

# ANNOTATED

## AGENDA

#### CITY OF ANTIOCH PLANNING COMMISSION

#### WEDNESDAY, JULY 1, 2020

#### 6:30 P.M.

# PURSUANT TO GOVERNOR GAVIN NEWSOM'S EXECUTIVE ORDER N-29-20 THIS MEETING WILL BE HELD AS A TELECONFERENCE MEETING.

Observers may view the meeting livestreamed via the Planning Division's website at: <u>https://www.antiochca.gov/community-development-department/planning-division/planning-commission-meetings/</u>.

Or the public may attend the webinar by using the following link: https://zoom.us/j/92639878065. Webinar ID: 917 5143 7965. Alternatively, the public may participate in the webinar with the following audio-only options:

Telephone: Dial (for higher quality, dial a number based on your current location): US: (669) 900-6833 (408) 638-0968 (346) 248-7799 (253) 215-8782 (301) 715-8592 (312) 626-6799 (646) 876-9923

International numbers available: https://zoom.us/u/abaogzZiS8

#### iPhone one-tap: (669) 900-6833,91751437965# or (408) 638-0968,91751437965#

## <u>APPEAL</u>

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**, **JULY 9**, **2020**.

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

Commissioners

Schneiderman, Chair Martin, Vice Chair Barrow Motts Parsons Soliz

## 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.	APPRO	VAL C	OF MIN	UTES:	A. B. C.	May 6, May 20 June 3,	2020 , 2020 2020	APF APF APF	PROVED PROVED PROVED	) ) )
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END OF CONSENT CALENDAR

# **NEW PUBLIC HEARING**

2. The applicant, Richland Planned Communities, Inc. is requesting approval of a master planned residential community consisting of 1,177 residential units over 253.50 acres on a 551.50-acre site, including Low Density (LD), Medium Density (MD), and Age Restricted (AR) units; a 5.00-acre Village Center consisting of commercial, office, and retail space; 3.00 acres of public services facilities, including a new fire station site and a trail staging area; approximately 22.50 acres of public parks and landscaped areas; 229.50 of open space including trails; and 38.00 acres of roadway improvements. Necessary approvals from the City include: certification of an Environmental Impact Report; General Plan Amendments including changes to the land use map, text, Circulation Element, and Housing Element; Rezone to Planned Development District; approval of a Master Development Plan; Design Review and adoption of Design Guidelines, approval of a Resource Management Plan, and a approval of a Development Agreement.

The project site is located within the Sand Creek Focus Area of the General Plan. The project site is surrounded by a single-family residential subdivision to the north, undeveloped land to the south, Deer Valley Road and Kaiser Permanente Antioch Medical Center to the east, and undeveloped land and Empire Mine Road to the west (APNs: 057-010-002, 057-010-003, and 057-021-003).

RESOLUTION NOS. 2020-13, 14, 15, 16, 17

#### **ORAL COMMUNICATIONS**

#### WRITTEN COMMUNICATIONS

# COMMITTEE REPORTS

## ADJOURNMENT (8:55 pm)

## **Notice of Availability of Reports**

Copies of the documents relating to this proposal are available for review at <u>https://www.antiochca.gov/fc/community-development/planning/Project-Pipeline.pdf</u>. The staff report and agenda packet will be posted on Friday, June 26, 2020, at <u>https://www.antiochca.gov/government/agendas-and-minutes/planning-commission/</u>

## Notice of Opportunity to Address the Planning Commission

There are two ways to submit public comments to the Planning Commission:

- Prior to 3:00 the day of the meeting: Written comments may be submitted electronically to the Secretary to the Planning Commission at the following email address: <a href="mailto:planning@ci.antioch.ca.us">planning@ci.antioch.ca.us</a>. All comments received before 3:00 pm the day of the meeting will be provided to the Planning Commissioners at the meeting. Please indicate the agenda item and title in your email subject line.
- <u>After 3:00 the day of the meeting and during the meeting:</u> Please refer to the Planning Division's website for instructions on how to comment after 3:00 the day of the meeting and during the Planning Commission meeting: <u>https://www.antiochca.gov/community-development-department/planningdivision/planning-commission-meetings/</u>.

Comments will be read into the record by staff (not to exceed three minutes at staff's cadence) when the chair of the Planning Commission opens the public comment period for the relevant agenda item.

#### **Accessibility**

In accordance with the Americans with Disabilities Act and California law, the City of Antioch offers its public programs, services and meetings in a manner that is readily accessible to everyone, including individuals with disabilities. If you are a person with a disability and require information or materials in an appropriate alternative format; or if you require any other accommodation, please contact the ADA Coordinator at the number or email address below at least 72 hours prior to the meeting or when you desire to receive services. Advance notification within this guideline will enable the City to make reasonable arrangements to ensure accessibility. The City's ADA Coordinator can be reached @ Phone: (925) 779-6950 and e-mail: publicworks@ci.antioch.ca.us.

#### CITY OF ANTIOCH PLANNING COMMISSION

Regular Meeting 6:30 p.m.

May 6, 2020 Meeting Conducted Remotely

The City of Antioch, in response to the Executive Order of the Governor and the Order of the Health Officer of Contra Costa County concerning the Novel Coronavirus Disease (COVID-19), held Planning Commission meetings live stream (at https://www.antiochca.gov/community-development-department/planning-division/planning-commission-meetings/.). The Planning Commission meeting was conducted utilizing Zoom Audio/Video Technology.

Vice Chair Schneiderman called the meeting to order at 6:35 P.M. on Wednesday, May 6, 2020. She announced that because of the shelter-in-place rules issued as a result of the coronavirus crisis, tonight's meeting was being held in accordance with the Brown Act as currently in effect under the Governor's Executive Order N-29-20, which allowed members of the Planning Commission, City staff, and the public to participate and conduct the meeting by electronic conference. She stated anyone wishing to make a public comment, may do so by submitting their comments using the online public comment form at www.antiochca.gov/community-development-department/planning-division/planning-commission-meetings/. Public comments that were previously submitted by email have been provided to the Planning Commissioners. She stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 P.M. on Wednesday, May 13, 2020.

# ROLL CALL

Present: Commissioners Parsons, Motts, Martin, Soliz, Barrow, and Vice Chair Schneiderman Staff: Director of Community Development, Forrest Ebbs Planning Manager, Alexis Morris Associate Planner, Kevin Scudero Associate Planner, Jose Cortez Administrative Analyst II, Phil Hoffmeister City Attorney, Thomas Lloyd Smith Minutes Clerk, Kitty Eiden

# PLEDGE OF ALLEGIANCE



## PUBLIC COMMENTS

In response to Commissioner Soliz, Planning Manager Morris reported that the Planning Commission received emailed comments on items not on the agenda this evening and she would be discussing them during Written Communications. She introduced new Planning Commissioner Timothy Barrow to the Commission.

Commissioner Barrow introduced himself and thanked the Commission for welcoming him to the meeting.

The Planning Commission welcomed Mr. Barrow to the Planning Commission.

## CONSENT CALENDAR

1. Approval of Minutes: None

#### **NEW PUBLIC HEARINGS**

2. UP-20-02, AR-20-03 - Cielo at Sand Creek – The applicant, Century Communities requests a use permit and design review approval for home size modifications, new architecture for the homes and revised amenity building to the previously approved development for the Cielo at Sand Creek Subdivision. The modifications would eliminate the Active Adult product from the project and propose ten new floor plans and architecture, and in addition revises the amenity building. The project site is located on the west side of Heidorn Ranch Road south of Prewett Ranch Road and the east side of Hillcrest Avenue north of the future extension of Sand Creek Road.

Associate Planner Cortez presented the staff report dated May 6, 2020 recommending the Planning Commission approve the resolution recommending that the City Council approve the Use Permit and Design Review application for home size modifications home architecture and redesign of the amenity building.

In response to Commissioner Martin, Associate Planner Cortez explained that the proposed changes included architecture, removal of active adult component and revising some of the originally approved amenities. He noted the in-lieu park fee would go toward funding other public parks and amenities.

In response to Commissioner Barrow, Associate Planner Cortez clarified that there were no additional impacts from the proposed modifications. He confirmed that other departments had reviewed the revisions and agreed with staff recommendations. In response to Commissioner Motts, Associate Planner Cortez explained that the original EIR analyzed both single family and active adult individually, so impacts for the development were already considered. He added that this project along with the Aviano project would build out Sand Creek Road so concerns regarding traffic on Prewett Ranch Drive would be alleviated.

In response to Vice Chair Schneiderman, Planning Manager Morris reiterated that the EIR analyzed both active adult and a single-family community, so all impacts were analyzed in the original approval of this project.

Commissioner Parsons commented that children living in this community would be attending Brentwood schools.

Commissioner Soliz questioned what rationale was used for removing the active adult portion of the project.

Associate Planner Cortez responded that it was a business decision by the development team to help alleviate some of the high HOA dues and home prices.

Vice Chair Schneiderman opened the public hearing.

Jeff Inabnit, Century Communities, thanked staff and the Commission for their time. He stated that they were excited that new plans would start a positive momentum for the project and more opportunities for families to find a home in Antioch. He explained that the proposed changes were to provide more opportunities for the project and marketplace.

In response to Commissioner Motts, Mr. Inabnit explained the market data showed that their product was not well received by the active adult buyer, so the proposed changes would allow more families to buy their homes.

Commissioner Barrow stated that the City was supporting Century Communities and wishing them the best in the completion of their project. He welcomed them to Antioch.

In response to Commissioner Barrow, Mr. Inabnit confirmed that market conditions had changed, and they were adjusting to respond to those changes. He explained that the modifications had not changed the unit count for the project.

Commissioner Barrow commended Mr. Inabnit for including a community center in the project.

In response to Commissioner Barrow, Mr. Inabnit explained that the smaller footprint for the clubhouse had expanded the open space. He reported they had 64 homes built and they were currently on hold to get this approval. He noted they completed the common area facilities per the development agreement, and they were planning on constructing 337 units in the first three phases of the project.

In response to Commissioner Parsons, Planning Manager Morris explained the phasing plan for the improvements to Sand Creek Road.

In response to Vice Chair Schneiderman, Planning Manager Morris explained that this area of the City was within the Brentwood School District. She noted when this project went through the entitlement process, it required a General Plan amendment and at that time the Brentwood School District was provided the opportunity to comment.

Commissioner Parsons thanked the applicant for bringing his project to Antioch and stated she visited the development and it was an upgrade to the City's environment.

Vice Chair Schneiderman closed the public hearing.

Vice Chair Schneiderman reported she drove by the project after reading public comment regarding excessive traffic in the area and she did not see the issue. She felt the smaller square footage plans would be more affordable for younger families.

Commissioner Parsons stated she also drove by the project and did not see an issue. She felt illegal activity occurring in the area was an enforcement issue and should be reported to the Antioch Police Department.

Commissioner Barrow stated he also visited the project and was impressed. He agreed with Commissioner Parsons assessment that traffic concerns were an enforcement issue.

Commissioner Martin stated he also drove by the project and he liked the new designs. He stated with the change to a family product, the applicant may consider expanding the park area.

Commissioner Motts stated he also liked the new design and while he was sorry to lose the senior component, he realized it was within the applicant's rights given the original approval.

## RESOLUTION NO. 2020-08

On motion by Commissioner Barrow, seconded by Commissioner Parsons, the Planning Commission approved the resolution recommending that the City Council approve the Use Permit and Design Review application for home size modifications.

The motion carried the following vote:

AYES:	Motts, Parsons, Martin, Soliz, Barrow and Schneiderman
NOES:	None
ABSTAIN:	None
ABSENT:	None

#### RESOLUTION NO. 2020-09

On motion by Commissioner Parsons, seconded by Commissioner Soliz, the Planning Commission approved the resolution recommending that the City Council approve of the revised design of Parcel "C" Park Phases 1, 2 and 3 for Cielo at Sand Creek Subdivision eliminating "spa" from the third bullet of page 2 of the resolution.

The motion carried the following vote:

AYES:	Motts, Parsons, Martin, Soliz, Barrow and Schneiderman
NOES:	None
ABSTAIN:	None
ABSENT:	None

The Planning Commission thanked Cielo for building their project in Antioch.

3. Z-18-01, UP-18-04, AR-18-06, PW-357-RA-57 - AMCAL Family/Senior Apartments Development Agreement – The applicant, AMCAL Multi-Family Housing, Inc. requests approval of a development agreement for the previously approved AMCAL Family/Senior Apartments project. The project site is located at the Southwest corner of East Eighteenth Street and Holub Lane (APNs 051-200-025 and 051-200-026)

Associate Planner Scudero presented the staff report dated May 6, 2020 recommending the Planning Commission approve the resolution recommending that the City Council adopt an ordinance approving the development agreement between the City of Antioch and AMCAL Antioch Fund, LP.

In response to Commissioner Martin, Director of Community Development Ebbs reported that the Fire District had agreed to the terms of the development agreement. Associate Planner Scudero explained that they would annex into the Police Services CFD upon payment, but they would not be levied any taxes for the first 15-years because the upfront payment would be covering those years.

Commissioner Barrow congratulated the developer for building affordable housing project and wished them the best with their proposal.

Vice Chair Schneiderman opened the public hearing.

Ramin Kianfar, Senior Project Manager for AMCAL, thanked the Commission and staff for the opportunity to present their project. He stated he was available to answer any questions this evening. He commented that Development Agreement stipulated that the upfront CFD payments were to be paid at the time of certificate of occupancy and not at the time of pulling the permits.

Director of Community Development Ebbs confirmed that the development impact fees would be assessed at the time of occupancy.

Vice Chair Schneiderman stated it was a wonderful project and would be an asset to the community.

Commissioner Parsons thanked the applicant for designing an excellent project in a great location.

Mr. Kianfar thanked the City for the opportunity to build their project in Antioch.

Vice Chair Schneiderman closed the public hearing.

Vice Chair Schneiderman thanked the applicant and wished him luck with his project.

Commissioner Motts agreed that this was the right project for the area.

# RESOLUTION NO. 2020-10

On motion by Commissioner Motts, seconded by Commissioner Barrow, the Planning Commission approved the resolution recommending that the City Council adopt an ordinance approving the development agreement between the City of Antioch and AMCAL Antioch Fund, LP.

#### The motion carried the following vote:

AYES:	Motts, Parsons, Martin, Soliz, Barrow and Schneiderman
NOES:	None
ABSTAIN:	None
ABSENT:	None

#### 4. Election of Chair and Vice Chair

Planning Manager Morris presented the staff report dated May 6, 2020 recommending the Planning Commission nominate and elect a Chair and Vice-Chair.

Commissioner Parsons nominated Vice Chair Schneiderman as Chair of the Planning Commission.

Chair Schneiderman thanked Commissioner Parsons for the nomination.

With no other nominations, Commissioner Parsons made the following motion.

# On motion by Commissioner Parsons, seconded by Commissioner Motts, the Planning Commission unanimously appointed Vice Chair Schneiderman as Chair.

The motion carried the following vote:

AYES:	Motts, Parsons, Martin, Soliz, Barrow and Schneiderman
NOES:	None
ABSTAIN:	None
ABSENT:	None

Commissioner Motts nominated Commissioner Martin as Vice-Chair.

Commissioner Barrow stated he wanted to nominate Commissioner Motts or Commissioner Parsons as Vice-Chair given their seniority on the Planning Commission. Both Commissioner Motts and Parsons thanked Commissioner Barrow for the vote of confidence and explained that they had previously served as Chair. They commented that Commissioner Martin had previously been on the Commission and he was very knowledgeable.

Commissioner Soliz stated he supported the following motion and discussed the importance of building a succession of leadership.

On motion by Commissioner Motts, seconded by Commissioner Parsons, the Planning Commission unanimously appointed Commissioner Martin as Vice Chair.

#### The motion carried the following vote:

AYES:	Motts, Parsons, Martin, Soliz, Barrow and Schneiderman
NOES:	None
ABSTAIN:	None
ABSENT:	None

The Commission congratulated newly appointed Chair Schneiderman and Vice Chair Martin.

Commissioner Martin thanked the Commission for their vote in confidence.

#### ORAL COMMUNICATIONS

None.

## WRITTEN COMMUNICATIONS

Planning Manager Morris reported that staff had forwarded some written communications via email.

## **COMMITTEE REPORTS**

Commissioner Motts reported that the TRANSPLAN meeting would be held next week via Zoom audio/video technology.

In response to Commissioner Martin, Planning Manager Morris stated if Commissioners wished to have the next packet placed in their binders, they could return them to a cart located on the second floor of City Hall. She noted if they preferred, packets could be provided without binders.

Commissioner Martin stated he would prefer his packet without a binder, and he would be returning his binder to the cart in City Hall.

Commissioner Parsons stated she had turned in her binder a while ago as she felt it was too bulky.

Vice Chair Schneiderman and Commissioner Motts stated they would keep the binder and her packet could be provided in a folder or envelope.

Commissioner Barrow stated he preferred using the binder.

Planning Manager Morris explained that during the Shelter in Place staff would be delivering packets to the Commissioners homes the Friday prior to the meeting.

Commissioner Barrow commended staff for their findings and recommendations for the agenda items this evening. He noted they were precise and to the point.

#### **ADJOURNMENT**

On motion by Commissioner Martin, seconded by Commissioner Barrow, the Planning Commission unanimously adjourned the meeting at 7:50 р.м.

The motion carried the following vote:

AYES:Motts, Parsons, Martin, Soliz, Barrow and SchneidermanNOES:NoneABSTAIN:NoneABSENT:None

Respectfully submitted: KITTY EIDEN, Minutes Clerk

#### CITY OF ANTIOCH PLANNING COMMISSION

Regular Meeting 6:30 P.M.

May 20, 2020 Meeting Conducted Remotely

The City of Antioch, in response to the Executive Order of the Governor and the Order of the Health Officer of Contra Costa County concerning the Novel Coronavirus Disease (COVID-19), held Planning Commission meetings live stream (at https://www.antiochca.gov/community-development-department/planning-division/planning-commission-meetings/.). The Planning Commission meeting was conducted utilizing Zoom Audio/Video Technology.

Chair Schneiderman called the meeting to order at 6:32 P.M. on Wednesday, May 20, 2020. She announced that because of the shelter-in-place rules issued as a result of the coronavirus crisis, tonight's meeting was being held in accordance with the Brown Act as currently in effect under the Governor's Executive Order N-29-20, which allowed members of the Planning Commission, City staff, and the public to participate and conduct the meeting by electronic conference. Anyone wishing to make a public comment, may do so by submitting their comments using the online public comment form at www.antiochca.gov/community-development-department/planning-division/planning-commission-meetings/. Public comments previously submitted by email have been provided to the Planning Commissioners. All items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 P.M. on Wednesday, May 28, 2020.

## ROLL CALL

Present:	Commissioners Motts, Soliz, Barrow, Vice Chair Martin and Chair
	Schneiderman
Absent:	Commissioner Parsons
Staff:	Director of Community Development, Forrest Ebbs
	Planning Manager, Alexis Morris
	Associate Planner, Zoe Merideth
	Project Manager, Scott Buenting
	City Attorney, Thomas Lloyd Smith
	Minutes Clerk, Kitty Eiden

## PLEDGE OF ALLEGIANCE

## PUBLIC COMMENTS

None.

# CONSENT CALENDAR

#### 1. Approval of Minutes: February 19, 2020 March 4, 2020

Commissioner Soliz requested a separate vote on the minutes due to his absence at the February 19, 2020 Planning Commission meeting. Commissioner Barrow added that he had not been appointed to the Commission at the time of the February 19, 2020 and March 4, 2020 meetings, so he would also be abstaining from voting on the minutes of those meetings.

On motion by Vice Chair Martin, seconded by Commissioner Motts, the Planning Commission approved the minutes of February 19, 2020, as presented. The motion carried the following vote:

AYES:	Motts, Martin and Schneiderman
NOES:	None
ABSTAIN:	Soliz, Barrow
ABSENT:	Parsons

On motion by Vice Chair Martin, seconded by Commissioner Soliz, the Planning Commission approved the minutes of March 4, 2020, as presented. The motion carried the following vote:

AYES:	Motts, Soliz, Martin and Schneiderman
NOES:	None
ABSTAIN:	Barrow
ABSENT:	Parsons

## NEW PUBLIC HEARING

2. PDP-19-02 - Su Property Preliminary Development Plan – Philip Su requests the review of a preliminary development plan, which is not an entitlement, for the development of 132 townhomes in 22 buildings with related amenities on an 11.72-acre project site. This project is a preliminary submittal only. The purpose of this submittal is to gather feedback about any potential concerns or issues for the applicant to become aware of prior to the submittal of entitlements. The project would require the following entitlements: a General Plan Amendment, a Planned Development Rezone, a Use Permit, and Design Review. The project site is located north of Wild Horse Road, West of Hwy 4 (APN 041-022-003).

Associate Planner Merideth presented the staff report dated May 20, 2020 recommending the Planning Commission provide feedback to staff regarding the proposal and provide direction to the applicant for the Final Development Plan submittal.

In response to Commissioner Barrow, Associate Planner Merideth explained that based on the City's General Plan the proposed density would be considered high density. She commented that this project was next to Wildhorse Road and Nelson Ranch, north of Laurel Road. She reported that they had not received any comments regarding this project from the surrounding neighborhood.

In response to Vice Chair Martin, Associate Planner Merideth clarified that per state law, a City could change the General Plan up to four times per year and there had not been any approved amendments to the General Plan in 2020. She explained that the Wildhorse Road improvement plans had already been approved so the roadway would not be able to be redesigned to allow for the two units on the southside to be moved into the main project area. She stated that this applicant would be required to join CFDs for the area that were in place at the time of their approval.

In response to Commissioner Motts, Planning Manager Morris stated that the City may begin a comprehensive General Plan update this year and it would be a multi-year process.

In response to Chair Schneiderman, Planning Manager Morris confirmed that there were other 3-story multi-unit buildings in Antioch.

In response to Chair Schneiderman, Associate Planner Merideth stated that with the configuration of the project there would not be a lot of opportunity for speeding.

In response to Commissioner Barrow, Planning Manager Morris clarified that there were no other high-density projects in the immediate vicinity of this project, most of the residential developments in this area were single-family subdivisions.

Commissioner Barrow stated his concern was making sure that the project dedicated the appropriate amount of recreational open space for this community. He requested staff diligently consult with the applicant to ensure that this issue was addressed.

Chair Schneiderman opened the public hearing.

Scott Hartstein, dk Engineering and Jeff Potts, SDG Architects, thanked the Planning Commission and staff for working with them to keep the project moving forward. They introduced the development team and presented a PowerPoint presentation which included a history of the project, the original proposed preliminary development plan, and scheme C with the revisions suggested by staff. They noted scheme C would almost double the amount of usable open space and reduce the building footprint by almost half an acre.

In response to Commissioner Motts, Mr. Hartstein stated there was approximately 1.4% more hardscape in Scheme C from the original plan. Mr. Potts added that there most

likely would be private areas located within the paseo spaces; however, that has yet to be determined.

Planning Manager Morris added that in addition to parks and recreation space, the citywide design guidelines for multi-family projects had outdoor open space square footage requirements which were typically provided by adding a patio or balcony.

In response to Vice Chair Martin, Mr. Hartstein explained that this project was lower than Wildhorse Road and there was open space area between this project and the property line to the east. He commented that this project was always planned to be a multifamily project and the houses on the ridge would most likely look over this project, so it would not obstruct views.

In response to Vice Chair Martin, a representative of the applicant stated that they would work with staff to ensure that the two units on the south side of Wildhorse Road were incorporated into the project. He explained that there was security fencing along the Water District property.

A representative of the applicant added that Wildhorse Road would be used by the existing residential properties. He noted they most likely would have an HOA for maintenance and they would be working with staff on the details.

In response to Vice Chair Martin, a representative of the applicant stated that all owners would be aware that the common area/open space were public parks.

In response to Commissioner Barrow, a representative of the applicant clarified that this proposal was a modification to the original 1980 multifamily unit plan. He noted the direct adjacent single-family homes were approximately 200 feet away and up a grade.

Commissioner Barrow stated that lighting enhancements and public safety were critical for developments of this size and density. He urged the developer to factor in a sense of community.

In response to Commissioner Barrow, a representative of the applicant stated this project would be 400-feet away from the Nelson Ranch Park and he assumed when this project was originally approved, part of the open space for that park was included for this project; however, they were planning separate from that. He stated they were looking for direction from the Planning Commission on their project and they would work with staff once they received that direction.

Planning Manager Morris added that the purpose of the study session was to receive feedback on the project, which would then be turned into their submittal for the development application.

Commissioner Barrow stated he agreed with the staff report recommendations and urged the applicant to take under consideration the open space recreational areas, public safety and creating a sense of community.

Chair Schneiderman opened and closed the public hearing with no members of the public requesting to speak.

Chair Schneiderman voiced her support for Scheme C and noted that this project was needed in Antioch.

Vice Chair Martin voiced his support for Scheme C, noting it had more of a community feel. He agreed that the applicant needed to consider safety and lighting for the project. He expressed concern regarding the two units across Wildhorse and suggested staff work with the applicant to determine if they could be designed to be more inclusive or eliminated. Additionally, he suggested the applicant consider setting the floor plans to maximize privacy. He stated a traffic study needed to be conducted as part of the EIR for the project. He requested the applicant address what would be occurring in the triangle area to the west of the project. He questioned where the second access point would be located. He requested a discussion occur with regards to the boundary/border fencing with Highway 4 and the Contra Costa Canal. He directed the applicant to define their HOA guidelines for maintenance/landscaping of the public areas.

Commissioner Motts voiced his support of Scheme C. He noted that currently houses overlook a freeway wall so he believed this project would be more attractive and provide a sound barrier for those houses. He suggested raising the trail crossings on the roadway to create a speed table to slow traffic and provide a walkway for residents. He encouraged the applicant to plant as much native trees and vegetation, as possible. He stated he looked forward to seeing how the applicant incorporated the two units located across the street into the project.

Commissioner Soliz voiced his support for Scheme C. He also stated he did not know how the two units across Wildhorse would be connected to the development. He agreed that public safety was important and questioned what the impact of the project would be on the School District. He stated he supported including native species of vegetation in the project. He questioned if the project was going to have a gated access.

A representative of the applicant responded that they had not determined if the project would be gated. With regards to the Water District property, he noted there was a keycode entrance by the railroad tracks, so it was a secure facility. He added that they had been in contact with the Water District and they were not aware of any problems they had with regards to securing the site.

Commissioner Barrow stated they did not want adjacent residential homes to be dwarfed by this project. He reported that building codes had changed with regards to energy efficiency and suggested the applicant consider how the location of solar panels would impact surrounding neighbors. He stated he was impressed with the design schematic and commended the applicant on their proposal. He noted it would be a great addition and it was a much-needed housing product.

In response to Commissioner Barrow, a representative of the applicant stated the units would be for sale.

In response to Commissioner Barrow, Planning Manager Morris explained that if the application were submitted in the next couple of months, it would likely be before the Planning Commission and City Council early next year.

Commissioner Barrow commended the applicant on the project and urged them to take all the Commission's feedback into consideration when developing a final application for the project.

In response to Commissioner Soliz, a representative of the applicant stated that this project was designed for first time buyers and they did not want to compete with larger single-family homes, so they would be priced accordingly depending on what the market would bare. He noted they had done similar projects in other communities within the bay area.

Planning Manager Morris stated that the next steps would be that the applicant taking the Commissions' and staff's recommendations and folding them into a submittal. She reported the design for Wildhorse Road had been approved and she believed its construction would begin this calendar year. She noted it would serve this development and the Water District better than what was currently in place.

A representative of the applicant added that Wildhorse Road would dead-end at the freeway.

Planning Manager Morris stated that Laurel Road once completed would access the freeway. She noted that at some time in the future, Slatten Ranch Road would connect Wildhorse Road and continue going north.

Chair Schneiderman thanked the applicant for the presentation and investing in Antioch.

#### NEW ITEM

3. **PW-150-20 – The City of Antioch** is requesting a determination that the 2020-2025 Capital Improvement Program is consistent with the Antioch General Plan, which includes a determination that any acquisition or disposition of property identified in the project description for each project in the Capital Improvement Program is consistent with the General Plan.

Project Manager Buenting presented the staff report dated May 20, 2020 recommending the Planning Commission determine that the 2020-2025 Capital Improvement Program is consistent with the Antioch General Plan, which includes a determination that any

acquisition of disposition of property identified in the project description for each project in the Capital Improvement Program is consistent with the General Plan.

In response to Commissioner Soliz, Project Manager Buenting stated that they had investigated the funding sources for the CIP projects, and they were confident that they were being fiscally responsible.

In response to Commissioner Barrow, Project Manager Buenting stated that staff believed the CIP was consistent with the Antioch General Plan and they were hoping that the Planning Commission would confirm staff's findings. He explained that Council approved the two-year CIP that included a budget last year and they returned yearly with the revisions to the plan. He further noted they typically funded the project when it commenced; however, the project may not be completed within the same year. He added that in some cases the initial funding was for the design stage that rolled over into construction.

Vice Chair Martin commended staff for providing a document that was easily understood. He commented that there were three project of concerns, projects 7363, 7697 and 7955 which showed that funding did not occur until after the project was set for completion.

Project Manager Buenting stated that he would investigate the inconsistencies prior to the CIP going to Council for approval. He recognized staff for all their time making the document readable.

Chair Schneiderman opened and closed the public comment period with no members of the public requesting to speak.

## RESOLUTION NO. 2020-11

On motion by Commissioner Barrow, seconded by Commissioner Motts, the Planning Commission determined that the 2020-2025 Capital Improvement Program was consistent with the Antioch General Plan, which includes a determination that any acquisition of disposition of property identified in the project description for each project in the Capital Improvement Program was consistent with the General Plan.

The motion carried the following vote:

AYES:	Motts, Soliz, Barrow, Martin and Schneiderman
NOES:	None
ABSTAIN:	None
ABSENT:	Parsons

## ORAL COMMUNICATIONS

Commissioner Motts stated that whoever dropped off his agenda packet did not pick up his binder so he would be bringing it back to City Hall.

Director of Community Development Ebbs stated that while social distancing guidelines were in place, there would be a rack on the second floor outside the door available to place his binder.

#### WRITTEN COMMUNICATIONS

None.

## **COMMITTEE REPORTS**

Commissioner Motts reported on his attendance at a virtual TRANSPLAN meeting.

Chair Schneiderman thanked the City for making the Zoom meeting easy and providing the applicant the ability to make his PowerPoint presentation.

#### ADJOURNMENT

On motion by Commissioner Soliz, seconded by Commissioner Motts, the Planning Commission unanimously adjourned the meeting at 8:00 P.M. The motion carried the following vote:

AYES:Motts, Martin, Soliz, Barrow and SchneidermanNOES:NoneABSTAIN:NoneABSENT:Parsons

Respectfully submitted: KITTY EIDEN, Minutes Clerk

#### CITY OF ANTIOCH PLANNING COMMISSION

Regular Meeting 6:30 p.m.

June 3, 2020 Meeting Conducted Remotely

The City of Antioch, in response to the Executive Order of the Governor and the Order of the Health Officer of Contra Costa County concerning the Novel Coronavirus Disease (COVID-19), held Planning Commission meetings live stream (at https://www.antiochca.gov/community-development-department/planning-division/planning-commission-meetings/.). The Planning Commission meeting was conducted utilizing Zoom Audio/Video Technology.

Chair Schneiderman called the meeting to order at 6:30 P.M. on Wednesday, June 3, 2020. She announced that because of the shelter-in-place rules issued as a result of the coronavirus crisis, tonight's meeting was being held in accordance with the Brown Act as currently in effect under the Governor's Executive Order N-29-20, which allowed members of the Planning Commission, City staff, and the public to participate and conduct the meeting by electronic conference. She stated anyone wishing to make a public comment, may do so by submitting their comments using the online public comment form at www.antiochca.gov/community-development-department/planning-division/planning-commission-meetings/. Public comments that were previously submitted by email have been provided to the Planning Commissioners. She stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 P.M. on Wednesday, June 10, 2020.

# ROLL CALL

Present: Commissioners Parsons, Motts, Soliz, Barrow, Vice Chair Martin and Chair Schneiderman Staff: Director of Community Development, Forrest Ebbs Planning Manager, Alexis Morris Director of Public Works, John Samuelson City Attorney, Thomas Lloyd Smith Minutes Clerk, Kitty Eiden

## PLEDGE OF ALLEGIANCE

## **PUBLIC COMMENTS**

None.



#### **NEW PUBLIC HEARING**

1. Emergency Shelter Zoning Amendment/Fitzuren Rezone – The City of Antioch proposes to amend Title 9, Chapter 5 of the Antioch Municipal Code (Zoning Ordinance) to: a) modify the definition of "Emergency Shelter" to include recreational vehicle parks and other alternative shelters; b) introduce alternative development and operational standards for Emergency Shelters; and c) change the zoning designation of the following parcels as follows: 1). Three parcels located on Fitzuren Road identified as APN 067-342-013, 067-342-002, and 067-342-001. The current zoning is Neighborhood/Community Commercial District (C-2). The proposed zoning is Neighborhood/Community Commercial District (C-2) with an Emergency Shelter (ES) Zoning Overlay. 2.) The parcel located at 301 W. 10th Street (APN 067-080-038). The current zoning is Downtown Specific Plan (DSP) with a designation of Neighborhood Commercial (C-N). The proposed zoning is Downtown Specific Plan (DSP) with a designation of Neighborhood Commercial (C-N) with an Emergency Shelter (ES) Zoning Overlay. 3.) The parcels located at 615 A Street (APN 066-162-038, 007). The current zoning is Downtown Specific Plan (DSP) with a designation of High Density Residential (HDR). The proposed zoning is Downtown Specific Plan (DSP) with a designation of High Density Residential (HDR) with an Emergency Shelter (ES) Zoning Overlay. 4.) The parcel identified as APN 065-020-002 located on Fulton Shipyard Road. The current zoning is Open Space (OS) and Heavy Industrial (M-2). The proposed zoning is Open Space (OS) and Heavy Industrial (M-2) with an Emergency Shelter (ES) Zoning Overlay.

Director of Community Development Ebbs presented the staff report dated June 3, 2020 and PowerPoint Presentation recommending the Planning Commission recommend that the City Council adopt the Ordinance a) making text changes to the Antioch Municipal Code and b) recommend that the City Council rezone any, all, or none of the sites to add an Emergency Shelter (ES) Zoning Overlay.

In response to Commissioner Motts, Director of Community Development Ebbs explained that the 6-month restriction for the use of the trailers would be part of the programmatic details, which would be worked out by the City Council and staff. He noted that the desired outcome was to have all five trailers in one location, under one program. He further noted that the RFP was for a program that would assist families of students in the Antioch Unified School District.

In response to Chair Schneiderman, Director of Community Development Ebbs confirmed that there would be one family per trailer. He apologized that that was new information that he did not have at the time when the public hearing notices were sent out. He commented that each site would be serviceable with water, sewer and electrical to meet City codes.

In response to Vice Chair Martin, Director of Community Development Ebbs stated at this time the City was only considering these four locations. He explained that the proposed text amendments would expand the exception for people living in RVs to emergency shelter zoning overlays.

In response to Commissioner Soliz, Director of Community Development Ebbs stated that he did not have the statistics regarding homeless families in Antioch; however, there were an astounding number in the Antioch Unified School District (AUSD). He commented that the Antioch Police Department had not issued a statement on this proposal; however, he did not believe they were concerned about crime resulting from a family program. He noted the goal was to create a safe environment. He commented that they would verify enrollment in AUSD, prior to participation in the program. He noted that the city was working in partnership with the County to develop a different kind of program at the cityowned parcel on Delta Fair Boulevard.

Commissioner Soliz questioned if the City had discussed the use of the fairground's property for this program with the State.

Commissioner Barrow commented that the Planning Commission had received significant comments and concerns from the community regarding the rezoning of the properties, which he found to be valid. He applauded staff for their findings and discussed the state mandate requiring California cities to accommodate homeless shelters in at least one zoning district. He reported that the City had received five trailers from the State to house homeless families and the City Council directed staff to identify, and pursue options for city owned properties, which had been identified this evening.

In response to Commissioner Barrow, Director of Community Development Ebbs explained that the City Council's project included the placement of five travel trailers on one of the proposed sites, landscaping, fencing, securing of the site, utilities, other amenities, and an operational component. He clarified that the emergency shelter zoning overlay made the future development of the project non-discretionary. He commented that the City of Antioch was the property owner; therefore, the City Council played a duel roll of administering the zoning ordinance of the site and representing their property interest. He noted this evening the Planning Commission was considering zoning and that issues regarding how to manage the property was a decision to be made by the City Council. He further noted that under state law the right to develop an emergency shelter must come with the zoning. He stated the trailers would be positioned as soon as the utilities, infrastructure and operational agreement was in place. He noted the program would continue as long as the trailers were usable, serviceable and there was funding for the operations.

Planning Manager Morris clarified that the definition of emergency shelters limited occupancy to 180 days or less.

Director of Community Development Ebbs added that he believed the trailers would be utilized for the life of the trailer and beyond that, the City Council would decide how to continue to use the sites. He commented that the trailers would be secured but there would not be permanent foundations.

Commissioner Parsons reported that she had heard there were 600 homeless children in AUSD.

In response to Commissioner Parsons, Director of Community Development Ebbs stated he was unsure of the life of the trailer; however, the program would continue until there was no longer a need or something else replaced it.

Chair Schneiderman opened the Public Hearing.

Speaker one thanked Commissioner Barrow for his comments and asking some of her questions. She questioned if there was any mention of the parents of the children in the AUSD being required to be tax paying residents of the city.

Director of Community Development Ebbs responded that he had not heard that residency standards would be a consideration. He apologized and explained that for public comment, they could not have a dialog. He stated her questions should be directed to the Commission.

City Attorney Smith explained that the period for public comment was a time for the speaker to make their statements and not a time for discussion between the speaker and staff or the Commission.

Speaker one stated that the tax paying residents' requirement should be part of the application process. She stated she wanted to know what the application process consisted of and what programmatic means. She noted they wanted to help families and children in need. She further noted there were larger homeless issues in Antioch, and this program may not be in the best interest of the city. She stated that her questions may be for the City Council.

Speaker two stated he looked at all of the sites and he did not believe Fitzuren Road location would be appropriate due to its proximity to the freeway and high voltage lines.

Speaker three, stated the proposed sites were all in the downtown area and she was concerned that it would give a larger discrepancy within Antioch. She stated a permanent program in a residential area was concerning because they were already experiencing a lot of homeless issues. She noted that she did not believe this would solve the homeless issue in Antioch.

Speaker four stated he was a representative from the Antioch Model Railroad Club who rented the building at Fulton Shipyard Road for the past 36 years. He stated they were

objecting to placing the trailers in this area because this location was a city transfer yard for the landfill and vehicles drove through the yard all day long, every day, which was problematic for families with children. Additionally, it was a high crime area so they had installed very bright security lighting, which he believed would not be acceptable to residents and if they turned them off there would be less security in the area. He noted if residents were there, the lot could not be locked which would further reduce security in the area.

The following public comments were read into the record by Planning Manager Morris.

Sheilagh Driscoll expressed concern regarding the plan to rezone the property on "D" Street and Fitzuren Road noting that she did not know what the impact would be on the children and people living in those neighborhoods. She stated she was also concerned that her neighbors had not received the public hearing notice. She noted that she understood the need to help the homeless, however, she believed another area would be more appropriate.

Steven Abfalter stated he did not believe the Fitzuren Road property was a viable location for this program due to its proximity to the freeway.

Htat Aung expressed concern for locating a homeless shelter in a residential neighborhood.

Chair Schneiderman closed the Public Hearing.

Chair Schneiderman stated that she believed that whoever received housing should be a resident of Antioch and the County should be more involved. She reported that she had received and read all the public comments submitted. She noted the property with the least amount of comments was Fulton Shipyard Road; however, she did not believe it was appropriate for the trailer program. She further noted that it may be appropriate for homeless Veteran's housing. She stated the "D" Street property may be appropriate as it would not be very visible, and she did not believe there would be any negative impacts from families living in the area. She expressed concern that Fitzuren Road was a high traffic area and "A" Street was highly visible for anyone traveling to the Marina area.

In response to Commissioner Motts, Director of Community Development Ebbs stated the site design would be based on the site selected by the City Council; however, the minimum would be fencing and landscaping.

Commissioner Motts stated he supported locating the trailers in neighborhoods since they would be occupied by families with children. He noted the RFP would address the impacts that residents were concerned about. He agreed that the trailers with families would not be appropriate at the Fulton Shipyard Road or Fitzuren Road sites; however, those sites may be appropriate for another use. He noted that that was unfortunate because the remaining sites were north of the freeway and the Rivertown area had taken

most of the homeless population for decades. He commented that Governor Newsom had stated that he would make state property available so he believed the Contra Costa County Fairgrounds may be a viable option. He asked that the City Council consider that option.

Chair Schneiderman stated she also believed the fairgrounds may be a viable option.

In response to Vice Chair Martin, Director of Community Development Ebbs explained that this emergency shelter program would be under the definition of recreational vehicle park; however, other alternative housing types were disclosed as options for the future.

Vice Chair Martin stated that Fitzuren Road was not appropriate due to its proximity to the freeway and the negative impacts of noise and pollution. With regards to West 10<sup>th</sup> Street he stated this program would eliminate at least half of the parking lot and he did not know if it would leave enough room for parking needs of the Antioch Community Resources Building.

Director of Community Development Ebbs responded that the downtown specific plan reduced parking requirements so he would proceed as if a project could work there and provide all the necessary parking.

Vice Chair Martin stated "A" Street was half of a block away from a welcome to Antioch sign and this project at that location could be detrimental as to welcoming people to downtown area of Antioch. With regards to Fulton Shipyard Road, he reported that when he visited the site, he found it to be unsafe due to garbage and dump truck traffic in the area; therefore, he did not feel it was appropriate for families to be living in the area.

Commissioner Parsons stated she did not feel any of the proposed sites were appropriate. She noted Fitzuren Road was located too close to the freeway and there were no sidewalks. She further noted the West 10<sup>th</sup> Street location was a high traffic area and unsafe for pedestrians. Additionally, she noted the trailers would have to be located too close together and that would be unlivable. She commented that the City was attempting to improve their image and locating the trailers on "A" Street was not conducive to improving the area. She stated that there were trains, dump trucks and marina traffic at Fulton Shipyard Road. She stated if the Contra Costa Fairgrounds were available, it would be appropriate because the infrastructure was in place; however, she was concerned regarding how students would be able to get to school from this area. She noted if the City owned parcel on Delta Fair Boulevard was available it would have been a good area.

Commissioner Barrow stated he had visited all the proposed sites and Fitzuren Road was not appropriate. With regards to the West 10<sup>th</sup> Street location he did not recommend this area for a homeless shelter. Speaking to the "A" Street location, he noted it was the gateway to downtown and the property should be utilized to its full potential. As for the

Fulton Shipyard Road option, he noted it had 12.28 acres of land and there was a possibility for some sort of activity to occur at that location. He spoke to the importance of having a consolidation of services and noted the County Fairgrounds may be a good option. He stated he could not support the proposal this evening and suggested staff revisit potential locations other than those proposed this evening.

Director of Community Development Ebbs responded that in the past, they had discussed the fairgrounds and it was not a viable option this evening.

In response to Commissioner Barrow, Director of Community Development Ebbs explained that the fairgrounds was owned by the County and the State.

Commissioner Parsons clarified that the fairgrounds were the 23<sup>rd</sup> Agricultural District of the State of California.

Commissioner Barrow stated that it may be in the City's best interest to have a conversation with the State regarding the use of the fairgrounds since they had provided the City with the trailers and they may be able to work with the City. He suggested staff consider other potential locations that would not create any situational issues in the downtown corridor or existing residential/commercial neighborhoods.

Commissioner Parsons questioned if the Planning Commission had the option to reject all sites and direct staff to bring back alternative locations.

Director of Community Development Ebbs clarified the Planning Commission was being asked to make a recommendation to the City Council, which could be all, some or none of the proposed locations.

Commissioner Soliz thanked everyone for their comments. He stated that it was important that the City address homelessness In Antioch. He commented that he was glad he had brought up the fairground issue as a possibility because he believed it to be a viable option. He noted that they had received the trailers from the State and therefore they should go back to the State to ask them about using some of the fairgrounds property to house these facilities. He voiced his opposition to the Fitzuren Road site because of the traffic and freeway. He noted it would be dangerous for children traveling to school without sidewalks in the area. He stated they had also heard from residents in the neighborhood regarding their concerns related to their property values and while it was important to help people with unfortunate life experiences, they also had to address the issues of those living here now who were supporting the City. He commented that he was opposed to the West 10<sup>th</sup> Street location due to the parking lot issue and the impact of putting these facilities in a residential neighborhood. He stated the "A" Street location was the entryway to the Rivertown district and he did not feel it was an appropriate location. He noted the property at Fulton Shipyard Road may be the best location as it would have a minimal impact to the area. He recommended directing staff to contact the State regarding the viability of the fairground property. He stated if it was determined not to be a viable option, he would forward the item to Council with a recommendation for rezoning the property at Fulton Shipyard Road. He commented Tri Delta Transit could be approached regarding a route modification for the fairground's location. He wished the City Council and staff the best in working with the County on addressing the shelter on Delta Fair Boulevard.

A motion was made by Commissioner Soliz to recommend to the City Council approval of an ordinance to amend the zoning map and zoning ordinance to apply an emergency shelter zoning overlay and address alternative emergency shelters at the property at Fulton Shipyard Road APN 065-020-002 with a recommendation that staff approach the State of California on the viability of establishing homeless clusters at the Contra Costa County Fairground property.

City Attorney Smith requested the recommendation to staff be separated from the motion.

Director of Community Development Ebbs added that he would follow up with the State regarding the viability of the fairground's property.

Following discussion, Commissioner Soliz amended his motion as follows:

A motion was made by Commissioner Soliz, seconded by Commissioner Barrow, to adopt the Ordinance a) making text changes to the Antioch Municipal Code and b) recommend that the City Council rezone any, all, or none of the sites to add an Emergency Shelter (ES) Zoning Overlay at the property at Fulton Shipyard Road APN 065-020-002.

Discussion continued with Commissioner Motts stating that he felt the Fulton Shipyard Road parcel would be too dangerous for children.

Commissioner Soliz stated if it were the consensus of the Planning Commission, he would agree to amend his motion to exclude the Fulton Shipyard parcel meaning that none of the four sites would be recommended to the City Council. He questioned if they could recommend this item be tabled and brought back to the Planning Commission once they had established whether the fairgrounds property was feasible.

Director of Community Development Ebbs responded that tabling was not an option because this item was going to the City Council on June 23, 2020. He stated he would forward the minutes, context of the minutes and an explanation of the meeting to the City Council. Additionally, he would be encouraging them to watch this meeting. He noted it was up to the Commission whether they recommended any of the sites or they wanted staff to pursue other options.

Commissioner Motts agreed with Commissioner Soliz that this issue was a crisis and families with children needed to be helped. He noted that a lot of money was being spent on the homeless situation and it was better to spend that money trying to help those in

need. He further noted that provided they had the services and infrastructure in place, he would support either of the residential sites.

Commissioner Parsons commented that she respected the homeless and stated she felt it was important to place them in a location with good livable surroundings. She reiterated that she believed all the sites proposed were not viable locations.

#### A vote taken on the previous motion failed by the following vote:

AYES:Soliz, Barrow and SchneidermanNOES:Motts, Parsons, MartinABSTAIN:NoneABSENT:None

City Attorney Smith stated that the motion needed four votes to be approved; therefore, it failed.

In response to Commissioner Parsons, Director of Community Development Ebbs stated staffs recommendation was that the Planning Commission make a recommendation to the City Council to adopt the Ordinance making text changes to the Antioch Municipal Code and if they felt none of the sites were suitable, they could recommend that none of the properties be rezoned.

## **RESOLUTION NO. 2020-12**

On motion by Commissioner Martin, seconded by Commissioner Parsons, the Planning Commission recommended that the City Council adopt the Ordinance making text changes to the Antioch Municipal Code with no recommendations to any of the sites presented by staff. The motion carried the following vote:

AYES:	Parsons, Soliz, Barrow, Martin and Schneiderman
NOES:	Motts
ABSTAIN:	None
ABSENT:	None

#### ORAL COMMUNICATIONS

Planning Manager Morris announced that the second Planning Commission in June was cancelled, and the next Planning Commission meeting would be July 1, 2020.

#### WRITTEN COMMUNICATIONS

None.

# **COMMITTEE REPORTS**

None.

#### **ADJOURNMENT**

On motion by Commissioner Barrow, seconded by Commissioner Soliz, the Planning Commission unanimously adjourned the meeting at 8:16 P.M. The motion carried the following vote:

AYES:Motts, Parsons, Soliz, Barrow, Martin and SchneidermanNOES:NoneABSTAIN:NoneABSENT:None

Respectfully submitted: KITTY EIDEN, Minutes Clerk

# ANTIOCH CALIFORNIA

#### STAFF REPORT TO THE PLANNING COMMISSION

DATE:	Regular Meeting of July 1, 2020
SUBMITTED BY:	Cindy Gnos, Contract Planner Raney Planning & Management, Inc.
APPROVED BY:	Alexis Morris, Planning Manager Am by Ch-
SUBJECT:	The Ranch (GP-20-01 and MDP-20-01)

#### **RECOMMENDED ACTION**

It is recommended that the Planning Commission take the following actions:

- 1. Approve the resolution recommending certification of The Ranch Project Environmental Impact Report, adopting findings of fact and statement of overriding considerations, and adopting the mitigation monitoring and reporting program.
- 2. Approve the resolution recommending approval of a Development Agreement between the City of Antioch and Richland Planned Communities, Inc.
- 3. Approve the resolution recommending approval of a General Plan Amendment for purposes of amending the City of Antioch General Plan Land Use Map, General Plan Text, Circulation Element, and Housing Element (GP-20-01).
- 4. Approve the resolution recommending approval of an ordinance rezoning the property to Planned Development and adopting the development standards.
- 5. Approve the resolution recommending approval of a Master Development Plan, Design Review adopting Design Guidelines, and a Resource Management Plan (MDP-20-01).

#### DISCUSSION

#### Request/Requested Approvals

The applicant, Richland Planned Communities, Inc. is requesting approval of a master planned residential community consisting of 1,177 residential units over 253.50 acres on a 551.50-acre site, including Low Density (LD), Medium Density (MD), and Age Restricted (AR) units; a 5.00-acre Village Center consisting of commercial, office, and retail space; 3.00 acres of public services facilities, including a new fire station site and a trail staging area; approximately 22.50 acres of public parks and landscaped areas; 229.50 of open space including trails; and 38.00 acres of roadway improvements. Necessary entitlements from the City include General Plan Amendments (map, text, Circulation

Element, Housing Element), Rezone, Master Development Plan, Design Review to adopt Design Guidelines, Resource Management Plan, and Development Agreement.

The project site is located within the Sand Creek Focus Area of the General Plan, which contains lands designated by the Antioch General Plan for open space, residential, commercial, and mixed-use development. The project site is surrounded by a single-family residential subdivision to the north, undeveloped land to the south, Deer Valley Road and Kaiser Permanente Antioch Medical Center to the east, and undeveloped land and Empire Mine Road to the west (APNs: 057-010-002, 057-010-003, and 057-021-003).



VICINITY MAP

The project applicant is seeking approval of the following by the City of Antioch at this time:

- 1. The Ranch Project Environmental Impact Report (EIR). The Planning Commission must recommend adoption of the EIR to City Council prior to taking action on the other resolutions for the project.
- 2. Development Agreement. The Development Agreement approval allows the City and an applicant to enter into an agreement, which will assure the City that the proposed project will proceed to its completion in compliance with the plans submitted by the applicant.

- 3. *General Plan Amendment.* The project would require the approval of General Plan Amendments for the following:
  - General Plan Land Use map and text to add the "Restricted Development Area" and "Limited Development Area" overlay land use designations to the General Plan for the project site.
  - General Plan Land Use map and text to change the existing underlying General Plan land use designation of the land on the project site within the Restricted Development Area from "Golf Course Community/Senior Housing/Open Space," "Hillside and Estate Residential," and "Public/Quasi Public" to "Rural Residential, Agriculture, Open Space."
  - General Plan Land Use map and text to change the existing underlying General Plan land use designation of the land on the project site within the Limited Development Area from "Golf Course Community/Senior Housing/Open Space" and "Hillside and Estate Residential" to "Estate Residential;" "Low Density Residential;" "Medium Low Density Residential;" "Medium Density Residential;" "Convenience Commercial;" "Mixed Use;" "Public/Quasi Public;" and "Open Space."
  - General Plan Circulation Element map and text amendment to identify the extension of Sand Creek Road connecting to Dallas Ranch Road to serve as one of the primary routes into the Sand Creek Focus Area.
  - General Plan Housing Element text amendment to allow executive housing to be constructed within the Sand Creek Focus Area.
- 4. *Rezone.* The project requires the approval of a Rezone from Study District (S) to Planned Development (PD) to establish the development standards applicable to the project site, including setbacks, lot sizes, and building heights.
- 5. *Master Development Plan.* The project requires the approval of a Master Development Plan per the Sand Creek Focus Area Alternate Planning Process. The Master Development Plan provides the framework for subsequent development entitlements, including uses and densities, grading, circulation, infrastructure, and open space. A copy of the Master Development Plan booklet can be found on the City's website at: <u>https://www.antiochca.gov/fc/community-development/planning/ProjectDOCs/GP-20-01-MP.pdf</u>
- 6. Design Review. The applicant is requesting Design Review approval of proposed Design Guidelines for the project, including architecture, landscaping, and fencing guidelines for future development of the project. A copy of the Development Standards & Design Guidelines booklet can be found on the City's website at: <u>https://www.antiochca.gov/fc/community-</u> development/planning/ProjectDOCs/GP-20-01-DG.pdf

7. *Resource Management Plan.* The project requires approval of a Resource Management Plan as called for in Section 10.3.2.(e) of the Antioch General Plan and consistent with the "Framework for a Resource Management Plan for the Sand Creek Focus Area" contained in the General Plan.

It should be noted that in order to develop, the proposed project would require a Final Development Plan and Tentative Map approval from the City of Antioch in the future and a project-specific Design Review to ensure compliance with the adopted Design Guidelines. The proposed P-D standards, consistent with the West Sand Creek Initiative described below, do not require use permits for each phase of development or other discretionary actions.

# **Environmental**

An Environmental Impact Report (EIR) was prepared for this project in accordance with the California Environmental Quality Act (CEQA). A Notice of Preparation (NOP) for the Draft EIR was released for a 30-day review from June 11, 2019 to July 11, 2019. In addition, a public scoping meeting was held on June 19, 2019 to solicit public comments regarding the scope of the Draft EIR. A Notice of Availability (NOA) of the Draft EIR was distributed and the Draft EIR was sent to the State Clearinghouse for distribution on March 20, 2020 for the 45-day public review period. The Draft EIR was published on the City's website at <a href="https://www.antiochca.gov/community-development-department/planning-divsion/environmetnal-documents/">https://www.antiochca.gov/community-development-department/planning-divsion/environmetnal-documents/</a>. Due to the State and Contra Costa County's Shelter-in-Place orders, publicly accessible locations to review the Draft EIR were closed. Consistent with the Governor's Executive Order, posting materials on the City's website is adequate.

A Final EIR, including response to comments and errata has also been prepared and is located on the City's website at the link above.

The EIR concluded that the project will contribute to a significant and unavoidable impact to the following areas:

- Aesthetics: project and cumulatively substantially degrade the existing visual character or quality of public views of the site and its surroundings;
- Air quality: conflict with or obstruct implementation of the applicable air quality plan, cumulatively considerable net increase of a criteria pollutant, and cumulative toxic air contaminant impact;
- Greenhouse gas emissions: generate direct and indirect greenhouse gas emissions; and
- Transportation: conflict with a program plan, ordinance or policy of the circulation system under existing plus project, near-term, and cumulative traffic conditions, as well as being inconsistent with CEQA Guidelines Section 15064.3(b).

Findings of fact for the EIR, and a statement of overriding considerations has been prepared and is included in the Resolution certifying the EIR (see Attachment A). In addition, a Mitigation Monitoring and Reporting Program (Exhibit A to Attachment A) has been prepared and included in the Resolution.

#### Background

The southern area of the City of Antioch is largely known as the Sand Creek Focus Area and includes a diverse mix of land uses, including open space, residential, general commercial, retail, office, medical, recreation, school, and public uses. All parcels surrounding the project site are within the voter-approved Urban Limit Line (ULL).

The project applicant submitted its first preliminary development plan (PDP) in the fall of 2015 for the construction of a master plan containing 1,667 residential dwelling units, including hillside estates, a number of parks, a commercial area, and the 2.00-acre fire station site. At an early Planning Commission workshop on the PDP, numerous residents opposed the project as being too dense and too impactful on hillsides and traffic. Local citizens and an environmental group led the charge to try to significantly reduce the size of the original project proposal. A year later, in response to insights shared by Planning Commissioners and the public, the project applicant submitted a second PDP reducing the unit count to maximum of 1,307, including optional senior housing in the plan area to help reduce impacts to noise, air and traffic, as well as a reduced number of units to be constructed on the hillsides. The revised plan was better received by the Planning Commission and the project applicant proceeded to submit a formal application in June 2017. The City commenced environmental review of the project and released a Draft EIR in March 2018 for public review and comment.

However, in February 2018, a local environmental group filed a Notice of Intent to circulate an initiative petition known as the "Let Antioch Voters Decide Initiative: The Sand Creek Area Protection Initiative" ("Let Antioch Voters Decide Initiative"). Subsequently, in April 2018, a citizen's initiative known as the "West Sand Creek Open Space Protection, Public Safety Enhancement, and Development Restriction Initiative" ("West Sand Creek Initiative") was also submitted. Both initiatives covered the same approximately 1,852acre portion of the Sand Creek Focus Area west of Deer Valley Road, which includes the project site and other parcels. Both initiatives obtained the requisite number of voter signatures to qualify for the ballot, and both initiatives were submitted to the City Council on July 24, 2018, for the Council's consideration pursuant to Elections Code, Section 9215. After careful consideration, the Council unanimously voted to adopt the West Sand Creek Initiative and requested a 9212 Report (an analysis of the impacts of an initiative) on the Let Antioch Voters Decide Initiative.

The Let Antioch Voters Decide Initiative was eventually adopted by the Council on August 28, 2018. On or about October 18, 2018, two legal actions were filed against each initiative. On May 31, 2019, the trial court determined that the Let Antioch Voters Decide Initiative could not be adopted by the City Council after it had previously adopted the West

Sand Creek Initiative and that the initiative must be placed on the ballot. The City Council voted on June 9, 2020 to place the Let Antioch Voters Decide Initiative on the November 3, 2020 ballot. On November 21, 2019, the trial court invalidated the West Sand Creek Initiative on the grounds that the City Council's approval of a development agreement was invalid and could not be severed from the remainder of the West Sand Creek Initiative.

Since then, the applicant has revised the project for a third time to be consistent with the Council-adopted West Sand Creek Initiative and prepared a new Draft EIR. The proposed project is consistent with the West Sand Creek Initiative, including the overall maximum buildout potential, land plan, and circulation.

#### Project Overview

The applicant proposes to build a master planned community consisting of Low Density Residential, Medium Density Residential, Public Use, Parks, Open Space, Village Center land uses and infrastructure on a 551.50-acre site within the western Sand Creek Focus Area.

The 551.50-acre project site consists of three Assessor's parcels identified as 057-010-002, 057-010-003, and 057-021-003. The project site is bound by Empire Mine Road to the west, existing residential development to the north, Deer Valley Road and Kaiser Permanente Antioch Medical Center to the east, and undeveloped land to the south. Sand Creek flows easterly through the center of the project site. The project site is relatively flat with rolling hills in the western and southern portions. The project site is currently occupied by a cattle-grazing operation, a single-family residence, and a number of barns and outbuildings located on the eastern portion of the site.

Land uses to the west of the project site consist of undeveloped land, and open space, including the Black Diamond Mines Regional Park. Land uses to the north of the project site consist of existing single-family residential development. Land uses to the east of the project site consist of the Kaiser Permanente Antioch Medical Center and undeveloped land. Land uses to the south of the project site include rural residential and undeveloped land. Surrounding land uses and their zoning designations are summarized below:

- North: Single Family Residential / Planned Development (P-D)
- East: Kaiser Permanente Antioch Medical Center and Vacant / P-D
- South: Rural Residential and Vacant / Study District (S)
- West: Vacant and Open Space / S

Existing Project Site General Plan Land Use Designation

The project site is located within the Sand Creek Focus Area in the General Plan and is currently designated as Golf Course Community/Senior Housing/Open Space, Hillside and Estate Residential, and Public/Quasi Public.
The Golf Course/Senior Housing/Open Space designation is intended to accommodate "Golf Course- Oriented Housing," consisting of residential units fronting on a golf course to be constructed at a later point in time. The General Plan identifies single-family detached homes as appropriate uses for lots fronting future golf course areas, with lot sizes as small as 5,000 square feet and maximum densities of approximately four dwelling units per acre (du/ac).

Age-restricted senior housing within the Sand Creek Focus Area is intended as a means of expanding the range of housing choice within Antioch, while reducing the Sand Creek Focus Area's overall traffic and school impacts. Such senior housing may consist of single-family detached, small lot single-family detached, of multi-family attached housing. Areas identified specifically for senior housing may also include limited areas of non-senior housing where environmental or topographic constraints would limit development densities to a range more compatible with estate housing than with senior housing.

The Hillside and Estate Residential land use designation is intended to accommodate residential development within the hilly portions of the Sand Creek Focus Area. Appropriate land use types include large-lot residential developments. Residential densities within the Hillside and Estate Residential designated areas are to be limited to one du/ac, with typical lot sizes of 20,000 square feet or larger. Approximately 20 percent of the hillside estate housing area is to be devoted to custom home sites.

The Public/Quasi Public land use designation is used to designate public land and institutional uses, including public and private schools and colleges, public corporation yards, libraries, fire stations, police stations, water treatment facilities, animal shelters, public and private museums churches, and governmental offices. The Public/Quasi Public land use designation has a maximum allowable floor area ratio (FAR) of 0.5.

# Existing Project Site Zoning Designation

The project site is currently zoned Study Area (S), which is an interim zone which the City's General Plan directs be updated or revised either by one or more specific plans or master development plans when a site within the Sand Creek Focus Area is proposed for development. In 2005, the City Council adopted an Alternate Planning Process for the Sand Creek Focus Area. The process requires the submittal of a rezone to Planned Development, including submittal of a Master Development Plan.

### Proposed Development Agreement

The City and Developer have negotiated terms of a proposed development agreement, a draft of which is attached to this staff report as Attachment B, Exhibit A. The Development Agreement provides the Developer with certain vested rights to develop their project in accordance with the project approvals, in exchange for their commitment to provide community benefits above and beyond those required as conditions of approval on the project. The Development Agreement has a term of ten years, but if the developer receives building permits for the full first phase of the project and at least 35 percent of the commercial space, then the term will be extended by an additional ten years for a total term of twenty years. The community benefits included in the Development Agreement include:

- A commitment to enter into a memorandum of understanding with the Contra Costa County Fire District to dedicate a two acre parcel for a future fire station and annexation into a fire services community facilities district, or "CFD";
- Agreement to annex into a police services CFD to fund ongoing law enforcement costs;
- Commitment to enter into a project labor agreement with certain labor unions in the region;
- Dedication of a Trail Staging Area on the western edge of the property and dedication of all open space within the project;
- Commitment to discuss any potential mitigation with the Antioch Unified School District;
- A commitment of \$2.5 million to the City to be used for economic development and employment generating uses; and
- Roadway improvements to Sand Creek Road through the project and extending from Deer Valley Road to Dozier Libbey Road.

# Proposed General Plan Amendment

The proposed project would amend the City of Antioch General Plan Land Use Map, General Plan Text, Circulation Element, and Housing Element to redesignate the project site with Restricted Development Area and Limited Development Area land use designations, identify the extension of Sand Creek Road connecting to Dallas Ranch Road to serve as one of the primary routes into the Sand Creek Focus Area, and to allow executive housing to be constructed within the Sand Creek Focus Area. The specific text amendments in strike-through and underline are included in the General Plan Amendment Resolution (see Attachment C, Exhibit A). The proposed changes to the Land Use Map are shown in Attachment C, Exhibit B.

The General Plan text amendments remove reference to a golf course and add references for the Restricted Development Area and Limited Development Area. The Restricted Development Area designation would allow for the following land uses:

- Rural Residential: This designation, typically involving large parcels, protects agriculture, grasslands, and open space, as well as permitting housing in rural areas. The maximum house size with accessory buildings is 6,000 square feet. The minimum legal parcel size is 80 acres;
- Agriculture; and
- Open Space.

The Limited Development Area designation would allow the following land uses:

- Estate Residential;
- Low Density Residential;
- Medium Low Density Residential;
- Medium Density Residential, Convenience Commercial;
- Mixed Use, Public/Quasi Public; and
- Open Space.

The proposed General Plan text amendment for the Sand Creek Focus Area notes that Single-Family Detached housing within suburban-style subdivisions with minimum lot sizes ranging from approximately 5,000 square feet to 10,000 square feet may be developed within the Limited Development Area. In addition, Small Lot Single Family Detached housing can be developed in this area with minimum lot sizes from approximately 4,000 square feet. The land use text amendments are included in Attachment C, Exhibit A.

### **Circulation Element**

The proposed project includes an amendment to the City of Antioch's Circulation Element text and map to reflect the proposed alignment of the extension of Sand Creek Road connecting to Dallas Ranch Road to serve as one of the primary routes into the Sand Creek Focus Area. The specific text amendments in strike-through and underline and the revised Circulation Map are included in the General Plan Amendment Resolution (see Attachment C, Exhibit A).

The existing General Plan Circulation Map (Figure 7.1), although conceptual in nature, identifies Sand Creek Road (between Dallas Ranch Road and Deer Valley Road) in a manner that requires the arterial cross Sand Creek in two locations. The proposed amendment includes Sand Creek Road located entirely north of Sand Creek and provides two creek crossings to connect south; one to be constructed near the center of The Ranch project which will provide access to property to the south, and the other closer to Deer Valley Road to be constructed by future development to the south. The map amendment also includes additional connections for property south of The Ranch (see Attachment C, Exhibit C).

### Housing Element

The proposed project includes a text amendment to the City of Antioch's Housing Element to note that prior approved Executive Housing in Sierra Vista by Suncrest Homes, as well as part of Roddy Ranch, will not be built. The amendment notes that The Ranch project may include up to 100 units of executive housing. The specific text amendments in strike-through and underline are included in the General Plan Amendment Resolution (see Attachment C, Exhibit A).

## Proposed Rezone

As described above, the proposed project site is located within the Sand Creek Focus Area of the General Plan and is zoned S. As a result, the proposed project requires the approval of a Planned Development (PD) rezone. The proposed PD district allows for the following land uses (see Attachment D, Exhibit B for additional detail):

- Single-Family Low Density (LD-1, LD-2, and LD-3);
- Single-Family Medium Density (MD-1, MD-2, MD-3, and MD-4);
- Age-Restricted (AR);
- Village Center (VC);
- Public Use Zone (PQ);
- Open Space/Recreation Zones (P-Park, OS-Open Space, Landscape, Trails)

The PD district is intended to set the development standards applicable to the each of the land use districts on the project site, including the lot sizes, setbacks, height, floor area ratio, parking, and permitted uses (see Attachment D, Exhibit A).

### Single-Family Low Density (LD-1, LD-2, and LD-3)

The Single-Family Low-Density neighborhoods would be situated to the west of the single-family medium density neighborhood on the north side of Sand Creek Road. Lots in the low density neighborhoods would total approximately 543 and average 7,000 square feet, although lots abutting the northern boundary of the project site would have a minimum lot size of 8,000 square feet, and would include larger rear setbacks than the standard low density neighborhood lots, to provide more separation between the proposed development and the existing residential subdivision to the north. Specifically, the LD-1 neighborhood would include 18.50 acres with a target of 68 units of housing located in a small valley in the southwest portion of the project site. Lot sizes would average 8,000 square feet. Lots in the 18.00-acre LD-2 neighborhood would include approximately 65 lots, averaging 7,000 square feet and would overlook proposed detention basins along the Sand Creek corridor. The LD-3 neighborhood would include approximately 410 lots which would also average 7,000 square feet with a minimum lot size of 5,000 square feet.

In general, the Single-Family Low-Density development standards include reduced front setback requirements, but interior setbacks, as well as height requirements are similar to the City standard single-family (R-6) zoning of five feet and 35 feet respectively. The PD standards, do however, increase the rear setback for lots abutting the existing single-family homes to the north from 20 to 35 feet. A key difference to note is that the City typically requires garages to be setback 20 feet in order to allow adequate parking for a vehicle in the driveway without blocking the sidewalk. The PD standards reduce that setback to a minimum of 18 feet. It is important to point out that the proposed PD standards do not require the provision of increased setbacks to facilitate recreational vehicle parking, as is identified in the City's standard zoning requirement to include a 10-

foot setback on one side of 25 percent of the lots. Off-site RV parking facilities are limited in this area of the city; therefore, staff believes it is necessary that the project provide the 10-foot RV parking setbacks for the Single-Family Low Density lots in the project. Staff recommends the Planning Commission require the 10-setback on 25 percent of the Single-Family, Low Density neighborhoods. This requirement is included in the PD district standards for the project (see Attachment D, Exhibit A).

# Single-Family Medium Density

The Single-Family Medium Density neighborhoods would be located to the west of the Village Center and to the north and south of Sand Creek Road, with minimum lot sizes averaging between 4,200 and 4,500 square feet, totaling approximately 212 units. The Single-Family Medium Density neighborhoods would have direct access or be located within close proximity to the commercial Village Center. Lots MD-1 are in a standard configuration, i.e.; house entry and garage accessed from street in the front with an average lot size is approximately 4,500 square feet. Lots MD-2 are in a courtyard configuration, i.e.; house entry is located from a greencourt common area in the front and the garage is accessed from alley in the rear with an average lot size is approximately 4,200 square feet. Lots MD-3 are in a clustered motor-court configuration, i.e.; house entry and garage accessed from a private street in the shape of the letter "T" with an average lot size is approximately 4,200 square feet. Lots MD-4 are in a cluster configuration around a private lane, i.e., house entry and garages are oriented to the front of the lot with an average lot size is approximately 4,200 square feet.

### Age Restricted

The Age Restricted neighborhood would include approximately 75 acres, 422 units, of age restricted housing overlooking the western portion of the Sand Creek corridor. Lots would average 5,000 square feet and would be organized around a central neighborhood park, which would include a private clubhouse and a recreation center, and at least two of the neighborhoods would be gated. The development standards for the Age Restricted neighborhood include reduced minimum yard setbacks and maximum building height.

### Village Center

The 5-acre Village Center area would be located at the northwest corner of the Deer Valley Road and Sand Creek Road intersection, just across Deer Valley Road from the Kaiser Permanente Antioch Medical Center, and north across Sand Creek Road from the fire station. The Village Center would accommodate up to 54,000 square feet of neighborhood commercial, office, and retail space, and would primarily serve the neighborhood and the immediate community, providing retail goods, food/drug, eating establishments, professional services for daily needs, and other similar commercial uses. The commercial uses in the Village Center district are primarily consistent with those in the Neighborhood/Community Commercial zoning district of the City.

The applicant has prepared a Master Development Plan consistent with the requirements of the Sand Creek Focus Area Alternate Planning Process (see Attachment E, Exhibit A). The Master Development Plan outlines broad characteristics of the land use plan with additional details provided in the Design Guidelines for the proposed project (see Attachment E, Exhibit B). The intent of the Design Guidelines is to customize the City of Antioch's Residential Design Guidelines for the proposed project. These Guidelines, conceptualized with neighborhood landscaping, entry and architectural renderings, are to be used in place of the City Guidelines in evaluating the future neighborhood construction plans. Future Design Review submittals will be reviewed against the project's Design Guidelines to ensure that the design of the development would be consistent as it is implemented in phases over time. The following summarizes the components of the Design Guidelines.

## **Design Objectives**

The Ranch Design Guidelines describe the proposed project as a planned community that incorporates physical and pedestrian connections between internal neighborhoods to help create a unified community developed in a cohesive and well-planned manner that will ultimately result in an attractive, high-quality community. The Ranch Design Guidelines emphasize the appreciation of, and integration with, the natural, physical, and social environment. The project will: focus on open space, parks, and trails, that allow residents and visitors access to natural and historical experiences both on-site and to the East Bay Regional Park system; meet Antioch's desires for a high quality, larger executive residential lot environment; include a variety of neighborhoods that create housing opportunities for different household types; and provide community service offerings to support the new community, existing neighborhoods, and Kaiser Permanente.

### Community Character

The ridgelines in the southwest hills would remain in their natural state, as will the Sand Creek corridor except where stream banks have been improved to halt erosion or new pedestrian footbridges are installed. Walking and cycling trails will link all neighborhoods to each other and to destinations such as the East Bay Regional Park lands to the west and the village center and Kaiser facilities to the east. The neighborhood parks will be themed and programmed to respond to their context and be located either directly adjacent to or within easy walking distances of the trail access points.

### Site Planning

The proposed project includes a large east/west swath of land bordering Sand Creek that includes multiple trails, hillsides and ridgelines, and storm drainage facilities, as well as the existing hill formations to the southwest, which would be the signature open space feature for the community.

Residential uses include Executive housing behind gated entries near the southwest hills and south of Sand Creek in the low-density residential neighborhoods. A low-density allages neighborhood would border the existing homes to the north, and a medium density all-ages neighborhood would be closer to Deer Valley Road and the village center. An age restricted community for persons over 55 years of age would be located in the west, with the option for gated vehicle control.

Parks would be located in all residential communities and sited for potential to be either within the heart of the neighborhood or on the interface with the Sand Creek open space and trail system. A trail staging area with a small parking area for visitors would be located near the western boundary with a trail connection to Empire Mine Road that connects to East Bay Regional Park lands.

A small village center is included in the project at the intersection of Deer Valley Road and Sand Creek Road. The village center would include neighborhood serving retail and restaurant uses, and allow for small office users such as medical offices to be located in a horizontal mixed-use format.

A site in the southeast corner of the property, opposite the village center, is reserved for a Contra Costa County Fire Protection District station. Emergency vehicles would have access to Sand Creek Road and Deer Valley Road though a dedicated access drive at a signalized intersection.

### Parks and Open Space

The proposed project is providing 20 acres of park, which exceeds the City's minimum park dedication requirement. The project includes four neighborhood parks ranging in size from 2.4 to 6.0 acres and several smaller pocket parks that are generally less than 1.0 acre in size. The Resource Management Plan for the Sand Creek Focus Area calls for a minimum development setback of 125-feet from the centerline of the flowline of Sand Creek, yielding a 250'-wide corridor. The proposed project provides the minimum 250-foot width of open space with some areas exceeding the minimum width (e.g. between Homestead Park and the Leung Parcel at the southern property boundary). The open space would be kept largely in its natural grassland condition, with periodic maintenance for weed control and also to establish and promote native seasonal wildflowers. The two drainage basins north and south of Sand Creek are included as part of the open space area.

The proposed project includes approximately 5.5 miles of trails within the open space. Most of the trails have been designed for multiple modes of transportation including walking, running, cycling, and blading/skateboarding. The trails would connect parks, neighborhoods, village center, and open spaces within the project, and also off-site destinations such as Kaiser Permanente and the East Bay Regional Park. Sand Creek crossings for pedestrians and cyclists would be provided through a narrow, non-vehicular bridge near Homestead Park in the east; on the sidewalk and in the bike lane along Street

B in the middle of the property. In addition to the large amounts of natural open space accessed by trails, the project includes four Neighborhood Parks and Pocket Parks.

- Neighborhood Parks The centerpiece of each neighborhood that include both fixed elements such as playgrounds and informal areas such as lawns, seating areas, and pathways.
- Pocket Parks Pocket parks can be less than 1.0 acre in size and provide character as well as outdoor recreational opportunities to the immediate surrounding area. Uses and activities within pocket parks may include decorative landscape elements (e.g. planters, public art, etc.), open turf, outdoor seating, and play areas for small children.

### Pedestrian and Bike Network

The proposed project includes approximately 7.0 miles of a planned trail system, linking the neighborhoods to off-site destinations. Of the 7.0 miles, approximately 5.5 miles of trails are within the open space, and the rest in parks and landscape corridors. Utilizing the Sand Creek corridor, pedestrian/cycling trails would connect homes, parks, and village center uses on the eastern end of the property to Empire Mine Road on the western boundary. A staging area would be located in proximity to Empire Mine Road, connecting to East Bay Regional Park lands. Trails would allow residents to hike not only in the Sand Creek corridor, but also on the ridgelines in the north and southwest hills affording views of greater Antioch to the north and northeast and Mt. Diablo to the southwest.

### Vehicular Circulation

The Ranch will include 4-lane arterial roads; 2-lane collector roads without on-street parking; 2-lane local roads with on-street parking; and private lanes/alleys to service the medium density residential parcels where applicable. The PD standards did not address local street standards. Therefore, staff has added a condition to the Master Development Plan and Design Review approval to require new local streets to be designed to meet standard City cross sections unless otherwise approved by the City Engineer through the future tentative map approval process (see Attachment E).

Sand Creek Road would be a 4-lane roadway through the project site and serve as the primary access into the project and would have limited intersections respecting the larger regional role that it serves within the City of Antioch. The project also includes off-site improvements for the extension of Sand Creek Road as a 2-lane roadway east from Deer Valley Road to Dozier-Libbey High School. The project includes two roundabouts, one at the Sand Creek Road and Street B intersection and the Street B and Street C intersection. Slightly slower design speeds and signalized intersections are proposed between Deer Valley Road and the roundabout to allow for safer pedestrian access to the Sand Creek open space lands from the neighborhoods to the north. A second roadway

from Deer Valley Road at Wellness Way would enter the project allowing for easier access into the northern neighborhoods. Several different edge conditions are presented along the length of Sand Creek Road through the project. All of the neighborhoods south of Sand Creek may have gated entries controlling access.

### Infrastructure

The proposed project would include the provision of water lines, sewer lines, and drainage facilities to serve the proposed project site including off-site improvements within the proposed Sand Creek Road extension right-of-way.

The water system for the proposed project would be designed to integrate with existing transmission mains and would complete a looped connection through the proposed project site. In addition, a connection would be located at the existing 20-inch water main in Deer Valley Road at the future intersection with the extension of Sand Creek Road. Other major streets throughout the proposed project site would contain approximately 8-to 12-inch water lines.

Drainage improvements would include a combination of subsurface and surface drainage systems, including new pipe and channel conveyance systems, as well as culverts. The proposed project would include the construction of storm drainpipes in the proposed Sand Creek Road extension, as well as other streets. All stormwater runoff within the proposed project site would be treated on-site by three proposed stormwater detention basins.

The proposed project would include the installation of a new sewer main, as well as a number of sewer lines throughout the proposed project site. The connection point for the sewer main would be located approximately 1.50 miles east of the project site in the Heidorn Ranch Road right-of-way. An off-site extension of the existing sewer line would be required to provide the proposed project with sewer service. All on-site and off-site sewer improvements would be constructed within the public right-of-way or within public utility easements within private roadways as needed.

Republic Services would provide solid waste collection, disposal, recycling, and yard waste services to the project site.

### Transit Service

Tri-Delta Transit would provide future bus service through the project area along Sand Creek Road. Bus service currently exists along Deer Valley Road during weekday and weekends stopping at the Kaiser Medical facility. Several locations along Sand Creek Road are suggested for far side bus turnouts including at the roundabout with Street B, and at the intersection with the village center and fire station. Bus Shelters would be placed at the turnout locations with high visibility and safety. Canopies and vertical screens would be provided for protection against the weather, as well as adequate seating and waiting areas for the comfort of the transit users.

### Neighborhoods

The proposed project includes six distinct neighborhoods or urban development locations. The applicant has indicated that each neighborhood is designed to achieve maximum desirability to take advantage of access, proximity to trails, transit potential, and views. For example, the village center is located at the most prominent intersection at Deer Valley Road and Sand Creek Road to take advantage of access, and visibility. The Age Restricted community is located on the flattest terrain to avoid stepped conditions, but also for easy access to the trail system for recreation. The executive low-density homes are located in locations that afford privacy and views of natural open space. The market rate low and medium density units are located next to existing Antioch development, close to the village center, and close to transit services for workers and students. Each neighborhood is clearly defined through entries; includes logical boundaries that may be defined by the natural open space system, key roadways, or existing development; and, includes parks that define the places where the community gathers. The sizes of each neighborhood would vary, as would the character of the landscape and architecture. Neighborhoods closest to Deer Valley Road would exhibit more urban form with smaller lots and regular street tree patterns, while neighborhoods to the south and west would feel less urban and express a more informal pattern to the landscape.

## Architecture

The proposed project includes five architectural styles that emphasize the indoor-outdoor relationship between the house and the landscape, through their horizontal orientation, picture windows, and / or outdoor porches.

- The California Ranch style originated in the mid-1930s in California, the Ranch style is loosely based on early Spanish Colonial precedents of the American Southwest and modified by influences borrowed from Craftsman and Prairie modernism of the early 20<sup>th</sup> century, which gained popularity during the 1940s and became widespread throughout the country. California Ranch generally emphasizes simple and clean horizontal forms, in addition to an open plan that blends functional spaces. Asymmetrical one-story shape with dominant low-pitched roofs, moderate-to-wide eave overhangs; attached garage; wood and stone/brick exterior are some of the characteristics of this style. Given its horizontal, one-story nature, the California Ranch style is more suited for lots that have wide frontages facing the street.
- The Prairie style was introduced by Frank Lloyd Wright at the beginning of the 20<sup>th</sup> century as a distinct new architectural style that related to the flat, sweeping prairie of the Midwest. The Prairie style is often characterized by its simple and bold forms. Prairie homes typically have broad, gently sloping, hip roofs with prominent low chimneys. Balconies and terraces extend in several directions beyond the basic structure of the house, creating protected outdoor spaces and rhythms of

multiple planes. With its emphasis on horizontal form and massing, the Prairie style is suited for conventional to larger lots within the project.

- The Farmhouse style incorporates traditional Colonial and Cape Cod influences. Inspired by an idyllic sense of rural living, Farmhouse homes are simply framed and rectangular in shape, often with few feature bump-outs or bays. A common distinguishing feature is a generous partial or fullwidth wraparound porch, which extends the living space to create a seamless transition between in and outdoors. Main façade may be symmetrical or asymmetrical, with an elevated first level and steps leading from the walk to the porch. Most Farmhouse-styles homes are oneand-a-half or two-story buildings with bedrooms upstairs and living spaces on the main floor. Common exterior features include horizontal lap siding and shuttered windows, with a main side-gable roof. The roof over the porch often has a shallower pitch than the roof of the main structure. With its emphasis on horizontal form and massing, the Farmhouse style is suited for conventional to larger lots within the project.
- The Craftsman style was inspired by the English Arts and Crafts Movement of the late 19<sup>th</sup> Century and is considered vernacular to the California architectural tradition. Common exterior features include a low- to moderately pitched, gabled roof with deep overhanging eaves usually supported by exposed rafters and knee braces. A front porch with relatively heavy, tapering columns is another defining feature of this style. Natural materials such as wood and stone are used extensively and celebrated. The Craftsman style is suited for lots of all sizes within the project.
- Foursquare is an American house style dating from mid-1890s to the late 1930s. Born out of a reaction to the ornate elements of the Victorian and other Revival styles, the Foursquare was simple and pragmatic, incorporating elements of the Prairie style and the Craftsman style, and became widespread in the country including California. Central to its characteristics is a basic cubic form, two-and ahalf stories high, usually with four large, boxy rooms to a floor (hence the name "Foursquare"), and a wide elevated front porch with steps. The top floor was generally a big open room with one or more dormers. Absent in the originals, modern versions of Foursquare often include a two-car garage recessed or placed in the rear. Foursquare is suited for smaller medium density lots or conventional lots within the project.

### Landscaping

The proposed project includes six different types of landscaping that encompass the nonbuilt environment. Each of these landscapes would have a different approach to their character and function.

- Sand Creek Drainage Corridor The actual corridor that contains the flow line and banks of Sand Creek is narrow and highly eroded from cattle crossings and heavy rainfall storm events. Most of the Oak trees on the property are located within those banks. Additional plantings of native grasses and shrubs tolerant of seasonal high flows and potentially additional non-vegetated approaches would be warranted for bank stabilization.
- 2. Natural Grasslands/Uplands These areas are the predominant open space type and include native and introduced grass species that have been historically used for cattle grazing, which are non-irrigated and generally have a greener appearance during winter and spring rains and more golden appearance during summer and fall dry seasons. Additional Oak plantings could be employed within this typology to provide shade by trails and seating areas.
- 3. Detention Ponds/Wetlands Three detention ponds with natural edges are provided for the project to hold stormwater runoff from heavy rainfall events. The planting regime along their side banks needs to be selected based on water level elevations and the amount and time of inundation into the root zones. Jurisdictional wetlands along the Sand Creek corridor are preserved and incorporated into the open space experience.
- 4. Parks & Parkways Neighborhood parks should include a balance of open lawn areas for mostly informal play or gatherings, with lands that are landscaped for utilitarian purposes (e.g. drainage or low lands, trees for shade) and places for ornamental or themed gardens. Areas for paths, playgrounds, and sport courts (e.g. basketball) will also be provided. Parkways provide meaningful connective open space within the developed lands.
- 5. Landscaped Streets These areas within the right-of-way (ROW) would include trees, shrubs, groundcovers, and native grasses planted within the center medians and landscape strips.
- 6. Recreational Trails Various trails would provide recreational opportunities and alternative means to travel through the various open spaces within the community.

# Community Entrances

The entrance concept for the proposed project establishes the community image through the use of simple, bold landscape forms and elements derived from the site's character, agrarian past, and abundant natural open space. A hierarchy of entrance experiences would be created, beginning with the announcement of the overall project at key intersections and gateways; to community entrances; and, finally to entrances of supporting amenities. Wayfinding and directional signage on the individual developments/neighborhoods within the community would be placed at key intersections along the arterial and collector streets, as appropriate.

- The Ranch Gateway Notify the visitor that they are arriving at a master planned community, not a series of unrelated subdivisions.
- Community Entrances Include entries to potential gated communities such as the age restricted neighborhood and the executive home locations, and to entries into the market-rate neighborhoods.
- Amenity Entrances Include the entries to the village center, firehouse, trails staging area, and parks.
- Special Branding Feature The existing windmill is planned to be relocated to Homestead Park and could potentially be combined with other forms of signage/monumentation that relate to the history of the place. In conjunction with the various community building activities programmed for the park, these would act as a key branding element through which the community can identify themselves.

Signage/monumentation at The Ranch would be generally made of materials such as stone, wood, and metal, to reflect the simple forms of agricultural fencing, natural-looking walls, and the expanse of the landscape. For the gateway monumentation, oak tree plantings could be added in the backdrop in informal groupings. Name and/or logo used in the monumentation should harmoniously blend in with the materials and forms and may be lighted in muted but clear fashion. Landscape species used in conjunction with entrances and monumentation should include some combination of drought tolerant tree and plant species.

#### Resource Management Plan

The Resource Management Plan was prepared in order to comply with the City of Antioch's General Plan Section 10.0 (Resource Management), which outlines objectives and policies as they relate to biological resources. The overall objective is to preserve natural streams and other habitats that support special-status plant and animal species. While it is preferred to preserve these resources in-situ, the General Plan allows for mitigation off-site within eastern Contra Costa County, if sufficient on-site preservation is not feasible. Whether such resources are preserved on-site within natural open space areas, or are mitigated off-site, the General Plan requires that such preserved areas are managed and maintained pursuant to a Resource Management Plan (Section 10.3.2e and Section 10.4.2d of the General Plan, respectively). The Resource Management Plan mimics the environmental mitigation measures identified in the EIR for The Ranch Project.

## Fiscal Impact

A Fiscal Impact Analysis was prepared for the proposed project. In general, the Fiscal Impact Analysis indicates that the project, at buildout, is estimated to general positive fiscal impacts to the City's General Fund. The project is estimated to generate a total of approximately \$1.765 million in revenue for the City General Fund and special tax revenues, against \$1.308 million in expenditures, resulting in a combined surplus of \$456,556 annually. The project is estimated to generate a total of \$544,716 in CFD 2016-1 special tax revenue to fund City police services.

In addition, as described in the Development Agreement section above, the applicant is required to participate in a CFD for fire services, as well as a commitment of \$2.5 million to the City to be used for economic development and employment generating uses.

### **Conclusion**

The proposed project is consistent with the West Sand Creek Initiative adopted by City Council in 2018. The primary departure from the General Plan, includes the elimination of the golf course and the provision of smaller lot sizes. The Sand Creek Focus Area discussion in the General Plan notes that should it be determined that a golf course is infeasible, the provision of an alternate open space program may be permitted. The proposed project includes approximately 45% of the land area available for parks and open space, with an extensive trail system. In addition, the project includes a variety of housing types and would not result in exceeding the total number of units identified in the Genera Plan for buildout of the Sand Creek Focus Area. Therefore, staff recommends the Planning Commission consider the proposed project and take the following actions:

- 1. Approve the resolution recommending certification of The Ranch Project Draft Environmental Impact Report, adopting findings of fact and statement of overriding considerations, and adopting the mitigation monitoring and reporting program.
- 2. Approve the resolution recommending approval of a Development Agreement between the City of Antioch and Richland Planned Communities, Inc.
- 3. Approve the resolution recommending approval of a General Plan Amendment for purposes of amending the City of Antioch General Plan Land Use Map, General Plan Text, Circulation Element, and Housing Element (GP-20-01).
- 4. Approve the resolution recommending approval of an ordinance rezoning the property to Planned Development and adopting the development standards.
- 5. Approve the resolution recommending approval of a Master Development Plan, Design Review adopting Design Guidelines, and a Resource Management Plan (MDP-20-01).

# **ATTACHMENTS**

- A. Environmental Impact Report Planning Commission Resolution No. 2020-\*\* Exhibit A Mitigation Monitoring Plan
- B. Development Agreement Planning Commission Resolution No. 2020-\*\* Exhibit A Draft Development Agreement Ordinance
- C. General Plan Amendment Planning Commission Resolution No. 2020-\*\* Exhibit A Proposed General Plan Text Amendment Exhibit B Proposed General Plan Land Use Maps Exhibit C Proposed General Plan Circulation Element
- D. Planned Development Planning Commission Resolution No. 2020-\*\* Exhibit A Planned Development Ordinance Exhibit B Rezone Map
- E. Master Development Plan, Design Review, and Resource Management Plan Planning Commission Resolution No. 2020-\*\*
  Exhibit A Master Development Plan
  Exhibit B Development Standards and Design Guidelines
  - Exhibit C Resource Management Plan

# ATTACHMENT A

# **ENVIRONMENTAL IMPACT REPORT RESOLUTION**

### PLANNING COMMISSION RESOLUTION NO. 2020/\*\*

### RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH RECOMMENDING THAT THE CITY COUNCIL CERTIFY THE ENVIRONMENTAL IMPACT REPORT FOR THE RANCH PROJECT AS ADEQUATE FOR ADDRESSING THE ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT AND ADOPT CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING PROGRAM

WHEREAS, the City of Antioch ("City") received an application from Richland Planned Communities, Inc. ("Applicant") seeking City approval of the following: a General Plan Amendment for purposes of amending the City of Antioch General Plan Land Use Map, General Plan Text, Circulation Element, and Housing Element; a Planned Development Rezone; a Master Development Plan, Design Guidelines, and Resource Management Plan; and a Development Agreement for the development of up to a 1,177 unit planned residential community on approximately 553.5 acres, known as The Ranch Project ("Project") (GP-20-01, MDP-20-01);

WHEREAS, The Project site is in the southeastern section of the City of Antioch, on the western side of State Route 4 and is within the Sand Creek Focus Area of the General Plan west of Deer Valley Road along Sand Creek (APNs 057-010-002, 057-010-003, and 057-021-003);

WHEREAS, the Project consists of a 1,177 planned residential community on 253.50 acres, including low density, medium density, and age restricted housing, 5.00-acre village center, 3.00 acres of public service facilities, 22.50 acres of public parks, 229.50 acres of public open space, and 38.00 acres of roadway improvements;

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

**WHEREAS,** this document contains the City's certification of the EIR, its CEQA findings, and its statement of overriding considerations supporting approval of the Project considered in the EIR. The Final EIR has State Clearinghouse No. 2019060012;

WHEREAS, a Draft Environmental Impact Report ("Draft EIR") was released for public and agency review on March 20, 2020. The Draft EIR assesses the potential environmental effects of implementation of the Project, identifies means to eliminate or reduce potential adverse impacts, and evaluates a reasonable range of alternatives to the Project; and WHEREAS, the Final EIR comprises the Draft EIR together with one additional volume that includes the comments on the Draft EIR submitted by interested public agencies, organizations, and members of the public; written responses to the environmental issues raised in those comments; revisions to the text of the Draft EIR reflecting changes made in response to comments and other information; and other minor changes to the text of the Draft EIR. The Final EIR is hereby incorporated in this document by reference.

**NOW, THEREFORE, BE IT RESOLVED AND DETERMINED**, that the Planning Commission recommends that the City Council of the City of Antioch find as follows:

## **SECTION 1: INTRODUCTION**

The Ranch Project ("project") proposes a master planned residential community consisting of 1,177 residential units over 253.50 acres on a 551.50-acre site, including Low Density (LD), Medium Density (MD), and Age Restricted (AR) units; a 5.00-acre Village Center consisting of commercial, office, and retail space; 3.00 acres of public services facilities, including a new fire station site and a trail staging area; approximately 22.50 acres of public parks and landscaped areas; 229.50 of open space including trails; and 38.00 acres of roadway improvements. The project requires general plan and zoning code text and map amendments wholly consistent with the West Sand Creek Initiative.

The City of Antioch, as the lead agency, prepared the Draft Environmental Impact Report ("Draft EIR") dated March 20, 2020, and the Final Environmental Impact Report ("Final EIR") dated June 19, 2020, for The Ranch Project (State Clearinghouse No. 2019060012). Together, the Draft EIR (including all Appendices) and Final EIR are referred to as the "EIR."

These findings of fact and statement of overriding considerations ("Findings") have been prepared to comply with the requirements of the California Environmental Quality Act ("CEQA") (Pub. Resources Code, §§ 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15000 et seq.).

### **SECTION 2: PROJECT SUMMARY**

### 2.1 Project Description

The applicant, Richland Planned Communities, Inc. is requesting approval of a master planned residential community consisting of 1,177 residential units over 253.50 acres on a 551.50-acre site, including Low Density (LD), Medium Density (MD), and Age Restricted (AR) units; a 5.00-acre Village Center consisting of commercial, office, and retail space; 3.00 acres of public services facilities, including a new fire station site and a trail staging area; approximately 22.50 acres of public parks and landscaped areas; 229.50 of open space including trails; and 38.00 acres of roadway improvements. Necessary entitlements from the City include General Plan Amendments (map, text,

Circulation Element, Housing Element), Rezone, Master Development Plan, Design Review to adopt Design Guidelines, Resource Management Plan, and Development Agreement.

The project site is located within the Sand Creek Focus Area of the General Plan, which contains lands designated by the Antioch General Plan for open space, residential, commercial, and mixed-use development. The project site is surrounded by a single-family residential subdivision to the north, undeveloped land to the south, Deer Valley Road and Kaiser Permanente Antioch Medical Center to the east, and undeveloped land and Empire Mine Road to the west (APNs: 057-010-002, 057-010-003, and 057-021-003).

# 2.2 Project Objectives

- 1. Develop a project consistent with the West Sand Creek Open Space Protection, Public Safety Enhancement, and Development Restriction Initiative.
- 2. Establish a 551.50-acre, well-planned community that incorporates the natural, historic, and physical elements of the land and the surrounding uses.
- 3. Design a land use plan with a mix of uses complementary to existing neighborhoods and in symmetry with the larger Antioch community.
- 4. Provide housing opportunities responsive to the needs of Antioch, the region and market conditions, to serve a range of family incomes and household types.
- 5. Provide a Village Center adjacent to Deer Valley Road and across from the Kaiser Permanente Antioch Medical Center, functioning as a hub of activity and source of sales tax revenue.
- 6. Preserve and protect the hills and hillsides on-site as permanent open space.
- 7. Preserve and protect the Sand Creek corridor throughout the project site as permanent open space and provide public access with perimeter trails and crossings.
- 8. Provide a pedestrian-friendly community that focuses on open space, parks, and trails to facilitate resident and visitor access to natural and historical experiences both on- and off-site in the East Bay Regional Parks system.
- 9. Provide a land use plan with a balance of uses and density that results in an adequate tax base, which at project build-out generates financial resources to pay for public services and infrastructure without financial burden to existing residents.
- 10. Provide a land use plan, design standards, and guidelines consistent with Antioch General Plan goals and policies, that incorporate market-acceptable design features and promotes an attractive, well-maintained community.
- 11. Establish a land use and circulation system that promotes convenient mobility, completes the extension of Dallas Ranch Road to Deer Valley Road, and provides modes of transportation within a setting that is safe, accessible, and convenient for all modes of travel.

12. Provide a comprehensive infrastructure system, including parks, open space, stormwater quality facilities, public services, roadways, and utilities infrastructure sized to serve the proposed project and properties to the east and south in the Sand Creek Focus Area that complements the existing Citywide infrastructure and ensures funding for the on-going maintenance needs of such infrastructure.

## 2.3 Required Approvals

The project applicant is seeking approval of the following by the City of Antioch at this time:

- 1. The Ranch Project Environmental Impact Report (EIR). The Planning Commission must recommend adoption of the EIR to City Council.
- 2. Development Agreement. The Development Agreement approval allows the City and an applicant to enter into an agreement, which will assure the City that the proposed project will proceed to its completion in compliance with the plans submitted by the applicant.
- 3. *General Plan Amendment.* The project would require the approval of General Plan Amendments for the following:
  - General Plan Land Use map and text to add the "Restricted Development Area" and "Limited Development Area" overlay land use designations to the General Plan for the project site.
  - General Plan Land Use map and text to change the existing underlying General Plan land use designation of the land on the project site within the Restricted Development Area from "Golf Course Community/Senior Housing/Open Space," "Hillside and Estate Residential," and "Public/Quasi Public" to "Rural Residential, Agriculture, Open Space."
  - General Plan Land Use map and text to change the existing underlying General Plan land use designation of the land on the project site within the Limited Development Area from "Golf Course Community/Senior Housing/Open Space" and "Hillside and Estate Residential" to "Estate Residential;" "Low Density Residential;" "Medium Low Density Residential;" "Medium Density Residential;" "Convenience Commercial;" "Mixed Use;" "Public/Quasi Public;" and "Open Space."
  - General Plan Circulation Element map and text amendment to identify the extension of Sand Creek Road connecting to Dallas Ranch Road to serve as one of the primary routes into the Sand Creek Focus Area.
  - General Plan Housing Element text amendment to allow executive housing to be constructed within the Sand Creek Focus Area.
- 4. *Rezone.* The project requires the approval of a Rezone from Study District (S) to Planned Development (PD) to establish the development standards applicable to the project site, including setbacks, lot sizes, and building heights.



- 5. *Master Development Plan.* The project requires the approval of a Master Development Plan per the Sand Creek Focus Area Alternate Planning Process. The Master Development Plan provides the framework for subsequent development entailments, including uses and densities, grading, circulation, infrastructure, and open space.
- 6. *Design Review*. The applicant is requesting Design Review approval of proposed Design Guidelines for the project, including architecture, landscaping, and fencing guidelines for future development of the project.
- 7. *Resource Management Plan.* The project requires approval of a Resource Management Plan as called for in Section 10.3.2.(e) of the Antioch General Plan and consistent with the "Framework for a Resource Management Plan for the Sand Creek Focus Area" contained in the General Plan.

In addition, the City expects to consider the following discretionary entitlements under the EIR in the future:

- Large Lot Parcel Map;
- One or more Tentative Subdivision Map(s)/Final Development Plan;
- Design Review, along with each Tentative Subdivision Map.

Additional entitlements which must be acquired by the project Applicant from the Responsible and Trustee agencies include, but are not limited to:

- A Streambed Alteration Agreement (Fish & Game Code § 1602) from the CDFW;
- A Nationwide or Individual Fill Permit (Clean Water Act § 404) from the USACE;
- A Water Quality Certification (Clean Water Act § 401) from the CVRWQCB;
- SWPPP coverage under the General Construction Permit (Clean Water Act, § 402);
- An Authority To Construct and Permit To Operate stationary sources of air pollution from BAAQMD;
- Approval of a Memorandum of Understanding between the project Applicant and Contra Costa County Fire District

# **SECTION 3: PROCEDURAL HISTORY**

Richland Planned Communities, Inc. filed an application for The Ranch Project (fully consistent with the West Sand Creek Initiative, which was struck down by the superior court in fall of 2019) in January 2020.

The City of Antioch released a Notice of Preparation (NOP) for public review from June 11, 2019, to July 11, 2019 (30-day review period). The NOP and copies of comments received are included as Appendix A to the Draft EIR.

On June 19, 2019, a scoping meeting was held at the City of Antioch Council Chambers located at 200 "H" Street, Antioch, CA 94509. The meeting was held at 6:30 p.m. during which individuals, organizations, and agency representatives were invited to provide oral comments on the project.

The Draft EIR was circulated for a 45-day public review period between March 20, 2020, and May 4, 2020. In response to the COVID-19 pandemic and the Contra Costa County Health Officer's Order which went into effect March 17, 2020, City Manager Ron Bernal proclaimed a State of Local Emergency effective March 17, 2020, for the City of Antioch which resulted in the closure of City facilities. However, the Notice of Availability stated that in addition to hard copies at the City of Antioch, Community Development Department, and the Antioch Public Library, the Draft EIR was made available online and posted on the City of Antioch website at https://www.antiochca.gov/communitydevelopment-department/planning-division/environmental-documents/ during the public review period. Electronic copies were also available for members of the public by The NOP, Draft EIR, and related documents were also available on the reauest. Governor's Office of Planning and Research (OPR) website at https://ceganet.opr.ca.gov/2019060012/3 during the public review period and remain available on OPR's website.

The City of Antioch prepared a Final EIR, consisting of the comments received on significant environmental issues during the 45-day public review and comment period on the Draft EIR, written responses to those comments, revisions to the Draft EIR, and an errata making minor changes and clarifications to the Final EIR.

The City distributed a link to the Final EIR to responsible agencies and interested parties on June 24, 2020.

On July 1, 2020, the Antioch Planning Commission held a duly noticed public hearing at 6:30 p.m. via Zoom, during which individuals and organizations/agency representatives were invited to provide oral comments on the Final EIR and project, and recommended approval to the City Council.

The City Council held a duly noticed public hearing on \_\_\_\_\_, 2020 at 7:00 p.m., via Zoom, and considered all oral and written comments regarding the project as well as the EIR.

### SECTION 4: RECORD OF PROCEEDINGS

The record of proceedings used by the City in making its decision regarding the project includes the following documents:

- 1. The Notice of Preparation ("NOP") dated June 11, 2019, and all other public notices issued by the City in conjunction with the project;
- 2. All comments received in response to the NOP;
- 3. Notice of Completion dated March 19, 2020;

- 4. Notice of Availability dated March 19, 2020;
- 5. The Draft EIR, including all Appendices, dated March, 2020;
- 6. All comments and correspondence received on the Draft EIR;
- 7. The Final EIR, including all Appendices, dated June 19, 2020;
- 8. The Mitigation Monitoring and Reporting Program for the project;
- 9. All reports, studies, memoranda, maps, staff reports, or other planning documents related to the project and prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the project;
- 10. All documents submitted to the City by the project Applicant, other public agencies, and member of the public in connection with the project through the close of the final public hearing on the project;
- 11. Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the project;
- 12. Any documentary or other evidence submitted to the City at such information sessions, public meetings, and public hearings;
- 13. The City of Antioch General Plan and all environmental documents prepared in connection with the adoption of the General Plan;
- 14. The City of Antioch Municipal Code, including the Zoning Code;
- 15. All resolutions and ordinances adopted by the City regarding the project, and all staff reports, analyses, and summaries related to the adoption of those resolutions and ordinances; and
- 16. Any other materials required for the record of proceedings pursuant to Public Resources Code section 21167.6, subdivision (e).

The official custodian of the record is the Clerk of the City of Antioch, 200 H Street, Antioch, California 94509.

### SECTION 5: FINDINGS REQUIRED UNDER CEQA

Public Resources Code section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandates and principles outlined in Public Resources Code section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which an EIR is required. (See Pub. Resources Code, § 21081, subd. (a); CEQA Guidelines, § 15091, subd. (a).) For each significant environmental

effect identified in an EIR for a proposed project, the approving agency must issue a written finding, supported by substantial evidence, reaching one or more of three permissible conclusions. The first such finding is that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(1).)

The second permissible finding is that "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency." (CEQA Guidelines, § 15091, subd. (a)(2).)

The third potential conclusion is that "[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR." (CEQA Guidelines, § 15091, subd. (a)(3).)

Public Resources Code section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors." CEQA Guidelines section 15364 adds another factor: "legal" considerations. (See also *Citizens of Goleta Valley v. Board of Supervisors* ("*Goleta II*") (1990) 52 Cal.3d 553, 565.)

The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) "(F]easibility under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors." (*Ibid.*; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1507-1508 (the failure to meet project objectives can be sufficient evidence demonstrating infeasibility of an alternative).) The CEQA Guidelines do not define the difference between "avoiding" a significant environmental effect and merely "substantially lessening" such an effect. The City must therefore, glean the meaning of these terms from the other contexts in which the terms are used.

Public Resources Code section 21081, on which CEQA Guidelines section 15091 is based, uses the term "mitigate" rather than "substantially lessen." The CEQA Guidelines therefore equate "mitigating" with "substantially lessening." Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects." (Pub. Resources Code, § 21002.)

For purposes of these findings, the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-thansignificant level. In contrast, the term "substantially lessen" refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level. These interpretations are mandated by the holding in *Laurel Hills Homeowners Association v. City Council* (1978) 83 Cal.App.3d 515, 519-521, where the court of appeal held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question to a less-than-significant level.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency. (CEQA Guidelines, § 15091, subd. (a), (b).)

CEQA Guidelines section 15091 requires only that approving agencies specify that a particular significant effect is "avoid[ed] or substantially lessen[ed]." The findings, for purposes of clarity, in each case will specify whether the effect in question has been reduced to a less-than significant level or has simply been substantially lessened but remains significant. Moreover, although Section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely "potentially significant," these findings will nevertheless fully account for all such effects identified in the EIR.

In seeking to effectuate the substantive policy of CEQA to substantially lessen or avoid significant environmental effects to the extent feasible, an agency, in adopting findings, need not necessarily address the feasibility of both mitigation measures and environmentally superior alternatives when contemplating approval of a proposed project with significant impacts. Where a significant impact can be mitigated to an "acceptable" level solely by the adoption of feasible mitigation measures, the agency, in drafting its findings, has no obligation to consider the feasibility of any environmentally superior alternative that could also substantially lessen or avoid that same impact – even if the alternative would render the impact less severe than would the proposed project as mitigated. (*Laurel Hills Homeowners Ass'n v. City Council* (1978) 83 Cal.App.3d 515, 521; see also *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 730-731; and *Laurel Heights Improvement Ass'n v. Regents of the University of California* ("*Laurel Heights I'*") (1988) 47 Cal.3d 376, 400-403.)

In these Findings, the City addresses the extent to which each significant environmental effect can be substantially lessened or avoided through the adoption of feasible mitigation measures. The City also addresses the extent to which alternatives described in the EIR are (i) environmentally superior with respect to that effect and (ii) "feasible" within the meaning of CEQA.

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, §§ 15093, 15043, subd. (b); see also Pub. Resources Code, § 21081, subd. (b).) The California Supreme Court has stated, "[t]he wisdom of approving . . . any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (*Goleta II*, 52 Cal.3d at p. 576.)

## **SECTION 6: LEGAL EFFECT OF FINDINGS**

These Findings constitute the City's evidentiary and policy bases for its decision to approve the project in a manner consistent with the requirements of CEQA. To the extent that these Findings conclude that proposed mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded or withdrawn, the City hereby binds the project Applicant and any other responsible parties to implement those measures. These Findings, in other words, are not merely informational or advisory, but constitute a binding set of obligations that will take effect when the City adopts the resolution(s) and/or ordinance(s) approving the various entitlements listed above for the project. (Pub. Resources Code, § 21081.6, subd. (b).) In addition, the adopted mitigation measures are conditions of approval.

### SECTION 7: MITIGATION MONITORING AND REPORTING PLAN (MMRP)

The City prepared a MMRP for the project and approved the MMRP by the same resolution that has adopted these Findings. (See Pub. Resources Code, § 21081.6, subd. (a)(1); CEQA Guidelines, § 15097.) The MMRP is included as Exhibit A to this Resolution. The City finds that all mitigation measures contained in the MMRP are feasible and will mitigate the significant impacts of the project to the greatest extent possible. The City will use the MMRP to track compliance with project mitigation measures. The MMRP will remain available for public review during the compliance period.

### **SECTION 8: IMPACTS AND MITIGATION MEASURES**

This and the following sections summarize the environmental impacts of the project identified in the EIR, and provide findings as to those impacts, as required by CEQA and the CEQA Guidelines. The Findings set forth below are made and adopted by the City Council as its findings under CEQA. The Findings provide written analysis and conclusions of the City Council regarding the environmental impacts of the proposed

plan, mitigation measures, design features of the proposed plan, and plan alternatives, which, in the City Council's view, justify approval of the proposed plan.

These Findings summarize the environmental findings in the EIR concerning project impacts before and after mitigation and do not repeat the full discussions of environmental impacts contained in the EIR. Instead, they provide identify the impacts referenced in the Draft EIR, describe the applicable mitigation measures that are adopted by the City Council, and state the recommended findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions is set forth in the EIR. These Findings hereby incorporate by reference the analysis in the EIR and conclusions and in making these findings, the City Council ratifies, adopts, and incorporates the evidence, analysis, explanation, findings, responses to comments and conclusions of the EIR except where they are specifically modified by these Findings.

The City Council hereby adopts and incorporates as conditions of approval, the mitigation measures set forth in the Findings below to reduce or avoid the potentially significant and significant impacts of the proposed plan, as well as certain less-than-significant impacts. In adopting these mitigation measures and project design features, the City Council intends to adopt each of the mitigation measures and project design features recommended in the Draft EIR and Final EIR. In comments on the Draft EIR, various commenters suggested measures as proposed additional mitigation measures. With respect to the measures that were proposed in the comments, and not adopted in the Final EIR, the responses to comments in the Final EIR explain why the proposed mitigation measures by reference the reasons stated in the responses to comments contained in the Final EIR as its grounds for rejecting adoption of these proposed mitigation measures.

### 8.1 Environmental Effects Which are Not Significant or Less than Significant

The City of Antioch has heard, been presented with, reviewed, and considered all of the information and data in the administrative record, including the Draft and Final EIR, and all oral and written evidence presented to it during all meetings and hearings. The EIR reflects the independent judgment of the City of Antioch and is deemed adequate for purposes of making decisions on the merits of the project.

Consistent with Public Resources Code Section 21002.1 and Section 15128 of the CEQA Guidelines, the EIR focused its analysis on potentially significant impacts, and limited discussion of other impacts for which it can be seen with certainty there is no potential for significant adverse environmental impacts. CEQA Guidelines Section 15091 does not require specific findings to address environmental effects that an EIR identifies as "no impact" or a "less than significant" impact and for which no mitigation is necessary.

Based on its independent judgment and the entire administrative record before it, the City has determined that the project would have either no impact or a less than significant impact and no mitigation is necessary for the following environmental effects described below.

## 8.1.1 – Aesthetics, Light, and Glare

- **Impact AES-1:** The project would not have a substantial adverse effect on a scenic vista (Draft EIR, page 3.1-32).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.1-33).

Facts in Support of Findings: The City of Antioch General Plan does not specifically identify any scenic vistas within the project site, although views of Mount Diablo and its prominent ridgelines are considered scenic and are available from local roadways such as Deer Valley Road. Policy 5.4.14j in the City of Antioch Hillside Design Policies specifies that projects should provide public pathways to scenic vistas in order to maximize public access to canyons, overlooks, and open space areas. The total open space and trail areas would comprise approximately 40 percent of the total project site. An approximately 6-mile publicly accessible trail system would be provided along Sand Creek and throughout the project site (Draft EIR, page 3.1-32). The trail system would connect the proposed neighborhood areas to each other and to nearby parks, ridgeline areas, trailhead staging areas, and the proposed mixed-use Village Center area. An approximately 1-acre trail staging area is proposed to be located in the southwestern portion of the project site, near Empire Mine Road, to provide easy access to the existing East Bay Regional Park trail system, as well as the project site's proposed trail system. As such, the project would provide public pathways to scenic vistas, such as Mount Diablo to the west and south of the site, consistent with Policy 5.4.14j. Therefore, the proposed project would not have a substantial adverse effect on a scenic vista. For these reasons and the reasons discussed in the Draft EIR, construction and operational impacts related to scenic vistas would be less than significant (Draft EIR, page 3.1-32 through 3.1-33).

- **Impact AES-2:** The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway (Draft EIR, page 3.1-33).
- **Findings:** No Impact. No mitigation is required.

**Facts in Support of Findings:** There are no scenic resources designated by the City of Antioch General Plan within the project site. While State Route 4 (SR-4) is located 1.8 miles east, it is listed only as an Eligible State Scenic Highway and has not been officially designated (Draft EIR, page 3.1-33). Furthermore, due to the distance of intervening trees, construction and development of the project site would not be visible

from SR-4. Therefore, the proposed project would not damage scenic resources within a State Scenic Highway. For these reasons and the reasons discussed in the Draft EIR, the project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway (Draft EIR, page 3.1-33).

- **Impact AES-4:** The project would create a new source of substantial light or glare which would not adversely affect day or nighttime views in the area (Draft EIR, page 3.1-47).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.1-48).

**Facts in Support of Findings:** The project site is primarily undeveloped. Project sources of lighting would include, but would not be limited to, headlights from cars travelling on internal roadways, streetlights, light associated with the proposed Village Center area, exterior lighting on the proposed residential buildings, and interior light spilling through windows. The most prominent sources of light would be from the stationary sources adjacent to proposed buildings and parking areas and elevated lighting sources such as street lights. The most prominent sources of light would be visible from project roadways. As such, the proposed project would create an increase of nighttime light and daytime glare, due to the increase of lighting and reflective surfaces and vehicle headlights in the area (Draft EIR, page 3.1-47).

However, implementation of the Antioch Municipal Code requirements for lighting and glare reduce the impacts of glare and light trespass. Specifically, Section 9-5.1715 of the Municipal Code states that outdoor parking area lighting fixture heights must be determined based on the relationship of the fixtures to surrounding uses, and lighting must not shine directly onto an adjacent street or property. In addition, City of Antioch General Plan Policy 5.4.20 states that lighting must not result in nuisance levels of light or glare on adjacent properties. Compliance with these provisions is reviewed prior to certificate of occupancy by City building officials (Draft EIR, page 3.1-47 through 3.1-48).

The project's proposed design guidelines include specific standards related to lighting. For example, light fixtures must be appropriately placed and scaled to avoid light spillover or glare into surrounding areas. The City of Antioch General Plan EIR determined that the impact of new sources of light and glare could be minimized by incorporating design features and operating requirements into new developments that limit light and glare. Further, the proposed project has been designed to include significant setbacks from its western boundary, as well as from the Sand Creek corridor to minimize impacts, including light and glare, on the natural environment. Although project lighting could potentially affect migratory species, the setbacks from the undeveloped lands to the west, and from Sand Creek would maintain the function of these areas for species migration. Additionally, Mitigation Measure (MM) BIO-1a to MM

BIO-1p would reduce impacts to special-status species to a less than significant level. As a result, compliance with the City of Antioch lighting specifications and Zoning Code requirements would ensure the project does not result in significant light spillage or nighttime sky impacts (Draft EIR, page 3.1-48).

For these reasons and all the reasons discussed in the EIR, while the project would create a new source of substantial light and glare, it would not adversely affect day or nighttime views in the area. Impacts would be less than significant (Draft EIR, page 3.1-47 through 3.1-48).

**Cumulative Aesthetics Impact:** The project would not create a cumulative impact with respect to light and glare (Draft EIR, page 3.1-50.)

**Findings:** Less than Significant Impact. No mitigation is required. (Draft EIR, page 3.1-50.)

**Facts in Support of Findings:** The proposed project would comply with the City of Antioch lighting specifications to ensure the project would not result in significant light spillage or nighttime sky impacts. As a result, the proposed project would not have a significant impact on light or glare on the surrounding area. The proposed project and the cumulative projects listed in Table 3-1 propose urban development, which would include exterior and interior lighting. All lighting associated with the project and cumulative projects would be subject to Antioch Municipal Code Section 9-5.1715 regarding parking lot area lighting standards. In addition, all cumulative projects located in the City of Brentwood would be subject to the City of Brentwood's lighting standards contained in the Municipal Code. As such, the cumulative impact related to light and glare would be less than significant (Draft EIR, page 3.1-50.)

# 8.1.2 – Agriculture Resources and Forestry Resources

**Impact AG-3:** The project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)) (Draft EIR, page 3.2-13).

**Findings:** No Impact. No mitigation is required (DEIR, page 3.2-13).

**Facts in Support of Findings:** The project site is designated as Hillside and Estate Residential/Golf Course/Senior Housing/Public-Quasi Public/Open Space by the City of Antioch General Plan. The site is zoned as Study District by the City of Antioch Code of Ordinances. The site is not zoned for forest land, timberland, or timberland zoned Timberland Production (Draft EIR, page 3.2-13). For these reasons and the reasons discussed in the Draft EIR, the proposed project would not conflict with existing zoning



for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. No impact would occur (Draft EIR, page 3.2-13).

- **Impact AG-4:** The project would not result in the loss of forest land or conversion of forest land to non-forest use (Draft EIR, page 3.2-13).
- **Findings:** No Impact. No mitigation is required (Draft EIR, page 3.2-14).

Facts in Support of Findings: Section 12220(g) of the California Public Resources Code defines forest land as land that can support 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. The project site is 551.50 acres and includes a number of native oak trees (approximately 7.00 acres of Valley Oak) mainly lining the Sand Creek corridor, as well as a windrow of non-native Eucalyptus trees (approximately 1.50 acres) along the western property boundary. The native oaks constitute 1.25 percent of the entire project site and only 0.1 percent of them would potentially be impacted by the proposed project. Because the site has well under 10 percent coverage, it is not considered forest land. While these resources are not considered forest land as defined above, the City and project Applicant value these resources. In this vein, none of the native oak trees within the Sand Creek Corridor will be removed as part of the proposed project. As noted in Section 3.4, Biological Resources, the entire corridor will be preserved and protected in perpetuity-including the trees within it. Similarly, the entire non-native windrow of eucalyptus will remain in place. Finally, there are a few solitary oak trees scattered throughout the project site. None of these oaks are currently slated for removal, although one or two (0.1 percent total) may need to be removed in the future if it is infeasible to design infrastructure around them. See Section 3.4, Biological Resources, for a detailed discussion on trees. For these reasons and the reasons discussed in the Draft EIR, the project would not result in the loss of forest land or conversion of forest land to non-forest use. No impacts would occur (Draft EIR, page 3.2-13 through 3.2-14).

- **Impact AG-5:** The project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses or conversion of forest land to non-forest use (Draft EIR, page 3.2-14).
- **Findings:** No Impact. No mitigation is required (Draft EIR, page 3.2-14).

**Facts in Support of Findings:** The proposed project would not convert any mapped Prime Farmland, Farmland of Statewide Importance, or Unique Farmland to non-agricultural uses. None of the surrounding sites are farmed or in agriculture production. Beyond the neighboring sites sits the Urban Limit Line (ULL) and Roddy Ranch to the south, and the Empire Mine State Park to the west. The properties to the north and the east of the project site have been fully developed with single-family homes and a

hospital, respectively. Thus, the proposed project could not involve other changes that would result in conversions of Farmland to non-agricultural use (Draft EIR, page 3.2-14).

As discussed above, forest land does not exist within the project site, or anywhere adjacent to it. For these reasons and the reasons discussed in the Draft EIR, the project would not involve changes to the existing environment which, due to their location or nature, could result in the conversion of Farmland to non-agricultural uses or forest land to non-forest uses (Draft EIR, page 3.2-14).

- **Cumulative Agricultural Impact:** The project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural uses or conversion of forest land to non-forest use (Draft EIR, page 3.2-14).
- **Findings:** No Impact. No mitigation is required (Draft EIR, page 3.2-14).

**Facts in Support of Findings:** As discussed above, the project site is not designated or mapped as Farmland and does not contain forest land. Therefore, the proposed project would not convert Farmland to non-agricultural use or convert forest land. In addition, the area surrounding the project site is not designated as Farmland, nor does it contain designated forest land. Cumulative projects identified within Table 3-1 are either located within areas designated as Farmland of Local Importance or Urban and Built Up Land—not Prime Farmland, Unique Farmland, or Farmland of Statewide Importance and do not contain forest land. Thus, no agricultural mitigation would be required to mitigate effects related to such lands. Therefore, the proposed project in conjunction with other projects would not convert Farmland to non-agricultural use or impact forest land and cumulative impacts would be less than significant (Draft EIR 3.2-14-15).

### 8.1.3 – Air Quality

- **Impact AIR-4:** The project would not result in other emissions such as those leading to odors adversely affecting a substantial number of people (Draft EIR, page 3.3-55).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.3-56).

**Facts in Support of Findings:** Diesel exhaust would be emitted during construction, the odors of which are objectionable to some. However, construction activity would be short-term and finite in nature. Furthermore, equipment exhaust odors would dissipate quickly and are common in an urban environment. As such, the project would not create objectionable odors affecting a substantial number of people during construction. Therefore, construction odor impacts at existing off-site odor sensitive receptors would be less than significant.

Land uses typically considered associated with odors include wastewater treatment facilities, waste-disposal facilities, or agricultural operations.

The proposed project is a residential and commercial development project and is not expected to produce any offensive odors that would result in odor complaints. During operation of the proposed project, odors would primarily consist of passenger vehicles traveling to and from the site. These occurrences would not produce objectionable odors affecting a substantial number of people; therefore, operational impacts associated with the proposed project's potential to create odors would be less than significant (Draft EIR, page 3.3-56).

## 8.1.4 – Biological Resources

**Impact BIO-6:** The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan (Draft EIR, page 3.4-74).

**Findings:** No Impact. No Mitigation is required (Draft EIR, page 3.4-74).

**Facts in Support of Findings:** The East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) was adopted by the East Contra Costa County Habitat Conservancy on May 9, 2007, and covers the City of Brentwood, City of Clayton, City of Oakley, City of Pittsburg, all of the unincorporated areas of Contra Costa County, Contra Costa Water District, and East Bay Regional Park District. The HCP/NCCP seeks to avoid conflict between conservation and economic development by providing an opportunity to preserve diverse ecosystems, unique species, and scenic landscapes while clearly regulating obstacles to development and growth. The HCP/NCCP covers approximately 175,000 acres in East County, including a Preserve System of up to 30,000 acres to support recreation, livestock grazing, and in small instances, agriculture. Developers within the HCP/NCCP may pay a fee and/or dedicate land rather than individually having to survey, negotiate, and secure State and federal resource permits. The fees are collected, and the HCP Conservancy purchases habitat lands/easements from willing sellers. Funds are also collected for monitoring and/or habitat enhancement.

Chapter 5 of the HCP/NCCP outlines the conservation strategy, which relies on the following types of conservation measures for both habitat and species:

- Avoidance and minimization
- Habitat preservation
- Habitat enhancement
- Habitat restoration
- Habitat creation
- Population enhancement

With regard to wetlands and ponds, the main goal of the HCP/NCCP is to preserve wetlands within the inventory area and restore then in the Preserve System. With regard to grasslands, the goal is to preserve sufficient habitat in the inventory area to maintain viable populations of grassland species. With regard to riparian woodland and scrub habitat, the main goal is to preserve or enhance streams and riparian woodlands in the inventory area. The HCP/NCCP also includes several avoidance and minimization measures.

As noted by the HCP documents, the City of Antioch opted out. Thus, the project Applicant does not have the benefit of the HCP and is instead, required to fund surveys, prepare and obtain individual regulatory permits, and fully mitigate any and all impacts to biological resources in accordance with those permits prior to proceeding with any development on the project site. However, the project Applicant has included over 40 percent of the site as open space, taken all development off of hillsides, is preserving 99 percent of the existing trees on-site, and is preserving the entirety of the Sand Creek Corridor. Accordingly, the project clearly meets the conservation goals and the avoidance minimization measures of the East Contra Costa County HCP (Errata, page 3-35 through 3-36).

If the City has adopted an HCP prior to the start of project construction, and both the City and all resource agencies have approved the HCP, the proposed project would be required to comply with all provisions of the HCP to the extent such impacts could be mitigated by the HCP, and compliance would reduce any impacts to a less than significant level. However, because no HCP/NCCP currently governs the project site, construction impacts related to the consistency with a conservation plan would have no impact on any such plan. For these reasons and the reasons discussed in the DEIR, the project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan (Draft EIR, page 3.4-74).

### 8.1.5 – Cultural and Tribal Cultural Resources

- **Impact CUL-5:** The project would not cause a substantial adverse change in the significance of a tribal cultural resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1 (Draft EIR, page 3.5-23).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.5-23).

**Facts in Support of Findings:** In May 2019, the City sent a letter to the Native American Heritage Commission (NAHC) in an effort to determine whether any sacred sites are listed on its Sacred Lands File for the project site. A response was received on



June 13, 2019, indicating the search returned negative results for Tribal Cultural Resources (TRCs) in the project site vicinity, and recommended contacting tribal representatives for additional information. The NAHC included a list of eight tribal representatives available for consultation. To ensure that Native American knowledge and concerns over potential TCRs that could be affected by the proposed project are addressed, a letter containing project information and requesting any additional information was sent to each of the seven tribal representatives on August 29, 2019. To date, no response has been received from any of the listed tribal representatives.

The City of Antioch, in its capacity as Lead Agency, has not identified or determined any known TRCs to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. As such, construction activities would not cause a substantial adverse change in the significance of a tribal cultural resource because the City has never made a significance determination (Draft EIR, page 3.5-24).

### **Cumulative Cultural Resources Impact:**

**Findings:** Less than Significant Impact. No additional mitigation is required (Draft EIR, page 3.5-24 - 25).

**Facts in Support of Findings:** Although unexpected and unanticipated, there is the possibility that previously undiscovered historic, archeological, or Tribal Cultural Resources could be encountered by subsurface earthwork activities associated with the cumulative projects (Draft EIR page 3.5-24).

Cumulative impacts would be less than significant because construction activities associated with development projects in the project vicinity would be required to mitigate for impacts through compliance with applicable federal and State laws governing such resources. (Draft EIR pages 3.5-24 -25.) The implementation of project construction mitigation measures would ensure that undiscovered resources are not adversely affected by cumulative project-related construction activities, which would prevent the destruction or degradation of potentially significant resources. Given the low potential for disruption, and the comprehensiveness of project level mitigation measures that would apply to the cumulative projects, the project, in conjunction with other planned and approved projects, would result in a less than significant impact (Draft EIR pages 3.5-24 -25).

Additionally, while some cultural resources may have regional significance, the resources themselves are site specific, and impacts are project specific. Prehistoric, historic, and Native American cultural resources are unique and non-renewable resources. As noted previously, the potential exists for unknown subsurface archaeological and Native American cultural resources to be unearthed during site excavation. Though implementation of cumulative projects could collectively impact cultural or tribal resources in the geographic area, the proposed project's incremental impact when added to other past, present, and reasonably foreseeable future actions



would be minor. In addition, the City of Antioch General Plan EIR anticipates the buildout of the proposed project with urban land uses and has ensured that the anticipated projects would not result in substantial adverse cumulative impacts on cultural resources. Known cultural resources are located on the project site and the potential exists for cultural or tribal resources to be located on the project site; however, as stated above, mitigation measures included in this EIR would reduce any associated project impacts to less-than-significant levels. In addition, similar to the proposed project, all other projects in the City would be subject to the same regulations and standards required to ensure a less-than-significant impact to cultural and tribal resources (Draft EIR pages 3.5-24 -25). Therefore, the project's contribution to a combined effect on cultural resources would be considered less than significant and no further mitigation is necessary to reduce cumulative impacts to below a level of significance.

### 8.1.6 – Geology and Soils

- **Impact GEO-5:** The project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater (Draft EIR, page 3.6-22).
- **Findings:** No Impact. No mitigation is required (Draft EIR, page 3.6-21).

**Facts in Support of Findings:** The proposed project would be connected to and served by the existing municipal sanitary sewer system and would not use septic tanks or any alternative wastewater disposal system. Therefore, there would be no impacts related to soil capability of supporting the use of alternative wastewater disposal systems (Draft EIR, page 3.6-22). For these reasons and the reasons discussed in the EIR, the project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater (Draft EIR, page 3.6-22).

- **Cumulative Impact Geology and Soils:** The project would not have a cumulative impact on geology or soils (Draft EIR, page 3.6-23).
- **Findings:** Less than Significant Impact. No mitigation is necessary (Draft EIR, page 3.6-24).

**Facts in Support of Findings:** Adverse effects associated with geology and soils tend to be localized; therefore, the area near the project site would be the area most affected by project activities (generally within a 0.50-mile radius). None of the cumulative projects listed in Chapter 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects, are within 0.50 mile of the proposed project. (Draft EIR, pages 3.6-23 - 24).
Development in the project vicinity has not included any uses or activities that would result in geology or soils impacts. All construction phases of this project, and other foreseeable projects in the area, would be required to adhere to all federal, State, and local programs, requirements, and policies pertaining to building safety and construction permitting. All projects would be required to adhere to the City's Building Code and Grading Ordinance. Cumulative projects would adhere to the provisions of the California Building Standards Code (CBC), and policies of the City of Antioch General Plan and Antioch Municipal Code reducing potential hazards associated with seismic ground shaking and ground failure. (Draft EIR, page 3.6-24).

Additionally, projects would be required to adopt mitigation measures to reduce project specific impacts. As such, the proposed project in conjunction with other cumulative projects would result in a less than significant cumulative impact associated with seismic-related hazards, geology and soils (Draft EIR, page 3.6-24).

Soil conditions associated with the project site, such as expansive soils, are specific to the project site and generally do not contribute to a cumulative effect. As such, the proposed project, in conjunction with other projects, would not have a cumulatively significant impact associated with soil-related hazards (Draft EIR, page 3.6-24).

The likelihood of presence of geologic resources and paleontological resources on the cumulative project sites is relatively low, given that the majority of soil disturbance associated with these projects will take place within Holocene soils too young to be fossiliferous. However, while it is unlikely and unanticipated, there is the possibility that previously undiscovered resources could be encountered; accordingly, the implementation of standard measures would ensure that undiscovered geologic and paleontological resources are not adversely affected. Given the low potential for disruption and the comprehensiveness of mitigation measures that would apply to the cumulative projects in the vicinity, the proposed project, in conjunction with other planned and approved projects, would result in a less than significant cumulative impact related to unique geologic and paleontological resources (Draft EIR page 3.6-24.)

Cumulative impacts are less than significant and no further mitigation is necessary to reduce cumulative impacts to below the level of significance (Draft EIR, page 3.6-24).

### 8.1.7 – Greenhouse Gas Emissions and Energy

- **Impact GHG-2:** The project would not conflict with any applicable plan, policy or regulation of an agency adopted to reduce the emissions of GHGs (Draft EIR page 3.7-49).
- **Findings:** Less than Significant Impact. No mitigation is necessary (Draft EIR page 3.7-56).

Facts in Support of Findings: As discussed in detail in under Impact GHG-2 (DEIR pages 3.7-49 – 56), the Statewide Assembly Bill 32 (AB 32) Scoping Plan and the Senate Bill 32 (SB 32) Scoping Plan Update rely on increased building energy efficiency as a method to address one of the largest Statewide greenhouse gas (GHG) sectors (i.e., Energy Use). The proposed project would be compliant with all applicable energy efficiency standards such as Title 24 and CALGreen. Compliance with these regulations would result in higher energy efficiency operations than the existing buildings. As presented in Table 3.7-7 of the EIR, the proposed project is consistent with most of the Scoping Plan's strategies, while others are not applicable. Therefore, the proposed project would not conflict with the recommendations of AB 32 in achieving a Statewide reduction in GHG emissions. Therefore, the proposed project would not significantly hinder or delay the State's ability to meet the reduction targets contained in AB 32 or conflict with implementation of the Scoping Plan. Furthermore, as shown in Table 3.7-8, implementation of the proposed project would not conflict with the reduction measures outlined in the 2017 Scoping Plan Update addressing the SB 32 targets. Therefore, the proposed project would not conflict with any applicable plan, policy or regulation of an agency adopted to reduce the emissions of GHGs. The impact would be less than significant, and no mitigation is required (Draft EIR pages 3.7-49-56).

- **Impact GHG-3:** The project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation (Draft EIR, page 3.7-57).
- **Findings:** Less than Significant Impact. No mitigation is necessary (Draft EIR, pages 3.7-57–59).

Facts in Support of Findings: As discussed in the Draft EIR and modeled in Appendix C, the proposed project would be designed and constructed in accordance with the City's latest adopted energy efficiency standards, which are based on the State's Title 24 energy efficiency standards. These standards are widely regarded as the most advanced energy efficiency standards and compliance would ensure that operational energy consumption would not result in the use of energy in a wasteful manner or inefficient manner. The project site is also located approximately 3 miles from the Antioch BART Station, which is served by the yellow line. Tri Delta Transit provides bus services in eastern Contra Costa County. Local Routes 379, 388, and 392 would provide bus services to the project site, and the nearest bus stop to the project site for the aforementioned routes is located approximately 230 feet east of the project site across Deer Valley Road. The existing transportation facilities in the area would provide future residents, visitors, and employees with access to public transportation, thus further reducing fuel consumption demand. Additionally, the proposed project would include sidewalks on local streets and bicycle lanes, which would connect to existing bicycle lanes, thus encouraging walking and bicycling within the project site and to offsite destinations. For these reasons, transportation fuel consumption would not result in a significant environmental impact due to wasteful, inefficient, or unnecessary

consumption of energy resources, during long-term operations (Draft EIR, pages 3.7-57–59).

Therefore, the construction and operational impact related to consumption of energy resources would be less than significant (Draft EIR, pages 3.7-57–59).

- **Impact GHG-4:** The project would not conflict with or obstruct a state or local plan for renewable energy efficiency (Draft EIR, page 3.7-59).
- **Findings:** Less than Significant Impact. No mitigation is necessary (Draft EIR, pages 3.7-59–60).

**Facts in Support of Findings:** With respect to construction impacts, the proposed project would be required to comply with California Code of Regulations, Title 13, Sections 2449(d)(3) and 2485 which limit idling from both on-road and off-road diesel-powered equipment and are enforced by the ARB. There are no renewable energy standards that would apply to construction of the proposed project. Therefore, construction would not conflict with or obstruct any regulations adopted for the purposes of increasing the use of renewable energy. Therefore, it is anticipated that construction of the proposed project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing energy use or increasing the use of renewable energy standards consistency impacts would be less than significant (Draft EIR page 3.7-59).

At operation, the proposed project would purchase power comprised of a greater amount of renewable sources compared to what is required by regulations in effect (Draft EIR page 3.7-60). In addition, the City's CCAP includes green building and energy efficiency policies that promote planting trees to shade buildings, installing energy efficient appliances, reducing household water use, and expanding bicycle use and public transportation. The proposed project would include extensive bicycle lanes and sidewalks and would provide access to Tri Delta Transit bus services. Proposed buildings would be designed and constructed in accordance with the State's Title 24 energy efficiency standards. The project's approach to landscape design aims to minimize manicured landscapes and extensive lawns, and to maximize tree preservation. The proposed project would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing energy use or increasing the use of renewable energy. Therefore, operational energy efficiency and renewable energy standards consistency impacts would be less than significant (Draft EIR page 3.7-60).

# 8.1.8 – Hazards, Hazardous Materials, and Wildfire

**Impact HAZ-1:** The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (Draft EIR, page 3.8-26).

**Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.8-26).

**Facts in Support of Findings:** Construction activities would involve the use of heavy equipment, which would contain fuels, oils, and various other products such as concrete, paints, and adhesives that could be considered hazardous. However, the project contractor would be required to comply with all local, State, and federal laws regulating the handling, storage, and transportation of hazardous and toxic materials, as overseen by the California Environmental Protection Agency (Cal/EPA), the Central Valley Regional Water Quality Control Board (RWQCB), and the California Department of Toxic Substances Control (DTSC) (Draft EIR, page 3.8-26).

The proposed project would include residential development, parks, open space and trails, the dedication of future a fire station site, and a Village Center that would include commercial, office, and retail space. Residential and general commercial land uses do not typically involve the routine transport, use, disposal, or generation of substantial amounts of hazardous materials. During project operation, hazardous materials use would be limited to landscaping products such as fertilizer, pesticides, as well as typical commercial and household-type maintenance products (cleaning agents, degreasers, paints, batteries, and motor oil). Proper handling and usage of such materials in accordance with label instructions would ensure that adverse impacts to human health or the environment would not occur (Draft EIR, page 3.8-26).

- **Impact HAZ-3:** The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school (Draft EIR, page 3.8-31).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.8-31).

**Facts in Support of Findings:** The nearest schools to the project site are Diablo Vista Elementary School, located 0.79-mile northeast of the proposed project site, and Dozier-Libbey Medical High School, located 0.86-mile southeast of the project site. As such, the project site is not located within 0.25-mile of a school and project construction would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of an existing or proposed school (Draft EIR, page 3.8-31).

**Impact HAZ-4:** The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would not create a significant hazard to the public or the environment (Draft EIR, page 3.8-31).

**Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.8-31).

**Facts in Support of Findings:** According to the Geotracker and EnviroStor websites, the project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, impacts would be less than significant (Draft EIR, page 3.8-31).

- **Impact HAZ-5:** For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, the project would not result in a safety hazard or excessive noise for people residing or working the project area (Draft EIR, page 3.8-32).
- **Findings:** No Impact. No mitigation is required (Draft EIR, page 3.8-32).

**Facts in Support of Findings:** The project site is not located within an airport land use plan, nor within 2 miles of a public airport or private airstrip. The nearest major airport is the Byron Airport, which is located over 10 miles southeast of the project site. According to the Contra Costa County Airport Land Use Commission, the project site is not within the ALUCP area or the area of influence of the nearest airport; therefore, the project site is not within an area of influence identified for the Byron Airport. Thus, the project site would not be subject to any safety hazards associated with an airport, and no impact would occur (Draft EIR, page 3.8-32).

- **Impact HAZ-7:** The project would not expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires (Draft EIR, page 3-34).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.8-35).

**Facts in Support of Findings:** The potential for construction activities to result in wildland fires is present. The Applicant and construction contractor would be required to work closely with Contra Costa County Fire Protection District to establish Best Management Practices (BMPs) and specific safety precautions to reduce potential wildfire impacts during construction, and to ensure that any wildfire hazards that occur are contained to minimize the potential for significant risk of loss, injury, or death involving wildland fires. As such, impacts would be less than significant (Draft EIR, page 3.8-34).

The majority of the project site currently consists of undeveloped grassland, and the proposed project would preserve the existing Sand Creek corridor, in addition to various hills and ridgeline areas in the northwestern and southwestern portions of the project site, as open space. Landscaping placed between open spaces and developed areas

of the project site would have the potential to transfer wildland fires to the developed areas of the project site. However, landscaping within the proposed project would be required to adhere to City of Antioch Municipal Code Section 9-5.1003, which advises that landscaping plantings be selected for fire resistance, where appropriate. Wildland fires in the immediate vicinity of the proposed project would be ground fires (i.e., grass fires versus large stand-replacing crown fires in heavily wooded areas). The maintenance of fire-resistant landscaping adjacent to exposed structures would reduce the likelihood that fires would spread from wildlands to adjacent developed areas (Draft EIR, page 3.8-34).

According to the California Department of Forestry and Fire Protection (CAL FIRE), the project site is not located within a fire hazard severity zone. The General Plan EIR determined that new development within the rural, hilly terrain included in the Sand Creek Focus Area could expose persons to hazardous conditions associated with wildland fires. However, the General Plan EIR concluded that impacts related to wildland fire hazards resulting from buildout of the General Plan would be less than significant with implementation of the fire protection policies in the General Plan (Draft EIR, page 3.8-34).

The proposed project plan includes a 2.00-acre parcel within the southeastern portion of the project site, adjacent to Deer Valley Road, for the construction by Contra Costa County Fire Protection District of a fire station. Construction of the fire station would enhance emergency response capabilities for the project site and the City of Antioch generally (Draft EIR, page 3.8-34).

The proposed project would be required to comply with all applicable fire protection policies, such as Policy 8.10.2a, which includes enforcement of building codes to reduce fire hazards, and Policy 8.10.2d, which includes involvement of Contra Costa County Fire Protection District in the development review process. In addition, development of the proposed project would include the installation of fire suppression systems (e.g., fire hydrants, automatic fire sprinklers, smoke detectors), would be designed in accordance with the latest requirements of the California Fire Code, and would improve emergency access by way of the extension of Sand Creek Road through the project site. The extension of Sand Creek Road would be the primary Emergency Vehicle Access (EVA) route to the project site. A secondary EVA would be provided through Village 9, as shown in Exhibit 2-14 of the Draft EIR (Draft EIR, page 3.8-34).

In accordance with State standards, the proposed project would be required to maintain defensible space to provide a firebreak that would prevent the spread of ground fires and protect on-site structures. Project plans would be routed to Contra Costa County Fire Protection District for review and approval. Contra Costa County Fire Protection District provides fire prevention services to the City of Antioch through inspections, code enforcement, plan review and engineering services, public education, fire investigations, and exterior hazard control, and review by Contra Costa County Fire Protection District would ensure that any potential hazards associated with wildland fires to the proposed

buildings and structures would be appropriately reduced. Therefore, impacts of the proposed project related to exposure of people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands, would be less than significant (Draft EIR, page 3.8-34).

- **Impact WILD-1:** Due to slope, prevailing winds, and other factors, the project would not exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire (Draft EIR, page 3.8-36).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.8-37).

**Facts in Support of Findings:** The proposed project is located within the Sand Creek Focus Area in the City of Antioch, west of Deer Valley Road. According to CAL FIRE, the project is not located within a State Responsibility Area (SRA) Very High Fire Hazard Severity Zone.24. However, the property immediately south of the project site is designated high fire hazard zone. While the site itself is not within an SRA, it is located adjacent to a site that is (Draft EIR, page 3.8-36).

The BAAQMD monitors the Bay Area's air quality at a number of stations. The closest air quality data monitoring station to the project site is located in the City of Bethel Island, approximately 8.80 miles to the northeast. According to the BAAQMD, the average wind speed for Bethel Island varies month to month and ranges from 19 to 31 mph. Wind direction also varies from month to month and ranges from 356 to 360 degrees from the monitoring location (Draft EIR, page 3.8-36).

The project site would be developed with buffers between the grasslands to the west and south. Furthermore, no homes will be constructed along ridgelines or slopes of 25 percent or steeper, which reduces wildfire risk. The proposed project also includes the reservation of land for construction of a fire station on a 2.00-acre parcel within the southeastern portion of the project site, adjacent to Deer Valley Road. Construction of the fire station would enhance emergency response times for the project site and the City of Antioch generally. As mentioned in Section 3.13, Public Services, the proposed project would be required to pay a one-time fire impact fee per single-family home of \$951 to assist with costs of constructing a new fire station.26. Similar construction impact fees would be assessed for multi-family residential, commercial, office, and industrial buildings. In addition, the Applicant will work with the City to create a Community Facilities District (CFD) to fund its fair share portion of the operation of the fire station. Payment of impact fees and operational costs would ensure that the proposed project would be adequately served by existing Contra Costa County Fire Protection District facilities (Draft EIR, page 3.8-36).

Slopes and areas prone to vegetation/grass fires are present within the project site. However, development along slopes within the site would not occur, and the proposed project would incorporate fire resistant landscaping and building materials to reduce potential wildfire impacts to a less than significant level. Furthermore, proposed project structures would be required to comply with the California Fire Code with regard to emergency/fire access and use of building materials that would limit the spread of wildfire to the greatest extent possible. Therefore, impacts related to exposure of project occupants to pollutant concentrations from a wildfire or uncontrolled spread of wildfire would be less than significant (Draft EIR, page 3.8-36 through 3.8-37).

- **Impact WILD-2:** The project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment (Draft EIR, page 3.8-37).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.8-37).

**Facts in Support of Findings:** The proposed project consists of a master planned community located within the western portion of the Sand Creek Focus Area in the City of Antioch. Because the existing project site is undeveloped, electrical power lines would be required to develop the proposed project. However, all electricity infrastructure would be located underground and tie into existing infrastructure located at Dallas Ranch Road and an existing substation located approximately 0.50-mile south of the Hillcrest/Prewett Drive intersection. This would minimize risk of potential ignition and related fire risk above ground. Additionally, natural gas would be provided via a joint trench and connected to existing gas lines on the project site. The proposed project would not require installation of emergency water sources as an existing water tank is located just north of the project site.

Furthermore, the proposed project includes a 2-acre fire station site within the southeastern portion of the project site, adjacent to Deer Valley Road, upon which Contra Costa County Fire Protection District will construct a new fire station to serve the project and surrounding areas. Construction of the fire station would enhance emergency response capabilities for the project site and the City of Antioch generally.

The proposed project has been designed to include wildfire buffers and to keep development off of ridgelines and hilltops to reduce risk of wildfires. At least two bridges will be installed connecting the southern development area to the northern development area to ensure sufficient access in the event of an emergency.

As such, none of the proposed infrastructure would exacerbate fire risk; therefore, this impact would be less than significant (Draft EIR, page 3.8-37).

- **Impact WILD-3:** The project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes (Draft EIR, page 3.8-38).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.8-38).

**Facts in Support of Findings:** The project site is located within the western portion of Sand Creek Focus Area and is not susceptible to landslides or downstream flooding. While the portion of the site traversed by Sand Creek is within Zone A (a flood zone), the remaining and developable project area is within Zone X. In addition, the proposed project is not located within an area that is susceptible to landslides, as noted in Section 3.6, Geology and Soils. Therefore, the proposed project would not expose people or structures to significant risks and impacts related to flooding and landslide hazards due to post-fire slope instability or drainage changes would be less than significant (Draft EIR, page 3.8-38).

- Cumulative Impact Hazards, Hazardous Materials, and Wildfire: The project would not result in cumulative impacts related to hazards, hazardous materials, or wildfire (Draft EIR, page 3.8-38 - 40).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.8-40).

**Facts in Support of Findings:** Hazardous materials and other public health and safety issues are generally site-specific and/or project-specific and would not be significantly affected by other development inside or outside of the City. Other proposed and pending projects in the region under the cumulative context would include buildout of the City of Antioch General Plan, as well as development of the most recent planned uses within the vicinity of the project area (Draft EIR, page 3.8-38).

The proposed project is a residential and commercial development and, thus, does not involve industrial processes or any operations that would involve the routine use of hazardous materials. Furthermore, any future proposed development project would be subject to the same federal, State, and local hazardous materials management requirements as the proposed project. Therefore, potential risks associated with increased hazardous materials use in the community, including potential effects, if any, on the proposed project, would not cumulate to become a significant impact (Draft EIR, page 3.8-38).

With the implementation of policy provisions, regulatory requirements, and mitigation outlined within this section the proposed project would not have any potentially significant impacts on hazards or emergency response/access. Furthermore, any future proposed development would be subject to the same federal and State requirements as



the proposed project, which would ensure the safe transport, storage, use, and disposal of hazardous materials and wastes for the protection of human health and the environment. Therefore, the proposed project would not have a significant cumulative impact on hazards or emergency response/access (Draft EIR, page 3.8-40).

The cumulative projects, listed in Table 3-1, would result in predominantly residential development, which would increase emergency situations, including wildfires and thus increase the need for emergency services. Payment of impact development fees would ensure adequate fire protection services and emergency access would reduce potential impacts to hazards and emergency response to a less than significant level. All other projects in the City would be subject to the same regulations and standards required to ensure a less-than-significant impact related to hazards and hazardous materials. In addition, evacuation procedures in the event of an emergency, such as during a wildfire, are related to circulation and emergency access (Draft EIR, page 3.8-39).

In addition, all construction of all projects in the City would adhere to the City Building Codes that are designed to minimize the potential for uncontrolled fires. The City of Antioch 2003 General Plan EIR acknowledges that future development in the southeast area of Antioch would result in increased population and would alter the existing street network. All development would, however, comply with emergency access requirements as a condition of construction (Draft EIR, page 3.8-39).

The project also includes dedication of land for the construction and operation of a future fire station on a 2.00-acre parcel within the southeastern portion of the project site, adjacent to Deer Valley Road. Construction of the fire station would enhance emergency response capabilities for the project site and the City of Antioch generally. As such, cumulative impacts related to wildfire hazards and emergency response would be less than significant with mitigation (Draft EIR, page 3.8-39).

# 8.1.9 – Hydrology

- **Impact HYD-1:** The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality (Draft EIR, page 3.9-18).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.9-20).

**Facts in Support of Findings:** Construction activities could expose soils on the project site to potential water erosion and construction equipment-related pollutants. Runoff carrying eroded soils and pollutants could enter storm drainage systems and enter Sand Creek, increasing sedimentation and degrading downstream water quality. These sediments could also be carried downstream and discharged into the San Joaquin River Delta leading to the San Francisco Bay and Pacific Ocean, degrading surface water quality, or allowed to seep into the associated groundwater table. However, Chapter 9

of the City's Municipal Code, Storm Water Management and Discharge Control, requires projects that would disturb more than 1 acre of land to comply with the City's National Pollutant Discharge Elimination System (NPDES) permit. Consequently, given that proposed construction would disturb more than 1 acre of land, the proposed project would be required by the State to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit). Compliance with the Construction General Permit requires the project Applicant to file a Notice of Intent (NOI) with the California State Water Resources Control Board (State Water Board) and prepare a Storm Water Pollution Prevention Plan (SWPPP) prior to construction. The SWPPP would incorporate BMPs to reduce pollutants from construction activities potentially entering surface waters (Draft EIR, page 3.9-18).

As described in the Preliminary Stormwater Control Plan, the majority of project site soils have a very low potential for infiltration and would prevent most pollutants from seeping into groundwater. Furthermore, implementation of the SWPPP would also prevent pollutants from entering the Tracy Subbasin by implementing BMPs, such as dust-control watering and fiber rolls, which would prevent pollutants from moving off-site. Although construction activities have the potential to generate increased sedimentation, compliance with applicable policies and regulations of would minimize the potential to degrade water quality in downstream water bodies to the maximum extent possible. Therefore, construction impacts related to surface and groundwater and respective water quality would be less than significant and no mitigation is required (Draft EIR, page 3.9-18).

Operation of the proposed project would result in an increase of impervious surfaces on the project site and in turn generate stormwater runoff, which may carry pollutants such as pesticides, fertilizers, and deposits of fluids and metals from motor vehicles into Sand Creek or allow seepage of such pollutants into the associated groundwater table. However, the project site has soils with a very low potential for infiltration, and, thus, potential project operation impacts to groundwater quality would be low (Draft EIR, page 3.8-19).

As shown in Exhibit 3.9-2, the project site would be divided into five main drainage management areas (DMAs). Within each DMA, the proposed project would include Integrated Management Practices (IMPs) that provide full bioretention treatment of stormwater runoff. In addition, each DMA would include a gravity-flow storm drainage system that would collect stormwater and convey it to an IMP feature, such as a stormwater retention basin, specifically designed for the pertinent amount of impervious and pervious surfaces. As discussed further under Impact HYD-3, the proposed stormwater retention basins would contain stormwater cisterns, which would include full water-quality treatment per C.3 criteria. In addition, stormwater entering the stormwater cisterns would percolate through a bioretention medium, or filter, that would provide water quality treatment to stormwater prior to discharge into Sand Creek. Stormwater pollutants would be contained within the retention basins further reducing potential surface or groundwater quality impacts. Additionally, the proposed project would

include several permanent and operational BMPs that would further reduce the project's potential to generate pollutants that could degrade surface or groundwater quality (Draft EIR, page 3.8-20).

As a result, the combination of very-low infiltration soils, on-site stormwater treatment facilities, and source control BMPs would prevent project operation from significantly degrading surface or groundwater quality. Therefore, operational impacts related to surface and groundwater and respective water quality would be less than significant and no mitigation is necessary (Draft EIR, page 3.8-20).

- **Impact HYD-2:** The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin (Draft EIR, page 3.9-23).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.9-23).

**Facts in Support of Findings:** The proposed project would develop 373.60 acres of the 551.50-acre project site and result in 7,731,723 square feet of impervious surfaces. While the tenant currently pumps groundwater for watering livestock and the single-family home use, the proposed project does not propose to pump groundwater from the local groundwater basin in the future for operational activities. Thus, the project would not result in increased withdrawals from, or depletion of, groundwater supplies.

The proposed project would result in an increase in impervious surfaces (e.g., roads, driveways, and roofs), which would reduce the infiltration of groundwater to the underlying groundwater basin. The majority of the project site's on-site soils are characterized as having low soil permeability as only 1.5 percent of the project site contains HSG A soils. The HSG A soils are located in the southern section of the site that would not be developed.18 Therefore, on-site soils have limited potential for direct infiltration of stormwater. Thus, the proposed project would not be expected to impact groundwater supplies or recharge due to the low possibility of stormwater infiltration on the project site.

The majority of stormwater runoff from the site currently flows into Sand Creek, where waters are allowed to percolate and contribute to groundwater recharge in the area. The proposed stormwater facilities include basins where percolation into the underlying groundwater could occur. In addition, the proposed stormwater facilities, IMPs 4 and 5, would continue to drain into Sand Creek.

Accordingly, implementation of the proposed project would continue to allow runoff to contribute to groundwater recharge. Thus, development of the proposed project would not interfere substantially with groundwater recharge.

In conclusion, the proposed project would not interfere substantially with groundwater supply, recharge, or groundwater management. Therefore, impacts related to groundwater recharge and supply would be less than significant (Draft EIR, page 3.9-23).

- **Impact HYD-3:** The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
  - i) Result in substantial erosion or siltation on- or off-site;
  - ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;
  - iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater systems or provide substantial additional sources of polluted runoff;
  - iv) Impeded or redirect flood flows (Draft EIR, page 3.9-24).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.9-28).

**Facts in Support of Findings:** Project construction would involve grading, earthmoving activity, and soil disturbance that would take place over 373.60 acres of the acre project site and the off-site improvement area. Chapter 9 of the City's Municipal Code, Storm Water Management and Discharge Control, requires projects that will disturb more than 1 acre of land, such as the proposed project, to comply with the City's NPDES permit. Consequently, the Applicant would be required by the State to obtain coverage under the State General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit), which pertains to erosion- and siltation-related pollution from grading and project construction. Compliance with the Permit requires the project Applicant to file an NOI with the State Water Board and prepare a SWPPP prior to construction. The SWPPP would incorporate BMPs in order to prevent, or reduce to the greatest feasible extent, adverse impacts to water quality from erosion and sedimentation. Therefore, construction impacts related to alteration of drainage patterns resulting in erosion or siltation would be less than significant (Draft EIR, page 3.9-24).

Impacts related to increased runoff, and impedance or redirection for flood flows are limited to operational impacts. However, the proposed project would be required to implement a SWPPP as part of its Construction General Permit to ensure that additional sources of polluted runoff is prevented during construction. Thus, construction of the project would not create or contribute runoff water that would provide substantial additional sources of polluted runoff. Project construction includes the creation of expanded storm drain capacity along Dallas Ranch Road to convey stormwater that currently sheet flows across the sites, as well as the creation of bioretention basins capable of holding runoff during storm events and prevent any exacerbation of flooding

on- or off-site. Therefore, project construction would improve existing conditions and would not result in exceedance of storm drain capacity or create additional sources of runoff. Impacts would be less than significant.

The proposed project would include two new outfalls to discharge stormwater from the northern and southern bioretention basins into Sand Creek. These new outfalls would require a 401 Water Quality Certification from the Central Valley RWQCB. The project Applicant would be required by State law to acquire this certification prior to construction and further measures required by the Central Valley RWQCB would improve stormwater quality impacts. As a result, the proposed project would not substantially increase erosion or siltation with mitigation incorporated. Therefore, impacts would be less than significant (Draft EIR, page 3.9-25).

Stormwater treatment and conveyance included as part of the project would be designed according to Contra Costa County's hydrograph modification performance requirements. Furthermore, the City would require the project Applicant to submit a Final Stormwater Control Plan and related Stormwater Control Operations & Maintenance (O&M) Plan to the City for review and approval prior to issuance of grading permits. The Final Stormwater Control Plan would be conducted to assess consistency with all NPDES rules, regulations, and procedures for municipal, construction, and industrial activities as promulgated by the State Water Board or the Central Valley RWQCB. The Final Stormwater Control Plan and related Stormwater Control O&M Plan would be submitted to the City Public Works Department for review and approval related to compliance with the City's NPDES Permit and the Contra Costa Clean Water Program (CCCWP) Stormwater C.3 Guidebook. Grading, construction, and operational site plans would also be reviewed to verify consistency with the final Stormwater Control Plan and compliance with Provision C.3 of the CCCWP's NPDES Permit and the City's Stormwater Management and Discharge Control Ordinance Title 6 Chapter 9, Stormwater Management (Draft EIR, page 3.9-26 through 3.9-27).

As a result, operation of the proposed project would not substantially increase the rate or amount of surface runoff such that flooding would occur on- or off-site. Therefore, operational impacts related to increased runoff resulting in flooding would be less than significant (Draft EIR, page 3.9-27).

Proposed stormwater facilities would be designed according to the Stormwater C.3 Guidebooks and would include a bioretention soil medium that would provide stormwater treatment. Additionally, proposed project would include operational BMPs, such as native landscaping, preservation of open space to maximize ground cover, and maintenance of inlets to ensure debris does not block stormwater flows, which could reduce the amount of pollutants entering Sand Creek. However, increased stormwater runoff from project site development could still increase sources of polluted runoff. As described previously, implementation of a City-approved Final Stormwater Control Plan and related Stormwater Control O&M Plan would ensure the proposed project includes BMPs designed to prevent the significant release of stormwater pollutants consistent



with all NPDES rules, regulations and procedures for municipal, construction, and industrial activities as promulgated by the State Water Board or the Central Valley RWQCB. Thus, with implementation of a City-approved stormwater control plan, operation of the proposed project would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Therefore, operational impacts related to additional sources of polluted runoff or exceedance of storm drainage system capacity would be less than significant (Draft EIR, page 3.9-28).

As shown in Exhibit 3.9-1, the majority of the project site is located in Zone X—Area of Minimal Flood Hazard. However, the areas directly adjacent to Sand Creek are designated as Zone A—Area subject to inundations by the 1 percent annual chance flood event. The proposed project would include the construction of a vehicle bridge and a separate bicycle/pedestrian bridge across Sand Creek; the bridges would also accommodate required water and sewer line crossings. Ultimately, the vehicular bridge may be up to four lanes, but construction may be phased such that a 2-lane bridge would be built first, and then widened in the future into the ultimate 4-lane configuration. The vehicular bridge would be constructed on top of bridge abutments located outside the banks of Sand Creek. As a result, due to the placement of the bridge above the jurisdiction areas and the OHWM, the vehicle bridge would not have the possibility to impede flood flows because it would be located outside of a known flood hazard zone (Draft EIR, page 3.9-28).

The bicycle/pedestrian bridge could potentially include supports within the Sand Creek OHWM, and could therefore potentially impede or redirect flood flows. Consistent with General Plan policies 8.7.2 and 11.4.2, the proposed project would prepare a hydraulic study to assess the current flow of Sand Creek and to demonstrate the effect of any bridge supports on the creek flow and/or the 100- year floodplain. If needed, modifications to the bridge design, up to and including clear spanning of the creek would be implemented at the City's direction to ensure compliance. If bridge supports are proposed within the creek, applicable regulatory permits including a streambed alteration agreement from California Department of Fish and Wildlife and water quality certification from the RWQCB would impose additional protective measures to ensure that the design of the pedestrian/bicycle bridge would not adversely affect the creek flow and/or the 100-year floodplain. Therefore, operational impacts related to impedance or redirection of flood flows would be less than significant (Draft EIR, page 3.9-28).

- **Impact HYD-4:** The project would not be located in a flood hazard zone, tsunami, or seiche zone, or risk release of pollutants due to project inundation (Draft EIR, page 3.9-29).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.9-30).

**Facts in Support of Findings:** As shown in Exhibit 3.9-1, the majority of the project site is located within Federal Emergency Management Agency (FEMA) Flood Zone X, which is outside of the 100-year flood hazard area. However, portions of the project site are located within Zone A, which is an area subject to inundation by the one percent annual chance flood event. The areas designated as Zone A are limited to the portions of the site immediately adjacent and encompassing Sand Creek. The proposed project would include a 250-foot-wide corridor along Sand Creek (approximately 125 feet on either side of the Creek). Additionally, no housing is proposed to be located within the 100-year flood hazard zone (Draft EIR, page 3.9-29).

Construction of the proposed bridges, water line, and 15-inch sewer line would occur within Zone A. The pedestrian/bicycle bridge would be anticipated to be built under either a clear-span design option or a design option using supporting piles. A clear-span pedestrian bridge would allow the bridge to span the 100-year floodplain without requiring construction of structures within the 100-year flood zone. Alternatively, a pedestrian bridge design including support piles would require placement of structures within the 100-year flood zone. Alternatively, a pedestrian bridge design including support piles would require placement of structures within the 100-year flood zone, flood zone. Should such structures be placed within the 100-year flood zone, flood waters could be redirected, which would have the potential to result in a change to the FEMA flood hazard zones for the project area. Potential changes to the 100-year flood zone caused by construction of the pedestrian bridge or sewer line could lead to areas identified for residential development or areas designated for use as stormwater treatment, which are currently outside of the 100-year flood zone, being redesignated as within a 100-year flood zone. As a result, the project site could be a risk for inundation from flooding (Draft EIR, page 3.9-29).

However, the City's code requires that a hydraulic study be prepared for City review and would ensure the proposed project acquires and implements the necessary permits and actions to avoid impacts within a designated flood hazard zone. As described previously, should support piles be necessary for the pedestrian bridge, construction of the proposed bridge would require several permits. Compliance with the aforementioned permits, agreements, and certifications would ensure that the proposed project would comply with Central Valley RWQCB Basin Plan policies related to risk of pollutant release within waters (Draft EIR, page 3.9-29).

Tsunamis typically affect coastlines and areas up to one quarter of a mile inland. The project site is located over 50 miles from the Pacific Ocean. Due to the project site's distance from the coast, potential flooding effects related to a tsunami would be minimal. The nearest enclosed body of water to the project site is the Contra Loma Reservoir, which is located over 4.2 miles northwest of the project site. Due to the project site's distance from the nearest enclosed body of water and regional topography, the project site would not be susceptible to flooding resulting from a seiche. As a result, the project site would not be a risk for inundation from tsunami or seiche. Therefore, impacts related to risk of pollutant release due to inundation would be less than significant (Draft EIR, page 3.9-29).

- **Impact HYD-5:** The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan (Draft EIR, page-3.9-30).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.9-30).

**Facts in Support of Findings:** The proposed project would not conflict with the CCCWP or the City's Stormwater NPDES permit. Given that proposed construction would disturb more than 1 acre of land, the proposed project would be required to comply with the terms of the Construction General Permit, which would require the preparation and implementation of a SWPPP to include BMPs to ensure reduction of pollutants from construction activities potentially entering surface waters or groundwater. In addition, the project site is not located within a groundwater basin that is subject to a sustainable groundwater management plan.19 As discussed under Impact UTIL-1, the City of Antioch does not utilize groundwater as a source of potable water. Therefore, construction impacts related to water quality control plan or groundwater management plan consistency would be less than significant (Draft EIR, page 3.9-30).

The project site is located within the Tracy Subbasin. The project site has a very low potential for groundwater recharge, because the project site contains predominantly HSG 'C' type soils that have a very-low soil permeability, preventing significant groundwater infiltration. In addition, the City does not currently pump groundwater and does not plan to use groundwater as a water source for project operation in the future. Furthermore, the proposed project would be consistent with General Plan Policy 10.7.2d, because the proposed project would include a 250-foot-wide corridor (generally 125 feet on either side) along Sand Creek, which would ensure the protection of groundwater recharge areas. Since the City does not use groundwater as a water source, the proposed project would not conflict with or obstruct a sustainable groundwater management plan. Therefore, operational impacts related to a water quality control plan or groundwater management plan consistency would be less than significant (Draft EIR, page 3.9-30).

- **Cumulative Impact Hydrology and Water Quality:** The project would not result in a cumulative impact to hydrology or water quality (Draft EIR, page-3.9-30 32).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.9-32).

**Facts in Support of Findings:** Cumulative impacts related to hydrology and water quality typically occur within a defined watershed. The project site and all properties on the cumulative projects list in Table 3-1 are located within the Marsh Creek or the

adjacent West Antioch Watershed; notably, all respective surface water in the watershed eventually discharges into the San Joaquin Delta. Some cumulative projects are located within the City of Antioch, including the proposed project, and would be required to comply with the CCCWP and City of Antioch General Plan policies, which prevent a project from increasing off-site surface water flow from existing conditions and ensure that projects adhere to best practices during construction to prevent pollutants from being carried off-site (DEIR, page 3.9-30). Cumulative projects located in the City of Brentwood would be required to demonstrate consistency with the City of Brentwood General Plan and applicable codes, ordinances, and policies related to preventing pollutants from being conveyed off site. The combination of these policies and best practices would prevent significant cumulative impacts related to hydrology. Thus, the proposed project would have a less than significant cumulative impact related to hydrology (Draft EIR, page 3.9-31.)

The geographic context for consideration of cumulative impacts related to surface water quality is the Marsh Creek Watershed and West Antioch Watershed. All cumulative project construction would be required to obtain coverage under the State's Construction General Permit from the State Water Board, which would require preparation of a SWPPP that would control potential discharges of contaminants into Sand Creek and the San Joaquin Delta. Operations of these cumulative projects would also be required to comply with the CCCWP, the East County Municipal Separate Storm Sewer Systems (MS4) permit (which covers are cumulative project sites), the City of Antioch Municipal Code regarding stormwater, and the City of Brentwood applicable codes, ordinances, and policies related to water quality. Thus, the proposed project would have a less than significant cumulative impact related to surface water quality (Draft EIR, page 3.9-31).

The geographic context for consideration of cumulative impacts related to groundwater quality and management is the San Joaquin Valley Groundwater Basin. No cumulative projects would have the potential to impact groundwater quality and management as local, State, and federal laws require extensive BMPs be made part of the proposed project prior to any ground disturbance and ensure that post-construction runoff is free from pollutants. These laws would reduce any potential for pollutants to make their way into surface and groundwaters. Additionally, all cumulative project construction would be required to obtain a Construction General Permit from the State Water Board, which would require preparation of a SWPPP that would control pollutants that could seep into groundwater. Operations of cumulative projects in the City of Antioch would be required to comply with the CCCWP and the Antioch Municipal Code regarding groundwater. Operations of cumulative projects of Brentwood Would be required to comply with the CCCWP and the City of Brentwood Municipal Code regarding groundwater. Thus, the proposed project would have a less than significant cumulative impact related to groundwater quality (Draft EIR, page 3.9-31).

The geographic context for consideration of cumulative impacts related to flooding is the City of Antioch south of SR-4. According to the Antioch General Plan, portions of the

City are located within 100-year and 500-year flood zones as determined by FEMA; however, the majority of the City is located within an area of minimal flood hazard as identified by FEMA. Cumulative development within southern Antioch (South of SR-4) would increase the amount of impervious surface cover and later landscape drainage conditions, which could increase stormwater runoff. The proposed project would contain five DMAs and include three detention basins, which would retain flood waters, if any, during a large storm event. As discussed in Section 3.9 of the EIR, all developments are required to install stormwater systems to ensure post-project peak flows do not exceed pre-project flows (see the NPDES permit and MS4 requirements). Furthermore, during design review, the City would ensure all applicable standards related to on- and off-site flooding would be met through project design. Finally, the proposed project would have a less than significant cumulative impact related to flooding (Draft EIR, page 3.9-31 - 32).

### 8.1.10 – Land Use

- **Impact LAND-1:** The project would not disrupt or physically divide an established community (Draft EIR, page 3.10-20).
- **Findings:** No Impact. No mitigation is required (Draft EIR, page 3.10-20).

Facts in Support of Findings: The physical division of an established community would occur if the proposed project would involve construction of a large linear feature such as a railroad or interstate highway or if it would involve removal of access that would impact mobility such as removal of a bridge. To the contrary, the proposed project involves development of a master planned residential community on a largely undeveloped site within the Sand Creek Focus Area of the City of Antioch General Plan. The project does not propose the type of large linear construction that would impact mobility within an existing community and the surrounding area. The proposed project consists primarily of residential and associated commercial/retail development and would be consistent with the existing single-family residential development to the north of the project site. Existing areas to the west, south, and east of the site are not developed or considered established communities. With the exception of the existing residential development to the north, existing development in the project vicinity includes the Kaiser Permanente Medical Center to the east of the site. The proposed project would include internal vehicular circulation and pedestrian focused elements such as sidewalks that would thus improve connectivity and mobility within the community. For instance, consistent with the Circulation Element of the City of Antioch General Plan, the proposed project would provide the long-planned extension of Dallas Ranch Road through the project site to Deer Valley Road, which will allow better and more fluid access to the Kaiser Medical Center on Deer Valley Road, across from the project site. Thus, the proposed project would not physically divide an established community. Therefore, there would be no impact related to division of an established community (Draft EIR, page 3.10-20).

- **Impact LAND-2:** The project would not conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect (Draft EIR, page 3.10-20).
- **Findings:** Less than Impact. No mitigation is required (Draft EIR, page 3.10-20).

**Facts in Support of Findings:** Impacts related to consistency with applicable land use plans and policies are largely limited to operational impacts. However, consistency with Antioch Municipal Code policies related to tree protection are evaluated in Section 3.4, Biological Resources, and conditions of approval would ensure adherence to the City's tree preservation guidelines. Similarly, impacts related to noise and land use compatibility are evaluated in Section 3.11, Noise, and found to be less than significant with adherence to the noise reduction policies during construction outlined in the General Plan. Otherwise, there are no other adopted land use regulations or standards regarding construction that serve the purpose of avoiding or mitigating an environmental effect (Draft EIR, page 3.10-21).

According to the City of Antioch General Plan, the project site is located within the Sand Creek Focus Area and is designated by the City of Antioch General Plan for "Golf Course Community/Senior Housing/Open Space," "Hillside and Estate Residential," and "Public/Quasi Public." The project site is zoned as a Study District, an interim designation that is utilized until all necessary detailed land use studies are completed for a given area.

The project would amend the City of Antioch General Plan to add a land use designation referred to as the "Restricted Development Area" to the General Plan to protect approximately 149.04 acres of the project site from future urban development and prohibit such development on ridges and major hills throughout the project site and along Sand Creek as well as create an open space corridor of up to approximately 250 feet in width along Sand Creek. The project would also amend the City of Antioch General Plan to add a land use designation referred to as the "Limited Development Area" to allow limited urban development on approximately 401.88 acres of the project site. The Restricted Development Area would provide opportunities for low-density rural residential housing and preserve agriculture, grasslands, and open space (Draft EIR, page 3.10-22). Through these actions, the project would avoid hillside development through the preservation of open space and would provide a 250-foot corridor along Sand Creek as a buffer area for sensitive species and habitats. Additionally, as required in the General Plan, the proposed project would develop a Resource Management Plan (RMP) to outline mitigation of biological resources impacts within the project site. Therefore, the proposed project would be consistent with the City of Antioch General



Plan. Impacts related to General Plan consistency would be less than significant (Draft EIR, page 3.10-22).

The project would amend the Zoning Code from Study District to The Ranch Planned Development District, which would include low and medium residential, age-restricted, village commercial, rural residential, agriculture, public and open space uses. The PD would include development standards outlining maximum density and units, minimum lot sizes, landscape requirements, open space requirements, architectural guidelines, and maximum building heights and lot coverage (Draft EIR, page 3.10-22). The project would implement all proposed development standards and guidelines. Based on the foregoing, the proposed project would be consistent with the City of Antioch Zoning Code (Draft EIR, page 3.10-22).

Therefore, impacts related to Zoning Code consistency would be less than significant. Overall, the proposed project would not conflict the applicable land uses plans, policies, or regulations of the City of Antioch 2003 General Plan or Antioch Zoning Code adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, impacts on land use policies and plans would be less than significant (Draft EIR, page 3.10-22).

**Cumulative Impact – Land Use:** The project would not result in significant cumulative impacts with respect to land use (Draft EIR, page 3.10-23).

**Findings:** Less than Significant. No mitigation is necessary (Draft EIR, page 3.10-23).

**Facts in Support of Findings:** There are no cumulative impacts related to land use. Consistency with the City of Antioch General Plan and City of Antioch Municipal Code would minimize any potential cumulative land use impacts related to division of an established community. In addition, the project would include connections to future development to the south and west of the project site. As such, in conjunction with other cumulative projects, there would be a less than significant cumulative impact with respect to dividing an existing community (Draft EIR, page 3.10-23).

Cumulative impacts with respect to general plan consistency would not differ from those identified for the project. Conflict with Land Use Plan, Policy, or Regulation Land use decisions for both the proposed project and for the other cumulative projects listed in Table 3-1 are site-specific, and thus, made at the respective City level and mitigated on a project-by project basis. The proposed project would be consistent with the City's General Plan and Zoning Code provisions. Development in the City of Brentwood would be required to demonstrate consistency with the City of Brentwood General Plan and applicable codes, ordinances, and policies. Development in the City of Oakley would be required to demonstrate consistency with the City of Oakley General Plan and applicable codes, ordinances, and policies (Draft EIR, page 3.10-23). This would ensure that these cumulative projects comply with applicable planning regulations. Given the above information, there would be a less than significant cumulative impact with respect



to conflicting with a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. As such, the project would not result in significant cumulative impacts related to the division of an established community, or land use and planning. Development of the project site would be part of implementing the planned vision for this area of the City, and as such, would not contribute to any significant cumulative land use impacts (Draft EIR, page 3.10-23).

### 8.1.11 – Mineral Resources

The City has determined that Mineral Resources will not be impacted by the proposed project (Draft EIR, page 1-4).

**Findings:** No Impact. No mitigation is required (Draft EIR, pages 1-4, 4-1).

**Facts in Support of Findings:** There are no mineral resource recovery sites on or in the project vicinity. The project site does not contain any known mineral occurrences of undetermined mineral significance. In addition, the Contra Costa County General Plan Conservation Element Figure 8-4 indicates that no mineral resource zones are located on the project site or within the City of Antioch. Furthermore, the Antioch General Plan EIR does not identify any areas within the City available for new development to contain known mineral resources that would be of value to the region or residents of the State. As such, construction and operation of the proposed project would not result in the loss of a locally important mineral resource recovery site delineated by an applicable land use plan or the loss of availability of a known mineral resource of Statewide, regional, or local importance. Therefore, no impact to mineral resources would occur (Draft EIR, page 4-1).

### 8.1.12 – Noise

- **Impact NOI-2:** The project would not result in generation of excessive groundborne vibration or groundborne noise levels (Draft EIR, page 3.11-30).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.11-32).

**Facts in Support of Findings:** For purposes of this analysis, the Federal Transit Administration (FTA) construction vibration impact criteria are utilized. The FTA has established industry accepted standards for vibration impact criteria and impact assessment. These guidelines are published in the agency's Transit Noise and Vibration Impact Assessment Manual. Therefore, for purposes of this analysis, a significant impact would occur if the proposed project would generate groundborne vibration or groundborne noise levels in excess of the FTA impact assessment criteria for construction (0.2 in/sec peak particle velocity [PPV] for non-engineer timber and masonry buildings) (Draft EIR, page 3.11-30).

Groundborne noise is generated when vibrating building components radiate sound, or noise generated by groundborne vibration. In general, if groundborne vibration levels do not exceed levels considered to be perceptible, then groundborne noise levels would not be perceptible in most interior environments. Therefore, this analysis focuses on determining exceedances of groundborne vibration levels (Draft EIR, page 3.11-31).

Construction activity can result in varying degrees of ground vibration, depending on the equipment used on the site. Operation of construction equipment causes vibrations that spread through the ground and diminish in strength with distance. Buildings in the vicinity of a construction site respond to these vibrations with varying results ranging from no perceptible effects at the low levels, to slight damage at the highest levels (Draft EIR, page 3.11-31).

Impact equipment, such as pile drivers, are not expected to be used during construction of the proposed project. Therefore, of the variety of equipment used during construction of this component of the proposed project, a large bulldozer that could be used in the site preparation phase of construction, and the small vibratory rollers that would be used in the internal roadway improvements phase of construction would produce the greatest groundborne vibration levels. Large bulldozers produce groundborne vibration levels ranging up to 0.089 in/sec PPV at 25 feet from the operating equipment. Small vibratory rollers produce groundborne vibration levels ranging up to 0.101 in/sec PPV at 25 feet from the operating equipment.

The nearest off-site receptor to where the heaviest construction equipment (a large bulldozer) would operate are the single-family residences located 50 feet north of the nearest construction footprint that might require heavy grading using a large bulldozer. As measured at the nearest receptor, operation of a large bulldozer could result in groundborne vibration levels up to 0.031 in/sec PPV. This is well below the FTA's damage threshold criteria of 0.2 PPV for non-engineer timber and masonry buildings (this is the type of construction of the residential buildings north of the project site) (Draft EIR, page 3.11-31).

The nearest off-site receptor to where small vibratory roller equipment would operate are the single-family residences located 75 feet from the nearest construction footprint of the proposed roadway improvements. These closest roadway improvement operations would occur at the proposed connection of the future extension of Sand Creek Road to Dallas Ranch Road. As measured at the nearest receptor to this location, operation of a small vibratory roller could result in groundborne vibration levels up to 0.019 in/sec PPV. This is well below the FTA's damage threshold criteria of 0.2 PPV for non-engineer timber and masonry buildings (Draft EIR, page 3.11-31).

Overall, project construction activities would not generate groundborne vibration or groundborne noise levels in excess of the FTA impact assessment criteria for construction-related groundborne vibration. Therefore, construction-related groundborne

vibration impacts to existing off-site sensitive land use receptors would be less than significant (Draft EIR, pages 3.11-31 through 3.11-32).

The City of Antioch has not adopted criteria for operational groundborne vibration impacts. Therefore, for purposes of this analysis, a significant impact would occur if project on-going activities would produce groundborne vibrations that are perceptible without instruments by a reasonable person at the property lines of a project site. Implementation of the proposed project would not include any permanent sources of vibration that would expose persons in the project vicinity to groundborne vibration levels that could be perceptible without instruments at any existing off-site sensitive land use receptors. Therefore, operational groundborne vibration impacts would be less than significant (Draft EIR, 3.11-32).

- **Impact NOI-3:** The project would not expose people residing or working in the project area to excessive noise levels for a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport (Draft EIR, page 3.11-32).
- **Findings:** No Impact. No mitigation is required (Draft EIR, page 3.11-32).

**Facts in Support of Findings:** The project site is not located within the vicinity of a public airport or a private airstrip and is not within an airport land use plan. The closest public airport is the Byron Airport, located approximately 12 miles southeast of the project site. As such, operation of the proposed project would not expose people residing or working at the project site to excessive noise levels associated with public airport or public use airport noise. Therefore, no impact related to exposure of persons residing or working at the project site to excessive noise levels associated with airport activity would occur (Draft EIR, page 3.11-32).

- **Cumulative Impact Noise:** The project would not result in any potentially significant cumulative noise impacts (Draft EIR, pages 3.11-32 34).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.11-34).

**Facts in Support of Findings:** The geographic scope of the cumulative noise analysis is the project site vicinity, including surrounding sensitive land use receptors. Noise impacts tend to be localized; therefore, the area near the project site (approximately 0.25-mile radius) would be the area that could be most affected by cumulative projects (including the proposed project) construction and operational activities. Cumulative groundborne vibration impacts are even more localized with potential construction and operational cumulative vibration impacts limited to areas within 100 feet of project construction and operations. There are no known approved cumulative development projects that would lie within these boundaries. As such, there would be no possibility of



combination of potential construction noise associated with the cumulative projects. Therefore, there would be no cumulative impact related to construction noise (Draft EIR, pages 3.11-32 - 33).

None of the modeled roadway segments in the project vicinity would have traffic noise levels that would exceed conditionally acceptable noise levels for any adjacent land use. As shown in Table 3.11-10, none of the modeled roadway segments in the project site vicinity would result in a 3 A-weighted decibel (dBA) or greater increase under cumulative plus project conditions compared to future cumulative projects traffic noise levels that would exist without the proposed project. However, combined cumulative year traffic noise levels at the project site would exceed noise levels that the City considers acceptable for new residential land uses. However, implementation of MM NOI-1 would reduce traffic noise levels to meet the City's normally acceptable noise level standards for proposed land uses. Therefore, project-related traffic noise level would result in less than significant increases in traffic noise levels along modeled roadway segments in the project vicinity, and with implementation of MM NOI-1b, would not expose new land uses to traffic noise levels in excess of the City's acceptable land use compatibility standards and the contribution of the proposed project to cumulative projects traffic noise levels would be less than significant. Given the above information, the proposed project, in conjunction with other existing, planned, and probable future projects, would result in a less than significant cumulative impact related to traffic noise (Draft EIR, pages 3.11-32 - 33). No additional mitigation is required to reduce cumulative impacts.

Implementation of the proposed project would introduce new stationary noise sources to the ambient noise environment in the project vicinity, including new mechanical ventilation equipment at residential homes, new mechanical ventilation equipment, parking lot activities, and delivery trucks at the proposed Village Center, and new mechanical ventilation equipment and parking lot activities at the proposed fire station. However, implementation of MM NOI-2b and 2c would ensure that project-related stationary noise sources would not exceed the City's normally acceptable noise level thresholds. Therefore, implementation of the proposed project would not combine with any other planned projects in the project vicinity to result in a cumulatively considerable contribution to existing ambient noise conditions in the project site vicinity. Therefore, the cumulative operational stationary noise impact would be less than significant, and no further mitigation is required (Draft EIR, page 3.11-33).

The proposed project would not result in vibration during construction activity that could overlap with any other current or planned cumulative development projects located within 100 feet of the project site. As such, there would be no possibility of combination of potential construction vibration associated with the cumulative projects. Therefore, there would be no cumulative impact related to construction vibration (Draft EIR, pages 3.11-33-34).

The only cumulative contribution to vibration conditions in the vicinity of the project site could result from introduction of new permanent sources of groundborne vibration in the project site vicinity. The only major sources of groundborne vibration in the project vicinity is railroad activity along the light rail line, located approximately 2.75 miles north of the project site. Implementation of the proposed project would not introduce any new permanent sources of groundborne vibration to the project site vicinity and would not increase existing off-site railroad activity. Therefore, implementation of the proposed project would not result in a contribution to cumulative operational groundborne vibration conditions in the project site vicinity and the cumulative impact related to project operational vibration would be less than significant (Draft EIR, page 3.11-34).

# 8.1.13 – Population and Housing

- **Impact POP-1:** The proposed project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) (Draft EIR, page 3.12-12).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.12-12).

**Facts in Support of Findings:** The proposed project consists of a master planned community comprised of 1,177 dwelling units, further broken down into 543 Low Density units, 422 Age Restricted units, and 212 Medium Density units. According to the CDF, the estimated number of persons per household is 3.34. Using this figure as a multiplier, the proposed project would result in an increase of 3,931 persons in the City of Antioch. According to the CDF, the total City population as of January 1, 2019 was estimated to be 113,901. The proposed increase in population resulting from the project would represent a 3 percent increase in overall population compared to January 2019 estimate. Notably, the proposed project is consistent with and below the maximum 4,000 units permitted within the Sand Creek Focus Area outlined by the City of Antioch General Plan and with the West Sand Creek Tree, Hillside, and Open Space Protection, Public Safety Enhancement, and Development Restriction Initiative, which specifically allows for the development of 1,177 dwelling units within a portion of The Ranch property. Thus, implementation of the proposed project would not induce substantial unplanned direct population growth within the City of Antioch (Draft EIR, page 3.12-12).

Indirect population growth occurs when a project creates substantial employment opportunities, provides new infrastructure that can lead to additional growth, and/or removes barriers to growth. For example, a project could create thousands of jobs and attract a substantial amount people to the area. The proposed project would create employment opportunities with the addition of the future fire station once constructed, and the office, retail, and commercial space within the proposed Village Center. Once



operational, the proposed project is expected to employ approximately 108 workers onsite daily for the maintenance and operation of the proposed office, retail, and commercial space. Further, with respect to the infrastructure, the proposed project does not propose constructing new infrastructure beyond that which is already contemplated and provided for by the West Sand Creek District. Thus, implementation of the proposed project would not induce substantial population growth within the City of Antioch (Draft EIR, page 3.12-12).

Therefore, the proposed project would not result in substantial population, housing, or employment growth in excess of that analyzed for the City of Antioch planning area and anticipated under local and regional projections for the City. This would represent a less-than-significant impact related to induced population growth (Draft EIR, page 3.2-12).

- **Impact POP-2:** The proposed project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere (Draft EIR, page 3.12-13).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.12-13).

**Facts in Support of Findings:** Construction of the proposed project includes the demolition of one residence, and the construction of 1,177 new housing units, which would greatly expand the provision of housing in the City of Antioch. The demolition of one housing unit would not result in substantial displacement of houses or people. Impacts would be less than significant (Draft EIR, page 3.12-13).

The project site currently contains one dwelling unit, in addition to barns and other structures. These existing structures would be removed and a total of 1,177 new residential units (anticipated to house up to 3,931 new residents) would be added to the project site. The displacement of one existing unit would not necessitate the construction of replacement housing elsewhere (DEIR, page 3.12-13). According to the California Department of Finance, City of Antioch has an average of 3.34 persons per household. Using this figure as a multiplier, the demolition of one existing residence would displace up to 3.34 persons. However, because of the provision of 1,177 new residential units, the proposed project would not necessitate the construction of replacement housing elsewhere.

Therefore, the proposed project would not require the construction of replacement housing elsewhere due to the displacement of housing or people. This would represent a less than significant impact related to population and housing displacement (Draft EIR, page 3.12-13).

- **Cumulative Impact Population and Housing:** The proposed project would not have a cumulative impact with respect to population and housing (DeDR EIR, page 3.12-14).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.12-13).

**Facts in Support of Findings:** The project, in combination with cumulative projects listed in Table 3-1, is expected to draw employees primarily from the local labor force. California Department of Employment Development estimates that Contra Costa County 2018 employment to be 561,700 employed persons. The cumulative projects' estimated increase in jobs would total approximately 300 workers, representing an increase of less than 1 percent relative to the 2018 estimate. As such, there would not be substantial indirect population growth associated with implementation of the identified cumulative projects. Therefore, cumulative impacts related to population growth, both direct and indirect, would be considered less than significant (Draft EIR, page 3.12-14).

Cumulative projects would add residential units to the City of Antioch. None of the listed projects substantially displaces housing units or people within the City or surrounding areas. In fact, implementation of cumulative projects would result in a net increase of housing in the cities of Antioch, Brentwood, and Oakley within the unincorporated County). Therefore, cumulative impacts associated with population and housing displacement would be less than significant (Draft EIR, page 3.12-14).

### 8.1.14 – Public Services

- **Impact PUB-2:** The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection (Draft EIR, page 3.13-30).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.13-31).

**Facts in Support of Findings:** Antioch Police Department (APD) would provide police services to the project site during construction and over the course of its operation. Buildout of the proposed project would result in the development of approximately 1,177 residential units and would house an estimated 3,931 residents. In addition, the proposed project would include a Village Center area capable of accommodating up to 54,000 square feet of commercial, office, and retail space. As a result of the added population and commercial development, the APD would experience an increase in demand for police services within Beat 5 (Draft EIR, page 3.13-30).



Standard 3.5.3.2 in the City's General Plan requires the APD to maintain a staffing ratio of approximately 1.2 to 1.5 officers per 1,000 residents. Using the higher ratio of 1.5 officers per 1,000 persons, the proposed project would trigger the need for 2.5 new officers in Phase 1 (1,500 residents) and 5.8 new officers at buildout (at 3,931 residents). The General Plan also sets a goal of response times between 7 and 8 minutes, which the APD almost meets (the current average response time is 8 minutes and 27 seconds). The APD currently has 112 sworn officers with a City population of 114,000 (Draft EIR, page 3.13-31 through 3.13-31).

The proposed project would include annexation of the project site into a CFD for financing police services; the proposed project would also be required to pay an associated annual tax of \$445 per unit. With the addition of the proposed project, the APD would employ a total 143 officers and staff. Police headquarters is located in downtown Antioch, in a 67,000-square-foot facility, which features an indoor firing range, weight training and exercise room, and a community meeting room. Typically, approximately 475 square feet is needed per employee. If there were 143 officers and staff, approximately 67,925 square feet of headquarters space would be required at the buildout of the proposed project. Given the City currently has a 67,000-square-foot Police Headquarters, the proposed project would not trigger the need for a new facility. Therefore, the proposed project would not result in any adverse physical impacts associated with the provision of a new facility (Draft EIR, page 3.13-31).

- **Impact PUB-3:** The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools (Draft EIR, page 3.13-31).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.13-32).

**Facts in Support of Findings:** The project does not propose to construct any schools. The project site is located within the Antioch Unified School District (AUSD). The proposed project consists of a master planned residential community. The closest schools to the project site include Lone Tree Elementary School, which is approximately 0.76 mile northeast of the site, Deer Valley High School located approximately 0.84 mile from the site, and Dozier-Libbey Medical High School, which is approximately 0.86 mile southeast of the site. Additionally, Dallas Ranch Middle School is approximately 1.36 miles from the site. Because the proposed project consists of a multi-generational plan, the 422 Age Restricted (AR) units would not contribute to an increase in school-aged children. Therefore, the analysis in this section is based on the number of residential



units within the project area excluding AR units, which totals 755 units (Draft EIR, page 3.13-31).

The proposed project would result in approximately 3,931 new residents to the City of Antioch. Based on the response received from AUSD Deputy Superintendent, Jessica Romeo, using the current generation factor used by the School District, the proposed project would result in an estimated increase of 378 students for the elementary level, 114 students for the middle school level, and 189 students for the high school level based on the proposed 755 dwelling units (Draft EIR, page 3.13-32).

According to the correspondence with Ms. Romeo, Diablo Vista Elementary School would likely require construction of new classroom buildings to accommodate growth resulting from the proposed project. However, existing middle school and high school facilities should be able to accommodate the proposed growth. The project Applicant would be required to pay school impact fees prior to the receipt of building permits for future development. According to the AUSD's website, residential development within the City of Antioch is required to pay \$3.79 per square foot in development fees.19 School impact fees may be used by the AUSD to fund the acquisition of new school sites and/or the construction of new school facilities, the construction of which are studied under those particular CEQA documents. Proposition 1A/SB 50 prohibits local agencies from using the inadequacy of school facilities as a basis for denying or conditioning approvals of any "[...] legislative or adjudicative act . . . involving . . . the planning, use, or development of real property" (Government Code 65996(b)). Satisfaction of the Proposition 1A/SB 50 statutory requirements by a developer is deemed "full and complete mitigation." With adequate payment of development impact fees to the AUSD, impacts related to the need for new or altered school facilities would be less than significant (Draft EIR, page 3.13-32).

- **Impact PUB-4:** The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered library facilities, or the need for new or physically altered library facilities, the construction of which could cause significant environmental impacts (Draft EIR, page 3.13-33).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.13-33).

**Facts in Support of Findings:** The project does not propose to construct any library facilities. The proposed project is located within the jurisdiction of Contra Costa County Library. Contra Costa County operates all public libraries in East County, including the City of Antioch, with funds from residents' property taxes. The nearest library to the project site is the 1,500-square-foot Prewett Library, located approximately 1.1 miles northeast. The proposed project would result in an increase of 3,931 individuals to the City of Antioch. Population growth associated with the proposed project would result in



an increase in demand for library services in the City of Antioch (Draft EIR, page 3.13-33).

According to County Librarian, Melinda Cervantes, the City of Antioch is responsible for the expansion and/or construction of library facilities within its jurisdictional boundaries. Additionally, Contra Costa County Library receives an annual allocation of approximately 1.5 percent of property tax revenue collected by the County. There is no specific development fee currently assessed by or for the library. Ms. Cervantes also confirmed that Contra Costa County Library can accommodate, with limited services, new library uses resulting from the increase in residents by the proposed project. While the 1,500-square-foot Prewett Library has insufficient spaces to deliver the expanded programs and services provided at full service libraries such as Brentwood and Concord Library, an increase in Prewett Library service hours from 35 hours per week to 50 hours per week (for an additional 15 hours per week) for 6 days of service would also improve the provision of library services for new residents (Draft EIR, page 3.13-33).

The population growth associated with the proposed project would increase the demand on library services for the City of Antioch. The Contra Costa County Library system is funded primarily by local taxes, and the proposed project would substantially increase the number of houses paying taxes, and, thus, would generate additional revenue for the library system. The additional revenue is anticipated to provide funding for the Contra Costa County Library system to plan and purchase additional volumes, or to expand staff or facilities as part of long-term library planning. However, new library facilities are not proposed as part of the project, and a less-than-significant impact would occur related to the construction of new library facilities (Draft EIR, page 3.13-33).

- **Impact PUB-5:** The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated (Draft EIR, page 3.13-34).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.13-34).

**Facts in Support of Findings:** The project consists of a master planned residential community within the Sand Creek Corridor consisting of 1,177 units and housing approximately 3,931 residents. The project design incorporates approximately 20.00 acres of parks of varying sizes and design within the community, in addition to vast amounts of open space, 6 miles of trails, and a 1.00-acre trail staging area. The City of Antioch General Plan sets forth a standard of 5.00 acres of improved public and/or private neighborhood public community parkland per 1,000 population. With the increase in population resulting from the project, an additional 19.60 acres of parkland would be required. With the provision of the park and open space amenities listed above, the project would meet this requirement (Draft EIR, page.13-34).

The nearest existing neighborhood park to the project site is Diablo West Park, located approximately 0.71 mile northwest of the site. Additionally, Chaparral Park is located 1.02 miles northeast, Country Manor Park is located 1.7 miles northeast, and Dallas Ranch Park is located approximately 1.16 miles northwest. Contra Loma Regional Park is approximately 2.52 miles northwest of the site, and Antioch/Oakley Regional Shoreline is approximately 4.84 miles north of the site. While the project may increase the use of existing parks, there are several parks and open space areas included in the project design. Additionally, the project would be required to either pay park impact fees for each residential unit prior to the construction of that unit, or dedicate land for park credits, or a combination of both to mitigate for impacts to existing park and recreational facilities. Therefore, the proposed project would not result in substantial deterioration of existing facilities. As such, impacts related to use of existing parks would be less than significant (Draft EIR, page 3.13-34).

- Cumulative Impact Public Services and Recreation: The project would not have a cumulative impact on fire, police, school, library facilities, increased park use, or the provision of park facilities (Draft EIR, page 3.13-37 through 3.13-38).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.13-37 through 3.13-38).

**Facts in Support of Findings:** Other cumulative projects listed in Section 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects, in conjunction with the proposed project would result in residential, commercial, and office development. Cumulative development in the surrounding area would be expected to substantially increase permanent residents and daytime population, which includes employees and visitors/patrons. The cumulative increase in population could in turn result in an increased demand for fire protection facilities and would be considered potentially significant (Draft EIR, page 3.13-36).

As discussed above, this Draft EIR analyzes construction and operational impacts of a 5,600 square foot fire station with nine employees on the PQP site located on the south side of Sand Creek Road, west of Deer Valley Road and across from the Village Commercial Center. The cumulative impacts of constructing and operating a new fire station on-site have been analyzed in the relevant impact chapters (i.e., Air Quality, Traffic, Noise, etc.). The construction and operation of fire facilities within the project site would not have a cumulatively considerable impact. Thus, the cumulative impact of providing fire protection facilities would be less than significant (Draft EIR, page 3.13-36).

Cumulative projects listed in Table 3-1 total 3,299 residential units; accordingly, based on the California Department of Finance average of household size of 3.34 persons, the estimated increase in persons would total 10,912 and would represent an increase of 9.5 percent relative to the January 1, 2019 estimate. The cumulative increase in

population could in turn result in an increased demand for police protection personnel and services. This could be a potentially significant cumulative impact requiring the construction of new or expanded police facilities (Draft EIR, page 3.13-36).

To help offset the increased demand for police protection facilities, all projects would be required to pay development impact fees to the APD, as well as annex into a Police Services CFD. Further, the project itself, would not trigger the need for new police facilities to be constructed or expanded. Thus, the project would not have a cumulatively considerably impact on the need for new police facilities. Therefore, cumulative impacts related to the construction of new or altered police protection facilities would be less than significant (Draft EIR, page 3.13-36).

The increase in population resulting from cumulative projects would result in approximately 378 elementary-aged children, 114 middle school children, and 189 high school aged children. The cumulative increase in population could in turn result in an increased demand for school facilities, which could be a potentially significant impact (Draft EIR, page 3.13-37).

All cumulative developments, including the proposed project, would be required to pay development impact fees impact fees towards the two applicable school districts. Under state law, this is the exclusive means of mitigating impacts to school facilities due to increased enrollment. As part of the project entitlement process, the project applicants for all projects would be responsible for paying their fair share of these school facility fees (Draft EIR, page 3.13-37).

The proposed project would not include construction of a school. Further, with the payment of impact fees, the proposed project would not have a cumulatively considerably impact on school ratios or services. As a result, the proposed project would have a less than significant cumulative impact related to the construction of new or altered school facilities (Drat EIR, page 3.13-37).

Cumulative projects would result in the need for additional library space and services. However, the proposed project does not trigger the need for a new library, nor would it include construction of new or altered library facilities. Accordingly, the project would not have a significant cumulative impact on the construction of library facilities. Residential projects included in Table 3-1 would be subject to the 1.5 percent property tax, which would fund library services, offerings, and improvements. Therefore, cumulative impacts related to new or expanded library facilities would be less than significant.

The proposed project would include the construction of park facilities, including 20.00 acres of active public parks, median and landscape areas, in addition to 190 acres of active open space, including 6.00 acres of trails and a 1.00-acre trail staging area. The construction of these facilities would result in potentially significant impacts related to aesthetics, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, noise, and transportation. However, all potential

impacts would be reduced to a less than significant level with the implementation of mitigation. Therefore, the proposed project would have a less than significant cumulative impact related to the provision of park facilities with the implementation of mitigation (Draft EIR, page 3.13-38).

The proposed project in conjunction with the cumulative projects listed in Section 3, Environmental Impact Analysis, Table 3-1, Cumulative Projects, would result in residential development within the project area. Cumulative development in the project area would be expected to increase permanent residents. Of 14,843 residents, 3,931 of them would be associated with the proposed project. With 5 acres of park required per 1000 residents, approximately 74 acres of new parks will be required to accommodate the increase in population resulting from cumulative projects. This increase in permanent population would result in an increased cumulative demand for park facilities (Draft EIR, page 3.13-38).

To help offset that demand, residential projects listed in Table 3-1 are all subject to a Park In-Lieu fee if the required park and open space acreage for each project is not accommodated on each project site. The Park Impact fees would be collected to fund the acquisition and development of parks in the City of Antioch and Contra Costa County to serve City of Antioch residents. The cumulative projects listed in Table 3-1 that are within the City of Brentwood would similarly be required to provide parkland or pay development fees. The proposed project itself mitigates its specific impacts to parks through the provision of 20 acres of parkland. Therefore, the proposed project would have a less than significant cumulative impact related to potential increased use and physical deterioration of existing parks and recreational facilities (Draft EIR, page 3.13-38).

### 8.1.15 – Transportation

- **Impact TRANS-6:** The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment) (Draft EIR, page 3.14-93).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.14-94).

**Facts in Support of Findings:** Access to the project site would be provided by a new roadway—Sand Creek Road—connecting the terminus of Dallas Ranch Road to Deer Valley Road. As proposed, Sand Creek Road and Street B would be up to four lanes with the remaining roadways within the project site developed as two-lane roadways.

Through the project site, Sand Creek Road would provide either a 96-foot right-of-way (when development is proposed on one side of the street) or a 112-foot right-of-way (when development is proposed on both sides of the street). The cross-section would



generally include a 6-foot wide sidewalk, 10-foot wide landscape buffer, 8-foot wide bicycle lane, and two 12-foot wide travel lanes in each direction plus a 16-foot wide median that would allow for turn pockets to be provided at intersections. Along some portions of the street section, additional right-of-way to provide landscaping outside the public right-of-way is also proposed on each side of the street.

Deer Valley Road along the project frontage would be improved to provide sidewalks, landscape buffer, bicycle lane, and additional travel lanes to match the cross-section on the opposite side of the roadway. An additional landscape setback is also proposed in the vicinity of the Village Center. Other major streets through the project site would provide one vehicle lane in each direction in addition to sidewalks, bicycle facilities, and landscaping. There ultimate design would conform to City Code requirements.

Typical internal local residential streets would feature two travel lanes within rights-ofways ranging from 37 to 54 feet in width. With the exception of private lanes/alleys, local streets would include on-street vehicle parking, either on one or both sides of the street, as well as 4 to 5-foot wide sidewalks on both sides of the streets. Private alleys or courts may be used to access residential units and would be allowed to be narrower than public streets; such alleys or courts would not be anticipated to offer on-street parking or sidewalks. A small number of local residential streets would abut open space areas with readily accessible trail systems, and therefore, include a 2-foot wide curb and gutter without parking lanes or sidewalks.

Projected peak hour turning movement forecasts the major roadway connections are presented on Exhibit 3.14-12, representative of Cumulative conditions. As shown, most intersections are projected to carry low volumes. Analysis was conducted for the three primary internal intersections under both traffic signal and roundabout as presented Table 3.14-24. Cumulative a.m. and p.m. peak-hour volumes with the project are shown on Exhibit 3.14-20. As shown, internal intersections are projected to operate at acceptable levels under either a two-lane or four-lane Sand Creek Road (Draft EIR, page 3.14-94).

#### 8.1.16 – Utilities and Service Systems

- **Impact UTIL-1:** The project would not require or result in the relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects (Draft EIR, page 3.15-15).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.15-17).

**Facts in Support of Findings:** The proposed project would require new on- and off-site potable water infrastructure to connect to the City's existing water lines. The proposed project would be designed to integrate with existing transmission mains and would complete a looped connection through the proposed project site. A point of connection would be located at the existing 20-inch water main in Deer Valley Road at the future intersection with the extension of Sand Creek Road. Other major streets throughout the proposed project site would contain approximately 8 to 12-inch water lines. The construction impacts for installing this infrastructure are studied and mitigated in the relevant impact analyses discussions throughout this Draft EIR, including Section 3.3, Air Quality; Section 3.4, Biological Resources; Section 3.7, Greenhouse Gas Emissions; Section 3.11, Noise; and Section 3.14, Transportation.

As discussed under Impact UTIL-2, the proposed project would not create the need for new water treatment facilities or result in insufficient water supply. Thus, there would be no need to construct new or expand existing water treatment facilities. Therefore, impacts related to need for relocation or construction of new or expanded water supply facilities would be less than significant.

The proposed project would include the installation of all new infrastructure to serve the project, including a new sewer main, new sewer lines throughout the project site, and an off-site extension of the existing sewer line. All on- and off-site improvements would be within the public right-of-way or within public utility easements. The project's projected wastewater would be conveyed to the Delta Diablo Wastewater Treatment Plant (WWTP) by new sanitary sewer lines constructed within the project site and off-site improvement areas and connected to existing lines. The construction impacts of installing such infrastructure are evaluated Section 3.3, Air Quality; Section 3.4, Biological Resources; Section 3.7, Greenhouse Gas Emissions; Section 3.11, Noise; and Section 3.14, Transportation.

As described under Impact UTIL-3, the proposed project would generate approximately 258,940 gallons of residential wastewater per day (0.258 mgd), and approximately 5,000 gallons of commercial wastewater per day (0.005 mgd), while the fire station is anticipated to generate 4,465 gallons of wastewater per day (0.004 mgd), for a combined wastewater generation of 0.267 mgd. The Delta Diablo WWTP has a permitted capacity of 19.5 mgd, but only has an average daily flow of 12.4 mgd (a 7.1 mgd delta). Thus, the proposed project would generate less than 1 percent of the average daily flow and permitted capacity of the WWTP. As a result, the Delta Diablo WWTP would have sufficient capacity to serve all aspects of the proposed project, and a new or expanded wastewater treatment facility would not be required. Therefore, impacts related to need for relocation or construction of new or expanded wastewater treatment facilities would be less than significant.

The proposed project would result in a total net increase of approximately 373.60 acres (7,731,723 square feet) of impervious surfaces compared to existing conditions. As a


result, the proposed project could result in the need for new or expanded storm drainage facilities.

As discussed in Section 3.9, Hydrology and Water Quality, the proposed project would include five drainage management areas (DMAs). Each DMA would include Integrated Management Practices (IMPs) that provide full bioretention treatment of stormwater runoff, and include stormwater retention basins, specifically designed for the pertinent amount of impervious and pervious surfaces. The stormwater systems would be designed according to the County's hydrograph modification performance requirements. In addition, implementation of a Final Stormwater Control Plan and Operations & Maintenance (O&M) Plan would be submitted to the City and county for review would ensure the proposed project includes BMPs designed to prevent the significant release of stormwater pollutants consistent with all NPDES rules, regulations and procedures for municipal, construction, and industrial activities as promulgated by the State Water Board or the Central Valley RWQCB. Furthermore, consistent with General Plan Policies 8.7.2 and 11.4.2, the proposed project would be required to prepare a hydraulic study to assess the current streambed flow of Sand Creek and how the new infrastructure would affect the streambed and/or the 100-year floodplain, and including modification of the design of the pedestrian bridge, if needed, to clear span the creek would ensure that impacts related to storm drainage would be less than significant. Therefore, impacts related to the need for relocation or construction of new or expanded stormwater drainage facilities would be less than significant (Draft EIR, page 3.15-16).

There are no telecommunications facilities or infrastructure located on-site. However, the proposed project site is within the service areas of Comcast and AT&T. Together, the two companies would provide voice and data communication services to all development on-site. The proposed project would require connection to existing telecommunications facilities in the vicinity; all telecommunication lines would be underground and located within public utility easements. The construction impacts of installing such infrastructure are studied and mitigated via analysis in other sections of the EIR, including but not limited to, Section 3.3, Air Quality; Section 3.4, Biological Resources; Section 3.7, Greenhouse Gas Emissions; Section 3.11, Noise; and Section 3.14, Transportation. Therefore, impacts related to need for relocation or construction of new or expanded telecommunications facilities would be less than significant (Draft EIR, page 3.15-16).

The proposed project site is within the service area of Pacific Gas and Electric (PG&E). There are no existing electricity or natural gas facilities, or infrastructure located on-site. However, an existing and abandoned petroleum gas pipeline traverses the project site and will be removed during the first phase of construction subject to all necessary local, State, and federal permits, subject to analysis and mitigation identified in the sections the Draft EIR outlined below. (For further discussion, see Section 3.8, Hazards) Further, while the proposed project would not require that new off-site electricity or natural gas facilities be constructed because it is located in an urban area that already contains sufficient facilities, it would require that new connections and pipelines be laid on-site to

connect to existing electricity and natural gas facilities on adjacent developed land. All electricity and natural gas lines would be located underground within public utility easements. The construction impacts of installing new electric and natural gas pipelines are studied and mitigated in other relevant impact sections of this Draft EIR, including but not limited to, Section 3.3, Air Quality; Section 3.4, Biological Resources; Section 3.6, Geology; Section 3.7, Greenhouse Gas Emissions; Section 3.8, Hazards; Section 3.11, Noise; and Section 3.14, Transportation. Therefore, impacts related to the need for relocation or construction of new or expanded electricity and natural gas facilities would be less than significant.

Impacts related to the need for relocation or construction of new or expanded water supply facilities, wastewater treatment facilities, telecommunications facilities, and electricity and natural gas facilities are limited to construction impacts. However, post-construction stormwater runoff after developments are constructed can include oils, trash, pesticides, and other pollutants. As discussed in Section 3.9 Hydrology and Water Quality, the proposed project would include stormwater facilities that would be designed to treat stormwater on-site and prevent the proposed project from creating a need for new or expanded stormwater facilities off-site. Therefore, impacts would be less than significant (Draft EIR, page 3.15-17).

- **Impact UTIL-2:** The proposed project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years (Draft EIR, page 3.15-17).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.15-21).

**Facts in Support of Findings:** During construction, water would be used for dust control, worker consumption, and other construction related activities. All water used during construction would be trucked in or tapped onsite from nearby water lines that would provide potable water from the Contra Costa Water District (CCWD). Construction water use would be limited to the construction period and therefore would not result in a permanent water demand. No respective construction impacts would occur.

The proposed project would create an additional need for potable water. The City purchases a majority of its water supply from the CCWD. The CCWD draws water from Rock Slough near Oakley, Old River near the Town of Discovery Bay, and Mallard Slough in Bay Point. The water is transported in the Contra Costa Canal, which starts at Rock Slough, then stretches west to Clyde, south to Walnut Creek, and north to Martinez. The CCWD also stores water in the Los Vaqueros Reservoir south of Brentwood, the Contra Loma Reservoir in Antioch, the Mallard Reservoir in Concord, and the Martinez Reservoir in Martinez. The CCWD canal water can be pumped to Antioch's Water Treatment Plant or the Municipal Reservoir, where the City treats and distributes potable water. The City of Antioch also has pre-1913 water rights and pumps



surface water from the Sacramento-San Joaquin Delta. The City then treats the water at its water treatment plant and distributes the potable water to all customers within the City limits (Draft EIR, page 3.15-18).

As described in Section 3.15, Utilities and Service Systems, the City would have sufficient water supplies available during Normal, Single Dry, and Multiple Dry years. Using the 2015 UWMP water demand factors, the proposed project would result in an estimated annual potable water demand of 178.1 million gallons per day (MGPY). By 2040, the 2015 UWMP estimates that total potable water use for the City of Antioch would be 7,504 MGPY. As a result, the proposed project represents less than 1 percent of the City's projected water use. In addition, during dry years and multiple dry years the proposed project would still represent less than 1 percent of the total available water supply and demand. As described previously, the City would be able to provide sufficient water supply in normal, dry, and multiple dry years by using available local supplies and then in the second and third dry years all supplies would be purchased from CCWD (Draft EIR, page 3.15-20).

Buildout of the Sand Creek Focus Area, including the proposed project site, is accounted for in the City's Water System Master Plan Update. The Water System Master Plan Update included the preparation of a Capital Improvement Program (CIP) that includes improvements necessary to provide safe and reliable water delivery throughout the City based on projected growth and associated increases in demand on the City's distribution system. As discussed previously, the CCWD would have sufficient supplies, even in the second and third dry years of a drought, to supply the City of Antioch with an adequate allocation to meet the needs of all Antioch residents. Accordingly, adequate water supplies would be available to serve the proposed project from existing and planned supplies. Therefore, impacts related to sufficient water supply availability would be less than significant (Draft EIR, page 3.15-20).

- **Impact UTIL-3:** The project would result in a determination by the wastewater treatment provider, which serves or may serve the project, that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments (Draft EIR, page 3.15-21).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.15-21).

**Facts in Support of Findings:** The proposed project could have a significant impact if the wastewater treatment provider (Delta Diablo) would not have sufficient capacity in the Delta Diablo WWTP to serve the proposed new uses in addition to the provider's existing commitments.

The proposed project consists of 1,177 residential units, a village center with commercial uses, parks, and public use space. Additionally, Contra Costa County Fire



Protection District would construct a fire station on-site. As described under Section 3.12, Population and Housing, the proposed project would result in approximately 3,931 new residents. As a result, the proposed project would generate wastewater that would require treatment at the Delta Diablo WWTP. Based on a wastewater generation rate of 220 GPD per residential unit,14 the project's residents would generate 258,940 gallons of wastewater per day or 0.258 mgd. The project also proposes 54,000 square feet of neighborhood commercial uses. Using the commercial wastewater generation rate of 1,000 gallons per day per acre,15 the Village Center would generate an estimated 5,000 gallons of wastewater per day or (0.005 mgd). In addition, the fire station is conservatively estimated to generate 4,466 gallons of wastewater per day or (0.004 mgd) based on the estimated water demand rate. The average daily flow at the WWTP is 12.4 mgd and the permitted capacity is 19.5 mgd; thus, there is a remaining, unused treatment capacity of 7.1 mgd. As a result, the combined wastewater generation of the proposed project would be 0.267 mgd, far less than 1 percent of the average daily flow and the permitted capacity of the Delta Diablo WWTP (Draft EIR, page 3.15-21).

Thus, the proposed project would not result in a need for new or expanded wastewater treatment facilities, and Delta Diablo can reasonably determine it could serve the proposed project's wastewater demands. Therefore, impacts related to wastewater treatment capacity would be less than significant (Draft EIR, page 3.15-21).

- **Impact UTIL-4:** The project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals (Draft EIR, page 3.15-22).
- **Findings:** Less than Significant. No mitigation is required (Draft EIR, page 3.15-23).

**Facts in Support of Findings:** During construction, the existing single-family residence, barn, and outbuildings would be removed, which would result in construction-related solid waste. Using the EPA's estimation of residential demolition debris, 16 demolition of the existing on-site single-family residence would create 160,540 pounds of solid waste. Additionally, the United States Environmental Protection Agency (EPA) estimates that residential construction for the proposed project would generate an average of 8,112 pounds per dwelling unit and non-residential construction would generate 3.89 pounds per square foot. As a result, residential construction would generate an estimated 9,547,824 pounds18 (4,773 tons) and non-residential construction of the fire station would generate approximately 23,340 pounds of solid waste. The proposed project's construction waste would be generated over a period of several years during the different phases of construction and not occur at one time (Draft EIR, page 3.15-22).



Solid waste and recyclables from the City are taken to the Contra Costa Transfer and Recovery Station in Martinez and then is transferred from the Transfer and Recovery - Station to the Keller Canyon Landfill in Pittsburg. The landfill is permitted to accept 3,500 tons of waste per day and has a total remaining estimated capacity of approximately 63 million cubic yards. As a result, the proposed project's total estimated construction waste would represent less than 1 percent of the total remaining capacity of the Keller Canyon Landfill. In addition, due to project phasing, the proposed project would not generate construction waste that would exceed the permitted daily capacity. Furthermore, as discussed under Impact UTIL-5, the project would comply with CALGreen, which requires at least 65 percent diversion of construction and demolition waste. Therefore, construction impacts related to landfill capacity would be less than significant (Draft EIR, page 3.15-22).

Additionally, the project's operational waste is expected to be approximately 6 tons of solid waste per day and 2190.0 tons of solid waste a year. This waste volume represents less than 0.01 percent of the available landfill capacity at the Keller Canyon Landfill. Moreover, the values shown in the table are not adjusted to account for recycling, composting and waste reduction activities that would further divert waste from landfills (as required by compliance with General Plan Policy 8.6.2a—g), which means that the above-referenced figures are conservative and may overestimate the amount of solid waste to be generated by operation of the project (Draft EIR, page 3.15-23).

Therefore, proposed project represents less than 1 percent of the total capacity of Keller Canyon Landfill, which contains sufficient capacity to serve the project. Therefore, operational impacts related to landfill capacity would be less than significant (Draft EIR, page 3.15-23).

- **Impact UTIL-5:** The project would comply with federal, State, and local management and reduction statutes and regulations related to solid waste (Draft EIR, page 3.15-23).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.15-24).

**Facts in Support of Findings:** The proposed project would be required to dispose of demolition waste consistent with Article II: Construction and Demolition Debris Recycling of the Municipal Code. Consistent with CALGreen, the proposed project would be required to divert at least 75 percent construction and demolition waste. These measures would ensure compliance with the Integrated Waste Management Act by ensuring project construction waste is transferred to facilities that can adequately recycle solid waste. Thus, with compliance with existing City Municipal Code and the Integrated Waste Management Act, the proposed project would comply with applicable solid waste regulations and statutes. Therefore, impacts related to solid waste regulations consistency are less than significant (Draft EIR, page 3.15-223 through 3.15-24).



Project operation would be required to comply with applicable State and local regulations related to solid waste such as the California Integrated Waste Management Act and Title 6 Chapter 3 of the City of Antioch Municipal Code. Adherence to the City Municipal Code would ensure sufficient solid waste collection and transportation is available to the proposed project and would ensure that disposal sites contain sufficient capacity through permit review and inspections, and recycling programs are implemented in order to divert waste. As such, project operation would not impede the ability of the City to meet waste diversion requirements or cause the City to violate State and local statutes and regulations related to solid waste. Therefore, with compliance with existing State and City law requiring recycling and waste diversion from landfill requirements, operational impacts related to solid waste regulations consistency would be less than significant (Draft EIR, pages 3.15-23 through 3.15-24).

- **Impact UTIL-3:** The project would result in a determination by the wastewater treatment provider, which serves or may serve the project, that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments (Draft EIR, page 3.15-21).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.15-21).

**Facts in Support of Findings:** The proposed project could have a significant impact if the wastewater treatment provider (Delta Diablo) would not have sufficient capacity in the Delta Diablo WWTP to serve the proposed new uses in addition to the provider's existing commitments.

The proposed project consists of 1,177 residential units, a village center with commercial uses, parks, and public use space. Additionally, Contra Costa County Fire Protection District would construct a fire station on-site. As described under Section 3.12, Population and Housing, the proposed project would result in approximately 3,931 new residents. As a result, the proposed project would generate wastewater that would require treatment at the Delta Diablo WWTP. Based on a wastewater generation rate of 220 GPD per residential unit,14 the project's residents would generate 258,940 gallons of wastewater per day or 0.258 mgd. The project also proposes 54,000 square feet of neighborhood commercial uses. Using the commercial wastewater generation rate of 1,000 gallons per day per acre,15 the Village Center would generate an estimated 5,000 gallons of wastewater per day or (0.005 mgd). In addition, the fire station is conservatively estimated to generate 4,466 gallons of wastewater per day or (0.004 mgd) based on the estimated water demand rate. The average daily flow at the WWTP is 12.4 mgd and the permitted capacity is 19.5 mgd; thus, there is a remaining, unused treatment capacity of 7.1 mgd. As a result, the combined wastewater generation of the proposed project would be 0.267 mgd, far less than 1 percent of the average daily flow and the permitted capacity of the Delta Diablo WWTP (Draft EIR, page 3.15-21).

Thus, the proposed project would not result in a need for new or expanded wastewater treatment facilities, and Delta Diablo can reasonably determine it could serve the proposed project's wastewater demands. Therefore, impacts related to wastewater treatment capacity would be less than significant (Draft EIR, page 3.15-21).

- **Impact UTIL-4:** The project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals (Draft EIR, page 3.15-22).
- **Findings:** Less than Significant. No mitigation is required (Draft EIR, page 3.15-23).

**Facts in Support of Findings:** During construction, the existing single-family residence, barn, and outbuildings would be removed, which would result in construction-related solid waste. Using the EPA's estimation of residential demolition debris, 16 demolition of the existing on-site single-family residence would create 160,540 pounds of solid waste. Additionally, the United States Environmental Protection Agency (EPA) estimates that residential construction for the proposed project would generate an average of 8,112 pounds per dwelling unit and non-residential construction would generate 3.89 pounds per square foot. As a result, residential construction would generate an estimated 9,547,824 pounds18 (4,773 tons) and non-residential construction of the fire station would generate approximately 23,340 pounds of solid waste. The proposed project's construction waste would be generated over a period of several years during the different phases of construction and not occur at one time (Draft EIR, page 3.15-22).

Solid waste and recyclables from the City are taken to the Contra Costa Transfer and Recovery Station in Martinez and then is transferred from the Transfer and Recovery - Station to the Keller Canyon Landfill in Pittsburg. The landfill is permitted to accept 3,500 tons of waste per day and has a total remaining estimated capacity of approximately 63 million cubic yards. As a result, the proposed project's total estimated construction waste would represent less than 1 percent of the total remaining capacity of the Keller Canyon Landfill. In addition, due to project phasing, the proposed project would not generate construction waste that would exceed the permitted daily capacity. Furthermore, as discussed under Impact UTIL-5, the project would comply with CALGreen, which requires at least 65 percent diversion of construction and demolition waste. Therefore, construction impacts related to landfill capacity would be less than significant (Draft EIR, page 3.15-22).

Additionally, the project's operational waste is expected to be approximately 6 tons of solid waste per day and 2190.0 tons of solid waste a year. This waste volume represents less than 0.01 percent of the available landfill capacity at the Keller Canyon

Landfill. Moreover, the values shown in the table are not adjusted to account for recycling, composting and waste reduction activities that would further divert waste from landfills (as required by compliance with General Plan Policy 8.6.2a—g), which means that the above-referenced figures are conservative and may overestimate the amount of solid waste to be generated by operation of the project (Draft EIR, page 3.15-23).

Therefore, proposed project represents less than 1 percent of the total capacity of Keller Canyon Landfill, which contains sufficient capacity to serve the project. Therefore, operational impacts related to landfill capacity would be less than significant (Draft EIR, page 3.15-23).

- **Impact UTIL-5:** The project would comply with federal, State, and local management and reduction statutes and regulations related to solid waste (Draft EIR, page 3.15-23).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.15-24).

**Facts in Support of Findings:** The proposed project would be required to dispose of demolition waste consistent with Article II: Construction and Demolition Debris Recycling of the Municipal Code. Consistent with CALGreen, the proposed project would be required to divert at least 75 percent construction and demolition waste. These measures would ensure compliance with the Integrated Waste Management Act by ensuring project construction waste is transferred to facilities that can adequately recycle solid waste. Thus, with compliance with existing City Municipal Code and the Integrated Waste Management Act, the proposed project would comply with applicable solid waste regulations and statutes. Therefore, impacts related to solid waste regulations consistency are less than significant (Draft EIR, page 3.15-223 through 3.15-24).

Project operation would be required to comply with applicable State and local regulations related to solid waste such as the California Integrated Waste Management Act and Title 6 Chapter 3 of the City of Antioch Municipal Code. Adherence to the City Municipal Code would ensure sufficient solid waste collection and transportation is available to the proposed project and would ensure that disposal sites contain sufficient capacity through permit review and inspections, and recycling programs are implemented in order to divert waste. As such, project operation would not impede the ability of the City to meet waste diversion requirements or cause the City to violate State and local statutes and regulations related to solid waste. Therefore, with compliance with existing State and City law requiring recycling and waste diversion from landfill requirements, operational impacts related to solid waste regulations consistency would be less than significant (Draft EIR, pages 3.15-223 through 3.15-24).

- **Cumulative Impact-Utilities:** The project would not result in potentially significant cumulative impacts to utilities (Draft EIR, page 3.15-24-27).
- **Findings:** Less than Significant Impact. No mitigation is required (Draft EIR, page 3.15-27).

**Facts in Support of Findings:** Cumulative projects listed in Table 3-1, would be required to comply with all applicable local, state and federal codes and guidelines, including the East Contra Costa County Municipal NPDES Permit, the CCCWP, city ordinances regarding stormwater, and the General Plan policies and ordinance codes of the cities of Antioch and Brentwood, City Code, County Code and the CALGreen related to water conservation. Buildout of the Sand Creek Focus Area, including the proposed project site, has been previously anticipated by the City. As discussed in detail in Section 3.15-5 of the EIR, the proposed project, in conjunction with identified cumulative projects, would result in a less than significant cumulative impact related to utilities (Draft EIR, page 3.15-24-27).

### SECTION 9: POTENTIAL ENVIRONMENTAL EFFECTS WHICH CAN BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE

The City of Antioch hereby finds that feasible mitigation measures have been identified in the Draft EIR that will avoid or substantially lessen the following potentially significant environmental impacts to a less than significant level. The potentially significant impacts, and the mitigation measures that will reduce them to a less than significant level, are as follows:

# 9.1 – Air Quality

- **Impact AIR-3:** The project could expose sensitive receptors to substantial pollutant concentrations (Errata, page 3.3-29).
- **Findings:** Less than significant impact with mitigation incorporated (Errata, page 3-29). Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)).
- Mitigation: Implement MM AIR-2.

**Facts in Support of Findings:** The closest off-site sensitive receptors in the vicinity of the proposed project area include single-family residences located approximately 10 feet north of the proposed project site. construction of the project would include demolition of one on-site residence and accessory structures, as well as grading, demolition, site preparation, building construction, paving, and architectural coating. The project would comply with Bay Area Air Quality Management District (BAAQMD)



Regulation 11, Rule 2, which would ensure that asbestos-containing materials would be removed and disposed of appropriately and safely. As such, impacts related to air quality or the exposure of sensitive receptors to substantial pollutant concentrations through asbestos emissions would be less than significant (Draft EIR, page 3.3-47 through 3.3-48). In addition, impacts related to construction fugitive dust would be reduced through the implementation of MM AIR-2a.

As mentioned in Section 3.3, Air Quality, implementation of the project would not expose sensitive receptors to naturally occurring asbestos during grading, and impacts would be less than significant. Furthermore, the project would not exceed the applicable BAAQMD thresholds for any of the three health impact metrics prior to the application of mitigation beyond that required by MM AIR-2a. Furthermore, operation of the project would not exceed the CO screening criteria recommended by the BAAQMD. As such, impacts related to the exposure of sensitive receptors to substantial pollutant concentrations would be less than significant with the implementation of mitigation (Draft EIR, page 3.3-54 through 3.3-55, Errata, page 3-29).

# 9.2 – Biological Resources

- **Impact BIO-1:** The project could have a substantial adverse effect, either directly or through habitat modifications, on a species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service (Draft EIR, page 3.4-42).
- **Findings:** Less than significant impact with mitigation incorporated (Draft EIR, page 3.4-62). Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)).
- Mitigation: Implement MM BIO-1a through MM BIO-1p and MM NOI-1b through MM NOI-1d.

**Facts in Support of Findings:** As discussed in Section 3.4 of the EIR, three specialstatus plant species were documented during surveys from 2013-2015, including shining navarretia, San Joaquin spearscale, and crownscale. Three special-status plant species were observed during 2018 and 2019 surveys, including crownscale, big tarplant, and shining navarretia, and angle-stem buckwheat, an A-ranked locally rare species. All other special-status plant species were absent from the site in the 2018 and 2019 surveys, including San Joaquin spearscale, although it was determined that the site contains marginal suitable habitat for some species. Notably, the location of San



Joaquin spearscale will be preserved as open space and remain unimpacted by the project (Draft EIR, page 3.4-42).

Three special-status species, including shining navarretia, crownscale, and big tarplant, and a locally rare species, angle-stem buckwheat, were present during the 2018 and 2019 plant surveys and have the potential to occur on-site. All of the known on-site populations of crownscale, big tarplant, and angle-stem buckwheat will be preserved within the project's open space areas; however, it is possible that construction activities could impact these special-status plant species. Additionally, some of the shining navarretia populations will be directly or indirectly impacted by the development footprint (Draft EIR, page 3.4-42).

Because the proposed project could result in adverse effects to on-site populations of crownscale, big tarplant, and angle-stem buckwheat, and shining navarretia, this represents a potentially significant impact. Implementation of Mitigation Measure (MM) BIO-1a, which requires exclusionary fencing, construction buffers, erosion control techniques, and job site training, would reduce impacts to the crownscale, big tarplant, and angle-stem buckwheat during construction. Furthermore, avoidance and/or replacement and preservation via a conservation easement and/or deed restrictions, would reduce impacts to shining navarretia, crownscale, big tarplant, and the locally rare species, angle-stem buckwheat to a less than significant level. Options 1 and 2 are equally effective in reducing impacts to a less than significant level. However, Option 1 is the most effective option, as there is no risk of failure.

Additionally, if project construction occurs after the City of Antioch has adopted an HCP/NCCP, the project shall comply with the provisions of the adopted document to the extent that all project impacts would be mitigated to a less than significant level. In the meantime, MM BIO-1a includes mitigation measures outlined in the East Contra Costa County HCP to protect potentially impacted special-status plant species during construction.

No special-status plant species were observed within the Off-site Improvement Area during the 2018 and 2019 surveys. Accordingly, no mitigation for the Off-site Improvement Area is necessary. (Draft EIR, page 3.4-42, Errata, page 3-30).

It was also determined that 26 special-status wildlife species, including Crotch bumblebee, western bumblebee, vernal pool fairy shrimp, vernal pool tadpole shrimp, valley elderberry longhorn beetle, California tiger salamander, California red-legged frog, western spadefoot, western pond turtle, Northern California legless lizard, Alameda whipsnake, Blainville's horned lizard, tricolored blackbird, grasshopper sparrow, golden eagle, short-eared owl, burrowing owl, Swainson's hawk, northern harrier, white-tailed kite, loggerhead shrike, pallid bat, Townsend's big-eared bat, western red bat, American badger, and San Joaquin kit fox, in addition to birds protected under the MBTA are present or have the potential to occur on-site. The Special-status Species Table within



the 2019 Biological Resources Assessment (BRA) (Appendix D of the Draft EIR) provides the habitat description and rationale of potential special-status species to occur on-site, in addition to previous on-site occurrences. Implementation of MM BIO-2a through MM BIO-2n would reduce impacts to special-status wildlife species to a less than significant level through specific protocols for each species, or compliance with the HCP/NCCP adopted by the City of Antioch if project construction occurs after adoption of the City's plan (Draft EIR, page 3.4-45).

The project has been designed, designated, and zoned to include over 40 percent of the project site as open space to avoid impacts to the various special-status plants and species, sensitive natural communities, and aquatic resources. More specifically, approximately 210 acres will be avoided and outside of any development footprint. The one minor exception to this is the trail system, which will be located well outside the 125-foot set back from centerline of Sand Creek (on both sides), and within existing farm roads and/or culverts. As provided in the Design Guidelines and Resource Management Plan (RMP) for the project, the trails will be lined with post and cable (or other suitable) fencing and signage (all subject to regulatory approvals from the resource agencies) to keep people and pets out of the sensitive open space area. Additionally, the RMP requires that the open space areas be placed into conservation with a qualified third-party entity (i.e., the City or a local land trust) to hold and manage in perpetuity as required by regulatory agency permits or be deed restricted (RMP § 6.1). The care and monitoring of the open space area will be funded either by bonds (i.e., CFD) or HOA fees. The open space areas will be managed in accordance with Sections 6.4 (Weeds), 6.6 (Litter), and 7.0 (Cattle Grazing) of the proposed RMP (Errata, pages 3-30 through 3-31).

Additionally, once constructed, the project components such as trails and recreation could impact special-status plants and species as well as sensitive natural communities, including wetlands, due to human interference and damage (i.e., trash, entrance into preserves, etc.). As a result, the project has been designed by the project Applicant to ensure human interference is minimized and mitigated. Specifically, the Design Guidelines and the RMP for the project require post and cable fencing to keep people out of the preserve areas, as well as the posting of open space preserves with signage. (See Design Guidelines, Section 5.9.2 and RMP Section 6.5). Additionally, State and federal resource agencies are expected to employ similar mitigation requirements pursuant to the various permits required for the project (i.e., 404, 401, and 1602 permits) (Errata, page 3-31).

Project operation has the potential to affect special-status wildlife species. Project lighting and activities could potentially disrupt special-status species within the project area. As mentioned in Section 3.1, Aesthetics, the proposed project has been designed to include significant setbacks from the western boundary of the project site as well as the Sand Creek Corridor to minimize potential impacts, including light and glare, on the natural environment. In addition, as mentioned in Section 3.11, Noise, project



operational noise impacts would be reduced with implementation of MM NOI-1b, MM NOI-1c, and MM NOI-1d (Draft EIR, page 3.4-45).

Therefore, project operation would not result in any adverse effects to any candidate, sensitive, or special status species within the project area. As such, impacts would be less than significant with mitigation incorporated (Draft EIR, page 3.4-45).

- **Impact BIO-2:** The project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service (Draft EIR, page 3.4-63).
- **Findings:** Less than significant impact with mitigation incorporated (Draft EIR, page 3.4-64). Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)).

Mitigation: Implement MM BIO-3.

**Facts in Support of Findings:** As shown in Table 3.4-2 of Section 3.4, Biological Resources, 350.20 acres of terrestrial vegetation communities would be impacted as a result of the project. Sensitive natural vegetation communities could also be impacted by the project. While valley oak woodland and Alkali weed-salt grass playas and sink have been mapped within the project area, the project has been designed to fully avoid these landcover types; however, it is possible that impacts to sensitive natural communities within the avoidance area would be fully avoided during construction. Following construction, these areas would be protected by a conservation easement or deed restriction and protected from development in perpetuity. No sensitive natural vegetation communities will be impacted by the project with the implementation of MM BIO-3 (Draft EIR, page 3.4-63, Errata, page 3-32).

As mentioned under Impact BIO-1, the project has been designed, designated, and zoned to include over 40 percent of the project site as open space to avoid impacts to the various special-status plants and species, sensitive natural communities, and aquatic resources. Approximately 210 acres will be avoided and outside of any development footprint. The one minor exception to this is the trail system, which will be located well outside the 125-foot set back from centerline of Sand Creek (on both sides) but constructed on existing farm roads and/or culverts. Once constructed, the project components such as trails and recreation could impact special-status plants and wildlife species as well as sensitive natural communities and wetlands, due to human interference and damage (i.e., trash, entrance into preserves, etc.). As a result, the



project has been designed by the project Applicant to ensure human interference is minimized and mitigated.

As provided in the Design Guidelines and Resource Management Plan (RMP) for the project, the trails will be lined with post and cable (or other appropriate) fencing and signage (all subject to regulatory approvals from the resource agencies) to keep people and pets out of the sensitive open space area (See Design Guidelines, Section 5.9.2, and RMP, Section 6.5. Additionally, the RMP requires that the open space areas be placed into conservation with a qualified third-party entity (i.e., the City or a local land trust) to hold and manage in perpetuity as required by regulatory or agency permits, or be subject to deed restriction (RMP § 6.1). The care and monitoring of the open space areas will be funded either by bonds (i.e., CFD) or HOA fees. The open space areas will be managed in accordance with Sections 6.4 (Weeds), 6.6 (Litter), and 7.0 (Cattle Grazing) of the proposed RMP. Finally, state and federal resource agencies are expected to employ similar mitigation requirements pursuant to the various permits required for the project (i.e., CDFW 1602, USFWS biological opinion, CDFW take permit, CWA Section 404, CWA Section 401) (Errata, page 3-32 through 3-33).

Exhibit 3.4-10, Trail impacts, identifies the project trails, their locations, and site-specific photographs illustrating that there are existing farm roads and culverts in the exact locations that the trails are proposed to be located (Errata, page 3-33).

In addition, 1.041 acres of aquatic resources would be impacted by the project (Draft EIR, page 3.4-63). Because the project may result in the fill or disturbance of these 1.041 acres of aquatic resources, implementation of MM BIO-3 is required to reduce potential impacts through consultation with State and federal regulatory agencies an adherence to any compensatory permitting requirements imposed. MM BIO-3 also requires the project Applicant to install orange exclusionary fencing around any avoided or preserved vernal pool, marsh, or wetland to prevent construction impacts from construction vehicles, equipment and workers. The fencing will create a buffer area of 250 feet (or lesser distance if deemed sufficiently protective by a qualified Biologist with approval from the United States Army Corp of Engineers [USACE]/United States Fish and Wildlife Service [USFWS]) to protect resources and further reduce impacts to below a level of significance. Additionally, all on-site construction personnel shall receive instruction regarding the presence of listed plants and species and the importance of avoiding impacts to these species and their habitat which will help to ensure that species are identified and protected (Errata, pages 3-33) through 3-34). Accordingly, impacts related to effects on aquatic resources would be less than significant with implementation of mitigation (Draft EIR, page 3.4-64).

**Impact BIO-3:** The project could have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool coastal, etc.) through direct removal, filling, hydrological interruption, or other means (Draft EIR, page 3.4-69).

- **Findings:** Less than significant impact with mitigation incorporated (Draft EIR, page 3.4-70). Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)).
- Mitigation: Implement MM BIO-3.

**Facts in Support of Findings:** As previously mentioned, 1.041 acres of aquatic resources would be impacted by the project. Furthermore, Furthermore, 3.948 acres of potentially jurisdictional waters of the United States have been mapped and verified by the USACE within the project site, which includes 1.901 acres of intermittent tributary (Sand Creek), 0.340 acre of ephemeral tributary (tributaries to Sand Creek), 1.372 acres of impoundment, 0.303 acre of seasonal wetland pool, and 0.030 acre of wetland seep. An additional 1.111 acres of non-jurisdictional waters were also verified by the USACE within the project site, which includes 0.132 acre of non-tributary ephemeral drainage, 0.286 acre of isolated wetland drainage, 0.588 acre of seasonal wetland pool, and 0.105 acre of non-wetland seasonal pool (Draft EIR, page 3.4-69).

Prior to any impacts to these features, both a Section 404 permit and a Section 401 water quality certification permit would need to be obtained from the USACE and RWQCB, respectively.

Although the proposed project would include development of much of the upland areas within the project site, the areas classified as jurisdictional seasonal wetland pools, wetland seeps, and impoundments would be preserved within open space areas on the project site (Draft EIR, page 3.4-69).

Additionally, development within the project site would include setbacks averaging 125 feet from the centerline of Sand Creek (a 250-foot-wide corridor) to avoid potential impacts to the jurisdictional ephemeral and intermittent wetland areas associated with Sand Creek. Although disturbance within Sand Creek and wetland areas would be generally avoided, the proposed project would include development of up to two vehicle bridges, a pedestrian bridge, and two outfall structures in or over Sand Creek. Construction of up to two vehicle bridges and the pedestrian bridge are anticipated to include the placement of riprap to secure the sides of the creek, which would be considered a fill of wetland areas associated with Sand Creek. The proposed locations of each of the bridge improvements are identified on each of the land plan exhibits (Draft EIR, page 3.4-69).

In addition, there is a very small seasonal wetland (approximately 0.016 acre) just south of Kaiser Permanente Antioch Medical Center that will be filled as part of the off-site improvements for the proposed project. Considering the above, the proposed project may result in fill or other disturbance of waters of the United States and waters of the

State, and the project would result in a significant impact to waters of the United States and waters of the State. Implementation of MM BIO-3 would reduce impacts to on- and off-site wetlands to a less than significant level through consultation with State and federal regulatory agencies an adherence to any compensatory permitting requirements imposed as part of the issuance of a 404 permit, 401 water quality certification, and 1602 Lake and Streambed Alteration Agreement. This would ensure that aquatic resources would be reduced to a less than significant level through minimization and avoidance measures (Draft EIR, pages 3.4-69 through 3.4-70).

- **Impact BIO-4:** The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites (Draft EIR, page 3.4-71).
- **Findings:** Less than significant impact with mitigation incorporated (Draft EIR, page 3.4-72). Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)).

# Mitigation: Implement MM BIO-4.

**Facts in Support of Findings:** The project is centered around Sand Creek, which is located within the greater Lone Tree Valley. The Creek itself does not provide habitat for endangered fish such as salmon as it only fills after rain, and then almost immediately ceases flow. In short, its flow is too intermittent to provide habitat for fish. However, Lone Tree Valley represents a potential wildlife corridor for highly mobile vertebrate species to move from the lower foothills of the San Joaquin Valley to suitable habitat within the hills to the north and east of Mount Diablo (Black Diamond Mines Regional Preserve area). Special-status species such as California tiger salamander, California red-legged frog, western pond turtle, American badger, and San Joaquin kit fox as well as common species such as Columbian black-tailed deer (Odocoileus hemionus columbianus), coyote (Canis latrans), bobcat (Lynx rufus), and gray fox (Urocyon cinereoargenteus) may also use the Lone Tree Valley and the Sand Creek corridor for seasonal or daily migration. Much of the existing Lone Tree Valley within the project site will be developed with residential neighborhoods and roads (Draft EIR, page 3.4-71). These features may lead to a decrease in special-status and common species migration. This could lead to species populations being cut off from potential breeding locations and may lead to a bottleneck in gene flow. Additionally, it may also lower the likelihood of species such as San Joaquin kit fox from recovering from portions of their historic range (Black Diamond Mines Regional Preserve). Notably, however, wildlife that uses the annual grasslands on the project site as a movement corridor will be still be able to use the Sand Creek corridor, the Restricted Development Area (open space) on the southern portion of the site, and the annual grassland surrounding the project site for dispersal. Furthermore, the entire northwestern portion of the site, where a number

of aquatic resources are located just north of Sand Creek, will remain undeveloped in open space. Also, the Sand Creek Corridor will not be developed for the project; it will be fully preserved with an average 125-foot-wide set back from center of the stream throughout the project area (a 250-foot-wide corridor). The vehicular bridges connecting the southern development area to the northern development area and the pedestrian bridge located near the norther detention basin are planned to span Sand Creek (Draft EIR, page 3.4-71). Thus, any use of the Creek bed for wildlife corridor will remain unimpeded. The off-site infrastructure area is a small, disjunct area along existing roads and infrastructure and is not likely used as a major wildlife movement corridor. Still, certain species will experience reduced annual grasslands due to the project development footprint. Therefore, implementation of MM BIO-4 is required to ensure that impacts related to wildlife movement corridors would be less than significant. With implementation of MM BIO-4, the proposed project would have less than significant impacts related to wildlife movement because it would allow unimpeded movement of species through the existing Sand Creek Corridor (Draft EIR, page 3.4-72).

Impacts to migration as a result of project operation have the potential to occur. As mentioned above under the construction analysis, the proposed project would incorporate a 250-foot-wide corridor along Sand Creek. Additionally, implementation of MM BIO-4, which would reduce migratory hindrance through limiting the locations of temporary and permanent fencing included in the project, would reduce impacts to a less than significant level (Draft EIR, page 3.4-72).

- **Impact BIO-5:** The project could conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (Draft EIR, page 3.4-72).
- **Findings:** Less than significant impact with mitigation incorporated (Draft EIR, page 3.4-74). Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)).

Mitigation: Implement MM BIO-5.

**Facts in Support of Findings:** An on-site tree survey was conducted in 2015 by certified arborist Ed Brennan, which identified 16 tree species and 255 individual trees. Approximately 181 of the 255 trees identified within the project site are native trees as identified in the City of Antioch Tree Ordinance. The native trees in the project site consist of native oaks (coast live oak, blue oak, valley oak, and interior live oak) and California buckeye. Various planted and ornamental trees such as blue gum eucalyptus, manna gum, black locust, and others also exist in the project site (Draft EIR, page 3.4-72).

Some of the planted and ornamental trees are protected under the City of Antioch Tree Ordinance as "mature trees" or "landmark trees" because the trees exceed the 26-inches diameter at breast height (DBH) or 48 inches DBH respective thresholds (Draft EIR, page 3.4-73).

The eucalyptus tree windrow located on the western border of the project site will be preserved. Most of the native oak trees are located within the Sand Creek Corridor setback areas and will be preserved. However, there are 13 trees located within the footprint of the project site that may need to be removed for project infrastructure purposes. (See Attachment E of the updated BRA in Appendix D of the Draft EIR for a map of the trees and a table of the tree survey data). These trees include eight non-native trees and five native trees. The project Applicant will work with the design team to preserve and incorporate as many of these trees into the project design as feasibly possible; the City will review any proposed tree removals as part of the entitlement process. Implementation of MM BIO-5 would ensure that local trees within the project would remain protected. As such, impacts would be less than significant (Draft EIR, page 3.4-73).

- **Cumulative Impact Biological Resources:** With respect to Special-status Plant Species, Special-status Wildlife Species, Aquatic Resources the proposed project could have a potential cumulative impact (Draft EIR, page 3.4-74).
- **Findings:** Less than significant impact with mitigation incorporated (Draft EIR, page 3.5-20). Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)).
- Mitigation: Implement MM BIO-1a through MM BIO-1p, MM BIO-3, MM BIO-4 and MM NOI-1b, MM NOI-1c, and MM NOI-1d.

**Facts in Support of Findings:** Although the project site is 551.5 acres, only 346 acres of the project site (or 12 percent of the approximately 2,800-acre Sand Creek Focus Area) would be developed under the proposed project, and a 250-foot-wide corridor along Sand Creek would be preserved (Draft EIR, page 3.4-74). As discussed in Section 3.4 of the EIR, implementation of the proposed avoidance and minimization measures identified in the mitigation measures, the proposed project's cumulative impacts on species is less than significant (Draft EIR, page 3.4-74). Additionally, projects located within the Sand Creek Focus Area would be required implement mitigation similar to MM NOI-1, MM NOI-1c, and MM NOI-1d to reduce potential cumulative operational impacts to a less than significant level (Draft EIR, page 3.4-76). MM BIO-3 would reduce the proposed project's cumulative contribution to a less than significant impact on aquatic resources by requiring the project Applicant to conduct surveys, to obtain regulatory permits, and to mitigate all impacts to aquatic resources to

a less than significant level (Draft EIR, page 3.4-76). Accordingly, as discussed in detail in section 3.4.6, cumulative impacts would be less than significant with mitigation incorporated.

# 9.3 – Cultural and Tribal Resources

- **Impact CUL-1:** The project could cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 (Draft EIR, page 3.5-19).
- **Findings:** Less than significant impact with mitigation incorporated (Draft EIR, page 3.5-20). Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)).
- Mitigation: Implement MM CUL-1.

**Facts in Support of Findings:** Prehistoric or historic Native American cultural resources were not identified in the project site. However, as previously discussed, two historical resources are located within the project site: P-07-000008, Judsonville town site; and P-07-000010, the ranch complex. Under Section 15064.5 of the CEQA Guidelines, a resource is considered "historically significant" if the resource meets one or more of the CRHR criteria outlined in the Regulatory Context section above. A resource must be considered historically significant and possess "integrity" in order to qualify for listing in the NRHP and CRHR (Draft EIR, page 3.5-19).

The 2017 ECORP assessment found both the Judsonville town site and Locus 1 of the ranch complex to be significant historic resources per CEQA Guidelines Section 15064.5. Thus, the proposed project has the potential to impact known resources onsite and to encounter previously unknown buried resources. Therefore, the proposed project could have a significant impact related to damaging or destroying such a historic cultural resource. However, implementation of Mitigation Measure (MM) CUL-1 would reduce impacts to a less than significant level by ensuring the historic resources are preserved to the maximum extent possible and not impaired (Draft EIR, page 3.5-19).

- **Impact CUL-2:** The project could cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 (Draft EIR, page 3.5-20).
- **Findings:** Less than significant impact with mitigation incorporated (Draft EIR, page 3.5-21). Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)).



**Mitigation:** Implementation of MM CUL-2.

**Facts in Support of Findings:** As previously mentioned, the Judsonville town site and Locus 1 are known on-site historical resources that contain artifacts. The proposed project would include mass grading and soil disturbance in the areas that contain artifacts, and areas that may contain previously unknown buried artifacts. Therefore, construction and development activities related to the proposed project could cause a substantial adverse change in the significance of unique archaeological or paleontological resources (Draft EIR, page 3.5-20).

The 2017 ECORP testing program demonstrated substantial subsurface deposits exist at each of the historic sites identified within the project site, as discussed above, and also determined the boundaries and extent of each deposit. A potential exists for subsurface historic-period archaeological deposits beyond the established boundaries of the sites and elsewhere in the project site. Due to the presence of alluvium along Sand Creek and given the likelihood of prehistoric archaeological sites located along perennial waterways, a potential exists for buried prehistoric archaeological sites in the project site (Draft EIR, page 3.5-20).

Because artifacts have been found on-site, and because the potential exists for previously undiscovered resources to be unearthed and potentially damaged or destroyed during construction of the site impacts to archaeological resources could be potentially significant. However, implementation of MM CUL-2 would ensure impacts would be reduced to a less than significant level (Draft EIR, page 3.5-21).

- **Impact CUL-3:** The project could disturb human remains, including those interred outside of formal cemeteries (Draft EIR, page 3.5-22).
- **Findings:** Less than significant impact with mitigation incorporated (Draft EIR, page 3.5-23). Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)).
- Mitigation: Implementation of MM CUL-3.

**Facts in Support of Findings:** The proposed project would include mass grading and soil disturbance in the areas that contain artifacts, and areas that may contain previously unknown buried human remains. Known human cemeteries or burials have not been detected through subsurface excavation or field surveys. However, there is always the possibility that subsurface construction activities associated with the project, such as trenching and grading, could potentially damage or destroy previously undiscovered human remains. This represents a potentially significant impact related to human remains (Draft EIR, page 3.5-22).



In the unlikely event human remains are discovered, implementation of MM CUL-3 would require that work is halted and the County Coroner is called to make a determination as to the nature of the remains and to confirm next steps regarding contacting the NAHC and appropriate tribal representatives. In addition, in the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5(d)—Effects on Human Remains, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and Section 5097.98 must be followed. Requirements of these regulations are described above in Regulatory Setting. Therefore, with implementation of MM CUL-3 and compliance with aforementioned CEQA Guidelines, direct and indirect impacts related to disturbance of human remains would be less than significant with mitigation (Draft EIR, page 3.5-22).

- **Impact CUL-4:** The project could cause a substantial adverse change in the significance of a Tribal Cultural Resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k) (Draft EIR, page 3.5-23).
- **Findings:** Less than significant impact with mitigation incorporated (Draft EIR, page 3.5-23). Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)).
- Mitigation: Implement MM CUL-2.

**Facts in Support of Findings:** In compliance with AB 52 and SB 18, notification letters were distributed to representatives of the Native American tribes that have expressed interest in development projects in the City and may have additional information regard0ing TCRs on the project site, respectively. The City has not received any responses to the letters to date. As previously mentioned, Sacred Lands File failed to indicate the presence of Native American cultural resources on-site (Draft EIR, page 3.5-23).

Nonetheless, given similar environmental factors of the proposed project site to known Native American resource sites within Contra Costa County, a moderate potential exists for unrecorded Native American resources to be discovered within the project site. Thus, the possibility exists that construction of the proposed project could directly or indirectly disturb or destroy a unique tribal cultural resource if previously unknown TCR are uncovered during grading or other ground-disturbing activities. Consequently, a significant impact to TCRs could occur. However, implementation of MM CUL-2 would ensure any TCRs uncovered during construction would not be adversely affected. Therefore, construction impacts related to previously listed or eligible TCRs would be less than significant with mitigation (Draft EIR, page 3.5-23).

# 9.4 – Geology and Soils

- **Impact GEO-1:** The proposed project could directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:
  - i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
  - ii) Strong seismic ground shaking.
  - iii) Seismic-related ground failure, including liquefaction.
  - iv) Landslides (Draft EIR, page 3.6-17).
- **Findings:** Less than significant impact with mitigation incorporated (Draft EIR, page 3.6-19). Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)).

**Mitigation:** Implement MM GEO-1a and MM GEO-1b.

Facts in Support of Findings: According to the project specific geotechnical exploration, the potential for ground rupture is considered unlikely. The California Division of Mines and Geology has not identified any active faults within the project site. Additionally, the site is not located within an Alguist-Priolo Earthquake Fault Zone, and surface evidence of faulting was not observed during site reconnaissance. Although portions of the Green Valley Fault were identified 11 miles west of the project site, the fault does not extend to the ground surface and therefore, is not considered to be active by the State of California. Ground rupture occurring at the site is considered to be unlikely (Draft EIR, page 3.6-17). There is the potential for considerable ground shaking at the project site resulting from an earthquake of high magnitude generated within the San Francisco Bay Region. Ground shaking effects can be mitigated through implementation of CBC requirements and sound engineering judgement as outlined in MM GEO-1a. In addition, the project specific geotechnical exploration provides earthwork recommendations that would also reduce potential impacts to less than significant. MM GEO-1b requires that final grading and foundation plans be reviewed by a qualified Geotechnical Engineer to confirm that project-specific geotechnical exploration recommendations are incorporated. MM GEO-1b also requires monitoring during construction to check the validity of the assumptions made in the geotechnical exploration, to ensure that site preparation and selected fill materials are satisfactory. and that placement and compaction of the fill is performed in accordance with recommendations and the project specifications. As such, with implementation of identified mitigation, the proposed project would not expose people or structures to



substantial adverse effects associated with seismic ground shaking. Therefore, operational impacts related to strong seismic ground shaking would be less than significant with mitigation (Draft EIR, page 3.16-18).

Additionally, the geotechnical exploration indicated that the project site has low potential for seismic related liquefaction due to the densities and high fine-grained material content in the sand on-site. Therefore, operational impacts related to seismic related ground failure would be less than significant with incorporation of the Geotechnical recommendations as required by MM GEO-1a. furthermore, the geotechnical exploration determined that the site has little to no potential for landslides based on the topographic and lithologic data observed at the test pits. Incorporation of CBC requirements in addition to the specific grading and foundation design recommendations required by MM GEO-1a and MM GEO-1b, would reduce the potential for seismically induced landslides to less than significant (Draft EIR, page 3.6-18).

- **Impact GEO-2:** The proposed project could result in substantial soil erosion or the loss of topsoil (Draft EIR, page 3.6-19).
- **Findings:** Less than significant impact with mitigation incorporated (Draft EIR, page 3.6-20). Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)).
- Mitigation: Implement MM GEO-2.

Facts in Support of Findings: Project construction would involve grading, earthmoving activity, and soil disturbance that would take place on 373.60 acres of the 551.50-acre project site and the off-site improvement area. Chapter 9 of the City's Municipal Code, Storm Water Management and Discharge Control, requires projects that propose to disturb more than 1.00 acre of land, such as the proposed project, must obtain coverage under the State's General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit), which pertains to erosion- and siltation-related pollution from grading and project construction. Compliance with the Permit requires the Applicant to file a Notice of Intent (NOI) with the State Water Board and prepare a SWPPP prior to construction (Draft EIR, page 3.6-19). The SWPPP would incorporate BMPs in order to prevent, or reduce to the greatest feasible extent, adverse impacts to water quality from erosion and sedimentation. Such BMPs would include hydro-seeding, the placement of erosion control measures within drainage ways and ahead of drop inlets, he temporary lining (during construction activities) of drop inlets with "filter fabric" (a specific type of geotextile fabric), the placement of straw wattles along slope contours, directing subcontractors to a single designation "wash-out" location (as opposed to allowing them to wash-out in any location they desire), the use of siltation fences, and the use of sediment basins and



dust palliatives Impacts related to soil erosion and the loss of topsoil would be reduced to a less than significant level with the implementation of MM GEO-2. Therefore, construction impacts related to substantial soil erosion or the loss of topsoil would be less than significant with mitigation (Draft EIR, pages 3.6-19 through 3.6-20).

Upon completion of the construction stage, previously disturbed areas would be ultimately protected through the placement of structures, roadways, landscaping, and other improvements, which would substantially minimize long-term erosion. Furthermore, the City implements the NPDES Phase II MS4 requirements through a stormwater management plan and its stormwater ordinance, which require implementation of post-construction stormwater quality improvements. Thus, the potential for erosion or loss of topsoil during project operation would be less than significant (Draft EIR, page 3.6-20).

- **Impact GEO-3:** The proposed project could be located on a geologic unit or soil that is unstable, or that could become unstable as a result of the project, and potentially result in on-or off-site landslide, lateral spreading, subsidence, liquefaction or collapse (Draft EIR, page 3.6-20).
- **Findings:** Less than significant impact with mitigation incorporated (Draft EIR, page 3.6-21). Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)).
- Mitigation: Implement MM GEO-1a and MM GEO-1b.

**Facts in Support of Findings:** The project-specific geotechnical exploration conducted by ENGEO, Inc. determined that the potential for lateral spreading, landslide, subsidence, and liquefaction is low to negligible based on topographic and lithologic data (see Appendix F of the Draft EIR). However, as mentioned above, the California Department of Conservation's Earthquake Zones of Required Investigation Map identifies the project site as located within a liquefaction zone.25 Incorporation of standard building code requirements as well as the specific grading and foundation design recommendations required by MM GEO-1a and MM GEO-1b, would reduce the potential for impacts related to unstable soil or geologic units to a less than significant level (Draft EIR, pages 3.6-20 through 3.6-21).

**Impact GEO-4:** The proposed project could be located on expansive soil, as defined in Table 18-1- B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property (Draft EIR, page 3.6-21).



- **Findings:** Less than significant impact with mitigation incorporated (Draft EIR, page 3.6-21). Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)).
- Mitigation: Implement MM GEO-1a and MM GEO-1b.

**Facts in Support of Findings:** According to the project-specific geotechnical exploration, potentially expansive lean clay soils were observed near the surface in all of the soil test pits. These soils have moderate to high shrink/swell potential with variations in moisture content. Expansive soils can shrink or swell and cause heaving and cracking of slabs-on-grade, pavements, and structures founded on shallow foundations, which is considered a potentially significant impact. Successful performance of structures on expansive soils requires specific procedures for grading and for establishment of building foundations (Draft EIR, page 3.6-21).

Implementation of geotechnical recommendations and MM GEO-1a and MM GEO-1b, which require the incorporation of all recommendations from the geotechnical exploration and monitoring during construction to ensure proper implementation, as well as replacing native soils with engineered fill or the addition of soil amendments are also effective means of mitigating expansive soils, and would reduce potential impacts related to expansive soil to less than significant (DEIR, page 3.6-21).

- **Impact GEO-6:** The proposed project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (Draft EIR, page 3.6-22).
- **Findings:** Less than significant impact with mitigation incorporated (Draft EIR, page 3.6-23). Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)).

Mitigation: Implement MM GEO-3.

**Facts in Support of Findings:** The Paleontological Records Search on the UCMP revealed that the project site consists primarily of Holocene alluvium (QA), which is too young to be fossiliferous, and Eocene Markley Sandstone Member (Tkm) of the Kreyenhagen Formation, which is located in the southwestern portion of the site as well as along the northern boundary. Within the 0.50 mile search perimeter, the records search identified Eocene rocks assigned to the other members of the Kreyenhagen Formation and older Eocene rocks of the Domengine (Tds) and Meganos Formation (Tmgd).



No known paleontological resources have been identified on the project site, although paleontological resources have been identified within a distance of 1 mile. The records search noted that the unmapped older alluvium and Markley sandstone would be of concern during project construction, and that the potential of finding late Pleistocene (Rancholabrean) vertebrates in Lone Tree Valley must also be taken into account. The terrain across the project site is relatively undisturbed and both of the mapped geologic units (Markley sandstone and Quaternary alluvium) have produced significant paleontological resources in the vicinity. This would represent potentially significant impact related to destruction of paleontological resources (Draft EIR, page 3.6-22).

MM GEO-3 requires a pre-construction paleontological walkover survey, and the creation and implementation of a paleontological monitoring program, including training for the construction crew by a qualified professional Paleontologist. With the implementation of this mitigation, impacts related to destruction of paleontological resources or unique geologic features would be less than significant (Draft EIR, page 3.6-22).

# 9.5 – Greenhouse Gas Emissions and Energy

- Cumulative Impact Greenhouse Gas Emissions and Energy -The project would have a less than significant cumulative impact with respect to greenhouse gas emissions and energy (Draft EIR, page 3.7-60).
- **Findings:** Less than significant impact with mitigation incorporated (Draft EIR, page 3.7-60) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)).

Mitigation: Implement MM GHG-1.

**Facts in Support of Findings:** As discussed in Section 3.7 of the EIR, GHG emissions are inherently a cumulative impact (Draft EIR, page 3.7-39.) Therefore, the analysis presented throughout Section 3.7, and incorporated herein, addresses the cumulative GHG impacts of the proposed project. MM GHG-1 was included in the Draft EIR (Draft EIR, page 3.7-49) to reduce the project's GHG emissions to below the applicable 2030 threshold. MM GHG-1 requires the reduction of GHG emissions to at or below 2.6 metric ton (MT) of carbon dioxide equivalent per year CO<sub>2</sub>e/year/service population by 2030 and offers a list of measures that could be employed in order to achieve the required emission reductions. Measures listed in MM GHG-1, include purchasing renewable power, installing on-site solar panels, installing on-site charging units for electric vehicles, implementing a ride sharing program for employees, and purchasing voluntary carbon credits from a verified GHG emissions credit broker.



The project is required to reduce GHG by employing any combination of the measures provided in MM GHG-1. MM GHG-1 also includes a provision for the project to construct homes and buildings to be all-electric, which would result in zero operational natural gas consumption. In addition, a measure was added to MM GHG-1 for the project to install all-electric appliances during construction to minimize the use of natural gas consumption during project operations. These measures provide additional options for achieving the required reduction in the project's generation of GHG emissions and support the conclusion that the project would have a less than significant cumulative impact with respect to greenhouse gases.

# 9.6 – Hazards, Hazardous Materials, and Wildfire

- **Impact HAZ-2:** The project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment (Draft EIR, page 3.8-26).
- **Findings:** Less than significant impact with mitigation incorporated (Draft EIR, 3.8-31) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)).
- **Mitigation:** Implement MM HAZ-2a through MM HAZ-2h.

**Facts in Support of Findings:** During construction, the proposed project would be expected to involve the transport, use, and disposal of hazardous materials, such as diesel fuels, aerosols, and paints. However, the duration of these actions would only be temporary and limited to the period of construction. Furthermore, the proposed project would be subject to the Hazardous Materials Transportation Act, California Public Resources Code, the Clean Water Act, and other local, State, and federal regulations that would reduce and limit the associated risks. Any handling, transporting, use, or disposal would comply with applicable laws, policies, and programs set forth by various federal, state, and local agencies and regulations, including the EPA, RCRA, California Department of Transportation (Caltrans), and the Contra Costa Hazardous Materials Program (Draft EIR, page 3.8-26).

Required compliance with applicable hazardous material laws and regulations would ensure that construction-related hazardous material use would not result in significant impacts.

Existing structures would be removed as part of project construction. For buildings constructed prior to 1980, the Code of Federal Regulations (29 CFR § 1926.1101) states that all thermal system insulation and surface materials must be designated as "presumed asbestos-containing material" unless proven otherwise through sampling in

accordance with the standards of the Asbestos Hazard Emergency Response Act. ACMs were banned in the mid-1970s. ACMs could include, but are not limited to resilient floor coverings, drywall joint compounds, and acoustic ceiling tiles, piping insulation, electrical insulation, and fireproofing materials. Furthermore, the use of leadbased paint was not banned until 1978 by the Federal Government. Typically, exposure to lead from older vintage paint is possible when the paint is in poor condition or is being removed. Lead-based paints were phased out of production in the early 1970s. Although the exact construction date of the existing ranch located on APN 057-021-003 of the project site is unknown, the Phase I ESA approximated construction between 1953 and 1968. Therefore, given the age of the structures, ACMs and lead-based paint may be present within the structures. Because implementation of the proposed project would include demolition of the existing on-site structures, exposure of workers to ACMs or lead-based paint could occur. This represents a potentially significant impact. Implementation of MM HAZ-2a, which requires the Applicant to conduct hazardous materials surveys and abatement of on-site structures prior to demolition, would reduce potential impacts to a less than significant level (Draft EIR, page 3.8-27).

Two orchards that were planted in limited areas of the site appear to be utilized from the late 1930s until the 1970s. Detectable concentrations of residual agricultural chemicals may exist within on-site soils. Implementation of MM HAZ-2b, which requires a limited agrichemical soil assessment to be conducted within the areas where the two orchards are located on-site, would reduce potential impacts to soils to a less than significant level (Draft EIR, page 3.8-27).

It was also noted that the two on-site wells pose a potential hazard, as one was not properly abandoned according to California Department of Oil, Gas, and Geothermal Resources (DOGGR) regulations. Unused groundwater wells that are not properly abandoned could potentially carry bacteria, sediment, fertilizer, pesticides, or other pollutants as a result of runoff flowing into the wells. Contaminated flow into the open wells could potentially contribute to contamination of the underlying groundwater or aquifer. As outlined in MM HAZ-2c, an abandonment permit is required prior to any ground disturbance activities within 50 feet of a well on the project site. As outlined in MM HAZ-2d, proper abandonment of Well No. 1 in accordance with current DOGGR regulations is required prior to construction of the proposed project (Draft EIR, page 3.8-27).

Several aboveground storage tanks and drums containing hazardous materials and numerous abandoned or discarded tanks and drums were also found throughout the property. Records indicate that the above and underground storage tanks were used on-site since at least 1965. While no releases were documented on-site, contamination may be uncovered upon removal of the storage tanks. All hazardous materials containers and storage tanks shall be removed prior to construction, as outlined in MM HAZ 2e. Additionally, MM HAZ-2f requires a Soil Management Plan (SMP) to be prepared to address potential impacted soil within the single-family residence structure, former UST area, and debris/fill area (Draft EIR, page 3.8-27).

The project site contains an inactive and abandoned petroleum product pipeline that traverses the western portion and the northeastern portion of the site. The pipeline traverses the middle of the proposed project site and the development of the proposed project would include mass grading and soil disturbance, as well as development near the pipeline, which may cause workers to be exposed to soil contamination. Accurate depths and alignment of the pipelines could only be determined by field checking and potholing the pipeline, which is recommended to be accomplished prior to completion of construction plans in order to avoid conflicts between the proposed development and the existing pipeline. As a result, construction and development activities related to the proposed project near the pipeline easement could cause a potentially significant impact (Draft EIR, page 3.8-28).

Extreme caution should be used when excavating, drilling, or grading around the former petroleum product pipeline. All excavating, drilling, or grading must comply with all applicable federal and state standards and regulations associated with development near petroleum pipelines. According to the United States Department of Transportation (USDOT) Pipeline and Hazardous Materials Safety Administration, any project involving digging near a pipeline is required to call prior to commencement of digging in order to notify companies that may operate underground utilities in the area. In addition, the proposed project would be required to comply with Section 195.210 of the Code of Federal Regulations, which requires that the pipeline must avoid and must not be located within 50 feet of any private dwelling, industrial building, or public assembly where people work, unless it is provided with at least 12 inches of cover. The proposed project must also comply with Section 192.325 of the Code of Federal Regulations, which states each transmission line must be installed with at least 12 inches of clearance from any other underground structure and the transmission line must be protected from damage. Without compliance with the above actions, impacts are potentially significant. MM HAZ-2g, which requires proper abandonment of the petroleum pipeline on-site and preparation of an SMP, and MM HAZ-2h, which requires development of construction guidelines shall be implemented to reduce impacts related to pipeline removal to a less than significant level (Draft EIR, page 3.8-28).

It is also important to note that construction activities would involve the use of heavy equipment, which would contain fuels and oils, and various other products such as concrete, paints, and adhesives. There is potential for fuels and oils to spill onto the project site. However, the project contractor would be required to comply with all federal, State, and local ordinances regulating the handling, storage, and transportation of hazardous and toxic materials, as overseen by Cal/EPA and the DTSC. Thus, the onsite construction activities would not create a significant hazard to the public or the environment. Based on the above, implementation of the proposed project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accidental conditions involving the release of hazardous materials into the environment, specifically related to asbestos-containing materials and lead-based paint associated with the existing on-site structures, on-site orchards, existing petroleum

pipeline, and existing water wells. As a result, impacts are considered to be potentially significant. Implementation of MM HAZ-2a, MM HAZ-2b, MM HAZ-2c, MM HAZ-2d, MM HAZ-2e, MM HAZ-2f, and MM HAZ-2h would reduce construction impacts to a less than significant level (Draft EIR, page 3.8-28).

- **Impact HAZ-6:** The project could impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (Draft EIR, page 3.8-32).
- **Findings:** Less than significant impact with mitigation incorporated (Draft EIR, page 3.8-34). Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)).
- Mitigation: Implement MM TRANS-7.

**Facts in Support of Findings:** During construction, it is expected that construction equipment and vehicles would be accessing and leaving the project site, which in turn could potentially impede evacuation or emergency vehicle access. Implementation of MM TRANS-7 would reduce construction impacts to a less than significant level by ensuring that adequate vehicle access is provided during construction. Additionally, the proposed project would be required to comply with the Contra Costa County Emergency Operations Plan. Although the Contra Costa County Emergency Operations Plan does not identify specific emergency evacuation routes, compliance would ensure efficient response to emergency incidents within Contra Costa County and the City of Antioch. As such, construction impacts related to emergency response and evacuation would be less than significant after the implementation of mitigation (Draft EIR, page 38-32).

As mentioned above, the proposed project would be required to comply with the Contra Costa County Emergency Operations Plan, which does not identify specific emergency evacuation routes. Implementation of the proposed project would not result in any adverse modifications to the existing roadway system and, thus, would not physically interfere with any existing emergency routes. Instead, the proposed project would expand the existing roadway network to include connection of Dallas Ranch Road and Deer Valley Road by way of an extension of Sand Creek Road and the proposed Street A. The extension of Sand Creek Road would provide increased roadway connectivity within the City. In addition to providing the extension of Sand Creek Road, which would serve as the primary EVA route to the project site. A secondary EVA would be provided from the southern development area through Village 9 along Street C. EVA routes are shown in Exhibit 2-14. In addition, the proposed project involves the dedication of a 2.00-acre site for construction and operation of a future fire station on-site. Upon buildout of the future fire station, emergency services would be readily available on-site. Emergency access would be maximized through the provision of proposed roads and multiple connection points between proposed neighborhoods. The proposed project



would be required to comply with the City of Antioch General Plan Policy 11.7.2n, which requires new developments to incorporate appropriate design features to increase safety and minimize potential adverse effects on public health. In addition, Policy 11.8.2f requires that the City review and clarify emergency evacuation plans for dam failure, fire, and hazardous materials releases (Draft EIR, page 3.8-32 through 3.8-33).

As mentioned in Section 3.13, Transportation, development of one or two-family dwellings where the number of dwelling units exceed 30 shall be provided with two separate and approved fire apparatus access roads; where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3 of the California Fire Code, access from two directions shall not be required (California Fire Code § D107.1.).

Access to the proposed project would be provided from new roadway connections from Deer Valley Road via Street A and an extension of Sand Creek Road connecting to Dallas Ranch Road. Access to Villages 1 through 8 would be provided from multiple locations, meeting or exceeding the fire code requirements. Access to Villages 9, 10, 11, and 12 with a total of 555 units would be restricted to a single public access roadway (Street C).

MM TRANS-7 requires the emergency access points for Villages 9, 10, 11, and 12 to be reviewed and approved by the City of Antioch and Contra Costa County Fire Protection District to ensure that adequate access for large emergency vehicles is provided (Draft EIR, page 3.8-33).

The proposed project includes dedication of land for the construction and operation of a fire station on a 2.00-acre parcel within the southeastern portion of the project site, adjacent to Deer Valley Road. Construction of the fire station would enhance emergency response capabilities for the project site and the City of Antioch generally. Cross-sections for the proposed streets within the project site were reviewed. All street sections provide a minimum of 20-feet of clearway (meaning no obstructions in terms of parked vehicles, landscaping, etc.), such that sufficient width is provided for emergency vehicle access and circulation. In addition, the proposed project would be required to comply with the City of Antioch General Plan Policy 11.7.2n, which requires new developments to incorporate appropriate design features to increase safety and minimize potential adverse effects on public health. In addition, Policy 11.8.2f requires that the City review and clarify emergency evacuation plans for dam failure, fire, and hazardous materials releases. Therefore, the proposed project would not be expected to interfere with an adopted emergency response or emergency evacuation plan, and impacts would be less than significant with implementation of mitigation and adherence to 2015 Contra Costa Emergency Operations Plan and City of Antioch General Plan policies. With implementation of MM TRANS-7 and compliance with the Contra Costa County Emergency Operations Plan and City of Antioch General Plan, the proposed project would not conflict with impair implementation of physically interfere with an

adopted emergency response plan or emergency evacuation plan. Therefore, the proposed project would be consistent with an adopted emergency response or emergency evacuation plan, and impacts would be less than significant (Draft EIR, page 3.8-33 through 3.8-34).

### 9.7 – Noise

- **Impact NOI-1:** The proposed project could generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies (Draft EIR, page 3.11-19).
- **Findings:** Less than significant impact with mitigation incorporated (Draft EIR, page 3.11-30). Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)).

**Mitigation:** Implement MM NOI-1a through MM NOI-1d.

**Facts in Support of Findings:** Noise impacts from construction activities associated with the proposed project would be a function of the noise generated by construction traffic, construction equipment, equipment location, sensitivity of nearby land uses, and the timing and duration of the construction activities (Draft EIR, page 3.11-20). While construction traffic noise would result in less than significant impacts, noise resulting from construction equipment would require implementation of MM NOI-1a to reduce impacts to a less than significant level (Draft EIR, page 3.11-20 through 3.11-21). The proposed project will result in an increase in traffic on local roadway segments in the project vicinity. In addition, implementation of the proposed project would introduce new stationary noise sources to the ambient noise environment in the project vicinity, including new mechanical ventilation equipment, parking lot activities, and delivery trucks. For operational noise, a significant impact would occur if the proposed project

trucks. For operational noise, a significant impact would occur if the proposed project would cause the Community Noise Equivalent Level (CNEL) to increase by 5 dBA or more even if the CNEL would remain below normally acceptable levels for a receiving land use (60 dBA CNEL, as measured in the rear yards of residential homes); or by 3 dBA or more, thereby causing the CNEL in the project vicinity to exceed normally acceptable levels and result in noise levels that would be considered conditionally acceptable for a receiving land use. A doubling of traffic volume generally results in a 3 dBA increase in noise. The potential for a substantial increase in ambient noise levels resulting from these noise sources is analyzed below (Draft EIR, page 3.11-21 through 3.11-22).

The highest traffic noise level increase with implementation of the proposed project would occur along Dallas Ranch Road south of Prewett Ranch Road under existing plus



project conditions. Along this roadway segment, the proposed project would result in traffic noise levels ranging up to approximately 62.7 dBA CNEL as measured at 50 feet from the centerline of the nearest travel lane, representing an increase of 4.8 dBA over existing conditions for this roadway segment. The calculated traffic noise levels as measured in the rear yards of adjoining residential land uses would be below 56 dBA CNEL due to shielding provided by existing soundwalls. Therefore, the substantial increase standard would be a 5 dBA increase. As this greatest increase in traffic noise levels would be a 4.8 dBA increase, the impact related to operational traffic noise proximate to Dallas Ranch Road would be less than significant (Draft EIR, page 3.11-22).

No other modeled roadway segment would experience an increase of 3 dBA or greater under any of the plus project traffic scenarios. Therefore, project-related traffic noise level would result in less than significant increases in traffic noise levels along modeled roadway segments in the project site vicinity. Therefore, the impact related to operational noise proximate to other roadway segments would be a less than significant impact.

A significant impact would also occur if the project would introduce new land uses to traffic noise levels that are in excess of the City's adopted land use compatibility standards. For new single-family residential land use developments, ambient noise levels are restricted to 60 dBA CNEL or less, as measured in the rear yards of residential homes.

As described in the existing noise levels discussion in Section 3.11.2 above, the existing noise environment in the vicinity of the project site was documented through a long-term noise monitoring effort performed at the project site. The long-term noise measurement, shown on Exhibit 3.11-1, was conducted on Snodgrass Lane, approximately 530 feet west of Deer Valley Road. The resulting measurement determined that ambient noise levels at this location averaged 52 dBA CNEL. Daytime ambient noise levels at this location, between the hours of 7:00 a.m. and 10:00 p.m., were 50 dBA Leq, 41 dBA L<sub>50</sub>, and 63 dBA L<sub>max</sub>. Nighttime ambient noise levels at this location, between the hours of 10:00 p.m. and 7:00 a.m., were 43 dBA L<sub>eq</sub>, 40 dBA L<sub>50</sub>, and 58 dBA L<sub>max</sub>. These noise levels are below the City's land use compatibility standard of 60 dBA CNEL for new residential land use development (Draft EIR, page 3.11-22).

To further analyze the ambient noise environment of the project site for compatibility with the proposed land use development, traffic noise modeling was performed to document traffic noise levels along roadway segments in the project vicinity. The Federal Highway Administration (FHWA) highway traffic noise prediction model (FHWA RD-77-108) was used to evaluate existing and future project-related traffic noise conditions along modeled roadway segments in the vicinity of the project site. Traffic modeling was performed using the data obtained from the project-specific traffic impact study included in Appendix K of the Draft EIR. This traffic impact study provides data for



existing, near-term, and cumulative conditions. The resultant traffic noise levels were weighed and summed over a 24-hour period to determine the CNEL values.

The traffic noise modeling input and output files—including the 60 dBA, 65 dBA, and 70 dBA CNEL noise contour distances—are included in Appendix I. The following tables show a summary of the traffic noise levels for existing, near term, and cumulative traffic conditions, with and without the proposed project, as measured at 50 feet from the centerline of the outermost travel lane.

The highest traffic noise levels that would be experienced at the proposed project would occur on Deer Valley Road between Prewett Ranch Road and Wellness Way under cumulative with project conditions. These traffic noise levels would range up to approximately 67.8 dBA CNEL as measured at 50 feet from the centerline of the nearest travel lane. These noise levels would be in excess of the City's land use compatibility standard as measured within rear yards of new residential land uses. This represents a potentially significant impact (Draft EIR, page 3.11-24).

However, implementation of MM NOI-1b, requiring that a soundwall would be constructed as part of the proposed project along rear yards of residential lots fronting Deer Valley Road would reduce traffic noise levels to below 60 dBA CNEL as measured at the nearest proposed rear yards. The soundwall shall be a minimum of 8-foot high, as measured from the finished grade of the proposed residential pads. The soundwall should be located so as to block the line of sight from rear yards for all proposed reduce traffic noise levels at all receiving residential rear yards to below 60 dBA CNEL. As such, with implementation of MM NOI-1b, requiring implementation of the described soundwall, traffic noise levels would be reduced to not exceed the City's land use compatibility standards as measured at the nearest backyards of the proposed residences. Therefore, with implementation of MM NOI-1b, traffic noise impacts would be reduced to less than significant (Draft EIR, page 3.11-24 through 3.11-25).

Implementation of the proposed project would introduce new stationary noise sources to the ambient noise environment in the project vicinity, including new mechanical ventilation equipment at residential homes, and new mechanical ventilation equipment, parking lot activities, and delivery trucks at the proposed Village Center. Other stationary noise sources would include an emergency backup generator and parking lot activities at the proposed fire station (Draft EIR, page 3.11-25).

Noise levels from typical mechanical ventilation equipment range up to approximately 60 dBA Leq as measured at a distance of 25 feet. The closest residential receptor is the residence on the west side of the Vallejo Court cul-de-sac, off Mammoth Way, the façade of which is about 5 feet from the project property line. Specific details regarding location of mechanical ventilation systems are not available at the time of this analysis. However, if residential mechanical ventilation systems are located within 15 feet of the project boundary, then operational noise levels could exceed the City's normally

acceptable threshold of 60 dBA CNEL as measured in rear yards of existing residential receptors. This would represent a potentially significant impact (Draft EIR, page 3.11-25).

However, MM NOI-1c would require that mechanical ventilation equipment for the proposed homes be located a minimum of 15 feet from the boundary of the project site, or that mechanical ventilation equipment be shielded by a noise-reducing barrier. At this distance, or with a barrier, and with shielding from the existing wood fence along the property line, noise from mechanical ventilation equipment would remain below the City's normally acceptable level of 60 dBA CNEL, as measured in the rear yards of residential homes. Implementation of MM NOI-1c would ensure that mechanical ventilation equipment at the proposed residential homes would not result in a substantial temporary increase in ambient noise levels in excess of 60 dBA CNEL. Therefore, the impact related to operational residential stationary noise would be less than significant with mitigation (Draft EIR, page 3.11-25).

The proposed Village Center is a 5.7-acre neighborhood commercial use. Noise sources could include parking lot activities, delivery trucks, and rooftop mechanical ventilation equipment, which would result in potentially significant impacts to proposed on-site residential receptors as well as to the two existing off-site single-family residential receptors located south of Sand Creek Road, west of Deer Valley Road.

Specific details regarding building or parking lot footprints or location of mechanical ventilation systems are not available at the time of this analysis. However, a general conservative operational noise impact analysis is provided based on typical commercial stationary source reference noise levels.

Typical parking lot activities, including expected delivery activity for typical deliveries for small commercial land uses, can generate noise levels of approximately 60 dBA to 70 dBA  $L_{max}$  at 50 feet. The closest noise-sensitive receptor to potential parking and delivery areas at the Village Center are the proposed residential land uses that would be developed west of the commercial area. Parking and delivery areas would be separated from the proposed residential land uses by an internal street at a minimum distance of 75 feet. At this distance parking lot activity noise levels would attenuate to 66 dBA  $L_{max}$ , with reasonable worst-case hourly average noise levels from these activities averaging approximately 55 dBA  $L_{eq}$ . Therefore, when averaged over a 24-hour period these noise levels would not exceed the City's normally acceptable threshold of 60 dBA CNEL as measured in rear yards of residential receptors.

Therefore, the proposed the Village Center parking lot activities would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project site in excess of standards established in the local general plan or noise ordinance; and the impact of noise produced by these parking lot activities to the nearest sensitive receptors would be less than significant.

The proposed commercial development would include new mechanical ventilation equipment. Noise levels from typical commercial mechanical ventilation equipment range up to approximately 60 dBA L<sub>eq</sub> at a distance of 25 feet. At a distance of 100 feet, noise generated by mechanical ventilation equipment would attenuate to approximately 48 dBA L<sub>eq</sub>. When averaged over a 24-hour period these noise levels would not exceed the City's normally acceptable threshold of 60 dBA CNEL as measured in rear yard of this nearest residential receptors. Therefore, the commercial land uses shall be designed so that on-site mechanical equipment (i.e., HVAC units, compressors, generators) are located no closer than 100 feet from the nearest residential dwelling unit or provided shielding from nearby noise sensitive land uses to meet the City's normally acceptable threshold of 60 dBA CNEL. Shielding shall have a minimum height sufficient to completely block line-of-sight between the onsite noise source and the nearest residential dwelling to meet the City's noise standard. Based on the size and placement of the HVAC units (i.e., ground level or roof top), barrier heights may range between three to six feet.

Therefore, with implementation of MM NOI-1d mechanical ventilation equipment operations associated with the Village Center commercial development would not generate a substantial temporary or permanent increase in excess of the City's noise standards as measured at the nearest sensitive receptors. Therefore, the impact related to operational Village Center stationary noise would be less than significant with mitigation.

The proposed fire station could result in stationary noise sources, including parking lot activities and rooftop mechanical ventilation equipment, which would result in potentially significant impacts to proposed on-site residential receptors and to the two existing off-site single-family residential receptors located south of Sand Creek Road, west of Deer Valley Road. Again, a significant impact would occur if the proposed project would cause the CNEL to increase by 5 dBA or more even if the CNEL would remain below normally acceptable levels for a receiving land use (60 dBA CNEL, as measured in the rear yards of residential homes); or by 3 dBA or more, thereby causing the CNEL in the project vicinity to exceed normally acceptable levels and result in noise levels that would be considered conditionally acceptable for a receiving land use.

The intermittent noise that would result from emergency vehicle sirens are regulated and required pursuant to public health and safety regulations and are therefore exempt from the City's noise performance standards. Furthermore, it should be noted that the Contra Costa County Fire Prevention District will implement Opticom<sup>™</sup> Intelligreen Priority software for traffic control at the nearest intersections to minimize emergency vehicle delay (and therefore would minimize the duration of siren noise in the project vicinity). Therefore, with these minimization features and because of the temporary and intermittent nature of emergency vehicle siren noise would not result in a substantial increase in ambient noise levels in the project vicinity and the impact would therefore be less than significant.
Typical parking lot activities include vehicles cruising at slow speeds, doors shutting, or cars starting, and can generate noise levels of approximately 60 dBA to 70 dBA  $L_{max}$  at 50 feet.

The closest noise-sensitive receptor to the proposed fire station parking areas at the project site are the proposed residential land uses located on the north side of Sand Creek Road. The closest of these residences is located approximately 125 feet from the acoustic center of the nearest proposed parking area on the project site. At this distance, parking lot activity would result in intermittent noise levels ranging up to 62 dBA  $L_{max}$  at the property line of the nearest residence. Assuming a reasonable worst-case scenario of one parking movement per parking stall within a single hour would result in an hourly average noise level of 45 dBA  $L_{eq}$  as measured at this nearest receptor.

These noise levels would not exceed existing background ambient noise levels. Furthermore, when averaged over a 24-hour period these noise levels would not exceed the City's normally acceptable threshold of 60 dBA CNEL as measured in rear yards of residential receptors.

Therefore, the proposed fire station parking lot activities would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project site in excess of standards established in the local general plan or noise ordinance; and the impact of noise produced by the fire station parking lot activities to sensitive receptors would be less than significant.

The proposed fire station would include new mechanical ventilation equipment. Noise levels from typical mechanical ventilation equipment range up to approximately 60 dBA  $L_{eq}$  at a distance of 25 feet.

Proposed mechanical ventilation systems could be located as close as 150 feet from the nearest noise sensitive receptor, which is the single-family residential home located east of the proposed fire station (south of Sand Creek Road, west of Deer Valley Road). At this distance, noise generated by mechanical ventilation equipment would attenuate to below 45 dBA L<sub>eq</sub> at this nearest single-family residential receptor. These noise levels would not exceed existing background ambient noise levels. Furthermore, when averaged over a 24-hour period these noise levels would not exceed the City's normally acceptable threshold of 60 dBA CNEL as measured in rear yard of this nearest residential receptors.

Therefore, the proposed fire station mechanical ventilation equipment operations would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project site in excess of standards established in the local general plan or noise ordinance; and the impact of noise produced by the proposed fire station mechanical ventilation equipment operations to sensitive receptors would be less than significant. The proposed fire station would also include installation of a new emergency standby generator. The proposed generator equipment would be located on the south side of the fire station building. The generator could be located as close as 170 feet from the nearest off-site noise-sensitive receptor, which is the existing residential home located east of the proposed fire station. At this distance, noise generated by the proposed standby generator would be expected to attenuate to less than 73 dB SPL at this nearest sensitive receptor. Ongoing monthly operations of generator testing at full power for up to 30 minutes within an hour would result in a worst-case average hourly noise level of 67 dBA  $L_{eq}$ , and a 24-hour average noise level of 60 dBA CNEL, as measured at the nearest sensitive receptor.

Existing background ambient noise levels in the project vicinity are documented to range up to 52 dBA CNEL as measured at long-term noise measurement location LT-1 shown in Exhibit 3.11-1. In addition, existing traffic noise levels on roadway segments adjacent to these nearest receptors are projected to range up to 66 dBA CNEL along Deer Valley Road between Wellness Way and Sand Creek Road. Therefore, operational noise levels generated by scheduled testing of the standby generator equipment would not exceed existing background noise levels in the project vicinity, and operational noise levels generated by the proposed standby generator equipment would have a less than significant impact to off-site noise-sensitive receptors (Draft EIR, page 3.11-29).

Therefore, the proposed fire station emergency standby generator would not generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance; and the impact of noise produced by the proposed fire station emergency standby generator to sensitive receptors would be less than significant (Draft EIR, page 3.11-29).

Implementation of the proposed project would introduce construction and new operational noise sources to the ambient noise environment in the project site vicinity. However, implementation of MM NOI-1a through MM NOI-1d would reduce construction and operational noise impacts. Therefore, overall, the impact related to substantial noise increase in excess of standards would be less than significant with mitigation (Draft EIR, page 3.11-29).

## 9.8 – Public Services and Recreation

**Impact PUB-1:** The project could result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection (Draft EIR, page 3.13-26).



- **Findings:** Less than significant impact with mitigation incorporated (Draft EIR, page 3.13-). Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)).
- Mitigation: Implement MM AQ-2a, MM BIO-1a through MM BIO-1p, MM BIO-3, MM BIO-4, MM CUL-1, MM CUL-2, MM CUL-3, MM GEO-1a, MM GEO-1b MM GEO-2, and MM GEO-3, MM HAZ-2a, MM HAZ-2f, MM HAZ-2h MM NOI-1a, MM NOI-1b, MM NOI-1c, MM TRANS-1a, TRANS-1b, MM TRANS- 1c, MM TRANS-2, MM TRANS-7, MM TRANS-8a, MM TRANS-8b, and MM TRANS-8c.

**Facts in Support of Findings:** The proposed project would add 1,177 dwelling units, 54,000 square feet of neighborhood commercial uses, and increase the population living in the Sand Creek Focus Area by 3,931 people, resulting in an increased number of emergency calls (Draft EIR, page 3.13-26).

The General Plan calls for one firefighter per 1,000 residents. Thus, the proposed project would require the addition of four firefighters. The Contra Costa County Fire Protection District currently operates four stations in the City of Antioch: Station 81 at 315 West 10th Street (4.45 miles away); Station 82 at 196 Bluerock Drive (1.95 miles away); Station 83 at 2712 Gentrytown Drive (4.17 miles away); and Station 88 at 4288 Folsom Drive (2.45 miles away) (Draft EIR, page 3.13-27).

Contra Costa County Fire Protection District desires and intends to construct a fire station on all or a portion of the 2.00-acre site identified as Public/Quasi Public (PQP) south and across Sand Creek Road from the Village Center. For the purposes of analysis, the fire station is estimated to be 5,600 square feet and would contain a total of 9 staff members working in 48-hour shifts). Construction of the proposed fire station would require compliance with mitigation measures and regulations outlined in respective sections of this EIR. Requirements for construction for each topical section are explained below (Draft EIR, page 3.13-27).

As described in Section 3.3, Air Quality, implementation of MM AIR-2a, which requires implementation of BAAQMD BMPs during construction would reduce potential impacts related to conflict with the 2017 Clean Air Plan. Therefore, construction impacts would be less than significant.

As described in Section 3.4, Biological Resources, the impacts related to special-status species, aquatic resources, and wildlife movement would be reduced to a less than significant level with the implementation of MM BIO-1a through MM BIO-1p, MM BIO-3, and MM BIO-4. Therefore, construction impacts related to biological resources would be less than significant with implementation of pre-construction surveys and specific

protocols for special-status species, acquisition of applicable USACE and California Department of Fish and Wildlife (CDFW) permits, implementation of BMPs, and prohibitions against the construction of fencing that could hinder migratory wildlife movement (Draft EIR, page 3.13-27).

As described in Section 3.5, Cultural and Tribal Cultural Resources, implementation of MM CUL-1, MM CUL-2, and MM CUL-3 would reduce construction impacts to a less than significant level. Therefore, construction of the fire station would result in less than significant impacts related to cultural resources and tribal cultural resources.

As discussed in Section 3.6, Geology and Soils, implementation of MM GEO-1a, MM GEO-1b, MM GEO-2, and MM GEO-3 would reduce project construction impacts to a less than significant level.

As described in Section 3.8, Hazards, Hazardous Materials, and Wildfire, implementation of MM HAZ-2a, MM HAZ-2f, and MM HAZ-2h would require implementation of a number of actions that would reduce impacts to a less than significant level. Actions would include completion of a preconstruction hazardous materials survey, completion of a Phase II Environmental Site Assessment, and preparation of safety guidelines for construction workers (Draft EIR, page 3.13-27).

As described in Section 3.9, Hydrology and Water Quality, construction impacts would be less than significant, and no mitigation would be required because all construction in California is required to comply with local, State, and federal water quality laws and regulations. Therefore, construction of the fire station would result in less than significant impacts to hydrology and water quality.

As described in Section 3.11, Noise, implementation of MM NOI-1a would reduce construction noise to a less than significant level through limiting construction hours, as well as compliance with standard mitigation to reduce construction equipment noise.

As described in Section 3.14, Transportation, implementation of TRANS-1a, would reduce construction impacts to a less than significant level through the implementation of a traffic construction management plan.

Based on the foregoing, construction of the proposed fire station would result in less than significant impacts (Draft EIR, page 3.13-28).

According to Mike Quesada, Interim Assistant Fire Chief of the Contra Costa County Fire Protection District, Station 82 is 5,600 square feet and is staffed with 9 employees.14 Each shift at Station 82 is 48 hours long. Station 82 receives between approximately 2,000 and 2,500 emergency calls annually. It is expected that the proposed fire station would be staffed with a similar number of employees and be similar in square footage on a similarly-sized site and field a similar number of calls. The site would also operate similar equipment (i.e., one Type 1 Fire Engine, one Type 2



Rescue Engine, one decontamination (Decon) trailer, one Mass Casualty Incident (MCI) trailer, one confined space trailer, and one Type 3 Rescue Engine).15 The proposed fire station would be located along a proposed extension of Sand Creek Road, just west of Deer Valley Road. As discussed in Section 3.1, Aesthetics, the buildout of the entire proposed project would obstruct views of a protected scenic resource, Mount Diablo, from a General Plan designated view corridor, Deer Valley Road. However, the fire station itself would not independently significantly impact such views, as it would be sited behind two existing homes and outbuildings that is located along Deer Valley with significant mature vegetation that already obscures the fire station site and views of Mount Diablo from passing motorists (Draft EIR, page 3.3-28).

As such, the operation of the fire station would result in less than significant impacts to visual character within the project area, and no mitigation is required.

As discussed in Section 3.4, Biological Resources, implementation of MM NOI-1b, MM NOI-1c, MM NOI-1d, and incorporation of setbacks into the proposed project design would result in less than significant operational impacts to special-status species.

As mentioned in Section 3.7, Greenhouse Gas Emissions and Energy, operation of the fire station is expected to generate approximately 1 MT CO2e/year. Compared to the other emissions resulting from the proposed project, including mobile, waste decomposition, water transport, and amortized construction emissions, this would not result in a significant impact. Therefore, operational impacts of the station related to GHG emissions would be less than significant (Draft EIR, page 3.13-28).

As mentioned in Section 3.8, Hazards, Hazardous Materials, and Wildfire, operational impacts related to hazards, hazardous materials, and wildfire would be less than significant with the implementation of MM TRANS-7 (DEIR, page 3.13-29). As described in Section 3.9, Hydrology and Water Quality, operational impacts would be less than significant (Draft EIR, page 3.13-29).

As described in Section 3.10, Land Use and Planning, project operation would have less than significant impacts related to the division of an established community, nor would it conflict with an applicable land use plan, policy, or regulation. Therefore, operational impacts of the fire station related to land use and planning would be less than significant (Draft EIR, page 3.13-29).

As described in Section 3.11, Noise, operational noise impacts related to parking lot activities, mechanical equipment operations, and standby generator operations would not be in excess of standards established in the City of Antioch General Plan or noise ordinance, and therefore would be less than significant. In addition, the intermittent noise that would result from emergency vehicle sirens are regulated and required pursuant to public health and safety regulations and are therefore exempt from the City's noise performance standards. Furthermore, it should be noted that the Contra Costa County Fire Protection District will implement Opticom<sup>™</sup> Intelligreen Priority

software for traffic control at the nearest intersections to minimize emergency vehicle delay by giving priority to exiting vehicles, which would minimize the duration of siren noise in the project vicinity. Therefore, operation of the fire station would not result in a substantial increase in ambient noise levels in the project vicinity and the impact would be less than significant (Draft EIR, page 3.13-29).

As described in Section 3.12, Population and Housing, the proposed project would have a less than significant impact related to the increase in population and necessity for housing. Therefore, operational impacts would be less than significant, and no mitigation is required (Draft EIR, page 3.13-29).

As described in Section 3.14, Transportation, the Transportation Impact Assessment estimated separate trip generation for the Village Center under the assumptions that it would be developed with a retail option or with an office option. As shown in Tables 3.14-5 and Table 3.14-6, the proposed fire station is expected to result in 20 total weekday trips. This number is less than the proposed weekday peak-hour trips under the retail option or office option for the project's village center which were determined to have less than significant impacts. Therefore, the proposed fire station would not result in or contribute to significant impacts to traffic. In addition, as mentioned above, the Contra Costa County Fire Protection District would utilize Opticom<sup>™</sup> Intelligreen Priority software that would ensure that the nearest traffic signal would remain green in the event of an emergency, which would ensure adequate emergency access and circulation. Implementation of MM TRANS-1b, MM TRANS-1c, MM TRANS-2, MM TRANS-3f, MM TRANS-7, MM TRANS-8a, MM TRANS- 8b, and MM TRANS-8c would require improvements to further reduce project impacts to the circulation system (Draft EIR, page 3.13-29).

Lastly, as discussed in Section 3.15, Utilities and Service Systems, operation of the fire station would not result in significant impacts related to water or wastewater supply, or water, wastewater, electric power, telecommunications, natural gas, or solid waste facilities. Impacts would be less than significant, and no mitigation is required (Draft EIR, pages 3.13-29 through 3.13-30).

Updated Fire Facilities Impact Fees were recently adopted by the City, which increased the fee to \$951 per single-family home. A Community Facilities District (CFD) fee may be established for the proposed project through the proposed development agreement which, if established would provide additional funding for fire station operation. According the Contra Costa County Fire Protection District, the minimum charge for the CFD per house should be \$350 annually to assist in the funding difference between the cost of the proposed fire station operation and property taxes from the project at full buildout. Additionally, the CFD fee would assist in the funding, operations, and staffing of the proposed fire station due to the anticipated gap between the property tax revenue at full buildout of the Sand Creek Focus Area and the annual cost of staffing and operation the fire station to serve the project area (Draft EIR, page 3.13-30).

Based on the foregoing analysis, the operation of the fire station would not result in significant impacts to the environment (Draft EIR, page 3.13-30).

- **Impact PUB-6:** The project would include the construction of recreational facilities which could have an adverse physical effect on the environment (Draft EIR, page 3.13-34).
- **Findings:** Less than significant impact with mitigation incorporated (Draft EIR, page 3.13-35). Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)).
- Mitigation: Implement MM AQ-2a, MM BIO-1a through MM BIO-1p, MM BIO-3, MM BIO-4, MM CUL-1, MM CUL-2, MM CUL-3, MM GEO-1a, MM GEO-1b, MM GEO-2, M GEO-3, MM HAZ-2a, MM HAZ-2f, MM HAZ-2h, MM NOI-1a, and MM TRANS-1a.

**Facts in Support of Findings:** The project would include 20.00 acres of active public parks, median and landscape areas, in addition to 190 acres of active open space, including 6 acres of trails and a 1.00-acre trail staging area.

As described in Section 3.2, Air Quality, implementation of BAAQMD BMPs during construction would reduce potential impacts related to conflict with the 2017 Clean Air Plan to a less than significant level (Draft EIR, page 3.13-34).

As described in Section 3.3, Air Quality, implementation of MM AIR-2a, which requires implementation of BAAQMD BMPs during construction would reduce potential impacts related to conflict with the 2017 Clean Air Plan. Therefore, construction impacts would be less than significant.

As described in Section 3.4, Biological Resources, the impacts related to special-status species, aquatic resources, and wildlife movement would be reduced to a less than significant level with the implementation of MM BIO-1a through MM BIO-1p, MM BIO-3, and MM BIO-4. Therefore, construction impacts related to biological resources would be less than significant with implementation of pre-construction surveys and specific protocols for special-status species, acquisition of applicable USACE and CDFW permits, implementation of BMPs, and prohibitions against the construction of fencing that could hinder migratory wildlife movement (Draft EIR, page 3.13-35).

As described in Section 3.5, Cultural and Tribal Cultural Resources, implementation of MM CUL-1, MM CUL-2, and MM CUL-3 would reduce construction impacts to a less than significant level.



Therefore, construction of the fire station would result in less than significant impacts related to cultural resources and tribal cultural resources.

As discussed in Section 3.6, Geology and Soils, implementation of MM GEO-1a, MM GEO-1b, MM GEO-2, and MM GEO-3 would reduce project construction impacts to a less than significant level.

As described in Section 3.8, Hazards, Hazardous Materials, and Wildfire, implementation of MM HAZ-2a, MM HAZ-2f, and MM HAZ-2h would require completion of a pre-construction hazardous materials survey, completion of a Phase II Environmental Site Assessment, and preparation of safety guidelines for construction workers.

As described in Section 3.11, Noise, implementation of MM NOI-1a would reduce construction noise to a less than significant level through limiting construction hours and compliance with standard mitigation to reduce construction equipment noise.

As described in Section 3.14, Transportation, implementation of MM TRANS-1a, would reduce construction impacts to a less than significant level.

With the implementation of MM AQ-2a, MM BIO-1a through MM BIO-1p, MM BIO-3, MM BIO-4, MM CUL-1, MM CUL-2, MM CUL-3, MM GEO-1a, MM GEO-1b, MM GEO-2, MM GEO-3, MM HAZ-2a, MM HAZ-2f, MM HAZ-2h, MM NOI-1a, and MM TRANS-1a, impacts due to construction of recreational facilities would be reduced to less than significant. Operational impacts would be less than significant, as effects related to the provision of parks and recreational facilities are limited to construction (Draft EIR, page 3.13-35).

## 9.9 – Transportation and Traffic

**Impact TRANS-7:** The project could result in inadequate emergency access (Draft EIR, page 3.14-97).

**Findings:** Less than significant impact with mitigation incorporated (Draft EIR, page 3.14-98). Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)).

Mitigation: Implement MM TRANS-7.

**Facts in Support of Findings:** Access to the proposed project would be provided from new roadway connections from Deer Valley Road via Street A and an extension of Sand Creek Road connecting to Dallas Ranch Road. Access to Villages 1 through 8 would be provided from multiple locations, meeting or exceeding the Fire Code requirements. Access to Villages 9, 10, 11, and 12 with a total of 555 units would be restricted to a



single public access roadway. A secondary emergency access connection from Empire Mine Road is proposed. This configuration may not meet the California Fire Code (D107.1) and the Contra Costa County Fire Protection District Ordinance.

MM TRANS-7 requires the emergency access points for Villages 9, 10, 11, and 12 to be reviewed and approved by the City of Antioch and Contra Costa County Fire Protection District to ensure that adequate access for large emergency vehicles is provided. Cross-sections for the proposed streets within the project site were reviewed. All street sections provide a minimum of 20-feet of clearway (meaning no obstructions in terms of parked vehicles, landscaping, etc.), such that sufficient width is provided for emergency vehicle access and circulation. Therefore, impacts would be less than significant after the implementation of mitigation (Draft EIR, page 3.14-98).

- **Impact TRANS-8:** The project would provide adequate access of public, transit, bicycles, or pedestrians (Draft EIR, page 3.14-98).
- **Findings:** Less than significant impact with mitigation incorporated (Draft EIR, page 3.14-101). Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)).
- **Mitigation:** Implement MM TRANS-8a through MM TRANS-8c.

**Facts in Support of Findings:** Master Development Plan includes a Pedestrian and Bicycle Plan for the proposed project. (See Exhibit 3.14-21 of the Draft EIR) This Exhibit also identifies the proposed public transit stops. No transit service is currently provided to the project site as it is undeveloped. A BART station is located approximately 4 miles from the site in the vicinity of Hillcrest Avenue at SR-4, and an additional BART station may be constructed within the median of SR-4 between Lone Tree Way and Sand Creek Road, approximately 2.5 to 4 miles east of the project site. Bus pullouts are shown along Sand Creek Road at Street B and west of Deer Valley Road to accommodate the potential for Tri Delta Transit to serve the site. Bus turnouts and shelters meeting Tri Delta Transit requirements would be provided (Draft EIR, page 3.14-98).

Although transit facilities would be provided on Sand Creek Road, numerous neighborhoods, specifically in the southwestern portion of the site would be located more than 0.25-mile walk to a bus stop, reducing the potential for transit trips for residents of those neighborhoods. MM TRANS-8a requires the project Applicant to consult with Tri Delta Transit to determine if additional transit facilities should be provided and, if so, prepare and submit plans depicting transit stops (Draft EIR, page 3.14-98).

The proposed project includes Class II bicycle lanes to be constructed on Sand Creek Road, Deer Valley Road, and Streets A, B, and C. A number of off-street trails would also be constructed. The on-street Class II bicycle facilities are proposed to provide 8-foot wide bicycle lanes adjacent to 12-foot or 13-foot wide travel lanes. MM TRANS-8b requires the project Applicant to prepare and submit plans depicting bicycle circulation facilities as final improvement plans for individual neighborhoods are processed through the City of Antioch (Draft EIR, page 3.14-98).

Several roadway types are proposed within the development, including arterial, collector, local and hillside roadways. Arterial roadways would provide a minimum 6-foot wide sidewalk on both sides of the street, except where a parallel Class I trail is provided. Collector and local roadways would provide a 5-foot wide sidewalk on both sides of the street where development is proposed; if development would only occur on one side of the street, the sidewalk would be placed adjacent to development, with a Class I trail provided on the opposite side of the street. Sidewalks on the hillside roadways are proposed to be 4-feet wide. The proposed sidewalk network would connect to the site to adjacent developments, providing continuous pedestrian connections in the area. The project would also construct a number of off-street trails, ranging from a 4-foot wide natural tail to a 10-foot wide asphalt trail with stabilized shoulders to accommodate emergency vehicle access (Draft EIR, page 3.14-98).

MM TRANS-8c requires the project Applicant to prepare and submit plans depicting pedestrian facilities as circulation facilities as final improvement plans for individual neighborhoods are processed through the City of Antioch (Draft EIR, page 3.14-101).

## SECTION 10: IMPACTS IDENTIFIED AS BEING SIGNIFICAN AND UNAVOIDABLE EVEN AFTER THE IMPOSITION OF ALL FEASIBLE MITIGATION MEASURENS

The lead agency hereby finds that, despite the incorporation of mitigation measures outlined in the EIR and the attached MMRP, the following impacts from the proposed project and related approvals cannot be fully mitigated to a less than significant level and a Statement of Overriding Considerations is therefore included herein.

# 10.1 – Aesthetics

- **Impact AES-3:** With respect to the non-urban character of the existing project site, the project would substantially degrade the existing visual character or quality of public views of the site and its surroundings. (Public views are those that are experienced from publicly accessible vantage points) (Draft EIR, page 3.1-33).
- **Findings:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)). However, impacts at operation would



still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR. (State CEQA Guidelines § 15091(a)(3)). (Draft EIR, page 3.1-33 - 47.)

**Mitigation:** No Feasible Mitigation is Available.

**Facts in Support of Findings:** Construction of the project would temporarily affect the visual character and quality of the project site. However, construction activity would be temporary in nature and would not permanently degrade the existing visual character of the project site. Therefore, impacts related to construction would not substantially degrade the existing visual character or quality of public views and construction related impacts would be less than significant (Draft EIR, page 3.1-33).

Projects in an urbanized area may have a potentially significant aesthetic impact if the project conflicts with applicable zoning and other regulations governing scenic quality. The City of Antioch is an "Urbanized Area" as defined in Public Resources Code Section 21071. As outlined in the City of Antioch General Plan, the project site is designated as Hillside and Estate Residential/Golf Course/Senior Housing/Public-Quasi Public/Open Space. The site is zoned as Study District by the City of Antioch Code of Ordinances. Accordingly, the project does not conflict with existing zoning and impacts are less than significant (Draft EIR, page 3.2-13).

Although the project is in an urban area as defined by CEQA and related aesthetic impacts are less than significant, because of the rural character of the immediate site, the non-urban area threshold is analyzed in the Draft EIR (Draft EIR, page 3.1-34.) Accordingly, the EIR includes visual simulations to show the project's changes to existing visual character from Dallas Ranch Road (View 1), Deer Valley Road (View 2), Empire Mine Road (View 3), and an unpaved trail at the Black Diamond Mines Regional Preserve (View 4).

From Dallas Ranch Road View 1, views of the proposed project would consist primarily of landscaping along the project entry (DEIR, Exhibit 3.1-11.) While portions of the hillsides to the south would be partially obscured by vegetation, views of the ridgeline would not be substantially affected by the project. Views of the proposed residential buildings from this vantage point would be screened by project landscaping elements that would blend with existing vegetation in the area consistent with City of Antioch General Plan Design Policy 5.4.2a and Policy 5.4.2g. These policies would provide common design elements and ensure the project complements surrounding development. The project site topography would also contribute to screening the view of the project from Dallas Ranch Road. Such landscaping elements and topography notwithstanding, neighboring homeowners, hikers, and the like will experience a



modified view of the site. As such, the proposed project could substantially degrade the visual character or quality of the site for hikers, travelers along Deer Valley Road, as well as abutting residents to north and south (Draft EIR, page 3.1-34).

Exhibit 3.1-12 provides a view of the project site looking west from Deer Valley Road, near the Kaiser Permanente Antioch Medical Center. As described previously, City of Antioch General Plan Policy 5.4.2c identifies Deer Valley Road as a designated view corridor because it provides views of Mount Diablo. Existing views include the undeveloped grasslands of the project site, as well as hillsides and ridgelines located in the background, including Mount Diablo. Upon development of the proposed project, views of the site from the east would change from a rural, undeveloped landscape to a developed, residential and commercial environment (Draft EIR, page 3.1-39). Views of the distant topographical features would be obscured by the buildings and landscaping features of the project. At the Village Center frontage on Deer Valley Road, the proposed buildings would include a 10-foot setback from the Deer Valley Road right-ofway and landscaping elements along the site boundary that would partially screen views of the on-site buildings and enhance the aesthetic quality of the pedestrian sidewalk along the site boundary. Nonetheless, the project would obscure views of distant topographical features, including Mount Diablo and the surrounding ridgelines. Thus, the proposed project could substantially degrade the visual character or quality of the site for viewers to the east of the site, which is considered a potentially significant impact (Draft EIR, page 3.1-39).

Exhibit 3.1-13 provides a view looking north along Empire Mine Road, with the project site to the east. Empire Mine Road has been closed to through traffic since 2005; however, many individuals hike along it on their way to Black Diamond Mines Regional Preserve. The rural, two-lane road along the site's western boundary is designated as a view corridor in the City of Antioch General Plan because it offers views of Mount Diablo and associated ridgelines to the west. Currently, views at this viewpoint consist of foothills to the north of the project site and a row of non-native eucalyptus trees along the eastern shoulder of the roadway. No views of Mount Diablo are visible from this north-facing viewpoint. Upon development of the proposed project, the existing trees would be retained and would help to screen the proposed single-family residences from view. As shown in the exhibit, the proposed residences would be set back a considerable distance from the roadway and would not dominate the viewshed. In addition, the project would not obstruct views of Mount Diablo and associated ridgelines to the west. The project would change a portion of the viewshed from an undeveloped rural landscape to a residential development. Although the proposed project would not substantially degrade the views of Mount Diablo, the visual character of the site for viewers travelling and/or hiking on Empire Mine Road would change (Draft EIR, page 3.1-39).

Exhibit 3.1-14 provides a view looking east toward the project site from a trail in Black Diamond Mines Regional Preserve, which is located approximately 0.9-mile west of the site. Views currently consist of undeveloped grassland and rolling hills, as well as



scattered trees. The project site, as well as the City of Antioch, are visible in the distant background. Development of the proposed project would convert portions of the project site from a rural, undeveloped environment to a residential community (with limited commercial development) (Draft EIR, page 3.1-40).

As shown in the exhibit, the proposed development would not block views of a designated scenic resource. The steep hillsides within the northwest and southwest portions of the project site are protected from development, with the exception of unpaved pedestrian and bicycle paths. The limited residential development within the southwest portion of the site would use landform grading methodology, avoiding the top 25 percent of the hilltops and matching the existing contouring of the hillsides to the maximum extent feasible. Existing trees on the hillsides in the project area would partially screen the proposed development areas. While the proposed project would preserve scenic resources protected by City of Antioch General Plan Policy 5.4.2c. Overall, development of the proposed project would represent a significant change in the overall viewshed from the Black Diamond Mines Regional Preserve (Draft EIR, page 3.1-39). This would be considered a potentially significant impact (Draft EIR, page 3.1-39).

Accordingly, although the project is located within an urban area as defined by CEQA, the project would change the landscape from rural, grazing land, to a built suburban landscape with residential and commercial development that would be similar to the surrounding development to the north and east. The proposed project would degrade visual resources in the area and would partially obscure views of distant topographical features, including Mount Diablo and the surrounding ridgelines, for viewers along the designated view corridor on Deer Valley Road to the east of the site, which is considered a potentially significant impact (Draft EIR, page 3.1-40).

To reduce impacts, the proposed project includes development standards that are consistent with the Design Guidelines and establish minimum design parameters for residential development, including standards related to parking, recreational vehicle storage, driveway slopes, grading, minimum lot dimensions, setbacks, and maximum building heights (Draft EIR, page 3.1-40). In addition to the development standards, the project also includes design guidelines that would provide guidance for neighborhood and landscape design associated with implementation of project development. The design guidelines would include guiding principles and neighborhood specific guidelines to address neighborhood identity, consistency with future surrounding development, and architectural design (Draft EIR, page 3.1-40). Specific landscape guidelines (included in the proposed design guidelines) would address the design of open space, parks, trail staging areas, and streetscapes within the proposed project site (Draft EIR, page 3.1-47).

The project would be generally consistent with the City's Hillside Design Guidelines and other applicable provisions of the General Plan related to the preservation of aesthetic resources. In order to ensure that future development within the project site is



consistent with the proposed development standards and design guidelines, as well as existing applicable City standards, the project would be subject to the City's Design Review process established by Chapter 5, Article 26 of the Antioch Municipal Code. However, even with implementation of the development standards and design guidelines, the project would obstruct views of Mount Diablo, a protected scenic resource in a non-urbanized area, from Deer Valley Road, a General Plan designated view corridor. In a non-urbanized setting, this would substantially degrade the existing visual character and quality of the site and the site's surroundings. Therefore, even with implementation of development standards and design guidelines a significant impact would occur with respect to the non-urban character of the existing project site (Draft EIR, page 3.1-47). There is no additional feasible mitigation that reduce this impact; therefore, the project's impact at operation is significant and unavoidable (Draft EIR, page 3.1-47).

- **Cumulative Aesthetic Impact:** The project would have a cumulatively significant impact with respect to visual character and views (Draft EIR, page 3.1-50).
- Findings: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable even with mitigation incorporated. social, Specific economic, legal, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR (State CEQA Guidelines § 15091(a)(3)) (Draft EIR, page 3.1-48-50).

**Mitigation:** No Feasible Mitigation is Available.

**Facts in Support of Findings:** The City of Antioch General Plan EIR determined that as the City of Antioch continues to expand, future development could alter landforms, scenic vantage points, and the overall character of the City. The project would contribute to the cumulative change in visual character within the City of Antioch. Residential subdivisions are located to the north of the project site, and new residential subdivisions are approved to the east of the project site. In addition, agricultural land designated for development is located to the west. The City of Antioch General Plan has designated the areas south, west, and east of the project site for open space and urban development. Therefore, in terms of the change to the visual character of the project area under the General Plan. Development in the City, in addition to development on the project site, would contribute to a change in the visual character of the region. As discussed previously, City of Antioch General Plan Policy 5.4.2c states that view corridors from public spaces to natural ridgelines and landmarks, such as Mount Diablo



and distant hills, local ridgelines, and the San Joaquin River and other water bodies (such as Sand Creek), should be preserved. Specific view corridors identified in Policy 5.4.2c include Somersville Road, Lone Tree Way, Hillcrest Avenue, SR-4, SR-160, James Donlon Boulevard, Deer Valley Road, and Empire Mine Road. However, Policy 5.4.2c also recognizes that new development will inevitably result in some loss of existing views. The project would include development standards and design guidelines that would guide future development within the project site. Per a conceptual grading plan included in the proposed design guidelines, the southwestern portion of the project site (within the proposed LD-1 neighborhood area) would be graded with a landform grading methodology, avoiding the top 25 percent of the hilltops and matching the existing contouring of the hillsides to the maximum extent feasible (Draft EIR, page 3.1-49). The steepest slopes to the east and west of the proposed LD-1 neighborhood would be retained as open space and left in a primarily undeveloped state. Thus, the proposed project would be consistent with Policy 5.4.14a through 5.4.14f in the City's Hillside Design policies. Additional discussion of the project's consistency with the City's Hillside Design policies, as well as other applicable General Plan policies, is provided in Section 3.9, Land Use and Planning. Given that the project site is located at a slightly lower elevation than the developed areas to the north of the site, the proposed development would not obscure views of Mount Diablo or local ridgelines from Dallas Ranch Road and residences to the north. In addition, given that Empire Mine Road is located along the site's western boundary and Mount Diablo is located to the southwest of the site, views of Mount Diablo from the roadway would not be substantially affected. However, views of Mount Diablo and other natural features from Deer Valley Road, which is designated as a scenic corridor by the City of Antioch General Plan, would be partially blocked by the proposed project (Exhibit 3.1-12) (Draft EIR, page 3.1-49).

The City of Antioch General Plan EIR addressed planned buildout of the planned Sand Creek Focus Area, which included the project site, and concluded that with implementation of policies included in the General Plan, converting vacant land to urban use would result in a less-than-significant impact with regard to scenic vistas and scenic resources (Draft EIR, page 3.1-50).

Although development on the project site would be typical of urban development anticipated to occur in the project area, the project would involve a change to the visual character and quality of the site and surroundings from what has been anticipated specifically for the site by the City. In addition, while implementation of the proposed development standards and design guidelines would help maximize the aesthetic quality of future development within the project site, the project would still create a partial obstruction to scenic views offered from Deer Valley Road in a non-urban area, which would substantially degrade the existing visual character and quality of the site and surrounding area (Draft EIR, page 3.1-50).

Therefore, implementation of the proposed project, in addition to cumulative development in the area, would be considered cumulatively significant with respect to



the non-urbanized character of the area (Draft EIR, page 3.1-50). No feasible mitigation is available to reduce impacts to below a level of significance.

#### 10.2 – Air Quality

- **Impact AIR-1:** The project would conflict with or obstruct implementation of the applicable air quality plan (Draft EIR, page 3.3-36).
- Findings: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR (State CEQA Guidelines § 15091(a)(3)).

**Mitigation:** Implement MM AIR-2a and MM AIR-2b.

Facts in Support of Findings: The primary way of determining whether a project is consistent with the Air Quality Plan's (AQP) assumptions is to determine if a General Plan is consistent with the growth assumptions used in the AQPs for the Air Basin, and if the project is consistent with the applicable General Plan (Draft EIR, page 3.3-36). The applicable general plan for the project is the City of Antioch General Plan, which was adopted prior to the BAAQMD 2017 Clean Air Plan (Draft EIR, page 3.3-36). The proposed project comprises a multi-generational plan, which would include a wide range of housing, including age-restricted housing for seniors, and includes development standards and design guidelines consistent with the low density and medium density designations. Development standards for the Low-Density designation "allows 4 singlefamily units per gross developable acre" while development standards for the Medium-Density designation allows for 10 dwelling units for each gross developable acre. Thus, the proposed project would not directly or indirectly result in substantial unplanned population growth and the overall development of the proposed project site would be consistent with the growth assumptions incorporated into the Antioch General Plan and 2017 BAAQMD CAP (Draft EIR, page 3.3-37).

Because the BAAQMD does not provide a numerical threshold of significance for project-level consistency analysis, the EIR analyzed whether the project was consistent with the AQP by applying three additional criteria (Draft EIR, pages 3.3-37 - 39). Although the EIR demonstrated consistency with two of the three additional criteria, the EIR also analyzed an unavoidable cumulative operational impact associated with violating an air quality standard in terms of criteria air pollutant emissions (Draft EIR, page 3.3-38). Criteria 1, of the additional three criteria applied, asks "Does the project



support the primary goals of the AQP?" One of the primary goals of the 2017 Clean Air Plan, the current AQP is to, "Attain air quality standards." Considering that the proposed project would violate an air quality standard, the proposed project would not support the overall goals of the 2017 Clean Air Plan. The proposed project is, therefore, inconsistent with Criterion 1. As discussed in greater detail under Impact AIR-2, even with implementation of MM AIR-2a and MM AIR-2b, the project would result in unavoidable cumulative operational impact associated with violating an air quality standard in terms of criteria air pollutant emissions (Draft EIR, page 3.3-38). No other feasible mitigation is available to further reduce impacts.

- **Impact AIR-2:** The project would result in a cumulatively considerable net increase of a criteria pollutant for which the project region is non-attainment under an applicable federal or State ambient air quality standard (Draft EIR, page 3.3-40).
- Findings: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic. social, technological, legal. or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR (State CEQA Guidelines § 15091(a)(3)).
- **Mitigation:** Implement MM AIR-2a and MM AIR-2b.

**Facts in Support of Findings:** As shown in Table 3.3-12 on Draft EIR pages 3.3-42 and 3.3-43, construction emissions would not exceed the BAAQMD's recommended thresholds of significance with regard to emissions of ROG, NO<sub>X</sub>, exhaust PM<sub>10</sub>, and exhaust PM<sub>2.5</sub>. Additionally, construction best management practices to control fugitive dust and engine idling required in MM AIR-2a would reduce impacts related to fugitive dust to below a level of significance (Draft EIR, pages 3.3-45 through 3.3-46). With implementation of MM AIR-2a, cumulative construction impacts associated with violating an air quality standard or contributing substantially to an existing or projected air quality violation in terms of criteria air pollutant emissions specific to fugitive dust would be less than significant (Draft EIR, page 3.3-43).

As shown in Table 3.3-13 and Table 3.3-14, the implementation of the proposed project would result in ROG emissions that would exceed BAAQMD's thresholds of significance for both annual operational emissions and daily operational emissions, indicating that on-going operations would be considered to have the potential to generate a significant quantity of ROGs (Draft EIR, page 3.3-45). MM AIR-2b includes various measures to reduce operational emissions of ROG. For example, MM-AIR-2b encourages the use of



locally-based compost/mulch into landscaped areas for soil enrichment and weed suppression to minimize the need for synthetic fertilizers and pesticide use, and encourage the use of integrated pest management techniques, and consider alternative paving materials such as pervious pavement, porous concrete, or other low impact options to reduce the use of asphalt. The majority of operational ROG emissions from project area sources is from consumer products. Specifically, these project area sources of ROG emissions include degreasers for the proposed parking lots and pesticide/fertilizers for the proposed public parks and landscaped areas. It is not feasible to regulate the consumer products used by the future project occupants. Therefore, cumulative operational impacts associated with violating an air quality standard or contributing substantially to an existing or projected air quality violation in terms of criteria air pollutant emissions would be significant and unavoidable (Draft EIR, page 3.3-45). No feasible mitigation is available to reduce the impact to below a level of significance.

- **Cumulative Impact Criteria Pollutants:** Cumulative operational ROG emissions would exceed BAAQMD's threshold of significance even with mitigation and would be considered cumulatively significant and unavoidable (Draft EIR, page 3.3-56).
- Findings: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable even with mitigation incorporated. economic, Specific legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR (State CEQA Guidelines § 15091(a)(3)).

**Mitigation:** Implement MM AIR-2a and MM AIR-2b.

**Facts in Support of Findings:** The BAAQMD considers the emission levels for which a project's individual emissions would be cumulatively significant. As such, if a project exceeds the identified thresholds of significance, its emissions would be significant in terms of both project- and cumulative-level impacts, resulting in significant adverse air quality impacts to the region's existing air quality conditions. As stated in the BAAQMD 2017 CEQA Guidelines, additional analysis to assess cumulative impacts is unnecessary (Draft EIR, page 3.3-56). Rather, the determination of cumulative air quality impacts for construction and operational emissions is based on whether the project would result in regional emissions that exceed BAAQMD regional thresholds of significance for construction and operations on a project level. Projects that generate emissions below the BAAQMD significance thresholds would be considered consistent with regional air quality planning efforts would not generate cumulatively significant



emissions. Overall, Impacts AIR-1 and AIR-2 determined that the cumulative construction criteria air pollutant emissions impacts would be less than significant with incorporation of MM AIR-2a and MM AIR-2b. However, cumulative operational ROG emissions would exceed BAAQMD's threshold of significance even with mitigation and would be considered cumulatively significant and unavoidable (Draft EIR, page 3.3-56). No further mitigation is available to reduce this impact.

- **Cumulative Impact Toxic Air Contaminants:** With respect to Toxic Air Contaminates (TAC), the project would result in a significant and unavoidable cumulative impact (Draft EIR, page 3.3-40).
- **Findings:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR (State CEQA Guidelines § 15091(a)(3)).
- **Mitigation:** Implement MM AIR-2a and MM AIR-2b, above.

**Facts in Support of Findings:** As discussed in Section 3.3.5 of the Draft EIR, the cumulative health impacts at the Maximum Impacted Sensitive Receptor from existing TAC emission sources located within 1,000 feet of the proposed project, combined with the unmitigated construction-related emissions, would exceed the BAAQMD's recommended cumulative health significance thresholds. Therefore, even with implementation of MM AIR-2a and MM AIR-2b, the cumulative TACs impacts would be significant and unavoidable (Draft EIR, page 3.3-59).

## 10.3 Green House Gas Emissions and Energy

- **Impact GHG-1:** The project could generate direct and indirect greenhouse gas emissions that could result in a significant impact on the environment even with mitigation (Draft EIR, page 3.7-44).
- **Findings:** Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for



highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR (State CEQA Guidelines § 15091(a)(3)).

Mitigation: Implement MM GHG-1.

**Facts in Support of Findings:** As shown in the discussion in Section 3.7 of the Draft EIR, proposed project would exceed the threshold of 2.6 MT CO2e/year/service population for the 2030 GHG emissions (Draft EIR, page 3.7-47). This represents a potentially significant impact, and mitigation would be required to reduce the proposed project's estimated generation of GHG emissions. The measures outlined in MM GHG-1 are recommended to reduce GHG emissions to less than significant levels (Draft EIR, page 3.7-47).

As shown in Table 3.7-6, annual operational GHG emissions would not exceed the applicable thresholds with implementation of MM GHG-1. Therefore, the proposed project would not result in a significant generation of GHG emissions after incorporation of that mitigation. However, it is unknown whether carbon credits will be available and/or feasible to obtain. Further, the fate of PG&E and its renewable resources programs is uncertain. While the proposed project would be required to implement all feasible mitigation, given the uncertainty of credits and programs, the City cannot guarantee full and timely mitigation. As a result, the City conservatively finds that this impact is significant and unavoidable (Draft EIR, page 3.7-48).

## **10.4 – Transportation and Traffic**

- **Impact TRANS 1:** The project could conflict with a program plan, ordinance or policy of the circulation system under Existing Plus Project traffic conditions (DEIR, page 3.14-33).
- Findings: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic. social, technological, legal, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR (State CEQA Guidelines § 15091(a)(3)).

**Mitigation:** Implement MM TRANS-1a, MM TRANS-1b, and MM TRANS-1c.

Facts in Support of Findings: Based on information from other residential developments, approximately five workers per day are needed for each home under

construction, with one to two deliveries per week of materials for each home. Not all homes are expected to be under construction at the same time and construction workers tend to arrive/depart work sites outside typical commute periods. Assuming 10 percent of homes under construction at the peak of project construction, there could be 570 workers on-site at one time (up to 114 homes with five workers for each home), plus additional people such as building inspectors, supervisors, and others. Maximum site activity could result in 2,000 to 3,000 daily trips to/from the site (including up to 500 truck trips), which is less than would be generated by the proposed project at completion (Draft EIR, page 3.14-33).

Certain construction-related activities could create potential conflicts with other roadway users, including the following: activities resulting in lane closures along the proposed project frontage, construction vehicles queuing within the public right-of-way waiting entry to the site, construction worker parking in non-designated parking areas, or construction debris on public streets. Construction impacts would be temporary in nature; however, this impact is considered potentially significant (Draft EIR, page 3.14-33).

Although construction impacts would be temporary, development of a construction management plan would reduce the potential for construction vehicle conflicts with other roadway users. MM TRANS-1a requires the Applicant to implement a Construction Traffic Management Plan for City review and approval. Implementation of a Construction Traffic Management Plan would reduce the temporary construction impact to a less than significant level (Draft EIR, page 3.14-33).

The addition of proposed project traffic would increase average delay at the signalized project intersections and worsen already deficient operations at the Hillcrest Avenue at SR-4 Eastbound Ramp intersection. No signalized intersections that are currently operating within the City's Level of Service (LOS) standard are projected to degrade beyond the established LOS standard with the addition of proposed project traffic in the existing condition (Draft EIR, page 3.14-33 through 3.14-34).

Vehicle queues are expected to increase slightly with the addition of proposed project traffic but would be generally contained within the available storage space. For intersections that are projected to operate at LOS D or better during the AM and PM peak-hours (as either roundabouts or signalized intersections), it is expected that vehicle queue spillback can be managed through signal timing adjustments, which the City of Antioch periodically undertakes to optimize travel flow along major corridors (Draft EIR, page 3.14-35).

At the Deer Valley Road at Balfour Road intersection, the addition of proposed project traffic would result in LOS F conditions for the side-street movement, resulting in a potentially significant impact. Peak-hour signal warrants would be satisfied with the addition of proposed project traffic during the AM peak-hour with Phase 1 development (Draft EIR, page 3.14-35).

Automatic machine traffic counts were conducted over a 72-hour period (Tuesday through Thursday) on clear days in August 2019 with area schools in session along Prewett Ranch Drive as some vehicle traffic accessing the site could travel through Prewett Ranch Drive to access Hillcrest Avenue and Sand Creek Road prior to the completion of the Sand Creek Road extension between Hillcrest Avenue and Deer Valley Road. To assess the effects of the addition of proposed project traffic on Prewett Ranch Drive in the existing condition, the daily trip generation estimates were applied to the project trip assignment. The resulting trips were then added to the existing traffic volumes. The percent increase in project trips was also calculated, with the results presented in Table 3.14-8 of Section 3.14, Transportation (Draft EIR, page 3.14-36).

For Segments 1 and 2, the Existing Plus Project daily traffic volumes are below the maximum desired level for a residential collector roadway without front-on housing. For Segment 3 between Grass Valley Way and Hillcrest Avenue, existing traffic volumes exceed the desired level for a residential collector roadway with front-on housing (3,000 vehicles per day), with the proposed project expected to increase vehicle traffic by up to 13 percent (Draft EIR, page 3.14-36).

The Hillcrest Avenue at SR-4 Eastbound Ramps intersection operates at a deficient LOS F during the PM peak-hour prior to the addition of proposed project traffic in the existing condition. The addition of proposed project traffic would worsen operations and increase delay by 9 seconds. Based on the significance criteria, this is considered a significant impact. This impact would occur with Phase 1 of the project. This interchange has been built to its ultimate right-of-way and no additional physical improvements are planned. Poor operations at this intersection are primarily due to the proximity of adjacent intersections that affect vehicle progression through the interchange area. As a result, adjusting the timing of the traffic signals would improve operations and allow increased travel through the interchange (Draft EIR, page 3.14-36).

MM TRANS-1b requires the project Applicant to fund the design and installation of Adaptive Signal Control Technologies (ASCT) or other traffic signal interconnect system approved by the City at the following intersections:

- Slatten Ranch Road at SR-4 Westbound Ramps
- Slatten Ranch Road/Sunset Drive at Hillcrest Avenue
- Hillcrest Avenue at SR-4 Eastbound Ramps
- East Tregallas Road/Larkspur Drive at Hillcrest Avenue

ASCT are able to adjust traffic signal cycle lengths and phasing based on actual conditions with the ability to adjust signal timing parameters to best serve actual conditions every few minutes. In conjunction with the signal timing adjustments, the project Applicant shall also work with the City and Caltrans to design and install potential restriping options within the Hillcrest Avenue at SR-4 interchange area that improve vehicle and bicycle travel through the interchange area (Draft EIR, page 3.14-39).

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The design process shall start prior to the issuance of the 10<sup>th</sup> residential building permit for the project, and installation of the traffic signal interconnect system and restriping shall be completed prior to the issuance of the 422<sup>nd</sup> building permit unless the City of Antioch Engineer determines that design and installation delays are beyond the control of the project Applicant. If such a determination is made, the City would be required to refund any unused fees. This is reflected in MM TRANS-1b.

With signal timing adjustments to better serve projected traffic flows, intersection operations would improve to an acceptable level, reducing the impact to a less-than-significant level, as shown in Table 3.14-9 of Section 3.14 (Draft EIR, page 3.14-39).

Although the implementation of the above measures would reduce the impact to a lessthan significant level, Caltrans controls the operations of the traffic signals at the Slatten Ranch Road at SR-4 Westbound Ramps and Hillcrest Avenue at SR-4 Eastbound Ramps intersection. Caltrans staff has indicated initial support for the striping changes and installation of traffic signal equipment to improve operations for all modes of travel through the interchange; however, the City cannot assure full implementation of this improvement and the impact would remain significant and unavoidable if Caltrans does not authorize and/or accept the improvements (Draft EIR, page 3.14-39).

The addition of proposed project-generated vehicle trips during the AM peak-hour would result in LOS F conditions for side-street movements and would result in peak-hour signal warrants being satisfied with the addition of full-buildout proposed project traffic in the existing condition. Based on the significance criteria, this is considered a significant impact (Draft EIR, page 3.14-40).

The project Applicant shall install a traffic signal at this intersection in conjunction with other planned improvements, including the construction of a southbound left-turn lane, as well as separate westbound left and right-turn lanes. Improvements shall be completed prior to the issuance of the 431<sup>st</sup> residential building permit. These improvements would result in overall acceptable service levels, reducing the proposed project impact to a less-than-significant level, as shown in Table 3.14-8, because the project Applicant would construct the improvements. The responsibility for improvements to this intersection are shared by the City of Antioch and the City of Brentwood. Therefore, a reimbursement agreement with the City of Brentwood for half the signal costs and the cost of all improvements on Balfour Road could be sought. Although the project Applicant would be required to make the improvement, the impact could remain significant and unavoidable if either the City of Brentwood or Contra Costa County do not approve/accept the improvements. This is reflected in MM TRANS-1c (Draft EIR, page 3.14-40).

To provide better insight into when each improvement needs to be implemented, Fehr & Peers considered the development of just Phase 1, as well as development of Phases 1 and 2 under Existing Plus Project Conditions. Existing Plus Project Conditions for Phase 1 and Phase 2 are presented on Exhibits 3.14-9 and 3.14-10. Results of the phasing

analysis indicate that the addition of traffic from Phase 1 would worsen the operations of the Hillcrest Avenue/SR-4 Eastbound intersection, but would not result in any new deficiencies, even considering all project access from Deer Valley Road. As such, MM TRANS-1b would be required for Phase 1, but MM TRANS-1c would not be required (Draft EIR, page 3.14-40).

The addition of proposed project traffic through Phase 2 would result in an impact at the Deer Valley Road at Balfour Road intersection as the side street would degrade to LOS E and peak-hour signal warrants would be met. As such, MM TRANS-1c would be required for implementation of Phase 2 (Draft EIR, page 3.14-40).

- **Impact TRANS 2:** The project could conflict with a program plan, ordinance or policy of the circulation system under Near-term traffic conditions (Draft EIR, page 3.14-42).
- Findings: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable even with mitigation incorporated. economic, social, technological, Specific legal. or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR (State CEQA Guidelines § 15091(a)(3); Draft EIR, pages 3.14-42-58).
- Mitigation: Implement MM TRANS-1b, MM TRANS-1c and MM TRANS-2.

**Facts in Support of Findings:** As part of the proposed project, roadway improvements would be constructed to extend Sand Creek Road from Deer Valley Road to Dallas Ranch Road, and Deer Valley Road would be improved along the proposed project frontage to provide two travel lanes in each direction through the Sand Creek Road intersection, where it would taper to a two-lane cross-section. In the Near-term condition, the Hillcrest Avenue at SR-4 Eastbound Ramp and Lone Tree Way at SR-4 Eastbound Ramp would operate at deficient levels prior to the addition of proposed project traffic. All other project intersections would operate at acceptable service levels prior to the addition of proposed project traffic (Draft EIR, page 3.14-44). Peak-hour signal warrants would be met at the Balfour Road at Deer Valley Road intersection in the Near-term condition prior to the addition of proposed project traffic due to traffic growth from approved and pending projects. With the addition of proposed project traffic, operations of the two deficient intersections would further degrade, and operations of the side-street movement at the Deer Valley Road at Balfour Road intersection would degrade from acceptable to unacceptable. All other project intersections would operate at acceptable service levels with the addition of proposed project traffic (Draft EIR, page 3.14-45). Vehicle gueues are expected to increase at

project intersections as traffic volumes increase, which would further increase with the addition of proposed project traffic. Monitoring and adjusting traffic signal timings in response to actual traffic volumes to minimize the potential for vehicle queue spillback is recommended (Draft EIR, page 3.14-46).

The addition of near-term traffic would result in impacts at three intersections: Hillcrest Avenue at SR-4 Eastbound Ramps The Hillcrest Avenue at SR-4 Eastbound Ramps intersection operates at a deficient LOS F during the PM peak-hour prior to the addition of proposed project traffic in the Near-term condition. The addition of proposed project traffic would worsen operations and increase average delay by 12 seconds. Based on the significance criteria, this is considered a significant impact. This interchange has been built to its ultimate right-of-way and no additional physical improvements are planned. Poor operations at this intersection are primarily due to the close proximity of adjacent intersections that affect vehicle progression through the interchange area. As a result, adjusting the timing of the traffic signals would improve operations and allow increased travel through the interchange. These improvements are reflected in MM TRANS-1b (Draft EIR, page 3.14-46).

During the PM peak-hour in the Near-term condition, proposed project traffic represents 1.8 percent of the traffic flow, other near-term growth represents 5.9 percent of traffic flow, and existing traffic represents 92.3 percent of traffic flow. With signal timing adjustments to better serve projected traffic flows, intersection operations would improve to LOS D during the PM peak-hour, reducing the impact to a less-than-significant level, as shown in Table 3.14-13 (Draft EIR, page 3.14-47). Although the implementation of the above measures would reduce the impact to a less-than significant level, Caltrans controls the operations of the traffic signals at the Slatten Ranch Road at SR-4 Westbound Ramps and Hillcrest Avenue at SR-4 Eastbound Ramps intersections. Although Caltrans staff has indicated initial support for the striping changes and installation of traffic signal equipment to improve operations for all modes of travel through the interchange, the City cannot assure full implementation of this improvement and the impact would remain significant and unavoidable if Caltrans does not accept the improvements (Draft EIR, page 3.14-47).

The Lone Tree Way at SR-4 Eastbound Ramp intersection is projected to operate at a deficient LOS E in the PM peak-hour prior to the addition of proposed project traffic in the Near-term condition. The proposed project would increase traffic through this intersection, resulting in a significant impact. Improvements at this interchange are programmed in the East Contra Costa Regional Fee and Financing Authority (ECCRFFA) regional fee program, although specific improvements or the timing of their installation have not yet been identified (Draft EIR, page 3.14-47). MM TRANS-2 requires the project Applicant to pay its fair share towards potential improvements at this intersection through participation in the ECCRFFA regional fee program. However, because specific improvements and their timing have not yet been established, the payment of fees cannot assure that the improvement would be implemented when the impact occurs; therefore, the impact would remain significant and unavoidable. Balfour

Road at Deer Valley Road The addition of proposed project-generated vehicle trips during the AM peak-hour would result in LOS F conditions for the side-street movement; peak-hour signal warrants would be satisfied prior to the addition to proposed project traffic. Based on the significance criteria, this is considered a significant impact. MM TRANS-1b, discussed previously, would address this impact. Post mitigation LOS is shown in Table 3.14-13 (Draft EIR, page 3.14-47).

The addition of proposed project traffic through Phase 1 would worsen average delay at the already deficient intersections and would result in deficient operations for the sidestreet movement at the Deer Valley Road at Balfour Road intersection. Peak-hour signal warrants would also be satisfied. As such, MM TRANS-1b would be required. With the addition of traffic through Phase 2, no additional deficiencies were identified, and operations of the already deficient intersections would continue to worsen. MM TRANS-2 would be required to address the worsening operation at the Lone Tree/SR-4 Eastbound ramp intersection (Draft EIR, page 3.14-48).

Accordingly, impacts remain significant and unavoidable until the improvements are implemented (Draft EIR, page 3.14-48).

- **Impact TRANS 3:** The project could conflict with a program plan, ordinance or policy of the circulation system under Cumulative Traffic Conditions (Draft EIR, page 3.14-47).
- Findings: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic. legal. social, technological. or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR (State CEQA Guidelines § 15091(a)(3)).
- Mitigation: Implement MM TRANS-1b, MM TRANS-1c, MM TRANS-2, and MM TRANS-3a through MM TRANS-3f.

**Facts in Support of Findings:** As discussed in Section 3.14 of the EIR, the project could have potentially significant impacts (Draft EIR, pages 3.14-63 – 82). The Hillcrest Avenue at SR-4 Eastbound Ramps intersection operates at a deficient LOS F during both peak-hours prior to the addition of proposed project traffic in the Cumulative condition. The addition of proposed project traffic would worsen operations by 2 seconds in the AM peak-hour and 8 seconds in the evening peak-hour. Based on the significance criteria, any contribution to a cumulative impact would be deemed significant. Thus, the proposed project is considered to result in a cumulatively



considerable contribution to a potentially significant cumulative impact (Draft EIR, page 3.14-71). As provided in MM TRANS-1b, the project Applicant shall fund the design and installation of ASCT or other traffic signal interconnect system approved by the City at the following intersections: Slatten Ranch Road at SR-4 Westbound Ramps, Slatten Ranch Road/Sunset Drive at Hillcrest Avenue, Hillcrest Avenue at SR-4 Eastbound Ramps, East Tregallas Road/Larkspur Drive at Hillcrest Avenue.

In conjunction with the signal timing adjustments, the project Applicant shall also work with the City and Caltrans to design and install potential restriping options within the Hillcrest Avenue at SR-4 interchange area that improve vehicle and bicycle travel through the interchange area. The design process shall start prior to the issuance of the 10<sup>th</sup> residential building permit for the proposed project and installation shall be completed prior to the issuance of the 422<sup>nd</sup> building permit unless the City of Antioch Engineer determines that design and installation delays are beyond the control of the project Applicant. With signal timing adjustments to better serve projected traffic flows, intersection operations would improve to better than the Without Project condition, as shown in Table 3.14-15. Although the implementation of the above measures would reduce the impact to a less-than significant level, Caltrans controls the operations of the traffic signals at the Slatten Ranch Road at SR-4 Westbound Ramps and Hillcrest Avenue at SR-4 Eastbound Ramps intersection. Although Caltrans staff has indicated initial support for the striping changes and installation of traffic signal equipment to improve operations for all modes of travel through the interchange, the City cannot assure full implementation of this improvement and the impact would remain significant and unavoidable if Caltrans does not accept the improvements (Draft EIR, page 3.14-72).

The Lone Tree Way at Davison Drive intersection is projected to operate at an acceptable LOS D in the AM peak-hour prior to the addition of proposed project traffic in the Cumulative condition. The addition of proposed project traffic would result in LOS E operations. Based on the significance criteria, any contribution to a cumulative impact would be deemed significant. Thus, the proposed project is considered to result in a cumulatively considerable contribution to a potentially significant cumulative impact. To mitigate the impact, the westbound approach of Davison Drive should be restriped to convert the westbound through lane to a left-through shared lane. The median on the south leg of the intersection may need to be reconstructed to allow concurrent left-turn movements on the westbound approach. Implementation of this improvement in combination with retiming of the traffic signals along the corridor would result in overall acceptable service levels, reducing the project's cumulative impact to a less than significant level, as shown in Table 3.14-16. This recommendation is reflected in MM TRANS-3a (Draft EIR, page 3.14-72). The Deer Valley Road at Hillcrest Avenue/Davison Drive intersection is projected to operate at an unacceptable LOS E in the AM peak-hour and LOS F in the PM peak-hour prior to the addition of proposed project traffic in the Cumulative condition. The proposed project would add traffic and increase delay by 1 second in the AM peak-hour and 9 seconds in the PM peak-hour. Based on the significance criteria, any contribution to a cumulative impact would be

deemed significant. Thus, the proposed project is considered to result in a cumulatively considerable contribution to a potentially significant cumulative impact. To mitigate this impact, ASCT or other traffic signal interconnect system approved by the City shall be implemented at Deer Valley Road at Hillcrest Avenue/Davison Drive and Hillcrest Avenue at Hillcrest Crossroads. This would create an adaptive signal control corridor between SR-4 and Deer Valley Road on Hillcrest Avenue. Implementation of this improvement in combination with retiming of the traffic signals along the corridor would result in better operations than the Cumulative without Project condition, when also implemented with MM TRANS-1b, reducing the proposed project cumulative impact to a less-than-significant level (Draft EIR, page 3.14-73).

The Lone Tree Way at SR-4 Eastbound Ramps intersection is projected to operate at a deficient LOS F in the AM and PM peak-hours prior to the addition of proposed project traffic in the Cumulative condition, and the proposed project would add traffic through the intersection, increasing delay by 1 second in the AM peak-hour and 1 second in the PM peak-hour. Based on the significance criteria, any contribution to a cumulative impact would be deemed significant. Thus, the proposed project is considered to result in a cumulatively considerable contribution to a potentially significant cumulative impact. This impact would occur with Phase 1 of the proposed project. Proposed project traffic comprises 1 percent of overall traffic growth through the interchange in the Cumulative condition (Draft EIR, page 3.14-73).

MM TRANS-2 requires the project Applicant to pay its fair share towards potential improvements at this intersection through participation in the ECCRFFA regional fee program. These improvements would improve intersections operations; however, they would not result in LOS D operations in the Cumulative condition (Draft EIR, page 3.14-74). Therefore, as payment of fees cannot assure that effective improvements would be implemented, the cumulative impact would remain significant and unavoidable (Draft EIR, page 3.14-74).

The Lone Tree Way at SR-4 Westbound Ramps/Jeffery Way intersection is projected to operate at a deficient LOS F in the AM and PM peak-hours prior to the addition of proposed project traffic in the Cumulative condition, and the proposed project would add traffic through the intersection and increase delay by 1 second in the AM peak-hour and 1 second in the PM peak-hour (Draft EIR, page 3.14-74). Based on the significance criteria, any contribution to a cumulative impact would be deemed significant. Thus, the proposed project is considered to result in a cumulatively considerable contribution to a potentially significant cumulative impact. This impact would occur with Phase 1 of the proposed project (Draft EIR, page 3.14-74). MM TRANS-3c requires the project Applicant to restripe the westbound approach to provide a second westbound left-turn lane by the time the 431<sup>st</sup> residential building permit is issued. This improvement is under construction by others and would only be required if not already in place by the time the 431<sup>st</sup> residential building permit is issued (Draft EIR, page 3.14-74). This improvement would result in acceptable operations during the PM peak-hour and decrease the delay in the AM peak-hour to the same as under the Without Project

condition. However, because the improvement cannot achieve acceptable operations during the AM peak-hour and because the City of Antioch cannot assure its implementation because the intersection is located in the City of Brentwood, the impact would remain significant and unavoidable (Draft EIR, page 3.14-74).

The Sand Creek Road at SR-4 Eastbound Ramps intersection is projected to operate at a deficient LOS F in the PM peak-hour prior to the addition of proposed project traffic in the Cumulative condition, and the proposed project would add traffic through the intersection, increasing average delay by 9 seconds during the AM peak-hour and 17 seconds during the PM peak-hour (raft DEIR, page 3.14-74). Based on the significance criteria, any contribution to a cumulative impact would be deemed significant. Thus, the proposed project is considered to result in a cumulatively considerable contribution to a potentially significant cumulative impact (Draft EIR, page 3.14-74). MM TRANS-2 requires the project Applicant to pay its proportionate share of the improvements that would improve operations through participation in the ECCRFFA regional fee program. However, at the time of Draft EIR release, the fee program does not necessarily cover the actual cost of the necessary improvements and, therefore, the residual significance of this impact is significant and unavoidable (Draft EIR, page 3.14-75.)

The Sand Creek Road at SR-4 Westbound Ramps intersection is projected to operate at a deficient LOS E in the AM peak-hour prior to the addition of proposed project traffic in the Cumulative condition, and the proposed project would increase delay by 6 seconds during the AM peak-hour. Based on the significance criteria, any contribution to a cumulative impact would be deemed significant. Thus, the proposed project is considered to result in a cumulatively considerable contribution to a potentially significant cumulative impact (Draft EIR, page 3.14-75.) To mitigate the impact, the westbound approach of Sand Creek Road shall be modified to provide two through lanes and two right-turn only lanes (Draft EIR, page 3.14-75.) This improvement is not included in the regional fee program and, therefore, no mechanism currently exists to allow the project Applicant to contribute to this improvement. MM TRANS-3d requires the project Applicant to contribute its proportionate share to this improvement provide that it is included in an adopted fee program. Until that occurs, the City of Antioch cannot assure that this proposed project would be implemented, and the impact would remain significant and unavoidable (Draft EIR, page 3.14-75.)

The addition of proposed project-generated vehicle trips during both the AM and PM peak-hours would worsen deficient conditions. Peak-hour signal warrants are also met prior to the addition of proposed project traffic in the Cumulative condition. Based on the significance criteria, this is considered a significant impact. The implementation of MM TRANS-1c, which requires the installation of a traffic signal and implementation of lane improvements, would result in overall acceptable service levels, reducing the proposed project's impact to a less than cumulatively considerable level, as shown in Table 3.14-16 (Draft EIR, page 3.14-75.)

The Balfour Road at SR-4 Eastbound Ramps intersection is projected to operate at a deficient LOS E in the PM peak-hour prior to the addition of proposed project traffic in the Cumulative condition, and the proposed project would add 2 seconds of delay at the intersection. Based on the significance criteria, any contribution to a cumulative impact would be deemed significant. Thus, the project is considered to result in a cumulatively considerable contribution to a potentially significant cumulative impact. MM TRANS-2 requires the project Applicant to pay its proportionate share of improvements that would improve operations. Restriping the southbound approach to provide two left turn lanes and one right-turn only lane would result in overall acceptable service levels (Draft EIR, Table 3.14-15). Inclusion of this improvement or one of similar is proposed to be added to the ECCRFFA Fee Program, and the project Applicant is coordinating with Contra Costa Transportation Authority (CCTA) to review and confirm details and timing for this modification to the fee program (Draft EIR, page 3.14-75.) Even though improvements at this interchange may be included in the regional fee program, they have not yet been included. Thus, the City of Antioch cannot assure that the improvement would be implemented, and the cumulative impact would remain significant and unavoidable (Draft EIR, page 3.14-76).

In the Cumulative condition, project impacts were identified at eleven intersections with project buildout; for all but two locations, the impact in the Cumulative condition would occur with the Phase 1 project (Draft EIR, page 3.14-81). Moreover, the addition of Phase 1 proposed project traffic in the Cumulative condition would result in deficient operations of the Prewett Ranch Drive at Deer Valley Road. Construction of the Sand Creek Road extension to Dallas Ranch Road would shift traffic from Prewett Drive, resulting in better operations under project buildout conditions than the no project condition. Nevertheless, the other impacts would remain significant and require mitigation. As such, MMs TRANS-1b, TRANS-1c, TRANS-3b, and TRANS-3c would be required for Phase 1. In addition to the previously identified impacts, Phase 1 would result in one additional impact at Prewett Ranch Drive/Deer Valley Road, and Phase 2 would result in one additional impact at Lone Tree Way/Deer Valley Road (Draft EIR, page 3.14-81).

The Prewett Ranch Drive/Deer Valley Road intersection is projected to operate at LOS E prior to the addition of proposed project traffic during the AM peak-hour in the Cumulative condition. The addition of proposed project traffic through Phase 1 would worsen LOS E operations and increase traffic. Based on the significance criteria, any contribution to a cumulative impact would be deemed significant. Thus, the proposed project is considered to result in a cumulatively considerable contribution to a potentially significant cumulative impact (Draft EIR, page 3.14-81). This intersection has been built to its ultimate configurations and no reconfigurations within the existing intersection cross-section that would result in acceptable operations were identified. MM TRANS-3f requires that if not already completed by others, the project Applicant shall construct Sand Creek Road from the Kaiser Permanente Antioch Medical Center entrance roadway to the western boundary of the Dozier Libbey High School prior to the issuance of the 421<sup>st</sup> residential building permit for the proposed project as a two-lane roadway

(one lane in each direction) along the ultimate alignment, connecting to the portion of Sand Creek Road at Dozier Libbey High School to the segment constructed by others. Construction of that portion of Sand Creek Road would shift existing and future traffic and provide other travel routes for proposed project traffic (Draft EIR, page 3.14-81).

Construction of the improvements would result in acceptable intersection operations through project buildout reducing the proposed project's cumulative impact to a less than cumulatively considerable level (DEIR, page 3.14-82). Additionally, it would reduce the level of vehicle traffic on Prewett Ranch Road. Construction of the Sand Creek Road extension would reduce the proposed project's cumulative impact to a less-than-significant level (Draft EIR, page 3.14-82).

The Lone Tree Way/Deer Valley Road intersection is projected to operate at LOS D prior to the addition of proposed project traffic during the PM peak-hour. The addition of proposed project traffic through Phase 2 would result in LOS E operations. Based on the significance criteria, this is considered a significant cumulative impact (Draft EIR, page 3.14-82). This intersection has been built to its ultimate configurations and no reconfigurations within the existing intersection cross-section that would result in acceptable operations were identified. MM TRANS-3e requires the project Applicant to construct the Sand Creek Road extension from Deer Valley Road to Dallas Ranch Road as a four-lane roadway prior to the issuance of the 622<sup>nd</sup> residential building permit. The construction of this four lane extension of Sand Creek Road between Deer Valley Road and Dallas Ranch Road would shift sufficient proposed project traffic from the intersection of Lone Tree Way at Deer Valley Road to Lone Tree Way at Dallas Ranch Road, to improve the operations of this intersection to an acceptable level through project buildout, reducing the project's significant cumulative impact to a less-than-significant cumulative impact (Draft EIR, page 3.14-82).

- **Impact TRANS 4:** The project would conflict with a program plan, ordinance or policy of the circulation system (Draft EIR, page 3.14-84).
- Findings: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable even with mitigation incorporated. social. technological. Specific economic. legal, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR (State CEQA Guidelines § 15091(a)(3)).

Mitigation: Implement MM TRANS-2.

Facts in Support of Findings: As discussed in Section 3.14, in the Near-term condition, the segment of SR-4 south of Balfour Road would experience increased congestion with a delay index greater than 2.5 in the southbound direction during the AM peak-hour and in the northbound direction during the PM peak-hour (Draft EIR, pages 3.14-84 - 90). The proposed project would worsen operations on this segment resulting in a potentially significant cumulative impact. Additionally, the proposed project would contribute to worsening levels of congestion on other freeway segments, including SR-4 further west of the project area (between Loveridge Road and Morello Avenue) by adding traffic to freeway segments where the CCTA has documented delay indices higher than 2.5 (Draft EIR, page 3.14-90). Based on the significance criteria, any contribution to a cumulative impact would be deemed significant. Thus, the proposed project is considered to result in a cumulatively considerable contribution to a potentially significant cumulative impact (Draft EIR, page 3.14-90). The CCTA plans to widen SR-4 between Marsh Creek Road and Balfour Road to provide two additional travel lanes (for a total of four-two in each direction). Participation in the ECCRFFA program would constitute a fair-share payment towards this planned improvement and would reduce this impact to a less-than-significant level. No additional capacity enhancing projects are planned on SR-4 from in the vicinity of the Lone Tree Way/A Street to the west. The CCTA has developed the SR-4 Integrated Corridor Management (ICM) Plan that includes strategies such as adaptive ramp metering, incident management, traffic and transit information systems, traffic arterial and transit information systems, connected vehicle technologies, and integration with the Interstate 80 (I-80) corridor ICM to better manage traffic flows along the corridor. Although MM TRANS-2 provides that the project Applicant would pay its fair share towards regional transportation improvements through the participation in the ECCRFFA program, the ICM improvement is not part of the fee program and full funding for that improvement has not been identified (Draft EIR, page 3.14-90). Additionally, as the widening of SR-4 between Marsh Creek Road and Balfour Road cannot be assured through the payment of fees, and the effectiveness of the ICM project is uncertain, the proposed project impact to the regional freeway system would remain significant and unavoidable (Draft EIR, page 3.14-90).

- **Impact TRANS 5:** The project would be inconsistent with CEQA Guidelines Section 15064.3 subdivision (b) (Draft EIR, page 3.14-91).
- Findings: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR (State CEQA Guidelines § 15091(a)(3); Draft EIR, pages 3.14-9193).

**Mitigation:** MM TRANS-1 through MM TRANS-8.

**Facts in Support of Findings:** Results of the vehicle miles traveled (VMT) analysis indicate that the proposed project would contribute to an increase in VMT on a percapita basis as the proposed project adds a housing development that would require residents to travel longer-than-average distances to meet their daily needs. While various project components (i.e., the pedestrian and bicycle facilities, neighborhood commercial uses) and mitigation measures (i.e., intersection signalization, etc.) would reduce some potential VMT impacts, there is no way to guarantee a reduction in estimated vehicle trips. Accordingly, the VMT impacts cannot be reduced to a less than significant level (Draft EIR, page 3.14-93).

- Cumulative Impact Transportation: The project would be inconsistent with CEQA Guidelines Section 15064.3 subdivision (b) (Draft EIR, page 3.14-102).
- Findings: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the EIR (State CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable even with mitigation incorporated. economic, legal, social, technological, other Specific or considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the EIR (State CEQA Guidelines § 15091(a)(3); Draft EIR, pages 3.14-91 - 93).
- Mitigation: Implement MM TRANS-1a, MM TRANS-1b, MM TRANS-1c, MM TRANS-2, MM TRANS-3a, MM TRANS3b, MM TRANS-3c, MM TRANS-3d, MM TRANS-3e, MM TRANS-3f, MM TRANS-7, MM TRANS-8a, MM TRANS-8b, MM TRANS-8c.

**Facts in Support of Findings:** As discussed above, the evaluation of transportation impacts is inherently cumulative, as it considers the impacts of the project in combination with past, present, and future projects (Draft EIR, page 3.14-102). Accordingly, as discussed in Impacts TRANS-1 and TRANS-2, impacts are significant and unavoidable unless and until the improvements are accepted. As discussed in Impacts TRANS 3, TRANS-4, and TRANS-5, impacts are significant and unavoidable even with implementation of all available mitigation. All other impacts are less than significant or can be mitigated to below a level of significance as discussed in detail in Section 3.14 of the Draft EIR.

#### SECTION 11: FINDINGS REGARDING ALTERNATIVES

#### 11.1 – Introduction

The project will cause significant and avoidable impacts to aesthetics and visual resources, air quality, greenhouse gases, and transportation and circulation. Thus, the City must consider the feasibility of any environmentally superior alternatives to the project, as proposed. The City must evaluate whether one or more of these alternatives could substantially lessen or avoid these significant and unavoidable impacts. Where a significant impact can be avoided or substantially lessened (i.e., mitigated to an "acceptable level") solely by the adoption of mitigation measures, the lead agency has no obligation to consider the feasibility of alternatives with respect to that impact, even if the alternative would mitigate the impact to a greater degree than the project.

If any alternatives are environmentally superior with respect to the significant unavoidable impacts of the project, then the City Council is to determine whether the alternatives are feasible and meet most of the project objectives. The City Council may reject an alternative if it determines that an alternative is either infeasible, not environmentally superior with respect to the unavoidable significant impacts of the project or fails to attain the basic project objectives. The City Council may then approve the proposed project as mitigated, after adopting a statement of overriding considerations.

The City Council has used the Project Objectives identified in Section 2.2, above, as the basis for comparing project alternatives and determining the extent that the objectives would be achieved relative to the project.

In accordance with CEQA Guidelines Section 15126.6, the EIR contained a comparative impact assessment of alternatives to the project. The primary purpose of this analysis is to provide decision makers and interested agencies, organizations and individuals with information about a reasonable range of potentially feasible project alternatives, which could avoid or reduce any of the project's significant adverse environmental effects. Important considerations for this alternatives analyses are noted below:

- An EIR need not consider every conceivable alternative to a project;
- An EIR should identify alternatives that were considered by the lead agency, but rejected as infeasible during the scoping process;
- Reasons for rejecting an alternative include:
  - Failure to meet most of the basic project objectives identified in Section 2.2 of the EIR;
  - Infeasibility; and
  - Inability to avoid significant environmental effects.

The section provides a summary and discussion of the feasibility of the following four alternatives evaluated in the Draft EIR:

- Alternative 1: No Project/ No Build
- Alternative 2: Reduced Density
- Alternative 3: Reduced Footprint
- Alternative 4: Reduced Traffic

The impacts of each of these Alternatives are compared in Table 6-5 of the Draft EIR. The City Council finds that a good faith effort was made to evaluate all reasonable alternatives to the project that could feasibly obtain the basic objectives of the project, even when the alternatives might impede the attainment of the project objectives or might be more costly. The City council also finds that all reasonable alternatives were reviewed, analyzed, and discussed in the review process of the Draft EIR and the ultimate decision on the project.

## Alternatives Considered but Rejected from Analysis

The City considered, but rejected two alternatives, including an Off-Site Alternative and All Age-Restricted Alternative. The Off-site Alternative was considered but rejected because the project Applicant owns the project site and purchased the site for development in accordance with the City's existing General Plan (barring minor amendments). Further, an Off-site Alternative was infeasible as there is little to no developable land available within the City's Urban Limit Line that would allow for the buildout of the proposed project.

The All Age-Restricted Alternative, which considered a development of entirely agerestricted single-family housing without any commercial, was considered and rejected on the grounds that it would not meet the project objectives of building out a variety of housing types and densities, while also reducing small traffic trips alleviated with including a Village Commercial Center.

#### 11.2 – Alternative 1: No Project/No Build Alternative

**Description:** Under the No Project, No Build Alternative, construction of the proposed 1,177-unit master-planned community would not occur. The project site would remain in its primarily undeveloped state, and the existing single-family residence, barns, and outbuildings related to the cattle grazing operation would remain on-site. This alternative would avoid impacts caused by construction and operation of the project, and no mitigation is required. However, because development of the project would not occur, Alternative 1 would not meet any of the objectives of the proposed project (Draft EIR, page 6-4 through 6-8).

Findings: Pursuant to the Public Resources Code section 21081(a)(3) and CEQA Guidelines section 15091(a)(3), the City Council finds that the No project/No Build Alternative is the environmentally superior alternative because implementation of this alternative would not result in any significant and unavoidable impacts. However, CEQA Guidelines section 15126.6(e)(2) states that if the environmentally superior alternative is the "No project" alternative, the EIR must also identify an environmentally superior alternative among the other alternatives; here, that would be the Reduced Footprint Alternative, as discussed below. Nevertheless, the City Council rejects the No Project/No Build Alternative because this alternative fails to meet any of the project objectives, including providing needed housing in an area of the City planned for development, serving a range of family incomes and household types, providing more publicly assessable parks or trails, permanently preserving and protecting on-site open space, and facilitating visitor access to natural and historical experiences both on-and off-site in the East Bay Regional Parks system. Accordingly, pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3) the City finds that because this alternative would not fulfill the project objectives to the same extent to which the proposed project would, this alternative infeasible and the No Project/No Build Alternative is eliminated from further consideration.
#### 11.3 – Alternative 2: Reduced Density Alternative

**Description:** Under the Reduced Density Alternatives, 900 dwelling units consisting of a maximum total of 478 single-family dwelling units and 422 AR units would be constructed on approximately 253.5 acres of the 551.50-acre site. This alternative would include the 5-acre Village Center, as well as the fire station, but would reduce the park acreage by half (from 20 acres) to 10 acres total. The total amount of open space would be approximately 239 acres. (Draft EIR, pages 6-8 through 6-14.)

**Findings:** The City rejects Alternative 2 on the grounds that it fails to meet a number of the project objectives. Specifically, Alternative 2 would not provide housing opportunities as responsive to the needs of Antioch, or the region and market conditions, or serve a range of family incomes and household types. Further, given it would allow construction of only 900 units, it would not provide an adequate tax base to fund basic infrastructure and police or fire services. Finally, it would only allow for half of the necessary park acres (10 acres instead of 20) for the project to meet on site Quimby Act requirements. Accordingly, pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), the City finds that because this alternative would not fulfill the project objectives to the extent to which the project would, this alternative infeasible and the No Project, No Build Alternative is eliminated from further consideration.

#### 11.4 – Alternative 3: Reduced Footprint Alternative

**Description:** Alternative 3, the Reduced Footprint Alternative, would allow a total of 1,177 units consisting of 543 high-density and 212 medium-density single-family dwelling units and 422 AR units, along with a commercial center, fire station, and parks on land north of Sand Creek only. All bridges across the creek would be eliminated, as would the trail staging area, trails, and the detention basin south of the creek. All low-density housing would similarly be eliminated (Exhibit 6-2). This alternative would replace all of the 543 low-density residential dwelling units with high-density dwelling units and increase the overall density of the site from 4.6 dwelling units per acre to 8.8 units per acre in order to obtain the full number of units (Draft EIR, page 6-14 through 6-20).

**Findings:** The City rejects the Reduced Footprint Alternative on the grounds that it would only meet some of the project objectives, while eliminating key components of the project such as the trail staging area and facilitating public access to natural and historical experiences both on-and off-site in the East Bay Regional Parks system. Additionally, this alternative would eliminate all low-density executive housing options, thereby eliminating the project's ability to provide a full range of housing options as the project objectives require. Finally, while this alternative would reduce biological and cultural impacts because of its reduced footprint, it would not reduce any of the project' significant and unavoidable impacts related to aesthetics, air quality, greenhouse gases,



or transportation because it would simply cluster development on the northern side of Sand Creek. Accordingly, pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3) the City finds that because this alternative would not reduce the project's significant and unavoidable impacts and would not fulfill the project objectives to the extent to which the project would, this alternative is infeasible and the Reduced Footprint Alternative is eliminated from further consideration.

#### 11.5 – Alternative 4: Reduced Traffic Alternative

**Description:** Alternative 4, the Reduced Traffic Alternative, 1,177 residential dwelling units would be constructed on 253.50 acres of the 551.50-acre site. This alternative would reduce the proposed low-density residential units from 543 to 218 and increase the proposed AR units from 422 to 747. The overall density of the site would remain 4.6 dwelling units per acre. The total amount of open space, parks, landscaping, the Village Center, and fire station site would remain the same as the proposed project (Draft EIR, page 6-20 through 6-24).

**Findings:** The City rejects the Reduced Traffic Alternative on the grounds that this alternative would not reduce the significant and unavoidable impacts to aesthetics, air quality, greenhouse gases or traffic. Accordingly, pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), the City finds that while this alternative would reduce peak hour traffic trips, it would not avoid the project's significant and unavoidable impacts to transportation overall, and further, it would not reduce significant impacts related to aesthetics, light and glare, air quality, greenhouse gases, or fulfill the project objectives to the extent to which the project would, and thus, this alternative is infeasible and the Reduced Footprint Alternative is eliminated from further consideration.

#### 11.6 – Environmentally Superior Alternative

Section 15126.6(e)(2) of the State CEQA Guidelines requires that an analysis of alternatives to a proposed project shall identify an environmentally superior alternative among the alternatives evaluated in an EIR.

With the exception of the No Project/No Build Alternative, all alternatives would result in similar impacts to the project, including significant and unavoidable impacts (as described further in the EIR). If the No Project is the environmentally superior alternative—which is the case here as it avoids all project impacts but fails to satisfy any of the project objectives—the EIR must also identify another environmentally superior alternative among the remaining alternatives. Overall, based on these Findings, the Reduced Footprint Alternative would be considered the environmentally superior alternative, as it would reduce impacts related to biological and cultural resources compared to the project. Nevertheless, as discussed in Section 11.4, above, the Reduced Footprint Alternative would not reduce significant and unavoidable impacts to aesthetics, air quality, greenhouse gases, or transportation as it would cluster



development to north of Sand Creek. Furthermore, the alternative would not implement a number of key project objectives and is therefore, infeasible.

#### SECTION 12: OTHER CEQA IMPACTS AND CONSIDERATIONS

#### **12.1 – Findings Regarding Cumulative Impacts**

Pursuant to CEQA Guidelines section 15130, sub. (b), a "discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great a detail as is provided for the effects attributable to the project alone. The Draft EIR analyzed the cumulative effects of the project and other alternatives to determine a) whether the overall long-term impacts of the project combined with all other past, present, and reasonably foreseeable future projects would be cumulatively significant, and b) to ascertain whether the project includes an analysis of cumulative impacts in each topical section. As discussed in Section 1.7, above, based on all the information before it, the City finds that the project would result in a "cumulatively considerable" contribution to cumulative impacts with regards to Visual Character and Views, Criteria Pollutants, Toxic Air Contaminants and Transportation impacts. The remaining environmental issues areas would not result in a "cumulatively considerable" contribution to cumulative impacts

#### 12.2 – Findings Regarding Growth Inducement

CEQA Guidelines Section 15126.2(e) requires a discussion of the ways in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Typical growth-inducing factors might be the extension of urban services or transportation infrastructure to a previously unserved or underserved area, or the removal of major barriers to development.

Implementation of the proposed project would directly induce growth within the city of Antioch, but not in a manner that is beyond Citywide land use densities/intensities envisioned in the City of Antioch General Plan. The project is well within the City's Urban Limit Line (ULL), and the existing General Plan actually proposes more density than the project does. The California Department of Finance (CDF) estimated that the population in the City of Antioch as of January 1, 2019 is approximately 113,901. The City of Antioch General Plan Housing Element states that the Association of Bay Area Governments (ABAG) estimates that the City's population would increase by 2,299 persons to 116,200 by the year 2030. The proposed project would develop 1,177 units and would result in an estimated increase of 3,931 persons. This would represent an approximate 3 percent increase in overall population, which is considered to be a negligible increase, fully consistent with the CDF estimates (Draft EIR, page 5-2).

In addition, the project would result in direct growth from the recreational, ancillary, and village center uses, which includes retail, commercial, and office space. The project would add an estimated 108 jobs, and infrastructure services would be expanded to serve the project without significant excess capacity. Therefore, the project would create minimal direct growth and would not significantly or adversely affect the job/housing balance. Furthermore, the project would connect to existing water, wastewater, electricity, natural gas, and telecommunications facilities. The project is consistent with the surrounding residential, open space, and mixed medical facility uses, and therefore would not trigger growth beyond what is contemplated by the City of Antioch General Plan. Because the proposed project would not result in indirect growth, negatively alter the existing jobs/housing balance, or be inconsistent with the City of Antioch General Plan, the growth-inducing impact would be less than significant (Draft EIR, page 5-2 through 5-3).

#### 12.3 – Findings Regarding Significant Irreversible Environmental Changes

According to Sections 15126(c) and 15126.2(d) of the State CEQA Guidelines, the Lead Agency must address any significant irreversible environmental changes that would occur should the project be implemented. Generally, a project would result in significant irreversible environmental changes if any of the following would occur:

- The project would involve a large commitment of non-renewable resources;
- The primary and secondary impacts of the project would generally commit future generations to similar uses;
- The project involves uses in which irreversible damage could result from any potential environmental accidents; or
- The proposed consumption of resources are not justified.

The most notable significant irreversible impacts are the intensification of the visual character of the project site (see Section 3.1 of the Draft EIR, Aesthetics and Visual Quality), the increase generation of pollutants from vehicle travel and stationary operations (See Section 3.3 of the Draft EIR, Air Quality) and greenhouse gases (See Section 3.7 of the Draft EIR, Greenhouse Gas Emissions and Energy).

Construction of the project would include the use of building materials such as petroleum-based products and metals that cannot reasonably be recreated. Construction also would involve significant consumption of energy, usually petroleum-based fuels that deplete supplies of nonrenewable resources. Construction of structures and infrastructure would consume energy and water; however, because of its temporary and one-time nature, construction under the proposed project would not represent a significant irreversible use of resources (Draft EIR, page 5-3).

Once construction is complete, the land uses associated with the proposed project would use nonrenewable fuels to heat and light structures and consume water. The new residential and recreational uses would be required to be built to and adhere to the latest adopted edition of the California Green Building Standards Code, which includes a number of standards that would reduce energy demand, water consumption, wastewater generation, and solid waste generation that would collectively reduce the demand for resources. This would result in the emission and generation of less pollution and effluent and lessen the severity of corresponding environmental effects. Thus, although the proposed project would result in an irretrievable commitment of nonrenewable resources, energy for heat and light and water for irrigation and plumbing would not be consumed inefficiently, unnecessarily, or wastefully (Draft EIR, page 5-4).

Furthermore, the proposed residential uses do not have the potential to cause significant environmental accidents through releases into the environment, as they would not involve large quantities of hazardous materials (see Section 3.8, Hazards, Hazardous Materials, and Wildfire). According to the California Department of Forestry and Fire Protection (CAL FIRE), the project site is not located in a Very High Fire Hazard Severity Zone, and the closest designated "High" fire hazard zone is located more than 7 miles southeast of the project site. Additionally, because the proposed project is not within a Very High Fire Hazard Severity Zone, the project site would not be overly prone to wildfire risk. Notwithstanding, as discussed in Section 3.13, Public Services and Recreation, the project includes a fire station site, which is expected to house a new fire station to serve the southern Antioch area. The project Applicant has also agreed to enter into a Memorandum of Understanding with the Contra Costa County Fire Department to detail the dedication of the fire station site and the funding of the new station. Thus, the proposed project would not result in a significant impact related to the need for new or altered fire protection facilities. Thus, implementation of the project's proposed residential and recreational uses do not have the potential to result in significant environmental accidents related to wildfire hazards with mitigation incorporated, (see Section 3.8, Hazards, Hazardous Materials, and Wildfire) and would not result in significant irreversible environmental changes (Draft EIR, page 5-4).

#### **SECTION 13: STATEMENT OF OVERRIDING CONSIDERATIONS**

CEQA requires that a Lead Agency balance the benefits of a project against its unavoidable environmental risk in determining whether to approve the project. If the benefits outweigh the unavoidable adverse effects, those effects may be considered "acceptable" pursuant to CEQA Guidelines Section 15093(a). CEQA requires that a Lead Agency support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Those reasons must be based on substantial evidence in the Environmental Impact Report (EIR) or elsewhere in the administrative record pursuant to CEQA Guidelines Section 15093(b). The Lead Agency's written reasons are referred to as a Statement of Overriding Considerations.

Notwithstanding the significant and unavoidable environmental impacts of the proposed project, the City Council has determined that pursuant to Section 15093 of the State of California CEQA Guidelines, the benefits of the project outweigh its adverse impacts and that the project is in the best interests of the City and should be approved. The City

Council specifically finds and makes this statement of overriding considerations that there are many social, economic and other reasons for approving this project. The specific social, economic and other benefits related to The Ranch Project which override the unavoidable environmental impacts associated with it, are as follows. Each of the following benefits are in and of themselves sufficient to support the City's determination that the project should be approved. A finding that anyone or combination of these benefits is not supported by the evidence shall not affect the adequacy of the other benefits or the City's approval of the project.

- The project would be fully consistent with the West Sand Creek Initiative and implement the General Plan and Zoning Amendments for the project site desired by the City Council and citizens of Antioch.
- The project would implement the General Plan and land use vision to provide a mix of complementary uses, including new residential, commercial, recreational, and business activities and services to support a well-planned community.
- The project would preserve and protect the hills and hillsides as permanent open space, provide 22.50 acres of public parks and landscaped areas, dedicate 229.50 acres of public open space, and permanently preserve and protect an open space corridor along the Sand Creek as a buffer area for sensitive species and habitats ranging from between 250 to over 1,000 feet in width, consistent with the East Contra Costa County Habitat Conservation Plan.
- The project would provide 6.0 miles of publicly-accessible multiuse trails with multiple vista points, as well as a 1.5 acre publicly-accessible trail head and staging area for hiking access to Black Diamond Mines Regional Preserve.
- The project would provide offsite open space to protect and compensate for any loss of special-status or endangered animal or plant species.
- The project would further the City's housing goals by providing a mix of highquality residential opportunities, homes for first-time buyers, gated executive neighborhoods, one of Antioch's first large-scale community for residents 55 years or older – all at varying price points – thereby increasing housing options for all members of the community within the area. The Limited Development Area would provide opportunities for low-density rural residential housing while preserving agriculture, grasslands, and open space in the Restricted Development Area.
- The project would enhance emergency response capabilities for the City of Antioch with the dedication of 2.0 acres of land for the construction and operation of a future fire station.
- Consistent with the Circulation Element of the City of Antioch General Plan, the project would provide the long-planned extension of Dallas Ranch Road through the project site to Deer Valley Road, which will allow better and more fluid access for the whole community to the Kaiser Medical Center on Deer Valley Road, across from the project site.
- The project would amend the City's Land Use element to protect hillside viewsheds, bolster setbacks and protections of Sand Creek, and expand open space areas west of Deer Valley Road.



- The project would improve existing conditions by creating expanded storm drain capacity along Dallas Ranch Road to convey stormwater that currently sheet flows across the sites, as well bioretention basins capable of holding runoff storm events.
- The project would provide a positive contribution to the maintenance and expansion of the City's economic base by increasing the City's business license taxes, utility user taxes, property taxes, and sales taxes with its 1,177 units and 5-acre commercial site.
- The project would benefit the local economy by providing jobs for the local labor force and encouraging the investment of resources in local projects pursuant to its Project Labor Agreement.
- The project applicant will pay an economic development fee to the City's Economic Development Fund of at least \$2,000,000.

#### **SECTION 14: INCORPORATION BY REFERENCE**

In accordance with State CEQA Guidelines section 15150, the Draft EIR and the Final EIR are hereby incorporated into these Findings in their entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the rationale for approving the project.

#### SECTION 15: RECIRCULATION NOT REQUIRED

CEQA Guidelines Section 15088.5 requires that a lead agency recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice is given of the availability of a Draft EIR, but before certification. Such new information includes:

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

Having reviewed all the information in the record, the City finds as follows. No new or substantial changes to the Draft EIR were proposed as a result of the public comment process. The Final EIR responds to comments and makes only minor technical changes, clarifications or additions to the Draft EIR. The minor changes, clarifications, or additions to the Draft EIR do not identify any new significant impacts or substantial increase in the severity of any environmental impacts, and do not include any new mitigation measures that would have a potentially significant impact. Therefore, the City finds that recirculation of the EIR is not required.

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

\* \* \* \* \* \* \* \*

**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 1<sup>st</sup> day of July, 2020, by the following vote:

AYES: NOES: ABSENT: ABSTAIN:

> FORREST EBBS Secretary to the Planning Commission

#### EXHIBIT A MITIGATION MONITORING PROGRAM

#### **FIRSTCARBON**SOLUTIONS<sup>™</sup>

Mitigation Monitoring and Reporting Program for The Ranch Project Environmental Impact Report City of Antioch, Contra Costa County, California

> Prepared for: City of Antioch 200 H Street Antioch, CA 94509 925.779.7035

Contact: Alexis Morris, Planning Manager

Prepared by: FirstCarbon Solutions 1350 Treat Boulevard, Suite 380 Walnut Creek, CA 94597 925.357.2562

Contact: Mary Bean, Project Director Angela Wolfe, Project Manager

Report Date: June 19, 2020



Pursuant to Public Resources Code Section 21081.6, the City of Antioch (lead agency) hereby finds that the mitigation measures set forth in the Mitigation Monitoring and Reporting Program (MMRP) will reduce or avoid the potentially significant and significant impacts of the project to the extent feasible for the reasons described in the Environmental Impact Report (EIR). The lead agency intends for each of the mitigation measures to be adopted as recommended in the Final EIR. In the event of any inconsistencies between the mitigation measures set forth in the EIR and the MMRP, the MMRP shall control. The Draft EIR prepared for The Ranch Project concluded that project implementation could result in potentially significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval that reduce these impacts to a less than significant level.

This MMRP documents how and when the mitigation measures adopted by the lead agency will be implemented and confirms that potential environmental impacts are reduced to less than significant levels as identified in the EIR This document does not discuss those subjects that the environmental analysis demonstrates would result in less than significant impacts and for which no mitigation was proposed or necessary.

n of Completion	Initial	
Verificatio	Date	
Docuociblo for	Verification	City of Antioch Building Inspection Services Division
	Timing of Verification	Prior to issuance of building permit and during construction.
	Method of Verification	Include in project construction documents; City of Antioch, Building Inspection Services Division shall inspect the worksite regularly to ensure the construction mitigation measures are implemented.
	Mitigation Measures	<ul> <li><b>3.3</b> Air Quality</li> <li><b>3.3</b> Air Quality</li> <li>MM AIR-2a: Implement BAAQMD Best Management Practices (BMPs), as recommended by the Bay Area Air Quality Management practices (BMPs), as recommended by the Bay Area Air Quality Management proposed project and implemented during construction:</li> <li>All active construction areas shall be watered at least two times per day.</li> <li>All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and access roads) shall be watered at least three times per day.</li> <li>All exposed non-paved surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and access roads) shall be watered at least three times per day and/or nontoxic soil stabilizers shall be avatered at least three times per day and/or nontoxic soil stabilizers shall be covered and/or shall maintain at least 2 feet of freeboard.</li> <li>All haul trucks transporting soil, sand, or other loose material off-site shall be covered and/or shall be included surfaces.</li> <li>All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>All visible mud or dirt track-out onto adjacent public roads shall be completed as soon as possible. Building pads shall be completed as soon as possible. Building pads shall be completed as soon as possible. Building pads shall be completed as soon as possible. Building pads shall be completed as soon as possible. Building pads shall be completed as roads.</li> <li>All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be completed as soon as possible. Building pads shall be completed as soon as possible after grading unless seeding or soil biders are used.</li> <li>All roadways, driveways, and sidewalks to be paved shall be control measure fifter i as section 2485 of California Code of Regulations). Clear signage regarding diling rest</li></ul>

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Mitigation Measures	Method of Verification	Timing of Verification	Verification	Date	Initial
equipment shall be maintained and in accordance with manufacturer's All equipment shall be checked by a nic and determined to be running in proper to operation. truction contractor shall post a publicly i the telephone number and person to a dust complaints. The City of Antioch and n contractor shall take corrective action . The BAAQMD's phone number shall also sure compliance with applicable					
following measure shall be applied during ne proposed project to facilitate the use of asses (ROG) landscaping equipment during s: ce of building permits, the project Applicant and submit building plans to the City of emonstrate that all buildings meet or exceed standards. This measure would reduce ROG insuring that proposed buildings include s to facilitate the use of electric landscaping	Include in project construction documents.	Prior to the issuance of building permits and during construction.	City of Antioch Community Development Department		
iollowing measures shall be applied during and operation of the proposed project to (Note: Although there are slight definition of ROGs and VOCs, the two sed interchangeably. The BAAQMD uses the e super-compliant architectural coatings is m for low-VOC emissions.) pliant architectural coatings. These sfined as those with volatile organic					

			Becnoncible for	Verification of	Completion
Mitigation Measures	Method of Verification	Timing of Verification	Verification	Date	Initial
<ul> <li>compound VOC less than 10 grams per liter. South Coast Air Quality Management District (SCAQMD) provides a list of manufacturers that provide this type of coating.</li> <li>Keep lids closed on all paint containers when not in use to prevent VOC emissions and excessive odors.</li> <li>Use compliant low VOC cleaning solvents to clean paint application equipment.</li> <li>Keep all paint and solvent laden rags in sealed containers to prevent VOC emissions.</li> </ul>					
<ul><li>The following measures shall be applied during construction of the proposed project to reduce ROG emissions:</li><li>Consider alternative paving materials such as pervious pavement, porous concrete, or other low impact options to reduce the use of asphalt.</li></ul>					
<ul> <li>The following measures shall be applied during operation of the proposed project to reduce ROG emissions:</li> <li>Encourage the use of locally-based compost/mulch into landscaped areas for soil enrichment and weed suppression to minimize the need for synthetic fertilizers and pesticide use through educational outreach to the</li> </ul>					
<ul> <li>Proposed residents.</li> <li>Encourage the use of integrated pest management techniques through educational outreach to the proposed residents.</li> </ul>					
3.4 Biological Resources					
<b>MM BIO-1a:</b> The project Applicant hired a qualified Biologist to conduct protocol surveys of the shining navarretia, crownscale, and big tarplant, and the locally rare species, angle-stem	This has been partially completed.	Within or after 5 years of the original survey; prior to	City of Antioch Planning Division; U.S. Fish and		
buckwheat, in 2018-2019 and submitted them to the City for independent peer review. (See Appendix D) To the extent	Preconstruction surveys by a qualified Biologist if	construction.	Wildlife Service and/or California		

				and a lation of a lation	Verification o	of Completion
	Mitigation Measures	Method of Verification	Timing of Verification	Verification	Date	Initial
	construction occurs within 5 years of these surveys, they shall be deemed valid and no further surveys shall be required. However, if construction does not occur on affected areas	after 5 years of the original survey.		Department of Fish and Wildlife (as appropriate).		
	within 5 years of the protocol surveys, the project Applicant shall hire a qualified Biologist to survey the project area or phase prior to construction. All survey results shall be	endowment.				
	submitted to the City of Antioch Planning Division prior to approval of grading permits.	Mitigation of direct impacts at a 3:1 ratio.				
Α	Where populations are outside of the project footprint, a qualified Biologist shall demarcate an appropriate avoidance zone sufficient to completely avoid impacts to any individual plants. If the project will avoid the mapped populations, but will impact a portion of the avoidance zone, that shall be considered an indirect impact and the project Applicant shall ensure the plants are protected during construction by installing protective buffers such as orange exclusionary fencing and/or any necessary erosion controls methods such as the placement of straw waddles around the plants, in accordance with permits issued by the CDFW and/or USFWS. Where populations of special-status plant species are located within the project will avoid the mapped populations, but will impact. If the project will avoid the mapped populations, but will impact a portion of the avoidance zone, then that will be considered an indirect impact. If the project will avoid the mapped populations, but will impact a portion of the avoidance zone, then that will be considered an indirect impact. If the project will avoid the mapped populations, but will impact a portion of the avoidance zone, then that will be considered an indirect impact. If the project will avoid the mapped populations, but will impact a portion of the avoidance zone, then that will be considered an indirect impact. If the project will avoid the mapped populations, but will impact a portion of the avoidance zone, then that shall be considered an indirect impact. If the project will avoid the mapped populations, but will impact a portion of the avoidance zone, then that will be considered an indirect impact.	Compliance with a habitat conservation plan and/or natural community conservation plan.				
143	For impacts to the crownscale, big tarplant and the locally rare angle-stem buckwheat, the project Applicant shall comply with MM BIO-3.					

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	Mitigation Measures	Method of Verification	Timing of Verification	Verification	Date	Initial
	The project Applicant shall have the following options to mitigate for impacts to the shinning navarretia. Options one and two are listed by order of effectiveness:					
	<b>Option 1.</b> The project Applicant shall identify one or more existing, unprotected populations of shining navarretia in Contra Costa County (or nearest other jurisdiction) and					
	acquire land that supports those populations. Under this Option, once the proposed mitigation area is approved by the City of Antioch Planning Division, the mitigation habitat					
	shall be protected by a recorded conservation easement and managed in accordance with a long-term management plan, the goal of which is to maintain the shining navarretia					
	population and its habitat. The project Applicant shall provide an endowment in favor of the conservation easement holder to fund the long-term management					
	outlined in the long-term management plan. As this option would preserve an existing, established population, there would be no temporal loss, and no risk of failure. As a result,					
	the mitigation ratio for this option would be 1:1. Alternatively, the project Applicant may purchase mitigation credits (at a 1:1 ratio) from an established mitigation bank for all directly impacted shining navarretia locations.					
A	<b>Option 2.</b> The project Applicant shall mitigate for any direct impacts at a ratio of 3:1 (preserved habitat: impacted habitat), and for any indirect impacts at a 1:1 ratio. The ratio shall be reduced to 1.5:1 if the project Applicant chooses to develop a monitoring plan, monitor the relocated seeds/plants in accordance with that plan, and meet established success					
144	criteria for successful establishment of a new population of the impacted special-status plant. The success criterion for Option 2 would be 1:1 replacement of special-status plants by Year 5					

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or later following transplantation. This would require documentation of the number of plants within the proposed impact area such that the number of impacted plants could be compared to the number of established plants at the mitigation site. The monitoring plan and monitoring reports shall be submitted to the City of Antioch Planning Division for review and approval. If the success criteria are not met, additional habitat shall be set aside as set forth under Option 1. As population sizes for annual plants can vary widely from year to year, population counts shall be conducted in the last 3 years of monitoring, and the highest count shall be at least equivalent to the number of impacted plants.					
<b>Option 3.</b> As an alternative Options 1 and 2, the project Applicant shall comply with a habitat conservation plan and/or natural community conservation plan if developed and adopted by the City, to the extent that all project impacts to the shining navarretia would be fully mitigated, including payment of applicable fees, provided that the California Department of Fish and Wildlife (CDFW) and United States Fish and Wildlife Service (USFWS) have approved the conservation plan.					
<b>MM BIO-1b</b> : To avoid take of crotch and western bumblebee species the project Applicant shall implement one of the following options:	Pre-construction surveys by a qualified Biologist.	Prior to each phase of construction.	City of Antioch Planning Division; U.S. Fish and		
<b>Option 1.</b> Prior to each phase of construction, a qualified Biologist shall conduct a take avoidance survey for active bumblebee colony nesting sites. In order to maximize detection of active bee colonies, the take avoidance survey shall be conducted during the spring, summer, or fall during appropriate weather (not during cool overcast, rainy, or	Compliance with a habitat conservation plan and/or natural community conservation plan.		Wildlife Service and/or California Department of Fish and Wildlife (as appropriate).		

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r :ur within ion with FW) an ance. If a r within 50					
a habitat ervation xtent that ld be fully ovided FW) and ve					
mit, the ng options:	Consultation with the J.S. Department of Fish	Prior to the issuance of a	City of Antioch, Planning Division;		
dlife vernal e project ct [FESA], grading	and Wildlife. Compliance with a habitat conservation plan and/or natural community conservation plan.	grading permit.	U.S. Department of Fish and Wildlife and California Department of Fish and Wildlife (as appropriate)		

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permits. The project Applicant shall comply with all terms of the endangered species permits, including any mitigation requirements, which shall be determined during consultation with USFWS.					
Mitigation may be accomplished through permittee- responsible mitigation and/or through the preservation of vernal pool fairy shrimp habitat at USFWS-approved ratios at a USFWS-approved mitigation bank. A minimum ratio of 1:1 mitigation shall be required.					
<b>Option 2.</b> The project Applicant shall demonstrate compliance with a habitat conservation plan and/or natural community conservation plan if developed and adopted by the City, to the extent that all project impacts on the fairy and tadpole shrimp would be fully mitigated, including payment of applicable fees, provided that the California Department of Fish and Wildlife (CDFW) and USFWS have approved the conservation plan.					
<b>MM BIO-1d:</b> The project Applicant shall implement one of the following options:	Avoidance of elderberry shrub; construction	Prior to the issuance of a	City of Antioch, Planning Division;		
<b>Option 1.</b> The elderberry shrub within the project site shall be avoided. Although there were no signs of the valley elderberry longhorn beetle, the following measures will ensure that there are no significant impacts to valley	monitoring by a qualified Biologist. Compliance with a habitat conservation plan	grading permit.	U.S. Department of Fish and Wildlife and California Department of Fish and Wildlife (as		
elderberry longhorn beetle: All elderberry shrubs (which are defined for the purposes of this section as those with stems greater than 1 inch in diameter) shall be avoided completely during project construction with a buffer of at least 20 feet, and the following avoidance and minimization measures [as outlined	and/or natural community conservation plan.		appropriate).		

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<ul> <li>In the Famework for Assessing Impacts to the Valley Edenerity Longhon teaches shall be implemented for all under visit you dryn teaches shall be implemented for all under whim LIGS feet of a shuld:</li> <li>All areas to be avoided during construction activities shall be free of a shuld: a structure panet. The analysis of the set of a shuld the during for all construction limits as free of a shuld the gree and/or flagged as close to construction limits as free of a shuld.</li> <li>Activities that could damage or kill an elderberry shuld free of a limit and/or flagged as close to construction limits as free of a limit and the drip lime.</li> <li>Aquafified Biologist shall provide training for all contractors, under creas, and and any elderberry longhorn beetlet, its hold in treas an avoidance a valve televeery longhorn beetlet, shold on the status of the valve televeery longhorn beetlet, shold on the status of the valve televeery longhorn beetlet.</li> <li>Aquafified Biologist shall nonicor prior to the commencement of work.</li> <li>Aquafified Biologist shall nonicor the commencement of work.</li> <li>Auguified Biologist shall nonicor and minimization measures are implemented.</li> <li>Bickenery shrub shall be conducted between August and minimization measures are implemented.</li> <li>Mechanical season when addits are not active shrubs.</li> <li>Mechanical season when addits are not active shrub.</li> <li>Mechanical season when addits are not active shrub.</li> <li>Mechanical season when addits are not active shrubs.</li> </ul>		Mittgation Measures	Method of Verification	Timing of Verification	Verification	Date	Initial
<ul> <li>All areas to be avoided during construction activities shall be fenced and/or flagged as close to construction limits as feasible.</li> <li>Arivities that could damage or kill an elderberry shrub feasible.</li> <li>Arivities that could damage or kill an elderberry shrub (e.g., trenching, pavoing, etc.) shall receive an avoidance area of at last 20 feet form the drip-lime.</li> <li>A taufifed Biologist shall provide rate of a last 20 feet form the drip-lime volk crews, and any on-site personnel on the status of the volk crews, and any on-site personnel on the status of the volk crews, and any on-site personnel on the status of the volk crews, and any on-site personnel on the status of the volk crews, and any on-site personnel on the status of the volk crews, and any on-site personnel on the status of the volk crews, and any on-site personnel on the status of the volk crews, and any on-site personnel on the status of the volk crews, and any on-site personnel on the status of the volk crews, and any on-site personnel on the status of the volk crews, and any on-site personnel on the status of the volk crews, and any on-site personnel on the status of the volk crews, and any on-site personnel on the status of the volk crews, and any on-site personnel on the status of the volk crews, and any on-site personnel on the status of the volk crews, and any on-site personnel on the status of the volk crews and any on-site personnel on the status of the volk crews and any on-site personnel on the crew on adults are not acrew personnel acrement.</li> <li>A much as feasible, instended perveen August and elderberry shrub shall not be used within the drip-line of the shrub shall not be used within the drip-line of the shrub shrub shall aroud damaging the elderberry shrub.</li> <li>I etcher a 20-foot diameter avoidance area around the crew of the shrub shrub shrub.</li> </ul>		in the Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle shall be implemented for all work within 165 feet of a shrub:					
<ul> <li>Activities that could damage or kill an elderberry shrub (e.g., treanching, paving, etc.) shall receive an avoidance are an any on-sife personnel on the status of the area any on-sife personnel on the status of the avoid manging the elderberry for all contractors, work crews, and any on-sife personnel on the status of the avoid manging the elderberry for all contractors, work crews, and any on-sife personnel on the status of the avoid manging the elderberry for any on-sife personnel on the status of the possible penaties for noncompliance, prior to the commencement of work.</li> <li>A qualified Bloogist shall monitor the work are ast project appropriate intervals to assure that all avoidance and minimization measures are implemented.</li> <li>A much as feasible, all activities within 165 feet of an elderberry shrub shall be conducted between August and february.</li> <li>Betherry shrub shall not be used within the drip-line of the attrosh the indicates shall not be used within the drip-line of the shall be limited to the season when adults are not active (asti-february) and shall avoid damaging the elderberry aftro.</li> </ul>		<ul> <li>All areas to be avoided during construction activities shall be fenced and/or flagged as close to construction limits as feasible.</li> </ul>					
<ul> <li>4 Aqualified Biologist shall provide training for al contractors, work crews, and any on-site personnel on the status of the valley elderberry shrubs, and they elderberry shrubs, and they elderberry shrubs, and the possible penalties for noncompliance, prior to the commencement of work.</li> <li>A qualified Biologist and many on the work area at project appropriate intervals to assure that all avoidance and minimization measures are implemented.</li> <li>A qualified Biologist shall not be used within 165 feet of an elecherry shrubs shall not be used within the drip-line of the elecherry shrub.</li> <li>Mechanical weed removal within the drip-line of the shrub shall be limited to the season when adults are not active funder.</li> <li>Mechanical weed removal within the drip-line of the shrub shall be limited to the season when adults are not active funder.</li> <li>Mechanical weed removal within the drip-line of the shrub shall be limited to the season when adults are not active funder.</li> <li>Mechanical weed removal within the drip-line of the shrub shub.</li> <li>Mechanical weed removal within the drip-line of the shrub shub.</li> <li>Mechanical weed removal within the drip-line of the shrub shub.</li> </ul>		<ul> <li>Activities that could damage or kill an elderberry shrub (e.g., trenching, paving, etc.) shall receive an avoidance area of at least 20 feet from the drip-line.</li> </ul>					
<ul> <li>valley elderberry longhorn beetle, its host plant and habitat, the need to avoid damaging the elderberry shrubs, and the possible possible for noncompliance, prior to the commencement of work.</li> <li>A qualified Biologist shall monitor the work area at project appropriate intervals to assure that all avoidance and minimization measures are implemented.</li> <li>A nuch as feasible, all activities within 165 feet of an elderberry shrubs shall not be tween August and february.</li> <li>Elderberry shrubs shall not be used within the drip-line of the shrub. Insecticides shall not be used within the drip-line of the shrub. Insecticides shall not be used within the drip-line of the shrub. Insecticides shall avoid damaging the elderberry shrubs in 20-foot diameter avoidance area around the</li> </ul>		- A qualified Biologist shall provide training for all contractors, work crews, and any on-site personnel on the status of the					
<ul> <li>possible periatities for noncompliance, prior to the commencement of work.</li> <li>A qualified Biologista intervent that all monitor the work area at project an inimization measures are implemented.</li> <li>A smuch as feasible, all activities within 165 feet of an elderberry shrub shall be conducted between August and February.</li> <li>Elderberry shrub shall not be trimmed.</li> <li>Herbicides shall not be trimmed.</li> <li>Herbicides shall not be used within 100 feet of an elderberry shrub.</li> <li>Metabulary and shall avoid damaging the elderberry shrub.</li> <li>If either a 20-foot diameter avoidance area around the</li> </ul>		valley elderberry longhorn beetle, its host plant and habitat, the need to avoid damaging the elderberry shrubs, and the					
<ul> <li>Aqualified Biologist shall monitor the work area at project appropriate intervals to assure that all avoidance and minimization measures are implemented.</li> <li>As much as feasible, all activities within 165 feet of an elderberry shrub shall be conducted between August and February.</li> <li>Elderberry shrub shall not be used within the drip-line of the shrub insecticides shall not be used within 100 feet of an elderberry shrub.</li> <li>Mechanical weed removal within the drip-line of the shrub shall be limited to the season when adults are not active (August-February) and shall avoid damaging the elderberry shrub.</li> <li>If either a 20-foot diameter avoidance area around the</li> </ul>		possible penalties for noncompliance, prior to the commencement of work.					
<ul> <li>As much as feasible, all activities within 165 feet of an elderberry shrub shall be conducted between August and February.</li> <li>Elderberry shrubs shall not be trimmed.</li> <li>Herbicides shall not be used within 100 feet of an elderberry shrub.</li> <li>Mechanical weed removal within 100 feet of an elderberry shrub.</li> <li>Mechanical weed removal within the drip-line of the shrub shall be limited to the season when adults are not active (August-February) and shall avoid damaging the elderberry shrub.</li> <li>If either a 20-foot diameter avoidance area around the</li> </ul>		<ul> <li>A qualified Biologist shall monitor the work area at project appropriate intervals to assure that all avoidance and minimization measures are implemented.</li> </ul>					
<ul> <li>Elderberry shrubs shall not be trimmed.</li> <li>Herbicides shall not be used within the drip-line of the shrub. Insecticides shall not be used within 100 feet of an elderberry shrub.</li> <li>Mechanical weed removal within the drip-line of the shrub shall be limited to the season when adults are not active (August-February) and shall avoid damaging the elderberry shrub.</li> <li>If either a 20-foot diameter avoidance area around the</li> </ul>		<ul> <li>As much as feasible, all activities within 165 feet of an elderberry shrub shall be conducted between August and February.</li> </ul>					
<ul> <li>Herbicides shall not be used within the drip-line of the shrub. Insecticides shall not be used within 100 feet of an elderberry shrub.</li> <li>Mechanical weed removal within the drip-line of the shrub shall be limited to the season when adults are not active (August–February) and shall avoid damaging the elderberry shrub.</li> <li>If either a 20-foot diameter avoidance area around the</li> </ul>		- Elderberry shrubs shall not be trimmed.					
<ul> <li>Mechanical weed removal within the drip-line of the shrub shall be limited to the season when adults are not active (August–February) and shall avoid damaging the elderberry shrub.</li> <li>If either a 20-foot diameter avoidance area around the</li> </ul>		<ul> <li>Herbicides shall not be used within the drip-line of the shrub. Insecticides shall not be used within 100 feet of an elderberry shrub.</li> </ul>					
If either a 20-foot diameter avoidance area around the	A14	<ul> <li>Mechanical weed removal within the drip-line of the shrub shall be limited to the season when adults are not active (August–February) and shall avoid damaging the elderberry shrub</li> </ul>					
	18	If either a 20-foot diameter avoidance area around the					

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Mitigation Measures Iderberry shrub is found later to not be feasible or an Iderberry shrub must be removed to accommodate onstruction, then the project Applicant shall notify the City and implement additional mitigation measures required by the ramework after consultation with the United States Fish and Vildlife Service (USFWS). Didlife Service (USFWS). Didlife Service and adopted by the City, to the extent that onservation plan and/or natural community conservation and if developed and adopted by the City, to the extent that I project impacts on the elderberry beetle would be fully	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Date	Completion Initial
nitigated, including payment of applicable fees, provided that The California Department of Fish and Wildlife (CDFW) and SFWS have approved the conservation plan. <b>IM BIO-1e:</b> Prior to the commencement of construction ctivities, the project Applicant shall implement one of the filowing options: <b>Iption 1.</b> The project Applicant shall obtain take coverage com the United States Fish and Wildlife Service (USFWS) and Fections 7 or 10 of the Federal Endangered Species Act ESA) for any impacts to the California tiger salamander and/or its habitat. In addition, the project Applicant shall btain take coverage from the California tiger salamander and Wildlife (CDFW) under Section 2081 of the California Fish and Wildlife (CDFW) under Section 2081 of the California Fish ind Game Code for any impacts to the California tiger alamander and/or its habitat. Any required compensatory itigation shall be determined during consultation with SFWS and CDFW and may include permittee-responsible itigation and/or the purchase of mitigation credits from a SFWS- and CDFW-approved mitigation bank. Should onsultation with the USFWS and CDFW result in required	oof of issuance of take werage from the U.S. sh and Wildlife Service. ompletion of pre- onstruction personnel and a pre-construction irvey by a qualified ologist. The biologist all provide email onfirming the date and me of the training ovided. stallation of WEF.	Prior to the commencement of construction activities; during construction.	City of Antioch Planning Division; U.S. Department of Fish and Wildlife and California Department of Fish and Wildlife (as appropriate).		

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Prior to the start of each phase of construction, ESAs (defined as areas containing sensitive habitats adjacent to or within construction work areas for which physical disturbance is not allowed) shall be clearly delineated using high visibility orange fencing. The ESA fencing shall remain in place throughout the duration of the construction and shall be regularly inspected and fully maintained at all times by the project Applicant's contractor.					
A qualified Biologist shall be on-site during all activities that may result in take of California tiger salamander. The qualifications of the Biologist(s) shall be submitted to the USFWS and CDFW for review and approval at least 30 calendar days prior to the date earthmoving is initiated at the project site.					
Prior to the start of each phase of construction, WEF shall be installed at the edge of the project footprint in all areas where sensitive species could enter the construction area. The location of the fencing shall be determined by the contractor and the qualified Biologist. The WEF shall remain in place throughout the duration of the project phase and shall be regularly inspected and fully maintained by the project Applicant's contractor. Repairs to the WEF shall be made within 24 hours of discovery. Upon project completion, the WEF shall be completely removed and the area cleaned of debris and trash and returned to natural conditions. Exceptions to the foregoing fencing measures include work sites where the duration of work activities is very short (e.g., 3 days or less),occur during the dry season, and the installation of exclusion fencing will result in more ground disturbance than from project activities. In this case, the					
boundaries and access areas and sensitive habitats may be					

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	Mitigation Measures	staked and flagged (as opposed to fully fenced) by the qualified Biologist prior to disturbance and species monitoring would occur during all project activities.	If a water body is to be temporarily dewatered by pumping, intakes shall be completely screened with wire mesh no larger than 5 millimeters and the intake shall be placed within a perforated bucket or other method to attenuate suction to prevent California tiger salamander from entering the pump system. Pumped water shall be managed in a manner that does not degrade water quality and then upon completion released back into the water body, or at an appropriate location in a manner that does not cause erosion. No rewatering of the water body is necessary if sufficient surface or subsurface flow exists to fill it within a few days, or if work is to be completed during the time of year the water body would have dried naturally.	When constructing a road improvement within California tiger salamander habitat, the project Applicant shall enhance or establish wildlife passage for the California tiger salamander across roads, highways, or other anthropogenic barriers. This may include upland culverts, tunnels, and other crossings designed specifically for wildlife movement, as well as making accommodations in curbs (no vertical faced curbs), median barriers, and other impediments to terrestrial wildlife movement at locations most likely to be beneficial to the colifornia tiger salamander.	Preconstruction surveys shall be provided to the City of Antioch Planning Division, and shall be conducted by a USFWS or CDFW approved Biologist within 72 hours of the initiation of any ground disturbing activities and vegetation

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clearing that may result in take of the California tiger salamander. All suitable aquatic and upland habitat, including refugia habitat such as small woody debris, refuse, burrow entries, etc., shall be duly inspected. The approved Biologist(s) shall conduct clearance surveys at the beginning of each day and regularly throughout the workday when construction activities are occurring that may result in take of the California tiger salamander. Where feasible and only on a case-by-case basis, rodent burrows and other ground openings suspected to contain Central California tiger salamanders that would be destroyed from project activities may be carefully excavated under supervision of the Biologist. If the California tiger salamander is observed, the approved Biologist shall implement the species observation and handling protocol outlined below.					
At least 15 days prior to initiation of ground disturbance activities the project Applicant's Biologist shall prepare and submit a Relocation Plan for the California tiger salamander for the USFWS and CDFW written approval. The plan shall include protocol to be followed should a California tiger salamander be encountered during project activities. The Relocation Plan shall contain the name(s) of the approved Biologist(s) to relocate the California tiger salamander, method of relocation, a map, and description of the proposed release site(s) within 300 feet from the project, unless at a distance otherwise agreed to by the USFWS and CDFW, and written permission from the landowner to use their land as a relocation site.					
<b>Option 2.</b> The project Applicant shall comply with a habitat conservation plan and/or natural community conservation plan if developed and adopted by the City, to the extent that					

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all project impacts to the California tiger salamander would be fully mitigated, including payment of applicable fees, provided that the CDFW and USFWS have approved the conservation plan.						
<b>MM BIO-1f:</b> Prior to issuance of any grading permits, the project Applicant shall implement one of the following options:	Obtain take authorization from the USFWS and/or CDFW.	Prior to the issuance of grading permits	City of Antioch, Planning Division; U.S. Department of			
<b>Option 1.</b> The project Applicant shall consult with the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) reparding impacts to	Training conducted by a qualified Biologist for all construction personnel.	Prior to start of construction.	Fish and Wildlife and California Department of Fish			
California red-legged frog from the proposed project. The project Applicant shall obtain the appropriate take	The Biologist shall provide email	During construction.	and Wildlife (as appropriate).			
Endangered Species Act [FESA]) and/or from the CDFW (Section 2081 of the California Fish and Game Code). The	confirming the date and time of the training					
project Applicant shall comply with all required	provided.					
compensatory mitigation determined during consultation with the USFWS and CDFW, and provide proof of compliance to the City of Antioch Planning Division.	Pre-construction inspection.					
Should consultation with the USFWS result in required mitigation measures in conflict with the measures included	Construction monitoring by a qualified Biologist.					
here, USFWS measures shall take precedence.	Compliance with a					
Approximately 1.40 acres of California red-legged frog aquatic habitat shall be preserved on-site as part of the proposed project.	habitat conservation plan and/or natural community conservation plan.					
Prior to the start of construction, a qualified Biologist shall conduct a training program for all construction personnel including contractors and subcontractors. The training shall include at a minimum a description of the California red-						

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legged frog and their habitats within the project site; an explanation of the species status and protection under State and federal laws; the avoidance and minimization measures to be implemented to reduce take of this species; communication and work stoppage procedures in case a listed species is observed within the project site; and an explanation of the importance of the Environmentally Sensitive Areas (ESAs) and Wildlife Exclusion Fencing (WEF). A fact sheet conveying this information shall be prepared and distributed to all construction personnel. The training shall provide interpretation for non-English speaking workers. The same instruction shall be provided to any new workers before they are authorized to perform project work.					
Prior to the start of each phase of construction, ESAs (defined as areas containing sensitive habitats adjacent to or within construction work areas for which physical disturbance is not allowed) shall be construction activities are ongoing, and shall be regularly inspected and fully maintained at all times.					
A qualified Biologist shall be on-site during all activities that may result in take of the California red-legged frog. The qualifications of the Biologist(s) shall be submitted to the USFWS for review and approval at least 30 calendar days prior to the date earthmoving is initiated at the project site.					
Prior to the start of each phase of construction, WEF shall be installed at the edge of the project footprint in all areas where sensitive species could enter the construction area. The location of the fencing shall be determined by the contractor and the qualified Biologist prior to the start of staging or ground disturbing activities. The WEF shall remain in place throughout the duration of the project and shall be					

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regularly inspected and fully maintained. Repairs to the WEF shall be made within 24 hours of discovery. Upon project completion, the WEF shall be completely removed and the area cleaned of debris and trash and returned to natural conditions. An exception to the foregoing fencing measures is that for work sites where the duration of work activities is very short (e.g., 3 days or less) and that occur during the dry season, and the installation of exclusion fencing will result in more ground disturbance than from project activities. In this case, the boundaries and access areas and sensitive habitats may be staked and flagged (as opposed to fenced) by the qualified Biologist prior to disturbance and species monitoring would occur during all project activities at that site.					
No more than 24 hours prior to the date of initial ground disturbance, a preconstruction survey for the California red-legged frog shall be conducted by the qualified Biologist at the project site. The results shall be provided to the City of Antioch Planning Division. The survey shall consist of walking the project limits and within the project site to ascertain the possible presence of the species. The Biologist shall investigate all potential areas that could be used by the California red-legged frog for feeding, breeding, sheltering, movement, and other essential behaviors. This includes an adequate examination of mammal burrows, such as California ground squirrels or gophers. If any adults, subadults, juveniles, tadpoles, or eggs are found, the Biologist shall contact the USFWS to determine if moving any of the individuals is appropriate. In making this determination, the USFWS shall consider if an appropriate relocation site exists. Only USFWS-					

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	Method of Verification Ti		Pre-construction survey by a qualified Biologist. Relocation of species. Compliance with a habitat conservation plan and/or natural community conservation plan.
	Mitigation Measures	California red-legged frog. To the extent practicable, initial ground-disturbing activities shall be avoided between November 1 and March 31 because that is the time period when the California red-legged frog are most likely to be moving through upland areas. When ground-disturbing activities must take place between November 1 and March 31, the project Applicant shall ensure that daily monitoring by the USFWS-approved Biologist is completed. <b>Option 2.</b> The project Applicant shall comply with a habitat conservation plan and/or natural community conservation plan if developed and adopted by the City, to the extent that all project impacts to the California red-legged frog would be fully mitigated, including payment of applicable fees, provided that CDFW and USFWS have approved the conservation plan.	<b>MM BIO-1g:</b> Prior to initiation of construction activity, the project Applicant shall implement one of the following options: options: <b>Option 1.</b> The project Applicant shall retain a qualified Biologist to survey all suitable aquatic habitat within the project site (including features proposed for avoidance) by sampling the features thoroughly with dipnets during March or early April, when spadefoot tadpoles would be present. In addition, one nocturnal acoustic survey of all areas within 300 feet of suitable aquatic habitat shall be conducted.

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Mitigation Measures	Method of Verification	Timing of Verification	Verification	Date	Initial
Division. Timing and methodology for the aquatic and acoustic surveys shall be based on those described in Distribution of the western spadefoot in the Northern Sacramento Valley of California, with Comments on Status and Survey Methodology. If both the aquatic survey and the nocturnal acoustic survey are negative, further mitigation is not necessary.					
If western spadefoot are observed within aquatic habitat proposed for impact, the tadpoles shall be captured by a qualified Biologist and relocated either to aquatic habitat to be avoided on-site (and implement the fencing requirement outlined below), or to an off-site open space preserve with suitable habitat in the vicinity of the project site. If western spadefoot are observed within aquatic habitats proposed for avoidance, then the project Applicant shall install a keyed in silt fence along the edge of the proposed impact area within 300 feet of the occupied aquatic habitat to prevent metamorphose individuals from dispersing into the construction area.					
<b>Option 2.</b> The project Applicant shall comply with a habitat conservation plan and/or natural community conservation plan if developed and adopted by the City, to the extent that all project impacts to the western spadefoot would be fully mitigated, including payment of applicable fees, provided that the California Department of Fish and Wildlife (CDFW) and the United States Fish and Wildlife Service (USFWS) have approved the conservation plan.					
<b>MM BIO-1h</b> : Prior to construction activities, the project Applicant shall implement one of the following options: <b>Option 1.</b> Within 14 days prior to the initiation of any	Preconstruction survey by a qualified Biologist; relocation of species.	Prior to construction activities; within 14	City of Antioch, Planning Division; U.S. Department of		

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Mitigation Measures	Method of Verification	Timing of Verification	Kesponsible for Verification	Date	Initial
construction activities for each phase, a qualified Biologist shall conduct preconstruction surveys for northwestern pond turtles. The results shall be provided to the City of Antioch Planning Division. If northwestern pond turtles are found prior to the initiation of, and/or during, construction activities, a qualified Biologist shall relocate them outside of the project site, subject to review and approval by the appropriate resource agencies (i.e., California Department of Fish and Wildlife [CDFW]).	Compliance with a habitat conservation plan and/or natural community conservation plan.	days of construction.	Fish and Wildlife and California Department of Fish and Wildlife (as appropriate).		
<b>Option 2.</b> The project Applicant shall comply with a habitat conservation plan and/or natural community conservation plan if developed and adopted by the City, to the extent that all project impacts to the western pond turtle would be fully mitigated, including payment of applicable fees, provided that the CDFW and the United States Fish and Wildlife Service (USFWS) have approved the conservation plan.					
<b>MM BIO-11:</b> Prior to construction, the project Applicant shall implement one of the following options:	Preconstruction survey by a qualified Biologist.	Prior to construction; within	City of Antioch, Planning Division;		
<b>Option 1.</b> Within 14 days prior to the initiation of any construction activities for each phase of the project, a qualified Biologist shall conduct preconstruction surveys for northern California legless lizard, Alameda whipsnake, and coast horned lizard. The results shall be provided to the City of Antioch Planning Division. If Alameda whipsnake is identified during the survey, it will be allowed to leave the work area on its own, subject to confirmation by a qualified Biologist. If Northern California legless lizard or coast horned lizard are found during the survey, a qualified Biologist shall relocate them to suitable habitat outside of the project site, subject to review and approval by the appropriate resource	Compliance with a habitat conservation plan and/or natural community conservation plan.	14 days prior to construction.	U.S. Department of Fish and Wildlife and California Department of Fish and Wildlife (as appropriate).		

City of Antioch The Ranch Project
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Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Date	f Completion Initial
Department of Fish and Wildlife d States Fish and Wildlife Service Antioch Planning Division). plicant shall comply with a habitat r natural community conservation opted by the City, to the extent that opted by the City, to the extent that ilizards and whipsnake would be payment of applicable fees, and the USFWS have approved the					
There construction activities will occur ding season (typically February 15 he project Applicant shall conduct a k nest survey throughout all 0.25 mile of the proposed construction ys prior to construction activities. The to the City of Antioch Planning on's hawk nests are found within 0.25 ea, construction shall cease within cil a qualified Biologist determines that or it is determined that the nesting project Applicant desires to work test, the project Applicant shall consult rtment of Fish and Wildlife (CDFW) to ffer can be reduced. The project and the CDFW shall collectively dance buffer and what (if any) nest if an active Swainson's hawk nest is site prior to construction and is in a removal, then the project Applicant and mitigation recommended by a	fargeted pre- construction survey by a qualified Biologist. Compliance with a nabitat conservation olan and/or natural community conservation olan.	14 days prior to construction.	City of Antioch, Planning Division; U.S. Department of Fish and Wildlife and California Department of Fish and Wildlife (as appropriate).		

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Mitigation Measures	Method of Verification	Timing of Verification	Verification	Date	Initial
qualified Biologist based on CDFW Guidelines and obtain any required permits from the CDFW.					
Prior to project construction, a qualified Biologist shall conduct a review of Swainson's hawk nest data available in the California Natural Diversity Database (CNDDB) and contact the CDFW to determine if they have any additional nest data. A Biologist shall conduct a survey of these nests to determine if they are still present and provide the City with a summary of the findings. If it is determined that the project site is within 10 miles of an active Swainson's hawk nest (an active nest is defined as a nest with documented Swainson's hawk use					
within the past 5 years), the project Applicant shall mitigate for the loss of suitable Swainson's hawk foraging habitat by implementing one of the below measures:					
Active nest identified within 1 mile of the project site: 1 acre of suitable foraging habitat shall be protected for each acre of suitable foraging habitat developed. Protection shall be via purchase of mitigation bank credits or other land protection mechanism acceptable to the City.					
Active nest identified within 5 miles (but greater than 1 mile) of the project site: 0.75 acre of suitable foraging habitat shall be protected for each acre of suitable foraging habitat developed. Protection shall be via purchase of mitigation bank credits or other land protection mechanism acceptable to the City.					
Active nest identified within 10 miles (but greater than 5 miles) of the project site: 0.5 acre of suitable foraging habitat shall be protected for each acre of suitable foraging habitat developed. Protection shall be via purchase of mitigation bank credits or					

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Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Date	Initial
other land protection mechanism acceptable to the City. <b>Option 2.</b> The project Applicant shall comply with a habitat conservation plan and/or natural community conservation plan if developed and adopted by the City, to the extent that all project impacts to the Swainson's hawk would be fully mitigated, including payment of applicable fees, provided that the CDFW and the United States Fish and Wildlife Service (USFWS) have approved the conservation plan.					
<b>WM BIO-1K: Option 1.</b> A targeted take avoidance burrowing owl nest survey shall be conducted of all accessible areas within 500 feet of the proposed construction area within 14 days prior to construction activities utilizing 60 foot transects as outlined in the Staff Report on Burrowing Owl Mitigation. The results shall be provided to the City of Antioch Planning Division. If an active burrowing owl nest burrow (i.e., occupied by more than one adult owl, and/or juvenile owls are observed) is found within 250 feet of a construction area either before or during construction, no construction shall occur within 250 feet of the nest burrow until a qualified Biologist determines that the young have fledged or it is determined that the nesting attempt has failed. If the project Applicant desires to work within 250 feet of the nest burrow, the project Applicant shall consult with the California Department of Fish and Wildlife (CDFW) to determine if the nest buffer can be reduced. During the non-breeding season (late September through the end of January), the project Applicant may choose to conduct a survey for burrows or debris that represent suitable nesting habitat for burrowing owls within areas of proposed ground disturbance, exclude any	Conduct a targeted take avoidance. Compliance with a habitat conservation plan and/or natural community conservation plan.	Within 14 days prior to construction.	City of Antioch, Planning Division; U.S. Department of Fish and Wildlife and California Department of Fish and Wildlife (as appropriate).		

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Mitigation Measures	Method of Verification	Timing of Verification	Verification	Date	Initial
burrowing owls observed, and collapse any burrows or remove the debris in accordance with the methodology outlined by the CDFW.					
If any nesting burrowing owl are found during the pre- construction survey, mitigation for the permanent loss of burrowing owl foraging habitat (defined as all areas of suitable habitat within 250 feet of the active burrow) shall be accomplished at a 1:1 ratio. The mitigation provided shall be consistent with recommendations in the 2012 CDFW Staff Report and may be accomplished within the Swainson's hawk foraging habitat mitigation area if burrowing owls have been documented utilizing that area, or if the Biologist, the City, and the CDFW collectively determine that the area is suitable.					
<b>Option 2.</b> The project Applicant shall comply with a habitat conservation plan and/or natural community conservation plan if developed and adopted by the City, to the extent that all project impacts to the burrowing owl would be fully mitigated, including payment of applicable fees, provided that the CDFW and the United States Fish and Wildlife Service (USFWS) have approved the conservation plan.					
MM BIO-11: Prior to construction activities, the project Applicant shall implement one of the following options to reduce impacts to Swainson's hawk and Burrowing owl: Survey Report Option 1. For any nesting raptor or songbird pre-construction survey conducted pursuant to Mitigation Measure (MM) BIO- 21 through MM BIO-2k, a report summarizing the survey(s), including those for Swainson's hawk and burrowing owl, shall	Preconstruction survey by a qualified Biologist. Compliance with a habitat conservation plan and/or natural community conservation plan.	Prior to construction.	City of Antioch, Planning Division; U.S. Department of Fish and Wildlife and California Department of Fish and Wildlife (as appropriate).		


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	Mitigation Measures	<b>MM BIO-1m: Option 1.</b> A pre-construction nesting bird survey hall be conducted by a qualified Biologist on the project site nd within a 500-foot radius of proposed construction areas, here access is available, no more than 3 days prior to the ititation of construction. The results shall be provided to the ity of Antioch Planning Division. If there is a break in onstruction activity of more than 2 weeks, subsequent urveys shall be conducted.	<sup>c</sup> active raptor nests are found, no construction activities shall ake place within 500 feet of the nest until the young have edged. If active songbird nests are found, a 100-foot no isturbance buffer shall be established. These no-disturbance uffers may be reduced if a smaller buffer is proposed by the iologist and approved by the City (and California Department f Fish and Wildlife (CDFW) if it is a tricolored blackbird nesting olony) after taking into consideration the natural history of he species of bird nesting, the proposed activity level adjacent o the nest, habituation to existing or ongoing activity, and nest oncealment (are there visual or acoustic barriers between the roposed activity and the nest). A qualified Biologist shall visit he nest as needed to determine when the young have fledged he nest are independent of the site or the nest can be left ndisturbed until the end of the nesting season. <b>Dption 2.</b> The project Applicant shall comply with a habitat onservation plan and/or natural community conservation lan if developed and adopted by the City, to the extent that ill project impacts to raptors and songbirds would be are fully initigated, including payment of applicable fees, provided that he CDFW and the United States Fish and Wildlife Service

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<b>WM BIO-1n</b> : Prior to construction activities, the project Applicant shall implement one of the following options: <b>Option 1.</b> A qualified Biologist shall conduct a bat habitat assessment of all potential roosting habitat features, including trees within the proposed development footprint. This habitat assessment shall identify all potentially suitable roosting habitat, and may be conducted up to 1 year prior to the start of construction. The results shall be provided to the City of Antioch Planning Division. If potential roosting habitat is identified (cavities in trees) within the areas proposed for development, the Biologist shall survey the potential roosting habitat during the active season (generally April through October or from January through March on days with temperatures in excess of 50°F (degrees Fahrenheit) to determine presence of roosting bats. These surveys are recommended to be conducted utilizing methods that are considered acceptable to the California Department of Fish and Wildlife (CDFW) and bat experts, including but not limited to evening emergence surveys, acoustic surveys, inspecting potential roosting habitat with fiber optic cameras or a combination thereof. If roosting bats are identified within any of the trees planned for removal, or if presence is assumed, the trees planned for removal outside of pup season only on days when temperatures are in excess of 50°F. Pup season is generally during the months of May through August. Two-step tree removed and then the next day cutting down the remaining planches of the tree that do not provide roosting habitat on the first day, and then the next day cutting down the remaining	Bat habitat assessment by a qualified Biologist. Compliance with a habitat conservation plan and/or natural community conservation plan.	Up to 1 year prior to construction.	City of Antioch, Planning Division; U.S. Department of Fish and Wildlife and Wildlife (as appropriate).		

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the tree.					
ally, all other tree removal shall be conducted from through March on days with temperatures in excess of void potential impacts to foliage-roosting bat species.					
2. The project Applicant shall comply with a habitat ation plan and/or natural community conservation eveloped and adopted by the City, including payment cable fees, to the extent that all project impacts to it bats would be fully mitigated, provided that the nd United States Fish and Wildlife Service (USFWS) proved the conservation plan.					
<ul> <li><b>D-10: Option 1.</b> Within 48 hours prior to the initiation pronstruction activities for any project phase, a qualified by t shall conduct a preconstruction-level American den survey within the project site. The results shall be d to the City of Antioch Planning Division. If American had to the City of Antioch Planning Division. If American had be the utrows with American badger sign are found within plates to burrows with American badger sign are found within plates truction surveys, consultation with the California neut of Fish and Wildlife (CDFW) shall occur prior to ation of any construction activities to determine an iate burrow excavation and/or relocation method. If in badger burrows are not found, further measures are essary. All survey results shall be submitted to the City of Planning Division prior to the initiation of any critices or where construction has been halted ays or more.</li> <li>2. The project Applicant shall comply with a habitat ation plan and/or natural community conservation activity, including payment</li> </ul>	econstruction surveys a qualified Biologist. mpliance with a bitat conservation mmunity conservation in.	48 hours prior to construction activities.	City of Antioch, Planning Division; U.S. Department of Fish and Wildlife and California Department of Fish and Wildlife (as appropriate).		

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Recnoncible for	Verification		City of Antioch, Planning Division; U.S. Department of Fish and Wildlife and California Department of Fish and Wildlife (as appropriate).
	Timing of Verification		Prior to ground- disturbing or vegetation-removal activities.
	Method of Verification		WEAT training conducted by a qualified Biologist. The biologist shall provide email confirming the date and time of the training provided. Compliance with a habitat conservation plan and/or natural community conservation plan.
	Mitigation Measures	of applicable fees, to the extent that all project impacts to the American badger would be fully mitigated, provided that the CDFW and United States Fish and Wildlife Service (USFWS) have approved the conservation plan.	<b>MM BIO-1p</b> : Prior to any ground-disturbing or vegetation- removal activities, the project Applicant shall implement one of the following options: <b>Option 1.</b> The project Applicant shall hire a qualified Biologist to conduct a Worker Environmental Awareness Training (WEAT) with the construction crews. The WEAT shall include the following information: discussion of the California Endangered Species Act (CESA) and Federal Endangered Species Act (FESA), the Clean Water Act, the project permits and California Environmental Quality Act (CEQA) documentation, and associated mitigation measures; consequences and penalties for violation or noncompliance with these laws and regulations; identification of special- status wildlife, location of any avoided waters of the United States; hazardous substance spill prevention and containment measures; and the contact person in the event of the discovery of a special-status wildlife species. The WEAT shall also discuss the different habitats used by the species' different life stages and the annual timing of these life stages. A handout summarizing the WEAT training, workers shall sign a form stating that they attended the training, understand the information of the WEAT training, workers shall sign a form stating that they attended the training, understand the information presented and will comply with the regulations discussed. Workers shall be shown

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		Method of Verification		Obtain a Section 404 permit from USACE. Application for a Section 401 water quality certification from the RWQCB. Obtain a Section 1602 Streambed Alteration agreement from CDFW.
		Mittigation Measures	worker access shall be restricted to outside of those areas to minimize the potential for inadvertent environmental impacts. <b>Option 2.</b> The project Applicant shall comply with a habitat conservation plan and/or natural community conservation plan if developed and adopted by the City, including payment of applicable fees, to the extent that all project impacts to special-status wildlife species would be fully mitigated, provided that the California Department of Fish and Wildlife (CDFW) and United States Fish and Wildlife Service (USFWS) have annoved the conservation plan.	<b>MM BIO-3:</b> Prior to the issuance of a grading permit for the project, the project Applicant shall obtain all required resource agency approvals for the project, including as follows: The project Applicant shall obtain for a Section 404 permit from the United States Army Corps of Engineers (USACE). USACE-jurisdictional waters that will be impacted shall be replaced or rehabilitated on a "no-net-loss" basis and at ratios set by the USACE (but no less than 1:1). Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods acceptable to the USACE (i.e., at a mitigation bank, or otherwise protected by one or more conservation easement(s) and/or deed restriction(s) in perpetuity). The project Applicant shall apply for and obtain a Section 401 water quality certification from the Regional Water Quality

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The F 1602 1602 Depa assoc assoc biolo each with- more assoc impa approje enhai approje accep accep	project Applicant shall apply for and obtain a Section 2 Streambed Alteration Agreement from the California artment of Fish and Wildlife (CDFW). The information ided will include a description of all of the activities ciated with the proposed project, not just those closely ciated with the drainages and/or riparian vegetation. acts will be outlined in the application and are expected a in substantial conformance with the impacts to ogical resources outlined in this document. Impacts for a activity will be identified as temporary or permanent a description of the proposed mitigation for the ciated biological resource impacts. Information regarding ect-specific drainage and hydrology changes resulting n project implementation will be provided as well as ription of stormwater treatment methods. Where acts will occur, mitigation shall include restoration or ancement of resources on- or off-site, purchase of habitat gation/conservation bank, purchase of off-site land oved by resource agencies for mitigation, working with a lland trust to preserve land, or any other method ptable to the CDFW.					
processes shall from biolog biolog Depa	l install orange exclusionary fencing around the areas to voided or preserved to prevent construction impacts i construction vehicles, equipment, and workers. The ing shall be placed with a buffer area of 250 feet (or er distance if deemed sufficiently protective by a qualified ogist with approval from the USACE/California artment of Fish and Wildlife (CDFW). A qualified Biologist					

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shall inspect the fencing throughout construction to ensure it is in good functional condition. The fencing shall remain in place until all construction activities in the immediate area are completed . No activity shall be permitted within the protected fenced areas except for those expressly permitted by the USACE or CDFW.					
A construction buffer shall be provided along all avoided wetlands in accordance with the 404 and 401 permits. Only those uses permitted under the 404 and 401 permits and/or Streambed Alternation Agreement shall be permitted in the wetlands preserve and its buffer. Water quality in the avoided wetlands shall be protected during construction in the watershed by using erosion control techniques, including (as appropriate), but not limited to, preservation of existing vegetation, mulches (e.g., hydraulic, straw, wood), and geotextiles and mats. Urban runoff shall be managed to protect water quality in the preserve areas using techniques such as velocity dissipation devices, as required by any regulatory permits.					
Prior to ground disturbance, all on-site construction personnel shall receive instruction regarding the presence of listed plants and species and the importance of avoiding impacts to these species and their habitat.					
MM BIO-4: No permanent or temporary fencing shall be erected that will hinder migratory wildlife from utilizing the Sand Creek corridor. Utility and bridge crossings of Sand Creek shall be designed to be free spanning of the creek.	Inclusion in the construction plans.	During construction.	City of Antioch Planning Division		

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<b>MM BIO-5:</b> The project Applicant shall preserve and incorporate existing trees into the project design to the extent feasible. If any Protected Trees (i.e., indigenous trees, street trees, mature trees, and/or landmark trees) are required to be removed due to project-related activities, the removal shall be mitigated in accordance with the City of Antioch Code of Ordinances Title 9, Chapter 5, Article 12 Section 9-5.1205: Tree Preservation and Regulation by either paying the requisite fee as outlined in the City's ordinance, or through conducting on- site plantings at the ratios required by the City's Tree Ordinance. Efforts shall be made to save trees where feasible. This shall include the use of retaining walls, planter islands, pavers, or other techniques commonly associated with tree preservation. The Improvement Plans shall include a note and show placement of temporary construction fencing around trees to be saved: The project Applicant shall install a 4-foot tall, brightly colored (typically orange), synthetic mesh material fence (or an equivalent) approved by the City at the following locations prior to any construction equipment being moved on-site or any construction activities taking place: at the limits of construction; outside the Protected Zone of all native oaks, california buckeye, or landmark trees, within 50 feet of any grading, road improvements, underground utilities, or other development activity; or as otherwise shown on the tentative subdivision map. Any encroachment within these areas, including Protected Zones of trees to be saved, shall first be approved by the City of Antioch Community Development birector. Grade cuts and fills, hardscapes, structures, and utility lines shall be located outside of the drip line of any trees being preserved. All required protective fencing shall be installed preserved. All required protective fencing shall be installed preserved. All required protective fencing shall be installed	Preservation of on-site trees.	During project construction.	City of Antioch Community Department Department		

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prior to the commencement of grading any particular phase.					
3.5 Cultural and Tribal Cultural Resources					
MM CUL-1: Treatment Plan and Avoidance d and Preservation in Place of Existing Cultural Resources Historic Resources P-07-00008 and Locus 1 of site P-07- 000010 are eligible historic resources that shall be avoided during project construction and preserved in-place.	Preparation of a Cultural Resources Management Plan prepared by the project Applicant and Archaeologist.	Prior to the issuance of grading permits.	City of Antioch Planning Division, SHPO Wilton Rancheria		
The project Applicant shall prepare a Cultural Resources Management Plan that will detail how all cultural resources within the project disturbance area will be avoided or treated. The plan shall be submitted to the City of Antioch Planning Division for review and approval prior to tentative	Preparation of a monitoring plan and implementation of construction monitoring.				
map approval and the issue of grading permits, as well as the State Historic Preservation Office (SHPO), if required. The Cultural Resources Management Plan shall be prepared by an archaeologist who meets the Secretary of Interior's qualification standards for archaeology, and shall include the following:					
<ul> <li>A detailed summary, avoidance, and protection plan for nearby resources that are eligible or potentially eligible for the California Register of Historical Resources. The plan shall include a provision stating that prior to grading.</li> </ul>					
the project archaeologist shall determine the existing boundaries of each historic site and mark the boundaries of each site with protective Environmentally Sensitive					
disturbance occurring within 50 feet of the established boundary of either site shall be monitored full time by the					
<ul> <li>project archaeologist.</li> <li>A monitoring plan developed in coordination with Wilton</li> </ul>					

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locally darkened soil ("midden"), that could conceal cultural deposits, animal bone, obsidian and/or mortars are discovered during earth-moving activities, all work within 100 feet of the resource shall be halted until the project archeologist can stabilize and evaluate the find. If the resource is determined significant under CEQA, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan that will capture those categories of data for which the site is significant in accordance with Section 15064.5 of the CEQA Guidelines. If a Native American site is discovered, the evaluation process shall include consultation with the appropriate Native American representatives.					
The archaeologist shall also perform appropriate technical analyses, prepare a comprehensive report complete with methods, results, and recommendations, and provide for the permanent curation of the recovered resources. The report shall be submitted to the City of Antioch, the Northwest Information Center, and the California Office of Historic Preservation.					
MM CUL-3: Stop Construction Upon Encountering Human Remains If during the course of construction activities there is accidental discovery or recognition of any human remains, the following steps shall be taken:	Review of Native American Heritage Commission correspondence; on-site inspection and	During construction	City of Antioch, Planning Division; Native American Heritage Commission;		
1. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner	monitoring; submittal of findings and documentation.		Contra Costa County Coroner		

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<ul> <li>shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the most likely descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.</li> <li>2. Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:</li> <li>The NAHC is unable to identify a most likely descendent or the most likely descendent or make a recommendation.</li> <li>The descendant identified fails to make a recommendation.</li> <li>The descendant identified fails to make a recommendation.</li> <li>The landowner or his or her authorized representative rejects the recommendation.</li> <li>The landowner or his or her authorized representative rejects the recommendation.</li> </ul>					
3.6 Geology and Soils					
MM GEO-1a: Implement Project-specific Geotechnical Report Recommendations Prior to issuance of any grading permits, all recommendations and specifications set forth in the project-	Approval of final grading and foundation plans by City of Antioch Engineer.	Prior to the issuance of grading permits.	City of Antioch Community Development and Public Works		

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		Timing of Verification		Prior to the issuance of grading permits.	Prior to the issuance of grading permits.
		Method of Verification		Review of grading and foundation plans; construction monitoring by a California Registered Geologist and/or Engineer.	Submission to and approval by the City of Antioch Public Works Department and Central Valley RWQCB.
		Mitigation Measures	specific Geotechnical Exploration Report prepared for the proposed project shall be reflected on the project grading and foundation plans (inclusive of seismic design parameters), subject to review and approval by the City of Antioch Engineer.	MM GEO-1b: Grading and Foundation Plan Review and Construction Monitoring Prior to issuance of any grading permits, the project Applicant shall retain the design geotechnical engineering firm to review the final grading and foundation plans and specifications to evaluate whether recommendations have been implemented from the project-specific Geotechnical Exploration Report, and to provide additional or modified recommendations, as needed. Construction monitoring shall be performed by a California Registered Geologist and/or Engineer to check the validity of the assumptions made in the geotechnical investigation. Earthwork operations shall be performed under the observation of a California Registered Geologist and/or Engineer to check that the site is properly prepared, the selected fill materials are satisfactory, and that placement and compaction of the fills has been performed in accordance with recommendations and the project specifications.	MM GEO-2: Development of a Storm Water Pollution Prevention Plan Prior to the issuance of grading permits, the project Applicant shall prepare and submit to the City Public Works Department and Central Valley Regional Water Quality Control Board (RWQCB), a Storm Water Pollution Prevention

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Plan (SWPPP) detailing measures to control soil erosion and waste discharges during construction. The SWPPP shall include an erosion control plan, a water quality monitoring plan, a hazardous materials management plan, and post- construction Best Management Practices (BMPs).					
MM GEO-3: Preconstruction Paleontological Survey Prior to any grading or excavation activities, a professional Paleontologist shall conduct a worker awareness training to inform construction personnel of the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction activities, and the property notification procedures to follow should fossils be encountered.	Preconstruction paleontological worker awareness training, on- site evaluation and preparation of a mitigation plan. The paleontologist shall	Prior to grading or excavation. During construction.	City of Antioch; Professional Paleontologist		
If paleontological resources are discovered during earth-moving activities, the construction crew shall immediately stop work within 100 feet of the discovery and notify the Planning Department. A qualified Paleontologist shall be retained to evaluate the resource and prepare and implement a proposed mitigation plan, including curation, in accordance with the Society of Vertebrate Paleontology Guidelines.	provide entail confirmation to the City confirming the date and time of the training provided.				
3.7 Greenhouse Gas Emissions and Energy					
<b>MM GHG-1</b> : Prior to the issuance of the last certificate of occupancy, the project Applicant shall provide documentation to the City of Antioch that the proposed project has employed one or more of the following measures to reduce greenhouse gas (GHG) emissions (i.e., 1,191 metric tons of carbon dioxide equivalent per year (MT CO <sub>2</sub> e/year) to at or below 2.6 MT CO <sub>2</sub> e/year/service population by 2030: • Purchased electricity from a utility offering 100 percent renewable power for some or all of the proposed project's power needs.	Record in contract specifications, project plan review.	Prior to the issuance of the last certificate of occupancy.	City of Antioch Planning Division		

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Documentible for	Verification			City of Antioch Building Inspection Services Division
	Timing of Verification			Prior to the issuance of a demolition permit.
	Method of Verification			Conduct preconstruction asbestos surveys.
	Mitigation Measures	<ul> <li>Constructed homes and buildings to be all-electric (thereby minimizing the project's natural gas consumption during operations).</li> <li>Installed all-electric appliances during construction to minimize the use of natural gas consumption during project operations.</li> <li>Provided outlets on the outside of buildings or in other accessible areas to facilitate the use of electrically powered landscape equipment.</li> <li>Installed on-site solar panels to generate electricity for a portion or all of project electricity consumption.</li> <li>Installed on-site charging units for electric vehicles consistent with parking requirements in California Green Building Standards Code (CALGreen) Section 5.106.5.2.</li> <li>Implemented a ride sharing program for employees starting no later than 60 days after commercial operations begin.</li> <li>Purchased voluntary carbon credits from a verified GHG emissions credit broker in an amount sufficient to offset operational GHG emissions of approximately 34,531 MT CO<sub>2</sub>e over the lifetime of the proposed project (or a reduced amount estimated based on implementation of other measures listed above). Copies of the contract(s) shall be provided to the City Planning Department.</li> </ul>	3.8 Hazards, Hazardous Materials, and Wildfire	MM HAZ-2a: Performance of Pre-Construction Hazardous Materials Surveys Prior to the issuance of a demolition permit for each of the structures on-site, the Applicant shall hire a California Registered Asbestos Abatement Contractor to inspect, and if necessary, remove all asbestos containing materials, and conduct final clearance inspections (visual) to document the

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Mitigation Measures	Method of Verification	Timing of Verification	Verification	Date	Initial
Geothermal Resources (DOGGR) regulations to address past oil and gas exploration and production activities.			Public Works Departments		
Prior to final map approval, the Applicant shall submit to the City of Antioch Engineering Department, for review and approval, plans which show that future inhabited structures will not be located over the two abandoned oil/gas wells. The plans shall be completed in compliance with the DOGGR Construction Site Review Program, which includes guidelines and recommendations for setbacks and mitigation measures for venting systems.					
If grading is proposed proximate to the two abandoned well locations, DOGGR shall be consulted to determine if the wells will require modification in casing height. A Soil Management Plan (SMP) shall be prepared to address potential impacted soil that may be encountered during grading activities within the area of the two abandoned wells.					
MM HAZ-2e: Removal of Hazardous Material Containers Prior to site grading, the Applicant shall cause all noted potentially hazardous material containers and tanks to be removed from the parcel.	Record in contract specifications.	Prior to grading	City of Antioch Building Inspection Services Division		
MM HAZ-2f: Conduct a Phase II Environmental Site Assessment Prior to issuance of a grading permit, the Applicant shall hire a certified Soils Engineer to prepare a Phase II Environmental Site Assessment (Phase II ESA) to address all concerns identified in the Phase I ESAs. The Applicant shall comply with all Phase II recommendations	Record in contract specifications.	Prior to the issuance of a grading permit.	City of Antioch Building Inspection Services Division		
MM HAZ-2g: Petroleum Pipeline Abandonment/Removal Prior to commencement of residential construction, the	Record in contract specifications.	Prior to commencement of	City of Antioch Community		

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Mitigation Measures	Method of Verification	Timing of Verification	Verification	Date	Initial
t shall ensure that all petroleum pipelines within the the project site planned for development shall be eed and/or removed in accordance with applicable state, and/or local standards to the satisfaction of the osta Environmental Health Department and the City . If any indicators of apparent soil contamination (soil odors, debris fill material, etc.) are found at the ite associated with the petroleum pipelines, the d area shall be isolated from surrounding, non- d areas. The project environmental professional shall amples of the potentially impacted soil for analysis of aminants of concern and comparison with applicable ry residential screening levels (i.e., Environmental g Levels, etc.). Where the soil contaminant ations exceed the applicable regulatory residential g levels, the impacted soil shall be excavated and l of off-site at a licensed landfill facility to the on of the Contra Costa Environmental Health ent. If soil contaminants do not exceed the applicable ry residential screening levels, further action is not residential screening levels, further action is not		construction.	Development and Public Works Departments; Contra Costa Environmental Health Department		
<b>Z-2h: Preparation of Safety Guidelines</b> <i>(ent the pipelines are abandoned and not removed, commencement of grading, the construction or, the pipeline operator, and a representative from 's Engineering Department shall meet on the project prepare site-specific safety guidelines for the field to the satisfaction of the City fines shall be noted on the improvement plans and</i>	Record in contract specifications.	Prior to grading.	City of Antioch Community Development and Public Works Departments; City of Antioch Engineer		

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Mitigation Measures	Method of Verification	Timing of Verification	Verification	Date	Initial	
be included in all construction contracts involving the project site.						
3.11 Noise						
MM NOI-1a: Construction Noise Reduction Measure To reduce potential construction noise impacts, the City shall ensure that the following multi-part mitigation measure is implemented at the project site:	Record in contract specifications; periodic on-site inspection.	Prior to construction.	City of Antioch Building Inspection Services Division			
<ul> <li>The construction contractor shall ensure that all equipment driven by internal combustion engines shall be equipped with mufflers, which are in good condition and</li> </ul>						
<ul> <li>The construction contractor shall ensure that unnecessary idling of internal combustion engines (i.e., idling in excess</li> </ul>						
<ul> <li>of 5 minutes) is prohibited.</li> <li>The construction contractor shall utilize "quiet" models of air compresents and other stationany noise contract where</li> </ul>						
<ul> <li>At all times during project grading and construction, the</li> </ul>						
construction contractor shall ensure that stationary noise- generating equipment shall be located as far as practicable from sensitive recentors and placed so that emitted noise is						
directed away from adjacent residences.						
<ul> <li>The construction contractor shall ensure that the construction staging areas shall be located to create the</li> </ul>						
greatest feasible distance between the staging area and noise-sensitive receptors nearest the project site.						
<ul> <li>The construction contractor shall designate a "noise</li> </ul>						
disturbance coordinator" who would be responsible for						
responding to any local complaints about construction noise. The disturbance coordinator would determine the						
cause of the noise complaint (e.g. starting too early, bad						

City of Antioch	The Ranch Project
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Mitigation Measures	Method of Verification	Timing of Verification	Verification	Date	Initial
<ul> <li>muffler, etc.) and institute reasonable measures warranted to correct the problem. The construction contractor shall conspicuously post a telephone number for the disturbance coordinator at entrances to the construction site.</li> <li>The construction contractor shall comply with the City's permissible hours for construction (7:00 a.m. to 6:00 p.m., or 8:00 a.m. to 5:00 p.m. on weekends and holidays).</li> </ul>					
<b>MM NOI-1b: Traffic Noise Reduction Measure</b> The proposed project shall construct a sound wall along rear yards of residential lots fronting Deer Valley Road. The sound wall shall be a minimum of 8-foot high, as measured from the finished grade of the proposed residential pads. The sound wall should be located so as to block the line of sight from rear yards for all proposed residences located within 160 feet of the centerline of Deer Valley Road.	Record in contract specifications.	Prior to construction and during operation.	City of Antioch Community Development Department		
MM NOI-1c: Mechanical Equipment Noise Reduction Measure To reduce potential operational stationary noise impacts from mechanical ventilation equipment at the proposed residential homes, mechanical ventilation equipment must be located a minimum of 15 feet from the boundary of the project site, or must be shelded by a noise-reducing barrier. If a noise barrier is required, the barrier shall be a minimum of 5 feet in height, extending 2 feet beyond the sides of the equipment and located between the equipment and the receiving property line.	Record in contract specifications.	Prior to construction and during operation.	City of Antioch Community Development Department		
MM NOI-1d: Commercial Operation Noise Reduction Measure	Record in contract specifications.	Prior to construction and	City of Antioch Community		

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Beenoneihle for	Verification	Department		City of Antioch Engineering and Community Development and Public Works Departments
	Timing of Verification	during operation.		Prior to the issuance of grading permits and during construction.
	Method of Verification			Review and approval of Construction Traffic Management Plan.
	Mitigation Measures	The commercial land uses shall be designed so that on-site mechanical equipment (i.e., HVAC units, compressors, generators) and area-source operations (e.g., parking lots) are located no closer than 100 feet from the nearest residential dwelling unit or provide shielding from nearby noise sensitive land uses to meet the City's normally acceptable threshold of 60 dBA CNEL. Shielding shall have a minimum height sufficient to completely block line-of-sight between the on-site noise source and the nearest residential dwelling to meet the City's noise standards. Based on the size and placement of the HVAC units (i.e., ground level or roof top), barrier heights may range between three to six feet.	3.14 Transportation	<ul> <li>MM TRANS-1a: Prior to issuance of grading permits, the project Applicant shall retain a qualified transportation consultant to prepare and submit a Construction Traffic Management Plan to the City of Antioch for review and approval. The plan shall include:</li> <li>Project staging plan to maximize on-site storage of materials and equipment;</li> <li>A set of comprehensive traffic control measures, including scheduling of major truck trips and deliveries to avoid peak-hours; lane closure proceedings; signs, cones, and other warning devices for drivers; and designation of construction access routes;</li> <li>Permitted construction staging;</li> <li>Location of parking areas for construction employees, site visitors, and inspectors, including on-site locations; and related debris on public streets.</li> </ul>

of Completion	Initial					
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	verification	City of Antioch Engineering and Community Development and Public Works Departments			City of Antioch Engineering and Community Development and Public Works Departments	City of Antioch
	Timing of Verification	Prior to the issuance of the first building permit.			Prior to the issuance of the 431 <sup>st</sup> building permit.	Prior to the
	Method of Verification	Payment of fees and installation of ASCT or other traffic signal interconnect system.			Installation of a traffic signal.	Payment of fees.
	Mitigation Measures	<ul> <li>MM TRANS-1b: Prior to issuance of the first building permit, the project Applicant shall provide fees to the City of Antioch to fund the design and installation of Adaptive Signal Control Technologies (ASCT) or other traffic signal interconnect system approved by the City at the following intersections:</li> <li>Slatten Ranch Road ASUnset Drive at Hillcrest Avenue</li> <li>Hillcrest Avenue at SR-4 Eastbound Ramps</li> <li>East Tregallas Road/Larkspur Drive at Hillcrest Avenue</li> </ul>	In conjunction with the signal timing adjustments, the Applicant shall work with the City and Caltrans to design and install potential restriping options within the Hillcrest Avenue at SR-4 interchange area that improve vehicle and bicycle travel through the interchange area.	The design process for these improvements shall start prior to the issuance of the 10 <sup>th</sup> residential building permit for the proposed project, and installation of the traffic signal interconnect system and restriping shall be completed prior to the issuance of the 422 <sup>nd</sup> building permit unless the City of Antioch Engineer determines that design and installation delays are beyond the control of the project Applicant.	<b>MM TRANS-1c:</b> Prior to issuance of the 431 <sup>st</sup> building permit, the project Applicant shall install a traffic signal at the intersection at Balfour Road/Deer Valley Road in conjunction with other planned improvements, including the construction of a southbound left-turn lane, as well as separate westbound left and right-turn lanes.	MM TRANS-2: Prior to issuance of the first building permit, the

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Docuonciblo for	Verification		City of Antioch Engineering and Community Development and Public Works Departments	City of Antioch Engineering and Community Development and Public Works Departments	City of Antioch Engineering and Community Development and Public Works Departments
	Timing of Verification		Prior to the issuance of the 431 <sup>st</sup> residential building permit.	Prior to the issuance of the first building permit.	Prior to the issuance of the 622 <sup>nd</sup> residential building permit.
	Method of Verification		ldentification on construction plans for review and approval.	Payment of fees.	ldentification on construction plans for review and approval.
	Mitigation Measures	<ul> <li>Hillcrest Avenue/Hillcrest Crossroads</li> <li>The ASCT system at the Deer Valley Road at Hillcrest Avenue/Davison Drive and Hillcrest Avenue at Hillcrest Crossroads shall be coordinated with the ASCT systems identified as part of Mitigation Measure (MM) TRANS-1b.</li> </ul>	<b>MM TRANS-3c:</b> Prior to issuance of the 431 <sup>st</sup> residential building permit, project Applicant shall restripe the westbound approach of Lone Tree Way at SR-4 Westbound Ramps/Jeffery Way to provide a second westbound left-turn lane (requires widening of the south leg of the intersection to provide a second southbound receiving lane, which is currently under construction). This improvement is under construction by others and shall only be required if not already in place by the time the 431 <sup>st</sup> residential building permit is issued.	<b>MM TRANS-3d:</b> Prior to issuance of the first building permit, the project Applicant shall provide the City of Antioch with East Contra Costa Regional Fee and Financing Authority regional transportation impact fees in accordance with the latest adopted fee schedule to support improvements at the Sand Creek Road/SR-4 Westbound Ramps intersection. If the required fees would not support the necessary improvements at the intersection, then no such fees shall be required.	<b>MM TRANS-3e:</b> Prior to the issuance of the 622 <sup>nd</sup> residential building permit, the project Applicant shall have started construction on the Sand Creek Road extension from Deer Valley Road to Dallas Ranch Road as a four-lane roadway.

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Resnonsihle for	Verification	City of Antioch Engineering and Development Services Division	City of Antioch Engineering and Development Services Division	City of Antioch Engineering and Development Services Division; TriDelta Transit	City of Antioch Engineering and Development Services Division
	Timing of Verification	Prior to the issuance of the 421 <sup>st</sup> residential building permit.	Prior to recordation of the final map.	Prior to the issuance of grading permits.	Prior to the issuance of grading permits.
	Method of Verification	ldentification on construction plans for review and approval.	Review and approval of plans by the City and County.	Consultation with TriDelta Transit.	Record in project plans.
	Mitigation Measures	<b>MM TRANS-3f:</b> Prior to the issuance of the 421 <sup>st</sup> residential building permit for the proposed project, the project Applicant shall have started construction on Sand Creek Road from the Kaiser Permanente Antioch Medical Center entrance roadway to the western boundary of the Dozier Libbey High School as a two-lane roadway (one lane in each direction) along the ultimate alignment, connecting to the portion of Sand Creek Road at Dozier Libbey High School to be constructed by others.	<b>MM TRANS-7:</b> Prior to recordation of the final map, the City of Antioch and Contra Costa County Fire Protection District shall review and approve the proposed emergency access points for Villages 9, 10, 11, and 12 to ensure that adequate access is provided for large emergency vehicles in accordance with the California Fire Code.	<b>MM TRANS-Ba</b> : The project Applicant shall consult with TriDelta Transit to determine if additional transit facilities shall be provided throughout the site. If transit stop locations are identified, the project Applicant shall include those locations on the improvement plans for the requisite tentative map being processed by the City. The improvement plans shall include pedestrian passages through cul-de-sacs and other potential barriers to minimize pedestrian walking distances to any transit stops identified.	<b>MM TRANS-8b:</b> The project Applicant shall identify the bicycle circulation facilities on all final improvement plans submitted to the City. Such facilities may include a painted buffer between the bicycle lanes and the vehicular travel way, reducing the travel lane width to 11-feet each to allow for a 7-foot wide

of Completion	Initial		
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Recnoncible for	Verification		City of Antioch Engineering and Development Services Division
	Timing of Verification		Prior to the issuance of grading permits
Method of Verification			Record in project plans
Mitigation Measures		bicycle lane and a 3-foot wide buffer between the bicycle lanes and the vehicular travel-way on the proposed arterial streets. In addition, appropriate bicycle crossing treatments shall be provided at roundabouts to be constructed as part of the proposed project.	<b>MM TRANS-8c:</b> The project Applicant shall identify pedestrian circulation facilities on all final improvement plans submitted to the City. These plans shall show primary pedestrian routes connecting neighborhood destinations and in marked crosswalks at key uncontrolled pedestrian crossing locations. In addition, the plans shall demonstrate that signalized intersections provide crosswalks and pedestrian actuation. At roundabouts to be constructed as part of the project, appropriate pedestrian crossing treatments shall be provided.

ATTACHMENT B DEVELOPMENT AGREEMENT RESOLUTION RESOLUTION NO. 2020-\*\* JULY 1, 2020 Page 1

### PLANNING COMMISSION RESOLUTION NO. 2020-\*\*

### RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH RECOMMENDING APPROVAL OF A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ANTIOCH AND RICHLAND PLANNED COMMUNITIES, INC., FOR THE RANCH PROJECT

WHEREAS, the City of Antioch ("City") received an application from Richland Planned Communities, Inc. ("Applicant") seeking City approval of the following: a General Plan Amendment for purposes of amending the City of Antioch General Plan Land Use Map, General Plan Text, Circulation Element, and Housing Element; a Planned Development Rezone; a Master Development Plan, Design Guidelines, and Resource Management Plan; and a Development Agreement for the development of up to a 1,177 unit planned residential community on approximately 553.5 acres, known as The Ranch Project ("Project") (GP-20-01, MDP-20-01);

WHEREAS, the project site is in the southeastern section of the City of Antioch, on the western side of State Route 4 and is within the Sand Creek Focus Area of the General Plan west of Deer Valley Road along Sand Creek (APNs 057-010-002, 057-010-003, and 057-021-003);

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

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

**WHEREAS,** the City and Richland Planned Communities, Inc. have negotiated the Development Agreement attached as Exhibit A to this resolution;

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

WHEREAS, A Final Environmental Impact Report and Mitigation Monitoring and Reporting Program was prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15162, and considered by the Planning Commission on July 1, 2020;

WHEREAS, the Planning Commission recommended to the City Council certification of the Final Environmental Impact Report, based on findings of fact and

RESOLUTION NO. 2020-\*\* JULY 1, 2020 Page 2

adopting a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program;

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

**WHEREAS,** the Planning Commission, on July 1, 2020 duly held a public hearing, received and considered evidence, both oral and documentary; and

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

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

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

**NOW THEREFORE BE IT FURTHER RESOLVED** that the Planning Commission recommends the City Council approve the Development Agreement between the City of Antioch and Richland Planned Communities, Inc. for The Ranch Project, in the form attached as Exhibit A, subject to such changes as may be approved by the City Council.

\* \* \* \* \* \* \* \*

RESOLUTION NO. 2020-\*\* JULY 1, 2020 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 1<sup>st</sup> day of July, 2020, by the following vote:

AYES: NOES: ABSENT: ABSTAIN:

> FORREST EBBS Secretary to the Planning Commission

### EXHIBIT A

DRAFT DEVELOPMENT AGREEMENT ORDINANCE

### ORDINANCE NO.

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH APPROVING A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ANTIOCH AND RICHLAND PLANNED COMMUNITIES, INC. FOR THE RANCH PROJECT (GP-20-01, MDP-20-01)

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

**Section 1.** To strengthen the public planning process, encourage private participation in comprehensive planning and reduce the economic risk of development, the Legislature of the State of California adopted Section 65864, *et. seq.* of the Government Code, with authorizes the City of Antioch ("City") to enter into an agreement with any person having a legal or equitable interest in real property providing for the development of such property in order to establish certainty in the development process.

**Section 2.** The City of Antioch previously adopted an implementing ordinance (Article 32 of the Zoning Ordinance) authorizing and regulating the use of Development Agreements.

**Section 3.** The Planning Commission conducted a duly notice public hearing on July 1, 2020 at which it recommended to the City Council that the Development Agreement be approved. The City Council held a duly noticed public hearing on ------ at which all interested persons were allowed to address the Council on the Development Agreement.

**Section 4.** The City Council finds that the Development Agreement is consistent with the City's General Plan as well as all provisions of the City's Zoning Ordinance and Municipal Code. The City Council finds that the Development Agreement implements General Plan objectives by providing housing opportunities and needed infrastructure. The Development Agreement will not be detrimental to the health, safety and general welfare and will not adversely affect the orderly development of property or the preservation of property values. The City Council has considered the effect of the Development Agreement on the housing needs of the region in which the City is situated and has balanced these needs against the public service needs of its residents and available fiscal and environmental resources by required an HOA to maintain certain improvements and formation of a revenue generating mechanism to fund police services.

<u>Section 5.</u> An EIR was certified for the The Ranch Project. The City Council has concluded that there have been no substantial changes to the project through the Development Agreement. Therefore, in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15162, a subsequent environmental document is not required.

**Section 6.** The Development Agreement included as Exhibit "A" is hereby approved, subject to minor and clarifying revisions approved by the City Manager and City Attorney, and the City Manager is authorized and directed to sign it on behalf of the City of Antioch.



\* \* \* \* \* \*

I HEREBY CERTIFY that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Antioch, held on the \_\_\_\_ day of \_\_\_\_\_, 2020, and passed and adopted at a regular meeting thereof, held on the \_\_\_\_ day of \_\_\_\_\_, 2020.

AYES: NOES: ABSENT:

### MAYOR OF THE CITY OF ANTIOCH

ATTEST:

CITY CLERK OF THE CITY OF ANTIOCH

### RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

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

(Space Above This Line Reserved For Recorder's Use)

### **DEVELOPMENT AGREEMENT**

### BETWEEN

### THE CITY OF ANTIOCH

### AND

### **RICHLAND PLANNED COMMUNITIES, INC.**

Adopted by the Antioch City Council on \_\_\_\_\_, 2020

### DEVELOPMENT AGREEMENT BETWEEN THE CITY OF ANTIOCH AND RICHLAND PLANNED COMMUNITIES, INC.

THIS DEVELOPMENT AGREEMENT ("Agreement") by and between the City of Antioch, a municipal corporation ("City") and Richland Planned Communities, Inc. a California corporation ("Developer"), EPC Holdings 820, LLC, a Washington limited liability company and American Superior Land, LLC, a Delaware limited liability company ("Owners") (each a "Party" and collectively the "Parties"), pursuant to the authority of Division 1, Chapter 4, Article 2.5, Sections 65864 *et seq.* of the Government Code (the "Statute") is entered into as of , 2020 (the "Effective Date") in the following factual context:

### $\underline{R} \, \underline{E} \, \underline{C} \, \underline{I} \, \underline{T} \, \underline{A} \, \underline{L} \, \underline{S}$

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

B. Developer proposes to develop a master planned residential community commonly known as The Ranch, which would include up to 1,177 new homes, including a mix of low-density, medium-density, estate and age-restricted units, as well as an approximately five (5) acre mixed-use retail village center, parks, trails/trail staging area, open space, and a fire station site on the Property as defined in Recital C, all in accordance with the Project Approvals defined in Recital E of this Agreement (the "**Project**").

C. Owners each own fifty percent of approximately 551.5 acres of certain real property located in the City of Antioch, Contra Costa County more particularly described in <u>Exhibit A</u> (the "**Property**") Owners are passive investors in the Property and enter into this Agreement at Richland's request in connection with Richland's planned development of the Project.

D. In exchange for the covenants contained in this Agreement and the continued commitment of Developer to provide the benefits described in the Project Approvals, when and if the Project proceeds, and in order to encourage the investment by Developer necessary to proceed with the Project, the City is willing to enter into this Agreement to set forth the right of Developer to complete the Project as provided in this Agreement.

E. The City Council has approved the following which collectively are referred to as the "**Project Approvals**":

(1) Resolution No. \_\_\_\_\_, adopted by the City Council on \_\_\_\_\_, 2020 approving General Plan Amendment #\_\_\_\_.

(2) Resolution No. \_\_\_\_\_, adopted by the City Council on \_\_\_\_\_, 2020 approving Final Planned Development #\_\_\_\_.

(3) Ordinance No. \_\_\_\_\_, adopted by the City Council on \_\_\_\_\_, 2020 to rezone the Property to Planned Development District (PD).

(4) Resolution No. \_\_\_\_\_, adopted by the City Council on \_\_\_\_\_, 2020 certifying the Environmental Impact Report (EIR) for the Project and adopting the Mitigation Monitoring and Reporting Program for the EIR.

F. On \_\_\_\_\_, 2020 at a duly noted public hearing, the Planning Commission of the City of Antioch adopted Resolution No. \_\_\_\_\_, recommending approval of this Agreement.

G. On \_\_\_\_\_, 2020, after a duly noticed public hearing, the City Council considered this Agreement and conducted a first reading of Ordinance No. \_\_\_\_\_ approving this Agreement.

H. On \_\_\_\_\_\_, 2020, the City Council conducted a second reading and adopted Ordinance No. \_\_\_\_\_\_ approving this Agreement.

### AGREEMENT

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

### ARTICLE 1 TERM AND APPLICABLE LAW

1.1 <u>Incorporation of Recitals</u>. The preamble, the Recitals, and all defined terms set forth in both are incorporated into this Agreement by this reference

1.2 Term. The term of this Agreement shall commence as of the Effective Date and continue for ten (10) years thereafter, to and including \_\_\_\_\_, 2030 (the "Term"), unless sooner terminated or extended as provided herein. The term shall automatically be extended by: (a) any period of Enforced Delay (as defined herein); (b) any period of time during which a lawsuit brought by a third party challenging any aspect of the Project is pending; and/or (c) any period of time during which the filing of a referendum petition or initiative petition delays development of the Project. All such original and extended periods are referred to as the "Term" Upon the issuance of the 421st building permit for residential development and the issuance of building permits for at least thirty-five percent (35%) of the total square footage of commercial development, the Term shall automatically be extended by an additional ten (10) years. The expiration of the Term shall not be interpreted to, and shall not affect, terminate or waive any additional rights that Developer may have that exist independently of this Agreement and derive from common law vesting or other laws or regulations of the State or the City. The Term and the term of any Project Approval, may be extended from time to time pursuant to Section 3.4, or ARTICLE 5.


Applicable Law. The rules, regulations, and official policies governing permitted 1.3 uses of the Property and density and improvement requirements applicable to development of the Property in accordance with the Project Approvals shall be the ordinances, rules, regulations, and official policies in force as of the Effective Date (collectively, the "City Regulations"), except as otherwise expressly provided in the Project Approvals or this Agreement. The law applicable to the Project shall be (a) the City Regulations, (b) the Project Approvals and (c) this Agreement (collectively, the "Applicable Law"). If there is a conflict between this Agreement and the City Regulations or Project Approvals, this Agreement shall control. If there is a conflict between the Project Approvals and the City Regulations, the Project Approvals shall control. As of the Effective Date, the Project Approvals do not include any large lot map(s) or vesting tentative map(s), design review approvals required for the Project, or other potentially necessary entitlements (the "Subsequent Approvals"). Such Subsequent Approvals shall be subject to the ordinances, rules, regulations, and official policies in force as of the at the time of the Developer's application for such Subsequent Approvals to the extent they are consistent with the Project Approvals. The Project shall be subject to all conditions of approval imposed as conditions of such Subsequent Approvals. Upon approval, each Subsequent Approval shall become part of the Project Approvals for purposes of this Agreement.

#### ARTICLE 2 COVENANTS OF DEVELOPER

2.1 <u>Obligations of Developer Generally</u>. Developer shall have no obligation to proceed with or complete the Project at any particular time or at all, except to the extent this Agreement requires Developer to submit its application for a vesting tentative map for Phase 1 of the Project within the timeframe set forth in Section 2.6.1. However, to the extent that Developer proceeds with the Project, it shall comply with the Applicable Law, as defined in Section 1.2.

2.2 <u>Development of the Property</u>. Developer hereby agrees that development of the Project shall be in accordance with the Project Approvals, including any conditions of approval and the mitigation measures for the Project as adopted by the City, and any amendments to the Project Approvals as may, from time to time, be approved pursuant to this Agreement.

2.3 <u>Fees</u>. Developer shall pay when due all generally applicable fees in effect, and at the rates and in the amounts applicable, at the time of payment. Developer shall pay project specific fees as required by the Project Approvals. *Generally applicable fees* are those fees of the City that are applicable to (a) all similar residential projects, or (b) all construction work similar in nature to work required by the Project Approvals. *Generally applicable fees* include development impact fees adopted after the Effective Date. *Project specific fees* are fees imposed by the Project Approvals that are not generally applicable fees. In addition, Developer shall pay processing fees and charges of every kind and nature imposed by City, including planning processing deposits, to cover the actual costs to City of processing applications for subsequent approvals or for monitoring compliance with and review of subsequent submittals for any Project Approvals granted or issued, as such fees and charges are adjusted from time to time.

2.4 <u>Improvements</u>. Developer shall construct the public and private improvements and make all dedications required by, and more particularly described in the Project Approvals, including but not limited to large lot and vesting tentative maps approved for the Project as

subsequent approvals. Developer shall perform the work in accordance with the standards and specifications established by Applicable Law. To the extent there are no such standards or specifications in the Applicable Law other than this Agreement, the work shall be performed in accordance with industry standards and in a good and workerlike manner, as approved by the City Engineer.

2.5 <u>Subdivision and Other Agreements; Multiple Final Maps</u>. Developer shall execute and perform its obligations as set forth in any Subdivision Improvement Agreements required or permitted by Applicable Law to obtain approval of final maps. Developer may phase the Project in accordance with the Phasing Plan provided, and may file multiple final maps in accordance with Section 3.4 below.

2.6 <u>Specific Development Obligations</u>. In addition to the conditions of approval contained in the Project Approvals, the Developer and the City have agreed that the development of the Project is subject to certain specific development obligations as described herein. These specific development obligations, together with the other terms and conditions of this Agreement, provide the incentive and consideration for the City entering into this Agreement.

2.6.1 <u>Vesting Tentative Map</u>. Within 18 months of the Effective Date of this Agreement, Developer shall submit a complete application for a vesting tentative map for Phase 1 of the Project in accordance with the requirements of the Subdivision Map Act (Gov't Code §§ 66401 *et seq*.) and the City's Subdivision Ordinance (Antioch Municipal Code, Title 9, Chapter 4). Failure to submit the complete application for such vesting tentative map within the timeframe provided herein shall constitute a material default under this Agreement, and a basis for termination of this Agreement. The City shall not have the remedy of specific performance for a default under this Section 2.6.1.

2.6.2 <u>Transportation and Circulation Improvements</u>. In addition to all roadway and circulation improvements required as conditions of the vesting tentative maps processed for the Project, the Developer shall comply with and implement the roadway and circulation improvements identified in <u>Exhibit B</u>, attached hereto and incorporated herein by this reference.

2.6.3 <u>Fire District MOU</u>. Developer shall enter into a Memorandum of Understanding with the Contra Costa County Fire District (the "**Fire District**") regarding the dedication of an approximately two-acre parcel south of the mixed-use retail village center and southwest of the future intersection of Sand Creek Road and Deer Valley Road within the Property for the development of a new fire station and the establishment of a Community Facilities District (the "**Fire Services CFD**") or annexation of the Property into an existing CFD, for the purpose of funding the Fire District's fire and emergency services operations to offset the annual fiscal impacts of the Project on the District's fire and emergency services. Developer and Fire District shall enter into such MOU prior to issuance of the first final subdivision map.

- 2.6.4 Community Facilities District(s)
  - (a) Annexation into CFD No. 2018-01 and 2018-02.

(i) Developer acknowledges the existence of Community Facilities District No. 2018-01 Public Services ("**CFD No. 2018-01**") and Community Facilities District No. 2018-02 Police Protection ("**CFD No. 2018-02**") which were created pursuant to the Mello-Roos Community Facilities Act, as set forth in Government Code Section 53311 *et seq.* for the purpose of funding certain City public services, and police services to assist the City in meeting a police force level within a range of 1.2 to 1.5 officers per 1,000 residents as set forth in Performance Standard 3.5.3.1 of the General Plan. Developer voluntarily consents to and prior to recordation of each final subdivision map for the Project shall take whatever affirmative action it needs to take on its part to ensure that the portion of the Project and Property for which such final subdivision map is recorded is subject to the assessments of CFD No. 2018-01 and CFD No. 2018-02, which includes without limitation, voting to annex to said CFD No. 2018-01 and CFD No. 2018-02.

(b) Richland may request in writing that the City establish one or more CFDs pursuant to the Mello-Roos Act to finance infrastructure, public facilities and development impact fees it may be required to construction in connection with the Development of the Property. Richland shall vote in favor of each such CFD assuming the CFDs are formed in accordance with Section 3.11 of this Agreement.

2.6.5 <u>Project Labor Agreement</u>. Developer represents and warrants that it has entered into a Community Workforce and Training Agreement for the Ranch Project with four local unions (the "**Project Labor Agreement**"), which Project Labor Agreement shall apply to the Project and will ensure work and training opportunities for the membership of the named unions, which represent their respective trades in Antioch and the surrounding area and are affiliated local unions in the Contra Costa Building and Construction Trades Council.

2.6.6 <u>Dedication of Trail Staging Area</u>. Developer shall offer to dedicate to the East Bay Regional Parks District (or other qualified third party entity approved by the City), free and clear of encumbrances, approximately one acre of land located on the western edge of the project site for a trail staging area and parking lot, The trail staging area and parking lot shall be reserved for dedication at the recordation of the final subdivision map for Phase 3. The trail staging area shall be subject to a separate agreement between Richland and the East Bay Regional Parks District (or other qualified third-party entity), which separate agreement shall state the specific timing of improvements and dedication. Such agreement shall be a condition precedent to the issuance of the first building permit for the Project.

2.6.7 <u>Dedication of Open Space</u>. Developer shall dedicate the areas designated as Open Space in the Project Approvals as open space to be maintained in accordance with the Open Space/Public Use Zoning District established by the City's Zoning Code (Antioch Municipal Code, Title 9, Chapter 5.). The open space may be maintained through various means including, but not limited to, dedication to the City, recordation of conservation easements granted to a certified third-party land trust, dedication to a park district, dedication to a flood control district, formation or annexation into a Geologic Hazard Abatement District which would receive dedication of land; or other legally available mechanism, provided that the entity to which such land will be dedicated, and the means of maintaining such property shall be subject to City approval, which approval shall not be unreasonably withheld. Dedication of open space property shall occur prior to the recordation of the final subdivision map for each phase of the Project, but may, at Richland's discretion, occur concurrently.

2.6.8 <u>School Mitigation</u>. Developer agrees to make commercially reasonable efforts to schedule meetings with the Superintendent of the Antioch Unified School District (the "School District") to discuss any potential impacts that the Project could have on the Development, and to negotiate in good faith toward an agreement to mitigate any such impact between the Effective Date and December 31, 2020. In the event that the District and Developer, cannot reach agreement on the terms of an agreement to mitigate the impact to the District by December 31, 2020 despite good faith efforts by the Developer, the Developer shall be relieved of any further obligations under this Sections 2.6.8.

2.6.9 <u>Additional Funding for Economic Development</u>. Despite City efforts to encourage employment-generating uses in the Sand Creek Focus Area in particular, the City continues to maintain an imbalance between the number of housing units and available high-quality jobs in the City. In furtherance of the City's efforts to encourage economic development and employment generating uses in the City, Developer shall pay Two Million Five Hundred Thousand Dollars (\$2,500,000) to the City to be used for economic development purposes in the City, in the City's sole and absolute discretion (the "**Economic Development Payment**"). The Economic Development Payment shall be due and payable in three equal payments due at the following triggers: (i) upon recordation of the first final map; (ii) issuance of the 250th building permit, and 500<sup>th</sup> residential building permit.

### ARTICLE 3 COVENANTS OF THE CITY

3.1 <u>Obligations of City Generally</u>. The City shall act in good faith to accomplish the intent of this Agreement. City shall cooperate with Developer so that it receives the benefits of and the rights vested by this Agreement, including obtaining from other governmental entities necessary or desirable permits or other approvals for the Project.

3.2 <u>No Conflicting Enactments</u>. The City may adopt new or modified rules, regulations or official policies after the Effective Date, and such new or modified rules, regulations, or official policies shall be included within the Applicable Law; provided, however, such new or modified rules, regulations, or official policies (whether adopted by action of City Council or other body or personnel, by initiative, by referendum, or otherwise) shall be applicable to the Project, and/or to any development on the Subject Property, only to the extent that such application does not modify the Project, does not prevent or impede development of any portion of the Property pursuant to Applicable Law, and does not conflict with this Development Agreement. Any new or modified rule, regulation or official policy (whether adopted by action of the City Council or other body or personnel, by initiative, by referendum, or otherwise) shall be deemed to conflict with this Development Agreement if it seeks to accomplish any one or more of the following results, either with specific reference to the Project or to any development of the Property, or as part of a general enactment that would otherwise apply to the Property:

3.2.1 Reduce the density or intensity of the Property as allowed by the Applicable

Law;

3.2.2 Reduce the density or intensity of development allowed on the Property under the Applicable Law;

3.2.3 Change any General Plan or Zoning Code land use designation or permitted use of the Property as described in the Applicable Law;

3.2.4 Require, for any work necessary to develop the Project on the Property, the issuance of permits, approvals, or entitlements by City other than those required by Applicable Law; or

3.2.5 Materially limit the processing of, the procuring of applications for, or approval of Project Approvals.

Nothing in this Agreement shall restrict the City's discretion to impose conditions of approval on one or more vesting tentative maps that must be approved as part of the Project in accordance with the Subdivision Map Act and the Subdivision Ordinance.

3.3 <u>Permitted Uses</u>. The permitted uses of the Property; the density and intensity of use of the Property; the maximum height, bulk and size of buildings are as set forth in the Project Approvals, which City confirms and vests by this Agreement.

3.4 <u>Life of Project Approvals</u>. By approval of this Agreement, City extends and vests the term of any vesting tentative map included in the Project Approvals for the Term (including any subsequent extensions). The Term and the term of any vesting tentative map shall be extended automatically by a time period equal to the sum of any periods of time during which a development moratorium, as defined in Section 66452.6(f) of the Subdivision Map Act (the "**Map Act**"), is in effect. The term of each Project Approval shall expire no sooner than (a) this Agreement or (b) the term otherwise applicable to the Project Approval if this Agreement were not in effect, whichever occurs later. The City shall not require Developer to enter into any subdivision or other agreement that is inconsistent with this Agreement or the Project Approvals, provided however that the Parties agree and understand that the vesting tentative maps will include conditions of approval in addition to those included in the Project Approvals, and Developer will be required to enter into Subdivision Improvement Agreements as set forth in Section 2.5 above. The City shall allow Developer to file multiple final maps in accordance with Section 66456.1 of the Map Act.

3.5 <u>Conflict of City and State or Federal Laws</u>. In the event that federal or state laws or regulations enacted after the Effective Date prevent or preclude compliance with one or more provisions of this Development Agreement, each Party shall provide the other Party with written notice of such federal or state law or regulation, a copy of such law or regulation, and a statement concerning the conflict with the provisions of this Development Agreement. The Parties shall, within thirty (30) days, meet and confer in good faith in a reasonable attempt to modify this Development Agreement so as to comply with such federal or state law or regulation. City, without the obligation to incur costs or liability, shall reasonably cooperate with Developer in securing of any permits, approvals, or entitlements that may be required as a result of modifications or suspensions made pursuant to this section.



3.6 <u>Life of Legislative Approvals and Project Approvals</u>. The term of any Project Approval shall be automatically extended for the longer of the Term of this Development Agreement or the term otherwise applicable to such Legislative Approval or Project Approval.

3.7 <u>Timing of Construction and Completion</u>. The Parties acknowledge that Developer cannot at this time predict when or the rate at which the Project will be constructed. The Parties agree that there is no requirement that Developer initiate or complete construction of the Project within any particular period of time, or at all, and City shall not impose such a requirement on Developer, the Property, or any Project Approval. In light of the foregoing, the Parties agree that Developer may construct the Project at the rate and time Developer deems appropriate within the exercise of its reasonable business judgment, subject to Applicable Law and the terms of this Agreement. Further, Developer may implement the Project in phases, from east to west, and from north to south, in Developer's reasonable discretion.

3.8 <u>Processing Project Approvals</u>. Upon submission by Developer of any application for a Project Approval, City shall cooperate and diligently work to promptly process, consider, and approve such application, and shall apply only Applicable Law and any applicable federal or state laws. City shall retain its discretionary authority in its consideration of any and all Project Approvals that involve discretionary decisions; provided, however, such consideration shall be regulated solely by the Applicable Law, any applicable federal or state law, and this Development Agreement.

3.9 <u>Eminent Domain</u>. Developer shall obtain all real property interests necessary to allow it to construct improvements required by the Project Approvals and this Agreement, and any subsequent approvals. Notwithstanding the foregoing, in the event an affected property owner has rejected an offer by Developer, based upon fair market value as determined by an appraisal prepared by a certified appraiser approved by the City, the City shall assist Developer upon its request in obtaining any real property interests necessary for the public improvements. Specifically, the City shall promptly negotiate and seek to purchase of the necessary property, including the possible consideration of the City's use of its power of eminent domain to acquire such real property interests. Developer shall pay all costs associated with any acquisition or condemnation proceedings, subject to reimbursement of pro rata share from other benefiting landowners.

#### 3.10 <u>Formation of Services Community Facilities District(s)</u>.

3.10.1 The City agrees that upon receipt of Richland's written request and application and the deposit with City of sufficient funds to pay the City's costs to undertake the proceedings to establish any particular CFD, City shall conduct proceedings to establish the respective CFD(s) and Richland shall cooperate in the conduct of such proceedings. Richland acknowledges that this Agreement cannot obligate the City Council to establish the CFD(s) at the conclusion of those proceedings. If adopted, a Facilities CFD Tax levied by such CFD (the "**Facilities CFD Tax**") shall be authorized to be levied on assessor's parcels in the CFD for which a building permit for residential construction and a certificate of occupancy or final inspection has been issued ("**Occupied Residential Property**") within each CFD to fund, in order of priority: (a) administrative expenses of the CFD; (b) scheduled debt service on bonds for the CFD that are issued to fund eligible public facilities (including, as may be permitted by the City, public facilities



in lieu of Contributions); (c) replenishment of a reserve fund for the bonds; and (d) on a pay as you go basis, eligible public improvements and public facilities funded through eligible fee programs (including, as may be permitted by the City, public facilities in lieu of Contributions) including acquisition of right-of-way. The annual Facilities CFD Tax amount shall be increased each fiscal year, beginning with the fiscal year following the formation of the CFD, by a percentage equal to two percent (2%) of the prior year's levy.

3.10.2 Facilities CFD Tax shall only be authorized concurrent with, or subsequent to, the authorization of taxes levied on the Property by CFD No. 2018-01, CFD No. 2018-02 and the Fire Services CFD (collectively, the "City Public Services/Public Safety Tax"), and under no circumstances shall Facilities CFD Tax be authorized before, or without the concurrent authorization, of the City Public Services/Public Safety Tax.

3.10.3 City agrees that the maximum effective tax rate for assessor's parcels within each CFD, including without limitation, Facilities CFD Tax and City Public Services/Public Safety Tax, may not exceed two percent (2.0%) of the reasonably expected value of the parcel with planned vertical improvements determined at the time of approval of the CFD and the Rate and Method of Apportionment.

3.10.4 City agrees to use reasonable efforts to develop and implement the CFD(s) subject to public hearing and election requirements of applicable State and, if tax-exempt bonds are to be issued, federal law, the existing regulations and the customary and reasonable industry standards for the development of such financings for CFD(s). Richland and City acknowledge and agree that the establishment of a CFD for facilities and services and the issuance of bonds supported by the special taxes are dependent on many factors that are not known at this time. The viability of the financing, the amount of special taxes for debt service, and available bond proceeds will be dependent on several factors existing at the time the bonds are sold, including, but not limited to, the financial markets, interest on tax exempt financings, housing market, value of homes in the area, absorption rates for home sales in the area, bond underwriting criteria and ratings by bond-rating agencies.

3.11 In the event that a CFD for facilities is established as outlined above, City agrees to participate at Richland's written request in the formation of a Joint Community Facilities Agreement ("**JCFA**") with Antioch Unified School District, Contra Costa County, and/or any special district within the County (i.e., East Bay Regional Parks District or the County Flood Control District) for the financing of public improvements or development impact fees required in connection with the development of the Property.

3.12 <u>Vested Development Rights</u>. The City confirms and grants to Developer the vested right to pursue the Project in accordance with the Applicable Law and Project Approvals (once they are granted), and the provisions of this Development Agreement, including, without limitation, Developer's vested right to develop the Project on the Property. In the event of any conflict or inconsistency between this Development Agreement and the Applicable Law or between this Development Agreement and any Project Approvals, this Development Agreement shall prevail and control to the fullest extent legally possible. This Agreement shall be enforceable as set forth in Section 10.2 below. No subsequently adopted ballot measures or initiatives shall have any application to the Property or Project unless expressly consented to by the Developer.

#### ARTICLE 4 CITY RESERVATIONS OF AUTHORITY

4.1 <u>City's Reservations of Authority</u>. Notwithstanding any other provision of this Agreement to the contrary, the following regulations and provisions shall apply to the development of the Property:

4.1.1 City Regulations regarding processing fees and charges, enacted after the Effective Date, provided such procedures are uniformly applied on a City-wide basis to all substantially similar types of development projects and properties.

4.1.2 City Regulations relating to hearing bodies, petitions, applications, notices, findings, records, hearings, reports, recommendations, appeals and any other matter of procedure, enacted after the Effective Date, provided such procedures are uniformly applied on a City-wide basis to all substantially similar types of development projects and properties.

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

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

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

#### ARTICLE 5 AMENDMENT

5.1 <u>Amendment to Approvals</u>. To the extent permitted by state and federal law, any Project Approval or Subsequent Project Approvals (hereafter in this ARTICLE 6, an "**Approval**") may, from time to time, be amended or modified in the following manner.

5.1.1 <u>Administrative Project Amendments</u>. Upon the written request of Developer for an amendment or modification to an Approval, the Director of Community



Development, or his/her designee (collectively "Authorized Official") shall determine: (i) whether the requested amendment or modification is minor when considered in light of the Project as a whole; and (ii) whether the requested amendment or modification is substantially consistent with Applicable Law. If the Authorized Official finds that the proposed amendment or modification is minor, substantially consistent with Applicable Law, and will result in no new significant environmental impacts, the amendment shall be determined to be an "Administrative Project Amendment" and the Authorized Official may, except to the extent otherwise required by law, approve the Administrative Project Amendment, following consultation with other relevant City staff, without notice and public hearing. Without limiting the generality of the foregoing, lot line adjustments, non-substantial reductions in the density, intensity, scale or scope of the Project, minor alterations in vehicle circulation patterns or vehicle access points, substitutions of comparable landscaping for any landscaping shown on any final development plan or landscape plan, variations in the design and location of structures that do not substantially alter the design concepts of the Project, variations in the location or installation of utilities and other infrastructure connections or facilities that do not substantially alter the design concepts of the Project, and minor adjustments to the Property diagram or Property legal description shall be treated as Administrative Project Amendments.

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

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

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

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

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

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#### ARTICLE 6 ASSIGNMENT, TRANSFER AND MORTGAGEE PROTECTION

6.1 <u>Assignment of Interests, Rights and Obligations</u>. Nothing herein limits the right of Developer to freely alienate or transfer all or any portion of the Property. However, Developer may only transfer or assign all or any portion of its interests, rights or obligations under this Agreement or the Project Approvals, including any amendments thereto (a "**Transfer**"), subject to the requirements for City's consent set forth in this ARTICLE 6, to any third party who acquires an interest or estate in the Property or any portion thereof including, without limitation, purchasers or ground lessees of lots, parcels or improvements (a "**Transferee**"). City consent shall not be required if Developer transfers all or a portion of the Subject Property to an Affiliated Party. An "Affiliated Party" is defined as any corporation, limited liability company, partnership or other entity that is controlling of, controlled by, or under common control with Developer, and "**control**," for purposes of this definition, means effective management and control of the other entity, subject only to major events requiring the consent or approval of the other owners of such entity.

#### 6.2 <u>Transfer Agreements</u>.

6.2.1 Written Agreement. In connection with a Transfer by Developer (other than a Transfer by Developer to an Affiliated Party (as defined in Section 6.1), to a Mortgagee (as defined below in 6.4) or to a Home Purchaser (as defined below in 6.3)), Developer and the Transferee shall enter into a written agreement (a "Transfer Agreement"), with City's consent in writing to the Transfer, regarding the respective interests, rights and obligations of Developer and the Transferee in and under the Agreement and the Project Approvals. Such Transfer Agreement may (i) release Developer from obligations under the Agreement or the Project Approvals that pertain to that portion of the Project being transferred, as described in the Transfer Agreement, provided that the Transferee expressly assumes such obligations, (ii) transfer to the Transferee vested rights to improve and use that portion of the Project being transferred, and (iii) address any other matter deemed by Developer to be necessary or appropriate in connection with the transfer or assignment. Developer shall notify the City in writing that it plans to execute a Transfer Agreement at least 60 days in advance of the execution date and provide City with such information as may be required by City to demonstrate the Transferee's qualifications and financial ability to complete the Project. City shall have 30 days from the date of such notice to review the information and provide a determination to Developer. City shall not withhold its consent unless the City reasonably determines that the Transferee, or an entity with similar or related ownership or control as Transferee, is or has been a party to litigation filed against the City or if the Transferee lacks the financial ability to complete the Project. If City does not consent to the Transfer, City shall provide its reasons in writing and shall meet with Developer in good faith to determine what additional information may be necessary for City to provide its consent. Such a process shall not extend beyond a 30 day period.

6.2.2 <u>Binding</u>. Any Transfer Agreement shall be binding on Developer, the City and the Transferee, but shall not release Developer absent express language in the Transfer Agreement. Upon recordation in the Official Records of Contra Costa County of any Transfer Agreement, Developer shall be released from those obligations assumed by the Transferee therein, subject to the provisions of 6.2.1 above.



6.3 <u>Home Purchaser</u>. The burdens, obligations and duties of Developer under this Agreement shall terminate with respect to, and neither a Transfer Agreement nor the City's consent shall be required in connection with, any single-family residence conveyed to a purchaser or leased for a period in excess of one year. The Transferee in such a transaction and its successors ("**Home Purchaser**") shall be deemed to have no obligations under this Agreement.

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

6.4.1 <u>Mortgagee Not Obligated</u>. The provisions of 6.4 notwithstanding, no Mortgagee shall have any obligation or duty under this Agreement to construct or complete the Project, or to guarantee such construction or completion; provided, however, that a Mortgagee shall not be entitled to devote the Property to any uses or to construct any improvements other than those uses or improvements provided for or authorized by this Agreement, or otherwise under the Project Approvals.

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

### ARTICLE 7 COOPERATION IN THE EVENT OF LEGAL CHALLENGE, INDEMNITY

Developer, as the real party in interest, shall defend, indemnify, and hold harmless the City, with legal counsel reasonably acceptable to the City Attorney, in any action brought by a third party to challenge concerning: (a) the validity, legality, or constitutionally of any term, condition, obligation, fee, dedication, or exaction required or imposed by this Development Agreement; (ii) the procedures utilized in or the sufficiency of the environmental review associated with this Development Agreement; and (iii) the implementation of this Development Agreement through such further actions, measures, procedures, and approvals as are necessary to satisfy the Development Agreement's requirements. Developer shall defend the City with qualified legal counsel subject to the approval of the City Attorney, which approval shall not be unreasonably

withheld, conditioned, or delayed. Developer shall pay all costs, damages, attorney's fees, and other court-ordered costs awarded to any third party in any legal action in which Developer's duties to defend, indemnify, and hold the City harmless arise under this Article. The City shall promptly notify Developer of any action filed and the Parties shall cooperate fully in the defense of such action.

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

#### ARTICLE 8 DEFAULT; TERMINATION; ANNUAL REVIEW

#### 8.1 <u>Default</u>.

8.1.1 <u>Remedies in General; No Damages</u>. Except as provided in Section 2.6.1, City and Developer agree that, as part of the bargained for consideration of this Agreement, in the event of default by either Party, the only remedy shall be declaratory relief or specific performance of this Agreement. In no event shall either Party, or any of their officers, agents, representatives, officials, employees or insurers, be liable to the other Party for damages, whether actual, consequential, punitive or special, for any breach or violation of this Agreement. The Parties agree that any action or proceeding to cure, correct or remedy any default or to enforce any covenant or promise under this Agreement shall be limited solely and exclusively to the remedies expressly provided. Following notice and expiration of any applicable cure periods and completion of the dispute resolution process set forth in ARTICLE 9 below, either Party may institute legal or equitable proceedings to cure, correct, or remedy any default, or to enforce any covenant or promise herein, enjoin any threatened or attempted violation, or enforce by specific performance, declaratory relief or writ of mandate the obligations and rights of the Parties. As noted above, in no event shall either Party be liable for any damages. Any legal action to interpret or enforce the provisions of this Agreement shall be brought in the Superior Court for Contra Costa County, California.

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

not cured, then a default shall exist under this Agreement and the non-defaulting Party may exercise any of the remedies available.

8.1.3 <u>Procedure for Default by Developer</u>. If Developer is alleged to be in default hereunder by City then after notice and expiration of the cure period specified above and the dispute resolution process set forth in ARTICLE 9 below, City may institute legal proceedings against Developer pursuant to this Agreement, and/or give notice of intent to terminate or modify this Agreement to Developer pursuant to California Government Code Section 65868. Following notice of intent to terminate or modify this Agreement as provided above, the matter shall be scheduled for consideration and review at a duly noticed and conducted public hearing in the manner set forth in Government Code Sections 65865, 65867 and 65868 by the City Council within 60 calendar days following the date of delivery of such notice (the "Default Hearing"). Developer shall have the right to offer written and oral testimony prior to or at the time of the Default Hearing. If the City Council determines that a default has occurred and is continuing, and elects to terminate the Agreement, City shall give written notice of termination of the Agreement to Developer by certified mail and the Agreement shall thereby be terminated 30 days thereafter; provided, however, that if Developer files an action to challenge City's termination of the Agreement within such 30-day period, then the Agreement shall remain in full force and effect until a trial court has affirmed City's termination of the Agreement and all appeals have been exhausted (or the time for requesting any and all appellate review has expired). This Section 8.1.3 shall not be interpreted to constitute a waiver of Section 65865.1 of the Government Code, but merely to provide a procedure by which the Parties may take the actions set forth in Section 65865.1.

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

Excusable Delay; Extension of Time of Performance. In addition to specific 8.2 provisions of this Agreement, neither Party shall be deemed to be in default where delays in performance or failures to perform are due to, or a necessary outcome of, war, insurrection, strikes or other labor disturbances, walk-outs, riots, floods, earthquakes, fires, pandemics, casualties, acts of God, enactment or imposition against the Project of any moratorium, or any time period for legal challenge of such moratorium by Developer, or similar basis for excused performance which is not within the reasonable control of the Party to be excused. Litigation attacking the validity of this Agreement or any of the Project Approvals or implementing or subsequent approvals, or any permit, ordinance, entitlement or other action of a governmental agency other than the City necessary for the development of the Project pursuant to this Agreement, or Developer's inability to obtain materials, power or public facilities (such as water or sewer service) to the Project, shall be deemed to create an excusable delay as to Developer. Upon the request of either Party, an extension of time for the performance of any obligation whose performance has been so prevented or delayed shall be memorialized in writing. The City Manager is authorized on behalf of the City to enter into such an extension. The term of any such extension shall be equal to the period of the excusable delay, or longer, as may be mutually agreed upon.

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

8.4 <u>Notice of Compliance</u>. Within 30 days following any written request which Developer or a Mortgagee may make from time to time, the City shall execute and deliver to the requesting party (or to any other party identified by the requesting party) a written "**Notice of Compliance**", in recordable form, duly executed and acknowledged by the City, that certifies: (a) this Agreement is unmodified and in full force and effect, or if there have been modifications, that this Agreement is in full force and effect as modified and stating the date and nature of the modifications; (b) there are no current uncured defaults under this Agreement or specifying the dates and nature of any default; and (c) any other information reasonably requested by Developer or the Mortgagee. The failure to deliver such a statement within such time shall constitute a conclusive presumption against the City that this Agreement is in full force and effect without modification except as may be represented by Developer and that there are no uncured defaults in the performance of Developer, except as may be represented by Developer.

#### ARTICLE 9 DISPUTE RESOLUTION

9.1 <u>Dispute: Confidentiality</u>. Any controversy or dispute arising out of or related to this Agreement, or the development of the Project (a "**Dispute**"), shall be subject to private negotiation among the Parties, and if then not resolved shall be subject to non-binding mediation followed by litigation, if necessary, as set forth below. Each Party agrees that any Dispute, and all matters concerning any Dispute, will be considered confidential and will not be disclosed to any third-party except (a) disclosures to a Party's attorneys, accountants, and other consultants who assist the Party in the resolution of the Dispute, (b) as provided below with respect to the mediation,



and (c) as otherwise required by law, including without limitation, the California Public Records Act.

9.2 <u>Private Negotiation</u>. If a Dispute arises, the Parties agree to negotiate in good faith to resolve the Dispute. If the negotiations do not resolve the Dispute to the reasonable satisfaction of the Parties within 30 days from a written request for a negotiation, then the Dispute shall be submitted to mediation pursuant to 9.2.

9.3 <u>Mediation</u>. Within 30 days following the written request to negotiate, either Party may initiate non-binding mediation (the "**Mediation**"), conducted by JAMS, Inc. ("**JAMS**") or any other agreed-upon mediator. Either Party may initiate the Mediation by written notice to the other Party. The mediator shall be a retired judge or other mediator, selected by mutual agreement of the Parties, and if the Parties cannot agree within 15 days after the Mediation notice, the mediator shall be selected through the procedures regularly followed by JAMS. The Mediation shall be held within 30 days after the Mediator is selected, or a longer period as the Parties and the mediator mutually decide. If the Dispute is not fully resolved by mutual agreement of the Parties within 30 days after completion of the Mediation, then either Party may commence an action in state or federal court. The Parties shall bear equally the cost of the mediator's fees and expenses, but each Party shall pay its own attorneys' and expert witness fees and any other associated costs.

9.4 <u>Injunction</u>. Nothing in this ARTICLE 9 shall limit a Party's right to seek an injunction or restraining order from a court of competent jurisdiction in circumstances where such relief is deemed necessary to preserve assets.

#### ARTICLE 10 MISCELLANEOUS

10.1 <u>Defined Terms; Citations</u>. The capitalized terms used in this Agreement, unless the context obviously indicates otherwise, shall have the meaning given them in this Agreement. Except as otherwise expressly stated, all citations are to the Government Code of the State of California.

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

10.3 <u>Other Necessary Acts</u>. Each Party shall execute and deliver to the other all such other further instruments and documents as may be reasonably necessary to carry out the Project Approvals and this Agreement and to provide and secure to the other Party the full and complete enjoyment of its rights and privileges under this Agreement.

10.4 <u>Construction</u>. Each reference in this Agreement to this Agreement or any of the Project Approvals shall be deemed to refer to this Agreement or the Project Approval, as it may



be amended from time to time. This Agreement has been reviewed and revised by legal counsel for both the City and Developer, and no presumption or rule that ambiguities shall be construed against the drafting party shall apply to the interpretation or enforcement of this Agreement.

10.5 <u>Covenants Running with the Land</u>. Subject to the Transfer provisions in ARTICLE 6, all of the provisions contained in this Agreement shall be binding upon and benefit the Parties and their respective heirs, successors and assigns, representatives, lessees, and all other persons acquiring all or a portion of, or interest in, the Property, whether by operation of law or in any manner whatsoever. All of the provisions contained in this Agreement shall be enforceable as equitable servitudes and shall constitute covenants running with the land pursuant to California law including, without limitation, Civil Code Section 1468. Each covenant herein to act or refrain from acting is for the benefit of or a burden upon the Property, as appropriate, runs with the Property and is for the benefit of and binding upon the Developer, and each successive owner of all or a portion of the Property, during its ownership of such property.

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

10.7 <u>No Agency, Joint Venture or Partnership</u>. The City and Developer disclaim the existence of any form of agency relationship, joint venture or partnership between the City and Developer. Nothing contained in this Agreement or in any document executed in connection with this Agreement shall be construed as creating any relationship other than a contractual relationship between the City and Developer.

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

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

If to City, to:	City of Antioch Attention: City Manager 200 H Street Antioch, CA 94509 Telephone: (925) 779-7011
With a mandatory	
copy to:	City Attorney
	City of Antioch
	200 H Street
	Antioch, CA 94509
	Telephone: (925) 779-7015
If to Developer, to:	Richland Planned Communities, Inc.
	Attention. Kyle Masters
	Roseville CA 95661
	Telephone: (916) 772-3330
	Telephone. (910) 772 9550
With a mandatory	
copy to:	Richland Planned Communities, Inc.
	Attention: General Counsel
	3161 Michelson Drive, Suite 425
	Irvine, CA 92612
	Telephone: (949) 261-7010

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

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

Exhibit AProperty DescriptionExhibit BRoadway and Circulation Improvements



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

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

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

#### CITY:

City of Antioch, a municipal corporation

By:

Ron Bernal, City Manager

APPROVED AS TO FORM:

Thomas Lloyd Smith, City Attorney

ATTEST:

By:

By:

Arne Simonsen, CMC, City Clerk

DEVELOPER

**Richland Planned Communities, Inc.**, a California corporation

By:

John Troutman, Vice President

EPC HOLDINGS 820, LLC, a Washington limited liability company

By:

By:

John Troutman, Vice President

AMERICAN SUPERIOR LAND, LLC, a Delaware limited liability company

John Troutman, Vice President

APPROVED AS TO FORM:

By: Katherine J. Hart, Land Use Counsel

# **B28**

# EXHIBIT A

## **PROPERTY DESCRIPTION**

(to be inserted)

# **B29**

#### EXHIBIT B

#### **ROADWAY AND CIRCULATION IMPROVEMENTS**

In addition to those roadway and circulation improvements to be constructed and/or dedicated by Developer as conditions of the vesting tentative maps to be approved for the Project, Developer shall construct the following improvements:

- Developer shall construct, at Developer's cost, Sand Creek Road as a two-lane roadway (one lane in each direction) from Deer Valley Road easterly to Dozier Libbey Road along the ultimate alignment of Sand Creek Road. Construction of such two lanes shall be completed prior to issuance of the 421nd residential building permit within the Project. Further, in the event that the interior two lanes of this segment of Sand Creek Road are added as a project to be funded through the East Contra Costa Regional Fee and Financing Authority ("ECCRFA") transportation development impact fee program (the "Fee Program"), and the ECCRFA Board designates the Sand Creek Road extension, including this segment, as the next priority project behind the James Dolan extension project to be funded through the Fee Program, or in the alternative if ECCRFA has funded all other projects in the Fee Program with funding priority over the Sand Creek extension prior to the issuance of the 600<sup>th</sup> building permit for the Project. Developer shall construct two additional lanes to complete Sand Creek between Deer Valley Road and Dozier Libbey Road as a complete four lane arterial to match with proposed improvements for Tentative Subdivision Map 9249. Developer shall acquire and pay for all necessary right of way for said improvements, provided that Section 3.9 of this Agreement shall apply to such acquisition. As these improvements would provide benefit for other development projects in the area, City shall require that property owners that apply for future discretionary entitlements for property abutting this segment of Sand Creek Road, as a condition of approval for said discretionary entitlements, shall reimburse Developer for the cost of improvements abutting their property that the City would otherwise require to be constructed by the abutting property owner. Developer may also seek fee credits and/or reimbursement from ECCRFA for the construction of the interior two lanes of this segment, if it is added to the Fee Program. If required to be constructed pursuant to this paragraph, the exterior two lanes shall be completed and open to public use prior to the earlier of issuance of the 600th building permit for the Project or completion of Sand Creek Road as a four-lane arterial from Dozier Libbey Road to Highway 4.
- Developer shall construct, at Developer's cost, Sand Creek Road as a complete four-lane arterial from Deer Valley Road westerly to Dallas Ranch Road with two large radius roundabouts. Timing of construction of these improvements shall be as outlined in the Transportation Element of the Draft EIR prepared for the Project and location of the roundabouts shall be determined as part of the vesting tentative map approval for the Project. These improvements are developer's financial responsibility.

# ATTACHMENT C

# **GENERAL PLAN AMENDMENT RESOLUTION**

**C1** 

#### PLANNING COMMISSION RESOLUTION NO. 2020-\*\*

#### RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH RECOMMENDING TO THE CITY COUNCIL APPROVAL OF GENERAL PLAN AMENDMENTS FOR THE RANCH PROJECT

WHEREAS, the City of Antioch ("City") received an application from Richland Planned Communities, Inc. ("Applicant") seeking City approval of the following: a General Plan Amendment for purposes of amending the City of Antioch General Plan Land Use Map, General Plan Text, Circulation Element, and Housing Element; a Planned Development Rezone; a Master Development Plan, Design Guidelines, and Resource Management Plan; and a Development Agreement for the development of up to a 1,177 unit planned residential community on approximately 553.5 acres, known as The Ranch Project ("Project") (GP-20-01, MDP-20-01); and

WHEREAS, the project site is in the southeastern section of the City of Antioch, on the western side of State Route 4 and is within the Sand Creek Focus Area of the General Plan west of Deer Valley Road along Sand Creek (APNs 057-010-002, 057-010-003, and 057-021-003); and

WHEREAS, A Final Environmental Impact Report and Mitigation Monitoring and Reporting Program was prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15162, and considered by the Planning Commission on July 1, 2020; and

WHEREAS, the Planning Commission recommended to the City Council certification of the Final Environmental Impact Report, based on findings of fact and adopting a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program; 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 project requires amendment to the General Plan text in the Land Use Element, Circulation Element and Housing Element. In addition, the Land Use Map and Circulation Map require amendment. The primary purpose of the amendments is to identify the Restricted Development Area and Limited Development Area identified by the proposed project and the appropriate development within each area. The Circulation Element Amendment relocates the location of Sand Creek Road to the north of Sand Creek. The proposed Housing Element amendments clarify prior projects showing Executive Housing are no longer viable and that Executive Housing may be provided on The Ranch project site. The proposed General Plan amendments in the Sand Creek RESOLUTION NO. 2020-\*\* JULY 1, 2020 Page 2

Focus Area promotes the City's ability to provide diverse housing types to satisfy the Regional Housing Needs Allocation and fulfill City objectives as expressed in the Housing Element; and

**WHEREAS,** the proposed project site is of adequate size to accommodate the proposed development; and

**WHEREAS,** the proposed project will provide adequate infrastructure to accommodate the proposed development; and

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

**WHEREAS,** on July 1, 2020 the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary.

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

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

RESOLUTION NO. 2020-\*\* JULY 1, 2020 Page 3

**NOW THEREFORE BE IT FURTHER RESOLVED** that the Planning Commission hereby recommends the City Council adopt the General Plan Amendment (GPA-20-01) of the text of the General Plan Land Use, Circulation, and Housing Elements as shown in Exhibit A and of the Land Use and Circulation maps as shown in Exhibit B.

\* \* \* \* \* \* \* \*

**I HEREBY CERTIFY** that the foregoing resolution was adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 1<sup>st</sup> day of July, 2020, by the following vote:

AYES: NOES: ABSENT: ABSTAIN:

> FORREST EBBS Secretary to the Planning Commission

# EXHIBIT A

# PROPOSED GENERAL PLAN TEXT AMENDMENT

Please note that new text is shown in bold, underline format and deleted text is shown as strike-through.

#### A. LAND USE ELEMENT AMENDMENTS.

#### 4.2 GOALS OF THE LAND USE 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 Land Use Element to accomplish the following:

 Maintain a pattern of land uses that minimizes conflicts between various land uses, and promotes rational utilization of presently undeveloped and underdeveloped land, and supports the achievement of Antioch's vision for its future.

Defining the appropriate uses of land within the General Plan study area in a manner supportive of achieving the vision Antioch has established for its future is at the crux of the Land Use Element. The Land Use Element is responsive to the City's vision because it:

- Promotes expansion of the local employment base and achievement of a balance between local employment and housing. The Land Use Element provides for a wide variety of office-based and industrial employment, including heavier industrial uses along the San Joaquin River, rail-served industries, light industrial uses, commercial services, and retail businesses, and mixed use business and office parks.
- Opens up additional choices of living environment for families. The Land Use Element provides for executive housing in planned community settings, traditional single-family subdivisions, amenity-rich middle to upper end attached housing <u>and age-restricted housing for seniors</u>, high-density housing in transit-oriented, downtown, and mixed-use settings.
- Provides for the revitalization of the Downtown area and waterfront, integrating General Plan policies with revitalization planning efforts undertaken by the City.
- Provides opportunities for achieving quality design and avoiding the relentless sameness present in many suburban communities.
- Aids in stimulating economic revitalization in areas that are having difficulty competing with larger and more diversified development sites in Antioch and other communities.
- Stimulates new options for development at key entry points into the community.

In defining appropriate uses, the Land Use Element addresses the future uses of lands that are currently undeveloped, and also sets forth desired changes in existing land uses and development intensities. In most cases, the Land Use Element recognizes existing land uses and development densities, and may recommend urban design improvements. In some cases, such as along the "A" Street corridor north of the SR4 freeway, the Land Use Element proposes changes in basic land use types. In other cases, such as existing residential areas within Downtown, the Land Use Element recommends increases in the overall development intensity of existing land uses. Each of the recommendations contained in the Land Use Element are intended to result in a harmonious pattern of land uses directed toward meeting community objectives and needs. • Establish a land use mix which serves to develop Antioch into a balance community in which people can live, work, shop, and have recreation without needing to leave the City.

The Land Use Element designates lands, and open space and recreational lands. Residential and employment-generating land use designations are intended to include lands providing housing and employment opportunities for executives, managers, and professionals; highly skilled, semi- skilled, and unskilled workers; and retail and service workers. Residential land use designations are intended to provide housing opportunities for all economic segments of the community, **including seniors**, as well as for the special needs groups identified in the Housing Element. The Land Use Element seeks an array of shopping and commercial service opportunities to meet the needs of Antioch residents and businesses, including daily convenience shopping along with large-scale commercial centers for community and regional markets. The Land Use Element aims to provide a sufficient inventory of lands for public, institutional, and recreation uses, and seeks to preserve needed open space areas.

• Establish an overall design statement for the City of Antioch.

As important as is defining the pattern of future land uses is maintaining and enhancing Antioch's character and providing a pleasing visual experience to residents and visitors. Thus, Antioch's Land Use Element incorporates "urban design" concepts aimed at ensuring that the built environment is a physical expression of desired community character.

#### 4.4.1.1 Residential Land Use Designations.

Six Eight residential land use designations are set forth to provide for development of a full range of housing types, in conjunction with residential development within General Plan Focus Areas. Permitted maximum land use and anticipated population densities are described for each designation. Densities are stated as the maximum permissible number of dwelling units per net acre that exists within the project site prior to any new dedication requirements. Density is assumed to accrue only to lands that are "developable." Developable acres are those that are not encumbered by prior dedications of easements or rights-of-way, and are not so steep (generally over 25%), unstable, floodprone or subject to other hazards as to be unable to support new development. Achievement of the maximum allowable density is neither guaranteed nor implied by the General Plan. The final density of any particular residential development type is dependent upon development design; any physical, geological, or environmental constraints that might be present within the site: available infrastructure and services; and other factors. The development standards that are established in the Antioch zoning ordinance might also limit attainment of maximum allowable densities.

Second units on a residential lot and home occupations are permitted by local regulation. Provision of density bonuses as allowed by State law and City ordinance may result in development densities in excess of the nominal maximum density for any land use designation.

**Estate Residential.** Estate Residential land uses are planned as a transition between urban and rural areas, and for areas that are not suited for a more intensive form of development because of topography, geologic conditions, or urban service limitations. Estate Residential areas will also serve to provide "executive" housing on large lots, thereby expanding the community's range of housing types.

On designated lands where topography is not limiting, the representative form of development would be single-family homes on lots that average one acre in size.

For properties so designated that are situated in steeper hillside settings, clustering of units and utilization of other hillside development techniques are anticipated and encouraged. The final approved and built density on lands in the Estate Residential land use designation should reflect the location of these lands as low-density residential transition areas between the urbanized Antioch and the undeveloped Mount Diablo Range of hills.

Since this designation is planned at the urban/non-urban interface, the type and level of development may require different construction standards, such as narrower street widths with parking along only one side of the street or no on-street parking, greater setbacks, limited sidewalk areas, etc. Development may require a different level of services than that required for strictly urban land uses. Projects that minimize the demand for urban services and provide major funding for construction of needed service facilities would be appropriate.

Environmental constraints such as steep slopes, riparian habitats, unstable soil conditions, sensitive flora and fauna, and visual prominence are often found on lands with the Estate Residential designation. These constraints may make development of these areas extremely sensitive, and could require creative and imaginative site planning in all projects. The steepness of the slopes and the visual prominence of these areas make many of these resources important public amenities to be preserved for all of the citizens of Antioch. Finally, as these areas will serve as a buffer between the urbanized City of Antioch and the undeveloped open space to the southwest, development must be at a level, which serves as an appropriate transition between urban and non-urban environments.

Development in this category is generally limited to a maximum of one (1) unit per gross developable acre, unless a density of two (2) units per developable acre is specified on the General Plan land use map or in Focus Area policies. Overall, residential developments within the Estate Residential land use category should provide large lots, and project a semi-rural character.

Neighborhood entry signage is encouraged to create a sense of community, and define Estate Residential neighborhoods as special places. Within hillside areas, dwelling units should be clustered on land that is relatively flat, and no development should occur on slopes exceeding 20 percent. Due to the unique nature of these areas, a clustering of units may be needed to accommodate the unit yield and still maintain the topographic uniqueness of the area. Developments in these areas should be oriented around a major amenity that increases public exposure to the more hilly terrain. Examples of such amenities include golf courses and equestrian centers.

- Appropriate Land Use Types: See Table 4.A
- Maximum Allowable Density: One dwelling unit per developable acre (1 du/ac) or two dwelling units per developable acre (2 du/ac)
- Anticipated Population per Acre: Four (4) to eight (8) persons per acre

Restricted Development Area. The Restricted Development Area designation allows for the following land uses: Rural Residential, Agriculture, and Open Space. This designation, typically involving large parcels, protects agriculture, grasslands, and open space, as well as permitting housing in rural areas. The maximum house size with accessory buildings is 6,000 square feet. The minimum legal parcel size shall be 80 acres.

The following uses only, and their normal and appropriate accessory uses and developments, may be permitted by the City in the Restricted Development Area, provided however that all use and development must comply with the provisions of the General Plan and with other City plans and ordinances:

- (a) One single family dwelling unit on a parcel, secondary dwelling units required by state law, and housing occupied only by bona fide farm workers employed on the parcel or on a farm or ranch which includes the parcel;
- (b) Rental of rooms to lodgers, including board, not exceeding four lodgers in a residence;
- (c) In-home occupations and offices, secondary to residential use and conducted primarily by residents of a parcel;
- (d) Agriculture, including grazing, arboriculture, horticulture, viticulture, research and breeding, rearing, care, use and sale or rental of ruminants, pigs, poultry and bees, but not including feedlots unless most of the feed over a calendar year will be grown in the Restricted Development Area; provided, however, only small scale dairy farms, pig farms, poultry ranches, vineyards, Christmas tree farms and nurseries may be permitted. Agriculture uses shall not cause unnecessary or unreasonable environmental harm, including air or water pollution, noise, or odor;
- (e) Processing, storage or sale of agricultural produce, most of which over a calendar year is grown in the Restricted Development Area, that has no substantial deleterious effects on the environment, but not including freezing facilities or slaughterhouses;
- (f) Breeding, rearing, boarding, training, care, use and sale or rental of horses, dogs and other animals not covered in paragraph (d), provided that any activity does not cause unnecessary or unreasonable environmental harm, including air or water pollution, noise, or odor;
- (g) Low-intensity outdoor recreation, exercise, and pastimes predominantly for active participants, not spectators, and subordinate auxiliary uses and development, including camps, picnic facilities, provision of food and drink, and safety and sanitary services; these permissible uses and developments do not include, among other things, amusement or theme parks, golf courses, firearm ranges, stadiums or arenas (except equestrian riding rings), motor vehicle tracks, courses or facilities for off-road use, or recreational vehicle parking (other than vehicles for the personal use of the owner of the parcel) for more than 14 days within a month. Uses and developments permitted under this paragraph shall be compatible with a rural environment and not contribute significantly to pollution, noise, or other environmental harm;
- (h) Institutional and other non-profit uses that predominantly serve permitted uses in the Restricted Development Area and adjacent areas, except cemeteries, and facilities for convalescence, rehabilitation and hospice care for not

more than six (6) patients, that do not substantially impair the environment;

- (i) Government and public utility uses that are limited to meeting needs created by permitted uses in the Restricted Development Area, except to the extent the City Council reasonably finds substantial public need that cannot practicably be met outside the Restricted Development Area, that do not unnecessarily or unreasonably impair the environment. However, this exception shall not apply to waste disposal, processing or treatment, or to electrical power production or transmission primarily for sale. The Antioch Unified School District may build and use school facilities. Publicly provided outdoor recreation and pastimes and subordinate auxiliary facilities are permitted if similar private uses and development would be allowed;
- (i) Occasional short-term events related to agriculture, animals or outdoor recreation that do not cause significant environmental harm.

#### <u>Areas of Special Environmental Concern on Lands Designated Rural</u> <u>Residential, Agriculture, Open Space</u>

- (a) Wetlands: Development or use, except for permissible flood control, is not permitted if by itself or in conjunction with other development or use it would reduce appreciably the quantity or biological quality of wetlands. "Wetlands" are areas permanently or periodically covered or saturated by water, including vernal pools, where hydrophytic vegetation is present under normal conditions, or soils are primarily hydric in nature, or are designated as wetlands by federal or state law.
- (b) Stream Corridors: Development or use is not permitted if by itself or in conjunction with other development or use it would impair appreciably the quantity or quality of water or of native vegetation in a stream corridor, except for permissible flood control, stock ponds, or preservation of special status species. "Stream corridors" are areas within 200 feet of the centerline of a permanent or intermittent stream.
- (c) Grasslands: In permitting uses and developments, the City shall act to preserve a viable, continuous grassland corridor between Black Diamond Mines Regional Preserve and Cowell Ranch (Marsh Creek) State Park.
- (d) Wildlife: No development or use is permitted that by itself or in conjunction with other development or use would reduce appreciably the number, prevent the recovery in number, or impair the genetic variability of one or more special status species.
- (e) Steep Slopes: No building may be located, in whole or in part, on a slope of 20% or more, unless there is no other site on a parcel. No building may be located on a site that cumulatively has access for more than 50 feet over a slope of 20% or more, unless there is no other site on a

parcel. No grading may take place on a slope of 20% or more unless necessary to maintain fire roads or provide access to a permitted residence. Cultivated agriculture may not be conducted on a slope of 20% or more. Slope percentages are based on the steepness of slopes in their natural, unaltered state, and are calculated by dividing altitude increase over each 20 feet of vertical slope by 20.

#### <u>Development Envelopes on Lands Designated Rural Residential,</u> Agriculture, Open Space

All buildings on a parcel must be located within a contiguous area, as compact as reasonably practicable, not to exceed two (2) acres, except for buildings that the Council finds must necessarily be located outside that area for permitted agricultural use, processing, storage, or sale of agricultural produce, breeding, boarding, rearing, care, training, use or sale or rental of animals, outdoor recreation, exercise and pastimes, institutional or other non-profit uses, government or public utility use, and short-term events.

#### <u>Maximum Floor Areas on Lands Designated Rural Residential, Agriculture,</u> <u>Open Space</u>

- (a) The maximum aggregate floor areas for all floors in all buildings on a parcel, except basement and cellar floors, may not exceed 10,000 square feet; residential and residential accessory building floors may not exceed 6,000 square feet of this maximum.
- (b) The City Council may increase the maximum floor area by up to 20,000 square feet, in aggregate, if necessary for agricultural use, processing or storage of produce, breeding, rearing, boarding, training, care and use of animals, outdoor recreation, exercises or pastimes, institutional or other non-profit uses, government or public utility use, or short-term events.

#### <u>Visual Safeguards on Lands Designated Rural Residential, Agriculture, Open</u> <u>Space</u>

- (a) New or reconfigured parcels must be created or drawn, to the extent practicable, to minimize visibility of development from roads, parks and other public places. Structures may not be located on or within 150 feet of any ridgeline or hilltop, or where they will project into the view of a ridgeline or hilltop from public places, unless there is no less intrusive site on the parcel or on a contiguous parcel in legal or de facto common ownership on or at any time subsequent to the date this Ordinance became effective. To the extent practicable, consistent with other provisions of the General Plan, structures shall be located, including by setbacks from parcel boundaries, on the part of a parcel that minimizes visibility from roads, trails, and other public places. Roads shall be consolidated and located, as practicable, where they are least visible from public places.
- (b) Development shall be subordinate to and blend harmoniously with the natural and open space qualities

of the area where located. The alteration of natural topography, vegetation, and other qualities by grading, surfacing, excavation, or deposition of material shall be allowed only to the extent necessary for permitted uses. Appropriate landscaping, design, and building materials shall be required by the City in all cases to reduce as much as practicable the visual impact of development. The height of buildings may not exceed 30 feet, except as necessary for agricultural use.

- (c) Visibility of development from roads, parks, and other public places shall be determined from a reasonable, representative sample of vantage points that will accomplish the objectives of this Rural Residential, Agriculture, Open Space land use designation.
- Appropriate Land Use Types: See Table 4.A
- <u>Maximum Allowable Density</u>: <u>Typically less than one single-family</u> <u>dwelling unit per 80 acres (<1 du/ac)</u>
- <u>Anticipated Population per Acre</u>: Typically less than one (1) person per <u>acre</u>

Limited Development Area. The Limited Development Area land use designation would allow the following land uses: Estate Residential, Low Density Residential, Medium Low Density Residential, Medium Density Residential, Convenience Commercial, Mixed Use, Public/Quasi Public, and Open Space.

**Low Density Residential.** These areas are generally characterized by singlefamily homes in traditional subdivisions. Areas designated Low Density Residential are typically located on gently rolling terrain with no or few geological or environmental constraints. The residential neighborhoods of southeast Antioch reflect this residential density.

- Appropriate Land Use Types: See Table 4.A
- Maximum Allowable Density: Four dwelling units per gross developable acre (4 du/ac)
- Anticipated Population per Acre: Twelve (12) to Fourteen (14) persons per acre

**Medium Low Density.** These areas are generally characterized by single-family homes in typical subdivision development, as well as other detached housing such as zero lot line units and patio homes. Duplex development would generally fall into this development density. Areas designated Medium Low Density are typically located on level terrain with no or relatively few geological or environmental constraints. Older subdivisions within the northern portion of Antioch reflect this residential density.

- Appropriate Land Use Types: See Table 4.A
- Maximum Allowable Density: Six dwelling units per gross developable acre (6 du/ac)
- Anticipated Population per Acre: Fourteen (14) to Eighteen (18) persons per acre

Medium Density Residential. A wide range of living accommodations, including conventional single-family dwellings, small lot single-family detached dwellings,



mobile homes, townhouses, and garden apartments, characterizes the Medium Density land use designation. Development in these areas can be expected to be a maximum of two (2) stories, and include generous amounts of public or open space for active and passive recreational uses. Lands adjacent to parks, commercial uses, transit routes and rail stations, and arterial roadways would be appropriate for the upper end of the allowable development intensity for this category. Other lands would serve as a buffer or transition between lower density residential areas and higher density residential and commercial areas, as well as areas exhibiting greater traffic and noise levels. At the higher end of the density range for this category, multi-family townhouse and apartment development is expected to be predominant. Where the Medium Density land use designation serves as a transition or buffer, lower density townhouse and small lot, single-family development would be the predominant uses.

- Appropriate Land Use Types: See Table 4.A
- 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 thirty-five (35) 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. 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. The Zoning Ordinance will establish specific density limits at or below 35 units per acre for zoning districts that correspond with the High Density Residential designation. 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: Thirty-five (35) dwelling units per gross developable acre (35 du/ac) and up to a Floor Area Ratio of 1.25 within areas designed for mixed use or transit-oriented development.
- Anticipated Population per Acre: Forty (40) to seventy (70) persons per acre.

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

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



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

Through the 1990s, build out of Southeast Antioch was largely completed, an alignment for the SR-4 bypass was selected, and financing for construction of the bypass was developed. As a result, the City stepped up its planning efforts for the Sand Creek Focus Area with area landowners. Because of the multiple ownerships within the Sand Creek Focus Area, detailed coordination of access and infrastructure, along with the establishment of workable financing mechanisms was necessary in addition to land use planning.

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

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

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

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

The Sand Creek Focus Area is intended to function as a large-scale planned community, providing needed housing and employment opportunities. This Focus Area is also intended to provide substantial employment opportunities. Up to approximately 280 acres are to be devoted to retail and employment-generating



uses, which will result in the creation of up to 6,500 jobs at build out. Residential development within the Sand Creek Focus Area will provide for a range of housing types, including upper income estate housing, golf course-oriented age-restricted housing for seniors, suburban single-family detached housing for families or for seniors, and multifamily development.

Residential development within the Limited Development Area will provide for a range of single-family housing types, including executive estate housing,—age-restricted housing for seniors, suburban single-family detached housing for families or for seniors, as well as commercial uses, public and quasi-public uses, and substantial open space. Subject to the anticipated maximum General Plan build out in Antioch, as set forth in Table 4.B, the following land use designations shall apply to the Limited Development Area: "Estate Residential;" "Low Density Residential;" "Medium Low Density Residential;" "Medium Density Residential;" "Convenience Commercial;" "Mixed Use;" "Public/Quasi Public;" and "Open Space."

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

- n. Single-Family Detached housing within suburban-style subdivisions with lot sizes ranging from 7,000 square feet to 10,000 square feet may also be developed within the Sand Creek Focus Area within areas shown as Residential and Low Density Residential in Figure 4.8. <u>Single-Family Detached housing within suburban-style subdivisions with minimum lot sizes ranging from approximately 5,000 square feet to 10,000 square feet may be developed within the Limited Development Area.</u> The anticipated population density for this land use type is up to eight to twelve <u>eighteen</u> persons per acre developed with residential uses.
- o. Small Lot Single Family Detached housing at the Aviano planned development and at the Vineyards at Sand Creek planned development with lots smaller than 7,000 square feet may be developed in the Sand Creek Focus Area <u>east of</u> <u>Deer Valley Road</u> within areas shown as Medium Low Density Residential and Low Density Residential in Figure 4.8. <u>Small Lot Single Family Detached</u> <u>housing within the Limited Development Area with minimum lot sizes</u> <u>from approximately 4,000 square feet may be developed within the</u> <u>Limited Development Area.</u> The anticipated population density for this land use type is fourteen to eighteen persons per acre developed with residential uses.
- q. Age-restricted senior housing should be developed within the Focus Area as a means of expanding the range of housing choice within Antioch, while reducing the Focus Area's overall traffic and school impacts. Such senior housing may consist of Single Family Detached, Small Lot Single Family Detached, of Multi-Family Attached Housing, and may be developed in any of the residential areas of the Sand Creek Focus Area, including the Limited Development Area. Within areas identified in Figure 4.8 specifically for senior housing, limited areas of non-senior housing may be permitted where environmental or topographic constraints would limit development densities to a range more compatible with estate housing than with senior housing.
- r. Areas identified as Public/Quasi Public and School in Figure 4.8, and areas within the Limited Development Area, are intended to identify locations for new public and institutional uses to serve the future development of the Sand Creek Focus Area. Development within these areas is to be consistent with the



provisions of the Public/Institutional land use category described in Section 4.4.1.4 of the Land Use Element.

#### B. CIRCULATION ELEMENT AMENDMENTS.

#### 7.1.1 Existing Roadway Network

State Route (SR) 4 and SR 160 provide direct access to Antioch. SR 4 runs eastwest connecting Antioch with Oakley, Brentwood, Pittsburg, 1-680, Martinez, Pinole, and 1-80. SR 4 is a divided freeway from 1-680 east through Concord, Pittsburg, and Antioch, and is currently a two-lane roadway through Oakley and Brentwood. SR 4 has been one of the more congested freeways in Contra Costa, in particular, the segments between Lone Tree Way and Railroad Avenue in the morning and Bailey Road to Lone Tree Way in the afternoon, and is in the process of being widened. On- and off-ramps between SR 4 and Antioch's local street network occur at East Eighteenth Street, Hillcrest Avenue A Street/Lone Tree Way, G Street, L Street/Contra Lorna Boulevard and Somersville Road.

SR 160 begins at the East Eighteenth Street/SR 4 junction, and continues north over the San Joaquin River via the Antioch Bridge to Rio Vista and Sacramento. Access to and from SR 160 and Antioch's local street network occurs at Wilbur Avenue south of the Antioch Bridge.

Primary arterials provide access to Pittsburg to the west, Oakley and Brentwood to the east, and rural Contra Costa County to the south. The major thoroughfares in Antioch are identified in Table IV.D-1. Each major arterial is briefly described below.

A Street/Lone Tree Way. A Street runs between downtown Antioch and SR 4 providing direct access to the Rivertown District. South of SR 4, A Street becomes Lone Tree Way, and continues southeast into Brentwood.

*Deer Valley Road.* Deer Valley Road runs north-south beginning in the north at the Hillcrest Avenue/Davison Drive junction and ending in the south at Marsh Creek Road south of the City's boundary in Contra Costa County.

*Hillcrest Avenue*. Hillcrest Avenue is located in eastern Antioch on both sides of SR 4 linking the area north of East Eighteenth Street to Prewett Ranch Road.

*L Street/Contra Loma Boulevard.* L Street runs north-south in northern Antioch between SR 4 and West Tenth Street. Contra Loma Boulevard runs north-south in southern Antioch between SR 4 and James Donlon Boulevard.

*Somersville Road.* Somersville Road runs north-south in western Antioch on both sides of SR 4 providing access to the Pittsburg-Antioch Highway and Buchanan Road.

*Eighteenth Street.* Eighteenth Street is located north of SR 4 and runs parallel to SR 4. Eighteenth Street acts as a major arterial between A Street and the SR 4/SR 160 junction.

*James Donlon Boulevard*. James Donlon Boulevard connects Lone Tree Way and Somersville Road, and provides east-west access through the southwest quadrant of Antioch.


*West Fourth Street/A Street Extension.* West Fourth Street and West Sixth Street and the A Street Extension provide east-west access in Downtown Antioch. West Fourth Street is the main arterial between Somersville Road and G Street. The A Street extension is the main connector between the eastern portion of the downtown area and the SR 4 freeway.

*West Tenth Street.* West Tenth Street provides east-west access in downtown Antioch between Somersville Road and A Street. West of Somersville Road, West Tenth Street becomes the Pittsburg/Antioch Highway, serving industrial uses and providing a regional roadway connection to the west of Antioch.

*Wilbur Avenue*. Wilbur Avenue provides east-west access in northeastern Antioch, and becomes a major arterial between A Street and SR 160.

*Dallas Ranch Road.* Dallas Ranch Road provides north-south access between Lone Tree Way and the Sand Creek <del>Specific Plan</del> Focus Area. Dallas Ranch Road will <u>connect to the future extension of Sand Creek Road and</u> serve as one of the primary routes into the Sand Creek Focus Area <u>and to the Kaiser</u> <u>Permanente Antioch Medical Center</u>.

*Buchanan Road.* Buchanan Road runs east-west between Contra Lorna Boulevard and the westerly City limit. Buchanan Road serves as one of the primary routes to the west of Antioch.

*Davison Drive*. Davison Drive is located south of Hwy 4 and serves as an east-west connection between Lone Tree Way and Hillcrest Avenue.

Arterial	Activity Centers Served
North/South Direction	
A Street/Lone Tree Way	Antioch City Park, SR 4, Sutter Delta Medical Center, Prewett Park
Deer Valley Road	Prewett Park
Hillcrest Avenue	Hillcrest Park & Ride lot, SR4
L Street/Contra Loma Blvd.	Contra Costa County Fairgrounds
Somersville Road	County East Mall, Black Diamond Mines Regional Preserve
Dallas Ranch Road	Sand Creek <del>Specific Plan <b>Focus Area</b>,</del> including proposed golf course <u>residential</u> and employment- generating areas-, and Kaiser Permanente Antioch <u>Medical Center</u>
East/West Direction	

Table 7.A – Primary Arterials in Antioch

Eighteenth Street	Employment Development Department, County Library, Oak View Memorial Park, SR 4
James Donlon Blvd.	Antioch Community Park
West Fourth Street/A Street extension	Downtown
West Tenth Street	Downtown
Wilbur Avenue	SR 160
Davidson Drive	Commercial uses along Lone Tree Way and Hillcrest Avenue
Buchanan Road	Regional connection to the west of Antioch

#### 7.2 GOALS OF THE CIRCULATION ELEMENT

To provide for a sustained high quality of life, it is the goal of the Circulation Element to achieve and maintain a balanced, safe, problem-free transportation system that:

- improves present traffic flows, and provides easy and convenient access to all areas of the community, and completes long-planned circulation improvements such as the connection of Sand Creek Road from Dallas Ranch Road to Deer Valley Road;
- is safe for all modes of motorized and non-motorized transportation;
- reduces dependence on single occupant automobile travel by providing a high level of pedestrian, bicycle, and public transit travel opportunities; and
- preserves a sense of comfort and well-being throughout the community by reducing the intrusiveness of commercial, business park, and industrial traffic, rail traffic, and regional traffic on neighborhood streets and residents' quality of life.

Antioch recognizes that even by constantly expanding the local roadway network and providing an ongoing sequence of programmed street improvements, problems of traffic congestion will continue. Providing a real solution to traffic congestion requires a balanced approach to future transportation improvements. An efficient transportation system needs to offer Antioch area residents not only efficient automobile traffic distribution, but also viable alternatives to automobile travel. The General Plan aims to increase the balance between various modes of transportation by increasing the desirability of transit, walking, and bicycling. The General Plan also coordinates land use, transportation, and air quality concepts and strategies. General Plan objectives are designed to improve traffic flow, local air quality, and energy conservation. To achieve this of balance, the City of Antioch will:

- provide for the efficient movement of vehicles by designing, constructing, and maintaining a roadway circulation network, which will function at an acceptable level of service (LOS), as set forth in the Growth Management Element.



- expand the existing roadway system where it is feasible to do so, <u>such as</u> the connection of Sand Creek Road from Dallas Ranch Road to Deer Valley Road, increasing its carrying capacity and eliminating congestion;
- regulate the intensity of future development in relation to the carrying capacity of Antioch roadways as part of ensuring that the performance standards of the Growth Management Element are met;
- provide a mix of land uses that realistically balances growth in the local employment and housing, increasing local employment opportunities and reducing the need for long commutes to work;
- ensure that each new development that would cumulatively contribute to the need for improvements provides appropriate mitigation;
- provide a system of bicycle routes and pedestrian links such that pedestrian and bicycle travel become safer and more useful for everyday tasks such as travel to shopping, work, and recreational facilities;
- achieve and maintain an organization of land uses which integrates places of residence, retail commerce, daily service needs, work, education, and recreation, thereby reducing the number and length of vehicular trips;
- require site plans for individual development projects to minimize or eliminate through traffic within residential neighborhoods;
- to the degree feasible, encourage mixed-use developments to reduce vehicle trips;
- improve the relationship of roadways with land uses, including regulating driveway access and development intensity where needed;
- improve the carrying capacity of existing roadways through implementation of transportation systems management concepts;
- participate in developing regional circulation improvement measures in cooperation with surrounding cities and Contra Costa County. Such measures may include, but are not limited to, the development of reciprocal traffic improvement fee programs; and
- implement the provisions of the Contra Costa County Congestion Management Program by requiring development projects to analyze and provide mitigation for traffic impacts on regional circulation facilities.

It is Antioch's intent to require new developments to mitigate their traffic impacts, either through construction of new roadways or participation in landbased financing mechanisms.

#### C. HOUSING ELEMENT AMENDMENTS.

2.1.4 Executive Housing: Facilitate the	The City has previously approved the
development of housing appropriate for	construction of 50 homes in Sierra Vista,
executives of businesses seeking to	an executive housing development by
expand within or relocate to Antioch to	Suncrest Homes but none of the units are
meet the need for providing above-	under construction; however, in 2016,



moderate income housing. Where	Suncrest Homes donated 50 acres of
appropriate, provide requirements in	undeveloped land in the Sierra Vista
outlying focus areas for the development	development to the Regional Parks
of executive and upper end housing with	Foundation. Thus, the executive
appropriate amenities.	housing will not be built. Plans for
	development of another 574 estate-style
	homes at Roddy Ranch were dropped
	after the property was sold to the East Bay
	Regional Park District in June 2013. No
	other executive housing developments are
	likely to be developed in the immediate
	future due to current market conditions.
	The Ranch, a proposed master-planned
	community within the Sand Creek
	Focus Area west of Deer Valley Road,
	may include up to approximately 100
	units of executive housing.

-

# **C20**

### EXHIBIT B

PROPOSED GENERAL PLAN LAND USE MAP



G:11133-021MGADIEXHIBITSIXB\_111-PROPOSED GENERAL PLAN SAND CREEK FOCUS AREADWG

R:\CAN030\Graphics\gen plan\snndereek.edr (11/19/03)



### EXHIBIT C

### PROPOSED GENERAL PLAN CIRCULATION ELEMENT MAP

**C24** 



## ATTACHMENT D

## PLANNED DEVELOPMENT RESOLUTION

## **D1**

#### PLANNING COMMISSION RESOLUTION NO. 2020-\*\*

#### RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN ORDINANCE TO REZONE TO PLANNED DEVELOPMENT DISTRICT MDP- FOR THE RANCH PROJECT

WHEREAS, the City of Antioch ("City") received an application from Richland Planned Communities, Inc. ("Applicant") seeking City approval of the following: a General Plan Amendment for purposes of amending the City of Antioch General Plan Land Use Map, General Plan Text, Circulation Element, and Housing Element; a Planned Development Rezone; a Master Development Plan, Design Guidelines, and Resource Management Plan; and a Development Agreement for the development of up to a 1,177 unit planned residential community on approximately 553.5 acres, known as The Ranch Project ("Project") (GP-20-01, MDP-20-01);

WHEREAS, the project site is in the southeastern section of the City of Antioch, on the western side of State Route 4 and is within the Sand Creek Focus Area of the General Plan west of Deer Valley Road along Sand Creek (APNs 057-010-002, 057-010-003, and 057-021-003);

WHEREAS, A Final Environmental Impact Report and Mitigation Monitoring and Reporting Program was prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15162, and considered by the Planning Commission on July 1, 2020;

WHEREAS, the Planning Commission recommended to the City Council certification of the Final Environmental Impact Report, based on findings of fact and adopting a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program;

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

WHEREAS, on July 1, 2020, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary; and

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

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

- 1. Each individual unit of the development can exist as an independent unit capable of creating an environment of sustained desireablitly 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. The Ranch Project has been proposed as a master-planned community of different neighborhoods. The PD and Master Development Plan have been established for the purpose of creating a sustainable community compatible with existing and proposed surrounding development.
- 2. The streets and thoroughfares proposed meet the standards of the City's Growth Management Program and adequate utility service can be supplied to all phases of the development. Arterial and collector streets through the project are designed to be consistent with the City's Growth Management Program as well as the General Plan Circulation Element, as amended. As shown in the



project's Final EIR, adequate utility service can be supplied for al phases of the development.

- **3.** Any commercial component is justified economically at the location(s) proposed. The proposed commercial use is 5 acres located at a primary intersection and is designed to be neighborhood serving retail for the proposed community.
- 4. Any residential component will be in harmony with the character of the surrounding neighborhood and community and will result in densities no higher that that permitted by the General Plan. The project includes a variety of lot sizes and housing types that are consistent with the overall intent of the Sand Creek Focus Area of the General Plan.
- **5.** Any deviation from the standard zoning requirements is warranted by the design and additional amenities incorporated in the final development plan which coffer certain usual redeeming feature to compensate for any deviations that may be permitted. The proposed standards allow flexibility in development standards in order to accommodate the variety of lot types and to protect the on-site natural resources.
- 6. The area surrounding the P-D District can be planned and zoned in coordination and substantial compatibility with the proposed development. The proposed project future street access and trail access to surrounding areas in order to ensure future development consistent with the Sand Creek Focus Area.
- 7. The P-D District conforms with the General Plan of the City. The amendments to the General Plan for the proposed project center on removing the golf course and allowing smaller lot sizes. However, the overall intent of the Sand Creek Focus Area and the maximum number of units allowed, is being maintained.

**NOW THEREFORE BE IT FURTHER RESOLVED** that the Planning Commission does hereby recommend to the City Council APPROVAL of the draft Ordinance **(Exhibit A)** to rezone the approximately 553.5-acre project site located in the Sand Creek Focus Area of the General Plan, west of Deer Valley Road along Sand Creek (APNs 057-010-002, 057-010-003, and 057-021-003).

\* \* \* \* \* \* \* \*

**I HEREBY CERTIFY** that the foregoing recommendation was passed and adopted by the Planning Commission of the City of Antioch at a regular meeting thereof held on the 1<sup>st</sup> day of July, 2020, by the following vote:

AYES: NOES: ABSENT: ABSTAIN:

> FORREST EBBS Secretary to the Planning Commission

#### **EXHIBIT A**

#### ORDINANCE NO.

#### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANTIOCH TO REZONE THE APPROXIMATELY 553.5 ACRE RANCH PROJECT SITE (APNs 057-010-002, 057-010-003, and 057-021-003), FROM STUDY ZONE (S) TO PLANNED DEVELOPMENT DISTRICT (MDP-20-01)

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

#### SECTION 1:

The City Council determined on \_\_\_\_\_\_, that, pursuant to Section 15074 of the Guidelines of the California Environmental Quality Act, and after full consideration of the Environmental Impact Report, Mitigation Monitoring and Reporting Program, AND Statement of Overriding Considerations prepared for project, and on the basis of the whole record before it, the Environmental Impact Report for The Ranch Project should be certified.

#### SECTION 2:

At its regular meeting of July 1, 2020, the Planning Commission recommended that the City Council adopt the Ordinance to rezone the subject property from Study Zone (S) to Planned Development (PD) District (MDP-20-01) for The Ranch Project.

#### SECTION 3:

The Master Development Plan, adopted by City Council Resolution #2020-\*\* establishes the land plan to implement the proposed P-D zoning. The real property shown in Exhibit B, attached hereto, is hereby rezoned from Study Zone (S) to Planned Development (P-D) District (MDP-20-01) for The Ranch Project, and the zoning map is hereby amended accordingly.

#### SECTION 4:

The development standards, as defined below, for the subject property (APNs 057-010-002, 057-010-003, and 057-021-003), known as The Ranch Project, are herein incorporated into this ordinance, and are binding upon said property.



#### THE RANCH PLANNED DEVELOPMENT DISTRICT

#### Purpose.

- A. The Ranch Planned Development District provides flexible development standards designed to ensure the development of the Limited Development Area within the District as a master planned community. The Limited Development Area within the District shall be defined principally by single-family residential dwelling units of various lot sizes on flatter areas on either side of Sand Creek, along with natural and recreational open spaces. The development standards applicable to the Limited Development Area within District are provided below. Because the Restricted Development Area within the District will not be developed, no development standards are included for that portion of the District.
- B. If an application is presented for development that is consistent with this Article, and objective grading and building standards of Title 8 of the Municipal Code that are applicable to all development in the City of Antioch, then the application shall be ministerially granted. Certificates of occupancy shall also issue ministerially provided only that construction conforms to City-wide building and grading requirements for issuance of such certificates, and to the regulations of the District. With the exception of subdivision maps and architectural design review, no additional approvals or entitlements, including but not limited to departmental review approval, conditional use permit, land use permit, minor use permit, any approval or requirement of the growth management ordinance, development plan, planned development, variance, zoning clearance, minor use permit, or any other review or entitlement purporting to regulate or guide land use or zoning shall be required by the City to develop the project described in such application unless otherwise specified in the tables of permitted uses below.

#### **Residential Uses**

#### A. Single-Family Low-Density

#### 1. Purpose and application

(a) LD-1 Single-family Executive Lot Type 1

This designation is for low-density large lots with a minimum lot size of 8,000 s.f., on a combination of graded, partially graded, or sloping lots.

(b) LD-2 Single-Family Conventional Lot Type 2

This designation is for low-density lots, with an average lot size of 7,000 s.f. and minimum lot size of 5,000 s.f.

(c) LD-3 Single-Family Conventional Lot Type 3

This designation is for low-density conventional lots, with an average lot size of 7,000 s.f. and minimum lot size of 5,000 s.f. A row of a minimum 8,000 s.f. lots is required on land that abuts single-family development that exists to the north of the Initiative Area as of the Effective Date of the Initiative.

#### 2. **Property development standards**

	LD-1 Executive Lot Type 1	LD-2 Conventional Lot Type 2	LD-3 Conventional Lot Type 3		
Minimum lot area in s.f.	8,000	5,000	5,000/8,000 <sup>1</sup>		
Average net lot area in s.f.	10,000	7,000	7,000		
Maximum lot coverage (1/2 story) <sup>4</sup>	55/45%	55/50%	55/50%		
MINIMUM LOT DIMENSIONS					
Lot width (interior/corner)	65'/70'	50'/55'	50'/55'		
Lot depth	100'	90'	90'/130' <sup>2</sup>		
MINIMUM SETBACKS FROM PROPERTY LINE <sup>5</sup>					
Living area at front	15'	15'	15'		
Porch at front	10'	10'	10'		
Porch at alley/private drive	n/a	n/a	n/a		
Garages at front	18'	18'	18'		
Side-on garage at front	12'	12'	n/a		
Garage at alley/rear (max)	n/a	n/a	n/a		
Interior side yard/corner⁵	5'/10'	5'/10'	5'/10'		
Rear	20'	20'	20'/35 <sup>3</sup>		
MAXIMUM BUILDING HEIGHTS					
Main building	40'	35'	35'		
Detached garage	24'	24'	24'		

Footnotes:

1. 2. 3.

It is: Lots that abut the north property line in LD-3 shall be a minimum of 8.000 s.f in lot area. Lots that abut the north property line in LD-3 shall have a minimum lot depth of 130', except in a side-on lot condition. Lots that abut the north property line in LD-3 shall have a rear yard setback of 35'. Maximum Lot Coverage is defined as the gross first floor living plus garage area divided by the lot area and does not include covered patio/porches. At least 25% of lots shall have a minimum 10' sideyard setback. The 10 foot side yard area shall remain as unrestricted open area. 4.

5. open area.

6. Architectural pop-outs and encroachments to the front, side and rear shall be allowed pursuant to Code Section 9-5.801.



#### 3. Permitted uses

	Single-family
	LD 1, 2, 3
Day care (§9-5.3817 and 9-5.3818)	Р
Home occupations	Р
Second residential unit	Р
Single-family dwelling	Р
Private residential community amenity (community center, fitness center/pool)	Р
Public safety facility	U
Public use- Fire, police, library, other civic building	U
Satellite antenna	Р
School, public or private	U
Open space	Р
Parks and park facilities, public and private	Р
Trail/Trailhead facilities	Р
Community Garden	Р
Storm Drainage facilities	Р
Resource protection / restoration	Р
Communication facility	U
Model home complex	Α
Removal of earth (§§9-5.3822)	Α
Sales, leasing office and trailers	Α
Temporary construction building and uses (§§ 9-5.3821)	Α

P – Permitted U – Use Permit required

A - Administrative Permit required

#### B. Single-Family Medium-Density

#### 1. **Purpose and application**

(a) MD-1 Single-family Standard Lot Type 1

This designation is for medium-density lots in a standard configuration, i.e.; house entry and garage accessed from street in the front. Average lot size is approximately 4,500 s.f.

(b) MD-2 Single-family Greencourt Lot Type 2

This designation is for medium-density lots in a courtyard configuration, i.e.; house entry is located from a greencourt common area in the front and the garage is accessed from alley in the rear. Average lot size is approximately 4,200 s.f.

(c) MD-3 Single-family Motor-court Lot Type 3

This designation is for medium-density lots in a clustered motor-court configuration, i.e.; house entry and garage accessed from a private street in the shape of the letter "T". Average lot size is approximately 4,200 s.f.

(d) MD-4 Single-family Private Lane Lot Type 4

This designation is for medium-density lots in a cluster configuration around a private lane. The unit entry and garages are oriented to the front of the lot. Average lot size is approximately 4,200 s.f.

	MD-1 Standard Lot Type 1	MD-2 Greencourt Lot Type 2	MD-3 T-Court Lot Type 3	MD-4 Private Lane Type 4
Minimum lot area in s.f. <sup>1</sup>	4,000	4,000	4,000	4,000
Average lot area in s.f.	4,500	4,200	4,200	4,200
Maximum lot coverage <sup>2</sup>	55%	55%	55%	55%
MINIMUM LOT DIMENSIONS				
Lot width (interior/corner)	45'/50'	40'/45'	Soo Eiguro 1	See Figure 2
Lot depth	90'	90'	See Figure 1	
MINIMUM SETBACKS FROM PROPERTY LINE <sup>3</sup>				
Living area at front	15'	10'		See Figure 2
Porch at front	10'	5'		
Porch at alley/private drive	n/a	5'		
Garages at front	18'	n/a	See Figure 1	
Side-on garage at front	n/a	n/a		
Garage at alley/rear (max)	n/a	4'		
Interior/corner side yard	4'/8'	4'/8'		
Rear	15'	10'		
MAXIMUM BUILDING HEIGHTS				
Main building	35'	35'	35'	35'
main ballang				
Detached garage	n/a	24'	n/a	n/a

#### 2. Property development standards

Footnotes:

1. Lot Area is defined as the total area of a fee simple residential lot for a single-family dwelling unit and may include

Lot Area is defined as the total area of a ree simple residential for a single-family dwelling drift and may include easements for common area access.
 Maximum Lot Coverage is defined as the gross first floor living plus garage area divided by the lot area and does not include covered patio/porches.
 Architectural pop-outs and encroachments to the front, side and rear shall be allowed pursuant to Code Section 9-5.801.





\*Setback distance measured from the edge of the drive aisle.

Figure 1: MD-3 Motor-court Lot Standards

\*Setback distance measured from the edge of the drive aisle.



## MD-3 Motor-court Lots Development Standards

#### LOT DIMENSIONS

Refer to Figure 1 for minimum lot dimensions
SETBACKS

### Streetside Lots

12' min.
8' min.
5' min.
18' min.
5'/10' min.
8' min.
18' min.
5'/10' min.
8' min.
5' min.
16' min.
6' min.
35' max.

### MD-4 Private Lane Lots Development Standards LOT DIMENSIONS

Refer to Figure 2 for minimum lot dimensions

#### SETBACKS

Streetside Lots			
(a) Front, living space	10' min.		
(b) Front, porch	5' min.		
(c) Drive aisle side, living space*	6' min.		
(d) Drive aisle side, porch*	5' min.		
(e) Drive aisle side, garage*	18' min.		
(f) Side	10' min.		
(g) Rear	5' min.		
Internal lots			
(h) Front, living space*	5' min.		
(i) Front, porch*	5' min.		
(j) Side	5' min.		
(k) Rear	10' min.		
HEIGHT	35' max.		

#### 3. Permitted uses

	Single Family
	MD 1,2, 3,4
Day care (§9-5.3817 and 9-5.3818)	Р
Home occupations	Р
Second residential unit	Р
Single-family dwelling	Р
Private residential community amenity (community center, fitness center/pool)	Р
Public safety facility	U
Public use-Fire, police, library, other civic building	U
Satellite antenna	Р
School, public or private	U
Open space	Р
Parks and park facilities, public and private	Р
Trail/Trailhead facilities	Р
Community Garden	Р
Storm Drainage facilities	Р
Resource protection / restoration	Р
Communication facility	U
Model home complex	Α
Removal of earth (§§9-5.3822)	Α
Sales, leasing office and trailers	Α
Temporary construction building and uses (§§ 9-5.3821)	А

P – Permitted U – Use Permit required A – Administrative Permit required

#### C. Age Restricted

#### 1. Purpose and application

(a) AR Single-family Age-Restricted Lot Type

This designation is for lots ranging in size from approximately 4,500 to 5,000 s.f. in a neighborhood that is restricted to residents age 55 and older.

#### 2. Property development standards

	AR Age-Restricted		
Minimum lot area in s.f.	4,500		
Average net lot area in s.f.	5,000		
Maximum lot coverage (1/2 story) <sup>1</sup>	60/55%		
MINIMUM LOT DIMENSIONS			
Lot width (interior/corner)	45'/50'		
Lot depth	90'		
MINIMUM SETBACKS FROM PROPERTY LINE <sup>2</sup>			
Living area at front	15'		
Porch at front	10'		
Porch at private drive	5'		
Garages at front	18'		
Side-on garage at front	n/a		
Garage at private drive (short apron/full arpon) <sup>3</sup>	5'/18'		
Interior side yard/corner	4'/8'		
Rear	15'		
MAXIMUM BUILDING HEIGHTS			
Main building	28'		
Detached garage	n/a		

Footnotes:

1.

s. Maximum Lot Coverage is defined as the gross first floor living plus garage area divided by the lot area and does not include covered patio/porches. Architectural pop-outs and encroachments to the front, side and rear shall be allowed pursuant to Code Section 9-5.801. Parking is allowed in driveways with full aprons only with a minimum depth of 18' depth. Parking is prohibited on driveways with short aprons (less than 18'). 2. 3.

#### 3. Permitted uses

	Active Adult
	AA
Day care (§9-5.3817 and 9-5.3818)	U
Home occupations	Р
Second residential unit	Р
Single-family dwelling	Р
Private residential community amenity (community center, fitness center/pool)	Р
Public safety facility	U
Public use- Fire, police, library, other civic building	U
Satellite antenna	Р
Open space	Р
Parks, public and private	Р
Trail/Trailhead facilities	Р
Community Garden	Р
Storm Drainage facilities	Р
Resource protection / restoration	Р
Communication facility	U
Model home complex	А
Removal of earth (§§9-5.3822)	Α
Sales, leasing office and trailers	Α
Temporary construction building and uses (§§ 9-5.3821)	А

P – Permitted U – Use Permit required

uired A – Administrative Permit required

#### **Village Center Uses**

#### A. Commercial Zone Village Center (VC)

#### 1. Purpose and application

The Village Center is intended to be located on the land within the Limited Development Area of The Ranch Property to serve primarily the neighborhood and the immediate community, providing retail goods, food/drug, eating establishments, professional services for daily needs, and other similar commercial uses.

#### 2. Property development standards

	VC Village Center
Maximum floor area ratio (FAR) <sup>1</sup>	0.35
MINIMUM BUILDING SETBACKS	
From Deer Valley Road	10'
From Sand Creek Road	15'
From local street	10'
Interior	0'
MAXIMUM BUILDING HEIGHTS	
Main building	35'
Towers/feature structure	50'
PARKING	
General commercial uses	1 space/285 s.f.
Banks, professional or medical offices	1 space/250 s.f.
General restaurant/lounge or bar including any outdoor seating	1 space/3 seats
Take out only/no seating	1 space per employee on largest shift

Footnote:

 The maximum non-residential intensity allowed in the Village Center Commercial zone is defined as the floor area ratio (FAR), which is the ratio of total net floor area of a building to the total lot area.

#### 3. Permitted uses

	Village Center
	VC
Day care (§9-5.3817 and 9-5.3818)	U
Public safety facility	U
Public use - Fire, police, library, other civic building	Р
Satellite antenna	A
School, public or private	U
Open space	Р
Trail/Trailhead facilities	Р
Community Garden	Р
Storm Drainage facilities	Р
Resource protection / restoration	Р
Art/Antique/Artisan store	Р
Bakeries—retail	Р
Bank and financial services	Р
Bar (§ 9-5.3831)	U
Barber & beauty shop	Р
Catering services	Р
Clothing store	Р

Communication facility	Р
Confectionary store	Р
Day care facility	U
Drive-up window (all uses)	U
Drug store/pharmacy	Р
Dry cleaner/laundry- self serve and pick-up	Р
Florist shop	Р
Convenience store	U
Neighborhood food market	Р
Furniture, furnishings and appliance store	Р
Gift shop	Р
Hardware store	Р
Health club/fitness center	Р
Hotel/motel	U
Jewelry store	Р
Parking lot (commercial) (§ 9-5.3837)	Α
Offices- business and professional	Р
Offices- medical/dental	Р
Pet store, animal grooming, sales	Р
Restaurant- general	Р
Restaurant- fast food	U
Restaurant- with outdoor food service and seating	Р
Restaurant- takeout and delivery	Р
Restaurant- with bar and live entertainment	U
Retail- general and specialty	Р
Studios- dance/martial arts/yoga	Р
Theater	Р
Removal of earth (§§9-5.3822)	Α
Sales, leasing office and trailers	Α
Temporary construction building and uses (§§ 9-5.3821)	Α
Outdoor display of merchandise (in conjunction with a non-residential use)	А
Special outdoor events (§§ 9-5.3828 and 9-5.3831)	Α
Christmas tree and pumpkin sale lots (§ 9-5.3829)	Α

P – Permitted

tted U – Use Permit required

A – Administrative Permit required

# **D14**

#### Public Uses

#### A. Public Use Zone (PQ)

#### 1. Purpose and application

This zone is to provide for the establishment of public and quasi-public uses, such as safety facilities, utilities, local government offices/facilities and other similar uses. The intent of this zone is to identify appropriate locations for these uses without impacting, disrupting, or otherwise removing other lands for residential or other uses.

(a) PQ-Fire Station

This designation is to accommodate a future fire station to serve The Ranch and surrounding neighborhoods, in coordination with the Contra Costa County Fire Department.

(b) PQ-Trail Staging Area

This designation is to accommodate a parking lot and regional trail staging area to serve the greater Antioch community.

#### 2. Property development standards

N/A

#### 3. Permitted uses

	Public Use
	PQ
Public safety facility and other civic building	Р
Satellite antenna	А
School, public or private	А
Open space	Р
Parks, public and private	Р
Trail/Trailhead facilities	Р
Community Garden	Р
Storm Drainage facilities	Р
Resource protection / restoration	Р
Parking lot (commercial) (§ 9-5.3837)	U
Removal of earth (§§9-5.3822)	А
Temporary construction building and uses (§§ 9-5.3821)	А
Special outdoor events (§§ 9-5.3828 and 9-5.3831)	А
Christmas tree and pumpkin sale lots (§ 9-5.3829)	А

P – Permitted U – Use Permit required A – Administrative Permit required

#### **Open Space Uses**

#### A. Open Space/Recreation Zones

#### 1. Purpose and application

This category is to provide for the establishment of open space areas to protect natural resources, provide stormwater drainage, to create parks for recreation and community gathering, and allow for key landscape areas to provide community enhancement and connectivity.

(a) P-Park

This zone is intended to provide locations for parks. Parks of varying sizes and shapes are provided to meet neighborhood recreation needs, such as informal playing or gathering, strolling, and engaging in active sports. Facilities for private recreation are also provided within the park for the agerestricted community.

(b) OS-Open Space

Open space zoning is applied to the natural resources within The Ranch site, including Sand Creek and its associated seasonal wetlands, swales, marshes, grasslands and other areas of natural vegetation. Stormwater drainage facilities, including detention basins, also occur in the OS zone.

(c) Landscape

This zone is intended to reserve key areas for major landscape corridors to enhance the Project along Deer Valley Road and provide internal connectivity between neighborhoods and parks.

(d) Trails

This zone is intended to provide trails throughout the community to enhance overall mobility and recreation by linking residents to parks, community amenities, and natural open space.

#### 2. Property development standards

N/A

#### 3. Permitted uses

	Open Space
	OS
Public safety facility	U
Public use - Fire, police, library, other civic building	U
Open space	Р
Trail/Trailhead facilities	Р
Storm Drainage facilities	Р
Resource protection / restoration	Р
Removal of earth (§§9-5.3822)	А
Temporary construction building and uses (§§ 9-5.3821)	Α
Christmas tree and pumpkin sale lots (§ 9-5.3829)	Α

P – Permitted U – Use Permit required A – Administrative Permit required



#### SECTION 5:

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

#### SECTION 6:

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

#### \* \* \* \* \* \* \* \*

I HEREBY CERTIFY that the forgoing ordinance was introduced and adopted at a regular meeting of the City Council of the City of Antioch, held on the \_\_\_\_\_ of \_\_\_\_\_, 2020, and passed and adopted at a regular meeting thereof, held on the \_\_\_\_\_\_ of \_\_\_\_\_, 2020, by the following vote:

AYES: NOES: ABSENT: ABSTAIN:

Mayor of the City of Antioch

ATTEST:

City Clerk of the City of Antioch

### EXHIBIT B

PROPOSED REZONE EXHIBIT

## **D18**



### ATTACHMENT E

## MASTER DEVELOPMENT PLAN, DESIGN GUIDELINES, AND RESOURCE MANAGEMENT PLAN RESOLUTION

RESOLUTION NO. 2020-\*\* JULY 1, 2020 Page 1

#### PLANNING COMMISSION RESOLUTION NO. 2020-\*\*

#### RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ANTIOCH RECOMMENDING APPROVAL OF A MASTER DEVELOPMENT PLAN, DEISGN GUIDELINES, AND RESOURCE MANAGEMENT PLAN FOR THE RANCH PROJECT

WHEREAS, the City of Antioch ("City") received an application from Richland Planned Communities, Inc. ("Applicant") seeking City approval of the following: a General Plan Amendment the City of Antioch General Plan Land Use Map, General Plan Text, Circulation Element, and Housing Element; a Planned Development Rezone; a Master Development Plan, Design Guidelines, and Resource Management Plan; and a Development Agreement for the development of up to a 1,177 unit planned residential community on approximately 553.5 acres, known as The Ranch Project ("Project") (GP-20-01, MDP-20-01);

WHEREAS, the project site is in the southeastern section of the City of Antioch, on the western side of State Route 4 and is within the Sand Creek Focus Area of the General Plan west of Deer Valley Road along Sand Creek (APNs 057-010-002, 057-010-003, and 057-021-003);

WHEREAS, A Final Environmental Impact Report and Mitigation Monitoring and Reporting Program was prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15162, and considered by the Planning Commission on July 1, 2020;

WHEREAS, the Planning Commission recommended to the City Council certification of the Final Environmental Impact Report, based on findings of fact and adopting a Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program;

WHEREAS, the applicant has prepared a Master Development Plan consistent with the requirements of the Sand Creek Focus Area Alternate Planning Process and to establish guidelines for future development within The Ranch;

**WHEREAS,** the applicant has prepared Design Guidelines for the Project in order to customize the City of Antioch's Residential Design Guidelines specifically for the Project and to establish guidelines for future development within The Ranch;

WHEREAS, the applicant has prepared a Resource Management Plan for the Project as called for in Section 10.3.2.(e) of the Antioch General Plan and consistent with the "Framework for a Resource Management Plan for the Sand Creek Focus Area" contained in General Plan Appendix A. The Resource Management Plan incorporates the biological resources mitigation measures identified in the Final Environmental Impact Report;

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

**WHEREAS,** the Planning Commission on July 1, 2020 duly held a public hearing, received and considered evidence, both oral and documentary;

**NOW THEREFORE, BE IT RESOLVED** that the Planning Commission does hereby recommend to the City Council approval of the Master Development Plan (Exhibit A), Design Guidelines (Exhibit B), and Resource Management Plan (Exhibit C), subject to the following conditions:

- 1. This approval is invalid unless the City Council approves the General Plan Amendment, and P-D Rezone for the proposed project.
- 2. This approval expires two years from the date of approval (Expires July 1, 2022) or alternate date as identified in the signed and executed Development Agreement.
- 3. Prior to any development on the project site, a Design Review application shall be submitted for Planning Commission review consistent with the adopted Design Guidelines.
- 4. The Development Standards and Design Guidelines shall be amended to require local streets to be designed to meet standard City cross-sections unless otherwise approved by the City Engineer through the future tentative map approval process.
- 5. The applicant shall comply with all mitigation measures identified in the Mitigation Monitoring and Reporting Program and Resource Management Plan.
- 6. The applicant shall defend, indemnify, and hold harmless the City in any action brought by a third party to challenge the land use entitlement. In addition, if there is any referendum or other election action to contest or overturn these approvals, the applicant shall either withdraw the application or pay all City costs for such an election.
- 7. No permits or approvals, whether discretionary or mandatory, shall be considered if the applicant is not current on fees, reimbursement payments, and any other payments that are due.

\* \* \* \* \* \* \* \*

**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 1<sup>st</sup> day of July, 2020, by the following vote: RESOLUTION NO. 2020-\*\* JULY 1, 2020 Page 3

AYES: NOES: ABSENT: ABSTAIN:

> FORREST EBBS Secretary to the Planning Commission

#### EXHIBIT A

#### MASTER DEVELOPMENT PLAN

The Master Development Plan booklet is available on the City of Antioch website at <u>https://www.antiochca.gov/fc/community-development/planning/ProjectDOCs/GP-20-01-MP.pdf</u>.

#### **EXHIBIT B**

#### DEVELOPMENT STANDARDS AND DESIGN GUIDELINES

The Development Standards and Design Guideline booklet is available on the City of Antioch website at <u>https://www.antiochca.gov/fc/community-</u> <u>development/planning/ProjectDOCs/GP-20-01-DG.pdf</u>.

### EXHIBIT C

**RESOURCE MANAGEMENT PLAN** 



# **Resource Management Plan**

## The Ranch in Antioch

City of Antioch 24 June 2020

**E8**
#### Prepared for:

Richland Planned Communities, Inc. 3000 Lava Ridge Court, Suite 115 Roseville, CA 95661

#### **Recommended Citation:**

Madrone Ecological Consulting, LLC (Madrone). 2020. *Resource Management Plan*. Prepared for Richland Planned Communities, Inc. Published on 24 June 2020.

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- Attachment A. Project Conceptual Land Use Plan
- Attachment B. Impacts to Aquatic Resources
- Attachment C. Tree Survey Map
- Attachment D. Verified Aquatic Resources

#### 1.0 INTRODUCTION/APPLICABILITY

Madrone Ecological Consulting, LLC., on behalf of Richland Planned Communities, Inc., has prepared this Resource Management Plan (RMP) in order to comply with the City of Antioch's General Plan Section 10.0 (Resource Management), which outlines objectives and policies as they relate to biological resources. The overall objective is to preserve natural streams and other habitats that support special-status plant and animal species. While it is preferred to preserve these resources in-situ, the General Plan allows for mitigation off-site within eastern Contra Costa County, if sufficient on-site preservation is not feasible. Whether such resources are preserved on-site within natural open space areas, or are mitigated off-site, the General Plan requires that such preserved areas are managed and maintained pursuant to a Resource Management Plan (RMP) (Section 10.3.2e and Section 10.4.2d of the General Plan, respectively) (LSA 2003). Richland Planned Communities, Inc., currently plans to preserve lands on-site, as well as at two off-site properties, in order to meet the mitigation requirements of the state and federal resource agencies as well as the City. If the long-term preservation of the off-site mitigation lands currently controlled is not feasible, at the reasonable discretion of the Community Development Director or other branch of the City, off-site mitigation may also occur at an established mitigation bank that includes Antioch in its service area, or that occurs within an area that the East Contra Costa County Multi-Species Habitat Conservation Plan/Natural communities Conservation Plan (HCP/NCCP) identifies as having good conservation value, or as otherwise approved by the City and resource agencies.

This RMP mimics the environmental mitigation measures identified in the Draft Environmental Impact Report (Draft EIR) for The Ranch Project (SCH No. 2019-060012). To the extent the EIR is revised to reduce or increase mitigation requirements, those revisions shall prevail over any mitigation included in this RMP.

# 2.0 PROJECT DESCRIPTION

#### Introduction

The Ranch is an approximately 551.5-acre comprehensive master planned community in the City of Antioch. The proposed community is planned to include residential neighborhoods of varying densities, a Village Center, a fire station, parks, and an open space and trail system (the "Project"). The land uses are carefully arranged to respond to the natural features of the property and to be compatible and complementary with the abutting neighborhoods and uses.

# **Project Location**

The Project site is located at 6275 Deer Valley Road, in the southeastern portion of the City of Antioch, within the Sand Creek Focus Area. The Project site is bounded on the north by existing single-family homes, on the east by Deer Valley Road and (across the road) a new Kaiser Hospital, on the south by undeveloped grazing lands, and on the west by Empire Mine Road, Black Diamond Mine Preserve and undeveloped grazing lands (See Figure 1).

#### **Existing Land Use**

The Project site currently supports cattle ranching, one residential structure, and various barns and outbuildings located in the eastern portion of the site. Historical land uses include grazing, cattle operations and some natural gas exploration.

The Project site is bisected by Sand Creek, which is a deeply incised seasonal creek which flows from west to east. The topography of the site ranges from fairly level along the eastern and central portions, gently sloping areas on either side of the creek, with more moderate to steep slopes in the western portion of the site. Riparian vegetation occurs primarily along the creek banks and several mature oak trees are located on the Project site along Sand Creek. A large stockpile of soil and large boulders exist on the northwestern portion of the Project site, near the terminus of Dallas Ranch Road, likely as the result of the construction of Dallas Ranch Road and the neighborhood located immediately north of the Project site.

#### **Project Description**

As an overview, the proposed Project contemplates 1,177 new homes, including a mix of low density, medium density, including age-restricted units, in two development areas - one north of Sand Creek and the other south of it, to be constructed in three phases. An expansive open space corridor oriented along the Sand Creek corridor would be a dominant central feature of the community. In addition, the Village Center, a fire station site, numerous parks and linear parkways complete the overall master plan concept. The scale of the proposed Project provides an opportunity to include housing options that provide greater product diversification to meet the varied demand for housing in the Antioch area. Housing diversity is achieved by offering neighborhood types that fit a range of household types, income levels, ages and lifestyles. Each of these components is discussed below in more detail. An overview of the proposed conceptual plan can be found in Attachment A.

#### **On-Site Open Space**

The proposed Project will include a minimum 50-foot setback from the centerline of Sand Creek and between a minimum 250-foot and over 1,000-foot (average of approximately 450-foot) buffer preserve corridor along Sand Creek as shown in Attachment B. The Project also proposes 36.8 acres of passive open space, and 192.7 acres of preserve open space, for a total of 229.5 acres of open space, also shown in Attachment B. In sum, the Project's land plan is fully consistent with the Western Sand Creek Initiative and proposes over 40 percent of total area for open space.

#### **Off-Site Infrastructure Improvements**

Some permanent and temporary Project-related impacts will occur on adjacent parcels as a result of construction of required utilities and roads. These improvements will occur within the Offsite Infrastructure Improvement Area as shown on Figure 2, although the impact area will likely be much smaller than the study area following detailed design.

#### 3.0 SENSITIVE BIOLOGICAL RESOURCES THAT MAY BE AFFECTED

The proposed Project has the potential to impact biological resources consisting of Waters of the U.S., Waters of the State, sensitive species habitat, sensitive plant and animal species, and protected trees. The proposed Project will result in the permanent loss of approximately 322 acres of non-native annual grasslands. On-site, the Project contains a total of 5.059-acres of habitat under the jurisdiction of the U. S. Army Corps of Engineers (USACE) (Waters of the U.S.) and/or the Regional Water Quality Control Board (RWQCB)(Waters of the State) (Attachment C). On-site, the Project will impact a total of 1.038-acres of Waters of the U.S. and State. These on-site impacts include 0.025-acre to Sand Creek (primarily for the construction of vehicular crossing and two outfalls), 0.079-acre to ephemeral tributaries, and 0.934-acre to seasonal wetland, wetland drainage, and non-wetland seasonal pool; all of which provide known or potential habitat for several special-status grassland, vernal pool, and riparian wildlife species. The remaining 4.021-acres of Waters of the U.S. and State, including the remainder of the Sand Creek corridor and preserved annual grassland habitat within the Project will be permanently protected within the on-site open space areas which total approximately 229.5 acres. Additionally, there will be limited impacts to approximately 0.021-acre of ephemeral drainage and seasonal wetland from the off-site infrastructure improvements.

The Project proposes to remove approximately six trees. Trees planned for removal include two non-native blue gum eucalyptus (*Eucalyptus globulus*), two non-native almond (*Prunus dulcis*), one native blue oak (*Quercus douglasii*), and one native valley oak (*Quercus lobata*). The eucalyptus windrow located on the western boundary of the Project site will remain intact, and should not be impacted by development.

# 3.1 Sand Creek

Sand Creek is an intermittent stream that flows from west to east bisecting the Project site. Sand Creek conveys precipitation runoff during and shortly after rain events with the duration of water flow ranging from a few days to several weeks. Approximately 1.901 acres of Sand Creek lies within the Project site.

Sand Creek is highly incised and contains a primary low-flow channel that ranges from 8 to 10 feet deep and averages 12 feet in width, as well as a secondary flood-plain terrace that ranges from approximately 30 to 70 feet in depth and 30 to 70 feet in width. Banks of Sand Creek are generally steep and range from 15 to 60 percent gradient. The bed of Sand Creek is generally unvegetated due to high-volume and highvelocity flows. These flows tend to scour vegetation and soil from the primary channel. As another indicator of the generally flashy flow regime of Sand Creek, rack lines located within the channel were observed as high as 12 to 15 feet above the bed of the creek.

Limited riparian vegetation is present along Sand Creek, consisting mostly of scattered valley oak (*Quercus lobata*) California buckeye (*Aesculus californicus*) California rose (*Rosa californica*), California sagebrush (*Artemisia californica*), and California mugwort (*Artemisia douglasiana*). Due of the open canopy, the understory in this habitat is largely undifferentiated from the surrounding non-native grasslands, supporting primarily the same non-native annual grasses and forbs. A shrub understory is generally lacking on the site

(ECORP 2017a). Approximately 1.876 acres of Sand Creek will be preserved on-site in the open space. Approximately 0.005 acres of stream channel will be impacted by the construction of two storm drain outfalls, and two bridges.

## 3.2 Ephemeral Tributaries

There are several small ephemeral tributaries to Sand Creek that would be impacted by the proposed Project. These tributaries are highly ephemeral in nature and only flow during and immediately after precipitation events. These tributaries are generally moderately to highly incised and do not contain hydrophytic vegetation. The banks of these drainages are highly erosive. Filling of portions of the highly erosive ephemeral tributaries will eliminate a source of sediment to Sand Creek and downstream Marsh Creek and San Joaquin River delta (Monk and Associates 2015). Approximately 0.397 acres of the on-site ephemeral tributaries will be preserved on-site in the open space, and approximately 0.076 acres of ephemeral tributaries will be impacted by the grading of the site.

# 3.3 Seasonal Wetlands, Seeps, Wetland Drainages, and Non-Wetland Seasonal Pools

The Project site supports a variety of categories of wetlands and other jurisdictional features. Many of these features are considered Waters of the U.S. while all are considered Waters of the State. Most of these features are depressional, while some are of low gradient. Many of these features represent potential habitat for special-status sensitive plant and wildlife species. Approximately 0.369 acres of these features will be preserved within the on-site open space, and approximately 0.960 acres will be impacted by the grading of the site. All impacts to Waters of the U.S. and Waters of the State, as well as any special status plants and species will be mitigated as outlined below in Section 5.0, as a result of consultations under Section 7 of the federal Endangered Species Act (FESA), and Section 2081 of the California Endangered Species Act (CESA).

# 3.4 Impoundments (Stock Ponds)

The Project site supports two impoundments or man-made livestock ponds. These features are located within the northwest portion of the Project and will be located entirely within the on-site open space preserve area. These ponds represent aquatic habitat for several sensitive plant and wildlife species, including California tiger salamander and California red-legged frog. Approximately 1.373 acres of impoundments will be preserved on-site in the open space.

#### 3.5 Protected Trees

An on-site tree survey was conducted in 2015, which identified 16 tree species and 255 individual trees. There are no trees located within the offsite improvement areas. (See Attachment D.)

Approximately 181 of the 255 trees identified within the Project site are indigenous trees as identified in the City of Antioch Tree Ordinance. The indigenous trees in the Project site consist of native oaks (coast live oak, blue oak, valley oak, and interior live oak) and California buckeye. Various planted and ornamental

trees such as blue gum eucalyptus, manna gum (*Eucalyptus viminalis*), black locust (*Robinia pseudoacacia*), and others also exist in the Project site. Some of the planted and ornamental trees are protected under the City of Antioch Tree Ordinance as "mature trees" or "landmark trees" because the trees exceed the 26 inches diameter at breast height (DBH) or 48 inches DBH respective thresholds.

The Project proposes to remove approximately six trees. Trees planned for removal include two non-native blue gum eucalyptus totaling 143 inches, two non-native almond totaling 45 inches, one native blue oak 35 inches in diameter, and one native valley oak of 42 inches in diameter. A tree permit/authorization will be required to be obtained from the City of Antioch prior to removal of these trees. Mitigation for the removal of trees may include on-site planting, off-site planting, or payment into a native tree fund.

# 3.6 Special-Status Plants

Special-status plant surveys were first conducted on-site between 2013 and 2015. Three special-status plant species were documented within the Project site during those earlier plant surveys (ECORP 2017, Madrone 2019a). These species include crownscale (Atriplex coronata) (not FESA or CESA listed, CRPR 4.2), San Joaquin spearscale (Extriplex joaquinana) (not FESA or CESA listed, CRPR 1B.2), and shining navarretia (Navarretia nigelliformsis radians)(not FESA or CESA listed, CRPR 1B.2). Additional protocol special-status plant surveys were conducted in 2018 and 2019 for the entire Project as well as the offsite infrastructure areas. No special status plant species were identified within the offsite infrastructure areas. Three special-status plant species were documented within the Project site during the 2018 and 2019 surveys (Madrone 2019a), including crownscale (Atriplex coronata)(not FESA or CESA listed, CRPR 4.2), big tarplant (Blepharizonia plumosa)(not FESA or CESA listed, CRPR 1B.1) and shining navarretia (Navarretia nigelliformsis radians)(not FESA or CESA listed, CRPR 1B.2). Additionally, a locally rare species, angle-stem buckwheat, was present during the 2018 and 2019 plant surveys. San Joaquin spearscale was determined to be absent from the Project site during the 2018 and 2019 plant surveys, although the marginal habitat for this species would be located within the open space preserve area on the Project site, and not directly impacted by development. Locations of the documented special-status plant populations are shown on Figure 3. The proposed project could result in adverse effects to on-site populations of crownscale, big tarplant, and angel-stem buckwheat, and shining navarretia; thus, mitigation is required. Mitigation measures have been outlined in Section 3.0 (Biological Resources) of the EIR, which have been included in this RMP in Section 5.0, below.

#### 3.7 Invertebrates

# 3.7.1 Crotch Bumble Bee and Western Bumble Bee

Crotch bumble bee (*Bombus crotchii*) and Western bumble bee (*Bombus occidentalis occidentalis*) are both candidates for state listing. These species inhabit open grasslands and scrub habitats, meadows, and grasslands with blended floral resources. The hills and areas along Sand Creek within the Study Area represent suitable habitat for crotch bumble bee and western bumble bee. These areas contain abundant flowering plants for much of the year and contain abundant ground squirrel burrows in which the species

can nest and overwinter. Due to the fact that both species are currently absent from most of the Central Valley of California, there is a low potential for them to be present within the Study Area.

# 3.7.2 Valley Elderberry Longhorn Beetle

The Valley elderberry longhorn beetle (Desmocerus californicus dimorphus) (VELB) is listed as threatened in accordance with the FESA. One elderberry shrub, the sole host plant for this species, was observed in the west-central portion of the Project site along Sand Creek. This shrub will be avoided as it will be protected within the open space preserve corridor along Sand Creek. No elderberry shrubs were observed within the off-site improvement areas; therefore, this species is absent from the off-site improvement areas. Based on the foregoing, the VELB will not be impacted by the Project.

# 3.7.3 Vernal Pool Crustaceans

Vernal pool fairy shrimp (*Branchinecta lynchi*)(VPFS) and vernal pool tadpole shrimp (*Lepidurus packardi*)(VPTS) have been observed on the site. There is approximately 1.019 acre of suitable habitat for these species, consisting of Waters of the U.S. and State within the site. Approximately 0.648 acre of suitable habitat will be impacted by the grading of the Project. The remaining 0.371 acre of VPFS and VPTS habitat will be preserved on-site within the open space areas.

# 3.8 Amphibians

# 3.8.1 California Red-legged Frog

California red-legged frog (*Rana draytonii*) (CRLF) have been identified within Sand Creek along the far western boundary of the site. The two impoundments (stock ponds) and Sand Creek within the site represent aquatic habitat for CRLF totaling 3.273 acres. Approximately 0.005 acre of CRLF aquatic habitat will be impacted by the construction of bridges and utility crossings over Sand Creek. The remaining aquatic habitat is proposed to be preserved on-site within the open space preserve area. Uplands within 300 feet of the two impoundments and Sand Creek may represent potential upland habitat for CRLF. Impacts to CRLF upland habitat will be minimal and the majority is proposed to be preserved on-site within the open space preserve area.

# 3.8.2 California Tiger Salamander

California tiger salamander (*Ambystoma californiense*) (CTS) have been observed on-site. There is approximately 2.128 acres of potential breeding habitat for CTS within the Project. Approximately 0.423 acres will be impacted by the grading of the Project. The remaining CTS breeding habitat is proposed to be preserved on-site within open space preserve area. Ground squirrel burrows on-site provide potential upland habitat for this species. It is assumed that both breeding and upland habitat for CTS occurs on the site.

# 3.8.3 Western Spadefoot

The western spadefoot (*Spea hammondii*) has been observed breeding in Sand Creek within the Project and is a CDFW species of special concern. Suitable aquatic habitat for western spadefoot within the Study Area consists of the large plunge pool within Sand Creek, the two ponds, and deeper seasonal wetlands.

#### 3.9 Reptiles

#### 3.9.1 Alameda Whipsnake

The non-native annual grassland within the Project site represents low quality foraging and dispersal habitat for Alameda whipsnake (*Masticophis lateralis euryxanthus*). The species has not been identified on-site. While protocol surveys for the species have not been conducted to date, there is a low possibility that the species may occur on-site due to the lack of quality habitat. The nearest suitable habitat for this species is approximately 1 mile southwest of the Project site.

#### 3.9.2 Blainville's Horned Lizard

The non-native annual grassland within the Project site represents low quality habitat for Blainville's horned lizard (*Phrynosoma blainvillii*). The species has not been identified on-site. While surveys for the species have not been conducted to date, there is a low possibility that the species may occur on-site due to lack of quality habitat.

#### 3.9.3 Northwestern Pond Turtle

Sand Creek and the two impoundments (stock ponds) within the Project site represent potential habitat for northwestern pond turtle (*Actinemys marmorata*). The species has not been identified on-site. However, surveys for the species have not been conducted to date and there is a possibility that the species may occur on-site.

#### 3.9.4 Silvery Legless Lizard

The non-native annual grassland within the Project site represents low quality habitat for silvery legless lizard (*Anniella pulchra pulchra*). The species has not been identified on-site. While surveys for the species have not been conducted to date, there is a low possibility that the species may occur on-site.

#### 3.10 Birds

# 3.10.1 Western Burrowing Owl

Burrows within the non-native grassland and ruderal habitats within the Project site represent potential nesting and overwintering habitat for western burrowing owl (*Athene cunicularia*)(BUOW), a state species

of special concern. No BUOW have been observed on-site. However, sign of BUOW (pellet and whitewash) were observed during the 2018 special-status plant surveys near Seasonal Wetland Pools 1 and 2. Protocol surveys for the species have not been conducted to date, however, it is assumed that this species is present on-site.

# 3.10.2 California Horned Lark

The non-native grassland within the Project site represent potential nesting habitat for the California horned lark (*Eremophila alpestris actia*). California horned lark have not been identified on-site. However, surveys for the species have not been conducted to date and it is assumed that the species is present on-site.

# 3.10.3 Ferruginous Hawk

The non-native grassland within the Project site represent nonbreeding season (September through March) foraging habitat for the ferruginous hawk (*Buteo regalis*). No ferruginous hawk have been identified on-site. However, surveys for the species have not been conducted to date and it is assumed that the species is present on-site during the nonbreeding season.

#### 3.10.4 Golden Eagle

The non-native grassland within the Project site represent foraging habitat for golden eagle (*Aquila chryaetos*). Golden eagles have been identified foraging on-site. There is a low potential for the species to nest on-site.

#### 3.10.5 Grasshopper Sparrow

The non-native grassland within the Project site represent potential nesting habitat for grasshopper sparrow (*Ammodramus savannarum*). Grasshopper sparrow have not been identified on-site. However, surveys for the species have not been conducted to date and it is assumed that the species is present on-site.

#### 3.10.6 Loggerhead Shrike

The trees and shrubs within the Project site represent potential nesting habitat for loggerhead shrike (*Lanius ludovicianus*). Loggerhead shrike have not been identified on-site. However, surveys for the species have not been conducted to date and it is assumed that the species is present on-site.

#### 3.10.7 Northern Harrier

The non-native grassland within the Project site represent potential nesting habitat for northern harrier (*Circus cyaneus*). No Northern harrier have been identified on-site. However, surveys for the species have not been conducted to date and it is assumed that the species is present on-site.

#### 3.10.8 Prairie Falcon

The non-native grassland within the Project site represent nonbreeding season (September through March) foraging habitat for prairie falcon (*Falco mexicanus*). Prairie falcons were observed foraging on-site in March 2017.

#### 3.10.9 Short-Eared Owl

The non-native grassland within the Project site represent nonbreeding season (September through March) foraging habitat for short-eared owl (*Asio flammeus*). Short-eared owl have not been identified on-site. However, surveys for the species have not been conducted to date and it is assumed that the species is present on-site during the nonbreeding season.

#### 3.10.10 Swainson's Hawk

The large trees on-site represent suitable nesting habitat and the non-native grassland on-site represent breeding season (March through August) foraging habitat for the Swainson's hawk (*Buteo swainsoni*). Swainson's Hawk have been identified foraging within the site. Protocol surveys for the species have not been conducted to date and it is possible that that the species is nesting on-site.

#### 3.10.11 Tricolored Blackbird

The non-native annual grassland within the Project site represent potential foraging habitat for tricolored blackbird (*Agelaius tricolor*). However, no breeding habitat for the species occurs on-site. Surveys for the species have not been conducted to date and it is assumed that the species forages on-site during migration.

#### 3.10.12 White-Tailed Kite

The large trees within the Project site represent potential nesting habitat for white-tailed kite (*Elanus leucurus*). White-tailed kites have not been identified on-site. However, surveys for the species have not been conducted to date and it is assumed that the species is present on-site.

#### 3.11 Mammals

# 3.11.1 American Badger

The grasslands of the site also support suitable habitat for the American badger (*Taxidea taxus*). There are five documented occurrences of this species within 10 miles of the Project site. Surveys to confirm the absence of this species on the site have not been conducted; therefore, it is assumed that this species may occur on the site.



#### 3.11.2 San Joaquin Kit Fox

The grasslands of the site support suitable habitat for the San Joaquin kit fox (*Vulpes macrotis mutica*)(SJKF), this species has not been observed within a 10-mile radius of the site since 1997. Surveys for SJKF were conducted by trained SJKF scent dogs for the entire Project site in February of 2019. During the surveys no positive detections of SJKF were observed. Based on the lack of occurrences on and around the Project site, and the project-specific surveys in 2019, it is assumed that this species is not present within the Project site or the offsite infrastructure areas.

#### 3.11.3 Roosting Bats

The trees and structures within the site support suitable habitat for Pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), greater mastiff bat (*Eumops perotis californicus*), and western red bat (*Lasiurus blossevillii*). Surveys to confirm the absence of these species on the site have not been conducted; therefore, it is assumed that these species may occur on the site.

#### 4.0 PRESERVED LANDS AND SENSITIVE BIOLOGICAL RESOURCES COVERED UNDER THE RMP

This section describes both on-site and off-site lands that will be set-aside and managed for the benefit of sensitive biological resources to mitigate for Project effects under this RMP. Hereafter, these lands will collectively be referred to as "RMP lands". This section further describes the individual sensitive biological resources that will be preserved and managed for under the RMP on these lands.

#### 4.1 On-site Open Space

The Project Applicant has designed the Project to accommodate approximately 229.5 acres, or over approximately 40% of the total Project site, as open space. This acreage includes the Sand Creek riparian corridor averaging over 450 feet in width, and approximately 192.7 acres of open space preserve and 36.8 acres of passive open space, which includes mainly detention basin areas. These open space preserve areas support predominantly non-native annual grassland and impoundments which represent suitable CTS, CRLF, and other sensitive species habitat. The on-site open space preserve will be managed to protect all of the species included in Section 3 and for passive human recreation as approved by the City and resource agencies.

# 4.2 Offsite Mitigation Properties

In addition to the on-site open space preserve area, the Project Applicant controls two nearby parcels in eastern Contra Costa County which total 955.6 acres in size<sup>1</sup> (See Figure 4) (herein referred to as the "mitigation properties"). The mitigation properties correspond to a portion of Sections 13, 14, 15, and 23, Township 1 North, and Range 1 East (Mount Diablo Base Meridian) of the "Antioch South, California" 7.5-minute quadrangle (U.S. Geological Survey [USGS] 1978). The approximate center of the mitigation

properties is located at latitude 37.923814° and longitude -121.839026° within the San Joaquin Delta Watershed (Hydrologic Unit Code #18040003).

It is anticipated that all or portions of the 955.6-acre offsite mitigation properties may be required as mitigation for Project impacts, and these portions of the properties will be deeded to a third-party land trust or other qualified entity and preserved and managed in perpetuity as mitigation for Waters of the U.S. and State, as well as the habitat types and species included in Section 3.0. These mitigation properties consist primarily of non-native annual grassland, including slender wild oat (*Avena barbata*), medusahead grass (*Elymus caput-medusae*), soft brome (*Bromus hordeaceus*), and rose clover (*Trifolium hirtum*). A large portion of the mitigation properties is composed of blue oak woodland. This vegetation community is characterized by an intermittent to dense tree canopy dominated primarily by blue oak (*Quercus douglasii*). Other tree species present in the canopy of the on-site blue oak woodlands include California buckeye and interior live oak (*Quercus wislizeni*). The understory of this vegetation community is dominated by nonnative annual grasses and forbs, including slender wild oat and rose clover. Ridgelines and other steep portions of the Properties are composed of chamise chaparral. This vegetation community is characterized by a low, dense shrub canopy dominated almost exclusively by chamise (*Adenostoma fasciculatum*).

A total of 15.097 acres of potential Waters of the U.S. and State have been mapped within the mitigation properties (ECORP 2017b) (Figure 5). See **Table 1** below.

Table 1. Potential Waters of the U.S. and State Within the Offsite Mitigation Properties				
Туре	Acreage <sup>1</sup>			
Wetlands				
Seasonal Wetland	0.238			
Seasonal Wetland Swale	4.084			
Vernal Pool	0.160			
Seep	1.340			
Other Waters				
Intermittent Drainage	3.789			
Ephemeral Drainage	2.397			
Pond	3.089			
Total	15.097			

<sup>1</sup>Acreages represent a calculated estimation and are subject to modification following the USACE verification process.

The mitigation properties each contain approximately 14 potential breeding ponds for CTS and approximately 11 potential CRLF breeding ponds. In 2019, assessment-level CRLF and CTS surveys were conducted within the mitigation properties and documented four populations of CTS and five populations of CRLF (Figure 6) (Madrone 2019b). The mitigation properties also provide high quality potential habitat for VPFS and VPTS well as aquatic, upland/foraging, and nesting habitat for the rest of the species discussed in Section 3.0.

Adding to the resource value of the sites, the mitigation properties are located immediately adjacent to several East Bay Regional Park District (EBRPD) properties and will add to a contiguous, vast landscape of

open space which will provide habitat connectivity for sensitive species in perpetuity. The mitigation properties, along with adjacent conservation lands, will be preserved in perpetuity and will be managed for the benefit of the native species and aquatic resources as described in Section 3.0.

Based on information provided by Monk and Associates, ECORP Consulting, Inc., and Madrone Ecological, LLC, the mitigation properties provide much higher habitat values for special-status plants and animals than the Project site itself, and preservation and management of these RMP lands in perpetuity would be a net benefit to these species. In addition, as stated above they are adjacent to a vast network of conservation lands, while the Project site is surrounded by roadways, residential and commercial developments, and active farm and ranch lands. Any portions of these properties not required as mitigation for the Project may be utilized as mitigation for other projects in the future. To the extent the mitigation properties are unavailable for mitigation, the Project Applicant will be required to provide alternative mitigation deemed acceptable by all applicable regulatory agencies and the City.

# 5.0 MITIGATION FOR IMPACTS TO SENSITIVE BIOLOGICAL RESOURCES

The following section includes a discussion of Project impacts to sensitive biological resources within the Project site as well as a discussion of the proposed mitigation for these impacts.

#### 5.1 Waters of the U.S. and Waters of the State

The proposed Project will impact a total of 1.038-acres of Waters of the U.S. and State. These on-site impacts include 0.025-acres to Sand Creek (primarily for the construction of vehicular crossings), 0.079-acres to ephemeral tributaries, and 0.934-acre to seasonal wetland, non-wetland seasonal pool, wetland drainage, and seeps (Attachment B). Additionally, there will be 0.016-acre of impacts to seasonal wetland, and 0.005-acre of impacts to ephemeral drainage from the off-site infrastructure improvements (Figure 2).

The Sand Creek riparian corridor will be preserved on-site in the open space, with an average set-back of 50 feet. Mitigation for the impacts to Waters of the U.S. and Waters of the State will be determined in consultation with the resource agencies during permit negotiations.

# 5.2 Special-status Plants

Three special-status species, including shining navarretia, crownscale, and big tarplant, and a locally rare species, angle-stem buckwheat, were present during the 2018 and 2019 protocol-level plant surveys and are known to occur on-site. All of the known on-site populations of crownscale, big tarplant, and angle-stem buckwheat will be preserved within the Project's open space preserve areas; however, it is possible that construction activities could impact these special-status plant species indirectly. Additionally, some of the shining navarretia populations will be directly and indirectly impacted by development of the Project. Mitigation for impacts shall include the following:



**MM BIO-1a:** The project Applicant hired a qualified Biologist to conduct protocol surveys of the shining navarretia, crownscale, and big tarplant, and the locally rare species, angle-stem buckwheat, in 2018-2019 and submitted them to the City for independent peer review. (See Appendix D) To the extent construction occurs within 5 years of these surveys, they shall be deemed valid and no further surveys shall be required. However, if construction does not occur on affected areas within 5 years of the protocol surveys, the project Applicant shall hire a qualified Biologist to survey the project area or phase prior to construction. All survey results shall be submitted to the City of Antioch Planning Division prior to approval of grading permits.

Where populations are outside of the project footprint, a qualified Biologist shall demarcate an appropriate avoidance zone sufficient to completely avoid impacts to any individual plants. If the project will avoid the mapped populations, but will impact a portion of the avoidance zone, that shall be considered an indirect impact and the project Applicant shall ensure the plants are protected during construction by installing protective buffers such as orange exclusionary fencing and/or any necessary erosion controls methods such as the placement of straw waddles around the plants, in accordance with permits issued by the CDFW and/or USFWS.

Where populations of special-status plant species are located within the project footprint, this shall be considered a direct impact. If the project will avoid the mapped populations, but will impact a portion of the avoidance zone, then that will be considered an indirect impact. If the project will avoid the mapped populations, but will impact a portion of the avoidance zone, then that shall be considered an indirect zone, then that shall be considered an indirect impact. For impacts to the crownscale, big tarplant and the locally rare angle-stem buckwheat, the project Applicant shall comply with MM BIO-3.

The project Applicant shall have the following options to mitigate for impacts to the shinning navarretia. Options one and two are listed by order of effectiveness:

**Option 1**. The project Applicant shall identify one or more existing, unprotected populations of shining navarretia in Contra Costa County (or nearest other jurisdiction) and acquire land that supports those populations. Under this Option, once the proposed mitigation area is approved by the City of Antioch Planning Division, the mitigation habitat shall be protected by a recorded conservation easement and managed in accordance with a long-term management plan, the goal of which is to maintain the shining navarretia population and its habitat. The project Applicant shall provide an endowment in favor of the conservation easement holder to fund the long-term management outlined in the long-term management plan. As this option would preserve an existing, established population, there would be no temporal loss, and no risk of failure. As a result, the mitigation ratio for this option would be 1:1. Alternatively, the project Applicant may purchase mitigation credits (at a 1:1 ratio) from an established mitigation bank for all directly impacted shining navarretia locations.

**Option 2.** The project Applicant shall mitigate for any direct impacts at a ratio of 3:1 (preserved habitat: impacted habitat), and for any indirect impacts at a 1:1 ratio. The ratio shall be reduced to 1.5:1 if the project Applicant chooses to develop a monitoring plan, monitor the relocated seeds/plants in accordance with that plan, and meet established success criteria for successful establishment of a new population of the impacted



special-status plant. The success criterion for Option 2 would be 1:1 replacement of special-status plants by Year 5 or later following transplantation. This would require documentation of the number of plants within the proposed impact area such that the number of impacted plants could be compared to the number of established plants at the mitigation site. The monitoring plan and monitoring reports shall be submitted to the City of Antioch Planning Division for review and approval. If the success criteria are not met, additional habitat shall be set aside as set forth under Option 1. As population sizes for annual plants can vary widely from year to year, population counts shall be conducted in the last 3 years of monitoring, and the highest count shall be at least equivalent to the number of impacted plants.

**Option 3**. As an alternative Options 1 and 2, the project Applicant shall comply with a habitat conservation plan and/or natural community conservation plan if developed and adopted by the City, to the extent that all project impacts to the shining navarretia would be fully mitigated, including payment of applicable fees, provided that the California Department of Fish and Wildlife (CDFW) and United States Fish and Wildlife Service (USFWS) have approved the conservation plan.

#### 5.3 Invertebrates

# 5.3.1 Crotch and Western Bumble Bee

MM BIO-2a: To avoid take of crotch and western bumblebee species the project Applicant shall implement one of the following options:

**Option 1.** Prior to each phase of construction, a qualified Biologist shall conduct a take avoidance survey for active bumblebee colony nesting sites. In order to maximize detection of active bee colonies, the take avoidance survey shall be conducted during the spring, summer, or fall during appropriate weather (not during cool overcast, rainy, or windy days). The Biologist shall walk the entire area proposed for grading and inspect all ground squirrel burrows for bumblebee activity. The survey shall specifically target the slopes that face west to southwest as these areas are specifically utilized by western bumblebee. If any bumblebees are identified during the survey, they shall be identified to species.

All active colonies of crotch bumblebee or western bumblebee shall be avoided and no work shall occur within 50-feet of the colony, unless pursuant to consultation with the California Department of Fish and Wildlife (CDFW) an Incidental Take Permit is obtained prior to disturbance. If a colony can be fully avoided and work will not occur within 50 feet of the colony, no mitigation shall be required.

**Option 2.** The project Applicant shall comply with the habitat conservation plan and/or natural community conservation plan developed and adopted by the City, to the extent that all project impacts are fully mitigated, including payment of applicable fees, provided that California Department of Fish and Wildlife (CDFW) and United States Fish and Wildlife Service (USFWS) have approved the conservation plan.

# 5.3.2 Valley Elderberry Longhorn Beetle

**MM BIO-1d:** The project Applicant shall implement one of the following options regarding mitigation for the VELB:

**Option 1.** The elderberry shrub within the project site shall be avoided. Although there were no signs of the valley elderberry longhorn beetle, the following measures will ensure that there are no significant impacts to valley elderberry longhorn beetle:

All elderberry shrubs (which are defined for the purposes of this section as those with stems greater than 1 inch in diameter) shall be avoided completely during project construction with a buffer of at least 20 feet, and the following avoidance and minimization measures [as outlined in the Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle shall be implemented for all work within 165 feet of a shrub:

- All areas to be avoided during construction activities shall be fenced and/or flagged as close to construction limits as feasible.

- Activities that could damage or kill an elderberry shrub (e.g., trenching, paving, etc.) shall receive an avoidance area of at least 20 feet from the drip-line.

- A qualified Biologist shall provide training for all contractors, work crews, and any on-site personnel on the status of the valley elderberry longhorn beetle, its host plant and habitat, the need to avoid damaging the elderberry shrubs, and the possible penalties for noncompliance, prior to the commencement of work.

- A qualified Biologist shall monitor the work area at project appropriate intervals to assure that all avoidance and minimization measures are implemented.

- As much as feasible, all activities within 165 feet of an elderberry shrub shall be conducted between August and February.

- Elderberry shrubs shall not be trimmed.

- Herbicides shall not be used within the drip-line of the shrub. Insecticides shall not be used within 100 feet of an elderberry shrub.

- Mechanical weed removal within the drip-line of the shrub shall be limited to the season when adults are not active (August–February) and shall avoid damaging the elderberry shrub.

If either a 20-foot diameter avoidance area around the elderberry shrub is found later to not be feasible or an elderberry shrub must be removed to accommodate construction, then the project Applicant shall notify the City and implement additional mitigation measures required by the Framework after consultation with the United States Fish and Wildlife Service (USFWS).

**Option 2.** The project Applicant shall comply with a habitat conservation plan and/or natural community conservation plan if developed and adopted by the City, to the extent that all project impacts on the elderberry beetle would be fully mitigated, including payment of applicable fees, provided that the California Department of Fish and Wildlife (CDFW) and USFWS have approved the conservation plan.

# 5.3.3 Vernal Pool Crustaceans

The Project will result in the loss of approximately 0.687 acre of potential habitat for VPFS and VPTS. To mitigate for this loss of potential habitat for vernal pool crustaceans on the Project site, the Project Applicant will do the following:

**MM BIO-1c:** Prior to the issuance of any grading permit, the project Applicant shall implement one of the following options:

**Option 1.** Consult with the United States Fish and Wildlife Service (USFWS) regarding impacts of the project on vernal pool fairy shrimp and vernal pool tadpole shrimp. The project Applicant shall obtain the appropriate take authorization (Section 7 or 10 of the Federal Endangered Species Act [FESA], as appropriate) from the USFWS prior to issuance of grading permits. The project Applicant shall comply with all terms of the endangered species permits, including any mitigation requirements, which shall be determined during consultation with USFWS.

Mitigation may be accomplished through permittee-responsible mitigation and/or through the preservation of vernal pool fairy shrimp habitat at USFWS-approved ratios at a USFWS-approved mitigation bank. A minimum ratio of 1:1 mitigation shall be required.

**Option 2.** The project Applicant shall demonstrate compliance with a habitat conservation plan and/or natural community conservation plan if developed and adopted by the City, to the extent that all project impacts on the fairy and tadpole shrimp would be fully mitigated, including payment of applicable fees, provided that the California Department of Fish and Wildlife (CDFW) and USFWS have approved the conservation plan.

# 5.4 Amphibians

# 5.4.1 California Red-legged Frog

While the majority of the on-site aquatic and upland CRLF habitat will be preserved, approximately 0.025 acre of CRLF aquatic habitat will be impacted by the construction of bridges and utility crossings over Sand Creek. Additionally, impacts to uplands within 300 feet of Sand Creek may represent potential upland habitat for CRLF. To mitigate the loss of aquatic and upland habitat for this species, the Project Applicant shall do the following:

**MM BIO-1f:** Prior to issuance of any grading permits, the project Applicant shall implement one of the following options:

**Option 1.** The project Applicant shall consult with the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) regarding impacts to California red-legged frog from the proposed project. The project Applicant shall obtain the appropriate take authorization from the USFWS (Section 7 or 10 of the Federal Endangered Species Act [FESA]) and/or from the CDFW (Section 2081 of the California Fish and Game Code). The project Applicant shall comply with all required compensatory mitigation determined during consultation with the USFWS and CDFW, and provide proof of compliance to the City of Antioch Planning Division.

Should consultation with the USFWS result in required mitigation measures in conflict with the measures included here, USFWS measures shall take precedence.



Approximately 1.40 acres of California red-legged frog aquatic habitat shall be preserved on-site as part of the proposed project.

Prior to the start of construction, a qualified Biologist shall conduct a training program for all construction personnel including contractors and subcontractors. The training shall include, at a minimum, a description of the California red-legged frog and their habitats within the project site; an explanation of the species status and protection under State and federal laws; the avoidance and minimization measures to be implemented to reduce take of this species; communication and work stoppage procedures in case a listed species is observed within the project site; and an explanation of the importance of the Environmentally Sensitive Areas (ESAs) and Wildlife Exclusion Fencing (WEF). A fact sheet conveying this information shall be prepared and distributed to all construction personnel. The training shall provide interpretation for non-English speaking workers. The same instruction shall be provided to any new workers before they are authorized to perform project work.

Prior to the start of each phase of construction, ESAs (defined as areas containing sensitive habitats adjacent to or within construction work areas for which physical disturbance is not allowed) shall be construction activities are ongoing, and shall be regularly inspected and fully maintained at all times.

A qualified Biologist shall be on-site during all activities that may result in take of the California red-legged frog. The qualifications of the Biologist(s) shall be submitted to the USFWS for review and approval at least 30 calendar days prior to the date earthmoving is initiated at the project site.

Prior to the start of each phase of construction, WEF shall be installed at the edge of the project footprint in all areas where sensitive species could enter the construction area. The location of the fencing shall be determined by the contractor and the qualified Biologist prior to the start of staging or ground disturbing activities. The WEF shall remain in place throughout the duration of the project and shall be regularly inspected and fully maintained. Repairs to the WEF shall be made within 24 hours of discovery. Upon project completion, the WEF shall be completely removed and the area cleaned of debris and trash and returned to natural conditions. An exception to the foregoing fencing measures is that for work sites where the duration of work activities is very short (e.g., 3 days or less) and that occur during the dry season, and the installation of exclusion fencing will result in more ground disturbance than from project activities. In this case, the boundaries and access areas and sensitive habitats may be staked and flagged (as opposed to fenced) by the qualified Biologist prior to disturbance and species monitoring would occur during all project activities at that site.

No more than 24 hours prior to the date of initial ground disturbance, a preconstruction survey for the California red-legged frog shall be conducted by the qualified Biologist at the project site. The results shall be provided to the City of Antioch Planning Division. The survey shall consist of walking the project limits and within the project site to ascertain the possible presence of the species. The Biologist shall investigate all potential areas that could be used by the California red-legged frog for feeding, breeding, sheltering, movement, and other essential behaviors. This includes an adequate examination of mammal burrows, such as California ground squirrels or gophers. If any adults, subadults, juveniles, tadpoles, or eggs are found, the Biologist shall contact the USFWS to determine if moving any of the individuals is appropriate. In making this



determination, the USFWS shall consider if an appropriate relocation site exists. Only USFWS-approved Biologists may capture, handle, and monitor the California red-legged frog.

To the extent practicable, initial ground-disturbing activities shall be avoided between November 1 and March 31 because that is the time period when the California red-legged frog are most likely to be moving through upland areas. When ground-disturbing activities must take place between November 1 and March 31, the project Applicant shall ensure that daily monitoring by the USFWS-approved Biologist is completed.

**Option 2.** The project Applicant shall comply with a habitat conservation plan and/or natural community conservation plan if developed and adopted by the City, to the extent that all project impacts to the California red-legged frog would be fully mitigated, including payment of applicable fees, provided that CDFW and USFWS have approved the conservation plan.

# 5.4.2 California Tiger Salamander

The Project and offsite infrastructure areas will result in the loss of 0.423 acres of potential breeding habitat for CTS and approximately 356 acres of potential upland habitat. Approximately 230 acres of grassland habitat will be preserved on-site. The on-site preserve areas will be connected to additional offsite open space containing CTS breeding ponds to the west and south of the Project site.

To mitigate for the loss of 0.423 acres of potential CTS breeding habitat and 356 acres of potential upland habitat on-site, the Project Applicant will be preserving wetlands that are either known to be CTS breeding habitat, or which have the proper hydrology to support breeding CTS, on the mitigation properties and within the on-site open space preserve areas. To mitigate for the total loss of potential breeding and upland habitat combined as a result of the Project, the Project Applicant shall do the following:

**MM BIO-1e:** Prior to the commencement of construction activities, the project Applicant shall implement one of the following options:

**Option 1.** The project Applicant shall obtain take coverage from the United States Fish and Wildlife Service (USFWS) under Sections 7 or 10 of the Federal Endangered Species Act (FESA) for any impacts to the California tiger salamander and/or its habitat. In addition, the project Applicant shall obtain take coverage from the California Department of Fish and Wildlife (CDFW) under Section 2081 of the California Fish and Game Code for any impacts to the California tiger salamander and/or its habitat. Any required compensatory mitigation shall be determined during consultation with USFWS and CDFW and may include permittee-responsible mitigation and/or the purchase of mitigation credits from a USFWS- and CDFW-approved mitigation bank. Should consultation with the USFWS and CDFW result in required mitigation measures in conflict with the measures included here, USFWS and CDFW measures shall take precedence. A minimum ratio of 1:1 shall apply.

The project Applicant shall preserve both aquatic habitat and upland habitat that are either known to be California tiger salamander breeding habitat and upland habitat, or which have the proper hydrology to



support breeding California tiger salamander, on off-site mitigation properties and within the on-site open space or as otherwise required as a result of consultation with the USFWS.

Project activities shall occur during the dry season (May 1 through October 15) unless otherwise authorized by the CDFW and USFWS.

Prior to the start of construction, a qualified Biologist shall conduct a training program for all construction personnel including contractors and subcontractors. The training shall include, at a minimum, a description of the California tiger salamander and its habitat within the project area; an explanation of the species status and protection under State and federal laws; the avoidance and minimization measures to be implemented to reduce take of this species; communication and work stoppage procedures in case a listed species is observed within the project site; and an explanation of the importance of the Environmentally Sensitive Areas (ESAs) and Wildlife Exclusion Fencing (WEF). A fact sheet conveying this information shall be prepared and distributed to all construction personnel by the Biologist. The training shall provide interpretation for non-English speaking workers. The same instruction shall be provided to any new workers before they are authorized to perform project work.

Prior to the start of each phase of construction, ESAs (defined as areas containing sensitive habitats adjacent to or within construction work areas for which physical disturbance is not allowed) shall be clearly delineated using high visibility orange fencing. The ESA fencing shall remain in place throughout the duration of the construction and shall be regularly inspected and fully maintained at all times by the project Applicant's contractor.

A qualified Biologist shall be on-site during all activities that may result in take of California tiger salamander. The qualifications of the Biologist(s) shall be submitted to the USFWS and CDFW for review and approval at least 30 calendar days prior to the date earthmoving is initiated at the project site.

Prior to the start of each phase of construction, WEF shall be installed at the edge of the project footprint in all areas where sensitive species could enter the construction area. The location of the fencing shall be determined by the contractor and the qualified Biologist. The WEF shall remain in place throughout the duration of the project phase and shall be regularly inspected and fully maintained by the project Applicant's contractor. Repairs to the WEF shall be made within 24 hours of discovery. Upon project completion, the WEF shall be completely removed and the area cleaned of debris and trash and returned to natural conditions. Exceptions to the foregoing fencing measures include work sites where the duration of work activities is very short (e.g., 3 days or less) occur during the dry season, and the installation of exclusion fencing will result in more ground disturbance than from project activities. In this case, the boundaries and access areas and sensitive habitats may be staked and flagged (as opposed to fully fenced) by the qualified Biologist prior to disturbance and species monitoring would occur during all project activities.

If a water body is to be temporarily dewatered by pumping, intakes shall be completely screened with wire mesh no larger than 5 millimeters and the intake shall be placed within a perforated bucket or other method to attenuate suction to prevent California tiger salamander from entering the pump system. Pumped water



shall be managed in a manner that does not degrade water quality and then upon completion released back into the water body, or at an appropriate location in a manner that does not cause erosion. No rewatering of the water body is necessary if sufficient surface or subsurface flow exists to fill it within a few days, or if work is to be completed during the time of year the water body would have dried naturally.

When constructing a road improvement within California tiger salamander habitat, the project Applicant shall enhance or establish wildlife passage for the California tiger salamander across roads, highways, or other anthropogenic barriers. This may include upland culverts, tunnels, and other crossings designed specifically for wildlife movement, as well as making accommodations in curbs (no vertical faced curbs), median barriers, and other impediments to terrestrial wildlife movement at locations most likely to be beneficial to the California tiger salamander.

Preconstruction surveys shall be provided to the City of Antioch Planning Division, and shall be conducted by a USFWS or CDFW approved Biologist within 72 hours of the initiation of any ground disturbing activities and vegetation clearing that may result in take of the California tiger salamander. All suitable aquatic and upland habitat, including refugia habitat such as small woody debris, refuse, burrow entries, etc., shall be duly inspected. The approved Biologist(s) shall conduct clearance surveys at the beginning of each day and regularly throughout the workday when construction activities are occurring that may result in take of the California tiger salamander. Where feasible and only on a case-by-case basis, rodent burrows and other ground openings suspected to contain Central California tiger salamanders that would be destroyed from project activities may be carefully excavated under supervision of the Biologist. If the California tiger salamander is observed, the approved Biologist shall implement the species observation and handling protocol outlined below.

At least 15 days prior to initiation of ground disturbance activities the project Applicant's Biologist shall prepare and submit a Relocation Plan for the California tiger salamander for the USFWS and CDFW written approval. The plan shall include protocol to be followed should a California tiger salamander be encountered during project activities. The Relocation Plan shall contain the name(s) of the approved Biologist(s) to relocate the California tiger salamander, method of relocation, a map, and description of the proposed release site(s) within 300 feet from the project, unless at a distance otherwise agreed to by the USFWS and CDFW, and written permission from the landowner to use their land as a relocation site.

**Option 2**. The project Applicant shall comply with a habitat conservation plan and/or natural community conservation plan if developed and adopted by the City, to the extent that all project impacts to the California tiger salamander would be fully mitigated, including payment of applicable fees, provided that the CDFW and USFWS have approved the conservation plan.

# 5.4.3 Western Spadefoot

Approximately 0.423-acre of potential western spadefoot aquatic habitat will be directly impacted by the proposed project. To mitigate for this loss, the project Applicant shall comply with the following mitigation measure:

MM BIO-2f: Prior to initiation of construction activity, the project Applicant shall implement one of the following options:

**Option 1.** The project Applicant shall retain a qualified Biologist to survey all suitable aquatic habitat within the project site (including features proposed for avoidance) by sampling the features thoroughly with dipnets during March or early April, when spadefoot tadpoles would be present. In addition, one nocturnal acoustic survey of all areas within 300 feet of suitable aquatic habitat shall be conducted. Acoustic surveys shall consist of walking through the area and listening for the distinctive snore-like call of this species. The results shall be provided to the City of Antioch Planning Division. Timing and methodology for the aquatic and acoustic surveys shall be based on those described in Distribution of the western spadefoot in the Northern Sacramento Valley of California, with Comments on Status and Survey Methodology. 1 If both the aquatic survey and the nocturnal acoustic survey are negative, further mitigation is not necessary.

If western spadefoot are observed within aquatic habitat proposed for impact, the tadpoles shall be captured by a qualified Biologist and relocated either to aquatic habitat to be avoided on-site (and implement the fencing requirement outlined below), or to an off-site open space preserve with suitable habitat in the vicinity of the project site. If western spadefoot are observed within aquatic habitats proposed for avoidance, then the project Applicant shall install a keyed in silt fence along the edge of the proposed impact area within 300 feet of the occupied aquatic habitat to prevent metamorphose individuals from dispersing into the construction area.

**Option 2.** The project Applicant shall comply with the habitat conservation plan and/or natural community conservation plan developed and adopted by the City, to the extent that all project impacts are fully mitigated, including payment of applicable fees, provided that the California Department of Fish and Wildlife (CDFW) and the United States Fish and Wildlife Service (USFWS) have approved the conservation plan.

# 5.5 Reptiles

# 5.5.1 Alameda Whipsnake, Coast Horned Lizard, and northern California Legless Lizard

The Project and offsite infrastructure areas will permanently impact approximately 356 acres of annual grassland which represents low quality habitat for Alameda whipsnake, Coast horned lizard, and California legless lizard. To mitigate for the impacts to potential habitat for these species, the Project Applicant shall do one of the following:

**MM BIO-1i:** Prior to construction, the project Applicant shall implement one of the following options:

<sup>&</sup>lt;sup>1</sup> Shedd, J.O. 2017. Distribution of the Western Spadefoot in the Northern Sacramento Valley of California, with Comments on Status and Survey Methodology (PDF Download Available). Website:

https://www.researchgate.net/publication/312153742\_Distribution\_of\_the Western\_Spadefoot\_Spea\_hammondii\_in\_the\_Northern\_Sacramento\_Valley\_o

**Option 1.** Within 14 days prior to the initiation of any construction activities for each phase of the project, a qualified Biologist shall conduct preconstruction surveys for northern California legless lizard, Alameda whipsnake, and coast horned lizard. The results shall be provided to the City of Antioch Planning Division. If Alameda whipsnake is identified during the survey, it will be allowed to leave the work area on its own, subject to confirmation by a qualified Biologist. If Northern California legless lizard or coast horned lizard are found during the survey, a qualified Biologist shall relocate them to suitable habitat outside of the project site, subject to review and approval by the appropriate resource agencies (i.e., California Department of Fish and Wildlife [CDFW] and/or the United States Fish and Wildlife Service [USFWS], and the City of Antioch Planning Division).

**Option 2.** The project Applicant shall comply with a habitat conservation plan and/or natural community conservation plan if developed and adopted by the City, to the extent that all project impacts to the lizards and whipsnake would be fully mitigated, including payment of applicable fees, provided that the CDFW and the USFWS have approved the conservation plan.

# 5.5.2 Northwestern Pond Turtle

While the majority of the on-site northwestern pond turtle habitat will be preserved within the on-site open space, approximately 0.005 acre of northwestern pond turtle habitat will be impacted by the construction of bridges and utility crossings over Sand Creek. To mitigate for the impacts to aquatic habitat for this species, the Project Applicant shall do one of the following:

**MM BIO-1h:** Prior to construction activities, the project Applicant shall implement one of the following options:

**Option 1.** Within 14 days prior to the initiation of any construction activities for each phase, a qualified Biologist shall conduct preconstruction surveys for northwestern pond turtles. The results shall be provided to the City of Antioch Planning Division. If northwestern pond turtles are found prior to the initiation of, and/or during, construction activities, a qualified Biologist shall relocate them outside of the project site, subject to review and approval by the appropriate resource agencies (i.e., California Department of Fish and Wildlife [CDFW]).

**Option 2.** The project Applicant shall comply with a habitat conservation plan and/or natural community conservation plan if developed and adopted by the City, to the extent that all project impacts to the western pond turtle would be fully mitigated, including payment of applicable fees, provided that the CDFW and the United States Fish and Wildlife Service (USFWS) have approved the conservation plan.

# 5.6 Birds

# 5.6.1 Western Burrowing Owl

The Project will result in the loss of approximately 356 acres of nesting and/or foraging habitat for BUOW. Approximately 230 acres of potential habitat for BUOW will be preserved within the on-site open space. Additionally, BUOW have been observed within the offsite mitigation properties and the properties

represent high quality habitat for the species. In addition to preserving habitat for BUOW the Project Applicant shall do one of the following:

# MM BIO-1k:

**Option 1.** A targeted take avoidance burrowing owl nest survey shall be conducted of all accessible areas within 500 feet of the proposed construction area within 14 days prior to construction activities utilizing 60 foot transects as outlined in the Staff Report on Burrowing Owl Mitigation. The results shall be provided to the City of Antioch Planning Division.

If an active burrowing owl nest burrow (i.e., occupied by more than one adult owl, and/or juvenile owls are observed) is found within 250 feet of a construction area either before or during construction, no construction shall occur within 250 feet of the nest burrow until a qualified Biologist determines that the young have fledged or it is determined that the nesting attempt has failed. If the project Applicant desires to work within 250 feet of the nest burrow, the project Applicant shall consult with the California Department of Fish and Wildlife (CDFW) to determine if the nest buffer can be reduced. During the non-breeding season (late September through the end of January), the project Applicant may choose to conduct a survey for burrows or debris that represent suitable nesting habitat for burrowing owls within areas of proposed ground disturbance, exclude any burrowing owls observed, and collapse any burrows or remove the debris in accordance with the methodology outlined by the CDFW.

If any nesting burrowing owl are found during the pre-construction survey, mitigation for the permanent loss of burrowing owl foraging habitat (defined as all areas of suitable habitat within 250 feet of the active burrow) shall be accomplished at a 1:1 ratio. The mitigation provided shall be consistent with recommendations in the 2012 CDFW Staff Report and may be accomplished within the Swainson's hawk foraging habitat mitigation area if burrowing owls have been documented utilizing that area, or if the Biologist, the City, and the CDFW collectively determine that the area is suitable.

**Option 2.** The project Applicant shall comply with a habitat conservation plan and/or natural community conservation plan if developed and adopted by the City, to the extent that all project impacts to the burrowing owl would be fully mitigated, including payment of applicable fees, provided that the CDFW and the United States Fish and Wildlife Service (USFWS) have approved the conservation plan.

**MM BIO-11:** Prior to construction activities, the project Applicant shall also prepare a survey report as follows: For any nesting raptor or songbird pre-construction survey conducted pursuant to Mitigation Measure (MM) BIO-2i through MM BIO-2k, a report summarizing the survey(s), including those for Swainson's hawk, shall be provided to the City and the California Department of Fish and Wildlife (CDFW) within 30 days of the completed survey. The survey report shall be valid for one construction season. If no nests are found, no further mitigation is required.

Where birds are nesting during construction and construction activities cause a nesting bird do any of the following in a way that would be considered a result of construction activities: vocalize, make defensive flights

at intruders, get up from a brooding position, or fly off the nest, the exclusionary buffer shall be increased such that activities are far enough from the nest to stop this agitated behavior. The exclusionary buffer shall remain in place until the chicks have fledged or as otherwise determined by a qualified Biologist in consultation with the CDFW.

Construction activities may only resume within the buffer zone after a follow-up survey by the biologist has been conducted and a report has been prepared indicating that the nest (or nests) are no longer active, and no new nests have been identified.

# 5.6.2 Swainson's Hawk

The Project and offsite infrastructure improvements will result in impacts to vegetation and structures that provide potential nesting habitat to raptors including Swainson's hawk. Additionally, the Project will permanently impact approximately 352 acres of foraging habitat for Swainson's hawk. Approximately 230-acres of suitable Swainson's hawk foraging habitat will be preserved within the on-site open space preserve. Additionally, hundreds of acres of foraging habitat will also be preserved in perpetuity within the mitigation properties.

To mitigate for the impacts to nesting raptor potential habitat, the Project Applicant shall do one of the following:

# MM BIO-1j:

**Option 1.** Where construction activities will occur during nesting and breeding season (typically February 15 through September 1), the project Applicant shall conduct a targeted Swainson's hawk nest survey throughout all accessible areas within 0.25 mile of the proposed construction area no later than 14 days prior to construction activities. The results shall be provided to the City of Antioch Planning Division. If active Swainson's hawk nests are found within 0.25 mile of a construction area, construction shall cease within 0.25 mile of the nest until a qualified Biologist determines that the young have fledged, or it is determined that the nesting attempt has failed. If the project Applicant desires to work within 0.25 mile of the nest, the project Applicant shall consult with the California Department of Fish and Wildlife (CDFW) to determine if the nest buffer can be reduced. The project Applicant, the Biologist, and the CDFW shall collectively determine the nest avoidance buffer and what (if any) nest monitoring is necessary. If an active Swainson's hawk nest is found within the project site prior to construction and is in a tree that is proposed for removal, then the project Applicant shall implement additional mitigation recommended by a qualified Biologist based on CDFW Guidelines and obtain any required permits from the CDFW.

Prior to project construction, a qualified Biologist shall conduct a review of Swainson's hawk nest data available in the California Natural Diversity Database (CNDDB) and contact the CDFW to determine if they have any additional nest data. A Biologist shall conduct a survey of these nests to determine if they are still present and provide the City with a summary of the findings. If it is determined that the project site is within 10 miles of an active Swainson's hawk nest (an active nest is defined as a nest with documented Swainson's hawk use within the past 5 years), the project Applicant shall mitigate for the loss of suitable Swainson's hawk foraging habitat by implementing one of the below measures:

Active nest identified within 1 mile of the project site: 1 acre of suitable foraging habitat shall be protected for each acre of suitable foraging habitat developed. Protection shall be via purchase of mitigation bank credits or other land protection mechanism acceptable to the City.

Active nest identified within 5 miles (but greater than 1 mile) of the project site: 0.75 acre of suitable foraging habitat shall be protected for each acre of suitable foraging habitat developed. Protection shall be via purchase of mitigation bank credits or other land protection mechanism acceptable to the City.

Active nest identified within 10 miles (but greater than 5 miles) of the project site: 0.5 acre of suitable foraging habitat shall be protected for each acre of suitable foraging habitat developed. Protection shall be via purchase of mitigation bank credits or other land protection mechanism acceptable to the City.

**Option 2.** The project Applicant shall comply with a habitat conservation plan and/or natural community conservation plan if developed and adopted by the City, to the extent that all project impacts to the Swainson's hawk would be fully mitigated, including payment of applicable fees, provided that the CDFW and the United States Fish and Wildlife Service (USFWS) have approved the conservation plan.

# 5.6.3 Nesting Songbirds and Raptors

The Project will impact vegetation and structures that provide habitat for nesting songbirds, including California horned lark, grasshopper sparrow, and loggerhead shrike among others. To mitigate for the impacts to nesting songbird habitat, the Project Applicant shall do one of the following:

**MM BIO-1m: Option 1.** A pre-construction nesting bird survey shall be conducted by a qualified Biologist on the project site and within a 500-foot radius of proposed construction areas, where access is available, no more than 3 days prior to the initiation of construction. The results shall be provided to the City of Antioch Planning Division. If there is a break in construction activity of more than 2 weeks, subsequent surveys shall be conducted.

If active raptor nests are found, no construction activities shall take place within 500 feet of the nest until the young have fledged. If active songbird nests are found, a 100-foot no disturbance buffer shall be established. These no-disturbance buffers may be reduced if a smaller buffer is proposed by the Biologist and approved by the City (and California Department of Fish and Wildlife (CDFW) if it is a tricolored blackbird nesting colony) after taking into consideration the natural history of the species of bird nesting, the proposed activity level adjacent to the nest, habituation to existing or ongoing activity, and nest concealment (are there visual or acoustic barriers between the proposed activity and the nest). A qualified Biologist shall visit the nest as needed to determine when the young have fledged the nest and are independent of the site or the nest can be left undisturbed until the end of the nesting season.



**Option 2.** The project Applicant shall comply with a habitat conservation plan and/or natural community conservation plan if developed and adopted by the City, to the extent that all project impacts to raptors and songbirds would be are fully mitigated, including payment of applicable fees, provided that the CDFW and the United States Fish and Wildlife Service (USFWS) have approved the conservation plan.

# 5.7 Mammals

# 5.7.1 American Badger

The Project will permanently impact approximately 352 acres of grassland that represents potential habitat for American badger. Approximately 230 acres of potential habitat for American badger will be preserved within the on-site open space. Additionally, the offsite mitigation properties represent high quality habitat for the species. In addition to preserving habitat for American badger the Project Applicant shall do one of the following:

**MM BIO-10: Option 1.** Within 48 hours prior to the initiation of any construction activities for each Project phase, a qualified biologist shall conduct a preconstruction American badger survey within the Project area. If American badgers or burrows with American badger signs are found within the Project site or off-site improvement areas during the preconstruction surveys, consultation with CDFW shall occur prior to the initiation of any construction activities to determine an appropriate burrow excavation and/or relocation method. If American badgers are not found, further measures pertaining to American badgers are not necessary. All survey results shall be submitted to the City of Antioch Planning Division prior to the initiation of any construction activities or where construction has been halted for 30 days or more.

**Option 2.** The project Applicant shall comply with a habitat conservation plan and/or natural community conservation plan if developed and adopted by the City, to the extent that all project impacts to raptors and songbirds would be are fully mitigated, including payment of applicable fees, provided that the CDFW and the United States Fish and Wildlife Service (USFWS) have approved the conservation plan.

# 5.7.2 Roosting Bats

The Project will result in impacts to vegetation and structures that represent potential habitat for Pallid bat, Townsend's big-eared bat, greater mastiff bat, and western red bat. To mitigate for potential impacts to roosting bats, the Project Applicant shall do the following:

**MM BIO-1n:** Prior to construction activities, the project Applicant shall implement one of the following options:

**Option 1.** A qualified Biologist shall conduct a bat habitat assessment of all potential roosting habitat features, including trees within the proposed development footprint. This habitat assessment shall identify all potentially suitable roosting habitat, and may be conducted up to 1 year prior to the start of construction. The results shall be provided to the City of Antioch Planning Division.

If potential roosting habitat is identified (cavities in trees) within the areas proposed for development, the Biologist shall survey the potential roosting habitat during the active season (generally April through October or from January through March on days with temperatures in excess of 50°F (degrees Fahrenheit) to determine presence of roosting bats. These surveys are recommended to be conducted utilizing methods that are considered acceptable to the California Department of Fish and Wildlife (CDFW) and bat experts, including but not limited to evening emergence surveys, acoustic surveys, inspecting potential roosting habitat with fiber optic cameras or a combination thereof.

If roosting bats are identified within any of the trees planned for removal, or if presence is assumed, the trees shall be removed outside of pup season only on days when temperatures are in excess of 50°F. Pup season is generally during the months of May through August. Two-step tree removal shall be utilized under the supervision of the qualified Biologist. Two-step tree removal involves removal of all branches of the tree that do not provide roosting habitat on the first day, and then the next day cutting down the remaining portion of the tree.

Additionally, all other tree removal shall be conducted from January through March on days with temperatures in excess of 50°F to avoid potential impacts to foliage-roosting bat species.

**Option 2.** The project Applicant shall comply with a habitat conservation plan and/or natural community conservation plan if developed and adopted by the City, including payment of applicable fees, to the extent that all project impacts to roosting bats would be fully mitigated, provided that the CDFW and United States Fish and Wildlife Service (USFWS) have approved the conservation plan.

# 5.8 SUMMARY OF MITIGATION

In addition to the resource-specific measures discussed above to minimize and mitigate for Project effects, the Project Applicant proposes to preserve a substantial amount of high quality special-status species habitat both on-site and at the mitigation properties. As discussed in Section 4.0 above, the on-site open space preserves and the mitigation properties contain suitable upland/foraging and aquatic/breeding habitat for the species discussed in Section 3.0 that may be affected by Project activities.

The highest quality aquatic habitat and adjacent uplands within the Project site will be preserved on site, and all or portions of the mitigation properties utilized as mitigation will provide much higher habitat values for special-status plants and animals than the affected portions of the Project site itself. Preservation and management of these RMP lands in perpetuity would be a net benefit for special-status species and would contribute to the long-term survival and recovery of these species.

# 6.0 GENERAL PROVISIONS APPLICABLE TO BOTH ON-SITE AND OFF-SITE RMP LANDS

The following section provides general provisions which are applicable to all on-site and off-site preserved lands covered under this RMP, including, but not limited to, the mechanisms for in perpetuity conservation



of RMP lands; funding for on-going preservation; allowed and prohibited uses; weed and litter management; and fencing requirements.

#### 6.1 Preservation and Management of On-site and Off-site Preserves in Perpetuity

The Project Applicant shall transfer fee title to both on-site and off-site preservation lands to a qualified conservation organization or government entity prior to the on-set of development activities on the Project site, as required by the mitigation measures provided in the Project EIR and/or the applicable resource agency permits issued for the project.

The Project Applicant will establish an endowment for the qualified conservation organization(s) or government entity (hereafter referred to as the "RMP land manager") that will be held in a permanent, non-wasting trust account by the RMP land manager, the interest from which shall be used by the RMP land manager to manage and maintain the on-site and offsite preserves as set forth in this RMP. The Project Applicant will further record a permanent conservation easement or deed restriction over the preserved lands in favor of the RMP land manager.

#### 6.2 Allowed Activities

The following uses and activities are allowed on both on-site and offsite preserved lands covered by this RMP, unless expressly prohibited by resource agency permits, or the protection instrument recorded on the conservation lands as approved by the resource agencies:

- 1. Fences required for the management of grazing livestock and trail use management.
- 2. Grazing shall be allowed, provided that a Grazing Management Plan is prepared for each preserve site by a certified rangeland manager that specifies important grazing parameters including but not limited to stocking rates, residual dry matter, and timing of grazing. Monitoring methods will also be stipulated in the plan. The desired condition is as a short-grass preserve. This can be achieved by moderate grazing pressure.
- 3. The RMP land manager or its agents shall be entitled to conduct wildlife and plant monitoring activities, occasional maintenance activities associated with ranching including the distribution and collection of farm animals; for management and maintenance of the site in its naturalized condition; for passive recreational uses by the public; or for scientific study purposes.
- 4. The RMP land manager may access the property as necessary to manage and otherwise maintain the site in its naturalized condition.
- 5. The RMP land manager may grant permission to parties to access the site for scientific study purposes.
- 6. Existing pipelines and easements, if any, may continue to be maintained.
- 7. Wetlands may be created and maintained in a manner consistent with the mitigation requirements imposed in permits issued to the Project by USACE, RWQCB, and CDFW, and according to the terms of the Biological Opinion or 2081 permit issued for the Project.

- 8. Existing structures, fences, ditches, pumps, and other improvements may be maintained, repaired, and/or improved. Additional fencing or water troughs necessary to manage cattle as stipulated in the Grazing Management Plan may be installed and maintained. Such features will be installed in a way to prevent damaging or degrading of natural habitats on the site.
- 9. Feral horses or horses that have been retired from active human use are allowed to graze on the offsite mitigation properties, provided that the effects of their grazing have been factored into the terms of the Grazing Management Plan.
- 10. The offsite mitigation properties may be used for the conservation of wildlife or plant habitat, including the development or maintenance of wetland areas.

#### 6.3 Prohibited Activities

The following activities are prohibited on both on-site and offsite preserved lands covered by this RMP, unless expressly allowed by resource agency permits, or the protection instrument recorded on the conservation lands as approved by the resource agencies:

- Leveling, grading, landscaping, cultivation, or any other alterations of existing topography for any purposes (except public trails in existing roadways and/or culverts or other drainage implements), including the exploration for, or development of, mineral resources, except as required for permitted wetland or habitat creation as stipulated in permits from USACE, RWQCB, USFWS, and CDFW.
- 2. Placement or construction of any new structures, including: buildings; fences not required for management of grazing livestock in the Grazing Management Plan or human trespass and trail use management; and billboards.
- 3. Any agricultural, commercial, residential or industrial use or activity, except for grazing.
- 4. Discharge, dumping, burning, or storing of rubbish, garbage, grass clippings, dredge material, household chemicals, or any other wastes or fill materials.
- 5. The operation of any motorized vehicle for any purpose, except for emergency use, fire control, or for maintenance, repair and restoration of preserved lands or permitted facilities as set forth in the RMP or any Biological Opinion.
- 6. Activities that may alter the hydrology of the preserved lands and the associated watersheds (except as required for permitted wetland creation), including but not limited to: excessive pumping of groundwater, manipulation or blockage of natural drainages, inappropriate water application or placement of storm water drains, unless authorized in writing by the USFWS and CDFW.
- 7. The pruning, felling, or other destruction or removal of dead or living native vegetation, except as needed to control or prevent hazards, disease, fire, or the establishment of invasive species.
- 8. Conducting fire protection activities, including the creation of fire breaks, that may adversely impact preserved lands, unless the following criteria are satisfied:
  - i) The location of any fire break is approved by the USFWS, CDFW, RMP land manager, and fire department.
  - ii) The fire break does not exceed the minimum required width.
  - iii) Mowing (not discing) is used for fire break creation.



- 9. Use of pesticides, herbicides, or rodenticides by the Project Applicant on the preserved lands, except as authorized in writing by the USFWS and CDFW.
- 10. Introduction of any exotic species or species not native to the area, including aquatic species, except as authorized in writing by the USFWS and CDFW.

# 6.4 Weed Monitoring and Management

It is anticipated that a managed grazing regime as implemented by the RMP land manager will be adequate to curtail the growth of noxious invasive weeds such as yellow-star thistle (*Centaurea solstitialis*) and Italian thistle (*Carduus pycnocephalus*) on RMP lands. However, additional eradication methods may be required should noxious weed species become established on RMP lands and begin to threaten or displace the annual grasslands that support or have potential to support CTS upland habitat or BUOWs or their habitat.

The RMP lands will be monitored twice annually during April and June for the presence of noxious weed species, and appropriate additional measures will be taken to eradicate these species should they threaten to displace sensitive native plant species or habitat for sensitive wildlife species.

Appropriate weed eradication methods on RMP lands will be limited to hand pulling, the use of weed eaters, mowing, or goat grazing. Weed seedlings can often be hand pulled, but established plants may require alternate treatments. Hand pulling of many weed species is ineffective, due to their ability to regenerate from root fragments. Invasive exotics that are allowed to establish frequently require repeated control efforts. Control efforts should always be undertaken before the weeds can bloom and set seed, but if they have begun blooming, flowers and/or seeds should be carefully bagged and disposed of legally.

A wide array of treatments is available to control weeds, including manual methods and mechanical methods (e.g., pulling, mowing, weed-eaters). The use of chemical eradication methods shall not be permitted within the RMP lands unless other methods have been shown to be ineffective. The use of such chemical methods must be authorized in writing by USFWS and CDFW.

#### 6.5 Fencing

To avoid inappropriate off-road vehicular use of RMP lands, fencing will be installed along the perimeters of RMP lands. Additional fencing may be required should it be determined that cattle are impacting sensitive resources on RMP lands such as rare plants, wetlands, or riparian areas; or to effectively manage grazing units as determined by a certified rangeland manager and described in the Grazing Management Plan. Fencing will be split-rail fencing, barbed wire, or other fencing that does not hinder wildlife from using or moving through the site.

The integrity of all fencing, and any other structures required on RMP lands under the RMP, a Biological Opinion and/or deed restriction, will be assessed no less than once annually by the RMP land manager or Project Applicant (whichever currently has responsibility for monitoring and reporting tasks on the site in question). Any necessary repairs will be carried out within 30 days by the responsible party.

#### 6.6 Litter

RMP lands will be monitored no less than four times annually for accumulation of trash and litter by the RMP land manager or Project Applicant (whichever currently has responsibility for monitoring and management tasks on the site in question). All trash and litter shall be removed by the responsible party within 30 days.

#### 7.0 GRASSLAND GRAZING MANAGEMENT PLAN

Management of grassland habitat on RMP lands will consist primarily of a predator-friendly, winter-spring grazing regime as practiced by East Bay Regional Parks. Grazing benefits a number of special-status species such as those targeted for conservation on both on-site and offsite RMP lands. Therefore, a moderate grazing regime is not only consistent with the objectives set forth in the City of Antioch's General Plan, but can be used to optimize the habitat value for the target species on preservation lands. Grasses must be kept short as CTS, BUOW and SJKF must be able to move freely and observe predators. A managed grazing regime (allowing a moderate level of grazing) will keep grasses at an optimal height to benefit these species. Managed grazing will also reduce the likelihood that invasive weeds will be become established within RMP lands. As such, the Project Applicant shall hire a certified rangeland manager to develop a Grazing Management Plan for RMP lands that will be provided to and approved by the USFWS, CDFW, and City.

Objectives of the Grazing Management Plan shall include:

- Preservation of herbaceous cover at a density and height that promotes the establishment and maintenance of populations of ground squirrels necessary to support targeted special- status grassland animals. This will include keeping grasses at a minimum height of 3 inches and maximum height of 12 inches.
- Promote even grazing pressure over RMP grasslands so that there are no overgrazed and/or undergrazed areas.
- Discourage the growth of undesirable non-native invasive plants.
- Reduce fire hazards associated with excessive thatch cover.
- Minimize erosion potential of grazed areas by leaving ample vegetative cover.
- Reduce or eliminate grazing impacts to wetlands and most stream zone areas.
- Promote a cooperative working relationship between the RMP land manager and the grazing lessee/rancher implementing the grazing plan.

Required Elements of the Grazing Management Plan. The Project Applicant shall develop a Grazing Management Plan sufficient to meet the above objectives. A copy of the Plan shall be provided to the USFWS, CDFG, the RMP land manager, and the City of Antioch. At a minimum, this Plan shall include the following elements:

- Preparation of the Plan by a certified rangeland manager.
- The initial stocking rate for each RMP site, including a justification of the initial rate.

- The specific protocol for how RMP grasslands will be monitored to ensure the specified objectives of the grazing plan are met, including which parameters will be measured and how they will be measured.
- Preparation of an annual report with findings from the annual monitoring, including recommendations for adjustments to stocking rates and any need for additional fencing to exclude stock from sensitive habitats. The annual report will be provided to USFWS, CDFW, the RMP land manager, and the City of Antioch at their request.
- Approved actions should the monitoring indicate that the objectives of the Plan are not being met.


#### 8.0 REFERENCES

- ECORP Consulting, Inc. 2017a. Biological Resources Assessment for the Ranch in Antioch, Contra Costa County, California. Prepared for Richland Planned Communities, Inc. Dated October 2017.
- ECORP Consulting, Inc. 2017b. Aquatic Resources Delineation for the Richland Mitigation Properties, Contra Costa County, California. Prepared for Richland Planned Communities, Inc. Dated 10 November 2017.
- LSA Associates, Inc. 2003. General Plan, City of Antioch, Contra Costa County, California. Prepared for the City of Antioch. Dated November 24, 2003.
- Madrone Ecological Consulting, LLC (Madrone). 2019. Biological Resources Assessment for The Ranch in Antioch. Prepared for Richland Planned Communities. Published on 23 September 2019.
- Madrone Ecological Consulting, LLC. 2019a. Special-Status Plant Survey Report. The Ranch in Antioch. Prepared for Richland Planned Communities. Published 19 September 2019.
- Madrone Ecological Consulting, LLC. 2020. Richland Mitigation Properties; Contra Costa County, California – 2019 California Red-legged Frog Visual Encounter Survey Results. Prepared for Richland Planned Communities. Published 28 January 2020.
- Monk & Associates, Inc. (M&A). 2015. DRAFT Biological Assessment for The Ranch, City of Antioch, Contra Costa County.
- Raney Planning and Management, Inc. 2018. Draft Environmental Impact Report The Ranch Project. Dated March 2018.

### **Figures**

Figure 1. Project Site and Vicinity

- Figure 2. Offsite Infrastructure Aquatic Resources
- Figure 3. Special-Status Rare Plant Populations Map
- Figure 4. Richland Mitigation Properties Location and Vicinity
- Figure 5. Richland Mitigation Properties Aquatic Resources
- Figure 6. California Tiger Salamander and California Red-legged Frog Survey Results for the Richland Mitigation Properties



Source: United States Geologic Survey, 2015 Sections 5-9, Township 1 North, Range 2 East, MDB&M "Antioch South, California" 7.5-Minute Topographic Quadrangle Longitude -121.783351, Latitude 37.949083

The Ranch in Antioch Antioch, Contra Costa County, California



OGICA







Source: United States Geologic Survey, 2015. Sections 14, 15, 22, and 23, Township 1 North, Range 1 East, MDB&M "Antioch South, California" 7.5-Minute Topographic Quadrangle Longitude -121.839026, Latitude 37.923814

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#### Figure 4 Richland Mitigation Properties Site and Vicinity



Richland Mitigation Properties Contra Costa County, California









#### 5 Figure Richland Mitigation Properties Aquatic Resources

Richland Mitigation Properties Contra Costa County, California





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## Attachments

Attachment A. Project Conceptual Land Use Plan Attachment B. Impacts to Aquatic Resources Attachment C. Tree Survey Map Attachment D. Verified Aquatic Resources

Project Conceptual Land Use Plan



RGET % RES NITS UNITS	<b>543 42.7%</b> 68 5.8% 65 5.5% 410 31.4%	422 38.2%	212 18.0%	177 100.0%							
AVERAGE TAF LOT # U SIZE (SF)	10,000 7,000*	5,000	4,500								
NET DENSITY (DU/AC)	<b>3.9</b> 3.6 3.6	5.6	5.6	4.6							
% RES ACREAGE	<b>55.4%</b> 7.3% 7.1% 41.0%	29.6%	15.0%	100.0%							
% OVERALL	<b>25.5%</b> 3.4% 3.3% 18.9%	13.6%	6.9%	46.0%	0.9%	<b>0.5%</b> 0.4% 0.2%	3.6%	0.5%	41.6%	6.9%	100%
<u>AMARY</u> acreage	<b>140.5</b> 18.5 104	75	38	253.5	ഹ	<b>3</b> 2 (PQ-S) 1	20	2.5	229.5	38	551.5
UCT & AREA SUN PRODUCT OR AREA TYPE	LOW DENSITY (LD) • LD-1 EXECUTIVE • LD-2 EXECUTIVE • LD-3 CONVENTIONAL	AGE RESTRICTED (AR)	MEDIUM DENSITY (MD)	RESIDENTIAL TOTAL	VILLAGE CENTER	PUBLIC USE (PQ) <ul> <li>FIRE STATION (PQ-F)</li> <li>TRAIL STAGING AREA</li> </ul>	PARKS (P)	LANDSCAPE (L)	OPEN SPACE (OS)	MAJOR ROADWAYS	TOTAL
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Impacts to Aquatic Resources



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Attachment C

Tree Survey Map





# LEGEND

TREE TO BE REMOVED PER ARBORIST REPORT TABLE 3
TREE TO BE REMOVED PER SITE PLAN
TREE TO REMAIN / OUTSIDE DEVELOPMENT FOOTPRINT

Attachment D

Verified Aquatic Resources

# **E60**

