

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

WEDNESDAY, MARCH 7, 2012

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 **THURSDAY, MARCH 15, 2012.**

ROLL CALL **6:30 P.M.**

Commissioners	Westerman, Chair
	Baatrup, Vice Chair
	Langford
	Azevedo
	Travers
	Douglas-Bowers
	Bouslog

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: February 1, 2012

* * * **END OF CONSENT CALENDAR** * * *

NEW PUBLIC HEARINGS

2. **Z-12-01 – The City of Antioch** is proposing to amend Municipal Code Section 9-5.4012 of the Residential Development Allocation Ordinance to extend the ordinance sunset date to May 1, 2013.
3. **Z-12-02 - The City of Antioch** will be considering rezoning approximately 470 acres of unincorporated land, referred to by the City as Area #1, which is generally located adjacent to and/or in close proximity to Wilbur Avenue.

ORAL COMMUNICATIONS

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.**

**February 1, 2012
City Council Chambers**

CALL TO ORDER

Chairman Westerman called the meeting to order at 6:30 p.m. on Wednesday, February 1, 2012, 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, February 9, 2011.

ROLL CALL

Present: Commissioners Azevedo, Bouslog, Douglas-Bowers,
Chairman Westerman and Vice Chair Baatrup
Absent: Commissioners Langford and Travers
Staff: Community Development Director, Tina Wehrmeister
Senior Planner, Mindy Gentry
Assistant Engineer, Harold Jirousky
City Attorney, Lynn Tracy Nerland
Minutes Clerk, Cheryl Hammers

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. Approval of Minutes: December 7, 2011

On motion by Commissioner Baatrup, and seconded by Commissioner Azevedo, the Planning Commission approved the Minutes of December 7, 2011 with revision to the last half of the last sentence deleting:

“to the next regularly scheduled meeting on December 21, 2011.”

AYES: Westerman, Baatrup, Azevedo, Bouslog, and Douglas-Bowers
NOES: None
ABSTAIN: None
ABSENT: Langford and Travers

END OF CONSENT CALENDAR

CONTINUED PUBLIC HEARING

2. **AR-11-07, V-11-05** – Tim Jones of Burk Properties, requests the design review approval of a 6,860 s.f building and landscaping, as well as a variance from the required 30' setback on L Street. The site is located on the southwest corner of the intersection of L Street and Sycamore Drive (**APN: 074-343-034**).

Senior Planner Gentry provided a summary of the staff report dated January 26, 2012.

Commissioner Azevedo confirmed with SP Gentry that the language contained on page 2, issue 2 of the staff report was not accurate.

Commissioner Douglas-Bowers questioned staff as to how far the trash enclosure was to the nearest residence to which SP Gentry stated approximately 18 feet or so, that it was 15 feet from the wood fence that is existing to the closest two story building to the south and noted that their own trash was located on the east of their property as well.

OPENED PUBLIC HEARING

Applicant, Tim Jones, said that he has been before this body a number of years ago on this site and that the plans in front of the Commission will be a go given the property has been vacant for some time. He thanked Ms. Gentry for her help and professionalism. He stated that once comments were received they were incorporated into the final copy by reducing the size of the building and adding additional features to achieve approval and a better building. He said that the trash enclosure can be moved if it helped the project, to the rear left corner which is further away. Mr. Jones stated that there is a living wall on the left as you face the property which is greener for the neighborhood and that he has never removed spray paint from a living wall.

Commissioner Azevedo asked the applicant on the living wall if the ivy currently existed on a wooden fence to which applicant stated that there is a wood pillar every six feet, that they have never had to water the ivy and that they are going to trim the ivy. Commissioner Azevedo asked about the density of the ivy to which applicant said the density is 12 to 16 inches, that it is very manageable and that given it has worked all of these years, did not feel a need to tear it down to replace it.

Commissioner Azevedo stated his concern that ivy creates problems with rodents such as rats and mice to which applicant said that although he is familiar with that, they haven't had that problem and went on to say that graffiti has not been an issue on the wall.

Commissioner Azevedo questioned the applicant if moving the trash enclosure to the upper left hand corner eliminated three parking spaces to which applicant said that he did not think so, that they have already redesigned the area, that the apron would be

diminished a little but that the parking count would remain the same and that no variance would be required.

Chairman Westerman asked applicant if the trash enclosure were moved to that location would it interfere with the walkway to which applicant said that there would not be an ADA accessibility issue, that they were just responding to the comments and that it would not diminish parking.

Commissioner Azevedo asked applicant to clarify where the trash enclosure was proposed to be moved to and applicant came up to the board and pointed out the area.

Vice Chair Baatrup asked applicant how old the fence was to which applicant stated that he did not know but that it was most likely there when the gas station was still at that location. Commissioner Baatrup stated that ivy tends to be destructive to fences and that he would rather see something more permanent. Applicant stated that his counter to that is that he is very familiar with that location, that although they have removed graffiti that they have never removed graffiti off of a green item, that the living wall works fine, that they are not flipping the property, that a cinder block wall would be ugly and very visible and that it is easier to maintain the living wall.

Vice Chair Baatrup confirmed with applicant that there is a walking path that runs from the front over to Sycamore.

Commissioner Bouslog asked staff is there was a color palette to which SP Gentry stated that the proposed palette was on the dais. He also asked for clarification on the variance request to which staff stated that the variance to the 30 foot setback was requested because the landscape setback couldn't be met given the smaller site and the minimal setback on the north due to street widening.

Vice Chair Baatrup asked the applicant if the proposed colors blend well with the neighborhood to which applicant stated that they propose to paint the towers in salmon with the rest of the building a tannish style, that they propose more stone on the towers and wrapping around the building and that they felt it would blend well and be a good addition to that location.

Vice Chair Baatrup stated that Dried Rose was presented to the Commission not salmon to which applicant stated that he was not happy with how it appears but that salmon is their vision.

Chairman Westerman asked applicant about the proposed tenant to which applicant said that although it was a national tenant, he could not share that information now.

Chairman Westerman confirmed with applicant that he had read and agreed with all conditions.

Commissioner Douglas-Bowers asked applicant if they installed and maintained security

cameras to which Mr. Jones said that given legal liability issues, they did not put in security cameras but that a lot of tenants put them up.

Commissioner Bouslog confirmed with applicant that any loading zone would be in the rear located near the back door.

CLOSED PUBLIC HEARING

Commissioner Bouslog commended the applicant for taking a risk on building on this vacant property given the difficulties in that area and for adding a cool roof and parapet for noise which are much more expensive.

Commissioner Azevedo stated that he was glad to see this type of development in that area, that he is inclined to favor the variance, that he would prefer the trash enclosure to stay where it was due to less surveillance if it were moved farther back on the property, that he thought it best to follow the code requiring the masonry wall between residential and commercial properties and that he was fine with staff making the final decision for the color palette.

Commissioner Douglas-Bowers stated that she was fine with the color scheme and the trash enclosure staying where it was and confirmed with staff that the code does require a masonry wall.

Vice Chair Baatrup stated that code requirements needed to be enforced for the wall, that the location of the trash enclosure was fine where it was, that dried rose is not an appropriate color and would ask that applicant work with staff to find appropriate colors. He said that this was a great project, much better than a vacant lot and he thanked applicant for taking this on.

Chairman Westerman commended applicant for taking a chance in that area, felt that the setback variance was not a problem due to the limited size of the lot, was fine with the trash enclosure where it is but felt that the code should be followed and a masonry wall be required. He stated that this is a good time to build to save money and is in favor of the project.

RESOLUTION NO. 2012-**

On Motion by Commissioner Azevedo and seconded by Bouslog, the Planning Commission approved AR-11-07, V-11-05, subject to all conditions.

AYES: *Westerman, Baatrup, Azevedo, Bouslog and Douglas-Bowers*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Langford and Travers*

NEW ITEM

3. Housing Element

Community Development Director Wehrmeister provided a summary of the staff report dated January 26, 2012. She introduced consultant Vivian Kahn with Dyett & Bhatia.

Vivian Kahn stated that the adopted Housing Element includes a program to implement housing elements and identify ways to meet housing needs.

Ms. Kahn's presentation contained points as follows:

- Meeting objectives
- Project objectives – create identifiable places and provide flexibility
- Work to date – research, conducted interviews, looked at development sites, environmental restraints
- Key findings and proposals – Insufficient sites with shortfall of lower income units, enough land available for moderate and above moderate units, rezone at least 60 acres to deliver by right with no use permit, additional incentives to encourage affordable housing in the Rivertown area, create an over lay district in the western part of the community to accommodate 124 year round emergency shelter beds, amend the zoning code to recognize transitional and supportive housing as a residential use.

CDD Wehrmeister summarized that although the Planning Commission and City Council has already given direction, after hiring Dyett & Bhatia it was discovered that there was a misinterpretation of State law and that there are significant differences in choices that are available now with 20 units/acre by right or 30 units/acre but can require a Use Permit. She said that she feels the difference is significant enough to have the Planning Commission and City Council see it again. She suggested consideration to put density at the transit village which is 38.2 acres and parcels on 4th Street but said more is needed to make up the total.

1. Adequate Housing Sites

Discussed ensued between Planning Commissioners, Vivian Kahn and staff regarding issues, map of sites and options.

Concerns were discussed regarding:

- The 4th Street property in the Bond area and concerns with building residential there with industry nearby
- The Wilbur Avenue property owners are in favor of higher density
- Delta Fair property is better for residential use
- Tregallas Road Church issues
- Holub property considerations

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- The ABAG numbers possibly being lowered because of the economy
 - The need to make land available and to develop affordable housing
 - Possible to decide on a combined option including properties not on the list
 - Variation of median prices for low income are varied from one jurisdiction to another
 - Not including area C, City owned property across from Beede Lumber

There was a consensus of the Planning Commission to recommend to City Council that the following properties be included:

Delta Fair Boulevard which is 4.8 acres (site D)
620 Tregallas Road which is 2.5 acres (site H)
801 & 701 Wilbur Avenue which is 2.9 acres and 2.5 acres respectively (site I)
Hillcrest Station Area Specific Plan which is 38.2 acres (site J)
Holub Lane property which is a total of 15.1 acres (site K)
6th and A Street-Hickmott Cannery property for a total of 8.6 acres (site M)

For a total of 74.6 acres

2. Design and Development Standards and Guidelines

Discussion ensued between the Planning Commission, Vivian Kahn, and staff regarding the various options:

Option 1: amend zoning to incorporate fixed standards for new residential and mixed use development based on citywide guidelines

Option 2: amend zoning to modify standards that are obstacle to building on infill sites and other areas where the city wants to encourage development

A consensus of the Planning Commission was to recommend to City Council a combination of both options contained on page A20 of Attachment A to the staff report which reads:

Option 1: Amend the zoning ordinance to incorporate fixed development standards based on the Citywide Design Guidelines Manual.

Option 2: In addition to establishing fixed development standards based on the Design Guidelines Manual, revise the zoning ordinance to modify standards that are an obstacle to development on infill sites and in other areas where the City wants to encourage development. The intent would be to prescribe new or additional requirements that could reduce the need for discretionary review under planned development or variance procedures.

3. Residential Parking Requirements

Discussion ensued between the Planning Commission, Vivian Kahn and staff regarding the following options:

Option 1: revised standards including specific reductions for units affordable to lower income households and near transit.

Option 2: allow Planning Director of Commission to modify parking requirements for residential development based on specific findings.

The consensus of the Planning Commission was to recommend to City Council a combination of the two with discretionary review based on findings that warrant it.

4. Development Bonuses and Incentives

Option 1: establish priority list of concessions and incentives

Option 2: provide incentives that exceed State law for projects that offer additional benefits, use development agreement process, and develop outreach program to inform developers that bonuses and incentives are available.

Discussion ensued between the Planning Commission, Vivian Kahn and staff concerning the variety of incentives that could be given including a Senior Housing Overlay District, modifying development standards for the Rivertown Focus Area, expediting the development review process, modifications to setback requirements, reduced parking requirements and variances.

Vivian Kahn took direction from the Planning Commission on the options and incentives to formulate a more detailed list.

5. Emergency, Transitional, and Supportive Housing

Discussion ensued between the Planning Commission, Vivian Kahn and staff concerning Emergency and Transitional Housing options:

Option 1: Reserve the site for multifamily residential at 30 units/acre with use permit.

Option 2: In addition to above, include definition of transition housing as residential use.

Option 3: In addition to above, define SRO housing as residential use and establish standards and requirements for regulation.

Concluding that a shelter location should be found in an M1 area.

Discussion between the Planning Commission, Vivian Kahn and staff concerning Supportive Housing options:

Option 1: Revise ordinance to define and classify range of supportive housing types and revise use regulations based on development and operation characteristics, not occupants.

Option 2: classify and categorize group housing facilities and establish regulations applicable to all facilities of the same type.

Points of discussion:

- Family care homes
- Boarding and rooming houses
- Shared Supportive Housing
- Defining households
- Group Housing
- Prohibiting smoking, alcohol and loitering
- Nuisances

6. Zoning for Employee and Farmworker Housing

Vivian Kahn indicated that this is not an issue in Antioch and stated that the next steps would be:

- ✓ Prepare amendments to the zoning ordinance
- ✓ Test proposed standards on selected sites
- ✓ Draft the zoning ordinance for public review
- ✓ Planning Commission public hearing and recommendation
- ✓ City Council public hearing and adoption

There was some discussion about whether the Planning Commission would like to get the amendments on all issues tonight broken up, all at one time, or in a meeting designated for this item only.

Chairman Westerman stated that staff could look at the information coming back and make a judgment at that time.

ORAL COMMUNICATIONS

CDD Wehrmeister gave updates as follows:

1. The RDA Ordinance Committee will begin meeting again. Committee members are Gil Azevedo and Stanley Travers.
2. On Walmart, the applicant has decided to appeal the Court's decision, the City is not joining the appeal and on the 28th the consultant contract for the updated environmental document will go to the City Council.
3. The City has received some complaints concerning internet cafes in town. Given that these are considered electronic gaming they would need a Use Permit. This has been appealed and is going to the Board of Appeals and possibly the City Council as well.

4. Redevelopment is dissolved as of today.
5. The Planners Institute is scheduled to be held in San Jose in March but the City does not have the budget to send the Commissioners. An e-mail will follow with information tomorrow.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Commission Azevedo stated that Transplan met the 2nd Thursday of January and that there were two presentations on economical development and job creation. Suggested that the Commissioners go to www.eastbayeda.org if interested. He said that they were also given the plan by the Contra Costa Transportation Authority AB32 initiative and SB375.

Chairman Westerman clarified with CDD Wehrmeister that the next meeting would be March 7th.

ADJOURNMENT

Chairman Westerman adjourned the Planning Commission at 9:50 p.m.

Respectfully Submitted,
Cheryl Hammers

**STAFF REPORT TO THE PLANNING COMMISSION
FOR CONSIDERATION AT THE MEETING OF MARCH 7, 2012**

Prepared by: Mindy Gentry, Senior Planner *MA*
Date: March 1, 2012
Subject: RDA Ordinance Sunset Extension (Z-12-01)

RECOMMENDATION

It is recommended that the Planning Commission adopt the attached resolution recommending that the City Council adopt the proposed revisions to Municipal Code Section 9-5.4012 of the Residential Development Allocation Ordinance in order to extend the ordinance sunset date to May 1, 2013.

REQUEST

The City of Antioch requests consideration of an amendment to Municipal Code Section 9-5.4012 to extend the sunset date of the Residential Development Allocation Ordinance to May 1, 2013 (Z-12-01).

ENVIRONMENTAL

Pursuant to CEQA Statutes Section 15061(b) (3) the RDA Ordinance extension is exempt because it can be seen with certainty that there is no possibility that the extension of the ordinance for one year will have a significant effect on the environment.

ANALYSIS

Section 9-5.4012 of the Antioch Municipal Code provides that the Residential Development Allocation Program Ordinance ("RDA Ordinance") will sunset on May 1, 2012, unless the City Council adopts an ordinance to re-enact or amend it. On December 8, 2009, the City Council adopted a resolution of intention to initiate an amendment to the RDA Ordinance in order to continue to phase the rate of residential growth in the City consistent with Measure U because of on-going factors such as: infrastructure and public facility needs, including but not limited to, highway improvements; school capacity and police services; provision of housing opportunities for all economic segments of the community; requirement to meet regional housing allocation numbers; and desire to encourage reinvestment in older neighborhoods. On January 26, 2010, the City Council provided further direction to staff regarding an amendment to the RDA Ordinance particularly as to development impact fees and growth metering and directed that staff work with the existing RDA Subcommittee to further discuss issues and draft amendments to the RDA Ordinance. On March 9,

2010, the City Council approved a one-year extension on the sunset date to May 1, 2011. Again, on March 22, 2011, the City Council approved a one-year extension on the sunset date to May 1, 2012. Due to timing constraints and limited staff resources, additional time will be needed for this effort. The RDA Committee has begun meeting and there should be conclusion on this issue this year. Staff is requesting that the Planning Commission recommend to the City Council to extend the sunset date of the RDA Ordinance by 12 months to May 1, 2013. The proposed City Council ordinance revising section 9-5.4012 is provided as Attachment "A".

ATTACHMENT

A: Proposed Ordinance Amending Municipal Code Section 9-5.4012

RESOLUTION NO. 2012-**

**RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH
RECOMMENDING THE CITY COUNCIL APPROVE AN AMENDMENT TO SECTION
9-5.4012 OF THE ANTIOCH MUNICIPAL CODE REGARDING SUNSET OF THE
RESIDENTIAL DEVELOPMENT ALLOCATION PROGRAM ORDINANCE**

WHEREAS, the Planning Commission of the City of Antioch did receive an application from the **City of Antioch** requesting approval of an amendment to Section 9-5.4012 of the Antioch Municipal Code regarding the sunset of the Residential Development Allocation (RDA) program ordinance (Z-12-01); and,

WHEREAS, Pursuant to CEQA Statutes Section 15061(b) (3), the proposed changes to the Antioch Municipal Code do not meet the definition of a “project” under CEQA because the proposed changes will not cause a direct or reasonably foreseeable indirect physical change in the environment; and,

WHEREAS, on December 8, 2010, the City Council adopted a resolution of intention to initiate an amendment to the RDA Ordinance in order to continue to phase the rate of residential growth in the City consistent with Measure U; and,

WHEREAS, on January 26, 2010, the City Council provided further direction to staff regarding an amendment to the RDA Ordinance particularly as to development impact fees and growth metering and directed that staff work with the existing RDA Subcommittee to further discuss issues and draft amendments to the RDA Ordinance; and,

WHEREAS, on March 9, 2010, due to timing constraints and limited staff resources, the sunset date of the ordinance was extended to May 1, 2011; and,

WHEREAS, on March 22, 2011, due to timing constraints and limited staff resources, the sunset date of the ordinance was extended to May 1, 2012; and

WHEREAS, due to timing constraints and limited staff resources additional time will be needed for this effort; and

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

WHEREAS, on March 7, 2012, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission, after reviewing the staff report and considering testimony offered, does hereby recommend

RESOLUTION NO. 2012-**

March 7, 2012

Page 2

that the City Council **APPROVE** an amendment to Section 9.5-4012 of the Antioch Municipal Code in order to extend the sunset date of the ordinance to May 1, 2013 (Z-12-01).

* * * * *

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 7th day of March, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tina Wehrmeister, Secretary to the
Planning Commission

ATTACHMENT "A"

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF ANTIOCH AMENDING SECTION 9-5.4012 OF THE ANTIOCH MUNICIPAL CODE REGARDING SUNSET OF THE RESIDENTIAL DEVELOPMENT ALLOCATION PROGRAM ORDINANCE

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

SECTION 1. Recitals and Findings (not to be codified). Section 9-5.4012 of the Antioch Municipal Code provides that the Residential Development Allocation Program Ordinance ("RDA Ordinance") will sunset on May 1, 2012 unless the City Council adopts an ordinance to re-enact or amend it. This sunset provision was added to the ordinance in 2005 and was not part of the original ordinance. On December 8, 2009, the City Council adopted a resolution of intention to initiate an amendment to the RDA Ordinance in order to continue to phase the rate of residential growth in the City consistent with Measure U because of on-going factors such as: infrastructure and public facility needs including but not limited to highway improvements, school capacity and police services; provision of housing opportunities for all economic segments of the community; requirement to meet regional housing allocation numbers; and desire to encourage reinvestment in older neighborhoods. On January 26, 2010, the City Council provided further direction to staff regarding an amendment to the RDA Ordinance particularly as to development impact fees and growth metering and directed that staff work with the existing RDA Subcommittee to further discuss issues and draft amendments to the RDA Ordinance. On March 3, 2010, the City Council approved an extension of the sunset date of the RDA Ordinance to May 1, 2011 and on March 22, 2011 the City Council again extended the sunset date to May 1, 2012. However, due to timing constraints and limited staff resources, additional time will be needed for this effort, so the City Council finds that it is appropriate to extend the sunset date of the RDA Ordinance by 12 months to May 1, 2013.

SECTION 2. Amendment to the Municipal Code. Section 9-5.4012 is amended to read as follows:

§9-5.4012 SUNSET OF ARTICLE.

This article shall have no further validity or effectiveness following May 1, 2013. At that time, the City Council shall re-examine the factors leading to the adoption of this article, as specified in Sections 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.

SECTION 3. CEQA. This Ordinance amendment is subject to the CEQA exemption contained in CEQA Guideline section 15061(b)(3) because it can be seen with certainty that there is no possibility that it may have a significant effect on the environment. The environmental review for the RDA Ordinance was a Mitigated Negative Declaration filed in 2002. The RDA Ordinance was subsequently incorporated into the General Plan's Growth Management Element with environmental review pursuant to an Environmental Impact Report

dated 2003. Neither the original RDA ordinance nor the General Plan contained the sunset clause, so there are no changes or additions necessary to either the Mitigated Negative Declaration for the RDA Ordinance or to the EIR for the General Plan. Further, extending for one year the sunset clause subsequently added to the RDA ordinance is not a substantial change to the RDA ordinance that would require major revisions to the General Plan EIR or additional environmental review pursuant to the Mitigated Negative Declaration for the original RDA Ordinance. In addition, there have not been substantial changes in circumstances or new information that that would require a subsequent EIR.

SECTION 4. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 5. Effective Date. This Ordinance shall take effect thirty (30) days after adoption as provided by Government Code Section 36937.

SECTION 6. Publication; Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was introduced at adjourned regular meeting of the City Council of the City of Antioch held on the ___ day of _____ 2011 and passed and adopted at a regular meeting thereof, held on ___ day of _____ 2011, by the following vote:

AYES:

NOES:

ABSENT:

MAYOR OF THE CITY OF ANTIOCH

ATTEST:

CITY CLERK OF THE CITY OF ANTIOCH

A2