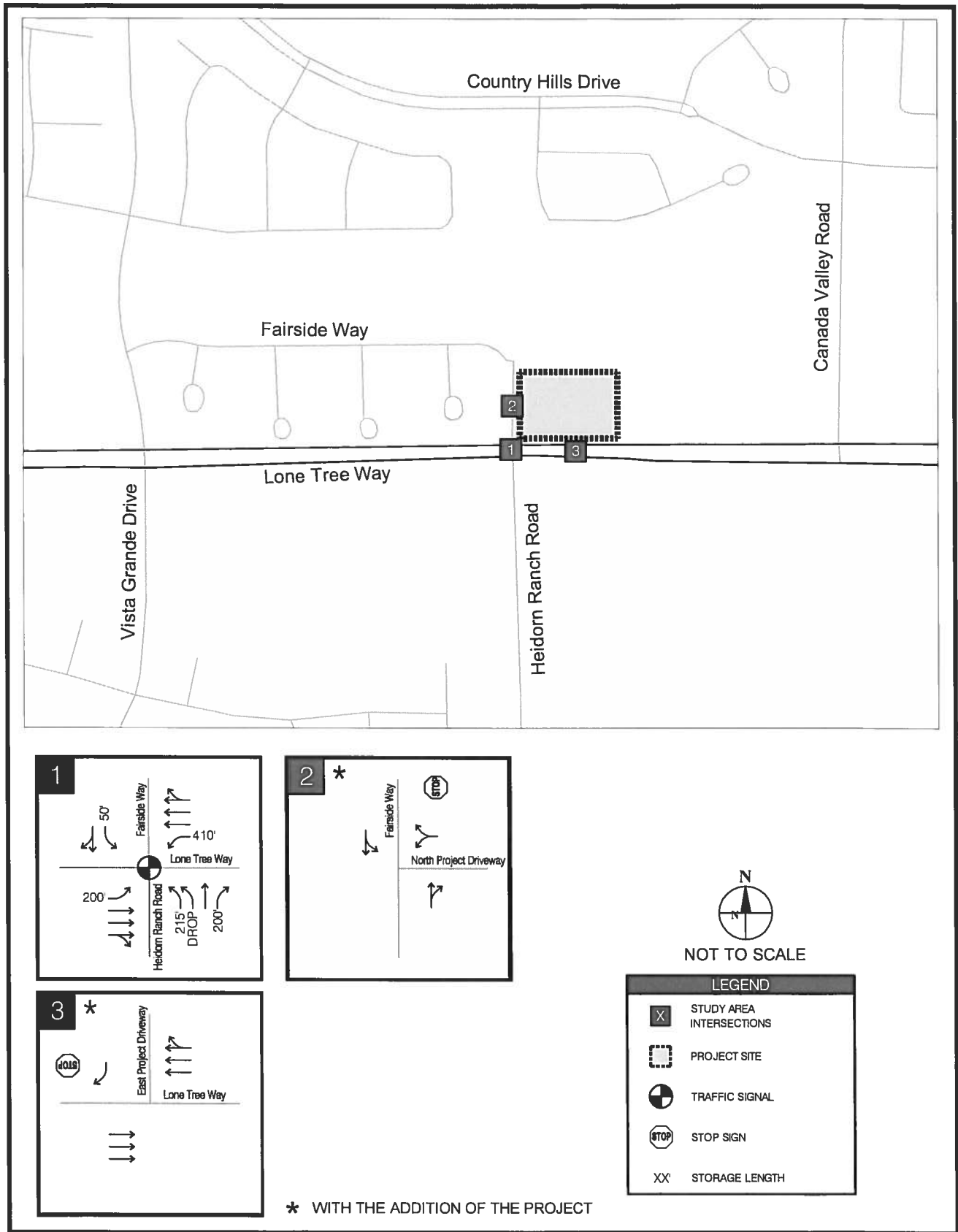


FIGURE 3
EXISTING (2013) CONDITION
LANE GEOMETRY AND TRAFFIC CONTROL

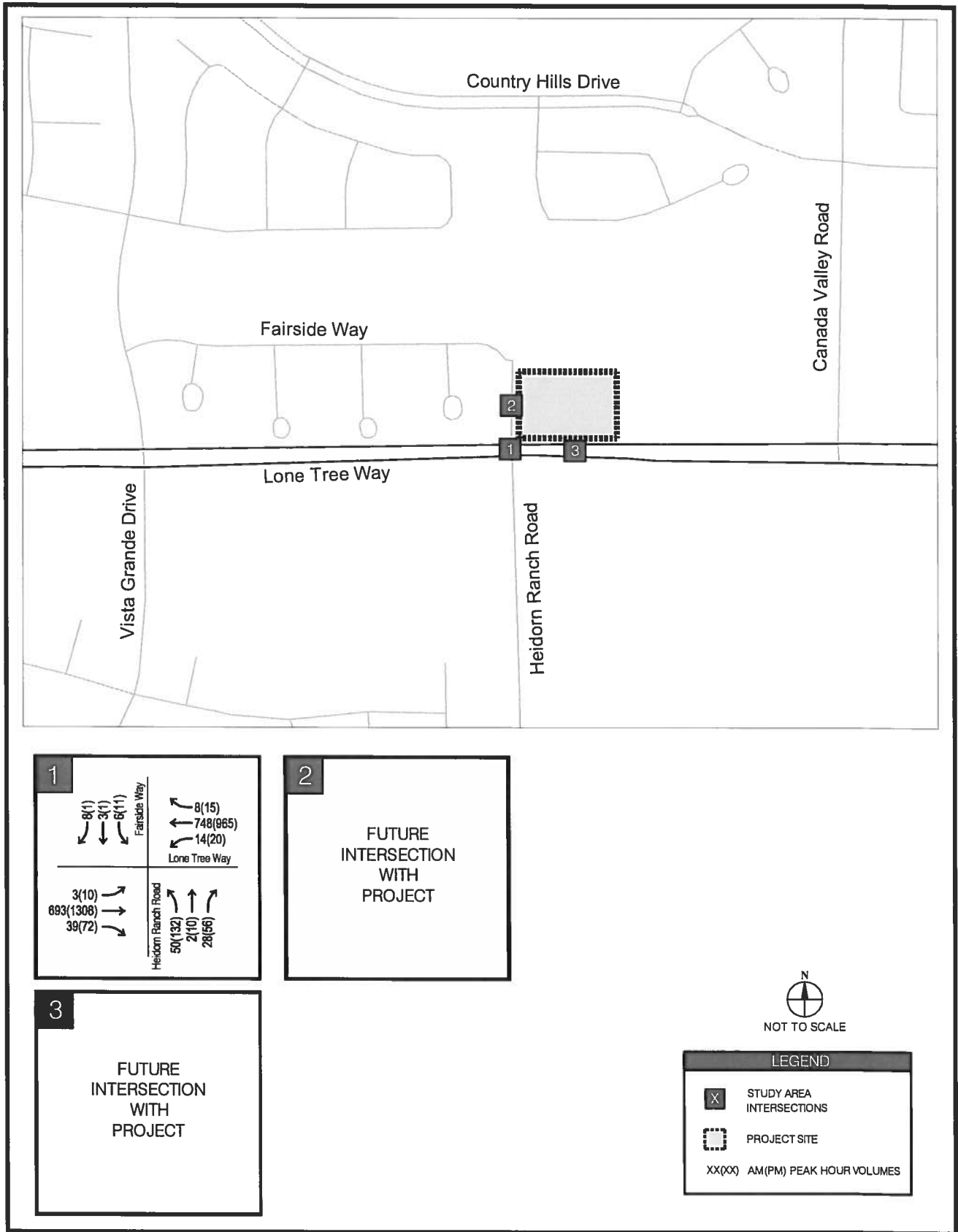


FIGURE 4

EXISTING (2013) CONDITION
PEAK HOUR TURNING MOVEMENT VOLUMES

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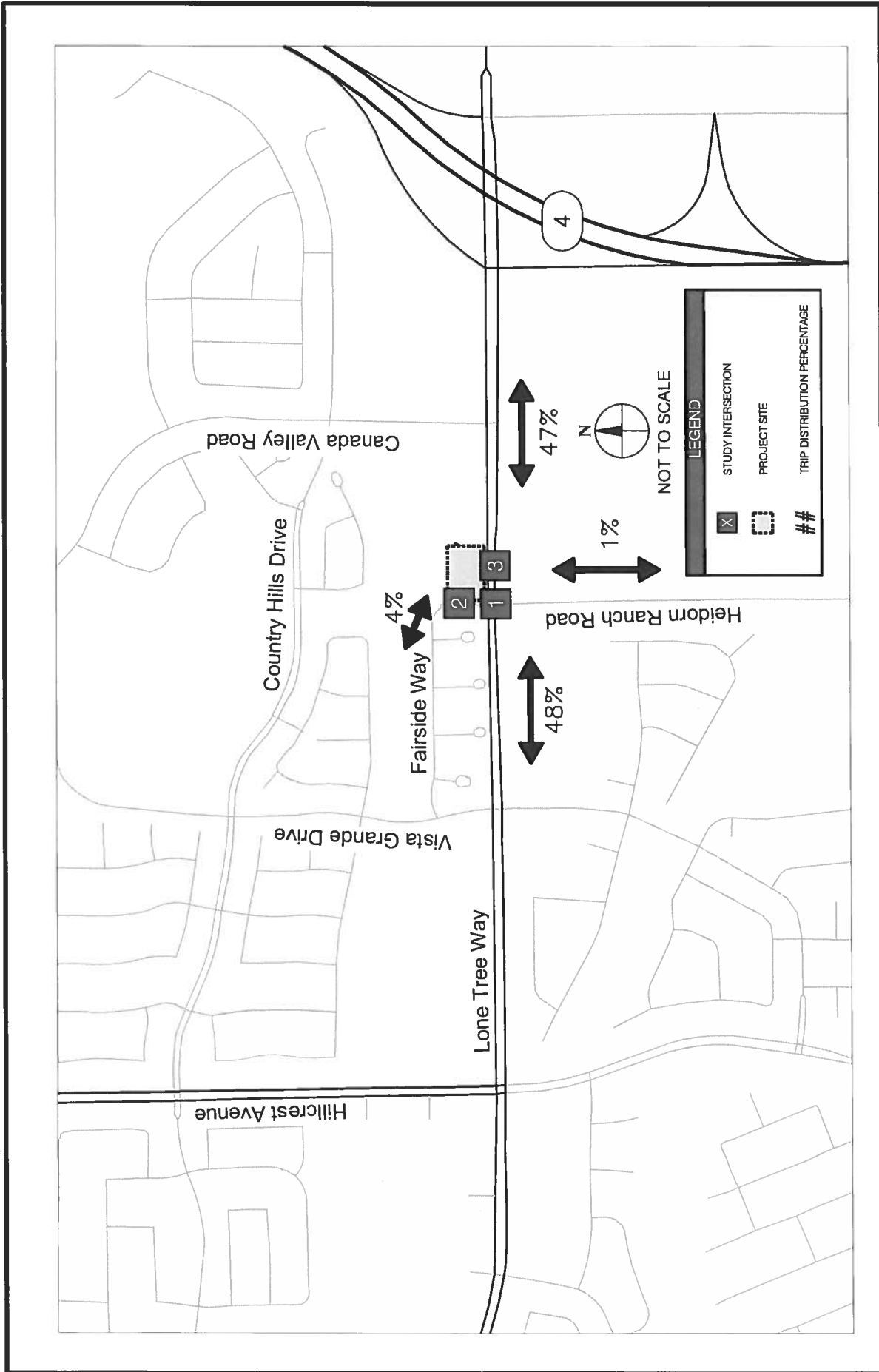
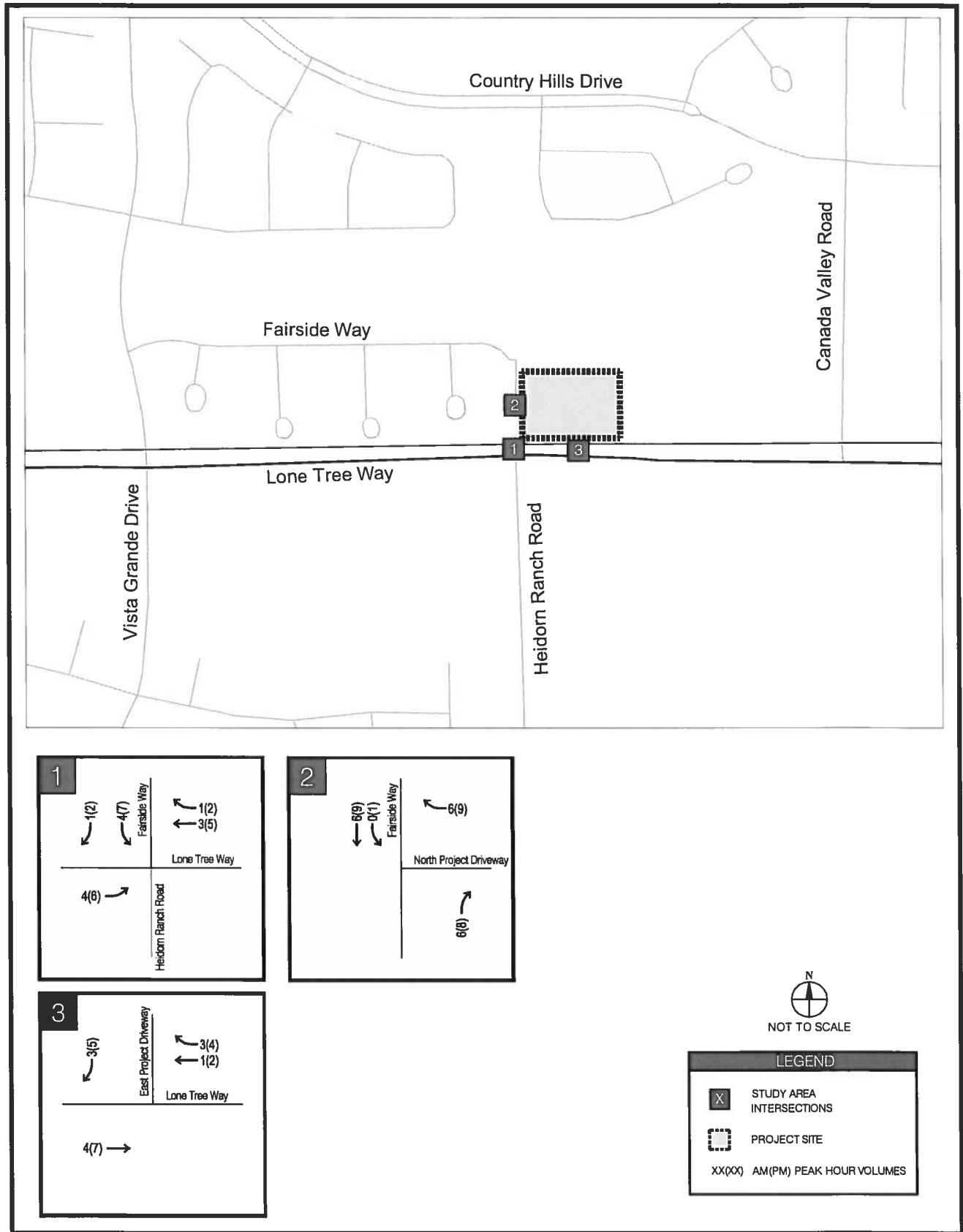


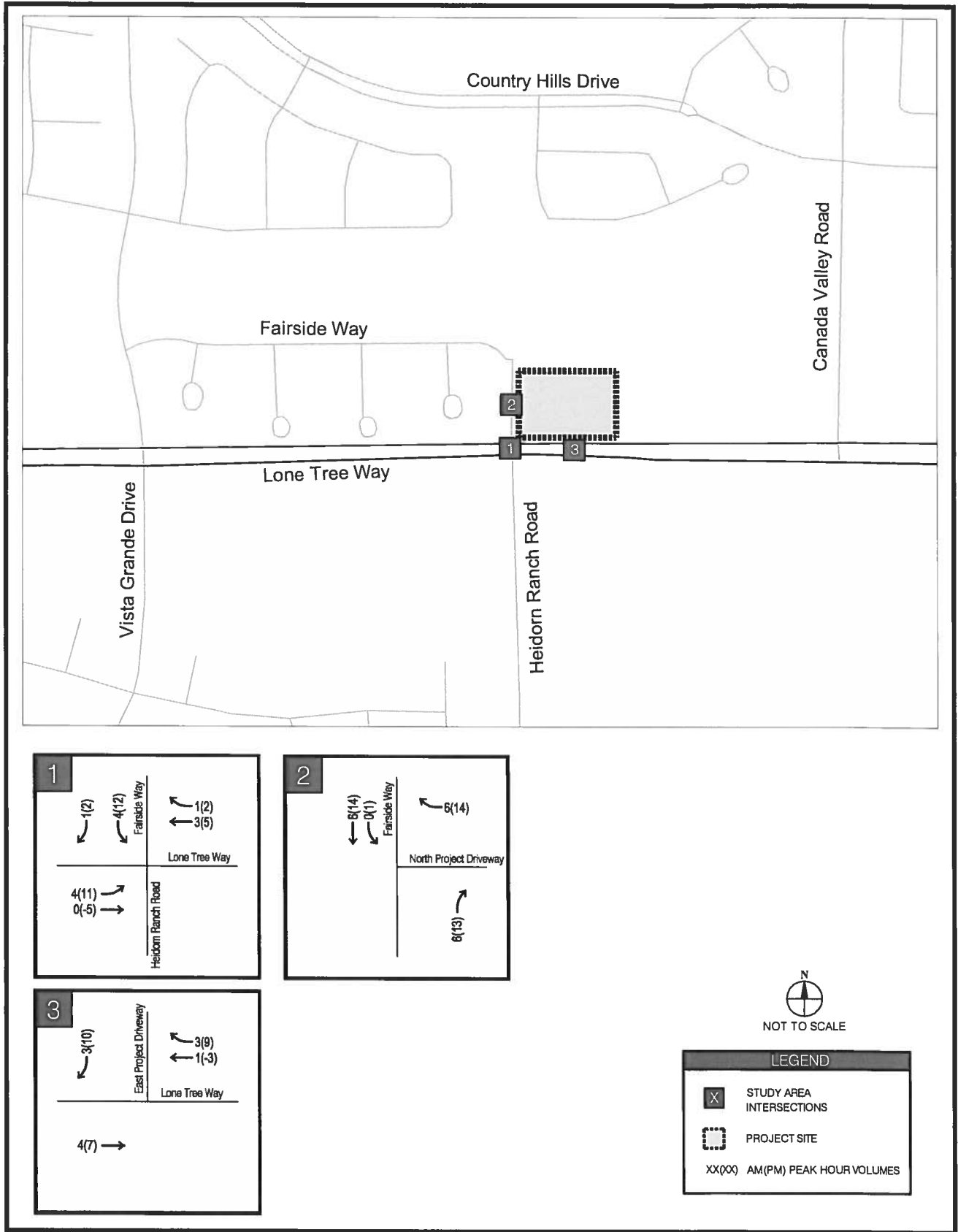
FIGURE 5
PROJECT TRIP DISTRIBUTION
 ANTIOCH AUTOZONE TRAFFIC IMPACT STUDY



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 and Associates, Inc.
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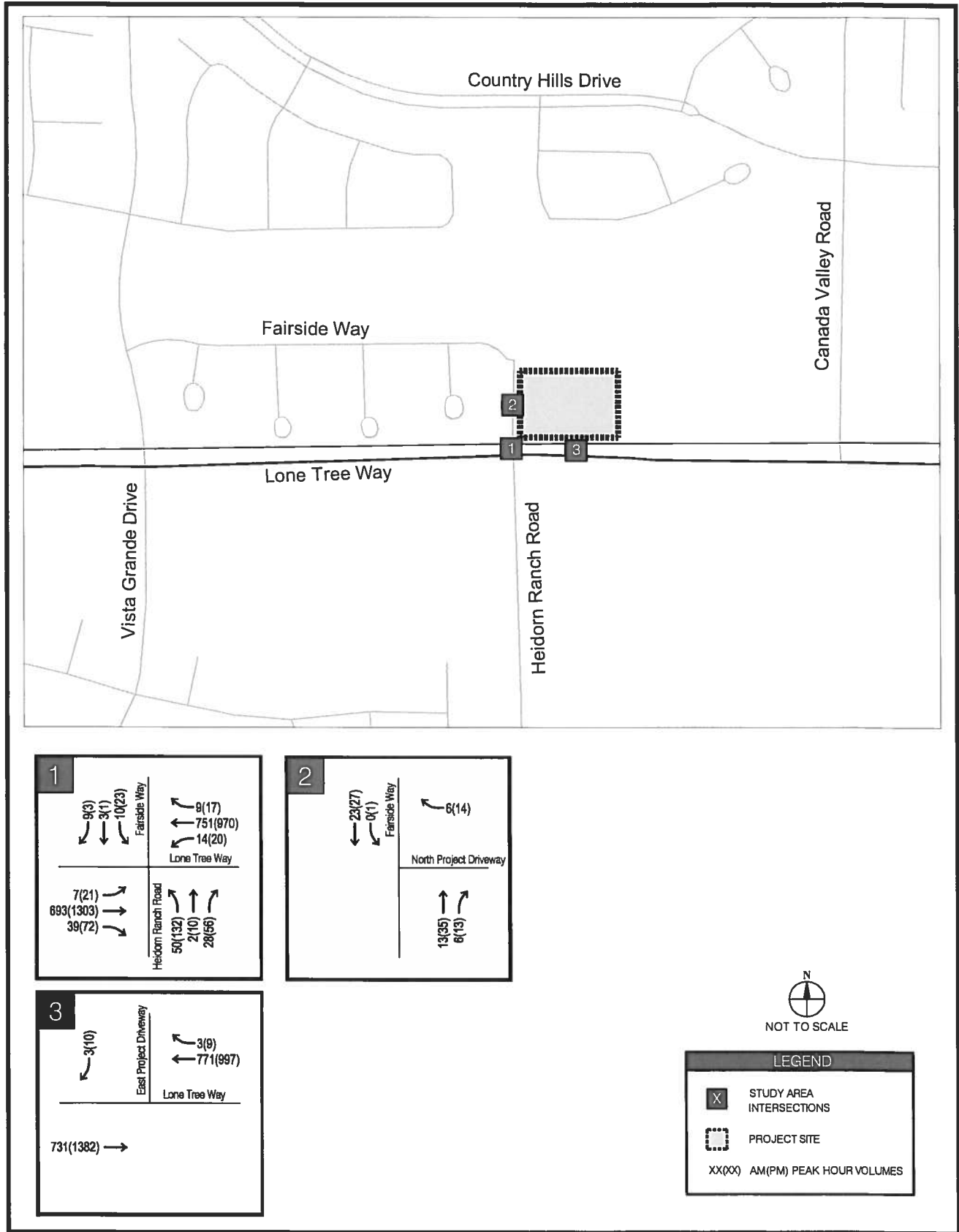


FIGURE 9

EXISTING (2013) PLUS PROJECT CONDITION
PEAK HOUR TURNING MOVEMENT VOLUMES

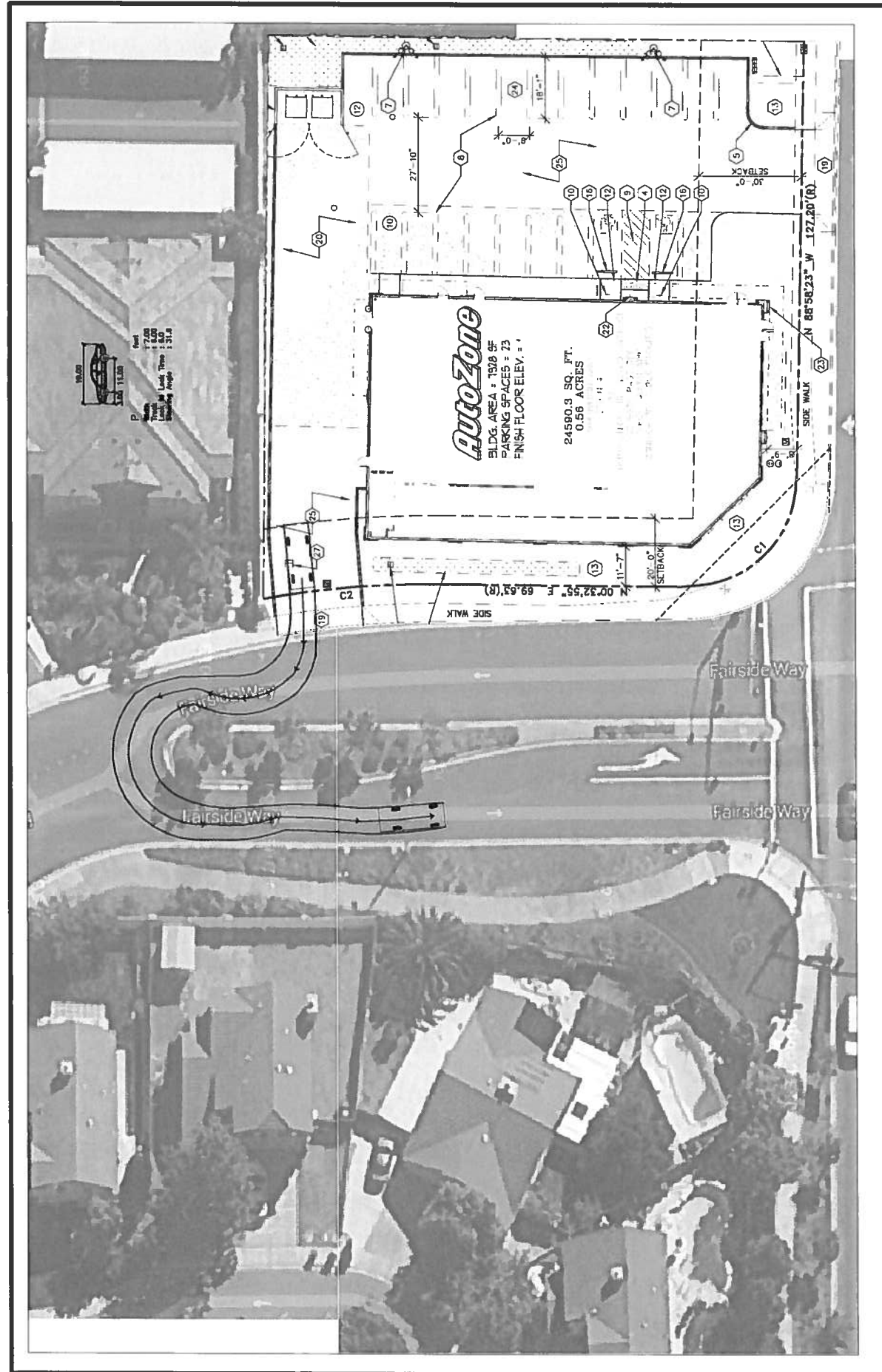


FIGURE 10
U-TURN AT MEDIAN ALONG FAIRSIDE WAY

ANTIOCH AUTOZONE TRAFFIC IMPACT STUDY



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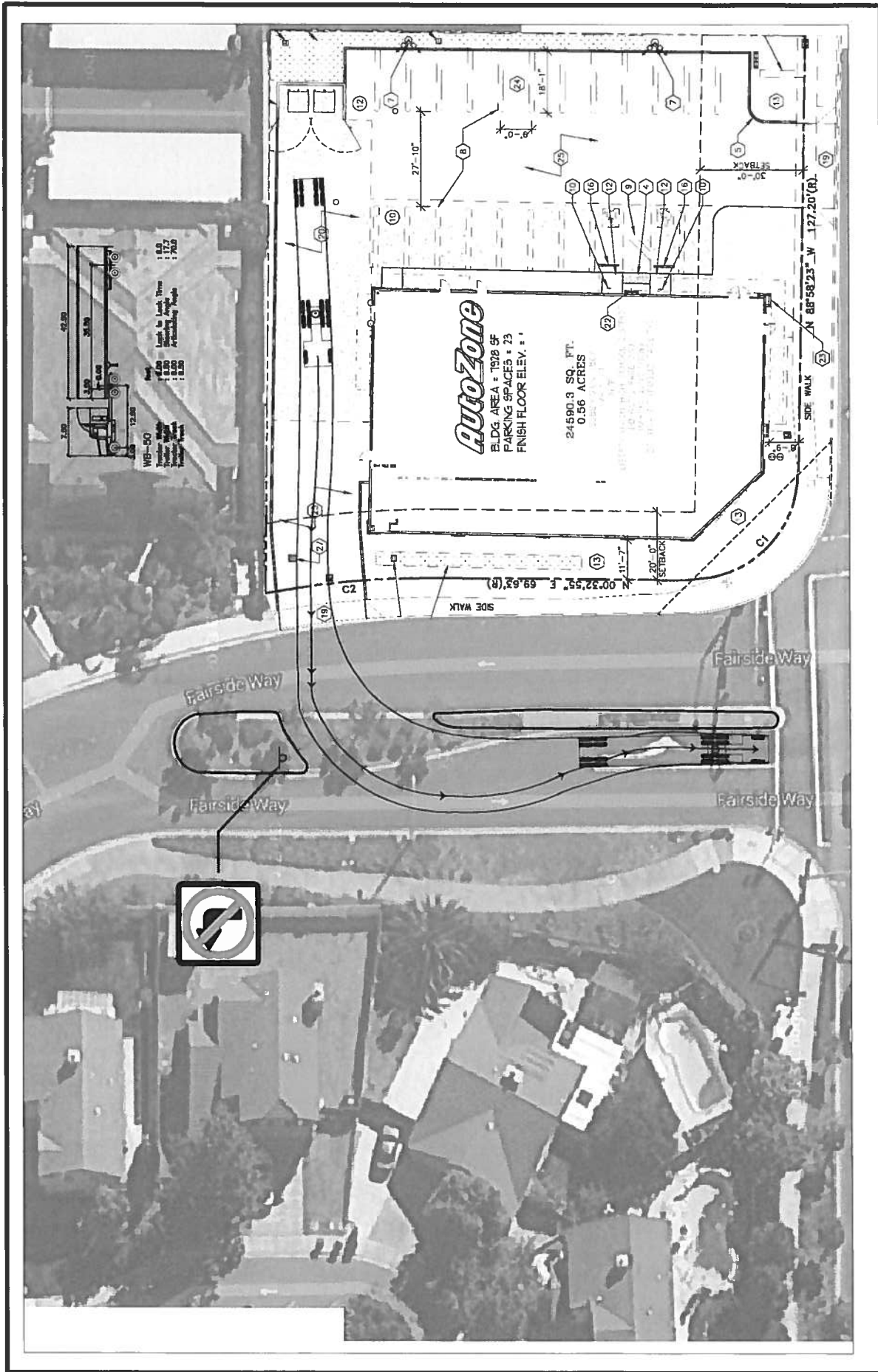


FIGURE 12
 PROPOSED MEDIAN ON FAIRSIDE WAY
 ANTIOCH AUTOZONE TRAFFIC IMPACT STUDY



APPENDIX



APPENDIX

TURNING MOVEMENT VOLUMES

EXISTING (2013) TRAFFIC CONDITIONS

TRIP GENERATION

EXISTING (2013) PLUS PROJECT TRAFFIC CONDITIONS

QUEUING SUMMARY

PARKING GENERATION



TURNING MOVEMENT VOLUMES



EXISTING (2013) TRAFFIC CONDITIONS



TRIP GENERATION



EXISTING (2013) PLUS PROJECT TRAFFIC CONDITIONS



QUEUING SUMMARY



PARKING GENERATION

ATTACHMENT "F"



November 7, 2013

Mindy Gentry, Senior Planner
City of Antioch
200 H Street
Antioch, California 94509

RE: Plan Review for Lone Tree Way and Fair Side Way – Auto Zone
Dahlin Job: 1047.006

Dear Mindy,

The following is my review of the plans submitted for a new Auto Zone on Lone Tree Way at Fair Side Way in Antioch. The plans received are dated 08/01/2011. The design is reviewed for consistency with Chapter 3.0 Commercial Design Guidelines of the City of Antioch Citywide Design Guidelines Manual.

3.1.2 Design Objectives:

In general the project fails to comply with the general goals of this section. The building lacks any real articulation and tries to satisfy this basic requirement through the use of plan-on types of building plane changes.

3.1.3 Site Planning:

3.1.3A Site Character / Compatibility:

The project substantially complies with this section.

3.1.3B Land Use Buffering:

The project substantially complies with this section with the exception of paragraph 4. The trash enclosure and the driveway at the northern side of the property are both located immediately adjacent to existing residential apartment buildings. It does not appear that much can be done about either, however, due to the geometry of the site. It would seem that a larger landscape buffer along the northern property line would be appropriate given the adjacency to the existing residences.

3.1.3C Building Siting:

The project fails to comply with the spirit of paragraph 2. While the corner has been angled, the purpose of this section of the design guidelines is for the building to address the corner in an effective manner. Simply angling a blank wall of the building does not celebrate or address the corner condition. The applicant should consider possibly flipping the entire site plan so that the building is on the eastern edge of the property with the open parking lot and landscaping at the corner. While this may not be a perfect solution, it would put the active side of the building towards the streets instead of the inactive side.

3.1.3D Site Amenities:

Since this is a single building the proposed project substantially complies with this section. However given the amount of paving that is proposed for the project, it would seem that some decorative paving and possibly some more urban landscape treatments like tree grates within the paved area at the south eastern corner of the building could be used to create a more attractive project without significant cost to the project.

3.1.3E Site Utilities and Mechanical Equipment:

It appears that all roof mounted mechanical equipment is adequately screened by the proposed building elements. It is not clear if there are site utilities, utility connections for the building or mechanical equipment that need to be screened from public view per this section.

3.1.3F Trash and Storage Areas:

Compliance with this section cannot be determined by the documents submitted. There is no indication of the trash enclosure structure, except for the location.

3.1.4 Architecture:

3.1.4A Architectural Imagery:

The project as submitted does not comply with this section. While the building is not totally unattractive, it does not embrace any particular style of architecture either.

3.1.4B Building Form and Mass:

This project is not in compliance with this section at all. As submitted barely 50% of the building facing Lone Tree Way (South Elevation) and none of the building facing Fair Side Way (West Elevation) has glazing. The decorative metal accents provided as an attempt to break up the substantially flat facade of this building and the applied stone, while nice, do not do anything to comply with this section. There are no dimensions provided to the "applied" pilasters to the building but it would appear that there is less than a six (6) inch differential between surfaces which is wholly inadequate to meet the standard of "new structures shall be designed to avoid blank facades, particularly on major streets".

3.1.4C Wall Articulation:

The proposed design does not comply with this section of the guidelines. Paragraph 1b requires that in order to break the long, flat, monolithic wall facade columns shall be 8 inches deep, it is not clear from the provided drawings that the proposed design meets this standard. There are columns on the western side of the building that seem to meet the minimum standard, but not on the western face of the building which faces the street.

3.1.4D Roofs:

Clearly the submitted design does not have the full gabled, hipped and shed roofs that are "encouraged" by this section. The parapet roof that is proposed is compliant with the requirement that the parapet not be unbroken for more than 75 feet, and the proposed parapet roof design is successful in creating an acceptable design.

3.1.4E Materials / Colors:

The proposed design is generally compliant with this section. The proposed finish of the stucco is not indicated on the plans provided so compliance with paragraph 1a cannot be determined. The colors proposed for the building are acceptable.

3.1.4F Building Equipment and Utility Screening:

The proposed building complies with this section with regard to the roof mounted equipment for this project. As noted in the previous section, there is no indication of any site utility or mechanical equipment that may need screening. There is a Key Note 15 referencing a new transformer on a concrete pad, but I could not find a location of where this is to be placed.

3.1.4G Security:

The project is substantially compliant with this section. However, compliance with paragraph 1 cannot be determined from the documents provided.

3.1.5 Storefront:

The project is in general conformance with this section.

3.1.6 Parking and Circulation:

The project is in substantial conformance with this section.

3.1.7 Landscaping:

The project substantially complies with this section. However, it would appear that there is a conflict between the landscaping drawings submitted and the site plan submitted. On Sheet 3 of the submittal package the plans indicate that at the South Eastern corner of the building there is a substantial concrete area that adjoins the public sidewalk creating a mini plaza. In complete conflict with this, sheet L1 indicates this entire area is planted and that there is no connection between the public sidewalk and the building affording no approach for a pedestrian onto the site except via the driveway. The solution proposed by sheet L1 is not acceptable, there should be at least one entrance for a pedestrian onto the site via a walk and I believe that the more urban solution of a mini plaza could be more interesting in this case with the use of tree grates or other urban landscape solutions. Whichever direction the applicant chooses, this conflict needs resolution.


3.1.8 Lighting:

There are two parking lot 20' high yard lights proposed on the plan but there is not cut sheet provided for these lights so compliance with this section cannot be determined at this time.

General Comments:

The project is fairly well designed for corporate architect. However the purpose of the city of Antioch Design Guidelines is to DISCOURAGE the use of corporate architecture and this project does not even begin to address that goal. The applicant should consider redesigning the project from the site planning through the architecture in order to better address the goals of the commercial guidelines.

Respectfully Submitted,



Donald J Ruthroff / AIA
Associate / Senior Architect
C24946, exp. 10/31/2015

ATTACHMENT "G"

Gentry, Mindy

From: Mark Marcotte [mkmarcotte@aol.com]
Sent: Monday, December 16, 2013 12:34 PM
To: Gentry, Mindy
Subject: MITIGATED NEGATIVE DECLARATION

Mindy: My name is Mark Marcotte. My brother and I own the Bella Rose Apartments adjacent to northeast corner of Lone Tree Way and Fairside Way.

In 2004, I worked with Karen Laws of the CCC Real Property Division to have this parcel sold off as surplus land. She agreed and we paid the fees necessary to expedite the process. Unfortunately for us, the Liberty School District got first right to it and did purchase the parcel. I met with Dan Smith explaining my reason for wanting the parcel but he was unmoved. So here we are.

I want to formally object to the proposal to put an AutoZone store on this corner. It is just doesn't seem to fit the neighborhood. If Autozone is denied, we have already told the School District that we will purchase the lot for the same price. We would conform to the existing zoning. We would add one 8 unit building and landscaping on the parcel. The building would match our existing buildings. Seems to me this would be a better use. No new driveways would be needed and a lot less traffic than an auto parts store would be generated.

Sincerely,

Mark Marcotte

400 May Road
Union City, CA 94526
510-870-6212

RECEIVED

DEC 31 2013

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

12/30/13

To City of Antioch,

We would like to write to voice our concern over the proposed building of an AutoZone store on the corner of Fairside Way and Lone Tree Way in Antioch. We have been homeowners here since 2001 and believe this would be a terrible location for an AutoZone or any type of commercial business.

Here are some reasons this is bad idea:

1. This neighborhood has many children who often are playing in the street or sidewalks that I feel would be in danger with additional traffic. The AutoZone store would likely increase traffic not just on that corner but from people taking a "shortcut" down Fairside Way to get in and out of the store parking lot. We already have seen a significant increase in traffic in the past year or so on Fairside Way from motorists backed up westbound Lone Tree Way getting impatient with the red light and making a right hand turn onto Fairside then speeding down our residential street to cut over to Vista Grande.
2. I think there would be increased noise from not only cars but all the other things like garbage and delivery trucks to the business. We hear loud delivery trucks even from the Lone Tree Plaza so this would be much louder being so close to homes and apartments to echo off of. Also we live near a corner and sometimes it's tricky even backing out of our driveway with traffic coming around the corner.
3. I have also had experience in the past from living near an auto parts store where people did noisy repairs in the parking lots at all hours then used the side streets to "test drive" their vehicles (racing, revving motors etc). The neighborhood also became a junkyard for abandoned cars that couldn't be repaired or were waiting for parts etc.

In short, a business doesn't belong in the middle of a residential area and an auto parts store especially would be very detrimental to all the surrounding area. As homeowners and taxpayers here in Antioch I support wanting to build commercial businesses just NOT in the middle of a heavily populated residential area.

thank you,

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